

STAND. COM. REP. NO.

599

Honolulu, Hawaii

FEB 19

, 2021

RE: H.B. No. 144
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Government Reform, to which was referred
H.B. No. 144 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONEERING
COMMUNICATIONS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Increase the monetary threshold that requires disclosure of electioneering communications;
- (2) Require that disclosures of electioneering communications occur on the date the electioneering communications are publicly distributed; and
- (3) Classify election advertisements sent by mail at any postal rate and election advertisements that are expenditures of an organization as electioneering communications.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, and one individual.

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Your Committee finds that amending the disclosure date of electioneering communications to occur on the date the electioneering communications are publicly distributed is timelier, as contracts for these advertisements may occur weeks or months before the advertisements are publicly distributed. Your Committee further finds that increasing the monetary threshold amount that would require disclosure of an electioneering communication will reduce the burden on smaller candidate committees with less activity.

Your Committee additionally finds that including expenditures by an expending organization under the classification of electioneering communication is unneeded. As defined, an expenditure by an expending organization means a contract or payment for said electioneering communication. However, there may be times when a said expenditure is made but the electioneering communication that was contracted or paid for is not broadcast. Despite the payment or contract, because there was no actual communication of record, filing a notification does not serve the cause of transparency.

Your Committee has amended this measure by:

- (1) Restoring existing statutory language that exempts expenditures by an expending organization from being classified as an electioneering communication;
- (2) Changing its effective date to July 1, 2112, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Government Reform that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 144, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 144, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Government Reform,



ANGUS L.K. McKELVEY, Chair



