

STAND. COM. REP. NO.

1846

Honolulu, Hawaii

, 2021

APR 09

RE: S.B. No. 404

H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 404, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the requirements for a statement of information filed by each person who makes an expenditure for electioneering communications by:

- (1) Amending the monetary threshold that triggers disclosure of electioneering communications;
- (2) Requiring that disclosures of electioneering communications occur on the date the electioneering communications are publicly distributed;
- (3) Classifying election advertisements sent by mail at any postal rate as electioneering communications;
- (4) Exempting communications that are actual expenditures by an expending organization from being considered electioneering communications; and

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- (5) Repealing the requirement that a person be treated as having made an expenditure if the person has executed a contract to make the expenditure.

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

Your Committee finds that electioneering communications are meant to expose noncandidate influences on elections which have been shown to radically influence the outcomes of elections in the State.

Your Committee has amended this measure by:

- (1) Changing the monetary threshold that triggers disclosure of electioneering communications from an unspecified amount to \$1,000;
- (2) Requiring that disclosures of electioneering communications occur only on the first date a person has made the expenditures, instead of on the date the electioneering communications are publicly distributed;
- (3) Excluding candidates and candidate committees from electioneering communication disclosure requirements;
- (4) Restoring language that required a person to be treated as having made an expenditure if the person has executed a contract to make the expenditure; and
- (5) 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 Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 404, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 404, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



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Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 404, HD1	Committee Referral: GVR, JHA	Date: 4/6/21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	12	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				