



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

February 15, 2023

TO: The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary

The Honorable Mike Gabbard, Vice Chair
Senate Committee on Judiciary

Members of the Senate Committee on Judiciary

FROM: Kristin Izumi-Nitao, Executive Director
Campaign Spending Commission

SUBJECT: **Testimony on S.B. No. 1212, Relating to Campaign Finance.**

Friday, February 17, 2023
9:35 a.m., Conference Room 16 & Videoconference

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission (“Commission”) provides the following comments on this bill.

This bill adds a new section to Chapter 11, Hawaii Revised Statutes (“HRS”), that would prohibit redboxing, where a candidate puts messaging, imaging, or other campaign material, on the candidate’s website or other public site, with the intent that the material will be used by a noncandidate committee making only independent expenditures (Super PAC) to support the candidate’s nomination or election to office. Under current law, expenditures for electioneering communication or other advertisements, that is made in coordination with a candidate, candidate committee, or agent of either, is deemed to be a contribution to the candidate and an expenditure by the candidate. HRS §11-363(a). Also, the payment for the reproduction, distribution, or dissemination of a candidate’s campaign material is deemed to be a contribution to the candidate. HRS §11-363(b). The Commission has pursued both kinds of cases as a violation of HRS §11-357 since the advertising expenditures made by Super PACs typically exceed a candidate’s contribution limit.¹

¹ Also, coordination expenditures may result in fines, notice requirements, return of public funds, and payment of the full filing fee of nomination papers against candidates who agree to abide by expenditure limits.

Proving that a candidate placed campaign material on the candidate's website or other public site, with the intent to induce a Super PAC to use the material for the nomination or the election to office of the candidate, will be difficult to prove.

SB-1212

Submitted on: 2/14/2023 10:52:10 AM

Testimony for JDC on 2/17/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Chris Wikoff	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE SB1212 FOR ALL OF THE FOLLOWING REASONS:

1. SB1212 is a solution in search of a problem: No shortage of clean water in Hawai'i has been cited by the legislators sponsoring SB1212, nor by the Board of Water Supply, nor the State of Hawai'i, nor the Department of Land and Natural Resources nor the Environmental Caucus of the Democratic Party of Hawai'i.
2. The implementation of SB1212 will require additional burden on the Hawaii taxpayer to fund its implementation unnecessarily since it is a solution in need of a problem.
3. The State of Hawaii has no obligation to implement "sustainable development" goals as identified by the UN. Hawai'i should only seek solutions for problems identified as relevant to Hawai'i.
4. Although the issue of the Red Hill aquifer contamination by the Navy's neglect was not cited by any concerned parties, the Red Hill issue does not require the passage of additional legislation requiring taxpayer funding in order to implement UN Global initiatives.
5. The issue of "climate change" is a highly controversial topic which has not been resolved at a State or Federal level. Therefore, if the premise is that the SB1212 legislation is required due to climate change, it is premature to act on this premise.

SB-1212

Submitted on: 2/15/2023 11:34:11 AM

Testimony for JDC on 2/17/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

Redboxing is disgraceful. We have had too many instances of redboxing in recent elections. Please move this bill forward.

On a personal commnet, i had to google to find out who introduced the bill. For transparency couldn't the name(s) of the introcuders be printed under their signatures. There are some whose signature is harder than mine to decipher.

SB-1212

Submitted on: 2/16/2023 9:15:07 AM

Testimony for JDC on 2/17/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Hunter Heavilin	Individual	Support	Written Testimony Only

Comments:

I am writing to express my support for SB1212.

This bill is an essential step towards promoting transparency and accountability in our campaign finance laws. The use of Redboxing, which is the practice of using certain colors, fonts, or other design elements on a candidate's website to signal to outside groups where to spend their money, has been a cause for concern in recent years. The proposed legislation will help to close a loophole in our campaign finance laws that has allowed candidates and committees to indirectly solicit and receive support from non-candidate committees.

By prohibiting Redboxing, this bill will help to promote transparency, accountability, and fairness in our election process, and help to ensure that our democracy is truly representative of the people. Thank you for your consideration of this important issue.

SB-1212

Submitted on: 2/16/2023 11:22:14 PM

Testimony for JDC on 2/17/2023 9:35:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Kagemoto	Individual	Support	Written Testimony Only

Comments:

Thank you Chair Rhoads for giving SB1212 a hearing! I am one of many people who do not think manipulative practices such as "redboxing" should be allowed and I appreciate the legislature's efforts to address this, and other campaign finance related bills.

Mahalo for the opportunity to testify in strong support!