

Independent Expenditures Tough to Track in Hawaii Elections

Lawmakers considering proposal to make independent expenditures transparent.

SUBSCRIBE FOR JUST \$4.99 a month

Why Subscribe?

Want to know who's for or against a candidate's campaign or how much they're spending to help or hinder it? Good luck.

Spending by so-called independent-expenditure-only committees in Hawaii is nearly impossible to track. But that could change this year if the state's campaign finance watchdog agency gets its way.

The political groups — which must operate independently of campaigns — do not have to identify candidates being supported or opposed in advertising or mailings when reporting expenses to the [Hawaii Campaign Spending Commission](#). The special political action committees, or PACs, only disclose such information as the name and address of a vendor, a description of the expense and the amount.

This election, three [independent-expenditure-only PACs](#) have so far been registered with the commission. Officials said it's unclear how many were registered last election because its website did not flag these special PACs back then.

Now, with a new form in place that requires committees to identify as independent-expenditure-only groups, the commission has begun [listing these committees](#) separately, allowing the public to easily access reports of contributions and expenses.

The commission wants to take transparency a step further.

Citizens United Impact

Under a proposal introduced by the commission this legislative session, reporting of independent expenditures would need to include the name of the candidate and whether the expense was used to support or oppose that candidate.

[House Bill 1756](#) cleared the House Judiciary Committee and has been referred to the Finance Committee.

Another bill, [HB 2174](#), addresses the same issue, and would require that independent expenditures “include the name of any candidate referenced.” The bill was co-sponsored by Rep. Gilbert Keith-Agaran, who passed it out of his Judiciary Committee recently.

Gary Kam, general counsel for the Campaign Spending Commission, said transparency surrounding these expenses is especially critical in light of the federal [Citizen’s United ruling](#). The 2010 Supreme Court decision now allows corporations and unions to mount independent expenditure campaigns, too, in addition to individuals.

“You tend to want to see who these expenditures are benefiting or being used against,” Kam said.

Good government groups, including Common Cause Hawaii, support the measures.

“I think many people have seen commercials or postal mail pieces that are paid for by ‘Committee for XYZ,’ and most regular citizens wouldn’t know who is actually behind that committee,” Common Cause Hawaii Executive Director Nikki Love said in an email to Civil Beat. “That’s why better disclosure is so important. Also, generally, regarding independent expenditure only committees — this is a new world after Citizens United and other court decisions.”

Aloha Family Alliance

An example of the lack of transparency from the 2010 election, before contribution

limits were lifted:

[Aloha Family Alliance PAC](#) raised a total of about \$10,000 and spent about \$6,800 last election¹.

Its independent expenditures included print ads and direct mailings, but no candidates had to be identified. Here's a look at its [expenses](#), which give no clue as to who the group was targeting:

- “Full page ad on 9/3/10” in the Hawaii Catholic Herald: \$575.91
- “Direct mailing to House District 33” on 9/8/10: \$1,024
- “Mailing to House District 33” on 9/10/10: \$1,290
- “Print direct mailing for District 25” on 10/22/10: \$1,388
- “Mailing to District 25” on 10/22/10: \$2,056
- “2 full page black & white ads” in the Hawaii Catholic Herald on 11/5/10: \$733

Unnecessary?

Dylan Nonaka, whose Hawaii Solutions PAC is one of the three [independent-expenditure-only committees](#) registered this year, said he views the bill as unnecessary.

“The way that money is spent will be pretty obvious,” said Nonaka, the Hawaii Republican Party’s former executive director. “It’s a slippery slope because not every expenditure will explicitly be for or against a candidate. What if the committee buys stationery — do we have to disclose a candidate then, too?”

Pam Smith of the nonpartisan MADPAC Hawaii — MAD is an acronym for “Make a Difference” — another independent-expenditure committee, echoed Nonaka’s sentiments.

“People are going to see because when you put out an ad for whatever candidate, you

have to put that you paid for the ad,” Smith said. “But, honestly, I don’t think it’s a big deal.”

Electioneering Reports Shed Some Light

The Campaign Spending Commission does require timely reports on any so-called [electioneering communication](#) costs that add up to more than \$2,000 in a calendar year.

These costs refer to any advertisements on TV or radio, in print or through direct mailings that:

- Refer to a clearly identifiable candidate
- Is made, or scheduled to be made, either within 30 days prior to a primary election or within 60 days prior to a general election
- Is not susceptible to any reasonable interpretation other than as an appeal to vote for or against a specific candidate

A report is required within 24 hours of spending \$2,000 or more. But any PAC or candidate committee registered with the commission does not need to file electioneering reports.

In the 2010 election, three organizations [filed](#) electioneering reports: the Republican Governors Association, Democratic Governors Association and Workers for a Better Hawaii. Those reports do include names of any candidates being identified, and whether the ad was coordinated with the candidate.

Follow Civil Beat on [Facebook](#) and [Twitter](#). You can also sign up for Civil Beat’s free [daily newsletter](#).

About the Author



Nanea Kalani [✉](#) [RSS](#)

Use the [RSS feed](#) to subscribe to Nanea Kalani's posts today

0 Comments

Sort by **Oldest**



Add a comment...

 Facebook Comments Plugin



Enter your email to receive Civil Beat's free daily newsletter.

SUBMIT