
A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new section to subpart B of part XII to be
3 appropriately designated and to read as follows:

4 "§11- Failure to file reports; substantially defective
5 reports. (a) When any candidate, committee, or party has
6 failed to file a report required by this subpart or has filed a
7 substantially defective or deficient report, the commission
8 shall notify these persons by first class mail that their
9 failure to file or filing of a substantially defective or
10 deficient report must be corrected and explained. The
11 correction and explanation shall be submitted in writing to the
12 commission not later than 4:30 p.m. on the fifth day after
13 notification of the failure to file or the deficiency has been
14 mailed to these persons.

15 (b) The commission shall publish in the newspaper, and on
16 its website, the names of all candidates, committees, and
17 parties who have failed to file a report to correct their
18 deficiency within the time allowed by the commission.



1 (c) Failure to file or correct a report when due, as
2 required by this subpart, shall result in a penalty of \$50.

3 (d) Failure to respond after a newspaper notification or
4 website publication shall result in an additional penalty of \$50
5 for each day a report remains overdue or uncorrected.

6 (e) All penalties collected under this section shall be
7 deposited in the Hawaii election campaign fund."

8 SECTION 2. Section 11-191, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By amending the definitions of "contribution",
11 "expenditure", "matching payment period", and "qualifying
12 campaign contribution" to read:

13 "Contribution" means:

14 (1) A gift, subscription, deposit of money, loan of any
15 type from any person, or anything of value, or
16 cancellation of a debt or legal obligation and
17 includes the purchase of tickets to fundraisers and
18 legal and accounting services, except for accounting
19 services provided by the campaign treasurer and deputy
20 campaign treasurers, for the purpose of:

21 (A) Influencing the nomination for election, or
22 election, of any person to office;



- 1 (B) Influencing the outcome of any question or issue
2 that appears or is reasonably certain to appear
3 on the ballot at the next applicable election
4 described in subparagraph (A); or
- 5 (C) Use by any party or committee for the purposes
6 set out in subparagraph (A) or (B);
- 7 (2) The payment, by any person, political party, or any
8 other entity other than a candidate or committee, of
9 compensation for the personal services or services of
10 another person, including legal and accounting
11 services, except for accounting services provided by
12 the campaign treasurer and deputy campaign treasurer,
13 that are rendered to the candidate or committee
14 without charge or at an unreasonably low charge for
15 the purposes set out in paragraph (1)(A), (1)(B), or
16 (1)(C);
- 17 (3) A contract, promise, or agreement to make a
18 contribution; provided that notwithstanding this
19 paragraph and paragraphs (1) and (2), the term
20 "contributions" shall not include services or portions
21 thereof voluntarily provided without reasonable
22 compensation by individuals to or in behalf of a



1 candidate or committee; provided that "contributions"
2 include legal and accounting services, except for
3 accounting services provided by the campaign treasurer
4 or deputy campaign treasurers; or

- 5 (4) Notwithstanding paragraphs (1), (2), and (3), a
6 candidate's expenditure of the candidate's own funds
7 [~~or the making of a loan or advance in the pursuit of~~
8 ~~the candidate's campaign]~~ shall not be a contribution
9 for the purpose of this subpart but shall nevertheless
10 be reportable as a campaign receipt.

11 "Expenditure" means:

- 12 (1) Any purchase or transfer of money or anything of
13 value, or promise or agreement to purchase or transfer
14 money or anything of value, or payment incurred or
15 made, or the use or consumption of a nonmonetary
16 contribution for the purpose of:

- 17 (A) Influencing the nomination for election, or
18 election, of any person seeking nomination for
19 election, or election, to office whether or not
20 the person has filed the person's nomination
21 paper;



1 (B) Influencing the outcome of any question or issue
2 that has been certified to appear on the ballot
3 at the next applicable election; or

4 (C) Use by any party or committee for the purposes
5 set out in subparagraph (A) or (B);

6 (2) The payment, by any person other than a candidate or
7 committee, of compensation for the personal services
8 of another person that are rendered to the candidate
9 or committee for any of the purposes mentioned in
10 paragraph (1); or

11 (3) The expenditure by a candidate of the candidate's own
12 funds for the purposes set out in paragraph (1).

13 [~~(4) The term does~~] "Expenditure" shall not include
14 volunteer [~~personal services and voter~~]:

15 (A) Personal services, except for legal and
16 accounting services; provided that accounting
17 services by a campaign treasurer or deputy
18 campaign treasurers shall be included within the
19 meaning of volunteer personal services; and

20 (B) Voter registration efforts that are not partisan.

21 "Matching payment period" means:



1 (1) For a primary election, from January 1 of the year of
2 a general election through the day of the primary
3 election[, ~~or nine months prior to a special election~~
4 ~~through the day of a special election~~]; and

5 (2) For a general election, from January 1 of the year of
6 a general election through the day of the general
7 election.

8 "Qualifying campaign contribution" means an aggregate
9 monetary contribution of \$100 or less, by [~~any person~~] an
10 individual resident of Hawaii during any matching payment
11 period. Qualifying contributions do not include loans or in-
12 kind contributions."

13 SECTION 3. Section 11-193, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) The duties of the commission under this subpart are:

16 (1) To develop and adopt reporting forms required by this
17 subpart;

18 (2) To adopt and publish a manual for all candidates and
19 committees, describing the requirements of this
20 subpart, including uniform and simple methods of
21 recordkeeping;



- 1 (3) To preserve all reports required by this subpart for
2 at least ten years from the date of receipt;
- 3 (4) To permit the inspection, copying, or duplicating of
4 any report required by this subpart pursuant to rules
5 adopted by the commission; provided that no
6 information or copies from the reports shall be sold
7 or used by any person for the purpose of soliciting
8 contributions or for any commercial purpose;
- 9 (5) To ascertain whether any candidate, committee, or
10 party has failed to file a report required by this
11 subpart or has filed a substantially defective or
12 deficient report~~[, and to notify these persons by~~
13 ~~first class mail that their failure to file or filing~~
14 ~~of a substantially defective or deficient report must~~
15 ~~be corrected and explained. The correction or~~
16 ~~explanation shall be submitted in writing to the~~
17 ~~commission not later than 4:30 p.m. on the fifth day~~
18 ~~after notification of the failure to file or~~
19 ~~deficiency has been mailed to these persons. The~~
20 ~~commission shall publish in the newspaper, and on its~~
21 ~~website, the names of all candidates, committees, and~~
22 ~~parties who have failed to file a report or to correct~~



1 ~~their deficiency within the time allowed by the~~
2 ~~commission. Failure to file or correct a report when~~
3 ~~due, as required by this subpart, shall result in a~~
4 ~~penalty of \$50. Failure to respond after a newspaper~~
5 ~~notification or website publication shall result in an~~
6 ~~additional penalty of \$50 for each day a report~~
7 ~~remains overdue or uncorrected. All penalties~~
8 ~~collected under this section shall be deposited in the~~
9 ~~Hawaii election campaign fund];~~

10 (6) To hold public hearings;

11 (7) To investigate and hold hearings for receiving
12 evidence of any violations;

13 (8) To adopt a code of fair campaign practices as a part
14 of its rules;

15 (9) To establish rules pursuant to chapter 91;

16 (10) To request the initiation of prosecution for the
17 violation of this subpart pursuant to section 11-229;

18 (11) To administer and monitor the distribution of public
19 funds under this subpart;

20 (12) To suggest accounting methods for candidates, parties,
21 and committees, as the commission may deem advisable,



- 1 in connection with reports and records required by
2 this subpart;
- 3 (13) To employ or contract, without regard to chapters 76
4 and 89 and section 28-8.3, and, at pleasure, to
5 dismiss persons it finds necessary for the performance
6 of its functions, including a full-time executive
7 director, and to fix their compensation;
- 8 (14) To do random audits, field investigations, as
9 necessary;
- 10 (15) To file for injunctive relief when indicated; and
- 11 (16) To render advisory opinions upon the request of any
12 candidate, candidate committee, noncandidate
13 committee, or other person or entity subject to this
14 chapter, as to whether the facts and circumstances of
15 a particular case constitute or will constitute a
16 violation of the campaign spending laws. If no
17 advisory opinion is rendered within ninety days after
18 all information necessary to issue an opinion has been
19 obtained, it shall be deemed that an advisory opinion
20 was rendered and that the facts and circumstances of
21 that particular case do not constitute a violation of
22 the campaign spending laws. The opinion rendered or



1 deemed rendered, until amended or revoked, shall be
2 binding on the commission in any subsequent charges
3 concerning the candidate, candidate committee,
4 noncandidate committee, or other person or entity
5 subject to this chapter, who sought the opinion and
6 acted in reliance on it in good faith, unless material
7 facts were omitted or misstated by the persons in the
8 request for an advisory opinion."

9 SECTION 4. Section 11-194, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) Each candidate [~~who files nomination papers for~~
12 ~~office with the chief election officer or county clerk~~] shall
13 file an organizational report within ten days of:

- 14 (1) Filing the nomination papers for office; or
15 (2) The date the candidate or candidate's committee
16 receives contributions or makes expenditures that
17 amount to more than \$100 in the aggregate during the
18 applicable election period[~~-~~], whichever occurs
19 first."

20 SECTION 5. Section 11-204, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§11-204 Campaign contributions; limits as to persons.**

2 (a) (1) No person or any other entity shall make
3 contributions to:

4 (A) A candidate seeking nomination or election to a
5 two-year office or to the candidate's committee
6 in an aggregate amount greater than \$2,000 during
7 an election period;

8 (B) A candidate seeking nomination or election to a
9 four-year statewide office or to the candidate's
10 committee in an aggregate amount greater than
11 \$6,000 during an election period; ~~and~~

12 (C) A candidate seeking nomination or election to a
13 four-year nonstatewide office or to the
14 candidate's committee in an aggregate amount
15 greater than \$4,000 during an election period~~[-];~~
16 and

17 (D) Any number of candidates in an aggregate amount
18 greater than \$25,000 during an election period

19 ~~[These limits shall not apply to a loan made by a~~
20 ~~financial institution in the ordinary course of~~
21 ~~business];~~

22 and



1 (2) For purposes of this section, the length of term of an
2 office shall be the usual length of term of the office
3 as unaffected by reapportionment, a special election
4 to fill a vacancy, or any other factor causing the
5 term of the office the candidate is seeking to be less
6 than the usual length of term of that office.

7 (b) No person or any other entity shall make contributions
8 to a noncandidate committee, in an aggregate amount greater than
9 \$1,000 in an election.

10 ~~[(c) A candidate's immediate family, in making~~
11 ~~contributions to the candidate's campaign, shall be exempt from~~
12 ~~the above limitation, but shall be limited in the aggregate to~~
13 ~~\$50,000 in any election period. The aggregate amount of \$50,000~~
14 ~~shall include any loans made for campaign purposes to the~~
15 ~~candidate from the candidate's immediate family.]~~

16 ~~[(d)]~~ (c) A contribution by a dependent minor shall be
17 reported in the name of the minor but shall be counted against
18 the contribution of the minor's parent or guardian.

19 ~~[(e)]~~ (d) Any candidate, candidate's committee, or
20 committee that receives in the aggregate more than the
21 applicable limits set forth in this section in any primary,
22 initial special, special, or general election from a person,



1 shall be required to return any excess contribution to the
2 original donor within thirty days of receipt of the excess
3 contribution. Any excess contribution not returned to the
4 original donor within thirty days shall escheat to the Hawaii
5 election campaign fund. A candidate, candidate's committee, or
6 committee who complies with this subsection prior to the
7 initiation of prosecution shall not be subject to any penalty
8 under section 11-228.

9 [~~(f)~~] (e) All payments made by a person or political party
10 whose contributions or expenditure activity is financed,
11 maintained, or controlled by any corporation, labor
12 organization, association, political party, or any other person
13 or committee, including any parent, subsidiary, branch,
14 division, department, or local unit of the corporation, labor
15 organization, association, political party, political committees
16 established and maintained by a national political party, or any
17 other person, or by any group of those persons shall be
18 considered to be made by a single person or political party.

19 [~~(g)~~] (f) An individual and any general partnership in
20 which the individual is a partner, or an individual and any
21 corporation in which the individual owns a controlling interest,
22 shall be treated as one person.



1 [~~h~~] (g) No committee that supports or opposes a
2 candidate for public office shall have as officers individuals
3 who serve as officers on any other committee [~~which~~] that
4 supports or opposes the same candidate. No [~~such~~] committee
5 shall act in concert with, or solicit or make contributions on
6 behalf of, any other committee.

7 [~~i~~] (h) No contributions or expenditures shall be made
8 to or on behalf of a candidate or committee by a foreign
9 national or foreign corporation, including a domestic subsidiary
10 of a foreign corporation, a domestic corporation that is owned
11 by a foreign national, or a local subsidiary where
12 administrative control is retained by the foreign corporation,
13 and in the same manner prohibited under 2 United States Code
14 section 441e and 11 Code of Federal Regulations 110.20, as
15 amended. No foreign-owned domestic corporation shall make
16 contributions where:

- 17 (1) Foreign national individuals participate in election-
18 related activities such as decisions concerning the
19 making of contributions or the administration of a
20 political committee; or
21 (2) The contribution funds are not domestically-derived.



1 [~~(j)~~] (i) No person or any other entity other than
2 political committees established and maintained by a national
3 political party shall make contributions to a political party in
4 an aggregate amount greater than \$25,000 in any two-year
5 election period. No political committee established and
6 maintained by a national political party, shall make
7 contributions to a political party in an aggregate amount
8 greater than \$50,000 in any two-year election period.

9 [~~(k)~~] (j) The contribution limits under this section shall
10 apply for the office sought by the candidate. This section
11 shall not apply to ballot issue committees.

12 (k) A contribution made by two or more corporations shall
13 be treated as made by one person when the corporations:

14 (1) Share the majority of members of their boards of
15 directors;

16 (2) Share two or more corporate officers;

17 (3) Are owned or controlled by the same majority
18 shareholder or shareholders; or

19 (4) Are in a parent-subsidary relationship."

20 SECTION 6. Section 11-204.5, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "~~[§]~~11-204.5~~[§]~~ **Limit on contributions from nonresident**
2 **individuals and persons.** Total contributions from any
3 ~~[individual]~~ and all individuals or any ~~[person]~~ and all persons
4 as defined in section 11-191, except for a member of the
5 candidate's immediate family, who is not a resident of the State
6 at the time the contributions are made, including a noncandidate
7 committee organized under the laws of another state and whose
8 participants are not residents of the State, shall not exceed
9 twenty per cent of the total contributions received by a
10 candidate or candidate's committee for each reporting period."

11 SECTION 7. Section 11-205.5, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) It shall be unlawful for the person who enters into
14 any contract with the State, any of its counties, or any
15 department or agency thereof either for the rendition of
16 personal services, the buying of property, or furnishing any
17 material, supplies, or equipment to the State, any of its
18 counties, department or agency thereof, or for selling any land
19 or building to the State, any of its counties, or any department
20 or agency thereof, if payment for the performance of the
21 contract or payment for material, supplies, equipment, land,
22 property, or building is to be made in whole or in part from



1 funds appropriated by the legislative body, at any time between
2 the execution of the contract through the completion of the
3 contract, to[+]

4 ~~(1) Directly~~] directly or indirectly make any contribution
5 or to promise expressly or impliedly to make any
6 contribution to any political party, committee, or
7 candidate or to any person for any political purpose
8 or use[+~~or~~

9 ~~(2) Knowingly solicit any contribution from any person for~~
10 ~~any purpose during any period]."~~

11 SECTION 8. Section 11-205.6, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§11-205.6 Campaign contributions; loans.** (a) Any loan
14 to a candidate or candidate's committee in excess of \$100 shall
15 be documented and disclosed as to lender, including the lender's
16 name, address, employer, and occupation and purpose of the loan
17 in the subsequent report to the commission. A copy of the
18 executed loan document shall accompany the report. The document
19 shall contain the terms of the loan, including the interest and
20 repayment schedule. Failure to document the loan or to disclose
21 the loan to the commission shall cause the loan to be treated as



1 a campaign contribution, subject to all relevant provisions of
2 this chapter.

3 (b) A candidate or candidate's committee may receive and
4 accept loans in an aggregate amount not to exceed \$10,000 during
5 an election period, provided that if the \$10,000 limit is
6 reached, the candidate or candidate's committee shall be
7 prohibited from receiving or accepting any other loans until the
8 \$10,000 is repaid in full by the candidate or candidate's
9 committee.

10 (c) If any loan made to a candidate is not repaid within
11 one year of the date that the loan is made, the candidate and
12 candidate's committee shall be prohibited from accepting any
13 other loans, and all subsequent contributions received and any
14 surplus retained shall only be expended toward the repayment of
15 the outstanding loan, until the loan is repaid in full by the
16 candidate or candidate's committee.

17 (d) No loan may be accepted or made by noncandidate
18 committees.

19 ~~[(e) Any loan by a financial institution regulated by the~~
20 ~~State or a federally chartered depository institution and made~~
21 ~~in accordance with applicable law in the ordinary course of~~
22 ~~business, or a loan by a candidate of the candidate's own funds,~~



1 ~~or a loan from immediate family members of a candidate using~~
2 ~~their own funds to the candidate's committee shall not be deemed~~
3 ~~a contribution and not subject to the contribution limits~~
4 ~~provided in section 11-204 or the loan limit and repayment~~
5 ~~provisions of subsection (b) and (c); provided that loans from~~
6 ~~the immediate family members of the candidate shall remain~~
7 ~~subject to the provisions in section 11-204(c).]~~"

8 SECTION 9. Section 11-207.5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) Each candidate, candidate's committee, or committee,
11 that within the period of [~~fifteen~~] fourteen calendar days
12 through four calendar days prior to a primary, special primary,
13 general, or special general election, makes contributions
14 aggregating more than \$500, or receives contributions from any
15 person or entity aggregating more than \$500, shall file a report
16 with the commission or appropriate county clerk's office on
17 forms provided by the commission, no later than 4:30 p.m., three
18 calendar days prior to the election."

19 SECTION 10. Section 11-209, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:

21 "(a) From January 1 of the year of any primary, special,
22 or general election, the total expenditures for each election



1 for candidates who voluntarily agree to limit their campaign
2 expenditures, inclusive of all expenditures made or authorized
3 by the candidate alone and all campaign treasurers and
4 committees in the candidate's behalf, shall not exceed the
5 following amounts expressed respectively multiplied by the
6 number of voters in the last preceding general election
7 registered to vote in each respective voting district:

8 (1) For the office of governor--\$2.50;

9 (2) For the office of lieutenant governor--\$1.40;

10 (3) For the office of mayor--\$2.00;

11 (4) For the offices of state senator, state
12 representative, [~~and~~] county council member, and
13 prosecuting attorney--\$1.40; and

14 (5) For the offices of the board of education and all
15 other offices--20 cents."

16 SECTION 11. Section 11-215, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "**§11-215 Advertising.** (a) All advertisements shall
19 contain the name and address of the candidate, committee, party,
20 or person to whom the advertisement relates and the name and
21 address of the candidate, committee, party, or person paying for
22 the advertisement. If an advertisement is not authorized by a



1 candidate or a candidate's committee, the advertisement and the
2 envelope that contains the advertisement, if any, shall contain
3 the name and address of the person paying for the
4 advertisement[-] and shall clearly state on the advertisement
5 and envelope, if any, that the advertisement is, or the envelope
6 contains, campaign material.

7 (b) In addition to subsection (a), no candidate, person,
8 or committee shall cause or submit any advertisement in support
9 of a candidate, against a candidate's opponent, or with regard
10 to a ballot issue to be published, broadcast, televised, or
11 otherwise circulated and distributed except under the following
12 conditions:

13 (1) The advertisement shall contain a notice in a
14 prominent location that the literature or
15 advertisement is published, broadcast, televised, or
16 circulated with the approval and authority of the
17 candidate, provided that in the event that the
18 literature or advertisement is paid for by a
19 [~~candidate, committee directly associated with a~~
20 ~~candidate, or~~] ballot issue committee, the notice of
21 approval and authority need not be included[+], if
22 applicable; or



1 (2) The advertisement shall contain a notice in a
2 prominent location that the literature or
3 advertisement is published, broadcast, televised, or
4 circulated without the approval and authority of the
5 candidate[-], if applicable.

6 (c) The penalty for violating this section shall be a fine
7 not to exceed \$25 for each advertisement that lacks the required
8 disclaimer and no more than \$5,000 aggregate."

9 SECTION 12. Section 11-216, Hawaii Revised Statutes, is
10 amended by amending subsection (c) to read as follows:

11 "(c) Upon hearing the response of the person cited, if the
12 person elects to respond to the complaint, and upon completion
13 of any investigation, the commission may make a prompt
14 preliminary determination as to whether probable cause exists
15 that a violation of this subpart has been committed. [~~In lieu~~
16 of an administrative determination that a violation of this
17 section has been committed, the] The commission may refer the
18 complaint [~~to the attorney general or county prosecutor~~] for
19 criminal prosecution pursuant to section 11-229 at any time it
20 believes that the person cited may have intentionally,
21 knowingly, or recklessly committed a violation. A referral of a



1 complaint for criminal prosecution does not preclude any
2 administrative proceeding by the commission at any time."

3 SECTION 13. Section 11-219, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§11-219 Qualifying campaign contributions; amounts.** As a
6 condition of receiving public funds for a primary or general
7 election, a candidate shall not be unopposed in any election for
8 which public funds are sought, shall have filed an affidavit
9 with the commission pursuant to section 11-208 to voluntarily
10 limit the candidate's campaign expenditures, and shall be in
11 receipt of the following sum of qualifying campaign
12 contributions for the election period from individual residents
13 of Hawaii:

- 14 (1) For the office of governor--qualifying contributions
15 that in the aggregate, exceed \$100,000;
- 16 (2) For the office of lieutenant governor--qualifying
17 contributions that in the aggregate, exceed \$50,000;
- 18 (3) For the office of mayor for each respective county:
- 19 (A) County of Honolulu--qualifying contributions that
20 in the aggregate, exceed \$50,000;
- 21 (B) County of Hawaii--qualifying contributions that
22 in the aggregate, exceed \$15,000;



- 1 (C) County of Maui--qualifying contributions that in
2 the aggregate, exceed \$10,000; and
- 3 (D) County of Kauai--qualifying contributions that in
4 the aggregate, exceed \$5,000; and
- 5 (4) For the office of prosecuting attorney for each
6 respective county:
- 7 (A) County of Honolulu--qualifying contributions that
8 in the aggregate, exceed \$30,000;
- 9 (B) County of Hawaii--qualifying contributions that
10 in the aggregate, exceed \$10,000; and
- 11 (C) County of Kauai--qualifying contributions that in
12 the aggregate, exceed \$5,000;
- 13 (5) For the office of county council--for each respective
14 county:
- 15 (A) County of Honolulu--qualifying contributions that
16 in the aggregate, exceed \$5,000;
- 17 (B) County of Hawaii--qualifying contributions that
18 in the aggregate, exceed \$1,500;
- 19 (C) County of Maui--qualifying contributions that in
20 the aggregate, exceed \$5,000; and
- 21 (D) County of Kauai--qualifying contributions that in
22 the aggregate, exceed \$3,000;



- 1 (6) For the office of state senator--qualifying
2 contributions that, in the aggregate, exceed \$2,500;
- 3 (7) For the office of state representative--qualifying
4 contributions that, in the aggregate, exceed \$1,500;
- 5 (8) For the office of Hawaiian affairs--qualifying
6 contributions that, in the aggregate, exceed \$1,500;
7 and
- 8 (9) For all other offices, qualifying contributions that,
9 in the aggregate, exceed \$500."

10 SECTION 14. Section 11-220, Hawaii Revised Statutes, is
11 amended by amending subsections (b) and (c) to read as follows:

12 "(b) To be eligible to receive payments pursuant to
13 section 11-217, a candidate shall certify to the commission
14 that:

- 15 (1) The candidate and [~~all committees authorized by the~~
16 ~~candidate~~] the candidate's committee shall not incur
17 campaign expenses in excess of the expenditure
18 limitations imposed by section 11-209;
- 19 (2) The candidate has qualified to be on the election
20 ballot in a primary or general election;
- 21 (3) The candidate has filed a statement of intent to seek
22 qualifying contributions. A contribution received



1 before the filing of a statement of intent to seek
2 public funds shall not be considered a qualifying
3 contribution;

4 (4) The candidate or committee authorized by the candidate
5 has received the qualifying sum of private
6 contributions for the office sought by the candidate
7 as set forth in section 11-219; and

8 (5) The aggregate of contributions certified with respect
9 to any person under paragraph (4) does not exceed
10 \$100.

11 (c) Each candidate and candidate's committee in receipt of
12 qualifying campaign contributions which may be taken into
13 account for purposes of public funding shall maintain, on a form
14 prescribed by the commission, records which show the date and
15 amount of each qualifying campaign contribution and the full
16 name and mailing address of the person making the contribution.
17 The candidate and [~~all committees authorized by the candidate~~]
18 the candidate's committee shall transmit to the commission all
19 reports with respect to these contributions that the commission
20 may require."

21 SECTION 15. Section 11-223, Hawaii Revised Statutes, is
22 amended by amending subsection (b) to read as follows:



1 "(b) Public campaign funds provided under this subpart
2 shall only be used to:

3 (1) Defray campaign expenses incurred by and paid for an
4 eligible candidate or [~~all committees authorized by~~
5 ~~such candidate;~~] the candidate's committee; and

6 (2) Repay loans, the proceeds of which were used to defray
7 campaign expenses."

8 SECTION 16. Section 11-226, Hawaii Revised Statutes, is
9 amended by amending subsection (b) to read as follows:

10 "(b) The affidavit shall remain effective until the
11 termination of the [~~central committee of the candidate]~~
12 candidate's committee or the opening of filing for the next
13 succeeding election for the office held or sought at the time of
14 filing of the affidavit, whichever occurs first. An affidavit
15 filed under this section may not be rescinded."

16 SECTION 17. Section 11-197, Hawaii Revised Statutes, is
17 repealed.

18 [~~"§11-197 Designated central committee. Each candidate~~
19 ~~for a statewide or county office who is supported by more than~~
20 ~~one committee shall designate a central committee which shall be~~
21 ~~responsible for aggregating the total contributions and~~
22 ~~expenditures of all committees directly associated with the~~



1 ~~candidate and for filing composite reports indicating this~~
2 ~~information pursuant to sections 11-212 and 11-213."]~~

3 SECTION 18. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 19. This Act shall take effect on January 1, 2096.



Report Title:

Campaign Spending Reports

Description:

Establishes reporting conditions and penalties for failure to file or correct reports. Exempts accounting services by treasurer and deputy treasurer from definitions of "contributions" and "expenditures". Adds aggregate contribution limit of \$25,000 by any one person to any number of candidates. Includes loans in definition of "contributions." Removes exemption of immediate family from contribution limit. Requires advertisements to include name and address of payor on advertisements and envelopes. Deletes prohibition of solicitation of contributions by contractors. Establishes conditions under which 2 or more corporations are treated as 1 person for the purposes of campaign contribution limits.
(HB3101 HD1)

