

PROPOSED

HOUSE OF REPRESENTATIVES
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

H.B. NO. 3101
H.D. 1
S.D. 1

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.



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

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;



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

- 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



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

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;

PROPOSED

H.B. NO.

3101
H.D. 1
S.D. 1

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:



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

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
12 in-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;



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

- 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



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

- (6) To hold public hearings;
- (7) To investigate and hold hearings for receiving
evidence of any violations;
- (8) To adopt a code of fair campaign practices as a part
of its rules;
- (9) To establish rules pursuant to chapter 91;
- (10) To request the initiation of prosecution for the
violation of this subpart pursuant to section 11-229;
- (11) To administer and monitor the distribution of public
funds under this subpart;
- (12) To suggest accounting methods for candidates, parties,
and committees, as the commission may deem advisable,



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

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

PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

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:



PROPOSED

H.B. NO.

3101
H.D. 1
S.D. 1

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

19 (E) These limits shall not apply to a loan made by a
20 financial institution in the ordinary course of
21 business;

22 and



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

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) A contribution by a dependent minor shall be reported
17 in the name of the minor but shall be counted against the
18 contribution of the minor's parent or guardian.

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



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

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

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

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



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

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

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

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



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

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

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

12 (1) 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-subsidiary relationship."

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



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

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

PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

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 11-207.5, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

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

PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

1 SECTION 9. Section 11-209, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) From January 1 of the year of any primary, special,
4 or general election, the total expenditures for each election
5 for candidates who voluntarily agree to limit their campaign
6 expenditures, inclusive of all expenditures made or authorized
7 by the candidate alone and all campaign treasurers and
8 committees in the candidate's behalf, shall not exceed the
9 following amounts expressed respectively multiplied by the
10 number of voters in the last preceding general election
11 registered to vote in each respective voting district:

- 12 (1) For the office of governor--\$2.50;
- 13 (2) For the office of lieutenant governor--\$1.40;
- 14 (3) For the office of mayor--\$2.00;
- 15 (4) For the offices of state senator, state
16 representative, [~~and~~] county council member, and
17 prosecuting attorney--\$1.40; and
- 18 (5) For the offices of the board of education and all
19 other offices--20 cents."

20 SECTION 10. Section 11-215, Hawaii Revised Statutes, is
21 amended by amending subsection (b) to read as follows:

PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

1 **"§11-215 Advertising.** (a) All advertisements shall
2 contain the name and address of the candidate, committee, party,
3 or person to whom the advertisement relates and the name and
4 address of the candidate, committee, party, or person paying for
5 the advertisement. [~~If an advertisement is not authorized by a~~
6 ~~candidate or a candidate's committee, the advertisement shall~~
7 ~~contain the name and address of the person paying for the~~
8 ~~advertisement.] If a committee, party, or person pays for an
9 advertisement which is not authorized by the candidate or the
10 candidate's committee and the advertisement is mailed, the
11 advertisement and envelope, if any, shall clearly state the name
12 of the committee, party, or person paying for the advertisement
13 and that the advertisement is or the envelope contains campaign
14 materials.~~

15 (b) In addition to subsection (a), no candidate, person,
16 or committee shall cause or submit any advertisement in support
17 of a candidate, against a candidate's opponent, or with regard
18 to a ballot issue to be published, broadcast, televised, or
19 otherwise circulated and distributed except under the following
20 conditions:

21 (1) The advertisement shall contain a notice in a
22 prominent location that the literature or



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

1 advertisement is published, broadcast, televised, or
 2 circulated with the approval and authority of the
 3 candidate, provided that in the event that the
 4 literature or advertisement is paid for by a
 5 [~~candidate, committee directly associated with a~~
 6 ~~candidate, or~~] ballot issue committee, the notice of
 7 approval and authority need not be included[+], if
 8 applicable; or

9 (2) The advertisement shall contain a notice in a
 10 prominent location that the literature or
 11 advertisement is published, broadcast, televised, or
 12 circulated without the approval and authority of the
 13 candidate[-], if applicable.

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

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

19 "(c) Upon hearing the response of the person cited, if the
 20 person elects to respond to the complaint, and upon completion
 21 of any investigation, the commission may make a prompt
 22 preliminary determination as to whether probable cause exists



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

1 that a violation of this subpart has been committed. [~~In lieu~~
2 ~~of an administrative determination that a violation of this~~
3 ~~section has been committed, the]~~ The commission may refer the
4 complaint [~~to the attorney general or county prosecutor]~~ for
5 criminal prosecution pursuant to section 11-229 at any time it
6 believes that the person cited may have intentionally,
7 knowingly, or recklessly committed a violation. A referral of a
8 complaint for criminal prosecution does not preclude any
9 administrative proceeding by the commission at any time."

10 SECTION 12. Section 11-219, Hawaii Revised Statutes, is
11 amended to read as follows:

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

21 (1) For the office of governor--qualifying contributions
22 that in the aggregate, exceed \$100,000;



PROPOSED

H.B. NO.

3101
H.D. 1
S.D. 1

- 1 (2) For the office of lieutenant governor--qualifying
- 2 contributions that in the aggregate, exceed \$50,000;
- 3 (3) For the office of mayor for each respective county:
- 4 (A) County of Honolulu--qualifying contributions that
- 5 in the aggregate, exceed \$50,000;
- 6 (B) County of Hawaii--qualifying contributions that
- 7 in the aggregate, exceed \$15,000;
- 8 (C) County of Maui--qualifying contributions that in
- 9 the aggregate, exceed \$10,000; and
- 10 (D) County of Kauai--qualifying contributions that in
- 11 the aggregate, exceed \$5,000; and
- 12 (4) For the office of prosecuting attorney for each
- 13 respective county:
- 14 (A) County of Honolulu--qualifying contributions that
- 15 in the aggregate, exceed \$30,000;
- 16 (B) County of Hawaii--qualifying contributions that
- 17 in the aggregate, exceed \$10,000; and
- 18 (C) County of Kauai--qualifying contributions that in
- 19 the aggregate, exceed \$5,000;
- 20 (5) For the office of county council--for each respective
- 21 county:

1 (A) County of Honolulu--qualifying contributions that
2 in the aggregate, exceed \$5,000;

3 (B) County of Hawaii--qualifying contributions that
4 in the aggregate, exceed \$1,500;

5 (C) County of Maui--qualifying contributions that in
6 the aggregate, exceed \$5,000; and

7 (D) County of Kauai--qualifying contributions that in
8 the aggregate, exceed \$3,000;

9 (6) For the office of state senator--qualifying
10 contributions that, in the aggregate, exceed \$2,500;

11 (7) For the office of state representative--qualifying
12 contributions that, in the aggregate, exceed \$1,500;

13 (8) For the office of Hawaiian affairs--qualifying
14 contributions that, in the aggregate, exceed \$1,500;
15 and

16 (9) For all other offices, qualifying contributions that,
17 in the aggregate, exceed \$500."

18 SECTION 13. Section 11-220, Hawaii Revised Statutes, is
19 amended by amending subsections (b) and (c) to read as follows:

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

- 1 (1) The candidate and [~~all committees authorized by the~~
2 ~~candidate~~] the candidate's committee shall not incur
3 campaign expenses in excess of the expenditure
4 limitations imposed by section 11-209;
- 5 (2) The candidate has qualified to be on the election
6 ballot in a primary or general election;
- 7 (3) The candidate has filed a statement of intent to seek
8 qualifying contributions. A contribution received
9 before the filing of a statement of intent to seek
10 public funds shall not be considered a qualifying
11 contribution;
- 12 (4) The candidate or committee authorized by the candidate
13 has received the qualifying sum of private
14 contributions for the office sought by the candidate
15 as set forth in section 11-219; and
- 16 (5) The aggregate of contributions certified with respect
17 to any person under paragraph (4) does not exceed
18 \$100.
- 19 (c) Each candidate and candidate's committee in receipt of
20 qualifying campaign contributions which may be taken into
21 account for purposes of public funding shall maintain, on a form
22 prescribed by the commission, records which show the date and



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

1 amount of each qualifying campaign contribution and the full
 2 name and mailing address of the person making the contribution.
 3 The candidate and [~~all committees authorized by the candidate~~]
 4 the candidate's committee shall transmit to the commission all
 5 reports with respect to these contributions that the commission
 6 may require."

7 SECTION 14. Section 11-223, Hawaii Revised Statutes, is
 8 amended by amending subsection (b) to read as follows:

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

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

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

16 SECTION 15. Section 11-226, Hawaii Revised Statutes, is
 17 amended by amending subsection (b) to read as follows:

18 "(b) The affidavit shall remain effective until the
 19 termination of the [~~central committee of the candidate~~]
 20 candidate's committee or the opening of filing for the next
 21 succeeding election for the office held or sought at the time of



PROPOSED

H.B. NO. 3101
H.D. 1
S.D. 1

1 filing of the affidavit, whichever occurs first. An affidavit
2 filed under this section may not be rescinded."

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

5 [~~"§11-197 Designated central committee. Each candidate
6 for a statewide or county office who is supported by more than
7 one committee shall designate a central committee which shall be
8 responsible for aggregating the total contributions and
9 expenditures of all committees directly associated with the
10 candidate and for filing composite reports indicating this
11 information pursuant to sections 11-212 and 11-213."~~]

12 SECTION 17. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 18. This Act shall take effect on January 1, 2096.



PROPOSED

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. 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. (SD1)

