
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-A 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 tenth 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 or 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. Chapter 11, Hawaii Revised Statutes, is amended
9 by adding a new section to be appropriately designated and to
10 read as follows:

11 **"§11-B Contributions and expenditures by persons other**
12 **than individuals.** Persons other than an individual using the
13 individual's own funds, including corporations, limited
14 liability companies, partnerships, associations, or
15 organizations, shall make all contributions and expenditures of
16 more than \$1000 in the aggregate in a two-year election period
17 for:

- 18 (1) Candidates;
- 19 (2) Candidate's committees;
- 20 (3) Noncandidate committees other than its own; and
- 21 (4) Parties;

1 through a noncandidate committee only. Each person, other than
 2 an individual, including a corporation, limited liability
 3 company, partnership, association, or organization, may transfer
 4 an unlimited amount of money from its own funds to its
 5 respective noncandidate committee in an election period, and
 6 each noncandidate committee shall be limited to making
 7 contributions and expenditures only in the same aggregate
 8 amounts specified in this part as individuals may contribute or
 9 expend. Each person, other than an individual using the
 10 individual's own funds, shall register with the commission as a
 11 noncandidate committee pursuant to section 11-194."

12 SECTION 3. Section 11-191, Hawaii Revised Statutes, is
 13 amended as follows:

14 1. By adding a new definition of "limited liability
 15 company" to read:

16 "Limited liability company" means a business entity that is
 17 recognized as a limited liability company under the laws of the
 18 state in which it is established.

19 2. By amending the definitions of "matching payment
 20 period", "person", and "qualifying campaign contribution" to
 21 read:

22 ""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 "Person" means an individual, partnership, committee,
9 association, corporation, limited liability company, or labor
10 union and its auxiliary committees.

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

16 SECTION 4. Section 11-193, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

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

19 (1) To develop and adopt reporting forms required by this
20 subpart;

21 (2) To adopt and publish a manual for all candidates and
22 committees, describing the requirements of this



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



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

- 12 (6) To hold public hearings;
- 13 (7) To investigate and hold hearings for receiving
14 evidence of any violations;
- 15 (8) To adopt a code of fair campaign practices as a part
16 of its rules;
- 17 (9) To establish rules pursuant to chapter 91;
- 18 (10) To request the initiation of prosecution for the
19 violation of this subpart pursuant to section 11-229;
- 20 (11) To administer and monitor the distribution of public
21 funds under this subpart;



1 (12) To suggest accounting methods for candidates, parties,
2 and committees, as the commission may deem advisable,
3 in connection with reports and records required by
4 this subpart;

5 (13) To employ or contract, without regard to chapters 76
6 and 89 and section 28-8.3, and, at pleasure, to
7 dismiss persons it finds necessary for the performance
8 of its functions, including a full-time executive
9 director, and to fix their compensation;

10 (14) To do random audits, field investigations, as
11 necessary;

12 (15) To file for injunctive relief when indicated; and

13 (16) To render advisory opinions upon the request of any
14 candidate, candidate committee, noncandidate
15 committee, or other person or entity subject to this
16 chapter, as to whether the facts and circumstances of
17 a particular case constitute or will constitute a
18 violation of the campaign spending laws. If no
19 advisory opinion is rendered within ninety days after
20 all information necessary to issue an opinion has been
21 obtained, it shall be deemed that an advisory opinion
22 was rendered and that the facts and circumstances of



1 that particular case do not constitute a violation of
2 the campaign spending laws. The opinion rendered or
3 deemed rendered, until amended or revoked, shall be
4 binding on the commission in any subsequent charges
5 concerning the candidate, candidate committee,
6 noncandidate committee, or other person or entity
7 subject to this chapter, who sought the opinion and
8 acted in reliance on it in good faith, unless material
9 facts were omitted or misstated by the persons in the
10 request for an advisory opinion."

11 SECTION 5. Section 11-194, Hawaii Revised Statutes, is
12 amended by amending subsection (c) to read as follows:

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

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

21 SECTION 6. Section 11-204, Hawaii Revised Statutes, is
22 amended to read as follows:



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

2 (a) (1) No person or any other entity, including a noncandidate
3 committee, shall make 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 These limits shall not apply to a loan made to a
17 candidate by a financial institution in the ordinary
18 course of business;

19 (2) For purposes of this section, the length of term of an
20 office shall be the usual length of term of the office
21 as unaffected by reapportionment, a special election
22 to fill a vacancy, or any other factor causing the



1 term of the office the candidate is seeking to be less
2 than the usual length of term of that office.

3 (b) [~~No~~] Except for contributions by a person other than
4 an individual to its respective noncandidate committee in
5 accordance with section 11-B, no person or any other entity
6 shall make contributions to a noncandidate committee, in an
7 aggregate amount greater than [~~\$1,000~~] \$2,000 in an election [~~-~~]
8 period.

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

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

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



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

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

17 (g) ~~[An individual and any general partnership in which~~
18 ~~the individual is a partner shall be treated as one person.]~~
19 Except for contributions to a partnership's own noncandidate
20 committee in accordance with section 11-B, a contribution by a
21 partnership shall not exceed the limitations in this section and
22 shall be attributed to the partnership and to each partner in



1 direct proportion to the partner's share of the partnership
2 profits, according to instructions that shall be provided by the
3 partnership to the party, candidate or committee receiving the
4 contribution.

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

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

21 (1) Foreign national individuals participate in
22 election-related activities such as decisions



1 concerning the making of contributions or the
2 administration of a political committee; or

3 (2) The contribution funds are not domestically-derived.

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

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

15 (1) A contribution made by two or more corporations shall
16 be treated as made by one person when the corporations:

17 (1) Share the majority of members of their boards of
18 directors;

19 (2) Share two or more corporate officers;

20 (3) Are owned or controlled by the same majority
21 shareholder or shareholders; or

22 (4) Are in a parent-subsidary relationship.



1 (m) A contribution by a limited liability company shall be
2 treated as follows:

3 (1) A contribution by a limited liability company that is
4 treated as a partnership by the Internal Revenue Service shall
5 be considered a contribution from a partnership.

6 (2) A contribution by a limited liability company that is
7 treated as a corporation by the Internal Revenue Service shall
8 be considered a contribution from a corporation.

9 (3) A contribution by a limited liability company with a
10 single individual member that is not treated as a corporation by
11 the Internal Revenue Service shall be attributed only to that
12 single individual member.

13 (4) A limited liability company that makes a contribution
14 shall, at the time the limited liability company makes the
15 contribution, provide information to the party, committee, or
16 candidate receiving the contribution specifying how the
17 contribution is to be attributed."

18 SECTION 7. Section 11-204.5, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "~~[+]§11-204.5[+]~~ **Limit on contributions from nonresident**
21 **individuals and persons.** [~~Contributions~~] Total contributions
22 from any [~~individual or any person~~] and all persons as defined



1 in section 11-191, except for a member of the candidate's
2 immediate family, who is not a resident of the State at the time
3 the contributions are made, including a noncandidate committee
4 organized under the laws of another state and whose participants
5 are not residents of the State, shall not exceed twenty per cent
6 of the total contributions received by a candidate or
7 candidate's committee for each reporting period."

8 SECTION 8. Section 11-205.5, Hawaii Revised Statutes, is
9 amended by amending subsection (a) to read as follows:

10 "(a) It shall be unlawful for the person who enters into
11 any contract with the State, any of its counties, or any
12 department or agency thereof either for the rendition of
13 personal services, the buying of property, or furnishing any
14 material, supplies, or equipment to the State, any of its
15 counties, department or agency thereof, or for selling any land
16 or building to the State, any of its counties, or any department
17 or agency thereof, if payment for the performance of the
18 contract or payment for material, supplies, equipment, land,
19 property, or building is to be made in whole or in part from
20 funds appropriated by the legislative body, at any time between
21 the execution of the contract through the completion of the
22 contract, to[+]



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

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

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 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 shall~~
2 ~~contain the name and address of the person paying for the~~
3 ~~advertisement.]~~ If a committee, party, or person pays for an
4 advertisement which is not authorized by the candidate or the
5 candidate's committee and the advertisement is mailed, the
6 advertisement and envelope, if any, shall clearly state the name
7 of the committee, party, or person paying for the advertisement
8 and that the advertisement is or the envelope contains campaign
9 materials.

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

16 (1) The advertisement shall contain a notice in a
17 prominent location that the literature or
18 advertisement is published, broadcast, televised, or
19 circulated with the approval and authority of the
20 candidate, provided that in the event that the
21 literature or advertisement is paid for by a
22 [~~candidate, committee directly associated with a~~



1 candidate,~~or~~] ballot issue committee, the notice of
2 approval and authority need not be included[+], if
3 applicable; or

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

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

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

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



- 1 (1) For the office of governor--qualifying contributions
- 2 that in the aggregate, exceed \$100,000;
- 3 (2) For the office of lieutenant governor--qualifying
- 4 contributions that in the aggregate, exceed \$50,000;
- 5 (3) For the office of mayor for each respective county:
- 6 (A) County of Honolulu--qualifying contributions that
- 7 in the aggregate, exceed \$50,000;
- 8 (B) County of Hawaii--qualifying contributions that
- 9 in the aggregate, exceed \$15,000;
- 10 (C) County of Maui--qualifying contributions that in
- 11 the aggregate, exceed \$10,000; and
- 12 (D) County of Kauai--qualifying contributions that in
- 13 the aggregate, exceed \$5,000; and
- 14 (4) For the office of prosecuting attorney for each
- 15 respective county:
- 16 (A) County of Honolulu--qualifying contributions that
- 17 in the aggregate, exceed \$30,000;
- 18 (B) County of Hawaii--qualifying contributions that
- 19 in the aggregate, exceed \$10,000; and
- 20 (C) County of Kauai--qualifying contributions that in
- 21 the aggregate, exceed \$5,000;



- 1 (5) For the office of county council--for each respective
- 2 county:
- 3 (A) County of Honolulu--qualifying contributions that
- 4 in the aggregate, exceed \$5,000;
- 5 (B) County of Hawaii--qualifying contributions that
- 6 in the aggregate, exceed \$1,500;
- 7 (C) County of Maui--qualifying contributions that in
- 8 the aggregate, exceed \$5,000; and
- 9 (D) County of Kauai--qualifying contributions that in
- 10 the aggregate, exceed \$3,000;
- 11 (6) For the office of state senator--qualifying
- 12 contributions that, in the aggregate, exceed \$2,500;
- 13 (7) For the office of state representative--qualifying
- 14 contributions that, in the aggregate, exceed \$1,500;
- 15 (8) For the office of Hawaiian affairs--qualifying
- 16 contributions that, in the aggregate, exceed \$1,500;
- 17 and
- 18 (9) For all other offices, qualifying contributions that,
- 19 in the aggregate, exceed \$500."

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



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

4 (1) The candidate and [~~all committees authorized by the~~
5 ~~candidate~~] the candidate's committee shall not incur
6 campaign expenses in excess of the expenditure
7 limitations imposed by section 11-209;

8 (2) The candidate has qualified to be on the election
9 ballot in a primary or general election;

10 (3) The candidate has filed a statement of intent to seek
11 qualifying contributions. A contribution received
12 before the filing of a statement of intent to seek
13 public funds shall not be considered a qualifying
14 contribution;

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

19 (5) The aggregate of contributions certified with respect
20 to any person under paragraph (4) does not exceed
21 \$100.



1 (c) Each candidate and candidate's committee in receipt of
2 qualifying campaign contributions which may be taken into
3 account for purposes of public funding shall maintain, on a form
4 prescribed by the commission, records which show the date and
5 amount of each qualifying campaign contribution and the full
6 name and mailing address of the person making the contribution.
7 The candidate and [~~all committees authorized by the candidate~~]
8 the candidate's committee shall transmit to the commission all
9 reports with respect to these contributions that the commission
10 may require."

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

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

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

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

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



1 "(b) The affidavit shall remain effective until the
2 termination of the [~~central committee of the candidate~~]
3 candidate's committee or the opening of filing for the next
4 succeeding election for the office held or sought at the time of
5 filing of the affidavit, whichever occurs first. An affidavit
6 filed under this section may not be rescinded."

7 SECTION 16. Section 11-228, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§11-228 Administrative fines; relief.** (a) In the
10 performance of its required duties, the commission may render a
11 decision or issue an order affecting any person violating any
12 provision of this subpart or section 281-22 that shall provide
13 for the assessment of an administrative fine in the manner
14 prescribed as follows:

15 (1) If a natural person, an amount not to exceed \$1,000
16 for each occurrence or an amount equivalent to three
17 times the amount of an unlawful contribution or
18 expenditure, whichever is greater; or

19 (2) If a corporation, organization, association, or labor
20 union, it shall be punished by a fine not exceeding
21 \$1,000 for each occurrence; and



1 (3) Whenever a corporation, organization, association, or
2 labor union violates this subpart, the violation shall
3 be deemed to be also that of the individual directors,
4 officers, or agents of the corporation, organization,
5 association, or labor union, who have knowingly
6 authorized, ordered, or done any of the acts
7 constituting the violation.

8 (b) Any order for the assessment of an administrative fine
9 may not be issued against a person without providing the person
10 written notice and an opportunity to be heard at a hearing
11 conducted under chapter 91. A person may waive these rights by
12 written stipulation or consent. If an administrative fine is
13 imposed upon a candidate, the commission may order that the
14 fine, or any portion, be paid from the candidate's personal
15 funds.

16 (c) If an order issued by the commission is not complied
17 with by the person to whom it is directed, the first circuit
18 court, upon application of the commission, shall issue an order
19 requiring the person to comply with the commission's order.
20 Failure to obey such a court order shall be punished as
21 contempt.



1 (d) Any administrative fine collected by the commission
2 shall be deposited in the Hawaii election campaign fund.

3 (e) Any person or the commission may sue for injunctive
4 relief to compel compliance with this subpart.

5 (f) The provisions of this section shall not be construed
6 to prohibit prosecution under any appropriate provision of the
7 Hawaii Penal Code or section 11-229.

8 (g) The provisions of this section shall not apply to any
9 person who, prior to the commencement of proceedings under this
10 section, has paid or agreed to pay the penalties prescribed by
11 sections 11-193(a)(5) and 11-215(c).

12 (h) A proceeding by the commission under this section for
13 a violation of this part shall not be commenced after five years
14 have elapsed from the date of the violation or the date of the
15 filing of the report covering the period in which the violation
16 occurred, whichever is later."

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

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



1 ~~expenditures of all committees directly associated with the~~
2 ~~candidate and for filing composite reports indicating this~~
3 ~~information pursuant to sections 11-212 and 11-213."]~~

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

6 SECTION 19. This Act shall take effect upon approval,
7 provided that section 2 shall take effect retroactively to
8 January 1, 2006.



Report Title:

Campaign Spending Law

Description:

Clarifies that a noncandidate committee shall be subject to the same limitations on contributions to candidates as any person or other entity. Provides that a "person" other than an individual may make a one-time unlimited transfer in a two-year election period of funds from its own treasury to fund the person's own noncandidate committee. Establishes an expenditure ceiling for prosecuting attorney candidates who participate in the public funded campaign program. (CD1)

