

JAN 22 2007

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 be appropriately designated and to
3 read as follows:

4 "§11- Reporting deadline. When any reporting deadline
5 falls on a Saturday, Sunday, or holiday designated in section 8-
6 1, the reporting deadline shall be the next succeeding day that
7 is not a Saturday, Sunday, or holiday."

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

10 1. By amending the definition of "contribution" to read as
11 follows:

12 ""Contribution" means:

13 (1) A gift, subscription, deposit of money or anything of
14 value, or cancellation of a debt or legal obligation
15 and includes the purchase of tickets to fundraisers
16 for the purpose of:

17 (A) Influencing the nomination for election, or
18 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 that are rendered to the candidate or
11 committee without charge or at an unreasonably low
12 charge for the purposes set out in paragraph (1) (A),
13 (1) (B), or (1) (C); or

14 (3) A contract, promise, or agreement to make a
15 contribution; provided that notwithstanding this
16 paragraph and paragraphs (1) and (2), the term
17 "contributions" shall not include services or portions
18 thereof voluntarily provided without reasonable
19 compensation by individuals to or in behalf of a
20 candidate or committee[~~+~~].

21 [~~4~~] Notwithstanding paragraphs (1), (2), and (3), a
22 candidate's expenditure of the candidate's own funds or the



1 making of a loan or advance in the pursuit of the candidate's
2 campaign shall not be a contribution for the purpose of this
3 subpart but shall nevertheless be reportable as a campaign
4 receipt.

5 "Contribution" does not include an individual or committee
6 engaging in internet activities for the purpose of influencing
7 an election if:

8 (1) The individual or committee is uncompensated for the
9 internet activities; or

10 (2) The individual or committee uses equipment or services
11 for uncompensated internet activities, regardless of
12 who owns the equipment and services.

13 For purposes of this exclusion, "internet activities"
14 includes sending or forwarding electronic messages; providing a
15 hyperlink or other direct access to another person's website;
16 blogging; creating, maintaining, or hosting a website; paying a
17 nominal fee for the use of another person's website; and any
18 other form of communication distributed over the Internet.

19 For purposes of this exclusion, "equipment and services"
20 includes computers, software, internet domain names, internet
21 service providers, and any other technology that is used to
22 provide access to or use of the internet.



1 This exclusion does not apply to any payment for: an
2 advertisement other than a nominal fee; the purchase or rental
3 of an e-mail address list made at the direction of a committee;
4 or an e-mail address list that is transferred to a committee."

5 2. By amending the definition of "expenditure" to read as
6 follows:

7 ""Expenditure" means:

8 (1) Any purchase or transfer of money or anything of
9 value, or promise or agreement to purchase or transfer
10 money or anything of value, or payment incurred or
11 made, or the use or consumption of a nonmonetary
12 contribution for the purpose of:

13 (A) Influencing the nomination for election, or
14 election, of any person seeking nomination for
15 election, or election, to office whether or not
16 the person has filed the person's nomination
17 paper;

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

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



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

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

8 ~~[(4)]~~ The term does not include volunteer personal services
9 and voter registration efforts that are not partisan.

10 "Expenditure" does not include an individual or committee
11 engaging in internet activities for the purpose of influencing
12 an election if:

13 (1) The individual or committee is uncompensated for
14 internet activities; or

15 (2) The individual or committee uses equipment or services
16 for uncompensated internet activities, regardless of
17 who owns the equipment and services.

18 For purposes of this exclusion, "internet activities"
19 includes sending or forwarding electronic messages; providing a
20 hyperlink or other direct access to another person's website;
21 blogging; creating, maintaining, or hosting a website; paying a



1 nominal fee for the use of another person's website; and any
2 other form of communication distributed over the Internet.

3 For purposes of this exclusion, "equipment and services"
4 includes computers, software, internet domain names, internet
5 service providers, and any other technology that is used to
6 provide access to or use of the Internet.

7 This exclusion does not apply to any payment for: an
8 advertisement other than a nominal fee; the purchase or rental
9 of an e-mail address list made at the direction of a committee;
10 or an e-mail address list that is transferred to a committee."

11 SECTION 3. Section 11-194, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§11-194 Registration.** (a) Each candidate, committee, or
14 party shall file an organizational report as set forth in
15 section 11-196 or 11-196.5 as applicable.

16 ~~[(b) Committees that form within ten days of any election~~
17 ~~and expend in the aggregate more than \$1,000 for the election~~
18 ~~shall register and fully disclose the expenditure by 4:30 p.m.~~
19 ~~on the last calendar day prior to the expenditure.~~

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



- 1 (1) Filing the nomination papers for office; or
2 (2) The date the candidate or candidate's committee
3 receives contributions or makes expenditures that
4 amount to more than \$100 in the aggregate during the
5 applicable election period~~(-)~~, whichever occurs first.

6 ~~(d)~~ (c) An elected official who is seeking ~~[re-election]~~
7 reelection to the same office in successive elections shall not
8 be required to file an organizational report under this section
9 unless the candidate is required to report a change in
10 information pursuant to section 11-196(b); provided that the
11 candidate has not sought election to any other office during the
12 period between elections.

13 ~~(e)~~ (d) A noncandidate committee shall file an
14 organizational report within ten days of receiving contributions
15 or making expenditures that amount to more than \$1,000, in the
16 aggregate, in a two-year election period~~(-)~~; except that within
17 thirty days prior to an election, a noncandidate committee shall
18 file an organizational report within two days of receiving
19 contributions or making expenditures that amount to more than
20 \$1,000, in the aggregate, in a two-year election period."

21 SECTION 4. Section 11-195, Hawaii Revised Statutes, is
22 amended by amending subsection (f) to read as follows:



1 "(f) For purposes of this subpart, whenever a report is
2 required to be filed with the commission, "filed" means received
3 in the office of the commission or county clerk, whichever is
4 applicable, by the date and time specified for the filing of the
5 report; except that a noncandidate committee required to be
6 registered with the commission pursuant to section 11-194(d),
7 and a candidate or the committee of a candidate who is seeking
8 election to the:

- 9 (1) Office of governor;
- 10 (2) Office of lieutenant governor;
- 11 (3) Office of mayor;
- 12 (4) Office of prosecuting attorney;
- 13 (5) County council;
- 14 (6) Senate;
- 15 (7) House of representatives; [~~or~~]
- 16 (8) Office of Hawaiian affairs[~~r~~]; or
- 17 (9) Board of education,

18 shall file by electronic means in the manner prescribed by the
19 commission. [~~Candidates for the offices named in this~~
20 ~~subsection with contributions or expenditures of less than~~
21 ~~\$5,000 need not file by electronic means. A candidate or~~
22 ~~candidate committee without access to a computer or the Internet~~



1 ~~may request a waiver from electronic filing from the~~
2 ~~commission.]"~~

3 SECTION 5. Section 11-204.5, Hawaii Revised Statutes, is
4 amended to read as follows:

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

15 SECTION 6. Section 11-207.5, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) Each candidate, candidate's committee, or committee,
18 that within the period of [~~fifteen~~] fourteen calendar days
19 through four calendar days prior to a primary, special primary,
20 general, or special general election, makes contributions
21 aggregating more than \$500, or receives contributions from any
22 person or entity aggregating more than \$500, shall file a report



1 with the commission or appropriate county clerk's office on
2 forms provided by the commission, no later than 4:30 p.m., three
3 calendar days prior to the election."

4 SECTION 7. Section 11-209, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

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

- 15 (1) For the office of governor—~~[\$2.50]~~ \$2.60;
16 (2) For the office of lieutenant governor—~~[\$1.40]~~ \$1.50;
17 (3) For the office of mayor—~~[\$2.00]~~ \$2.10;
18 (4) For the offices of state senator, state
19 representative, and county council member [~~—\$1.40,~~
20 ~~and~~], and prosecuting attorney—\$1.50; and
21 (5) For the offices of the board of education and all
22 other offices—~~[20 cents.]~~ 25 cents."



1 SECTION 8. Section 11-212, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:
3 "(a) (1) The candidate committee of each candidate whose name
4 will appear on the ballot in the immediately
5 succeeding election shall file a preliminary report
6 with the commission or appropriate county clerk's
7 office. Preliminary reports shall be filed on forms
8 provided by the commission no later than 4:30 p.m. on
9 the following dates:
10 (A) July [~~thirtieth~~] thirty-first of the year of the
11 primary election;
12 (B) Ten calendar days prior to each primary and
13 initial special election; and
14 (C) Ten calendar days prior to a special or general
15 election.
16 (2) Each report shall be certified pursuant to section 11-
17 195 and shall contain the following information which
18 shall be current through [~~the thirtieth calendar day~~]
19 June 30 prior to the filing of the report filed on the
20 [~~thirtieth~~] thirty-first of July and fifth calendar
21 day prior to the filing of other preliminary reports:



- 1 (A) The aggregate sum of all contributions and other
2 campaign receipts received;
- 3 (B) The amount and date of deposit of the
4 contribution and the name and address of each
5 donor who contributes an aggregate of more than
6 \$100 during an election period, which has not
7 previously been reported; provided that if all
8 the information is not on file, the contribution
9 shall be returned to the donor within thirty days
10 of deposit;
- 11 (C) The amount and date of deposit of each
12 contribution and the name, address, employer, and
13 occupation of each donor who contributes an
14 aggregate of \$1,000 or more during an election
15 period, which has not previously been reported;
16 provided that if all the information is not on
17 file, the contribution shall be returned to the
18 donor within thirty days of deposit;
- 19 (D) All expenditures made, incurred, or authorized by
20 or for a candidate, including the name and
21 address of each payee and the amount, date, and
22 purpose of each expenditure; and



1 (E) A current statement of the balance on hand or
2 deficit."

3 SECTION 9. Section 11-213, Hawaii Revised Statutes, is
4 amended by amending subsections (f) and (g) to read as follows:

5 "(f) Deficit. In the event of a deficit the candidate,
6 authorized person in the case of a party, or campaign treasurer
7 in the case of a committee shall, every six months until the
8 deficit is eliminated, file supplemental reports covering all
9 items prescribed in subsection (a) or subsection (b) in the case
10 of noncandidate committees. The first report shall be due no
11 later than 4:30 p.m. on the [~~thirtieth~~] thirty-first day after
12 the last day of the election year.

13 (g) Surplus. In the event of a surplus the candidate,
14 authorized person in the case of a party, or campaign treasurer
15 in the case of a committee, shall:

16 (1) Maintain the cash surplus in a financial depository;
17 and

18 (2) Every six months, until the candidate files to be on
19 the ballot with the state office of elections, or in
20 the case of a party or committee until they
21 participate in an election again, file supplemental
22 reports detailing all items prescribed in subsection



1 (a) or in the case of a noncandidate committee until
2 they participate in an election again, or file
3 supplemental reports detailing all items prescribed in
4 subsection (b).

5 The first report shall be due not later than 4:30 p.m. on
6 the [~~thirtieth~~] thirty-first calendar day after the last day of
7 the election year."

8 SECTION 10. Section 11-218, Hawaii Revised Statutes, is
9 amended by amending subsections (a) and (b) to read as follows:

10 "(a) For the office of governor, lieutenant governor, or
11 mayor, the maximum amount of public funds available to a
12 candidate in any election shall not exceed [~~ten~~] fourteen per
13 cent of the total expenditure limit as determined under section
14 11-209 for each election for each office listed in this
15 subsection.

16 (b) For the office of state senator, state representative,
17 county council member, and prosecuting attorney, the maximum
18 amount of public funds available to a candidate in any election
19 shall be [~~fifteen~~] nineteen per cent of the total expenditure
20 limit as determined under section 11-209 for each election for
21 each office listed in this subsection."

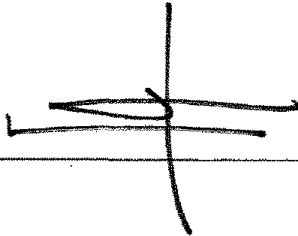


1 SECTION 11. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 12. This Act shall take effect upon its approval;
4 provided that section 4 shall apply to reporting periods
5 beginning on January 1, 2008.

6

INTRODUCED BY:


B/R



Report Title:

Campaign Spending Commission; Reporting Deadline

Description:

Revises various campaign spending reporting deadlines. Amends definitions of "contribution" and "expenditure". Increases amount that may be spent per voter for state and county elections and adds prosecuting attorney as an election subject to spending limitation per voter.

