

JAN 18 2008

A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

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

1 SECTION 1. Section 11-195, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§11-195 Filing of reports, generally.** (a) All reports
4 required to be filed under this subpart by a candidate [~~or those~~
5 ~~committees directly associated with the candidate's candidacy]~~
6 committee shall be certified by the candidate and treasurer.
7 Reports required to be filed under this subpart by a [~~party or~~
8 ~~committee that supports more than one candidate]~~ noncandidate
9 committee shall be certified by [~~a person authorized to sign the~~
10 ~~reports. All reports required to be filed under this subpart~~
11 ~~shall be open for public inspection in the office of the~~
12 ~~commission.]~~ the chairperson and treasurer.

13 (b) [~~The original and one copy of all]~~ All reports
14 required under this subpart shall be electronically filed [~~at~~
15 ~~the office of the commission. In the case of counties having~~
16 ~~less than two hundred thousand voters, the filing shall be~~
17 ~~accomplished by filing an original and two copies of the~~
18 ~~required report with either the commission or the clerk of the~~



1 ~~county in which the candidate resides. The clerk shall then~~
2 ~~immediately mail the original and one copy of the report to the~~
3 ~~commission.~~

4 ~~(c) The commission or county clerk shall give each person~~
5 ~~filing a report a receipt stating the type of report filed and~~
6 ~~the date and time of filing.~~

7 ~~(d) All reports filed with the county clerk's office shall~~
8 ~~be preserved by that office for four years from the date of~~
9 ~~receipt.] on the commission's electronic filing system.~~

10 ~~[(e)]~~ (c) All reports required to be filed under this
11 subpart shall at all times be available to the general public.

12 ~~[(f)]~~ (d) For purposes of this subpart, whenever a report
13 is required to be filed with the commission, "filed" means
14 ~~[received in the office of the commission or county clerk,~~
15 ~~whichever is applicable,]~~ electronically filed on the
16 commission's electronic filing system by the date and time
17 specified for the filing of the report~~[, except that a~~
18 ~~noncandidate committee required to be registered with the~~
19 ~~commission pursuant to section 11-194(d), and a candidate] by~~
20 the:

21 (1) Candidate or the committee of a candidate who is
22 seeking election to the:



- 1 ~~[(1)]~~ (A) Office of governor;
- 2 ~~[(2)]~~ (B) Office of lieutenant governor;
- 3 ~~[(3)]~~ (C) Office of mayor;
- 4 ~~[(4)]~~ (D) Office of prosecuting attorney;
- 5 ~~[(5)]~~ (E) County council;
- 6 ~~[(6)]~~ (F) Senate;
- 7 ~~[(7)]~~ (G) House of representatives;
- 8 ~~[(8)]~~ (H) Office of Hawaiian affairs; or
- 9 ~~[(9)]~~ (I) Board of education[~~7~~

10 ~~shall file by electronic means in the manner prescribed by~~
11 ~~the commission.]; or~~

12 (2) A noncandidate committee required to be registered
13 with the commission pursuant to section 11-194.

14 (e) In order to be timely filed, a committee's reports
15 must be filed on the commission's electronic filing system on or
16 before 11:59 p.m. Hawaii standard time on the prescribed filing
17 date."

18 SECTION 2. Section 11-207.5, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Each candidate, candidate's committee, or committee,
21 that within the period of fourteen calendar days through four
22 calendar days prior to a primary, special primary, general, or



1 special general election, makes contributions aggregating more
2 than \$500, or receives contributions from any person or entity
3 aggregating more than \$500, shall file a report with the
4 commission [~~or appropriate county clerk's office on forms~~
5 ~~provided by the commission, no later than 4:30 p.m.,~~] three
6 calendar days prior to the election."

7 SECTION 3. Section 11-212, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By amending subsection (a) to read:

10 "(a) (1) The candidate committee of each candidate whose
11 name will appear on the ballot in the immediately succeeding
12 election shall file a preliminary report [~~with the commission or~~
13 ~~appropriate county clerk's office~~]. Preliminary reports shall
14 be filed [~~on forms provided by the commission no later than 4:30~~
15 ~~p.m.~~] on the following dates:

16 (A) July thirty-first of the year of the primary
17 election;

18 (B) Ten calendar days prior to each primary and
19 initial special election; and

20 (C) Ten calendar days prior to a special or general
21 election.



1 (2) Each report shall be certified pursuant to section 11-
2 195 and shall contain the following information which
3 shall be current through June 30 prior to the filing
4 of the report filed on the thirty-first of July and
5 fifth calendar day prior to the filing of other
6 preliminary reports:

7 (A) The aggregate sum of all contributions and other
8 campaign receipts received;

9 (B) The amount and date of deposit of the
10 contribution and the name and address of each
11 donor who contributes an aggregate of more than
12 \$100 during an election period, which has not
13 previously been reported; provided that if all
14 the information is not on file, the contribution
15 shall be returned to the donor within thirty days
16 of deposit;

17 (C) The amount and date of deposit of each
18 contribution and the name, address, employer, and
19 occupation of each donor who contributes an
20 aggregate of \$1,000 or more during an election
21 period, which has not previously been reported;
22 provided that if all the information is not on



1 file, the contribution shall be returned to the
2 donor within thirty days of deposit;

3 (D) All expenditures made, incurred, or authorized by
4 or for a candidate, including the name and
5 address of each payee and the amount, date, and
6 purpose of each expenditure; and

7 (E) A current statement of the balance on hand or
8 deficit."

9 2. By amending subsection (b) to read:

10 "(b) Each noncandidate committee shall file a preliminary
11 report with the commission[~~, on forms provided by the~~
12 ~~commission, no later than 4:30 p.m.~~] on the tenth calendar day
13 prior to each primary election and the tenth calendar day prior
14 to a special or general election. Each report shall be
15 certified pursuant to section 11-195 and shall contain the
16 following information, which shall be current through the fifth
17 calendar day prior to the filing of a preliminary report:

18 (1) The aggregate sum of all contributions and other
19 campaign receipts received;

20 (2) The amount and date of deposit of the contribution and
21 the name, address, employer, and occupation of each
22 donor who contributes an aggregate of \$100 or more



1 during an election period, which has not previously
2 been reported; provided that if all the information is
3 not on file, the contribution shall be returned to the
4 donor within thirty days of deposit;

5 (3) The amount and date of each disbursement or
6 contribution made to a candidate, party, organization,
7 or committee, including the name and address of each
8 payee, which has not previously been reported;

9 (4) The amount and date of each expenditure made or
10 incurred by the committee for or against any
11 candidate, ballot issue, or on behalf of another
12 committee, which has not previously been reported; and

13 (5) A current statement of the balance on hand."

14 3. By amending subsection (d) to read:

15 "(d) A candidate, party, or committee whose aggregate
16 contributions and aggregate expenditures for the reporting
17 period each total \$2,000 or less may file a short form report
18 with the commission [~~or appropriate county clerk's office~~] in
19 lieu of the reports required by this section and section 11-
20 213."

21 SECTION 4. Section 11-213, Hawaii Revised Statutes, is
22 amended as follows:



1 1. By amending subsection (a) to read:

2 "(a) Primary and initial special election. Each candidate
3 whether or not successful in a primary or initial special
4 election, authorized person in the case of a party, or campaign
5 treasurer in the case of a committee, shall file a final primary
6 report certified pursuant to section 11-195 with the commission
7 [~~on forms provided by the commission no later than 4:30 p.m.~~] on
8 the twentieth calendar day after a primary or initial special
9 election. The report shall include the following information
10 which shall be current through the day of the primary election:

- 11 (1) A statement of the total contributions and campaign
12 receipts received;
- 13 (2) The amount and date of deposit of each contribution
14 and the name and address of each donor who contributes
15 an aggregate of more than \$100 during an election
16 period, which has not previously been reported;
17 provided that if all the information is not on file,
18 the contribution shall be returned to the donor within
19 thirty days of deposit;
- 20 (3) The amount and date of deposit of each contribution
21 and the name, address, employer, and occupation of
22 each donor who contributes an aggregate of \$1,000 or



1 more during an election period, which has not
2 previously been reported; provided that if all the
3 information is not on file, the contribution shall be
4 returned to the donor within thirty days of deposit;

5 (4) A statement of all expenditures made, incurred, or
6 authorized by or for a candidate including the name
7 and address of each payee and the amount, date, and
8 purpose of each expenditure; and

9 (5) The cash balance and a statement of surplus or
10 deficit."

11 2. By amending subsection (b) to read:

12 "(b) Each noncandidate committee shall file a final
13 primary report, certified pursuant to section 11-195, [~~with the~~
14 ~~commission on forms provided by the commission no later than~~
15 ~~4:30 p.m.~~] on the twentieth calendar day after a primary
16 election. The report shall include the following information,
17 which shall be current through the day of the primary election:

18 (1) A statement of the total contributions and campaign
19 receipts received;

20 (2) The amount and date of deposit of each contribution
21 and the name, address, employer, and occupation of
22 each donor who contributes an aggregate of more than



1 \$100 during an election, which has not previously been
2 reported;

3 (3) The amount and date of each disbursement or
4 contribution made to a candidate, party, organization,
5 or committee, including the name and address of each
6 payee, which has not previously been reported;

7 (4) The amount and date of each expenditure made or
8 incurred by the committee for or against any
9 candidate, ballot issue, or on behalf of another
10 committee, which has not previously been reported; and

11 (5) A current statement of the balance on hand."

12 3. By amending subsection (d) to read:

13 "(d) General, special general, special election or
14 election period. Each candidate, authorized person in the case
15 of a party, or campaign treasurer in the case of a committee
16 shall file a final election period [~~general~~] report with the
17 commission on forms provided by the commission [~~no later than~~
18 4:30 p.m.] on the thirtieth calendar day after a general,
19 special general, or special election. The final election period
20 report shall be certified pursuant to section 11-195, shall
21 report all items prescribed in subsection (a) or (b) for
22 noncandidate committees, and shall be current through the day of



1 the general election. A candidate who is unsuccessful in a
2 primary or special primary election shall file a final election
3 period report."

4 4. By amending subsection (f) to read:

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 thirty-first day after the last
12 day of the election year."

13 5. By amending subsection (g) to read:

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

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

18 and

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



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

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

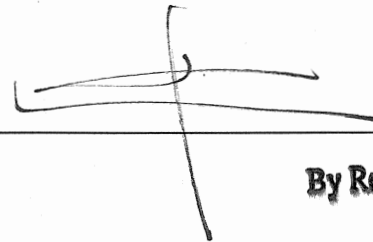
9 SECTION 5. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

11 SECTION 6. If any provision of this Act, or the
 12 application thereof to any person or circumstance is held
 13 invalid, the invalidity does not affect other provisions or
 14 applications of the Act, which can be given effect without the
 15 invalid provision or application, and to this end the provisions
 16 of this Act are severable.

17 SECTION 7. This Act shall take effect upon its approval.

18

INTRODUCED BY: _____



By Request



Report Title:

Elections; Electronic Filing of Reports

Description:

Clarifies campaign spending law relating to electronic filing of reports.

