
A BILL FOR AN ACT

RELATING TO CAMPAIGN FINANCING.

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

1 PART I

2 SECTION 1. This Act updates, organizes, and clarifies
3 current campaign finance laws.

4 The laws have their genesis in Act 185, Session Laws of
5 Hawaii 1973. Over the past thirty-seven years, numerous
6 amendments have been made to the campaign finance laws in a
7 piecemeal fashion and, apparently, with little regard to the
8 laws as a whole. The resulting laws are unorganized, difficult
9 to read, and inconsistent in some areas. The current campaign
10 finance laws are codified in part XII, subpart B of chapter 11,
11 Hawaii Revised Statutes.

12 This Act organizes the campaign finance laws into a new
13 part of chapter 11, with eleven subparts. Long and involved
14 sections are divided into shorter sections with clear titles for
15 quick reference. All the laws on one subject are grouped
16 together, in contrast to current campaign finance laws that
17 require a reader to search through the entire subpart for laws
18 that may apply to that one subject.



1 **§11-B Construction of laws.** Any ambiguity in the
2 provisions of this part shall be construed in favor of
3 transparency.

4 B. DEFINITIONS

5 **§11-C Definitions.** When used in this part:

6 "Advertisement" means:

- 7 (1) Any communication, exclusive of bumper stickers or
- 8 other sundry items, that identifies a candidate either
- 9 directly or by implication, and advocates or supports
- 10 the nomination for election of the candidate;
- 11 advocates or supports the election of the candidate;
- 12 or advocates or supports the candidate's defeat; and
- 13 (2) Any communication, exclusive of bumper stickers or
- 14 other sundry items, that identifies an issue or
- 15 question that has been certified to appear on the
- 16 ballot at the next applicable election, and advocates
- 17 or supports the passage or defeat of the question or
- 18 issue.

19 "Advertisement" does not include:

- 20 (1) A house bulletin; or
- 21 (2) An editorial or letter to the editor distributed
- 22 through the facilities of any broadcasting station,



1 newspaper, magazine, or other periodical publication,
2 unless such facilities are owned or controlled by any
3 candidate committee or noncandidate committee.

4 "Ballot issue committee" means a noncandidate committee
5 that has the exclusive purpose of making or receiving
6 contributions, making expenditures, or incurring financial
7 obligations for or against any question or issue appearing on
8 the ballot at the next applicable election.

9 "Campaign funds" means contributions, the candidate's own
10 funds, interest, rebates, refunds, loans, or advances received
11 by a candidate committee or noncandidate committee.

12 "Candidate" means an individual who seeks nomination for
13 election or seeks election to office. An individual remains a
14 candidate until the individual's candidate committee terminates
15 registration with the commission, as provided in section 11-P.
16 An individual is a candidate if the individual does any of the
17 following:

- 18 (1) Files nomination papers for an office for oneself with
19 the county clerk's office or with the chief election
20 officer's office, whichever is applicable;
- 21 (2) Receives contributions, makes expenditures, or incurs
22 financial obligations of more than \$100 to bring about



1 the individual's nomination for election, or to bring
2 about the individual's election to office; or

3 (3) Gives consent for any other person to receive
4 contributions, make expenditures, or incur financial
5 obligations to aid the individual's nomination for
6 election, or the individual's election to office.

7 "Candidate committee" means an organization, association,
8 or individual that receives campaign funds, makes expenditures,
9 or incurs financial obligations on behalf of a candidate with
10 the candidate's authorization.

11 "Clearly identified" means the name, photograph or other
12 similar image, or other unambiguous identification of a
13 candidate.

14 "Commission" means the campaign spending commission.

15 "Commissioner" means any person appointed to the
16 commission.

17 "Contribution" means:

18 (1) A gift, subscription, deposit of money or anything of
19 value, or cancellation of a debt or legal obligation
20 and includes the purchase of tickets to fundraisers,
21 for the purpose of:



- 1 (A) Influencing the nomination for election, or the
2 election, of any person to office;
- 3 (B) Influencing the outcome of any question or issue
4 that has been certified to appear on the ballot
5 at the next applicable election; or
- 6 (C) Use by any candidate committee or noncandidate
7 committee for the purpose of subparagraph (A) or
8 (B);
- 9 (2) The payment, by any person or party other than a
10 candidate, candidate committee, or noncandidate
11 committee, of compensation for the services of another
12 person that are rendered to the candidate, candidate
13 committee, or noncandidate committee without charge or
14 at an unreasonably low charge for a purpose listed in
15 paragraph (1) (A);
- 16 (3) A contract, promise, or agreement to make a
17 contribution; or
- 18 (4) Any loans or advances that are not documented or
19 disclosed to the commission as provided in section 11-
20 SS.
- 21 "Contribution" does not include:



- 1 (1) Services voluntarily provided without compensation by
2 individuals to or on behalf of a candidate, candidate
3 committee, or noncandidate committee;
- 4 (2) A candidate's expenditure of the candidate's own
5 funds; provided that this expenditure shall be
6 reported as other receipts and as an expenditure;
- 7 (3) Any loans or advances to a candidate committee;
8 provided that these loans or advances shall be
9 reported as loans; or
- 10 (4) An individual, candidate committee, or noncandidate
11 committee engaging in Internet activities for the
12 purpose of influencing an election if:
- 13 (A) The individual, candidate committee, or
14 noncandidate committee is uncompensated for the
15 Internet activities; or
- 16 (B) The individual, candidate committee, or
17 noncandidate committee uses equipment or services
18 for uncompensated Internet activities, regardless
19 of who owns the equipment and services;
- 20 provided that the Internet activity exclusion does not
21 apply to:



- 1 (i) Any payment for an advertisement other than
2 a nominal fee;
- 3 (ii) The purchase or rental of an e-mail address
4 list made at the direction of a candidate
5 committee or noncandidate committee; or
- 6 (iii) An e-mail address list that is transferred
7 to a candidate committee or noncandidate
8 committee.

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

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



1 "Earmarked funds" means contributions received by a
2 candidate committee or noncandidate committee on the condition
3 that the funds be contributed to or expended on certain
4 candidates, issues, or questions.

5 "Election" means any election for office or for determining
6 a question or issue provided by law or ordinance.

7 "Election period" means:

8 (1) The two-year time period between the day after the
9 general election through the day of the next general
10 election if a candidate is seeking nomination or
11 election to a two-year office; or

12 (2) The four-year time period between the day after the
13 general election through the day of the next general
14 election if a candidate is seeking nomination or
15 election to a four-year office.

16 "Expenditure" means:

17 (1) Any purchase or transfer of money or anything of
18 value, or promise or agreement to purchase or transfer
19 money or anything of value, or payment incurred or
20 made, or the use or consumption of a nonmonetary
21 contribution for the purpose of:



- 1 (A) Influencing the nomination for election, or the
2 election, of any person to office whether or not
3 the person has filed the person's nomination
4 papers;
- 5 (B) Influencing the outcome of any question or issue
6 that has been certified to appear on the ballot
7 at the next applicable election; or
- 8 (C) Use by any party for the purposes set out in
9 subparagraph (A) or (B);
- 10 (2) Any payment, by any person other than a candidate,
11 candidate committee, or noncandidate committee, of
12 compensation for the services of another person that
13 are rendered to the candidate, candidate committee, or
14 noncandidate committee for any of the purposes
15 mentioned in subparagraph (1) (A); provided that
16 payment under this paragraph shall include provision
17 of services without charge; or
- 18 (3) The expenditure by a candidate of the candidate's own
19 funds for the purposes set out in subparagraph (1) (A).
- 20 "Expenditure does not include:



- 1 (1) Services voluntarily provided without compensation by
2 individuals to or on behalf of a candidate, candidate
3 committee, or noncandidate committee;
- 4 (2) Voter registration efforts that are nonpartisan; or
- 5 (3) An individual, candidate committee, or noncandidate
6 committee engaging in Internet activities for the
7 purpose of influencing an election if:
- 8 (A) The individual, candidate committee, or
9 noncandidate committee is uncompensated for
10 Internet activities; or
- 11 (B) The individual, candidate committee, or
12 noncandidate committee uses equipment or services
13 for uncompensated Internet activities, regardless
14 of who owns the equipment and services;
- 15 provided that the Internet activity exclusion does not
16 apply to:
- 17 (i) Any payment for an advertisement other than
18 a nominal fee;
- 19 (ii) The purchase or rental of an e-mail address
20 list made at the direction of a candidate
21 committee or noncandidate committee; or



1 (iii) An e-mail address list that is transferred
2 to a candidate committee or noncandidate
3 committee.

4 For purposes of this subparagraph, "Internet
5 activities" includes sending or forwarding electronic
6 messages; providing a hyperlink or other direct access
7 to another person's website; blogging; creating,
8 maintaining, or hosting a website; paying a nominal
9 fee for the use of another person's website; and any
10 other form of communication distributed over the
11 Internet.

12 For purposes of this subparagraph, "equipment and
13 services" includes computers, software, Internet
14 domain names, Internet service providers, and any
15 other technology that is used to provide access to or
16 use of the Internet.

17 "Fundraiser" means any function held for the benefit of a
18 candidate, candidate committee, or noncandidate committee that
19 is intended or designed, directly or indirectly, to raise
20 contributions for which the price or suggested contribution for
21 attending the function is more than \$25 per person.



1 "House bulletin" means a communication sponsored by any
2 person in the regular course of publication for limited
3 distribution primarily to its employees or members.

4 "Immediate family" means a candidate's spouse or reciprocal
5 beneficiary, as defined in section 572C-3, and any child,
6 parent, grandparent, brother, or sister of the candidate, and
7 the spouses or reciprocal beneficiaries of such persons.

8 "Independent expenditure" means an expenditure by a person
9 expressly advocating the election or defeat of a clearly
10 identified candidate that is not made in concert or cooperation
11 with or at the request or suggestion of the candidate, the
12 candidate committee, a party, or their agents.

13 "Individual" means a human being.

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

17 "Loan" means an advance of money, goods, or services, with
18 a promise to repay in full or in part within a specified period
19 of time. A loan does not include expenditures made on behalf of
20 a candidate committee or noncandidate committee by a candidate,
21 volunteer, or employee if:



- 1 (1) The candidate's, volunteer's, or employee's aggregate
2 expenditures do not exceed \$1,500 within a thirty-day
3 period;
- 4 (2) A dated receipt is provided with a written description
5 of the name and address of each payee; provided that
6 the amount, date, and purpose of each expenditure is
7 provided to the candidate committee or noncandidate
8 committee before the candidate committee or
9 noncandidate committee reimburses the candidate,
10 volunteer, or employee; and
- 11 (3) The candidate committee or noncandidate committee
12 reimburses the candidate, volunteer, or employee
13 within forty-five days of the expenditure being made.

14 "Newspaper" means a publication of general distribution in
15 the state issued once or more per month, which is written and
16 published in the state.

17 "Noncandidate committee" means any organization,
18 association, party, or individual that has the purpose of making
19 or receiving contributions, making expenditures, or incurring
20 financial obligations to influence the nomination for election,
21 or the election, of any candidate to office, or for or against



1 any question or issue on the ballot; provided that a
2 noncandidate committee does not include:

- 3 (1) A candidate committee;
- 4 (2) Any individual making a contribution or making an
5 expenditure of the individual's own funds or anything
6 of value that the individual originally acquired for
7 the individual's own use and not for the purpose of
8 evading any provision of this part; or
- 9 (3) Any organization that raises or expends funds for the
10 sole purpose of producing and disseminating
11 informational or educational communications that are
12 not made to influence:
- 13 (A) A candidate's nomination;
- 14 (B) A candidate's election to office;
- 15 (C) A question on a ballot; or
- 16 (D) An issue on a ballot.

17 "Office" means any Hawaii elective public or constitutional
18 office, excluding county neighborhood boards and federal
19 elective offices.

20 "Other receipts" means the candidate's own funds, interest,
21 rebates, refunds, and any other funds received by a candidate



1 committee or noncandidate committee, but does not include
2 contributions or loans.

3 "Party" means any political party that satisfies the
4 requirements of section 11-61.

5 "Person" means an:

- 6 (1) Individual;
- 7 (2) Partnership;
- 8 (3) Candidate committee;
- 9 (4) Noncandidate committee, including a party;
- 10 (5) Association;
- 11 (6) Corporation;
- 12 (7) Business entity;
- 13 (8) Organization; or
- 14 (9) Labor union and its auxiliary committees.

15 "Political committees established and maintained by a
16 national political party" means:

- 17 (1) The National Committee;
- 18 (2) The House Campaign Committee; and
- 19 (3) The Senate Campaign Committee.

20 "Qualifying contribution" means an aggregate monetary
21 contribution of \$100 or less by an individual Hawaii resident
22 during any matching payment period that is received after a



1 candidate files a statement of intent to seek public funds. A
2 qualifying contribution does not include a loan, in-kind
3 contribution, or the candidate's own funds.

4 "Special election" means any election other than a primary
5 or general election.

6 "Treasurer" means a person appointed under section 11-N and
7 unless expressly indicated otherwise, includes deputy
8 treasurers.

9 C. CAMPAIGN SPENDING COMMISSION

10 **§11-D Campaign spending commission established;**

11 **composition.** (a) There is established a campaign spending
12 commission, which shall be placed within the department of
13 accounting and general services for administrative purposes.

14 (b) The commission shall consist of five members
15 representing the general public, appointed by the governor from
16 a list of ten nominees submitted by the judicial council. A
17 vacancy on the commission shall be filled from the list of
18 nominees or by the reappointment of a commissioner whose term
19 has expired, subject to the limit on length of service imposed
20 by section 26-34. Notwithstanding section 26-34, appointments
21 to the commission shall not be subject to senatorial
22 confirmation.



1 (c) The judicial council may solicit applications for the
2 list of nominees through community organizations and
3 advertisements in any newspaper.

4 **§11-E Terms of office.** The term of each commissioner
5 shall be four years.

6 **§11-F No compensation.** The commissioners shall serve
7 without compensation but shall be reimbursed for reasonable
8 expenses, including travel expenses, incurred in the discharge
9 of their duties.

10 **§11-G Duties of the commission.** The duties of the
11 commission under this part are to:

- 12 (1) Develop and adopt forms required by this part;
13 (2) Adopt and publish manuals for all candidates,
14 candidate committees, and noncandidate committees,
15 describing the requirements of this part, including
16 uniform and simple methods of recordkeeping;
17 (3) Preserve all reports required by this part for at
18 least ten years from the date of receipt;
19 (4) Permit the inspection, copying, or duplicating of any
20 report required by this part pursuant to rules adopted
21 by the commission under chapter 91; provided that this



- 1 paragraph shall not apply to the sale or use of
2 information under section 11-DD;
- 3 (5) Ascertain whether any candidate, candidate committee,
4 or noncandidate committee has failed to file a report
5 required by this part or has filed a substantially
6 defective or deficient report, and to notify these
7 persons by first class mail that the failure to file,
8 or the filing of a substantially defective or
9 deficient report shall be corrected and explained, and
10 that a fine may be assessed;
- 11 (6) Hold public hearings;
- 12 (7) Investigate and hold hearings for receiving evidence
13 of any violations pursuant to subpart J of this part;
- 14 (8) Adopt rules pursuant to chapter 91;
- 15 (9) Request the initiation of prosecution for a violation
16 of this part pursuant to section 11-KKK;
- 17 (10) Administer and monitor the distribution of public
18 funds under this part;
- 19 (11) Employ or contract, without regard to chapters 76, 78,
20 and 89, persons it finds necessary for the performance
21 of its functions, including a full-time executive



1 director, and to fix their compensation and to dismiss
2 such persons;

3 (12) Conduct random audits and field investigations, as
4 necessary; and

5 (13) File for injunctive relief when indicated.

6 **§11-H Advisory opinions.** The commission may render
7 written advisory opinions upon the request of any candidate,
8 candidate committee, noncandidate committee, or other person
9 subject to this part, as to whether the facts and circumstances
10 of a particular case constitute or shall constitute a violation
11 of this part. If no advisory opinion is rendered within ninety
12 days after all information necessary to issue an opinion has
13 been obtained, it shall be deemed that an advisory opinion was
14 rendered and that the facts and circumstances of that particular
15 case do not constitute a violation of the spending laws. The
16 opinion rendered or deemed rendered, until amended or revoked,
17 shall be binding on the commission in any subsequent charges
18 concerning the candidate, candidate committee, noncandidate
19 committee, or other person subject to this part, who sought the
20 opinion and acted in reliance on it in good faith, unless
21 material facts were omitted or misstated by the persons in the
22 request for an advisory opinion. Nothing in this section shall



1 be construed to allow the commission to issue rules through an
2 advisory opinion.

3 **§11-I Political activities prohibited.** (a) No
4 commissioner or employee of the commission shall participate in
5 any political campaign, including making a contribution to a
6 candidate, candidate committee, or noncandidate committee,
7 during the commissioner's term of office or employee's term of
8 employment.

9 (b) Each commissioner and employee of the commission shall
10 retain the right to:

- 11 (1) Register and vote in any election;
- 12 (2) Participate in the nonpolitical activities of a civic,
13 community, social, labor, or professional
14 organization, or of a similar organization;
- 15 (3) Be a member of a political party or other noncandidate
16 political organization and participate in its
17 activities to the extent consistent with law; and
- 18 (4) Otherwise participate fully in public affairs, except
19 as prohibited by law, in a manner that does not
20 materially compromise the commissioner's or the
21 employee's efficiency or integrity as a commissioner



1 or employee, or the neutrality, efficiency, or
2 integrity of the commission.

3 (c) Any commissioner or employee of the commission may
4 request an advisory opinion from the state ethics commission to
5 determine whether a particular activity constitutes or would
6 constitute a violation of the code of ethics under part II of
7 chapter 84 or this section.

8 **§11-J Exemptions.** (a) The commission shall be exempt
9 from section 26-35(a) (1), (4), and (5) and shall:

- 10 (1) Make direct communications with the governor and
11 legislature;
- 12 (2) Make all decisions regarding employment, appointment,
13 promotion, transfer, demotion, discharge, and job
14 descriptions of all officers and employees of or under
15 the jurisdiction of the commission without the
16 approval of the comptroller; and
- 17 (3) Purchase all supplies, equipment, or furniture without
18 the approval of the comptroller.

19 (b) The commission shall follow all applicable personnel
20 laws.



1 D. REGISTRATION

2 §11-K Registration of candidate committee or noncandidate

3 committee. (a) Each candidate committee or noncandidate
4 committee shall register with the commission by filing an
5 organizational report as set forth in section 11-L or 11-M, as
6 applicable.

7 (b) Before filing the organizational report, each
8 candidate committee or noncandidate committee shall mail or
9 deliver an electronic filing form to the commission.

10 (c) The form shall include a written acceptance of
11 appointment and certification of each report, as follows:

12 (1) A candidate committee shall file a written acceptance
13 of appointment by the chairperson and treasurer and a
14 certification by the candidate and treasurer of each
15 filed report; or

16 (2) A noncandidate committee shall file a written
17 acceptance of appointment by the chairperson and
18 treasurer and a certification by the chairperson and
19 treasurer of each filed report.

20 (d) The organizational report for a candidate committee
21 shall be filed within ten days of the earlier of:



1 (1) The date the candidate files nomination papers for
2 office; or

3 (2) The date the candidate or candidate committee receives
4 contributions or makes or incurs expenditures of more
5 than \$100, in the aggregate, during the applicable
6 election period.

7 (e) An organizational report need not be filed under this
8 section by an elected official who is a candidate for reelection
9 to the same office in successive elections and has not sought
10 election to any other office during the period between
11 elections, unless the candidate is required to report a change
12 in information pursuant to section 11-L.

13 (f) A candidate shall have only one candidate committee.

14 (g) The organizational report for a noncandidate committee
15 shall be filed within ten days of receiving contributions or
16 making or incurring expenditures of more than \$1,000, in the
17 aggregate, in a two-year election period; provided that within
18 the thirty-day period prior to an election, a noncandidate
19 committee shall register by filing an organizational report
20 within two days of receiving contributions or making or
21 incurring expenditures of more than \$1,000, in the aggregate, in
22 a two-year election period.



1 **§11-L Organizational report, candidate committee.** (a)

2 The candidate committee organizational report shall include:

3 (1) The committee's name and address, including web page
4 address, if any;

5 (2) The candidate's name, address, and telephone number;

6 (3) The office being sought by the candidate, district,
7 and party affiliation;

8 (4) The chairperson's name, address, and telephone number;
9 and if appointed, the deputy chairperson's name,
10 address, and telephone number;

11 (5) The treasurer's name and address and, if appointed,
12 all deputy treasurers' names and addresses;

13 (6) The name and address of each depository institution in
14 which the committee shall maintain any of its accounts
15 and the applicable account number;

16 (7) A certification of information in the organizational
17 report by the candidate and treasurer; and

18 (8) The name and address of each contributor who
19 contributed an aggregate amount of more than \$100
20 since the last election applicable to the office being
21 sought and the amount and date of deposit of each such
22 contribution.



1 (b) Any change in information previously reported in the
2 organizational report with the exception of subsection (a)(8)
3 shall be electronically filed with the commission within ten
4 days of the change being brought to the attention of the
5 committee chairperson or treasurer.

6 **§11-M Organizational report, noncandidate committee.** (a)

7 The noncandidate committee organizational report shall include:

- 8 (1) The committee's name, which shall incorporate the full
9 name of the sponsoring entity, if any. An acronym or
10 abbreviation may be used in other communications if
11 the acronym or abbreviation is commonly known or
12 clearly recognized by the general public. The
13 committee's name shall not include the name of a
14 candidate;
- 15 (2) The committee's address, including web page address,
16 if any;
- 17 (3) The area, scope, or jurisdiction of the committee;
- 18 (4) The name and address of the committee's sponsoring
19 entity. If the committee does not have a sponsoring
20 entity, the committee shall specify the trade,
21 profession, or primary interest of contributors to the
22 committee;



- 1 (5) The name, address, telephone number, occupation, and
2 principal place of business of the chairperson;
- 3 (6) The name, address, telephone number, occupation, and
4 principal place of business of the treasurer and any
5 other officers;
- 6 (7) An indication as to whether the committee was formed
7 to support or oppose a specific ballot question or
8 candidate and, if so, a brief description of the
9 question or the name of the candidate;
- 10 (8) An indication as to whether the committee is a
11 committee for a party;
- 12 (9) The name, address, telephone number, occupation, and
13 principal place of business of the custodian of the
14 books and accounts;
- 15 (10) The name and address of the depository institution in
16 which the committee shall maintain its campaign
17 account and each applicable account number;
- 18 (11) A certification by the chairperson and treasurer of
19 information in the organizational report; and
- 20 (12) The name, address, employer, and occupation of each
21 contributor who contributed an aggregate amount of



1 more than \$100 since the last election and the amount
2 and date of deposit of each such contribution.

3 (b) Any change in information previously reported in the
4 organizational report, with the exception of subsection (a)(12),
5 shall be electronically filed with the commission within ten
6 days of the change being brought to the attention of the
7 committee chairperson or treasurer.

8 **§11-N Treasurer.** (a) Every candidate committee or
9 noncandidate committee shall appoint a treasurer on or before
10 the day it files an organizational report. The following shall
11 be permissible:

- 12 (1) Up to five deputy treasurers may be appointed;
13 (2) A candidate may be appointed as the treasurer or
14 deputy treasurer; and
15 (3) An individual who is not an officer or treasurer may
16 be appointed by the candidate, on a fee or voluntary
17 basis, to specifically prepare and file reports with
18 the commission.

19 (b) A treasurer may resign or be removed at any time.

20 (c) In case of death, resignation, or removal of the
21 treasurer, the candidate, candidate committee, or noncandidate
22 committee shall promptly appoint a successor. During the period



1 the office of treasurer is vacant, the candidate, chairperson,
2 or party chairperson in the case of a party, whichever is
3 applicable, shall serve as treasurer.

4 (d) Only the treasurer and deputy treasurers shall be
5 authorized to receive contributions or make or incur
6 expenditures on behalf of the candidate committee or
7 noncandidate committee.

8 (e) The treasurer shall establish and maintain itemized
9 records showing:

10 (1) The amount of each monetary contribution;

11 (2) The description and value of each nonmonetary
12 contribution; and

13 (3) The name and address of each contributor making a
14 contribution of more than \$25 in value.

15 (f) The treasurer shall maintain detailed accounts, bills,
16 receipts, and other records to establish that reports were
17 properly prepared and filed.

18 (g) The records shall be retained for at least five years
19 after the report is filed.

20 **§11-0 Committee officer restriction.** No candidate
21 committee or noncandidate committee that supports or opposes a
22 candidate shall have an officer who serves as an officer on any



1 other candidate committee or noncandidate committee that
2 supports or opposes the same candidate.

3 **§11-P Termination of candidate committee's or noncandidate**
4 **committee's registration.** A candidate committee or noncandidate
5 committee may terminate its registration if:

6 (1) The candidate committee or noncandidate committee:

7 (A) Files a request for registration termination
8 form;

9 (B) Files a report disclosing contributions and
10 expenditures not previously reported by the
11 committee and the committee has no surplus or
12 deficit; and

13 (C) Mails or delivers to the commission a copy of the
14 committee's closing bank statement;

15 and

16 (2) The request is approved by the commission.

17 **§11-Q Ballot issue committee; contributions and**

18 **expenditures.** (a) A ballot issue committee shall receive
19 contributions or make expenditures only for or against any issue
20 appearing on the ballot at the next applicable election.



1 (b) A ballot issue committee is prohibited from receiving
2 contributions or making expenditures to influence the nomination
3 or election of a candidate to office.

4 (c) A ballot issue committee shall return all surplus
5 funds to the contributors or donate funds to a community
6 service, educational, youth, recreational, charitable,
7 scientific, or literary organization within ninety days after
8 the election for which the issue appeared on the ballot.
9 Surplus funds that are not returned or donated within ninety
10 days after the election for which the issue appeared on the
11 ballot shall escheat to the Hawaii election campaign fund.

12 (d) Every ballot issue committee shall terminate its
13 registration with the commission by filing a termination report
14 to be approved as provided in section 11-P. The termination
15 report shall be filed within ninety days after the election for
16 which the issue appeared on the ballot.

17 E. REPORTING AND FILING WITH THE COMMISSION

18 **§11-R Filing of reports, generally.** (a) Every report
19 required to be filed by a candidate or candidate committee shall
20 be certified to be a true and accurate statement of the
21 committee's activity by the candidate and treasurer.



1 (b) Every report required to be filed by a noncandidate
2 committee shall be certified to be a true and accurate statement
3 of the committee's activity by the chairperson and treasurer.

4 (c) The persons signing the electronic filing form shall
5 certify that the electronically filed reports are true and
6 accurate.

7 (d) All reports required to be filed under this part shall
8 be filed on the commission's electronic filing system.

9 (e) For purposes of this part, whenever a report is
10 required to be filed with the commission, "filed" means that a
11 report shall be filed with the commission's electronic filing
12 system by the date and time specified for the filing of the
13 report by:

14 (1) The candidate or candidate committee of a candidate
15 who is seeking election to the:

- 16 (A) Office of governor;
17 (B) Office of lieutenant governor;
18 (C) Office of mayor;
19 (D) Office of prosecuting attorney;
20 (E) County council;
21 (F) Senate;
22 (G) House of representatives;



1 (H) Office of Hawaiian affairs; or

2 (I) Board of education;

3 or

4 (2) A noncandidate committee required to be registered
5 with the commission pursuant to section 11-K.

6 (f) To be timely filed, a candidate's or committee's
7 reports shall be filed with the commission's electronic filing
8 system on or before 11:59 p.m. Hawaiian standard time on the
9 filing date specified.

10 (g) All reports filed under this part are public records.

11 **§11-S Candidate committee reports.** (a) The candidate and
12 treasurer shall file preliminary, final, and supplemental
13 reports that shall disclose the following information:

14 (1) The candidate committee's name and address;

15 (2) The cash on hand at the beginning of the reporting
16 period and election period;

17 (3) The reporting period and election period aggregate
18 total for each of the following categories:

19 (A) Contributions;

20 (B) Expenditures;

21 (C) Other receipts; and

22 (D) Loans;



1 (4) The cash on hand at the end of the reporting period;
2 and

3 (5) The surplus or deficit at the end of the reporting
4 period.

5 (b) Schedules filed with the reports shall include the
6 following additional information:

7 (1) The amount and date of deposit of each contribution
8 and the name and address of each contributor who makes
9 contributions aggregating more than \$100 in an
10 election period; provided that if all the information
11 is not on file, the contribution shall be returned to
12 the contributor within thirty days of deposit;

13 (2) The amount and date of deposit of each contribution
14 and the name, address, occupation, and employer of
15 each contributor who makes contributions aggregating
16 \$1,000 or more during an election period; provided
17 that if all the information is not on file, the
18 contribution shall be returned to the contributor
19 within thirty days of deposit;

20 (3) All expenditures, including the name and address of
21 each payee and the amount, date, and purpose of each
22 expenditure. Expenditures for consultants,



1 advertising agencies and similar firms, credit card
2 payments, salaries, and candidate reimbursements shall
3 be itemized to permit a reasonable person to determine
4 the ultimate intended recipient of the expenditure and
5 its purpose;

6 (4) The amount, date of deposit, and description of other
7 receipts and the name and address of the source of
8 each of the other receipts;

9 (5) Information about each loan received by the committee,
10 together with the names and addresses of the lender
11 and each person liable, and amount of each loan. A
12 copy of the executed loan document shall be received
13 by the commission by mail or delivery on or before the
14 filing date for the report covering the reporting
15 period when the loan was received. The document shall
16 contain the terms of the loan, including the interest
17 and repayment schedule. Failure to disclose the loan
18 or to provide documentation of the loan to the
19 commission shall cause the loan to be treated as a
20 contribution, subject to all relevant provisions of
21 this part;



1 (6) A description of each durable asset, the date of
2 acquisition, value at the time of acquisition, and the
3 name and address of the vendor or contributor of the
4 asset; and

5 (7) The date of disposition of each durable asset, value
6 at the time of disposition, the method of disposition,
7 and the name and address of the person receiving the
8 asset.

9 (c) The candidate committee shall file a late contribution
10 report as provided in section 11-X if the committee receives
11 late contributions from any person aggregating more than \$500.

12 **§11-T Time for candidate committee to file preliminary,**
13 **final, and supplemental reports.** (a) The candidate and
14 treasurer of the candidate committee of each candidate whose
15 name shall appear on the ballot in the immediately succeeding
16 election shall file preliminary, final, and supplemental
17 reports.

18 (1) The filing dates for preliminary reports are:

19 (A) July 31 of the election year;

20 (B) Ten calendar days prior to a primary, first
21 special, or first nonpartisan election; and



1 (C) Ten calendar days prior to a general, second
2 special, or second nonpartisan election; provided
3 that this preliminary report does not need to be
4 filed by a candidate who is unsuccessful in a
5 primary, first special, or first nonpartisan
6 election or a candidate who is elected to office
7 in the primary, first special, or first
8 nonpartisan election.

9 Each preliminary report shall be current through June
10 30 for the report filed on July 31 and current through
11 the fifth calendar day before the filing deadline of
12 other preliminary reports;

13 (2) The filing date for the final primary report is twenty
14 calendar days after a primary, first special, or first
15 nonpartisan election. The report shall be current
16 through the day of the applicable election;

17 (3) The filing date for the final election period report
18 is thirty calendar days after a general, second
19 special, or second nonpartisan election. The report
20 shall be current through the day of the applicable
21 election. The final election period report shall be
22 filed by a candidate who is unsuccessful in a primary,



1 first special, or first nonpartisan election or a
2 candidate who is elected to office in the primary,
3 first special, or first nonpartisan election; and

4 (4) The filing dates for supplemental reports are:

5 (A) January 31 after an election year; and

6 (B) July 31 after an election year.

7 The report shall be current through December 31 for the report
8 filed on January 31 and current through June 30 for the report
9 filed on July 31.

10 (b) A candidate and treasurer of the candidate committee
11 of each candidate with a deficit or surplus whose name will not
12 appear on the ballot in the immediately succeeding election
13 shall file a supplemental report every six months on January 31
14 and July 31 until:

15 (1) The candidate's name appears on the ballot and then is
16 subject to the reporting requirements in subsection

17 (a); or

18 (2) The committee's registration is terminated as provided
19 in section 11-P.

20 The report shall be current through December 31 for the report
21 filed on January 31 and current through June 30 for the report
22 filed on July 31.



1 (c) A candidate and treasurer of the candidate committee
2 of each candidate shall continue to file all reports until the
3 committee's registration is terminated as provided in section
4 11-P.

5 **§11-U Noncandidate committee reports.** (a) The
6 chairperson and treasurer in the case of a party, or treasurer
7 in the case of a noncandidate committee that is not a party,
8 shall file preliminary, final, and supplemental reports that
9 disclose the following information:

- 10 (1) The noncandidate committee's name and address;
- 11 (2) The cash on hand at the beginning of the reporting
12 period and election period;
- 13 (3) The reporting period and election period aggregate
14 total for each of the following categories:
- 15 (A) Contributions;
- 16 (B) Expenditures; and
- 17 (C) Other receipts;
- 18 (4) The cash on hand at the end of the reporting period;
19 and
- 20 (5) The surplus or deficit at the end of the reporting
21 period.



1 (b) Schedules filed with the reports shall include the
2 following additional information:

3 (1) The amount and date of deposit of each contribution
4 and the name, address, occupation, and employer of
5 each contributor making a contribution aggregating
6 more than \$100 during an election period, which was
7 not previously reported; provided that if all the
8 information is not on file, the contribution shall be
9 returned to the contributor within thirty days of
10 deposit;

11 (2) All expenditures, including the name and address of
12 each payee and the amount, date, and purpose of each
13 expenditure. Expenditures for consultants,
14 advertising agencies and similar firms, credit card
15 payments, and salaries, shall be itemized to permit a
16 reasonable person to determine the ultimate intended
17 recipient of the expenditure and its purpose;

18 (3) The amount, date of deposit, and description of other
19 receipts and the name and address of the source of
20 each of the other receipts;

21 (4) A description of each durable asset, the date of
22 acquisition, value at the time of acquisition, and the



1 name and address of the vendor or contributor of the
2 asset; and

3 (5) The date of disposition of a durable asset, value at
4 the time of disposition, method of disposition, and
5 name and address of the person receiving the asset.

6 (c) No loan may be made or received by a noncandidate
7 committee.

8 (d) The authorized person in the case of a party, or
9 treasurer in the case of a noncandidate committee that is not a
10 party, shall file a late contribution report as provided in
11 section 11-X if the committee receives late contributions from
12 any person aggregating more than \$500, or makes late
13 contributions aggregating more than \$500.

14 **§11-V Time for noncandidate committee to file preliminary,**
15 **final, and supplemental reports.** (a) The filing dates for
16 preliminary reports are:

17 (1) Ten calendar days prior to a primary, first special,
18 or first nonpartisan election; and

19 (2) Ten calendar days prior to a general, second special,
20 or second nonpartisan election.

21 Each preliminary report shall be current through the fifth
22 calendar day prior to the filing deadline of the report.



1 (b) The filing date for the final primary report is twenty
2 calendar days after the primary, first special, or first
3 nonpartisan election. The report shall be current through the
4 day of the applicable election.

5 (c) The filing date for the final election period report
6 is thirty calendar days after a general, second special, or
7 second nonpartisan election. The report shall be current
8 through the day of the applicable election.

9 (d) The filing dates for supplemental reports are:

10 (1) January 31 after an election year; and

11 (2) July 31 after an election year.

12 The report shall be current through December 31 for the report
13 filed on January 31 and current through June 30 for the report
14 filed on July 31.

15 (e) The chairperson and treasurer in the case of a party,
16 or treasurer in the case of any other noncandidate committee
17 shall continue to file all reports until the committee's
18 registration is terminated as provided in section 11-P.

19 **§11-W Reporting expenditures.** For purposes of this part,
20 an expenditure is deemed to be made or incurred when the
21 services are rendered or the product is delivered. Services
22 rendered or products delivered for use during a reporting period



1 are deemed delivered or rendered during the period or periods of
2 use; provided that these expenditures shall be reasonably
3 allocated between periods in accordance with the time the
4 services or products are actually used.

5 **§11-X Late contributions; report.** (a) The candidate,
6 authorized person in the case of a noncandidate committee that
7 is a party, or treasurer in the case of a candidate committee or
8 other noncandidate committee, that within the period of fourteen
9 calendar days through four calendar days prior to any election,
10 makes contributions aggregating more than \$500, or receives
11 contributions from any person aggregating more than \$500, shall
12 file a late contribution report on or before the third calendar
13 day prior to the election.

14 (b) The late contribution report shall include the
15 following information:

16 (1) Name, address, occupation, and employer of the
17 contributor;

18 (2) Name of the candidate, candidate committee, or
19 noncandidate committee making or receiving the
20 contribution;

21 (3) The amount of the contribution;



1 (4) The contributor's aggregate contributions to the
2 candidate, candidate committee, or noncandidate
3 committee; and

4 (5) The purpose, if any, to which the contribution shall
5 be applied.

6 (c) A late contribution report filed pursuant to this
7 section shall be in addition to any other report required to be
8 filed by this part.

9 **§11-Y Final election period report for candidate committee**
10 **or noncandidate committee receiving and expending \$1,000 or less**
11 **during the election period.** (a) Any provision of law to the
12 contrary notwithstanding, a candidate committee or noncandidate
13 committee whose aggregate contributions and aggregate
14 expenditures for the election period total \$1,000 or less, shall
15 electronically file only a final election period report, and
16 need not file a preliminary and final primary report, a
17 preliminary and final general report, a preliminary and final
18 first special report, a preliminary and final second special
19 report, a preliminary and final first nonpartisan report, and a
20 preliminary and final second nonpartisan report.

21 (b) Until the candidate committee's or noncandidate
22 committee's registration is terminated as provided in section



1 11-P, supplemental reports and other reports required by this
2 part shall be filed.

3 **§11-Z Failure to file report; filing a substantially**
4 **defective or deficient report.** (a) True and accurate reports
5 shall be filed with the commission on or before the due dates
6 specified in this part. The commission may assess a fine
7 against a candidate committee or noncandidate committee that is
8 required to file a report under this part if the report is not
9 filed by the due date or if the report is substantially
10 defective or deficient, as determined by the commission.

11 (b) The fine for not filing a report by the due date, if
12 assessed, shall not exceed \$50 per day for the first seven days,
13 beginning with the day after the due date of the report, and
14 shall not exceed \$200 per day thereafter; provided that:

15 (1) In aggregate, the fine shall not exceed twenty-five
16 per cent of the total amount of contributions or
17 expenditures, whichever is greater, for the period
18 covered by the report; and

19 (2) The minimum fine for a report filed more than four
20 days after the due date, if assessed, shall be \$200.

21 (c) Subsection (b) notwithstanding, if a candidate
22 committee does not file the second preliminary primary report or



1 the preliminary general report, or if a noncandidate committee
2 does not file the preliminary primary report or the preliminary
3 general report by the due date, the fine, if assessed, shall not
4 exceed \$300 per day; provided that:

5 (1) In aggregate, the fine shall not exceed twenty-five
6 per cent of the total amount of contributions or
7 expenditures, whichever is greater, for the period
8 covered by the report; and

9 (2) The minimum fine, if assessed, shall be \$300.

10 (d) If the commission determines that a report is
11 substantially defective or deficient, the commission shall
12 notify the candidate committee by first class mail that:

13 (1) The report is substantially defective or deficient;
14 and

15 (2) A fine may be assessed.

16 (e) If the corrected report is not filed with the
17 commission's electronic filing system on or before the
18 fourteenth day after the notice of deficiency or defect has been
19 mailed, the fine, if assessed, for a substantially defective or
20 deficient report shall not exceed \$50 per day for the first
21 seven days, beginning with the fifteenth day after the notice



1 was sent, and shall not exceed \$200 per day thereafter; provided
2 that:

3 (1) In aggregate, the fine shall not exceed twenty-five
4 per cent of the total amount of contributions or
5 expenditures, whichever is greater, for the period
6 covered by the report; and

7 (2) The minimum fine for not filing a corrected report
8 more than eighteen days after the notice, if assessed,
9 shall be \$200.

10 (f) The commission shall publish on its website the names
11 of all candidate committees that have failed to:

12 (1) File a report; or

13 (2) Correct a report within the time allowed by the
14 commission.

15 (g) All fines collected under this section shall be
16 deposited into the general fund.

17 **§11-AA Electioneering communications; statement of**

18 **information.** (a) Each person who makes a disbursement for
19 electioneering communications in an aggregate amount of more
20 than \$2,000 during any calendar year shall file with the
21 commission a statement of information within twenty-four hours
22 of each disclosure date provided in this section.



1 (b) Each statement of information shall contain the
2 following:

3 (1) The name of the person making the disbursement, name
4 of any person or entity sharing or exercising
5 discretion or control over such person, and the
6 custodian of the books and accounts of the person
7 making the disbursement;

8 (2) The state of incorporation and principal place of
9 business or, for an individual, the address of the
10 person making the disbursement;

11 (3) The amount of each disbursement during the period
12 covered by the statement and the identification of the
13 person to whom the disbursement was made;

14 (4) The elections to which the electioneering
15 communications pertain and the names, if known, of the
16 candidates identified or to be identified;

17 (5) If the disbursements were made by a candidate
18 committee or noncandidate committee, the names and
19 addresses of all persons who contributed to the
20 candidate committee or noncandidate committee for the
21 purpose of publishing or broadcasting the
22 electioneering communications;



1 (6) If the disbursements were made by an organization
2 other than a candidate committee or noncandidate
3 committee, the names and addresses of all persons who
4 contributed to the organization for the purpose of
5 publishing or broadcasting the electioneering
6 communications; and

7 (7) Whether or not any electioneering communication is
8 made in coordination, cooperation, or concert with or
9 at the request or suggestion of any candidate,
10 candidate committee, or noncandidate committee, or
11 agent of any candidate if any, and if so, the
12 identification of the candidate, candidate committee
13 or noncandidate committee, or agent involved.

14 (c) For purposes of this section:

15 "Disclosure date" means, for every calendar year, the first
16 date by which a person has made disbursements during that same
17 year of more than \$2,000, in the aggregate for electioneering
18 communications, and the date of any subsequent disbursements by
19 that person for electioneering communications.

20 "Electioneering communication" means any advertisement that
21 is broadcast from a cable, satellite, television, or radio



1 broadcast station; published in any periodical or newspaper; or
2 sent by mail at a bulk rate, and that:

- 3 (1) Refers to a clearly identifiable candidate;
- 4 (2) Is made, or scheduled to be made, either within thirty
5 days prior to a primary or initial special election or
6 within sixty days prior to a general or special
7 election; and
- 8 (3) Is not susceptible to any reasonable interpretation
9 other than as an appeal to vote for or against a
10 specific candidate.

11 "Electronic communication" shall not include
12 communications:

- 13 (1) In a news story or editorial disseminated by any
14 broadcast station or publisher of periodicals or
15 newspapers, unless the facilities are owned or
16 controlled by any candidate, candidate committee, or
17 noncandidate committee;
- 18 (2) That constitute expenditures by the disbursing
19 organization;
- 20 (3) In house bulletins; or



1 (4) That constitute a candidate debate or forum, or solely
2 promote a debate or forum and are made by or on behalf
3 of the person sponsoring the debate or forum.

4 (d) For purposes of this section, a person shall be
5 treated as having made a disbursement if the person has executed
6 a contract to make the disbursement.

7 **§11-BB Fundraiser; notice of intent.** (a) No fundraiser
8 shall be held unless a notice of intent to hold the fundraiser
9 is filed setting forth the name and address of the person in
10 charge, the price per person, the date, hour, and place of the
11 fundraiser, and the method thereof.

12 (b) The person in charge of the fundraiser shall file the
13 notice with the commission prior to the fundraiser.

14 **§11-CC Reporting deadline.** When any reporting deadline
15 falls on a Saturday, Sunday, or holiday designated in section 8-
16 1, the reporting deadline shall be the next succeeding day that
17 is not a Saturday, Sunday, or holiday.

18 **§11-DD Sale or use of information.** No information in the
19 reports or copies of the reports filed with the commission shall
20 be sold or used by any person for the purpose of soliciting
21 contributions or for any commercial purpose.

22 F. CONTRIBUTIONS; PROHIBITIONS; LIMITS



1 **§11-EE Contributions, generally.** (a) Monetary
2 contributions and other campaign funds shall be promptly
3 deposited in a depository institution, as defined by section
4 412:1-109, duly authorized to do business in the state,
5 including a bank, savings bank, savings and loan association,
6 depository financial services loan company, credit union, intra-
7 Pacific bank, or similar financial institution, the deposits or
8 accounts of which are insured by the Federal Deposit Insurance
9 Corporation or the National Credit Union Administration in the
10 name of the candidate, candidate committee, or noncandidate
11 committee, whichever is applicable.

12 (b) A candidate, candidate committee, or noncandidate
13 committee, shall not accept a contribution of more than \$100 in
14 cash from a single person without issuing a receipt to the
15 contributor and keeping a record of the contribution.

16 (c) Each candidate committee or noncandidate committee
17 shall disclose the original source of all earmarked funds, the
18 ultimate recipient of the earmarked funds, and the fact that the
19 funds are earmarked.

20 **§11-FF False name contributions prohibited.** (a) No
21 person shall make a contribution to any candidate, candidate



1 committee, or noncandidate committee, in any name other than
2 that of the person who owns the money, property, or service.

3 (b) All contributions made in the name of a person other
4 than the owner of the money, property, or service shall escheat
5 to the Hawaii election campaign fund.

6 **§11-GG Anonymous contributions prohibited.** (a) Except as
7 provided in subsection (d), no person shall make an anonymous
8 contribution to any candidate, candidate committee, or
9 noncandidate committee.

10 (b) A candidate, candidate committee, or noncandidate
11 committee shall not knowingly receive, accept, or retain an
12 anonymous contribution, or report such contribution as an
13 anonymous contribution, except as provided in this section.

14 (c) An anonymous contribution shall not be used or
15 expended by the candidate, candidate committee, or noncandidate
16 committee, but shall be returned to the contributor. If the
17 contributor cannot be identified, the contribution shall escheat
18 to the Hawaii election campaign fund.

19 (d) This section shall not apply to amounts that aggregate
20 to less than \$500 that are received from ten or more persons at
21 the same political function. The receipt of these contributions



1 shall be disclosed in a report filed pursuant to sections 11-S
2 and 11-U.

3 **§11-HH Fundraising on state or county property prohibited.**

4 (a) Except as provided in subsection (b), no person shall
5 solicit contributions in a government facility that is used for
6 the discharge of official duties by an officer or employee of
7 the State or county.

8 (b) The prohibition shall not apply to any government
9 facility that permits use by nongovernmental organizations for a
10 fee or with reservations; provided that the government
11 facility's use rules do not prohibit political activities on the
12 premises. Government facilities that permit use for political
13 activities shall be available to a candidate, candidate
14 committee, or noncandidate committee for fundraising activities
15 pursuant to the same terms and conditions that would otherwise
16 apply to use by nongovernmental organizations.

17 (c) A person who violates the prohibition of fundraising
18 on state or county property shall be guilty of a misdemeanor.

19 **§11-II Contributions by state and county contractors**

20 **prohibited.** (a) It shall be unlawful for any person who enters
21 into any contract with the State, any of its counties, or any
22 department or agency thereof either for the rendition of



1 personal services, the buying of property, or furnishing of any
2 material, supplies, or equipment to the State, any of its
3 counties, department or agency thereof, or for selling any land
4 or building to the State, any of its counties, or any department
5 or agency thereof, if payment for the performance of the
6 contract or payment for material, supplies, equipment, land,
7 property, or building is to be made in whole or in part from
8 funds appropriated by the legislative body, at any time between
9 the execution of the contract through the completion of the
10 contract, to:

11 (1) Directly or indirectly make any contribution, or
12 promise expressly or impliedly to make any
13 contribution to any candidate committee or
14 noncandidate committee, or to any candidate or to any
15 person for any political purpose or use; or

16 (2) Knowingly solicit any contribution from any person for
17 any purpose during any period.

18 (b) Except as provided in subsection (a), this section
19 does not prohibit or make unlawful the establishment or
20 administration of, or the solicitation of contributions to, any
21 noncandidate committee by any person other than the state or



1 county contractor for the purpose of influencing the nomination
2 for election, or the election of any person to office.

3 (c) For purposes of this section, "completion of the
4 contract" means that the parties to the government contract have
5 either terminated the contract prior to completion of
6 performance or fully performed the duties and obligations under
7 the contract, no disputes relating to the performance and
8 payment remain under the contract, and all disputed claims have
9 been adjudicated and are final.

10 **§11-JJ Contributions by foreign national or foreign**
11 **corporation prohibited.** (a) Except as provided in subsection
12 (b), no contributions or expenditures shall be made to or on
13 behalf of a candidate, candidate committee, or noncandidate
14 committee, by a foreign national or foreign corporation,
15 including a domestic subsidiary of a foreign corporation, a
16 domestic corporation that is owned by a foreign national, or a
17 local subsidiary where administrative control is retained by the
18 foreign corporation, and in the same manner prohibited under 2
19 United States Code Section 441e and 11 Code of Federal
20 Regulations 110.20, as amended.

21 (b) A foreign-owned domestic corporation may make
22 contributions if:



1 (1) Foreign national individuals do not participate in
2 election-related activities, including decisions
3 concerning contributions or the administration of a
4 candidate committee or noncandidate committee; and

5 (2) The contributions are domestically-derived.

6 **§11-KK Contributions to candidate committees; limits.** (a)

7 No person, including a noncandidate committee, shall make
8 contributions to:

9 (1) A candidate seeking nomination or election to a two-
10 year office or to a candidate committee in an
11 aggregate amount greater than \$2,000 during an
12 election period;

13 (2) A candidate seeking nomination or election to a four-
14 year nonstatewide office or to a candidate committee
15 in an aggregate amount greater than \$4,000 during an
16 election period; or

17 (3) A candidate seeking nomination or election to a four-
18 year statewide office or to a candidate committee in
19 an aggregate amount greater than \$6,000 during an
20 election period.

21 (b) For purposes of this section, the length of term of an
22 office shall be the usual length of term of the office as



1 unaffected by reapportionment, a special election to fill a
2 vacancy, or any other factor causing the term of the office the
3 candidate is seeking to be less than the usual length of term of
4 that office.

5 (c) No person shall make contributions to a noncandidate
6 committee in an aggregate amount greater than \$1,000 in an
7 election. This subsection shall not apply to ballot issue
8 committees.

9 (d) For purposes of this section, "company" means a
10 corporation, partnership, limited liability company, limited
11 liability partnership, financial institution, or any other
12 entity engaged in business.

13 **§11-LL Family contributions.** (a) A contribution by a
14 dependent minor shall be reported in the name of the minor but
15 included in the aggregate contributions of the minor's parent or
16 guardian.

17 (b) A contribution by the candidate's immediate family
18 shall be exempt from section 11-KK; provided that the aggregate
19 amount of loans and contributions received from the candidate's
20 immediate family does not exceed \$50,000 during an election
21 period.



1 **§11-MM Contributions to a party.** (a) No person shall
2 make contributions to a party in an aggregate amount greater
3 than \$25,000 in any two-year election period, except as provided
4 in subsection (b).

5 (b) No political committee established and maintained by a
6 national political party shall make contributions to a party in
7 an aggregate amount greater than \$50,000 in any two-year
8 election period.

9 (c) If a person makes a contribution to a party that is
10 earmarked for a candidate or candidates, the contribution shall
11 be deemed to be a contribution from both the original
12 contributor and the party distributing such funds to a candidate
13 or candidates. The earmarked funds shall be promptly
14 distributed by the party to the candidate.

15 (d) This section shall not prohibit a candidate from
16 making contributions to the candidate's party if contributions
17 are not earmarked for another candidate.

18 **§11-NN Aggregation of contributions and expenditures.** (a)
19 All contributions and expenditures of a person whose
20 contributions or expenditures are financed, maintained, or
21 controlled by any corporation, labor organization, association,
22 party, or any other person, including any parent, subsidiary,



1 branch, division, department, or local unit of the corporation,
2 labor organization, association, party, political committees
3 established and maintained by a national political party, or by
4 any group of those persons shall be considered to be made by a
5 single person.

6 (b) A contribution by a partnership shall not exceed the
7 limitations in this section and shall be attributed to the
8 partnership and to each partner in direct proportion to the
9 partner's share of the partnership profits, according to
10 instructions that shall be provided by the partnership to the
11 party, candidate, candidate committee, or noncandidate committee
12 receiving the contribution.

13 (c) A contribution by a limited liability company shall be
14 treated as follows:

15 (1) A contribution by a limited liability company that is
16 treated as a partnership by the Internal Revenue
17 Service shall be considered a contribution from a
18 partnership;

19 (2) A contribution by a limited liability company that is
20 treated as a corporation by the Internal Revenue
21 Service shall be considered a contribution from a
22 corporation; and



1 (3) A contribution by a limited liability company with a
2 single individual member that is not treated as a
3 corporation by the Internal Revenue Service shall be
4 attributed only to that single individual member. A
5 limited liability company that makes a contribution
6 shall, at the time the limited liability company makes
7 the contribution, provide information to the party,
8 noncandidate committee, or candidate committee
9 receiving the contribution specifying how the
10 contribution is to be attributed.

11 (d) A person's contribution to a party that is earmarked
12 for a candidate or candidates shall be included in the aggregate
13 contributions of both the person and the party. The earmarked
14 funds shall be promptly distributed by the party to the
15 candidate.

16 (e) A contribution by a dependent minor shall be reported
17 in the name of the minor but included in the aggregate
18 contributions of the minor's parent or guardian.

19 **§11-00 Contributions limited from nonresident persons.**

20 (a) Contributions from all persons who are not residents of the
21 state at the time the contributions are made, shall not exceed



1 thirty per cent of the total contributions received by a
2 candidate or candidate committee for each election period.

3 (b) This section shall not be applicable to contributions
4 from the candidate's immediate family.

5 **§11-PP Coordination of contributions and expenditures.**

6 (a) Expenditures or disbursements for electioneering
7 communications as defined in section 11-AA, or any other
8 coordinated activity made by any person for the benefit of a
9 candidate in cooperation, consultation, or concert with, or at
10 the request or suggestion of, a candidate, a candidate
11 committee, or their agents, shall be considered to be a
12 contribution to the candidate and expenditure by the candidate.

13 The financing by any person of the dissemination,
14 distribution, or republication, in whole or in part, of any
15 broadcast or any written or other campaign materials prepared by
16 the candidate, candidate committee, or agents shall be
17 considered to be a contribution to the candidate.

18 This subsection shall not apply to candidates for governor
19 or lieutenant governor supporting a co-candidate in the general
20 election.

21 (b) No expenditure for a candidate who files an affidavit
22 with the commission agreeing to limit aggregate expenditures by



1 the candidate, including coordinated activity by any person,
2 shall be made or incurred by a candidate committee or
3 noncandidate committee without authorization of the candidate or
4 the candidate's authorized representative. Every expenditure so
5 authorized and made or incurred shall be attributed to the
6 candidate with whom the candidate committee or noncandidate
7 committee is directly associated for the purpose of imposing the
8 expenditure limitations set forth in section 11-000.

9 (c) For purposes of this section, "coordinated activity"
10 means:

11 (1) The payment by any person in cooperation,
12 consultation, or concert with, at the request of, or
13 pursuant to, any general or particular understanding
14 with a candidate, candidate committee, the party of a
15 candidate, or an agent of a candidate, candidate
16 committee, or the party of a candidate;

17 (2) The payment by any person for the production,
18 dissemination, distribution, or republication of any
19 written, graphic, or other form of campaign material,
20 in whole or in part, prepared by a candidate,
21 candidate committee, or noncandidate committee, or an



1 agent of a candidate, candidate committee, or
2 noncandidate committee; or
3 (3) Any payment by any person or contract for any
4 electioneering communication, as defined in section
5 11-AA, where the payment is coordinated with a
6 candidate, candidate committee, the party of the
7 candidate, or an agent of a candidate, candidate
8 committee, or the party of the candidate.

9 **§11-QQ Excess contribution; return; escheat.** (a) Any
10 candidate, candidate committee, or noncandidate committee that
11 receives in the aggregate more than the applicable contribution
12 limit in sections 11-KK, 11-LL, 11-MM, and 11-NN shall return
13 any excess contribution to the contributor within thirty days of
14 receipt of the excess contribution. Any excess contribution not
15 returned to the contributor within thirty days shall escheat to
16 the Hawaii election campaign fund.

17 (b) A candidate, candidate committee, or noncandidate
18 committee who complies with this section prior to the initiation
19 of administrative action shall not be subject to any fine under
20 section 11-JJJ.

21 G. LOANS



1 **§11-RR Loan to candidate committee.** (a) A candidate or
2 candidate committee may receive a loan from any or all of the
3 following:

4 (1) The candidate's own funds;

5 (2) A financial institution regulated by the State or a
6 federally chartered depository institution and made in
7 accordance with applicable law in the ordinary course
8 of business;

9 (3) The candidate's immediate family in an aggregate
10 amount not to exceed \$50,000 during an election
11 period; provided that the aggregate amount of loans
12 and contributions received from the immediate family
13 shall not exceed \$50,000 during an election period;
14 and

15 (4) Persons other than immediate family of the candidate
16 in an aggregate amount not to exceed \$10,000 during an
17 election period; provided that:

18 (A) If the \$10,000 limit for loans from persons other
19 than the immediate family is reached, the
20 candidate and candidate committee shall be
21 prohibited from receiving or accepting any other
22 loans until the \$10,000 is repaid in full; and



1 (B) If a loan from persons other than the immediate
2 family is not repaid within one year of the date
3 that the loan is made, the candidate and
4 candidate committee shall be prohibited from
5 accepting any other loans. All campaign funds,
6 including contributions subsequently received,
7 shall be used to repay the outstanding loan in
8 full.

9 (b) For purposes of this section, a "loan" does not
10 include expenditures made on behalf of a candidate committee by
11 a candidate, volunteer, or employee if:

12 (1) The candidate's, volunteer's, or employee's aggregate
13 expenditures do not exceed \$1,500 within a thirty-day
14 period;

15 (2) A dated receipt is provided with a written description
16 of the name and address of each payee and the amount,
17 date, and purpose of each expenditure is provided to
18 the candidate committee before the candidate committee
19 reimburses the candidate, volunteer, or employee; and

20 (3) The candidate committee reimburses the candidate,
21 volunteer, or employee within forty-five days of the
22 expenditures being made.



1 **§11-SS Reporting loan; written loan agreement.** (a) Every
2 loan shall be reported as provided in section 11-S.

3 (b) Every loan in excess of \$100 shall be documented as
4 provided in section 11-S.

5 (c) A loan shall be treated as a contribution, subject to
6 all relevant provisions of this part, if the loan is not
7 reported or documented as provided in section 11-S.

8 **§11-TT Noncandidate committee loan prohibited.** A
9 noncandidate committee shall not receive or make a loan.

10 H. EXPENDITURES

11 **§11-UU Campaign funds only used for certain purposes.** (a)
12 Campaign funds may be used by a candidate, treasurer, or
13 candidate committee:

14 (1) For any purpose directly related:

15 (A) In the case of the candidate, to the candidate's
16 own campaign; or

17 (B) In the case of a candidate committee or treasurer
18 of a candidate committee, to the campaign of the
19 candidate, question, or issue with which they are
20 directly associated;

21 (2) To purchase or lease consumer goods, vehicles,
22 equipment, and services that provide a mixed benefit



1 to the candidate. The candidate, however, shall
2 reimburse the candidate committee for the candidate's
3 personal use unless the personal use is de minimis;

4 (3) To make donations to any community service,
5 educational, youth, recreational, charitable,
6 scientific, or literary organization; provided that in
7 any election period, the total amount of all
8 contributions shall be no more than twice the maximum
9 amount that one person may contribute to that
10 candidate pursuant to section 11-KK; provided further
11 that no contributions shall be made from the date the
12 candidate files nomination papers to the date of the
13 general election;

14 (4) To make donations to any public school or library;
15 provided that in any election period, the total amount
16 of all donations shall be no more than twice the
17 maximum amount that one person may contribute to that
18 candidate pursuant to section 11-KK and no donations
19 shall be made from the date the candidate files
20 nomination papers to the date of the general election;
21 provided further that any donation under this
22 paragraph shall not be aggregated with or imputed



1 toward any limitation on donations pursuant to
2 paragraph (3);

3 (5) To purchase not more than two tickets for each event
4 held by another candidate or candidate committee,
5 whether or not the event constitutes a fundraiser as
6 defined in section 11-C;

7 (6) To make contributions to the candidate's party so long
8 as the contributions are not earmarked for another
9 candidate; or

10 (7) To pay for ordinary and necessary expenses incurred in
11 connection with the candidate's duties as a holder of
12 an office.

13 (b) Campaign funds may be used for the candidate's next
14 subsequent election upon registration for the election pursuant
15 to section 11-K.

16 **§11-VV Prohibited uses of campaign funds.** Campaign funds
17 shall not be used:

18 (1) To support the campaigns of candidates other than the
19 candidate with which they are directly associated;

20 (2) To campaign against any other candidate not directly
21 opposing the candidate with which they are directly
22 associated; or



1 (3) For personal expenses.

2 **§11-WW Exceptions.** Notwithstanding sections 11-UU and 11-
3 VV:

4 (1) A party may support more than one candidate; and

5 (2) A candidate for the office of governor or lieutenant
6 governor may support a co-candidate in the general
7 election.

8 **§11-XX Disposition of campaign funds; termination of**

9 **registration.** (a) The candidate committee and candidate who
10 receives contributions for an election but fails to file
11 nomination papers for that election shall return residual funds
12 to the contributors no later than ninety days after the date on
13 which nominations for that election shall be filed. Funds not
14 returned to contributors shall escheat to the Hawaii election
15 campaign fund.

16 (b) The candidate committee and candidate who withdraws or
17 ceases to be a candidate for the election because of death,
18 disqualification, or other reasons shall return residual funds
19 to the contributors no later than ninety days after the
20 candidate ceases to be a candidate. Funds not returned to
21 contributors shall escheat to the Hawaii election campaign fund.



1 (c) A candidate who is elected to office, including a
2 candidate subject to term limits and a candidate who resigned
3 before the end of the term of office and the candidate committee
4 of such a candidate, may use campaign funds as provided in
5 section 11-VV or return campaign funds to contributors until
6 four years from the date of the election for which the campaign
7 funds were received. Campaign funds that are not used or
8 returned to contributors shall escheat to the Hawaii election
9 campaign fund.

10 (d) A candidate who loses in an election and the candidate
11 committee of such a candidate may use campaign funds as provided
12 in section 11-VV or return funds to contributors until one year
13 from the date of the election for which the campaign funds were
14 received. Funds that are not used or returned to contributors
15 shall escheat to the Hawaii election campaign fund.

16 (e) A candidate committee that disposes of campaign funds
17 pursuant to this section shall terminate registration with the
18 commission as provided in section 11-P.

19 (f) Notwithstanding any of the foregoing, campaign funds
20 may be used for the candidate's next subsequent election as
21 provided in section 11-VV upon registration for the election
22 pursuant to section 11-K.



1 (g) The commission shall adopt rules pursuant to chapter
2 91 to carry out the purposes of this section.

3 I. ADVERTISEMENTS

4 **§11-YY Advertisements.** (a) Any advertisement shall
5 contain:

6 (1) The name and address of the candidate, candidate
7 committee, noncandidate committee, or other person
8 paying for the advertisement; and

9 (2) A notice in a prominent location stating either that:

10 (A) The advertisement is published, broadcast,
11 televised, or circulated with the approval and
12 authority of the candidate; provided that an
13 advertisement paid for by a candidate, candidate
14 committee, or ballot issue committee does not
15 need to include the notice; or

16 (B) The advertisement is published, broadcast,
17 televised, or circulated without the approval and
18 authority of the candidate.

19 (b) The fine for violation of this section, if assessed by
20 the commission, shall not exceed \$25 for each advertisement that
21 lacks the information required by this section, and shall not
22 exceed an aggregate amount of \$5,000.



1 **§11-BBB Filing of complaint.** (a) A person alleging
2 violations of this part shall file a complaint with the
3 commission.

4 (b) A complaint initiated by the commission shall be in
5 writing and signed by the executive director.

6 (c) A complaint by a person other than the executive
7 director shall be in writing, signed by the person filing the
8 complaint, and notarized.

9 **§11-CCC Notice of complaint; opportunity to explain or**
10 **respond to complaint.** (a) The commission shall give notice of
11 receipt of the complaint and a copy of the complaint to the
12 respondent.

13 (b) The respondent may explain or otherwise respond in
14 writing to the complaint and explain or otherwise respond to the
15 complaint at a meeting promptly noticed by the commission and
16 conducted under chapter 92.

17 **§11-DDD Initial determination by the commission.** The
18 commission shall promptly determine, without regard to chapter
19 91, to:

- 20 (1) Summarily dismiss the complaint;
21 (2) Investigate further;
22 (3) Make a preliminary determination; or



1 (4) Refer the complaint to an appropriate prosecuting
2 attorney for prosecution under section 11-KKK.

3 **§11-EEE Preliminary determination regarding probable**
4 **cause.** (a) Upon hearing the response, if the respondent
5 explains or otherwise responds to the complaint, and upon
6 completion of any investigation, the commission may make a
7 prompt preliminary determination as to whether probable cause
8 exists that a violation of this part has been committed. The
9 preliminary determination with findings of fact and conclusions
10 of law shall be served upon the respondent by certified mail.

11 (b) The respondent shall be afforded an opportunity to
12 contest the commission's preliminary determination of probable
13 cause by making a request for a contested case hearing under
14 chapter 91 within twenty days of receipt of the preliminary
15 determination. Failure to request a contested case hearing
16 shall render the commission's preliminary determination final.

17 **§11-FFF Waiver of further proceedings.** The commission may
18 waive further proceedings due to action the respondent takes to
19 remedy or correct the alleged violation, including the payment
20 of any administrative fine. The commission shall make the
21 remedial or corrective action taken by the respondent, the
22 commission's decision in light of the action to waive further



1 proceedings, and the commission's justification for its
2 decision, a part of the public record.

3 **§11-GGG Contested case hearing.** (a) A contested case
4 hearing shall be conducted pursuant to chapter 91 and any rules
5 adopted by the commission, except as provided in this section.

6 (b) If a hearing is held before the commission or a
7 hearings officer, the commission or hearings officer shall not
8 be bound by strict rules of evidence when conducting a hearing
9 to determine whether a violation of this part has occurred, and
10 the degree or quantum of proof required shall be a preponderance
11 of the evidence.

12 (c) The commission or hearings officer, if there is no
13 dispute as to the facts involved in a particular matter, may
14 permit the parties to proceed by memoranda of law in lieu of a
15 hearing unless the procedure would unduly burden any party or is
16 otherwise not conducive to the ends of justice.

17 (d) A record shall be made of the proceeding.

18 (e) All parties shall be afforded full opportunity to
19 present evidence and argument on all issues involved.

20 (f) Any person who appears before the commission shall
21 have all of the rights, privileges, and responsibilities of a
22 witness appearing before the courts of this State. All



1 witnesses summoned before the commission or hearings officer
2 shall receive reimbursements as paid in like circumstances in
3 the courts of this State. Any person whose name is mentioned
4 during a proceeding before the commission and who may be
5 adversely affected thereby, may appear or file a written
6 statement for incorporation into the record of the proceeding.

7 (g) If a hearing is held before a hearings officer, the
8 hearings officer shall render a recommended decision for the
9 commission's consideration. Any party adversely affected by the
10 recommended decision may file written exceptions with the
11 commission within fifteen days after receipt of a copy of the
12 decision by certified mail.

13 (h) The commission, as expeditiously as possible after the
14 close of the commission's hearing, shall issue its final
15 determination of violation together with separate findings of
16 fact and conclusions of law regarding whether a violation of
17 this part has been committed.

18 **§11-HHH Dismissal.** The complaint shall be dismissed if
19 the commission makes a final determination that there is no
20 violation of this part.

21 **§11-III Final determination of violation; order.** If the
22 commission makes a final determination of a violation of this



1 part, its written decision with findings of fact and conclusions
2 of law may order any of the following:

- 3 (1) The return of any contribution;
- 4 (2) The reimbursement of any unauthorized expenditure;
- 5 (3) The payment of any administrative fine to the general
6 fund of the State;
- 7 (4) The respondent to cease and desist violations of this
8 part; or
- 9 (5) Filing of any report, statement, or other information
10 required by this part to be filed.

11 **§11-JJJ Administrative fines; relief.** (a) The commission
12 may make a decision or issue an order affecting any person
13 violating any provision of this part or section 281-22 that may
14 provide for the assessment of an administrative fine as follows:

- 15 (1) If an individual, an amount not to exceed \$1,000 for
16 each occurrence or an amount equivalent to three times
17 the amount of an unlawful contribution or expenditure;
18 or
- 19 (2) If a corporation, organization, association, or labor
20 union, an amount not to exceed \$1,000 for each
21 occurrence;



1 provided that whenever a corporation, organization, association,
2 or labor union violates this part, the violation may be deemed
3 to be also that of the individual directors, officers, or agents
4 of the corporation, organization, association, or labor union,
5 who have knowingly authorized, ordered, or done any of the acts
6 constituting the violation.

7 (b) Any order for the assessment of an administrative fine
8 shall not be issued against a person without providing the
9 person written notice and an opportunity to be heard at a
10 hearing conducted under chapter 91. A person may waive these
11 rights by written stipulation or consent.

12 (c) If an administrative fine is imposed upon a candidate,
13 the commission may order that the fine, or any portion, be paid
14 from the candidate's personal funds.

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

21 (e) Any administrative fine collected by the commission
22 shall be deposited in the general fund of the State.



1 (f) Any person or the commission may sue for injunctive
2 relief to compel compliance with this part.

3 (g) The provisions of this section shall not prohibit
4 prosecution under any appropriate provision of the Hawaii Penal
5 Code or section 11-LLL.

6 (h) The provisions of this section shall not apply to any
7 person who, prior to the commencement of proceedings under this
8 section, has paid or agreed to pay the fines prescribed by
9 sections 11-Z and 11-YY(b).

10 **§11-KKK Criminal referral.** In lieu of an administrative
11 determination that a violation of this part has been committed,
12 the commission may refer the complaint to the attorney general
13 or county prosecutor at any time it believes the respondent may
14 have recklessly, knowingly, or intentionally committed a
15 violation.

16 **§11-LLL Criminal prosecution.** (a) Any person who
17 recklessly, knowingly, or intentionally violates any provision
18 of this part shall be guilty of a misdemeanor.

19 (b) Any person who knowingly or intentionally falsifies
20 any report required by this part with the intent to circumvent
21 the law or deceive the commission or who violates section 11-FF
22 or 11-GG shall be guilty of a class C felony. A person charged



1 with a class C felony shall not be eligible for a deferred
2 acceptance of guilty plea or nolo contendere plea under chapter
3 853.

4 (c) A person who is convicted under this section shall be
5 disqualified from holding elective public office for a period of
6 four years from the date of conviction.

7 (d) For purposes of prosecution for violation of this
8 part, the offices of the attorney general and the prosecuting
9 attorney of the respective counties shall be deemed to have
10 concurrent jurisdiction to be exercised as follows:

11 (1) Prosecution shall commence with a written request from
12 the commission or upon the issuance of an order of the
13 court; provided that prosecution may commence prior to
14 any proceeding initiated by the commission or final
15 determination;

16 (2) In the case of statewide offices, parties, or issues,
17 the attorney general or the prosecuting attorney for
18 the city and county of Honolulu shall prosecute any
19 violation; and

20 (3) In the case of all other offices, parties, or issues,
21 the attorney general or the prosecuting attorney for
22 the respective county shall prosecute any violation.



1 In the commission's choice of prosecuting agency, it shall
2 be guided by whether any conflicting interest exists between the
3 agency and its appointive authority.

4 (e) The court shall give priority to the expeditious
5 processing of prosecutions under this section.

6 (f) Prosecution for violations of this part shall not
7 commence after five years have elapsed from the date of the
8 violation or date of filing of the report covering the period in
9 which the violation occurred, whichever is later.

10 (g) This section shall not apply to any person who, prior
11 to the commencement of proceedings under this section, has paid
12 or agreed to pay the fines prescribed by sections 11-Z and
13 11-YY(b).

14 K. PARTIAL PUBLIC FINANCING

15 **§11-MMM Hawaii election campaign fund; creation.** (a) The
16 Hawaii election campaign fund is created as a trust fund within
17 the state treasury.

18 (b) The fund shall consist of:

19 (1) All moneys collected from persons who have designated
20 a portion of their income tax liability to the fund as
21 provided in section 235-102.5(a);

22 (2) Any general fund appropriations; and



1 (3) Other moneys collected pursuant to this part.

2 (c) Moneys in this fund shall be paid to candidates by the
3 comptroller as prescribed in section 11-WWW and may be used for
4 the commission's operating expenses, including staff salaries
5 and fringe benefits.

6 **§11-NNN Depletion of fund.** (a) The commission shall be
7 under no obligation to provide moneys to candidates if, in the
8 partial public funding program or comprehensive public funding
9 for elections to the county of Hawaii council, moneys in the
10 fund are near depletion.

11 (b) For the purpose of the partial funding program, if the
12 Hawaii election campaign fund is close to depletion as
13 determined by the commission, the commission shall determine the
14 amounts available to eligible candidates based on their order of
15 eligibility in qualifying for partial public funds, as
16 determined by the date of filing of an application for public
17 funds with the commission pursuant to section 11-VVV; provided
18 that the application has been accepted by the commission.

19 (c) For the purpose of the comprehensive public funding
20 for elections to the county councils, if the Hawaii elections
21 campaign fund is close to depletion, the commission shall



1 determine whether the program shall be operative in accordance
2 with this part.

3 **§11-000 Voluntary expenditure limits; filing affidavit.**

4 (a) Any candidate may voluntarily agree to limit the
5 candidate's expenditures by filing an affidavit with the
6 commission.

7 (b) The affidavit shall state that the candidate knows the
8 voluntary campaign expenditure limitations as set out in this
9 part and that the candidate is voluntarily agreeing to limit the
10 candidate's expenditures and those made on the candidate's
11 behalf by the amount set by this section. The affidavit shall
12 be subscribed to by the candidate and notarized and filed no
13 later than the time of filing nomination papers with the chief
14 election officer or county clerk.

15 (c) The affidavit shall remain effective until the
16 termination of the registration of the candidate committee or
17 the opening of the filing of nomination papers for the next
18 succeeding election, whichever occurs first. An affidavit filed
19 under this section may not be rescinded.

20 (d) From January 1 of the year of any primary or general
21 election, the aggregate expenditures for each election by a
22 candidate who voluntarily agrees to limit campaign expenditures,



1 inclusive of all expenditures made or authorized by the
2 candidate alone, all treasurers, the candidate committee, and
3 noncandidate committees on the candidate's behalf, shall not
4 exceed the following amounts expressed, respectively multiplied
5 by the number of voters in the last preceding general election
6 registered to vote in each respective voting district:

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

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

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

10 (4) For the offices of state senator, state
11 representative, and county council member under
12 partial public funding--\$1.40; and

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

15 **§11-PPP Tax deduction for qualifying contributions. (a)**

16 An individual resident of Hawaii may claim a state income tax
17 deduction pursuant to section 235-7(g)(2), for contributions to
18 a candidate who files an affidavit pursuant to section 11-000
19 and does not exceed the expenditure limit. Cancelled checks or
20 copies of the same shall be considered adequate receipt forms to
21 attach to the tax form to claim the credit.



1 (b) The commission shall forward a certified copy of the
2 affidavit to the director of taxation upon request.

3 (c) If a candidate has not filed the affidavit pursuant to
4 section 11-000, the candidate shall inform all contributors in
5 writing immediately upon receipt of the contribution that they
6 are not entitled to a tax deduction for their contributions to
7 the candidate. The director of taxation shall not allow any
8 contributor to take a deduction, pursuant to section 235-
9 7(g) (2), for any contribution to a candidate for a statewide or
10 county office who has not filed the affidavit pursuant to
11 section 11-000.

12 **§11-000 Maximum amount of public funds available to**
13 **candidate.** (a) The maximum amount of public funds available in
14 each election to a candidate for the office of governor,
15 lieutenant governor, or mayor shall not exceed ten per cent of
16 the expenditure limit established in section 11-000(d) for each
17 election.

18 (b) The maximum amount of public funds available in each
19 election to a candidate for the office of state senator, state
20 representative, county council member, and prosecuting attorney
21 shall not exceed fifteen per cent of the expenditure limit
22 established in section 11-000(d) for each election.



1 (c) For the office of Hawaiian affairs, the maximum amount
2 of public funds available to a candidate shall not exceed \$1,500
3 in any election year.

4 (d) For the board of education and all other offices, the
5 maximum amount of public funds available to a candidate shall
6 not exceed \$100 in any election year.

7 (e) Each candidate who qualified for the maximum amount of
8 public funding in any primary election and who is a candidate
9 for a subsequent general election shall apply with the
10 commission to be qualified to receive the maximum amount of
11 public funds as provided in this section for the respective
12 general election. For purposes of this section, "qualified"
13 means meeting the qualifying campaign contribution requirements
14 of section 11-TTT.

15 **§11-RRR Candidate exceeds voluntary expenditure limit.** A
16 candidate who files the affidavit agreeing to limit expenditures
17 and who exceeds the expenditure limit for that election shall:

18 (1) Notify all opponents, the chief election officer, and
19 the commission by telephone and writing on the day the
20 expenditure limit is exceeded;

21 (2) Pay the balance of the full filing fee; and



1 (3) Provide reasonable notice to all contributors within
2 thirty days of exceeding the limit that the
3 expenditure limit was exceeded and contributions to
4 the candidate no longer qualify for a state income tax
5 deduction.

6 **§11-SSS Reserving use of contributions.** A candidate who
7 files the affidavit voluntarily agreeing to limit expenditures
8 and who receives contributions that in aggregate exceed the
9 expenditure limit for an election shall reserve use of any
10 contributions that exceed the limit until after the applicable
11 election.

12 **§11-TTT Eligibility requirements for public funds.** To be
13 eligible to receive public funds for an election, a candidate
14 shall certify that the candidate shall meet all the following
15 requirements:

16 (1) The candidate and the candidate committee authorized
17 by the candidate shall not incur expenditures in
18 excess of the expenditure limitations imposed by
19 section 11-000;

20 (2) The candidate is qualified to be on the election
21 ballot in a primary or general election;



- 1 (3) The candidate is opposed by at least one other
2 candidate for the same office in the same election;
- 3 (4) The candidate has filed a statement of intent to seek
4 public funds. A contribution received before the
5 filing of a statement of intent to seek public funds
6 shall not be considered a qualifying contribution;
- 7 (5) The candidate or candidate committee authorized by the
8 candidate has received the minimum amount of
9 qualifying contributions for the office sought by the
10 candidate as set forth in section 11-UUU;
- 11 (6) The aggregate of contributions certified with respect
12 to any person under paragraph (4) does not exceed \$100
13 in each matching payment period;
- 14 (7) The candidate agrees to obtain and furnish any
15 evidence relating to expenditures that the commission
16 may request;
- 17 (8) The candidate agrees to keep and furnish records,
18 books, and other information that the commission may
19 request; and
- 20 (9) The candidate agrees to an audit and examination by
21 the commission pursuant to section 11-ZZZ and to pay



1 any amounts required to be paid pursuant to that
2 section.

3 **§11-UUU Minimum qualifying contribution amounts;**
4 **qualifying contribution statement.** (a) As a condition of
5 receiving public funds for a primary or general election, a
6 candidate shall not be unopposed in any election for which
7 public funds are sought, shall have filed an affidavit with the
8 commission pursuant to section 11-000 to voluntarily limit the
9 candidate's campaign expenditures, and shall be in receipt of
10 the following sum of qualifying contributions from individual
11 residents of Hawaii:

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

14 (2) For the office of lieutenant governor--qualifying
15 contributions that, in the aggregate, exceed \$50,000;

16 (3) For the office of mayor for each respective county:

17 (A) City and County of Honolulu--qualifying
18 contributions that, in the aggregate, exceed
19 \$50,000;

20 (B) County of Hawaii--qualifying contributions that,
21 in the aggregate, exceed \$15,000;



1 (C) County of Maui--qualifying contributions that, in
2 the aggregate, exceed \$10,000; and

3 (D) County of Kauai--qualifying contributions that,
4 in the aggregate, exceed \$5,000;

5 (4) For the office of prosecuting attorney for each
6 respective county:

7 (A) City and County of Honolulu--qualifying
8 contributions that, in the aggregate, exceed
9 \$30,000;

10 (B) County of Hawaii--qualifying contributions that,
11 in the aggregate, exceed \$10,000; and

12 (C) County of Kauai--qualifying contributions that,
13 in the aggregate, exceed \$5,000;

14 (5) For the office of county council--for each respective
15 county:

16 (A) City and County of Honolulu--qualifying
17 contributions that, in the aggregate, exceed
18 \$5,000;

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

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



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

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

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

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

9 and

10 (9) For the board of education and all other offices,
11 qualifying contributions that, in the aggregate,
12 exceed \$500.

13 (b) A candidate shall obtain the minimum qualifying
14 contribution amount set forth in subsection (a), once for the
15 election period if:

16 (1) The candidate, other than a candidate for the office
17 of Hawaiian affairs or the board of education, obtains
18 the minimum qualifying contribution amount, the
19 candidate is eligible to receive:

20 (A) The minimum payment in an amount equal to the
21 minimum qualifying contribution amounts; and



1 (B) Payments of \$1 for each \$1 of qualifying
2 contributions in excess of the minimum qualifying
3 contribution amounts;

4 (2) A candidate for the office of Hawaiian affairs shall
5 obtain the minimum qualifying contribution amount set
6 forth in subsection (a), once for the election period.
7 If the candidate obtains the minimum qualifying
8 amount, the candidate is eligible to receive \$1,500;
9 and

10 (3) A candidate for the board of education shall obtain
11 the minimum qualifying contribution amount set forth
12 in subsection (a), once for the election period. If
13 the candidate obtains the minimum qualifying amount,
14 the candidate is eligible to receive \$50.

15 (c) The candidate shall not receive more than the maximum
16 amount of public funds available to a candidate pursuant to
17 section 11-000; provided that the candidate shall not receive
18 public funds for a primary election if the candidate does not
19 obtain the minimum qualifying contribution amounts before the
20 date of the primary election.

21 (d) The statement of qualifying contributions shall
22 include:



1 (1) The printed names and addresses of the individual
2 residents of Hawaii who made the qualifying
3 contribution during the matching payment period; and

4 (2) The amount and date of deposit of each qualifying
5 contribution.

6 (e) As used in this section, "matching payment period"
7 means:

8 (1) For a primary, first special, or first nonpartisan
9 election, from January 1 of the year of the election
10 through the day of the primary, first special, or
11 first nonpartisan election; and

12 (2) For a general, second special, or second nonpartisan
13 election, from January 1 of the year of a general
14 election through the day of the general, second
15 special, or second nonpartisan election.

16 **§11-VVV Application for public funds.** (a) Each
17 application for public funds shall be signed by the candidate
18 and notarized, and accompanied by the statement of qualifying
19 contributions.

20 (b) The application shall be mailed or delivered to the
21 commission, and shall not be valid unless received by the
22 commission no later than thirty days after the general election.



1 (c) Each candidate in receipt of the minimum qualifying
2 sum of contributions established for the office that the
3 candidate seeks may apply to the commission for public funding
4 after the candidate has become a candidate in a primary or
5 general election.

6 (d) A candidate who receives funds for a primary, first
7 special, or first nonpartisan election and is a candidate in the
8 subsequent general, second special, or second nonpartisan
9 election is required to mail or deliver another application to
10 the commission to receive public funds for the subsequent
11 election.

12 **§11-WWW Payment to candidate.** (a) Upon the commission's
13 approval of the application and statement of qualifying
14 contributions, the commission shall direct the comptroller to
15 distribute matching public funds up to the maximum amount of
16 public funds allowed by section 11-QQQ. Public funds shall be
17 distributed to the candidate within twenty days from the date
18 that the candidate's initial application and statement of
19 qualifying contributions is approved by the commission.

20 (b) The commission shall make additional determinations
21 within fourteen days after receiving a complete application and



1 supplemental statement of qualifying contributions from a
2 candidate.

3 (c) All determinations made by the commission under this
4 section are final and conclusive, except to the extent they are
5 subject to examination and audit by the commission under section
6 11-ZZZ.

7 **§11-XXX Use of public funds.** (a) Public funds shall be
8 deposited in a depository institution, as defined in section
9 412:1-109, duly authorized to do business in the state, such as
10 a bank, savings bank, savings and loan association, depository
11 financial services loan company, credit union, intra-Pacific
12 bank, or similar financial institution, the deposits or accounts
13 of which are insured by the Federal Deposit Insurance
14 Corporation or the National Credit Union Administration.

15 (b) No expenditures of any public funds shall be made
16 except by checks drawn on such checking account.

17 (c) Public funds shall be only used to:

18 (1) Defray expenditures of the candidate; and

19 (2) Repay loans, the proceeds of which were used to defray
20 expenditures.

21 (d) Public funds shall not be transferred to another
22 candidate for any election.



1 (e) Unexpended public funds shall be returned to the
2 commission by the deadline for filing the final election period
3 report for the election for which the funds were received.

4 **§11-YYY Post-election report required.** The treasurer
5 shall electronically submit an expenditure of public funds
6 report to the commission no later than twenty days after a
7 primary election and no later than thirty days after a general
8 election certifying that all public funds paid to the candidate
9 have been used as required by this part.

10 **§11-ZZZ Post-election examination and audit; return of**
11 **funds.** (a) The commission shall examine and audit the public
12 funds received by all candidates, qualifying contributions, and
13 the expenditures made by all candidates within sixty days after
14 each general election.

15 (b) The commission shall adopt rules, pursuant to chapter
16 91, regarding expenditures which qualify under section 11-XXX.

17 (c) If the commission determines that any payment of
18 public funds to a candidate exceeded the aggregate amount to
19 which the candidate was entitled, the commission shall notify
20 the candidate within two years of the payment of the public
21 funds and the candidate shall repay the excess amount to the
22 Hawaii election campaign fund.



1 (d) If the commission determines that any public funds
2 were used for any improper purpose, the commission shall notify
3 the candidate, and the candidate shall pay to the Hawaii
4 election campaign fund an amount equal to three hundred per cent
5 of such amount in addition to any fines under section 11-JJJ and
6 section 11-LLL.

7 **§11-AAAA Report and recommendation.** In January of each
8 year, the commission shall submit to the legislature:

- 9 (1) Proposed legislation for reasonable expenditure and
10 contribution limits, along with relevant justification
11 for the legislation;
- 12 (2) A report concerning the status of the Hawaii election
13 campaign fund; and
- 14 (3) A request for an appropriation if the total amounts of
15 revenues comprising the fund are insufficient to
16 provide public funds for the partial public funding
17 program and comprehensive public funding program for
18 elections to the county of Hawaii council."



1 PART III

2 SECTION 3. Section 12-6, Hawaii Revised Statutes, is
3 amended by amending subsection (e) to read as follows:

4 "[+] (e) [+] Upon the showing of a certified copy of an
5 affidavit which has been filed with the campaign spending
6 commission pursuant to section [~~11-208~~] 11-000 by a candidate
7 who has voluntarily agreed to abide by spending limits, the
8 chief election officer or clerk shall discount the filing fee of
9 the candidate by the following amounts:

- 10 (1) For the office of governor and lieutenant governor--
11 \$675;
- 12 (2) For the office of mayor--\$450; and
- 13 (3) For all other offices--\$225."

14 SECTION 4. Section 235-7, Hawaii Revised Statutes, is
15 amended by amending subsection (g) to read as follows:

16 "(g) In computing taxable income there shall be allowed as
17 a deduction:

- 18 (1) Political contributions by any taxpayer not in excess
19 of \$250 in any year; provided that such contributions
20 are made to a central or county committee of a
21 political party whose candidates shall have qualified



1 by law to be voted for at the immediately previous
2 general election; or
3 (2) Political contributions by any individual taxpayer in
4 an aggregate amount not to exceed \$1,000 in any year;
5 provided that such contributions are made to
6 candidates as defined in section [~~11-191~~] 11-C, who
7 have agreed to abide by the campaign expenditure
8 limits as set forth in section [~~11-209~~] 11-000; and
9 provided further that not more than \$250 of an
10 individual's total contribution to any single
11 candidate shall be deductible for purposes of this
12 section."

13 SECTION 5. Section 281-22, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) Notwithstanding chapter 11 or any other law to the
16 contrary, no commission employee shall solicit or receive
17 contributions, or receive or transfer money or anything of value
18 from a licensee for the purpose of supporting, advocating, or
19 aiding in the election or defeat of a candidate for public
20 office. Violation of this subsection shall be:

21 (1) Punishable by summary dismissal of the employee; and



1 (2) Subject to penalties in accordance with section [~~11-~~
2 ~~228~~] 11-JJJ."

3 SECTION 6. Section 853-4, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§853-4 Chapter not applicable; when.** This chapter shall
6 not apply when:

7 (1) The offense charged involves the intentional, knowing,
8 reckless, or negligent killing of another person;

9 (2) The offense charged is:

10 (A) A felony that involves the intentional, knowing,
11 or reckless bodily injury, substantial bodily
12 injury, or serious bodily injury of another
13 person; or

14 (B) A misdemeanor or petty misdemeanor that carries a
15 mandatory minimum sentence and that involves the
16 intentional, knowing, or reckless bodily injury,
17 substantial bodily injury, or serious bodily
18 injury of another person;

19 (3) The offense charged involves a conspiracy or
20 solicitation to intentionally, knowingly, or
21 recklessly kill another person or to cause serious
22 bodily injury to another person;



- 1 (4) The offense charged is a class A felony;
- 2 (5) The offense charged is nonprobationable;
- 3 (6) The defendant has been convicted of any offense
- 4 defined as a felony by the Hawaii Penal Code or has
- 5 been convicted for any conduct that if perpetrated in
- 6 this [~~State~~] state would be punishable as a felony;
- 7 (7) The defendant is found to be a law violator or
- 8 delinquent child for the commission of any offense
- 9 defined as a felony by the Hawaii Penal Code or for
- 10 any conduct that if perpetrated in this [~~State~~] state
- 11 would constitute a felony;
- 12 (8) The defendant has a prior conviction for a felony
- 13 committed in any state, federal, or foreign
- 14 jurisdiction;
- 15 (9) A firearm was used in the commission of the offense
- 16 charged;
- 17 (10) The defendant is charged with the distribution of a
- 18 dangerous, harmful, or detrimental drug to a minor;
- 19 (11) The defendant has been charged with a felony offense
- 20 and has been previously granted deferred acceptance of
- 21 guilty plea status for a prior offense, regardless of
- 22 whether the period of deferral has already expired;



- 1 (12) The defendant has been charged with a misdemeanor
2 offense and has been previously granted deferred
3 acceptance of guilty plea status for a prior felony,
4 misdemeanor, or petty misdemeanor for which the period
5 of deferral has not yet expired;
- 6 (13) The offense charged is:
- 7 (A) Escape in the first degree;
- 8 (B) Escape in the second degree;
- 9 (C) Promoting prison contraband in the first degree;
- 10 (D) Promoting prison contraband in the second degree;
- 11 (E) Bail jumping in the first degree;
- 12 (F) Bail jumping in the second degree;
- 13 (G) Bribery;
- 14 (H) Bribery of a witness;
- 15 (I) Intimidating a witness;
- 16 (J) Bribery of or by a juror;
- 17 (K) Intimidating a juror;
- 18 (L) Jury tampering;
- 19 (M) Promoting prostitution in the first degree;
- 20 (N) Promoting prostitution in the second degree;
- 21 (O) Promoting prostitution in the third degree;
- 22 (P) Abuse of family or household members;



- 1 (Q) Sexual assault in the second degree;
- 2 (R) Sexual assault in the third degree;
- 3 (S) A violation of an order issued pursuant to
- 4 chapter 586;
- 5 (T) Promoting child abuse in the second degree;
- 6 (U) Promoting child abuse in the third degree;
- 7 (V) Electronic enticement of a child in the first
- 8 degree;
- 9 (W) Electronic enticement of a child in the second
- 10 degree; or
- 11 (X) An offense under part IV, chapter 291E;
- 12 (14) The defendant has been charged with:
- 13 (A) Knowingly or intentionally falsifying any report
- 14 required under chapter 11, [~~subpart B of part~~
- 15 ~~XII,~~] subpart of part , with the intent to
- 16 circumvent the law or deceive the campaign
- 17 spending commission; or
- 18 (B) Violating section [~~11-201~~] 11-FF or [~~11-202~~] 11-
- 19 GG; or
- 20 (15) The defendant holds a commercial driver's license and
- 21 has been charged with violating a traffic control law,



1 other than a parking law, in connection with the
2 operation of any type of motor vehicle.

3 The court may adopt by rule other criteria in this area."

4 SECTION 7. Chapter 11, part XII, subpart B, Hawaii Revised
5 Statutes, is repealed.

6 PART IV

7 SECTION 8. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun, before its effective date.

10 SECTION 9. If any provision of this Act, or the
11 application thereof to any person or circumstance is held
12 invalid, the invalidity shall not affect other provisions or
13 applications of the Act, which can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

16 SECTION 10. In codifying the new sections added by part II
17 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 11. This Act shall be amended to conform to all
21 other acts passed by the legislature during this regular session



1 of 2010 whether enacted before or after the effective date of
2 this Act, unless the other acts specifically provide otherwise.

3 SECTION 12. This Act shall take effect on November 3,
4 2010, and shall apply to reporting periods beginning after
5 November 2, 2010.



Report Title:

Elections; Campaign Financing

Description:

Updates, organizes, and clarifies current campaign financing laws. Effective November 3, 2010. (HB2003 HD3)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

