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# 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-five 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 ten 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.

SB LRB 10-0867.doc



1 This Act is a product of the campaign spending commission's  
2 blue ribbon recodification committee (committee). The committee  
3 completed its work in 2008 after meeting regularly for nine  
4 months. The committee comprised the commission's staff and  
5 seventeen attorneys who were experienced in campaign finance law  
6 and who represented various interests.

7 The purpose of this Act is to update, organize, and clarify  
8 current campaign finance laws and make minor substantive changes  
9 to the current laws.

10 PART II

11 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended  
12 by adding a new part to be appropriately designated and to read  
13 as follows:

14 "PART . CAMPAIGN FINANCE

15 A. Declaration of Policy; Construction of Laws

16 §11-A Declaration of policy. The purpose of this part is  
17 to ensure the integrity and transparency of the campaign finance  
18 process. Integrity is essential to promote the public's  
19 confidence in government. Transparency provides disclosure of  
20 contributions and expenditures to assure the public is fully  
21 informed.



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

20 "Advertisement" does not include:

- 21 (1) A house bulletin; or



1           (2) An editorial or letter to the editor distributed  
2                    through the facilities of any broadcasting station,  
3                    newspaper, magazine, or other periodical publication,  
4                    unless such facilities are owned or controlled by any  
5                    committee.

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

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

14           "Candidate" means an individual who seeks nomination for  
15           election or seeks election to office. An individual remains a  
16           candidate until the individual's candidate committee terminates  
17           registration with the commission. An individual is a candidate  
18           if the individual does any of the following:

19           (1) Files nomination papers for an office for oneself with  
20                    the county clerk's office or with the chief election  
21                    officer's office, whichever is applicable;



1 (2) Receives contributions, makes expenditures, or incurs  
2 financial obligations of more than \$100 to bring about  
3 the individual's nomination for election, or to bring  
4 about the individual's election to office; or

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

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

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

16 "Commission" means the campaign spending commission.

17 "Commissioner" means any person appointed to the  
18 commission.

19 "Contribution" means:

20 (1) A gift, subscription, deposit of money or anything of  
21 value, or cancellation of a debt or legal obligation



1 and includes the purchase of tickets to fundraisers,  
2 for the purpose of:

3 (A) Influencing the nomination for election, or the  
4 election, of any person to office;

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 candidate committee or noncandidate  
9 committee for the purpose of subparagraph (A) or  
10 (B);

11 (2) The payment, by any person or party other than a  
12 candidate, candidate committee, or noncandidate  
13 committee, of compensation for the services of another  
14 person that are rendered to the candidate, candidate  
15 committee, or noncandidate committee without charge or  
16 at an unreasonably low charge for a purpose listed in  
17 paragraph (1);

18 (3) A contract, promise, or agreement to make a  
19 contribution; or

20 (4) Any loans or advances that are not documented or  
21 disclosed to the commission as provided in section 11-  
22 SS;



1 "Contribution" does not include:

2 (1) Services voluntarily provided without compensation by  
3 individuals to or on behalf of a candidate, candidate  
4 committee, or noncandidate committee;

5 (2) A candidate's expenditure of the candidate's own  
6 funds; provided that this expenditure shall be  
7 reported as other receipts and an expenditure;

8 (3) Any loans or advances to the candidate committee;  
9 provided that these loans or advances shall be  
10 reported as loans; or

11 (4) An individual or candidate committee or noncandidate  
12 committee engaging in internet activities for the  
13 purpose of influencing an election if:

14 (A) The individual, candidate committee, or  
15 noncandidate committee is uncompensated for the  
16 internet activities; or

17 (B) The individual, candidate committee, or  
18 noncandidate committee uses equipment or services  
19 for uncompensated internet activities, regardless  
20 of who owns the equipment and services;

21 provided that the internet activity exclusion does not  
22 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 exclusion, "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 paragraph, "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 seeking nomination for  
3 election, or election, to office whether or not  
4 the person has filed the person's nomination  
5 paper;
- 6 (B) Influencing the outcome of any question or issue  
7 that has been certified to appear on the ballot  
8 at the next applicable election; or
- 9 (C) Use by any party for the purposes set out in  
10 subparagraph (A) or (B);
- 11 (2) Any payment, by any person other than a candidate,  
12 candidate committee, or noncandidate committee, of  
13 compensation for the services of another person that  
14 are rendered to the candidate, candidate committee, or  
15 noncandidate committee for any of the purposes  
16 mentioned in paragraph (1)(A); provided that payment  
17 under this paragraph shall include provision of  
18 services without charge; or
- 19 (3) The expenditure by a candidate of the candidate's own  
20 funds for the purposes set out in paragraph (1).
- 21 "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 exclusion, "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 paragraph, "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 "House bulletin" means a communication sponsored by any  
18 person in the regular course of publication for limited  
19 distribution primarily to its employees or members.

20 "Immediate family" means a candidate's spouse or reciprocal  
21 beneficiary, as defined in section 572C-3, and any child,



1 parent, grandparent, brother, or sister of the candidate, and  
2 the spouses or reciprocal beneficiaries of such persons.

3 "Independent expenditure" means an expenditure by a person  
4 expressly advocating the election or defeat of a clearly  
5 identified candidate that is not made in concert or cooperation  
6 with or at the request or suggestion of the candidate, the  
7 candidate committee, a party, or their agents.

8 "Individual" means a human being.

9 "Limited liability company" means a business entity that is  
10 recognized as a limited liability company under the laws of the  
11 state in which it is established.

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

17 (1) A candidate, volunteer, or employee's aggregate  
18 expenditures do not exceed \$1,500 within a thirty-day  
19 period;

20 (2) A dated receipt and a written description of the name  
21 and address of each payee; provided that the amount,  
22 date, and purpose of each expenditure is provided to



1 the candidate committee or noncandidate committee  
2 before the candidate committee or noncandidate  
3 committee reimburses the candidate, volunteer, or  
4 employee; and

5 (3) The candidate committee or noncandidate committee  
6 reimburses the candidate, volunteer, or employee  
7 within forty-five days of the expenditure being made.

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

11 "Noncandidate committee" means any organization,  
12 association, party, or individual that has the purpose of making  
13 or receiving contributions, making expenditures, or incurring  
14 financial obligations to influence the nomination for election,  
15 or the election, of any candidate to office, or for or against  
16 any question or issue on the ballot; provided that a  
17 noncandidate committee does not include:

- 18 (1) A candidate committee;
- 19 (2) Any individual making a contribution or making an  
20 expenditure of the individual's own funds or anything  
21 of value that the individual originally acquired for



1 the individual's own use and not for the purpose of  
2 evading any provision of this part; or

3 (3) Any organization that raises or expends funds for the  
4 sole purpose of producing and disseminating  
5 informational or educational communications that are  
6 not made to influence a candidate's nomination or  
7 election to office, question or issue on a ballot.

8 "Office" means any Hawaii elective public or constitutional  
9 office, excluding county neighborhood board and federal elective  
10 offices.

11 "Other receipts" means the candidate's own funds, interest,  
12 rebates, refunds, and any other funds received by a candidate  
13 committee or noncandidate committee, but does not include  
14 contributions or loans.

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

17 "Person" means an:

- 18 (1) Individual,
- 19 (2) Partnership,
- 20 (3) Candidate committee,
- 21 (4) Noncandidate committee, including a party,
- 22 (5) Association,



- 1 (6) Corporation,
- 2 (7) Business entity,
- 3 (8) Organization, or
- 4 (9) Labor union and its auxiliary committees.

5 "Political committees established and maintained by a  
6 national political party" means:

- 7 (1) The National Committee;
- 8 (2) The House Campaign Committee; and
- 9 (3) The Senate Committee.

10 "Qualifying contribution" means an aggregate monetary  
11 contribution of \$100 or less by an individual Hawaii resident  
12 during any matching payment period that is received after a  
13 candidate files a statement of intent to seek public funds. A  
14 qualifying contribution does not include a loan, in-kind  
15 contribution, or the candidate's own funds.

16 "Special election" means any election other than a primary  
17 or general election.

18 "Treasurer" means a person appointed under section 11-L and  
19 unless expressly indicated otherwise, includes deputy  
20 treasurers.





1 C. Campaign Spending Commission

2 §11-D Campaign spending commission established;

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

6 (b) The commission shall consist of five members  
7 representing the general public, appointed by the governor from  
8 a list of ten nominees submitted by the judicial council. A  
9 vacancy on the commission shall be filled from the list of  
10 nominees or by the reappointment of a commissioner whose term  
11 has expired, subject to the limit on length of service imposed  
12 by section 26-34. Notwithstanding section 26-34, appointments  
13 to the commission shall not be subject to senatorial  
14 confirmation.

15 (c) The judicial council may solicit applications for the  
16 list of nominees through community organizations and  
17 advertisements in any newspaper.

18 §11-D **Terms of office.** The term of each commissioner  
19 shall be four years.

20 §11-E **No compensation.** The commissioners shall serve  
21 without compensation but shall be reimbursed for reasonable



1 expenses, including travel expenses, incurred in the discharge  
2 of their duties.

3       **§11-F Duties of the commission.** The duties of the  
4 commission under this part are to:

- 5       (1) Develop and adopt forms required by this part;
- 6       (2) Adopt and publish manuals for all candidates,  
7 candidate committees, and noncandidate committees,  
8 describing the requirements of this part, including  
9 uniform and simple methods of recordkeeping;
- 10       (3) Preserve all reports required by this part for at  
11 least ten years from the date of receipt;
- 12       (4) Permit the inspection, copying, or duplicating of any  
13 report required by this part pursuant to rules adopted  
14 under chapter 91 by the commission; provided that this  
15 paragraph shall not apply to the sale or use of  
16 information under section 11-CC;
- 17       (5) Ascertain whether any candidate, candidate committee,  
18 or noncandidate committee, or party has failed to file  
19 a report required by this part or has filed a  
20 substantially defective or deficient report, and to  
21 notify these persons by first class mail that the  
22 failure to file, or the filing of a substantially



1 defective or deficient report shall be corrected and  
2 explained, and that a fine may be assessed. All fines  
3 collected under this section shall be deposited in the  
4 general fund of the State;

5 (6) Hold public hearings;

6 (7) Investigate and hold hearings for receiving evidence  
7 of any violations pursuant to subpart I of this part;

8 (8) Adopt rules pursuant to chapter 91;

9 (9) Request the initiation of prosecution for the  
10 violation of this part pursuant to section 11-III;

11 (10) Administer and monitor the distribution of public  
12 funds under this part;

13 (11) Employ or contract, without regard to chapters 76, 78,  
14 and 89, persons it finds necessary for the performance  
15 of its functions, including a full-time executive  
16 director, and to fix their compensation and to dismiss  
17 such persons;

18 (12) Conduct random audits and field investigations, as  
19 necessary; and

20 (13) File for injunctive relief when indicated.

21 **§11-H Advisory opinions.** The commission may render  
22 written advisory opinions upon the request of any candidate,



1 candidate committee, noncandidate committee, or other person or  
2 entity subject to this part, as to whether the facts and  
3 circumstances of a particular case constitute or will constitute  
4 a violation of the spending laws. If no advisory opinion is  
5 rendered within ninety days after all information necessary to  
6 issue an opinion has been obtained, it shall be deemed that an  
7 advisory opinion was rendered and that the facts and  
8 circumstances of that particular case do not constitute a  
9 violation of the spending laws. The opinion rendered or deemed  
10 rendered, until amended or revoked, shall be binding on the  
11 commission in any subsequent charges concerning the candidate,  
12 any candidate committee or noncandidate committee, or other  
13 person or entity subject to this part, who sought the opinion  
14 and acted in reliance on it in good faith, unless material facts  
15 were omitted or misstated by the persons in the request for an  
16 advisory opinion. Nothing in this section shall be construed to  
17 allow the commission to issue rules through an advisory opinion.

18 **§11-I Political activities prohibited.** (a) Each  
19 commissioner and employee of the commission shall not  
20 participate in any political campaign, including making a  
21 contribution to a candidate, candidate committee, or



1 noncandidate committee, during the commissioner's term of office  
2 or employee's term of employment.

3 (b) Each commissioner and employee of the commission shall  
4 retain the right to:

5 (1) Register and vote in any election;

6 (2) Participate in the nonpolitical activities of a civic,  
7 community, social, labor, or professional  
8 organization, or of a similar organization;

9 (3) Be a member of a political party or other noncandidate  
10 political organization and participate in its  
11 activities to the extent consistent with law; and

12 (4) Otherwise participate fully in public affairs, except  
13 as prohibited by law, in a manner that does not  
14 materially compromise the commissioner's or the  
15 employee's efficiency or integrity as a commissioner  
16 or employee or the neutrality, efficiency, or  
17 integrity of the commission.

18 (c) Any commissioner or employee of the commission may  
19 request an advisory opinion from the state ethics commission to  
20 determine whether a particular activity constitutes or would  
21 constitute a violation of the code of ethics or this section.



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

3           (1) Make direct communications with the governor and  
 4           legislature;

5           (2) Make all decisions regarding employment, appointment,  
 6           promotion, transfer, demotion, discharge, and job  
 7           descriptions, of all officers and employees of or under  
 8           the jurisdiction of the commission without the  
 9           approval of the comptroller; and

10          (3) Purchase all supplies, equipment, or furniture without  
 11          the approval of the comptroller.

12          (b) The commission shall follow all applicable personnel  
 13 laws.

#### 14   D. Registration

15          **§11-K Registration of candidate committee or noncandidate**  
 16 **committee.** (a) Each candidate committee or noncandidate  
 17 committee shall register with the commission by filing an  
 18 organizational report as set forth in section 11-L or 11-M, as  
 19 applicable.

20          (b) Before filing the organizational report, each  
 21 candidate committee or noncandidate committee shall mail or  
 22 deliver an electronic filing form to the commission.



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

3 (1) A candidate committee shall file a written acceptance  
4 of appointment by the chairperson and treasurer and a  
5 certification by the candidate and treasurer of each  
6 filed report; or

7 (2) A noncandidate committee shall file a written  
8 acceptance of appointment by the chairperson and  
9 treasurer and a certification by the chairperson and  
10 treasurer of each filed report.

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

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

15 (2) The date the candidate or candidate committee receives  
16 contributions or makes or incurs expenditures of more  
17 than \$100 in the aggregate during the applicable  
18 election period.

19 (e) An organizational report need not be filed under this  
20 section by an elected official who is a candidate for reelection  
21 to the same office in successive elections and has not sought  
22 election to any other office during the period between



1 elections, unless the candidate is required to report a change  
2 in information pursuant to section 11-L.

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

4 (g) The organizational report for a noncandidate committee  
5 shall be filed within ten days of receiving contributions or  
6 making or incurring expenditures of more than \$1,000, in the  
7 aggregate, in a two-year election period; provided that within  
8 the thirty-day period prior to an election, a noncandidate  
9 committee shall register by filing an organizational report  
10 within two days of receiving contributions or making or  
11 incurring expenditures of more than \$1,000, in the aggregate, in  
12 a two-year election period.

13 **§11-L Organizational report, candidate committee. (a)**

14 The candidate committee organizational report shall include:

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

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

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

20 (4) The chairperson's name, address, and telephone number;  
21 and if appointed, the deputy chairperson's name,

22 address, and telephone number;





- 1           (5) The treasurer's name and address and, if appointed,  
2           all deputy treasurers' names and addresses;
- 3           (6) The name and address of each depository institution in  
4           which the committee will maintain any of its accounts  
5           and the applicable account number;
- 6           (7) A certification of information in the organizational  
7           report by the candidate and treasurer; and
- 8           (8) The name and address of each contributor who  
9           contributed an aggregate amount of more than \$100  
10          since the last election applicable to the office being  
11          sought and the amount and date of deposit of each such  
12          contribution.

13           (b) Any change in information previously reported in the  
14          organizational report with the exception of subsection (a)(8)  
15          shall be electronically filed with the commission within ten  
16          days of the change being brought to the attention of the  
17          committee chairperson or treasurer.

18           **§11-M Organizational report, noncandidate committee.** (a)  
19          The noncandidate committee organizational report shall include:

- 20           (1) The committee's name, which shall incorporate the full  
21           name of the sponsoring entity, if any. An acronym or  
22           abbreviation may be used in other communications if



- 1 the acronym or abbreviation is commonly known or  
2 clearly recognized by the general public. The  
3 committee's name shall not include the name of a  
4 candidate;
- 5 (2) The committee's address, including web page address,  
6 if any;
- 7 (3) The area, scope, or jurisdiction of the committee;
- 8 (4) The name and address of the committee's sponsoring  
9 entity. If the committee does not have a sponsoring  
10 entity, the committee shall specify the trade,  
11 profession, or primary interest of contributors to the  
12 committee;
- 13 (5) The name, address, telephone number, occupation, and  
14 principal place of business of the chairperson;
- 15 (6) The name, address, telephone number, occupation, and  
16 principal place of business of the treasurer and any  
17 other officers;
- 18 (7) An indication as to whether the committee was formed  
19 to support or oppose a specific ballot question or  
20 candidate and, if so, a brief description of the  
21 question or the name of the candidate;



- 1 (8) An indication as to whether the committee is a  
2 committee for a party;
- 3 (9) The name, address, telephone number, occupation, and  
4 principal place of business of the custodian of the  
5 books and accounts;
- 6 (10) The name and address of the depository institution in  
7 which the committee will maintain its campaign account  
8 and each applicable account number;
- 9 (11) A certification by the chairperson and treasurer of  
10 information in the organizational report; and
- 11 (12) The name, address, employer and occupation of each  
12 contributor who contributed an aggregate amount of  
13 more than \$100 since the last election and the amount  
14 and date of deposit of each such contribution.

15 (b) Any change in information previously reported in the  
16 organizational report, with the exception of subsection (a)(12),  
17 shall be electronically filed with the commission within ten  
18 days of the change being brought to the attention of the  
19 committee chairperson or treasurer.

20 **§11-N Treasurer.** (a) Every candidate committee or  
21 noncandidate committee shall appoint a treasurer on or before



1 the day it files an organizational report. The following shall  
2 be permissible:

3 (1) Up to five deputy treasurers may be appointed;

4 (2) A candidate may be appointed as the treasurer or  
5 deputy treasurer; and

6 (3) An individual who is not an officer or treasurer may  
7 be appointed by the candidate, on a fee or voluntary  
8 basis, to specifically prepare and file reports with  
9 the commission.

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

11 (c) In case of death, resignation, or removal of the  
12 treasurer, the candidate, candidate committee, or noncandidate  
13 committee shall promptly appoint a successor. During the period  
14 the office of treasurer is vacant, the candidate, chairperson,  
15 or party chairperson in the case of a party, whichever is  
16 applicable, shall serve as treasurer.

17 (d) Only the treasurer and deputy treasurers shall be  
18 authorized to receive contributions or make or incur  
19 expenditures on behalf of the candidate committee or  
20 noncandidate committee.

21 (e) The treasurer shall establish and maintain itemized  
22 records showing:



- 1           (1) The amount of each monetary contribution;
- 2           (2) The description and value of each nonmonetary
- 3                 contribution; and
- 4           (3) The name and address of each contributor making a
- 5                 contribution of more than \$25 in value.
- 6           (f) The treasurer shall maintain detailed accounts, bills,
- 7 receipts, and other records to establish that reports were
- 8 properly prepared and filed.
- 9           (g) The records shall be retained for at least five years
- 10 after the report is filed.

11           **§11-O When an individual not to serve as a committee**  
12 **officer.** No candidate committee or noncandidate committee that  
13 supports or opposes a candidate shall have an officer who serves  
14 as an officer on any other candidate committee or noncandidate  
15 committee that supports or opposes the same candidate.

16           **§11-P Termination of candidate committee's or noncandidate**  
17 **committee's registration.** A candidate committee or noncandidate  
18 committee may terminate its registration if:

- 19           (1) The candidate committee or noncandidate committee:
  - 20                 (A) Files a request for registration termination
  - 21                         form;



1 (B) Files a report disclosing contributions and  
2 expenditures not previously reported by the  
3 committee and the committee has no surplus or  
4 deficit; and

5 (C) Mails or delivers to the commission a copy of the  
6 committee's closing bank statement; and

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

8 **E. Reporting and Filing with the Commission**

9 **§11-Q Filing of reports, generally.** (a) Every report  
10 required to be filed by a candidate or candidate committee shall  
11 be certified to be a true and accurate statement of the  
12 committee's activity by the candidate and treasurer.

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

16 (c) The persons signing the electronic filing form shall  
17 certify that the electronically filed reports are true and  
18 accurate.

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

21 (e) For purposes of this part, whenever a report is  
22 required to be filed with the commission, "filed" means that a



1 report shall be filed with the commission's electronic filing  
2 system by the date and time specified for the filing of the  
3 report by:

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

6 (A) Office of governor;

7 (B) Office of lieutenant governor;

8 (C) Office of mayor;

9 (D) Office of prosecuting attorney;

10 (E) County council;

11 (F) Senate;

12 (G) House of representatives;

13 (H) Office of Hawaiian affairs; or

14 (I) Board of education; or

15 (2) A noncandidate committee required to be registered  
16 with the commission pursuant to section 11-M.

17 (f) In order to be timely filed, a committee's reports  
18 shall be filed with the commission's electronic filing system on  
19 or before 11:59 p.m. Hawaii Standard Time on the filing date  
20 specified.

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



1           **§11-R Candidate committee reports.** (a) The candidate and  
2 treasurer shall file preliminary, final, and supplemental  
3 reports that shall disclose the following information:

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

17           (b) Schedules filed with the reports shall include the  
18 following additional information:

- 19           (1) The amount and date of deposit of each contribution  
20           and the name and address of each contributor who makes  
21           contributions aggregating more than \$100 in an  
22           election period; provided that if all the information





1 is not on file, the contribution shall be returned to  
2 the contributor within thirty days of deposit;

3 (2) The amount and date of deposit of each contribution  
4 and the name, address, occupation, and employer of  
5 each contributor who makes contributions aggregating  
6 \$1,000 or more during an election period; provided  
7 that if all the information is not on file, the  
8 contribution shall be returned to the contributor  
9 within thirty days of deposit;

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

18 (4) 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 (5) Information about each loan received by the committee,  
22 together with the names and addresses of the lender



1 and each person liable, and amount of each loan. A  
2 copy of the executed loan document shall be received  
3 by the commission by mail or delivery on or before the  
4 filing date for the report covering the reporting  
5 period when the loan was received. The document shall  
6 contain the terms of the loan, including the interest  
7 and repayment schedule. Failure to disclose the loan  
8 or to provide documentation of the loan to the  
9 commission shall cause the loan to be treated as a  
10 contribution, subject to all relevant provisions of  
11 this part;

12 (6) A description of each durable asset, the date of  
13 acquisition, value at the time of acquisition, and the  
14 name and address of the vendor or contributor of the  
15 asset; and

16 (7) The date of disposition of each durable asset, value  
17 at the time of disposition, the method of disposition,  
18 and the name and address of the person receiving the  
19 asset.

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



1           §11-S Time for candidate committee to file preliminary,  
2 final, and supplemental reports. (a) The candidate and  
3 treasurer of each candidate whose name will appear on the ballot  
4 in the immediately succeeding election shall file preliminary,  
5 final, and supplemental reports.

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

7           (A) July 31 of the election year;

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

10          (C) Ten calendar days prior to a general, second  
11 special, or second nonpartisan election; provided  
12 that this preliminary report does not need to be  
13 filed by a candidate who is unsuccessful in a  
14 primary, first special, or first nonpartisan  
15 election or a candidate who is elected to office  
16 in the primary, first special, or first  
17 nonpartisan election.

18          Each preliminary report shall be current through June  
19 30 for the report filed on July 31 and current through  
20 the fifth calendar day before the filing deadline of  
21 other preliminary reports.



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

5 (3) The filing date for the final election period report  
6 is thirty calendar days after a general, second  
7 special, or second nonpartisan election. The report  
8 shall be current through the day of the applicable  
9 election. The final election period report shall be  
10 filed by a candidate who is unsuccessful in a primary,  
11 first special, or first nonpartisan election or a  
12 candidate who is elected to office in the primary,  
13 first special, or first nonpartisan election.

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

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

16 (B) July 31 after an election year.

17 The report shall be current through December 31 for  
18 the report filed on January 31 and current through  
19 June 30 for the report filed on July 31.

20 (b) A candidate and campaign treasurer of each candidate  
21 with a deficit or surplus whose name will not appear on the  
22 ballot in the immediately succeeding election shall file a



1 supplemental report every six months on January 31 and July 31  
2 until:

- 3 (1) The candidate's name appears on the ballot and then is  
4 subject to the reporting requirements in subsection  
5 (a); or
- 6 (2) The committee's registration is terminated as provided  
7 in section 11-P.

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

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

14 **§11-T Noncandidate committee reports.** (a) The authorized  
15 person in the case of a party, or treasurer in the case of a  
16 noncandidate committee that is not a party, shall file  
17 preliminary, final, and supplemental reports that disclose the  
18 following information:

- 19 (1) The noncandidate committee's name and address;
- 20 (2) The cash on hand at the beginning of the reporting  
21 period and election period;



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

3 (A) Contributions;

4 (B) Expenditures; and

5 (C) Other receipts;

6 (4) The cash on hand at the end of the reporting period;  
7 and

8 (5) The surplus or deficit at the end of the reporting  
9 period.

10 (b) Schedules filed with the reports shall include the  
11 following additional information:

12 (1) The amount and date of deposit of each contribution  
13 and the name, address, occupation, and employer of  
14 each contributor making a contribution aggregating  
15 more than \$100 during an election period, which was  
16 not previously reported; provided that if all the  
17 information is not on file, the contribution shall be  
18 returned to the contributor within thirty days of  
19 deposit;

20 (2) 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 (3) 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 (4) A description of each durable asset, the date of  
10 acquisition, value at the time of acquisition, and the  
11 name and address of the vendor or contributor of the  
12 asset; and

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

16 (c) No loan may be made or received by a noncandidate  
17 committee.

18 (d) The authorized person in the case of a party, or  
19 treasurer in the case of a committee shall file a late  
20 contribution report as provided in section 11-W if the committee  
21 receives late contributions from any person aggregating more



1 than \$500 or makes late contributions aggregating more than  
2 \$500.

3 §11-U Time for noncandidate committee to file preliminary,  
4 final, and supplemental reports. (a) The filing dates for  
5 preliminary reports are:

- 6 (1) Ten calendar days prior to a primary, first special,  
7 or first nonpartisan election; and
- 8 (2) Ten calendar days prior to a general, second special  
9 or second nonpartisan election.

10 Each preliminary report shall be current through the fifth  
11 calendar day prior to the filing of the report.

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

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

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

- 21 (1) January 31 after an election year; and
- 22 (2) July 31 after an election year.





1 The report shall be current through December 31 for the report  
2 filed on January 31 and current through June 30 for the report  
3 filed on July 31.

4 (e) The authorized person in the case of a party, or  
5 treasurer in the case of any other noncandidate committee shall  
6 continue to file all reports until the committee's registration  
7 is terminated as provided in section 11-P.

8 **§11-V Reporting expenditures.** For the purposes of this  
9 part, an expenditure is deemed to be made or incurred when the  
10 services are rendered or the product is delivered. Services  
11 rendered or products delivered for use during a reporting period  
12 are deemed delivered or rendered during the period or periods of  
13 use; provided that these expenditures shall be reasonably  
14 allocated between periods in accordance with the time the  
15 services or products are actually used.

16 **§11-W Late contributions; report.** (a) The candidate,  
17 authorized person in the case of a noncandidate committee that  
18 is a party, or treasurer in the case of a candidate committee or  
19 other noncandidate committee, that within the period of fourteen  
20 calendar days through four calendar days prior to any election,  
21 makes contributions aggregating more than \$500, or receives  
22 contributions from any person aggregating more than \$500, shall



1 file a late contribution report on or before the third calendar  
2 day prior to the election.

3 (b) The late contribution report shall include the  
4 following information:

5 (1) Name, address, occupation, and employer of the  
6 contributor;

7 (2) Name of the candidate, candidate committee, or  
8 noncandidate committee making or receiving the  
9 contribution;

10 (3) The amount of the contribution;

11 (4) The contributor's aggregate contributions to the  
12 candidate, candidate committee, or noncandidate  
13 committee; and

14 (5) The purpose, if any, to which the contribution will be  
15 applied.

16 (c) A late contribution report filed pursuant to this  
17 section shall be in addition to any other report required to be  
18 filed by this part.

19 **§11-X Final election period report for candidate committee**  
20 **or noncandidate committee receiving and expending \$1,000 or less**  
21 **during the election period.** (a) Any provision of law to the

22 contrary notwithstanding, a candidate committee or noncandidate



1 committee whose aggregate contributions and aggregate  
2 expenditures for the election period total \$1,000 or less, shall  
3 electronically file only a final election period report, and  
4 need not file a preliminary and final primary report, a  
5 preliminary and final general report, a preliminary and final  
6 first special report, a preliminary and final second special  
7 report, a preliminary and final first nonpartisan report, and a  
8 preliminary and final second nonpartisan report.

9 (b) Until the candidate committee's or noncandidate  
10 committee's registration is terminated as provided in section  
11 11-P, supplemental reports and other reports required by this  
12 part shall be filed.

13 **§11-Y Failure to file report; filing a substantially**  
14 **defective or deficient report.** (a) True and accurate reports  
15 shall be filed with the commission on or before the due date  
16 specified in this part. The commission may assess a fine  
17 against a candidate committee or noncandidate committee that is  
18 required to file a report under this part if the report is not  
19 filed by the due date or if the report is substantially  
20 defective or deficient, as determined by the commission.

21 (b) The fine for not filing a report by the due date, if  
22 assessed, shall not exceed \$50 per day for the first seven days,



1 beginning with the day after the due date of the report, and  
2 shall not exceed \$200 per day thereafter; provided 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 a report filed more than four  
8 days after the due date, if assessed, shall be \$200.

9 (c) Subsection (b) notwithstanding, if a candidate  
10 committee does not file the second preliminary primary report or  
11 the preliminary general report, or if a noncandidate committee  
12 does not file the preliminary primary report or the preliminary  
13 general report by the due date, the fine, if assessed, shall not  
14 exceed \$300 per day; 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, if assessed, shall be \$300.

20 (d) If the commission determines that a report is  
21 substantially defective or deficient, the commission shall  
22 notify the candidate's committee by first class mail that:



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

3 (2) A fine may be assessed.

4 (e) If the corrected report is not filed with the  
5 commission's electronic filing system on or before the  
6 fourteenth day after the notice of deficiency has been mailed,  
7 the fine, if assessed, for a substantially defective or  
8 deficient report shall not exceed \$50 per day for the first  
9 seven days, beginning with the fifteenth day after the notice  
10 was sent, and shall not exceed \$200 per day thereafter; provided  
11 that:

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

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

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

21 (1) File a report; or



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

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

5           **§11-Z Electioneering communications; statement of**  
6 **information.** (a) Each person who makes a disbursement for  
7 electioneering communications in an aggregate amount of more  
8 than \$2,000 during any calendar year shall file with the  
9 commission a statement of information within twenty-four hours  
10 of each disclosure date provided in this section.

11           (b) Each statement of information shall contain the  
12 following:

13           (1) The name of the person making the disbursement, name  
14 of any person or entity sharing or exercising  
15 discretion or control over such person, and the  
16 custodian of the books and accounts of the person  
17 making the disbursement;

18           (2) The state of incorporation and principal place of  
19 business or, for an individual, the address of the  
20 person making the disbursement;



- 1           (3) The amount of each disbursement during the period  
2           covered by the statement and the identification of the  
3           person to whom the disbursement was made;
- 4           (4) The elections to which the electioneering  
5           communications pertain and the names, if known, of the  
6           candidates identified or to be identified;
- 7           (5) If the disbursements were made by a candidate  
8           committee or noncandidate committee, the names and  
9           addresses of all persons who contributed to the  
10          candidate committee or noncandidate committee for the  
11          purpose of publishing or broadcasting the  
12          electioneering communications;
- 13          (6) If the disbursements were made by an organization  
14          other than any candidate committee or noncandidate  
15          committee, the names and addresses of all persons who  
16          contributed to the organization for the purpose of  
17          publishing or broadcasting the electioneering  
18          communications; and
- 19          (7) Whether or not any electioneering communication is  
20          made in coordination, cooperation, or concert with or  
21          at the request or suggestion of any candidate,  
22          candidate committee, or noncandidate committee, or



1 agent of any candidate if any, and if so, the  
2 identification of the candidate, a candidate committee  
3 or a noncandidate committee, or agent involved.

4 (c) For the purposes of this section:

5 "Disclosure date" means, for every calendar year, the first  
6 date by which a person has made disbursements during that same  
7 year of more than \$2,000 in the aggregate for electioneering  
8 communications, and the date of any subsequent disbursements by  
9 that person for electioneering communications.

10 "Electioneering communication" means any advertisement that  
11 is broadcast from a cable, satellite, television, or radio  
12 broadcast station; published in any periodical or newspaper; or  
13 sent by mail at a bulk rate, and that:

- 14 (1) Refers to a clearly identifiable candidate;
- 15 (2) Is made, or scheduled to be made, either within thirty  
16 days prior to a primary or initial special election or  
17 within sixty days prior to a general or special  
18 election; and
- 19 (3) Is not susceptible to any reasonable interpretation  
20 other than as an appeal to vote for or against a  
21 specific candidate.





1 "Electioneering communication" shall not include

2 communications:

3 (1) In a news story or editorial disseminated by any  
4 broadcast station or publisher of periodicals or  
5 newspapers, unless the facilities are owned or  
6 controlled by any candidate, candidate committee, or  
7 noncandidate committee;

8 (2) That constitute expenditures by the disbursing  
9 organization;

10 (3) In house bulletins; or

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

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

17 **§11-AA Fundraiser; notice of intent.** (a) No fundraiser  
18 shall be held unless a notice of intent to hold the fundraiser  
19 is filed setting forth the name and address of the person in  
20 charge, the price per person, the date, hour, and place of the  
21 fundraiser, and the method thereof.



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

3 (c) As used in this section, "fundraiser" means any  
4 function held for the benefit of a candidate, candidate  
5 committee, or noncandidate committee that is intended or  
6 designed, directly or indirectly, to raise contributions for  
7 which the price or suggested contribution for attending the  
8 function is more than \$25 per person.

9 **§11-BB Reporting deadline.** When any reporting deadline  
10 falls on a Saturday, Sunday, or holiday designated in section 8-  
11 1, the reporting deadline shall be the next succeeding day that  
12 is not a Saturday, Sunday, or holiday.

13 **§11-CC Sale or use of information.** No information in the  
14 reports or copies of the reports filed with the commission shall  
15 be sold or used by any person for the purpose of soliciting  
16 contributions or for any commercial purpose.

17 **F. Contributions; Prohibitions; Limits**

18 **§11-DD Contributions, generally.** (a) Monetary  
19 contributions and other campaign funds shall be promptly  
20 deposited in a depository institution, as defined by section  
21 412:1-109, duly authorized to do business in the state,  
22 including a bank, savings bank, savings and loan association,



1 depository financial services loan company, credit union, intra-  
2 Pacific bank, or similar financial institution, the deposits or  
3 accounts of which are insured by the Federal Deposit Insurance  
4 Corporation, or the National Credit Union Administration in the  
5 name of the candidate, candidate committee, or noncandidate  
6 committee, whichever is applicable.

7 (b) A candidate, candidate committee, or noncandidate  
8 committee, shall not accept a contribution of more than \$100 in  
9 cash from a single person without issuing a receipt to the  
10 contributor.

11 (c) Each candidate committee or noncandidate committee  
12 shall disclose the original source of all earmarked funds, the  
13 ultimate recipient of the earmarked funds, and the fact that the  
14 funds are earmarked.

15 **§11-EE False name contributions prohibited.** (a) No  
16 person shall make a contribution to any candidate or a candidate  
17 committee or noncandidate committee, in any name other than that  
18 of the person who owns the money, property, or service.

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



1           **§11-FF Anonymous contributions prohibited.** (a) Except as  
2 provided in subsection (d), no person shall make an anonymous  
3 contribution to any candidate, candidate committee, or  
4 noncandidate committee.

5           (b) A candidate, candidate committee, or noncandidate  
6 committee shall not knowingly receive, accept, or retain an  
7 anonymous contribution, or report such contribution as an  
8 anonymous contribution, except as provided in this section.

9           (c) An anonymous contribution shall not be used or  
10 expended by the candidate, candidate committee, or noncandidate  
11 committee, but shall be returned to the contributor. If the  
12 contributor cannot be identified, the contribution shall escheat  
13 to the Hawaii election campaign fund.

14           (d) This section shall not apply to amounts that aggregate  
15 to less than \$500 that are received from ten or more persons at  
16 the same political function. The receipt of these contributions  
17 shall be disclosed in a report filed pursuant to section 11-R  
18 and 11-T.

19           **§11-GG Fundraising on state or county property prohibited.**

20 (a) Except as provided in subsection (b), no person shall  
21 solicit a contribution in a government facility that is used for



1 the discharge of official duties by an officer or employee of  
2 the State or county.

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

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

14 **§11-HH Contributions by state and county contractors**  
15 **prohibited.** (a) It shall be unlawful for any person who enters  
16 into any contract with the State, any of its counties, or any  
17 department or agency thereof either for the rendition of  
18 personal services, the buying of property, or furnishing of any  
19 material, supplies, or equipment to the State, any of its  
20 counties, department or agency thereof, or for selling any land  
21 or building to the State, any of its counties, or any department  
22 or agency thereof, if payment for the performance of the



1 contract or payment for material, supplies, equipment, land,  
2 property, or building is to be made in whole or in part from  
3 funds appropriated by the legislative body, at any time between  
4 the execution of the contract through the completion of the  
5 contract, to:

6 (1) Directly or indirectly make any contribution, or  
7 promise expressly or impliedly to make any  
8 contribution to any candidate committee or  
9 noncandidate committee, or to any candidate or to any  
10 person for any political purpose or use; or

11 (2) Knowingly solicit any contribution from any person for  
12 any purpose during any period.

13 (b) Except as provided in subsection (a), this section  
14 does not prohibit or make unlawful the establishment or  
15 administration of, or the solicitation of contributions to, any  
16 noncandidate committee by any person other than the state or  
17 county contractor for the purpose of influencing the nomination  
18 for election, or the election of any person to office.

19 (c) For purposes of this section, "completion of the  
20 contract" means that the parties to the government contract have  
21 either terminated the contract prior to completion of  
22 performance or fully performed the duties and obligations under

1 the contract, no disputes relating to the performance and  
2 payment remain under the contract, and all disputed claims have  
3 been adjudicated and are final.

4 **§11-II Contributions by foreign national or foreign**  
5 **corporation prohibited.** (a) Except as provided in subsection  
6 (b), no contributions or expenditures shall be made to or on  
7 behalf of a candidate, candidate committee, or noncandidate  
8 committee, by a foreign national or foreign corporation,  
9 including a domestic subsidiary of a foreign corporation, a  
10 domestic corporation that is owned by a foreign national, or a  
11 local subsidiary where administrative control is retained by the  
12 foreign corporation, and in the same manner prohibited under 2  
13 United States Code section 441e and 11 Code of Federal  
14 Regulations 110.20, as amended.

15 (b) A foreign-owned domestic corporation may make  
16 contributions if:

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

21 (2) The contributions are domestically-derived.



1           **§11-JJ Contributions to candidate committees; limits.** (a)

2 No person shall make contributions to:

3           (1) A candidate seeking nomination or election to a two-  
4           year office or to a candidate committee in an  
5           aggregate amount greater than \$2,000 during an  
6           election period;

7           (2) A candidate seeking nomination or election to a four-  
8           year nonstatewide office or to a candidate committee  
9           in an aggregate amount greater than \$4,000 during an  
10          election period; or

11          (3) A candidate seeking nomination or election to a four-  
12          year statewide office or to a candidate committee in  
13          an aggregate amount greater than \$6,000 during an  
14          election period.

15          (b) For purposes of this section, the length of term of an  
16 office shall be the usual length of term of the office as  
17 unaffected by reapportionment, a special election to fill a  
18 vacancy, or any other factor causing the term of the office the  
19 candidate is seeking to be less than the usual length of term of  
20 that office.

21           **§11-KK Contributions to noncandidate committees; limits.**

22 No person shall make contributions to a noncandidate committee





1 in an aggregate amount greater than \$1,000 in an election. This  
2 section shall not apply to ballot issue committees.

3 **§11-LL Family contributions.** (a) A contribution by a  
4 dependent minor shall be reported in the name of the minor but  
5 included in the aggregate contributions of the minor's parent or  
6 guardian.

7 (b) A contribution by the candidate's immediate family  
8 shall be exempt from section 11-JJ, but shall be limited in the  
9 aggregate to \$50,000 in any election period; provided that the  
10 aggregate amount of loans and contributions received from the  
11 candidate's immediate family does not exceed \$50,000 during an  
12 election period.

13 **§11-MM Contributions to a party.** (a) No person shall  
14 make contributions to a party in an aggregate amount greater  
15 than \$25,000 in any two-year election period, except as provided  
16 in subsection (b).

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

21 (c) If a person makes a contribution to a party that is  
22 earmarked for a candidate or candidates, the contribution shall



1 be deemed to be a contribution from both the original  
2 contributor and the party distributing such funds to a candidate  
3 or candidates. The earmarked funds shall be promptly  
4 distributed by the party to the candidate.

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

8 **§11-NN Aggregation of contributions and expenditures.** (a)

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

18 (b) A contribution by a partnership shall not exceed the  
19 limitations in this section and shall be attributed to the  
20 partnership and to each partner in direct proportion to the  
21 partner's share of the partnership profits, according to



1 instructions that shall be provided by the partnership to the  
2 party, candidate, or committee receiving the contribution.

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

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

9 (2) A contribution by a limited liability company that is  
10 treated as a corporation by the Internal Revenue  
11 Service shall be considered a contribution from a  
12 corporation.

13 (3) A contribution by a limited liability company with a  
14 single individual member that is not treated as a  
15 corporation by the Internal Revenue Service shall be  
16 attributed only to that single individual member.

17 (4) A limited liability company that makes a contribution  
18 shall, at the time the limited liability company makes  
19 the contribution, provide information to the party,  
20 noncandidate committee, or candidate committee  
21 receiving the contribution specifying how the  
22 contribution is to be attributed.



1 (d) A person's contribution to a party that is earmarked  
2 for a candidate or candidates shall be included in the aggregate  
3 contributions of both the person and the party. The earmarked  
4 funds shall be promptly distributed by the party to the  
5 candidate.

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

9 **§11-00 Contributions limited from nonresident persons.**

10 (a) Contributions from all persons who are not residents of the  
11 state at the time the contributions are made, shall not exceed  
12 thirty per cent of the total contributions received by a  
13 candidate or candidate committee for each election period.

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

16 **§11-PP Coordination of contributions and expenditures.**

17 (a) Expenditures or disbursements for electioneering  
18 communications as defined in section 11-Z, or any other  
19 coordinated activity made by any person for the benefit of a  
20 candidate in cooperation, consultation, or concert with, or at  
21 the request or suggestion of, a candidate, a candidate



1 committee, or their agents, shall be considered to be a  
2 contribution to the candidate and expenditure by the candidate.

3 The financing by any person of the dissemination,  
4 distribution, or republication, in whole or in part, of any  
5 broadcast or any written or other campaign materials prepared by  
6 the candidate, candidate committee, or agents shall be  
7 considered to be a contribution to the candidate.

8 This subsection shall not apply to candidates for governor  
9 or lieutenant governor supporting a co-candidate in the general  
10 election.

11 (b) "Coordinated activity" means:

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

18 (2) The payment by any person for the production,  
19 dissemination, distribution, or republication of any  
20 written, graphic, or other form of campaign material,  
21 in whole or in part, prepared by a candidate,  
22 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-Z, 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 (c) No expenditure for a candidate who files an affidavit  
10 with the commission agreeing to limit aggregate expenditures by  
11 the candidate, including coordinated activity by any person,  
12 shall be made or incurred by a candidate committee or  
13 noncandidate committee without authorization of the candidate or  
14 the candidate's authorized representative. Every expenditure so  
15 authorized and made or incurred shall be attributed to the  
16 candidate with whom the candidate committee or noncandidate  
17 committee is directly associated for the purpose of imposing the  
18 expenditure limitations set forth in section 11-000.

19 **§11-QQ Excess contribution; return; escheat.** (a) Any  
20 candidate, candidate committee, or noncandidate committee that  
21 receives in the aggregate more than the applicable contribution  
22 limit in sections 11-JJ, 11-KK, 11-LL, and 11-MM shall return



1 any excess contribution to the contributor within thirty days of  
2 receipt of the excess contribution. Any excess contribution not  
3 returned to the contributor within thirty days shall escheat to  
4 the Hawaii election campaign fund.

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

9 **G. Loans**

10 **§11-RR Loan to candidate committee.** (a) A candidate or  
11 candidate committee may receive a loan from any or all of the  
12 following:

- 13 (1) The candidate's own funds;
- 14 (2) A financial institution regulated by the State or a  
15 federally chartered depository institution and made in  
16 accordance with applicable law in the ordinary course  
17 of business;
- 18 (3) The candidate's immediate family in an aggregate  
19 amount not to exceed \$50,000 during an election  
20 period; provided that the aggregate amount of loans  
21 and contributions received from the immediate family



1 shall not exceed \$50,000 during an election period;

2 and

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

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

11 (B) If a loan from persons other than immediate  
12 family members is not repaid within one year of  
13 the date that the loan is made, the candidate and  
14 candidate committee shall be prohibited from  
15 accepting any other loans. All campaign funds,  
16 including contributions subsequently received,  
17 shall be used to repay the outstanding loan in  
18 full.

19 (b) For the purposes of this section, a "loan" does not  
20 include expenditures made on behalf of a candidate committee by  
21 a candidate, 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 and a written description of the name  
5 and address of each payee and the amount, date, and  
6 purpose of each expenditure is provided to the  
7 candidate committee before the candidate committee  
8 reimburses the candidate, volunteer, or employee; and

9 (3) The candidate committee reimburses the candidate,  
10 volunteer, or employee within forty-five days of the  
11 expenditures being made.

12 **§11-SS Reporting loan; written loan agreement.** (a) Every  
13 loan shall be reported as provided in section 11-R.

14 (b) Every loan in excess of \$100 shall be documented as  
15 provided in section 11-R.

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

19 **§11-TT Noncandidate committee loan prohibited.** A  
20 noncandidate committee shall not receive or make a loan.



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H. Expenditures

§11-UU Campaign funds only used for certain purposes. (a)

Campaign funds may be used by a candidate, treasurer, or candidate committee:

(1) For any purpose directly related:

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

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

(2) To purchase or lease consumer goods, vehicles, equipment, and services that provide a mixed benefit to the candidate. The candidate, however, shall reimburse the committee for the candidate's personal use unless the personal use is de minimis;

(3) To make donations to any community service, educational, youth, recreational, charitable, scientific, or literary organization; provided that in any election period, the total amount of all contributions shall be no more than the maximum amount that one person may contribute to that candidate



1           pursuant to section 11-JJ; provided further that no  
2           contributions shall be made from the date the  
3           candidate files nomination papers to the date of the  
4           general election;

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

9           (5) To make contributions to the candidate's party so long  
10          as the contributions are not earmarked for another  
11          candidate; or

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

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

18          **§11-VV Prohibited uses of campaign funds.** Campaign funds  
19          shall not be used:

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



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

4 (3) For personal expenses.

5 **§11-WW Exceptions.** Notwithstanding sections 11-UU and 11-

6 VV:

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

8 (2) A candidate for the office of governor or lieutenant  
9 governor may support a co-candidate in the general  
10 election.

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

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

19 (b) The candidate committee and candidate who withdraws or  
20 ceases to be a candidate for the election because of death,  
21 disqualification, or other reasons shall return residual funds  
22 to the contributors no later than ninety days after the



1 candidate ceases to be a candidate. Funds not returned to  
2 contributors shall escheat to the Hawaii election campaign fund.

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

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

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

21 (f) Notwithstanding any of the foregoing, campaign funds  
22 may be used for the candidate's next subsequent election as



1 provided in section 11-UU upon registration for the election  
2 pursuant to section 11-K.

3 (g) The commission shall adopt rules pursuant to chapter  
4 91 to carry out the purposes of this section.

5 **I. Advertisements**

6 **§11-YY Advertisements.** (a) Any advertisement shall  
7 contain:

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

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

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

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

21 (b) The fine for violation of this section, if assessed by  
22 the commission, shall not exceed \$25 for each advertisement that



1 lacks the information required by this section, and shall not  
2 exceed an aggregate amount of \$5,000.

3 §11-ZZ House bulletins. The costs of preparing, printing,  
4 and circulating house bulletins and the writings, drawings, and  
5 photographs contained therein, except for paid advertisements,  
6 shall be exempt from the provisions of this part.

7 J. Enforcement

8 §11-AAA Subpoena powers. (a) The commission may subpoena  
9 witnesses, examine them under oath, and require the production  
10 of books, papers, documents, or objects to the commission office  
11 or at any place in the state whether or not the subpoena is in  
12 connection with any hearing; provided that the person or  
13 documents subpoenaed shall be relevant to a matter under study  
14 or investigation by the commission.

15 (b) The books, papers, documents, or objects may be  
16 retained by the commission for a reasonable period of time for  
17 examination, audit, copying, testing, and photographing.

18 (c) The subpoena power shall be exercised by the  
19 chairperson of the commission, or the chairperson's designee.

20 (d) Upon application of the commission, obedience to the  
21 subpoena shall be enforced by the circuit court in the county in



1 which the person subpoenaed resides or is found, in the same  
2 manner as a subpoena issued by a circuit court.

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

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

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

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

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

19 **§11-DDD Initial determination by the commission.** The  
20 commission shall promptly determine, without regard to chapter  
21 91, to:

22 (1) Summarily dismiss the complaint;





- 1 (2) Investigate further;
- 2 (3) Make a preliminary determination; or
- 3 (4) Refer the complaint to an appropriate prosecuting
- 4 attorney for prosecution under section 11-KKK.

5 **§11-EEE Preliminary determination regarding probable**

6 **cause.** (a) Upon hearing the response, if the respondent

7 explains or otherwise responds to the complaint, and upon

8 completion of any investigation, the commission may make a

9 prompt preliminary determination as to whether probable cause

10 exists that a violation of this part has been committed. The

11 preliminary determination with findings of fact and conclusions

12 of law shall be served upon the respondent by certified mail.

13 (b) The respondent shall be afforded an opportunity to

14 contest the commission's preliminary determination of probable

15 cause by making a request for a contested case hearing under

16 chapter 91 within twenty days of receipt of the preliminary

17 determination. Failure to request a contested case hearing

18 shall render the commission's preliminary determination final.

19 **§11-FFF Waiver of further proceedings.** The commission may

20 waive further proceedings due to action the respondent takes to

21 remedy or correct the alleged violation, including the payment

22 of any administrative fine. The commission shall make the



1 remedial or corrective action taken by the respondent, the  
2 commission's decision in light of the action to waive further  
3 proceedings, and the commission's justification for its  
4 decision, a part of the public record.

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

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

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

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

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



1 (f) Any person who appears before the commission shall  
2 have all of the rights, privileges, and responsibilities of a  
3 witness appearing before the courts of this State. All  
4 witnesses summoned before the commission or hearings officer  
5 shall receive reimbursements as paid in like circumstances in  
6 the courts of this State. Any person whose name is mentioned  
7 during a proceeding before the commission and who may be  
8 adversely affected thereby, may appear or file a written  
9 statement for incorporation into the record of the proceeding.

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

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



1           **§11-HHH Dismissal.** The complaint shall be dismissed if  
2 the commission makes a final determination that there is no  
3 violation of this part.

4           **§11-III Final determination of violation; order.** If the  
5 commission makes a final determination of a violation of this  
6 part, its written decision with findings of fact and conclusions  
7 of law may order any of the following:

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

16          **§11-JJJ Administrative fines; relief.** (a) The commission  
17 may make a decision or issue an order affecting any person  
18 violating any provision of this part or section 281-22 that may  
19 provide for the assessment of an administrative fine as follows:

- 20          (1) If an individual, an amount not to exceed \$1,000 for  
21 each occurrence or an amount equivalent to three times



1 the amount of an unlawful contribution or expenditure;

2 or

3 (2) If a corporation, organization, association, or labor

4 union, an amount not to exceed \$1,000 for each

5 occurrence;

6 provided that whenever a corporation, organization, association,

7 or labor union violates this part, the violation may be deemed

8 to be also that of the individual directors, officers, or agents

9 of the corporation, organization, association, or labor union,

10 who have knowingly authorized, ordered, or done any of the acts

11 constituting the violation.

12 (b) Any order for the assessment of an administrative fine

13 shall not be issued against a person without providing the

14 person written notice and an opportunity to be heard at a

15 hearing conducted under chapter 91. A person may waive these

16 rights by written stipulation or consent.

17 (c) If an administrative fine is imposed upon a candidate,

18 the commission may order that the fine, or any portion, be paid

19 from the candidate's personal funds.

20 (d) If the person to whom the commission's order is

21 directed does not comply with the order, the first circuit

22 court, upon application of the commission, shall issue an order



1 requiring the person to comply with the commission's order.

2 Failure to obey such a court order shall be punished as

3 contempt.

4 (e) Any administrative fine collected by the commission

5 shall be deposited in the general fund of the State.

6 (f) Any person or the commission may sue for injunctive

7 relief to compel compliance with this part.

8 (g) The provisions of this section shall not prohibit

9 prosecution under any appropriate provision of the Hawaii Penal

10 Code or section 11-LLL.

11 (h) The provisions of this section shall not apply to any

12 person who, prior to the commencement of proceedings under this

13 section, has paid or agreed to pay the fines prescribed by

14 section 11-Y and 11-YY(b).

15 **§11-KKK Criminal referral.** In lieu of an administrative

16 determination that a violation of this part has been committed,

17 the commission may refer the complaint to the attorney general

18 or county prosecutor at any time it believes the respondent may

19 have recklessly, knowingly, or intentionally committed a

20 violation.



1           §11-LLL Criminal prosecution. (a) Any person who  
2 recklessly, knowingly, or intentionally violates any provision  
3 of this part shall be guilty of a misdemeanor.

4           (b) Any person who knowingly or intentionally falsifies  
5 any report required by this part with the intent to circumvent  
6 the law or deceive the commission or who violates section 11-EE  
7 or 11-FF shall be guilty of a class C felony. A person charged  
8 with a class C felony shall not be eligible for a deferred  
9 acceptance of guilty plea or nolo contendere plea under chapter  
10 853.

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

14           (d) For purposes of prosecution for violation of this  
15 part, the offices of the attorney general and the prosecuting  
16 attorney of the respective counties shall be deemed to have  
17 concurrent jurisdiction to be exercised as follows:

18           (1) Prosecution shall commence with a written request from  
19 the commission or upon the issuance of an order of the  
20 court; provided that prosecution may commence prior to  
21 any proceeding initiated by the commission or final  
22 determination;



1           (2) In the case of state offices, parties, or issues, the  
2           attorney general or the prosecuting attorney for the  
3           city and county of Honolulu shall prosecute any  
4           violation; and

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

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

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

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

17          (g) This section shall not apply to any person who, prior  
18          to the commencement of proceedings under this section, has paid  
19          or agreed to pay the fines prescribed by sections 11-Y and  
20          11-YY(b).





1                                   **K. Partial Public Financing**

2           **§11-MMM Hawaii election campaign fund; creation.** (a) The  
3 Hawaii election campaign fund is created as a trust fund within  
4 the state treasury.

5           (b) The fund shall consist of:

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

9           (2) Any general fund appropriations; and

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

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

15          **§11-NNN Depletion of fund.** (a) The commission shall be  
16 under no obligation to provide moneys to candidates if, in the  
17 partial public funding program or comprehensive public funding  
18 for elections to the county of Hawaii council, moneys in that  
19 fund are near depletion.

20          (b) For purpose of the partial funding program, if the  
21 Hawaii election campaign fund is close to depletion as  
22 determined by the commission, the commission shall determine the



1 amounts available to eligible candidates based on their order of  
2 eligibility in qualifying for partial public funds, as  
3 determined by the date of filing of an application for public  
4 funds with the commission pursuant to section 11-VVV; provided  
5 that the application has been accepted by the commission.

6 (c) For purpose of the comprehensive public funding for  
7 elections to the county councils, if the Hawaii elections  
8 campaign fund is close to depletion, the commission shall  
9 determine whether the program shall be operative in accordance  
10 with this part.

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

12 (a) Any candidate may voluntarily agree to limit the  
13 candidate's expenditures by filing an affidavit with the  
14 commission.

15 (b) The affidavit shall state that the candidate knows the  
16 voluntary campaign expenditure limitations as set out in this  
17 part and that the candidate is voluntarily agreeing to limit the  
18 candidate's expenditures and those made on the candidate's  
19 behalf by the amount set by this section. The affidavit shall  
20 be subscribed to by the candidate and notarized and filed no  
21 later than the time of filing nomination papers with the chief  
22 elections officer or county clerk.



1 (c) The affidavit shall remain effective until the  
2 termination of the candidate committee or the opening of filing  
3 of nomination papers for the next succeeding election, whichever  
4 occurs first. An affidavit filed under this section may not be  
5 rescinded.

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

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



1           **§11-PPP Tax deduction for qualifying contributions.** (a)

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

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

10           (c) If a candidate has not filed the affidavit pursuant to  
11 section 11-000, the candidate shall inform all contributors in  
12 writing immediately upon receipt of the contribution that they  
13 are not entitled to a tax deduction for their contributions to  
14 the candidate. The director of taxation shall not allow any  
15 contributor to take a deduction, pursuant to section 235-  
16 7(g)(2), for any contribution to a candidate for a statewide or  
17 county office who has not filed the affidavit pursuant to  
18 section 11-000.

19           **§11-000 Maximum amount of public funds available to**

20 **candidate.** (a) The maximum amount of public funds available in  
21 each election to a candidate for the office of governor,  
22 lieutenant governor, or mayor shall not exceed ten per cent of



1 the expenditure limit established in section 11-000(d) for each  
2 election.

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

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

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

14 (e) Each candidate who qualified for the maximum amount of  
15 public funding in any primary election and who is a candidate  
16 for a subsequent general election shall apply with the  
17 commission to be qualified to receive the maximum amount of  
18 public funds as provided in this section for the respective  
19 general election. For purposes of this section, "qualified"  
20 means meeting the qualifying campaign contribution requirements  
21 of section 11-TTT.



1           **§11-RRR Candidate exceeds voluntary expenditure limit.** A  
2 candidate who files the affidavit agreeing to limit expenditures  
3 and who exceeds the expenditure limit for that election shall:

4           (1) Notify all opponents, the chief election officer, and  
5           the commission by telephone and writing on the day the  
6           expenditure limit is exceeded;

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

8           (3) Provide reasonable notice to all contributors within  
9           thirty days of exceeding the limit that the  
10           expenditure limit was exceeded and contributions to  
11           the candidate no longer qualify for a state income tax  
12           deduction.

13           **§11-SSS Reserving use of contributions.** A candidate who  
14 files the affidavit voluntarily agreeing to limit expenditures  
15 and who receives contributions that in aggregate exceed the  
16 expenditure limit for an election shall reserve use of any  
17 contributions that exceed the limit until after the applicable  
18 election.

19           **§11-TTT Eligibility requirements for public funds.** In  
20 order to be eligible to receive public funds for an election, a  
21 candidate shall certify that the candidate will meet all the  
22 following requirements:



- 1       (1) The candidate and the candidate committee authorized  
2             by the candidate shall not incur expenditures in  
3             excess of the expenditure limitations imposed by  
4             section 11-000;
- 5       (2) The candidate is qualified to be on the election  
6             ballot in a primary or general election;
- 7       (3) The candidate is opposed by at least one other  
8             candidate for the same office in the same election;
- 9       (4) The candidate has filed a statement of intent to seek  
10            public funds. A contribution received before the  
11            filing of a statement of intent to seek public funds  
12            shall not be considered a qualifying contribution;
- 13       (5) The candidate or committee authorized by the candidate  
14            has received the minimum amount of qualifying  
15            contributions for the office sought by the candidate  
16            as set forth in section 11-UUU;
- 17       (6) The aggregate of contributions certified with respect  
18            to any person under paragraph (4) does not exceed \$100  
19            in each matching payment period;
- 20       (7) The candidate agrees to obtain and furnish any  
21            evidence relating to expenditures that the commission  
22            may request;



1 (8) The candidate agrees to keep and furnish records,  
2 books, and other information that the commission may  
3 request; and

4 (9) The candidate agrees to an audit and examination by  
5 the commission pursuant to section 11-ZZZ and to pay  
6 any amounts required to be paid pursuant to that  
7 section.

8 **§11-UUU Minimum qualifying contribution amounts;**

9 **qualifying contribution statement.** (a) As a condition of  
10 receiving public funds for a primary or general election, a  
11 candidate shall not be unopposed in any election for which  
12 public funds are sought, shall have filed an affidavit with the  
13 commission pursuant to section 11-000 to voluntarily limit the  
14 candidate's campaign expenditures, and shall be in receipt of  
15 the following sum of qualifying contributions from individual  
16 residents of Hawaii:

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

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

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





1 (A) County of Honolulu--qualifying contributions that  
2 in the aggregate, exceed \$50,000;

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

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

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

9 (4) For the office of prosecuting attorney for each  
10 respective county:

11 (A) County of Honolulu--qualifying contributions that  
12 in the aggregate, exceed \$30,000;

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

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

17 (5) For the office of county council--for each respective  
18 county:

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

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



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

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

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

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

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

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

15 (b) A candidate shall obtain the minimum qualifying  
16 contribution amount set forth in subsection (a), once for the  
17 election period.

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



1 (A) The minimum payment in an amount equal to the  
2 minimum qualifying contribution amounts; and  
3 (B) Payments of \$1 for each \$1 of qualifying  
4 contributions in excess of the minimum qualifying  
5 contribution amounts.

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

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

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



1 (d) The statement of qualifying contributions shall  
2 include:

- 3 (1) The printed names and addresses of the individual  
4 residents of Hawaii who made the qualifying  
5 contribution during the matching payment period, and  
6 (2) The amount and date of deposit of each qualifying  
7 contribution.

8 (e) As used in this section, "matching payment period"  
9 means:

- 10 (1) For a primary, first special, or first nonpartisan  
11 election, from January 1 of the year of the election  
12 through the day of the primary, first special, or  
13 first nonpartisan primary election; and  
14 (2) For a general, second special, or second nonpartisan  
15 election, from January 1 of the year of a general  
16 election through the day of the general, second  
17 special, or second nonpartisan election.

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



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

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

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

15 **§11-WWW Payment to candidate.** (a) Upon the commission's  
16 approval of the application and statement of qualifying  
17 contributions, the commission shall direct the comptroller to  
18 distribute matching public funds up to the maximum amount of  
19 public funds allowed by section 11-000. Public funds shall be  
20 distributed to the candidate within twenty days from the date  
21 that the candidate's initial application and qualifying  
22 contribution statement is approved by the commission.



1 (b) The commission shall make additional determinations  
2 within fourteen days after receiving a complete application and  
3 supplemental statement of qualifying contributions from a  
4 candidate.

5 (c) All determinations made by the commission under this  
6 section are final and conclusive, except to the extent they are  
7 subject to examination and audit by the commission under section  
8 11-ZZZ.

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

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

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

20 (1) Defray expenditures of the candidate; and

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



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

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

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

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

17 (b) The commission shall adopt rules, pursuant to chapter  
18 91, regarding expenditures which qualify under section 11-XXX.

19 (c) If the commission determines that any payment of  
20 public funds to a candidate exceeded the aggregate amount to  
21 which the candidate was entitled, the commission shall notify  
22 the candidate within two years of the payment of the public



1 funds and the candidate shall repay the excess amount to the  
2 Hawaii election campaign fund.

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

9 **§11-AAAA Report and recommendation.** In January of each  
10 year, the commission shall submit to the legislature:

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





1 PART III

2 SECTION 3. Chapter 11, part XII, subpart B, Hawaii Revised  
3 Statutes, is repealed.

4 PART IV

5 SECTION 4. This Act does not affect rights and duties that  
6 matured, penalties that were incurred, and proceedings that were  
7 begun, before its effective date.

8 SECTION 5. If any provision of this Act, or the  
9 application thereof to any person or circumstance is held  
10 invalid, the invalidity shall not affect other provisions or  
11 applications of the Act, which can be given effect without the  
12 invalid provision or application, and to this end the provisions  
13 of this Act are severable.

14 SECTION 6. In codifying the new sections added by part II  
15 of this Act, the revisor of statutes shall substitute  
16 appropriate section numbers for the letters used in designating  
17 the new sections in this Act.

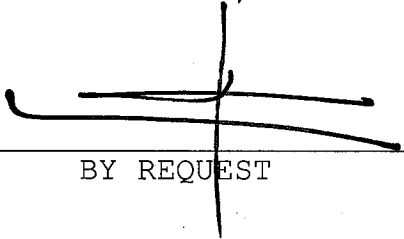
18 SECTION 7. This Act shall be amended to conform to all  
19 other acts passed by the legislature during this regular session  
20 of 2010 whether enacted before or after the effective date of  
21 this Act, unless the other acts specifically provide otherwise.



1 SECTION 8. This Act shall take effect upon approval and  
2 apply to reporting periods beginning after November 2, 2010.

3

INTRODUCED BY:

  
BY REQUEST



**Report Title:**

Elections; Campaign Financing

**Description:**

Updates, organizes, and clarifies current campaign financing laws.

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

