

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. General Provisions**

16 **§11-A Definitions.** When used in this part:

17 "Advertisement" means any communication, excluding sundry
18 items, including bumper stickers, that:

19 (1) Identifies a candidate directly or by implication, or
20 identifies an issue or question that will appear on
21 the ballot at the next applicable election; and



1 (2) Advocates or supports the nomination, opposition, or
2 election of the candidate, or advocates the passage or
3 defeat of the issue or question on the ballot.

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

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

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

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

21 (2) Receives contributions, makes expenditures, or incurs
22 financial obligations of more than \$100 to bring about



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

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

7 (4) Is certified to be a candidate by the chief election
8 officer or county clerk.

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 inclusion of name,
14 photograph or other similar image, or other unambiguous
15 identification of a 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
22 11-QQ;



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 reportable as other receipts and expenditures;

8 (3) Any loans or advances to the candidate committee;
9 provided that these loans or advances shall be
10 reportable as other receipts; 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 "Earmarked funds" means contributions received by a
22 candidate committee or noncandidate committee on the condition



1 that the funds be contributed to or expended on certain
2 candidates, issues, or questions.

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

5 "Election period" means:

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

14 "Equipment and services" includes computers, software,
15 internet domain names, internet service providers, and any other
16 technology that is used to provide access to or use of the
17 Internet.

18 "Expenditure" means:

- 19 (1) Any purchase or transfer of money or anything of
20 value, or promise or agreement to purchase or transfer
21 money or anything of value, or payment incurred or



1 made, or the use or consumption of a nonmonetary
2 contribution for the purpose of:

3 (A) Influencing the nomination for election, or the
4 election, of any person seeking nomination for
5 election or election to office, whether or not
6 the person has filed the person's nomination
7 paper;

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

11 (C) Use by any party for the purposes set out in
12 subparagraph (A) or (B);

13 (2) Any payment, by any person other than a candidate,
14 candidate committee, or noncandidate committee, of
15 compensation for the services of another person that
16 are rendered to the candidate, candidate committee, or
17 noncandidate committee for any of the purposes
18 mentioned in paragraph (1) (A); provided that payment
19 under this paragraph shall include provision of
20 services without charge; or

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



- 1 "Expenditure" 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) Voter registration efforts that are nonpartisan; or
- 6 (3) An individual, candidate committee, or noncandidate
7 committee engaging in internet activities for the
8 purpose of influencing an election if:
- 9 (A) The individual, candidate committee, or
10 noncandidate committee is uncompensated for
11 internet activities; or
- 12 (B) The individual, candidate committee, or
13 noncandidate committee uses equipment or services
14 for uncompensated internet activities, regardless
15 of who owns the equipment and services;
- 16 provided that the internet activity does not apply to
17 any payment for an advertisement other than a nominal
18 fee; the purchase or rental of an electronic address
19 list made at the direction of a candidate committee or
20 noncandidate committee; or an electronic mail address
21 list that is transferred to a candidate committee or
22 noncandidate committee.



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

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

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

13 "Individual" means a natural person.

14 "Internet activities" include:

- 15 (1) Sending or forwarding electronic messages;
- 16 (2) Providing a hyperlink or other direct access to
17 another person's website;
- 18 (3) Blogging;
- 19 (4) Creating, maintaining, or hosting a website;
- 20 (5) Paying a nominal fee for the use of another person's
21 website; and



1 (6) Any other form of communication distributed over the
2 Internet.

3 "Limited liability company" means a business entity that is
4 recognized as a limited liability company under the laws of the
5 state in which it is established.

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

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

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

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



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

4 "Noncandidate committee" means an organization,
5 association, party, or individual that has the purpose of making
6 or receiving contributions, making expenditures, or incurring
7 financial obligations to influence the nomination for election,
8 or the election, of any candidate to office, or for or against
9 any question or issue on the ballot; provided that a
10 noncandidate committee does not include:

- 11 (1) A candidate committee;
- 12 (2) Any individual making a contribution or making an
13 expenditure of the individual's own funds or anything
14 of value that the individual originally acquired for
15 the individual's own use and not for the purpose of
16 evading any provision of this part; or
- 17 (3) Any organization that raises or expends funds for the
18 sole purpose of producing and disseminating
19 informational or educational communications that are
20 not made to influence the outcome of an election,
21 question, or issue on a ballot.



1 "Office" means any Hawaii elective public or constitutional
2 office, excluding county neighborhood board and federal elective
3 offices.

4 "Other receipts" means the candidate's own funds, interest,
5 rebates, refunds, loans, or advances, and any other funds
6 received by a candidate committee or noncandidate committee, but
7 does not include contributions received from other persons.

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

10 "Person" means an individual, partnership, candidate
11 committee or noncandidate committee, party, association,
12 corporation, business entity, organization, or labor union and
13 its auxiliary committees.

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

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

19 "Qualifying contribution" means an aggregate monetary
20 contribution of \$100 or less by an individual Hawaii resident
21 during a matching payment period that is received after a
22 candidate files a statement of intent to seek public funds. A



1 qualifying contribution does not include a loan, an in-kind
2 contribution, or the candidate's own funds.

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

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

8 B. Campaign Spending Commission

9 §11-B Campaign spending commission established;
10 composition. (a) There is established a campaign spending
11 commission, which shall be placed within the department of
12 accounting and general services for administrative purposes.

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



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

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

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

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

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



1 paragraph shall not apply to the sale or use of
2 information under section 11-AA;

3 (5) Ascertain whether any candidate, candidate committee,
4 noncandidate committee, or party has failed to file a
5 report required by this part or has filed a
6 substantially defective or deficient report, and to
7 notify these persons by first class mail that the
8 failure to file, or the filing of a substantially
9 defective or deficient report shall be corrected and
10 explained, and that a fine may be assessed. All fines
11 collected under this section as authorized by section
12 11-HHH shall be deposited in the general fund of the
13 State;

14 (6) Hold public hearings;

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

17 (8) Adopt rules pursuant to chapter 91;

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

20 (10) Administer and monitor the distribution of public
21 funds under this part;



- 1 (11) Suggest accounting methods for candidates, candidate
2 committees, or noncandidate committees in connection
3 with reports and records required by this part;
- 4 (12) Employ or contract with, without regard to chapters
5 76, 78, and 89, persons it finds necessary for the
6 performance of its functions, including a full-time
7 executive director, and to fix their compensation;
8 provided that the commission shall have the authority,
9 at its discretion if appropriate, to dismiss persons
10 employed by or contracted with the commission;
- 11 (13) Conduct random audits and field investigations, as
12 necessary; and
- 13 (14) File for injunctive relief when indicated.

14 **§11-F Advisory opinions.** The commission may render
15 written advisory opinions upon the request of any candidate,
16 candidate committee, noncandidate committee, or other person or
17 entity subject to this part, as to whether the facts and
18 circumstances of a particular case constitute or will constitute
19 a violation of the campaign spending laws. If no advisory
20 opinion is rendered within ninety days after all information
21 necessary to issue an opinion has been obtained, it shall be
22 deemed that an advisory opinion was rendered and that the facts



1 and circumstances of that particular case do not constitute a
2 violation of the campaign spending laws. The opinion rendered
3 or deemed rendered, until amended or revoked, shall be binding
4 on the commission in any subsequent charges concerning the
5 candidate, any candidate committee or noncandidate committee, or
6 other person or entity subject to this part, who sought the
7 opinion and acted in reliance on it in good faith, unless
8 material facts were omitted or misstated by the requester in the
9 request for an advisory opinion. Nothing in this section shall
10 be construed to allow the commission to issue rules through an
11 advisory opinion.

12 **§11-G Political activities prohibited.** (a) No
13 commissioner and employee of the commission shall participate in
14 any political campaign, including making a contribution to a
15 candidate, candidate committee, or noncandidate committee,
16 during the commissioner's term of office or employee's term of
17 employment.

18 (b) Each commissioner and employee of the commission shall
19 retain the right to:

20 (1) Register and vote in any election;



- 1 (2) Participate in the nonpolitical activities of a civic,
2 community, social, labor, or professional
3 organization, or of a similar organization;
- 4 (3) Be a member of a political party or other noncandidate
5 political organization and participate in its
6 activities to the extent consistent with law; and
- 7 (4) Otherwise participate fully in public affairs, except
8 as prohibited by law, in a manner that does not
9 materially compromise the commissioner's or the
10 employee's efficiency or integrity as a commissioner
11 or employee or the neutrality, efficiency, or
12 integrity of the commission.

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

17 **§11-H Exemptions.** (a) The commission shall be exempt
18 from section 26-35(a) (1), (4), and (5) and shall:

- 19 (1) Make direct communications with the governor and
20 legislature;
- 21 (2) Make all decisions regarding employment, appointment,
22 promotion, transfer, demotion, discharge, and job



1 descriptions of all officers and employees of or under
2 the jurisdiction of the commission without the
3 approval of the comptroller; and

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

6 (b) The commission shall follow and be subject to all
7 applicable personnel laws.

8 **C. Registration**

9 **§11-I Registration of candidate committee or noncandidate**
10 **committee.** (a) Each candidate committee or noncandidate
11 committee shall register with the commission by filing an
12 organizational report as set forth in section 11-J or 11-K, as
13 applicable.

14 (b) Before filing the organizational report, each
15 candidate committee or noncandidate committee shall mail or
16 deliver an electronic filing form to the commission.

17 (c) The electronic filing form shall include a written
18 acceptance of appointment and certification of each report, as
19 follows:

20 (1) A candidate committee shall file a written acceptance
21 of appointment by the chairperson and treasurer and a



1 certification by the candidate and treasurer of each
2 filed report; or

3 (2) A noncandidate committee shall file a written
4 acceptance of appointment by the chairperson and
5 treasurer and a certification by the chairperson and
6 treasurer of each filed report.

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

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

11 (2) The date the candidate or candidate committee receives
12 contributions or makes or incurs expenditures of more
13 than \$100 in the aggregate during the applicable
14 election period.

15 (e) An organizational report need not be filed under this
16 section by an elected official who is a candidate for reelection
17 to the same office in successive elections and has not sought
18 election to any other office during the period between
19 elections, unless the candidate is required to report a change
20 in information pursuant to section 11-J.

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



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

10 **§11-J Organizational report, candidate committee. (a)**

11 The candidate committee organizational report shall include:

- 12 (1) The committee's name and address, including web page
13 address, if any;
- 14 (2) The candidate's name, address, and telephone number;
- 15 (3) The office being sought by the candidate, district,
16 and party affiliation;
- 17 (4) The chairperson's name and address and, if appointed,
18 the deputy chairperson's name and address;
- 19 (5) The treasurer's name and address and, if appointed,
20 all deputy treasurers' names and addresses;



1 (6) The name and address of each depository institution in
2 which the committee will maintain any of its accounts
3 and the applicable account number;

4 (7) A certification of statements in the report by the
5 candidate and treasurer; and

6 (8) The name and address of each contributor who
7 contributed an aggregate amount of more than \$100 to
8 the candidate committee since the last election
9 applicable to the office being sought and the amount
10 and date of deposit of each such contribution.

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

16 **§11-K Organizational report, noncandidate committee. (a)**

17 The noncandidate committee organizational report shall include:

18 (1) The committee's name, which shall incorporate the full
19 name of the sponsoring entity, if any. An acronym or
20 abbreviation may be used in other communications if
21 the acronym or abbreviation is commonly known or
22 clearly recognized by the general public. The



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



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

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

19 **§11-L Treasurer.** (a) Every candidate committee or
20 noncandidate committee shall appoint a treasurer on or before
21 the day it files an organizational report. The following shall
22 be permissible:

- 1 (1) Up to five deputy treasurers may be appointed;
- 2 (2) A candidate may be appointed as the treasurer or
- 3 deputy treasurer; and
- 4 (3) An individual who is not an officer or treasurer may
- 5 be appointed by the candidate, on a fee or voluntary
- 6 basis, to specifically prepare and file reports with
- 7 the commission.
- 8 (b) A treasurer may resign or be removed at any time.
- 9 (c) In case of death, resignation, or removal of the
- 10 treasurer, the candidate, candidate committee, or noncandidate
- 11 committee shall promptly appoint a successor. During the period
- 12 that the office of treasurer is vacant, the candidate, candidate
- 13 committee, or chairperson, or party chairperson in the case of a
- 14 party, whichever is applicable, shall serve as treasurer.
- 15 (d) Only the treasurer and deputy treasurers shall be
- 16 authorized to receive contributions or to make or incur
- 17 expenditures on behalf of the candidate committee or
- 18 noncandidate committee.
- 19 (e) The treasurer shall establish and maintain itemized
- 20 records showing:
- 21 (1) The amount of each monetary contribution;



- 1 (2) The description and value of each nonmonetary
2 contribution; and
- 3 (3) The name and address of each contributor making a
4 contribution of more than \$25 in value; provided that
5 information regarding the employer and occupation of
6 contributors shall also be collected and maintained
7 for a noncandidate committee.

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

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

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

18 **§11-N Termination of candidate committee's or noncandidate**
19 **committee's registration.** A candidate committee or noncandidate
20 committee may terminate its registration if:

21 (1) The candidate committee or noncandidate committee:



- 1 (A) Files a request for registration termination
2 form;
- 3 (B) Files a report disclosing contributions and
4 expenditures not previously reported by the
5 committee, and the committee has no surplus or
6 deficit; and
- 7 (C) Mails or delivers to the commission a copy of the
8 committee's closing bank statement; and
- 9 (2) The request is approved by the commission.

10 **D. Reporting and Filing with the Commission**

11 **§11-0 Filing of reports, generally.** (a) Every report
12 required to be filed by a candidate or candidate committee shall
13 be certified by the candidate and treasurer.

14 (b) Every report required to be filed by a noncandidate
15 committee shall be certified by the chairperson and treasurer.

16 (c) All reports required to be filed under this part shall
17 be filed on the commission's electronic filing system.

18 (d) For purposes of this part, whenever a report is
19 required to be filed with the commission, "filed" means that a
20 report shall be filed with the commission's electronic filing
21 system by the date and time specified for the filing of the
22 report by:



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

3 (A) Office of governor;

4 (B) Office of lieutenant governor;

5 (C) Office of mayor;

6 (D) Office of prosecuting attorney;

7 (E) County council;

8 (F) Senate;

9 (G) House of representatives;

10 (H) Office of Hawaiian affairs; or

11 (I) Board of education; or

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

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

18 (f) All reports filed under this part are public records.

19 **§11-P Candidate committee reports.** (a) The candidate and
20 treasurer shall file preliminary, final, and supplemental
21 reports that shall disclose the following information:

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



- 1 (2) The cash on hand at the beginning of the reporting
- 2 period and election period;
- 3 (3) The reporting period and election period aggregate
- 4 totals for each of the following categories:
- 5 (A) Contributions;
- 6 (B) Expenditures;
- 7 (C) Other receipts; and
- 8 (D) Loans;
- 9 (4) The cash on hand at the end of the reporting period;
- 10 and
- 11 (5) The surplus or deficit at the end of the reporting
- 12 period.
- 13 (b) Schedules filed with the reports shall include the
- 14 following additional information:
- 15 (1) The amount and date of deposit of each contribution
- 16 and the name and address of each contributor who makes
- 17 contributions aggregating more than \$100 in an
- 18 election period; provided that if all the information
- 19 is not on file, the contribution shall be returned to
- 20 the contributor within thirty days of deposit;
- 21 (2) The amount and date of deposit of each contribution
- 22 and the name, address, occupation, and employer of



1 each contributor who makes contributions aggregating
2 \$1,000 or more during an election period; provided
3 that if all the information is not on file, the
4 contribution shall be returned to the contributor
5 within thirty days of deposit;

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

14 (4) The amount, date of deposit, and description of other
15 receipts and the name and address of the source of
16 each of the other receipts;

17 (5) Information about each loan received by the committee,
18 together with the names and addresses of the lender
19 and each person liable directly, and amount of each
20 loan. A copy of the executed loan document shall be
21 received by the commission by mail or delivery on or
22 before the filing date for the report covering the



1 reporting period when the loan was received. The
2 document shall contain the terms of the loan,
3 including the interest and repayment schedule.
4 Failure to disclose the loan or to provide
5 documentation of the loan to the commission shall
6 cause the loan to be treated as a contribution,
7 subject to all relevant provisions of this chapter;

8 (6) A description of each durable asset, the date of
9 acquisition, value at the time of acquisition, and the
10 name and address of the vendor or contributor of the
11 asset; and

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

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

19 **§11-Q Time for candidate committee to file preliminary,**
20 **final, and supplemental reports.** (a) The candidate and
21 treasurer of each candidate whose name will appear on the ballot



1 in the immediately succeeding election shall file preliminary,
2 final, and supplemental reports.

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

4 (A) July 31 of the election year;

5 (B) Ten calendar days prior to a primary, each
6 special, or each nonpartisan election; and

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

14 Each preliminary report shall be current through June
15 30 for the report filed on July 31 and current through
16 the fifth calendar day before the filing deadline of
17 other preliminary reports.

18 (2) The filing date for the final primary report is twenty
19 calendar days after a primary, initial special, or
20 initial nonpartisan election. The report shall be
21 current through the day of the applicable election.



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

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

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

13 (B) July 31 after an election year.

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

17 (b) A candidate with a deficit or surplus whose name will
18 not appear on the ballot in the immediately succeeding election
19 shall file a supplemental report every six months on January 31
20 and July 31 until:



1 (1) The candidate's name appears on the ballot and then is
2 subject to the reporting requirements in subsection
3 (a); or

4 (2) The committee's registration is terminated as provided
5 in section 11-N.

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

9 (c) A candidate shall continue to file all required
10 reports until the committee's registration is terminated as
11 provided in section 11-N.

12 **§11-R Noncandidate committee reports.** (a) The authorized
13 person in the case of a party, or treasurer in the case of a
14 noncandidate committee that is not a party, shall file
15 preliminary, final, and supplemental reports that disclose the
16 following information:

- 17 (1) The noncandidate committee's name and address;
18 (2) The cash on hand at the beginning of the reporting
19 period and election period;
20 (3) The reporting period and election period aggregate
21 totals for each of the following categories:

22 (A) Contributions;



- 1 (B) Expenditures; and
- 2 (C) Other receipts;
- 3 (4) The cash on hand at the end of the reporting period;
- 4 and
- 5 (5) The surplus or deficit at the end of the reporting
- 6 period.

7 (b) Schedules filed with the reports shall include the
8 following additional information:

- 9 (1) The amount and date of deposit of each contribution
- 10 and the name, address, occupation, and employer of
- 11 each contributor making a contribution aggregating
- 12 more than \$100 during an election period, which was
- 13 not previously reported; provided that if all the
- 14 information is not on file, the contribution shall be
- 15 returned to the contributor within thirty days of
- 16 deposit;
- 17 (2) All expenditures, including the name and address of
- 18 each payee and the amount, date, and purpose of each
- 19 expenditure. Expenditures for consultants,
- 20 advertising agencies and similar firms, credit card
- 21 payments, salaries, and candidate reimbursements shall
- 22 be itemized to permit a reasonable person to determine

1 the ultimate intended recipient of the expenditure and
2 its purpose;

3 (3) The amount, date of deposit, and description of other
4 receipts and the name and address of the source of
5 each of the other receipts;

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

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

13 (c) No loan may be made or received by a noncandidate
14 committee.

15 (d) The authorized person in the case of a party, or
16 treasurer in the case of a committee, shall file a late
17 contribution report as provided in section 11-U if the committee
18 receives late contributions from any person aggregating more
19 than \$500 or makes late contributions aggregating more than
20 \$500.



1 §11-S Time for noncandidate committee to file preliminary,
2 final, and supplemental reports. (a) The filing dates for
3 preliminary reports are:

4 (1) Ten calendar days prior to a primary, special, or
5 nonpartisan election; and

6 (2) Ten calendar days prior to a general election.

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

9 (b) The filing date for the final primary report is twenty
10 calendar days after the primary, initial special, or initial
11 nonpartisan election. The report shall be current through the
12 day of the applicable election.

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

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

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

19 (2) July 31 after an election year.

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



1 (e) The authorized person in the case of a party, or
2 treasurer in the case of a committee, shall continue to file all
3 reports until the committee's registration is terminated as
4 provided in section 11-N.

5 **§11-T Reporting expenditures.** For the purposes of this
6 part, an expenditure is deemed to be made or incurred when the
7 services are rendered or the product is delivered. Services
8 rendered or products delivered for use during a reporting period
9 are deemed delivered or rendered during the period or periods of
10 use; provided that these expenditures shall be reasonably
11 allocated between periods in accordance with the time the
12 services or products are actually used.

13 **§11-U Late contributions; report.** (a) The candidate,
14 authorized person in the case of a noncandidate committee that
15 is a party, or treasurer in the case of a candidate committee or
16 other noncandidate committee, that, within the period of
17 fourteen calendar days through four calendar days prior to any
18 election, makes contributions aggregating more than \$500, or
19 receives contributions from any person aggregating more than
20 \$500, shall file a late contribution report by means of the
21 commission's electronic filing system on or before the third
22 calendar day prior to the election.



1 (b) The late contribution report shall include the
2 following information:

3 (1) Name, address, occupation, and employer of the
4 contributor;

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

8 (3) The amount of the contribution;

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

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

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

17 **§11-V Final election period report for candidate committee**
18 **or noncandidate committee receiving and expending \$1,000 or less**
19 **during the election period.** (a) Any provision of law to the
20 contrary notwithstanding, a candidate committee or noncandidate
21 committee whose aggregate contributions and aggregate
22 expenditures for the election period total \$1,000 or less, shall



1 electronically file only a final election period report, and
2 need not file a preliminary and final primary report, a
3 preliminary and final general report, or a special election
4 report.

5 (b) Until the candidate committee's or noncandidate
6 committee's registration is terminated as provided in section
7 11-N, supplemental reports and other reports required by this
8 part shall be filed.

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

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

21 (1) In aggregate, the fine shall not exceed twenty-five
22 per cent of the total amount of contributions or



1 expenditures, whichever is greater, for the period
2 covered by the report; and

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

5 (c) Subsection (b) notwithstanding, if a candidate
6 committee does not file the second preliminary primary report or
7 the preliminary general report, or if a noncandidate committee
8 does not file the preliminary primary report or the preliminary
9 general report by the due date, the fine, if assessed, shall not
10 exceed \$300 per day; provided that:

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

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

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

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

21 (2) A fine may be assessed.



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

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

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

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

18 (1) File a report; or

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

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



1 §11-X Electioneering communications; statement of
2 information. (a) Each person who makes a disbursement for
3 electioneering communications in an aggregate amount of more
4 than \$2,000 during any calendar year shall file with the
5 commission a statement of information within twenty-four hours
6 of each disclosure date provided in this section.

7 (b) Each statement of information shall contain the
8 following:

- 9 (1) The name of the person making the disbursement, name
10 of any person or entity sharing or exercising
11 discretion or control over such person, and the
12 custodian of the books and accounts of the person
13 making the disbursement;
- 14 (2) The state of incorporation and principal place of
15 business or, for an individual, the address of the
16 person making the disbursement;
- 17 (3) The amount of each disbursement during the period
18 covered by the statement and the identification of the
19 person to whom the disbursement was made;
- 20 (4) The elections to which the electioneering
21 communications pertain and the names, if known, of the
22 candidates identified or to be identified;



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

7 (6) If the disbursements were made by an organization
8 other than any candidate committee or noncandidate
9 committee, the names and addresses of all persons who
10 contributed to the organization for the purpose of
11 publishing or broadcasting the electioneering
12 communications; and

13 (7) Whether or not any electioneering communication is
14 made in coordination, cooperation, or concert with or
15 at the request or suggestion of any candidate,
16 candidate committee, or noncandidate committee, or
17 agent of any candidate if any, and if so, the
18 identification of the candidate, a candidate committee
19 or a noncandidate committee, or agent involved.

20 (c) For the purposes of this section:

21 "Disclosure date" means, for every calendar year, the first
22 date by which a person has made disbursements during that same



1 year of more than \$2,000 in the aggregate for electioneering
2 communications, and the date of any subsequent disbursements by
3 that person for electioneering communications.

4 "Electioneering communication" means any advertisement that
5 is broadcast from a cable, satellite, television, or radio
6 broadcast station; published in any periodical or newspaper; or
7 sent by mail at a bulk rate, and that:

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

16 "Electioneering communication" shall not include
17 communications:

- 18 (1) In a news story or editorial disseminated by any
19 broadcast station or publisher of periodicals or
20 newspapers, unless the facilities are owned or
21 controlled by a candidate, candidate committee, or
22 noncandidate committee;



- 1 (2) That constitute expenditures by the disbursing
2 organization;
- 3 (3) In house bulletins; or
- 4 (4) That constitute a candidate debate or forum, or solely
5 promote a debate or forum and are made by or on behalf
6 of the person sponsoring the debate or forum.

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

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

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

17 (c) As used in this section, "fundraiser" means any
18 function held for the benefit of a candidate, candidate
19 committee, or noncandidate committee that is intended or
20 designed, directly or indirectly, to raise contributions for
21 which the price or suggested contribution for attending the
22 function is more than \$25 per person.



1 **§11-Z Reporting deadline.** When any reporting deadline
2 falls on a Saturday, Sunday, or holiday designated in section 8-
3 1, the reporting deadline shall be the next succeeding day that
4 is not a Saturday, Sunday, or holiday.

5 **§11-AA Sale or use of information.** No information in the
6 reports or copies of the reports filed with the commission shall
7 be sold or used by any person for the purpose of soliciting
8 contributions or for any commercial purpose.

9 **E. Contributions; Prohibitions; Limits**

10 **§11-BB Contributions, generally.** (a) Monetary
11 contributions and other campaign funds shall be promptly
12 deposited in a depository institution, as defined by section
13 412:1-109, duly authorized to do business in the state,
14 including a bank, savings bank, savings and loan association,
15 depository financial services loan company, credit union, intra-
16 Pacific bank, or similar financial institution, the deposits or
17 accounts of which are insured by the Federal Deposit Insurance
18 Corporation or the National Credit Union Administration in the
19 name of the candidate, candidate committee, or noncandidate
20 committee, whichever is applicable.

21 (b) A candidate, candidate committee, or noncandidate
22 committee, shall not accept a contribution of more than \$100 in



1 cash from a single person without issuing a receipt to the
2 contributor and keeping a record of the contribution.

3 (c) Each candidate committee or noncandidate committee
4 shall disclose the original source of all earmarked funds, the
5 ultimate recipient of the earmarked funds, and the fact that the
6 funds are earmarked.

7 **§11-CC False name contributions prohibited.** (a) No
8 person shall make a contribution to any candidate or a candidate
9 committee or noncandidate committee, in any name other than that
10 of the person who owns the money, property, or service.

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

14 **§11-DD Anonymous contributions prohibited.** (a) Except as
15 provided in subsection (d), no person shall make an anonymous
16 contribution to any candidate, candidate committee, or
17 noncandidate committee.

18 (b) A candidate, candidate committee, or noncandidate
19 committee shall not knowingly receive, accept, or retain an
20 anonymous contribution, or report such contribution as an
21 anonymous contribution, except as provided in this section.



1 (c) An anonymous contribution shall not be used or
2 expended by the candidate, candidate committee, or noncandidate
3 committee, but shall be returned to the contributor. If the
4 contributor cannot be identified, the contribution shall escheat
5 to the Hawaii election campaign fund.

6 (d) This section shall not apply to amounts that aggregate
7 to less than \$500 that are received from ten or more persons at
8 the same political function. The receipt of these contributions
9 shall be disclosed in a report filed pursuant to section 11-P
10 and 11-R.

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

12 (a) Except as provided in subsection (b), no person shall
13 solicit a contribution in a government facility that is used for
14 the discharge of official duties by an officer or employee of
15 the State or county.

16 (b) This prohibition shall not apply to any government
17 facility that permits use by nongovernmental organizations for a
18 fee or with reservations; provided the governmental facility's
19 use rules do not prohibit political activities on the premises.
20 Government facilities that permit use for political activities
21 shall be available to a candidate, candidate committee, or
22 noncandidate committee for fundraising activities pursuant to



1 the same terms and conditions that would otherwise apply to use
2 by nongovernmental organizations.

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

5 **§11-FF Contributions by state and county contractors**
6 **prohibited.** (a) It shall be unlawful for any person who enters
7 into any contract with the State, any of the counties, or any
8 department or agency thereof either for the rendition of
9 personal services, the buying of property, or furnishing of any
10 material, supplies, or equipment to the State, any of the
11 counties, any department or agency thereof, or for selling any
12 land or building to the State, any of the counties, or any
13 department or agency thereof, if payment for the performance of
14 the contract or payment for material, supplies, equipment, land,
15 property, or building is to be made in whole or in part from
16 funds appropriated by the legislative body, at any time between
17 the execution of the contract through the completion of the
18 contract, to:

19 (1) Directly or indirectly make any contribution, or
20 promise expressly or impliedly to make any
21 contribution to any candidate committee or



1 noncandidate committee, or to any candidate or to any
2 person for any political purpose or use; or

3 (2) Knowingly solicit any contribution from any person for
4 any purpose during any period.

5 (b) Except as provided in subsection (a), this section
6 does not prohibit or make unlawful the establishment or
7 administration of, or the solicitation of contributions to, any
8 noncandidate committee by any person other than the state or
9 county contractor for the purpose of influencing the nomination
10 for election, or the election of any person to office.

11 (c) For purposes of this section, "completion of the
12 contract" means that the parties to the government contract have
13 either terminated the contract prior to completion of
14 performance or fully performed the duties and obligations under
15 the contract, no disputes relating to the performance and
16 payment remain under the contract, and all disputed claims have
17 been adjudicated and are final.

18 **§11-GG Contributions by foreign national or foreign**
19 **corporation prohibited.** (a) Except as provided in subsection
20 (b), no contributions or expenditures shall be made to or on
21 behalf of a candidate, candidate committee, or noncandidate
22 committee, by a foreign national or foreign corporation,



1 including a domestic subsidiary of a foreign corporation, a
2 domestic corporation that is owned by a foreign national, or a
3 local subsidiary where administrative control is retained by the
4 foreign corporation, and in the same manner prohibited under 2
5 United States Code section 441e and 11 Code of Federal
6 Regulations section 110.20, as amended.

7 (b) A foreign-owned domestic corporation may make
8 contributions if:

9 (1) Foreign national individuals do not participate in
10 election-related activities, including decisions
11 concerning contributions or the administration of a
12 candidate committee or noncandidate committee; or

13 (2) The contributions are domestically-derived.

14 **§11-HH Contributions to candidate committees; limits.** (a)

15 No person shall make contributions to:

16 (1) A candidate seeking nomination or election to a two-
17 year office or to a candidate committee in an
18 aggregate amount greater than \$2,000 during an
19 election period;

20 (2) A candidate seeking nomination or election to a four-
21 year nonstatewide office or to a candidate committee



1 in an aggregate amount greater than \$4,000 during an
2 election period; or

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

7 (b) For purposes of this section, the length of term of an
8 office shall be the usual length of term of the office as
9 unaffected by reapportionment, a special election to fill a
10 vacancy, or any other factor causing the term of the office the
11 candidate is seeking to be less than the usual length of term of
12 that office.

13 **§11-II Contributions to noncandidate committees; limits.**

14 No person shall make contributions to a noncandidate committee
15 in an aggregate amount greater than \$1,000 in an election. This
16 section shall not apply to ballot issue committees.

17 **§11-JJ Family contributions.** (a) A contribution by a
18 dependent minor shall be reported in the name of the minor but
19 included in the aggregate contributions of the minor's parent or
20 guardian.

21 (b) A contribution by the candidate's immediate family
22 shall be exempt from section 11-HH, but shall be limited in the



1 aggregate to \$50,000 in any election period; provided that the
2 aggregate amount of loans and contributions received from the
3 candidate's immediate family does not exceed \$50,000 during an
4 election period.

5 **§11-KK Contributions to a party.** (a) No person shall
6 make contributions to a party in an aggregate amount greater
7 than \$25,000 in any two-year election period, except as provided
8 in subsection (b).

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

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

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



1 **§11-LL Aggregation of contributions and expenditures.** (a)

2 All contributions and expenditures of a person whose
3 contributions or expenditures are financed, maintained, or
4 controlled by any corporation, labor organization, association,
5 party, or any other person, including any parent, subsidiary,
6 branch, division, department, or local unit of the corporation,
7 labor organization, association, party, political committees
8 established and maintained by a national political party, or by
9 any group of those persons shall be considered to be made by a
10 single person.

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

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

19 (1) A contribution by a limited liability company that is
20 treated as a partnership by the Internal Revenue
21 Service shall be considered a contribution from a
22 partnership.



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

5 (3) A contribution by a limited liability company with a
6 single individual member that is not treated as a
7 corporation by the Internal Revenue Service shall be
8 attributed only to that single individual member.

9 (4) A limited liability company that makes a contribution
10 shall, at the time the limited liability company makes
11 the contribution, provide information to the party,
12 committee, or candidate receiving the contribution
13 specifying how the contribution is to be attributed.

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

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



1 **§11-MM Contributions limited from nonresident persons.**

2 (a) Contributions from all persons who are not residents of the
3 state at the time the contributions are made shall not exceed
4 thirty per cent of the total contributions received by a
5 candidate or candidate committee for each election period.

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

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

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

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



1 This subsection shall not apply to candidates for governor
2 or lieutenant governor supporting a co-candidate in the general
3 election.

4 (b) "Coordinated activity" means:

5 (1) The payment by any person in cooperation,
6 consultation, or concert with, at the request of, or
7 pursuant to, any general or particular understanding
8 with a candidate, candidate committee, the party of a
9 candidate, or an agent of a candidate, candidate
10 committee, or the party of a candidate;

11 (2) The payment by any person for the production,
12 dissemination, distribution, or republication of any
13 written, graphic, or other form of campaign material,
14 in whole or in part, prepared by a candidate,
15 candidate committee, or noncandidate committee, or an
16 agent of a candidate, candidate committee, or
17 noncandidate committee; or

18 (3) Any payment by any person or contract for any
19 electioneering communication, as defined in section
20 11-X, where the payment is coordinated with a
21 candidate, candidate committee, the party of the



1 candidate, or an agent of a candidate, candidate
2 committee, or the party of the candidate.

3 (c) No expenditure for a candidate who files an affidavit
4 with the commission agreeing to limit aggregate expenditures by
5 the candidate, including coordinated activity by any person,
6 shall be made or incurred by a candidate committee or
7 noncandidate committee without authorization of the candidate or
8 the candidate's authorized representative. Every expenditure so
9 authorized and made or incurred shall be attributed to the
10 candidate with whom the candidate committee or noncandidate
11 committee is directly associated for the purpose of imposing the
12 expenditure limitations set forth in section 11-MMM.

13 **§11-00 Excess contribution; return; escheat.** (a) Any
14 candidate, candidate committee, or noncandidate committee that
15 receives in the aggregate more than the applicable contribution
16 limit in section 11-HH, 11-II, 11-JJ, or 11-KK shall return any
17 excess contribution to the contributor within thirty days of
18 receipt of the excess contribution. Any excess contribution not
19 returned to the contributor within thirty days shall escheat to
20 the Hawaii election campaign fund.

21 (b) A candidate or a candidate or noncandidate committee
22 who complies with this section prior to the initiation of



1 administrative action shall not be subject to any fine under
2 section 11-HHH.

3 **F. Loans**

4 **§11-PP Loan to candidate committee.** (a) A candidate or
5 candidate committee may receive a loan from any or all of the
6 following:

- 7 (1) The candidate's own funds;
- 8 (2) A financial institution regulated by the State or a
9 federally chartered depository institution and made in
10 accordance with applicable law in the ordinary course
11 of business;
- 12 (3) The candidate's immediate family in an aggregate
13 amount not to exceed \$50,000 during an election
14 period; provided that the aggregate amount of loans
15 and contributions received from the immediate family
16 shall not exceed \$50,000 during an election period;
17 and
- 18 (4) Persons other than immediate family of the candidate
19 in an aggregate amount not to exceed \$10,000 during an
20 election period; provided that:
- 21 (A) If the \$10,000 limit for loans from persons other
22 than the immediate family is reached, the



1 candidate and candidate committee shall be
2 prohibited from receiving or accepting any other
3 loans until the \$10,000 is repaid in full; and
4 (B) If a loan from persons other than immediate
5 family members is not repaid within one year of
6 the date that the loan is made, the candidate and
7 candidate committee shall be prohibited from
8 accepting any other loans. All campaign funds,
9 including contributions subsequently received,
10 shall be used to repay the outstanding loan in
11 full.

12 (b) For the purposes of this section, a "loan" does not
13 include expenditures made on behalf of a candidate committee by
14 a candidate, volunteer, or employee if:

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

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



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

4 **§11-QQ Reporting loan; written loan agreement.** (a) Every
5 loan shall be reported as provided in section 11-P.

6 (b) Every loan in excess of \$100 shall be documented as
7 provided in section 11-P.

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

11 **§11-RR Noncandidate committee loan prohibited.** A
12 noncandidate committee shall not receive or make a loan.

13 **G. Expenditures**

14 **§11-SS Campaign funds only used for certain purposes.** (a)
15 Campaign funds may be used by a candidate, treasurer, or
16 candidate committee:

17 (1) For any purpose directly related:

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

20 (B) In the case of a candidate committee or treasurer
21 of a candidate committee, to the campaign of the



1 candidate, question, or issue with which they are
2 directly associated;

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

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

18 (4) To make donations to any public school or public
19 library; provided that in any election period, the
20 total amount of all contributions shall be no more
21 than twice the maximum amount that one person may
22 contribute to that candidate pursuant to section 11-



1 HH; provided further that any donation under this
2 paragraph shall not be aggregated with or imputed
3 toward any limitation on donations pursuant to
4 paragraph (3);

5 (5) 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-Y;

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

12 (7) 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-I.

18 **§11-TT 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-UU Exceptions.** Notwithstanding sections 11-SS and 11-
6 TT:

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-VV 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-SS or return funds to contributors until four years
8 from the date of the election for which the campaign funds were
9 received. Funds that are not used or returned to contributors
10 shall escheat to the Hawaii election campaign fund.

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

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

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



1 provided in section 11-SS upon registration for the election
2 pursuant to section 11-I.

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

5 **H. Advertisements**

6 **§11-WW 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 which the person subpoenaed resides or is found, in the same
2 manner as a subpoena issued by a circuit court.

3 **§11-ZZ 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-AAA 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-BBB 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-III.

5 **§11-CCC 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-DDD 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 decision
4 a part of the public record.

5 **§11-EEE 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, the
9 commission shall not be bound by strict rules of evidence when
10 conducting a hearing to determine whether a violation of this
11 part has occurred, and the degree or quantum of proof required
12 shall be a preponderance of the evidence.

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

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

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

21 (f) Any person who appears before the commission shall
22 have all of the rights, privileges, and responsibilities of a



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

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

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

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



1 **§11-GGG Final determination of violation; order.** If the
2 commission makes a final determination of a violation of this
3 part, its written decision with findings of fact and conclusions
4 of law may order any of the following:

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

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

- 17 (1) If an individual, an amount not to exceed \$1,000 for
18 each occurrence or an amount equivalent to three times
19 the amount of an unlawful contribution or expenditure;
20 or



1 (2) If a corporation, organization, association, or labor
2 union, an amount not to exceed \$1,000 for each
3 occurrence;
4 provided that whenever a corporation, organization, association,
5 or labor union violates this part, the violation may be deemed
6 to be also that of the individual directors, officers, or agents
7 of the corporation, organization, association, or labor union,
8 who have knowingly authorized, ordered, or done any of the acts
9 constituting the violation.

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

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

18 (d) If the person to whom the commission's order is
19 directed does not comply with the order, the first circuit
20 court, upon application of the commission, shall issue an order
21 requiring the person to comply with the commission's order.



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

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

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

7 (g) The provisions of this section shall not prohibit
8 prosecution under any appropriate provision of the Hawaii Penal
9 Code or section 11-JJJ.

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

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

20 **§11-JJJ Criminal prosecution.** (a) Any person who
21 recklessly, knowingly, or intentionally violates any provision
22 of this part shall be guilty of a misdemeanor.



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

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

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

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

20 (2) In the case of state offices, parties, or issues, the
21 attorney general or the prosecuting attorney for the



1 city and county of Honolulu shall prosecute any
2 violation; and

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

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

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

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

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

19 **J. Partial Public Financing**

20 **§11-KKK Hawaii election campaign fund; creation.** (a) The
21 Hawaii election campaign fund is created as a trust fund within
22 the state treasury.



1 (b) The fund shall consist of:

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

5 (2) Any general fund appropriations; and

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

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

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

16 (b) For purpose of the partial funding program, if the
17 Hawaii election campaign fund is close to depletion as
18 determined by the commission, the commission shall determine the
19 amounts available to eligible candidates based on their order of
20 eligibility in qualifying for partial public funds, as
21 determined by the date of filing of an application for public



1 funds with the commission pursuant to section 11-TTT; provided
2 that the application has been accepted by the commission.

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

8 **§11-MMM Voluntary expenditure limits; filing affidavit.**

9 (a) Any candidate may voluntarily agree to limit the candidate's
10 campaign expenditures and those of the candidate's committee or
11 committees and the candidate's party on the candidate's behalf
12 by filing an affidavit with the campaign spending commission.

13 (b) The affidavit shall state that the candidate knows the
14 voluntary campaign expenditure limitations as set out in this
15 part and that the candidate is voluntarily agreeing to limit the
16 candidate's expenditures and those made on the candidate's
17 behalf by the amount set by law. The affidavit shall be
18 subscribed to by the candidate and notarized.

19 (c) The affidavit shall remain effective until the
20 termination of the candidate committee or the opening of filing
21 of nomination papers for the next succeeding election, whichever



1 occurs first. An affidavit filed under this section may not be
2 rescinded.

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

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

19 **§11-NNN Tax deduction for qualifying contributions.** (a)
20 An individual resident of Hawaii may claim a state income tax
21 deduction pursuant to section 235-7(g)(2), for contributions to
22 a candidate who files an affidavit pursuant to section 11-MMM



1 and does not exceed the expenditure limit. Cancelled checks or
2 copies of the same shall be considered adequate receipt forms to
3 attach to the tax form to claim the credit.

4 (b) The commission shall forward a certified copy of the
5 affidavit to the director of taxation.

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

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

21 (b) The maximum amount of public funds available in each
22 election to a candidate for the office of state senator, state



1 representative, county council member, and prosecuting attorney
2 shall not exceed fifteen per cent of the expenditure limit
3 established in section 11-MMM(d) for each election.

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

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

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

18 **§11-PPP Candidate exceeds voluntary expenditure limit.** A
19 candidate who files the affidavit agreeing to limit expenditures
20 and who exceeds the expenditure limit for that election shall:



- 1 (1) Notify all opponents, the chief election officer, and
2 the commission by telephone and writing on the day the
3 expenditure limit is exceeded;
- 4 (2) Pay the balance of the full filing fee; and
- 5 (3) Provide reasonable notice to all contributors within
6 thirty days of exceeding the limit that the
7 expenditure limit was exceeded and contributions to
8 the candidate no longer qualify for a state income tax
9 deduction.

10 **§11-QQQ Reserving use of contributions.** A candidate who
11 files the affidavit voluntarily agreeing to limit expenditures
12 and who receives contributions that in aggregate exceed the
13 expenditure limit for an election shall reserve use of any
14 contributions that exceed the limit until after the applicable
15 election.

16 **§11-RRR Eligibility requirements for public funds.** In
17 order to be eligible to receive public funds for an election, a
18 candidate shall certify that the candidate will meet all the
19 following requirements:

- 20 (1) The candidate and any candidate committee authorized
21 by the candidate shall not incur campaign expenses in



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



1 (8) The candidate agrees to an audit and examination by
2 the commission pursuant to section 11-XXX and to pay
3 any amounts required to be paid pursuant to that
4 section; and

5 (9) Each candidate and candidate committee in receipt of
6 qualifying contributions that may be taken into
7 account for purposes of public funding shall maintain,
8 on a form prescribed by the commission, records that
9 show the date and amount of each qualifying
10 contribution and the full name and mailing address of
11 the person making the contribution. The candidate and
12 all candidate committees authorized by the candidate
13 shall transmit to the commission all reports with
14 respect to these contributions that the commission may
15 require.

16 **§11-SSS Minimum qualifying contribution amounts;**
17 **qualifying contribution statement.** (a) As a condition of
18 receiving public funds for a primary or general election, a
19 candidate shall not be unopposed in any election for which
20 public funds are sought, shall have filed an affidavit with the
21 commission pursuant to section 11-MMM to voluntarily limit the
22 candidate's campaign expenditures, and shall be in receipt of



1 the following sum of qualifying contributions from individual
2 residents of Hawaii:

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



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



1 (b) A candidate shall obtain the minimum qualifying
2 contribution amount set forth in subsection (a) once for the
3 election period.

4 (1) If the candidate obtains the minimum qualifying
5 contribution amount, the candidate is eligible to
6 receive:

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

9 (B) Payments of \$1 for each \$1 of qualifying
10 contributions in excess of the minimum qualifying
11 contribution amounts.

12 (2) A candidate shall have at least one other qualified
13 candidate as an opponent for the primary or general
14 election to receive public funds for that election.

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

21 **§11-TTT Application for public funds.** (a) Each
22 application for public funds shall be signed by the candidate



1 and notarized, and accompanied by the qualifying campaign
2 contribution statement or statements.

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

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

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

19 (b) The commission shall make additional determinations
20 within fourteen days after receiving a complete application and
21 supplemental statement of qualifying contributions from a
22 candidate.



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

5 **§11-VVV Use of public funds.** (a) Public funds shall be
6 deposited in a depository institution, as defined in section
7 412:1-109, duly authorized to do business in the state, such as
8 a bank, savings bank, savings and loan association, depository
9 financial services loan company, credit union, intra-Pacific
10 bank, or similar financial institution, the deposits or accounts
11 of which are insured by the Federal Deposit Insurance
12 Corporation or the National Credit Union Administration.

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

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

16 (1) Defray expenditures of the candidate or all candidate
17 committees authorized by the candidate; and

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

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



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

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

10 Should the commission determine that any portion of the
11 public funds have been used for noncampaign or other improper
12 expenses, it shall report such finding to the attorney general
13 and shall order the candidate to return all or part of the funds
14 paid to that candidate for a primary or general election. When
15 public funds are returned, they shall be deposited into the
16 Hawaii election campaign fund.

17 **§11-XXX Post-election examination and audit; return of**
18 **funds.** (a) The commission shall examine and audit the public
19 funds received by all candidates, qualifying contributions, and
20 the expenditures made by all candidates within sixty days after
21 each general election.



1 (b) The commission shall adopt rules, pursuant to chapter
2 91, prior to the payment of public money, regarding expenditures
3 which qualify under section 11-VVV.

4 (c) If the commission determines that any payment of
5 public funds to a candidate exceeded the aggregate amount to
6 which the candidate was entitled, the commission shall notify
7 the candidate within two years of the payment of the public
8 funds and the candidate shall repay the excess amount to the
9 Hawaii election campaign fund.

10 (d) If the commission determines that any public funds
11 were used for any improper purpose, the commission shall notify
12 the candidate, and the candidate shall pay to the Hawaii
13 election campaign fund an amount equal to three hundred per cent
14 of such amount in addition to any fines under section 11-HHH and
15 section 11-JJJ.

16 **§11-YYY Report and recommendation.** In January of each
17 year, the commission shall submit to the legislature:

18 (1) A study and recommendations of reasonable campaign
19 expenditure and contribution limits and the factors
20 which may be relevant in their establishment; and

21 (2) A report concerning the status of the Hawaii election
22 fund."



1 PART III

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

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

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

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

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

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



1 by law to be voted for at the immediately previous
2 general election; or

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

13 SECTION 5. Section 853-4, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§853-4 Chapter not applicable; when.** This chapter shall
16 not apply when:

- 17 (1) The offense charged involves the intentional, knowing,
18 reckless, or negligent killing of another person;
19 (2) The offense charged is:
20 (A) A felony that involves the intentional, knowing,
21 or reckless bodily injury, substantial bodily



1 injury, or serious bodily injury of another
2 person; or

3 (B) A misdemeanor or petty misdemeanor that carries a
4 mandatory minimum sentence and that involves the
5 intentional, knowing, or reckless bodily injury,
6 substantial bodily injury, or serious bodily
7 injury of another person;

8 (3) The offense charged involves a conspiracy or
9 solicitation to intentionally, knowingly, or
10 recklessly kill another person or to cause serious
11 bodily injury to another person;

12 (4) The offense charged is a class A felony;

13 (5) The offense charged is nonprobationable;

14 (6) The defendant has been convicted of any offense
15 defined as a felony by the Hawaii Penal Code or has
16 been convicted for any conduct that if perpetrated in
17 this State would be punishable as a felony;

18 (7) The defendant is found to be a law violator or
19 delinquent child for the commission of any offense
20 defined as a felony by the Hawaii Penal Code or for
21 any conduct that if perpetrated in this State would
22 constitute a felony;



- 1 (8) The defendant has a prior conviction for a felony
- 2 committed in any state, federal, or foreign
- 3 jurisdiction;
- 4 (9) A firearm was used in the commission of the offense
- 5 charged;
- 6 (10) The defendant is charged with the distribution of a
- 7 dangerous, harmful, or detrimental drug to a minor;
- 8 (11) The defendant has been charged with a felony offense
- 9 and has been previously granted deferred acceptance of
- 10 guilty plea status for a prior offense, regardless of
- 11 whether the period of deferral has already expired;
- 12 (12) The defendant has been charged with a misdemeanor
- 13 offense and has been previously granted deferred
- 14 acceptance of guilty plea status for a prior felony,
- 15 misdemeanor, or petty misdemeanor for which the period
- 16 of deferral has not yet expired;
- 17 (13) The offense charged is:
- 18 (A) Escape in the first degree;
- 19 (B) Escape in the second degree;
- 20 (C) Promoting prison contraband in the first degree;
- 21 (D) Promoting prison contraband in the second degree;
- 22 (E) Bail jumping in the first degree;



- 1 (F) Bail jumping in the second degree;
- 2 (G) Bribery;
- 3 (H) Bribery of a witness;
- 4 (I) Intimidating a witness;
- 5 (J) Bribery of or by a juror;
- 6 (K) Intimidating a juror;
- 7 (L) Jury tampering;
- 8 (M) Promoting prostitution in the first degree;
- 9 (N) Promoting prostitution in the second degree;
- 10 (O) Promoting prostitution in the third degree;
- 11 (P) Abuse of family or household members;
- 12 (Q) Sexual assault in the second degree;
- 13 (R) Sexual assault in the third degree;
- 14 (S) A violation of an order issued pursuant to
- 15 chapter 586;
- 16 (T) Promoting child abuse in the second degree;
- 17 (U) Promoting child abuse in the third degree;
- 18 (V) Electronic enticement of a child in the first
- 19 degree; or
- 20 (W) Electronic enticement of a child in the second
- 21 degree;

22 (14) The defendant has been charged with:



1 (A) Knowingly or intentionally falsifying any report
 2 required under chapter 11, [~~subpart B of part~~
 3 ~~XII,~~] part with the intent to circumvent the
 4 law or deceive the campaign spending commission;
 5 or

6 (B) Violating section [~~11-201~~] 11-CC or [~~11-202,~~
 7 11-DD]; or

8 (15) The defendant holds a commercial driver's license and
 9 has been charged with violating a traffic control law,
 10 other than a parking law, in connection with the
 11 operation of any type of motor vehicle.

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

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

15 "§853-4 Chapter not applicable; when. This chapter shall
 16 not apply when:

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

19 (2) The offense charged is:

20 (A) A felony that involves the intentional, knowing,
 21 or reckless bodily injury, substantial bodily



1 injury, or serious bodily injury of another
2 person; or

3 (B) A misdemeanor or petty misdemeanor that carries a
4 mandatory minimum sentence and that involves the
5 intentional, knowing, or reckless bodily injury,
6 substantial bodily injury, or serious bodily
7 injury of another person;

8 (3) The offense charged involves a conspiracy or
9 solicitation to intentionally, knowingly, or
10 recklessly kill another person or to cause serious
11 bodily injury to another person;

12 (4) The offense charged is a class A felony;

13 (5) The offense charged is nonprobationable;

14 (6) The defendant has been convicted of any offense
15 defined as a felony by the Hawaii Penal Code or has
16 been convicted for any conduct that if perpetrated in
17 this State would be punishable as a felony;

18 (7) The defendant is found to be a law violator or
19 delinquent child for the commission of any offense
20 defined as a felony by the Hawaii Penal Code or for
21 any conduct that if perpetrated in this State would
22 constitute a felony;



- 1 (8) The defendant has a prior conviction for a felony
2 committed in any state, federal, or foreign
3 jurisdiction;
- 4 (9) A firearm was used in the commission of the offense
5 charged;
- 6 (10) The defendant is charged with the distribution of a
7 dangerous, harmful, or detrimental drug to a minor;
- 8 (11) The defendant has been charged with a felony offense
9 and has been previously granted deferred acceptance of
10 guilty plea status for a prior offense, regardless of
11 whether the period of deferral has already expired;
- 12 (12) The defendant has been charged with a misdemeanor
13 offense and has been previously granted deferred
14 acceptance of guilty plea status for a prior felony,
15 misdemeanor, or petty misdemeanor for which the period
16 of deferral has not yet expired;
- 17 (13) The offense charged is:
- 18 (A) Escape in the first degree;
- 19 (B) Escape in the second degree;
- 20 (C) Promoting prison contraband in the first degree;
- 21 (D) Promoting prison contraband in the second degree;
- 22 (E) Bail jumping in the first degree;



- 1 (F) Bail jumping in the second degree;
- 2 (G) Bribery;
- 3 (H) Bribery of a witness;
- 4 (I) Intimidating a witness;
- 5 (J) Bribery of or by a juror;
- 6 (K) Intimidating a juror;
- 7 (L) Jury tampering;
- 8 (M) Promoting prostitution in the first degree;
- 9 (N) Promoting prostitution in the second degree;
- 10 (O) Promoting prostitution in the third degree;
- 11 (P) Abuse of family or household members;
- 12 (Q) Sexual assault in the second degree;
- 13 (R) Sexual assault in the third degree;
- 14 (S) A violation of an order issued pursuant to
- 15 chapter 586;
- 16 (T) Promoting child abuse in the second degree;
- 17 (U) Promoting child abuse in the third degree;
- 18 (V) Electronic enticement of a child in the first
- 19 degree;
- 20 (W) Electronic enticement of a child in the second
- 21 degree; or
- 22 (X) An offense under part IV, chapter 291E;



1 (14) The defendant has been charged with:

2 (A) Knowingly or intentionally falsifying any report
3 required under chapter 11, [~~subpart B of part~~
4 ~~XII,~~] part _____ with the intent to circumvent
5 the law or deceive the campaign spending
6 commission; or

7 (B) Violating section [~~11-201~~] 11-CC or [~~11-202,~~
8 11-DD]; or

9 (15) The defendant holds a commercial driver's license and
10 has been charged with violating a traffic control law,
11 other than a parking law, in connection with the
12 operation of any type of motor vehicle.

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

14 SECTION 7. Chapter 11, part XII, subpart B, Hawaii Revised
15 Statutes, is repealed.

16 **PART IV**

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

20 SECTION 9. If any provision of this Act, or the
21 application thereof to any person or circumstance is held
22 invalid, the invalidity shall not affect other provisions or



1 applications of the Act, which can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

4 SECTION 10. In codifying the new sections added by part II
5 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 11. This Act shall take effect on November 2, 2010
9 and shall apply to reporting periods beginning after November 2,
10 2010.

11



Report Title:

Elections; Campaign Financing

Description:

Updates, organizes, and clarifies current campaign financing laws. Effective November 2, 2010, and applies to reporting periods beginning after November 2, 2010. (SD1)

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

