
A BILL FOR AN ACT

RELATING TO CAMPAIGN FINANCING.

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

1 PART I

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

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

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



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

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

10 PART II

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

14 "PART . ELECTION CAMPAIGN FINANCE

15 . DECLARATION OF POLICY; DEFINITIONS

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



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

4 **§11-C Definitions.** As used in this part:

5 "Advertisement" means:

6 (1) Any communication, exclusive of bumper stickers or
7 other sundry items, that:

8 (A) Identifies a candidate either directly or by
9 direct implication;

10 (B) Advocates or supports the nomination for election
11 of the candidate;

12 (C) Advocates or supports the election of the
13 candidate; or

14 (D) Advocates or supports the candidate's defeat;
15 or

16 (2) Any communication, exclusive of bumper stickers or
17 other sundry items, that:

18 (A) Identifies an issue or question that will appear
19 on the ballot at the next applicable election; or

20 (B) Advocates or supports the passage or defeat of
21 the question or issue.

22 "Advertisement" shall not include:



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

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

12 "Campaign funds" means contributions, the candidate's own
13 funds, interest, rebates, refunds, loans, or advances, and any
14 other funds or anything of value, including nonmonetary
15 contributions, received by a committee.

16 "Candidate" means an individual who seeks nomination for
17 election or seeks election to office. An individual is a
18 candidate if the individual does any of the following:

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



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

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

9 An individual remains a candidate until the individual's
10 candidate committee terminates registration with the commission.

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

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

18 "Commission" means the campaign spending commission.

19 "Commissioner" means any person appointed to the
20 commission.

21 "Committee" means any candidate committee or noncandidate
22 committee.



1 "Contribution" means:

2 (1) A gift, subscription, deposit of money or anything of
3 value, or cancellation of a debt or legal obligation
4 and includes the purchase of tickets to fundraisers
5 for the purpose of:

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

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 committee for the purposes set out in
12 subparagraph (A) or (B);

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

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

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



1 "Contribution" shall not include:

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

5 (2) A candidate's expenditure of the candidate's own
6 funds; provided that this expenditure shall be
7 reportable as another receipt;

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

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

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

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

20 For purposes of this exclusion, "internet activities"
21 includes sending or forwarding electronic messages; providing a
22 hyperlink or other direct access to another person's website;



1 blogging; creating, maintaining, or hosting a website; paying a
2 nominal fee for the use of another person's website; and any
3 other form of communication distributed over the Internet.

4 "Earmarked funds" means contributions received by a
5 committee on the condition that the funds be contributed to or
6 expended on certain candidates, issues, or questions.

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

9 "Election period" means:

- 10 (1) The two-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 two-year office; and
14 (2) The four-year time period between the day after the
15 general election through the day of the next general
16 election if a candidate is seeking nomination or
17 election to a four-year office.

18 "Expenditure" means:

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



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

3 (A) Influencing the nomination for election, or
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) The payment, by any person other than a candidate or
14 committee, of compensation for the services of another
15 person that are rendered to the candidate or committee
16 without charge or at an unreasonably low rate for any
17 of the purposes mentioned in paragraph (1) (A); or

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

20 "Expenditure" shall not include:



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

4 (2) Voter registration efforts that are not partisan; or

5 (3) An individual or committee engaging in internet
6 activities for the purpose of influencing an election
7 if:

8 (A) The individual or committee is uncompensated for
9 Internet activities; or

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

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

20 For purposes of this paragraph, "equipment and services"
21 includes computers, software, Internet domain names, Internet



1 service providers, and any other technology that is used to
2 provide access to or use of the Internet.

3 This exemption for internet services shall not apply to any
4 payment for an advertisement other than a nominal fee, the
5 purchase or rental of an e-mail address list made at the
6 direction of a committee, or an e-mail address list that is
7 transferred to a committee.

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

11 "Immediate family" means a candidate's spouse or reciprocal
12 beneficiary, and any child, parent, grandparent, brother, or
13 sister of the candidate, and the spouses or reciprocal
14 beneficiaries of such persons.

15 "Independent expenditure" means an expenditure:

- 16 (1) By a person expressly advocating the election or
17 defeat of a clearly identified candidate; and
18 (2) That is not made in concert or cooperation with or at
19 the request or suggestion of the candidate, the
20 candidate committee, a party, or their agents.

21 "Individual" means a natural person.



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

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

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

19 "Newspaper" means a publication of general distribution in
20 the state issued once or more per month that is written and
21 published in the state.



1 "Noncandidate committee" means an organization,
2 association, or individual that has the purpose of receiving
3 contributions, making expenditures, or incurring financial
4 obligations to influence the nomination for election, the
5 election of any candidate to office, or for or against any
6 question or issue on the ballot.

7 A "noncandidate committee" shall not include:

- 8 (1) A candidate committee;
- 9 (2) Any individual making a contribution or making an
10 expenditure of the individual's own funds or anything
11 of value that the individual originally acquired for
12 the individual's own use and not for the purpose of
13 evading any provision of this part; or
- 14 (3) Any organization that raises or expends funds for the
15 sole purpose of the production and dissemination of
16 informational or educational communications.

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

20 "Other receipts" means the candidate's own funds, interest,
21 rebates, refunds, loans, or advances, and any other funds



1 received by a committee, and shall not include contributions
2 received from other persons.

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

5 "Person" means an individual, limited liability company,
6 partnership, committee, association, corporation, business
7 entity, organization, or labor union and its auxiliary
8 committees.

9 "Political committees established and maintained by a
10 national political party" means:

- 11 (1) The National Committee;
- 12 (2) The House Campaign Committee; and
- 13 (3) The Senate Committee.

14 "Qualifying contribution" means an aggregate monetary
15 contribution of \$100 or less:

- 16 (1) By an individual Hawaii resident during any matching
17 payment period; and
- 18 (2) Received after a candidate files a statement of intent
19 to seek public funds.

20 A qualifying contribution shall not include a loan, in-kind
21 contribution, or the candidate's own funds.



1 "Special election" means any election other than a primary
2 or general election.

3 "Treasurer" means a person appointed under section 11-N
4 and, unless expressly indicated otherwise, includes deputy
5 treasurers.

6 . CAMPAIGN SPENDING COMMISSION

7 **§11-D Campaign spending commission established;**

8 **composition.** (a) There is established a campaign spending
9 commission which shall be placed within the department of
10 accounting and general services for administrative purposes.

11 (b) The commission shall consist of five members of the
12 general public, appointed by the governor from a list of ten
13 nominees submitted by the judicial council. A vacancy on the
14 commission shall be filled from the list of nominees or by
15 reappointment of a commissioner whose term has expired, subject
16 to the limit on length of service imposed by section 26-34.

17 (c) Notwithstanding section 26-34, an appointment to the
18 commission shall not be subject to senatorial confirmation.

19 (d) The judicial council may solicit applications for the
20 list of nominees through community organizations and
21 advertisements in any newspaper. The judicial council shall
22 meet and expeditiously select additional persons for the list of



1 nominees whenever the number of the eligible nominees falls
2 below five.

3 **§11-E Terms of office.** The term of each commissioner
4 shall be four years.

5 **§11-F No compensation.** The commissioners shall serve
6 without compensation but shall be reimbursed for reasonable
7 expenses, including travel expenses, incurred in the discharge
8 of their duties.

9 **§11-G Duties of the commission.** The duties of the
10 commission under this part are:

- 11 (1) To develop and adopt forms required by this part;
- 12 (2) To adopt and publish a manual for all candidates and
13 committees, describing the requirements of this part,
14 including uniform and simple methods of recordkeeping;
- 15 (3) To preserve all reports required by this part for at
16 least ten years from the date of receipt;
- 17 (4) To permit the inspection, copying, or duplication of
18 any report required by this part pursuant to rules
19 adopted under chapter 91 by the commission;
- 20 (5) To ascertain whether any candidate, committee, or
21 party has failed to file a report required by this
22 part or has filed a substantially defective or



1 deficient report, and to notify these persons by
2 first-class mail that the failure to file or the
3 filing of a substantially defective or deficient
4 report shall be corrected and explained, and that a
5 fine may be assessed. All fines collected under this
6 section shall be deposited in the general fund of the
7 State;

8 (6) To hold public hearings;

9 (7) To investigate and hold hearings for receiving
10 evidence of any violations;

11 (8) To adopt rules pursuant to chapter 91;

12 (9) To request the initiation of prosecution for the
13 violation of this part pursuant to section 11-KKK;

14 (10) To administer and monitor the distribution of public
15 funds under this part;

16 (11) To suggest accounting methods for candidates and
17 committees in connection with reports and records
18 required by this part;

19 (12) To employ or contract, without regard to chapters 76,
20 78, and 89, persons it finds necessary for the
21 performance of its functions, including a full-time



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

3 (13) To perform random audits and field investigations as
4 necessary; and

5 (14) To file for injunctive relief when indicated.

6 **§11-H Advisory opinions.** (a) The commission may render
7 written advisory opinions upon the request of any candidate,
8 candidate committee, noncandidate committee, or other person or
9 entity subject to this part, as to whether the facts and
10 circumstances of a particular case constitute or will constitute
11 a violation of the campaign spending laws.

12 (b) If no advisory opinion is rendered by the commission
13 within ninety days after all information necessary to issue an
14 opinion has been obtained, it shall be deemed that an advisory
15 opinion was rendered and that the facts and circumstances of
16 that particular case do not constitute a violation of the
17 campaign spending laws.

18 (c) The opinion rendered or deemed rendered, until amended
19 or revoked, shall be binding on the commission in any subsequent
20 charges concerning the candidate, candidate committee,
21 noncandidate committee, or other person or entity subject to
22 this part, who sought the opinion and acted in reliance on it in



1 good faith, unless material facts were omitted or misstated by
2 the persons in the request for an advisory opinion.

3 (d) Nothing in this section shall be construed to allow
4 the commission to issue rules through an advisory opinion.

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

10 (b) Each commissioner and employee shall retain the right
11 to:

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



1 integrity as a commissioner or the neutrality,
2 efficiency, or integrity of the commission.

3 (c) A commissioner and an employee of the commission may
4 request an advisory opinion from the state ethics commission to
5 determine whether a particular activity constitutes or would
6 constitute a violation of this section.

7 **§11-J Exemptions.** (a) The commission shall be exempt
8 from section 26-35(a) (1), (4), and (5) and shall:

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

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

20 . REGISTRATION WITH THE COMMISSION

21 **§11-K Registration of candidate committee or noncandidate**
22 **committee.** (a) Each candidate committee or noncandidate



1 committee shall register with the commission by filing an
2 organizational report as set forth in section 11-L or 11-M, as
3 applicable.

4 (b) Before filing the organizational report, each
5 committee shall mail or deliver an electronic filing form to the
6 commission.

7 (c) The form shall include a written acceptance of
8 appointment and certification of each report as follows:

9 (1) A candidate committee shall file a written acceptance
10 of appointment by the chairperson and treasurer and a
11 certification by the candidate and treasurer of each
12 filed report; and

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

17 (d) The organizational report for a candidate committee
18 shall be filed within ten days of:

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

21 (2) The date the candidate or candidate committee receives
22 contributions or makes or incurs expenditures of more



1 than \$100 in the aggregate during the applicable
2 election period,
3 whichever occurs first.

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

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

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

20 **§11-L Organizational report, candidate committee. (a)**

21 The candidate committee organizational report shall include:



- 1 (1) The committee's name and address, including web page
2 address, if any;
- 3 (2) The candidate's name, address, and telephone number;
- 4 (3) The office being sought by the candidate, district in
5 which the candidate resides, and party affiliation of
6 the candidate;
- 7 (4) The chairperson's name, address, and telephone number,
8 and, if appointed, all deputy chairpersons' names,
9 addresses, and telephone numbers;
- 10 (5) The treasurer's name, address, and telephone number,
11 and, if appointed, all deputy treasurers' names,
12 addresses, and telephone numbers;
- 13 (6) The name and address of each depository institution in
14 which the committee will maintain its accounts and the
15 applicable account numbers;
- 16 (7) A certification of statements in the report by the
17 candidate and treasurer; and
- 18 (8) The name and address of each contributor who
19 contributed an aggregate amount of more than \$100
20 since the last election applicable to the office being
21 sought and the amount and date of deposit of each such
22 contribution.



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

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

7 The noncandidate committee organizational report shall include:

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



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



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

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

8 **§11-N Treasurer.** (a) Every committee shall appoint a
9 treasurer on or before the day it files an organizational
10 report; provided that:

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

18 (b) A treasurer may be removed at any time.

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



1 the candidate, committee chairperson, or party chairperson,
2 whichever is applicable, shall serve as treasurer.

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

6 (e) The treasurer shall establish and maintain itemized
7 records showing:

8 (1) The amount of each monetary contribution;

9 (2) The description and value of each nonmonetary
10 contribution; and

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

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

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

18 §11-0 Individual shall not serve as a committee officer in
19 certain circumstances; committee prohibited from acting in
20 concert, or soliciting or making contributions. (a) No
21 committee that supports or opposes a candidate shall have an



1 officer who serves as an officer on any other committee that
2 supports or opposes the same candidate.

3 (b) If a committee has an officer who serves as an officer
4 on another committee that supports or opposes the same
5 candidate, the committees shall not act in concert with, or
6 solicit or make contributions on behalf of, any other committee.

7 **§11-P Termination of committee's registration. A**

8 committee may terminate its registration if:

9 (1) The committee:

10 (A) Files a request for registration termination
11 form;

12 (B) Files a report disclosing contributions and
13 expenditures not previously reported by the
14 committee and the committee has no surplus or
15 deficit; and

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

18 and

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

20 . REPORTING AND FILING WITH THE COMMISSION

21 **§11-Q Filing of reports, generally. (a)** Every report

22 required to be filed by a candidate or candidate committee shall



1 be certified to be a true and accurate statement of the
2 committee's activity by the candidate and treasurer.

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

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

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

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

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



1 (I) Office of Hawaiian affairs; or

2 (J) Board of education;

3 or

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

6 (e) To be timely filed, a committee's reports shall be
7 filed with the commission's electronic filing system on or
8 before 11:59 p.m. Hawaii-Aleutian Standard Time on the filing
9 date specified.

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

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

15 (1) The committee's name and address;

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

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

20 (A) Contributions;

21 (B) Expenditures;

22 (C) Other receipts; and



- 1 (D) Loans;
- 2 (4) The cash on hand at the end of the reporting period;
- 3 and
- 4 (5) The surplus or deficit at the end of the reporting
- 5 period.

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

- 8 (1) The amount and date of deposit of each contribution
- 9 and the name and address of each contributor who makes
- 10 contributions aggregating more than \$100 in an
- 11 election period; provided that if all the information
- 12 is not on file, the contribution shall be returned to
- 13 the contributor within thirty days of deposit;
- 14 (2) The amount and date of deposit of each contribution
- 15 and the name, address, employer, and occupation of
- 16 each contributor who makes contributions aggregating
- 17 \$1,000 or more during an election period; provided
- 18 that if all the information is not on file, the
- 19 contribution shall be returned to the contributor
- 20 within thirty days of deposit;
- 21 (3) All expenditures, including the name and address of
- 22 each payee and the amount, date, and purpose of each



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

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

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



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

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

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

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

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

17 (A) July 31 of the election year;

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

20 (C) Ten calendar days prior to a general, second
21 special, or second nonpartisan election; provided
22 that the preliminary report shall not be required



1 to be filed by a candidate who is unsuccessful in
2 a primary, first special, or first nonpartisan
3 election or a candidate who is elected to office
4 in the primary, first special, or first
5 nonpartisan election.

6 Each preliminary report shall be current through June
7 30 for the report filed on July 31 and current through
8 the fifth calendar day before the filing deadline of
9 other preliminary reports;

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

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



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

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

3 (B) July 31 after an election year.

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

7 (b) The candidate and campaign treasurer of each candidate
8 with a deficit or surplus whose name will not appear on the
9 ballot in the immediately succeeding election shall file a
10 supplemental report every six months on January 31 and July 31
11 until:

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

14 (a); or

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

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

20 (c) A candidate and treasurer shall continue to file all
21 reports until the committee's registration is terminated as
22 provided in section 11-P.



1 **§11-T Noncandidate committee reports.** (a) The authorized
2 person in the case of a party, or campaign treasurer in the case
3 of a committee, shall file preliminary, final, and supplemental
4 reports that disclose the following information:

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

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

- 19 (1) The amount and date of deposit of each contribution
20 and the name, address, employer, and occupation of
21 each contributor making a contribution aggregating
22 more than \$100 during an election period, that was not



1 previously reported; provided that if all the
2 information is not on file, the contribution shall be
3 returned to the contributor within thirty days of
4 deposit;

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

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

16 (4) A description of each durable asset, the date of
17 acquisition, value at the time of acquisition, and the
18 name and address of the vendor or contributor of the
19 asset; and

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



1 (c) No loan may be made or received by a noncandidate
2 committee.

3 (d) The authorized person in the case of a party, or
4 campaign treasurer in the case of a committee shall file a late
5 contribution report as provided in section 11-WW if the
6 committee receives late contributions from any person
7 aggregating more than \$500 or makes late contributions
8 aggregating more than \$500.

9 **§11-U Time for noncandidate committee to file preliminary,**
10 **final, and supplemental reports.** (a) The filing dates for
11 preliminary reports are:

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

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

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

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



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

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

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

7 (2) July 31 after an election year.

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

11 (e) The authorized person in the case of a party, or
12 campaign treasurer in the case of a committee, shall continue to
13 file all reports until the committee's registration is
14 terminated as provided in section 11-P.

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



1 **§11-W Late contributions; report.** (a) The candidate,
2 authorized person in the case of a party, or campaign treasurer
3 in the case of a committee, who within the period of fourteen
4 calendar days through four calendar days prior to any election,
5 makes contributions aggregating more than \$500, or receives
6 contributions from any person aggregating more than \$500, shall
7 file a late contribution report with the commission's electronic
8 filing system on or before the third calendar day prior to the
9 election.

10 (b) The late contribution report shall include the
11 following information:

- 12 (1) Name, address, occupation, and employer of the
13 contributor;
- 14 (2) Name of the candidate or committee making or receiving
15 the contribution;
- 16 (3) Amount of the contribution;
- 17 (4) Contributor's aggregate contributions to the candidate
18 or committee; and
- 19 (5) Purpose, if any, to which the contribution will be
20 applied.



1 (c) A late contribution report filed pursuant to this
2 section shall be in addition to any other report required to be
3 filed by this part.

4 **§11-X Final election period report for committee receiving**
5 **and expending \$1,000 or less during the election period. (a)**
6 Any law to the contrary notwithstanding, a committee whose
7 aggregate contributions and aggregate expenditures for the
8 election period total \$1,000 or less, may electronically file
9 only a final election period report, but shall not be required
10 to file a preliminary and final primary report, a preliminary
11 and final general report, or a special election report.

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

15 **§11-Y Failure to file report; filing a substantially**
16 **defective or deficient report. (a)** True and accurate reports
17 shall be filed with the commission on or before the due date
18 specified in this part. Any committee that is required to file
19 reports under this part may be subject to the fines in this
20 section if the report is not filed by the due date or if the
21 report is substantially defective or deficient, as determined by
22 the commission.



1 (b) The fine, if assessed, for not filing a report by the
2 due date may be \$50 per day for the first seven days, beginning
3 with the day after the due date of the report, and \$200 per day
4 thereafter, and shall not exceed twenty-five per cent of the
5 total amount of contributions or expenditures, whichever is
6 greater, for the period covered by the report; provided that the
7 minimum fine for a report filed more than four days after the
8 due date, if assessed, may be \$200.

9 (c) Subsection (b) notwithstanding, if a candidate
10 committee does not file the second preliminary primary report or
11 the preliminary general report or if a noncandidate committee
12 does not file the preliminary primary report or the preliminary
13 general report by the due date, the fine, if assessed, may be
14 \$300 per day and shall not exceed twenty-five per cent of the
15 total amount of contributions or expenditures, whichever is
16 greater, for the period covered by the report; provided that, if
17 assessed, the minimum fine may be \$300.

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

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



1 (2) A fine may be assessed.

2 (e) If the corrected report is not filed with the
3 commission's electronic filing system on or before the
4 fourteenth day after the notice of deficiency has been mailed,
5 the fine, if assessed, for a substantially defective or
6 deficient report may be \$50 per day for the first seven days,
7 beginning with the fifteenth day after the notice was sent, and
8 \$200 per day thereafter, and shall not exceed twenty-five per
9 cent of the total amount of contributions or expenditures,
10 whichever is greater, for the period covered by the report;
11 provided that, if assessed, the minimum fine for not filing a
12 corrected report more than eighteen days after the notice was
13 sent may be \$200.

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

16 (1) File a report; or

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

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

21 **§11-Z Electioneering communications; statement of**

22 **information.** (a) Each person who makes a disbursement for



1 electioneering communications in an aggregate amount of more
2 than \$2,000 during any calendar year shall, within twenty-four
3 hours of each disclosure date provided in this section, file
4 with the commission a statement of information.

5 (b) Each statement of information shall contain the
6 following:

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



- 1 the committee for the purpose of publishing or
2 broadcasting the electioneering communications;
- 3 (6) If the disbursements were made by an organization
4 other than a committee, the names and addresses of all
5 persons who contributed to the organization for the
6 purpose of publishing or broadcasting the
7 electioneering communications; and
- 8 (7) Whether any electioneering communication is made in
9 coordination, cooperation, or concert with or at the
10 request or suggestion of any candidate, committee, or
11 agent of any candidate or committee and, if so, the
12 identity of the candidate or committee, or agent
13 involved.
- 14 (c) For the purposes of this section:
- 15 "Disclosure date" means, for every calendar year, the first
16 date by which a person has made disbursements during that same
17 year of more than \$2,000, in the aggregate, for electioneering
18 communications, and the date of any subsequent disbursements by
19 that person for electioneering communications.
- 20 "Electioneering communication" means any advertisement:
- 21 (1) Broadcast from a cable, satellite, television, or
22 radio broadcast station;



1 (2) Published in any periodical or newspaper; or
2 (3) Sent by mail at a bulk rate,
3 that refers to a clearly identifiable candidate, and
4 that is made, delivered, or scheduled to be made or delivered,
5 either within thirty days prior to a primary or initial special
6 election or within sixty days prior to a general or special
7 election.

8 "Electioneering communication" shall not include
9 communications:

- 10 (1) In a news story or editorial disseminated by any
11 broadcast station or publisher of periodicals or
12 newspapers, unless the facilities are owned or
13 controlled by any committee or candidate;
- 14 (2) That constitutes expenditures by the disbursing
15 organization;
- 16 (3) In house bulletins; or
- 17 (4) That constitutes a candidate debate or forum, or
18 solely promotes a debate or forum and is made by or on
19 behalf of the person sponsoring the debate or forum.
- 20 (d) For purposes of this section, a person shall be
21 treated as having made a disbursement if the person has executed
22 a contract to make the disbursement.



1 **§11-AA Fundraiser; notice of intent.** (a) No fundraiser
2 shall be held unless a notice of intent to hold the fundraiser
3 is filed setting forth the name and address of the person in
4 charge; the price per person; the date, hour, and place of the
5 fundraiser; and the method thereof.

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

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

13 **§11-BB Reporting deadline.** When any reporting deadline
14 falls on a Saturday, Sunday, or holiday designated in section 8-
15 1, the reporting deadline shall be the next succeeding day that
16 is not a Saturday, Sunday, or holiday.

17 **§11-CC Sale or use of information.** No information in the
18 reports or copies of the reports filed with the commission shall
19 be sold or used by any person for the purpose of soliciting
20 contributions or for any commercial purpose.



1 . CONTRIBUTIONS; PROHIBITIONS; LIMITS

2 **§11-DD Contributions, generally.** (a) Monetary

3 contributions and other campaign funds shall be promptly

4 deposited in a depository institution, as defined by section

5 412:1-109, duly authorized to do business in the state, such as

6 a bank, savings bank, savings and loan association, depository

7 financial services loan company, credit union, intra-Pacific

8 bank, or similar financial institution, the deposits or accounts

9 of which are insured by the Federal Deposit Insurance

10 Corporation or the National Credit Union Administration in the

11 name of the candidate or committee, whichever is applicable.

12 (b) A candidate or committee shall not accept a

13 contribution of more than \$100 in cash from a single person

14 without issuing a receipt to the contributor and keeping a

15 record of the contribution.

16 (c) Each committee shall disclose the original source of

17 all earmarked funds, the ultimate recipient of the earmarked

18 funds, and the fact that the funds are earmarked.

19 **§11-EE False name contributions prohibited.** (a) No

20 person shall make a contribution to any candidate or committee,

21 in any name other than that of the person who owns the money,

22 property, or service.



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

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

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

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

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

20 **§11-GG Fundraising on state or county property prohibited.**

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



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

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

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

14 **§11-HH Contributions by state and county contractors**
15 **prohibited.** (a) It shall be unlawful for any person exempt
16 from competitive solicitation under chapters 102, 103, 103D, and
17 103F who enters into any contract with the State, any of its
18 counties, or any department or agency thereof for the rendering
19 of personal services, the buying of property, or furnishing of
20 any material, supplies, or equipment to the State, any of its
21 counties, department or agency thereof, or for selling any land
22 or building to the State, any of its counties, or any department



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

- 7 (1) Directly or indirectly make any contribution or to
8 promise expressly or impliedly to make any
9 contribution to any party, committee, or candidate or
10 to any person for any political purpose or use; or
11 (2) Knowingly solicit any contribution from any person for
12 any purpose during any period.

13 (b) Except as provided in subsection (a), this section
14 shall not prohibit or make unlawful the establishment or
15 administration of, or the solicitation of contributions to, any
16 noncandidate committee for the purpose of influencing the
17 nomination for election or the election of any person to office;
18 provided that the commission shall by rule establish
19 contribution limits for limited liability companies as defined
20 in section 428-101, limited liability partnerships as defined in
21 section 425-101, and limited liability limited partnerships as
22 defined in section 425E-102. Sole proprietors subject to this



1 section shall comply with applicable campaign contribution
2 limits in section 11-JJ(a).

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

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

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



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

5 (2) The contributions are domestically-derived.

6 **§11-JJ Contributions to candidate committees and non-**
7 **candidate committees; limits.** (a) No person, including a non-
8 candidate committee, shall make contributions to:

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

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

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

21 (b) (1) No person shall make contributions to a noncandidate
22 committee in an aggregate amount greater than \$2,000



1 during a two-year election period; except that a
2 company contributing from its treasury to the
3 company's established noncandidate committee shall be
4 limited to an aggregate amount of not more than
5 \$50,000 in any two-year election period.

6 (2) A company that makes contributions and expenditures
7 greater than \$1,000 in the aggregate in a two-year
8 election period shall register a noncandidate
9 committee with the commission pursuant to section 11-
10 K, and make contributions and expenditures through its
11 noncandidate committee.

12 (c) For purposes of this section, "company" means a
13 corporation, partnership, limited liability company, limited
14 liability partnership, financial institution, or any other
15 entity engaged in business.

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



1 **§11-KK Contribution limits not applicable to a ballot**
2 **issue committee.** The contribution limits in §11-JJ shall not
3 apply to a ballot issue committee.

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

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

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

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



1 (c) If a person makes a contribution to a party that is
2 earmarked for a candidate or candidates and the party exercises
3 any direction or control over the choice of the recipient
4 candidate or candidates, the contribution is deemed to be a
5 contribution from both the original contributor and the party
6 distributing such funds to a candidate or candidates. The
7 earmarked funds shall be promptly distributed by the party to
8 the candidate.

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

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



1 (b) A contribution by a partnership shall not exceed the
2 limitations in this section and shall be attributed to the
3 partnership and to each partner in direct proportion to the
4 partner's share of the partnership profits, according to
5 instructions that shall be provided by the partnership to the
6 party, candidate, or committee receiving the contribution.

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

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

13 (2) A contribution by a limited liability company that is
14 treated as a corporation by the Internal Revenue
15 Service shall be considered a contribution from a
16 corporation;

17 (3) A contribution by a limited liability company with a
18 single individual member that is not treated as a
19 corporation by the Internal Revenue Service shall be
20 attributed only to that single individual member; and

21 (4) A limited liability company that makes a contribution
22 shall, at the time the limited liability company makes



1 the contribution, provide information to the party,
2 committee, or candidate receiving the contribution
3 specifying how the contribution is to be attributed.

4 (d) A person's contribution to a party that is earmarked
5 for a candidate or candidates is included in the aggregate
6 contributions of both the person and the party to the candidate
7 or candidates if the party exercises any direction or control
8 over the choice of the recipient candidate or candidates. The
9 earmarked funds shall be promptly distributed by the party to
10 the candidate.

11 (e) A contribution by a dependent minor shall be reported
12 in the name of the minor but included in the aggregate
13 contributions of the minor's parent or legal guardian.

14 **§11-00 Contributions limited from nonresident persons.**

15 (a) Contributions from all persons who are not residents
16 of the state at the time the contributions are made, shall not
17 exceed twenty per cent of the total contributions received by a
18 candidate or candidate committee for each two-year election
19 period.

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



1 (c) If the candidate or candidate's committee returns or
2 refunds a contribution or contributions that exceed twenty per
3 cent of the total contributions received during a reporting
4 period within thirty days of the last day of the reporting
5 period for the two-year election period, the candidate and
6 candidate committee shall not be in violation of this section.

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

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

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



1 (b) "Coordinated activity" means:

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

8 (2) The payment by any person for the production,
9 dissemination, distribution, or republication,
10 written, graphic, or other form of campaign material
11 prepared by a candidate, committee, or an agent of a
12 candidate or committee; or

13 (3) Any payment by any person or contract for any
14 electioneering communication, as defined in section
15 11-Z, where the payment is coordinated with a
16 candidate, candidate committee, the party of the
17 candidate, or an agent of a candidate, committee, or
18 the party of a candidate.

19 (c) No expenditure for a candidate who files an affidavit
20 with the commission agreeing to limit aggregate expenditures by
21 the candidate, including coordinated activity by any person,
22 shall be made or incurred by any committee without authorization



1 of the candidate or the candidate's authorized representative.
2 Every expenditure so authorized and made or incurred shall be
3 attributed to the candidate with whom the committee is directly
4 associated for the purpose of imposing the expenditure
5 limitations set forth in section 11-000.

6 **§11-QQ Excess contribution; return; escheat.** (a) Any
7 candidate or committee that receives in the aggregate more than
8 the applicable contribution limit in sections 11-JJ, 11-LL, and
9 11-MM shall return any excess contribution to the contributor
10 within thirty days of receipt of the excess contribution. Any
11 excess contribution not returned to the contributor within
12 thirty days shall escheat to the Hawaii election campaign fund.

13 (b) A candidate or committee that complies with this
14 section prior to the initiation of administrative action shall
15 not be subject to any fine under section 11-JJJ.

16 . LOANS

17 **§11-RR Loan to candidate committee.** (a) A candidate or
18 candidate committee may receive a loan from:

- 19 (1) The candidate's own funds;
20 (2) A financial institution regulated by the State or a
21 federally chartered depository institution and made in



1 accordance with applicable law in the ordinary course
2 of business;

3 (3) The candidate's immediate family in an aggregate
4 amount not to exceed \$50,000 during an election
5 period, provided that the aggregate amount of loans
6 and contributions received from the immediate family
7 does not exceed \$50,000 during an election period; and

8 (4) Persons other than immediate family of the candidate
9 in an aggregate amount not to exceed \$10,000 during an
10 election period. This \$10,000 limit for loans from
11 persons other than the immediate family is applicable
12 to the candidate and not the person or persons making
13 the loan. Additionally:

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

19 (B) If a loan from persons other than immediate
20 family members is not repaid within one year of
21 the date that the loan is made, the candidate and
22 candidate committee shall be prohibited from



1 accepting any other loans. All campaign funds,
2 including contributions subsequently received,
3 shall be used to repay the outstanding loan.

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

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

10 (2) A dated receipt and a written description of the name
11 and address of each payee and the amount, date, and
12 purpose of each expenditure is provided to the
13 candidate committee before the candidate committee
14 reimburses the candidate, volunteer, or employee; and

15 (3) The candidate committee reimburses the candidate,
16 volunteer, or employee within forty-five days of the
17 expenditure.

18 **§11-SS Reporting loan; written loan agreement.** (a) Every
19 loan shall be reported as provided in section 11-R.

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



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

4 **§11-TT Noncandidate committee loan prohibited.** A
5 noncandidate committee shall not receive or make a loan.

6 . EXPENDITURES

7 **§11-UU Campaign funds only used for certain purposes.** (a)
8 Campaign funds may be used by a candidate, treasurer, or
9 candidate committee:

10 (1) For any purpose directly related:

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

13 (B) In the case of a treasurer or candidate
14 committee, to the campaign of the candidate,
15 question, or issue with which the treasurer or
16 candidate committee is directly associated;

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



- 1 (3) To make donations to any community-service,
2 educational, youth, recreational, charitable,
3 scientific, or literary organization; provided that in
4 any election period, the total amount of all
5 contributions shall be no more than twice the maximum
6 amount that one person may contribute to that
7 candidate pursuant to section 11-JJ; provided further
8 that no contributions shall be made from the date the
9 candidate files nomination papers to the date of the
10 general election;
- 11 (4) To purchase not more than two tickets for each event
12 held by another candidate or committee, regardless of
13 whether the event constitutes a fundraiser as defined
14 in section 11-AA;
- 15 (5) To make contributions to the candidate's party so long
16 as the contributions are not earmarked for another
17 candidate; or
- 18 (6) To pay for ordinary and necessary expenses incurred in
19 connection with the candidate's duties as a holder of
20 an office.



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

4 **§11-VV Prohibited uses of campaign funds.** Campaign funds
5 shall not be used:

6 (1) To support the campaigns of candidates other than the
7 candidate with which the campaign is directly
8 associated;

9 (2) To campaign against any other candidate not directly
10 opposing the candidate with which the campaign is
11 directly associated; or

12 (3) For personal expenses.

13 **§11-WW Exceptions.** Notwithstanding sections 11-UU and 11-
14 VV, a party may support more than one candidate, and a candidate
15 for the office of governor or lieutenant governor may support a
16 co-candidate in the general election.

17 **§11-XX Disposition of campaign funds; termination of**
18 **registration.** (a) A candidate committee and candidate who
19 receives contributions for an election but fails to file
20 nomination papers for that election shall return residual funds
21 to the contributors no later than ninety days after the date on
22 which nominations for that election shall be filed. Funds not



1 returned to contributors shall escheat to the Hawaii election
2 campaign fund.

3 (b) A candidate committee and candidate who withdraws or
4 ceases to be a candidate for the election because of death,
5 disqualification, or other reasons shall return residual funds
6 to the contributors no later than ninety days after the
7 candidate ceases to be a candidate. Funds not returned to
8 contributors shall escheat to the Hawaii election campaign fund.

9 (c) A candidate and committee of a candidate elected to
10 office, including a candidate subject to term limits and a
11 candidate who resigned before the end of the term of office, may
12 use campaign funds as provided in section 11-UU or return funds
13 to contributors until four years from the date of the election
14 for which the campaign funds were received. Funds that are not
15 used or returned to contributors shall escheat to the Hawaii
16 election campaign fund.

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



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

4 (f) Notwithstanding any of the foregoing, campaign funds
5 may be used for the candidate's next subsequent election as
6 provided in section 11-UU upon registration for the election
7 pursuant to section 11-K.

8 (g) The commission shall adopt rules under chapter 91 for
9 carrying out the purposes of this section.

10 . ADVERTISEMENTS

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

- 13 (1) The name and address of the candidate, committee, or
14 other person paying for the advertisement; and
15 (2) A notice in a prominent location stating either that:
16 (A) The advertisement is published, broadcast,
17 televised, or circulated with the approval and
18 authority of the candidate; provided that an
19 advertisement paid for by a candidate, candidate
20 committee, or ballot issue committee does not
21 have to include the notice; or



1 (B) The advertisement is published, broadcast,
2 televised, or circulated without the approval and
3 authority of the candidate.

4 (b) The fine for violating this section shall be a fine
5 not to exceed \$25 for each advertisement that lacks the
6 information required by this section and no more than \$5,000 in
7 the aggregate.

8 §11-ZZ House bulletins. The costs of preparing, printing,
9 and circulating house bulletins and the writings, drawings, and
10 photographs contained therein, except for paid advertisements,
11 shall be exempt from the provisions of this part.

12 . ENFORCEMENT

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

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



1 (c) The subpoena power shall be exercised by the
2 chairperson of the commission, or such other person as the
3 chairperson may designate.

4 (d) Upon application of the commission, obedience to the
5 subpoena shall be enforced by the circuit court in the county in
6 which the person subpoenaed resides or is found, in the same
7 manner as a subpoena issued by a circuit court.

8 **§11-BBB Filing of complaint.** (a) A person alleging
9 violations of this part shall file a complaint with the
10 commission.

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

13 (c) A complaint by a person other than the executive
14 director shall be in writing, signed by the person filing the
15 complaint, and notarized.

16 **§11-CCC Notice of complaint; opportunity to explain or**
17 **respond to complaint.** (a) The commission shall give notice of
18 receipt of the complaint and a copy of the complaint to the
19 respondent.

20 (b) The respondent may explain or otherwise respond in
21 writing to the complaint and explain or otherwise respond to the



1 complaint at a meeting promptly noticed by the commission and
2 conducted under chapter 92.

3 **§11-DDD Initial determination by the commission.** The
4 commission shall promptly determine, without regard to chapter
5 91, whether to:

- 6 (1) Summarily dismiss the complaint;
- 7 (2) Cause further investigation;
- 8 (3) Make a preliminary determination regarding probable
9 cause; or
- 10 (4) Refer the complaint for prosecution under section 11-
11 KKK.

12 **§11-EEE Preliminary determination regarding probable**
13 **cause.** (a) Upon consideration of the response, if the
14 respondent explains or otherwise responds to the complaint, and
15 upon completion of any investigation, the commission may make a
16 prompt preliminary determination as to whether probable cause
17 exists that a violation of this part has been committed. The
18 preliminary determination with findings of fact and conclusions
19 of law shall be served upon the respondent by certified mail.

20 (b) The respondent shall be afforded an opportunity to
21 contest the commission's preliminary determination of probable
22 cause by making a request for a contested case hearing under



1 chapter 91 within twenty days of receipt of the preliminary
2 determination. Failure to request a contested case hearing
3 shall result in the commission's preliminary determination being
4 deemed a final determination of violation.

5 **§11-FFF Waiver of further proceedings.** The commission may
6 waive further proceedings, including the filing of a complaint,
7 because of action the respondent takes to remedy or correct the
8 alleged violation, including the payment of any administrative
9 fine. The commission shall make the remedial or corrective
10 action taken by the respondent, the commission's decision in
11 light of the action to waive further proceedings, and the
12 commission's justification for its decision, a part of the
13 public record.

14 **§11-GGG Contested case hearing.** (a) A contested case
15 hearing shall be conducted pursuant to chapter 91 and any rules
16 adopted by the commission.

17 (b) The hearing shall be before the commission or a duly
18 designated hearings officer. The commission or hearings officer
19 shall not be bound by strict rules of evidence when conducting a
20 hearing to determine whether a violation of this part has
21 occurred, and the degree or quantum of proof required shall be a
22 preponderance of the evidence.



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

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

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

9 (f) Any person who appears before the commission or
10 hearings officer shall have all of the rights, privileges, and
11 responsibilities of a witness appearing before the courts of
12 this State. All witnesses summoned before the commission or
13 hearings officer shall receive reimbursements as paid in like
14 circumstances in the courts of this State. Any person whose
15 name is mentioned during a proceeding before the commission or
16 hearings officer and who may be adversely affected thereby, may
17 appear or file a written statement for incorporation into the
18 record of the proceeding.

19 (g) A hearings officer shall render a recommended decision
20 for the commission's consideration. Any party adversely
21 affected by the decision may file written exceptions with the



1 commission within fifteen days after receipt of a copy of the
2 decision by certified mail.

3 (h) The commission, as expeditiously as possible, after
4 the close of the commission's hearing or receipt of the hearings
5 officer's recommended decision, shall issue its final
6 determination of violation together with separate findings of
7 fact and conclusions of law regarding whether a violation of
8 this part has been committed.

9 **§11-HHH Dismissal.** The complaint shall be dismissed if
10 the commission makes a final determination that there is no
11 violation of this part.

12 **§11-III Final determination of violation; order.** If the
13 commission makes a final determination of a violation of this
14 part, its written decision with findings of fact and conclusions
15 of law may order:

- 16 (1) The return of any contribution;
17 (2) The reimbursement of any unauthorized expenditure;
18 (3) The payment of any administrative fine to the general
19 fund of the State;
20 (4) The respondent to cease and desist violations of this
21 part; or



1 (5) Any report, statement, or other information required
2 by this part to be filed.

3 **§11-JJJ Administrative fines; relief.** (a) The commission
4 may make a decision or issue an order affecting any person
5 violating any provision of this part or section 281-22 that may
6 provide for the assessment of an administrative fine as follows:

7 (1) If a natural person, an amount not to exceed \$1,000
8 for each occurrence or an amount equivalent to three
9 times the amount of an unlawful contribution or
10 expenditure; or

11 (2) If a corporation, organization, association, or labor
12 union, an amount not to exceed \$1,000 for each
13 occurrence; and

14 (3) Whenever a corporation, organization, association, or
15 labor union violates this part, the violation may be
16 deemed to be also that of the individual directors,
17 officers, or agents of the corporation, organization,
18 association, or labor union, who have knowingly
19 authorized, ordered, or done any of the acts
20 constituting the violation.

21 (b) Any order for the assessment of an administrative fine
22 may not be issued against a person without providing the person



1 written notice and an opportunity to be heard at a hearing
2 conducted under chapter 91. A person may waive these rights by
3 written stipulation or consent.

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

7 (d) If the person to whom the commission's order is
8 directed does not comply with the order, the circuit court of
9 the first circuit, upon application of the commission, shall
10 issue an order requiring the person to comply with the
11 commission's order. Failure to obey such a court order shall be
12 punished as contempt.

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

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

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

20 (h) The provisions of this section shall not apply to any
21 person who, prior to the commencement of proceedings under this



1 section, has paid or agreed to pay the fines prescribed by
2 sections 11-Y (b), (c), or (e) or 11-YY (b).

3 **§11-KKK Criminal referral.** In lieu of an administrative
4 determination that a violation of this part has been committed,
5 the commission may refer the complaint to the attorney general
6 or county prosecutor at any time it believes that the respondent
7 may have recklessly, knowingly, or intentionally committed a
8 violation.

9 **§11-LLL Criminal prosecution.** (a) Any person who
10 recklessly, knowingly, or intentionally violates any provision
11 of this part shall be guilty of a misdemeanor.

12 (b) Any person who knowingly or intentionally falsifies
13 any report required by this part with the intent to circumvent
14 the law or deceive the commission or who violates section 11-EE
15 or 11-FF shall be guilty of a class C felony. A person charged
16 with a class C felony shall not be eligible for a deferred
17 acceptance of guilty plea or nolo contendere plea under chapter
18 853.

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



1 (d) For purposes of prosecution for violation of this
2 part, the attorney general and offices of the prosecuting
3 attorney of the respective counties shall be deemed to have
4 concurrent jurisdiction to be exercised as follows:

5 (1) Prosecution shall commence with a written request from
6 the commission or upon the issuance of an order of the
7 court; provided that prosecution may commence prior to
8 any proceeding initiated by the commission or final
9 determination;

10 (2) In the case of state offices, parties, or issues, the
11 attorney general or prosecuting attorney for the city
12 and county of Honolulu shall prosecute any violation;
13 and

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

17 In the commission's choice of prosecuting agency, it shall
18 be guided by whether there will be any conflicting interest
19 between the agency and its appointive authority.

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



1 (f) Prosecution for violations of this part shall not be
2 commenced after five years have elapsed from the date of the
3 violation or date of filing of the report covering the period in
4 which the violation occurred, whichever is later.

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

9 . PARTIAL PUBLIC FINANCING

10 **§11-MMM Hawaii election campaign fund; creation.** (a) The
11 Hawaii election campaign fund is created as a trust fund within
12 the state treasury.

13 (b) The fund shall consist of:

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

17 (2) Any general fund appropriations; and

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

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



1 **§11-NNN Depletion of fund.** (a) The commission shall be
2 under no obligation to provide moneys to candidates unless there
3 are two years of budgeted expenses in reserve in the Hawaii
4 election campaign fund.

5 (b) If the commission determines that the Hawaii election
6 campaign fund is unable to fund all requests for public funds
7 for the partial public financing program and comprehensive
8 public funding program for elections to the county of Hawaii
9 council, the amounts available to candidates from the fund shall
10 be based on the date an application for public funds filed
11 pursuant to section 11-WWW is approved by the commission.

12 **§11-000 Voluntary expenditure limits; filing affidavit.**

13 (a) A candidate may file an affidavit with the commission
14 agreeing to limit aggregate expenditures by the candidate,
15 including coordinated activity by any person for the benefit of
16 the candidate in cooperation, consultation, or concert with, or
17 at the request or suggestion of the candidate, candidate
18 committee, or their agents, to the amounts specified in
19 subsection (d).

20 (b) The affidavit shall be subscribed by the candidate,
21 notarized, and filed no later than the time of filing nomination
22 papers with the chief election officer or county clerk.



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

6 (d) From January 1 of the year of any primary, first
7 special, or first nonpartisan, general, second special, or
8 second nonpartisan election, aggregate expenditures for each
9 election by a candidate who filed the affidavit pursuant to
10 subsection (a) shall not exceed the number of registered voters
11 in the last preceding general, second special, or second
12 nonpartisan election in each respective voting district
13 multiplied by the following amounts:

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



1 **§11-PPP Reduced filing fee.** A candidate who files the
2 affidavit pursuant to section 11-000 shall receive a discounted
3 filing fee as provided in section 12-6.

4 **§11-QQQ Tax deduction for qualifying contributions.** (a)
5 An individual resident of Hawaii may claim a state income tax
6 deduction pursuant to section 235-7(g)(2), for contributions to
7 a candidate who files an affidavit pursuant to section 11-000
8 and complies with the expenditure limit.

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

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

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



1 **§11-RRR Maximum amount of public funds available to**
2 **candidate.** (a) The maximum amount of public funds available in
3 each election to a candidate for the office of governor,
4 lieutenant governor, or mayor shall not exceed ten per cent of
5 the expenditure limit established in section 11-000(d) for each
6 election.

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

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

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

18 **§11-SSS 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 in writing on the day
3 the expenditure limit is exceeded;
- 4 (2) Immediately return all public funds to the commission;
- 5 (3) Pay the balance of the full filing fee to the chief
6 election officer; and
- 7 (4) Provide reasonable notice to all contributors within
8 thirty days of exceeding the limit that the
9 expenditure limit was exceeded and contributions to
10 the candidate no longer qualify for a state income tax
11 deduction.

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

18 **§11-UUU Eligibility requirements for public funds.** To be
19 eligible to receive public funds for an election, a candidate
20 shall meet all the following requirements:



- 1 (1) The candidate is qualified to be on the ballot in the
2 election and is opposed by another candidate for the
3 same office in the same election;
- 4 (2) The candidate shall mail or deliver to the commission:
5 (A) A statement of intent to seek public funds;
6 (B) The affidavit required by section 11-000 no later
7 than the time of filing nomination papers with
8 the chief election officer or county clerk;
9 (C) A copy of the electronically filed statement of
10 qualifying contributions, provided that
11 contributions received before filing the
12 statement of intent to seek public funds are not
13 qualifying contributions under section 11-VVW;
14 and
15 (D) An application for public funds;
- 16 (3) The candidate electronically files a statement of
17 qualifying contributions;
- 18 (4) The candidate agrees to obtain and furnish any
19 evidence relating to expenditures that the commission
20 may request;



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

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

8 **§11-VVV Minimum qualifying contribution amounts;**
9 **qualifying contribution statement.** (a) A candidate is required
10 to receive the following minimum qualifying contribution amounts
11 during the matching payment period:

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

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

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

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

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

21 (C) County of Maui – qualifying contributions that,
22 in the aggregate, exceed \$10,000; and



- 1 (D) County of Kauai – qualifying contributions that
2 in the aggregate, exceed \$5,000;
- 3 (4) For the office of prosecuting attorney for each
4 respective county:
- 5 (A) County of Honolulu – qualifying contributions
6 that, in the aggregate, exceed \$30,000;
- 7 (B) County of Hawaii – qualifying contributions that,
8 in the aggregate, exceed \$10,000; and
- 9 (C) County of Kauai – qualifying contributions that,
10 in the aggregate, exceed \$5,000;
- 11 (5) For the office of county council for each respective
12 county:
- 13 (A) County of Honolulu – qualifying contributions
14 that, in the aggregate, exceed \$5,000;
- 15 (B) County of Hawaii – qualifying contributions that,
16 in the aggregate, exceed \$1,500;
- 17 (C) County of Maui – qualifying contributions that,
18 in the aggregate, exceed \$5,000; and
- 19 (D) County of Kauai – qualifying contributions that,
20 in the aggregate, exceed \$3,000;
- 21 (6) For the office of state senator – qualifying
22 contributions that, in the aggregate, exceed \$2,500;



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

3 (8) For the office of Hawaiian affairs – qualifying
4 contributions that, in the aggregate, exceed \$1,500;
5 and

6 (9) For the board of education and all other offices –
7 qualifying contributions that, in the aggregate,
8 exceed \$500.

9 (b) A candidate shall obtain the minimum qualifying
10 contribution amount set forth in subsection (a) once for the
11 election period.

12 (1) If the candidate, except for a candidate for the
13 office of Hawaiian affairs and the board of education,
14 obtains the minimum qualifying contribution amount,
15 the candidate is eligible to receive:

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

18 (B) Payments of \$1 for each \$1 of qualifying
19 contributions in excess of the minimum qualifying
20 contribution amounts;

21 (2) A candidate for the office of Hawaiian affairs who
22 obtains the minimum qualifying contribution amount is



1 eligible to receive a maximum of \$1,500 in any
2 election year; and

3 (3) A candidate for the board of education who obtains the
4 minimum qualifying contribution amount is eligible to
5 receive a maximum of \$100 in any election year.

6 (c) The candidate shall not receive more than the maximum
7 amount of public funds available to a candidate pursuant to
8 section 11-RRR; provided that the candidate shall not receive
9 public funds for a primary, first special, or first nonpartisan
10 primary election if the candidate does not obtain the minimum
11 qualifying contribution amounts before the date of the primary,
12 first special, or first nonpartisan primary election.

13 (d) The candidate shall obtain the minimum qualifying
14 contribution amount before submitting the initial application
15 for public funds.

16 (e) The statement of qualifying contributions shall
17 include:

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

21 (2) The amount and date of deposit of each qualifying
22 contribution.



1 (f) As used in this section, "matching payment period"
2 means:

3 (1) For a primary, first special, or first nonpartisan
4 primary election, from January 1 of the year of the
5 election through the day of the primary, first
6 special, or first nonpartisan primary election; and

7 (2) For a general, second special, or second nonpartisan
8 election, from January 1 of the year of a general
9 election through the day of the general, second
10 special, or second nonpartisan election.

11 **§11-WWW Application for public funds.** (a) Each
12 application for public funds shall be:

13 (1) Signed by the candidate and notarized; and
14 (2) Accompanied by a copy of the electronically filed
15 statement of qualifying contributions.

16 (b) The application shall be mailed or delivered to the
17 commission no later than thirty days after the general election.

18 (c) A candidate who receives funds for a primary, first
19 special, or first nonpartisan primary election and is a
20 candidate in the subsequent general, second special, or second
21 nonpartisan election is required to mail or deliver another



1 application to the commission to receive public funds for the
2 subsequent election.

3 **§11-XXX Payment to candidate.** (a) Upon the commission's
4 approval of the application and statement of qualifying
5 contributions, the commission shall direct the comptroller to
6 distribute matching public funds up to the maximum amount of
7 public funds allowed by section 11-RRR. Public funds shall be
8 distributed to the candidate within twenty days from the date
9 the candidate's initial application and qualifying contribution
10 statement is approved by the commission.

11 (b) The commission shall make additional determinations
12 within fourteen days after receiving a complete application and
13 supplemental statement of qualifying contributions from a
14 candidate.

15 (c) All determinations made by the commission under this
16 section are final and conclusive, except to the extent they are
17 subject to examination and audit by the commission under section
18 11-AAAA.

19 **§11-YYY Use of public funds.** (a) Public funds shall be
20 deposited in a depository institution, as defined in section
21 412:1-109, duly authorized to do business in the state, such as
22 a bank, savings bank, savings and loan association, depository



1 financial services loan company, credit union, intra-Pacific
2 bank, or similar financial institution, the deposits or accounts
3 of which are insured by the Federal Deposit Insurance
4 Corporation or the National Credit Union Administration.

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

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

8 (1) Defray expenditures of the candidate; and

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

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

13 (e) Unexpended public funds shall be returned to the
14 commission by the deadline for filing the final report for the
15 election for which the funds were received.

16 **§11-ZZZ Post-election report required.** The treasurer
17 shall electronically submit an expenditure of public funds
18 report to the commission no later than twenty days after a
19 primary, first special, or first nonpartisan primary election
20 and no later than thirty days after a general, second special,
21 or second nonpartisan election certifying that all public funds
22 paid to the candidate have been used as required by this part.



1 §11-AAAA Post-election examination and audit; return of
2 funds. (a) The commission shall examine and audit the public
3 funds received by all candidates, qualifying contributions, and
4 the expenditures made by all candidates within sixty days after
5 each general, second special, or second nonpartisan election.

6 (b) The commission shall promulgate rules regarding
7 expenditures that qualify under section 11-YYY.

8 (c) If the commission determines that any payment of
9 public funds to a candidate exceeded the aggregate amount to
10 which the candidate was entitled, the commission shall notify
11 the candidate within two years of the payment of the public
12 funds, and the candidate shall repay the excess amount to the
13 Hawaii election campaign fund. If the commission does not
14 notify the candidate within two years, the excess payment is not
15 required to be repaid.

16 (d) If the commission determines that any public funds
17 were used for any improper purpose, the commission shall notify
18 the candidate, and the candidate shall pay to the Hawaii
19 election campaign fund an amount equal to three hundred per cent
20 of such amount in addition to any fines under section 11-JJJ and
21 section 11-LLL.



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 6. 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 numbers used in designating
7 the new sections in this Act.

8 SECTION 7. This Act shall take effect on January 1, 2010.



Report Title:

Campaign Finance

Description:

Organizes, clarifies, updates, and recodifies campaign finance laws. Effective January 1, 2010. (HB215 HD2)

