

JAN 23 2009

---

# A BILL FOR AN ACT

RELATING TO CAMPAIGN FINANCING.

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

1           SECTION 1. Section 11-204.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "§11-204.5 Limit on contributions from nonresident  
4 individuals and persons. (a) Contributions from all persons,  
5 except for a member of the candidate's immediate family, who are  
6 not residents of the State at the time the contributions are  
7 made, including a noncandidate committee organized under the  
8 laws of another state and whose participants are not residents  
9 of the State, shall not exceed twenty per cent of the total  
10 contributions received by a candidate or candidate's committee  
11 for each reporting period.

12           (b) If the candidate or candidate's committee returns or  
13 refunds a contribution or contributions that exceed twenty per  
14 cent of the total contributions received during a reporting  
15 period within seven days of the last day of the reporting  
16 period, the candidate and candidate committee shall not be in  
17 violation of this section."



1 SECTION 2. Section 11-207.6, Hawaii Revised Statutes, is  
2 amended by amending as follows:

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

4 "(a) Every person who makes a disbursement for  
5 electioneering communications in an aggregate amount of more  
6 than \$2,000 during any calendar year [~~shall~~], within twenty-four  
7 hours of each disclosure date provided in this section, shall  
8 file with the commission a statement of information described in  
9 subsection (b)."

10 2. By amending subsection (c) to read:

11 "(c) For the purposes of this section:

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

17 "Electioneering communication" means any advertising:

18 (1) (A) Broadcast from a cable, satellite, television, or  
19 radio broadcast station;

20 (B) Published in any periodical or newspaper; or

21 (C) Sent by mail at a bulk rate;

22 (2) That refers to a clearly identifiable candidate; [~~and~~]



1           (3) ~~[Is made,]~~ Made, or scheduled to be made, either  
2           within thirty days prior to a primary or initial  
3           special election or within sixty days prior to a  
4           general or special election~~[-]~~; and

5           (4) That is susceptible of no reasonable interpretation  
6           other than as an appeal to vote for or against a  
7           specific candidate.

8 "Electioneering communication" shall not include communications:

9           (1) In a news story or editorial disseminated by any  
10           broadcast station or publisher of periodicals or  
11           newspapers, unless the facilities are owned or  
12           controlled by any political party, political  
13           committee, or candidate;

14           (2) That constitute expenditures by the disbursing  
15           organization;

16           (3) In in-house bulletins; or

17           (4) That constitute a candidate debate or forum, or solely  
18           promote a debate or forum and are made by or on behalf  
19           of the person sponsoring the debate or forum."

20           SECTION 3. Section 11-212, Hawaii Revised Statutes, is  
21           amended to read as follows:

22           "§11-212 Preliminary reports.



1 (a) (1) [~~The candidate committee of each~~] Each candidate whose  
2 name will appear on the ballot in the immediately  
3 succeeding election shall file a preliminary report.  
4 Preliminary reports shall be filed on the following  
5 dates:

- 6 (A) July [~~thirty-first~~] 31 of the year of the primary  
7 election;
- 8 (B) Ten calendar days prior to each primary and  
9 initial special election; and
- 10 (C) Ten calendar days prior to a special or general  
11 election.

12 (2) Each report shall be certified pursuant to section 11-  
13 195 and shall contain the following information which  
14 shall be current through June 30 prior to the filing  
15 of the report filed on [~~the thirty-first of~~] July 31  
16 and the fifth calendar day prior to the filing of  
17 other preliminary reports:

- 18 (A) The aggregate sum of all contributions and other  
19 campaign receipts received;
- 20 (B) The amount and date of deposit of the  
21 contribution and the name and address of each  
22 donor who contributes an aggregate of more than



1           \$100 during an election period, which has not  
2           previously been reported; provided that if all  
3           the information is not on file, the contribution  
4           shall be returned to the donor within thirty days  
5           of deposit;

6           (C) The amount and date of deposit of each  
7           contribution and the name, address, employer, and  
8           occupation of each donor who contributes an  
9           aggregate of \$1,000 or more during an election  
10          period, which has not previously been reported;  
11          provided that if all the information is not on  
12          file, the contribution shall be returned to the  
13          donor within thirty days of deposit;

14          (D) All expenditures made, incurred, or authorized by  
15          or for a candidate, including the name and  
16          address of each payee and the amount, date, and  
17          purpose of each expenditure; and

18          (E) A current statement of the balance on hand or  
19          deficit.

20           (b) Each noncandidate committee shall file a preliminary  
21   report with the commission on July 31 prior to each primary  
22   election, the tenth calendar day prior to each primary election,



1 and the tenth calendar day prior to a special or general  
2 election. Each report shall be certified pursuant to section  
3 11-195 and shall contain the following information, which shall  
4 be current through the fifth calendar day prior to the filing of  
5 a preliminary report:

6 (1) The aggregate sum of all contributions and other  
7 campaign receipts received;

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

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

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



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

2 (c) The candidate's committee and noncandidate committee  
3 shall itemize disbursements to consultants, advertising agencies  
4 and similar firms, credit card payments, salaries, and candidate  
5 reimbursements to permit a reasonable person to determine the  
6 ultimate intended recipient of the expenditure and its purpose.

7 ~~[(d) A candidate, party, or committee whose aggregate  
8 contributions and aggregate expenditures for the reporting  
9 period each total \$2,000 or less may file a short form report  
10 with the commission in lieu of the reports required by this  
11 section and section 11-213.]~~

12 ~~(e)]~~ (d) Notwithstanding this section and section 11-213,  
13 a candidate, party, or committee whose aggregate contributions  
14 and aggregate expenditures for the election period total \$1,000  
15 or less, need not file a preliminary and final primary report, a  
16 preliminary and final general report, or a special election  
17 report, but shall file only a final election period report."

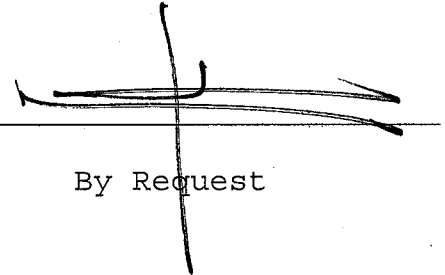
18 SECTION 4. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval,  
2 provided that section 3 shall be applicable to reporting periods  
3 beginning on January 1, 2010.

4

INTRODUCED BY:

A handwritten signature in black ink, consisting of several horizontal strokes and a vertical stroke, is written over a horizontal line.

By Request





**Report Title:**

Campaign Contributions; Preliminary Reports

**Description:**

Establishes a grace period during which a candidate or candidate's committee may return or refund contributions that exceed the 20% cap on nonresident contributions. Requires noncandidate committees to file an additional preliminary report on 7/31 prior to each primary election.

