
A BILL FOR AN ACT

RELATING TO POLITICAL ACTIVITY.

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

1 SECTION 1. Chapter 84, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 **"PART . POLITICAL ACTIVITY**

5 **§84-A Definitions.** As used in this part, unless the
6 context otherwise requires:

7 "Agency" means an agency of state government.

8 "Contribution" means any gift, subscription, loan, advance,
9 deposit of money, allotment of money, or anything of value given
10 or transferred by one person to another, in cash, by check, by
11 draft, through a payroll deduction or allotment plan, or by
12 pledge or promise.

13 "Election" means any primary, special, or general election
14 held in this State.

15 "Employee":

16 (1) Means an employee who occupies a position in state
17 government and who is entitled to receive benefits
18 under chapters 78, 79, 87, and 88;



1 (2) Does not include elected officials.

2 "Employer" or "employing authority" means the immediate
3 employing agency head, agency principals, or an employee's
4 supervisor.

5 "Nonpartisan election" means:

6 (1) An election in which none of the candidates is
7 nominated or elected as representing a political party;
8 or

9 (2) An election involving a question or ballot issue that
10 is not specifically identified with a political party,
11 such as a constitutional amendment, referendum,
12 approval of a county ordinance, or any question or
13 issue of a similar character.

14 "Partisan" refers to a political party when used as an
15 adjective.

16 "Political fund" means any fund, organization, political
17 action committee, or other entity that, for purposes of
18 influencing in any way the outcome of any partisan election,
19 receives or expends money or anything of value or transfers money
20 or anything of value to any other fund, political party,
21 candidate, organization, political action committee, or other
22 entity.



1 "Political party" means a national political party, a state
2 political party, or an affiliated organization.

3 "Workplace" means any place, site, installation, building,
4 room, or facility in which any state agency conducts official
5 business, including office buildings, parks, airports, harbors,
6 vehicles, and aircraft or vessels.

7 **§84-B Influencing elections; participation in political**
8 **campaigns; prohibited activities.** (a) No employee shall:

9 (1) Use the employee's official authority or influence for
10 the purpose of interfering with or affecting the result
11 of an election; or

12 (2) Take an active part in political management or in
13 political campaigns.

14 (b) For the purpose of this subsection, the phrase "an
15 active part in political management or in political campaigns"
16 includes:

17 (1) Serving as an officer of a political party, a member of
18 a national, state, or local committee of a political
19 party, an officer or member of a committee of a
20 partisan political club, or being a candidate for any
21 of these positions;



- 1 (2) Organizing or reorganizing a political party
2 organization or political club;
- 3 (3) Directly or indirectly soliciting, receiving,
4 collecting, handling, disbursing, or accounting for
5 assessments, contributions, or other funds for a
6 partisan political purpose;
- 7 (4) Organizing a fundraising activity of a candidate in a
8 partisan election or of a political party, or political
9 club;
- 10 (5) Taking an active part in managing the political
11 campaign of a candidate for public office in a partisan
12 election or a candidate for political party office;
- 13 (6) Becoming a candidate for, or campaigning for, an
14 elective public office in a partisan election;
- 15 (7) Soliciting votes in support of or in opposition to a
16 candidate for public office in a partisan election or a
17 candidate for political party office;
- 18 (8) Acting as recorder, watcher, challenger, or similar
19 officer at the polls on behalf of a political party or
20 a candidate in a partisan election;
- 21 (9) Driving voters to the polls on behalf of a political
22 party or a candidate in a partisan election;



- 1 (10) Endorsing or opposing a candidate for public office in
- 2 a partisan election or a candidate for political party
- 3 office in a political advertisement, a broadcast,
- 4 campaign, literature, or similar material;
- 5 (11) Serving as a delegate, alternate, or proxy to a
- 6 political party convention;
- 7 (12) Addressing a convention, caucus, rally, or similar
- 8 gathering of a political party in support of or in
- 9 opposition to a partisan candidate for public office or
- 10 political party office;
- 11 (13) Initiating or circulating a partisan nominating
- 12 petition;
- 13 (14) Soliciting, collecting, or receiving a contribution at
- 14 or in the workplace from any employee for any political
- 15 party, political fund, or other partisan recipient;
- 16 (15) Paying a contribution at or in the workplace to any
- 17 employee who is the employer or employing authority of
- 18 the person making the contribution for any political
- 19 party, political fund, or other partisan recipient; and
- 20 (16) Soliciting, paying, collecting, or receiving a
- 21 contribution at or in the workplace from any employee



1 for any political party, political fund, or other
2 partisan recipient.

3 **§84-C Permissible political activities.** (a) All

4 employees are free to engage in political activity to the
5 broadest extent consistent with the restrictions imposed by law
6 and this part. Each employee shall retain the right to:

- 7 (1) Register and vote as the employee chooses in any
8 election;
- 9 (2) Express a personal opinion privately and publicly on
10 political subjects and candidates;
- 11 (3) Display a political picture, sticker, badge, or button;
- 12 (4) Participate in the nonpartisan activities of a civic,
13 community, social, labor, or professional organization,
14 or of a similar organization;
- 15 (5) Be a member of a political party or other political
16 organization and participate in its activities to the
17 extent consistent with law;
- 18 (6) Attend a political convention, rally, fundraising
19 function or other political gathering;
- 20 (7) Sign a political petition as an individual;
- 21 (8) Make a financial contribution to a political party or
22 organization;



- 1 (9) Take an active part, as a candidate or in support of a
2 candidate, in a nonpartisan election;
- 3 (10) Be politically active in connection with a question
4 that is not specifically identified with a political
5 party, such as a constitutional amendment, referendum,
6 approval of a county ordinance, or any other question
7 or issue of a similar character;
- 8 (11) Serve as an election judge or clerk or in a similar
9 position to perform nonpartisan election duties as
10 prescribed by law; and
- 11 (12) Otherwise participate fully in public affairs, except as
12 prohibited by law, in a manner which does not
13 materially compromise the employee's efficiency or
14 integrity as an employee of the agency or the
15 neutrality, efficiency, or integrity of the employee's
16 agency.
- 17 (b) Subsection (a) does not authorize an employee to
18 engage in political activity in violation of law, while on
19 duty, or while in a uniform that identifies the employee as an
20 employee of the agency. The head of an agency may prohibit or
21 limit the participation of an employee or class of employees of
22 the agency in an activity permitted by subsection (a) if



1 participation in the activity would interfere with the efficient
2 performance of official duties, or create a conflict or apparent
3 conflict of interest.

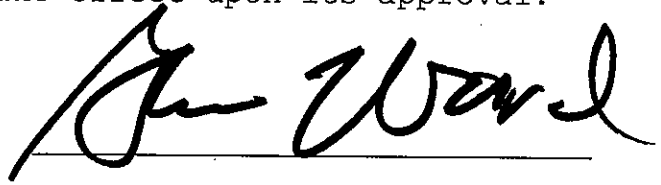
4 **§84-D Penalty.** Any employee who violates any provision in
5 this part shall be removed from service and funds appropriated
6 for the position from which the employee is removed may not be
7 used to pay the employee. If the employee is a civil service
8 employee, the employee shall be entitled to an appeal as provided
9 under section 76-47 and if the civil service commission finds by
10 unanimous vote that the violation does not warrant removal, a
11 penalty of not less than thirty days suspension without pay shall
12 be imposed by direction of the commission."

13 SECTION 2. In codifying the new part and sections added by
14 section 1 of this Act, the revisor of statutes shall substitute
15 appropriate part and section numbers for the letters used in
16 designating the new part and sections in this Act.

17 SECTION 3. This Act shall take effect upon its approval.

18

INTRODUCED BY:



JAN 21 2011



Report Title:

Public Employees; Political Activity

Description:

Prohibits current state employees that receive certain benefits from using their official position to interfere with or affect the result of an election, or taking an active part in political management or in political campaigns.

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

