

JAN 21 2011

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# A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

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

1           SECTION 1. Section 11-302, Hawaii Revised Statutes, is  
2 amended by adding three new definitions to be appropriately  
3 inserted and to read as follows:

4           "Address" means a street address, post office box address  
5 or mail box address, and the zip code; but does not include a  
6 website address.

7           "Automated phone call" means any outbound telephone call or  
8 electronic voice message that plays a recorded message that  
9 advocates, supports, or opposes:

10           (1) The nomination or election of a candidate; or

11           (2) A question or issue certified to be on the ballot in  
12 the next election.

13           "Matching payment period" means:

14           (1) For a primary election, from January 1 of the year of  
15 a general election through the day of the primary  
16 election, or nine months prior to a special election  
17 through the day of a special election; and



1       (2) For a general election, from January 1 of the year of  
2       the general election through the day of the general  
3       election."

4       SECTION 2. Section 11-314, Hawaii Revised Statutes, is  
5 amended to read as follows:

6       "~~§~~11-314~~§~~ Duties of the commission. The duties of  
7 the commission under this part are to:

- 8       (1) Develop and adopt forms required by this part;
- 9       (2) Adopt and publish a manual for all candidates,  
10       candidate committees, and noncandidate committees,  
11       describing the requirements of this part, including  
12       uniform and simple methods of recordkeeping;
- 13       (3) Preserve all reports required by this part for at  
14       least ten years from the date of receipt by the  
15       commission;
- 16       (4) Permit the inspection, copying, or duplicating of any  
17       report required by this part pursuant to rules adopted  
18       by the commission under chapter 91; provided that this  
19       paragraph shall not apply to the sale or use of  
20       information under section 11-344;
- 21       (5) Ascertain whether any candidate, candidate committee,  
22       noncandidate committee, or party has failed to file a



1 report required by this part or has filed a  
2 substantially defective or deficient report. The  
3 commission shall notify these persons by first class  
4 mail that a fine may be assessed for the failure to  
5 file or the filing of a substantially defective or  
6 deficient report, and the defective or deficient  
7 report shall be corrected and explained. All fines  
8 collected under this section as authorized by section  
9 [~~11-410~~] 11-340 shall be deposited in the general fund  
10 of the State;

11 (6) Hold public hearings;

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

14 (8) Adopt rules pursuant to chapter 91;

15 (9) Request the initiation of prosecution for the  
16 violation of this part pursuant to section 11-411;

17 (10) Administer and monitor the distribution of public  
18 funds under this part;

19 (11) Suggest accounting methods for candidates, candidate  
20 committees, or noncandidate committees in connection  
21 with reports and records required by this part;



1           (12) Employ or contract [~~with,~~] without regard to chapters  
2                   76, 78, and 89, persons it finds necessary for the  
3                   performance of its functions, including a full-time  
4                   executive director, and to fix their compensation;  
5                   provided that the commission shall have the authority,  
6                   at its discretion, to dismiss persons employed by or  
7                   contracted with the commission;

8           (13) Conduct random audits and field investigations, as  
9                   necessary; and

10          (14) File for injunctive relief when indicated."

11          SECTION 3. Section 11-321, Hawaii Revised Statutes, is  
12          amended to read as follows:

13               "~~+~~§11-321~~+~~ Registration of candidate committee or  
14          noncandidate committee. (a) Each candidate committee or  
15          noncandidate committee shall register with the commission by  
16          filing an organizational report as set forth in section 11-322  
17          or 11-323, as applicable.

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

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

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

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

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

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

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

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



1 election to any other office during the period between  
2 elections, unless the candidate is required to report a change  
3 in information pursuant to section [~~11-323.~~] 11-322.

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

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

14 (h) The fine for not filing an organizational report by  
15 the due date is \$100."

16 SECTION 4. Section 11-331, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "[+]§11-331[+] Filing of reports, generally. (a) Every  
19 report required to be filed by a candidate or candidate  
20 committee shall be certified by the candidate and treasurer.

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



1        (c) Every person signing the application for electronic  
2 filing shall certify that the electronically filed reports are  
3 true and correct.

4        [~~(e)~~] (d) All reports required to be filed under this part  
5 shall be filed on the commission's electronic filing system.

6        [~~(d)~~] (e) For purposes of this part, whenever a report is  
7 required to be filed with the commission, "filed" means that a  
8 report shall be filed with the commission's electronic filing  
9 system by the date and time specified for the filing of the  
10 report by:

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

- 13        (A) Office of governor;
- 14        (B) Office of lieutenant governor;
- 15        (C) Office of mayor;
- 16        (D) Office of prosecuting attorney;
- 17        (E) County council;
- 18        (F) Senate;
- 19        (G) House of representatives;
- 20        (H) Office of Hawaiian affairs; or
- 21        (I) Board of education; or



1           (2) A noncandidate committee required to be registered  
2                   with the commission pursuant to section [~~11-323~~] 11-  
3                   321.

4           [~~(e)~~] (f) To be timely filed, a committee's reports shall  
5 be filed with the commission's electronic filing system on or  
6 before 11:59 p.m. Hawaiian standard time on the filing date  
7 specified.

8           [~~(f)~~] (g) All reports filed under this part are public  
9 records."

10           SECTION 5. Section 11-334, Hawaii Revised Statutes, is  
11 amended to read as follows:

12           " [~~+~~] §11-334 [~~+~~] Time for candidate committee to file  
13 preliminary, final, and supplemental reports. (a) The  
14 candidate and treasurer of the candidate committee of each  
15 candidate whose name will appear on the ballot in the  
16 immediately succeeding election shall file preliminary, final,  
17 and supplemental reports.

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

19                   (A) July [~~31~~] 5 of the election year;

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





1 (C) Ten calendar days prior to a general election;  
2 provided that this preliminary report does not  
3 need to be filed by a candidate who is  
4 unsuccessful in a primary, special, or  
5 nonpartisan election or a candidate who is  
6 elected to office in the primary, initial  
7 special, or initial nonpartisan election.

8 Each preliminary report shall be current through  
9 June 30 for the report filed on July [~~31~~] 5 and  
10 current through the fifth calendar day before the  
11 filing deadline of other preliminary reports.

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

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



1 nonpartisan election or a candidate who is elected to  
2 office in the primary, initial special, or initial  
3 nonpartisan election.

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

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

6 (B) July 31 after an election year.

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

10 (b) A candidate and treasurer of the candidate committee  
11 of each candidate with a deficit or surplus whose name will not  
12 appear on the ballot in the immediately succeeding election  
13 shall file a supplemental report every six months on January 31  
14 and July 31 until:

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

17 (a); or

18 (2) The committee's registration is terminated as provided  
19 in section 11-326.

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



1        (c) Prior to an election year, a candidate and treasurer  
2 of the candidate committee of a candidate who registers pursuant  
3 to section 11-321 shall file a supplemental report as required  
4 by subsection (b) until the election year. During the election  
5 year, reports required by subsection (a) shall be filed.

6        [~~e~~] (d) A candidate and treasurer of the candidate  
7 committee of each candidate shall continue to file all required  
8 reports until the committee's registration is terminated as  
9 provided in section 11-326."

10        SECTION 6. Section 11-335, Hawaii Revised Statutes, is  
11 amended by amending subsections (a) and (b) to read as follows:

12        "(a) The authorized person in the case of a party, or  
13 treasurer in the case of a noncandidate committee that is not a  
14 party, shall file preliminary, final, and supplemental reports  
15 that disclose the following information:

- 16        (1) The noncandidate committee's name and address;
- 17        (2) The cash on hand at the beginning of the reporting  
18 period and election period;
- 19        (3) The reporting period and election period aggregate  
20 totals for each of the following categories:
- 21            (A) Contributions ~~[+]~~ received;
- 22            (B) Contributions made;



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

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

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

17           (2)   The amount and date of each contribution made, and the  
18                name and address of the candidate committee or  
19                noncandidate committee to which the contribution was  
20                made;



1       ~~[(2)]~~ (3) All expenditures, including the name and address  
2                   of each payee and the amount, date, and purpose of  
3                   each expenditure.

4        (A) Expenditures for consultants, advertising  
5                   agencies and similar firms, credit card payments,  
6                   salaries, and candidate reimbursements shall be  
7                   itemized to permit a reasonable person to  
8                   determine the ultimate intended recipient of the  
9                   expenditure and its purpose;

10       (B) The purpose of an independent expenditure shall  
11                   include the name of the candidate who is  
12                   supported or opposed by the expenditure, and  
13                   whether the expenditure supports or opposes the  
14                   candidate;

15       ~~[(3)]~~ (4) The amount, date of deposit, and description of  
16                   other receipts and the name and address of the source  
17                   of each of the other receipts;

18       ~~[(4)]~~ (5) A description of each durable asset, the date of  
19                   acquisition, value at the time of acquisition, and the  
20                   name and address of the vendor or contributor of the  
21                   asset; and



1        ~~[(5)]~~ (6) The date of disposition of a durable asset, value  
2                    at the time of disposition, method of disposition, and  
3                    name and address of the person receiving the asset.

4        SECTION 7. Section 11-336, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6        "(a) The filing dates for preliminary reports are:

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

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

12        SECTION 8. Section 11-341, Hawaii Revised Statutes, is  
13 amended as follows:

14        "~~[-]~~ §11-341 ~~[+]~~ **Electioneering communications; statement of**

15 **information.** (a) Each person who makes ~~[a disbursement]~~ an  
16 expenditure for electioneering communications in an aggregate  
17 amount of more than \$2,000 during any calendar year shall file  
18 with the commission a statement of information within twenty-  
19 four hours of each disclosure date provided in this section.

20        (b) Each statement of information shall contain the  
21 following:



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



1 ~~purpose of publishing or broadcasting the~~  
2 ~~electioneering communications;~~

3 ~~(6)]~~ (5) If the ~~[disbursements]~~ expenditures were made by  
4 an organization other than a ~~[candidate committee or]~~  
5 noncandidate committee, the names and addresses of all  
6 persons who contributed to the organization for the  
7 purpose of publishing or broadcasting the  
8 electioneering communications; and

9 ~~[(7)]~~ (6) Whether or not any electioneering communication  
10 is made in coordination, cooperation, or concert with  
11 or at the request or suggestion of any candidate,  
12 candidate committee, ~~[or noncandidate committee,]~~ or  
13 agent of any candidate if any, and if so, the  
14 identification of the candidate, a candidate committee  
15 ~~[or a noncandidate committee],~~ or agent involved.

16 (c) For purposes of this section:

17 "Disclosure date" means, for every calendar year, the first  
18 date by which a person has made ~~[disbursements]~~ expenditures  
19 during that same year of more than \$2,000 in the aggregate for  
20 electioneering communications, and the date of any subsequent  
21 ~~[disbursements]~~ expenditures exceeding \$1,000 in the aggregate  
22 by that person for electioneering communications.





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

5 (1) Refers to a clearly identifiable candidate;

6 (2) Is made, or scheduled to be made, either within thirty  
7 days prior to a primary or initial special election or  
8 within sixty days prior to a general or special  
9 election; and

10 (3) Is not susceptible to any reasonable interpretation  
11 other than as an appeal to vote for or against a  
12 specific candidate.

13 "Electioneering communication" shall not include  
14 communications:

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

20 (2) That constitute expenditures by ~~[the disbursing~~  
21 ~~organization;]~~ a registered candidate committee or  
22 noncandidate committee;



1 (3) In house bulletins; or

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

5 (d) For purposes of this section, a person shall be  
6 treated as having made [~~a disbursement~~] an expenditure if the  
7 person has executed a contract to make the [~~disbursement~~]  
8 expenditure.

9 (e) The fine for not filing an electioneering  
10 communications statement by the due date is \$100."

11 SECTION 9. Section 11-342, Hawaii Revised Statutes, is  
12 amended to read as follows:"

13 "[+]§11-342[+] Fundraiser; notice of intent. (a) No  
14 fundraiser shall be held unless a notice of intent to hold the  
15 fundraiser is filed with the commission setting forth the name  
16 and address of the person in charge, the price per person, the  
17 date, hour, and place of the fundraiser, and the method thereof.

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

20 (c) As used in this section, "fundraiser" means any  
21 function held for the benefit of a candidate, candidate  
22 committee, or noncandidate committee that is intended or



1 designed, directly or indirectly, to raise contributions for  
2 which the price or suggested contribution for attending the  
3 function is more than \$25 per person.

4 (d) The fine for not filing a notice of intent to hold a  
5 fundraiser prior to the fundraiser is \$100."

6 SECTION 10. Section 11-355, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:"

8 "(b) [~~Except as provided in subsection (a), this~~] This  
9 section does not prohibit or make unlawful [~~the~~]:

10 (1) The establishment or administration of, or the  
11 solicitation of contributions to, any noncandidate  
12 committee by any person other than the state or county  
13 contractor for the purpose of influencing the  
14 nomination for election, or the election of any person  
15 to office[-]; or

16 (2) Contributions to a ballot issue noncandidate  
17 committee."

18 SECTION 11. Section 11-359, Hawaii Revised Statutes, is  
19 amended by amending subsection (b) to read as follows:

20 "(b) A contribution by the candidate's immediate family  
21 shall be exempt from section [~~11-355,]~~ 11-357, but shall be  
22 limited in the aggregate to \$50,000 in any election period;



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

4 SECTION 12. Section 11-381, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6 "(a) Campaign funds may be used by a candidate, treasurer,  
7 or candidate committee:

8 (1) For any purpose directly related:

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

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

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

21 (3) To make donations to any community service,  
22 educational, youth, recreational, charitable,



1 scientific, or literary organization; provided that in  
2 any election period, the total amount of all donations  
3 shall be no more than twice the maximum amount that  
4 one person may contribute to that candidate pursuant  
5 to section 11-357; provided further that no  
6 contributions shall be made from the date the  
7 candidate files nomination papers to the date of the  
8 general election;

9 (4) To make donations to any public school or public  
10 library; provided that in any election period, the  
11 total amount of all contributions shall be no more  
12 than twice the maximum amount that one person may  
13 contribute to that candidate pursuant to section 11-  
14 357; provided further that any donation under this  
15 paragraph shall not be aggregated with or imputed  
16 toward any limitation on donations pursuant to  
17 paragraph (3);

18 (5) To purchase not more than two tickets with a maximum  
19 price of \$100 per ticket for each event held by  
20 another candidate [~~e~~] committee[~~r~~] or noncandidate  
21 committee, whether or not the event constitutes a  
22 fundraiser as defined in section 11-342;



1           (6) To make contributions to the candidate's party so long  
2           as the contributions are not earmarked for another  
3           candidate; or

4           (7) To pay for ordinary and necessary expenses incurred in  
5           connection with the candidate's duties as a holder of  
6           an office."

7           SECTION 13. Section 11-391, Hawaii Revised Statutes, is  
8           amended to read as follows:

9           "~~§~~11-391~~§~~ Advertisements. (a) Any advertisement  
10          shall contain:

11          (1) The name and address of the candidate, candidate  
12          committee, noncandidate committee, or other person  
13          paying for or placing the advertisement; and

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

15                (A) The advertisement is published, broadcast,  
16                televised, or circulated with the approval and  
17                authority of the candidate; provided that an  
18                advertisement paid for by a candidate, candidate  
19                committee, or ballot issue committee does not  
20                need 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 violation of this section, if assessed by  
5 the commission, shall not exceed \$25 for each advertisement that  
6 lacks the information required by this section, and shall not  
7 exceed an aggregate amount of \$5,000.

8           (c) The information required in subsection (a) shall be  
9 stated at the beginning of an automated phone call."

10           SECTION 14. Section 11-422, Hawaii Revised Statutes, is  
11 amended by amending subsection (b) to read as follows:

12           "(b) For the purpose of the partial funding program, if  
13 the Hawaii election campaign fund is close to depletion as  
14 determined by the commission, the commission shall determine the  
15 amounts available to eligible candidates based on their order of  
16 eligibility in qualifying for partial public funds, as  
17 determined by the date of filing of an application for public  
18 funds with the commission pursuant to section [~~11-428~~] 11-430;  
19 provided that the application has been accepted by the  
20 commission."

21           SECTION 15. Section 11-423, Hawaii Revised Statutes, is as  
22 follows:



1           1. By amending subsection (b) to read:

2           "(b) The affidavit shall state that the candidate knows  
3 the voluntary campaign expenditure limitations as set out in  
4 this part and that the candidate is voluntarily agreeing to  
5 limit the candidate's expenditures and those made on the  
6 candidate's behalf by the amount set by law. The affidavit  
7 shall be subscribed to by the candidate and notarized[-] and  
8 filed no later than the time of filing nomination papers with  
9 the chief election officer or county clerk."

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

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

20           (1) For the office of governor - \$2.50;

21           (2) For the office of lieutenant governor - \$1.40;

22           (3) For the office of mayor - \$2.00;





1 (4) For the offices of state senator, state  
2 representative, [and] county council member, and  
3 prosecuting attorney - \$1.40; and

4 (5) For the board of education and all other offices - 20  
5 cents."

6 SECTION 16. Section 11-426, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "[+]§11-426[+] Candidate exceeds voluntary expenditure  
9 limit. A candidate who files the affidavit agreeing to limit  
10 expenditures and who exceeds the expenditure limit for that  
11 election shall:

12 (1) Notify all opponents, the chief election officer, and  
13 the commission by telephone and writing on the day the  
14 expenditure limit is exceeded; and

15 (2) Pay the balance of the full filing fee[, and

16 ~~(3) Provide reasonable notice to all contributors within~~  
17 ~~thirty days of exceeding the limit that the~~  
18 ~~expenditure limit was exceeded and contributions to~~  
19 ~~the candidate no longer qualify for a state income tax~~  
20 ~~deduction]."~~

21 SECTION 17. Section 11-429, Hawaii Revised Statutes, is  
22 amended by amending subsection (a) to read as follows:



1       "(a) As a condition of receiving public funds for a  
2 primary or general election, a candidate shall not be unopposed  
3 in any election for which public funds are sought, shall have  
4 filed an affidavit with the commission pursuant to section 11-  
5 423 to voluntarily limit the candidate's campaign expenditures,  
6 and shall be in receipt of the following sum of qualifying  
7 contributions in amounts of \$100 or less during each matching  
8 payment period from individual residents of Hawaii:

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



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



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

4           (9) For all other offices, qualifying contributions that,  
5           in the aggregate, exceed \$500."

6           SECTION 18. Section 11-433, Hawaii Revised Statutes, is  
7           amended to read as follows:

8           " ~~§11-433~~ Post-election report required. (a) The  
9           treasurer shall electronically submit an expenditure of public  
10          funds report to the commission no later than twenty days after a  
11          primary election and no later than thirty days after a general  
12          election certifying that all public funds paid to the candidate  
13          have been used as required by this part.

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

21          (b) The fine for not filing an expenditure of public funds  
22          report by the due date is \$100."



1 SECTION 19. Section 11-424, Hawaii Revised Statutes, is  
2 repealed.

3 " [~~§11-424~~] ~~Tax deduction for qualifying contributions.~~

4 ~~(a) An individual resident of Hawaii may claim a state income~~  
5 ~~tax deduction pursuant to section 235-7(g)(2), for contributions~~  
6 ~~to a candidate who files an affidavit pursuant to section 11-423~~  
7 ~~and does not exceed the expenditure limit. Canceled checks or~~  
8 ~~copies of the same shall be considered adequate receipt forms to~~  
9 ~~attach to the tax form to claim the credit.~~

10 ~~(b) The commission shall forward a certified copy of the~~  
11 ~~affidavit to the director of taxation.~~

12 ~~(c) If a candidate has not filed the affidavit pursuant to~~  
13 ~~section 11-423, the candidate shall inform all contributors in~~  
14 ~~writing immediately upon receipt of the contribution that they~~  
15 ~~are not entitled to a tax deduction for their contributions to~~  
16 ~~the candidate. The director of taxation shall not allow any~~  
17 ~~contributor to take a deduction, pursuant to section 235-~~  
18 ~~7(g)(2), for any contribution to a candidate for a statewide or~~  
19 ~~county office who has not filed the affidavit pursuant to~~  
20 ~~section 11-423.] "~~

21 SECTION 20. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.



# S.B. NO. 990

1 SECTION 21. This Act shall take effect on approval.

2

INTRODUCED BY:

*[Handwritten Signature]*

By Request



**Report Title:**

Campaign Finance

**Description:**

Provides regulation of automated phone calls, changes report filing deadlines, provides a cap of \$100 on the price of fundraiser tickets that may be purchased with campaign funds, and applies notice and disclaimer requirements to an advertisement that is not paid for by an independent party.

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

