

JAN 20 2012

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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 a new definition to be appropriately inserted  
3 and to read as follows:

4           "Matching payment period" means:

- 5           (1) For a primary election, from January 1 of the year of  
6           a general election through the day of the primary  
7           election;  
8           (2) For a special election, nine months prior to a special  
9           election through the day of a special election; and  
10          (3) For a general election, from January 1 of the year of  
11          a general election through the day of the general  
12          election."

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

15          "~~§~~11-314~~§~~ **Duties of the commission.** The duties of  
16 the commission under this part are to:

- 17          (1) Develop and adopt forms required by this part;



- 1           (2) Adopt and publish a manual for all candidates,  
2           candidate committees, and noncandidate committees,  
3           describing the requirements of this part, including  
4           uniform and simple methods of recordkeeping;
- 5           (3) Preserve all reports required by this part for at  
6           least ten years from the date of receipt by the  
7           commission;
- 8           (4) Permit the inspection, copying, or [~~duplicating~~]  
9           duplication of any report required by this part  
10          pursuant to rules adopted by the commission under  
11          chapter 91; provided that this paragraph shall not  
12          apply to the sale or use of information under section  
13          11-344;
- 14          (5) Ascertain whether any candidate, treasurer, candidate  
15          committee, noncandidate committee, or party has failed  
16          to file a report required by this part or has filed a  
17          substantially defective or deficient report. The  
18          commission shall notify these persons by first class  
19          mail that a fine may be assessed for the failure to  
20          file or the filing of a substantially defective or  
21          deficient report, and the defective or deficient  
22          report shall be corrected and explained. All fines



- 1 collected under this section as authorized by  
2 [~~section~~] sections 11-340 and 11-410 shall be  
3 deposited in the general fund of the State;
- 4 (6) Hold public hearings;
- 5 (7) Investigate and hold hearings for receiving evidence  
6 of any violations pursuant to subpart I of this part;
- 7 (8) Adopt rules pursuant to chapter 91;
- 8 (9) Request the initiation of prosecution for the  
9 violation of this part pursuant to section 11-411;
- 10 (10) Administer and monitor the distribution of public  
11 funds under this part;
- 12 (11) Suggest accounting methods for candidates, candidate  
13 committees, or noncandidate committees in connection  
14 with reports and records required by this part;
- 15 (12) Employ or contract with, without regard to chapters  
16 76, 78, and 89, persons it finds necessary for the  
17 performance of its functions, including a full-time  
18 executive director, and to fix their compensation;  
19 provided that the commission shall have the authority,  
20 at its discretion, to dismiss persons employed by or  
21 contracted with the commission;



1 (13) Conduct random audits and field investigations, as  
2 necessary; and

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

4 SECTION 3. Section 11-334, Hawaii Revised Statutes, is  
5 amended by amending the title and subsection (a) to read as  
6 follows:

7 "[+]§11-334[+] **Time for candidate committee to file**  
8 **preliminary, final, and supplemental reports.** (a) The  
9 candidate and treasurer of the candidate committee of each  
10 candidate whose name will appear on the ballot in the  
11 immediately succeeding election shall file preliminary, final,  
12 and supplemental reports.

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

14 (A) [~~July 31 of the election year;~~] Thirty calendar  
15 days prior to a primary election;

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

18 (C) Ten calendar days prior to a general election;  
19 provided that this preliminary report does not  
20 need to be filed by a candidate who is  
21 unsuccessful in a primary, special, or  
22 nonpartisan election or a candidate who is



1           elected to office in the primary, initial  
2           special, or initial nonpartisan election.

3           Each preliminary report shall be current through  
4           June 30 for the report [~~filed on July 31~~] described  
5           under subparagraph (A) and current through the fifth  
6           calendar day before the filing deadline of other  
7           preliminary reports.

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

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

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



1 (A) January 31 [~~after an election year~~]; and

2 (B) July 31 after an election year.

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

6 SECTION 4. Section 11-335, Hawaii Revised Statutes, is  
7 amended by amending the title and subsections (a) and (b) to  
8 read as follows:

9 "[+]§11-335[+] **Noncandidate committee reports.** (a) The  
10 authorized person in the case of a party, or treasurer in the  
11 case of a noncandidate committee that is not a party, shall file  
12 preliminary, final, and supplemental reports that disclose the  
13 following information:

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

19 (A) Contributions[+] received;

20 (B) Contributions made;

21 [~~(B)~~] (C) Expenditures; and

22 [~~(C)~~] (D) Other receipts;



1 (4) The cash on hand at the end of the reporting period;  
2 and

3 (5) The surplus or deficit at the end of the reporting  
4 period.

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

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

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

19 ~~[-(2)-]~~ (3) All expenditures, including the name and address  
20 of each payee and the amount, date, and purpose of  
21 each expenditure. Expenditures for consultants,  
22 advertising agencies and similar firms, credit card



1           payments, salaries, and candidate reimbursements shall  
2           be itemized to permit a reasonable person to determine  
3           the ultimate intended recipient of the expenditure and  
4           its purpose[+]. The purpose of an independent  
5           expenditure shall include the name of the candidate  
6           who is supported or opposed by the expenditure and  
7           whether the expenditure supports or opposes the  
8           candidate;

9        ~~[-(3)]~~ (4) The amount, date of deposit, and description of  
10       other receipts and the name and address of the source  
11       of each of the other receipts;

12       ~~[-(4)]~~ (5) A description of each durable asset, the date of  
13       acquisition, value at the time of acquisition, and the  
14       name and address of the vendor or contributor of the  
15       asset; and

16       ~~[-(5)]~~ (6) The date of disposition of a durable asset, value  
17       at the time of disposition, method of disposition, and  
18       name and address of the person receiving the asset."

19       SECTION 5. Section 11-423, Hawaii Revised Statutes, is  
20       amended as follows:

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





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

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

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

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

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

21           (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

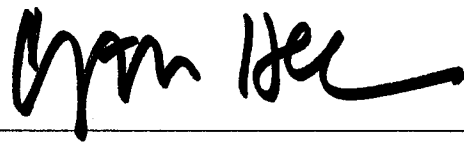
4 (5) For all other offices - 20 cents."

5 SECTION 6. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 7. This Act shall take effect upon its approval.

8

INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 2493

**Report Title:**

Campaign Spending

**Description:**

Adds a new definition for matching payment period; changes report filing deadlines; requires the identification of the candidate supported or opposed by an independent expenditure; and increases the amount of expenditures a publicly financed candidate for the office of the prosecuting attorney can make.

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

