
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 the
9 special election through the day of the special

10 election; and

11 (3) For a general election, from January 1 of the year of
12 a general election through the day of the general

13 election."

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

16 "[+]§11-314[+] **Duties of the commission.** The duties of
17 the commission under this part are to:

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

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

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



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
5 the report filed on January 31 and current through
6 June 30 for the report filed on July 31."

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

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

15 (1) The noncandidate 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 totals for each of the following categories:

20 (A) Contributions~~[+]~~ received;

21 (B) Contributions made;

22 ~~[-B-]~~ (C) Expenditures; and



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

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 received and the name, address, occupation, and

10 employer of each contributor making a contribution

11 aggregating more than \$100 during an election period,

12 which was not previously reported; provided that if

13 all the information is not on file, the contribution

14 shall be returned to the contributor within thirty

15 days of deposit;

16 (2) The amount and date of each contribution made, and the

17 name and address of the candidate committee or

18 noncandidate committee to which the contribution was

19 made;

20 ~~[(2)]~~ (3) All expenditures, including the name and address

21 of each payee and the amount, date, and purpose of

22 each expenditure. Expenditures for consultants,



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

6 ~~[(3)]~~ (4) The amount, date of deposit, and description of
7 other receipts and the name and address of the source
8 of each of the other receipts;

9 ~~[(4)]~~ (5) A description of each durable asset, the date of
10 acquisition, value at the time of acquisition, and the
11 name and address of the vendor or contributor of the
12 asset; and

13 ~~[(5)]~~ (6) The date of disposition of a durable asset, value
14 at the time of disposition, method of disposition, and
15 name and address of the person receiving the asset."

16 SECTION 5. Section 11-423, Hawaii Revised Statutes, is
17 amended by amending subsection (d) to read as follows:

18 "(d) From January 1 of the year of any primary, special,
19 or general election, the aggregate expenditures for each
20 election by a candidate who voluntarily agrees to limit campaign
21 expenditures, inclusive of all expenditures made or authorized
22 by the candidate alone, all treasurers, the candidate committee,



1 and noncandidate committees on the candidate's behalf, shall not
2 exceed the following amounts expressed, respectively multiplied
3 by the number of voters in the last preceding general election
4 registered to vote in each respective voting district:

- 5 (1) For the office of governor - \$2.50;
6 (2) For the office of lieutenant governor - \$1.40;
7 (3) For the office of mayor - \$2.00;
8 (4) For the offices of state senator, state
9 representative, [~~and~~] county council member, and
10 prosecuting attorney - \$1.40; and
11 (5) For all other offices - 20 cents."

12 SECTION 6. Act 244, Session Laws of Hawaii 2008, section
13 12, is amended by amending subsection (c) to read as follows:

14 "(c) For primary elections subject to this part, the base
15 amount of public funding shall be the average of the amount
16 spent by the winning candidates in the previous two county
17 council primary elections of [~~the same district,~~] all districts,
18 reduced by ten per cent."

19 SECTION 7. Act 244, Session Laws of Hawaii 2008, section
20 12, is amended by amending subsection (d) to read as follows:

21 "(d) For general elections subject to this part, the base
22 amount of public funding shall be the average of the amount



1 spent by the winning candidates in the previous two county
2 council general elections for [~~the same district,~~] all districts
3 in which a general election was held, reduced by ten per cent."

4 SECTION 8. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 9. This Act shall take effect upon its approval;
7 provided that section 6 of this Act shall take effect on January
8 1, 2013.



Report Title:

Campaign Spending

Description:

Defines matching payment period; changes report filing deadlines; increases expenditures a publicly financed candidate for the office of the prosecuting attorney can make; adjusts criteria for the base amount of public funding available for qualifying candidates for the Comprehensive Public Funding Program for the County of Hawaii Council elections. (SB2493 HD1)

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

