
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; and

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

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

13 "~~§~~11-314~~§~~ **Duties of the commission.** The duties of
14 the commission under this part are to:

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

16 (2) Adopt and publish a manual for all candidates,
17 candidate committees, and noncandidate committees,



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



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



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

2 SECTION 3. Section 11-321, Hawaii Revised Statutes, is
3 amended by amending subsection (e) to read as follows:

4 "(e) An organizational report need not be filed under this
5 section by an elected official who is a candidate for reelection
6 to the same office in successive elections and has not sought
7 election to any other office during the period between
8 elections, unless the candidate is required to report a change
9 in information pursuant to section [~~11-323.~~] 11-322."

10 SECTION 4. Section 11-334, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) The candidate and treasurer of the candidate
13 committee of each candidate whose name will appear on the ballot
14 in the immediately succeeding election shall file preliminary,
15 final, and supplemental reports.

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

17 (A) Thirty calendar days prior to a primary election;

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

20 (C) Ten calendar days prior to a general election;
21 provided that this preliminary report does not
22 need to be filed by a candidate who is



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

5 The preliminary report filed by the date required
6 under subparagraph (A) shall be current through
7 June 30, and all other preliminary reports shall be
8 current through the fifth calendar day before the
9 filing deadline of those other preliminary reports.

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

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



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

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

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

5 (B) July 31 after an election year.

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

9 SECTION 5. Section 11-335, Hawaii Revised Statutes, is
10 amended by amending subsections (a) and (b) to read as follows:

11 "(a) The authorized person in the case of a party, or
12 treasurer in the case of a noncandidate committee that is not a
13 party, shall file preliminary, final, and supplemental reports
14 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~~[-]~~; provided that:



- 1 (A) Expenditures for consultants, advertising
2 agencies and similar firms, credit card payments,
3 salaries, and candidate reimbursements shall be
4 itemized to permit a reasonable person to
5 determine the ultimate intended recipient of the
6 expenditure and its purpose; and
- 7 (B) The purpose of an independent expenditure shall
8 include the name of the candidate who is
9 supported or opposed by the expenditure and
10 whether the expenditure supports or opposes the
11 candidate;
- 12 ~~[(3)]~~ (4) The amount, date of deposit, and description of
13 other receipts and the name and address of the source
14 of each of the other receipts;
- 15 ~~[(4)]~~ (5) A description of each durable asset, the date of
16 acquisition, value at the time of acquisition, and the
17 name and address of the vendor or contributor of the
18 asset; and
- 19 ~~[(5)]~~ (6) The date of disposition of a durable asset, value
20 at the time of disposition, method of disposition, and
21 name and address of the person receiving the asset."



1 SECTION 6. Section 11-336, Hawaii Revised Statutes, is
2 amended by amending subsection (d) to read as follows:

3 "(d) The filing dates for supplemental reports are:

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

5 (2) July 31 after an election year.

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

9 SECTION 7. Section 11-359, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) A contribution by the candidate's immediate family
12 shall be exempt from section [~~11-355, 11-357~~] 11-357 but shall be
13 limited in the aggregate to \$50,000 in any election period;
14 provided that the aggregate amount of loans and contributions
15 received from the candidate's immediate family does not exceed
16 \$50,000 during an election period."

17 SECTION 8. Section 11-423, Hawaii Revised Statutes, is
18 amended as follows:

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

20 "(b) The affidavit shall state that the candidate knows
21 the voluntary campaign expenditure limitations as set out in
22 this part and that the candidate is voluntarily agreeing to



1 limit the candidate's expenditures and those made on the
2 candidate's behalf by the amount set by law. The affidavit
3 shall be subscribed to by the candidate [~~and~~], notarized[~~-~~], and
4 filed no later than the time of filing nomination papers with
5 the chief election officer or county clerk."

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

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

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

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

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

19 (4) For the offices of state senator, state
20 representative, [~~and~~] county council member, and
21 prosecuting attorney - \$1.40; and

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



1 SECTION 9. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 10. This Act shall take effect upon its approval.

4

INTRODUCED BY:



JAN 17 2013

By Request



H.B. NO. 201

Report Title:

Elections; Campaign Spending Commission Package

Description:

Amends the campaign finance law by: (1) defining "matching payment period"; (2) correcting statutory references; (3) changing report filing deadlines; (4) specifying noncandidate committee reporting requirements for contributions made; (5) requiring the identification of the candidate supported or opposed by an independent expenditure; and (6) increasing the amount of allowable expenditures made by a publicly financed candidate for the office of prosecuting attorney.

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

