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## A BILL FOR AN ACT

RELATING TO CAMPAIGN FINANCE.

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

1           SECTION 1. The purpose of this Act is to address campaign  
2 finance reform.

3           More specifically, this Act:

4           (1) Reduces the disbursement threshold for the reporting  
5           of an electioneering communication;

6           (2) Requires the reporting of additional information about  
7           persons who make contributions for an electioneering  
8           communication; and

9           (3) Amends the definition of "electioneering  
10           communication" to include advertisements delivered by  
11           telephone, internet, social media, and other means.

12           The legislature finds that the disclosure of additional  
13           information is necessary to enable the public to identify the  
14           persons and entities that support or oppose a candidate.

15           SECTION 2. Section 11-341, Hawaii Revised Statutes, is  
16           amended by amending subsections (a), (b), and (c) to read as  
17           follows:



1           "(a) Each person who makes a disbursement for  
2 electioneering communications in an aggregate amount of more  
3 than [~~\$2,000~~] \$500 during any calendar year shall file with the  
4 commission a statement of information within twenty-four hours  
5 of each disclosure date provided in this section.

6           (b) Each statement of information shall contain the  
7 following:

8           (1) The name of the person making the disbursement, name  
9 of any person or entity sharing or exercising  
10 discretion or control over such person, and the  
11 custodian of the books and accounts of the person  
12 making the disbursement;

13           (2) The state of incorporation and principal place of  
14 business or, for an individual, the address of the  
15 person making the disbursement;

16           (3) The amount of each disbursement during the period  
17 covered by the statement and the identification of the  
18 person to whom the disbursement was made;

19           (4) The name, address, occupation, and employer of each  
20 individual who made a contribution for the  
21 disbursement and the amount of the contribution made  
22 by the individual;



1        (5) The name, address, and type of business or other  
2                    purpose of each person, other than an individual, who  
3                    made a contribution for the disbursement and the  
4                    amount of the contribution made by the person;

5        [~~4~~] (6) The elections to which the electioneering  
6                    communications pertain and the names, if known, of the  
7                    candidates identified or to be identified; and

8        ~~[(5) If the disbursements were made by a candidate~~  
9                    ~~committee or noncandidate committee, the names and~~  
10                    ~~addresses of all persons who contributed to the~~  
11                    ~~candidate committee or noncandidate committee for the~~  
12                    ~~purpose of publishing or broadcasting the~~  
13                    ~~electioneering communications;~~

14        ~~(6) If the disbursements were made by an organization~~  
15                    ~~other than a candidate committee or noncandidate~~  
16                    ~~committee, the names and addresses of all persons who~~  
17                    ~~contributed to the organization for the purpose of~~  
18                    ~~publishing or broadcasting the electioneering~~  
19                    ~~communications; and]~~

20        (7) Whether or not any electioneering communication is  
21                    made in coordination, cooperation, or concert with or  
22                    at the request or suggestion of any candidate,



1 candidate committee, or noncandidate committee, or  
2 agent of any candidate if any, and if so, the  
3 identification of the candidate, a candidate committee  
4 or a noncandidate committee, or agent involved.

5 (c) For purposes of this section:

6 "Disclosure date" means, for every calendar year, the first  
7 date by which a person has made disbursements during that same  
8 year of more than [~~\$2,000~~] \$500 in the aggregate for  
9 electioneering communications, and the date of any subsequent  
10 disbursements by that person for electioneering communications.

11 "Electioneering communication" means any advertisement that  
12 is broadcast from a cable, satellite, television, or radio  
13 broadcast station; published in any periodical or newspaper;  
14 disseminated over the telephone, Internet, or social media; or  
15 sent by mail [at a bulk rate,] or other delivery service, and  
16 that:

17 (1) Refers to a clearly identifiable candidate[+] or  
18 refers to an issue and expresses or requests support  
19 for or opposition to any unidentified candidate  
20 because of the candidate's position on the issue;

21 (2) Is made, or scheduled to be made, either within thirty  
22 days prior to a primary or initial special election or



1           within sixty days prior to a general or special  
2           election; and  
3           (3) Is not susceptible to any reasonable interpretation  
4           other than as an appeal to vote for or against a  
5           specific candidate.

6           "Electioneering communication" shall not include  
7           communications:

8           (1) In a news story or editorial disseminated by any  
9           broadcast station or publisher of periodicals [~~or~~],  
10          newspapers, or websites on the Internet, unless the  
11          facilities or websites are owned or controlled by a  
12          candidate, candidate committee, or noncandidate  
13          committee;

14          (2) That constitute expenditures by the disbursing  
15          organization;

16          (3) In house bulletins; or

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

20          SECTION 3. Statutory material to be repealed is bracketed  
21          and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect on July 1, 2013.

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INTRODUCED BY: Calvin K. Day

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JAN 18 2013

# H.B. NO. 598

**Report Title:**

Campaign Finance Reform; Electioneering Communication

**Description:**

Reduces the dollar disbursement threshold that triggers the disclosure of an electioneering communication. Requires the disclosure of additional information about persons who make contributions for an electioneering communication. Expands the definition of "electioneering communications."

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

