
A BILL FOR AN ACT

RELATING TO CAMPAIGN ADVERTISEMENTS.

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

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

3 This Act requires an advertisement, including
4 electioneering communication, by a noncandidate committee or
5 other person to identify the individual who finally approved the
6 advertisement. The intent of this provision is to make the
7 public aware of the individual who bears ultimate responsibility
8 for a campaign advertisement by a noncandidate committee or
9 other person, especially a negative advertisement.

10 This Act also removes the \$5,000 maximum penalty when a
11 candidate, candidate committee, noncandidate committee, ballot
12 issue committee, or other person violates section 11-391, Hawaii
13 Revised Statutes, concerning the disclosure of certain
14 information on an advertisement

15 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended
16 by adding a new section to part XIII, subpart H, to be
17 appropriately designated and to read as follows:



1 "§11- Advertisement by noncandidate committee or other
2 person; notice of individual with final approval authority. (a)

3 This section shall apply to a noncandidate committee or other
4 person who is not a candidate or candidate committee.

5 (b) Any advertisement by a noncandidate committee or other
6 person shall identify the individual who finally approved the
7 advertisement. The identification shall be made by including in
8 the advertisement a notice stating: "Advertisement approved by
9 (identity of the individual who finally approved the
10 advertisement)."

11 (c) If the final approval of an advertisement is made by a
12 collective body within a noncandidate committee or other person,
13 the individual who heads the body shall be deemed the individual
14 who finally approved the advertisement.

15 (d) The notice required by this section shall be stated,
16 verbally or in writing, as applicable, immediately after the
17 notice required under section 11-391. For a printed
18 advertisement, "immediately after" means the sentence
19 immediately following or below.

20 (e) The fine for violation of this section, if assessed by
21 the commission, shall not exceed \$25 for each advertisement that
22 lacks the information required by this section."



1 SECTION 3. Section 11-391, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§11-391[+] Advertisements[-]; notice of payor,
4 approval, and authority. (a) Any advertisement shall contain:

5 (1) The name and address of the candidate, candidate
6 committee, noncandidate committee, or other person
7 paying for the advertisement; and

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

9 (A) The advertisement is published, broadcast,
10 televised, or circulated with the approval and
11 authority of the candidate; provided that an
12 advertisement paid for by a candidate, candidate
13 committee, or ballot issue committee does not
14 need to include the notice; or

15 (B) The advertisement is published, broadcast,
16 televised, or circulated without the approval and
17 authority of the candidate.

18 (b) The fine for violation of this section, if assessed by
19 the commission, shall not exceed \$25 for each advertisement that
20 lacks the information required by this section[~~, and shall not~~
21 ~~exceed an aggregate amount of \$5,000]."~~



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect on July 1, 2013.

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INTRODUCED BY:

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ALICE



H.B. NO. 599

Report Title:

Campaign Advertisement; Notice of Final Approval Authority

Description:

Requires a campaign advertisement by a noncandidate committee or other person to include a notice identifying the individual who finally approved the advertisement. Removes the \$5,000 maximum penalty when a campaign advertisement does not include information on the payor and approval authority of the advertisement.

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