
A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

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

1 SECTION 1. The legislature finds that noncandidate
2 committees spend money for the purpose of influencing public
3 opinion on issues and candidates through electioneering
4 communications. The legislature further finds that the public
5 should have access to information on the ballot issue or
6 candidate that a noncandidate committee is expending money on.

7 The purpose of this Act is to clarify reporting
8 requirements for noncandidate committees for electioneering
9 communications.

10 SECTION 2. Section 11-335, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) Schedules filed with the reports shall include the
13 following additional information:

14 (1) The amount and date of deposit of each contribution
15 received and the name, address, occupation, and
16 employer of each contributor making a contribution
17 aggregating more than \$100 during an election period,
18 which was not previously reported; provided that if



1 all the information is not on file, the contribution
2 shall be returned to the contributor within thirty
3 days of deposit;

4 (2) The amount and date of each contribution made and the
5 name and address of the candidate, candidate
6 committee, or noncandidate committee to which the
7 contribution was made;

8 (3) All expenditures, including the name and address of
9 each payee and the amount, date, [and] purpose of each
10 expenditure[+], and identification of the ballot issue
11 being advocated for or against; provided that:

12 (A) Expenditures for advertisements or electioneering
13 communications shall include the names of the
14 candidates supported, opposed, or clearly
15 identified[+], and identification of the ballot
16 issue being advocated for or against;

17 (B) Expenditures for consultants, advertising
18 agencies and similar firms, credit card payments,
19 salaries, and candidate reimbursements shall be
20 itemized to permit a reasonable person to
21 determine the ultimate intended recipient of the



1 expenditure and its purpose[+], including the
2 identification of the ballot issue being
3 advocated for or against;

4 (C) Independent expenditures shall include the name
5 of any candidate supported, opposed, or clearly
6 identified[+], and the identification of the
7 ballot issue being advocated for or against; and

8 [+ (D) [+] The purpose of an independent expenditure shall
9 include the name of the candidate who is
10 supported or opposed by the expenditure, and
11 whether the expenditure supports or opposes the
12 candidate[+]. It shall also include the
13 identification of the ballot issue being
14 advocated for or against, and whether the
15 expenditure supports or opposes the ballot issue;

16 (4) For noncandidate committees making only independent
17 expenditures, certification that no expenditures have
18 been coordinated with a candidate, candidate
19 committee, or any agent of a candidate or candidate
20 committee;



1 (5) The amount, date of deposit, and description of other
2 receipts and the name and address of the source of
3 each of the other receipts;

4 (6) A description of each durable asset, the date of
5 acquisition, value at the time of acquisition, and the
6 name and address of the vendor or contributor of the
7 asset; and

8 (7) The date of disposition of a durable asset, value at
9 the time of disposition, method of disposition, and
10 name and address of the person receiving the asset."

11 SECTION 3. Section 11-341, Hawaii Revised Statutes, is
12 amended by amending subsection (d) to read as follows:

13 "(d) For purposes of this section:

14 "Disclosure date" means, for every calendar year, the first
15 date by which a person has made expenditures during that same
16 year of more than \$2,000 in the aggregate for electioneering
17 communications, and the date of any subsequent expenditures by
18 that person for electioneering communications.

19 "Electioneering communication" means any advertisement that
20 is broadcast from a cable, satellite, television, or radio



1 broadcast station; published in any periodical or newspaper or
2 by electronic means; or sent by mail at a bulk rate, and that:

- 3 (1) Refers to a clearly identifiable candidate[+] or
4 ballot issue;
- 5 (2) Is made, or scheduled to be made, either within thirty
6 days prior to a primary or initial special election or
7 within sixty days prior to a general or special
8 election; and
- 9 (3) Is not susceptible to any reasonable interpretation
10 other than as an appeal to vote for or against a
11 specific candidate.

12 "Electioneering communication" shall not include
13 communications:

- 14 (1) In a news story or editorial disseminated by any
15 broadcast station or publisher of periodicals or
16 newspapers, unless the facilities are owned or
17 controlled by a candidate, candidate committee, or
18 noncandidate committee;
- 19 (2) That constitute expenditures by the expending
20 organization;
- 21 (3) In house bulletins; or



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

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

6 SECTION 5. This Act shall take effect on January 7, 2059.



Report Title:

Campaign Spending; Noncandidate Committee Reporting; Ballot Issue

Description:

Amends the reporting requirements of noncandidate committees to include identification of a ballot issue being advocated for or against. Amends the definition of "electioneering communication" to include reference to a clearly identifiable ballot issue. Effective 01/07/2059. (SD1)

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