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## A BILL FOR AN ACT

RELATING TO CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

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

1           SECTION 1. Section 11-363, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           " ~~[f]~~ §11-363 ~~[f]~~ **Other contributions and expenditures.** (a)  
4 Expenditures or disbursements for electioneering communications  
5 as defined in section 11-341, or any other coordinated activity  
6 made by any person for the benefit of a candidate in  
7 cooperation, consultation, or concert with, or at the request or  
8 suggestion of, a candidate, a candidate committee, or their  
9 agents, shall be considered to be a contribution to the  
10 candidate and expenditure by the candidate.

11           (b) The financing by any person of the dissemination,  
12 distribution, or republication, in whole or in part, of any  
13 broadcast or any written or other campaign materials prepared by  
14 the candidate, candidate committee, or their agents shall be  
15 considered to be a contribution to the candidate.

16           This subsection shall not apply ~~[tø]~~ if the campaign  
17 material is:



- 1        (1) Prepared and used by candidates for governor or  
2                lieutenant governor, or their candidate committees,  
3                supporting a co-candidate in the general election[-];  
4        (2) Disseminated, distributed, or republished by the  
5                candidate or the candidate committee that prepared the  
6                material;  
7        (3) Incorporated into an advertisement or electioneering  
8                communication advocating the defeat of the candidate  
9                that prepared that material; or  
10       (4) Incorporated into a news story or editorial  
11               disseminated by any broadcast station or publisher of  
12               periodicals or newspapers, unless the candidate or the  
13               candidate committee that prepared the material also  
14               owns or controls the broadcast station or publisher.

15       ~~(b)~~ (c) "Coordinated activity" means:

- 16       (1) The payment by any person in cooperation,  
17                consultation, or concert with, at the request of, or  
18                pursuant to, any general or particular understanding  
19                with a candidate, candidate committee, the party of a  
20                candidate, or an agent of a candidate, candidate  
21                committee, or the party of a candidate;



1           (2) The payment by any person for the production,  
2           dissemination, distribution, or republication of any  
3           written, graphic, or other form of campaign material,  
4           in whole or in part, prepared by a candidate,  
5           candidate committee, or noncandidate committee, or an  
6           agent of a candidate, candidate committee, or  
7           noncandidate committee; or

8           (3) Any payment by any person or contract for any  
9           electioneering communication, as defined in section  
10          11-341, where the payment is coordinated with a  
11          candidate, candidate committee, the party of the  
12          candidate, or an agent of a candidate, candidate  
13          committee, or the party of the candidate.

14          [~~(e)~~] (d) No expenditure for a candidate who files an  
15          affidavit with the commission agreeing to limit aggregate  
16          expenditures by the candidate, including coordinated activity by  
17          any person, shall be made or incurred by a candidate committee  
18          or noncandidate committee without authorization of the candidate  
19          or the candidate's authorized representative. Every expenditure  
20          so authorized and made or incurred shall be attributed to the  
21          candidate with whom the candidate committee or noncandidate



1 committee is directly associated for the purpose of imposing the  
2 expenditure limitations set forth in section 11-423."

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

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

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INTRODUCED BY:

By Request

JAN 20 2017



# H.B. NO. 279

**Report Title:**

Campaign Spending Commission Package; Campaign Expenditures;  
Coordinated Activity; Dissemination; Distribution;  
Republication; Campaign Material

**Description:**

Specifies that certain types of dissemination, distribution, republication, and use of campaign materials or the financing of such by any person shall not be considered a contribution to a candidate.

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