
A BILL FOR AN ACT

RELATING TO CAMPAIGN FINANCE.

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

1 SECTION 1. The legislature finds that new forms of
2 communications technology and campaign techniques are now being
3 utilized by third parties to influence the outcome of elections.
4 These communications using digital means, the Internet, or
5 online social media platforms to reach voters are not subject to
6 the same legal standard of transparency that is used to ensure
7 fair elections regarding traditional forms of campaigning. The
8 legislature further finds that the growing ubiquity of these
9 forms of media and their reach compounds the need to address
10 their influence on our election process. Common-sense steps
11 must be taken to ensure transparency in elections and confidence
12 in the democratic process.

13 The purpose of this Act is to clarify that campaign
14 advertisements broadcast, televised, circulated, published,
15 distributed, or otherwise communicated by electronic or digital
16 means are subject to campaign finance disclosure requirements.

17 SECTION 2. Section 11-341, Hawaii Revised Statutes, is
18 amended by amending subsection (d) to read as follows:



1 "(d) For purposes of this section:

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

7 "Electioneering communication" means any advertisement that
8 is broadcast from a cable, satellite, television, or radio
9 broadcast station; published in any periodical or newspaper or
10 by electronic or digital means; or sent by mail at a bulk rate,
11 and that:

- 12 (1) Refers to a clearly identifiable candidate;
- 13 (2) Is made, or scheduled to be made, either within thirty
14 days prior to a primary or initial special election or
15 within sixty days prior to a general or special
16 election; and
- 17 (3) Is not susceptible to any reasonable interpretation
18 other than as an appeal to vote for or against a
19 specific candidate.

20 "Electioneering communication" shall not include
21 communications:



- 1 (1) In a news story or editorial disseminated by any
2 broadcast station or publisher of periodicals or
3 newspapers, unless the facilities are owned or
4 controlled by a candidate, candidate committee, or
5 noncandidate committee;
- 6 (2) That constitute expenditures by the expending
7 organization;
- 8 (3) In house bulletins; or
- 9 (4) That constitute a candidate debate or forum, or solely
10 promote a debate or forum and are made by or on behalf
11 of the person sponsoring the debate or forum."

12 SECTION 3. Section 11-391, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) Any advertisement that is broadcast, televised,
15 circulated, published, distributed, or otherwise communicated,
16 including by electronic or digital means, shall:

- 17 (1) Contain the name and address of the candidate,
18 candidate committee, noncandidate committee, or other
19 person paying for the advertisement;
- 20 (2) Contain a notice in a prominent location stating
21 either that:



1 (A) The advertisement has the approval and authority
2 of the candidate; provided that an advertisement
3 paid for by a candidate, candidate committee, or
4 ballot issue committee does not need to include
5 the notice; or

6 (B) The advertisement has not been approved by the
7 candidate; and

8 (3) Not contain false information about the time, date,
9 place, or means of voting[-];

10 provided that a hyperlink to a webpage containing the
11 information required under paragraphs (1) and (2) is allowed for
12 advertisements distributed through electronic or digital means
13 if including the information within the advertisement is
14 impracticable."

15 SECTION 4. Section 11-393, Hawaii Revised Statutes, is
16 amended by amending the title and subsection (a) to read as
17 follows:

18 "[~~§~~11-393~~]~~ Identification of certain top contributors
19 to noncandidate committees making only independent expenditures.

20 (a) An advertisement shall contain an additional notice in a
21 prominent location immediately after or below the notices



1 required by section 11-391, if the advertisement is broadcast,
2 televised, circulated, or published, including by electronic or
3 digital means, and is paid for by a noncandidate committee that
4 certifies to the commission that it makes only independent
5 expenditures. This additional notice shall start with the
6 words, "The three top contributors for this advertisement are",
7 followed by the names of the three top contributors, as defined
8 in subsection (e), who made the highest aggregate contributions
9 to the noncandidate committee for the purpose of funding the
10 advertisement; provided that:

- 11 (1) If a noncandidate committee is only able to identify
12 two top contributors who made contributions for the
13 purpose of funding the advertisement, the additional
14 notice shall start with the words, "The two top
15 contributors for this advertisement are", followed by
16 the names of the two top contributors;
- 17 (2) If a noncandidate committee is able to identify only
18 one top contributor who made contributions for the
19 purpose of funding the advertisement, the additional
20 notice shall start with the words, "The top



1 contributor for this advertisement is", followed by
2 the name of the top contributor;

3 (3) If a noncandidate committee is unable to identify any
4 top contributors who made contributions for the
5 purpose of funding the advertisement, the additional
6 notice shall start with the words, "The three top
7 contributors for this noncandidate committee are",
8 followed by the names of the three top contributors
9 who made the highest aggregate contributions to the
10 noncandidate committee; and

11 (4) If there are no top contributors to the noncandidate
12 committee, the noncandidate committee shall not be
13 subject to this section.

14 In no case shall a noncandidate committee be required to
15 identify more than three top contributors pursuant to this
16 section."

17 SECTION 5. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 6. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 7. This Act shall take effect on July 1, 2018.



Report Title:

Elections; Campaign Finance; Advertisements; Internet; Social Media

Description:

Clarifies that certain disclosure requirements for campaign advertisements apply to advertisements communicated by electronic or digital means. (HB2247 CD1)

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

