
A BILL FOR AN ACT

RELATED TO ELECTIONS.

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

1 SECTION 1. Section 11-302, Hawaii Revised Statutes, is
2 amended by amending the definition of "advertisement" to read as
3 follows:

4 "Advertisement" means any communication, excluding sundry
5 items such as bumper stickers, that:

6 (1) Identifies a candidate directly or by implication, or
7 identifies an issue or question that will appear on
8 the ballot at the next applicable election; and

9 (2) Advocates or supports the nomination, opposition, or
10 election of the candidate, or advocates the passage or
11 defeat of the issue or question on the ballot.

12 "Advertisement" excludes communications of a candidate's
13 name on clothing or other attire associated with that
14 candidate's campaign committee."

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

17 "(d) For purposes of this section:



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

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

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

18 "Electioneering communication" shall not include

19 [~~communications-~~] any communication:

- 20 (1) In a news story or editorial disseminated by any
21 broadcast station or publisher of periodicals or



1 newspapers, unless the facilities are owned or
2 controlled by a candidate, candidate committee, or
3 noncandidate committee;

4 (2) That [~~constitute expenditures~~] constitutes an
5 expenditure by the expending organization;

6 (3) In a house [~~bulletins; or~~] bulletin;

7 (4) That [~~constitute~~] constitutes a candidate debate or
8 forum, or solely [~~promote~~] promotes a debate or forum
9 and [~~are~~] is made by or on behalf of the person
10 sponsoring the debate or forum[-];

11 (5) That constitutes communications of a candidate's name
12 on clothing or other attire, on yard signs, or on
13 sundry items such as bumper stickers, stickers, or
14 novelty items directly associated with that
15 candidate's campaign committee; or

16 (6) That is an advertisement broadcast, published, or
17 distributed by any candidate or that candidate's
18 candidate committee to promote the election of that
19 candidate or oppose the election of an opponent of
20 that candidate; provided that the advertisement is in
21 compliance with section 11-391."




H.B. NO. 367

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

3 SECTION 4. This Act shall take effect upon its approval.

4

INTRODUCED BY: _____ 



JAN 18 2019



H.B. NO. 367

Report Title:

Campaign Advertisements; Electioneering Communications;
Reporting Requirements

Description:

Excludes from the definition of "advertisement" communications on clothing and other attire associated with a candidate's candidate committee. Removes clothing, other attire, yard signs, and sundry items and advertisements made by a candidate or candidate's candidate committee from electioneering communication reporting requirements.

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