
A BILL FOR AN ACT

RELATING TO CAMPAIGN FINANCE REPORTS.

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

1 SECTION 1. Section 11-333, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Schedules filed with the reports shall include the
4 following additional information:

5 (1) The amount and date of deposit of each contribution
6 and the name and address of each contributor who makes
7 contributions aggregating more than \$100 in an
8 election period; provided that if all the information
9 is not on file, the contribution shall be returned to
10 the contributor within thirty days of deposit;

11 (2) The amount and date of deposit of each contribution
12 and the name, address, occupation, and employer of
13 each contributor who makes contributions aggregating
14 \$1,000 or more during an election period; provided
15 that if all the information is not on file, the
16 contribution shall be returned to the contributor
17 within thirty days of deposit;



- 1 (3) All expenditures, including the name and address of
2 each payee and the amount, date, and purpose of each
3 expenditure. Expenditures for consultants,
4 advertising agencies and similar firms, credit card
5 payments, salaries, and [~~candidate reimbursements~~
6 committee reimbursements to the candidate or other
7 individuals shall be itemized to permit a reasonable
8 person to determine the ultimate intended recipient of
9 the expenditure and its purpose;
- 10 (4) The amount, date of deposit, and description of other
11 receipts and the name and address of the source of
12 each of the other receipts;
- 13 (5) Information about each loan received by the committee,
14 together with the names and addresses of the lender
15 and each person liable directly, and the amount of
16 each loan. A copy of the executed loan document shall
17 be received by the commission by mail or delivery on
18 or before the filing date for the report covering the
19 reporting period when the loan was received. The
20 document shall contain the terms of the loan,
21 including the interest and repayment schedule.



1 Failure to disclose the loan or to provide
2 documentation of the loan to the commission shall
3 cause the loan to be treated as a contribution,
4 subject to all relevant provisions of this part;

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

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

12 SECTION 2. Section 11-340, Hawaii Revised Statutes, is
13 amended by amending subsection (c) to read as follows:

14 "(c) Subsection (b) notwithstanding, if a candidate
15 committee or noncandidate committee does not file the [second]
16 preliminary [primary] report [~~or the preliminary general report,~~
17 ~~or if a noncandidate committee does not file the preliminary~~
18 ~~primary report or the second preliminary general report by the~~
19 ~~due date,~~] that is due ten calendar days before a primary,
20 initial special, subsequent special, initial nonpartisan,
21 subsequent nonpartisan, or general election, the fine, if



1 assessed, shall not exceed \$300 per day; provided that, in
2 aggregate:

3 (1) The fine shall not exceed twenty-five per cent of the
4 total amount of contributions or expenditures,
5 whichever is greater, for the period covered by the
6 report; and

7 (2) The minimum fine, if assessed, shall be \$300."

8 SECTION 3. Section 11-341, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§11-341 Electioneering communications; statement of**
11 **information.** (a) Each person who makes an expenditure for
12 electioneering communications in an aggregate amount of more
13 than [~~\$2,000~~] \$_____ during any calendar year shall file
14 with the commission a statement of information within twenty-
15 four hours of each disclosure date provided in this section.

16 (b) Each statement of information shall contain the
17 following:

18 (1) The name of the person making the expenditure, name of
19 any person or entity sharing or exercising discretion
20 or control over the person, and the custodian of the



- 1 books and accounts of the person making the
2 expenditure;
- 3 (2) The names and titles of the executives or board of
4 directors who authorized the expenditure, if the
5 expenditure was made by a noncandidate committee,
6 business entity, or an organization;
- 7 (3) The state of incorporation or formation and principal
8 address of the noncandidate committee, business
9 entity, or organization or for an individual, the
10 name, address, occupation, and employer of the
11 individual making the expenditure;
- 12 (4) The amount of each expenditure during the period
13 covered by the statement and the identification of the
14 person to whom the expenditure was made;
- 15 (5) The elections to which the electioneering
16 communications pertain and the names of any clearly
17 identifiable candidates and whether those candidates
18 are supported or opposed;
- 19 (6) If the expenditures were made by a candidate committee
20 or noncandidate committee, the names and addresses of
21 all persons who contributed to the candidate committee



- 1 or noncandidate committee for the purpose of
- 2 publishing or broadcasting the electioneering
- 3 communications;
- 4 (7) If the expenditures were made by an organization other
- 5 than a candidate committee or noncandidate committee,
- 6 the names and addresses of all persons who contributed
- 7 to the organization for the purpose of publishing or
- 8 broadcasting the electioneering communications;
- 9 (8) Whether or not any electioneering communication is
- 10 made in coordination, cooperation, or concert with or
- 11 at the request or suggestion of any candidate,
- 12 candidate committee, or noncandidate committee, or
- 13 agent of any candidate if any, and if so, the
- 14 identification of the candidate, candidate committee,
- 15 or noncandidate committee, or agent involved; [~~and~~]
- 16 (9) The three top contributors as required under section
- 17 11-393, if applicable[-]; and
- 18 (10) If a candidate committee or noncandidate committee
- 19 makes an expenditure for an electioneering
- 20 communication to be advertised on a social media
- 21 platform:



1 (A) The dates of advertisement of the electioneering
2 communication;

3 (B) The social media platform displaying the
4 electioneering communication;

5 (C) The name of any social media profile or account
6 displaying the electioneering communication; and

7 (D) The name of the candidate or ballot issue
8 targeted and whether it is supported or opposed
9 by the electioneering communication.

10 (c) An electioneering communication statement of
11 information filed pursuant to this section shall be in addition
12 to the filing of any other report required under this part.

13 (d) For purposes of this section:

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

19 (1) The first date on which an electioneering
20 communication is publicly distributed; provided that
21 the person making the electioneering communication has



1 made expenditures for electioneering communications of
2 more than \$ _____ in the aggregate; and
3 (2) Any other date during the same calendar year on which
4 an electioneering communication is publicly
5 distributed; provided that the person making the
6 electioneering communication has made expenditures for
7 electioneering communications of more than \$ _____
8 in the aggregate since the most recent disclosure date
9 during that calendar year.

10 "Electioneering communication" means any advertisement that
11 is broadcast from a cable, satellite, television, or radio
12 broadcast station; published in any periodical or newspaper or
13 by electronic means; or sent by mail [~~at a bulk rate~~], and that:

- 14 (1) Refers to a clearly identifiable candidate [✓] or
15 ballot issue;
16 (2) Is made, or scheduled to be made, either within thirty
17 days [~~prior to~~] before a primary or initial special
18 election or within sixty days [~~prior to~~] before a
19 general or special election; and



1 (3) Is not susceptible to any reasonable interpretation
2 other than as an appeal to vote for or against a
3 specific candidate.

4 "Electioneering communication" shall not include
5 communications:

6 (1) In a news story or editorial disseminated by any
7 broadcast station or publisher of periodicals or
8 newspapers, unless the facilities are owned or
9 controlled by a candidate, candidate committee, or
10 noncandidate committee;

11 ~~[-(2) That constitute expenditures by the expending
12 organization;~~

13 ~~-(3)]~~ (2) In house bulletins; or

14 ~~[-(4)]~~ (3) That constitute a candidate debate or forum, or
15 solely promote a debate or forum and are made by or on
16 behalf of the person sponsoring the debate or forum.

17 ~~[-(e) For purposes of this section, a person shall be treated as
18 having made an expenditure if the person has executed
19 a contract to make the expenditure.] "~~

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



1 SECTION 5. This Act shall take effect on July 1, 2050.



Report Title:

Campaign Spending Commission Package; Expenditure Reimbursements; Committee Reports; Electioneering Communications

Description:

Provides that candidate committees may reimburse the candidate or other individuals for expenditures made on the candidate's behalf. Clarifies that preliminary primary and preliminary general reports are due ten days before the primary or general election. Amends the requirements for the statements of information for electioneering communications. Takes effect on 7/1/2050. (HD1)

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