
A BILL FOR AN ACT

RELATING TO CAMPAIGN FINANCE.

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

1 SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding two new sections to part XIII, subpart E, to be
3 appropriately designated and to read as follows:

4 "§11- Photographic appearance contributions; value;
5 prohibition. (a) A photographic appearance contribution used
6 during a campaign by any candidate, candidate committee, or
7 noncandidate committee for any length of time during any
8 election cycle shall be reported to the commission by the
9 respective candidate committee or noncandidate committee as a \$1
10 in-kind contribution to the respective candidate committee or
11 noncandidate committee. The reported date of the contribution
12 shall coincide with the candidate's, candidate committee's, or
13 noncandidate committee's first use of the photographic
14 appearance contribution for any campaign purpose during the
15 respective election cycle.

16 (b) If a candidate, candidate committee, or noncandidate
17 committee uses a photograph for a campaign purpose during an



1 election cycle as if the photograph were a photographic
2 appearance contribution, but the candidate, candidate committee,
3 or noncandidate committee has not been authorized by the person
4 appearing in the photograph to use the photograph as a
5 photographic appearance contribution for that election cycle,
6 then the candidate, candidate committee, or noncandidate
7 committee shall be subject to a fine of \$1,000.

8 **§11- Independent expenditure contributions; value;**
9 **requirements.** (a) If an independent expenditure advocates the
10 election of a clearly identified candidate, the respective
11 candidate committee shall include that expenditure as a
12 contribution to the candidate committee in the reports required
13 by section 11-333.

14 (b) If an independent expenditure advocates the defeat of
15 a clearly identified candidate, each opposing candidate's
16 candidate committee shall include that expenditure as a
17 contribution to that same opposing candidate's candidate
18 committee in the reports required by section 11-333.

19 (c) A candidate committee that is required to report an
20 independent expenditure pursuant to this section shall report
21 the contribution value of the independent expenditure as



1 \$. The date of the expenditure shall coincide with the
2 earliest date the candidate or candidate committee first became
3 aware of the expenditure."

4 SECTION 2. Section 11-302, Hawaii Revised Statutes, is
5 amended as follows:

6 1. Adding two new definitions to be appropriately inserted
7 and to read:

8 "Opposing candidate" means any candidate running against
9 another candidate for the same elective office during the same
10 election cycle.

11 "Photographic appearance contribution" means the consensual
12 and uncompensated photographic appearance of an individual in
13 one or more photographs used by a candidate, candidate
14 committee, or noncandidate committee during an election cycle
15 for the purpose of influencing the:

16 (1) Nomination for election, or the election, of any
17 person to office; or

18 (2) Outcome of any question or issue that has been
19 certified to appear on the ballot,

20 for that same election cycle."

21 2. Amending the definition of "contribution" to read:



1 "Contribution" means:

2 (1) A gift, subscription, deposit of money or anything of
3 value, or cancellation of a debt or legal obligation
4 and includes the purchase of tickets to fundraisers,
5 for the purpose of:

6 (A) Influencing the nomination for election, or the
7 election, of any person to office;

8 (B) Influencing the outcome of any question or issue
9 that has been certified to appear on the ballot
10 at the next applicable election; or

11 (C) Use by any candidate committee or noncandidate
12 committee for the purpose of subparagraph (A) or
13 (B);

14 (2) The payment, by any person or party other than a
15 candidate, candidate committee, or noncandidate
16 committee, of compensation for the services of another
17 person that are rendered to the candidate, candidate
18 committee, or noncandidate committee without charge or
19 at an unreasonably low charge for a purpose listed in
20 paragraph (1);



1 (3) A contract, promise, or agreement to make a
2 contribution; [~~or~~]

3 (4) Any [~~loans~~] loan or [~~advances~~] advance that [~~are~~] is
4 not documented or disclosed to the commission as
5 provided in section 11-372;

6 (5) Any photographic appearance contribution; or

7 (6) Any independent expenditure; provided that if the
8 independent expenditure advocates the:

9 (A) Election of a candidate, then the independent
10 expenditure shall be considered a contribution
11 toward that candidate; or

12 (B) Defeat of a candidate, then the independent
13 expenditure shall be considered a contribution
14 toward every opposing candidate.

15 "Contribution" does not include:

16 (1) [~~Services~~] Any service, other than a photographic
17 appearance contribution, that is voluntarily provided
18 without compensation by [~~individuals~~] any individual
19 to or on behalf of a candidate, candidate committee,
20 or noncandidate committee;



1 (2) A candidate's expenditure of the candidate's own
2 funds; provided that this expenditure shall be
3 reportable as other receipts and expenditures;

4 (3) Any [~~loans~~] loan or [~~advances~~] advance to the
5 candidate committee; provided that [~~these loans~~] any
6 loan or [~~advances~~] advance shall be reported as
7 [~~loans,~~] as a loan; or

8 (4) An individual, candidate committee, or noncandidate
9 committee engaging in internet activities for the
10 purpose of influencing an election if:

11 (A) The individual, candidate committee, or
12 noncandidate committee is uncompensated for the
13 internet activities; or

14 (B) The individual, candidate committee, or
15 noncandidate committee uses equipment or services
16 for uncompensated internet activities, regardless
17 of who owns the equipment and services."

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

20 "(b) Each statement of information shall contain the
21 following:



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



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



1 SECTION 4. Section 11-393, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§11-393[+] Identification of [~~certain top~~]
4 contributors to noncandidate committees making only independent
5 expenditures. (a) An advertisement shall contain an additional
6 notice in a prominent location immediately after or below the
7 notices required by section 11-391, if the advertisement is
8 broadcast, televised, circulated, or published, including by
9 electronic means, and is paid for by a noncandidate committee
10 that certifies to the commission that it makes only independent
11 expenditures. This additional notice shall start with the
12 words, "The [~~three top~~] contributors for this advertisement
13 are", followed by the names of [~~the three top~~] all the
14 contributors[~~, as defined in subsection (e),~~] who made [~~the~~
15 ~~highest aggregate~~] contributions to the noncandidate committee
16 for the purpose of funding the advertisement[~~, provided that:~~

17 ~~(1) If a noncandidate committee is only able to identify~~
18 ~~two top contributors who made contributions for the~~
19 ~~purpose of funding the advertisement, the additional~~
20 ~~notice shall start with the words, "The two top~~



1 ~~contributors for this advertisement are", followed by~~
2 ~~the names of the two top contributors;~~

3 ~~(2) If a noncandidate committee is able to identify only~~
4 ~~one top contributor who made contributions for the~~
5 ~~purpose of funding the advertisement, the additional~~
6 ~~notice shall start with the words, "The top~~
7 ~~contributor for this advertisement is", followed by~~
8 ~~the name of the top contributor;~~

9 ~~(3) If a noncandidate committee is unable to identify any~~
10 ~~top contributors who made contributions for the~~
11 ~~purpose of funding the advertisement, the additional~~
12 ~~notice shall start with the words, "The three top~~
13 ~~contributors for this noncandidate committee are",~~
14 ~~followed by the names of the three top contributors~~
15 ~~who made the highest aggregate contributions to the~~
16 ~~noncandidate committee; and~~

17 ~~(4) If there are no top contributors to the noncandidate~~
18 ~~committee, the noncandidate committee shall not be~~
19 ~~subject to this section.~~



1 ~~In no case shall a noncandidate committee be required to~~
2 ~~identify more than three top contributors pursuant to this~~
3 ~~section.~~

4 ~~(b) If a noncandidate committee has more than three top~~
5 ~~contributors who contributed in equal amounts, the noncandidate~~
6 ~~committee may select which of the top contributors to identify~~
7 ~~in the advertisement, provided that the top contributors not~~
8 ~~identified in the advertisement did not make a higher aggregate~~
9 ~~contribution than those top contributors who are identified in~~
10 ~~the advertisement. The additional notice required for~~
11 ~~noncandidate committees described under this subsection shall~~
12 ~~start with the words "Three of the top contributors for this~~
13 ~~advertisement are" or "Three of the top contributors to this~~
14 ~~noncandidate committee are", as appropriate, followed by the~~
15 ~~names of the three top contributors.~~

16 ~~(e)]~~ (b) This section shall not apply to advertisements
17 broadcast by radio or television of such short duration that
18 including a list of ~~[top]~~ contributors in the advertisement
19 would constitute a hardship to the noncandidate committee paying
20 for the advertisement. A noncandidate committee shall be
21 subject to all other requirements under this part regardless of



1 whether a hardship exists pursuant to this subsection. The
 2 commission shall adopt rules pursuant to chapter 91 to establish
 3 criteria to determine when including a list of ~~[top]~~
 4 contributors in an advertisement of short duration constitutes a
 5 hardship to a noncandidate committee under this subsection.

6 ~~[(d)]~~ (c) Any noncandidate committee that violates this
 7 section shall be subject to a fine under section 11-410.

8 ~~[(e) For purposes of this part, "top contributor" means a
 9 contributor who has contributed an aggregate amount of \$10,000
 10 or more to a noncandidate committee within a twelve month period
 11 prior to the purchase of an advertisement.]"~~

12 SECTION 5. This Act does not affect rights and duties that
 13 matured, penalties that were incurred, and proceedings that were
 14 begun before its effective date.

15 SECTION 6. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

17 SECTION 7. This Act shall take effect on July 1, 2019.

18

INTRODUCED BY:

Debra A. Kuntz

~~*[Signature]*~~
Christine K. Parker
Christine K. Parker
[Signature]

H.B. NO. 627

Report Title:

Elections; Campaign Finance; Contributions; Expenditures

Description:

Establishes that a photograph of a person used in campaign shall be reported as an in-kind contribution to the respective candidate or noncandidate committee. Imposes a fine on a committee that uses a photograph in a campaign without the photographed person's authorization. Classifies any independent expenditure as a contribution to a candidate or as a contribution to each opposing candidate. Requires any advertisement by a noncandidate committee that makes only independent expenditures to disclose all contributors for the advertisement.

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

