

JAN 17 2020

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 communities benefit
2 when their elected officials reflect the diversity of the
3 State's population. The legislature recognizes that female
4 elected officials bring valuable viewpoints to community issues,
5 especially those issues that uniquely affect women and children.
6 However, fewer women than men serve in elective offices, which
7 is due in significant part to the fact that women run for office
8 at a lower rate than men. The legislature finds that women
9 often bear home and family responsibilities, including the
10 raising and care of children, that can discourage their
11 involvement in political service.

12 The legislature recognizes that the federal election
13 commission has generally concluded that campaign funds for
14 federal office campaigns may be used to pay for campaign
15 expenses incurred as a direct result of campaign activity.
16 Although federal law prohibits candidates from using campaign
17 funds for personal use, an advisory opinion from the federal



1 election commission concluded that childcare expenses incurred
2 as a direct result of campaign activity would not exist in the
3 absence of that campaign activity. The federal election
4 commission therefore concluded that childcare expenses so
5 incurred could be paid with campaign funds. The legislature
6 believes that in the interest of promoting female leaders, the
7 state campaign finance laws that regulate candidates for state
8 and county offices should reflect the current application of
9 federal campaign finance law to candidates for federal office.

10 Accordingly, the purpose of this Act is to specifically
11 identify childcare expenses incurred as a direct result of
12 campaign activities as legitimate campaign expenditures.

13 SECTION 2. Section 11-381, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) Campaign funds may be used by a candidate, treasurer,
16 or candidate committee:

17 (1) For any purpose directly related:

18 (A) In the case of the candidate, to the candidate's
19 own campaign; or

20 (B) In the case of a candidate committee or treasurer
21 of a candidate committee, to the campaign of the



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1 candidate, question, or issue with which they are
2 directly associated;

3 (2) To purchase or lease consumer goods, vehicles,
4 equipment, and services that provide a mixed benefit
5 to the candidate. The candidate, however, shall
6 reimburse the candidate's candidate committee for the
7 candidate's personal use of these items unless the
8 personal use is de minimis;

9 (3) To hire an individual or other person to care for a
10 minor child of the candidate; provided that the
11 childcare expenditure is incurred as a direct result
12 of the candidate's campaign activity and would not
13 exist in the absence of that campaign activity;

14 ~~(3)~~ (4) To make donations to any community service,
15 educational, youth, recreational, charitable,
16 scientific, or literary organization; provided that in
17 any election period, the total amount of all donations
18 shall be no more than twice the maximum amount that
19 one person may contribute to that candidate pursuant
20 to section 11-357; provided further that no donations
21 shall be made from the date the candidate files



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1 nomination papers to the date of the general election
2 unless the candidate is:

3 (A) Declared to be duly and legally elected to the
4 office for which the person is a candidate
5 pursuant to section 12-41;

6 (B) Deemed and declared to be duly and legally
7 elected to the office for which the person is a
8 candidate pursuant to section 12-42; or

9 (C) Unsuccessful in the primary or special primary
10 election;

11 [~~4~~] (5) To make donations to any public school or public
12 library; provided that in any election period, the
13 total amount of all contributions shall be no more
14 than twice the maximum amount that one person may
15 contribute to that candidate pursuant to section
16 11-357; provided further that any donation under this
17 paragraph shall not be aggregated with or imputed
18 toward any limitation on donations pursuant to
19 paragraph (3);

20 [~~5~~] (6) To award scholarships to full-time students
21 attending an institution of higher education or a



1 vocational education school in a program leading to a
2 degree, certificate, or other recognized educational
3 credential; provided that in any election period, the
4 total amount of all scholarships awarded shall be no
5 more than twice the maximum amount that one person may
6 contribute to that candidate pursuant to section
7 11-357; provided further that no awards shall be made
8 from the filing deadline for nomination papers to the
9 date of the general election unless the candidate is:

10 (A) Declared to be duly and legally elected to the
11 office for which the person is a candidate
12 pursuant to section 12-41;

13 (B) Deemed and declared to be duly and legally
14 elected to the office for which the person is a
15 candidate pursuant to section 12-42; or

16 (C) Unsuccessful in the primary or special primary
17 election;

18 ~~(6)~~ (7) To purchase not more than two tickets for each
19 event held by another candidate or committee,
20 regardless of whether the event constitutes a
21 fundraiser as defined in section 11-342;



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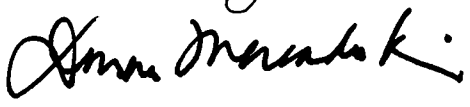

1 [~~7~~] (8) To make contributions to the candidate's party so
 2 long as the contributions are not earmarked for
 3 another candidate; or
 4 [~~8~~] (9) To pay for ordinary and necessary expenses
 5 incurred in connection with the candidate's duties as
 6 a holder of an office, including expenses incurred for
 7 memberships in civic or community groups."

8 SECTION 3. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

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

11

INTRODUCED BY:



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Report Title:

Campaign Finances; Candidates; Childcare; Expenditures

Description:

Provides that campaign funds may be used to provide childcare for a minor child of a candidate; provided that the childcare expenditure is incurred as a direct result of the candidate's campaign activity and would not exist in the absence of that campaign activity.

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

