
A BILL FOR AN ACT

RELATING TO CAMPAIGN CONTRIBUTIONS.

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 "immediate family" to read
3 as follows:

4 "Immediate family" means a [~~candidate's~~] spouse or
5 reciprocal beneficiary, as defined in section 572C-3, and any
6 child, parent, grandparent, brother, or sister [~~of the~~
7 ~~candidate~~], and the spouses or reciprocal beneficiaries of such
8 persons."

9 SECTION 2. Section 11-355, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[+]§11-355[+] Contributions by state [~~and~~] or county
12 contractors, state or county grantees, officers or immediate
13 family members of state or county contractors, officers or
14 immediate family members of state or county grantees;

15 **prohibited.** (a) It shall be unlawful for any person who enters
16 into any contract with the State, any of the counties, or any
17 department or agency thereof either for the rendition of



1 personal services, the buying of property, or furnishing of any
2 material, supplies, or equipment to the State, any of the
3 counties, any department or agency thereof, or for selling any
4 land or building to the State, any of the counties, or any
5 department or agency thereof, if payment for the performance of
6 the contract or payment for material, supplies, equipment, land,
7 property, or building is to be made in whole or in part from
8 funds appropriated by the legislative body, at any time between
9 the execution of the contract through the completion of the
10 contract, to:

- 11 (1) Directly or indirectly make any contribution, or
12 promise expressly or impliedly to make any
13 contribution to any candidate committee or
14 noncandidate committee, or to any candidate or to any
15 person for any political purpose or use; or
16 (2) Knowingly solicit any contribution from any person for
17 any purpose during any period.

18 (b) It shall be unlawful for any officer or immediate
19 family member of any state or county contractor under subsection
20 (a), at any time between the execution of the contract through
21 the completion of the contract pursuant to subsection (a), to



1 directly or indirectly make any contribution to any candidate
2 committee or noncandidate committee, or to any candidate or to
3 any person for any political purpose or use.

4 (c) It shall be unlawful for any person who receives a
5 grant or subsidy from the State pursuant to chapter 42F, or from
6 a county pursuant to a county charter or code, at any time
7 between the execution of the contract through the completion of
8 the contract for the grant or subsidy to:

9 (1) Directly or indirectly make any contribution, or
10 promise expressly or impliedly to make any
11 contribution to any candidate committee or
12 noncandidate committee, or to any candidate or to any
13 person for any political purpose or use; or

14 (2) Knowingly solicit any contribution from any person for
15 any purpose during any period.

16 (d) It shall be unlawful for any officer or immediate
17 family member of a state or county grantee under subsection (c),
18 at any time between the execution of the contract through the
19 completion of the contract for the grant or subsidy pursuant to
20 subsection (c), to directly or indirectly make any contribution



1 to any candidate committee or noncandidate committee, or to any
2 candidate or to any person for any political purpose or use.

3 (e) Any candidate, candidate committee, or noncandidate
4 committee that receives a contribution made unlawful by this
5 section shall return the unlawful contribution to the
6 contributor within thirty calendar days of receipt. If any
7 unlawful contribution is not returned to the contributor within
8 thirty calendar days of receipt, the unlawful contribution shall
9 escheat to the Hawaii election campaign fund.

10 ~~[(b)]~~ (f) Except as provided in [subsection] subsections
11 (a), (b), (c), and (d), this section [does] shall not prohibit
12 or make unlawful the establishment or administration of, or the
13 solicitation of contributions to, any noncandidate committee by
14 any person other than the state or county contractor, the state
15 or county grantee, or the officers and immediate family members
16 of a state or county contractor or grantee, for the purpose of
17 influencing the nomination for election, or the election of any
18 person to office.

19 (g) At the time of the execution of a contract subject to
20 this section, the state or county contractor or grantee shall
21 provide to the state or county office executing the contract a



1 list of the names of any officers and immediate adult family
2 members of the state or county contractor or grantee. For the
3 purposes of assessing compliance with this section, the state or
4 county office shall make the reported information available
5 electronically to the commission, which shall then make the
6 information available to candidate and noncandidate committees
7 on a password-protected section of the commission's website;
8 provided that the state or county office shall not be required
9 to make the reported information available for procurements of
10 less than \$100,000 for goods or services or \$250,000 for
11 construction.

12 [~~(e)~~] (h) For purposes of this section, "completion of the
13 contract" means that the parties to the government contract have
14 either terminated the contract [~~prior to~~] before completion of
15 performance or fully performed the duties and obligations under
16 the contract, no disputes relating to the performance and
17 payment remain under the contract, and all disputed claims have
18 been adjudicated and are final."

19 SECTION 3. Section 11-364, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) Any candidate, candidate committee, or noncandidate
2 committee that receives in the aggregate more than the
3 applicable contribution limit in section 11-357, 11-358, 11-359,
4 or 11-360 shall return any excess contribution to the
5 contributor within thirty calendar days of receipt of the excess
6 contribution. Any candidate, candidate committee, or
7 noncandidate committee that receives in the aggregate more than
8 the applicable contribution limit in section 11-362 shall return
9 any excess contribution to the contributor within thirty
10 calendar days of the end of the election period; provided that
11 the candidate, candidate committee, or noncandidate committee
12 may choose which contributions to return. Any excess
13 contribution not returned to the contributor within thirty
14 calendar days shall escheat to the Hawaii election campaign
15 fund."

16 SECTION 4. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

CSC; State or County Contractors; State or County Grantees; Officers; Immediate Family Members; Prohibited Contributions

Description:

Prohibits state or county grantees and officers and immediate family members of state or county contractors or grantees from contributing to candidate or noncandidate committees, candidates, or any person for any political purpose for the duration of the contract. Requires any unlawful contribution to be returned to the contributor or it will escheat to the Hawaii Election Campaign Fund. Requires disclosures of the names of any officers and immediate adult family members of a state or county contractor or grantee for contracts exceeding a certain amount. Effective 7/1/3000. (SD1)

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