

ACT 99

H.B. NO. 1925

A Bill for an Act Relating to Elections.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11-194, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) Each candidate who files nomination papers for office with the chief election officer or county clerk shall file an organizational report within [five] ten days of filing.”

SECTION 2. Section 11-196, Hawaii Revised Statutes, is amended to read as follows:

“**§11-196 Organizational report, candidate’s committee.** (a) The organizational report shall include:

- (1) The name and address of the candidate or individual, or committee, [or party] filing the report[;], including web page address, if any;
- (2) The name, address, office sought, district, and party affiliation, of each candidate or individual whom the committee or party is supporting;
- (3) The names and addresses of the campaign treasurer and deputies together with the treasurer’s written acceptance of appointment;
- (4) The names and addresses of the campaign chairperson and deputy campaign chairperson together with the campaign chairperson’s written acceptance of appointment;
- (5) A list of all banks, safety deposit boxes, or other depositories used with each applicable account number; and
- (6) The amount, name, and address, of each donor who has contributed an aggregate amount of more than \$100 since the last election applicable to the office being sought [or to the ballot issue or question] and the amount and date of deposit of each such contribution[; and
- (7) In the case of a report by a committee or party supporting or opposing a ballot question or issue, all of the information described in paragraphs (2) to (6) and a description of the question or issue].

(b) Any change in information submitted in the organizational report with the exception of subsection (a)(6) shall be reported no later than 4:30 p.m. on the tenth calendar day after such change is brought to the attention of the candidate, committee, [party,] or campaign treasurer.”

SECTION 3. Section 11-200, Hawaii Revised Statutes, is amended to read as follows:

“**§11-200 Campaign contributions; restrictions against transfer.** (a) A candidate, campaign treasurer, or candidate’s committee shall not receive any contributions or receive or make any transfer of money or anything of value:

- (1) For any purpose other than that directly related:
 - (A) In the case of the candidate, to the candidate’s own campaign; or
 - (B) In the case of a campaign treasurer or candidate’s committee, to the campaign of the candidate, question, or issue with which they are directly associated; or
- (2) To support the campaigns of candidates other than the candidate for whom the funds were collected or with whom the campaign treasurer or candidate’s committee is directly associated; or
- (3) To campaign against any other candidate not directly opposing the candidate for whom the funds were collected or with whom the campaign treasurer or candidate’s committee is directly associated.

(b) Any provision of law to the contrary notwithstanding, a candidate, campaign treasurer, or candidate’s committee, as a contribution[, may]:

- (1) May purchase from its campaign fund not more than two tickets for each event held by another candidate, committee, or party whether or not the event constitutes a fundraiser as defined in section 11-203[.];
- (2) May use campaign funds for any ordinary and necessary expenses incurred in connection with the candidate’s duties as a holder of an elected state or county office, as the term is used in section 11-206(c), Hawaii Revised Statutes; and
- (3) May make contributions from its campaign fund to any community service, educational, youth, recreational, charitable, scientific, or literary organization, provided that in any election cycle, the total amount of all contributions from campaign funds and surplus funds shall be no more than the maximum amount that one person or other entity may contribute to that candidate pursuant to section 11-204(a), Hawaii Revised Statutes.

[(b)] (c) This section shall not be construed to prohibit a party from supporting more than one candidate.

[(c)] (d) This section shall not be construed to prohibit a candidate for the office of governor or lieutenant governor from supporting a co-candidate in the general election.

[(d)] (e) This section shall not be construed to prohibit a candidate from making contributions to the candidate’s party so long as that contribution is not earmarked for another candidate.”

SECTION 4. Section 11-204, Hawaii Revised Statutes, is amended by amending subsection (e) as follows:

“(e) Any candidate, candidate’s committee, or committee that receives in the aggregate more than the applicable limits set forth in this section in any primary, initial special, special, or general election from a person, shall be required to do one of the following:

- (1) Regardless of whether the excess donation was inadvertently made, to transfer an amount equal to any excess over the limits established in this section to the Hawaii election campaign fund within thirty days of receipt of the contribution, and in any event, no later than thirty days upon the receipt by a candidate, candidate's committee, or committee, of notification from the commission[.] ; or
- (2) If the excess donation was inadvertently made, to return to the donor any excess over the limits established in this section and to notify the commission within thirty days of receipt of the contribution.

A candidate, candidate's committee, or committee who complies with this subsection prior to the initiation of prosecution shall not be subject to any penalty under section 11-228."

SECTION 5. Section 11-206, Hawaii Revised Statutes, is amended by amending subsection (c) to¹ as follows:

"(c) Such contributions may be used after a general or special election for any fundraising activity, for:

- (1) [any] Any other politically related activity sponsored by the candidate[, for];
- (2) [any] Any ordinary and necessary expenses incurred in connection with the candidate's duties as a holder of an elected state or county office[.]; or [for]
- (3) [any] Any contribution to any community service, educational, youth, recreational, charitable, scientific, or literary organization, [or any other organization which the commission, by rules adopted pursuant to chapter 91, deems appropriate.] provided that in any election cycle, the total amount of all contributions from campaign funds and surplus funds shall be no more than the maximum amount that one person or other entity may contribute to that candidate pursuant to section 11-204(a), Hawaii Revised Statutes."

SECTION 6. Section 11-218, Hawaii Revised Statutes, is amended to read as follows:

"§11-218 Candidate funding; amounts available. (a) The maximum amount of public funds available to a candidate for the office of governor, lieutenant governor, or mayor in any election [year] shall not exceed [one-fifth or twenty] ten per cent of the total expenditure limit for each election as established for each office listed in this subsection pursuant to section 11-209.

(b) For the office of state senator, state representative, county council member, and prosecuting attorney, the maximum amount of public funds available to a candidate in any election [year] shall be [thirty] fifteen per cent of the total expenditure limit for each election as established for each office listed in this subsection pursuant to section 11-209.

(c) For the board of education and all other offices, the maximum amount of public funds available to a candidate shall not exceed \$100 in any election year.

(d) [The total amount of public funds for a primary, special primary, or general election to which a candidate is entitled to receive under section 11-221 shall not exceed fifty per cent of the maximum amount of public funds available for the candidate's respective office.] Each candidate who qualified for the maximum amount of public funding in any primary or special primary election and who is a candidate for a subsequent general election shall [upon application] apply with the commission to be [entitled] qualified to receive [up to fifty per cent of the balance] the maximum amount of public funds [available to such candidate.] as provided in

this section for the respective election. For purposes of this section qualified means meeting the qualifying campaign contribution requirements of section 11-219.’’

SECTION 7. Section 11-228, Hawaii Revised Statutes, is amended by amending subsection (g) to read as follows:

“(g) The provisions of this section shall not apply to any person who, prior to the commencement of proceedings under this section, has paid or agreed to pay the penalties prescribed by sections 11-193(a)(5) and [[]11-215(c)[].”

SECTION 8. Section 11-229, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) The provisions of this section shall not apply to any person who, prior to the commencement of proceedings under this section, has paid or agreed to pay the penalties prescribed by sections 11-193(a)(5) and [[]11-215(c)[].”

SECTION 9. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 10. This Act shall take effect on November 8, 2000.

(Approved May 19, 2000.)

Note

1. So in original.