
A BILL FOR AN ACT VETO OVERRIDE

Act No. 3

Approved: *[Signature]* / *[Signature]*

Date: July 6, 2021

RELATING TO ELECTIONEERING COMMUNICATIONS.

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

1 SECTION 1. Section 11-341, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsections (a) and (b) to read:

4 "(a) Each person who makes an expenditure for
5 electioneering communications in an aggregate amount of more
6 than [~~\$2,000~~] \$1,000 during any calendar year shall file with
7 the commission a statement of information within twenty-four
8 hours of each disclosure date provided in this section.

9 (b) Each statement of information shall contain the
10 following:

11 (1) The name of the person making the expenditure, name of
12 any person or entity sharing or exercising discretion
13 or control over the person, and the custodian of the
14 books and accounts of the person making the
15 expenditure;

16 (2) The names and titles of the executives or board of
17 directors who authorized the expenditure, if the



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



- 1 (7) If the expenditures were made by an organization other
2 than a [~~candidate committee or~~] noncandidate
3 committee, the names and addresses of all persons who
4 contributed to the organization for the purpose of
5 publishing or broadcasting the electioneering
6 communications;
- 7 (8) Whether [~~or not~~] any electioneering communication is
8 made in coordination, cooperation, or concert with or
9 at the request or suggestion of any candidate,
10 candidate committee, or noncandidate committee, or
11 agent of any candidate if any, and if so, the
12 identification of the candidate, candidate committee,
13 or noncandidate committee, or agent involved; and
- 14 (9) The three top contributors as required under
15 section 11-393, if applicable."
- 16 2. By amending subsection (d) to read:
- 17 "(d) For purposes of this section:
- 18 "Disclosure date" means, for every calendar year, the first
19 date by which a person has made expenditures during that same
20 year of more than [~~\$2,000~~] \$1,000 in the aggregate for



1 electioneering communications [~~and the date of any subsequent~~
2 ~~expenditures by that person for electioneering communications~~].

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

- 7 (1) Refers to a clearly identifiable candidate;
- 8 (2) Is made, or scheduled to be made, either within thirty
9 days [~~prior to~~] before a primary or initial special
10 election or within sixty days [~~prior to~~] before a
11 general or special election; and
- 12 (3) Is not susceptible to any reasonable interpretation
13 other than as an appeal to vote for or against a
14 specific candidate.

15 "Electioneering communication" shall not include communications:

- 16 (1) In a news story or editorial disseminated by any
17 broadcast station or publisher of periodicals or
18 newspapers, unless the facilities are owned or
19 controlled by a candidate, candidate committee, or
20 noncandidate committee;



- 1 (2) That constitute actual expenditures by the expending
- 2 organization;
- 3 (3) In house bulletins; or
- 4 (4) That constitute a candidate debate or forum, or solely
- 5 promote a debate or forum and are made by or on behalf
- 6 of the person sponsoring the debate or forum.

7 "Person" shall not include a candidate or candidate
8 committee."

9 SECTION 2. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval;
15 provided that it shall apply beginning with the 2022 primary
16 election.