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# A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

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

1           SECTION 1. Chapter 11, Hawaii Revised Statutes, is amended  
2 by adding a new section to part XII, subpart B, to be  
3 appropriately designated and to read as follows:

4           "§11-       Reporting deadline. When any reporting deadline  
5 falls on a Saturday, Sunday, or holiday designated in section 8-  
6 1, the reporting deadline shall be the next succeeding day that  
7 is not a Saturday, Sunday, or holiday."

8           SECTION 2. Section 11-191, Hawaii Revised Statutes, is  
9 amended as follows:

10          1. By amending the definition of "contribution" to read as  
11 follows:

12          "Contribution" [means]:

13          (1) Means:

14                (A) A gift, subscription, deposit of money or anything  
15 of value, or cancellation of a debt or legal  
16 obligation and includes the purchase of tickets to  
17 fundraisers for the purpose of:



- 1       ~~[(A)]~~ (i) Influencing the nomination for election, or  
2                                   election, of any person to office;
- 3       ~~[(B)]~~ (ii) Influencing the outcome of any question or issue  
4                                   that appears or is reasonably certain to appear  
5                                   on the ballot at the next applicable election  
6                                   described in ~~[subparagraph (A), or]~~ clause (i);  
7                                   or
- 8       ~~[(C)]~~ (iii)        Use by any party or committee for the  
9                                   purposes set out in ~~[subparagraph (A) or (B),]~~  
10                                  clause (i) or (ii);
- 11       ~~[(2)]~~ (B)    The payment, by any person, political party, or  
12                                  any other entity other than a candidate or committee,  
13                                  of compensation for the personal services or services  
14                                  of another person that are rendered to the candidate  
15                                  or committee without charge or at an unreasonably low  
16                                  charge for the purposes set out in ~~[paragraph (1)(A),~~  
17                                  ~~(1)(B), or (1)(C),]~~ subparagraph (A)(i), (ii), or  
18                                  (iii); or
- 19       ~~[(3)]~~ (C)    A contract, promise, or agreement to make a  
20                                  contribution; provided that notwithstanding this  
21                                  ~~[paragraph and paragraphs (1) and (2),]~~ subparagraph  
22                                  and subparagraphs (A) and (B), the term



1 "contributions" shall not include services or portions  
2 thereof voluntarily provided without reasonable  
3 compensation by individuals to or in behalf of a  
4 candidate or committee[~~or~~].

5 [~~4~~] Notwithstanding [~~paragraphs (1), (2), and (3),~~  
6 subparagraphs (A), (B) and (C), a candidate's expenditure of the  
7 candidate's own funds or the making of a loan or advance in the  
8 pursuit of the candidate's campaign shall not be a contribution  
9 for the purpose of this subpart but shall nevertheless be  
10 reportable as a campaign receipt.

11 (2) Does not include an individual or committee engaging in  
12 internet activities for the purpose of influencing an election  
13 if:

14 (A) The individual or committee is uncompensated for the  
15 internet activities; or

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

19 For purposes of this exclusion, "internet activities"  
20 includes sending or forwarding electronic messages; providing a  
21 hyperlink or other direct access to another person's website;  
22 blogging; creating, maintaining, or hosting a website; paying a



1 nominal fee for the use of another person's website; and any  
2 other form of communication distributed over the Internet.

3 For purposes of this paragraph, "equipment and services"  
4 includes computers, software, internet domain names, internet  
5 service providers, and any other technology that is used to  
6 provide access to or use of the Internet.

7 This paragraph does not apply to any payment for: an  
8 advertisement other than a nominal fee; the purchase or rental  
9 of an e-mail address list made at the direction of a committee;  
10 or an e-mail address list that is transferred to a committee."

11 2. By amending the definition of "expenditure" to read as  
12 follows:

13 "Expenditure" [means]:

14 (1) Means:

15 (A) Any purchase or transfer of money or anything of  
16 value, or promise or agreement to purchase or transfer  
17 money or anything of value, or payment incurred or  
18 made, or the use or consumption of a nonmonetary  
19 contribution for the purpose of:

20 [~~(A)~~](i) Influencing the nomination for election, or  
21 election, of any person seeking nomination for  
22 election, or election, to office whether or not



1 the person has filed the person's nomination  
2 paper;

3 ~~[(B)]~~ (ii) Influencing the outcome of any question or issue  
4 that has been certified to appear on the ballot  
5 at the next applicable election; or

6 ~~[(C)]~~ (iii) Use by any party or committee for the  
7 purposes set out in [~~subparagraph (A) or (B)~~];  
8 clause (i) or (ii);

9 ~~[(2)]~~ (B) The payment, by any person other than a candidate  
10 or committee, of compensation for the personal  
11 services of another person that are rendered to the  
12 candidate or committee for any of the purposes  
13 mentioned in [~~paragraph (1)~~]; subparagraph (A); or

14 ~~[(3)]~~ (C) The expenditure by a candidate of the candidate's  
15 own funds for the purposes set out in paragraph (1).

16 ~~[(4)]~~ The term does not include volunteer personal services  
17 and voter registration efforts that are not partisan.

18 (2) Does not include an individual or committee engaging  
19 in internet activities for the purpose of influencing  
20 an election if:

21 (A) The individual or committee is uncompensated for  
22 internet activities; or



1        (B) The individual or committee uses equipment or services  
2                    for uncompensated internet activities, regardless of  
3                    who owns the equipment and services.

4                    For purposes of this paragraph, "internet activities"  
5                    includes sending or forwarding electronic messages; providing a  
6                    hyperlink or other direct access to another person's website;  
7                    blogging; creating, maintaining, or hosting a website; paying a  
8                    nominal fee for the use of another person's website; and any  
9                    other form of communication distributed over the Internet.

10                   For purposes of this paragraph, "equipment and services"  
11                   includes computers, software, internet domain names, internet  
12                   service providers, and any other technology that is used to  
13                   provide access to or use of the Internet.

14                   This paragraph does not apply to any payment for: an  
15                   advertisement other than a nominal fee; the purchase or rental  
16                   of an e-mail address list made at the direction of a committee;  
17                   or an e-mail address list that is transferred to a committee."

18                   SECTION 3. Section 11-194, Hawaii Revised Statutes, is  
19                   amended to read as follows:

20                   "**S11-194 Registration.** (a) Each candidate[~~7~~] or  
21                   noncandidate committee[~~, or party~~] shall [~~file~~] register with



1 the commission by filing an organizational report as set forth  
2 in section 11-196 or 11-196.5 as applicable.

3 ~~[(b) Committees that form within ten days of any election~~  
4 ~~and expend in the aggregate more than \$1,000 for the election~~  
5 ~~shall register and fully disclose the expenditure by 4:30 p.m.~~  
6 ~~on the last calendar day prior to the expenditure.~~

7 ~~(e)]~~ (b) Each candidate [~~who files nomination papers for~~  
8 ~~office with the chief election officer or county clerk]~~ shall  
9 file an organizational report within ten days of:

- 10 (1) Filing the nomination papers for office; or  
11 (2) The date the candidate or candidate's committee  
12 receives contributions or makes expenditures that  
13 amount to more than \$100 in the aggregate during the  
14 applicable election period~~[-]~~, whichever occurs first.

15 ~~[(d)]~~ (c) An elected official who is seeking [~~re-election]~~  
16 reelection to the same office in successive elections shall not  
17 be required to file an organizational report under this section  
18 unless the candidate is required to report a change in  
19 information pursuant to section 11-196(b); provided that the  
20 candidate has not sought election to any other office during the  
21 period between elections.



1        [~~e~~] (d) A noncandidate committee shall file an  
2 organizational report within ten days of receiving contributions  
3 or making expenditures that amount to more than \$1,000, in the  
4 aggregate, in a two-year election period~~[-]~~; except that within  
5 thirty days prior to an election, a noncandidate committee shall  
6 file an organizational report within two days of receiving  
7 contributions or making expenditures that amount to more than  
8 \$1,000, in the aggregate, in a two-year election period."

9        SECTION 4. Section 11-195, Hawaii Revised Statutes, is  
10 amended by amending subsection (f) to read as follows:

11        "(f) For purposes of this subpart, whenever a report is  
12 required to be filed with the commission, "filed" means received  
13 in the office of the commission or county clerk, whichever is  
14 applicable, by the date and time specified for the filing of the  
15 report; except that a noncandidate committee required to be  
16 registered with the commission pursuant to section 11-194(d),  
17 and a candidate or the committee of a candidate who is seeking  
18 election to the:

- 19        (1) Office of governor;  
20        (2) Office of lieutenant governor;  
21        (3) Office of mayor;  
22        (4) Office of prosecuting attorney;



1 (5) County council;

2 (6) Senate;

3 (7) House of representatives; [~~or~~]

4 (8) Office of Hawaiian affairs[~~7~~]; or

5 (9) Board of education,

6 shall file by electronic means in the manner prescribed by the  
7 commission. [~~Candidates for the offices named in this~~  
8 ~~subsection with contributions or expenditures of less than~~  
9 ~~\$5,000 need not file by electronic means. A candidate or~~  
10 ~~candidate committee without access to a computer or the Internet~~  
11 ~~may request a waiver from electronic filing from the~~  
12 ~~commission.]"~~

13 SECTION 5. Section 11-203, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "**§11-203 Fundraisers and fundraising activities.** (a) As  
16 used in this section, "fundraiser" means any function held for  
17 the benefit of a person that is intended or designed, directly  
18 or indirectly, to raise funds for political purposes for which  
19 the price or suggested contribution for attending the function  
20 is more than \$25 per person.



1       ~~[(b) There shall be no more than two fundraisers held for~~  
2 ~~a person prior to a general or special election in which that~~  
3 ~~person is either elected or defeated.]~~

4       ~~[(e)]~~ (b) No fundraiser or fundraising activity shall be  
5 held unless a notice of intent to hold the function is filed by  
6 the person in charge of the function with the commission prior  
7 to the date of the function setting forth the name and address  
8 of the person in charge, the price per person, the date, hour,  
9 and place of the affair and the method thereof.

10       ~~[(d) Fundraisers sponsored by a candidate for a statewide~~  
11 ~~office are exempt from the \$25 limit of subsection (a) and the~~  
12 ~~restrictions of subsection (b), and fundraisers sponsored by a~~  
13 ~~party for a political purpose for the general benefit of the~~  
14 ~~party are exempt from the restrictions of subsection (b).]~~"

15       SECTION 6. Section 11-204.5, Hawaii Revised Statutes, is  
16 amended to read as follows:

17       " ~~[+]§11-204.5[+]~~ **Limit on contributions from nonresident**  
18 **individuals and persons.** Contributions from ~~[any individual or~~  
19 ~~any person as defined in section 11-191,]~~ all persons, except  
20 for a member of the candidate's immediate family, who ~~[is]~~ are  
21 not ~~[a resident]~~ residents of the State at the time the  
22 contributions are made, including a noncandidate committee



1 organized under the laws of another state and whose participants  
2 are not residents of the State, shall not exceed twenty per cent  
3 of the total contributions received by a candidate or  
4 candidate's committee for each reporting period."

5 SECTION 7. Section 11-207.5, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) Each candidate, candidate's committee, or committee,  
8 that within the period of [~~fifteen~~] fourteen calendar days  
9 through four calendar days prior to a primary, special primary,  
10 general, or special general election, makes contributions  
11 aggregating more than \$500, or receives contributions from any  
12 person or entity aggregating more than \$500, shall file a report  
13 with the commission or appropriate county clerk's office on  
14 forms provided by the commission, no later than 4:30 p.m., three  
15 calendar days prior to the election."

16 SECTION 8. Section 11-209, Hawaii Revised Statutes, is  
17 amended by amending subsection (a) to read as follows:

18 "(a) From January 1 of the year of any primary, special,  
19 or general election, the total expenditures for each election  
20 for candidates who voluntarily agree to limit their campaign  
21 expenditures, inclusive of all expenditures made or authorized  
22 by the candidate alone and all campaign treasurers and



1 committees in the candidate's behalf, shall not exceed the  
2 following amounts expressed respectively multiplied by the  
3 number of voters in the last preceding general election  
4 registered to vote in each respective voting district:

- 5 (1) For the office of governor-~~[\$2.50,]~~ \$2.60;  
6 (2) For the office of lieutenant governor-~~[\$1.40,]~~ \$1.50;  
7 (3) For the office of mayor-~~[\$2.00,]~~ \$2.10;  
8 (4) For the offices of state senator, state  
9 representative, ~~[and]~~ county council member~~[-\$1.40,]~~,  
10 and prosecuting attorney-\$ \_\_\_\_\_; and  
11 (5) For the offices of the board of education and all  
12 other offices-~~[20 cents.]~~ 25 cents."

13 SECTION 9. Section 11-212, Hawaii Revised Statutes, is  
14 amended by amending subsection (a) to read as follows:

15 "(a) (1) The candidate committee of each candidate whose name  
16 will appear on the ballot in the immediately  
17 succeeding election shall file a preliminary report  
18 with the commission or appropriate county clerk's  
19 office. Preliminary reports shall be filed on forms  
20 provided by the commission no later than 4:30 p.m. on  
21 the following dates:



- 1 (A) July [~~thirtieth~~] thirty-first of the year of the  
2 primary election;
- 3 (B) Ten calendar days prior to each primary and  
4 initial special election; and
- 5 (C) Ten calendar days prior to a special or general  
6 election.
- 7 (2) Each report shall be certified pursuant to section 11-  
8 195 and shall contain the following information which  
9 shall be current through [~~the thirtieth calendar day~~]  
10 June 30 prior to the filing of the report filed on the  
11 [~~thirtieth~~] thirty-first of July and fifth calendar  
12 day prior to the filing of other preliminary reports:
- 13 (A) The aggregate sum of all contributions and other  
14 campaign receipts received;
- 15 (B) The amount and date of deposit of the  
16 contribution and the name and address of each  
17 donor who contributes an aggregate of more than  
18 \$100 during an election period, which has not  
19 previously been reported; provided that if all  
20 the information is not on file, the contribution  
21 shall be returned to the donor within thirty days  
22 of deposit;



- 1 (C) The amount and date of deposit of each  
2 contribution and the name, address, employer, and  
3 occupation of each donor who contributes an  
4 aggregate of \$1,000 or more during an election  
5 period, which has not previously been reported;  
6 provided that if all the information is not on  
7 file, the contribution shall be returned to the  
8 donor within thirty days of deposit;
- 9 (D) All expenditures made, incurred, or authorized by  
10 or for a candidate, including the name and  
11 address of each payee and the amount, date, and  
12 purpose of each expenditure; and
- 13 (E) A current statement of the balance on hand or  
14 deficit."

15 SECTION 10. Section 11-213, Hawaii Revised Statutes, is  
16 amended by amending subsections (f) and (g) to read as follows:

17 "(f) Deficit. In the event of a deficit the candidate,  
18 authorized person in the case of a party, or campaign treasurer  
19 in the case of a committee shall, every six months until the  
20 deficit is eliminated, file supplemental reports covering all  
21 items prescribed in subsection (a) or subsection (b) in the case  
22 of noncandidate committees. The first report shall be due no



1 later than 4:30 p.m. on the [~~thirtieth~~] thirty-first day after  
2 the last day of the election year.

3 (g) Surplus. In the event of a surplus the candidate,  
4 authorized person in the case of a party, or campaign treasurer  
5 in the case of a committee, shall:

6 (1) Maintain the cash surplus in a financial depository;  
7 and

8 (2) Every six months, until the candidate files to be on  
9 the ballot with the state office of elections, or in  
10 the case of a party or committee until they  
11 participate in an election again, file supplemental  
12 reports detailing all items prescribed in subsection  
13 (a) or in the case of a noncandidate committee until  
14 they participate in an election again, or file  
15 supplemental reports detailing all items prescribed in  
16 subsection (b).

17 The first report shall be due not later than 4:30 p.m. on  
18 the [~~thirtieth~~] thirty-first calendar day after the last day of  
19 the election year."

20 SECTION 11. Section 11-218, Hawaii Revised Statutes, is  
21 amended by amending subsections (a) and (b) to read as follows:



1           "(a) For the office of governor, lieutenant governor, or  
2 mayor, the maximum amount of public funds available to a  
3 candidate in any election shall not exceed [~~ten~~] fourteen per  
4 cent of the total expenditure limit as determined under section  
5 11-209 for each election for each office listed in this  
6 subsection.

7           (b) For the office of state senator, state representative,  
8 county council member, and prosecuting attorney, the maximum  
9 amount of public funds available to a candidate in any election  
10 shall be [~~fifteen~~] \_\_\_\_\_ per cent of the total expenditure  
11 limit as determined under section 11-209 for each election for  
12 each office listed in this subsection."

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

15           SECTION 13. This Act shall take effect on January 1, 2112;  
16 provided that section 4 shall apply to reporting periods  
17 beginning on January 1, 2112.



**Report Title:**

Campaign Spending Commission; Reporting Deadline

**Description:**

Revises various campaign spending reporting deadlines. Amends definitions of "contribution" and "expenditure" for use of internet services. (SD1)

