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



- 1 (A) Influencing the nomination for election, or
2 election, of any person to office;
- 3 (B) 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
- 7 (C) Use by any party or committee for the purposes
8 set out in subparagraph (A) or (B);
- 9 (2) The payment, by any person, political party, or any
10 other entity other than a candidate or committee, of
11 compensation for the personal services or services of
12 another person that are rendered to the candidate or
13 committee without charge or at an unreasonably low
14 charge for the purposes set out in paragraph (1)(A),
15 (1)(B), or (1)(C); or
- 16 (3) A contract, promise, or agreement to make a
17 contribution; provided that notwithstanding this
18 paragraph and paragraphs (1) and (2), the term
19 "contributions" shall not include services or portions
20 thereof voluntarily provided without reasonable
21 compensation by individuals to or in behalf of a
22 candidate or committee[~~+~~].



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

7 "Contribution" does not include an individual or committee
8 engaging in Internet activities for the purpose of influencing
9 an election if:

- 10 (1) The individual or committee is uncompensated for the
11 Internet activities; or
- 12 (2) The individual or committee uses equipment or services
13 for uncompensated Internet activities, regardless of
14 who owns the equipment and services.

15 For purposes of this exclusion, "Internet activities"
16 includes:

- 17 (1) Sending or forwarding electronic messages;
- 18 (2) Providing a hyperlink or other direct access to
19 another person's website;
- 20 (3) Blogging;
- 21 (4) Creating, maintaining, or hosting a website;



- 1 (5) Paying a nominal fee for the use of another person's
- 2 website; and
- 3 (6) Any other form of communication distributed over the
- 4 Internet.

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

9 This exclusion does not apply to any payment for:

- 10 (1) An advertisement other than a nominal fee;
- 11 (2) The purchase or rental of an e-mail address list made
- 12 at the direction of a committee; or
- 13 (3) An e-mail address list that is transferred to a
- 14 committee."

15 2. By amending the definition of "expenditure" to read as
16 follows:

17 "Expenditure" means:

- 18 (1) Any purchase or transfer of money or anything of
- 19 value, or promise or agreement to purchase or transfer
- 20 money or anything of value, or payment incurred or
- 21 made, or the use or consumption of a nonmonetary
- 22 contribution for the purpose of:



1 (A) Influencing the nomination for election, or
2 election, of any person seeking nomination for
3 election, or election, to office whether or not
4 the person has filed the person's nomination
5 paper;

6 (B) Influencing the outcome of any question or issue
7 that has been certified to appear on the ballot
8 at the next applicable election; or

9 (C) Use by any party or committee for the purposes
10 set out in subparagraph (A) or (B);

11 (2) The payment, by any person other than a candidate or
12 committee, of compensation for the personal services
13 of another person that are rendered to the candidate
14 or committee for any of the purposes mentioned in
15 paragraph (1); or

16 (3) The expenditure by a candidate of the candidate's own
17 funds for the purposes set out in paragraph (1).

18 [~~4~~] The term does not include volunteer personal services
19 and voter registration efforts that are not partisan.

20 "Expenditure" does not include an individual or committee
21 engaging in Internet activities for the purpose of influencing
22 an election if:



1 (1) The individual or committee is uncompensated for
2 Internet activities; or

3 (2) The individual or committee uses equipment or services
4 for uncompensated Internet activities, regardless of
5 who owns the equipment and services.

6 For purposes of this exclusion, "Internet activities"
7 includes:

8 (1) Sending or forwarding electronic messages;

9 (2) Providing a hyperlink or other direct access to
10 another person's website;

11 (3) Blogging;

12 (4) Creating, maintaining, or hosting a website;

13 (5) Paying a nominal fee for the use of another person's
14 website; and

15 (6) Any other form of communication distributed over the
16 Internet.

17 For purposes of this exclusion, "equipment and services"
18 includes computers, software, Internet domain names, Internet
19 service providers, and any other technology that is used to
20 provide access to or use of the Internet.

21 This exclusion does not apply to any payment for:

22 (1) An advertisement other than a nominal fee;



- 1 (2) The purchase or rental of an e-mail address list made
2 at the direction of a committee; or
3 (3) An e-mail address list that is transferred to a
4 committee."

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

7 "**§11-194 Registration.** (a) Each candidate~~[7]~~ or
8 noncandidate committee~~[7, or party]~~ shall ~~[file]~~ register with
9 the commission by filing an organizational report as set forth
10 in section 11-196 or 11-196.5 as applicable.

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

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

- 18 (1) Filing the nomination papers for office; or
19 (2) The date the candidate or candidate's committee
20 receives contributions or makes expenditures that
21 amount to more than \$100 in the aggregate during the
22 applicable election period~~[7]~~, whichever occurs first.



1 [~~(d)~~] (c) An elected official who is seeking [~~re-election~~]
2 reelection to the same office in successive elections shall not
3 be required to file an organizational report under this section
4 unless the candidate is required to report a change in
5 information pursuant to section 11-196(b); provided that the
6 candidate has not sought election to any other office during the
7 period between elections.

8 [~~(e)~~] (d) A noncandidate committee shall file an
9 organizational report within ten days of receiving contributions
10 or making expenditures that amount to more than \$1,000, in the
11 aggregate, in a two-year election period~~[-]~~; except that within
12 thirty days prior to an election, a noncandidate committee shall
13 file an organizational report within two days of receiving
14 contributions or making expenditures that amount to more than
15 \$1,000, in the aggregate, in a two-year election period."

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

18 "(f) For purposes of this subpart, whenever a report is
19 required to be filed with the commission, "filed" means received
20 in the office of the commission or county clerk, whichever is
21 applicable, by the date and time specified for the filing of the
22 report; except that a noncandidate committee required to be



1 registered with the commission pursuant to section 11-194(d),
2 and a candidate or the committee of a candidate who is seeking
3 election to the:

- 4 (1) Office of governor;
- 5 (2) Office of lieutenant governor;
- 6 (3) Office of mayor;
- 7 (4) Office of prosecuting attorney;
- 8 (5) County council;
- 9 (6) Senate;
- 10 (7) House of representatives; [~~or~~]
- 11 (8) Office of Hawaiian affairs[~~]~~; or
- 12 (9) Board of education,

13 shall file by electronic means in the manner prescribed by the
14 commission. [~~Candidates for the offices named in this~~
15 ~~subsection with contributions or expenditures of less than~~
16 ~~\$5,000 need not file by electronic means. A candidate or~~
17 ~~candidate committee without access to a computer or the Internet~~
18 ~~may request a waiver from electronic filing from the~~
19 ~~commission.] "~~

20 SECTION 5. Section 11-204.5, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " ~~[§]~~11-204.5~~[§]~~ **Limit on contributions from nonresident**
2 **individuals and persons.** Contributions from ~~[any individual or~~
3 ~~any person as defined in section 11-191,]~~ all persons, except
4 for a member of the candidate's immediate family, who ~~[is]~~ are
5 not ~~[a resident]~~ residents of the State at the time the
6 contributions are made, including a noncandidate committee
7 organized under the laws of another state and whose participants
8 are not residents of the State, shall not exceed twenty per cent
9 of the total contributions received by a candidate or
10 candidate's committee for each reporting period."

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

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



1 SECTION 7. Section 11-209, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) From January 1 of the year of any primary, special,
4 or general election, the total expenditures for each election
5 for candidates who voluntarily agree to limit their campaign
6 expenditures, inclusive of all expenditures made or authorized
7 by the candidate alone and all campaign treasurers and
8 committees in the candidate's behalf, shall not exceed the
9 following amounts expressed respectively multiplied by the
10 number of voters in the last preceding general election
11 registered to vote in each respective voting district:

- 12 (1) For the office of governor-~~[\$2.50,]~~ \$2.60;
13 (2) For the office of lieutenant governor-~~[\$1.40,]~~ \$1.50;
14 (3) For the office of mayor-~~[\$2.00,]~~ \$2.10;
15 (4) For the offices of state senator, state
16 representative, and county council member [~~-\$1.40,~~
17 ~~and],~~ and prosecuting attorney--\$1.50; and
18 (5) For the offices of the board of education and all
19 other offices-~~[20 cents.]~~ 25 cents."

20 SECTION 8. Section 11-212, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



- 1 " (a) (1) The candidate committee of each candidate whose name
2 will appear on the ballot in the immediately
3 succeeding election shall file a preliminary report
4 with the commission or appropriate county clerk's
5 office. Preliminary reports shall be filed on forms
6 provided by the commission no later than 4:30 p.m. on
7 the following dates:
- 8 (A) July [~~thirtieth~~] thirty-first of the year of the
9 primary election;
- 10 (B) Ten calendar days prior to each primary and
11 initial special election; and
- 12 (C) Ten calendar days prior to a special or general
13 election.
- 14 (2) Each report shall be certified pursuant to section 11-
15 195 and shall contain the following information which
16 shall be current through [~~the thirtieth calendar day~~]
17 June 30 prior to the filing of the report filed on the
18 [~~thirtieth~~] thirty-first of July and fifth calendar
19 day prior to the filing of other preliminary reports:
- 20 (A) The aggregate sum of all contributions and other
21 campaign receipts received;



- 1 (B) The amount and date of deposit of the
2 contribution and the name and address of each
3 donor who contributes an aggregate of more than
4 \$100 during an election period, which has not
5 previously been reported; provided that if all
6 the information is not on file, the contribution
7 shall be returned to the donor within thirty days
8 of deposit;
- 9 (C) The amount and date of deposit of each
10 contribution and the name, address, employer, and
11 occupation of each donor who contributes an
12 aggregate of \$1,000 or more during an election
13 period, which has not previously been reported;
14 provided that if all the information is not on
15 file, the contribution shall be returned to the
16 donor within thirty days of deposit;
- 17 (D) All expenditures made, incurred, or authorized by
18 or for a candidate, including the name and
19 address of each payee and the amount, date, and
20 purpose of each expenditure; and
- 21 (E) A current statement of the balance on hand or
22 deficit."



1 SECTION 9. Section 11-213, Hawaii Revised Statutes, is
2 amended by amending subsections (f) and (g) to read as follows:

3 "(f) Deficit. In the event of a deficit the candidate,
4 authorized person in the case of a party, or campaign treasurer
5 in the case of a committee shall, every six months until the
6 deficit is eliminated, file supplemental reports covering all
7 items prescribed in subsection (a) or subsection (b) in the case
8 of noncandidate committees. The first report shall be due no
9 later than 4:30 p.m. on the [~~thirtieth~~] thirty-first day after
10 the last day of the election year.

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

14 (1) Maintain the cash surplus in a financial depository;
15 and

16 (2) Every six months, until the candidate files to be on
17 the ballot with the state office of elections, or in
18 the case of a party or committee until they
19 participate in an election again, file supplemental
20 reports detailing all items prescribed in subsection
21 (a) or in the case of a noncandidate committee until
22 they participate in an election again, or file



1 supplemental reports detailing all items prescribed in
2 subsection (b).

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

6 SECTION 10. Section 11-218, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§11-218 Candidate funding; amounts available.** (a) For
9 the office of governor, lieutenant governor, or mayor, the
10 maximum amount of public funds available to a candidate in any
11 election shall not exceed [~~ten~~] fourteen per cent of the total
12 expenditure limit as determined under section 11-209 for each
13 election for each office listed in this subsection.

14 (b) For the office of state senator, [~~state~~
15 ~~representative, county council member, and prosecuting~~
16 ~~attorney,~~] the maximum amount of public funds available to a
17 candidate in any election shall be [~~fifteen~~] _____ per
18 cent of the total expenditure limit as determined under section
19 11-209 for each election [~~for each office listed in this~~
20 ~~subsection~~].

21 (c) For the office of state representative, the maximum
22 amount of public funds available to a candidate in any election



1 shall be fifty per cent of the total expenditure limit as
2 determined under section 11-209 for each election.

3 ~~[(e)]~~ (d) For the office of Hawaiian affairs, the maximum
4 amount of public funds available to a candidate shall not exceed
5 \$1,500 in any election year.

6 ~~[(d)]~~ (e) For the offices of county council member and
7 prosecuting attorney, the maximum amount of public funds
8 available to a candidate in any election shall be per
9 cent of the total expenditure limit as determined under section
10 11-209 for each election for each office listed in this
11 subsection.

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

15 ~~[(e)]~~ (g) Each candidate who qualified for the maximum
16 amount of public funding in any primary election and who is a
17 candidate for a subsequent general election shall apply with the
18 commission to be qualified to receive the maximum amount of
19 public funds as provided in this section for the respective
20 election. For purposes of this section, "qualified" means
21 meeting the qualifying campaign contribution requirements of
22 section 11-219."



1 SECTION 11. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 12. This Act shall take effect on January 1, 2050.



Report Title:

Campaign Spending; Public Funding

Description:

Revises various campaign spending reporting deadlines. Amends definitions of "contribution" and "expenditure" for use of internet services. Increases amount that may be spent per voter for state and county elections and adds prosecuting attorney as an election subject to spending limitation per voter. (SB1068 HD1)

