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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.   Section 11-323, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a)   The noncandidate committee organizational report  
4 shall include:

5           (1)   The committee's name, which shall incorporate the full  
6                name of the sponsoring entity, if any.   An acronym or  
7                abbreviation may be used in other communications if  
8                the acronym or abbreviation is commonly known or  
9                clearly recognized by the general public.   The  
10              committee's name shall not include the name of a  
11              candidate;

12           (2)   The committee's address, including web page address,  
13                if any;

14           (3)   The area, scope, or jurisdiction of the committee;

15           (4)   The name and address of the committee's sponsoring  
16                entity.   If the committee does not have a sponsoring  
17                entity, the committee shall specify the trade,



- 1 profession, or primary interest of contributors to the  
2 committee;
- 3 (5) The name, address, telephone number, occupation, and  
4 principal place of business of the chairperson;
- 5 (6) The name, address, telephone number, occupation, and  
6 principal place of business of the treasurer and any  
7 other officers;
- 8 (7) An indication as to whether the committee was formed  
9 to support or oppose a specific ballot question or  
10 candidate and, if so, a brief description of the  
11 question or the name of the candidate;
- 12 (8) An indication as to whether the committee is a  
13 political party committee;
- 14 (9) The name, address, telephone number, occupation, and  
15 principal place of business of the custodian of the  
16 books and accounts;
- 17 (10) The name and address of the depository institution in  
18 which the committee will maintain its campaign account  
19 and each applicable account number;
- 20 (11) A certification by the chairperson and treasurer of  
21 the statements in the organizational report; and



1           (12) The name, address, employer, and occupation of each  
2           contributor who contributed an aggregate amount of  
3           more than \$100 to the noncandidate committee since the  
4           last election and the amount and date of deposit of  
5           each such contribution[-]; provided that, for  
6           noncandidate committees making only independent  
7           expenditures, if a contribution of more than \$10,000  
8           in the aggregate in an election period is received  
9           from an entity other than an individual, for-profit  
10          business entity, or labor union, then the report shall  
11          include:

12          (A) The internet address where the contributing  
13          entity's disclosure report can be publicly  
14          accessed, if the contributing entity is subject  
15          to any state or federal disclosure reporting  
16          requirements regarding the source of the  
17          contributing entity's funds;

18          (B) The name, address, occupation, and employer of  
19          each funding source of \$100 or more in the  
20          aggregate in an election period to that  
21          contributing entity; or



1           (C) An acknowledgment that the contributing entity is  
2           not subject to any state or federal disclosure  
3           reporting requirements regarding the source of  
4           the contributing entity's funds."

5           SECTION 2. Section 11-335, Hawaii Revised Statutes, is  
6 amended by amending subsection (b) to read as follows:

7           "(b) Schedules filed with the reports shall include the  
8 following additional information:

9           (1) The amount and date of deposit of each contribution  
10 received and the name, address, occupation, and  
11 employer of each contributor making a contribution  
12 aggregating more than \$100 during an election period,  
13 which was not previously reported; provided that if  
14 [all]:

15           (A) All the information is not on file, the  
16           contribution shall be returned to the contributor  
17 within thirty days of deposit; and

18           (B) A noncandidate committee making only independent  
19           expenditures receives a contribution of more than  
20           \$10,000 in the aggregate in an election period  
21           from an entity other than an individual, for-



1                   profit business entity, or labor union, then a  
2                   schedule shall include:

3                   (i) The internet address where the contributing  
4                   entity's disclosure report can be publicly  
5                   accessed, if the contributing entity is  
6                   subject to state or federal disclosure  
7                   reporting requirements regarding the source  
8                   of the contribution;

9                   (ii) The name, address, occupation, and employer  
10                   of each funding source that contributed \$100  
11                   or more in the aggregate to that  
12                   contributing entity; or

13                   (iii) An acknowledgment that the contributing  
14                   entity is not subject to any state or  
15                   federal disclosure reporting requirements  
16                   regarding the source of the contributing  
17                   entity's funds;

18                   (2) The amount and date of each contribution made and the  
19                   name and address of the candidate, candidate  
20                   committee, or noncandidate committee to which the  
21                   contribution was made;



1 (3) All expenditures, including the name and address of  
2 each payee and the amount, date, and purpose of each  
3 expenditure; provided that:

4 (A) Expenditures for advertisements or electioneering  
5 communications shall include the names of the  
6 candidates supported, opposed, or clearly  
7 identified;

8 (B) Expenditures for consultants, advertising  
9 agencies and similar firms, credit card payments,  
10 salaries, and candidate reimbursements shall be  
11 itemized to permit a reasonable person to  
12 determine the ultimate intended recipient of the  
13 expenditure and its purpose;

14 (C) Independent expenditures shall include the name  
15 of any candidate supported, opposed, or clearly  
16 identified; and

17 [+](D)[+] The purpose of an independent expenditure shall  
18 include the name of the candidate who is  
19 supported or opposed by the expenditure, and  
20 whether the expenditure supports or opposes the  
21 candidate;



1 (4) For noncandidate committees making only independent  
2 expenditures, certification that no expenditures have  
3 been coordinated with a candidate, candidate  
4 committee, or any agent of a candidate or candidate  
5 committee;

6 (5) The amount, date of deposit, and description of other  
7 receipts and the name and address of the source of  
8 each of the other receipts;

9 (6) A description of each durable asset, the date of  
10 acquisition, value at the time of acquisition, and the  
11 name and address of the vendor or contributor of the  
12 asset; and

13 (7) The date of disposition of a durable asset, value at  
14 the time of disposition, method of disposition, and  
15 name and address of the person receiving the asset."

16 SECTION 3. Section 11-338, Hawaii Revised Statutes, is  
17 amended by amending subsection (b) to read as follows:

18 "(b) The late contribution report shall include the  
19 following information:

20 (1) Name, address, occupation, and employer of the  
21 contributor;



1       (2) Name of the candidate, candidate committee, or  
2       noncandidate committee making or receiving the  
3       contribution; provided that, for noncandidate  
4       committees making only independent expenditures, if a  
5       late contribution greater than \$5,000 in the aggregate  
6       is received from an entity other than an individual,  
7       for-profit business entity, or labor union, then the  
8       report shall include:

9       (A) The internet address where the contributing  
10       entity's disclosure report can be publicly  
11       accessed, if the contributing entity is subject  
12       to any state or federal disclosure reporting  
13       requirements regarding the source of the  
14       contributing entity's funds;

15       (B) The name, address, occupation, and employer of  
16       each funding source of more than \$100 in the  
17       aggregate to that recipient entity; or

18       (C) An acknowledgment that the contributing entity is  
19       not subject to any state or federal disclosure  
20       reporting requirements concerning the source of  
21       the contributing entity's funds;



- 1           (3) The amount of the contribution received;
- 2           (4) The amount of the contribution made;
- 3           (5) The contributor's aggregate contributions to the
- 4                 candidate, candidate committee, or noncandidate
- 5                 committee; and
- 6           (6) The purpose, if any, to which the contribution will be
- 7                 applied, including, for contributions to a
- 8                 noncandidate committee, the name of any candidate
- 9                 supported, opposed, or clearly identified."

10           SECTION 4. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13           SECTION 5. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15           SECTION 6. This Act shall take effect on January 1, 2016.



**Report Title:**

Campaign Spending; Noncandidate Committees

**Description:**

Requires noncandidate committees making only independent expenditures if a contribution is more than \$10,000 in the aggregate in an election period to disclose contributing entities disclosure reports and certain funding sources, provide access to the contributing entities' reportable funding information, or acknowledge that the contributing entities are not subject to any disclosure reporting requirements regarding the source of the contributing entities' funds. Effective 1/1/2016. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

