
A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

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

1 SECTION 1. Section 11-363, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]~~§11-363~~[+]~~ Other contributions and expenditures. (a)
4 Expenditures or disbursements for electioneering communications
5 as defined in section 11-341, or any other coordinated activity
6 made by any person for the benefit of a candidate in
7 cooperation, consultation, or concert with, or at the request or
8 suggestion of, a candidate, a candidate committee, or their
9 agents, shall be considered to be a contribution to the
10 candidate and expenditure by the candidate.

11 (b) The financing by any person of the dissemination,
12 distribution, or republication, in whole or in part, of any
13 broadcast or any written or other campaign materials prepared by
14 the candidate, candidate committee, or their agents shall be
15 considered to be a contribution to the candidate.

16 This subsection shall not apply ~~[to]~~ if the campaign
17 material is:



- 1
- 2 (1) Prepared and used by candidates for governor or
3 lieutenant governor, or their candidate committees,
4 supporting a co-candidate in the general election[-];
- 5 (2) Disseminated, distributed, or republished by the
6 candidate or the candidate committee that prepared the
7 material;
- 8 (3) Incorporated into an advertisement or electioneering
9 communication advocating the defeat of the candidate
10 that prepared that material; or
- 11 (4) Incorporated into a news story or editorial
12 disseminated by any broadcast station or publisher of
13 periodicals or newspapers, unless the candidate or the
14 candidate committee that prepared the material also
15 owns or controls the broadcast station or publisher.
- 16 ~~[(b)]~~ (c) "Coordinated activity" means:
- 17 (1) The payment by any person in cooperation,
18 consultation, or concert with, at the request of, or
19 pursuant to, any general or particular understanding
20 with a candidate, candidate committee, the party of a



1 candidate, or an agent of a candidate, candidate
2 committee, or the party of a candidate;

3 (2) The payment by any person for the production,
4 dissemination, distribution, or republication of any
5 written, graphic, or other form of campaign material,
6 in whole or in part, prepared by a candidate,
7 candidate committee, or noncandidate committee, or an
8 agent of a candidate, candidate committee, or
9 noncandidate committee; or

10 (3) Any payment by any person or contract for any
11 electioneering communication, as defined in section
12 11-341, where the payment is coordinated with a
13 candidate, candidate committee, the party of the
14 candidate, or an agent of a candidate, candidate
15 committee, or the party of the candidate.

16 ~~[-(e)]~~ (d) No expenditure for a candidate who files an
17 affidavit with the commission agreeing to limit aggregate
18 expenditures by the candidate, including coordinated activity by
19 any person, shall be made or incurred by a candidate committee
20 or noncandidate committee without authorization of the candidate
21 or the candidate's authorized representative. Every expenditure



1 so authorized and made or incurred shall be attributed to the
2 candidate with whom the candidate committee or noncandidate
3 committee is directly associated for the purpose of imposing the
4 expenditure limitations set forth in section 11-423."

5 SECTION 2. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Campaign Expenditures; Coordinated Activity; Dissemination;
Distribution; Republication; Campaign Material

Description:

Specifies that certain types of dissemination, distribution, republication, and use of campaign materials or the financing of which by any person is not a coordinated activity and shall not be considered a contribution to a candidate. (SB2030 HD1)

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