

JAN 20 2017

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Section 11-302, Hawaii Revised Statutes, is
2 amended by amending the definition of "advertisement" to read as
3 follows:

4 "Advertisement" means any communication, excluding sundry
5 items such as bumper stickers, that:

6 (1) Identifies a candidate directly or by implication, or
7 identifies an issue or question that will appear on
8 the ballot at the next applicable election; and

9 (2) Advocates or supports the nomination, opposition, or
10 election of the candidate, or advocates the passage or
11 defeat of the issue or question on the ballot.

12 "Advertisement" excludes communications of a candidate's
13 name on clothing or other attire not directly associated with
14 that candidate's campaign committee."

15 SECTION 2. Section 11-341, Hawaii Revised Statutes, is
16 amended by amending subsection (d) to read as follows:

17 "(d) For purposes of this section:



S.B. NO. 336

1 "Disclosure date" means, for every calendar year, the first
2 date by which a person has made expenditures during that same
3 year of more than \$2,000 in the aggregate for electioneering
4 communications, and the date of any subsequent expenditures by
5 that person for electioneering communications.

6 "Electioneering communication" means any advertisement that
7 is broadcast from a cable, satellite, television, or radio
8 broadcast station; published in any periodical or newspaper or
9 by electronic means; or sent by mail at a bulk rate, and that:

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

18 "Electioneering communication" shall not include
19 communications:

- 20 (1) In a news story or editorial disseminated by any
21 broadcast station or publisher of periodicals or



- 1 newspapers, unless the facilities are owned or
- 2 controlled by a candidate, candidate committee, or
- 3 noncandidate committee;
- 4 (2) That constitute expenditures by the expending
- 5 organization;
- 6 (3) In house bulletins; [e]
- 7 (4) That constitute a candidate debate or forum, or solely
- 8 promote a debate or forum and are made by or on behalf
- 9 of the person sponsoring the debate or forum[-]; or
- 10 (5) That constitute communications of a candidate's name
- 11 on clothing or other attire directly associated with
- 12 that candidate's campaign committee."

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

15 SECTION 4. This Act shall take effect upon its approval.

16

INTRODUCED BY:

~~Donna R. Fitch-Gay~~
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S.B. NO. 336

Report Title:

Electioneering Communications; Advertisements

Description:

Excludes from the definitions of advertisement and electioneering communication the communications of a candidate's name on clothing or other attire not directly associated with that candidate's campaign committee.

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