

---

---

# A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1           SECTION 1. Section 11-341, Hawaii Revised Statutes, is  
2 amended as follows:

3           1. By amending subsections (a) and (b) to read:

4           "(a) Each person who makes an expenditure for  
5 electioneering communications in an aggregate amount of more  
6 than \$2,000 during any calendar year shall file with the  
7 commission a statement of information within twenty-four hours  
8 of each disclosure date provided in this section[-]; provided  
9 that a candidate committee shall not be required to file a  
10 statement of information for an electioneering communication  
11 made by a candidate committee that clearly identifies the  
12 communication as being paid for by the candidate committee.

13           (b) Each statement of information shall contain the  
14 following:

15           (1) The name of the person making the expenditure, name of  
16 any person or entity sharing or exercising discretion  
17 or control over the person, and the custodian of the



- 1 books and accounts of the person making the  
2 expenditure;
- 3 (2) The names and titles of the executives or board of  
4 directors who authorized the expenditure, if the  
5 expenditure was made by a noncandidate committee,  
6 business entity, or an organization;
- 7 (3) The state of incorporation or formation and principal  
8 address of the noncandidate committee, business  
9 entity, or organization or for an individual, the  
10 name, address, occupation, and employer of the  
11 individual making the expenditure;
- 12 (4) The amount of each expenditure during the period  
13 covered by the statement and the identification of the  
14 person to whom the expenditure was made;
- 15 (5) The elections to which the electioneering  
16 communications pertain and the names of any clearly  
17 identifiable candidates and whether those candidates  
18 are supported or opposed;
- 19 (6) If the expenditures were made by a [candidate  
20 ~~committee or~~] noncandidate committee, the names and  
21 addresses of all persons who contributed to the



1           ~~[candidate committee or]~~ noncandidate committee for  
2           the purpose of publishing or broadcasting the  
3           electioneering communications;

4           (7) If the expenditures were made by an organization other  
5           than a ~~[candidate committee or]~~ noncandidate  
6           committee, the names and addresses of all persons who  
7           contributed to the organization for the purpose of  
8           publishing or broadcasting the electioneering  
9           communications;

10          (8) Whether or not any electioneering communication is  
11          made in coordination, cooperation, or concert with or  
12          at the request or suggestion of any candidate,  
13          candidate committee, or noncandidate committee, or  
14          agent of any candidate if any, and if so, the  
15          identification of the candidate, candidate committee,  
16          or noncandidate committee, or agent involved; and

17          (9) The three top contributors as required under section  
18          11-393, if applicable."

19          2. By amending subsection (d) to read:

20          "(d) For purposes of this section:



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~~ any communication:

- 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~~] constitutes an  
5 expenditure by the expending organization;

6 (3) In a house [~~bulletins; or~~] bulletin;

7 (4) That [~~constitute~~] constitutes a candidate debate or  
8 forum, or solely [~~promote~~] promotes a debate or forum  
9 and [~~are~~] is made by or on behalf of the person  
10 sponsoring the debate or forum[-]; or

11 (5) That is an advertisement broadcast, published, or  
12 distributed by any candidate or that candidate's  
13 candidate committee to promote the election of that  
14 candidate or oppose the election of an opponent of  
15 that candidate; provided that the advertisement is in  
16 compliance with section 11-391."

17 SECTION 2. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 3. This Act shall take effect on January 7, 2059.

20



**Report Title:**

Elections; Electioneering Communications; Candidate Committees; Advertisements

**Description:**

Provides that a candidate committee shall not be required to file a statement of information for an electioneering communication made by a candidate committee that clearly identifies the communication as being paid for by the candidate committee. Repeals the requirement that a candidate committee file a statement of information of the names and addresses of all persons who contributed to the committee or the organization for the purpose of publishing or broadcasting the electioneering communications. Excludes any advertisement by a candidate or candidate committee from the reporting requirements for electioneering communication, provided that the advertisement is in compliance with the law regarding advertisements. Takes effect on 1/7/2059. (SD1)

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

