
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 by amending subsection (d) to read as follows:

3 "(d) For purposes of this section:

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

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

13 (1) Refers to a clearly identifiable candidate;

14 (2) Is made, or scheduled to be made, either within thirty
15 days prior to a primary or initial special election or
16 within sixty days prior to a general or special
17 election; and



1 (3) Is not susceptible to any reasonable interpretation
2 other than as an appeal to vote for or against a
3 specific candidate.

4 "Electioneering communication" shall not include
5 ~~[communications:]~~ any communication:

6 (1) In a news story or editorial disseminated by any
7 broadcast station or publisher of periodicals or
8 newspapers, unless the facilities are owned or
9 controlled by a candidate, candidate committee, or
10 noncandidate committee;

11 (2) That ~~[constitute expenditures]~~ constitutes an
12 expenditure by the expending organization;

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

14 (4) That ~~[constitute]~~ constitutes a candidate debate or
15 forum, or solely ~~[promote]~~ promotes a debate or forum
16 and ~~[are]~~ is made by or on behalf of the person
17 sponsoring the debate or forum~~[-]~~; or

18 (5) That is an advertisement broadcast, published, or
19 distributed by any candidate or that candidate's
20 candidate committee to promote the election of that
21 candidate or oppose the election of an opponent of



1 that candidate; provided that the advertisement is in
2 compliance with section 11-391."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

9

INTRODUCED BY:



JAN 25 2017



H.B. NO. 1399

Report Title:

Elections; Electioneering Communications; Candidate Committees

Description:

Excludes any advertisement by a candidate or candidate committee from the reporting requirements for electioneering communications; provided that the advertisement is in compliance with the law regarding advertisements.

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