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## A BILL FOR AN ACT

RELATING TO ELECTIONEERING COMMUNICATIONS.

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

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

3           "**§11-341 Electioneering communications; statement of**  
4 **information.** (a) Each [~~person who~~] noncandidate committee that  
5 makes an expenditure for electioneering communications in an  
6 aggregate amount of more than \$2,000 during any calendar year  
7 shall file with the commission a statement of information within  
8 twenty-four hours of each disclosure date provided in this  
9 section.

10           (b) Each statement of information shall contain the  
11 following:

12           (1) The name of the [~~person~~] noncandidate committee making  
13 the expenditure, name of any person or entity sharing  
14 or exercising discretion or control over the [~~person,~~]  
15 noncandidate committee, and the custodian of the books  
16 and accounts of the [~~person~~] noncandidate committee  
17 making the expenditure;



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



1 the purpose of publishing or broadcasting the  
2 electioneering communications;

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

8 ~~+(8)]~~ (7) Whether or not any electioneering communication  
9 is made in coordination, cooperation, or concert with  
10 or at the request or suggestion of any candidate,  
11 candidate committee, or noncandidate committee, or  
12 agent of any candidate if any, and if so, the  
13 identification of the candidate, candidate committee,  
14 or noncandidate committee, or agent involved; and

15 ~~+(9)]~~ (8) The three top contributors as required under  
16 section 11-393, if applicable.

17 (c) An electioneering communication statement of  
18 information filed pursuant to this section shall be in addition  
19 to the filing of any other report required under this part.

20 (d) For purposes of this section:



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

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

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

19 "Electioneering communication" shall not include  
20 communications:



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1 (1) In a news story or editorial disseminated by any  
 2 broadcast station or publisher of periodicals or  
 3 newspapers, unless the facilities are owned or  
 4 controlled by a candidate, candidate committee, or  
 5 noncandidate committee;

6 ~~[(2) That constitute expenditures by the expending~~  
 7 ~~organization;~~

8 ~~-(3)]~~ (2) In house bulletins; or

9 ~~[(4)]~~ (3) That constitute a candidate debate or forum, or  
 10 solely promote a debate or forum and are made by or on  
 11 behalf of the person sponsoring the debate or forum.

12 (e) For purposes of this section, a ~~[person]~~ noncandidate  
 13 committee shall be treated as having made an expenditure if the  
 14 ~~[person]~~ noncandidate committee has executed a contract to make  
 15 the expenditure."

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

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

19

INTRODUCED BY: *Helakano*  
 JAN 22 2021



# H.B. NO. 674

**Report Title:**

Campaign Spending Commission; Electioneering Communications

**Description:**

Limits electioneering communication disclosure requirements to noncandidate committees.

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

HB HMS 2021-0031

