
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 makes an expenditure for
5 electioneering communications in an aggregate amount of more
6 than [~~\$2,000~~] \$_____ during any calendar year shall file
7 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 making the expenditure, name of
13 any person or entity sharing or exercising discretion
14 or control over the person, and the custodian of the
15 books and accounts of the person making the
16 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 committee
18 or noncandidate committee, the names and addresses of
19 all persons who contributed to the candidate committee
20 or noncandidate committee for the purpose of



1 publishing or broadcasting the electioneering
2 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) Whether or not any electioneering communication is
9 made in coordination, cooperation, or concert with or
10 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) 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.



1 (d) For purposes of this section:

2 "Disclosure date" means, for every calendar year, the first
3 date ~~[by which a person has made expenditures during that same~~
4 ~~year of more than \$2,000 in the aggregate for electioneering~~
5 ~~communications, and the date of any subsequent expenditures by~~
6 ~~that person for electioneering communications.]~~ during any
7 calendar year in which an electioneering communication is
8 publicly distributed, and the date on which any subsequent
9 electioneering communication is publicly distributed; provided
10 that the person making the electioneering communication has made
11 expenditures for electioneering communications of more than
12 \$ _____ in the aggregate.

13 "Electioneering communication" means any advertisement that
14 is broadcast from a cable, satellite, television, or radio
15 broadcast station; published in any periodical or newspaper or
16 by electronic means; or sent by mail ~~[at a bulk rate]~~, and that:

- 17 (1) Refers to a clearly identifiable candidate;
- 18 (2) Is made, or scheduled to be made, either within
19 thirty days prior to a primary or initial special
20 election or within sixty days prior to a general or
21 special 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:

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 actual expenditures by the expending
12 organization;

13 [~~3~~] (2) In house bulletins; or

14 [~~4~~] (3) That constitute a candidate debate or forum, or
15 solely promote a debate or forum and are made by or on
16 behalf of the person sponsoring the debate or forum.

17 [~~(e) For purposes of this section, a person shall be treated~~
18 ~~as having made an expenditure if the person has executed a~~
19 ~~contract to make the expenditure.] "~~



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

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2112.



Report Title:

Campaign Spending Commission Package; Electioneering
Communication; Disclosure Date; Advertisement

Description:

Changes the monetary threshold that triggers disclosure of electioneering communications to an unspecified amount. Requires that disclosures of electioneering communications occur on the date the electioneering communications are publicly distributed. Classifies election advertisements sent by mail at any postal rate as electioneering communications. Exempts election advertisements that are actual expenditures of an organization from being considered electioneering communications. Repeals the requirement that a person be treated as having made an expenditure if the person has executed a contract to make the expenditure. Effective 7/1/2112. (HD1)

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