
A BILL FOR AN ACT

RELATING TO ELECTIONEERING COMMUNICATIONS.

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

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

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

"(a) Each person who makes an expenditure for an electioneering [~~communications in an aggregate amount of more than \$1,000 during any calendar year~~] communication shall file with the commission a statement of information within twenty-four hours of each [~~disclosure date provided in this section.~~] expenditure for an electioneering communication.

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

(1) The name of the person making the expenditure, name of any person or entity sharing or exercising discretion or control over the person, and the custodian of the books and accounts of the person 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]~~ the expenditure ~~[during the~~
11 ~~period covered by the statement]~~ and the
12 identification of the person to whom the expenditure
13 was made;
- 14 (5) The elections to which the electioneering
15 ~~[communications pertain]~~ communication pertains and
16 the names of any clearly identifiable candidates and
17 whether those candidates are supported or opposed;
- 18 (6) If the ~~[expenditures were]~~ expenditure was made by a
19 noncandidate committee, the names and addresses of all
20 persons who contributed to the noncandidate committee



1 for the purpose of publishing or broadcasting the
2 electioneering [~~communications,~~] communication;

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

9 (8) Whether [~~any~~] the electioneering communication is made
10 in coordination, cooperation, or concert with or at
11 the request or suggestion of any candidate, candidate
12 committee, or noncandidate committee, or agent of any
13 candidate if any, and if so, the identification of the
14 candidate, candidate committee, or noncandidate
15 committee, or agent involved; and

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

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

19 "(d) For purposes of this section:

20 [~~"Disclosure date" means, for every calendar year, the~~
21 ~~first date by which a person has made expenditures during that~~



1 ~~same year of more than \$1,000 in the aggregate for~~
2 ~~electioneering communications.]~~

3 "Electioneering communication" means any advertisement that
4 is broadcast from a cable, satellite, television, or radio
5 broadcast station; published in any periodical or newspaper or
6 by electronic means; or sent by mail, and that:

7 (1) Refers to a clearly identifiable candidate;

8 (2) Is made, or scheduled to be made, either within thirty
9 days before a primary or initial special election or
10 within sixty days before a general or special
11 election; and

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

15 "Electioneering communication" shall not include communications:

16 (1) In a news story or editorial disseminated by any
17 broadcast station or publisher of periodicals or
18 newspapers, unless the facilities are owned or
19 controlled by a candidate, candidate committee, or
20 noncandidate committee;



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(2) That constitute actual expenditures by the expending organization;

(3) In house bulletins; or

(4) That constitute a candidate debate or forum, or solely promote a debate or forum and are made by or on behalf of the person sponsoring the debate or forum.

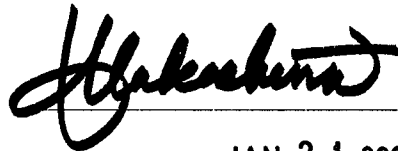
"Person" shall not include a candidate or candidate committee."

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

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

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

INTRODUCED BY:



JAN 21 2022



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Report Title:

Electioneering Communications; Expenditures

Description:

Requires a person to file a statement of information with the campaign spending commission for every expenditure for an electioneering communication.

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

