
A BILL FOR AN ACT

RELATING TO ELECTIONEERING COMMUNICATIONS.

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

1 SECTION 1. The legislature finds that Act 3, Special
2 Session Laws of Hawaii 2021, received criticism for seemingly
3 limiting the expenditure reporting requirement by parties for
4 electioneering communications. Electioneering communications
5 reporting is required for noncandidate committees whose
6 expenditures are not the result of direct contributions to any
7 candidate and represents an unchecked resource that can be used
8 to unduly influence the results of candidate and issue
9 elections. Because of the unchecked and unknown sources of
10 these funds, additional scrutiny for their expenditures is
11 warranted. Nothing in this Act is meant to lower the
12 requirement for all expenditure reports to meet current pre-
13 election and post-election requirements by all parties
14 participating in campaign spending activity.

15 The purpose of this Act is to:

- 16 (1) Specify the disclosure date for subsequent
17 expenditures for electioneering communications; and



(2) Require that disclosures of electioneering communications occur on the date the electioneering communications are publicly distributed.

SECTION 2. Section 11-341, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

"(d) For purposes of this section:

"Disclosure date" means, for every calendar year, the ~~[first]~~ date by which a person has made expenditures ~~[during that same year]~~ of more than \$1,000 in the aggregate for electioneering communications~~[-]~~ that are publicly distributed, and the date of any subsequent expenditures by that person for electioneering communications that are publicly distributed.

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

(1) Refers to a clearly identifiable candidate;

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



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

"Electioneering communication" shall not include communications:

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

(2) That constitute 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."

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

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



1 SECTION 5. This Act, upon its approval, shall apply to all
2 elections beginning with the 2022 primary election.

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INTRODUCED BY:



JAN 21 2022



H.B. NO. 1888

Report Title:

Campaign Spending Commission; Electioneering Communication;
Disclosure Date

Description:

Specifies the disclosure date for subsequent expenditures for electioneering communications. Requires that disclosures of electioneering communications occur on the date the electioneering communications are publicly distributed. Applies to all elections beginning with the 2022 primary election.

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

