

JAN 19 2022

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# 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 to read as follows:

**"§11-341 Electioneering communications; statement of information.** (a) Each person who makes an expenditure for electioneering communications in an aggregate amount of more than ~~[\$1,000]~~ \$2,000 during any calendar year shall file with the commission a statement of information within twenty-four hours of each disclosure date provided in this section.

(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;

(2) The names and titles of the executives or board of directors who authorized the expenditure, if the



1 expenditure was made by a noncandidate committee,  
2 business entity, or an organization;

3 (3) The state of incorporation or formation and principal  
4 address of the noncandidate committee, business  
5 entity, or organization or for an individual, the  
6 name, address, occupation, and employer of the  
7 individual making the expenditure;

8 (4) The amount of each expenditure during the period  
9 covered by the statement and the identification of the  
10 person to whom the expenditure was made;

11 (5) The elections to which the electioneering  
12 communications pertain and the names of any clearly  
13 identifiable candidates and whether those candidates  
14 are supported or opposed;

15 (6) If the expenditures were made by a noncandidate  
16 committee, the names and addresses of all persons who  
17 contributed to the noncandidate committee for the  
18 purpose of publishing or broadcasting the  
19 electioneering communications;

20 (7) If the expenditures were made by an organization other  
21 than a noncandidate committee, the names and addresses



1 of all persons who contributed to the organization for  
2 the purpose of publishing or broadcasting the  
3 electioneering communications;

4 (8) Whether any electioneering communication is made in  
5 coordination, cooperation, or concert with or at the  
6 request or suggestion of any candidate, candidate  
7 committee, or noncandidate committee, or agent of any  
8 candidate if any, and if so, the identification of the  
9 candidate, candidate committee, or noncandidate  
10 committee, or agent involved; and

11 (9) The three top contributors as required under section  
12 11-393, if applicable.

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

16 (d) For purposes of this section:

17 "Disclosure date" means, for every calendar year, the first  
18 date ~~[by which a person has made expenditures during that same~~  
19 ~~year of more than \$1,000 in the aggregate for electioneering~~  
20 ~~communications.]~~ during any calendar year on which an  
21 electioneering communication is publicly distributed, and the



1 date on which any subsequent electioneering communication is  
2 publicly distributed; provided that the person making the  
3 electioneering communication has made expenditures for  
4 electioneering communications of more than \$2,000 in the  
5 aggregate.

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

10 (1) Refers to a clearly identifiable candidate;

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

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

18 "Electioneering communication" shall not include  
19 communications:

20 (1) In a news story or editorial disseminated by any  
21 broadcast station or publisher of periodicals or



1 newspapers, unless the facilities are owned or  
2 controlled by a candidate, candidate committee, or  
3 noncandidate committee;

4 ~~[(2) That constitute actual expenditures by the expending~~  
5 ~~organization;~~

6 ~~+(3)]~~ (2) In house bulletins; or

7 ~~[(4)]~~ (3) That constitute a candidate debate or forum, or  
8 solely promote a debate or forum and are made by or on  
9 behalf of the person sponsoring the debate or forum.

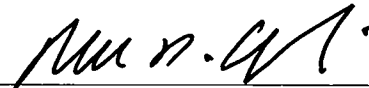
10 "Person" shall not include a candidate or noncandidate  
11 committee.

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

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

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

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INTRODUCED BY:



By Request



**Report Title:**

Campaign Spending Commission Package; Electioneering  
Communication; Statement of Information; Disclosure Date

**Description:**

Increases the threshold amount of aggregated expenditures for electioneering communications in a calendar year from more than \$1,000 to more than \$2,000 before statements of information would be required. Amends the definition of "disclosure date" to the date the electioneering communication is publicly distributed and the date of any subsequent public distributions of electioneering communications during the calendar year. Repeals "actual expenditures" from the list of items that are not 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.*

