

JAN 21 2022

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 by amending subsection (d) to read as follows:

3 "(d) For purposes of this section:

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

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

13 (1) Refers to a clearly identifiable candidate;

14 (2) Is made, or scheduled to be made, either within thirty
15 days before a primary or initial special election or
16 within sixty days before a general or special
17 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 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.



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 Statutory material to be repealed is bracketed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

3 SECTION 4. This Act shall take effect upon its approval;
4 provided that it shall apply beginning with the 2022 primary
5 election.

6

INTRODUCED BY: _____

Hal Abroad



S.B. NO. 2388

Report Title:

Electioneering Communication; Disclosure Date

Description:

Requires disclosure of electioneering communications to occur on the date of any subsequent expenditures for electioneering communications.

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