
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~~] \$2,000 in the aggregate for
7 electioneering communications[-], and the date of any subsequent
8 expenditures 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)]~~ (2) In house bulletins; or

~~[(4)]~~ (3) 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 Statutory material to be repealed is bracketed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.



Report Title:

Electioneering Communication; Disclosure Date

Description:

Requires disclosure of electioneering communications to occur on the date of any subsequent expenditures for electioneering communications. Increases the monetary threshold that triggers disclosure of electioneering communications. Repeals the exception to the definition of electioneering communication those communications that constitute actual expenditures by the expending organization. (SD1)

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