

JAN 20 2023

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. The legislature finds that years ago, a law
2 limiting nonresident contributions to only thirty per cent of
3 the total of a candidate's contribution limit was enacted to
4 ensure that dark, offshore money would not be allowed to
5 influence or overwhelm local elections with out-of-state
6 interests. The legislature further finds that this concern has
7 only been heightened due to the numerous amounts of out-of-state
8 investors and snowbirds who are residents of and are registered
9 to vote in other states.

10 The legislature also finds that the current system of
11 reporting allows donators to simply use a mailing address to
12 determine residency, which has created a loophole for many part-
13 time residents and out-of-state investors due to the fact that
14 they often have post office boxes, which hide the true nature of
15 their residency.

16 Accordingly, the purpose of this Act is to require that
17 schedules filed with the candidate committee and noncandidate



1 committee reports include the amount and date of deposit of each
2 contribution and the name and both the mailing and physical
3 address of each contributor who is not a registered voter or a
4 registered political action committee in the State at the time
5 of the contribution; provided that the information be excluded
6 from public inspection and used only for review by the campaign
7 spending commission.

8 SECTION 2. Section 11-331, Hawaii Revised Statutes, is
9 amended by amending subsection (f) to read as follows:

10 "(f) All reports filed under this part are public records
11 and shall be made available for public inspection on the
12 commission's website in a searchable database[-]; provided that
13 information provided pursuant to sections 11-333(c) and
14 11-335(c) shall not be available for public inspection on the
15 commission's website."

16 SECTION 3. Section 11-333, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§11-333 Candidate committee reports. (a) The candidate
19 and treasurer shall file preliminary, final, and supplemental
20 reports that shall disclose the following information:

21 (1) The candidate committee's name and address;



- 1 (2) The cash on hand at the beginning of the reporting
2 period and election period;
- 3 (3) The reporting period and election period aggregate
4 totals for each of the following categories:
- 5 (A) Contributions;
- 6 (B) Expenditures;
- 7 (C) Other receipts; and
- 8 (D) Loans;
- 9 (4) The cash on hand at the end of the reporting period;
10 and
- 11 (5) The surplus or deficit at the end of the reporting
12 period.
- 13 (b) Schedules filed with the reports shall include the
14 following additional information:
- 15 (1) The amount and date of deposit of each contribution
16 and the name and address of each contributor who makes
17 contributions aggregating more than \$100 in an
18 election period; provided that if all the information
19 is not on file, the contribution shall be returned to
20 the contributor within thirty days of deposit;



- 1 (2) The amount and date of deposit of each contribution
2 and the name, address, occupation, and employer of
3 each contributor who makes contributions aggregating
4 \$1,000 or more during an election period; provided
5 that if all the information is not on file, the
6 contribution shall be returned to the contributor
7 within thirty days of deposit;
- 8 (3) All expenditures, including the name and address of
9 each payee and the amount, date, and purpose of each
10 expenditure. Expenditures for consultants,
11 advertising agencies and similar firms, credit card
12 payments, salaries, and committee reimbursements to
13 the candidate or other individuals shall be itemized
14 to permit a reasonable person to determine the
15 ultimate intended recipient of the expenditure and its
16 purpose;
- 17 (4) The amount, date of deposit, and description of other
18 receipts and the name and address of the source of
19 each of the other receipts;
- 20 (5) Information about each loan received by the committee,
21 together with the names and addresses of the lender



1 and each person liable directly, and the amount of
2 each loan. A copy of the executed loan document shall
3 be received by the commission by mail or delivery on
4 or before the filing date for the report covering the
5 reporting period when the loan was received. The
6 document shall contain the terms of the loan,
7 including the interest and repayment schedule.

8 Failure to disclose the loan or to provide
9 documentation of the loan to the commission shall
10 cause the loan to be treated as a contribution,
11 subject to all relevant provisions of this part;

12 (6) A description of each durable asset, the date of
13 acquisition, value at the time of acquisition, and the
14 name and address of the vendor or contributor of the
15 asset; and

16 (7) The date of disposition of each durable asset, value
17 at the time of disposition, the method of disposition,
18 and the name and address of the person receiving the
19 asset.

20 (c) Schedules filed with the reports shall also include
21 the amount and date of deposit of each contribution and the name



1 and both the mailing and physical address of each contributor
2 who is not a registered voter or a registered political action
3 committee in the State at the time of the contribution; provided
4 that this information shall be excluded from public inspection
5 and used only for review by the commission.

6 [~~e~~] (d) The candidate committee shall file a late
7 contribution report as provided in section 11-338 if the
8 committee receives late contributions from any person
9 aggregating more than \$500."

10 SECTION 4. Section 11-335, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§11-335 Noncandidate committee reports.** (a) The
13 authorized person in the case of a party, or treasurer in the
14 case of a noncandidate committee that is not a party, shall file
15 preliminary, final, and supplemental reports that disclose the
16 following information:

- 17 (1) The noncandidate committee's name and address;
18 (2) The cash on hand at the beginning of the reporting
19 period and election period;
20 (3) The reporting period and election period aggregate
21 totals for each of the following categories:



- 1 (A) Contributions received;
- 2 (B) Contributions made;
- 3 (C) Expenditures; and
- 4 (D) Other receipts;
- 5 (4) The cash on hand at the end of the reporting period;
- 6 and
- 7 (5) The surplus or deficit at the end of the reporting
- 8 period.

9 (b) Schedules filed with the reports shall include the
10 following additional information:

- 11 (1) The amount and date of deposit of each contribution
- 12 received and the name, address, occupation, and
- 13 employer of each contributor making a contribution
- 14 aggregating more than \$100 during an election period,
- 15 which was not previously reported pursuant to this
- 16 section; provided that if:

- 17 (A) All the information is not on file, the
- 18 contribution shall be returned to the contributor
- 19 within thirty days of deposit; and
- 20 (B) A noncandidate committee making only independent
- 21 expenditures receives a contribution of more than



1 \$10,000 in the aggregate in an election period
2 from an entity other than an individual, for-
3 profit business entity, or labor union, then the
4 schedule shall include:

5 (i) The internet address where the contributing
6 entity's disclosure report can be publicly
7 accessed, if the contributing entity is
8 subject to state or federal disclosure
9 reporting requirements regarding the source
10 of the contributing entity's funds;

11 (ii) The name, address, occupation, and employer
12 of each funding source that contributed \$100
13 or more in the aggregate in an election
14 period to that contributing entity; or

15 (iii) An acknowledgment that the contributing
16 entity is not subject to any state or
17 federal disclosure reporting requirements
18 regarding the source of the contributing
19 entity's funds;

20 (2) The amount and date of each contribution made and the
21 name and address of the candidate, candidate

- 1 committee, or noncandidate committee to which the
2 contribution was made;
- 3 (3) All expenditures, including the name and address of
4 each payee and the amount, date, and purpose of each
5 expenditure; provided that:
- 6 (A) Expenditures for advertisements or electioneering
7 communications shall include the names of the
8 candidates supported, opposed, or clearly
9 identified;
- 10 (B) Expenditures for consultants, advertising
11 agencies and similar firms, credit card payments,
12 and salaries shall be itemized to permit a
13 reasonable person to determine the ultimate
14 intended recipient of the expenditure and its
15 purpose;
- 16 (C) Independent expenditures shall include the name
17 of any candidate supported, opposed, or clearly
18 identified; and
- 19 (D) The purpose of an independent expenditure shall
20 include the name of the candidate who is
21 supported or opposed by the expenditure, and



1 whether the expenditure supports or opposes the
2 candidate;

3 (4) For noncandidate committees making only independent
4 expenditures, certification that no expenditures have
5 been coordinated with a candidate, candidate
6 committee, or any agent of a candidate or candidate
7 committee;

8 (5) The amount, date of deposit, and description of other
9 receipts and the name and address of the source of
10 each of the other receipts;

11 (6) A description of each durable asset, the date of
12 acquisition, value at the time of acquisition, and the
13 name and address of the vendor or contributor of the
14 asset;

15 (7) The date of disposition of a durable asset, value at
16 the time of disposition, method of disposition, and
17 name and address of the person receiving the asset;
18 and

19 (8) For donations received by a nonprofit organization
20 subject to this chapter and operating as a
21 noncandidate committee, the amount and date of deposit



1 of each donation received and the name and address of
2 each donor making a donation individually or
3 aggregating more than \$10,000 during an election
4 period, which was not previously reported pursuant to
5 this section; provided that a schedule filed pursuant
6 to this section shall not include a donor if the donor
7 has not provided consent pursuant to section 11-345.

8 (c) Schedules filed with the reports shall also include
9 the amount and date of deposit of each contribution and the name
10 and both the mailing and physical address of each contributor
11 who is not a registered voter or a registered political action
12 committee in the State at the time of the contribution; provided
13 that this information shall be excluded from public inspection
14 and used only for review by the commission.

15 [~~e~~] (d) No loan may be made or received by a
16 noncandidate committee.

17 [~~d~~] (e) The authorized person in the case of a party, or
18 treasurer in the case of a noncandidate committee that is not a
19 party, shall file a late contribution report as provided in
20 section 11-338 if the committee receives late contributions from



1 any person aggregating more than \$500 or makes late
2 contributions aggregating more than \$500."

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

6

INTRODUCED BY: 



S.B. NO. 1155

Report Title:

Elections; Committee Reports; Nonresident; Information

Description:

Requires that schedules filed with the candidate committee and noncandidate committee reports include the amount and date of deposit of each contribution and the name and both the mailing and physical address of each contributor who is not a registered voter or a registered political action committee in the State at the time of the contribution; provided that the information be excluded from public inspection and used only for review by the Campaign Spending Commission.

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

