

JAN 25 2023

A BILL FOR AN ACT

RELATING TO FAIR CAMPAIGN PRACTICES.

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

1 SECTION 1. The legislature finds that voters become
2 confused and disturbed when candidates for public office employ
3 unfair, unethical, and dishonest campaign practices. Public
4 distrust of government leaders is also heightened by unfair
5 campaign practices in elections. The legislature wishes to
6 encourage candidates to voluntarily conduct their campaigns
7 consistent with a code of fair campaign practices.

8 The legislature further finds that a code of fair campaign
9 practices was adopted in Hawaii and used by the campaign
10 spending commission for over twenty-five years. Act 185,
11 Session Laws of Hawaii 1973, required the campaign spending
12 commission to adopt the code and offer it to candidates to sign.
13 The statute was, however, repealed after the supreme court ruled
14 in 2001 that it was unconstitutional due to a coercive
15 requirement that the names of the candidates be published if
16 they did not sign the code.



1 The purpose of this Act is to adopt the code of fair
2 campaign practices that was in effect prior to its annulment and
3 enable candidates to voluntarily pledge to conduct their
4 campaigns in civic principles of fair campaigning.

5 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended
6 by adding a new section to be appropriately designated and to
7 read as follows:

8 "§11- Fair campaign practices. (a) Candidates for
9 public office are encouraged to conduct their campaigns
10 consistent with fair campaign practices that preserve the
11 basic principles of decency, honesty, and fair play in
12 election campaigns. A candidate may pledge to conduct their
13 campaign consistent with the code of fair campaign practices
14 in subsection (b).

15 (b) Code of fair campaign practices. Every candidate has
16 a civic duty to observe and uphold basic principles of decency,
17 honesty, and fair play so that after vigorously contested but
18 fairly conducted campaigns, citizens may exercise their
19 constitutional right to a free and informed choice that
20 expresses their will. Candidates for public office may make the
21 following pledge:



- 1 (1) I shall conduct my campaign openly and publicly,
2 discussing the issues as I see them, presenting my
3 record and policies with sincerity and frankness, and
4 criticizing without fear and without malice the record
5 and policies of my opponents and their political
6 parties that merit such criticism;
- 7 (2) I shall not use campaign material relating to any
8 candidate's election that misrepresents, distorts, or
9 otherwise falsifies the facts regarding the candidate;
- 10 (3) I shall refrain from the use of personal vilification,
11 character defamation, or any other form of scurrilous
12 personal attacks on any candidate or the candidate's
13 family;
- 14 (4) I shall condemn any dishonest or unethical practice
15 that tends to corrupt or undermine our American system
16 of free elections or that hampers or prevents the full
17 and free expression of the will of the voters;
- 18 (5) I shall condemn any appeal to prejudice based on race,
19 sex, sexual orientation, religion, national origin, or
20 age;



- 1 (6) I shall not coerce election help or campaign
2 contributions for myself or for any other candidate
3 from my employees or my subordinates;
- 4 (7) I shall accept full responsibility for the conduct of
5 those persons working directly in my campaign and
6 shall pledge immediate action against retaining any
7 person who violates any provision of this code or the
8 laws governing elections;
- 9 (8) I shall not originate or spread any malicious or
10 unfounded accusations against any candidate that are
11 aimed at creating or exploiting doubts on the part of
12 the public as to the candidate's loyalty and
13 patriotism; and
- 14 (9) I shall immediately and publicly repudiate support
15 deriving from any individual or group, acting on
16 behalf of my candidacy, who resorts to the methods and
17 tactics contrary to the code of fair campaign
18 practices."


19 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY:





S.B. NO. 1515

Report Title:

Election Campaigns; Code of Fair Campaign Practices

Description:

Adopts the Code of Fair Campaign Practices that candidates may use as a guide for their election campaigns.

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

