
A BILL FOR AN ACT

RELATING TO CAMPAIGN CONTRIBUTIONS.

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

1 SECTION 1. Section 11-302, Hawaii Revised Statutes, is
2 amended by amending the definition of "immediate family" to read
3 as follows:

4 ""Immediate family" means a [~~candidate's~~] spouse or
5 reciprocal beneficiary, as defined in section 572C-3, and any
6 child, parent, grandparent, brother, or sister [~~of the~~
7 ~~candidate~~], and the spouses or reciprocal beneficiaries of such
8 persons."

9 SECTION 2. Section 11-355, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "~~[+]§11-355[+]~~ **Contributions by state [~~and~~] or county**
12 **contractors, state or county grantees, officers or immediate**
13 **family members of state or county contractors, officers or**
14 **immediate family members of state or county grantees;**
15 **prohibited.** (a) It shall be unlawful for any person who enters
16 into any contract with the State, any of the counties, or any
17 department or agency thereof either for the rendition of



1 personal services, the buying of property, or furnishing of any
2 material, supplies, or equipment to the State, any of the
3 counties, any department or agency thereof, or for selling any
4 land or building to the State, any of the counties, or any
5 department or agency thereof, if payment for the performance of
6 the contract or payment for material, supplies, equipment, land,
7 property, or building is to be made in whole or in part from
8 funds appropriated by the legislative body, at any time between
9 the execution of the contract through the completion of the
10 contract, to:

- 11 (1) Directly or indirectly make any contribution, or
12 promise expressly or impliedly to make any
13 contribution to any candidate committee or
14 noncandidate committee, or to any candidate or to any
15 person for any political purpose or use; or
16 (2) Knowingly solicit any contribution from any person for
17 any purpose during any period.

18 (b) It shall be unlawful for any officer or immediate
19 family member of any state or county contractor under subsection
20 (a), at any time between the execution of the contract through
21 the completion of the contract pursuant to subsection (a), to



1 directly or indirectly make any contribution to any candidate
2 committee or noncandidate committee, or to any candidate or to
3 any person for any political purpose or use.

4 (c) It shall be unlawful for any person who receives a
5 grant or subsidy from the State pursuant to chapter 42F, or from
6 a county pursuant to a county charter or code, at any time
7 between the execution of the contract through the completion of
8 the contract for the grant or subsidy to:

9 (1) Directly or indirectly make any contribution, or
10 promise expressly or impliedly to make any
11 contribution to any candidate committee or
12 noncandidate committee, or to any candidate or to any
13 person for any political purpose or use; or

14 (2) Knowingly solicit any contribution from any person for
15 any purpose during any period.

16 (d) It shall be unlawful for any officer or immediate
17 family member of a state or county grantee under subsection (c),
18 at any time between the execution of the contract through the
19 completion of the contract for the grant or subsidy pursuant to
20 subsection (c), to directly or indirectly make any contribution



1 to any candidate committee or noncandidate committee, or to any
2 candidate or to any person for any political purpose or use.

3 (e) Any candidate, candidate committee, or noncandidate
4 committee that receives a contribution made unlawful by this
5 section shall return the unlawful contribution to the
6 contributor within thirty calendar days of receipt. If any
7 unlawful contribution is not returned to the contributor within
8 thirty calendar days of receipt, the unlawful contribution shall
9 escheat to the Hawaii election campaign fund.

10 [~~(b)~~] (f) Except as provided in subsection (a), this
11 section [~~does~~] shall not prohibit or make unlawful the
12 establishment or administration of, or the solicitation of
13 contributions to, any noncandidate committee by any person other
14 than the state or county contractor for the purpose of
15 influencing the nomination for election, or the election of any
16 person to office.

17 [~~(e)~~] (g) For purposes of this section, "completion of the
18 contract" means that the parties to the government contract have
19 either terminated the contract [~~prior to~~] before completion of
20 performance or fully performed the duties and obligations under
21 the contract, no disputes relating to the performance and



1 payment remain under the contract, and all disputed claims have
2 been adjudicated and are final.

3 (h) Each state and county agency shall report to the
4 commission the names of any state or county contractor or
5 grantee and the names of the contractor's and grantee's officers
6 and adult immediate family members. The commission shall
7 periodically publish the names of the state and county
8 contractors and grantees, and their officers and adult immediate
9 family members, on its website, as reported by the state and
10 county agencies."

11 SECTION 3. Section 11-364, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) Any candidate, candidate committee, or noncandidate
14 committee that receives in the aggregate more than the
15 applicable contribution limit in section 11-357, 11-358, 11-359,
16 or 11-360 shall return any excess contribution to the
17 contributor within thirty calendar days of receipt of the excess
18 contribution. Any candidate, candidate committee, or
19 noncandidate committee that receives in the aggregate more than
20 the applicable contribution limit in section 11-362 shall return
21 any excess contribution to the contributor within thirty



1 calendar days of the end of the election period; provided that
2 the candidate, candidate committee, or noncandidate committee
3 may choose which contributions to return. Any excess
4 contribution not returned to the contributor within thirty
5 calendar days shall escheat to the Hawaii election campaign
6 fund."

7 SECTION 4. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 5. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

CSC; State or County Contractors; State or County Grantees;
Officers; Immediate Family Members; Prohibited Contributions

Description:

Prohibits state or county grantees and officers and immediate family members of state or county contractors or grantees from contributing to candidate or noncandidate committees, candidates, or any person for any political purpose for the duration of the contract. Requires any unlawful contribution to be returned to the contributor or it will escheat to the Hawaii Election Campaign Fund. Requires the Campaign Spending Commission to publish the names of the state and county contractors and grantees, and their officers and adult immediate family members, on its website, as reported by the state and county agencies. Effective 7/1/3000. (HD1)

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