
A BILL FOR AN ACT

RELATING TO POLITICAL FUNDRAISING BY EXECUTIVE BRANCH EMPLOYEES.

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

1 SECTION 1. The legislature finds that public confidence in
2 the integrity of state government depends on the assurance that
3 decisions about state contracts are made free from political
4 influence. When high-level executive branch employees engage in
5 political fundraising, it creates a risk – or the appearance –
6 that governmental authority could be used to reward political
7 supporters rather than being exercised in the public's best
8 interest.

9 The legislature further finds that preventing "pay-to-play"
10 practices, or even the perception of such practices, is
11 essential to preserving the trust of the people of Hawaii in
12 their government.

13 The legislature further finds that this Act is narrowly
14 tailored to apply only to a small and clearly defined group of
15 high-level executive branch employees, those nominated or
16 appointed by the governor to compensated positions subject to
17 senate confirmation, whose position has influence on procurement



1 decisions and contract management. The mere presence of such
2 officials at political fundraising events may reasonably create
3 an appearance of undue influence or preferential treatment,
4 regardless of their actual intent. Further, it may send an
5 indirect solicitation signal to contractors, encouraging them to
6 donate to preferred candidates in order to receive governmental
7 contracts.

8 Accordingly, the purpose of this Act is to prohibit this
9 limited class of employees from attending or participating in
10 political fundraising activities, while preserving their
11 constitutional rights to vote, make personal political
12 contributions, and express political opinions as private
13 citizens.

14 SECTION 2. Chapter 84, Hawaii Revised Statutes, is amended
15 by adding a new section to part II to be appropriately
16 designated and to read as follows:

17 "§84- Political fundraising; executive branch employees
18 with procurement authority; prohibition. (a) No executive
19 branch employee who is nominated or appointed by the governor to
20 a compensated position subject to confirmation by the senate,
21 and who exercises authority or significant influence over the



1 solicitation, award, or administration of state contracts,

2 shall:

3 (1) Organize, attend, host, or solicit contributions for
4 any political fundraiser for any candidate for
5 elective office; or

6 (2) Directly or indirectly solicit campaign contributions
7 from any individual or entity.

8 (b) Nothing in this section shall be construed to prohibit
9 an individual from exercising the individual's rights as a
10 citizen to express opinions, make a personal political donation,
11 or cast votes."

12 SECTION 3. New statutory material is underscored.

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



Report Title:

State Ethics Commission Package; Executive Branch Officials;
Contributions; Solicitation

Description:

Prohibits any Executive Branch employee with procurement authority who is nominated or appointed by the Governor to a compensated position subject to confirmation by the Senate from engaging in certain campaign fundraising activities. (HD1)

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