

**A Bill for an Act Relating to Chapter 11, Hawaii Revised Statutes.**

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1.** Section 11-191, Hawaii Revised Statutes, is amended to read as follows:

**“§11-191 Definitions.** When used in this subpart:

- (1) “Advertisement” means:

- (A) Any communication, exclusive of bumper stickers or other sundry items paid for by or on behalf of a candidate, which identifies a candidate directly or by implication or which advocates or supports the nomination for election, or election, of the candidate or advocates or supports his defeat; and
  - (B) Any communication, exclusive of bumper stickers or other sundry items paid for by or on behalf of a committee, which identifies an issue or question which appears or is reasonably certain to appear on the ballot at the next applicable election, or which advocates or supports the passage or defeat of the question or issue.
- (2) "Campaign treasurer" means a person appointed under section 11-198, and, unless expressly indicated otherwise, includes deputy campaign treasurers.
- (3) "Candidate" means an individual who seeks nomination for election, or election, to office. An individual is a candidate if he does any of the following:
- (A) Files nomination papers for an office for himself with the county clerk's office or with the chief election officer's office whichever is applicable; or
  - (B) Receives contributions in an aggregate amount of more than \$100, or makes or incurs any expenditures to bring about his nomination for election, or election, to office; provided that in no event shall a person be deemed a candidate by reason of the provisions set forth in this subparagraph and subparagraph (C) until January 1 of the year that person runs for election; or
  - (C) Gives his consent for any other person to receive contributions or make expenditures to aid his nomination for election, or election, to office.
- (4) "Candidate's committee" means a committee as defined in paragraph (6) which makes an expenditure or accepts a contribution in behalf of a candidate with the candidate's authorization.
- (5) "Commission" means the campaign spending commission.
- (6) "Committee" means:
- (A) Any organization or association which, or any individual who, accepts a contribution or makes an expenditure for or against any candidate, individual who files for nomination at a later date and becomes a candidate, or party, with or without the authorization of the candidate, individual, or party, or who accepts a contribution or makes an expenditure for or against any question or issue which appears or is reasonably certain to appear on the ballot at the next applicable election;
  - (B) Any organization or association which, or any individual who, raises or holds money or anything of value for a political purpose, with or without the consent or knowledge of any candidate, individual who files for nomination at a later date and becomes a candidate, or any party, and which subsequently contributes the money or anything of value to, or makes expenditures in behalf of,

- a candidate, individual who files for nomination at a later date and becomes a candidate, or party;
- (C) Notwithstanding any of the foregoing, the term "committee" shall not include any person making a contribution or expenditure of his own funds or anything of value which he originally acquired for his own use and not for the purpose of evading any provision of this subpart.
- (7) "Contribution" means:
- (A) A gift, subscription, deposit of money or anything of value, or cancellation of a debt or legal obligation and includes the purchase of tickets to fund raisers for the purpose of:
    - (i) Influencing the nomination for election, or election, of any person to office;
    - (ii) Influencing the outcome of any question or issue which appears or is reasonably certain to appear on the ballot at the next applicable election; or
    - (iii) Use by any party for the purposes set out in clause (i) or (ii);
  - (B) The payment, by any person other than a candidate or committee, of compensation for the personal services of another person which are rendered to the candidate or committee without charge or at an unreasonably low charge for the purposes set out in subparagraph (A);
  - (C) A contract, promise, or agreement to make a contribution; provided that notwithstanding this subparagraph and subparagraphs (A) and (B), the term shall not include services or portions thereof voluntarily provided without reasonable compensation by individuals to or in behalf of a candidate or committee; or
  - (D) Notwithstanding subparagraphs (A), (B), and (C), a candidate's expenditure of his own funds or the making of a loan or advance in the pursuit of his campaign shall not be a contribution for the purpose of this subpart but shall nevertheless be reportable as a campaign receipt.
- (8) "Earmarked funds" means contributions received by a committee or party on the condition that the funds be contributed to or expended on certain candidates, issues, or questions.
- (9) "Election" means any election for office or for determining a question or issue provided by law or ordinance.
- (10) "Expenditure" means:
- (A) Any purchase or transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, or payment incurred or made, or the use or consumption of a nonmonetary contribution for the purpose of:
    - (i) Influencing the nomination for election, or election, of any person seeking nomination for election, or election, to office whether or not the person has filed his nomination paper;
    - (ii) Influencing the outcome of any question or issue which appears or is reasonably certain to appear on the ballot at the

- next applicable election; or
- (iii) Use by any party for the purposes set out in clause (i) or (ii);
- (B) The payment, by any person other than a candidate or committee, of compensation for the personal services of another person which are rendered to the candidate or committee for any of the purposes mentioned in subparagraph (A); or
- (C) The expenditure by a candidate of his own funds for the purposes set out in subparagraph (A).
- (11) "House bulletin" means a communication sponsored by any person in the regular course of publication for limited distribution primarily to its employees or members.
- (12) "Immediate family" means a candidate's spouse, and any child, parent, grandparent, brother, or sister of the candidate, and the spouses of such persons.
- (13) "Individual" means a natural person.
- (14) "Matching payment period" means:
- (A) For a primary election, from January 1 of the year of a general election through the day of the primary election, or nine months prior to a special primary or special election through the day of a special primary or special election; and
- (B) For a general election, from the day after a primary or special primary election through the day of the general or special general election.
- (15) "Newspaper" means a publication of general distribution in the State issued once or more per month which is written and published in the State.
- (16) "Office" means any elective public or constitutional office excluding federal elective offices.
- (17) "Person" means an individual, partnership, committee, association, corporation, or labor union and its auxiliary committees.
- (18) "Political party" means any party which satisfies the requirements of section 11-61.
- (19) "Private contribution" means a monetary contribution other than from a candidate's own funds or from the Hawaii election campaign fund.
- (20) "Qualifying campaign contribution" means a monetary contribution of \$100 or less, and not more than \$100 of a person's total aggregate monetary contributions. Qualifying contributions do not include loans or in-kind contributions."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 8, 1981.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.