

ACT 375

H.B. NO. 140

A Bill for an Act Relating to Elections.

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

SECTION 1. The legislature finds that while many improvements were made to the campaign spending law in 1995, there are several changes which are necessary to streamline the law and add clarity to certain areas, including closing a loophole related to the making of loans, closing a loophole regarding the sole electoral activity committees, and making other amendments to the reporting requirements. The purpose of this Act is to make these changes so that the campaign spending commission can do a more effective job.

SECTION 2. Section 11-191, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of “committee” to read:

““Committee” means:

- (1) Any organization, association, or individual that accepts or makes a contribution or makes an expenditure for or against any:
 - (A) Candidate;
 - (B) Individual who files for nomination at a later date and becomes a candidate; or
 - (C) Party;

with or without the authorization of the candidate, individual, or party. In addition, the term “committee” means any organization, association, or individual who accepts or makes a contribution or makes an expenditure for or against any question or issue appearing on the ballot at the next applicable election;
- (2) Any organization, association, or individual that raises or holds money or anything of value for a political purpose, with or without the consent or knowledge of any:
 - (A) Candidate;
 - (B) Individual who files for nomination at a later date and becomes a candidate; or
 - (C) Party; and

subsequently contributes money or anything of value to, or makes expenditures on behalf of, the candidate, individual, or party;
- (3) Notwithstanding any of the foregoing, the term “committee” shall not include any individual making a contribution or expenditure of the individual’s own funds or anything of value that the individual originally acquired for the individual’s own use and not for the purpose of evading any provision of this subpart; or
- (4) Any committee as defined in paragraph (1) that accepts or makes contributions or makes expenditures in aggregate of more than \$1,000 [per] in an election to influence the nomination and election of individ-

uals to public office or the outcome of ballot questions or issues, shall register with the commission and file reports as required by this chapter]; or

- (5) Any committee as defined in paragraph (1), organized within six months of an election, whose sole electoral activity consists of direct contributions or expenditures in aggregate of more than \$1,000 per election to influence the outcome of an election or ballot questions or issues, shall register with the commission prior to making any contributions or expenditures in aggregate of more than \$1,000 and shall submit a statement of contributions or expenditures to the commission in lieu of filing reports as required by this chapter].”

2. By amending the definition of “contribution” to read:

““Contribution” means:

- (1) 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 fundraisers for the purpose of:
- (A) Influencing the nomination for election, or election, of any person to office;
 - (B) Influencing the outcome of any question or issue [which] that appears or is reasonably certain to appear on the ballot at the next applicable election [above;] described in subparagraph (A); or
 - (C) Use by any party for the purposes set out in subparagraph (A) or (B) [above];
- (2) The payment, by any person other than a candidate or committee, of compensation for the personal services or 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 paragraph (1)(A), (1)(B), or (1)(C);
- (3) A contract, promise, or agreement to make a contribution; provided that notwithstanding this paragraph and paragraphs (1) and (2), the term “contributions” shall not include services or portions thereof voluntarily provided without reasonable compensation by individuals to or in behalf of a candidate or committee; or
- (4) Notwithstanding paragraphs (1), (2), and (3), a candidate’s expenditure of the candidate’s own funds or the making of a loan or advance in the pursuit of the candidate’s campaign shall not be a contribution for the purpose of this subpart but shall nevertheless be reportable as a campaign receipt.”

3. By amending the definition of “matching payment period” to read:

““Matching payment period” means:

- (1) 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 election through the day of a special election; and
- (2) For a general election, from [the day after a primary election] January 1 of the year of a general election through the day of the general election.”

SECTION 3. Section 11-193, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The duties of the commission under this subpart are:

- (1) To develop and adopt reporting forms required by this subpart;

- (2) To adopt and publish a manual for all candidates and committees, describing the requirements of this subpart, including uniform and simple methods of recordkeeping;
- (3) To preserve all reports required by this subpart for at least ten years from the date of receipt;
- (4) To permit the inspection, copying, or duplicating of any report required by this subpart pursuant to rules adopted by the commission; provided that no information or copies from the reports shall be sold or used by any person for the purpose of soliciting contributions or for any commercial purpose;
- (5) To ascertain whether any candidate, committee, or party has failed to file a report required by this subpart or has filed a substantially defective or deficient report, and to notify [such] these persons by first class mail that their failure to file or filing of a substantially defective or deficient report must be corrected and explained. The correction or explanation shall be submitted in writing to the commission not later than 4:30 p.m. on the fifth day after notification of the failure to file or deficiency has been mailed to [such] these persons. The commission shall publish in the newspaper the names of all candidates, committees, and parties who have failed to file a report or to correct their deficiency within the time allowed by the commission. Failure to file or correct a report when due, as required by this subpart, shall result in a penalty of \$50. Failure to respond after a newspaper notification shall result in an additional penalty of \$50 for each day a report remains overdue or uncorrected. All penalties collected under this section shall be deposited in the Hawaii election campaign fund;
- (6) To hold public hearings;
- (7) To investigate and hold hearings for receiving evidence of any violations;
- (8) To adopt a code of fair campaign practices as a part of its rules;
- (9) To establish rules pursuant to chapter 91;
- (10) To request the initiation of prosecution for the violation of this subpart pursuant to section 11-229;
- (11) To administer and monitor the distribution of public funds under this subpart;
- (12) To suggest accounting methods for candidates, parties, and committees, as the commission may deem advisable, in connection with reports and records required by this subpart;
- (13) To employ or contract, without regard to chapters 76 and 77 and section [103D-209(b),] 28-8.3, and, at pleasure, to dismiss persons it finds necessary for the performance of its functions, including a full-time executive director, and to fix their compensation;
- (14) To do random audits, field investigations, as necessary;
- (15) To file for injunctive relief when indicated; [and]
- (16) To censure any candidate who fails to comply with the code of fair campaign practices[.]; and
- (17) To render advisory opinions upon the request of any candidate, candidate committee, noncandidate committee, or other person or entity subject to this chapter, as to whether the facts and circumstances of a particular case constitute or will constitute a violation of the campaign spending laws. If no advisory opinion is rendered within ninety days after all information necessary to issue an opinion has been obtained, it shall be deemed that an advisory opinion was rendered and that the facts and circumstances of that particular case do not constitute a

violation of the campaign spending laws. The opinion rendered or deemed rendered, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the candidate, candidate committee, noncandidate committee, or other person or entity subject to this chapter, who sought the opinion and acted in reliance on it in good faith, unless material facts were omitted or misstated by the persons in the request for an advisory opinion.”

SECTION 4. Section 11-194, Hawaii Revised Statutes, is amended to read as follows:

“§11-194 Registration. (a) Each candidate, committee, or party shall file an organizational report as set forth in section 11-196, or section 11-196.5 as applicable, within ten days from the date [the] a candidate or candidate committee receives any [contribution] contributions or makes any expenditures, the aggregate amount of which is more than \$100, or, [makes any expenditure.] within ten days from the date a noncandidate committee receives any contributions or makes any expenditures, the aggregate amount of which is more than \$1,000.

(b) Committees that form within ten days of an election and expend in the aggregate more than \$1,000 shall register and fully disclose [such] the expenditure by 4:30 p.m. the last calendar day prior to the expenditure.

(c) Each candidate who is certified to be a candidate by the chief election officer or county clerk by way of the “write-in” ballot shall file an organizational report within five days of being certified as a candidate.

(d) Each candidate shall re-register for the new election period. A noncandidate committee need not re-register for a new election period, but shall affirm the accuracy of the information on the organizational report as set forth in section 11-196.5.”

SECTION 5. Section 11-195, Hawaii Revised Statutes, is amended to read as follows:

“§11-195 Filing of reports, generally. (a) All reports required to be filed under this subpart by a candidate or those committees directly associated with the candidate’s candidacy shall be certified by the candidate. Reports required to be filed under this subpart by a party or committee [which] that supports more than one candidate shall be certified by a person authorized to sign [such] the reports. All reports required to be filed under this subpart shall be open for public inspection in the office of the commission.

(b) The original and one copy of all reports required under this subpart shall be filed at the office of the commission. In the case of counties having less than two hundred thousand voters, the filing shall be accomplished by filing an original and two copies of the required report with either the commission or the clerk of the county in which the candidate resides. The clerk shall then immediately mail the original and one copy of the report to the commission [by certified mail].

(c) The commission or county clerk shall give each person filing a report a receipt stating the type of report filed and the date and time of filing.

(d) All reports filed with the county clerk’s office shall be preserved by that office for ten years.

(e) All reports required to be filed under this subpart shall at all times be available to the [chief election officer.] general public.

(f) For purposes of this subpart, whenever a report is required to be filed with the commission, “filed” means received in the office of the commission or county clerk, whichever is applicable, by the date and time specified for the filing of [such]

the report; except that a candidate or the committee of a candidate who is seeking election to the office of:

- (1) Governor;
- (2) Lieutenant governor;
- (3) Mayor; [or]
- (4) Prosecuting attorney; or
- (5) County council;

shall file by electronic means in the manner prescribed by the commission. Candidates for the offices named in this subsection with contributions or expenditures of less than \$5,000 need not file by electronic means.”

SECTION 6. Section 11-199, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) All monetary contributions shall be promptly deposited in a [financial] depository institution, as defined by section 412:1-109, duly authorized to do business in the State, such as a bank, savings bank, savings and loan [institution] association, depository financial services loan company, credit union, intra-Pacific bank, or similar financial institution, the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, or the national credit union administration in the name of the candidate, committee, or party, whichever is applicable.”

SECTION 7. Section 11-203, Hawaii Revised Statutes, is amended to read as follows:

“**§11-203 [Fundraiser] Fundraisers and fundraising activities.** (a) As used in this section, “fundraiser” means any function held for the benefit of a person that is intended or designed, directly or indirectly, to raise funds for political purposes for which the price or suggested contribution for attending the function is more than \$25 per person.

(b) There shall be no more than [one] two fundraisers held for a person prior to a general or special election in which that person is either elected or defeated.

Within six months after a general or special election, however, a candidate or committee directly associated with a candidate who has a deficit may hold an additional fundraiser.

(c) No fundraiser or fundraising activity shall be held unless a notice of intent to hold the function is filed by the person in charge of the function with the commission prior to the date of the function setting forth the name and address of the person in charge, the price per person, the date, hour, and place of the affair and the method thereof.

(d) Fundraisers sponsored by a candidate for a statewide office are exempt from the \$25 limit of subsection (a) and the restrictions of subsection (b), and fundraisers sponsored by a party for a political purpose for the general benefit of the party are exempt from the restrictions of subsection (b).

(e) The following expenses incident to a fundraiser and to all other political fundraising activities held for the benefit of a candidate shall not be considered expenditures within the limitations set by section 11-209:

- (1) The cost of food and beverages consumed at the function;
- (2) Rent and utilities for the premises where the function is held;
- (3) The amount paid for guest speakers and entertainment;
- (4) Printing and postage related to a function; and
- (5) All other direct costs incurred in solicitation of the fundraiser, or fundraising activity.”

SECTION 8. Section 11-204, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

- “(a) No person or any other entity shall make contributions to:
- (1) A candidate seeking nomination or election to a two-year office or to the candidate’s committee in an aggregate amount greater than \$2,000 during an election period; and
 - (2) A candidate seeking nomination or election to a four-year statewide office or to the candidate’s committee in an aggregate amount greater than \$6,000 during an election period; and
 - (3) A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate’s committee in an aggregate amount greater than \$4,000 during an election period.

These limits shall not apply to a loan made to a candidate by a financial institution in the ordinary course of business.

(b) No person or any other entity shall make contributions to a noncandidate committee,¹ in an aggregate amount greater than \$1,000 in an election[.]; except that in the case of a corporation or company using funds from its own treasury, there shall be no limit on contributions or expenditures to the corporation or company noncandidate committee.”

SECTION 9. Section 11-205.6, Hawaii Revised Statutes, is amended to read as follows:

“~~[[§11-205.6]]~~ **Campaign contributions; loans.** (a) Any loan to a candidate or candidate’s committee in excess of \$100 shall be documented and disclosed as to lender including the lender’s name, address, employer, and occupation and purpose of the loan in the subsequent report to the commission. A copy of the executed loan document shall accompany the report. The document shall contain the relevant repayment obligations under this section. Failure to document the loan or to disclose the loan to the commission shall cause the loan to be treated as a campaign contribution, subject to all relevant provisions of this chapter.

(b) A candidate or candidate’s committee may receive and accept loans in an aggregate amount not to exceed \$10,000 during an election period, provided that if the \$10,000 limit is reached, the candidate or candidate’s committee shall be prohibited from receiving or accepting any other loans until the \$10,000 is repaid in full by the candidate or candidate’s committee.

(c) If any loan made to a candidate is not repaid within one year of the date that the loan is made, the candidate and candidate’s committee shall be prohibited from accepting any other loans, and all subsequent contributions received and any surplus retained shall only be expended toward the repayment of the outstanding loan, until the loan is repaid in full by the candidate or candidates committee.

(d) No loan may be accepted or made by noncandidate committees.

~~[[b)]~~ (e) Any loan by a financial institution regulated by the State or a federally chartered depository institution and made in accordance with applicable law in the ordinary course of business, or a loan by a candidate of the candidate’s own funds, or a loan from immediate family members of a candidate using their own funds to the candidate’s committee shall not be deemed a contribution and not subject to the contribution limits provided in section 11-204 [.] or the loan limit and repayment provisions of subsection (b) and (c); provided that loans from the immediate family members of the candidate shall remain subject to the provisions in section 11-204(c).”

SECTION 10. Section 11-206, Hawaii Revised Statutes, is amended by amending the section title and subsection (a) to read as follows:

“§11-206 Campaign contributions; restrictions as to [excess.] surplus.

(a) Every candidate in a primary, special primary, special, or general election who has voluntarily agreed to abide by spending limits and who subsequently receives campaign contributions in [excess of] an amount greater than the expenditure limit set for the candidate’s respective office shall reserve use of [such] these contributions until after a general or special election.”

SECTION 11. Section 11-208, Hawaii Revised Statutes, to² read as follows:

“§11-208 Voluntary campaign expenditure limitation. (a) Any candidate may voluntarily agree to limit the candidate’s campaign expenditures and those of the candidate’s committee or committees and the candidate’s party in the candidate’s behalf by filing an affidavit with the campaign spending commission; provided that a candidate may withdraw the candidate’s affidavit no later than thirty days prior to [an] a primary election. Any candidate withdrawing the candidate’s affidavit shall notify all contributors during the election period, in writing, that contributions are not tax deductible.

(b) The affidavit shall state that the candidate knows the voluntary campaign expenditure limitations as set out in section 11-209 and that the candidate is voluntarily agreeing to limit the candidate’s expenditures and those made on the candidate’s behalf by the amount set by law. The affidavit shall be subscribed to by the candidate and notarized.

(c) Affidavits in compliance with this section shall be filed by January 31 of the year of any primary, special, or general election, or on the date set for filing the candidate’s organizational report as provided in section 11-196[.], whichever is later.”

SECTION 12. Section 11-212, Hawaii Revised Statutes, is amended to read as follows:

“§11-212 Preliminary reports. (a) Each candidate, authorized person in the case of a party, or campaign treasurer in the case of a candidate committee, shall file a preliminary report with the commission or appropriate county clerk’s office, on forms provided by the commission no later than 4:30 p.m. on the twenty-fifth and tenth calendar day prior to each primary and initial special election, and the tenth calendar day prior to a special or general election. Each report shall be certified pursuant to section 11-195 and shall contain the following information which [is] shall be current through the fifth calendar day prior to the filing of a preliminary report:

- (1) The aggregate sum of all contributions and other campaign receipts received;
- (2) The amount and date of deposit of the contribution and the name and address of each donor who contributes an aggregate of more than \$100 during an election period, which has not previously been reported;
- (3) The amount and date of deposit of each contribution and the name, address, employer, and occupation of each donor who contributes an aggregate of [more than] \$1,000 or more during an election period, which has not previously been reported;
- (4) All expenditures made, incurred, or authorized by or for a candidate, including the name and address of each payee and the amount, date, and purpose of each expenditure; and

(5) A current statement of the balance on hand or deficit.

(b) Each noncandidate committee shall file a preliminary report with the commission, on forms provided by the commission, no later than 4:30 p.m. on the tenth calendar day prior to each primary election and the tenth calendar day prior to a special or general election. Each report shall be certified pursuant to section 11-195 and shall contain the following information, which shall be current through the fifth calendar day prior to the filing of a preliminary report:

- (1) The aggregate sum of all contributions and other campaign receipts received;
- (2) The amount and date of deposit of the contribution and the name, address, employer, and occupation of each donor who contributes an aggregate of \$100 or more during an election period, which has not previously been reported;
- (3) The amount and date of each disbursement or contribution made to a candidate, party, organization, or committee, including the name and address of each payee, which has not previously been reported;
- (4) The amount and date of each expenditure made or incurred by the committee for or against any candidate, ballot issue, or on behalf of another committee, which has not previously been reported; and
- (5) A current statement of the balance on hand.

[(b) Notwithstanding this section, a] (c) A candidate, party, or committee whose aggregate contributions or expenditures for the reporting period total \$2,000 or less may file a short form report with the commission or appropriate county clerk's office in lieu of the reports required by this section and section 11-213.

(d) Notwithstanding this section and section 11-213, a candidate, party, or committee whose aggregate contributions or expenditures for the election period total \$1,000 or less need not file a preliminary and final primary report, a preliminary and final general report, or a special election report, but shall file only a final election period report."

SECTION 13. Section 11-213, Hawaii Revised Statutes, is amended to read as follows:

“§11-213 Final and supplemental reports. (a) Primary and initial special election. Each candidate whether or not successful in a primary or initial special election, authorized person in the case of a party, or campaign treasurer in the case of a committee, shall file a final primary report certified pursuant to section 11-195 with the commission on forms provided by the commission no later than 4:30 p.m. on the [thirtieth] twentieth calendar day after a primary or initial special election. The report shall include[:] the following information which shall be current through the day of the primary election:

- (1) A statement of the total contributions and campaign receipts received;
- (2) The amount and date of deposit of each contribution and the name and address of each donor who contributes an aggregate of more than \$100 during an election period, which has not previously been reported;
- (3) The amount and date of deposit of each contribution and the name, address, employer, and occupation of each donor who contributes an aggregate of [more than] \$1,000 or more during an election period, which has not previously been reported;
- (4) A statement of all expenditures made, incurred, or authorized by or for a candidate including the name and address of each payee and the amount, date, and purpose of each expenditure; and
- (5) The cash balance and a statement of surplus or deficit.

(b) Each noncandidate committee shall file a final primary report, certified pursuant to section 11-195, with the commission on forms provided by the commission no later than 4:30 p.m. on the twentieth calendar day after a primary election. The report shall include the following information, which shall be current through the day of the primary election:

- (1) A statement of the total contributions and campaign receipts received;
- (2) The amount and date of deposit of each contribution and the name, address, employer, and occupation of each donor who contributes an aggregate of more than \$100 during an election, which has not previously been reported;
- (3) The amount and date of each disbursement or contribution made to a candidate, party, organization, or committee, including the name and address of each payee, which has not previously been reported;
- (4) The amount and date of each expenditure made or incurred by the committee for or against any candidate, ballot issue, or on behalf of another committee, which has not previously been reported; and
- (5) A current statement of the balance on hand.

[(b)] (c) General, special general, [or] special election[.] or election period. Each candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee shall file a final election period general report with the commission on forms provided by the commission no later than 4:30 p.m. on the thirtieth calendar day after a general, special general, or special election. The final [general] election period report shall be certified pursuant to section 11-195 [and], shall report all items prescribed in subsection (a)[.] or (b) for noncandidate committees, and shall be current through the day of the general election. A candidate who is unsuccessful in a primary or special primary election [need not] shall file a final [general] election period report.

(d) Termination. A candidate, party, or committee may terminate registration with the commission with no surplus or no deficit. A termination report approved by the commission shall include information on the disposition of any funds, which has not previously been reported.

[(c)] (e) Deficit. In the event of a deficit the candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee shall, every six months until the deficit is eliminated, file supplemental reports covering all items prescribed in subsection (a)[.] or subsection (b) in the case of noncandidate committees. The first report shall be due no later than 4:30 p.m. on the [thirtieth] thirty-first day after the last day of the election year.

[(d)] (f) Surplus. In the event of a surplus the candidate, authorized person in the case of a party, or campaign treasurer in the case of a committee, shall:

- (1) Maintain the cash surplus in a financial depository; and
- (2) Every six months, until the candidate [becomes a candidate again,] files to be on the ballot with the state office of elections, or in the case of a party or committee until they participate in an election again, file supplemental reports detailing all items prescribed in subsection (a)[.] or in the case of a noncandidate committee until they participate in an election again, or file supplemental reports detailing all items prescribed in subsection (b).

The first report shall be due not later than 4:30 p.m. on the thirtieth calendar day after the last day of the election year.

[(e)] (g) Short form reporting. A candidate, party, or committee who receives no contributions, makes no expenditures, [or] and has a deficit or surplus of [\$1,000] \$2,000 or less in any prescribed reporting period shall nevertheless [be required to] file preliminary, final, and supplemental reports on the respective dates pursuant to

this subpart. [Such] The reports may be filed on a short form as provided by the commission.

[(f) Supplemental reporting.] (h) All supplemental reports required by this section [are to] shall be filed until a candidate[, party, or committee:

- (1) Re-registers with the commission for a new election period; or
- (2) Terminates registration with the commission.]

files to be on the ballot with the state elections office. Each party or noncandidate committee shall file a supplemental report for the respective reporting period during a nonelection year. In an election year, each party and noncandidate committee shall file reports as prescribed in this section and section 11-212 for the primary and general election.”

SECTION 14. Section 11-214, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) This section shall not apply to:

- (1) Elected officials;
- (2) Candidates who failed to be nominated or elected [and] yet who [do not] become a candidate for nomination or election to office within four years thereafter; or
- (3) Elected officials who resign their office before the end of their term [or] yet who [do not] file to become a candidate for reelection within four years after [their resignation or] the end of the term [for] from which they [did not seek reelection respectively.] resigned.”

SECTION 15. Section 11-217, Hawaii Revised Statutes, is amended to read as follows:

“**§11-217 Hawaii election campaign fund; creation.** The Hawaii election campaign fund is created as a trust fund within the state treasury. The fund shall consist of all moneys collected from persons who have designated a portion of their income tax liability to the fund as provided in section 235-102.5, any general fund revenues appropriated, as well as all other moneys collected pursuant to this subpart. Payment to each candidate from the fund shall be by the comptroller in the manner prescribed in section 11-222. No more than \$100,000 may be appropriated annually for the administration of the program under this subpart.”

SECTION 16. Section 11-219, Hawaii Revised Statutes, is amended to read as follows:

“**§11-219 Qualifying campaign contributions; amounts.** As a condition of receiving public funds for a primary, special primary, or general election, a candidate shall not be unopposed in any election for which public funds are sought, and shall have filed an affidavit with the commission pursuant to section 11-208 to voluntarily limit the candidate’s campaign expenditures and shall be in receipt of the following sum of qualifying campaign contributions for the candidate’s respective office for each election:

- (1) For the office of governor—qualifying contributions [which] that in the aggregate, exceed [\$75,000;] \$100,000;
- (2) For the office of lieutenant governor—qualifying contributions [which] that in the aggregate, exceed \$50,000;
- (3) For the office of mayor [and prosecuting attorney in a county having more than one hundred thousand registered voters—qualifying contri-

- butions which in the aggregate exceed \$40,000;] for each respective county:
- (A) County of Honolulu—qualifying contributions that in the aggregate, exceed \$50,000;
 - (B) County of Hawaii—qualifying contributions that in the aggregate, exceed \$15,000;
 - (C) County of Maui—qualifying contributions that in the aggregate, exceed \$10,000; and
 - (D) County of Kauai—qualifying contributions that in the aggregate, exceed \$5,000;
- and
- (4) For the office of [mayor and] prosecuting attorney [in a county having less than one hundred thousand registered voters—qualifying contributions which in the aggregate exceed \$10,000;] for each respective county:
 - (A) County of Honolulu—qualifying contributions that in the aggregate, exceed \$30,000;
 - (B) County of Hawaii—qualifying contributions that in the aggregate, exceed \$10,000; and
 - (C) County of Kauai—qualifying contributions that in the aggregate, exceed \$5,000;
 - (5) For the office of county council—[qualifying contributions which in the aggregate exceed \$5,000;] for each respective county:
 - (A) County of Honolulu—qualifying contributions that in the aggregate, exceed \$5,000;
 - (B) County of Hawaii—qualifying contributions that in the aggregate, exceed \$1,500;
 - (C) County of Maui—qualifying contributions that in the aggregate, exceed \$5,000; and
 - (D) County of Kauai—qualifying contributions that in the aggregate, exceed \$3,000;
 - (6) For the office of the state senator—qualifying contributions [which] that, in the aggregate, exceed \$2,500;
 - (7) For the office of state house of representative—qualifying contributions [which] that, in the aggregate, exceed \$1,500; and
 - (8) For all other offices, qualifying contributions [which] that, in the aggregate, exceed \$500.”

SECTION 17. Section 11-221, Hawaii Revised Statutes, is amended to read as follows:

“§11-221 Entitlement to payments. Every candidate who is eligible to receive public funds pursuant to section 11-220 is entitled to payments pursuant to section 11-217 in an amount equal to each qualifying contribution received by that candidate or candidate committee during the matching payment period involved. A qualifying contribution shall be attributed to a primary, special or general election.

[A candidate is entitled to receive up to fifty per cent of the eligible amount upon initial certification by the commission without regard to the ten per cent votes cast requirement under section 11-218. Upon meeting the votes cast requirements under section 11-218 and upon certification by the commission, the candidate is entitled to receive an additional amount up to fifty per cent of the eligible amount.] A candidate eligible to receive public funds must obtain a minimum amount of qualifying campaign contributions as set forth in section 11-219 in order to be entitled to receive any matching public funds in an election. For the purpose of this

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section, a candidate must have at least one other qualified candidate as an opponent for the primary, special, or general election to receive public funds for that election.”

SECTION 18. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 19. This Act shall take effect upon its approval.

(Approved July 7, 1997.)

Notes

1. Comma should be underscored.
2. So in original.