

ACT 209

H.B. NO. 1491

A Bill for an Act Relating to Campaign Spending.

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

SECTION 1. Section 11-323, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) The noncandidate committee organizational report shall include:

- (1) The committee's name, which shall incorporate the full name of the sponsoring entity, if any. An acronym or abbreviation may be used in other communications if the acronym or abbreviation is commonly known or clearly recognized by the general public. The committee's name shall not include the name of a candidate;
- (2) The committee's address, including web page address, if any;
- (3) The area, scope, or jurisdiction of the committee;
- (4) The name and address of the committee's sponsoring entity. If the committee does not have a sponsoring entity, the committee shall specify the trade, profession, or primary interest of contributors to the committee;
- (5) The name, address, telephone number, occupation, and principal place of business of the chairperson;
- (6) The name, address, telephone number, occupation, and principal place of business of the treasurer and any other officers;
- (7) An indication as to whether the committee was formed to support or oppose a specific ballot question or candidate and, if so, a brief description of the question or the name of the candidate;
- (8) An indication as to whether the committee is a political party committee;
- (9) The name, address, telephone number, occupation, and principal place of business of the custodian of the books and accounts;
- (10) The name and address of the depository institution in which the committee will maintain its campaign account and each applicable account number;
- (11) A certification by the chairperson and treasurer of the statements in the organizational report; and
- (12) The name, address, employer, and occupation of each contributor who contributed an aggregate amount of more than \$100 to the noncandidate committee since the last election and the amount and date of deposit of each such contribution[-]; provided that, for non-candidate committees making only independent expenditures, if a contribution of more than \$10,000 in the aggregate in an election period is received from an entity other than an individual, for-profit business entity, or labor union, then the report shall include:
 - (A) The internet address where the contributing entity's disclosure report can be publicly accessed, if the contributing entity is subject to any state or federal disclosure reporting requirements regarding the source of the contributing entity's funds;
 - (B) The name, address, occupation, and employer of each funding source of \$100 or more in the aggregate in an election period to that contributing entity; or
 - (C) An acknowledgment that the contributing entity is not subject to any state or federal disclosure reporting requirements regarding the source of the contributing entity's funds."

SECTION 2. Section 11-335, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Schedules filed with the reports shall include the following additional information:

- (1) The amount and date of deposit of each contribution received and the name, address, occupation, and employer of each contributor making a contribution aggregating more than \$100 during an elec-

tion period, which was not previously reported; provided that if [aH]:

- (A) All the information is not on file, the contribution shall be returned to the contributor within thirty days of deposit; and
- (B) A noncandidate committee making only independent expenditures receives a contribution of more than \$10,000 in the aggregate in an election period from an entity other than an individual, for-profit business entity, or labor union, then the schedule shall include:
 - (i) The internet address where the contributing entity's disclosure report can be publicly accessed, if the contributing entity is subject to state or federal disclosure reporting requirements regarding the source of the contributing entity's funds;
 - (ii) The name, address, occupation, and employer of each funding source that contributed \$100 or more in the aggregate in an election period to that contributing entity;
or
 - (iii) An acknowledgment that the contributing entity is not subject to any state or federal disclosure reporting requirements regarding the source of the contributing entity's funds;
- (2) The amount and date of each contribution made and the name and address of the candidate, candidate committee, or noncandidate committee to which the contribution was made;
- (3) All expenditures, including the name and address of each payee and the amount, date, and purpose of each expenditure; provided that:
 - (A) Expenditures for advertisements or electioneering communications shall include the names of the candidates supported, opposed, or clearly identified;
 - (B) Expenditures for consultants, advertising agencies and similar firms, credit card payments, salaries, and candidate reimbursements shall be itemized to permit a reasonable person to determine the ultimate intended recipient of the expenditure and its purpose;
 - (C) Independent expenditures shall include the name of any candidate supported, opposed, or clearly identified; and
- [f](D)[f] The purpose of an independent expenditure shall include the name of the candidate who is supported or opposed by the expenditure, and whether the expenditure supports or opposes the candidate;
- (4) For noncandidate committees making only independent expenditures, certification that no expenditures have been coordinated with a candidate, candidate committee, or any agent of a candidate or candidate committee;
- (5) The amount, date of deposit, and description of other receipts and the name and address of the source of each of the other receipts;
- (6) A description of each durable asset, the date of acquisition, value at the time of acquisition, and the name and address of the vendor or contributor of the asset; and
- (7) The date of disposition of a durable asset, value at the time of disposition, method of disposition, and name and address of the person receiving the asset."

SECTION 3. Section 11-338, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

- “(b) The late contribution report shall include the following information:
- (1) Name, address, occupation, and employer of the contributor;
 - (2) Name of the candidate, candidate committee, or noncandidate committee making or receiving the contribution; provided that, for noncandidate committees making only independent expenditures, if a late contribution greater than \$5,000 in the aggregate is received from an entity other than an individual, for-profit business entity, or labor union, then the report shall include:
 - (A) The internet address where the contributing entity’s disclosure report can be publicly accessed, if the contributing entity is subject to any state or federal disclosure reporting requirements regarding the source of the contributing entity’s funds;
 - (B) The name, address, occupation, and employer of each funding source of more than \$100 in the aggregate to that contributing entity; or
 - (C) An acknowledgment that the contributing entity is not subject to any state or federal disclosure reporting requirements regarding the source of the contributing entity’s funds;
 - (3) The amount of the contribution received;
 - (4) The amount of the contribution made;
 - (5) The contributor’s aggregate contributions to the candidate, candidate committee, or noncandidate committee; and
 - (6) The purpose, if any, to which the contribution will be applied, including, for contributions to a noncandidate committee, the name of any candidate supported, opposed, or clearly identified.”

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

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

SECTION 6. This Act shall take effect on January 1, 2016.
(Approved July 2, 2015.)