

ACT 98

H.B. NO. 279

A Bill for an Act Relating to Campaign Contributions and Expenditures.

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

SECTION 1. Section 11-363, Hawaii Revised Statutes, is amended to read as follows:

~~“§11-363~~ **Other contributions and expenditures.** (a) Expenditures or disbursements for electioneering communications as defined in section 11-341, or any other coordinated activity made by any person for the benefit of a candidate in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate committee, or their agents, shall be considered to be a contribution to the candidate and expenditure by the candidate.

(b) The financing by any person of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, candidate committee, or their agents shall be considered to be a contribution to the candidate.

This subsection shall not apply ~~[to]~~ if the campaign material is:

- (1) Prepared and used by candidates for governor or lieutenant governor, or their candidate committees, supporting a co-candidate in the general election~~[-]~~;
- (2) Disseminated, distributed, or republished by the candidate or the candidate committee that prepared the material;
- (3) Incorporated into an advertisement or electioneering communication by a different candidate, or by a noncandidate committee, advocating the defeat of the candidate that originally prepared that material; or
- (4) Incorporated into a news story or editorial disseminated by any broadcast station or publisher of periodicals or newspapers, unless the candidate or the candidate committee that prepared the material also owns or controls the broadcast station or publisher.

~~[(b)]~~ (c) “Coordinated activity” means:

- (1) The payment by any person in cooperation, consultation, or concert with, at the request of, or pursuant to, any general or particular understanding with a candidate, candidate committee, the party of a candidate, or an agent of a candidate, candidate committee, or the party of a candidate;
- (2) The payment by any person for the production, dissemination, distribution, or republication of any written, graphic, or other form of campaign material, in whole or in part, prepared by a candidate, candidate committee, or noncandidate committee, or an agent of a candidate, candidate committee, or noncandidate committee; or
- (3) Any payment by any person or contract for any electioneering communication, as defined in section 11-341, where the payment is coordinated with a candidate, candidate committee, the party of the candidate, or an agent of a candidate, candidate committee, or the party of the candidate.

~~[(e)]~~ (d) No expenditure for a candidate who files an affidavit with the commission agreeing to limit aggregate expenditures by the candidate, including coordinated activity by any person, shall be made or incurred by a candidate committee or noncandidate committee without authorization of the candidate or the candidate’s authorized representative. Every expenditure so authorized and made or incurred shall be attributed to the candidate with whom the candidate committee or noncandidate committee is directly associated for the purpose of imposing the expenditure limitations set forth in section 11-423.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved July 5, 2017.)