

## ACT 205

S.B. NO. 402

A Bill for an Act Relating to Reimbursements for Expenditures by Committees.

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

SECTION 1. Section 11-333, 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 and the name and address of each contributor who makes contributions aggregating more than \$100 in an election period; provided that if all the information is not on file, the contribution shall be returned to the contributor within thirty days of deposit;
- (2) The amount and date of deposit of each contribution and the name, address, occupation, and employer of each contributor who makes contributions aggregating \$1,000 or more during an election period; provided that if all the information is not on file, the contribution shall be returned to the contributor within thirty days of deposit;
- (3) All expenditures, including the name and address of each payee and the amount, date, and purpose of each expenditure. Expenditures for consultants, advertising agencies and similar firms, credit card payments, salaries, and [candidate] committee reimbursements to the candidate or other individuals shall be itemized to permit a reasonable person to determine the ultimate intended recipient of the expenditure and its purpose;
- (4) The amount, date of deposit, and description of other receipts and the name and address of the source of each of the other receipts;
- (5) Information about each loan received by the committee, together with the names and addresses of the lender and each person liable directly, and the amount of each loan. A copy of the executed loan document shall be received by the commission by mail or delivery on or before the filing date for the report covering the reporting period when the loan was received. The document shall contain the terms of the loan, including the interest and repayment schedule. Failure to disclose the loan or to provide documentation of the loan to the commission shall cause the loan to be treated as a contribution, subject to all relevant provisions of this part;
- (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 each durable asset, value at the time of disposition, the method of disposition, and the name and address of the person receiving the asset.”

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 election period, which was not previously reported; provided that if:

- (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, and 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
  - (D) 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. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

**SECTION 4.** This Act shall take effect upon its approval.  
(Approved July 6, 2021.)