

ACT 64

H.B. NO. 413

A Bill for an Act Relating to Lobbyist Contributions.

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

SECTION 1. This Act clarifies administrative oversight of statutory restrictions relating to prohibited lobbyist contributions enacted in Act 128, Session Laws of Hawaii 2023 (Act 128). Act 128 left concurrent administrative oversight to the campaign spending and state ethics commissions.

For the purpose of administrative efficiency and streamlining of function, this Act clarifies that with respect to the statutory provisions created and amended by Act 128, the campaign spending commission shall have oversight of elected officials, candidates, candidate committees, and others required to file an organizational report with the campaign spending commission, and the ethics board or commission having jurisdiction over the lobbyist shall have oversight of lobbyists.

This Act further clarifies that the regular or special sessions in which lobbyist contributions are prohibited are periods during which both houses of the legislature are in session.

SECTION 2. Section 11-365, Hawaii Revised Statutes, is amended to read as follows:

“[§11-365] Contributions and expenditures by lobbyists prohibited during legislative session. (a) During any regular session or special session of the [state] legislature, including any extension of any regular session or special session and any legislative recess days, holidays, and weekends, and for five calendar days before and after a session, no lobbyist shall make, or promise to make at a later time, any contributions or expenditures to or on behalf of an elected official, candidate, candidate committee, or any other individual required to file an organizational report pursuant to section 11-321. No elected official, candidate, candidate committee, or other individual required to file an organizational report pursuant to section 11-321 shall accept, or agree to accept at a later time,

any contribution from a lobbyist during the specified period under this subsection. Any contribution prohibited by this subsection shall escheat to the Hawaii election campaign fund. An elected official, candidate, candidate committee, or any other individual required to file an organizational report pursuant to section 11-321, alleged to have received a prohibited contribution in violation of this section, shall be administratively referred by the state ethics commission executive director to the campaign spending commission.

(b) For the purposes of this section:

“Elected official” has the same meaning as in section 11-342.

“Lobbyist” means any person actively registered as a lobbyist with a state or county ethics board or commission.

“Session” means a period in which both legislative houses are in session.”

SECTION 3. Section 97-5, Hawaii Revised Statutes, is amended to read as follows:

“§97-5 Restricted activities. (a) No lobbyist shall accept or agree to accept any payment in any way contingent upon the defeat, enactment, or outcome of any proposed legislative or administrative action. During any regular session or special session of the [state] legislature, including any extension of any regular session or special session and any legislative recess days, holidays, and weekends, and for five calendar days before and after a session, no lobbyist shall make, or promise to make at a later time, any contributions or expenditures to or on behalf of an elected official, candidate, candidate committee, or any other individual required to file an organizational report pursuant to section 11-321.

(b) A state lobbyist alleged to have made a prohibited contribution to an elected official, candidate, candidate committee, or any other individual required to file an organizational report pursuant to section 11-321 in violation of this section shall be administratively referred by the executive director of the campaign spending commission to the state ethics commission.

(c) Any contribution prohibited by this section shall escheat, as directed by the campaign spending commission, to the Hawaii election campaign fund.

~~(b)~~ (d) For the purposes of this section[, “elected”]:

“Elected official” has the same meaning as in section 11-342.

“Session” has the same meaning as in section 11-365.”

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. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 7. This Act shall take effect upon its approval.

(Approved May 16, 2025.)