



GOV. MSG. NO. 1296

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 6, 2021

The Honorable Ronald D. Kouchi,  
President and Members of the Senate  
Thirty First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith SB404 HD2 CD1, without my approval and with the statement of objections relating to the measure.

SB404 HD2 CD1

RELATING TO ELECTIONEERING  
COMMUNICATIONS.

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

July 6, 2021

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 404

Honorable Members  
Thirty-First Legislature  
State of Hawai'i

Pursuant to Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning herewith, without my approval, Senate Bill No. 404, entitled "A Bill for an Act Relating to Electioneering Communications."

The purposes of this bill are to (1) exempt candidates and candidate committees from having to file electioneering communication statements of information; (2) reduce the aggregate amount that can be spent on electioneering communications before a statement of information must be filed from \$2,000 to \$1,000; (3) reduce the electioneering communications reporting requirement to just one statement of information to be filed upon meeting the \$1,000 in aggregate spending; (4) revise the definition of "electioneering communication" to include any advertisement sent by mail, rather than just by bulk mail; and (5) clarify that an electioneering communication does not include communication that is an actual expenditure.

This bill is objectionable because it exempts candidate and candidate committees from the heightened twenty-four-hour reporting requirements, resulting in less information being provided to the public prior to election day. Furthermore, for noncandidate committees, the bill reduces the annual electioneering communication reporting requirement to just one report to be filed upon meeting the \$1,000 in aggregate spending threshold and any spending beyond the initial \$1,000 will not have to be reported, resulting in less information being provided to the public prior to election day.

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 404  
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For the foregoing reasons, I am returning Senate Bill No. 404 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a long horizontal stroke at the end.

DAVID IGE  
Governor of Hawai'i

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## A BILL FOR AN ACT

RELATING TO ELECTIONEERING COMMUNICATIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 11-341, Hawaii Revised Statutes, is  
2 amended as follows:

3           1. By amending subsections (a) and (b) to read:

4           "(a) Each person who makes an expenditure for  
5 electioneering communications in an aggregate amount of more  
6 than [~~\$2,000~~] \$1,000 during any calendar year shall file with  
7 the commission a statement of information within twenty-four  
8 hours of each disclosure date provided in this section.

9           (b) Each statement of information shall contain the  
10 following:

11           (1) The name of the person making the expenditure, name of  
12 any person or entity sharing or exercising discretion  
13 or control over the person, and the custodian of the  
14 books and accounts of the person making the  
15 expenditure;

16           (2) The names and titles of the executives or board of  
17 directors who authorized the expenditure, if the



- 1 expenditure was made by a noncandidate committee,  
2 business entity, or an organization;
- 3 (3) The state of incorporation or formation and principal  
4 address of the noncandidate committee, business  
5 entity, or organization or for an individual, the  
6 name, address, occupation, and employer of the  
7 individual making the expenditure;
- 8 (4) The amount of each expenditure during the period  
9 covered by the statement and the identification of the  
10 person to whom the expenditure was made;
- 11 (5) The elections to which the electioneering  
12 communications pertain and the names of any clearly  
13 identifiable candidates and whether those candidates  
14 are supported or opposed;
- 15 (6) If the expenditures were made by a [~~candidate~~  
16 ~~committee or~~] noncandidate committee, the names and  
17 addresses of all persons who contributed to the  
18 [~~candidate committee or~~] noncandidate committee for  
19 the purpose of publishing or broadcasting the  
20 electioneering communications;



- 1 (7) If the expenditures were made by an organization other  
2 than a [~~candidate committee or~~] noncandidate  
3 committee, the names and addresses of all persons who  
4 contributed to the organization for the purpose of  
5 publishing or broadcasting the electioneering  
6 communications;
- 7 (8) Whether [~~or not~~] any electioneering communication is  
8 made in coordination, cooperation, or concert with or  
9 at the request or suggestion of any candidate,  
10 candidate committee, or noncandidate committee, or  
11 agent of any candidate if any, and if so, the  
12 identification of the candidate, candidate committee,  
13 or noncandidate committee, or agent involved; and
- 14 (9) The three top contributors as required under  
15 section 11-393, if applicable."
- 16 2. By amending subsection (d) to read:
- 17 "(d) For purposes of this section:
- 18 "Disclosure date" means, for every calendar year, the first  
19 date by which a person has made expenditures during that same  
20 year of more than [~~\$2,000~~] \$1,000 in the aggregate for



1 electioneering communications [~~, and the date of any subsequent~~  
2 ~~expenditures by that person for electioneering communications~~].

3 "Electioneering communication" means any advertisement that  
4 is broadcast from a cable, satellite, television, or radio  
5 broadcast station; published in any periodical or newspaper or  
6 by electronic means; or sent by mail [~~at a bulk rate~~], and that:

- 7 (1) Refers to a clearly identifiable candidate;
- 8 (2) Is made, or scheduled to be made, either within thirty  
9 days [~~prior to~~] before a primary or initial special  
10 election or within sixty days [~~prior to~~] before a  
11 general or special election; and
- 12 (3) Is not susceptible to any reasonable interpretation  
13 other than as an appeal to vote for or against a  
14 specific candidate.

15 "Electioneering communication" shall not include communications:

- 16 (1) In a news story or editorial disseminated by any  
17 broadcast station or publisher of periodicals or  
18 newspapers, unless the facilities are owned or  
19 controlled by a candidate, candidate committee, or  
20 noncandidate committee;



1 (2) That constitute actual expenditures by the expending  
2 organization;

3 (3) In house bulletins; or

4 (4) That constitute a candidate debate or forum, or solely  
5 promote a debate or forum and are made by or on behalf  
6 of the person sponsoring the debate or forum.

7 "Person" shall not include a candidate or candidate  
8 committee."

9 SECTION 2. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

12 SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval;  
15 provided that it shall apply beginning with the 2022 primary  
16 election.

APPROVED this                      day of                      , 2021

GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: April 27, 2021  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2021.

  
President of the Senate

  
Clerk of the Senate

SB No. 404, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 27, 2021  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives