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# A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

**1** **PART I**

**2** SECTION 1. This Act updates, organizes, and clarifies the  
**3** current campaign finance laws.

**4** The laws have their genesis in Act 185, Session Laws of  
**5** Hawaii 1973. Over the past thirty-five years, numerous  
**6** amendments have been made to the campaign finance laws in a  
**7** piecemeal fashion and, apparently, with little regard to the  
**8** laws as a whole. The result is laws that are unorganized,  
**9** difficult to read, and inconsistent in some areas. The current  
**10** laws are codified in part XII, subpart B of chapter 11, Hawaii  
**11** Revised Statutes.

**12** This Act organizes the campaign finance laws into a new  
**13** part of chapter 11, with ten subparts. Long and involved  
**14** sections are divided into shorter sections with clear titles for  
**15** quick reference. All the laws on one subject are grouped  
**16** together, in contrast to the current laws that require a reader  
**17** to search through the whole subpart for laws that may apply to  
**18** that subject.

1 This Act is a product of the campaign spending commission's  
2 blue ribbon recodification committee (committee). The committee  
3 completed its work in 2008 after meeting regularly for nine  
4 months. The committee was comprised of the commission's staff  
5 and seventeen attorneys experienced in campaign finance law who  
6 represented various interests.

7 The purpose of this Act is to update, organize, and clarify  
8 the current campaign finance laws and make minor substantive  
9 changes to the current laws.

10 **PART II**

11 SECTION 2. Chapter 11, Hawaii Revised Statutes, is amended  
12 by adding a new part to be appropriately designated and to read  
13 as follows:

14 **"PART . CAMPAIGN FINANCE**

15 **A. Declaration of Policy; Definitions**

16 **§11-A Definitions.** When used in this part:

17 "Advertisement" means any communication:

18 (1) Exclusive of bumper stickers or other sundry items,  
19 that identifies a candidate directly or by direct  
20 implication; and

21 (2) That advocates or supports the nomination for election  
22 of the candidate; advocates or supports the election

1 of the candidate; or advocates or supports the  
2 candidate's defeat.

3 (3) Any communication, exclusive of bumper stickers or  
4 other sundry items, that identifies an issue or  
5 question that will appear on the ballot at the next  
6 applicable election; or

7 (4) That advocates or supports the passage or defeat of  
8 the question or issue.

9 "Advertisement" does not include:

10 (1) A house bulletin; or

11 (2) An editorial or letter to the editor distributed  
12 through the facilities of any broadcasting station,  
13 newspaper, magazine, or other periodical publication,  
14 unless the facilities are owned or controlled by any  
15 committee.

16 "Ballot issue committee" means a noncandidate committee  
17 that has the exclusive purpose of receiving contributions,  
18 making expenditures, or incurring financial obligations for or  
19 against any question or issue appearing on the ballot at the  
20 next applicable election.

21 "Campaign committee" means:

22 (1) Any candidate committee; or

1 (2) Any noncandidate committee.

2 "Campaign funds" means contributions, interest, rebates,  
3 refunds, loans, or advances received by a committee.

4 "Candidate" means an individual who seeks nomination for  
5 election or seeks election to office. An individual remains a  
6 candidate until the individual's candidate committee terminates  
7 registration with the commission. An individual is a candidate  
8 if the individual does any of the following:

9 (1) Files nomination papers for an office for oneself with  
10 the county clerk's office or with the chief election  
11 officer's office, whichever is applicable;

12 (2) Receives contributions, makes expenditures, or incurs  
13 financial obligations of more than \$100 to bring about  
14 the individual's nomination for election, or to bring  
15 about the individual's election to office;

16 (3) Gives consent for any other person to receive  
17 contributions, make expenditures, or incur financial  
18 obligations to aid the individual's nomination for  
19 election, or the individual's election, to office; or

20 (4) Is certified to be a candidate by the chief election  
21 office or county clerk.

1 "Candidate committee" means an organization, association,  
2 or individual that receives campaign funds, makes expenditures,  
3 or incurs financial obligations on behalf of a candidate with  
4 the candidate's authorization.

5 "Clearly identified" means the name, photograph or other  
6 similar image, or other unambiguous identification of a  
7 candidate.

8 "Commission" means the campaign spending commission.

9 "Commissioner" means any person appointed to the  
10 commission.

11 "Contribution" means:

12 (1) A gift, subscription, deposit of money or anything of  
13 value, or cancellation of a debt or legal obligation  
14 and includes the purchase of tickets to fundraisers  
15 for the purpose of:

16 (A) Influencing the nomination for election, or  
17 election, of any person to office;

18 (B) Influencing the outcome of any question or issue  
19 that has been certified to appear on the ballot  
20 at the next applicable election referenced in  
21 subparagraph (A); or

1 (C) Use by any campaign committee for the purpose of  
2 subparagraph (A) or (B);

3 (2) The payment, by any person other than a candidate or  
4 campaign committee, of compensation for the services  
5 of another person that are rendered to the candidate  
6 or campaign committee without charge or at an  
7 unreasonably low charge for the purpose of paragraph  
8 (1);

9 (3) A contract, promise, or agreement to make a  
10 contribution; or

11 (4) Any loans or advances that are not documented or  
12 disclosed to the commission as provided in section  
13 11-QQ;

14 provided that, contribution does not include:

15 (1) Services voluntarily provided without compensation by  
16 individuals to or on behalf of a candidate or campaign  
17 committee;

18 (2) A candidate's expenditure of the candidate's own  
19 funds; provided that this expenditure shall be  
20 reportable as other receipts;

1 (3) Any loans or advances to the candidate committee,  
2 provided that these loans or advances shall be  
3 reportable as an other receipts; or

4 (4) An individual or campaign committee engaging in  
5 internet activities for the purpose of influencing an  
6 election if:

7 (A) The individual or campaign committee is  
8 uncompensated for the internet activities; or

9 (B) The individual or campaign committee uses  
10 equipment or services for uncompensated internet  
11 activities, regardless of who owns the equipment  
12 and services.

13 "Earmarked funds" means contributions received by a  
14 campaign committee on the condition that the funds be  
15 contributed to or expended on certain candidates, issues, or  
16 questions.

17 "Election" means any election for office or for determining  
18 a question or issue provided by law or ordinance.

19 "Election period" means:

20 (1) The two-year time period between the day after the  
21 general election through the day of the next general

1 election if a candidate is seeking nomination or  
2 election to a two-year office; or

3 (2) The four-year time period between the day after the  
4 general election through the day of the next general  
5 election if a candidate is seeking nomination or  
6 election to a four-year office.

7 "Equipment and services" includes computers, software,  
8 internet domain names, internet service providers, and any other  
9 technology that is used to provide access to or use of the  
10 Internet.

11 "Expenditure" means:

12 (1) Any purchase or transfer of money or anything of  
13 value, or promise or agreement to purchase or transfer  
14 money or anything of value, or payment incurred or  
15 made, or the use or consumption of a nonmonetary  
16 contribution for the purpose of:

17 (A) Influencing the nomination for election, or  
18 election, of any person seeking nomination for  
19 election, or election, to office whether or not  
20 the person has filed the person's nomination  
21 paper;



1 (B) Influencing the outcome of any question or issue  
2 that has been certified to appear on the ballot  
3 at the next applicable election; or

4 (C) Use by any party for the purposes set out in  
5 subparagraph (A) or (B);

6 (2) The payment, by any person other than a candidate or  
7 campaign committee, of compensation for the services  
8 of another person that are rendered to the candidate  
9 or campaign committee without charge or at an  
10 unreasonably low rate for any of the purposes  
11 mentioned in paragraph (1) (A); or

12 (3) The expenditure by a candidate of the candidate's own  
13 funds for the purposes set out in paragraph (1).

14 "Expenditure" does not include:

15 (1) Services voluntarily provided without compensation by  
16 individuals to or on behalf of a candidate or campaign  
17 committee;

18 (2) Voter registration efforts that are not partisan; or

19 (3) An individual or committee engaging in internet  
20 activities for the purpose of influencing an election  
21 if:

1 (A) The individual or campaign committee is  
2 uncompensated for internet activities; or  
3 (B) The individual or campaign committee uses  
4 equipment or services for uncompensated internet  
5 activities, regardless of who owns the equipment  
6 and services;  
7 provided that the internet activity does not apply to:  
8 any payment for an advertisement other than a nominal  
9 fee; the purchase or rental of an e-mail address list  
10 made at the direction of a campaign committee; or an  
11 e-mail address list that is transferred to a  
12 committee.

13 "House bulletin" means a communication sponsored by any  
14 person in the regular course of publication for limited  
15 distribution primarily to its employees or members.

16 "Immediate family" means a candidate's spouse or reciprocal  
17 beneficiary, as defined in section 572C-3, and any child,  
18 parent, grandparent, brother, or sister of the candidate, and  
19 the spouses or reciprocal beneficiaries of such persons.

20 "Independent expenditure" for purpose of interpreting court  
21 decision, means an expenditure by a person expressly advocating  
22 the election or defeat of a clearly identified candidate, that

1 is not made in concert or cooperation with or at the request or  
2 suggestion of the candidate, the candidate committee, a party,  
3 or their agents.

4 "Individual" means a human being.

5 "Internet activities" includes sending or forwarding  
6 electronic messages; providing a hyperlink or other direct  
7 access to another person's website; blogging; creating,  
8 maintaining, or hosting a website; paying a nominal fee for the  
9 use of another person's website; and any other form of  
10 communication distributed over the Internet.

11 "Loan" means an advance of money, goods, or services, with  
12 a promise to repay in full or in part within a specified period  
13 of time. A loan does not include expenditures made on behalf of  
14 a campaign committee by a candidate, volunteer, or employee if:

15 (1) A candidate, volunteer, or employee's aggregate  
16 expenditures do not exceed \$1,500 within a thirty day  
17 period;

18 (2) A dated receipt and a written description of the name  
19 and address of each payee; provided that amount, date,  
20 and purpose of each expenditure is provided to the  
21 campaign committee before the campaign committee  
22 reimburses the candidate, volunteer, or employee; and

1           (3) The campaign committee reimburses the candidate,  
2           volunteer, or employee within forty-five days of the  
3           expenditure being made.

4           "Newspaper" means a publication of general distribution in  
5 the State issued once or more per month which is written and  
6 published in the State.

7           "Noncandidate committee" means an organization,  
8 association, or individual that has the purpose of receiving  
9 contributions, making expenditures, or incurring financial  
10 obligations to influence the nomination for election, the  
11 election of any candidate to office, or for or against any  
12 question or issue on the ballot; provided that a noncandidate  
13 committee does not include:

14           (1) A candidate committee;

15           (2) Any individual making a contribution or making an  
16 expenditure of the individual's own funds or anything  
17 of value that the individual originally acquired for  
18 the individual's own use and not for the purpose of  
19 evading any provision of this part; or

20           (3) Any organization, which raises or expends funds for  
21 the sole purpose of the production and dissemination  
22 of informational or educational communications that is

1 not made to influence the outcome of an election or  
2 question on a ballot.

3 "Office" means any Hawaii elective public or constitutional  
4 office excluding county neighborhood board and federal elective  
5 offices.

6 "Other receipts" means the candidate's own funds, interest,  
7 rebates, refunds, loans, or advances, and any other funds  
8 received by a campaign committee, but does not include  
9 contributions received from other persons.

10 "Party" means any political party that satisfies the  
11 requirements of section 11-61.

12 "Person" means an individual, partnership, campaign  
13 committee, association, corporation, business entity,  
14 organization, or labor union and its auxiliary committees.

15 "Political committees established and maintained by a  
16 national political party" means:

- 17 (1) The National Committee;  
18 (2) The House Campaign Committee; and  
19 (3) The Senate Committee.

20 "Qualifying contribution" includes all of the following:

- 21 (1) An aggregate monetary contribution of \$100 or less;

1 (2) By an individual Hawaii resident during any matching  
2 payment period; and

3 (3) Received after a candidate files a statement of intent  
4 to seek public funds.

5 A qualifying contribution does not include a loan, in-kind  
6 contribution, or the candidate's own funds.

7 "Special election" means any election other than a primary  
8 or general election.

9 "Treasurer" means a person appointed under section 11-L and  
10 unless expressly indicated otherwise, includes deputy  
11 treasurers.

## 12 B. Campaign Spending Commission

### 13 §11-B Campaign spending commission established;

14 **composition.** (a) There is established a campaign spending  
15 commission, which shall be placed within the department of  
16 accounting and general services for administrative purposes.

17 (b) The commission shall consist of five members  
18 representing the general public, appointed by the governor from  
19 a list of ten nominees submitted by the judicial council;  
20 provided that a vacancy on the commission shall be filled by the  
21 appointment of one of two persons nominated for the position by  
22 the judicial council, or by the reappointment of a commissioner

1 whose term has expired, subject to the limit on length of  
2 service imposed by section 26-34; provided that an appointment  
3 to the commission shall not be subject to senatorial  
4 confirmation.

5 (c) The judicial council may solicit applications for the  
6 list of nominees through community organizations and  
7 advertisements in any newspaper.

8 **§11-C Terms of office.** The term of each commissioner  
9 shall be four years.

10 **§11-D No compensation.** The commissioners shall serve  
11 without compensation but they shall be reimbursed for reasonable  
12 expenses, including travel expenses, incurred in the discharge  
13 of their duties.

14 **§11-E Duties of the commission.** The duties of the  
15 commission under this part are to:

- 16 (1) Develop and adopt forms required by this part;  
17 (2) Adopt and publish a manual for all candidates and  
18 committees, describing the requirements of this part,  
19 including uniform and simple methods of recordkeeping;  
20 (3) Preserve all reports required by this part for at  
21 least ten years from the date of receipt;

- 1 (4) Permit the inspection, copying, or duplicating of any  
2 report required by this part pursuant to rules adopted  
3 under chapter 91 by the commission; provided that this  
4 paragraph shall not apply to the sale or use of  
5 information under section 11-AA;
- 6 (5) Ascertain whether any candidate, campaign committee,  
7 or party has failed to file a report required by this  
8 part or has filed a substantially defective or  
9 deficient report, and to notify these persons by first  
10 class mail that the failure to file or filing of a  
11 substantially defective or deficient report shall be  
12 corrected and explained, and that a fine may be  
13 assessed. All fines collected under this section  
14 shall be deposited in the general fund of the State;
- 15 (6) Hold public hearings;
- 16 (7) Investigate and hold hearings for receiving evidence  
17 of any violations;
- 18 (8) Adopt rules pursuant to chapter 91;
- 19 (9) Request the initiation of prosecution for the  
20 violation of this part pursuant to section 11-III;
- 21 (10) Administer and monitor the distribution of public  
22 funds under this part;



1 (11) Suggest accounting methods for candidates and campaign  
2 committees in connection with reports and records  
3 required by this part;

4 (12) Employ or contract, without regard to chapters 76, 78,  
5 and 89, persons it finds necessary for the performance  
6 of its functions, including a full-time executive  
7 director, and to fix their compensation and to dismiss  
8 such persons;

9 (13) Conduct random audits, and field investigations, as  
10 necessary; and

11 (14) File for injunctive relief when indicated.

12 **§11-F Advisory opinions.** The commission may render  
13 written advisory opinions upon the request of any candidate,  
14 candidate committee, noncandidate committee, or other person or  
15 entity subject to this part, as to whether the facts and  
16 circumstances of a particular case constitute or will constitute  
17 a violation of the campaign spending laws. If no advisory  
18 opinion is rendered within ninety days after all information  
19 necessary to issue an opinion has been obtained, it shall be  
20 deemed that an advisory opinion was rendered and that the facts  
21 and circumstances of that particular case do not constitute a  
22 violation of the campaign spending laws. The opinion rendered

1 or deemed rendered, until amended or revoked, shall be binding  
2 on the commission in any subsequent charges concerning the  
3 candidate, any campaign committee, or other person or entity  
4 subject to this part, who sought the opinion and acted in  
5 reliance on it in good faith, unless material facts were omitted  
6 or misstated by the persons in the request for an advisory  
7 opinion. Nothing in this section shall be construed to allow  
8 the commission to issue rules through an advisory opinion.

9       **§11-G Political activities prohibited.** (a) Each  
10 commissioner and the commission's staff shall not participate in  
11 any political campaign, including making a contribution to a  
12 candidate or committee, during the commissioner's term of office  
13 or employee's term of employment.

14       (b) Each commissioner shall retain the right to:

15       (1) Register and vote in any election;

16       (2) Participate in the nonpolitical activities of a civic,  
17       community, social, labor, or professional  
18       organization, or of a similar organization;

19       (3) Be a member of a political party or other noncandidate  
20       political organization and participate in its  
21       activities to the extent consistent with law; and

1 (4) Otherwise participate fully in public affairs, except  
2 as prohibited by law, in a manner which does not  
3 materially compromise the commissioner's efficiency or  
4 integrity as a commissioner or the neutrality,  
5 efficiency, or integrity of the commission.

6 (c) A commissioner and the commission's staff may request  
7 an advisory opinion from the state ethics commission to  
8 determine whether a particular activity constitutes or would  
9 constitute a violation of the code of ethics or this section.

10 **§11-H Exemptions.** (a) The commission shall be exempt  
11 from section 26-35(a) (1), (4), and (5) and shall:

12 (1) Make direct communications with the governor and  
13 legislature;

14 (2) Make all decisions regarding employment, appointment,  
15 promotion, transfer, demotion, discharge, and job  
16 descriptions of all officers and employees of or under  
17 the jurisdiction of the commission without the  
18 approval of the comptroller; and

19 (3) Purchase all supplies, equipment, or furniture without  
20 the approval of the comptroller.

21 (b) The commission shall follow all applicable personnel  
22 laws.

1                   **C. Registration with the Commission**

2           **§11-I Registration of candidate committee or noncandidate**

3 **committee.** (a) Each candidate committee or noncandidate  
4 committee shall register with the commission by filing an  
5 organizational report as set forth in section 11-J or 11-K, as  
6 applicable.

7           (b) Before filing the organizational report each committee  
8 shall mail or deliver an electronic filing form to the  
9 commission.

10           (c) The form shall include a written acceptance of  
11 appointment and certification of each report, as follows:

12           (1) A candidate committee shall file a written acceptance  
13 of appointment by the chairperson and treasurer and a  
14 certification by the candidate and treasurer of each  
15 filed report; or

16           (2) A noncandidate committee shall file a written  
17 acceptance of appointment by the chairperson and  
18 treasurer and a certification by the chairperson and  
19 treasurer of each filed report.

20           (d) The organizational report for a candidate committee  
21 shall be filed within ten days of the earlier of:

1 (1) The date the candidate files nomination papers for  
2 office; or

3 (2) The date the candidate or candidate committee receives  
4 contributions or makes or incurs expenditures of more  
5 than \$100 in the aggregate during the applicable  
6 election period.

7 (e) An organizational report need not be filed under this  
8 section by an elected official who is a candidate for reelection  
9 to the same office in successive elections and has not sought  
10 election to any other office during the period between  
11 elections, unless the candidate is required to report a change  
12 in information pursuant to section 11-J.

13 (f) A candidate shall have only one candidate committee.

14 (g) The organizational report for a noncandidate committee  
15 shall be filed within ten days of receiving contributions or  
16 making or incurring expenditures of more than \$1,000, in the  
17 aggregate, in a two-year election period; except that within the  
18 thirty day period prior to an election, a noncandidate committee  
19 shall register by filing an organizational report within two  
20 days of receiving contributions or making or incurring  
21 expenditures of more than \$1,000, in the aggregate, in a two-  
22 year election period.

1           **§11-J Organizational report, candidate committee.** (a)

2 The candidate committee organizational report shall include:

3           (1) The committee's name and address, including web page  
4           address, if any;

5           (2) The candidate's name, address, and telephone number;

6           (3) The office being sought by the candidate, district,  
7           and party affiliation;

8           (4) The chairperson's name, address, and, if appointed,  
9           the deputy chairperson's name, address, and telephone  
10          number;

11          (5) The treasurer's name, address, and, if appointed, all  
12          deputy treasurers' names, addresses, and telephone  
13          numbers;

14          (6) The name and address of each depository institution in  
15          which the committee will maintain any of its accounts  
16          and applicable account number;

17          (7) A certification of statements in the report by the  
18          candidate and treasurer; and

19          (8) The name and address of each contributor who  
20          contributed an aggregate amount of more than \$100  
21          since the last election applicable to the office being

1           sought and the amount and date of deposit of each such  
2           contribution.

3           (b) Any change in information previously reported in the  
4           organizational report with the exception of subsection (a) (8)  
5           shall be electronically filed with the commission within ten  
6           days of the change being brought to the attention of the  
7           committee chairperson or treasurer.

8           **§11-K Organizational report, noncandidate committee.** (a)

9           The noncandidate committee organizational report shall include:

- 10          (1) The committee's name, which shall incorporate the full  
11          name of the sponsoring entity, if any. An acronym or  
12          abbreviation may be used in other communications if  
13          the acronym or abbreviation is commonly known or  
14          clearly recognized by the general public. The  
15          committee's name shall not include the name of a  
16          candidate;
- 17          (2) The committee's address, including web page address,  
18          if any;
- 19          (3) The area, scope, or jurisdiction of the committee;
- 20          (4) The name and address of the committee's sponsoring  
21          entity. If the committee does not have a sponsoring  
22          entity, the committee shall specify the trade,

- 1 profession, or primary interest of contributors to the  
2 committee;
- 3 (5) The name, address, telephone number, occupation, and  
4 principal place of business of the chairperson;
- 5 (6) The name, address, telephone number, occupation, and  
6 principal place of business of the treasurer and any  
7 other officers;
- 8 (7) An indication as to whether the committee was formed  
9 to support or oppose a specific ballot question or  
10 candidate and if so, a brief description of the  
11 question or the name of the candidate;
- 12 (8) An indication as to whether the committee is a  
13 political party committee;
- 14 (9) The name, address, telephone number, occupation, and  
15 principal place of business of the custodian of the  
16 books and accounts;
- 17 (10) The name and address of the depository institution in  
18 which the committee will maintain its campaign account  
19 and each applicable account number;
- 20 (11) A certification of statements in the report by the  
21 chairperson and treasurer; and



1 (12) The name, address, employer and occupation of each  
2 contributor who contributed an aggregate amount of  
3 more than \$100 since the last election and the amount  
4 and date of deposit of each such contribution.

5 (b) Any change in information previously reported in the  
6 organizational report, with the exception of subsection (a)(12),  
7 shall be electronically filed with commission within ten days of  
8 the change being brought to the attention of the committee  
9 chairperson or treasurer.

10 **§11-L Treasurer.** (a) Any committee shall appoint a  
11 treasurer on or before the day it files an organizational  
12 report. The following shall be permissible:

13 (1) Up to five deputy treasurers may be appointed;

14 (2) A candidate may be appointed as the treasurer or  
15 deputy treasurer; and

16 (3) An individual who is not an officer or treasurer may  
17 be appointed, on a fee or voluntary basis, to  
18 specifically prepare and file reports with the  
19 commission.

20 (b) A treasurer may be removed at any time.

21 (c) In case of death, resignation, or removal of the  
22 treasurer, the candidate or campaign committee shall promptly

1 appoint a successor. During the period the office of treasurer  
2 is vacant, the candidate, campaign committee chairperson, or  
3 party chairperson, whichever is applicable, shall serve as  
4 treasurer.

5 (d) Only the treasurer and deputy treasurers shall be  
6 authorized to receive contributions or make or incur  
7 expenditures on behalf of the campaign committee.

8 (e) The treasurer shall establish and maintain itemized  
9 records showing:

10 (1) The amount of each monetary contribution;

11 (2) The description and value of each nonmonetary  
12 contribution; and

13 (3) The name and address of each contributor making a  
14 contribution of more than \$25 in value.

15 (f) The treasurer shall maintain detailed accounts, bills,  
16 receipts, and other records to establish that reports were  
17 properly prepared and filed.

18 (g) The records shall be retained for at least five years  
19 after the report is filed.

20 **§11-M When an individual not to serve as a campaign**  
21 **committee officer; any campaign committee prohibited from acting**  
22 **in concert, or soliciting or making contributions.** (a) No

1 campaign committee that supports or opposes a candidate shall  
2 have an officer who serves as an officer on any other campaign  
3 committee that supports or opposes the same candidate.

4 (b) If a campaign committee has an officer who serves as  
5 an officer on another campaign committee that supports or  
6 opposes the same candidate, the campaign committees shall not  
7 act in concert with, or solicit or make contributions on behalf  
8 of, any other campaign committee.

9 **§11-N Termination of campaign committee's registration.** A  
10 campaign committee may terminate its registration if:

11 (1) The campaign committee:

12 (A) Files a request for registration termination  
13 form;

14 (B) Files a report disclosing contributions and  
15 expenditures not previously reported by the  
16 committee and the committee has no surplus or  
17 deficit; and

18 (C) Mails or delivers to the commission a copy of the  
19 committee's closing bank statement; and

20 (2) The request is approved by the commission.

21 D. Reporting and Filing with the Commission

1           **§11-0 Filing of reports, generally.** (a) Every report  
2 required to be filed by a candidate or candidate committee shall  
3 be certified by the candidate and treasurer.

4           (b) Every report required to be filed by a noncandidate  
5 committee shall be certified by the chairperson and treasurer.

6           (c) All reports required to be filed under this part shall  
7 be filed on the commission's electronic filing system.

8           (d) For purposes of this part, whenever a report is  
9 required to be filed with the commission, "filed" means that a  
10 report shall be filed with the commission's electronic filing  
11 system by the date and time specified for the filing of the  
12 report by:

13           (1) The candidate or candidate committee of a candidate  
14 who is seeking election to the:

15           (A) Office of governor;

16           (B) Office of lieutenant governor;

17           (C) Office of mayor;

18           (D) Office of prosecuting attorney;

19           (E) County council;

20           (F) Senate;

21           (G) House of representatives;

22           (H) Office of Hawaiian affairs; or

1 (I) Board of education; or

2 (2) A noncandidate committee required to be registered  
3 with the commission pursuant to section 11-K.

4 (e) In order to be timely filed, a committee's reports  
5 shall be filed with the commission's electronic filing system on  
6 or before 11:59 p.m. Hawaii Standard Time on the filing date  
7 specified.

8 (f) All reports filed under this part are public records.

9 **§11-P Candidate committee reports.** (a) The candidate and  
10 campaign treasurer shall file preliminary, final, and  
11 supplemental reports that shall disclose the following  
12 information:

13 (1) The committee's name and address;

14 (2) The cash on hand at the beginning of the reporting  
15 period and election period;

16 (3) The reporting period and election period aggregate  
17 total for each of the following categories:

18 (A) Contributions;

19 (B) Expenditures;

20 (C) Other receipts; and

21 (D) Loans;

1 (4) The cash on hand at the end of the reporting period;  
2 and

3 (5) The surplus or deficit at the end of the reporting  
4 period.

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

7 (1) The amount and date of deposit of each contribution  
8 and the name and address of each contributor who makes  
9 contributions aggregating more than \$100 in an  
10 election period; provided that if all the information  
11 is not on file, the contribution shall be returned to  
12 the contributor within thirty days of deposit;

13 (2) The amount and date of deposit of each contribution  
14 and the name, address, employer, and occupation of  
15 each contributor who makes contributions aggregating  
16 \$1,000 or more during an election period; provided  
17 that if all the information is not on file, the  
18 contribution shall be returned to the contributor  
19 within thirty days of deposit;

20 (3) All expenditures including the name and address of  
21 each payee and the amount, date, and purpose of each  
22 expenditure. Expenditures for consultants,

1 advertising agencies and similar firms, credit card  
2 payments, salaries, and candidate reimbursements shall  
3 be itemized to permit a reasonable person to determine  
4 the ultimate intended recipient of the expenditure and  
5 its purpose;

6 (4) The amount, date of deposit, and description of other  
7 receipts and the name and address of the source of  
8 each of the other receipts;

9 (5) Information about each loan received by the committee,  
10 together with the names and addresses of the lender  
11 and each person liable directly, and amount of each  
12 loan. A copy of the executed loan document shall be  
13 received by the commission by mail or delivery on or  
14 before the filing date for the report covering the  
15 reporting period when the loan was received. The  
16 document shall contain the terms of the loan,  
17 including the interest and repayment schedule.  
18 Failure to disclose the loan or to provide  
19 documentation of the loan to the commission shall  
20 cause the loan to be treated as a contribution,  
21 subject to all relevant provisions of this chapter;

1 (6) A description of each durable asset, the date of  
2 acquisition, value at the time of acquisition; and the  
3 name and address of the vendor or contributor of the  
4 asset; and

5 (7) The date of disposition of each durable asset; value  
6 at the time of disposition; the method of disposition;  
7 and the name and address of the person receiving the  
8 asset.

9 (c) The candidate committee shall file a late contribution  
10 report as provided in section 11-U if the committee receives  
11 late contributions from any person aggregating more than \$500.

12 **§11-Q Time for candidate committee to file preliminary,**  
13 **final, and supplemental reports.** (a) The candidate and  
14 campaign treasurer of each candidate whose name will appear on  
15 the ballot in the immediately succeeding election shall file  
16 preliminary, final, and supplemental reports.

17 (1) The filing dates for preliminary reports are:

18 (A) July 31 of the election year;

19 (B) Ten calendar days prior to a primary, first  
20 special, or first nonpartisan election; and

21 (C) Ten calendar days prior to a general, second  
22 special, or second nonpartisan election; provided



1           that this preliminary report does not have to be  
2           filed by a candidate who is unsuccessful in a  
3           primary, first special, or first nonpartisan  
4           election or a candidate who is elected to office  
5           in the primary, first special, or first  
6           nonpartisan election.

7           Each preliminary report shall be current through June  
8           30 for the report filed on July 31 and current through  
9           the fifth calendar day before the filing deadline of  
10          other preliminary reports.

11          (2) The filing date for the final primary report is twenty  
12          calendar days after a primary, first special, or first  
13          nonpartisan election. The report shall be current  
14          through the day of the applicable election.

15          (3) The filing date for the final election period report  
16          is thirty calendar days after a general, second  
17          special, or second nonpartisan election. The report  
18          shall be current through the day of the applicable  
19          election. The final election period report shall be  
20          filed by a candidate who is unsuccessful in a primary  
21          first special, or first nonpartisan election or a

1 candidate who is elected to office in the primary,  
2 first special, or first nonpartisan election.

3 (4) The filing dates for supplemental reports are:

4 (A) January 31 after an election year; and

5 (B) July 31 after an election year.

6 The report shall be current through December 31 for the  
7 report filed on January 31 and current through June 30 for the  
8 report filed on July 31.

9 (b) The candidate with a deficit or surplus whose name  
10 will not appear on the ballot in the immediately succeeding  
11 election shall file a supplemental report every six months on  
12 January 31 and July 31 until:

13 (1) The candidate's name appears on the ballot and then is  
14 subject to the reporting requirements in subsection

15 (a); or

16 (2) The committee's registration is terminated as provided  
17 in section 11-N.

18 The report shall be current through December 31 for the  
19 report filed on January 31 and current through June 30 for the  
20 report filed on July 31.

1 (c) A candidate shall continue to file all reports until  
2 the committee's registration is terminated as provided in  
3 section 11-N.

4 **§11-R Noncandidate committee reports.** (a) The authorized  
5 person in the case of a party, or campaign treasurer in the case  
6 of a committee, shall file preliminary, final, and supplemental  
7 reports that disclose the following information:

8 (1) The committee's name and address;

9 (2) The cash on hand at the beginning of the reporting  
10 period and election period;

11 (3) The reporting period and election period aggregate  
12 total for each of the following categories:

13 (A) Contributions;

14 (B) Expenditures; and

15 (C) Other receipts;

16 (4) The cash on hand at the end of the reporting period;  
17 and

18 (5) The surplus or deficit at the end of the reporting  
19 period.

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

- 1           (1) The amount and date of deposit of each contribution  
2           and the name, address, employer, and occupation of  
3           each contributor making a contribution aggregating  
4           more than \$100 during an election period, which was  
5           not previously reported; provided that if all the  
6           information is not on file, the contribution shall be  
7           returned to the contributor within thirty days of  
8           deposit;
- 9           (2) All expenditures, including the name and address of  
10          each payee and the amount, date, and purpose of each  
11          expenditure. Expenditures for consultants,  
12          advertising agencies and similar firms, credit card  
13          payments, salaries, and candidate reimbursements shall  
14          be itemized to permit a reasonable person to determine  
15          the ultimate intended recipient of the expenditure and  
16          its purpose;
- 17          (3) The amount, date of deposit, and description of other  
18          receipts and the name and address of the source of  
19          each of the other receipts;
- 20          (4) A description of each durable asset, the date of  
21          acquisition, value at the time of acquisition; and the

1 name and address of the vendor or contributor of the  
2 asset; and

3 (5) The date of disposition of a durable asset; value at  
4 the time of disposition; the method of disposition;  
5 and the name and address of the person receiving the  
6 asset.

7 (c) No loan may be made or received by a noncandidate  
8 committee.

9 (d) The authorized person in the case of a party, or  
10 campaign treasurer in the case of a committee shall file a late  
11 contribution report as provided in section 11-U if the committee  
12 receives late contributions from any person aggregating more  
13 than \$500 or makes late contributions aggregating more than  
14 \$500.

15 **§11-S Time for noncandidate committee to file preliminary,**  
16 **final, and supplemental reports.** (a) The filing dates for  
17 preliminary reports are:

18 (1) Ten calendar days prior to a primary, first special,  
19 or first nonpartisan election; and

20 (2) Ten calendar days prior to a general, second special,  
21 or second nonpartisan election.

1 Each preliminary report shall be current through the fifth  
2 calendar day prior to the filing of the report.

3 (b) The filing date for the final primary report is twenty  
4 calendar days after the primary, first special, or first  
5 nonpartisan election. The report shall be current through the  
6 day of the applicable election.

7 (c) The filing date for the final election period report  
8 is thirty calendar days after a general, second special, or  
9 second nonpartisan election. The report shall be current  
10 through the day of the applicable election.

11 (d) The filing dates for supplemental reports are:

12 (1) January 31 after an election year; and

13 (2) July 31 after an election year.

14 The report shall be current through December 31 for the report  
15 filed on January 31 and current through June 30 for the report  
16 filed on July 31.

17 (e) The authorized person in the case of a party, or  
18 campaign treasurer in the case of a committee, shall continue to  
19 file all reports until the committee's registration is  
20 terminated as provided in section 11-N.

21 **§11-T Reporting expenditures.** For the purposes of this  
22 part, an expenditure is deemed to be made or incurred when the

1 services are rendered or the product is delivered. Services  
2 rendered or products delivered for use during a reporting period  
3 are deemed delivered or rendered during the period or periods of  
4 use; provided that these expenditures shall be reasonably  
5 allocated between periods in accordance with the time the  
6 services or products are actually used.

7 **§11-U Late contributions; report.** (a) The candidate,  
8 authorized person in the case of a party, or campaign treasurer  
9 in the case of a campaign committee, that within the period of  
10 fourteen calendar days through four calendar days prior to any  
11 election, makes contributions aggregating more than \$500, or  
12 receives contributions from any person aggregating more than  
13 \$500, shall file a late contribution report with the  
14 commission's electronic filing system on or before the third  
15 calendar day prior to the election.

16 (b) The late contribution report shall include the  
17 following information:

- 18 (1) Name, address, occupation, and employer of the  
19 contributor;
- 20 (2) Name of the candidate or campaign committee making or  
21 receiving the contribution;
- 22 (3) The amount of the contribution;

1 (4) The contributor's aggregate contributions to the  
2 candidate or committee; and

3 (5) The purpose, if any, to which the contribution will be  
4 applied.

5 (c) A late contribution report filed pursuant to this  
6 section shall be in addition to any other report required to be  
7 filed by this part.

8 **§11-V Final election period report for campaign committee**  
9 **receiving and expending \$1,000 or less during the election**

10 **period.** (a) Any provision of law to the contrary  
11 notwithstanding, a committee whose aggregate contributions and  
12 aggregate expenditures for the election period total \$1,000 or  
13 less, may electronically file only a final election period  
14 report, but need not file a preliminary and final primary  
15 report, a preliminary and final general report, or a special  
16 election report.

17 (b) Until the campaign committee's registration is  
18 terminated as provided in section 11-N, supplemental reports and  
19 other reports required by this part shall be filed.

20 **§11-W Failure to file report; filing a substantially**  
21 **defective or deficient report.** (a) True and accurate reports

22 shall be filed with the campaign commission on or before the due



1 date specified in this part. A campaign committee that is  
2 required to file reports under this part may be subject to the  
3 fines in this section if the report is not filed by the due date  
4 or if the report is substantially defective or deficient, as  
5 determined by the commission.

6 (b) The fine, if assessed, for not filing a report by the  
7 due date may be \$50 per day for the first seven days, beginning  
8 with the day after the due date of the report, and \$200 per day  
9 thereafter and shall not exceed twenty-five per cent of the  
10 total amount of contributions or expenditures, whichever is  
11 greater, for the period covered by the report; provided that the  
12 minimum fine for a report filed more than four days after the  
13 due date may be \$200.

14 (c) Subsection (b) notwithstanding, if a candidate  
15 committee does not file the second preliminary primary report or  
16 the preliminary general report or if a noncandidate committee  
17 does not file the preliminary primary report or the preliminary  
18 general report by the due date, the fine, if assessed, may be  
19 \$300 per day and shall not exceed twenty-five per cent of the  
20 total amount of contributions or expenditures, whichever is  
21 greater, for the period covered by the report; provided that the  
22 minimum fine may be \$300.

1 (d) If the commission determines that a report is  
2 substantially defective or deficient, the commission shall  
3 notify the candidate's committee by first class mail that:

4 (1) The report is substantially defective or deficient;  
5 and

6 (2) A fine may be assessed.

7 (e) If the corrected report is not filed with the  
8 commission's electronic filing system on or before the  
9 fourteenth day after the notice of deficiency has been mailed,  
10 the fine, if assessed, for a substantially defective or  
11 deficient report may be \$50 per day for the first seven days,  
12 beginning with the fifteenth day after the notice was sent, and  
13 \$200 per day thereafter, and shall not to exceed twenty-five per  
14 cent of the total amount of contributions or expenditures,  
15 whichever is greater, for the period covered by the report;  
16 provided that the minimum fine for not filing a corrected report  
17 more than eighteen days after the notice was sent may be \$200.

18 (f) The commission shall publish on its website the names  
19 of all candidate committees that have failed to:

20 (1) File a report, or

21 (2) Correct a report within the time allowed by the  
22 commission.

1 (g) All fines collected under this section shall be  
2 deposited into the general fund.

3 **§11-X Electioneering communications; statement of**  
4 **information.** (a) Each person who makes a disbursement for  
5 electioneering communications in an aggregate amount of more  
6 than \$2,000 during any calendar year, within twenty-four hours  
7 of each disclosure date provided in this section, shall file  
8 with the commission a statement of information.

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

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

16 (2) The state of incorporation and principal place of  
17 business or, for an individual, the address of the  
18 person making the disbursement;

19 (3) The amount of each disbursement during the period  
20 covered by the statement and the identification of the  
21 person to whom the disbursement was made;

1 (4) The elections to which the electioneering  
2 communications pertain and the names, if known, of the  
3 candidates identified or to be identified;

4 (5) If the disbursements were made by any campaign  
5 committee, the names and addresses of all persons who  
6 contributed to the committee for the purpose of  
7 publishing or broadcasting the electioneering  
8 communications;

9 (6) If the disbursements were made by an organization  
10 other than any committee, the names and addresses of  
11 all persons who contributed to the organization for  
12 the purpose of publishing or broadcasting the  
13 electioneering communications; and

14 (7) Whether or not any electioneering communication is  
15 made in coordination, cooperation, or concert with or  
16 at the request or suggestion of any candidate,  
17 committee, or agent of any candidate or any campaign  
18 committee and, if so, the identification of the  
19 candidate or any committee, or agent involved.

20 (c) For the purposes of this section:

21 "Disclosure date" means, for every calendar year, the first  
22 date by which a person has made disbursements during that same

1 year of more than \$2,000, in the aggregate, for electioneering  
2 communications, and the date of any subsequent disbursements by  
3 that person for electioneering communications.

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

- 8 (1) Refers to a clearly identifiable candidate;
- 9 (2) Is made, or scheduled to be made, either within thirty  
10 days prior to a primary or initial special election or  
11 within sixty days prior to a general or special  
12 election; and
- 13 (3) Is susceptible of no reasonable interpretation other  
14 than as an appeal to vote for or against a specific  
15 candidate.

16 Electioneering communication shall not include communications:

- 17 (1) In a news story or editorial disseminated by any  
18 broadcast station or publisher of periodicals or  
19 newspapers, unless the facilities are owned or  
20 controlled by any committee or candidate;
- 21 (2) That constitutes expenditures by the disbursing  
22 organization;

1 (3) In in-house bulletins; or

2 (4) That constitutes a candidate debate or forum, or  
3 solely promotes a debate or forum and is made by or on  
4 behalf of the person sponsoring the debate or forum.

5 (d) For purposes of this section, a person shall be  
6 treated as having made a disbursement if the person has executed  
7 a contract to make the disbursement.

8 **§11-Y Fundraiser; notice of intent.** (a) No fundraiser  
9 shall be held unless a notice of intent to hold the fundraiser  
10 is filed setting forth the name and address of the person in  
11 charge, the price per person, the date, hour, and place of the  
12 fundraiser, and the method thereof.

13 (b) The person in charge of the fundraiser shall file the  
14 notice with the commission prior to the fundraiser.

15 (c) As used in this section, "fundraiser" means any  
16 function held for the benefit of a candidate or campaign  
17 committee that is intended or designed, directly or indirectly,  
18 to raise contributions for which the price or suggested  
19 contribution for attending the function is more than \$25 per  
20 person.

21 **§11-Z Reporting deadline.** When any reporting deadline  
22 falls on a Saturday, Sunday, or holiday designated in section 8-

1 1, the reporting deadline shall be the next succeeding day that  
2 is not a Saturday, Sunday, or holiday.

3 **§11-AA Sale or use of information.** No information in the  
4 reports or copies of the reports filed with the commission shall  
5 be sold or used by any person for the purpose of soliciting  
6 contributions or for any commercial purpose.

7 **E. Contributions; Prohibitions; Limits**

8 **§11-BB Contributions, generally.** (a) Monetary  
9 contributions and other campaign funds shall be promptly  
10 deposited in a depository institution, as defined by section  
11 412:1-109, duly authorized to do business in the State, such as  
12 a bank, savings bank, savings and loan association, depository  
13 financial services loan company, credit union, intra-Pacific  
14 bank, or similar financial institution, the deposits or accounts  
15 of which are insured by the Federal Deposit Insurance  
16 Corporation, or the National Credit Union Administration in the  
17 name of the candidate or any campaign committee, whichever is  
18 applicable.

19 (b) A candidate or any campaign committee shall not accept  
20 a contribution of more than \$100 in cash from a single person  
21 without issuing a receipt to the contributor and keeping a  
22 record of the contribution.

1 (c) Each committee shall disclose the original source of  
2 all earmarked funds, the ultimate recipient of the earmarked  
3 funds, and the fact that the funds are earmarked.

4 **§11-CC False name contributions prohibited.** (a) No  
5 person shall make a contribution to any candidate or a campaign  
6 committee, in any name other than that of the person who owns  
7 the money, property, or service.

8 (b) All contributions made in the name of a person other  
9 than the owner of the money, property, or service shall escheat  
10 to the Hawaii election campaign fund.

11 **§11-DD Anonymous contributions prohibited.** (a) Except as  
12 provided in subsection (d), no person shall make an anonymous  
13 contribution to any candidate or a campaign committee.

14 (b) A candidate or a campaign committee shall not  
15 knowingly receive, accept, or retain an anonymous contribution,  
16 or report such contribution as an anonymous contribution, except  
17 as provided in this section.

18 (c) An anonymous contribution shall not be used or  
19 expended by the candidate or any committee, but shall be  
20 returned to the contributor. If the contributor cannot be  
21 identified, the contribution shall escheat to the Hawaii  
22 election campaign fund.



1 (d) This section shall not apply to amounts that aggregate  
2 less than \$500 that are received from ten or more persons at the  
3 same political function. The receipt of these contributions  
4 shall be disclosed in a report filed pursuant to section 11-P  
5 and 11-R.

6 **§11-EE Fundraising on state or county property prohibited.**

7 (a) Except as provided in subsection (b), no person shall  
8 solicit a contribution in a government facility that is used for  
9 the discharge of official duties by an officer or employee of  
10 the State or county.

11 (b) This prohibition shall not apply to any government  
12 facility that permits use by nongovernmental organizations for a  
13 fee or with reservations; provided the governmental facility's  
14 use rules do not prohibit political activities on the premises.  
15 Government facilities that permit use for political activities  
16 shall be available to a candidate or campaign committee for  
17 fundraising activities pursuant to the same terms and conditions  
18 that would otherwise apply to use by nongovernmental  
19 organizations.

20 (c) A person who violates the prohibition of fundraising  
21 on state or county property shall be guilty of a misdemeanor.

1           **§11-FF Contributions by state and county contractors**

2 **prohibited.** (a) It shall be unlawful for any person who enters  
3 into a contract with the State, any of its counties, or any  
4 department or agency thereof for the rendition of personal  
5 services, the buying of property, or furnishing of any material,  
6 supplies, or equipment to the State, any of its counties,  
7 department or agency thereof, or for selling any land or  
8 building to the State, any of its counties, or any department or  
9 agency thereof, if payment for the performance of the contract  
10 or payment for material, supplies, equipment, land, property, or  
11 building is to be made in whole or in part from funds  
12 appropriated by the legislative body, at any time between the  
13 execution of the contract through the completion of the  
14 contract, to:

15           (1) Directly or indirectly make any contribution or to  
16           promise expressly or impliedly to make any  
17           contribution to any party, any committee, or candidate  
18           or to any person for any political purpose or use; or  
19           (2) Knowingly solicit any contribution from any person for  
20           any purpose during any period.

21           (b) Except as provided in subsection (a), this section  
22 does not prohibit or make unlawful the establishment or

1 administration of, or the solicitation of contributions to, any  
2 noncandidate committee by any person for the purpose of  
3 influencing the nomination for election or the election of any  
4 person to office; provided that the commission shall by rule  
5 establish contribution limits for limited liability companies as  
6 defined in section 428-101, limited liability partnerships as  
7 defined in section 425-101, and limited liability limited  
8 partnerships as defined in section 425E-102. Sole proprietors  
9 subject to this section shall comply with applicable campaign  
10 contribution limits in section 11-HH(a).

11 (c) For purposes of this section, "completion of the  
12 contract" means that the parties to the government contract have  
13 either terminated the contract prior to completion of  
14 performance or fully performed the duties and obligations under  
15 the contract, no disputes relating to the performance and  
16 payment remain under the contract, and all disputed claims have  
17 been adjudicated and are final.

18 **§11-GG Contributions by foreign national or foreign**  
19 **corporation prohibited.** (a) Except as provided in subsection  
20 (b), no contributions or expenditures shall be made to or on  
21 behalf of a candidate or a campaign committee by a foreign  
22 national or foreign corporation, including a domestic subsidiary

1 of a foreign corporation, a domestic corporation that is owned  
2 by a foreign national, or a local subsidiary where  
3 administrative control is retained by the foreign corporation,  
4 and in the same manner prohibited under 2 United States Code  
5 section 441e and 11 Code of Federal Regulations 110.20, as  
6 amended.

7 (b) A foreign-owned domestic corporation may make  
8 contributions if:

9 (1) Foreign national individuals do not participate in  
10 election-related activities such as decisions  
11 concerning contributions or the administration of a  
12 campaign committee; or

13 (2) The contributions are domestically-derived.

14 **§11-HH Contributions to candidate committees; limits.** (a)

15 No person shall make contributions to:

16 (1) A candidate seeking nomination or election to a two-  
17 year office or to a candidate committee in an  
18 aggregate amount greater than \$2,000 during an  
19 election period;

20 (2) A candidate seeking nomination or election to a four-  
21 year nonstatewide office or to a candidate committee

1 in an aggregate amount greater than \$4,000 during an  
2 election period; and

3 (3) A candidate seeking nomination or election to a four-  
4 year statewide office or to a candidate committee in  
5 an aggregate amount greater than \$6,000 during an  
6 election period.

7 (b) For purposes of this section, the length of term of an  
8 office shall be the usual length of term of the office as  
9 unaffected by reapportionment, a special election to fill a  
10 vacancy, or any other factor causing the term of the office the  
11 candidate is seeking to be less than the usual length of term of  
12 that office.

13 **§11-II Contributions to noncandidate committees; limits.**

14 No person shall make contributions to a noncandidate committee  
15 in an aggregate amount greater than \$1,000 in an election. This  
16 section shall not apply to ballot issue committees.

17 **§11-JJ Family contributions.** (a) A contribution by a  
18 dependent minor shall be reported in the name of the minor but  
19 included in the aggregate contributions of the minor's parent or  
20 guardian.

21 (b) A contribution by the candidate's immediate family  
22 shall be exempt from section 11-HH, but shall be limited in the

1 aggregate to \$50,000 in any election period; provided that the  
2 aggregate amount of loans and contributions received from the  
3 candidate's immediate family does not exceed \$50,000 during an  
4 election period.

5 **§11-KK Contributions to a party.** (a) No person shall  
6 make contributions to a party in an aggregate amount greater  
7 than \$25,000 in any two-year election period, except as provided  
8 in subsection (b).

9 (b) No political committee established and maintained by a  
10 national political party shall make contributions to a party in  
11 an aggregate amount greater than \$50,000 in any two-year  
12 election period.

13 (c) If a person makes a contribution to a party that is  
14 earmarked for a candidate or candidates and the party exercises  
15 any direction or control over the choice of the recipient  
16 candidate or candidates, the contribution is deemed to be a  
17 contribution from both the original contributor and the party  
18 distributing such funds to a candidate or candidates. The  
19 earmarked funds shall be promptly distributed by the party to  
20 the candidate.

1 (d) This section shall not prohibit a candidate from  
2 making contributions to the candidate's party if contributions  
3 are not earmarked for another candidate.

4 **§11-LL Aggregation of contributions and expenditures.** (a)

5 All contributions and expenditures of a person whose  
6 contributions or expenditures are financed, maintained, or  
7 controlled by any corporation, labor organization, association,  
8 party, or any other person, including any parent, subsidiary,  
9 branch, division, department, or local unit of the corporation,  
10 labor organization, association, party, political committees  
11 established and maintained by a national political party, or by  
12 any group of those persons shall be considered to be made by a  
13 single person.

14 (b) Contributions of an individual and any general  
15 partnership in which the individual is a partner shall be  
16 considered to be made by a single person.

17 (c) A person's contribution to a party that is earmarked  
18 for a candidate or candidates is included in the aggregate  
19 contributions of both the person and the party to the candidate  
20 or candidates if the party exercises any direction or control  
21 over the choice of the recipient candidate or candidates. The

1 earmarked funds shall be promptly distributed by the party to  
2 the candidate.

3 (d) A contribution by a dependent minor shall be reported  
4 in the name of the minor but included in the aggregate  
5 contributions of the minor's parent or guardian.

6 **§11-MM Contributions limited from nonresident persons.**

7 (a) Contributions from all persons who are not residents of the  
8 State at the time the contributions are made, shall not exceed  
9 twenty per cent of the total contributions received by a  
10 candidate or candidate committee for each reporting period.

11 (b) This section shall not be applicable to contributions  
12 from the candidate's immediate family.

13 **§11-NN Other contributions and expenditures. (a)**

14 Expenditures or disbursements for electioneering communications  
15 as defined in section 11-X, or any other coordinated activity  
16 made by any person for the benefit of a candidate in  
17 cooperation, consultation, or concert with, or at the request or  
18 suggestion of, a candidate, a candidate committee, or their  
19 agents, shall be considered to be a contribution to the  
20 candidate and expenditure by the candidate.

21 The financing by any person of the dissemination,  
22 distribution, or republication, in whole or in part, of any



1 broadcast or any written or other campaign materials prepared by  
2 the candidate, candidate committee, or agents shall be  
3 considered to be a contribution to the candidate.

4 This subsection shall not apply to candidates for governor  
5 or lieutenant governor supporting a co-candidate in the general  
6 election.

7 (b) "Coordinated activity" means:

8 (1) The payment by any person in cooperation,  
9 consultation, or concert with, at the request of, or  
10 pursuant to, any general or particular understanding  
11 with a candidate, candidate committee, the party of a  
12 candidate, or an agent of a candidate, candidate  
13 committee, or the party of a candidate;

14 (2) The payment by any person for the production,  
15 dissemination, distribution, or republication,  
16 written, graphic, or other form of campaign material  
17 prepared by a candidate, campaign committee, or an  
18 agent of a candidate or campaign committee; or

19 (3) Any payment by any person or contract for any  
20 electioneering communication, as defined in section  
21 11-X, where the payment is coordinated with a  
22 candidate, candidate committee, the party of the

1 candidate, or an agent of a candidate, campaign  
2 committee, or the party of a candidate.

3 (c) No expenditure for a candidate who files an affidavit  
4 with the commission agreeing to limit aggregate expenditures by  
5 the candidate, including coordinated activity by any person,  
6 shall be made or incurred by a campaign committee without  
7 authorization of the candidate or the candidate's authorized  
8 representative. Every expenditure so authorized and made or  
9 incurred shall be attributed to the candidate with whom the  
10 campaign committee is directly associated for the purpose of  
11 imposing the expenditure limitations set forth in section  
12 11-MMM.

13 **§11-00 Excess contribution; return; escheat.** (a) Any  
14 candidate or campaign committee that receives in the aggregate  
15 more than the applicable contribution limit in sections 11-HH,  
16 11-II, 11-JJ, and 11-KK shall return any excess contribution to  
17 the contributor within thirty days of receipt of the excess  
18 contribution. Any excess contribution not returned to the  
19 contributor within thirty days shall escheat to the Hawaii  
20 election campaign fund.

1 (b) A candidate or a campaign committee who complies with  
2 this section prior to the initiation of administrative action  
3 shall not be subject to any fine under section 11-HHH.

4 **F. Loans**

5 **§11-PP Loan to candidate committee.** (a) A candidate or  
6 candidate committee may receive a loan from any or all of the  
7 following:

8 (1) The candidate's own funds;

9 (2) A financial institution regulated by the State or a  
10 federally chartered depository institution and made in  
11 accordance with applicable law in the ordinary course  
12 of business;

13 (3) The candidate's immediate family in an aggregate  
14 amount not to exceed \$50,000 during an election  
15 period, provided that the aggregate amount of loans  
16 and contributions received from the immediate family  
17 does not exceed \$50,000 during an election period; and

18 (4) Persons other than immediate family of the candidate  
19 in an aggregate amount not to exceed \$10,000 during an  
20 election period. This \$10,000 limit for loans from  
21 persons other than the immediate family is applicable

1 to the candidate, rather than the person or persons  
2 making the loan; provided that:

3 (A) If the \$10,000 limit for loans from persons other  
4 than the immediate family is reached, the  
5 candidate and candidate committee shall be  
6 prohibited from receiving or accepting any other  
7 loans until the \$10,000 is repaid in full;

8 (B) If a loan from persons other than immediate  
9 family members is not repaid within one year of  
10 the date that the loan is made, the candidate and  
11 candidate committee shall be prohibited from  
12 accepting any other loans. All campaign funds,  
13 including contributions subsequently received,  
14 shall be used to repay the outstanding loan in  
15 full.

16 (b) For the purposes of this section, a "loan" does not  
17 include expenditures made on behalf of a candidate committee by  
18 a candidate, volunteer, or employee if:

19 (1) The candidate's, volunteer's, or employee's aggregate  
20 expenditures do not exceed \$1,500 within a thirty-day  
21 period;

- 1 (2) A dated receipt and a written description of the name  
2 and address of each payee and the amount, date, and  
3 purpose of each expenditure is provided to the  
4 candidate committee before the candidate committee  
5 reimburses the candidate, volunteer, or employee; and  
6 (3) The candidate committee reimburses the candidate,  
7 volunteer, or employee within forty-five days of the  
8 expenditure being made.

9 **§11-QQ Reporting loan; written loan agreement.** (a) Every  
10 loan shall be reported as provided in section 11-P.

11 (b) Every loan in excess of \$100 shall be documented as  
12 provided in section 11-P.

13 (c) A loan shall be treated as a contribution, subject to  
14 all relevant provisions of this part, if the loan is not  
15 reported or documented as provided in section 11-P.

16 **§11-RR Noncandidate committee loan prohibited.** A  
17 noncandidate committee shall not receive or make a loan.

18 **G. Expenditures**

19 **§11-SS Campaign funds only used for certain purposes.** (a)  
20 Campaign funds may be used by a candidate, treasurer, or  
21 candidate committee:

- 22 (1) For any purpose directly related:

- 1 (A) In the case of the candidate, to the candidate's  
2 own campaign; or
- 3 (B) In the case of a treasurer or candidate  
4 committee, to the campaign of the candidate,  
5 question, or issue with which they are directly  
6 associated;
- 7 (2) To purchase or lease consumer goods, vehicles,  
8 equipment, and services that provide a mixed benefit  
9 to the candidate. The candidate, however, shall  
10 reimburse the committee for the candidate's personal  
11 use unless the personal use is de minimis;
- 12 (3) To make donations to any community service,  
13 educational, youth, recreational, charitable,  
14 scientific, or literary organization; provided that in  
15 any election period, the total amount of all  
16 contributions shall be no more than twice the maximum  
17 amount that one person may contribute to that  
18 candidate pursuant to section 11-HH; provided further  
19 that no contributions shall be made from the date the  
20 candidate files nomination papers to the date of the  
21 general election;

- 1 (4) To make donations to any public school or public  
2 library; provided that any donation under this  
3 paragraph shall not be subjected to and counted  
4 towards the limit imposed in paragraph (3);
- 5 (5) To purchase not more than two tickets for each event  
6 held by another candidate or committee, whether or not  
7 the event constitutes a fundraiser as defined in  
8 section 11-Y;
- 9 (6) To make contributions to the candidate's party so long  
10 as the contributions are not earmarked for another  
11 candidate; or
- 12 (7) To pay for ordinary and necessary expenses incurred in  
13 connection with the candidate's duties as a holder of  
14 an office.

15 (b) Campaign funds may be used for the candidate's next  
16 subsequent election upon registration for the election pursuant  
17 to section 11-I.

18 **§11-TT Prohibited uses of campaign funds.** Campaign funds  
19 shall not be used:

- 20 (1) To support the campaigns of candidates other than the  
21 candidate with which they are directly associated;

1 (2) To campaign against any other candidate not directly  
2 opposing the candidate with which they are directly  
3 associated; or

4 (3) For personal expenses.

5 **§11-UU Exceptions.** Notwithstanding sections 11-SS and 11-

6 TT:

7 (1) A party may support more than one candidate; and

8 (2) A candidate for the office of governor or lieutenant  
9 governor may support a co-candidate in the general  
10 election.

11 **§11-VV Disposition of campaign funds; termination of**

12 **registration.** (a) The candidate committee and candidate who  
13 receives contributions for an election but fails to file  
14 nomination papers for that election shall return residual funds  
15 to the contributors no later than ninety days after the date on  
16 which nominations for that election shall be filed. Funds not  
17 returned to contributors shall escheat to the Hawaii election  
18 campaign fund.

19 (b) The candidate committee and candidate who withdraws or  
20 ceases to be a candidate for the election because of death,  
21 disqualification, or other reasons shall return residual funds  
22 to the contributors no later than ninety days after the



1 candidate ceases to be a candidate. Funds not returned to  
2 contributors shall escheat to the Hawaii election campaign fund.

3 (c) A candidate committee and candidate who is elected to  
4 office, including a candidate subject to term limits and a  
5 candidate who resigned before the end of the term of office, may  
6 use campaign funds as provided in section 11-SS or return funds  
7 to contributors until four years from the date of the election  
8 for which the campaign funds were received. Funds that are not  
9 used or returned to contributors shall escheat to the Hawaii  
10 election campaign fund.

11 (d) A candidate committee and candidate who lost in an  
12 election may use campaign funds as provided in section 11-SS or  
13 return funds to contributors until one year from the date of the  
14 election for which the campaign funds were received. Funds that  
15 are not used or returned to contributors shall escheat to the  
16 Hawaii election campaign fund.

17 (e) A candidate committee that disposes of campaign funds  
18 pursuant to this section shall terminate registration with the  
19 commission as provided in section 11-N.

20 (f) Notwithstanding any of the foregoing, campaign funds  
21 may be used for the candidate's next subsequent election as

1 provided in section 11-SS upon registration for the election  
2 pursuant to section 11-I.

3 (g) The commission shall adopt rules under chapter 91 for  
4 carrying out the purposes of this section.

5 **H. Advertisements**

6 **§11-WW Advertisements.** (a) Any advertisement shall  
7 contain:

8 (1) The name and address of the candidate, committee, or  
9 other person paying for the advertisement; and

10 (2) A notice in a prominent location stating either:

11 (A) The advertisement is published, broadcast,  
12 televised, or circulated with the approval and  
13 authority of the candidate, provided that an  
14 advertisement paid for by a candidate, candidate  
15 committee, or ballot issue committee does not  
16 have to include the notice; or

17 (B) The advertisement is published, broadcast,  
18 televised, or circulated without the approval and  
19 authority of the candidate.

20 (b) The fine for violating this section shall be a fine  
21 not to exceed \$25 for each advertisement that lacks the



1 (d) Upon application of the commission, obedience to the  
2 subpoena shall be enforced by the circuit court in the county  
3 where the person subpoenaed resides or is found, in the same  
4 manner as a subpoena issued by a circuit court.

5 **§11-ZZ Filing of complaint.** (a) A person alleging  
6 violations of this part shall file a complaint with the  
7 commission.

8 (b) A complaint initiated by the commission shall be in  
9 writing and signed by the executive director.

10 (c) A complaint by a person other than the executive  
11 director shall be in writing, signed by the person filing the  
12 complaint, and notarized.

13 **§11-AAA Notice of complaint; opportunity to explain or**  
14 **respond to complaint.** (a) The commission shall give notice of  
15 receipt of the complaint and a copy of the complaint to the  
16 respondent.

17 (b) The respondent may explain or otherwise respond in  
18 writing to the complaint and explain or otherwise respond to the  
19 complaint at a meeting promptly noticed by the commission and  
20 conducted under chapter 92.

1           **§11-BBB Initial determination by the commission.** The  
2 commission shall promptly determine, without regard to chapter  
3 91, to:

- 4           (1) Summarily dismiss the complaint;
- 5           (2) Cause further investigation;
- 6           (3) Make a preliminary determination; or
- 7           (4) Refer the complaint to an appropriate prosecuting  
8           attorney for prosecution under section 11-III.

9           **§11-CCC Preliminary determination regarding probable**  
10 **cause.** (a) Upon hearing the response, if the respondent  
11 explains or otherwise responds to the complaint, and upon  
12 completion of any investigation, the commission may make a  
13 prompt preliminary determination as to whether probable cause  
14 exists that a violation of this part has been committed. The  
15 preliminary determination with findings of fact and conclusions  
16 of law shall be served upon the respondent by certified mail.

17           (b) The respondent shall be afforded an opportunity to  
18 contest the commission's preliminary determination of probable  
19 cause by making a request for a contested case hearing under  
20 chapter 91 within twenty days of receipt of the preliminary  
21 determination. Failure to request a contested case hearing

1 shall result in the commission's preliminary determination being  
2 deemed a final determination of violation.

3       **§11-DDD Waiver of further proceedings.** The commission may  
4 waive further proceedings, because of action the respondent  
5 takes to remedy or correct the alleged violation, including the  
6 payment of any administrative fine. The commission shall make  
7 the remedial or corrective action taken by the respondent, the  
8 commission's decision in light of the action to waive further  
9 proceedings, and the commission's justification for its  
10 decision, a part of the public record.

11       **§11-EEE Contested case hearing.** (a) A contested case  
12 hearing shall be conducted pursuant to chapter 91 and any rules  
13 adopted by the commission.

14       (b) The hearing shall be before the commission or a duly  
15 designated hearings officer. The commission or hearings officer  
16 shall not be bound by strict rules of evidence when conducting a  
17 hearing to determine whether a violation of this part has  
18 occurred, and the degree or quantum of proof required shall be a  
19 preponderance of the evidence.

20       (c) The commission or hearings officer, if there is no  
21 dispute as to the facts involved in a particular matter, may  
22 permit the parties to proceed by memoranda of law in lieu of a

1 hearing unless the procedure would unduly burden any party or is  
2 otherwise not conducive to the ends of justice.

3 (d) A record shall be made of the proceeding.

4 (e) All parties shall be afforded full opportunity to  
5 present evidence and argument on all issues involved.

6 (f) Any person who appears before the commission shall  
7 have all of the rights, privileges, and responsibilities of a  
8 witness appearing before the courts of this State. All  
9 witnesses summoned before the commission or hearings officer  
10 shall receive reimbursements as paid in like circumstances in  
11 the courts of this State. Any person whose name is mentioned  
12 during a proceeding before the commission and who may be  
13 adversely affected thereby, may appear or file a written  
14 statement for incorporation into the record of the proceeding.

15 (g) A hearings officer shall render a recommended decision  
16 for the commission's consideration. Any party adversely  
17 affected by the decision may file written exceptions with the  
18 commission within fifteen days after receipt of a copy of the  
19 decision by certified mail.

20 (h) The commission, as expeditiously as possible, after  
21 the close of the commission's hearing shall issue its final  
22 determination of violation together with separate findings of

1 fact and conclusions of law regarding whether a violation of  
2 this part has been committed.

3 **§11-FFF Dismissal.** The complaint shall be dismissed if  
4 the commission makes a final determination that there is no  
5 violation of this part.

6 **§11-GGG Final determination of violation; order.** If the  
7 commission makes a final determination of a violation of this  
8 part, its written decision with findings of fact and conclusions  
9 of law may order any of the following:

- 10 (1) The return of any contribution;
- 11 (2) The reimbursement of any unauthorized expenditure;
- 12 (3) The payment of any administrative fine to the general  
13 fund of the State;
- 14 (4) The respondent to cease and desist violations of this  
15 part; and
- 16 (5) Any report, statement, or other information required  
17 by this part to be filed.

18 **§11-HHH Administrative fines; relief.** (a) The commission  
19 may make a decision or issue an order affecting any person  
20 violating any provision of this part or section 281-22 that may  
21 provide for the assessment of an administrative fine as follows:



1 (1) If a natural person, an amount not to exceed \$1,000  
2 for each occurrence or an amount equivalent to three  
3 times the amount of an unlawful contribution or  
4 expenditure; or

5 (2) If a corporation, organization, association, or labor  
6 union, an amount not to exceed \$1,000 for each  
7 occurrence;

8 provided that whenever a corporation, organization, association,  
9 or labor union violates this part, the violation may be deemed  
10 to be also that of the individual directors, officers, or agents  
11 of the corporation, organization, association, or labor union,  
12 who have knowingly authorized, ordered, or done any of the acts  
13 constituting the violation.

14 (b) Any order for the assessment of an administrative fine  
15 may not be issued against a person without providing the person  
16 written notice and an opportunity to be heard at a hearing  
17 conducted under chapter 91. A person may waive these rights by  
18 written stipulation or consent.

19 (c) If an administrative fine is imposed upon a candidate,  
20 the commission may order that the fine, or any portion, be paid  
21 from the candidate's personal funds.

1 (d) If the person to whom the commission's order is  
2 directed does not comply with the order, the first circuit  
3 court, upon application of the commission, shall issue an order  
4 requiring the person to comply with the commission's order.  
5 Failure to obey such a court order shall be punished as  
6 contempt.

7 (e) Any administrative fine collected by the commission  
8 shall be deposited in the general fund of the State.

9 (f) Any person or the commission may sue for injunctive  
10 relief to compel compliance with this part.

11 (g) The provisions of this section shall not prohibit  
12 prosecution under any appropriate provision of the Hawaii Penal  
13 Code or section 11-JJJ.

14 (h) The provisions of this section shall not apply to any  
15 person who, prior to the commencement of proceedings under this  
16 section, has paid or agreed to pay the fines prescribed by  
17 section 11-W(d) and (g) and 11-WW(b).

18 **§11-III Criminal referral.** In lieu of an administrative  
19 determination that a violation of this part has been committed,  
20 the commission may refer the complaint to the attorney general  
21 or county prosecutor at any time it believes that the respondent

1 may have recklessly, knowingly, or intentionally committed a  
2 violation.

3       **§11-JJJ Criminal prosecution.** (a) Any person who  
4 recklessly, knowingly, or intentionally violates any provision  
5 of this part shall be guilty of a misdemeanor.

6       (b) Any person who knowingly or intentionally falsifies  
7 any report required by this part with the intent to circumvent  
8 the law or deceive the commission or who violates section 11-CC  
9 or 11-DD shall be guilty of a class C felony. A person charged  
10 with a class C felony shall not be eligible for a deferred  
11 acceptance of guilty plea or nolo contendere plea under chapter  
12 853.

13       (c) A person who is convicted under this section shall be  
14 disqualified from holding elective public office for a period of  
15 four years from the date of conviction.

16       (d) For purposes of prosecution for violation of this  
17 part, the offices of the attorney general and the prosecuting  
18 attorney of the respective counties shall be deemed to have  
19 concurrent jurisdiction to be exercised as follows:

20       (1) Prosecution shall commence with a written request from  
21 the commission or upon the issuance of an order of the  
22 court; provided that prosecution may commence prior to

1           any proceeding initiated by the commission or final  
2           determination;

3           (2) In the case of state offices, parties, or issues, the  
4           attorney general or the prosecuting attorney for the  
5           city and county of Honolulu shall prosecute any  
6           violation; and

7           (3) In the case of all other offices, parties, or issues,  
8           the attorney general or the prosecuting attorney for  
9           the respective county shall prosecute any violation.

10          In the commission's choice of prosecuting agency, it shall  
11          be guided by whether there exists any conflicting interest  
12          between the agency and its appointive authority.

13          (e) The court shall give priority to the expeditious  
14          processing of prosecutions under this section.

15          (f) Prosecution for violations of this part shall not be  
16          commenced after five years have elapsed from the date of the  
17          violation or date of filing of the report covering the period in  
18          which the violation occurred, whichever is later.

19          (g) This section shall not apply to any person who, prior  
20          to the commencement of proceedings under this section, has paid  
21          or agreed to pay the fines prescribed by sections 11-W(d) and(e)  
22          and 11-WW(b) .

1                                   **J. Partial Public Financing**

2           **§11-KKK Hawaii election campaign fund; creation.** (a) The  
3 Hawaii election campaign fund is created as a trust fund within  
4 the state treasury.

5           (b) The fund shall consist of:

6           (1) All moneys collected from persons who have designated  
7 a portion of their income tax liability to the fund as  
8 provided in section 235-102.5;

9           (2) Any general fund appropriations; and

10          (3) Other moneys collected pursuant to this part.

11          (c) Moneys in this fund shall be paid to candidates by the  
12 comptroller as prescribed in section 11-UUU and may be used for  
13 the commission's operating expenses, including staff salaries  
14 and fringe benefits.

15          **§11-LLL Depletion of fund.** (a) The commission shall be  
16 under no obligation to provide moneys to candidates if, in the  
17 partial public funding program or comprehensive public funding  
18 for elections to the county of Hawaii council, moneys in that  
19 fund are near depletion.

20          (b) For purpose of the partial funding program, if the  
21 Hawaii election campaign fund is close to depletion, as  
22 determined by the commission, the commission shall determine the

1 amounts available to eligible candidates based on their order of  
2 eligibility in qualifying for partial public funds, as  
3 determined by the date of filing of an application for public  
4 funds with the commission pursuant to section 11-TTT; provided  
5 that the application has been accepted by the commission.

6 (c) For purpose of the comprehensive public funding for  
7 elections to the county councils, if the Hawaii elections  
8 campaign fund is close to depletion, the commission shall  
9 determine whether the program shall be operative in accordance  
10 with this part.

11 **§11-MMM Voluntary expenditure limits; filing affidavit.**

12 (a) A candidate may file an affidavit with the commission  
13 agreeing to limit aggregate expenditures by the candidate,  
14 including coordinated activity by any person for the benefit of  
15 the candidate in cooperation, consultation, or concert with, or  
16 at the request or suggestion of the candidate, candidate  
17 committee, or their agents, to the amounts specified in  
18 subsection (d).

19 (b) The affidavit shall be subscribed by the candidate,  
20 notarized, and filed no later than the time of filing nomination  
21 papers with the chief election officer or county clerk.

1 (c) The affidavit shall remain effective until the  
2 termination of the candidate committee or the opening of filing  
3 of nomination papers for the next succeeding election, whichever  
4 occurs first. An affidavit filed under this section may not be  
5 rescinded.

6 (d) From January 1 of the year of any primary, special, or  
7 general election, the aggregate expenditures for each election  
8 by a candidate who voluntarily agrees to limit campaign  
9 expenditures, inclusive of all expenditures made or authorized  
10 by the candidate alone and all campaign treasurers and  
11 committees in the candidate's behalf shall not exceed the  
12 following amounts expressed, respectively multiplied by the  
13 number of voters in the last preceding general election  
14 registered to vote in each respective voting district:

- 15 (1) For the office of governor - \$2.50;  
16 (2) For the office of lieutenant governor - \$1.40;  
17 (3) For the office of mayor - \$2.00;  
18 (4) For the offices of state senator, state  
19 representative, and county council member - \$1.40; and  
20 (5) For the board of education and all other offices - 20  
21 cents.

1           **§11-NNN Tax deduction for qualifying contributions.** (a)

2 An individual resident of Hawaii may claim a state income tax  
3 deduction pursuant to section 235-7(g)(2), for contributions to  
4 a candidate who files an affidavit pursuant to section 11-MMM  
5 and complies with the expenditure limit.

6           (b) The commission shall forward a copy of the affidavit  
7 to the director of taxation upon request.

8           (c) If a candidate has not filed the affidavit pursuant to  
9 this section, the candidate shall inform all contributors in  
10 writing immediately upon receipt of the contribution that they  
11 are not entitled to a tax deduction for their contributions to  
12 the candidate and the director of taxation shall not allow any  
13 contributor to take a deduction, pursuant to section  
14 235-7(g)(2), for any contribution to the candidate for a  
15 statewide or county office, if a receipt is attached to the  
16 state income tax return. Cancelled checks or copies of the same  
17 shall be considered adequate receipt forms.

18           (d) The affidavit shall remain effective until the  
19 termination of the candidate committee or the opening of filing  
20 of nomination papers for the next succeeding election, whichever  
21 occurs first. An affidavit filed under this section may not be  
22 rescinded.



1           **§11-000 Maximum amount of public funds available to**  
2 **candidate.** (a) The maximum amount of public funds available in  
3 each election to a candidate for the office of governor,  
4 lieutenant governor, or mayor shall not exceed ten per cent of  
5 the expenditure limit established in section 11-MMM(d) for each  
6 election.

7           (b) The maximum amount of public funds available in each  
8 election to a candidate for the office of state senator, state  
9 representative, county council member, and prosecuting attorney  
10 shall not exceed fifteen per cent of the expenditure limit  
11 established in section 11-MMM(d) for each election.

12           (c) For the office of Hawaiian affairs, the maximum amount  
13 of public funds available to a candidate shall not exceed \$1,500  
14 in any election year.

15           (d) For the board of education and all other offices, the  
16 maximum amount of public funds available to a candidate shall  
17 not exceed \$100 in any election year.

18           **§11-PPP Candidate exceeds voluntary expenditure limit.** A  
19 candidate who files the affidavit agreeing to limit expenditures  
20 and who exceeds the expenditure limit for that election shall:

1 (1) Notify all opponents, the chief election officer, and  
2 the commission by telephone and writing on the day the  
3 expenditure limit is exceeded;

4 (2) Pay the balance of the full filing fee; and

5 (3) Provide reasonable notice to all contributors within  
6 thirty days of exceeding the limit that the  
7 expenditure limit was exceeded and contributions to  
8 the candidate no longer qualify for a state income tax  
9 deduction.

10 **§11-~~QQQ~~ Reserving use of contributions.** A candidate who  
11 files the affidavit voluntarily agreeing to limit expenditures  
12 and who receives contributions that in aggregate exceed the  
13 expenditure limit for an election shall reserve use of any  
14 contributions that exceed the limit until after the applicable  
15 election.

16 **§11-~~RRR~~ Eligibility requirements for public funds.** In  
17 order to be eligible to receive public funds for an election, a  
18 candidate shall meet all the following requirements:

19 (1) The candidate and any candidate's committee authorized  
20 by the candidate shall not incur campaign expenses in  
21 excess of the expenditure limitations imposed by  
22 section 11-209;

- 1           (2) The candidate has qualified to be on the election  
2           ballot in a primary or general election;
- 3           (3) The candidate has filed a statement of intent to seek  
4           qualifying contributions. A contribution received  
5           before the filing of a statement of intent to seek  
6           public funds shall not be considered a qualifying  
7           contribution;
- 8           (4) The candidate or committee authorized by the candidate  
9           has received the qualifying sum of private  
10          contributions for the office sought by the candidate  
11          as set forth in section 11-219;
- 12          (5) The aggregate of contributions certified with respect  
13          to any person under paragraph (4) does not exceed 100;
- 14          (6) The candidate agrees to obtain and furnish any  
15          evidence relating to expenditures which the commission  
16          may request;
- 17          (7) The candidate agrees to keep and furnish records,  
18          books, and other information which the commission may  
19          request;
- 20          (8) The candidate agrees to an audit and examination by  
21          the commission pursuant to section 11-XXX and to pay

1 any amounts required to be paid pursuant to that  
2 section; and

3 (9) Each candidate and candidate's committee in receipt of  
4 qualifying campaign contributions which may be taken  
5 into account for purposes of public funding shall  
6 maintain, on a form prescribed by the commission,  
7 records which show the date and amount of each  
8 qualifying campaign contribution and the full name and  
9 mailing address of the person making the contribution.  
10 The candidate and all campaign committees authorized  
11 by the candidate shall transmit to the commission all  
12 reports with respect to these contributions that the  
13 commission may require.

14 **§11-SSS Minimum qualifying contribution amounts;**  
15 **qualifying contribution statement.** (a) As a condition of  
16 receiving public funds for a primary or general election, a  
17 candidate shall not be unopposed in any election for which  
18 public funds are sought, shall have filed an affidavit with the  
19 commission pursuant to section 11-MMM to voluntarily limit the  
20 candidate's campaign expenditures, and shall be in receipt of  
21 the following sum of qualifying campaign contributions from  
22 individual residents of Hawaii:

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- 1 (1) For the office of governor – qualifying contributions  
2 that in the aggregate, exceed \$100,000;
- 3 (2) For the office of lieutenant governor – qualifying  
4 contributions that in the aggregate, exceed \$50,000;
- 5 (3) For the office of mayor for each respective county:
- 6 (A) County of Honolulu – qualifying contributions  
7 that in the aggregate, exceed \$50,000;
- 8 (B) County of Hawaii – qualifying contributions that  
9 in the aggregate, exceed \$15,000;
- 10 (C) County of Maui – qualifying contributions that in  
11 the aggregate, exceed \$10,000; and
- 12 (D) County of Kauai – qualifying contributions that  
13 in the aggregate, exceed \$5,000; and
- 14 (4) For the office of prosecuting attorney for each  
15 respective county:
- 16 (A) County of Honolulu – qualifying contributions  
17 that in the aggregate, exceed \$30,000;
- 18 (B) County of Hawaii – qualifying contributions that  
19 in the aggregate, exceed \$10,000; and
- 20 (C) County of Kauai – qualifying contributions that  
21 in the aggregate, exceed \$5,000;

- 1 (5) For the office of county council – for each respective  
2 county:
- 3 (A) County of Honolulu – qualifying contributions  
4 that in the aggregate, exceed \$5,000;
- 5 (B) County of Hawaii – qualifying contributions that  
6 in the aggregate, exceed \$1,500;
- 7 (C) County of Maui – qualifying contributions that in  
8 the aggregate, exceed \$5,000; and
- 9 (D) County of Kauai – qualifying contributions that  
10 in the aggregate, exceed \$3,000;
- 11 (6) For the office of state senator – qualifying  
12 contributions that, in the aggregate, exceed \$2,500;
- 13 (7) For the office of state representative – qualifying  
14 contributions that, in the aggregate, exceed \$1,500;
- 15 (8) For the office of Hawaiian affairs – qualifying  
16 contributions that, in the aggregate, exceed \$1,500;  
17 and
- 18 (9) For all other offices, qualifying contributions that,  
19 in the aggregate, exceed \$500.
- 20 (b) A candidate shall obtain the minimum qualifying  
21 contribution amount set forth in subsection (a), once for the  
22 election period.

1 (1) If the candidate obtains the minimum qualifying  
2 contribution amount, the candidate is eligible to  
3 receive:  
4 (A) The minimum payment in an amount equal to the  
5 minimum qualifying contribution amounts; and  
6 (B) Payments of \$1 for each \$1 of qualifying  
7 contributions in excess of the minimum qualifying  
8 contribution amounts.

9 (2) A candidate shall have at least one other qualified  
10 candidate as an opponent for the primary or general  
11 election to receive public funds for that election.

12 (c) The candidate shall not receive more than the maximum  
13 amount of public funds available to a candidate pursuant to  
14 section 11-000; provided that the candidate shall not receive  
15 public funds for a primary election if the candidate does not  
16 obtain the minimum qualifying contribution amounts before the  
17 date of the primary election.

18 **§11-TTT Application for public funds.** (a) Each  
19 application for public funds shall be signed by the candidate  
20 and notarized, and accompanied by the qualifying campaign  
21 contribution statement or statements.

1 (b) The application shall be mailed or delivered to the  
2 commission no later than thirty days after the general election.

3 (c) Each candidate in receipt of the qualifying sum of  
4 contributions established by the candidate's office may apply to  
5 the commission for public funding after the candidate has become  
6 a candidate in a primary or general election.

7 **§11-UUU Payment to candidate.** (a) Upon the commission's  
8 approval of the application and statement of qualifying  
9 contributions, the commission shall direct the comptroller to  
10 distribute matching public funds up to the maximum amount of  
11 public funds allowed by section 11-000. Public funds shall be  
12 distributed to the candidate within twenty days from the date  
13 the candidate's initial application and qualifying contribution  
14 statement is approved by the commission.

15 (b) The commission shall make additional determinations  
16 within fourteen days after receiving a complete application and  
17 supplemental statement of qualifying contributions from a  
18 candidate.

19 (c) All determinations made by the commission under this  
20 section are final and conclusive, except to the extent they are  
21 subject to examination and audit by the commission under section  
22 11-XXX.



1           **§11-VVV Use of public funds.** (a) Public funds shall be  
2 deposited in a depository institution, as defined in section  
3 412:1-109, duly authorized to do business in the State, such as  
4 a bank, savings bank, savings and loan association, depository  
5 financial services loan company, credit union, intra-Pacific  
6 bank, or similar financial institution, the deposits or accounts  
7 of which are insured by the Federal Deposit Insurance  
8 Corporation, or the National Credit Union Administration.

9           (b) No expenditures of any public funds shall be made  
10 except by checks drawn on such checking account.

11           (c) Public funds shall be only used to:

12           (1) Defray expenditures of the candidate or all committees  
13 authorized by such candidates; and

14           (2) Repay loans, the proceeds of which were used to defray  
15 expenditures.

16           (d) Public funds shall not be transferred to another  
17 candidate for any election.

18           (e) Unexpended public funds shall be returned to the  
19 commission by the deadline for filing the final report for the  
20 election that the funds were received for.

21           **§11-WWW Post-election report required.** The treasurer  
22 shall electronically submit an expenditure of public funds

1 report to the commission no later than twenty days after a  
2 primary election and no later than thirty days after a general  
3 election certifying that all public funds paid to the candidate  
4 have been used as required by this part.

5       Should the commission determines that any part of the  
6 public funds have been used for noncampaign or improper  
7 expenses, it shall report such finding to the attorney general  
8 and shall order the candidate to return all or part of the funds  
9 paid to that candidate for a primary or general election. When  
10 public funds are returned, they shall be deposited into the  
11 Hawaii election campaign fund.

12       **§11-XXX Post-election examination and audit; return of**  
13 **funds.** (a) The commission shall examine and audit the public  
14 funds received by all candidates, qualifying contributions, and  
15 the expenditures made by all candidates within sixty days after  
16 each general election.

17       (b) The commission shall adopt rules, prior to the payment  
18 of public money, regarding expenditures which qualify under  
19 section 11-VVV.

20       (c) If the commission determines that any payment of  
21 public funds to a candidate exceeded the aggregate amount to  
22 which the candidate was entitled, the commission shall notify

1 the candidate within two years of the payment of the public  
2 funds and the candidate shall repay the excess amount to the  
3 Hawaii election campaign fund. If the commission does not  
4 notify the candidate within two years the excess payment does  
5 not have to be repaid.

6 (d) If the commission determines that any public funds  
7 were used for any improper purpose, the commission shall notify  
8 the candidate, and the candidate shall pay to the Hawaii  
9 election campaign fund an amount equal to three hundred per cent  
10 of such amount in addition to any fines under section 11-HHH and  
11 section 11-JJJ.

12 **§11-YYY Report and recommendation.** In January of each  
13 year, the commission may submit to the legislature:

14 (1) A study and recommendations of reasonable campaign  
15 expenditure and contribution limits and the factors  
16 which may be relevant in their establishment; and

17 (2) A report concerning the status of the Hawaii election  
18 campaign fund."

19 **PART III**

20 SECTION 3. Chapter 11, part XII, subpart B, Hawaii Revised  
21 Statutes, is repealed.

22 **PART IV**

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

4 SECTION 5. If any provision of this Act, or the  
5 application thereof to any person or circumstance is held  
6 invalid, the invalidity shall not affect other provisions or  
7 applications of the Act, which can be given effect without the  
8 invalid provision or application, and to this end the provisions  
9 of this Act are severable.

10 SECTION 6. Any Act relating to chapter 11, part XII,  
11 subpart B, Hawaii Revised Statutes, passed by the legislature  
12 during the regular session of 2009, whether enacted before or  
13 after the effective date of this Act, shall be effective  
14 according to its terms, notwithstanding the passage of this Act,  
15 and any provision of this Act that is contrary to such act shall  
16 be amended to conform to that act, regardless of the effective  
17 date of that act. The revisor of statutes shall incorporate the  
18 terms of any such act into their appropriate places in this Act.

19 SECTION 7. In codifying the new sections added by part II  
20 of this Act, the revisor of statutes shall substitute  
21 appropriate section numbers for the letters used in designating  
22 the new sections in this Act.

**1** SECTION 8. This Act shall take effect on January 1, 2010.

**Report Title:**

Elections; Campaign Financing

**Description:**

Organizes, clarifies, updates, and recodifies campaign finance laws. (SD1)