

---

---

# A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

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

1           SECTION 1. The legislature finds that noncandidate  
2 committees spend money for the purpose of influencing public  
3 opinion on ballot issues and questions. The legislature further  
4 finds that the public should have clear and easily accessible  
5 information concerning any ballot issue or question that a  
6 noncandidate committee is expending money on. Under the current  
7 law, a noncandidate committee that is a ballot issue committee  
8 is required to disclose the specific ballot issue or question  
9 only in its organizational report and not in the various  
10 expenditure reports that are publicly filed. A noncandidate  
11 committee that is not formed to exclusively advocate on a ballot  
12 issue or question may nonetheless advocate for or against a  
13 ballot issue or question, but is not required to indicate its  
14 advocacy position in its organizational report or any other  
15 report. In order to make clear to the public when a  
16 noncandidate committee is expending money related to a ballot  
17 issue or question, the legislature finds that any noncandidate



1 committee shall identify and disclose its advocacy for or  
2 against a ballot issue or question in its expenditure reports.

3 The purpose of this Act is to increase campaign spending  
4 transparency by broadening the reporting requirements of  
5 noncandidate committees when they engage in ballot issue  
6 advocacy.

7 SECTION 2. Section 11-302, Hawaii Revised Statutes, is  
8 amended by amending the definition of "independent expenditure"  
9 to read as follows:

10 ""Independent expenditure" means an expenditure by a person  
11 expressly advocating ~~the~~ the:

12 (1) The election or defeat of a clearly identified  
13 candidate that is not made in concert or cooperation  
14 with or at the request or suggestion of the candidate,  
15 the candidate committee, a party, or their agents[-];

16 or

17 (2) For or against any question or issue appearing on the  
18 ballot in the next applicable election."

19 SECTION 3. Section 11-335, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:



1           " (b) Schedules filed with the reports shall include the  
2 following additional information:

3           (1) The amount and date of deposit of each contribution  
4 received and the name, address, occupation, and  
5 employer of each contributor making a contribution  
6 aggregating more than \$100 during an election period,  
7 which was not previously reported; provided that if  
8 all the information is not on file, the contribution  
9 shall be returned to the contributor within thirty  
10 days of deposit;

11          (2) The amount and date of each contribution made and the  
12 name and address of the candidate, candidate  
13 committee, or noncandidate committee to which the  
14 contribution was made;

15          (3) All expenditures, including the name and address of  
16 each payee and the amount, date, and purpose of each  
17 expenditure; provided that:

18           (A) Expenditures for advertisements or electioneering  
19 communications shall include the names of the  
20 candidates supported, opposed, or clearly  
21 identified;



- 1 (B) Expenditures for consultants, advertising  
2 agencies and similar firms, credit card payments,  
3 salaries, and candidate reimbursements shall be  
4 itemized to permit a reasonable person to  
5 determine the ultimate intended recipient of the  
6 expenditure and its purpose;
- 7 (C) Independent expenditures shall include the name  
8 of any candidate supported, opposed, or clearly  
9 identified; and
- 10 ~~[(D)]~~ The purpose of an independent expenditure shall  
11 include ~~[the]~~;
- 12 (i) The name of the candidate who is supported  
13 or opposed by the expenditure, and whether  
14 the expenditure supports or opposes the  
15 candidate; and
- 16 (ii) Identification of the ballot issue or  
17 question, if any, that is supported or  
18 opposed by the expenditure, and whether the  
19 expenditure supports or opposes the ballot  
20 issue or question.



- 1           (4) For noncandidate committees making only independent  
2           expenditures, certification that no expenditures have  
3           been coordinated with a candidate, candidate  
4           committee, or any agent of a candidate or candidate  
5           committee;
- 6           (5) 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           (6) A description of each durable asset, the date of  
10          acquisition, value at the time of acquisition, and the  
11          name and address of the vendor or contributor of the  
12          asset; and
- 13          (7) The date of disposition of a durable asset, value at  
14          the time of disposition, method of disposition, and  
15          name and address of the person receiving the asset."

16          SECTION 4. Section 11-338, Hawaii Revised Statutes, is  
17          amended by amending subsection (c) to read as follows:

18          "(c) A noncandidate committee that makes independent  
19          expenditures in an aggregate amount of more than \$500 within the  
20          period between fourteen and four calendar days prior to any  
21          election shall file a late expenditure report by means of the



1 commission's electronic filing system on or before the third  
2 calendar day prior to the election. The late expenditure report  
3 shall include the following information for each expenditure:

4 (1) The amount and date made;

5 (2) The vendor name, address, and contact information;

6 [and]

7 (3) The purpose, including the name of any candidate  
8 supported, opposed, or clearly identified by the  
9 expenditure ~~[-]~~; and

10 (4) Identification of the ballot issue or question, if  
11 any, that is supported or opposed by the expenditure,  
12 and whether the expenditure supports or opposes the  
13 ballot issue or question."

14 SECTION 5. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 6. This Act shall take effect upon its approval.



**Report Title:**

Campaign Spending; Noncandidate Committee Reporting; Ballot Issue

**Description:**

Amends the reporting requirements to include the disclosure of the noncandidate committees' position for or against a ballot issue or question. Amends the definition of "independent expenditure" to include reference to an identifiable ballot issue or question. (SB202 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

