
A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

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

1 SECTION 1. Section 11-363, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~11-363~~§~~ **Other contributions and expenditures.** (a)
4 Expenditures or disbursements for electioneering communications
5 as defined in section 11-341, or any other coordinated activity
6 made by any person for the benefit of a candidate in
7 cooperation, consultation, or concert with, or at the request or
8 suggestion of, a candidate, a candidate committee, or their
9 agents, shall be considered to be a contribution to the
10 candidate and expenditure by the candidate.

11 (b) The financing by any person of the dissemination,
12 distribution, or republication, in whole or in part, of any
13 broadcast or any written or other campaign materials prepared by
14 the candidate, candidate committee, or their agents shall be
15 considered to be a contribution to the candidate.

16 This subsection shall not apply ~~to~~ if the campaign
17 material is:

18



1 (1) Prepared and used by candidates for governor or
2 lieutenant governor, or their candidate committees,
3 supporting a co-candidate in the general election[-];

4 (2) Disseminated, distributed, or republished by the
5 candidate or the candidate committee that prepared the
6 material;

7 (3) Incorporated into an advertisement or electioneering
8 communication advocating the defeat of the candidate
9 that prepared that material; or

10 (4) Incorporated into a news story or editorial
11 disseminated by any broadcast station or publisher of
12 periodicals or newspapers, unless the candidate or the
13 candidate committee that prepared the material also
14 owns or controls the broadcast station or publisher.

15 ~~(b)~~ (c) "Coordinated activity" means:

16 (1) The payment by any person in cooperation,
17 consultation, or concert with, at the request of, or
18 pursuant to, any general or particular understanding
19 with a candidate, candidate committee, the party of a
20 candidate, or an agent of a candidate, candidate
21 committee, or the party of a candidate;



1 (2) The payment by any person for the production,
2 dissemination, distribution, or republication of any
3 written, graphic, or other form of campaign material,
4 in whole or in part, prepared by a candidate,
5 candidate committee, or noncandidate committee, or an
6 agent of a candidate, candidate committee, or
7 noncandidate committee; or

8 (3) Any payment by any person or contract for any
9 electioneering communication, as defined in section
10 11-341, where the payment is coordinated with a
11 candidate, candidate committee, the party of the
12 candidate, or an agent of a candidate, candidate
13 committee, or the party of the candidate.

14 [~~(e)~~] (d) No expenditure for a candidate who files an
15 affidavit with the commission agreeing to limit aggregate
16 expenditures by the candidate, including coordinated activity by
17 any person, shall be made or incurred by a candidate committee
18 or noncandidate committee without authorization of the candidate
19 or the candidate's authorized representative. Every expenditure
20 so authorized and made or incurred shall be attributed to the
21 candidate with whom the candidate committee or noncandidate



1 committee is directly associated for the purpose of imposing the
2 expenditure limitations set forth in section 11-423."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on January 7, 2059.

6



Report Title:

Campaign Spending Commission Package; Expenditures; Coordinated Activity; Dissemination; Distribution; Republication; Campaign Material

Description:

Specifies certain types of dissemination, distribution, republication, and use of campaign materials, the financing of which by any person shall not be considered a contribution to a candidate. Effective January 7, 2059. (SD1)

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