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# A BILL FOR AN ACT

RELATING TO ETHICS.

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

1           SECTION 1. The legislature finds that the Hatch Act, a  
2 federal law passed in 1939 and amended in 1993 and 2012, limits  
3 the allowable political activities of federal and District of  
4 Columbia employees, as well as some state and local government  
5 employees who work in connection with federally-funded programs.  
6 The federal law's purposes are to ensure that federal programs  
7 are administered in a nonpartisan fashion, to protect federal  
8 employees from political coercion in the workplace, and to  
9 ensure that federal employees are advanced based on merit and  
10 not based on political affiliation.

11           The legislature further finds that Hawaii's state code of  
12 ethics under chapter 84, Hawaii Revised Statutes (HRS), promotes  
13 standards of ethical conduct regarding conflicts of interests,  
14 fair treatment, confidential information, and the solicitation  
15 and receipt of gifts for nominated, appointed, and elected  
16 officers, employees, and candidates. The legislature also finds  
17 that section 84-13, HRS, under the fair treatment law, prohibits



1 the use of state resources for campaign purposes, and section  
2 11-354, HRS, prohibits the collection of campaign donations in  
3 state facilities. However, state law does not contain  
4 comprehensive restrictions on political activity for any state  
5 officers or employees.

6 Applying restrictions on the participation in political  
7 activities of state government officers and employees who are  
8 employed or hold office in state positions with adjudicatory,  
9 regulatory, law enforcement, or investigative responsibilities  
10 as a regular part of their duties, ensures that political  
11 activity by these officers and employees does not compromise  
12 public confidence and trust in government.

13 The purpose of this Act is to establish restrictions on the  
14 participation in partisan political activities of certain state  
15 employees and officers who regularly engage in adjudicatory,  
16 regulatory, law enforcement, or investigatory duties.

17 SECTION 2. Chapter 84, Hawaii Revised Statutes, is amended  
18 by adding a new part to be appropriately designated and to read  
19 as follows:

20 "PART . GOVERNMENT OFFICERS' AND EMPLOYEES'  
21 POLITICAL PARTICIPATION



1           **§84- Purpose.** It is the policy of the State that  
 2 government officers and employees should be encouraged to  
 3 exercise fully, freely, and without fear of penalty or reprisal,  
 4 and to the extent not expressly prohibited by law, their right  
 5 to participate or to refrain from participating in the political  
 6 processes of the State.

7           **§84- Applicability.** Nothing in this part shall limit,  
 8 modify, or supersede sections 11-8, 11-316, 11-354, 11-355, 84-  
 9 13, and 84-35.5.

10          **§84- Definitions.** For the purposes of this part:

11           "Covered employee" means every employee, other than persons  
 12 employed in clerical, secretarial, or similar positions, of the  
 13 following:

- 14           (1) Department of the attorney general;
- 15           (2) Department of defense;
- 16           (3) Campaign spending commission;
- 17           (4) Employees' retirement system;
- 18           (5) Hawaii employer-union health benefits trust fund;
- 19           (6) Hawaii labor relations board;
- 20           (7) Labor and industrial relations appeals board;
- 21           (8) Land use commission;



- 1 (9) Merit appeals board;
- 2 (10) Office of consumer protection;
- 3 (11) Office of elections;
- 4 (12) Office of environmental quality control;
- 5 (13) Public utilities commission;
- 6 (14) Regulated industries complaints office;
- 7 (15) State health planning and development agency; and
- 8 (16) State procurement office.

9 "Partisan political office" means any office for which any  
10 candidate is nominated or elected as representing a party any of  
11 whose candidates for governor received votes in the last  
12 preceding election at which gubernatorial elections were held,  
13 but shall exclude any office or position within a political  
14 party or affiliated organization.

15 "Political contribution" means any gift, subscription,  
16 loan, advance, or deposit of money or anything of value, made  
17 for any political purpose. This term includes:

- 18 (1) Any contract, promise, or agreement, express or
- 19 implied, whether or not legally enforceable, to make a
- 20 contribution for any political purpose;



1 (2) Any payment by any person, other than a candidate or a  
2 political party or affiliated organization, of  
3 compensation for the personal services of another  
4 person which are rendered to any candidate or  
5 political party or affiliated organization without  
6 charge for any political purpose; and

7 (3) The provision of personal services for any political  
8 purpose.

9 **§84- Political activity authorized; prohibitions.**

10 (a) A covered employee shall not:

11 (1) Use the covered employee's official authority or  
12 influence for the purpose of interfering with or  
13 affecting the result of an election;

14 (2) Knowingly solicit, accept, or receive a political  
15 contribution from any person, unless the solicitation  
16 of contribution is for a multicandidate political  
17 committee of a labor organization or a state employee  
18 organization and the covered employee is:

19 (A) A member of the same labor organization as  
20 defined under title 5 United States Code section  
21 7103(4) or a state employee organization that as



1 of the effective date of Act , Session Laws of  
2 Hawaii 2018, had a multicandidate political  
3 committee (as defined under section 315(a)(4) of  
4 the Federal Election Campaign Act of 1971 (title  
5 2 United States Code 441a(a)(4)); and

6 (B) Not a subordinate employee;

7 (3) Knowingly solicit or discourage the support of a  
8 candidate for a partisan political office from any  
9 person who:

10 (A) Has an application for any compensation, grant,  
11 contract, ruling, license, permit, or certificate  
12 pending before the employing office or agency of  
13 the covered employee; or

14 (B) Is the subject of or a participant in an ongoing  
15 audit, investigation, or enforcement action being  
16 carried out by the employing office or agency of  
17 the covered employee.

18 (b) No officer or employee subject to this part shall take  
19 an active part in political management or in a political  
20 campaign; provided that covered employees may make campaign



1 donations, attend campaign fundraisers, and join partisan  
2 groups.

3 (c) All covered employees retain the right to vote as they  
4 choose and to express opinions on political subjects and  
5 candidates, except as otherwise provided by law.

6 **§84- Posting of requirements.** Every state department or  
7 agency and every state court shall post the requirements of this  
8 part in a conspicuous place on its premises and on the  
9 department's, agency's, or court's official website. The  
10 commission shall prescribe the content of the posted information  
11 required under this part."

12 SECTION 3. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15 SECTION 4. This Act shall take effect on January 1, 2050.



**Report Title:**

Ethics; State Employees and Officials; Covered Employees;  
Restrictions; Political Participation

**Description:**

Establishes restrictions on the participation in political  
activities of certain state employees and officers. (HB2420  
HD1)

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

