
A BILL FOR AN ACT

RELATING TO ELECTIONEERING COMMUNICATIONS.

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

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

3 1. By amending subsection (d) to read as follows:

4 "(d) For purposes of this section:

5 "Disclosure date" means, for every calendar year [~~the~~
6 ~~first date by which a person has made expenditures during that~~
7 ~~same year of more than \$2,000 in the aggregate for~~
8 ~~electioneering communications, and the date of any subsequent~~
9 ~~expenditures by that person for electioneering communications.]:~~

10 (1) The first date on which an electioneering
11 communication is publicly distributed; provided that
12 the person making the electioneering communication has
13 made expenditures for electioneering communications of
14 more than \$2,000 in the aggregate during that same
15 year; and

16 (2) Any other date on which an electioneering
17 communication is publicly distributed during that same



1 year; provided that the person making the
2 electioneering communication has made expenditures for
3 electioneering communications of more than \$2,000 in
4 the aggregate since the most recent disclosure date
5 during that calendar year.

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

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

18 "Electioneering communication" shall not include
19 communications:

- 20 (1) In a news story or editorial disseminated by any
21 broadcast station or publisher of periodicals or



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1 newspapers, unless the facilities are owned or
 2 controlled by a candidate, candidate committee, or
 3 noncandidate committee;
 4 ~~[(2) That constitute expenditures by the expending~~
 5 ~~organization;~~
 6 ~~(3) In-house]~~ (2) In-house bulletins; or
 7 ~~[(4)]~~ (3) That constitute a candidate debate or forum, or
 8 solely promote a debate or forum and are made by or on
 9 behalf of the person sponsoring the debate or forum."

10 2. By repealing subsection (e):

11 "~~[(e) For purposes of this section, a person shall be~~
 12 ~~treated as having made an expenditure if the person has executed~~
 13 ~~a contract to make the expenditure.]"~~

14 SECTION 2. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 3. This Act shall take effect upon its approval.

17

INTRODUCED BY:



By Request

JAN 17 2019



H.B. NO. 164

Report Title:

Hawaii Campaign Spending Commission Package; Electioneering Communication; Disclosure Dates

Description:

Amends the definition of "disclosure date" in section 11-341(d), HRS, to mean the date when the electioneering communication is publicly distributed. Expands the definition of "electioneering communication" in section 11-341(d), HRS, to apply to advertisements sent by any mail rate and those that are expenditures of an organization. Repeals section 11-341(e), HRS.

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