A BILL FOR AN ACT

RELATING TO ELECTIONEERING COMMUNICATIONS.

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

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

"§11-341 Electioneering communications; statement of information. (a) Each person who makes an expenditure for electioneering communications in an aggregate amount of more than $2,000 during any calendar year shall file with the commission a statement of information within twenty-four hours of each disclosure date provided in this section.

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

(1) The name of the person making the expenditure, name of any person or entity sharing or exercising discretion or control over the person, and the custodian of the books and accounts of the person making the expenditure;

(2) The names and titles of the executives or board of directors who authorized the expenditure, if the
expenditure was made by a noncandidate committee, business entity, or an organization;

(3) The state of incorporation or formation and principal address of the noncandidate committee, business entity, or organization or for an individual, the name, address, occupation, and employer of the individual making the expenditure;

(4) The amount of each expenditure during the period covered by the statement and the identification of the person to whom the expenditure was made;

(5) The elections to which the electioneering communications pertain and the names of any clearly identifiable candidates and whether those candidates are supported or opposed;

(6) If the expenditures were made by a candidate committee or noncandidate committee, the names and addresses of all persons who contributed to the candidate committee or noncandidate committee for the purpose of publishing or broadcasting the electioneering communications;
(7) If the expenditures were made by an organization other than a candidate committee or noncandidate committee, the names and addresses of all persons who contributed to the organization for the purpose of publishing or broadcasting the electioneering communications;

(8) Whether or not any electioneering communication is made in coordination, cooperation, or concert with or at the request or suggestion of any candidate, candidate committee, or noncandidate committee, or agent of any candidate if any, and if so, the identification of the candidate, candidate committee, or noncandidate committee, or agent involved; and

(9) The three top contributors as required under section 11-393, if applicable.

(c) An electioneering communication statement of information filed pursuant to this section shall be in addition to the filing of any other report required under this part.

(d) For purposes of this section:

"Disclosure date" means, for every calendar year, the first date by which a person has made expenditures during that same year of more than $2,000 in the aggregate for
electioneering communications, and the date of any subsequent expenditures by that person for electioneering communications.

(1) The first date on which an electioneering communication is publicly distributed; provided that the person making the electioneering communication has made expenditures for electioneering communications of more than $2,000 in the aggregate; and

(2) Any other date during the same calendar year on which an electioneering communication is publicly distributed; provided that the person making the electioneering communication has made expenditures for electioneering communications of more than $2,000 in the aggregate since the most recent disclosure date during that calendar year.

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

(1) Refers to a clearly identifiable candidate;

(2) Is made, or scheduled to be made, either within thirty days prior to a primary or initial special election or
within sixty days prior to a general or special

election; and

(3) Is not susceptible to any reasonable interpretation

other than as an appeal to vote for or against a

specific candidate.

"Electioneering communication" shall not include

communications:

(1) In a news story or editorial disseminated by any

broadcast station or publisher of periodicals or

c newspapers, unless the facilities are owned or

controlled by a candidate, candidate committee, or

noncandidate committee;

[(2)] That constitute expenditures by the expending

organization;

[(3)] (2) In house bulletins; or

[(4)] (3) That constitute a candidate debate or forum, or

solely promote a debate or forum and are made by or on

behalf of the person sponsoring the debate or forum.

[(5)] For purposes of this section, a person shall be

treated as having made an expenditure if the person has executed

a contract to make the expenditure.!
SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

INTRODUCED BY: 

BY REQUEST

JAN 15 2020
Report Title:
Campaign Spending Commission Package; Electioneering Communication; Disclosure Date; Advertisement

Description:
Amends the definition of "disclosure date" to mean the date on which the electioneering communication is publicly distributed. Expands the definition of "electioneering communication" to apply to advertisements sent by any mail rate and communications regarding expenditures of the organization. Makes a conforming statutory amendment relating to the determination of the date by which a person is deemed to have made a campaign expenditure.

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