
A BILL FOR AN ACT

RELATING TO ETHICS.

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

1 SECTION 1. Chapter 84, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 "PART . GOVERNMENT OFFICERS' AND EMPLOYEES'
5 POLITICAL PARTICIPATION

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

12 §84- Applicability. Nothing in this part shall limit,
13 modify, or supersede sections 11-8, 11-316, 11-354, 11-355, 84-
14 13, and 84-35.5.

15 §84- Definitions. For the purposes of this part:



1 "Covered employee" means every employee, other than persons
2 employed in clerical, secretarial, or similar positions, of the
3 following:

- 4 (1) Department of the attorney general;
- 5 (2) Department of defense;
- 6 (3) Campaign spending commission;
- 7 (4) Employees' retirement system;
- 8 (5) Hawaii employer-union health benefits trust fund;
- 9 (6) Hawaii labor relations board;
- 10 (7) Labor and industrial relations appeals board;
- 11 (8) Land use commission;
- 12 (9) Merit appeals board;
- 13 (10) Office of consumer protection;
- 14 (11) Office of elections;
- 15 (12) Office of environmental quality control;
- 16 (13) Public utilities commission;
- 17 (14) Regulated industries complaints office;
- 18 (15) State ethics commission;
- 19 (16) State health planning and development agency; and
- 20 (17) State procurement office.



1 "Partisan political office" means any office for which any
2 candidate is nominated or elected as representing a party any of
3 whose candidates for governor received votes in the last
4 preceding election at which gubernatorial elections were held,
5 but shall exclude any office or position within a political
6 party or affiliated organization.

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

- 10 (1) Any contract, promise, or agreement, express or
11 implied, whether or not legally enforceable, to make a
12 contribution for any political purpose;
- 13 (2) Any payment by any person, other than a candidate or a
14 political party or affiliated organization, of
15 compensation for the personal services of another
16 person which are rendered to any candidate or
17 political party or affiliated organization without
18 charge for any political purpose; and
- 19 (3) The provision of personal services for any political
20 purpose.



1 §84- Political activity authorized; prohibitions. (a)

2 A covered employee shall not:

3 (1) Knowingly solicit, accept, or receive a political
4 contribution from any person, unless the solicitation
5 of contribution is for a multicandidate political
6 committee of a labor organization or a state employee
7 organization and the covered employee is:

8 (A) A member of the same labor organization as
9 defined under title 5 United States Code section
10 7103(a)(4) or a state employee organization that
11 as of the effective date of Act , Session
12 Laws of Hawaii 2019, had a multicandidate
13 political committee as defined under title 2
14 United States Code section 30116(a)(4); and

15 (B) Not a subordinate employee; or

16 (2) Knowingly solicit or discourage the support of a
17 candidate for a partisan political office from any
18 person who:

19 (A) Has an application for any compensation, grant,
20 contract, ruling, license, permit, or certificate



1 pending before the employing office or agency of
2 the covered employee; or

3 (B) Is the subject of or a participant in an ongoing
4 audit, investigation, or enforcement action being
5 carried out by the employing office or agency of
6 the covered employee.

7 (b) All covered employees retain the right to vote as they
8 choose and to express opinions on political subjects and
9 candidates, except as otherwise provided by law.

10 §84- Posting of requirements. Every state department or
11 agency and every state court shall post the requirements of this
12 part in a conspicuous place on its premises and on the
13 department's, agency's, or court's official website. The state
14 ethics commission shall prescribe the content of the posted
15 information required under this part.

16 §84- Penalties. Any officer or employee who violates
17 this part shall be subject to an administrative fine not to
18 exceed \$1,000 for each violation as provided in section 84-39."

19 SECTION 2. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 3. This Act shall take effect on January 1, 2050.



Report Title:

Ethics; State Employees and Officials; Restrictions

Description:

Establishes restrictions on the participation in political activities of certain state employees and officers. Imposes penalties for violations. Takes effect 1/1/2050. (SD1)

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

