
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 to read as follows:
3 "§11-341 Electioneering communications; statement of
4 information. (a) Each [~~person who~~] noncandidate committee that
5 makes an expenditure for electioneering communications in an
6 aggregate amount of more than \$2,000 during any calendar year
7 shall file with the commission a statement of information within
8 twenty-four hours of each disclosure date provided in this
9 section.
10 (b) Each statement of information shall contain the
11 following:
12 (1) The name of the [~~person~~] noncandidate committee making
13 the expenditure, name of any person or entity sharing
14 or exercising discretion or control over the [~~person,~~]
15 noncandidate committee, and the custodian of the books
16 and accounts of the [~~person~~] noncandidate committee
17 making the expenditure;



- 1 (2) The names and titles of the executives or board of
2 directors who authorized the expenditure [~~, if the~~
3 ~~expenditure was made by a noncandidate committee,~~
4 ~~business entity, or an organization~~];
- 5 (3) The state of incorporation or formation and principal
6 address of the noncandidate committee [~~, business~~
7 ~~entity, or organization or for an individual, the~~
8 ~~name, address, occupation, and employer of the~~
9 ~~individual making the expenditure~~];
- 10 (4) The amount of each expenditure during the period
11 covered by the statement and the identification of the
12 person to whom the expenditure was made;
- 13 (5) The elections to which the electioneering
14 communications pertain and the names of any clearly
15 identifiable candidates and whether those candidates
16 are supported or opposed;
- 17 (6) [~~If the expenditures were made by a candidate~~
18 ~~committee or noncandidate committee, the] The names
19 and addresses of all persons who contributed to the
20 [~~candidate committee or~~] noncandidate committee for~~



1 the purpose of publishing or broadcasting the
2 electioneering communications;

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

8 ~~+(8)]~~ (7) Whether or not any electioneering communication
9 is made in coordination, cooperation, or concert with
10 or at the request or suggestion of any candidate,
11 candidate committee, or noncandidate committee, or
12 agent of any candidate if any, and if so, the
13 identification of the candidate, candidate committee,
14 or noncandidate committee, or agent involved; and

15 ~~[(9)]~~ (8) The three top contributors as required under
16 section 11-393, if applicable.

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

20 (d) For purposes of this section:



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

6 (1) The first date on which an electioneering
7 communication is publicly distributed; provided that
8 the noncandidate committee making the electioneering
9 communication has made expenditures for electioneering
10 communications of more than \$2,000 in the aggregate;
11 and

12 (2) Any other date during the same calendar year on which
13 an electioneering communication is publicly
14 distributed; provided that the noncandidate committee
15 making the electioneering communication has made
16 expenditures for electioneering communications of more
17 than \$2,000 in the aggregate since the most recent
18 disclosure date during that calendar year.

19 "Electioneering communication" means any advertisement that
20 is broadcast from a cable, satellite, television, or radio



1 broadcast station; published in any periodical or newspaper or
2 by electronic means; or sent by mail [~~at a bulk rate~~], and that:

- 3 (1) Refers to a clearly identifiable candidate;
- 4 (2) Is made, or scheduled to be made, either within thirty
5 days prior to a primary or initial special election or
6 within sixty days prior to a general or special
7 election; and
- 8 (3) Is not susceptible to any reasonable interpretation
9 other than as an appeal to vote for or against a
10 specific candidate.

11 "Electioneering communication" shall not include
12 communications:

- 13 (1) In a news story or editorial disseminated by any
14 broadcast station or publisher of periodicals or
15 newspapers, unless the facilities are owned or
16 controlled by a candidate, candidate committee, or
17 noncandidate committee;
- 18 [~~(2) That constitute expenditures by the expending~~
19 ~~organization;~~
- 20 ~~(3)]~~ (2) In house bulletins; or



1 [~~4~~] (3) That constitute a candidate debate or forum, or
2 solely promote a debate or forum and are made by or on
3 behalf of the person sponsoring the debate or forum.

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

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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



Report Title:

Campaign Spending Commission Package; Electioneering
Communication; Disclosure Date; Advertisement

Description:

Applies the electioneering communication section only to noncandidate committees. 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. (SD1)

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