

**STATE OF HAWAII  
CAMPAIGN SPENDING COMMISSION**

**ADVISORY OPINION 10-02**

This advisory opinion responds to a professional association that asked whether there is a contribution from the association to the candidate when a candidate is invited to speak at a regularly scheduled association meeting. The Campaign Spending Commission (“Commission”) responds in the negative, based upon the facts presented.

A “contribution” is defined, in pertinent part, as follows:

“Contribution”:

(1) Means:

(A) A gift, subscription, deposit of money or anything of value, or cancellation of a debt or legal obligation and includes the purchase of tickets to fundraisers for the purpose of:

- (i) Influencing the nomination for election, or election, of any person to office;
- (ii) Influencing the outcome of any question<sup>1</sup>

\* \* \* \*

Moreover, a contribution includes an “expenditure” which is “coordinated” with a candidate.

“Expenditure”:

(1) Means:

(A) Any purchase or transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, or payment incurred or made, or the use or consumption of a nonmonetary contribution for the purpose of:

- (i) Influencing the nomination for election, or election of any person seeking nomination for election, or election, to office whether or not the person has filed the person’s nomination paper;<sup>2</sup>

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Hawaii Revised Statutes (“HRS”) section 11-207 provides, in relevant part, as follows:

(a) Expenditures or disbursements for electioneering communications as defined in section 11-207.6, or any other coordinated activity made by any person or political party for the benefit of a candidate in cooperation, consultation, or concert with, or at the request or suggestion of, a candidate, a candidate’s committee, or their agents, shall be considered to be a contribution to the candidate and expenditure by the candidate.

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<sup>1</sup> Hawaii Revised Statutes (“HRS”) section 11-191

<sup>2</sup> HRS section 11-191

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(b) “Coordinated activity” means:

- (1) The payment by any person in cooperation, consultation, or concert with, at the request of, or pursuant to, any general or particular understanding with a candidate, candidate committee, the political party of a candidate, or an agent of a candidate, committee, or the political party of a candidate;
- (2) The payment by any person for the production, dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by a candidate, committee, or an agent of a candidate or committee\*\*\*\* (emphasis added)

We understand that the professional association has regular lunch meetings, which usually include a speaker. The meetings are not open to the public and are primarily for members. Generally, each member’s lunch is paid for by the member’s company.

The issue is whether there is a non-monetary contribution by the professional association to Candidate A if Candidate A is invited to speak to the members at a regular luncheon meeting.

We respond in the negative. Nothing of value is provided to Candidate A because there are no additional costs in connection with Candidate A’s attendance. Payments made by the professional organization or its members for reasonable overhead expenses at the organization’s regularly scheduled meeting at which a candidate speaks is not a contribution if there are no additional costs in connection with the candidate’s attendance.

The Commission provides this Advisory Opinion as a means of stating its current interpretation of the Hawaii Election Campaign Contributions and Expenditures laws in HRS section 11-191, et seq. and the Commission’s rules in chapter 3-160, Hawaii Administrative Rules. The Commission may adopt, revise, or revoke this Advisory Opinion upon the enactment of amendments to the Hawaii Revised Statutes or the adoption of administrative rules by the Commission.

Dated: Honolulu, Hawaii, July 15, 2010.

CAMPAIGN SPENDING COMMISSION

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Paul Kuramoto, Chairperson

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Steven E. Olbrich, Vice Chairperson

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Gino Gabrio, Commissioner

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Dean Robb, Commissioner

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Michael E. Weaver, Commissioner