

**STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION**

ADVISORY OPINION 10-03

This advisory opinion responds to two questions by a candidate. The first question is whether Candidate X may use campaign funds to purchase a ticket for \$250 to Candidate Z's fundraiser when there is no specific ticket price, but instead a range for "price or suggested contribution per person." The Campaign Spending Commission ("Commission") responds in the affirmative, based upon the facts presented.

The second question is whether Candidate X may use campaign funds to contribute \$250 to Candidate Z's fundraiser, when there are no tickets provided, and the candidate is simply asked to make a contribution of \$25 to \$2,000 at the door. The Commission responds in the negative.

Act 211, Session Laws of Hawaii 2010 ("Act 211"), section 11-UU provides in relevant part as follows:

(a) Campaign funds may be used by a candidate, treasurer, or candidate committee:

* * *

(5) To purchase not more than two tickets for each event held by another candidate or committee, whether or not the event constitutes a fundraiser as defined in section 11-AA;

In the first instance, Candidate Z is holding a fundraiser at a school cafeteria and specifies the "price or suggested contribution per person" on the "Notice of Intent to Hold A Fundraiser" as "\$50 - \$2,000."¹ If tickets are issued, Act 211, section 11-UU (a)(5) ("Section 11-UU") permits the purchase by Candidate X of two tickets for Candidate Z's event because Section 11-UU does not place a limit on the price of the two tickets.² Interestingly, the use of tickets was first mentioned in Act 185, Session Laws of Hawaii 1973, and codified in Hawaii Revised Statutes section 11-203 (c)(3). The Legislature apparently believed that fundraiser tickets were required for a bonafide fundraiser.

Thus, Candidate X may use campaign funds to purchase a ticket for \$250 to Candidate Z's fundraiser when there is a range of prices on Candidate Z's fundraiser tickets from \$25 - \$2,000.

The second question is whether Candidate X may use campaign funds to contribute \$250 to Candidate Z's fundraiser, when there are no tickets provided, and the candidate is simply asked to make a contribution of \$25 to \$2,000 at the door. First and foremost, Section 11-UU, permitting candidates to use their campaign funds to purchase tickets, is the exception to the rule. Act 211, section 11-VV provides in relevant part that "[c]ampaign funds shall not be used: (1) To support the campaigns of candidates other than the candidate with which they are directly associated. . . ."

Second, Section 11-UU specifies that a candidate cannot purchase more than two tickets for each event. Since there are no tickets provided for this fundraiser, Candidate X is prohibited from using campaign funds to contribute \$250 to Candidate Z's campaign.

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, November 10, 2010.

CAMPAIGN SPENDING COMMISSION

Paul Kuramoto, Chairperson

Steven E. Olbrich, Vice Chairperson

Gino Gabrio, Commissioner

Dean Robb, Commissioner

Michael E. Weaver, Commissioner

¹ Candidates and their committees are required to file a Notice when having a fundraiser "for which the price or suggested contribution for attending the function is more than \$25 per person." Act 211, Session Laws of Hawaii 2010, section 11-AA, entitled Fundraiser; notice of intent, provides as follows:

(a) No fundraiser shall be held unless a notice of intent to hold the fundraiser is filed with the commission setting forth the name and address of the person in charge, the price per person, the date, hour, and place of the fundraiser, and the method thereof.

(b) The person in charge of the fundraiser shall file the notice with the commission prior to the fundraiser.

(c) As used in this section, "fundraiser" means any function held for the benefit of a candidate, candidate committee, or noncandidate committee that is intended or designed, directly or indirectly, to raise contributions for which the price or suggested contribution for attending the function is more than \$25 per person.

² The language in this section is identical to the language in the prior statute, Hawaii Revised Statutes section 11-203.