



**STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION**

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

January 7, 2026

Carol Lee Kamekona
Vote for Carol Lee Kamekona
P.O. Box [REDACTED]
Kahului, HI 96733

RE: Advisory Opinion 26-01

Dear Ms. Kamekona and Vote for Carol Lee Kamekona:

We are responding to your request to the Hawaii Campaign Spending Commission ("Commission") for an advisory opinion dated November 17, 2025¹, concerning the allowable use of campaign funds and resources during the appointment process to fill the Maui County Council ("Council") Kahului residency area seat. For the reasons discussed below, the Commission determines that campaign funds cannot be used on expenditures incurred during the appointment process to fill the Council's Kahului residency area seat.

I. Background

Councilmember Natalie "Tasha" Kama was elected to the Council for the Kahului residency area. On October 26, 2025, Councilmember Kama passed away which created a vacancy on the Council for the remainder of the 2025-2027 term² (i.e. less than fifteen months remaining). Carol Lee Kamekona and her candidate committee Vote for Carol Lee Kamekona have an active organizational report on file with the Commission. Ms. Kamekona expressed interest in being appointed to the Council's Kahului residency area seat and has also publicly declared her intentions to run for the same seat during the 2026 election. With an active candidate committee, Ms. Kamekona is required and has been complying with applicable candidate committee rules, including reporting obligations, contribution limits, and restrictions on coordination with Independent Expenditure Committees.

In addition to Ms. Kamekona, other individuals expressed interest in being appointed to the Council's Kahului residency area seat. These potential appointees do not have candidate committees and would not need to comply with the same requirements as Ms. Kamekona's

¹ A copy of your advisory opinion request dated November 17, 2025, is attached hereto as Exhibit "A."

² Term expires at noon on January 2, 2027.

candidate committee in areas such as registration, reporting obligations, contribution limits, or disclaimers because the process is an appointment and not an election. The overlap between election-related governance rules and appointment-related public advocacy for the same elected seat creates uncertainty regarding which expenditures the committee may legally make or actions the committee may take on behalf of Ms. Kamekona during this appointment process.

II. Issues for Clarification

You requested an advisory opinion clarifying the following issues:

1. *Whether expenditures by Vote for Carol Lee Kamekona supporting Ms. Kamekona's consideration for appointment – including communications, community engagement, and advocacy activities – may be treated as expenditures “directly related to the candidate's own campaign” under HRS §11-381(a)(1)(A) when the appointment concerns the same elected office she intends to seek in the upcoming election cycle and the same seat she sought in the prior election cycle.*
2. *Whether those expenditures may include activities such as paid advertising, social media and website content, polling and messaging research, public forums, talk-story sessions, or community meetings, volunteer mobilization, canvassing, and outreach.*
3. *Whether coordination with PAC's (excluding Independent Expenditure Committees), unions, certain nonprofits, or other organizations involved in the appointment-related advocacy would be treated as an in-kind contribution subject to contribution limits and reporting.*
4. *Whether expenditures made during appointment advocacy must later be reported or attributed if Ms. Kamekona, or any other candidate for appointment, participates as a filed candidate in the next election cycle.*
5. *Whether the Commission recommends any specific documentation, reporting format, or disclaimer language to ensure compliance and clarity.*

III. Analysis

To determine if Vote for Carol Lee Kamekona can use campaign funds to pay for expenditures related to Ms. Kamekona efforts to be selected as Councilmember Kama's replacement, we first need to understand the process that will be used to fill the Council's vacancy. The Revised Charter of the County of Maui (1983), as amended (“Charter”) states that a vacancy on the Maui County Council is filled either by appointment or special election depending on the months remaining on the unexpired term. See Article 3, Section 3-4. A vacancy is filled by appointment when there is less than fifteen months remaining on the unexpired term. Id. Specifically, Article 3, subsection 3-4(1) of the Charter states in relevant part:

If the unexpired term is less than fifteen months, the remaining members of the council shall appoint a person by resolution adopted by a 6 majority of its remaining members to fill the vacancy for the current unexpired term. Should the council fail to fill any vacancy within thirty days after its occurrence, the mayor shall appoint a person to fill the vacancy for the unexpired term.

Here, Councilmember Kama passed away on October 26, 2025, resulting in a vacancy on the Council for the Kahului residency area. With less than fifteen months remaining on Councilmember Kama's term, Article 3, subsection 3-4(1) of the Charter requires the vacancy to be filled by appointment. See id. The Council passed Resolution 25-202, FD1 on November 3, 2025, to initiate the appointment process to fill Councilmember Kama's seat by November 25, 2025.³ If the Council fails to appoint a replacement by November 25, 2025, the Mayor of Maui shall appoint a replacement.

With the vacancy being filled by appointment, you requested advice on whether candidate committee Vote for Carol Lee Kamekona can use campaign funds to pay for expenditures incurred during the appointment process when it is the same seat Ms. Kamekona intends to seek in the 2026 election cycle. Chapter 11, Article XIII of the Hawaii Revised Statutes (HRS) provides guidance on permitted use of campaign funds. Specifically, HRS §11-381(a)(1) states that campaign funds may be used by a candidate, treasurer, or candidate committee for any purpose directly related to a candidate's own campaign or in the case of a candidate committee, to the campaign of the candidate. Further guidance can also be found in Hawaii Administrative Rule ("HAR") §3-160-43(a) which states that "[a] candidate or candidate's committee may pay expenses that are predominantly and directly related to a candidate's campaign to influence the nomination or election of the candidate..." In both the HRS §11-381(a)(1) and HAR §3-160-43(a), the law applies to expenses directly related to a candidate's campaign. A candidate is defined in HRS §11-302 as:

"Candidate" means an individual who seeks nomination for election or seeks election to office. An individual remains a candidate until the individual's candidate committee terminates registration with the commission. An individual is a candidate if the individual does any of the following:

- (1) Files nomination papers for an office for the individual with the county clerk's office or with the chief election officer's office, whichever is applicable;
- (2) Receives contributions, makes expenditures, or incurs financial obligations of more than \$100 to bring about the individual's nomination for election, or to bring about the individual's election to office;

³ Commission staff notified Candace Shaw, Campaign Manager for Vote for Carol Lee Kamekona, that the Commission would not be able to hear the request for an advisory opinion until its January 2026 sunshine meeting which would be after the November 25, 2025, deadline. Notwithstanding this, Ms. Shaw continued her request for an advisory opinion from the Commission to provide guidance for future appointments to the Maui County Council.

- (3) Gives consent for any other person to receive contributions, make expenditures, or incur financial obligations to aid the individual's nomination for election, or the individual's election, to office; or
- (4) Is certified to be a candidate by the chief election officer or county clerk.

Read together, the provisions of HRS §11-302, §11-381(a)(1), and HAR §3-160-43(a) permits candidates to expend campaign funds to seek nomination for election or for election to an office. In this instance, the Charter requires the Council to fill the vacancy created by Councilmember Kama's death (with less than fifteen months remaining of the unexpired term) by appointment and not through an election. Therefore, Hawaii campaign finance law does not apply to appointments to fill a vacancy on the Council made pursuant Article 3, subsection 3-4(1) of the Charter.

IV. Conclusion

Based on the foregoing, the Commission determines that campaign funds cannot be used on expenditures incurred during the appointment process to fill the Council's Kahului residency area seat. The Commission specifically answers your question #1 above in the negative and questions #2 through #5 as not applicable.

The Commission provides this Advisory Opinion as a means of stating its current interpretation of the Hawaii campaign finance law in 11-301, *et seq.*, HRS, and the Commission's rules in chapter 3-160, HAR to the specific facts and activities set forth in the request for an Advisory Opinion. The Advisory Opinion rendered or deemed rendered, until amended or revoked, shall be binding on the Commission in any subsequent charges concerning the candidate, any candidate committee or noncandidate committee, or other person or entity subject to this part, who sought the opinion and acted in reliance on it in good faith, unless material facts were omitted or misstated by the requester in the request for an advisory opinion. The Commission may adopt, revise, or revoke this Advisory Opinion if provisions of the campaign finance law or administrative rules are amended or repealed.

CAMPAIGN SPENDING COMMISSION

By: David Chee
DAVID CHEE
Its: Chair



Carol Lee Kamekona

Maui County Council - Kahului

November 17, 2025

To: Hawai'i Campaign Spending Commission

235 S. Berentania Street, Room 300

Honolulu, Hawai'i 96813

Email: [REDACTED]

From: Vote For Carol Lee Kamekona

Po Box [REDACTED]

Kahului, HI 96733

Email: [REDACTED]

Dear Hawai'i Campaign Spending Commission Administrators,

On behalf of the Vote for Carol Lee Kamekona candidate campaign committee, we respectfully request a written advisory opinion under Hawai'i Revised Statutes HRS § 11-315 regarding the allowable use of campaign funds and resources during the current appointment process to fill the Maui County Council Kahului residency area seat.

Background

- On October 26, 2025, Councilmember Tasha Kama passed away, resulting in a vacancy in the Kahului residency area seat on Maui County Council.
- According to Article III, Section 3-4 of the most recent Charter of the County of Maui, vacancies are filled based on how much time remains in the unexpired term (each term is twenty-four months).
 - If fifteen months or more remain, the Charter requires a special election by the voters.
 - If the remaining term is less than fifteen months, the vacancy must be filled by appointment within the timelines established by the Charter.
- Because of the timing of Councilmember Kama's passing relative to the most recent election, the vacancy must be filled through the appointment process, not by a special election by the voters.



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- The Maui County Council initiated this appointment process through Resolution 25-202 FD1, establishing an appointment deadline of November 25, 2025, after which the Mayor must appoint if the Council has not selected a candidate.
- Carol Lee Kamekona has formed and maintains an open candidate campaign committee (Vote For Carol Lee Kamekona) and has publicly declared her intention to run for the Kahului residency area Council seat in the 2026 election cycle. While formal campaign filing does not occur until the 2026 filing period opens, the campaign has already been operating under the rules applicable to candidate committees, including reporting obligations, contribution limits, and restrictions on coordination with Independent Expenditure Committees.
- As support and advocacy begin forming around potential appointees without a candidate campaign committee, those efforts may occur without registration, reporting, limits, or disclaimers, simply because the process is classified as an appointment rather than an election. Meanwhile, Vote For Carol Lee Kamekona is fully regulated because it is complying with campaign law. Without guidance, this creates an uneven playing field where transparency and compliance are unintentionally penalized.
- This overlap between election-related governance rules and appointment-related public advocacy for the same elected seat creates uncertainty regarding which expenditures the committee may legally make or actions the committee may take on behalf of Ms. Kamekona during this appointment process.

Questions for Clarification

We respectfully request guidance on the following:

1. Whether expenditures by Vote For Carol Lee Kamekona supporting Ms. Kamekona's consideration for appointment — including communications, community engagement, and advocacy activities — may be treated as expenditures “directly related to the candidate's own campaign” under HRS § 11-381(a)(1)(A) when the appointment concerns the same elected office she intends to seek in the upcoming election cycle and the same seat she sought in the prior election cycle.



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2. Whether those expenditures may include activities such as:

- Paid advertising
- Social media and website content
- Polling and messaging research
- Public forums, talk-story sessions, or community meetings
- Volunteer mobilization, canvassing, and outreach

3. Whether coordination with PAC's (excluding Independent Expenditure Committees), unions, certain nonprofits, or other organizations involved in appointment-related advocacy would be treated as an in-kind contribution subject to contribution limits and reporting.

4. Whether expenditures made during appointment advocacy must later be reported or attributed if Ms. Kamekona, or any other candidate for appointment, participates as a filed candidate in the next election cycle.

5. Whether the Commission recommends any specific documentation, reporting format, or disclaimer language to ensure compliance and clarity.

Fairness and Regulatory Balance

If this vacancy had occurred just weeks earlier in the term, the Charter would have required a special election rather than an appointment, meaning the same public decision now occurring through an appointment process would have taken place under fully regulated campaign conditions.

Because the vacancy occurred after the 9th month of the term, the Charter shifts the selection mechanism to an appointment, not because the public interest is reduced, rather because of the remaining length of the term.

Now, this may create a regulatory disparity as represented in the chart provided on the next page of this letter.



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Entity	Regulated under Hawai'i campaign law?	Subject to limits, reporting, and disclaimers?
Vote for Carol Lee Kamekona candidate committee	Yes	Yes
Other applicants and aligned individuals, PACS, lobbyists, groups advocating publicly	No	No

Without clarification, the only party constrained from participating fully in public advocacy is the campaign that is already complying with Hawai'i's campaign-finance regulations, while those engaging in appointment-related advocacy are not subject to comparable candidate-committee limits or reporting because the appointment process does not trigger candidate registration under current law.

Such a result risks creating an unintended incentive structure in which non-registration allows broader influence than compliance, contrary to the transparency and accountability goals of Hawai'i's campaign finance system.

Request

To ensure compliance, equal treatment, and public confidence, we respectfully request a written advisory opinion clarifying how HRS Chapter 11 applies to campaign committees and other entities engaged in advocacy during an appointment process for an elected seat that will subsequently appear on the ballot.



Carol Lee Kamekona

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Given the active appointment process and statutory deadlines, we respectfully request expedited review.

Mahalo nui for your time and guidance.

Mālama Pono,

Candace Shaw

Campaign Manager

Vote For Carol Lee Kamekona

Email:

[REDACTED]