

HAWAII STATE ETHICS COMMISSION

INSTRUCTIONS FOR FILING ORGANIZATION'S EXPENDITURES AND CONTRIBUTIONS REPORT (FORM ORG)

**(To be filed by organizations, employing organizations and individuals
other than registered lobbyists)**

The following instructions are to assist organizations and individuals other than registered lobbyists in completing the Organization's Expenditures and Contributions Report Form (FORM ORG). If the instructions do not answer questions you may have, please do not hesitate to contact the Hawaii State Ethics Commission ("Commission") at (808) 587-0460 or ethics@hawaiiethics.org.

WHO MUST FILE

Hawaii Revised Statutes ("HRS") § 97-3 requires the following persons to file lobbying expenditures and contributions reports ("expenditure reports") with the Commission:

- (1) Each lobbyist;
- (2) Each person who spends \$1,000 or more in any reporting period for the purpose of lobbying; and
- (3) Each person who employs or contracts for the services of a lobbyist. If the person is an industry, trade, or professional association, only the association is the employer of the lobbyist.

A "person" means "a corporation, individual, union, association, firm, sole proprietorship, partnership, committee, club, or any other organization or a representative of a group of persons acting in concert." HRS § 97-1.

"Lobbying" means communicating directly or through an agent, or soliciting others to communicate, with any official in the legislative or executive branch, for the purpose of attempting to influence legislative action, administrative rule making, or a ballot issue. "Lobbying" does not include the preparation and submission of a grant application pursuant to HRS chapter 42F by a nonprofit organization. HRS § 97-1.

WHICH FORM TO FILE

Lobbyists must complete and file the Lobbyist's Expenditures and Contributions Report Form (**FORM LOB**). All other persons, including organizations that employ or contract for the services of lobbyists, must complete and file the Organization's Expenditures and Contributions Report Form (**FORM ORG**).

WHERE TO FILE

The Expenditures and Contributions Report Form is to be filed with the Hawaii State Ethics Commission. You can (1) electronically submit your completed form to the Commission following the instructions on the Commission's website, or (2) deliver or mail your completed paper form to the Hawaii State Ethics Commission, 1001 Bishop Street, American Savings Bank Tower, Suite 970, Honolulu, Hawaii 96813.

WHEN TO FILE

Expenditure reports must be filed by the following deadlines:

- (1) March 31 (covering the period from January 1 through the last day of February);
- (2) May 31 (covering the period from March 1 through April 30); and
- (3) January 31 (covering the period from May 1 through December 31 of the previous year).

ADDITIONAL REPORT FOR SPECIAL SESSION LOBBYING ACTIVITIES

If you engaged in lobbying activities or made expenditures for the purpose of attempting to influence legislative action considered during a special session of the Legislature, you must also file an expenditure report with the Commission within thirty days after the adjournment of the special session. The report must cover the period from May 1 through the adjournment of the special session. You must include on your report only those lobbying expenditures and contributions relating to legislative action considered during the special session; expenditures and contributions included on your special session report need not be included on any subsequent expenditure report that you file. If you did not lobby on a matter considered during a special session, you need not file an expenditure report for that special session.

INSTRUCTIONS FOR COMPLETING EXPENDITURES AND CONTRIBUTIONS REPORT FORM

Enter the REPORT YEAR and check the "Lobbying Reporting Period" for which you are filing. If you are filing an amended expenditure report, check the "Amended Statement" box.

Check the appropriate box to indicate whether you are reporting expenditures and contributions for lobbying the Legislature or a State Agency (indicate the name of the State Agency if applicable).

Complete the "ORGANIZATION INFORMATION" section of the form. Be sure to include the name and address of the person who is responsible for filing this form. This person will be contacted if there are any questions about the filing.

Part I. Total Expenditures

In this section, report all expenditures made for the purpose of lobbying. Note that lobbyists, organizations, and employing organizations must all file separate expenditure reports. An "expenditure" includes a payment, advance, deposit, money, or anything of value and includes a contract, promise, or agreement to make an expenditure. HRS § 97-1. An "expenditure" does not include, and you are not required to report, any amount spent:

- (1) For intrastate travel costs, including incidental meals and lodging. However, you must report any amount spent for the travel costs of state legislators, board and commission members, or any other state employees; or
- (2) By a nonprofit organization: (a) to prepare and submit a grant application pursuant to HRS chapter 42F; and (b) for each of the nonprofit organization's employees to lobby a maximum of ten hours in a month for the application.

Filing as an "employing organization." An "employing organization" is an organization that has been retained by an individual or organization to handle that individual's or organization's lobbying efforts. The organization so retained then designates one of its employees to do the actual lobbying. This employee is, then, a lobbyist. The organization is termed the "employing organization" because it

is the lobbyist's immediate employer. An example of an "employing organization" is a law firm whose client has retained the law firm to lobby on behalf of the client. The law firm designates an attorney in the firm to do the lobbying. The law firm is the "employing organization" because it is the immediate employer of the attorney. If you are filing the organization's report form (FORM ORG) for an "employing organization," do not report expenditures for which you are reimbursed by the individual or organization on whose behalf you are lobbying. Also, do not report expenditures that are paid for by the individual or organization on whose behalf you are lobbying. The individual or organization must file a separate organization's report form (FORM ORG) disclosing those expenditures. For example, if a corporation hires a law firm to lobby on its behalf, and the law firm spends \$1000 on advertising and then bills the corporation for this expenditure, then the corporation must report the expenditure rather than the law firm.

Categories of Expenditures

Report the total sum or value of expenditures made by you for the purpose of lobbying during the statement period (the period covered by the expenditure report). Itemize your expenditures using the following categories:

1. Preparation and distribution of lobbying materials. Report items such as printing expenses, copying expenses, internet expenses, and expenses to produce audio and visual materials.
2. Media advertising. Report expenditures for newspaper advertisements or television and radio commercials, etc. If you hire a public relations firm for media advertising, then report the amount paid to the firm that is attributable to media advertising. Fees charged by the firm for professional services should be reported under the category "Fees paid to consultants for services."
3. Compensation paid to lobbyists. Report the total fees or compensation that you paid for lobbying services. If you paid a fee to an employing organization for the services of lobbyists, then report that fee here. If employees of your organization lobby on behalf of the organization, then report the pro rata portion of the salaries paid to the employees.
4. Fees paid to consultants for services. Report such items as fees paid to consultants for the purpose of lobbying.
5. Entertainment and events. Report expenses for entertainment and events for the purpose of lobbying.
6. Receptions, meals, food, and beverages. Report food and beverage expenses for the purpose of lobbying.
7. Gifts. Report the value of gifts given for the purpose of lobbying. **IMPORTANT:** See Note Regarding Gifts to State Officials (below).
8. Loans. Report the value of all loans and forgiveness of loans made for a lobbying purpose.
9. Interstate transportation. Report the value of interstate transportation expenses, including incidental expenses for meals and lodging, made for the purpose of lobbying.
10. Other disbursements. Report other distributions, disbursements, and expenses incurred for the purpose of lobbying.

Note Regarding Gifts to State Officials. State legislators and employees are subject to the State Ethics Code, HRS chapter 84, which may prohibit their acceptance of certain gifts or other benefits, including meals and entertainment, from lobbyists and organizations that engage in lobbying activities. Contact the Commission if you have questions about whether legislators or employees are prohibited from accepting certain gifts or benefits.

Expenses of \$25 or More Per Person Per Day

In this section, report the name and address of each person with respect to whom expenditures for the purpose of lobbying in the total sum of \$25 or more per day were made by you and the amount or value of such expenditures. Do not report fees or compensation paid to lobbyists in this section.

Aggregate Expenditures of \$150 or More Per Person

In this section, report the name and address of each person with respect to whom expenditures for the purpose of lobbying in the aggregate of \$150 or more were made by you during the statement period and the amount or value of such expenditures. Do not report fees or compensation paid to lobbyists in this section.

Part II. Contributions Received

In this section, report the name and address of each person making contributions to you for the purpose of lobbying in the sum of \$25 or more during the statement period and the amount or value of such contributions. For example, if a member of your organization contributes \$100 for a lobbying effort, then you must report the \$100 as a contribution in this section. A “contribution” includes a gift of money or anything of value and includes a contract, promise, or agreement to make a contribution. HRS § 97-1.

Part III. Subject Areas of Lobbying

Check off the subject area(s) in which you lobbied during the statement period.

Certification

If you are submitting your form electronically, remember to type your name, title and date on the bottom of the last page and check the “Certification” box. If you are submitting a paper form, remember to sign and date your form on the bottom of the last page.

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