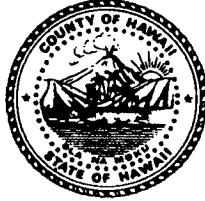


Harry Kim  
Mayor



Lincoln S.T. Ashida  
Corporation Counsel

Gerald Takase  
Assistant Corporation  
Counsel

**COUNTY OF HAWAII**  
**OFFICE OF THE CORPORATION COUNSEL**

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July 30, 2004

**Corporation Counsel Opinion 2004-05**

**MEMORANDUM**

**TO:** OFFICE OF THE MAYOR  
HAWAII COUNTY COUNCIL  
ALL COUNTY DEPARTMENTS AND AGENCIES  
ALL COUNTY BOARDS AND COMMISSIONS

**FROM:** LINCOLN S. T. ASHIDA *LSA*  
Corporation Counsel

**RE: Reminder on Campaign Restrictions for County Officials  
and Employees**

As the political campaign season approaches, we thought it prudent to remind all County officials and employees of restricted political activities.

The Hawai'i State Ethics Commission recently circulated the enclosed flyer to all State officials and employees, succinctly outlining campaign restrictions in our State. The flyer is based on Section 84-13, Hawai'i Revised Statutes, as amended (hereinafter "HRS"), relating to "Fair Treatment."

In 2002, our Hawai'i County Council adopted and passed ordinance 02-109, essentially making the language in Section 2-83 of our Hawai'i County Code consistent with the aforementioned HRS Section 84-13. Thus, the attached flyer contains relevant information for our County.

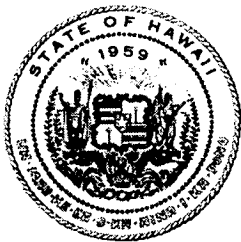
You may also wish to revisit Corporation Counsel Opinion No. 2002-03, wherein we analyze the case of a former Honolulu City Council member who was criminal prosecuted, convicted and sentenced for campaign law violations.

Our office encourages all County officials and employees to contact us for clarification on any of these matters, or if there are any questions regarding questioned activities.

Encl.

S: Departments/Corp Counsel/Opinion 2004-05 7-30-04/LSAmr

*Hawai'i County is an Equal Opportunity Employer and Provider*



## HAWAII STATE ETHICS COMMISSION

# CAMPAIGN RESTRICTIONS FOR STATE OFFICIALS AND STATE EMPLOYEES (Chapter 84, Hawaii Revised Statutes)

**INTRODUCTION:** The following restrictions on campaign activities are based on section 84-13, Hawaii Revised Statutes (HRS), entitled the "Fair Treatment" section of the State Ethics Code. In general, section 84-13 prohibits the preferential use of state resources or incidents of state office. Examples of campaign activities, described below, that violate or may violate the ethics code are for illustration only and are not meant to be all-inclusive.

**STATE OFFICIALS AND EMPLOYEES WHO MUST COMPLY WITH THE RESTRICTIONS:** All state officials, state employees, state legislators, and state board and commission members. State justices and judges are not subject to the jurisdiction of the State Ethics Commission, but are subject to the Commission on Judicial Conduct.

### CAMPAIGN RESTRICTIONS

#### THE FOLLOWING ACTIVITIES BY STATE OFFICIALS AND STATE EMPLOYEES VIOLATE THE STATE ETHICS CODE:

1. **Using state time, equipment, supplies, or state premises for campaign activities or campaign purposes.**

**State time** means the actual time during which a state official or employee, etc., is supposed to be performing his or her state duties. State time thus excludes lunch time, break time, vacation time, and so forth.

**State equipment** includes, for example, copy machines, fax machines, telephones, typewriters, computers, and vehicles such as trucks and cars.

**State supplies** include stationery, paper, stamps, and other office supplies.

**State premises** include state offices, conference rooms, working areas, and so forth. State premises or facilities that are available to the public for use (e.g., for holding meetings or conducting business) may also be used for campaign activities on the same basis as the facilities are available to the public.

**Campaign activities or campaign purposes** include: (a) selling, purchasing, or distributing campaign fundraiser tickets, including complimentary tickets; (b) conducting campaign meetings; (c) distributing campaign literature or materials; (d) soliciting campaign assistance or support; or (e) producing campaign literature or materials or storing such materials.

2. **Using state personnel during state time for the purpose of performing campaign tasks or activities.**
3. **Using the state mail or messenger service for campaign purposes.**
4. **Using state computers or e-mail accounts for campaign purposes.**
5. **Soliciting campaign contributions or campaign assistance by sending letters addressed to state officials or employees at their state offices.**
6. **Using one's state position to give unwarranted advantages or preferential treatment to campaigns.** In particular, the State Ethics Code prohibits state officials, employees, legislators, and board and commission members from using their official positions to coerce anyone into contributing money to a campaign or into assisting a campaign. State officials, employees, legislators, and board and commission members should also avoid combining official business with soliciting campaign contributions or soliciting other campaign assistance.
7. **Selling fundraiser tickets to, or soliciting the purchase of fundraiser tickets from, subordinates or businesses or persons supervised or inspected.**
8. **Candidates walking through state agencies for campaign purposes.** The State Ethics Commission believes that the State Ethics Code prohibits candidates from being allowed to walk through state agencies to meet with state employees for campaign purposes.

**STATE SEAL:** The state seal may not be used by a state official or employee in conjunction with campaigning if such use gives the state official or employee or another any unwarranted advantage or preferential treatment in violation of section 84-13, HRS. Because use of the state seal on campaign stationery or on other campaign literature, materials, or advertisements by state officials or employees may result in a violation of section 84-13, HRS, state officials and employees are advised to contact the State Ethics Commission for advice before using the state seal on campaign materials. Anyone using the state seal in conjunction with a campaign may also wish to contact the Office of the Attorney General regarding the application of section 5-6, HRS.

**PENALTIES FOR VIOLATION OF THE STATE ETHICS CODE:** Disciplinary action such as reprimand, probation, demotion, suspension, or discharge. Any favorable state action is voidable, and the Attorney General may pursue all legal and equitable remedies.

**FURTHER INFORMATION/COMPLAINTS:** Anyone in need of further information or who wishes to report an apparent violation of the State Ethics Code may call the State Ethics Commission at 587-0460.

1001 Bishop St., American Savings Bank Tower 970 • P. O. Box 616 • Honolulu, HI 96809  
Visit our website at <http://www.hawaii.gov/ethics>

(Revised: 5/04)