



HAWAI'I STATE ETHICS COMMISSION

Komikina Ho'opono Kulekele o Hawai'i Moku'āina

GENERAL ADVISORY OPINION NO. 2026-3

Application of the Fair Treatment Law to Personalized Governmental Signage

JUNE 17, 2026

The Hawai'i State Ethics Commission ("Commission") issues this public general advisory opinion to address whether legislators may use state property, such as school fences, to post signs that convey a public service message but also prominently feature their headshots, official titles, and names.

The Commission concludes that the inclusion of a prominent display of incumbent legislators' headshots, titles, and names on such signs does not further the public purpose of the underlying message. Instead, it reasonably appears to provide personal and political branding benefits unrelated to any valid state purpose. Accordingly, the use of state property to display such signs would likely constitute the use of state resources to secure an unwarranted personal advantage or benefit in violation of the Fair Treatment law.

I. Background

The Commission has previously received complaints and information about these types of signs. Recently, the Commission was made aware of proposals from two incumbent state legislators to post signs on state property. Both proposed signs say "Drive with Aloha." The proposed signs are also notable for their conspicuous display of the legislators' headshots, official titles, and names.

The message "Drive with Aloha" plainly promotes roadway safety and courtesy and serves a state purpose. Some agencies have ongoing "Drive with Aloha" campaigns to encourage safe driving. The Commission recognizes that the State has a legitimate interest in promoting public safety and encouraging motorists to exercise patience and caution. Public signage reasonably advances these safety objectives.

The key issue addressed in this opinion is whether such signs may be posted on state property if they are also conspicuous for the prominent display of incumbent legislators' names, titles, and likenesses. Put another way, does the personal, seemingly profile-raising, information reasonably support or connect to the public safety message, or does it instead confer an unwarranted promotional or political benefit?

II. Applicable Law

A. Fair Treatment

The Fair Treatment Law, Haw. Rev. Stat. § 84-13(a) provides that no legislator or employee shall use or attempt to use an official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment for oneself or others. This law also prohibits the use of state time, equipment, or other facilities for private business purposes. Private business purposes include political campaign activities. See Haw. Admin. R. § 21-7-10(a)(4)(A). In the same vein, the Commission has long interpreted the Fair Treatment law to prohibit the use of state resources such as one's official position, the state seal, or state stationery for campaign purposes.

The Commission has further recognized that state officials may not use state resources to maintain or enhance political power. In Informal Advisory Opinion No. 99-3,¹ the Commission explained that legislators retain constitutional rights to engage in political activity, but those rights do not include the unwarranted use of state resources for campaign purposes.

III. Discussion

A. The Use of State Resources Implies State Support or Favor.

The use of state resources, such as state buildings, facades, or fencing, for promotional signage creates the unwarranted impression of governmental support or sanction. Promotional displays in non-public state spaces give rise to a reasonable belief that the State supports the message it exhibits. This problem is compounded when other members of the public lack access to the same resource. There is limited opportunity for a competing message or point of view.

B. The Message “Drive with Aloha” Serves a Legitimate Public Purpose.

State resources may, of course, be used for legitimate public purposes. As noted above, the Commission recognizes that promoting roadway safety and courteous driving serves a valid public purpose. A sign encouraging motorists to “Drive with Aloha” constitutes permissible governmental messaging using state resources.

C. The Legislators’ Headshots, Names, and Titles Do Not Appear Necessary to Advance a Public Purpose.

The Commission’s finding of some legitimate governmental purpose in the proposed signs, however, does not end the inquiry. The Commission must determine whether the

¹ [Informal Advisory Opinion No. 99-3](https://files.hawaii.gov/ethics/advice/IAO99-03.pdf) at <https://files.hawaii.gov/ethics/advice/IAO99-03.pdf>.

personalized elements are reasonably connected to the governmental purpose or instead confer an unwarranted personal or political advantage.

The Commission believes that a public safety message, such as “Drive with Aloha” may be fully conveyed without including extensive displays of incumbent legislators’ photographs, names, or official titles. The inclusion of these personalized elements does not aid in the safety messaging. Instead, it materially changes the character of the signs. Rather than merely conveying a roadway safety message, the proposed signs appear to conspicuously promote incumbent political officeholders.

D. The Proposed Signs Likely Confer an Unwarranted Advantage.

Under these circumstances, a reasonable person could conclude that the proposed signs function primarily as political advertising or image-promotion tools. Specifically:

- the signs prominently feature the incumbent legislators’ likeness and names;
- the signs are displayed at multiple public locations;
- the signs are currently proposed to be displayed during a campaign season; and
- members of the public or non-incumbent candidates would not ordinarily receive comparable access to state resources for personalized signage.

Accordingly, the proposed signs provide the incumbent legislators with valuable name recognition, public familiarity, and enhanced visibility by using state property or resources.

The Commission need not find that the signs are political in nature. The Fair Treatment law extends beyond a prohibition on the use of state resources for explicit campaign messaging. The law prohibits the use of official position or state resources to secure any unwarranted advantages or benefits. Here, the Commission concludes that the conspicuous and dramatic display of incumbent legislators’ images, names, and titles on signs that otherwise serve a public purpose essentially transforms the legitimate purpose of the signs and conveys an unwarranted advantage or benefit within the meaning of Haw. Rev. Stat. § 84-13.

E. Governmental Resources May Not Be Used for Self-Promotion or Partisan Purposes.

Restrictions on the use of public resources for incumbent self-promotion are common across jurisdictions and in other contexts. Such restrictions reflect a general principle that public resources may not be used to provide unnecessary name recognition, image enhancements, or campaign advantages to incumbent officials. The Commission’s interpretation of the Fair Treatment law is consistent with this broader ethics principle.

Analogous restrictions have been adopted in other jurisdictions governing the use of public funds, governmental signage, and official communications. For example, federal law

governing congressional franked mail, an official government resource, prohibits the use of publicly funded mail that is “laudatory and complimentary” of a member of Congress on a purely personal or political basis. 39 U.S.C. § 3210(a)(5). Similarly, California restricts certain mass mailings sent at public expense that feature elected officials. See Cal. Gov’t Code §§ 89001–89003; 2 Cal. Code Regs. § 18901; see also *Stanson v. Mott*, 17 Cal. 3d 206, 217 (1976) (recognizing that public funds may not be used for partisan or promotional purposes).

These authorities are not binding on the Commission, but they illustrate the same concern presented here: public resources should not be used to put an incumbent official’s name or image before the public where the personalized content is not reasonably connected to a governmental purpose.

F. Elected Officials May Be Referenced on Signage Where It Serves a Public Purpose.

The Commission does not suggest that every reference to an elected official in government signage is impermissible. Circumstances may exist where identifying an elected official serves a legitimate governmental purpose. For example, a notice for an official town hall, constituent meeting, emergency briefing, or public program may appropriately identify the officials participating in the event and include images of those officials. This serves a public purpose by helping members of the public identify the officials involved.

The agency responsible for the property, program, or communication will often be best positioned to determine, in the first instance, whether a proposed use of state resources serves a legitimate governmental purpose or is self-promotional. The Commission encourages agencies, and, where appropriate, the Legislature, to adopt clear, content-neutral rules that address how elected officials’ or state employees’ names, titles, images, or other personalized identifiers may appear on signs, as well as on mailers, newsletters, or other government-funded communications.

Such rules might consider, among other things: the timing of communications near elections; the proportional size and prominence of names and photographs; whether the communication is event-specific or programmatic; whether comparable access is available to others on equal terms; and, critically, whether a state purpose is advanced by the inclusion of personalized information.

The Commission will generally give weight to reasonable agency rules and good-faith agency determinations that a communication serves a legitimate governmental purpose. However, agency approval does not override the Fair Treatment law. Haw. Rev. Stat. § 84-13 remains a backstop where the facts show that state resources are being used for personal promotion, campaign activity, or an unwarranted advantage unrelated to a valid state purpose.

Accordingly, where a reasonable person would likely perceive the use of state resources as promotional or campaign-related, and the personalized content does not demonstrably advance a governmental purpose, the Fair Treatment law prohibits that use.

IV. Conclusion

The Commission concludes that the posting of proposed “Drive with Aloha” signs prominently featuring incumbent legislators’ names, faces, and titles would be an improper use of state resources and would reasonably appear to confer unwarranted promotional and political benefits on incumbent officeholders. Accordingly, the proposed use of state property to post these signs would likely violate the Fair Treatment law.

Promoting safe and courteous driving near schools serves a legitimate public purpose. But the proposed signs’ dramatic display of incumbent legislators’ headshots, names, and official titles is not reasonably connected to that purpose. The same safety message can be conveyed without personalized promotion of the incumbent.

Dated: Honolulu, Hawai‘i, June 17, 2026.

Robert Hong, Chair
Cynthia Thielen, Vice Chair
Roderick Becker, Commissioner
Moya T. D. Gray, Commissioner

Note: There was a vacancy on the Commission when the General Advisory Opinion was considered.