

JAN 23 2008

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# A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 11-193, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3           "(a) The duties of the commission under this subpart are:

4           (1) To develop and adopt reporting forms required by this  
5 subpart;

6           (2) To adopt and publish a manual for all candidates and  
7 committees, describing the requirements of this  
8 subpart, including uniform and simple methods of  
9 recordkeeping;

10          (3) To preserve all reports required by this subpart for  
11 at least ten years from the date of receipt;

12          (4) To permit the inspection, copying, or duplicating of  
13 any report required by this subpart pursuant to rules  
14 adopted by the commission; provided that no  
15 information or copies from the reports shall be sold  
16 or used by any person for the purpose of soliciting  
17 contributions or for any commercial purpose;



1           (5) To ascertain whether any candidate, committee, or  
2           party has failed to file a report required by this  
3           subpart or has filed a substantially defective or  
4           deficient report, and to notify these persons by first  
5           class mail that their failure to file or filing of a  
6           substantially defective or deficient report must be  
7           corrected and explained. The correction or  
8           explanation shall be submitted in writing to the  
9           commission not later than 4:30 p.m. on the fifth day  
10          after notification of the failure to file or  
11          deficiency has been mailed to these persons. The  
12          commission shall publish in the newspaper, and on its  
13          website, the names of all candidates, committees, and  
14          parties who have failed to file a report or to correct  
15          their deficiency within the time allowed by the  
16          commission. Failure to file or correct a report when  
17          due, as required by this subpart, shall result in a  
18          penalty of \$50. Failure to respond after a newspaper  
19          notification or website publication shall result in an  
20          additional penalty of \$50 for each day a report  
21          remains overdue or uncorrected. All penalties



- 1 collected under this section shall be deposited in the  
2 Hawaii election campaign fund;
- 3 (6) To hold public hearings;
- 4 (7) To investigate and hold hearings for receiving  
5 evidence of any violations;
- 6 (8) To adopt a code of fair campaign practices as a part  
7 of its rules;
- 8 (9) To establish rules pursuant to chapter 91;
- 9 (10) To request the initiation of prosecution for the  
10 violation of this subpart pursuant to section 11-229;
- 11 (11) To administer and monitor the distribution of public  
12 funds under this subpart;
- 13 (12) To suggest accounting methods for candidates, parties,  
14 and committees, as the commission may deem advisable,  
15 in connection with reports and records required by  
16 this subpart;
- 17 (13) To employ or contract, without regard to chapters 76  
18 and 89 and section 28-8.3, and, at pleasure, to  
19 dismiss persons it finds necessary for the performance  
20 of its functions, including a full-time executive  
21 director, and to fix their compensation;



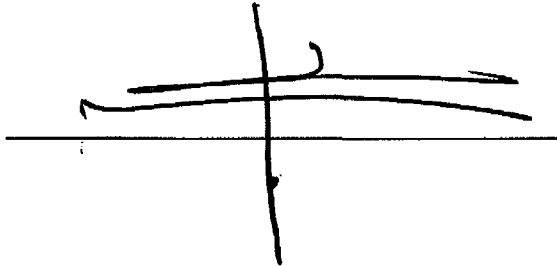
- 1       (14) To do random audits, field investigations, as
- 2            necessary;
- 3       (15) To file for injunctive relief when indicated; and
- 4       (16) To render advisory opinions upon the request of any
- 5            candidate, candidate committee, noncandidate
- 6            committee, or other person or entity subject to this
- 7            chapter, as to whether the facts and circumstances of
- 8            a particular case constitute or will constitute a
- 9            violation of the campaign spending laws. If no
- 10           advisory opinion is rendered within ninety days after
- 11           all information necessary to issue an opinion has been
- 12           obtained, it shall be deemed that an advisory opinion
- 13           was rendered and that the facts and circumstances of
- 14           that particular case do not constitute a violation of
- 15           the campaign spending laws. The opinion rendered or
- 16           deemed rendered, until amended or revoked, shall be
- 17           binding on the commission in any subsequent charges
- 18           concerning the candidate, candidate committee,
- 19           noncandidate committee, or other person or entity
- 20           subject to this chapter, who sought the opinion and
- 21           acted in reliance on it in good faith, unless material
- 22           facts were omitted or misstated by the persons in the



1 request for an advisory opinion. Nothing in this  
2 section shall be construed to allow the commission to  
3 issue rules through an advisory opinion."

4 SECTION 2. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

6  
INTRODUCED BY: 

**Report Title:**

Campaign Spending; Campaign Spending Commission

**Description:**

Clarifies that the campaign spending commission shall not issue rules through the issuance of an advisory opinion.

