

JAN 20 2016

A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING.

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

1 SECTION 1. Section 11-410, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~{}~~§11-410~~{}~~ Administrative fines; relief. (a) The
4 commission may make a decision or issue an order affecting any
5 person violating any provision of this part or section 281-22
6 that may provide for the assessment of an administrative fine as
7 follows:

8 (1) If an individual, an amount not to exceed \$1,000 for
9 each occurrence or an amount equivalent to three times
10 the amount of an unlawful contribution or expenditure;
11 or

12 (2) If a ~~[corporation, organization, association, or labor~~
13 ~~union,]~~ person other than an individual, an amount not
14 to exceed ~~[\$1,000]~~ \$5,000 for each occurrence~~[-]~~ or an
15 amount equivalent to three times the amount of an
16 unlawful contribution or expenditure;



1 provided that [~~whenever a corporation, organization,~~
2 ~~association, or labor union violates this part, the~~] a violation
3 by a person other than an individual may be deemed to be also
4 that of any of the person's individual directors, officers, or
5 agents [~~of the corporation, organization, association, or labor~~
6 ~~union,~~] who have knowingly authorized, ordered, or [~~done~~]
7 committed any of the acts constituting the violation.

8 (b) The commission, in addition to the assessment of an
9 administrative fine, may order the person violating any
10 provision of this part or section 281-22 to pay for costs
11 incurred by the commission due to the violation, including but
12 not limited to the cost of investigative services.

13 [~~(b)~~] (c) Any order for the assessment of an
14 administrative fine and costs shall not be issued against a
15 person without providing the person written notice and an
16 opportunity to be heard at a hearing conducted under chapter 91.
17 A person may waive these rights by written stipulation or
18 consent.

19 [~~(c)~~] (d) If an administrative fine [~~is~~] and assessment of
20 costs are imposed upon a candidate, the commission may order



1 that the fine~~[7]~~ and costs, or any ~~[portion7]~~ portions thereof,
2 be paid from the candidate's personal funds.

3 ~~[(d)]~~ (e) If the person to whom the commission's order is
4 directed does not comply with the order, the first circuit
5 court, upon application of the commission, shall issue an order
6 requiring the person to comply with the commission's order.
7 Failure to obey such a court order shall be punished as
8 contempt.

9 ~~[(e)]~~ (f) Any administrative fine collected by the
10 commission shall be deposited in the general fund of the State.
11 Any costs recovered by the commission shall be deposited in the
12 Hawaii election campaign fund.

13 ~~[(f)]~~ (g) Any person or the commission may sue for
14 injunctive relief to compel compliance with this part.

15 ~~[(g)]~~ (h) The provisions of this section shall not
16 prohibit prosecution under any appropriate provision of the
17 Hawaii Penal Code or section 11-412.

18 ~~[(h)]~~ (i) This section shall not apply to any person who,
19 ~~[prior to]~~ before the commencement of proceedings under this
20 section, has paid or agreed to pay the fines prescribed by
21 sections 11-340 and 11-391(b)."



S.B. NO. 2029

1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

7

INTRODUCED BY: 
BY REQUEST



S.B. NO. 2029

Report Title:

Campaign Spending Commission Package; Fines; Costs

Description:

Increases the amounts of fines that may be assessed against persons other than individuals for campaign spending violations. Allows the campaign spending commission to recover its costs from violators. Directs moneys collected for costs to be deposited in the Hawaii election campaign fund.

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