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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 11-410, 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 [~~ex section 281-22~~],  
6 that may provide for the assessment of an administrative fine as  
7 follows:

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



1           equivalent to three times the amount of an unlawful  
2           contribution or expenditure.

3 [~~provided that whenever~~]

4           (b) Whenever a corporation, organization, association, or  
5 labor union violates this part, the violation may be deemed to  
6 be also that of the individual directors, officers, or agents of  
7 the corporation, organization, association, or labor union, who  
8 have knowingly authorized, ordered, or done any of the acts  
9 constituting the violation.

10           (c) The commission, in addition to the assessment of an  
11 administrative fine, may order the violator of any provision of  
12 this part to pay for costs of investigative services and bank  
13 fees for the production of subpoenaed documents incurred by the  
14 commission due to the violation.

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



1       ~~[(e)]~~ (e) If an administrative fine ~~[is]~~ and assessment of  
2 costs are imposed upon a candidate, the commission may order  
3 that the fine~~[,]~~ and costs, or any ~~[portion,]~~ portions thereof,  
4 be paid from the candidate's personal funds.

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

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

15       ~~[(f)]~~ (h) Any person or the commission may sue for  
16 injunctive relief to compel compliance with this part.

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

20       ~~[(h)]~~ (j) This section shall not apply to any person who,  
21 ~~[prior to]~~ before the commencement of proceedings under this



1 section, has paid or agreed to pay the fines prescribed by  
2 sections 11-340 and 11-391(b)."

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

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

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



**Report Title:**

Campaign Spending Commission Package; Fines; Costs

**Description:**

Increases the amounts of fines that may be assessed against a noncandidate committee making only independent expenditures 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. (SB2029 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

