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# A BILL FOR AN ACT

RELATING TO CAMPAIGN FINANCE.

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

1           SECTION 1. Section 11-314, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§11-314 Duties of the commission.** The duties of the  
4 commission under this part are to:

5           (1) Develop and adopt forms required by this part;

6           (2) Adopt and publish a manual for all candidates,  
7 candidate committees, and noncandidate committees,  
8 describing the requirements of this part, including  
9 uniform and simple methods of recordkeeping;

10          (3) Preserve all reports required by this part for at  
11 least ten years from the date of receipt by the  
12 commission;

13          (4) Permit the inspection, copying, or duplication of any  
14 report required by this part pursuant to rules adopted  
15 by the commission under chapter 91; provided that this  
16 paragraph shall not apply to the sale or use of  
17 information under section 11-344;



- 1           (5) Ascertain whether any person has failed to file a  
2           report required by this part or has filed a  
3           substantially defective or deficient report. The  
4           commission shall notify the person by first class mail  
5           that a fine may be assessed for the failure to file or  
6           the filing of a substantially defective or deficient  
7           report, and the defective or deficient report shall be  
8           corrected and explained. All fines collected under  
9           this section as authorized by sections 11-340 and  
10          11-410 shall be deposited in the [~~general fund of the~~  
11          ~~State,~~] Hawaii election campaign fund under section  
12          11-421;
- 13          (6) Hold public hearings;
- 14          (7) Investigate and hold hearings for receiving evidence  
15          of any violations pursuant to subpart I of this part;
- 16          (8) Adopt rules pursuant to chapter 91;
- 17          (9) Request the initiation of prosecution for the  
18          violation of this part pursuant to section 11-411;
- 19          (10) Administer and monitor the distribution of public  
20          funds under this part;



1 (11) Suggest accounting methods for candidates, candidate  
2 committees, or noncandidate committees in connection  
3 with reports and records required by this part;

4 (12) Employ or contract with, without regard to chapters  
5 76, 78, and 89, persons it finds necessary for the  
6 performance of its functions, including a full-time  
7 executive director, and to fix their compensation;  
8 provided that the commission shall have the authority,  
9 at its discretion, to dismiss persons employed by or  
10 contracted with the commission;

11 (13) Conduct random audits and field investigations, as  
12 necessary; and

13 (14) File for injunctive relief when indicated."

14 SECTION 2. Section 11-340, Hawaii Revised Statutes, is  
15 amended by amending subsection (g) to read as follows:

16 "(g) All fines collected under this section shall be  
17 deposited into the [~~general fund.~~] Hawaii election campaign fund  
18 under section 11-421."

19 SECTION 3. Section 11-391, Hawaii Revised Statutes, is  
20 amended by amending subsection (b) to read as follows:



1           "(b) The fine for violation of this section, if assessed  
2 by the commission, shall not exceed \$25 for each advertisement  
3 that lacks the information required by this section or provides  
4 prohibited information, and shall not exceed an aggregate amount  
5 of \$5,000. All fines collected under this section shall be  
6 deposited in the Hawaii election campaign fund under section  
7 11-421."

8           SECTION 4. Section 11-410, Hawaii Revised Statutes, is  
9 amended by amending subsection (e) to read as follows:

10           "(e) Any administrative fine collected by the commission  
11 shall be deposited in the [~~general fund of the State.~~] Hawaii  
12 election campaign fund under section 11-421."

13           SECTION 5. Section 11-421, Hawaii Revised Statutes, is  
14 amended by amending subsections (b) and (c) to read as follows:

15           "(b) The fund shall consist of:

16           (1) All moneys collected from persons who have designated  
17 a portion of their income tax liability to the fund as  
18 provided in section 235-102.5(a);

19           (2) Any general fund appropriations; [~~and~~]

20           (3) All fees collected pursuant to sections 11-340,  
21 11-391, and 11-410; and



1        [~~(3)~~] (4) Other moneys collected pursuant to this part.

2        (c) Moneys in the fund shall be paid to candidates by the  
3        comptroller as prescribed in section 11-431 and may be used [~~for~~  
4        ~~the commission's operating expenses, including staff salaries~~  
5        ~~and fringe benefits.~~] by the commission for investigation  
6        expenses."

7        SECTION 6. The campaign spending commission shall conduct  
8        a study to determine the sustainability of its operations and  
9        finances. The study shall include plans to achieve operational  
10       and financial sustainability. The campaign spending commission  
11       shall submit a report of any findings or recommendations,  
12       including any proposed legislation, to the legislature no later  
13       than twenty days prior to the convening of the regular session  
14       of 2016.

15       SECTION 7. Statutory material to be repealed is bracketed  
16       and stricken. New statutory material is underscored.

17       SECTION 8. This Act shall take effect on January 7, 2059.



**Report Title:**

Campaign Finance; Hawaii Election Campaign Fund; Fees

**Description:**

Requires any fees assessed by the campaign spending commission to be deposited into the Hawaii election campaign fund. Authorizes the campaign spending commission to use moneys from the Hawaii election campaign fund for investigation expenses. Requires the campaign spending commission to conduct a study on the sustainability of its operations and finances. Effective 01/07/2059. (SD2)

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

