



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

February 3, 2020

TO: The Honorable Chris Lee, Chair
House Committee on Judiciary

The Honorable Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary

Members of the House Committee on Judiciary

FROM: Kristin Izumi-Nitao, Executive Director *KIN*
Campaign Spending Commission

SUBJECT: **Testimony on H.B. No. 1704, Relating to Orders of the Campaign Spending Commission**

Tuesday, February 4, 2020
2:05 p.m., Conference Room 325

Thank you for the opportunity to testify on this bill.¹ The Campaign Spending Commission ("Commission") supports this bill.

This measure amends HRS §11-410 by (1) amending subsection (b) to provide that a person waives the right to a contested case hearing if the person fails to request a contested case hearing within twenty days of receipt of the Commission's preliminary determination, and (2) amending subsection (d) to provide that a final order of the Commission may be filed in the First Circuit Court for confirmation as a civil judgment, enforceable and collectible as any other judgment issued in the circuit courts. These amendments were suggested by the deputies in the Civil Recoveries Division of the Department of the Attorney General who are assisting the Commission by enforcing the Commission's orders in the First Circuit Court. The Commission urges this Committee to pass this measure.

¹ The companion bill is S.B. No. 2145.

Statement Before The
HOUSE COMMITTEE ON JUDICIARY

Tuesday, February 4, 2020

2:05 PM

State Capitol, Conference Room 325

in consideration of

HB 1704**RELATING TO ORDERS OF THE CAMPAIGN SPENDING COMMISSION.**

Chair LEE, Vice Chair SAN BUENAVENTURA, and Members of the House Judiciary Committee

Common Cause Hawaii supports HB 1704, with amendments, which (1) provides that the right to a contested case hearing is deemed waived if a person does not request a hearing within 20 days of receipt of the commission's preliminary determination and (2) permits an order of the Campaign Spending Commission (Commission) to be confirmed as a judgment in Circuit Court, giving the order the same force and effect as any other judgment issued by the Circuit Courts with no appeal from the judgment.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through improving our campaign finance system with laws that amplify the voices of everyday Americans by requiring strong disclosures and making sure everyone plays by the same commonsense rules.

Common Cause Hawaii supports HB 1704 which permits an order of the Commission to be confirmed as a judgment in Circuit Court, giving the order the same force and effect as any other judgment issued by the Circuit Courts. However, the Commission's judgment should be appealable like any other court judgment. Further, a person's right to a contested case hearing should **not** be deemed waive if the person does not request a hearing within 20 days of receipt of the preliminary determination. There may be many reasons why a person does not request a contested case hearing within 20 days of receipt of the preliminary determination -- illness, travel, lack of understanding of the process, trying to obtain counsel, etc.

Common Cause Hawaii suggests HB 1704 be amended to remove that (1) a person's right to a contested case hearing is deemed waived if a person does not request a hearing within 20 days of receipt of the Commission's preliminary determination and (2) the Commission's orders confirmed as a judgment in the Circuit Courts are not appealable. A person's right to due process and his/her fair day in court is a central part of democracy.

Thank you for the opportunity to testify in support of HB 1704, as amended. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma

Executive Director, Common Cause Hawaii