

KRISTIN E. IZUMI-NITAO
EXECUTIVE DIRECTOR



PHONE: (808) 586-0285
FAX: (808) 586-0288
WWW.HAWAII.GOV/CAMPAIGN

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

January 27, 2020

TO: The Honorable Donovan M. Dela Cruz, Chair
Senate Committee on Ways and Means

The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Members of the Senate Committee on Ways and Means

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

SUBJECT: **Testimony on S.B. No. 840, Relating to Elections**

Wednesday, January 29, 2020
10:00 a.m., Conference Room 211

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

This bill makes several amendments to the civil and criminal remedies provisions of the Campaign Finance Law. The measure amends Hawaii Revised Statutes ("HRS") §11-410(h) by deleting criminal prosecution from the language stipulating that the administrative fine provision does not apply to any person who, prior to the commencement of any proceeding, has paid or agreed to pay fines related to report filing violations and advertisement disclaimer violations. The measure amends HRS §11-411 to allow the Commission to refer a complaint for criminal prosecution in addition to any administrative determination made by the Commission and deletes the requirement that the Commission must believe that a person recklessly, knowingly, or intentionally committed a violation prior to referral. Finally, the measure amends HRS §11-412 (Criminal Prosecution) by amending subsection (c) to increase the disqualification to hold public elective office from four years to ten years after a conviction, and by deleting subsection (g), the language stipulating that the criminal prosecution provision does not apply to any person who, prior to the commencement of any proceeding, has paid or agreed to pay fines related to report filing violations and advertisement disclaimer violations.

If passed, this bill will give the Commission flexibility in dealing with serious violations. The Commission will be able to issue an administrative fine against a violator and order injunctive relief prior to, or at the same time, a referral for prosecution is made. Presently, if the Commission wanted to refer a complaint for prosecution, it could not also apply any civil remedies. Only if the prosecuting authority declines prosecution and refers the case back to the Commission, could the Commission take action which is sometimes years after the complaint was referred for prosecution.

The Commission requests that the Committee pass this measure.

Statement Before The
SENATE COMMITTEE ON WAYS AND MEANS

Wednesday, January 29, 2020

10:00 am

State Capitol, Conference Room 211

in consideration of

SB 840

RELATING TO THE ELECTIONS.

Chair DELA CRUZ, Vice Chair KEITH-AGARAN, and Members of the Senate Ways and Means Committee

Common Cause Hawaii supports SB 840, which would (1) allow the elections commission to refer a complaint to the attorney general or county prosecutor in addition to any administrative determination and without the requirement that the commission believes the respondent has recklessly, knowingly, or intentionally committed a violation, (2) disqualify a person convicted of violating elections criminal prosecution laws from holding elective public office for ten (10) years instead of four (4) years, and (3) repeal language stipulating that elections criminal prosecution law does not apply to any person who has paid or agreed to pay fines related to report filing violations and advertisement violations prior to the commencement of the proceedings.

SB 840 would provide the Campaign Spending Commission with leeway to deal with serious, serial, and repeat violators of campaign spending laws. This may be necessary, on occasion, to send a message that persons should take campaign spending laws seriously.

Common Cause Hawaii, as a grassroots, nonpartisan, nonprofit organization dedicated to good government reforms, supports SB 840 as legislation to promote campaign finance reforms, ethics, and accountability in our government.

Thank you for the opportunity to testify in support of SB 840. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii

LATE

SB-840

Submitted on: 1/29/2020 12:13:44 AM

Testimony for WAM on 1/29/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dawn Poiani	Individual	Support	No

Comments:

Support SB840