

STAND. COM. REP. NO. 3241

Honolulu, Hawaii

MAR 18 2022

RE: H.B. No. 1426
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1426, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ORDERS OF THE CAMPAIGN SPENDING COMMISSION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) 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 Campaign Spending Commission's preliminary determination; and
- (2) Allow the Campaign Spending Commission to have an order confirmed as a civil judgment, enforceable and collectible as any other judgment issued in the circuit courts.

Your Committee received testimony in support of this measure from the Campaign Spending Commission and Common Cause Hawaii. Your Committee received testimony in opposition to this measure from one individual.



Your Committee finds that currently there is no option for the Campaign Spending Commission to collect fines as a money judgment. The Department of the Attorney General has been forced to seek bench warrants to compel payments of fines and the filing of reports by candidates who continue to violate the campaign finance law. This measure will allow the Campaign Spending Commission to have an order confirmed as a judgment, which will allow the Campaign Spending Commission to collect on violations of campaign finance law more effectively.

Your Committee notes that the reason why the final orders that are confirmed as judgments are not appealable is because the person did not contest it so there is no record on appeal. Your Committee also notes that the Campaign Spending Commission has testified that there is a process to collaterally challenge the judgment if new information becomes available.

Your Committee has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1426, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1426, H.D. 1, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1426, HDI	JDC, WAM	03-15-22

The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
ACASIO, Laura	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
LEE, Chris	/			
FEVELLA, Kurt	/			
TOTAL	7	-	-	-

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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*Only one measure per Record of Votes