

STAND. COM. REP. NO. 1476

Honolulu, Hawaii
MAR 25 , 2021

RE: S.B. No. 401
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 401, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO VIOLATIONS OF CAMPAIGN FINANCE LAW,"

begs leave to report as follows:

The purpose of this measure is to amend the allowable administrative fines for campaign finance violations. Specifically, this measure allows the Campaign Spending Commission to:

- (1) Fine any noncandidate committee that makes only independent expenditures and has either received at least one contribution of or spent more than \$10,000 in an election period an amount not to exceed:
 - (A) \$5,000 for each occurrence; or
 - (B) Three times the amount of an unlawful contribution or expenditure; and
- (2) Order the fine, or any portion thereof, to be paid from the personal funds of the officers of the noncandidate committee.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, and seven individuals.

Your Committee finds that this measure significantly increases the amount of fines assessed against a noncandidate committee that makes only independent expenditures, otherwise known as Super PACs, and authorizes the Campaign Spending Commission to order that the fines, or a portion of the fines, be paid from the personal funds of an officer of the Super PAC. The increase in the amount of the fine is necessary in enforcement cases against Super PACs and will serve as a more effective deterrent against Super PACs from violating campaign finance laws.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 401, H.D. 1, and recommends that it be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 401, HD1	Committee Referral: GVR, JHA, FIN	Date: 3-23-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.				✓
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	11	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____				
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