



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

February 7, 2022

TO: The Honorable Angus L.K. McKelvey, Chair
House Committee on Government Reform

The Honorable Tina Wildberger, Vice Chair
House Committee on Government Reform

Members of the House Committee on Government Reform

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

SUBJECT: **Testimony on H.B. No. 2474, Relating to Elections**

Wednesday, February 9, 2022
09:30 a.m., Via Videoconference

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

The measure amends Hawaii Revised Statutes (“HRS”) §11-411 to permit the Commission¹ to refer a complaint for prosecution in addition to an administrative determination and removes the need for a finding of criminal intent for a referral for prosecution. The measure also amends HRS §11-412(c) by increasing the disqualification from holding elective public office for a campaign-finance violation conviction from four to ten years. The Commission believes that increasing the disqualification period for holding public elective office will further deter criminal violations of the Campaign Finance Law. The Commission also supports the ability to assess a civil fine for certain violations of law and refer the same matter for prosecution. Presently, the Commission has to choose between proceeding to an administrative determination or referring a complaint for prosecution. The Commission will retain civil jurisdiction of a referral should prosecution be declined. But at least in one case, prosecution was declined several years after the referral was made. Thus, when the matter came back for administrative determination, the Commission had new members who did not hear the complaint when the referral was originally made.

¹ The reference to “elections commission” in the bill’s Description should have been to “campaign spending commission.”

Testimony of the Campaign Spending Commission

H.B. No. 2474, Relating to Elections

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The bill also adds language in HRS §11-410(h) and repeals HRS §11-412(g) to make it clear that the payment of civil fines for late reports and defective advertising disclaimers do not foreclose criminal law prosecutions of the Campaign Finance Law. The Commission believes these amendments will also strengthen the deterrence effect of the criminal prosecution portion of the Campaign Finance Law.

Statement Before The
Wednesday, February 9, 2022
9:30 AM
Via Videoconference, Conference Room 309

in consideration of
HB 2474

RELATING TO ELECTIONS.

Chair McKELVEY, Vice Chair WILDBERGER, and Members of the House Government Reform Committee

Common Cause Hawaii supports in part and opposes in part HB 2474, which (1) allows 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) disqualifies a person convicted of violating elections criminal prosecution laws from holding elective public office for ten years rather than four, and (3) repeals language stipulating that elections criminal prosecution law does not apply to any persons who has paid or agrees to pay fines related to report filing violations and advertisement violations prior to the commencement of the proceedings.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening our representative democracy through improving and modernizing voting and elections system.

Common Cause Hawaii supports that portion of Section 3 of HB 2474, at page 2 lines 11-13, which provides that a person who is convicted under Hawaii Revised Statutes § 11-412 shall be disqualified from holding elective public office for 10 years from the date of conviction. We must hold our public officials to the highest standards, and we must have the highest confidence in our public officials.

Common Cause Hawaii opposes that portion of Section 2 of HB 2474 at page 1, lines 9-14, which would permit the Election Commission to refer a complaint to the attorney general or county prosecutor without a belief that the respondent may have recklessly knowingly or intentionally committed a violation. For there to be adequate notice to the public, there needs to be some minimum threshold of misconduct before a criminal referral may be made.

Thank you for the opportunity to testify, supporting in part and opposing in part, on HB 2474. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii