



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION


235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

March 11, 2021

TO: The Honorable Mark M. Nakashima, Chair
House Committee on Judiciary & Hawaiian Affairs

The Honorable Scot Z. Matayoshi, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Members of the House Committee on Judiciary & Hawaiian Affairs

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

SUBJECT: **Testimony on S.B. No. 635, Relating to Elections.**

Friday, March 12, 2021
2:00 p.m., Via Videoconference

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

This measure amends Hawaii Revised Statutes (“HRS”) §11-411 by permitting the Commission to refer a complaint for prosecution in addition to any administrative determination and without the requirement that the Commission believes that the respondent has acted intentionally, knowingly, or recklessly committed a violation. The bill amends HRS §11-412(c) by increasing the period of disqualification to hold public office from four to ten years upon conviction of a campaign spending law violation. The bill also repeals language stating that criminal prosecution does not apply to any person who has paid or agreed to pay the fines prescribed by HRS §11-340 (late reports) and 11-391(b) (advertising disclaimer).

This bill will enhance the efficiency of the administrative complaint process. Currently, the Commission is not allowed to simultaneously fine a respondent and refer a complaint for prosecution. The Commission must first refer the matter for prosecution and if the prosecutor

¹ The companion bill is H.B. No. 655, which has not been heard by any House committee. Also, the description of the bill refers to “the election commission.” The Campaign Spending Commission recommends that JHA amend the description by replacing “election commission” with “campaign spending commission” to avoid confusion when S.B. No. 635 appears on legislative committees’ agenda.

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declines prosecution, then the matter comes back to the Commission for civil adjudication. Sometimes, this process has taken over two years after the referral for prosecution.