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# A BILL FOR AN ACT

RELATING TO PRELIMINARY DETERMINATION OF PROBABLE CAUSE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 11-405, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) Upon hearing the response, if the respondent explains  
4 or otherwise responds to the complaint, and upon completion of  
5 any investigation, the commission may make a prompt preliminary  
6 determination as to whether probable cause exists that a  
7 violation of this part has been committed. The preliminary  
8 determination with findings of fact and conclusions of law shall  
9 be served upon the respondent by [~~certified mail.~~] first-class  
10 mail. As a courtesy, the commission shall send the preliminary  
11 determination with findings of fact and conclusions of law to  
12 the respondent by electronic mail; provided that the electronic  
13 mail shall not constitute service. If the respondent is a  
14 candidate, candidate committee, or noncandidate committee and  
15 the preliminary determination is mailed to the address contained  
16 in the organizational report of the candidate or committee,  
17 there shall be a presumption that the candidate or committee



1 received the preliminary determination within seven business  
2 days of the preliminary determination being mailed."

3 SECTION 2. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Hawaii Campaign Spending Commission Package; Preliminary  
Determination; Method of Service

**Description:**

Requires the Campaign Spending Commission to serve preliminary  
determinations of probable cause via first-class mail.  
Establishes a presumption of receipt when mailed to the address  
contained in the candidate or committee organizational report.  
(SD1)

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not legislation or evidence of legislative intent.*

