

ACT 121

H.B. NO. 92

A Bill for an Act Relating to Violations of Campaign Finance Law.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11-410, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

“(a) The commission may make a decision or issue an order affecting any person violating any provision of this part ~~[or section 281-22]~~ that may provide for the assessment of an administrative fine as follows:

(1) If ~~[an individual,]~~ a person other than a person described in paragraph (2), an amount not to exceed \$1,000 for each occurrence or an amount ~~[equivalent]~~ not to exceed three times the amount of an unlawful contribution or expenditure; or

(2) If a ~~[corporation, organization, association, or labor union,]~~ non-candidate committee that makes only independent expenditures and has either received at least one contribution of more than \$10,000 from any one person or has made expenditures of more than \$10,000 in the aggregate, in an election period, an amount not to exceed ~~[\$1,000]~~ \$5,000 for each occurrence; ~~or an amount not to exceed three times the amount of an unlawful contribution or expenditure;~~

provided that whenever a corporation, organization, association, or labor union violates this part, the violation may be deemed to be also that of the individual directors, officers, or agents of the corporation, organization, association, or labor union, who have knowingly authorized, ordered, or done any of the acts constituting the violation.”

2. By amending subsection (c) to read:

“(c) If an administrative fine is imposed upon a candidate~~[-]~~ or non-candidate committee, the commission may order that the fine, or any portion~~[-]~~ of the fine, be paid from the ~~[candidate's]~~ personal funds[-] of the candidate or the funds of the noncandidate committee; provided that if the noncandidate

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committee cannot pay, the commission may order that the fine be paid from the personal funds of the candidate or officers of the noncandidate committee.”

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

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 Statutory material to be repealed is bracketed and stricken.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

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

(Approved June 23, 2023.)