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**STATE OF HAWAII  
CAMPAIGN SPENDING COMMISSION**

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February 6, 2019

TO: The Honorable Karl Rhoads, Chair  
Senate Committee on Judiciary  
  
The Honorable Glenn Wakai, Vice Chair  
Senate Committee on Judiciary  
  
Members of the Senate Committee on Judiciary

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

SUBJECT: **Testimony on S.B. No. 840, Relating to Elections**

Friday, February 8, 2019  
9:00 a.m., Conference Room 016

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

This bill makes several amendments to the civil and criminal remedies provisions of the Campaign Finance Law. The measure amends Hawaii Revised Statutes ("HRS") §11-410(h) by deleting criminal prosecution from the language stipulating that the administrative fine provision does not apply to any person who, prior to the commencement of any proceeding, has paid or agreed to pay fines related to report filing violations and advertisement disclaimer violations. The measure amends HRS §11-411 to allow the Commission to refer a complaint for criminal prosecution in addition to any administrative determination made by the Commission and deletes the requirement that the Commission must believe that a person recklessly, knowingly, or intentionally committed a violation prior to referral. Finally, the measure amends HRS §11-412 (Criminal Prosecution) by amending subsection (c) to increase the disqualification to hold public elective office from four years to ten years after a conviction, and by deleting subsection (g), the language stipulating that the criminal prosecution provision does not apply to any person who, prior to the commencement of any proceeding, has paid or agreed to pay fines related to report filing violations and advertisement disclaimer violations.

If passed, this bill will give the Commission flexibility in dealing with serious violations. The Commission will be able to issue an administrative fine against a violator and order injunctive relief prior to, or at the same time, a referral for prosecution is made. Presently, if the Commission wanted to refer a complaint for prosecution, it could not also apply any civil remedies. Only if the prosecuting authority declines prosecution and refers the case back to the Commission, could the Commission take action which is sometimes years after the complaint was referred for prosecution.

The Commission requests that the Committee pass this measure.