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# A BILL FOR AN ACT

RELATING TO VIOLATIONS OF CAMPAIGN FINANCE LAW.

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

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

3           "~~[+]§11-410[+]~~ **Administrative fines; relief.** (a) The  
4 commission may make a decision or issue an order affecting any  
5 person violating ~~[any provision of]~~ this part ~~[or section 281~~  
6 ~~22]~~ that may provide for the assessment of an administrative  
7 fine as follows:

8           (1) If ~~[an individual, an]~~ a person other than a  
9 noncandidate committee that makes only independent  
10 expenditures: An amount not to exceed \$1,000 for each  
11 occurrence or an amount ~~[equivalent to]~~ not to exceed  
12 three times the amount of an unlawful contribution or  
13 expenditure; or

14           (2) If a ~~[corporation, organization, association, or labor~~  
15 ~~union, an]~~ noncandidate committee that makes only  
16 independent expenditures and has either received at  
17 least one contribution of more than \$10,000 from any  
18 one person or has made expenditures of more than



1           \$10,000 in the aggregate, in an election period: An  
 2           amount not to exceed [~~\$1,000~~] \$5,000 for each  
 3           occurrence[+] or an amount not to exceed three times  
 4           the amount of an unlawful contribution or expenditure.

5 [~~provided that whenever~~]

6           (b) Whenever a corporation, organization, association, or  
 7 labor union violates this part, the violation may be deemed to  
 8 be also that of the individual directors, officers, or agents of  
 9 the corporation, organization, association, or labor union, who  
 10 have knowingly authorized, ordered, or done any of the acts  
 11 constituting the violation.

12           (c) The commission, in addition to the assessment of an  
 13 administrative fine, may order the violator of this part to pay  
 14 for costs of investigative services and bank fees for the  
 15 production of subpoenaed documents incurred by the commission  
 16 due to the violation.

17           [~~(b)~~] (d) Any order for the assessment of an  
 18 administrative fine and costs shall not be issued against a  
 19 person without providing the person written notice and an  
 20 opportunity to be heard at a hearing conducted under chapter 91.



1 A person may waive these rights by written stipulation or  
2 consent.

3 ~~[(e)]~~ (e) If an administrative fine ~~[is]~~ and assessment of  
4 costs are imposed upon a candidate, the commission may order  
5 that the fine~~[,]~~ and costs, or any ~~[portion,]~~ portions thereof,  
6 be paid from the candidate's personal funds.

7 ~~[(d)]~~ (f) If the person to whom the commission's order is  
8 directed does not comply with the order, the first circuit  
9 court, upon application of the commission, shall issue an order  
10 requiring the person to comply with the commission's order.  
11 Failure to obey such a court order shall be punished as  
12 contempt.

13 ~~[(e)]~~ (g) Any administrative fine collected by the  
14 commission shall be deposited in the general fund of the State.  
15 Any costs recovered by the commission shall be deposited in the  
16 Hawaii election campaign fund.

17 ~~[(f)]~~ (h) Any person or the commission may sue for  
18 injunctive relief to compel compliance with this part.

19 ~~[(g)]~~ (i) ~~[The provisions of this]~~ This section shall not  
20 prohibit prosecution under any appropriate provision of the  
21 Hawaii Penal Code or section 11-412.



1       ~~[(h)]~~ (j) This section shall not apply to any person who,  
2       ~~[prior to]~~ before the commencement of proceedings under this  
3       section, has paid or agreed to pay the fines prescribed by  
4       sections 11-340 and 11-391(b)."

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

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

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

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**Report Title:**

Campaign Spending Commission Package; Noncandidate Committees;  
Independent Expenditures; Fines; Costs

**Description:**

Increases the amounts of fines that may be assessed against a noncandidate committee making only independent expenditures for campaign spending violations. Allows the Campaign Spending Commission to recover its costs from violators. Directs moneys collected for costs to be deposited in the Hawaii Election Campaign Fund. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

