

JAN 20 2017

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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 281-22~~],  
6 that may provide for the assessment of an administrative fine as  
7 follows:

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

13 (2) If a [~~corporation, organization, association, or labor~~  
14 ~~union,~~] noncandidate committee that makes only  
15 independent expenditures and has either received at  
16 least one contribution of more than \$10,000 from any  
17 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 any provision of  
14 this part to pay for costs of investigative services and bank  
15 fees for the production of subpoenaed documents incurred by the  
16 commission 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 section shall not  
20 prohibit prosecution under any appropriate provision of the  
21 Hawaii Penal Code or section 11-412.





# S.B. NO. 440

**Report Title:**

Campaign Spending Commission Package; 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.

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

