

Honolulu, Hawaii

FEB 13 2019

RE: S.B. No. 840

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 840 entitled:

"A BILL FOR AN ACT RELATING TO ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow the Campaign Spending Commission to refer a complaint to the Attorney General or county prosecutor in addition to any administrative determination and without the requirement that the Commission believes the respondent has recklessly, knowingly, or intentionally committed a violation;
- (2) Disqualify a person convicted of violating elections criminal prosecution laws from holding elective public office for ten years instead of four years; and
- (3) Repeal language stipulating that elections criminal prosecution law does not apply to any person who has paid or has agreed to pay fines related to report filing violations and advertisement violations prior to the commencement of the proceedings.

Your Committee received testimony in support of this measure from the Campaign Spending Commission.



Your Committee finds that campaign finance violations are a matter of serious concern. Your Committee further finds that, under existing law, the Campaign Spending Commission is unable to apply a civil remedy to a campaign finance violation that the Commission has referred for prosecution unless the prosecuting authority declines prosecution and refers the case back to the Commission. Your Committee additionally finds that this process can take years in some cases. This measure gives the Commission flexibility in dealing with serious campaign finance violations.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 840 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 840	Committee Referral: JDC, WAM	Date: 2/8/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye/	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes