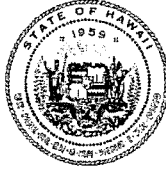


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**STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION**

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

March 11, 2020

TO: The Honorable Chris Lee, Chair
House Committee on Judiciary

The Honorable Joy A. San Buenaventura, Vice Chair
House Committee on Judiciary

Members of the House Committee on Judiciary

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

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

Thursday, March 12, 2020
2:31 p.m., Conference Room 325

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.

Statement Before The
HOUSE COMMITTEE ON JUDICIARY
Thursday, March 12, 2020
2:31 PM
State Capitol, Conference Room 325

in consideration of
SB 840, SD1
RELATING TO THE ELECTIONS.

Chair LEE, Vice Chair SAN BUENAVENTURA, and Members of the House Judiciary Committee

Common Cause Hawaii supports SB 840, SD1, which would (1) allow the elections 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 (10) years instead of four (4) years, and (3) repeal language stipulating that elections criminal prosecution law does not apply to any person who has paid or agreed to pay fines related to report filing violations and advertisement violations prior to the commencement of the proceedings.

SB 840, SD1 would provide the Campaign Spending Commission with leeway to deal with serious, serial, and repeat violators of campaign spending laws. This may be necessary, on occasion, to send a message that persons should take campaign spending laws seriously.

Common Cause Hawaii, as a grassroots, nonpartisan, nonprofit organization dedicated to good government reforms, supports SB 840, SD1 as legislation to promote campaign finance reforms, ethics, and accountability in our government, but cautions that this measure must be judiciously applied, given the severe penalties attached.

Thank you for the opportunity to testify in support of SB 840, SD1. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



Josh Frost - President • Patrick Shea - Treasurer • Kristin Hamada
Nelson Ho • Summer Starr

Thursday, March 12, 2020

LATE

Relating to Elections
Testifying in Support

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports SB840 Relating to Elections**, which would provide the Campaign Spending Commission leeway to deal with serious, serial and repeat violators of campaign spending laws.

By empowering the Campaign Spending Commission, we can help make sure we have more accountability in our government and elections.

For all these reasons, we urge you to vote in favor of this measure.

Mahalo for the opportunity,
Gary Hooser
Executive Director
Pono Hawai'i Initiative

SB-840

Submitted on: 3/10/2020 6:53:56 PM

Testimony for JUD on 3/12/2020 2:31:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea Quinn	Individual	Support	No

Comments:

SB-840

Submitted on: 3/11/2020 9:58:43 AM

Testimony for JUD on 3/12/2020 2:31:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Edward B Hanel Jr	Individual	Support	No

Comments:

Concur with CommonCause Hawaii comments.

LATE

SB-840

Submitted on: 3/12/2020 12:34:57 AM

Testimony for JUD on 3/12/2020 2:31:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Brodie Lockard	Individual	Support	Yes

Comments:

Anyone convicted of violating elections criminal prosecution laws should be barred from public office for life. Ten years is a good start.

SB-840

Submitted on: 3/12/2020 5:15:28 AM

Testimony for JUD on 3/12/2020 2:31:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Lee and Members of the Committee on Judiciary,

I am writing in support of SB840.

We need to protect fair elections. We need laws that address violations of campaign spending laws.

- SB 840, SD1 would provide the Campaign Spending Commission with leeway to deal with serious, serial, and repeat violators of campaign spending laws. This may be necessary, on occasion, to send a message that persons should take campaign spending laws seriously.
- SB 840, SD1 would promote campaign finance reforms, ethics, and accountability in our government but cautions that this measure must be judiciously applied, given the severe penalties attached.

Please support this bill.

Mahalo,

Caroline Kunitake