

JAN 22 2021

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 as follows:

3 1. By amending subsection (a) to read:

4 "(a) The commission may make a decision or issue an order
5 affecting any person violating any provision of this part [~~or~~
6 ~~section 281-22~~], that may provide for the assessment of an
7 administrative fine as follows:

8 (1) If [~~an individual,~~] a person other than a person
9 described in paragraph (2), an amount not to exceed
10 \$1,000 for each occurrence or an amount [~~equivalent~~]
11 not to exceed three times the amount of an unlawful
12 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 a corporation, organization, association,
6 or labor union violates this part, the violation may be deemed
7 to be also that of the individual directors, officers, or agents
8 of the corporation, organization, association, or labor union,
9 who have knowingly authorized, ordered, or done any of the acts
10 constituting the violation."

11 2. By amending subsection (c) to read:

12 "(c) If an administrative fine is imposed upon a
13 candidate[+] or noncandidate committee, the commission may order
14 that the fine, or any portion[+] of the fine, be paid from the
15 [~~candidate's~~] personal funds[+] of the candidate or officers of
16 the noncandidate committee."

17 3. By amending subsection (h) to read:

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



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

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

7

INTRODUCED BY: 
By Request



S.B. NO. 401

Report Title:

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

Description:

Increases the amount of the fine for campaign spending law violations that may be assessed against a noncandidate committee making only independent expenditures and that has received at least one contribution of more than \$10,000, or spent more than \$10,000, in an election period. Allows the Campaign Spending Commission to order that the payment of a fine assessed against a noncandidate committee, or any portion thereof, be paid from the personal funds of an officer of the noncandidate committee.

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

