

---

---

# A BILL FOR AN ACT

RELATING TO PRELIMINARY DETERMINATION OF PROBABLE CAUSE.

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

1           SECTION 1. The legislature finds that the house of  
2 representatives adopted House Resolution No. 9 (2022) to  
3 establish the commission to improve standards of conduct. The  
4 resolution requests the commission ensure state laws and rules  
5 relating to standards of conduct of public officers and  
6 employees contain clear standards, enforcement, and penalties  
7 and provide recommendations to increase awareness of, compliance  
8 with, and deterrent effects of the code of ethics, lobbying  
9 laws, campaign finance laws, and other relevant laws and rules.

10           Pursuant to House Resolution No. 9, the commission to  
11 improve standards of conduct convened regularly throughout 2022  
12 to diligently review, discuss, and consider the issues  
13 presented, submitted an interim report to the house of  
14 representatives outlining areas of immediate and long-term  
15 focus, then continued its work with input from the public and  
16 invited individuals and agencies to issue a final report with  
17 various recommendations and accompanying proposed legislation.



# H.B. NO.

1           The legislature also finds that the strength and stability  
2 of our democratic government rely upon the public's trust in  
3 government institutions, including the expectation that officers  
4 act ethically with prudence, integrity, and sound judgement.  
5 Therefore, an essential goal of the commission was to provide  
6 recommendations that would help restore public trust in state  
7 government and increase the level of transparency in its  
8 operations and accountability of individuals.

9           The legislature further finds that existing law requires  
10 the campaign spending commission to serve preliminary  
11 determinations of probable cause regarding campaign finance  
12 violations via certified mail. Yet, the commission has had  
13 instances where a candidate refused to claim the preliminary  
14 determination of probable cause letter and it was returned to  
15 the commission, thereby preventing service as required by law.  
16 At the same time, when the commission sent the preliminary  
17 determination of probable cause and other documents to the  
18 candidate's address via first-class mail, as provided in the  
19 candidate's organizational report, those mailings were not  
20 returned to the commission as undeliverable.



# H.B. NO.

1           Accordingly, the purpose of this Act is to implement  
2 recommendations of the commission to improve standards of  
3 conduct by amending the campaign spending commission's method of  
4 service for preliminary determinations of probable cause.

5           SECTION 2. Section 11-405, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7           "(a) Upon hearing the response, if the respondent explains  
8 or otherwise responds to the complaint, and upon completion of  
9 any investigation, the commission may make a prompt preliminary  
10 determination as to whether probable cause exists that a  
11 violation of this part has been committed. The preliminary  
12 determination with findings of fact and conclusions of law shall  
13 be served upon the respondent by [~~certified mail.~~] first-class  
14 mail. If the respondent is a candidate, candidate committee, or  
15 noncandidate committee and the preliminary determination is  
16 mailed to the address contained in the organizational report of  
17 the candidate or committee, there is a presumption that the  
18 candidate or committee received the preliminary determination  
19 within two business days of the preliminary determination being  
20 mailed."



# H.B. NO.

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

6           SECTION 5. This Act shall take effect upon its approval.

7

INTRODUCED BY: \_\_\_\_\_



# H.B. NO.

**Report Title:**

Commission to Improve Standards of Conduct; Campaign Spending Commission; Preliminary Determination; Method of Service

**Description:**

Requires the campaign spending commission to serve preliminary determinations of probable cause via first-class mail, instead of certified mail. Establishes a presumption of receipt when the preliminary determination is mailed to the address contained in a candidate or committee organizational report.

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

