
A BILL FOR AN ACT

RELATING TO COMPLAINTS ALLEGING VIOLATIONS OF CAMPAIGN SPENDING LAWS.

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, Regular Session
3 of 2022, to establish the commission to improve standards of
4 conduct. The resolution requests that the commission ensure
5 state laws and rules relating to standards of conduct of public
6 officers and employees contain clear standards, enforcement, and
7 penalties and provide recommendations to increase awareness of,
8 compliance with, and deterrent effects of the code of ethics,
9 lobbying laws, campaign finance laws, and other relevant laws
10 and rules.

11 Pursuant to House Resolution No. 9, the commission to
12 improve standards of conduct convened regularly throughout 2022
13 to diligently review, discuss, and consider the issues
14 presented; submit an interim report to the house of
15 representatives outlining areas of immediate and long-term
16 focus; receive input from the public and invited individuals and



1 agencies; and issue a final report with various recommendations
2 and accompanying proposed legislation.

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

11 The legislature notes that the campaign spending commission
12 consists of five staff members and five commissioners who are
13 volunteers in the community and meet once a month in accordance
14 with the State's sunshine laws. Despite only having a few staff
15 and commissioners, the commission regulates over six hundred
16 candidate and noncandidate committees. The legislature believes
17 that this Act will allow the campaign spending commission to
18 timely and efficiently address campaign finance violations,
19 which is especially critical in election years.

20 Accordingly, the purpose of this Act is to implement
21 recommendations of the commission to improve standards of



1 conduct relating to complaints alleging violations of campaign
2 spending laws.

3 SECTION 2. Section 11-403, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§11-403[+] Notice of complaint; opportunity to explain
6 or respond to complaint[-]; failure to explain or respond to
7 complaint. (a) The commission shall give notice of receipt of
8 the complaint and a copy of the complaint to the respondent.

9 (b) The respondent may explain or otherwise respond in
10 writing to the complaint and explain or otherwise respond to the
11 complaint at a meeting promptly noticed by the commission and
12 conducted under chapter 92[-]; provided that if the respondent
13 fails to explain or otherwise respond to the complaint, the
14 commission may treat the failure to explain or respond as a
15 rebuttable presumption that a violation has occurred. The
16 respondent shall have thirty days from the mailing of the
17 complaint to respond before the presumption arises."

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



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

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



Report Title:

Commission to Improve Standards of Conduct; Campaign Spending
Commission Package; Complaints; Campaign Spending Violations;
Rebuttable Presumption

Description:

Allows the Campaign Spending Commission to treat a respondent's failure to explain or otherwise respond to a complaint alleging a violation of campaign spending laws as a rebuttable presumption that a violation has occurred. Provides that the respondent shall have thirty days from the mailing of the complaint to respond before the presumption arises. (SD1)

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