
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. Chapter 11, Hawaii Revised Statutes, is amended
2 by adding a new section to part XIII to be appropriately
3 designated and to read as follows:

4 "§11- Establishment of noncandidate committees making
5 only independent expenditures; when prohibited. Notwithstanding
6 any other law to the contrary, the establishment of a
7 noncandidate committee that makes only independent expenditures
8 within fourteen days of any election is prohibited."

9 SECTION 2. Section 11-410, Hawaii Revised Statutes, is
10 amended as follows:

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

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

16 (1) If [~~an individual,~~] a person other than a person
17 described in paragraph (2) below, an amount not to



1 exceed \$1,000 for each occurrence or an amount
2 ~~[equivalent]~~ not to exceed three times the amount of
3 an unlawful contribution or expenditure; or
4 (2) If a ~~[corporation, organization, association, or labor~~
5 ~~union,~~ noncandidate committee that makes only
6 independent expenditures and has either received at
7 least one contribution of more than \$10,000 from any
8 one person or has made expenditures of more than
9 \$10,000 in the aggregate, in an election period, an
10 amount not to exceed ~~[\$1,000]~~ \$5,000 for each
11 occurrence~~[+]~~ or an amount not to exceed three times
12 the amount of an unlawful contribution or expenditure;
13 provided that whenever a noncandidate committee that makes only
14 independent expenditures, corporation, organization,
15 association, or labor union violates this part, the violation
16 may be deemed to be also that of the individual directors,
17 officers, or agents of the noncandidate committee that makes
18 only independent expenditures, corporation, organization,
19 association, or labor union, who have knowingly authorized,
20 ordered, or done any of the acts constituting the violation."
21 2. By amending subsection (c) to read:



1 "(c) If an administrative fine is imposed upon a
2 candidate~~[r]~~ or noncandidate committee, the commission may order
3 that the fine, or any portion~~[r]~~ of the fine, be paid from the
4 ~~[candidate's]~~ personal funds~~[r]~~ of the candidate or officers of
5 the noncandidate committee."

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

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

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

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect on January 28, 2081.

Report Title:

Noncandidate Committees; Fines; Independent Expenditures

Description:

Amends the allowable administrative fines for campaign finance violations committed by certain noncandidate committees making only independent expenditures. Prohibits the establishment of noncandidate committees that only make independent expenditures within 14 days of any election. (HB162 HD1)

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