

SCHEDULE OF FINES¹

		HAWAII REVISED STATUTES (HRS) – Escheat to Hawaii Election Campaign Fund	HRS – Fine to General Fund	HAWAII ADMINISTRATIVE RULES (HAR) – Administrative Catch-All Fine to General Fund §11-410	CONCILIATION AGREEMENT – only available to <u>new</u> candidates and noncandidate committees²
1	<u>REGISTRATION</u>				
1A	Electronic Filing Form (HRS §11-321) 1 – Not File 2 – Late File or Not Amend/Correct	N/A	N/A	1 - \$50 2 - \$25	N/A
1B	(Candidate Committees) Organizational Report (HRS §§11-321 & 322) 1 – Not File 2 – Late File or Not Amend/Correct (within 10 days)	N/A	*Publish on Commission’s website names of candidate committees that fail to file or amend/correct a report (HRS §11-322(c))	1 - \$100 2 - \$50	N/A
1C	(Noncandidate Committees) Organizational Report (HRS §§11-321 & 323) 1 – Not File 2 – Late File 3 – Not Amend/Correct (within 10 days) or Contain Right Information	N/A	3 - \$1,000/violation *Publish on Commission’s website names of noncandidate committees that fail to file or amend/correct a report (HRS §11-323(d))	1 - \$100 2 - \$50	N/A

¹See, Hawaii Administrative Rules (“HAR”) §3-160-73.

²See, HAR §3-160-74. Conciliation Agreements are agreements available in limited circumstances to reduce administrative fines and must be approved by the Commission at a public Sunshine meeting, and thus, should not be deemed to be automatic or an entitlement. Conciliation Agreements to reduce fines are only available to new candidates, defined as candidates who appear on the ballot for the first time or who have not appeared on a ballot for the previous four years, regardless of whether they terminated their committee registrations with the Campaign Spending Commission (“Commission”) or are running for another office. As applied to noncandidate committees, Conciliation Agreements are only available to new noncandidate committees defined as committees who are registering with the Commission for the first time or who may have terminated their registration, but who have not reregistered with the Commission for the previous 4 years. Conciliation Agreements and reduced fines will no longer be available after December 31st of an election year. (*Note: The Supplemental Report covering the period ending on December 31 of an election year will be considered part of the first year’s reports and available for a Conciliation Agreement, although it is not due until January 31 of the following year.) Committees who do not terminate their registrations with the Commission are responsible for filing all required reports after December 31 and will be fined as continuing registered committees for failing to do so. Further, Conciliation Agreements are not applicable to fines of \$25 or less and will not count towards the two violations permitted by the committee in each of the designated categories. Conciliation Agreements must be approved by the Commission in a public Sunshine meeting pursuant to Chapter 92 of the Hawaii Revised Statutes (“HRS”).

		HAWAII REVISED STATUTES (HRS) – Escheat to Hawaii Election Campaign Fund	HRS – Fine to General Fund	HRS – Administrative Catch-All Fine to General Fund §11- 410	CONCILIATION AGREEMENT (See footnote #2)
2	<u>REPORTING</u>				
2A.1	Disclosure Reports (HRS §11-340) 1 – Not File 2 – Late File	N/A	1 – N/A 2 – \$50/day (first 7 days); \$200/day thereafter provided that in aggregate, the fine shall not exceed 25% of total amount of contributions/expenditures (whichever is greater) for the period covered by the report - Minimum fine is \$200 if more than 4 days late *Publish on Commission’s website names of candidate committees and noncandidate committees that fail to file (HRS §11-340(f))	1 – 1 st time → \$500 2 nd time → \$750 3 rd time → \$1,000 *Application of tiered fines will be considered in conjunction with reports not filed in 2A.2	1 – N/A 2 – If Late File: 1 st time → Pay 1/3 of fine 2 nd time → Pay 2/3 of fine 3 rd time → Enforce fine
2A.2	(Candidate & Noncandidate Committees) Reports Due 10 Days Before an Election (HRS §11-340(c)) 1 – Not File 2 – Late File	N/A	1 – N/A 2 – Not to exceed \$300/day provided that in aggregate, the fine shall not exceed 25% of total amount of contributions/expenditures (whichever is greater) for the period covered by the report - Minimum fine is \$300 *Publish on Commission’s website (HRS §11- 340(f))	1 – 1 st time → \$500 2 nd time → \$750 3 rd time → \$1,000 *Application of tiered fines will be considered in conjunction with reports not filed in 2A.1	N/A
2A.3	(Candidate & Noncandidate Committees) Special Report - Late Contributions Report (HRS §§11-333(c), 335(d), 338) 1 – Not File 2 – Late File	N/A	N/A	1 - \$750 2 - \$500	N/A
2A.4	(Noncandidate Committees – Only Super PACs) Special Report - Late Expenditure Report (HRS §§11-337(b), 338(c)) 1 – Not File 2 – Late File	N/A	N/A	1 - \$750 2 - \$500	N/A

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2A.5	(Public Funding) Special Report - Public Financing – Post-Election Reports (HRS §11-433) 1 – Not File (20 days after primary + 30 days after general) 2 – Late File	If Commission determines any portion of public funds used for noncampaign or improper expense, order return of all or part of the public funds → deposit into Hawaii Election Campaign Fund - Also, notify Attorney General's Office	N/A	1 - \$500 2 - \$100	N/A
2B	Filing Substantially Defective or Deficient Reports (HRS §11-340(a), (d), & (e))	N/A	*Requires notification to Candidate Committee by first class mail - \$50/day (first 7 days beginning after 15 th day after notice); Not to exceed \$200/day thereafter - Minimum fine is \$200 for report not corrected after 18 th day - Fine not to exceed 25% of total amount of contributions/expenditures (whichever is greater) for the period covered by the report *Publish on Commission's website names of candidate committees and noncandidate committees that fail to correct a report within 2 weeks from the notice to correct (HRS §11-340(f))	N/A	N/A
2C	False Reports (HRS §§11-331, 333, 335 & HAR §3-160-20)	N/A	*HRS §11-412(b) – any person who knowingly or intentionally falsifies any report required with the intent to circumvent the law or deceive the Commission shall be guilty of a class C felony → needs a criminal referral *NOTE: HRS §710-1079 Prosecutors can charge a class C felony of making a false, fictitious, or fraudulent claim against the State/county.	1 st time → \$500 2 nd time → \$750 3 rd time → \$1,000	N/A

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3	<u>CONTRIBUTIONS</u>				
3A	Failure to Timely Deposit Contributions (HAR §3-160-30) *7 days to deposit upon receipt	N/A	N/A	1 st time → \$25 2 nd time → \$35 3 rd time → \$50	N/A
3B	Fail to File Fundraiser Notice (HRS §11-342)	N/A	N/A	1 st time → \$25 2 nd time → \$75 3 rd time & thereafter → \$150	N/A
3C	Fundraiser During a Prohibited Period (HRS §11-342(c)) (*Elected Officials Only)	N/A	N/A	See Excess/Prohibited Contribution Schedule (last revised 11/8/2023)	N/A
3D	False Name Contribution (HRS §11- 352)	All false name contributions escheat	N/A	\$1,000 (against contributor only where no involvement by candidate) <u>or</u> 3x amount of anonymous contribution	N/A
3E	Anonymous Contribution (HRS §11- 353)	All anonymous contributions escheat. (unless committee is able to identify the contributor, then return to the contributor) *N/A to calabash bowls (less than \$100 from 10 or more persons at same political function)	N/A		N/A
3F	State/County Contractors' Ban on Contributions (HRS §11-355)	N/A	N/A	\$1,000 (against contributor only where no involvement by candidate)	N/A

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3G	Foreign Contributions (HRS §11-356)	N/A	N/A	\$1,000 per contribution	N/A
3H	Excess Contributions (HRS §§11-357 & 364)	Excess contributions not returned within 30 days of receipt will escheat	N/A	*If Commission discovers the excess, contributor will be fined → see Excess/Prohibited Contribution Schedule (last revised 11/8/2023)	1 st time → Pay 1/3 of fine 2 nd time → Pay 2/3 of fine 3 rd time → Enforce fine
3I	Nonresident Contributions (HRS §§11-362 & 364)	Return excess nonresident contributions within 30 days after the general election, then escheat if not returned	N/A	See Excess/Prohibited Contribution Schedule (last revised 11/8/2023) (fine against candidate committees)	1 st time → Pay 1/3 of fine 2 nd time → Pay 2/3 of fine 3 rd time → Enforce fine
3J	Fail to Report Contribution	N/A	N/A	\$250 per schedule contribution(s) not reported in *If transaction involves an in-kind expenditure involving an offset in Schedule A, fine is \$250 (not doubled to \$500) because it's the same transaction	N/A
3K	Exceed Cash Contribution Limit of \$100 (HRS §11-351(b))	N/A	N/A	See Excess/Prohibited Contribution Schedule (last revised 11/8/2023)	N/A
3L	Lobbyist Contributions During a Prohibited Period (HRS §11-365)	Escheat contribution	N/A		N/A

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4	<u>LOANS</u>				
4A	Loan Documentation (HRS §§11- 333(b)(5), 371, & 372)	N/A	N/A	\$100 (also if fail to timely provide)	N/A
4B	Excess Loans	N/A	N/A	*\$100 per violation/occurrence	N/A

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5	<u>EXPENDITURES</u>				
5A	Donation of Campaign Funds in Excess of Permitted Amount <u>or</u> Donation to a Prohibited Charitable Organization <u>or</u> Donation Made During a Prohibited Period (HRS §11-381)	N/A	N/A	See Excess/Prohibited Contribution Schedule (last revised 11/8/2023) + personal reimbursement (HRS §11-409)	N/A
5B	Prohibited Use of Campaign Funds (HRS §11-382)	N/A	N/A	50% of prohibited amount up to \$1,000 + personal reimbursement (HRS §11-409)	N/A
5C	(Public Funding) Public Financing – Improper Expenditures (HRS §11-434(d))	300% of amount to Hawaii Election Campaign Fund	Refer to HRS §11-410 (administrative fine/catch-all) & HRS §11-412 (criminal prosecution)	N/A	N/A
5D	(Candidate Committees) Advertisements (HRS §11-391)	N/A	\$25/advertisement that lacks required disclosures - Not to exceed aggregate amount of \$5,000 1 st time → \$25 2 nd time → \$100 3 rd time → \$500 4 th time → to be determined by the Commission		1 st time → Pay 1/3 of fine 2 nd time → Pay 2/3 of fine 3 rd time → Enforce fine
5E	(Noncandidate Committees) Advertisements (HRS §11-391)	N/A	\$150 per advertisement that lacks required disclosures or provides prohibited information		1 st time → Pay 1/3 of fine 2 nd time → Pay 2/3 of fine 3 rd time → Enforce fine

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5F	Fail to Report Expenditure	N/A	N/A	\$250 per schedule expenditure(s) not reported in *If transaction involves an in-kind contribution involving an offset in Schedule B, fine is \$250 (not doubled to \$500) because it's the same transaction it to \$500)	N/A
5G	Exceed Expenditure Limit (HRS §11-426)	N/A	N/A	1 st time → \$500 2 nd time → \$750 3 rd time → \$1,000	N/A
5H	(Noncandidate Committees – only Super PACs) Fail to Identify Top Contributors on Advertising (HRS §11-393)	N/A	\$1,000 per violation (HRS §11-393(d))	N/A	N/A

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6	<u>TERMINATION</u>				
6A	Termination (HRS §11-326)	N/A	N/A	\$50	N/A
6B	Ballot Issue Committees (HRS §11-327)	All surplus funds not returned to contributors or donated within 90 days escheat	N/A	\$50 (fail to terminate)	N/A
6C	Disposition of Campaign Funds (HRS §11-384)	All funds not returned to contributors for Candidate Committees who (1) fail to file nomination papers no later than 90 days after date on which nominations for that election shall be filed; (2) withdraw or cease to be a candidate (death or disqualification) no later than 90 days after date cease to be a candidate; (3) is subject to term limits or resigns before end of term (funds may be returned up to 4 years from date of election for which the campaign funds were received); (4) loses an election (funds may be returned up to 1 year from date of election for which the campaign funds were received) → escheat	N/A	\$50 (fail to terminate)	N/A

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7	<u>OTHER</u>				
7A	(Noncandidate Committees) Electioneering Communications (HRS §11-341) 1 – Not File 2 – Late File	N/A	N/A	1 - \$500 2 - \$250 (also if not amend or deficient)	For 1 or 2: 1 st time → Pay 1/3 of fine 2 nd time → Pay 2/3 of fine 3 rd time → Enforce fine
7B	Failure to Name Candidate Supported or Opposed (HRS §11- 335(b)(3); HRS §11- 338(b)(6) & (c)(3); HRS §11-341(b)(5))	N/A	N/A	1 st time → \$25 per candidate 2 nd time → \$35 per candidate 3 rd time → \$50 per candidate	N/A
7C	Recordkeeping (HRS §11-324(g) & HAR §3-160-23)	N/A	N/A	\$1,000 (if not have records, receipts, bills, invoices, etc., for 5 year period)	N/A
7D	(Catch-All) Hawaii Revised Statutes Chapter 11 Non- Compliance (HRS §11-410(a)(1))	N/A	*Requires written notice & opportunity to be heard at a HRS chapter 91 hearing which person may waive (Individual) Not to exceed \$1,000 per occurrence <u>or</u> an amount equivalent to 3x the amount of unlawful contribution or expenditure (Corporation, organization, association, labor union) Not to exceed \$1,000 per occurrence (may hold individual directors, officers, agents of entity liable) -May order fines (or any portion) be paid with candidate's personal funds (HRS §11-410(c)) -May seek contempt of court with first circuit court for failure to comply -May refer complaint to Attorney General's Office or Prosecutor's Office if believe respondent may have recklessly, knowingly, or intentionally committed violation	See above for proposed administrative fines	N/A

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7E	(Noncandidate Committees – only Super PACs who have received at least one \$10K contribution or more OR made expenditures of more than \$10K in the aggregate) (Catch-All) Hawaii Revised Statutes Chapter 11 Non-Compliance (HRS §11-410(a)(2))	N/A	<p>*Requires written notice & opportunity to be heard at a HRS chapter 91 hearing which person may waive</p> <p>Not to exceed \$5,000 for each occurrence <u>or</u> an amount equivalent to 3x the amount of unlawful contribution or expenditure</p> <p>(Corporation, organization, association, labor union) Violation may be deemed to be also that of the individual directors, officers, or agents of the entity who have knowingly authorized, ordered, or done any of the acts constituting the violation</p> <p>-May order fines (or any portion) be paid with the funds of the noncandidate committee, and if the noncandidate committee cannot pay, the Commission may order that the fine be paid from the committee's officers (HRS §11-410(c))</p> <p>-May seek contempt of court with first circuit court for failure to comply</p> <p>-May refer complaint to Attorney General's Office or Prosecutor's Office if believe respondent may have recklessly, knowingly, or intentionally committed violation</p>	See above for proposed administrative fines	N/A
7F	Solicitation of Contributions from Reports (HRS §11-344)	N/A	N/A	\$1,000	N/A
7G	(Noncandidate Committee with 501(c)(4) Donors) Failure to Report \$10K Donations (HRS §11-335(b)(8))	N/A	N/A	\$250 per schedule donation(s) not reported in	N/A
7H	Unauthorized Collection of Contributions OR Unauthorized Expense of Campaign Funds (HRS §11-324(d))	N/A	N/A	<p>1st time → \$100</p> <p>2nd time → \$500</p> <p>3rd time → \$750</p>	N/A

EXCESS/PROHIBITED CONTRIBUTION SCHEDULE

CONTRIBUTIONS TO AN ELECTED OFFICIAL'S CANDIDATE COMMITTEE FUNDRAISER DURING A PROHIBITED PERIOD (HRS §11-342)

or

EXCESS CASH CONTRIBUTION LIMIT OF \$100 (HRS §11-351)

or

LOBBYIST CONTRIBUTIONS DURING A PROHIBITED PERIOD (HRS §11-365)

or

EXCESS NONRESIDENT CONTRIBUTION TO A CANDIDATE COMMITTEE (HRS §11-362)

or

EXCESS CONTRIBUTION TO A CANDIDATE OR NONCANDIDATE COMMITTEE (HRS §11-364)

or

CANDIDATE CONTRIBUTION TO A PROHIBITED CHARITABLE ORGANIZATION (HRS §11-381)

or

CANDIDATE CONTRIBUTION MADE DURING A PROHIBITED PERIOD (HRS §11-381)

or

CANDIDATE CONTRIBUTION IN EXCESS OF PERMITTED AMOUNT (HRS §11-381)

<u>Unlawful Amount</u>	<u>Administrative Fine</u>	<u>Maximum Fine (*only applicable to individuals)</u>
\$.01 to \$250	\$100	3x amount of unlawful contribution or expenditure
\$250.01 to \$500	\$200	" " " "
\$500.01 to \$1,000	\$350	" " " "
\$1,000.01 to \$3,000	\$500	" " " "
\$3,000.01 to \$4,999.99	\$750	" " " "
\$5,000 →	\$1,000	" " " "

*Applying HRS §11-410(a)(1) – not to exceed \$1,000 for each occurrence or up to 3x the amount of the unlawful contribution or expenditure if the violator is an individual.