

Honolulu, Hawaii

FEB 27 2025

RE: S.B. No. 311
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 311 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII STATE
CONSTITUTION REGARDING THE FREEDOM OF SPEECH,"

begs leave to report as follows:

The purpose and intent of this measure is to propose an
amendment to the Hawaii State Constitution to provide that freedom
of speech protected under the Hawaii State Constitution does not
include the expenditure of money to influence elections.

Your Committee received testimony in support of this measure
from the Community Alliance on Prisons and eight individuals.

Your Committee received testimony in opposition to this
measure from two individuals.

Your Committee received comments on this measure from one
individual.

Your Committee finds that the United States Supreme Court's
decision in *Citizens United v. Federal Election Commission*, 558
U.S. 310 (2010), reversed long-standing campaign finance
restrictions and designated corporate spending on elections as
free speech protected under the First Amendment of the
Constitution of the United States. The decision removed any



limits on the amount of money that corporations, special interest groups, and political action committees (PACs) could spend on an election. During the thirteen years since the *Citizens United* decision, there has been a massive increase in political spending by corporations, special interest groups, and PACs, dramatically expanding their already outsized political influence on election outcomes and policy decisions. This measure will acknowledge the decision in *Citizens United* as a serious threat to our democracy and allow the State to express its disapproval of the *Citizens United* decision.

Your Committee notes that in addition to the *Citizens United* decision, the United States Supreme Court in *Buckley v. Valeo*, 424 U.S. 659 (1976), held that limits on expenditures of money to influence elections are protected speech. Your Committee believes that including discussions of the *Buckley* decision in this measure will provide more context regarding the constitutional protections afforded to the expenditure of money to influence elections.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying the ballot question to include the *Buckley v. Valeo* decision, which, like the *Citizens United* decision, provides protection under the United States Constitution to the expenditure of money to influence policy;
- (2) Inserting additional legislative findings; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 311, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 311, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

Karl Rhoads

KARL RHOADS, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 311</div>	Committee Referral: <div style="font-size: 1.5em; font-family: cursive;">JDC</div>	Date: <div style="font-size: 1.5em; font-family: cursive;">1/30/25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">Mike Gabbard</div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

***Only one measure per Record of Votes**