STAND. COM. REP. NO. 3361

Honolulu, Hawaii

APR 1 0 2012

RE: S.R. No. 68

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committees on Public Safety, Government Operations, and Military Affairs and Judiciary and Labor, to which was referred S.R. No. 68 entitled:

"SENATE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO PROPOSE AMENDMENTS TO THE UNITED STATES CONSTITUTION TO ADDRESS CAMPAIGN SPENDING ISSUES UNDER THE HOLDING OF CITIZENS UNITED V. FEDERAL ELECTION COMMISSION,"

beg leave to report as follows:

The purpose and intent of this measure is to request Hawaii's Congressional delegation to propose amendments to the United States Constitution to address campaign spending issues under the holding of Citizens United v. Federal Election Commission.

Your Committees received testimony in support of this measure from Common Cause Hawaii and two individuals.

Your Committees find that federal statutes and regulations prohibited corporations and unions from using their general treasury funds to make independent expenditures for speech that is an "electioneering communication" or for speech that expressly advocates the election or defeat of a candidate. However, the United States Supreme Court ruled essentially in the case of Citizens United v. Federal Election Commission that the "prohibition on corporate independent expenditures is an outright ban on speech." The holding in Citizens United v. Federal Election Commission is giving special interest groups and their lobbyists even more power in Washington, D.C., because it has resulted in undermining the influence of average Americans who

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make small contributions to support their preferred candidates. Citizens United v. Federal Election Commission represents a serious abrogation of rights in a democracy to freely elect representatives to Congress and to state legislatures.

As affirmed by the records of votes of the members of your Committees on Public Safety, Government Operations, and Military Affairs and Judiciary and Labor that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 68 and recommend its adoption.

Respectfully submitted on behalf of the members of the Committees on Public Safety, Government Operations, and Military Affairs and Judiciary and Labor,

WILL ESPERO, Chai

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The Senate Twenty-Sixth Legislature State of Hawai'i

Record of Votes Committee on Public Safety, Government Operations, and Military Affairs PGM

Bill / Resolution No.:*	Committee Referral: Date: 4-3-12							
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
ESPERO, Will (C)			-					
KIDANI, Michelle N. (VC)								
BAKER, Rosalyn H.								
RYAN, Pohai								
SLOM, Sam			_					
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TOTAL		3		\]			
Recommendation: Adopted Not Adopted								
Chair's or Designee's Signature: Mchille A. Sidani								
Distribution: Original File with Committee Ro		ellow d's Office	Pink Drafting Agency		ldenrod ee File Copy			

*Only one measure per Record of Votes

The Senate Twenty-Sixth Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral: Date:						
SR 68	PGM/JDL 4/3/12						
The committee is reconsidering its previous decision on this measure.							
If so, then the previous decision was to:							
The Recommendation is:							
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313							
Members		Aye	Aye (WR)	Nay	Excused		
HEE, Clayton (C)		V.					
SHIMABUKURO, Maile (VC)							
GABBARD, Mike		/					
IHARA, Jr., Les							
SLOM, Sam							
		1					
TOTAL	<u> </u>	4			1		
Recommendation: Adopted Not Adopted							
Chair's or Designee's Signature:							
Distribution: Original File with Committee Re		ellow d's Office	Pink Drafting Agency		denrod ee File Copy		

*Only one measure per Record of Votes