STAND. COM. REP. NO. 917

Honolulu, Hawaii March 17, 2015 RE: H.C.R. No. 53 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Eighth State Legislature Regular Session of 2015 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.C.R. No. 53 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO CALL FOR A CONSTITUTIONAL CONVENTION TO PROPOSE A CONSTITUTIONAL AMENDMENT TO ADDRESS CONCERNS RAISED BY THE UNITED STATES SUPREME COURT DECISION IN CITIZENS UNITED V. FEDERAL ELECTION COMMISSION, "

begs leave to report as follows:

The purpose of this measure is to request that the Congress of the United States (Congress) convene a Constitutional Convention to propose amendments to the Constitution of the United States (Constitution) to address the concerns raised by the decision of the Supreme Court of the United States in *Citizens United v. Federal Election Commission (Citizens United)*.

The Hawaii Farmers Union United Kona Chapter, Wolf PAC, League of Women Voters of Hawaii, Upspring Media, LLC, and many concerned individuals testified in support of this measure. The Libertarian Party of Hawaii and two concerned individuals testified in opposition. The Department of the Attorney General provided comments.

Your Committee has amended this measure to:

(1) Amend the title of this measure to clarify that this resolution requests that Congress convene a

HCR53 HD1 HSCR JUD HMS 2015-2623.doc

Constitutional Convention to propose amendments that overturn the decision of *Citizens United*;

- (2) State that New Jersey has requested Congress convene a Constitutional Convention to overturn *Citizens United*;
- (3) Specify that the Legislature retains its authority to determine the composition of the membership of its delegation. Furthermore, the Legislature retains its authority to restrict or expand the power of its delegates and the delegates shall be limited by the Legislature's directives;
- (4) Specify that the Constitutional Convention shall address (a) whether expenditures on candidate elections constitute "speech" that is protected by the Constitution; (b) whether independent expenditures on candidate elections "corrupt" the democratic process; and (c) whether the regulation of expenditures advances the public interest to prevent "corruption" and protect the democratic process; and
- (6) Make technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 53, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 53, H.D. 1.

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

KARL PHOADS, Chair



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State of Hawaii House of Representatives The Twenty-eighth Legislature

## Record of Votes of the Committee on Judiciary

Bill/Resolution No.: Cor HCR 53	nmittee Referral: JUD	Date:	3/12/	15
The committee is reconsidering its previous d	lecision on the measure.		/ /	
The recommendation is to:□Pass, unam□Pass short f	ended (as is) 🛛 🗙 Pa form bill with HD to reco	ss, with amendments ( mmit for future public		
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	<i>\</i>			
2. SAN BUENAVENTURA, Joy A. (VC	C) 🖌			
3. BELATTI, Della Au	<i>\</i>			
4. BROWER, Tom				
5. CREAGAN, Richard P.				
6. HASHEM, Mark J.				
7. KAWAKAMI, Derek S.K.				
8. LEE, Chris				
9. MORIKAWA, Dee				
10. NAKASHIMA, Mark M.				/
11. TAKAYAMA, Gregg				
12. WOODSON, Justin H.				
13. MCDERMOTT, Bob				
14. THIELEN, Cynthia				
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n. <u>-</u>				
TOTAL (14)	10	0	1	3
The recommendation is: X Adopted   If joint referra	Not Adop	did not suppor	t recommendatio	n.
Vice Chair's or designee's signature:	Parl Abos	ዲ		·····
Distribution: Original (White) - Committee	Duplicate (Yellow)	- Chief Clerk's Office	Duplicate (	Pink) – HMSO