STAND. COM. REP. NO. 281

Honolulu, Hawaii MAR 172016

RE: S.C.R. No. 22

Honorable Ronald D. Kouchi President of the Senate Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.C.R. No. 22 entitled:

"SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO PROPOSE AND PASS A PROPOSED AMENDMENT TO THE UNITED STATES CONSTITUTION CLARIFYING THAT CORPORATIONS ARE NOT PEOPLE WITH CONSTITUTIONAL RIGHTS, AND THAT UNLIMITED CAMPAIGN SPENDING IS NOT FREE SPEECH,"

begs leave to report as follows:

The purpose and intent of this measure is to urge Hawaii's congressional delegation to propose and pass an amendment to the United States Constitution clarifying that corporations are not people and do not have constitutional rights, and that the First Amendment right to free speech does not include unlimited campaign spending.

Your Committee received testimony in support of this measure from the Hawaii State Association of Counties, County Council for the County of Maui, Common Cause Hawaii, and sixteen individuals.

Your Committee finds that the constitutional right to free speech should be exclusive to natural persons. Allowing unlimited campaign spending by corporate entities to fall within the protection of the First Amendment unfairly and improperly gives such entities an advantage in influencing the political system of the United States. Since the United States Supreme Court decision *Citizens United v. Federal Elections Commission*, 558 U.S. 310 (2010), campaign spending by special interest groups has dramatically increased. New York Times and CBS News polls show

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that a substantial majority of the public supports limiting campaign contributions, limiting campaign spending by Super PACS and politically active nonprofit organizations, and disclosing the identity of donors to political groups. An amendment to the United States Constitution clarifying the status of corporate entities and the relationship between political donations and the First Amendment is in the public interest and would benefit the function of government.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 22 and recommends that it be referred to your Committee on Judiciary and Labor.

> Respectfully submitted on behalf of the members of the Committee on Public Safety, Intergovernmental, and Military Affairs,

Clarence & mushiker

CLARENCE K. NISHIHARA, Chair



The Senate Twenty-Eighth Legislature State of Hawai'i

Record of Votes Committee on Public Safety, Intergovernmental and Military Affairs PSM

Bill / Resolution No.:*	Committee Referral:			Date:	
SCR22	PSM, JDL			3/10/16	
The Committee is reconsidering its previous decision on this measure.					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR	R) Nay	Excused
NISHIHARA, Clarence K. (C)		/			
ESPERO, Will (VC)		/			
BAKER, Rosalyn H.					
INOUYE, Lorraine R.		/			
SLOM, Sam					
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TOTAL		3			2
Recommendation:					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only <u>one</u> measure per Record of Votes