

JAN 22 2021

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## A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION REGARDING THE  
FREEDOM OF SPEECH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the Supreme Court's  
2   2010 holding in *Citizens United v. Federal Election Commission*,  
3   558 U.S. 310, bestowed First Amendment protections on  
4   contributions and expenditures of money made for the purpose of  
5   influencing an election. Until *Citizens United* is overturned,  
6   state-based measures such as this one can have no practicable  
7   effect on political spending to influence elections and  
8   expenditures. Nonetheless this amendment to the state  
9   constitution will clearly declare that money is not speech and,  
10   when the Supreme Court's holding is overturned, the state  
11   provision will become operative. The legislature further finds  
12   that the passage of this measure will send a message to the  
13   Supreme Court that protecting unlimited expenditures of money is  
14   detrimental to the political process and such expenditures are  
15   not a form of speech.



1           The purpose of this Act is to propose an amendment to  
2 article I, section 4, of the Constitution of the State of Hawaii  
3 to provide that the expenditure of money is not a form of speech  
4 and is not protected under the Hawaii constitution.

5           SECTION 2. Article 1, section 4, of the Constitution of  
6 the State of Hawaii is amended to read as follows:

7                           **"FREEDOM OF RELIGION, SPEECH, PRESS,**  
8   **ASSEMBLY AND PETITION**

9           **Section 4.** No law shall be enacted respecting an  
10 establishment of religion, or prohibiting the free exercise  
11 thereof, or abridging the freedom of speech or of the press or  
12 the right of the people peaceably to assemble and to petition  
13 the government for a redress of grievances.

14           The freedom of speech shall not include the expenditure of  
15 money to influence elections."

16           SECTION 3. The question to be printed on the ballot shall  
17 be as follows:

18           "Shall the Constitution of the State of Hawaii be amended  
19 to provide that free speech does not include the  
20 expenditure of money to influence elections?"

21           SECTION 4. New constitutional material is underscored.



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1 SECTION 5. This amendment shall take effect upon  
2 compliance with article XVII, section 3, of the Constitution of  
3 the State of Hawaii.

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INTRODUCED BY:

*Karl Rhoads*



# S.B. NO. 312

**Report Title:**

Freedom of Speech; Monetary Expenditures to Influence Elections

**Description:**

Proposes a constitutional amendment to provide that freedom of speech does not include the expenditure of money to influence elections.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

