
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 United States
2 Supreme Court's decision in *Citizens United v. Federal Election*
3 *Commission*, 558 U.S. 310 (2010), reversed long-standing campaign
4 finance restrictions and designated corporate spending on
5 elections as free speech protected under the First Amendment of
6 the Constitution of the United States. The decision removed any
7 limits on the amount of money that corporations, special
8 interest groups, and political action committees (PACs) could
9 spend on an election.

10 The legislature further finds that the decision in *Citizens*
11 *United* is a serious threat to the country's democracy.
12 Corporations enjoy various advantages, including limited
13 liability, perpetual life, and favorable treatment in the
14 accumulation and distribution of assets, which allow them to
15 amass and spend an extraordinary amount of money on political
16 messages that often have far greater reach and influence than



1 messages from individuals. During the twelve years since the
2 *Citizens United* decision, there has been a massive increase in
3 political spending by corporations, special interest groups, and
4 PACs, dramatically expanding their already outsized political
5 influence on election outcomes and policy decisions.

6 The legislature also finds that at least twenty states,
7 including Hawaii in 2016, have passed legislation urging
8 Congress to pass a proposed constitutional amendment that
9 overturns the decision in *Citizens United*; however, Congress has
10 failed to take any such action and appears unlikely to do so.

11 The purpose of this Act is to propose an amendment to
12 article I, section 4, of the Hawaii State Constitution to
13 provide that the expenditure of money to influence elections is
14 not a form of speech protected under the Hawaii State
15 Constitution. The legislature notes that the power to amend
16 state constitutions rests with the people of each state, and the
17 legislature believes it is critical that the State express its
18 disapproval of the *Citizen United* decision.

19 SECTION 2. Article I, section 4, of the Constitution of
20 the State of Hawaii is amended to read as follows:



1 **"Section 4.** No law shall be enacted respecting an
2 establishment of religion, or prohibiting the free exercise
3 thereof, or abridging the freedom of speech or of the press or
4 the right of the people peaceably to assemble and to petition
5 the government for a redress of grievances.

6 The freedom of speech shall not include the expenditure of
7 money to influence elections."

8 SECTION 3. The question to be printed on the ballot shall
9 be as follows:

10 "Shall the Hawaii State Constitution be amended to state
11 that freedom of speech protections under the Hawaii State
12 Constitution do not include the expenditure of money to
13 influence elections, as a means to express disapproval of
14 the United States Supreme Court's decision in *Citizens*
15 *United v. Federal Election Commission* which allows
16 unrestricted spending by corporations on elections?"

17 SECTION 4. New constitutional material is underscored.

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



S.B. NO. 312 S.D. 1 H.D. 1

Report Title:

Constitutional Amendment; Freedom of Speech; Monetary
Expenditures to Influence Elections

Description:

Proposes a constitutional amendment to provide that freedom of speech protected under the Hawaii State Constitution does not include the expenditure of money to influence elections. (HD1)

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