STAND. COM. REP. NO.

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Honolulu, Hawaii

MAR 20; / 2023

RE: S.B. No. 917 S.D. 3 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-Second State Legislature Regular Session of 2023 State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 917, S.D. 3, entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION REGARDING THE FREEDOM OF SPEECH,"

begs leave to report as follows:

The purpose of this measure is to propose an amendment to Article I, section 4, of the Constitution of the State of Hawaii to provide that freedom of speech protections under the state constitution do not include the expenditure of money to influence elections.

Your Committee received testimony in support of this measure from the Stonewall Caucus of the Democratic Party of Hawai'i, Rainbow Family 808, and three individuals. Your Committee received testimony in opposition to this measure from two individuals.

Your Committee finds that the United States Supreme Court's decision in <u>Citizens United v. Federal Election Commission</u>, 558 U.S. 310 (2010), has had a significant impact on elections in the United States. By reversing centuries-old campaign finance restrictions and designating corporate spending on elections as free speech protected under the First Amendment of the



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Constitution of the United States, the Supreme Court has enabled corporations to expand their already outsized political influence on election outcomes and policy decisions. Your Committee believes that it is important for the people of Hawaii to affirmatively declare that the freedom of speech enshrined in the Hawaii State Constitution does not include the expenditure of money to influence elections.

Your Committee has amended this measure by deleting language from the ballot question specifying that the constitutional amendment would take effect if the Supreme Court of the United States overturns, Congress overrides, or an amendment to the United States Constitution invalidates <u>Citizens United</u>.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 917, S.D. 3, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 917, S.D. 3, H.D. 1, and be referred to your Committee on Finance.

> Respectfully submitted on behalf of the members of the Committee on Judiciary & Hawaiian Affairs,

DAVID A. TARNAS, Chair

State of Hawaii House of Representatives The Thirty-second Legislature



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: SB 917, SD		Committee Referral: JHA, FIN		Date: 3/14/2023	
The committee is reconsidering its previous decision on the measure.					
The recommendation is to: D Pass, unamended (as is) Pass, with amendments (HD) D Hold					
D F	Pass short form b	ill with HD to reco	mmit for future	e public hearing (recomr	nit)
JHA Members		Ayes	Ayes (W	R) Nays	Excused
1. TARNAS, David A. (C)					
2. TAKAYAMA, Gregg (VC)	and the second				
3. GANADEN, Sonny	<u></u>				
4. HOLT, Daniel					
5. HASHIMOTO, Troy N.					
6. ICHIYAMA, Linda	<u></u>				
7. ILAGAN, Greggor				<u> </u>	
8. KONG, Sam Satoru					
9. MIZUNO, John M.		\sim			The second s
10. SOUZA, Kanani					
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TOTAL (10)		10	-	_	
The recommendation is: Adopted Not Adopted If joint referral,					
committee acronym(s)					
Vice Chair's or designee's signature:					
Distribution: Original (White) - Con	nmittee Du	D U U D U D D D D D D D D D D	Chief Clerk's (Office Duplicate (H	Pink) – HMSO