

STAND. COM. REP. NO.

1334

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 Citizens United v. Federal Election Commission, 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

2023-2559 SB917 HD1 HSCR HMSO



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 Citizens United.

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



