

STAND. COM. REP. NO.

114

Honolulu, Hawaii

FEB 09 2023

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 917 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 and intent of this measure is to propose 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.

Your Committee received testimony in support of this measure from the Americans for Democratic Action Hawai'i, Stonewall Caucus of the Democratic Party of Hawai'i, and four individuals.

Your Committee finds that the United States Supreme Court's decision in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), reversed long-standing campaign finance restrictions and designated corporate spending on elections as free speech protected under the First Amendment of the Constitution of the United States. The decision removed any limits on the amount of money that corporations, special interest groups, and political action committees could spend on an election. Your Committee further finds that the decision in *Citizens United* is a serious threat to our democracy. Corporations enjoy various advantages, including limited



liability, perpetual life, and favorable treatment in the accumulation and distribution of assets, which allow them to amass and spend an extraordinary amount of money on political messages that often have far greater reach and influence than messages from individuals. During the twelve years since the *Citizens United* decision, there has been a massive increase in political spending by corporations, special interest groups, and political action committees, dramatically expanding their already outsized political influence on election outcomes and policy decisions. This measure will demonstrate to the United States Congress that the State disapproves of the *Citizens United* decision.

Your Committee has amended this measure by specifying that the ballot question will be, "[s]hall the Hawaii State Constitution be amended to state that freedom of speech protections under the Hawaii State Constitution do not include the expenditure of money to influence elections, which would take effect if the United States Supreme Court overturns, Congress overrides, or an amendment to the United States Constitution invalidates the United States Supreme Court's decision in *Citizens United v. Federal Election Commission*, which allows unrestricted spending by corporations on elections?".

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

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair





