

STAND. COM. REP. NO.

1329

Honolulu, Hawaii

MAR 18

, 2025

RE: S.B. No. 311
S.D. 1
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 311, S.D. 1, 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 the Hawaii State Constitution to expressly provide that the 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 Pride at Work - Hawai'i; League of Women Voters of Hawaii; Community Alliance on Prisons; and numerous individuals. Your Committee received testimony in opposition to this measure from Hawaii Patriot Republicans and numerous individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that the influence of corporate and special interest money in elections has grown substantially following the United States Supreme Court's decisions in *Citizens United v. Federal Election Commission* and *Buckley v. Valeo*. These rulings equated political expenditures with free speech, allowing corporations, political action committees, and other entities to

2025-2608 SB311 HD1 HSCR HMSO



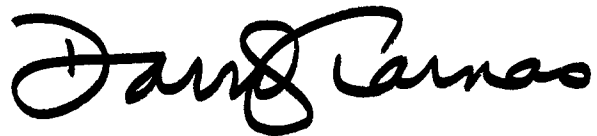
spend unlimited amounts to influence elections and policy decisions. This measure seeks to propose a state constitutional amendment clarifying that the expenditure of money to influence elections is not protected speech under the Hawaii State Constitution. While the proposed amendment would not have immediate legal effect under current federal precedent, it expresses the State's opposition to these rulings and preserves the possibility of future enforcement should federal law change.

Your Committee has amended this measure by:

- (1) Amending the ballot question to remove language specifying the circumstances for when the amendment to the Hawaii State Constitution would take effect;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 311, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 311, S.D. 1, 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



HSR 1329

Bill/Resolution No.: SB311 SD1		Committee Referral: JHA, FIN		Date: 3/12/25	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.					
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)					
JHA Members		Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)		✓			
2. POEPOE, Mahina (VC)		✓			
3. BELATTI, Della Au		✓			
4. COCHRAN, Elle					✓
5. HASHEM, Mark J.		✓			
6. KAHALOA, Kirstin		✓			
7. PERRUSO, Amy A.		✓			
8. TAKAYAMA, Gregg		✓			
9. TODD, Chris		✓			
10. GARCIA, Diamond				✓	
11. SHIMIZU, Garner M.				✓	
TOTAL (11)		8	0	2	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: _____					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					