

STAND. COM. REP. NO. 713

Honolulu, Hawaii

FEB 27 2025

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

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 311 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 an amendment to the Hawaii State Constitution 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 Community Alliance on Prisons and eight individuals.

Your Committee received testimony in opposition to this measure from two individuals.

Your Committee received comments on this measure from one individual.

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 (PACs) could spend on an election. During the thirteen years since the *Citizens United* decision, there has been a massive increase in political spending by corporations, special interest groups, and PACs, dramatically expanding their already outsized political influence on election outcomes and policy decisions. This measure will acknowledge the decision in *Citizens United* as a serious threat to our democracy and allow the State to express its disapproval of the *Citizens United* decision.

Your Committee notes that in addition to the *Citizens United* decision, the United States Supreme Court in *Buckley v. Valeo*, 424 U.S. 659 (1976), held that limits on expenditures of money to influence elections are protected speech. Your Committee believes that including discussions of the *Buckley* decision in this measure will provide more context regarding the constitutional protections afforded to the expenditure of money to influence elections.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying the ballot question to include the *Buckley v. Valeo* decision, which, like the *Citizens United* decision, provides protection under the United States Constitution to the expenditure of money to influence policy;
- (2) Inserting additional legislative findings; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 311, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 311, S.D. 1, and be placed on the calendar for Third Reading.



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

Karl Rhoads

KARL RHOADS, Chair



