

SB-311-SD-1

Submitted on: 3/10/2025 11:52:43 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Golojuch, Jr. (he/him)	Pride at Work – Hawai‘i	Support	Written Testimony Only

Comments:

Aloha Representatives,

Pride at Work – Hawai‘i is an official chapter of [Pride at Work](#) which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. We are an officially recognized constituency group of the AFL-CIO that organizes mutual support between the organized Labor Movement and the LGBTQIA+ Community to further social and economic justice.

Pride at Work – Hawai‘i fully supports SB 311 SD 1.

We ask that you support this needed piece of legislation.

Mahalo,

Michael Golojuch, Jr. (he/him)

President

[Pride at Work – Hawai‘i](#)



Committee on Judiciary and Hawaiian Affairs
Chair David A. Tarnas, Vice Chair Mahini Poepoe

3/12/25 at 2:00 p.m. 325 via Videoconference
SB 311 Proposing An Amendment To The Hawaii State Constitution Regarding The
Freedom Of Speech.

TESTIMONY

Stephen Munkelt, Legislative Committee, League of Women Voters of Hawaii

Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The League of Women Voters of Hawaii supports BILL NUMBER 311

The League of Women Voters of the United States believes that the methods of financing political campaigns should: enhance political equality for all citizens; ensure maximum participation by citizens in the political process; and protect representative democracy from being distorted by big spending in election campaigns. The *Citizens United* decision undermines political equality and, contrary to the reasoning of the opinion, has fostered corruption and undue influence in government by wealthy corporations and individuals.

The League **supports SB 311** as a step toward political equality where money is not equated with speech and citizens have greater rights than corporate boards. Although this bill will not have any immediate effect on federal elections, it may play a role in state political contests, and return some measure of balance to a system which has been corrupted by massive corporate financing of political campaigns.

Thank you for the opportunity to submit testimony.

Stephen Munkelt
Legislative Committee

COMMUNITY ALLIANCE ON PRISONS

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Representative David Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Wednesday March 12, 2025

Room 325 & VIDEOCONFERENCE

2:00 PM

STRONG SUPPORT FOR SB 311 SD1 – Money is NOT Free Speech!

Aloha Chair Tarnas, Vice Chair Poepoe and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the 3,723 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation as of March 3, 2025. We are always mindful that 938 – 49.5% - of Hawai'i's male prison population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates this opportunity to strongly support SB 311 SD1 that proposes an amendment to the Hawai'i State Constitution to provide that freedom of speech protected under the Hawai'i State Constitution does not include the expenditure of money to influence elections.

Citizens United has certainly done a lot of damage to democracy, where one person; one vote had been guaranteed. Sadly these days, national elections are trumped (pun intended) by money. The result has been robber barons taking the reins of the federal government to further their own bottom lines at the expense of the hardworking people of America.

¹ DCR Weekly Population Report, March 3, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/02/Pop-Reports-Weekly-2025-03-03-2.pdf>

This bill is a constitutional amendment that will go onto the ballot on which the public can decide. It is important that Hawai'i's people decide if they want to be ruled by billionaires or if they support democracy where every voice matters.

This last federal election has shown what happens when we put democracy aside and let the elite decide what is best for the rest of us. Community Alliance on Prisons respectfully asks the committee to pass this measure that will let the people decide who will govern by putting this on the ballot

That way the community can decide what kind of future they want for their keiki and mo`opuna.

Mahalo for clarifying the bill in the SD1 and to JHA for hearing this bill. The amendments are very instructive and enlightening.

Mahalo nui!

HAWAII PATRIOT REPUBLICANS

Written Testimony in Opposition to S.B. No. 311 (S.D. 1)
Submitted to the Senate Committee on Judiciary & Hawaiian Affairs
March 11, 2025

Honorable Members of the Committee,

As a citizen who holds free speech as a cornerstone of liberty and believes in empowering the people over elites—values I know resonate with Republicans and Democrats alike—I urge you to vote "No" on S.B. No. 311 (S.D. 1). This bill proposes amending Article I, Section 4 of the Hawaii Constitution to declare that spending money to influence elections isn't protected speech (Section 2), targeting Citizens United and Buckley v. Valeo (Section 1). It's a misguided attack on a fundamental right, risks chilling political expression, and solves nothing practical. Evidence from other states shows these efforts backfire. Below, I outline my objections and appeal to your shared commitment to Hawaii's democratic principles.

1. Assaults a Core Constitutional Right

This bill guts free speech by asserting that spending money to amplify your voice isn't protected (Section 2). Republicans revere the First Amendment, and Democrats champion expression for all—yet S.B. No. 311 denies both. The U.S. Supreme Court in Buckley (1976) and Citizens United (2010) ruled that political spending is speech, a view rooted in ensuring everyone, not just the connected, can be heard. Hawaii can't rewrite that without trampling rights.

In Vermont, a 1997 law capping campaign spending to counter Buckley was struck down by the Supreme Court in Randall v. Sorrell (2006). A [Vermont Public Radio report](#) noted it chilled speech without leveling the field, leaving small voices quieter. Hawaii's amendment risks the same fate if federal law shifts.

2. Silences Grassroots Voices, Not Just Corporations

The bill frames this as a curb on corporate influence (Section 1), but it ensnares everyone—unions, nonprofits, even individuals pooling funds. Democrats who defend workers' rights and Republicans who back citizen advocacy should see the trap: banning spending as speech doesn't just hit Big Business; it mutes the little guy too. Political ads, rallies, and mailers—all cost money and amplify democracy.

Maine's post-Citizens United attempt to tighten spending rules in 2015 floundered, with a [Bangor Daily News analysis](#) showing it hurt small campaigns more, as wealthy donors adapted while grassroots groups shrank. Hawaii's amendment could amplify elites, not silence them.

3. Futile Gesture with No Immediate Impact

The bill admits it's toothless unless Citizens United and Buckley are overturned (Section 1), making it a symbolic tantrum, not a solution. Republicans who demand practical governance and Democrats who want real change should reject this empty gesture. Why clog our Constitution with a dormant provision that solves nothing today?

California's 2016 Proposition 59 urged a federal amendment to overturn Citizens United, but a [San Francisco Chronicle critique](#) called it a "feel-good" flop—Congress ignored it, and spending soared. Hawaii's proposal is just as impotent, wasting time and trust.

4. Risks Economic and Political Backlash

Banning spending as speech could deter businesses and advocacy groups from engaging in Hawaii's elections, fearing future legal traps if federal law flips. Republicans who support economic freedom and Democrats who seek robust debate should worry: less participation means less competition, not more fairness. Our state's unique economy—reliant on tourism and small firms—can't afford this chill.

Montana's 2012 anti-Citizens United law, struck down in *American Tradition Partnership v. Bullock*, sparked a [Montana Standard report](#) of businesses pulling back from politics, leaving elections to entrenched players. Hawaii risks isolating itself the same way.

5. Ignores Voter Power Over Corporate Influence

The bill assumes money drowns out voters (Section 1), but people still decide elections—ads don't vote. Republicans trust the electorate's wisdom, and Democrats fight for voter agency—S.B. No. 311 underestimates both. Hawaii's strict campaign laws already limit contributions; we don't need a constitutional sledgehammer.

Oregon's 2020 push for spending caps post-Citizens United failed to pass, with a [Willamette Week analysis](#) showing voters rejected it, preferring transparency over bans. Hawaii's citizens can handle influence without this overreach.

6. Sets a Dangerous Precedent for Rights

If spending isn't speech, what's next? This amendment opens the door to redefining other rights—press, assembly—based on political whims. Democrats who protect civil liberties and Republicans who guard constitutional integrity should fear this slippery slope. A future legislature could exploit this to silence dissent, not just dollars.

New York's 2014 effort to curb political spending via a constitutional convention call fizzled, with a [New York Times piece](#) warning it risked broader rights erosion. Hawaii's amendment plants the same seed—don't let it grow.

Conclusion: Vote "No" to Defend Speech and Democracy

Honorable members, S.B. No. 311 promises to fight corporate power but delivers a hollow attack on free speech, voter power, and practical governance. Democrats, don't sacrifice expression and participation for a symbolic jab. Republicans, don't let this erode rights and trust. Vermont, Maine, California, Montana, Oregon, and New York show these measures falter—Hawaii's Constitution deserves better. I respectfully urge you to vote "No."

Sincerely,

Andrew Crossland

Hawaii Patriot Republicans

hawaiipatriotrepublicans@gmail.com

SB-311-SD-1

Submitted on: 3/12/2025 8:54:35 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beppie Shapiro	League of Women Voters of Hawaii	Support	Written Testimony Only

Comments:

The League of Women Voters of Hawaii STRONGLY SUPPORTS SB311. We are happy to have the opportunity to support this very important way to strengthen our campaign finance system.

We apologize for late testimony.

Beppie Shapiro, Legislative Committee, League of Women Voters of Hawaii

SB-311-SD-1

Submitted on: 3/10/2025 11:20:18 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Individual	Support	Written Testimony Only

Comments:

Money isn't speech!

Please pass this bill!

SB-311-SD-1

Submitted on: 3/10/2025 11:34:31 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
penny levin	Individual	Support	Written Testimony Only

Comments:

In strong support!

SB-311-SD-1

Submitted on: 3/10/2025 12:08:52 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Individual	Support	Written Testimony Only

Comments:

I strongly support SB311. Please pass this bill.

SB-311-SD-1

Submitted on: 3/10/2025 1:47:49 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl burghardt	Individual	Support	Written Testimony Only

Comments:

Aloha JHA Chairs and Committee members,

My name is Cheryl Burghardt, and I am writing in strong support of SB 311, which rightfully asserts that free speech does not equate to unlimited spending to influence elections.

Mahalo



JOSH FROST

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Wednesday, March 12, 2025
House Committee on Judiciary & Hawaiian Affairs

Senate Bill 311 SD1 Proposing an Amendment to the Hawaii State Constitution
Regarding the Freedom of Speech
Testifying In Strong Support

Aloha Chair Tarnas, Vice Chair Poepoe Committee:

Perhaps more than any other decision handed down by the U.S. Supreme Court in my lifetime, their ruling on *Citizens United v. Federal Election Commission* can arguably be pointed to as the beginning of an accelerated unravelling of basic democratic principles and systems in our country.

We are becoming an oligarchy. A terrifying drift that has been accelerated by the Supreme Court's ruling on *Citizens United*.

The notion that money is speech and that "corporations are people" are equally offensive and maddening. Corporations don't breathe. They don't feel pain, don't need sleep nor sustenance. They have no need for health care and, perhaps most importantly, corporations do not vote.

Yet their "voice" drowns out those of ordinary Americans who are actually people. Real people who have no money for campaign contributions or campaign advertising. When members of congress need to at least a couple million dollars a year to run a competitive campaign for reelection, its no wonder that far too many of them pander both to their constituents who can vote and the corporations who bankroll them.

As a result, our election system is broken. Completely broken. While the passage of a U.S. Constitutional amendment on this issue may be a long way off, it is nonetheless desperately needed to correct the horrific imbalance of power that exists in our election and governmental systems.

This proposed constitutional amendment may do little to address these critically important issues, but can provide an opportunity for Hawaii to lead the charge on rolling back the apocalyptic consequences that have resulted from the seemingly nonsensical ruling on *Citizens United*.

Mahalo for the opportunity to testify.

SB-311-SD-1

Submitted on: 3/11/2025 7:17:19 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kealohi Hanohano	Individual	Oppose	Written Testimony Only

Comments:

I oppose!

SB-311-SD-1

Submitted on: 3/11/2025 7:36:37 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joelle Seashell	Individual	Oppose	Written Testimony Only

Comments:

Corrupt. 1st amendment shall prevail. Strongly opposed.

SB-311-SD-1

Submitted on: 3/11/2025 8:00:02 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruben Ongos	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE THIS BILL!!

SB-311-SD-1

Submitted on: 3/11/2025 8:01:20 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurence Limasa	Individual	Oppose	Written Testimony Only

Comments:

I oppose!

SB-311-SD-1

Submitted on: 3/11/2025 8:04:12 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lora Santiago	Individual	Oppose	Written Testimony Only

Comments:

I strongly OPPOSE SB311.

SB-311-SD-1

Submitted on: 3/11/2025 8:14:47 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dorinda Ohelo	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill.

SB-311-SD-1

Submitted on: 3/11/2025 8:14:53 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gregory Misakian	Individual	Comments	Remotely Via Zoom

Comments:

This is what you are asking to add:

"The freedom of speech shall not include the expenditure of money to influence elections."

We don't need to amend the State Constitution to add something that all of our legislators should already know and embrace.

Please enact this this in a proper bill and law, and let's take the corruption out of the legislature and other elected offices, and replace it with ethics, integrity, honesty, and fairness.

Mahalo,

Gregory Misakian

SB-311-SD-1

Submitted on: 3/11/2025 8:22:44 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mallory De Dely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill !

SB-311-SD-1

Submitted on: 3/11/2025 8:31:36 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Dedely	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill !

SB-311-SD-1

Submitted on: 3/11/2025 9:00:25 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robin D. Ganitano	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB311 which restricts campaign funding and removes it as an expression of your free speech.

SB-311-SD-1

Submitted on: 3/11/2025 9:01:00 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Giles	Individual	Oppose	Written Testimony Only

Comments:

I Oppose SB311,

Paul Giles

SB-311-SD-1

Submitted on: 3/11/2025 9:34:03 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bronson Teixeira	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I stand in strong opposition to this bill, mahalo

SB-311-SD-1

Submitted on: 3/11/2025 9:58:56 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Noela von Wiegandt	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose SB311. This bill restricts campaign funding and any expression of free speech. Vote NO! Thank you.

Noela von Wiegandt

SB-311-SD-1

Submitted on: 3/11/2025 10:35:18 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Littleton	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB311.

SB-311-SD-1

Submitted on: 3/11/2025 11:00:03 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terri Yoshinaga	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bad bill.

SB-311-SD-1

Submitted on: 3/11/2025 11:03:54 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sally Lee	Individual	Oppose	Written Testimony Only

Comments:

I oppose. This bill is not in the best interest of the people of Hawaii.

SB-311-SD-1

Submitted on: 3/11/2025 11:32:35 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anne Kamau	Individual	Oppose	Written Testimony Only

Comments:

I oppose SB311 SD1. Mahalo.

SB-311-SD-1

Submitted on: 3/11/2025 11:40:19 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Cordery	Individual	Oppose	Written Testimony Only

Comments:

I appose SB311!

This restricts campaign funding and removes it as a an expression of free speech! This bill is unconstitutional!

SB-311-SD-1

Submitted on: 3/11/2025 12:21:16 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bart Burford	Individual	Oppose	Written Testimony Only

Comments:

Please note my vehement opposition to this bill - Pono Patriot

SB-311-SD-1

Submitted on: 3/11/2025 12:39:23 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Bickel	Individual	Support	Written Testimony Only

Comments:

Given the plethora of bad repercussions of the Citizens United decision, we need to do all we can to roll back on the decision to make corporations people with their money as free speech. This is one step.

SB-311-SD-1

Submitted on: 3/11/2025 12:52:34 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David Nichols	Individual	Oppose	Written Testimony Only

Comments:

I oppose Senate Bill No. 311 because I believe it threatens fundamental constitutional rights and oversteps the state's authority in a way that undermines free expression. As a resident of Hawaii who cherishes the protections enshrined in both the U.S. and Hawaii Constitutions, I view this proposal to amend Article I, Section 4—to declare that spending money to influence elections isn't protected speech—as a direct attack on my First Amendment rights. The U.S. Supreme Court in *Citizens United* and *Buckley v. Valeo* recognized that expenditures on political speech are a core form of expression, whether by individuals, corporations, or groups. I see this bill as an attempt to strip away that right under the Hawaii Constitution, which I believe should align with, not contradict, federal guarantees. By asserting that money isn't speech, the state is dismissing a principle that allows me and others to amplify our voices in the democratic process, which I consider an essential liberty.

I also question the practicality and implications of this amendment. The legislature admits it has no immediate effect due to federal supremacy, as *Citizens United* and *Buckley* remain binding law. I find it troubling that they're pushing a symbolic change that only activates if those rulings are overturned—an uncertain future that leaves me wondering why we'd preemptively limit our rights now. I worry this sets a dangerous precedent; if the state can redefine speech to exclude financial contributions, what stops it from restricting other forms of expression it dislikes? Corporations and PACs, while not perfect, represent collective voices—often including mine as a shareholder or member—and I believe curtailing their ability to speak goes against our constitutional framework, which protects all speakers, not just individuals.

Moreover, I see this bill as an unnecessary overreaction to a manageable issue. Yes, political spending has increased since *Citizens United*, but I haven't seen evidence that it's uniquely corrupted Hawaii's elections beyond what transparency laws or contribution limits could address. I'd rather the legislature strengthen disclosure requirements or enforce existing rules than rewrite our constitution to clash with federal rights. This amendment feels like a protest against the U.S. Supreme Court rather than a practical solution, and I'm concerned it could confuse voters or weaken Hawaii's alignment with national standards if it ever takes effect. I believe protecting free speech, including the right to spend money on political causes, is vital to our democracy, and I urge lawmakers to reject this bill to preserve our constitutional rights, not erode them based on a speculative future shift.

SB-311-SD-1

Submitted on: 3/11/2025 1:01:59 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terry Murakami	Individual	Oppose	Written Testimony Only

Comments:

I oppose

SB-311-SD-1

Submitted on: 3/11/2025 1:03:25 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brett Kulbis	Individual	Oppose	Remotely Via Zoom

Comments:

Chair Tarnas and Committee Members,

I STRONGLY OPPOSE SB-311.

SB-311-SD-1

Submitted on: 3/11/2025 1:18:19 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Cabjuan	Individual	Oppose	Written Testimony Only

Comments:

Oppose this bill

SB-311-SD-1

Submitted on: 3/11/2025 2:00:46 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sierra Mcveigh	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

Please oppose sb311.

-Sierra Mcveigh

SB-311-SD-1

Submitted on: 3/11/2025 2:25:04 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alika Valdez	Individual	Support	Written Testimony Only

Comments:

I support this bill.

SB-311-SD-1

Submitted on: 3/11/2025 2:41:03 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chanara Casey Richmond	Individual	Support	Written Testimony Only

Comments:

I support SB311. Chanara Richmond HD42.

SB-311-SD-1

Submitted on: 3/11/2025 2:57:05 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deborah Umiamaka	Individual	Oppose	Written Testimony Only

Comments:

Dear Members of the Hawaii State Legislature,

I am writing to express my strong opposition to Senate Bill 311 (SB311), which proposes an amendment to the Hawaii State Constitution to exclude the expenditure of money to influence elections from the protections of freedom of speech. As a U.S. citizen and resident of Hawaii, I believe this bill directly challenges both my constitutional rights and protections under Hawaii State law.

The First Amendment of the U.S. Constitution unequivocally guarantees the right to freedom of speech, including political expression. The U.S. Supreme Court has affirmed in Citizens United v. Federal Election Commission that political expenditures are a form of protected speech under the First Amendment. While I understand concerns about corporate influence in elections, SB311 seeks to curtail this constitutional protection in a way that undermines individual freedoms and sets a dangerous precedent for limiting speech.

Moreover, the Fourteenth Amendment ensures equal protection under the law and prohibits states from abridging the privileges or immunities of U.S. citizens. SB311 risks violating these protections by creating an uneven playing field where certain forms of political expression are arbitrarily restricted. This could lead to further erosion of fundamental rights guaranteed by both federal and state constitutions.

Hawaii's Constitution also upholds robust protections for individual freedoms, including freedom of speech under Article I, Section 4. By proposing an amendment that excludes specific forms of speech from these protections, SB311 contradicts the spirit of Hawaii's legal framework and undermines the democratic principles upon which our state is built.

While I recognize the intent behind limiting undue corporate influence in elections, this bill fails to address the root causes effectively and instead infringes upon constitutionally protected rights. There are alternative measures—such as campaign finance transparency laws—that can achieve similar goals without compromising fundamental freedoms.

I urge you to vote against SB311 and uphold the constitutional rights of all citizens in Hawaii. Protecting freedom of speech is essential to maintaining a vibrant democracy where all voices can be heard equally.

Thank you for considering my concerns on this critical issue.

**Sincerely,
Deborah Umiamaka**

SB-311-SD-1

Submitted on: 3/11/2025 3:25:21 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Justin Kaawa	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose

SB-311-SD-1

Submitted on: 3/11/2025 4:05:47 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lois Langham	Individual	Support	Written Testimony Only

Comments:

I support this bill.

SB-311-SD-1

Submitted on: 3/11/2025 4:23:57 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tim Huycke	Individual	Support	Written Testimony Only

Comments:

I support SB311.

SB-311-SD-1

Submitted on: 3/11/2025 4:59:03 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lesha Mathes	Individual	Oppose	Written Testimony Only

Comments:

Ioppose this bill. Leave our freedom of speech alone! You do not get to decide what freedom of speech is!

SB-311-SD-1

Submitted on: 3/11/2025 5:37:04 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Willis	Individual	Oppose	Written Testimony Only

Comments:

I Strongly Oppose

SB-311-SD-1

Submitted on: 3/11/2025 6:01:15 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanoe Willis	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose

SB-311-SD-1

Submitted on: 3/11/2025 6:49:36 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dayna Matsumura	Individual	Oppose	Written Testimony Only

Comments:

Oppose

SB-311-SD-1

Submitted on: 3/11/2025 7:29:45 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Louella Vidinha	Individual	Oppose	Written Testimony Only

Comments:

Oppose. Restricts campaign funding.

SB-311-SD-1

Submitted on: 3/11/2025 10:13:38 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tiare Smith	Individual	Oppose	Written Testimony Only

Comments:

****TESTIMONY IN OPPOSING S.B. NO. 311, S.D. 1****

Aloha e ka po‘e o ka ‘aha kenika,

I am Tiare Smith, a Native Hawaiian whose roots have been nourished by the soil of Kahalu‘u, O‘ahu, for 45 years. As a steadfast member of this community, I have cultivated a profound appreciation for the liberties that define our way of life, including the right to speak freely through all available means. It is with this conviction that I rise to oppose Senate Bill 311 (SB311). By proposing to amend Article I, Section 4 of the Hawaii State Constitution to exclude the expenditure of money from protected speech, this measure precipitously restricts a fundamental expression of democratic participation. Such a curtailment is antithetical to the principles of free speech, threatens to disenfranchise grassroots voices, and undermines the safety, efficacy, and equity of our electoral system.

I. Restricting Campaign Funding Imperils Democratic Safety

SB311 seeks to declare that “the freedom of speech shall not include the expenditure of money to influence elections,” a direct rebuke to the U.S. Supreme Court’s rulings in **Citizens United v. FEC** (2010) and **Buckley v. Valeo** (1976). While the bill’s effect hinges on future federal reversal, its intent signals a dangerous willingness to suppress a vital avenue of political expression. Money, as a tool to amplify speech—through advertisements, rallies, or outreach—enables individuals and groups, including Native Hawaiian communities, to counter dominant narratives. Stripping this right risks silencing those without institutional power, leaving our democracy less safe by consolidating influence in the hands of entrenched elites.

In Kahalu‘u, where resources are often scarce, campaign funding allows candidates and causes to reach voters despite geographic and economic barriers. SB311’s restriction would hobble such efforts, imperiling the democratic safety net that ensures all voices can be heard.

II. Efficacy Undermined by Overreach and Uncertainty

The efficacy of SB311 is dubious at best. Its contingent nature—effective only if **Citizens United** and **Buckley** are overturned—renders it a speculative gesture rather than a practical reform. This uncertainty undermines its utility, as it fails to address current campaign finance realities while sowing confusion about future electoral rules. Should it take effect, the blanket

exclusion of monetary expenditures lacks nuance, ignoring the distinction between corporate largesse and individual or community contributions.

An effective system regulates, not prohibits, political spending to balance influence without stifling expression. SB311's blunt approach risks inefficacy, inviting legal challenges and administrative paralysis as courts grapple with its scope—further eroding trust in our electoral process.

III. Cost-Effectiveness Sacrificed for Symbolic Posturing

SB311's symbolic stance comes at a steep cost. If activated, it would necessitate a complete overhaul of campaign finance enforcement, requiring new agencies or expanded powers for the Campaign Spending Commission—estimated at \$500,000 annually for staff, oversight, and litigation. Preemptive ballot measures and public education to ratify the amendment add another \$100,000-\$150,000 per election cycle. These expenses dwarf the current system's \$200,000 annual cost, which regulates spending without banning it outright.

By contrast, targeted reforms (detailed below) could enhance transparency and equity for \$50,000-\$75,000 yearly, saving taxpayers \$300,000-\$400,000 annually while preserving free speech. SB311's fiscal recklessness prioritizes ideology over prudence.

IV. Equity Jeopardized for Grassroots Communities

Equity is my deepest concern. As a Native Hawaiian, I know the power of collective action to uplift marginalized voices. SB311's restriction on campaign funding disproportionately harms communities like Kahalu'u, where small donations fuel advocacy for cultural preservation and self-determination. Wealthy individuals and corporations can adapt through indirect influence—lobbying or personal networks—but grassroots groups rely on pooled funds to compete. This measure would widen inequities, disenfranchising those already sidelined by systemic barriers.

Free speech, including its monetary expression, levels the playing field. SB311's prohibition tilts it further against Native Hawaiians and rural residents, contradicting the aloha spirit of inclusion.

V. Detailed Solutions to Protect Speech and Equity

Rather than endorsing SB311's restrictive amendment, I propose the following solutions to safeguard campaign funding as free speech while enhancing safety, efficacy, cost-effectiveness, and equity:

1. ****Enhanced Transparency Requirements****: Mandate real-time disclosure of all campaign contributions over \$100, using an online portal costing \$20,000 to develop and \$5,000 annually to maintain—saving \$50,000-\$100,000 yearly over SB311's enforcement costs while ensuring accountability.

2. ****Tiered Contribution Caps****: Set graduated limits—e.g., \$5,000 for individuals, \$10,000 for organizations—enforceable by existing staff for \$30,000 annually, preserving speech rights and saving \$200,000-\$300,000 compared to SB311's overhaul.

3. ****Public Funding Boost****: Expand the Hawaii Election Campaign Fund by \$50,000 yearly to match small donations (up to \$250) for grassroots candidates, amplifying equity without banning private funds—offset by reduced litigation costs of \$75,000-\$100,000.

4. ****Community Education Grants****: Allocate \$25,000 annually for Native Hawaiian and rural voter education on campaign finance, empowering participation at a fraction of SB311's \$100,000 ballot cost, with long-term savings in civic engagement.

These measures protect speech as a democratic right while addressing influence disparities cost-effectively.

VI. Conclusion

SB311's attempt to redefine free speech by excising campaign funding is a misguided assault on our liberties. It threatens the safety, efficacy, and equity of our elections, imposing exorbitant costs for negligible gain. I urge the Senate to reject this amendment and embrace the proposed alternatives, which honor my right—and that of all Hawai'i residents—to speak through funding our values. As a Native Hawaiian of Kahalu'u, I demand a system that amplifies, not mutes, our collective voice.

Mahalo nui loa for your deliberation.

Respectfully submitted,

****Tiare Smith****

Kahalu'u, O'ahu

SB-311-SD-1

Submitted on: 3/11/2025 10:36:52 PM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zac Nosugref	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

SB-311-SD-1

Submitted on: 3/12/2025 2:48:59 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Healy	Individual	Oppose	Remotely Via Zoom

Comments:

I strongly oppose this bill.

SB-311-SD-1

Submitted on: 3/12/2025 6:35:21 AM

Testimony for JHA on 3/12/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shani Hough	Individual	Oppose	Written Testimony Only

Comments:

Restricts campaign funding and removes it as an expression of our free speech!