

Honolulu, Hawaii

April 9, 2010

RE: H.C.R. No. 282  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2010  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.C.R. No. 282 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS TO TAKE IMMEDIATE ACTION TO REDEFINE "CORPORATE ENTITY" TO PRECLUDE THE USE OF THE TERM "PERSON" IN THE DEFINITION, "

begs leave to report as follows:

The purpose of this concurrent resolution is to work toward improving the elections process by requesting Congress to take immediate action to redefine the term "corporate entity" to preclude the use of the term "person" in its definition.

The League of Women Voters of Hawaii; Conservation Council for Hawaii; Hawaii Teamsters and Allied Workers, Local 996; Americans for Democratic Action Hawaii; Progressive Democrats of Hawaii; Common Cause Hawaii; Democratic Party of Hawaii; and several concerned individuals testified in support of this measure. A concerned individual provided comments.

Your Committee finds that a recent Supreme Court ruling overturned vital protections for elections that restricted campaign spending by corporations and labor unions and that this measure is an attempt to address this issue. However, your Committee further finds that the present language of this measure does not adequately state this position.



Accordingly, your Committee has amended this measure by deleting its substance and replacing it with language that requests the United States Congress to propose, and send to the states for ratification, a constitutional amendment to clarify the distinction between the rights of natural persons and the rights of corporations, thereby preserving the power of Congress and the States to place limits on the ability of corporations to influence the outcome of elections through political expenditures.

Your Committee has also amended this measure by:

- (1) Changing the title to read, "REQUESTING CONGRESS TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PERMIT CONGRESS AND THE STATES TO REGULATE THE EXPENDITURE OF FUNDS BY CORPORATIONS ENGAGING IN POLITICAL SPEECH"; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your committee notes that the term "corporations," as used in this concurrent resolution, is intended to encompass all types of legal entities that are not natural persons and that seek to influence the political process, including:

- (1) For-profit corporations;
- (2) Nonprofit organizations;
- (3) Religious organizations, such as churches;
- (4) Labor unions;
- (5) Partnerships; and
- (6) Limited liability companies.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 282, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 282, H.D. 1.



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



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JON RIKI KARAMATSU, Chair



