

STAND. COM. REP. NO. 245 -14

Honolulu, Hawaii

February 7, 2014

RE: H.B. No. 1499
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1499 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII 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 amend the definition of speech to provide that the expenditure of money to influence elections or promote lobbying is not a form of speech.

The League of Women Voters of Hawaii and several concerned citizens testified in support of this measure. The National Rifle Association of America, Hawaii Rifle Association, and Hawaii Family Advocates testified in opposition to this bill. The Department of the Attorney General and Common Cause Hawaii provided comments.

Your Committee acknowledges that the United States Supreme Court held in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), that contributions and expenditures of money made for the purpose of influencing an election are entitled to First Amendment protections. Until *Citizens United* is overturned, this measure can have no legal effect on political spending to

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influence elections and expenditures. Your Committee understands that the measure is purely symbolic. The appearance of a \$100 bill as a testifier at the committee hearing, described as "Mr. Franklin," underscores the point that money is not speech and should not be entitled to First Amendment protections. By passing this measure, your Committee intends to send a message to the Supreme Court that protecting unlimited expenditures of money is detrimental to the political process and such expenditures are not a form of speech.

Your Committee has amended this measure by limiting the proposed amendment to the definition of speech to provide that speech does not include the expenditure of money to influence 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 H.B. No. 1499, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1499, H.D. 1, and be referred to the Committee on Finance.

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



KARL RHOADS, Chair



