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# SENATE CONCURRENT RESOLUTION

PETITIONING CONGRESS FOR A LIMITED AMENDMENTS CONVENTION FOR THE  
PURPOSE OF PROPOSING A FREE AND FAIR ELECTIONS AMENDMENT TO  
THE UNITED STATES CONSTITUTION.

1           WHEREAS, the first President of the United States, George  
2 Washington, stated, "The basis of our political systems is the  
3 right of the people to make and to alter their Constitutions of  
4 Government."; and  
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6           WHEREAS, it was the stated intention of the framers of the  
7 Constitution of the United States of America that the Congress  
8 of the United States of America should be "dependent on the  
9 people alone."; and  
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11           WHEREAS, that dependency has evolved from a dependency on  
12 the people alone to a dependency on those who spend excessively  
13 in elections, through campaigns or third-party groups; and  
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15           WHEREAS, the United States Supreme Court ruling in *Citizens*  
16 *United v. Federal Election Commission*, 558 U.S. 310 (2010),  
17 removed restrictions on amounts of independent political  
18 spending; and  
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20           WHEREAS, the removal of those restrictions has resulted in  
21 the unjust influence of powerful economic forces, which have  
22 supplanted the will of the people by undermining their ability  
23 to choose political leadership, write their own laws, and  
24 determine the fate of the state; and  
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26           WHEREAS, Article V of the United States Constitution  
27 requires the United States Congress to call a convention for  
28 proposing amendments upon application of two-thirds of the  
29 legislatures of the several states for the purpose of proposing  
30 amendments to the United States Constitution; and  
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1           WHEREAS, this body sees the need for a convention to  
2 propose amendments in order to address concerns such as those  
3 raised by the decision of the United States Supreme Court in  
4 *Citizens United v. Federal Election Commission* and related cases  
5 and events including those occurring long before or afterward or  
6 for a substantially similar purpose, and desires that the  
7 convention should be so limited; now, therefore,

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9           BE IT RESOLVED by the Senate of the Twenty-eighth  
10 Legislature of the State of Hawaii, Regular Session of 2016, the  
11 House of Representatives concurring, that the people of the  
12 State of Hawaii, speaking through its Legislature and pursuant  
13 to Article V of the United States Constitution, in light of the  
14 decision of the United States Supreme Court in *Citizens United*  
15 *v. Federal Election Commission*, 558 U.S. 130 (2010), petition  
16 the United States Congress to call a convention for the purpose  
17 of proposing amendments to the Constitution of the United States  
18 of America as soon as two-thirds of the several states have  
19 applied for a convention to address:

- 20  
21           (1) Whether money spent on candidate elections and ballot  
22 measures should constitute "speech" under the First  
23 Amendment to the United States Constitution;  
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25           (2) How "corruption" is defined for purposes of the  
26 government's interest in protecting the democratic  
27 process; and  
28  
29           (3) Whether and to what degree independent campaign  
30 expenditures corrupt the political process; and  
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32           BE IT FURTHER RESOLVED that this be a continuing  
33 application considered together with applications calling for a  
34 convention passed in the 2013-2014 Vermont Legislature as R454,  
35 the 2013-2014 California Legislature as Resolution Chapter 77,  
36 the 98th Illinois General Assembly as Senate Joint Resolution  
37 No. 42, the 2014-2015 New Jersey Legislature as SCR 132, and all  
38 other passed, pending, and future applications, the  
39 aforementioned concerns of Hawaii notwithstanding until such  
40 time as two-thirds of the several states have applied for a  
41 convention and the convention is convened by Congress; and  
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1 BE IT FURTHER RESOLVED that the delegates to the convention  
2 be comprised equally of individuals currently elected to state  
3 and local office, or be selected by election, in each  
4 Congressional district for the purpose of serving as delegates,  
5 though all individuals elected or appointed to federal office,  
6 now or in the past, be prohibited from serving as delegates to  
7 the convention, and that this body intends to retain the ability  
8 to restrict or expand the power of its delegates within the  
9 limits expressed above; and

10  
11 BE IT FURTHER RESOLVED that certified copies of this  
12 Concurrent Resolution be transmitted to the President of the  
13 United States, Vice President of the United States, Speaker of  
14 the United States House of Representatives, Minority Leader of  
15 the United States House of Representatives, President Pro  
16 Tempore of the United States Senate, Hawaii's congressional  
17 delegation, Governor of each State, and presiding officer of  
18 each legislative body of each of the several states.

