

STAND. COM. REP. NO. 1697

Honolulu, Hawaii

APR 21 2017

RE: H.C.R. No. 50  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.C.R. No. 50, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO RESTORE FREE AND FAIR ELECTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to urge the United States Congress to convene a convention to propose amendments to the United States Constitution to restore free and fair elections.

Your Committee received testimony in support of this measure from five individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General; American Civil Liberties Union of Hawai'i; Americans for Democratic Action Hawai'i; Common Cause Hawaii; Community Alliance on Prisons; Democratic Party of Hawai'i; Hawaii State AFL-CIO; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; League of Women Voters of Hawaii; Life of the Land; Progressive Democrats of Hawai'i; Sierra Club of Hawai'i; Wolf-PAC; and twenty-seven individuals. Your Committee received comments on this measure from the Convention of States Project Hawaii.

Your Committee finds that since the United States Supreme Court's decision in *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), numerous concerns have been



raised regarding free and fair elections. This measure is intended as a continuing application to the United States Congress to convene a convention to propose amendments to the United States Constitution to restore free and fair elections.

Your Committee notes the concerns raised in testimony received in opposition to this measure that holding a constitutional convention under Article V of the United States Constitution could potentially open up each and every provision of the United States Constitution to amendment or repeal, rather than only addressing concerns regarding free and fair elections as a result of *Citizens United v. Federal Election Commission*. The Department of the Attorney General testified that the potential to open the entire federal constitution up for debate has prompted several states to recently rescind their applications calling for a federal constitutional convention.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the convention to consider a federal constitutional amendment is a limited-purpose convention to address issues raised as a result of the holding of *Citizens United v. Federal Election Commission*;
- (2) Authorizing the Legislature to retain the ability to restrict or expand the authority of its delegates to the limited-purpose convention under certain conditions by concurrent resolution;
- (3) Authorizing the Legislature to reserve the right to rescind its application by concurrent resolution;
- (4) Changing the title to more accurately reflect its amended purpose; and
- (5) 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 and Labor that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 50, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 50, H.D. 1, S.D. 1.



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

  
\_\_\_\_\_  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HCR 50, HDI</b>	Committee Referral: <b>JDL</b>	Date: <b>4/18/17</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.			✓	
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes