

STAND. COM. REP. NO.

3283

Honolulu, Hawaii

MAR 28 2018

RE: S.C.R. No. 76
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.C.R. No. 76 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO CONVENE A LIMITED NATIONAL CONVENTION UNDER ARTICLE V FOR THE EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION THAT WILL LIMIT THE INFLUENCE OF MONEY IN OUR ELECTORAL PROCESS,"

begs leave to report as follows:

The purpose and intent of this measure is to request the United States Congress to convene a limited national convention under Article V of the Constitution of the United States for the exclusive purpose of proposing an amendment to the Constitution that will limit the influence of money in the electoral process.

Your Committee received testimony in support of this measure from Wolf-PAC and twenty individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General, League of Women Voters of Hawaii, Common Cause Hawaii, American Civil Liberties Union of Hawai'i, Life of the Land, Hawai'i Appleseed Center for Law and Economic Justice, and seven individuals. Your Committee received comments on this measure from one individual.

Your Committee finds that the decision of the Supreme Court of the United States in *Citizens United v. Federal Election*



Commission, 130 S.Ct. 876 (2010), had a significant effect on the role of powerful monied interests in election campaigns. Since that decision, many Americans from diverse political backgrounds have called for an amendment to the Constitution of the United States limiting the influence of money in elections. Your Committee further finds that an amendment to the Constitution of the United States limiting the influence of powerful monied interests in elections would lead to a more equitable representation of the public in all levels of government.

Your Committee additionally finds that, under Article V of the Constitution of the United States, an amendment to the Constitution may be proposed either by Congress with a two-thirds majority vote in both the Senate and House of Representatives or by a constitutional convention called for by two-thirds of the state legislatures. In the Regular Session of 2010, the Legislature passed House Concurrent Resolution No. 282, which requested 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. Although eighteen other states passed similar resolutions, Congress has proposed no such amendment.

Your Committee heard testimony expressing concerns that a national convention under Article V of the Constitution of the United States could not practicably be confined to a certain proposed amendment if the delegates chose to consider other issues. While the limits that could potentially be placed on a convention under to Article V have not been definitively established, your Committee notes that numerous amendments to the Constitution have been successfully proposed by Congress following a groundswell of resolutions from a number of state legislatures calling for a constitutional convention.

Your Committee has amended this measure by 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 that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 76, as amended herein, and recommends that it be referred to your



Committee on Ways and Means, in the form attached hereto as S.C.R.
No. 76, S.D. 1.

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


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SCR 76	Committee Referral: JDC, WAM	Date: 3/27/18		
<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
TANIGUCHI, Brian T. (C)		✓		
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado			✓	
THIELEN, Laura H.			✓	
TOTAL	2	1	2	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes