
A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION REGARDING THE
FREEDOM OF SPEECH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the United States
2 Supreme Court's decision in *Citizens United v. Federal Election*
3 *Commission*, 558 U.S. 310 (2010), reversed long-standing campaign
4 finance restrictions and designated corporate spending on
5 elections as free speech protected under the First Amendment of
6 the Constitution of the United States. The decision removed any
7 limits on the amount of money that corporations, special
8 interest groups, and political action committees (PACs) could
9 spend on an election. The legislature further finds that the
10 decision in *Citizens United* is a serious threat to our
11 democracy. Corporations enjoy various advantages, including
12 limited liability, perpetual life, and favorable treatment in
13 the accumulation and distribution of assets, which allow them to
14 amass and spend an extraordinary amount of money on political
15 messages that often have far greater reach and influence than
16 messages from individuals. During the twelve years since the



1 *Citizens United* decision, there has been a massive increase in
2 political spending by corporations, special interest groups, and
3 PACs, dramatically expanding their already outsized political
4 influence on election outcomes and policy decisions.

5 The legislature also finds that at least twenty states,
6 including Hawaii in 2016, have passed legislation urging
7 Congress to pass a proposed constitutional amendment that
8 overturns the decision in *Citizens United*; however, Congress has
9 failed to take any such action and appears unlikely to do so.

10 The purpose of this Act is to propose a symbolic amendment
11 to article I, section 4, of the Hawaii State Constitution to
12 provide that the expenditure of money to influence elections is
13 not a form of speech protected under the Hawaii State
14 Constitution. The legislature acknowledges that this Act will
15 have no binding effect on the Constitution of the United States,
16 nor will it change the outcomes of the *Citizens United* decision.
17 However, the power to amend state constitutions rests with the
18 people of each state, and the legislature believes it is
19 critical that the State of Hawaii express its disapproval of the
20 *Citizen United* decision.



SECTION 2. Article I, section 4, of the Constitution of the State of Hawaii is amended to read as follows:

**"FREEDOM OF RELIGION, SPEECH, PRESS,
ASSEMBLY AND PETITION**

Section 4. No law shall be enacted respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

The freedom of speech shall not include the expenditure of money to influence elections."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the Hawaii State Constitution be amended to symbolically state that freedom of speech protections under the Hawaii State Constitution do not include the expenditure of money to influence elections, as a means to express disapproval of the United States Supreme Court's decision in *Citizens United v. Federal Election Commission* which allows unrestricted spending by corporations on elections?"

SECTION 4. New constitutional material is underscored.



1 SECTION 5. This amendment shall take effect upon
2 compliance with article XVII, section 3, of the Constitution of
3 the State of Hawaii.



Report Title:

Constitutional Amendment; Freedom of Speech; Monetary
Expenditures to Influence Elections

Description:

Proposes a symbolic constitutional amendment to provide that
freedom of speech protected under the Hawaii State Constitution
does not include the expenditure of money to influence
elections. (Proposed SD1)

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