

Honolulu, Hawaii

MAR 18 , 2022

RE: S.B. No. 312
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Government Reform, to which was referred
S.B. No. 312, S.D. 1, 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 a symbolic
amendment to the Hawaii State Constitution to provide that the
expenditure of money to influence elections is not a form of free
speech protected under the Hawaii State Constitution.

Your Committee received testimony in support of this measure
from Common Cause Hawaii.

Your Committee finds that this measure makes clear in the
Hawaii State Constitution that freedom of speech does not include
the expenditure of money to influence elections.

Your Committee finds that to simply submit a purely symbolic
constitutional amendment question to voters will create massive
voter disenfranchisement upon learning that this constitutional
amendment will have no effect upon the ramifications of *Citizens
United*. Your Committee feels that by submitting a straightforward
constitutional amendment on the freedom of speech, as applied to



entities other than individuals, will trigger another review by the United States Supreme Court on this very issue because of the conflict that now exists between the Hawaii State Constitution and the United States Constitution.

Your Committee has amended this measure by:

- (1) Removing language that provides that the amendment to the Hawaii State Constitution proposed by this measure is symbolic; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Government Reform that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 312, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 312, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Government Reform,



ANGUS L.K. MCKELVEY, Chair



Record of Votes of the Committee on Government Reform

Bill/Resolution No.: SB 312, SD1	Committee Referral: GVR, JHA, FIN	Date: 3-16-22		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
GVR Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	✓			
2. WILDBERGER, Tina (VC)	✓			
3. COSTALES, Luella	✓			
4. ELI, Stacelynn K.M.	✓			
5. ICHIYAMA, Linda	✓			
6. MIZUNO, John M.				✓
7. WOODSON, Justin H.	✓			
8. YAMASHITA, Kyle T.	✓			
9. WARD, Gene		✓		
TOTAL (9)	7	1	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <u><i>Tim Winger</i></u>				
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