

MAR 14 2012

SENATE RESOLUTION

REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO PROPOSE
AMENDMENTS TO THE UNITED STATES CONSTITUTION TO ADDRESS
CAMPAIGN SPENDING ISSUES UNDER THE HOLDING OF CITIZENS
UNITED V. FEDERAL ELECTION COMMISSION.

1 WHEREAS, federal statutes and regulations prohibited
2 corporations and unions from using their general treasury funds
3 to make independent expenditures for speech that is an
4 "electioneering communication" or for speech that expressly
5 advocates the election or defeat of a candidate (§203,
6 Bipartisan Campaign Reform Act of 2002); and
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8 WHEREAS, however, the United States Supreme Court in the
9 case of Citizens United v. Federal Election Commission (130
10 S.Ct. 876, 2010) held in pertinent part as follows:
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12 Although the First Amendment provides that "Congress shall
13 make no law . . . abridging the freedom of speech," §441b's
14 prohibition on corporate independent expenditures is an
15 outright ban on speech, backed by criminal sanctions. It is
16 a ban notwithstanding the fact that a PAC created by a
17 corporation can still speak, for a PAC is a separate
18 association from the corporation. Because speech is an
19 essential mechanism of democracy—it is the means to hold
20 officials accountable to the people—political speech must
21 prevail against laws that would suppress it by design or
22 inadvertence. (emphasis added); and
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24 WHEREAS, the effect of Citizens United v. Federal Election
25 Commission gives special interests and their lobbyists even more
26 power in Washington, D.C., while undermining the influence of
27 average Americans who make small contributions to support their
28 preferred candidates; and
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30 WHEREAS, Citizens United v. Federal Election Commission
31 represents a serious abrogation of rights in a democracy to
32 freely elect representatives to Congress and to state
33 legislatures; and
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1 WHEREAS, the United States Supreme Court based its holding
2 on constitutional rights as embodied in the United States
3 Constitution; and
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5 WHEREAS, redressing the impact of the Court's decision
6 requires an amendment to the United States Constitution, which
7 may be made by the Congress upon proposition of amendments to
8 the Constitution and ratification by voters (Article V,
9 Constitution of the United States of America); and
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11 WHEREAS, an amendment to the United States Constitution is
12 necessary to right the imbalance in the election system created
13 by Citizens United v. Federal Election Commission; now,
14 therefore,
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16 BE IT RESOLVED by the Senate of the Twenty-sixth
17 Legislature of the State of Hawaii, Regular Session of 2012,
18 that United States Senator Daniel K. Inouye, United States
19 Senator Daniel K. Akaka, United States Representative Maizie
20 Hirono, and United States Representative Colleen Hanabusa are
21 requested to propose amendments to the United States
22 Constitution to address campaign spending issues under the
23 holding of Citizens United v. Federal Election Commission; and
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25 BE IT FURTHER RESOLVED that certified copies of this
26 Resolution be transmitted to United States Senator Daniel K.
27 Inouye, United States Senator Daniel K. Akaka, United States
28 Representative Maizie Hirono, and United States Representative
29 Colleen Hanabusa.
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