

STAND. COM. REP. NO.

3361

Honolulu, Hawaii

APR 10 2012

RE: S.R. No. 68

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Public Safety, Government Operations, and Military Affairs and Judiciary and Labor, to which was referred S.R. No. 68 entitled:

"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,"

beg leave to report as follows:

The purpose and intent of this measure is to request 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*.

Your Committees received testimony in support of this measure from Common Cause Hawaii and two individuals.

Your Committees find that federal statutes and regulations prohibited corporations and unions from using their general treasury funds to make independent expenditures for speech that is an "electioneering communication" or for speech that expressly advocates the election or defeat of a candidate. However, the United States Supreme Court ruled essentially in the case of *Citizens United v. Federal Election Commission* that the "prohibition on corporate independent expenditures is an outright ban on speech." The holding in *Citizens United v. Federal Election Commission* is giving special interest groups and their lobbyists even more power in Washington, D.C., because it has resulted in undermining the influence of average Americans who

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make small contributions to support their preferred candidates. *Citizens United v. Federal Election Commission* represents a serious abrogation of rights in a democracy to freely elect representatives to Congress and to state legislatures.

As affirmed by the records of votes of the members of your Committees on Public Safety, Government Operations, and Military Affairs and Judiciary and Labor that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 68 and recommend its adoption.

Respectfully submitted on behalf of the members of the Committees on Public Safety, Government Operations, and Military Affairs and Judiciary and Labor,



CLAYTON HEE, Chair



WILL ESPERO, Chair



