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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO PROPOSE A  
CONSTITUTIONAL AMENDMENT TO OVERTURN THE UNITED STATES  
SUPREME COURT'S HOLDING RELATING TO CORPORATE INDEPENDENT  
EXPENDITURES IN *CITIZENS UNITED V. FEDERAL ELECTION  
COMMISSION*.

1           WHEREAS, in *Citizens United v. Federal Election Commission*,  
2 558 U.S. 310 (2010) (*Citizens United*), the United States Supreme  
3 Court (Court) held that the First Amendment prohibits the  
4 government from suppressing political speech in the form of  
5 corporate independent expenditures, based upon the speaker's  
6 corporate identity; and

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8           WHEREAS, the Court has noted that independent expenditures  
9 are considered political speech and therefore protected under  
10 the First Amendment; and

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12           WHEREAS, prior to the Court's decision in *Citizens United*,  
13 corporations were prohibited from using corporate treasury funds  
14 for political independent expenditures or to expressly advocate  
15 the election or defeat of a candidate; and

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17           WHEREAS, the Court has permitted the regulation of certain  
18 speech based upon a speaker's identity when the restriction is  
19 justified by a legitimate governmental interest; and

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21           WHEREAS, there is a clear distinction between human and  
22 corporate political speech relating to the election of public  
23 officials and campaign spending; and

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25           WHEREAS, in his dissent in *Citizens United*, Justice Stevens  
26 pointed out that the Court had previously found that there is a  
27 compelling governmental interest in preserving the integrity of  
28 the electoral process, preventing corruption, sustaining the  
29 active, alert responsibility of the individual citizen in a



1 democracy for the wise conduct of the government, and  
2 maintaining the individual citizen's confidence in government;  
3 and  
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5 WHEREAS, despite restrictions on corporate independent  
6 expenditures from corporate treasuries, corporate political  
7 speech may be expressed in additional manners, particularly by  
8 the establishment of a political action committee, commonly  
9 referred to as PACs, which use separated segregated funds; and  
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11 WHEREAS, Justice Steven's dissent noted that in a recent  
12 election cycle, corporate and union PACs had raised nearly a  
13 billion dollars; and  
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15 WHEREAS, Justice Stevens stated that the decision made by  
16 the *Citizens United* Court "threatens to undermine the integrity  
17 of elected institutions across the Nation. The path it has  
18 taken to reach its outcome will, I fear, do damage to this  
19 institution" and that "a democracy cannot function effectively  
20 when its constituent members believe laws are being bought and  
21 sold"; and  
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23 WHEREAS, it is in the public interest of the nation to have  
24 limitations on corporate campaign contributions and independent  
25 expenditures relating to the election of government officials;  
26 now, therefore,  
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28 BE IT RESOLVED by the House of Representatives of the  
29 Twenty-seventh Legislature of the State of Hawaii, Regular  
30 Session of 2013, the Senate concurring, that the Legislature  
31 requests the United States Congress to propose an amendment to  
32 the United States Constitution to overturn the United States  
33 Supreme Court's holding on corporate independent expenditures in  
34 *Citizens United v. the Federal Election Commission*; and  
35

36 BE IT FURTHER RESOLVED that the proposed constitutional  
37 amendment is requested to allow states to:  
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- 39 (1) Prohibit corporate direct donations and independent  
40 expenditures relating to the election or defeat of  
41 candidates for public office;  
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43 (2) Prohibit political action committees and non-candidate  
44 committees from independent expenditures relating to



- 1 the election or defeat of candidates for public
- 2 office;
- 3
- 4 (3) Require the reporting of the identity of all campaign
- 5 donors; and
- 6
- 7 (4) Limit the expenditures by candidates for public
- 8 office; and
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10 BE IT FURTHER RESOLVED that certified copies of this  
11 Concurrent Resolution be transmitted to the Majority Leader of  
12 the United States Senate, the Speaker of the United States House  
13 of Representatives, members of Hawaii's congressional  
14 delegation, and to each of the presiding officers of the  
15 legislative bodies of each state of the United States of  
16 America.

