
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 Stevens' 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
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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 making independent expenditures



1 relating to the election or defeat of candidates for
2 public office;

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4 (3) Require the reporting of the identity of all campaign
5 donors; and

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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.

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