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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  
7

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



1 the electoral process, preventing corruption, sustaining the  
2 active, alert responsibility of the individual citizen in a  
3 democracy for the wise conduct of the government, and  
4 maintaining the individual citizen's confidence in government;  
5 and

6  
7 WHEREAS, despite restrictions on corporate independent  
8 expenditures from corporate treasuries, corporate political  
9 speech may be expressed in additional manners, particularly by  
10 the establishment of political action committees, commonly  
11 referred to as PACs, which use separated segregated funds; and  
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13 WHEREAS, Justice Stevens' dissent noted that in a recent  
14 election cycle, corporate and union PACs had raised nearly a  
15 billion dollars; and  
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17 WHEREAS, Justice Stevens stated that the decision made by  
18 the *Citizens United* Court "threatens to undermine the integrity  
19 of elected institutions across the Nation. The path it has  
20 taken to reach its outcome will, I fear, do damage to this  
21 institution" and that "a democracy cannot function effectively  
22 when its constituent members believe laws are being bought and  
23 sold"; and  
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25 WHEREAS, it is in the public interest of the nation to have  
26 limitations on corporate campaign contributions and independent  
27 expenditures relating to the election of government officials;  
28 and  
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30 WHEREAS, Article V of the United States Constitution  
31 requires the United States Congress to call a constitutional  
32 convention upon application of two-thirds of the legislatures of  
33 the several states for the purpose of proposing amendments to  
34 the United States Constitution; now, therefore,  
35

36 BE IT RESOLVED by the House of Representatives of the  
37 Twenty-eighth Legislature of the State of Hawaii, Regular  
38 Session of 2015, the Senate concurring, that the Legislature  
39 hereby applies to the United States Congress to call a  
40 constitutional convention pursuant to Article V of the United  
41 States Constitution for the sole purpose of proposing an  
42 amendment to the United States Constitution that would limit



# H.C.R. NO. 36

1 corporate personhood for purposes of campaign finance and  
2 political speech and would further declare that money does not  
3 constitute speech and may be legislatively limited; and  
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5 BE IT FURTHER RESOLVED that this Concurrent Resolution  
6 constitutes a continuing application to call a constitutional  
7 convention pursuant to Article V of the United States  
8 Constitution until at least two-thirds of the legislatures of  
9 the several states apply to the United States Congress to call a  
10 constitutional convention for the sole purpose of proposing an  
11 amendment to the United States Constitution that would limit  
12 corporate personhood for purposes of campaign finance and  
13 political speech and would further declare that money does not  
14 constitute speech and may be legislatively limited; and  
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16 BE IT FURTHER RESOLVED that this application is for a  
17 limited constitutional convention and does not grant Congress  
18 the authority to call a constitutional convention for any  
19 purpose other than for the sole purpose set forth in this  
20 Concurrent Resolution; and  
21

22 BE IT FURTHER RESOLVED that certified copies of this  
23 Concurrent Resolution be transmitted to the Majority Leader of  
24 the United States Senate, the Speaker of the United States House  
25 of Representatives, members of Hawaii's congressional  
26 delegation, and to each of the presiding officers of the  
27 legislative bodies of each state of the United States of  
28 America.  
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OFFERED BY:



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