

COUNCIL OF THE COUNTY OF MAUI  
**POLICY AND INTERGOVERNMENTAL  
AFFAIRS COMMITTEE**

October 6, 2015

**Committee  
Report No. \_\_\_\_\_**

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy and Intergovernmental Affairs Committee, having met on September 14, 2015, makes reference to County Communication 15-126, from Presiding Officer Pro Tempore Michael P. Victorino, transmitting a proposed resolution entitled “REQUESTING MAUI COUNTY’S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PERMIT CONGRESS AND THE STATES TO REGULATE THE INFLUENCE OF CORPORATE POWER ON THE POLITICAL SYSTEM.”

The purpose of the proposed resolution is to urge Maui County’s delegation to the United States Congress to support a constitutional amendment to clarify the distinction between the rights of natural persons and the rights of corporations, with the objective of negating the United States Supreme Court’s holding in Citizens United v. Federal Elections Commission, 558 U.S. 310 (2010), and restoring the authority of Congress and the states to regulate the influence of corporate power on the political system.

The Chair of your Committee transmitted a revised proposed resolution entitled “REQUESTING MAUI COUNTY’S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PERMIT CONGRESS AND THE STATES TO REGULATE THE INFLUENCE OF CORPORATE POWER ON THE POLITICAL SYSTEM.”

The revised proposed resolution was updated to include a reference to the Kauai County Council’s adoption of a similar resolution and to incorporate nonsubstantive revisions.

COUNCIL OF THE COUNTY OF MAUI

**POLICY AND INTERGOVERNMENTAL  
AFFAIRS COMMITTEE**

Page 2

**Committee  
Report No. \_\_\_\_\_**

Your Committee noted strong public support for the ability of government to set a cap on political contributions by corporations.

Your Committee further noted the three other county councils in Hawaii and the State Legislature have adopted similar resolutions. If the revised proposed resolution is adopted, all legislative bodies in Hawaii will be on record urging the State's congressional delegation to support a constitutional amendment overturning Citizens United.

Your Committee voted 5-0 to recommend adoption of the revised proposed resolution and filing of the communication. Committee Chair Victorino and members Baisa, Carroll, Crivello, and Guzman voted "aye." Committee Vice-Chair Couch and members Cochran, Hokama, and White were excused.

Your Policy and Intergovernmental Affairs Committee RECOMMENDS the following:

1. That Resolution \_\_\_\_\_, as revised herein and attached hereto, entitled "REQUESTING MAUI COUNTY'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PERMIT CONGRESS AND THE STATES TO REGULATE THE INFLUENCE OF CORPORATE POWER ON THE POLITICAL SYSTEM," be ADOPTED; and
2. That County Communication 15-126 be FILED.

COUNCIL OF THE COUNTY OF MAUI  
**POLICY AND INTERGOVERNMENTAL  
AFFAIRS COMMITTEE**

Page 3

**Committee  
Report No. \_\_\_\_\_**

This report is submitted in accordance with Rule 8 of the Rules of the Council.



\_\_\_\_\_  
MICHAEL P. VICTORINO, Chair

pia:cr:15023aa:kcw

# Resolution

No. \_\_\_\_\_

REQUESTING MAUI COUNTY'S CONGRESSIONAL DELEGATION TO SUPPORT AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PERMIT CONGRESS AND THE STATES TO REGULATE THE INFLUENCE OF CORPORATE POWER ON THE POLITICAL SYSTEM

WHEREAS, the majority opinion in *Citizens United v. Federal Elections Commission* (2010) held that corporations are "people" and, therefore, enjoy the right to free speech under the First Amendment to the United States Constitution; and

WHEREAS, the constitutional right to free speech should be exclusive to natural persons; and

WHEREAS, corporations are not natural persons, but rather legal entities granted conditional rights by society through the legislative deliberations of Congress and the states; and

WHEREAS, the ruling of the United States Supreme Court in *Citizens United* threatens to invalidate the authority of Congress and the states to regulate the influence of corporate power on the political system; and

WHEREAS, the majority opinion further held that campaign contributions by corporations are free speech; and

WHEREAS, the opinion of the four dissenting Justices in *Citizens United* noted corporations have certain privileges not enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of their accumulation and distribution of assets, which financially enables them to overwhelm individual, natural persons in the political process; and

WHEREAS, a constitutional ruling by the Supreme Court cannot be overturned by legislation; and

WHEREAS, more than 600 state and municipal legislatures, including the Hawaii State Legislature, Honolulu City Council, Kauai County Council, and Hawaii County Council have adopted resolutions supporting a constitutional amendment reversing *Citizens United*; and

**Resolution No. \_\_\_\_\_**

WHEREAS, Senate Joint Resolution 7 (2015) and House Joint Resolution 23 (2015), each of which would initiate such a constitutional amendment, are both pending in the 114<sup>th</sup> Congress; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it respectfully urges Maui County's delegation to the United States Congress to support a constitutional amendment to clarify the distinction between the rights of natural persons and the rights of corporations, with the objective of reversing *Citizens United v. Federal Elections Commission* (2010) and restoring the authority of Congress and the states to regulate the influence of corporate power on the political system; and
2. That copies of this resolution be transmitted to the Honorable Brian Schatz, United States Senator; the Honorable Mazie K. Hirono, United States Senator; and the Honorable Tulsi Gabbard, Member of Congress.