

# Resolution

No. 15-124

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

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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 Hirono, United States Senator; and the Honorable Tulsi Gabbard, Member of Congress.

**COUNCIL OF THE COUNTY OF MAUI**

**WAILUKU, HAWAII 96793**

**CERTIFICATION OF ADOPTION**

**It is HEREBY CERTIFIED that RESOLUTION NO. 15-124 was adopted by the Council of the County of Maui, State of Hawaii, on the 6th day of October, 2015, by the following vote:**

<b>MEMBERS</b>	<b>Michael B. WHITE Chair</b>	<b>Donald S. GUZMAN Vice-Chair</b>	<b>Gladys C. BAISA</b>	<b>Robert CARROLL</b>	<b>Eleanora COCHRAN</b>	<b>Donald G. COUCH, JR.</b>	<b>S. Stacy CRIVELLO</b>	<b>G. Riki HOKAMA</b>	<b>Michael P. VICTORINO</b>
<b>ROLL CALL</b>	<b>Aye</b>	<b>Excused</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>	<b>Aye</b>

  
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COUNTY CLERK