

Hawai`i State Association of Counties (HSAC)

Counties of Kaua`i, Maui, Hawai`i and City & County of Honolulu

200 S. High Street, Wailuku, Hawaii 96793 (808) 270-7665

www.hicounties.com



April 15, 2016

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair
Senate Committee on Judiciary and Labor

FROM: Michael P. Victorino
HSAC President

Michael P. Victorino

SUBJECT: **HEARING OF APRIL 18, 2016; TESTIMONY IN SUPPORT OF HCR 29, URGING HAWAII'S CONGRESSIONAL DELEGATION TO PROPOSE AND PASS A PROPOSED AMENDMENT TO THE UNITED STATES CONSTITUTION CLARIFYING THAT CORPORATIONS ARE NOT PEOPLE WITH CONSTITUTIONAL RIGHTS, AND THAT UNLIMITED CAMPAIGN SPENDING IS NOT FREE SPEECH**

Thank you for the opportunity to testify on behalf of the Hawaii State Association of Counties in **support** of this measure. The purpose of this measure is urge Hawaii's congressional delegation to propose and pass an amendment to the United States Constitution clarifying that corporations are not people with constitutional rights and that unlimited campaign spending is not free speech.

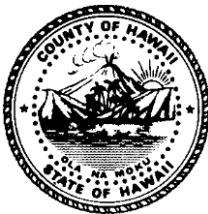
A similar measure is included in the HSAC package (SCR 22). HSAC supports this measure for the following reasons:

1. The majority opinion of the United States Supreme Court 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.
2. The constitutional right to free speech should be exclusive to natural persons. Corporations are not natural persons, but rather legal entities granted conditional rights by society through the legislative deliberations of Congress and the states.
3. The ruling in *Citizens United* threatens to invalidate the authority of Congress and the states to regulate the influence of corporate power on the political system.

Mahalo for your consideration.

HSAC:FY2016:16Testimony:HCR29c_mkz

Karen Eoff
Council Member
Council District 8 - North Kona



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Fax: (808) 329-4786
Email: karen.eoff@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL

County of Hawai'i
West Hawai'i Civic Center, Bldg. A
74-5044 Ane Keohokalole Hwy.
Kailua-Kona, Hawai'i 96740

April 15, 2016

Senate Committee on Judiciary and Labor
Senator Gilbert S. C. Keith Agaran, Chair
Senator Maile S. L. Shimabukuro, Vice Chair

Re: **Testimony Supporting HCR29**; RESOLUTION URGING HAWAII'S
CONGRESSIONAL DELEGATION TO PROPOSE AND PASS A PROPOSED AMENDMENT
TO THE UNITED STATES CONSTITUTION CLARIFYING THAT CORPORATIONS ARE
NOT PEOPLE WITH CONSTITUTIONAL RIGHTS, AND THAT UNLIMITED CAMPAIGN
SPENDING IS NOT FREE SPEECH.
Hearing Date and Time: April 18, 2016 at 2:30 p.m., Conference Room 325

Dear Committee:

On behalf of myself and constituents of Council District 8, North Kona, our support for the above referenced resolution is expressed, with brief testimony provided as follows:

We support urging the Congressional Delegation to propose and pass an amendment to the United States Constitution to clarify that corporations are not people with constitutional rights, and that unlimited campaign spending is not free speech.

The constitutional right to free speech should be exclusive to natural persons, and corporations are not natural persons. Corporations are legal entities given conditional rights by society through legislative deliberations of congress and the states. A ruling in Citizens United threatens to invalidate the authority of Congress and the states to regulate the influence of corporate power on the political system.

Thank you for this opportunity to provide support. I recommend passing this resolution.

Sincerely,

KAREN EOFF, Vice Chair,
Council District 8, North Kona

KE.wpb



Senate Judiciary + Labor Committee
Chair Keith-Agaran, Vice Chair Shimabukuro

Monday, 04/18/2016 at 2:30 PM in Room 325
HCR 29 – Relating to United States Constitutional Amendment and *Citizens United*

TESTIMONY
Carmille Lim, Executive Director, Common Cause Hawaii

Dear Chair Keith-Agaran, Vice Chair Shimabukuro, and members of the Committee:

Common Cause Hawaii supports HCR 29 which would urge Hawaii’s congressional delegation to propose and pass an amendment to the United States Constitution clarifying that corporations do not have the same constitutional rights as people and that unlimited campaign spending is not free speech.

This resolution is in response to the 2010 U.S. Supreme Court *Citizens United v. FEC* decision, which opened the flood gates for unlimited spending by special interest groups via Super PACs.

Since the decision, the Hawaii State Legislature has supported resolutions urging our congressional delegation to support an amendment to overturn *Citizens United* (HCR282, 2010; HR44, 2011; SR68, 2012). Additionally, in order to address some of the implications of the decision, the Legislature has strengthened Hawaii’s campaign finance laws (via Act 112, 2013; Act 78, 2015; Act 209, 2015).

While we acknowledge and appreciate that the Legislature has been proactive regarding this issue, since Congress has failed to act, we encourage the passage of HCR29 to reaffirm the Legislature’s support of a constitutional amendment, and to ensure that this issue remains a top priority for our congressional delegation.

Thank you for the opportunity to offer testimony **supporting HCR 29**.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HCR29 on Apr 18, 2016 14:30PM
Date: Saturday, April 16, 2016 10:00:00 AM

HCR29

Submitted on: 4/16/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments: Strongly Support. Lead or get out of the way. www.MoveToAmend.org
www.WeAreOne.cc

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Subject: Submitted testimony for HCR29 on Apr 18, 2016 14:30PM
Date: Sunday, April 17, 2016 1:10:59 PM

HCR29

Submitted on: 4/17/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
christine trecker	Individual	Support	No

Comments: We must put a lid on out of control campaign spending by special interests if we are to restore our democratic ideals and engage citizens in the political process. HCR29 spells out one key strategy that must be taken: Amend the Constitution to clarify that corporations are not people with constitutional rights and that unlimited campaign spending is not free speech. HCR29 sends a clear message that voters come first in a democracy and that Hawaii's congressional delegation must be committed to reversing the Citizen's United ruling. I urge you to pass this resolution. Thank you for the opportunity to testify.

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To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HCR29 on Apr 18, 2016 14:30PM
Date: Friday, April 15, 2016 3:48:46 PM

HCR29

Submitted on: 4/15/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dave Kisor	Individual	Support	No

Comments: A corporation is a business and in no way, shape or form can a business be a person.

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To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HCR29 on Apr 18, 2016 14:30PM
Date: Sunday, April 17, 2016 2:19:05 AM

HCR29

Submitted on: 4/17/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
David Nakao	Individual	Comments Only	No

Comments: Testimony In Support of HCR 29 Committee on Judiciary Representative Karl Rhoads, Chair Representative Joy A. San Buenaventura, Vice Chair Re: Testimony Supporting HCR29; URGING HAWAII'S CONGRESSIONAL DELEGATION TO PROPOSE AND PASS A PROPOSED AMENDMENT TO THE UNITED STATES CONSTITUTION CLARIFYING THAT CORPORATIONS ARE NOT PEOPLE WITH CONSTITUTIONAL RIGHTS, AND THAT UNLIMITED CAMPAIGN SPENDING IS NOT FREE SPEECH. Dear Committee, My name is David Nakao and I am a resident of the State of Hawaii from Mililani. I am currently a student attending the University of Hawaii at Manoa under the Myron B. Thompson School of Social Work. I am here in regards to express my great support for HCR 29 to propose and pass an amendment clarifying that corporations are not people with constitutional rights and that unlimited campaign spending is not free speech. I am in support of HCR 29 because I believe that corporations should not be regarded as people who have constitutional rights, nor have the ability to donate an almost unlimited supply of money to campaigns. I believe that by allowing corporations to be regarded as people it has hindered our political parties ability to effectively represent voters in our elections. As we currently classify corporations as people with natural rights of our United States it does not seem right to allow a business to have a louder political voice in a society that glorifies the monetary success of that corporation and to say that they can share an equal a voice as the individual voter in our political system. I am in strong support of HCR 29 in regards to proposing and passing an amendment to the United States clarifying that corporations are not people with constitutional rights and that unlimited campaign spending is not free speech. I urge the committee to consider passing this amendment to the United States so that corporations now and in the future do not have an advantage and unequal voice with natural citizens of the United States in regards to the influence in our political system. Mahalo for allowing me to express my support, David Nakao

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Subject: Submitted testimony for HCR29 on Apr 18, 2016 14:30PM
Date: Sunday, April 17, 2016 1:05:03 PM

HCR29

Submitted on: 4/17/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Gwen Ilaban	Individual	Support	No

Comments: CORPORATIONS ARE NOT PEOPLE WITH CONSTITUTIONAL RIGHTS AND THAT UNLIMITED CAMPAIGN SPENDING IS NOT FREE SPEECH.

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Subject: *Submitted testimony for HCR29 on Apr 18, 2016 14:30PM*
Date: Sunday, April 17, 2016 12:27:45 PM

HCR29

Submitted on: 4/17/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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Subject: *Submitted testimony for HCR29 on Apr 18, 2016 14:30PM*
Date: Friday, April 15, 2016 6:37:46 PM

HCR29

Submitted on: 4/15/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Joseph A. Bobich	Individual	Support	No

Comments:

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Subject: *Submitted testimony for HCR29 on Apr 18, 2016 14:30PM*
Date: Saturday, April 16, 2016 7:07:43 AM

HCR29

Submitted on: 4/16/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Katarina Culina	Individual	Support	No

Comments:

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Subject: Submitted testimony for HCR29 on Apr 18, 2016 14:30PM
Date: Sunday, April 17, 2016 12:17:06 PM

HCR29

Submitted on: 4/17/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
KIMBERLY ROTTAS	Individual	Support	No

Comments: Chair Keith-Agaran, Vice Chair Shimabukuro, members of the committee. I'm testifying in support of HCR29. I also would support any current or future resolutions with more specific language recommending a public campaign finance system. I also would support any current or future measure directly petitioning Congress for a Constitutional Convention called by 2/3rds of the State Legislatures such as last year's HCR53 or this year's SCR40. Thank you.

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Cc:
Subject: Submitted testimony for HCR29 on Apr 18, 2016 14:30PM
Date: Saturday, April 16, 2016 7:11:45 AM

HCR29

Submitted on: 4/16/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Lee Eisenstein	Individual	Support	No

Comments: I strongly support HCR 29. The legal fiction of Corporate, "Personhood", is a fraud and works strongly against the public interest. Likewise, the corrupt legal fiction that cash is speech is totally false. If cash is free speech, then bribery should be legal and it is, (in our bought and paid for democracy). We need publicly funded elections, on all levels. Cash is clearly NOT speech. End this charade by our nation's ruling elite corporations, banks, ect. Support HCR 29.

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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, April 14, 2016 10:46 PM
To: JDLTestimony
Cc:
Subject: Submitted testimony for HCR29 on Apr 18, 2016 14:30PM

HCR29

Submitted on: 4/14/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
marvin feldman	MTA	Support	No

Comments: I am a Hawaii Resident writing in support of HCR 29 HCR 29, enjoys wide bipartisan support. HSAC approved a version of SCR 22/HCR 29 as part of its recommended legislative package for the current session. All Hawaii counties have already passed almost identical resolutions. This bill is part of a state and national grassroots movement to help restore our precious democracy which has been compromised by the corporate and big money domination of the electoral process. Recent US Supreme Court decisions, notably Citizens United vs. FEC; McCutcheon vs. FEC; and Burwell vs. Hobby Lobby have entrenched the mistaken notions that corporations have the Constitutional rights of natural persons, and that campaign spending is a form of free speech which cannot be regulated. The only remedy for this misguided trend is an amendment to the US Constitution, such as that called for in /HCR 29. Passage of HCR 29 will direct Hawaii's Congressional delegation to support such a Constitutional amendment. As you know, amending the US Constitution is a long and arduous process, but it has been done 27 times. The organization I represent, Move to Amend, is developing a grassroots effort to move forward with the amendment. With affiliates in 20 states, Move to Amend has developed a ten year plan leading to ratification of the amendment. Approval of state resolutions such as /HCR 29 is an important step in this process. I urge you to expeditiously approve this bill for passage in your Committee. Marvin Feldman, Chair Move to Amend Kona Affiliate

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Cc:
Subject: Submitted testimony for HCR29 on Apr 18, 2016 14:30PM

HCR29

Submitted on: 4/15/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Raina M. Dale	Individual	Support	No

Comments: Please support HCR 29.

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Cc:
Subject: Submitted testimony for HCR29 on Apr 18, 2016 14:30PM
Date: Sunday, April 17, 2016 8:52:05 AM

HCR29

Submitted on: 4/17/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Rexann Dubiel	Individual	Support	No

Comments: Please...be pono. Do what is honest and right!

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Cc:
Subject: Submitted testimony for HCR29 on Apr 18, 2016 14:30PM

HCR29

Submitted on: 4/15/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments: Strongly Support. Unlimited, unaccounted for campaign contributions is unsustainable, undemocratic, and must end asap. Please do your part to protect our country and end this shameful chapter in our history. Mahalo!

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Subject: Submitted testimony for HCR29 on Apr 18, 2016 14:30PM
Date: Sunday, April 17, 2016 12:25:23 PM

HCR29

Submitted on: 4/17/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Steffanie Humphrey	Individual	Support	Yes

Comments: Chair Keith-Agaran, Vice Chair Shimabukuro, members of the committee. I'm testifying in support of HCR29. I also would support any current or future resolutions with more specific language recommending a public campaign finance system. I also would strongly and enthusiastically support any current or future measure directly petitioning Congress for a Constitutional Convention called by 2/3rds of the State Legislatures such as last year's HCR53 or this year's SCR40. Thank you.

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Chair Keith-Agaran, Vice Chair Shimabukuro, members of the committee:

I'm testifying in support of House Concurrent Resolution 29. I am pleased the Chair, and members of the committee have decided to hear this important resolution. This is an excellent first step in tackling the important and ever-worsening problem of undue influence by wealthy corporations on many of our elected officials. The resolution clearly defines some of the key shortcomings of the current campaign finance system in the United States.

I would like the Committee and the Legislature to consider amending the resolution to include a recommendation for public financing of elections be included in the proposed Constitutional Amendment. This small change would add a suggested solution to the stated problem.

I would also like to take this opportunity to stress the importance that this committee and this legislature continue to work towards a resolution with similar language to Senate Concurrent Resolution 40 and House Concurrent Resolution 53 from the 2015 session. Please allow me to highlight the key differences and the importance of continuing to strive for the language in those resolutions.

The resolution as it stands now is basically a formal suggestion to the four individuals currently representing Hawaii in Congress, that they should together or separately compose, introduce, advocate, and eventually vote for a constitutional amendment addressing the issue of campaign finance with a specific narrow focus on ending corporate personhood and unlimited corporate political contributions, but these are only two parts of a much larger problem, and this path is neither the only path to a constitutional convention nor is it in my humble opinion the most effective path to an amendment addressing this particular issue.

I support passing this resolution, but I also support using every tool available to try to fix the problems identified. That is why I also strongly support passage of a concurrent resolution directly petitioning the United States Congress to call a Constitutional Convention via petition from the legislatures of 2/3rds of the states which is the other path to proposing constitutional amendments described in Article V of the United States Constitution. I firmly believe that this is the more effective path towards actually achieving an amendment on this specific issue, because this would be an amendment like few others before it.

This would be an amendment specifically targeted at regulating the behavior of members of the United States Congress. This means that no matter how much confidence we have in the individuals we have elected to represent the great State of Hawaii in Washington, we, by virtue of the very nature of the problem we are trying to correct, can not necessarily hold the same confidence in the other 531 members of Congress. We can't trust such an important issue, which has the ability to influence and undermine every legislative, executive, and judicial effort to represent the interests of the people to the very legislative body which this resolution implies may have already been unduly influenced against the passage of such an amendment.

Free and fair elections are the basis upon which our republic and all lower forms of government within function. The issue is too important to trust to a Congress which has so far refused to even acknowledge the problem. The issue is too persistent and long-standing in our nation going back much further than 2010 when Citizens United was decided, and the issue has only gotten worse. The undue influence to members of Congress is already probably far too wide spread to believe that they will be the first to act.

In the vast majority of Congressional Elections, money spent on the campaign correlates directly with being elected, incumbents win nearly all Congressional seats, a few brave members of Congress complain of regularly spending way too much time in uncomfortable call centers soliciting the very donations this resolution seeks to end, and inevitably spending a disproportionate amount of time and resources listening to and addressing donor concerns, and many, possibly most end up making promises to their donors. This resolution by definition is directly opposed to the concerns of Congressional donors. If there is even the slightest doubt that the undue influence of campaign contributions has already spread to too much of the Congress to make passage of an amendment proposed by Congress feasible, then we must pursue a convention called by the States.

The path towards a convention called by the States is already enjoying overwhelming support from both chambers of the Hawaii State Legislature. This is evidenced by the fact that in 2015, just last session, HCR 53 was approved by the House by a 45-0 vote. HCR 53 was a measure which directly petitioned Congress for a Constitutional Convention called by 2/3rds of the State Legislatures and more directly identified the potential for a corrupting influence from campaign contributions. HCR 53 also specifically suggested that the proposed amendment to fix the problem include provisions for public financing of elections. It also reminded the Congress of the states which have already passed similar resolutions so that Congress could properly identify and count the number of states petitioning for such an amendment and hold a convention when 2/3rds of the States had petitioned as such. This session SCR 40 has nearly identical language, and thus is substantively the same as HCR 53 from 2015 on all of the points mentioned.

Between HCR 53 and SCR 40, this language has passed through every relevant committee except this one with only one legislator ever voting no. Additionally SCR 40 lists as introducers 3 members of this committee including Vice Chair Shimabukuro. The Attorney General has even weighed in on these resolutions and only offered a few clarifying amendments which were adopted in SCR 40 SD 1. This leads me to believe that this legislature and this committee have the power and support necessary to pass a resolution with the language of HCR 53 and SCR 40 if it is made a priority.

As for those citizens who feel as I do, we will continue to strive for the passage of such a resolution. As I've stated, the issue is too important, and obstacles to passage via the route of Congress are too great not to pursue such a measure. If the Legislature is unable due to the tight legislative schedule to pass such a resolution during the regular session, then we will call upon Governor Ige to call a special session to address this topic.

Personally, as a lay person, I would support this committee today adopting an amendment to this resolution which basically deletes every word and inserts the language of HCR 53 and SCR 40. This legislature has done this before with other measures, and I believe it has been demonstrated that the House would support such language, and that the committee on Public Safety, Intergovernmental, and Military Affairs, which passed SCR 40 earlier this session, would support this language as well. If, however, this committee feels strongly in favor of the resolution as written, or if there are procedural complications I'm unaware of, then I do in fact support passage of this measure as a great beginning and a great complimentary measure to the eventual passage of a resolution using the language of HCR 53 and SCR 40.

Thank you.

Stephanie Mikhail

TESTIMONY ON HCR 29

SENATE COMMITTEE ON JUDICIARY AND LABOR

SEN. KEITH-AGARAN, CHAIR SEN. SHIMABUKURO, VICE-CHAIR

HEARING ON HCR 29 – RELATING TO UNITED STATES CONSTITUTIONAL AMENDMENT
AND CITIZENS UNITED

MONDAY, APRIL 18, 2:30 p.m. CONFERENCE ROOM 325

Dear Chair Keith-Agaran, Vice-Chair Shimabukuro, and Members of the Committee:

For some years I have followed campaign finance issues from the Big Island. Now I am in strong support of HCR 29.

The 2010 U.S. Supreme Court decision in Citizens United vs. FEC permits the spending of immense amounts by special interest groups everywhere in the country. Campaign Spending Commission records show that in 2014, Super Pacs spent almost \$8 million influencing Hawai'i state and county races. The public feels increasingly powerless in the face of that influence; public trust in the election process steadily erodes.

Support for this resolution comes from all islands. HSAC has so testified. With passage of this resolution, Hawai'i's Congressional delegation can support a Constitutional amendment to declare that campaign spending is NOT un-regulatable free speech. Such an amendment will also make it clear that corporations do not have the Constitutional rights of natural persons.

I support this measure over others that have been introduced this session because it does not call for a Constitutional Convention, which could be dangerous to Constitutional integrity.

Please vote in favor of this resolution.

Thank you for considering my testimony.

Susan Dursin

Captain Cook, Hawai'i

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To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for HCR29 on Apr 18, 2016 14:30PM
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HCR29

Submitted on: 4/16/2016

Testimony for JDL on Apr 18, 2016 14:30PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments: I support this because elections deserve to be decided by the people not wealthy contributions.

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