

**HCR 282, HD 1**

DEMOCRATIC PARTY OF HAWAII  
1050 Ala Moana Blvd., Suite 2660  
Honolulu, HI 96814  
Tel. (808) 596-2980  
Email: [dempartychair@gmail.com](mailto:dempartychair@gmail.com)  
[www.hawaiidemocrats.org](http://www.hawaiidemocrats.org)

April 23, 2010

HOUSE OF REPRESENTATIVES – REGULAR SESSION 2010  
COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND  
INTERGOVERNMENTAL AFFAIRS (TIA)

10:30 AM; Conf. Rm. 225

HCR 282, HD1 - REQUESTING CONGRESS TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PERMIT CONGRESS AND THE STATES TO REGULATE THE EXPENDITURE OF FUNDS BY CORPORATIONS ENGAGING IN POLITICAL SPEECH.

Chair Sen. J. Kalani English, V. C. Mike Gabbard and Committee Members:

I am Dante K. Carpenter, Interim Chair of the Democratic Party of Hawaii. Speaking for its membership, we would like to thank the Senate Committee on Transportation, International and Intergovernmental Affairs for hearing this measure HCR 282, HD 1, relating to Congressional action to permit both the congress and state legislatures to regulate the expenditure of funds by corporations engaging in political speech.

In response to the *Supreme Court's* ruling in *January 2009*, on *Citizens United v. Federal Elections Commission*, the Hawaii State Democratic Party's State Central Committee adopted a resolution similar to HCR 282, which emerged as HCR 282, HD1.

Interestingly, the case law cited in this ruling was taken from an *1886 US Supreme Court Case, Santa Clara County v. Southern Pacific Railroad headnote* and was never a part of the official ruling in that case.

The real concern of voters – that their voices will be drowned out by wealthy corporate interests – is well founded, as they have seen time and time again, armies of corporate lobbyists descending on capitol hill to fight everything from healthcare reform and financial regulatory reform to efforts to lower energy costs and reverse the effects of global climate change – legislation that will definitely help the majority of American people.

The Democratic Party of Hawaii feels this ruling blurs the lines of between the rights of natural persons and those of corporate entities. It undermines free and fair elections and will further erode voter confidence in our system of democracy. This Supreme Court ruling must not be allowed to stand. We strongly support HCR, HD1, un-amended.

Thank you very much.



P.O. Box 22703 • Honolulu, Hawaii 96823 • (808) 275-6275  
Web: [www.commoncausehawaii.org](http://www.commoncausehawaii.org) • Email: [info@commoncausehawaii.org](mailto:info@commoncausehawaii.org)

**Senate TIA Committee**  
**Friday 4/23/2010 at 10:30AM in Room 225**  
**HCR282 HD1**

**TESTIMONY**

Nikki Love, Executive Director, Common Cause Hawaii

Chair English, Vice Chair Gabbard, and Committee Members:

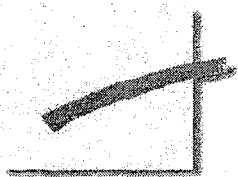
Common Cause Hawaii supports HCR282 HD1. The resolution calls for a constitutional amendment to clarify the distinction between the rights of natural persons versus corporations, to allow for Congress and states to place limits on corporate political expenditures.

This resolution is in response to the recent Supreme Court decision in *Citizens United v. FEC*, which promises to further amplify political participation by monied interests. As described by President Barack Obama in the State of the Union address, the decision has opened the floodgates for special interests to spend without limit in our elections. A Washington Post/ABC News poll found that 80% of the public disagreed with the Supreme Court's decision, and that disagreement comes from across the spectrum of party and ideology.

Since the Supreme Court decision, members of Congress have been crafting proposals to combat the problem, ranging from new disclosure laws to shareholder approval requirements to public funding for Congressional campaigns. However, the options for meaningful campaign finance reform are significantly limited unless we as a country address the critical but painfully obvious point: corporations should not have the same rights as people.

We ask that the Hawaii legislature make a strong statement on this topic, and urge you to pass this resolution.

Mahalo for the opportunity to submit testimony.



## THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY ON HCR 282 HD1 REQUESTING CONGRESS TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO PERMIT CONGRESS AND THE STATES TO REGULATE THE EXPENDITURE OF FUNDS BY CORPORATIONS ENGAGING IN POLITICAL SPEECH

Committee on Transportation, International and Intergovernmental Affairs  
April 23, 2010  
10:30 a.m.  
Conference Room 225

Testifier: JoAnn Maruoka

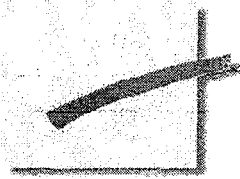
Chair English, Vice Chair Gabbard, and TIA Committee members,

The League of Women Voters of Hawaii strongly supports this resolution to Congress.

On January 21, 2010 in a 5-4 decision on *Citizens United v. Federal Election Commission*, the U.S. Supreme Court ruled that corporations and unions are persons and thereby entitled to Constitutional protections. The ruling threw out vital protections against corporate and union spending in elections, overturning a 1990 decision that upheld restrictions on corporate spending to support or oppose political candidates, and a 2003 decision that upheld the part of the Bipartisan Campaign Reform Act of 2002, aka McCain-Feingold, that restricted campaign spending by corporations and unions.

The term "person" should match reality. Corporations and unions are legal entities; money is not speech, and human beings, not corporations, are persons entitled to constitutional rights.

In a forceful dissent, Justice Stevens said, "The difference between selling a vote and selling access is a matter of degree, not kind. And selling access is not qualitatively different from giving special preference to those who spent money on one's behalf." He said that the majority had committed a grave error in treating corporate speech the same as that of human beings, and pointed out that even before the decision corporations could act through their political action committees or outside the specified time windows.



## THE LEAGUE OF WOMEN VOTERS OF HAWAII

A February 2010 Washington Post - ABC News poll found that Americans of across the political spectrum overwhelmingly [80% of respondents] oppose a Supreme Court ruling that allows corporations and unions to spend as much as they want on political campaigns, and most favor new limits on such spending to allow unfettered corporate political spending.

The national president of the League of Women Voters of the United States stated in congressional testimony and letters to U.S. Senators and Representatives, "The Court's majority decision in Citizens United v. FEC was fundamentally wrong and a tragic mistake. But this is the decision of the Court. Congress needs to respond now, recognizing its own authority and responsibility to uphold the Constitution."

While special interest money has always been a concern in elections, corporations may now intervene in elections, taking power away from voters. That is why it is important for Hawaii to speak up. HCR 282 lets Hawaii's voice be heard in Congress on this urgent and critical issue, and we ask you to pass it.

Thank you for this opportunity to testify.