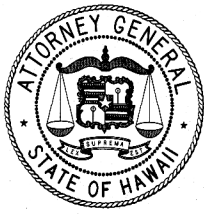




SCR40

Measure Title:	PETITIONING CONGRESS FOR A LIMITED AMENDMENTS CONVENTION FOR THE PURPOSE OF PROPOSING A FREE AND FAIR ELECTIONS AMENDMENT TO THE UNITED STATES CONSTITUTION.
Report Title:	Petition for Convention for Purpose of Proposing Amendments to the United States Constitution; Elections; Campaign Financing
Description:	
Companion:	
Package:	None
Current Referral:	PSM, JDL
Introducer(s):	GABBARD, CHUN OAKLAND, RUDERMAN, Espero, Harimoto, Inouye, Nishihara, Riviere, Shimabukuro, L. Thielen, Wakai



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

S.C.R. NO. 40, PETITIONING CONGRESS FOR A LIMITED AMENDMENTS CONVENTION FOR THE PURPOSE OF PROPOSING A FREE AND FAIR ELECTIONS AMENDMENT TO THE UNITED STATES CONSTITUTION.

BEFORE THE:

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

DATE: Thursday, March 10, 2016 **TIME:** 1:20 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Deirdre Marie-Iha, Deputy Attorney General

Chair Nishihara and Members of the Committee:

The Department of the Attorney General has no legal objection to this resolution, but raises general concerns because it is potentially of great legal significance and operates in an uncertain area of law. This resolution would operate as the Legislature's application for a constitutional convention under Article V of the federal constitution and would request that the convention propose an amendment to overturn Citizens United v. Federal Election Comm'n, 558 U.S. 310 (2010). The Department submits this testimony to advise the Legislature of the significance of this resolution under the federal constitution and to identify some of the outstanding questions about federal constitutional conventions under Article V. We also recommend that a few changes be made to the resolution.

Article V of the U.S. Constitution provides two methods for proposing amendments: (1) amendments proposed by Congress, and (2) amendments proposed by constitutional convention. U.S. Const. art. V. All twenty-seven of our current constitutional amendments were proposed by the first method. U.S. Const., Amend. I – XXVII; 2 Ronald D. Rotunda, *Treatise on Constitutional Law* § 10.10(b). Both methods require a ratification vote by three-quarters of the states. U.S. Const. art. V. The second method, which originates with the Constitutional Convention in 1787, has never been used to propose a constitutional amendment. The relevant portion of Article V provides: "The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or on the Application of the

Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress[.]” There is no case law interpreting the constitutional convention portion of this provision.

This second method of amending the constitution was included to allow the states to act when Congress would not. See 2 Ronald D. Rotunda, *Treatise on Constitutional Law* § 10.10(b)(iii) (“The framers provided for the alternative route of allowing the state legislatures to call for amendments as a political check in case Congress was unresponsive to any felt need for change.”); Alexander Hamilton, *The Federalist No. 85* (describing the convention mechanism as necessary to “erect barriers against encroachments of the national authority.”), *available at* http://thomas.loc.gov/home/histdox/fed_85.html (last visited March 7, 2016). Because no such federal constitutional convention has been held in more than two hundred years, how a convention would operate is largely unknown. It is not known, for example, how the states would be represented at a convention, or how those representatives would be chosen, or whether Congress could enact legislation that would control the procedures at such a convention. 2 Rotunda at § 10.10(b)(iii). The federal constitution gives no guidance on these questions. U.S. Const. art. V.

Even more importantly, there has been academic debate for decades on whether an Article V convention can be limited to one topic or must be a general convention, which could hypothetically propose amendments for *any* provision of the federal constitution, or propose a totally novel amendment unrelated to existing constitutional provisions. See, e.g., 2 Rotunda at § 10.10(b)(iii) at n.10 and the authorities cited there; James Kenneth Rogers, *The Other Way to Amend the Constitution: The Article V Constitutional Convention Amendment Process*, 30 Harv. J. L. & Pub. Pol’y 1005 (2007), and authority cited there; *Constitutional Convention—Limitation of Power to Propose Amendments to the Constitution*, 3 U.S. Op. Off. Legal Counsel 390 (1979), 1979 WL 16606, and authority cited there. Because there has never been an Article V convention, these and many other questions remain unanswered. We also note that four other states have recently passed resolutions calling for a federal constitutional convention on the same

topic. Calif. Assem. Joint Res. No. 1, Res. Ch. 77 (2014); Ill. Sen. Joint Res. No. 42 (2014); N.J. Sen. Con. Res. No. 132 (2015); Vt. Joint Res. No. R-454 (2014). (These are named in the resolution. Page 2, lines 24-27). All of these states' resolutions contain language expressing each state's understanding that the convention would be limited to this specific topic. Id. This resolution would do the same. This is certainly advisable, but whether a constitutional convention could be effectively limited in this way is unknown.

Because Article V clearly allows the state legislatures to file "applications" for a federal constitutional convention, it is within the Legislature's authority to do so on behalf of the State of Hawaii. A convention would be called only if the legislatures of two-thirds of the states (34) agreed. U.S. Const. art. V. We note that even though a federal constitutional convention has never been called under this provision, the state application process has had real impact in the past. Previous amendments have been successful because the threat of a state-called convention serves as significant pressure for Congress to act where it might otherwise be reluctant. The Seventeenth Amendment (which made U.S. Senators directly elected by the people) was passed in just such a way. See, e.g., 2 Rotunda at § 10.10(b)(iv) (outlining the rising pressure of state applications for a convention and Congress's eventual agreement to pass the Seventeenth Amendment itself). Calling for a convention as a method of pressuring Congress may ultimately prove to be more effective than attempting to actually convene a convention with so many unknowns about how it would function and the reach of its authority.

We suggest one amendment to this resolution, should the committee elect to pass it.

We respectfully recommend that the issues the State wishes to address at this constitutional convention be made more specific. At present the resolution primarily identifies "concerns" raised by Citizens United "and related cases and events." (Page 2, lines 17-20. The resolutions from the other states are more specific, for example, identifying "the corrupting influence of money in our electoral process" (Vermont). Given the case law before and after Citizens United, to make money spent to influence American elections subject to reasonable regulation, a federal constitutional amendment should consider: (1) whether money spent on candidate elections and ballot measures should constitute "speech" under the First Amendment, (2) how "corruption" is defined, for purposes of the government's interests in protecting the democratic process, and/or (3) that independent expenditures do corrupt the political process.

We suggest the intent of the resolution would be strengthened by including one or more of these concepts in the resolution itself. This is especially true for the first of these concepts (whether money spent to influence an election is "speech"), because that is the fundamental premise underlying this entire area of law, upon which the protections of the First Amendment depend.

We urge this Committee to pass this resolution only if this suggestion is incorporated.
Thank you for the opportunity to testify.

Alison Hartson - In support of SCR 40.

Hello, I'm Alison Hartson, a National Director with Wolf PAC, which is the political arm of The Young Turks - the largest online news show in the world. Thank you Chairman Nishikawa, Co-Chair Espero, and members of the committee for having us here today. We're working with volunteers currently in 40 states to pass resolutions at the state level calling for an amendment convention to restore Free and Fair Elections. We will have at least 25 live resolutions in 2016 and recently passed a resolution in Vermont, California, Illinois, and New Jersey.

Just last year I was a school teacher, but I realized if I wanted to make real positive change in the world we must do something about the way our government functions first. Americans know that elections should be free of the corrupting influence of excessive spending by outside interests and fair enough that any citizen can run for public office, not just millionaires, billionaires, and their allies. But that is not the case as it stands in America today, where candidates for Congress spend as much as 4-7 hours/day raising money from rich people to run for office. That is not the way it's supposed to be – how many good people with great ideas do we miss sending to Washington D.C. because they refuse to become professional telemarketers, dialing for dollars every day.

The good news is that we can fix this. Just like every other generation of Americans, we can amend the Constitution to make America more democratic, and a more perfect union. We must amend because no law establishing rules around elections at the state or the federal level can be protected from the Supreme Court without an Amendment to the U.S. Constitution.

SCR 40 calls for an Amendment through a limited convention. Here's how we know that a convention can be limited to a single subject: Congress is Constitutionally required to call a convention when 34 states have submitted applications. Since our country's founding there have been over 700 applications calling for an amendment convention submitted by the states - on a variety of subjects. So, if you could take 10 applications for issue A, 20 applications for issue B, and 4 for issue C, count them together to get the 34 states needed to force a convention, then Congress could call that convention tomorrow, but they don't because they count applications in separate piles based on their subject matter. With SCR 40 we're simply adding to the pile for campaign finance reform.

Furthermore, there have also been 233 state level conventions to amend and adapt their state constitutions and none have ever exceeded the scope of their mandate. Zero.

The same reason some groups and individuals oppose the convention process, is the same reason that I'm for it – it's a democratic process. You get people together from a variety of perspectives, discuss and debate ideas, and then present that idea to the rest of the population for the ratification process – that's how democracy is supposed to work in this country. Every generation of Americans has amended the Constitution, except one... Ours. and now it's our turn. Let us use the tools the Founding Fathers provided to revitalize our republic. This will be our legacy and our gift to future

generations of Americans.

Thank you for being leaders in the fight for free and fair elections in America. I ask you to vote yes on SCR 40. I'm happy to take any questions you may have.

Paul Worthley.

In support of SCR 40.

Hello, my name is Paul Worthley and thank you hearing my testimony in support of SCR-40 today. I am a current college student.

I look at our predecessors and see glorious movements like women's suffrage, and the civil rights movement, and I see passionate people who wanted to change the world. I want my friends, and my family to feel that way. I want them to believe that they can, and should fight for change in the world if they see injustice. I want our opinions to be valued, not ignored. We've made amazing progress in this country by amending our Constitution and we need to do that now to restore a Free and Fair Election system that works for all Americans. That's what this is about, and that's why we're all here today.

Looking back at history, what most people don't realize, is that most amendments to our Constitution started with convention applications just like SCR 40. The Bill of Rights and 4 out of the last 10 Amendments started with state level convention calls and then were proposed by Congress. Most notably, the 17 amendment got within one or two states of compelling a convention and then Congress capitulated, proposing the amendment for the direct election of Senators. Historically, if you need an amendment, you call for a convention.

In fact, shortly after a similar resolution to SCR 40 passed in Vermont, the chair of the U.S. Senate Judiciary Committee Patrick Leahy called a hearing for the Udall Amendment, which deals with this issue. In his explanation of why he saw the need to have this hearing, he said:

"It is time for Congress to follow the lead of the states and build support for amending the Constitution[...] Vermont's call for a [proposing] convention is a separate approach for amending the Constitution that can operate on a parallel track to the congressional approach that we are initiating today. It is my hope that the two efforts can work in tandem to create even more momentum on this critical issue."

That is the chair of the U.S. Senate Judiciary Committee essentially asking the states (asking you) to put pressure on Congress by pursuing the convention

route on this issue, saying let's have two parallel tracks working together so that we apply the most amount of pressure for reform.

We have a responsibility to make the world a better place, and we are more than capable of doing it. But we won't be able to accomplish anything if people believe their actions don't make a difference. I'm here today in the hope that my actions make a difference. Please support SCR-40. Thank you.

Derrick Brace.

Supporting SCR 40.

Hello Chairman Nishikawa, Co-Chair Espero, and Members of the Committee.

My name is Derrick Brace. Thank you for having me here today and allowing my voice to be heard on this important issue and resolution. I haven't always paid attention to politics or how my government functions, but after the Supreme Court Ruled on Citizen's United vs. FEC I became aware of the changes in campaign finance reform and how it drastically affected everything else.

From conservative Republicans to Progressive Democrats, Americans agree on the need to restore free and fair elections in America. This is not an issue of right versus left – it's an issue of right and wrong. Americans are deeply concerned that our representative democracy is in jeopardy when dark money flows uninterrupted into our political process, obscuring the will of the people. But what shall we do?

At the original Convention in Philadelphia, General Mason stood up and asked about the amendment process, 'What shall we do if Congress itself is the problem?', and that is why the convention procedure utilized in SCR 40 was added to the Constitution.

There are only two ways to amend the United States Constitution – 2/3 of Congress can vote to propose an amendment or 2/3 of the states can demand a convention to propose amendments. It's important to remember that either way it's proposed, 75% of the state legislatures, or 38 states, must vote in favor of ratification before it becomes part of the Constitution.

This extremely high ratification threshold ensures that only the most populist proposals with support across the political spectrum will make it through the ratification gauntlet and become part of our Constitution. Of all the Constitutional Republics in the world, the U.S. Constitution is one of the most difficult to amend, requiring a supermajority of consent among the states at both the proposal and ratification steps.

On this vital American issue, it is time for Hawaii to lead, using the powers built

into the Constitution by the Founding Fathers for this very purpose. If Congress itself is the source of the problem, then it's the duty and responsibility of the states to take action to fix it.

Please vote yes on SCR 40 so that we can utilize the process that has historically resulted in amending the Constitution and make America a more perfect union. Thank you.

Senator Clarence Nishihara, Chair
Senator Will Espero, Vice Chair
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Derrick Brace, 1099 Green Street, Apt 305, Honolulu, HI 96822 [708-833-2298](tel:708-833-2298)

Thursday, March 10, 2016

Support for SCR40, Request for a Limited Amendments Convention to Restore Free and Fair Elections.

The time to enact an Article V Convention for Proposing Amendments is now.

Some will say that we should wait for the Supreme Court to fix our campaign finance system. They suggest a new Supreme Court Justice will be the solution. Supreme Court Justices, which need to meet the qualifications required by Congress to be confirmed by Congress, necessarily reflect (at least in part) our broken Congress. Additionally, the Court's decision on this issue could flip flop every time a new justice is appointed. We cannot wait for the Supreme Court to act.

Others will say we should pressure Congress to propose an amendment. As indicated by the many failures to hold themselves accountable, including the defeated Disclose Act of 2010, Congress cannot be trusted to regulate themselves.

State legislatures, with their close ties to the communities they represent, are the avenue we have left to rescue our Republic.

Since the 2010 Citizen's United decision, nearly \$1.5 billion in unlimited contributions have flowed into federal elections through Super PACs – including more than \$300 million through single-candidate Super PACS used by federal candidates and their supporters to circumvent candidate contribution limits. More than \$500 million of that was in secret, unlimited contributions that have flowed into federal elections through tax-exempt 501(c) organizations. In 2010 alone, 60% of Super PAC money came from just 132 people. Corporations and unions must not be able to throw unlimited amounts of money into Super PAC's, whose regulations on remaining separate from campaigns has been easily subverted.

Simply put, corporations should not be allowed to use their treasuries to influence the American people's vote. By definition, corporations prioritize their own profitability and shareholder dividends. This is why the Citizens United decision must be overturned.

Additionally, our federal Congressmen spend almost 50% of their day fundraising for the next election. It has been estimated that Congressmen need to fundraise nearly \$2,400 per day while serving their term. How can they properly focus on making effective legislation if the next election cycle starts the day after they're elected? It is understandable that the cost of running a campaign has grown rapidly, due in part to new campaign technologies and higher advertising costs. However, this pushes our federal legislators to seek out the only largest donations, if only as a time saver. We must find a way to free our Congressmen's time to legislate. Otherwise, the wealthiest donors will continue receive the most attention, access, and influence.

To understand how this affects legislation, Washington's gift economy, or economy of influence, needs explaining. Too many people believe corruption is a lobbyist holding a moneybag with a big dollar sign on it, asking for favors. However, this represents the exchange economy, or quid pro quo corruption. Washington's exchange economy was regulated long ago, but after this regulation the lobbying industry spent decades developing a gift economy within the new regulations. It is an unregulated corruption. Now we must regulate the gift economy.

We have to pull our Republic back from the brink, and we trust our state legislatures to help us.

Most opponents of the Article V Convention for Proposing Amendments use the same fear tactics made popular in the 1950's and 1960's.

Namely, opponents of this method will say there is no way the convention could be limited to a particular topic. However, in a report from the Department of Justice's Office of Legal Policy to then Attorney General Edwin Meese, they concluded, "we are convinced that Article V was designed to permit limited conventions and that a variety of legal and political means are available to help to enforce such limits". They go on to say, "we find persuasive the view that convention procedures legislation would greatly minimize the uncertainties and potential chaos that might be encountered in the Article V convention process."

Along these same lines, opponents will say the convention is a smokescreen for those who want to make radical changes to the U.S. Constitution. These opponents will often refer to the Convention to Propose Amendments as a "Constitutional Convention". This is done to invoke a connection to the Constitutional Convention of 1787, or The Philadelphia Convention, which some describe as a "runaway convention". All of this is to suggest that an Article V Convention for Proposing Amendments could end with a complete re-writing of the U.S. Constitution.

However, this premise ignores the fact that the 1787 Constitutional Convention was governed by The Articles of Confederation, a then 10 year old document of which Constitutional Historian Professor Richard Beeman says, "The Articles of Confederation, America's first "constitution," was not really a proper constitution, but rather a peace treaty among thirteen separate and sovereign states. It amounted to nothing more than a league of friendship, a form of alliance in which "each state retains its sovereignty, freedom, and independence, and every power, jurisdiction and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled." To suggest the two conventions could have similar results would be to ignore the U.S. Constitution and the following 230 years of constitutional law.

Furthermore, any amendment proposed by the Convention for Proposing Amendments will need to be passed by three-fourths of the states. Beyond this high standard, a no vote from either house of a state's bicameral legislature means a "no" vote for that state. With this in mind, requiring "yes" votes from 38 states makes right-wing/left-wing agendas effectively impossible to pass. Only agendas with widespread bipartisan support could pass.

Finally, from the previously cited Department of Justice report, "Precedent and tradition are important in constitutional democracies such as ours, and there is no precedent to guide us here. But we also think that uncertainties should not lead to a questioning of the legitimacy of the convention method nor to a shirking of the duties of the various parties to put into effect, despite difficulties, the meaning of the various clauses of Article V."

We cannot leave this in the hands of the Supreme Court, whose ruling on this matter may change with every new appointee. We cannot trust the Federal Congress to act in our best interest. We must do the difficult thing and regulate Washington's gift economy to restore our Republic to the representative democracy we Americans deserve.

From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: dylanarm@hawaii.edu
Subject: *Submitted testimony for SCR40 on Mar 10, 2016 13:20PM*
Date: Monday, March 07, 2016 1:35:41 PM

SCR40

Submitted on: 3/7/2016

Testimony for PSM on Mar 10, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Armstrong	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: mkhan@hawaiiantel.net
Subject: Submitted testimony for SCR40 on Mar 10, 2016 13:20PM
Date: Monday, March 07, 2016 3:01:07 PM

SCR40

Submitted on: 3/7/2016

Testimony for PSM on Mar 10, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Leimomi Khan	Individual	Support	No

Comments: Support SCR 40 that would petition Congress for a "Limited" Amendments Convention for the Purpose of Proposing a Free and Fair Elections Amendment to the US Constitution. We need clarity in the Constitution to address unlimited campaign spending by corporations and its unfair impact on free speech and election outcomes.

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To: [PSMTestimony](#)
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for SCR40 on Mar 10, 2016 13:20PM*
Date: Monday, March 07, 2016 4:00:46 PM

SCR40

Submitted on: 3/7/2016

Testimony for PSM on Mar 10, 2016 13:20PM in Conference Room 229

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

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: gregorykschuster@gmail.com
Subject: Submitted testimony for SCR40 on Mar 10, 2016 13:20PM
Date: Monday, March 07, 2016 11:56:00 PM

SCR40

Submitted on: 3/7/2016

Testimony for PSM on Mar 10, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Gregory Schuster	Individual	Support	No

Comments: Dear Chairman and committee members, I would like offer my position of support for SCR40. I believe that money is corrupting influence that impact almost every other political these days. Without the corrupting influence of money in politics I believe that are countries great political system would begin function normally again. This is why I offer support for SCR40. Mahalo, Greg Schuster

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: tabraham08@gmail.com
Subject: *Submitted testimony for SCR40 on Mar 10, 2016 13:20PM*
Date: Tuesday, March 08, 2016 6:50:41 PM

SCR40

Submitted on: 3/8/2016

Testimony for PSM on Mar 10, 2016 13:20PM in Conference Room 229

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

Comments:

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From: mailinglist@capitol.hawaii.gov
To: [PSMTestimony](#)
Cc: kazuo.oishi@gmail.com
Subject: Submitted testimony for SCR40 on Mar 10, 2016 13:20PM
Date: Wednesday, March 09, 2016 10:43:22 AM

SCR40

Submitted on: 3/9/2016

Testimony for PSM on Mar 10, 2016 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Kazuo-Joseph Oishi	Individual	Support	No

Comments: As a citizen and resident of Senate District 11, and House District 23, I support this measure in its entirety.

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In support of SCR 40. Peter Reidy.

Chair Nishikawa, Co-Chair Espero, Members of the Committee,

My name is Peter Reidy. I am 20 years old and the (volunteer) Hawaii State Director for Wolf PAC. I live just down the road and I'd like to say what a privilege it is to be a part of this process with you legislators. I have always felt that this right here, me, a highschool graduate, barely making ends meet, speaking to you, about something i care deeply about... is a testament to how far society and this nation have come.

Both my parents made a living in Hawaii, they started out as teachers.. and were able to work their way up. As for myself, I'm a young man who has dreams of a family one day, and although of course I need to be successful enough to support that family, that's only one small piece of the puzzle.

I've always asked myself if I will be able to tell my kids I did absolutely everything in my power and in my time to make this place the best it can be for them... right now.. while the temperatures continue to rise, while wars continue to rage, and too many voices are drowned out. That answer is no, I haven't. Not yet.. and I hope we take a step in the right direction today. I hope we are all willing to do whatever we can to make sure our kids and grandkids will grow up in a country that is truly representative of their values. For their sake, I strongly urge you to vote yes on SCR 40 today.

Samuela Tuikolongahau, Jr. - In support of SCR 40

Aloha,

My name is Samuela Tuikolongahau, Jr., born and raised in Waipahu. I'm a graduate of Waipahu High School, Class Of 2000. I went to Embry-Riddle Aeronautical University, Eastern Oregon University and also served in the United States Army Reserves. But I'm also a recovering addict, I've been clean for 5 years 10 months and 7 days.

Today, I have my own business developing, hosting and managing websites. I help small business owners with marketing, social media and building a web presence. I am actively involved with the Oxford Houses here on Oahu and I help others who are in recovery. But I am reminded of my dark past, the feeling of being helpless when I see our current political system that is rigged to help big money and special interest groups. I feel like I am once again in a situation where my voice doesn't matter.....

But SCR 40 gives me hope.

Because throughout our history, when American citizens encounter an injustice of any kind, such as the slavery of African Americans or the lack of voting rights for women, we've amended our Constitution to make our country and future generations better off.

Today, it is our duty as citizens, and your duty as representatives of the people to put another really bad idea into the dustbin of history through an amendment to the Constitution – the idea that those with more money should have more of a political voice than the rest of us. We must create a wall of separation between wealth and state in order to restore free and fair elections in America. In our lifetimes, will we allow outside interests to turn our public elections into private auctions? Will we be ruled by a small elite? Or will we defend the American ideal that all men and women are created equal, with certain inalienable rights, and all governments derive their just powers from the consent of the governed?

We the People should be the ones writing our own laws, choosing our elected officials, and determining the fate of our country together. The choice is ours... the choice is yours today. Please vote yes on SCR 40. Thank you.

Testimony presented by:

Ryan I. Sueoka

803 Isenberg Street, Honolulu, HI 96826 · State Senate District 10

ryansueoka@gmail.com

(808) 372-3453

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair

Senator Will Espero, Vice Chair

Thursday, March 10, 2016

1:20 pm

Conference Room 229

State Capitol

415 South Beretania Street

Honolulu, HI 96813

STRONG SUPPORT FOR SCR 40 – SUPPORTING A FREE AND FAIR ELECTIONS AMENDMENT TO THE UNITED STATES CONSTITUTION

Aloha mai e nā alaka'i a me nā lālā o ke kōmite Public Safety, Intergovernmental, and Military Affairs,

My name is Ryan I. Kaha'i'ōlelo Sueoka; I am a kupa of Kāne'ōhe, Ko'olaupoko and a current resident of Kamō'ili'ili, Waikīkī, Kona, O'ahu-a-Lua. Mahalo for the opportunity to share my STRONG SUPPORT for SCR 40 petitioning congress for a limited amendments convention for the purpose of proposing a Free and Fair Elections Amendment to the United States Constitution.

The Supreme Court of the United States 2010 decision on *Citizens United v. Federal Election Committee* was destructive blow against democracy. *Citizens United* essential replaced America's democracy with an oligarchy in which a small number of big money corporate campaign donors yield more influence on elections that the voters themselves. This rigged system has fostered an increasingly apathetic electorate; creating a cycle in which the government supports the rich getting richer and everyone else getting left behind. SCR 40 seeks to start the process of undoing this damage.

A 2015 New York Times/CBS poll showed 84% of all Americans agree that corporate campaign donors have too much influence in the political process; this is an overwhelming number which cuts across party lines, socio-economic distinctions, age, race, beliefs and lifestyles. If an overwhelming majority of Americans support free and fair elections and agree that campaign finance reform must take place, congress must follow.

Hawai'i gained national attention in March 2015 with the passing of HCR 53. Now it's your turn, with SCR 40, to demonstrate that Hawai'i is not only on the right side of history, we are a leader in the protection of democracy.

I strongly urge you to pass this resolution. Deepest mahalo the sponsors of SCR 40; it's truly encouraging to see so many distinguished names already attached to this effort. And mahalo again for the opportunity to submit testimony.

Zhelah Kayce

Supporting SCR 40

Chair Nishikawa, Co-Chair Espero, Members of the Committee,

When I came to the United States from Cuba as a young girl, the United States was known as the land of opportunities. I was told by other Cubans and newly acquainted Americans that if I would study and work hard, I would be able to have a good job and even own a home one day. So I worked and studied and was able to become a physician. I'm proud to live here and I'm proud to be among other people from Hawaii today supporting this resolution.

But I am very concerned that the younger generations living today will have a bleak future full of worries and sufferings if we don't take action to do something about the corruption happening in Washington D.C. If we care at all about our children, grandchildren, and future generations, campaign finance reform is the only logical action to take.

I wish I could vote for this resolution today, but I can't. I'm trusting you, as my State Legislators to do that for me. As a proud resident of Hawaii, I highly encourage you to vote yes on SCR 40. I hope Hawaii will be a leader in the fight to regain a true, representative democracy in America. Whether you think an amendment should come from Congress or a convention, this resolution is the loudest call for federal election reform Hawaii can make.