

HCR-128

Submitted on: 3/16/2021 7:15:09 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Bickel	Individual	Support	No

Comments:

Get big money out of politcs.

HCR-128

Submitted on: 3/16/2021 7:38:46 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Catherine Sophian	Individual	Support	No

Comments:

Aloha Chair McKelvey and Committee Members,

Our democracy is in crisis. Like many Americans, I watched the live feeds of the Jan. 6 attack on the U.S. Capitol in horror, appalled at the sheer number of Americans willing to behave so lawlessly, cringing at the indications that the attack was aided by allies within the Capitol and/or its supposed defenders, mystified by the minimal security provided in light of the ample advance notice that trouble was coming. How could this be happening in the stable nation I grew up in, a nation that has long considered itself the worldwide champion of democracy?

The horror of the Jan. 6 attack reflects problems with our federal government that began long before Trump was elected in 2016, problems that have their roots in our broken campaign finance system which has incentivized our Congress to be accountable to the special interests that contribute to their campaigns rather than the interests of ordinary Americans. A lasting solution must include a Constitutional Amendment because the problem has been enabled by a runaway overreaching Supreme Court.

The history of campaign finance reform in Montana underscores this point. Montana had 100 years of common sense campaign finance laws that served their state well until, in 2010, the Supreme Court, in a sweeping decision, threw all those laws into the trash. When the state of Montana challenged the Supreme Court to attempt to keep their laws, the Court wouldn't even hear the case. This sad story shows that even state-level campaign financing regulations are not immune from the misguided interpretations of the U.S. Constitution that have opened the floodgates of Congress to the corrupting influence of corporate money.

We must take a strong stand to restore government of, by, and especially FOR the people. We must do so without delay, lest our democracy crumble entirely. Please vote yes on the amendment to HCR128 that calls for a limited-topic Article V convention and then pass the amended version of HCR128 out of your committee.

Mahalo,

Catherine Sophian, Kailua

I'm Sam Tanigawa from Hawaii Kai and I am asking you to please support HCR128 amended to call for a limited Article V convention to propose a campaign finance reform amendment.

I've been active in the community for years as a volunteer for various grass roots community efforts and I've seen first hand the way that large corporate interest has slowed down progress that would help our community become more sustainable and equitable. These large corporate interests including biotech firms and tourism interests are not interested in bringing higher wages or better working conditions to our local families. Their interest is their bottom line. In order to better support a sustainable future we need to fundamentally change the way our campaign finance laws work as a nation and calling for a limited constitutional convention is one way to put pressure on congress to reverse citizens united. Our corrupt campaign finance system is at the heart of our federal and local government's dysfunction and it causes problems or prevents progress on every issue. Fixing the foundation must come first or all other good we do this session will be very temporary. 2020 has shown us how terribly our nation will be devastated by a crisis when our government is incapable of representing the people.

The majority of our constitutional amendments (15 out of 27) were preceded by states applying for a convention on that topic. This is a very common way for the states to apply pressure on Congress for an amendment. It's important that we use every avenue available to use to apply pressure to Congress if we want real change and a more sustainable future for Hawaii.

As a resident of Hawaii Kai I'm counting on you all. Please vote yes on the amendment to HCR128 that calls for a limited-topic Article V convention and then pass the amended version of HCR128 out of your committee.

HCR-128

Submitted on: 3/16/2021 8:20:48 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Culbertson	Individual	Support	No

Comments:

Aloha Representatives!

I believe that our corrupt campaign finance system is at the heart of our federal government's dysfunction and it causes problems or prevents progress on every issue. Fixing the foundation must come first or all other good we do this session will be very temporary. 2020 has shown us how terribly our nation will be devastated by a crisis when our government is incapable of representing the people.

This is the one reform that makes all others possible!

Let's claw back the power of democracy!

Rob Culbertson

Paauilo, HI

HCR-128

Submitted on: 3/16/2021 8:47:12 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Marion McHenry	Individual	Support	No

Comments:

Aloha Chair McKelvey and members of the committee,

My name is Marion McHenry and today I am testifying in strong support of HCR128, the Free and Fair Elections resolution once it is amended to include a call for a limited-topic Article V convention.

I live on Kauai and have retired after 30 years in our hospitality industry. My husband is retired after 40 years in construction and the carpenters union. We raised 3 boys here on the north shore of Kauai. We have both volunteered for state, local, and federal elections and campaigns and have seen the damage done by large amounts of outside money.

In America today, we are faced with a crisis in our federal government. Our broken campaign finance system has incentivized our Congress to be accountable to the special interests that contribute to their campaigns over the interests of average Americans. The truth is that any realistic solution must include a Constitutional Amendment because the problem has been enabled by a runaway overreaching Supreme Court.

Our republic was founded on a critical balance between federal and state power. If our state is going to be able to protect our own elections from the influence of unaccountable out of state money, we need to stand up right now and insist upon an amendment to overrule the Supreme Court. We are turning to you to exercise one of our most important rights as a state on behalf of the citizens of this country.

As an active and concerned member of our Kauai community, I'm counting on you all. Please vote yes on the amendment to HCR128 that calls for a limited-topic Article V convention and then pass the amended version of HCR128 out of your committee.

Mahalo,

Marion McHenry

Princeville, Kauai

HCR-128

Submitted on: 3/16/2021 9:32:47 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carlos A. Santana	Individual	Support	No

Comments:

While I'm not convinced a federal constitutional convention can be limited in topics, I support this resolution to make the attempt.

HCR-128

Submitted on: 3/16/2021 9:45:36 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jared Smith	Individual	Support	No

Comments:

In support of Resolution # HCR128

Aloha Chair McKelvey and members of the committee,

My name is Jared Smith, and I will strongly support of HCR128 once it has been amended to include a call for a limited-topic Article V convention.

I recently moved to Honolulu with my husband. He is stationed here, and I am retired from the Navy. Currently I am enrolled at Hawaii Pacific University in a master's program for Teaching English to Speakers of Other Languages (TESOL). We currently live in base housing but are looking forward to moving further out into the island and becoming a integral part of the Hawaiian society for many years to come.

Much has been said today about how effective convention applications are at motivating Congress to act. What some don't realize is that this movement has already succeeded in motivating Congress and Congressional delegations. When Vermont passed the first such application for a convention about campaign finance reform, Vermont Senator Patrick Leahy soon moved a campaign finance amendment through his committee after years without movement. When asked why, he cited Vermont's call for a convention saying:

"It is time for Congress to follow the lead of the states and build support for amending the Constitution to ensure that all Americans can exercise their First Amendment rights. Vermont's call for a constitutional 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."

I would be proud to see Hawai'i's delegation join those in Congress who have been motivated to actual action this way. Please pass HCR128 after it has been amended to include a call for a limited-topic Article V convention on this subject. You can make it happen today.

Mahalo,

Jared Smith

HCR-128

Submitted on: 3/16/2021 10:12:03 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maya Maxym	Individual	Oppose	No

Comments:

Dear Elected Officials,

Aloha and thank you for considering my testimony. I would like to take this opportunity to voice my extremely strong opposition to HCR128. Although, in principle, it may seem like a good idea, there are no guidelines or restrictions on how the US Constitution can be changed and/or re-written during an Article V Convention. As a result, signing on to an Article V Convention sets up our state and the country for potential disaster. The movement to hold a Constitutional Convention has been pushed for years by the Koch Brothers and other dark money sources because they know that it would allow mainland extreme Conservatives to create a Constitution that could permanently erase a woman's right to choose, significantly expand gun rights beyond what is already in the 2nd Amendment, change citizenship eligibility requirements, and more. Once we sign on, we would have no power over the re-writing of the Constitution. For this reason, Hawaii must not sign on to an Article V Constitutional Convention now or at any time in the future.

Thank you for consideration of my concerns.

Sincerely,

Maya Maxym, MD PhD

Honolulu

HCR-128

Submitted on: 3/17/2021 12:14:58 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Morgan Bonnet	Individual	Support	No

Comments:

Dear Chairman McKelvey, Vice Chairwoman Wildberger and committee members,

My name is Morgan Bonnet and I live on Oahu. I am a senior mechanical engineer at the University of Hawaii, Institute for Astronomy.

Being naturalized in the U.S. and originally from France, I have been more and more interested in studying and understanding the U.S. Constitution. The U.S. Constitution was finalized the same year as the French Revolution, and the concept of Separation of Powers came from the French lawyer Montesquieu. He laid down the theory in his book “The Spirit of the Laws” in 1748. His work had a powerful influence on the founding fathers, especially James Madison. Montesquieu was also notable for securing the place of the word despotism in the political lexicon. And at this point, I believe that the corrupting influence of big money in politics is slowly bringing the U.S. in this direction in the form of an oligarchy. In 2014, this was the conclusion of two professors of Princeton University after using an exhaustive amount of data to support it. Here's how they explained it: “Multivariate analysis indicates that economic elites and organized groups representing business interests have substantial independent impacts on US government policy, while average citizens and mass-based interest groups have little or no independent influence.”

This isn't the way it's supposed to work, and now most of the money that flows within the political system comes from a ridiculously small amount of the population. Politicians in Congress do not have a choice if they want a career. They need to raise money, and under the current system they must become professional telemarketers. In fact, it is to a point where they might spend more time raising money than reading the legislation they vote on and talking with their constituents. I still believe that most politicians come into politics with the right intent – to be public servants who can make a difference in people's lives. But, they are taken hostage by the fact that they need to raise so much money, sometimes with strings attached.

I believe that the system is corrupted (not the people) by the way it has evolved. I think it has evolved to a point where it can no longer correct itself at the congressional level. Our strongest and most logical option at this point, is to do it through the States. We deserve the right to be truly represented like the founding fathers intended. By getting big money out of politics, the people will be able to get more involved and play a bigger role in their democratic Republic. Please vote yes on HCR 128.

Mahalo,

Morgan

HD25 / SD11

HCR-128

Submitted on: 3/17/2021 12:27:52 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maren Bonnet	Individual	Support	No

Comments:

Dear Chairman McKelvey, Vice Chairwoman Wildberger and committee members,

My name is Maren Bonnet. I am a concerned citizen, born and raised on Oahu and a fourth generation descendant of hardworking immigrants from Japan. I am strongly in favor of HCR-128, the Free and Fair Elections Resolution in Hawaii, and strongly urge you to please vote YES. I believe that the people and leaders of Hawaii have the power to do what is right for the people of our state and all citizens of the United States of America.

When I was in elementary school, a Kupuna would come to our classroom every so often to teach us Hawaiian words, stories and folklore. One of the words we learned was Pono – to do what is right, moral, and for the well being of others. This has not escaped my mind after all of these years and I believe it is our time to bring this Hawaiian value to light.

Big money in politics, I believe, can never exist in the realm of ethics. Ethics, I believe, should always include caring for those who cannot care for themselves. My mother has volunteered at Meals on Wheels for many years. I have seen how this organization works to nourish someone's mother, grandmother, father, uncle. Cuts to purely charitable programs such as these are not supported by anyone I know, especially not by anyone who has served a meal to a 90 year old couple who is homebound and frail. Corporations don't see people; they see profit. Corporations cannot be the voice of the people in politics.

Hawaii should be at the forefront of the fight to demand the removal of big money in politics and to restore a true, working representative democracy in America.

With Aloha,

Maren Bonnet

HCR-128

Submitted on: 3/17/2021 5:49:32 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Hara	Individual	Support	No

Comments:

To Chair McKelvey and Committee Members,

I'm writing this letter to ask in good faith why would this resolution of free and fair elections not be supported. Growing up I believed in the soceity that America was created to be a fair and a democotized society. Where Kings or powerful people could not rule over another person. That this nation was built to reflect on past mistake and evolve. My question is do you share that same vision of our constitution?

We the People of the United States, in Order to form a more perfect **Union**, establish **Justice, insure domestic Tranquility**, provide for the common defense, **promote the general Welfare**, and **secure the Blessings of Liberty to ourselves and our Posterity**, do ordain and establish this Constitution for the United States of America. This is our Prememble and this is the fondation of our country.

If this is not what you believe in then it should be noted as an indiviual that you do not believe in this vision. Promoting the general welfare is giving freedom of elections that are fair and balanced, all adult indivuals have the right to vote and should have the freedom to have fair elections that are based not by wealth or power.

Look at the dichotomy of this resolution, what would the opposite of free and fair elections resolution be? Restricted and unfair elections resolution. I believe in a balanced society to grow and evolve. Please support this resolution. Thank you.

Sincerely, John Hara

HCR-128

Submitted on: 3/17/2021 6:50:48 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian Heithaus	Individual	Support	No

Comments:

In support of Resolution # HCR128

Chair McKelvey, members of the committee, thank you for allowing me to testify today.

My name is Brian Heithaus and I am testifying today in support of HCR128 *once it has been amended to include the call for a limited-topic Article V convention.*

I live on windward O'ahu and am very passionate about the possibility of a government that works for and helps the interests of the majority of people. I have been involved as a volunteer in numerous grassroots political movements and seen firsthand the negative effects of private money in politics.

In order to build a future that we can be proud of for our children and future generations, I know that this is one of the most foundational issues that we need to address, so thank you for giving this due consideration.

The vast majority of Americans and people of Hawai'i agree, they want their representatives to be responsive to them, not special interests. I urge you to support the solution to this popular issue and vote yes on the Free and Fair Elections Resolution, HCR128 *once it has been amended to include the call for a limited-topic Article V convention.*

Mahalo,

Brian Heithaus

HCR-128

Submitted on: 3/17/2021 7:13:49 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Goljuch, Sr.	Individual	Oppose	No

Comments:

I oppose HCR128 which includes a request for a "limited" federal constitutional convention. Once the door is open for a convention, a multitude of various items can be included, which most likely would be determinantal to civil and equal rights.

HCR-128

Submitted on: 3/17/2021 8:40:40 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Corie Tanida	Individual	Oppose	No

Comments:

Aloha Chair, Vice Chair and members of the committee,

While the goal of campaign finance reform is admirable, an Article V constitutional convention is not the way to do it. Contrary to supporters claims there are no rules governing such a convention, much less any rule saying that a convention may be limited in scope. There is no legal precedent in regards to an Article V convention and while scholars' opinions on the issue may vary, and the only clear consensus is that there is none. Do not open Pandora's box during this unprecedented time, with dark money interests more involved in politics than ever before. If you want to impact campaign finance reform, I humbly suggest you work on local laws, enhance our state public financing program and provide more resources to the Campaign Spending Commission.

Please **defer** this resolution and **do not schedule** any other measure calling for an Article V constitutional convention, regardless of the issue it proposes to address.

Mahalo for the opportunity to testify.

HCR-128

Submitted on: 3/17/2021 8:51:32 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Vickie Parker Kam	Individual	Support	No

Comments:

Aloha and thank you for accepting testimony in support of HCR128.
Ensuring fair elections is vital so every citizen has a chance for their vote to count.
Please support campaign finance reform nationwide.
Mahalo,

Vickie Parker Kam

HCR-128

Submitted on: 3/17/2021 9:05:08 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Will Caron	Individual	Support	No

Comments:

Aloha committee members,

I support HCR128 but request an amendment to the resolution specifically calling for a limited Article V convention to propose a campaign finance reform amendment. The language was inadvertently changed during the drafting process and this amendment would correct what the legislation should say.

The United States is no longer a true, healthy democracy. The rich are able to buy privilege and power and are able to wield policy as a weapon to consolidate it. They have been allowed to do this through a slow process of whittling down democratic protections and promoting candidates and judges whom they know will continue this process. With Supreme Court decisions like *Citizens United*, the process accelerated and has now become a potentially fatal disease for our democracy.

Campaign finance reform is critical because, without it, our democratic and legislative processes, along with our government itself, will forever be twisted and bent to the will of whomever has the most money. That is antidemocratic and anathema to a just, equitable and sustainable society. The choices our government makes should reflect the will of the people, not the will of a small group of wealthy oligarchs.

Calling for a limited Article V convention on a particular issue puts enormous pressure on Congress to propose a corresponding amendment to the U.S. Constitution. And Congress has demonstrated that they need that pressure.

The majority of our constitutional amendments (15 out of 27) were preceded by states applying for a convention on that topic. This is a very common way for the states to apply pressure on Congress for an amendment

In 2010, Hawai'i was the first state to request that Congress propose a constitutional amendment to address Citizens United. Over 10 years later, this resolution is the next step in increasing that pressure.

An amendment to the U.S. Constitution is the only way to go above the Supreme Court, which is farther than ever from reversing their decades-long trend towards enabling greater influence of money in elections.

Please support this resolution.

HCR-128

Submitted on: 3/17/2021 9:44:06 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Walters	Individual	Support	No

Comments:

My name is Christine, and I live in Honolulu . I appreciate your commitment to the people of our great state.

I was shocked to learn that Congresspeople spend up to 70% of their time raising money for their next election. With such a focus on special interests and the wealthy, it's no wonder that aid to ordinary people, local governments, and small businesses were deprioritized this past year. This absolutely cannot continue; our country can't take much more of this.

HCR 128 the Free and Fair Elections Resolution, once amended, would call for a limited convention under Article V of the U.S. Constitution to address campaign finance reform by proposing a constitutional amendment. This would put enormous pressure on Congress to actually propose something soon.

As a concerned citizen, I cannot urge you strongly enough to please make sure the HCR 128 passes this session.

Mahalo nui loa.

- Christine Walters
832 Puunani Place Honolulu HI 96817

HCR-128

Submitted on: 3/17/2021 9:44:14 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Best	Individual	Oppose	No

Comments:

This is always risky since our Constitution is outstanding. Now it's especially risky because of dark money, gerrymandering & hyper-partisanship. Passing laws is faster more transparent.

Mahalo for your consideration



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-First Legislature, State of Hawaii
House of Representatives
Committee on Government Reform

Testimony by
Hawaii Government Employees Association

March 19, 2021

H.C.R. 128/H.R. 104 – REQUESTING THE U.S. CONGRESS
TO PROPOSE AN AMENDMENT TO THE CONSTITUTION
OF THE UNITED STATES ON CAMPAIGN FINANCE REFORM

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO **strongly opposes the sections of H.C.R. 128 and its companion H.R. 104** which requests the United States Congress to convene a limited National Convention under article V of the U.S. Constitution and the resolutions' intent to be a continuing application to call for a Convention.

As drafted, H.C.R. 128 and H.R. 104 represent our state's formal application to convene a Constitutional Convention under Article V of the U.S. Constitution. A matter of this magnitude deserves much more robust discussion and conversation with all residents in Hawai'i. Additionally, we raise grave concerns over the vast, unforeseen negative consequences of convening a national Constitutional Convention. While we can understand and support the want to address limiting the influence of money in elections, wholly opening our Constitution for amendment and repeal is not in the best interests for citizens. Convening a Constitutional Convention does not guarantee resolution for any singular issue; rather there is the potential for a Convention to be much more devastating than what this resolution seeks to accomplish.

Our country has not convened a Convention of this magnitude in its 200-year history and no one can predict how it would operate, who would be represented, and what the immediate and long term impacts will be. Due to this uncertainty and risk, we urge extreme caution and full vetting of the consequences of H.C.R. 128 and H.R. 104, and respectfully request the Committee defer this measure.

Thank you for the opportunity to testify in strong opposition to the aforementioned resolutions.

Respectfully submitted,

Randy Perreira
Executive Director

HCR-128

Submitted on: 3/17/2021 10:10:10 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Meacham	Individual	Oppose	No

Comments:

Testimony OPPOSING HCR 128

Thank you for the opportunity to testify.

This appears to be a good idea on the surface, but is actually very dangerous.

The clearest danger is that, thanks to extreme gerrymandering, the majority of state legislatures are now controlled by right-wing Republicans. Since there are no rules or precedents, they would almost certainly such a hijack such a convention, despite it being convened only for campaign finance reform.

Instead, they would propose Constitutional amendments banning abortion and marriage equality, restricting voting, cutting back on civil rights, expanding government surveillance, expanding religious exceptions to civil rights, cutting taxes on the rich and corporations, expanding rights for corporations, and other items on the conservative ALEC wish list.

Backed by massive amounts of dark money, the gerrymandered state legislatures could then ratify the amendments, making them virtually impossible to change.

If we want to maintain our democracy, we have to resist this idea.

Thank you for the opportunity to testify.

HCR-128

Submitted on: 3/17/2021 10:11:35 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Beppie Shapiro	League of Women Voters Hawaii	Oppose	No

Comments:

The potential for harm greatly exceeds the slim chance of constructive action in such a convention, unlimited by restrictions on its actions.

HCR-128

Submitted on: 3/17/2021 10:18:32 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Aaron Toyama	Individual	Support	No

Comments:

In support of Resolution # HCR128

Chair McKelvey, members of the committee, thank you for allowing me to testify today.

My name is Aaron Toyama and I am testifying today in support of HCR128 once it has been amended to include the call for a limited-topic Article V convention.

Sometimes living in Hawai'i we forget that we are a part of the United States of America. Day by day, year by year, I have seen it becoming more and more like the Separated States of America. A major part of that is the ever increasing monetary influence that corporations and special-interest groups have over our rule-makers in our government.

Campaign finance has become a very popular issue in American politics and the 2016 election is a great example of how popular it was. Trump had crowds chanting "Drain the Swamp!" and bragged about how he couldn't be bought because he is a billionaire. On the other side of the spectrum, you had Bernie Sanders stating frankly that we can't have a corrupt campaign finance system. Both these presidential candidates have used the current political situation to their benefit and that trend continued into the last political race where the issue again came up, and more candidates swore off PAC money in their campaigns.

The bi-partisan popularity on this issue is vital to HCR128 because it calls for a constitutional amendment. Either way the Amendment is proposed, three-fourths or 38 states need to agree on whatever is proposed either by Congress or by the states' amendatory convention before it becomes part of our Constitution. Only the most popular, bi-partisan issues will become part of our Constitution because of that extremely difficult requirement. It only takes 13 states to block any proposed Amendment to our Constitution.

The vast majority of Americans agree, they want their representatives to be responsive to them, not special interests. I urge you to support the solution to this popular issue and vote yes on the Free and Fair Elections Resolution, HCR128 once it has been amended to include the call for a limited-topic Article V convention.

Mahalo,

Aaron Toyama

HCR-128

Submitted on: 3/17/2021 10:48:32 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hunter Heavilin	Individual	Support	No

Comments:

I support HCR128 and amending it to call for a limited Article V convention to propose a campaign finance reform amendment.

HCR-128

Submitted on: 3/17/2021 10:55:06 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
tlaloc tokuda	Individual	Oppose	No

Comments:

- Any call for an Article V convention is dangerous during these times of hyper-partisanship and dark money influencing our politics.
- Any Article V Constitutional Convention or Convention of States would put all of our hard fought and won rights at risk, including but not limited to union, LGBTQIA+, environmental, First Nations, women’s, and voting rights.
- There are no rules governing an Article V Constitutional Convention or Convention of States, and there are no mechanisms to stop monied interests from influencing an Article V convention. The current funders of the Convention of States are the Koch and Mercer Families.
- Proponents of an Article V convention have suggested that topics of an Article V convention may be limited, but once an Article V convention is convened, there is nothing to enforce such limitations. For example, the Philadelphia convention of 1787 was radically different from its mandate to propose amendments to the Articles of Confederation. Further, the U.S. Supreme Court has stated that amending the Federal Constitution is a “political question,” and courts will not intervene
- Proponents of an Article V convention have also suggested that amendments will have to be approved by 38 state legislatures. With the gerrymandering that has occurred throughout the country over the last decade or more, state legislatures do not reflect the will and/or composition of the electorate they “serve.” Therefore, this cannot be a sure or trusted barrier to proposed amendments, which could strip away our current rights and the social safety net that we enjoy.
- As stated by Michael Leachman, Director of State Fiscal Research at the Center on Budget and Policy Priorities, and David Super, Professor of Law at Georgetown University Law Center:

States should be deeply skeptical of claims by ALEC and others that states will control the operations and outcome of a convention called under the Constitution’s Article V. Fundamental questions about how a convention would work remain unresolved. A convention likely would be extremely contentious and politicized, with results impossible to predict.

mahalo

Tlaloc Tokuda

Kailua Kona HI 96740

HCR-128

Submitted on: 3/17/2021 11:07:15 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Arthur J Murray	Individual	Support	No

Comments:

Aloha,

My name is Art Murray, my wife Debbie and I moved to the Big Island from upstate NY in 2016 after falling in love with the area on several previous vacations. Since arriving on The Big Island we purchased a home in the Palisades area, Debbie took a job as a Manager at the Tommy Bahamas restaurant in Mana Lani and I work as the Maintenance Supervisor for Atlantis Submarines Kona. We have become a part of the Kona community.

Please support HRC 128. The influence of money has distorted our national politics to a point where many of the representatives in Washington are more concerned about the desires of their donors than the needs of the American people. In order to pass the legislation needed to help the people of the United States in areas such as healthcare and taxation we need to remove this influence. An amendment is the only way to go above the U.S.. Supreme Court, which is farther than ever from reversing their decades-long trend towards enabling greater influence of money in elections.

Your support of HRC 128 will be greatly appreciated and remembered.

Thank you,

Arthur & Debra Murray



March 17, 2021

House's Committee on Government Reform
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: House Concurrent Resolution 128/ House Resolution 104

Aloha Chair McKelvey, Vice Chair Wildberger and Committee Members,

I am writing in OPPOSITION for House Concurrent Resolution 128 & House Resolution 104 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization. These 2 resolutions attempt to deal with the disastrous SCOTUS Citizen's United decision by calling for a Federal Constitution Convention under Article V.

The LGBT Caucus wants to be clear that we support the call for an amendment to the US Constitution through Congress to deal with Citizen's United and get dark money out of our political system. But to call for a Federal Constitution Convention under Article V puts every gain the LGBTQIA+ community has made at risk. It also puts women's right to control their bodies and the right to unionize at risk as well.

If the resolutions were amended to strike the following lines, thereby removing the call for a Federal Constitution Convention under Article V,

Page 3 – Lines 21 – 41

Page 4 – Lines 10 – 15

the LGBT Caucus would be in support of the resolutions, but until that time we cannot put the safety of the LGBTQIA+ community in such great peril.

We would like to point out that the majority of those advocating for a Federal Constitution Convention under Article V that their civil rights ARE NOT AT RISK. For the most part they were not part of the legal and legislative battles we have fought to ensure these rights exist.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.
Chair
LGBT Caucus of the Democratic Party of Hawai'i

HCR-128

Submitted on: 3/17/2021 11:35:30 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pride at Work - Hawaii	Pride @ Work - Hawaii	Oppose	No

Comments:

Aloha Representatives,

Pride at Work - Hawai'i, the state-wide chapter of Pride At Work (a constituency group of the national AFL-CIO) and an affiliate of the Hawai'i State AFL-CIO, **STRONGLY OPPOSES** - HCR 128.

We respectfully request that it is held in committee.

Mahalo nui loa,

Pride at Work - Hawai'i

HCR-128

Submitted on: 3/17/2021 11:41:10 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Monk	Individual	Oppose	No

Comments:

I strongly oppose a constitutional convention.

HCR-128

Submitted on: 3/17/2021 12:03:12 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Individual	Oppose	No

Comments:

Dear Chair McKelvey, Vice Chair Wildberger, and Members of the Committee,

While I support campaign finance reform, I STRONGLY OPPOSE HCR128/HR104 since these two resolutions would call for a Constitution Convention under Article V. Any call for Article V Constitutional Convention or Convention of States would put all of our hard fought and won rights at risk, including but not limited to union, LGBTQIA+, environmental, First Nations, women's including reproductive rights, and voting rights. Over 230 organizations including AFL-CIO, Greenpeace, NAACP, National Women's Law Center, UNITE HERE, and nine local organizations [signed on to oppose](#) Article V Constitutional Convention back in 2018. I share their concerns.

Please defer this resolution and thank you for your consideration.

HCR-128

Submitted on: 3/17/2021 12:15:01 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Donna Ambrose	Individual	Oppose	No

Comments:

A cursory review of government officials and media pundits who endorse an Article V Constitutional Convention or Convention of States tells me all I need to know: What a terrible idea. I disagree with many more policies espoused by Sen. Rand Paul, Texas Gov. Greg Abbott, and Sean Hannity than I agree with. Such a Convention will put hard-won legislation protecting the environment, voting rights and LGBTQ rights at risk. Financial backing from the Koch Brothers and Mercer family do not bode well for workers' efforts to unionize if an Article V Constitutional Convention comes to pass now. Thank you for considering my testimony opposing this measure.

HCR-128

Submitted on: 3/17/2021 12:18:05 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
MaryJo Mazurek	Individual	Support	No

Comments:

My name is Mary Jo Mazurek and I live at 1995 Wilhelmina Rise, in Kaimuki.

The reason I want to get money out of politics and to create a free and fair elections system has everything to do with the way I was raised and my family background. My grandparents immigrated to the United States with almost no money and in just three generations I've benefitted from getting a college education and I now work as a civil servant as an invasive species wildlife conservation biologist. I am able to do this work because I was lucky to be born in a country that lifts up the working class and provides opportunities for us to do more.

But right now, and as I look into the future, I don't see those same opportunities for the youth of our country and the youth of Hawaii. I don't see elected officials working in Congress to raise the living standards for our working poor so their children can become our leaders of tomorrow. I see elected officials corrupted by big money and corporate interests shifting funding away from programs that benefit the less fortunate.

Corporations have greater protections than the average American citizen. Think about it. Why is that? The answer is simple and it has everything to do with money. Over 40 billion dollars was spent in the November 2020 election alone and that was before the Senate runoff elections in Georgia. With that same amount, we could have sent half of American college students to school for free. Educating our children must be more important than funding election campaign consultants.

HCR 128, the Free and Fair Elections Resolution is something that we can do at the state level to reverse the horrific course of our nation's campaign finance system. I urge you to vote for HCR128 and do everything in your power to see it passed. We have a chance now to make a difference. Please take this step with me.

Many thanks for accepting this testimony.

Sincerely,

Mary Jo Mazurek

HCR-128

Submitted on: 3/17/2021 12:30:09 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Langham	Individual	Oppose	No

Comments:

I respectfully urge you to not schedule this or any resolutions calling for a constitutional convention. In our current climate of instable economy due to the pandemic and, in my opinion, unstable political climate due to a network of festering tyrannical actors, this could serve to weaken our democracy and its' aid to the people.

HCR-128

Submitted on: 3/17/2021 12:32:58 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Anderson	Individual	Oppose	No

Comments:

Any call for an Article V convention is dangerous during these times of hyper-partisanship and dark money influencing our politics.

Any Article V Constitutional Convention or Convention of States would put all of our hard fought and won rights at risk, including but not limited to union, LGBTQIA+, environmental, First Nations, women's, and voting rights.

There are no rules governing an Article V Constitutional Convention or Convention of States, and there are no mechanisms to stop monied interests from influencing an Article V convention. The current funders of the Convention of States are the Koch and Mercer Families.

Proponents of an Article V convention have suggested that topics of an Article V convention may be limited, but once an Article V convention is convened, there is nothing to enforce such limitations. For example, the Philadelphia convention of 1787 was radically different from its mandate to propose amendments to the Articles of Confederation. Further, the U.S. Supreme Court has stated that amending the Federal Constitution is a "political question," and courts will not intervene

Proponents of an Article V convention have also suggested that amendments will have to be approved by 38 state legislatures. With the gerrymandering that has occurred throughout the country over the last decade or more, state legislatures do not reflect the will and/or composition of the electorate they "serve." Therefore, this cannot be a sure or trusted barrier to proposed amendments, which could strip away our current rights and the social safety net that we enjoy.

Thank you for the opportunity to submit testimony in opposition of this resolution.

HCR-128

Submitted on: 3/17/2021 12:41:40 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin L Hill	Individual	Support	No

Comments:

Aloha Chair McKelvey and Committee Members,

I am a small business owner in this beautiful state of Hawaii. Congress has got to get much more progressive and start voting on behalf of the hard working tax payers. We've just witnessed the \$15 hr minimum wage not get passed due to the influence of large corporate influence via the Chamber of Commerce being opposed to it. Its terrible that despite the majority of the population supporting the minimum wage hike and so much more, big money always wins. Calling for a limited Article V convention on a particular issue puts enormous pressure on Congress to propose an amendment. And Congress has demonstrated that they need that pressure. Hawaii is one of the most progressive states and needs to add its name to the small list of states that seek an amendment to get money out of politics.

Please vote yes on the amendment to HCR128 that calls for a limited-topic Article V convention and then pass the amended version of HCR128 out of your committee.

Mahalo,
Kevin Hill

HCR-128

Submitted on: 3/17/2021 12:48:47 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Vanessa Cass	Individual	Support	No

Comments:

In support of Resolution # HCR128

Chairman McKelvey, members of the committee, my name is Vanessa Cass and I strongly support HCR128 once it has been amended to include a call for a limited-topic Article V convention.

I have seen how elected representatives across the US have been influenced by special interests based on financial contributions. This has got to stop; special interests do represent the needs of everyday Americans. Congress must return to representing the interests of those that voted them into office.

As a resident of Honolulu, I'm counting on all of you. Please vote yes on the amendment to HCR128 that calls for a limited-topic Article V convention and then pass the amended version of HCR128 out of your committee.

Thank you,

Vanessa Cass

HCR-128

Submitted on: 3/17/2021 1:08:51 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Wistinghausen	Individual	Support	No

Comments:

In support of Resolution # HCR128

Aloha Chair McKelvey and members of the committee,

My name is Justin Wistinghausen and I will strongly support of HCR128 once it has been amended to include a call for a limited-topic Article V convention.

As a Marine Corps Veteran I would love to see Hawai`i leading the way with the ammended version of HCR128 and join the the States of Vermont, California, Illinois, New Jersey and Rhode Island!

Much has been said today about how effective convention applications are at motivating Congress to act. What some don't realize is that this movement has already succeeded in motivating Congress and Congressional delegations. When Vermont passed the first such application for a convention about campaign finance reform, Vermont Senator Patrick Leahy soon moved a campaign finance amendment through his committee after years without movement. When asked why, he cited Vermont's call for a convention saying:

“It is time for Congress to follow the lead of the states and build support for amending the Constitution to ensure that all Americans can exercise their First Amendment rights. Vermont’s call for a constitutional 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.”

I would be proud to see Hawai`i’s delegation join those in Congress who have been motivated to actual action this way. Please pass HCR128 after it has been amended to include a call for a limited-topic Article V convention on this subject. You can make it happen today.

Mahalo,

Justin Wistinghausen

HCR-128

Submitted on: 3/17/2021 1:17:55 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Coby Thornton	Individual	Support	No

Comments:

Aloha,

My name is Coby Thornton. I was born and raised on the Island of Oahu and have lived here all of my life. For the last thirteen years, I have served the State of Hawaii as a public school teacher at the elementary level.

As a public school teacher, I have taught my students about the history of Hawaii and the injustices that occurred during the reign of the Provisional Government of Hawaii. In that time, the laws were slanted to favor the rich men of Hawaii, while ignoring the needs of the vast majority of the people. That system of government ran less like a republic and more like an oligarchy. For the last decade, I have come to realize that history is repeating itself in the United States of America. A study published in 2014 by Princeton University Professor Martin Gilens and Northwestern University Professor Benjamin I Page found that in the United States, "When a majority of citizens disagree with the economic elites and/or with organized interests, they generally lose." This has a lot to do with the fact that in the United States, people are legally allowed to donate an unlimited amount of money to political candidates' super packs. When those political candidates become our leaders, they are then beholden to those that donated to them. This influx of money into our political system has made running for office very costly and virtually impossible for the average person dividing us into people who have influence and people who don't.

In order to make our system of government match the values and ideals of a true republic, I ask that you support amending HCR128 to call for a limited Article V convention to propose a campaign finance reform amendment. The United States Congress has shown in the past that it needs pressure from the states to propose new amendments as fifteen of our country's twenty-seven amendments were proposed after states began applying for a convention on that topic. In 2010, Hawaii led the nation in requesting that Congress propose a constitutional amendment to address the Supreme Court's decision on Citizens United and now we have the opportunity to continue that work. An amendment will insure that even the U.S. Supreme Court will not be able to reverse the will of the people when it comes to campaign finance form.

Thank you for taking the time to read this letter. I ask that you do the right thing for our state and our nation.

Aloha,

Coby Thornton

HCR-128

Submitted on: 3/17/2021 1:55:57 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
laurie boyle	Individual	Oppose	No

Comments:

I Oppose hcr128 for the simple reason that a constitutional convention would be required, thereby allowing a 38-state majority to slash and rewrite our constitution with the rhetoric which inspired the attempted coup on our country and sacred vote.

Mahalo for your attention.

HCR-128

Submitted on: 3/17/2021 2:27:02 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Martha Jenkins	Individual	Support	No

Comments:

Ke 'olu'olu, support this crucial step in untangling money and politics and building a strong democracy. Please support amending the legislation (HCR128) to call for a limited Article V convention to propose a campaign finance reform amendment.

HCR-128

Submitted on: 3/17/2021 3:02:04 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

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

Comments:

Strongly Support **HCR128** and **HR104**

"What is taking place is not neglect. It is not ineptitude. It is not policy failure. It is murder. It is murder because it is premeditated. It is murder because a conscious choice was made by the global ruling classes to extinguish life rather than protect it. It is murder because profit, despite the hard statistics, the growing climate disruptions and the scientific modeling, is deemed more important than human life and human survival." (<https://www.commondreams.org/.../03/02/age-social-murder>)

-

When all people are recognized by the constitution as more important than corporate profits, everything will change.

Neoliberalism is not the answer.

www.MoveToAmend.org

www.WeAreOne.cc

HCR-128

Submitted on: 3/17/2021 3:06:00 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Brandt	Individual	Support	No

Comments:

Chair McKelvey, Vice Chair Wildberger, and members of the House Committee on Government Reform:

My name is Thomas Brandt. I'm a former state and federal government employee, government employee union member, and hold master's and doctoral degrees in political science from UH-Manoa.

I strongly support this resolution for the following reasons, with an amendment specifying that it calls for a limited single-issue "Article V" convention to propose a campaign finance reform amendment to the U.S. Constitution. This language was inadvertently changed during the drafting process.

- Our corrupt campaign finance system is at the heart of our federal government's dysfunction, in my opinion, and causes problems or prevents progress on every issue.
- Reforming campaign finance is essential, in my opinion, otherwise our elected "representatives" will continue to represent special interest campaign contributors more than "we, the people."
- I also think fears are unfounded that a single-issue Article V amendment could lead to a "runaway" constitutional convention that could threaten other constitutional rights, including the rights of labor unions to organize.
- The majority of U.S. Constitutional amendments so far (15 out of 27) were preceded by states applying for a convention on a single topic, and Article V conventions are--by constitutional design--limited to that single topic. So this is a very common way for states to apply pressure on Congress for an amendment.
- In 2010, Hawaii was the first state to request that Congress propose a constitutional amendment to reverse the "Citizens United" U.S. Supreme Court decision that opened the floodgates to "runaway" spending from unaccountable sources--a.k.a "Dark Money"--that is making a mockery of our electoral process and "representative" democracy, in my opinion.
- This resolution is the next step in that process, in my opinion, so please support it.

Thank you for your time and consideration, and the opportunity to offer these comments.

HCR-128

Submitted on: 3/17/2021 3:26:44 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Oppose	No

Comments:

Dear Chair McKelvey, Vice Chair Wildberger and Committee on Government Reform,

Please oppose HCR 128.

Any call for an Article V convention is dangerous during these times of hyper-partisanship and dark money influencing our politics.

Any Article V Constitutional Convention or Convention of States would put all of our hard fought and won rights at risk, including but not limited to union, LGBTQIA+, environmental, First Nations, women's, and voting rights.

There are no rules governing an Article V Constitutional Convention or Convention of States, and there are no mechanisms to stop monied interests from influencing an Article V convention. The current funders of the Convention of States are the Koch and Mercer Families.

We want to limit money in politics and end Citizens United, but an Article V Constitutional Convention is not the mechanism. The risks of an Article V Constitutional Convention severely outweigh its benefits. We supports a Constitutional Amendment overturning Citizens United, which is a more prudent and sensible method of solving the money in politics issue.

Thank you for the opportunity testify in **opposition** to HRC 128 / HR 104 and we respectfully request that you **defer** HRC 128 / HR 104.

Mahalo,

Caroline Kunitake

HCR-128

Submitted on: 3/17/2021 3:28:56 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynne Caraway	Individual	Support	No

Comments:

It is time to return elections to the citizens and not continue to placate special interest groups. Our elected officials are more focused on the approval of their donors instead of their constituents. Thus their inability to get anything of benefit to citizens passed.

HCR-128

Submitted on: 3/17/2021 4:36:03 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dyson Chee	Individual	Support	No

Comments:

Thank you for the opportunity to testify in support of HCR128.

HCR-128

Submitted on: 3/17/2021 5:38:53 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua Fisher	Individual	Support	No

Comments:

I have always participated in voting and doing my civic duty to stay informed. I notice a majority of friends and family have disengaged from the system and no longer participate because they feel the system is totally corrupt and their interests are not being given priority. It's sad to say that it's true. The amount of money being poured into politics really shows the disparity between the roll of government that should be representing the majority and not the interests of the few that have all the money, access, and power. The only way to truly give back that voice to the people and to be truly democratic is to remove the advantages that solely money buys.

Regardless of these feelings of helplessness about our democracy, I continue to take my now eight-year-old son to vote with me at every election. I do this because I believe it matters to vote and I'm showing my son to not give up and that our democracy matters. I'm asking you to do the same.

HCR 128, the Free and Fair Elections Resolution is something that we can do at the state level to fix our broken nation's campaign finance system. I urge you to vote for HCR128 and do everything in your power to see it passed.

Sincerely,

Josh Fisher

HCR-128

Submitted on: 3/17/2021 5:47:25 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Janelle Ueda	Individual	Support	No

Comments:

In support of Resolution # HCR128

Aloha Chair McKelvey and members of the committee,

My name is Janelle Ueda and today I am testifying in strong support of HCR128, the Free and Fair Elections resolution once amended to include a call for a limited-topic Article V convention.

I am currently a State Worker for Child Welfare Services and I've lived on Oahu my entire life.

I see kids everyday that have fallen into the mentality that they are just another case, another number in the system because we don't give the attention we need to social services. The money is spent on what large corporations dictate. On a federal level this means oil permits and favoring what corporations want instead of what America needs. I do not want to see this look in my children's eyes anymore! I want them to get the resources they need.

In the early 1900s, prior to the 17th amendment being ratified, United States Senators were appointed by the state legislatures, instead of directly elected by the people. Over the years, the Senate became seen as a profoundly corrupt and unpopular body of government. However, despite the federal House of Representatives proposing an amendment for the direct election of Senators seven separate times over 100 years, the Senate never took a single vote on it. Congress was broken.

So what happened? Your predecessors happened. The state legislatures were sick of the system, and in the 15 years prior to 1911, 31 out of the 46 states applied for a

convention to propose the amendment for the direct election of Senators themselves – just one short of the 2/3 of the states necessary to force the convention. They spoke with strength that they would no longer wait for the Senate. Either the Senate could finally formally propose the amendment for ratification, or the states would do it themselves and give the people the amendment that the country needed. The results – in May of 1911, the Senate finally voted in favor of our 17th amendment which was ratified by $\frac{3}{4}$ of the state legislatures 2 years later.

This tactic works. This Constitutional right is in fact our most powerful way of petitioning for an amendment on behalf of the American people. Today in America we are faced with an eerily similar problem. We have a Congress that is broken and few reasonable people believe that they will actually propose an amendment to fix our campaign finance system without pressure. In this troubled period, we can draw hope and inspiration from our own power and the stories of Americans who conquered their own challenges before us. We owe much the same to the Americans of the next century. Please vote yes on HCR128 after it has been amended to include this most effective prod on Congress, the call for a limited-topic Article V convention.

Mahalo,

Janelle Ueda

HCR-128

Submitted on: 3/17/2021 5:52:56 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Dursin	Individual	Oppose	No

Comments:

TO: House Committee on Government Reform

RE: HCR128 Calling for an Article V Constitutional Convention

I find this bill misleading in its emphasis on campaign finance reform. Many American citizens disapprove of the part money plays in our election system and would welcome changes limiting its influence. By stressing the idea of campaign finance reform, the public may support an Article V Convention, not realizing the tremendous dangers of such a convention. Many rights that have been so hard-earned over the decades could be at risk.

It's ironic that with voting rights so seriously challenged we would allow a convention opening up those rights to further attack. There is no way to enforce the limitation of topics to campaign finance reform. With further irony, it's possible that monied interests could bring about even greater possibilities for dark money to do its work.

Please oppose HCR128.

HCR-128

Submitted on: 3/17/2021 6:29:25 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Randall Imada	Individual	Support	No

Comments:

Aloha Chairman McKelvey and Committee Members,

I am a former nurse aide from Pauoa Valley, who is concerned about the growing hardships happening in Hawaii.

The Free and Fair Elections Resolution often makes me think of the fictional tale of the Dutch boy, who saved his town by sticking his finger in a dike. By passing this resolution, common citizens will have a better chance of getting legislation that is in their interests.

Today, common citizens have a hard time speaking up for their interests, because they are up against powerful interests, that drown out their voices through the use of unlimited monies. We are like the Dutch boy, except we have to stop the dike from bursting by using all of our fingers. Wouldn't it be better to stop the water from overflowing by stopping the water before it reached the dike?

I urge you to support the Free and Fair Elections Resolution, HCR 128. Thank you for your time and consideration.

Mahalo,

Randall Imada

HCR-128

Submitted on: 3/17/2021 7:17:59 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Wallace	Individual	Support	No

Comments:

Please note that I am very much in favor of this proposal.

Thank you,

Tom Wallace

Hawaii Kai, HI

PROGRESSIVE DEMOCRATS OF HAWAII
Post Office Box 51
Honolulu, Hawaii 96810

March 17, 2021

To: The Honorable Angus L.K. McKelvey, Chair
The Honorable Tina Wildberger, Vice Chair, and
Members of the House Committee on Governmental Reform

Re: HCR 128/ HR 104 – for a federal constitutional amendment on campaign finance reform

Hearing: Friday, March 19, 2021, 11:00 a.m. Room 309 & via videoconference

Position: **STRONG OPPOSITION**

Aloha, Representatives McKelvie, Wildberger, and Members of the Committee!

Progressive Democrats of Hawaii strongly oppose these resolutions, which support a proposed federal constitutional amendment through congressional action and, failing that, through a novel federal constitutional convention, to overturn the egregious U.S. Supreme Court decision in Citizens United v. Federal Election Commission and cases that follow that decision. The Citizens United decision is not mentioned in the resolutions, but it is apparent that the Citizens United decision is the target of the resolutions.

Prior to Citizens United, it was well understood law throughout the United States for well over a century that governments could regulate the political speech of corporations, because corporations are, legally, creatures of governmental law. However, a bare 5-4 majority of the Supreme Court in Citizens United decided, on issues that had not even been raised in the lower courts in the case before it, to invent a constitutional right of corporations that they have certain levels of political free speech that cannot be regulated by law.

The Citizens United decision has generated a great deal of backlash, but so far, it has survived challenges. A number of attempts have been made, like the present resolutions, to try to enact a federal constitutional amendment that would expressly recognize the powers of states and/or the federal government to regulate corporate political speech. The problem is that, in the present political climate, such attempts will not succeed. Much worse, they will potentially create dangers of really bad amendments being passed.

This proposal for campaign finance reform through a federal constitutional amendment ignores the political reality that any constitutional amendment must be approved by a majority vote of each house in 38 state legislatures. That is politically impossible, and will remain politically impossible for decades to come.

In the present political climate, in which the vast majority of Republican office-holders are loyalists to former president Donald Trump and his policies, and in which they vigorously oppose campaign finance reform.

So, **these resolutions represent a proposal for a political impossibility**. But that is not all. It is a proposal for something that is extremely dangerous as well, because they urge the creation of a federal constitutional convention, something that has not happened since the original constitutional convention back in the 1780s.

The advocates contend that this is somehow safe because it is for a “limited purpose constitutional convention” that would only debate the parameters of an amendment relating to campaign finance reform. But a “limited purpose constitutional convention” is like being a little bit pregnant. It is unprecedented and undefined. Whether or not the limitations would be honored would ultimately be determined by the U.S. Supreme Court. The same Supreme Court that dishonestly blew away the guardrails that were supposed to prevent the Court from taking a narrowly defined case about campaign finances and letting the Court judicially legislate and rewrite a century of campaign finance law to much more broadly give corporations rights to participate in political campaigns.

The U.S. Supreme Court acted in bad faith in adopting its decision in Citizens United. See, for example, Jeffrey Toobin’s article in the New Yorker, May 12, 2012, Money Unlimited, *How Chief Justice John Roberts orchestrated the Citizens United decision*. We simply cannot trust the Supreme Court to avoid repeating its bad faith conduct if it is asked to decide whether or not a new constitutional convention should be “limited purpose” or not. Only the Supreme Court will decide whether to recognize if there should be guardrails but, last time, it ignored them.

The bottom line is that this proposal cannot succeed in real world politics: it has a ZERO chance of success. Conversely, if the Supreme Court decided that a constitutional convention did not need to be “limited purpose,” the constitutional convention could – and guaranteed it would – gin out dozens of right-wing proposals that we will be fighting for years to come: a nationwide right-to-work amendment, other anti-labor, anti-environment, anti-consumer, anti-voter, anti-LGBTQ provisions, and myriad other anti-progressive proposals that we will be fighting against during the rest of our lives.

We appreciate the honorable intent behind these resolutions, but they fail to understand the underlying grave risks. The ONLY safe and effective way to rid the Nation of the Citizens United decision during our lifetimes is to change the personnel on the U.S. Supreme Court. No other proposed solution will work. For this reason, Progressive Democrats of Hawaii urge this Committee to defer these resolutions. Thank you for the opportunity to testify.

Alan B. Burdick, co-chair
Progressive Democrats of Hawaii
Burdick808@gmail.com / 927-1500

HCR-128

Submitted on: 3/17/2021 8:41:46 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Roxanne Lawson	Individual	Support	No

Comments:

The partisan vote is an example of how broken the system has become. That not a single Republican voted in favor of the COVID Relief Bill. Many Republicans in the House and Senate were supportive of treasonist behavior on Jan 6. From my view this is a reflection of how out of balance the situation has become. Politicians are scared of loosing their base (and money) to run a campaign, instead of acting as responsible community servants.

As citizens we rely on our respresentives to demonstrate discernment and strong leadership skills. If a public servant is focused on fund raising how can one do their due diligence. The unequal distribution of wealth and the wealthy not paying their fair share continues to make it difficult to survive for the average American. Let's level the playing field for all of us.

HCR-128

Submitted on: 3/17/2021 9:01:12 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Shimei	Indivisible Hawaii	Oppose	No

Comments:

OPPOSE

In these contentious times we do not want a Constitutional Convention with no limits. HCR 128 assumes that an Article V Constitutional Convention can be called for a limited purpose. Arguments on both sides – are arguments. The only precedent we have is that the only convention ever called (in 1787 to modify the Articles of Confederation) discarded its mandate and wrote a new Constitution.

There are many reasons why Article V has never been invoked. If we truly want to use Article V as a means of amending the Constitution, we first need to amend Article V to unambiguously allow the calling of conventions of limited scope, explaining how we are to decide whether parallel calls are for the same purpose and can be counted together toward meeting the required 2/3 of states even if wording differs. We further need to set out details of how a proposed amendment will be agreed upon by the convention – majority vote? 2/3? ¾? 100%? Will each state have the same number of delegates or will it be proportional to population? Will each state have the same number of votes or will it be proportional to delegates? Who will govern the convention and who will decide the rules? With regard to ratification by the states, Article V needs to specify that a Constitutional Convention cannot propose an amendment to Article V permitting ratification by fewer than ¾ of the states as currently required (otherwise that change would be ratified when the lower number of states has ratified). If the federal courts consider these issues “political” they will not intervene and there will be no legal constraints or enforcement.

While we each have parts of the Constitution (or its interpretation) we would like to see fixed, without first clarifying Article V to provide strong assurance that a Constitutional Convention cannot highjack our democracy, we cannot support its invocation.

HCR-128

Submitted on: 3/17/2021 9:06:30 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Morgan Farl	Individual	Support	No

Comments:

To further the cause of true representative democracy, I see no better way than this path to amending the constitution. It's a path taken many times before and in this case would be a generation-defining amendment. As a soon-to-be first-time-father and a 10 year Maui resident, I know how important it is to remove big money from politics. This is a needed step towards a government truly for the people, by the people... and not for/by the special interests. Thank you for your consideration!

HCR-128

Submitted on: 3/17/2021 9:47:55 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Schragger	Individual	Support	No

Comments:

Aloha Chair McKelvey and Committee Members,

My name is Stacey Schragger and I am writing in support of the amended version of HCR128 that includes language calling for a limited-topic Article V convention to draft an amendment to the U.S. Constitution. This important Constitutional Amendment will restore our democracy by reigning in the out-of-control amount of money that has flooded our system of government.

In America today, we are faced with a crisis in our federal government. Our broken campaign finance system has incentivized our Congress to be accountable to the special interests that contribute to their campaigns over the interests of average Americans. The truth is that any realistic solution must include a Constitutional Amendment because the problem has been enabled by a runaway and overreaching Supreme Court.

The state of Montana had 100 years of common sense campaign finance laws that served their state well. In 2010, the Supreme Court, in a sweeping decision, threw all those laws into the trash. When the state of Montana challenged the Supreme Court to attempt to keep their laws, the Court wouldn't even hear the case. A panel of 9 unelected people decided they knew best about how to govern and legislate elections in the state of Montana.

Our republic was founded on a critical balance between federal and state power. If our state is going to be able to protect our own elections from the influence of unaccountable out-of-state money, we need to stand up right now and insist upon an amendment to overrule the Supreme Court. We are turning to you to exercise one of our most important rights as a state on behalf of the citizens of this country.

As a resident of Honolulu, I'm counting on you all. Please vote yes on the amendment to HCR128 that calls for a limited-topic Article V convention and then pass the amended version of HCR128 out of your committee.

[LINK to requested Amendment to HCR128](#)

Thank You,

Stacey Schrager

HCR-128

Submitted on: 3/17/2021 11:00:05 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Jenkins	Individual	Support	No

Comments:

Aloha Chair McKelvey and members of the committee.

My name is Kim, I live in Honolulu and I am writing you today to voice my support of HCR128 once it has been amended to include the call for a limited-topic Article V convention

The people's voices are not being heard and that needs to change. We can not continue to allow corporations and special interest to continue to call the shots. The American people are losing faith in our federal government and believe that their votes and voices are irrelevant, and this sentiment is getting worse every year with every election more expensive than the one before.

I truly believe that the only way to restore faith in our electoral system is by putting the power back in the hands of the American people. HCR128 takes action with the urgency that this issue demands.

Today, I ask you to vote 'yes' on the Free and Fair Elections Resolution.

Best,

Kim Jenkins

HCR-128

Submitted on: 3/17/2021 11:11:00 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Jonsson	Individual	Support	No

Comments:

Aloha, and thank you all for conducting a hearing on this very important resolution.

My name is Charles and I am a student of Political Science at Hawaii Pacific University. I have been following politics my entire adult life, and the one issue that I am really passionate about, the issue that first made me want to get involved in politics is the issue of climate change. Relying on fossil fuels to support our society is completely unsustainable. It is no understatement to say that dealing with the impending climate crisis is a matter of life or death for all of humanity.

You may be wondering how this resolution has anything to do with the issue of climate change. The fact of the matter is that the United States is one of the only countries in the world where climate change denial exists in any significant way at the highest level of government. This is no coincidence. Fossil fuel companies spend millions upon millions of dollars to influence our public policy, to ensure that their profits are protected, at the expense of the climate and our own survival.

The Supreme Court calls this protected free speech.

Unless we deal with the corrupting influence of corporate money in politics, we will never see the type of policies we need in order to save our climate and the planet from disaster.

This resolution, provided that it is amended to call for an Article V convention limited to the subject of campaign finance reform, would be the first step in that process, and I urge the members of this committee to support it.

Thank you.

HCR-128

Submitted on: 3/17/2021 11:32:57 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nadia Alves	Individual	Support	No

Comments:

Aloha Chair McKelvey and members of the committee.

My name is Nadia. I am a retail worker and I live in Honolulu. I am testifying in strong support of the Free and Fair Elections Resolution - HCR128 - once it has been amended to include a call for a limited-topic Article V convention.

I come from a working-class family of immigrants. I've known what it's like to struggle from a very young age. By the age of 13, I had to take on responsibilities that no child should ever have to. My mother had to work more than 14 hours a day to be able to put food on the table and a roof over our heads. Most days she would leave the house before we left for school only to return, bone tired, after we had had our suppers. As the oldest of five siblings, I had to put my own education on hold to become a provider of childcare, cooking, and cleaning for my family, because that was the only way to for us to get by. I suffer from this period of my life, in more ways than one, to this day.

As I've grown older, I've come to realize that our system of government is not set up to protect people like me or my family, but rather that it is set up to protect the interests of corporations, special interests and the wealthy.

There are so many issues that I and others like me care about and would love to see change for the better, like healthcare, education, workers' rights, the climate, and, recently, the government's handling of the COVID-19 outbreak, but I truly believe that we won't see progress on any of these matters unless we deal with the pressing issue of money in politics first.

For these reasons, I ask you to vote yes on HCR128.

Mahalo,

Nadia Alves

HCR-128

Submitted on: 3/18/2021 2:13:26 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Schrager	Individual	Support	No

Comments:

Aloha Chair McKelvey and members of the Committee,

My name is Eric Schrager, I live in Ewa Beach and I am writing in support of HCR 128, the Free and Fair Elections Resolution once amended to include a limited-topic Article V convention call as [linked here](#).

This simple, yet powerful measure amounts to Hawai'i joining five other states in petitioning Congress to take action to end the corrupting influence of unlimited political campaign donations and spending on our system of government.

The Constitution explicitly provides a balance between the power of the states and the federal government in Article V by providing each the equivalent capability to propose amendments to the Constitution. After that, 3/4 of the states, now 38 states, must ratify any amendment proposed by either Congress or a convention in order for it to become part of the Constitution.

A "runaway convention", although theoretically possible, would be inconsequential since at least 13 states (likely many more if not all of them) would undoubtedly reject and not ratify any amendment(s) which they had never called for to begin with.

Some might argue that our only experience with a "Constitutional Convention" occurred in 1787 and that this convention was a "runaway convention". This is not true. The Articles of Confederation (in essence a treaty between sovereign states) had no provision in them for amendments at a convention. So in reality there was nothing for the delegates to runaway from under the Articles of Confederation. Additionally, nearly all of the delegates who went to Philadelphia for the 1787 convention were tasked to do exactly what they did, draft a Constitution to replace the Articles of Confederation. They certainly were not going rogue in any way. Ironically, one of the main problems with the Articles of Confederation was how difficult it was to amend them (it required unanimous approval of all states)

We need to free our Congressional delegations from their dependence on outside entities to fund their election and re-election campaigns. The only way to do that is to have reasonable limits on campaign spending and donations so that our elections are fair enough to allow people to run for office regardless of their financial status or level of

support from wealthy donors and corporations. We also need to help Congress remain free of conflicts of interests by cutting its ties to corporations, special interest groups and other opaque sources of campaign funding on which they have become dependent in order to run viable campaigns.

Unfortunately the Supreme Court's 2010 decision on Citizens United means that states may not enforce campaign finance laws that constrain spending or donations because money has become synonymous with speech and corporations synonymous with people. Only a constitutional amendment will be able overrule this disastrous legal decision in an enduring way that is beyond the reach of the Supreme Court.

Congress, unsurprisingly, shows no intention to propose a constitutional amendment on campaign finance despite calls from several states for it to do so. Hawai'i was the first state in the nation to make that call in 2010. Since then no progress has been made and the ties between capital and Congress have only become stronger.

Please use the power given to you in the Constitution as state legislators and pass this resolution. In doing so you will be stating as emphatically as possible that the state of Hawai'i wants Congress to begin functioning as it should, in the best interests of average Americans.

Thank you,

Eric Schrager

HCR-128

Submitted on: 3/18/2021 4:59:19 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lyle Roe	Individual	Support	No

Comments:

Aloha Chair McKelvey, Vice Chair Wildberger, and Members of the Committee:

I am writing this morning in **strong support** of HCR 128. As we have all observed over the course of recent national elections, our election system is under duress. It suffers from a crisis of confidence and the only way to restore that confidence is to begin to restore access to the system to actual people. For too long, access to government, particularly at the Federal level, has been determined by who and how much has been contributed to the persons charged with listening. The average citizen who, more often than not, is affected by the decisions being made is left to scream into the void, uncertain if their voice is heard after receiving a form letter in reply with a stamped signature. They know they cannot compete with massive dollar dumps from PACs, Super-PACs, and monied special interests.

This scenario is most directly responsible for the level of civic apathy in America today. I support a limited national convention because I believe it is the only way to wrest back power so that actual people have a salient voice in the national conversation. The future of our democracy depends on engaged and educated citizens on **BOTH** sides of the aisle, and a limited national convention would send a serious signal to Congress that citizens of all political stripes are ready to take action if they are not. This is how we begin to drain the swamp.

I urge you to support this resolution and **vote yes on HCR 128**.

With Warmest Aloha,

Lyle Roe

HCR-128

Submitted on: 3/18/2021 6:25:13 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeff Mcknight	Individual	Support	No

Comments:

In support of Resolution # HCR128

Aloha Chair McKelvey and members of the committee. My name is Jeff McKnight and I'd like to speak in favor of House Concurrent Resolution 128 (HCR 128)

I have been an active member of the Hawaii Democratic Party for over 10 years. I have become very disillusioned by the lack of meaningful legislation so much so that I am seriously giving thought to moving to another country where the legislature cares more for their constituents than their corporate donors. If I were to stay in the State of Hawaii then I would not be able to afford retirement. It is absurd that we are expected to work for \$10 an hour and pay hundreds of dollars per month for health care. The favoritism towards the tourist industry and real estate developers is appalling.

The time has come for America to face the growing emergency that is the corrupting influence of money in our elections. I could point to the bi-partisan, popular, and common-sense legislation and policy that are consistently poisoned by the influence of those who can afford to spend more in elections. I could point to the Americans of all backgrounds who suffer as a direct result of government inaction. But the truth is that this problem runs even deeper than that.

Americans of every political party and background are losing faith in our federal government. Our voter participation is embarrassing, trailing most developed countries. Our Congress has lower general popularity than head lice. The American people rightly believe that their vote and voice make no difference to the federal government and it gets worse every year with every election more expensive than the one before.

HCR128 takes action with the urgency that this issue demands. It expresses to our Congress, in the strongest possible terms, that our system *needs* to address the corrupting influence of money with a U.S Constitutional Amendment and that Hawai'i stands among the states willing to lead with courage if Congress will not act.

Throughout our history, Americans have done much braver things than having a conversation about amending our Constitution. Today, I ask you for a moment of courage on behalf of our country. Vote yes on HCR128 after it is amended to include a call for a limited-topic Article V convention on the subject of Campaign Finance.

Mahalo,

Jeff McKnight

March 18, 2021

Aloha Chair McKelvey and Committee Members,

My name is Sylvia Ching and I have been a resident of Hawaii and a citizen of the United States of America for my entire life of 70 years.

I know the importance of having honest government which responds to the needs of the people it is sworn to serve. There is now too much influence of Big Money in government decisions. This is very bad and impacts the quality of life of We the People. People like you and me. Working individuals and families who are impacted by the decisions made by government.

As a resident of Honolulu, I'm counting on you all. Please vote yes on the amendment to HCR128 that calls for a limited-topic Article V convention and then pass the amended version of HCR128 out of your committee.

Mahalo,

Sylvia K.S. Ching

HCR-128

Submitted on: 3/18/2021 6:34:21 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Linda Morgan	Individual	Oppose	No

Comments:

Although I support the demise of Citizens United for how it opened up the infusion of corporate money into our elections with no transparency, this bill to call a Constitutional Convention is not the right way to accomplish this. With our current hyper partisanship and corruption in Congress, now is not the right time for an Article V Constitutional Convention. Instead, a Constitution Amendment to overturn Citizens United is the right mechanism for getting dark money out of elections. Please oppose HCR128.

HCR-128

Submitted on: 3/18/2021 7:19:29 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anne	Individual	Support	No

Comments:

I support this bill very strongly. We urgently need campaign finance reform as a crucial part of moving toward free and fair elections. I hope that Hawaii will be a leader in this area, which is very much in alignment with traditional Hawaiian values. I hope very much that you will consider the bill favorably.

HCR-128

Submitted on: 3/18/2021 7:28:52 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Leo Braulick	Individual	Support	No

Comments:

March 18, 2021

I support [HCR128](#) - Free and Fair Elections - which proposes an amendment to the Consitution of the United States of Amerca on campaign finance reform. I also support amending the legislation to call for a limited Article V convention to propose a campaign finance reform amendment that will end the era of Citizens United.

Nathan Leo Braulick

2333 Kapiolani Blvd., #1604

Honolulu, HI 96826

HCR-128

Submitted on: 3/18/2021 7:36:11 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Judith Perino	Individual	Support	No

Comments:

I strongly support passage of this bill.

HCR-128

Submitted on: 3/18/2021 7:38:12 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Roy Brennen	Individual	Support	No

Comments:

The process of fair and free elections is the cornerstone of our democracy. In order to have and maintain a system of free and fair elections we need to ensure that appropriate and enduring campaign finance reform is formerly clarified into our systems of government to ensure the intent of the constitution endures.

HCR-128

Submitted on: 3/18/2021 7:41:50 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
laurel brier	Kauai women's caucus	Support	No

Comments:

Give the voice back to the people; greedy, self servicing corporations do not make a democracy, but are leading us toward an uninhabitable world

HCR-128

Submitted on: 3/18/2021 7:48:00 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

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

Comments:

No one should be able to "buy" an election. That is not democracy.

HCR-128

Submitted on: 3/18/2021 7:49:33 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Atterbury	Individual	Support	No

Comments:

Aloha members of the government reform committee,

I am writing today in support of HCR 128.

In my and many other American citizens' opinion, a corrupt campaign finance system is at the very heart of the dysfunction of our government today. Americans such as myself are losing faith that their voting has any relevance, any true meaning, as it is outmatched by the influence of big money interests on elections, and thus has little if any effect on related policy and legislation.

The time has come for action beginning at the state level to override the effects of the supreme court decision in citizens United. I believe the court's decision was a forced error. The founders of our constitution could not have foreseen and therefore worded the constitution in order to avoid such a decision. And yet I am positive that the founders would agree that representative democracy should not be controlled by big money interests.

In 2010 Hawaii was the first state to call on the US Congress to consider a constitutional amendment to override the citizens United decision. 11 years later it's still hasn't had the effect that we hoped for. This resolution is the next step in increasing the pressure on Congress to do so.

15 of the 27 constitutional amendments were preceded by states applying for a convention on the relevant topic. Calling for a limited Article V convention would put pressure on Congress to consider an amendment to The constitution that would void the citizens United decision by the Supreme Court, and help to get big money out of politics, bringing us closer to a true Representative democracy where individual citizens' votes such as my vote would not be deminished.

Today I am asking you to continue Hawaii's actions on behalf of individual citizens to have equal say in democracy, and to continue to be at the forefront of the nation in this effort. I ask that you support HCR 128 with the amendment call for a limited-topic article V convention on the topic of campaign finance reform.

Mahalo,

Lynn Atterbury
of Hawaii County

HCR-128

Submitted on: 3/18/2021 7:54:48 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick Switzer	Individual	Support	No

Comments:

Speech is not money! Corporations are not people.

HCR-128

Submitted on: 3/18/2021 7:55:16 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
michele mcconnell	Individual	Support	No

Comments:

Aloha Chair McKelvey and members of the committee,

My name is Michele Mcconnell and today I am testifying in strong support of HCR128, the Free and Fair Elections resolution once amended to include a call for a limited-topic Article V convention.

I am an artist and small business owner residing in Maui for the last 8 years. I love the Hawaiian islands and feel grateful to live here.

In the early 1900s, prior to the 17th amendment being ratified, United States Senators were appointed by the state legislatures, instead of directly elected by the people. Over the years, the Senate became seen as a profoundly corrupt and unpopular body of government. However, despite the federal House of Representatives proposing an amendment for the direct election of Senators seven separate times over 100 years, the Senate never took a single vote on it. Congress was broken.

So what happened? Your predecessors happened. The state legislatures were sick of the system, and in the 15 years prior to 1911, 31 out of the 46 states applied for a convention to propose the amendment for the direct election of Senators themselves – just one short of the 2/3 of the states necessary to force the convention. They spoke with strength that they would no longer wait for the Senate. Either the Senate could finally formally propose the amendment for ratification, or the states would do it themselves and give the people the amendment that the country needed. The results –

in May of 1911, the Senate finally voted in favor of our 17th amendment which was ratified by $\frac{3}{4}$ of the state legislatures 2 years later.

This tactic works. This Constitutional right is in fact our most powerful way of petitioning for an amendment on behalf of the American people. Today in America we are faced with an eerily similar problem. We have a Congress that is broken and few reasonable people believe that they will actually propose an amendment to fix our campaign finance system without pressure. In this troubled period, we can draw hope and inspiration from our own power and the stories of Americans who conquered their own challenges before us. We owe much the same to the Americans of the next century. Please vote yes on HCR128 after it has been amended to include this most effective prod on Congress, the call for a limited-topic Article V convention.

Mahalo,

Michele Mcconnell



John Shen

NATIONAL LEGISLATIVE DIRECTOR

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House Government Reform Committee

HAWAII HOUSE OF REPRESENTATIVES

415 S Beretania St., Honolulu, HI, 96813

In support of an amendment to HCR 128 to specifically add a call for a limited Article V Convention

To Chairman McKelvey, Vice-chair Wildberger, and members of the House Government Reform Committee,

I write to you today as the National Legislative Director for Wolf-PAC. We are a non-partisan grassroots organization with over 50,000 volunteer sign-ups nationwide. Our goal is in complete alignment with HCR128, a U.S. Constitutional Amendment to enable us to fix the undue influence that big money and special interests have over our federal government. I'm testifying in the strongest possible support of amending HCR128 to immediately call for a limited Article V convention to propose this amendment.

I'm also writing to you as an American who has just seen one of the darkest years in our country's history made longer and worse through the sheer dysfunction of our federal government. Until recently, our nation was the worst in the world for both daily COVID-19 cases and deaths of our people. Small businesses and local governments were hit by an economic calamity through no fault of their own with precious little aid provided to them. Perhaps most importantly, millions of Americans, disproportionately the poorest and most vulnerable, suffered both financially and spiritually.

The fundamental problem is not new and has only been revealed more by a crisis like the COVID-19 pandemic - our federal government doesn't work for the people anymore. Studies of the past several decades have demonstrated that policy-making and legislation are not significantly responsive to public opinion at all, and was instead responsive to the opinions of significant campaign donors.¹ This core dysfunction stymies progress and creates

¹ Gilens, Martin, and Benjamin I. Page. "Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens." *Perspectives on Politics* 12, no. 3 (2014): 564-81. doi:10.1017/s1537592714001595.

problems for literally every issue in American politics and is gradually eroding the faith that Americans have in our institutions.

However, in the face of such an enormous and systemic problem, we continue to believe that a solution is possible, and an amendment to the U.S. Constitution is a critical part of that solution. Our current campaign finance system has been enabled by a series of Supreme Court decisions stretching from *Buckley v. Valeo* in 1976 to *Citizens United v. FEC* in 2010, and, as a result, Congress and the states are severely limited in how they can regulate their own campaign finance laws. A constitutional amendment like the one described in HCR128 would instead empower Congress and the states to restore an election system with greater balance and integrity.

If a constitutional amendment is so important, then why is it so important to amend HCR128 to have a limited Article V Convention call? Simply put: there is no better way to pressure Congress to act. Under Article V of the Constitution, an amendment can be proposed either by two-thirds of Congress, or a convention called by two-thirds of the state legislatures. Throughout American history, no topic for a convention has ever gotten to the two-thirds threshold needed to force a convention, but calling for a convention has been an essential tool for the states to bring about change. Because Congress has capitulated to the pressure from the states, the Congressional Research Service has called this the “prodding” effect.³

The majority of our amendments were preceded by the states calling for a convention on that topic.² The most significant example was with the 17th Amendment, which established the direct election of U.S. senators. The House of Representatives proposed the amendment multiple times over 50 years and not once did the Senate even hold a vote. Congress was incapable of proposing this extremely popular amendment on their own. It was only in the final 15 years, when the state legislatures began a movement to call for a convention to propose the amendment. They got within one state shy of the two-thirds threshold required to force a convention, when Congress finally felt enough pressure to propose the amendment.³ In the past 10 years since Hawaii first formally requested Congress to propose a campaign finance reform amendment, it is extremely clear that Congress needs additional pressure.

Some believe that an amendment convention is risky and may end up making unintended changes to the U.S. Constitution. The fact is that the role of an amendment convention would be identical to Congress’s role in drafting an amendment on some specific topic. The

² Amendments 1-10, 13, 17, 21, 22, 27

³ **Congressional Research Service.** The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress, Oct 22, 2012

states always cast the final votes for or against any constitutional amendment during ratification, which requires the overwhelming consensus of 75%. This extremely high threshold prevents any amendment that is not popular and bipartisan from ever becoming a part of the U.S. Constitution. It is the same reason that very few have concerns about Congress proposing undesired amendments. The overwhelming consensus of the peer-reviewed legal research⁴⁵⁶⁷⁸⁹¹⁰ all support the view that amendment conventions may be limited to one topic and that those limitations may be effectively enforced.

It's also worthy to note that this legislation has no fiscal impact and would not cost the state any additional money.

This is an opportunity for Hawai'i to lead on one of the biggest issues confronting our country, addressing the corrupting influence big money has on our political process. After a record obliterating \$14 billion election cycle in 2020, Americans desperately want a government responsive to the will of the people, and this is the opportunity to take the strongest action a state can make on any issue. By amending and passing HCR128 with a limited Article V Convention call in your committee this year, Hawai'i can provide that leadership when our nation needs it the most by exercising your constitutional right as state legislators.

Thank you sincerely,

John Shen

NATIONAL LEGISLATIVE DIRECTOR

⁴ **United States Department of Justice Report to the Attorney General.** Constitutional Convention - Limitation of Power to Propose Amendments to the Constitution, Oct. 10, 1979.

⁵ **United States Department of Justice Report to the Attorney General.** The Amending Process - The Convention Method, Jan. 16, 1979.

⁶ **United States Department of Justice Report to the Attorney General.** Limited Conventions under Article V of the U.S. Constitution, Sep. 10, 1987.

⁷ **American Bar Association.** Amendment of the Constitution by the Convention Method under Article V.

⁸ **Congressional Research Service.** The Article V Convention Method for Proposing Constitutional Amendments: Contemporary Issues, Mar. 29, 2016.

⁹ **Harvard Journal of Law and Public Policy.** The Other Way To Amend The Constitution: The Article V Constitutional Convention Amendment Process.

¹⁰ **Chapman University School of Law, University of Chicago School of Law.** Treatise on Constitutional Law Substance and Procedure.

HOUSE CONCURRENT RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA ON CAMPAIGN FINANCE REFORM THAT WILL RESTORE BALANCE AND INTEGRITY TO OUR NATIONAL SYSTEM OF CAMPAIGN FINANCE IN THE INTEREST OF PRESERVING SELF-GOVERNMENT IN THE UNITED STATES.

WHEREAS, the framers of the Constitution of the United States of America intended that the Congress of the United States of America should be "dependent on the people alone"; and,

WHEREAS, that dependency has evolved from a dependency on the people alone to a dependency on powerful special interests through spending by third-party groups, campaigns, or out-of-state donors; and

WHEREAS, as a result, the United States Congress has faced issues of internal dysfunction, unable to perform the basic functions of a legislature, and consistently unable to pass necessary legislation; and

WHEREAS, the Framers of the Constitution of the United States knew that amendments would be needed to address deficiencies and to adjust to new circumstances that would face our nation, and therefore provided the procedure for adding amendments to that Constitution in Article V; and

WHEREAS, in the Regular Session of 2010, Hawaii became the first state legislature to formally request that the United States Congress propose an amendment to protect the states' ability to legislate common sense campaign finance laws by passing House Concurrent Resolution 282, House Draft 1; and

WHEREAS, in the following ten years, the Hawaii Legislature has received no proposed amendment from Congress and continues to perceive the growing need for an amendment to the Constitution of the United States that will permanently protect fair elections in America by ensuring balance, integrity, and transparency to our national system of campaign finance; and

WHEREAS, the State intends the proposed constitutional amendment to protect and strengthen the First Amendment by ensuring the voices of the American people can be heard and represented equally in government, and can no longer be disproportionately minimized by the undue influence of powerful special interests and dark money groups; and

WHEREAS, the State also intends the proposed constitutional amendment to ensure the ability of the United States Congress and the states, within their respective jurisdictions, to reasonably regulate contributions and expenditures in campaigns, elections, or ballot measures however they deem appropriate; and

WHEREAS, the State further intends the proposed amendment to ensure that the United States Congress and the states shall have the power to implement and enforce the amendment by appropriate legislation; and

WHEREAS, the Framers appointed the United States Congress as an originator of needed amendments, but also recognized that the United States Congress itself may become in need of reform

and may prove unwilling to reform itself, so an alternative source for proposed amendments was needed and the state legislatures were selected as that source; and

WHEREAS, the Bill of Rights, among fifteen of twenty-seven amendments added to the Constitution of the United States, were partly in response to pressure from state legislatures calling for a convention to propose needed amendments; and

WHEREAS, because the Constitution of the United States requires that three-fourths of the states ratify an amendment proposed by Congress or to convene an amendments convention, no amendment has ever been adopted unless it represents a bipartisan consensus, thus ensuring that no extreme or partisan proposal can succeed; and

WHEREAS, an amendment convention held pursuant to Article V of the Constitution of the United States would be limited to only the subject specified in the applications from thirty-four states, would have its delegates bound by the instructions and limitations of the state legislatures that sent them, and would have such limitations enforceable by the United States judicial system; now, therefore,

BE IT RESOLVED by the House of Representatives of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2021, the Senate concurring, that this body requests the United States Congress to propose an amendment to the Constitution of the United States of America on campaign finance reform to restore balance and integrity to our national system of campaign finance and permanently protect the integrity of our elections; and

BE IT FURTHER RESOLVED that, the people of the State of Hawaii speaking through its Legislature, and pursuant to Article V of the Constitution of the United States, hereby submit an application to the United States Congress to call for a limited convention for the exclusive purpose of proposing amendments that satisfy the principles as described within this Concurrent Resolution to the Constitution of the United States; and

BE IT FURTHER RESOLVED that this Concurrent Resolution is intended to be a continuing application considered together with applications calling for a convention passed in the 2013-2014 Vermont Legislature as R-454, the 2013-2014 California Legislature as Resolution Chapter 77, the 98th Illinois General Assembly as SJR 0042, the 2014-2015 New Jersey legislature as SCR 132, the 2015-2016 Rhode Island legislature as HR 7670 and SR 2589, and all other passed, pending, and future applications until such time as two-thirds of the several states have applied for a convention for a similar purpose and said convention is convened by the United States Congress; and

BE IT FURTHER RESOLVED this body urges the legislatures of each of the states comprising the United States of America to issue similar petitions in order to build the consensus necessary to amend the Constitution of the United States; and

BE IT FURTHER RESOLVED that this body respectfully requests that the full and complete text of this Concurrent Resolution be printed in the Congressional Record; and

BE IT FURTHER RESOLVED that this body requests the cooperation of the states in issuing an application compelling the United States Congress to call a convention for proposing amendments pursuant to Article V of the Constitution of the United States of America; and

BE IT FURTHER RESOLVED that this application is void, rescinded and of no effect in the event that the Hawaii State Legislature determines that such a convention is not limited to such a specific and exclusive purpose; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the President of the United States; Vice President of the United States in the Vice President's capacity as presiding officer of the United States Senate; Speaker of the United States House of Representatives; Minority Leader of the United States House of Representatives; President Pro Tempore of the United States Senate; Hawaii's Congressional Delegation; and the presiding officers of each

legislative body of the states that comprise the United States of America.

OFFERED

BY:

HCR-128

Submitted on: 3/18/2021 8:06:57 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lorraine Newman	Individual	Comments	No

Comments:

Aloha,

It is crucial that you pass this bill. As long as money, such as through super PACS, control our electoral system we will never have elections that truly represent all of the citizens of the USA.

Mahalo nui,

Lorraine Newman

Kilauea, Kauai

HCR-128

Submitted on: 3/18/2021 8:21:56 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis O'Shea	Individual	Support	No

Comments:

Please end this abomination and disenfranchise corporate hegemony.

We don't need the best Congress money can buy.

HCR-128

Submitted on: 3/18/2021 8:22:59 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Colleen Rost-Banik	Individual	Support	No

Comments:

Aloha. My name is Colleen Rost-Banik, and I am a resident of Honolulu. I urge all members to support HCR128, which proposes to amend the US Constitution so that we can create free and fair elections. We must end the era of Citizens United and of allowing corporations (and the people who run them) to sway elections.

Thank you for considering this important bill. While there are many pressing issues right now, this is one that works to ensure a more vibrant democracy. Please support HCR128.

Respectfully,
Colleen Rost-Banik, PhD

In support of HCR128

Dear Representatives of the House Government Reform Committee, my name is Alison Hartson. I live in Moiliili.

About 6 years ago I made one of the hardest decisions of my life to step down from teaching high school in order to join the fight to end the corrupting influence of money in our political system. I still believe that education is one of the most important ways to support our families and communities, but after ten years of teaching in a low-income district, I came to understand that our education system is heavily influenced by special interests that have a strong-hold on our federal government.

This is the same for every institution and issue that is dear to our hearts - the economy, environment, healthcare, foreign affairs... I realized that we must fix the corrupting influence of big money in our political system in order for us to accomplish two very important goals: 1) to restore faith in our government, and (2) to have a realistic chance of addressing any of the other pressing issues of our time. One of these cannot be done without the other.

If the 2016 presidential election showed us anything, it's that people are quickly losing faith in a system that is actually quite remarkable. I haven't given up hope, and that is why I continue to work with my elected officials towards being part of the solution. It is why I left my career behind in order to join this critical movement.

In 2014, I led my home state of California to become the 2nd state in American history to pass this resolution. I now love living in Hawaii. The aloha spirit feels like home. I live my life leading with courage, determination, hope, and love for humanity and our earth. But, I know all too well that Congress will not act without proper pressure. I still have so much faith in what we can accomplish together, and am in awe of the tools that exist in our U.S. Constitution to allow us to do this.

If we are in fact serious about democracy, about the ideals of our Republic, about representing every day, working people -- it's time to be honest with ourselves. There is still so much good in the world. I see it every day. But the time to act is now if we truly understand what is at stake, and the power of our voice as the state of Hawaii to join other states in our demand for an Amendment to the U.S. Constitution that protects our right to govern without the influence of corporate greed that is destroying the very soul of our communities.

It is my hope that Hawaii will be the next state to stand up for the people with courage, love, and aloha. I do understand the pressures of being in leadership, of being in office. There is so much on your shoulders that most people do not understand. It's time to go within and ask ourselves - why am I really here? What is my purpose? Because beyond your day to day demands, there is the core that drives us all to be here in our varying capacities. No, this resolution won't make any immediate changes in your community. It won't be the silver bullet to our problems. But, it

will be a step in the right direction. It will give people hope. It will put pressure on Congress. It will whisper the beginnings of something greater than perhaps you and I can imagine. At the heart of every issue, is the root from which it stems. Every single issue is touched by big money's influence. Our families are being torn apart in very real ways. Continue to directly fight for them, but please, do everything in your power to also address the root cause by voting YES on HCR128.

Mahalo.

HCR-128

Submitted on: 3/18/2021 8:26:39 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary True	Individual	Support	No

Comments:

I strongly support HRC128. I'm also in favor of amending the legislation to add a call for a limited Article V Convention.

HCR-128

Submitted on: 3/18/2021 8:32:37 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tamara Descoryphees	Individual	Support	No

Comments:

In support of Resolution # HCR128

Chair McKelvey, members of the committee, thank you for allowing me to testify today.

My name is Tamara Descoryphees, a resident of Hawaii from Maui County in Haiku, and I am testifying today in support of HCR128 once it has been amended to include the call for a limited-topic Article V convention.

I have voted in every election since I reach the age of maturity in 1980. I have watched as elections and the period of campaigning prior to them has become increasingly about how much money the candidates are able to raise in order to win their seats. I do not believe that any politician today has adequate time to actually represent our best interests when they must devote so much of their time and energy in the pursuit of campaign contributions. I know this is why huge corporate contributions are so enticing to even the most dedicated and humble of politicians. But those same large donations make the politician beholden to the special interests of the donors, not to us, the people who so desperately need our politicians to represent us. We need to have a convention to discuss campaign finance reform now, so that we may all return to the business of politics for all the people.

Campaign finance has become a very popular issue in American politics and the 2016 election is a great example of how popular it was. Trump had crowds chanting "Drain the Swamp!" and bragged about how he couldn't be bought because he is a billionaire. On the other side of the spectrum, you had Bernie Sanders stating frankly that we can't have a corrupt campaign finance system. Both these presidential candidates have used the current political situation to their benefit and that trend continued into the last political race where the issue again came up, and more candidates swore off PAC money in their campaigns.

The bi-partisan popularity on this issue is vital to HCR128 because it calls for a constitutional amendment. Either way the Amendment is proposed, three-fourths or 38 states need to agree on whatever is proposed either by Congress or by the states' amendatory convention before it becomes part of our Constitution. Only the most

popular, bi-partisan issues will become part of our Constitution because of that extremely difficult requirement. It only takes 13 states to block any proposed Amendment to our Constitution.

The vast majority of Americans agree, they want their representatives to be responsive to them, not special interests. I urge you to support the solution to this popular issue and vote yes on the Free and Fair Elections Resolution, HCR128 once it has been amended to include the call for a limited-topic Article V convention.

Mahalo,

Tamara Descoryphees

Haiku, Maui, Hawaii

HCR-128

Submitted on: 3/18/2021 8:36:23 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lorna Larsen-Jeyte	Individual	Support	No

Comments:

Please consider this Bill to help save our democracy which is becoming more and more divided. Citizens United was a horrible idea in the first place. How can a corporation be a person? That's absurd. And yet this is what we have. One more step towards subverting our democracy. Our Founding Fathers would be horrified.

Thank You

Lorna Larsen-Jeyte

HCR-128

Submitted on: 3/18/2021 8:41:07 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jeannine Johnson	Individual	Support	No

Comments:

I strongly support HCR128 to call for a limited Article V convention to propose a campaign finance reform amendment that will end the era of Citizens United.

HCR-128

Submitted on: 3/18/2021 8:49:59 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Janik	Individual	Support	No

Comments:

The counrty needs to remove "dark" money the voting process



Randy Perreira
President

HAWAII STATE AFL-CIO

888 Mililani Street, Suite 501 • Honolulu, Hawaii 96813

Telephone: (808) 597-1441

Fax: (808) 593-2149

The Thirty-First Legislature, State of Hawai'i
Hawai'i State House of Representatives
Committee on Government Reform

Testimony by
Hawai'i State AFL-CIO
March 19, 2021

H.C.R. 128 – REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA ON CAMPAIGN FINANCE REFORM THAT WILL RESTORE BALANCE AND INTEGRITY TO OUR NATIONAL SYSTEM OF CAMPAIGN FINANCE IN THE INTEREST OF PRESERVING SELF-GOVERNMENT IN THE UNITED STATES

The Hawai'i State AFL-CIO is a state federation of 74 affiliate local unions and councils with over 68,000 members across both public and private sectors. We appreciate the opportunity to testify in strong opposition of H.C.R. 128.

We strongly oppose exposing hard won Constitutional protections and provisions that we want preserved from amendment or repeal through an Article V convention. The issue is the lack of Constitutional provisions to guide the process and control the focus of an Article V convention. Because a convention cannot be limited in scope, it opens the Constitution to unnecessary scrutiny.

Delegate selection is also of primary importance, and again absent historical precedent to appropriately guide the selection process and protect it from undue influence, delegates may not be representative of the people and public interest. This is important because an amendment to the U.S. Constitution does not require a direct vote of the people, as does an amendment to the Hawaii Constitution.

We appreciate your consideration of our testimony and strongly urge you to defer H.C.R. 128.

Respectfully submitted,

Randy Perreira
President

HCR-128

Submitted on: 3/18/2021 9:19:20 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Martin G Talarico	Individual	Support	No

Comments:

Big dark money in our elections is the proverbial elephant in the room when discussing all the problems in our state and nation. All efforts are in a hollow attempt to address climate change, racial justice, healthcare, or education if the power of big dark money and voter suppression are allowed to remain intact at the people's detriment. HCR128 will make a bold stand toward saving our democracy. Please vote YES on HCR128. Thank you!

HCR-128

Submitted on: 3/18/2021 9:28:17 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Lum	Individual	Support	No

Comments:

In support of Resolution # HCR128

Chair McKelvey, members of the committee, thank you for allowing me to testify today.

My name is Jen Lum and I am testifying today in support of HCR128 once it has been amended to include the call for a limited-topic Article V convention.

I am a teacher at Pearl City High School, a retired Master Sergeant in the Air Force Reserves here in Hawaii, a mom to 2 great sons who are currently in the Hawaii Air National Guard.

I am an everyday citizen who wants to have my voice heard and to make a difference in this country. There are millions of people like me who want changes made to the financing of campaigns and candidates.

Campaign finance has become a very popular issue in American politics and the 2016 election is a great example of how popular it was. The former president had crowds chanting “Drain the Swamp!” and bragged about how he couldn’t be bought because he is a billionaire. On the other side of the spectrum, you had Bernie Sanders stating frankly that we can’t have a corrupt campaign finance system. Both these presidential candidates have used the current political situation to their benefit and that trend continued into the last political race where the issue again came up, and more candidates swore off PAC money in their campaigns.

The bi-partisan popularity on this issue is vital to HCR128 because it calls for a constitutional amendment. Either way the Amendment is proposed, three-fourths or 38 states need to agree on whatever is proposed either by Congress or by the states’ amendatory convention before it becomes part of our Constitution. Only the most popular, bi-partisan issues will become part of our Constitution because

of that extremely difficult requirement. It only takes 13 states to block any proposed Amendment to our Constitution.

The vast majority of Americans agree, they want their representatives to be responsive to them, not special interests. I urge you to support the solution to this popular issue and vote yes on the Free and Fair Elections Resolution, HCR128 once it has been amended to include the call for a limited-topic Article V convention.

Mahalo,

Jen Lum

‘Ewa Beach

HCR-128

Submitted on: 3/18/2021 9:28:37 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keiko Gonzalez	Individual	Support	No

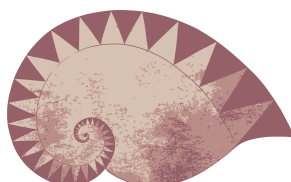
Comments:

Aloha,

I support HCR128 and believe it will help preserve self government in the US. Please vote in favor of this legislation.

Mahalo,

Keiko



Pono Hawai'i Initiative

Patrick Shea - Treasurer • Lena Mochimaru - Secretary
Nelson Ho • Summer Starr

Thursday, March 18, 2021

HR104 and HCR128
Testifying in Support

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports and requests an amendment to HR104 and HCR128 Requesting Congress to propose an amendment to the Constitution for campaign finance reform that will help to restore balance and integrity in our national system of campaign finance.**

Keeping our elections as free and fair as possible is essential to the democratic process. We would strive to keep big money out of democracy.

PHI requests an amendment to call for a limited Article V convention to propose a campaign finance reform amendment that will end the era of Citizens United.

For these reasons, we urge the Committee to **amend and support HR104 and HCR128.**

Mahalo for the opportunity to testify,

Gary Hooser
Executive Director
Pono Hawai'i Initiative

Re: HR104/ HCR128: REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA ON CAMPAIGN FINANCE REFORM THAT WILL RESTORE BALANCE AND INTEGRITY TO OUR NATIONAL SYSTEM OF CAMPAIGN FINANCE IN THE INTEREST OF PRESERVING SELF-GOVERNMENT IN THE UNITED STATES.

Hearing 3/19/21 - 11am Conf. Room 309

My name is Becky Gardner. I am a Kaimuki resident and attorney licensed to practice law in the states of Hawaii and New York. I also teach part-time at the William S. Richardson School of Law as a member of its adjunct faculty.

Over the years, I have dedicated dozens of hours contemplating this question, and have come to support resolutions to invoke an Article V Federal Constitutional Convention. I respectfully ask that before legislators take a definite stand on this issue, that they dedicate 3 minutes to read my analysis below, largely informed by my participation in the University of Hawaii at Manoa Public Policy Center's "Citizens Jury" project, <http://www.publicpolicycenter.hawaii.edu/projectsprograms/con-con-citizens-jury.html> , which entailed nearly 20 hours of study and deliberation over the prospect of holding a *state* constitutional convention – a deeply enriching experience which caused my position opposing the 'state con con' to evolve as one of emphatic support.

Having invested so much thought on the state question, the resolution before you piqued my interest for the legal and academic questions it raises. But more than anything, I base my position on philosophical and tactical reasons. In learning about the various perspectives on the call to 'Invoke Article V' (as I like to think of it), a common denominator among most of those testifying over the years - both for and against this proposal - is our collective and dire concern over dark money in politics. When understood this way, the communal distress comes through in a very loud, clear, penetrating voice. Can there be any mistake as to what the true will of the people is?

I believe it is supremely important in your analysis of this resolution that you recognize that the passions – on both sides - are fueled by the same concerns. They are rooted in common ground – an angry lament over the rapid demise in the fiscal integrity and civility of American politics since the Citizens United decision in 2010. This decision opened the floodgates to unsavory and unwelcome corporate influences, greed, and self-interest that undermine the health and viability of our body politic.

Honoring this public consensus, I believe the next important step for legislators to make is to determine how best to frame the question before them. It is far too simplistic to look at this resolution solely for its literal proposition. How futile to pass a resolution that requires 28 more states (most far more crippled by partisan politics than Hawaii) to do the same. And there are still so many circuit breakers in place:

- states could repeal or rescind their resolutions;
- the actual convening of such a convention could be arduous and problematic;
- no clear plan on exactly how delegates will be selected, no modern model to follow;
- delegates will then all need to agree on language on a narrowly defined, limited question before it – making less likely the possibility that delegates will attempt to revise the entire Constitution, and agree; and
- 37 states then each need to ratify the amendment(s), before becoming a part of "The" Constitution.

As indicated by the above bullet points, there are so many hurdles to clear. And at each juncture, there is room for deliberation and disagreement. It is practically impossible to get this across the finish line. So what's the point? Honestly, it's not even real.

But you know what is real? The panic. It is palpable. The fear that a federal constitutional convention will be hijacked by dark forces; that we will lose all the freedoms and protections enshrined in our current Constitution. The things that make us proud to be American; the founding principles of our democracy that we hold near and dear in our hearts and founded in our institutions - we could lose it all. Are we willing to bet our republic on our ability to fight these influences off? These dark forces have already done so much damage and we can't afford to lose any more.

Accordingly, there seems to be a lot of focus on this question: Can a constitutional convention be limited to discreet questions; or will it open up a Pandora's box and invite a "runaway convention" to destroy our democracy? Pages and pages of testimony and legal academia seem to fixate on this matter. And perhaps the only entity that can truly settle that question is the United States Supreme Court, which will require yet another lengthy and arduous political and legal process. Another tangible reason to unbuckle our seatbelts, and relax into this a bit.

But I have to say to both these questions, (1) whether there is enough political will to amend the constitution through a long, multi-layered, state-initiated Article V process; and (2) whether a 'Con Con' can be limited to questions on campaign finance, or must it open the entire Constitution to amendment – not enough consideration has been given to the **practical realities** and likelihood that either will happen.

For example, in testimony opposing a similar resolution introduced in a prior legislative session, there is scant attention given to the very high hurdle that any amendment proposed by a Con Con must be ratified by 37 states. Instead, the focus has been on the worst-case scenario. Sentiments of fear, dread, and doomsday scenarios permeate these positions.

I would concede that the State Attorney General and others might rightfully focus upon and disclose the risks, as lawyers have been trained to do. But this legislative body is in the position to assess this risk (which, I again note, is very low), and balance it against what good can be attained, and what is relatively possible by passing this resolution. And lighting a flare.

Nothing ventured. Nothing gained.

What this reso really is – it's a 'sheep' in wolves' clothing. It is not a harbinger of disaster. Rather, it is a warning sign. A cry for help from the people of a state seeking change. A flare – to indicate that danger is afoot. It is a call to our leaders to act, to take precautions. Or we stand to suffer much graver consequences because the status quo is not sustainable. And our democracy will falter - a death by a thousand cuts.

This resolution is light in the darkness. It is an assertion of agency. It is founded in optimism and a belief that as a matter of states' rights. The article V process is a mechanism our founders carefully conceived in the event that our federal government fails us. One that states, including ours, a far-off 'Island-in-the-Pacific' can employ and assert that we will not take this laying down. It exclaims that we, as states, have

assessed our very limited options to remedy the pall that Citizens United has cast upon our democracy, and we're ready to act. It's a narrow avenue that invites some risk, but it's one we need to explore because of all the good that may come.

This resolution is a statement that we choose to invoke Article V, despite the risks, because we demand action. With other states, we light these flares because we have reason to hope, and believe in our potential to drive our destiny, and change our circumstances.

For example, the risks to convening an Article V convention has engendered so much fruitful discussion. Our political leaders are starting to take notice. Now that more states are lighting their flares, we are beginning to seriously consider congressional proposals, like the Udall amendment a few years ago, to address flaws in our campaign finance laws.

These resolutions are spurring action and alternative solutions because of the very fear that fuels the opposition. It's an excellent way to harness a negative and otherwise unwieldy emotion. Passing this resolution functionally serves a welcome mat for federal legislation. If we compare the extremely remote possibility of a runaway convention with the very clear reality that this measure is elevating the discussion, increasing awareness, and spurring our congressional representatives to action – the path is clear.

As a philosophical matter, I believe this resolution presents us with an opportunity to reject our fears. To see these risks as opportunities. To understand and accept the hopeful reality that with all the circuit breakers positioned to keep this process in check – (by passing the high threshold of state resolutions; avoiding repeals thereof; selecting and convening of convention delegates; achieving consensus among them; and ultimately the ratification of their recommendation by three-quarters of the states), we will be ok.

Lighting this flare may be alarming, and scary and blinding – especially since we've been sitting here, paralyzed in the darkness. But it will electrify and energize a process that shield us from the fears; and enable us to embrace the risks as validation of how effective this path may be. By invoking article V, Hawaii can help light the way.

We have a choice to follow the lights of other brave states, and chart a course back to a democracy that more resembles what our founders created. Or we can stay right where are, bemoan our circumstances, and curse the darkness.

The better choice is clear. It's the path well lit.

Thank you for the opportunity to provide this testimony in support.

Becky Gardner

HCR-128

Submitted on: 3/18/2021 9:32:16 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Judith Flanders	Individual	Support	No

Comments:

I strongly support the **call for a limited Article V convention to propose a campaign finance reform amendment that will end the era of Citizens United. Our Democracy is at stake. Citizens United has been responsible for much of the degradation of our political process** since the Reagan era.

With respect,

Judith Flanders

HCR-128

Submitted on: 3/18/2021 9:36:54 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Samantha Berberich	Individual	Support	No

Comments:

Campaign contributions have added to countless favors given out by politicians for decades. We need to end this.

HCR-128

Submitted on: 3/18/2021 9:47:00 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jane E Arnold	Individual	Support	No

Comments:

Campaign finance reform is essential for the US to be a true democracy.

HCR-128

Submitted on: 3/18/2021 9:47:07 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert W McHenry	Individual	Support	No

Comments:

My name is Robert McHenry. I am writing from the north shore of Kauai where I have lived for 33 years. I am retired carpenter and raised 3 boys with my wife here on Kauai. My wife and I have volunteered on local, state, and federal campaigns and elections. It is obscene how much money is poured into elections in our country. Our democracy desperately needs to get big money influence out of our government.

I strongly support our state legislature to commit to this effort. I urge you to pass HCR 128 with the following amendments;

BE IT FURTHER RESOLVED that, the people of the State of Hawaii speaking through its Legislature, and pursuant to Article V of the Constitution of the United States, hereby submit an application to the United States Congress to call for a limited convention for the exclusive purpose of proposing amendments that satisfy the principles as described within this Concurrent Resolution to the Constitution of the United States;

BE IT FURTHER RESOLVED that this application is void, rescinded and of no effect in the event that the Hawaii State Legislature determines that such a convention is not limited to such a specific and exclusive purpose

Thank you so much for your careful consideration of this important issue facing our country.

Sincerely,

Robert McHenry

Princeville, Kauai

HCR-128

Submitted on: 3/18/2021 9:50:27 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Danelle Guion	Individual	Support	No

Comments:

We, the PEOPLE, in order to maintain our republic as it was intended by the founders, NEED to amend the Constitution on campaign finance reform.

We must call for a LIMITED ARTICLE V CONVENTION to propose a campaign finance reform amendment that will end, cancel and rescind, the SKEWED Citlzens United.

I support HR104 and HCR128.

HCR-128

Submitted on: 3/18/2021 9:53:13 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa H. Gibson	Indivisible Hawaii	Oppose	No

Comments:

HOUSE COMMITTEE ON GOVERNMENT REFORM

FRIDAY, MARCH 19, 11AM

HCR128

ARTICLE V CONSTITUTIONAL CONVENTION FOR CAMPAIGN FINANCE REFORM

TESTIMONY IN STRONG OPPOSITION

Lisa H. Gibson, Group Leader, Indivisible Hawaii

Dear Chair McKelvey and Vice-Chair Wildberger:

On behalf of Indivisible Hawaii and its over 700 statewide members, I am writing in **STRONG OPPOSITION TO HCR128** which requests Congress to convene a national convention under Article V of the United States Constitution for the exclusive purpose of proposing an amendment to the United States Constitution that will limit the influence of money in the Electoral process.

Indivisible Hawaii is one of nearly 6,000 Indivisible Chapters from across the country which initially formed with the mission to fight the Trump agenda of misogyny, racism and authoritarianism by holding Members of Congress accountable. With the successful election of President Biden and a democratically controlled House and Senate, our mission, along with dozens of collaborative partners across the country, has evolved to efforts which, in the face of ongoing and unprecedented threats, will protect and strengthen the institutions of democracy. This is the outcome for which we must hold all elected officials accountable.

An Article V Convention is a powerful and dangerous example. Holding a constitutional convention brings with it existential threats to our democracy including but not limited to the threat of a runaway convention, the influence of deep sources of dark money, the silence of Article V on any rules governing such a convention, anticipated lengthy legal

disputes with the potential to create long term chaos and uncertainty as well as a litany of other dangers well-articulated from a diverse set of sources.

Again, Indivisible Hawaii is in **STRONG OPPOSITION to HCR128** or any other bill which proposes such a convention. Four years of engaged and collaborative activism have led to the Biden presidency and a democratically controlled House and Senate. Indivisible Hawaii and its members played a significant and active role in this success. Thousands of engaged activists in groups like Indivisible are now focused on ensuring the success of the Biden presidency as it seeks to move critical policy objectives through Congress. The recently passed American Relief Act of 2021 is just one example and is one from which the citizens of Hawaii will directly benefit. The focus for 2021 and beyond must be on ensuring that we achieve success like this...a singular focus on results not disruption and chaos.

Thank you for the opportunity to submit testimony.

Lisa H. Gibson

808-753-5475

Indivisible Hawaii - lisahgibson@gmail.com

HCR-128

Submitted on: 3/18/2021 10:07:24 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christiaan Phleger	Individual	Support	No

Comments:

Aloha Chair McKelvey and members of the committee.

My name is Christiaan Phleger and I'd like to speak in favor of House Concurrent Resolution 128 (HCR 128). This is the first time in my life I have done a testimony. I moved to Hawaii in 1991 and one of my first jobs in the Islands was as a news photographer for a small community newspaper, where I saw firsthand Hawaii's unique grassroots political landscape. During the following years I have observed the deterioration of local and national politics, and I attribute this to the gross and repulsive increase in campaign spending. Our corrupt campaign finance system is at the heart of our federal government's dysfunction and it causes problems or prevents progress on every issue. Fixing the foundation must come first or all other good we do this session will be very temporary. 2020 has shown us how terribly our nation will be devastated by a crisis when our government is incapable of representing the people.

I urge you to support HCR128. The outdated concept of attempting to outspend political opponents with the "business as usual" especially in local politics has been leading our communities, our islands, our State and our Nation down the wrong road, and with HCR128 we can start to reverse our collective course towards a "More Perfect Union".

Respectfully,

Christiaan Phleger

HCR-128

Submitted on: 3/18/2021 10:26:57 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tristan Schragger	Individual	Support	No

Comments:

In America today, we are faced with a crisis in our federal government. Our broken campaign finance system has incentivized our Congress to be accountable to the special interests that contribute to their campaigns over the interests of average Americans. The truth is that any realistic solution must include a Constitutional Amendment because the problem has been enabled by a runaway overreaching Supreme Court.

The state of Montana had 100 years of common sense campaign finance laws that served their state well. In 2010, the Supreme Court, in a sweeping decision, threw all those laws into the trash. When the state of Montana challenged the Supreme Court to attempt to keep their laws, the Court wouldn't even hear the case. A panel of 9 unelected people decided they knew best about how to govern and legislate elections in the state of Montana.

Our republic was founded on a critical balance between federal and state power. If our state is going to be able to protect our own elections from the influence of unaccountable out of state money, we need to stand up right now and insist upon an amendment to overrule the Supreme Court. We are turning to you to exercise one of our most important rights as a state on behalf of the citizens of this country.

As a resident of Ewa Beach I'm counting on you all. Please vote yes on the amendment to HCR128 that calls for a limited-topic Article V convention and then pass the amended version of HCR128 out of your committee.

Mahalo,

Tristan Schragger

HCR-128

Submitted on: 3/18/2021 10:34:17 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ingrid Peterson	Individual	Support	No

Comments:

Aloha Chair McKelvey and Committee Members,

Please support HCR 128 in the interests of combatting the deterioration of our democracy with the undue influence of big money on candidates and office holders. Since the terrible Citizens United Supreme Court decision the need for campaign finance reform has become even more urgent and important.

In America today, we are faced with a crisis in our federal government. Our broken campaign finance system has incentivized our Congress to be accountable to the special interests that contribute to their campaigns over the interests of average Americans. The truth is that any realistic solution must include a Constitutional Amendment because the problem has been enabled by a runaway overreaching Supreme Court.

The state of Montana had 100 years of common sense campaign finance laws that served their state well. In 2010, the Supreme Court, in a sweeping decision, threw all those laws into the trash. When the state of Montana challenged the Supreme Court to attempt to keep their laws, the Court wouldn't even hear the case. A panel of 9 unelected people decided they knew best about how to govern and legislate elections in the state of Montana.

Our republic was founded on a critical balance between federal and state power. If our state is going to be able to protect our own elections from the influence of unaccountable out of state money, we need to stand up right now and insist upon an amendment to overrule the Supreme Court. We are turning to you to exercise one of our most important rights as a state on behalf of the citizens of this country.

As a kama'aina resident of the Windward Side I'm counting on you all. Please vote yes on the amendment to HCR128 that calls for a limited-topic Article V convention and then pass the amended version of HCR128 out of your committee.

Mahalo nui,

Ingrid Peterson

HCR-128

Submitted on: 3/18/2021 10:38:31 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Mulinix	Individual	Support	No

Comments:

Aloha Committee,

Please pass HCR128.

Mahalo

Dave Mulinix

Kaneohe, Hawaii

Statement Before The
HOUSE COMMITTEE ON GOVERNMENT REFORM
Friday, March 19, 2021
11:00 AM
Via Videoconference and Conference Room 309

in consideration of
HCR 128 / HR 104

REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA ON CAMPAIGN FINANCE REFORM THAT WILL RESTORE BALANCE AND INTEGRITY TO OUR NATIONAL SYSTEM OF CAMPAIGN FINANCE IN THE INTEREST OF PRESERVING SELF-GOVERNMENT IN THE UNITED STATES.

Chair McKELVEY, Vice Chair WILDBERGER, and Members of the House Government Reform Committee

Common Cause Hawaii **opposes** on HRC 128 / HR 104, requesting the United States Congress to propose an amendment to the Constitution of the United States of America on campaign finance reform that will restore balance and integrity to our national system of campaign finance in the interest of preserving self-government in the United States.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening democracy through public financing of elections, campaign finance reform, strong campaign disclosure laws, and voting modernization efforts. In short, Common Cause Hawaii seeks to restore balance to our political processes.

Common Cause Hawaii, however, understands that a constitutional convention is not the way to get dark money out of politics. The harms that may result are too great. Any call for an Article V convention is dangerous during these times of hyper-partisanship and dark money influencing our politics.

Any Article V Constitutional Convention or Convention of States would put all of our hard fought and won rights at risk, including but not limited to union, LGBTQIA+, environmental, First Nations, women's, and voting rights.

There are no rules governing an Article V Constitutional Convention or Convention of States, and there are no mechanisms to stop monied interests from influencing an Article V convention. The current funders of the Convention of States are the Koch and Mercer Families.

Proponents of an Article V convention have suggested that topics of an Article V convention may be limited, but once an Article V convention is convened, there is nothing to enforce such limitations. For example, the Philadelphia convention of 1787 was radically different from its mandate to propose amendments to the Articles of Confederation. Further, the U.S. Supreme Court has stated that amending the Federal Constitution is a "political question," and courts will not intervene.

Proponents of an Article V convention have also suggested that amendments will have to be approved by 38 state legislatures. With the gerrymandering that has occurred throughout the country over the last decade or

more, state legislatures do not reflect the will and/or composition of the electorate they “serve.” Therefore, this cannot be a sure or trusted barrier to proposed amendments, which could strip away our current rights and the social safety net that we enjoy.

As stated by Michael Leachman, Director of State Fiscal Research at the Center on Budget and Policy Priorities, and David Super, Professor of Law at Georgetown University Law Center:

States should be deeply skeptical of claims by ALEC and others that states will control the operations and outcome of a convention called under the Constitution’s Article V. Fundamental questions about how a convention would work remain unresolved. A convention likely would be extremely contentious and politicized, with results impossible to predict.

Further, nothing could prevent a convention from emulating the only previous convention — the one in 1787 — by going beyond its original mandate, proposing unforeseen changes to the Constitution, and even altering the ratification rules. Some states might challenge the actions of their delegates, but with the courts unlikely to intervene, these efforts would likely fail.

Leachman and Super, Center on Budget and Policy Priorities: States Likely Could Not Control Constitutional Convention on Balanced Budget Amendment or Other Issues, Jan. 18, 2017, at 10.

While Common Cause Hawaii wants to limit money in politics and end Citizens United, an Article V Constitutional Convention is not the mechanism. The risks of an Article V Constitutional Convention severely outweigh its benefits. Common Cause Hawaii supports a Constitutional Amendment overturning Citizens United, which is a more prudent and sensible method of solving the money in politics issue. We also support public financing of elections, campaign finance reform, strong campaign disclosure laws, and voting modernization efforts.

Thank you for the opportunity testify in opposition to HRC 128 / HR 104 and Common Cause Hawaii respectfully requests that you defer HRC 128 / HR 104. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



To: Hawaii State House Government Reform Committee
Hearing Date / Time: Fri., March 19, 2021, 11:00 am
Place: Via Videoconference
Re: Testimony of Defend Our Constitution Coalition
in **OPPOSITION** to HCR128, HR104



Dear Chair McKelvey and Vice Chair Wildberger:

The Defend Our Constitution Coalition is testifying in **OPPOSITION** to HCR128, HR104, requesting the United States Congress to propose an amendment to the Constitution of the United States of America on campaign finance reform that will restore balance and integrity to our national system of campaign finance in the interest of preserving self-government in the United States. The Defend Our Constitution Coalition urges you to **defer** HCR128, HR104.

Under Article V of the U.S. Constitution, a convention can be called when two-thirds of the states (34) petition for a convention to propose amendments to the constitution. An Article V convention has never been called before in American history, and we should not try to have one at this extraordinarily politically factious time.

Under the current political circumstances, an Article V convention would be a dangerous threat to the U.S. Constitution, our democracy, and our civil rights and liberties. There is no language in the U.S. Constitution to limit a convention to one issue, and it is widely understood that a convention once called will be able to consider any amendments to the Constitution that the delegates want to consider.

There are also no guidelines or rules to govern a convention. Due to the lack of relevant operative provisions in the Constitution and lack of historical precedent, it is unknown how delegates to a convention would be picked, what rules would be in place, what would happen in the case of legal disputes, what issues would be raised, how the American people would be represented, and how to limit the influence of special interests in a convention. Because there is no way to limit a convention's focus, any constitutional issue could be brought up, including marriage equality, civil rights and civil liberties, voting rights, reproductive rights, and privacy rights, among others.

It is today less clear than ever that the Article V process would represent the people or public interest, as distinguished from ideologues and special interests that have long prepared for such an opportunity to exert inordinate influence at the state level, in both the selection of delegates to an Article V convention and the subsequent ratification phase. **No direct vote of the people is required to amend the U.S. Constitution, as is required to amend the Hawaii Constitution.**

Chair McKelvey
Vice Chair Wildberger
House Government Reform Committee
Page 2, March 19, 2021

In 2019, Clare E. Connors, Attorney General of Hawaii, and Valri Lei Kunimoto, Deputy Attorney General, submitted testimony dated March 19, 2019 cautioning against adopting pro Article V resolution S.C.R. No. 0131.

The Department . . . cautions that despite the resolution's limited purpose of overturning Citizens United, this resolution, together with applications from two-thirds of the states, has the potential to expose all provisions of the United States Constitution to amendment or repeal. This could possibly jeopardize protections of free speech; the protections against racial discrimination; the protections of freedom of religion; or any of the other myriad provisions that are presently provided in the United States Constitution.

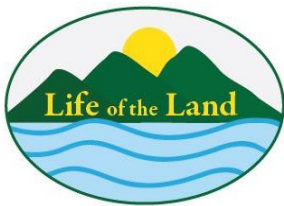
Additionally, in 2018, Russell Suzuki, Acting Attorney General of Hawaii, and Deirdre Marie-Iha, Deputy Attorney General, also agreed that an Article V convention was a bad idea and submitted testimony dated March 27, 2018 in opposition to passing resolutions S.C.R. No. 76 and S.R. No. 45. Their written testimony to the Senate Judiciary Committee includes key points worth repeating.

Most significantly, we advise the Legislature that a federal constitutional convention called with this resolution could potentially open up *each and every* provision of the United States Constitution to amendment or repeal. In other words, a federal constitutional convention could propose amendments to eliminate the protections of free speech; the protections against racial discrimination; the protections of freedom of religion; or any of the other myriad provisions that presently provide the backbone of American law....

Most importantly, it is not known 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. (Emphases in original.)

For reasons including those mentioned above, we strongly urge the House Government Reform Committee to **defer** HCR128, HR104.





Testimony presented by:
Ryan I. Kaha'i'ōlelo Sueoka
803 Isenberg Street, Honolulu, HI 96826 • State House District 21
ryansueoka@gmail.com

Government Reform Committee (GVR)
Friday, 3/19/2021, 11:00am

IN SUPPORT OF HCR 128

Aloha nui e Chair McKelvey a me nā lālā o ke kōmike GVR!

I am a current resident of Mō'ili'ili, with roots firmly planted in Pāhoa and Kāne'ohe, writing in STRONGLY SUPPORT of HCR 128, the Free and Fair Elections resolution, once amended to include a call for a limited-topic Article V convention. As an independent artist and arts administrator, managing healthcare, housing, taxes and my finances in general are constant concerns; not surprisingly, the past year has only exacerbated these challenges. Living in Mō'ili'ili, I am constantly confronted by the criminal, healthcare and economic injustice issues experienced by my unhoused neighbors. Especially in the sharp contrast provided by the lavish resorts sitting just ma kai of the Ala Wai, it is evident that government currently works best, if not only, for those who already have resources. The vast majority of Hawai'i residents and Americans in general agree, we need our representatives to be responsive to us, not special interests.

We should all be embarrassed that even with mail-in voting and increased interest in high-profile national races, Hawai'i ranked among the lowest states in voter turnout. The idea that, "it doesn't matter if I vote, because the government is only going to do what they always do" is so prevalent in Hawai'i; I've heard this in so many conversations with 'ohana, friends and neighbors. But should we be surprised? The people of Hawai'i rightly believe that their vote and voice has no impact in the federal government and it gets worse every year with every election more expensive than the one before. Only when Hawai'i stands for Free and Fair Elections can we hope to re-engage voters and regain a true democracy.

I truly believe that all of you work hard to represent your constituents. I urge you to serve them by voting yes on the Free and Fair Elections Resolution, HCR 128 once it has been amended to include the call for a limited-topic Article V convention. You hold the kuleana to make me, and our neighbors, believe we have a voice

Mahalo ā nui!



Ryan I. Kaha'i'ōlelo Sueoka

COMMITTEE ON GOVERNMENT REFORM

Rep. Angus L.K. McKelvey, Chair

Rep. Tina Wildberger, Vice Chair

DATE: Friday, March 19, 2021

TIME: 11 a.m.

HR 104 and HCR 128 REQUESTING THE US CONGRESS, etc. ...

IN SUPPORT

Good morning Chair, Vice-chair and Members of the Committee,

My name is Bart Dame and I am testifying in support of these resolutions.

Let me admit, up front, I find it difficult to speak with certainty on exactly how to regulate the expenditure of money for speech activity aimed at influencing elections. I say that as someone with a strong commitment to both “freedom of speech” and to “democracy.” I am also committed to “equality,” which complicates the matter.

As we all know, the US Supreme Court, in the 2010 “Citizens United” case ruled by a VERY narrow margin, 5-4, corporations have free speech rights and their independent spending to influence elections could not be restricted. This was a radical shift in interpretation. Prior to that point, the Court had upheld government has a legitimate obligation to try to reduce corruption and Big Money was seen as a source of corruption over the behavior of politicians dependent upon that wealth in order to win elections. Therefore, it was legitimate to restrict such expenditures.

Given this interpretation of the First Amendment, those of us who believe the influence of Big Money must be constrained if we are going to have a government with any chance of passing legislation that serves the interests of all citizens and not just the wealthy, seem to have two options available to redress the imbalance:

- 1) Change the composition of the Supreme Court, or
- 2) Amend the Constitution to make it clear the influence of money in electioneering can be restricted.

This resolution is an expression of support for the second option, though I am also hoping Option #1 also comes to pass. It is essential we come up with a solution IF we are committed to democracy and equality. I hope we are not already too far gone.

Thank you for this opportunity to testify. Please pass these resolutions.

HCR-128

Submitted on: 3/18/2021 10:46:36 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Holcomb	Individual	Support	No

Comments:

In support of Resolution # HCR128

Chairman McKelvey, members of the committee, my name is Paul Holcomb and I strongly support HCR128 once it has been amended to include a call for a limited-topic Article V convention.

I am a citizen of Hawai'i living in windward O'ahu with my wife and daughter. I am the owner and co-founder of a successful global internet consulting and services company with 25 years in business.

The Peer-reviewed research about the Article V process has coined the term, "the prodding effect", to explain the way states calling for a convention typically results in Congress proposing an Amendment to the Constitution. In fact, the majority of our Amendments have included states calling for a convention on that Amendment's subject. This includes the Bill of Rights with New York and Virginia calling for a Convention, and the 17th Amendment getting only one state away from calling a convention and forcing a reluctant Congress to act.

The convention route of proposing amendments under Article V is a proven and effective means of pressuring a reluctant Congress into doing what it needs to do. There are countless urgent issues that aren't being addressed by our unresponsive Congress and we must do everything we can to make them respond to the will of the people.

The "prodding effect" has already been proven effective, similar to a petition. When Wolf-PAC's resolution passed in Vermont, their Congressional delegation referred to this state-level legislation as the reason it changed its position on the subject. It is our responsibility to continue to use this effective tool as it has been used throughout history. It is not a matter of if we have a convention, but when will Congress capitulate due to the clear mandate expressed by state legislatures on this topic. As it has

repeatedly in the past, Congress will almost certainly pass the needed amendment when the convention campaign gains close to the 34 states necessary to actually trigger an amendatory Article V convention.

I urge you to support the Free and Fair Elections Resolution, HCR128, once it has been amended to include this crucial call for a limited-topic Article V convention.

Mahalo,

Paul Holcomb

HCR-128

Submitted on: 3/18/2021 10:47:28 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cristine mcconnell	Individual	Support	No

Comments:

In support of Resolution # HCR128

Chairman McKelvey, members of the committee, my name is Cristine Mcconnell and I strongly support HCR128 once it has been amended to include a call for a limited-topic Article V convention.

I own a property in Haiku Maui where I operate a bird rescue and have chicken farm that provides eggs to the local community. As a former marine biologist I am deeply committed to the health and prosperity of our oceans and the Aina. Without significant campaign finance reform, I feel that we will not be able to make the bold legislative changes required to address the pressing issue of our climate in crisis.

The Peer-reviewed research about the Article V process has coined the term, “the prodding effect”, to explain the way states calling for a convention typically results in Congress proposing an Amendment to the Constitution. In fact, the majority of our Amendments have included states calling for a convention on that Amendment’s subject. This includes the Bill of Rights with New York and Virginia calling for a Convention, and the 17th Amendment getting only one state away from calling a convention and forcing a reluctant Congress to act.

The convention route of proposing amendments under Article V is a proven and effective means of pressuring a reluctant Congress into doing what it needs to do. There are countless urgent issues that aren’t being addressed by our unresponsive Congress and we must do everything we can to make them respond to the will of the people.

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I urge you to support the Free and Fair Elections Resolution, HCR128, once it has been amended to include this crucial call for a limited-topic Article V convention.

Mahalo,

Cristine Mcconnell

Haiku

HCR-128

Submitted on: 3/18/2021 10:53:14 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lucie Schragger	Individual	Support	No

Comments:

In support of Resolution # HCR128

Chairman McKelvey, members of the committee, my name is Lucie Schragger and I strongly support HCR128 once it has been amended to include a call for a limited-topic Article V convention.

I am currently a college student going into my third year. My own personal interest in US Government began in high school when I learned about lobbying and campaign financing during my US Gov. class. I began to feel a sense of injustice at the thought that anything more than the peoples' support and a person's track record were factors in their election to highly held offices of government. Having the opportunity to support a bill that addresses the issues of campaign finance is something I have been very grateful for.

The Peer-reviewed research about the Article V process has coined the term, "the prodding effect", to explain the way states calling for a convention typically results in Congress proposing an Amendment to the Constitution. In fact, the majority of our Amendments have included states calling for a convention on that Amendment's subject. This includes the Bill of Rights with New York and Virginia calling for a Convention, and the 17th Amendment getting only one state away from calling a convention and forcing a reluctant Congress to act.

The convention route of proposing amendments under Article V is a proven and effective means of pressuring a reluctant Congress into doing what it needs to do. There are countless urgent issues that aren't being addressed by our unresponsive Congress and we must do everything we can to make them respond to the will of the people.

The “prodding effect” has already been proven effective, similar to a petition. When Wolf-PAC’s resolution passed in Vermont, their Congressional delegation referred to this state-level legislation as the reason it changed its position on the subject. It is our responsibility to continue to use this effective tool as it has been used throughout history. It is not a matter of if we have a convention, but when will Congress capitulate due to the clear mandate expressed by state legislatures on this topic. As it has repeatedly in the past, Congress will almost certainly pass the needed amendment when the convention campaign gains close to the 34 states necessary to actually trigger an amendatory Article V convention.

I urge you to support the Free and Fair Elections Resolution, HCR128, once it has been amended to include this crucial call for a limited-topic Article V convention.

Mahalo,

Lucie Schrager

Proposals to Call a Convention under Article V of the U.S. Constitution

Testimony of David A. Super
Carmack Waterhouse Professor of Law and Economics
Georgetown University
before the
House Committee on Government Reform
House of Representatives
Legislature of Hawaii
March 19, 2021

Thank you, Chair McKelvey, Vice Chair Wildberger, and Members of the Government Reform Committee, for allowing me to testify before you today.

This Committee is about to consider H.C.R. 128 and H.R. 104. On their face, these measures focus only on achieving long-overdue campaign finance reform. That is an end I can enthusiastically endorse. As the former legal director for a national anti-hunger organization who lobbied Congress to increase funding for food stamps and child nutrition programs, I saw first-hand the corrosive effects of money politics on the legislative policy. Big money lobbyists had access to Members and staff that I could only dream about. Even when caught in overt lies to Members, they did not lose access because nobody wanted to do without their contributions. Unquestionably their efforts diverted untold billions of dollars into wasteful corporate subsidies that could have been far-better spent aiding our vulnerable people.

As much as I admire their goals, however, I must strongly oppose these measures. Calling a convention under Article V would pose a grave threat to the survival of our Constitution. Once an Article V convention is convened, it can take up any part of our existing Constitution, entertain any proposals to amend that Constitution, and indeed set out to write an entirely new Constitution. The likely result would be disastrous for civil rights and civil liberties. It also likely would result in severe limits on the federal government's ability to support crucial programs such as food stamps as well as Medicaid, Medicare, and Social Security.

The Dangers of a Runaway Convention

Proponents of an Article V convention repeatedly insist that it could somehow be limited to a single purpose, such as campaign finance reform. To back up these assurances, however, they can offer no support whatsoever beyond their own self-serving speculation.

Claims that an Article V convention would be limited to a single purpose cannot begin to be credible unless proponents can identify a source of law that so limits a convention *and* a body that would be willing and able to enforce such limits. They can do neither.

Nothing in Article V makes any reference to a single-purpose convention. Nothing in the debates of the delegates to the 1787 Philadelphia Convention or in the Federalist Papers suggests that Article V limits the scope of conventions despite its lack of express or even implied provisions to that effect. Neither does Article V or anything in the history of the Philadelphia Convention or the Constitution's ratification suggest that either Congress or the states' legislatures have the power to limit a convention. To the contrary, the very purpose of establishing the convention method of amending the Constitution was to have a vehicle outside the control of Congress.

Even if Article V, Congress, or the states' legislatures did constrain the purposes of an Article V convention, no entity exists with the power to enforce such limits. The Supreme Court has held that the process of constitutional revision involves "political questions" on which the courts may not intervene.¹ Congress's powers relating to an Article V convention are limited to calling a convention when two-thirds of the states ask it to do so and specifying whether state conventions or legislatures should ratify proposed amendments. The President has no role in the constitutional amendment process at all. And once a state legislature appoints delegates to an Article V convention, those delegates' power derives from Article V,

¹Coleman v. Miller, 307 U.S. 433 (1939).

putting them outside the control of the legislature or state courts.² Even if state legislatures could discipline or recall delegates to an Article V convention, the convention may postpone voting until a single final resolution, after which any action a state might contemplate would be too late.

The only relevant precedent – the only convention convened to propose amendments to a constitution in this country – shows how easily conventions disregard their charters. As Chief Justice Warren E. Burger noted, “The meeting in 1787 ignored the limit placed by the Confederate Congress ‘for the sole and express purpose.’”³ Rather than proposing amendments to the Articles of Confederation to improve commerce among the states, the Philadelphia Convention scrapped the Articles and wrote an entirely new Constitution. A convention called under Article V can be expected to do the same.

Chief Justice Burger cut through the unsupported assertions and speculation to explain the simple state of the law on Article V conventions:

there is no effective way to limit or muzzle the actions of a Constitutional Convention. The Convention could make its own rules and set its own agenda. Congress might try to limit the Convention to one amendment or to one issue, but there is no way to ensure that the Convention would obey. After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda.⁴

The Ratification Process is Not an Adequate Safeguard

Nor can we count on the ratification process to save us from ill-considered amendments that a convention might produce. To be sure, on this issue – very much unlike the question of limiting a convention's agenda – the text of Article V is helpful. It prohibits any amendments that are not ratified by three-quarters of the states. Today, that would require thirty-eight states to agree to any changes.

In today's polarized environment, however, no one can seriously expect that thirty-eight states would ratify either liberal changes to the Constitution or conservative ones. It is difficult to believe that either the Democratic-affiliated convention proponents or those allied with the Republican Party would be wasting their time and energy on this project if they were willing to be subject to a ratification process that would so obviously defeat them.

At present, twenty-two states are represented in the U.S. Senate by two Republicans. If liberals dominate an Article V convention, they would have to win ratification of their proposed amendments in *ten* of those states (as well as all those with Democratic or mixed Senate representation). Perhaps they could hope to pick up Iowa, North Carolina, or even Florida, but even if they did they would need seven more.

Conversely, twenty-two states currently send two Democrats to the Senate. If Republicans dominate an Article V convention, they would need ratifications from *ten* of those states (as well as, again, all states with Republican or mixed Senate delegations). Possibly they could hope to win in Arizona, Georgia, or New Hampshire, but that would still leave them seven states short.

Thus, if the convention that H.C.R. 9 would call really did limit itself to proposing congressional term limits, and if it really adhere to Article V's ratification procedures, it would be an ineffectual waste of time. We must be conscious of the danger that the convention would set its own, much easier, ratification procedures in lieu of those in Article V.

Disregarding the established ratification procedures would have the strongest possible precedent: the Philadelphia Convention of 1787. The Articles of Confederation, which governed the nation when the Convention was called, required unanimous agreement of the states' legislatures to any amendments.⁵

²See *Bush v. Palm Beach County Canvassing Bd.*, 531 U.S. 70, 76 (2000) (holding that state legislatures act as agents of the federal government when they enact laws affecting federal elections).

³Retired Chief Justice Warren E. Burger, Letter to Phyllis Schlafly (June 22, 1988).

⁴*Id.*

⁵Article XIII of the Articles of Confederation provided: “And the Articles of this confederation shall be inviolably observed by every State, and the union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a congress of the united States, and be afterwards confirmed by the legislatures of every State.”

Knowing that that was out of reach, the delegates to the Philadelphia convention of 1787 disregarded this binding ratification process in two crucial respects: they shifted responsibility for ratification from state legislatures to state conventions, and they allowed just two-thirds of the states to approve their new Constitution.⁶ Eventually, strong anti-federalist states like North Carolina and Rhode Island had no choice but to go along.

Having achieved the calling of a convention and dominating its membership, it defies reason to believe that these groups would then meekly stand aside and allow their handiwork to fail for want of ratification. Republicans would justify a departure from Article V's ratification procedure with the precedent from 1787 as well as their claims that Democrats stole the 2020 presidential election. Democrats would cite the same 1787 precedent and point out that Republicans sought to overturn the voters' verdict by blocking the certification of electoral votes on January 6.

One obvious possibility is that the convention's majority will call a national referendum to ratify their proposed changes, likely on the same ballot as a presidential election. Can we be confident, for example, that an amendment packaged as a "common sense balanced budget requirement" would not achieve a majority? Numerous other proposals that undermine basic liberties can be presented to sound reasonable and harmless to inattentive voters.

Whether or not a convention chose to stay within Article V's ratification procedures, it could attempt to secure ratification by bundling together disparate provisions with different constituencies. They would have plenty of precedent: at least eight existing amendments in the U.S. Constitution encompass more than one purpose, with the Fourteenth Amendment having nine.

Article III, section 14, of the Hawaii Constitution prohibits bills from embracing more than one subject, but no similar rule would constrain an Article V convention. Coming up with the right brew could provide the key to ratification.

No one can predict how a proposed amendment combining a vague endorsement of campaign finance reform with a hard cap on federal expenditures hundreds of billions of dollars below the current level would fare. It is anyone's guess what would happen if a convention proposed to authorize Congress to enact campaign finance legislation and to restrict the federal government's powers in such a way as to block new or expanded civil rights legislation. We do not know whether the country would agree to an Equal Rights Amendment for women paired with an expansion of the Takings Clause that demolishes our current system of environmental protection. We live in a time when many people feel so strongly about single issues that they are willing to ignore enormous resulting collateral damage.

The Risk of Serial Constitutional Revisions

Even if the initial Article V convention does not produce grievous overreach, the danger will not be over. Once we set the precedent of re-opening our Constitution to the whims of a convention majority, we will find ourselves doing so again and again.

Whichever party ends up dominating the convention that these measures would have called, we can be sure that will not be the last of it. The other party surely will not accept its defeat and meekly slink away. Instead, it will begin immediately plotting its return to power and how to rewrite the Constitution once it gains power. We could rapidly descend into a cycle where each time a party wins a "wave" election, it calls a convention to rewrite the constitution to its liking.

Some countries in unstable parts of the world revise their constitutions every time a new president is elected or a new general seizes power. The resulting constitutions are taken seriously by no one and are utterly incapable of protecting civil liberties or securing stable democracies.

The only way to stop this cycle of dueling constitutions is to never let it get started. Our current Constitution has serious flaws, particularly as interpreted by the current Supreme Court. Congress can and should propose specific amendments to address those deficiencies. But our current Constitution has

⁶Article VII of the U.S. Constitution provides: "The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same." With thirteen states in the union at that time, nine states constituted a two-thirds majority. Article V of the Constitution raised the threshold for ratification from two-thirds to three-quarters of the states for future amendments.

two crucial advantages over what would be likely to come out of a convention: it has the acceptance of virtually the entire country, and it is not manipulated to meet the narrow, short-term agendas of today's moneyed interests. If we give up this Constitution, we will never get it back.

The Worst Possible Time for an Article V Convention

At a time of extraordinary national polarization, the United States Constitution is very nearly all that holds us together. One side or the other has questioned the legitimacy of five of the last six presidential elections.⁷

We have just emerged – barely – from four years in which the unspeakable became commonplace. Relatively small vote swings in a handful of states, or the success of the voter suppression legislation now moving through several state legislatures, could easily swing it back. Even today, Republicans control a solid majority of the state legislatures that will select delegates to an Article V convention.

Gambling with our most precious emblem of unity and cohesion at this perilous moment is beyond reckless. No agenda item is important enough to take that risk.

Progressives advocating an Article V convention are serious about reforming the campaign finance system. Alas, it is the very same money politics they decry that make an Article V convention so very dangerous. As much as the oil companies and tech giants spend today on ordinary legislation, it is pennies compared with what they will devote to a convention that could permanently lock in their dominance. We dare not take that chance.

Our Framers made calling Article V conventions difficult very much on purpose. The Federalist Papers repeatedly express foreboding about the dangers of Article V conventions.⁸ Indeed, when the first Congress considered calling an Article V convention to draft a Bill of Rights, the opposition was led by none other than James Madison. He knew better than most just how capricious and willful conventions can be.

Thank you very much for the opportunity to present these views to you today.

⁷In 2000, Democrats condemned the selectivity of ballot-counting in Florida's "hanging chad" controversy. Many Republicans said that President Obama was not constitutionally qualified to stand in the 2008 and 2012 elections because, they asserted, he was not born in the United States. Democrats argued that Russia intervened in the 2016 election to aid President Trump. And many Republicans claimed that massive fraud tainted the 2020 presidential election.

⁸Federalist No. 49 (Madison); Federalist No. 85 (Hamilton).

HCR-128

Submitted on: 3/18/2021 10:58:30 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mishka Sulva	Individual	Support	No

Comments:

Aloha Chair McKelvey and Committee Members,

Headlines and election news these days seems more focused than ever on the raising of money—"Candidate A raised X million in the first quarter giving Candidate B a run for her money." We know that all campaigns require financing in order to reach the intended audience—the voters. But, where that money comes from matters. "Dark money" & "Super PACs" are a uniquely American and uniquely capitalistic influence on our supposed democracy. These monies are not publicly disclosed and in the case of Super PACs, there is no limit on their spending. More often than not, the candidate who raises the most money wins the election. This means that unscrupulous and wealthy donors can effectively decide elections by skirting the law to influence an election.

These donors may have only one vote each, but they many more dollars to use to spread propaganda for their political advantage. In fact, Princeton Professor Martin Gilens found that "wealthy donors, comprising less than .01 percent of the population accounted for 40 percent of all political contributions In 2012. What's more, "Gilens said, most of the money isn't even raised and spent by the campaigns. In 2012, more than \$1 billion of political spending was done by SuperPACs and other unaccountable groups who don't even give to campaigns. Of SuperPAC money, he said, 93 percent came from just 3,318 wealthy people." (Black, 2015)

Unfortunately, the influence of this money does not stop once the election is over. Indeed, once elected, these representatives side with their dark-money donors more often than with the people who actually voted for them. "Professor Gilens searched three decades worth of survey data (the decades with the 1980s, the 1990s and the 2000-aughts) to identify about 1,800 poll questions that revealed whether a particular policy change before Congress was supported by average Americans, by wealthy Americans and by any organized lobbies... Gilens and Page found that policies supported by economic elites became law between 60 and 70 percent of the time. Policies support by business lobbies also became law 60 to 70 percent of the time. But policy changes favored by a majority of all voters were enacted just 30 percent of the time." (Black, 2015)

Clearly this is not a democratic system of government. If we are to have an equal and fair system of government where each person's vote counts the same as the next, we

must adopt an absolute system of public election financing; we must limit the influence of money in our political system. I write you urging you to vote in support of limiting the influence of money in our government and adopting the Free and Fair Elections Resolution.

Thank you,

Mishka Sulva
Honolulu Resident

Source: Black, Eric. <https://www.minnpost.com/eric-black-ink/2015/05/disturbing-data-rich-and-powerful-get-their-policies-adopted-even-if-opposed/>

HCR-128

Submitted on: 3/18/2021 10:59:33 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexander Schrager	Individual	Support	No

Comments:

Aloha Chair McKelvey and members of the committee!

Please amend HCR 128 to include a call from the state of Hawai'i for an Article V amendment convention and then pass this critical resolution out of your committee?

As the first resolution ever to be heard by the newly formed GVR this is most appropriate!

This is government reform in the biggest way possible!

Thank you,

Alexander Schrager

HCR-128

Submitted on: 3/18/2021 11:00:43 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Doug Seelig	Individual	Support	No

Comments:

Please support HCR128 and the amendment to add a call for a limited Article V Convention.

It is essential that we reform our campaign finance system.

Mahalo

HCR-128

Submitted on: 3/18/2021 11:04:56 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Enomoto	Individual	Support	No

Comments:

Making voting easier should be the goal of this country rather than what we are seeing in many states through voting bills restricting access, or registration. Voting should not be partisan but it is clear that the Republican party knows that when more people turn out, they tend to lose.

Voting is a right that countless "other" people in the world envy.

HCR-128

Submitted on: 3/18/2021 11:07:46 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Brian R Curl	Individual	Support	No

Comments:

Please support free and fair elections. The amount of money now necessary to collect the president of the United States or our other elected officials is astronomical and out-of-control. Reducing elections to a money contest instead of a contest of ideas and ideals.

HCR-128

Submitted on: 3/18/2021 11:32:15 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Martha Nakajima	Individual	Oppose	No

Comments:

I am submitting testimony in opposition to this resolution. I associate myself with the views of Common Cause.

Thank you.

Martha Nakajima

member of Indivisible Hawaii

HCR-128

Submitted on: 3/18/2021 11:35:25 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ted Bohlen	Individual	Support	No

Comments:

STRONG SUPPORT for HCR 128 and HR104!

HCR-128

Submitted on: 3/18/2021 12:15:49 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Zack Stoddard	Individual	Support	No

Comments:

Aloha,

The corrupting influence of money in our elections is at the heart of every major issue in this country. There is a deep lack of belief in our government and, as a result, people aren't interested in civic engagement.

HCR128 takes action with the urgency that this issue demands. It expresses to our Congress, in the strongest possible terms, that our system needs to address the corrupting influence of money with a U.S Constitutional Amendment and that Hawai'i stands among the states willing to lead with courage if Congress will not act.

The vast majority of Americans agree, they want their representatives to be responsive to them, not special interests. I urge you to support the solution to this popular issue and vote yes on the Free and Fair Elections Resolution, HCR128 once it has been amended to include the call for a limited-topic Article V convention.

Mahalo.

HCR-128

Submitted on: 3/18/2021 12:19:07 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Max Towey	Individual	Support	No

Comments:

I support campaign finance reform.

HCR-128

Submitted on: 3/18/2021 12:28:16 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melissa Barker	Individual	Support	No

Comments:

Please support HCR 128.

HCR-128

Submitted on: 3/18/2021 12:30:18 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tom Tatum	Individual	Support	No

Comments:

I strongly support HCR 128

TOM TATUM

HCR-128

Submitted on: 3/18/2021 12:33:38 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Pam Murphy	Individual	Support	No

Comments:

I am in support of HCR128.

HCR-128

Submitted on: 3/18/2021 1:28:17 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

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

Comments:

Support

HCR-128

Submitted on: 3/18/2021 1:45:03 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ramona Hussey	Individual	Oppose	No

Comments:

I do not support HCR128 calling for an Article V convention. Instead I support the efforts of Common Cause and other good government organizations to end the Citizens United era of money in politics.

HCR-128

Submitted on: 3/18/2021 1:59:33 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sherrie Orr	Individual	Support	No

Comments:

I am in support of this bill. END Citizens United.

Sherrie Orr

HCR-128

Submitted on: 3/18/2021 2:00:38 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
James E Raymond	Individual	Support	No

Comments:

Please take this step to end Citizen's United and restore democracy to our elections.

HCR-128

Submitted on: 3/18/2021 3:32:34 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul Janes-Brown	Individual	Support	No

Comments:

Citizen's United is the worst decision in the history of the Supreme Court. We must do whatever we can to redress this decision and get big money out of politics. Citizen's United is the worst decision in the history of the Supreme Court. We must do whatever we can to redress this decision and get big money out of politics.

HCR-128

Submitted on: 3/18/2021 3:54:05 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Cliff & Mary DeVries	Individual	Support	No

Comments:

REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA ON CAMPAIGN FINANCE REFORM THAT WILL RESTORE BALANCE AND INTEGRITY TO OUR NATIONAL SYSTEM OF CAMPAIGN FINANCE IN THE INTEREST OF PRESERVING SELF-GOVERNMENT IN THE UNITED STATES. We don't the US to become an Oligarchy, where only the rich can participate and reduce their taxes; McConnell would prefer that the poor and middle class would be neglected.

HCR-128

Submitted on: 3/18/2021 4:02:35 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Catherine Clement	Individual	Support	No

Comments:

Aloha,

I support HR104. The current lack of balance and integrity in the US Campaign Finance system is a blight on all US citizens and a threat to our self-governance.

I urge you to represent me and all your constituents by supporting HCR128.

End Citizens United now.

Mahalo,

Catherine Clement

HCR-128

Submitted on: 3/18/2021 4:39:07 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Tony Radmilovich	Individual	Support	No

Comments:

The corporations should not have been able to contribute unlimited amount of money to political campaigns, in the first place.

HCR-128

Submitted on: 3/18/2021 4:56:35 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elaine Wender	Individual	Support	No

Comments:

Support, and amend to call for a limited Article V convention to propose a campaign finance reform amendment tht will end the era of Citizens United.

HCR-128

Submitted on: 3/18/2021 5:11:42 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Meredith Buck	Individual	Support	No

Comments:

I support HCR128.

HCR-128

Submitted on: 3/18/2021 5:14:15 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Rodwell	Individual	Support	No

Comments:

I fully support this Bill.

HCR-128

Submitted on: 3/18/2021 9:49:57 PM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Hoku Tobin	Individual	Support	No

Comments:

Aloha Chair McKelvey and Committee Members,

In America today, we are faced with a crisis in our federal government. Our broken campaign finance system has incentivized our Congress to be accountable to the special interests that contribute to their campaigns over the interests of average Americans. The truth is that any realistic solution must include a Constitutional Amendment because the problem has been enabled by a runaway overreaching Supreme Court.

The state of Montana had 100 years of common sense campaign finance laws that served their state well. In 2010, the Supreme Court, in a sweeping decision, threw all those laws into the trash. When the state of Montana challenged the Supreme Court to attempt to keep their laws, the Court wouldn't even hear the case. A panel of 9 unelected people decided they knew best about how to govern and legislate elections in the state of Montana.

Our republic was founded on a critical balance between federal and state power. If our state is going to be able to protect our own elections from the influence of unaccountable out of state money, we need to stand up right now and insist upon an amendment to overrule the Supreme Court. We are turning to you to exercise one of our most important rights as a state on behalf of the citizens of this country.

As a resident of Honolulu, I'm counting on you all. Please vote yes on the amendment to HCR128 that calls for a limited-topic Article V convention and then pass the amended version of HCR128 out of your committee.

Mahalo,

Hoku Tobin

HCR-128

Submitted on: 3/19/2021 4:42:43 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Dean	Clean The Pacific	Support	No

Comments:

Everyone knows that money is corrupting our democracy, so why do we allow it? I'm going to explain in very clear terms, why a corporation shouldn't be allowed to have the same rights as a citizen. A corporation is a group of people, sometimes thousands of people, but who speaks for the corporation? One person, the CEO. The executives of the corporation sit around and work tirelessly on ways to increase their profit margin. Often, they focus on lowering labor costs. Now, if a handful of executives lobby Congress to pass legislation that has a deleterious effect on hundreds of employees, none of whom have a voice in what the executives say or do, then that is decidedly undemocratic. It's a lie. A corporations comes with a request, but that request doesn't necessarily represent the majority of people in the corporations, only the desires of the wealthy few at the top. How can a corporation go to Congress and tell them they want something, when the majority of people who work for the corporation don't want that? CEOs fight to prevent a \$15.00 an hour minimum wage. Maybe the thousands of employees for that corporations would like to make a little more money for there blood, sweat, and tears. The same is true for every issue, safety, protecting the environment, health care, immigration, civil liberties... Corporate person hood is a sham. It's merely away to get around what the Founding Fathers had originally intended, a government of the people, by the people and for the people.

HCR-128

Submitted on: 3/19/2021 6:28:24 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Abbey Holmes	Individual	Support	No

Comments:

I support HCR128

HCR-128

Submitted on: 3/19/2021 9:17:04 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ramona Amoguis	Individual	Support	No

Comments:

Enough is enough. Corporations should not be allowed to undermine self government.

HCR-128

Submitted on: 3/19/2021 9:19:21 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Erynn Fernandez	Individual	Support	No

Comments:

I support this resolution. In 2010, Citizen's United vs FEC overturned the rulings, in total or in part, of Austin vs Michigan Chamber of Commerce and McConnell vs FEC, undoing measures which had restricted corporate spending on electioneering communication.

Super PACs created and funded by agents of corporations can be set-up nearly overnight. Super PACs of individual citizens need to be organized, built, and funded, person by person. This so called level playing field as you can see, is not level.

With the Supreme Court precedence of Citizen's United vs FEC, and Congress unmoved by the idea of repeal, the people through those who have been elected by their people to represent them in their home state, have the option of utilizing US Constitution, Article V.

Many view using this constitutionally afforded method as dangerous with fears of a "run away" convention. I believe those fears are unfounded being that any proposed amendment would then be sent to the states for ratification. As with an amendment proposed by Congress, three-quarters of the states would have to ratify the amendment for it to become part of the Constitution. There are two paths to state ratification, which are 1) by the state legislature and 2) by a state convention. All existing amendments to the constitution were ratified by state legislatures with the exception of one, the 21st which repealed prohibition. With that second "stab at the apple" so to speak, fear shouldn't drive the conversation. That is of course unless the preference is that corporations be afforded an unfair advantage over our citizens hiding behind this disingenuous banner of "citizen's united".

HCR-128

Submitted on: 3/19/2021 9:34:31 AM

Testimony for GVR on 3/19/2021 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Travis Tsuda	Individual	Support	No

Comments:

It's become very apparent the lengths corporations and private interests will go to in order to influence candidacy and legislation. It shouldn't be the largest purse becomes the most visible/viable.