
Committee Report

REGULAR CALENDAR

February 19, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Legislative Administration to which was referred HB 504,

AN ACT relative to election-related amendments to the United States Constitution. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Timothy Smith

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Legislative Administration
Bill Number:	HB 504
Title:	relative to election-related amendments to the United States Constitution.
Date:	February 19, 2019
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill recognizes that the influence of money and gerrymandering have increasingly become highly corrupting factors in our political system – nationally, and locally – and calls on Congress to pass Constitutional amendments to help resolve these issues. The bill also calls for the General Court to hold a public hearing on the topic, so that we may directly hear from the public on this matter. The majority recognizes the extreme importance and urgency of these issues, and that holding a public hearing will help restore the public trust in our legislature.

Vote 8-6.

Rep. Timothy Smith
FOR THE MAJORITY

REGULAR CALENDAR

Legislative Administration

HB 504, relative to election-related amendments to the United States Constitution. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Timothy Smith for the **Majority** of Legislative Administration. This bill recognizes that the influence of money and gerrymandering have increasingly become highly corrupting factors in our political system – nationally, and locally – and calls on Congress to pass Constitutional amendments to help resolve these issues. The bill also calls for the General Court to hold a public hearing on the topic, so that we may directly hear from the public on this matter. The majority recognizes the extreme importance and urgency of these issues, and that holding a public hearing will help restore the public trust in our legislature. **Vote 8-6.**

Original: House Clerk
Cc: Committee Bill File

Heather Ebbs

From: Smith, Tim
Sent: Wednesday, February 13, 2019 3:02 PM
To: Wall, Janet; McKinney, Betsy; Heather Ebbs
Subject: Write-ups for HB-504 and HCR-1

HB-504 Majority Report : OTP

This bill recognizes that the influence of money and gerrymandering have increasingly become highly corrupting factors in our political system – nationally, and locally – and calls on Congress to pass Constitutional amendments to help resolve these issues. The bill also calls for the General Court to hold a public hearing on the topic, so that we may directly hear from the public on this matter. The majority recognizes the extreme importance and urgency of these issues, and that holding a public hearing will help restore the public trust in our legislature.

HCR-1 Minority Report : ITL

This bill has been introduced by the House before, and defeated every time. This resolution would seek to completely abdicate a power expressly delegated to us by the federal constitution, and rescind all historic applications to Congress for a convention to propose amendments under Article V of the US Constitution. To do so would go against the principles of states rights, and the findings in this bill's text contain many factual errors based on conspiracy theories. The minority recognizes the rich history of Article V, doesn't believe we should casually ignore ANY part of the US Constitution, recognizes that the objections of the majority are easily resolved, and would prefer to respect the work of previous legislatures which have attempted to check Congress through use of Article V.

--
Representative Timothy Smith
Manchester, NH
tim.smith@leg.state.nh.us
<http://www.timsmithnh.com/>

COMMITTEE REPORT

COMMITTEE: leg. & Administration

BILL NUMBER: HB504

TITLE: election related amendments to
US Constitution

DATE: 2/13/19 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

COMMITTEE VOTE: 8-6

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Tim Smith
For the Committee

REGULAR CALENDAR

February 19, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Legislative Administration to which was referred HB 504,

AN ACT relative to election-related amendments to the United States Constitution. Having considered the same, and being unable to agree with the Majority, report with the following resolution: **RESOLVED**, that it is **INEXPEDIENT TO LEGISLATE**.

Rep. Kimberly Rice

FOR THE MINORITY OF THE COMMITTEE

REGULAR CALENDAR

Legislative Administration

HB 504, relative to election-related amendments to the United States Constitution.
INEXPEDIENT TO LEGISLATE.

Rep. Kimberly Rice for the **Minority** of Legislative Administration. The minority has concerns that this bill could lead to a violation of the right to free speech. We also heard that this bill suggests repeal of the 17th Amendment.

Original: House Clerk

Cc: Committee Bill File

MINORITY REPORT

COMMITTEE: Leg. & Admin Strategy

BILL NUMBER: HB 504

TITLE: relative to election-related amendments to the US Constitution

DATE: 2/13/19 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

The minority has concerns about this bill being a free speech issue. We also heard that this bill suggests repeal of the 17th amendment.

COMMITTEE VOTE: 8-6

• Copy to Committee Bill File

RESPECTFULLY SUBMITTED,

Rep. Kim Rice
For the Minority

Voting Sheets

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

EXECUTIVE SESSION on HB 504

BILL TITLE: relative to election-related amendments to the United States Constitution.

DATE: February 13, 2019

LOB ROOM: 303

MOTIONS: OUGHT TO PASS

Moved by Rep. T. Smith

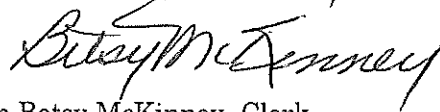
Seconded by Rep. Frost

Vote: 8-6

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

A handwritten signature in cursive script that reads "Betsy McKinney".

Rep Betsy McKinney, Clerk

OFFICE OF THE HOUSE CLERK



1/14/2019 3:23:31 PM
 Roll Call Committee Registers
 Report

2019 SESSION

Legislative Administration

Bill #: HB504 Motion: OTP AM #: _____ Exec Session Date: 2/13/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Wall, Janet G. Chairman	✓		
Ley, Douglas A. Vice Chairman	✓		
Smith, Timothy J.	✓		
Bernet, Jennifer	✓		
Frost, Sherry A.	✓		
Nutting-Wong, Allison R.	✓		
Turcotte, Alan J.	✓		
Wilhelm, Matthew B.	✓		
Hinch, Richard W.		✓	
McKinney, Betsy Clerk		✓	
Graham, John A.		✓	
Hill, Gregory G.		✓	
Rice, Kimberly A.		✓	
Greene, Bob J.		✓	
TOTAL VOTE:			

8 6

Hearing Minutes

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING ON HB 504

BILL TITLE: relative to election-related amendments to the United States Constitution.

DATE: January 24, 2019

LOB ROOM: 303

Time Public Hearing Called to Order: 11:15 a.m.

Time Adjourned: 12:40 p.m.

Committee Members: Reps. Wall, Ley, McKinney, Bernet, Nutting-Wong, Turcotte, Wilhelm, Hinch, Graham, Hill, Rice and Greene

Bill Sponsors:

Rep. Read

Rep. Butler

Rep. Vann

Rep. T. Smith

Rep. W. Pearson

Rep. Guthrie

Sen. Fuller Clark

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep. Ellen Read** - Prime sponsor of the bill. Money controls political elections. 70 - 90% in NH want limits. 82 towns have asked for fix. People are tired of the situation.

Rep. Joe Guthrie - Co-sponsor of the bill. Supports the bill. Motivate to get the message out.

***Rick Bourdon** - Supports the bill.

***Bob Perry** - Supports the bill. Read his testimony and also Rick Bourdon's testimony.

***Jim Rubens, Take Back Our Republic** - Supports the bill. Not a partisan consideration.

Alvin See - Opposes the bill. Limits speech. Repeal 17th amendment. Senate elected by House.

***Ben Gusits, American Promise** - Supports the bill.

***Olivia Zink** - Supports the bill.

Jaye Kahl - Supports the bill. Citizen who think New Hampshire will see more money bought votes with corporate money this presidential season.

***James Howard** - Supports the bill. 85% of people in US say money controls politics.

Steve Lipscomb, Fix It America - Supports the bill. Here to answer questions. His group has helped with wording across the US.

***Ellen Leonard, We The People - MWV** - Supports the bill. Thinks country is being divided by "Citizens United." Point of View - "Dark Money" also on Amazon, very depressing.

***Carinne Dodge, NHWRD** - Supports the bill. Reluctant activist, not involved in politics just wants this problem corrected.

Rep. Ed Comeau - Opposes the bill. He spends no money to run, thinks it is up to the voters.

***Joe Magruder, Democracy Volunteer** - Supports the bill.

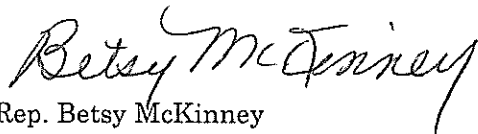
Lynn R. Chong, Sanbornton Town Meeting - Supports the bill. She campaigned for passage in her town. Talked about Granny "D" and her walk and fight.

Rep. Skip Clearer - Supports the bill. Wants to give history. Bill of Rights - free speech is being drowned out by money and its power.

Ageth Okeny - Supports the bill. Born in Sudan, US citizen in 2015. Pass to protect everyday citizens.

***Andrew Inzenga** - Supports the bill.

Respectfully submitted,

A handwritten signature in cursive script that reads "Betsy McKinney". The signature is written in black ink and is positioned above the typed name and title.

Rep. Betsy McKinney
Clerk

HOUSE COMMITTEE ON LEGISLATIVE ADMINISTRATION

PUBLIC HEARING ON HB 504

BILL TITLE: relative to election-related amendments to the United States Constitution.

DATE: January 24, 2019

ROOM: 104

Time Public Hearing Called to Order: 11:15

Time Adjourned: 12:40

(please circle if present)

Committee Members: Reps. Wall, Ley, McKinney, T. Smith, Berner, Frost, Nutting, Turcotte, Wilhelm, Hinch, Graham, Hill, Rice and Greene

Bill Sponsors:

Rep. Read
Rep. T. Smith
Sen. Fuller Clark

Rep. Butler
Rep. W. Pearson

Rep. Vann
Rep. Guthrie

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- * Rep. Bond sponsor - money controls pol. elections
70-90% in NH want limits - 82 towns have asked for fix
People are tired of the situation.
- Rep. Nutting, sponsor - motivate to get the message out.
- * Bob Perry read testimony of Rich Bourdon - support
- * Bob Perry supports read his own testimony
- * Jim Rubens - supports - not a ~~non~~ partisan consideration
- Abin See - Loudon - opposes bill - limits speech
- Apply repeal 17th amendment. Senate elected by House.
- * Ben Gullett Am. Promise - support -
- Clivia Zumb Rueg. for Zumb -
- Jayne Kahl, supports - citizen who think NH will see more money ~~come~~ bought votes with corporate money this presidential season. -

* James Howard, Concord, supports - 85% of people in US say money controls power.

Steve Libscomb supports - here to answer questions
His group has helped with wording across the US

Cleen Leonard supports - thinks country is being decided by "Citizens United". Pointy view - "Dark Money" also on Amazon, very depressing.

* Carismo Dodge supports, NHV RP, reluctant activist
not involved in politics just want this problem corrected.

Rep. Ed Clumeau opposes, he spends no money think it is up to the voters

* Joe Magruder ^{testimony} will be emailed - supports -

Lynn R. Chong supports - she campaigned for passage in her town. Talked about "Manny D" and her walk on fight to it

Rep. Chip Cleaver supports - wants to give history. Bill of Rights - free speech is ~~being~~ being drowned out by money and its power.

Ageth O'Keney supports - born in Sudan US citizen in 2015, pass to protect everyday citizens,

* Andrew ~~Zemanga~~, Ceteru - supports
Inzenqa

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 504 Date January 24, 2019

Committee Legislative Administration

** Please Print All Information **

Name	Address	Phone	Representing	(check one)	
				Pro	Con
Senator Fuller Clark			SD#21	X	
Rep. Sherri Beekard			House Republican Office		X
Rep. Raymond Howard Jr			Bethkeap 8		X
Alvin See	London		Self		✓
Rep Ed Butler			Carroll 7	X	
Rep Joe Gauthier			Rock 13	✓	
WILLIAM PEARSON, CHESTER-16				✓	
Rep. SKIP Cleaver				✓	
Joe Magouder			Concord self/Rep.	✓	
Rep Sam Fox			Bow Merr 23	✓	
Kate Harris	Dover NH		Strafford 14	X	
Steve Lipscomb			Fix It America	✓	
MARY TILL			Perry	✓	
Melissa Hinebaugh			Concord / self	X	
JOE KWASNIK			Concord Self	X	
Gale Taylor			Concord Self	X	
Rep. Willis Griffith			Manchester self	X	
Lynn R. Chong			Sambornton self/town meeting	✓	
Sally C. Embley			Webster LWNH	✓	
Christopher Okeny	504 clay st	978-601-5719	self	✓	

Testimony

January 24, 2018

*The Honorable Janet Wall, Chair
Legislative Administration, Legislative Office Building, Room 303 Concord, NH 03301
TESTIMONY in support of HB 504*

Madam Chair and Members of the Committee,

Thank you for your time and service this morning. As you know, I am Representative Ellen Read, one of the bi-partisan sponsors of HB 504. This Bill joins a broad movement across the country and in the Halls of Congress to identify and move forward with specific language that will inculcate the fundamental principles we agree upon when it comes to money in elections and governance as well as political gerrymandering.

We have found that it is helpful to read the simple language contained in the bill:

Section I. Congress and State Legislatures shall regulate the role of money in elections and governance to ensure transparency, prevent corruption, and protect against the buying of access to or influence over representatives. No such regulation shall be deemed in violation of freedom of speech rights in the Constitution of the United States or its Amendments.

Section II. Legislative districts or districting plans shall not intentionally or unduly favor or disfavor any political party.

I am here to provide some of the broader context that this Amendment and our efforts in New Hampshire fit into, but following me will be representatives from some of the 82 New Hampshire cities/towns that have passed resolutions asking The General Court to do something about these issues.

The language contained in HB 504 passed the New Mexico state legislature last year on its first submission and is being introduced this year in New Hampshire, Ohio, Colorado, Virginia and other states. The coalition of organizations involved in this national consensus building process include Open Democracy, American Promise, Take Back Our Republic, Common Cause and Fix It America. This coalition has been specifically tasked by the Congressional Campaign Finance Reform Caucus to reach out to state legislatures in order to help build the consensus and momentum needed for passage at the federal level and ratification at the state level.

And, while we may disagree on exactly what legislation will best implement these core principles of fairness, we certainly can agree that the process should be fair ... and that is what HB504 is all about.

With us today to answer any questions you may have are Olivia Zink, Executive Director of New Hampshire based Open Democracy; Ben Gubits, Director of Political Strategy at American Promise and Steve Lipscomb, Managing Director of Fix It America (who oversaw the two and a half year process of drafting the language contained in HB 504).

Thank you again, Madam Chair and Members for your time and I am happy to answer any questions you may have.

Respectfully,

Ellen Read, Rockingham- District 17; Seat #:2043; (603)292-5376; ellen4nh@gmail.com

Committee Address for HB 504

Andrew Inzenga Ph.D.

1-24-2019

Good morning! My name is Andrew Inzenga and I am a constituent from the town of Exeter in Rockingham county, NH. I appreciate your leadership in this matter, as well as your service to the State of New Hampshire.

Today, I speak to you, the Legislative Administration Committee about HB 504. I will briefly share my thoughts about the two sections of this bill, out of sequential order. I will start with Section 2 - the 'districting plans that unduly favor or disfavor a Political Party and the people represented'.

I originally thought that the One Man, One Vote paradigm was the most democratic sounding principle. However, after researching the cases Baker V. Carr - 1962 and Randall V. Simms - 1964, my perspective has evolved. I believe that a representative not only serves his or her district voters, but also its children, unregistered renters and senior citizens (who may no longer be able to cast ballots for various reasons). Incidentally this last group is expanding daily becoming the most populated subset.

Based on my research, my thinking has changed. I now believe all representatives must serve, roughly, equally populated areas. Representation is much more than one man, one vote.

Let me close this section with a quote from Chief Justice Warren (from Baker V. Carr – 1962) – “legislatures represent people not trees”. It represents all of the people. I ask that you support section II of HB 504.

Next, I will speak about Section 1. the 'regulating of money in elections, and governance'.

I researched the Federal Election Campaign Act - 1974, Buckley V. Valeo - 1976, the McCain - Feingold Reform Act - 2002, Citizens United V. FEC -2010, and McCutcheon V. FEC - 2014.

There is a common thread that emerged throughout these legislative acts and the subsequent supreme court rulings. The court agrees that there should be some limitation on spending as "it fosters the appearance of a Quid Pro Quo system, whether it exists or not."

However, the supreme court has consistently ruled that financial donations by Pacs, Labor Unions or other political groups which display their support through donations of money and time, are interchangeable with free speech in the First Amendment. That finding has been reaffirmed most recently when it was applied by Chief Justice Roberts in the majority opinion of McCutcheon V FEC – 2014.

Ladies and gentlemen, I too believe that large contributions of money has and continues to do damage our democracy. It limits equal access to potential candidates as well as the election campaign process. I hope you are successful in finding a solution that limits money, but also doesn't infringe on the First Amendment. You indeed face a mighty challenge.

Again, name is Andrew Inzenga and I thank you for your time.



New Hampshire Legislature Joins National Effort to change Dark Money in Politics – with 80% of NH Citizens Behind Them ...



House Bill 504 -- The Fix It America Constitutional Amendment

Section I. Congress and State Legislatures shall regulate the role of money in elections and governance to ensure transparency, prevent corruption, and protect against the buying of access to or influence over representatives. No such regulation shall be deemed in violation of freedom of speech rights in the Constitution of the United States or its Amendments.

Section II. Legislative districts or districting plans shall not intentionally or unduly favor or disfavor any political party.

NEW HAMPSHIRE CITIZENS OVERWHELMINGLY SUPPORT HB 504:

- 82 New Hampshire Cities and Towns have passed resolutions asking the state legislature and Congress to address this issue.
- 80% of New Hampshire Citizens want their legislators to do something about money and its impact on elections and governance. (85% of Independent voters; 74% of Republicans and 79% of Democrats)
- HB 504 is a tangible way for New Hampshire legislators to respond to their constituents. The Amendment clearly articulates the underlying principles of fairness with which most of us agree.

HB 504 EMPOWERS NEW HAMPSHIRE LEGISLATORS AND CITIZENS:

- Unrestricted, massive spending from big donors drowns out the First Amendment free speech rights of New Hampshire citizens/constituents ... whose first amendment rights should be just as important as mega donors.
- The “money primary” that selects candidates prior to anyone getting a vote diminishes New Hampshire’s status as having the “First in the Nation” presidential primary.

REGULATING MONEY IN GOVERNMENT IS NOT NEW – BUT CLASSIFYING MONEY AS SPEECH IS ...

- Generally: There is a long tradition of reasonable limits to First Amendment Freedom of Speech rights in the United States. A few examples: People are not allowed to yell “fire” in a crowded theater. People are not allowed to produce, distribute or possess child pornography. And, in the chambers of Congress (and most state legislatures), people are not allowed to protest during the Legislative Session.
- Money = Speech is new: It was not until recently that the Supreme Court took away state and federal legislators’ power to protect their constituents from the corrosive effects of dark money on elections and governance. And, in fact, the notion that money=speech under the first amendment was not invented or introduced until 1976 (Buckley v Valeo – an unsigned and deeply divided Supreme Court decision). Prior to that, for nearly 200 years, legislators had the power to protect US democracy from runaway money overwhelming elections and governance. The Fix It America Constitutional Amendment simply empowers legislators to do what they have been doing since the inception of the Republic.

HB 504 EMPOWERS NEW HAMPSHIRE LEGISLATORS:

- New Hampshire legislators entered public service to improve the lives of the people they represent and to work on issues that matter and they share their constituents’ frustration with how money can take too much of their valuable time and undermine their ability to get things done.

Contacts: Olivia Zink at Open Democracy, olivia@opendemocracy.me (603 661-8621); Ben Gubits at American Promise, beng@americanpromise.net; John Pudner at Take Back Our Republic, johnp@takeback.org; or Steve Lipscomb at FixItAmerica.Org, FIAdemocracy@gmail.com

HB 504

Good Morning Chairwoman Wall, Vice-Chair Ley, and members of this Committee.

I am speaking in support of HB 504. My name is Corinne Dodge and I am a voter in Derry. I am representing both myself and NH Voters Restoring Democracy, a grassroots group of NH citizens advocating for the passage of *non-partisan* legislation to stop the corrupting influence of excessive and secret money in our current election financing system and to end the practice of partisan redistricting known as gerrymandering. Hopefully you received a letter recently introducing ourselves to you.

I would like to emphasize here that HB 504 is truly a *non-partisan issue* needed for meaningful and comprehensive change. NH citizens of both political parties are frustrated and angry because we believe that many of our elected officials now cater to the needs of wealthy donors and international corporations at the expense of the needs of working people like ourselves. Eighty-two NH towns have already passed town warrants or resolutions asking you to call upon our US Congress to initiate such an amendment. My Republican-leaning Town Council of Derry voted in unanimous support of the resolution.

In the past, numerous advocates such as myself have come to testify here and at the NH Senate year after year only to be turned down time after time. We are asking for **your** help today to finally get this bill passed. I have personally been advocating for the past 5 years and would like to share with you some of what I have learned by speaking with and listening to a good number of NH Republican and Democratic legislators and candidates for state and federal office. In requesting help for the promotion of campaign finance reform, this is what I heard from them:

- Over and over I heard from a number of NH State Senators, that they were frustrated and angry that the current cost of running an election in NH has escalated drastically in the past few years and that it can now cost over a hundred thousand dollars. Our current campaign finance system has clearly become overwhelmingly burdensome to candidates who do not accept money from very wealthy donors and/or large corporations from out of state.
- I heard a number of candidates tell me about the extravagant amounts of secret money that wealthy donors, corporations and PACs were spending to ruin their campaigns with false information.
- I heard from some state and federal legislators and incumbents that while they strongly supported campaign finance reform in principle, they were literally afraid of losing their election if they dared to come out publicly in favor of campaign finance reform. They had reason to believe that their campaign would be attacked with unlimited amounts of money from secret PACs.

My response to all these statements is that this is exactly why we need a national Constitutional Amendment for comprehensive and long-term prevention of this excessive campaign funding and spending madness. NH Legislators should not be afraid to support NH constituents. Now is the time for you as legislators to stand up and support constituents, ethical election financing and ethical governance. Please support HB 504. Thank You

January 24, 1910: Birthday of "Grannie D" Haddock.

When I first heard the story of a feisty, 89 year old, NH woman named "Grannie "Some-kind-of-Fish", who was in the process of walking 3,200 mi. across America calling attention to the issue of campaign finance reform, I had no idea why we needed something called campaign finance reform and why that could possibly be so important to her. While I admired her stamina, I actually thought to myself "What a foolish old woman to go through all that bother for such an unimportant cause." In my ignorance, I didn't understand and she had much to teach me.

Today I know that indeed I was the foolish woman for thinking that, and she a very wise woman indeed. She is in fact, now my role model. As we stand in this building today, we are all literally standing in her footprints, for she spent her 98th, 99th, and 100th birthday advocating for campaign finance reform in this very building.

"Grannie D" Haddock would have turned one hundred and nine years old today had she not left us before she had a chance to deliver her last written speech. Because her words seem to have even more meaning today that when she wrote them 6 years ago, I would like to give voice to Grannie on her birthday by reading excerpts from that undelivered speech.

She begins by telling us that:

Quote

"In the 1950's as great corporations began to wash away the family businesses of Main Street, the anger of those middle-class families should have been directed against those corporations and the political officials in league with them. Instead, anger was purposely and methodically redirected against a phantom Communist threat inside America, against the civil right of blacks, and against any expansion of government into worker protection and consumer protection. Because the anxiety was misdirected, it was not brought to bear on the proper cause of the anxiety, and so the anxiety only grew.

Corporations and the very wealthiest people began to finance the election campaigns of their foot soldiers in Congress. They financed talk radio and propaganda television. We now see millions of people whose anxiety has been hijacked and redirected against their own best interest...And so the anger grows." End quote.

She continues on to explain about hostile corporate takeovers and the rise of new monopolies, and how very profitable this all was for the very wealthiest among us. Her last 2 sentences read as follows, and please keep in mind that these words were written 9 years ago and the situation has only worsened since that time: Quote
"Frankly, I don't think we have much time to waste. Anger is what is in our way, and it comes from the disempowerment of us all" End quote

How very prophetic her words are still!

Please show NH citizens that their NH House Representatives are ready to work cooperatively together for the benefit of NH citizens. Please follow the lead of the NH Senate who on March 26, 2015 voted unanimously in support of a similar bill for a Constitutional Amendment. I ask that you send HB 504 onto a full House vote unanimously as "Ought to Pass".

Thank you



January 24, 2019

The Honorable Janet Wall, Chair
Legislative Administration
Legislative Office Building, Room 303
Concord, NH 03301

TESTIMONY in support of HB 504

Dear Chair and members of the Committee,

For the record my name is Olivia Zink, from Open Democracy Action, a non-partisan non-profit organization. Open Democracy Action's mission is to bring about and safeguard political equality for the people of New Hampshire. This will only happen through an open, accountable, and trusted democratic government, "of, by, and for the people," that is free from the corrupting influence of big-money politics and control.

I am here to speak for HB 504. The vast majority of New Hampshire voters, no matter what their political leanings, agree that this system of donor-focused politics needs to end. By passing House Bill 504, New Hampshire's state Legislature can lead the way.

New Hampshire citizens are tired of the influence of big money in politics, and are ready for a solution. 82 towns have passed warrant Articles in NH. Towns and cities have raised their voices that a Constitutional Amendment is the long-term solution to fully reverse the Court's ruling and to restore our rights and assert that "Democracy is for People." Voters of all political stripes are coming together to help pass HB 504.

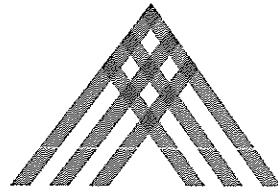
Former Senator Warren Rudman of New Hampshire wrote "Supreme Court opinion notwithstanding, corporations are not defined as people under the Constitution; and free speech can hardly be called free when only the rich are heard."

This call for a Constitutional Amendment is about free speech, every voice being heard equally.

Respectfully,

Olivia Zink

Open Democracy Action
4 Park St, Suite 301, Concord, NH 03301
603-715-8197



AMERICAN PROMISE

HB 504

Legislative Affairs Committee
January 24, 2019

Testimony of Ben Gubits, National Political Director for American Promise, in support of the Amendment to the U.S. Constitution proposed by House Bill 504

Executive Summary

The following testimony in support of HB 504, is on behalf of American Promise and its more than 150,000 cross-partisan members that support a Constitutional Amendment to reduce the undue influence of money in our elections and government, and protect the rights of all Americans to equal citizenship in our republic.

Attached:

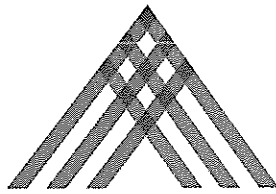
- Cross Partisan Support for this Constitutional amendment: *Government of Citizens, Not Money Report*

Thank you for the opportunity to submit this testimony on behalf of American Promise, a cross-partisan non-profit organization made up of Americans all over the country, including many in New Hampshire, who are working to secure government of the people, rather than money.

We support HB 504, which advances an urgently needed amendment to the United States Constitution. Such an amendment will ensure transparency, prevent corruption and the buying of access and influence in our political system, and secure the rights of Americans to equal citizenship and representation in our republic.

This Constitutional amendment effort is not a partisan issue, and many Republicans join Democrats in supporting this cause.¹ In every election since 2010, millions of voters in all over the country voted to pass ballot initiatives advancing this Constitutional amendment solution. They all passed, no matter whether the voters were mostly Republicans or mostly Democrats.

¹ See attached Report. See also Statement of Fmr. Sen. Alan Simpson (R-Wyoming) (http://www.americanpromise.net/alan_simpson_letter); Congressman Walter Jones (R-North Carolina) (<http://www.charlotteobserver.com/news/politics-government/election/article106380887.html>); Fmr. Congressman James Leach (http://www.americanpromise.net/nina_turner_and_jim_leach_op_ed_desmoines_register)



AMERICAN PROMISE

Almost 800 cities and towns now have joined nineteen states in passing similar resolutions. 82 of these communities are right here in New Hampshire.

Hundreds of Representatives and Senators are now on board, and more and more Americans now know that we must act to win this Constitutional amendment—which will be the 28th Amendment-- before it's too late. The Resolution you are considering now will make a very important contribution to this historic national cause.

Background

At American Promise, our cross-partisan Advisory Council includes Justice James Nelson, who recently retired from the Montana Supreme Court after twenty years of service; law professors such as John Coates and Lawrence Lessig of Harvard Law School and Tamara Piety of the University of Tulsa College of Law; former Members of Congress, Governors, and state legislators with a century of combined experience in the law, lawmaking, and federalism, including Senator Alan Simpson (R-Wyoming), Governor Mike Dukakis (D-Massachusetts), Congressman Jim Leach (R-Iowa) and State Senator Nina Turner (D-Ohio). In addition, our Advisory Council members include Americans from all walks of life and every region of the country. Including local to New Hampshire, Ella McGrail. (full list here: http://www.americanpromise.net/about#ap_advisory_council.)

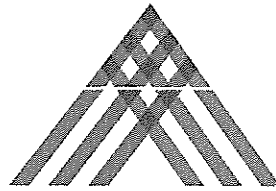
Ella, a first year freshman in college, has been advocating for this reform on behalf of her generation for four years.

“We know freedom of speech in New Hampshire. Freedom of speech is the stories, experiences, wisdoms, pleas, and views of our people. It is not dollar bills or checks exchanged behind closed doors. Money does talk, but in doing so it silences thousands.”

Why a Constitutional Amendment.

A 28th Amendment to the United States Constitution is urgent because we face a Constitutional crisis, not just a “campaign finance” problem. As former member of Congress and American Promise Advisory Council member James Leach (R-Iowa) has said, America risks moving to “corporatism and oligarchy,” where money rather than people rule.

Oligarchy or republican democracy: That is our choice, and a 28th Amendment to the Constitution enables us to make the right choice.



AMERICAN PROMISE

So many Americans now feel excluded by our political system because we are excluded: money increasingly controls who can run, who can serve, and what issues matter. And most Americans don't have the money to play the game. Thus, our political system increasingly is dominated by the resources of the very few.

The 2016 election was the most expensive in American history, and most of the money came from less than 1% of the population. In fact, three billionaires alone spent \$200 million. In general, only 4% of Americans participate in the political money game in any way at all. And the money from only 0.5% accounts for most of the total contributions and spending.²

While unions and the very wealthy account for a great deal of money, global corporations also are spending massively in federal, state and local elections. Because this spending is unwelcome by Americans, corporations usually try to hide how they spend the money. In recent years, for example, just three conduits for corporate money—the U.S. Chamber of Commerce, the Democratic Governors Association, and the Republican Governors Association, accounted for more than \$700 million in election spending.

This is the American reality now: With only rare exceptions, money decides who runs, who wins, who governs, and what laws pass and don't pass. In this system, most Americans become second-class citizens, treated more like consumers than citizens, and as mere spectators to fights between competing factions of the donor class.

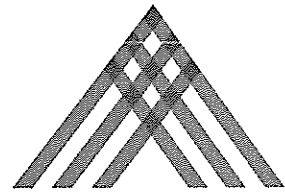
This is a dangerous breach of our national covenant, and a Constitutional Amendment can fix it. This 28th Amendment will renew our American promise that every one of us, no matter how poor or how rich, is an equal citizen.

The amendment will limit concentrated money in elections, end the corrupt pay-to-play lobbying system, and keep corporations in business and out of politics. The 28th Amendment will restore free speech rights to all Americans, not just those few who now "speak" so loudly with money and corporate clout.

HB 504 now is needed to push Congress to act, and I hope it finds support across the aisle.

For all of these reasons, I am grateful for the opportunity to submit this testimony for your consideration.

² 66-80%, depending on various calculations. OpenSecrets; Demos-PIRG 2015.



AMERICAN PROMISE

Sincerely,

Ben Gubits
National Political Director - American Promise

HB 504

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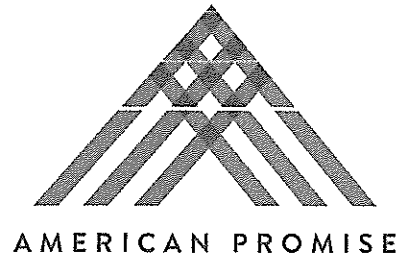
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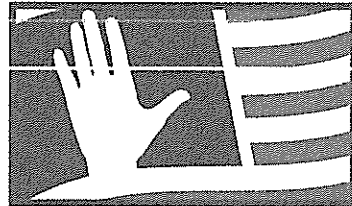
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**TAKE BACK
OUR REPUBLIC**



Fix it America.org

Government of Citizens, Not Money

*Americans Are United for
the 28th Amendment*

Government of the People
Secure Free and Fair
Elections

Fellow Americans -

We offer this report, *Government of Citizens*, at a time of great danger and opportunity for our nation. America faces many challenges. We believe many of these arise from a root crisis of concentrated money and special interests controlling our political system. Big donors are well-represented; most Americans are not.

As a result, American trust in our institutions -- and in each other -- is collapsing. Powerful interests profit from dividing voters and preventing practical solutions that will help hard-working Americans. On the left and the right, the few who believe in and can afford to participate in the pay-for-play system trade millions of dollars in campaign contributions for billions of dollars in tax money as the government picks winners and losers.

The appropriate response to this crisis offers a historic opportunity for national re-dedication to our core unifying principles. This response is an amendment to the United States Constitution to secure effective, comprehensive and lasting reform. This Constitutional amendment -- it will be the 28th Amendment -- will empower citizens and their leaders to establish and maintain open and fair elections and governance while making sure that power and money do not overwhelm the voices (speech) of the people.

Americans today defy conventional wisdom. We are not as hopelessly divided as some want us to believe. We are capable of big things as a nation.

- We are united, not divided, in our determination to return government to the people and restrain the corrupting influence of big money in politics.
- We are going big, not small; we will pass and ratify a Constitutional amendment to ensure transparency, prevent corruption and guard against the buying of access to or influence over representatives.
- We are active, not passive, shaping fate rather than accepting national failure.

We know this 28th Amendment will not be easy. Under Article V of the Constitution, 2/3 of each house of Congress must vote for an amendment and 3/4 (38) of state legislatures must ratify it. But we are on our way. Nineteen states have formally called for some form of 28th Amendment by significant cross-partisan majorities. 800 cities and towns across the nation have done the same. At the same time, Congressional resolutions are gaining momentum with hundreds of co-sponsors in the House and Senate.

Please review this report to learn more. Now is the time to renew our national commitment to government of the people, by the people and for the people. The 28th Amendment will help us do that.

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* For the full report including appendices, please visit americanpromise.net/government_of_citizens.

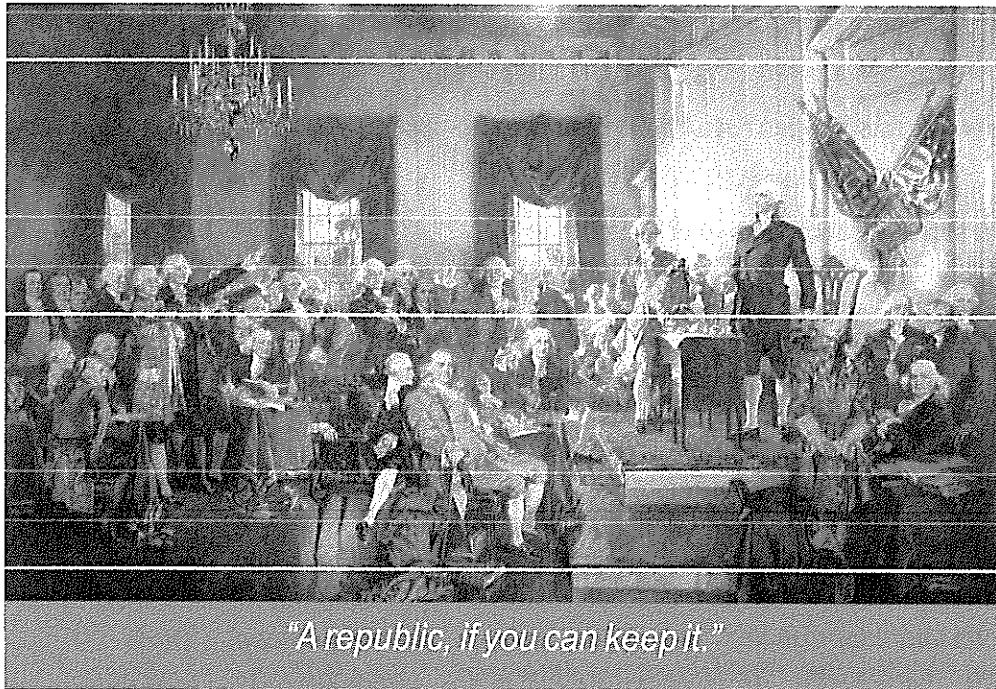
Appendix I:
 Republicans Call for the 28th Amendment

Appendix II:
 Republican critics of the Supreme Court’s decisions about money in politics
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Appendix III:
 Constitutional Amendments Are How Americans Keep Our Republic

Introduction

In September 1787, the delegates to the Constitutional Convention in Philadelphia signed the proposed Constitution and left Independence Hall to seek its ratification by the states and the American people. Stepping out, Ben Franklin famously answered a citizen's question about what kind of government the Constitutional founders had created: "A republic, if you can keep it."



Franklin knew well the challenges facing a government by the people, including foreign intrigue, concentrated power, factionism, division, corruption, erosion of civic virtue, and more. Today, these threats are as present as they have ever been in our short history.

Among the most urgent threats is the take-over of elections and policy decisions by a small group of wealthy elites and the entities they control. The problem is not new, but it has recently reached epic proportions. Since 2010, election spending has skyrocketed - with more than \$40 billion spent to define the outcomes of federal and state elections. Most of that money comes from less than 1% of Americans. A new, self-selected, wealthy donor class now calls the shots, not the people.

Too many of our representatives are spending half or more of their time calling wealthy donors and raising money. And almost all Americans are locked out of this new big money political system.

The new, self-selected wealthy donor class now has a dominant impact on policy, with most citizens having no impact at all.¹ Literally, issues that have near universal

¹ Gilens, M., & Page, B. I. (2014). Testing theories of American politics: Elites, interest groups, and average citizens.

agreement have virtually no chance of becoming law if they are not supported by the new donor class.

Money continues to pour into elections in record amounts². Voter turnout is low.³ Satisfaction with candidates,⁴ elected officials,⁵ and the direction of the country generally are also low.⁶ **More than 80% of Americans - including most business executives - agree that unfettered political spending leads to political inequality and democratic corruption.**⁷

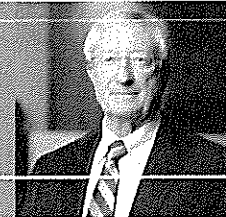
Constitutional Crisis: How did we get here?

How did this happen? An “activist-minded Supreme Court” changed the rules of the game.⁸

In a series of decisions over the past few decades, the Supreme Court abandoned traditional Constitutional caution of checks and balances in favor of a reckless experiment that now allows unlimited money to be raised and spent in elections. With a theory that money spent in elections -- no matter the amount or source of funds -- is simply freedom of speech and cannot be balanced by other rights and interests of Americans, the Court has repeatedly struck down campaign finance and election laws. This reckless step *rejects the core American value that your wealth should not define your rights as a citizen*. The result: the new self-selected donor class's demands are met and public needs are neglected. To be competitive, politicians are forced to spend much of their time raising money from and catering to big donors, while ordinary citizens and the issues that truly matter are seldom even addressed.

“The original framers were highly distrustful of the power of corporations. I suspect that the framers would be appalled at Citizens United. We the People—each of us—are only the most recent generation of Americans who have been called upon to defend the framers’ vision of a Constitutional government Of the People, By the People, and For and the People. That responsibility is now ours.”

James Nelson,
Justice, (Ret.)
Montana
Supreme Court



Perspectives on Politics, 12(3), 564-581. DOI: 10.1017/S1537592714001595

² <http://pewrsr.ch/2CO1ULL> ; <https://www.ft.com/content/5060844a-0420-11e7-ace0-1ce02ef0def9>

³ <http://www.pewresearch.org/fact-tank/2017/05/15/u-s-voter-turnout-trails-most-developed-countries/>

⁴ <http://pewrsr.ch/2F0vGCT>

⁵ https://www.realclearpolitics.com/epolls/other/congressional_job_approval-903.html

⁶ http://news.gallup.com/poll/196388/satisfaction_remains_low_leading_election.aspx

⁷ Demos <http://www.demos.org/>; Committee on Economic Development <http://www.ced.org/>

⁸ “Under our constitutional system, especially with an activist-minded Supreme Court, the judiciary may be the most important instrument for social, economic and political change.” Memorandum to the US Chamber of Commerce, August 1971, from Lewis Powell. Soon thereafter, Powell was appointed to the Court and authored many of the decisions creating new Constitutional rights for large corporations and money in politics.

The Supreme Court has had ample opportunity to correct its mistake, but it has not done so, and shows no inclination to do so. That leaves it up to us, the American people, to use the Constitutional amendment process to correct the Court, as Americans have done eight times before.

EIGHT AMENDMENTS CORRECTING THE SUPREME COURT

The **11th** Amendment corrected the Supreme Court's decision in *Chisholm v. Georgia*, which damaged our federalism by allowing creditor suits against the States in federal courts. The **13th**, **14th**, and **15th** Amendments nullified the notorious decision in *Dred Scott v. Sanford*, which had declared African Americans to have no rights, and precipitated the Civil War. The **16th** Amendment nullified *Pollock v. Farmers Loan & Trust Co.*, which had struck down the progressive income tax. The **19th** Amendment overruled the Court's conclusion in *Minor v. Happersett* that women had no right to vote. The **24th** Amendment declared taxes on voters (the poll tax) unconstitutional and the **26th** Amendment empowered 18, 19 and 20 year-olds with the right to vote, both of which the Supreme Court had denied in *Breedlove v. Suttles* and *Oregon v. Mitchell*, respectively.

The 28th Amendment will protect the integrity of American elections and secure equal rights of Americans as citizens in our republic by addressing the problems inherent in dark money in elections and governance. The Amendment may also put an end to partisan gerrymandering – which allows politicians to choose their voters rather than the other way around.⁹

As Benjamin Franklin said, it is “a republic. If you can keep it.”

Well, we can keep it, but we need to act now.

Why A Constitutional Amendment?

American democracy is in crisis, and it is a Constitutional crisis. Political inequality and the grip that unlimited dark money has taken on our political institutions -- legislative, executive and judicial -- threatens the very nature of our government. Most Americans correctly perceive that they are excluded from meaningful representation and participation.

The Supreme Court's 2010 *Citizens United* ruling codified a decades-long assault on the **checks and balances of American politics**. The Court has repeatedly struck down state and federal election laws under a theory that campaign spending to influence elections is “free speech” – whether spent by people, corporations, unions,

⁹ Several versions of effective amendment resolutions have been introduced and have significant support in Congress. American Promise is leading a cross-partisan initiative to ensure that we have the most effective language and an opportunity for all Americans to have a voice in that process. More information about Writing the 28th Amendment: http://www.americanpromise.net/writing_the_28th_amendment.

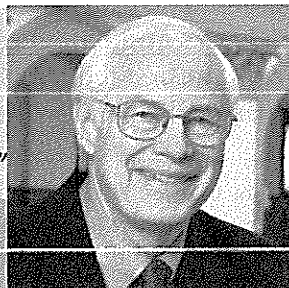
Super PACs, billionaires, etc. And that right allows any of those groups/entities to spend unlimited money in elections.

- Billions of dollars now are flooding our elections at an unprecedented rate - unprecedented in the history of the world.
- Most of the money comes from less than 1% of Americans.
- Foreign money and influence has infiltrated the election process through corporate subsidiaries and dark-money Super PACs.
- The “speech” of most Americans has been drowned out by the bullhorn of dark money -- effectively denying all but a self-selected few from having a meaningful say in our electoral process.
- Well-intended legislators are forced to participate in a money arms race each election cycle or face abandoning the people they serve and the important issues for which they fight.
- Time spent raising money takes away from the important task of running our state and federal government.
- The interests of the new self-selected donor class are often at odds with the interests of the citizenry and the country as a whole.
- More and more, public needs and the national interest are being neglected.
- Citizens are justifiably dispirited and angry. They are beginning to distrust all institutions and dismiss even well intentioned individuals as “elites.”
- Many citizens are simply checking out or being lured further and further to the extremes.
- The problem transcends party affiliation. Front groups and dark money are well documented on all sides of the aisle. And the money arms race is on. The US Chamber of Commerce, the Democratic Governors Association & the Republican Governors Association have funneled a combined \$700 million of special interest money into our elections in recent years.

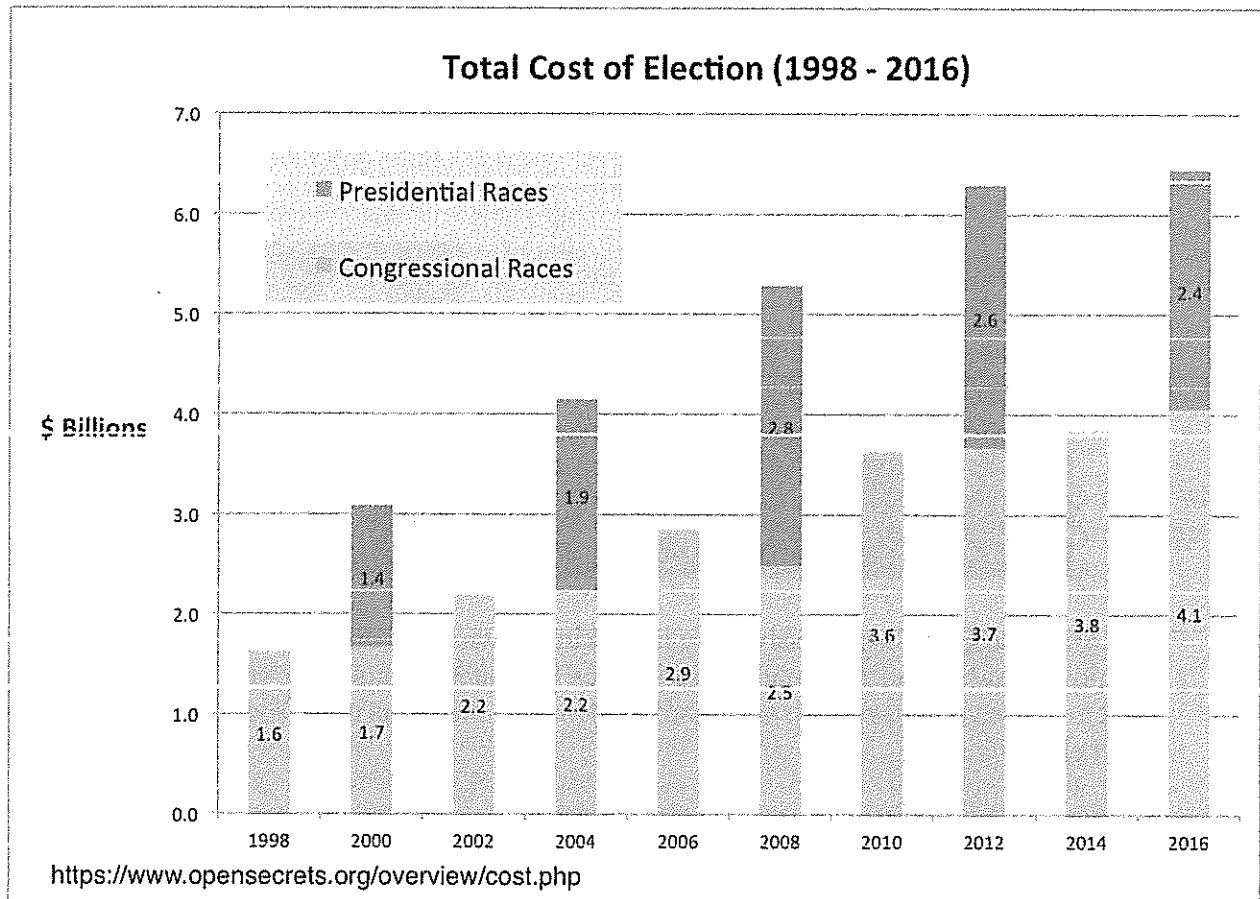
“The Supreme Court “has genetically altered our democratic DNA, pushing American politics in an oligarchic, corporatist direction. The Constitution begins ‘We the people’ not ‘We the corporations.’”

Jim Leach, U.S. Representative (R-Iowa), 2003-2007

Former Chair, National Endowment for the Humanities



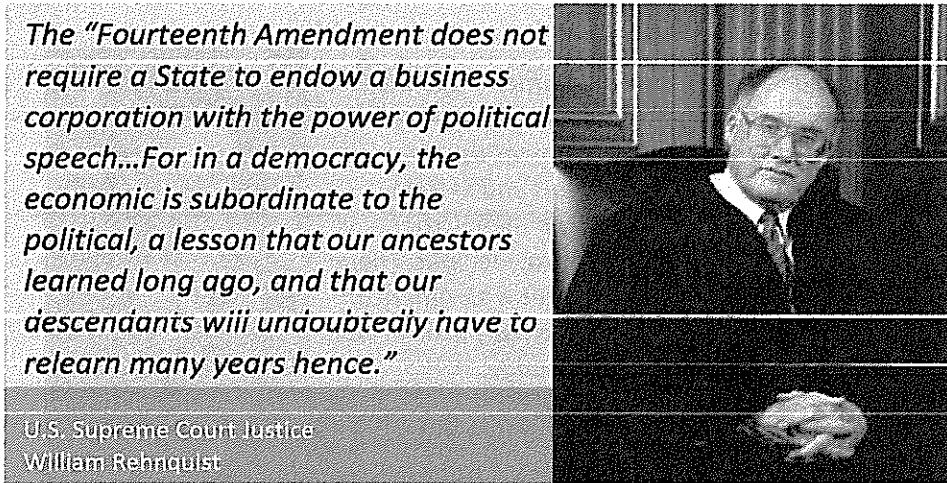
With the elimination of the lines and buffers between powerful economic forces and our political process, money is pouring into our federal, state and local elections in an attempt to buy legislation that serves the interests of a self-selected few over the many. The result is unequal representation, extreme polarization, anger and destabilization of the American republic.



The unfortunate consequences of this brave new Supreme Court enabled world abound.

- Pharmaceutical companies lobby for legislation that bolsters profits from illicit drug sales while fueling the opioid addiction crisis. They deploy hundreds of millions of dollars in political spending to make billions by keeping drug prices the highest in the world.
- Wall Street donors lobby for and receive preferential financial and tax regulations, resulting in some of the people who make the most money in our country paying fewer taxes than the hard-working American middle class.
- We see subsidies for the powerful, low wages for American workers, healthcare that is unaffordable for many Americans and a government that does not respond to the needs of far too many.

Conservatives such as Justice William Rehnquist supported campaign finance limitations and opposed putting American democracy up for sale to the highest bidder through all new judicially created “free speech” rights.



And liberals such as Justice Harry Blackmun – author of *Roe v. Wade* – opposed campaign finance limits and supported new rights for corporations.

Our elected representatives are forced to face the brunt of this unfair new system created by ill-advised Supreme Court activism. They must spend forty to fifty percent or more of their time raising money. But, the money arms race and the people and issues they care about make them hold their noses and move forward. In the same way, most middle class and wealthy donors long for a day when they are not hounded every election cycle, feeling the need to counter spending by the new self-selecting donor class that the Supreme Court has unleashed on the country.

The problem is not one side of the aisle, nor the many representatives who entered public service to make our country better. The problem is a broken system.

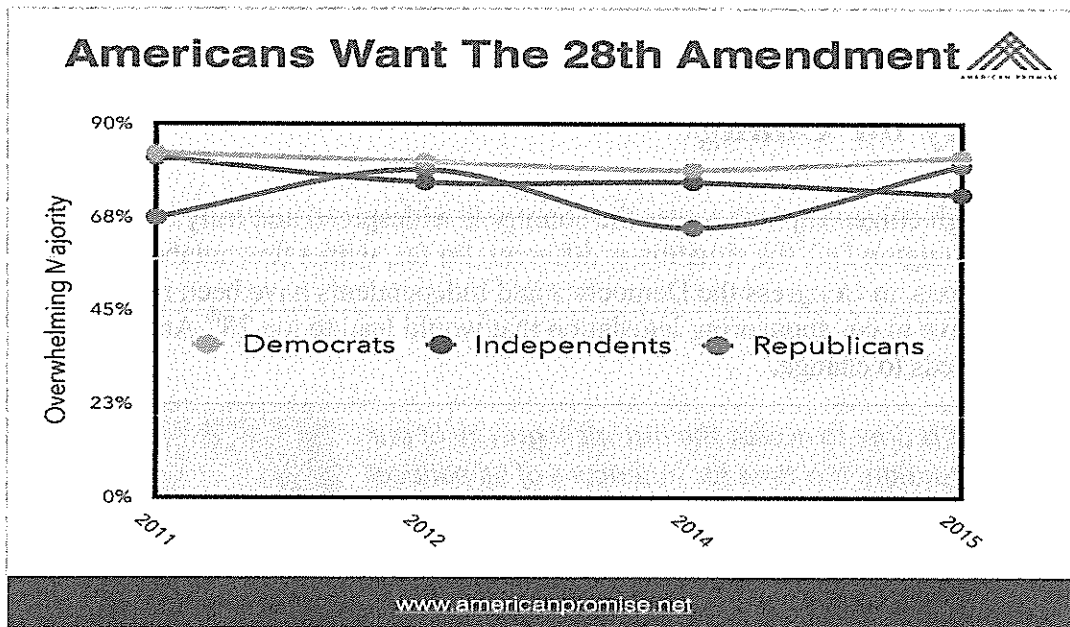
A Constitutional amendment will correct the problem, and create a sound foundation for successful reform and the welcome renewal of our republic. To pass a Constitutional amendment into law, we will have to be united. And we are.

Are Americans Really United?

The issue of a Constitutional amendment to address money in our political system has often been incorrectly portrayed as a partisan issue. We hear that Democrats support an amendment and Republicans must be against it (or the other way around), unimaginatively fueling the easy “conservative” versus “progressive” narrative. Or we hear that Americans are too divided to do the heavy lifting of a Constitutional amendment. Both are wrong.

Across the board, in every state, Americans - regardless of party affiliation or no affiliation - agree that we must pass and ratify the 28th Amendment. Poll after poll,

year in and year out, shows how united Americans are on the call for the 28th Amendment.



Sources ¹³

And, when presented with the chance to vote for a Constitutional amendment to regulate election spending, citizens consistently support it with deep cross-partisan margins.

For example, in **Colorado** and **Montana**, 75% of voters have approved ballot initiatives formally calling for a 28th Amendment.¹⁴ Washington and California joined this list in 2016. Voters in Massachusetts, Wyoming, Florida and many other states are working as we write this report to follow suit.

In total, as of early 2018, nineteen states have formally enacted some form of a 28th Amendment resolution either through citizen ballot initiatives or by legislative action. **Twenty more states had resolutions pending in 2017.** More than 800 cities and towns across the nation have passed 28th Amendment resolutions. These communities have acted regardless of whether they are in so-called “red states” or “blue states,” and when they have done so through the voice of the voters in ballot initiatives, the cross-partisan support is overwhelming, with results of over 80% in favor of a common result.

Many Republican lawmakers have already joined their Democratic counterparts in supporting the 28th Amendment movement. We list more than 100 elected Republicans

¹³ Peter Hart Poll (2010/11) (79% of Americans, including 68 percent Republicans, 82% Independents, 87% of Democrats support an Amendment overturning the Citizens United ruling); AP (2012) (83% of all Americans, including 81% of Republicans, 78% of independents, and 85% of Democrats believe “there should be limits on the amount of money corporations, unions, and other organizations can contribute to outside organizations trying to influence campaigns); Lake Research Partners (2014) (Republicans oppose Citizens United ruling by a 2-1 margin); Bloomberg News (2015) (80% of Republicans and 78% of all Americans support a constitutional amendment overturning the Citizens United ruling.)

¹⁴ [https://ballotpedia.org/Colorado_Corporate_Contributions_Amendment,_Amendment_65_\(2012\)](https://ballotpedia.org/Colorado_Corporate_Contributions_Amendment,_Amendment_65_(2012))

who have taken this stand for the good of the Constitution and the Country in Appendix I. And there are many more in every state ready to lead in rebuilding our republic's Constitutional foundations of distributed powers, equal citizenship, and effective self-government by the people.

Ready for Change

Although citizen support across the country is widespread and truly cross-partisan, in Washington DC, the situation is different. So far, with a few notable exceptions, in Congress the Democrats and Independents have been more vocal and active in co- sponsoring legislation that would lead to the 28th Amendment. That needs to change.

"It is time to accept the historical gravity of our situation. It is time for Americans of all political viewpoints to come together to win the 28th Amendment — and to renew U.S. democracy again."

Doris Kearns (Gold) Win
Presidential Historian, Pulitzer Prize-Winning Author



Many elected officials in both major parties *do* recognize the need to ensure that Americans have the right to enact campaign finance laws and reasonable limits on money in elections. Only with a Constitutional amendment can we protect the integrity of our elections, our government and reinstate a fair and level playing field for all American citizens. And only with cross-partisan support can we ratify the 28th Amendment.

To succeed, and for the good of the country and our common future, cross-partisan support is not only desirable, it is essential. By design, a Constitutional Amendment can only succeed when Congress unites over a single issue (a 2/3 vote of Congress is 67 Senators and 290 House members) and support is sufficient for ratification in no fewer than 38 States.

"In order to achieve the widest possible distribution of political power, financial contributions should be made by individuals and individuals alone"

Barry Goldwater, U.S. Senator (1953-1965)
Republican Nominee for President (1964)



As the Appendix to this Report makes clear, many Republicans in the country support the 28th Amendment and we hope that Republicans in Congress begin to act on that. This requires leadership, independence and work from both Democrats and Republicans in Congress. We have recommendations below for each side of the aisle, and for all Americans to get this done, and we stand ready to assist in any way.

Widespread Republican Support For Addressing the Influence of Money in Politics

Lindsey Graham, U.S. Senator (R-South Carolina) 2003-present

"What I worry about is that we are turning campaigns over to about 100 people in this country, and they are going to be able to advocate their cause at the expense of your cause."

John McCain, U.S. Senator from Arizona (1987-present), former Republican nominee for President (2008): "What the Supreme Court did is a combination of arrogance, naiveté and stupidity the likes of which I have never seen...**Since when is a corporation a person?** ... This system is not fair to the American people... I grieve right now for the average citizen, for the average voter."

Walter Jones, U.S. Representative, 3rd district of North Carolina (1995-present): "The citizen is almost left out (of the political process)...**I feel very strongly that money drives policy and it should not be that way.**"

John Bohlinger, Lieutenant Governor (R-Montana) (2005-2013): "...Republicans and Democrats don't always agree on policy matters, but there's one thing we do agree on, and that is: **corporate money should not influence the outcome of an election.**"

"Buddy" Roemer, Governor, R-Louisiana (1988-1992)

"This is not about one party versus the other, or about one person or another. **It is about systemic and institutional corruption where the size of your check rather than the strength of your need or idea determine your place in line...**"

David Stockman, Director, U.S. Office of Management and Budget under President Reagan (1981-1985): "I think we can only solve it by...a Constitutional Amendment...**nothing is really going to change until we get money out of politics** and do some radical things to change the way elections are financed and the way the process is influenced by organized money."

Verner Bertelsen, Secretary of State, (R-Montana) (1988-1989): "I am a lifelong Republican and I served as Montana secretary of state from 1988 to 1989...Corporations aren't people and money isn't speech. **CEOs of corporations may choose to personally contribute to political campaigns, but they shouldn't be allowed to use shareholders' money to do so.**"

Catherine Cloutier, State Senator, R-Delaware (2000-present): "The United States of America's elections should not should not be permitted to go to the highest bidder, and yet this is the risk that rises from the ashes of the Citizens United decision."

Time for Congress to Step Up

Republicans and Democrats in Congress, your constituents have spoken! It is time to find new and better ways to work together to pass the 28th Amendment. Appendix 1 contains a list of hundreds of Republican lawmakers in Congress and state legislatures around the country who have either already voted for 28th Amendment resolutions or voiced their support for a Constitutional amendment to address the issue of money in our politics. Broad support from Democratic lawmakers is evident as well.

Republicans and Democrats at every level, currently in office and after a lifetime of service, have stated publicly again and again that money in politics is a real problem and that we must stem the tide in order to preserve our union. American Promise is leading a process to build a cross-partisan coalition that is helping identify acceptable language for the 28th Amendment. Constitutional attorneys, scholars, judges, political leaders and citizens across the political spectrum are participating. We ask Democrats and Republicans in Congress to join us.

We ask you to co-sponsor one of the Amendment bills that have already been introduced, and at the same time, work with us to construct an alternative version that all sides can support. This is one of those rare opportunities for a united effort around an issue that so many of us agree needs to be fixed.

We look forward to working together to get the job done.

Time To Act

Constitutional amendments have preserved our republic since the Bill of Rights amendments were ratified in 1791. They have never been achieved by one party, one group or by the politicians alone. They require all American citizens to get in the game. That is what we must do once again. We ask all to join us.

American Promise

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President*

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Take Back Our Republic

*John Pudner,
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January 24, 2019
Room 303 LOB
Testimony of James Howard Re: HB 504
Relative to election-related amendments to the US Constitution

Honorable Chairperson, Committee Members and those assembled here,
for your service to the State Government and service to Its citizens and this
opportunity to speak before you.

My Name is James Howard, address 15 Pleasant View Av Concord NH
Resident of Concord and NH since 1981

I appear today in support of the NH Legislature adding its significant voice in
petitioning, along with 19 other US States, to the US Congress for an
the US Constitution to eliminate the adverse affects of money on our electoral
process and the deleterious and unconscionable affects of the Citizens United
Supreme Court perpetrated against Free Speech.

I implore you to join with the voices of our state's citizens who have
championed this cause for so long, most notably Granny D with New
Hampshire' Coalition for Open Democracy and its supporters and the nation-
wide efforts being wrought along with groups allied with American Promise
across the US that have united in this endeavor.

Briefly: From 1981 until retirement in 2010 I was honored also to be a
contributor to and believer in our Government 'of, by and for the people' in
my role as CFO for the City. I had many opportunities to appear before
committees like this for the betterment of our local communities. Today it is
more personal. Being inspired by my father and his brothers who fought in
WWI and Grandfather who fought in WWI, and numerous inspiring
American leaders when found physically unsuitable to follow my forbearers
in military service I pursued purposeful training, and advanced education to
serve the people through government, again believing in our declaration.
Since Retirement from the City I have plied my energies further to public
service endeavors and now as a Democracy volunteer to sustain and uphold
that belief by fighting; fighting against the influence of money in politics that
corrupts our democratic process as it serves unequally, those who can afford
to pay above others. Clearly our Democracy is neither a divine gift, birthright,
nor a natural human state of existence to take for granted. Democracy is to be
fought for in this fight. Support the tenant, purposes and objective espoused
HB504. Our election laws and lawmakers have the obligation to level the
field to attain equality at the polls through the means by which we elect our
representatives. If not for me and you, more so for our progeny.

We don't stand alone here today in this persuasion. Reports of recent
of people of voting ages, race and party affiliation 2015 through 2018 from

the University of Maryland, Pew Research and the New York Times, combine to say this, in summary, about their respondents:

- 85% say the elections need either a fundamental or complete rebuilding of the campaign finance system;
- 2/3 of respondents believe the wealthy have a greater opportunity to influence election results;
- 60% of combined respondents say it's 'very important' to reduce the influence of money, that it is non-partisan with 49% for republicans and 72% of Democrats
- 63% in an IPSOS survey opposed the Citizens United ruling with only 37% indicating support therefore;
- A Pew poll in 2018 found 77% of respondents agreed that spending limits needed to be placed on individual and group political contributions; 65% supported writing and adopting laws that would be effective in reducing the role of money in politics and 74% say that money has a very important influence on election outcomes.

Please consider this in your deliberations on this important bill. Solving the problems and creating the opportunities facing our nation and its states depend on those who we can elect and how the electoral process executes its process. Vote for passage HB 504.

Thank You.

Testimony of Jim Rubens

Etna, NH, (603) 359-3300, JimRubens@gmail.com

New England Chair, Take Back Our Republic, TakeBack.org

These views are my own and not necessarily those of any organization.

Backing HB504, relative to election-related amendment to the US Constitution

Before the House Legislative Administration Committee, January 23, 2019

Jim Rubens background: former GOP state senator, former GOP platform committee chair, candidate for US Senate 2014 and 2016. I have served on two legislative study committees/commissions relative to campaign finance reform. From a conservative perspective, I urge the Committee to adopt an OTP recommendation on this bill.

The present big-money dominated campaign funding system is broken. A 2017 poll [of New Hampshire Republicans](#) found that:

- 12% think New Hampshire voters have the most influence.
- 85% think labor unions, lobbyists and big-money donors have the most influence.
- 74% think big-money dominated campaigns are a problem (54%, a major problem).
- 50% back public funding for a small-donor empowerment solution.

Out-Of-State Money Rules

New York and California bi-money now dominates New Hampshire elections. Out-of-state campaign money sources – such as NEA, Eversource, drug and communication companies, Koch-funded Americans for Prosperity, Planned Parenthood and Tom Steyer – direct campaign contributions and independent spending to candidates meeting their selection criteria. Over \$120 million was spent on the 2016 campaign for the New Hampshire US Senate seat, most big money from out-of-state sources. New Hampshire issues and New Hampshire voter preferences are secondary under the current campaign finance system.

Otherwise qualified candidates offering a wider range of policy choices and governing styles consistent with conservative values rarely get sufficient funding to run viable campaigns. Debate is narrowed. Policy innovation is stifled. Stalemate on these issues drags down widespread prosperity and prevents New Hampshire and its people from reaching our full potential.

Federalism Is Weakened

The out-of-state money flood has weakened the vital connection between local candidates and local voters who can vote for them. Issues and elections have become nationalized and New Hampshire priorities and solutions made subsidiary, contravening the clear intent of the 10th Amendment.

Capitalism Is Threatened

[The Conference Board](#), one of our nation's leading champions of the enduring virtues of free-market capitalism, singles out today's big-money dominated campaign finance system as suppressing innovation and market competition and eroding public support for capitalism.

In its 2015 [white paper](#) on the issue, the Conference Board identifies ever-growing government and the high cost of political campaigns as driving the growth of crony capitalism, where government picks economic winners via tax subsidies, regulatory favoritism and spending programs. The Conference Board paper fingers “a growing nexus among crony deals, campaign contributions and lobbying.” To protect free-market capitalism and to thwart crony capitalism, the Conference Board backs voluntary public elections funding to increase the political influence of small donors.

OVER, please

Taxpayers Pay Through the Nose

Today's big-money, crony-capitalist campaign funding system is ultimately paid for -- many times over -- by taxpayers. Usually unspoken and perfectly legally, large campaign contributions are traded for much larger regulatory favors, special-interest tax subsidies, contract awards and spending programs. The costs of the resulting spending, tax increases and market distortion are paid for by all of us in higher taxes, reduced prosperity and eclipsed freedom.

At the federal level, a massive 2014 study by the [Sunlight Foundation](#) showed that for every dollar of lobbying and political contributions, "the nation's most politically active corporations received \$760 from the government" in tax breaks, loan guarantees, contracts and other benefits."

Federal examples:

- ExIm Bank subsidies primarily benefit a tiny universe of companies
- Medicare barred by Congress from negotiating cost of prescription drugs
- Ethanol fuel mandate, premature engine wear, lower gas mileage
- Outsized influence by Saudi Arabia on US military policy

January 24, 2019

The Honorable Janet Wall, Chair
Legislative Administration, Legislative Office Building, Room 303
Concord, NH 03301

TESTIMONY in support of HB 504

Dear Chairman Wall and members of the Legislative Law Committee,

In March of 2014, I testified at the Lyme Town Meeting in favor of Warrant Article 17, which called for a federal constitutional amendment to counter the damaging effects of the Supreme Court's *Citizen United* decision. Below is an excerpt from the short speech I made then.

This Article

Warrant Article 17 is an attempt to reverse the damage caused by recent court rulings. It instructs our representatives in Washington and Concord to support an amendment (1) reestablishing the authority of Congress and state legislatures to regulate political spending, and (2) making clear that the rights enumerated in the Constitution were intended for real people, not corporations or unions.

An issue for Town Meeting?

You may be thinking, *OK, this is an important issue, but why bring it up at Town Meeting?* The answer is simple. Members of Congress are now so dependent on special interest money that they are not going to attack the problem on their own. Only grassroots political pressure, pressure from the bottom up, will force them to act. And we—here in this room—are the bottom.

The voice vote that followed was overwhelmingly in favor of the warrant article. I counted maybe two, no more than three dissenters among the 160 or so people in the room.

There was no doubt then, and certainly not today, that the people in my town despise *Citizens United*. It's time for the New Hampshire Legislature to be on record in support of that sentiment. I urge the Committee to pass HB 504, a bill that would do just that.

Respectfully,

Rick Bourdon, Co-Chair, Open Democracy Action
50 Preston Road
Lyme, NH 03301
(603) 759-1888

HB 504
Room 303, Legislative Administration
1.24.19 at 11:15 A.M.
Time: 3:55

I speak in support of HB 504.

This ~~resolution~~^{BILL} contains a mere 223 words, which, if enacted, would have a significant affect on whether our representative Democracy flourishes, or is extinguished at the hands of big money.

I quote the language from Section I: "Congress and State Legislatures shall regulate the role of money in elections and governance to ensure transparency, prevent corruption, and protect against the buying of access to or influence over representatives."

Prior to the Supreme Court's ruling in Citizens United v FEC, there was general agreement that congress and state legislatures, through the will of the people, had the authority to balance the political influence of ordinary people with corporate entities. From Citizens United came the rulings in SpeechNow and McCutcheon. Combined, they effectively wipe out 100 years of federal and state laws, beginning with the Tillman Act of 1907, which was the first legislation in the United States prohibiting monetary contributions to national political campaigns by corporations, an act that responded to complaints against Theodore Roosevelt's acceptance of corporate campaign contributions.

Our Supreme Court has made it possible for a 501(c)(4) tax-exempt non-profit to spend 49 percent of its expenditures to support or oppose candidates for political office, and not reveal where that money came from, even though the Citizens United ruling suggested public financial disclosure essential to Democracy.

Campaign spending has increased dramatically since January 21, 2010. Our current model of campaign financing is

unsustainable, and destined to overwhelm what the founders had in mind for our fledgling nation. Indeed, a Princeton study on the state of our democracy concluded the political influence of ordinary people is dwarfed by the spending of corporations and the wealthy. The study concluded we are governed by an oligarchy.

I have read Jane Mayer's 2016 expose entitled Dark Money. It is difficult reading. One could easily become despondent learning the extent to which money has bought so much political influence, forcing its will on the rest of us in the last 40 years.

The role of congress and state legislatures to regulate money in our elections is fundamental to a properly functioning Democracy. The intent of HB 504 is to restore that authority abolished by Citizens United. By way of non-binding petitions, 19 states and 796 municipalities, including 82 in New Hampshire, have formally passed resolutions that would return the right to regulate campaign spending. I urge members of this committee not to ignore this new reality, and to give this bill serious consideration.

The intent of Section II is to inject fairness into the redistricting process, thereby contributing to the concept of one person, one vote. I live in a gerrymandered house and senate district, which deprives Democratic voters of the kind of representation they prefer for a period likely to last ten years, in the same way gerrymandered executive council District #2 deprives Republican voters of the kind of outcomes they prefer.

Quoting George Bernard Shaw: "Democracy is a device that ensures we shall be governed no better than we deserve."

I have heard the phrase New Hampshire Advantage repeated often. An addition to that list would be making New Hampshire the 20th state to adopt badly needed campaign finance reform, to include HB 504.

Respectfully submitted - Bob Perry, Strafford

VOTE OTP on HB 504

House Bill 1504-- The Fix It America Constitutional Amendment

Section I. Congress and State Legislatures shall regulate the role of money in elections and governance to ensure transparency, prevent corruption, and protect against the buying of access to or influence over representatives. No such regulation shall be deemed in violation of freedom of speech rights in the Constitution of the United States or its Amendments.

Section II. Legislative districts or districting plans shall not intentionally or unduly favor or disfavor any political party.

The People Demand Action: 82 communities have passed resolutions calling on you to fix our corrupt political system (the resolutions typically won by a 2-1 margin or wider)¹

Albany	Dorchester	Jaffrey	Plymouth
Alstead	Dublin	Keene	Rindge
Amherst	Durham	Kingston	Rye
Andover	Eaton	Lee	Salem
Antrim	Effingham	Lyme	Sanbornton
Atkinson	Epping	Madbury	Sandown
Barrington	Exeter	Marlborough	Sandwich
Bartlett	Francestown	Mason	Sharon
Bedford	Gilmanton	Milford	Stratham
Bethlehem	Goffstown	New Boston	Temple
Bradford	Greenville	New Durham	Tilton Town
Bridgewater	Groton	New London	Wakefield
Bristol	Hampstead	Newfields	Walpole
Brookline	Hancock	Newmarket	Warner
Canterbury	Hanover	Newport	Waterville Valley
Chesterfield	Harrisville	Northwood	Webster
Conway	Henniker	Nottingham	Westmoreland
Cornish	Hollis	Pelham	Wilton
Danville	Hopkinton	Peterborough	Windham
Deerfield	Hudson	Piermont	
Derry	Jackson	Plainfield	

NEW HAMPSHIRE CITIZENS OVERWHELMINGLY SUPPORT HB 504:

- 80% of New Hampshire Citizens want their legislators to do something about money and its impact on elections and governance²
- 71% of voters across the country believe gerrymandering is unconstitutional and want changes so that voters can pick their politicians, rather than politicians picking their voters through unfair drawing of district lines. (65% of Republicans, 68% of independents and 80% of Democrats agree)³
- HB 504 is a tangible way for New Hampshire legislators to respond to their constituents. The Amendment clearly articulates the underlying principles of fairness with which most of us agree.

¹ <http://united4thepeople.org/state-and-local-support-2/#NH>

² https://www.opendemocracyaction.org/2018_voter_dollars_bill_polling_data

³ Source: https://campaignlegal.org/sites/default/files/memo.CLCPartisanRedistricting.FINAL_2.09082017%20%28002%29.pdf

Bill as
Introduced

HB 504 - AS INTRODUCED

2019 SESSION

19-0147
11/01

HOUSE BILL **504**

AN ACT relative to election-related amendments to the United States Constitution.

SPONSORS: Rep. Read, Rock. 17; Rep. Butler, Carr. 7; Rep. Vann, Hills. 24; Rep. T. Smith,
 Hills. 17; Rep. W. Pearson, Ches. 16; Rep. Guthrie, Rock. 13; Sen. Fuller Clark,
 Dist 21

COMMITTEE: Legislative Administration

ANALYSIS

This bill calls upon Congress to support election-related amendments to the United States Constitution.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to election-related amendments to the United States Constitution.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Amendment to the United States Constitution.

2 I. The general court hereby calls upon the United States Congress to support a
3 constitutional amendment containing the following language:

4 "Section I. Congress and State Legislatures shall regulate the role of money in elections and
5 governance to ensure transparency, prevent corruption, and protect against the buying of access to
6 or influence over representatives. No such regulation shall be deemed in violation of freedom of
7 speech rights in the Constitution of the United States or its Amendments.

8 Section II. Legislative districts or districting plans shall not intentionally or unduly favor or
9 disfavor any political party. Within twelve months of ratification, all federal and state district lines
10 shall be redrawn to conform hereto."

11 II. Within 6 months of the effective date of this section, the general court shall hold one
12 public hearing to be attended by 6 members of the house of representatives, 3 from each the 2
13 largest parties, appointed by the speaker of the house of representatives, and 2 members of the
14 senate, one from each the 2 largest parties, appointed by the president of the senate to record public
15 comments on such an amendment, to be forwarded to New Hampshire's congressional delegation
16 along with the notification of the passage of this act.

17 2 Effective Date. This act shall take effect 60 days after its passage.