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February 13, 2024

The House of Representatives
Minnesota
Election Finance and Policy Committee
Rep. Mike Freiberg, Chair
Rep. Emma Greenman, Vice-Chair

Testimony urging the Minnesota House of Representatives to support HF1064 and call on Congress to Amend the Constitution and Overturn the *Citizens United v. FEC (2010)* ruling.

Dear members of the Election Finance and Policy Committee,

On January 21, 2010, the U.S. Supreme Court ruled in *Citizens United v. FEC* that campaign contributions limits for “independent expenditures” of individuals, unions, and corporations were unconstitutional. In the ruling, the majority argued that spending money in our political process is protected under the First Amendment because it is no different than using speech to voice an opinion.

The Court’s decision rolled back nearly a century of laws—federal and state—passed by lawmakers from both sides of the aisle who, agreed that reasonable restrictions can and should be placed on campaign spending by powerful special interests to protect our democracy. *Citizens United* struck down key parts of the Bipartisan Campaign Reform Act of 2002 (BCRA), known as the McCain-Feingold Act.

In large part due to the impacts of *Citizens United*, the [Economist Intelligence Unit's Democracy Index](#) lowered the United States’ rating to a “Flawed Democracy” in 2016, yet, Congress has done nothing, and our [democracy index continues to fall](#)¹.

I’d like to commend the state of Minnesota for its current [limits on campaign contributions and campaign expenditures](#)². However, it’s not enough. *Citizens United* allows corporations and unions to sidestep this regulation by contributing “dark money” to outside political groups, like

¹ The Economist Intelligence Unit Limited. (2023). Democracy Index 2022. The Economist. Retrieved from <https://www.eiu.com/n/campaigns/democracy-index-2022/>

² Minnesota Campaign Finance Board. (2023). *2023 – 2024 Election Cycle Segment Contribution Limits*. Retrieved from Minnesota Campaign Finance Board: https://cfb.mn.gov/pdf/camfin/contrib_limits_2024.pdf?t=1697068800



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trade associations and 501(c)(4) social welfare organizations, anonymously without limit. They can contribute to Super PACs and can use a combination of corporate and organizational forms to funnel large amounts of money in almost untraceable ways.

More generally, *Citizens United* and its aftermath resulted in a huge spike in outside spending by corporations and a very small number of the super rich, such that outside spending defines many or most closely contested elections. [Almost \\$20 million](#) was spent by outside spenders on just one of Minnesota's eight federal House races in 2022³. That equals out to just over \$26 per constituent. Currently, the political system rewards politicians who court a handful of major donors and punishes candidates who rely on small donations from a broad base of ordinary citizens.

But don't take my word for it. A [major study from Princeton University](#) found that “*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.*”⁴

Our nation was founded to be “of the people, by the people” and “for the people,” and Americans across the political spectrum agree that big donors have too much power over our government.

Minnesota would not be alone in calling for a constitutional amendment. [22 states, Washington, D.C., and more than 800 municipalities](#) have already called for a constitutional amendment to overturn this ruling that's proved so damaging to our democracy⁵. More than [5 million petition signatures](#) have been gathered nationwide calling for an amendment⁶.

³ Open Secrets. (2022). Minnesota District 06 2022 Race. Retrieved from Open Secrets: <https://www.opensecrets.org/races/summary?cycle=2022&id=MN02&spec=N>

⁴ Gilens, M., & Page, B. I. (2014). *Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens*. Cambridge, US: Cambridge University Press. Retrieved from <https://www.cambridge.org/core/journals/perspectives-on-politics/article/testing-theories-of-american-politics-elites-interest-groups-and-average-citizens/62327F513959D0A304D4893B382B992B>

⁵ United for the People. (n.d.). United for the People. Retrieved from State & Local Support: <https://united4thepeople.org/state-local/>

⁶ People For the American Way. (2015, January 20). On Eve of Fifth Anniversary of Citizens United, Advocates Reach 5 Million Signatures Calling to Overturn Decision. Retrieved from People For the American Way: <https://www.pfaw.org/press-releases/on-eve-of-fifth-anniversary-of-citizens-united-advocates-reach-5-million-signatures-calling-to-overturn-decision/>



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The founding fathers spoke to the importance of a person's political influence being the same, regardless of economic bracket. To quote James Madison in the Federalist Papers:

“Who are to be the electors of the federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscure and unpropitious fortune. The electors are to be the great body of the people of the United States.”

Our current system runs contrary to Madison's vision and the will of the people. Our current system caters to the needs of billionaires over the general population, **and the political greed of a minority over the common sense of the majority**. The *Citizen United* ruling is central to these wrongs, and Minnesota should join independent-thinking states throughout the nation in calling for the return of our democracy to the people.

The resolution to overturn *Citizens United*, HF1064 deserves your backing.

Respectfully Submitted,
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