



THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

Delegate Sheila Ruth testimony in support of HJ10 - United States Constitution – Amendments Convention – Democracy Amendment

Ten years ago, the Supreme Court unleashed a flood of dark money and outside money into our elections when it issued the Citizens United ruling that corporations have a First Amendment right to free speech in the form of unlimited independent expenditures. The subsequent Speechnow decision built on that to allow the creation of Super PACs, which can accept unlimited donations and make unlimited expenditures.

Because Citizens United was a Supreme Court decision, the only remedy is a Constitutional Amendment. We as state legislators have our hands tied; we cannot pass any law restricting independent expenditures, because such a law would be unconstitutional, as when the high court overturned our aggregate spending limits.

Programs such as public financing are helpful, but even public financing isn't immune from Supreme Court scrutiny nor can it go far enough in countering the huge amounts of election spending.

Article V provides two methods for amending the Constitution. Either $\frac{2}{3}$ of Congress, or $\frac{2}{3}$ of the states at a convention, PROPOSE an amendment. Either way, any proposed amendments must still be ratified by $\frac{3}{4}$ of the states. If HJ10 is passed, Maryland will be the sixth state to call for a convention to overturn Citizens United.

Just to be clear: we would be delighted if Congress would propose such an amendment. But in the absence of federal leadership, it's necessary for the states to step up and exercise leadership.

Historically, when convention call movements have gotten close, Congress takes matters into their own hands and proposes the amendment. That's what happened with the 17th Amendment to allow direct election of senators, and we fully expect that will happen here. But should we actually get to a convention, we are confident that there are enough guard rails to protect our Constitution, with ratification by $\frac{3}{4}$ of the states being the ultimate protective firewall.

I thank this committee and the Chair for passing a similar resolution in 2018. Since then, we've added an affirmative right to vote and a limitation on corporate constitutional rights to the topics allowed.

I thank you for your time and urge you to find favorable.