

Senate Elections Committee
Senator Jim Carlson, Chair
Senator Bonnie Westlin, Vice chair

Committee meeting Thursday, February 6, 2025 at 3p.m.

Testimony on behalf of [SF 569](#), “A resolution memorializing Congress to overturn the United States Supreme Court *Citizens United v. FEC*; requesting that Congress clarify that the rights are protected under the Constitution are the rights of natural persons and not the rights of artificial entities and that spending money to influence elections is not speech under the First Amendment; asking that Congress propose a constitutional amendment to provide such a clarification”

Committee Chair and members, good afternoon. My name is Andrew Ervin and I’m a volunteer supporter of Minnesota Move to Amend.

My testimony focuses on concrete examples that illustrate the two principles of this bill’s call for a Constitutional amendment that were described in my colleague Jeff Clark’s testimony today.

Treating the spending of money in the political process as free speech is the principle most visible to the public when they speak of “reversing the *Citizens United* decision.” *Citizens United v. FEC* and the *SpeechNow.org v. FEC* decisions, both from 2010, have had a massive negative impact on the American political system. *SpeechNow.org* was heard in the U.S. Court of Appeals for the D.C. District. This decision determined that its analysis of *Citizens United* required it to “conclude that the government has no anti-corruption interest in limiting contributions to an independent expenditure group.” The U.S. government declined to appeal this decision in the face of *Citizens United*. (Source: [campaignlegal.org](#))

Together, these two decisions have led to Super PACs that have essentially unlimited fundraising and spending capabilities.

The upward trend of unchecked money is of great concern. The amount of money raised by Super PACs for federal campaigns in the last three presidential election cycles were:

2016 \$1.8 billion

2020 \$3.4 billion

2024 \$5.1 billion

(Source: Open Secrets)

At least three-quarters of the dollars flowing to Super PACs come from the top 100 donors. While this is a concern, a greater problem is that increasing levels of “dark money” is moving between shell companies and Super PACs, with the original donors hidden. This likely involves money donated by foreign nationals - who of course cannot legally contribute to U.S. elections.

While likely an underestimate of the amount of “dark money” in U.S. elections, it has been found that it grew from \$5 million in 2006 to more than \$300 million in 2012 and over \$700 million in 2020 (Source: Brennan Center)

The other principle in SF569 involves denying corporations and other entities created by legal instruments the status of “persons” with Constitutional rights. Because the Supreme Court has maintained for decades that they *are* persons, corporations especially have been able to apply the First Amendment, the Fourth, Fifth and Fourteenth Amendments, and the contracts and commerce clauses, to deflect accountability to laws through litigation at every level. *Minnesota Sands LLC v. County of Winona* (2020) is a recent example. In this litigation, the company took the county to court over its ordinances prohibiting “industrial mineral operations.” The company wanted to mine silica sand for export use in fracking operations out of state. The lynchpin premise of the company’s suit was that the county was violating their Fifth Amendment right to future profits under the “takings” or “just compensation” clause. Why? Because courts follow the lead of the Supreme Court, who consider corporations to be persons entitled to such protection. In this case, Winona County eventually won the suit. Because we now live in this kind of legal environment, however, very often state and local laws protecting or otherwise benefiting their citizens are thwarted in courts, or—knowing that this may be the outcome of expensive litigation—the government entity doesn’t even create such law in the first place.

We have an evolving crisis in the influence of big money in our elections and corporate power obstructing our government. A Constitutional amendment described in this resolution would eventually cure the problems described above. Please support SF569 as an important step toward returning power to citizens whom our government is meant to serve.

Thank you.

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