



State Senator Nickie J. Antonio - District 23
State Senator Kent Smith - District 21

Senate Government Oversight Committee

May 22, 2024

Sponsor Testimony SR 180

Chair Roegner, Vice-Chair Antani, Ranking Member Hicks Hudson, and members of the Senate Government Oversight Committee. Thank you for allowing me to give testimony on Senate Resolution 180, introduced along with my joint sponsor, Leader Antonio, which would support an amendment to the United States Constitution that would abolish corporate personhood and the doctrine of money as speech and therefore end dark money in campaigns.

The overarching aim of Senate Resolution 180 can be found in lines 80-83. Those lines call upon the Ohio Senate to join various Ohio local governments, grassroots organizations and everyday Ohioans who have called for an amendment to the US Constitution that would, “abolish corporate personhood and the doctrine of money as speech and thereby return our democracy, our elections and our communities” to everyday Ohioans and everyday Americans.

To provide some background, the following two paragraphs are from a Cleveland.com article written on April 28, 2024. “The modern era of dark money kicked off in 2010 with the Citizens United case. The U.S. Supreme Court Supreme Court in a 5-4 decision said corporations and labor unions enjoy the same First Amendment protections as individuals.

Since that landmark case, dark money contributions have exploded. Dark money groups and associated shell companies gave \$40.1 million to federal candidates in the 2014 midterm elections. By the 2018 election, that had more than quadrupled to \$180 million. In the 2022 midterm, they spent \$616 million, according to OpenSecrets, a nonpartisan group that tracks political spending. In the 2020 presidential election alone, those groups gave \$653 million to federal campaigns.”

Indeed, here in Ohio, FirstEnergy recognized the failings of corporate personhood ruling and exploited it. As reported by the Plain Dealer / Cleveland.com on April 28, 2024, former FirstEnergy executive Michael Dowling said the following in a 2020 presentation, “Our

preferred manner of giving is through section 501(c) groups, as these are considered ‘dark money’ because they are not required to disclose where the donations come from.”

My office attempted to tabulate how much money FirstEnergy spent during the 2018 campaign cycle in state government races and we think it is approximately \$65.5 million dollars. But since this is dark money, there is no way for us to be certain of that figure - it could be far more.

If all Ohioans were wealthy, perhaps this would not be a problem but as you know, according to the Center for Community Solution (2023), 30% of Ohio’s population is living at or near the federal poverty level. That means about one-third of the state’s residents are probably more concerned about spending their money on food rather than contributing to Ohio’s next U.S. Senator or any of us.

The ongoing FirstEnergy bribery and money laundering scandal indict the pressing need for this legislation. As the Plain Dealer / Cleveland.com wrote in a May 5, 2024 editorial: “If the FirstEnergy/House Bill 6 affair did nothing else, it exposed the degree to which so-called dark money invested in Statehouse campaigns has benefited its donors – and Ohio candidates and officeholders – at the expense of the public.”

Members of the Senate Government Oversight Committee this resolution seeks to remove the concentrated, corrupting influence of money from our elections and our politics. Just as litigants have the right to impartial justice, citizens should have a right to a Senator (or Representative) who will weigh the interests of all constituents, not merely moneyed corporations.

At this time, I will do my best to answer any questions that Committee members might have.