



MAYOR & COUNCIL COMMUNICATION

June 12, 2012

Subject: Memorial: Election Integrity (City Wide)

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Issue –This item has been scheduled at the request of Council Members Uhlich, Romero and Fimbres for consideration and adoption of the attached Memorial. The Memorial proclaims the Mayor and Council’s support for an amendment to the United States Constitution that would override the United States Supreme Court decision in *Citizens United v. Federal Election Commission*, 558 U.S. 50 (2010), in which the Court held that the First Amendment prohibited the government from restricting independent political expenditures by corporations and unions.

City Manager's Office Recommendation –The Mayor and Council discuss and give consideration to the Memorial.

Background – The Memorandum dated May 21, 2012, requesting this item is attached for your information.

Legal Considerations – The City Attorney prepared the Memorial, based upon the requesting Memorandum, for your consideration.

Financial Consideration – None.

Respectfully submitted,

Richard Miranda
City Manager

RM/MR/dg
City Attorney’s Office

Attachments: Memorandum from Council Members Uhlich, Romero and Fimbres dated
May 21, 2012
A Memorial

JUN12-12-248



MEMORANDUM

DATE: May 21, 2012

TO: Roger Randolph
City Clerk

FROM: Karin Uhlich
Council Member, Ward 3

Regina Romero
Council Member, Ward 1

Richard Fimbres
Council Member, Ward 5

Subject: Election Integrity

Tucson has a proud legacy of clean elections. In 1985, citizens adopted a Charter amendment to provide for public financing. In 2007, the City further strengthened its Charter-based system by requiring Independent committees to file regular reports with all donor information.

In keeping with the value Tucsonans place on election integrity, we ask that you place the attached Memorial on the June 12, 2012 agenda during the Regular Session of Mayor and Council for consideration.

Thank you.

Cc: Mayor and Council
Mike Rankin
Richard Miranda
Carrie Fairchild

City of Tucson Memorial Supporting the Move to Amend Campaign

Whereas, government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the US Constitution and the Declaration of Independence, and;

Whereas, the City of Tucson has a nationally recognized system for public financing of local election candidates that has been in place since the City's voters adopted it as a Charter amendment in 1985; and

Whereas, the City supplemented and strengthened this Charter-based system in May 2007 by passing an ordinance requiring independent committees to file regular reports with full donor information to afford the electorate with transparency regarding all monies spent to influence the outcome of the City's elections; and

Whereas, in 2011 the Arizona Legislature proposed an amendment to the Arizona Constitution that would have abolished both the State of Arizona's Clean Elections system and the City's Charter-based system of public financing of local election candidates, and swept all monies from both systems into the State's general fund; and

Whereas, the Arizona Advocacy Network challenged the proposed amendment on the grounds that it violated the Arizona Constitution's "separate amendment" requirement (Art. 21, § 1), and the City filed an amicus brief in support of that position; and

Whereas, the Maricopa County Superior Court agreed with the Arizona Advocacy Network and the City, and struck down the Arizona Legislature's proposed amendment;

Whereas, free and fair elections are essential to democracy and effective self-governance, and;

Whereas, persons are rightfully recognized as human beings whose essential needs include clean air, clean water, safe and secure food, and;

Whereas, corporations are entirely human-made legal constructs created by express permission of We The People and our government, and;

Whereas, corporations can exist in perpetuity, can exist simultaneously in many nations at once, need only profit for survival, and exist solely through the legal charter imposed by the government of We The People, and;

Whereas, in addition to these advantages, the great wealth of large corporations allows them to wield undue influence of law to overpower human beings and communities, thus

5/24/12 - final draft

denying We The People's exercise of our Constitutional rights, and;

Whereas, corporations are not mentioned in the Constitution, and The People have never granted constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of We The People of the United States, and;

Whereas, interpretation of the US Constitution by appointed Supreme Court justices to include corporations in the term 'persons' has long denied We The Peoples' exercise of self-governance by endowing corporations with Constitutional protections intended for We The People, and;

Whereas, the illegitimate judicial bestowal of civil and political rights upon corporations usurps basic human and Constitutional rights guaranteed to human persons, and also empowers corporations to sue municipal and state governments for adopting laws that violate 'corporate rights' even when those laws serve to protect and defend the rights of human persons and communities, and;

Whereas, corporations are not and have never been human beings, and therefore are rightfully subservient to human beings and governments as our legal creations, and;

Whereas, large corporations' profits and survival can be in direct conflict with the essential needs and rights of human beings, and;

Whereas, the recent Citizens United v. the Federal Election Commission Supreme Court decision that rolled back the legal limits on corporate spending in the electoral process creates an unequal playing field and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes, and influences elected officials to divert their attention from The Peoples' business, or even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election, and;

Whereas, large corporations own most of America's mass media and use that media as a megaphone to express loudly their political agenda and to convince Americans that their primary role is that of consumers, rather than sovereign citizens with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning, and;

Whereas, tens of thousands of people and municipalities across the nation are joining with the Move to Amend campaign to call for an Amendment to the US Constitution to Abolish Corporate Personhood;

Therefore be it resolved that the City of Tucson hereby calls on our legislators to join the tens of thousands of citizens, grassroots organizations and local governments across the country in the Move to Amend campaign to call for an Amendment to the Constitution to Abolish Corporate Personhood, to affirm that money is not speech, and to thereby return our democracy, our elections, our communities back to America's human persons and to thus reclaim our sovereign right to self-governance.

ADOPTED BY THE
MAYOR AND COUNCIL

June 12, 2012

A MEMORIAL

RELATING TO ELECTIONS; DECLARING SUPPORT FOR AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO ABOLISH CORPORATE PERSONHOOD AND OVERRIDE THE UNITED STATES SUPREME COURT'S DECISION IN *CITIZENS UNITED V. THE FEDERAL ELECTION COMMISSION*.

TO THE CONGRESS AND PRESIDENT OF THE UNITED STATES OF AMERICA:

YOUR MEMORIALIST RESPECTFULLY REPRESENTS AS FOLLOWS:

WHEREAS, government of, by, and for the people has long been a cherished American value, and We The People's fundamental and inalienable right to self-govern, and thereby secure rights to life, liberty, property, and the pursuit of happiness is guaranteed in the United States Constitution and the Declaration of Independence; and

WHEREAS, the City of Tucson has a nationally recognized system for public financing of local election candidates that has been in place since the City's voters adopted it as a Charter amendment in 1985; and

WHEREAS, the City supplemented and strengthened this Charter-based system in May of 2007 by passing an ordinance requiring independent committees to file regular reports with full donor information to afford the electorate with transparency regarding all monies spent to influence the outcome of the City's elections; and

WHEREAS, in 2011 the Arizona Legislature proposed an amendment to the Arizona Constitution that would have abolished both the State of Arizona's Clean Elections system and the City's Charter-based system of public financing of local election candidates, and swept all monies from both systems into the state's general fund; and

WHEREAS, the Arizona Advocacy Network challenged the proposed amendment on the grounds that it violated the Arizona Constitution's "separate amendment" requirement (Art. 21, Sec. 1), and the City filed an amicus brief in support of that position; and

WHEREAS, the Maricopa County Superior Court agreed with the Arizona Advocacy Network and the City, and struck down the Arizona Legislature's proposed amendment; and

WHEREAS, free and fair elections are essential to democracy and effective self-governance; and

WHEREAS, persons are rightfully recognized as human beings whose essential needs include clean air, clean water, safe and secure food; and

WHEREAS, corporations are entirely human-made legal constructs created by express permission of We The People and our government; and

WHEREAS, corporations can exist in perpetuity, can exist simultaneously in many nations at once, need only profit for survival, and exist solely through the legal charter imposed by the government of We The People; and

WHEREAS, in addition to these advantages, the great wealth of large corporations allows them to yield undue influence of law to overpower human beings and communities, thus denying We The People's exercise of our Constitutional rights; and

WHEREAS, corporations are not mentioned in the Constitution and The People have never granted constitutional rights to corporations, nor have We decreed that corporations have authority that exceeds the authority of We The People of the United States; and

WHEREAS, interpretation of the United States Constitution by appointed Supreme Court justices to include corporations in the term "persons" has long denied We The Peoples' exercise of self-governance by endowing corporations with Constitutional protections intended for We The People; and

WHEREAS, the illegitimate judicial bestowal of civil and political rights upon corporations usurps basic human and constitutional rights guaranteed to human persons, and also empowers corporations to sue municipal and state governments for adopting laws that violate "corporate rights" even when those laws serve to protect and defend the rights of human persons and communities; and

WHEREAS, corporations are not and have never been human beings, and therefore are rightfully subservient to human beings and governments as our legal creations; and

WHEREAS, large corporations' profits and survival can be in direct conflict with the essential needs and rights of human beings; and

WHEREAS, the recent *Citizens United v. the Federal Election Commission* Supreme Court decision that rolled back the legal limits on corporate spending in the electoral process creates an unequal playing field and allows unlimited corporate spending to influence elections, candidate selection, policy decisions and to sway votes, and influences elected officials to divert their attention from The Peoples' business, or even vote against the interest of their human constituents, in order to ensure competitive campaign funds for their own re-election; and

WHEREAS, large corporations own most of American's mass media and use that media as a megaphone to express loudly their political agenda and to convince Americans that their primary role is that of consumers, rather than sovereign citizens with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning; and

WHEREAS, tens of thousands of people and municipalities across the nation are joining with the Move to Amend campaign to call for an Amendment to the United States Constitution to abolish corporate personhood:

NOW, THEREFORE, YOUR MEMORIALIST, THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA:

SECTION 1. Calls on our legislators to join the tens of thousands of citizens, grassroots organizations and local governments across the county in the Move to Amend campaign to call for an amendment to the Constitution to abolish corporate personhood and return our democracy, our elections, and our communities back to America's human persons and to thus reclaim our sovereign right to self-governance.

SECTION 2. The City Clerk is hereby authorized and directed to send a copy of this Memorial to each member of the Arizona Congressional Delegation and the President of the United States.

PASSED, ADOPTED, AND APPROVED by the Mayor and Council of the City of Tucson, Arizona, June 12, 2012.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

REVIEWED BY:

CITY MANAGER

MR:dg