

RESOLUTION NO. 2015-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
DEL MAR, CALIFORNIA, EXPRESSING DISAGREEMENT
WITH THE CITIZENS UNITED SUPREME COURT RULING
AND EXPRESSING SUPPORT FOR A CONSTITUTIONAL
AMENDMENT TO OVERTURN THE DECISION

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

WHEREAS, in *Citizens United v. Federal Election Commission*, the United States Supreme Court held that independent spending on elections by corporations and other groups could not be limited by government regulation, a decision that allows for unlimited corporate spending in elections; and

WHEREAS, in reaching its decision in *Citizens United*, the Supreme Court interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons; and

WHEREAS, the *Citizens United* decision has proven to be one of the Court's most controversial decisions and supersedes state and local efforts to regulate corporate, association, and labor union activity in their campaign finance laws; and

WHEREAS, in his eloquent dissent Justice John Paul Stevens stated that "[c]orporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their 'personhood' often serves a useful legal fiction. But they are not themselves members of 'We the People' by whom and for whom our constitution was established"; and

WHEREAS, Members of Congress are seeking to amend the Constitution in order to reverse the *Citizens United* decision and establish that corporations, associations, and other organizations are not entitled to the entirety of protections of natural persons; and

Whereas, several hundreds of municipalities, including New York City, Los Angeles, San Diego, Encinitas, and Solana Beach have successfully passed resolutions opposing the Supreme Court's interpretation of the Constitution in *Citizens United* and supporting Constitutional amendments; and

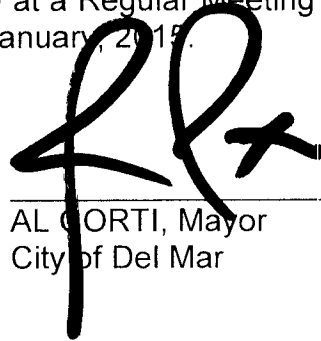
WHEREAS, the City of Del Mar has a long history of demonstrating support for an orderly political forum in which individuals may express themselves effectively, for

placing realistic, enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections, and for restricting contributions from organizations in order to develop a broader base of political efficacy within Del Mar.

NOW, THEREFORE, BE IT RESOLVED:

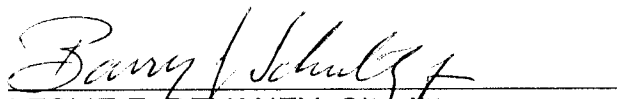
1. The foregoing recitals are true and correct.
2. The City Council of the City of Del Mar respectfully disagrees with the Supreme Court's interpretation of the Constitution in *Citizens United* regarding the rights of corporations, associations, and labor unions.
3. The Del Mar City Council joins other cities in calling on Congress to begin the process of amending the Constitution to provide that corporations, associations, and other organizations are not entitled to the protections or "rights" of natural persons, specifically so that expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Del Mar, held on the 20th day of January, 2015.



AL CORTI, Mayor
City of Del Mar

APPROVED AS TO FORM:




LESLIE E. DEVANEY, City Attorney
City of Del Mar

ATTEST AND CERTIFICATION:

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
CITY OF DEL MAR

I, Andrew Potter, Administrative Services Director/City Clerk of the City of Del Mar, California, DO HEREBY CERTIFY, that the foregoing is a true and correct copy of Resolution No. 2015-03, adopted by the City Council of the City of Del Mar, this 20th day of January 2015, by the following vote:

AYES: Deputy Mayor Parks, Council Members Mosier and Worden
NOES: Mayor Corti and Council Member Sinnott
ABSENT: None
ABSTAIN: None



ANDREW POTTER
Administrative Services Director/City Clerk
City of Del Mar