



MENDOCINO COUNTY BOARD OF SUPERVISORS
ONLINE AGENDA SUMMARY

BOARD AGENDA # 4(e)

- Arrangements for public hearings and timed presentations must be made with the Clerk of the Board in advance of public/media noticing
- Agenda Summaries must be submitted no later than *noon* Monday, 15 days prior to the meeting date (along with electronic submittals)
- Send 14 complete sets (original, single-sided+13 copies) – Items must be signed-off by appropriate departments and/or County Counsel
- Transmittal of electronic Agenda Summaries and associated records must be emailed to: bosagenda@co.mendocino.ca.us
- Electronic Agenda Transmission Checklist: Agenda Summary Records If applicable, list other online information below
- Executed records will be returned to the department within one week. Arrangements for expedited processing must be made in advance

TO: Board of Supervisors **DATE:** August 20, 2013

FROM: Supervisor John McCowen **MEETING DATE:** August 27, 2013

DEPARTMENT RESOURCE/CONTACT: Tim Mitchell **PHONE:** 463-4441 Present On Call

Consent Agenda Regular Agenda Noticed Public Hearing Time Allocated for Item: N/A

■ **AGENDA TITLE:** Adoption of Resolution Pursuant to Measure F “Calling for Amendment to the United States Constitution to Establish that 1) Only Human Beings and Not Corporations Are Endowed With Constitutional Rights, and 2) that Money Does Not Constitute Speech and Therefore Political Contributions Can Be Regulated.”

■ **PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:** The Board of Supervisors voted to place Measure F on the November 6, 2012, ballot following a successful volunteer signature gathering campaign.

■ **SUMMARY OF REQUEST:** It is requested that the Board of Supervisors adopt the submitted Resolution, as called for by Measure F, which was adopted by the citizens of Mendocino County on November 6, 2012, by a vote of 24,492 (74.71%) to 8,289 (25.29%).

■ **SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:**

■ **ADDITIONAL INFORMATION ON FILE WITH THE CLERK OF THE BOARD (CHECKED BY COB IF APPLICABLE):**

FISCAL IMPACT:			
Source of Funding	Current F/Y Cost	Annual Recurring Cost	Budgeted in Current F/Y
N/A	N/A	N/A	Yes <input type="checkbox"/> No <input type="checkbox"/>

■ **SUPERVISORIAL DISTRICT:** 1 2 3 4 5 All ■ **VOTE REQUIREMENT:** Majority 4/5ths

■ **RECOMMENDED ACTION/MOTION:** Adopt the Resolution calling for amendment to the United States Constitution to establish that 1) only human beings and not corporations are endowed with constitutional rights, and 2) that money does not constitute speech and therefore political contributions can be regulated.

■ **ALTERNATIVES:** Do not adopt the resolution.

■ **CEO REVIEW (NAME):** Brandon Merritt **PHONE:** 463-4441

RECOMMENDATION: Agree Disagree No Opinion Alternate Staff Report Attached

BOARD ACTION (DATE: _____): Approved Referred to _____ Other _____

RECORDS EXECUTED: Agreement: _____ Resolution: _____ Ordinance: _____ Other _____

RESOLUTION NO. 13-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS CALLING FOR AMENDMENT TO THE UNITED STATES CONSTITUTION TO ESTABLISH THAT 1) ONLY HUMAN BEINGS AND NOT CORPORATIONS ARE ENDOWED WITH CONSTITUTIONAL RIGHTS, AND 2) THAT MONEY DOES NOT CONSTITUTE SPEECH AND THEREFORE POLIITICAL CONTRIBUTIONS CAN BE REGULATED

WHEREAS, freedom of speech and other rights enumerated in the United States Constitution and Bill of Rights are fundamental to our democracy, as are fair and free elections; and

WHEREAS, a series of United States Supreme Court decisions have held that corporations are entitled to certain constitutional rights enjoyed by natural persons, including the right to free speech; that the use of money to influence elections is the equivalent of speech; and that expenditure of money related to political speech can not be limited based on the speaker's corporate identity; and

WHEREAS, citizen volunteers in Mendocino County collected sufficient valid signatures to place the following question, known as Measure F, on the November 6, 2012 ballot: *Should the elected representatives of Mendocino County be instructed to enact resolutions calling for amendment to the United States Constitution to establish that 1) only human beings and not corporations are endowed with constitutional rights, and 2) that money does not constitute speech and therefore political contributions can be regulated?*; and

WHEREAS, Measure F was approved by the citizens of Mendocino County on a vote of 24,492 (74.71%) to 8,289 (25.29%) as certified by the Mendocino County elections office; and

WHEREAS, House Joint Resolution No. 29 was introduced on February 14, 2013, proposing an amendment to the Constitution of the United State providing that the rights protected by the Constitution are the rights of natural persons only and do not extend to corporations and other artificial entities; and that the expenditure of money to influence elections is not constitutionally protected speech and that political contributions may be regulated.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors hereby calls for the United States Constitution to be amended to establish 1) that only human beings and not corporations are endowed with constitutional rights, and 2) that money does not constitute speech and therefore political contributions can be regulated.

BE IT FURTHER RESOLVED that the Mendocino County Board of Supervisors encourages Congress' consideration of House Joint Resolution No. 29.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this 27th day of August, 2013, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN HAMBURG, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
THOMAS R. PARKER, County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy

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Bill Summary & Status
113th Congress (2013 - 2014)
H.J.RES.29
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H.J.RES.29

Latest Title: Proposing an amendment to the Constitution of the United States providing that the rights extended by the Constitution are the rights of natural persons only.

Sponsor: [Rep Nolan, Richard M. \[MN-8\]](#) (introduced 2/14/2013) [Cosponsors](#) (1)

Related Bills: [H.J.RES.21](#)

Latest Major Action: 2/28/2013 Referred to House subcommittee. Status: Referred to the Subcommittee on the Constitution And Civil Justice.

Jump to: [Summary](#), [Major Actions](#), [All Actions](#), [Titles](#), [Cosponsors](#), [Committees](#), [Related Bill Details](#), [Amendments](#)

SUMMARY AS OF:

2/14/2013--Introduced.

Constitutional Amendment - Declares that: (1) the rights protected by the Constitution are the rights of natural persons only; (2) artificial entities (such as corporations, limited liability companies, and other entities established by the laws of any state, the United States, or any foreign state) shall have no rights under the Constitution and are subject to regulation by the people, through federal, state, or local law; and (3) the privileges of such artificial entities shall not be construed to be inherent or inalienable.

Directs federal, state and local government to: (1) regulate, limit, or prohibit contributions and expenditures, including a candidate's own contributions and expenditures, for the purpose of influencing the election of any candidate for public office or any ballot measure; and (2) require that any permissible contributions and expenditures be publicly disclosed. Prohibits the judiciary from construing the spending of money to influence elections to be speech under the First Amendment.

Prohibits this amendment from being construed to abridge the freedom of the press.

MAJOR ACTIONS:

NONE

ALL ACTIONS:

2/14/2013:

Referred to the House Committee on the Judiciary.

2/28/2013:

Referred to the Subcommittee on the Constitution And Civil Justice.

TITLE(S): *(italics indicate a title for a portion of a bill)*

• **OFFICIAL TITLE AS INTRODUCED:**

Proposing an amendment to the Constitution of the United States providing that the rights extended by the Constitution are the rights of natural persons only.

COSPONSORS(1), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: by date)

Rep Pocan, Mark [WI-2] - 2/14/2013

COMMITTEE(S):

Committee/Subcommittee: Activity:

House Judiciary Referral, In Committee

Subcommittee on
Constitution and Civil
Justice Referral

RELATED BILL DETAILS: (additional related bills may be indentified in Status)

Bill: H.J.RES.21 **Relationship:** Related bill identified by CRS

AMENDMENT(S):

NONE

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