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City Attorney's Office

# OAKLAND CITY COUNCIL

## RESOLUTION NO. 86448 C.M.S.

INTRODUCED BY COUNCILMEMBERS REBECCA KAPLAN AND DAN KALB

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### RESOLUTION IN SUPPORT OF PROPOSITION 59, TO OVERTURN THE CITIZENS UNITED ACT ADVISORY QUESTION

**WHEREAS**, The United States Constitution and the Bill of Rights are intended to protect the rights of individual human beings, and corporations are not mentioned in the United States Constitution; and

**WHEREAS**, The Supreme Court in Citizens United v. Federal Election Commission (2010) 558 U.S. 310 (“Citizens United”) held that corporations, like people, have a First Amendment right to spend unlimited amounts of money to influence elections; and

**WHEREAS**, As a result of the “Citizens United” decision, there has been an explosion in independent political spending and the proliferation of “super PACs,” which are independent political committees that support a candidate with unlimited, often anonymous, donations from companies, unions, or individuals; and

**WHEREAS**, The 2012 presidential election was the first following the “Citizens United” decision, with more than double the political spending of any previous election; and the independent political spending allowed by “Citizens United” accounted for all of that increase; and

**WHEREAS**, The “Citizens United” decision presents a serious threat to self-government by rolling back previous bans on corporate spending in the electoral process and allows unlimited corporate spending to influence elections, candidate selection, policy decisions, and public debate; and

**WHEREAS**, Article V of the United States Constitution empowers and obligates the people of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican form of self-government; and

**WHEREAS**, Proposition 59 is an “Advisory Question” asking whether California’s elected officials should use all of their constitutional authority, including proposing and ratifying one or more amendments to the United States Constitution, to overturn the “Citizens United” decision, and other applicable judicial precedents, as specified; and

**WHEREAS**, Voting “Yes” on Proposition 59 will instruct all of California’s elected officials “to allow the full regulation or limitation of campaign contributions and spending, to ensure that all citizens, regardless of wealth, may express their views to one another, and to make clear that corporations should not have the same constitutional rights as human beings”; and

**WHEREAS**, The California Legislature has been calling for a constitutional amendment that would overturn the “Citizens United” decision since 2012, when it passed joint resolution AJR 22; and

**WHEREAS**, The City of Oakland’s support of Proposition 59 is consistent with Resolution No. 83662, passed by Oakland City Council in 2011, which declared the City of Oakland’s opposition to the “Citizens United” decision and supported a constitutional amendment to overturn the decision; and

**WHEREAS**, Proposition 59 is supported by the California Democratic Party, the American Sustainable Business Council, the California League of Conservation Voters (CLCV), the California Nurses Association, and numerous other organizations and individuals; and

**WHEREAS**, No public funds shall be used in the campaign for Proposition 59; now, therefore be it

**RESOLVED:** That the Oakland City Council hereby supports Proposition 59.

IN COUNCIL, OAKLAND, CALIFORNIA,

OCT 18 2016

PASSED BY THE FOLLOWING VOTE:

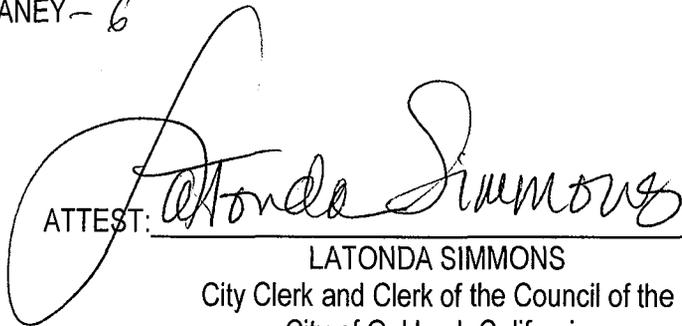
AYES - ~~BROOKS~~, CAMPBELL WASHINGTON, GALLO, ~~GUILLEN~~, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY - 6

NOES - 0

ABSENT - BROOKS - 1

ABSTENTION - 0

EXCUSED - GIBSON  
MCELHANEY - 1

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California