



TOWN OF DURHAM
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AGENDA ITEM: # **11A**

DATE: February 3, 2014

COUNCIL COMMUNICATION

INITIATED BY: Durham Town Council

AGENDA ITEM: DISCUSSION REGARDING A POSSIBLE RESOLUTION EXPRESSING THE TOWN OF DURHAM'S SUPPORT FOR THE PASSAGE OF SENATE BILL 307 TO ESTABLISH A COMMITTEE TO REVIEW CITIZENS UNITED AMENDMENTS TO THE UNITED STATES CONSTITUTION

CC PREPARED BY: Jennie Berry, Administrative Assistant

PRESENTED BY: Todd I. Selig, Town Administrator

AGENDA DESCRIPTION:

At the Town Council meeting on Monday, January 27, 2014, Durham resident Neal Ferris provided Council members with information regarding a Senate Bill (307) that would establish a committee to review Citizens United amendments to the United States Constitution. Mr. Ferris also provided the Council with proposed language and asked that it consider passing a resolution in support of Senate Bill 307 to be sent to the bill's sponsors, other state senators, and the New Hampshire congressional delegation.

Attached for the Council's information is a draft resolution, using the language suggested by Mr. Ferris for its adoption, should the Council so desire.

LEGAL AUTHORITY:

N/A

LEGAL OPINION:

N/A

FINANCIAL DETAILS:

N/A

Re: Discussion regarding a possible resolution supporting passage of SB 307

SUGGESTED ACTION OR RECOMMENDATIONS:

Hold discussion to determine whether the Council desires to adopt a resolution supporting the passage of SB 307.

POSSIBLE MOTION:

The Durham Town Council does hereby ADOPT Resolution #2014-XX expressing its support for the passage of Senate Bill 307 establishing a committee to review Citizens United amendments to the United States Constitution.

RESOLUTION #2014-XX OF DURHAM, NEW HAMPSHIRE

EXPRESSING THE TOWN OF DURHAM'S SUPPORT FOR THE PASSAGE OF SENATE BILL 307 ESTABLISHING A COMMITTEE TO REVIEW CITIZENS UNITED AMENDMENTS TO THE UNITED STATES CONSTITUTION

WHEREAS, Senate Bill 307, introduced on January 8, 2014 by the Rules, Enrolled Bills and Internal Affairs Committee, seeks to establish a committee to review constitutional amendments regarding the Citizens United decision and related cases that have been introduced in the United States Congress and make recommendations to the New Hampshire congressional delegation; and

WHEREAS, members of the Durham Town Council desire to add their voices to people and municipalities throughout the State of New Hampshire in support of Senate Bill 307, that, along with the resolution already passed by the New Hampshire House of Representatives, will call upon the Congress of the United States to move forward a constitutional amendment that guarantees the right of elected representatives to safeguard fair elections through authority to regulate political spending, clarifies that constitutional rights were established for people, and that corporations are not people.

NOW, THEREFORE BE IT RESOLVED that the Durham Town Council, the governing body of the Town of Durham, New Hampshire, does hereby express its support for the passage of Senate Bill 307 to establish a committee to review citizens united amendments to the United States Constitution.

PASSED AND ADOPTED by the Town Council of the Town of Durham, New Hampshire this _____ day of _____ by _____ affirmative votes, _____ negative votes, and _____ abstentions.

Jay B. Gooze, Chair
Durham Town Council

ATTEST:

Lorrie Pitt, Town Clerk-Tax Collector

SB 307 – AS INTRODUCED

2014 SESSION

14-2834

06/10

SENATE BILL **307**

AN ACT establishing a committee to review Citizens United amendments to the United States Constitution.

SPONSORS: Sen. Fuller Clark, Dist 21; Sen. Watters, Dist 4; Sen. Larsen, Dist 15; Rep. Cushing, Rock 21; Rep. Perry, Straf 3

COMMITTEE: Rules, Enrolled Bills and Internal Affairs

ANALYSIS

This bill establishes a committee to review constitutional amendments regarding the Citizens United decision and related cases that have been introduced in the United States Congress and make recommendations to the New Hampshire congressional delegation.

Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

14-2834

06/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT establishing a committee to review Citizens United amendments to the United States Constitution.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Committee Established. There is established a committee to review all proposed language and amendments to overturn the Citizens United ruling and related cases by the United States Supreme Court.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Two members of the senate, one appointed by the president of the senate and one appointed by the senate democratic leader.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Duties. Recognizing the need for a constitutional amendment to overturn the Citizens United ruling and related cases, the committee shall:

I. Examine the impact of the Citizens United ruling.

II. Examine the different approaches and language being proposed for a constitutional amendment.

III. Examine short term solutions to issues raised by the ruling, such as requiring disclosure of donors and shareholder approval of corporate election contributions.

IV. Make recommendations to the New Hampshire congressional delegation as to which approaches, if any, the delegation should support.

4 Chairperson; Quorum. The members of the committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held within 45 days of the effective date of this section. Three members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation or resolution to the New Hampshire congressional delegation, the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2014.

6 Effective Date. This act shall take effect upon its passage.

Durham Town Council - public comment, Monday, January 27, 2014

RECEIVED FROM
NEIL FERRIS @
TC ON
1/27/14

I appreciate this opportunity to call your attention to a resolution being passed by towns and cities across our state that urges the state Senate to pass Senate Bill 307. Passage of this bill would enable the establishment of a committee to review Citizen United amendments to the US Constitution.

The intent of those favoring such a review is to have the NH legislature call on Congress to move forward a constitutional amendment that guarantees the right of our elected representatives to safeguard fair elections through authority to regulate political spending, and clarifies that constitutional rights were established for people, not corporations, and that corporations are not people.

Since the NH House of Representatives has already passed such a measure, a positive Senate response will have NH join 16 other states, including all the other New England states, that have already gone on record with this proposal. 125 members of Congress, including our two Congresswomen, have already stated their support of the Constitutional Amendment. NH Senate bill 307 is now in committee. A public hearing is yet to be scheduled. Our state Senator, Martha Fuller Clark, is one of several sponsors, including Sylvia Larsen and David Waters.

This is obviously in response to the US Supreme Court's 5-4 Citizen's United decision that freed up a flood of money that (often anonymous) out-of-state interests use to influence national, state and, yes, local elections. In the 2112 NH gubernatorial race, outside groups spent 5 times what the candidates and their NH backers spent.

Republicans, Democrats, and Independents who have heard about Citizens United believe by a 4-1 margin that the ruling is having a negative effect. 66% of small business owners see the Citizens United ruling as bad for the ability of their businesses to compete. I will not take your time with more such statistics.

So far, 30 NH towns have submitted the resolution to their selectmen or are placing in on their ballots for the citizens to decide. Barnstead, Bedford and Conway have already passed it. Newmarket and Exeter have it on their ballots and are expected to pass it..

Our state Senator, Martha Fuller Clarke, is one of several sponsors, including Sylvia Larsen and David Waters.

Since we do not have a town meeting, I ask this Council to consider passing this resolution on behalf of our citizens by putting it on your agenda for your next meeting.

I understand your reluctance to spend time with non-town matters. However, this is NOT a partisan issue and a lot of outside money has been, is being and will be spent to influence not only national and state but also local elections. In view of our own history with the Onassis attempt to ruin our area and of various out-of-state efforts to sway NH elections, and of efforts to rig LOCAL council and school board elections around the country, it is naive to assume that we here are immune to such an effort.

I am told that it is too late to gather the over 500 signatures needed to get this issue on our town ballot. Some action on your part appears to be our only recourse; except, of course, that anyone who is concerned can call any state senator who you may happen to know.

Former U.S. Senator, Warren Rudman, put this issue so well when he responded to the Citizen's United decision by saying: "Supreme Court opinion notwithstanding, corporations are not defined as people under the Constitution, and free speech can hardly be called free when only the richest are heard."

And so I ask you to speak for us on this issue. To that end I am leaving copies of my remarks and a suggested resolution for your consideration. I thank you for your time.

Neal Ferris

Received from Neal Ferris @ TC on 1/27/14.

Proposed Durham Town Council Resolution in support of NH Senate Bill 307

(This simplified sample resolution is based on those being passed by a growing number of communities in NH. It focuses on the NH Senate because that is where the necessary action must be, if NH is to join with the other New England states on this issue.)

Resolution:

By a vote of to , we, members of the Durham Town Council add our voices to people and municipalities all over our state in support of NH Senate Bill 307, that, along with the resolution already passed by the NH House of Representatives, will call upon the Congress of the United States to move forward a constitutional amendment that guaranties the right of our elected representatives to safeguard fair elections through authority to regulate political spending, and clarifies that constitutional rights were established for people and that corporations are not people.

(I suggest that, if passed by the Council, copies of the Resolution should be sent to our state Senator, Martha Fuller Clark, the other state senators, and the NH congressional delegation. Area newspapers should also be notified. - Neal Ferris)