

REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO	CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY)
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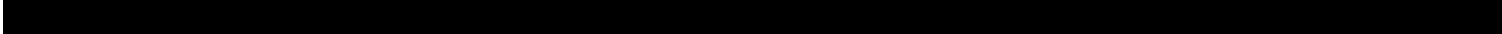
TO: CITY COUNCIL	FROM (ORIGINATING DEPARTMENT): City Council District 9	DATE: 11/29/2012
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SUBJECT: A Resolution of the Council of the City of San Diego in support of a Constitutional Amendment to overturn Citizens United

PRIMARY CONTACT (NAME, PHONE): Marisa Berumen, 619-236-7754, MS 10A	SECONDARY CONTACT (NAME, PHONE): ,
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COMPLETE FOR ACCOUNTING PURPOSES

FUND						
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
C.I.P./CAPITAL PROJECT No.						
AMOUNT	0.00	0.00	0.00	0.00	0.00	0.00



FUND						
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
C.I.P./CAPITAL PROJECT No.						
AMOUNT	0.00	0.00	0.00	0.00	0.00	0.00

COST SUMMARY (IF APPLICABLE):

ROUTING AND APPROVALS

CONTRIBUTORS/REVIEWERS:	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
Bradley, Catherine - Office of the City Attorney	ORIG DEPT.	Custer, Sabrina	11/29/2012
	CFO		
	COO		
	CITY ATTORNEY		
	COUNCIL PRESIDENTS OFFICE	Jurado-Sainz, Diana	11/29/2012

PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

A Resolution of the Council of the City of San Diego disagreeing with the Supreme Court's interpretation of the Constitution in Citizens United regarding the rights of corporations and joining other cities in calling on Congress to begin the process of amending the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons.

STAFF RECOMMENDATIONS:	
SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)	
COUNCIL DISTRICT(S):	
COMMUNITY AREA(S):	
ENVIRONMENTAL IMPACT:	
CITY CLERK INSTRUCTIONS:	

**COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO**

DATE: 11/29/2012

ORIGINATING DEPARTMENT: City Council District 7

SUBJECT: A Resolution of the Council of the City of San Diego in support of a Constitutional Amendment to overturn Citizens United

COUNCIL DISTRICT(S):

CONTACT/PHONE NUMBER: Marisa Berumen/619-236-7754, MS 10A

REQUESTED ACTION:

STAFF RECOMMENDATION:

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

FISCAL CONSIDERATIONS:

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

PREVIOUS COUNCIL and/or COMMITTEE ACTION (describe any changes made to the item from what was presented at committee):

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Custer, Sabrina

Originating Department



**City Of San Diego
COUNCILMEMBER MARTI EMERALD
DISTRICT SEVEN
M E M O R A N D U M**

DATE: November 29, 2012

Reference: M-12-11-06

TO: Council President Tony Young

FROM: Councilmember Marti Emerald

SUBJECT: Resolution Calling for the Reversal of the Supreme Court's decision
in *Citizens United v. Federal Election Commission*

I respectfully request the Resolution in support of a constitutional amendment to overturn *Citizens United* be docketed for discussion and action at the December 4, 2012 Council Meeting. The subject of this Resolution was discussed and unanimously approved at the November 14, 2012 Rules Committee Meeting.

Resolutions in support of a constitutional amendment to overturn *Citizens United* have been passed in over twenty-three California cities including Los Angeles, Oakland, and San Francisco.

This Resolution joins other cities in calling on Congress to begin the process of amending the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech.

For questions, please contact Marisa Berumen in my office at 619.236.7754. Thank you for your consideration to this important issue.

ME:mb
Enclosure

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO IN SUPPORT OF A CONSTITUTIONAL
AMENDMENT TO OVERTURN *CITIZENS UNITED*.

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 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 as 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 are not entitled to the entirety of protections of natural persons; and

WHEREAS, several dozen municipalities, including New York City, Los Angeles, and Oakland, 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 San Diego has a long history of demonstrating support for an orderly political forum in which individuals may express themselves effectively; to place realistic and enforceable limits on the amounts of money that may be contributed to political campaigns in municipal elections; and to prohibit contributions by organizations in order to develop a broader base of political efficacy within the community, as reflected in the San Diego Municipal Election Campaign Control Ordinance; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that it respectfully disagrees with the Supreme Court's interpretation of the Constitution in *Citizens United* regarding the rights of corporations; and

BE IT FURTHER RESOLVED, that the Council joins other cities in calling on Congress to begin the process of amending the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Catherine M. Bradley
Chief Deputy City Attorney

CMB:sc
11/26/12
Or.Dept:Rules Committee
Doc.No:472864

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego,
at its meeting of _____.

ELIZABETH S. MALAND, City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

COMMITTEE ACTION SHEET

COUNCIL DOCKET OF _____

Supplemental Adoption Consent Unanimous Consent

R -

O -

Resolution Calling Upon the United States Congress to Pass and Send to the States for Ratification a Constitutional Amendment to Reverse Citizens United V. Federal Election Commission

Reviewed Initiated By Rules On 11/14/12 Item No. 1

RECOMMENDATION:

ACTION: Motion by Councilmember Emerald, second by Council President Young, to forward to full council for approval. Councilmember Emerald requested that the City Attorney work with her staff to draft a proposed resolution that will be ready by the time the matter goes to full Council.

VOTE: 3-0-2; Young-yea, Faulconer-absent, Zapf-absent, Gloria-yea, Emerald-yea

VOTED YEA: Young, Gloria, Emerald

VOTED NAY:

NOT PRESENT: Faulconer, Zapf

CITY CLERK: Please reference the following reports on the City Council Docket:

REPORT TO THE CITY COUNCIL NO.

INDEPENDENT BUDGET ANALYST NO.

COUNCIL COMMITTEE CONSULTANT ANALYSIS NO.

OTHER:

[Empty rectangular box for additional notes or comments]

COUNCIL COMMITTEE CONSULTANT

