TO: CITY COUNCIL  
FROM (ORIGINATING DEPARTMENT): City Council District 9  
DATE: 11/29/2012

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

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<th>FUND</th>
<th>DEPT.</th>
<th>ORGANIZATION</th>
<th>OBJECT ACCOUNT</th>
<th>JOB ORDER</th>
<th>C.I.P./CAPITAL PROJECT No.</th>
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COST SUMMARY (IF APPLICABLE):

ROUTING AND APPROVALS

<table>
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<tr>
<th>CONTRIBUTORS/REVIEWERS: Bradley, Catherine - Office of the City Attorney</th>
<th>APPROVING AUTHORITY</th>
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<tr>
<td>ORIG DEPT.</td>
<td>Custer, Sabrina</td>
<td>11/29/2012</td>
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<td>COO</td>
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<td>CITY ATTORNEY</td>
<td>Jurado-Sainz, Diana</td>
<td>11/29/2012</td>
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<td>COUNCIL PRESIDENTS OFFICE</td>
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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.
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<th>STAFF RECOMMENDATIONS:</th>
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**SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)**

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<th>COUNCIL DISTRICT(S):</th>
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<th>CITY CLERK INSTRUCTIONS:</th>
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</table>
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
DATE: November 29, 2012  
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
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.
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
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:**