RESOLUTION NO. 38596

BY REQUEST OF COUNCIL MEMBERS FEY, MELLO, WALKER, AND WOODARDS

A RESOLUTION supporting an amendment to the United States Constitution to regulate corporate political spending and campaign financing.

WHEREAS, in a 2010 decision by the U.S. Supreme Court, Citizens United v. the Federal Election Commission, the Supreme Court overturned some provisions of the federal Campaigning Reform Act enacted in 2002, and ruled that corporate entities have the same rights as persons to unrestricted spending on political speech, and

WHEREAS, in reaching its decision, a majority of the Supreme Court interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons, and

WHEREAS the Court's decision in effect allows unlimited corporate spending to influence federal campaigns, elections, lawmaking, and public policy decisions, and

WHEREAS, in the two years since the ruling, there has been tremendous growth in contributions and spending by super political action committees for media advertisements and related independent electioneering activities, and

WHEREAS the Court's decision in the matter of Citizens United v. the Federal Election Commission severely restricts the ability of federal, state, and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity, and
WHEREAS several proposed amendments to the Constitution have recently been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections, and

WHEREAS the people of the United States have previously used the constitutional amendment process to correct decisions of the U.S. Supreme Court that are deemed to be egregious or wrongly decided or significantly out-of-step with the prevailing values of the populace; Now, Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TACOMA:

That the City of Tacoma calls on the Washington State Legislature and the United States Congress to initiate steps to amend the United States Constitution with provisions that clearly state that:

(1) Corporations are not human beings, and only human beings are endowed with Constitutional rights.

(2) Contributions and expenditures for political purposes are not constitutionally-protected speech, and that, therefore, regulating political contributions and spending is not equivalent to limiting political speech.
(3) Congress and the states shall have the power to regulate contributions and expenditures for campaigns and ballot measures, and to require public disclosure of the sources of such contributions and expenditures.

Adopted ____________

__________________________
Mayor

Attest:

__________________________
City Clerk

Approved as to form:

__________________________
City Attorney
REQUEST FOR

☐ ORDINANCE  ☒ RESOLUTION

1. DATE: December 11, 2012

2. SPONSORED BY: COUNCIL MEMBER(S) Council Member Jake Fey, Council Member Ryan Mello, Council Member Lauren Walker and Council Member Victoria Woodards

3a. REQUESTING
   DEPARTMENT/DIVISION/PROGRAM
   Legislative

3b. “DO PASS” FROM [Committee Name]
   ☑ Yes  ☒ No
   ☑ To Committee as information only  ☒ Did not go before a Committee

3c. DID THIS ITEM GO BEFORE THE
   PUBLIC UTILITY BOARD?
   ☑ Yes, on [Date]  ☒ Not required

4a. CONTACT (for questions):
    Cindy DeGrosse
    PHONE: 594-7848

4b. Person Presenting:
    Council Member Lauren Walker
    PHONE: 594-7848

4c. ATTORNEY: Elizabeth Pauli
    PHONE: 591-5627

5. REQUESTED COUNCIL DATE: December 18, 2012
   (If a specific council meeting date is required, explain why; i.e., grant application deadline, contract expiration date, required contract execution date, public notice or hearing required, etc.)

6. SUMMARY AGENDA TITLE: (A concise sentence, as it will appear on the Council agenda.)
   A resolution supporting an amendment to the United States Constitution to regulate corporate political spending and campaign financing.

7. BACKGROUND INFORMATION/GENERAL DISCUSSION: (Why is this request necessary? Are there legal requirements? What are the viable alternatives? Who has been involved in the process?)
   In a 2010 decision by the U.S. Supreme Court, *Citizens United v. the Federal Election Commission*, the Supreme Court overturned some provisions of the federal Campaigning Reform Act enacted in 2002, and ruled that corporate entities have the same rights as persons to unrestricted spending on political speech. The Court's decision in effect allows unlimited corporate spending to influence federal campaigns, elections, lawmaking, and public policy decisions. Several proposed amendments to the Constitution have recently been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections.

   The City of Tacoma calls on the Washington State Legislature and the United States Congress to initiate steps to amend the United States Constitution with provisions that clearly state that:
   Corporations are not human beings, and only human beings are endowed with Constitutional rights.
   Contributions and expenditures for political purposes are not constitutionally-protected speech, and that, therefore, regulating political contributions and spending is not equivalent to limiting political speech.
Congress and the states shall have the power to regulate contributions and expenditures for campaigns and ballot measures, and to require public disclosure of the sources of such contributions and expenditures.

(1)

8. **List all material available as backup information for the request and indicate where filed:**

<table>
<thead>
<tr>
<th>Source Documents/Backup Material</th>
<th>Location of Document</th>
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</thead>
</table>

9. **Which of the City's strategic goals does this item support? (Check the goal that best applies)**

   A. [ ] A safe, clean and attractive community
   B. [ ] A diverse, productive and sustainable economy
   C. [X] A high-performing, open and engaged government

10. **If this contract is for an amount of $200,000 or less, explain why it needs legislative approval:**

11. **Financial Impact:**

   A. [X] No impact (no fiscal note)
   B. [ ] Yes, over $100,000, Fiscal Note Attached
   C. [ ] Yes, under $100,000, (no fiscal note)

   Provide funding source information below:

   **Funding Source:** (Enter amount of funding from each source)

<table>
<thead>
<tr>
<th>Fund Number &amp; Name</th>
<th>State $</th>
<th>City $</th>
<th>Other $</th>
<th>Total Amount</th>
</tr>
</thead>
</table>

   If an expenditure, is it budgeted?  [ ] Yes  [ ] No  Where? Cost Center:  
   Acct #: