

COUNCIL ACTION

Item No. 12 129

Date: March 26, 2012

Item/Subject: Resolve, Supporting an Amendment to the United States Constitution to Provide that Corporations are not Entitled to the Rights of Natural Persons with Regard to the Expenditure of Money to Influence Elections

Responsible Department: Legal

Commentary:

In 2010 the United States Supreme Court issued its decision in *Citizens United v. Federal Election Commission*, holding that spending on elections by corporations and other groups are not limited by government regulations. This decision removed some of the legal restrictions on corporate spending on elections immediately prior to elections thus allowing for corporate spending to influence elections. With this decision the majority of the United Supreme Court interpreted the First Amendment of the United States Constitution as providing corporations with the same free speech rights as natural persons.

Corporations are entities created by legislation. This decision impacts the ability of federal, state and local governments to enact laws and regulations regarding the political activities of corporations.

There are several proposed amendments to the United States Constitution that have been introduced in Congress to allow government to regulate the raising and spending of money by corporations to influence elections. If approved, this Resolve will support amending the United States Constitution to provide that corporations are not entitled to the entirety of protections or rights of natural persons, specifically so that expenditure of corporate money to influence elections is not a form of constitutionally protected speech. The Resolve calls upon Congress to begin the process to amend the United States Constitution.

Department Head

Manager's Comments:

This Resolve was reviewed by Council in a recent workshop



City Manager

Associated Information:

Budget Approval:

Finance Director

Legal Approval:



City Solicitor

Introduced for

- Passage
- First Reading
- Referral

Page __ of __



Assigned to Councilor - Gratwick

CITY OF BANGOR

(TITLE.) RESOLVE, Supporting an Amendment to the United States Constitution to Provide that Corporations are not Entitled to the Rights of Natural Persons with Regard to the Expenditure of Money to Influence Elections

WHEREAS, government of, by, and for the people has long been a cherished American value, and;

WHEREAS, free and fair elections are essential to democracy and effective self-governance, and;

WHEREAS, in 2010 the United States Supreme Court issued its decision in *Citizens United v. Federal Election Commission*, holding that spending on elections by corporations and other groups not be limited by government regulations; and

WHEREAS, this decision removed some of the legal restrictions on corporate spending on elections immediately prior to elections, allowing for corporate spending to influence elections; and

WHEREAS, in its decision, the majority of the United Supreme Court interpreted the First Amendment of the United States Constitution as being the same free speech rights as natural persons; and

WHEREAS, corporations are entities created by legislation; and

WHEREAS, the decision in *Citizens United v. Federal Election Commission* impedes the ability of federal, state and local governments to enact reasonable laws and regulations regarding the political activities of corporations; and

WHEREAS, given the financial ability of corporations to influence elections and hence policy making by government, federal, state and local governments should have the ability to regulate corporate expenditures designed to influence elections; and

WHEREAS, several proposed amendments to the United States Constitution have been introduced in Congress to allow government to regulate the raising and spending of money by corporations to influence elections.

BY THE CITY COUNCIL OF THE CITY OF BANGOR:

BE IT RESOLVED,

THAT the City Council of the City of Bangor supports amending the United States Constitution to provide that corporations are not entitled to the entirety of protections or rights of natural persons, specifically so that expenditure of corporate money to influence elections is not a form of constitutionally protected speech, and calls upon Congress to begin the process to amend the United States Constitution.

IN CITY COUNCIL

March 26, 2012

Motion Made and Seconded for Passage
Several Citizens from the Community
urged council support of this Resolve
Motion Doubted

Vote: 5-3

Councilors Voting Yes: Baldacci, Gratwick,
Longo, Hawes & Sprague

Councilors Voting No: Durgin, Gallant &
Sprague

Councilor Absent: Blanchette

Passed



INTERIM CITY CLERK

12-129

RESOLVE

(TITLE,) Supporting an Amendment to the United
States Constitution to Provide that
Corporations are not Entitled to the Rights
of Natural Persons with Regard to the Expenditure
of Money to Influence Elections
Assigned to Councilor Gratwick cm