



Council Agenda Item Cover Sheet

Submitting Department: City Council

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Description of Agenda Item: CONSENT AGENDA

Resolution supporting a constitutional amendment to restore the right to limit spending in our elections, and for state and federal lawmaking to assure transparency such that entities and persons spending significant sums in our elections are known to the public.

CIP/DID #CLK002-15

EnvisionCR Element/Goal: GrowCR Goal 4: Communicate and collaborate with regional partners.

Background: The Cedar Rapids City Council has before it a resolution that urges passage of a U.S. constitutional amendment that will allow limits to be placed on election spending and require disclosure of election donors.

Money donated to elections by unnamed individuals with unknown agendas:

- a) Creates barriers to good candidates who would otherwise run for office,
- b) Exhausts three-quarters of candidate time to raise money, leaving little time for dialogue and discourse on the issues of the day,
- c) Floods television with negative advertisements that create voter apathy,
- d) Obligates elected officials to the few who gave large sums of money,
- e) Makes officials dependent on continuing to raise money to stay in office thereby limiting the time they have to work on policies and legislation.

This resolution was brought to the attention of the City Council by Cedar Rapids residents who submitted 463 supporting signatures. Dubuque, Des Moines, Altoona, Black Hawk County, Lee County, Johnson County, 550 other cities and counties and 16 states have passed similar resolutions.

The Resolution:

- a) Calls for a U.S. constitutional amendment to limit spending and ensure all citizens, regardless of wealth, have an opportunity to have their political views heard,
- b) Urges state and federal legislators to prioritize congressional proposal of an amendment to the U.S. Constitution addressing election spending and disclosure and to stand ready to ratify the amendment upon passage by Congress,

Action/Recommendation: Adopt resolution.

Alternative Recommendation: None

Time Sensitivity: None

Resolution Date: June 9, 2015

Budget Information: N/A

Local Preference Policy: (Click here to select)
Explanation: NA

Recommended by Council Committee: (Click here to select)
Explanation: NA

RESOLUTION NO. LEG_NUM_TAG

RESOLUTION SUPPORTING A CONSTITUTIONAL AMENDMENT
TO RESTORE THE RIGHT TO LIMIT SPENDING IN OUR ELECTIONS,
AND FOR STATE AND FEDERAL LAWMAKING TO ASSURE TRANSPARENCY
SUCH THAT ENTITIES AND PERSONS SPENDING SIGNIFICANT SUMS
IN OUR ELECTIONS ARE KNOWN TO THE PUBLIC

WHEREAS, the United States Supreme Court recognized in *Austin v. Michigan Chamber of Commerce* (1990) the threat to a republican form of government posed by “the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public’s support for the corporations political ideas”, and

WHEREAS, the United States Supreme Court in *Citizens United v. the Federal Election Commission* (2010) reversed the decision in *Austin v. Michigan*, and

WHEREAS, the United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of corruption justified limits on contributions to candidates, but it rejected other interests that the City Council finds compelling such as creating a level playing field and ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard, and

WHEREAS, Article V of the United States Constitution empowers the people of the states of the United States of America to use the constitutional amendment process to change the effect of decisions of the United States Supreme Court.

NOW, THEREFORE, BE IT RESOLVED that it is the position of the Cedar Rapids City Council that corporations do not have the same constitutional rights as natural persons do; limits on political spending will promote the goals of the First Amendment by ensuring that all citizens, regardless of wealth, have an opportunity to have their political views heard.

BE IT FURTHER RESOLVED that the City of Cedar Rapids hereby includes in its Federal Legislative Agenda support for efforts to pass an Amendment to the United States Constitution related to campaign finance reform and ending the doctrine of corporate constitutional rights and, by sending a copy of this resolution to each state and federal legislator representing the City of Cedar Rapids, respectfully urges Iowa’s Congressional delegation to prioritize a congressional proposal of an amendment to the United States Constitution addressing the issues identified in this resolution.

BE IT FURTHER RESOLVED that the City of Cedar Rapids hereby calls upon the Iowa State legislature and our representatives in it, to pass a resolution calling for such a constitutional amendment and expressing willingness to ratify the amendment upon passage by Congress.