

**CITY OF CHICO
MEASURE K**

Proposed Resolution Supporting a Constitutional Amendment. Shall a resolution be adopted which supports an amendment to the United States Constitution to establish that corporations are not entitled to a constitutional right to political free speech and that the expenditure of money by corporations to support or oppose political campaigns is not entitled to the free speech protections of the First Amendment and should be regulated, limited and clearly disclosed.

Yes

No

**CITY ATTORNEY'S IMPARTIAL ANALYSIS OF
MEASURE K**

In May 2012, The City Council adopted a resolution which found that the ability of corporations to spend money on political campaigns should be regulated and that, to the extent such regulation is currently impermissible, the United States Constitution should be amended to establish that:

1. Corporations are not entitled to a constitutional right to political free speech; and
2. The expenditure of money by corporations to support or oppose political campaigns is not entitled to the free speech protections of the First Amendment and should be regulated, limited, and clearly disclosed.

The City Council also voted to submit a ballot measure to the voters on this issue at the November 6, 2012, election.

If this measure is passed, the voters will adopt a resolution making the same findings as those set forth in the resolution adopted by the City Council. Adoption of this measure would not amend any existing laws.

A "Yes" vote is in favor of adopting the resolution. A "No" vote is against adopting the resolution. A majority of "Yes" votes is required for the resolution to be adopted.

The above statement is an impartial analysis of Measure K. If you desire a copy of the resolution or measure, please call the elections official's office at

530-896-7250 and a copy will be mailed at no cost to you.

/s/ Lori J. Barker
City Attorney, City of Chico

ARGUMENT IN FAVOR OF MEASURE K

Don't let your right to vote in free elections be bought by the highest bidder.

Join citizens across the country in objecting to the U.S. Supreme Court's dangerous decision in the Citizens United case that threw out all past efforts by Congress to limit campaign spending by corporations to protect free elections. Corporations can now spend vast, unlimited money supporting candidates they choose for public office.

The Court majority decided that massive corporate spending is somehow the same as the average citizen's right to "free speech." Now, the old expression "money talks" is the law of the land.

But how many of us can "speak" as loudly as some of the world's wealthiest corporations and individuals are doing today by using their wealth for ads and mail to influence our elections and further increase their power? Corporations aren't citizens, can't vote, and shouldn't be allowed to control our elections.

Your ability to donate to candidates is strictly limited by Chico ordinance, state and federal campaign laws, and your personal finances. But big corporations can now completely avoid these limits, and are. That's why Chico voters of all political persuasions are uniting to ask Congress to take every necessary action to correct this injustice. This is a local matter of great national importance. Every election at every level is threatened by massive corporate spending.

As the Enterprise Record put it, Congress needs to rein in huge destructive donations by organizations and corporations that can now anonymously wield extreme influence on elections.

This is your chance to tell Congress to overcome the corporate abuse and grave threats to our democracy unleashed by this radical, unprecedented Court decision.

Vote "Yes" on Measure K and do your part to stop corporate electoral tyranny.

Only your vote should occupy the ballot box, not corporate dollars.

CONTINUED NEXT PAGE



ARGUMENT IN FAVOR OF CONTINUED

/s/ Ann Schwab, Business Owner, Chico Mayor
/s/ Andy Holcombe, Chico City Council Member
/s/ Jim Walker, Chico City Council Member
/s/ Jon Luvaas, California State Grange Officer
/s/ Rick Tofanelli, Owner, Nantucket Home, Inc.

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE K

Protect our 1st Amendment rights to free speech and freedom of assembly, vote no on Measure K.

You alone should control your information consumption, not government bureaucrats. Do not give government bureaucrats the power to decide who may and who may not speak.

Corporations are merely groups of people who are lawfully assembled. The Supreme Court ruled that these groups of people, any group of people, maintain full rights under our constitution. This includes their right to free speech uncontrolled and uncensored by government bureaucrats.

You and your fellow citizens are free, and are intelligent enough to decide who is and who is not a trustworthy source of information without government control and censorship. Vote no on Measure K.

/s/ Mark Sorensen, Council Member, Business Owner
/s/ Robert W. Evans, Council Member

ARGUMENT AGAINST MEASURE K

Support our constitutional rights to free speech and freedom of assembly, vote no on Measure K.

The 1st Amendment: "Congress shall make no law ... abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble..."

The Supreme Court already ruled on this issue. Their ruling fell on the side of protecting constitutional freedoms. The following are all excerpts from their decision

...the FEC has created a regime that allows it to select what political speech is safe for public consumption by applying ambiguous tests. If parties want to avoid litigation and the possibility of civil and criminal penalties, they must either refrain from speaking or ask the FEC to issue an advisory opinion approving of the political speech in question. Government officials pore over each word of a text to see if, in their judgment, it accords with the 11-factor test they have promulgated. This is an unprecedented governmental intervention into the

realm of speech.

By taking the right to speak from some and giving it to others, the Government deprives the disadvantaged person or class of the right to use speech to strive to establish worth, standing, and respect for the speaker's voice. ... The Government may not by these means deprive the public of the right and privilege to determine for itself what speech and speakers are worthy of consideration.

The First Amendment protects speech and speaker, and the ideas that flow from each.

When Government seeks to use its full power, including the criminal law, to command where a person may get his or her information or what distrusted source he or she may not hear, it uses censorship to control thought. This is unlawful.

The First Amendment confirms the freedom to think for ourselves.

/s/ Mark Sorensen, Council Member
/s/ Robert W. Evans, Council Member

REBUTTAL TO ARGUMENT AGAINST MEASURE K

Don't be confused by false claims of protecting free speech. Measure K is not about infringing upon free speech. It is about stopping corporations from receiving special treatment for their big spending by calling it "free speech".

Your "yes" vote for Measure K is needed to ensure fair elections for all voters. Measure K asks for a return to reasonable limits on the ability of corporations to overwhelm your free speech by spending thousands of times more to influence elections that most of us earn in a week.

Reasonable limits on freedom of speech are nothing new. Free speech does not include the right to falsely shout "fire" in a crowded theater. It does not mean someone has the right to lie about you with the intent to harm you or your reputation. Such speech is abusive, disrespectful, and against the law.

In a democracy, there must be limits on abusive practices that threaten our democracy's very existence. That's what Measure K is about.

The Chico Municipal Code imposes a \$500 limit on your right to individually donate. Before the Supreme Court's misguided Citizens United decision, Congress imposed the same limit on corporations.

CONTINUED NEXT PAGE



REBUTTAL TO ARGUMENT AGAINST CONTINUED

Unlimited corporate campaign donations under the pretense of free speech should not be the law of the land. It is just plain wrong.

Speak up while you still can. Don't let your voice be drowned out by the shouting of corporate dollars.

Speak loudly and clearly against this injustice by voting "yes" on Measure K.

- /s/ Ann Schwab, Business Owner, Chico Mayor
- /s/ Andy Holcombe, Chico City Council Member
- /s/ Jim Walker, Chico City Council Member
- /s/ Betsy Krueger, President League of Women Voters
- /s/ Rick Tofanelli, Owner, Nantucket Home, Inc.

**EXHIBIT A
FULL TEXT OF MEASURE K**

RESOLUTION NO. _____

**RESOLUTION OF THE CITY OF CHICO
SUPPORTING A CONSTITUTIONAL AMENDMENT
STATING
THAT CORPORATIONS ARE NOT ENTITLED TO A
CONSTITUTIONAL RIGHT TO POLITICAL FREE
SPEECH**

WHEREAS, the ability of corporations to expend unlimited amounts of money to influence political campaigns allows corporations to unduly influence and impact those political campaigns in a manner which is detrimental to the democratic process:

NOW, THEREFORE, BE IT RESOLVED by the People of the City of Chico as follows:

The ability of corporations to expend money on political campaigns should be regulated and, to the extent that such regulation is currently impermissible, the United States Constitution should be amended to allow such regulation and to establish that:

1. Corporations are not entitled to a constitutional right to political free speech; and
2. The expenditure of money by corporations to support or oppose political campaigns is not entitled to the free speech protections of the First Amendment and should be regulated, limited and clearly disclosed.

I HEREBY ATTEST THAT THIS RESOLUTION WAS ADOPTED by the voters of the City of Chico in an election held for that purpose on _____, 2012.

ATTEST:

APPROVED AS TO FORM:

Deborah R. Presson,
City Clerk

/s/ Lori J. Barker
Lori J. Barker,
City Attorney

