

RESOLUTION 2014-19

A RESOLUTION OF THE CITY OF ENCINITAS IN SUPPORT OF A CONSTITUTIONAL AMENDMENT TO OVERTURN CITIZENS UNITED

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 *Citizen's 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 association and labor union 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 San Diego, 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 Encinitas 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;

NOW THEREFORE BE IT RESOLVED, by the Council of the City of Encinitas that it respectively disagrees with the Supreme Court's interpretation of the Constitution in *Citizens United* regarding the rights of corporation associations and labor unions; and

BE IT FURTHER RESOLVED, that the Council joins other cities in calling on Congress to begin the process entirety of amending the Constitution to provide that corporations are not entitled to the 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.

PASSED AND ADOPTED this 12th day of March, 2014 by the following vote, to wit;

AYES: Barth, Gaspar, Kranz, Muir, Shaffer.

NAYS: None.

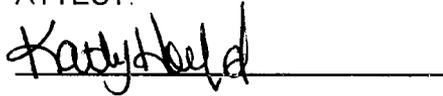
ABSTAIN: None.

ABSENT: None.

A handwritten signature in black ink that reads "Teresa Arballo Barth". The signature is written in a cursive style and is positioned above a horizontal line.

Teresa Arballo Barth, Mayor

ATTEST:

A handwritten signature in black ink that reads "Kathy Hollywood". The signature is written in a cursive style and is positioned above a horizontal line.

Kathy Hollywood, City Clerk