

1 [Supporting Constitutional Amendment to Limit Campaign Spending and End Artificial
2 Corporate Rights in Response to the Passage of Measure G in November 2012]

3 **Resolution responding to the passage of Measure G by San Francisco voters on**
4 **November 6, 2012, by urging members of San Francisco’s Congressional delegation to**
5 **pass a constitutional amendment to limit campaign contributions and spending and**
6 **end artificial corporate rights.**

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8 WHEREAS, The people of San Francisco, in the November 2012 election, voted to
9 pass Proposition G by a margin of 260,595 votes to 61,181 votes (80.99% to 19.01%), stating
10 that the People of the City and County of San Francisco do not consider corporations to be
11 natural persons; and

12 WHEREAS, Section 2.133 of the San Francisco Charter states that, “upon approval of
13 a declaration of policy by the voters, the Board of Supervisors shall within 90 days of such
14 approval take such actions within their powers as shall be necessary to carry such declaration
15 into effect;” and,

16 WHEREAS, The United States Constitution and the Bill of Rights are intended to
17 protect the rights of individual human beings (“natural persons”); and,

18 WHEREAS, Corporations are not mentioned in the Constitution and The People have never
19 granted constitutional rights to corporations, nor have We decreed that corporations have
20 authority that exceeds the authority of "We the People;" and

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

1 WHEREAS, The United States Supreme Court decision in *Citizens United v. the*
2 *Federal Election Commission* (2010) reversed the decision in Austin, and presents a serious
3 threat to self-government by rolling back legal limits on corporate spending in the electoral
4 process, allowing unlimited corporate spending to influence elections, candidate selection,
5 and policy decisions; and

6 WHEREAS, The opinion of the four dissenting justices in *Citizens United* noted that
7 corporations have special advantages not enjoyed by natural persons, such as limited liability,
8 perpetual life, and favorable treatment of the accumulation and distribution of assets, that
9 allow them to spend prodigious sums on campaign messages that have little or no correlation
10 with the beliefs held by natural persons; and,

11 WHEREAS, Corporations are legally required to put profits for shareholders ahead of
12 concerns for the greatest good of society while individual shareholders as natural persons
13 balance their narrow self interest and broader public interest when making political decisions;
14 and,

15 WHEREAS, Corporations have used the "rights" bestowed upon them by the courts to
16 overturn democratically enacted laws that were passed at municipal, state and federal levels
17 to curb corporate abuse, thereby impairing local governments' ability to protect their citizens
18 against corporate harms to the environment, to health, to workers, to independent businesses,
19 and to local and regional economies; and,

20 WHEREAS, Measure G states that it is also the position of the People of the City and
21 County of San Francisco that the United States Supreme Court ruling in *Citizens United v. the*
22 *Federal Election Commission* (January 21, 2010) presents a serious threat to democracy by
23 rolling back remaining legal limits on corporate spending in the electoral process; allowing
24 unlimited corporate spending to influence elections, candidate selection, and policy decisions;
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1 and potentially unleashing unprecedented amounts of corporate money into our political
2 process; and

3 WHEREAS, Measure G also declares that it is the position of the People of the City
4 and County of San Francisco that corporations should not receive the same constitutional
5 rights as natural persons, because the expenditure of corporate money is not a form of
6 constitutionally-protected speech, and that limits on political spending will promote the goals
7 of the First Amendment, by ensuring that all citizens - regardless of wealth - have an
8 opportunity to have their political views heard; now, therefore be it,

9 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
10 urges the San Francisco Congressional delegation to pass a constitutional amendment to limit
11 campaign contributions and spending and end artificial corporate rights, reversing the decision
12 of the *Citizens United* case; and, be it

13 FURTHER RESOLVED, That the Board of Supervisors urges other communities and
14 jurisdictions to join this action by passing similar Resolutions; and, be it

15 FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
16 to transmit copies of this resolution to all members of San Francisco's Congressional
17 delegation and California's senatorial delegation.

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