

File No. 130109

Committee Item No. \_\_\_\_\_

Board Item No. 28

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee \_\_\_\_\_

Date \_\_\_\_\_

Board of Supervisors Meeting

Date February 5, 2013

**Cmte Board**

- |                          |                                     |  |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/> | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/> | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

**OTHER** (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Robert Moyer

Date January 31, 2013

Completed by: \_\_\_\_\_

Date \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

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

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

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

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

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

22 WHEREAS, The United States Supreme Court recognized in *Austin v. Michigan*  
23 Chamber of Commerce (1990) the threat to a republican form of government posed by "the  
24 corrosive and distorting effects of immense aggregations of wealth that are accumulated with  
25

1 the help of the corporate form and that have little or no correlation to the public's support for  
2 the corporation's political ideas"; and,

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

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

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

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

22 WHEREAS, Measure G states that it is also the position of the People of the City and  
23 County of San Francisco that the United States Supreme Court ruling in *Citizens United v. the*  
24 *Federal Election Commission* (January 21, 2010) presents a serious threat to democracy by  
25 rolling back remaining legal limits on corporate spending in the electoral process; allowing

1 unlimited corporate spending to influence elections, candidate selection, and policy decisions;  
2 and potentially unleashing unprecedented amounts of corporate money into our political  
3 process; and

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

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

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

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

1 [Declaration of Policy - Repealing Corporate Personhood]

2  
3 **Motion ordering submitted to the voters a policy declaration that supports limits on**  
4 **political campaign contributions and spending; and opposes artificial corporate rights,**  
5 **and giving corporations the same rights entitled to human beings, at an election to be**  
6 **held on November 6, 2012.**

7  
8 MOVED, That the Board of Supervisors hereby submits the following declaration of  
9 policy to the voters of the City and County of San Francisco, at an election to be held on  
10 November 6, 2012.

11  
12 **Declaration of the City and County of San Francisco to limit political campaign**  
13 **contributions and spending and opposes giving corporations rights entitled to human**  
14 **beings.**

15 The People of the City and County of San Francisco declare that:  
16 It is the position of the People of the City and County of San Francisco that the United States  
17 Constitution and the Bill of Rights are intended to protect the rights of individual human beings  
18 ("natural persons"), and corporations are specifically not mentioned in the Constitution as  
19 deserving of rights entitled to human beings. Although corporations can and do make  
20 important contributions to our society using advantages that the government has wisely  
21 granted them, the People of the City and County of San Francisco do not consider them  
22 natural persons.

23 It is also the position of the People of the City and County of San Francisco that the United  
24 States 5:4 ruling in *Citizens United v. the Federal Election Commission* (January 21, 2010)

1 presents a serious threat to democracy by rolling back remaining legal limits on corporate  
2 spending in the electoral process; allowing unlimited corporate spending to influence  
3 elections, candidate selection, and policy decisions; and potentially unleashing unprecedented  
4 amounts of corporate money into our political process. The opinion of the four dissenting  
5 justices in the *Citizens United* case noted that corporations have special advantages not  
6 enjoyed by natural persons, such as limited liability, perpetual life, and favorable treatment of  
7 the accumulation and distribution of assets, which allow them to engage in exorbitant  
8 campaign spending. Through this action, federal courts have enabled the rise of a new type  
9 of political action committee (super PACs), that are dominating many elections.

10  
11 It is the position of the People of the City and County of San Francisco that corporations  
12 should not receive the same constitutional rights as natural persons because the expenditure  
13 of corporate money is not a form of constitutionally-protected speech, and limits on political  
14 spending will promote the goals of the First Amendment, by ensuring that all citizens -  
15 regardless of wealth - have an opportunity to have their political views heard.

16  
17 The People of the City and County of San Francisco instruct our Representatives and  
18 Senators in Congress to pass a constitutional amendment to limit campaign contributions and  
19 spending and end artificial corporate rights, reversing the decision of the *Citizens United* case.  
20 The People of the City and County of San Francisco call on other communities and  
21 jurisdictions to join this action by passing similar Resolutions.



City and County of San Francisco

Tails

Motion: M12-083

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 120683

Date Passed: July 24, 2012

Motion ordering submitted to the voters a policy declaration that supports limits on political campaign contributions and spending; and opposes artificial corporate rights, and giving corporations the same rights entitled to human beings, at an election to be held on November 6, 2012.

July 16, 2012 Rules Committee - RECOMMENDED


July 24, 2012 Board of Supervisors - APPROVED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Kim, Mar, Olague and Wiener

Excused: 1 - Farrell

File No. 120683

I hereby certify that the foregoing Motion was APPROVED on 7/24/2012 by the Board of Supervisors of the City and County of San Francisco.

  
Angela Calvillo  
Clerk of the Board

# Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2013 JAN 30 AM 10:16  
Time stamp  
of meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee:  BY: SAH
- An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee:
- 4. Request for letter beginning "Supervisor  inquires"
- 5. City Attorney request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.**

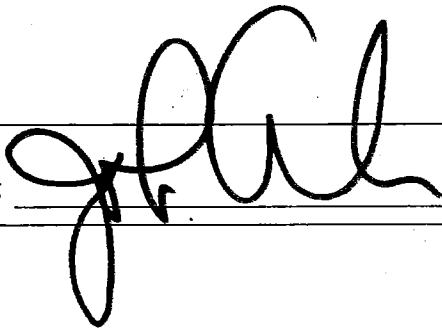
**Sponsor(s):**

John Avalos *SAH Chiu*

**Subject:**

Resolution - Support Constitutional Amendment to Limit Campaign Spending and End Artificial Corporate Rights in Response to the Passage of Measure G in November 2012

**The text is listed below or attached:**

Signature of Sponsoring Supervisor: 

For Clerk's Use Only: