

City Hall East
200 N. Main Street
Room 800
Los Angeles, CA 90012

(213) 978-8100 Tel
(213) 978-8312 Fax
CTrutanich@lacity.org
www.lacity.org/atty



CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 1 3 - 0 0 4 3
JAN 2 5 2013

REPORT RE:

**REVISED BALLOT RESOLUTION AND BALLOT TITLE RESOLUTION REGARDING
A PROPOSED MEASURE FOR LOS ANGELES RESIDENTS TO INSTRUCT
SUPPORT OF A CONSTITUTIONAL AMENDMENT TO LIMIT CAMPAIGN
SPENDING AND THE RIGHTS OF CORPORATIONS, AND ORDINANCE CALLING A
SPECIAL ELECTION AND CONSOLIDATING IT WITH THE CITY'S GENERAL
ELECTION ON MAY 21, 2013**

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Honorable Members:

On January 16, 2013, your Honorable Body requested that this Office prepare the documents necessary for a ballot measure for Los Angeles residents to urge area elected officials to support a constitutional amendment regarding campaign spending and corporations on the May 2013 ballot. This Office previously transmitted the necessary documents as requested. Upon review, we have determined that minor technical changes are required. Therefore, we now transmit, approved as to form and legality, the revised ballot resolutions and election ordinance necessary to place the measure on the ballot.

Summary of Measure's Provisions

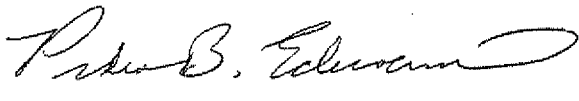
This measure would adopt a resolution on behalf of the people of the City of Los Angeles that instructs area legislators to propose or sponsor a constitutional

amendment that overturns those portions of the U.S. Supreme Court's decisions in *Citizens United* and *Buckley v. Valeo* that limit regulation of spending in elections and provide constitutional protections for corporations as though they are human beings.

If you have any questions regarding this matter, please contact Deputy City Attorney Renee Stadel at (213) 978-7100. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 

PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE:RS:pj
Transmittals

cc: June Lagmay, City Clerk
Gerry Miller, CLA

RESOLUTION

WHEREAS, the Council of the City of Los Angeles has adopted a resolution to place an ordinance before the qualified voters of the City of Los Angeles at the May 21, 2013, Special Election to be consolidated with the City's General Municipal Election to be held on the same date; and

WHEREAS, the City Election Code requires the City Attorney to prepare and present a ballot title and question consisting of an impartial statement of the measure; and

WHEREAS, the City Attorney has presented the following ballot title and question for the proposed measure:

RESOLUTION TO SUPPORT CONSTITUTIONAL AMENDMENT REGARDING LIMITS ON POLITICAL CAMPAIGN SPENDING AND RIGHTS OF CORPORATIONS. PROPOSITION ____.

Shall the voters adopt a resolution that there should be limits on political campaign spending and that corporations should not have the constitutional rights of human beings and instruct Los Angeles elected officials and area legislative representatives to promote that policy through amendments to the United States Constitution?

NOW, THEREFORE, BE IT RESOLVED that the ballot title and question presented by the City Attorney be adopted by the City Council.

I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

C.F. No. 12-1947

RESOLUTION

Resolution providing that a ballot measure be submitted to the qualified voters of the City of Los Angeles.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LOS ANGELES AS FOLLOWS:

Section A. The following resolution of the people of the City of Los Angeles is hereby proposed to be submitted to the qualified voters of the City of Los Angeles at a Special Election to be called on May 21, 2013 and consolidated with the City's General Municipal Election on the same date:

RESOLUTION

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech rights of human beings, not corporations; and,

WHEREAS, the United States Constitution never mentions the word corporations; and

WHEREAS, corporations can and do make important contributions to our society using powerful advantages that government has wisely granted them, but that does not make them real people; and,

WHEREAS, the U.S. Supreme Court's 5-4 ruling in *Citizens United v. Federal Election Commission* rolled back legal restrictions on corporate spending in the electoral process, allowing unlimited corporate spending to influence elections, candidate selection, and policy decisions, thereby threatening the voices of citizens and the foundation of our democracy; and,

WHEREAS, the opinion of the four dissenting justices in *Citizens United* noted that corporations have special privileges not enjoyed by real people, such as limited liability, perpetual life, and favorable treatment of the accumulation and distribution of assets, that allow them to spend huge sums on campaign messages that have little or no correlation with the beliefs held by real people; and,

WHEREAS, the *Citizens United* decision supersedes certain important state and local efforts to regulate corporate activity in their elections; and,

WHEREAS, the United States Supreme Court held in *Buckley v. Valeo* (1976) that the appearance of corruption justifies some limits on contributions to candidates, but it wrongly rejected other fundamental interests 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, the people of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and self-government; and

NOW, THEREFORE, BE IT RESOLVED that the people of the City of Los Angeles instruct the Los Angeles Congressional Delegation to propose and support any joint resolution offering an amendment to the United States Constitution that accomplishes the following:

Overturns all portions of the United States Supreme Court's rulings in *Buckley v. Valeo* (1976) and *Citizens United v. FEC* (2010) that conflict with the following objectives: (1) Corporations do not have the constitutional rights of human beings; and (2) Corporations do not engage in constitutionally protected speech when spending corporate money to influence the electoral process; and (3) limits on political spending that promote the goals of the First Amendment, by ensuring that all citizens – regardless of wealth – have an opportunity to have their political views heard are permissible.

BE IT FURTHER RESOLVED that the people of the City of Los Angeles instruct the Los Angeles Congressional delegation to work diligently to bring such a joint resolution to a vote and passage, and to use all procedural methods available to secure a vote and passage;

BE IT FURTHER RESOLVED that the people of the City of Los Angeles instruct each state legislator representing Los Angeles residents, if given the opportunity, to ratify any amendment to the United State Constitution that is consistent with the purposes and findings expressed in this resolution.

This resolution shall take effect immediately.

Sec. B. The City Clerk is hereby authorized and directed to publish a notice containing the proposed ballot measure, specifying the date of May 21, 2013, as the date the measure is to be voted upon by the qualified voters of the City of Los Angeles. The notice shall be published once in a newspaper of general circulation in the City of Los Angeles, and in each edition thereof during that day of publication. The City Clerk is authorized and directed to prepare and keep in the City Clerk's office a sufficient supply of copies of the proposed ballot measure and to distribute the proposed ballot measure to any and all persons requesting a copy. Further, the City Clerk is authorized and directed to mail copies of the proposed ballot measure to each of the qualified voters of the City of Los Angeles.

Sec. C. The City Clerk is hereby authorized and directed to cause a notice to be published once in a newspaper of general circulation that copies of voter information pamphlets containing the proposed ballot measure may be obtained upon request in the City Clerk's office.


I hereby certify that the foregoing Resolution was adopted by the Council of the City of Los Angeles at its meeting held on _____.

JUNE LAGMAY, City Clerk

By _____
Deputy

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
RENEE A. STADEL
Deputy City Attorney

Date 1/25/2013

C.F. No.

ORDINANCE NO. _____

An ordinance calling a Special Election to be held on Tuesday, May 21, 2013, for the purpose of submitting to the qualified voters of the City of Los Angeles a certain measure and consolidating this Special Election with the City's General Municipal Election to be held on the same date.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A Special Election is hereby called to be held in the City of Los Angeles on May 21, 2013, for the purpose of submitting to the qualified voters of the City a certain measure ordered submitted by the Council of the City of Los Angeles.

Sec. 2. The ballot title and question to be used at the Special Election for the measure to be submitted to the qualified voters of the City of Los Angeles shall be:

**RESOLUTION TO SUPPORT CONSTITUTIONAL AMENDMENT
REGARDING LIMITS ON POLITICAL CAMPAIGN SPENDING AND
RIGHTS OF CORPORATIONS. PROPOSITION ____.**

Shall the voters adopt a resolution that there should be limits on political campaign spending and that corporations should not have the constitutional rights of human beings and instruct Los Angeles elected officials and area legislative representatives to promote that policy through amendments to the United States Constitution?

Sec. 3. The measure shall be designated on the ballot or ballot pages by a letter or number determined by the City Council in accordance with applicable City and state laws. Upon the designation by the proper officials of the letter or number to be assigned to the measure, that letter or number is hereby adopted and shall be the designation for the ballot title.

Sec. 4. To vote on the measure, the voter shall mark the ballot next to the word "Yes" or the word "No." A "Yes" vote shall be counted in favor of adoption of the measure, and a "No" vote shall be counted against adoption of the measure.

Sec. 5. The Special Election hereby called shall be, and hereby is ordered to be, consolidated with the City's General Municipal Election to be held in the City of Los Angeles on Tuesday, May 21, 2013.

Sec. 6. The voting polls on election day shall open at 7:00 a.m., May 21, 2013, and shall remain open until 8:00 p.m. of the same day when the voting polls shall be closed, except as provided in City Election Code Section 857.

Sec. 7. The election precincts, polling places, and officers of election for the Special Election shall be the same as those provided in the City of Los Angeles for the Primary Nominating Election, and the elections shall be held in all respects as if there were only one election. Furthermore, for the precincts, polling places, and officers of election, reference is hereby made to the list that will be prepared and approved by the City Clerk and filed in the City Clerk's Office not later than April 21, 2013, and that list is incorporated into and made part of this ordinance.

Sec. 8. In all other particulars, the Special Election shall be held and conducted as provided by law for the conduct of the General Municipal Election in the City of Los Angeles.

Sec. 9. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
RENEE A. STADEL
Deputy City Attorney

Date 1/25/2013

C.F. No. 12-1947