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Refer CF 11-0002-5123

MOTION

On December 6, 2011, the Los Angeles City Council unanimously voted in support of a resolution to "include in the City's 2011-2012 Federal and State Legislative programs, support for a Constitutional Amendment and other legislative actions ensuring that only human beings, not corporations, are endowed with constitutional rights and that money is not speech, and therefore the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech." This resolution was written in response to the *Citizens United vs. Federal Election Commission (2010)* decision, which rolled back previous bans on corporate and labor union treasury spending in the electoral process and allowed for unlimited corporate spending to influence elections, candidate selection, policy decisions and public debate.

In 2012, several states and cities put initiatives on their ballots asking voters to weigh in on whether corporations should be considered "people" under the law and have unlimited power to influence speech through money.

In Montana, 75% of the voters voted in support of Initiative 166, which established official Montana policy that corporations are not people and to support a constitutional amendment to create a level playing field in campaign spending.

In Colorado, 74% of voters supported Amendment 65, which instructed Colorado's Congressional Delegation to propose and support an amendment to the US Constitution that allows congress and states to limit campaign contributors and spending in a way that will allow all citizens, regardless of wealth, to express their views to one another on a level playing field.

In Massachusetts, voters passed local measures in more than half of Massachusetts towns and cities in the state with a combined margin of 79%. The measures instructor their state senator or legislator to support a constitutional amendment affirming that 1) corporations are not entitled to the constitutional rights of human beings and 2) both Congress and states may place limits on political contributions and political spending.

In San Francisco, CA, 81% of voters went on record denouncing *Citizens United* and stating "that corporations should not have the same constitutional rights as human beings and should be subject to political spending limits."

And in Chicago, IL, 74% of the voters supported the Take Back Our Vote measure, which asked, "Shall the US Congress pass a bill to be duly ratified by three-fourths of the states, adopting an amendment to the US Constitution, empowering the federal government and he states to regulate and limit political contributions from corporations?"

And these are just some of the examples of national success of such ballot measures and the strong opinions held by voters about the need to regulate campaign and political spending by corporations and denounce the "corporations are people" precedent set by *Citizens United*.

A ballot initiative in Los Angeles would continue the momentum that is being built around a Constitutional Amendment to explicitly state that corporations should not be afforded the same rights as individuals and allow for a limit to campaign and political spending by corporations.

I THEREFORE MOVE, that the City Attorney, with the assistance of the CLA, be directed to draft language for a possible ballot initiative to be placed on the May 2013 municipal ballot, asking the voters of LA to weigh in on the question of *Citizens United*, basing the language on the initiatives that have been voted upon by other municipalities and states regarding this issue and referenced above.

I FURTHER MOVE, that the City Clerk be directed to report to the City Council on the potential cost to the City if such a ballot initiative would be placed on the May ballot.

I FURTHER MOVE, that the City Attorney and City Clerk be directed to prepare the report and draft ballot language materials on or before January 10, 2013, to ensure that the City Council has time to review the matter before the deadline for placing items on the May 2013 ballot.

DEC 14 2012

Presented by:

Richard Alarcón
RICHARD ALARCÓN
Councilmember, 7th District

Seconded by:

Bill Paul
Paul

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