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

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

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

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

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

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

WHEREAS, The United States Supreme Court recognized in Austin v. Michigan Chamber of Commerce (1990) the threat to a republican form of government posed by “the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public’s support for the corporation’s political ideas”; and,
WHEREAS, The United States Supreme Court decision in *Citizens United v. the Federal Election Commission* (2010) reversed the decision in Austin, and presents a serious threat to self-government by rolling back legal limits on corporate spending in the electoral process, allowing unlimited corporate spending to influence elections, candidate selection, and policy decisions; and

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

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

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

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

Supervisors Avalos, Chiu, Campos
BOARD OF SUPERVISORS

Page 2
2/6/2013
and potentially unleashing unprecedented amounts of corporate money into our political
process; and

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

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

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

FURTHER RESOLVED, That the Board of Supervisors directs the Clerk of the Board
to transmit copies of this resolution to all members of San Francisco's Congressional
delegation and California's senatorial delegation.
Resolution responding to the passage of Measure G by San Francisco voters on November 6, 2012, by urging members of San Francisco’s Congressional delegation to pass a constitutional amendment to limit campaign contributions and spending and end artificial corporate rights.

February 05, 2013 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Chu, Cohen, Farrell, Kim, Mar, Wiener and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 2/5/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date: February 15, 2013

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Angela Calvillo
Clerk of the Board