



## Legislation Text

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Resolution Calling on the United States Congress to Propose and Send to the States for Ratification a Constitutional Amendment to Overturn Citizens United V. Federal Elections Commission and Restore Constitutional Right and Fair Elections to the People

Whereas, The United States Supreme Court in *Austin v. Michigan Chamber of Commerce* (1990) recognized the threat to all levels of a republican form of government posed by the corrosive and distorting effects of immense aggregations of wealth accumulated with the help of the corporate form;

Whereas, The United States Supreme Court in *Citizens United v. The Federal Election Commission* (2010) reversed the decision in *Austin*, allowing unlimited corporate spending to influence elections, candidate selection, policy decisions and sway votes;

Whereas, Prior to *Citizens United* decision unlimited independent campaign expenditures could be made by individuals and associations, and such committees operated under federal contribution limits;

Whereas, Given that the *Citizens United* decision “rejected the argument that political speech of corporations or other associations should be treated differently” because the First Amendment “generally prohibits the suppression of political speech based on the speaker’s identity,” there is a need to broaden the corruption rationale for campaign finance reform to facilitate regulation of independent expenditures regardless of the source of the money for this spending, for or against a candidate;

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;

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; and

Whereas, Addressing both the *Citizens United* decision and corporate personhood is necessary; and

Whereas, Across the nation hundreds of communities and civic organizations, including the U.S. Conference of Mayors (June, 2012) have adopted resolutions calling for reversal by one means or another of the *Citizens United v. FEC* decision,

RESOLVED, That the Ann Arbor City Council call upon the United States Congress to pass appropriate corrective legislation, clarifying that the rights offered in the Constitution are the rights of natural persons and are not extended to corporations;

RESOLVED, That the Ann Arbor City Council also call upon the United States Congress to propose

and send to the states for ratification a Constitutional amendment to overturn the *Citizens United v. Federal Elections Commission* decision; and

RESOLVED, That the City Council direct the City Administrator to send this resolution as notification to the appropriate parties upon approval.

Submitted by: Councilmember Teall

Sponsors: Councilmembers Teall, Briere and Smith