



Legislation Details (With Text)

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On agenda: **Final action:** 11/5/2013
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Title: Substitute resolution relating to amending the U.S. Constitution to permit the U.S. Congress and state and local legislatures to limit corporate influence and expenditures in public elections, and urging the Wisconsin Legislature and Milwaukee County Board of Supervisors to submit the question to voters.

Sponsors: ALD. ZIELINSKI, ALD. KOVAC, ALD. PEREZ, ALD. HAMILTON

Indexes: ELECTIONS, FEDERAL LEGISLATION, REFERENDUM

Attachments: 1. Hearing Notice List, 2. Motion to Amend Citizens United Resolution.pdf, 3. Statement from Ms. Mary Laan

Date	Ver.	Action By	Action	Result	Tally
7/23/2013	0	COMMON COUNCIL	ASSIGNED TO		
10/1/2013	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/1/2013	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/7/2013	0	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	5:0
10/15/2013	0	COMMON COUNCIL	ASSIGNED TO	Pass	15:0
10/22/2013	0	JUDICIARY & LEGISLATION COMMITTEE	HEARING NOTICES SENT		
10/23/2013	1	CITY CLERK	DRAFT SUBMITTED		
10/28/2013	2	JUDICIARY & LEGISLATION COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
10/28/2013	1	JUDICIARY & LEGISLATION COMMITTEE	SUBSTITUTED	Pass	5:0
10/29/2013	2	CITY CLERK	DRAFT SUBMITTED		
11/5/2013	2	COMMON COUNCIL	ADOPTED	Pass	15:0
11/12/2013	2	MAYOR	SIGNED		

130472
SUBSTITUTE 2

ALD. ZIELINSKI, KOVAC, PEREZ AND HAMILTON

Substitute resolution relating to amending the U.S. Constitution to permit the U.S. Congress and state and local legislatures to limit corporate influence and expenditures in public elections, and urging the Wisconsin Legislature and Milwaukee County Board of Supervisors to submit the question to voters.

This resolution calls upon the United States Congress to propose, and the Wisconsin Legislature to ratify, a constitutional amendment declaring that only human beings, and not corporations, are

endowed with constitutional rights, and that limiting political contributions and spending is not equivalent to restricting political speech.

The proposed constitutional amendment would reverse the decision of *Citizens United v. Federal Election Commission (Citizens United)*, in which the U.S. Supreme Court ruled that corporations are "persons" for the purpose of political speech, thus allowing corporations to make unlimited and anonymous expenditures in political campaigns.

This resolution also calls upon the Wisconsin Legislature to adopt 2013 Assembly Joint Resolution 50 (AJR 50). AJR 50 would submit the question of a constitutional amendment reversing *Citizens United* to the voters on a statewide ballot at the general elections to be held November 14, 2014.

In the absence of action to submit the question to the voters on the statewide ballot, this resolution urges the Milwaukee County Board of Supervisors to submit the question to the voters on the countywide ballot.

Finally, in the absence of placement of the question on the statewide ballot or the countywide ballot, this resolution directs the Legislative Reference Bureau to prepare a timely resolution for consideration by the Common Council that would submit the question to the voters on a City-wide ballot at the November 14, 2013, general elections.

Whereas, In the case of *Citizens United v. F.E.C.*, the U.S. Supreme Court ruled that corporations are "persons" for the purpose of political speech, thus allowing corporations to make unlimited and anonymous expenditures in political campaigns: and

Whereas, Corporations can and do make important contributions to the nation using powerful advantages granted them by government including certain liability protections, perpetual existence and various tax advantages and other fiscal benefits; and

Whereas, The Federal Election Commission reports that more than \$7 billion was spent on the 2012 federal elections; and

Whereas, The expenditure of unlimited and anonymous amounts of money by corporations presents a high risk that electoral processes and outcomes will be distorted and diminishes the ability of individual voters to participate fairly and equally in the political and electoral process; and

Whereas, Public disclosure of permissible contributions and expenditures in the electoral process is essential to the full, fair and transparent conduct of elections in a democracy; and

Whereas, 2013 Wisconsin Assembly Joint Resolution 50 has been introduced and referred to the Assembly Committee on Government Operations and State Licensing and directs that an advisory referendum be submitted to the voters in the statewide general elections in November, 2014, proposing the following question:

"The U.S. Supreme Court's decisions in *Citizens United* and related cases allow unlimited spending to influence local, state, and federal elections. To allow all Americans to have an equal say in our democracy, shall Wisconsin's congressional delegation support, and the Wisconsin legislature ratify, an amendment to the U.S. Constitution stating:

1. Only human beings--not corporations, unions, nonprofit organizations, or similar associations--are endowed with constitutional rights, and

2. Money is not speech, and therefore limiting political contributions and spending is not equivalent to restricting political speech?"

; and

Whereas, The Milwaukee County Board of Supervisors adopted Resolution File Number 12-544, on July 26, 2012, by a vote of 14 to 4, seeking to submit a similar question to the voters of the County, which Resolution was vetoed by the County Executive on August 26, 2012, without sufficient time for further action prior to the general election in November of 2012; and

Whereas, The Milwaukee County Board of Supervisors may consider new legislation submitting the question of reversing *Citizens United* to the voters countywide; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the U.S. Congress is urged to propose an amendment to the U.S. Constitution, for ratification by the states, reversing the decision of the U. S. Supreme Court in the case of *Citizens United v. Federal Election Commission* and establishing principles in the U.S. Constitution that only human beings--not corporations, unions, nonprofit organizations, or similar associations--are endowed with constitutional rights, that limiting political contributions and spending is not equivalent to restricting political speech and that permissible contributions and expenditures shall be publically disclosed; and, be it

Further Resolved, That the Wisconsin Legislature is urged to adopt 2013 Assembly Joint Resolution 50 (AJR 50); and, be it

Further Resolved, That in the absence of state legislative action on AJR 50 or similar legislation, the Milwaukee County Board of Supervisors is urged to adopt a resolution substantially similar to the legislation in File Number 12-544, previously adopted; and, be it

Further Resolved, That, in the absence of submission to the voters of an advisory referendum in the general elections in November, 2014, addressing a constitutional amendment to reverse *Citizens United* on the statewide or countywide ballot, the Legislative Reference Bureau is directed to prepare a draft resolution for timely consideration by the Common Council, for the purpose of submitting an advisory referendum to the voters of the City in a form substantially similar to the question proposed in AJR 50; and, be it

Further Resolved, That the Intergovernmental Relations Division-Department of Administration is directed to include the constitutional reversal of *Citizens United* in its legislative package and to urge the adoption of AJR 50 or similar legislation and the adoption of legislation by the Milwaukee County Board of Supervisors substantially similar to File number 12-544, and to provide copies of this resolution to members of the Wisconsin Congressional delegation, members of the Wisconsin State Legislature representing residents of the City, and the members of the Milwaukee county Board of Supervisors; and, be it

Further Resolved, That File Number 121428 is amended by inserting the following item in the document attached to the file and identified as "2013-14 Federal Legislative Priorities-Amended <<https://milwaukee.legistar.com/View.ashx?M=F&ID=2344297&GUID=BED637D5-100D-40F6-94FD-6196641CF4A8>>" following the caption, "Other":

- “Support a constitutional amendment to reverse “Citizens United” such as House Joint Resolution 29”

; and, be it

Further Resolved, That File Number 121009 is amended by inserting the following new item in the document attached to the file and identified as "2013-2014 State Legislative Package Proposals":

Common Council	Elections and Citizen Participation	Adopt Assembly Joint Resolution 50
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..Requester

LRB148344-2.2
Richard L. Withers
10/28/2013