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BOARD OF SUPERVISORS
COUNTY OF VENTURA
GOVERNMENT CENTER, HALL OF ADMINISTRATION
800 SOUTH VICTORIA AVENUE, VENTURA, CALIFORNIA 93009

June 12, 2012

Board of Supervisors
800 S. Victoria Avenue
Ventura, CA 93009

SUBJECT: Adoption of a Resolution Calling for a Constitutional Amendment and Federal Legislation to End "Corporate Personhood"

RECOMMENDATION:

Adopt the attached resolution calling for federal legislation and a Constitutional amendment to end "corporate personhood" and direct staff to transmit the resolution to our State and federal legislative delegations.

DISCUSSION:

The County of Ventura has had a County Campaign Finance Reform Ordinance since 2003. In the wake of the 2010 U.S. Supreme Court's *Citizens United* decision, our Board was forced to revise our County ordinance to eliminate restrictions on independent committee contributions. Currently, unlimited amounts of money can be donated, collected, and expended on County elections by independent groups or directly by corporations (when done independently of the candidate).

On the national level, the 2010 *Citizens United* decision, adopted with a 5-4 vote of the Supreme Court, overturned more than 100 years of legal precedent and federal campaign legislation by deeming that corporations enjoy the same rights of free speech as people and that corporate campaign spending is protected speech. This decision invalidated many federal, state, and local campaign finance reform laws, including the federal "McCain-Feingold" bipartisan campaign finance reform law. At the national level, this decision has now led to the emergence of "super PACs" that collect and expend extremely large sums of money contributed by a small number of corporations and individuals that would have previously been prohibited. Nothing now prevents similar "super PACs" from operating at the State or local level, or corporations from directly financing independent campaigns.

Because the current Supreme Court majority crafted a new interpretation of the U.S. Constitution to grant corporations the same rights as individuals (AKA "corporate personhood"), a Constitutional amendment could clearly establish that corporations do not have the same rights as persons, that money is not speech, and that campaign finance regulations are lawful under the U.S. Constitution. Constitutional amendments must be first adopted by a supermajority of both houses of Congress and then ratified by $\frac{3}{4}$ of the states. Some legal scholars have suggested that a parallel track of federal legislation is also advisable.

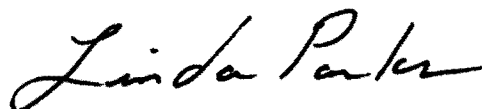
Local and State governments across the nation have adopted resolutions calling upon Congress to initiate a Constitutional amendment to end "corporate personhood" - to declare that corporations do not enjoy the same constitutional rights as persons, and to establish that money is not speech and that campaign expenditures can legitimately be regulated. Locally, the cities of Ojai and Thousand Oaks have adopted such "corporate personhood" resolutions, and the California Assembly has adopted such a bill.

Because free and fair elections are so fundamental to democracy at all levels of government, and because our Ventura County Campaign Finance Reform Ordinance was weakened by the *Citizens United* decision, we recommend that the Board adopt the attached resolution calling for a Constitutional amendment and federal legislation to end "corporate personhood" and enable appropriate campaign finance reform regulation.

Cordially,



Steve Bennett
Supervisor, First District



Linda Parks
Supervisor, Second District

Attachment- resolution

A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF VENTURA
CALLING UPON CONGRESS
TO ENACT LEGISLATION AND A CONSTITUTIONAL AMENDMENT
TO END "CORPORATE PERSONHOOD"
AND EXPRESSLY ENABLE CAMPAIGN FINANCE REGULATION

WHEREAS, the United States of America was created in the name of "We the People" and the Constitution and Bill of Rights were drafted in language that applies to persons, and

WHEREAS, corporations are legal entities that are allowed to form and operate by virtue of legislation and were not directly and expressly recognized by nor given rights in the drafting of the Constitution, and

WHEREAS, free and fair elections are fundamental to the functioning of a democracy at all levels of government, and

WHEREAS, large sums of money in the form of campaign contributions have a long-recognized ability to corrupt individuals and democratic institutions and therefore, limitations on contributions have long been upheld by the courts of the United States, and

WHEREAS, for over 100 years prior to the 2010 *Citizens United* 5-4 decision of the U.S. Supreme Court, political expenditures by corporations were regulated to protect democracy, and

WHEREAS, the *Citizens United* decision forced the elimination of important protections of the democratic process from federal, state, and local campaign finance regulations including the Ventura County Campaign Reform Ordinance by giving corporations the same constitutional rights as persons,


NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of the County of Ventura calls upon Congress to enact legislation and a Constitutional amendment to end "corporate personhood" by establishing that only human beings have constitutional rights, to hold that expenditure of money is not speech, and to expressly authorize the regulation of campaign contributions and expenditures.

Upon motion of Supervisor Parks, seconded by Supervisor Bennett, and duly carried, the foregoing resolution was approved on June 12th, 2012.

ATTEST:

MICHAEL POWERS,
Clerk of the Board of Supervisors,
County of Ventura,
State of California

By Dawnielle AIA


Chair, Board of Supervisors



Deputy Clerk of the Board