



Legislation Text

File #: 20930, **Version:** 1

Fiscal Note

The cost for legal notification is estimated at \$300, which is available within the Clerk's Office 2011 Operating Budget. Under a new cost sharing agreement with the Dane County Clerk, one third of spring election paper ballot costs will be paid by the City regardless of space consumed on the ballot, with the exception of very lengthy referenda questions. There is therefore no additional paper ballot cost anticipated for this referendum question. No additional appropriation is required.

Title

To place on the April 5, 2011 ballot a referendum on corporate personhood and money as speech.

Body

WHEREAS, the State of Wisconsin has a tradition of open government and non-partisan local elections, as well as campaign finance rules that have managed and mitigated the influence of money on those elections; and,

WHEREAS, the City of Madison has an interest in maintaining that tradition and the resident driven elections it allows; and,

WHEREAS, on January 10, 2010, in Citizens United v. Federal Election Commission, the Supreme Court overturned a century of precedent by ruling that corporate spending on elections cannot be limited under the First Amendment; and,

WHEREAS, South Central Wisconsin Move to Amend conducted a signature drive prior to the highly contested Fall 2010 elections to place a referendum question regarding this issue on the ballot and nearly succeeded by obtaining close to 15,000 signatures, almost 25 times the minimum 600 required to place the Mayor and 20 Alders on the ballot; and,

WHEREAS, granting constitutional rights to corporations is counter to the purpose of our democracy and has wide-ranging impacts upon our economy and society; and

WHEREAS, granting constitutional rights to corporations privileges large corporations over small ones, and creates a de facto aristocratic class; and

WHEREAS, the constitutional right to speak freely should not be determined by the available finances of the speakers or their power and status in society;

THEREFORE, BE IT RESOLVED, that the City of Madison Common Council places the following referendum question on the April 5, 2011 ballot:

“Shall the City of Madison adopt the following resolution:

RESOLVED, the City of Madison, Wisconsin, calls for reclaiming democracy from the corrupting effects of undue corporate influence by amending the United States Constitution to establish that:

1. Only human beings, not corporations, are entitled to constitutional rights, and
2. Money is not speech, and therefore regulating political contributions and spending is not equivalent to limiting political speech.”