

Supporting The Passage Of United States Senate And United States House Of Representatives Resolution Entitled “*Democracy Is For People Amendment*” Which Seeks To Prohibit Private Business Entities From Contributing To Public Election Campaigns

Referred to: The Laws and Rules, Governmental Services Committee (Chairman Roberts and Legislators Fabiano, Maio, Ronk, Donaldson, Loughran and Robert Parete)

Legislator David B. Donaldson and Legislators Donald Gregorius and Jeanette Provenzano offer the following:

WHEREAS, the rights protected by the Constitution of the United States are the rights of natural persons and do not extend to for-profit corporations, limited liability companies or other private entities established for business purposes under the laws of any state, the United States, or any foreign state; and

WHEREAS, the Supreme Court of the United States, in the matter entitled Citizens United v. Federal Elections Commission, 558 U.S.310 (U.S. 2010), held, in part, that limits on corporate election spending are unconstitutional; and

WHEREAS, the Supreme Court’s decision in Citizens United v. Federal Elections Commission, *supra*, undermines the very concept of campaign finance laws by asserting that corporations and wealthy individuals can spend unlimited money in elections held in the United States; and

WHEREAS, limitless spending in our elections threatens our democracy by undermining political equality and diminishing accountability of our leaders to voters; and

WHEREAS, the Ulster County Legislature believes that for-profit corporations, limited liability companies or other private entities established for business purposes, should not be permitted to make contributions and expenditures to influence the outcomes of public elections; and

WHEREAS, United States Senator Bernie Sander (I-VT) and United States Congressman Ted Deutch (FL-21) have jointly sponsored a resolution entitled “*Democracy is for People Amendment*” which seeks to amend the Constitution of the United States as follows:

“SECTION I: Whereas the right to vote in public elections belongs only to natural persons as citizens of the United States, so shall the ability to make contributions and expenditures to influence outcomes of public elections belong only to natural persons in accordance with this Article.

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SECTION II: Nothing in this Constitution shall be construed to restrict the power of Congress and the States to protect the integrity and fairness of the electoral process, limit the corrupting influence of private wealth in public elections, and guarantee the dependence of elected officials on the people alone by taking actions which may include the establishment of systems of public financing for elections, the imposition of requirements to ensure the disclosure of contributions and expenditures made to influence the outcome of a public election by candidates, individuals, and associations of individuals, and the imposition of content neutral limitations on all such contributions and expenditures.

SECTION III: Nothing in this Article shall be construed to alter the freedom of the press.

SECTION IV: Congress and the States shall have the power to enforce this Article through appropriate legislation.”; and

WHEREAS, the Ulster County Legislature supports the foregoing resolution which seeks to Amendment to the United States Constitution as set forth above; now, therefore, be it

RESOLVED, that the Ulster County Legislature hereby requests that the United States Congress and the United States Senate pass the resolution entitled “*Democracy is for People Amendment*” proposed by Senator Bernie Sanders (I-VT) and Congressman Ted Deutch (FL-21) which seeks to amend the United States Constitution to prohibit for-profit corporations, limited liability companies or other private entities established for business purposes, from making contributions and expenditures to influence the outcomes of public elections; and, be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to President Barack Obama, Vice-President Joe Biden, Senator Kirsten Gillibrand, Senator Charles Schumer, Congressman Chris Gibson, and moves its adoption.

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DEFEATED BY THE FOLLOWING VOTE:

AYES: 11 NOES: 11
(Ayes: Legislators Aiello, Bartels, Briggs, Donaldson, Loughran, John Parete, Richard Parete, Robert Parete, Provenzano, Rodriguez and Wishnick)
(Absent: Legislator Gregorius)

Defeated in Committee: Laws and Rules, Governmental Services on May 13, 2013.

FINANCIAL IMPACT:
NONE

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

This is to certify that I, the undersigned Clerk of the Legislature of the County of Ulster have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was DEFEATED by said Legislature on the 14th Day of May, 2013, and that the same is a true and correct transcript of said resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 15th Day of May in the year Two Thousand and Thirteen.

/s/ Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature