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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2019-__

INTRODUCED BY:

Mayor Alan M. Webber

A RESOLUTION

URGING CONGRESS TO CLARIFY THAT THE RIGHTS PROTECTED UNDER THE UNITED STATES CONSTITUTION ARE THE RIGHTS OF HUMAN BEINGS AND NOT THE RIGHTS OF ARTIFICIAL ENTITIES AND THAT GOVERNMENTS MAY AND SHALL REGULATE CAMPAIGN CONTRIBUTIONS AND EXPENDITURES TO PROTECT THE PEOPLE FROM CORRUPTION AND UNDUE OR DISPROPORTIONATE INFLUENCE IN ELECTIONS AND GOVERNMENT; ASKING THAT CONGRESS PROPOSE A CONSTITUTIONAL AMENDMENT TO PROVIDE SUCH CLARIFICATION.

WHEREAS, neither the Constitution of the United States nor any of its several amendments make any reference to corporations or other artificial, government-created entities, and the rights set forth therein were originally conceived as inalienable rights belonging inherently to human beings only; and

WHEREAS, the Supreme Court of the United States in a number of cases has held that the right of free speech recognized in the Constitution also belongs to corporations and other

1 artificial entities; and

2 **WHEREAS**, the Supreme Court of the United States has also held that certain types of
3 regulation of campaign finance impermissibly abridge the right of free speech of human beings,
4 corporations, and artificial entities, thereby limiting the right of the People to regulate them
5 through federal, state, or local law; and

6 **WHEREAS**, such Supreme Court decisions and lower court decisions predicated upon
7 them allow human beings, corporations, and other artificial entities to spend virtually unlimited
8 amounts of money in support of or against candidates and ballot measures, undercutting the rights
9 of citizens to prevent corruption and enjoy equal and meaningful participation in the democratic
10 process; and

11 **WHEREAS**, this situation undermines public confidence in the democratic process and
12 democratic institutions of our nation; and

13 **WHEREAS**, under Article V of the Constitution of the United States, the Congress,
14 whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to said
15 Constitution.

16 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
17 **CITY OF SANTA FE** that the Governing Body hereby requests that Congress propose an
18 amendment to the Constitution of the United States that confirms that:

19 1. The rights protected by the Constitution of the United States are rights belonging
20 to human beings only;

21 2. Any entity, including any organization or association of one or more persons,
22 established or allowed by the laws of any state, the United States, or any foreign state shall have
23 no rights under said Constitution separate from the rights of its individual human members and is
24 subject to regulation by the people, through federal, state, or local law;

25 3. Federal, state, and local governments shall regulate, limit, or prohibit

1 contributions and expenditures, including a candidate's own contributions and expenditures, to
2 ensure that all citizens have access to the political process and that no person or entity gains, as a
3 result of his or her access to or ownership of money, substantially more access or ability to
4 influence in any way the election of any candidate for public office or any ballot measure;

5 4. Federal, state, and local governments shall require that such contributions and
6 expenditures be publicly disclosed; and

7 5. Such regulations and disclosure requirements enacted and performed in
8 accordance with the intents and purposes of such an amendment shall not be construed as
9 violative of said Constitution.

10 **BE IT FURTHER RESOLVED** that copies of this Resolution shall be transmitted to
11 New Mexico's Congressional Delegation as well as the City's representatives to the New Mexico
12 Legislature.

13 PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

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17 ATTEST:

ALAN M. WEBBER, MAYOR

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19 _____
20 YOLANDA Y. VIGIL, CITY CLERK

21 APPROVED AS TO FORM:

22
23 _____
24 ERIN K. McSHERRY, CITY ATTORNEY

25 *Legislation/2019/Resolutions/Federal Regulation of Campaign Contributions*