

PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: December 18, 2012

Consent  Regular  
 Public Hearing

Department: Legislative Affairs

Submitted By: Legislative Affairs

Submitted For: Legislative Affairs

I. EXECUTIVE BRIEF

**Motion and Title:** Staff requests Board direction on a draft letter to Florida’s Congressional Delegation regarding the proposed legislation filed by Congressman Ted Deutch (D – Boca Raton) entitled the *Outlawing Corporate Cash Undermining the Public Interest in our Elections and Democracy Amendment* (OCCUPIED).

**Summary:** Staff requests the Board’s direction on a letter regarding a proposed federal constitutional amendment that would restore legislative authority to limit and require disclosure of all political spending by corporations, individuals, unions, nonprofits, and all other sources. This constitutional amendment, if approved, would overturn the Citizens United decision rendered by the United States Supreme Court. The Palm Beach County Board of County Commissioners is considering whether or not to submit a letter to our Congressional Delegation in support of such an amendment. Countywide (DW)

**Background and Policy Issues:** The November 2012 General Election cycle was the first election cycle to be completed since the Citizens United decision by the United States Supreme Court. Over \$1.1 billion was spent by outside groups across the nation in an effort to influence the outcome of local, state and federal elections. Roughly \$258 million of that \$1.1 billion came from untraceable sources.

**Attachments:**

- 1. Proposed Congressional Delegation Letter

Recommended by:   
Department Director

12/17/12  
Date

Approved By:   
County Administration

Date

**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact: N/A**

Fiscal Years	<u>20 13</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	<b>* -0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Budget Account No.: Fund \_\_\_\_\_ Department \_\_\_\_\_ Unit \_\_\_\_\_  
 Object \_\_\_\_\_ Reporting Category \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact: N/A**

**C. Departmental Fiscal Review:**

**III. REVIEW COMMENTS**

**A. OFMB Fiscal and/or Contract Dev. and Control Comments:**

*No fiscal impact.*




\_\_\_\_\_ OFMB *12/17/12* \_\_\_\_\_ Contract Dev. and Control *12/17/12*

**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

December 14, 2012

The Honorable Ted Deutch  
United States House of Representatives  
2500 North Military Trail, Suite 490  
Boca Raton, FL 33431

Re: Citizens United

Dear Congressman Deutch:

As you are keenly aware, in 2010 the United States Supreme Court rendered its decision in *Citizens United v. Federal Election Commission*, holding that independent spending on elections by corporations and other groups could not be limited by government regulations. In reaching this decision, the majority interpreted the First Amendment of the Constitution to afford corporations, unions, nonprofits and similar groups the same free speech protections as natural persons, allowing for unlimited spending on elections, candidate selection and policy decisions.

According to statistics released by your office, spending by outside groups in the 2012 election cycle topped \$1.1 billion. Approximately 23 percent of that funding was considered untraceable to any source.

Renowned Political Science Professor, Dr. Robert Watson from Lynn University, wrote best that “the idea that Super-PAC campaign ads and expenditures were what the Founders had in mind when they added the vitally important concept of freedom of speech to our Constitution is an outrage.”

The Palm Beach County Board of County Commissioners agrees with the dissenting opinion by Justice John Paul Stevens when he writes that these groups (corporations, unions, nonprofits) “are not themselves members of “We the People” by whom and for whom our Constitution was established.”

The Supreme Court’s decision severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity.

Therefore, the Board of County Commissioners supports the Outlawing Corporate Cash Undermining the Public Interest in our Elections and Democracy (OCCUPIED) Amendment that you recently introduced in the United States House of Representatives, an effort to amend the United States Constitution that would also restore legislative authority to limit and require disclosure of all political spending by corporations, individuals, unions, nonprofits, and other sources.

Thank you for the steps you are taking in the campaign finance reform arena. We believe it is beneficial for all levels of government, including the local level.

Sincerely,

Board of County Commissioners  
Palm Beach County

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**Bill Text**  
**112th Congress (2011-2012)**  
**H.J.RES.90.IH**

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**H.J.RES.90 -- Proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United... (Introduced in House - IH)**

HJ 90 IH

112th CONGRESS

1st Session

**H. J. RES. 90**

Proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures.

**IN THE HOUSE OF REPRESENTATIVES**

**November 18, 2011**

Mr. DEUTCH introduced the following joint resolution; which was referred to the Committee on the Judiciary

**JOINT RESOLUTION**

Proposing an amendment to the Constitution of the United States to expressly exclude for-profit corporations from the rights given to natural persons by the Constitution of the United States, prohibit corporate spending in all elections, and affirm the authority of

Congress and the States to regulate corporations and to regulate and set limits on all election contributions and expenditures.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission for ratification:*

**Article--**

Section 1. 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 or to promote business interests under the laws of any state, the United States, or any foreign state.

Section 2. Such corporate and other private entities established under law are subject to regulation by the people through the legislative process so long as such regulations are consistent with the powers of Congress and the States and do not limit the freedom of the press.

Section 3. Such corporate and other private entities shall be prohibited from making contributions or expenditures in any election of any candidate for public office or the vote upon any ballot measure submitted to the people.

Section 4. Congress and the States shall have the power to regulate and set limits on all election contributions and expenditures, including a candidate's own spending, and to authorize the establishment of political committees to receive, spend, and publicly disclose the sources of those contributions and expenditures.

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