



Office of the City Manager

ACTION CALENDAR

June 24, 2014

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Placing a Corporate Personhood Measure on the November 4, 2014 Ballot

RECOMMENDATION

1. Adopt a Resolution, placing on the November 4, 2014 election ballot, the question of whether the people of Berkeley support a Constitutional Amendment to abolish the legal concept that corporations can be considered persons for purposes of the First Amendment, and the doctrine that the expenditure of money may be treated as speech.
2. Designate, by motion, specific members of the Council to file ballot measure arguments on this measure as provided for in Elections Code Section 9282.

FISCAL IMPACTS OF RECOMMENDATION

The table below shows the year-by-year costs for elections since 2006. The costs for 2010 and 2012 do not include the costs associated with Ranked Choice Voting as those costs are candidate-specific and not impacted by the number of measures placed on the ballot.

The dramatic cost increase in 2012 is primarily due to the need for an additional ballot card for Berkeley voters as a result of the high number of measures placed on the ballot.

	Election				
	Nov. 2006	Nov. 2008	June 2010	Nov. 2010	Nov. 2012
Total Cost	\$272,581	\$224,576	\$191,732	\$164,816	\$367,884
No. of Measures	6	7	1	3	10
No. of Candidates	23	25	0	31	26

CURRENT SITUATION AND ITS EFFECTS

Language for a proposed ballot measure label for a Constitutional Amendment to eliminate corporate personhood was presented to the City Council at the June 10, 2014 City Council meeting. The City Council approved revised language and directed that the revised ballot question be brought back with the item on the June 24, 2014 agenda.

If adopted, the attached resolution will place a corporate personhood measure on the November 4, 2014 ballot.

Additionally, with respect to measures placed on the ballot by the legislative body, Elections Code Section 9282(b) provides that the legislative body, or any member or members of the legislative body authorized by that body may submit an argument for the measure.

BACKGROUND

On May 6, 2014 the City Council approved Item A on the revised agenda, to consider placing a measure on the November ballot calling for a constitutional amendment to end corporate personhood. On June 10, 2014 the City Council approved revised language and directed that the revised ballot question be brought back with the item on the June 24, 2014 agenda.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable environmental effects or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The City Clerk is presenting this action in accordance with the direction given by the City Council at the June 10, 2014 meeting.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1: Resolution

RESOLUTION NO. -N.S.

SUBMITTING TO THE BERKELEY ELECTORATE A MEASURE REGARDING A CONSTITUTIONAL AMENDMENT TO ELIMINATE CORPORATE PERSONHOOD FOR THE NOVEMBER 4, 2014 BALLOT

WHEREAS, the Berkeley City Council has elected to submit to the voters at the November 4, 2014 General Municipal Election, a measure regarding a constitutional amendment to eliminate corporate personhood; and

WHEREAS, in accordance with the provisions of Section 10002 and 10403 of the Elections Code of the State of California, the Alameda County Board of Supervisors is requested to consolidate the City of Berkeley General Municipal Election with the Statewide General Election to be held November 4, 2014; and

WHEREAS, the City of Berkeley hereby requests that the Alameda County Board of Supervisors permit the Registrar of Voters of Alameda County to perform services in connection with said election at the request of the City Clerk. These services to include all necessary services related to official ballot creation, sample ballot and voter information pamphlet preparation, vote-by-mail, polling places, poll workers, voter registration, voting machines, canvass operations, and any and all other services necessary for the conduct of the consolidated election; and

WHEREAS, the Council desires to submit this measure to be placed upon the ballot at said consolidated election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Board of Supervisors of Alameda County is hereby requested to include on the ballots and sample ballots the measure enumerated above to be voted on by the voters of the qualified electors of the City of Berkeley.

BE IT FURTHER RESOLVED that the full text of the measure is contained entirely in the ballot question and shall be printed in the Voter Information Pamphlet mailed to all voters in the City of Berkeley.

BE IT FURTHER RESOLVED that the above enumerated measure requires a majority vote threshold for passage.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause the posting, publication and printing of notices, pursuant to the requirements of the Charter of the City of Berkeley, the Government Code and the Elections Code of the State of California.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to obtain printing, supplies and services as required.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to enter into any contracts necessary for election consulting services, temporary employment services, printing services, and any such other supplies and services as may be required by the statutes of the State of California and the Charter of the City of Berkeley for the conduct of the November General Municipal Election.

BE IT FURTHER RESOLVED that Pursuant to Elections Code Section 9285 (b), the City Council hereby adopts the provisions of Elections Code Section 9285 (a) providing for the filing of rebuttal arguments for city ballot measures.

BE IT FURTHER RESOLVED that said proposed measure shall appear and be printed upon the ballots to be used at said election as follows:

CITYOF BERKELEY ADVISORY MEASURE	
Should the United States Constitution be amended to abolish the legal concept that corporations are persons that are entitled to constitutional rights, and the doctrine that the expenditure of money may be treated as speech?	YES
	NO