SALT LAKE CITY
LOCAL OPINION QUESTION
NUMBER ONE

06133626

VOTER INFORMATION PAMPHLET

***The arguments FOR or AGAINST the Proposed Opinion Question are the opinions of the authors.**

I, CINDI L. MANSELL, SALT LAKE CITY RECORDER, DO HEREBY CERTIFY a complete copy of the Voter Information Pamphlet has been made available for public review since August 20, 2013 in the Office of the Salt Lake City Recorder, 451 South State Street, Suite #415, Salt Lake City, Utah 84114. Office hours are Monday thru Friday, 8:00 a.m. to 5:00 p.m. This pamphlet also has been available for public review on the Salt Lake City Website and the Utah Public Notice Website created per Utah Code Annotated §63F-1-701.

INTRODUCTION OF VOTER INFORMATION PACKET

Last year, Move to Amend Salt Lake gathered sufficient voter signatures on an initiative petition declaring that "Only human beings, not corporations, are endowed with constitutional rights," and "Money is not speech and therefore regulating political contributions and spending is not equivalent to limiting political speech." Salt Lake City rejected the initiative because, if passed, it would not result in a law.

Subsequently, the Salt Lake City Council authorized a process by which citizens, on their own initiative, could place an opinion question on the ballot. Ordinance No. 76 of 2012 was adopted on October 12, 2012 enacting new Chapter 2.69 of the Salt Lake City Code. This ordinance authorizes *Opinion Questions* to be submitted to the voters of Salt Lake City and establishes related procedures. Move to Amend Salt Lake has formally requested that this Opinion Question be submitted to the voters.

The purpose of this pamphlet is to briefly present arguments supporting and opposing the Opinion Question. The supporting argument was provided by Move to Amend Salt Lake and the opposing argument was provided by Thomas Huckin.

On April 23, 2013, the Salt Lake City Council approved a resolution specifying that the Opinion Question be submitted to the voters using a Vote-by-Mail citywide polling process. This packet has been mailed to every person who registered to vote in Salt Lake City on or before August 31, 2013.

This pamphlet is provided to assist you in your decision on how to vote. A ballot is enclosed. Mark either FOR or AGAINST. Place the ballot in the pre-addressed return envelope. Place a postage stamp on the envelope and send. The envelope must be postmarked on or before September 26, 2013 to be considered valid. You may also hand deliver the envelope to the Office of the City Recorder, Salt Lake City & County Bldg, 451 S. State Street, Room 415 or to the drop box placed at the security guard station on the 2nd floor where you can deposit your envelope by close of business at 5:00 p.m. on or before September 26, 2013.

The pamphlet is not meant to persuade you to vote FOR or AGAINST the Opinion Question. Salt Lake City Corporation expresses no opinion on this issue.

ARGUMENT "FOR"
OPINION QUESTION NUMBER ONE

Submitted by Move to Amend Salt Lake

Our system of representative democracy is broken. Congress almost never convenes to debate anything together. Congressional committee meeting rooms sit idle. But Congresspeople are nevertheless, perpetually busy: they are busy raising funds, as the cost for campaigns has spiraled out of control (30%-70% of their time is spent fundraising). They need you, the voter, for one day out of the year. They need the deep pockets of funders for the other 364. Is there really any question of who they actually serve?

The situation is only getting worse. The Supreme Court's 2010 *Citizens United* decision, which allowed unlimited spending by so-called "independent" Super PACs, unleashed a tsunami of cash to the order of six *billion* dollars in the 2012 election cycle. The high price of the election signals the staggering degree of obligation – and dependence – that elected officials will increasingly bear towards their donors.

Worse still, is the shameless theft of popular government by the artificial entities known as corporations. Despite the obvious – corporations are run by real people and play an important role in the economy – corporations themselves exist only on paper as instruments of wealth accumulation. They have no national allegiance, nor morals, and they can wield enormous resources to convert their economic power into political favors – tax loopholes, subsidies, government contracts, and other preferential treatments.

However, the Court claims that spending money is equivalent to the exercise of speech, and that artificial persons are entitled to the same constitutional protections of "natural persons" like you and I. This interpretation dates back to the 1886 case of *Santa Clara County v. Southern Pacific Railroad*, even though the Court never directly considered the subject of corporate personhood at that time. Instead, the Supreme Court's court reporter, a former railroad company president, stated in the official case summary, "The defendant Corporations are persons within the intent... of the Fourteenth Amendment to the constitution of the United States, which forbids a state to deny any person within its jurisdiction the equal protection of the laws."

Just like that, the 14th Amendment – established to provide full citizenship to former slaves – was radically altered to protect the profits of powerful enterprises. Since that time, corporations have used the courts to claim protections of the 1st, 4th, and 5th Amendments, using their "rights" to eclipse the sovereignty of the People and shape the national agenda.

Citizens United reaffirmed corporations' freedom of speech. In his concurring opinion, Justice Scalia stated audaciously, "We should celebrate rather than condemn the addition of this speech to the public debate."

Justice Scalia, we are celebrating: Since 2010, thirteen states and over 500 communities, have adopted resolutions, ordinances and initiatives saying "Corporations are not people and money is not speech." Move to Amend is using direct democracy to move from the local to the federal level, where we will use our movement to win the 28th Amendment.

Vote FOR Local Opinion Question Number One.

ARGUMENT "AGAINST"
OPINION QUESTION NUMBER ONE

Submitted by Thomas Huckin

Although corporations are artificial entities, not natural persons, they are, by definition, "*legal* persons." The United States Constitution uses the word "person" 51 times, yet nowhere does it stipulate that the term refers only to *natural* persons. Since the Constitution does not distinguish between these two kinds of "person," all of the rights accorded to natural persons in the Constitution should be extended to artificial persons, i.e. corporations, as well.

The giving of money to a political candidate is meant to influence that candidate and enable him/her to influence potential voters. Viewed from this angle, money can be seen as a form of "speech." Since the First Amendment specifically prohibits any law abridging freedom of speech, such monetary "speech" should not be abridged. Even the wealthiest individual, corporation, or union should be able to give unlimited amounts of money to whatever candidate they like, and do so anonymously if they so choose.

In 2010 the US Supreme Court voted 5-4 to enable this kind of unlimited, anonymous campaign spending. That decision, known as the "Citizens United" case, now stands as the law of the land. Although it has admittedly resulted in an unprecedented flood of corporate money in our election campaigns, we residents of Salt Lake City should respect the Court's judgment.

Vote AGAINST Local Opinion Question Number One.