

AMENDED IN ASSEMBLY JUNE 26, 2014

AMENDED IN SENATE MAY 27, 2014

AMENDED IN SENATE APRIL 30, 2014

AMENDED IN SENATE APRIL 8, 2014

AMENDED IN SENATE MARCH 28, 2014

**SENATE BILL**

**No. 1272**

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**Introduced by Senator Lieu**

**(Principal coauthor: Senator Jackson)**

**(Coauthors: Senators DeSaulnier, Hancock, Leno, Padilla, and  
Torres)**

(Coauthors: Assembly Members *Bocanegra, Buchanan, Dababneh,*  
*Muratsuchi, V. Manuel Pérez, Skinner, Wieckowski, and Williams*)

February 21, 2014

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An act to submit an advisory question to the voters relating to campaign finance, calling an election, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1272, as amended, Lieu. Campaign finance: advisory election.

This bill would call a special election to be consolidated with the November 4, 2014, statewide general election. The bill would require the Secretary of State to submit to the voters at the November 4, 2014, consolidated election an advisory question asking whether the Congress of the United States should propose, and the California Legislature should ratify, an amendment or amendments to the United States Constitution to overturn *Citizens United v. Federal Election Commission* (2010) 558 U.S. 310, and other applicable judicial precedents, as

specified. The bill would require the Secretary of State to communicate the results of this election to the Congress of the United States.

This bill would declare that it is to take effect immediately as an act calling an election.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. This act shall be known and may be cited as the  
2 Overturn Citizens United Act.

3 SEC. 2. The Legislature finds and declares all of the following:

4 (a) The United States Constitution and the Bill of Rights are  
5 intended to protect the rights of individual human beings.

6 (b) Corporations are not mentioned in the United States  
7 Constitution and the people have never granted constitutional rights  
8 to corporations, nor have we decreed that corporations have  
9 authority that exceeds the authority of “We the People.”

10 (c) In Connecticut General Life Insurance Company v. Johnson  
11 (1938) 303 U.S. 77, United States Supreme Court Justice Hugo  
12 Black stated in his dissent, “I do not believe the word ‘person’ in  
13 the Fourteenth Amendment includes corporations.”

14 (d) In Austin v. Michigan Chamber of Commerce (1990) 494  
15 U.S. 652, the United States Supreme Court recognized the threat  
16 to a republican form of government posed by “the corrosive and  
17 distorting effects of immense aggregations of wealth that are  
18 accumulated with the help of the corporate form and that have  
19 little or no correlation to the public’s support for the corporation’s  
20 political ideas.”

21 (e) In Citizens United v. Federal Election Commission (2010)  
22 558 U.S. 310, the United States Supreme Court struck down limits  
23 on electioneering communications that were upheld in McConnell  
24 v. Federal Election Commission (2003) 540 U.S. 93 and Austin  
25 v. Michigan Chamber of Commerce. This decision presents a  
26 serious threat to self-government by rolling back previous bans  
27 on corporate spending in the electoral process and allows unlimited  
28 corporate spending to influence elections, candidate selection,  
29 policy decisions, and public debate.

30 (f) In Citizens United v. Federal Election Commission, Justices  
31 John Paul Stevens, Ruth Bader Ginsburg, Stephen Breyer, and

1 Sonia Sotomayor noted in their dissent that corporations have  
2 special advantages not enjoyed by natural persons, such as limited  
3 liability, perpetual life, and favorable treatment of the accumulation  
4 and distribution of assets, that allow them to spend huge sums on  
5 campaign messages that have little or no correlation with the beliefs  
6 held by natural persons.

7 (g) Corporations have used the artificial rights bestowed on  
8 them by the courts to overturn democratically enacted laws that  
9 municipal, state, and federal governments passed to curb corporate  
10 abuses, thereby impairing local governments' ability to protect  
11 their citizens against corporate harms to the environment,  
12 consumers, workers, independent businesses, and local and regional  
13 economies.

14 (h) In *Buckley v. Valeo* (1976) 424 U.S. 1, the United States  
15 Supreme Court held that the appearance of corruption justified  
16 some contribution limitations, but it wrongly rejected other  
17 fundamental interests that the citizens of California find  
18 compelling, such as creating a level playing field and ensuring that  
19 all citizens, regardless of wealth, have an opportunity to have their  
20 political views heard.

21 (i) In *First National Bank of Boston v. Bellotti* (1978) 435 U.S.  
22 765 and *Citizens Against Rent Control/Coalition for Fair Housing*  
23 *v. Berkeley* (1981) 454 U.S. 290, the United States Supreme Court  
24 rejected limits on contributions to ballot measure campaigns  
25 because it concluded that these contributions posed no threat of  
26 candidate corruption.

27 (j) In *Nixon v. Shrink Missouri Government PAC* (2000) 528  
28 U.S. 377, United States Supreme Court Justice John Paul Stevens  
29 observed in his concurrence that “money is property; it is not  
30 speech.”

31 (k) A February 2010 Washington Post-ABC News poll found  
32 that 80 percent of Americans oppose the ruling in *Citizens United*.

33 (l) Article V of the United States Constitution empowers and  
34 obligates the people of the United States of America to use the  
35 constitutional amendment process to correct those egregiously  
36 wrong decisions of the United States Supreme Court that go to the  
37 heart of our democracy and the republican form of self-government.

38 (m) The people of California and of the United States have  
39 previously used ballot measures as a way of instructing their elected  
40 representatives about the express actions they want to see them

1 take on their behalf, including provisions to amend the United  
2 States Constitution.

3 SEC. 3. A special election is hereby called to be held  
4 throughout the state on November 4, 2014. The special election  
5 shall be consolidated with the statewide general election to be held  
6 on that date. The consolidated election shall be held and conducted  
7 in all respects as if there were only one election and only one form  
8 of ballot shall be used.

9 SEC. 4. (a) Notwithstanding Section 9040 of the Elections  
10 Code, the Secretary of State shall submit the following advisory  
11 question to the voters at the November 4, 2014, consolidated  
12 election:

13  
14 “Shall the Congress of the United States propose, and the  
15 California Legislature ratify, an amendment or amendments to the  
16 United States Constitution to overturn *Citizens United v. Federal*  
17 *Election Commission* (2010) 558 U.S. 310, and other applicable  
18 judicial precedents, to allow the full regulation or limitation of  
19 campaign contributions and spending, to ensure that all citizens,  
20 regardless of wealth, may express their views to one another, and  
21 to make clear that the rights protected by the United States  
22 Constitution are the rights of natural persons only?”

23  
24 (b) Upon certification of the election, the Secretary of State  
25 shall communicate to the Congress of the United States the results  
26 of the election asking the question set forth in subdivision (a).

27 (c) The provisions of the Elections Code that apply to the  
28 preparation of ballot measures and ballot materials at a statewide  
29 election apply to the measure submitted pursuant to this section.

30 SEC. 5. (a) *Notwithstanding the requirements of Sections 9040,*  
31 *9043, 9044, 9061, 9082, and 9094 of the Elections Code or any*  
32 *other law, the Secretary of State shall submit Section 4 of this act*  
33 *to the voters at the November 4, 2014, statewide general election.*

34 (b) *Notwithstanding Section 13115 of the Elections Code,*  
35 *Section 4 of this act and any other measure placed on the ballot*  
36 *by the Legislature for the November 4, 2014, statewide general*  
37 *election after the 131-day deadline set forth in Section 9040 of the*  
38 *Elections Code shall be placed on the ballot, following all other*  
39 *ballot measures, in the order in which they qualified as determined*  
40 *by chapter number.*

1     (c) *The Secretary of State shall include, in the ballot pamphlets*  
2 *mailed pursuant to Section 9094 of the Elections Code, the*  
3 *information specified in Section 9084 of the Elections Code*  
4 *regarding the ballot measure contained in Section 4 of this act.*

5     ~~SEC. 5.~~

6     SEC. 6. This act calls an election within the meaning of Article  
7 IV of the Constitution and shall go into immediate effect.

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