

POLITICAL CONTRIBUTIONS

Measure T – passed by the voters on June 6, 2006

HUMBOLDT COUNTY ORDINANCE TO PROTECT OUR RIGHT TO FAIR ELECTIONS & LOCAL DEMOCRACY

THE PEOPLE OF HUMBOLDT COUNTY ORDAIN AS FOLLOWS:

TO PROTECT OUR RIGHT TO FAIR ELECTIONS AND LOCAL DEMOCRACY WE
PROHIBIT NON-LOCAL CORPORATE CONTRIBUTIONS TO ELECTIONS

Section 1. Name.

The name of this Ordinance shall be the "Humboldt County Ordinance to Protect Our Right to Fair Elections & Local Democracy."

Section 2. Authority.

This Ordinance is adopted and enacted pursuant to the authority guaranteed to the people of Humboldt County by all relevant state and federal Constitutions and laws, including, but not limited to, the following:

(a) The California Constitution, Article I, Section 1, which states: "All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy."

(b) The California Constitution, Article II, Section 1, which states: "All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require."

(c) The people's historical memory of Article XII, Section 8, found in the California Constitution for almost a century, from 1879 to 1972, which stated: "...the exercise of the police power of the State shall never be so abridged or construed as to permit corporations to conduct their business in such a manner as to infringe the rights of individuals or the general well-being of the state."

(d) The United States Constitution, and the 9th Amendment to the United States Constitution, which recognize and secure the fundamental and inalienable right of people to govern themselves.

Section 3. Findings and General Purpose.

1) In a Democratic Republic all legitimate political power is held by the people, and government exercises just power only with the consent of the governed. The people

create their government for their protection and benefit, and retain their right to alter their government whenever they deem the public good requires it.

2) Only natural persons possess civil and political rights. Corporations are creations of state law and possess no legitimate civil or political rights.

3) Courts have illegitimately defined corporations as "persons," allegedly vesting corporations with constitutional protections and rights. The unconstitutional doctrines of "corporate personhood" and "corporate constitutional rights" illegitimately deny the people of Humboldt County the ability to exercise our fundamental political rights.

4) Corporate contributions in electoral politics interfere with the right of the people to create and maintain the institutions needed for democratic self-governance.

5) The people of Humboldt County make the affirmative legislative finding that corporate contributions in elections are imminently undermining our democratic processes, and are denigrating rather than protecting First Amendment interests.

6) The people of Humboldt County make the affirmative legislative finding that corporate contributions in elections pose a genuine threat to the confidence of the citizenry of Humboldt County in our government.

7) The people of Humboldt County make the affirmative legislative finding that non-local corporate contributions are undermining our democratic processes, creating the appearance of impropriety and corruption, and are causing the people of Humboldt County to lose confidence in the integrity of our elections and in our government.

8) Corporations whose owners and employees reside in our local community are more accountable to the people who live here. People who do not live in Humboldt County should not be allowed to use their positions of corporate control and ownership to influence or undermine local elections through their corporate financial resources. This outside influence is unfair and undemocratic, and it is causing the people of Humboldt County to lose confidence in the integrity of our elections and in our government.

Section 4. Specific Purpose.

The specific purpose of this Ordinance is to prohibit non-local corporations from making direct or indirect contributions and independent expenditures in all elections within the jurisdiction of Humboldt County, including candidate campaigns, initiatives, referendums and recalls.

Section 5. Prohibitions.

Non-local corporations shall be prohibited from paying or contributing, directly or indirectly, any money, property, compensated service of its officers or employees, independent expenditures, or any other thing of value for the purpose of:

- a) Promoting or defeating the candidacy of any person for nomination, appointment or election to any political office within the jurisdiction of Humboldt County; or
- b) Promoting or defeating any initiative, referendum or recall election within the jurisdiction of Humboldt County, California.

Section 6. Statement of Law.

The Prohibitions in Section Five shall not apply to any election in which the jurisdiction includes counties other than Humboldt County, California.

Statement 7. Statement of Law.

The Prohibitions in Section Five shall apply to all municipalities, districts and special districts in which the jurisdictions are located wholly within the geographical boundaries of Humboldt County, California.

Section 8. Statement of Law.

No corporation shall be entitled to claim corporate constitutional rights or protections in an effort to overturn this law.

Section 9. Statement of Law.

Nothing in this Ordinance prevents individual corporate employees, trustees, directors, or shareholders from voluntarily and without coercion by the corporation contributing their own personal money or uncompensated services in elections to the extent allowed under state and federal campaign finance laws.

Section 10. Exemptions.

- 1) Local corporations shall be specifically exempted from the prohibitions in Section Five of this Ordinance.
- 2) Local labor organizations shall be specifically exempted from the prohibitions in Section Five of this Ordinance.
- 3) Local nonprofit organizations shall be specifically exempted from the prohibitions in Section Five of this Ordinance.

Section 11. Definitions.

Unless otherwise expressly stated, the following words and phrases in this Ordinance shall have the following meaning:

CORPORATION: An organization incorporated under the laws of the State of California or holding a Certificate of Authority to do Business within the State of California; or an organization incorporated under the laws of any state in the United States; also includes limited liability partnerships and limited liability companies; also includes organizations operating as nonprofits as defined by the Internal Revenue Service Code and Regulations, with the exception of political parties.

LOCAL CORPORATION: A corporation in which all employees reside in Humboldt County, and has its primary place of business in Humboldt County, and has its corporate headquarters located in Humboldt County, and all shares of stock (if any) are owned by individuals residing in Humboldt County, and no portion of the corporation is owned by another corporation.

LOCAL LABOR ORGANIZATION: A labor organization as defined by the National Labor Relations Act in which at least one member resides in Humboldt County. Also includes labor unions and trade unions with at least one member who resides in Humboldt County.

LOCAL NONPROFIT ORGANIZATION: An organization classified as a nonprofit organization under Internal Revenue Service Code and Regulations in which all members of the board of directors reside in Humboldt County.

NON-LOCAL CORPORATION: Any corporation or organization that does not meet the above definition of "Local Corporation" or "Local Labor Organization" or "Local Nonprofit Organization."

PERSON or PEOPLE: Human beings.

Section 12. Enforcement.

Any non-local corporation found to have contributed directly or indirectly any money, property, compensated service of its officers or employees, independent expenditures, or any other thing of value to political campaigns, initiatives, referendums shall pay to the County of Humboldt ten (10) times the amount the corporation inappropriately contributed.

If any non-local corporation is found to have contributed (directly or indirectly) more than \$25,000 to any political campaigns, initiatives or referendums in violation of this Ordinance, the Humboldt County District Attorney shall petition the California Attorney General to:

- a) Initiate a charter revocation proceeding against the corporation if the corporation is chartered in California, or
- b) Initiate a proceeding to revoke the corporation's Certificate of Authority to do Business in California if the corporation is not chartered in California.

Any violation of this Ordinance shall give rise to a mandatory duty on the part of the District Attorney to enforce this Ordinance. If the District Attorney fails to bring an action to enforce this Ordinance, any natural person residing in Humboldt shall have standing before the Court for enforcement as described in Section 13.

Section 13. Citizen Suits.

This Ordinance creates and vests in every citizen of Humboldt County the right to sue to compel compliance with this Ordinance. All actions shall be brought in the Superior Court of California, County of Humboldt.

Citizen-Plaintiffs shall notify the District Attorney in writing of their intent to sue, and the District Attorney shall have fourteen (14) days following receipt of the notice to initiate an action to enforce the provisions of this Ordinance. Action by the District Attorney following that notice shall supplant the ability to file a citizen suit, but if the District Attorney does not diligently pursue the litigation, the right of the Citizen-Plaintiffs to initiate a suit shall not be impaired.

Section 14. Severability.

The provisions of this Ordinance are severable. If any section or provision of this Ordinance is determined to be illegal, invalid or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or invalidate any of the remaining sections or provisions of this Ordinance. It is the express intent of the people of Humboldt County, California that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section or provision had not been included.

Section 15. Effective Date.

This Ordinance shall take effect thirty (30) days after adoption by the voters.

Section 16. Interpretation.

In the event this Ordinance requires interpretation (by courts, county officials, or anyone else), it is the express intent of the people of Humboldt County that this Ordinance be construed in such a manner to carry out the original intent of this Initiative, which is to eliminate non-local corporate influence from the Humboldt County electoral process.