



Monroe County Legislature

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Committee Assignment
Memorializing Referral -1.

February 13, 2012

To The Honorable
Monroe County Legislature
39 West Main Street
Rochester, NY 14614

RE: Opposing the U.S. Supreme Court's Decision in the Case of *Citizens United vs. Federal Election Commission*

Clean, fair and transparent elections are a necessity for a healthy democracy and public trust in our government. Campaign financing must conform to these same values if our system of elections is to maintain and sustain the public trust.

Campaign financing has failed for many years to conform to these values as a result of the corrupting influence of large donations and vast corporate "independent" expenditures, dating at least to the 1976 Supreme Court decision *Buckley v. Valeo*, which gave us the false benchmark that "money equals free speech."

In 2010, the United States Supreme Court issued 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. This decision rolled back vital legal restrictions on corporate spending in the electoral process, allowing for unlimited corporate spending through "Super PACs" to influence elections, candidate selection, and policy decisions. In reaching its decision, a majority of the Supreme Court interpreted the First Amendment of the Constitution to afford corporations the same free speech protections as natural persons.

Corporations should not be afforded the entirety of protections or "rights" of natural persons, such that the expenditure of corporate money to influence the electoral process is a form of constitutionally protected speech. On the contrary, the government has a compelling interest in empowering individual citizens to fund campaigns through their own small donations. Public financing systems, like the one in New York City, fulfill this goal and can enhance the power and participation of ordinary citizens in the electoral system.

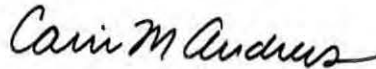
In an eloquent dissent to the *Citizens United* ruling, Justice John Paul Stevens correctly recognized that "corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their 'personhood' often serves as a useful legal fiction. But they are not themselves members of 'We the People' by whom and for whom our

Constitution was established." The Court's decision in *Citizens United* severely hampers the ability of federal, state and local governments to enact reasonable campaign finance reforms and regulations regarding corporate political activity.

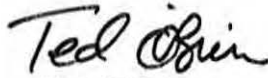
Governor Andrew Cuomo recently called for New York State to adopt just such a system of public financing for elections to statewide and legislative offices. Several proposed amendments to the Constitution have been introduced in Congress that would allow governments to regulate the raising and spending of money by corporations to influence elections.

Therefore, we urge you to join us in opposing the U.S. Supreme Court's decision in the case of *Citizens United vs. Federal Election Commission*, regarding the constitutional rights of corporations, and support Congress amending the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech. We also call on the State and Federal governments to act immediately to check the influence of large corporate money through the implementation of systems of public matching for small campaign donations made by average citizens.

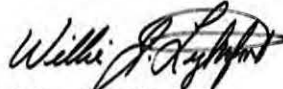
Respectfully Submitted,



Carrie M. Andrews
Assistant Minority Leader



Ted O'Brien
Democratic Minority Leader



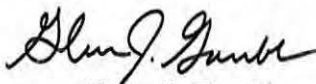
Willie Joe Lightfoot
Assistant Minority Leader



Vincent Esposito
Legislator - District 16



Justin Wilcox
Legislator - District 14



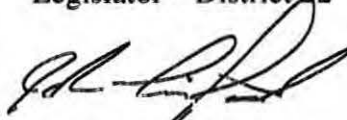
Glenn J. Gamble
Legislator - District 22



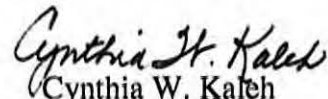
Paul E. Haney
Legislator - District 23



Joshua Bauroth
Legislator - District 24



John Lightfoot
Legislator - District 25



Cynthia W. Kafch
Legislator - District 28



Michael Patterson
Legislator - District 29