

**AN ORDINANCE BY _____, _____ COUNTY, _____,
ESTABLISHING A LOCAL BILL OF RIGHTS WHICH SECURES PEOPLES' RIGHTS TO FAIR
ELECTIONS AND CLEAN GOVERNMENT BY ELIMINATING
CORPORATE ACTIVITIES THAT INTERFERE WITH THOSE RIGHTS,
AND BY ELEVATING THE RIGHTS OF RESIDENTS ABOVE CORPORATE "RIGHTS."**

Whereas, this ordinance establishes a local Bill of Rights which recognizes and secures the civil and political right of residents of this municipality to local self-government, and the right of residents to fair and free elections, and

Whereas, in pursuit of the enforcement of those rights, this ordinance then bans those corporate activities which interfere with those rights; and

Whereas, to protect the recognition, securing, and enforcement of these rights, this ordinance elevates the rights of residents and this community above the "rights" claimed by corporations within this municipality; and

Whereas, this Ordinance shall be known and may be cited as the "Fair Elections and Clean Local Government Ordinance;" and

Whereas, this Ordinance is enacted pursuant to the inherent right of the residents of this municipality to govern their own community, including, without limitation, the Declaration of Independence's declaration that governments are instituted to secure the rights of people, and recognition within the State Constitution that all power is inherent in the people.

Section 1—Findings and Intent

The people of this municipality declare that we possess the right to community self-government and that our right to local self-governance is a fundamental and inalienable right. We find that corporate involvement in elections and local government interferes with that right, given the ability of corporations to use their wealth to frame important issues and influence elections. We also recognize that the ability of corporations to frame issues, influence elections, and participate in our political processes is currently a court-bestowed, federally-guaranteed constitutional "right." Recognized corporate "rights" include free speech rights that rightfully should belong only to natural persons.

Accordingly, the people of this municipality have determined that we must secure our right to community self-government through a local Bill of Rights which prohibits corporate involvement in elections and local government. The people have also determined that we must elevate our right to community self-government above the "rights" claimed by corporations, because otherwise our right to local self-governance is subordinated to governance by a corporate few, which is not a democracy.

Section 2—Definitions

- (a) "Communicate," for purposes of this ordinance, shall include any written or oral communication, and shall include, but not be limited to, political advertising conducted in support or opposition to a candidate for public office, or in support or opposition to particular legislation or ballot measure.
- (b) "Contribution or Expenditure," for purposes of this ordinance, shall include any action deemed to be a contribution or expenditure under State elections law, including, but not limited to, expenditures made independently of candidates, and in-kind contributions of anything of value.

- (c) “Corporations,” for purposes of this ordinance, shall include any corporation, limited partnership, limited liability partnership, business trust, or limited liability company organized under the laws of any state of the United States or under the laws of any country, and any other business entity that possesses State-conferred limited liability attributes for its owners, directors, officers, and/or managers.
- (d) “Open Forum Communications,” for purposes of this ordinance, shall include any communications made at a forum open to the public, including, but not limited to, regularly scheduled meetings of the municipal government and its agencies.

Section 3---Statements of Law – Local Bill of Rights

- (a) *Right to Fair Elections.* The people of this municipality have the right to fair elections, which shall include the right to an electoral process free from corporate influence.
- (b) *Right to Clean Government.* The people of this municipality have the right to clean government, which shall include the right to a municipal legislative process free from corporate control and influence.
- (c) *Right to Self-Government.* All residents of this municipality possess the fundamental and inalienable right to a form of governance where they live which recognizes that all power is inherent in the people, that all free governments are founded on the people’s authority and consent, and that corporate entities and their directors and managers shall not enjoy special privileges or powers under the law which make community majorities subordinate to them.
- (d) *People as Sovereign.* The _____ municipal corporation shall be the governing authority responsible to, and governed by, the residents of this municipality. Use of the municipal corporation by the sovereign people of this municipality to make law shall not be construed to limit or surrender the sovereign authority or immunities of the people to a municipal corporation that is subordinate to them in all respects at all times. The people at all times enjoy and retain an inalienable and infeasible right to self-governance in the community where they reside.

Section 4---Statements of Law – Prohibitions Necessary to Secure the Bill of Rights

- (a) *Ban on Electioneering.* It shall be unlawful for any corporation to make a contribution or expenditure to influence any election within this municipality.
- (b) *Ban on Lobbying.* It shall be unlawful for any corporation to communicate with an elected official within this municipality for the purpose of urging support or opposition to pending legislation or ballot measures. This provision shall not be construed to prohibit open forum communications.
- (c) *Corporate Constitutional Powers.* Corporations in violation of the rights and prohibitions established by this ordinance, or seeking to engage in activities prohibited by this ordinance, shall not have the rights of “persons” afforded by the United States or State Constitution, nor shall those corporations be afforded rights under the First or Fifth Amendments to the United States Constitution or corresponding sections of the State Constitution.
- (d) *Corporate Preemption Powers.* Corporations in violation of the rights or prohibitions established by this ordinance, or seeking to engage in activities prohibited by this ordinance, shall not possess the authority or power to enforce State or federal preemptive law against the people of this municipality, or to challenge or overturn municipal ordinances adopted by this municipality, when that enforcement or challenge interferes with the rights asserted by this ordinance, or interferes with the authority of the municipality to protect the health, safety, and welfare of its residents.

(e) *Corporate Preemption Powers.* No permit, license, privilege or charter issued by any State or federal agency, Commission or local government to any person or any corporation operating under a State charter, or any director, officer, owner, or manager of a corporation operating under a State charter, which would violate the prohibitions of this ordinance or deprive any municipal residents of any rights, privileges, or immunities secured by this ordinance, the State Constitution, the United States Constitution, or other laws, shall be deemed valid within this municipality.

Section 5—Enforcement

(a) Any person, corporation, or other entity that violates any prohibition of this ordinance shall be guilty of a criminal offense and, upon conviction, shall be sentenced to pay the maximum fine allowable under State law for that violation. A separate offense shall arise for each day or portion thereof in which a violation occurs and for each section of this ordinance found to be violated.

(b) The municipality may also enforce this ordinance through an action in equity brought in a court of competent jurisdiction. In such an action, the municipality shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney’s fees.

(c) Any resident shall have the authority to enforce this ordinance through an action in equity brought in a court of competent jurisdiction. In such an action, the resident shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney’s fees.

Section 6—People’s Right to Self-Government

The foundation for the making and adoption of this law is the people’s fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and pursuit of happiness. Any attempts to use other units and levels of government to preempt, amend, alter, or overturn this ordinance, or parts of this ordinance, shall require the municipality to hold public meetings that explore the adoption of other measures that expand local control and the ability of residents to protect their fundamental and inalienable right to self-government. Such consideration may include actions to separate the municipality from the other levels of government used to preempt, amend, alter, or overturn the provisions of this ordinance or other levels of government used to intimidate the people of this municipality or their elected officials.

Section 7 – State and Federal Law

By the adoption of this local Bill of Rights by this municipality, the people call for changes to state and federal law that would result in the recognition of a fundamental and inalienable right to community self-government throughout this State and the United States. The people also declare their support for changes to state and federal law that would eliminate certain corporate constitutional rights and powers that currently interfere with, and prevent, the exercise of local self-governance. Those rights and powers include corporate authority to preempt community lawmaking, corporate “rights” as “persons” under the State and federal constitutions, and corporate “rights” under other sections of the State and federal constitutions.

Section 8—Severability

The provisions of this ordinance are severable. If any court of competent jurisdiction decides that any section, clause, sentence, part, or provision of this ordinance is illegal, invalid, or unconstitutional, such decision shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of the ordinance. The people of this municipality hereby declare that in the event of such a decision, and the determination that the court’s ruling is legitimate, it would have enacted this ordinance even without the section, clause, sentence, part, or provision that the court decides is illegal, invalid, or unconstitutional.

Section 9—Repealer

All inconsistent provisions of prior ordinances adopted by this municipality are hereby repealed, but only to the extent necessary to remedy the inconsistency.

ENACTED AND ORDAINED this ____ day of 2012, by the _____.

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