

Lawsuit: Citizens United measure should be tossed off ballot

[sacbee.com /2014/07/22/6574832/lawsuit-citizens-united-measure.html](http://sacbee.com/2014/07/22/6574832/lawsuit-citizens-united-measure.html)

By Christopher Cadelago

Opponents filed a lawsuit Tuesday seeking to remove from the fall ballot a nonbinding question asking whether Congress should overturn the U.S. Supreme Courts Citizens United campaign finance decision.

The Howard Jarvis Taxpayers Association argues the advisory measure, which passed the Legislature on party-line votes and would appear as Proposition 49, amounts to an illegitimate exercise of legislative power because the ballot is reserved for lawmaking.

Legislative power can be exercised in numerous ways but this is not one of those, said Jon Coupal, the president of the association.

The organization dismissed the measure as a cowardly effort by the Democratic-controlled Legislature to boost voter turnout in what is expected to be an uneventful statewide election.

It noted that Gov. Jerry Brown, in refusing to sign Senate Bill 1272, stated that it had no legal effect and that the state should not make it a habit to clutter our ballots with nonbinding measures as citizens rightfully assume that their votes are meant to have legal effect.

Citizens United v. Federal Election Commission has become a rallying cry for those who want to cleanse the political system of monied interests that they view as corrupting. In the 2010 decision, the Supreme Court held that free-speech protections do not allow limiting independent expenditures by corporations and unions.

Derek Cressman, director of the campaign that sprung from the measure by Sen. Ted Lieu, D-Torrance, said he was certain the coalition was on firm legal ground. He cast the lawsuit as an attempt to intervene before voters here could rise up against big money in politics.

They are worried they cant win this debate on substance so they are trying to prevent this debate from happening, Cressman said on Tuesday. It frankly looks like censorship.

The group bringing the lawsuit contends the measure is poorly drafted and far oversimplifies a nuanced area of constitutional law. They point to an advisory measure that qualified for the 1984 election urging federal lawmakers to approve a balanced budget amendment. It was challenged, deemed improper and tossed off the ballot by the California Supreme Court.

The court stated it should not be on the ballot because it did not enact legislation and sought to compel legislative action over which the electorate had no power. However, a legislative analysis for SB 1272 states that the court did not rule on whether the Legislature was allowed to place advisory questions before voters.

In addition to its central question, Proposition 49 states the proposed amendment to the U.S. Constitution should clarify that the document protects the rights of individuals only, not corporations.

Call Christopher Cadelago, Bee Capitol Bureau, (916) 326-5538. Follow him on Twitter [@ccadelago](https://twitter.com/ccadelago).

[Read more articles by Christopher Cadelago](#)

[Order Reprint](#)