SPECIAL COUNCIL MEETING
WE THE PEOPLE DAY 2021
TUESDAY, APRIL 27, 2021- 5:30 PM
PUBLIC HEARING via ZOOM

President Paul Hach called this special meeting to order at 5:30 PM. He introduced himself as the President of Painesville City Council as well as other staff in attendance: City Manager Doug Lewis; Assistant City Manager Derek Feuerstein; and Clerk of Council Samantha Danielson.

The Pledge of Allegiance was recited by Mr. Hach.

Mr. Hach stated: On behalf of the Painesville City Council, I want to welcome all those in attendance this evening and explain the purpose of the meeting. Pursuant to Section 123.01, adopted by the electors of the City of Painesville at the November 2020 election, the City of Painesville is required to hold a public hearing for "We the People Day". The public hearing provides an opportunity for the resident of Painesville to provide public comment on the impact of political contributions of corporations, unions, PACS and Super-PACs on the City. Organizers and electors who voted for "We the People Day" are asking for an amendment to the U.S Constitution declaring that human beings, **NOT** corporations are legal persons with constitutional rights and that money is not the equivalent of speech, and establishing a biennial public hearing by the City of Painesville.

Mr. Lewis stated: As directed also by the ordinance, we have sent letters to our elected representatives about this public hearing and advertised it in the newspaper and on social media. All requirements have been met.

Mr. Hach stated: We are here to listen to you tonight. We will be recording all the comments and if you have anything in writing that you wish to submit into the record, you can do that as well, without speaking if you so choose. There is a list of requirements as provided for in the ordinance, and I would ask Mr. Lewis to review them prior to the public hearing.

Mr. Lewis stated: Section 123.01 specifies is that each speaker's comments will be limited to 5 minutes so that everyone who would like to speak has an opportunity. If you would like to speak, please go to the Zoom Chat Box and type your name and address. I will recognize you in the order you have signed up to speak after we have called the individuals that already submitted their names to speak. When your name is called, please start by giving your name and address and then limit your comments to five minutes, please speak to the ordinance and NOT other city business. The purpose, again, is to examine the impact of political influence by corporate entities in the most recent election. Mr. Lewis received a response from U.S. Senator Sherrod Brown and read the following:

Dear Mr. Lewis:

Thank you for sharing your views on campaign finance laws. Like many Ohioans, I am deeply concerned about the influence of money in our democracy. In order to uphold the integrity of our electoral system, we must take reasonable steps to prevent corporations, wealthy donors, and well-funded special interest groups from buying outsized influence in our government.

In 2010, by a 5 to 4 vote, the Supreme Court issued its infamous *Citizens United* decision, overturning long-standing rules preventing businesses from spending corporate dollars on campaign donations. Large corporations can now use their nearly unlimited bank accounts to pump billions of dollars into supporting or opposing candidates or political issues that affect their bottom line. They run deliberately deceptive political advertisements, often meant to prejudice peoples' opinion on a topic and stoke division, drowning out the voices of working class Americans. I am deeply concerned about the implications that *Citizens United* has had on the integrity of our political system in the last decade and have supported a number of initiatives in Congress with these concerns in mind.

In the past, I have supported the Democracy for All Amendment, a constitutional amendment that would overturn *Citizens United* and allow limits on corporate political spending to get big money out of politics. I also helped introduce the For the People Act, a comprehensive package of reforms to strengthen our democracy and return power to the voters by making it easier for eligible American citizens to register and to vote,

strengthening the integrity of our elections and bolstering election security, and enhancing ethics standards across government. Many of the reforms contained within this bill were designed specifically to address the voter purge policies that have disenfranchised so many Ohioans. I also helped introduce the DISCLOSE Act which would close loopholes that allow foreign executives to influence corporate campaign donors, shine a light on political spending by requiring super PACs and other dark money organizations to disclose their donors, and expand disclosure requirements for political advertisements.

In addition to these initiatives, I recently helped introduce the Spotlight Act, which would help undo some of the damage done to campaign finance laws under the Trump Administration. This important legislation would reinstate a rule, eliminated by the Trump Administration, requiring non-profit organizations that engage in political activity-like donating to candidates and purchasing political ads-to provide the Internal Revenue Service (IRS) with the names and basic information of donors who contribute more than $5,000. It would also prevent future administrations from rolling the rule back again. In addition to ensuring these organizations are following the law, these disclosure requirements are an important tool to keep foreign actors from influencing American elections.

Campaign finance and ethics laws are an essential part of maintaining a government by and for the people. As Congress considers relevant legislation that puts checks on unfettered corporate spending, I will keep your thoughts in mind.

Thank you again for getting in touch with me on this important issue.

Sincerely,
Sherrod Brown
United States Senator

Mr. Lewis acknowledged the residents to speak during this time.

Kathy Dean of 344 Bank Street submitted the following letter which was read:

I want to thank the citizens of Painesville for overwhelmingly passing this ordinance. Painesville is now part of a national movement which includes 705 communities in 35 different states. 7 states have also passed initiates: California, Connecticut, Hawaii, Illinois, Montana, Vermont and Washington have passed state initiatives with the goal of ending "corporate personhood" and calling for a 28th constitutional amendment. There was no mention of corporations in our constitution. A corporation has no mind, no conscience. For the first 75 years after the revolution corporations could only exist if they served the public interest. They had to be chartered by a vote of the legislature. They could only exist for a certain number of years. They were dissolved once they served the purpose for which they were chartered. They could not donate to political or charitable causes. They could only do the task they were chartered for. Gradually thru many legal battles, the idea of corporate personhood gave corporations rights that were only intended for human persons. These changes included treating money as free speech, opening the flow of enormous amounts of money into politics without adequate regulation or oversight. Money has become a growing problem of political influence in politics. I would like to share information from Raymond La Raja in an essay in the magazine "Public Books": "The real issue is that money enables the wealthy to dominate the circulation of political ideas and policies. This is especially important when it comes to the circulation of political ideas and policies which shape the economic dimension of politics. This form of domination **does not** include campaign donations. What's really at stake is that money structures a political agenda that limits the range of voices, attention to issues, and political options in the political system. Such structuring is manifested in **quid pro quo** transactions - Person A paying Politician B to act in the interest of Person A— This is the power of "gatekeeping" which effects everything: the candidates who run for office, how politicians prioritize problems and the evidence used to frame and address public policies." Finally a few interesting points from the move to amend website: -When corporations have constitutional rights, people rights are meaningless. How can one human being's power to speak compare to a massive corporation's ability to speak? -Human being need clean air, clean water, food, and love to survive. A corporation does not. -A corporation has no mind, no conscience. A human being thinks, tries to make ethical decisions, and is motivated by obligations to family and community. How could we say that these dramatically different kinds of "people"

have an equal voice in a democracy? At all levels of government, we try to make representatives aware of what we need, and what we want. Unfortunately over time, the voice of the individual citizen has been increasingly muted by the power of money. Thank you

Pam Richman of 48 Lincoln Blvd. submitted the following letter which was read for Krista Zivkovich.

Passing a 28th amendment to the U.S. Constitution to overturn the Supreme Court's 2010 decision known as Citizens United will be no small feat. But the citizen-voters of Painesville City overwhelmingly approved a bipartisan ordinance on Nov. 3, 2020 agreeing that "only human beings, not corporations, are legal persons with Constitutional rights and that money is not the equivalent of speech." By passing Painesville Issue 1 with a 78% affirmative vote, Painesville City citizen- voters expressed their opinion that there is too much money in politics and that much of it is "dark" and lacks transparency. There are many examples of corporations, unions, and Super Pacs influencing politics in our country but this hit home when HB 6 passed by the Ohio Legislature, was found to be tainted by political contributions made by First Energy Corporation, a company familiar to all Lake County residents because of the Perry Nuclear Power Plant. HB 6 was described by U.S. Attorney David DeVillers as, "likely the largest bribery, money laundering scheme ever perpetrated against the people of the state of Ohio." Our democracy was founded on the first 3 words of the U.S. Constitution, "We the people." The unrestrained influence of big money in our government often overshadows the will of the people and is a threat to our democracy. After Citizens United freed corporations to spend unlimited amounts in elections, political spending skyrocketed. According to the website OpenSecrets, "the 2010 election marked the rise of a new political committee, dubbed "super PACs," and officially known as "independent-expenditure only committees," which can raise unlimited sums from corporations, unions and other groups, as well as wealthy individuals." During the 2010 election cycle $48 million was raised in Ohio in this category of spending. During the 2020 election cycle $187 million was raised. We have learned during the most recent election cycle and in the past few months that our democracy is fragile. Although the voter turnout for Lake County was above 80% the turnout in Painesville City was as much as 20% lower. Our city government must act to encourage Painesville citizens to fulfill their civic responsibility by registering to vote and then voting. One way to convince citizens that their vote matters is to support legislation that prohibits the unlimited influence of money in politics and requires full transparency of any and all political donors. The passage of the We the People Amendment, the 28th amendment to the U.S. Constitution, would help accomplish those goals.
Krista Zivkovich, Painesville, OH

Dusty Staudt submitted her letter so it may be entered into the records.

The core of this issue is the Supreme Court's ruling that corporations, labor unions, and non-profit associations are PEOPLE, and that money is SPEECH. Using the argument that "quid pro quo" is needed for there to be corruption is ridiculous. It's inevitable. First of all, Oxford and Webster dictionaries define **person** as "a human being;" and **speech** as "the act of speaking." They define **money** as "something (as metal currency) accepted as a medium of exchange;" **corporation** as "a legal creation authorized *to act* with the rights and liabilities of a person: also company;" and **company** as "a group of persons or things." The Supreme Court is supposed to be non-political, balanced, and fair, based on the Constitution and our laws. What a joke! These rulings spotlight the fact that the Court has become political and partisan. There are members of the court who are of questionable character, who may be incapable of being impartial. However, just because the Supreme Court enabled voter corruption, doesn't mean it's a new problem. The outdated, unfair Electoral College and gerrymandering also add to decades of governmental ineffectiveness to it at every level. While members of both houses of Congress are in the pockets of "big" and "dark" money, infrastructure and programs suffer. When corporate interests are put above societal needs, money is redirected and the federal government reduces its assistance to states. That trickles down to regions, counties, cities, and towns. A perfect example of that hit home decades ago. Federal aid to Ohio was reduced so drastically that state mental institutions were closed. That left thousands of people with serious problems out in the cold. It trickled down enough, that Painesville has had a major problem with homeless people.

That problem isn't getting any better. The ultra rich continue their stranglehold on power and continue to get richer. The middle class is decimated, and the ranks of the poor have increased. And, as usual, the most vulnerable people in our society suffer the most. This cycle can't even start to change until we have a 28th constitutional amendment which addresses every aspect of this travesty. Thank you for your attention.
Lois (Dusty) Staudt

Brad Dean spoke on this matter, but did not submit his letter for the record.

Kate Beeka of 190 Gillete St. also spoke on this matter, but did not submit her letter for the record.

Eric Litschel of 410 Bank St. submitted the following letter which was read for Edward Zivkovich.

One man (or woman), one vote. The foundation of our democracy. When it comes to a vote and we choose a representative, or decide an initiative, whether as a nation, a state, or a community, everyone's voice must count the same. This democratic institution we call our election system is based on that premise. By tradition, our democracy is also based on the free and open exchange of ideas and positions in public discourse. It is how we gather the information we need to make decisions. The institution we call public discourse further relies on knowing who is actually doing the talking. Knowing this helps us weigh the arguments we hear, for and against. For example, if, here in Ohio, had we known unequivocally that the voices we heard urging us to vote yes on a bill giving millions of dollars in subsidies to a certain nuclear energy provider were actually the voices of those who stood to receive those subsidies, we voters may have been better able to evaluate the arguments we were hearing, for and against. Instead, we were told in campaign ads that the voice urging us to give millions of dollars to that nuclear energy provider was an anonymous group with the benign and progressive sounding name of "Generation Now". Our current laws, especially since *Citizens United,* make it nearly impossible to actually know who is doing the talking that we see and hear in slickly-produced campaign ads. This must stop. Our democracy was not designed to function when the very wealthy can anonymously control public discourse on an issue, and anonymously fund the election of politicians who are beholden to their interests. Our current laws, by allowing huge sums of money to fund campaigns without attribution, exacerbate the disparity between the political power of the wealthy and the political power of the average individual. The force of the average individual's arguments cannot be heard, no matter how factual and well-reasoned they may be, when they are drowned out by the unregulated and amplified voices of the monied. This disparity contributes to the feeling of powerlessness that causes so many to disengage from political discourse. Even worse, some choose to not even vote. This is important to our community here in Painesville because all politics is local. In order to have a healthy democracy in our city, all citizens must be engaged. We must all feel that our voices matter, that our decisions count, that our opinions matter. For this reason, our Constitution needs to be amended to declare that only human beings have constitutional rights, and that the regulation of political contributions does not limit political speech. It just levels the playing field. Let's level the playing field.
Submitted by Edward Zivkovich, 616 Hickory Lane, Painesville, on April 27, 2021.

Mr. Lewis thanked the participants for their comments and asked if anyone else would like to speak. No one else responded. He asked for those residents who spoke tonight to email their comments to Samantha Danielson, Clerk of Council, at sdanielson@painesville.com for the correctness and accuracy of the comments for the minutes.

Mr. Hach thanked everyone for their comments and visiting via Zoom. He stated that he is proud to part of the community which has such passionate citizens.

This Public Hearing was adjourned at 6:11 PM.

Samantha Danielson
Samantha Danielson
Clerk of Council

Paul W. Hach II
President of Council