

Libertarian Party of Colorado
2016 Ballot Issues Positions

Amendment T – No Exception To Involuntary Servitude Prohibition – Support

The Colorado Constitution currently includes an exemption for slavery and involuntary servitude when it concerns an individual that has been convicted of a crime and is serving a sentence. The text currently reads: “There shall never be in this state either slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted.”

This is outdated language, and deserves no place in our state’s constitution. Slavery and involuntary servitude violate the Non-Aggression Principle in all its forms, even when a crime has been committed. We strongly support this amendment.

Amendment U – Exempt Certain Possessory Interests From Taxes – Support

This Amendment would create an exemption on the taxation of private use of government property in cases where the government has a possessory interest. Whenever a private party uses government property to derive a profit, such as a farmer leasing government land for grazing, the government traditionally taxes that profit. Amendment U would exempt any private users of government property from a tax on this possessory interest, as long as the value of the property does not exceed \$6000. In some cases, these taxes would cost more to acquire than they bring in as revenue.

Although this tax exemption would be better if it was more uniform in its application, it is a net plus for smaller businesses. We support this Amendment.

Amendment 69 – State Healthcare System (ColoradoCare) – Oppose

This is an 11-page document that would amend the Colorado Constitution to create an administrative bureaucracy in healthcare. It is estimated to generate \$25 Billion in the first Fiscal Year alone. According to the way the Amendment is written, the following things would become reality in Colorado:

- ColoradoCare will not be a government agency, and will have no government oversight. (Section 3)
- The elected Board of Trustees for ColoradoCare will be elected by the people, chosen by each member’s district, and will serve 4-year terms. However, Board

members can vote other board members off of the board by a simple majority, and board members cannot be recalled. The Board also fills vacant positions by a simple majority vote. (Section 5)

- Board members are free to modify their own districts (i.e. gerrymandering), and will create a fraud division to investigate fraud on itself. It will create its own benefits packages for its members, it can accept gifts and donations, write its own transparency rules (which are not subject to Freedom of Information Act rules), and it will create a central database for all medical records for the people of Colorado. If any healthcare services are denied, the Board reviews and decides all appeals cases. (Section 5)
- The Board assumes the responsibility to pay for “reasonable care,” but will also determine what constitutes reasonable care. If a person wants to get supplemental insurance, their primary insurance provider would have to get permission from the ColoradoCare Board. (Section 6)
- Paying the taxes for ColoradoCare does not qualify as the purchase of health insurance, and would therefore not fulfill the requirement of the Affordable Care Act mandate. (Section 9)
- ColoradoCare would be exempt from TABOR. (Section 10)
- ColoradoCare would actually be a secondary payor, which means it is not really a single payor system at all. You would still be required to purchase healthcare separately under the ACA mandate, and all tax revenue for ColoradoCare would be used for administrative purposes only. ColoradoCare would, however, reserve the right to deny or force medical services, and could collect as collateral from a citizen a lien against your property. (Section 11)
- Money would be transferred from many other government services into ColoradoCare, including: Workers Compensation, Health Care Services, and any Federal Funds for ObamaCare. (Section 12)
- If the ColoradoCare amendment is ever challenged by a court, including the Supreme Court, and found to be unconstitutional, only the part that is challenged is removed. Everything else stays. (Section 15)
- Although it would be a Constitutional Amendment, the Board can terminate the program at any time. (Section 16)

Even if single payer is something Coloradans wanted, this proposition, as written, is a recipe for corruption. It creates a burdensome bureaucracy that attempts to manage the lives and resources of private citizens, will raise taxes and healthcare costs for everyone, and creates opportunities for serious mismanagement.

With no government oversight, and no way for the people to hold the ColoradoCare board accountable, and with no requirement to play by the rules of the Freedom of Information Act or TABOR, ColoradoCare seems engineered to produce the worst of what government can become. Because Coloradans have worked for many years to produce such safeguards against growing government as TABOR, ColoradoCare is like nothing more than a way to circumvent the legislative process by gambling on the ignorance of Colorado voters. For these and many other reasons, LPCO strongly opposes Amendment 69.

Amendment 70 – State Minimum Wage – Oppose

This amendment would raise the minimum wage in our state from \$8.31 to \$12.00 incrementally over the next few years. This follows a trend of mostly Pacific states like Washington, Oregon and a few cities like San Francisco. to move in this progressive direction.

Libertarians have long been opposed to wage controls because they create distortions in the labor market, lead to cost increases both for producers and consumers of goods, and they result in higher unemployment. Most of this unemployment is experienced by low-skilled workers, such as teenagers, people entering the labor force after a long leave (which may be due to maternity, disability, retirement, or other circumstances).

The number of people that would be benefited by a minimum wage increase represents a very small percentage of the labor market, but the number of people that would be negatively affected by this increase is very great. Those who would be most negatively impacted are, in fact, those that are poor and of low income. This amendment is a violation of freedom of association, and represents an intrusion into private lives and markets, doing far more harm than good. We strongly oppose.

Amendment 71 – Requirements For Initiated Constitutional Amendments – Oppose

This proposal diminishes the right of citizens to decide how government should operate by making it more difficult to amend the Colorado Constitution. It cedes control to wealthy groups who are more capable of raising the funds to pay petitioners to place issues on the ballot.

It is ironic that 1) the proponents probably failed to gather at least 2 percent of their signatures from each state senate district; and 2) would accept passage with less than

55 percent of the vote, both of which are requirements for future constitutional amendments if this proposal passes.

A better way of protecting the Constitution would be to lower the signature requirement for initiated statutes which can then be modified by the legislature. Protections can be built in by requiring super-majority votes and time restrictions in the legislature. Lower signature requirements for initiated statutes provides incentives to go this route to express the will of the people.

Amendment 72 – New Cigarette And Tobacco Taxes – Oppose

This would increase the sales tax on cigarettes from \$0.84 to \$2.59, resulting in an estimated total tax increase of \$315 Million. As with most sales tax increases, a publicly and conveniently disliked commodity is taxed to pay for favorable government uses. In this case, the funds will mostly go to health-related uses, such as educational programs that teach health and substance abuse prevention.

Even if all of these well-meaning and worthy causes were things that voters wished to invest their tax dollars in, this would tie revenues to programs that may prove to be ineffective at their stated missions — a reality that cannot be remedied by the legislature, as it would be an amendment to the actual constitution. Declining tobacco use would actually have taxpayers on the hook for programs that may outlive their usefulness.

This amendment would also lead to many other unintended consequences. For example, some states struggle to deal with the smuggling into the state of cigarettes, and these are states where cigarette taxes are highest. Such laws also inevitably lead to increased confrontation between police and citizenry, as in the case of Eric Garner. Sin taxes eventually lead to underground economies, which require a growing police state to address.

This tax will grow government, even despite the surplus in revenue it took in last year. It will do more harm than good, and will lead to many unintended consequences. We strongly oppose.

Proposition 106 – Medical Aid In Dying – Support

This proposition allows a terminally ill patient to request a physician-assisted procedure to end his or her life. The law would only apply in cases where at least two

medical professionals agree on a prognosis that the patient has six months or fewer to live.

Many safe guards are put in place in this law that protect against potential for corruption. Only the patient, being of sound mind, can request the procedure, and no other individual can request the procedure on anyone else's behalf, including the physician. The individual is in complete legal control of the decision. Furthermore, the physician and/or family members cannot be the only witnesses.

There is a moral reason to support this proposition. The number one reason cited by people who took this procedure in Oregon, where a similar law exists, is the desire for autonomy. A third of the people in Oregon that received this medication never ended up taking it at all. This is because, for a terminally ill person, it is more about having the ability to choose to end one's life.

If a person does not have the freedom to end his or her life, then he does not own his body. The right to life is just as important as the right to death, and it is a violation of the Non-Aggression to make such decisions for other people.

There is a minority report in News.

Proposition 107 – Presidential Primary Election – Oppose

This proposition would create an entirely new and separate presidential election, to take place no later than March of a presidential year. Political parties would still have their caucuses during the summer as usual to determine internal party business, but the parties would no longer have the right to nominate its presidential candidate. This law would result in an expense to taxpayers of several million dollars each presidential year at various levels of government — an expense that is currently paid by the political parties privately.

Political parties would no longer be allowed to decide the candidate that best represents their values, and would represent an egregious violation of freedom of association. There is also ample opportunity for corruption by creating a mail-ballot only system, where unaffiliated voter slips may not get counted, and where accountability and transparency become grave issues. We strongly oppose this proposition.

Proposition 108 – Primary Elections (Unaffiliated Voters) – Oppose

Under existing law, an unaffiliated voter can affiliate with a party in order to vote in its primary up to and including Election Day. Under Prop 108, an unaffiliated would not be required at all to affiliate with a political party in order to vote in its primary. Although parties with Minor Party status, such as the Libertarian Party, can opt out of inclusion in the combined ballot that will be mailed to unaffiliated voters, this proposition nevertheless represents a government overreach into private political processes.

A major party can opt out of having a primary and have a caucus instead, but it requires a three fourths majority vote. A law should not be micromanaging party business in this way. This proposition also results in an estimated expense to taxpayers of at least \$5 Million every two years. It also is likely to result in an estimated loss of 7% of ballots being thrown out, as has been shown in states like Washington.

Under this intrusive law, voters who do not share the values of the political organizations they seek to participate in can determine the outcome of that party's nomination process. This is more likely to distort, rather than correct, the political process, and is a basic affront to freedom of association. We strongly oppose.