

Andrea Gyger

From: Paul Hsieh <[REDACTED]>
Sent: Tuesday, December 13, 2011 5:25 PM
To: Andrea Gyger
Subject: Public comment on "8 CCR 1505-6"

Categories: Rules

Dear Ms. Gyger:

[I would like to submit the following public comment on "8 CCR 1505-6" and "Proposed Revisions and Amendments to the Secretary of State's 'Rules Concerning Campaign and Political Finance'". You are welcome to include my e-mail address in the published version of this comment. You do not need to redact any of the contact information in my comment. -- Paul Hsieh]

My name is Paul Hsieh, and I am a practicing physician here in Colorado. I'd like to discuss why I support most of Secretary Gessler's proposed change, from the perspective of a citizen-activist wishing to exercise my right to participate in the political process.

In 2007, I became interested in health care policy. One of my friends, a local attorney named Lin Zinser, started a small project called Freedom and Individual Rights in Medicine (FIRM) to promote free-market health care reforms at both the state and national level. Overall, the FIRM group included anywhere from 5-10 unpaid volunteers working on health care issues as they affected Colorado residents. It was a very loosely knit project. Each volunteer worked to varying degrees on activities that interested them, as little or as much as they wished. We ran a mailing list to keep each other abreast of noteworthy news articles, upcoming town hall meetings, opportunities to write or speak on health care issues, etc.

I was one of the primary unpaid writers for her group, posting material to the blog as well as writing editorials and LTEs (letters to the editor) for local and regional newspapers, such as the Denver Post, Boulder Daily Camera, and Rocky Mountain News.

In 2008, one of the topics that I and a couple other FIRM members covered was state ballot initiative Amendment 56 (which proposed requiring all businesses with more than 20 employees to provide health insurance benefits for their workers). Although we spent no money on this writing, we listed ourselves as a "State Issue Committee" to be on the safe side when publishing OpEds and LTEs on this topic. Because I was doing most of the writing for FIRM, I had to file reports every 2 weeks during the 2008 election cycle.

In 2009, FIRM founder Lin Zinser left Colorado to take an out-of-state job and she handed over the FIRM name and website to me. By that time, the other part-time activists had also moved on to other pursuits. Since that time, the FIRM project has basically been just one person -- me.

In 2010, there was another state ballot measure of keen interest to me -- Amendment 63 (Health Care Choice). However, I felt that I had to be very careful about writing about this topic, lest I inadvertently run afoul of the Colorado's campaign finance laws. For that reason, I chose not to register FIRM as a State Issue Committee for 2010 so as to avoid the reporting burden.

I do all my health policy writing in my spare time, in addition to my full time job as a physician. Hence, I don't have the time to research all the intricacies of the state campaign finance law (or to hire someone to do it for me). The last thing I wanted was for a better-funded opposing political organization to use the campaign finance laws against me by filing a complaint against me with the Secretary of State. Any lawsuit filed against me (or penalties incurred) would have effectively tied up all my free time for health care activism.

Because I could not afford to take the chance of running afoul of Colorado campaign finance laws, I therefore deliberately said much less than I wished to on Amendment 63. Instead, I spent more of my time on other aspects of health care policy that couldn't be construed as advocating for or against any specific state ballot measure. Current campaign finance laws have definitely had a chilling effect on me as an independent citizen-activist by reducing my willingness to speak out on an important state ballot measure.

I support the majority of Secretary Gessler's proposed changes because I value freedom of speech -- both for myself *and* for those with whom I might disagree. Our political system should respect the rights of all individuals and groups to peacefully express their political viewpoints without fear of legal repercussion. Current campaign finance laws -- including disclosure laws -- unfairly tilt the playing field in favor of groups that can afford an army of lawyers to ensure they're staying legally safe as well as to sue smaller opponents who might have unknowingly violated those laws. The burdens imposed by the laws thus disproportionately discourage small part-time activists such as myself from participating in the public debate.

On those topics where I wish to advocate a particular position (such as health care), I want a system where all sides enjoy the freedom to speak out to the best of their ability. Conversely, on those topics on which I'm not an expert, but rather a regular voter, I *want* to hear all sides so I can decide the merits for myself.

I welcome the vigorous debates that arise when people are allowed to exercise their right to free speech. I consider that a sign of a healthy and vibrant political culture. The last thing I want -- as either an advocate or as an ordinary voter -- is a system where one side of the debate can suppress opponents by using campaign finance laws as a form of legal intimidation.

Hence, I fully agree with this statement by the US Supreme Court in its 2010 ruling on "Citizens United v. FEC". Quoting from the Federalist Papers #10, they wrote:

Factions will necessarily form in our Republic, but the remedy of 'destroying the liberty' of some factions is 'worse than the disease.'

The court concluded:

Factions should be checked by permitting them all to speak... and by entrusting the people to judge what is true and what is false.

To the extent that Secretary's Gessler's proposed changes clarify the reporting rules, reduce the burdens of reporting, and limit the penalties for reporting errors, they are a good step in this direction of respecting our free speech rights, as envisioned by the Founding Fathers, as codified in the First Amendment of the Constitution, and as re-affirmed by the US Supreme Court.

Thank you for your consideration,
Paul Hsieh, MD

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Freedom and Individual Rights in Medicine: <<http://www.WeStandFIRM.org>>