

April 18, 2012

To the Members of the New Hampshire Senate:

As leaders in communities from across the state, we respectfully ask you to serve New Hampshire's best interests and to vote against passage of CACR 13, a constitutional amendment that aims to prohibit any new taxes on a person's income.

CACR 13 seeks to fix a problem that does not exist. Neither the Governor nor the Legislature has seriously considered an income tax in recent years, while prior efforts to adopt an income tax were stopped over the course of the normal legislative process.

Enshrining CACR 13 in our constitution would tie the hands of future lawmakers and deny our children and grandchildren the opportunity to decide critical public issues for themselves. We do not know what challenges New Hampshire will face in the years ahead or how future taxpayers might choose to meet them. It should be up to them to select the approach that best suits their needs and then to hold their elected officials accountable.

CACR 13 would freeze New Hampshire's tax system into place, making it almost impossible to address its existing shortcomings, to reduce its dependence on business and property taxes, or to generate revenue for even the most pressing priorities. Simply updating the tax system to account for inflation could become problematic if it was deemed to involve anyone's income.

Passage of CACR 13 all but guarantees prolonged court involvement in state tax policy, pushing key policy decisions from the State House to the Supreme Court and creating another battleground like the Claremont lawsuit. It's worth remembering that the last effort to address tax policy through the constitution – in 1903 – led to decades of legal confusion. CACR 13 is likely to do the same.

We are concerned that CACR 13 – one of more than 20 proposed changes to the constitution introduced by members of the House of Representatives this session – seeks to institutionalize the narrow agenda of some and deny the right of future citizens to make their own decisions.

Change to New Hampshire's most basic and foundational document should be rare and demonstrate a clear need. CACR 13 does not pass this test. As a result, we respectfully ask you to vote against CACR 13.

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