



MEMORANDUM

DATE: July 17, 2009

TO: Interested Parties

FROM: Rick Clausсен
Christy Wilson

RE: **Preparing for Victory at the Ballot Box**

Following are our recommendations for preparing for and winning a ballot initiative to overturn Proposition 8. This memo provides our thoughts on timing and public education/preparation efforts. Please feel free to contact us with any further questions.

2010 OR 2012

Rather than 2010 or 2012, the question should be “when can we win?” That should drive the debate. While the community may not want to hear this, absent an aggressive education and outreach campaign, even 2012 could be problematic.

While Proposition 8’s passage provided a narrow vote victory (Yes - 52%; No - 48%), it was an 18 point swing of public opinion in our direction from the passage of Proposition 22 in 2000 (Yes - 61%; No - 39%). However, while a victory in 2010 isn’t impossible, it appears likely implausible. Even your own polling shows this issue in a dead heat – and behind where you were before the Proposition 8 vote in November. Currently, you would need nearly 60% of swing voters to vote with you just to achieve a 50% yes vote. Additionally, public polling during both the previous campaigns showed that people tended to indicate more support for gay marriage than they did when they punched their ballots.

Public opinion is shifting in your favor over time on this issue. Unfortunately, Proposition 8 provided a setback, raising a number of concerns with voters about the implications of gay marriage. Undertaking a proactive ballot measure to repeal Proposition 8 also poses additional challenges that we did not face during the Proposition 8 battle.

- 1) Asking for a “Yes” vote. You will now have the burden of a “yes” vote which means you must convince voters that there is a problem AND that you have the proper solution. In order to have a solid chance at victory you need to start with significant margin of support because you almost never gain Yes votes during a campaign.

By proposing a change you also give opponents a specific target in which they can shoot holes and find minor or narrow flaws. We generally recommend starting with 60% support. With this issue, because voters are nearly evenly divided between hard support and oppose, you would need to start with a strong (at least ten point)

advantage with the handful of swing voters. At this point you don't even have a solid majority of voters in your camp.

- 2) Tougher public opinion environment. It appears that as close as Proposition 8 was and the prospect of victory it provided, public opinion polls since the passage of this measure indicate a slight erosion of support for gay marriage.

None of the arguments that you tested moved the needle sufficiently to suggest that the initial vote could be moved significantly to the "yes" side. Generally, you need to have a couple of arguments where you get a "very persuasive" number at least in the mid-40's and a "somewhat persuasive" in the 20-30% range, so you have some messages with a combined persuasive messages in the high 60%/mid 70% range. Perhaps there are more effective messages out there, but the ones tested are certainly not enough to move the needle and achieve victory in the current environment.

- 3) Fighting a new law and the "voters have spoken" mentality and messaging. This approach has been successfully used on other issues and would most likely play a role in making it more difficult to move swing voters our way in a 2010 fight than further down the road.

A proactive ballot measure in 2010 would also provide opponents three great advantages.

- 1) This time they will be seeking a "No" vote. They don't have to get voters to reinstate a gay marriage ban; they simply have to raise concerns about eliminating the ban on those marriages.
- 2) Proposition 8 supporters have found a number of messages and concerns that they know resonate with voters. They will be able to capitalize on this messaging from the Proposition 8 campaign in a follow-up repeal.

Addressing the concerns raised during the Proposition 8 campaign will take time and a concerted, coordinated effort by all in the LGBT and civil rights community.

- 3) Proposition 8 supporters have built a strong and effective grassroots and GOTV program.

We recommend a multi-year campaign that culminates in an election when the time is right – when the numbers have moved enough to give you some assurance of success.

If you do UNSUCCESSFULLY undertake this issue at the ballot in 2010, this will further erode public support on the issue and make it harder for future efforts to succeed. And rather than looking at a 2012 fight, you may be forced to look at 2014, 2016 or beyond before a ballot victory would become viable. For these reasons, we recommend spending time and resources to lay the groundwork for a successful reversal of Proposition 8 when conditions are right.

PREPARING FOR A BALLOT FIGHT

We suggest that the LGBT community consider a multi-year effort to improve the base political environment and build support among swing voters for a gay marriage initiative. This should

include earned media, grassroots/outreach, paid media, new media, etc. This should be as aggressive and organized as if it were an election day campaign effort. In essence, you need to run a “pre-campaign” to move the numbers/develop strong arguments and campaign assets and then move in to a second phase, which would be the actual campaign. We have very strong doubts that can be accomplished in time for a November 2010 election. Perhaps 2012, but again, that should be driven by the progress made in the “pre-campaign” phase.

This will mean focusing on three primary goals:

- Maintaining and solidifying your base of voters (creating more activists)
- Making swing voters solid supporters
- AND
- Making “NO” voters question their motivation (creating more swing voters)

Organization, Consistency and Coordination

You need to have a central organization in place so that everyone is speaking from the same page, with the same messages and strategies in place. The opposition will speak with one voice and we will be at a severe disadvantage if we are not able to parallel their effort. While I know there are concerns about being “consultant” driven, the fact of the matter is the effort by proponents of Prop. 8 was consultant driven (far more so than the opponents of 8) and they WON. A better question would be “do we have the right consultant team” and the command and control capabilities to mount a sophisticated, consistent and coordinated campaign?”

Laying the foundation for passage will require a concerted, consistent and coordinated public education campaign. This cannot be stressed enough. Your opponents do this very well. A fractured effort will hamper the effectiveness of the public education campaign and could undermine the ability to achieve the public opinion support required to pass a ballot initiative.

Public Opinion Research and Messages

Public opinion should be monitored to track how well your public education and outreach efforts are working. It will help to gauge the effectiveness of your messages and messengers as well as identify your weaknesses with your target audiences.

Outreach/Coalition

It is clear to me that the LGBT effort needs to build/develop a much stronger grassroots/ally/door-to-door type of movement. The opposition has a built in advantage of weekly church services, etc. We have to be able to at least match their grassroots efforts and hopefully, exceed them.

The LGBT community is not divided from its supporters or opponents. They are neighbors, coworkers, and fellow congregants. As relationships are forged, conversations are opened and support is established, the group should establish a database of support/activists. These activists can be involved with the press, coalition and new media activities.

Earned Media, Paid Media and New Media

In addition to coalition building and organizing, your messages need to reach the broader electorate to ensure maximum effectiveness. Your public education campaign should include a thorough and strategic effort in the earned, paid and new media arenas.

Fundraising

It may be difficult for the churches to raise the funds they did on Prop. 8, but since we are now in a position of soliciting a “yes” vote, the LGBT community needs to be prepared to spend significantly more than the churches. I’m not sure if this is 1.5 or 2 to 1, but clearly you must have adequate resources in a TIMELY manner. That should be a key consideration.

Conclusion

We urge you as you move forward in this effort to look at this as a multi-year campaign building the foundation necessary to ensure victory at the ballot box. That means building your organization, coalition, community coordination and consistency, public support, messaging, and resources BEFORE making a decision to take this issue to the ballot. Moving forward on any ballot without having all of these pieces in place puts you at risk for failure and creates a greater hurdle to victory in the future.

We thank you for your interest on our thoughts and we look forward to working with you and supporting your efforts as you move forward.