



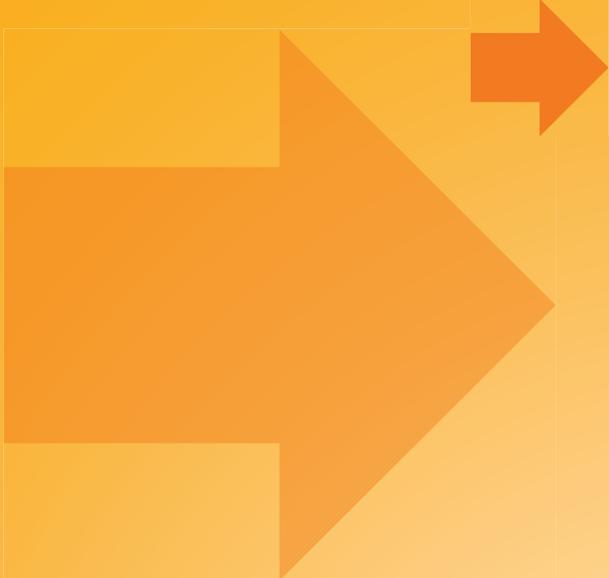
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# WINNING BACK MARRIAGE EQUALITY IN CALIFORNIA

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Analysis and Plan



BUILDING A  
STATE OF EQUALITY



Equality California | [eqca.org](http://eqca.org)



 n June 16, 2008, same-sex couples in California began marrying under California state law. For these couples and their families, the world was transformed as California law treated them as true equals. They were able to better protect their children and one another and be treated with the dignity and respect that heterosexual couples take for granted. For the rest of California's residents, life did not change at all.

Tragically, the LGBT community and fair-minded Californians of all stripes had very little opportunity to simply enjoy this historic milestone. Instead, we were forced to wage a campaign to try to defeat a ballot measure initiated and led by the religious right to take away the freedom to marry. For so many, what should have been one of the most joyous experiences of their lives turned into a rushed experience, for some only a few hours' break from the campaign to protect their rights. Nevertheless, during this period of less than five months, it is estimated that a full 18,000 same-sex couples married in California.

November 4 was a day we hoped we would not see—our hard-fought victory in the courts and years of public education work taken away in one vote of the people, by a margin of 52.3% to 47.7%. For so many in the LGBT community, while our progressive brothers and sisters were celebrating the historic election of Barack Obama as president, we were facing an exceptionally bittersweet moment—the election of a potentially transformational figure as president while, at the same time, our fundamental rights were stripped away by a narrow majority of California voters.

While the loss was exceptionally painful, out of the agony awoke a new generation of activists, many of whom will be leaders of our movement for years to come. Marches, protests and demonstrations from San Diego to Eureka, and from Seattle to Boston took place, as the LGBT community and its allies rose up in anger, sadness and pain and demanded our dignity as fully equal under the law. From the grassroots, groups sprung up like wildflowers, organizing on their own, ready to go to work to win back our rights.

For Equality California, the loss was particularly devastating. Working closely with our allies in the legislature, EQCA helped to win the passage of marriage legislation for the first time in the history of our country, twice, in 2005 and 2007, only to see Governor Arnold Schwarzenegger veto the law. EQCA, represented by the National Center for Lesbian Rights, Lambda Legal, the American Civil Liberties Union, Heller Ehrman and David C. Codell, was the organizational plaintiff in the lawsuit that won the freedom to marry in 2008. Then the issue ended up on the ballot. This time, only eight years after Proposition 22 passed by a vote of 61.5 percent to 38.5 percent, our rights were stripped by a margin of 4.6 percent.

A second blow took place on May 26, 2009, when the California Supreme Court upheld Proposition 8, ruling that the people of California have the right to amend the Constitution through the initiative process to take away fundamental rights of minority groups. Justice



Carlos Moreno stood alone in writing what we all know to be true: Proposition 8 “strikes at the core of the promise of equality that underlies our California Constitution” and, he added, “places at risk the state constitutional rights of all disfavored minorities.”

On May 7, 2009, Equality California launched Win Marriage Back: Make It Real, a campaign to change hearts and minds on marriage. The campaign is based on two key principles:

- **We must tell our stories**—all of us: married same-sex couples, LGBT people who hope to one day marry, friends, family members and allies—in a way that engages people who do not yet support the freedom to marry.
- **We must organize locally**, so that people hear the stories of those living in their own community, those with whom they share experiences in common.

In the first 100 days of the campaign, we set out to:

- Knock on 40,000 doors in neighborhoods where we lost Prop 8.
- Enlist 100,000 new Equality Advocates who agree to have real conversations with more than 300,000 people across the state.
- Raise at least \$500,000 in funding from online fundraising and other sources that were not planned for to enable this work to happen.
- Begin to make our marriages real to our neighbors, friends and family across the state.

We produced and broadcast three television commercials highlighting same-sex couples and their families. We also put in place a sophisticated field operation, with 18 full-time, paid organizers on the ground who are reflective of the diversity of California, most of them in the places from which the greatest numbers of Yes on 8 votes came (Los Angeles, Orange County, San Diego County, the Inland Empire, Coachella Valley, the Central Valley, Sacramento, Silicon Valley and the Bay Area).

Front and center in all our efforts are the 18,000 married same-sex couples whose marriages were left intact by the courts. As people get to know these couples and their families better, we are confident—based on everything we know—that the distortions our opponents propagate will fall by the wayside. Californians will see that these couples and their families have the same hopes and dreams that all American families have, and want the same responsibilities, opportunities and sense of dignity that other individuals, couples and families have.

We know this is a temporary defeat. As Martin Luther King said: “The arc of the moral universe is long but it bends toward justice.” Our opponents promised catastrophe once same-sex couples began marrying. Nothing could be further from the truth. Instead, we



have 18,000 same-sex couples who are married under California state law, couples who are better able to take care of one another and their children. As people get to know those couples, they will come to recognize that their marriages are good for California, and they will restore the right of same-sex couples to marry.

The vexing question before us is not to go or to wait. We, and our coalition partners, are not waiting. We at Equality California crave the day we win back the freedom to marry as much as anybody. We are ready and committed to fighting, persuading and working tirelessly—doing whatever it takes to win the right back as quickly as possible. Instead, the question is when to bring an initiative back to the ballot that will restore the freedom to marry.

This time, we get to choose when we return to the ballot. This is an opportunity our community rarely has had. Nationally, and in California, the LGBT community has been put in the position of having to fight anti-gay ballot initiatives at the time selected by our opponents. When we fought the Briggs Initiative in 1978, when we fought the so-called LaRouche initiative to quarantine people living with HIV/AIDS in 1986, when we fought Proposition 22 and Proposition 8, we were fighting on the timeline of our opponents. As we bring forward a ballot initiative to restore the freedom to marry, we get to choose when we think we will be in the best position to win. That is an opportunity of which we should take advantage and use wisely.

## RETURNING TO THE BALLOT

As we see it, there are four approaches before the community to win marriage back:

1. Return to the ballot each election until we win marriage back.
2. Work until we have sufficient support, and then (and only then) return to the ballot.
3. Return to the ballot in November 2010, using the date as a deadline for doing the work it will take to prevail on the ballot.
4. Return to the ballot in November 2012, using the date as a deadline for doing the work it will take to prevail on the ballot.

Following the court's ruling to uphold Proposition 8, EQCA offered a preliminary analysis that we should pursue the third option: return to the ballot in November 2010. Chief among the reasons for our recommendation was the grassroots energy which we had never seen before. We also surveyed our membership prior to the Court upholding Prop 8 and new polling being released, and found that a majority of those who responded supported going back to the ballot in 2010, although the vast majority of our members either didn't vote or were undecided.

We also explained that while we were doing the work—persuasion work on the ground,



building relationships with allies and running television ads in an effort to get closer to our goal of majority support for marriage equality--we would conduct a thorough analysis prior to making a final decision about which option we thought was the best to pursue and that we would then present it to the community.

We said we would support returning to the ballot only in coalition with partner organizations, and only if certain criteria could be met, including the creation of a campaign plan that charted a path to victory; a detailed and specific fundraising plan to raise the dollars required to run a winning campaign; community agreement around one date for returning to the ballot; and plans for persuasion in key communities of color (African-American, Asian-Pacific Islander and Latino) and the faith community, with a focus on supporting and enhancing the capacity of LGBT people of color and faith organizations to do the work.

Since then, we've taken on that analysis, shared a great deal more information with our members and the community, and listened very carefully:

- We actively participated in the coalition-led Get Engaged Tour, where polling results were presented at 35 gatherings throughout the state between June 22 and July 23 and attendees were asked their position on when to return to the ballot and what kind of campaign they want to see.
- We met with the leadership of LGBT organizations that work in communities of color to find out what they think it will take to carry out a strategic effort to move voters in their communities.
- We met with a number of the newly formed grassroots organizations, listened carefully to their views and joined coalitions of these groups.
- We held several meetings with LGBT family organizations, and organizations that work with youth and in schools.
- We spoke with many clergy and held meetings with California Faith for Equality to get their insights about how to involve clergy and congregants more actively in the next campaign.
- We met with the leadership of long-standing LGBT and allied organizations, as well as with elected officials, to obtain their best thinking.
- We studied the results of our field efforts to date—our volunteer numbers and the persuasion rates at the doors, and how those might foretell the future.
- We conducted a detailed review of polling results from the past few years, as well as conducted one final poll to help us better understand the electorate.
- We spoke to some of the political consultants with the best track records in California. We met with more than two dozen political consultants and pollsters.

- We've listened carefully to our members and supporters about their thinking on this subject.

## WHAT WE FOUND

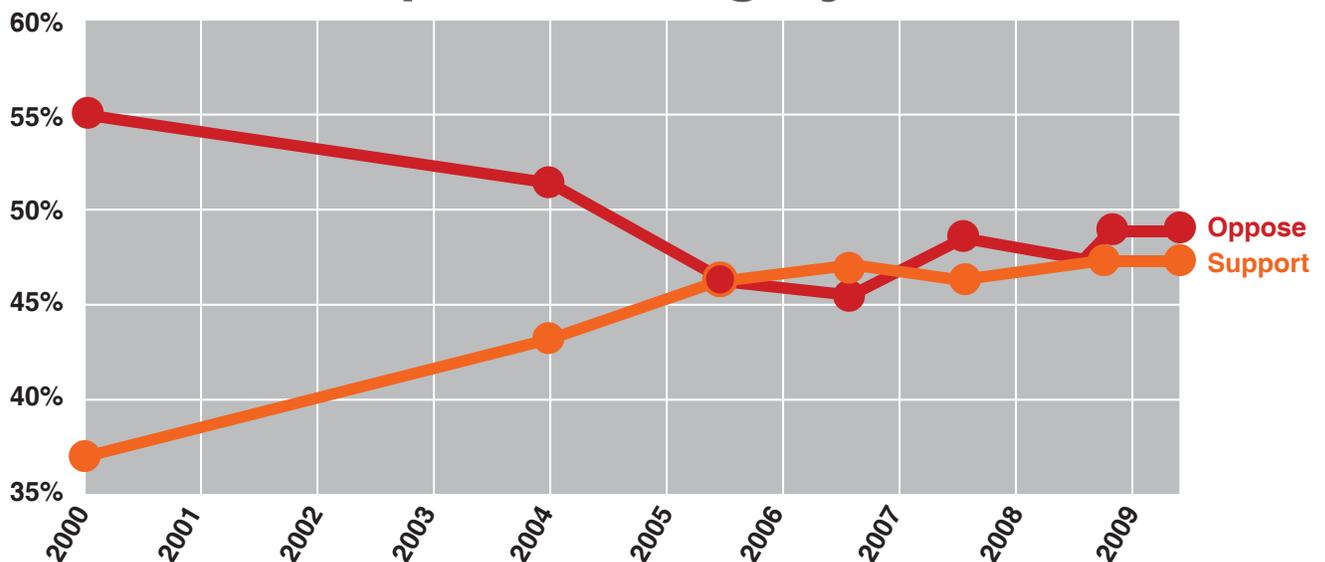
### POLLING

An analysis of the polling shows two sobering points:

1) For the past four years, movement among California voters towards marriage equality has been stagnant. In the Public Policy Institute of California's state-wide polling, the percentage of support for marriage equality jumped from 38 percent in 2000 to 43 percent in 2004 to 46 percent in 2005, and has hovered between 46 and 47 percent since then.<sup>1</sup>

2) The largest poll ever conducted on the issue of marriage equality in California was done in May of this year by David Binder Research and Goodwin Simon Victoria Research for a coalition of organizations including EQCA. The results demonstrate another sobering point: the buyers' remorse we had all heard about anecdotally following the Proposition 8 vote is not borne out by the numbers. So many of us had hoped beyond hope that our rallies, demonstrations and expressions of sadness and anger would have caused voters who voted yes to change their position. That is not the case. This does not mean that the situation is hopeless at all, but it does mean that we have much real persuasion work to do in order to get a majority of Californians on our side.

## "Do you favor or oppose allowing gay and lesbian couples to be legally married?"



<sup>1</sup> Just the Facts: Proposition 8. Public Policy Institute of California. December 2008.

Some consultants suggest that it is risky to return to the ballot without 60 percent support, or at least without a 10 percent differential between support and opposition. They argue that it is rare to gain support for an initiative during the course of an election (as the opponents throw whatever they can at the initiative until it sticks). When we asked about the Yes on 8 campaign they argued that, though our opponents were seeking a Yes vote, they were actually running a No-style campaign—get enough people to question the right of same-sex couples to marry, by whatever means possible, and they would prevail.

The most positive result in the Binder/Simon poll is the testing of ballot language which includes a “religious exemption”—language which states that no clergy or house of worship is required to perform same-sex marriages. The result: 50 percent support, 42 percent opposed, with 8 percent undecided.

Because of its promise, EQCA re-tested this result in a subsequent poll conducted by Binder in order to probe more deeply. It led to a similar result—50 percent support, 44 percent opposition, with 8 percent undecided. However, because we knew that that ballot language would not be presented in isolation, but instead in the context of a heated campaign, we tested this same language in the context of arguments that we know we and our opponents will use. In doing so, the numbers revert to where they had been (46 percent support, 49 percent opposed, with five percent undecided, for a 2010 ballot). So while the inclusion of a religious exemption is promising and should undoubtedly be included in ballot language, the numbers do not demonstrate a real shift in public opinion when voters are reminded of the ugly arguments that our opponents will use (even with our best responses).

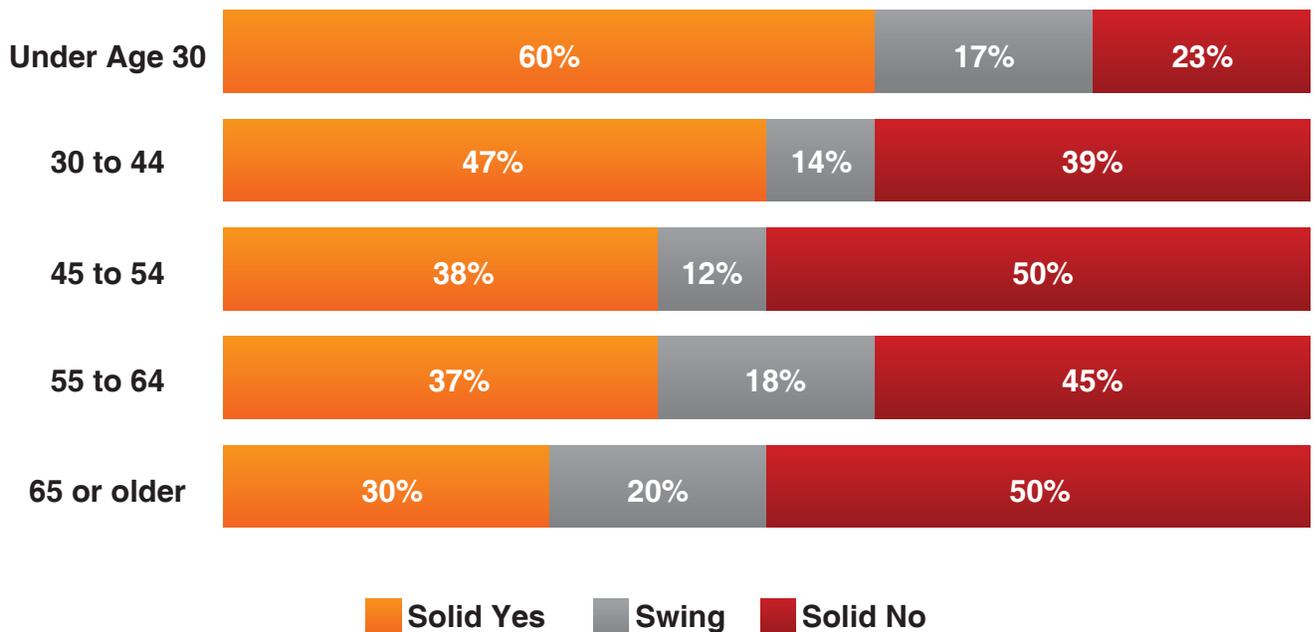
We point all of this out not to demoralize the LGBT community or our allies, but instead to help get us all on the same page with respect to where we are today and what it is going to take to prevail. We do not want anyone going into that battle wearing rosy-shaded glasses about the challenges we face or the work that is required.

## TURNOUT—PRESIDENTIAL BALLOT VERSUS GUBERNATORIAL BALLOT

Presidential elections draw a greater turnout than any other election, including gubernatorial elections. The maxim is true that the older voters are, the more reliable they are as voters. The 2008 presidential election had the highest turnout of any in history, and the increase was mainly the result of younger voters showing up to the polls in record numbers. If we use historical data to estimate turnout in 2010 and 2012, 37 percent of voters in 2010 will be older than 60, compared to only 27 percent of voters in 2012. Similarly, 7 percent of voters will be between 18-29, compared to 16 percent in 2012. Age is one of the top predictors of someone’s position on marriage equality—the younger one is, the more likely they are to support the right of same-sex couples to marry. In aggregate, the Binder/Simon analysis finds that, all things being equal, based solely on the age and demographic of likely turnout at the polls, we are 1-2 percentage points better off in a presidential general election

year than in a gubernatorial general election. For example, in the most recent Binder poll conducted for Equality California, looking only at those likely to vote in a 2010 election yields a result of 46 percent voting yes, 49 percent no and 5 percent undecided on a constitutional amendment to reinstate the right of same-sex couples, while a 2012 electorate yields 48 percent yes, 46 percent no and 6 percent undecided

## SUPPORT FOR MARRIAGE EQUALITY



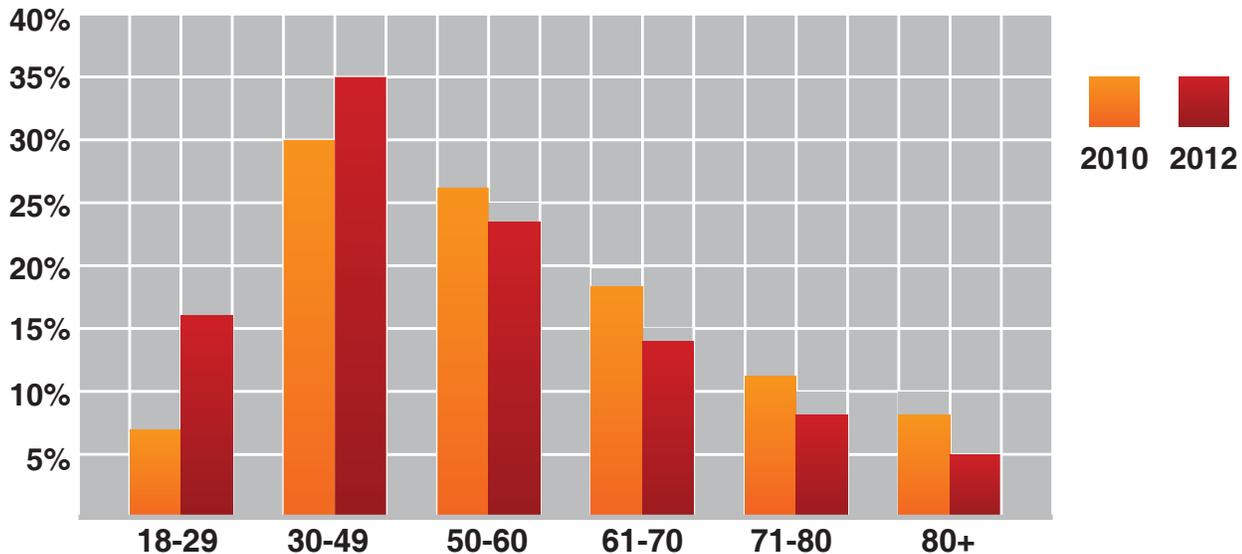
\* Binder/Simon, May 2009

### *Can we control the turnout?*

Some argue that 2010 presents a better opportunity for victory because we have greater control of the electorate. The argument goes like this: in a gubernatorial election, if we identify and turn out many of those young people that voted for president who do not ordinarily vote for governor, we can make up the gap. Upon further analysis, that does not appear to be a strategy that will give us a winning margin. For one, this has been tried unsuccessfully by many campaigns seeking to turn out young voters that have learned that voting behavior is difficult to change. Second, while we have strong support among younger voters, polling shows the intensity of their support is generally lower than the intensity of our opponents' opposition, so motivating these younger voters to turn out will be at least as difficult as our opponents' efforts to motivate their supporters to turn out. Third, we must assume that our opponents will carry out the same kind of voter identification/get-out-the-vote program, and they have at least as ready access to their base in conservative churches

as we will on college campuses and high schools. To be clear, this is not an argument against an intensive registration/voter identification/get-out-the-vote effort. We must do this work as we prepare to return to the ballot. We do not want to negate the ability of the grassroots to enlist new people to register and encourage young people to vote—we think it is powerful. But we do not believe it is a strategy that will, on its own, close the margin, nor do we believe it’s a strong argument on its own for returning to the ballot in 2010.

## PREDICTED PERCENT OF VOTERS BY AGE



\*Assumes same voter turnout as in 2006 and 2008<sup>2</sup>

### NEW VOTERS AND MORTALITY

Every year, individuals turn 18 and join the voter roles, and others pass away and leave the voter roles. Given that age is the greatest predictor of one’s position on this issue, it stands that, all else being equal, each year we stand a better chance of prevailing at the polls. In fact, by November of 2012, there will be 776,000 new voters under 21 years old added to the voter rolls, and more than 122,000 older voters will no longer be on the voter roles.

In adjusting for this factor, we pick up approximately another two percentage points in 2012. In aggregate, then, between turnout differences and the effect of voter turnover,

*Would you vote yes or no on a ballot proposition that would legalize civil marriage for same-sex couples under the condition that no clergy or religious institution shall be required to perform a marriage that goes against their religious belief?*

	Yes	No	Undecided
2010	47	49	4
2012	51	46	3

<sup>2</sup> David Binder Research conducted a survey of 764 California voters likely to vote in November 2012, with a margin of error of 3.5%. The survey included 532 voters likely to vote in November 2010, with a margin of error of 4.2%. The survey was conducted from July 30 to July 31.



there is approximately a 4 percent difference in projected support between 2010 and 2012. This is without any persuasion and simply based on turnout, younger people entering the voter roles and older people leaving them.

## FUNDING

We analyzed the list of the top contributors to the No on 8 campaign (those who committed \$50K or more) and for many spoke with the donors personally, with people who work closely with them or with those who solicited the funds from those donors. We found that the vast majority of the top 100 donors will either not participate in a 2010 campaign, or if something actually makes it to the ballot, will participate at a much reduced level of funding.

Most of these conversations were private. However, the line of thinking generally goes something like this:

1. I invested five, six, or even seven figures in the campaign last year.
2. The polling numbers have not changed measurably since that campaign.
3. Since last November, I've lost a third to a half of my net worth.
4. There is a crisis in funding for the social service needs of our LGBT community.

Those with the strongest track records winning ballot measures have told us that, to win an affirmative campaign to restore the freedom to marry, we should plan to raise at least 1.5 times to 2 times what our opponents will raise. We estimate an affirmative campaign will cost \$30 million on the low end to \$50 million on the high end. If we pick the mid-way point of \$40 million and we start raising funds in September, that amounts to a total of \$2.9 million per month, or \$725,000 per week. The biggest challenge with large donors not playing an early lead role is the difficulty in attracting early funding.

There are those who subscribe to the “if you build it, they will come” approach—that if we put in place a campaign and begin collecting the signatures, money will flow. Unfortunately, in this economic climate, we do not believe that to be the case. We only have to look to our friends in Maine who are being outraised by our opponents by a margin of more than two to one, according to the July 5 filing report.

## A SURVEY OF THE LGBT COMMUNITY

An initial survey of the EQCA membership in May found that a majority of those who responded to a survey supported returning to the ballot in 2010. We do not take those results lightly. However, the vast majority of those who read the email did not express an opinion, with many telling us that they needed more information. As we engaged with our membership and with the LGBT community at large, we heard more than anything that our members want to win marriage back as quickly as possible—and that they are looking to us

and others for more detailed analysis and for guidance.

Together with our coalition partners, we enabled our members—along with other supporters of equality—to deepen their knowledge and discuss the pros and cons of different options for returning to the ballot. In the Get Engaged Tour, pollsters and trained community members presented polling results to people gathering in communities around the state. After thorough discussion, participants were asked to vote on whether they supported returning to the ballot in 2010 or later. The results were very mixed: in 12 communities, the majority favored a 2010 ballot initiative; in 16, the majority clearly favored a 2012 or later initiative; and in four communities, the results were divided nearly 50-50.



## LGBT GROUPS WORKING IN COMMUNITIES OF COLOR

EQCA has made a commitment to helping do the work in communities of color, with a focus on supporting and enhancing the capacity of LGBT organizations based in communities of color to lead that work. We are listening carefully to their point of view on when and how to proceed.

The three leading LGBT groups doing marriage-related work in communities of color in the Los Angeles area—**HONOR PAC**, **API Equality-LA**, and the **Jordan/Rustin Coalition**—led in the release of a statement called Prepare to Prevail. The statement reiterated the commitment of these three organizations to do the work to move voters our way on marriage equality.

At the same time, it stated that more than 14 months will be needed to do this work. The statement reads:

*Doing [the work] will require deepened relationships with partner organizations and leaders who can reach diverse racial, ethnic and non-English-speaking communities. It will require working to increase the ability of LGBT parents and caregivers with children across these communities to effectively communicate the impact of marriage equality on their children. We must establish the communications capacity needed to achieve cultural competency as well as fluency in persuading immigrant, people-of-color and non-English-speaking communities to support marriage equality. Most of all, it requires time to build trust and relationships in targeted communities in order to succeed.*

As a result, they urge the community not to move forward with a 2010 initiative.

## LGBT FAMILY GROUPS

In the same vein, organizations that work with LGBT young people—including the **GSA Network**, the **Family Equality Council**, **COLAGE**, **Our Family Coalition** and others—have expressed concern about the repercussions of a campaign, including increased bullying and taunting. They argue that we must return to the ballot; however, for the benefits to outweigh the costs, we need to be sure we think we can prevail before we return.

## THE COALITION FOR 2010

There are a number of organizations that are strong proponents of returning to the ballot in 2010, including **Love Honor Cherish**, one of our coalition partners. Love Honor Cherish released a blueprint for a 2010 campaign, and they base their support for 2010 on a moral imperative to return to the ballot as soon as possible and the level of intensity and engagement from the grassroots. They estimate a full campaign would cost \$32 million. They've added greatly to the community discussion by releasing the first detailed plan, which can be found at [www.lovehonorcherish.org](http://www.lovehonorcherish.org).

Organizations supporting a 2010 ballot initiative*
Affirmation: Gay & Lesbian Mormons
AllorNotAtAll
A.N.S.W.E.R. LA
Bi Writers Association
BiNet USA
Communication Workers of America Local 9000
Courage Campaign
Desert No H8
Equality Army
Equality LA (E-LA)
Equality Network
Erase the H8
Gays United Network
International Socialist Organization
Latino Equality Alliance
Lesbian & Gay Lawyers Association of Los Angeles
Love = Love
Love Honor Cherish
Meet in the Middle for Equality
Mexican American Bar Association
National Council of Jewish Women California
National Council of Jewish Women Los Angeles
One Struggle, One Fight
Outright Libertarians
Parents & Friends of Lesbians & Gays (PFLAG) San Diego
Pride at Work of Greater L.A., AFL-CIO
Restore Equality Now West Adams/L.A. South
San Diego Alliance for Marriage Equality
San Diego Coalition for Peace and Justice
San Diego Equality Campaign
Somos Familia
South Bay LGBT Center
St. Luke's Episcopal Church
Stonewall Democratic Club
Stonewall Young Democrats
Stop8.org
Straight Ally Women 4 Equality
Team Courage Orange County
Totally Inclusive & Diverse Episcopalians
TruthandHope.org
Vietnamese for Marriage Equality
White Knot for Equality
World Pride & Power Organization
Yes! On Equality

Organizations supporting a ballot initiative in 2012 or beyond*
American Civil Liberties Union
Alice B. Toklas LGBT Democratic Club
API Equality-LA
API Equality-Northern California
Asian Pacific AIDS Intervention Team
Asian Pacific American Legal Center
Asian/Pacific Islander Queer Women/Transgender Activists (AQWA)
Ballot Initiative Strategy Center Foundation
Chinese Rainbow Association
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
COLAGE
Elections Committee of the County of Orange (ECCO-PAC)
Equality Action Project (Santa Cruz)
F.A.I.R.
Family Equality Council
Gamba Adisa Quilombo
Gay-Straight Alliance Network
GroundSpark / Respect for All Project
Harvey Milk Stonewall Democrats of Orange County
HONOR PAC
Imperial Court of Los Angeles and Hollywood
Inland Counties Stonewall Democrats
Jordan/Rustin Coalition
Martin-Lyon Leadership Institute
National Gay and Lesbian Task Force
National Youth Advocacy Coalition (NYAC)
Office & Professional Employees International Union (OPEIU), AFL-CIO
Our Family Coalition
Pacific Center for Human Growth
Parents, Families and Friends of Lesbians and Gays (PFLAG) National
San Francisco Lesbian, Gay, Bisexual, Transgender Community Center
SATRANG, South Asian LGBT Organization
Transgender Law Center
Ventura County Rainbow Alliance

\* Organizations listed who have taken a position as of August 12



Another significant player, the **Courage Campaign**, the skilled netroots organizing group which has developed a powerful training course for activists, supports a 2010 initiative and has begun raising the funds to develop messaging and test ballot language.

Other groups publicly committed to a 2010 campaign include several of the organizations that started after November 2008, such as **Equality Network; One Struggle, One Fight;** and **Yes! on Equality**.

## THOSE WHO HAVE RUN CAMPAIGNS BEFORE

We shared the polling data available in the Get Engaged Tour with some of the most successful political consultants in California, as well as with those who have deep experience working on LGBT-focused campaigns, and asked them for their analysis and recommendations. In the end, we spoke with multiple political consultants, as well as pollsters that have done work on marriage in California. Those who took a position were nearly unanimous in their perspective that neither the data nor their intuition supports moving forward with an initiative to win marriage back in 2010. They argued for an aggressive persuasion campaign to begin now, but agreed that that campaign will take more than 15 months. Some urged us to prepare for a November 2012 campaign, while others told us to do the work aggressively, and then re-evaluate to see if we are ready for a 2012 initiative or not. We asked a representative sample of them to put their positions in writing.

## WHAT WE KNOW ABOUT PERSUASION ON MARRIAGE EQUALITY

Moving people on the issue of same-sex marriage is a *cultural* endeavor much more than a *political* endeavor. The meaning of marriage runs deep in people's psyches. Religion, family, what gives meaning to our lives, commitment, love, tradition, respect—these are all deep-seated emotions and values that people hold around the subject of marriage. For many who see we are living in destabilizing times, marriage is one of the bonds that holds our society together. In addition, there exists the *mythical* wedding that we all learn about from our earliest days (think Cinderella and “happily ever after”). This is engrained in the minds of us all from an early age. Some people who are not yet with us ask: Are gay people respecting this institution and treating it with the dignity that we hold for marriage (even if their lived experience falls far short of that vision or myth), or are they trying to undermine it and diminish it?

Our job is to make the case (which happens to be true!) that same-sex couples do not want to change what marriage means. Instead, we make the case that our relationships have the same qualities that all people value, recognize and support—commitment; responsibility; respect; love; taking care of one another through thick and thin, better or worse; and creating the best environment for our children—and that we want to join the institution that our society and government has set up to support and protect these relationships.



In our experience, in order for people who aren't yet in our court to see our point of view, they need to let down their guards and really listen carefully, with their hearts and their minds, to our case for why same-sex couples should be allowed to enter into civil marriage. This happens in one-on-one and small group conversations; in honest discussions at churches and in other venues; in respectful chats at people's doors; in television ads making the heartfelt case for same-sex couples and the integrity of their relationships; and from their children, parents, neighbors and friends.

In the rough-and-tumble of a political campaign, it is much, much harder for people to let their guards down sufficiently to really take the information in and reconsider their views. Campaigns bring television wars and arguments going back and forth, followed by even more heated debate. It becomes a "he said, she said" situation, and people tune out, including those who are conflicted.

We will ultimately have to make the case back at the ballot box, in a multi-million dollar, hotly-contested political campaign (unless one of the federal court cases proves successful). However, in our experience, movement on this issue happens in a cultural context, outside of a heated political campaign.

As we engage voters at their doors on this subject, we talk and we listen. We make our best case respectfully, and if we see some movement, we note that. Then we go back later and pick the conversation up again. We also make sure there are stories in the local newspaper and on television about couples who live locally who are married, or who want to marry. Voters see that marriage equality is not just those gays in San Francisco, but the couple that lives down the street in Bakersfield, or the daughter of their close friends, or the parents of their kid's school friend.

We also will ensure that Californians really get to know the 18,000 same-sex couples whose marriages are recognized by the state, as well as their family members, friends and loved ones. The truth of their lives belies the misconceptions our opponents propagate. As these families simply live their lives, they will demonstrate to all Californians that same-sex couples want to be civilly married because they have the same hopes, dreams, concerns and sense of responsibility as any other family.

## THE CAMPAIGN TO WIN MARRIAGE BACK

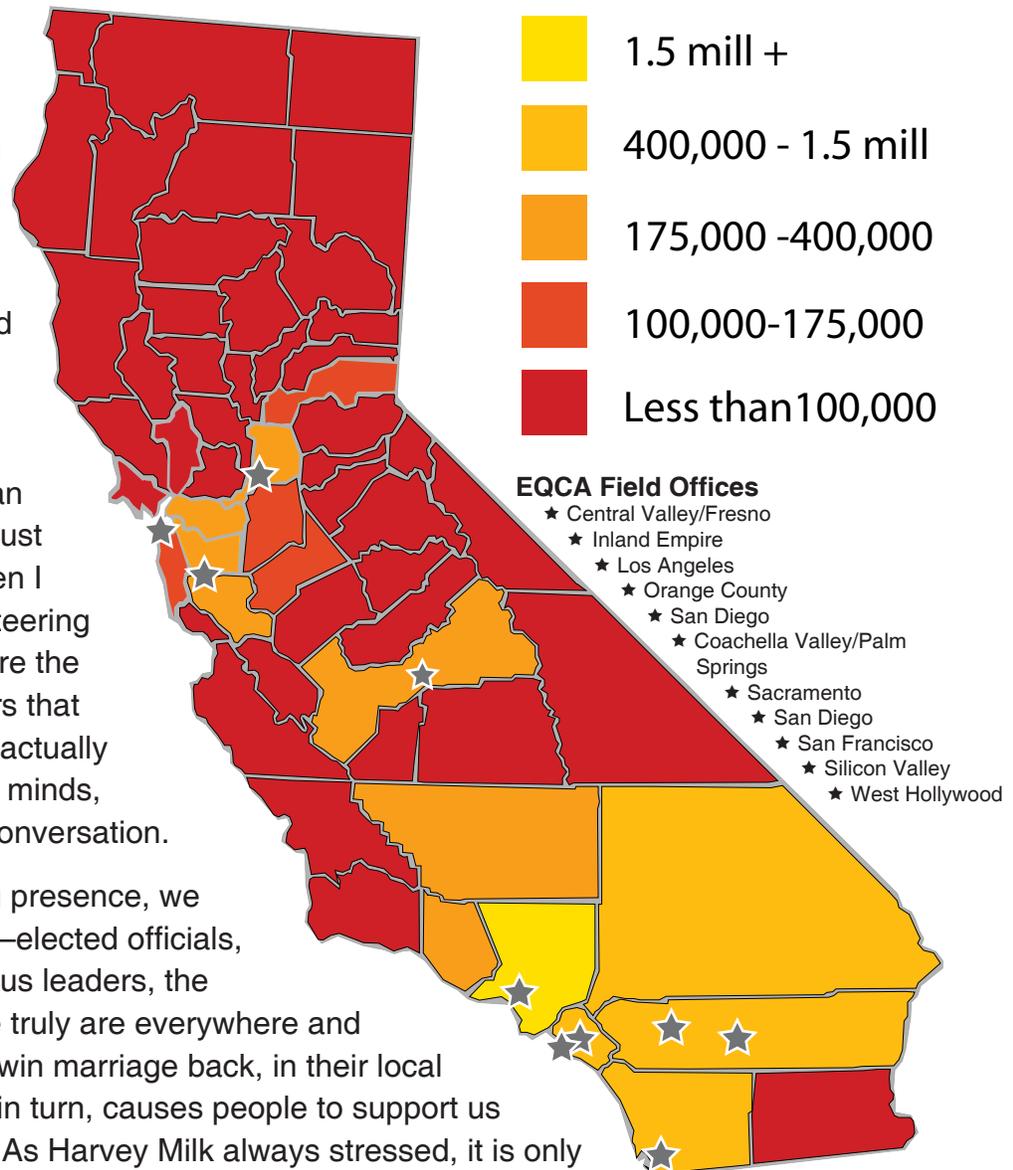
In our view, to move a sufficient number of voters to win at the ballot box, we must wage a campaign that incorporates the following: field, messaging and media, coalition and leadership outreach, activating our base, work in people of color communities, activating the faith community, supporting the grassroots, campus organizing, voter registration and coordination across the state.

## FIELD WORK

At the heart of our efforts must be a robust, on-the-ground field effort focused on voter persuasion. Equality California is committed to doing on-the-ground work, in partnership and collaboration with others, until we win marriage back in California. A field campaign staffed by full-time organizers has multiple benefits:

- It is the best way to ensure that we have in-person conversations with voters who are not yet with us. We can have conversations; find out whether someone is moveable or not; and then follow up multiple times to address the issues of concern to them.
- By having an active presence at events, festivals, places where people congregate, especially with local people doing the volunteering, you provoke discussion that otherwise would never happen. “I never knew that Jenny and Jeff’s daughter was lesbian and married...they just told me about it when I ran into them volunteering at the fair.” These are the conversation starters that are invaluable, that actually do change people’s minds, sometimes in one conversation.
- By building a strong presence, we show local leaders—elected officials, civic leaders, religious leaders, the media, etc-- that we truly are everywhere and will be at it until we win marriage back, in their local communities. This, in turn, causes people to support us and be more vocal. As Harvey Milk always stressed, it is only

## YES VOTES FOR PROP. 8



through being visible, and engaging people in their own communities, that people take us seriously.

- We are helping to build a cadre of volunteers at the local level who are gaining confidence, every time they do the work, that they can change hearts and minds. So as we move into a referendum campaign, we'll have experienced local leaders who are confident media spokespeople, who know how to speak to the issue in a way that their neighbors understand. This is truly invaluable.

In addition to persuading those who are not yet with us, a field campaign can be used to identify voters who support marriage equality in preparation for a get-out-the-vote effort. This is particularly helpful for “infrequent” voters—those who do not vote in every election—and new voters who we will register—and who we want to make sure we track so we get them to vote.

However, our immediate focus must be on engaging and persuading Californians who are not yet with us. The “hearts and minds” work takes the most time to sink in.

We presently have 18 full-time organizers on the ground: three in LA, two in Orange County, two in San Diego, two in the Inland Empire, two in Fresno, two in Sacramento, one in the Coachella Valley, two in the South Bay/San Jose area. and two in San Francisco. Thanks to the **National Gay and Lesbian Task Force**, we also have on permanent loan a deputy field director. We have committed to having 25 field organizers on the ground until we win marriage back.

The field program is focused on face-to-face persuasion to change hearts and minds of Californians who do not support marriage equality. The job of the organizers is defined roughly as follows: canvassing—50 percent of the organizers’ time is spent organizing door-to-door canvasses. This entails recruiting volunteers, training them, “cutting the turf”—preparing maps and voter lists, debriefing with the volunteers, etc. Another 25 percent of their time is spent organizing volunteers to go to high-traffic areas—festivals, farmers’ markets, shopping centers and the like—and engaging individuals in one-on-one conversations about the freedom to marry and recruiting new volunteers. And the final 25 percent is spent coalition-building—outreach to supportive churches, labor unions, elected officials, etc., with the goal of expanding the base of volunteers and supporters.

We are using the canvass model developed by **Vote for Equality at the L.A. Gay & Lesbian Center**, and it is the most sophisticated canvassing model with which we have ever worked. It’s designed with two goals in mind: persuading supporters to be even more supportive of marriage equality and most importantly persuading individuals who are undecided or opposed to change their position.

Rather than simply delivering a message, canvassers are trained to focus on listening as



well as sharing their personal story. Early canvassing has revealed three primary reasons that people offer for opposing marriage equality and/or having voted Yes on 8: religion, children, and tradition/concerns about the word “marriage.” Canvassers are trained to use questions to try to dig deeper at whichever point the person mentions and coached on using their personal story to respond to any concerns.

Each conversation with someone who is either undecided or opposed to marriage equality is tracked so that we can analyze which messages are working best. After every canvass, the script is updated with the latest lessons learned, and all updates are shared with organizers across the state—not only Equality California and Vote for Equality organizers, but every group that is doing door-to-door work, including Marriage Equality USA, the Courage Campaign, and others.

Following our conversation, we track exactly where each person is and what issue is important to her or him in the Voter Activation Network, a sophisticated database with information about all California registered voters. We then follow up with further discussion to see if the individual has actually moved. For those who are truly conflicted, we will ask married couples to contact them to share more of their personal stories about why marriage is so important.

Working closely with our partners, we are making adjustments to the canvass program based on what we learn at the door.

The groups that are doing field work on the ground, including Equality California, Marriage Equality USA, the LA Gay and Lesbian Center, the Courage Campaign and others, are working collaboratively on scripts, targets for persuasion, comparing what’s working and what is not, and are together tweaking the program as we go. Additionally, we are working closely with coalition partners who want to participate in canvassing. Equal Roots, Love Honor Cherish, Jordan/Rustin Coalition and many others have played a key role in enlisting their members to canvass.

In addition to the above, we will launch a state-wide speaker’s bureau where same-sex couples, allies and others will go to churches, town hall meetings, chambers of commerce—really everywhere where people congregate and meet—to lay out the case for marriage equality and to make sure that local people have gotten to know same-sex couples living in their community. We will develop materials and perform training to help speakers feel comfortable and prepared to talk to groups about the freedom to marry.

### *Can This Really Work?*

Some may wonder if we’ll ever win marriage back through field work, speaking to one person at a time. In our experience, it is a critical piece of building a winning effort.

Grassroots fieldwork is analogous in some ways to an economic stimulus. In an economic

stimulus, it is not the initial investment that makes most of the impact; it is the “multiplier-effect” impact as the investment weaves its way through the economy, and that multiplier effect is several times the value of the initial investment. The same can be said for voter contact fieldwork. When conversations happen at the door, at festivals, in local communities, they percolate through the community and cause many more conversations to take place—at the dinner table, in church, at work, etc. (this is impossible to measure, but anecdotally, we know it happens).

Even if a voter doesn’t show movement in a first conversation, in many cases, this is the first time they’ve had a real discussion about this issue with an LGBT person or an ally. For many, it will be a conversation starter with their spouse, children, or friends—“you won’t believe who came to the door today, here in Riverside (or Fresno or Irvine...you name it)....” That’s exactly what we need to crack through long-held positions, or to get a conflicted person to come over to our side.

## BUILDING A VIRTUAL FIELD CAMPAIGN

Even with Equality California and partner organization field staff on the ground, there are many parts of the state where staff will not be deployed. As a result, we need effective online organizing tools that make it easy for people to plug in and volunteer in a number of ways.

Equality California and our partner organizations must have systems that will make it faster and easier for people to organize in their own neighborhoods, even if they live in parts of the state where there are not staff on the ground. It will be possible for people to conveniently find out the latest news from the campaign, see and volunteer for the tasks that need to be done (from phone banking to canvassing to events organizing and more), learn what events and opportunities are upcoming in their own communities, and track the progress in the region where they live. They will be able to download walk lists and make calls from home. Committed local volunteers can take on a “super volunteer” role where they can become lead organizers for their region and get access to the information they need to drive efforts in their region. This work must be coordinated between groups and individuals working on the ground.

## MESSAGE DEVELOPMENT AND COMMUNICATIONS STRATEGY

From our deep experience with this issue, we know that our most powerful messengers are same-sex couples, their parents and children, LGBT individuals who aspire to marry, and those friends, family members, and allies who can speak personally about why the right to marry matters to them. In partnership with the Vote for Equality program at the LA Gay and Lesbian Center, we are testing and fine-tuning which messages work best at the door through canvassing.



At the same time, we believe we need fresh thinking with respect to our broader messaging. Recent polling and our experience working on this issue in other states offers us some ideas, but we propose engaging some new voices—creative people in Hollywood and elsewhere—to be part of a brainstorming team to craft and develop messaging concepts on the subject. We also plan to engage in in-depth psychographic research to get below the surface of people’s objections to marriage equality and better understand what undergirds it. We will work to develop overall messaging and targeted messaging for those subsets of the population who, based on polling, demonstrate the greatest propensity to move our way. This work should be done in partnership with coalition partners.

We believe we should keep the message development process open—take in suggestions from people across the state based on their best thinking and experience about what works in their own persuasion efforts. On the output side, we will work with coalition partners to disseminate the messaging that is developed and agreed upon through various media and will have training throughout the state on its use.

The professionals with whom we’ve spoken have consistently suggested that we be much more consistent with our messaging—with how we speak about the right to marry—so that we are most persuasive. That is our experience as well from the winning legislative campaigns on marriage with which we have been a part, as well as with helping move public opinion on this issue. So once we get to messages that work the best, we will encourage message discipline, while recognizing that we are an exceptionally diverse community and that at heart, personal stories told by individuals matter the most.

We must also find our best responses to the distractions and distortions our opponents use to frighten voters.

We plan to tailor messaging for the web, by creating pithy, creative slogans that carry the main ideas but are open enough to allow any organization or person who wants to carry on this message to innovate and create their own materials and ads. We will design messaging that allows anyone who wants to drive the campaign forward to make the message their own.

We must get our message out through every possible media—paid media (television, radio); online outreach (social media, blogs, ads and more); earned media (news stories on television and in newspapers highlighting same-sex couples; radio talk shows, etc.); direct mail, speakers’ bureaus and elsewhere. We will focus targeted messaging on specific, targeted demographic groups. We must also coordinate across the state so that we can take advantage of state-wide media opportunities (ie—anniversary dates of marriage in California)

## COALITION AND LEADERSHIP OUTREACH

In order for us to win back marriage, we must grow our ranks. We need organizations that have taken a position of support to get more engaged, and we need new entities—unions, chambers of commerce, you name it—to come to our side. We want these partners to educate their memberships and enlist them to make the issue of marriage equality their own. To accomplish that, we must have an organized strategy of reaching out, enlisting and engaging coalition partners. We need to do outreach to every progressive organization in California: to labor unions, to progressive churches (more on that below), to women’s groups and civil rights organizations. And we need to broaden our ranks. At the same time, we need to continue and expand our work on issues of concern to our partners in the broader struggle for social justice.

*Gay brothers and sisters,... You must come out. Come out... to your parents... I know that it is hard and will hurt them but think about how they will hurt you in the voting booth! Come out to your relatives... come out to your friends... if indeed they are your friends. Come out to your neighbors... to your fellow workers... to the people who work where you eat and shop... Once and for all, break down the myths, destroy the lies and distortions. For your sake. For their sake. For the sake of the youngsters who are becoming scared by the votes.*

—Harvey Milk

We must also identify and enlist new spokespeople, particularly those who are not “usual suspects”—Republicans, business leaders, leaders from communities of color, “mainstream” clergy, cultural and entertainment stars and others. And we must identify appropriate outlets for them to help make the case.

## “COMING OUT FOR MARRIAGE”

The single most important thing we can do, as LGBT people and allies, is to have personal conversations with people with whom we are close who voted Yes on 8 or are not yet in support of marriage equality. In our experience, we’ve seen aunts, uncles, friends, work colleagues, and others change their minds on the spot simply because they know how important the issue is to a loved one of theirs. It is, without a doubt, the one tool we have that our opponents do not—our ability to explain how the right to marry affects our life or the life of a loved one. It is the most effective form of persuasion, as it often cuts through so much of the conflict in people’s minds so quickly.

At the same time, motivating people to have these conversations is extremely difficult. Many LGBT people would rather not know that an aunt or uncle is opposed to their rights than have the difficult conversation and find out. There have been literally dozens of efforts to encourage/motivate/guilt/cajole people into having these conversations, and in our experience, they have all fallen short.

We need to develop creative campaigns to enlist people—both LGBT and allies—to maximize these conversations, to be in community with one another as we do so in order to reduce the sense of isolation. We have some ideas, but the suggestion box is wide open.



## PEOPLE OF COLOR COMMUNITIES

Equality California is committed to partnering with the organizations that are doing the work on the ground in communities of color —Jordan/Rustin Coalition, And Marriage for All, HONOR PAC, Bienestar, API Equality-LA, API Equality-Northern California and others, as well as with civil rights organizations with which we are joined in our collective struggle against oppression (Southern Christian Leadership Conference, NAACP, MALDEF, Asian-Pacific American Legal Center, Chinese for Affirmative Action and many others). We know the tried-and-true methods of telling our stories works in each of these communities, as it does in all communities. At the same time, each community has a different experience with marriage and same-sex relationships, and thus messages and messengers need to be culturally appropriate. EQCA seeks to partner to strengthen the capacity of these organizations to lead the charge in their communities—doing field work, enlisting leaders to speak out, identifying speakers, identifying more couples and family members who are willing to tell their stories, executing culturally-appropriate media campaigns and building a long-term, powerful presence for LGBT people of color in the community.

Doing this work right is both a moral imperative and a political necessity. The population of California is majority people of color, and the Latino population is growing more quickly than the rest of the population. If we want to win a permanent victory, and a victory of which we can all be proud, we must engage wisely and strategically in communities of color, with people of color, both LGBT and allied, in the lead.

## FAITH COMMUNITIES

Far too often, people think there is a dichotomy between standing up for marriage equality and faith. Nothing could be further from the truth. While our opponents certainly invoke scripture and theology to justify their beliefs, there are many clergy and denominations that feel equally passionate that their faiths call them to stand up for marriage equality. We embrace that, and recognize the unique knowledge, relationships and resources that faith communities have. Faith leaders and communities must own this campaign along with all of the community of supporters and allies.

California Faith for Equality is the organization at the hub of this work. We are partnering with CFE and are supporting their work to transform the unique skills and relationships of faith communities into effective tools and opportunities for outreach, organizing, and mobilizing. CFE is facilitating regional clusters organized by volunteers and staff in target areas, and Equality California is working with CFE to ensure integration with community-based field efforts. This integration will enable CFE to be an integral partner in the on-the-ground field work to: promote conversation about marriage equality within supportive faith communities; enlist volunteers from such faith communities to join up in field activities; identify clergy on the local level, in target parts of the state, who are willing to speak out for

the freedom to marry; and continue to encourage leading mainstream clergy to serve as media spokespeople. In partnership with CFE, we will help develop targeted, field-tested messaging, organize dialogues among moderates and implement an aggressive media campaign to highlight the faces and voices of faith, countering the religious right where appropriate.

## GRASSROOTS SUPPORT

In the aftermath of Proposition 8, we have witnessed an awakening of a new generation of grassroots activists. The creative energy and passion of these groups across the state must be an integral part of any campaign. Many of these new leaders will undoubtedly be our community's leaders for many years to come, and we are committed to supporting, collaborating with, and learning from these local partners. The terrain has shifted and for the better. We are in this fight together. We plan to continue working together on local events, town halls, canvasses, on-line organizing, creative media opportunities and any other chances to collaborate. Currently, we are working with local grassroots organizations and collaborating with local community partners to determine the best approaches to working together to persuade voters in their respective communities.

## CAMPUS ORGANIZING AND VOTER REGISTRATION

Whenever we return to the ballot, our success relies on ensuring that as many young people as possible have registered to vote and follow through at the polls. We must have an aggressive effort in high schools and on college campuses to get people registered, and to encourage them to register as permanent vote-by-mail voters. That way we can track these newly-registered voters and can urge them to vote over the course of weeks, rather than only on Election Day. We must support all the colleges in the state in getting organized, putting in place model programs that volunteer coordinators at specific campuses can implement. These volunteer coordinators, supported by permanent staff, will help lead student volunteer recruitment and activation as well as voter registration efforts.

We must also make sure that every member of the LGBT community is registered to vote, again preferably as a permanent vote-by-mail voter. We will work at Pride celebrations, gay bars, and elsewhere to make that happen.

## 'A HOUSE DIVIDED AGAINST ITSELF CANNOT STAND' —A CALL FOR UNITY<sup>3</sup>

What has become exceptionally clear in this period since last November is that our community continues to grieve. The loss was a blow to the gut from which we are still recovering. To create the kind of campaign that will be most effective in restoring marriage for same-sex couples—and to win the first proactive ballot measure for the freedom to marry in the history of the country—will require tremendous coordination, appreciation for

3 Abraham Lincoln, June 16, 1858



the strengths and capacities of our different organizations and the creation of a structure that enables us to coordinate, work together, share information and be disciplined. It must recognize that the terrain has shifted since November, and that there are creative new voices and organizations that are already making valuable contributions to the efforts to win back marriage. It also must recognize that without leadership, a campaign effort is doomed to failure. Working with older and newer partners, Equality California is prepared to extend its hand and offer leadership for moving forward, together.

There are many models for structuring this collaborative approach. We support an integrated coalitional effort where each organization is contributing what it is best at, maximizing collaboration with others and minimizing competition, balancing the need to be disciplined with the understanding that different approaches based on region, style, target audience, etc., can be successful. We should develop and use consistent messaging, deepen the coordination of grassroots field work, plan media events that take place state-wide, expand the coalition of supportive organizations and more. We are committed to building this structure as soon as possible.

## OUR RECOMMENDATION

We've laid out our findings as well as the elements of a campaign to win marriage back. And we previously stated that we see four approaches that the community can take to win marriage back:

1. Return to the ballot in 2010, and then in each election until we win marriage back.
2. Work until we have sufficient support, and then (and only then) return to the ballot.
3. Return to the ballot in November, 2010, using the date as a deadline for doing the work it will take to prevail on the ballot.
4. Return to the ballot in November, 2012, using the date as a deadline for doing the work it will take to prevail on the ballot.

Now we will more deeply explore these four options.

### **Return in 2010, and then in each election until we win**

This scenario is often accompanied by the sentiment that a loss is not such a terrible thing, and that we should return to the ballot each election until we prevail. While we understand the determination and fight behind this approach, we do not support it for several reasons.

First, the more often we return to the ballot, the more often we will run into the argument that “the voters have already spoken.” That is a powerful argument used in referenda campaigns against those who return to the ballot again and again. We begin running up against voter fatigue and positions will harden, as we lose voters in the middle. For this

reason, nearly every political consultant with whom we have spoken tells us that, if we were to lose in 2010, we would be forced to look at 2014, 2016, or even beyond before another campaign would become viable.

Secondly, a successful campaign will cost at a minimum \$30 million and could cost in excess of \$50 million. In the current financial environment, raising that kind of funding in three consecutive election cycles would be extremely difficult. Additionally, in this environment when not-for-profits doing essential work in our community are struggling mightily, we need to be mindful about the ethical challenge of investing tens of millions into a campaign that does not demonstrate a clear path to a victory.

Third, as we all know from the Prop. 8 loss, a vote on the humanity of LGBT people takes a toll. Kids experience harassment in schools, and a loss takes a toll on our community. Without question, these costs are all worth bearing if we believe we will win. But to return to the ballot each and every election without taking into account the consequences would not be wise or responsible.

**Work until we have sufficient support, and then (and only then) return to the ballot.**

This is the position of a number of our coalition partners, and the position enunciated by many of the consultants whom we have asked for their positions. We appreciate the wisdom of not returning to the ballot until we reach strong majority support for the freedom to marry and understand why some prefer setting benchmarks rather than a firm deadline.

However, we do not support this position, either. With a deadline, magical things happen. Winning back marriage in California is an urgent priority. We need to give ourselves, and our entire community of LGBT people and allies, a deadline for coming together, doing the hard work, putting together a campaign structure and returning to the ballot. With a deadline, we are not waiting—we are going.

So for us, the question comes down to whether we are wiser to run a 14-month campaign or a 38-month campaign. We have one more chance in the near future to get this right, and we must pick the right answer.

## A CAMPAIGN FOR 2010

In a campaign for 2010, all things being equal, we start off an estimated four percentage points behind where we would start a 2012 election (based on composition of voters for each election combined with expected changes to the voter rolls).

A timetable would look something like this:

## AUGUST-OCTOBER

### *Legal Analysis*

- Continue to evaluate various legal options for the design of the measure, including the overall construction and “add-on” components.
- Examine likely Title & Summary that could be issued by the Attorney General, based upon various measure design options.
- Enlist outside counsel that specializes in the design of constitutional amendments in California.

### *Polling/Focus Group Testing of Ballot Language*

- Building on the Binder/Simon poll, conduct in-depth polling and focus group testing to consider more deeply potential ballot measure design options and specific provisions that could be part of an initiative.

### *Structure*

- Create and achieve consensus on campaign structure that engenders the confidence of the grassroots and potential contributors alike, and which offers the opportunity for real input from the field while being tight enough to make quick decisions.
- Submit RFPs for campaign manager and consulting team (fundraising, polling, media/communications).
- Messaging research and development:
- With team of pollsters, communications experts, and creative thinkers—and accepting broad input from the community—use quantitative and qualitative methods to develop and test messaging. We need overall message points, messaging for specific micro-targets of the population, responses to our opponents’ best arguments, etc.

## NOVEMBER-DECEMBER

- Hire key campaign staff—fundraising director, political director, operations director, field director, coalitions director, communications director and press secretary. Identify campaign spokesperson or spokespeople.
- Develop overall campaign plan addressing key elements such as the framing strategy for the campaign, recommended messaging, refined timetables, action plans and budgets for grassroots and other activities, fundraising plan.

## *Fundraising*

- A minimum of \$2M to \$3M should be raised for signature gathering and short-term campaign activities, including grassroots management. A realistic timeline would have at least \$600,000 in hand by October 1, 2009 and \$1.5M raised by December 1, 2009.

## *Coalition building*

- Establish a formal structure for seeking campaign endorsements from individuals and groups, and harnessing the grassroots resources of coalition members. Having as broad a list of third-party groups on board when a measure is filed or soon thereafter would be very helpful.
- Prepare for earned media around filing of initiative.
- Ramping up a campaign apparatus and filing a measure will create significant media attention. Prepare and approve talking points, Q&A, potential handout materials, and the designation and preparation of spokespersons.
- While the California Secretary of State recommends that measures be filed by Friday, September 25, to allow for the full 150-day signature window, language can be filed later and if the approval process is as it usually is, we'd still have the maximum amount of time to collect the signatures.

## APPROX. NOVEMBER 30

### *Attorney General Issues Title & Summary*

- Conduct polling of actual Title & Summary.
- When collecting signatures in our base we can collect voter registration and vote by mail applications so that our supporters are able to always vote regardless of the election.

## DECEMBER 2009 TO APRIL 2010

- Collection of signatures during this 150-day window (a total of approximately 700,000 signatures must be collected. To account for invalid signatures, turning in a minimum of 1.1 million is recommended). Note: Some propose an all or primarily volunteer signature-collecting effort. We have concerns about this for several reasons. First, we doubt that we—or any effort—can pull this off. In recent history, the greatest number of signatures collected by volunteers was 250,000, for an initiative related to humane treatment of animals, as it is extremely difficult to collect and organize more than a million signatures on literally hundreds of thousands of forms. The last time an initiative used all volunteers to collect a sufficient number of signatures was 1982. Our opponents tried, and failed, on several occasions to



collect the requisite number of signatures to put anti-LGBT measures on the ballot, even when utilizing their extensive church networks. Approximately \$2 million was raised and spent in order for them to collect enough signatures to put Proposition 8 on the ballot.

Even more importantly, given the short timeline for a campaign, we do not believe that it would be a wise use of valuable volunteer time. In an all-volunteer signature-collection effort, the goal would be for every volunteer to maximize the number of signatures collected from registered voters. This would mean having volunteers stationed in West Hollywood and Santa Monica, the Castro and Union Square, Hillcrest, Berkeley and other neighborhoods and communities where there is a high concentration of supporters who are registered to vote. In this case, we would be having very few conversations with those voters who are not yet on our side, and, in such an effort, the conversations would not be focused on persuading people to support marriage equality (they would need to be quick conversations to identify current supporters). We would not be tracking the conversations with those not yet with us in a voter file—the only information we would capture would be the information of those who sign the petition (we could have a second petition to collect the information of strong supporters—the information on the forms themselves cannot be used for any other purpose). And finally, we would not be focusing on identifying and registering new and infrequent voters in high schools and on college campuses and then tracking them to encourage them to vote (though it could be a secondary goal)—something we absolutely must do to drive turnout of those young people who vote for president but who probably would not vote in a gubernatorial race. As a result, if we are to move forward in 2010, we strongly recommend raising the \$2 to 3 million in funding to employ a paid signature-collecting firm and to have them collect and organize most of the signatures. We believe volunteer energy is better deployed elsewhere.

## THE NATURE OF THE CAMPAIGN

Field Program: Winning a campaign in 2010 will rely in large measure on getting voters who are our top demographic (mainly young) who would not ordinarily vote in a gubernatorial election to go to the polls. There are approximately 2.3M of these voters who we would expect to vote Yes if we could get them to vote. Our opponents would, of course, focus on the same strategy. There are approximately 1.8 M voters who we project as unlikely to vote who we would expect to vote No—Republicans, church-goers, older voters, etc., who would not ordinarily go out to vote. Identifying our infrequent Yes voters, either in person or on the telephone, and then getting them to vote (ideally by mail) would be the heart of field efforts. Registering and tracking new voters in high school and college would be critical. Door-to-door persuasion work would need to take a back seat.

Persuasion: With most of the volunteer efforts focused on voter identification and get-out-the-vote efforts, much of the persuasion work must happen through media (television, print, new media, etc.) and through enlisting LGBT people and allies to engage in personal conversations with people they know who voted Yes on 8.

All of the other elements of the campaign, described above (work in people of color communities, clergy outreach, coalitional engagement, enlisting unconventional leaders) would take place in the 10-month campaign period of 2010.

Fundraising: As noted above, to run this campaign effectively, we would need to raise on average more than \$700,000 per week.

This scenario offers an extremely difficult path to victory. Even if we persuade 2/3rds of swing voters (as identified in the Binder/Simon poll) to vote our way and boost turnout of our base by 25 percent more than our opponents, we would still lose. The only realistic path to victory is to persuade a significant number of voters who are not now “swing” or conflicted to challenge their assumptions and vote our way.

The way to do that is with a very robust media campaign, one that begins early, carries throughout the campaign and is extremely well-funded. And we simply do not think it is realistic to raise that level of funding in this environment.

## A 2012 CAMPAIGN

### *(How it Differs from a 2010 Campaign)*

- All things being equal, we would begin with an estimated 4 percentage points advantage over 2010, simply based on turnout projections and voter turnover. This means that we begin with 51 percent of the electorate inclined to vote our way.
- Since we have more time, we can try different approaches out, see what works and what does not and then replicate what is working.
- We have the time that organizations working in communities of color believe is necessary to transform hearts and minds.
- We will be able to build and cultivate even stronger local leadership, training some of the amazing activists on the ground to be strong media spokespeople and even more persuasive advocates.
- Most importantly, we would be not be operating in an intensive campaign context, but instead would be able to capture people when they are more open to listening. The door-to-door persuasion work, the stories of married couples and their families, the anniversaries they celebrate, and more can be gently advanced in conversation, in speakers’ bureaus, in educational media campaigns, etc., instead of in a more hurried and forced approach that would be necessitated by a 2010 ballot campaign.

A three- year campaign would look something like this:

## 2009

- Develop coalition structure.
- Continue developing and refining state-wide field persuasion program.
- Perform messaging research and development.
- Develop RFP to enlist campaign strategist and hire staff to coordinate campaign effort.

## 2010

- Pilot several integrated persuasion programs (at least one in African-American community, Latino community, API community, and Anglo community). Combine field strategies with media, leadership activation, etc. – rigorously test effectiveness.
- Integrate clergy/community of faith activation into field and media programs.
- Begin speakers' bureau efforts throughout the state, with a focus on married, same-sex couples and their families.
- Targeted “earned media” work—get media coverage on television, in newspapers and through other media, with a focus on the 18,000 same-sex couples.

## 2011

- Apply “best practices” learned from pilots and from canvassing experience on a much broader scale.
- Complete transition to formal ballot campaign structure—agree on legal structure, draft ballot language, hire campaign staff, develop detailed initiative campaign plan.

## 2012

- Win Marriage Back.

## CONCLUSION/RECOMMENDATION

We have one more chance (in the near-term) to get this right and win. Though extremely tempting, we do not believe a 15-month campaign gives us the time to do all that is required to do it right. We are not operating in isolation—our opponents are ready; they are passionate; they know which messages worked for them last go-around; they know the 2010 electorate is about four percentage points better for them; and they know where to find infrequent voters who support their position (conservative churches).



On the other hand, we have a dramatically changed movement; organizations that need to figure out how to work well together; a funding environment that is extremely difficult; a strong sense from various organizations working in communities of color that the work cannot be done effectively in their communities in 15 months; an issue that is more effectively conveyed in a cultural, rather than a political, context; and the need to do extensive work to revamp our messaging.

We recommend that the LGBT and allied community get behind a 38-month campaign to win marriage back in November, 2012. In a 38-month campaign, we will be able to:

- Build a powerful, community-based grassroots field structure.
- Do the real, in-depth work in the people of color communities that must happen and support those organizations that will lead that work.
- Implement strategies to help lessen the effectiveness of our opponents' misleading attacks.
- Pilot ideas that appear, based on testing, that they will work and see if they actually do.
- Lay the groundwork for the fundraising that will be required to win a 2012 ballot campaign.
- Work through some of the organizational challenges, and develop a structure that wins the confidence of donors, established organizations, the grassroots and allied organizations alike.
- Do the real, in-depth, locally-focused work to maximize the numbers of voters who have gotten to know a same-sex married couple/family in their own community.

As we stated at the outset, this next go-around, our community gets to choose when we return to the ballot. This is what our opponents do—they target the election when they think they can win, and they march towards that date, often years in advance, together. It's what our LGBT legal advocacy organizations do—they make a determination about when the timing is right to bring a critical lawsuit in a state like Iowa or Massachusetts or California, and they lay out a multiple year comprehensive plan to prepare for the filing of the case, one that includes significant public education work.

Now it is our turn. We get to go at the time that is most advantageous for us—when the numbers tell us we have a strong chance of prevailing; when we've had sufficient time to do the real work to move voters our way; when we have a solid plan for raising the money required; and when our partners doing the hard work in communities of color think sufficient progress can be made. Our community of LGBT people and allies get to make the choice that is best for our community, the choice that our heads, hearts, and guts together tell us is right.

After months of listening, analyzing, and soul-searching, we at Equality California are confident that time is November, 2012.



- CENTRAL VALLEY/FRESNO
- INLAND EMPIRE
- LOS ANGELES
- ORANGE COUNTY
- SAN DIEGO
- COACHELLA VALLEY/PALM SPRINGS
- SACRAMENTO
- SAN DIEGO
- SAN FRANCISCO
- SILICON VALLEY
- WEST HOLLYWOOD

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