

LGBT MENTORING PROJECT

# The Prop 8 Report

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What Defeat in California Can Teach Us  
about Winning Future Ballot Measures  
on Same-Sex Marriage

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8/3/2010

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# Abstract

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This report is a data-driven case study and analysis. It offers a wealth of new data about the Proposition 8 campaign in California. The data permit reconsideration of the conventional wisdom about Prop 8, and show that most of it is factually incorrect.

This report also puts Prop 8 in context, and notes its remarkable similarity to other same-sex marriage campaigns. Prop 8 illustrates three patterns—two dysfunctional, one functional—that define much of the LGBT struggle with ballot measures since they first cropped up in the 1970s.

The first pattern is that anti-gay forces know how to exploit and stimulate anti-gay prejudice, and the LGBT community has difficulty facing and responding to the attack. Recycling a lie as old as Anita Bryant’s “Save Our Children” campaign in 1977, the anti-gay Yes on 8 campaign whipped up fears about kids to move voters to its side. In the final six weeks of the campaign, a minimum of 687,000 voters moved towards favoring the ban the on same-sex marriage. The voters who most dramatically moved toward the ban were not African-Americans or Republicans. Those who moved were largely part of the pro-LGBT base that got peeled away, particularly parents and voters of parenting age. In the closing weeks, almost three-quarters of the net movement toward the ban—approximately 500,000 voters—were parents with children under eighteen living at home. Other voters who also moved away in big numbers were white Democrats, Independents, and voters in the greater San Francisco Bay area. Yes on 8’s fear-mongering about children was particularly effective because No on 8 waited sixteen of the thirty days remaining until the election was over to directly respond. Once No on 8 responded directly in its TV ads, it made up some of the ground lost earlier.

The second, more positive pattern is that the LGBT community has become much more effective at building power. The No on 8 campaign made a series of smart choices that maximized the number of dollars raised and volunteers involved. There were also significant flaws, including a tough one that limited the value of the volunteer field campaign. But the record-breaking fundraising and volunteer recruitment and mobilization deserve wider recognition than they have received. We must build on these successes in future campaigns.

The third pattern is that No on 8 delegated to consultants too much of the thinking and therefore too much of the de facto decision making. Valuable as the consultants were, larger dynamics misled them. As problems arose that were outside of the consultants’ experience, too few people were in a position to help the campaign correct course. By September, when the problems were overwhelming, the only apparent option was a complete change in leadership. This extreme response both improved the situation in vitally important ways and led to the single most costly decision of the campaign: the failure to respond in a timely way to the “kids in danger” message that we should have seen coming.

Looking at the specific experiences of No on 8—what it did right and what it did wrong—teach us all how to do better. The Recommendations at the end aim to help us find our way forward.

## How to Use This Report

The structure of the report allows readers to examine as much (or as little) data and detail as they desire.

**The Abstract summarizes the entire report in one page.**

**The Executive Summary**, pages 1-19, offers a concise overview of the report's fundamental conclusions. It **includes short summaries** on:

- **Why Prop 8 matters, even Beyond California**, page 9;
- **The Top 10 Facts and Findings of the Report**, pages 9-12;
- **The Top 10 Recommendations of the Report**, pages 13-15;
- **Most of the Conventional Wisdom about the Prop 8 Campaign is Wrong**, pages 16-17;
- **What the No on 8 Campaign Did Not Do Well**, page 18; and
- **What the No on 8 Campaign Did Well**, page 19.

**The Findings section**, pages 20-117, more fully examines each lesson learned. Each Finding provides both basic backup data and the author's interpretation of the data. Many of the findings are based off of polling data recently released by Equality For All and available at <http://www.eqca.org/site/pp.asp?c=kuLRJ9MRKrH&b=6096765>.

**The Appendices are primarily for readers who would like to apply their own independent judgement to the data.** Each Finding is linked to one or more of the seventeen appendices that constitute pages 163-443 of the report. Each appendix addresses one topic in much greater detail and provides much more data than is possible in the body of the report. Each appendix is designed to expose the report's assumptions and methodological approach to each topic. This allows readers to assess for themselves the strength or weakness of the thinking of the author and reach their own conclusions about lessons to be learned.

**The charts** in Appendix D, page 183, **illustrate the trends** discussed in the body of the report. They show what happened in Prop 8 as well as tell about it.

**The Recommendations section**, pages 118-162, offers data and the author's opinions about the next steps needed to prepare the LGBT community and allies to wage more successful campaigns in the future.

# Executive Summary

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## **Purpose**

The lesbian, gay, bisexual, and transgender (LGBT) community and its allies suffered a terrible loss in November 2008 when voters approved Prop 8 and banned same-sex marriage in California.

The purpose of this report is to help supporters of same-sex marriage learn from the Prop 8 campaign. This knowledge can hasten the day that we are able to return to the ballot to win same-sex marriage in California or in any state where we have previously lost on the issue.

There is much to learn. Many commonly held beliefs about Prop 8 are factually incorrect. The data show that the pro-same-sex marriage side, the No on 8 campaign, made both smart choices and costly mistakes. This report aims to help our entire community recognize and learn from both. Understanding what happened will help all of us face and embrace the hard work ahead.

In plain text, accessible to community leaders, campaign experts, and grassroots activists alike, this report examines and shares a large body of data, including but not limited to the polling information recently released by the No on 8 campaign. The report identifies and examines the strategy and tactics prioritized by the No on 8 and Yes on 8 campaigns. It looks most closely at television advertising because both campaigns spent by far the largest share of their money on this one tactic.

The report also assembles key facts about other aspects of the campaign and a campaign chronology. It charts movement in public opinion and summarizes a substantial body of polling data previously unavailable for public examination. The report reveals that some strategic choices were much more effective than others. The result: it identifies lessons learned that can help the LGBT community and our allies do better and avoid repeating mistakes.

## **My Qualifications**

In addition to data, this report includes my independent analysis of the data. I offer my views because data does not speak for itself. We have to make sense of it. All of us can contribute to that understanding; I come prepared to help. My preparation includes 30 years as a campaign manager and trainer of candidates, managers, and community organizers, with 17 of those years in the trenches doing the practical, necessary work to fight anti-LGBT ballot measures. Since 1993, I have significantly participated in, advised, and/or closely observed 105 campaigns to preempt, stop, delay, and overcome anti-LGBT ballot measures and (on one occasion) move forward a pro-LGBT ballot measure.

I was able to do this work because I created, developed, institutionalized, and ran three of the premier leadership development programs that exist in the LGBT community today. From 1993 through 1998, I created and ran the national training program for the Gay and Lesbian Victory

Fund and Victory Foundation; I trained openly LGBT candidates, potential candidates, campaign managers, and those taking very demanding leadership roles fighting anti-LGBT ballot measures.

From 1999 through 2006, I created and ran the Organizing and Training Department at the National Gay and Lesbian Task Force; I focused the Task Force organizing team to help state and local communities fight back when threatened with anti-LGBT ballot measures.

Starting in 2007, I created the LGBT Mentoring Project to mentor LGBT teams and leaders to build stronger, more effective educational and political organizations, most of which have been significantly focused on fighting anti-LGBT ballot measures. I continue to run this program, which in May of this year became part of the leadership LAB of the L.A. Gay and Lesbian Center. For more information on my background, see the About the Author section of this report.

### **This Report Aims to Stimulate Independent Thinking**

Given the difficulty our community has experienced with the same-sex marriage measures, all of us, myself included, are still near the beginning of the learning curve. This report therefore includes not only my best thinking, but also that of a team that helped me craft this report (see the report's Acknowledgements), and an even larger team that I recruited to read and continually critique the report in the six months prior to publication. I owe them all my thanks for their advice and correction. I asked for their help because I thought it would make the report better, and it did.

Fundamentally, our community's need to have more people think about why we have lost so many of these ballot measures is the reason why the report breaks with convention and makes the data available and accessible. Only with data can anyone think about Prop 8 in an intelligent way. The more of us who see the data and consider its implications—the more brains we have hard at work as we seek to bend history toward justice—the more likely we will take smart, strategic, and constructive next steps. If we as a community learn from the past, we can find a way forward. The alternative is to live out Rita Mae Brown's definition of insanity, "doing the same thing over and over again but expecting different results."

### **This Report Alerts Us That We Must Know our History**

The need to learn from history is particularly acute because the central message of the anti-LGBT side isn't new. Our opposition keeps recycling the spurious idea that kids are in danger. For example, the anti-gay Yes on 1 campaign in Maine in 2009 used exactly the same message as the Yes on 8 campaign in 2008. Both echoed anti-gay campaigns going back at least to 1977. Yet the pro-LGBT side often fails to anticipate that the time-tested anti-gay message is coming or underestimates its effect. The No on 8 campaign was inadequately prepared when the same ugly arguments surfaced in the final thirty days before the election. The more of us on the pro-LGBT side who learn and recall history, the more likely we will be prepared the next time. Preparation will increase our chances of success.

Similarly, some of the mistakes in No on 8 recall mistakes made by pro-LGBT campaigns across the country. See Appendix L for a discussion of the larger dynamics that lead our side to repeat strategic choices similar to those that failed us in the past. Foremost among them is hoping that avoidance of the kids issue will minimize its impact. It doesn't. See Finding 4 for a full discussion of this complex topic.

## **This Report Shows That Polling is Both Part of the Problem and Part of the Solution.**

Most campaigns rely significantly on polling. This is the accepted best practice in professional campaigns. But past experience underscores two serious polling defects. First, polling tends to overstate where we stand with voters on same-sex marriage when the topic is not receiving consistent, high-profile attention. Analysis of public opinion surveys on same-sex marriage conducted between 1988 and 2008 shows that when public controversy dies away, polling tends to overstate support for the pro-LGBT position. The March 2010 poll by the Public Policy Institute of California (PPIC) showing 50% of California adult residents supporting same-sex marriage is only the latest example.

Second, polling can give us bad advice. It can overstate the persuasiveness of our arguments: in Prop 8, it provided a mistakenly optimistic view of how voters respond to broad, abstract, public policy arguments we find easy to make; and it failed to alert us to the power of opposition arguments that we find uncomfortable to challenge.

This report values polling. Much of the insight it offers into what happened with Prop 8 owes a great deal to the smart polling commissioned by the No on 8 campaign. But that said, the LGBT community makes specific, predictable mistakes when we rely on polling to the exclusion of other data or expertise. Our actual lived experience in these campaigns—our history—offers a necessary corrective. Appendices I and J offer a discussion of both the strengths and deficiencies of polling. Appendix J also includes a short guide to critical thinking about polling, a review of best polling practices, and some examples of common misinterpretations of polling data.

## **Our Opposition Knows What It's Doing. We're the Ones who Need to Get Up to Speed.**

For those who fear that this report will enlighten our opposition as to how to run an effective campaign, I have a message: they already know how to do that. This is not only revealed by our community's won-loss record on the same-sex marriage ballot measures; it is also clear from reading Schubert and Flint's analysis of the Yes on 8 campaign they ran. In their February 2009 article in *Politics* magazine, they make it plain that they know how they won: "[No on 8's] failure to respond to the 'consequences' messages (especially the education message) in a timely fashion ultimately led to their downfall." This tracks Findings 1 and 2 of this report, which would be the most sensitive findings in the report except that the opposition knows the information, has publicly proclaimed it, and has already applied it in Maine after winning with it in California.

The group without access to what is known about these campaigns is our own community. This report is my best effort to help those of us who care deeply about the LGBT community and its prospects to understand what we're up against and how to be smarter as we fight for our rights. If many more of us commit now to ongoing, intelligent, strategic, and collective action, and measure the effectiveness of what we do as we go along, we can put our community in a position of strength before we next face a high-stakes vote. If we practice hard now, we will do much better then.

For the LGBT community, our quest for Wedding Day has too often looked like *Groundhog Day*. In that film, every day repeats the past one until the protagonist recognizes his own self-limiting patterns. For us as well, greater shared community knowledge and self-knowledge is the first step forward, away from the past.

## **Why Prop 8 Matters, even Beyond California**

There are five reasons why Prop 8 offers so many lessons and provides so many useful clues on how to conduct future campaigns.

**Scale:** Prop 8 was, by far, the biggest, most amply funded, most hotly contested ballot measure on same-sex marriage of the 35 statewide votes to date. No on 8, the pro-LGBT campaign, tried more ideas, spent more money, and involved more people than any other ballot measure campaign on an LGBT issue in U.S. history. CRX

**Shock:** To many, the Prop 8 loss was unexpected. Public polling showed No on 8 comfortably ahead until the end. Prop 8 offers valuable lessons on what should surprise us and what shouldn't in similar future elections. CRX

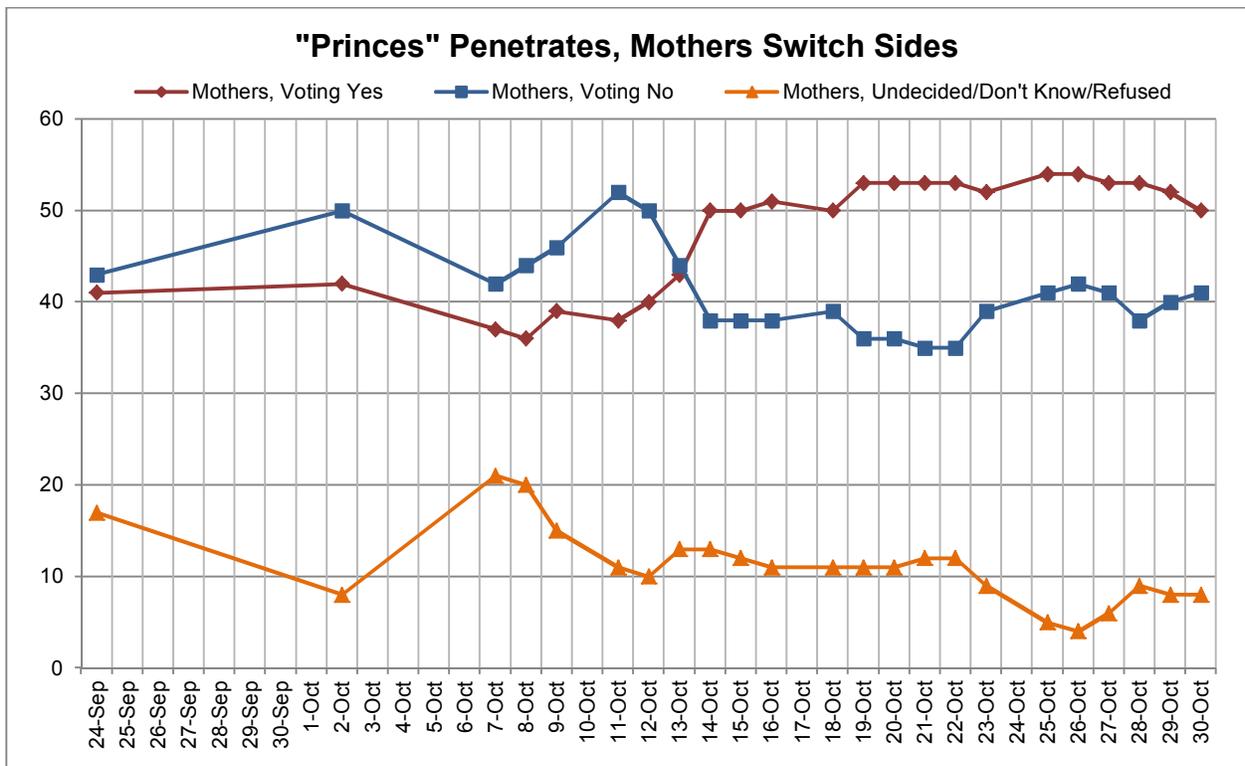
**Déjà Vu:** History keeps repeating itself, to our detriment. The most important strategic choices made by both sides in the Prop 8 campaign were not new. For example, in 2009 the tactics and message of the Yes on 8 anti-gay campaign were exported from California to Maine and prevailed again. In both states, the pro-LGBT side lost ground in the closing weeks of the campaign to ads exploiting anti-gay prejudice. Ads like these will repeatedly appear until we know how to preempt or answer them. CRX

**Data:** No on 8 invested almost \$1.2 million in research. For this report, the LGBT Mentoring Project managed to collect and reassemble much of it. This report summarizes data from more than 10,000 pages of documents and more than 40 hours of interviews with key No on 8 decision makers. CRX

**Media and Message:** Both Yes on 8 and No on 8 devoted their resources to paid TV advertising. It was the dominant tactic of both campaigns. This report examines and measures the impact of that tactic with great precision. By tracking down every ad aired by both sides, and by documenting the dates, locations, and frequency of voter exposure to each ad. The bottom line is that, in the final six weeks of the campaign, some messages changed voters' minds. This report shows which ads worked and which didn't, and it identifies the voters most affected. CRX

## The Top 10 Facts and Findings of the Report

1. Our Base Shrank: Yes on 8 won by peeling away some voters who supported same-sex marriage only six weeks earlier. From September 22 through election day, at least 5% of voters moved towards the anti-gay side. No on 8 lost ground among many types of voters, but it lost most ground among parents, white Democrats, Latinos, and voters in the Greater Bay Area. Other voter groups favored Yes on 8 by bigger margins, including Republicans and African-Americans, but No on 8 did not lose nearly as much ground among them in the closing weeks. See Finding 1 and Appendix H for detailed discussion.
2. The Children’s Hour: The most effective decision made by either campaign—the one with the biggest impact on the outcome—was Yes on 8’s decision to appeal to appeal to anti-gay prejudice by dishonestly alleging danger to kids. Its most broadcasted ad, “Princes,” and most of its other ads charged that schools would expose kids to inappropriate information about gay people. The Yes on 8 ads changed votes on Prop 8 even though they only peripherally concerned marriage. See Finding 2 for detailed discussion.



3. Parents Ran Away: Almost three-quarters of the net movement toward the ban was among parents with kids under 18 living at home. Approximately 500,000 of them moved away from us. The lesson of the Yes on 8 campaign: when parents hear that their kids are in danger, even if it’s a lie some of them believe it—particularly when the lie largely goes unanswered. See Finding 1 for a more detailed discussion. The chart above shows mothers switching sides after the “Princes” ad penetrates. More than fifty charts document key points throughout the report.

4. Smart But Too Late: The most costly mistake by No on 8 came in early- to mid-October: the two-and-a-half-week delay before rebutting “Princes” in TV ads. On the other hand, the two most effective moves made by No on 8 came in mid- to late October: airing the “O’Connell” ad to rebut the “Princes” argument that kids were in danger; and the remarkable fundraising surge that allowed No to outspend Yes in the closing days. See Finding 4 for detailed discussion.
5. Record-Breaking Fundraising: The No on 8 campaign raised more than \$43 million, setting a new, higher standard for what the LGBT community and its allies can accomplish in the face of anti-LGBT attacks. Improved online fundraising contributed importantly to this achievement. See Finding 9 for detailed discussion.
6. Record-Breaking Field, With a Serious Flaw: No on 8’s field organizers recruited and mobilized 51,000 volunteers, quite possibly the largest number mustered for any LGBT campaign of any kind in California or U.S. history. Yet the field program had little impact on most voters it contacted, because it focused on building a list of identified supporters who were most already very likely to vote. With better focus, a field operation built on the strengths of this one could have great value in a future campaign. A telling fact is that No on 8’s strong recruitment effort engaged 51,000 people who wanted to help and did help. See Finding 8 for detailed discussion.
7. One-Sided Message Discipline: Much more so than No on 8, Yes on 8 maximized the memorability and impact of its communications by making sure its ads were clear, direct, and repetitive. See Finding 5 for detailed discussion.
8. Changing Horses in Midstream: No on 8 installed new leaders and consultants on September 29, thirty-seven days before Election Day. The new decision makers focused campaign operations and oversaw big improvements in fundraising. On the other hand, they ran ads very different from those created earlier. No on 8’s message discipline suffered as a result. See Finding 5 for detailed discussion.
9. Avoiding the G Word: Most of the No on 8 consultants as well as the second campaign manager and his team felt that the campaign message should deemphasize the impact of the ballot measure on LGBT people and avoid the word “gay.” Polling supported the same approach: clear arguments about LGBT people and use of the word “gay” tested less well than abstract arguments and vagueness. But the polling advice is very likely an artifact of the polling itself as well as a reflection of actual voter preferences, and is fundamentally irrelevant: voters were going to learn that Prop 8 concerned gay people whether or not No on 8 told them. Although the No on 8 executive committee resisted the pressure and insisted on the use of the word “gay” when it was operating as a decision-making body, tension between the two impulses compromised message discipline. Results included message tentativeness, gay-avoidance in the later No on 8 ads, and a “de-gay” campaign in general. Ultimately, the only two No on 8 TV ads that had a measureable impact on voters were the only two that used the word “gay.” See Finding 5 and Appendix L for detailed discussion.
10. Not So Close: Prop 8 passed 52% to 48%, by 600,000 votes, but those numbers are misleading. If all voters had correctly understood how to vote to express their opinion on same-sex marriage, Prop 8 would have passed 54% to 46%, by a 1,000,000 vote

margin. To reverse the result, we start out 1,000,000 votes behind. See Finding 7 and Appendix K for detailed discussion.

## **Top 10 Recommendations of the Report**

1. **Start Now:** Football teams watch game films and scrimmage between games. Students do homework. Maestros rehearse. We have to engage voters between campaigns—not just immediately before the next election—if we want better results. Now is the time to try out new ideas, new approaches, and new messages. What we learn now can help us plan smarter for the next campaign; and the stakes are much lower now than they will be closer to Election Day. See recommendations 1-3 for detailed discussion.
2. **Evaluate Frequently:** The weaknesses of No on 8 were not unique. They resemble past mistakes in similar campaigns. We can overcome the patterns that drive us to repeat the same mistakes if we frequently evaluate how we're doing—not how we're doing compared to past campaigns or to standard campaign practice, but how we're doing compared to the specific work we need to get done to put ourselves in a position to win. At a minimum, every two months let's seriously evaluate the performance of all consultants, the campaign manager, and top leadership. This is how to detect and correct problems early, avoid late-in-the-game regime change, and improve performance and accountability across the board. See recommendations 1-3 and Appendix L for detailed discussion.
3. **Practice Persuasion:** Before returning to the ballot, we must learn how to persuade some of those who voted against us on Prop 8 to reconsider. Let's focus on those who lean against us or could go either way: they need to be persuaded to support same-sex marriage. This doesn't minimize the need to also turn out to vote those already on our side who don't reliably vote. See recommendations 1-3 for detailed discussion.
4. **Counter Anti-Gay Prejudice:** We must develop effective arguments to keep voters from being misled by false and defamatory allegations of harm to children historically used to instill fear in voters. In Prop 8, our base of supporters shrank in the final six weeks when the ads exploiting prejudice went on the air. To prevent the same thing from happening in future campaigns, we have to inoculate persuadable voters; shrink-proof our base; and be ready to beat back anti-gay, fear-based arguments when they surface. See recommendations 1-3 for detailed discussion.
5. **Stay in the Driver's Seat:** Closer to an election, there is value to polling and to hiring consultants. But neither is a panacea. Both have blind spots—yet both tend to take over. Let's be data-driven, not poll-driven; valuable information is not limited to polls. Let's be expertise-driven, not consultant-driven; let's cultivate expertise that allows us to work with and manage consultants, not simply defer to them. See recommendation 7 for detailed discussion.
6. **Cultivate Allies:** Knowing that we lost ground particularly among parents, white Democrats, Independents, and voters in the Greater Bay Area, let's make one of our highest priorities building more and stronger alliances with leaders and groups that organize those constituencies. Likewise, let's reach out to voter subgroups such as African-Americans that we lost by larger margins. The work outside of our base is more speculative; some of it will bear fruit, and some won't. But the LGBT community has to do this work well in advance of the next ballot measure, or we will never measurably

improve our standing with some of these voters. See recommendation 3 for detailed discussion.

7. Don't Underestimate Directness and Honesty: In three different realms, No on 8 demonstrated the power of honesty. Honesty with our supporters was motivational: they donated in massive numbers when No on 8 honestly shared the bad news that we were in danger of losing. Avoidance of the most direct, honest response cost us a key slice of the electorate that started out with us: parents fell for the anti-gay "Princes" argument when we waited too long to reply with the truth. Being less than fully honest with ourselves affected part of the No on 8 polling; it tested messages in a way that yielded misleading answers. Honesty and directness do not guarantee success, and they may feel uncomfortable or simplistic when the stakes are so high. But if we can't live with discomfort and take calculated risks, we will continue to make partially honest choices that have repeatedly led us to defeat. See recommendation 13 for detailed discussion.
8. Learn from Maine and Other States: California is unique. Maine is unique. And yet the similarities between their campaigns were far greater than the differences. We can't let the uniqueness of each state diminish our curiosity about learning from each other. From Maine, California can learn at least three lessons. First, although pro-LGBT forces in Maine raised and spent 50% more money than anti-gay forces, their experience showed that money alone can't solve the problem with "Princes" and its appeal to anti-gay prejudice. Second, that the strategy of avoidance—the idea that de-gayng the pro-LGBT campaign can shield voters from the reality that the election is primarily about LGBT people—doesn't work no matter what form it takes. Third, when polling shows we're ahead, don't believe it. It's too easy for a poll to underestimate the prejudice against us. Let's resist overconfidence and assume we're the underdog. Almost certainly, that's the reality. See Recommendation 12 for detailed discussion.
9. Build a Team: To maximize the ability of the campaign manager, the consultants, and the board to function as a team, have one central office. Base the manager and key staff there, as well as the support staff that will keep the manager from being overwhelmed. Require (and pay) the consultants to come there for regular, face-to-face meetings. Have all board meetings there. Establish that the central office is responsible for addressing inquiries and needs from around the state quickly and effectively. Hire the campaign manager first, before hiring consultants; this increases the ability of the manager to manage them. Choose a manager whose style is consultative after establishing their capability and willingness to engage others appropriately, then give them the authority to make decisions. Choose a manager strong enough and smart enough to hold the consultants accountable. Build a board strong enough and expert enough to hold the manager accountable. See recommendations 9 and 10 for detailed discussion.
10. Include but go beyond the Usual Suspects: The small circle of people who are normally involved in crucial LGBT community matters and in California politics are very talented, but their talent is not enough. Reach out to additional people with smarts, expertise, and good judgment, who can apply their capabilities to the specific challenges we face. An example of No on 8 doing this well was when the second campaign manager and one of his deputies brought in a team of information technology experts from Google,

Facebook, and Yahoo to fix the campaign's online fundraising. The team of twenty IT volunteers saved the day, yet probably none of them numbered among the usual suspects to whom a campaign would normally turn. Part of a strong campaign is constantly searching for, trying out, and evaluating new talent. See Recommendation 10 for detailed discussion.

## Most of the Conventional Wisdom about the Prop 8 Campaign is Wrong

Immediately after the loss on Prop 8, many in the LGBT community and among our allies understandably wanted to make sense of the results. A set of ideas gained wide attention. Some are correct. Most, however, are wrong.

	<b>The Common Conception</b>	<b>The Reality</b>
1	The election was so close that we can easily reverse the results. A future campaign just needs to avoid the obvious mistakes of No on 8 and we'll win.	We are actually 1 million votes away from being able to reverse Prop 8 in a presidential election year. That's not close. Although No on 8 made mistakes, we lost because we didn't effectively respond to anti-gay attacks—and we have work to do before we have an effective answer to the attacks. We should go back to the ballot when we can discredit the appeals to anti-gay prejudice, and not before. See Finding 7 and Appendix K for a more detailed explanation.
2	African-American voters cost us the election, and they should know better because they too are victimized by prejudice.	We lost among African-Americans and many other groups, too. But we lost the most ground during the campaign among parents with kids at home, and among key parts of our base, especially white Democrats, Independents, and Greater Bay Area voters. These are groups where we moved backward. See Finding 1, Appendix J guideline 10, and Recommendation 3 for a more detailed explanation.
3	Those who voted against us hate us.	The dictionary defines "hate" as extreme aversion or hostility. This does not describe most who voted against us. The 687,000 voters who moved towards the ban on same-sex marriage in the final six weeks of the campaign are very similar demographically to many who voted with us. Also, it doesn't make sense to assume that a voter is hateful of gay people just because they voted against us when, for half of the final month of the campaign, they were exposed to a virulent anti-gay argument without hearing the counterargument from us. The bottom line: whatever motivated the Yes on 8 consultants and donors, and perhaps it was hate, the much larger group who voted against us is much more varied. Yes, they likely share some degree of anti-gay prejudice, and it is difficult to change their minds on marriage. But the post-Prop-8 canvassing experience shows that almost none consider themselves hateful of gay people and, most importantly, they are not all the same. See Finding 1 for a more detailed explanation.
4	The No on 8 campaign needed to be more grassroots. Very few people got involved, because	No on 8 recruited and mobilized 51,000 volunteers, quite possibly more than in any other LGBT campaign in California or US history. While there were serious

	they were asked to phonebank rather than get involved in ways they preferred.	flaws in the focus of the field program, the simple truth is that some grassroots activities have a bigger impact on the electoral outcome than others. Future field campaigns will have to ask volunteers to focus on the most strategic work or they will have little impact. See Finding 8 and Recommendations 1-3 for a more detailed explanation.
5	Rural parts of the state were unjustifiably neglected.	Although rural areas would have benefited from more support, the parts of the state that most needed additional attention were those already in our base. That's where No on 8 lost the most ground among voters. See Finding 8 for a more detailed explanation.
6	Mormon money was essential to the success of Yes on 8.	This one is true. According to Schubert Flint, the lead consulting firm for Yes on 8, the Mormons raised \$22 million from July through September with 40% of the money or more coming from members of the Church of Latter-day Saints. See Appendix G for a more detailed explanation.
7	No on 8 lost ground over the course of the campaign.	This is true, or not, depending on what date you choose as the start of the campaign. No didn't lose ground between May and November; it had roughly the same amount of voter support at the time of the court decision as it did on Election Day. But the stronger argument is that the common conception has it right. No on 8 did lose ground between mid-September and November 4. During the six weeks leading up to election day, when both sides had paid TV ads on the air, No on 8 went from being even with Yes on 8 to falling behind. See Finding 1 and Appendix H for a more detailed explanation.
8	We could have won!	The available data do not tell us whether this is true. It is possible that alternative choices would have improved the result. It is also possible that all known alternatives would have fallen short under the pressure of Yes on 8's exploitation of anti-gay prejudice. See Appendix H for a more detailed explanation.
9	No on 8 was a terrible campaign with few, if any, redeeming features.	No on 8 made some big mistakes but also did some important things right. It's worth taking the time to examine the campaign closely rather than dismiss it. That's how we can maximize our learning and speed the day we repeal Prop 8. See Findings 8 and 9 for a more detailed explanation.

## In Summary, the Best and Worst

### What the No on 8 Campaign Did Not Do Well

- **Learn from History:** The campaign consultants were unprepared when the Yes on 8 campaign launched attacks raising the issue of kids in danger. They had not adequately familiarized themselves with the history of attack messages used against the LGBT community in prior ballot measure campaigns, instead relying almost exclusively on polling and focus groups. Had they learned more from past anti-LGBT campaigns, they would have known the history of shortcomings in polling and focus groups to anticipate and answer those attacks. There is no guarantee that familiarity with history would have prepared No on 8 to respond effectively; but the lack of awareness meant that No on 8 was unnecessarily taken by surprise and unnecessarily unprepared. See Appendix L for a more detailed explanation.
- **Promptly Respond to Attack:** The campaign responded too late to Yes on 8's "Princes" ad and its appeal to anti-gay prejudice. It refrained from responding even when internal polling showed the ad was having ongoing impact and was putting Yes on 8 over 50%. See Finding 4 for a more detailed explanation.
- **Exercise Message Discipline:** Unlike Yes on 8, No on 8 missed the opportunity to repeat and reinforce one clear message throughout the campaign. See Finding 5 for a more detailed explanation.
- **Manage Consultants:** The campaign did not manage the consultants to obtain a consistent high level of performance. It lacked a campaign manager who was ready, willing, and able to do this. The campaign committee did not step in and act quickly when faced with the manager's inability to get better results from the consultants. See Finding 4 and Appendix L for a more detailed explanation.
- **Focus the Field Campaign on Voters Who Would Affect the Outcome:** Field staff and volunteers put substantial effort into identifying voters who were already supportive, most of whom were likely to vote. In a high-turnout, high-stimulus election like the 2008 presidential election, wiser tactics would have been to (a) attempt to persuade moveable voters and undecideds or (b) identify and turn out those supporters least likely to vote. See Finding 8 for a more detailed explanation.

## What the No on 8 Campaign Did Well

- **Raise Money:** No on 8 raised an unprecedented amount of money, more than six times the most previously raised to fight an anti-LGBT ballot measure, and enough to wage a statewide campaign in California. See Finding 9 for a more detailed explanation.
- **Go Public:** One reason for the late-stage fundraising success was that the executive committee and its second campaign manager overrode the advice of consultants. In early October, they went public with numbers from No on 8's internal polls that showed the campaign behind. Prior, starting in May, most of the public polls showed No on 8 well ahead, while the campaign's internal polling showed it was in trouble. The early lead by No on 8 in the public polls allowed many to wrongly believe that No on 8 would win easily. No on 8 was not entirely silent: as public polls came out, No on 8 said that its internal polling showed the election to be close. But the campaign had not forcefully taken exception to the rosy public poll numbers, eg by offering specific polling numbers of its own or having its pollster talk with the press. Fortunately, No on 8 corrected course just when last-minute appeals were likely to yield the greatest results. The result: 88% of No on 8's individual donations came in the final month, after the information was released. See Finding 9 for a more detailed explanation.
- **Fix the Web Site:** It happened late, but just in the nick of time. No on 8 brought in IT experts who greatly improved the Web site and online campaign presence, one of the critical elements that improved campaign fundraising. See Finding 9 for a more detailed explanation.
- **Start Some Important Work Early:** No on 8 convened leaders from around the state; hired a manager when a ballot measure first looked imminent; tried out one general consultant in 2006, and finding performance wanting, hired a new one in 2007; and ran an anti-petitioning campaign to get the field operation up and running early. Likewise, Equality Maine was uncommonly thoughtful in its approach to winning legislative passage of a same-sex marriage law, correctly anticipating that the anti-LGBT side would force a repeal vote onto the ballot and laying important groundwork for Maine's No on 1 campaign. By contrast, most pro-LGBT campaigns wait until the opposition qualifies an anti-LGBT measure for the ballot before beginning to prepare. See Appendix C for a timeline of No on 8 activities.
- **Mobilize Volunteers:** Thanks in part to early and ongoing field activity, starting with but not limited to the anti-petitioning campaign, No on 8 recruited, trained, and mobilized more than 51,000 volunteers, quite possibly the largest number ever organized by the LGBT community in California or in any ballot measure campaign. Together, volunteers statewide worked 47,000 shifts totaling 150,000–200,000 hours. See Finding 8 for a more detailed explanation.

# Findings: Overview

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## **We Must Stop the anti-Gay side from its Successful Exploitation of anti-Gay Prejudice.**

The Yes on 8 campaign activated and exploited anti-gay prejudice even among some of the voters in our base. Its phony, widely broadcast argument that “kids are in danger” attracted additional votes from hundreds of thousands of parents with young children at home. The argument is false and familiar and one to which we have succumbed in other ballot measure campaigns. By now, we ought to foresee this attack and prepare for it.

Yet we’re repeatedly taken by surprise. In the No on 8 and in campaigns both before and after, the LGBT community has had continual difficulty directly facing and rebutting anti-gay prejudice and kids-based attacks. As a result, we struggle to wage strong campaigns.

The first five findings in this report examine Yes on 8’s specific appeals to voters and No on 8’s response:

- ***Finding 1: Which Voters Changed Their Minds:*** A significant number of voters are persuadable on the issue of same-sex marriage. In the Prop 8 campaign, a minimum of 5% of all voters—a minimum of 687,000—changed their views on same-sex marriage in the final six weeks of the campaign. Almost all identifiable demographic groups moved toward the anti-gay position, most notably parents with children under eighteen living at home. Other groups that moved significantly in favor of the ban on same-sex marriage included white Democrats (by 24 points), voters in the greater Bay Area (31 points), voters age 30-39 (29 points), and Independent voters (26 points).
- ***Finding 2: The Yes on 8 Ads That Worked:*** The Yes on 8 “Princes” & “Newsom” ads were effective at exploiting voters’ anti-gay prejudice and moving voters away from same-sex marriage.
- ***Finding 3: The No on 8 Ads That Worked:*** The No on 8 “O’Connell” & “Thorons” ads were the most effective attempts to confront the opposition’s exploitation of prejudice.
- ***Finding 4: No on 8’s Biggest Mistake:*** The most costly mistake by No on 8 was the two-week delay in rebutting “Princes” and the kids argument. No on 8 regained ground only after rebutting “Princes” in its TV ads.
- ***Finding 5: Message Clarity Favored Yes on 8:*** Yes on 8’s message was clear, direct, repetitive, and penetrating. No on 8’s message was vague, inconsistent, and too often de-gayed, reducing its power to persuade.

The next two findings examine the failure of both polling and election results to reveal the full extent of our vulnerability to anti-gay prejudice. In Prop 8, both major public polls and the final official election results understate our vulnerability. As a result, we have a bigger problem than is commonly understood.

- ***Finding 6: The Public Polls Got It Wrong:*** The two major public polls in California created the misimpression that No on 8 was favored to win.
- ***Finding 7: The Election Results Make It Look Closer Than It Was:*** The election results overstated our side's support; the result would have been 54% to 46% had the voters understood what they were voting for.

All of this report's recommendations, and particularly Recommendations 2 and 3, suggest how we can reduce our vulnerability to prejudice-based attacks in future campaigns.

## **We have improved at the Power Building parts of putting together a campaign. Let's both celebrate the achievements and note the room for further improvement.**

No on 8 raised more money and recruited and mobilized more volunteers than any past LGBT campaign. These accomplishments suggest that we are getting better at building the power to win these elections even though further improvements are essential.

- ***Finding 8: No on 8 Field—Strengths and One Flaw:*** The field operation of the No on 8 campaign recruited quite possibly the largest number of volunteers mustered in any LGBT campaign of any kind in California or U.S. history. Despite its impressive size, however, one key flaw limited its impact on the election result.
- ***Finding 9: No on 8 Fundraising—Unprecedented Success:*** The fundraising of the No on 8 campaign, from start to finish, broke all records and set a completely new higher standard for what the LGBT community and our allies can accomplish in the face of anti-LGBT attacks. Despite this, however, outspending the opposition is not an adequate strategy for electoral victory; and, in addition, we must raise more of our money early or even spending parity or an overall spending advantage accruing to our side will leave us unnecessarily vulnerable.

Recommendations 7 through 14 suggest changes in structure and approach with the potential to complement some of the effective choices made by No on 8 that are documented in this report.

## The Ads You Need to Know to Read the Findings

### No on 8

#### “Thorons”

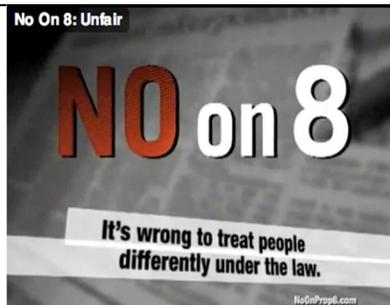
- Cost: \$2.8m
- Air Dates:  
9/22/08 –  
10/15/08



“Thorons” features parents talking about their gay daughter.

#### “Unfair”

- Cost: \$3.6 m
- Air Dates:  
10/14–10/26



This ad has the word “No” prominently in every frame and includes newspaper and organizational endorsements of No on 8.

#### “O’Connell”

- Cost: \$3.4 m
- Air Dates:  
10/22–10/30



“O’Connell” is No’s rebuttal to “Princes” featuring Jack O’Connell, California Superintendent of Schools.

### Yes on 8

#### “Newsom”

- Cost: \$2.7m
- Air Dates:  
9/29–10/20



“Newsom” opens and closes with Gavin Newsom, the Mayor of San Francisco, saying same-sex marriage will happen “whether you like it or not.”

#### “Princes”

- Cost: \$4.1m
- Air Dates:  
10/6–11/3



“Princes” is the principal ad that makes Yes’ kid’s argument. It shows a young girl telling her mother that she learned in school that she could marry another girl.

#### “Field Trip”

- Total: \$2.6m
- Air Dates:  
10/24–11/4



“Field Trip” tells the story of a first grade class attending their lesbian teacher’s wedding.

The six TV ads above receive the most extended discussion in the report, but both campaigns had additional ads. For a discussion of all ads, see Appendix E.

# Findings 1–7: Prejudice

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The Yes on 8 Campaign activated and exploited anti-gay prejudice even among some of the voters in our base. In the final six weeks of the campaign, it won votes, particularly among parents with children under 18 at home, by making the false, fear-mongering argument that “kids are in danger.”

Both historically and in the Prop 8 campaign, the LGBT community has had difficulty facing and responding to anti-gay prejudice and attacks similar to the one waged by Yes on 8.

As a result of this reluctance to engage and refute anti-gay prejudice directly, the LGBT community and our allies struggle to wage effective ballot measure campaigns.

# Finding 1: Which Voters Changed Their Minds

*In the final six weeks before Election Day, both sides aired \$60 million of TV ads and a minimum of 687,000 voters moved to favor the ban on same-sex marriage. More than 500,000 who moved were parents with children under 18 living at home.*

**Voters moved:** Between mid-September and election day, approximately 5% of voters—at least 687,000— moved to favor the ban on same-sex marriage. The result was a 10-point swing in favor of the ban.

**Parents accounted for the lion's share of the movement:** Almost three-quarters of the net movement toward the ban was among parents with kids under 18 living at home. Approximately 500,000 of them moved away from us. We lost ground in all voter subgroups likely to contain parents of young kids. The swing away from same-sex marriage occurred among:

- Mothers, by 26 points
- Fathers, 20 points
- Democratic and Independent Mothers under age forty-five, 42 points
- Democratic and Independent Fathers under age forty-five, 33 points
- Voters age 30-39, 29 points
- Voters age 40-49, 21 points

**Our newer supporters were more vulnerable:** Voters whose support for same-sex marriage was most recent appear to have been the ones most likely to move away in the closing six weeks.

## Voter Movement Occurred



## Voters other than parents where net movement away from same-sex marriage was substantial:

- Greater Bay Area residents, 31 points;
- Independents, 26 points;
- White Democrats, 24 points;
- Latinos, 10 points

## Voters where there was little net movement:

- African-Americans moved 4 points away from us;
- Republicans moved 1 point toward us;
- No on 8 did not carry these groups, but these are not where our support eroded most in the face of the opposition campaign.

## **In Prop 8, Voters Moved Away from Same-Sex Marriage**

### **A 10-Point Swing in the Final 6 Weeks**

In mid-September, before both sides began to air paid TV advertising, the most reliable and detailed polling available (by Lake Research) showed that Yes and No were neck and neck, with any small apparent lead by one side or the other within the margin of error. Yes on 8 led by 3 points on the issue of same-sex marriage, within the margin of error. At this time, Yes on 8 held commanding leads among the voters over sixty-five and among Republicans. It trailed significantly among the young, especially among young women, and had a huge deficit among white Democrats.

By October 30, when Lake conducted its final tracking poll, Yes on 8 had expanded its lead in favor of the ban on same-sex marriage to 13 points. Exposure to the campaign resulted in 10% more voters opposing same-sex marriage.

Most of the movement away from same-sex marriage happened within groups that were at the start part of No on 8's base. Yes on 8 made dramatic gains among white Democrats, the most reliably pro-LGBT race-party combination. Yes on 8 made even larger gains in the Greater Bay Area, the strongest area in the state for No on 8. And Yes on 8 made consistent gains among parents and voters of parenting age who were Democrats and Independents.

No on 8's loss was therefore primarily, though not solely, a function of erosion of support in the final six weeks. During that time, there was a ten-point swing in favor of the ban on same-sex marriage.

### **The 10-Point Swing = approximately 5% Changed Their Minds**

From September 22 on, when TV ads began, approximately 5% of voters changed their minds and switched sides, moving away from support for same-sex marriage to favoring a ban on same-sex marriage. The 5% represents the minimum number who may have changed their minds; it is a close approximation if much or all of the mind-changing was voters starting out supporting same-sex marriage and ending up favoring the ban on it. Alternatively, it is possible that a larger number of voters than 5% changed their minds in a combination of ways, the net result of which was that the ban on same-sex marriage picked up 5% more supporters than our side did. It is probably true that more voters than an exact 5% changed their minds, but we don't know how many more, because the changes were (or would have been) offsetting, ie an equal number changed in each direction. The data available do not allow calculation of the total number of all voters who changed their minds, only the minimum number that must have to explain the change among the electorate as a whole. The Lake Research data establishes only the floor—the smallest estimate of voters who changed their minds during the campaign.

### **The Size of the Persuadable Universe of Voters is Unknown, But Could be Far Larger than 5%**

The number who changed their minds on same-sex marriage either once or multiple times throughout the final six weeks cannot be determined from the data available, but it

could be far larger than 5%. The canvassing experience reported in Recommendation 3, for instance, suggests 13% of those who voted against us on Prop 8 are persuadable. A study by Third Way, a moderate think tank that has studied the recent same-sex marriage ballot measures, leads it to consider the possibility that 46% of the electorate is persuadable. Its report “Moving the Middle on Marriage” is available at [http://www.thirdway.org/programs/culture\\_program/publications/248](http://www.thirdway.org/programs/culture_program/publications/248). Until the LGBT community and our allies conduct more sustained voter persuasion field trials both on same-sex marriage and on the issue of kids, we will not fully know how many voters might be persuadable. Polling alone is not a good enough predictor of voter susceptibility to the kids argument to reveal the degree to which many voters are persuadable in either direction. See Appendices I and L for a more detailed discussion of this topic.

### **5% May Seem Small, But it is Greater Than the Margin by which the Prop 8 Election was Decided**

Some readers may initially think that 5% of the electorate is a very small group of voters. But to put it in perspective, Prop 8 would have had a different outcome if slightly more than 2% of those who voted had switched sides. The estimate of 5% voter movement provided by the Lake data means that the events of the final six weeks decided the outcome. Even if the estimate provided by the Lake data for some reason (unknown to me) overstates the amount of voter movement in the final six weeks and it was merely 4%, that is enough voter movement to have changed the outcome. Even if the estimate provided by the Lake data is wildly exaggerated and voter movement against us in the final six weeks was only 3%, that is enough to have changed the outcome.

This does not mean that Prop 8 could have been won. It is unknown whether an approach different than that taken by No on 8 could have competed more successfully than the approach it did take. It is also possible that the increased salience of the issue of the same-sex marriage as election day came nearer was responsible for some of the voter movement, and that no choice by No on 8 would have availed. As to the latter point, however, some data suggests otherwise: when after a delay No on 8 rebutted the principal Yes on 8 campaign message about kids, some voters backed away from the ban. See Finding 3 for the full discussion of the evidence.

Ultimately, the data show that the final six weeks was decisive. The data are most consistent with the conclusion that the combination of the campaigns waged by both sides in the final six weeks was the proximate cause of the loss for No on 8.

## **Who Were Those 5%?**

The following table shows the demographic groups whose support for the ban on same-sex marriage increased the most in the final six weeks of the campaign. The change in opinion is based on the percentage point change between mid-September (when the two sides were in a virtual dead heat) and the last tracking poll on October 30 (by which point Yes on 8 had achieved and sustained its lead).

In the table, the change is labeled "Change in Margin Favoring Eliminate." The table makes a distinction between subgroups with a sample size above and below 100; the smaller the sample size, the more limited the conclusions that we can reliably draw from the data.

Appendix H provides a higher level of detail for many more voter subgroups, both those that moved toward support for the ban and those that moved toward support for same-sex marriage. The text below the table highlights some of the most striking data

## Voter Groups with the Greatest Net Movement Away from Same-Sex Marriage in the Final 6 Weeks

Just to be clear; is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?						
		30-Oct	22-Sep	October minus September		
		Margin Favoring Eliminate	Margin Favoring Eliminate	Change in Margin Favoring Eliminate	Points Gained by Eliminate	Points Gained by Keep
		** gray fill indicates a sample size less than 100				
Sample Size >100	Dem/Ind Mothers < 45	0	-42	42	24	-18
	Dem/Ind Fathers < 45	29	-4	33	16	-17
	Bay Area	-2	-33	31	16	-15
	30 - 39	14	-15	29	17	-12
	Mother	15	-11	26	13	-13
Sample Size < 100	Separated or Divorced	41	-18	59	31	-28
	Indep. women	23	-17	40	21	-19
	White Indep.	14	-18	32	19	-13
	Latino women	18	-8	26	15	-11
	35 - 49 Women	6	-16	22	14	-8

The bottom line is the center column in dark gray, “Change in Margin Favoring Eliminate.” This column represents how much “Eliminate Marriage’s” lead increased in the final six weeks among the subgroups listed for Lake Polling’s “Be Clear Question.” It is calculated by subtracting the September margin from the October margin, or column 1 minus column 2. The change in margin can also be quantified by looking at the points gained by both sides, or column 4 plus column 5. For a more detailed version of this chart including the raw polling numbers, specific sample size, and movement among other subgroups see appendix H.

## Voter Groups with the Greatest Net Movement Away from Same-Sex Marriage in the Final 6 Weeks

No on 8 made progress among voters with postgraduate degrees (they moved 11 points), voters under 30 (6 points) and strong Republicans (4 points). These were the only groups of voters represented by samples of more than 100 voters in the Lake Research polling with movement toward supporting same-sex marriage in the final six weeks greater than the margin of error. For a more detailed version of this chart including the raw polling numbers, specific sample size, and movement among other subgroups see Appendix H.

Just to be clear; is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?						
		30-Oct	22-Sep	October minus September		
** gray fill indicates a sample size less than 100		Margin Favoring Eliminate	Margin Favoring Eliminate	Change in Margin Favoring Eliminate	Points Gained by Eliminate	Points Gained by Keep
<b>Sample Size &gt;100</b>	Post-graduate	-16	-5	-11	-3	8
	Under 30	-14	-8	-6	0	6
	Strong Republican	52	56	-4	-3	1
	50 & over Men	15	17	-2	-2	0
	Non college men	25	26	-1	1	2
<b>Sample Size &lt; 100</b>	Latino 50+	23	38	-15	-9	6
	San Diego	10	23	-13	-5	8
	Under 35 Men	-3	9	-12	-2	10
	(Presidential Vote) Undecided	-4	7	-11	-7	4
	Media Market San Diego	11	20	-9	-4	5

## **Voters Who Moved May be the Most Persuadable**

A hypothesis of this report, consistent with my campaign experience, is that it is more relevant to look at the groups that moved away from us in the closing six weeks rather than the voter groups who opposed us in large numbers but who did not move. The very fact that some voters moved away from us means that they were at one point more aligned with us. Their views may therefore be more in flux. While we cannot know which voters are most lastingly persuadable, it is a sure bet that some initial movement is a necessary prerequisite to lasting movement.

Given that the data strongly suggests that Yes on 8's message worked—it devoted most of its resources to its TV ads; the ads focused largely on fear-mongering about children; and support for Yes on 8 grew after its TV ads gained wide exposure, particularly among the parents it targeted—it's highly probable that the voters who moved were the most vulnerable to the kids issue. To compete for their support, a future campaign in favor of same sex marriage side will have to respond faster and more effectively to the kids issue if it wants to retain support among the some of the most persuadable voters. It is this thinking that underlies Recommendations 2 and 3 (presented later in this report).

At the other end of the spectrum, it is possible that some voters—perhaps many voters—are not going to change their minds on same-sex marriage. They are for it or against it and that's that, no matter what campaign ensues. Therefore, identifying voters who are moveable helps us focus.

## **Key Groups of Voters That Changed Their View on Same-Sex Marriage in the Final Weeks of the Campaign**

### **Parents with children under 18 at home**

**Approximately 500,000 parent voters with kids under 18 at home moved away from same-sex marriage in the final six weeks.**

**These parents constituted almost three-quarters of the net movement of all voters away from same-sex marriage during that time.**

Although Yes on 8's strongest support was among voters over age fifty, its gains during the campaign came disproportionately from voters under fifty, particularly among parents with kids under 18 at home.

These parents were approximately 30% of all voters in the November 2008 general election. That means that parents cast approximately 4,123,000 of the 13,743,177 total ballots cast on Prop 8.

The Lake polling data shows that a minimum of 5% of all voters moved in the direction of favoring a ban on same-sex marriage in the final six weeks of the campaign. Applying that to the total ballots cast, this report calculates that approximately 687,000 of all voters moved towards favoring the ban.

Similarly, a minimum of 11% of parent voters moved in the direction of favoring a ban on same-sex marriage in the final six weeks of the campaign. Applying that to the number of parent ballot cast, this report calculates that approximately 500,000 of parent voters moved towards favoring the ban. This means that they constituted the large majority of those voters who moved away from us in the final six weeks of the campaign.

For a full description of the data and calculations used to estimate the movement among parent voters, see Appendix H.

### **Our support deteriorated in every voter subgroup likely to include parents with children under 18 at home.**

Same-sex marriage lost ground in every subgroup likely to contain parents with kids under 18. The ban on same-sex marriage gained

- 22 points among parents of children (initially leading by 2 and leading by 24 at the end);
- 29 points among voters 30–39 (initially trailing by 15, leading by 14 at the end);
- 21 points among voters 40–49 (first trailing by 7, then leading by 14);
- 25 points among male voters 35–49 (first trailing by 5, then leading by 20);
- 22 points among female voters 35–49 (first trailing by 16, then leading by 6)

An additional comparison suggests that being a parent is likely to be the single most important independent variable causing voters to move away from No on 8. First, the ban gained 13 points among married women, yet only 9 points among unmarried women; and it gained 7 points

among married men while only gaining 2 among unmarried men. Marital status variables have complicated interactions with age (young men, young women, and older women are most likely to be unmarried), but married people are also (when controlling for age) much more likely to be parents.

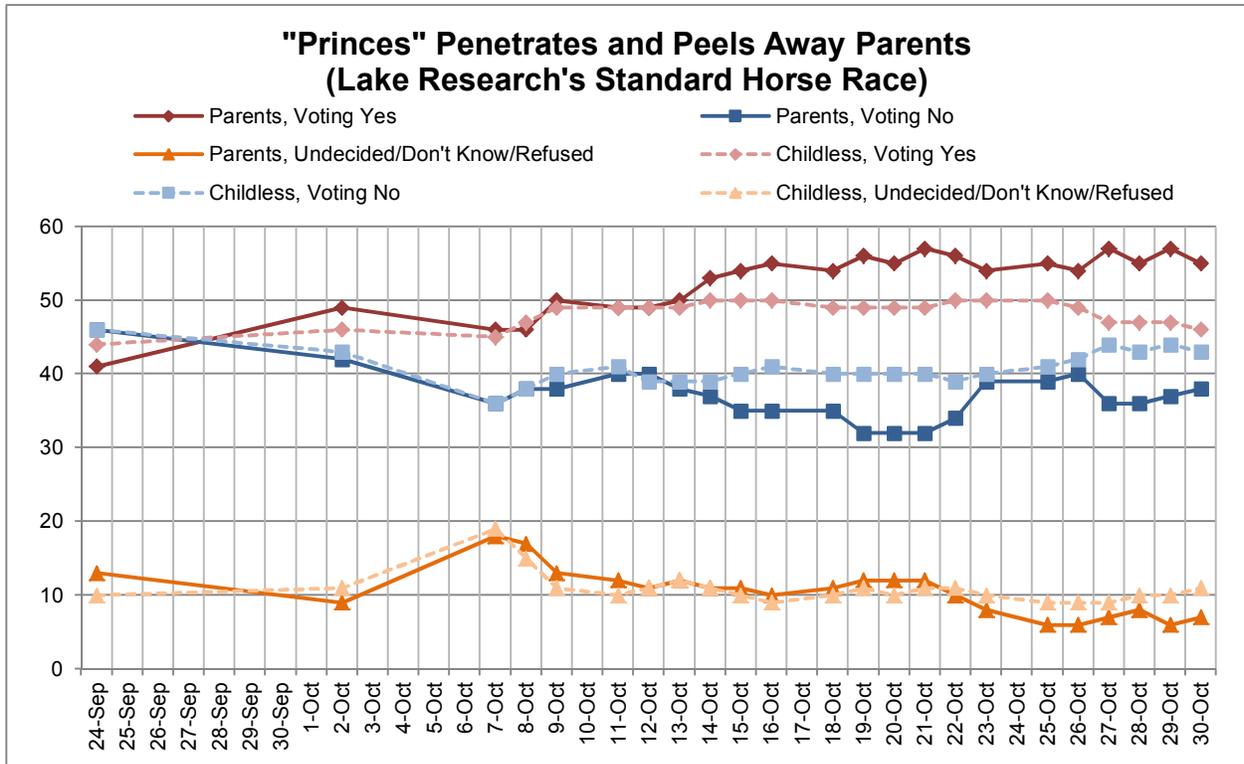


Chart 1. Parents and "childless" voters were indistinguishable in the beginning, but after "Princes" penetrated, the two groups diverged for the remainder of the campaign. "O'Connell" recovered some support, but not all, and not decisively

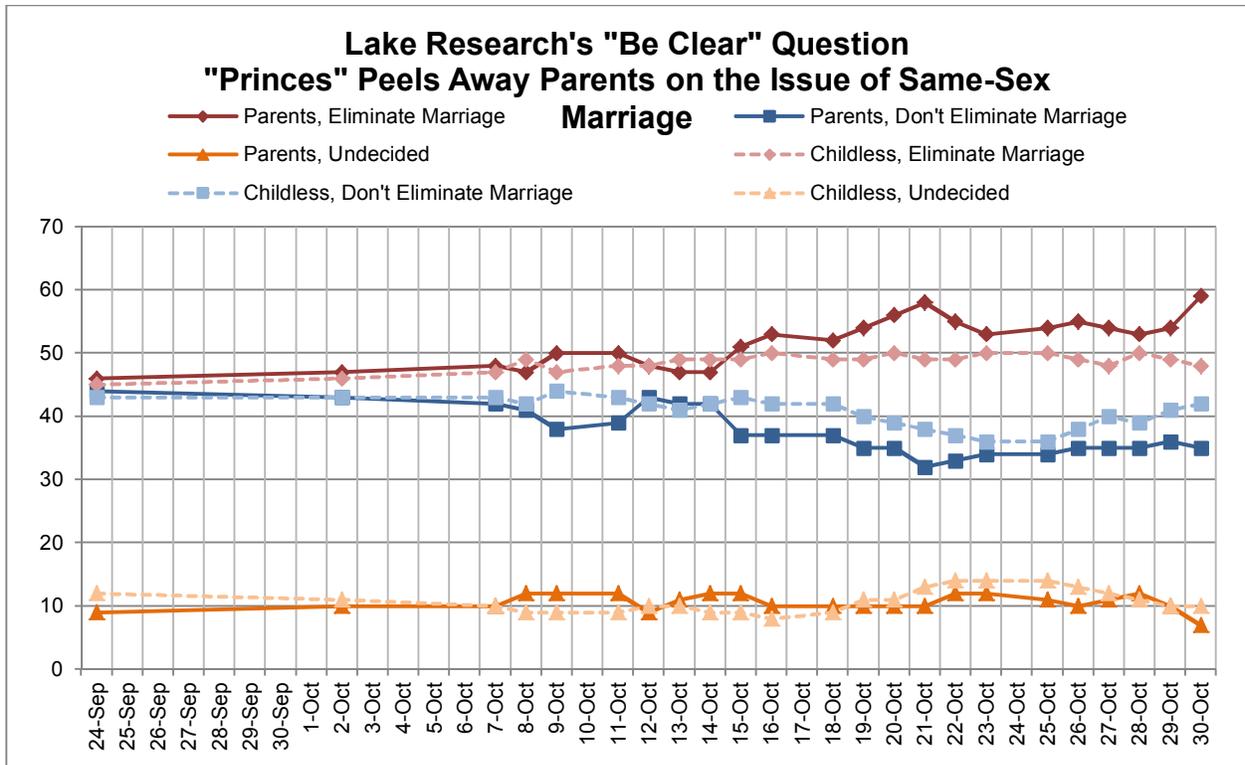


Chart 2. Correction for wrong-way voting shows that with parents, we didn't just lose their vote on Prop 8—we lost their support on the issue.

**Overall, parents with kids under 18 at home began the campaign evenly divided on same-sex marriage, but ended up against us by a lopsided margin.**

Among parents with kids under 18 at home, Yes on 8's view began ahead in September 46% to 44%, the two-point lead within the margin of error. At the end, opposition to same-sex marriage was 59% to 35%, a 24-point margin.

**Yet most of the parents with kids under 18 at home who began the campaign on our side stayed on our side.**

Of our initial 44% share of support, we retained 35% at the end. The kids argument cost us 9 points, approximately 20% of the group of parents with which we began. Our share of parents at the end included close to 80% of those with which we began. This allows us to recognize that "Princes" did not work with all parents, and not even with most of the parents who were on our side initially.

**Although the sample size is smaller, it appears that parents under age 45 registered as Democrats and Independents were also particularly volatile.**

Although the sample size is small, the data available show that young parents (under forty-five) who are registered as Democrats (D) or Independents (I) started out supporting same-sex marriage. Young mothers were with us 65% to 23%. Young fathers were more closely divided but still on our side 50% to 46%. But support on the issue seriously eroded by the time we got to Election Day. Then, young D & I mothers were tied 47% to 47%; our margin among them had dropped 42 points. Young D & I fathers were against us 62% to 33%, a drop of 33 points.

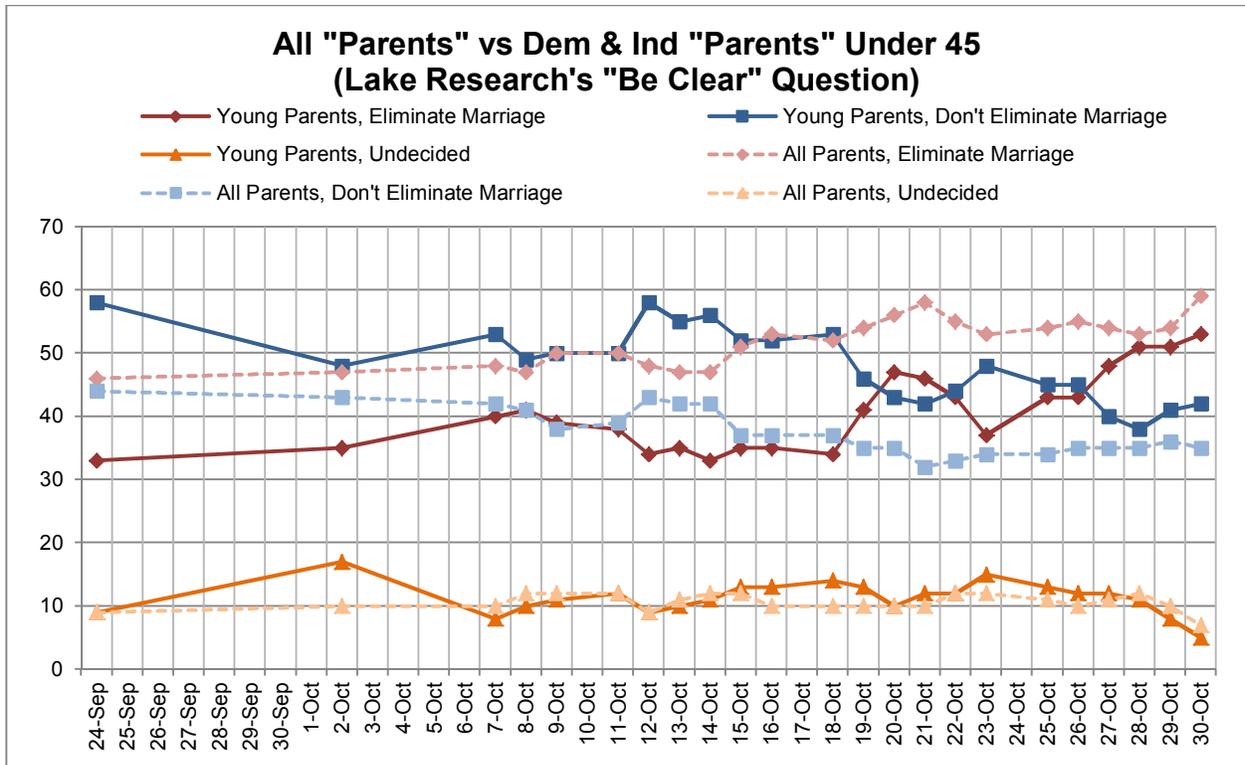


Chart 3. Correcting for wrong-way voting, support for same-sex marriage deteriorated more among Young Dem & Ind Parents than among Parents as a whole.

Among D & I young dads, support for a ban rose from 33% in May to 62% at the end of Lake polling. This means that one-third of these dads changed their minds on same-sex marriage; or approximately 18% shifted to the opposition. This is a net shift; so if any voters shifted in our direction, the total proportion of those who shifted in one direction or another was greater than that.

The opposition dominated among this group of parents for the last seven days for which Lake Research tracking polling is available. In the final seven days, the opposition went from trailing by 22 to being tied among this group of moms. Similarly, they went from being up 1 point among dads to leading by 29 points. This was a sea change, which in one week about one-eighth of the voters changed their minds (or a quarter changed their minds halfway, eg to/from undecided). This acceleration at the end could well be due to low-information voters disproportionately engaging at the end and being more move-able.

All of the above numbers reflect changes in opinion on the issue of same-sex marriage based on Lake Research's "be clear" question.

As the above table and the larger one in Appendix H both show, No on 8 had similar problems with all parents and with voters of parenting age. The movement away from same-sex marriage was consistently in the double digits among the wide variety of voter subgroups likely to include large numbers of parents.

**The erosion among parents, though not reported until now, should not come as a surprise.**

No on 8's decline among parents was no accident. Yes on 8 ads such as "Princes" were plainly aimed at parents. "Princes" depicts a young daughter seemingly in danger of losing her heterosexuality or her innocence or both. The young girl is oblivious to her peril. She is talking with her mother, who reacts with alarm. Many audiences might empathize with the mother in this situation, but the audiences most likely to see themselves in the ad would be parents, potential parents, and particularly mothers worried about their own children. The same message was reinforced by Yes on 8's follow-up ads, "Massachusetts" and "Field Trip," which offered purported facts to bolster "Princes" dramatic narrative. The movement of parents away from No on 8 suggests that the Yes on 8 ads found their target.

**Democrats and Independents**

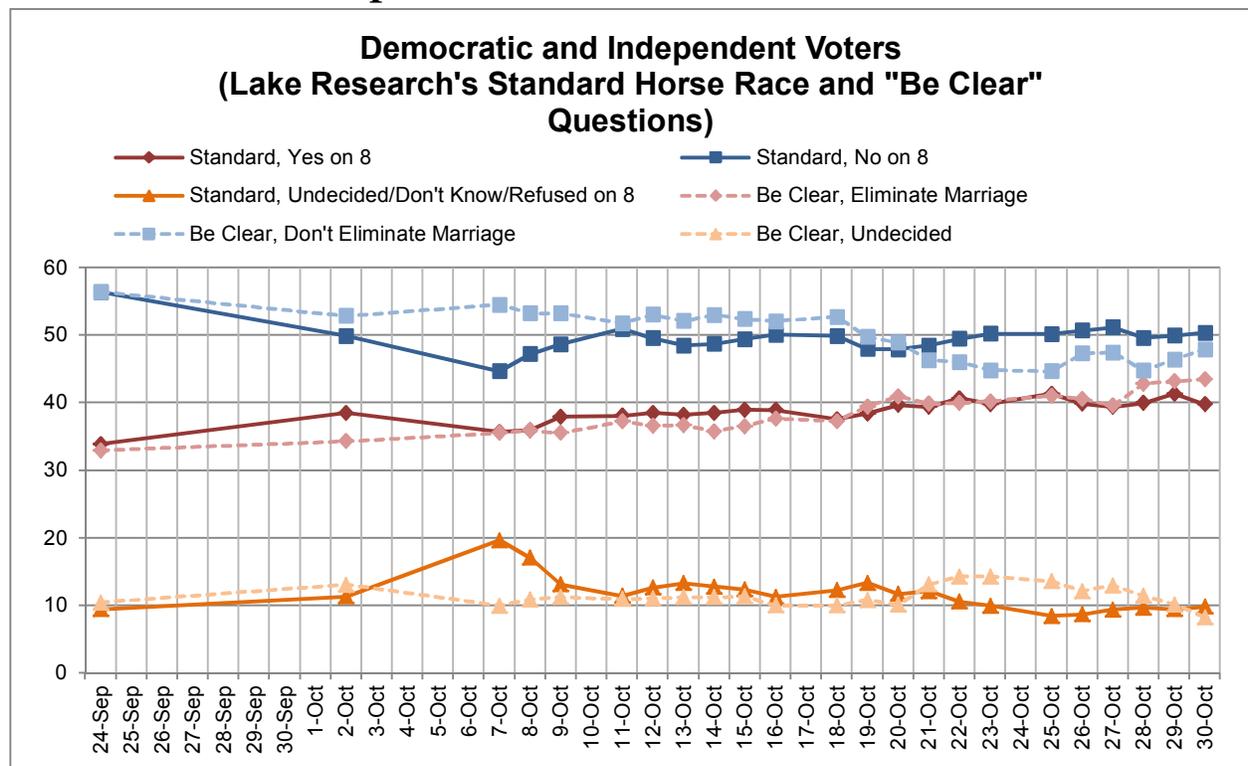


Chart 4. Both on the standard horse race and the "be clear" question, correcting for wrong-way voting, Prop 8 and same-sex marriage lost significant ground among Democrats and Independents, part of the base of support for same-sex marriage.

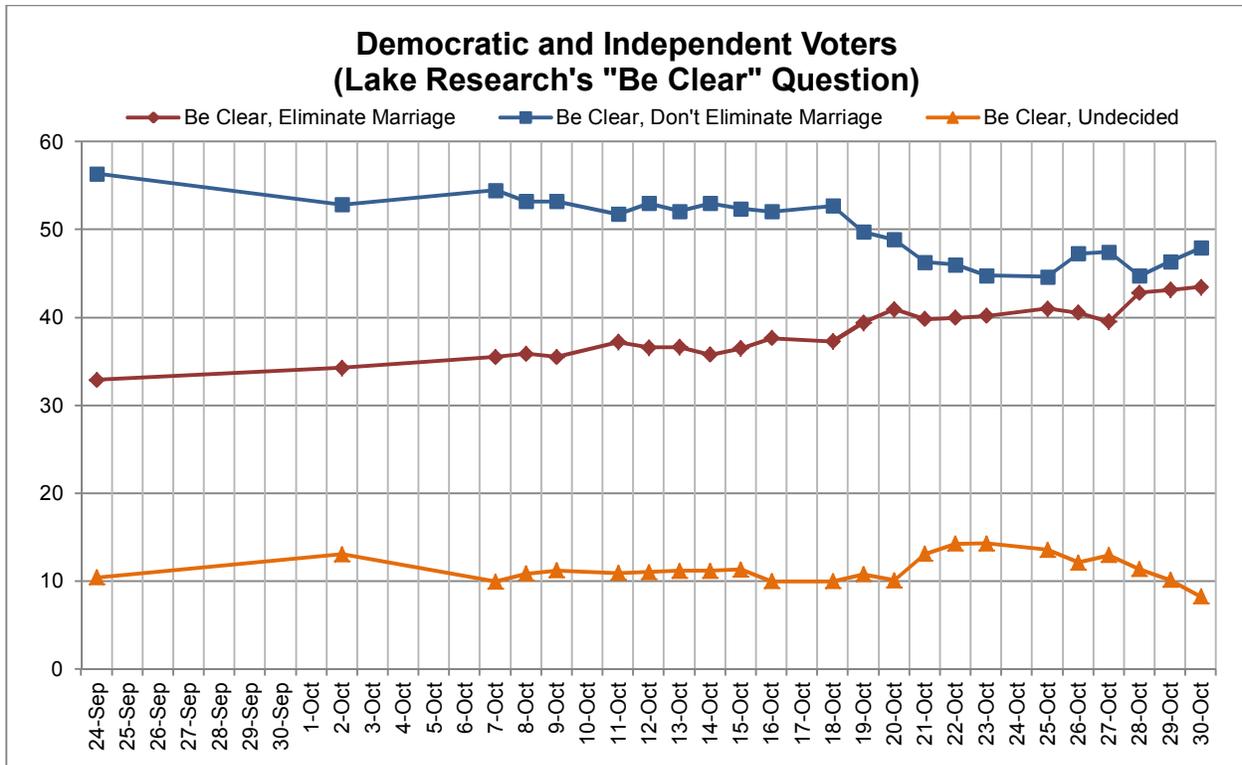


Chart 5. Removing the standard horse race from the chart allows us to see more clearly the deterioration in support for same-sex marriage over time among traditionally supportive groups of voters.

**White non-Republicans moved to the anti-LGBT side.**

The ban picked up 24 points among white Democrats (the anti-same-sex marriage viewpoint began trailing by 48 and ended trailing by 24).

The ban similarly picked up 32 points (although sample size is small) among white Independents (it started out trailing by 18, but ended carrying this group by 14).

There was essentially no movement among Republicans. On the other hand, there was very little to lose: No on 8 began with only 20% support among Republicans.

It is quite possible that the movement among Democrats mostly reflects movement among the large number of Democrats who are parents and/or of parenting age.

**More Whites than Latinos moved to the anti-LGBT side.**

Latino and white voters were far from identically situated at the start of the campaign. Whites favored same-sex marriage by 2 points, 46% to 44%; Latinos opposed it by 11 points, 49% to 38%. The difference between the two groups was 13 points.

By the end of the campaign, however, the Lake polling showed that whites had flipped and now opposed same-sex marriage by 15 points, 53% to 38%. Latino opposition to same-sex marriage grew and constituted a 21-point margin, 56% to 35%. The gap between the two groups was now only 6 points.

So while Latinos began as less supportive than white voters, and remained less supportive than white voters, *the difference between the two groups was cut in half over the course of the campaign* from 13 points at the start to 6 points at the end.

Whites and Latinos never became equally supportive, either in their voting on Prop 8 or in their views on same-sex marriage. But by Election Day, Latino voters and white voters were more similar than at the beginning of the campaign.

## **Women and Men, Latinos and Whites**

### **Women moved away from same-sex marriage. This includes significant movement by Latinas toward the anti-LGBT side.**

For the six-week period in which paid campaign advertising aired, the anti-same-sex marriage view gained ground among women. Opposition to same-sex marriage picked up 14 points; it initially trailed by 2 points among women as a whole, and it ended leading by 12 points.

But No on 8 did not lose equal ground among all women. Instead, No on 8's decline was particularly large among several subgroups.

1. Among women under fifty, the ban gained 22 points, at first trailing by 22 points and then finally leading by 0;
2. Among women under thirty-five, the ban gained 20 points, at first trailing by 28 points and then at the end only trailing by 8. Movement among these younger women was particularly striking because by contrast, men under thirty-five moved the opposite direction, toward opposing the ban. See Appendix H for the details not only on young men but also on all male voter subgroups.

Among Latinas, the ban picked up even more support than it did among women as a whole. Latinas switched sides and moved 26 points: they began supporting same-sex marriage by 8 points, and then ended by supporting the ban on same-sex marriage by 18.

By contrast, among Latino men support for the ban on same-sex marriage remained almost unchanged during the final six weeks of the campaign: it went from leading by 25 points to leading by just 24. Lake's sample sizes for Latino subgroups are much smaller than those for women as a whole, so caution must be exercised in interpreting these results.

Again, as with Democrats it is possible that the movement away from No on 8 among women and among Latinas in particular reflect the number of them who are parents or of parenting age.

### **Based on small samples of both subgroups, it appears likely that younger Latino voters moved toward the anti-LGBT side. Older Latino voters moved toward the pro-LGBT side.**

The polling includes only small samples of both subgroups, which means the conclusions must be viewed as tentative. See Appendix H for the specific sample size of each subgroup.

That said, the data indicate a large swing toward support for the ban among younger Latino voters. Initially, among this group the ban trailed by 3 points; but by the end, the ban led by 18.

The data also show a large swing (among an even smaller sample) toward support for same-sex marriage among older Latino voters. They favored a ban at the beginning by 38 points, but supported it by only 23 points at the end.

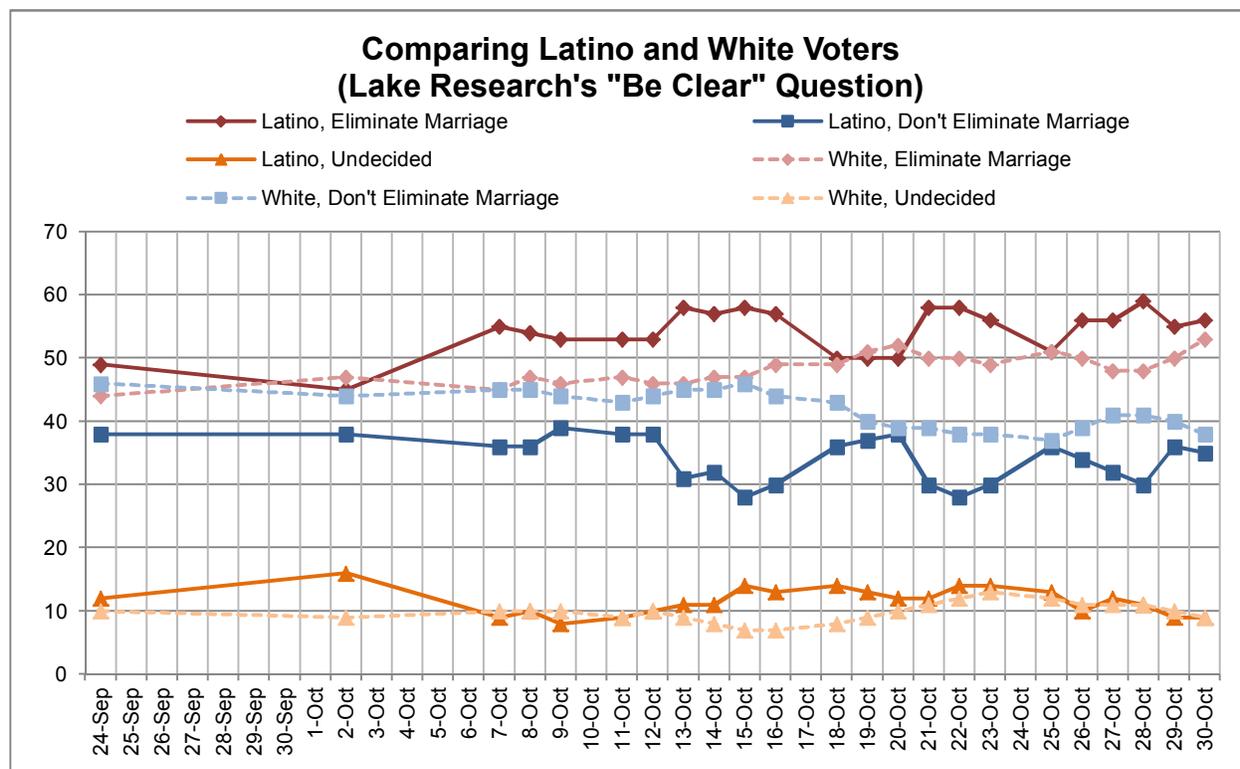


Chart 6. Latino voters were less supportive of same-sex marriage than whites both at the beginning and the end, but the gap between the two groups is cut in half during the final six weeks because the decline in support among whites exceeds that of Latinos.

### African-Americans and Asian-Pacific-Islanders

Although the No on 8 campaign commissioned a remarkable amount of research, it did not oversample African-Americans or Asian-Pacific-Islanders throughout the campaign. As a result, we know little about changes in opinion among these groups of voters, because the comparative data available includes so few poll participants that the margin of error is larger than any trends in the results.

Among African-Americans, the data we have indicates little movement in the closing weeks of the campaign: initially, the ban led among this group by 9 points, and ended up ahead by 14 points, for a net gain of 5 points. The difficulty is that the initial benchmark poll in May 2008, which included the only oversample of African-American voters, found the ban ahead by 35 points, a very different result. Understanding African-American voters' views better will have to await additional research. Appendix J, guideline 10 discusses the advantages and costs of obtaining that data consistently in a future campaign.

The situation is similar with Asian and Pacific Islander voters. In the closing weeks of the campaign, the ban went from leading by 7 among API voters to leading by 4. In other words,

this was one of the few groups to show movement toward support same-sex marriage by 3 points; this is well within the margin of error, however, so the most accurate way to think about this is that there was no discernible movement in either direction. As with African-Americans, however, the difficulty in accepting these numbers as the totality of the situation is that the benchmark poll in May 2008, which included the only oversample of Asian-Pacific-Islander voters, found the ban ahead by 18 points. Appendix J similarly describes an alternative approach that future campaigns could consider to gain more consistent information.

## **Geography**

### **The Greater Bay Area moved toward the anti-LGBT side.**

Lake's definition of "Bay Area" includes not only liberal San Francisco, Marin, and Alameda counties, but also Contra Costa, Lake, Napa, San Mateo, Santa Clara, and Sonoma counties. This is broader than the popular conception of the Bay Area, so this report refers to it as the Greater Bay Area. Same-sex marriage lost 31 points in the Greater Bay Area during the campaign. Greater Bay Area voters opposed the ban by 33 points at the beginning, but by only 2 points at the end. They still were with us, but no longer by a big margin.

## **Education**

### **Less-educated voters moved toward the anti-LGBT side. Based on a small sample of more-educated voters, it appears likely that more-educated voters moved toward the pro-LGBT side.**

At the time TV ads began, education was already a significant predictor of voters' attitudes toward same-sex marriage. Less-educated voters favored the ban, while the most educated voters opposed it. But these differences became magnified during the advertising portion of the campaign. The ban gained 17 points among voters with a high school education or less (it initially led by 12, and ended among these voters leading by 29). But the ban lost 11 points among voters who had post-college education (it initially trailed by 5 points, and ended up trailing by 16).

By the end of the campaign, attitudes surrounding same-sex marriage were even more strongly correlated with education than they were at the outset.

## **Voters whose support of same-sex marriage was more recent**

### **The data suggests that voters whose support for same sex marriage was relatively recent were among the most likely to change their minds in the heat of the Prop 8 campaign. Those last on board were the first off the ship.**

It's striking that the groups of voters moved by Yes on 8 match so closely the groups of voters identified by Lewis and Gossett in their 2008 study "Changing Public Opinion on Same-Sex Marriage: The California Case" (available at <http://www3.interscience.wiley.com/cgi-bin/fulltext/119423921/HTMLSTART>) as those who in recent years have moved *toward* support for same-sex marriage. Lewis and Gossett found that liberals, Democrats, whites, and non-Protestants are the groups that have over the last twenty years moved substantially in the direction of supporting same-sex marriage. Lewis and Gossett also found that several other

groups (eg Republicans) were moving much more slowly or not at all toward supporting same-sex marriage.

Considering both sources of data together, it seems likely that the groups that have shown the greatest recent movement toward supporting same-sex marriage are the ones most apt to reconsider their position in the heat of a campaign. The newest to support the cause are the easiest for our opponents to peel away.

Similarly, we lost substantial ground with white Democrats. Lake Research anticipated this possibility in a September 19 memo, where it counseled No on 8 to “do better among our base constituencies,” specifically “younger voters (especially women), Democrats, independent women, unmarried voters, and voters in the [Greater] Bay area.” This reinforces the idea that it was within the voter groups where the pro-LGBT side had made gains—where we’d more recently picked up support—that we had a more tenuous hold on voters and suffered the greatest losses.

### **When it comes to those who moved away from us, it’s not about hate**

Taken together, all of the above suggests that those who voted against us who are most persuadable to vote with us next time are not haters. Instead, they are people who have a lot in common with our strongest base of supporters.

### **Related data from Maine also suggests that it’s not about hate**

The situation in Maine may be similar to California. Research performed by Greenberg Quinlan Rosner Research and commissioned by Third Way immediately after the loss on Question 1 showed that there are a group of voters concerned about kids who don’t have a negative attitude toward gay people—and they are mostly Democrats.

Specifically, the polling for Third Way examined the relationship between “LGBT affection” (voters’ overall attitude towards gay and lesbian individuals) and the impact of the “kids are in danger” message. Concern about kids correlated strongly and specifically with two fears: that kids would accept gay couples, and that kids would be raised by gay parents. Concern about kids did not correlate with the specific idea that kids would experiment with being gay. Whether this represents solid data or simply answers that participants were comfortable giving the pollster, they represent, to the best of my knowledge, the first bit of data we have about how moveable voters interpret the “Princes” ad and others like it and why they react to it.

The study found three distinct clusters of voters. The first cluster included a plurality of Republicans: they scored low on “LGBT affection” and they also responded with strong concern when exposed to the “kids are in danger” message. This cluster was not likely to move away from us, because it was never with us. This is consistent with the California numbers that show little Republican movement away from us (or toward us) on Prop 8 in the final six weeks of the campaign.

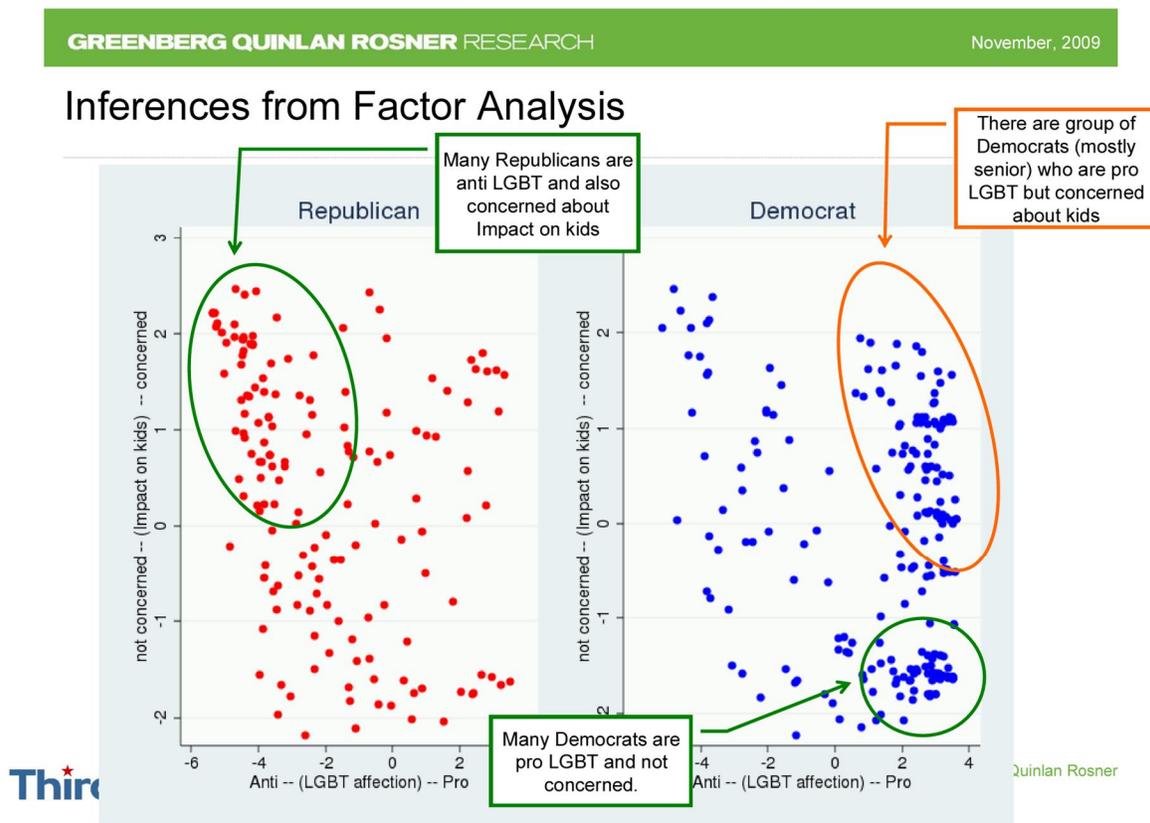
The second and third clusters of voters each included a large number of Democrats. One group of Democrats scored high on “LGBT affection” and did not respond with concern when exposed to the kids argument. This cluster was also unlikely to move away from us, because it did not

find the anti-gay kids ads persuasive. Again, this is consistent with the California experience, where large portions of the Democratic base were the sturdiest in support of same-sex marriage.

The third cluster, however, was a group of Democrats, disproportionately older, who scored high on “LGBT affection,” but who also responded with concern to the kids argument. This cluster included many of those voters most at risk for moving away from us in situation like the Prop 8 and Question 1 campaigns.

The two Greenberg Quinlan Rosner Research scattergrams commissioned by Third Way that reveal the three clusters are below.

\*\*Reprinted with permission of Third Way



**The overarching point: The Prop 8 campaign shows that a significant number of voters are persuadable on the issue of same-sex marriage late in the campaign.**

In 2008 in California, there was a persuadable universe of voters on same-sex marriage. In the final six weeks of the campaign, some voters changed their minds.

This idea that campaigns affect voters would seem self-evident, but it’s worth mentioning in light

of the recent report by Prof. Pat Egan of New York University. Some have drawn the conclusion from his report that voters were unaffected by the final six weeks of the Prop 8 campaign and that campaign efforts during that time period do not move voters to change their mind. The *San Francisco Chronicle*, for example, headlined its story on Prof. Egan's report this way: "Prop. 8 spending found to have swayed no voters" <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/06/15/MN051DVGNE.DTL>

But to read Prof. Egan's study that way requires readers to overlook an assumption Prof. Egan made even before he examined the data. His assumption was that all 35 ballot measure campaigns on same-sex marriage were comparable events. Looking at them all together, he concluded that campaigns don't change outcomes.

That assumption overlooks a fundamental difference among the campaigns in his data set; as a result, Prof. Egan was not comparing apples to apples when he looked at the 35 campaigns. Twenty-eight of the campaigns were functionally uncontested: the pro-LGBT side ran very small scale campaigns, with little money, little or no paid mass communications, and infrequent or no direct voter contact. In other words, those pro-LGBT "campaigns" were missing the very elements that give campaigns persuasive potential. See Appendix O for the documentation of the non-competitiveness of these twenty-eight campaigns.

In most states, when the pro-LGBT side mounted modest campaigns, often the anti-gay opposition then followed suit. They realized that once the measure was on the ballot and we didn't fight, they didn't need to fight either. Then they coasted to victory in states where we never had a chance.

Prof. Egan's conclusion, therefore, does apply to the twenty-eight campaigns that were not seriously contested, but only in a way that is entirely self-evident: when neither side runs much of a campaign, then campaigns don't change outcomes. This report shows, however, that his conclusion is inconsistent with the data on Prop 8 and may not apply to any competitive campaigns. That larger topic awaits further study.

The bottom line is this: When exposed to the Prop 8 campaign, some voters moved. Many more moved away from supporting same-sex marriage than moved toward it. Those who moved were in important number the very voters targeted by the opposition's message, which appealed to parents to fear for their kids. As the next three findings show, our opposition was smart and effective; we made a few good moves but were less smart and effective; and ultimately, it was our failure to rebut Yes on 8 when it stoked anti-gay prejudice with "Princes" that sealed our defeat.

## **Methodological Note on Small Voter Subgroups**

**One example—Democratic and Independent parents under age forty-five—illustrates both the usefulness and the limitations of the available data for small voter subgroups.**

A great strength of the Lake tracking polling is that it shows how voters as a whole and how subgroups of voters moved during the final six weeks of the Prop 8 campaign.

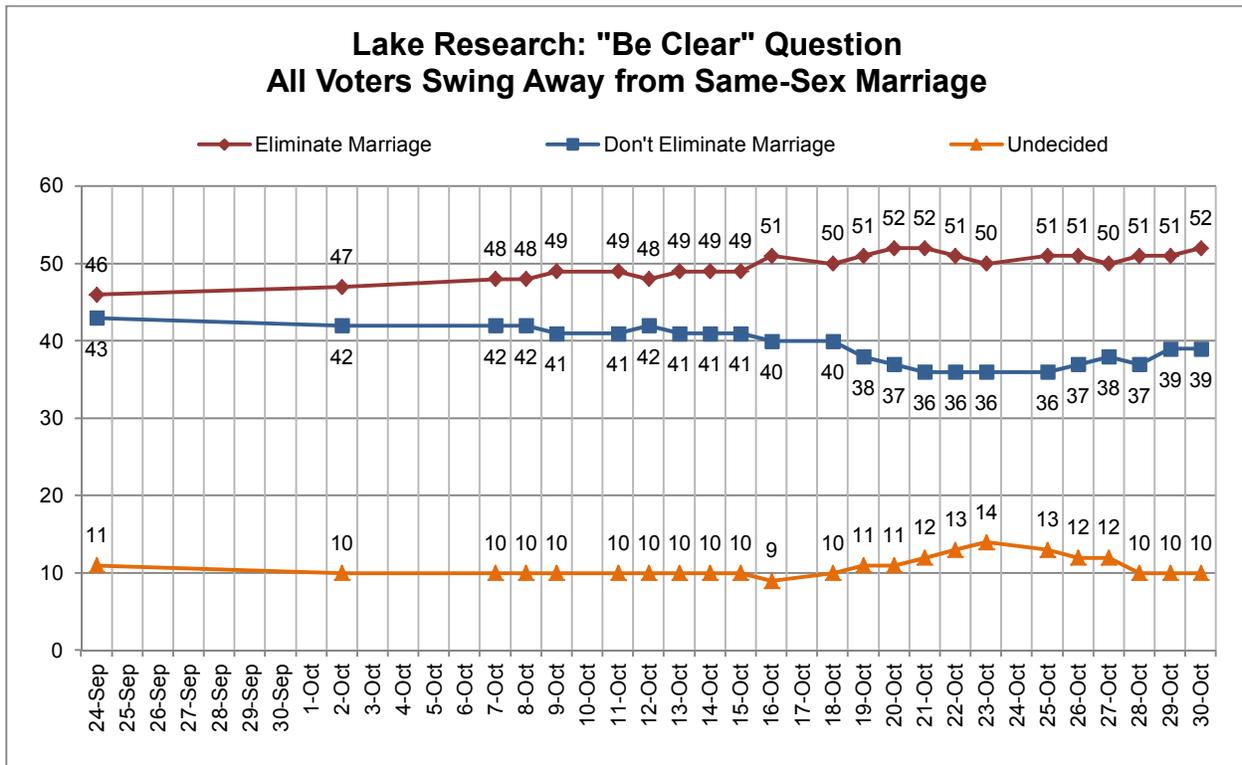


Chart 7. Lake's "be clear" question clarified how voters felt about the issue of same-sex marriage, separated from their stated vote intention on Prop 8, thus correcting for wrong-way voting. During this time period, No on 8 lost ground by a net 10 points.

It is most reliable when sample size is greatest. For example, it is best charting the overall trends among all voters because Lake interviewed so many of them: 400 each day from October 5 through October 30 in daily tracking polling, and then combining three days' worth of tracking so it could examine data based on a sample size of 1,200. Chart 7 shows how all voters moved on what we call the Be Clear question, the best single measure of voters' opinions on the issue of same-sex marriage.

Notice that among all voters, movement on the issue of same-sex marriage is slow and steady in the final weeks of the Prop 8 campaign. Unfortunately, the movement is entirely in the direction of favoring a ban. Later in the report, when we look at the movement among voters on how they planned to vote on Prop 8—the horse race question, which is not the same thing at all as their view on same-sex marriage—there is much more volatility. The comparison and discussion receive extended attention in Finding 2.

In contrast to the Lake data on all voters, its data on smaller groups of voters (eg male voters, female voters, etc.) is both valuable and less fully informative because the smaller the group of voters examined, the larger the potential margin of error.

The Lake data is most limited, most prone to error, when sample size is smallest. In the case of D & I parents under age forty-five with children under eighteen living at home, Lake interviewed only approximately 100-150 of these per poll. The following chart, therefore, is suggestive of the overall trajectory among these voters, but reading too much into mini-trends or one-time daily jumps may simply impute meaning where all that exists is sampling error and anomaly.

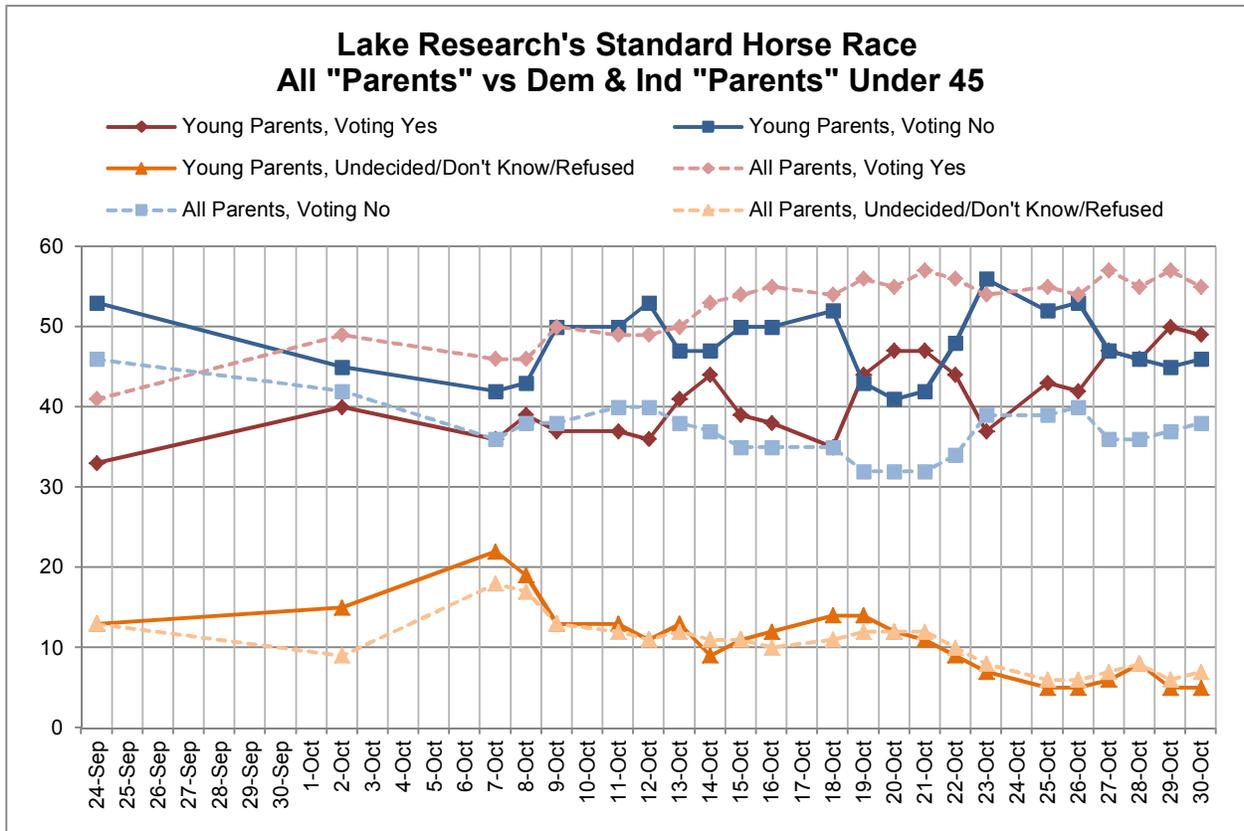


Chart 8. Young parents were supportive to same-sex marriage through the end of September, but were vulnerable to Yes on 8's messages in October.

The Lake Research tracking polls suggest that young D & I parents were among those whose movement away from No was partially reversed when “O’Connell” went on the air. The data show that most of these parents started out with us; were affected by “Newsom”; began to succumb to “Princes” after repeated exposure to it and particularly after it had gone un rebutted for almost two weeks; and then some of the defectors returned to our side when we put up “O’Connell” and gave them an answer to the “Princes” argument.

With the small sample size, the following speculation is possible; it is even useful in that it suggests what may have happened; and it suggests areas for further research. The important thing is not to take it as fully proven, since the margin of error is greater than some of the day-to-day changes that the chart depicts.

That said, take a look at the chart. Right at the beginning it suggests that the adverse impact of “Newsom” was larger among D & I young parents than among all voters. By October 2, with “Newsom” on the air against No on 8’s “Thorons” and “Conversation,” the 20-point margin with

which we began among young parents had shrunk to 5 points. No on 8 was still ahead, but only by 45% to 40% with 15% undecided. By October 7, with “Princes” on the air along with “Newsom”, refusals spiked to 22%, higher than among voters in general. Both No and Yes lost some voters to undecided at this point; No remained ahead, 42% to 36%.

The chart also suggests that “Princes” was not nearly as effective among D & I young parents in its first week to ten days on the air as it was with voters overall. Over the next week, No on 8 seemed to rebound with the young parents, as most of those who moved to undecided apparently moved back to No. No’s margin most of the week was 13 points. Then the gap closed again, but only briefly, and No regained roughly the same margin for the better part of the next week.

Overall, however, the chart suggests that “Princes” had a big, though delayed, impact on D & I young parents. It could be that the young parents at first resisted “Princes” for more than a week and they backed away from Yes on 8 during this time. But the more time that elapsed without “Princes” receiving a rebuttal, the more that young parents’ support for No on 8 collapsed. By October 19, before No on 8 had aired “O’Connell”, Yes on 8 seemed to take a narrow lead for the first time among D & I young parents of young children, gaining between 1 and 6 points each day. With the sample size so small, the data don’t support a definitive conclusion that Yes actually took a lead. On the other hand, the size of the overall decline in young parents’ support for No on 8 is so great that it is clear that they were not where they had been before TV ads went on the air. As discussed in much more detail in Finding 2, “Princes” was by far the dominant communication reaching these voters from either campaign at this point. This makes it highly likely that the decline among D & I young parents—who were with us only three weeks earlier—was real, and that Yes on 8 had peeled a significant number of them away from No on 8.

The chart then shows that Yes on 8’s seeming advantage evaporated almost immediately once “O’Connell” went on the air. In the first burst after “O’Connell” aired, D & I young parents almost returned to the level of support of mid-September, before TV ads began.

Further smaller ups and downs that are difficult to attribute to any one cause then transpired. Part of the reason it is difficult to link them to a cause is that in the final stage, so many new ads and earned media emerged almost on top of each other that it is impossible to sort out the influence of one from the other. The first chart, including all voters, suggests that the trend toward Yes on 8 largely continued, but that may not have been true among these younger parents. It’s possible that these parents remained a more volatile voter subgroup until the end. The final Lake tracking polls showed that by October 27, Yes moved into the lead among the younger parents, and it led among them through the time that Lake tracking ended on October 30.

Looking at the voter subgroup data provides food for thought; that’s why we’ve included charts like the one above showing the movement among younger parents for a wide variety of voter subgroups. See Appendix D for the full set of charts. The reason for looking at this one chart in detail, however, is to note not just its value, but also its limitations and the ways in which we

have to qualify what we take from the data. In writing this report, I don't want to offer as proven something that the data only suggest.

Yet it is valuable to glean what we can. A review of the complete timeline shows damage to No on 8. D & I young parents of young children started out as part of the No on 8 base, like D & I voters as a whole. But once Yes on 8 went on the air, young parents moved away, then seesawed back and forth, then partially and temporarily came back when No on 8 rebutted "Princes" with "O'Connell," only to apparently lose among this group by a narrow margin. It would be easy to make too much of each bobble. On the other hand, it seems likely that "Newsom" and "Princes" put this slice of D & I voters in play.

Yet Democrats and Independents as a whole were overwhelmingly steady and on No on 8's side throughout the campaign, as the chart above shows. Notice how different its trajectory is from the subgroup of D & I younger parents. If No on 8 had suffered the same decline in support among all Democrats and Independents as it did among the young parents of young kids among them, No would have been crushed. Looking at these two charts together and comparing them to the charts of all voters reinforces our sense that something bad happened among parents, even though our data don't allow us to understand all of the nuances.

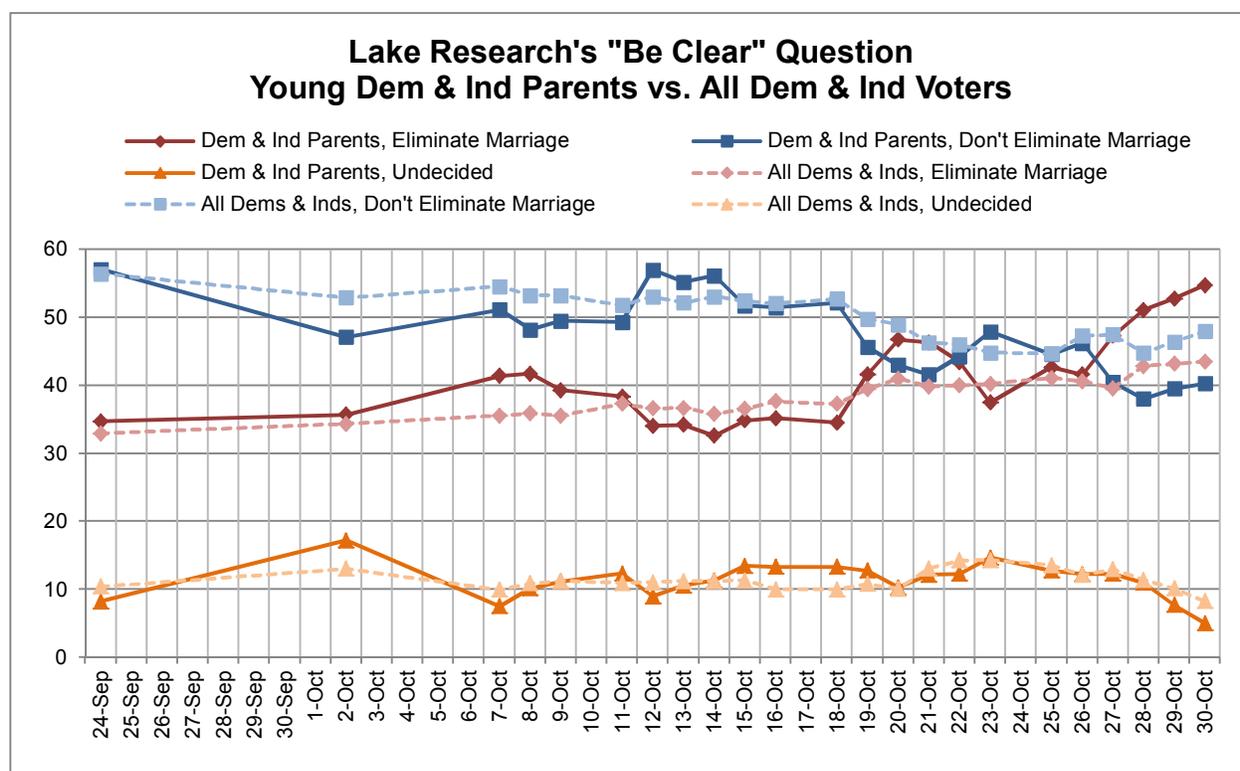


Chart 9.

The lesson here for any future campaign is do not assume that voters in the base are fully secured. Consider which subgroups may be particularly vulnerable. We need to prepare our more vulnerable supporters in advance of the closing weeks of the campaign. For example, among younger parents we need to be sure they have the information they need not to

succumb to irrational panic about what's going to happen to their kids. Otherwise we will lose votes we can't afford to lose.

# Finding 2: The Yes on 8 Ads That Worked

*The combination of Yes on 8's "Princes" and "Newsom" ads moved voters in its direction. In particular, the fear-mongering message that children are in danger affected voters.*

The most effective decision made by either campaign—the one with the biggest impact on the outcome—was Yes on 8's decision to air the "Newsom" and "Princes" ads back-to-back. "Newsom" caused a spike in voters refusing to say how they were going to vote; "Princes" then drove voters in the direction of yes. The combination of the two put Yes on 8 in the lead.

"Princes" had the greater impact. Its fear-mongering message about children drove Yes on 8 over the 50% threshold. It affected many types of voters, particularly those it most directly targeted: parents with kids under 18 living at home.

## Key Lessons from Findings 1, 2, and 3:

- When voters heard the lie that kids were in danger, some of them believed it.
- As Finding 1 shows, parents in particular believed it.
- More voters believed the lie the longer it went unanswered.
- As Finding 3 shows, some voters no longer believed the lie once they heard it exposed as a lie.

## Yes on 8's Ads Worked

**The "Newsom" ad** opened and closed with San Francisco Mayor Gavin Newsom saying, "It's gonna happen—whether you like it or not." As much as the words, the ad's raucous and abrasive tone told voters they were not in control and that others were forcing them to accept same-sex marriage.



**The "Princes" ad** opened with a little girl saying, "Mom! Guess what I learned in school today?" What she supposedly learned is that she can grow up to marry a female. The misleading ideas: impressionable kids are being indoctrinated; they will think it's OK to be gay and may then experiment with sex or gay sex, be more likely to become gay, or choose to be gay. If any of these transpire, kids will be damaged by learning that gay people exist.



## How We Know What We Know: The Campaign’s Polling Data

### The Data That Indicate Which Side is Ahead: the Horse Race Question

It’s possible to understand the story of how the “Newsom” and “Princes” ads thrust Yes on 8 into the lead because of the Lake Research polling data from its “standard horse race” question. Here is a quick overview of the horse race question; its strengths and weaknesses; and the ways in which it is complemented by a second question asked by Lake, the “Be Clear” question.

**Definition:** In its polls, Lake first asked the standard horse race question fairly early in the survey. Virtually identical to the horse race question taken in every poll by every pollster, the Lake standard horse race question asked voters how they would vote if the election were today. The horse race question aimed to gauge which side was ahead and by how much. Lake asked the horse race question by reading each voter the language on the ballot and then asking whether they planned to vote Yes or No on Prop 8.

**Advantages:** The strength of the horse race question is that it measures the combined impact of multiple phenomena that can affect the final election result, including:

- Persuasion: voters changing their minds on same-sex marriage;
- Self-correction of wrong-way voting: for voters who misunderstood the meaning of voting Yes or No, learning how to cast a ballot that expresses their opinion on same-sex marriage;
- Decoupling: voters deciding that a vote on Prop 8 ought to reflect their view on an issue other than same-sex marriage, eg insulating children from learning about gay people.

The standard horse race therefore gives the clearest snapshot of how the electorate is divided at the time the survey is taken.

**Disadvantages:** The weakness of the horse race question is that changes in its result do not tell us the cause of the movement, since change could result from any of the above factors or any combination of them. As a result, the horse race is better at answering “where are we at this moment” than it is at explaining “why is this where we are at this moment.”

### The Complement to the Horse Race Question: the “Be Clear” Question

Fortunately, Lake did not only ask the horse race question to track voter movement. Lake also asked in almost all of its polls a second question that was not asked by most of the other pollsters, a clarification question, in this report referred to as the “Be Clear” question. “Just to be clear”, the second question began, “is your vote to **eliminate** marriage for gay or lesbian couples in the state of California or **NOT** to eliminate marriage for gay or lesbian couples in the state of California.”

The purpose of the Be Clear question was to measure whether voters were voting in conformity with their view on same-sex marriage. Most voters understood how to vote to express their view on the issue; but many, it turned out, were confused about how to vote to express their opinion on same-sex marriage. Finding 7 and Appendix K discuss the phenomenon of “wrong-way voting” in detail.

## Chronology: the Lake Horse Race Data on How Yes on 8 Got to 50% Support

### 1. In mid-September, before either side had TV ads on the air, Lake Research showed a virtual tie.

In mid-September 2008, all of the various polls, even those that disagreed on other matters, found No on 8 at the height of its support. On both of its principal questions tracking movement in voter opinion—the horse race question and the “Be Clear” question—Lake Research found No on 8 ahead by a tiny percentage smaller than the margin of error. The race was a dead heat. The following two charts show the situation. The first gives opinion from May through late October. The second is a close-up of the first and covers the period from mid-September through late October.

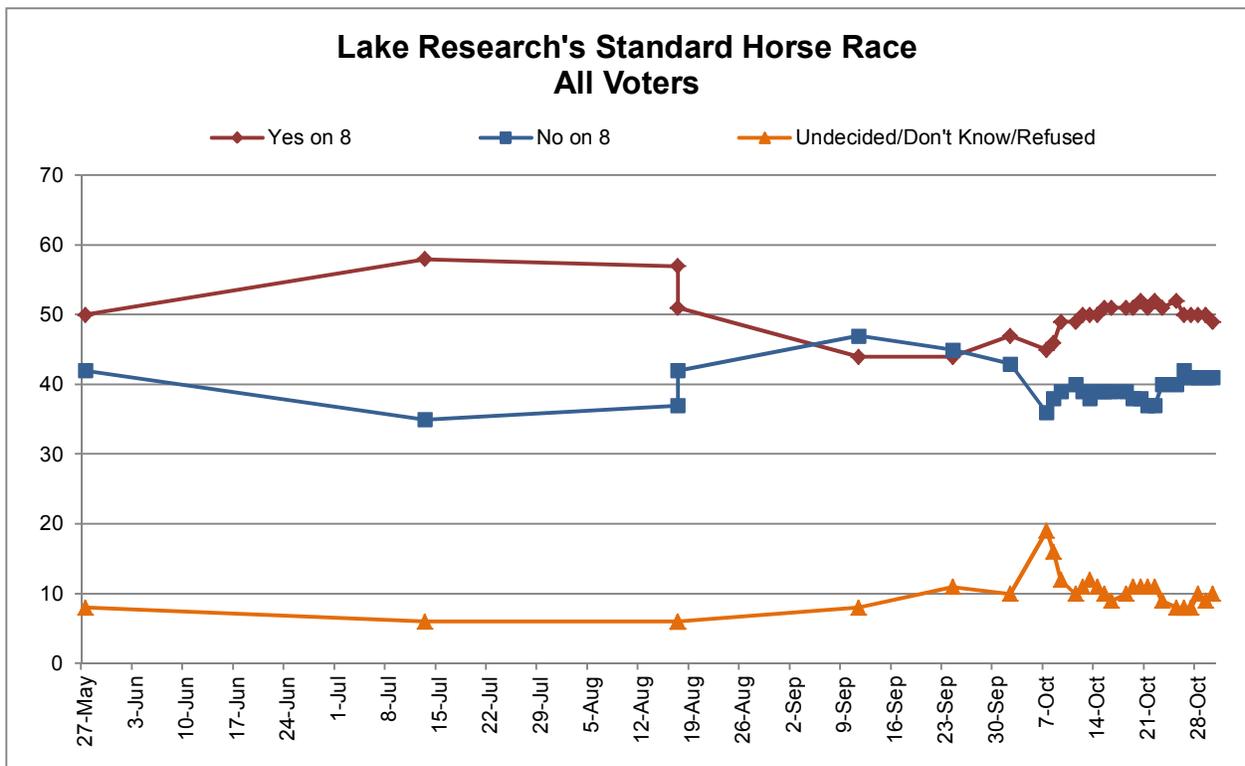


Chart 10.

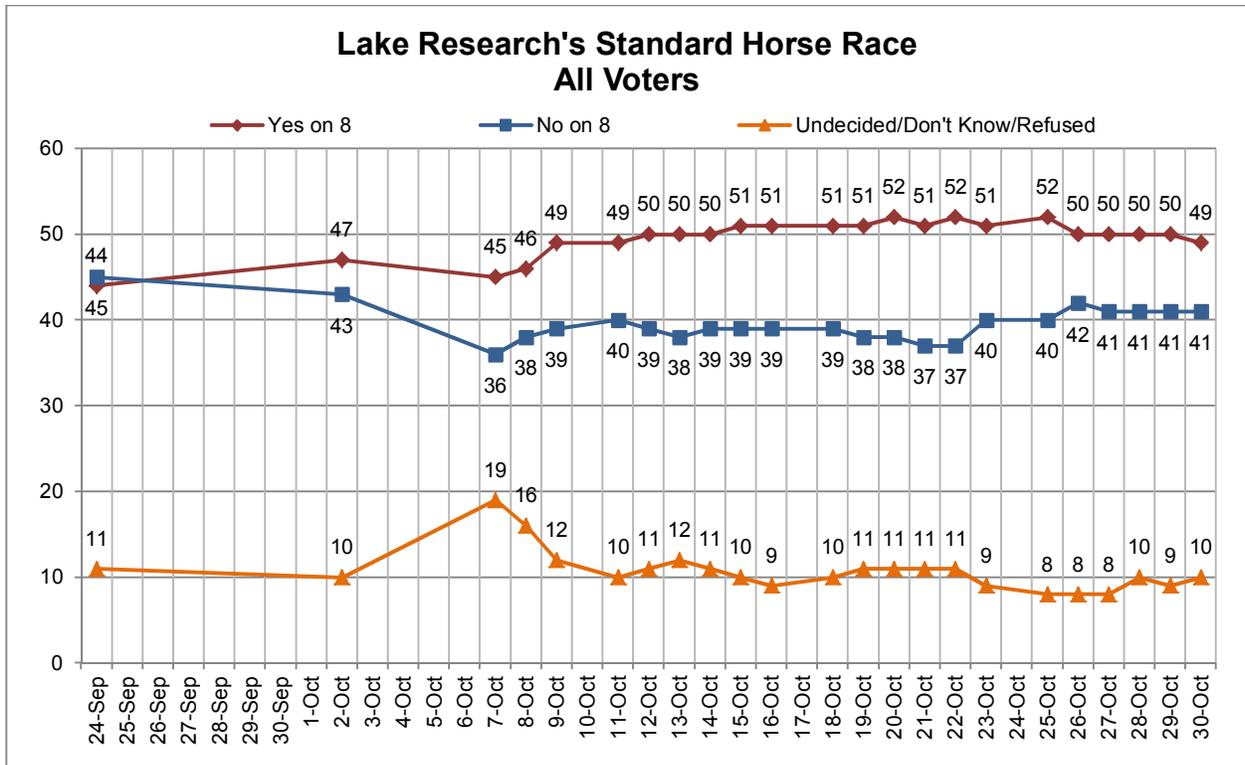


Chart 11.

**2. In late September, the horse race question showed that the “Newsom” ad moved a small number of voters directly to Yes and drove up the number who refused to say how they were going to vote.**

On September 29, the “Newsom” ad went on the air in a major statewide buy. “Newsom” quickly moved a small number of voters to Yes. It also moved a chunk of voters to refuse to say how they planned to vote on Prop 8. Here are the details.

The two charts above show what happened after the “Newsom” message aired long enough to sink in. They depict the change in the standard horse race question at this point; it shows the first big, abrupt bump in the size of a group of voters. The group of voters that rapidly grew was the one that combined both undecided voters and refusals, those voters who refuse to tell the pollster how they plan to vote.

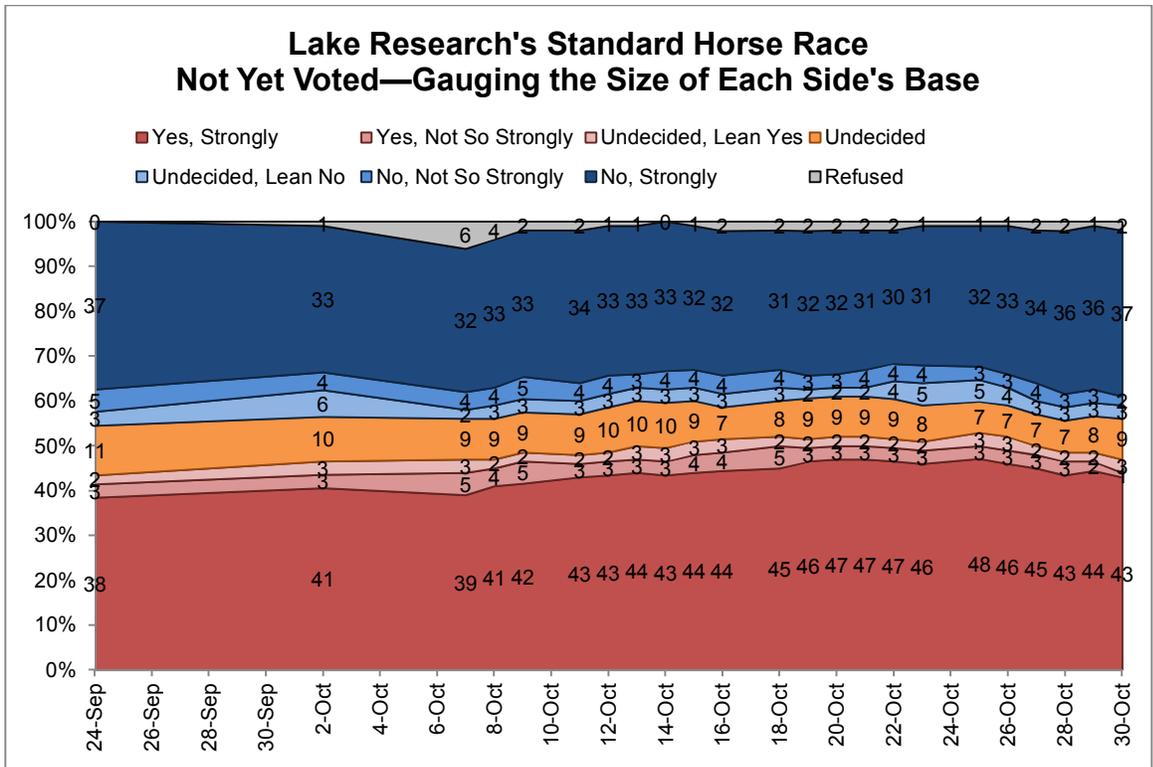


Chart 12.

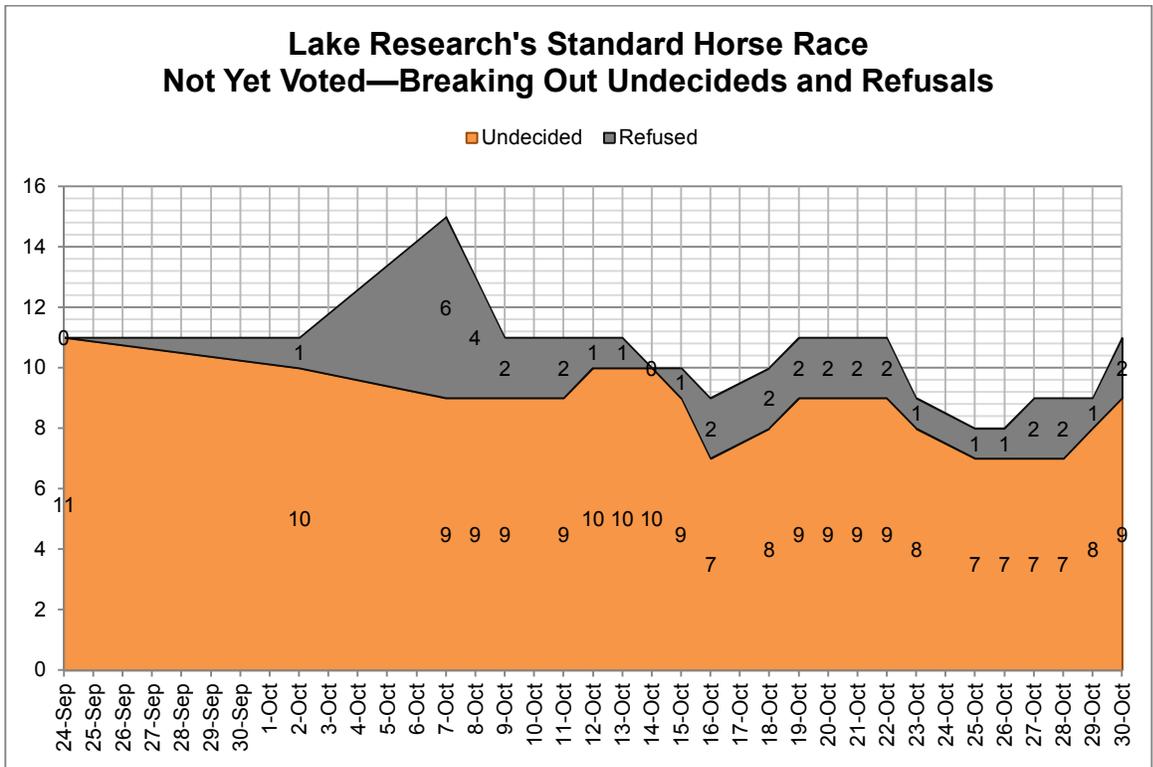


Chart 13.

Two additional charts, immediately above, are more precise because they separate the undecideds from the refusals and includes only those voters yet to vote. (Absentee voting began on October 6, so some voters had already voted; they are not included in the two charts immediately above).

The additional charts reveal that the big bump was not a spike in undecided voters but instead a jump in refusals. Undecideds were steady as refusals increased 500%, from a mere 1% of voters to 6%. Prior to “Newsom,” refusals had been an almost constant 1% in the Lake polls from May through September. By October 13 and through the rest of the campaign, refusals returned to being a fairly constant 1% or 2%. But between September 29, when “Newsom” began to air, and the tracking poll of October 5-7 refusals jumped 5 points. Along with other attrition from the No side, the race was no longer a dead heat: No had lost ground and Yes had the lead.

The more details chart slices the yes and no votes and distinguishes among three kinds of supporters for each side:

- Those who were strongly supporting each side
- Those leaning toward each side
- Those who were undecided but leaning toward each side. This last group was, perhaps counter intuitively separate from the undecided voters (mentioned above). The difference is that these voters expressed when polled at least a slight lean. A voter was relegated to the pure undecided category only when they admitted no preference whatsoever.

Since this chart is complex, its reproduction here in miniature may suffer in readability. If so, please turn to Appendix D to see it in full page layout where it is easy to read. It is a stunning chart. It shows that among those voters yet to vote, the undecided voters who were leaning toward voting no declined from 6% to 2%. This is likely the source of many of the new refusals.

The combined result of the movement among two groups—the refusals and the undecideds leaning toward No—was that No declined from 43% to 36%, while Yes declined from 47% to 45%.

These shifts support the inference that Yes on 8’s decision to air “Newsom” moved a slice of likely voters to have second thoughts about Prop 8.

**3. No other campaign event or decision that occurred in late September or early October other than the “Newsom” ad explains the big shifts detected by the polling before “Princes” had a chance to penetrate.**

The October 7 tracking poll shows a big movement away from No on 8 compared to the previous poll, taken less than a week earlier. No other big event favoring Yes on 8 occurred in that brief intervening time.

The October 7 tracking poll, like all Lake tracking, combined results for three days, the two days preceding and the date attached to the tracking poll result. For example, the October 7 tracking

poll included results from October 5, 6, and 7. The only other big event favoring Yes on 8 during those specific days was its second ad, “Princes,” which began to air October 6 in Spanish. But “Princes” was largely unseen until October 8, when it went on the air in English; the size of the Spanish-language buy was relatively small. See Appendix E for the details. Similarly, “Princes” received no press reportage until October 8; and the ad did not receive extensive coverage until much later in October, when the declining fortunes of the No on 8 campaign attracted reporters to write about the Yes on 8 campaign ads. See Appendix F for a more detailed discussion on earned media.

**4. Then, “Princes” went on the air, first in a relatively small buy in Spanish and then beginning October 8 in a large buy in English. The full measure of the damage it instigated was not instantaneous. Its impact grew over the course of a week, an apparently steady accretion of support for Yes on 8.**

“Princes” began to be widely seen after October 8. It joined “Newsom” in rotation and began to break voters away from refusal to state. Within a week, with “Princes” the dominant ad, voters moved steadily towards Yes. The electorate stabilized with Yes above the 50% level of support needed to win. Here are the details.

Over three days—October 8, 9, and 10, the first days that “Princes” began to be widely seen—the number of refusals plummeted. By October 10, refusals were back to 1%. Most or all had now declared when polled their voting intention on Prop 8. Some migrated back to their former position; but some switched sides and moved in the direction of Yes. Worse, Yes on 8 picked up a percentage point of voter support every other day. By the time “Newsom” and “Princes” were on the air together for a week on October 15, the horse race question showed Yes on 8 with a double-digit lead over No on 8, with 51% of voters planning to vote yes and only 39% planning to vote no.

The only good news here is that “Princes” did not have the ability to move an indefinite number of voters. It was not effective enough to move Yes on 8 significantly above the 50% threshold. But 50% (plus one voter) is enough to win.

The trend with “Princes” from beginning to the end of the week is one in which we can have a great deal of confidence because over seven days of tracking polling, the aggregate sample of voters surveyed was large, reducing the margin of error.

The trend from one day to the next day is one in which we can place less confidence because each daily sample of voters is smaller and the margin of error consequently larger. In other words, the margin of error is large enough that apparent daily progress for Yes on 8 may in fact have amounted to changes in support that actually bounced a bit up and down, trending upward over the course of the week but not necessarily increasing every single day.

The trends over the course of the week, however, are most consistent with the conclusion that the impact of “Princes” grew over time as voters were exposed to it again and again. A few responded to “Princes” right away. More responded to it after seeing it ten times in a week.

Alternatively, it is possible that the “Princes” message resonated with more voters over time as “Princes” was joined on the air by Yes on 8’s next ad, “Massachusetts,” which makes the same argument about kids. It is impossible to isolate the impact of “Massachusetts” with the data available, since its major air dates overlap completely with “Princes.”

In either case, the data support the conclusion that fear-mongering about kids, the sole focus of both ads, drove voters toward Yes and kept Yes at and above 50%. This conclusion is bolstered by the data that show that when No on 8 finally rebutted the kids argument directly in the “O’Connell” ad, voters moved the other way. For these voters, “Princes” seems to have decoupled Prop 8 from the issue of same-sex marriage: Prop 8 for them became a vote on whether kids should learn that LGBT people exist as a normal part of society.

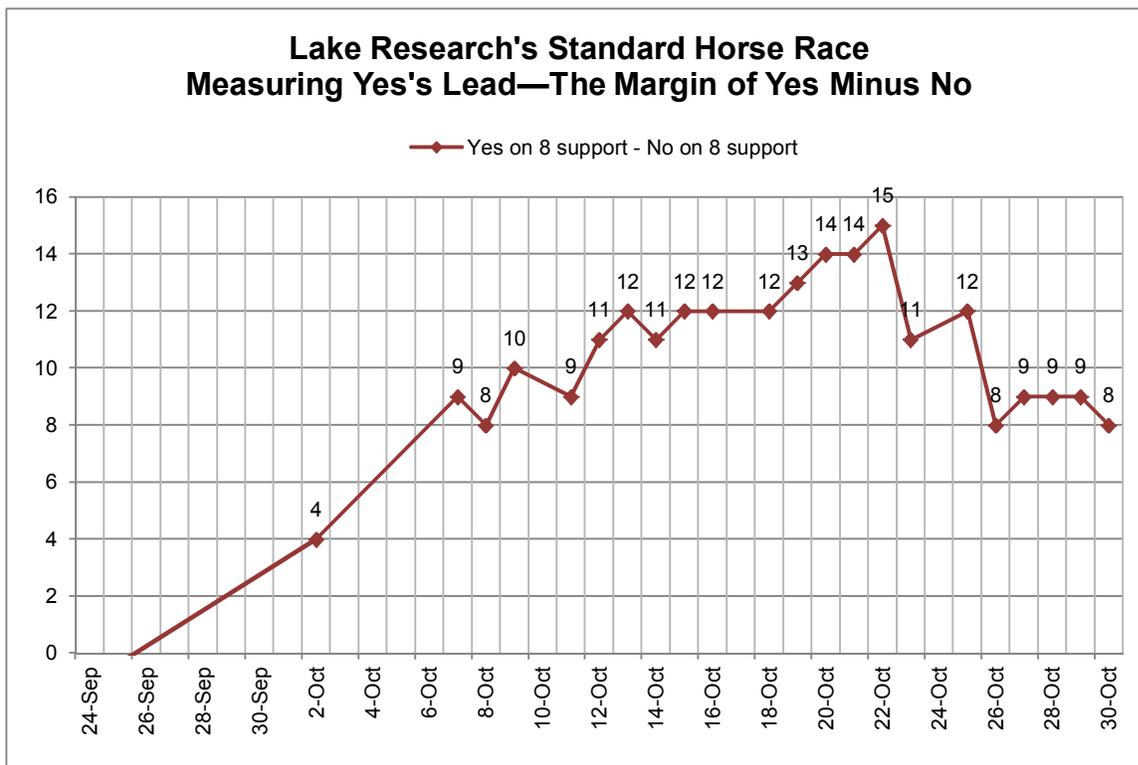


Chart 14.

The chart immediately above, also discussed in Finding 3, shows that the No on 8’s hemorrhaging of support only stops—and even partially reverses—when the misleading information in “Princes” is directly rebutted by the “O’Connell” ad. It shows the margin by which Yes on 8 led throughout, from mid-September, when it had no lead, through late October. The rise from “Newsom” and “Princes” is remarkably linear. Its ascent is only broken after No on 8 airs the “O’Connell” ad on October 22 and it has had a chance to have penetrated, ie to have been seen by voters enough times that they might remember it. “O’Connell” helps No on 8 regain some of the ground lost, but not enough to change the result.

**5. Overall, the effect of “Princes” was greater than “Newsom.”**

The data establish that “Princes” caused most of the erosion suffered by No on 8 during this time. It couldn’t have been “Newsom,” because Yes on 8 began phasing out “Newsom” as soon as “Princes” was on the air. Yes on 8 spent \$1.9 million to air “Newsom” the week before “Princes” went on the air. Then Yes on 8 spent only \$200,000 on “Newsom” in the debut week of “Princes,” as it was spending \$2.1 million the same week to air “Princes” (in Spanish and English combined). By the following week, October 15–21, the buy for “Newsom” was a shrunken \$6,000; it went off the air entirely on October 20. That same week, the “Princes” argument about kids and schools represented almost the entire Yes on 8 buy, both in the form of “Princes” and “Massachusetts.” See Appendix E for details of week-by-week ad buys in all media markets.

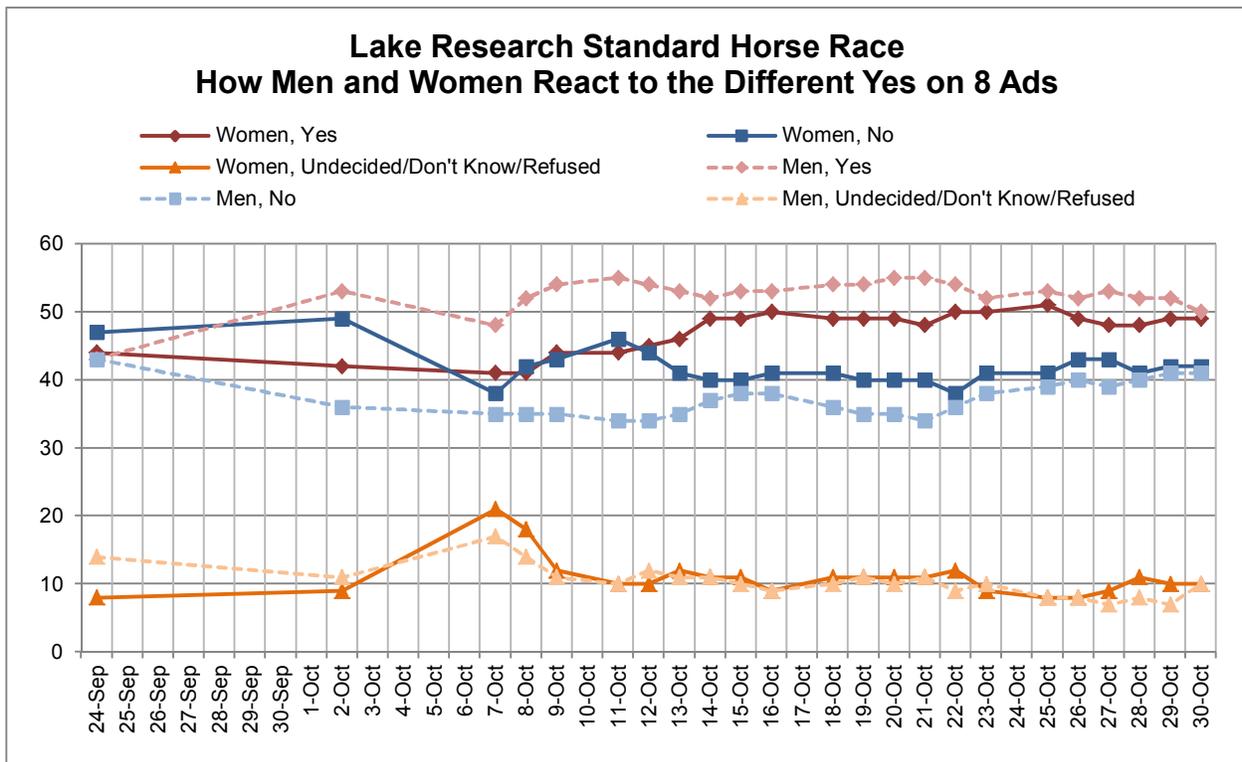


Chart 15.

From October 11 through 28, Yes polled at or above 50%, the level of support it needed to win. The specific dates suggest that Yes on 8 strategically timed “Princes” to coincide with the beginning of absentee voting on October 6. For those eighteen consecutive days—each a miniature version of Election Day, with both sides banking votes—Yes on 8 daily increased its lead. Once voters cast absentee ballots, they couldn’t change their minds later in the campaign, even if they wanted to; they had voted. Yes on 8’s dominance as people voted absentee was particularly important since in this election, 42% of all California votes were cast before Election Day.

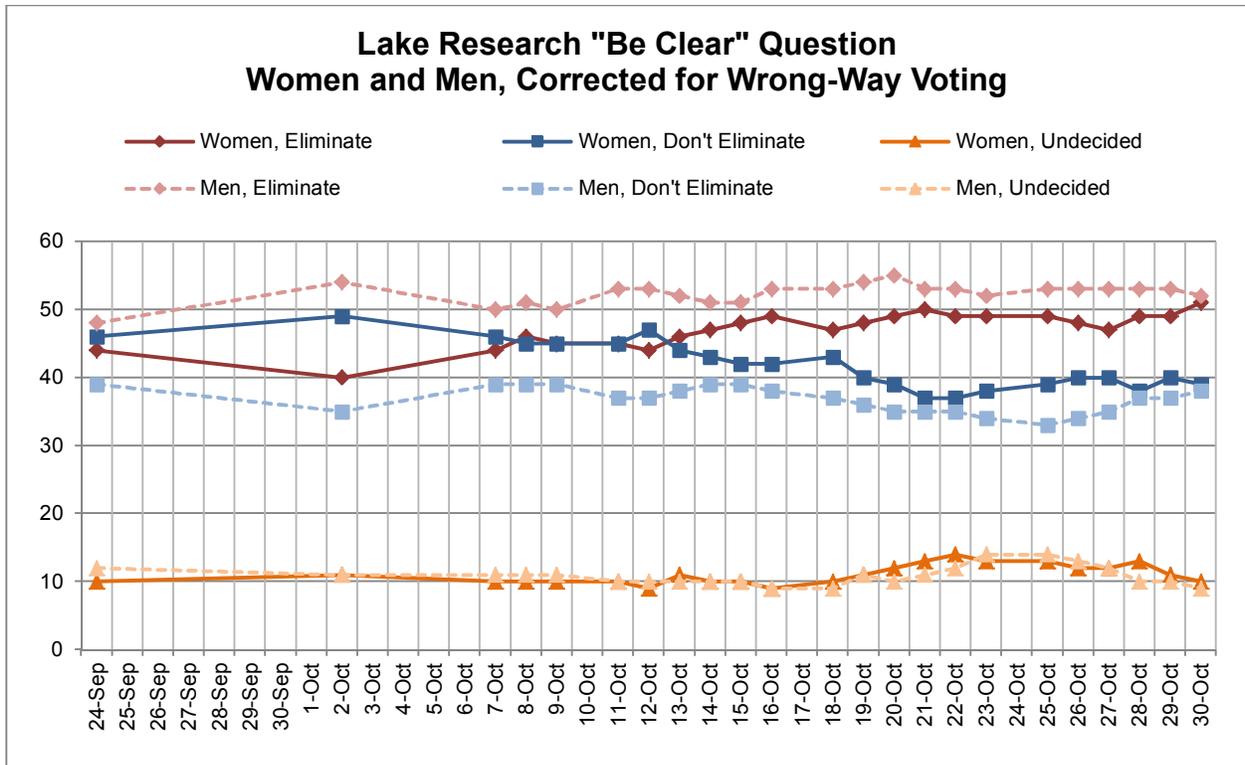


Chart 16.

Yes on 8 spent \$4 million airing “Princes.” It was the single most frequently aired TV spot of the entire campaign by either side. There is no other remotely comparable event or expense that occurred on or around October 8–10 that provides an alternative explanation for the abrupt shift among voters detected by the Lake tracking polls (the only tracking polls conducted at that time for the No on 8 campaign).

On the other hand, to give “Newsom” its due, not only did it soften up voters in a way that seemed to have paved the way for “Princes”; it also had a particularly strong impact on male voters, compensating for the fact that “Princes” had a particularly strong impact on female voters.

**6. No on 8 never recovered.**

No on 8 never recovered from the combination of the “Newsom” and “Princes” ads. According to the Lake Research polling, No on 8 never again drew even or close to Yes on 8 on the horse race question. Although both campaigns created a variety of other ads and utilized a variety of other campaign tactics, the tracking polling suggests that none had the combined impact of “Newsom” and “Princes” among swing voters as a whole.

**What The Data Show About “Newsom” and “Princes**

Throughout the events described above, the Be Clear question did not move in lock step with the horse race question. Voters changed their minds more often and more quickly on the horse race; changes in the Be Clear lagged.

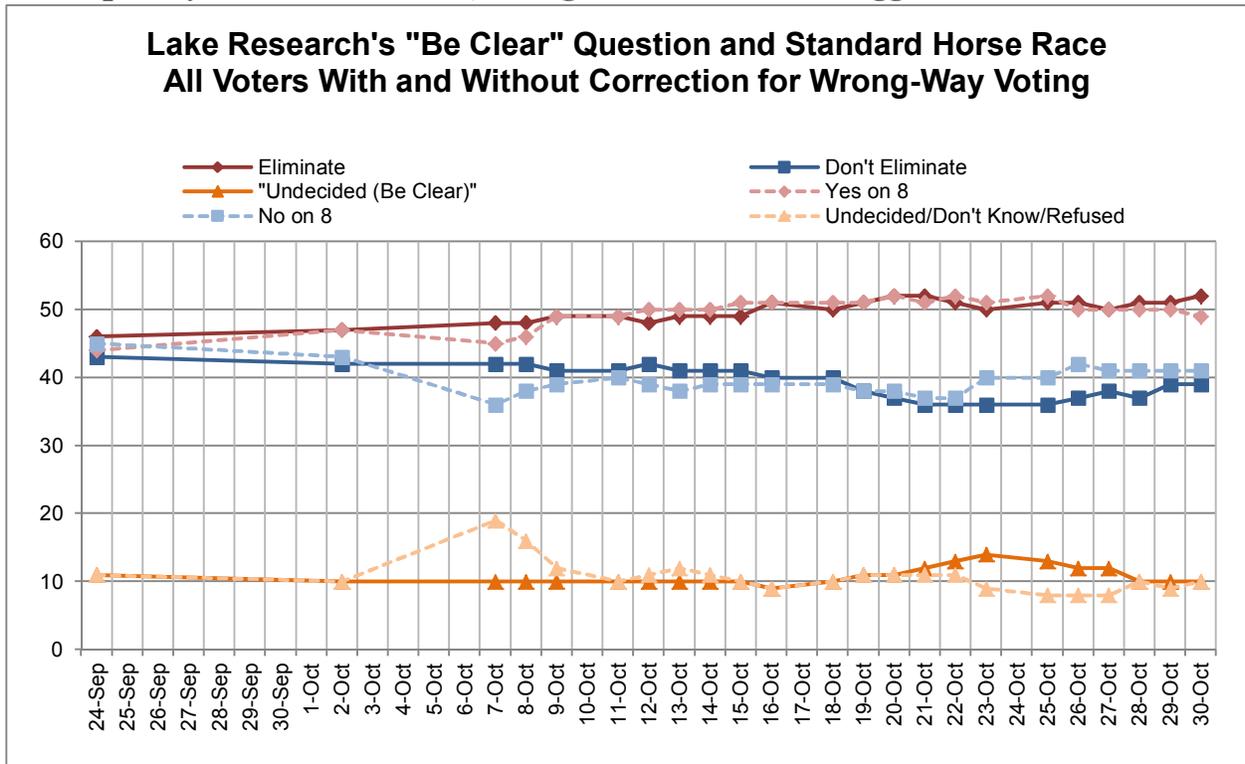


Chart 17.

The chart above compares the horse race and Be Clear questions and makes the difference between the two visible. One difference is particularly apparent at the time “Newsom” goes on the air. The number of undecideds and refusals on Prop 8 documented by the horse race question (illustrated with the darker line) and the number of undecideds and refusals on the issue of same-sex marriage documented by the Be Clear question (the lighter line) are markedly different.

As “Newsom” became widely seen, the darker line shot up; the ad elevated the number of voters refusing to say how they were going to vote on Prop 8, as discussed earlier. But the lighter line stayed flat: the number of undecideds and refusals on the issue of marriage stayed the same, unaffected by “Newsom” or “Princes.” In other words, “Newsom” and “Princes” did not quickly persuade voters on the issue of marriage; voters’ views on marriage did not immediately change, even as their planned vote on Prop 8 changed.

The more gradual changes in the Be Clear question show that not every voter who changes their mind on how to cast their vote has also changed their mind on the issue of same-sex marriage.

The more gradual changes in the Be Clear also suggest that voters as a group are relatively slow to alter their opinion on same-sex marriage. This may reflect the increasingly common

discussion of the issue over the past decade and many voters having developed a relatively firmly held opinion on the issue.

**The Be Clear question helps reveal voters changing their minds on same-sex marriage. Considering the two questions together reveals self-correction of wrong-way voting and voters' transforming their vote into one on kids' safety rather than same-sex marriage, a "decoupling" of the two matters.**

The advantage of asking the Be Clear question is that it reveals how much of the movement in the horse race question is due to voters changing their minds on the issue of same-sex marriage.

In addition, the disparity between the two questions quantifies voters' self-correction of their wrong-way voting and suggests the success of the Yes on 8 message framing at decoupling Prop 8 from the issue of same-sex marriage. The fact that the same phenomenon recurs when No on 8 puts the "O'Connell" ad on the air rebutting "Princes" makes the de-coupling seem all the more likely. A slice of the electorate moved away from No on 8 without changing its view on same-sex marriage when "Princes" went up on the air; and a smaller segment of the electorate, perhaps including some of the same voters, moved back toward No on 8 without changing its view of same-sex marriage when "O'Connell" went up to answer it. Some voters, at least some of the time, did not see their vote on Prop 8 and their opinion on same-sex marriage as having to be congruent or as one and the same.

The non-congruence makes sense if "Princes" worked by stimulating or foregrounding anti-gay feeling and anti-gay prejudice to increase the number of voters ready to vote Yes on 8. My take on the ad is that, on the face of it, this was "Princes'" aim. Voters were encouraged to confuse their concern over the possibility of harm to children with the ballot measure allowing same-sex couples to marry. Marriage was a stand-in for public visibility of LGBT people and/or public approval of gay people as decent human beings equal to everyone else.

**By the end of the campaign, Yes on 8 also stimulated significant movement among voters' views on same-sex marriage**

Yet decoupling is probably only one phase of voter persuasion for some voters, not the entirety of what the Yes on 8 campaign accomplished. As the chart on the Be Clear question shows, opposition to same-sex marriage grew from mid-September to late October; the initial 3 point lead grew to 13 points over the course of the tracking polls. Yes on 8 achieved a 10 point swing—it changed the minds of a minimum of 5% of voters—on the issue of marriage itself.

**Even after "Princes" was off the air, it remained memorable**

Post-election polling by David Binder Research provides evidence that "Princes" was a highly memorable ad even after the campaign was over. Binder Research's survey showed that between November 6 and November 16, 23% of voters recalled "Princes" as a convincing Yes ad without prompting. No other Yes message or ad was mentioned by more than 3% of those polled. In addition, "Princes" was able to redefine Prop 8 to a majority of voters; 37% of those polled thought a yes vote on Prop 8 would stop the teaching of same-sex marriage in elementary schools, and another 17% were unsure whether Prop 8 would result in a change in how families were discussed in classes.

## **We are very likely to see future ads similar to “Princes”; we have to prepare**

Based on the devastating short-term impact of “Princes” during the Prop 8 campaign, and the similar impact of comparable ads in Maine, it is all but certain that anti-gay forces will use the kids argument in future campaigns. Fears about gays and kids may not be uppermost in the minds of voters absent an anti-gay campaign, or voters may not readily volunteer latent concerns. But the Prop 8 experience suggests that:

- When an anti-LGBT campaign alleging indoctrination of kids unfolds on TV; and
- When that campaign is well-funded enough that the average voter sees ads exploiting anti-gay prejudice five or more times each week for four to five weeks; then
- The ads generate, awaken, reawaken, or reinforce a response among some voters that moves them to vote against the LGBT community.

As a practical matter, anti-gay prejudice prepares some voters to believe the worst, and that’s precisely the spectre conjured up by the anti-gay campaign:

- When voters hear a lie that kids are in danger, some of them believe it.
- As Finding 1 shows, parents in particular believe it.
- More voters believe the lie the longer it goes unanswered.
- As Finding 3 shows, some voters no longer believe the lie once they hear it exposed as a lie.

See Recommendations 1-3 for work we can do now to reduce our vulnerability to the same kind of anti-gay campaign in the future.

# Finding 3: The No on 8 Ads That Worked

*No on 8's "O'Connell" and "Thorons" ads were our most effective attempts to counter "Princes" and to confront the opposition's exploitation of prejudice.*

The two most effective ads made by the No on 8 campaign are the only two that directly take on the two main issues on voters' minds during the campaign: same-sex marriage and kids being taught about gay people in school.

- "O'Connell" was the only ad that directly rebutted Yes on 8's "Princes" ad and its assertions about children.
- "O'Connell" moved some voters to support No on 8. It seemingly did not, however, change their view on the issue of same-sex marriage.
- "O'Connell" aired October 22–28. As soon as it was off the air and replaced by No on 8's "Feinstein" ad, voters reversed course and some moved back to the Yes side.
- No on 8 was beginning to gain a slight spending advantage at the time "O'Connell" aired, but that doesn't explain the ad's success. No on 8 ads that aired after "O'Connell" were much bigger beneficiaries of its growing financial edge; No was outspending Yes 2 to 1, 4 to 1, and even more in the final days. Yet none of the post-"O'Connell" ads had a measurable impact on voters. By itself, No on 8's lopsided spending advantage at the end couldn't make its ads effective.
- The only other No on 8 ad that may have had an impact on voters was the "Thorons" ad, the first to air and the only ad that directly talked about LGBT people and marriage.

## No on 8's Only Effective Ads

"O'Connell" was a direct rebuttal to "Princes"; it also explicitly criticized Yes on 8 for lying to voters. It featured State Superintendent of Schools Jack O'Connell saying that passage of Prop 8 would not lead to same-sex marriage being taught in schools.



"Thorons", the first ad aired by No on 8, featured a husband and wife discussing their gay daughter. They wanted her and other Californians to be treated fairly. The ad spoke directly to the issue of same-sex marriage.



## How No on 8’s “O’Connell” Ad Affected the Campaign

### “O’Connell” had a measurable impact on voters

The only ad that the polling data directly links to increased support for No on 8 is “O’Connell.”

None of the No on 8 ads had anything like the impact of “Newsom” or “Princes.” As Chart 18 demonstrates, once Yes on 8 opened up its lead after “Princes” had penetrated, it retained it for the rest of the campaign. This is true even though No on 8 aired thirteen ads over that time, including five for which it bought very substantial airtime. See Appendix E for the list of all ads and the subset of widely seen ads.

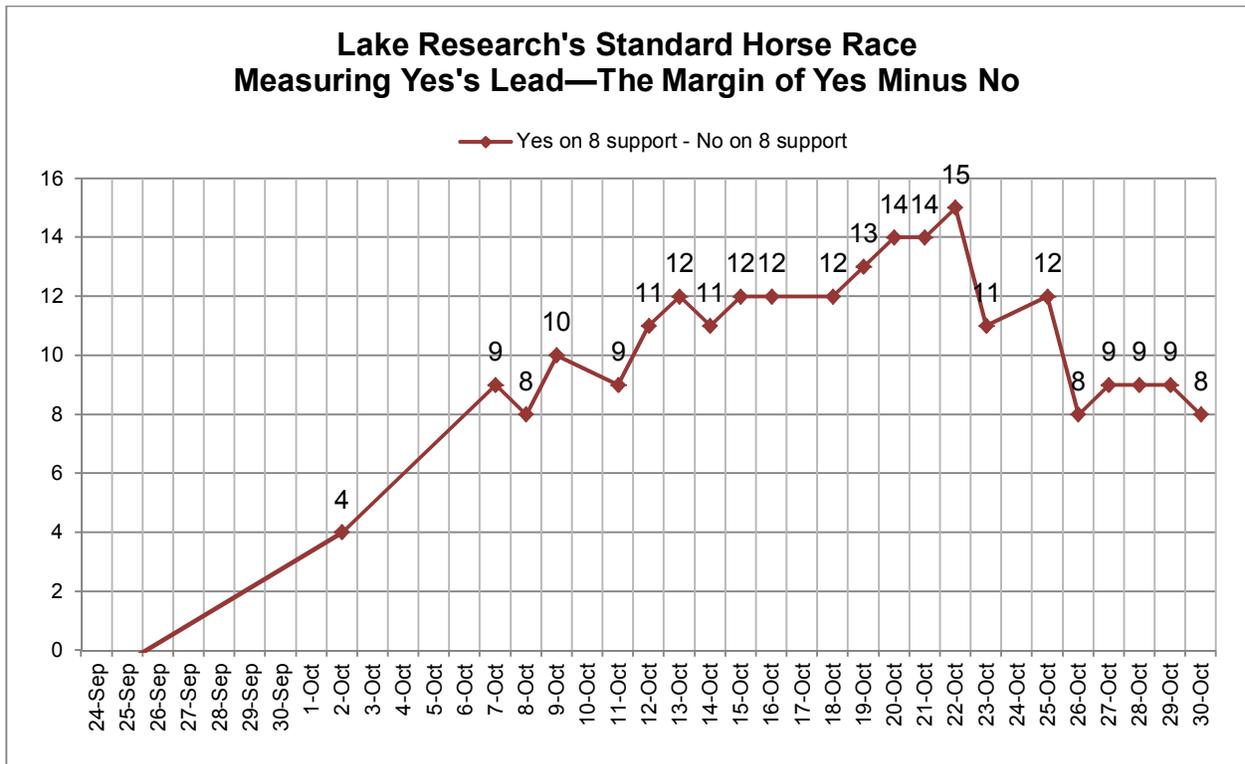


Chart 18.

The impact of “O’Connell” was slower and smaller than that of “Princes.” It is small enough that it is not obvious on the standard horse race, displayed earlier in Chart 11. But Chart 18, the margin of support between the Yes and No campaigns, shows an improved situation for No on 8 beginning October 23, shortly after “O’Connell” began to air, just as it was beginning to be seen by a large number of voters. No on 8 initiated no other ad or major voter communication in those intervening days—“O’Connell” was its principal ad on the air at that time—making it highly likely that the improvement was derived from “O’Connell.” At this point, No on 8 had not yet firmly established the financial edge that allowed it later to greatly outspend Yes on 8. So it was the “O’Connell” ad itself, not a spending advantage, that improved the situation for No on 8 among voters overall.

Chart 18 shows that Yes on 8's lead over No on 8 peaked just before "O'Connell" went on the air, and then declined as "O'Connell" became widely viewed. Yes peaked both on the standard horse race question and the follow-up "be clear" question, and slipped on both questions after "O'Connell" went up and became widely seen. Yes slipped significantly more on the horse race question than on the "be clear" question, which is consistent with the message of "O'Connell." In other words, voters who saw "O'Connell" were significantly more likely to switch their vote to No on 8 than to change their view on the issue of same-sex marriage. This is additional evidence that "O'Connell" was the campaign event having the impact on voters, since "O'Connell" was not about marriage. Like "Princes," which it rebutted, it was about the issue of kids. So it didn't persuade as much on the issue of same-sex marriage as it did on the separate issue of how to vote on Prop 8. To view "O'Connell", go to <http://prop8report.lgbtmentoring.org/prop-8-report/media>.

Additional evidence of the value of "O'Connell" comes from an analysis of inertial voters. The inertial voters are those who were undecided on the "be clear" question; they didn't know where they stood on same-sex marriage. Despite being undecided on same-sex marriage, most of these voters did have an opinion on how they planned to vote on Prop 8. That is, most of them were planning to vote Yes or No on Prop 8; they were not undecided on Prop 8, even though they were undecided on same-sex marriage. The 1.37 million inertial voters made up approximately 10% of the electorate. The inertial voters as a group were larger than the margin by which Yes on 8 won.

The term "inertial voters" is a new one coined for this report because there is not a term of art to refer to this very specific type of undecided voter. The inertial voters are not undecided in the usual sense of the word; most of them told the pollster which way they planned to vote on Prop 8. They were, however, undecided on the substantive issue of same-sex marriage.

In a ballot measure more typical than Prop 8, there are many, many inertial voters. For example, think of the large number of voters who don't have a clear view on an obscure topic or a little-publicized bond issue. The conventional wisdom among political consultants is that inertial voters are likely to favor the status quo as their default position, which on most measures means they tend to vote no. In the case of Prop 8, however, a yes vote was more likely viewed as a vote to continue the status quo. Same-sex marriages had been legal in California for only a very brief time, and the ban on same-sex marriages that existed before June 2008 was longstanding. The term "inertial voter" captures the idea that this type of undecided voter tends to vote to retain the status quo.

The Lake Research tracking polling identified two types of inertial voters: those who voted absentee (starting October 6, when absentee voting began), and those who as of October 30 had not yet voted. Both types of inertial voters mostly broke the same way throughout October, when "Princes" was on the air but not yet directly rebutted by "O'Connell." From October 8 through 16, both types of inertial voters broke in favor of Yes on 8 by a large margin. Additionally, inertial voters who had not yet voted—by far the larger group of inertial voters—continued to break toward Yes on 8 by a large margin through October 20.

“O’Connell” went on the air October 22. As “O’Connell” began to air, both types of inertial voters trended in the opposite direction for the first time, breaking by a lopsided margin in favor of No on 8. See Table Q below for the day-by-day numbers.

No on 8 continued to take the bigger share of inertial voters through October 28, when “O’Connell” went off the air and was replaced by the “Feinstein” ad. At this point, inertial voters reversed course, and once again broke in favor of Yes on 8 by a wide margin. The trends among inertial voters strongly suggest that “O’Connell” boosted No on 8 when it was on the air, and its replacement by other ads did the reverse.

The only evidence casting doubt on the impact of “O’Connell” comes from a portion of the tracking polling done by David Binder Research. No on 8 hired Binder to conduct tracking from October 21 through Election Day. From its first tracking poll on October 21 through October 25, Binder shows No on 8 losing ground essentially at the same time as “O’Connell” is becoming widely seen. On the other hand, Binder also shows No on 8’s fortunes improving October 26, 27, and 28, when “O’Connell” was still the only No on 8 ad on the air in a significant buy. There is no easy way to reconcile the conflicting tracking information, particularly because there is no earlier Binder tracking to provide a fuller comparison to the body of the Lake tracking and because the Binder tracking itself points in both directions. Ultimately, the smaller quantity of Binder tracking makes it a more limited tool for evaluation of the campaign’s performance.

### **No on 8’s improving financial situation was not responsible for the success of “O’Connell.”**

**“O’Connell” succeeded even though No on 8 had only an erratic and small financial edge when it aired. Later No on 8 ads, with even more money, did not duplicate its success.**

No on 8’s fundraising improved greatly throughout October. As a result, its ability to air its TV ads increased throughout the month. The improvement was not steady, however. It came in stages by fits and starts.

During stage 1, from October 1 through October 15, Yes on 8 outspent No on 8 on TV every day. On six of those fifteen days, the two sides were fairly close, with No reaching at least 80% of Yes’s spending. On the other nine days, however, No’s spending averaged less than 50% of Yes’s spending. The Lake tracking polling shows that once “Princes” was widely seen, No on 8 was consistently 10 points behind Yes on 8 during this period.

During stage 2, from October 16 through October 27, No on 8 outspent Yes, but No couldn’t consistently hold onto a significant money edge. On six of the twelve days—almost every other day—spending between the two sides was almost even. On the other six days, however, No spent 50% to 100% more than Yes. The Lake tracking polling shows that Yes maintained a steady lead over No through this period but that No began to close the gap after “O’Connell” was widely seen. “O’Connell” was No’s only ad on the air from October 22 through October 26, the time when the tracking polling showed improvement. During this time, No picked up 5 points to move from 37% to 42%, while Yes declined 2 points from 52% to 50%.

Finally, during stage 3, beginning on October 28, No on 8 established financial dominance that continued through Election Day. Even during this period, however, No's spending would rocket up one day—No outspending Yes 2.5 to 1 or 4 to 1, and on Election Day 33 to 1—but then return to a 20% spending advantage the next. Only in the final four days, starting November 1 was No on 8 overwhelmingly dominant every day. The Lake tracking polls pick up very little change after that point through their conclusion on October 30. The Binder tracking polling, which continued through Election Day, showed No on 8 gaining ground over a two-day period—October 31 and November 1—and then staying at the same level of support through Election Day. (Binder's tracking showed No on 8 ahead of Yes on 8 from November 1 on, and predicted a win for No on 8. In general, if Lake's tracking polling was somewhat pessimistic, Binder's tracking was overly optimistic, showing No on 8 leading on October 21 and 22, October 27 and 28, and then November 1 through 4.)

In summary, from October 16 on,

- No on 8 ran its ads more frequently than Yes on 8, and ran more ads.
- The Lake tracking polling showed that the new ads other than “O’Connell” aired without improving polling numbers further until No gained an overwhelming spending advantage, better than 2 to 1 daily.
- The Binder tracking polling suggests the possibility that “Feinstein,” which went on the air October 28, might have had a small impact; it would have been most widely seen at the time that Binder shows a blip upward for No on 8 on October 31 and November 1. The next No on 8 ad, “Internment,” did not air till October 30 and would not have been widely seen until November 1, the point at which Binder shows no further improvement for No on 8. The even later No on 8 “Obama” ad similarly cannot be associated with improvement in any poll.

The weight of the evidence shows that No on 8 benefited from “O’Connell” and that “O’Connell” was No on 8’s most effective ad. That said, its impact was much smaller than “Princes.” The “O’Connell” ad’s relative weakness suggests that the pro-LGBT campaign either needs to (a) rebut the kids argument more quickly, or (b) develop a more effective rebuttal than “O’Connell,” or (c) both. Otherwise, ads like “Princes” will continue to dominate same-sex marriage campaigns.

For the day-by-day comparison of the Lake and Binder tracking polls, see Appendix D under “David Binder Research’s Standard Horse Race. For the day-by-day comparison of Yes on 8 and No on 8 spending, see Appendix E. To see all ads, go to <http://prop8report.lgbtmentoring.org/prop-8-report/media>.

## **“O’Connell” Demonstrates that Message Matters**

### **Money alone cannot solve the problem of “Princes”**

Outspending the opposition can boost our ability to make a successful rebuttal argument. But its effectiveness is limited. A spending advantage isn’t enough to stop the opposition’s message from getting through. We can’t drown them out if they have bought 500 gross rating points (GRPs) or more of airtime per week per media market. Conventional wisdom among media

consultants is that this size buy is the minimum necessary for memorability and impact; it means that the average voter in the media market is exposed to the campaign's ad or ads five times during a week.

Consultants recommend 1,000 GRPs per media market week to ensure having an impact. But for the anti-gay forces, the minimum can be enough to prevail when they run highly polarizing ads on the incendiary topic of danger to kids. This dynamic occurred in Maine in 2009. The pro-same-sex marriage No on 1 spent 140% of what Yes on 1 spent on TV advertising. But that did not impair the ability of Yes on 1 to get its message out. When No on 1 ran a phone bank testing our ability to persuade undecided voters to vote No, our team called a small sample of voters identified as undecided earlier in the campaign and scored as most likely to break toward No (having a "marriage score" of 90 or more out of a possible 100). Of this group that should have been very favorably disposed toward us, 29% ended the conversation planning to vote No; 44% planned to vote Yes; and the remaining 27% were concerned about the kids issue, and we were in danger of losing them. To see all the ads aired in Maine by both sides, go to <http://prop8report.lgbtmentoring.org/prop-8-report/media>. To see the persuasion script and memo to the No on 1 campaign manager, see Appendix R.

No on 8's experience suggests that outspending the opposition by a similar margin can be enough to attract more voters to the pro-LGBT side, with an ad like "O'Connell" that directly rebuts the opposition's argument. This was true even though the "O'Connell" rebuttal came late. This explanation most plausibly explains the body of evidence available.

Ultimately, No on 8 benefitted at the end to a limited degree from its late-in-the-game financial advantage when the advantage became overwhelming. (No on 8 also realized some important economies by purchasing some of its late-stage ad time prior to August at a discounted rate.) But given the success of Yes on 8 at raising money, and the improbability that pro-LGBT campaigns of the future can count on a 2 to 1 or 4 to 1 financial advantage over the totality of a campaign, money alone is not going to be enough to solve the problem with "Princes."

## **There is limited evidence that "Thorons" had an impact on voters as well**

The clearest indicator that a Prop 8 TV ad may have impacted voters was when its debut in a significant (greater than 500 points) buy coincided with a sharp change in the daily tracking polling. Above charts provide this kind of evidence for the efficacy of the "Newsom" and "Princes" ads, for example.

But even when there is no sharp change reflected in the daily tracking, sometimes other polling data can suggest that an ad had impact. This is the situation with "Thorons," the first ad aired by the No on 8 campaign, where a mom and dad (Ms. and Mr. Thoron) talk about their lesbian daughter.

Chart 19 shows that both Yes and No voters remembered the "Thorons" ad, even when it was off the air, and recalled it, unprompted, when asked about any TV ads they had seen on the issue. As late as October 21, a third of all voters polled recalled the ad. Chart 20 shows that a

majority of voters recalled the ad when prompted by a description of it. These are consistent with the David Binder post-election poll that showed “Thorons” to be the most remembered No on 8 ad after the election was over, even though it was the first No on 8 ad broadcast.

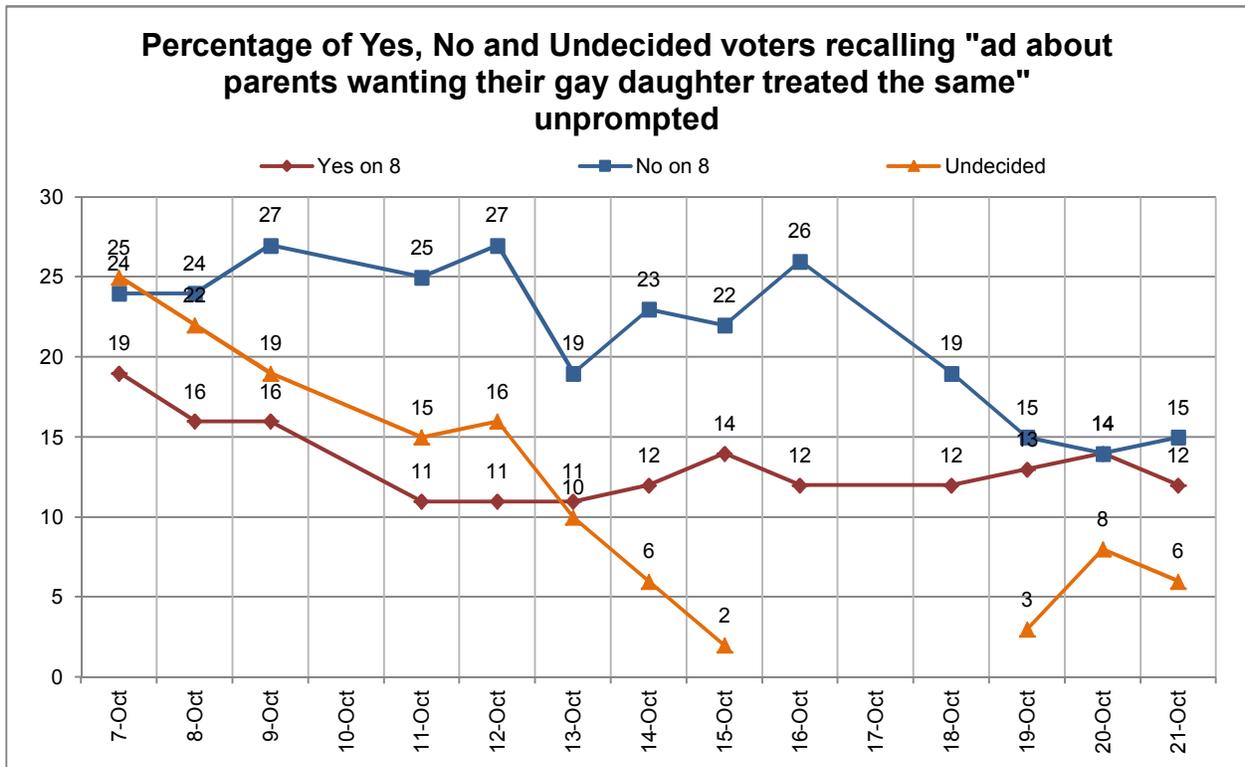


Chart 19.

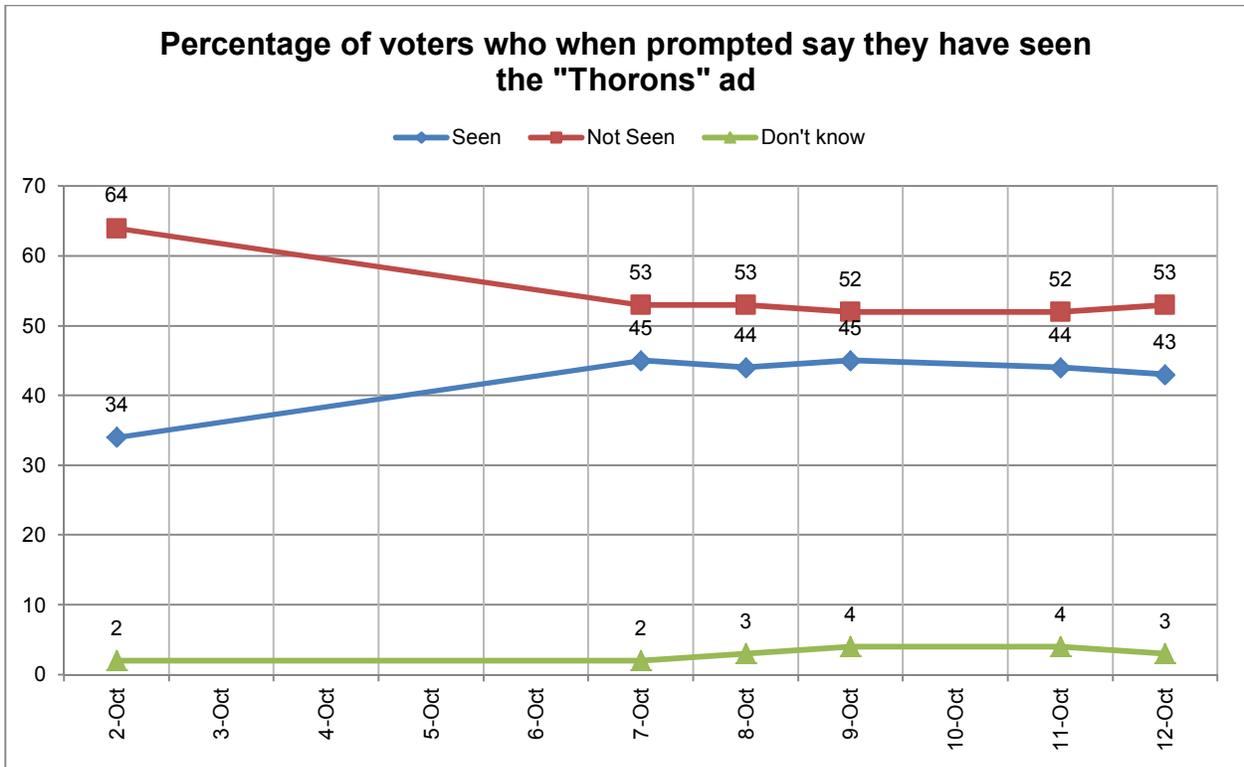


Chart 20.

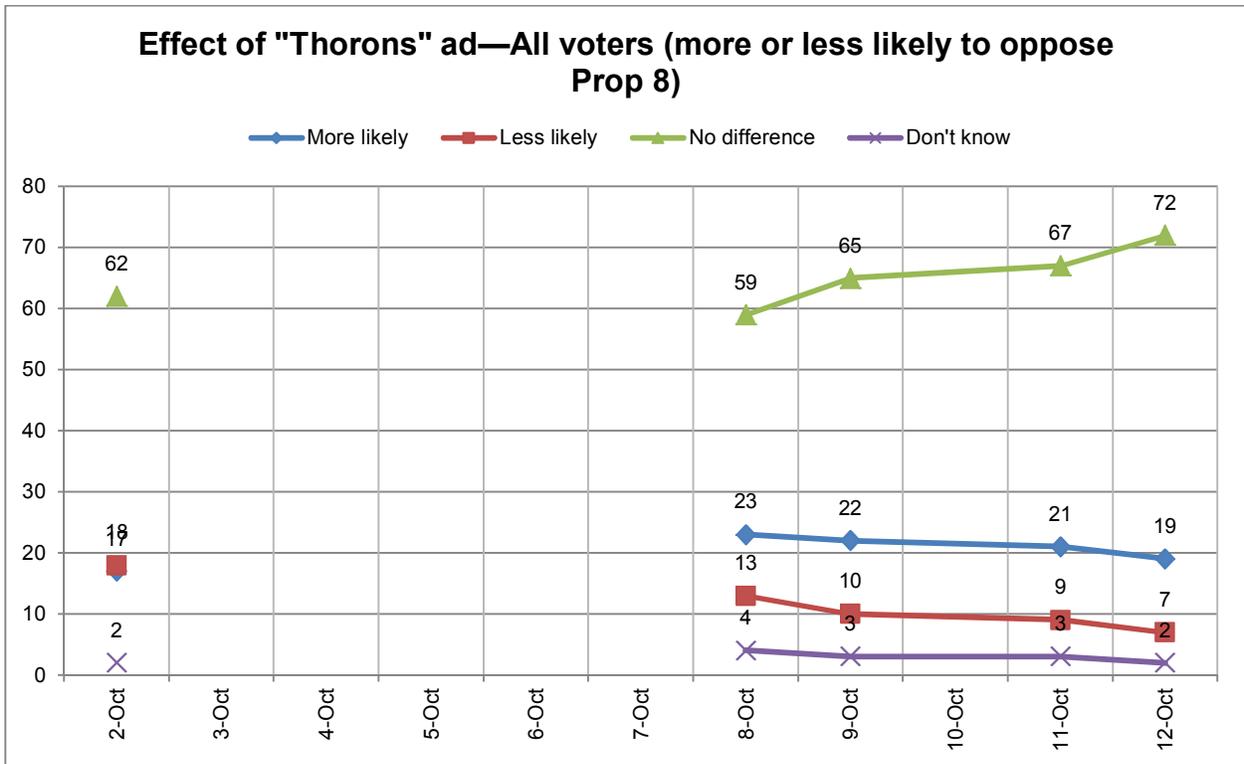


Chart 21.

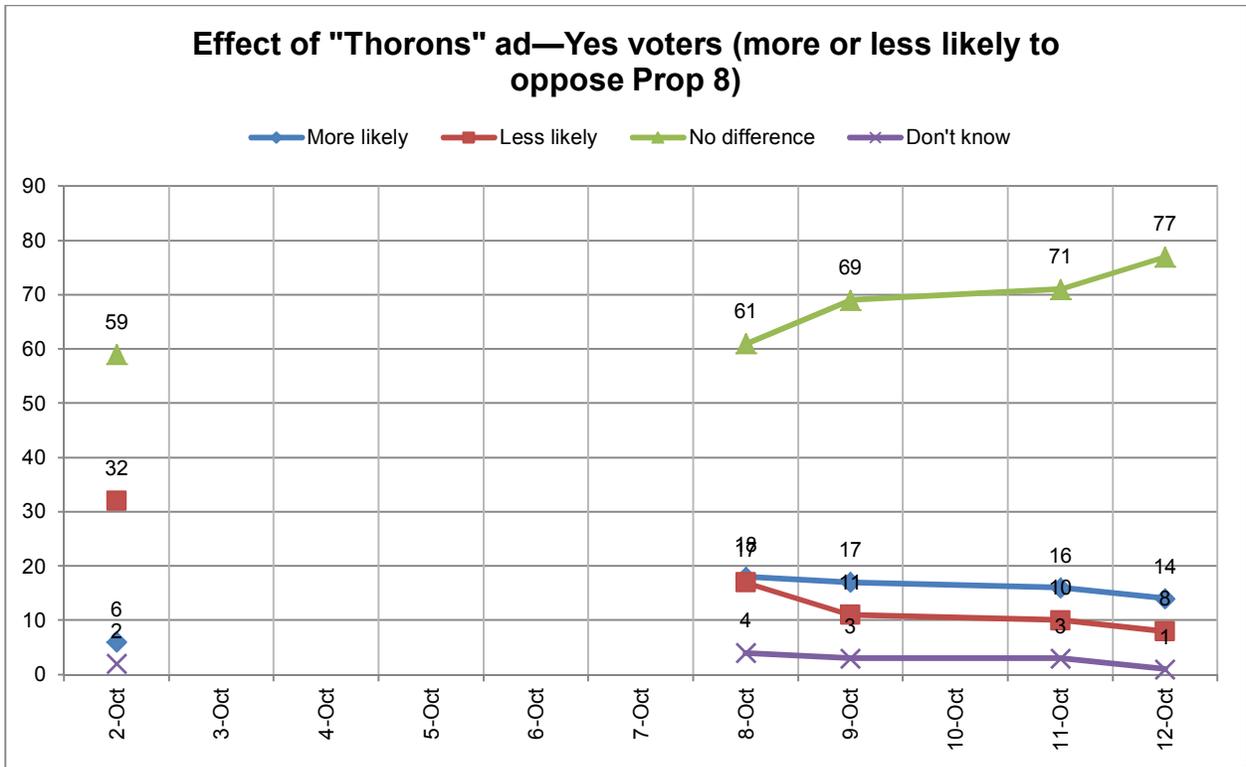


Chart 22.

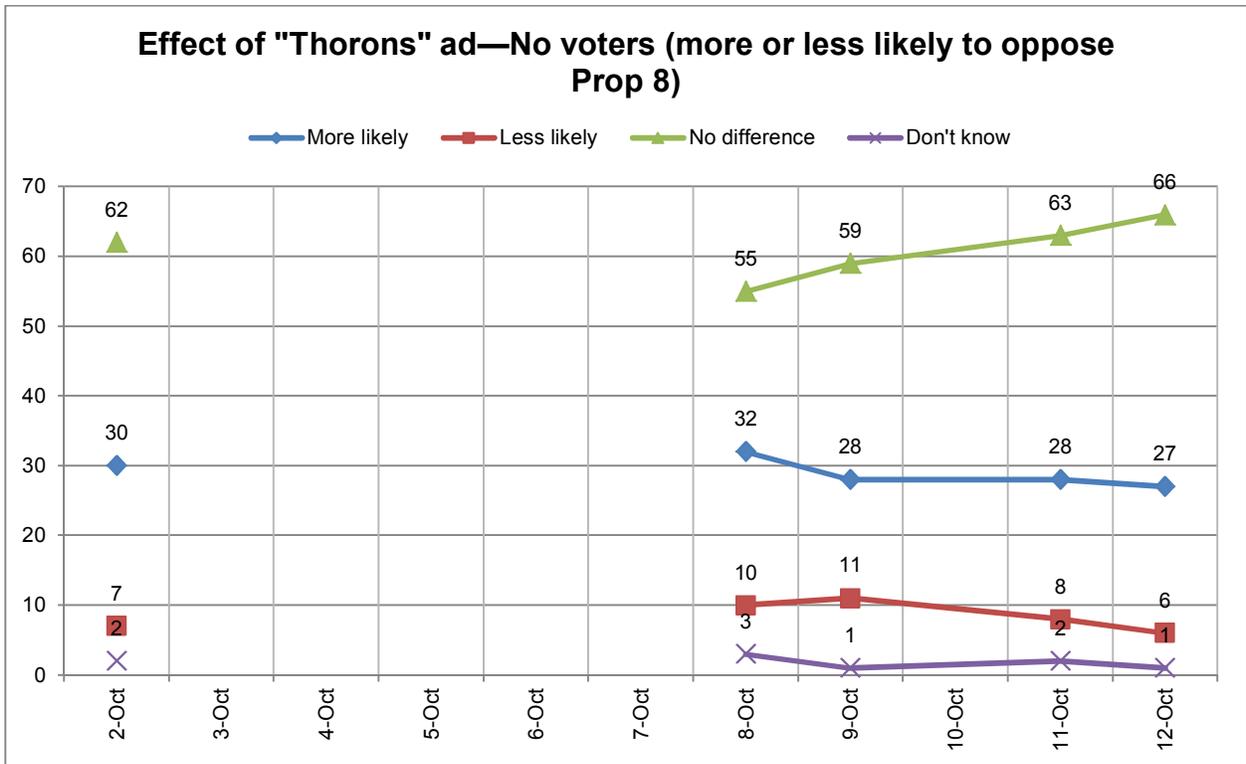


Chart 23.

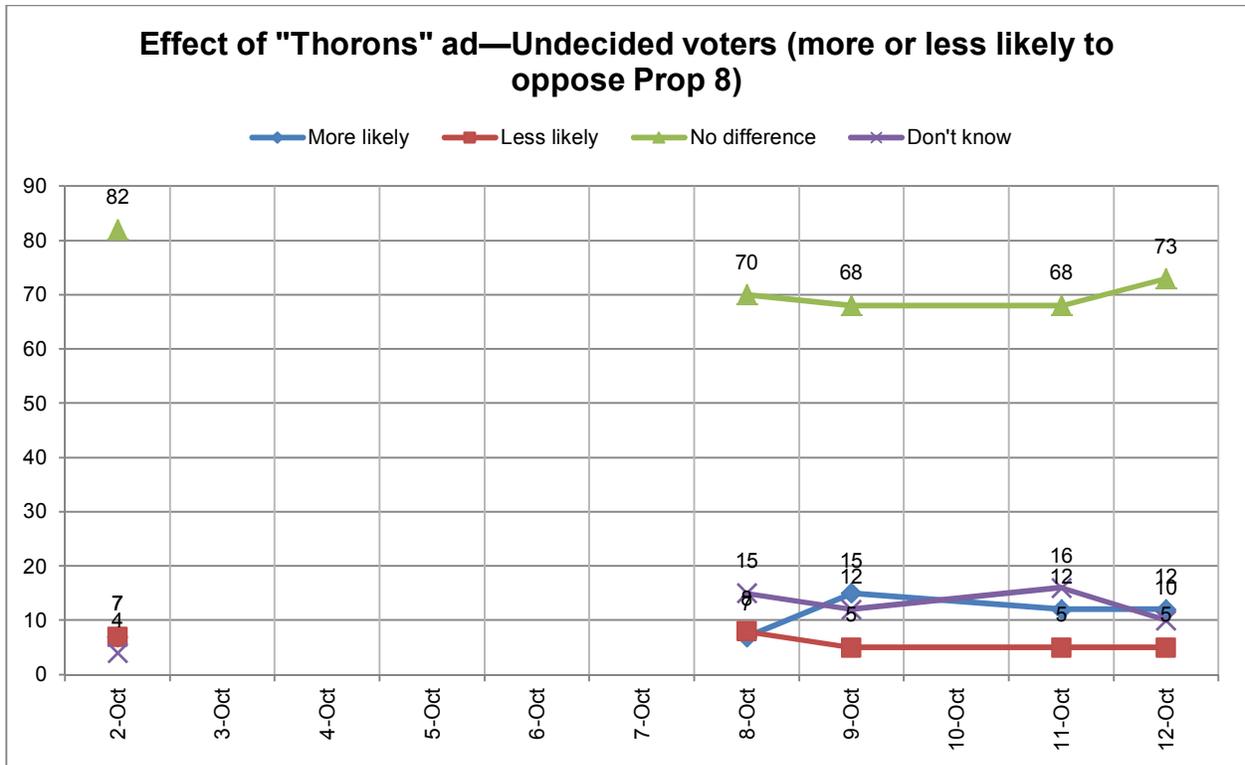


Chart 24.

For voters who remembered seeing the “Thorons” ad when prompted, Charts 21 through 24, show what they said about the impact of the ad on their thinking, whether it made them more or less likely to vote No on 8.

The most provocative of these are charts 22 and 24. Chart 22 shows that among those planning to vote Yes on 8, many more reported that the “Thorons” ad made them more likely to vote No; by comparison, few said that “Thorons” made them less likely to vote No. The persuasiveness of “Thorons” reported by Yes voters grew every day between October 8 and October 12 (all the days for which we have this data). On October 8, an equal number of those planning to vote Yes reacted favorably and unfavorably to “Thorons” (19% for each point of view). But by October 12, 14% of the Yes voters said “Thorons” made them more likely to vote No, and only 8% said “Thorons” made them more likely to vote Yes.

Chart 24 shows a similar trend among undecided voters. On October 8, an equal number of undecideds said that the “Thorons” ad made them more likely and less likely to vote No (8% for each position). But over the next three days, the number who said they were more likely to vote No jumped to 15% and then settled at 12%, whereas those who said “Thorons” made them less likely to vote No had fallen to 5%.

On the other hand, here’s the evidence that the “Thorons” ad was not helpful to No on 8. From September 29 through October 2, Lake Research polled on the impact of “Thorons” by asking whether the ad made voters more likely to favor or oppose same-sex marriage. This is different from asking voters whether they were more or less likely to vote No or Yes on Prop 8, in the

same way that the Lake “be clear” question was different from the horse race question. For voters who remembered seeing the “Thorons” ad who were already planning to vote Yes, 6% said the ad made them more likely to support same-sex marriage, and 32% said the ad made them less likely to support same-sex marriage. Among those who were already planning to vote No, 30% said the ad made them more likely to support same-sex marriage, and 6% said the ad made them less likely to. Among undecideds, it was a wash: 7% said the ad made them more likely to vote No, and 7% said the ad made them less likely to.

Putting all of this together, both Yes and No voters reported that the “Thorons” ad made them more likely to vote No on 8, but not more supportive of same-sex marriage. But “Thorons” is the only No on 8 ad that aired that explicitly made an argument on behalf of same-sex marriage. If that argument wasn’t having an impact on the merits of the issue, then its explicit content was not affecting voter opinion. It may have made voters more likely to vote No without having changed a single mind on the issue of marriage. Alternatively, it may be that all that registered from “Thorons” was that “Thorons” was the first ad urging a No vote. If that’s correct, that’s probably not enough to make “Thorons” an ad that could ever affect the electoral outcome.

On the other hand, for Yes voters to report that “Thorons” made them more likely to vote No at the time that “Princes” was already on the air may mean that something substantive from “Thorons” registered, even if it was not sufficient to persuade voters to alter their view on same-sex marriage. Also, since the effect of “Thorons” grew over time, it may be that later polls would have found “Thorons” affecting voters’ views on the issue of marriage if Lake Research had continued to ask that question.

On balance, there’s enough evidence that “Thorons” had an impact on voters favoring No on 8 to support more research on its message approach in the future. Campaigns in Utah, Texas, and Maine have also made ads featuring parents of grown LGBT children, and several of these have substantially more emotional punch than “Thorons.” See <http://prop8report.lgbtmentoring.org/prop-8-report/media> for all of these ads. It is possible, though far from certain, that an improved version of the “Thorons” ad could have a directly measurable impact on voters in a future campaign.

# Finding 4: No on 8's Biggest Mistake

*The most costly mistake by No on 8 was the delay in rebutting “Princes” and the kids argument. No on 8 was only able to regain ground after it rebutted “Princes” in its TV ads.*

- The message of “Princes,” that kids are in danger, was Yes on 8’s main message.
- No on 8 delayed sixteen days before rebutting “Princes” in its TV ads. Three principal factors contributed to the delay: 1) No on 8 was unprepared for the kids attack; 2) the campaign was under severe financial pressure and at first may have had only enough money to air one ad; and 3) the one ad that appealed most to the new campaign decision makers, and the one they chose, avoided the issue of kids.
- The long delay in rebuttal and the lack of preparation to rebut reflects a historic pattern. No on 8—like many pro-LGBT campaigns—chose to avoid the issue of kids rather than confront it.
- Additionally, above and beyond the issue of kids, No on 8, like No on 1 in Maine and other pro-LGBT campaigns, avoided depiction of LGBT people, the centrality of LGBT people in the issue at hand, and even use of the word “gay” or any other word that would communicate the fundamental truth that LGBT people are the ones most directly affected by the ballot measure. Unfortunately, the strategy of avoidance has not yet worked, and there is good reason to doubt it will work.

## Yes on 8 Knew What it was Doing

*“Three weeks after the Yes on 8 campaign had introduced education as a message, the No on 8 campaign responded with what would be their best ad of the campaign. It featured State Superintendent of Public Instruction Jack O’Connell claiming that Prop 8 had nothing to do with education and that our use of children in our ads ...*

*“The response to our ads from the No on 8 campaign was slow and ineffectual.”*



—Frank Schubert,  
Yes on 8  
Campaign  
Consultant

<http://www.politicsmagazine.com/magazine-issues/february-2009/passing-prop-8/>

The only clear error in the above statement is when Schubert calls the No on 8 response as “ineffectual” without qualification. As Finding 3 shows, the “O’Connell” ad, which Schubert recognizes as No on 8’s best ad, had an impact, though only fractionally the impact of Yes on 8’s “Princes.”

## **“Princes” and the Prop 8 Campaign**

### **The Message of “Princes” Was the Principal Yes on 8 Message, and Voters Found It Memorable.**

The message of kids in danger was the center of the Yes on 8 campaign. Yes on 8 depended on its TV ads as its principal tactic. All of its six widely broadcasted ads reinforced the same message.

- “Princes” was Yes on 8’s most widely broadcast ad. Three of its five other ads focused exclusively on the same message: “Massachusetts” showed a mother and father talking about their young son’s exposure to messages about LGBT people that they found inappropriate; and “Field Trip” closed with the face of a forlorn child after she was exposed to a lesbian wedding that was a school field trip. “Hola” featured Latin American soap opera star Eduardo Verástegui appealing to the audience to support Prop 8 to “protect marriage and children.”
- The remaining two ads (“Newsom” and “Closer”) included the kids message as one of several points.

### **Evidence of “Princes” Impact Was Its Growing Memorability Among Voters Throughout October.**

The Lake Research polling shows that voter memorability of “Princes” increased dramatically every week starting October 8. At first, only 1% of voters recalled and described the ad without prompting when asked what they had heard from Yes on 8. By October 20, 20% of voters recalled the ad with no prompting.

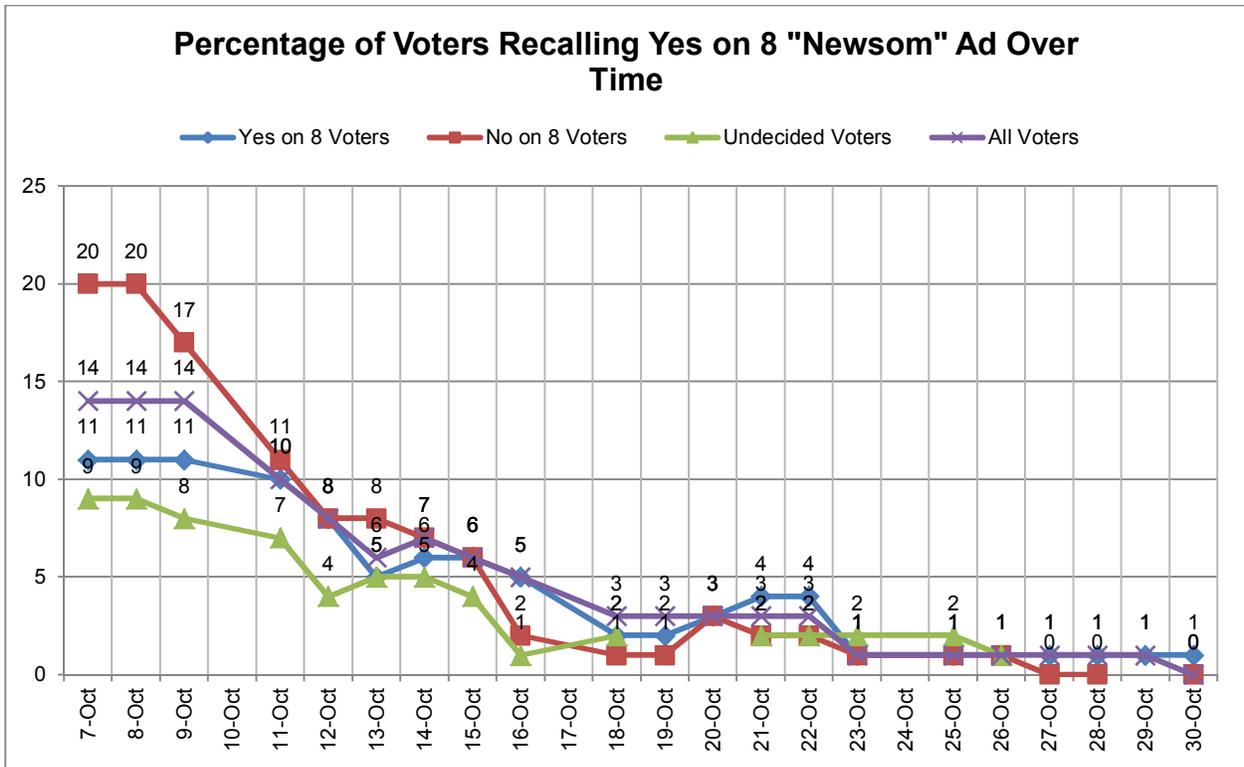


Chart 25.

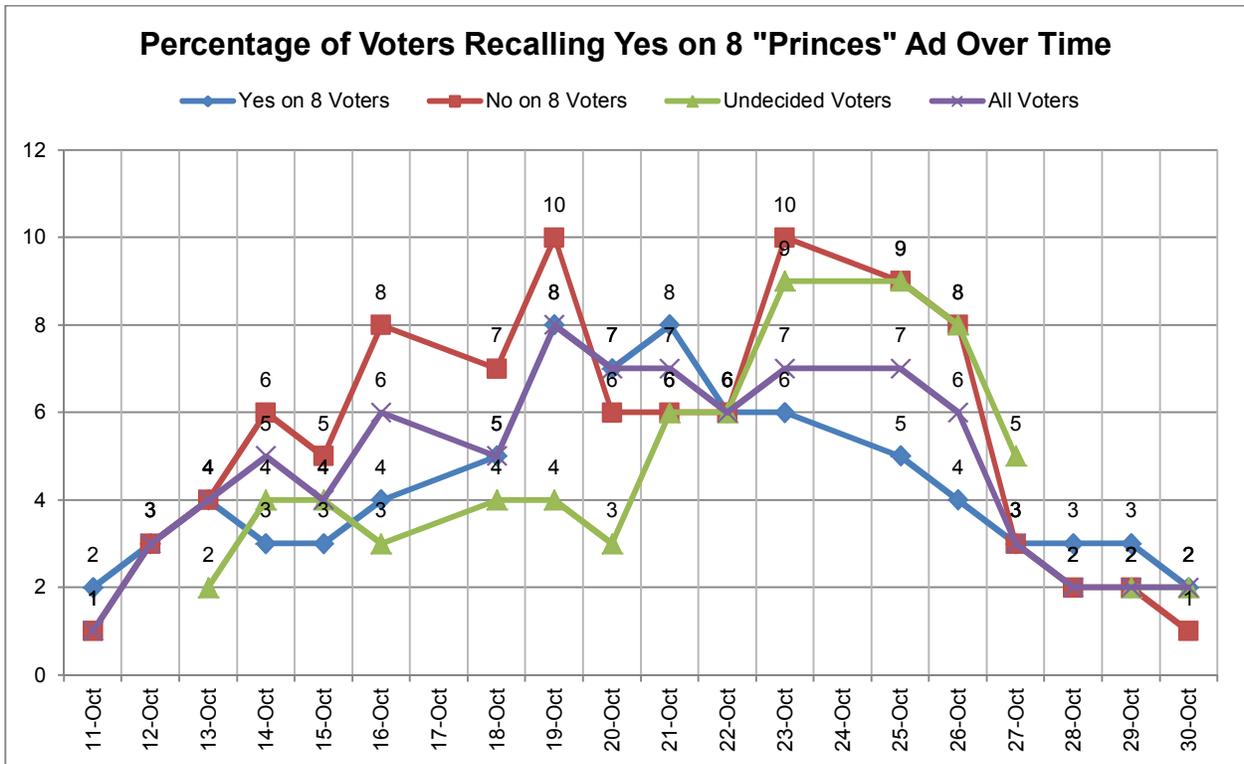


Chart 26.

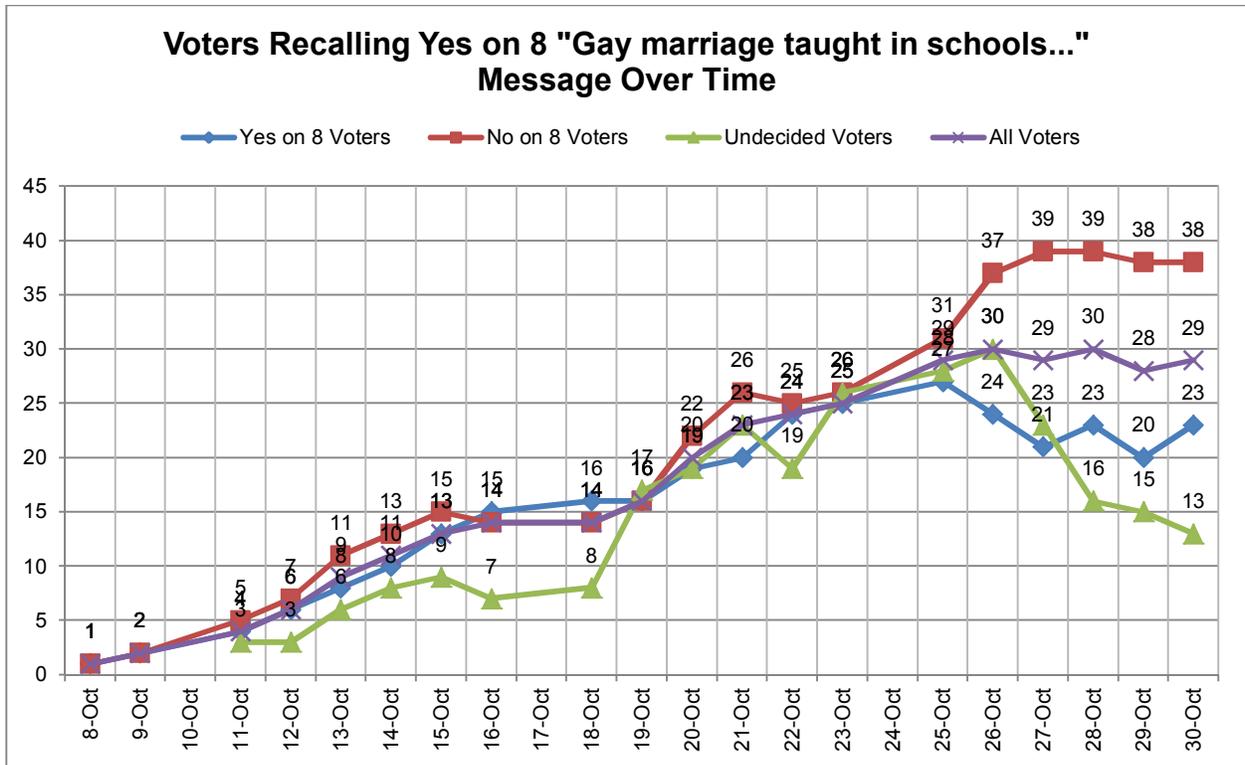


Chart 27.

By contrast, No on 8’s most memorable ad, “Thorons,” was recalled without prompting by less than half the number of voters who recalled “Princes.” See Finding 3 or Appendix D to see the charts showing “Thorons” ad’s memorability.

**No on 8 delayed sixteen days before responding to “Princes” on TV**

“Princes” first aired in Spanish on October 6 and in English on October 8. But “O’Connell” did not air until October 22. Sixteen days elapsed between the anti-gay attack on kids and schools and No on 8’s direct rebuttal. By the time it aired, only fourteen days remained before election day.

**No on 8 Had Warnings that the “Princes” Message Was Coming**

No on 8 had a variety of warnings that the “Princes” message was coming. In July, Yes on 8 submitted language that every voter in the state had received in their ballot pamphlet, arguing that schools would be required to teach children about gay marriage. No on 8 filed suit in California Superior Court on July 29 asking to strike the language. On August 8, the court ruled that Yes on 8 could make its argument if it replaced “would” with “could.” The fact that Yes on 8 made this argument and litigated to keep it was a clear signal that this was a key message of the Yes campaign. From this warning alone, No on 8 had two months to prepare to answer the argument.

Also, knowing the history of anti-gay ballot measures provided clear warning that the opposition would raise danger to kids as an issue. Danger to children has been the signature message in many of the most competitive anti-gay ballot measure campaigns. In 1977, Anita Bryant’s Save

Our Children campaign to repeal Miami-Dade County's Human Rights Ordinance used the same message. In 1988, so did the highly controversial child-in-danger ad that aired only once in the campaign to repeal then-Governor Goldschmidt's executive order banning discrimination in employment among Oregon state employees. Direct appeals to anti-gay prejudice, including (but not limited to) the issue of kids, were used throughout the thirty-five state and local anti-gay ballot measures in Oregon over the following sixteen years. In 1998, the principal anti-gay ad used in Hawaii in the very first anti-gay marriage ballot measure rang this theme. It foreshadowed fully the attack in Prop 8: it featured a young boy about to shed a tear after being exposed to a book just like the one featured in "Princes". To view the Hawaii ad and its strong resemblance to "Princes," go to <http://prop8report.lgbtmentoring.org/prop-8-report/media>.

### **Why Did No on 8 Delay Its Response to "Princes?"**

No on 8 took so long to respond to "Princes" because the campaign decision makers at the time, installed only a week before "Princes" went on the air, did not choose to directly respond to the attack.

Although several who were integrally involved were kind enough to meet with me and discuss their mind-set at the time, it may be beyond the scope of this report to fully know why. The data and discussion that follow are my best approximation of understanding, the best I can do without having been there.

In the very beginning—before "Princes" went on the air, and in its first twenty-four hours on the air—it is possible that the new decision makers did not appreciate the power of the attack (which of course was easier to know for certain after the fact). Opinion within the campaign was divided at this point about whether the "Princes" ad would work. On October 6, No on 8 pulled off the air the two TV ads up at the time, "Thorons" and "Conversation." The campaign almost went off TV entirely, airing only a placeholder ad, "Lies." Almost no one had confidence in this ad, and it was aired in a tiny buy so almost no voters saw it. See Appendix E for the details of the buy backing "Lies" and all other No on 8 and Yes on 8 ads.

Within forty-eight hours, the daily tracking polls showed serious damage to No on 8. At this point, failing to respond represented a judgment call that there was a better alternative than responding directly. The decision makers chose to move ahead with a new ad, "Unfair," that more generically tried to establish doubt about Prop 8. The new decision makers thought of "Unfair" as a pivot ad meant to turn the campaign away from talking about why gay marriage was a good idea to why Prop 8 was a bad idea—to pivot to a more traditional No campaign. "Unfair" had a lot of black on the screen, with the word "No" always present prominently in red, like a stop sign, and included ominous music as it listed a variety of endorsements of a no vote. Such spots are commonly used to gain no votes on any kind of traditional California ballot measure. "Unfair" ignored the thrust of "Princes" and the opposition's anti-gay message. The new decision makers paid \$3.6 million to air "Unfair," making it the most heavily funded broadcast ad of the No on 8 campaign. To see all the No on 8 ads, go to <http://prop8report.lgbtmentoring.org/prop-8-report/media>. To see all the information on money spent to broadcast each of the No on 8 and Yes on 8 ads, go to Appendix E.

“Unfair” went on the air on October 14, eight days after “Princes” went up. Part of the delay could easily have been due to uncertainty about which media firm would create the ad. Rather than rely on the media firm that created “Thorons,” “Conversation,” and “Lies,” the new decision makers chose new media consultants to create all ads going forward.

Lack of available money may also have contributed to the delay in getting “Unfair” on the air. Although the campaign bank balance showed substantial money in the bank—\$1.7 million as of October 6, rising to \$3.4 million on October 9 and to \$4.7 million on October 14—an unknown portion may have represented financial commitments already made or encumbered donations, money given to the campaign earmarked for specific purposes. The exact date when enough money was definitely available to put a second ad on the air is not known. The sense that money was scarce and not quickly coming in almost certainly affected the mind-set of the new campaign team, perhaps even past the time that financial weakness was acute.

What is known, however, is that “Unfair” never had an impact. From October 14, its first day of broadcast, “Unfair” never moved the needle in No on 8’s direction in the daily tracking polls. The Lake tracking polling, in both the standard horse race and the “be clear” question, shows the terrible stability during this period: Yes on 8 was above 50% each day and No lagged far behind. By October 16, the decision to persist with “Unfair” is hard to understand. My best guess is that the decision may have reflected the new leadership’s view that the Lake Research polling was too pessimistic, or the fear that confronting the issue of kids and schools could not succeed.

Throughout this time period—from October 6 or a little earlier through October 16—the new decision makers took their position very aware of the alternative point of view. Pressure was consistently exerted from almost every quarter to respond directly to “Princes.” Some previously in a decision-making role felt that ignoring “Princes” was untenable; they predicted serious deterioration until No on 8 rebutted and demonstrated the inaccuracy of “Princes.” They were correct. Yes on 8’s decisive advantage after “Princes” held steady throughout October. At the same time, No on 8 slowly hemorrhaged support and fell further behind. The aftermath of “Princes,” particularly the time before “O’Connell” went on the air, with large numbers of voters casting absentee ballots every day, was almost certainly when No on 8 fell irreparably behind.

In fairness to those who resisted responding to “Princes,” the new campaign manager and his team (still in formation) were facing this crisis after only a week on the job.

Further, it was not obvious how to directly respond. The LGBT community has historically avoided responding directly to the issue of kids, in part out of the belief that no response will defuse the issue, and in part out of a wish not to have to face this unfair, untrue defamation.

Additionally, it was not obvious what the substance of the rebuttal should be. From May through mid-September, No on 8 invested substantial funds in message research. But after finding little in the polling or focus groups to suggest that kids would be an effective attack point, and believing that Yes on 8 might consider other lines of attack, No on 8 did not seriously prepare. No response ad was ready to air when “Princes” hit. Nor did the initial group of No on 8 consultants prepare for other attacks. This was a significant oversight; creating ads responding

to attacks takes time, and having a variety of responses in the can is or ought to be standard practice.

The fairest conclusion may be that in August and September, No on 8 did not manage its consultants aggressively enough so that the urgency and concern felt by the campaign committee was translated into practical preparations for anti-gay attack. In October, when the attack came, the new decision makers—on the job for only a week—inherited this inadequate preparation.

In addition, it seems likely that some of the No on 8 decision makers did not want to become reactive to Yes on 8. Some may have felt that responding to the charges would reframe the campaign on terms favorable to Yes on 8, and make the entire campaign about kids and schools. Rather than respond to “Princes,” this line of thinking went, No on 8 should put forcefully forward its own message and frame the issue its own way.

The weakness in this thinking is twofold.

First, Yes on 8 was attacking the trustworthiness of No on 8 and the character and decency of LGBT people. Implicit in the “Princes” attack was the idea that gays are so untrustworthy, so indecent, so depraved, that they would put their interests above those of children. Voters would have no reason to believe a No on 8 message on any other topic if they bought into the idea that the pro-LGBT side was untrustworthy. It’s an axiom in both candidate and ballot measure politics that when one side attacks the honesty or character of the other, the campaign under attack must rebut. It’s all but impossible to prevail in an election if voters don’t trust you. It’s fatal for any campaign to fail to defend its trustworthiness. Voters won’t believe what they hear from a source they don’t trust.

The decision by No on 8 from October 6 through October 19 *not* to rebut “Princes” (on October 19, the campaign manager gave the green light to the “O’Connell” ad) was therefore a decision *not* to defend LGBT people as trustworthy. But voters were never going to get this message if not from us. The anti-LGBT character attack works because it reinforces a pernicious, untrue set of assumptions about gay people embedded in the larger culture; voters are exposed to these ideas without realizing it as they grow up. These ideas are not necessarily foregrounded for voters. But when the anti-LGBT side raises them, these ideas resonate because they are consistent with attitudes, fears, and assumptions that voters absorbed long ago. The preexisting prejudice allows the Yes on 8 ads and the shriller Yes on 1 ads in Maine to advance a calibrated dehumanization of LGBT people. Research in the Maine campaign supports the conclusion that receptivity to the anti-gay kids argument is for many Republicans and a slice of Democrats strongly associated with voters’ general feelings about LGBT people and the degree of prejudice they have towards LGBT people.

Granted, it’s difficult for any campaign to make the case that it is trustworthy. Yet allies of the LGBT community have at times done it directly and clearly. Campaigns in Oregon provide some of the best examples. Dawn Laguens’s TV spots “Teacher” and “Dawn” from the 2000 No on 9 campaign represent two different approaches used in the same campaign. Both spots are viewable at <http://prop8report.lgbtmentoring.org/prop-8-report/media>. One spot, “Dawn,” tells a

true story. The other—the campaign’s principal spot, “Teacher”—addresses head-on the ugliest implication of the other side’s “Princes”-style attack. It opens this way: [teacher speaking directly to the camera] “I’ve been teaching in Oregon schools for 20 years, I’ve seen many things, but I’ve never seen anyone promote homosexuality—it doesn’t happen.” Having a teacher vouch for the reasonableness of what happens in schools was also part of the fourth ad in Maine’s No on 1 campaign. This ad was the first to respond to Yes on 1’s equivalent of “Newsom.”

Second, even if the No on 8 decision makers had high hopes for “Unfair,” it is not clear why they chose to bet everything on it. Even if they believed “Unfair” a more promising strategic choice than a direct rebuttal to “Princes,” they could have prepared a backup plan in case “Unfair” tanked. Yet they did not. Part of the delay getting “O’Connell” on the air to rebut “Princes” was because the campaign was waiting for “Unfair” to have an impact on voters—time that could have been put to concurrent use developing a rebuttal to “Princes.” Similarly, part of the delay in creating the “O’Connell” spot or a similar ad with Delaine Easton could have been reduced by putting the pieces in place at the same time that “Unfair” was being produced.

Finally, practical reasons—lack of money, not enough time—explain only partially the delay in responding to “Princes.” It is possible that No on 8 had enough money to rebut “Princes” and also air “Unfair.” As noted above, on October 6, the day “Princes” first aired, No on 8 had \$1.7 million in the bank. Cash flow analysis shows that the bank balance climbed to \$3.4 million on October 9, and then to \$4.7 million on October 14. The balance never fell below \$1.6 million until October 22, after No on 8 had put “O’Connell” on the air. For the full day-by-day bank balance and cash flow analysis based on income and expenditures during the campaign, see Appendix G. The reason that this information is only suggestive, however, and not dispositive, is that the raw bank balance numbers tell only part of the story. For example, between October 14 and 22, No on 8 received gifts of \$1 million from the California Teachers Association and \$2.8 million from Equality California. If those large gifts or others were earmarked for specific purposes, then the No on 8 bank balance could overstate the freedom of action of the campaign decision makers.

At some point prior to October 19, however, No on 8 was no longer broke; it had the funds to go on the air with an additional ad; and it had evidence from a series of daily tracking polls that showed that “Unfair,” the ad No on 8 was running, was having no impact. Any two of these three bits of information could have persuaded the campaign to alter course and replace “Unfair” with an ad rebutting “Princes.”

Time to conceive and create a response ad also appears not to have been an insuperable issue. The concept of the “O’Connell” ad was put forward very quickly, probably on or around October 7, with a similar spokesperson proposed (Delaine Easton, O’Connell’s predecessor as state superintendent) and similar content. If the campaign had prioritized putting a direct rebuttal ad on the air, it could have done so perhaps as early as October 8, more likely by October 9 or 10, in place of airing “Unfair.”

On balance, weighing the limited information available, it seems most likely that the new decision makers made a tactical choice to delay rebutting “Princes”; they chose to go with “Unfair” over rebuttal. That choice was affected by circumstances but not driven only by them; a

different choice was possible. The new decision-making team significantly misjudged and underestimated the power of “Princes” and the kids argument, missing the point that what mattered even more than the specific content of the ad was the ways in which the ad and others like it have the capacity to scratch open the anti-gay sentiment and uneasiness that lives just below the surface for a significant number of voters, even in California.

Future campaign teams with no LGBT ballot measure experience are at high risk to repeat this mistake because their polling is likely to understate the persistence of anti-gay prejudice. See Appendix L for a discussion of the larger dynamics, including this one, that lead to history repeating itself in these campaigns.

The No on 8 experience with the power of “Princes” is why this report recommends in the strongest possible terms that the LGBT community begin now to gain the insight necessary to rebut the anti-gay libel about kids and schools. Until the pro-LGBT side reduces voters’ reactivity to ads like “Princes,” we will be hard-pressed to win these elections. *It is unwise for the LGBT community to return to the ballot until we are prepared to vitiate this attack.* For a fuller discussion of this topic, see Recommendations 2, 3 and 4 in this report.

## **A Historical Pattern: Avoidance of the “Kids” Issue in Pro-LGBT Campaigns**

### **Avoidance of the kids issue was the first response by the No on 8 campaign**

As described in detail above, No on 8 largely avoided the issue of kids for a little over two weeks after the attack ads began. No on 8’s TV advertising relied largely on one ad, “Unfair,” for 87% of its buy for two weeks after “Princes” was on the air. “Unfair” epitomized avoidance of the issue. A full description of the ad is in Appendix E. Readers can view it online at <http://prop8report.lgbtmentoring.org/prop-8-report/media>. The evidence for the ad’s lack of impact is discussed in detail in Finding 4 (below).

In earned media (not paid media), No on 8 did address the issue of kids quickly, having former Superintendent of Schools Delaine Easton and current Superintendent Jack O’Connell deny the charges. But both No on 8 and Yes on 8 ran campaigns recognizing paid TV as the centerpiece of their communications; to relegate rebuttal to earned media was a futile attempt by No on 8 to keep the issue on the sidelines. Further, it’s an axiom that for campaigns to respond to attack effectively, they have to respond in the same medium in which they were attacked; otherwise, they miss the audience they need to reach.

It’s also worth noting that Yes on 8’s message dominated the earned media. No on 8 messages about discrimination and equality received less coverage over time than the Yes on 8 message about schools and kids. For a more detailed analysis of the earned media coverage and the variety of problems encountered by No on 8, see Appendix F, “Non-campaign Media”.

## **Avoidance of the kids issue occurred again in Maine's No on 1 campaign**

No on 8, however, was not the first or last pro-LGBT same-sex marriage campaign to avoid the issue of kids. In Maine, the No on 1 campaign's avoidance was just as complete from the point of view of the voters, though perhaps not from the point of view of the campaign leadership. The latter may have felt that their TV ads were in fact responsive to the anti-gay attack, or they may have felt that No on 1 was responding sufficiently in its non-TV campaign communications.

If so, however, their hopes were misplaced. The No on 1 campaign devoted most of its money to TV ads, as did Yes on 1. Voters may have received isolated non-TV communications one or two times from either or both sides, but they were seeing each side's TV ads ten to twenty times. Non-TV communications could not possibly compensate for or adequately respond to the TV-based attack.

And Yes on 1 did attack. In the closing weeks of the campaign, voters were repeatedly exposed to the explicitly anti-gay "kids are in danger" message in the Yes on 1 TV ads. The only communications voters received equally or more frequently from No on 1 were TV ads that (with only one exception) did not use the word "gay" and across the board did not directly and clearly rebut the anti-gay argument. No on 1's ads did address an issue involving kids, but not the issue that Yes on 1 was raising so provocatively. No on 1's ads talked about the need to protect gay kids and kids with gay parents. *These were not the kids about which Yes on 1 was sounding the alarm.* The two sides were talking about different kids. No on 1 chose to talk about different kids than the ones that moveable voters were being agitated about.

This report is obviously focused on California, and I have not done the same research or had access to the same data about Maine. So although I am able to note the terrible problem with No on 1's campaign communications—de facto avoidance—I do not know why the campaign made that choice or whether all campaign decision makers realized that that was the choice their campaign was making. But simply looking at the content of the No on 1 ads suggests to me that at least some of those involved in campaign communications were hoping that referencing a different kids issue in the No on 1 ads would cause voter confusion. When Yes on 1 raised its misleading charges that kids were in danger, the first No on 1 response ad (it's fourth ad of the campaign) played a tiny snippet of the Yes ad and then went on, "But outsiders are trying to harm our kids in schools," as though this was the harm issue now elevated in voters' consciousness.

At the point in the campaign when No on 1 aired spot #4, it was well ahead of Yes on 1 in fundraising and was broadcasting ads significantly more frequently. No on 1 may have hoped to outshout Yes on 1 and in that way take control of the kids issue. But Yes on 1 had enough money to buy 500 gross rating points per week, enough for its message to penetrate. Once the provocative Yes on 1 message penetrated, voters were not going to ignore it since it was questioning the safety of their own kids. Voters therefore weren't confused by No on 1's pretense that it was addressing the kids argument that made them anxious.

For No on 1 was talking about two disjointed groups of kids that were irrelevant to the targeted voters; the kids most on the voters' minds were their own. The anti-gay Yes on 1 ads were talking about the (presumed to be heterosexual) kids of heterosexual voters. Yes on 1 argued that homosexuality was being "pushed" on kids (their word, used multiple times in multiple ads). Yes on 1's message was that heterosexual kids were potential victims, their normality and heterosexuality in danger.

This same point is made by Third Way in its 2010 report *Moving the Middle on Marriage: Lessons from Maine and Washington*. Their polling found that voters "were less worried about kids in gay families than they were about their own kids." Third Way also concluded that "the issue is actually broader than schools—it's about kids more generally." Its polling found that "40% of [voters in] the middle thought kids would be more likely to experiment with homosexuality if marriage were upheld, and 58% said they were concerned about that issue."

Third Way made a still broader argument as well: that "[voters in] the middle [see] marriage as an ideal as opposed to a legal construct, and they have yet to be persuaded that gay couples fit into this ideal." This is consistent with the idea that anti-gay stigma leads some voters to view gay couples as more different from than similar to heterosexual couples. The kids issue may therefore be only one component of the problem. Yet until we answer the kids attack, we will not know if other ideas propping up anti-gay stigma similarly distance voters from accepting same-sex marriage.

Readers can view all the Maine ads from both sides online at [www.lgbtmentoring.org/media](http://www.lgbtmentoring.org/media). See Appendix R for additional materials on the Question 1 campaign in Maine, including No on 1 campaign literature that, like the TV ads, avoids use of the word "gay" and avoids any clear discussion of the issue of same-sex marriage.

### **Avoidance of the kids issue is a long-standing tendency, predating both the No on 8 and No on 1 campaigns**

In fairness to both the California and Maine decision makers—both of which made strong choices in other parts of their campaigns—avoidance is a longstanding tendency in pro-LGBT campaigns. It was 2002 before the first pro-LGBT ballot measure campaign used the word "gay" in a TV ad ("SAVE Dade," in its successful effort to stop the repeal of the Miami-Dade County Human Rights Ordinance). It was 2004 before the first pro-LGBT ballot measure campaign put an openly LGBT person on screen in a way that made the person recognizable as LGBT and allowed them to talk (Oregon's No on 36 ads, "Leanne" and "Heart"). It was 2005 before a pro-LGBT ballot measure campaign showed an openly LGBT couple talking in a TV ad (in Texas, in a series of ads created by the National Gay and Lesbian Task Force); and the buy was very small because research had found the ads to have little impact on African-American voters. With a few exceptions, it was only in the last ten years that our community has begun to try directness in ballot measure campaigns. All of the ads mentioned here can be viewed online on the report website.

It is unknown whether being direct and honest will win marriage campaigns for the LGBT community. We haven't yet tried this strategy in a full-throated way in a competitive state. The

closest was Maine's No on 1 campaign in 2009. Some No on 1 TV ads depicted LGBT couples and individuals but never used the word "gay" in their ads. Other No on 1 ads had straight family members talk about us: one used the word "gay"; another called us "special." The Maine campaign deserves credit for taking us one step closer to clarity than any previous marriage campaign. But the sentiments the ads express—including embarrassment, self-pity, and unwillingness to speak up on our own behalf—do not really convey how we feel about ourselves.

### **Larger dynamics drive pro-LGBT campaigns toward avoidance**

Many different LGBT and allied leaders and consultants in different states and in different years have not only chosen avoidance, euphemism, and metaphor over clarity, but have also run campaigns that are very similar in a range of ways. The patterns suggest that the problem is not that one set of leaders or one campaign is particularly dim. Instead, larger dynamics lead each new pro-LGBT campaign—often for reasons that make sense at the time—to repeat past mistakes. Three of these dynamics—misimpressions sometimes created by polling, the gut sense of many consultants that images of gay and lesbian couples will evoke a negative reaction from voters, and campaign structures that give consultants de facto decision-making power—are discussed at greater length in Appendix L.

### **Is avoidance the best choice?**

Of course, all of us who look back after the fact have to concede that there is no guarantee that other untried choices would have fared better. It is possible that avoidance was the best choice in California in 2008 and Maine in 2009; that the pro-LGBT campaigns were not necessarily repeating past mistakes but were instead, each time, using the best arguments available.

Lessons learned in modern candidate campaigns, however, suggest otherwise. Standard practice today is to respond forcefully and immediately to attacks on a candidate's character or else suffer the fate of the swift-boated John Kerry. Avoidance in the face of attack is widely viewed as ineffective when the opposition is attempting to make the case that a candidate is untrustworthy. The point is just as powerful when the LGBT community is the equivalent of the candidate, its trustworthiness and basic decency impugned by the anti-gay campaign.

Further, the history of anti-LGBT measures on matters other than marriage suggests that avoidance is not the best strategy. Each year, from 1974 through 2000, the LGBT community lost most anti-LGBT ballot measures; most repealed local laws that protected LGBT people from discrimination in employment, housing, and public accommodations even when polling suggested broad voter support for the laws. It is beyond the scope of this report to offer a detailed survey of all of these campaigns. But a limited review of the campaign communications throughout those years shows two overwhelming tendencies:

- Whenever the anti-gay side had an organized campaign, it made sure that voters knew the issue was about gay people
- Whenever the pro-gay side had an organized campaign, it ran a campaign avoiding mention of gay people. Pro-LGBT campaigns spoke instead about human rights or protecting the Constitution or saving an unnamed group of people from discrimination—or compared the anti-gay side to well-known bad people and bad behavior (eg Cincinnati)

1993, where the pro-LGBT signage used images of Hitler, a Klansman, and Joe McCarthy; Oregon 1988, where the pro-LGBT campaign called the other side a witch hunt).

As recently as 1998–2000, the pro-LGBT side lost the majority of these votes. We won five and lost seven on topics other than marriage (we were five to twelve counting the five losses on marriage during those years).

In 2001, however, the LGBT community had its first winning year, defeating for the first time a majority of the state and local anti-gay measures on the ballot. The pro-LGBT campaigns had changed in a variety of important ways; among them was a willingness to experiment with more direct messaging. The LGBT community's second winning year was 2002: pro-LGBT victories in Miami-Dade County, Florida; and in Tacoma, Washington, featured the first ever pro-LGBT TV ads that used the word "gay." In 2003, for the first time since the advent of anti-gay ballot measures, there was both no anti-LGBT ballot measure anywhere around the country, and there was a pro-LGBT ballot measure (in Cleveland Heights, Ohio) that we won. Overall, our community's record for 2001–2003 was eleven wins and two losses on non-marriage measures. (We also lost one vote on marriage during these years.)

From 2004–2009, our community had seven wins and two losses on non-marriage measures (while going eight to thirty including the marriage measures). Movement toward directness has not been steady; but on issues other than marriage avoidance is no longer the automatic LGBT strategy, and losing these elections is no longer the usual outcome. Many factors contribute to the better election results. It is impossible to separate the decline in social prejudice against LGBT people from the effect of better-run campaigns; or to separate the variety of ways in which we now run better campaigns, to distinguish our improved attention to field or mail from the value of a more direct message. Nevertheless, the movement away from avoidance should make us curious about its value.

In the face of this experience, it is striking that the pro-LGBT marriage campaigns embrace avoidance in whole or in part even though it has only once and temporarily won for us (Arizona, in 2006, where we prevailed on a vote on marriage and domestic partnership; it was reversed by the loss in Arizona in 2008 solely on marriage).

### **One certain danger of the avoidance strategy**

My point about the power of truth is narrower. History teaches us that when our campaigns avoid the most basic, incontestable truth—that the measure on the ballot is about LGBT people—we look like we're trying to hide the truth; and we are. When we make that mistake, we give credence to the anti-gay argument that we're untrustworthy. We prove their point for them. We allow the anti-LGBT side to be the one presenting the basic truth that the vote at hand involves LGBT people. The anti-LGBT side presents that truth in an ugly and misleading way, but we are on the defensive and in a poor position to credibly call them out for their gross inaccuracies. *We are particularly hard-pressed to contest their depiction of gay people when we are unwilling to depict or even mention them.*

This does not mean that accurate depiction of LGBT people and couples by itself will turn voters around. In California, for example, immediately after extensive earned media coverage in June 2008 of gay and lesbian weddings and couples, public support for same-sex marriage temporarily declined, and then rebounded about a month later.

But the portrayal of LGBT people in TV ads of our own creation could be much kinder, gentler, and potentially more effective for us than earned media coverage. Earned media both strives for balance and is drawn to caricature. Sarah Palin is one obvious example of someone who comes across less flatteringly in earned media than she does in a more controlled setting.

In too many campaigns, we have suffered from an inaccurate, grotesque, vicious, distorted, and frequently uncontested, depiction of LGBT people and couples. This is surely an impediment to our winning elections. Yet that is what we guarantee when we leave mention of LGBT people to the anti-gay side.

On balance, considering the available evidence, here's my current belief and recommendation: As hard as it will be to win these votes on marriage, we don't need to make it harder by repeating past mistakes. Let's learn from history and abandon avoidance; and let's test a variety of alternatives to avoidance so we can learn what works best. See Appendix L for a detailed discussion of why history repeats itself.

# Finding 5: Message Clarity Favored Yes on 8

*Yes on 8's ads were clear, direct, and repetitive. As a result, their message penetrated. No on 8's ads were vague, inconsistent, and de-gay, reducing their power to persuade.*

Above and beyond the power of the specific arguments, the message discipline of Yes on 8 maximized the memorability and impact of its communications. By contrast, the more scattered and less disciplined messaging of No on 8 meant that it forfeited some of its potential impact.

- Yes On 8's message was consistently clear. It focused on the untrue idea that kids were in danger.
- No on 8's message was neither consistent nor clear.
- Very late in the campaign, in the final nine days, No on 8's ads offered a clear, consistent discrimination message. But for swing voters, the message wasn't memorable or credible.
- No on 8 struggled with message discipline for two reasons. The first was the late change in decision makers. The second was the tension between the desire to describe LGBT people honestly and the impulse to de-gay the campaign. The result was message tentativeness and gay avoidance in the later No on 8 ads.
- De-gayng tested better in No on 8's polls than it worked in reality. It was a dangerous choice because it allowed Yes on 8 to define what LGBT people are like. But the issue is not simple.

**How many times the average voter saw Yes on 8 ads and No on 8 ads**

	<b>Yes on 8 Ads</b>	<b>No on 8 Ads</b>
Bakersfield	20	1
Chico-Redding	20	0
Fresno	31	5
Los Angeles	30	40
Monterey	30	24
Palm Springs	16	14
San Diego	36	38
Sacramento	37	40
San Francisco	18	39
Santa Barbara	22	21

The number of advertisement views can potentially over- or understate message penetration. Yes on 8 focused most of its ads around one clear message, increasing its potential for message penetration or even discourse domination. No on 8's apparent parity in number of ad views in some markets was undercut by the multiplicity of messages in its ads.

## Comparing Yes on 8 and No on 8's Message Clarity

### Yes on 8's Message was Consistently Clear

Yes on 8 focused not only "Princes" but all of its ads to make three clear points:

- You as a voter and parent are losing control over your kids (every ad);
- A pro-gay change is being imposed "whether you like it or not" (driven home hardest and most explicitly in "Newsom," and reiterated in "Princes," "Massachusetts," "Field Trip," and "Closer");
- The pro-gay change poses a real, immediate danger to children, including your children (the centerpiece of "Princes," "Massachusetts," and "Field Trip," and part of "Closer").

Yes on 8 knew what it wanted to say and it said it, again and again. The Yes on 8 ads were easy to grasp, and they constantly repeated a few fundamental points.

The term used to describe this combination of clarity and repetition is message discipline. The message discipline of Yes on 8 meant that the average voter in California heard the same basic message twenty to forty times in paid TV advertising alone. (Whether a voter heard it twenty or forty times or something in between depended upon where the voter lived, their demographic makeup, and their television viewing habits.) The rule of thumb upon which media consultants rely is that voters need to be exposed to an ad a minimum of five times, and perhaps as many as ten times, before it penetrates and has the potential to be memorable. Yes on 8 exceeded that threshold easily.

The highly repetitive TV ads represented the bulk of the communications sent by the Yes on 8 campaign and received by most voters. The message discipline in these communications almost certainly increased memorability and impact of the ads.

### No on 8's Message was Neither Consistent nor Clear

In contrast, the No on 8 ads that made it on the air in large enough TV buys so that voters saw them were not clear, consistent, or tightly focused. Instead, the widely seen No on 8 ads—"Thorons," "Unfair," "O'Connell," "Internment," and "Obama"—made a variety of much more loosely related points. Most of these ads made multiple points, a doubtful practice for 30-second spots because of the sacrifice of clarity. Some ads made points supported by the less frequently aired "Feinstein" and "No for Latinos" ads.

- **The Equality Argument:** We should allow gay people to marry because we should treat them the same as everyone else ("Thorons").
- **The Kitchen Sink:** Well-known, respected people and groups, including Obama, Schwarzenegger, and Feinstein, say Prop 8 is bad for many reasons. The key intended takeaway is that the sheer number of problems raised by endorsers and negative adjectives featured in the ads should give voters a distaste for Prop 8 ("Unfair," "No for Latinos," and "Obama," and to a lesser degree, "Feinstein").
- **The Rights Argument:** It's wrong to take away rights from any group of people ("Unfair").

- ***The “Don’t Treat People Differently” Argument:*** It’s wrong to treat people differently under the law (“Unfair”).
- ***Rebuttal to the Kids and Schools Argument:*** Prop 8 will not lead to teaching about gay marriage in schools (front and center in “O’Connell,” mentioned in passing in “No for Latinos” and “Obama”).
- ***The Discrimination Argument:*** Discrimination is wrong (“No for Latinos”); also expressed as “No matter how you feel about marriage, discrimination against any group of people is wrong (“Feinstein,” “Internment,” “Obama”).

To many LGBT people and our allies, all of the above arguments may feel very interconnected and self-reinforcing. To us, being for equality and against discrimination feel like the same thing, or so close to the same thing that they might as well be the same thing.

But for some voters who are not already strongly on our side, these arguments are separate ideas, not identical, and not equally appealing. For example, there are a group of voters who don’t want to “treat people differently” when it comes to marriage—but they don’t see denial of marriage as amounting to discrimination. One way we know this is that among the least-firmly decided voters, the cluster of arguments made by the No on 8 ads do not rate identically when they are tested in polls. Some voters agree with one argument but not with another.

From the point of view of persuadable voters—those who could have gone either way, and those who changed their mind over the course of the campaign—the No on 8 ads made a multiplicity of points. In some key media markets, no voter heard any one of these messages as frequently and clearly as they heard the Yes on 8 message. See the table below for the details. In some markets, however, including Los Angeles and San Francisco, No on 8 did achieve repetition parity with Yes on 8. The failure to break through in those cases probably reflects two factors: (1) timing: No on 8 achieved most of its repetition in the closing days, when between a third and half of all voters had already voted absentee; and (2) weakness of the discrimination message, discussed in more detail below.

In addition, among the individual No on 8 arguments, some were clear but others were not. For example, the “Thorons” ad was clear, and polling found it memorable to a larger group of voters than any other No on 8 ad (more on this in Finding 3 above). But the equality message of “Thorons” was not repeated in subsequent ads.

Similarly, the non-campaign-approved ads that aired before the election had no measureable impact on voters. For a discussion of the two ads, the widely broadcast “Garden Wedding” and the much less broadcast Courage Campaign advertising, see Appendix F, Non-campaign Media.

## **An In-Depth Look at No on 8’s Problems with Message Clarity**

### **How many times the average voter saw Yes’s Kids Argument and No’s Discrimination Argument**

	Yes's Kids Argument	No's Discrimination Argument
Bakersfield	14	2
Chico-Redding	21	0
Fresno	14	6
Los Angeles	16	14
Monterey	19	6
Palm Springs	11	4
San Diego	20	11
Sacramento	19	15
San Francisco	10	12
Santa Barbara	13	9
Kids Argument = "Princes" + "Massachusetts" + "Field Trip"		
Discrimination Argument = "Feinstein"+ "Internment" + "No for Latinos" + "Obama"		

**No on 8's reliance on Endorsers was Not an Adequate Substitute for Message Consistency and Clarity.**

Starting with "Unfair," No on 8's TV ads cited several of its many endorsers as part of the campaign's attempt to persuade. Different ads mentioned different endorsers. Sometimes an ad explained why a particular endorser had given their endorsement to No on 8; others were listed with no specific reason for their position. The consultant team assembled by the second campaign manager thought these endorsers would serve as validators. The hope was that some voters would respond either to a particular endorsement that they trusted or be impressed by the totality of endorsements for No on 8.

In campaigns in general, this reliance on endorsements has its greatest value in four specific circumstances:

- When a ballot measure is only vaguely understood;
- When the other side doesn't offer clear reasons for its position;
- When the other side fails to run a strong campaign; and
- When an endorser is so widely seen as expert and trusted that voters will think it makes sense to substitute the expert's judgment for their own.

Unfortunately, none of those were the case in Prop 8. The measure was widely publicized. From the point of view of most voters, the topic of same-sex marriage is easily understood. The Yes on 8 campaign offered clear reasons for voting Yes and ran a \$40 million campaign with widely broadcasted ads. From the Yes on 8 ads voters knew that not every expert or endorser was on the same side. No one person in American society was viewed as so expert on marriage or LGBT people that their endorsement by itself would have the power to persuade.

It's less clear whether one person in America was widely enough respected that his or her endorsement would have moved a significant slice of voters. Possibly then-Presidential-candidate Obama enjoyed that kind of popularity and credibility on this issue among African-Americans or other groups of voters; the data is insufficient to judge. But No on 8 hardly used the Obama endorsement prior to November 1, and starting November 1 used it only in one ad in

a very brief way, with one still photo that was quickly replaced by a similar shot of Gov. Schwarzenegger. To the extent that No on 8 was attempting to use endorsements strategically, then it bypassed the most obvious possibility.

There is one additional reason to doubt the persuasive power of endorsements in an election like Prop 8. Polling and focus group research has over a long period of time come to suggest that voters view themselves as experts on marriage. They know what marriage is. When they watch ads like “Unfair” or “Feinstein,” they may be skeptical that the Teachers Union or Sen. Feinstein has more expertise on the matter of marriage than they themselves do. The polling does not tell us whether one or both of these reasons (or other reasons) dominated the thinking of voters as they viewed these ads, but the Lake polling shows that neither ad moved voters toward No on 8.

### **Late in the Campaign, No on 8’s Ads Offered a Clear, Consistent Discrimination Message, but for Swing Voters, the Message Wasn’t Memorable or Credible for Seven Reasons.**

The No on 8 campaign chose one message—the discrimination message—for most of its ads in the final week of the campaign. Discrimination became the dominant message when “Feinstein” and “Internment” were on the air from October 30 through November 4. For seven reasons, however, the message wasn’t effective.

The first problem was late introduction of the message. No on 8 had largely avoided the word “discrimination” prior to this very late phase of the campaign. The discrimination message was neither reinforced by nor did it reinforce what had come before—the first reason why it was unlikely to be memorable for voters.

The second problem was lack of clarity. No on 8’s discrimination message was encumbered with a major distraction: there was no mention of the group being discriminated against.

The lack of transparency was related to a third problem: the expression of the message may have unintentionally undercut itself. Both the “Feinstein” and “Obama” ads pose a rather ominous idea: “No matter how you feel about marriage, vote against discrimination, and vote No on 8.” Some voters might have wondered why they had to ignore their feelings about marriage to take a stand against discrimination. The statement at some level suggests that if voters noticed their feelings they might choose differently.

If the third problem, above, was that voters might have difficulty decoding the message; the fourth problem was that voters might *succeed too well* at decoding it. The message is meant to keep “gay” in the background; yet when voters receive an ambiguous communication, they put the ad in context. At this late point in the campaign, days away from Election Day, voters very likely realized that “how you feel about marriage” really meant “how you feel about gay marriage” or “how you feel about gay people.” Each voter was being asked to disregard how they feel about “gay”—the missing word they themselves had to supply to make sense of the ad—to take a stand against discrimination. The takeaway for some voters might well have been that gay people are so unpopular that even those who support them can’t speak of them. Gay people are the people who must not be named. The ads offer no assurance that gay is OK, or

that same-sex marriage is tolerable. The possible result: voters got a message that was the opposite of what was intended: “gay” and the unpopularity of “gay” was now front-and-center in their thinking.

Stimulating ambivalence may have been the intention of the ad creators and the new No on 8 decision makers; yet quite possibly this is a fifth problem. Ambivalence is the emotional opposite of the equality argument made in No on 8’s first ad, “Thorons.” The decision makers must have decided to target voters unsure of whether they could tolerate LGBT equality, or were ambivalent about gay people. The ad, by validating these feelings, was seemingly intended to connect the voters to the rest of the sentiment—that in spite of how they feel about gay people, their even stronger feelings against discrimination should lead them to vote No on 8. But it’s not obvious why heightened ambivalence makes the totality of the No on 8 message appealing.

To the extent that the campaign decision makers at this point meant to stimulate both ambivalence and also positive feelings about LGBT people, they were unwilling to pull the trigger. There is no explicit, positive statement about LGBT people, nor any mention of the word “gay.” The only hint of this intention was the fleeting, unlabeled images of LGBT people in the closing frames of “Internment.” Even LGBT viewers would have been hard pressed to recognize that these quick shots depicted gay people. The impulse to include these images was admirable but not meaningful. They were too brief and unclear to have an impact.

The problem of lack of clarity recurs in No on 8’s other major antidiscrimination ad, “Internment.” Watching this, voters had to decide what was meant by the phrase “discrimination against any group of people is wrong.” By itself, the idea seems simple and appealing. But the idea was not being offered by itself. Instead, “Internment” offered this language to explain Prop 8 and the need to vote No on 8 at the same time that the ad showed provocative images of shameful past discrimination against Japanese-Americans and Armenians. The apparent hope of the ad creators was that viewers of the ad would vote no due to their strong, generalized antipathy to discrimination.

Yet here we encounter the sixth problem: a lack of relevance or credibility. The voters viewing the ad had already received at least dozens—and more likely hundreds—of communications about Prop 8. Most had very likely gotten the message across that this vote involves gay people, and lesbian and gay couples getting married. Every Yes on 8 ad, every news story, every conversation over a water cooler at work told voters that Prop 8 is about “gay.” So voters watching “Internment” didn’t watch “Internment” as though it’s all they knew. Instead, they put two and two together and realized that Prop 8 was not a vote on racial or ethnic discrimination; it was a vote on “the gays.” And as part of voting on the gays, they’re also considering, after having seen the Yes on 8 kids message ten to twenty times, how they feel about their kids learning about gay people, perhaps even how they feel about their kids growing up to be gay. For voters experiencing this thought process, “Internment” could not conceivably have been a persuasive ad, and the tracking polling shows it wasn’t persuasive. More likely it struck swing voters as irrelevant or misleading.

There is one final, seventh problem with the discrimination argument, particularly as raised in “Internment.” In its polling on a variety of same-sex marriage ballot measures, Lake Research

had found that many voters define “discrimination” as treating someone wrongly, not simply treating them differently. At this point in history, almost everyone agrees that internment of Japanese-Americans during World War II amounted to treating them wrongly. It was both different treatment and wrong treatment.

But the inability of same-sex couples to marry is not nearly as universally seen as wrong. Many who voted Yes on 8 may have viewed it as different treatment of LGBT people but not wrong treatment of them. To the extent that that’s true, the marriage issue does not strike them as “discrimination,” and the analogies to other types of discrimination seem unconvincing. This may well be why both “Internment” ads—the one created by No on 8 in 2008 and the virtually identical one created ten years earlier, in 1998, by the pro-LGBT No campaign in Hawaii’s ballot measure on marriage—had no apparent persuasive impact. To view both ads, go to <http://prop8report.lgbtmentoring.org/prop-8-report/media>.

It is always possible that some as yet untried or unknown version of the discrimination argument could overcome these seven problems. An effective form of the discrimination argument might exist, and we simply do not yet know how to make it. Alternatively, the discrimination argument may work better in the future than it does now if more voters come to see unequal access to marriage as a form of discrimination. At the present time, however, “discrimination” appears to be an argument that appeals to many who already support same-sex marriage but not to those whose who have yet to vote with us. At least so far, when we make this argument in the hopes that it will persuade more people to vote with us, we are only talking to ourselves.

### **The equality argument may suffer from some of the same defects as the discrimination argument in the eyes of swing voters.**

The discrimination argument may not be the only one that is both intuitively appealing to those who already support same-sex marriage and yet irrelevant or worse when we seek to persuade more voters to stand with us. There may be a similar problem with the equality argument that was favored earlier in the No on 8 campaign. Third Way points out in its report “Moving the Middle on Marriage: Lessons from Maine and Washington” that the equality argument has not yet worked in these ballot measure campaigns and that most voters don’t agree with the underlying rationale. Only 32% of Maine voters in the moveable middle agreed with the argument that “Separate is not equal; everyone, including gay and lesbian couples, should be treated equally under the law, including laws governing marriage.” This is better than the 22% who believe that “denying gay and lesbian couples the right to marry is discrimination,” but it may be too low to help us compete for most of the moveable voters.

### **Particularly in a competitive election, message discipline matters.**

Yes on 8 did better than No on 8 at having a consistent message that it hammered home, ad after ad. No on 8 might have been better served if it had taken any one of its messages and stuck with it, but we can’t know that from the data because that isn’t the approach that was tried.

The approach taken by No on 8 is a better strategic match in a campaign that is itself a mismatch, eg a campaign where a proposition on the ballot is mostly ignored or where the opposing side doesn’t run a vigorous campaign or where the issue is one where feelings don’t

run so high. But the lack of message discipline and the problems with message clarity are most costly in the kind of situation epitomized by Prop 8: where a controversial measure, on which public opinion is closely divided, is hotly contested by two equally well-funded campaigns.

### **Two factors contributed to No on 8's difficulties with message clarity and message discipline.**

- The late change in decision makers led to a change in media consultants and in thinking about the message. Ads planned and aired by the first regime were very different from those created and aired by the second.
- Polling tended to support de-gayng the campaign. Clear arguments about LGBT people and use of the word "gay" tested less well than abstract arguments and vagueness. Although the No on 8 executive committee resisted the pressure and insisted on using the word "gay" when they were operating as decision makers, the tension between the two impulses resulted in message tentativeness and gay-avoidance apparent in the body of the later No on 8 ads.

Most campaigns view it as a given that message discipline—clarity and repetition—is essential for success. Yet No on 8 sacrificed clarity and some of the power of repetition in an attempt to avoid facing the centrality of "gay" to the question on the ballot. Let's examine why the campaign made this trade-off.

### **Message continuity suffered from the late change in regime.**

On Sept. 29, No on 8 changed its campaign decision-making process and its campaign decision makers. Given the late date and the scale of the change, the quick transition was remarkably smooth. Externally, news coverage of the new campaign manager in the Advocate was only positive. Internally, the new manager brought order to the challenging situation: he recruited a new group of paid and pro bono consultants to advise and assist him; created a campaign "boiler room" in San Francisco, where his new team met face-to-face; and he focused on fundraising, which had been slumping since early August. Everyone with whom I met who was involved in the No on 8 leadership acknowledges that these improvements stabilized and focused the campaign.

One downside, however, was that No on 8 was not prepared for Yes on 8's aggressive campaign. The "Newsom" ad went on the air the same day the new manager officially took over. He was recruiting his new team even as the first tracking polls were showing the extent of the toll the "Newsom" ad was taking. Fundraising required immediate attention, but so did a wide variety of matters.

Another downside was that the newly assembled team had limited time to assimilate the information and assess the choices made by their predecessor consultants, and to consider the political environment now altered by Yes on 8. None of the new ads continued or built on the message of "Thorons" and "Conversation," the two No on 8 ads that were on the air from September 22 through October 6. In departing from the earlier choices, the new team necessarily ran the risk that the "Thorons" message would either be muddied or lost, replaced by a new message. For a detailed discussion of the timeline of the campaign, see Appendix C.

## **The No on 8 Campaign's De-Gayed Message**

### **The polling supported a message minimizing “Gay”.**

It is not clear whether the new No on 8 team was familiar with the polling done before they arrived on the scene. But if they had been, it would have supported their approach. Arguments sidestepping “gay” polled the best in the Lake benchmark poll of May 19 through 27. Of fourteen potential No on 8 message arguments that asked voters whether and how strongly they agreed, just two of the five (#1 and #4) used the word “gay”, and they used it only to dismiss its importance and relevance to the campaign decision voters would face (one begins “regardless of how I feel about gay marriage”; the other begins “I may not agree with gay marriage”). The other three made no mention of “gay” at all.

None of the messages that tested best in the polling dealt directly with the issue on the ballot. The first said “people should not be treated unfairly under the laws,” but it does not make the case that “gay people should not be treated unfairly.” The third says “we should support committed couples” but does not signal that it could include committed gay and lesbian couples. The fifth says “we should not single out one group for discrimination” but gives no clue what the one group might be.

In the same poll, Lake also tested fifteen additional statements, asking which were convincing and to what degree. These were more realistically related to voters’ likely understanding of the issue by Election Day.

This battery found that relatively direct arguments using the word “gay” tested about as well as vague statements. But the overall levels of convincingness of any of the arguments in the second battery—with percentage of agreement in the mid-50s—was less encouraging than the first battery, where voter agreement with the de-gayed statements ranged from the mid-60s to the high 70s.

Follow-up testing in July provided more support for messages omitting clear mention of “gay.” Then, Lake Research found that among undecided voters, the most convincing argument by over 12% made no mention of gay people.

For all of the polling information on message testing, see Appendix J.

### **The Danger: De-gayed arguments test better in a poll than they work in the real world.**

From the May and July message testing in the polling, one argument tested the best. It began, “We do not need more government in our lives.”

Yet on the face of it, this was a risky argument for the pro-LGBT side. The potential risk was that the voters we needed to persuade, even if they nodded along with it beforehand, would not find this argument credible once the campaign was joined and Yes on 8 was putting forth its arguments.

To see the danger readers, put yourselves in the voters' shoes at two key moments. Moment one: when one of our targeted voters was on the phone, answering the pollster's questions in May or July, or participating in a focus group in July or August. Moment two: much later, when a voter (not the same person) began to really think about how they were going to vote. The latter moment is when our targeted voters—the undecided, the persuadable, the most wavering on either side, the most ambivalent, and the least informed voters, for better or worse, these are likely to be among the voters who will make the difference between our winning and losing—started to pay attention to the campaign, and began to absorb (sometimes even to seek out) information from the larger political environment and from the Yes and No campaigns.

At the earlier moment, when voters were on the phone answering a pollster's questions—especially in an early benchmark poll—they had much less external information coming their way about the ballot measure and about the issue of same-sex marriage. The public parts of the campaign, including TV ads, hadn't begun. The voters hadn't heard from both sides. They hadn't gossiped with their friends, chatted with their coworkers, overheard their neighbors talking about it in the supermarket checkout line. The continual stream of miscellaneous information in which we all swim hadn't yet bathed the voters with information on the topic.

Our targeted voters may have thought little about Prop 8 and may not have yet formed an opinion about how they would vote. About the issue of same-sex marriage, perhaps they had thought little or much; either way, they very likely had an opinion.

At this early point, when talking on the phone with the pollster, few of these voters were going to disagree with a bromide like:

"We do not need more government in our lives. The government has no role telling two committed and devoted adults who they should marry. Government has no business telling people who can and cannot get married just like it cannot tell us what we can read or say or do in our private lives. We do not need a constitutional amendment that gives the government more say in our lives."

At the moment of the poll, it got 72% agreement. (The amazing thing is that 28% didn't agree.)

Now consider the later moment. As the targeted voters started to consider how they would vote, more information had come their way. Most knew that the issue in some way had something to do with gay people, and they may have known that it related to marriage for gay and lesbian couples.

Here's a specific example. The average targeted voter in LA who waited until Election Day to vote saw the Yes on 8 ads thirty times. Of those thirty, twenty exposures repeated the same message. Of the thirty, twenty were the Yes ads "Princes," "Massachusetts," and "Field Trip," which were all about kids in danger of learning about gay people and same-sex marriage in school.

The same average voter also saw the No on 8 ads forty times. But they had very little repeated exposure to one consistent No on 8 message. Instead, the average LA voter saw:

- “Thorons” five times (parents of a lesbian daughter);
- “O’Connell” seven times (rebutting “Princes”);
- “Internment” seven times (one of several No on 8 ads to make some version of a discrimination argument, though the only one to make the argument by analogy; it compared discrimination against LGBT people explicitly to discrimination against Japanese-Americans interned during World War II and against Armenian-Americans);
- A mix of other No on 8 ads twenty-one times.

In the final week there was greater consistency, though nothing like the discipline exercised by Yes on 8. In the closing week, the average voter saw No on 8 ads fifteen times, and those fifteen included all of the views of “Internment.” Even in the final week in LA, however, No on 8 broadcast eight different ads.

(All of the specific numbers of ad exposures used in the above paragraphs come from data on the actual Yes on 8 and No on 8 ad buys in the Los Angeles media market. See Appendix E for the backup data and more details.)

In TV ads alone, Yes on 8 exposed the average LA voter twenty times to explicit anti-LGBT propaganda, to the false idea of pro-gay indoctrination of children. At this moment, after exposure to the Yes on 8 ads and other information, it was no longer likely that 72% of the voters would find the poll-tested argument (“government has no business telling people who can and cannot, ” etc.) compelling as they decided how to vote on Prop 8.

Instead, the poll-approved message was probably an irrelevancy, not part of a meaningful political dialogue. The Yes side had taught the voter that “gay” is the issue at hand. The Yes side had defined what “gay” is and, implicitly, what kind of people gay people were. Even though “Internment” is a beautiful piece of film art, under these circumstances its message could easily have felt like a non sequitur to a voter who had been exposed to all of the above.

In other words, *voters’ agreement with platitudes in a poll does not predict whether they will find those same ideas persuasive in a competitive campaign.* The appeal of veiled references and euphemisms may poll better than depictions of actual LGBT people and use of the word “gay”, and yet have zero persuasive power once voters learn that LGBT people are in fact the ones they are voting on and that “gay” has everything to do with the issue on which they’re voting. The success of the de-gay’d “persuasion” argument in a poll is therefore most probably an artifact of the polling process itself.

### **No on 8, particularly in the late stages of the campaign, chose a de-gay’d message for its TV ads.**

A reasonable inference to draw from watching all of the No on 8 ads (except for the first ad, “Thorons”) is that the ad creators made a decision to avoid the word “gay.” The principal exception was the much more direct “Thorons” ad as aired (though not in its first version; as initially screened by the No on 8 executive committee, “Thorons” did not include the word “gay” and was inscrutable; the EC pushed to have the word added). The only other use of “gay” in a No on 8 ad is Superintendent O’Connell’s assurance that Prop 8 would not lead to teaching gay marriage in schools, ie Prop 8 was not in this respect pro-gay. To the extent that the “O’Connell”

spot uses the word “gay,” “gay” is not portrayed as something positive or neutral; it is assumed to be negative. Go to [www.lgbtmentoring.com](http://www.lgbtmentoring.com) to view all the No on 8 ads. See Appendix E for the full timetable of when the various No on 8 ads aired and with what size buy.

By contrast, No on 8’s mail to voters made more favorable use of the term “gay” and also provided much greater clarity that Prop 8 was about LGBT people. Mail was, however, a tiny part of No on 8’s voter communications. The mail is therefore worth examining primarily because it takes a different approach that No on 8 could have pursued, and that strikes me as more promising as well as better executed. See Appendix N for the mail pieces developed for the campaign.

### **The decision whether to depict and describe LGBT people clearly in ads or to de-gay is not a simple one.**

As much as I would like to say for certain that de-gaying is bad, and “gaying” will get us a better election result, as a community we currently have too little experience to know. It is possible that a persuasion argument that accurately depicts or describes LGBT people would do better than a de-gayed argument; it is possible it would not. I do not possess data that definitively provides us an answer.

The reason for our lack of knowledge is that only a few pro-LGBT campaigns have tried depiction or description of LGBT people in TV ads and measured whether and how it moves us forward in the heat of a campaign. No on 1 in Maine (2009) and No on 36 in Oregon (2004) are the best-funded campaigns to date to create and air ads depicting and intending to define LGBT people. Pro-LGBT campaigns in Utah and Texas went even further but faced very uphill odds and broadcast their ads only in marginal and submarginal buys respectively. Go to <http://prop8report.lgbtmentoring.org/prop-8-report/media> to view all of these ads.

Evidence is beginning to develop suggesting that more direct and non-de-gayed arguments exist and poll promisingly. They are at the moment largely untried. Third Way, for instance, recommends messaging that shows that gay couples “will honor and respect the tradition of marriage”; want to make “a lifetime commitment”; and want to “join” the institution of marriage, not change it. Third Way specifically concluded that based on its data, “Talking to a gay person helps to convince the [moveable] middle that gay couples want to get married for the same reasons straight couples do.” But given the blind spots in message testing polling on same-sex marriage, it is important to recognize that encouraging poll findings alone do not make the case that the arguments will work.

### **Progress begins, however, with our recognition that polling tends to overstate the power of de-gayed arguments.**

What’s clear is that we run the risk of misleading ourselves when we focus our polling on de-gayed arguments. Implicit in each of these arguments is an unwarranted assumption that we so fully control voters’ view of the ballot measure that we can shield them from realizing the centrality of LGBT people in it. Each de-gayed argument insufficiently simulates the reality established when we face an organized campaign like Yes on 8. Lake Research erred when it

relied so heavily on testing de-gay arguments in its message battery. See Appendix I for additional discussion of this topic.

When the pro-LGBT campaign is de-gay, it opens up an opportunity for the anti-gay side to define what gay people are like. It's dangerous to give the anti-LGBT side that opportunity. The damage may (1) in the short run, jeopardize the ability of the pro-LGBT side to win the immediate election, and (2) in the long run, perpetuate or add longevity to anti-gay stigma. The pro-LGBT side should investigate much more fully both of these possibilities. If either is true, the LGBT community should urgently seek alternatives to the de-gay campaign messages.

See Appendix I for a more detailed discussion.

The key point to add is this: whether or not we feel comfortable with a de-gay campaign, whether or not a de-gay campaign polls is our best alternative, and whether or not a de-gay campaign gives us our best chance to win, the strategy to de-gay runs a serious risk.

The risk is that the reputation of LGBT people as decent, trustworthy, ethical, and honorable people will be diminished or damaged—that the campaign in its totality, including the communications by both sides, will lead a significant number of voters to see us as less than human, and therefore justify our treatment as less than human. Our failure to answer defamation of our character may be very costly. It would be smart to consider and investigate this possibility. Then, if it turns out that damage is done whenever we de-gay, we need to find healthier ways to advance our legislative agenda and reduce anti-gay prejudice.

# Finding 6: The Public Polls Got It Wrong

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*The two major public polls in California created the misimpression that No on 8 was favored to win.*

The misleading public poll results were a significant bad break for No on 8. For many in the LGBT community and its allies, the public polls masked the urgency of the situation.

- The Public Policy Institute of California (PPIC) and the Field Poll—both reputable institutions—consistently showed No on 8 ahead by comfortable margins from May through Election Day.
- They published their numbers without caveat, even though PPIC’s polling from 2003 through 2008 found California voters almost evenly divided on the issue of same-sex marriage, with neither side possessing majority support for its position.
- All along, the Lake polling showed No on 8 behind, the election close and difficult, and the situation urgent.
- No on 8’s executive committee and the second campaign manager made a smart choice to overrule the consultants and go public with the less optimistic internal poll results.
- The overly optimistic public polling very likely made it harder for No to raise money. When No on 8 went public with the more accurate internal polling numbers, online fundraising immediately surged; in two weeks, it went from small potatoes to sometimes more than \$1 million per day.

## What the polls were saying

### **“Poll: Majority in Calif. Back Gay Marriage”**

May 28, 2008, Associated Press

[www.cbsnews.com/stories/2008/05/28/politics/main4133393.shtml](http://www.cbsnews.com/stories/2008/05/28/politics/main4133393.shtml)

### **“Poll Shows Majority in State Opposed to Prop 8”**

July 17, 2008, KTVU

[www.ktvu.com/station/16917191/detail.html](http://www.ktvu.com/station/16917191/detail.html)

### **“Opposition to Prop. 8 up to 55%, poll shows”**

Sept 28, 2008, San Diego Union

### **“Prop 8 trails, yet gap keeps narrowing”**

October 31, 2008, San Diego Union

[www.signonsandiego.com/uniontrib/20081031/news\\_1n31field.html](http://www.signonsandiego.com/uniontrib/20081031/news_1n31field.html)

## Public Polling Firms and Prop 8

### Why Worry, Be Happy

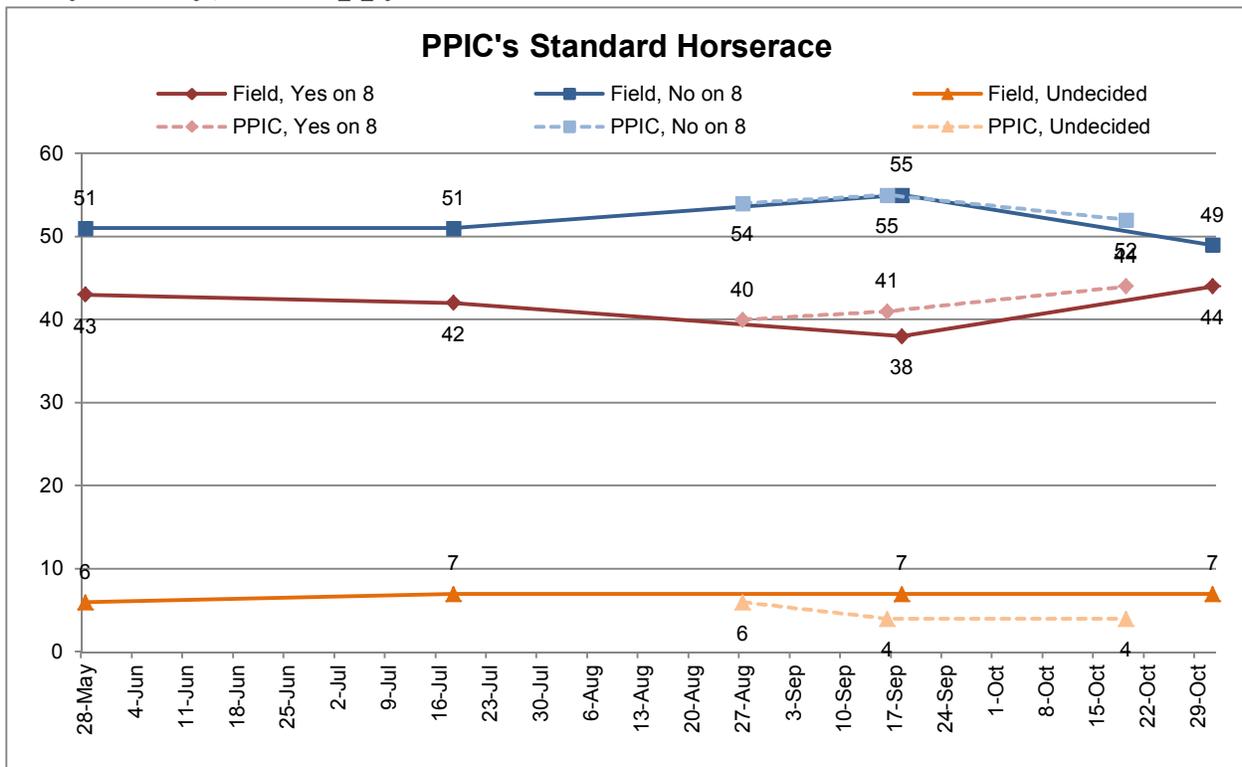


Chart 28.

In September, when No on 8's financial situation was most dire, both PPIC and Field showed No on 8 with a double-digit lead. Although the impact of publication of the polls is not quantifiable, the lopsided win they seemed to predict may have allowed some No on 8 supporters to feel no urgency to donate when in fact the money was desperately needed. At the time, members of the executive committee who were fundraising reported resistance from potential donors who cited this very reason for declining to give. For a detailed discussion on how to get the truth out of a poll, see Appendix J.

### No on 8's Consultants Misjudged the Situation

From May through September, No on 8 consultants consistently advised that it would be harmful to the campaign to share publicly its much more pessimistic—and in the final analysis, more accurate—internal polling results from Lake Research. Some of the No on 8 consultants reasoned that donors would more likely support a campaign that looked like a winner; they felt that publicly sharing the Lake poll results would depress fundraising.

Their viewpoint may have been informed by their experience working for incumbent candidates seeking reelection, or by operating in a milieu where the norm for consultants is to routinely withhold all “negative” information about their campaigns. For incumbent candidates, inevitability

of victory attracts money absent any urgency; donors to leading candidates hope to buy future access.

Donors to ballot measure campaigns, however, do not have this motive to fund favored ballot measure campaigns. The dynamics are very different. LGBT voters and our allies take very personally the exploitation and arousal of anti-gay prejudice that is part and parcel of the anti-LGBT campaign. Awareness of the precariousness of the situation is therefore a powerful motivator for LGBT and allied donors to give, because on a gut level many know the price we pay if we lose.

For the No on 8 campaign, the reflexive withholding of “negative” information was a mistake. To credibly, clearly, and powerfully communicate urgency, No on 8 had to provide evidence; only then were more people going to dig deeply. The No on 8 campaign unquestionably asked for help early on and continuously. But for months, it did not share the internal polling data even though it was by far the strongest evidence that urgency was called for, and evidence unknown to all but a handful of potential donors. Until the campaign shared the information, it was not making its best case for people to help.

### **No on 8’s Smart Choice to Overrule the Consultants**

The best evidence for these conclusions fortunately came in early October, when the No on 8 campaign committee and the new campaign manager overruled the consultants and went public with its underdog status. Telling the community the true situation immediately boosted online fundraising; in two weeks, it went from a relatively small part of the campaign’s income to as much as \$1 million per day.

Unfortunately, until then the decision not to make the full case for urgency may have contributed importantly to the financial stress under which No on 8 operated at the crucial time when both sides were placing the TV buys for late September and early October. Yes on 8 used its financial advantage to get its message out first. Even though No on 8 technically went on the air first, its early buy for its first ad was too small to assure that it would penetrate, particularly in the L.A. media market. By contrast, Yes on 8 blanketed the state with its first two ads, “Newsom” and “Princes”, at the same time that No on 8 had to shave its buy to go on the air at all.

No on 8 fundraising would probably have improved to some degree in the closing weeks even without disclosure of its poll findings. Fundraising often improves in the late stages of campaigns. In Prop 8, as the later Field and PPIC polls showed the election getting closer, some potential donors would have recognized the urgency of the situation. But it is doubtful that the scale of improvement would have come close without the more frank disclosure of the internal polling, in part because the surge would have begun later than it did. Additional evidence that the actual No on 8 fundraising surge exceeded the norm is that the No on 8 consultants were astonished by the online fundraising improvement; it greatly surpassed anyone’s preexisting expectations and exceeded by more than 1,000% the goals set in the fundraising budget.

For all details on the ad buys of both campaigns, see Appendix E. For more information on the PPIC, Field, Lake, and other polling, and the contrasts among them, see Appendix D, the charts

chronology. For more details on the factors contributing to No on 8 fundraising success, see Finding 9.

# Finding 7: The Election Results Make It Look Closer Than It Was

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*The election looked close, but Prop 8 would have passed 54% to 46% if all voters had correctly understood how to vote in accordance with their opinion on the issue.*

Many voters who intended to ban marriage for same-sex couples voted no on Prop 8 even though a no vote actually preserved marriage for same-sex couples. These wrong-way voters—confused voters—cast votes against their intention.

- There were wrong-way voters on both sides. In total, 876,987 voters who wanted to eliminate gay marriage cast no votes while 651,757 voters trying to keep gay marriage voted yes. Taking all wrong-way votes into account, No on 8 was the net beneficiary by approximately 400,000 votes.
- If all California voters had voted in accordance with their views, Prop 8 would have passed by more than 1 million votes, 54% to 46%. See Appendix K for all the details on how these numbers were calculated.
- The official election result for Prop 8 therefore understates the amount of work we have to do to win a future election. In any future ballot measure on marriage we will need either to turn out 1,000,000 more supporters, change the minds of 500,000 who voted against us, or some combination of the two.
- Academics Lewis and Gossett corroborate this report's findings on wrong-way voting and also provide independent analysis of why we lost on Prop 8. Their research deserves more attention than it has received.

## Wrong-way Voting Basics

- **The definition:** wrong-way voting is when a person casts a vote that contradicts his or her beliefs. Their vote is the opposite of their intention.
- **How to measure it:** Wrong-way voting on Prop 8 is measurable thanks to a smart decision by Lake Research. After asking the horse race question to find out how each voter was planning to vote (Yes or No on 8), Lake asked in plain language whether each voter wanted to eliminate marriage for gay and lesbian couples or retain it.
- For a detailed explanation of the methodology and the calculations that allowed this report to quantify wrong-way voting, see Appendix K.

## Wrong-Way Voting on Prop 8 made the California electorate appear more evenly divided on the issue of same-sex marriage than it really was.

In the wake of Prop 8, many members of the LGBT community understandably wanted to reverse it. Discussion began about whether to go back to the ballot on the issue in 2010 or 2012.

But the hope that we could go back quickly and prevail relied on some assumptions and understandings that are not supported by the data. The reasoning that we now know does not hold up is this: the last election seemed close, so if the next campaign just avoided the errors of the No on 8 campaign, then we could win a future ballot measure relatively easily.

The data on wrong-way voting makes this a much less persuasive analysis.

The reason we cannot expect wrong-way voting to help us similarly in any future ballot campaign is that in the next campaign there will be much less wrong-way voting. Voters will need to vote Yes in favor of same-sex marriage, and No to oppose it. “No” will mean No marriage for same-sex couples, and “Yes” will mean Yes, equal marriage rights. Many more voters will intuitively grasp how to express their opinion. As a result, the LGBT community and allies have a higher hill to climb because we will not benefit from wrong-way voting as we did in Prop 8.

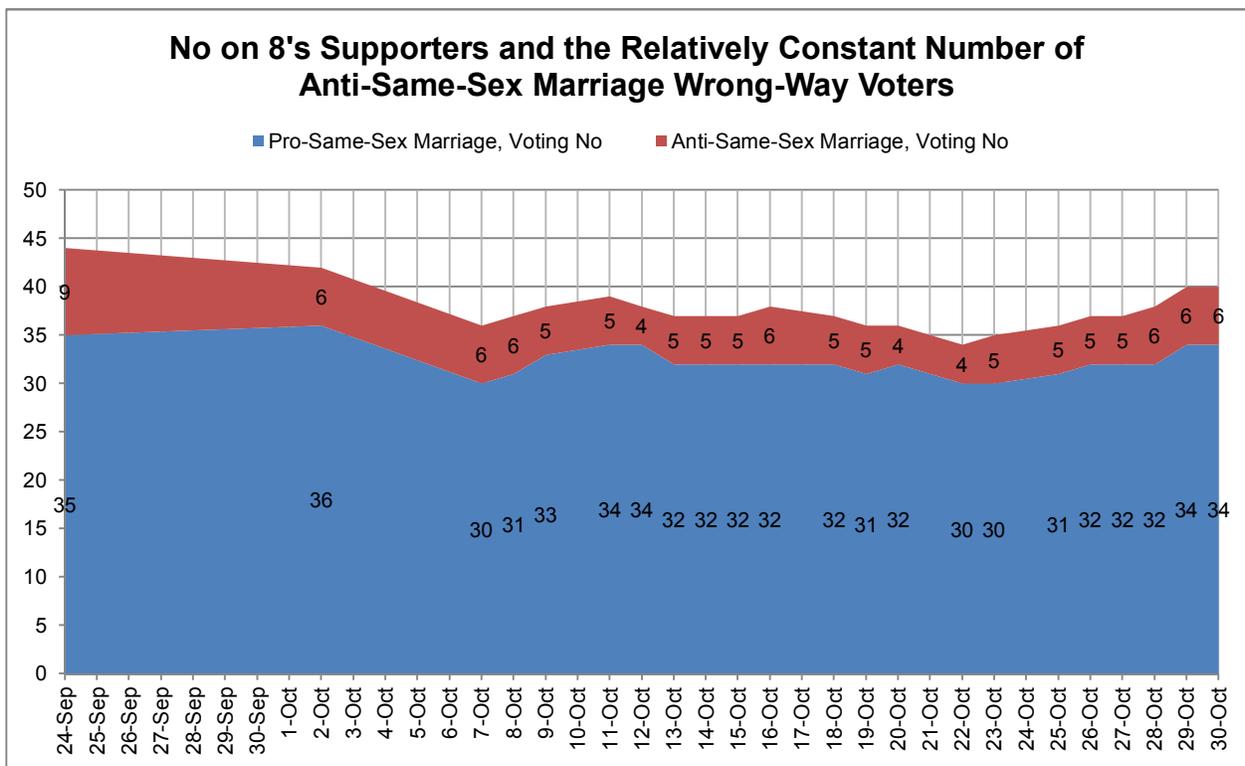


Chart 29.

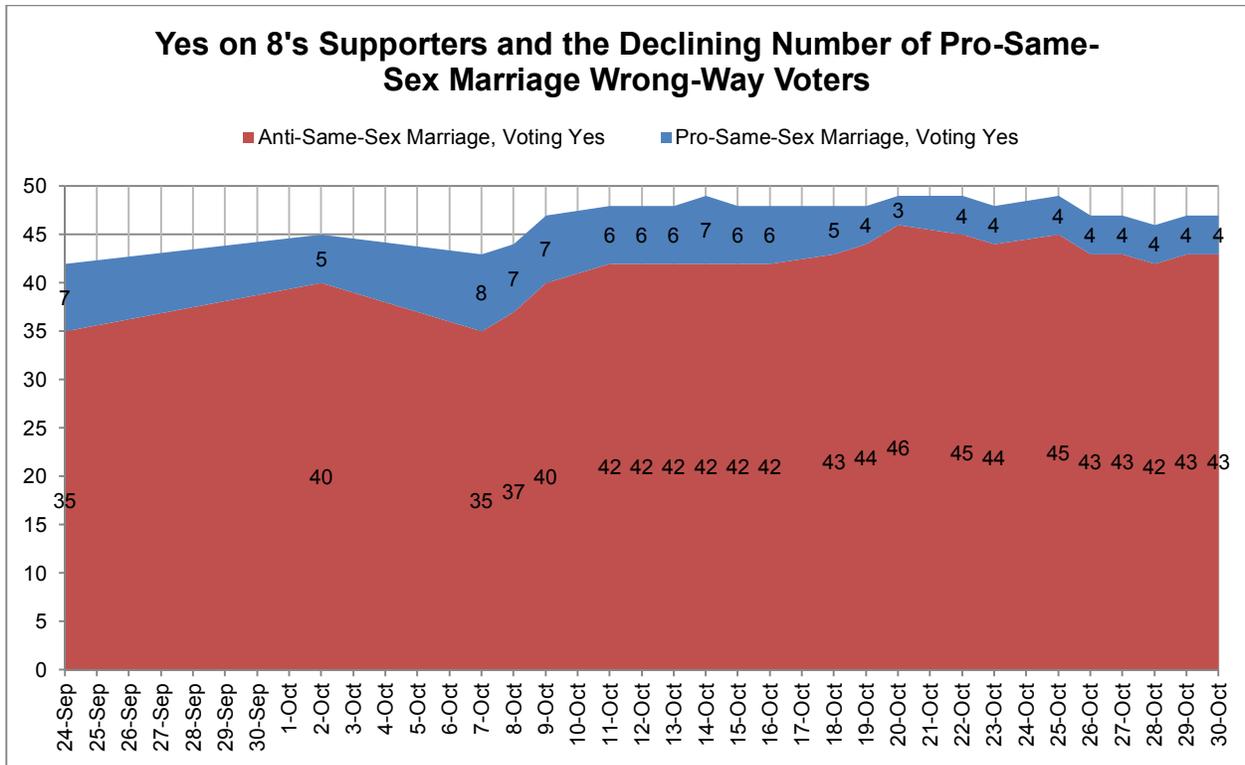


Chart 30.

## What Wrong-Way Voting Means for Future Same-Sex Marriage Campaigns in California

### We go into a future election 720,000 to 1,000,000 votes behind.

Specifically, if we're on the ballot during a high-stimulus, high-turnout presidential election as we were in 2008, we will start out 1,000,000 votes behind.

If we're on the ballot in a nonpresidential year, we will start out 720,000 to 740,000 votes behind. The range reflects the possibility of lower or higher ballot drop-off (more or fewer voters voting on our issue).

In a presidential election year, ballot drop-off is typically highest since a larger than usual number of people vote only on the single most visible contest, the presidential election. But voter drop-off has in many same-sex marriage ballot measure elections been uncommonly low due to high public awareness of and opinion about the issue. See Appendix B for the method by which this report calculated votes to win for future campaigns in both presidential and nonpresidential years.

The votes-to-win calculations are rough estimates. When it comes time that we actually are on the ballot, we may experience some benefit from younger people entering the California electorate, though it may be more or less offset by in-migration to California from voters less

predisposed to support us. But the gist is this: the pro-LGBT side will be ready to return to the ballot and to win only by making real progress toward one or both of those goals.

### **Will we be ready to go back to the ballot in 2012?**

Since the gap we have to bridge is wider than most in the LGBT community have known, it is possible that it will take longer to return to the ballot and win than some believed when 2010 and 2012 were the only options given serious consideration.

Professors Greg Lewis and Charles Gossett raised this idea explicitly in the paper they presented at the 2009 American Political Science Association conference, “Why Did Californians Pass Proposition 8?” Lewis and Gossett began their research to investigate why the public polls by Field and the Public Policy Institute of California (PPIC) overstated support for No on 8 throughout the campaign. They discovered that wrong-way voting caused much of the poll error; specifically that “substantial numbers of people [told] pollsters they opposed Proposition 8 even though they did not favor same-sex marriage” and that this voter confusion best explained why the Field and PPIC polls overstated No on 8’s support.

This is strong corroboration for the findings in this report on wrong-way voting, since the two research projects independently analyzed completely different data sets. Lewis and Gossett looked primarily at the Field and PPIC polling data; the Mentoring Project examined the Lake Research and Binder Associates data.

The Lewis and Gossett findings also partially explain why the Lake Research polling results differ so remarkably from the well-known, highly regarded public polls as noted in Finding 6. Lewis and Gossett discovered why the public polls had the race so wrong for so long: wrong-way voters inflated the apparent support for No on 8 in the Field and PPIC polls. More than any other pollster, Lake Research accounted for wrong-way voting; and more than any other pollster, Lake’s numbers, though consistently on the pessimistic side, got most of it right.

From Lake’s first benchmark poll in May through the tracking polls it ran through October, Lake did the most frequent and consistent polling, making its data the most comprehensive and therefore the most useful not only for this report but also for anyone attempting to chart trends in the upticks and downticks faced by No on 8. Lake also asked smarter questions, such as the “be clear” follow-up to the horse race question. On this front, Lake raised the bar for all polling on this issue. Lake was also the only pollster to correctly predict the ultimate outcome.

In summarizing the larger implications of their findings, Lewis and Gossett acknowledged that they were “trying to determine whether the [public] Proposition 8 polls were ‘wrong,’ or whether a smarter ‘No on 8’ campaign could have succeeded. We conclude that Proposition 8 opponents did a little better than they should have and that the 48-52 loss overstates current support for same-sex marriage.”

After examining not only wrong-way voting but also the effects of cohort replacement (as younger people become voters and older voters die off), immigration, and other trends, Lewis and Gossett predicted how long it will take before efforts to overturn Prop 8 have a reasonable chance to succeed. They concluded that in California, “51% support for same-sex marriage is

still about five years away,” and that “prospects of passing an initiative overturning Proposition 8 within five years appear limited.” That would suggest 2014, since they were writing in 2009.

Lewis and Gossett subsequently wrote a second shorter version of their paper in 2009 that focused on fewer topics and omitted the discussion about when to go back to the ballot. The 2009 version is available online at

[http://papers.ssrn.com/Sol3/papers.cfm?abstract\\_id=1451709](http://papers.ssrn.com/Sol3/papers.cfm?abstract_id=1451709), and the 2008 version at <http://www3.interscience.wiley.com/cgi-bin/fulltext/119423921/HTMLSTART>. Both are additionally available at <http://prop8report.lgbtmentoring.org/prop-8-report/media>.

The Lewis and Gossett conclusions are provocative, but the surest definitive point of both their wrong-way voting analysis and that of this report is the clarity we now have about the scale of the work to do. Overturning Prop 8 at the ballot box will require a future campaign to overcome a 1,000,000-vote deficit (in a presidential year) or 720,000 to 740,000 in a nonpresidential year.

The data are unable to tell us when that work will be completed. That decision is up to us. The timetable for success depends, at least in part, on how seriously and effectively the LGBT community and our allies gain the insight into how to get some of those who voted against us to reconsider, and how to preempt or counter the appeal to anti-gay prejudice the other side is sure to dust off and roll out again in the next campaign.

See Recommendations 1, 2 and 3 for a fuller discussion of the work we need to do to get ready, and when we need to do it.

For additional findings on wrong-way voting, and a full discussion of how this report reached its conclusions on wrong-way voting, see Appendix K.

# Findings 8 & 9: Power Building

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No on 8 raised more money and recruited and mobilized more volunteers than any past ballot measure campaign directly affecting LGBT people. These accomplishments suggest that we are getting better at building the power to win these elections even though further improvements are essential.

# Finding 8: No on 8 Field—Strengths and One Flaw

*The field operation of the No on 8 campaign recruited and mobilized quite possibly the largest number of volunteers of any LGBT campaign of any kind in California or in U.S. history. Despite its impressive size, however, it had a limited impact on the election results because of a mistake in focus.*

The No on 8 field operation shows the potential of the LGBT community to do effective voter contact in a future campaign. With better focus, it could affect the outcome.

Sometimes overlooked in the face of the loss on Prop 8 is the remarkable number of volunteers recruited by No on 8 and the sacrifices the volunteers made. We should celebrate both and remember that the LGBT community and our allies are ready, willing, and able to work hard in the cause of LGBT equality. The terrific specifics are in the sidebar.

The achievements, however, had limited impact because the design of the field plan was flawed. It prioritized identifying supporters over engaging persuadable voters not yet with us. In a high-turnout presidential election year where so many of our supporters were already highly likely to vote, this was not a logical choice. Nor was late-stage sign-waving in our areas of greatest strength.

Field's unique strength is the ability to have two-way conversations with voters. Maximizing these has the potential to help future campaigns both gain insight into voters' thinking and win more votes.

## What Field Did Well

- Recruited 51,000 volunteers
- Completed 47,663 volunteer shifts, equal to 150,000 volunteer hours
- Identified 180,743 voters
- Raised \$1,306,480



## What Must Improve

Voter contact needs to prioritize persuasion as well as voter identification. A high priority between campaigns is learning how to do this work better

Opportunities for voter persuasion are not distributed equally. Field should prioritize geographic areas where persuadable voters are concentrated. Yet every community deserves field support. If finances preclude in-person support in every part of the state, the campaign should provide at least online or phone support. Then volunteers ought to initiate activities of their choosing and campaigns ought to feel good about volunteers taking initiative to launch activity.

## **Looking at No on 8's Field Campaign**

### **Unprecedented Scale**

The scale of volunteer involvement represented an unprecedented outpouring of support from the LGBT community and among our allies. It only happened because a highly skilled field staff did the painstaking but necessary one-on-one recruitment on the phone and in person, not relying on e-mail or the Web or waiting for people to show up. This thoughtful cultivation of volunteers created the largest field effort ever not only in California's LGBT electoral history but anywhere that the LGBT community has faced a hostile ballot measure.

### **The Focus of the Work**

Once No on 8 got volunteers engaged, they were asked primarily to phone bank: they called voters to identify supporters, and they called potential volunteers to ask them to come in and help. Other volunteer work included in-person volunteer recruitment in public places: on streets, at events, from organizations, at churches and synagogues, and from speaking engagements. Data entry, house party organizing, and office work (sign distribution, packet prep, etc.) made up a significant portion of the work as well.

Additionally, the field team raised \$1,306,480 through systematic asking for money at all volunteer actions.

### **Limited Impact**

No on 8's general consultant recommended from the start that the field team identify 3% to 4% of the votes it would take to win from a persuadable universe of undecided voters. This number was determined to be just over 200,000 voters.

Between the middle of June and the third week of October, the field operation therefore focused on calling a micro-targeted universe of voters who were deemed persuadable undecideds. Little persuasion was involved for two reasons.

First, volunteers spoke to few undecided voters. The targeted voter list provided to the field team overwhelmingly consisted of voters already planning to vote no. As a result, the field operation volunteers called, spoke with, and identified the views of 180,743 voters: 73% (132,245) were already planning to vote no, 11% (19,061) were undecided, and 16% (29,437) were planning to vote yes. The 11% of the list that was undecided was about the same as the incidence of undecideds among voters as a whole; the campaign could have just called a random list of voters and found about the same number of undecided voters. It may be that creating a voter list with more undecided voters would not necessarily include the types of undecided voters open to persuasion to our point of view. But calling the list provided was extremely inefficient—at least 89% inefficient—if the goal was persuasion.

The practical effect of this failure was that the body of work accomplished by the No on 8 campaign's field operation essentially amounted to making a list of supportive voters that could be turned out to vote, which would generally not be considered a top priority in a high turnout election.

Second, volunteers were given a phone script that was not designed to persuade voters. The section of the script having anything to do with persuasion was minor. The two paragraphs below are what volunteers said to voters after they were asked how they felt about marriage for same-sex couples and how they would vote on Prop 8:

**[IF UNEASY or UNSURE]** *I hear that. What we're hearing from a lot of people across California is that regardless of how one feels about marriage for same-sex couples, it's wrong to take away anyone's fundamental rights. Many Californians agree and don't want to single out one group to be treated differently. On this important issue, we need all fair-minded Californians to vote NO on this unfair proposition.*

**[IF UNSURE of Vote]** *It sounds like you're really thinking about this. As the Election nears, may we send you some more information about Proposition 8? What's your e-mail address? And is this your best phone number? Can I give you the Equality for All Web site? It's [www.NoOnProp8.com](http://www.NoOnProp8.com). We need all fair-minded Californians to vote NO on Prop 8. Thanks so much for thinking about a California where no Californian gets singled out for different treatment. Have a great day!*

The complete voter contact script is in Appendix P. It was essentially unchanged throughout the campaign.

If the field campaign had continued with voter identification phone banks until the end of the campaign, the field team would have likely reached its goal of identifying 200,000 supportive voters. It is not clear, however, how many additional votes this might have produced for No on 8. In a high-turnout election year, identifying supporters is not as vital as it is in a year when many might fail to vote. Not voting was unlikely in 2008 for many of these voters.

At the direction of the new campaign decision makers who took over in late September, however, the field operation stopped having its volunteers call voters during the last nine days of the campaign. The field operation leadership was informed that a separate paid phone program would continue to call the remaining universe and do any Get Out the Vote calling. The field team was instructed to move volunteers into the street to do visibility actions in supporter/base turf to clarify wrong-way voting and mobilize supporters to go to the polls. The Election Day action was part of this strategy, where field volunteers filled 11,000 shifts at 1,500 predominantly supportive polling locations throughout the state.

The new field tactics were no more closely tailored to the situation at hand than the ones they replaced. Wrong-way voting was a problem but not among all pro-marriage voters. The data show that wrong-way voting was not concentrated in the neighborhoods where most volunteers were placed on Election Day, where awareness of the issue and the election were highest. Quite the opposite; see the discussion of this topic in Appendix K.

Voter turnout was even less likely to be affected in a record-setting presidential election year like 2008, where voter turnout is already at its highest. Perhaps the campaign intended field at this point to have a much more limited effect, to boost the morale of the larger LGBT community

(though it was not a morale boost to the field staff and volunteers already involved in the campaign, many of whom viewed the new activity as largely a waste of time). While many campaigns make this kind of choice with their field operations, it is wasteful. It yields a very low return in votes for so much volunteer capability, time, and energy.

## **Field in Future Same-Sex Marriage Campaigns**

### **Other Possible Approaches**

Field campaigns rely primarily on three types of tactics: (1) direct communication with voters (eg in order of decreasing value and increasing ease to get to scale, door-to-door canvassing, phone banks, and literature drops); (2) recruitment to build a big enough team to accomplish direct communication with voters on a big enough scale (eg in-person volunteer recruitment at an event or a high traffic public venue, recruitment phone banks, new media and email recruitment); and (3) actions that energize the campaign's base (eg visibility events, rallies, house parties, yard signs). In a campaign where the goal of the field campaign is to affect the electoral outcome by securing a specific number of votes, most resources must be spent on the first two tactics: voter contact and volunteer recruitment. The third can easily be the least strategic; the morale boost it provides is certain, the production of additional votes much less so.

### **Part of the Obama campaign experience may be applicable to our situation.**

The Obama field campaign illustrates this. Its principal focus: having volunteers in base communities call persuadable or swing voters. This is a typical tactic used when a campaign has a large universe of voters to contact in key geographic regions, and a high concentration of volunteers in different geographic regions. In California, Obama volunteers were mainly used to call voters in states unlike California, where the election was going to be close.

The No on 8 campaign faced the same dilemma on a miniature scale as the Obama campaign, and it turned to the same tactic. No on 8 asked its volunteers in the parts of California where the LGBT community and our allies have a large base (such as San Diego, Long Beach, Los Angeles, Sacramento, and the Bay Area) to call micro-targeted voter universes throughout the state.

The largest difference between the two phone programs was that the Obama model had a larger, more publicized phone-from-home program. However, No on 8 had a smaller phone-from-home program created to offer the opportunity for volunteers to participate in phone banking if they lived a certain distance away from a campaign office. A phone-from-home program offers the benefit of more people being able to get engaged in the work regardless of where they live.

However, phone-from-home also has three drawbacks that moved the No on 8 field team to do as many calls as possible not from home, but instead from campaign offices.

First, No on 8 recognized the lack of support a volunteer has when doing remote calls. In a candidate campaign, the worst experience that can befall a volunteer is occasional defamation

of the volunteer's preferred candidate. Although unpleasant, this is less traumatic than the worst that occurs when a volunteer is making calls about same-sex marriage. It's harder not to take unkind calls personally; and the frequency of emotionally taxing calls can be higher. By contrast, when a team of volunteers get together in a collective space, the calls become much more tolerable. This is important, not just because a campaign needs volunteers to keep coming back throughout the campaign, but also because it is important that we do what we can to minimize emotional distress during an already damaging campaign.

Second, No on 8 noticed that phone-from-home offered the campaign less quality control and provided the volunteers less support and training. This may matter less when a campaign has a very consistent, relatively simple message (eg you are a Democrat; vote for the Democrat). However, in an issue campaign like marriage, when there are specific messages the campaign wants said or avoided in response to the opposition's attacks, on-the-spot training and oversight helps volunteers navigate the more complex calls.

Third, No on 8 prioritized volunteer retention and leadership development. Presidential and other high-profile candidate campaigns often achieve good retention rates and get volunteers deeply involved through the celebrity factor inherent in their campaigns. It's not automatic, but it's easier. While an in-person request for the volunteer to return and to sign up for a specific future shift is valuable in all campaigns, it is indispensable in issue campaigns. In No on 8, the field team's experience was that it was hugely important to have an organizer check in with each volunteer as they were wrapping up, ask how the calls went, and then make a strong recommit ask. When an organizer took the time to evaluate the experience with the volunteer and then asked the volunteer for additional help, many more No on 8 volunteers not only returned, but also chose ongoing and larger roles in the campaign.

While it is arguable how necessary it was to have volunteers predominantly call from central offices during the No on 8 campaign (since the main phone tactic was simple voter ID), in any future campaign that involves voter persuasion, it will be crucial to have a large, well-trained, well-supported team of volunteers who return repeatedly, develop expertise, and take on increasingly demanding leadership roles. A future campaign is more likely to achieve this relying minimally on phone-from-home and maximally on collective action that takes place with large numbers of volunteers coming together in central locations.

## **Looking Ahead**

It is a terrific accomplishment that the No on 8 field team recruited, trained, and mobilized our community in record numbers. We now know that with a team of comparably skilled organizers in the field, the LGBT community and our allies have the ability to build a large-scale grassroots one-on-one voter contact operation.

What needs to improve in a future campaign is to get an even larger number and wider range of people involved between campaigns starting now, and to focus such a field team on the work most likely to meaningfully affect the electoral outcome.

No on 8 lost by 600,000 to 1,000,000 votes (including wrong-way voters). Under these circumstances, simply identifying 200,000 who already agree with us will not change the

outcome. Identification of supporters may be very useful, depending on the election year, the likely turnout, and the role to be played by a Get-Out-the-Vote operation targeting those who otherwise might not vote. But turning out those who already agree with us will not be enough to win. We will also have to persuade a large number of undecided and unsupportive voters to stand with us as well.

Encouragingly, several voter persuasion experiments are now underway in California. It is beyond the scope of this report to assess all of the work currently happening in California, but see Recommendation 3 for a description of a few promising projects.

## **Future Geographic Priorities**

Just as with media, any future campaign will need to focus field efforts in areas that produce or retain pro-same-sex marriage votes. If door-to-door canvassing turns out to be an efficient and successful way to communicate with our base voters and/or key groups of undecided or persuadable voters, it would make sense that a future campaign would locate its field offices in areas with:

- Base voters who are potentially highly susceptible to the anti-gay arguments raised by our opponents;
- Unsupportive and undecided voters with whom we have the best chance of persuading to become supportive;
- A large concentration of potential volunteers.

Finding 1 offers data identifying many in the first category. We currently lack adequate information to describe the second category. It is possible, however, that current experiments may show that unsupportive voters who live in communities with more supportive voters are more moveable than unsupportive voters who are surrounded by voters who share their opinion. If this proves true, it would be a compelling reason to invest most field resources in relatively supportive or evenly divided areas of the state.

The incompleteness of our current knowledge should also motivate us to use the time we have before and between campaigns to invest in communities that are unorganized or have been under-organized previously to better understand their potential. It is likely that many communities have not been as involved in LGBT issue campaigns or educational efforts because they have not been asked to be or because they have not seen themselves represented in the work. Once a more remarkable investment is made, they may get involved in high numbers and meaningful ways.

On the other hand, some communities may simply not have the critical mass of pro-LGBT populations that would justify field offices and full-time field organizers. Even then, however, the next campaign will surely want to consider how to provide off-site support in every area and training to local leaders across the state as a long-term commitment to community building. We must create better ways for all communities to get involved in the campaign. It seems realistic that any campaign could and should devote a portion of field staff time to ensure that volunteers in areas without field offices have access and support to do the most valuable voter contact work. This could take the form of an organizing kit that can be e-mailed, online support, and/or

dedicated staff and phone lines designed to help supporters in these areas have easy lines of communication with the campaign and actively participate in campaign actions and briefings. In addition, since campaigns have limited resources and can't provide every type of support volunteers or all communities want, volunteers ought to initiate activities of their choosing without support from the campaign, and campaigns ought to feel good about uncoordinated activity. Few activities will do more harm than good.

## **Understanding the Yes on 8 Field Operation: A Weakness in This Report**

There was no independent source of data that would allow evaluation of the scale and functioning of the Yes on 8 field campaign. This report would be stronger with such an assessment. Given the massive involvement of the Church of Latter-day Saints and religious institutions and networks in the fundraising for Yes on 8, it is a reasonable guess that their involvement with the field side of the campaign was also extraordinary.

Suggestive evidence to support this hunch can be found by comparing the vote on Prop 8 to the vote on the same day on Proposition 4. Prop 4 was the third recent vote in California on whether to require minors to notify their parents before they can obtain an abortion. Both Prop 8 and Prop 4 received a very similar number of No votes: 6,401,482 for the pro-LGBT No on 8 and 6,728,478 for the pro-choice No on 4. But the two propositions did not receive the same number of Yes votes. Yes on 8 received 7,001,084 votes, while Yes on 4 received 6,220,473 votes.

The much higher Yes on 8 vote—and the much smaller number of voters who simply skipped it—could result from the Yes on 8 field campaign, its paid media campaign, its success in the earned media, the generally higher visibility of Prop 8, the relative novelty of voting on same-sex marriage, or (most likely) a combination of some or all of these. A strong field operation has strong potential to reduce ballot drop-off; in most campaigns, it would be the first theory I'd consider to explain it. So while these numbers don't amount to proof of an effective Yes on 8 field campaign, they offer strong warning that one existed in 2008 and could come to life again in future campaigns.

# Finding 9: No on 8 Fundraising—Unprecedented Success

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*The fundraising of the No on 8 campaign broke all records and set a completely new, higher standard for what the LGBT community and our allies can accomplish in the face of an anti-LGBT campaign. Despite this remarkable achievement, however, outspending the opposition by \$43 million to \$40 million was not enough for victory. The spending edge was not enough both because so much of No on 8's money came in late, and also because money alone doesn't solve the problem of "Princes."*

The \$43 million raised by No on 8 so completely exceeded any preexisting expectation that it dwarfs most conceivable points of comparison.

- No on 8 raised 500% more than was raised only eight years earlier in California when the LGBT community faced its first ballot measure on marriage, Prop 22 (which itself raised what was then a record amount of money to fight an anti-gay ballot measure).
- No on 8 hit these numbers because fundraising, particularly online fundraising, improved dramatically in October. Yet the early fundraising also represented a record-breaking achievement that deserves attention and commendation.
- The improved fundraising toward the end of the campaign can be credited to strong efforts made by those long engaged in fundraising as well as the new campaign manager and the strategic restructuring of online fundraising.
- Money is crucial, but by itself it is not enough to win. The 2009 No on 1 campaign in Maine outspent the opposition by 50% and established its fundraising edge early, yet still lost. Without a stronger message, money is not enough.

## **What Went Well with Fundraising**

- Raised \$43 million dollars—500% more than the amount raised during the last marriage campaign in California in 2000.
- Made dramatic changes in online presence and fundraising that helped generate a 900% increase in donations in the final five weeks.
- Better-late-than-never released internal polling data about our side being behind.

## **What Must Improve**

- We must share with our base enough internal polling information to convey the urgency of the situation. We must do this even if the consultants advise against it.
- We need a Web team as talented as the volunteers from Google, Facebook, and Yahoo who relaunched online fundraising.
- We need to raise much more of our money early.

## **Early Money**

In total, No on 8 raised over \$43 million. No on 8 first broke the \$1 million mark by the end of July. By October 1, 2008, the campaign raised another \$13 million, more than double what the No on 22 campaign was able to raise in the 2000 same-sex marriage ballot measure campaign.

## **Late Money**

No on 8's big increase in campaign spending in October, however, would not have been possible without substantial improvement in fundraising that same month. Two events made the vast improvement possible.

First, online fundraising was turned over to an entirely new group of former and current experts from Google, Facebook, and Yahoo. Volunteering their considerable talents, they added substantial functionality to the Web site and drove traffic to the website. They developed easy ways for the campaign to measure the yield of each fundraising appeal and approach. They put the campaign in a position to track the ways in which people were finding their ways to the No on 8 Web site. With this additional information—updated within hours—the campaign could determine which experiments were working and which weren't. Then it could focus on replicating and rolling out more fully the successful experiments. The much quicker ascension of the learning curve that came from this overall data-driven approach—iterative learning is the term that best describes it—greatly increased online fundraising productivity.

The Web site improvements and more sophisticated online outreach alone would not have been enough; greater engagement of more and more entities was also essential. Dozens—maybe hundreds—of small independent improvements informed by the better data cumulatively created the tsunami of small donations. A wide array of volunteers wrote new Web site content and better daily fundraising emails. More and more organizations began to send daily emails to their lists, driving traffic and donations to the Web site. This much more systematic effort to drive donors to the No on 8 Web site yielded dramatically more money. In the wake of the online fundraising relaunch, small donations to No on 8 increased 900% in the final five weeks. See Appendix G for data on gifts of \$500 or less, \$250 or less, and \$100 or less.

Second, all fundraising greatly improved in early October when No on 8 much more fully disclosed to the LGBT community that our side was in serious danger of losing. See the discussion in Finding 6 for more details.

## **A Lesson from Maine: a Financial Edge does not Assure Victory**

The only caveat that need be offered here comes from the experience of the pro-LGBT No on 1 campaign in Maine. There, No on 1 outspent the anti-LGBT Yes on 1 throughout the campaign. This helped No on 1 compete. But by itself it could not produce victory. Money is essential but not enough if our message is vague, our message delivery tentative, our response to attack indirect, and the opposition well-funded enough to get its message out. For a more detailed discussion of this topic see Finding 3.

# Recommendations: Overview

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The key lessons of Prop 8 are that before the LGBT community can win a future ballot measure campaign on same-sex marriage, we have to:

- Develop effective arguments that will keep voters from falling for the outrageous, untrue allegations of harm to children;
- Learn how to move some of those who voted against us to reconsider;
- Use the opportunity we have right now, between campaigns, to communicate with voters; gain insight; test messages; systematically keep track of what works, what partially works, and what simply does not work;
- Start the campaign early by building a terrific team and by hiring a campaign manager strong enough to manage expert consultants and hold them accountable for a high level of performance.

One caveat: these recommendations do not guarantee success. There is no secret recipe that we can just follow to win.

The truth is these campaigns are extraordinarily difficult. They are hard and, worse, they are fundamentally unfair. It's easier for the other side to exploit pre-existing prejudice than it is for us to persuade voters to look past their prejudice. It's understandable for our side to get discouraged; to oscillate between wishful thinking and hopelessness; and to engage in pointless infighting because the real enemy intimidates us.

All that said, some of the situation is under our control. We are much more likely to win if we recognize the control we do have and run our campaign well.

Here is the full set of this report's specific recommendations.

# Recommendations 1–3: Practice Persuasion Now

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The first three recommendations seek to remedy the lack of knowledge we currently possess about how to change voters' minds on the issue of same-sex marriage and how to hold onto those who support us but are susceptible to anti-gay messages.

Due to the limited ability of polling to increase our understanding of these matters, and in fact its remarkable ability to mislead us, the report recommends field testing of persuasion arguments, particularly face-to-face conversations with voters, as one way for us to gain the insight we need.

Fortunately, some terrific field testing and experimentation is already underway. At its best, the current field work increasingly simulates for voters the experience they will have during a real campaign, where they will hear both sides' arguments.

More field testing and experimentation is needed, however. We should return to the ballot only after know much more than we currently do about how to move voters to our side and retain them.

# Recommendation 1: Learn How To Persuade Voters

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*Before returning to the ballot, the LGBT community and its allies must gain insight into whether and how we can persuade some of those who voted against us on Prop 8 to reconsider.*

Polling by a variety of sources suggests that California voters are close to evenly divided on the issue of marriage for gay and lesbian couples. Two recent polls are encouraging: the March 2010 poll by the Public Policy Institute of California (PPIC) that shows same-sex marriage with 50% of voters in favor and 45% opposed, and a July 2010 Field poll that shows 51% on our side. Still, there are reasons not to draw the conclusion from them that a victory is assured or even likely, for three reasons:

- ***The Polls Fail to Simulate the Campaign:*** Neither poll establishes majority support for same-sex marriage that would endure a future campaign like the one we faced with Prop 8; the polls don't re-expose voters to the messages they saw or are likely to see again. The polls do not simulate the campaign environment when they ask voters the question.
- ***The Polls are Non-Comparable:*** One poll by a particular pollster does not document a trend; it is merely a valuable but isolated data point that could mean more over time if it is replicated. Comparing different pollsters' results is similarly risky; differences in the ways the polls were conducted can mean we're effectively comparing apples to oranges.
- ***Some of the Same Polls Erred by Large Margins Previously:*** Both the PPIC and Field polls grossly overstated support for our position among voters throughout the No on 8 campaign. Both are serious, reputable entities, but both have a track record of getting it wrong on this issue. So let's not prematurely celebrate a new instance of their offering us a rosy view of our situation.

All that said, of course we can study the PPIC and Field polls and hope that future polls of theirs suggest at least the possibility that majority support for our position is close, or at least that the electorate is closely divided.

We simply need to keep in mind that, even if it appears in repeated polls that we have achieved majority support among likely voters, we have more work to do before we have a logical reason to believe that we will sustain majority support through the heat of a campaign. This is particularly prudent given that same-sex marriage is a high-profile, attention-charged topic where our opposition has demonstrated an ability to move voters to its side and to eat away at our base. We have to do the necessary work to hold onto our supporters, turn them out to vote, and find a way to win over some of the undecided voters and a swath of those who are currently against us.

The LGBT community should therefore try out lower-stakes experiments with two different types of voters:

- Those in our base who are at risk of being peeled away by the homophobic kids argument; we will need to learn what it will take to retain them (more on this in Recommendation 2 below)
- Those not yet in our base; we will need to learn how we can persuade them to join us.

Both of these types of experiments in voter persuasion make sense now—between campaigns and before the next ballot measure on marriage—before we invest in a high-stakes, costly, and inherently difficult statewide campaign. Let's take the time to learn whether and how many voters are open to changing their minds, who they are, and what messages they respond to. Recommendation 3 (below) describes an experiment that has already shown promise and suggests others worth considering.

# Recommendation 2: Learn How To Rebut The “Kids” Attack

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*Before returning to the ballot, the LGBT community and its allies must gain insight into how we can effectively rebut the appeal to anti-gay prejudice embedded in Yes on 8’s false argument that kids are in danger. When we discover an effective rebuttal or, even better, a way to preempt the kids argument entirely, we will be much closer to being able to repeal Prop 8.*

Given the effectiveness of “Princes” and similar anti-gay ads in Maine, and given the victories of the anti-gay side in California, Maine, and many of the past ballot measure fights where they have relied on the kids argument, there is every reason to believe that our opposition will make the same kind of appeal for votes in the future. It would therefore be smart for the LGBT community to test a variety of messages to counter the pernicious appeal of the kids message. We must learn how to stop or at least reduce our opposition’s ability to win votes based on anti-gay prejudice. Otherwise, the pro-LGBT side will have difficulty winning ballot measures on same-sex marriage *even if we have achieved majority support for our position.*

Recommendation 3 (below) describes an experiment, still in its preliminary stages, which may help provide that necessary insight. There is room for many groups to undertake a wide variety of experiments; we all benefit from extensive message experimentation.

Specifically, the data show that “Princes” and its message severely damaged the pro-LGBT side’s ability to compete for the votes of parents. The data also show that the “O’Connell” rebuttal helped No on 8 regain a portion of what was lost, though not all of it. What the data collected to date cannot definitively say is whether a different rebuttal argument, or a rebuttal argument made earlier, could have blunted “Princes” so substantially as to remove the kids argument as a major factor in the outcome. Testing the power of rebuttal arguments is therefore an extraordinarily high priority.

## **Use the time between campaigns to learn what it takes for voters to become less prejudiced toward LGBT people.**

The final phase of a campaign, roughly from Labor Day through Election Day in a general election, is the time when the greatest number of voters are paying attention. In theory, those eight weeks are a great time to learn because voters are tuned in. But in practice, it’s a difficult time to learn for two reasons. First, the time period is brief. Second, the stakes are very high; trying out a new idea at this time can cost you the entire campaign.

That’s why when we have a lot to learn—which is our situation on ballot measures on same-sex marriage—our best bet is to start right away, to test new ideas when we have time to try many of them and the stakes are much lower. If one of the new ideas fails now, so what? We have plenty of time to recover.

## **Prioritize the groups that proved most vulnerable in the Prop 8 campaign.**

The pro-LGBT side lost ground among many groups of voters in the final six weeks of the Prop 8 campaign, but we lost much more ground among some than others. The groups that proved most vulnerable to Yes on 8's appeal to prejudice were parents and voters of parenting age, white Democrats and Independents; Latinas; and voters in the Greater Bay Area. It makes sense to prioritize experiments among these groups to see if we can do better holding onto these portions of our base. For example, to reach out to parents we could try educational outreach to PTAs and the wide range of parents' networks and groups; canvassing neighborhoods that have a disproportionately high number of parents and people of parenting age; meeting with opinion leaders whose views matter to parents; encouraging LGBT parents to interact with a wide range of other parents; encouraging LGBT grandparents to interact with a wide range of parents; developing spokespeople among PFLAG parents (Parents, Families, and Friends of Lesbians and Gays), among grown COLAGE children (Children of Lesbians and Gays Everywhere), and among heterosexual parents who are strong allies on LGBT issues. This list barely begins to suggest the hundreds of experiments worth considering.

I recommend that LGBT and allied organizations that want to reverse Prop 8 brainstorm much more comprehensive lists of ideas for each of the groups where we lost ground, and then try out the ideas that strike them as most promising. Of course, the organizations don't have to limit themselves only to these groups. See the chart in Appendix H for the wide range of voter groups where we lost ground.

## **Explore whether we can reduce prejudice among other groups of voters. African-Americans in particular deserve our attention.**

Even though African-Americans voted Yes on 8 by a wide margin, many of us have high hopes that the African-American community has the potential to become an ally of ours on the issue of same-sex marriage. The basis for this hope includes:

- African-Americans' deeply felt antipathy to discrimination in any form, based in part on their own historical and lived experience;
- Past strong support among African-Americans for laws that ban discrimination against LGBT people in employment, housing, and public accommodations;
- The common cause made between African-Americans and LGBT people on a wide range of progressive issues;
- The overlap of membership between the two communities;
- The courageous actions taken by some opinion leaders in the African-American community, particularly in California where the local NAACP took a strong and nationally unpopular stance to support No on 8;
- The electoral importance of African-Americans nationally, not only because they make up 12% of the popular vote but also because they frequently make the difference between winning and losing in swing states ([http://www.huffingtonpost.com/david-sirota/the-importance-of-the-bla\\_b\\_98776.html](http://www.huffingtonpost.com/david-sirota/the-importance-of-the-bla_b_98776.html));

- The electoral importance of African-Americans in California, where they often constitute 6% of the voters and in 2008 were 10% of the popular vote; the ballot measures on same-sex marriage are close enough that greater African-American support can help make the difference between winning and losing.

The principal reason not to focus on African-American voters is the belief by some that they are too prejudiced against LGBT people to win over. It is beyond the scope of this report to summarize all of the different ways in which this concern has been articulated. It's a mistake to ignore the fear.

It is also a mistake, however, to assume that the fear is fact. It is reasonable to consider instead whether the LGBT community has fully explored the range of options available to us to create more and stronger cross-racial relationships and to seek out a common cause with the African-American community.

The limited data available from the current canvassing experiments underway at the LA Gay and Lesbian Center's Vote for Equality project and Equality California (described below in Recommendation 3) suggest that we have much more opportunity to build strong, positive relationships with African-American voters than is widely recognized. African-American voters have thus far turned out to be more similar to us than different from other voters when we take the time to talk with them one-on-one. On average, VFE canvassers move 26% of those who oppose same-sex marriage or are undecided to reconsider. In South LA in neighborhoods that are over 70% African-American, the average movement rate is slightly higher, 29%. The experience is only preliminary, but it is encouraging. It may indicate either (a) there is less homophobia in the African-American community than some believe, or (b) that even in the face of homophobia, other common aspects of the African-American and LGBT experience make it possible for us to stimulate rethinking and reconsideration among some on same-sex marriage. The latter could be an especially important discovery for those of us who hope that experiments in voter persuasion carried out in California may produce information valuable in ballot measure contests nationwide.

Above and beyond all of the strategic considerations weighed above, one final reason to invest in the African-American community is a moral one. The current LGBT movement would not exist without the inspiration and example of the Civil Rights Movement.

This is not to equate the two struggles or to suggest that the discrimination suffered by LGBT people is identical to that inflicted on African-Americans. LGBT people have experienced nothing like slavery, and most LGBT people are not exposed 100 percent of the time; we often (though not always) get to choose the times and places to be out of the closet.

That said, discrimination is a rotten experience, being stigmatized is life-changing, and experiencing or witnessing the scalding unfairness and unkindness of prejudice is unforgettable. For all of us who care about ending prejudice in our lifetimes, African-Americans and their allies led the way, most publicly in the 1960s but also before and after that time. Though it is beyond the scope of this report to examine the example set for us by the Civil Rights Movement, I recommend to readers two beautifully written, scrupulously documented histories, *Parting the*

*Waters: America in the King Years 1954-63* by Taylor Branch and *The Children* by David Halberstam. They are among the most inspirational books I know. In my opinion, it is important for the LGBT community and all progressives to acknowledge our remarkable debt to the African-American community. Making an effort to understand African-Americans' views and finding our way to mutual respect and alliance seems like a reasonable way for LGBT people of all races to begin to acknowledge and possibly repay part of that debt.

### **Start by educating voters on the issue of kids. The facts are on our side.**

We know that our opposition will raise the issue of kids in the future because it's worked for them in the past. Let's start now to educate voters about the reality, which is that learning that LGBT people exist and are a normal part of society does not change children's sexual orientation.

As we seek to prevent our opposition from instigating future voter panic, we have one very important advantage: the anti-gay argument has no evidence to support it. All available evidence is that children who are taught to respect LGBT people are no more likely to grow up to be gay. No studies specifically examine the spectacularly improbable notion that singular or episodic mention of gay people in the course of ordinary classroom instruction will result in more students identifying as gay; but there are many research studies of children raised by same-sex couples, who are much more likely to get sustained exposure to the idea that LGBT people are decent and normal than they would ever receive in a classroom. Across the board, studies find that children of same-sex couples are no more likely to identify as gay than the average child and no more likely to experience concerns about gender identity. The American Psychological Association and the American Academy of Pediatrics have officially concurred with these findings. In February 2010, the American Academy of Pediatrics reaffirmed this conclusion. Both of these medical groups, along with the American Federation of Teachers, the National Education Association, and nine other national organizations are currently leading a joint effort to educate school administrators about the need to engage LGBT issues in a positive way. The American Psychological Association has also debunked an additional falsehood, declaring that "despite a common myth, homosexual men are not more likely to sexually abuse children than heterosexual men are." For more information, go to [www.apa.org/pubs/info/brochures/sex-abuse.aspx](http://www.apa.org/pubs/info/brochures/sex-abuse.aspx).

On the other hand, the longevity of the homophobic kids argument in American culture should sober us. It has had power to create a sensation at least since 1934, when Lillian Hellman wrote her hit Broadway play, "The Children's Hour." In Act II, Mrs. Tilford destroys the lives of two female teachers accused of being lesbians and justifies her actions by saying: "What they are may possibly be their own business. It becomes a great deal more than that when children are involved." Two acts later, she's remorseful, making her a considerably more enlightened figure than anti-gay bigots but perhaps not so different from the parent voters today who too readily accept anti-gay propaganda.

When the LGBT community and our allies start talking about kids to parent voters, we will inevitably raise the profile of the issue in the process of debunking it. When we first elevate

public consciousness, we will have to live with the inevitable back-and-forth as anti-gay zealots gladly accept the chance to spew; it's possible that some voters' first reactions may be heightened anti-gay prejudice. But if we have to take a hit by facing the issue and educating voters, we're better off dealing with this right now rather than close to Election Day. Raising the issue now gives voters time to consider and integrate the new (to them) information we're providing. In the future, when we get close to Election Day our opposition will still attack and recycle the same canard. But if we've done our education work well, fewer voters will succumb because some will have realized that this is a phony issue.

Conversely, the longer we wait to confront the issue of kids, the more power it will still have at election time.

Even if we have massive success educating voters on the kids issue, we can't assume that all our work is done. Once we start making headway defusing and debunking the kids argument, our opposition is likely to try out other arguments to arouse anti-gay prejudice. Looking at past campaign communications makes it easy to anticipate some of what's coming. We need to anticipate those attacks and prepare to beat them back.

In my opinion, the apt analogy is this: in these ballot measure campaigns, LGBT people are the equivalent of a candidate for public office. The same way that a candidate considers and prepares to refute all possible attacks, particularly attacks on character both fair and unfair, the LGBT community needs to anticipate all of the potential attacks on our character, fair and unfair. Perhaps kids is the only character attack exploiting anti-gay prejudice that will have a big impact on voters. But let's not make that assumption. Instead, let's prepare thoroughly. Then, if our opposition tests other messages in an attempt to stimulate anti-gay prejudice, we'll be ready to fight back effectively.

# Recommendation 3: Act Now, Between Campaigns

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*Use the time between campaigns—act right now!—to identify messages that help voters (a) support same-sex marriage and (b) resist ads like “Princes” and its phony argument that kids are in danger.*

Given that we need to move a substantial number of voters—probably hundreds of thousands—to change their minds and vote with us in support of same-sex marriage, there is every reason to try out persuasion efforts now. Every persuasion project, if it measures its ability to get results, can increase our understanding of what moves voters. Well-designed experiments can give us insight into which forms of communication and which messages persuade some of those who voted against us to reconsider. Just as useful, the experiments can reveal which messages don't have persuasive power among the voters whose minds we need to change.

## **Current Between-Campaign Work In Progress**

### **One particularly promising experiment is currently underway**

The first experiment in persuasion began only two months after Prop 8 was defeated. Starting in January 2009, the LA Gay and Lesbian Center's Vote For Equality (VFE) project began canvassing voters one-on-one, door-to-door, in LA County precincts where Yes on 8 received 50–65% of the vote. The project continues today. VFE volunteers knock on the doors of all voters, but they keep conversation brief with those who already support same-sex marriage. When volunteers find undecided and unsupportive voters, however, they take much more time to engage in dialogue. The VFE volunteers ask open-ended questions about same-sex marriage to identify and understand voters' main concerns. They spend much more time with voters than a typical canvass—five, ten, or twenty minutes per voter rather than one, two or three minutes. They use much of this time to ask voters about their perspective on marriage; their actual, lived experience with marriage; and their actual, lived experiences with LGBT people. The volunteers then try one of several persuasion messages on the VFE script, choosing the one that seems most responsive to the concerns of the individual voter with whom they're speaking.

The results: in their first year, VFE volunteers had over 6,000 conversations with voters. Of the voters who began the conversations on their doorstep undecided or unsupportive, 26% started to move by the end. To more definitively measure its effectiveness, however, VFE has begun calling back subsets of voters who canvassers had spoken with to assess where the voter now stands on marriage and how memorable the first conversation was to them. Telephone follow-up a month or more later that is carefully structured not to elicit a pro-LGBT response has found to date that half of the 26% did in fact move and remain moved. Thus, the bottom line is that of

the undecided or unsupportive voters engaged by VFE volunteers at the door, 13% moved in the pro-LGBT direction in an enduring and documentable way.

To see videos of some of the conversations between canvassers and voters go to <http://prop8report.lgbtmentoring.org/prop-8-report/media>. They are posted on the report web site with permission from VFE.

In the interests of full disclosure, I have worked closely with VFE since December 2008, and its activities and approach reflect in part my thinking and recommendations. That said, I can only take very limited credit for the program's great success. Remarkable leadership of the LA Gay and Lesbian Center's staff and volunteers has made the substantial and sustained canvassing achievements possible. This report highlights VFE because it is the most promising post-Prop-8 "skunkworks" I know (see below for a fuller discussion of the term). VFE's work exemplifies how we can add to the traditional ways that ballot measure campaigns go about gathering information about messages. Simultaneously, VFE is one of the most impressive incubators of new talent and new leaders I've seen anywhere in the LGBT community in my thirty years of community organizing.

### **Other valuable experiments have also begun**

Inspired by VFE, multiple other organizations began to canvass voters in 2009 as well. Equality California began by using the VFE model in locations throughout the state and for a year worked in close cooperation with VFE in Los Angeles. As of this writing, Equality California has adopted parts of the VFE model and has altered others, creating its own model for one-on-one, door-to-door persuasion conversations. The Courage Campaign and Marriage Equality USA also have other types of voter canvassing operations running in various parts of the state, focused not as much on voter persuasion as on identifying supporters and solidifying support. It is beyond the scope of this report to examine in detail each of these projects and others that may have promise, except to say hurrah! California is a big enough place, and the learning we need to do is remarkable enough that having more groups rather than fewer experimenting with messages and message delivery is encouraging.

### **Experiments other than canvassing have merit as well**

Although the discussion above focuses on canvassing, there are many types of experiments well worth our attention that do not involve canvassing. All forms of one-on-one dialogue strike me as promising, including having LGBT people and allies talk with people they know in-person, on the phone, at events, and on-line. The strength of dialogue is that it both teaches us more about what others are thinking and also allows us to gauge whether what we say has an impact.

Even one-way communications may have value. The key is to plan in advance how to measure whether we're getting a result. Specifically, we can't assume that one-way communications are a) received, b) digested, c) understood, d) believed, and e) effective. Measurement of results is essential if we're to evaluate whether the effort on our part is worth continuing, expanding, or abandoning in favor of an approach that gets better results.

## **Concepts Underpinning These Experiments**

### **The Concept of Skunkworks:**

*We benefit by having multiple experiment occur simultaneously.*

It is smart for the LGBT and allied communities to initiate experiments that both think outside the box and yield qualitative and quantitative data. The concept of “skunkworks” is worth introducing to LGBT community: widely used in business, engineering, and technical fields, skunkworks is a team unhampered by bureaucracy and past assumptions and engaged in research and development. A skunkworks team aims to accelerate the innovation process. Its loose structure and openness to new and creative thinking can be powerful if combined with a willingness to rigorously test and measure its new ideas, celebrate the ones that work, and discard the ones that don’t. LGBT and allied skunkworks teams have the potential to accelerate acquisition of insight into what it takes to get some of those who voted against us to reconsider their views on same-sex marriage, and to keep us from losing voters to the kids argument and other anti-gay propaganda.

### **The Concept of Iterative Learning:**

*If an experiment isn’t getting results, change it or stop doing it. Then try something else.*

This may seem like common sense, but many projects continue even when they don’t produce either qualitative or quantitative results. There’s no shame in trying something, having it fall short, evaluating it, and ending it. That’s far better than institutionalizing it and devoting some of our limited resources to it.

Iterative learning is the process where we try experiments, measure their results, expand upon the ones that are working or show promise, and stop doing the ones that aren’t working. This approach was exemplified in the second rollout of the online presence of the No on 8 campaign. It will serve us well in every part of the campaign, particularly in the ones where we have a great deal to learn.

### **The Concept of “Team” and the Myth of the Individual:**

*The single most useful way to evaluate any campaign or experiment is to examine the collective choices made by the team leading it.*

This report offers little assessment of the performance of the individuals involved in the Prop 8 campaign. Instead, the report examines the operations of the No on 8 campaign team. The report describes the key campaign decisions as the product of multiple individuals operating as a team.

In my experience, this approach more accurately examines what matters. Campaigns are not individual achievement events. They are collective action. Tony Kushner, in his afterword to

*Angels in America*, argues that when we analyze historical events, we err if the analysis focuses primarily on individuals, even the most exceptional and singular. He calls this tendency a mistaken belief in “the myth of the individual.” Kushner’s point is that all human beings understand reality and instigate change only when they interact with others. The smallest meaningful unit of analysis is therefore at least two people, not one. Assigning credit or blame to an individual is an oversimplification of history that misses the ways in which we depend on each other.

Therefore, throughout these recommendations and particularly in recommending experimentation and skunkworks, I am offering the idea that our progress in public life depends on our building and evaluating the performance of teams, not of individuals. Individuals make a difference, of course. But in my experience, they make a difference by bringing others together. They make a difference in an election when they contribute to a high-functioning team.

## **Reasons to Experiment**

### **The canvass experiments give us the option of exploring the kids argument and learning how to rebut it effectively.**

It is particularly important that the VFE team has chosen not only to continue its initial work, but has also begun an experiment to better understand the specific source of voters’ alarm when exposed to the “Princes” ad. As of this writing, in the current VFE canvass, each volunteer brings up the topic of kids to see if we will be able to hold onto both our existing and new supporters once they recall or are exposed to the opposition’s predictable message. By late 2010, when VFE has had hundreds more of these conversations, it will better understand the way that voters see the kids argument, which voters it most affects, how they interpret the “Princes” ad, why the ad affects them, and whether we are able to counter it.

Since polling does a poor job gauging voters’ receptivity to the anti-gay argument about kids, the kind of work being pioneered by VFE is essential. Research methods different from polling may be able to overcome some of its limitations and more fully reveal voters’ thinking to us. Otherwise, there’s a high risk that we could enter a future election still in the dark about why and how some voters are so troubled by an anti-gay campaign based on a falsehood.

### **The canvass experiments offer a wealth of both qualitative and quantitative data.**

Since qualitative data is not typically collected by a door-to-door canvass, VFE is experimenting with several data collection methods. VFE teaches its canvassers to record as many details as possible on conversation tracking forms immediately after the conversation is over. Then it brings all canvassers back together immediately after their canvass shift is completed to debrief all staff and volunteers. Often VFE has multiple debriefs: first with everyone present, then another with the volunteer leadership, then another among the paid staff. In the week after the canvass, key staff and volunteers read and track the information that all canvassers recorded on the conversation tracking forms. Later that week, staff and volunteers watch video of the door-to-door conversations. The last is possible because at every canvass, VFE’s team of videographers accompanies five to ten canvassers to film their conversations with voters.

VFE's work is singular, but similar work by Equality California on other aspects of persuasion messaging is also encouraging. Both projects are demanding but teachable. Any community organization could try out comparable canvasses if they are willing to recruit a large team of volunteers.

**The canvass experiments accelerate our readiness to return to the ballot when they spur team-building and leadership development.**

Above and beyond the value of the research, the canvasses train hundreds of people to listen to, understand, and attempt to persuade voters. Doing this work together builds individual competence and also teaches the power, the fun, the effectiveness, and the sustainability of doing this work as a team.

The conversations at the door may also begin to prepare some of the volunteers to talk to people they know in their own lives who may have voted Yes on 8 about why marriage matters to LGBT people. The expanded cadre of skilled and confident volunteers may prove essential as any future campaign seeks to expand the universe of persuadable, partially persuaded, and fully persuaded voters. All of these are valuable, particularly if it turns out that persuasion is a process over time for most voters, rather than an immediate and irrevocable one-contact transformation.

An additional benefit of VFE's work in particular is that it promotes smart, strategic critical thinking among the next generation of LGBT and allied leaders. Thinking is not reserved for consultants, traditional experts, and established leaders. Valuable as the thinking of those people surely is, VFE's model helps a much larger group of people act as stakeholders in this fight. VFE goes to great lengths to incorporate the input and ideas of volunteers from all walks of life, whether they are straight allies, LGBT, new to the fight for LGBT equality, or veteran LGBT activists. On an ongoing basis, VFE creates meetings, forums, and trainings that aim to stimulate volunteers' ability to engage in dialogue and do rigorous critical thinking as a team. VFE will therefore discover whether investing the time in leadership development and community education increases the number of people who are not only episodically involved but also deeply engaged. My hunch is that VFE is on the right track and that this investment will pay huge dividends over time, not only preparing people to lead a strong field effort to repeal Prop 8, but also in creating a farm team of uncommonly capable, tested people who may serve in a wide variety of leadership capacities in any future campaign.

Finally, all of the canvass experiments are an opportunity to change our community expectations about what it means to participate in a campaign. We will be stronger if participants are people who both think and do. We need more of our best thinkers also engaged in doing, not just in meeting; otherwise it is too easy for them to misjudge the challenge before us. Each experiment will therefore maximize its impact if it strives to recruit and mobilize large numbers of volunteers who are participants in the nuts-and-bolts work essential to campaigns. This ability is distinctly different from the ability to turn out attendees at rallies and meetings. Meeting and rally attendees play a valuable role, but they have much less impact on whether we win or lose an election than those who participate in a sustained way in both the thinking and

the doing of the non-glamorous hard work of fundraising, voter contact, volunteer recruitment, leadership development, and community leader outreach.

**As valuable as the canvass experiments are, they are not enough.**

As we learn more about how to persuade, and how to counter anti-gay prejudice, we will want to come up with experiments that allow us to test the potential for voter persuasion in every medium. That's the only way we'll impact the very large number of voters we need to win.

Ideally, a variety of experiments will help us learn which communications media are capable of persuasion. Different media include but are not limited to face-to-face communications, phone, mail, radio; TV, texting, instant messaging, Skype, online ads, and online networking.

It's important that we learn whether persuasion is possible in all of these media, or only in a subset of these media. If the latter, the next campaign should prioritize developing our capacity to utilize the media that facilitate persuasion, because we can't win the next election without getting a large number of voters to reconsider their view on the issue.

# Recommendations 4–6: Be Ready for the Opposition

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The next three recommendations urge that we take great care before we reach the decision to return to the ballot.

It is tempting to go back quickly, because we feel so wronged by the result of Prop 8. But if we act only on those feelings, we could easily suffer another loss or find that we enjoy only a temporary victory.

Feelings matter, but we also have to face the facts: we have learning to do before we are truly prepared to wage a markedly improved campaign (as noted in Recommendations 1-3); and our opposition is well-prepared to execute its successful strategy of appealing to anti-gay prejudice.

The countervailing point of view favors setting a specific deadline for a return to the ballot before we know whether we will truly be ready. After all, deadlines are useful; close to their expiration, they frequently help people focus.

But deadlines are not magical. Deadlines help us get something done that we already know how to do; they don't necessarily help us get something done that we don't know how to do, eg how to rebut "Princes." It's relatively easy to set deadlines for tasks similar to manufacturing, but not easy to set a deadline for invention; the time we'll need for the latter is unknown. Some campaigns resemble a manufacturing process, but that's less true for the ones we'll be facing on same-sex marriage.

# Recommendation 4: Go Back to the Ballot When We Can Win

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*The LGBT community and its allies should go back to the ballot only when there is a reasonable chance to win.*

Putting the issue of same-sex marriage back on the ballot before we have made progress solving the two problems noted above carries a high risk of defeat at the polls. While elections always entail risk, it makes sense to take the steps within our control to minimize it.

That is because defeat is costly. The dollar cost is roughly the same—probably \$40–60 million—win or lose, each time we compete seriously. If we require three or four tries before we win, we are talking about spending \$150–200 million. Why spend that money when \$40–60 million will suffice if we're willing to hold ourselves to a high standard and prepare seriously for the next election?

Yet the dollar cost is the least of it. Living through these ballot measures is brutal, particularly for LGBT people. Psychologist Glenda Russell documented the individual and collective cost in her book *Voted Out: The Psychological Consequences of Anti-Gay Politics*. Russell was one of the first to examine the psychological trauma instigated by ballot measures that essentially ask the populace at large to validate LGBT individuals as equal members of society. Examining Colorado's vote on Amendment 2, Russell argues that such votes unleash a barrage of psychologically painful discourse in which opponents to equality represent the LGBT community as aberrant, dangerous, inferior, and deservedly unequal. Debate of this character leads gay men and lesbians to internalize homophobic messages and harbor fears about future discrimination.

Sharon Rostosky expanded upon Russell's work and investigated the effect of 2006 anti-gay marriage ballot measures on the psychological well-being of LGBT people. Rostosky, along with Ellen Riggle, Sharon Horne, and Angela Miller, conducted a national longitudinal study of 1,500 LGBT individuals, nearly 600 of whom lived in states where a marriage equality measure was on the ballot. Comparing responses six months before the election with those weeks after the vote, and between states with and without a ballot measure, Rostosky's team found LGBT people suffered a higher level of psychological stress as a "direct result of the negative images and messages associated with the ballot campaign and the passage of the amendment." General anxiety disorder rates increased by 248%, and rates of depression and alcohol abuse rose as well.

The findings of Russell and Rostosky should very strongly motivate us to minimize the number of ballot measures our community has to go through.

Sometimes, of course, we have no choice. Often, as with Prop 8, our opponents choose whether and when an anti-LGBT measure will be on the ballot. Then, we have to fight no matter

the cost because failing to stand up to a bully and failing to stand up for ourselves is the most dangerous and self-destructive choice of all.

But when, as now, the pro-LGBT side in California gets to decide when to seek repeal of Prop 8, it is prudent to think hard about whether and how we can put ourselves in a significantly stronger position to win. For both practical and ethical reasons, we have a responsibility to the LGBT community in particular and to our progressive allies in general to do the hard preparatory work **before** we instigate the next vote.

# Recommendation 5: Winning One Time Won't Be Enough

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*The political reality is that winning once will not be enough. The pro-LGBT side will have to win at least twice, because after a victory, the anti-LGBT side will force us back to the ballot.*

When we win a future ballot measure fight on same-sex marriage, the victory will be tremendous—but it will not, unfortunately, be the end of the matter. It is predictable that our opposition will go back to the ballot to attempt to reverse the result. This is their pattern and practice because it advances their self-interest.

Our opposition runs anti-gay ballot measures and appeals to anti-gay prejudice because it helps them mobilize their base. Attacking us turns out more of their voters, raises substantial money for them, and divides the electorate in ways that potentially help in other contests on the same ballot. Voter polarization also helped them gain and helps them maintain control of key parts of the Republican Party. It is beyond the scope of this report to provide all the supporting data and analysis on this topic; instead, I refer interested readers to the data and discussion provided by Kevin Phillips in Part II of his 2006 book *American Theocracy: The Peril and Politics of Radical Religion, Oil, and Borrowed Money in the 21st Century*. It is required reading for anyone concerned about the Republican Party's dependence on the religious right wing for 40% of the party's votes in major elections. To the best of my knowledge, Phillips was the first to document this number. For readers unfamiliar with Kevin Phillips, he was a huge champion of Richard Nixon, the Republican Party, and conservatism when he wrote *The Emerging Republican Majority* in 1969.

The bottom line is that we are currently a bonanza for our opposition. They will only stop running anti-gay ballot measures when we best them decisively enough that they recalculate their own self-interest. It is probable that one victory by us will not be enough to do that.

This is particularly true in California, where voters have twice rejected same-sex marriage at the ballot box, in March 2000 (Prop 22) and in November 2008 (Prop 8). But it is also true in states like Oregon, Maine, and Colorado that have suffered multiple statewide anti-gay ballot measures over the years (Oregon is the unfortunate title holder, having suffered five anti-gay ballot measures at the state level and an additional thirty at the local level since 1988). One win by our side is also probably not enough even in the states that have experienced only one anti-gay ballot measure, such as Idaho, Utah, Georgia, and Kentucky, when the one vote was a decisive defeat for the LGBT community. And many states have experienced multiple measures at the local level on a variety of LGBT issues even if they have had only one statewide anti-gay vote; examples include Michigan, Florida, and Texas.

Our checkered electoral history is one additional reason why it makes sense for the pro-LGBT side to return to the ballot box only when we have a reasonable chance to win. Another loss by our side in California increases the chances that we will have to wage three, four, or five of these campaigns over the next ten years rather than two.

# Recommendation 6: Don't Underestimate Our Opposition

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*The LGBT community and its allies should assume that the anti-Gay side will run a highly competent campaign and prepare accordingly.*

The success of the Yes on 8 campaign included raising \$40 million and then using that money in a disciplined way to create and air ads credible to a significant slice of the California electorate. We should prepare for the worst case scenario, from our point of view, which is that they will retain that capability. Otherwise, we will be needlessly surprised and unprepared when they wage a strong campaign against us in the future.

Further, the ability of the opposition to wage a strong campaign is underscored by the persistent close division of opinion on the issue of marriage among California voters. PPIC found that voter support of marriage for gay and lesbian couples grew slowly but steadily until 2003; but from 2003 through 2009, support plateaued. During that period, the electorate was divided: 47% in favor of allowing same-sex marriage and 48% against, well within the margin of error and essentially a dead heat. Neither side commanded majority support. The March 2010 PPIC poll, discussed near the beginning of the Recommendations section, is the first to show a definite lead for the pro-LGBT side: 50% in favor of allowing marriage, 45% opposed, and 5% undecided. This one poll, while encouraging, should not lead us to assume that real movement has occurred. Given the previous stability on the issue over the course of seven polls in seven years, we should consider the possibility that this current poll is merely an outlier until its results are confirmed in subsequent PPIC polls, and even then we should keep in mind the possibility that the poll overstates where we stand in terms of solid support that would withstand the likely opposition campaign.

Finally, Yes on 8's ability to drive voter turnout among its base warns us that our opposition ran, and will likely run in the future, a smart, strategic campaign. Evidence of this includes a much higher number of yes votes for Prop 8 than Prop 4, even though the number of no votes on both measures was almost identical. In other words, many who did not vote on Prop 4 took the time to vote yes on Prop 8, even though both were on the ballot at the same time, in the same election. For the details on the vote totals for Props 4 and 8, see Finding 8.

This means, at the very least, that a future pro-LGBT campaign in California will need a full-time manager, a strong team whose members have the range of capabilities to manage each aspect of the enterprise well, and a general consultant who devotes 90% to 100% of his or her time to this one campaign. These kinds of campaigns are too difficult to be part-time projects.

# Recommendations 7–11: Campaign Structure and Accountability

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The next five recommendations describe how to put together a campaign that brings to bear terrific expertise and provides accountability to the greater LGBT and allied community.

Greater accountability makes a campaign more permeable to up-and-coming as well as established leaders, and we will need both to do our best. The No on 8 campaign experience with online fundraising is just one example demonstrating the necessity of bringing in newcomers with expertise.

What we need is to build a campaign that meets three simultaneous challenges:

- first, to be open to new people, allies, thinking and data;
- second, to include and make good use of established figures, experienced consultants, and knowledge of standard campaign thinking and practices; and
- third, to be cohesive enough to set priorities and make decisions.

To meet those three challenges, my advice is to break with standard practice in California and hire a strong manager, one who manages the consultants.

The alternative and usual practice in California state-wide races is to leave the consultants functionally unmanaged. Without a strong, experienced campaign manager, management of the consultants falls to board members or donors. Unfortunately, they typically lack sufficient experience to manage the consultants (it's a tough job), and also do not have the regular on-site exposure to the consultants to provide meaningful oversight.

When unmanaged, the consultants serve as the campaign's de facto decision-makers. This structure has virtues but at a price: it makes a set of mistakes highly likely, foremost among them the failure of the campaign to anticipate and rebut our opposition's appeals to anti-gay prejudice. The problem is spelled out in Appendix L: The Larger Dynamics: Why History Repeats Itself.

# Recommendation 7: Leaders Need More Support and More Accountability

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*The LGBT community should consider how to both (a) offer fuller support for its leaders when they step up and face brutally difficult situations, and simultaneously (b) hold those leaders accountable for the decisions they make. This will require the LGBT community to recognize both the good and the bad conduct in a difficult situation, rather than judge a leader or a choice as either unequivocally terrific or awful.*

After interviewing most of the decision makers in the No on 8 campaign, I am struck by the fact that every single one of them made or substantially contributed to at least one vitally important and positive choice that improved the conduct of the campaign. Many of them also, inadvertently, on one or more occasions, contributed to error. None of them made decisions that were 100% lousy or 100% genius.

We can and should have a better and more successful campaign in the future than the No on 8 campaign. But it does a disservice both to the leaders of the campaign and to our community as a whole to overlook or minimize the things the campaign did right, just as it does a disservice to overlook or minimize the choices that contributed to losing. If we want our most capable leaders and potential leaders to take on difficult roles in the future, we have to find a way not only to critique and correct their mistakes, but also to live with the reality that they will nonetheless make mistakes. We have to find a way to discuss mistakes that does not involve vilification and humiliation.

## **The Dilemma**

**There is enormous pressure for future campaign decision makers to be averse to risk. But if we want new and better thinking, we need future decision makers to take some risks.**

To break from ineffectual choices of the past, decision makers in any future campaign will have to make new and different choices. But no one—including me—knows an easy way to win. No campaign has yet found the effective way to preempt or rebut the anti-gay message we know is coming in future campaigns. New and different choices will be a calculated risk.

Losing the election is not the only risk facing future decision makers. They will also face serious risk to their reputation. Many who worked hard on the No on 8 campaign faced withering criticism after the loss. Leaders know, of course, that criticism is inherently part of any community dialogue after a vote like this. But if part of the public critique communicates a fundamental lack of respect or sets a tone of gratuitous unkindness, that affects how either

established or new community leaders weigh their own personal decisions about whether and how publicly to get involved in a future campaign.

Even if the public discussion after the Prop 8 vote had been constructive and factual, innovative choices can always make decision makers look foolish. Those who come forward in a future campaign may find it far safer to do what has been done before than to venture into uncharted or partially uncharted territory. Or they may come forward fully intending to make different choices yet find that as the campaign nears its conclusion they become more averse to risk. This is particularly true if voter research for a future campaign has the same blind spots as so many past campaigns. Then the seductive power of the old choices will return.

In 2008, No on 8's polling and focus groups understated the power of the anti-gay argument about kids; details are laid out in Appendix I. The inability of the polling to fully gauge the impact of the kids argument led the media consultants to prepare too little to counter it. This does not excuse lack of preparation. But it partially explains why well-regarded consultants, following their usual practices and exercising ordinary diligence, were led astray. Habits and assumptions that may have served them reasonably well in other campaigns served them poorly here.

Decision makers in a future campaign will have no guarantee that new choices will lead to victory. They will be understandably reluctant to disregard some of their polling, overrule their consultants' counsel, break the mold, and risk exposing themselves to skepticism, dissent, and criticism. The truth is that many LGBT community leaders are not experts in campaigns, elections, public opinion, or polling. They don't want to have to second-guess or defy their consultants; they hired the consultants hoping to defer to them!

Yet the opposite approach, knee-jerk rejection to consultant thinking, is also a poor solution. Many consultants are smart. They often get things right. How can decision makers in a future campaign decide when to buck conventional wisdom, when to challenge their consultants, and when to apply their own judgment to the situation at hand?

## **The Solution**

### **To minimize the risks in risk taking, seek out expertise...**

The answer is for the team of future decision makers—eg, the executive committee or campaign committee—to include some who either:

- Bring substantial preexisting knowledge and experience to the table;
- Make a big, early investment in learning about campaigns and elections.

These members of the decision-making body can't and don't replace consultants, nor will they likely equal in experience the consultants hired by the campaign. But these members need to learn enough to ask probing questions and smart follow-up questions. They need to be able to push the consultants to do their best thinking. They need to recognize when the consultants are doing second-rate thinking or second-rate work. And all of this is not enough without one additional consideration in the assembly of the campaign decision-making team: the future

decision makers who constitute the board need to hire a campaign manager who has the experience, expertise, and temperament to manage the consultants. Without this kind of a manager, the consultants will tend to make most of the major decisions without those decisions being subject to the kind of searching scrutiny they deserve.

**...and divergent, thoughtful points of view**

Our chances of winning in the future are also directly related to whether we find a way for well-informed people with different points of view to contribute to the strategic thinking, the hard, unglamorous preparatory work, and to every step we take toward victory. Winning will be elusive otherwise. It is too hard to alter established social prejudice, even at the margins, with anything less than the best team effort the LGBT community and our allies can muster.

To make room for more good thinking, we in the LGBT community will have to find respectful ways not only to disagree, but also to resolve disagreement. For example, if we prepare for any future campaign far enough in advance, we can extend respect to a wide variety of ideas by taking the time to try them out in rigorous experiments. This is how we can find a way to live with the fact that some of our cherished ideas for strategy and tactics will prove to be incorrect—and that some people we just don't like will turn out to be right some of the time.

Both the leadership of any future campaign and the LGBT community as a whole can make choices that lead to clearer communication, greater shared understanding of campaign strategy, and more consistent mutual accountability. It is beyond the scope of this case study to evaluate all of the strengths and weaknesses in the approach taken by the No on 8 campaign, or even to summarize them since different participants in the campaign and different members of the community have widely varying views of the choices made and the rationales for them.

I offer my suggestions from my own experience. They are not a commentary on the No on 8 campaign. No on 8 almost certainly considered and acted on some of these ideas, either in whole or in part.

# Recommendation 8: Hire a Campaign Manager Prepared to Lead

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*Choose a campaign manager who leads the enterprise.*

## **The Role of a Campaign Manager**

### **Every team needs a strong leader.**

Campaigns are collective action. They require a team. Yet even the best team will struggle without a clear leader.

### **The leader of the next campaign must be the campaign manager, not the consultants.**

The campaign manager makes the best leader. This person operates with high internal authority and low external visibility. The campaign manager is the full-time leader inside the campaign. She or he ensures that good, honest thinking and planning is part of every aspect of implementation. She or he has the authority to hold everyone—including top consultants and, directly or indirectly, all staff—accountable for outstanding work and measureable results.

The campaign manager is therefore NOT the campaign spokesperson. The manager is NOT the face of the campaign. The manager will neither appear in TV ads nor debate the opposition.

Instead, the manager manages. He or she focuses on the team. It is a full-time job for a campaign manager to recruit, motivate, supervise, coach, evaluate, promote, demote, and correct members of the team and to make sure that the team is doing a good job both thinking about and running the totality of the operation.

In this way, the campaign manager is responsible for follow-through. The campaign manager, either personally or through someone she or he supervises, makes sure a good idea matures into a plan, that every plan is broken down into tasks, that an identifiable individual involved in the campaign is responsible for every task and has a specific deadline for getting it done, that every task is completed with care and professionalism, and that all related tasks stay on a common timetable so that all of these tasks bring to life the original idea that inspired them. Then the accomplishment needs to be measured, evaluated, and, if successful, replicated.

The manager has to be more invested in creating and motivating a high-functioning team than in micromanaging all decisions and implementation of decisions.

Ultimately, projects like campaigns with a deadline (Election Day) that are not under our control have the best chance of succeeding if one person has enough authority to make important decisions and lead the campaign team in a particular direction on behalf of the entirety of the campaign.

The campaign manager cannot be the same person as the lead campaign consultant, even though many consultants may chafe at the idea of having to report to a campaign manager. Only if the campaign manager is independent of the consultants can the manager hold the consultants accountable for their performance.

As the author of this report, I recognize that the idea of a strong, central campaign manager is different from the typical way statewide campaigns are organized in California. More typically, much of the authority that I am recommending for the campaign manager would instead rest with the general consultant. The campaign manager would have day-to-day supervisory and logistical responsibilities, a much more limited role in decision making, and no authority to manage the consultants. The advantage of having the general consultant serve as the decision maker is that the person at the helm will more likely have experience running statewide campaigns in California. But the trade-off is that without the manager actually managing the consultants, there is no way to hold the consultants accountable; the risk is high that the consultants will dominate any lay board or executive committee. Without ongoing guidance from an experienced campaign manager, the board is unlikely to understand until after the fact the implications of all of the consultants' decisions, nor is it going to feel confident challenging the consultants' decisions or evaluating the consultants' performance.

Consultants end up with too much power unless the campaign manager is the leader. Most statewide campaigns in California, and many statewide campaigns in other states, choose someone other than the campaign manager to be the leader. For example, some choose a board chair, cochair, or an executive committee of those focused part-time on the campaign as leader. Others, particularly in large states, hire a general consultant and treat them as the de facto leader. There are advantages and disadvantages to each approach. But the great disadvantage of having even highly capable nonexperts in the top leadership role is that too much power devolves to the consultants.

Nonexperts defer too often to consultants' expertise—an expertise that is real and valuable but, as discussed elsewhere in this report, also reflective of experience in traditional campaigns that differs in some crucial ways from LGBT ballot measure campaigns.

As for having one of the consultants serve as the campaign manager or having an employee of one of the consulting firms serve as campaign manager, the problem of accountability is almost unsolvable. When a consultant is doing a less-than-outstanding job, it is not reasonable to expect that they will automatically self-correct. It is even less reasonable to expect that a junior person in the consultant's firm will effectively call them to account.

In ballot measure campaigns where a very small number of funders donate most of the money, such as some campaigns on labor or education issues, consultants report to and are held accountable by the funders. This is a less plausible solution in a pro-LGBT ballot measure campaign, where many entities and individuals other than major funders see themselves as significant stakeholders, the fundraising burden is borne by a larger base of donors, and the major donors are not necessarily well equipped to evaluate the performance of the consultants.

Three other problems loom as well that are related to the simple fact that most consultants who we hire are not stakeholders. They are sympathetic to the LGBT community, but they are only peripherally and occasionally related to it, and they do not see themselves as accountable to it. Perhaps surprisingly to some readers of this report, this caution should be applied to all consultants regardless of their sexual orientation. Most consultants fall prey to one or more of the following serious problems if they are placed in the top leadership or decision-making position:

- Consultants have multiple clients and many distractions; if no one in the pro-LGBT campaign is pushing for optimal performance and maximal time investment, it is understandable why other campaigns that do push will get that kind of attention instead.
- The temporary nature of the relationship between consultants and the LGBT community leads most consultants to focus only on short-term goals. If they are driving decision making, longer-term matters get short shrift. This explains the temptation of all avoidance strategies. If only avoidance would work this one time, the consultant needn't worry about the more perplexing issue (such as the anti-gay argument about kids) again. This explains a significant part of the appeal of the avoidance strategies, and it's to the credit of the No on 8 general consultant that he was willing to confer with executive committee members during the campaign. This collaborative process made possible the "Thorons" ad and its use of the word "gay."
- I have not yet met the consultant who fired himself. The manager has to be prepared to fire the consultant if performance is seriously lacking.
- All told, these are three additional reasons why having a consultant who also serves as manager is problematic.

The people who served as the two No on 8 campaign managers brought to bear impressive capability. But, in different ways they struggled to get the best possible performance from the consultants. When the consultants underperformed, there was no clear person in charge with the experience, temperament, and time to point out the deficiencies and demand immediate improvement.

The power-sharing relationship between doctor and patient gives a good sense of the kind of power-sharing relationship a future campaign should seek to establish between the general consultant and the rest of the campaign leadership. Consider how any smart patient manages their doctor(s). The doctor is the expert, but not the decision maker. A good doctor takes initiative diagnosing a problem and creating a treatment plan. But when options exist, and when there is uncertainty about what works and what doesn't, the doctor lays out the pros and cons of competing approaches; offers an analysis of the situation in lay language, rather than medical jargon, and allows the patient to apply their own judgment to the situation at hand. That's what allows the patient to remain the decision maker, not just in name but in reality.

This relationship places a great deal of responsibility on the patient. The patient has to learn a lot more about his or her medical condition than would be necessary if the doctor was just calling the shots. The patient may decide to do additional research—going online, seeking out a

second opinion—because that may yield additional information and stimulate additional questions that the patient wants to ask the doctor.

This relationship also places a very specific kind of responsibility on the doctor. The doctor's job is to help the patient make the big decisions rather than make the decisions for them. There are many relatively routine decisions that the doctor makes, but any decision with serious consequences is for the patient. After all, it's the patient's health and the patient's life at stake.

In a medical emergency, the patient gives the doctor much more latitude to act; time is of the essence. On the other hand, a smart patient and a smart doctor try to minimize the number of emergencies. When a problem is foreseeable—and this is truer in elections than in medicine—preventive care is called for. Waiting until a problem becomes an emergency is bad medical practice as well as bad political organizing.

The analogy is not perfect in every respect. A patient often accepts a referral from a doctor without asking for alternatives to interview and consider. In the electoral realm, this can easily produce a poor result. It can lead to all the experts sharing too many assumptions and being accountable only to each other. To keep them each individually accountable to the campaign leadership, the leadership needs independent relationships with each of them.

But the value of the analogy is the way it makes clear that management of experts by lay people is possible. We do it all the time, particularly when the stakes are incredibly high.

The campaign manager has to possess many qualities, but the most vital is to manage the consultants. This requires being able to distinguish excellent, good, mediocre, and poor performance, and having the strength to insist on the best. These are not campaigns where anything less than the best will do.

### **The campaign manager has responsibilities above and beyond managing consultants**

The job of the campaign manager surpasses managing the consultants. The performance of the team and the tone of the campaign are strongly affected by the leadership at the top. I suggest the following as part of the campaign manager's job description:

- The campaign manager is responsible for building a team where the whole is greater than the sum of the parts.

A good manager is a generalist and knows something about every aspect of the campaign. They have to know enough about each part to ask probing questions and to judge intelligently whether others' thinking and work is good enough.

A great manager is not only a generalist, but also someone who enjoys recruiting and motivating a terrific team to work with them. A manager can't know enough or work enough hours to do all of this management and assessment by themselves. They need others who have complementary strengths and weaknesses, and complementary experience and expertise. And the manager has to get this group of highly capable people to enjoy working and thinking together in an environment where synergy is maximized and reflexive groupthink is minimized.

The campaign manager engages the largest possible swath of the LGBT community in the campaign.

The next campaign cannot be won solely by the LGBT community. The LGBT community is too small a part of the electorate and too small a part of our base of supporters for that to be true.

But broad participation by the LGBT community and our allies is essential for it to succeed. A large number of the earliest and most committed donors and many of the most dedicated volunteers are likely to be LGBT or people who care about LGBT people. Maximizing the participation of the base greatly increases the scale on which the campaign can operate and how quickly it can get going.

Yet some worry that one or two odd people could attract outside media attention that would seriously detract from the effectiveness of a campaign. Some in a future campaign might want, at times, a containment strategy to maximize the campaign's control of media coverage.

But the LGBT community is extraordinarily diverse. Its colorful image can't be controlled by admonishment. Many in our community master self-expression at an early age and cherish its exercise throughout their lives.

The best way to resolve the tension is, in my opinion, to hire a manager who is committed to engaging the LGBT community in the campaign, who enjoys reaching out to each slice of the community to figure out with them how they want to help, and who is willing to take the time well in advance of Election Day to teach everyone with whom they interact the power of unified action with a unified message. Once those in our community realize that one clear message frequently repeated is our only chance for any message to penetrate, most are going to support it, particularly if they are approached early and with a genuine desire to include them in the campaign.

We will therefore have a better chance to win if the manager has the temperament and the time to meet with, present data and ideas to, engage, and listen to a wide range of LGBT community leaders. The reward will be deeper, earlier, and more consistent engagement by a wider cross section of the community, and increase the likelihood that people will donate their time and money generously.

The campaign manager is not the only one who needs to make this commitment to community engagement (more on this below, in the recommendation to "frontload democracy"). But the manager's interest and involvement sets the tone and insures a more consistent application of this mindset to each part of the campaign.

This in no way diminishes the necessity that the manager and the campaign engage progressive allies in the campaign who are not LGBT. We cannot win without their vigorous participation. But nobody seems to worry that the conduct of straight allies will reflect poorly on the campaign. My point is that the manager may end up irrationally fearing large-scale involvement by members of the LGBT community if they don't begin with a very strong desire to relate to that community.

- The campaign manager manages and maximizes face-to-face interaction among decision makers and key consultants.

Regular face-to-face interaction among the campaign leadership is a challenge in a state as large as California, and the leadership will surely include people from across the state.

But decision makers will understand each other better, appreciate each other more, take more risks on being frank with each other even when it's uncomfortable, and more easily be held accountable if they meet face-to-face regularly. It is not a substitute for them to run into each other at campaign fundraisers or focus groups. Conference calls and other advances in telecommunications are useful augmentation but no substitute.

To have a maximally united and high-functioning campaign, the campaign manager must have a physical campaign office and get the team to commit to face-to-face interaction. I recommend that the office be in Los Angeles for two reasons. One, enormous potential exists for improving our standing among voters in Los Angeles: it is where the largest concentration of voters reside (25% of all voters in the state are in Los Angeles County). Two, it has the largest number of organizations currently involved in the fight. Most LGBT and allied statewide organizations have LA offices and many significant organizations are based solely or primarily in LA. It's possible to have some face-to-face meetings elsewhere, but one central location makes it much more likely that the meetings will be regular and well attended.

The manager should make sure consultants understand from the interview and selection process the frequency with which they will have to participate face-to-face. Their face-to-face participation is not optional. If it costs the campaign more money, it's money well spent.

Without this investment, the key tasks of the manager—to build a team and to hold consultants accountable for outstanding performance—will be much harder, perhaps insuperable. Everything in my experience over thirty years doing this kind of work is that the quality of the strategic thinking and implementation of every tactic will suffer without regular face-to-face interaction.

- The campaign manager sets the right tone.

What's needed is someone who is often able to live up to the best of what we want in our leaders: someone who is respectful to others, forceful at appropriate times, and humble at appropriate times; someone who is able to listen to new ideas and suspend judgment; someone who is self-critical, constantly wondering how the campaign can do better, and how they can do better; someone who has a high tolerance of criticism, both fair and unfair, and is highly tolerant when others question their own assumptions and habits; and someone who is curious about data, history, polling, competing hypotheses, and even hunches. This tone encourages new thinking and more humane criticism. That's what is needed for a campaign to exceed the best of the past campaigns—and we must exceed them or we will be consigned to their fate.

## **How to Hire**

**Hire the campaign manager first.**

To find a qualified campaign manager, a group of people with the campaign must do a thorough search, consider competing candidates, make sure the campaign manager has the specific ability and temperament to manage self-confident consultants, and evaluate closely the campaign manager's performance after their first two or three months on the job so the group can either remove the campaign manager or move them to a position more suited to their strengths if they cannot fully do this part of the job.

For the campaign manager to have the best chance of holding the consultants accountable, hire the manager first, before hiring any consultants. That order permits the manager to participate in or ideally lead the hiring process for each of the consultants. Each consultant will then know right from the start who is in charge. And each consultant will negotiate with the manager right at the beginning all of the terms under which they will be expected to deliver.

A smart manager will involve a team in every aspect of the hiring process. But only if the manager is involved from the get-go will they have the best possible chance to establish the ground rules for consultant performance and accountability, the services they will provide, the specific timetable for providing them, the manner of providing them, the backup plan if the consultant fails to perform in outstanding fashion, and the terms of their compensation.

Hiring the manager first in a campaign as complex as No on 8 means hiring the manager a year or more in advance of Election Day, not three to six months in advance. Few campaigns do this. Even fewer sustain this decision and have a manager in place over the totality of a twelve- to twenty-four-month run-up to Election Day. Yet without this investment or some equivalent, a future campaign will struggle to find a potentially qualified manager, evaluate whether they can really do the job, give them the time to recruit a strong team, and avoid having to do much of the job on the fly. It is much better to give the manager enough time to implement some of the ideas recommended in this report that will increase LGBT community involvement in the campaign.

Of course, hiring the manager early requires enough money to pay them as well as to pay for related costs. But this is a small fraction of a \$40 million campaign budget.

### **Why we should set the standards so high; what we can reasonably expect**

The price that we'll all pay for a campaign manager not having an appetite for doing this work is predictable. If the campaign runs into difficulty, which it will; if it makes mistakes, which it will; if it loses, as it might even if it performs admirably in every way because, honestly, these are very tough elections; the price we'll pay is community rancor and strife, some of which is avoidable. But it is only avoidable if more of the community understands what the campaign is doing—why it's doing it, and what it's up against—and has had a chance to participate in the thinking as well as the doing.

The manager and the board will not be perfect. The LGBT community has not yet sustained a ballot measure victory on marriage in a single state (our lone victory, in Arizona, was subsequently reversed two years later). Since 1998, we have lost ballot measures in thirty-one states. In a sense, no one is fully qualified to run such a difficult campaign in California, the largest state of all, and one that is very complex.

But some set of people must lead. Someone must serve as manager and board members or we will never win. As allies, the LGBT community and the progressive forces that support the campaign must empower a manager and board to move ahead in an accountable way. We must find people who have great strengths and yet are comfortable acknowledging what they don't know and asking for help, people who can strike a balance between hiring capable consultants and not deferring to them so significantly that the consultants become the de facto decision makers. With all of these ideas as part of the mind-set among the campaign leaders, we will, as a team, ascend the steep learning curve before us.

# Recommendation 9: Choose a Strong Board

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*Choose a board strong enough to hold the campaign manager accountable.*

The campaign also needs a strong board. The manager will do their best if managed (not micromanaged) by a strong board. There's a balance required. A manager will fail if not given decision-making authority by the board; the board has to empower the manager and be able to live with a strong manager. On the other hand, the board needs to regularly evaluate the manager. Everyone performs better if they are held accountable at regular intervals for reaching mutually agreed-upon benchmarks—that includes the manager. A strong board will include people who are terrific managers and generalists, who have a broad grasp of the key aspects of the campaign, and who have a broad relationship with the larger LGBT and allied communities. A strong board will also include people with specific expertise, particularly in those areas of the campaign where the campaign manager is less knowledgeable or inexperienced. The experts may serve as advisers rather than board members, but their involvement must be ongoing and regular, not occasional. They must be deeply engaged or they are not particularly useful. A strong board must be prepared to support the campaign manager's quick and decisive action, or to initiate action with the campaign manager, particularly if the general consultant and/or other consultants are not meeting deadlines or performing satisfactorily. Such action may include terminating consultants when necessary.

The board can include a mix of long-term and short-term members. A strong board includes people who serve for the entire length of the campaign because the continuity and history they provide can be invaluable. A strong board also includes people who serve shorter terms, some as short as several months. Some experts will only be able to be deeply engaged for a brief period, given the rest of their schedules. It is better to have a fully engaged expert serving on the board for a brief period than to starve the board of expertise.

It is beyond the scope of this report to describe in detail the range of meritorious ways to recruit a board. The single most important principle, however, is to make sure the group includes people who

- are highly knowledgeable about some of the most difficult aspects of the entire enterprise (this can include knowledge of important parts of the campaign and/or well-established relationships with key parts of the LGBT and allied communities);
- will ask clear, probing questions when key decisions are being considered;
- are capable of consensus and deferring to others when appropriate, and yet possess the self-confidence and judgment to ask probing questions, speak up when something doesn't make sense, and stop the group from succumbing to groupthink;
- are willing to make a significant commitment of time, at least for a specific term. The term may be as brief as a few months or for the time it takes to accomplish a specific

task, such as hiring the campaign manager or raising the first \$10 million. But during their term, board members must view this as a serious commitment and put aside time accordingly, including time to participate in regular face-to-face dialogue.

# Recommendation 10: Integrate Thinking and Doing

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*Create a campaign where more people are more deeply involved in both thinking and execution.*

If we start early enough, if we invest in training a broad swath of the community about what it takes to win an election, if we build relationships with a broad range of people who bring to bear experience and expertise, and if we are genuinely curious and open to competing points of view from both established figures and newcomers to LGBT community causes, then we may successfully accomplish deeper involvement.

Very few electoral campaigns seek broad involvement in strategic thinking; it's unwieldy, time-consuming, and potentially contentious. It's difficult to manage. Some consultants and experts don't expect to share control over the process. Their worst fear is that many who want to participate have limited or no expertise and may bring little to the process. As in any project, having a relatively small group of well-informed, like-minded people do all the thinking quickly leads to convergent views, itself a pleasurable outcome and, in these tough campaigns, a relief.

But there's a downside. Without questioning and debate built into the process, it's easy for the small, exclusive group to fall into groupthink and reflexively reject advice from outside the group. This was the case in the No on 1 campaign in Maine. In early and mid-September, after the consultants had created their first TV spots, there was still time to reedit or reconsider them, because the campaign had not yet put the ads on the air. But the campaign manager and consultants chose not to consider concerns about the ads' effectiveness raised by experienced individuals who had seen the ads.

No on 1's vulnerability to groupthink was foreshadowed in mid-summer, when it chose to do a very abbreviated search for its media consultant and pollster. The campaign passed up the chance to interview and pick the brains of a wide range of consultants with experience on marriage measures, including some who expressed their interest in being considered. Instead, No on 1 interviewed only a few before hiring a pollster and media consultant with no experience with these measures. Lack of desire to talk with or interview knowledgeable people who might offer alternative points of view suggests a campaign with a low tolerance for the back-and-forth that is part of good thinking.

As much as Maine would have benefitted from a more open campaign, I don't want to romanticize the alternatives it rejected. The truth is, it's hard to create, and to live with, an open and inclusive process. Tension easily develops when good thinkers exchange views and still disagree. It is reasonable to anticipate at least some ongoing disagreement because the thinking isn't easy; winning these campaigns has so far eluded the pro-LGBT side. At some point, consultation has to cease; the campaign has to commit to an approach and execute it.

(Though even then, campaigns are better served if they retain the ability to listen to constructive evaluation and reevaluation.)

Until that time, however, there are great potential advantages to designing and carrying out a more open process that increases involvement at every level. The more open campaign can end up smarter because strategic thinking improves when ideas are questioned and challenged in a respectful way, not simply automatically lauded. Even if openness to advice and criticism has zero impact on the early thinking of a campaign, it gives the campaign relationships with an array of smart people who can help it rethink and alter course later if it runs into trouble.

There are trade-offs. The more quickly a campaign has to move, the harder it is to have a broadly consultative process. One key to real, meaningful inclusion is starting early enough so that you can live with some uncertainty while different points of view vie for consideration.

Another key to inclusion is preparation. Every single person participating has to know enough about the enterprise of campaigns so that they bring to bear their own best thinking, not just the best uninformed thinking of which they are capable. Group discussion is only as smart as its least-informed member.

The challenge before us, then, is whether and how we can start early, offer serious education to a broad base of potential leaders, and cultivate a broad set of relationships with both experienced hands and newcomers whose point of view is different from our own. In the discussion below on “frontloading democracy,” this report offers a few suggestions for how to move forward in a more inclusive way.

In order to keep the larger community informed, leaders should report back regularly on how the campaign is doing. This includes both the good news and the bad news. Acknowledging when a promising idea has failed or fallen short is painful in the short run, but essential for the long run. It helps the community learn from what didn’t work, move on, and try out other ideas. Choose a campaign manager and board committed to constructive, rigorous, ongoing evaluation.

To help our community ascend the learning curve about campaign, elections, and the difficulty of combating anti-gay prejudice, campaign leadership has to find a way to report back throughout the campaign about the progress and setbacks along the way. Otherwise, the only feedback the LGBT community receives is the election results. If we’ve won, of course, election night may feel just fine. But as the No on 8 experience shows, if we’ve lost, the lack of forewarning tears the community apart, obscures the good work that got accomplished, and makes it very difficult to have a thoughtful dialogue about what went wrong.

Yes, it is difficult at times to get the community’s attention. Yes, some efforts at reporting back will fall on deaf ears. But a combination of persistence, experimentation with different forms of communication, and more complete and honest disclosure of information as it is acquired can improve the odds that people will listen and engage.

### **Frontload democracy. . .**

I thank my friend and colleague in the movement Thalia Zepatos for coining this useful phrase. “Frontloading democracy” means taking the time early in the campaign—more than a year

before Election Day—to have a significant, inclusive community dialogue about the goals and strategic options available in the coming campaign. It means taking the time to listen to and think about others' rationales for their preferences. It means telling others our rationales for our preferences and accepting skeptical questions about what we've said.

Done early and often, a consultative process led by the campaign manager and their team makes it likely that many will at least know the campaign's approach and the rationale behind it. Providing more of the community a chance to question and augment the plan will take time and patience and require the manager to have much more curiosity and affection for the community than they might need when helping a candidate run for office. This curiosity may even extend to taking the time to allow the community to conduct a series of experiments to better evaluate the competing rationales for different approaches.

The bottom line is that frontloading democracy is hard work. It is an uncomfortable and time-consuming process.

But frontloading democracy helps the LGBT community and our allies educate ourselves, find some common ground, forge stronger relationships even when we disagree, and practice norms that will help us unify as we approach the most intensive periods of campaign activity. It also motivates many in the community to make a big commitment to the campaign with their time and/or their money.

**...and then recognize that a time comes when a campaign is not a democracy.**

Frontloading democracy also makes it possible to live with a tough reality. The tough reality is that once a campaign is in its final six months or so, it is no longer anything like a democracy. This is the minimum amount of time necessary for all of us to pull together and execute the plan chosen by the campaign manager in consultation with the board, the consultants, the campaign staff, expert advisers, key funders, and community members and allies who are deeply engaged.

In my view, a smart manager will have sought during the frontloading period to find and build community consensus, or as much consensus as possible, and will continue to seek advice and criticism even in the final six months—especially if a problem comes up that was unanticipated or underestimated.

In my view, a smart community will allow the manager to make changes even to well-thought-out decisions made by broad consensus if those decisions seem to be leading us to defeat. Of course, a community will only find this to be smart, or tolerable, if they have come to trust the manager. Part of the value of the frontloading period is that the manager has multiple opportunities to earn that trust.

# Recommendation 11: Do Your Homework before You Hire Consultants

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*Use a competitive process to hire each principal consultant.*

A thorough search to hire a consultant is a lot of work—but it's worth it. The search process itself is an education: in the interviews, smart consultants will offer a sample of their thinking. The campaign manager and the entire hiring team will get to hear how smart, experienced people would solve the set of problems facing us. They will get an abundance of good and bad advice for free, and all of that advice will provide substantial food for thought. They will learn how the different consultants respond to questions, how well they listen, and how curious they are about learning.

In addition, candidates for a position with the campaign may engage in deeper, earlier thinking and more comprehensive preparation if they realize they are entering into a highly competitive process.

Finally, considering many talented candidates will help the search committee make a more informed choice. A combination of interviews and reference checks increase the odds that the hire will work out well, or may illuminate potential problems right from the start; this recognition will help the campaign manager notice sooner any problems that do come up. In addition, the process helps establish a norm of evaluation and accountability so that consultants will understand that they must meet the standards of the campaign, not merely their own standards or the standards of the profession.

If a consultant won't participate in a competitive process, don't hire them.

If a consultant insists on being able to hire other consultants in a noncompetitive process, don't hire them.

For additional specific advice on hiring a pollster, see Appendix J, guideline 9.

# Recommendations 12–14: Honesty

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Perhaps this final set of three recommendations will seem paradoxical, even nonsensical, to those who have grown cynical about how to do politics.

But we fool only ourselves when we settle for intellectual dishonesty. It's easy to commission a poll that will make us feel good about our chances by overstating them. It's easy to make up numbers and claim massive accomplishment when we've done far less. I've seen plenty of campaigns that live on lies and they are horrifying. Honesty arrives on election night because someone else counts the votes. The final tally embitters those on our side who believed the phony feel-good statistics that the campaign fed them. Disillusioned, many never return. The cycle of cynicism is thus ever-refreshed.

Why do we lie to ourselves and to others? To please funders. To make ourselves feel better. To evade accountability. To avoid admitting that we made a mistake or fell short.

I understand these temptations but we must not give in to them. How will we ever organize our community on a much more remarkable scale if we destroy the hopes of our people by lying to them?

Honesty is possible. It is practical. It is bearable. And all of us who have come out to anyone know that it is the best choice we have ever made. The recommendations below explain how we can make honesty a touchstone in our campaigns and increase our chances of winning.

# Recommendation 12: Don't Over-Rely on One Research Method

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*The LGBT community should respect and use polling and focus groups to understand how we are doing with voters – but not to the exclusion of doing other valuable research, including learning from campaign history and from empirical experimentation.*

Intellectually honest research on LGBT issues is a challenge—not only because the work itself requires thinking and stamina, but also because it demands consistent curiosity. Sometimes, it is emotionally taxing to sustain that high level of curiosity because part of the reward is the discovery that anti-gay prejudice is harder to change than we might ever have initially expected.

Yet there is no substitute for curiosity in these ballot measure fights. When we have an unquenchable desire to understand voters—how they think, feel, and respond—we are much less likely to assume we already know who is persuadable and what will persuade them to stand with us.

Polling alone—even polling combined with focus groups—is simply not adequate to satisfy that curiosity. This is not to denigrate polling or focus groups. They are useful tools. Future campaigns should use them. But they are not a panacea.

If you, the reader, want to know more about research experiments that can supplement polling and compensate for its blind spots, see Recommendation 3 for some examples.

If you, the reader, want to know how to extract truth from a poll, optimal performance from a pollster, and know whether and when to commission a poll, go to Appendix J, which explores these topics in more detail.

The most important points about polling that every LGBT person and ally needs to know are these:

- Polling is both invaluable and inadequate, both insightful and misleading. If you want to understand whether the campaign you care about is making smart decisions, take the time to learn how to read a poll, how to spot its potential weaknesses, and how to ask questions that will uncover assumptions that can limit any poll's value.
- Don't poll when it won't help. Read Appendix J before you commission a poll.
- Polling is not a substitute for doing work that is harder.
- Polling is not a substitute for knowing our history on these ballot measures and our experience fighting anti-gay prejudice. Respect the value of both polling and history and the next campaign will not have to repeat past mistakes.

Polling performed well has the potential to provide insights that could otherwise easily elude us. The Lake tracking polling is just one example; it was able to measure which voters moved and when with significant precision.

# Recommendation 13: Honesty is the Smart Choice

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*Embrace honesty. It is not only the idealistic option; in our situation, it is also the realistic option.*

When most people think of politics, they don't immediately think of honesty. There are certainly plenty of examples in American politics where short-term success and election victories come to those who lie, cheat, and steal.

Over the long haul, however, honesty and directness have great power, particularly to help unfairly stigmatized communities lift themselves up. The example of the Civil Rights Movement is instructive, and far more analogous to our situation than ordinary elections. If we win an election but anti-gay prejudice remains undiminished, the victory is at high risk of being reversed in the next election. Our long-term success depends upon the reduction of stigma and greater acceptance of LGBT people as good, decent people.

This is particularly true in the situation confronting us today with same-sex marriage. Our opposition depicts us in a highly unflattering way in every election. We **give** them the power to define us when only they talk about us. We therefore have to talk about ourselves or we functionally forfeit the election. Honestly acknowledging that the ballot measure is about us may or may not lead us to victory; but failing to honestly acknowledge this basic truth puts us at a terrible disadvantage and has consistently led to defeat.

Honesty is therefore not only the idealistic option; it is also our only realistic option. The alternative is hoping that voters will figure out the truth about us when we give them no information to help them, knowing they will be exposed to anti-gay propaganda and likely grew up exposed to anti-gay prejudice. The latter perspective is the epitome of unrealistic wishful thinking.

## **Honesty has power.**

The No on 8 campaign demonstrated the power of honesty in at least three different ways.

First, the decision by the No on 8 executive committee and second campaign manager to be honest with our supporters was motivational. Donations to the campaign surged when No on 8 honestly shared the bad news that we were in danger of losing. The money was a necessary if insufficient condition for our campaign to compete and prevail.

Second, the tactic of avoidance discussed at length in Findings 4 and 5 cost us crucial support particularly from October 8 to 20, when "Princes" was unchallenged by the No on 8 TV ads. During this time, we hemorrhaged hundreds of thousands of votes. Parents fell for the anti-gay "Princes" argument until we directly replied with the truth in the same medium in which we were being attacked.

Third, our polling suffered from testing messages in a way that did not realistically simulate the campaign environment. Our campaign's wishful thinking led us to test messages that have near-universal popularity in the abstract but that were never going to seem credible in a competitive campaign. The No on 8 leadership correctly predicted that our opposition would wage a strong, well-funded campaign; but they did not think through the uncomfortable implications of how our campaign message would be affected by the opposition's predictable choices. Our consultants, smart and capable in so many ways, were not fully honest with themselves in this critical piece of the campaign. They did not fully face the difficulty of our situation. As a result, the message testing in the polling yielded misleading answers that provided us false comfort that expired once our opposition went on the air.

Honesty and directness do not guarantee success; they merely give us our best chance. Fortunately, honesty affects both those who are already with us and those who start out against us. The rightness of our cause inspires our supporters to stand up and fight; and our humanity persuades some fair-minded non-supporters to reconsider their prejudice against us.

We will surely feel uncomfortable at times relying on honesty. All of us have had experiences in life when honesty let us down, perhaps when we came out to someone who then rejected us. But if we can't live with discomfort and take calculated risks, we will be at the mercy of our opposition and they are not merciful. For the same reason that we often find greater acceptance when we come out of the closet than we expected before we take the leap, we will over the long haul do better when our campaigns are out of the closet as well. Let's try the idealistic and realistic road not often taken. It is better than the well-trod path where we have sought an anomalous, easily reversed, temporary victory that has proven elusive 34 of 35 times in the same-sex marriage ballot measures to date.

# Recommendation 14: Learn to Love Reality

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*Learn to love reality.*

Many of us are active in the LGBT community because we are very good at envisioning a better world. This is to the good. We need our idealism, optimism, passion, and the certainty that our cause is just or we might not be able to hang in there for the long haul through the ups and downs of the struggle for social change.

But somehow, each of us must also embrace the real world, the world as it currently is, and be as curious about it as we are about the better world we wish for. Otherwise, we will fail to be curious enough about those voters who aren't yet with us. We will too quickly fall in love with ads that appeal to those who already agree with us but convince no one new to join us. We will take comfort from polls that show us ahead, even as we dismiss polls that show us in trouble. The cumulative effect will be that we will be surprised by trouble and meet it face-to-face only on Election Day when it is too late to tackle it. Then we, and others counting on us, will be so angry and frustrated that we will be tempted to give in to despair or see ourselves as victims.

We are a strong enough group of people to face reality. Part of the electoral process—though not all of it—is fair. Some of the process, though not all, is under our control. More voters, though not all, will join us if we don't give up on them.

So when we learn that a voter, an experiment, an argument, a message, a poll, a volunteer, a consultant, a news story, or a blog is abjectly and utterly not what we want to hear, listen anyway.

At least one terrible truth is immediately before us in every one of these ballot measures: too many voters hold inaccurate, very unflattering beliefs about LGBT people and are therefore susceptible to emotional, anti-LGBT appeals. This reality of modern American life circa 2010 makes many of us angry. It tempts some of us to slap voters in the face with the truth. But when has a slap helped any of us recognize an error of our own? We need more voters to vote with us. I suspect we will come closer to having them reconsider their assumptions about us if we approach them not only with our self-respect fully intact, but also with a spirit of generosity, a genuine curiosity about how they see the world, and a measure of humility.

# Appendices: Overview

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# Appendix A: Notes on Methodology

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Fact gathering for this report focused on a specific portion of history of the Prop 8 campaign bounded in two important ways.

## **Time Period Examined**

First, the case study examines in greatest detail the most active time period of both the Yes and No campaigns. It focuses on the time period between May 15, 2008, when the California Supreme Court ruled that gay and lesbian couples had the right to marry, and November 4, 2008, when voters approved Prop 8 and amended the California State Constitution to take away that right.

During this time, media coverage of the issue was heavy, sustained, and at its peak; both the Yes on 8 and No on 8 campaigns raised the vast majority of their money; both campaigns did the greatest part of their message research and development; and both campaigns created and went public with their principal voter communications.

## **Activities Examined**

The case study examines most closely the activities assigned highest priority by the Yes and No campaigns. Both campaigns, though they differed in many other ways, prioritized the same two tactics that are conventionally prioritized in competitive statewide campaigns in California:

- Buying media, especially TV time to air 30-second ads, to communicate a message to voters.
- Raising the large amounts of money necessary to pay for airing those TV ads.

Paid TV was by far the biggest investment each campaign made to influence voters. Both Yes on 8 and No on 8 sponsored a wide range of campaign activities, but both campaigns spent the vast majority of their millions on TV ads. Polling shows that some ads aired by Yes on 8 and No on 8 affected voters; others did not. The case study therefore looks primarily at paid media, campaign message, and money because they are the largest part of the story. Both campaigns must have believed that their chances of winning or losing were most affected by these high-priority activities or they would not have devoted such a large percentage of resource to them.

Taking into account the emphasis of both campaigns on money and TV takes nothing away from other tactics and activities. All are worthy of further study. Both Yes on 8 and No on 8 had complex large-scale field operations statewide; outreach to people of faith and in communities of color; radio advertising; direct mail; and campaign signage. Some or all of these may have had impact on voter decision making. But it made sense to examine most closely the activities on which the campaigns themselves focused most of their resources.

In this particular campaign, especially when you follow the money, it's clear that both sides focused on TV. See Appendix G, a summary of all campaign expenditures and the emphasis on TV.

## **Sources of Information:**

### *Written Documents and Interviews.*

The report relies on data from more than 10,000 pages of documents, primarily polling frequencies, crosstabs, tables, and memos and reports recently released by the No on 8 campaign; television buy summaries; campaign fundraising and expenditure reports; other documents that describe ideas and decisions made by the No on 8 campaign; information in the public domain; analysis by other researchers such as Lewis and Gossett; and (to a lesser extent, to the extent they were ascertainable) by the Yes on 8 campaign.

The report also relies on data not in the written documents, but made available in more than forty hours of one-on-one interviews that I conducted with twenty leaders, consultants, and decision makers involved in the No on 8 campaign. Those interviewed include those who made and influenced decisions from May until September, and those who took over decision making from October through Election Day (some of whom began participating in decision making earlier). Those interviewed were as follows:

Members of the executive committee of the No on 8 campaign Equality for All, which led decision making from May through September: Delores Jacobs, Lorri L. Jean, Kate Kendell, Geoff Kors, Michael Fleming, Marty Rouse, Rashad Robinson, and Sue Dunlap were interviewed. For the full list of executive committee members, see Appendix M.

Advisers to the executive committee and involved from time to time from May through November: Thalia Zepatos and Sean Lund.

The initial group of consultants retained by the No on 8 campaign, who also took a central role making key decisions, developing the overall campaign strategy, prioritizing campaign tactics, and/or providing data central to decision making from May until September: Steve Smith of Dewey Square, general consultant; Maggie Linden of Ogilvy, media consultant; Eric Jaye, direct mail consultant; Celinda Lake and, later, Bob Meadow, pollsters working for Lake Research; Phyllis Watts, psychologist who assisted the research team; and, starting in September, David Binder, pollster.

The No on 8 campaign staff who participated in a mix of decision making and implementation for some or all of the period from May through September: Dale Kelly Bankhead and Sky Johnson.

Key decision makers in the campaign and the new consultants they brought in from September 29 through Election Day: Patrick Guerriero, Adam Freed, and Mark Armour; David Binder, pollster, and, at times, Eric Jaye, direct mail consultant from the earlier administration.

The interviews were wide ranging and included a mix of facts and opinion. The report relied on interview information as fact when:

- The interviewee had backup to support what they were saying, eg, email verification, or could clarify the campaign timeline by tying the timing of key events on their written calendar; or
- Interviewees who disagreed on many matters of opinion agreed on a piece of information, or an interviewee gave credit to someone else.

It is understood, however, that readers may want to check the accuracy of any data reported or relied upon to support any of the findings or recommendations. That process is greatly eased with the No on 8 campaign releasing its polling documents; they are available <http://www.eqca.org/site/pp.asp?c=kuLRJ9MRKrH&b=6096765>. In addition, to the greatest extent possible throughout the report, each fact derived from written documents is footnoted to its source. This provides readers an opportunity to check the facts and decide for themselves whether they are accurate. The source documents also allow readers to examine a wider range of issues and ideas than could conceivably be addressed in one single case study.

Facts derived solely from interviews are not footnoted to source to preserve confidentiality. The LGBT Mentoring Project is grateful that so many people with such a diverse array of perspectives were willing to provide information that otherwise would never be available to the broader community.

To the fullest extent possible, each conclusion is accompanied by the facts supporting it. When the facts conflict, as they sometimes do, the author does his best to disclose all the known facts, including those that support his conclusion and those that do not. This presentation gives readers the opportunity to apply their own judgment and determine for themselves if the lessons are adequately supported by the facts, or not. The transparency is intended to allow readers to reach either the same conclusions as the case study, or different conclusions.

## **Responsibility for All Errors**

The findings and recommendations in the report reflect those of the author and the LGBT Mentoring Project. They do not purport to reflect the opinion or conclusion of anyone else, even those who have generously given their time and best thinking to the author as he has written the case study. The author takes full responsibility for all errors in the report, and gratefully appreciates correction and access to additional documents that can shed light on more aspects of the Prop 8 campaign so that he can improve future editions.

This report would not have been possible without remarkable assistance from a wide variety of people. Full acknowledgements are made in the Acknowledgements section near the end of this report.

# Appendix B: Prop 8 by the Numbers

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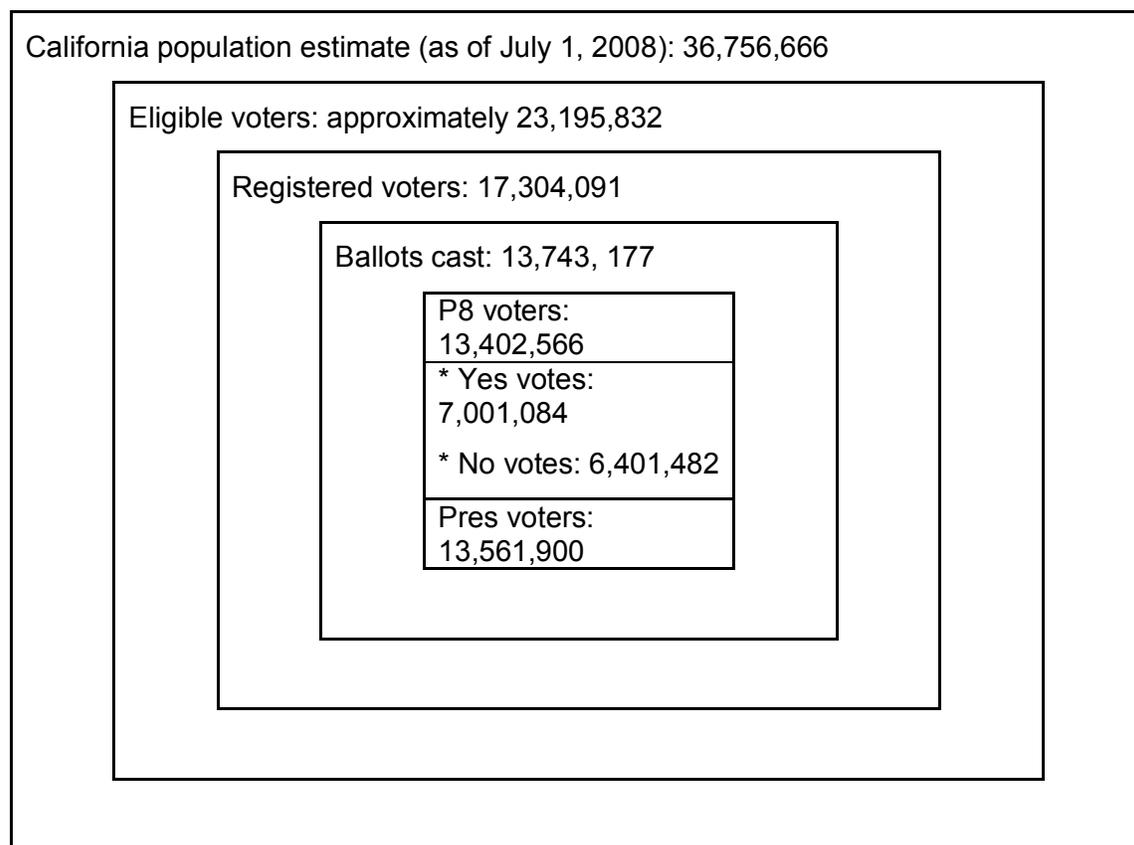
## The Official Final Vote on Prop 8, and the Margin

Yes: 7,001,084 votes; 52.3%

No: 6,401,482 votes; 47.7%

The official margin: Yes prevailed by 599,602 votes

### November 4th, 2008, Election Summary



## Ballot Drop-off

340,611 people voted on November 4 but did NOT vote on Prop 8.

Total ballots cast was 13,743,177; ballots cast on Prop 8 was only 13,402,566. Thus, 97.5% of voters who cast a ballot in 2008 voted on Prop 8.

## **Wrong-way Voting**

The official result on Prop 8 makes the vote look closer than it was because No on 8 was the net beneficiary of wrong-way voting. Had all voters successfully cast a ballot to match their intention, Yes on 8 would have prevailed with 53.9% of the vote instead of 52.3%. See Appendix K for a full explanation of the calculations made to measure wrong-way voting. See Findings 1 and 7 for a discussion of the key lessons learned about wrong-way voting in this election.

## **Inertial Voting**

Most political consultants believe, or assume, that voters who are undecided on the substance of a ballot measure tend to vote no on the measure. The idea is that if voters have any doubt, they vote no.

But that assumption was not true in Prop 8. On the contrary, the 10% of voters who expressed indecision on the issue of marriage for gay and lesbian couples—let's call them inertial voters—started out leaning toward voting Yes on Prop 8. At the end of the campaign, they leaned even more strongly toward voting yes. This was true among all demographic groups.

It is not known why the undecided voters broke in the direction of voting Yes.

Perhaps a significant number of undecided voters were able to determine that yes was the vote that would retain the longstanding status quo where gay and lesbian couples were not allowed to marry.

Perhaps the Yes on 8 campaign made a stronger and more memorable impression on undecided voters than did the No campaign.

Perhaps voters—even self-described undecided voters, as measured in telephone polling—are not actually undecided on this topic in the same way that they are undecided on other topics. A voter who is undecided in a contest between two candidates, for instance, may be entirely indifferent or entirely uninformed. But perhaps almost no set of voters is entirely uninformed on the matter of marriage.

Whatever the reason, the result was that No on 8 did not benefit from inertial voting. In future elections, the pro-marriage side will not have to compensate for the loss of inertial voters. Unlike the wrong-way voters, the inertial voters did not boost No on 8's vote total.

## **TV Advertising**

By the end of the campaign:

No on 8 was on the air forty-four days with thirteen ads. Combined, the thirteen ads aired 11,424 times;

Yes on 8 was on the air thirty-seven days with six ads. The six ads combined aired 11,300 times;

Yes on 8 was on the air with almost double the No on 8 buy in the first half of October;

No on 8 then caught up and outspent Yes on 8 by a margin of better than 2 to 1 in the closing week of the campaign.

See Appendix E for a complete description of the TV buy and for brief descriptions of all the campaign ads.

## **The Last Election in California on Same-Sex Marriage**

### **Voting on Prop 22 in 2000**

Before Prop 8, California voted once before on the issue of marriage for same-sex couples. On March 7, 2000, Prop 22 (also known as the Knight Initiative after its best-known sponsor, State Sen. Pete Knight) passed by this vote:

Yes: 4,163,673 votes; 61%

No: 2,909,370 votes; 39%

The electorate in March 2000—a relatively low-turnout primary election; just over 7 million voted on Prop 22—was obviously different from the one in November 2008—a high-turnout presidential general election; just over 13.4 million voted on Prop 8. But the closer margin in the second election as well as polling data from a variety of sources support the conclusion that the LGBT community and our allies were closer to being able to win an election on marriage in 2008 than they were eight years earlier.

## **The Next Election in California on Same-Sex Marriage**

### **To go back to the ballot in a presidential year, such as 2012**

Votes required to win in 2012: 6.3 million. That number and all of the following calculations are based on estimated voter turnout of 75% of those registered. We chose 75% as the projected voter turnout by averaging the turnout in the last three presidential elections (2000, 2004, and 2008), all of which were highly competitive nationally, though not in California, in the presidential race.

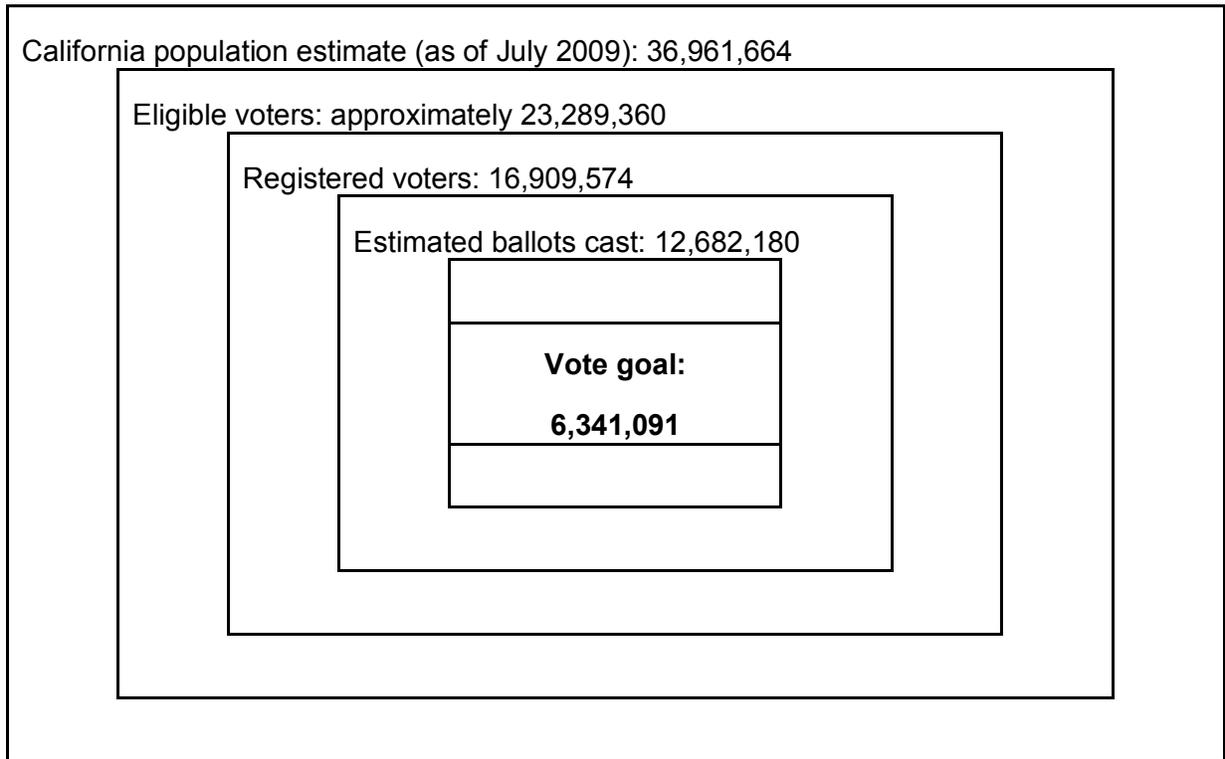
**We start out between 965,000 and 989,000 votes behind.**

Expected voter turnout: 12,682,180

Estimated ballots to be cast on same-sex marriage: 12,365,125–12,682,180 (the range reflects a potential 2.5% ballot drop-off as seen in 2008)

Estimated anti-gay no votes: 6,664,802–6,835,695 (based on a 53.9% win projection through correcting for wrong-way voting from 2008)

Estimated pro-gay yes votes: 5,700,323—5,846,485



## To go back to the ballot in a nonpresidential year, such as 2014

Votes required to win in 2014: 4.1 million, based on 54.8% voter turnout. This projected turnout is an average of similar nonpresidential elections from 1998, 2002, and 2006.

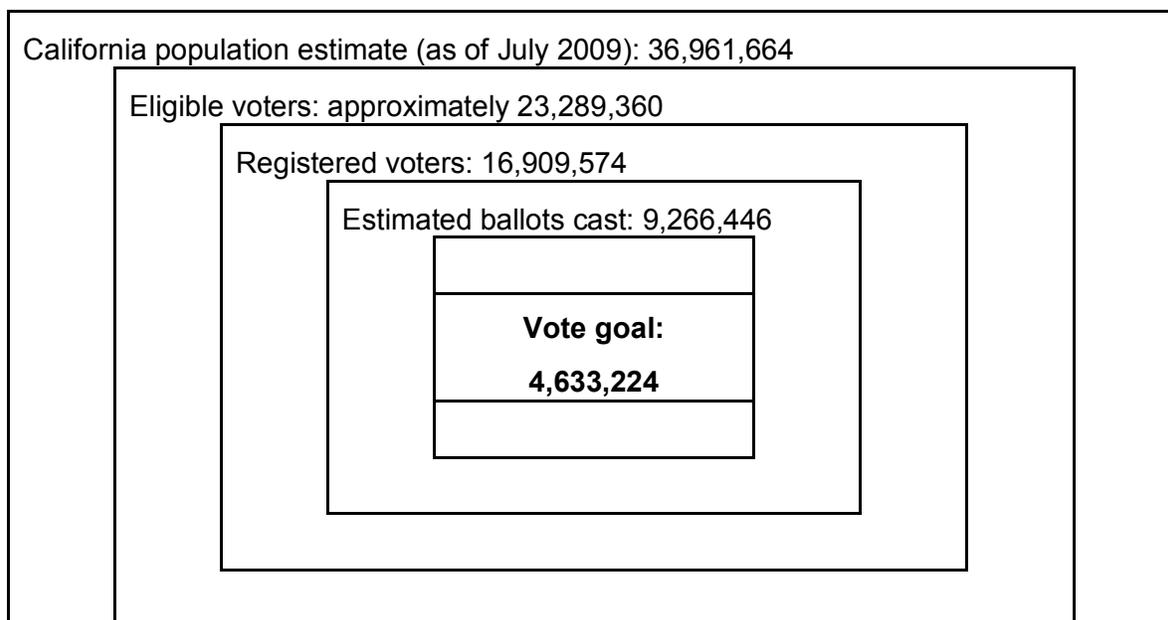
### *We start out between 700,000 and 723,000 votes behind*

Expected voter turnout: 9,266,446

Estimated ballots to be cast on same-sex marriage: 9,034,785–9,266,446 (the range reflects a potential 2.5% ballot drop-off as seen in 2008)

Estimated anti-gay no votes: 4,869,749–4,994,614 (based on a 53.9% win projection through correcting for wrong-way voting from 2008)

Estimated pro-gay yes votes: 4,165,036–4,271,832



The bottom line: we need approximately 73% more votes to win in a presidential election year than in a nonpresidential year.

The presidential year electorate may be more favorable to same-sex marriage, on a percentage basis, as polling shows more support than that of the electorate in a nonpresidential year; eg, younger voters are among the least likely to vote in an off year and are among the most supportive of same-sex marriage.

But it may be easier to win in a nonpresidential year because the absolute number of votes needed to win is so much lower. This would be particularly true if the LGBT community and its allies identify a significant percentage of the 4.6 million individual voters supportive of same-sex marriage needed to win, and if they develop the capacity to turn them out to vote in an off year.

Another way to think about it is this: in 2008, we were 1,000,000 votes behind Yes on 8; we lost by 1,000,000 votes. In a future presidential election year, we go into the election roughly 1,000,000 votes behind—perhaps a bit less if voter opinion has moved a bit in our favor, and if we have persuaded some voters to change their minds. In a future nonpresidential year, we go into the election roughly 730,000 votes behind—perhaps a bit more if the electorate includes fewer voters likely to participate who are favorably disposed toward us. Nevertheless, it might be easier to win an election where we start out somewhat more than 730,000 votes behind—even 800,000 or 850,000 votes behind—compared to one where we begin 1,000,000 votes behind.

I am flagging this here because I know it is of great general interest. But I am not recommending a specific year to go back, because (a) we have work to do before we're ready to go back, and I cannot currently foresee when that work will be completed, and (b) the topic deserves further research that puts it beyond the scope of this report.

# Appendix C: Chronology

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The campaign chronology is presented two ways:

- In charts that give bullet descriptions of key events in chronological order, along with poll findings on the same or overlapping dates (in Appendix D).
- In text that gives a more complete list of events and a fuller description of events, starting immediately below (here in Appendix C).

## **Before May 2008**

June 2007. The predecessor committee to the No on 8 campaign, Equality for All, hires Steve Smith of Dewey Square as its general consultant. Smith's experience included serving as the lead consultant for campaigns that defeated anti-choice parental notification ballot measures in 2005 and 2006. He had run campaigns in California for more than twenty-five years. In his involvement with more than a dozen initiative campaigns, he indicated he had never lost a "No" campaign.

At this time, the campaign committee is led by an executive committee (EC) that includes a variety of people sharing decision-making responsibility. A full list of EC members is included in Appendix M. Among those significantly engaged are four LGBT organizational executive directors participating in both decision making and fundraising: Geoff Kors, Equality California; Lorri L. Jean, the LA Gay and Lesbian Center; Kate Kendell, the National Center for Lesbian Rights; and Dr. Delores Jacobs, the San Diego LGBT Community Center. When the campaign committee expanded closer to Election Day in late August 2008, these four, as well as Maya Harris, then of the ACLU of Southern California, and Andy Wong, Founder and former director of API Equality, became the core members of a "miniEC." Maya Harris took a new job in New York in autumn 2008, but the other five remained central in decision making until late September. Heather Carrigan of the ACLU of Southern California replaced Maya Harris on the miniEC. In addition, Michael Fleming, executive director of the Bohnett Foundation, became a member of the miniEC and served as a liaison to national LGBT major donors.

Mid-February through early April 2008. To dissuade voters from signing the petition to qualify Prop 8 for the ballot and educate voters about the intention of the measure, the core group of LGBT and allied activists who will later have responsibility for day-to-day running of the No on 8 field campaign run a "Decline-to-Sign" campaign across the state.

As May 2008 approaches. The No on 8 campaign committee hires Lake Research as its polling firm, with Celinda Lake the lead pollster.

Steve Smith, in consultation with the executive committee, hires Ogilvy as the campaign media consultant. Led by Maggie Linden, Ogilvy is in charge of creating, producing, and buying TV and

radio ads, and also overseeing and placing earned media. Smith and Linden previously worked together on the parental notification ballot measures.

Smith and a committee hire (a) Black Rock to create the Web site and manage new media communications and fundraising, (b) initial lead fundraising consultants Kimberly Ray (who then hired Marjan Philhour and others), (c) Eric Jaye of Storefront Media to do direct mail, and (d) Phyllis Watts, a psychologist and principal in Wild Swan, to observe and maximize learning from the polling and focus groups.

Before May begins. Yes on 8 hires Schubert Flint as their lead consulting firm in charge of creating and producing TV and radio ads along with other paid campaign communications. Yes on 8 makes its first payment to Schubert Flint on June 13 (as noted in Appendix G, data from the California Secretary of State).

## **May and June 2008**

May 15. The California State Supreme Court rules that the California marriage ban is unconstitutional.

Late May. Polling on Prop 8 is wildly contradictory.

The first Field Poll conducted May 17–26 shows No on 8 with a 14-point lead: 54% to 40%, with 6% undecided.

The *LA Times* poll conducted May 20–21 shows Yes on 8 with a 16-point lead: 53% to 37%, with 9% undecided.

The No on 8 campaign's internal polling by Lake Research conducted May 19–27 shows Yes on 8 ahead by 8 points: 50% to 42%, with 8% undecided.

In its May poll, Lake Research had voters rate a variety of possible campaign “messengers” on the issue of same-sex marriage. Of fourteen messengers tested, “gay couples” test best: 58% of voters had “some” trust and 27% had “a great deal” of trust. No other messenger cracked 50%. Runner-up was “parents of gay people” in whom 49% of voters had “some” trust and 19% had “a great deal” of trust. “Local religious leaders” came in third, with 47% and 17%.

May. The campaign committee hires Dale Kelly Bankhead as campaign manager. She begins work in June.

June 2. Prop 8 qualifies for the ballot. The California Secretary of State finds that at least 694,354 of the 1,055,000 signatures turned in by Yes on 8 are valid.

Mid-June. The No on 8 campaign committee approves a document for potential major donors titled “Equality for All . . . A Road Map to Victory.” To make the case that No on 8 can prevail, it argues that Yes on 8 faces an uphill climb because it currently fails to meet the three criteria that all California ballot measure proponents need to meet to win:

- That [polling shows that] the measure will pass with 60% of the vote

- That the yes-to-no ratio is 2 to 1
- That the strong support for the measure is at least 40%”

The “Road Map” says that based on all polling “by the above three standards, the measure is clearly vulnerable” and that “all the available current research makes it clear that *we can defeat this proposal*, but it will not be easy.”

## **Opposition Strategy and Message**

Based on polling, the “Road Map” predicts that the opposition’s “strongest argument is that the court has overridden the will of the people” and that “interestingly, other messages the opponents have used in other states have less salience in California . . . but some would say that this is NOT [caps in original] a surprise to us, we are, in fact, Californians!” Among the Yes on 8 messages to which this refers—messages that tested relatively poorly in the Lake Research polling—was the issue of kids and schools.

## **Money and Paid Media**

“All of the pieces are in place [for No on 8] to win except the money,” states the plan. Its proposed \$21 million budget includes \$13.9 million for paid TV advertising.

The full text of the “Road Map” is reproduced in Appendix Q.

June 16. Same-sex marriages begin. The campaign and other pro-marriage groups generate extensive coverage of gay and lesbian weddings in a wide array of major media outlets.

Starting June 18. No on 8 conducts its first focus groups. Focus group research continues on and off until at least October 8.

By the end of June. Schubert Flint “reconfirmed in our early focus groups our own views that Californians had a tolerant opinion of gays. But there were limits to the degree of tolerance that Californians would afford the gay community. They would entertain allowing gay marriage, but not if doing so had significant implications for the rest of society.”

This is their own self-description of what they learned, provided in a postelection article titled “Passing Prop 8” for *Politics* magazine penned by Schubert & Flint available at <http://www.politicsmagazine.com/magazine-issues/february-2009/passing-prop-8/>

June 30. Fundraising progress reported at this point shows that both sides have raised roughly equal amounts of money. No has raised \$2.6 million and has \$1.4 million cash on hand. Yes has raised \$2.7 million and has \$350,000 cash on hand.

## **July and August 2008**

July 8–14. A second Field poll shows the contest narrowing slightly, but with No on 8 still 9 points ahead, 51% to 42%, with 7% undecided.

July 8–17. Both sides submit ballot pamphlet arguments and rebuttals. This is the first public indication that one of the arguments the Yes side is using is that unless Prop 8 is approved, children will be taught about gay marriage in schools.

July 10–31. Five donors give a total of \$2.25 million to No on 8. Individual gifts range from \$250,000 to \$1 million.

July 29. No on 8 files a lawsuit challenging Yes on 8's ballot pamphlet argument that unless Prop 8 is approved, teachers would be required to teach students about same-sex marriage in schools.

From July through September. Yes on 8 raises \$22 million; it says that upward of 40% came from members of the LDS (Mormon) Church.

August 8. California Superior Court hands down several rulings. The court approves the ballot title and description drafted by Attorney General Jerry Brown, language that helps the No side at least initially in polling. Both sides and all pollsters now know the exact ballot language. From here on, all polls incorporate the ballot language into their horse race question, the question that asks voters how they intend to vote on Prop 8.

The court also rules that Yes on 8 may not say in the ballot pamphlet that without Prop 8, teachers will be "required" to teach same-sex marriage. But the court allows them to say that teachers "could" or "may" teach children about the topic.

August. After meeting its financial goals for July, No on 8 fundraising stalls in August.

August 11–17. No on 8's internal polling by Lake Research offers both a pessimistic and an optimistic finding in the same poll. The downside is that Lake's original version of the horse race question shows No behind by a wider margin than ever—20 points. Yes leads 57% to 37%, with 6% undecided. On the upside, the new ballot language approved by the court helps No fare better with voters. Lake shows that when voters are read the new ballot language word for word, No is still behind but only by 9 points: 51% to 42%, with 6% undecided.

August 12–19. The Public Policy Institute of California (PPIC) conducts a new poll that, like the Field poll, shows No on 8 with a wide lead: 54% to 40% with 6% undecided. The vast majority of LGBT people in California and nationwide only know the public polling, which shows No with a commanding lead. Only people inside the No on 8 campaign know that its internal polling by Lake Research shows us behind. Concerned about the ongoing disparity between the public polling by Field and PPIC that shows No on 8 with a large lead, and the internal polling by Lake, the No on 8 campaign asks the general consultant to hire a second pollster. David Binder Associates is retained to conduct a one-time "over-the-shoulder" poll in early September to see if its findings shed light on the other polls' vastly different results.

August. Throughout this month, No on 8 focus group participants are exposed to storyboards, drawings depicting some of the ideas for ads, including those that became "Thorons" (parents talking about their lesbian daughter) and "Conversation" (two women talking, one expressing

doubts about same-sex marriage). They do not see any actual or dummy ads; none have yet been produced.

August. Chad Griffin and Dennis Herrera join forces with Equality for All. Their independent campaign committee to defeat Prop 8, Californians Against Eliminating Basic Rights had raised \$141,050 by the start of August and would go on to raise a total of \$1.5 million.

## **September 2008**

September 2–16. In this time period, four polls are conducted. All show No on 8 ahead, but by very different margins.

Lake Research's No on 8's internal polling shows No on 8 ahead by 3 points: 47% to 44%, with 8% undecided (poll conducted September 8–11). This is within the margin of error, essentially showing the contest even. This is the first time a Lake poll has shown No ahead or even. Lake also finds strength of support for both sides identical at 37% each. While only 8% self-identify as undecided, an additional 18% are soft supporters, potentially moveable. This is consistent with Lake's findings since May.

David Binder Associates' No on 8's backup internal polling shows No on 8 up by 10 points: 52% to 42%, with 6% undecided (September 2–4).

The Field Poll shows No on 8 ahead by 17 points: 55% to 38%, with 7% undecided (September 5–14).

PPIC shows No on 8 ahead by 14 points: 55% to 41%, with 4% undecided (September 9–16).

Only the Field and PPIC poll results are publicly known.

September 9. By calling stations around the state, No on 8 learns that Yes on 8 has begun massive purchase of cable TV time. The Yes ads will begin September 29.

September 15. By this time, No on 8's research and message consultants—Lake Research and Wild Swan—have conducted three surveys, twelve focus groups, and six triads (mini-focus groups of three people each). Their recommendation is that campaign communications would be “more successful [if they were] to send the emotional cues in other ways—via surrogates, loved ones” rather than have gay or lesbian couples speak directly.

September 22. TV advertising begins. No on 8 goes on TV first. It airs the “Thorons” ad, featuring parents talking about their gay daughter. The initial plan is for No on 8 to buy 500 points per week in key media markets including LA, San Francisco, San Diego, and Sacramento, but the campaign doesn't have the money. The general consultant “shaves” the buy, reducing it below 500 points in six markets and cutting it to a particularly low level in LA, the most expensive media market. The result is that as a practical matter the ad won't register in a meaningful way with voters in LA the first week. See Appendix E for all the details on the size of the media buy each week in each media market.

September 22—24. Lake Research polling shows No on 8 ahead by 1 point: 45% to 44%, with 11% undecided. This is within the margin of error—essentially a dead heat—and the last time the Lake poll numbers show No on 8 ahead.

September 23. The *LA Times* reports that Yes on 8 is \$5 million ahead of No on 8 in fundraising.

September 29. The No on 8 campaign changes decision making and some key staffing in the campaign. Patrick Guerriero takes a leave from the Gill Action Fund to take over No on 8 campaign management and decision making, his official titles are president of the Board of Equality for All and campaign director. He replaces many of the consultants and some staff. The former decision makers—the general consultant, the first campaign manager, and the most active members of the campaign executive committee—are largely moved to the sidelines. In the next ten days, Guerriero recruits new decision-making and implementation teams based in San Francisco. The new No on 8 team comes to include Nick Donatiello, Adam Freed, and Joe Rodota. Others newly recruited include Mark Armour (who creates the next three major TV ads), Rick Claussen, Guy Cecil, Marc Solomon, Gale Kauffman, and Mary Breslauer. In addition, Marty Rouse and Thalia Zepatos get involved on a full-time basis; Marty had previously served as a member of the campaign and then the executive committees, and Thalia had served as a member of the campaign committee before moving out of state. Eric Jaye continues in charge of direct mail. The new team also has Binder Associates return to do daily tracking polling from October 18 through November 4.

September 29. No on 8 continues airing “Thorons” in six media markets and adds a seventh by placing a small buy in Palm Springs. By October 7, however, the ad still hadn’t broken 500 GRPs per week in any media market.

September 29–October 1. Lake Research begins daily tracking polling for No on 8. The first track, covering these three days, shows No on 8 behind by 4 points: 47% to 43%, with 10% undecided.

September 29. Yes on 8 is on the air with its first ad, “Newsom.” In it, the San Francisco Mayor is seen saying that marriage for gay and lesbian couples is coming “whether you like it or not.” The ad goes up with a significant buy of more than 500 GRPs in Santa Barbara, San Diego, Sacramento, Monterey, Fresno, and Chico-Redding, and with a slightly smaller buy in San Diego and Los Angeles. For more details on the Yes on 8 media buy see Appendix E.

September 30. Both sides report on their fundraising. Yes on 8 is \$10 million ahead in cash on hand—twice as far ahead as the *LA Times* had reported a week ago. No has raised \$16 million and has \$2 million on hand. Yes has raised \$25.7 million and has \$12.8 million on hand.

Throughout September and October. As a result of an intensive outreach effort by No on 8 to editorial boards, ninety-two newspapers, including every major newspaper in California, writes an editorial recommending a No vote on Prop 8. The full list is in Appendix F.

## October 2008

Early in October. A team of twenty high-level IT and Web experts volunteer to vastly overhaul and redesign the No on 8 Web presence. They add substantial functionality to the Web site and track the ways in which supporters find the Web site so the campaign could within hours determine what was working and what wasn't. Many in the campaign believe that the combined effect of this array of changes importantly contributed to the dramatic improvement in No on 8's online fundraising in the final three weeks of the campaign.

October 5–7. With “Newsom” on the air a full week, Lake tracking polling shows an immediate reaction: the number of refusals on the horse race question jumps from 1% to 5%. Yes now has a new 9-point lead, 45% to 36%, not because Yes has more voters immediately on its side—it actually slipped 2 points from 47% to 45% (within the margin of error)—but because 2% of Yes voters and 7% of No voters have moved to refusal status or are undecided.

October 5–9. No on 8's “Thorons” ad peaks: 22% of voters volunteer in open-ended questions that they remember it. At the same time, Yes on 8's “Newsom” ad peaks: 14% volunteer that they remember it.

October 6. Absentee voting begins. Ultimately, 42% of all California voters (over 5.7 million) cast their ballot before the November 4 Election Day. Effectively, October 6 is the first of twenty-nine consecutive Election Days. Or another way of looking at it: as of October 6, Election Day has begun.

October 6. No on 8 mostly replaces “Thorons” with a new ad, “Conversation,” that has two women talking about how they'll vote, with one expressing reservations about same-sex marriage. The two ads are in rotation in most markets, 20% “Thorons” and 80% “Conversation.”

October 6. Yes on 8 adds a new ad, “Princes,” to its buy. The most frequently broadcast ad of the entire campaign, it features a young girl telling her mother that she has learned in school that a boy can marry a boy, and she can marry a girl. “Princes” first goes on the air in Spanish. Yes on 8 also continues the “Newsom” ad, but voter recollection of it fades quickly once “Princes” begins to air.

October 6. No on 8 mails “Know,” its first piece sent to a large number of probable absentee voters. See Appendix N for the No on 8 mail pieces.

October 7. The No on 8 executive committee and new campaign manager publicly disclose in a conference call with reporters that its own internal polling shows that “the measure would pass by four points.” (*LA Times*, October 8; *San Jose Mercury News*, October 7) The Lake tracking polling at this point shows us down 46% to 36% with 19% undecided. On the conference call, No on 8 campaign representatives attributed the result to fewer television ads due to the No on 8 campaign falling behind in fundraising (*LA Times* article, October 8).

October 8. Yes on 8 begins airing “Princes” in English.

October 8–11. Lake tracking polling shows that the number of undecided voters has returned to 10%. In three days, most who became undecided after exposure to “Princes” have trickled back

to where they were previously, but some of them have moved to Yes. The net result: Yes now has 49%, just short of the 50% it needs to win. No has 40%. See Finding 2 for a full discussion of this topic.

October 8–20. Yes on 8 continues “Newsom” and “Princes” and adds “Massachusetts.” The last says that teaching kids about same-sex marriage in schools “has already happened in Massachusetts” (where marriage is legal) and features a couple that claims their child was exposed to information against their wishes.

October 10. No on 8 drops “Conversation” three days after it began; it aired so briefly that few voters are likely to have seen or remembered it. “Thorons” is on the air in a tiny buy. The main ad up, “Lies,” does not directly rebut the charge of “Princes” that young kids will be taught about same-sex marriage in schools; the buy is small and it’s viewed as a placeholder, better than going dark on TV. It buys a little time as the No campaign decides whether and how to respond to “Princes.”

October 10. The lesbian wedding field trip news story—where a group of students go on a field trip to see a favorite teacher get married to her lesbian partner—breaks in the *LA Times*, and a day later in the *San Francisco Chronicle* (headline: “Class surprises lesbian teacher on wedding day”). Fourteen days later, the field trip becomes the subject of Yes on 8’s follow-up ad to “Princes.”

October 11–13. Lake tracking polling shows Yes on 8 reaching 50% support for the first time since voting began on October 6. Yes is ahead 50% to 38%, with 12% undecided. Lake tracking polling shows that Yes remains at 50%, 51%, or 52% every day from now until October 28.

October 12–19. A new PPIC poll shows No on 8 ahead by 8 points: 52% to 44%, with 4% undecided. This is 6 points closer than their last poll in early September; since that time, PPIC shows that Yes has picked up 3 points and No has declined 3 points.

October 14. No on 8 replaces “Lies” with “Unfair” and airs it with a \$3.6 million buy. This ad, like its predecessor, does not directly respond to the charges in “Princes.” Instead, it is intended to pivot—to refocus—No on 8 as a “no” campaign, rather than a campaign affirmatively supporting the idea of same-sex marriage. Like “no” ads in other California campaigns on other issues, the ad is stark, dark, and the word “no” appears on the screen for the entire duration of the ad. This is the first No on 8 ad aired created and produced by Mark Armour, of Armour Griffin Media Group. Ogilvy is relieved of the responsibility to create or produce No on 8 ads.

October 14–16. In each tracking poll, Lake also asks voters a second, clarifying question to determine their actual voting intention. Lake starts out “Just to Be Clear” and uses plain language, not the ballot language, to ask voters if they wished to eliminate or allow marriage for gay and lesbian couples. From this tracking poll through the final tracking poll October 30, Yes is 10 points or more ahead on the Be Clear question, and at 50% or above.

October 15. The *Advocate* reports Patrick Guerriero’s role as the new head of No on 8, describing him as the campaign’s new director.

Mid-October. No on 8 replaces Ogilvy with Perry Communications to handle earned media for the final twelve to twenty days. Ogilvy continues to handle media buying; substantive media buy decisions are made daily by the new decision-making team.

October 18. No on 8 has closed much of the fundraising gap but is still behind. No has raised \$27 million and has \$4 million cash on hand. Yes has raised \$28.2 million and has \$7.2 million cash on hand. Major donor fundraising has improved for No on 8, but the huge change is the performance of online fundraising. After raising \$1 million total prior to October, online fundraising is so robust in October that key decision makers believe it ultimately brought in \$17 million, almost half the money raised by the campaign. Data reported to the Secretary of State does not distinguish online donations from others, but it does show that gifts of \$100 or less to the No on 8 campaign totaled \$3,320,000 from October 1 through Election Day. This is consistent with the idea that online fundraising is a significant factor contributing to the turnaround in No on 8's fundraising, along with public disclosure that the No campaign is in danger of losing and the proximity of Election Day are also likely motivating many people to donate.

October 18–20. David Binder Associates begins daily tracking polling to supplement the daily tracking by Lake. Binder Associates' tracking polling for these three days shows No ahead by 3 points: 48% to 45%, with 7% undecided. This is within the margin of error and essentially shows a dead heat. Lake tracking polling for these same days shows Yes ahead 52% to 38%, with 11% undecided.

October 18–28. The new Field Poll shows No on 8 ahead by 5 points: 49% to 44%, with 7% undecided. The last Field Poll, in early September, had No ahead by 17 points. Since then, No has declined 6 points, and Yes has picked up 6 points.

October 19. The Executive Committee insists that the campaign create and air an ad that directly rebuts "Princes." Jack O'Connell is discussed as an option to be a spokesperson in that ad. The manager agrees and O'Connell is secured.

October 19–21. No on 8 is given numbers from an independent private poll that shows No ahead by 5 points: 51% to 46%, with 3% undecided.

October 20–22. David Binder Associates' tracking polling shows Yes ahead by 2 points: 48% to 46%, with 6% undecided. Binder Associates shows Yes in the lead and at 48% and 49% until October 23–26, when it slips a little. Throughout the campaign, Binder Associates polling never shows Yes at 50% or above.

October 22. Sixteen days after Yes first aired "Princes," No on 8 airs "O'Connell," its first ad to directly rebut "Princes." In it, State Superintendent of Schools Jack O'Connell says that kids won't be taught about same-sex marriage in schools. No's poll numbers have continued to slide with "Princes" unanswered by "Unfair."

The week of October 22. For the first time since Yes on 8 went on the air, No on 8 achieves spending parity on TV.

October 22–25. Yes on 8 begins to air “Field Trip” on October 24. Just like “Princes,” it focuses on the issue of kids and schools. “Field Trip” uses the specific example of a class in San Francisco that attended a lesbian wedding as a cautionary tale of what will happen in classrooms unless Prop 8 passes. “Field Trip” also directly rebuts “O’Connell” and aims to impeach its credibility; Yes has placed this ad on the air within forty-eight hours of “O’Connell” first airing. Lake tracking polling shows that 30% to 36% of voters volunteer in open-ended questions that they remember “Princes” and “Field Trip” and the issue of kids and schools as central to the debate on Prop 8.

October 24. No on 8 mails a piece of literature, “Know” to a large number of likely Election Day voters; this is the same piece it sent probable absentee voters on October 6. No on 8 also mails a different piece, “Know 2,” to an additional universe of voters.

October 26–28. Binder Associates’ tracking polling shows that 49% of voters agree that “Prop 8 will stop schools from teaching children about gay marriage.”

October 27. No on 8 begins to air a new ad, “No for Latinos,” in both English and Spanish.

October 28. No on 8 begins to air a new ad, “Feinstein,” featuring the U.S. senator. This ad is created and produced by Mark Armour.

October 28 through Election Day. “Field Trip” dominates the Yes on 8 TV buy, but Yes also airs a new ad, “Closer,” as well as “Field Trip” in Spanish.

October 28. No on 8 mails “Heart” to a large number of likely Election Day voters. The California Labor Federation also mails “Real” to a universe of voters urging them to vote No on 8.

October 29 through Election Day. No on 8 dominates paid TV advertising in the final week, outspending Yes by a wide margin.

October 29 through Election Day. Binder Associates’ tracking polling shows No in the lead and holding at 50% throughout this period. Binder Associates has Yes fluctuating at 47%, 48%, and 49%. All are within the margin of error, essentially showing a dead heat. Independent private polling similarly shows a dead heat. Lake’s last tracking poll, October 28–30, shows a different situation: Yes with an 8-point lead: 49% to 41%, with 10% undecided.

October 30. No on 8 begins to air a new ad, “Internment” in a large statewide buy. This ad is the largest part of No’s TV buy through Election Day. No on 8 continues to air “Feinstein” in a 30% to 70% rotation with “Internment,” as well as running other ads in small buys.

October 30. The California Labor Federation mails another piece, “Vote,” to a large number of voters.

## **November**

November 1. No on 8 replaces “Feinstein” with “Obama,” essentially a recut version of “Feinstein” that begins with still photos of then-presidential-candidate Obama and Gov. Schwarzenegger endorsing a No vote on 8. This ad was created and produced by Mark Armour.

November 1–4. No on 8 airs, in smaller buys, several new ads: “I’m a Mom,” “Parents,” “PC versus Mac,” and “Ellen.” The last was created by Ellen DeGeneres and features her speaking directly to the camera.

November 4. Election Day. For election results, see Appendix B.

# Appendix D: The Data, in Easy-To-Understand Charts

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## **The Story of Prop 8, Concisely Told in Graphical Time Lines**

This Appendix uses graphs and charts to illustrate shifts in public opinion during the Prop 8 campaign. In a few cases, it also uses charts to demonstrate changes that occur in the larger political environment, such as in earned media coverage, in the final six weeks of the campaign.

At a glance, each uses the data to illuminate a trend. All together, the charts communicate the gestalt—the big picture—and reveal the relationship between key campaign events and the way voters responded to them.

The charts remedy a potential deficiency of the rest of the report, its length. In this section, the same important ideas are shared, shorn of some detail and text. The result: a clear picture of the largest events that affected the fortunes of No on 8.

The tables and graphs in this appendix are similar to those throughout the report, but here they are larger and easier to read.

Most charts and graphs in this Appendix use data collected by the two polling firms hired by the No on 8 campaign: Lake Research and David Binder Research. Lake Research polled for a longer period of time, from May through October 30, and it polled more frequently. David Binder Research first polled for No on 8 September 2–4, and then returned to do daily tracking only toward the very end of the campaign.

In addition, some charts draw upon polling done by respected statewide and national polling firms that polled on Prop 8, including the Public Policy Institute of California (PPIC) and the Field Poll, though their surveys were at much more sporadic intervals than either of the two firms commissioned by the campaign.

Finally, a few charts present data that does not come from polling at all. For example, data gleaned from targeted searches of the Google News Archive measure trends and help reveal trends in earned media coverage of the campaign.

The tables and graphs below are grouped by poll question or topic. For example, one of Lake Research's questions, the Standard Horse Race, is presented for all voters, and then separately for several subgroups of voters.

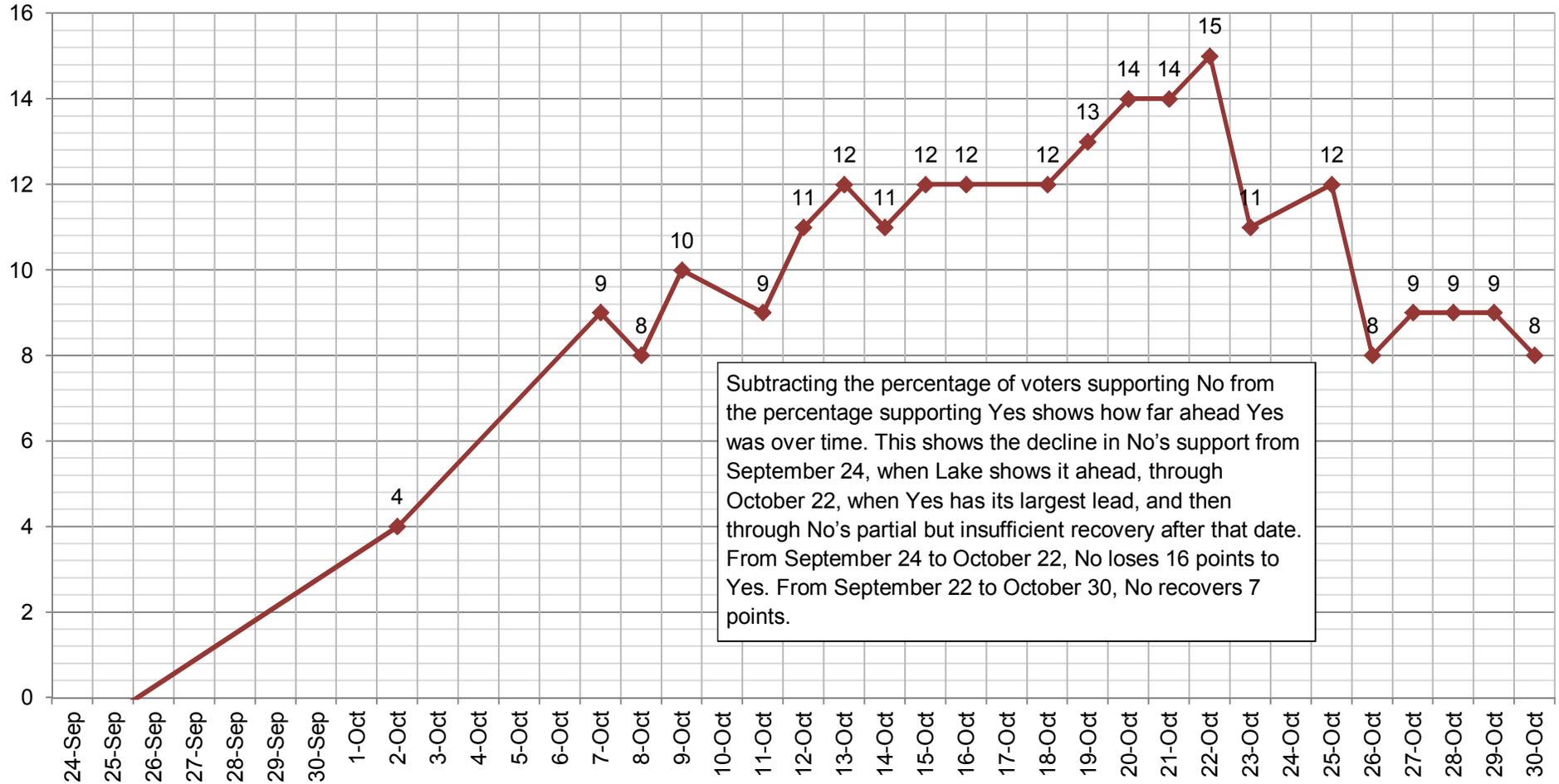
Where possible, both tables and graphs are presented for all data sets. A few paragraphs of text before the graphs (and text boxes superimposed on the graphs) describe the source of the data, its relevance, conclusions this report draws from the data, and any deficiencies in the data. In addition, a summarized chronology of events is below each chart to provide context.

## **Top Charts: The Most Revelatory Parts of This Appendix, In One Place**

Throughout most of this appendix, tables and graphs are grouped together by topic. Here, however, the charts which tell the most impactful stories in the simplest ways are presented together. This way, you don't have to go digging through charts which are often more complex and not as easily decipherable to find the most compelling pieces of data.

# Measuring Yes's Lead—The Margin of Yes Minus No (Lake Research's Standard Horse Race)

◆ Yes on 8 support - No on 8 support



Subtracting the percentage of voters supporting No from the percentage supporting Yes shows how far ahead Yes was over time. This shows the decline in No's support from September 24, when Lake shows it ahead, through October 22, when Yes has its largest lead, and then through No's partial but insufficient recovery after that date. From September 24 to October 22, No loses 16 points to Yes. From September 22 to October 30, No recovers 7 points.

No's "**Thorons**" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "**Newsom**" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

No's "**O'Connell**" airs 10/22–10/30 as the campaign's direct response to "Princes."

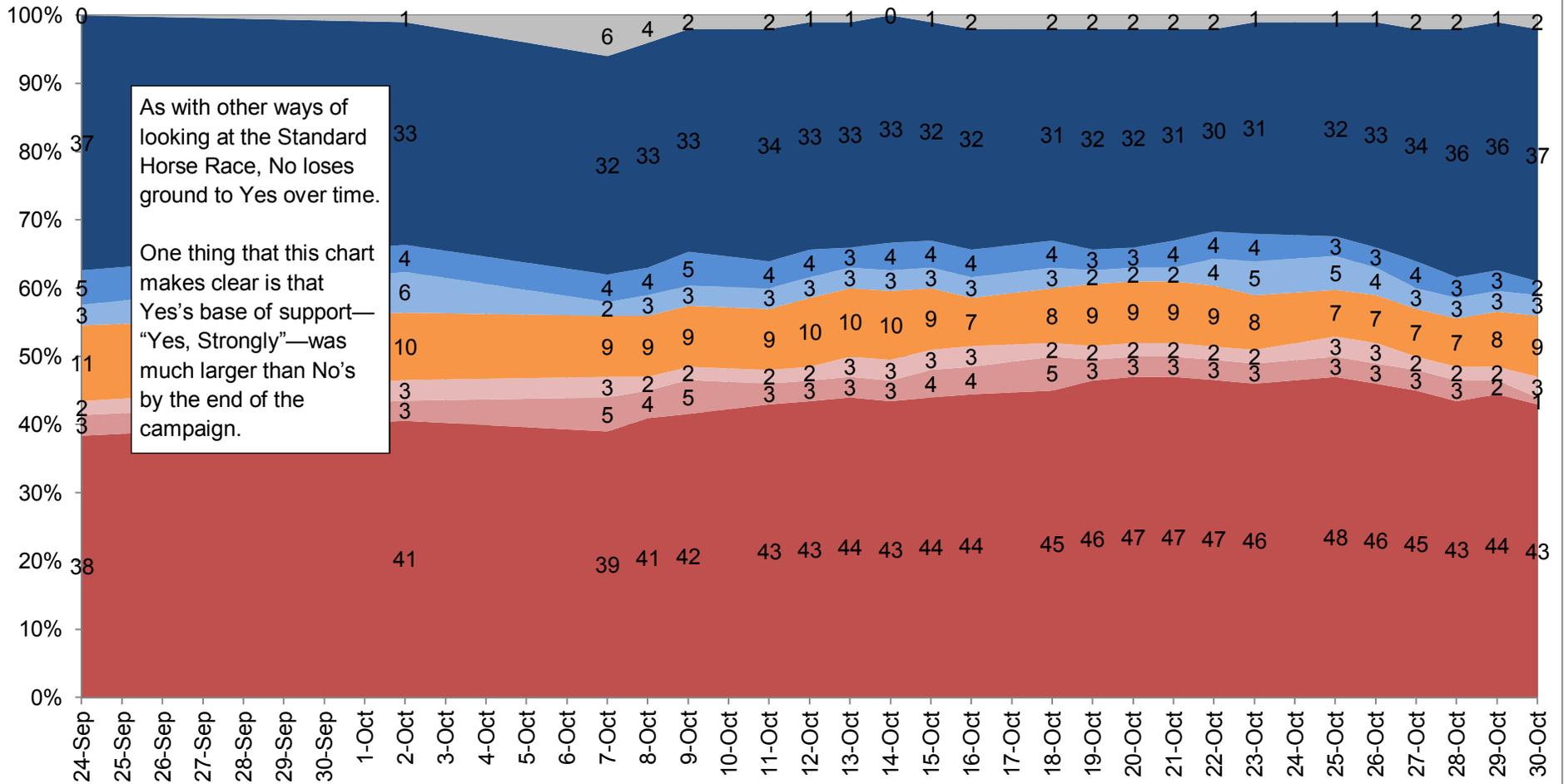
Yes's "**Princes**" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "**Field Trip**" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Gauging the Size of Each Side's Base

(Lake Research's Standard Horse Race for Voters Who Have Not Yet Voted)

■ Yes, Strongly   
 ■ Yes, Not So Strongly   
 ■ Undecided, Lean Yes   
 ■ Undecided  
■ Undecided, Lean No   
 ■ No, Not So Strongly   
 ■ No, Strongly   
 ■ Refused



As with other ways of looking at the Standard Horse Race, No loses ground to Yes over time.

One thing that this chart makes clear is that Yes's base of support—"Yes, Strongly"—was much larger than No's by the end of the campaign.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En)–11/3, with a large initial buy of 2000 points in the first week.

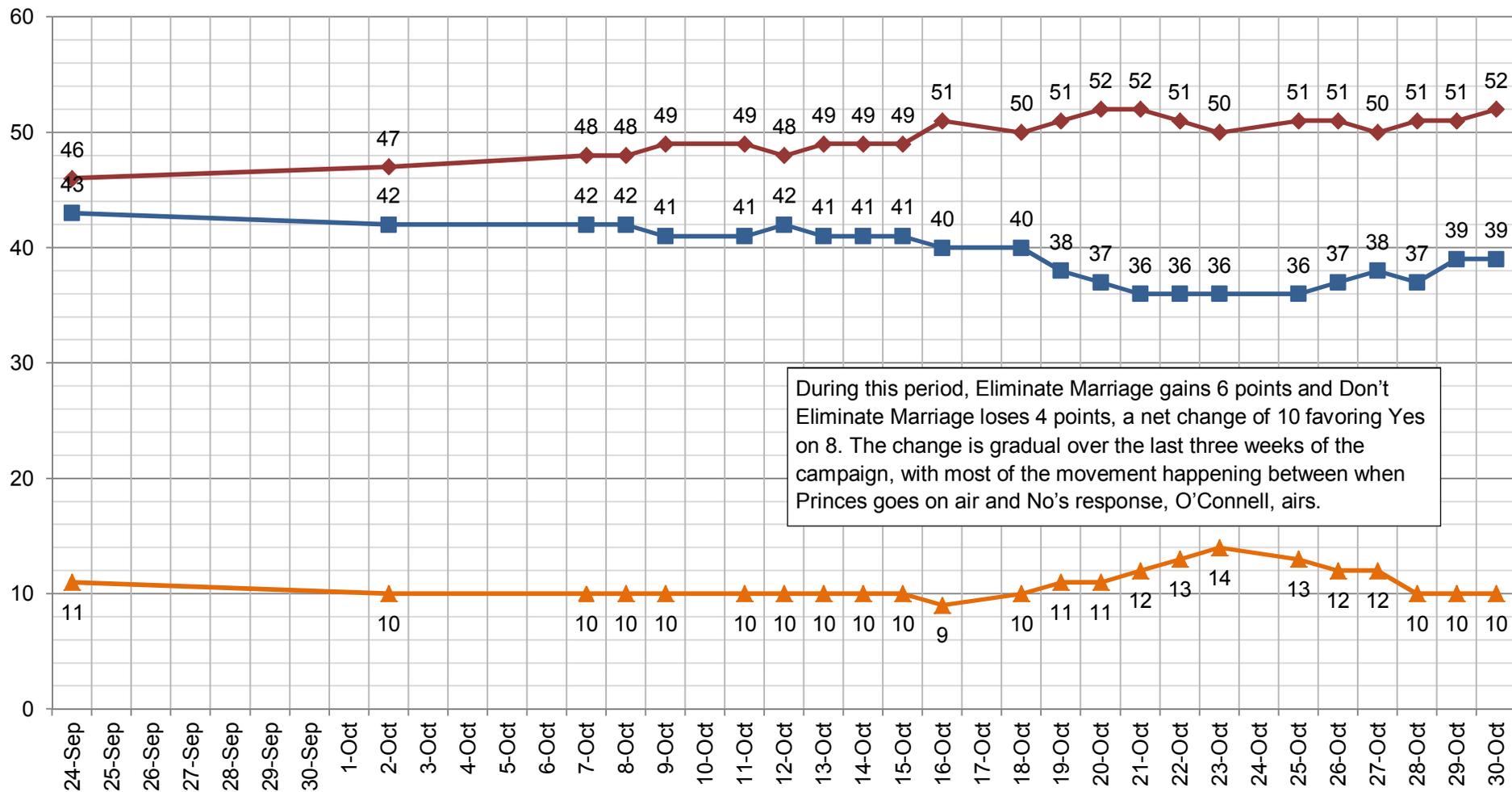
No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# All Voters Swing Away from Same-Sex Marriage

(Lake Research's "Be Clear" Question)

◆ Eliminate Marriage    ■ Don't Eliminate Marriage    ▲ Undecided



During this period, Eliminate Marriage gains 6 points and Don't Eliminate Marriage loses 4 points, a net change of 10 favoring Yes on 8. The change is gradual over the last three weeks of the campaign, with most of the movement happening between when Princes goes on air and No's response, O'Connell, airs.

No's "Thorons" ad airs 9/22-10/15 with an initial small buy (around 500 pts per week)

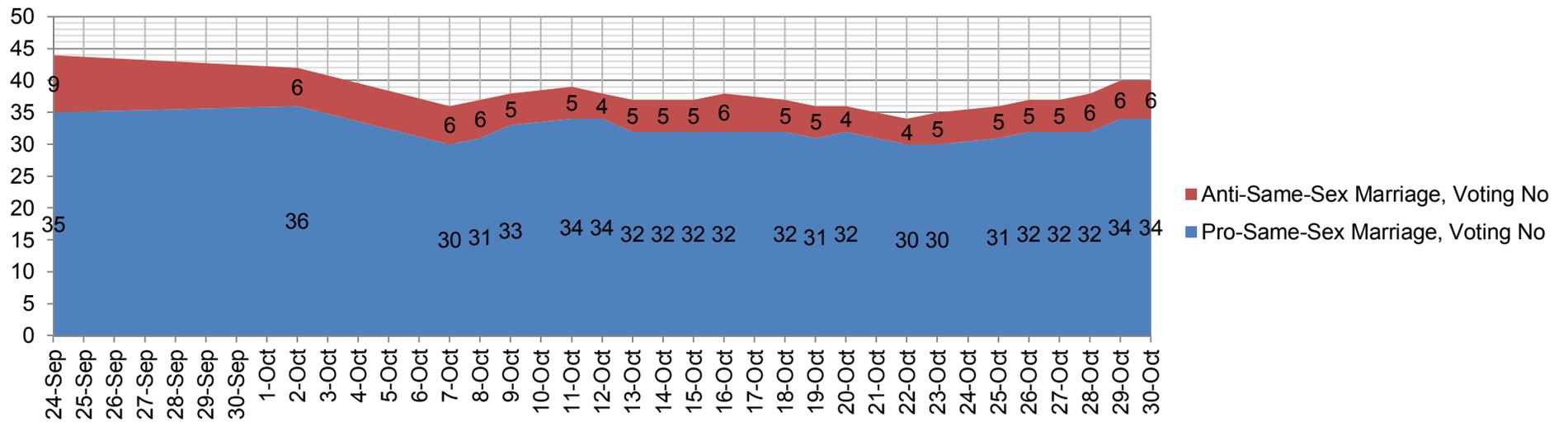
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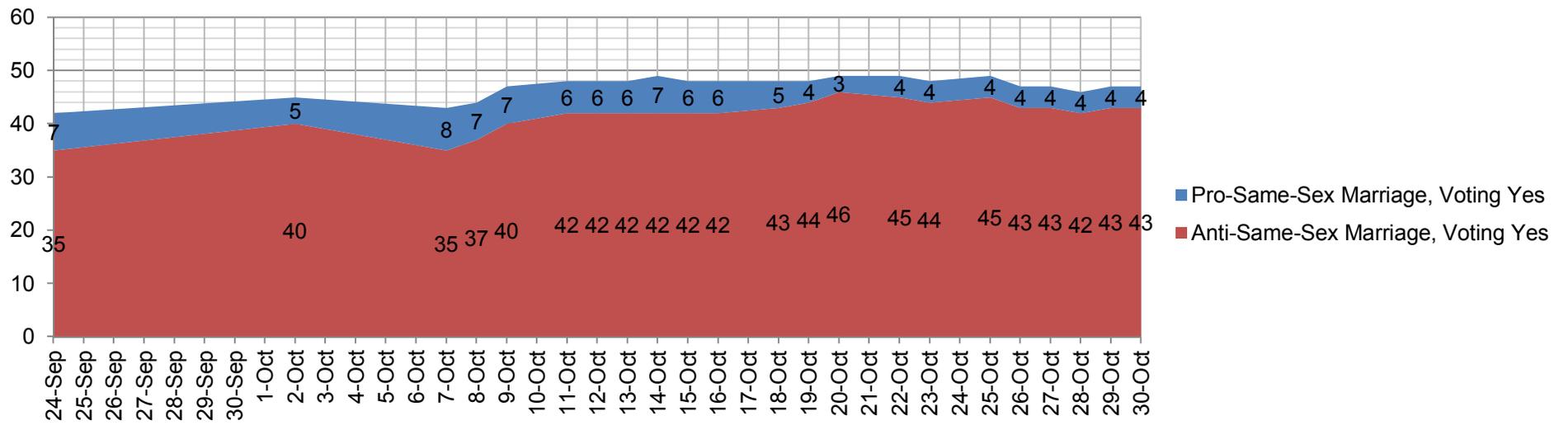
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## No on 8's Supporters and the Relatively Constant Number of Anti-Same-Sex Marriage Wrong-Way Voters



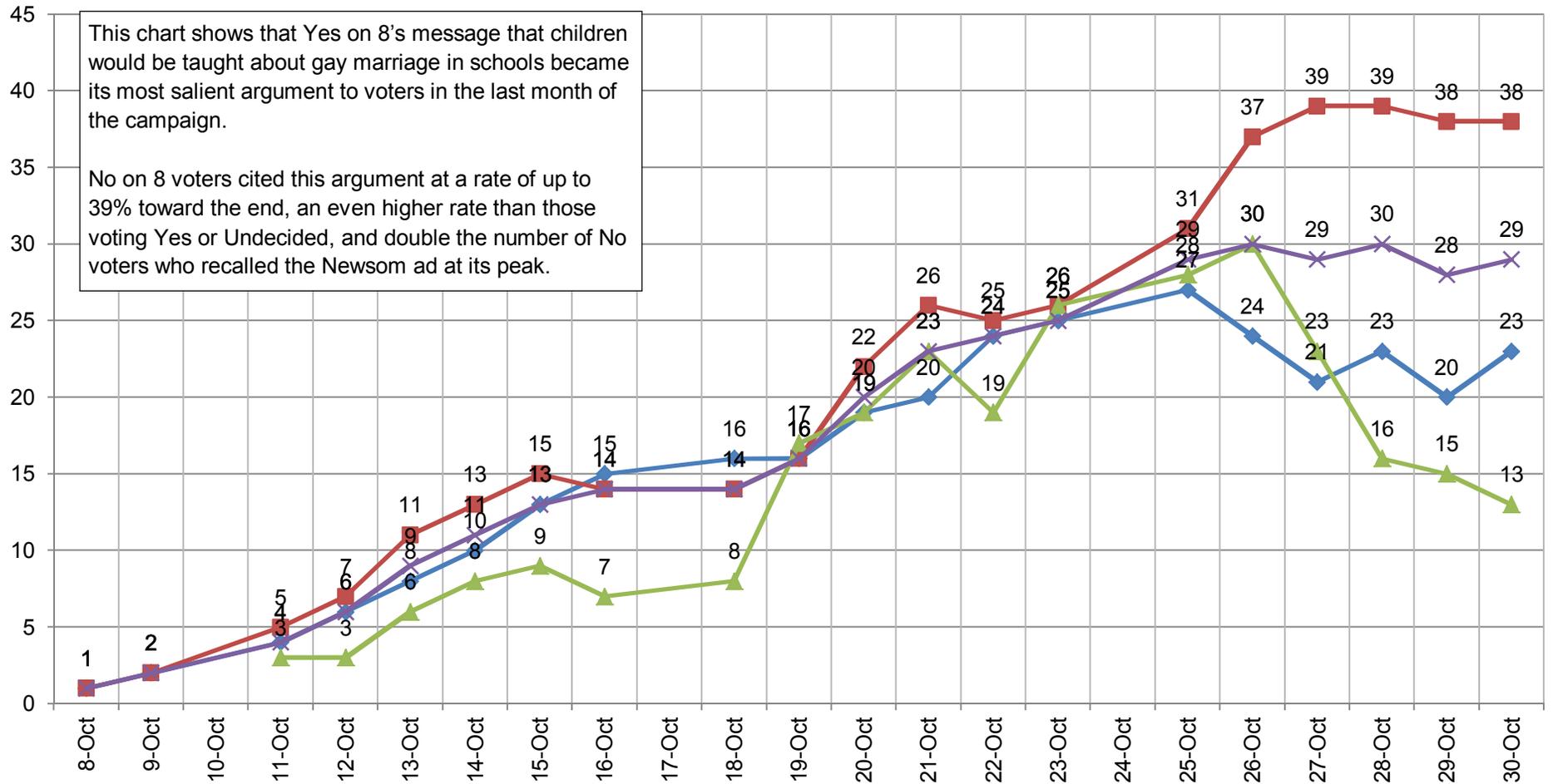
## Yes on 8's Supporters and the Declining Number of Pro-Same-Sex Marriage Wrong-Way Voters



# Voters Recalling Yes on 8 "Gay marriage taught in schools..." Message Over Time

(Lake Research's Polling on What Voters Were Hearing from Yes on 8)

◆ Yes on 8 Voters    ■ No on 8 Voters    ▲ Undecided Voters    ✕ All Voters



This chart shows that Yes on 8's message that children would be taught about gay marriage in schools became its most salient argument to voters in the last month of the campaign.

No on 8 voters cited this argument at a rate of up to 39% toward the end, an even higher rate than those voting Yes or Undecided, and double the number of No voters who recalled the Newsom ad at its peak.

No's "Thorons" ad airs 9/22-10/15 with an initial small buy (around 500 pts)

Yes's "Newsom" ad airs 9/22-10/20, with large buys (up to 1000 pts per week).

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

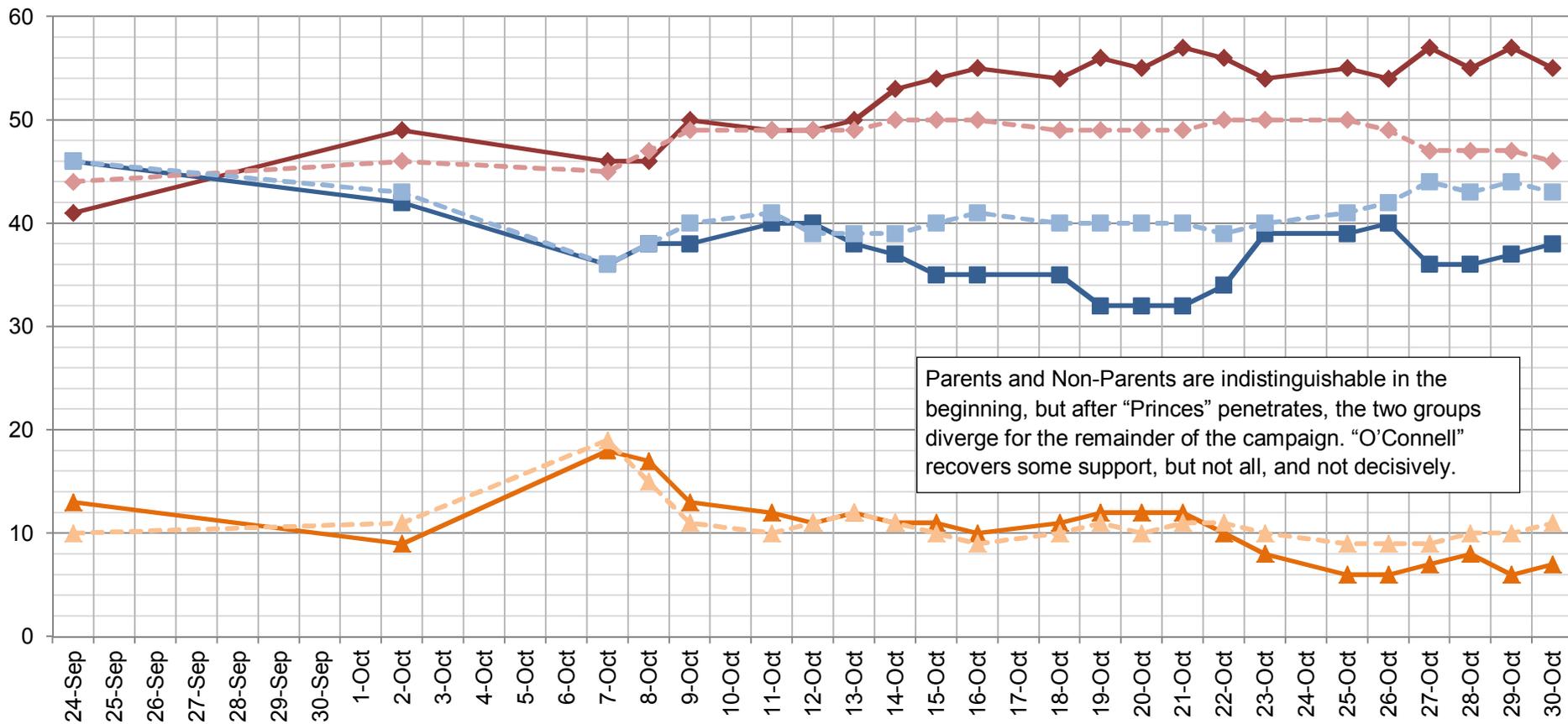
No's "O'Connell" airs 10/22-10/30 as the campaign's direct response to "Princes."

Yes's "Field Trip" ad airs 10/24-11/4 as a rebuttal to "O'Connell."

# "Princes" Penetrates and Peels Away Parents

(Lake Research's Standard Horse Race)

- ◆ Parents, Voting Yes
- ◆ Parents, Voting No
- ▲ Parents, Undecided/Don't Know/Refused
- ◆ Childless, Voting Yes
- ◆ Childless, Voting No
- ▲ Childless, Undecided/Don't Know/Refused



Parents and Non-Parents are indistinguishable in the beginning, but after "Princes" penetrates, the two groups diverge for the remainder of the campaign. "O'Connell" recovers some support, but not all, and not decisively.

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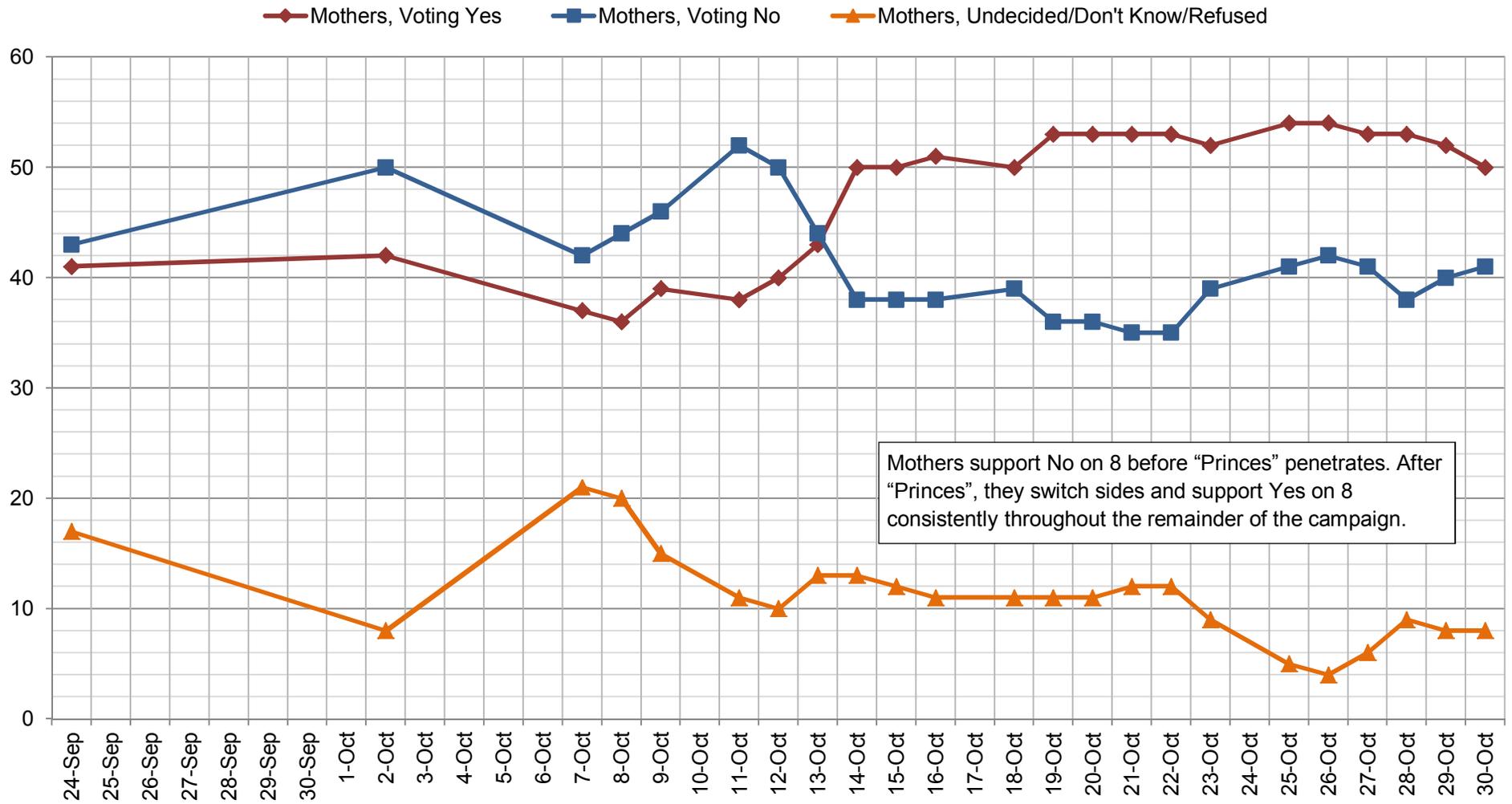
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Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24-11/4 as a rebuttal to "O'Connell."

# "Princes" Penetrates, Mothers Switch Sides: A Clearer Look

(Lake Research's Standard Horse Race)



Mothers support No on 8 before "Princes" penetrates. After "Princes", they switch sides and support Yes on 8 consistently throughout the remainder of the campaign.

No's "**Thorons**" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "**Newsom**" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

No's "**O'Connell**" airs 10/22–10/30 as the campaign's direct response to "Princes."

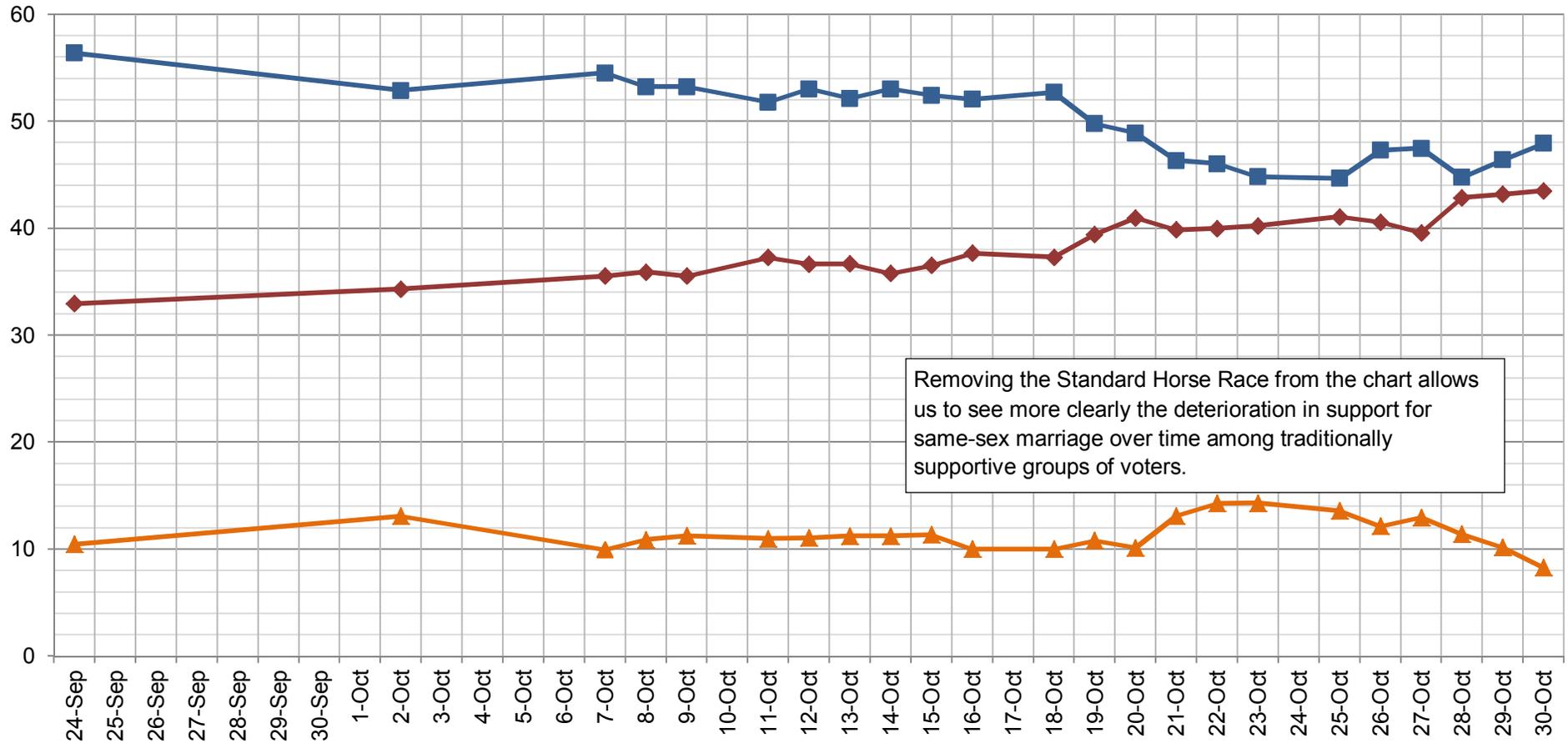
Yes's "**Princes**" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "**Field Trip**" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Democrats and Independents' Support for Same-Sex Marriage Drops

(Lake Research's "Be Clear" Question)

◆ Eliminate Marriage    ■ Don't Eliminate Marriage    ▲ Undecided



Removing the Standard Horse Race from the chart allows us to see more clearly the deterioration in support for same-sex marriage over time among traditionally supportive groups of voters.

No's "**Thorons**" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "**Newsom**" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

No's "**O'Connell**" airs 10/22–10/30 as the campaign's direct response to "Princes."

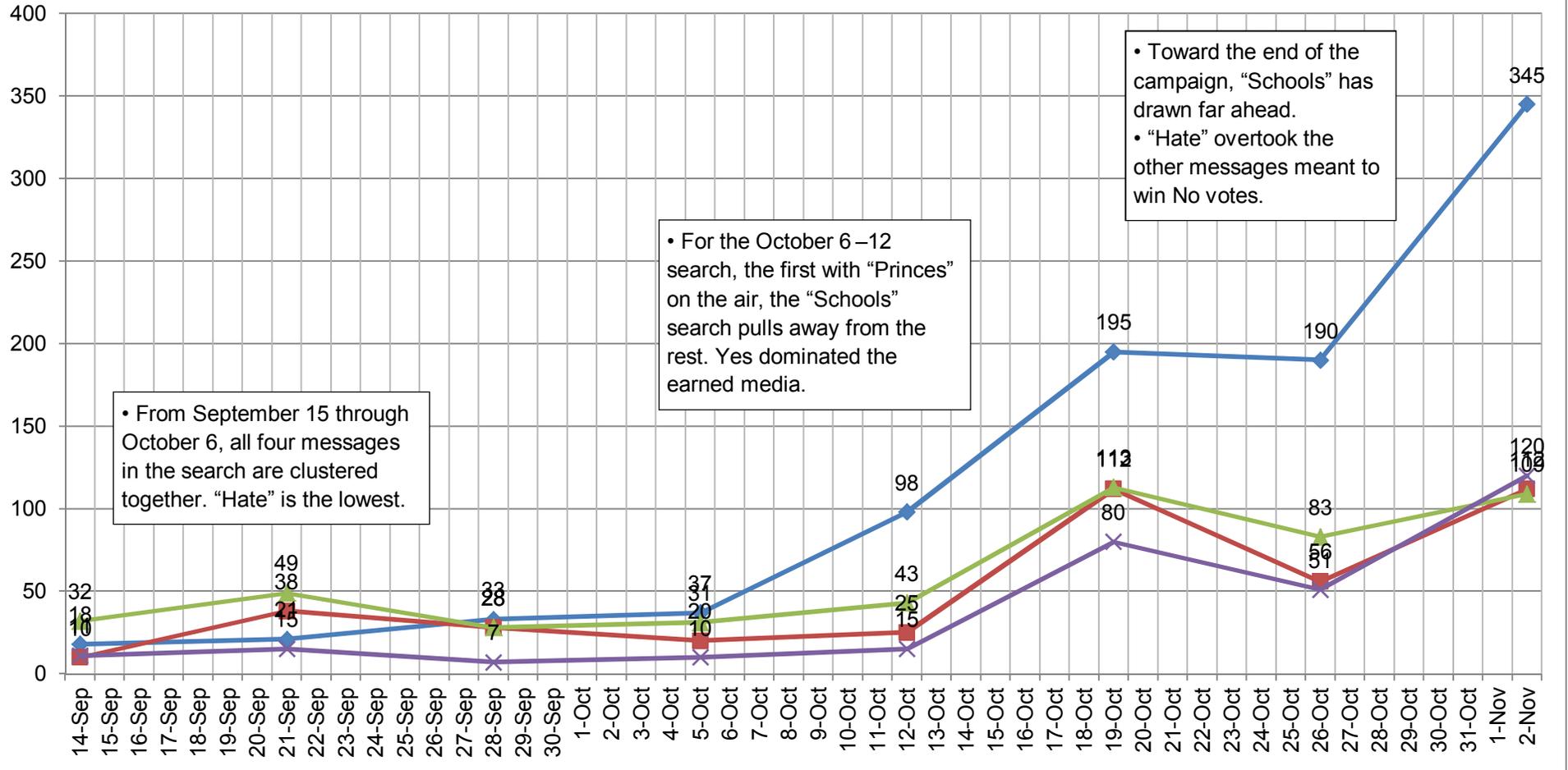
Yes's "**Princes**" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "**Field Trip**" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Yes on 8's "Schools" Message Takes Off

(Google News Archive Search Results)

◆ ("Proposition 8" OR "Prop 8") Schools      ■ ("Proposition 8" OR "Prop 8") Discrimination  
▲ ("Proposition 8" OR "Prop 8") Equality      ✕ ("Proposition 8" OR "Prop 8") Hate



• From September 15 through October 6, all four messages in the search are clustered together. "Hate" is the lowest.

• For the October 6–12 search, the first with "Princes" on the air, the "Schools" search pulls away from the rest. Yes dominated the earned media.

• Toward the end of the campaign, "Schools" has drawn far ahead.  
• "Hate" overtook the other messages meant to win No votes.

No's "**Thorons**" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "**Newsom**" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

No's "**O'Connell**" airs 10/22–10/30 as the campaign's direct

Yes's "**Princes**" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first

Yes's "**Field Trip**" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

## Lake Research’s Standard Horse Race Question

Lake Research was the main polling firm used by the No on 8 campaign. Lake conducted benchmark polls—longer polls that asked fifteen to thirty minutes of questions—in May, July, August, and September. Each took place over a week and surveyed around 800 voters. On September 22, Lake began conducting much shorter tracking polls. The results of the tracking polls, taken daily, were released in three-day rolling averages, a standard practice: numbers from three concurrent days were combined, both to provide a larger and more reliable sample size (around 1,000) and to average out potentially misleading day-to-day fluctuations and more reliably show trends.

The No on 8 campaign used Lake’s polls to test both sides’ expected campaign messages, to gain some idea of what voters were hearing about the campaign, and to ascertain in as much depth as possible what voters thought about same-sex marriage and the ballot measure. In addition, Lake gathered extensive information about survey participants, including gender, race, party affiliation, and other demographics. Lake also intentionally oversampled Latino voters. Oversampling compensates for the fact that Latino voters do not comprise a large enough proportion of likely voters to be broken down further and still have a reliable sample size to detect trends among subgroups of Latino voters. By oversampling, Lake intentionally polled more Latino voters than would be present in a random sample, obtaining a large enough Latino sample to permit more sophisticated and detailed analysis of Latino voters.

Poll Start	Poll End	All Voters		
		Y	N	U
19-May	27-May	50	42	8
7-Jul	13-Jul	58	35	6
11-Aug	17-Aug	57	37	6
11-Aug	17-Aug	51	42	6
8-Sep	11-Sep	44	47	8
22-Sep	24-Sep	44	45	11
29-Sep	2-Oct	47	43	10
5-Oct	7-Oct	45	36	19
6-Oct	8-Oct	46	38	16
7-Oct	9-Oct	49	39	12
8-Oct	11-Oct	49	40	10
9-Oct	12-Oct	50	39	11
11-Oct	13-Oct	50	38	12
12-Oct	14-Oct	50	39	11
13-Oct	15-Oct	51	39	10
14-Oct	16-Oct	51	39	9
15-Oct	18-Oct	51	39	10
16-Oct	19-Oct	51	38	11
18-Oct	20-Oct	52	38	11
19-Oct	21-Oct	51	37	11
20-Oct	22-Oct	52	37	11
21-Oct	23-Oct	51	40	9
22-Oct	25-Oct	52	40	8
23-Oct	26-Oct	50	42	8
25-Oct	27-Oct	50	41	8
26-Oct	28-Oct	50	41	10
27-Oct	29-Oct	50	41	9
28-Oct	30-Oct	49	41	10

The Standard Horse Race question referred to here and throughout the Report is Lake’s standard tracking question using the Prop 8 ballot language. The question reads:

*Proposition 8 on the November ballot is an Initiative Constitutional Amendment titled, “Eliminates Rights of Same-Sex Couples to Marry.” It changes the California Constitution to eliminate the right of same-sex couples to marry. It provides that only marriage between a man and a woman is valid or recognized in California. The fiscal impact over the next few years is potential revenue loss, mainly sales taxes, totaling in the several tens of millions of dollars, to state and local governments. In the long run, there is likely*

*to be little fiscal impact on state and local governments. If the election were today, would you vote yes or no on Proposition 8?*

***[IF YES/NO]*** *Do you feel that way strongly or not-so-strongly?*

***[IF UNDECIDED]*** *Well, if you had to decide today, would you lean toward voting yes or would you lean toward voting no?*

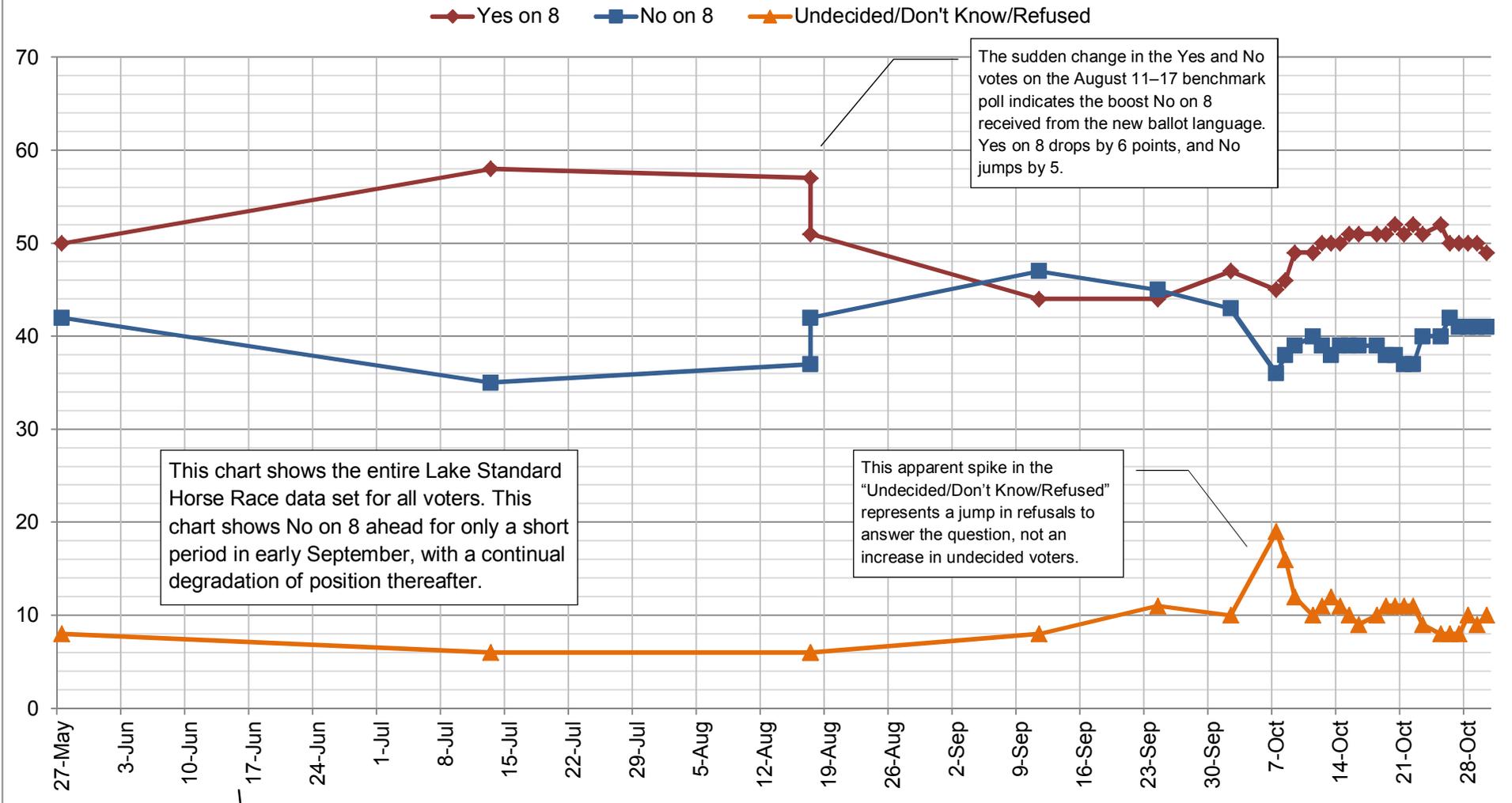
This Appendix first examines the Standard Horse Race response from *all* voters surveyed. Responses to the Standard Horse Race question were also broken down by gender and race (presented later). All results are located on a time line to show the results in relationship to campaign events. As mentioned elsewhere, the main focus of both sides was paid media, and so paid media is the focus of the time line.

There are two factors that keep the Standard Horse Race question from being a completely reliable source of data about voters' opinions on the issue of same-sex marriage. The first and most important is voter confusion: voters' intentions as to whether they wished to allow or ban same-sex marriage often differed from their reported yes or no on Prop 8 response to the Standard Horse Race question. The Standard Horse Race question therefore combines and reflects three separate trends: (1) how voters plan to cast their vote on Prop 8; (2) fluctuating levels of voter confusion on Prop 8; and (3) whether voters support or oppose same-sex marriage.

Another limitation of the Standard Horse Race question is the grouping of undecided, refused, and don't know responses in one category. This is discussed after the following graphs in the section entitled "Lake Research's Standard Horse Race for Voters Yet to Vote."

# Support for Yes on 8 and No on 8 Among All Voters

## (Lake Research's Standard Horse Race)



This chart shows the entire Lake Standard Horse Race data set for all voters. This chart shows No on 8 ahead for only a short period in early September, with a continual degradation of position thereafter.

This apparent spike in the "Undecided/Don't Know/Refused" represents a jump in refusals to answer the question, not an increase in undecided voters.

The sudden change in the Yes and No votes on the August 11-17 benchmark poll indicates the boost No on 8 received from the new ballot language. Yes on 8 drops by 6 points, and No jumps by 5.

5/15: Court rules CA marriage ban unconstitutional

6/16: Same-sex marriages begin

Yes's "Newsom" ad airs 9/22-10/20, with up-to-1000 point buys in some markets.

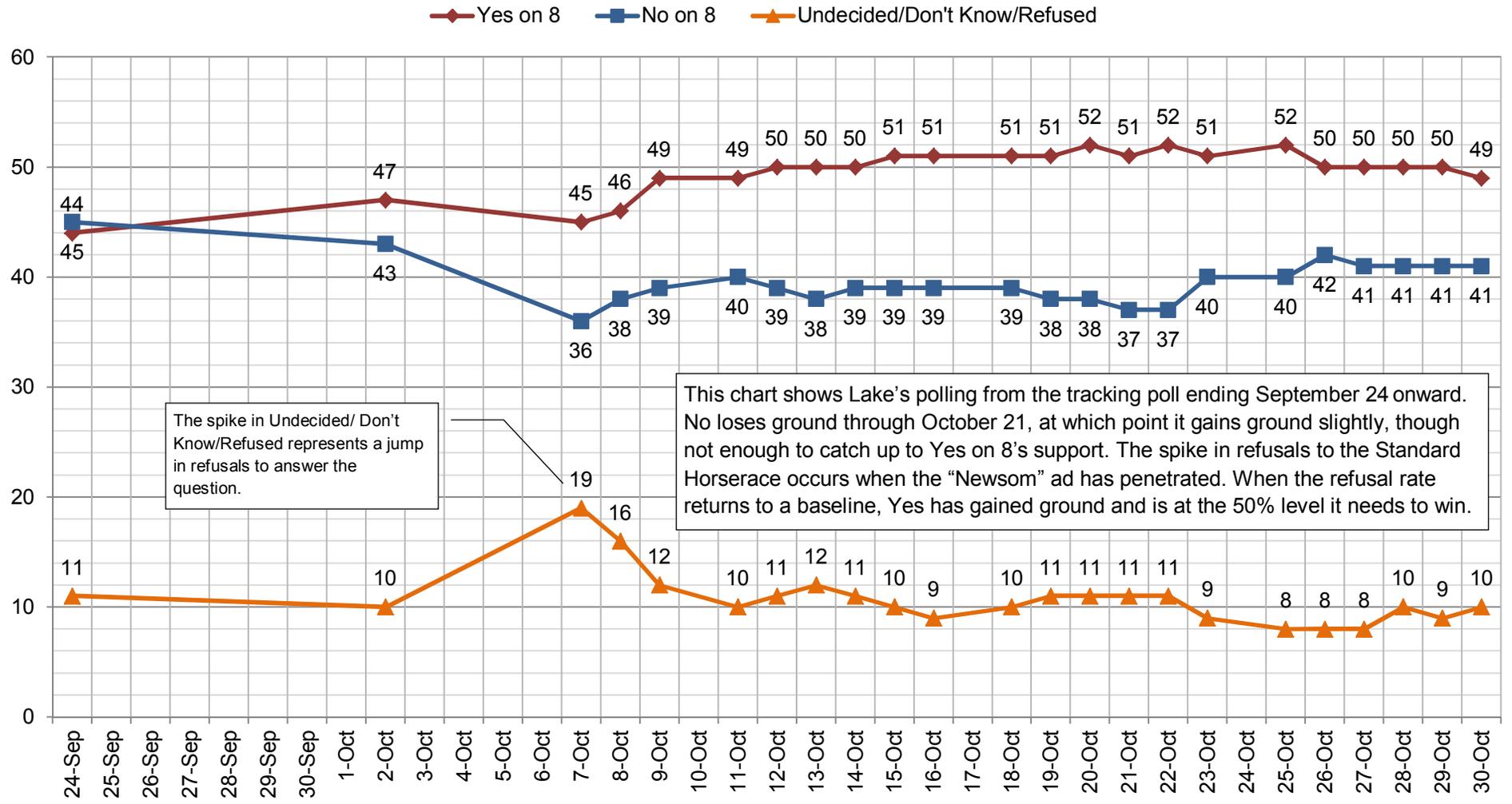
No's "O'Connell," a direct response to Princes ad airs 10/22-10/30.

No's "Thorons" ad airs 9/22-10/15. Initially, buy is small, under 500 points per media market in the first week.

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

# Support for Yes on 8 and No on 8 Among All Voters

## (Lake Research's Standard Horse Race)



The spike in Undecided/ Don't Know/Refused represents a jump in refusals to answer the question.

This chart shows Lake's polling from the tracking poll ending September 24 onward. No loses ground through October 21, at which point it gains ground slightly, though not enough to catch up to Yes on 8's support. The spike in refusals to the Standard Horserace occurs when the "Newsom" ad has penetrated. When the refusal rate returns to a baseline, Yes has gained ground and is at the 50% level it needs to win.

No's **"Thorons"** ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's **"O'Connell"** airs 10/22–10/30 as the campaign's direct response to "Princes."

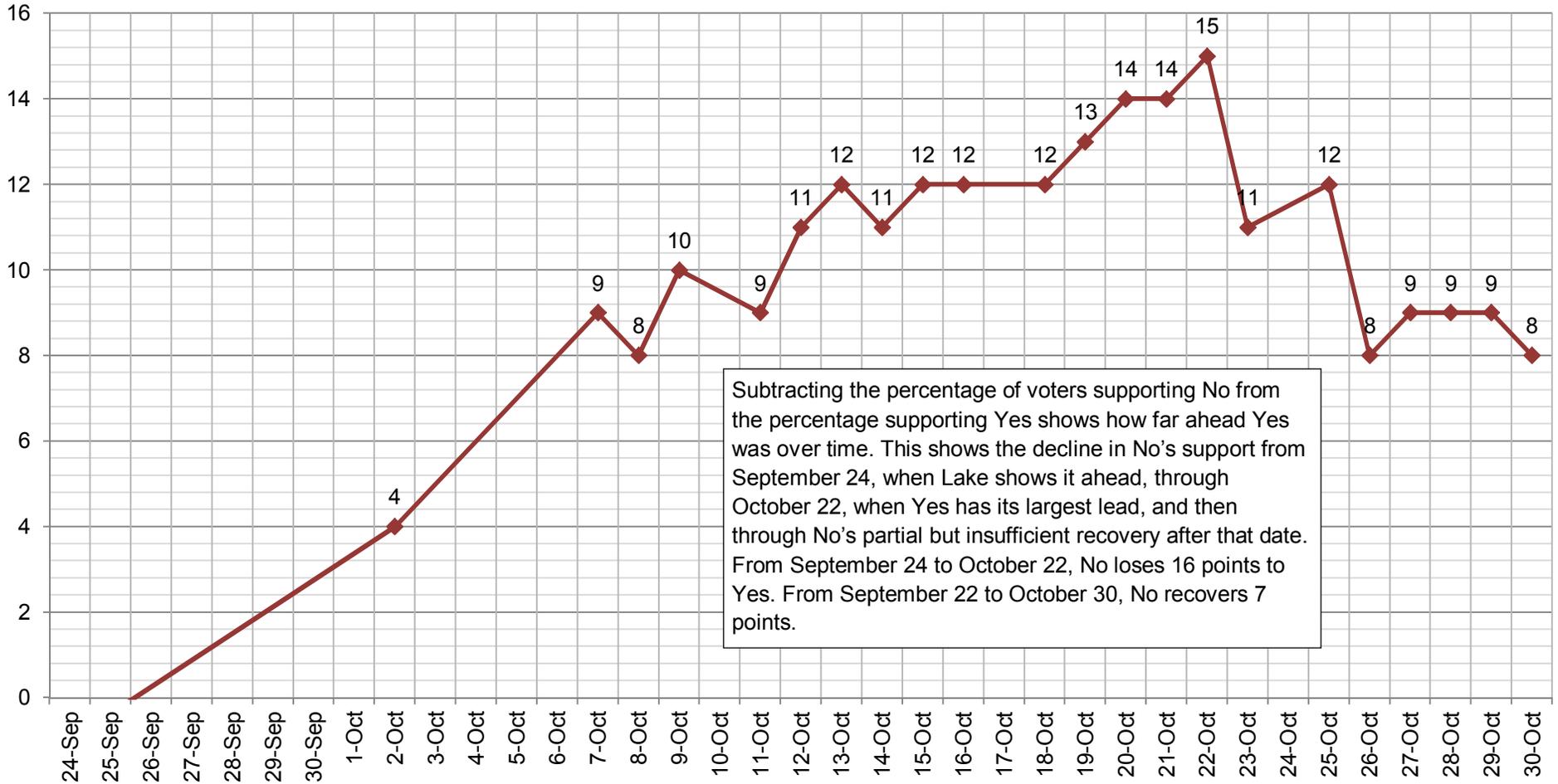
Yes's **"Newsom"** ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

Yes's **"Princes"** ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's **"Field Trip"** ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Measuring Yes's Lead—The Margin of Yes Minus No (Lake Research's Standard Horse Race)

◆ Yes on 8 support - No on 8 support



Subtracting the percentage of voters supporting No from the percentage supporting Yes shows how far ahead Yes was over time. This shows the decline in No's support from September 24, when Lake shows it ahead, through October 22, when Yes has its largest lead, and then through No's partial but insufficient recovery after that date. From September 24 to October 22, No loses 16 points to Yes. From September 22 to October 30, No recovers 7 points.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

## Lake Research’s Standard Horse Race for Voters Yet to Vote

Lake Research broke down the responses to its Standard Horse Race question in different ways, depending upon the kind of voter responding. Prior to October 6, all voters were “yet to vote,” as absentee voting had not started. During this period, all voters answering the Standard Horse Race question were broken down into 8 categories:

- Yes, Strongly
- Yes, Not So Strongly
- Undecided, Lean Yes
- Undecided
- Undecided, Lean No
- No, Not So Strongly
- No, Strongly
- Refused

These were consolidated into four categories when sample size was low:

<i>Detailed Categories</i>	}	<i>Condensed Categories</i>
Yes, Strongly Yes, Not So Strongly Undecided, Lean Yes	}	Yes
No, Strongly No, Not So Strongly Undecided, Lean No	}	No
Undecided Refused	}	Undecided/Don’t Know/Refused
Undecided Undecided, Lean Yes Undecided, Lean No	}	Undecided with Leaners

Once early voting started, the following categories were used at different times to voters’ answers to the Standard Horse Race question.

Standard Horse Race Voters	–	Categories Used
Already Voted or Early Proposition 8 Ballot Vote	–	Condensed Categories
Yet to Vote or Probable Proposition 8 Ballot Vote	–	Detailed Categories Condensed Categories
Combined or Combined Proposition 8 Ballot Vote	–	Condensed Categories

The vast majority of the charts in this report use the Combined Proposition 8 Ballot Vote, and therefore use the condensed categories and include those who have Already Voted. This allows us to have consistency between the Standard Horse Race and Be Clear questions, and to show the largest sample sizes available for the Standard Horse Race.

The table below, however, displays all eight categories in the Yet to Vote Standard Horse Race question, and the graphs illustrate the data. It was essential to provide this information in this

much detail because this data set shows that the undecided and refused voters, who are combined in the condensed categories, actually show strikingly different trends, especially in early October. At that time, a spike in the undecided/refused number turns out to be entirely due to refusal to answer the question and not to an increase in the number of undecided voters. At the same time, No on 8's softest supporters—those who described themselves as undecided but leaning toward No—were also cut in half.

### Lake's Standard Horserace for Voters Yet To Vote, Showing Degree of Vote Certainty

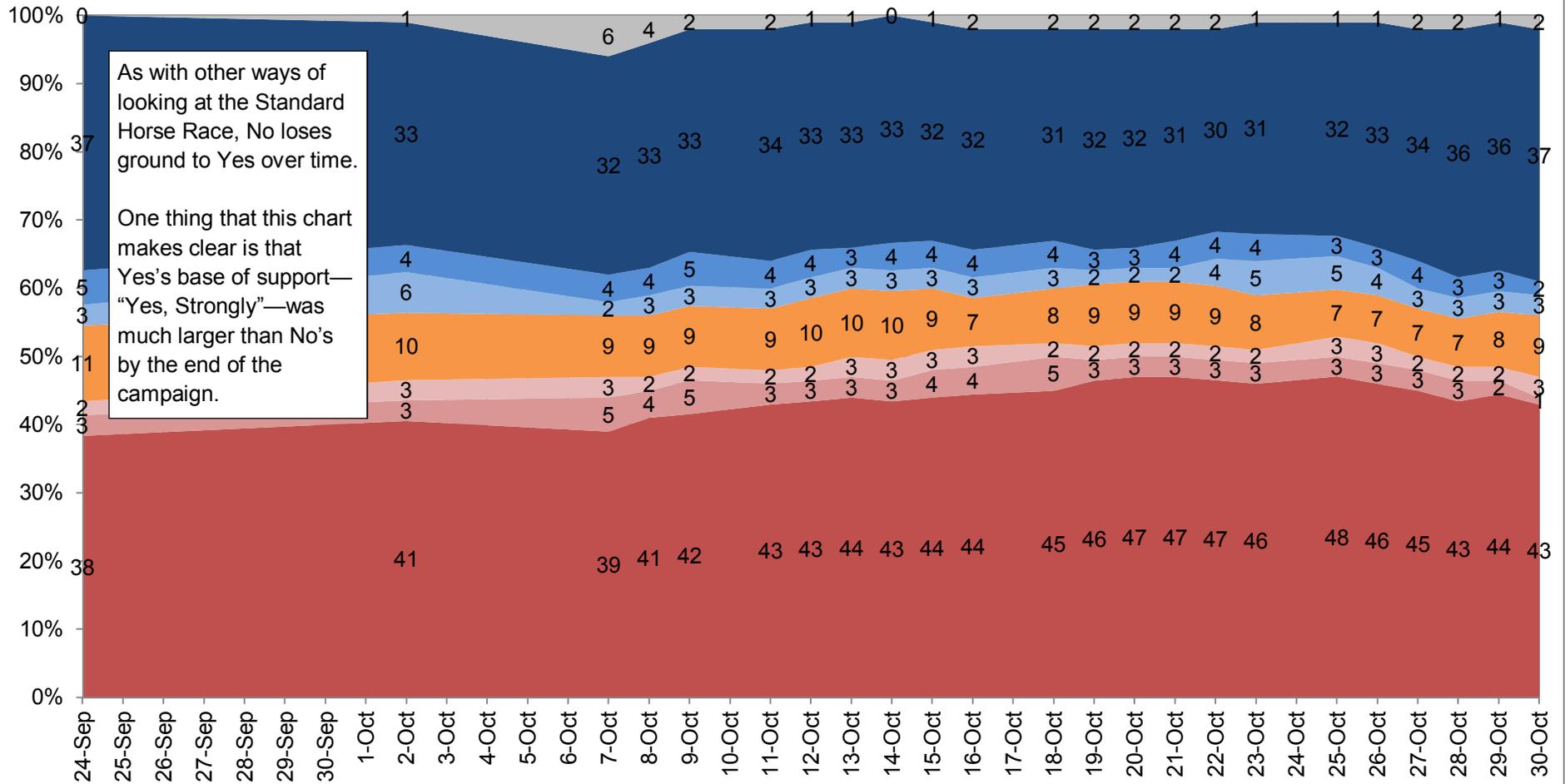
Poll Start	Poll End	Yes Strongly	Yes Not Strongly	Undecided Lean Yes	Undecided	Undecided Lean No	No Not Strongly	No Strongly	Refused
19-May	27-May	43	4	2	8	2	6	34	0
7-Jul	13-Jul	50	5	3	6	2	4	29	1
11-Aug	17-Aug	50	4	3	6	2	4	31	1
11-Aug	17-Aug	45	5	2	6	3	4	34	1
7-Sep	11-Sep	37	5	2	8	5	6	37	1
22-Sep	24-Sep	38	3	2	11	3	5	37	0
29-Sep	2-Oct	41	3	3	10	6	4	33	1
5-Oct	7-Oct	39	5	3	9	2	4	32	6
6-Oct	8-Oct	41	4	2	9	3	4	33	4
7-Oct	9-Oct	42	5	2	9	3	5	33	2
8-Oct	11-Oct	43	3	2	9	3	4	34	2
9-Oct	12-Oct	43	3	2	10	3	4	33	1
11-Oct	13-Oct	44	3	3	10	3	3	33	1
12-Oct	14-Oct	43	3	3	10	3	4	33	0
13-Oct	15-Oct	44	4	3	9	3	4	32	1
14-Oct	16-Oct	44	4	3	7	3	4	32	2
15-Oct	18-Oct	45	5	2	8	3	4	31	2
16-Oct	19-Oct	46	3	2	9	2	3	32	2
18-Oct	20-Oct	47	3	2	9	2	3	32	2
19-Oct	21-Oct	47	3	2	9	2	4	31	2
20-Oct	22-Oct	47	3	2	9	4	4	30	2
21-Oct	23-Oct	46	3	2	8	5	4	31	1
22-Oct	25-Oct	48	3	3	7	5	3	32	1
23-Oct	26-Oct	46	3	3	7	4	3	33	1
25-Oct	27-Oct	45	3	2	7	3	4	34	2
26-Oct	28-Oct	43	3	2	7	3	3	36	2
27-Oct	29-Oct	44	2	2	8	3	3	36	1
28-Oct	30-Oct	43	1	3	9	3	2	37	2

This data is most easily comprehensible when seen on the graph below.

# Gauging the Size of Each Side's Base

(Lake Research's Standard Horse Race for Voters Who Have Not Yet Voted)

■ Yes, Strongly   
 ■ Yes, Not So Strongly   
 ■ Undecided, Lean Yes   
 ■ Undecided  
■ Undecided, Lean No   
 ■ No, Not So Strongly   
 ■ No, Strongly   
 ■ Refused



As with other ways of looking at the Standard Horse Race, No loses ground to Yes over time.

One thing that this chart makes clear is that Yes's base of support—"Yes, Strongly"—was much larger than No's by the end of the campaign.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

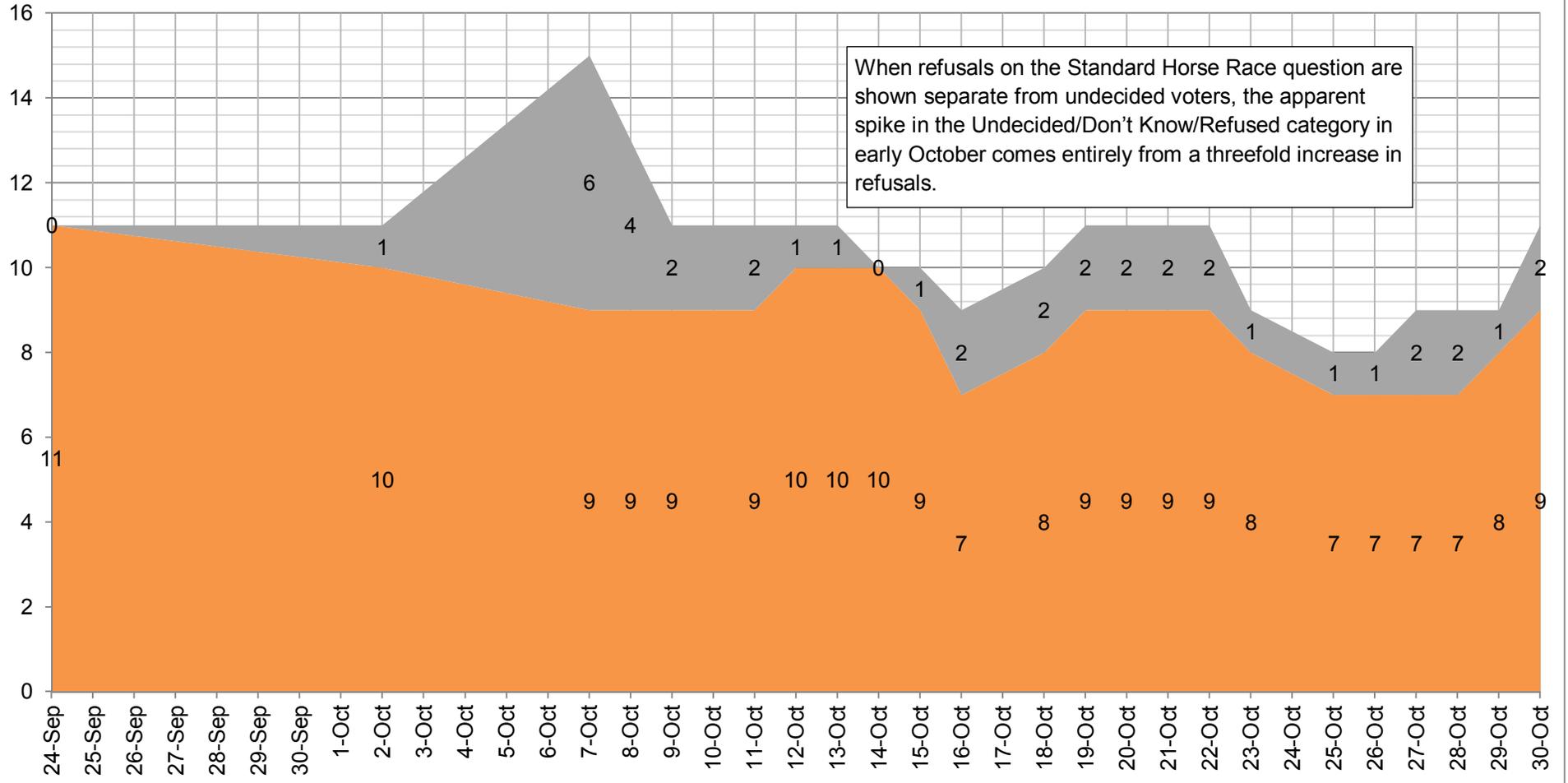
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Breaking Down "Undecided" and "Refused" For Lake's Polling

(Lake Research's Standard Horse Race for Voters Who Have Not Yet Voted)

■ Undecided ■ Refused



When refusals on the Standard Horse Race question are shown separate from undecided voters, the apparent spike in the Undecided/Don't Know/Refused category in early October comes entirely from a threefold increase in refusals.

No's **"Thorons"** ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's **"Newsom"** ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

Yes's **"Princes"** ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

No's **"O'Connell"** airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's **"Field Trip"** ad airs 10/24–11/4 as a rebuttal to "O'Connell."

## Lake Research’s Be Clear Question

After asking the Standard Horse Race question—using the actual ballot language—Lake Research asked a question to clarify the voter’s actual position on the issue of same-sex marriage. Lake asked:

*Just to be clear, is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?*

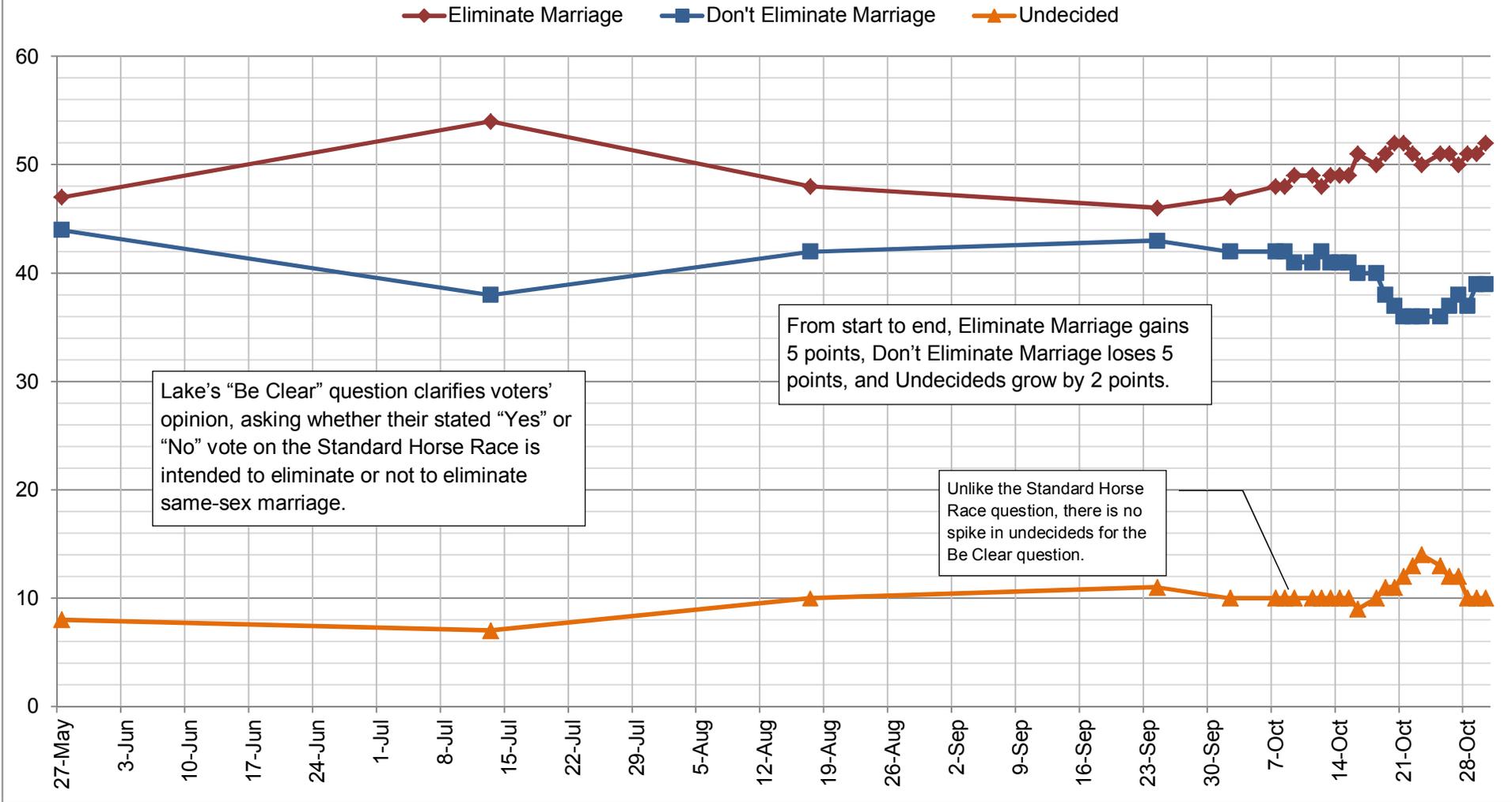
This gave voters a chance to clarify their intention, whether they answered the Standard Horse Race question yes or no. In plain language, this much shorter, clearer question asked voters directly whether they preferred to “eliminate” or “not eliminate” same-sex marriage. This question therefore helped illuminate any voter confusion that might have resulted, eg, from the fact that those opposed to same-sex marriage had to vote “yes on 8 to achieve their policy objection; and that those in favor of same-sex marriage had to vote no.

When the “Be Clear” question is displayed in a table in this appendix, the “Eliminate,” “Don’t Eliminate” and “Undecided” responses are represented as “Y,” “N,” and “U” respectively, since “Eliminate” corresponds with voting “Yes” on the ban. Where space permits—on graphs, for example—the categories are written out in full.

For a full discussion of the differences between the Standard Horse Race question and the Be Clear question, see Finding 2.

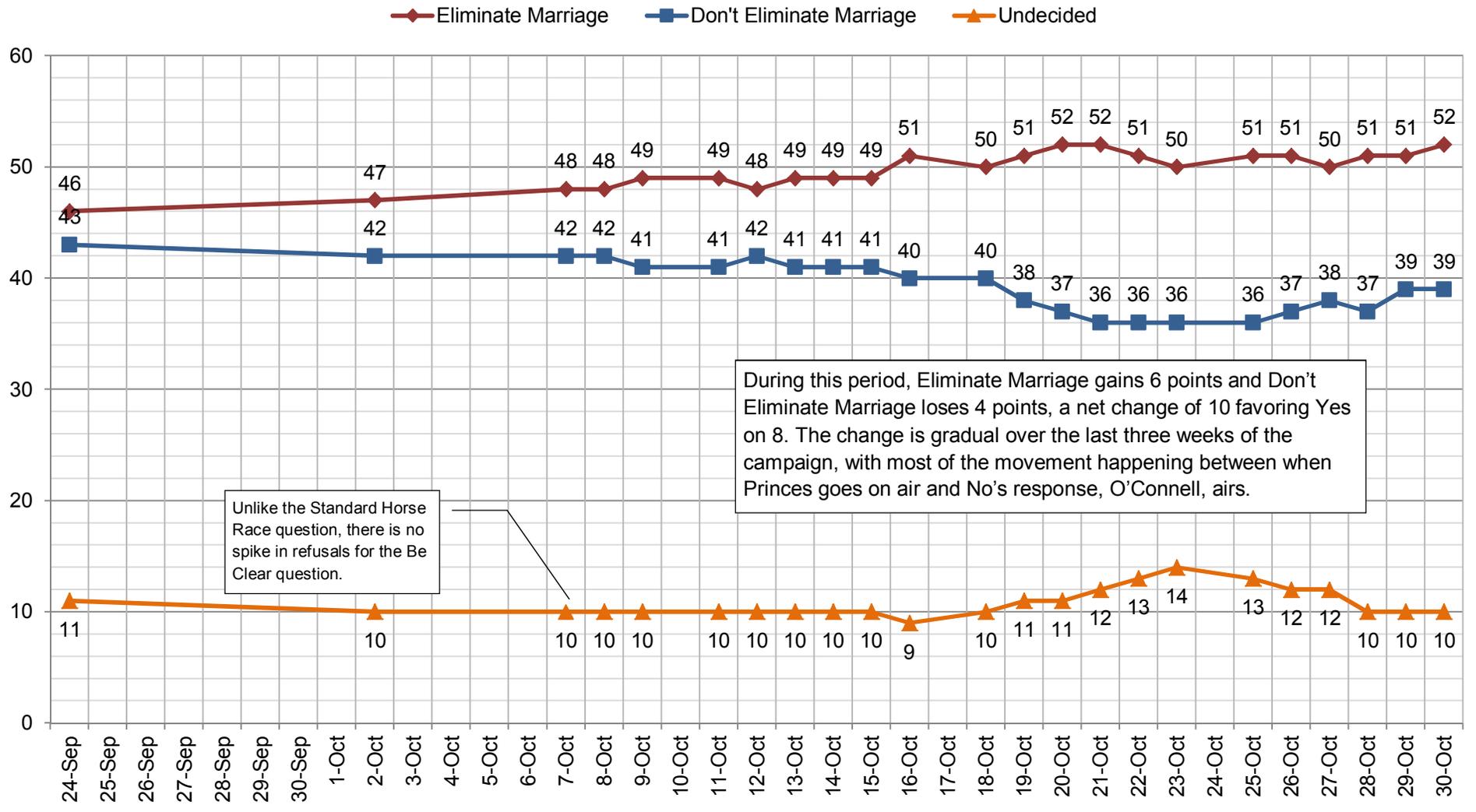
Poll Start	Poll End	All Voters		
		Y	N	U
19-May	27-May	47	44	8
7-Jul	13-Jul	54	38	7
11-Aug	17-Aug	48	42	10
8-Sep	11-Sep	46	43	11
22-Sep	24-Sep	47	42	11
29-Sep	2-Oct	47	42	10
5-Oct	7-Oct	48	42	10
6-Oct	8-Oct	48	42	10
7-Oct	9-Oct	49	41	10
8-Oct	11-Oct	49	41	10
9-Oct	12-Oct	48	42	10
11-Oct	13-Oct	49	41	10
12-Oct	14-Oct	49	41	10
13-Oct	15-Oct	49	41	10
14-Oct	16-Oct	51	40	9
15-Oct	18-Oct	50	40	10
16-Oct	19-Oct	51	38	11
18-Oct	20-Oct	52	37	11
19-Oct	21-Oct	52	36	12
20-Oct	22-Oct	51	36	13
21-Oct	23-Oct	50	36	14
22-Oct	25-Oct	51	36	13
23-Oct	26-Oct	51	37	12
25-Oct	27-Oct	50	38	12
26-Oct	28-Oct	51	37	10
27-Oct	29-Oct	51	39	10
28-Oct	30-Oct	52	39	10

# Support for Same-Sex Marriage, Corrected for Wrong-Way Voting (Lake Research's "Be Clear" Question)



# All Voters Swing Away from Same-Sex Marriage

(Lake Research's "Be Clear" Question)



Unlike the Standard Horse Race question, there is no spike in refusals for the Be Clear question.

During this period, Eliminate Marriage gains 6 points and Don't Eliminate Marriage loses 4 points, a net change of 10 favoring Yes on 8. The change is gradual over the last three weeks of the campaign, with most of the movement happening between when Princes goes on air and No's response, O'Connell, airs.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

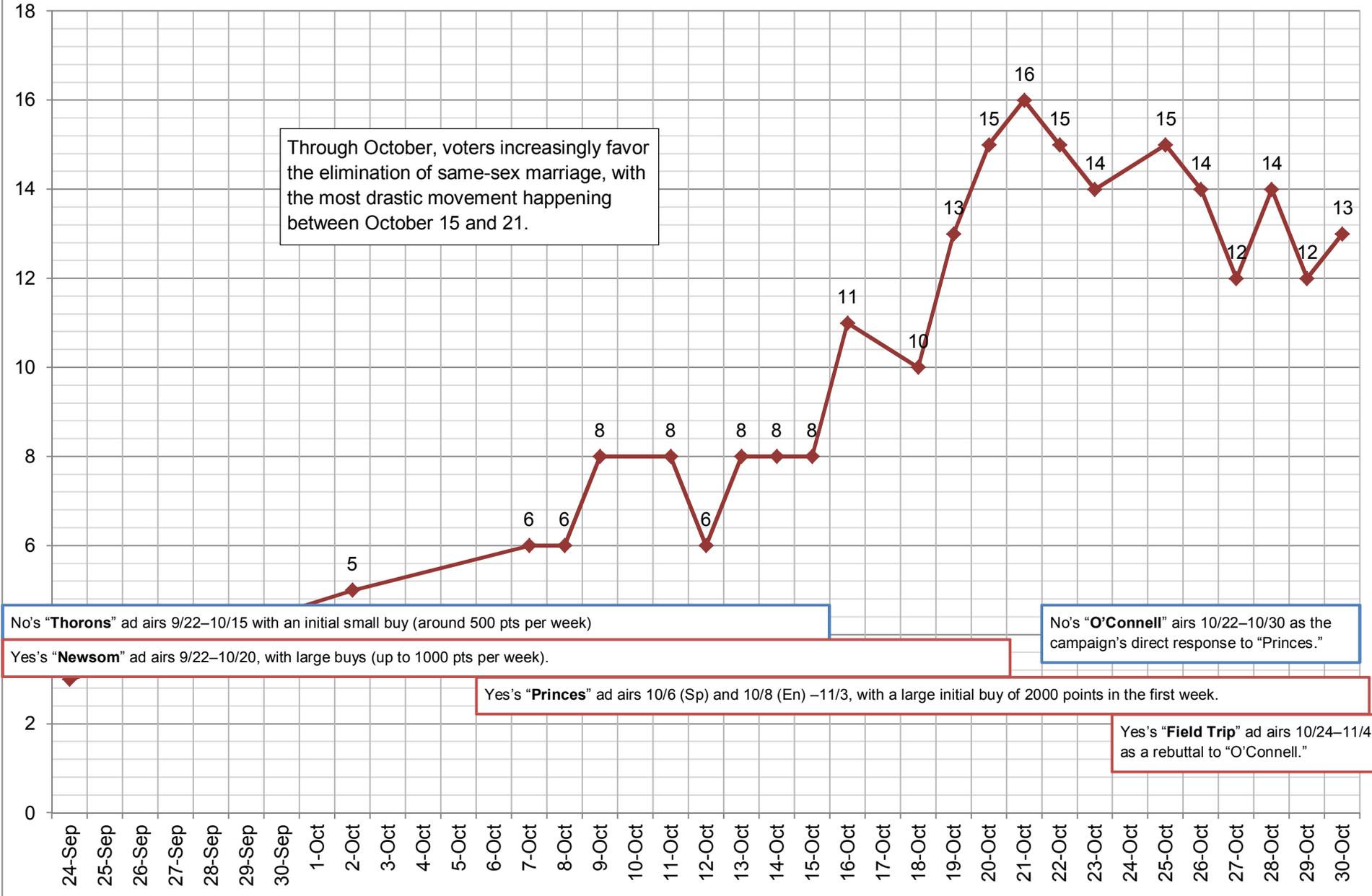
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Measuring the Diminishing Support for Same-Sex Marriage

(Lake Research's "Be Clear" Question Margin)

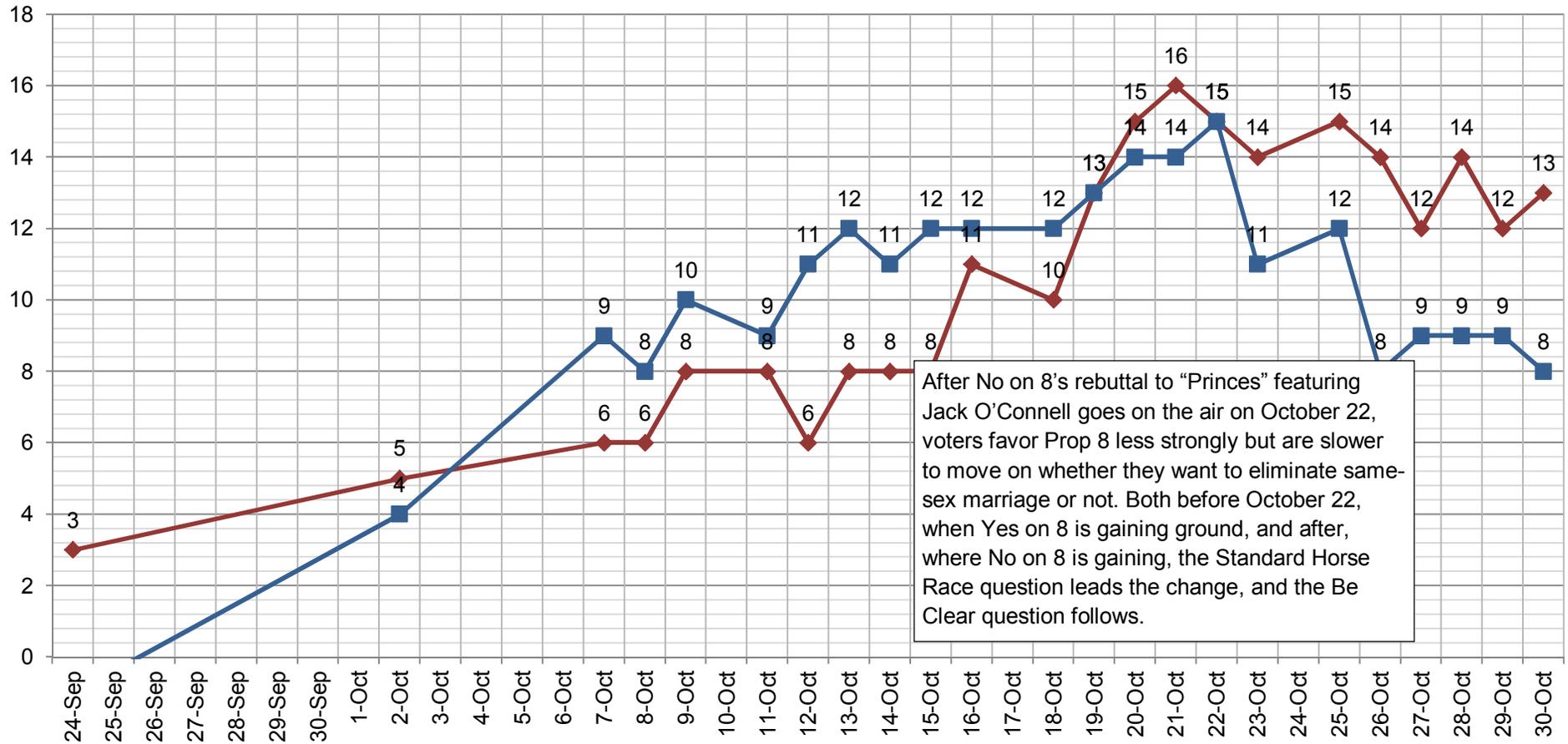
◆ Eliminate - Don't Eliminate



# Comparing Growing Support for Prop 8 with Shrinking Support for Same-Sex Marriage

(Lake Research's Standard Horse Race & "Be Clear" Question)

—◆— Eliminate - Don't Eliminate    —■— Yes - No



After No on 8's rebuttal to "Princes" featuring Jack O'Connell goes on the air on October 22, voters favor Prop 8 less strongly but are slower to move on whether they want to eliminate same-sex marriage or not. Both before October 22, when Yes on 8 is gaining ground, and after, where No on 8 is gaining, the Standard Horse Race question leads the change, and the Be Clear question follows.

No's "Thorons" ad airs 9/22-10/15 with an initial small buy (around 500 pts per week)

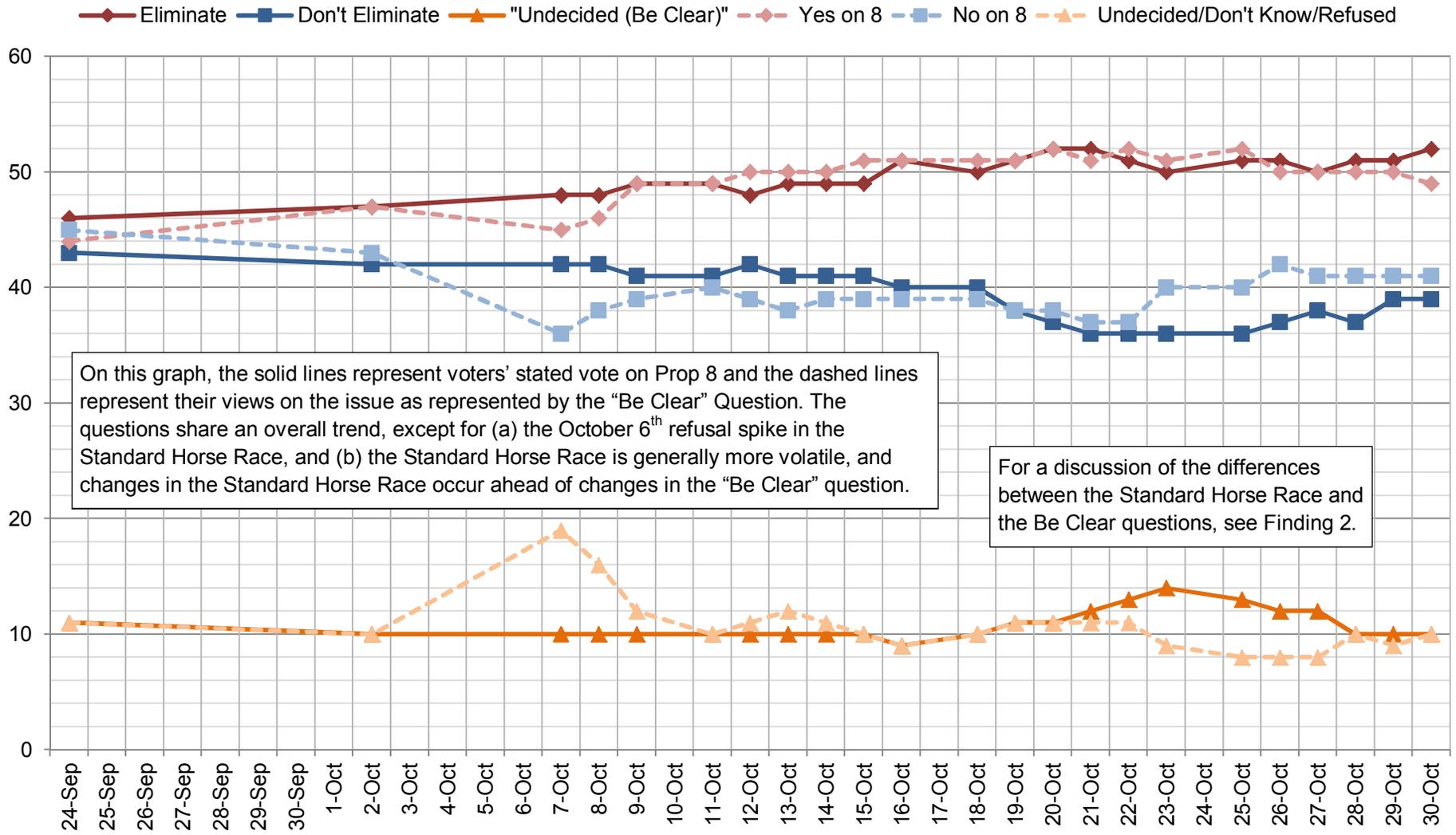
No's "O'Connell" airs 10/22-10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22-10/20, with large buys (up to 1000 pts per week).

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24-11/4 as a rebuttal to "O'Connell."

# All Voters With and Without Correction for Wrong-Way Voting (Lake Research's "Be Clear" Question and Standard Horse Race)



On this graph, the solid lines represent voters' stated vote on Prop 8 and the dashed lines represent their views on the issue as represented by the "Be Clear" Question. The questions share an overall trend, except for (a) the October 6<sup>th</sup> refusal spike in the Standard Horse Race, and (b) the Standard Horse Race is generally more volatile, and changes in the Standard Horse Race occur ahead of changes in the "Be Clear" question.

For a discussion of the differences between the Standard Horse Race and the Be Clear questions, see Finding 2.

No's "**Thorons**" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "**Newsom**" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

No's "**O'Connell**" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "**Princes**" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "**Field Trip**" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

## Using Lake Research Data to Analyze Voter Confusion

With its Standard Horse Race and Be Clear clarification questions, Lake Research created a set of data that helps show how ballot confusion affected Prop 8. Lake Research looked at voters who had responded to the Standard Horse Race and the Be Clear questions, excluding undecided voters and refusals. The result was four categories:

Position on Marriage	Prop 8 Vote Intent	Wrong-Way or Right-Way?
Pro-Same-Sex Marriage	No on 8	Right-Way
Pro—Same-Sex Marriage	Yes on 8	Wrong-Way
Anti-Same-Sex Marriage	Yes on 8	Right-Way
Anti-Same-Sex Marriage	No on 8	Wrong-Way

The data is graphed below in four different ways. The first two graphs show Yes on 8 and No on 8 voters, broken down into right-way and wrong-way voters. The last two graphs show voters who want to eliminate and not eliminate same-sex marriage respectively, again broken down into Yes on 8 and No on 8 voters.

The prevalence of each of these categories made it possible to calculate how much wrong-way voting occurred on each side throughout the campaign, and how much the final vote was affected by wrong-way voting and ballot confusion.

## Lake's Wrong-Way Voting Data

Poll Start	Poll End	Anti-Same-Sex Marriage, Voting No	Pro-Same-Sex Marriage, Voting Yes	Anti-Same-Sex Marriage, Voting Yes	Pro-Same-Sex Marriage, Voting No
19-May	27-May	2	4	20	18
7-Jul	13-Jul	3	6	50	30
11-Aug	17-Aug	4	8	44	32
22-Sep	24-Sep	9	7	35	35
29-Sep	2-Oct	6	5	40	36
5-Oct	7-Oct	6	8	35	30
6-Oct	8-Oct	6	7	37	31
7-Oct	9-Oct	5	7	40	33
8-Oct	11-Oct	5	6	42	34
9-Oct	12-Oct	4	6	42	34
11-Oct	13-Oct	5	6	42	32
12-Oct	14-Oct	5	7	42	32
13-Oct	15-Oct	5	6	42	32
14-Oct	16-Oct	6	6	42	32
15-Oct	18-Oct	5	5	43	32
16-Oct	19-Oct	5	4	44	31
18-Oct	20-Oct	4	3	46	32
20-Oct	22-Oct	4	4	45	30
21-Oct	23-Oct	5	4	44	30
22-Oct	25-Oct	5	4	45	31
23-Oct	26-Oct	5	4	43	32
25-Oct	27-Oct	5	4	43	32
26-Oct	28-Oct	6	4	42	32
27-Oct	29-Oct	6	4	43	34
28-Oct	30-Oct	6	4	43	34

These numbers are represented in the graphs in this section, because they most clearly represent how much right- and wrong-way voters comprised Yes and No on 8's support over time in the campaign; and how much right- and wrong-way voters comprised supporters and opponents of same-sex marriage.

These figures were calculated from the raw data in the table below.

## Lake's Raw Data Used to Calculate Wrong-Way Voting Numbers

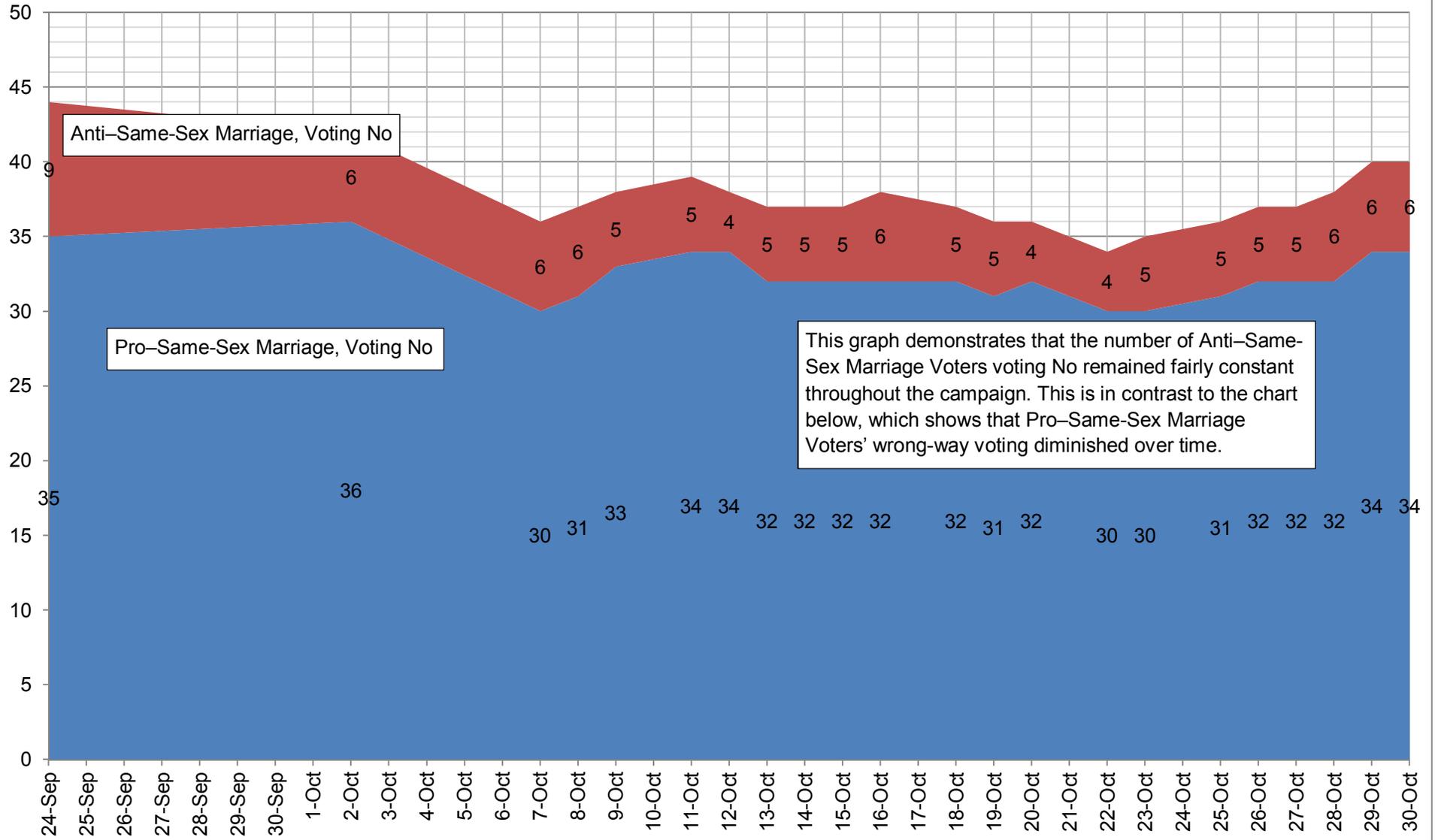
Poll Start	Poll End	Anti-Same-Sex Marriage	Pro-Same-Sex Marriage	% of Anti Voting Wrong-Way	% of Pro Voting Wrong-Way	Yes on 8 Voters	No on 8 Voters
19-May	27-May	22	22	9.1	18.2	24	20
7-Jul	13-Jul	53	36	5.7	16.7	56	33
11-Aug	17-Aug	48	40	8.3	20	52	36
22-Sep	24-Sep	44	42	20.5	16.7	42	44
29-Sep	2-Oct	46	41	13	12.2	45	42
5-Oct	7-Oct	41	38	14.6	21.1	43	36
6-Oct	8-Oct	43	38	14	18.4	44	37
7-Oct	9-Oct	45	40	11.1	17.5	47	38
8-Oct	11-Oct	47	40	10.6	15	48	39
9-Oct	12-Oct	46	40	8.7	15	48	38
11-Oct	13-Oct	47	38	10.6	15.8	48	37
12-Oct	14-Oct	47	39	10.6	17.9	49	37
13-Oct	15-Oct	47	38	10.6	15.8	48	37
14-Oct	16-Oct	48	38	12.5	15.8	48	38
15-Oct	18-Oct	48	37	10.4	13.5	48	37
16-Oct	19-Oct	49	35	10.2	11.4	48	36
18-Oct	20-Oct	50	35	8	8.6	49	36
20-Oct	22-Oct	49	34	8.2	11.8	49	34
21-Oct	23-Oct	49	34	10.2	11.8	48	35
22-Oct	25-Oct	50	35	10	11.4	49	36
23-Oct	26-Oct	48	36	10.4	11.1	47	37
25-Oct	27-Oct	48	36	10.4	11.1	47	37
26-Oct	28-Oct	48	36	12.5	11.1	46	38
27-Oct	29-Oct	49	38	12.2	10.5	47	40
28-Oct	30-Oct	49	38	12.2	10.5	47	40

The data in this table is taken from Lake's polling, and was used to calculate wrong-way voting numbers. The Yes and No on 8 Voters columns show the Standard Horse Race and the Anti- and Pro-Same-Sex Marriage columns show the "Be Clear" question, but only for voters who answered both questions. The "% of Anti Voting Wrong-Way" and "% of Pro Voting Wrong-Way" columns show the percentage of people for each side whose answer to the Standard Horserace differed from their stated vote intention in the "Be Clear" question.

This data was used to calculate the data in the preceding table, which is displayed in the graphs below.

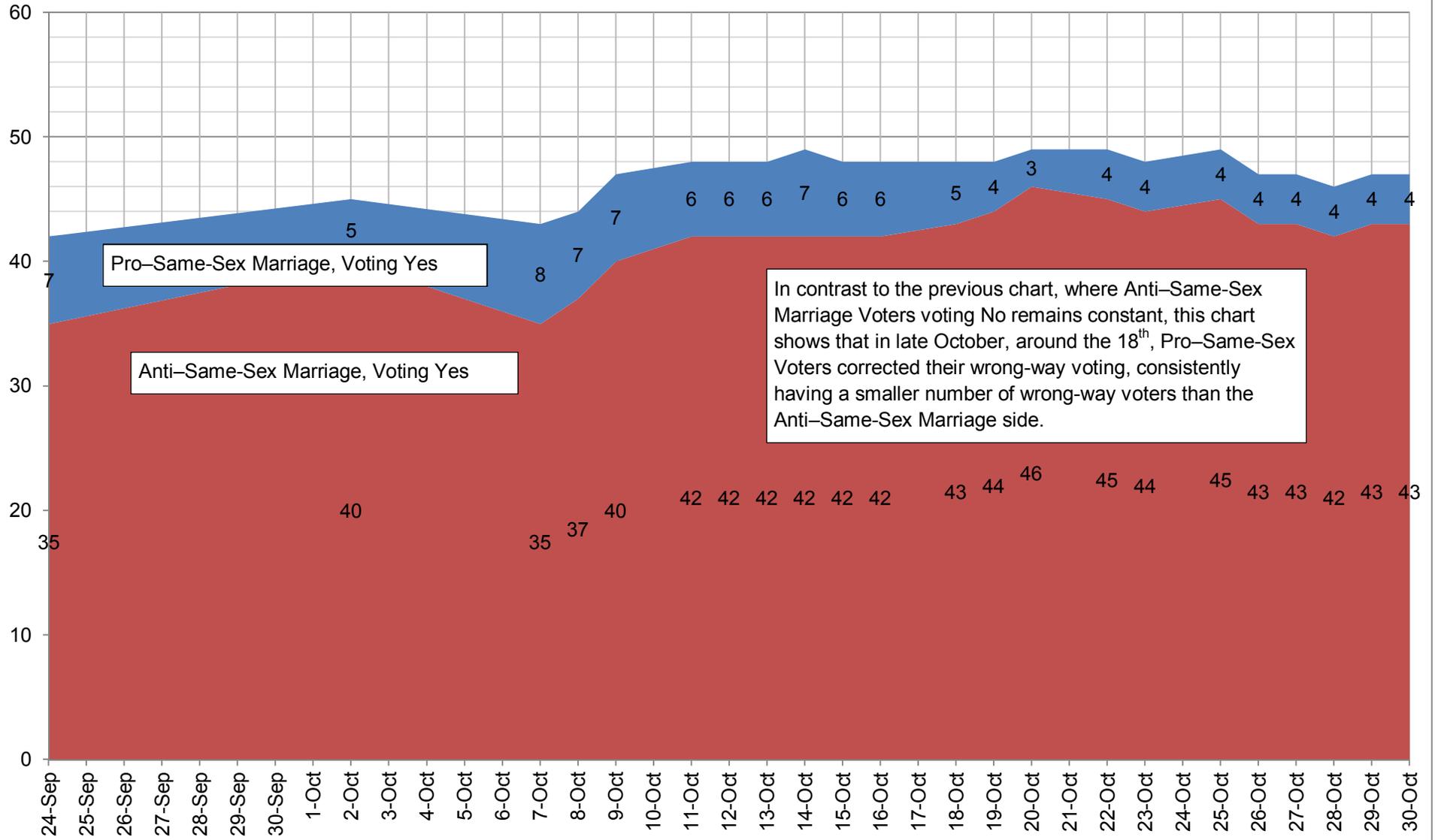
# No on 8's Supporters and the Relatively Constant Number of Anti-Same-Sex Marriage Wrong-Way Voters

■ Pro-Same-Sex Marriage, Voting No    ■ Anti-Same-Sex Marriage, Voting No



# Yes on 8's Supporters and the Declining Number of Pro-Same-Sex Marriage Wrong-Way Voters

■ Anti-Same-Sex Marriage, Voting Yes    ■ Pro-Same-Sex Marriage, Voting Yes



In contrast to the previous chart, where Anti-Same-Sex Marriage Voters voting No remains constant, this chart shows that in late October, around the 18<sup>th</sup>, Pro-Same-Sex Voters corrected their wrong-way voting, consistently having a smaller number of wrong-way voters than the Anti-Same-Sex Marriage side.

## **Lake Research’s Standard Horse Race and “Be Clear” Question for Men and Women**

Lake Research collected comprehensive demographic data, and broke down the results of the Standard Horse Race question by several of these factors. Here, the Standard Horse Race question is broken down by gender. This data shows that men and women reacted quite differently to various campaign events and showed vastly different levels of support for same-sex marriage at different times during the campaign. These trends within voter subgroups are otherwise obscured in the Standard Horse Race chart for all voters.

The data is presented below in two different ways. The first two graphs compare the Standard Horse Race and the Be Clear questions for men and women separately. Following those, the next two charts compare men and women side-by-side (on the same chart) for both the Standard Horse Race and the Be Clear questions.

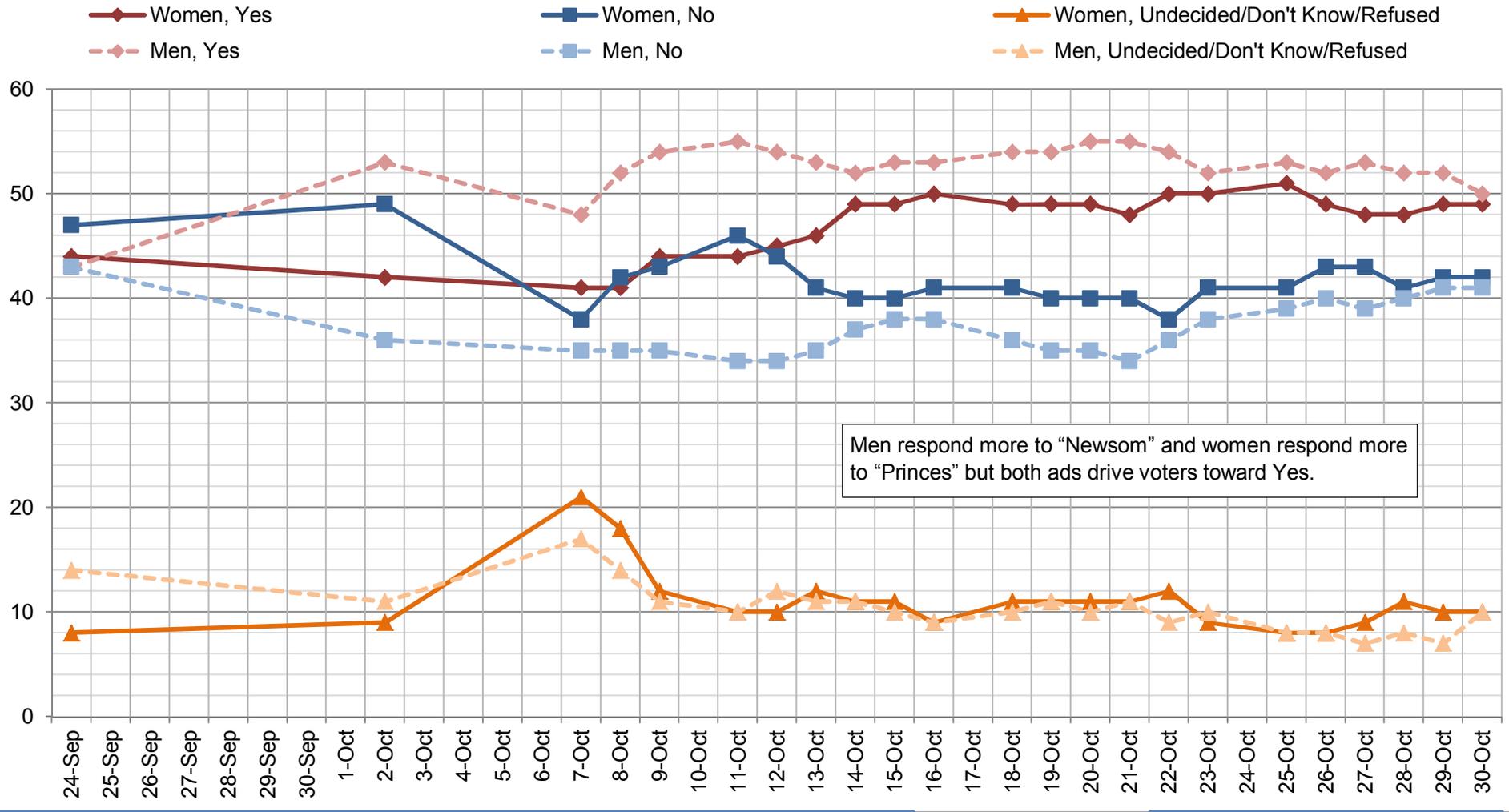
For an analysis and discussion of this data, see Finding 1.

## Lake's Polling Broken Down by Gender

Poll Start	Poll End	Standard Horse Race						"Be Clear" Question					
		Men			Women			Men			Women		
		Y	N	U	Y	N	U	Y	N	U	Y	N	U
22-Sep	24-Sep	43	43	14	44	47	8	48	39	12	44	46	10
29-Sep	2-Oct	53	36	11	42	49	9	54	35	11	40	49	11
5-Oct	7-Oct	48	35	17	41	38	21	50	39	11	44	46	10
6-Oct	8-Oct	52	35	14	41	42	18	51	39	11	46	45	10
7-Oct	9-Oct	54	35	11	44	43	12	50	39	11	45	45	10
8-Oct	11-Oct	55	34	10	44	46	10	53	37	10	45	45	10
9-Oct	12-Oct	54	34	12	45	44	10	53	37	10	44	47	9
11-Oct	13-Oct	53	35	11	46	41	12	52	38	10	46	44	11
12-Oct	14-Oct	52	37	11	49	40	11	51	39	10	47	43	10
13-Oct	15-Oct	53	38	10	49	40	11	51	39	10	48	42	10
14-Oct	16-Oct	53	38	9	50	41	9	53	38	9	49	42	9
15-Oct	18-Oct	54	36	10	49	41	11	53	37	9	47	43	10
16-Oct	19-Oct	54	35	11	49	40	11	54	36	11	48	40	11
18-Oct	20-Oct	55	35	10	49	40	11	55	35	10	49	39	12
19-Oct	21-Oct	55	34	11	48	40	11	53	35	11	50	37	13
20-Oct	22-Oct	54	36	9	50	38	12	53	35	12	49	37	14
21-Oct	23-Oct	52	38	10	50	41	9	52	34	14	49	38	13
22-Oct	25-Oct	53	39	8	51	41	8	53	33	14	49	39	13
23-Oct	26-Oct	52	40	8	49	43	8	53	34	13	48	40	12
25-Oct	27-Oct	53	39	7	48	43	9	53	35	12	47	40	12
26-Oct	28-Oct	52	40	8	48	41	11	53	37	10	49	38	13
27-Oct	29-Oct	52	41	7	49	42	10	53	37	10	49	40	11
28-Oct	30-Oct	50	41	10	49	42	10	52	38	9	51	39	10

This data is displayed in graphs below, for ease of viewing.

# How Men and Women React to the Different Yes on 8 Ads (Lake Research Standard Horse Race)



Men respond more to "Newsom" and women respond more to "Princes" but both ads drive voters toward Yes.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

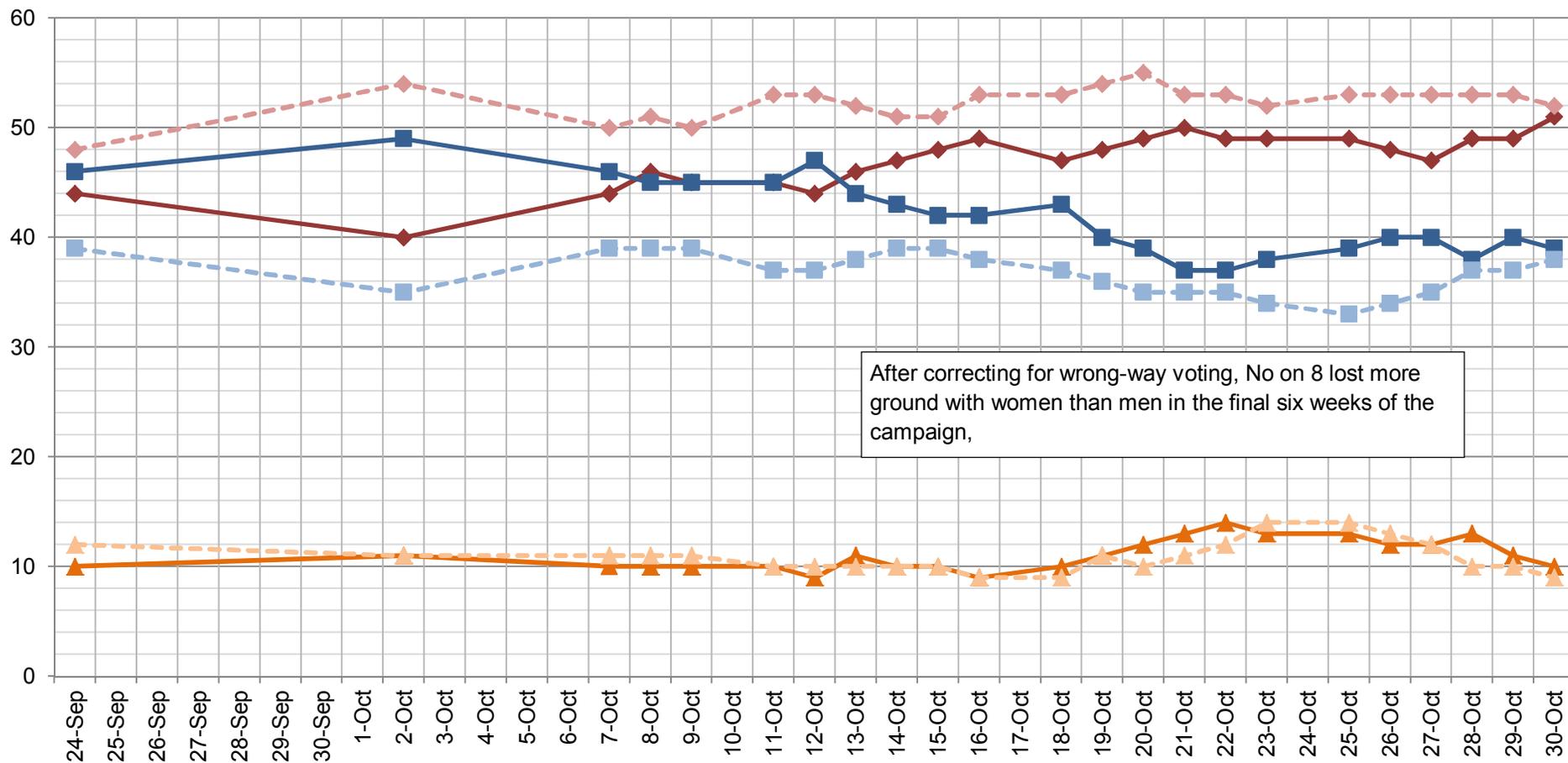
Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Women and Men, Corrected for Wrong-Way Voting (Lake Research "Be Clear" Question)

- ◆— Women, Eliminate      —■— Women, Don't Eliminate      —▲— Women, Undecided
- ◆— Men, Eliminate      —■— Men, Don't Eliminate      —▲— Men, Undecided



After correcting for wrong-way voting, No on 8 lost more ground with women than men in the final six weeks of the campaign,

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

## Lake's Standard Horse Race for Men and Women, Broken Down by College Attendance

Poll Start	Poll End	College Men			Non-College Men			College Women			Non-College Women		
		Y	N	U	Y	N	U	Y	N	U	Y	N	U
22-Sep	24-Sep	36	52	12	48	36	15	40	51	8	48	46	7
29-Sep	2-Oct	53	41	7	54	30	16	34	58	8	48	41	11
5-Oct	7-Oct	42	43	15	55	27	18	40	43	17	42	43	25
6-Oct	8-Oct	48	42	10	55	28	17	38	48	14	43	36	20
7-Oct	9-Oct	51	41	9	58	29	12	40	51	9	47	38	15
8-Oct	11-Oct	53	40	7	58	29	12	38	53	9	47	42	11
9-Oct	12-Oct	54	37	9	54	32	14	39	50	11	48	42	10
11-Oct	13-Oct	51	40	9	54	32	13	44	44	12	54	32	14
12-Oct	14-Oct	49	42	9	55	33	12	48	42	10	55	33	12
13-Oct	15-Oct	45	45	10	61	31	9	49	44	8	61	31	9
14-Oct	16-Oct	45	45	10	60	31	9	48	45	7	60	31	9
15-Oct	18-Oct	50	39	11	57	34	10	44	47	9	52	36	12
16-Oct	19-Oct	53	36	10	55	34	12	41	48	11	55	34	11
18-Oct	20-Oct	54	35	11	56	34	10	37	51	12	57	32	11
19-Oct	21-Oct	52	38	10	58	31	11	37	50	13	57	33	10
20-Oct	22-Oct	49	42	9	59	32	9	42	45	13	56	34	10
21-Oct	23-Oct	52	41	8	53	36	11	46	46	9	54	37	9
22-Oct	25-Oct	52	42	7	54	38	8	47	46	6	55	36	9
23-Oct	26-Oct	50	42	8	53	39	8	46	48	6	52	38	10
25-Oct	27-Oct	47	45	8	58	35	7	46	48	6	49	39	12
26-Oct	28-Oct	46	45	8	55	37	8	46	45	9	49	38	13
27-Oct	29-Oct	49	45	6	54	37	9	46	47	8	51	38	11
28-Oct	30-Oct	46	47	7	53	35	12	43	48	10	54	36	9

This data is presented and discussed in the charts below.

## Lake's "Be Clear" Question for Men and Women, Broken Down by College Attendance

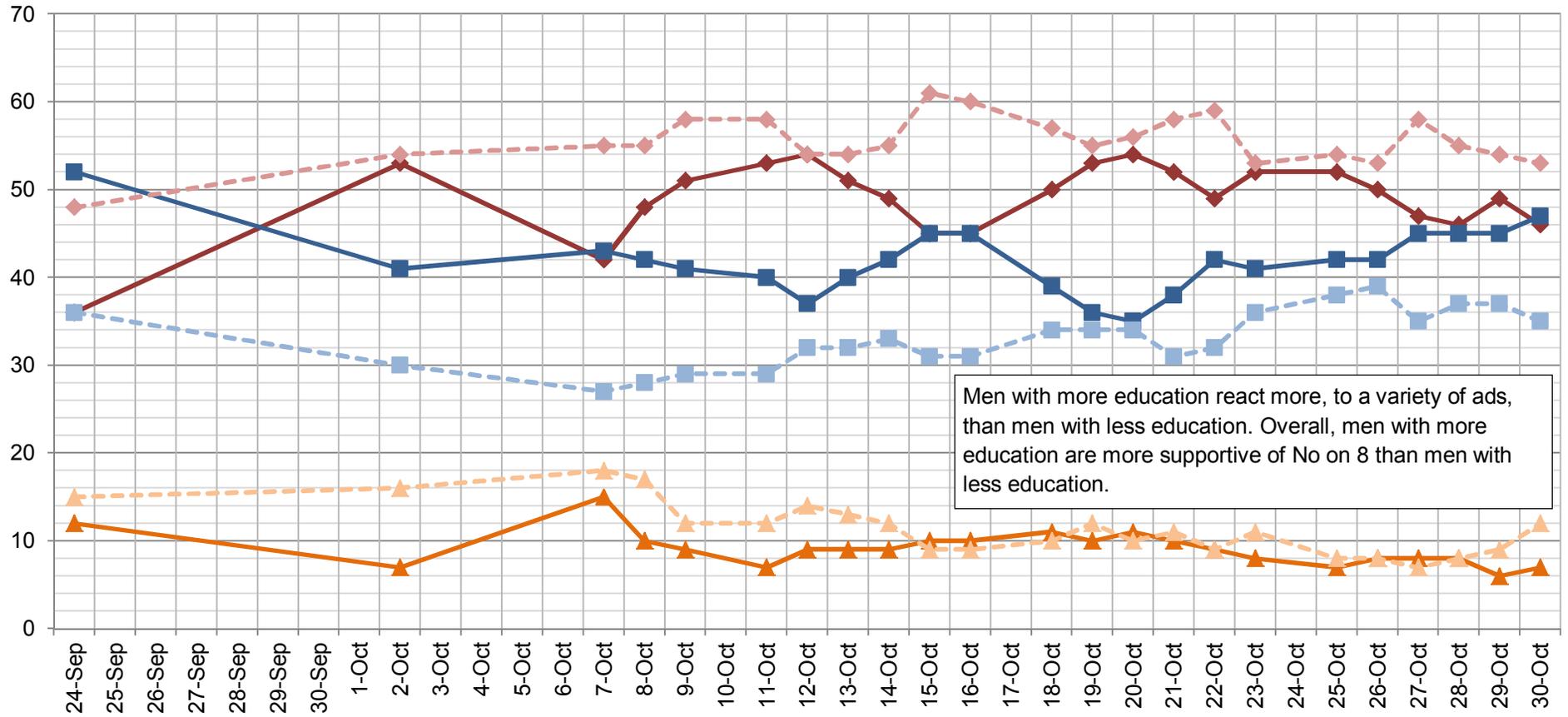
Poll Start	Poll End	College Men			Non-College Men			College Women			Non-College Women		
		Y	N	U	Y	N	U	Y	N	U	Y	N	U
22-Sep	24-Sep	41	49	10	56	30	14	40	49	11	48	43	9
29-Sep	2-Oct	53	39	8	55	29	15	34	56	10	45	43	11
5-Oct	7-Oct	45	46	9	55	32	12	41	52	7	47	41	12
6-Oct	8-Oct	46	48	7	56	31	14	42	51	6	49	39	12
7-Oct	9-Oct	44	46	10	57	32	11	41	53	7	49	40	11
8-Oct	11-Oct	47	44	9	59	31	11	40	51	9	48	41	10
9-Oct	12-Oct	50	40	10	56	34	11	36	53	11	48	44	8
11-Oct	13-Oct	47	44	9	56	33	11	43	47	10	47	42	10
12-Oct	14-Oct	45	46	9	55	33	11	43	47	10	49	42	9
13-Oct	15-Oct	42	48	10	60	31	9	45	48	7	49	39	12
14-Oct	16-Oct	47	45	8	58	32	10	44	50	6	52	38	10
15-Oct	18-Oct	51	39	9	55	35	9	40	53	7	52	37	12
16-Oct	19-Oct	55	35	10	53	36	11	42	49	9	53	34	13
18-Oct	20-Oct	55	34	11	55	36	9	38	50	12	57	31	12
19-Oct	21-Oct	52	36	11	54	35	11	41	46	13	57	29	14
20-Oct	22-Oct	49	38	13	56	33	11	41	45	14	56	30	14
21-Oct	23-Oct	51	35	14	54	33	13	43	45	12	53	32	15
22-Oct	25-Oct	51	34	15	56	31	13	43	47	10	53	33	14
23-Oct	26-Oct	51	37	11	55	31	14	44	47	9	52	35	13
25-Oct	27-Oct	47	42	11	58	29	13	41	48	11	52	35	13
26-Oct	28-Oct	48	43	9	56	33	11	44	44	11	53	33	15
27-Oct	29-Oct	49	42	10	56	35	10	43	49	8	54	33	13
28-Oct	30-Oct	47	46	7	57	32	11	42	49	9	59	31	10

This data is presented and discussed in the charts below.

# Comparing Men with More and Less Education

(Lake Research's Standard Horse Race)

- ◆ College Men, Voting Yes
- ▲ College Men, Undecided/Don't Know/Refused
- College Men, Voting No
- ◆ Non-College Men, Voting Yes
- Non-College Men, Voting No
- ▲ Non-College Men, Undecided/Don't Know/Refused



Men with more education react more, to a variety of ads, than men with less education. Overall, men with more education are more supportive of No on 8 than men with less education.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

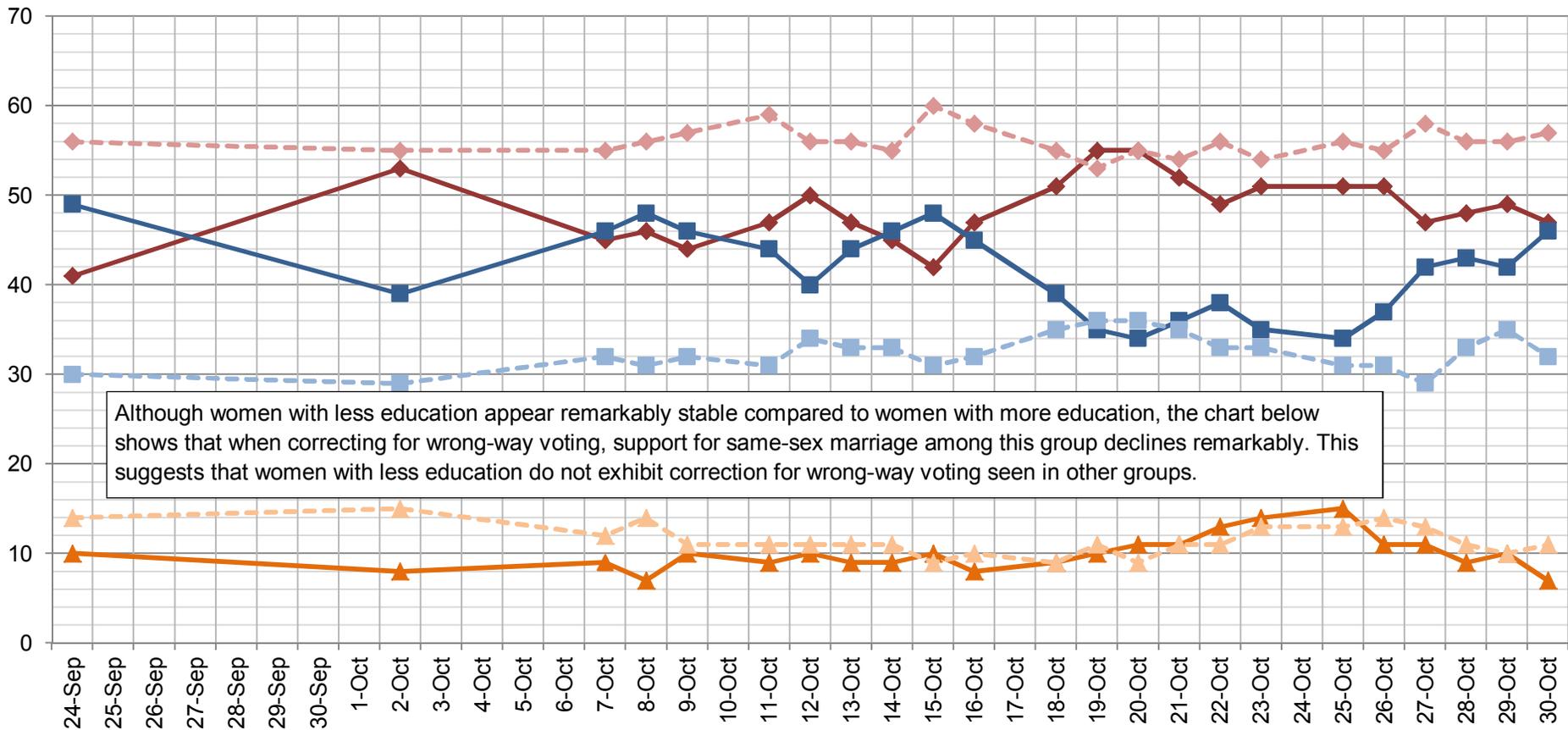
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Comparing Women with More and Less Education

(Lake Research's Standard Horse Race)

- College Women, Voting Yes
- College Women, Undecided/Don't Know/Refused
- Non-College Women, Voting No
- College Women, Voting No
- Non-College Women, Voting Yes
- Non-College Women, Undecided/Don't Know/Refused



Although women with less education appear remarkably stable compared to women with more education, the chart below shows that when correcting for wrong-way voting, support for same-sex marriage among this group declines remarkably. This suggests that women with less education do not exhibit correction for wrong-way voting seen in other groups.

No's "Thorons" ad airs 9/22-10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22-10/30 as the campaign's direct response to "Princes."

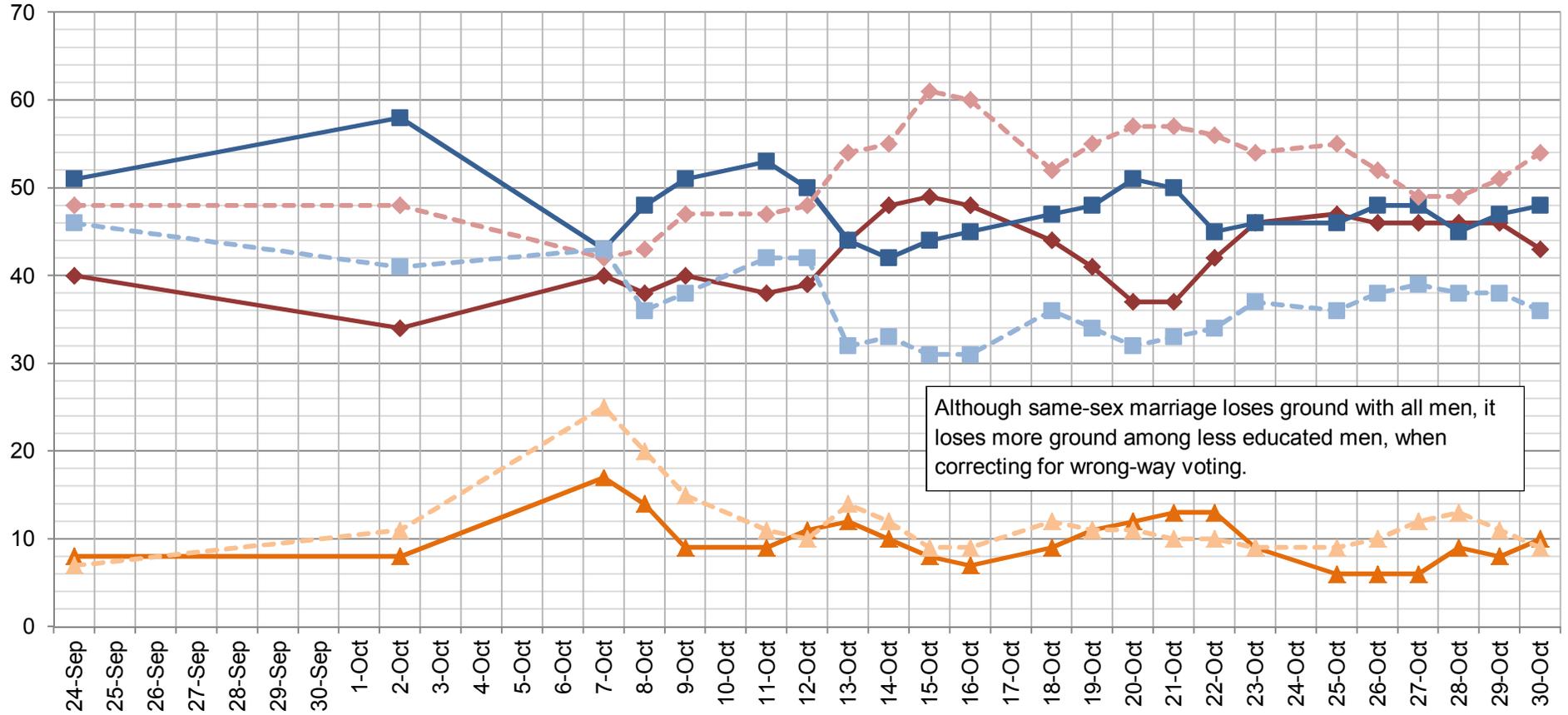
Yes's "Newsom" ad airs 9/22-10/20, with large buys (up to 1000 pts per week).

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24-11/4 as a rebuttal to "O'Connell."

# Comparing Men with More and Less Education (Lake Research's "Be Clear" Question)

- ◆ College Men, Eliminate Marriage
- ◆ College Men, Don't Eliminate Marriage
- ▲ College Men, Undecided
- ◆ Non-College Men, Eliminate Marriage
- ◆ Non-College Men, Don't Eliminate Marriage
- ▲ Non-College Men, Undecided



Although same-sex marriage loses ground with all men, it loses more ground among less educated men, when correcting for wrong-way voting.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

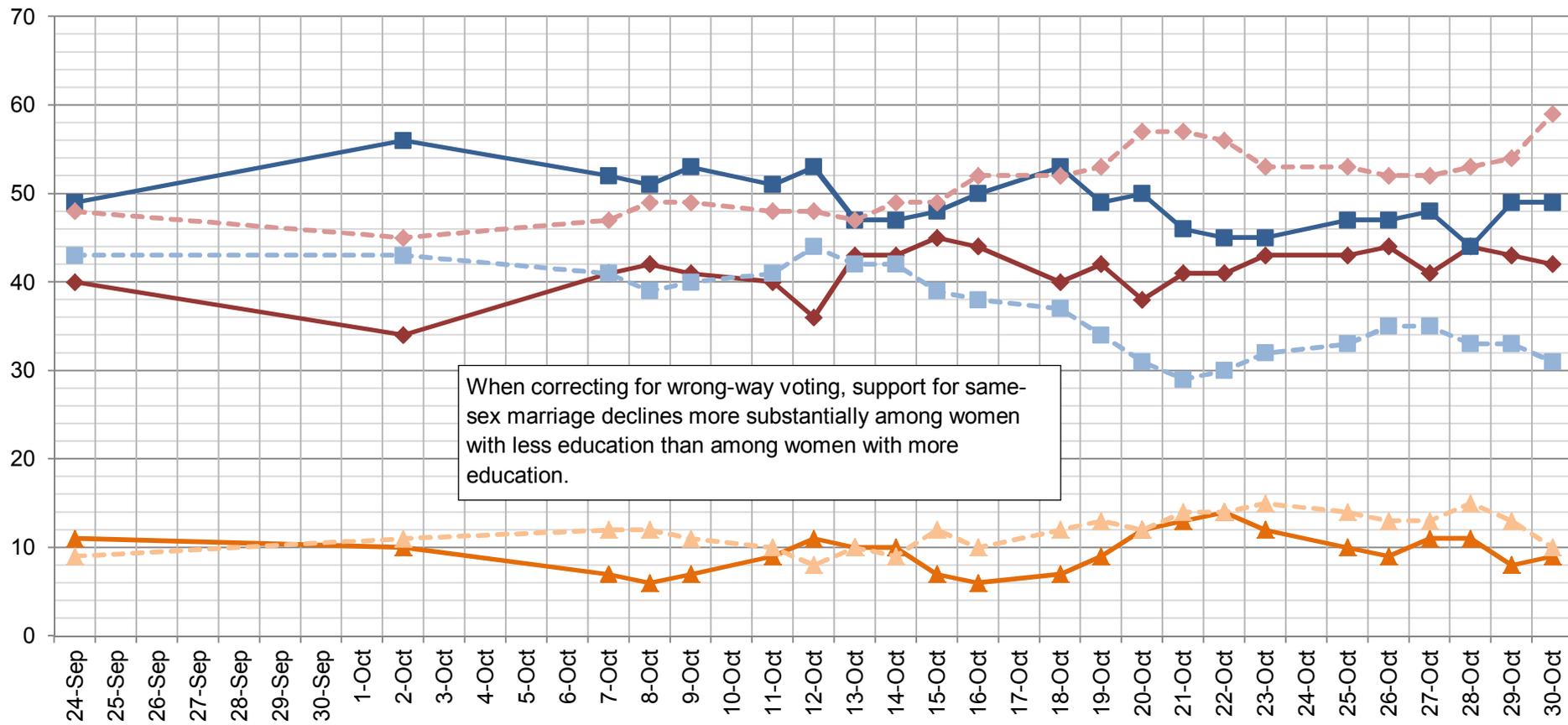
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Comparing Women with More and Less Education

(Lake Research's "Be Clear" Question)

- ◆ College Women, Eliminate Marriage
- ▲ College Women, Undecided
- College Women, Don't Eliminate Marriage
- ◆ Non-College Women, Eliminate Marriage
- ▲ Non-College Women, Undecided
- Non-College Women, Don't Eliminate Marriage



When correcting for wrong-way voting, support for same-sex marriage declines more substantially among women with less education than among women with more education.

No's "**Thorons**" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "**Newsom**" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

No's "**O'Connell**" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "**Princes**" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "**Field Trip**" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

## David Binder Research’s Standard Horse Race

David Binder Research conducted daily tracking polls for the No on 8 campaign from October 18 to November 3, the day before Election Day. Binder also conducted one benchmark poll on September 2–4. Binder’s daily tracking polls thus continued after Lake’s ended but started toward the end of the campaign.

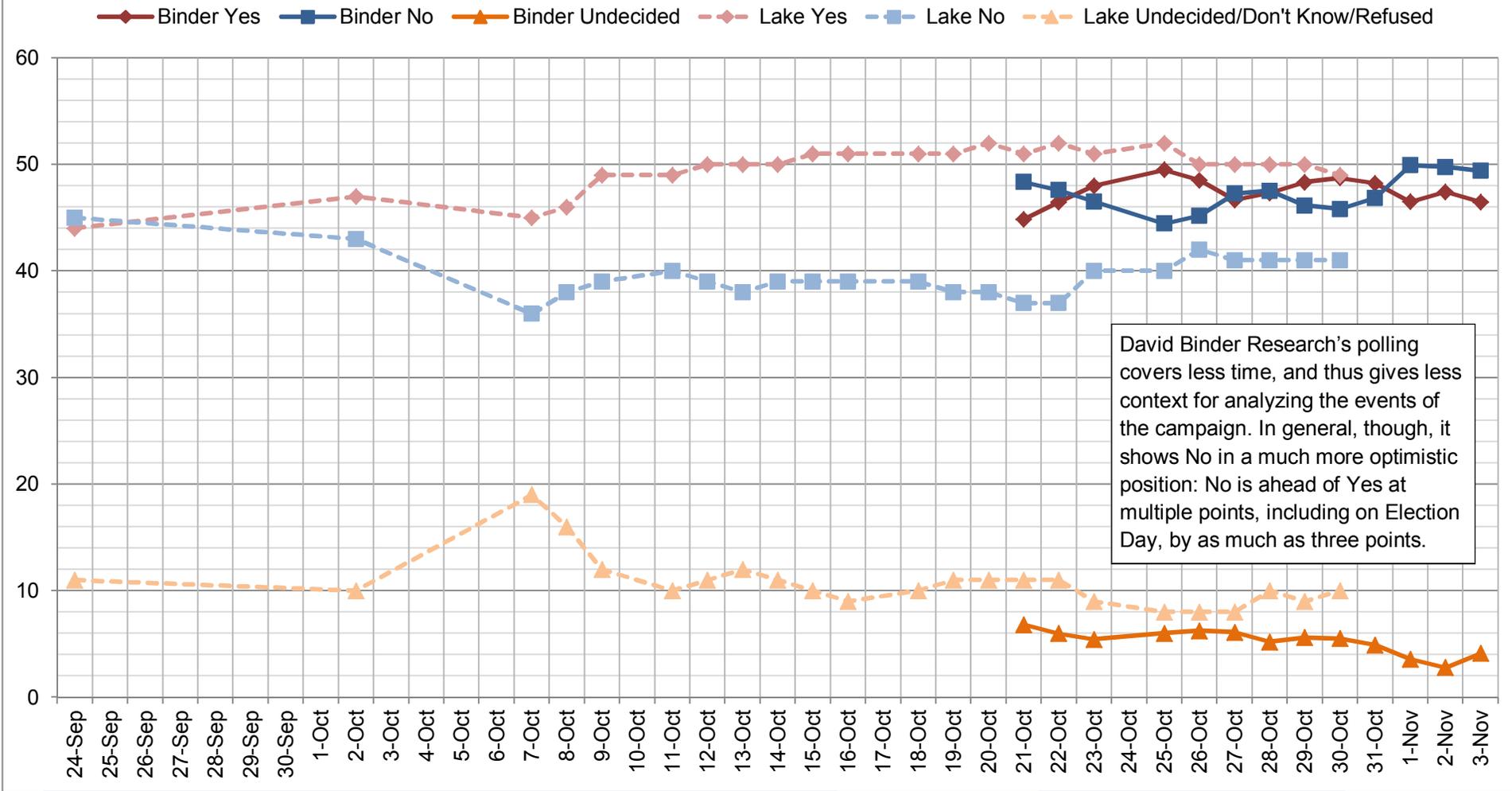
In the form the Mentoring Project first received, Binder’s polling was not combined into a rolling average. In order to directly compare Binder’s polling to Lake’s, the Mentoring Project combined Binder’s polling into a rolling average, resulting in the numbers to the right.

Binder’s charts are most easily placed into context when viewed alongside Lake’s charts, as displayed below.

Lake’s polls are featured more frequently throughout the report, and the graph below demonstrates why: David Binder Research simply polled for a shorter amount of time than Lake, and thus obtained less data. In addition, the time period during which Binder polled spanned less movement in voter opinion than the period of time when Binder did not poll.

Poll Start	Poll End	ALL		
		Y	N	U
2-Sep	4-Sep	42	53	6
18-Oct	21-Oct	45	49	7
19-Oct	22-Oct	46	48	6
20-Oct	23-Oct	48	47	5
21-Oct	25-Oct	50	44	6
22-Oct	26-Oct	49	45	6
23-Oct	27-Oct	47	47	6
25-Oct	28-Oct	47	48	5
26-Oct	29-Oct	48	46	6
27-Oct	30-Oct	49	46	6
28-Oct	31-Oct	48	47	5
29-Oct	1-Nov	47	50	4
30-Oct	2-Nov	47	50	3
1-Nov	3-Nov	47	49	4
18-Oct	28-Oct	48	44	6
18-Oct	3-Nov	47	47	5

# Lake Research and David Binder Research's Standard Horse Races



David Binder Research's polling covers less time, and thus gives less context for analyzing the events of the campaign. In general, though, it shows No in a much more optimistic position: No is ahead of Yes at multiple points, including on Election Day, by as much as three points.

No's "Thorons" ad airs 9/22-10/15 with an initial small buy (around 500 pts per week)

Yes's "Newsom" ad airs 9/22-10/20, with large buys (up to 1000 pts per week).

No's "O'Connell" airs 10/22-10/30 as the campaign's direct response to "Princes."

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24-11/4 as a rebuttal to "O'Connell."

## **Lake Research & David Binder Research: Latino Voters**

Latino voters make up a significant part of California's voting population; as a result, both the Yes and No on 8 campaigns specifically targeted Latino populations with targeted ad buys and media efforts.

Both Lake and Binder's polls analyzed voter data by ethnicity and other demographic factors. Lake Research has data for Latino voters for both the Standard Horse Race and Be Clear questions. Where possible, both are presented on the same chart to ease comparison and to provide context. Data is also available from Lake's polling on Latino voters by gender; this too is presented below. Lake's breakouts of Latino voters by age, however, result in sample size so small that charts would not be useful for meaningful analysis, and so they are not included. The same difficulty prevented the development of charts on African-American and Asian voters. Regular or periodic oversampling of African-American and/or Asian voters in polling for future campaigns could eliminate this problem.

David Binder Research's polling of Latino voters is presented alongside Lake's Standard Horse Race question, again for context.

Some of the charts below illuminate trends for which there is no current explanation. For example, the Lake Standard Horse Race Latino vs White margins shows plunging margins—with No on 8 improving among Latino voters—from October 12 through 17. At the time of this writing, the author does not know why that occurred, what campaign event to which it might be linked, and why the trend then reversed itself.

For a full discussion of this data and its implications, see Finding 1.

**Lake and Binder’s Standard Horse Race and Lake’s “Be Clear”  
Question for Latino Voters**

Poll Start	Poll End	Lake Standard Horse Race, Latino Voters			Lake Standard Horse Race, White Voters			Lake Be Clear Question, Latino Voters			Binder Standard Horse Race, Latino Voters		
		Y	N	U	Y	N	U	Y	N	U	Y	N	U
19-May	27-May	59	35	6	47	45	8	51	42	7			
7-Jul	13-Jul	65	26	7	57	37	5	62	33	5			
11-Aug	17-Aug	63	34	1	54	38	8	56	33	11			
11-Aug	17-Aug	47	44	7	51	42	7						
8-Sep	11-Sep	38	47	15	47	46	6						
22-Sep	24-Sep	51	38	11	40	49	10	49	38	12			
29-Sep	2-Oct	46	37	16	46	45	8	45	38	16			
5-Oct	7-Oct	50	27	22	43	39	18	55	36	9			
6-Oct	8-Oct	49	29	22	45	42	13	54	36	10			
7-Oct	9-Oct	50	35	14	49	41	10	53	39	8			
8-Oct	11-Oct	52	37	11	48	42	10	53	38	9			
9-Oct	12-Oct	54	36	10	48	41	11	53	38	10			
11-Oct	13-Oct	59	27	14	48	41	11	58	31	11			
12-Oct	14-Oct	56	29	15	50	42	9	57	32	11			
13-Oct	15-Oct	53	30	17	51	41	8	58	28	14			
14-Oct	16-Oct	50	35	16	53	40	7	57	30	13			
15-Oct	18-Oct	45	41	15	52	39	9	50	36	14			
16-Oct	19-Oct	49	39	12	52	39	9	50	37	13			
18-Oct	20-Oct	51	39	11	51	39	10	50	38	12			
19-Oct	21-Oct	56	33	11	50	40	10	58	30	12			
20-Oct	22-Oct	54	36	11	52	39	9	58	28	14			
21-Oct	23-Oct	54	37	10	50	42	8	56	30	14			
22-Oct	25-Oct	55	36	9	52	42	6	51	36	13	52	43	6
23-Oct	26-Oct	57	35	8	48	45	7	56	34	10	52	42	7
25-Oct	27-Oct	55	36	9	48	44	7	56	32	12	53	41	6
26-Oct	28-Oct	51	39	10	47	44	9	59	30	11	50	43	7
27-Oct	29-Oct	50	42	8	50	42	7	55	36	9	50	41	8
28-Oct	30-Oct	49	41	10	50	41	9	56	35	9	48	44	9
28-Oct	31-Oct										51	43	8
29-Oct	1-Nov										50	47	4
30-Oct	2-Nov										49	48	4
1-Nov	3-Nov										50	47	4

This data is displayed in a variety of charts below.

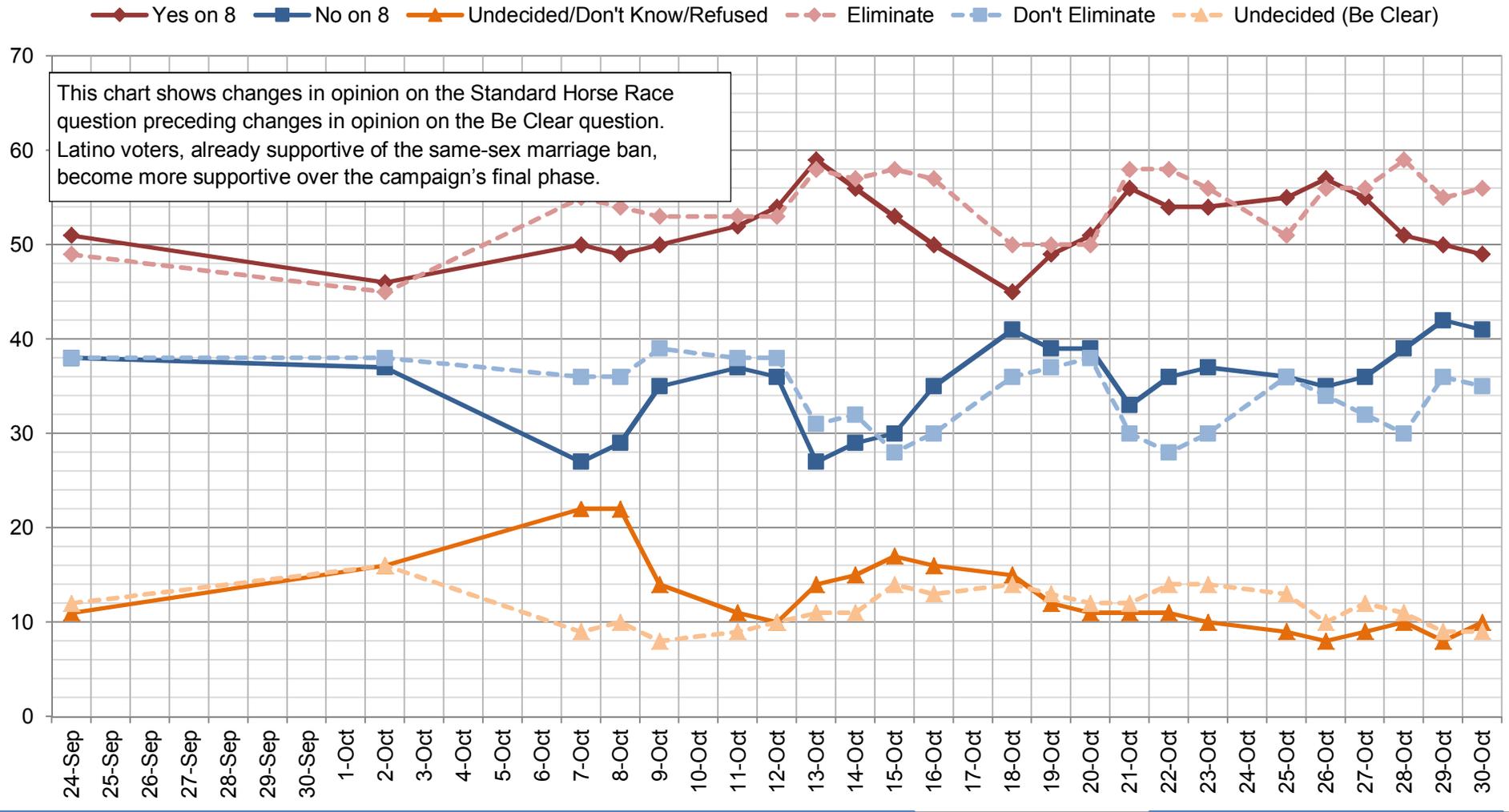
## Lake's Standard Horserace for Latino Voters Broken Down by Age

Poll Start	Poll End	Lake Latino Standard Horse Race, <50			Lake Latino Standard Horse Race, 50+		
		Y	N	U	Y	N	U
19-May	27-May	56	38	6	65	30	5
7-Jul	13-Jul						
11-Aug	17-Aug						
11-Aug	17-Aug						
8-Sep	11-Sep	34	51	15			
22-Sep	24-Sep	48	40	11	53	37	11
29-Sep	2-Oct	43	38	18	54	37	10
5-Oct	7-Oct	49	30	21	53	23	24
6-Oct	8-Oct	48	31	21	52	25	23
7-Oct	9-Oct	47	39	13	59	26	15
8-Oct	11-Oct	48	41	11	61	29	10
9-Oct	12-Oct	48	44	8	66	22	12
11-Oct	13-Oct	54	32	14	67	19	14
12-Oct	14-Oct	51	34	15	65	20	28
13-Oct	15-Oct	48	33	19	62	26	12
14-Oct	16-Oct	46	36	18	58	31	11
15-Oct	18-Oct	41	41	18	54	39	8
16-Oct	19-Oct	43	41	16	59	39	6
18-Oct	20-Oct	44	43	12	63	30	7
19-Oct	21-Oct	51	38	11	65	26	9
20-Oct	22-Oct	49	41	10	63	25	12
21-Oct	23-Oct	49	40	11	62	30	8
22-Oct	25-Oct	53	37	10	58	34	8
23-Oct	26-Oct	57	35	8	55	37	8
25-Oct	27-Oct	55	36	9	52	37	11
26-Oct	28-Oct	52	41	7	46	36	18
27-Oct	29-Oct	51	42	7	44	40	16
28-Oct	30-Oct	51	42	7	44	40	16

This data is displayed in charts below; however, the sample size is low enough that extreme caution should be exercised when drawing conclusions.

# All Latino Voters, With and Without Wrong-Way Vote Correction

(Lake Research's Standard Horse Race and "Be Clear" Questions)



No's "Thorons" ad airs 9/22-10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22-10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22-10/20, with large buys (up to 1000 pts per week).

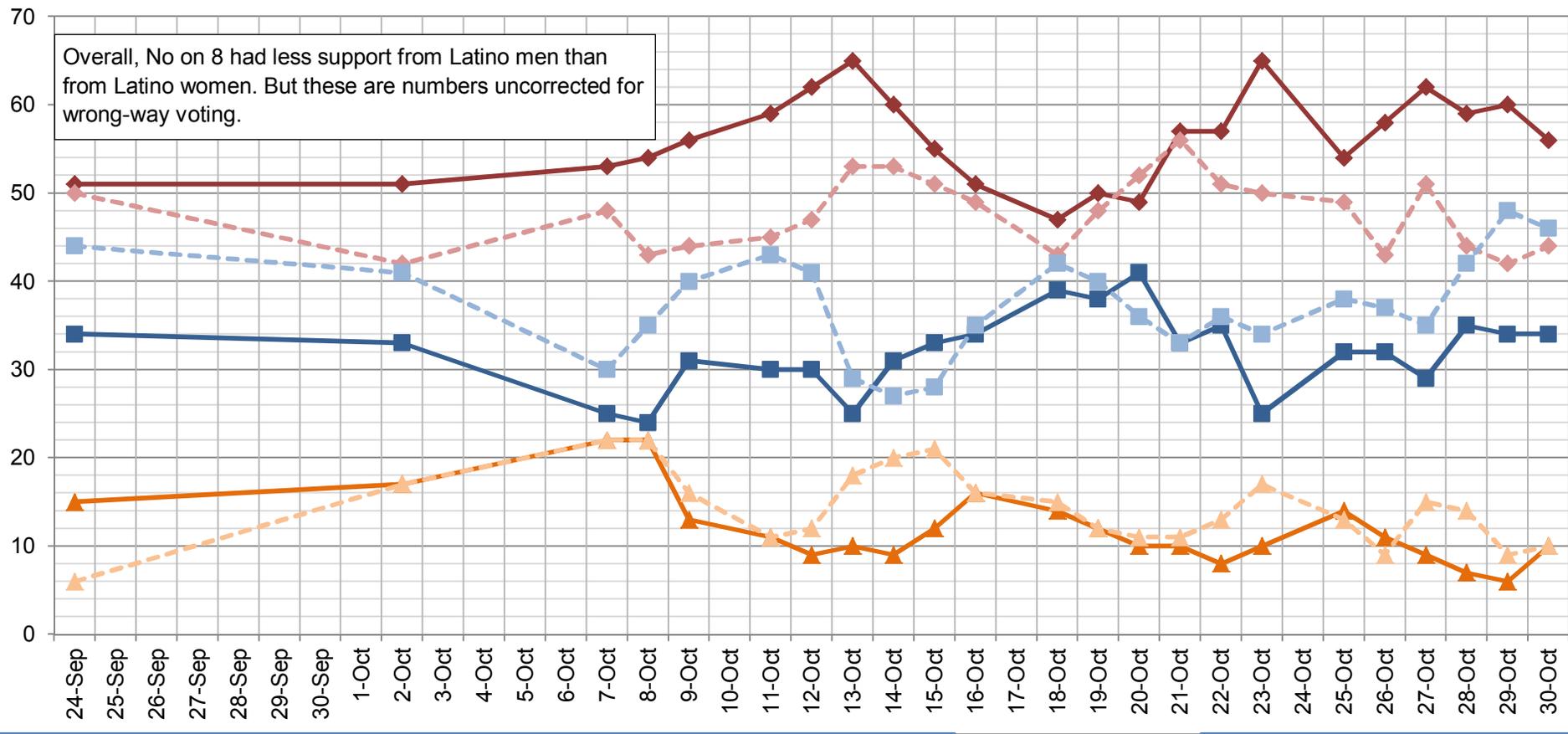
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24-11/4 as a rebuttal to "O'Connell."

# Comparing Latino Men and Latino Women

(Lake Research's Standard Horse Race)

- ◆ Latino Men, Yes
- ▲ Latino Men, Undecided/Don't Know/Refused
- Latino Men, No
- ◆ Latino Women, Yes
- ▲ Latino Women, Undecided/Don't Know/Refused
- Latino Women, No



Overall, No on 8 had less support from Latino men than from Latino women. But these are numbers uncorrected for wrong-way voting.

No's **"Thorons"** ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's **"O'Connell"** airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's **"Newsom"** ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

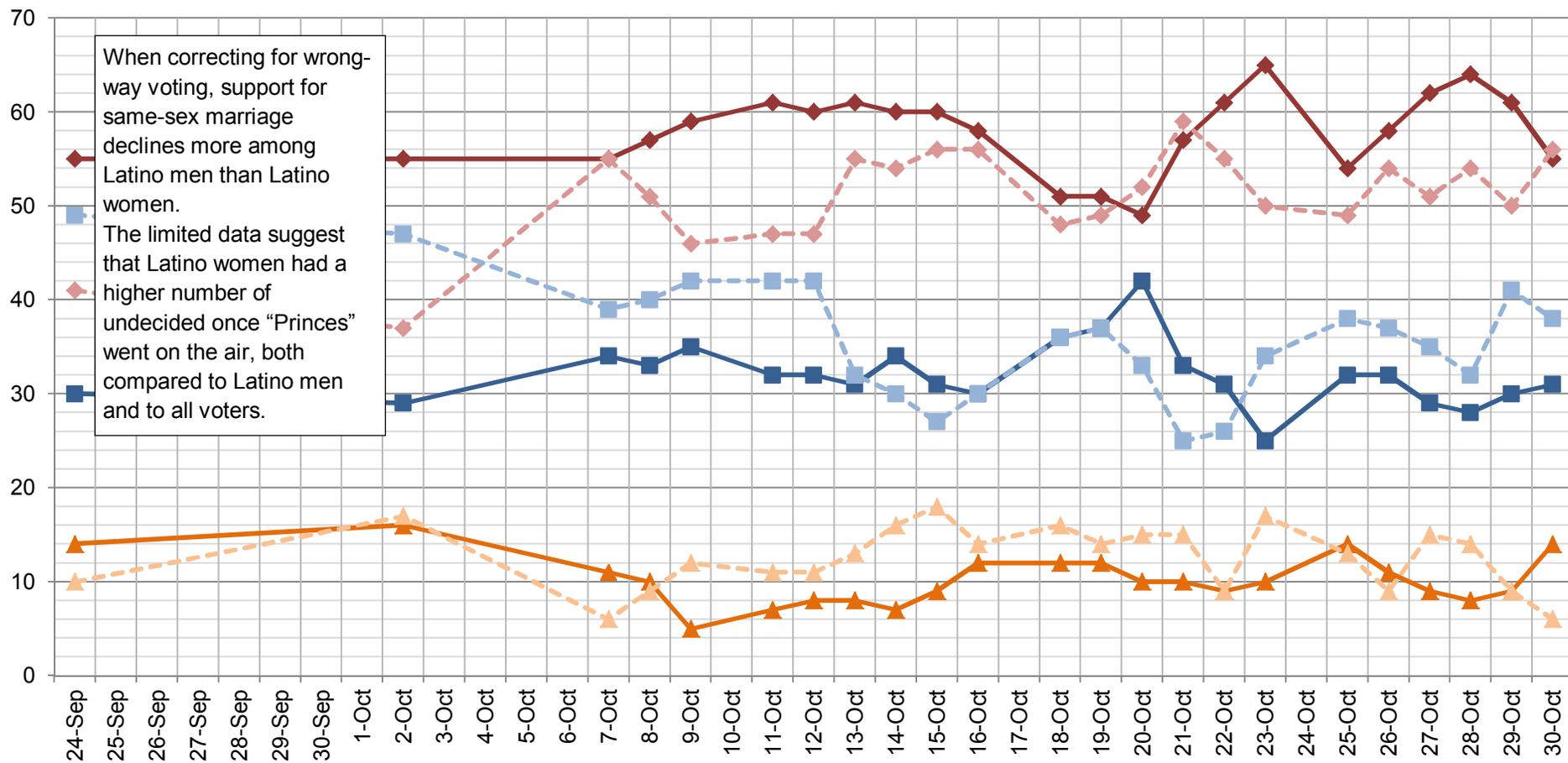
Yes's **"Princes"** ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's **"Field Trip"** ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Comparing Latino Men and Latino Women

(Lake Research's "Be Clear" Question)

- ◆— Latino Men, Eliminate Marriage
- Latino Men, Don't Eliminate Marriage
- ▲— Latino Men, Undecided
- ◆— Latino Women, Eliminate Marriage
- Latino Women, Don't Eliminate Marriage
- ▲— Latino Women, Undecided



When correcting for wrong-way voting, support for same-sex marriage declines more among Latino men than Latino women. The limited data suggest that Latino women had a higher number of undecided once "Princes" went on the air, both compared to Latino men and to all voters.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

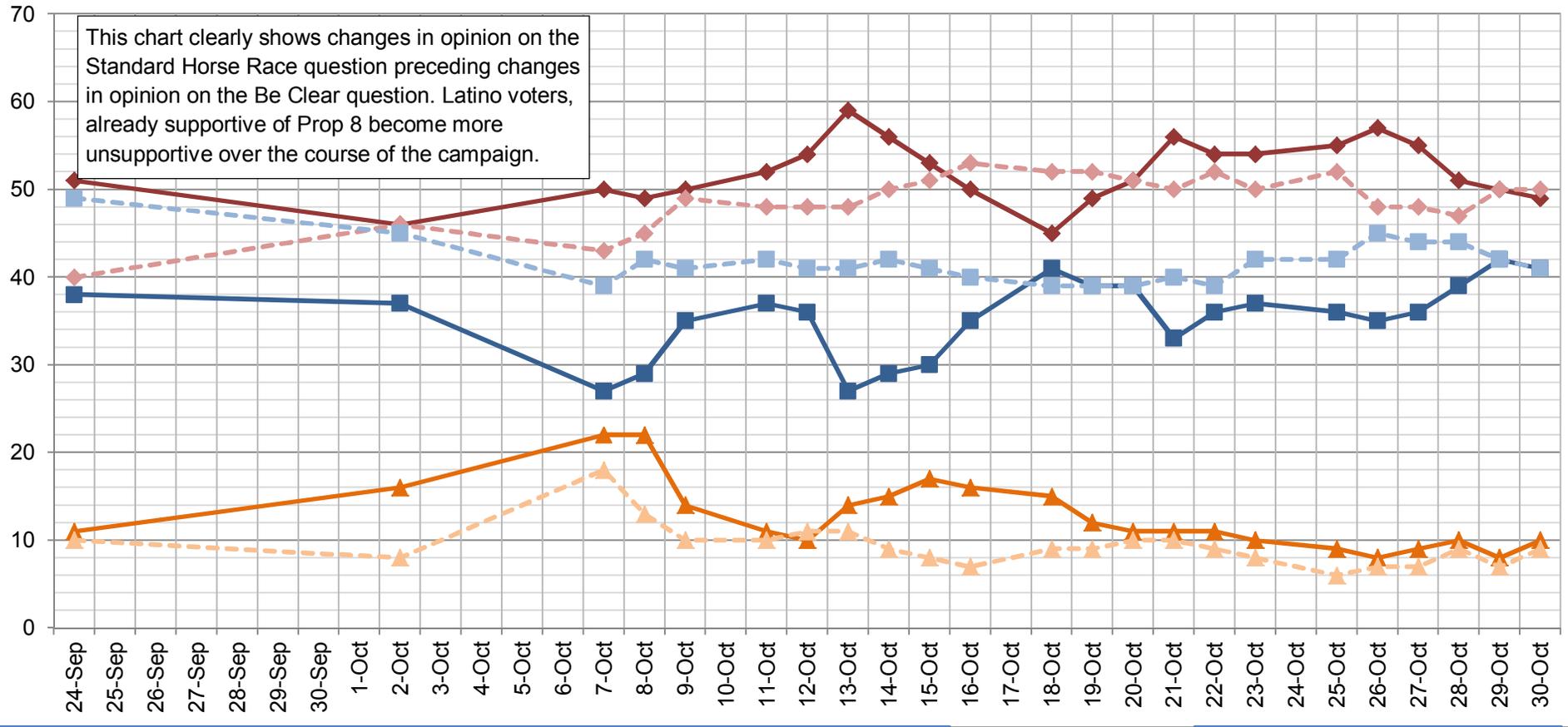
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Comparing Latino and White Voters

(Lake Research's Standard Horse Race)

- ◆ Latino Voters, Yes
- ▲ Latino Voters, Undecided/Don't Know/Refused
- Latino Voters, No
- ◆ White Voters, Yes
- ▲ White Voters, Undecided/Don't Know/Refused
- White Voters, No



No's "Thorons" ad airs 9/22-10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22-10/30 as the campaign's direct response to "Princes."

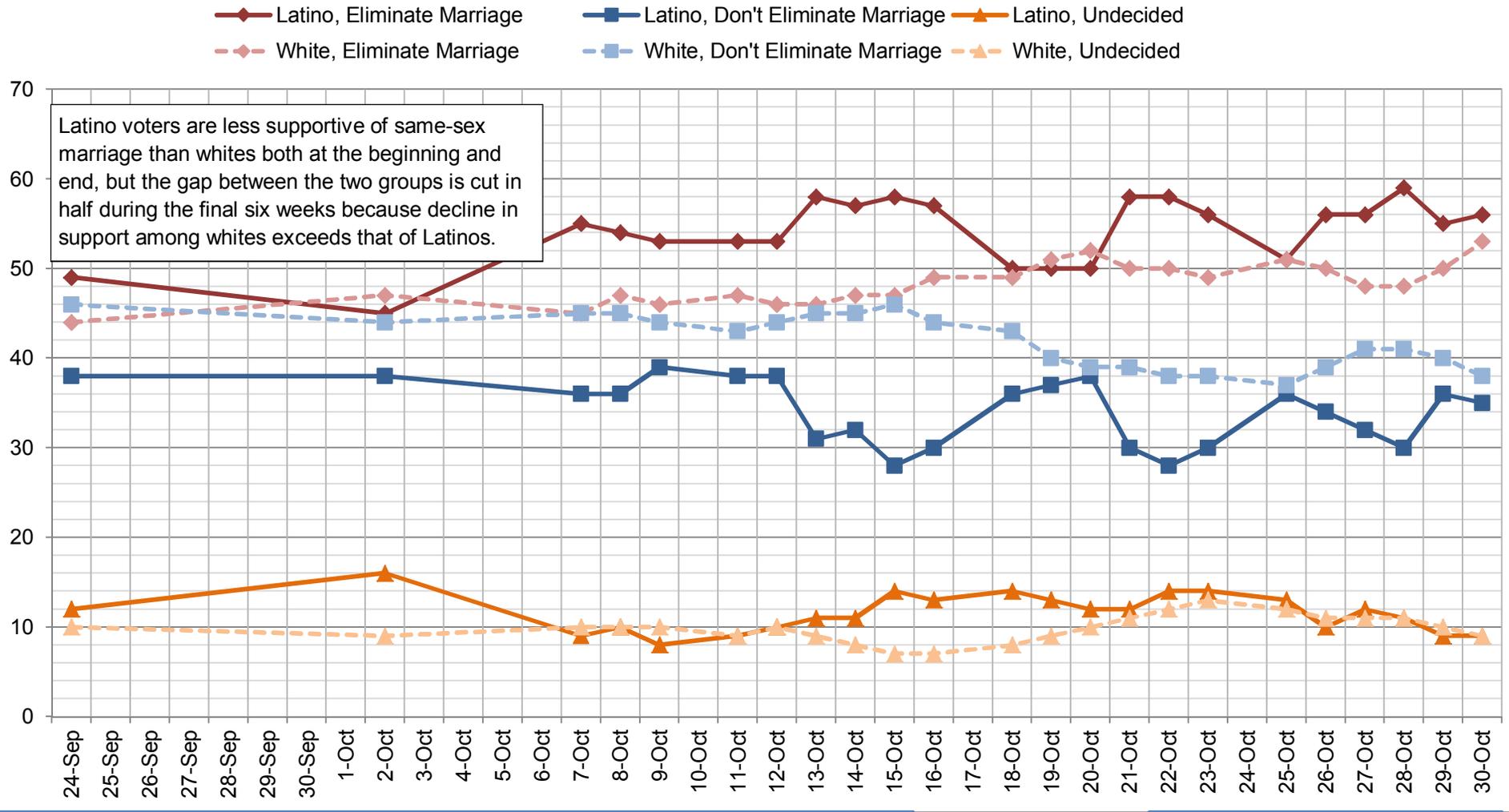
Yes's "Newsom" ad airs 9/22-10/20, with large buys (up to 1000 pts per week).

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24-11/4 as a rebuttal to "O'Connell."

# Comparing Latino and White Voters

(Lake Research's "Be Clear" Question)



No's "Thorons" ad airs 9/22-10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22-10/30 as the campaign's direct response to "Princes."

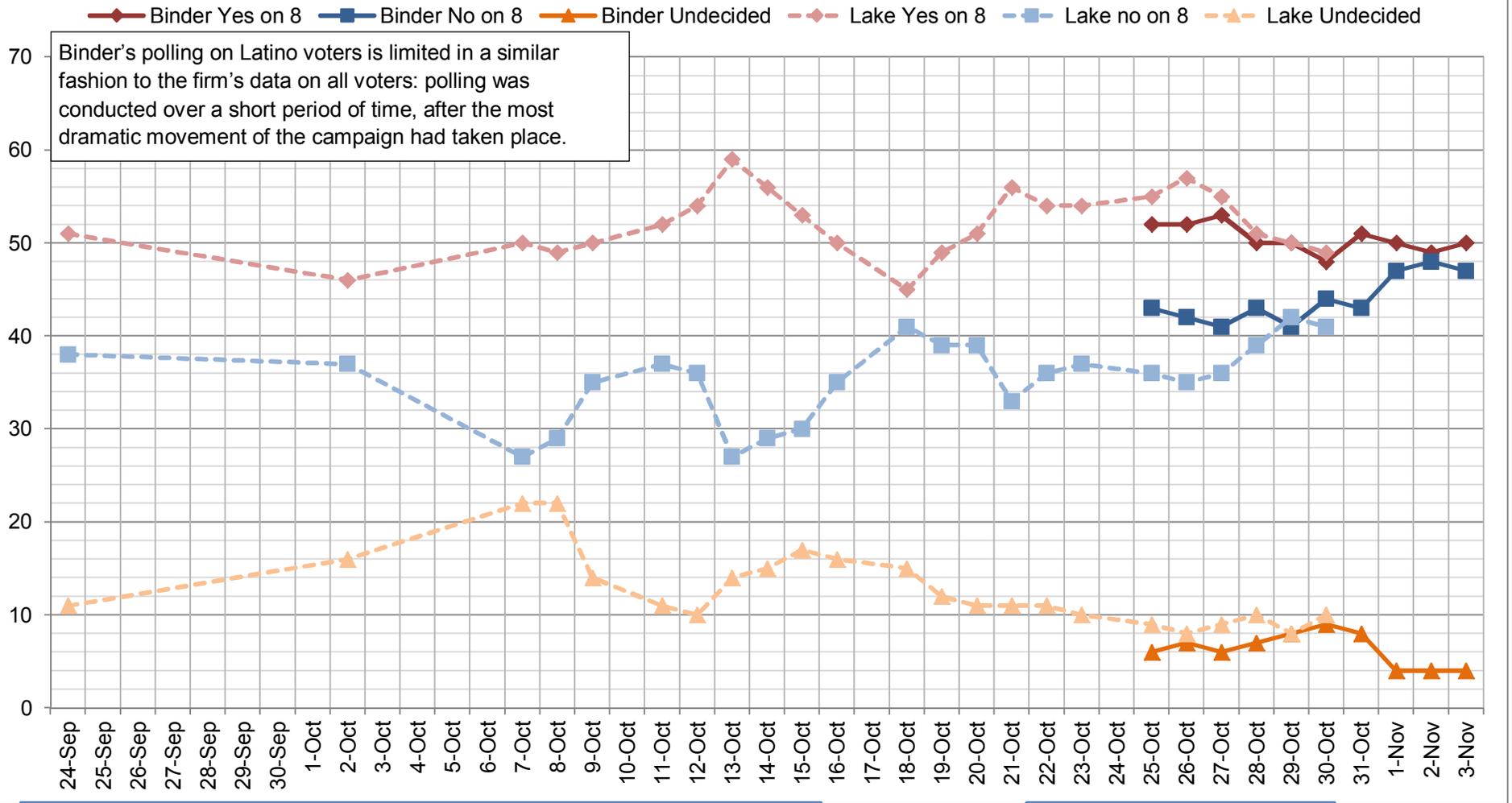
Yes's "Newsom" ad airs 9/22-10/20, with large buys (up to 1000 pts per week).

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24-11/4 as a rebuttal to "O'Connell."

# Latino Voters

(Lake and David Binder Research's Standard Horse Races)



Binder's polling on Latino voters is limited in a similar fashion to the firm's data on all voters: polling was conducted over a short period of time, after the most dramatic movement of the campaign had taken place.

No's "Thorons" ad airs 9/22-10/15 with an initial small buy (around 500 pts per week)

Yes's "Newsom" ad airs 9/22-10/20, with large buys (up to 1000 pts per week).

No's "O'Connell" airs 10/22-10/30 as the campaign's direct response to "Princes."

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24-11/4 as a rebuttal to "O'Connell."

## Lake Research’s Polling on the “Thorons” ad

Lake’s polling allows us to analyze the effectiveness of the No on 8 campaign’s “Thorons” ad in two ways. (For a transcript and media buy information for this ad, see Appendix E) First, one set of questions gauged memorability. On some days, Lake Research asked open-ended questions about what voters remembered hearing from both the Yes and the No campaigns. Some people recalled seeing the “Thorons” ad. The question was phrased:

Have you seen or heard anything on television, in the mail, on the phone, in the newspaper, or online urging you to vote NO on Proposition 8?

What do you recall hearing or seeing about voting NO on Prop 8?

The table to the right shows the percentage of voters, broken down on the Standard Horse Race question into Yes, No, and Undecided, who recall seeing an “ad about parents wanting their gay daughter treated the same.” The graph of these answers is displayed above.

Poll Start	Poll End	Ad about parents wanting their gay daughter treated the same		
		Y	N	U
5-Oct	7-Oct	19	24	25
6-Oct	8-Oct	16	24	22
7-Oct	9-Oct	16	27	19
8-Oct	11-Oct	11	25	15
9-Oct	12-Oct	11	27	16
11-Oct	13-Oct	11	19	10
12-Oct	14-Oct	12	23	6
13-Oct	15-Oct	14	22	2
14-Oct	16-Oct	12	26	
15-Oct	18-Oct	12	19	
16-Oct	19-Oct	13	15	3
18-Oct	20-Oct	14	14	8
19-Oct	21-Oct	12	15	6

Second, a different set of questions specifically asked about persuasiveness. Lake asked two questions about this aspect of “Thorons”; they are displayed below. The first, with the same language on all dates listed, asked whether voters recalled an ad matching its description. The second tried to ascertain how “Thorons” affected people’s votes, and was asked in two different ways on different days.

The first day the “Thorons”-related questions were asked, they read together:

*Let me ask you something else. Have you seen on television recently a commercial with two older Californians talking about their gay daughter and asking you to vote No on Proposition 8?*

*Yes/No/(Don’t know)*

*[If Yes] And did that make you feel more favorable or less favorable about same-sex marriage?*

*More favorable/Less favorable/(No difference)/(Don’t know)*

On all other days Lake polled on the “Thorons” ad, the second question was different:

*Have you seen on television recently a commercial with two older Californians talking about their gay daughter and asking you to vote No on Proposition 8?*

*Yes/No/(Don't know)*

*[If Yes] And did that make you more or less likely to oppose Prop 8?*

*More likely/Less likely/(No difference)/(Don't know)*

The latter set frames the second question differently, not asking whether voters were persuaded on same-sex marriage, but rather if their view of the proposition itself was affected. This parallels the difference between the Standard Horse Race question and the Be Clear question. Though the one data point from the earlier set is not definitive, it shows a more pessimistic measurement of effectiveness for “Thorons” on the issue of same-sex marriage. The question asking about “Thorons” and voters’ decision how to vote on Prop 8 suggest some level of effectiveness.

In the tables and graphs below, the first question and the later questions are shown in the same charts. Answers for and against same-sex marriage are displayed in the same data series (more favorable to same-sex marriage with more likely to oppose Prop 8, etc.). This way, similar but nonidentical data sets can be compared and contrasted.

### Lake Research's Questions About the "Thorons" Ad.

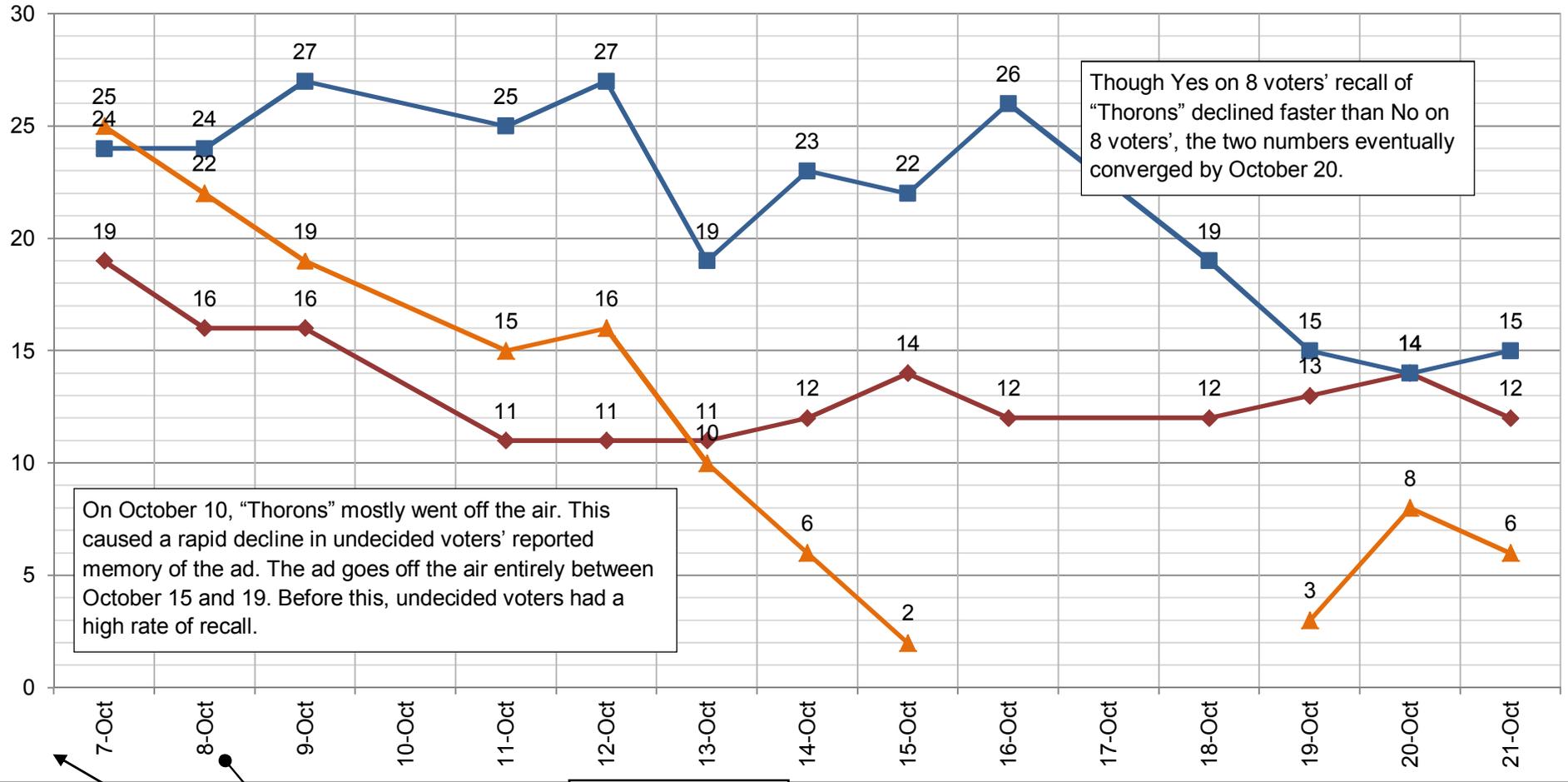
Poll Start	Poll End	Have you seen on television recently a commercial with two older Californians talking about their gay daughter and asking you to vote No on Proposition 8?												
		All Voters			Yes on 8 Voters			No on 8 Voters			Undecided Voters			
		Y	N	DK	Y	N	DK	Y	N	DK	Y	N	DK	
29-Sep	2-Oct	34	64	2	34	64	2	37	60	2	20	76	4	
5-Oct	7-Oct	45	53	2	43	55	2	47	51	1	42	54	3	
6-Oct	8-Oct	44	53	3	43	54	3	47	50	3	42	53	5	
7-Oct	9-Oct	45	52	4	43	54	4	49	48	4	38	58	4	
8-Oct	11-Oct	44	52	4	43	52	4	48	49	4	35	62	3	
9-Oct	12-Oct	43	53	3	44	52	4	46	51	2	30	67	3	

Poll Start	Poll End	Earlier wording: And did that make you feel more favorable or less favorable about same-sex marriage?															
		Later wording: And did that make you more or less likely to oppose Prop 8?															
		All				Yes on 8				No on 8				Undecided			
More likely	Less likely	No diff.	D K	More likely	Less likely	No diff.	D K	More likely	Less likely	No diff.	D K	More likely	Less likely	No diff.	D K		
29-Sep	2-Oct	17	18	62	2	6	32	59	2	30	7	62	2	7	7	82	4
5-Oct	7-Oct																
6-Oct	8-Oct	23	13	59	4	18	17	61	4	32	10	55	3	7	8	70	15
7-Oct	9-Oct	22	10	65	3	17	11	69	3	28	11	59	1	15	5	68	12
8-Oct	11-Oct	21	9	67	3	16	10	71	3	28	8	63	2	12	5	68	16
9-Oct	12-Oct	19	7	72	2	14	8	77	1	27	6	66	1	12	5	73	10

The data presented in these tables is presented in the following graphs.

# Percentage of Yes, No and Undecided voters recalling "ad about parents wanting their gay daughter treated the same" unprompted

Yes on 8 No on 8 Undecided



On October 10, "Thorons" mostly went off the air. This caused a rapid decline in undecided voters' reported memory of the ad. The ad goes off the air entirely between October 15 and 19. Before this, undecided voters had a high rate of recall.

Though Yes on 8 voters' recall of "Thorons" declined faster than No on 8 voters', the two numbers eventually converged by October 20.

Sept 22: No goes on the air first with the "Thorons" ad. The initial buy is small, less than 500 points per media market in the first week.

Sept 29: "Thorons" just breaks 500 point threshold in four media markets.

Sept 29: Yes goes on the air with its first ad, "Newsom," with a buy of 1,000 points in multiple media markets.

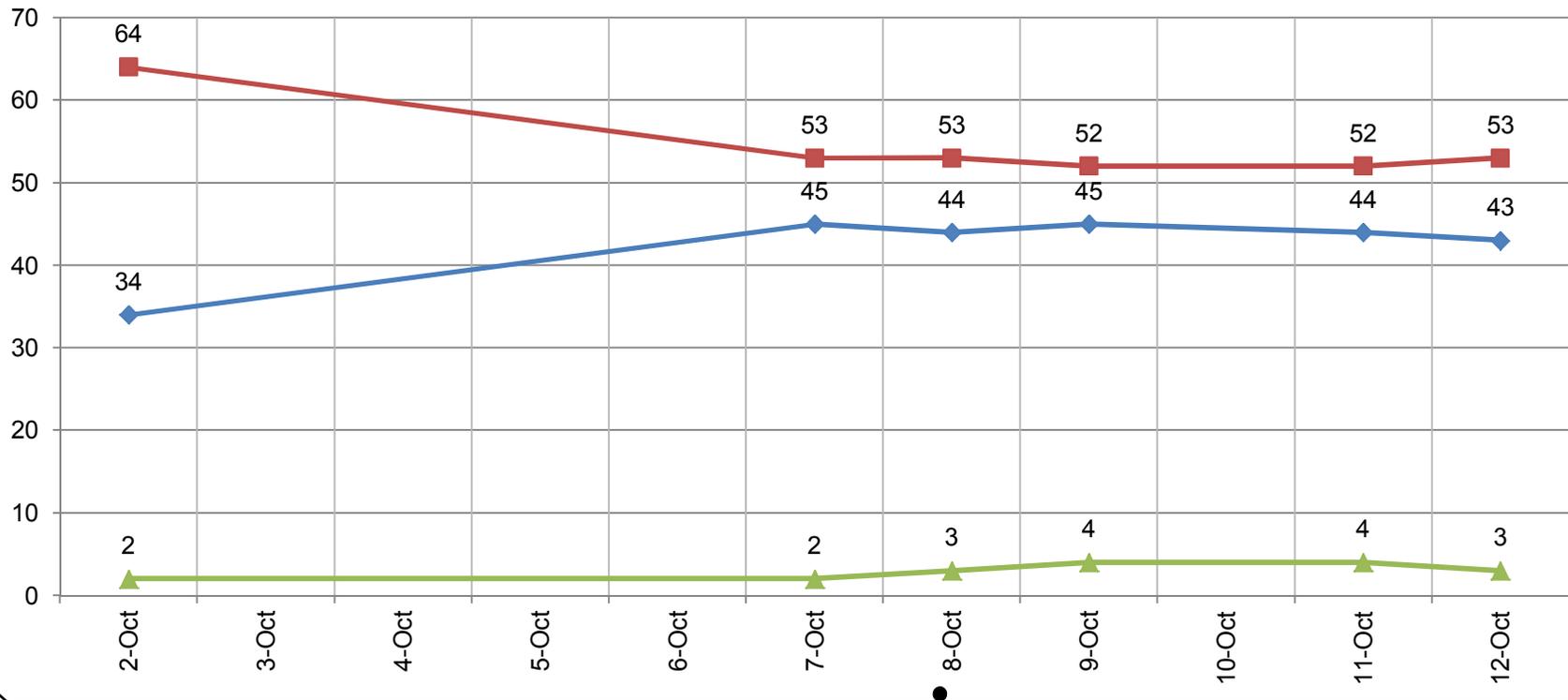
Oct 8: Yes adds "Princes."

Oct 22: No airs a direct response to "Princes," with Jack O'Connell.

Oct 24: Yes airs its rebuttal to "O'Connell," "Field Trip."

## Percentage of voters who when prompted say they have seen the "Thorons" ad

—◆— Seen    —■— Not Seen    —▲— Don't know



Sept 22 No goes on the air first with the Thorons ad. The initial buy is small, less than 500 points per media market in the first week.

Sept 29 Thorons just breaks 500 point threshold in 4 media markets.

Sept 29 Yes goes on the air with its first ad, Newsom, with a buy of 1000 points in multiple media markets.

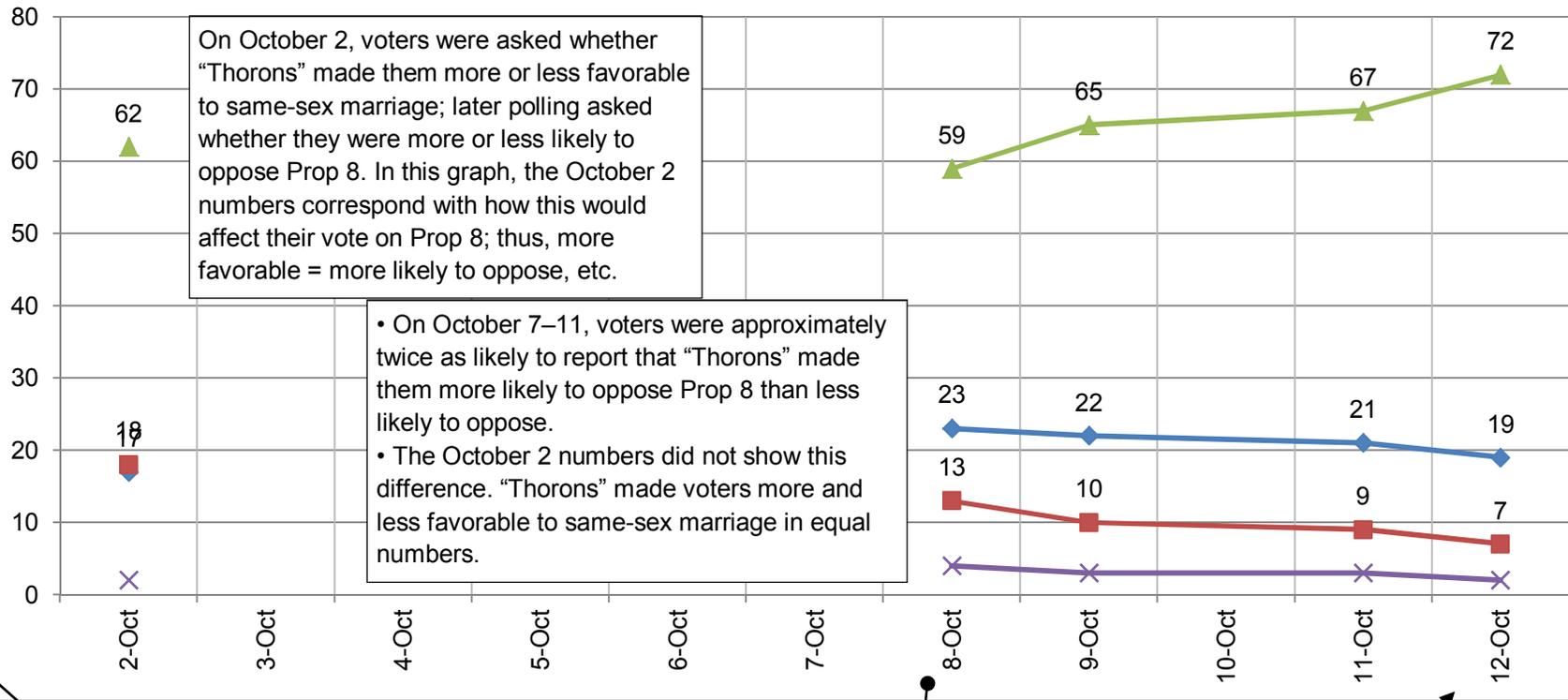
Oct 8: Yes adds Princes.

Oct 22: No airs a direct response to Princes, with Jack O'Connell.

Oct 24: Yes airs its rebuttal to O'Connell, Field Trip.

# Effect of "Thorons" ad—All voters (more or less likely to oppose Prop 8)

More likely Less likely No difference Don't know



On October 2, voters were asked whether "Thorons" made them more or less favorable to same-sex marriage; later polling asked whether they were more or less likely to oppose Prop 8. In this graph, the October 2 numbers correspond with how this would affect their vote on Prop 8; thus, more favorable = more likely to oppose, etc.

- On October 7–11, voters were approximately twice as likely to report that "Thorons" made them more likely to oppose Prop 8 than less likely to oppose.
- The October 2 numbers did not show this difference. "Thorons" made voters more and less favorable to same-sex marriage in equal numbers.

Sept 22 No goes on the air first with the Thorons ad. The initial buy is small, less than 500 points per media market in the first week.

Sept 29 Thorons just breaks 500 point threshold in 4 media markets.

Sept 29 Yes goes on the air with its first ad, Newsom, with a buy of 1000 points in multiple media markets.

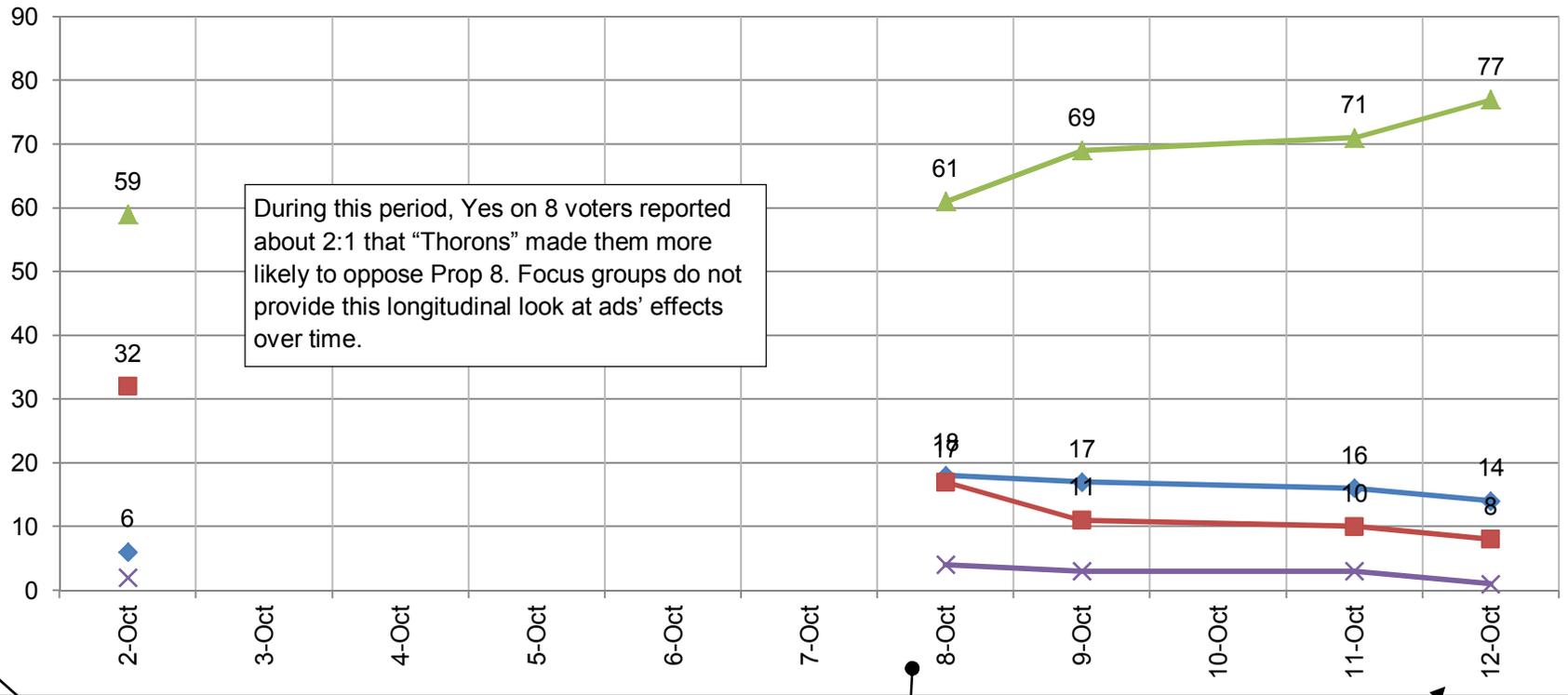
Oct 8: Yes adds Princes.

Oct 22: No airs a direct response to Princes, with Jack O'Connell.

Oct 24: Yes airs its rebuttal to O'Connell, Field Trip.

## Effect of "Thorons" ad—Yes voters (more or less likely to oppose Prop 8)

More likely Less likely No difference Don't know



During this period, Yes on 8 voters reported about 2:1 that "Thorons" made them more likely to oppose Prop 8. Focus groups do not provide this longitudinal look at ads' effects over time.

Sept 22 No goes on the air first with the Thorons ad. The initial buy is small, less than 500 points per media market in the first week.

Sept 29 Thorons just breaks 500 point threshold in 4 media markets.

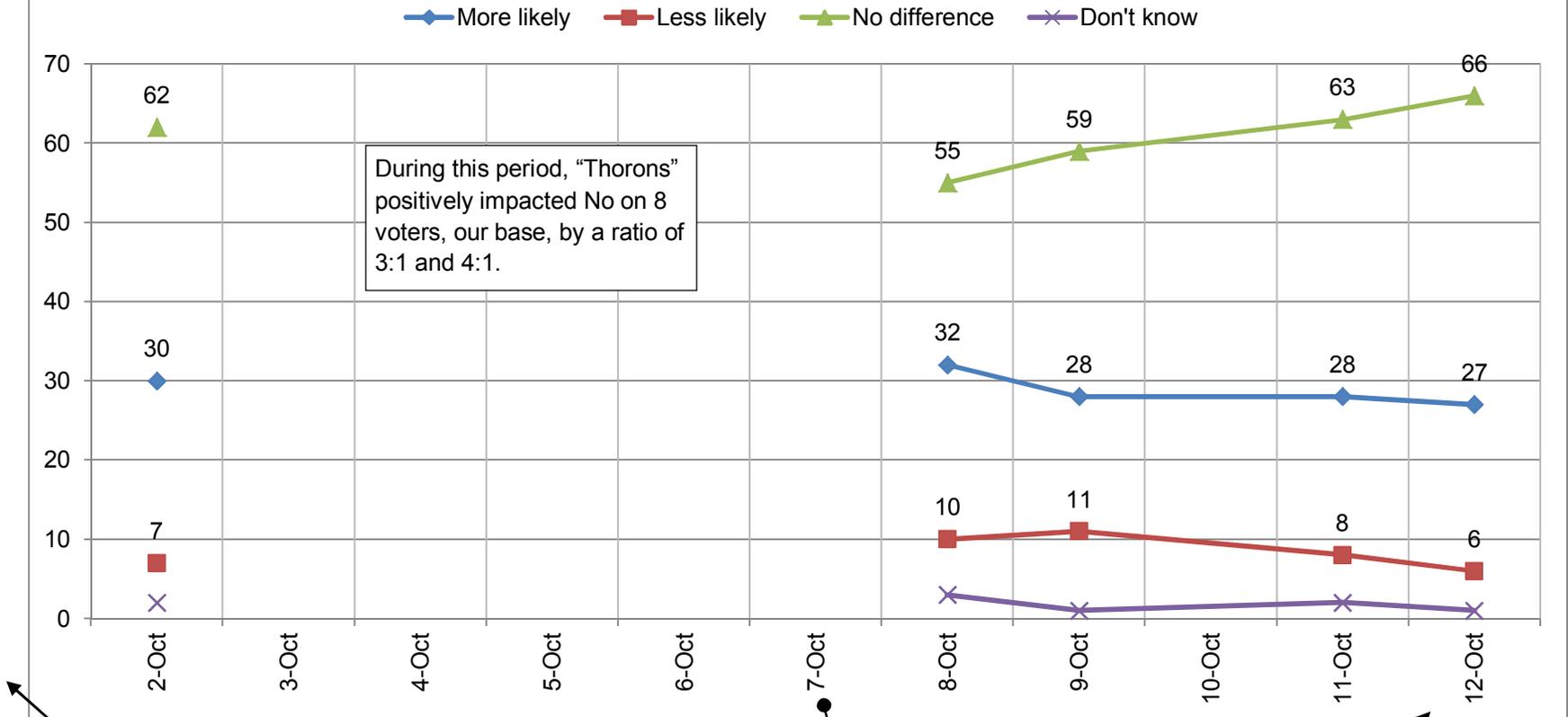
Sept 29 Yes goes on the air with its first ad, Newsom, with a buy of 1000 points in multiple media markets.

Oct 8: Yes adds Princes.

Oct 22: No airs a direct response to Princes, with Jack O'Connell.

Oct 24: Yes airs its rebuttal to O'Connell, Field Trip.

## Effect of "Thorons" ad—No voters (more or less likely to oppose Prop 8)



During this period, "Thorons" positively impacted No on 8 voters, our base, by a ratio of 3:1 and 4:1.

Sept 22 No goes on the air first with the Thorons ad. The initial buy is small, less than 500 points per media market in the first week.

Sept 29 Thorons just breaks 500 point threshold in 4 media markets.

Sept 29 Yes goes on the air with its first ad, Newsom, with a buy of 1000 points in multiple media markets.

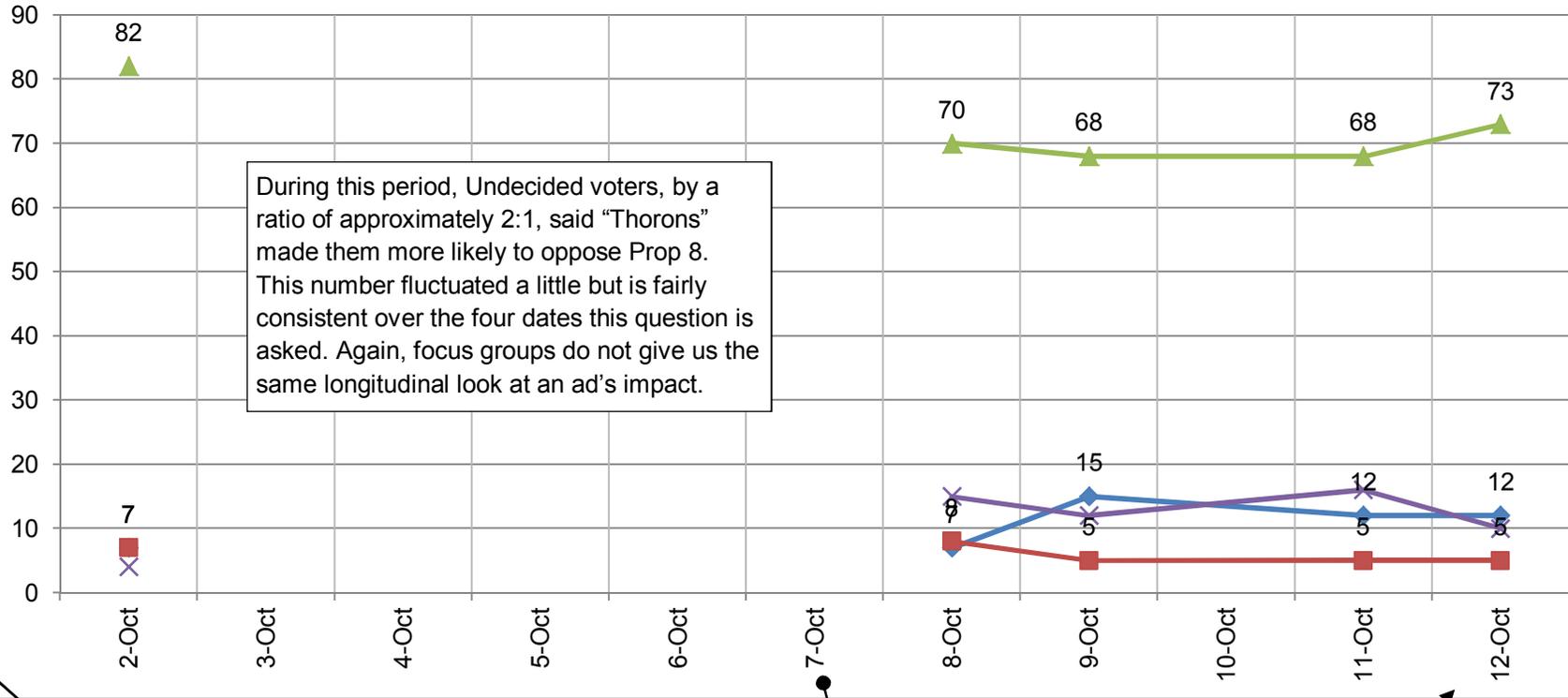
Oct 8: Yes adds Princes.

Oct 22: No airs a direct response to Princes, with Jack O'Connell.

Oct 24: Yes airs its rebuttal to O'Connell, Field Trip.

## Effect of "Thorons" ad—Undecided voters (more or less likely to oppose Prop 8)

More likely Less likely No difference Don't know



During this period, Undecided voters, by a ratio of approximately 2:1, said "Thorons" made them more likely to oppose Prop 8. This number fluctuated a little but is fairly consistent over the four dates this question is asked. Again, focus groups do not give us the same longitudinal look at an ad's impact.

Sept 22 No goes on the air first with the Thorons ad. The initial buy is small, less than 500 points per media market in the first week.

Sept 29 Thorons just breaks 500 point threshold in 4 media markets.

Sept 29 Yes goes on the air with its first ad, Newsom, with a buy of 1000 points in multiple media markets.

Oct 8: Yes adds Princes.

Oct 22: No airs a direct response to Princes, with Jack O'Connell.

Oct 24: Yes airs its rebuttal to O'Connell, Field Trip.

## **Lake Research Polling on Yes on 8's Messaging**

Lake Research never tested the opposition's ads, once they were on the air, as thoroughly as they tested the "Thorons" ad, where they asked specific questions about the commercial and how it affected voters' feelings about Prop 8. Lake did, however, ask open-ended questions about what voters saw and heard from the Yes on 8 campaign. The questions used the following wording:

*10. Have you seen or heard anything on television, in the mail, on the phone, in the newspaper, or online urging you to vote YES on Proposition 8?*

*11. **IF YES ABOVE IN Q10:** What do you recall hearing or seeing about voting YES on Prop 8?*

***PROBE: Ask respondent to be as specific as possible.***

The interviewer recorded each voter's first answer to the question, and similar answers were grouped together (for instance, "Gavin Newsom," or "an ad featuring the mayor of San Francisco," or any other answer that referred to this particular Yes on 8 ad were put together). With this data, it is possible to get an idea of which Yes on 8 messages were at the forefront of voters' minds at different points during the most competitive period of the campaign.

## Lake Research's Yes on 8 Message Frequencies for Certain Messages

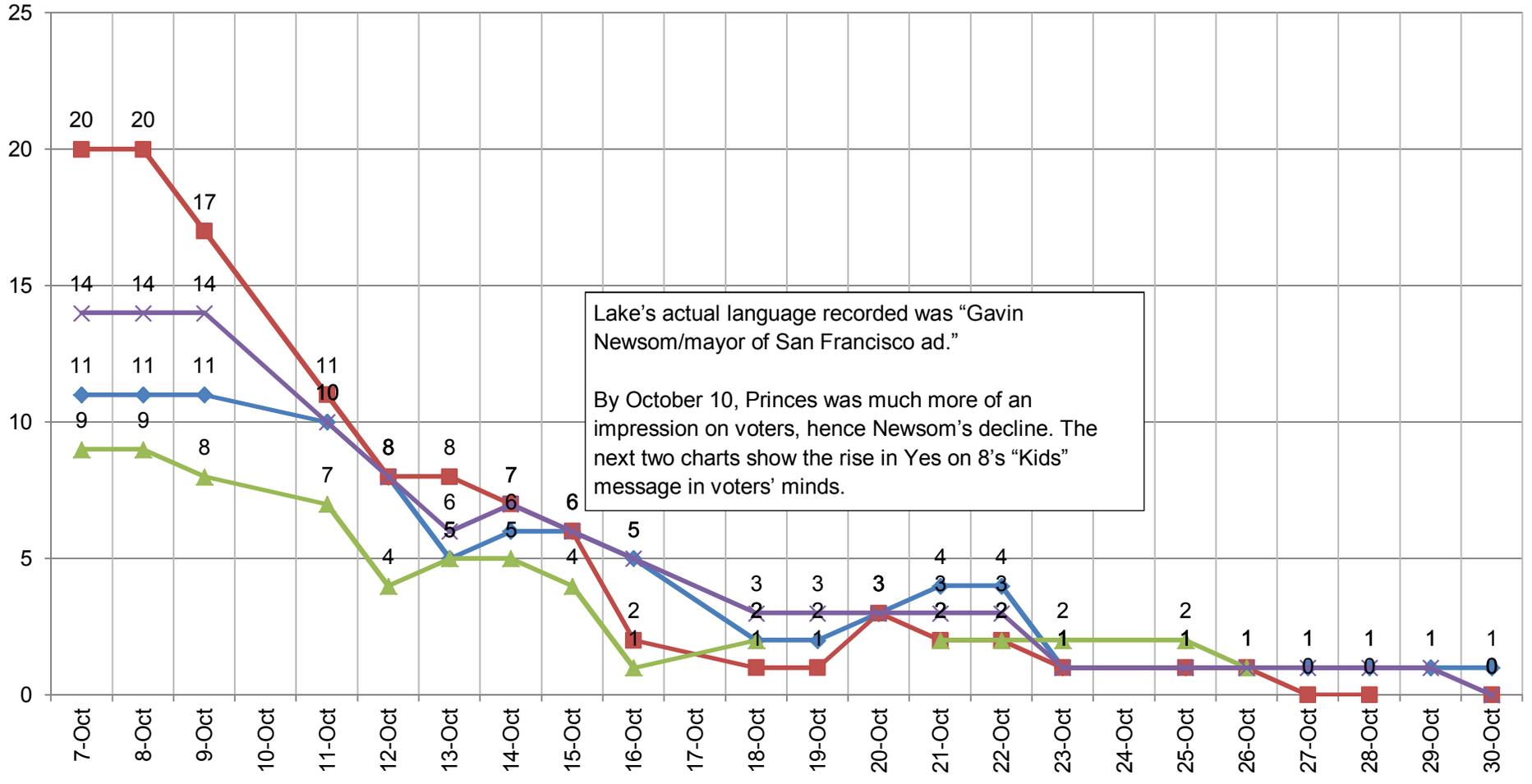
Poll Start	Poll End	Gay marriage taught in schools / affecting children				Little girl with mom talking about gay marriage at school / a prince can marry a prince				Gavin Newsom / Mayor of San Francisco ad			
		Y	N	U	All	Y	N	U	All	Y	N	U	All
6-Oct	8-Oct									11	20	9	14
7-Oct	9-Oct	1	1		1					11	20	9	14
8-Oct	11-Oct	2	2		2					11	17	8	14
9-Oct	12-Oct	4	5	3	4	2	1		1	10	11	7	10
11-Oct	13-Oct	6	7	3	6	3	3		3	8	8	4	8
12-Oct	14-Oct	8	11	6	9	4	4	2	4	5	8	5	6
13-Oct	15-Oct	10	13	8	11	3	6	4	5	6	7	5	7
14-Oct	16-Oct	13	15	9	13	3	5	4	4	6	6	4	6
15-Oct	18-Oct	15	14	7	14	4	8	3	6	5	2	1	5
16-Oct	19-Oct	16	14	8	14	5	7	4	5	2	1	2	3
18-Oct	20-Oct	16	16	17	16	8	10	4	8	2	1		3
19-Oct	21-Oct	19	22	19	20	7	6	3	7	3	3		3
20-Oct	22-Oct	20	26	23	23	8	6	6	7	4	2	2	3
21-Oct	23-Oct	24	25	19	24	6	6	6	6	4	2	2	3
22-Oct	25-Oct	25	26	26	25	6	10	9	7	1	1	2	1
23-Oct	26-Oct	27	31	28	29	5	9	9	7	1	1	2	1
25-Oct	27-Oct	24	37	30	30	4	8	8	6		1	1	1
26-Oct	28-Oct	21	39	23	29	3	3	5	3	1	0		1
27-Oct	29-Oct	23	39	16	30	3	2		2	1	0		1
28-Oct	30-Oct	20	38	15	28	3	2	2	2	1			1

The information above is most easily understood in the charts on the next pages.

# Percentage of Voters Recalling Yes on 8 "Newsom" Ad Over Time

(Lake Research's Polling on What Voters Were Hearing from Yes on 8)

◆ Yes on 8 Voters    ■ No on 8 Voters    ▲ Undecided Voters    ✕ All Voters



Lake's actual language recorded was "Gavin Newsom/mayor of San Francisco ad."

By October 10, Princes was much more of an impression on voters, hence Newsom's decline. The next two charts show the rise in Yes on 8's "Kids" message in voters' minds.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

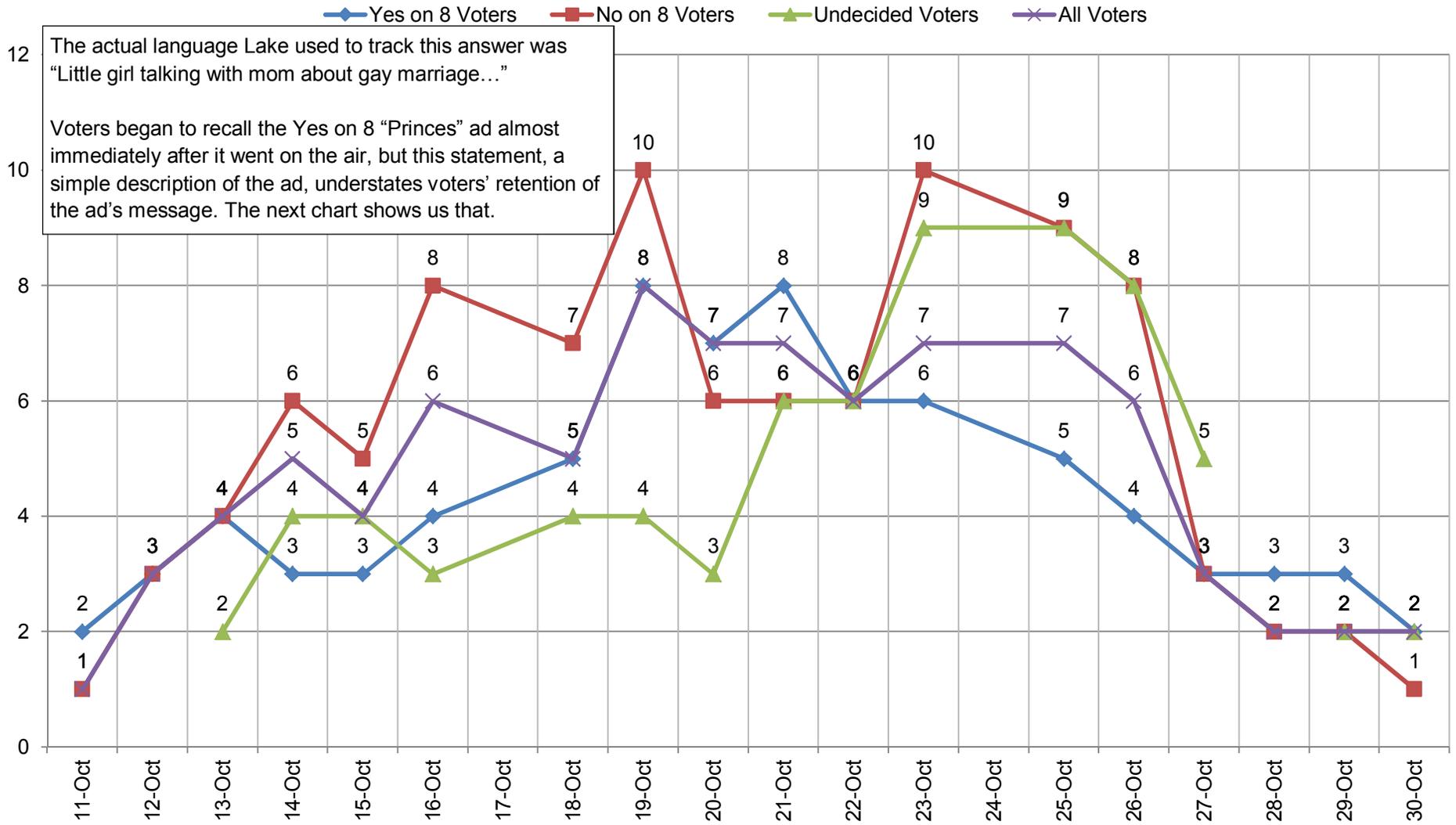
Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

# Percentage of Voters Recalling Yes on 8 "Princes" Ad Over Time

(Lake Research's Polling on What Voters Were Hearing from Yes on 8)



No's "Thorons" ad airs 9/22-10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22-10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22-10/20, with large buys (up to 1000 pts per week).

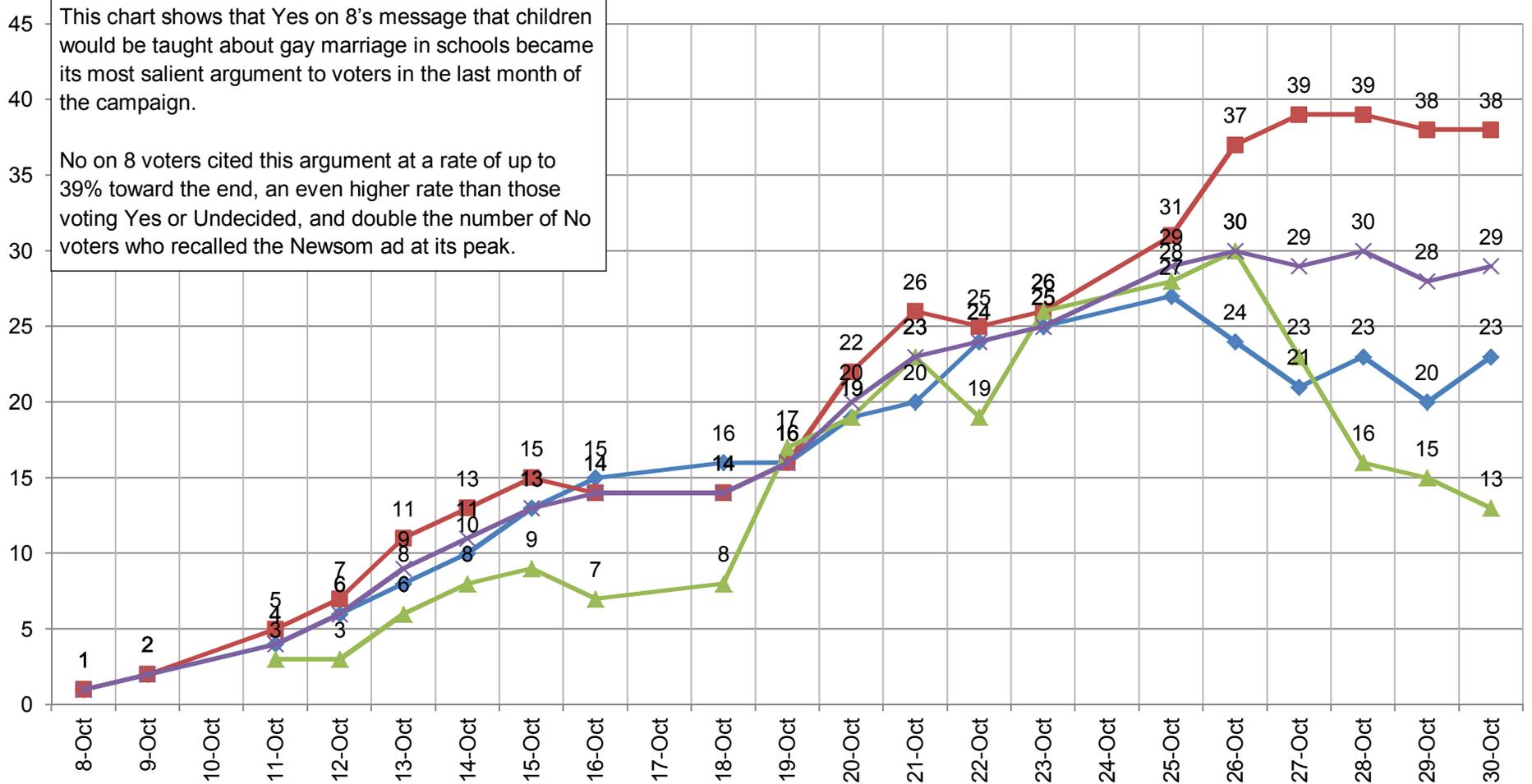
Yes's "Field Trip" ad airs 10/24-11/4 as a rebuttal to "O'Connell."

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

# Voters Recalling Yes on 8 "Gay marriage taught in schools..." Message Over Time

(Lake Research's Polling on What Voters Were Hearing from Yes on 8)

◆ Yes on 8 Voters    ■ No on 8 Voters    ▲ Undecided Voters    ✕ All Voters



This chart shows that Yes on 8's message that children would be taught about gay marriage in schools became its most salient argument to voters in the last month of the campaign.

No on 8 voters cited this argument at a rate of up to 39% toward the end, an even higher rate than those voting Yes or Undecided, and double the number of No voters who recalled the Newsom ad at its peak.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

## Lake Research's Polling on Parents

Parents were the obvious target of Yes on 8's message that children would be taught about same-sex marriage in schools unless Prop 8 passed, a message which was spearheaded by Yes's "Princes" ad and repeated over the course of the campaign in various forms. To examine how vulnerable this group of voters was to the anti-gay campaign's messaging, this report examines a number of sets of data from Lake's polling and elsewhere, to see how parents and other groups of voters actually reacted when the ads were broadcast.

Lake's polling allows us to look at parents in a few different ways. To determine parental status, Lake asked respondents *"Do you have any children under the age of 18 living at home with you?"* This simple question divides voters into two groups, which Lake refers to as "Parents" and "Childless", but the question has one major limitation: parents with grown children or children living elsewhere are not included, and are indistinguishable both from young adults who do not have children and older voters who have remained childless. However, since we are specifically trying to examine the effects of the "Princes" ad and its surrounding message on the voters it ostensibly targeted—parents with children in school—Lake's data's definition of "Parent" and "Childless" breaks voters up into two groups which are perfect for testing our hypothesis.

The first set of charts in this section examines both the Standard Horse Race and the "Be Clear" Question, detailed earlier in this appendix, for both of these categories: "Parents," or respondents who have one or more children under 18 living at home; and "Childless Voters," who have no children under 18 living at home. From here on in this appendix, when the terms "Parents" and "Childless" are used, they are used as short-hand to refer to the specific criteria Lake used to create this dataset.

Younger parents and Democratic and Independent voters were ostensibly more supportive of same-sex marriage, part of No on 8's "base." To learn about these voters' vulnerability to the "kids" message, Lake Research ran additional crosstabs after the election, which gives data for the subset of the "Parents" group who are under 45 and identify as Democratic or Independent. This category is referred in short-hand as "Young Parents."

In summary, the data indicate that "Parents"—voters with a child under 18 living at home—were highly swayed by Yes on 8's "kids" messaging, especially the Princes ad. Young parents were initially opposed to Prop 8, but showed as large a drop in support as parents at large, switching sides to support the ban

The tables and graphs below illustrate the data in further detail. For further discussion about the movement of parents, see Finding 1. For a discussion of the ads that were most effective in moving this group of voters, see Finding 2.

### Lake's Standard Horse Race for "Parents" and "Childless" Voters

Poll Start	Poll End	Child Under 18 Living At Home			No Child Under 18 Living At Home			Fathers			Mothers			Childless Men			Childless Women		
		Y	N	U	Y	N	U	Y	N	U	Y	N	U	Y	N	U	Y	N	U
8-Sep	11-Sep	50	42	8	42	50	8	55	37	8	46	46	8	46	47	7	42	47	11
22-Sep	24-Sep	41	46	13	44	46	10	41	43	17	41	43	17	43	45	12	46	47	7
29-Sep	2-Oct	49	42	9	46	43	11	56	35	9	42	50	8	51	37	12	42	49	9
5-Oct	7-Oct	46	36	18	45	36	19	55	30	15	37	42	21	46	37	17	43	36	21
6-Oct	8-Oct	46	38	17	47	38	15	55	41	13	36	44	20	50	36	13	43	40	17
7-Oct	9-Oct	50	38	13	49	40	11	60	29	11	39	46	15	51	37	11	47	42	12
8-Oct	11-Oct	49	40	12	49	41	10	61	27	12	38	52	11	53	38	9	46	44	10
9-Oct	12-Oct	49	40	11	49	39	11	60	29	12	40	50	10	51	37	12	47	42	11
11-Oct	13-Oct	50	38	12	49	39	12	59	30	11	43	44	13	51	39	11	48	40	12
12-Oct	14-Oct	53	37	11	50	39	11	56	35	8	50	38	13	50	39	11	49	40	11
13-Oct	15-Oct	54	35	11	50	40	10	57	32	10	50	38	12	51	40	9	49	41	10
14-Oct	16-Oct	55	35	10	50	41	9	59	32	9	51	38	11	51	39	10	49	42	8
15-Oct	18-Oct	54	35	11	49	40	10	58	31	11	50	39	11	52	38	10	47	42	11
16-Oct	19-Oct	56	32	12	49	40	11	60	28	12	53	36	11	52	38	10	46	43	11
18-Oct	20-Oct	55	32	12	49	40	10	58	29	13	53	36	11	54	38	9	46	43	12
19-Oct	21-Oct	57	32	12	49	40	11	60	29	11	53	35	12	53	37	10	46	43	11
20-Oct	22-Oct	56	34	10	50	39	11	60	32	8	53	35	12	52	38	10	49	40	11
21-Oct	23-Oct	54	39	8	50	40	10	55	38	7	52	39	9	51	38	11	50	41	9
22-Oct	25-Oct	55	39	6	50	41	9	57	37	6	54	41	5	51	41	8	50	41	9
23-Oct	26-Oct	54	40	6	49	42	9	55	37	8	54	42	4	51	41	8	48	43	10
25-Oct	27-Oct	57	36	7	47	44	9	61	30	9	53	41	6	50	43	7	45	44	11
26-Oct	28-Oct	55	36	8	47	43	10	58	34	7	53	38	9	49	43	8	45	44	12
27-Oct	29-Oct	57	37	6	47	44	10	64	33	3	52	40	8	48	43	9	45	44	10
28-Oct	30-Oct	55	38	7	46	43	11	61	33	6	50	41	8	45	43	11	47	43	10

Note that "Fathers" and "Mothers" are male and female voters who answered "Yes" to the question "Do you have any children under the age of 18 living at home with you?"

This data is displayed over the subsequent charts.

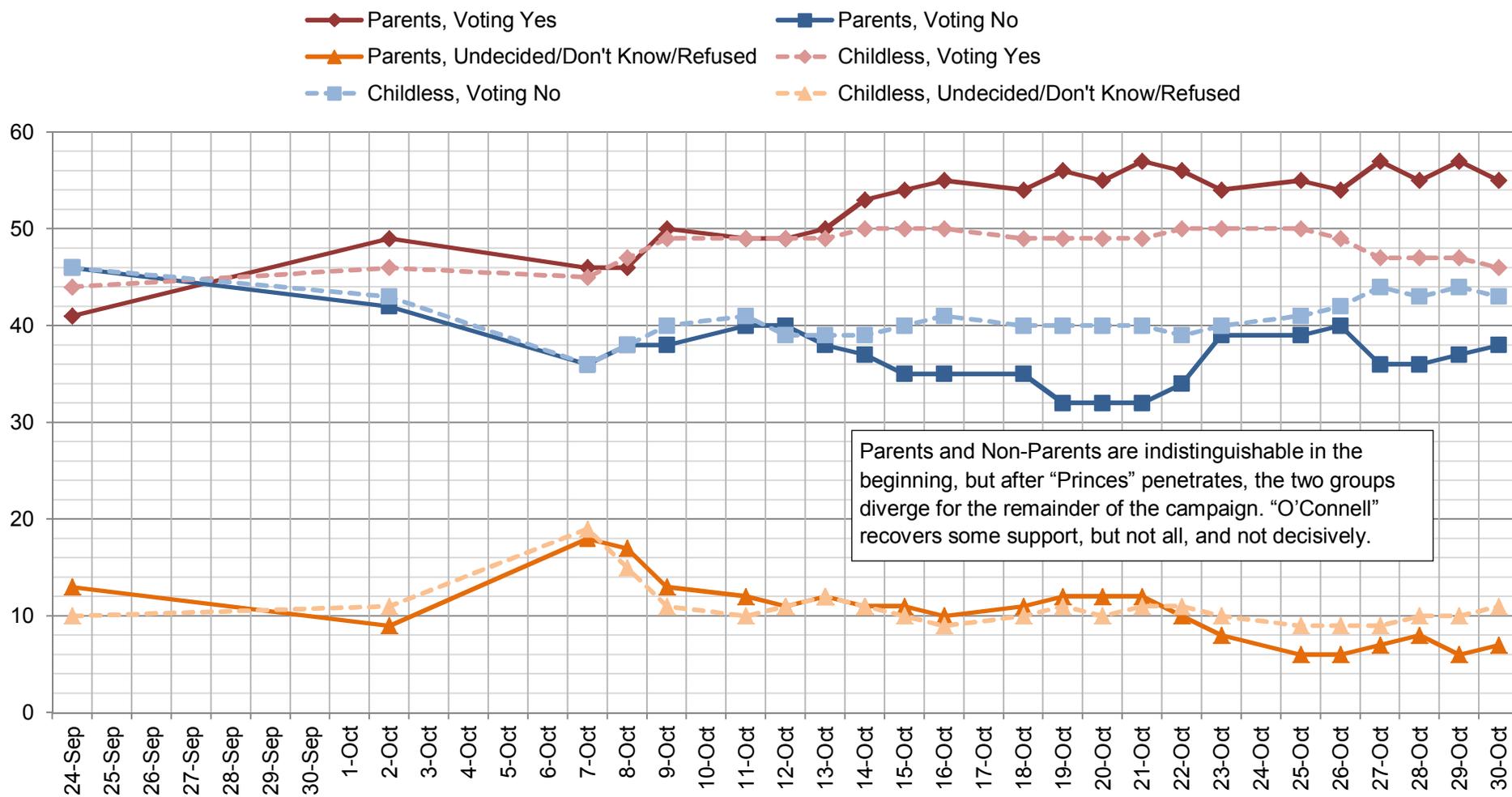
### Lake's "Be Clear" Question for "Parents" and "Childless" Voters

Poll Start	Poll End	Child Under 18 Living At Home			No Child Under 18 Living At Home			Fathers			Mothers			Childless Men			Childless Women		
		Y	N	U	Y	N	U	Y	N	U	Y	N	U	Y	N	U	Y	N	U
22-Sep	24-Sep	46	44	9	45	43	12	52	38	10	40	51	9	46	41	13	45	45	10
29-Sep	2-Oct	47	43	10	46	43	11	55	35	10	39	50	11	53	35	12	40	49	11
5-Oct	7-Oct	48	42	10	47	43	10	55	36	9	42	48	10	49	40	11	46	45	9
6-Oct	8-Oct	47	41	12	49	42	9	54	35	11	41	46	13	49	41	10	48	44	8
7-Oct	9-Oct	50	38	12	47	44	9	56	31	13	43	45	12	48	43	10	46	45	9
8-Oct	11-Oct	50	39	12	48	43	9	58	28	13	41	49	10	51	41	8	46	44	10
9-Oct	12-Oct	48	43	9	48	42	10	55	33	12	42	51	7	52	39	10	44	45	11
11-Oct	13-Oct	47	42	11	49	41	10	50	39	11	44	45	11	52	39	9	46	43	11
12-Oct	14-Oct	47	42	12	49	42	9	45	43	12	48	40	12	53	38	10	46	45	9
13-Oct	15-Oct	51	37	12	49	43	9	52	37	11	50	37	13	51	40	9	47	45	8
14-Oct	16-Oct	53	37	10	50	42	8	57	34	9	49	40	11	51	39	9	48	45	7
15-Oct	18-Oct	52	37	10	49	42	9	61	31	8	45	43	13	50	40	10	48	44	9
16-Oct	19-Oct	54	35	10	49	40	11	61	30	9	48	41	12	51	38	11	48	41	11
18-Oct	20-Oct	56	35	10	50	39	11	60	30	10	52	39	9	53	37	9	47	40	13
19-Oct	21-Oct	58	32	10	49	38	13	60	29	11	57	34	9	51	38	11	47	37	15
20-Oct	22-Oct	55	33	12	49	37	14	58	31	11	53	35	12	51	36	13	48	37	15
21-Oct	23-Oct	53	34	12	50	36	14	57	30	13	50	38	12	51	35	14	49	38	13
22-Oct	25-Oct	54	34	11	50	36	14	61	27	13	49	41	10	50	35	15	49	38	13
23-Oct	26-Oct	55	35	10	49	38	13	61	27	12	49	43	7	50	37	13	48	39	13
25-Oct	27-Oct	54	35	11	48	40	12	64	25	11	46	43	11	48	39	13	48	41	12
26-Oct	28-Oct	53	35	12	50	39	11	60	32	8	47	38	15	50	39	11	49	39	11
27-Oct	29-Oct	54	36	10	49	41	10	62	32	6	47	40	13	48	40	11	49	42	9
28-Oct	30-Oct	59	35	7	48	42	10	65	31	5	53	38	9	47	42	11	50	41	9

Note that "Fathers" and "Mothers" are male and female voters who answered "Yes" to the question "Do you have any children under the age of 18 living at home with you?"

This data is used for the following charts.

# Lake Research's Standard Horse Race "Princes" Penetrates and Peels Away Parents



Parents and Non-Parents are indistinguishable in the beginning, but after "Princes" penetrates, the two groups diverge for the remainder of the campaign. "O'Connell" recovers some support, but not all, and not decisively.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

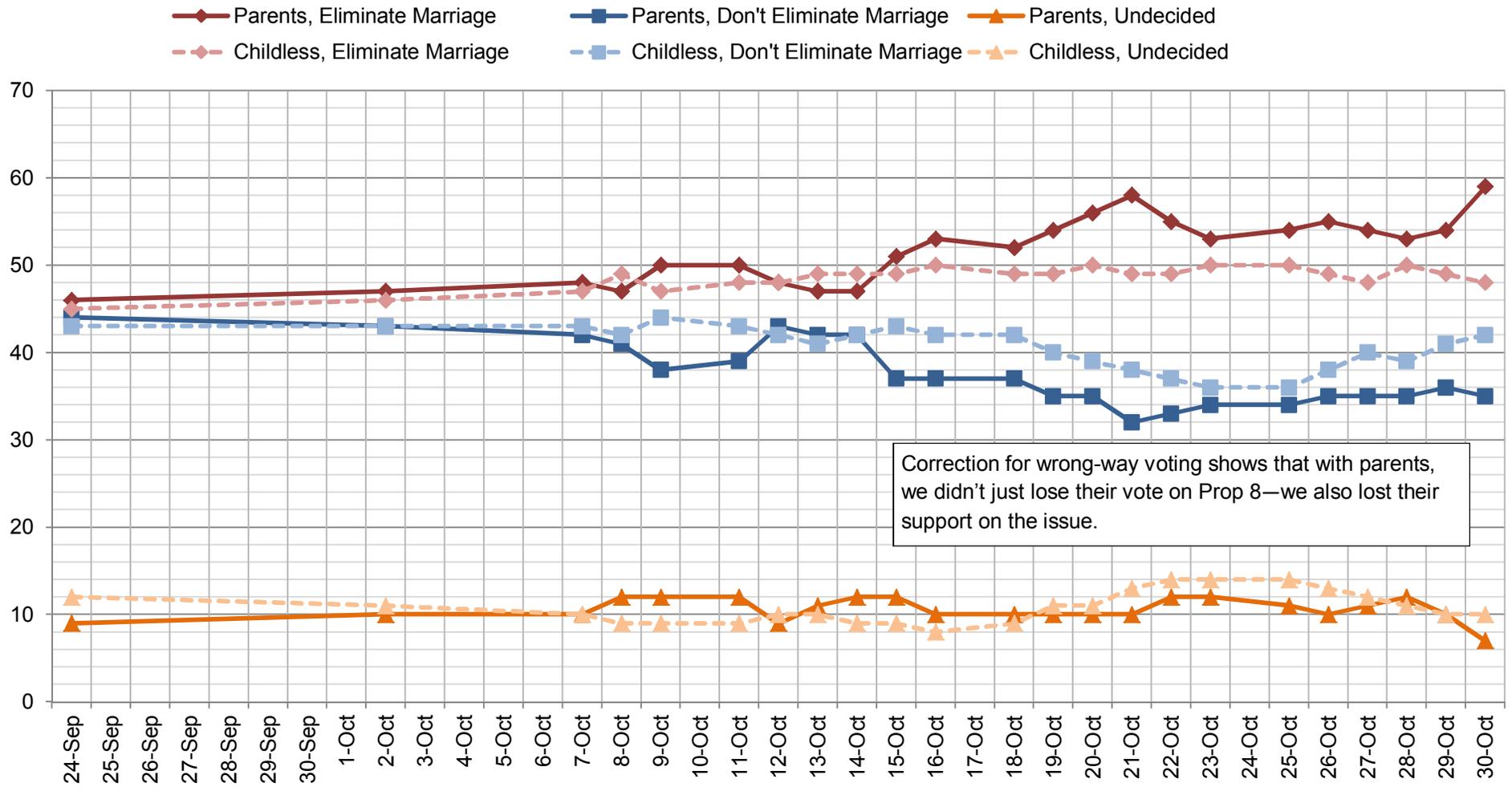
No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Lake Research's "Be Clear" Question

## "Princes" Peels Away Parents on the Issue of Same-Sex Marriage



Correction for wrong-way voting shows that with parents, we didn't just lose their vote on Prop 8—we also lost their support on the issue.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

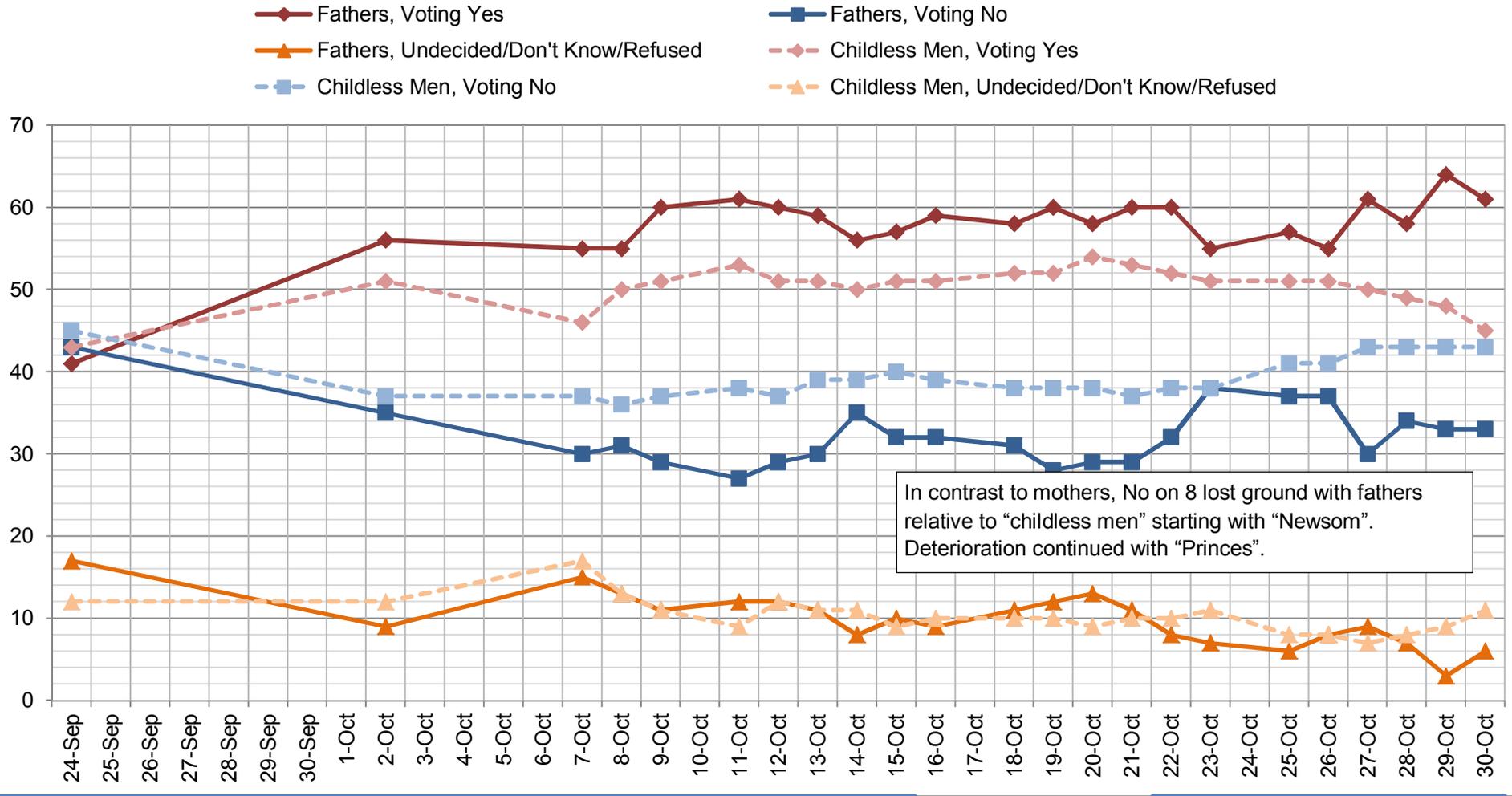
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Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Lake Research's Standard Horse Race Newsom and Princes affected Fathers



No's **"Thorons"** ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's **"O'Connell"** airs 10/22–10/30 as the campaign's direct response to "Princes."

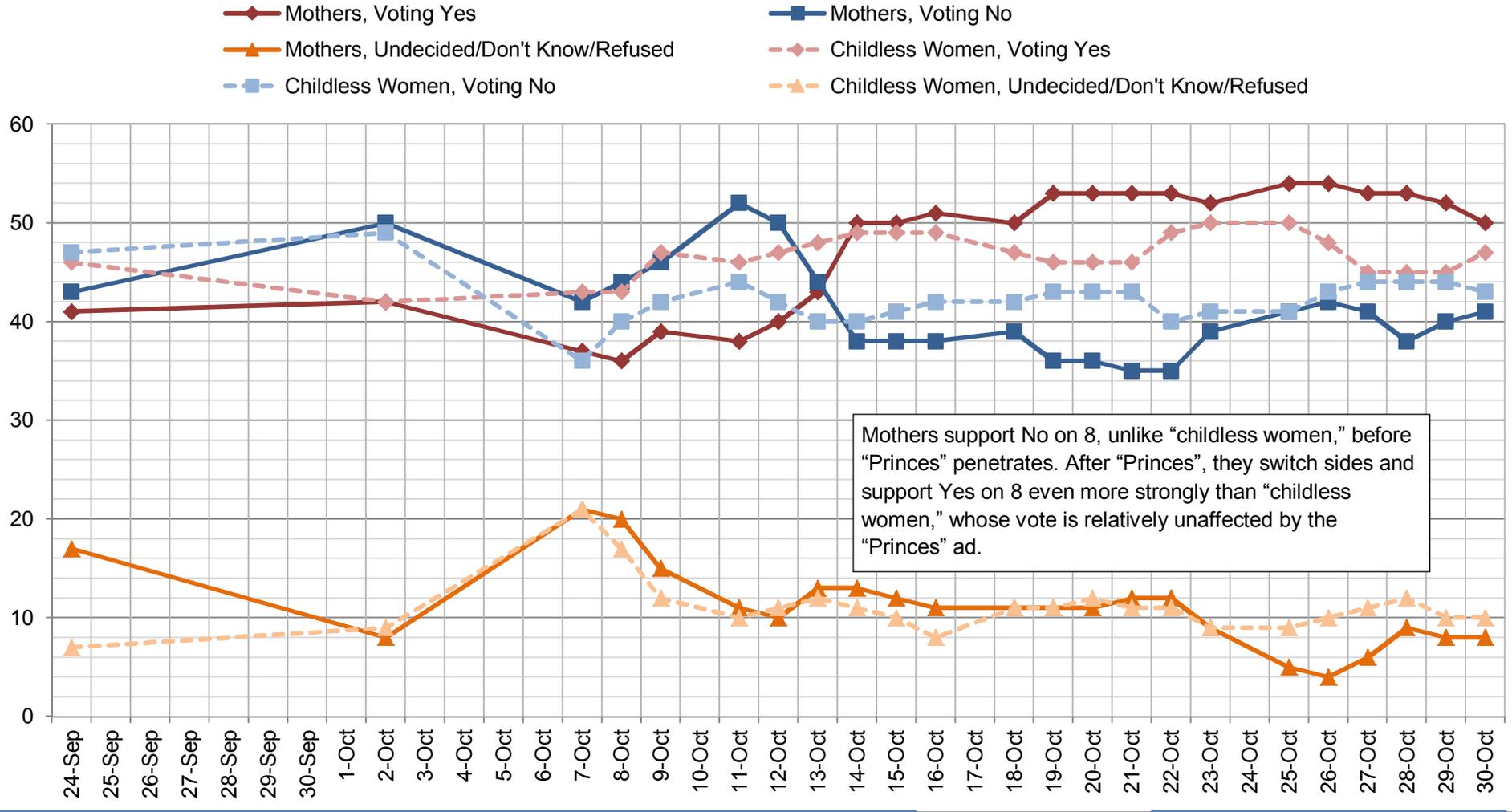
Yes's **"Newsom"** ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

Yes's **"Princes"** ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's **"Field Trip"** ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# "Princes" Penetrates, Mothers Switch Sides

(Lake Research's Standard Horse Race)



Mothers support No on 8, unlike "childless women," before "Princes" penetrates. After "Princes", they switch sides and support Yes on 8 even more strongly than "childless women," whose vote is relatively unaffected by the "Princes" ad.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

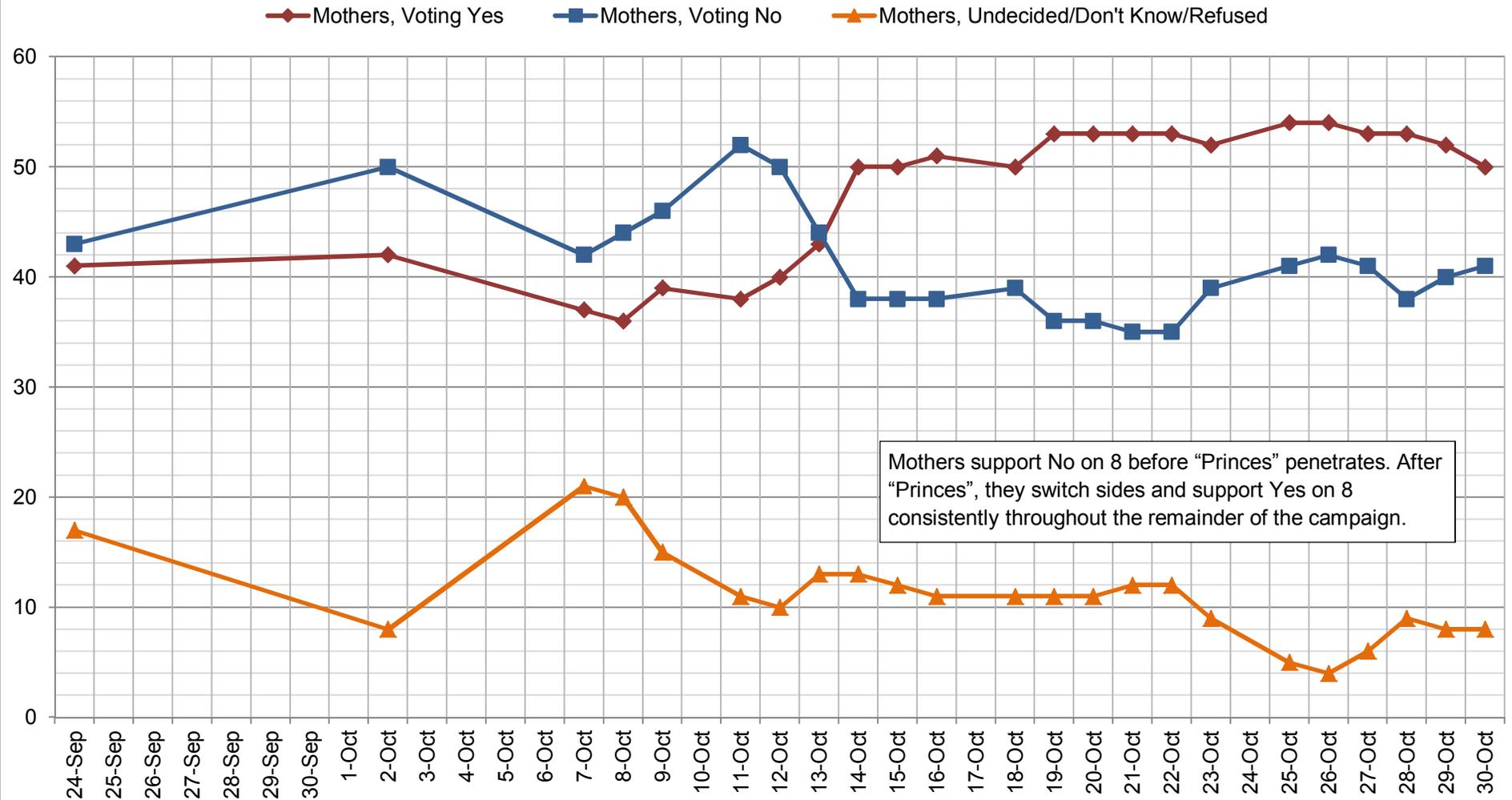
Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# "Princes" Penetrates, Mothers Switch Sides: A Clearer Look

(Lake Research's Standard Horse Race)



Mothers support No on 8 before "Princes" penetrates. After "Princes", they switch sides and support Yes on 8 consistently throughout the remainder of the campaign.

No's "Thorons" ad airs 9/22-10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22-10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22-10/20, with large buys (up to 1000 pts per week).

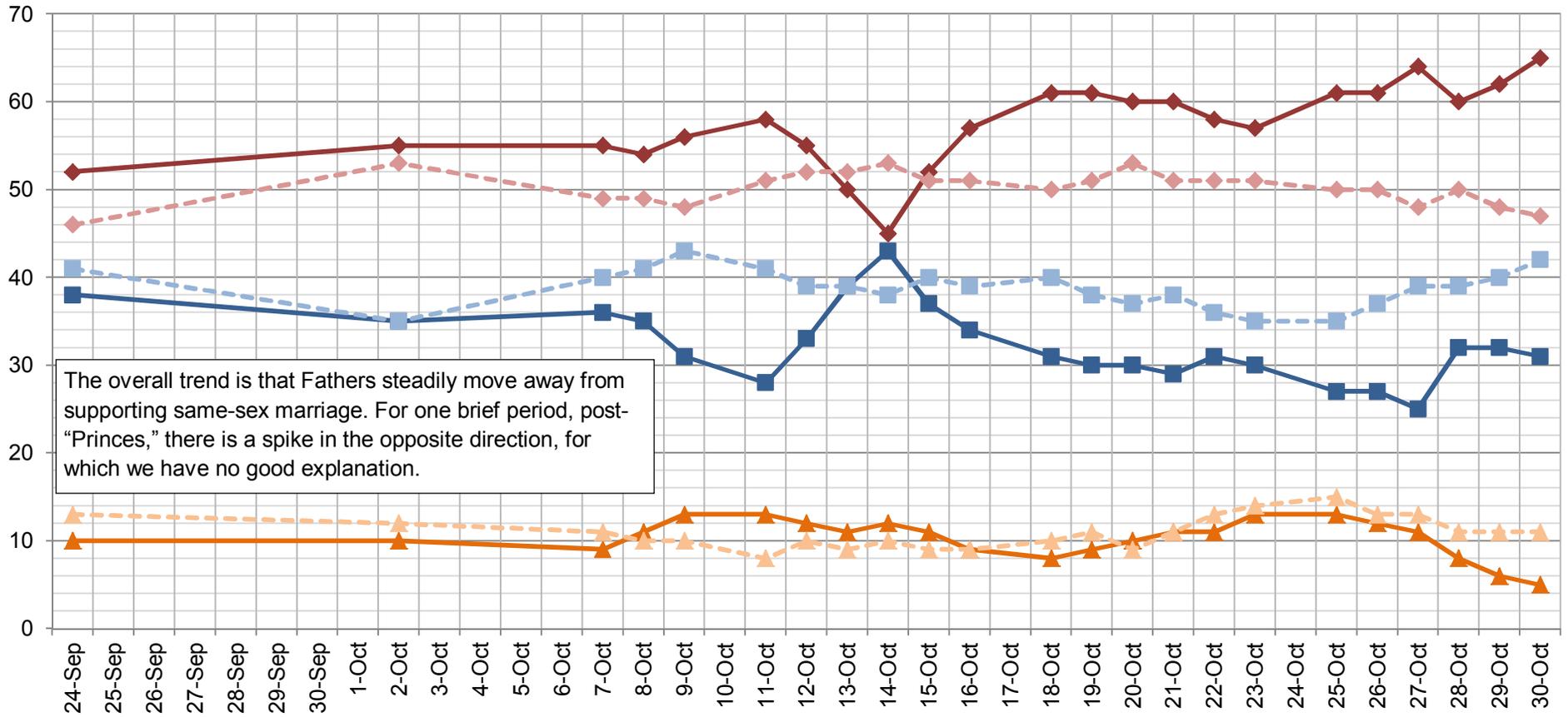
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24-11/4 as a rebuttal to "O'Connell."

# Fathers and Childless Men

(Lake Research's "Be Clear" Question)

- ◆ Fathers, Eliminate Marriage
- ▲ Fathers, Undecided
- Fathers, Don't Eliminate Marriage
- ◆ Childless Men, Eliminate Marriage
- ▲ Childless Men, Don't Eliminate Marriage
- Childless Men, Undecided/Don't Know/Refused



The overall trend is that Fathers steadily move away from supporting same-sex marriage. For one brief period, post-“Princes,” there is a spike in the opposite direction, for which we have no good explanation.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

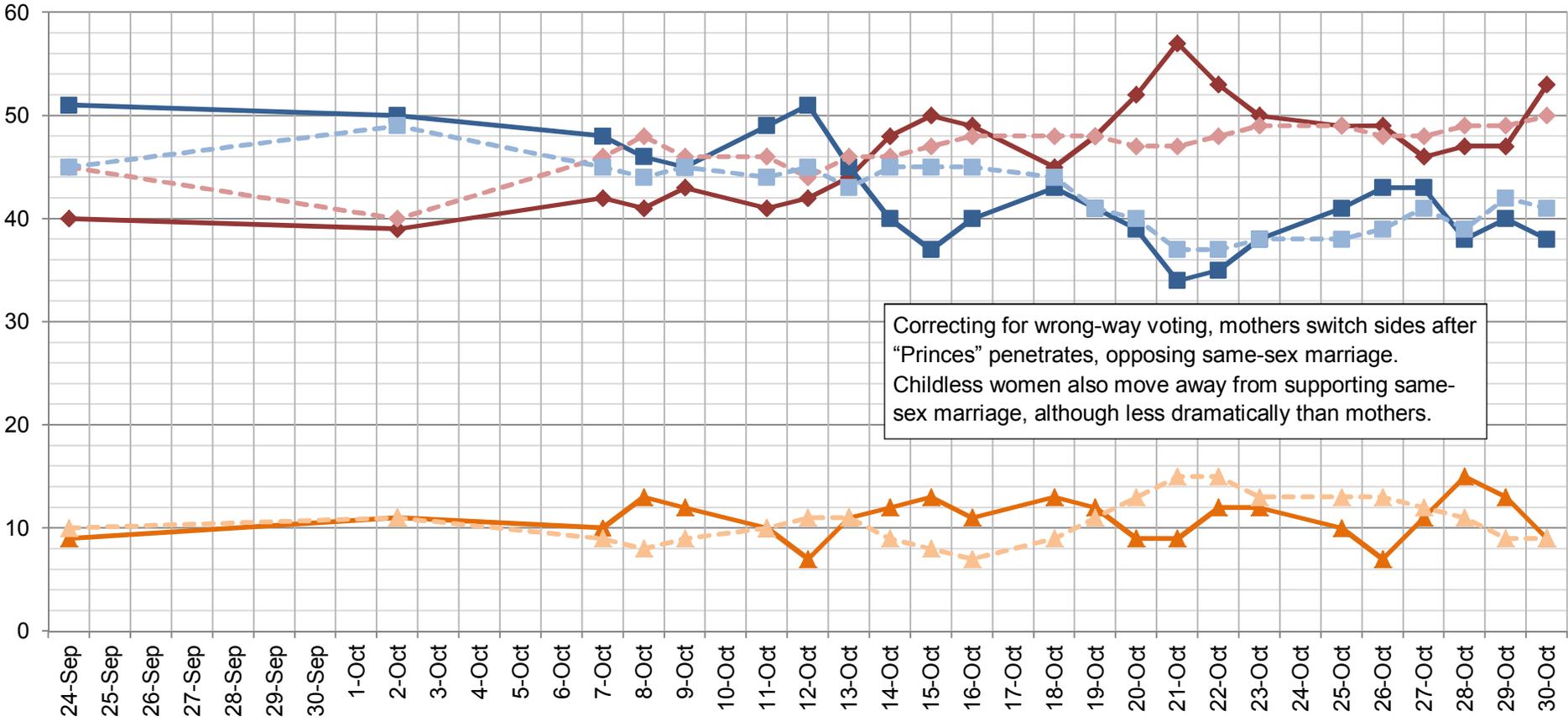
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Mothers and Childless Women

(Lake Research's "Be Clear" Question)

- ◆ Mothers, Eliminate Marriage
- ◆ Mothers, Don't Eliminate Marriage
- ▲ Mothers, Undecided
- ◆ Childless Women, Eliminate
- ◆ Childless Women, Don't Eliminate Marriage
- ▲ Childless Women, Undecided



Correcting for wrong-way voting, mothers switch sides after "Princes" penetrates, opposing same-sex marriage. Childless women also move away from supporting same-sex marriage, although less dramatically than mothers.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

## Lake's Standard Horse Race Question for Democratic and Independent "Parents" Under 45

Poll Start	Poll End	Young Parents of Young Children			Young Fathers of Young Children			Young Mothers of Young Children		
		Y	N	U	Y	N	U	Y	N	U
8-Sep	11-Sep	38	53	9	46	44	9	33	58	9
22-Sep	24-Sep	33	53	13	30	52	18	35	54	10
29-Sep	2-Oct	40	45	15	46	37	17	35	51	13
5-Oct	7-Oct	36	42	22	48	35	17	27	47	26
6-Oct	8-Oct	39	43	19	55	32	14	26	51	23
7-Oct	9-Oct	37	50	13	52	39	10	24	60	16
8-Oct	11-Oct	37	50	13	49	38	13	29	58	14
9-Oct	12-Oct	36	53	11	42	44	15	31	60	9
11-Oct	13-Oct	41	47	13	45	41	14	38	50	12
12-Oct	14-Oct	44	47	9	48	44	8	41	50	9
13-Oct	15-Oct	39	50	11	43	47	10	37	51	12
14-Oct	16-Oct	38	50	12	48	44	8	30	54	15
15-Oct	18-Oct	35	52	14	38	50	12	32	54	15
16-Oct	19-Oct	44	43	14	43	43	14	44	43	13
18-Oct	20-Oct	47	41	12	40	45	15	54	38	8
19-Oct	21-Oct	47	42	11	45	42	13	48	42	10
20-Oct	22-Oct	44	48	9	46	48	6	42	47	11
21-Oct	23-Oct	37	56	7	41	55	4	33	57	10
22-Oct	25-Oct	43	52	5	50	50	0.5	37	54	9
23-Oct	26-Oct	42	53	5	49	46	5	34	62	4
25-Oct	27-Oct	47	47	6	58	36	7	36	58	6
26-Oct	28-Oct	46	46	8	53	40	7	39	53	8
27-Oct	29-Oct	50	45	5	60	38	2	42	50	8
28-Oct	30-Oct	49	46	5	56	37	6	44	52	5

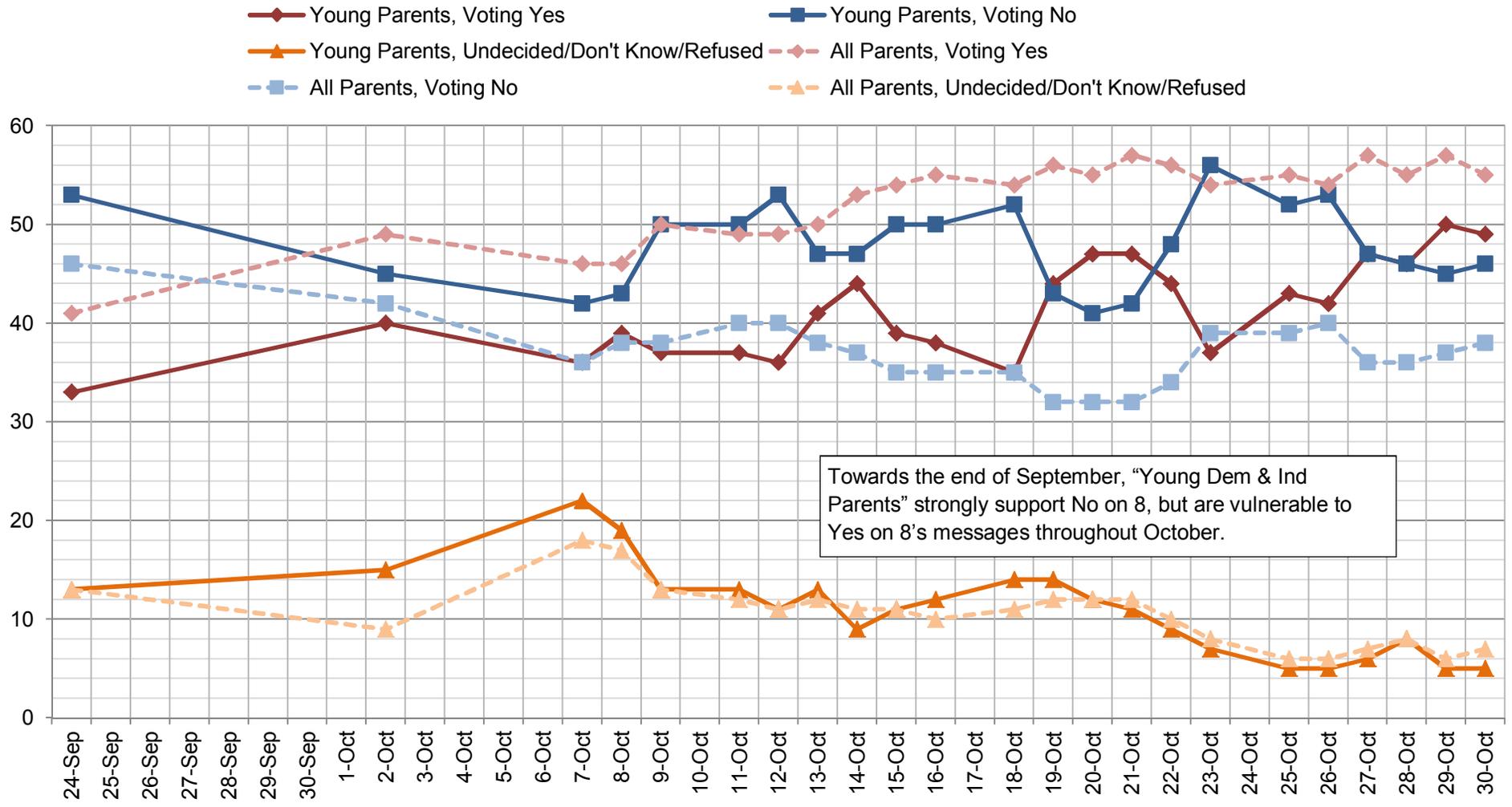
Note that when "Young Parents" is used, it refers to this category—parents under 45 who identify as Democratic or Independent.

## Lake's "Be Clear" Question for Young Parents of Young Children

Poll Start	Poll End	Young Parents of Young Children			Young Fathers of Young Children			Young Mothers of Young Children		
		Y	N	U	Y	N	U	Y	N	U
22-Sep	24-Sep	33	58	9	46	50	4	23	65	12
29-Sep	2-Oct	35	48	17	45	39	16	27	56	18
5-Oct	7-Oct	40	53	8	53	42	5	30	60	10
6-Oct	8-Oct	41	49	10	49	43	8	34	54	12
7-Oct	9-Oct	39	50	11	46	43	11	33	56	12
8-Oct	11-Oct	38	50	12	41	45	15	36	54	10
9-Oct	12-Oct	34	58	9	34	53	13	34	61	6
11-Oct	13-Oct	35	55	10	31	57	12	38	53	9
12-Oct	14-Oct	33	56	11	30	58	13	36	55	10
13-Oct	15-Oct	35	52	13	34	51	15	35	52	12
14-Oct	16-Oct	35	52	13	40	46	14	31	57	12
15-Oct	18-Oct	34	53	14	41	48	12	29	56	15
16-Oct	19-Oct	41	46	13	44	45	11	39	47	15
18-Oct	20-Oct	47	43	10	44	45	11	49	41	10
19-Oct	21-Oct	46	42	12	45	42	13	47	41	12
20-Oct	22-Oct	43	44	12	47	43	10	40	45	15
21-Oct	23-Oct	37	48	15	44	43	14	31	53	16
22-Oct	25-Oct	43	45	13	52	37	11	33	52	15
23-Oct	26-Oct	43	45	12	54	32	14	29	60	11
25-Oct	27-Oct	48	40	12	64	27	10	31	54	15
26-Oct	28-Oct	51	38	11	64	29	7	38	47	15
27-Oct	29-Oct	51	41	8	55	31	4	41	48	12
28-Oct	30-Oct	53	42	5	62	33	5	47	47	5

Note that when "Young Parents" is used, it refers to this category—parents under 45 who identify as Democratic or Independent.

# All "Parents" vs Dem & Ind "Parents" Under 45 (Lake Research's Standard Horse Race)



Towards the end of September, "Young Dem & Ind Parents" strongly support No on 8, but are vulnerable to Yes on 8's messages throughout October.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

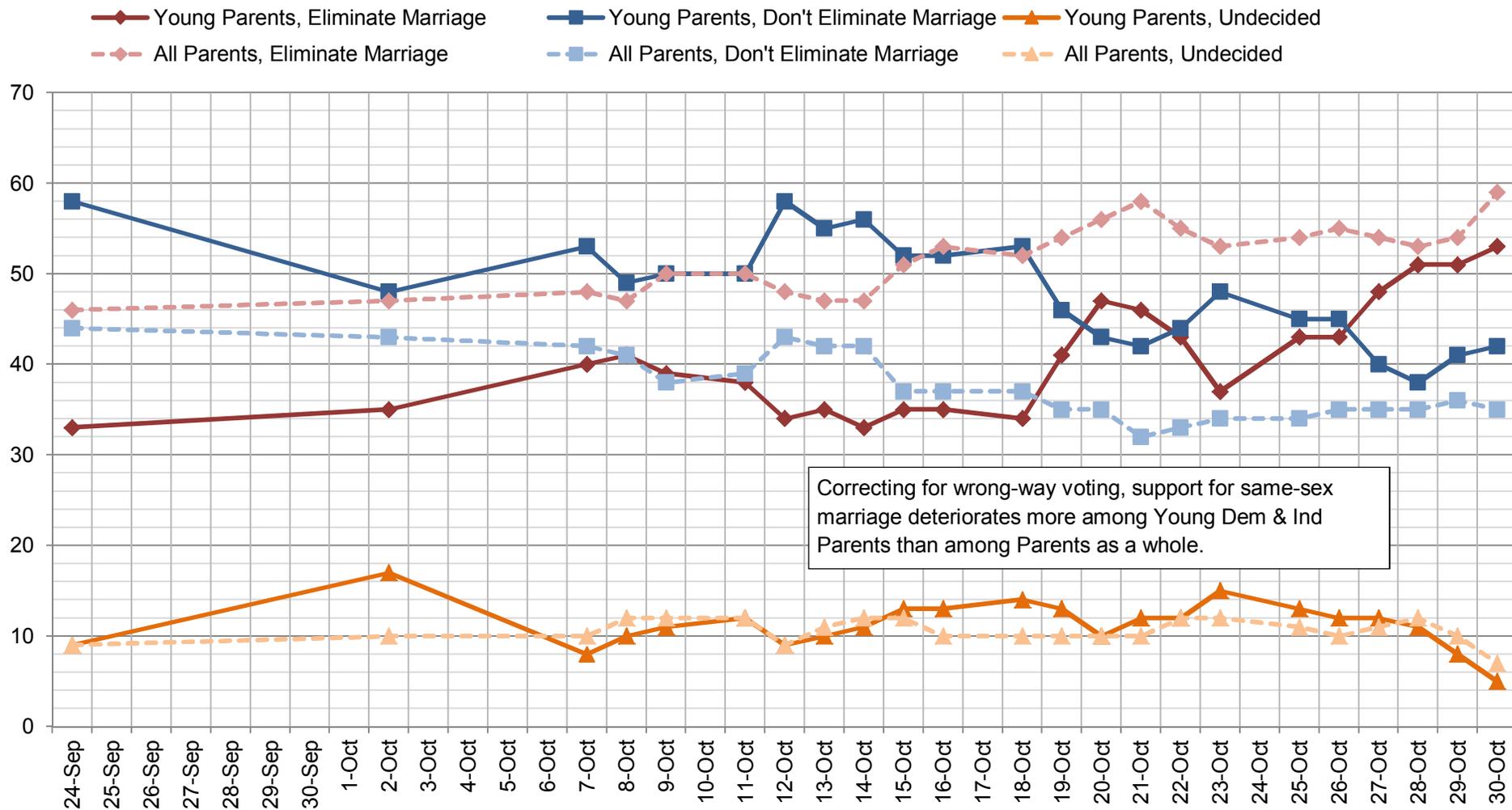
Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# All "Parents" vs Dem & Ind "Parents" Under 45

(Lake Research's "Be Clear" Question)



Correcting for wrong-way voting, support for same-sex marriage deteriorates more among Young Dem & Ind Parents than among Parents as a whole.

No's "Thorons" ad airs 9/22-10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22-10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22-10/20, with large buys (up to 1000 pts per week).

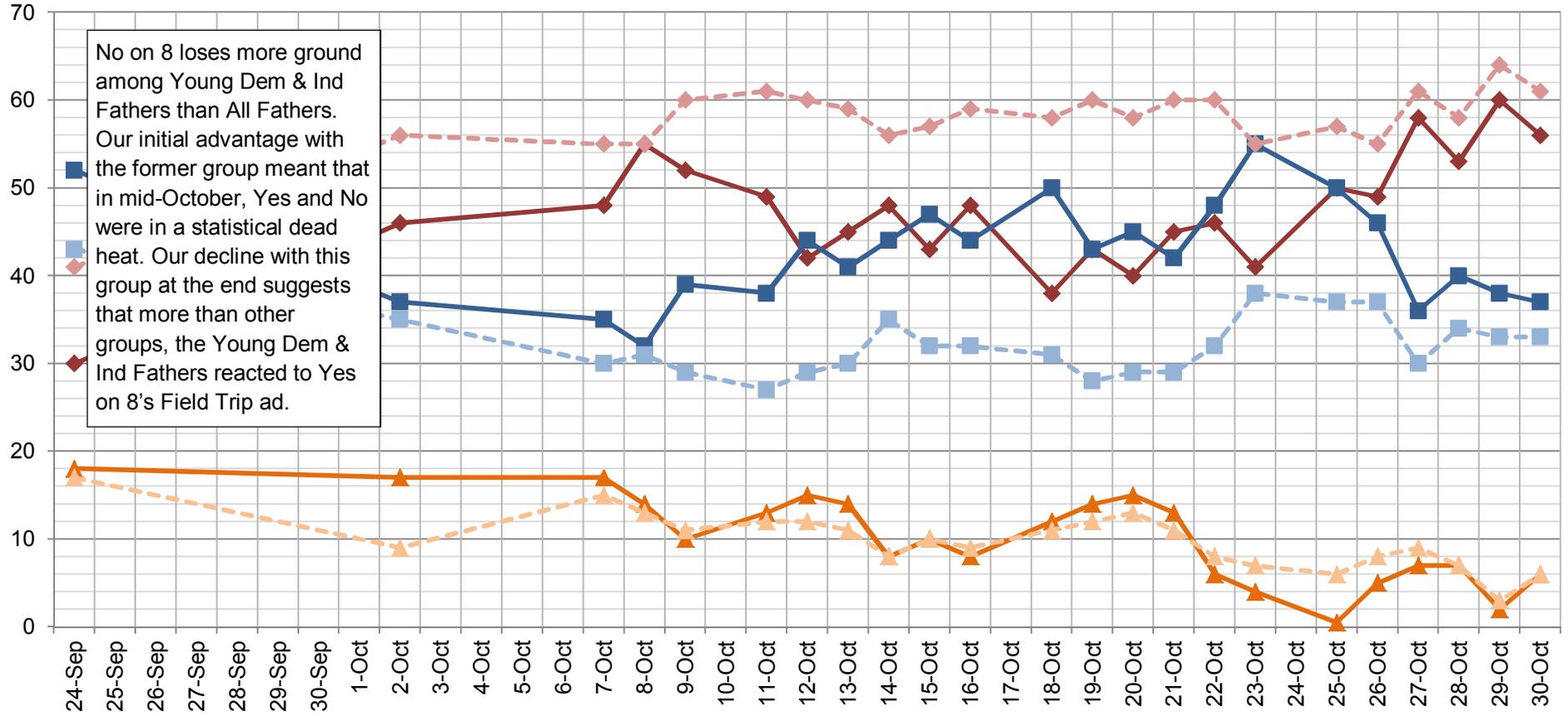
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24-11/4 as a rebuttal to "O'Connell."

# All "Fathers" vs Dem & Ind "Fathers" Under 45

(Lake Research's Standard Horse Race)

- ◆— Young Fathers, Voting Yes
- ▲— Young Fathers, Undecided/Don't Know/Refused
- Young Fathers, Voting No
- ◆— All Fathers, Voting Yes
- All Fathers, Voting No
- ▲— All Fathers, Undecided/Don't Know/Refused



No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

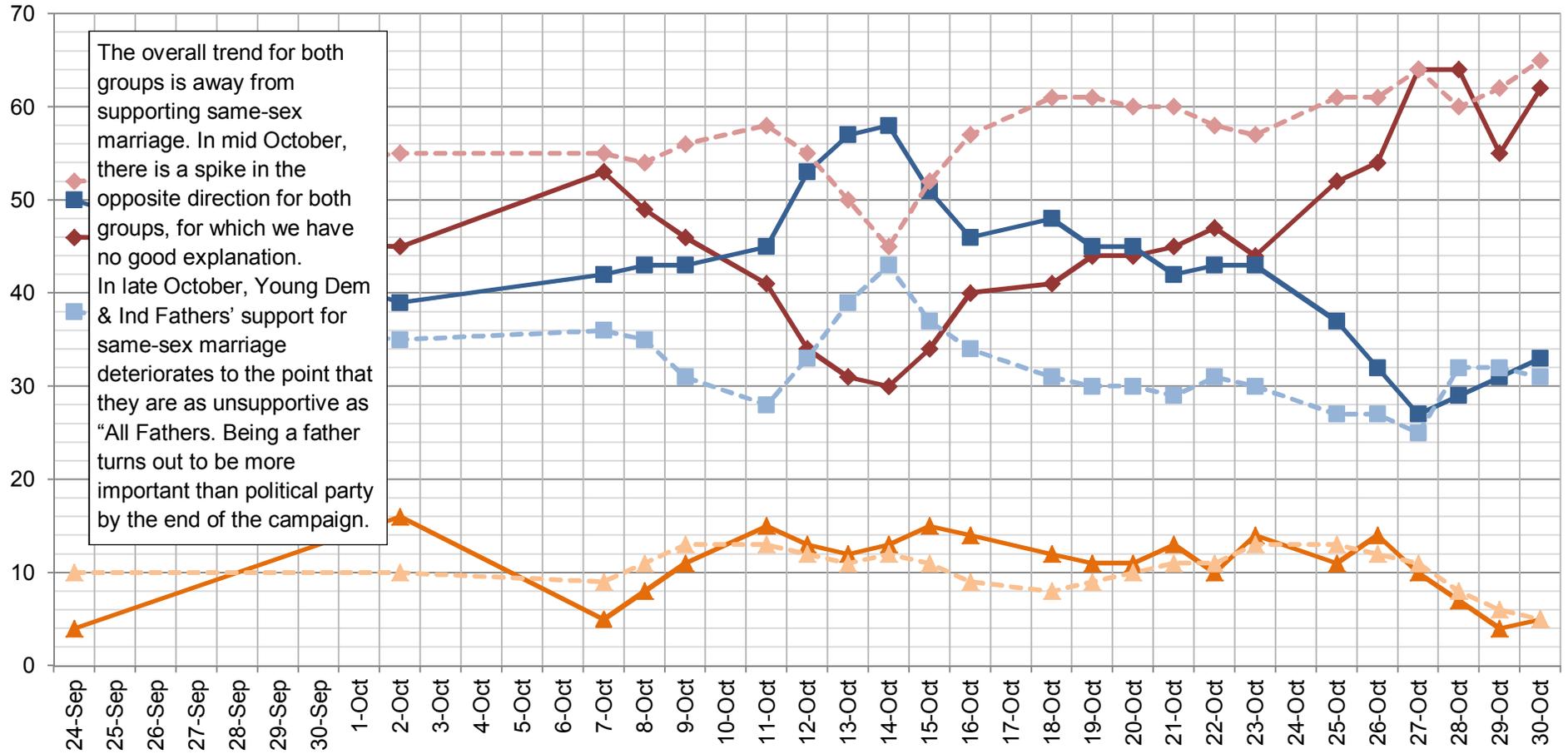
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# All Fathers vs Young Fathers

(Lake Research's "Be Clear" Question)

- ◆ Young Fathers, Eliminate Marriage
- Young Fathers, Don't Eliminate Marriage
- ▲ Young Fathers, Undecided
- ◆ All Fathers, Eliminate Marriage
- All Fathers, Don't Eliminate Marriage
- ▲ All Fathers, Undecided



The overall trend for both groups is away from supporting same-sex marriage. In mid October, there is a spike in the opposite direction for both groups, for which we have no good explanation. In late October, Young Dem & Ind Fathers' support for same-sex marriage deteriorates to the point that they are as unsupportive as "All Fathers. Being a father turns out to be more important than political party by the end of the campaign.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

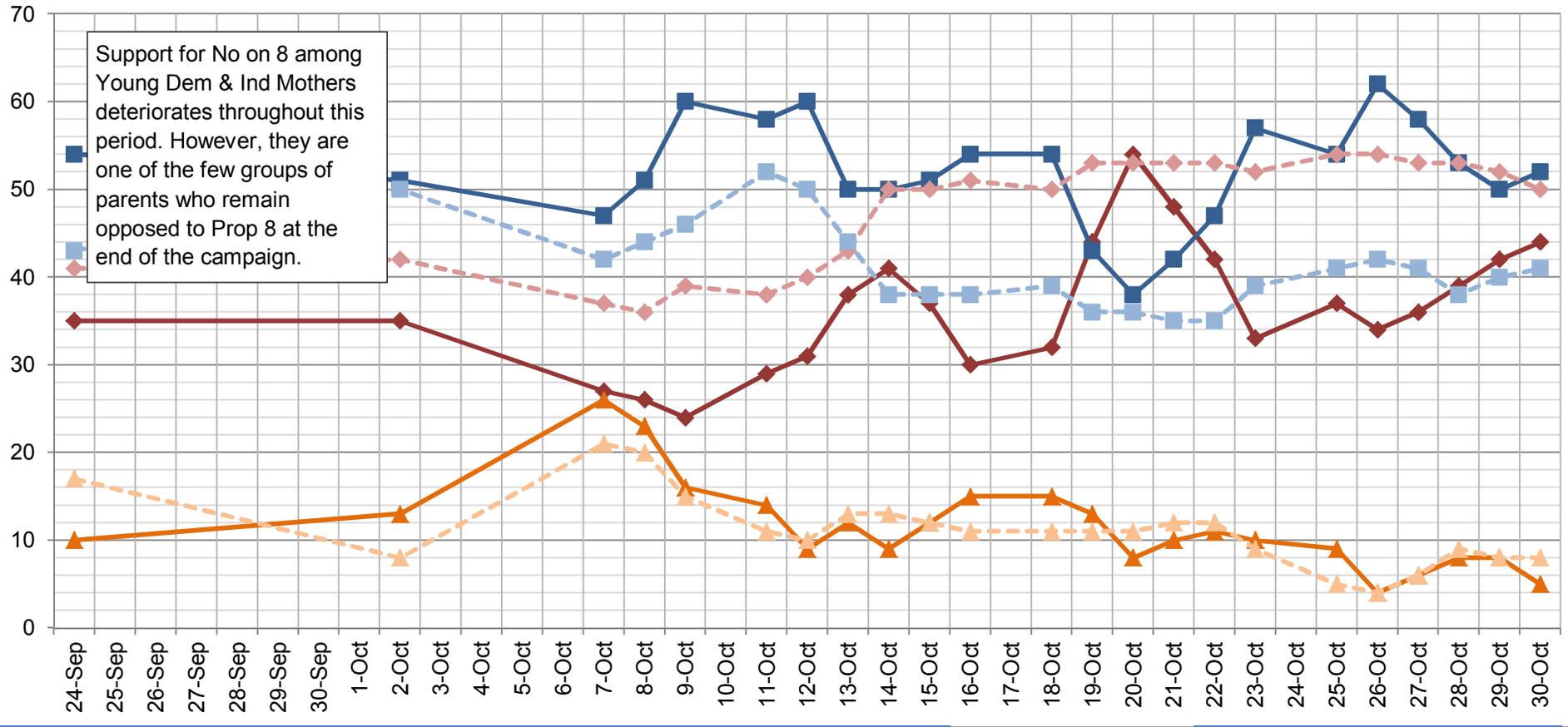
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# All "Mothers" vs Dem & Ind "Mothers" Under 45

(Lake Research's Standard Horse Race)

- ◆ Young Mothers, Voting Yes
- ▲ Young Mothers, Undecided/Don't Know/Refused
- Young Mothers, Voting No
- ◆ All Mothers, Voting Yes
- All Mothers, Voting No
- ▲ All Mothers, Undecided/Don't Know/Refused



No's "Thorons" ad airs 9/22-10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22-10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22-10/20, with large buys (up to 1000 pts per week).

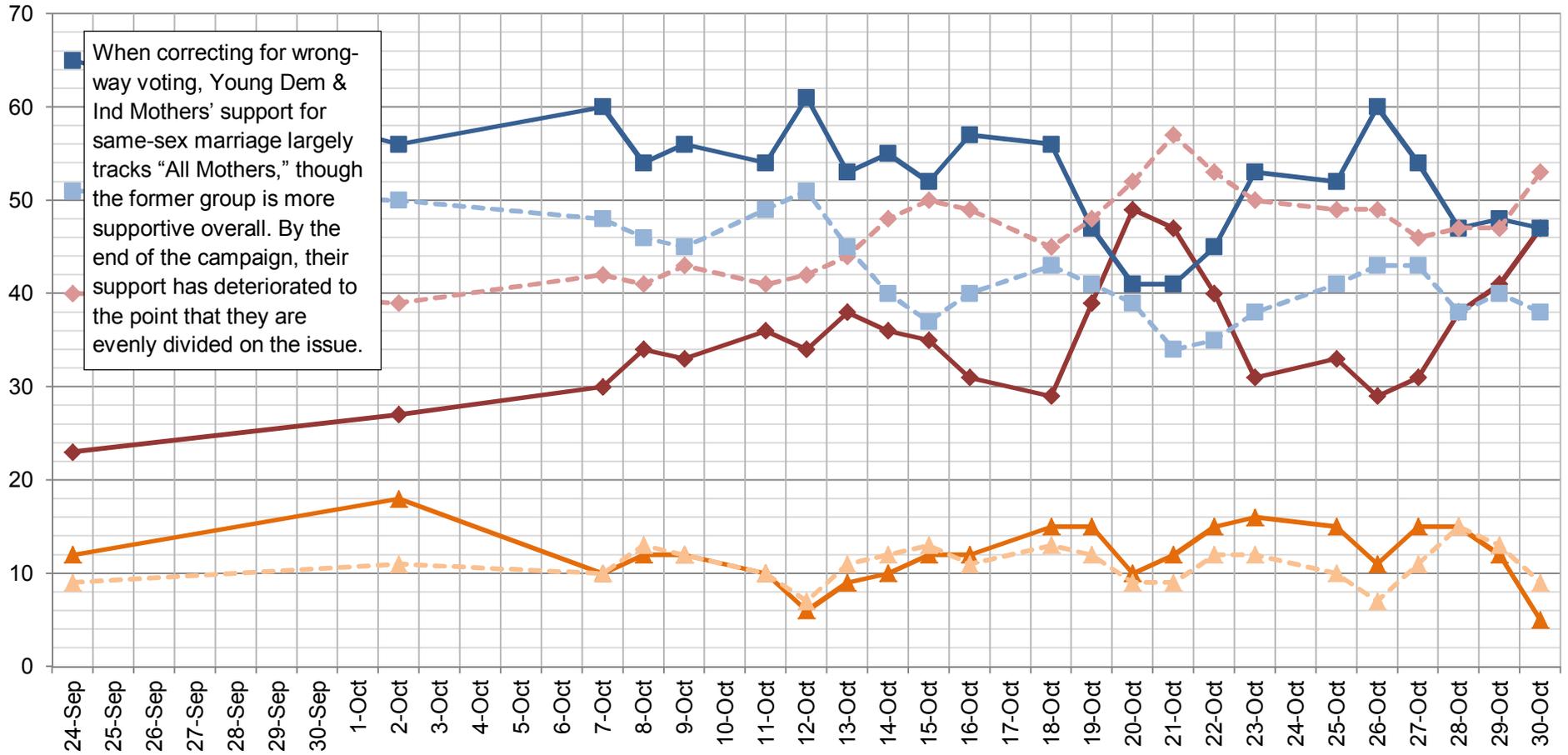
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) -11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24-11/4 as a rebuttal to "O'Connell."

# All "Mothers" vs Dem & Ind "Mothers" Under 45

(Lake Research's "Be Clear" Question)

- ◆ Young Mothers, Eliminate Marriage
- ◆ Young Mothers, Don't Eliminate Marriage
- ◆ Young Mothers, Undecided
- ◆ All Mothers, Eliminate Marriage
- ◆ All Mothers, Don't Eliminate Marriage
- ◆ All Mothers, Undecided



No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

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Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

## Lake Research Polling on Democratic and Independent Voters

At the start of the Prop 8 campaign, the pro-LGBT base was comprised of voters registered as Democrats and Independents. This is not to say that *all* Democratic and Independent voters were pro-same-sex marriage; however, there was a wide margin of support.

Using Lake's polling data, which asked voters which major political party they identified with, we can construct a data set that shows Democratic and Independent voters' movement on the Standard Horse Race and Be Clear questions.

Lake's data presents Democratic and Independent voters as separate data series. To combine the two data series into one, a series of calculations were used. For example, to find the percentage of Democrats and Independents who answered yes to the Standard Horse Race question:

$$\begin{aligned} & \% \text{ of Dems Yes} \times \frac{(\% \text{ of respondents IDed as Dem})}{(\% \text{ of all respondents IDed as Dem} + \% \text{ of all respondents IDed as Ind})} \\ & \qquad \qquad \qquad + \\ & \% \text{ of Inds Yes} \times \frac{(\% \text{ of respondents IDed as Ind})}{(\% \text{ of all respondents IDed as Dem} + \% \text{ of all respondents IDed as Ind})} \end{aligned}$$

Analogous calculations were used to produce the rest of the Standard Horse Race and Be Clear answers.

With this data, we can make a few useful comparisons:

- We can compare Democrats and Independents to all respondents, which allows us to see how voters who were more likely pro-same-sex marriage at the start of the campaign reacted to events of the campaign compared to all voters.
- We can compare all Democrats and Independents to Democratic and Independent parents, allowing us to see how a narrower subset of the pro-gay base reacted compared to the base at large.

Both of these comparisons are presented below.

## Lake Research's Raw Data on Democrats and Independents

Poll Start	Poll End	Democrats, Standard Horse Race Question			Independents, Standard Horse Race Question			Democrats, Be Clear Question			Independents, Be Clear Question			Percentage of Party IDs of all respondents	
		Y	N	U	Y	N	U	Y	N	U	Y	N	U	Dem	Ind
22-Sep	24-Sep	31	61	8	43	42	14	31	60	9	39	45	15	47	15
29-Sep	2-Oct	35	55	10	48	36	15	30	58	12	46	39	16	46	17
5-Oct	7-Oct	32	50	18	45	31	24	33	59	8	42	43	15	46	18
6-Oct	8-Oct	33	51	16	44	37	20	34	57	9	41	43	16	46	17
7-Oct	9-Oct	34	54	12	48	35	16	33	58	9	42	41	17	46	18
8-Oct	11-Oct	35	56	10	46	38	15	35	56	9	43	41	16	46	18
9-Oct	12-Oct	35	56	10	47	34	19	34	58	9	43	41	16	46	19
11-Oct	13-Oct	36	54	10	44	34	22	35	56	9	41	42	17	47	18
12-Oct	14-Oct	36	54	10	45	35	20	33	58	9	43	40	17	47	18
13-Oct	15-Oct	36	54	11	47	37	16	33	57	10	46	40	15	46	17
14-Oct	16-Oct	35	54	11	49	40	12	34	56	10	47	42	10	46	18
15-Oct	18-Oct	34	54	12	47	39	13	34	56	10	46	44	10	45	17
16-Oct	19-Oct	36	52	12	45	37	17	37	53	10	46	41	13	46	17
18-Oct	20-Oct	38	51	10	44	40	16	39	52	9	46	41	13	46	18
19-Oct	21-Oct	38	51	11	43	42	15	39	48	12	42	42	16	46	18
20-Oct	22-Oct	39	52	10	45	43	12	38	48	14	45	41	15	46	18
21-Oct	23-Oct	37	54	9	46	42	12	38	47	14	45	40	15	37	17
22-Oct	25-Oct	39	54	7	47	41	12	39	47	13	46	39	15	46	19
23-Oct	26-Oct	39	53	7	42	45	13	40	49	11	42	43	15	45	18
25-Oct	27-Oct	38	54	8	43	44	13	39	50	11	41	41	18	46	18
26-Oct	28-Oct	38	53	8	45	41	14	42	47	10	45	39	15	46	18
27-Oct	29-Oct	37	56	8	52	35	13	40	51	9	51	35	13	47	19
28-Oct	30-Oct	35	56	9	52	36	12	39	53	8	55	35	9	46	18

Lake's raw data on Democratic and Independent voters was used to calculate the data in the next table, using the formula previously described.

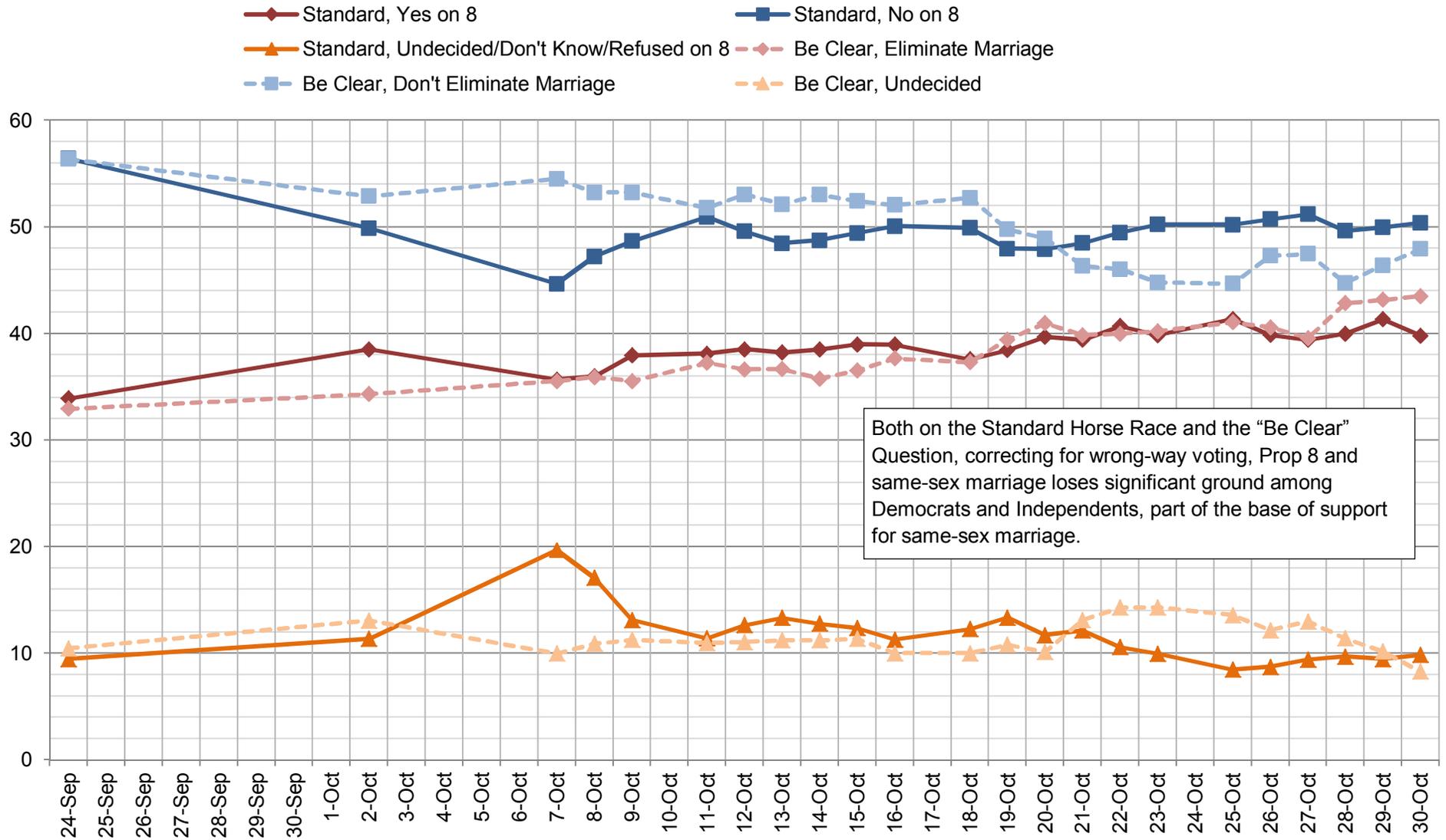
## Calculated Democrat and Independent Data

Poll Start	Poll End	Standard Horse Race Question			Standard Horse Race Question		
		Y	N	U	Y	N	U
22-Sep	24-Sep	31	61	8	43	42	14
29-Sep	2-Oct	35	55	10	48	36	15
5-Oct	7-Oct	32	50	18	45	31	24
6-Oct	8-Oct	33	51	16	44	37	20
7-Oct	9-Oct	34	54	12	48	35	16
8-Oct	11-Oct	35	56	10	46	38	15
9-Oct	12-Oct	35	56	10	47	34	19
11-Oct	13-Oct	36	54	10	44	34	22
12-Oct	14-Oct	36	54	10	45	35	20
13-Oct	15-Oct	36	54	11	47	37	16
14-Oct	16-Oct	35	54	11	49	40	12
15-Oct	18-Oct	34	54	12	47	39	13
16-Oct	19-Oct	36	52	12	45	37	17
18-Oct	20-Oct	38	51	10	44	40	16
19-Oct	21-Oct	38	51	11	43	42	15
20-Oct	22-Oct	39	52	10	45	43	12
21-Oct	23-Oct	37	54	9	46	42	12
22-Oct	25-Oct	39	54	7	47	41	12
23-Oct	26-Oct	39	53	7	42	45	13
25-Oct	27-Oct	38	54	8	43	44	13
26-Oct	28-Oct	38	53	8	45	41	14
27-Oct	29-Oct	37	56	8	52	35	13
28-Oct	30-Oct	35	56	9	52	36	12

This data, which combines, Democratic and Independent voters, is presented on the graphs below, and compared to Lake's data for Democratic and Independent parents.

# Democratic and Independent Voters

(Lake Research's Standard Horse Race and "Be Clear" Questions)



Both on the Standard Horse Race and the "Be Clear" Question, correcting for wrong-way voting, Prop 8 and same-sex marriage loses significant ground among Democrats and Independents, part of the base of support for same-sex marriage.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

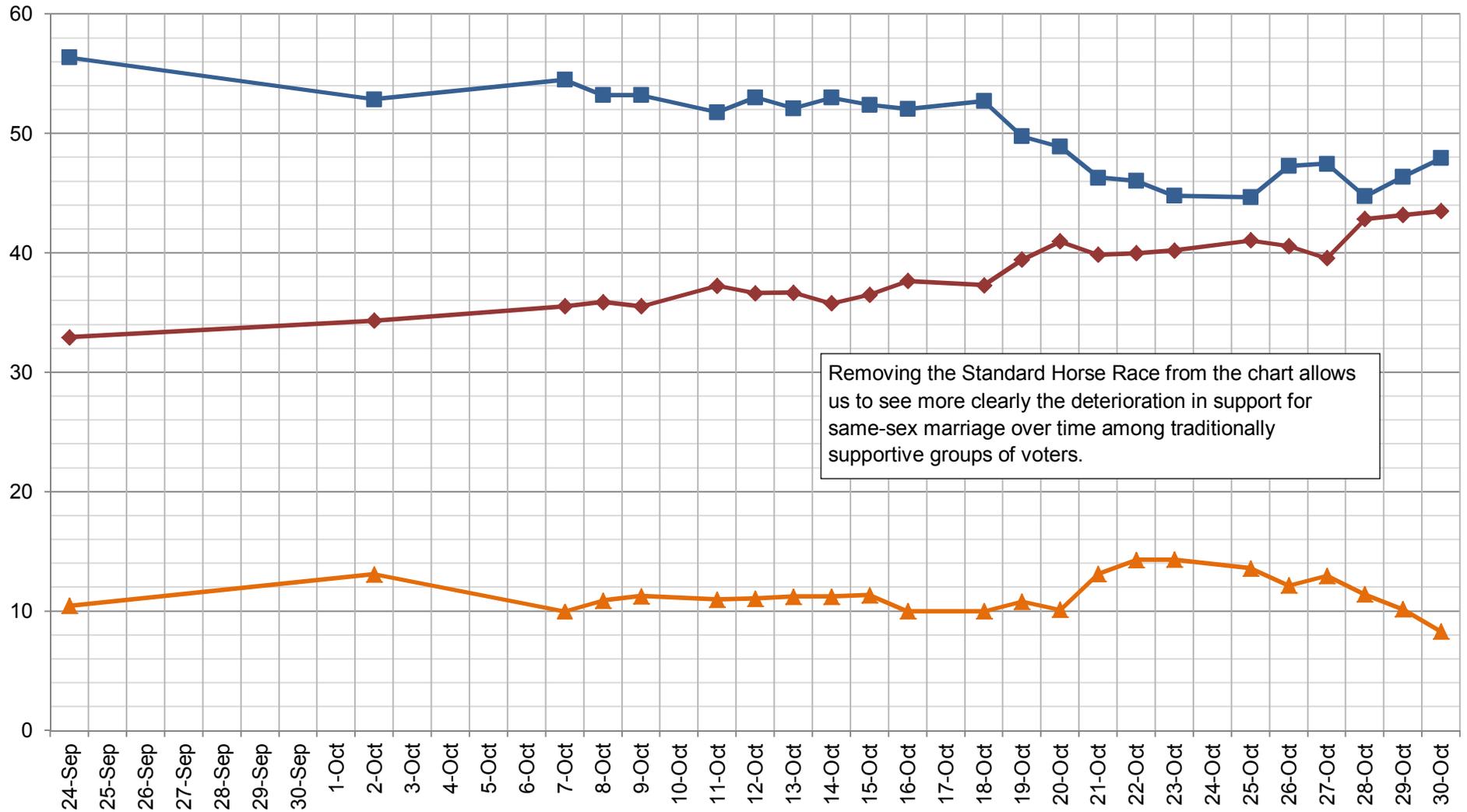
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Democratic and Independent Voters

(Lake Research's Standard Horse Race and "Be Clear" Questions)

◆ Eliminate Marriage    ■ Don't Eliminate Marriage    ▲ Undecided



Removing the Standard Horse Race from the chart allows us to see more clearly the deterioration in support for same-sex marriage over time among traditionally supportive groups of voters.

No's "**Thorons**" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "**O'Connell**" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "**Newsom**" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

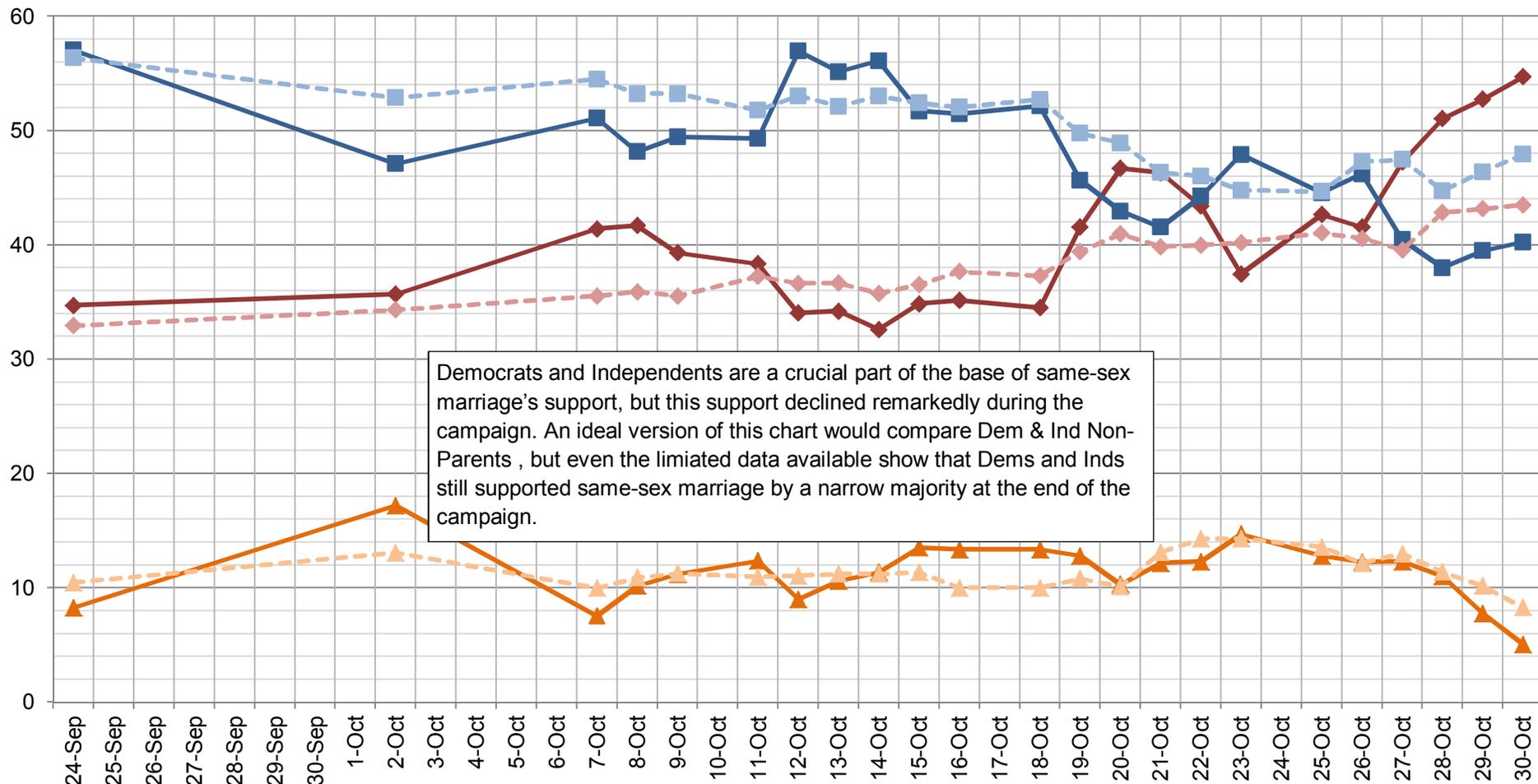
Yes's "**Princes**" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "**Field Trip**" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Young Dem & Ind Parents vs. All Dem & Ind Voters

(Lake Research's "Be Clear" Question)

- ◆ Dem & Ind Parents, Eliminate Marriage
- ◆ Dem & Ind Parents, Don't Eliminate Marriage
- ▲ Dem & Ind Parents, Undecided
- ◆ All Dems & Inds, Eliminate Marriage
- ◆ All Dems & Inds, Don't Eliminate Marriage
- ▲ All Dems & Inds, Undecided



Democrats and Independents are a crucial part of the base of same-sex marriage's support, but this support declined remarkably during the campaign. An ideal version of this chart would compare Dem & Ind Non-Parents, but even the limited data available show that Dems and Inds still supported same-sex marriage by a narrow majority at the end of the campaign.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

## The Field Poll and the Public Policy Institute of California (PPIC) Polling on Prop 8

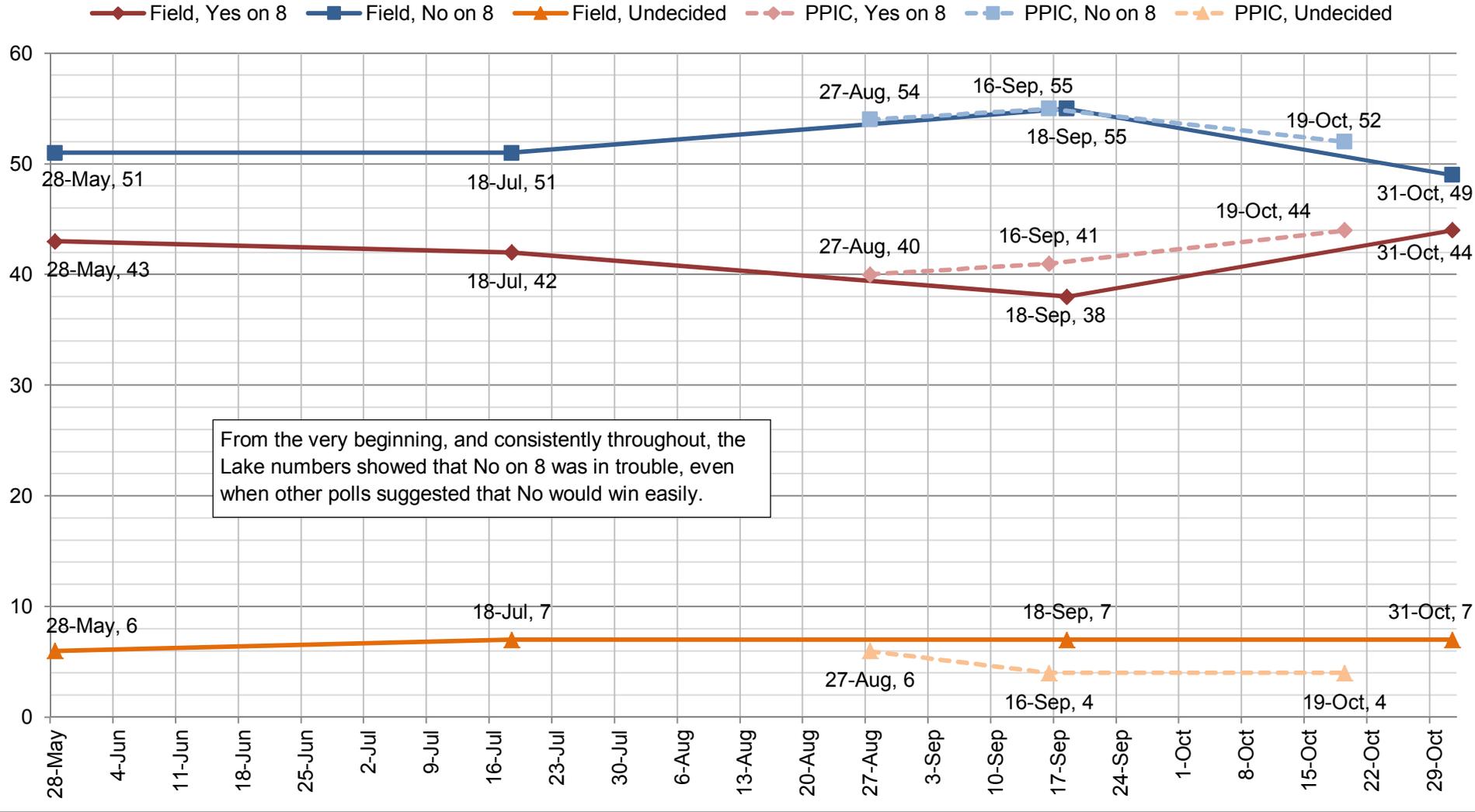
The Field Poll and the Public Policy Institute of California are two nonpartisan public opinion research groups that poll Californian voters on a wide range of issues. During the 2008 campaign, both organizations polled on a wide variety of national and state topics. Each benchmark poll taken included Prop 8 as one of many questions asked, with wording similar to the Standard Horse Race questions that Lake and Binder both asked.

Poll End	Field Poll			PPIC		
	Y	N	U	Y	N	U
28-May	43	51	6			
18-Jul	42	51	7			
27-Aug				40	54	6
16-Sep				41	55	4
18-Sep	38	55	7			
19-Oct				44	52	4
31-Oct	44	49	7			

Field and PPIC's polling on Prop 8 was not as frequent as the campaign's internal polling, and is thus not useful for tracking day-to-day changes in public opinion. Some of the differences between these external polls and the campaign's internal polls, however, highlight the difficulty in polling on same-sex marriage ballot measures. Both Field and PPIC's polling show No on 8's general downward trend, which the campaign's internal polls also show, but both repeatedly find No on 8 with a substantial lead. PPIC had No with an average 12% lead; Field had No with an average lead of 9.75%. No on 8's internal polls both showed it in a much worse position, neck-and-neck with Yes on 8 or, most of the time, behind.

Lewis and Gossett found that this discrepancy stemmed largely from voter confusion (wrong-way voting). See Finding 7 and Appendix K for a fuller discussion of wrong-way voting.

# PPIC and Field's Standard Horse Race Questions



## Google News Archive Searches: Prop 8 in the Media

Search Start	Search End	("Proposition 8" OR "Prop 8")	("Proposition 8" OR "Prop 8") Schools		("Proposition 8" OR "Prop 8") Discrimination		("Proposition 8" OR "Prop 8") Equality		("Proposition 8" OR "Prop 8") Hate	
		# Results ("Control")	#	% of Control	#	% of Control	#	% of Control	#	% of Control
8-Sep	14-Sep	95	18	19%	10	11%	32	34%	11	12%
15-Sep	21-Sep	152	21	14%	38	25%	49	32%	15	10%
22-Sep	28-Sep	176	33	19%	28	16%	28	16%	7	4%
29-Sep	5-Oct	168	37	22%	20	12%	31	18%	10	6%
6-Oct	12-Oct	264	98	37%	25	9%	43	16%	15	6%
13-Oct	19-Oct	456	195	43%	112	25%	113	25%	80	18%
20-Oct	26-Oct	553	190	34%	56	10%	83	15%	51	9%
27-Oct	2-Nov	1020	345	34%	112	11%	109	11%	120	12%

The Google News Archive, located at <http://news.google.com/archivesearch>, is a service provided by Google that aggregates online news stories in a searchable database. Searching for specific sets of keywords within consistently spaced date ranges and graphing the results can reveal how prevalent certain key phrases were in news stories.

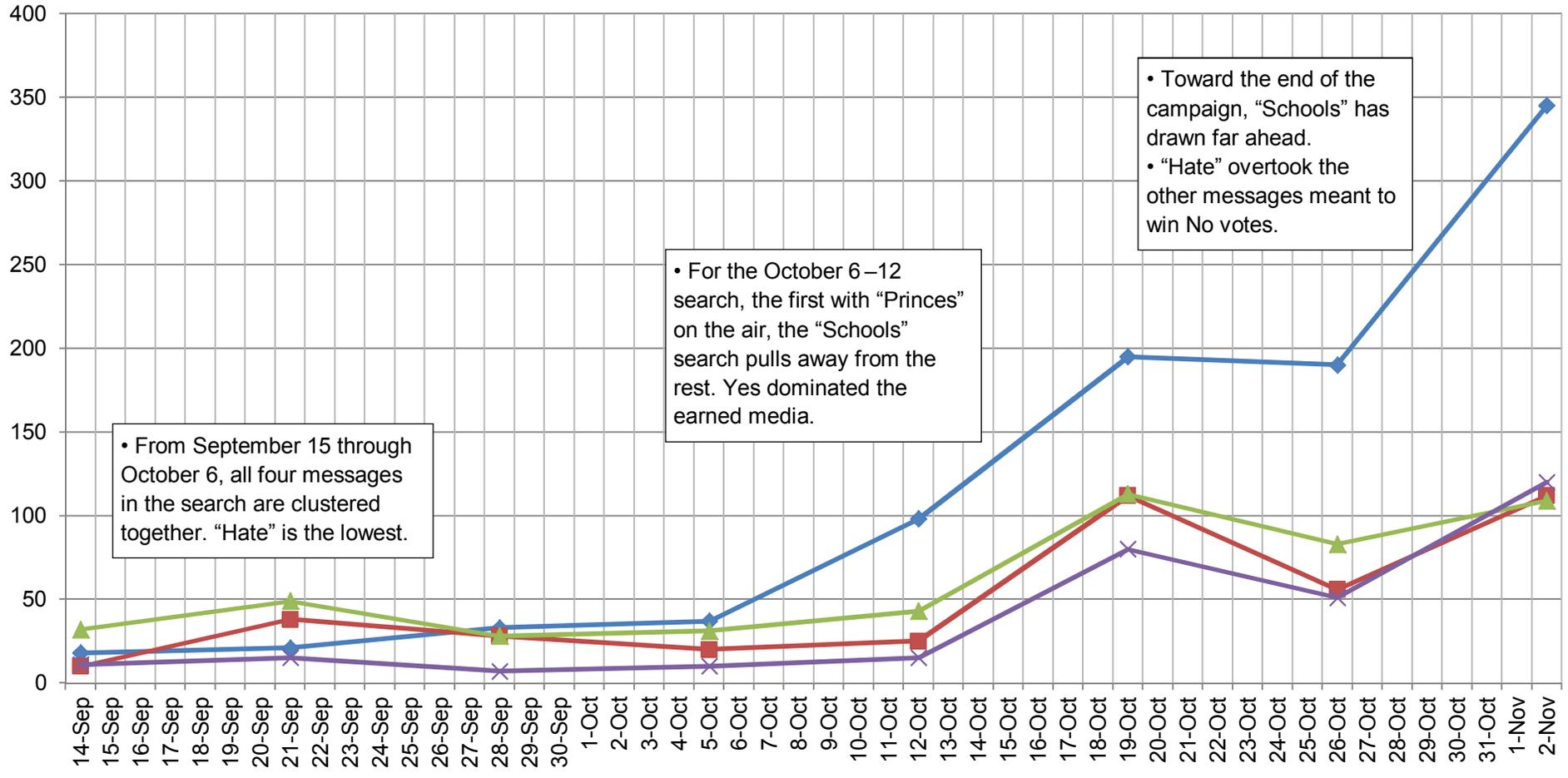
To obtain the above data, we searched the Google News Archives for the weeklong intervals indicated, ending just before Election Day. For each time period, we used five different searches, one as a control, which just searched for the phrases “proposition 8” or “prop 8,” and four that searched for subsets of the control results that mentioned certain message-specific keywords. “Discrimination” and “equality” were the two No on 8-related keyword/talking points used, and “hate” was included as a noncampaign-sanctioned but pro-same-sex marriage talking point. As the next chart shows, No on 8 lost control of its earned media, with “hate” more prominently featured than the messages the campaign was trying to advance. For Yes on 8, the message that children in schools would learn about same-sex marriages was the most prominent message in the late stage of the campaign, and the keyword “schools” was chosen to represent it.

The data provided by the Google News searches provide valuable insight into how both campaigns’ messages percolated into the media’s coverage. For more discussion of the earned media coverage, see Appendix F as well as the charts below.

# Yes on 8's "Schools" Message Penetrates Earned Media

(Google News Archive Search Results)

◆ ("Proposition 8" OR "Prop 8") Schools      ■ ("Proposition 8" OR "Prop 8") Discrimination  
▲ ("Proposition 8" OR "Prop 8") Equality      × ("Proposition 8" OR "Prop 8") Hate



• From September 15 through October 6, all four messages in the search are clustered together. "Hate" is the lowest.

• For the October 6–12 search, the first with "Princes" on the air, the "Schools" search pulls away from the rest. Yes dominated the earned media.

• Toward the end of the campaign, "Schools" has drawn far ahead.  
• "Hate" overtook the other messages meant to win No votes.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

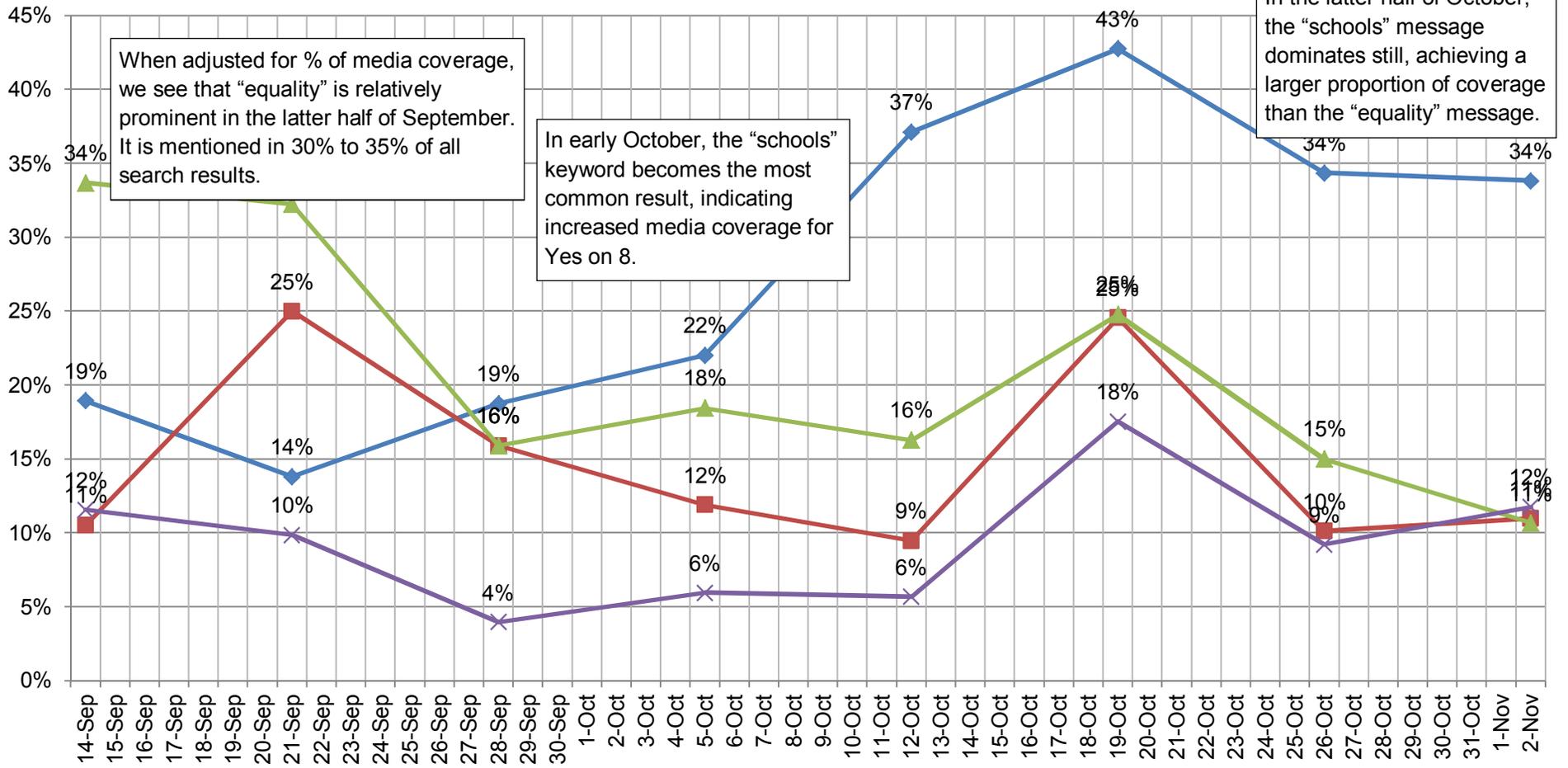
Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Yes on 8's "Schools" Message Penetrates Earned Media

(Google News Archive Search Results Displayed as a Percentage of Total Coverage)

- "Proposition 8" OR "Prop 8") Schools
- "Proposition 8" OR "Prop 8") Discrimination
- ▲—"Proposition 8" OR "Prop 8") Equality
- ×—"Proposition 8" OR "Prop 8") Hate



When adjusted for % of media coverage, we see that "equality" is relatively prominent in the latter half of September. It is mentioned in 30% to 35% of all search results.

In early October, the "schools" keyword becomes the most common result, indicating increased media coverage for Yes on 8.

In the latter half of October, the "schools" message dominates still, achieving a larger proportion of coverage than the "equality" message.

No's "Thorons" ad airs 9/22–10/15 with an initial small buy (around 500 pts per week)

Yes's "Newsom" ad airs 9/22–10/20, with large buys (up to 1000 pts per week).

No's "O'Connell" airs 10/22–10/30 as the campaign's direct response to "Princes."

Yes's "Princes" ad airs 10/6 (Sp) and 10/8 (En) –11/3, with a large initial buy of 2000 points in the first week.

Yes's "Field Trip" ad airs 10/24–11/4 as a rebuttal to "O'Connell."

# Appendix E: Prop 8 Campaign Media

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This analysis is our best attempt at summarizing television advertisements and spending for both Yes and No on 8. We used internal campaign planning documents and external tracking summaries to piece together information surrounding where, when, and how much money each side of the campaign spent. These source documents are not comprehensive and are sometimes in conflict with one another. We resolved these conflicts by calling and or visiting media stations for buy histories and by consulting with professionals in the media-buying field. All No on 8 advertisements are available for viewing at <http://prop8report.lgbtmentoring.org/prop-8-report/media>.

Nineteen ads in total aired on TV with six backed by Yes and thirteen by No. Ten of the ads were widely seen, five from each side. Ads are numbered in chronological order of when they first went on the air. When appropriate, spot counts and dollar amounts are broken down by language with (sp) signifying a buy or spot count for Spanish language television. Most of the ads are known by several names and aliases from various sources. All known aliases are included within the descriptions. **Before** the period of concentrated paid TV by both sides, an independent educational advertisement “Garden Wedding” was already on air. See Appendix F, “Non-campaign Media.”

## **Part 1: Advertisement Chronology with Message & Buy Summaries**

## **Part 2: Advertisement Transcriptions**

## **Part 3: Individual Advertisement Spending by Market and Time**

## **Part 4: Broadcast Purchases for No and Yes on 8 by Media Market and Time**

## **Part 5: Cable Purchases for No on 8 by Market and Time**

## **Part 6: Notes on Methodology**

## Appendix E: Part 1 Advertisement Chronology with Message & Buy Summaries

	9/22 -9/23	9/24-9/30	10/1-10/7	10/8-10/14	10/15-10/21	10/22-10/28	10/29-Eday
Thorons		\$2.8m					
Newsom			\$2.7m				
Conversation			\$0.68m				
Princes			\$4.0m				
Lies				\$0.45m			
Unfair					\$3.6m		
Massachusetts					\$2.4m		
O'Connell						\$3.4m	
Ellen						\$0.07m	
Field Trip						\$2.6m	
Eduardo Ver							\$0.52m
No for Latinos							\$1.32m
Yes Closer							\$1.4m
Feinstein							\$1.5m
Internment							\$3.2m
I'm a Mom							\$0.1m
Obama							\$1.06m
Mac vs PC							\$0.1m

## **The Concentrated Period of Paid TV, 9/22–11/4**

During this period, N on 8 went on the air for forty-four days, starting 9/22, and spent at least \$18.3 million (according to the Campaign Media Analysis Group [CMAG] reports) or \$25.4 million (according to Ogilvy tracking reports) to air thirteen ads a total of 11,424 times.

Yes on 8 went up for thirty-seven days, starting 9/29, and spent at least \$13.7 million to air six ads a total of 13,025 times.

### **1. No on 8: “Thorons” aka “Julia and Sam Thoron”**

- Cost: \$2.8m
- Air Dates: 9/22/08 – 10/15/08

Summary: Julia and Sam Thoron share the story of their family. They love and treat their three children the same. Prop 8, however, will remove the right of their gay daughter and thousands of other Californians to marry.



With “Thorons,” No on 8 was the first campaign on the air. Internal campaign tracking documents show that the large majority of these spots aired between 9/22 and 10/15 in six media markets (LA, San Francisco, San Diego, Sacramento, Santa Barbara, and Monterey). Spots also aired in Palm Springs and Eureka in very small buys until October 15. The campaign’s desire to be first on the air, in the hope of defining the terms of the debate, prompted a sub-500-point buy. During this first nine days, No on 8 spent \$1.4 million to air “Thorons” 983 times, primarily in San Francisco and San Diego. It had hoped to put “Thorons” on the air in the first week in meaningful buys not only in San Francisco and San Diego but also in Los Angeles and Sacramento. Lack of money forced the campaign to substantially shave the buy. Ad created by Ogilvy.

## 2. Yes on 8: “Newsom” aka “Gavin Newsom” or “Whether You Like it or Not”

- \$2.7m
- Air Dates: 9/29–10/20

Summary: The ad begins with quoting Mayor Gavin Newsom saying same-sex marriage is going to happen, “whether you like it or not.” Then a law professor states that churches could lose their tax exemption status and that gay marriage will be taught in schools.



Yes on 8 was the first campaign on the air with a substantial statewide buy. It backed “Newsom” with more than 500 and possibly close to 1,000 points per week per market in its priority markets; it appeared to be buying airtime in ten markets (LA, San Francisco, San Diego, Sacramento, Santa Barbara, Monterey, Eureka, Palm Springs, Fresno, and Chico-Redding); and it ran the ad for nineteen days. This became the second most frequently aired spot by either side in the campaign.

### Spending Update:

As of 9/30, No on 8 had outspent Yes on 8 2 to 1 statewide, \$1.4 million to \$.6 million respectively. This was due in part to No’s seven day head start.

## 3. No on 8: “Conversation” aka “Women Looking at Photos”

- Cost: \$675,606
- Air Dates: 10/6–10/9

Summary: The ad follows two women looking at family photos and discussing same-sex marriage. One woman has doubts about gay marriage, but she agrees she doesn’t want to eliminate rights or have laws that treat people differently.



Starting 10/6, No put this ad into rotation with “Thorons,” using 80% of its points for the week to back this spot. This spot aired for half a week. It was pulled off the air earlier than planned because internal polls showed No on 8 suffering drastic weakening in voter support; this ad was not competing effectively in the environment created by the first two Yes ads, “Newsom” and “Princes.” Ad created by Ogilvy.

#### 4. Yes on 8: “Princes” aka “Richard Peterson,” “It’s Already Happened,” and “Kings & Kings” (sp)

- Cost Eng: \$3.1m
- Cost Sp: \$.93m
- Total: \$4.1m
- Air Dates: 10/6–11/3

Summary: A daughter shares with her mother that she learned in school that kings can marry kings and she can marry a princess. A law professor states that teaching about gay marriage has already happened in Massachusetts, and it will happen in California.



Starting 10/6, according to the CMAG reports, began airing “Princes” in Spanish and starting 10/8 in English. In the first week backed “Princes” with \$1.8 million dollars for 2,000 spots statewide. It aired for twenty-eight days in Spanish (through 11/3), and for twenty-three days in English (through 10/29). It was the most frequently aired spot by either side in the campaign.

Starting 10/6, according to the CMAG reports, began airing “Princes” in Spanish and starting 10/8 in English. In the first week backed “Princes” with \$1.8 million dollars for 2,000 spots statewide. It aired for twenty-eight days in Spanish (through 11/3), and for twenty-three days in English (through 10/29). It was the most frequently aired spot by either side in the campaign.

#### 5. No on 8: “Lies” aka “Same Scare Tactics”

- Cost: \$446,685
- Air Dates: 10/10–10/17

Summary: The narrator describes the scare tactics used by Yes on 8, and states that churches losing tax exemption status and gay marriage being taught in schools are both lies. It ends with the message, “Keep Government out of all of our lives.”

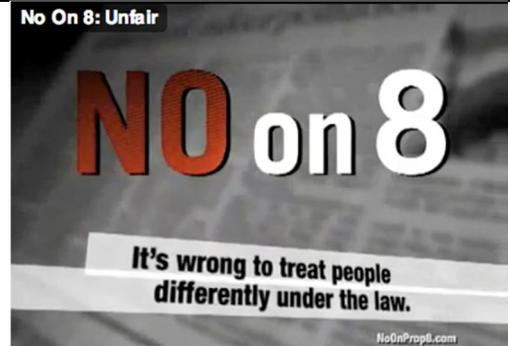


“Princes” had a swift impact that registered in No’s internal campaign polling. Within forty-eight hours of the English-language “Princes” airing, No edited and aired a response ad, “Lies,” parts of which may have been in the can. But if “Lies” had been in the can, it was intended to rebut a different argument than the one No now encountered. This was a placeholder, keeping the No campaign from going off the air entirely, while the No campaign wrestled with the decision of whether and how to best respond to “Princes.” Ad created by Ogilvy.

## 6. No on 8: “Unfair” aka “Why”

- Cost: \$3.6 m
- Air Dates: 10/14–10/26

Summary: This ad focuses on newspaper and organizational endorsements of No on 8. It ends with the message that Prop 8 is, “Unfair, Unnecessary, and Wrong.”



No replaced “Lies” with a second spot that did not directly reference the “Princes” ad or its allegations. Instead, No opted for the dark backgrounds and prominent on-screen use of the word “no” that often characterizes ads urging a no vote on any ballot measure in California. It was the single largest purchase of airtime by No on 8. Ad created by Mark Armour of Armour Griffin Media Group.

### Spending Update:

For the two-week period of 10/1–10/14, Yes caught up to and greatly surpassed No in statewide spending with \$4.2 million to \$2.7 million respectively. This was the only time period during the campaign that Yes substantially outspent No.

## 7. Yes on 8: “Massachusetts” aka “Boys Can Marry Boys” or “Everything to do With Schools”

- Cost: \$2.4 m
- Air Dates: 10/17–10/21

Summary: This ad focuses on a family from Massachusetts and their inability to opt their second grade son out of learning about same-sex marriage in school through the court case Parker vs Hurley.



In mid-October, Yes went public with this ad featuring a couple from Massachusetts. It was meant to reinforce the allegations of “Princes.”

## 8. No on 8: “O’Connell” aka “Superintendent” or “You’ve Seen”

- Cost: \$3.4 m
- Air Dates: 10/22–10/30

Summary: California Superintendent of Schools Jack O’Connell states that Prop 8 has nothing to do with schools. The narrator reiterates No on 8’s organizational and newspaper support. The ad ends with the message that Prop 8 is “Unfair and Wrong.”



No’s internal poll numbers showed that neither its paid nor earned media strategies were solving the problems created by “Princes.” After two weeks of internal debate, No went on the air with State Superintendent of Schools Jack O’Connell. In this ad, O’Connell responded to and denied the charges made in “Princes.” This was the most frequently aired spot of the No campaign, with a buy almost as large as “Unfair.” Ad created by Mark Armour of Armour Griffin Media Group.

## 9. No on 8: “Ellen”

- Cost: \$69,000
- Air Dates: 10/23–10/24

Summary: Ellen DeGeneres shares that she was able to marry earlier that year. She states that Prop 8 will take that right away from Californians, and asks viewers to “Please, please, please vote No on Prop 8.”



Ellen DeGeneres made this spot and initially aired it in a small buy. The No campaign paid to air it briefly in the LA and San Francisco media markets the weekend before Election Day.

## 10. Yes on 8: “Field Trip” aka “Lesbian Wedding”

- Cost Eng: \$2.2 m
- Cost Sp: \$.4m
- Total: \$2.6m
- Air Dates: 10/24–11/4

Summary: The ad recounts a story of a first grade class attending their teacher’s lesbian wedding. It states that 96% of California schools are already required to teach about marriage, and that children will be taught about gay marriage unless viewers vote yes on Prop 8.

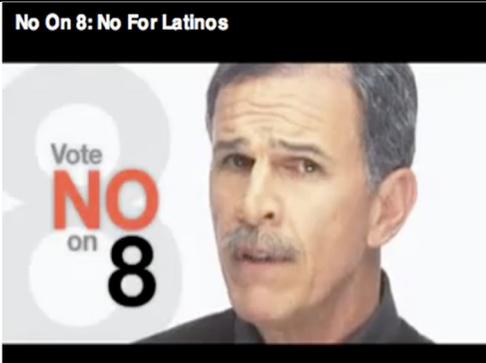


Within forty-eight hours of “O’Connell” first airing, Yes had this rebuttal on the air and ran it for the final twelve days in ten media markets (LA, San Francisco, San Diego, Sacramento, Santa Barbara, Monterey, Palm Springs, Fresno, Bakersfield, and Chico-Redding). Yes had a Spanish-language version of this ad on the air a few days later and aired it in both languages from 10/29–11/3. The Spanish-language version aired primarily in four media markets (LA, San Francisco, San Diego, and Sacramento) and only secondarily in Fresno (aired fewer than five times).

## 11. No on 8: ”No For Latinos”

- Cost Eng: \$.25m
- Cost Sp: \$1.1m
- Total: \$1.34m
- Air Dates: 10/27–11/4

Summary: Tony Plana, America Ferrera, and Ana Ortiz share why they are voting No on 8. Reasons include the Latino community’s focus on family, and the general unfairness of Prop 8.



This No ad featuring Latino celebrities ran in both English and Spanish for a bit more than the final week. In October, the ad ran primarily in English in three markets (LA, San Francisco, and Palm Springs) and also (fewer than five times) in San Diego, Sacramento, and Santa Barbara; it also began running in November in Fresno. No bought time on Spanish-language TV for the first time starting 10/27, and bought in the final nine days in the LA, San Francisco, San Diego, and Sacramento markets. This was the largest buy on Spanish-language television for No on 8.

### 12. Yes on 8: “Eduardo Verástegui” aka “Hola”

- Cost: \$.52 m
- Air Dates: 10/27–11/3

Summary: Eduardo Verástegui, a popular Latino actor/singer, appeals to the audience to support Prop 8 for the good of Latino families and to protect children.



This Yes ad, released the same day as “No for Latinos,” was backed by the second highest dollar amount spent by Yes for an ad in Spanish. It was the only advertisement during the campaign to air only on Spanish television.

### 13. No on 8: “Feinstein” aka “Dianne”

- Cost: \$1.5m
- Air Dates: 10/28–11/4

Summary: Senator Dianne Feinstein says that Prop 8 would be a terrible mistake for California. It would change the constitution and remove fundamental rights. The message, “No matter how you feel about marriage, vote against discrimination” is introduced.

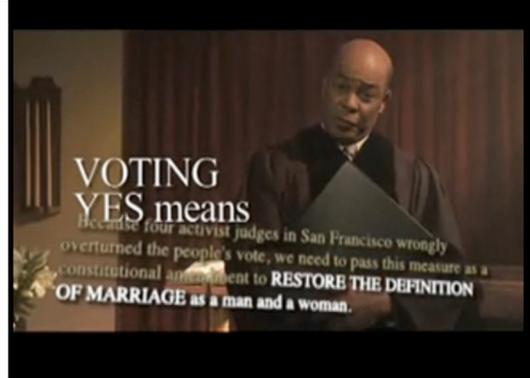


No initially replaced “O’Connell” with this spot, where U.S. Senator Feinstein speaks directly into the camera. After two days, this spot was placed in rotation with “Internment,” with “Internment” set to become 70% of the buy. Yet as late as October 30, according to the CMAG reports, this was the single-most-broadcasted ad of the day, with No spending \$431,000 on that day alone to air the spot 380 times (compared to \$341,000 to air “Internment” 128 times on the same day). The ad aired in seven markets (LA, San Francisco, San Diego, Sacramento, Santa Barbara, Monterey, and Palm Springs). Ad created by Mark Armour of Armour Griffin Media Group.

#### 14. Yes on 8: “Closer” aka “Thought about it”

- Cost: \$1.4m
- Air Dates: 10/28–11/4

Summary: The advertisement poses the question, “Same-sex marriage, have you really thought about it?” A clergyman, a doctor, and a mother ask how it will affect religious freedoms, how gay marriage differs from existing domestic partnerships, and how it will affect school curriculum.



For the final week, the Yes campaign put this summary spot in rotation in ten markets with “Princes” and “Field Trip.” From 10/30 on, Yes was spending about equally on this spot and “Field Trip” in English, spending significantly more on “Field Trip,” counting the buys on Spanish-language TV as well.

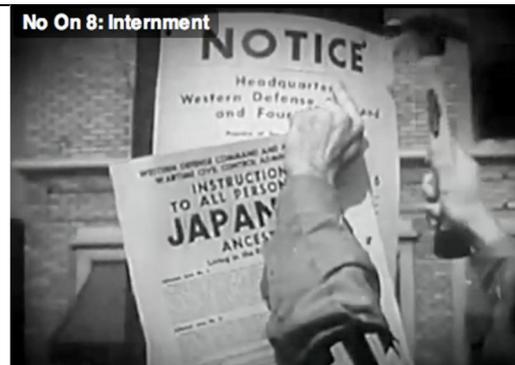
#### Spending Update:

In the two weeks prior to Election Day week, No again pulled ahead in spending. From 10/15 to 10/28, No spent \$7.4 million to Yes’s \$5.5 million.

#### 15. No on 8: “Internment” aka “Japanese” and “History Final”

- Cost: \$3.2
- Air Dates: 10/30–11/4

Summary: Samuel L. Jackson narrates about recent legal discrimination in California. He describes Japanese internment camps and laws prohibiting interracial marriage and Armenians purchasing property. The ad ends with the message that Prop 8 is unfair and wrong.



No used most of the points of either side in the closing week backing “Internment.” It became the fifth most aired spot, even though it ran only for the final five days, possibly the most concentrated buy of any ad. It ran in all nine markets in which the No campaign bought any airtime. On 11/2 alone, No spent \$1 million to air this spot (by comparison, the second most commonly aired spot on 11/2 was Obama, on which No spent \$364,000 that day). Chief proponent for the ad was Gail Kauffman; it was contracted to \_\_\_\_\_ for actual creation.

## 16. No on 8: “Parents”

- Cost: ?
- Air Dates: 10/30–11/3

Summary: Several parents share why they are voting No on 8. Their reasons include not wanting their children to grow up with discrimination, and wanting them to know to vote against intolerance.



No ran this ad on a small scale in the final week in LA, San Francisco, San Diego, and Sacramento; however, the ad was not picked up in tracking documents, so the exact size of the buy remains unknown.

## 17. No on 8: “I’m a Mom” aka “Moms”

- Cost: \$112,221
- Air Dates: 10/30–11/3

Summary: Five moms share that they are voting No on Prop 8 because they want their children to know about the American dream, dignity, compassion, and kindness. They say that gay marriage has nothing to do with schools.



No ran this ad on a small scale in the final week.

## “Obama” aka “Divisive”

- Cost: \$1.06m
- Air Dates: 11/1–11/4

Summary: This ad features the endorsements of Obama, Arnold Schwarzenegger, Dianne Feinstein, the California Teachers Association, and several prominent newspapers.



No used still photos and the endorsements of Obama and Schwarzenegger in this ad to preface a shortened version of the “Feinstein” ad. The ad aired in eight media markets (LA, San Francisco, San Diego, Sacramento, Santa Barbara, Monterey, Palm Springs, and Bakersfield). Ad created by Mark Armour of Armour Griffin Media Group

## 19. No on 8: “Mac vs PC” aka “I’m No” and “Amend Her”

- Cost: \$97,308
- Air Dates: 11/1–11/3

Summary: This ad, a parody of the computer ads, shows Yes on 8 trying to amend the constitution to “put a little discrimination in her.” It characterizes Yes on 8 as government interference and asks viewers to support marriage equality for everybody.

No On 8: Mac vs. PC



No ran this ad on a small scale in the final weekend on late night TV in LA, San Francisco, San Diego, and Sacramento. This thirty-second version of the spot followed the online creation and dissemination of three sixty-second spots taking the same general approach. Created by Dayna Frank and written by Ray Lancon.

### **Spending Update:**

During Election Day week, No doubled Yes’s spending totaling \$6.8 million dollars to Yes’s \$3.3 million.

## **Appendix E: Part 2**

### *Transcriptions of Advertisements*

#### **No on 8**

##### **Thorons**

*Sam Thoron:* "Julia and I have been married for 46 years."

*Julia Thoron:* "Together, we've raised three children who are now adults."

*Sam Thoron:* "My wife and I never treated our children differently. We never loved them any differently, and the law shouldn't treat them any differently either."

*Julia Thoron:* "If Prop 8 passes, our gay daughter and thousands of our fellow Californians will lose the right to marry. Please don't eliminate that right for anyone's family."

*Sam Thoron:* "Don't eliminate marriage for anyone. Vote no on Prop 8."

##### **Conversation**

*Woman 1:* "Here's Bob at the BBQ,"

*Woman 2 :* "Oh look at his sunburn."

*Woman 1:* "And here is our niece Maria and her partner, Juliet, at their wedding."

*Woman 2 :* "Listen, honestly, I just don't know how I feel about this same-sex marriage thing."

*Woman 1:* "No, it's okay, I really think it's fine if you don't know how you feel, but are you willing to eliminate rights and have our laws treat people differently?"

*Woman 2 :* "No."

*Announcer:* "Don't eliminate marriage for anyone, vote No on Prop 8."

##### **Lies**

*Announcer:* "Their attacks have come before, and they always use the same scare tactics. This time they want to eliminate rights and they're using lies to persuade you. Prop 8 will not affect church tax status, that's a lie. And it will not affect teaching in schools, another lie. It's time to shut down the scare tactics. Keep government out of all of our lives. Don't eliminate marriage for anyone. Vote No on Prop 8."

## **Unfair**

*Announcer:* “Why are Californians saying no on Prop 8? It’s a drastic step to strip people of rights, pushed by out-of-state special interests and a major threat to our basic constitutional protections. It’s unnecessary. No person should suffer discrimination. And California laws should treat everyone equally because regardless of how you feel about marriage, it’s wrong to treat people differently under the law. No on 8. Unfair. Unnecessary. And wrong.”

## **O’Connell**

*Announcer:* “Seen the TV ads for Prop 8? They’re “absolutely not true,” says California Superintendent of Public Schools.”

*Jack O’Connell:* “Prop 8 has nothing to do with schools or kids. Our schools aren’t required to teach anything about marriage. And using kids to lie about that is shameful.”

*Announcer:* “That’s why California teachers and every major newspaper say no on Prop 8. Because regardless of how you feel about marriage, it’s wrong to eliminate fundamental rights. No on 8, unfair and wrong.”

## **Ellen**

*Text :* A message from Ellen DeGeneres about Proposition 8.

*Ellen DeGeneres :* “Hi, I’m Ellen DeGeneres. I got to do something this year

I thought I’d never be able to do—I got married. It was the happiest day of my life. There are people out there raising millions of dollars trying to take that right away from me. You’ve seen their ads on TV. They’re twisting the truth and they’re trying to scare you. I believe in fairness. I believe in compassion. I believe in equality for all people. Proposition 8 does not. Please, please vote no on Prop 8.”

## **No for Latinos**

*Tony Plana:* “For Latinos, family is very important.”

*America Ferrera:* “That’s why we’re against Proposition 8.”

*Tony Plana:* “8 discriminate against our families and friends by eliminating their rights to a civil marriage.”

*Ana Ortiz:* “Laws should not be used to discriminate against anyone.”

*Tony Plana:* “Please don’t believe the lies. Proposition 8 has nothing to do with religion or schools.”

*America Ferrera:* “It’s about eliminating a human right.”

*Ana Ortiz:* “Join us.”

*Tony Plana:* “And vote no.”

*America Ferrera:* “Vote no.”

*Ana Ortiz:* “Vote no on 8.”

*Tony Plana:* “It’s a bad law, and it’s unfair.”

## **Feinstein**

*Diane Feinstein:* “I’ve seen discrimination, and I see it again in Proposition 8. 8 would be a terrible mistake for California. It changes our constitution, eliminates fundamental rights, and treats people differently under the law. Proposition 8 is not about schools or kids, it’s about discrimination. And we must always say no to that. No matter how you feel about marriage, vote against discrimination, and vote No on 8.”

## **Internment**

*Samuel L. Jackson:* “It wasn’t that long ago that discrimination was legal in California. Japanese-Americans were confined in internment camps, Armenians couldn’t buy a house in the Central Valley, Latinos and African-Americans were told who they could and could not marry. It was a sorry time in our history. Today, the sponsors of Prop 8 want to eliminate fundamental rights. We have an obligation to pass along to our children a more tolerant, more decent society. Vote no on Prop 8. It’s unfair, and it’s wrong.”

## **I'm a Mom**

*Various Women:* "Hi." "Hi." "Hi." "Hi, I'm a mom living right here in California. "And so am I." "And so am I." "And so am I." "On November 4th I'm voting no on Prop 8 because I want my kids to know about the American dream. About dignity, compassion, and kindness. We refuse to be scared by all the lies about what will be taught in school. So, on behalf of so many moms across California say no, say no, vote no, no to Prop 8. It's unfair and wrong. Vote no on Proposition 8. Thank you."

## **Obama**

*Announcer:* "Barack Obama says no on 8. It's divisive and discriminatory. Arnold Schwarzenegger says it should never happen. Prop 8 eliminates rights says Dianne Feinstein. It's a terrible mistake. It will not affect teaching in our schools say California's teachers. It's intolerant, offensive, and the law should not discriminate."

*Dianne Feinstein:* "No matter how you feel about marriage, vote against discrimination and vote no on 8."

## **Mac vs PC**

*Man 1:* "Hello, I'm no on Prop 8."

*Man 2:* "And, I'm yes."

*Woman:* "And, I'm the California Constitution."

*Man 2:* "Whoa, I'm totally going to amend her."

*Man 1:* "What?"

*Man 2:* "Yeah."

*Man 1:* "She's perfect the way she is."

*Man 2:* Yeah, but she'd be even better with a little discrimination in her... you know what I mean? What's up? What are you into?"

*Woman:* "Well, equality. What are you into?"

*Man 2:* "Deciding what's appropriate for everyone else. Government interference and judgment."

*Man 1:* "Leave our constitution alone. Support marriage equality for everyone. Vote no on Prop 8."

## Yes on 8

### Newsom

*Newsom:* "This door's wide open now! It's gonna happen. Whether you like it or not."

*Announcer:* "Four judges ignored four million voters and imposed same sex marriage on California. It's no longer about tolerance, acceptance of gay marriage is now mandatory."

*Peterson:* "That changes a lot of things. People sued over personal beliefs. Churches could lose their tax exemption. Gay marriage taught in public schools."

*Announcer:* "We don't have to accept this."

*Newsom:* "Whether you like it or not."

*Announcer:* "Yes on 8."

### Princes

*Girl:* "Look what I learned in school today."

*Woman:* "What, sweetie?"

*Girl:* "I learned how a prince married a prince, and I can marry a princess!"

*Richard Peterson:* "Think it can't happen? It's already happened. When Massachusetts legalized gay marriage, schools began teaching second graders that boys can marry boys. The courts ruled parents had no right to object."

*Announcer:* "Under California law, public schools instruct kids about marriage, teaching children unless we pass Proposition 8. Yes on 8."

## **Massachusetts**

*Announcer:* "Some say that gay marriage doesn't have anything to do with school."

*Woman:* "But it has everything to do with school."

*Robin Wirthlin:* "After Massachusetts legalized gay marriage, our son came home and told us the school taught him that boys can marry other boys. He's in second grade."

*Robb Wirthlin:* "We tried to stop public schools from teaching children about gay marriage, but the court said we had no right to object or pull him out of class."

*Woman:* "It's already happened in Massachusetts. Gay marriage will be taught in our schools unless we vote yes on Proposition 8."

## **Field Trip**

*Announcer:* Opponents of Proposition 8 said gay marriage had nothing to do with schools. Then a public school took first graders to a lesbian wedding, calling it a teachable moment. Now a liberal education politician says schools aren't required to teach about marriage. Yet his official Web site confirms teaching marriage is required in 96 percent of schools and a leading Prop 8 opponent has warned parents cannot remove children from this instruction. Children will be taught about gay marriage unless we vote yes on Proposition 8.

## **Eduardo Veràstegui—Translated from Spanish**

*Veràstegui:* "Hello, I'm Eduardo Veràstegui. I want to take this time to urge you to vote yes on Proposition 8. As a Latino man who is proud of my community, I think it's important for us to fight to define marriage as between one man and one woman. I think this is very important for our children, who depend on us to receive the love of a father and a mother. Vote yes on Proposition 8."

*Announcer:* Protect our children and marriage. Vote yes on Proposition 8.

## **Closer**

Announcer: Same-sex marriage, have you really thought about it?

Clergyman: "What it means when gay marriage conflicts with our religious freedoms.

Doctor/ Businessman: Why it was forced on us by San Francisco judges, when gay domestic partners already have the same rights. What it means when our children are taught about it in school."

Announcer: Have you thought about what same-sex marriage means?

Little Girl: "To me."

*Announcer: Think about it. Voting Yes restores traditional marriage. Yes on Proposition 8.*

## Appendix E: Part 3

### Advertisement Spending by Market and Time

No on 8

“Thorons”

	9/22–9/23			9/24–9/30		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Los Angeles	\$77,711	31	13	\$520,581	208	110
Monterey	\$10,646	133	38	\$20,999	262	90
Palm Springs	\$0	0	0	\$4,170	36	12
Sacramento	\$18,371	58	11	\$62,432	197	64
San Diego	\$31,875	92	42	\$81,656	235	105
San Francisco	\$168,969	136	91	\$363,009	293	206
Santa Barbara	\$8,795	116	61	\$21,840	289	140
Weekly Totals	\$316,367	566	256	\$1,074,687	1,519	727

**“Thorons”-Cont.**

	10/1-10/7			10/8-10/14		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Los Angeles	\$588,104	235	165	\$179,455	72	59
Monterey	\$10,800	135	42	\$7,976	99	35
Palm Springs	\$12,634	108	42	\$11,043	95	51
Sacramento	\$96,678	305	105	\$45,850	145	58
San Diego	\$36,747	106	41	\$39,726	114	50
San Francisco	\$219,252	177	101	\$120,810	97	77
Santa Barbara	\$8,529	113	62	\$7,034	93	70
Weekly Totals	\$972,744	1,178	558	\$411,894	715	400

**Totals**                      **\$2,775,692**                      **3,979**                      **1,941**

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**“Conversation”**

	10/1–10/7			10/8–10/14		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Los Angeles	\$112,065	45	14	\$257,686	103	48
Monterey	\$0	0	0	\$10,971	137	33
Palm Springs	\$2,120	18	11	\$6,479	55	32
Sacramento	\$9,539	30	12	\$30,482	96	33
San Diego	\$13,725	40	11	\$36,150	104	41
San Francisco	\$67,929	55	30	\$119,411	96	50
Santa Barbara	\$0	0	0	\$9,049	120	34
Weekly Totals	\$205,378	187	78	\$470,228	711	271

**Totals**                      **\$675,606**                      **899**                      **349**

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**“Lies”**

	10/8–10/14			10/15–10/21		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Los Angeles	\$234,204	93	41	\$0	0	0
Monterey	\$7,148	89	28	\$0	0	0
Palm Springs	\$7,129	61	22	\$0	0	0
Sacramento	\$52,730	166	36	\$0	0	0
San Diego	\$31,345	90	25	\$0	0	0
San Francisco	\$107,578	87	40	\$1,500	1	2
Santa Barbara	\$5,061	67	33	\$0	0	0
Weekly Totals	\$445,195	654	225	\$1,500	1	2

**Totals**                      **\$446,695**                      **655**                      **227**

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**“Unfair”**

	10/8–10/14			10/15–10/21		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Los Angeles	\$172,379	69	27	\$1,665,138	664	367
Monterey	\$0	0	0	\$34,234	427	109
Palm Springs	\$2,602	22	10	\$24,220	207	110
Sacramento	\$3,151	10	6	\$190,337	601	207
San Diego	\$13,597	39	14	\$145,293	418	124
San Francisco	\$32,771	26	18	\$831,604	671	376
Santa Barbara	\$2,157	29	6	\$26,060	345	124
Weekly Totals	\$226,657	195	81	\$2,916,886	3,334	1,417

**“Unfair” Cont.**

	10/22–10/28		
	\$ Spent	Est. GRPs	Spot Count
Los Angeles	\$315,298	126	99
Monterey	\$13,568	169	47
Palm Springs	\$4,201	36	24
Sacramento	\$29,642	94	53
San Diego	\$19,779	57	50
San Francisco	\$91,338	74	78
Santa Barbara	\$1,605	21	27
Weekly Totals	\$475,431	576	378

**Totals**                      **\$3,618,974**                      **4,105**                      **1,876**

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**“O’Connell”**

	10/22–10/28			10/29–EDay		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Los Angeles	\$1,831,832	731	463	\$67,613	27	27
Monterey	\$38,003	474	135	\$0	0	0
Palm Springs	\$46,084	394	198	\$0	0	0
Sacramento	\$269,650	851	319	\$0	0	0
San Diego	\$236,196	680	264	\$0	0	0
San Francisco	\$850,072	686	456	\$0	0	0
Santa Barbara	\$36,754	486	210	\$0	0	0
Weekly Totals	\$3,308,591	4,303	2,045	\$67,613	27	27

**Totals**                      **\$3,376,204**                      **4,330**                      **2,072**

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**“Ellen”**

	10/22–10/28			10/29–EDay		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Los Angeles	\$29,818	12	21	\$12,034.0	5	8
San Francisco	\$22,493	18	24	\$4,290.0	3	5
Weekly Totals	\$52,311	30	45	\$16,324.0	8	13

**Totals**                      **\$68,635**                      **38**                      **58**

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**“No for Latinos”**

	10/22–10/28			10/29–EDay		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Fresno	\$0	0	0	\$28,589	190	51
Los Angeles	\$0	0	0	\$84,875	34	5
Palm Springs	\$1,084	9	7	\$5,899	50	24
Sacramento	\$0	0	0	\$11,012	35	2
San Diego	\$0	0	0	\$6,370	18	2
San Francisco	\$0	0	0	\$111,146	90	6
Santa Barbara	\$0	0	0	\$3,286	43	4
Weekly Totals	\$1,084	9	7	\$251,177	460	94

**Totals**                      **\$252,261**                      **470**                      **101**

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**“No for Latinos” SP**

	10/22–10/28			10/29–EDay		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Los Angeles	\$143,288	57	62	\$586,283	234	223
Sacramento	\$9,952	31	14	\$51,841	164	79
San Diego	\$25,159	72	42	\$96,835	279	184
San Francisco	\$17,992	15	29	\$140,091	113	185
Weekly Totals	\$196,391	176	147	\$875,050	790	671

**Totals**                      **\$1,071,441**                      **965**                      **818**

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**“Feinstein”**

	10/22–10/28			10/29–EDay		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Los Angeles	\$275,340	110	46	\$563,331	225	213
Monterey	\$0	0	0	\$16,204	202	68
Palm Springs	\$5,106	44	22	\$15,154	130	83
Sacramento	\$30,258	96	33	\$98,045	310	154
San Diego	\$30,515	88	39	\$77,652	224	177
San Francisco	\$62,929	51	47	\$332,745	268	248
Santa Barbara	\$950	13	10	\$6,117	81	74
Weekly Totals	\$405,098	400	197	\$1,109,248	1,439	1,017

**Totals**                      **\$1,514,346**                      **1,839**                      **1,214**

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**“Internment”**

	10/29–EDay		
	\$ Spent	Est. GRPs	Spot Count
Bakersfield	\$5,251	75	56
Fresno	\$55,945	371	107
Los Angeles	\$1,867,494	745	414
Monterey	\$19,795	247	65
Palm Springs	\$14,103	121	71
Sacramento	\$198,664	627	296
San Diego	\$297,412	856	352
San Francisco	\$730,184	589	458
Santa Barbara	\$21,356	283	88
<b>Totals</b>	<b>\$3,210,204</b>	<b>3,914</b>	<b>1,907</b>

**“I’m a Mom”**

	<b>10/29–EDay</b>		
	<b>\$ Spent</b>	<b>Est. GRPs</b>	<b>Spot Count</b>
Los Angeles	\$60,325	24	49
Sacramento	\$10,066	32	24
San Diego	\$16,356	47	49
San Francisco	\$25,474	21	42
<b>Totals</b>	<b>\$112,221</b>	<b>124</b>	<b>164</b>

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**“Obama”**

	<b>10/29–EDay</b>		
	<b>\$ Spent</b>	<b>Est. GRPs</b>	<b>Spot Count</b>
Bakersfield	\$3,088	44	24
Los Angeles	\$572,005	228	135
Monterey	\$3,449	43	10
Palm Springs	\$2,493	21	20
Sacramento	\$49,483	156	93
San Diego	\$83,068	239	98
San Francisco	\$340,333	275	220
Santa Barbara	\$3,219	43	13

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**Totals**                      **\$1,057,138**                      **1,049**                      **613**

**“Mac vs PC”**

	<b>10/29–EDay</b>		
	<b>\$ Spent</b>	<b>Est. GRPs</b>	<b>Spot Count</b>
Los Angeles	\$30,378	12	17
Sacramento	\$18,179	57	34
San Diego	\$8,266	24	15
San Francisco	\$40,485	33	18
<b>Totals</b>	<b>\$97,308</b>	<b>126</b>	<b>84</b>

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**Yes on 8**

**“Newsom”**

	9/24–9/30			10/1–10/7		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Bakersfield	\$10,896	155	85	\$23,889	340	194
Chico-Redding	\$5,325	197	62	\$12,091	448	134
Fresno	\$20,104	133	69	\$78,255	519	220
Los Angeles	\$315,239	126	111	\$880,730	351	261
Monterey	\$17,527	218	59	\$45,260	564	180
Palm Springs	\$13,516	116	92	\$38,624	331	228
Sacramento	\$53,371	169	72	\$177,939	562	201
San Diego	\$54,045	156	92	\$166,482	479	212
San Francisco	\$115,919	94	99	\$410,265	331	282
Santa Barbara	\$10,867	144	86	\$31,924	422	221
Weekly Totals	\$616,809	1,507	827	\$1,865,459.00	4,348	2,133

**“Newsom” Cont.**

	10/8–10/14			10/15–10/21		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Bakersfield	\$3,817	54	35	\$-	0	0
Chico-Redding	\$3,168	117	37	\$-	0	0
Fresno	\$6,091	40	22	\$-	0	0
Los Angeles	\$108,478	43	37	\$-	0	0
Monterey	\$9,931.00	124	40	\$-	0	0
Palm Springs	\$1,903	16	22	\$-	0	0
Sacramento	\$35,599	112	46	\$488	2	2
San Diego	\$10,421	30	26	\$438	1	2
San Francisco	\$30,832	25	24	\$-	0	0
Santa Barbara	\$13,053	173	90	\$5,562	74	33
Weekly Totals	\$223,293	735	379	\$6,488	76	37

**Totals**                      **\$2,712,049**                      **6,667**                      **3,376**

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**“Princes” SP**

	10/1–10/7			10/8–10/14		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Fresno	\$6,463	43	10	\$12,647	84	21
Los Angeles	\$1,406	1	2	\$233,435	93	53
Sacramento	\$2,057	6	3	\$17,573	55	25
San Diego	\$12,767	37	26	\$28,972	83	44
San Francisco	\$0	0	0	\$0	0	0
Weekly Totals	\$22,693	87	41	\$292,627	316	143

**“Princes” SP  
continued**

	10/15–10/21			10/22–10/28		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Fresno	\$13,754	91	24	\$33,079	219	56
Los Angeles	\$122,520	49	34	\$279,511	112	69
Sacramento	\$15,259	48	21	\$27,374	86	48
San Diego	\$27,416	79	48	\$41,673	120	76
San Francisco	\$0	0	0	\$1,225	1	1
Weekly Totals	\$178,949	267	127	\$382,862	538	250

**“Princes” SP  
continued**

	10/29-EDay		
	\$ Spent	Est. GRPs	Spot Count
Fresno	\$49,414	328	93
Los Angeles	\$0	0	0
Sacramento	\$0	0	0
San Diego	\$0	0	0
San Francisco	\$1,961	2	3
Weekly Totals	\$51,375	329	96

**Totals**                      **\$928,506**                      **1,538**                      **657**

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**“Massachusetts”**

	10/15–10/21			10/22–10/28		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Bakersfield	\$11,553	164	83	\$18,945	270	131
Chico-Redding	\$7,360	273	76	\$11,186	414	103
Fresno	\$19,933	132	70	\$31,285	208	108
Los Angeles	\$344,637	138	88	\$1,049,336	419	209
Monterey	\$16,172	202	69	\$38,469	479	151
Palm Springs	\$18,326	157	93	\$21,298	182	132
Sacramento	\$57,335	181	78	\$136,281	430	132
San Diego	\$52,450	151	81	\$140,041	403	144
San Francisco	\$156,778	126	105	\$261,612	211	178
Santa Barbara	\$9,057	120	78	\$19,121	253	129
Weekly Totals	\$693,601	1,644	821	\$1,727,574	3,270	1,417

**“Massachusetts”  
continued**

	10/29-EDay		
	\$ Spent	Est. GRPs	Spot Count
Bakersfield	\$-	0	0
Chico-Redding	\$-	0	0
Fresno	\$-	0	0
Los Angeles	\$-	0	0
Monterey	\$-	0	0
Palm Springs	\$-	0	0
Sacramento	\$-	0	0
San Diego	\$215	1	1
San Francisco	\$-	0	0
Santa Barbara	\$-	0	0
Weekly Totals	\$215	1	1

**Totals** **\$2,421,390** **4,914** **2,239**



**“Field Trip” SP**

	<b>10/29–EDay</b>		
	<b>\$ Spent</b>	<b>Est. GRPs</b>	<b>Spot Count</b>
Fresno	\$1,055	7	5
Los Angeles	\$243,577	97	63
Sacramento	\$29,070	92	46
San Diego	\$40,908	118	80
San Francisco	\$88,100	71	93
<b>Totals</b>	<b>\$402,710</b>	<b>385</b>	<b>287</b>

**“Eduardo Veràstegui” SP**

	10/22–10/28			10/29–EDay		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Fresno	\$779	5	3	\$1,508	10	8
Los Angeles	\$82,939	33	20	\$221,728	88	69
Sacramento	\$2,919	9	5	\$29,633	94	47
San Diego	\$37,407	108	70	\$43,111	124	90
San Francisco	\$-	0	0	\$101,887	82	108
Weekly Totals	\$124,044	155	98	\$397,867	398	322

**Totals**                      **\$521,911**                      **554**                      **420**

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**“Closer”**

	10/22–10/28			10/29–EDay		
	\$ Spent	Est. GRPs	Spot Count	\$ Spent	Est. GRPs	Spot Count
Bakersfield	\$0	0	0	\$7,804	111	52
Chico-Redding	\$0	0	0	\$5,486	203	63
Fresno	\$4,357	29	10	\$32,325	214	80
Los Angeles	\$103,054	41	16	\$747,204	298	168
Monterey	\$0	0	0	\$17,051	213	77
Palm Springs	\$2,414	21	11	\$12,721	109	81
Sacramento	\$20,624	65	10	\$121,418	383	117
San Diego	\$13,073	38	15	\$110,699	319	97
San Francisco	\$21,379	17	16	\$183,420	148	108
Santa Barbara	\$2,165	29	18	\$11,801	156	92
Weekly Totals	\$167,066	239.36	96.00	\$1,249,929	2,155	935

**Totals**                      **\$1,416,995**                      **2,394**                      **1,031**

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## **Appendix E: Part 4**

### *Broadcast Purchases for No and Yes on 8 by Media Market and Time*

No on 8 bought ads in eight of the fourteen media markets that cover California. Yes on 8 bought in eleven of the fourteen media markets.

#### **Where No on 8 did not buy TV, or bought very little TV**

The eight media markets that the No on 8 campaign bought included forty of California's fifty-eight counties and reached 92% of all voters who cast ballots in the 2008 presidential election.

No on 8 did not make significant purchases in the remaining six markets. No on 8 omitted the six markets for two reasons: (a) three of the markets are based out of state and any ads purchased would have primarily reached non-Californians; and (b) three of the markets are not historically competitive for progressive campaigns.

The three out-of-state media markets that also reach parts of California cover five of the eighteen counties where No on 8 did not purchase media. In northern California, Modoc and Siskiyou counties fall within the Medford, Oregon, market. In eastern and southern California, Alpine and Mono counties are part of the Reno, Nevada, market. Imperial County gets its TV from Yuma, Arizona. It is not efficient to reach voters in these counties by purchasing out-of-state air time; the vast majority of the viewers an advertiser would be paying to reach would be non-Californians.

The three historically noncompetitive markets are Chico-Redding, Fresno, and Bakersfield.

Together, they cover the remaining thirteen counties: Fresno, Kings, Madera, Mariposa, Merced, Tulare, Butte, Glenn, Lassen, Shasta, Tehama, Trinity, and Kern counties.

The three tables below demonstrate the difficulty that progressive candidates and causes have had in these areas of the state in six recent campaigns. In each campaign examined, the progressive side ran far behind in these areas compared to how it did statewide. In Bakersfield, progress performance was 17–23 points behind the statewide average; in Fresno, it was 12–19 points behind; and in Chico-Redding, 4–16 points behind.

Here's how to read the tables. The first column shows the six different campaigns we examined. The campaigns include both votes on same-sex marriage (Prop 22 in 2000, and Prop 8 in 2008), three votes on anti-choice parental notification requirements (Prop 73 in 2005, Prop 85 in 2006, and Prop 4 in 2008), and the 2008 presidential contest between Obama and McCain. The second column shows the percentage of the vote received by the nonprogressive, or conservative, side of the state (Chico-Redding in the first table, Bakersfield in the second, and Fresno in the third). The third column shows by comparison the percentage of the vote received by the nonprogressive side statewide; the fourth column calculates the difference between the two, showing how much further behind the progressive side ran in conservative areas as opposed to how it fared statewide; and the final column provides, for an additional point of comparison, how the nonprogressive side fared in the LA media market in the same contests.

% Votes Against	Chico-Redding	Statewide	Margin vs Statewide	LA
2008: Prop 8	58.77%	52.30%	-6.47	50.10%
2008: Obama	55.32%	39.00%	-16.32	28.90%
2008: Prop 4	52.25%	48.00%	-4.25	46.20%
2006: Prop 85	50.90%	45.80%	-5.10	44.10%
2005: Prop 73	55.64%	47.20%	-8.44	42.90%
2000: Prop 22	74.21%	61.40%	-12.81	58.60%

% Votes Against	Bakersfield	Statewide	Margin vs Statewide	LA
2008: Prop 8	75.00%	52.30%	-22.70	50.10%
2008: Obama	58.00%	39.00%	-19.00	28.90%
2008: Prop 4	65.50%	48.00%	-17.50	46.20%
2006: Prop 85	62.70%	45.80%	-16.90	44.10%
2005: Prop 73	64.90%	47.20%	-17.70	42.90%
2000: Prop 22	80.00%	61.40%	-18.60	58.60%

% Votes Against	Fresno	Statewide	Margin vs Statewide	LA
2008: Prop 8	70.82%	52.30%	-18.52	50.10%
2008: Obama	50.75%	39.00%	-11.75	28.90%
2008: Prop 4	62.10%	48.00%	-14.10	46.20%
2006: Prop 85	59.47%	45.80%	-13.67	44.10%
2005: Prop 73	64.38%	47.20%	-17.18	42.90%
2000: Prop 22	77.63%	61.40%	-16.23	58.60%

In light of these trends, it is understandable that with limited resources, the No on 8 campaign made very small investments in mass communications in these areas. When fundraising surged, No on 8 added small TV air time purchases in Fresno and Bakersfield in the final week of the campaign, but none of the three were included in original plans or saw significant purchases in September.

### **Going forward**

What remains unknown, and worthy of further exploration well in advance of any future campaign on same-sex marriage, is whether there are strong opportunities to engage in voter persuasion in Fresno, Bakersfield, Chico-Redding, and other more rural areas.

Timing is crucial, however. Gauging the opportunities well in advance would almost certainly be a necessary prerequisite for any future campaign to reconsider the choices made by No on 8 and most other progressive campaigns. That's because all campaigns, particularly in a state as large as California, are faced with difficult decisions about how to spend their limited resources. While we do not know for certain all the types of voters moveable on same-sex marriage, this report documents that No on 8 lost the most ground among voters within our base and that there was essentially no movement among the opposition's base, eg, among Republicans, during the campaign (see Finding 1). To win at the ballot box, any future campaign will need to hold onto more of those who start out on our side and move more voters to be with us; it's very

hard to imagine how we could win if we again hemorrhaged significant support from our base. Thus, any future campaign is very likely to invest resources in areas where base voters have proven susceptible to the anti-gay arguments used by Yes on 8. Until we have data that show significant and powerful persuasion opportunities in conservative and Republican strongholds, traditionally anti-progressive parts of the state will continue to be candidates for more limited and targeted voter communications, not large-scale investment or untargeted educational effort.

The following tables are a breakdown of broadcast spending in each media market for each week for both sides of the campaign.

**Bakersfield**

	No on 8—4% of \$				Yes on 8—96% of \$		
	BC Spending	Est GRPs	Spot Count		Spending	Est GRPs	Spot Count
9/22–9/23	\$0	0	0		\$0	0	0
9/24–9/30	\$0	0	0		\$10,896	155	85
10/1–10/7	\$0	0	0		\$23,889	340	194
10/8–10/14	\$0	0	0		\$28,862	411	216
10/15–10/21	\$0	0	0		\$29,344	417	212
10/22–10/28	\$0	0	0		\$26,251	373	184
10/29–EDay	\$8,339	119	80		\$21,440	305	154

<b>Totals</b>	<b>\$8,339</b>	<b>119</b>	<b>80</b>		<b>\$238,484</b>	<b>3,393</b>	<b>1,782</b>
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**Chico-Redding**

No on 8—0% of \$				Yes on 8—100% of \$		
Spending	Est GRPs	Spot Count		Spending	Est GRPs	Spot Count

9/22–9/23	\$0	0	0		\$0	0	0
9/24–9/30	\$0	0	0		\$10,896	155	85
10/1–10/7	\$0	0	0		\$23,889	340	194
10/8–10/14	\$0	0	0		\$28,862	411	216
10/15–10/21	\$0	0	0		\$29,344	417	212
10/22–10/28	\$0	0	0		\$26,251	373	184
10/29–EDay	\$0	0	0		\$21,440	305	154

<b>Totals</b>	\$0	0	0		<b>\$140,682</b>	<b>2,001</b>	<b>1,045</b>
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**Fresno**

	No on 8—15% of \$				Yes on 8—85% of \$		
	Spending	Est GRPs	Spot Count		Spending	Est GRPs	Spot Count
9/22–9/23	\$0	0	0		\$0	0	0
9/24–9/30	\$0	0	0		\$20,104	133	69
10/1–10/7	\$0	0	0		\$84,718	562	230
10/8–10/14	\$0	0	0		\$89,765	596	244
10/15–10/21	\$0	0	0		\$77,548	515	221
10/22–10/28	\$0	0	0		\$86,391	573	231
10/29–EDay	\$84,534	561	158		\$113,911	756	269

<b>Totals</b>	<b>\$84,534</b>	<b>561</b>	<b>158</b>		<b>\$472,437</b>	<b>3,135</b>	<b>1,264</b>
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**Los Angeles**

	No on 8—57% of \$				Yes on 8—43% of \$		
	Spending	Est GRPs	Spot Count		Spending	Est GRPs	Spot Count
9/22–9/23	\$77,711	31	13		\$0	0	0
9/24–9/30	\$520,581	208	110		\$315,239	126	111
10/1–10/7	\$700,169	279	179		\$882,136	352	263
10/8–10/14	\$843,724	337	175		\$1,304,140	520	343
10/15–10/21	\$1,665,138	664	367		\$1,137,062	454	343
10/22–10/28	\$2,595,576	1036	691		\$2,151,786	859	437
10/29–EDay	\$3,844,338	1534.053472	1091		\$1,915,773	764	477
<b>Totals</b>	<b>\$10,247,237</b>	<b>4,089</b>	<b>2,626</b>		<b>\$7,706,136</b>	<b>3,075</b>	<b>1,974</b>

**Monterey**

	No on 8—44% of \$				Yes on 8—56% of \$		
	Spending	Est GRPs	Spot Count		Spending	Est GRPs	Spot Count
9/22–9/23	\$10,646	133	38		\$0	0	0
9/24–9/30	\$20,999	262	90		\$17,527	218	59
10/1–10/7	\$10,800	135	42		\$45,260	564	180
10/8–10/14	\$26,095	325	96		\$51,499	642	200
10/15–10/21	\$34,234	427	109		\$47,642	594	190
10/22–10/28	\$51,571	643	182		\$47,624	594	195
10/29–EDay	\$39,448	492	143		\$35,432	442	156

<b>Totals</b>	<b>\$193,793</b>	<b>2,415</b>	<b>700</b>		<b>\$244,984</b>	<b>3,053</b>	<b>980</b>
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**Palm Springs**

	No on 8—47% of \$				Yes on 8—53% of \$		
	Spending	Est GRPs	Spot Count		Spending	Est GRPs	Spot Count
9/22–9/23	\$0	0	0		\$0	0	0
9/24–9/30	\$4,170	36	12		\$13,516	116	92
10/1–10/7	\$14,754	126	53		\$38,624	331	228
10/8–10/14	\$27,253	233	115		\$34,401	294	235
10/15–10/21	\$24,220	207	110		\$39,135	335	222
10/22–10/28	\$56,475	483	251		\$33,107	283	199
10/29–EDay	\$37,649	322	198		\$27,686	237	158

<b>Totals</b>	<b>\$164,521</b>	<b>1,408</b>	<b>739</b>		<b>\$186,469</b>	<b>1,596</b>	<b>1,134</b>
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**San Diego**

	No on 8—51% of \$				Yes on 8—49% of \$		
	Spending	Est GRPs	Spot Count		Spending	Est GRPs	Spot Count
9/22–9/23	\$31,875	92	42		\$0	0	0
9/24–9/30	\$81,656	235	105		\$54,045	156	92
10/1–10/7	\$50,472	145	52		\$179,249	516	238
10/8–10/14	\$120,818	348	130		\$202,622	583	267
10/15–10/21	\$145,293	418	124		\$181,229	522	261
10/22–10/28	\$311,649	897	395		\$344,004	991	399
10/29–EDay	\$585,959	1,687	877		\$307,275	885	367

<b>Totals</b>	<b>\$1,327,722</b>	<b>3,823</b>	<b>1,725</b>		<b>\$1,268,424</b>	<b>3,653</b>	<b>1,624</b>
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**Sacramento**

	No on 8—52% of \$				Yes on 8—48% of \$		
	Spending	Est GRPs	Spot Count		Spending	Est GRPs	Spot Count
9/22–9/23	\$18,371	58	11		\$0	0	0
9/24–9/30	\$62,432	197	64		\$53,371	169	72
10/1–10/7	\$106,217	335	117		\$179,996	568	204
10/8–10/14	\$132,213	417	133		\$204,608	646	228
10/15–10/21	\$190,337	601	207		\$168,648	532	218
10/22–10/28	\$339,502	1,072	419		\$265,473	838	269
10/29–EDay	\$437,290	1,381	682		\$315,419	996	335

<b>Totals</b>	<b>\$1,286,362</b>	<b>4,062</b>	<b>1,633.00</b>		<b>\$1,187,515</b>	<b>3,750</b>	<b>1,326.00</b>
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**San Francisco**

	No on 8—68% of \$				Yes on 8—32% of \$		
	Spending	Est GRPs	Spot Count		Spending	Est GRPs	Spot Count
9/22–9/23	\$168,969	136	91		\$0	0	0
9/24–9/30	\$363,009	293	206		\$115,919	94	99
10/1–10/7	\$287,181	232	131		\$410,265	331	282
10/8–10/14	\$380,570	307	185		\$353,096	285	262
10/15–10/21	\$833,104	672	378		\$416,091	336	285
10/22–10/28	\$1,044,824	843	634		\$410,014	331	286
10/29–EDay	\$1,724,748	1,392	1,182		\$521,910	421	431

<b>Totals</b>	<b>\$4,802,405</b>	<b>3,875</b>	<b>2,807</b>		<b>\$2,227,295</b>	<b>1,797</b>	<b>1,645</b>
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**Santa Barbara**

	No on 8—49% of \$				Yes on 8—51% of \$		
	Spending	Est GRPs	Spot Count		Spending	Est GRPs	Spot Count
9/22–9/23	\$8,795	116	61		\$0	0	0
9/24–9/30	\$21,840	289	140		\$10,867	144	86
10/1–10/7	\$8,529	113	62		\$31,924	422	221
10/8–10/14	\$23,301	308	143		\$41,426	548	275
10/15–10/21	\$26,060	345	124		\$28,863	382	217
10/22–10/28	\$39,309	520	247		\$29,775	394	213
10/29–EDay	\$33,978	450	179		\$26,214	347	189

<b>Totals</b>	<b>\$161,812</b>	<b>2,142</b>	<b>956</b>		<b>\$169,069</b>	<b>2,238</b>	<b>1,201</b>
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## Appendix E: Part 5

### Cable Purchases for No on 8 by Market and Time

	Bakersfield		Fresno		Los Angeles	
	Est GRPs	Spending	Est GRPs	Spending	Est GRPs	Spending
9/22–9/23			0		9	\$20,492
9/24–9/30	0		0		58	\$137,272
10/1–10/7	0		0		78	\$184,628
10/8–10/14	0		0		95	\$222,482
10/15–10/21	0		0		187	\$439,081
10/22–10/28	0		0		291	\$684,429
10/29–EDay	40	\$4,320	164	\$46,130	431	\$1,013,716

<b>Total</b>	<b>40</b>	<b>\$4,320</b>	<b>164</b>	<b>\$46,130</b>	<b>1139</b>	<b>\$2,681,608</b>
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	San Diego		Santa Barbara	
	Est GRPs	Spending	Est GRPs	Spending
9/22–9/23	18	\$8,794	30	\$4,472
9/24–9/30	45	\$22,528	76	\$11,105
10/1–10/7	28	\$13,925	30	\$4,337
10/8–10/14	67	\$33,333	81	\$11,848
10/15–10/21	80	\$40,085	90	\$13,251
10/22–10/28	172	\$85,982	136	\$19,988
10/29–EDay	323	\$161,662	118	\$17,278
<b>Total</b>	<b>733</b>	<b>\$366,310</b>	<b>561</b>	<b>\$82,280</b>

## **Appendix E: Part 6**

### *Notes on Methodology*

#### **Broadcast Purchases**

Tracking and source documents offer broadcast purchases in dollars spent in each media market each day. We converted this into gross rating points (GRPs), which are the units used to measure media purchases. The tracking documents have lower totals of money spent than the planning documents, and it is possible that these charts underestimate the money spent and resulting GRPs.

#### **Weekly Totals**

First, we separated the raw data of dollars spent on each advertisement by day and by media market. Then, we aggregated these into weekly totals with the week ending on Tuesday to account for Election Day.

It is important to note that buys are sometimes split between weeks and thus can appear less significant in our charts depending on how the buy was situated. For instance, if an ad was backed by 500 GRPs for one week from Friday to Thursday (a minimally significant buy), this would be represented in our charts as some combination of the buy split between two weeks. The charts are meant to give an overview of the spending that occurred, and do not necessarily reflect the precision of the buy strategy.

#### **Converting to GRPs**

To convert the weekly spending totals into GRPs we used average prices per GRP within each market. For big markets (such as LA and San Francisco) we assumed a 15% discount on the *average* price per point; for all other markets we assumed a 10% discount on the *low average* price per point. We based this formula off of the recommendations of a media professional to estimate the prices during the 2008 campaign.

GRPs cost different amounts depending on the media market and the timeslot. For context, the average price per point we used to calculate LA GRPs is \$2,506, while the average price per point in Santa Barbara is \$76.

#### ***Example***

Tracking documents show that No on 8 spent a total of \$520,582 to air “Thorons” in LA from 9/24 to 9/30. We divide the average price per point into the total money spent for estimated GRPs.

\$ spent / Avg price = Estimated GRPs.

\$520,582 / \$ 2,506 = 208 GRPs

Thus, we estimate that No on 8 purchased 208 GRPs to air “Thorons” for that week in the LA media market.

## **Cable Purchases**

The information we were able to obtain surrounding Cable purchases only contained total money spent in each market by No on 8. We were not able to break down these purchases by advertisement. We instead converted them to GRPs and approximated how these points could have been spread across the campaign.

### **Converting to GRPs**

First, we weighted the cost of each time slot in each market to come up with an approximate cost per spot per market. Prime time (6pm–12m) costs significantly more than early morning, however buys usually include more prime time than early morning spots. We came up with the following approximations for the cost of a spot in each market.

Los Angeles	\$1,106
Bakersfield	\$54
Fresno	\$140
Santa Barb	\$73
San Diego	\$250
Eureka	\$9

Then, we divided the total amount of money spent in each market by the estimated spot cost to estimate a total number of spots within each market. Finally, we multiplied the average cable rating by the spot count to get our estimate of GRPs in each market.

### **Time Line**

We operated under the assumption that the cable purchases were used to augment the larger broadcast purchases. First, we created a time line of the broadcast spending ratios across time within each market. We then applied these ratios to the cable purchase to approximate when the money was spent.

### **Example**

No on 8 spent \$10.2 million to purchase broadcast television in Los Angeles. Between 9/24 and 9/30, No on 8 spent \$520,581 to purchase broadcast television, 5% of the total LA purchase.

We know that No on 8 spent \$2.7 million on cable purchases in LA. Since we are assuming the cable purchase followed a similar pattern to the broadcast purchase, we estimate that No on 8 spent \$137,272 on cable in LA that week, 5% of the total LA cable budget.

Then, we divide \$137,272 by the average price per spot in LA (\$1,106), and can estimate that No on 8 purchased 58 GRPs on cable that week in the LA market

# Appendix F: Independent, non-campaign media

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Paid TV ads by No on 8 and Yes on 8 were not the only televised and broadly disseminated communications available to voters as they decided how to vote. At the same time that the two campaigns aired their ads, voters were also exposed to non-campaign media—communications not paid for or controlled by No on 8 or Yes on 8 that reached a large audience on the topic of same-sex marriage or a topic related to it.

To make sure that the time line in this report considers and includes all televised or comparably widely disseminated communications that reached voters at the height of the Prop 8 campaign, this section looks at two distinct types of media: earned media and independent advertisement efforts. Although it is beyond the scope of this report to examine these communications comprehensively, our research team has assembled enough data to evaluate the impact of both: earned media coverage boosted Yes on 8, and independent advertisement efforts had no measureable impact.

## **Earned Media:**

*A victory for consistent, clear, and scary.*

“Earned media” includes publicity through news and editorial coverage—in general, media that is not paid advertising. For this report, we examined the portion of earned media that made its way online, comprising all mainstream coverage reproduced online as well as original online content.

Earned media has the potential to amplify the messaging of one or both sides of the campaign, particularly for those voters who are skeptical of messages presented in political advertising. When news coverage repeats the same points made in paid advertising, it can reinforce and legitimize campaign messaging. On the other hand, news coverage, because it is independent, may present voters with alternative messages that complement or undermine the paid advertising of campaigns.

The data presented below show that during the Prop 8 campaign, Yes on 8 started behind but quickly dominated earned media coverage once it had “Princes” on the air.

## **Methodology**

We examined online earned media by searching the Google News Archive with search terms designed to isolate the discussion of various messages in conjunction with Prop 8, such as “equality,” “schools,” “children,” and several others. We repeated the searches with various combinations of words to ensure each messaging point was covered, and then aggregated the

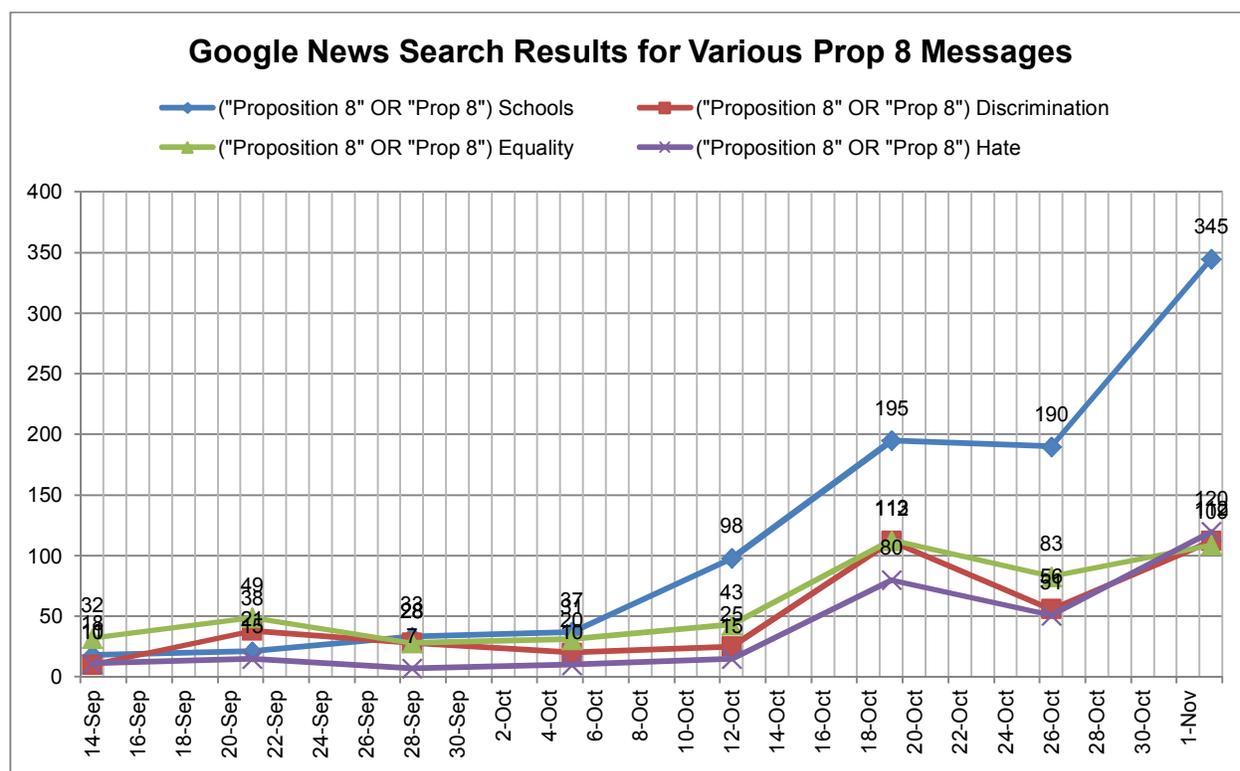
hits for each message during each week of the campaign. The resulting table provides a chronology of the frequency of each message point.

## Findings

### 1. Earned media coverage primarily reinforced the Yes on 8 message.

From early October 2008 through the end of the campaign, earned media coverage reinforced Yes on 8’s message in “Princes” and its redefinition of Prop 8. Yes on 8’s success with earned media began when "Princes" first began airing in English on October 8. Once established, its perspective on Prop 8 remained dominant in earned media coverage through Election Day, even in the closing days when No on 8 dominated paid TV advertising.

The graph below illustrates the devolution of the discussion surrounding Prop 8 in media outlets. Although the search results return a few articles that are not germane, the trends surrounding Prop 8 coverage are striking.



In the first four weeks studied—before the "Princes" TV ad began airing—140 articles about Prop 8 contained references to equality. Only 109 contained the word “school” or “schools.”

In the week of October 6 through 12, however, articles mentioning schools overtook articles mentioning discrimination and equality combined. This remained true in each subsequent week. “Schools” appeared nearly twice as often as both combined in the final week.

### 2. Yes on 8 started out behind with earned media.

As noted above, Yes on 8 began the campaign with its point of view not being the dominant one in earned media. In early September 2008, most public discourse reported in earned media surrounding Prop 8 had to do with whether disallowing same-sex marriage was discrimination, and whether a ban on marriage violated the principle that gay and lesbian people deserved full equality.

News outlets catering primarily to the Christian right contained sporadic mentions of the idea that Prop 8 would affect how children were taught in schools. Quotes from religious conservative leaders occasionally found their way into the mainstream media, but discussion of schools was dwarfed by other matters. For example, in the week following September 21, Steven Spielberg's donation to the No on 8 campaign generated more media coverage than the effects of Prop 8 on schools. In addition, No on 8 received overwhelming editorial support, including endorsements from almost every major newspaper and the vast majority of smaller newspapers in the state.

### **3. Yes on 8 had difficult problems to solve for it to achieve earned media dominance.**

Yes on 8 began the campaign with two potential handicaps. First, its message relied on its making tangible and relevant the misleading and tangential relationship between Prop 8, defining marriage as between a man and woman in California's constitution, and Yes on 8's central message that the decision facing voters was about the danger to children posed by the curriculum taught in public schools.

Second, Yes on 8's factual arguments surrounding the effect on California school curriculum were thin. The "Princes" ad is a fictionalized account of the Massachusetts case *Parker v. Hurley*. The Yes on 8 version of the story is partly true: children did read *King and King*, a book about same-sex marriage, in school, and parents were not allowed to exempt their children. But the Yes on 8 version is mostly false: the inclusion of *King and King* in the curriculum had nothing to do with the state's marriage law; its use predated Massachusetts' legalization of same-sex marriage. A number of states, including California, already have similar age-appropriate references in their curricula noting the existence of LGBT people and encouraging tolerance toward LGBT families, even without same-sex marriage laws. Prop 8 could not have introduced the topic of LGBT families and other nontraditional families into the California school curricula because the topic was already included. There is always the possibility that students will ask questions about any topic, but same-sex marriage is likely to occasionally come up simply because of the currency and wide discussion of the topic, whether or not marriages are taking place.

### **4. Yes on 8 succeeded despite the facts, because its message resonated emotionally with some voters.**

Yes on 8's message is emotionally alarming, though not based in fact. Its claim is that children are endangered when they learn about LGBT people. This idea is such a long-standing canard that voters pay attention to it much more than is justified given its factual inaccuracy. The earned media reflected Yes on 8's ability to dominate and dictate the terms of the debate around Prop 8: voters reacted strongly to the argument, voters talked about it, the No campaign eventually was forced to address it, and the media covered it. Fear is a powerful motivator for

voters, and fear of any stigmatized group has an even longer history of being used to win elections and to reinforce and justify social ostracism than fear of LGBT people. Without providing a powerful competing emotional narrative, No on 8 was unable to resist Yes on 8's redefinition of Prop 8 in the minds of voters.

**5. No on 8 lost control of its own message in the earned media. The pro-LGBT message that became most reported was one focused on hate. This message probably had little or no power to persuade undecided voters.**

The No on 8 paid advertising campaign was less consistent than Yes on 8 in making one clear point. Messages focused on discrimination, equality, and a factual rebuttal of "Princes." See Finding 5 for a fuller discussion of message clarity and Findings 2 and 3 respectively for a discussion of Yes and No's most effective ads. One consequence is that No on 8 lost control of its own message in earned media: the pro-LGBT base adopted another message—hate—that perhaps many in the base found more emotionally compelling. The previous graph shows that the word "hate" began competing with both "discrimination" and "equality" as the campaign intensified and public awareness of the closeness of the contest grew. Then, "hate" became the dominant No on 8 message in earned media, overtaking both "discrimination" and "equality" in earned media coverage in the final week.

Unfortunately for the No on 8 campaign, "hate" is unlikely to be a persuasive message to swing voters. Not only does it poll poorly; but it also makes no logical sense to tell a group of voters that if they are ambivalent, then they are, in part, motivated by their anti-gay hate. Since the majority of those voting against us know LGBT people, they are very unlikely to see themselves as haters of LGBT people; and it is probable that very few voters of any stripe self-identify as haters of anyone.

## **Independent Advertising**

Independent advertisement efforts—those completely separate from any campaign—also have the potential to play an important role in shaping public opinion. For a portion of the time of the Prop 8 campaign, two (and to the best of our knowledge only two) independent entities created and aired very different TV ads. The data show that both probably had little effect on the choices made by voters.

### **"Garden Wedding"**

The first of the two to air was "Garden Wedding." Its educational mission clear, "Garden Wedding" did not mention Prop 8 and did not recommend to voters whether or how to vote on the ballot measure. The ad was produced prior to Prop 8's existence and was initially aired prior to Prop 8's existence by the independent 501(c)(3) organization Let California Ring.

The ad depicts a beautiful female bride encountering several obstacles on the way to meet her groom at the altar. As she is preparing for her wedding, the door handle breaks, she catches her heel in the street, loses her veil, is almost sandbagged by a little girl, is tripped by an old woman with a cane, and collapses yards from her future male groom. The ad analogizes the bride's

difficulties in making it to the altar to the LGBT community's legal barrier to marrying. It asks "What if you couldn't marry the person you love?"



This sixty-second spot was the most widely broadcast on the topic of marriage in California in the calendar year 2008. The cost of the TV buy for this one ad was not smaller than \$4.6 and possibly as large as \$7.1 million. The ad was most widely broadcast in August 2008, but it aired as early as February 18. It therefore ran both before and during the time that Yes on 8 and No on 8 ran ads. The English-language version of the ad was backed by a buy of 600 gross rating points (GRPs) in the Los Angeles, Sacramento, and San Diego media markets. The Spanish language version of the ad ran only in the LA media market in a small buy of 196 GRPs.

	<b>May 27</b>	<b>Aug 17*</b>	<b>Δ May – Aug</b>	<b>Aug 17*</b>	<b>Sept 22-24</b>	<b>Δ Aug– Sept</b>
<b>Vote Intention Horse Race</b>						
Yes	50	57	+7	51	44	-7
No	42	37	-5	42	45	+3

<b>Just to Be Clear...</b>						
Ban/Eliminate	47	48	+1	48	47	<b>-1</b>
<b>Not Ban/Eliminate</b>	44	42	<b>-2</b>	42	42	<b>0</b>
*The two polls in August reflect the incorporation of ballot language into polls.						

At first glance, the Lake Research horse race question suggests that “Garden Wedding” temporarily improved the standing of No on 8 among voters. Lake found that between May 27 and August 17, Yes on 8 increased its lead to 20 points; but between August 17 and September 24, No on 8 gained ground and reached a dead heat in the horse race, its high point of support. The Lake polling in mid-August showed that half of the improvement in No on 8’s horse race standing was due to new ballot language approved by Attorney General Brown. But half was due to something else. The most prominent variable in that six-week span is the widespread broadcast of “Garden Wedding.” During this time, earned media was at a relative ebb and paid TV ads had not yet begun. Field efforts by No on 8 did not yet include direct voter contact, yet voter opinion shifted to the No on 8 side.

However, Lake polling also indicates that there was virtually no movement during this time in voters’ views on same-sex marriage. After asking the horse race question to find out how each voter was planning to vote (yes or no on 8), Lake asked in plain language whether each voter wanted to eliminate marriage for gay and lesbian couples or retain it. This follow-up question began, “Just to be clear”; throughout this report, it’s referred to as the Be Clear question. As the chart above indicates, although there was significant movement in the horse race question, there was movement of only one point in the Be Clear question. This one point gain is within the margin of error and therefore can’t be interpreted as significant movement.

The most likely explanation for the movement in the horse race question is therefore wrong-way voting: more people decided they were going to vote No on 8 even though there were not more people supporting same-sex marriage. Voters moved in No on 8’s direction on the horse race question, but did not move on the issue of same-sex marriage. If “Garden Wedding” affected voters, it would logically show up in the Be Clear question since the ad specifically focuses on marriage. “Garden Wedding” is highly unlikely to have affected voters’ views on Prop 8 without affecting their views on same-sex marriage, since the ad did not mention the ballot measure (it could not, as an educational measure). There is nothing about “Garden Wedding” that would have led more voters to vote no if it did not affect their view of the same-sex marriage issue.

Further, there is no evidence that the impact of “Garden Wedding” survived voters’ exposure to the Yes on 8 messaging in “Newsom” and “Princes.” Polling by the Public Policy Institute of California (PPIC) in 2009 showed overall support for same-sex marriage essentially unchanged from 2003. The PPIC results suggest that pro-marriage (and anti-marriage) messaging of all kinds, including “Garden Wedding,” did not educate voters in a lasting way. Considering the totality of the evidence, “Garden Wedding” cannot be considered effective at changing public opinion.

The most commonly cited argument attempting to make the case for “Garden Wedding,” compares the Election Day results of Santa Barbara and Monterey counties as evidence that the ad had an impact. From January through March 2008, Let California Ring used Santa Barbara as a test market for both “Garden Wedding” and a local field campaign. For the same time period, Let California Ring designated Monterey as a control environment where no educational efforts took place. By the end of March, “Garden Wedding” had aired in Santa Barbara County in Southern California where Prop 8 was defeated. Some concluded that Let California Ring’s efforts boosted the pro-marriage equality No on 8 vote in Santa Barbara.

This argument, however, is not persuasive, for two reasons. First, in October and November Yes on 8 spent significantly more to air their ads in Monterey than they spent in Santa Barbara.

	<b>Monterey</b>		<b>Santa Barbara</b>	
Yes on 8	\$245,000	2,747 GRPs	\$169,000	2,013 GRPs
No on 8	\$194,000	2,174 GRPs	\$162,000	1,930 GRPs

The more aggressive campaigning by Yes on 8 in Monterey compared to Santa Barbara is as likely as the airing of “Garden Wedding” to explain any variation in election result.

Second, the methodologically best practice for selecting a control group is by chance—randomly—not by having the researcher pick it. It is otherwise too easy for a researcher to inadvertently bias the comparison. To make a valid postelection comparison between Santa Barbara and Monterey counties, Let California Ring would have had to have left to chance, eg a coin toss, which county received the educational treatment and which county served as the control. That selection process was not used here. As a result, Santa Barbara is a single data point with no valid control to which to compare it.

Of course, “Garden Wedding” was an educational ad, not a campaign ad. It was produced before the existence of a No on 8 campaign, and aired independently of it. “Garden Wedding” was therefore not designed to affect the campaign.

“Garden Wedding” may instead have a variety of virtues that this report is ill-equipped to evaluate. “Garden Wedding” may have stimulated discussion among voters who already supported LGBT marriage equality, boosted morale in the LGBT base, and made door-to-door

or telephone field work easier by raising the profile of the marriage issue. All of these possibilities are worthy of further investigation apart from this report.

At the same time, it's fair to note that "Garden Wedding" is a remarkably unclear ad to those who are not already thinking about same-sex marriage and are in favor of it. The difficulties facing the bride are not in any obvious way analogous to the barriers preventing gay and lesbian couples from marrying. It should come as no surprise that the ad did not change public opinion even with a massive TV buy.

In no way, however, does this analysis take anything away from the possibility that educational work, including independent educational TV advertising, has the potential to be a worthwhile investment. Future ads simply need to be clearer and more compelling from the point of view of persuadable voters.

Also, although "Garden Wedding" was the largest expenditure of Let California Ring, its other educational work included early funding to staff nascent LGBT people of color and people of faith organizations. These activities are worthy of serious study in their own right. Let California Ring's commitment to building a broader set of relationships for the LGBT community is praiseworthy, but evaluation of the effectiveness of its efforts from 2006 to the present is beyond the scope of this report.

### **"Home Invasion"**

The only other independent TV ad on marriage to air in California in 2008 was "Home Invasion." The sixty-second spot was created and aired by the Courage Campaign Issues Committee, a progressive, 501(c)(4) California-based grassroots and netroots organization. "Home Invasion" was released online and also aired on TV on Election Day; it explicitly asked voters to vote No on Prop 8.



In contrast to the wide release of “Garden Wedding,” “Home Invasion” aired in Los Angeles and the total time buy was a little more than \$13,000. According to campaign committee expenditure reports, the Courage Campaign spent a total of \$15,163 on media urging voters to vote No on 8, and an estimated \$1,800 on production costs. Assuming the remaining budget was used to air “Home Invasion” on cable, the ad would have aired only a few times.

According to the corresponding press release by Courage Campaign, “Home Invasion” was intended to air on cable TV for one day as a final get-out-the-vote reminder. The ad itself follows two men who identify themselves as being from the Church of Latter-day Saints (LDS). They force themselves into the home of two women where they proceed to find and destroy the women’s marriage license. The ad ends with the two men gloating and gleefully considering, “what should we ban next?” “Home Invasion” was intended to go hand-in-hand with a petition the Courage Campaign had delivered to the Church of Latter-day Saints the week prior.

A second Courage Campaign ad, “Gender Auditors,” was released online only. Produced for \$1,000, the ad depicts government bureaucrats physically examining the genitalia of a heterosexual couple before they can be granted a marriage license. “We don’t need more government in our lives, or in our pants” was the theme narrated during the exam. The ad was described as satirical on the Web site and prompted visitors to share the ad widely and sign a pledge to vote no.

Both ads seem aimed at the pro-LGBT base. There’s no evidence that either was widely seen beyond it. A potentially problematic aspect of both ads is that their rough tongue-in-cheek messages would offend a wider audience and potentially embarrass the LGBT community in the long run.

Even more troublesome is the hostile tone of “Home Invasion.” Intended to hold the LDS church accountable for its role in Prop 8, it fails to evoke sympathy for No on 8. The discourse in earned media stimulated by the ad can be summarized by the top relevant news hit from the Google News Archive that day: “When marriage debate turns ugly, no one wins.”

In any event, there’s no evidence that the Courage Campaign ads had an impact on the election result.

# Appendix G: Campaign Expenditures

*Prop 8 campaign expenditures and the emphasis by both sides on paid television advertising*

## **Overall campaign spending and the emphasis on TV**

No on 8 spent \$43,027,785.59, of which \$40,779,918.38 is recorded and available by category from the California secretary of state. Of the \$40,779,918.38, 82% (\$33,582,272.02) paid for TV ads or consultants whose main focus was paid TV advertising.

Yes on 8 spent \$39,642,911, of which \$38,322,850.94 is recorded and available by category from the secretary of state. Of the \$38,322,850.94, 69% (\$26,299,736.22) paid for TV ads or consultants whose main focus was paid TV advertising.

Above and beyond those amounts, No on 8 spent 3% of its budget (just under \$1.2 million) on polling, which was used to create messages and TV ads. Yes on 8 spent 1% (just over \$500,000) on polling.

After TV-related expenses, Yes on 8's largest expenditure was mail and literature. Yes spent 10% of its budget on mail and literature, while No on 8 spent less than 1% on mail and literature.

<b>Campaign Expenditures by Category</b>				
<b>Category</b>	<b>Yes on 8/Protect Marriage</b>		<b>No on 8/Equality for All</b>	
	Total Dollar Amount	% of Total	Total Dollar Amount	% of Total
TV	\$26,299,736.22	68.6%	\$33,582,272.02	82.4%
Mail	\$4,157,331.32	10.8%	\$436,498.79	1.1%
General Overhead	\$2,343,579.89	6.1%	\$2,005,578.03	4.9%
Additional Consultants & Legal Costs	\$1,107,406.68	2.9%	\$217,995.00	0.5%
Field	\$1,567,020.07	4.1%	\$1,043,832.84	2.6%

<b>Campaign Expenditures by Category</b>				
<b>Category</b>	<b>Yes on 8/Protect Marriage</b>		<b>No on 8/Equality for All</b>	
Signature Gathering	\$1,082,553.08	2.8%	\$0.00	0.0%
New Media/Web/ Earned Media Consultants	\$844,273.09	2.2%	\$1,402,341.93	3.4%
Polling	\$501,041.63	1.3%	\$1,187,430.15	2.9%
Print Media	\$198,873.21	0.5%	\$468,095.35	1.1%
Fundraising	\$211,156.75	0.6%	\$408,374.27	1.0%
Radio	\$9,879.00	0.03%	0**	0.0%
Contributions	\$0.00	0.0%	\$27,500.00	0.1%
<b>Totals*</b>	<b>\$38,322,850.94</b>		<b>\$40,779,918.38</b>	

\* These are the totals according to the California secretary of state's breakout of expenditures by each individual expenditure (<http://cal-access.ss.ca.gov/Campaign/Committees/Detail.aspx?id=1259396&session=2007&view=expenditures> and <http://cal-access.ss.ca.gov/Campaign/Committees/Detail.aspx?id=1302592&session=2007>). The two totals differ from the secretary of state's summary page, which lists the total Equality for All expenditures as \$43,027,785.59 (<http://cal-access.ss.ca.gov/Campaign/Committees/Detail.aspx?id=1259396&session=2007>) and the total Protect Marriage expenditures as \$39,642,911 (<http://cal-access.ss.ca.gov/Campaign/Committees/Detail.aspx?id=1302592&session=2007>). The totals are also off by insignificant amounts (under \$500) after breaking out each expenditure into distinguishable categories.

\*\* There are no identifiable Equality for All expenditures recorded for radio buys or production. TV and radio expenditures are not listed in separate categories. EFA ran radio ads during the last week of the campaign, but not before.

### **The Combined Spending of Yes on 8 and No on 8**

Combined, No on 8 and Yes on 8 spent more than \$82 million, making this one of the most expensive ballot measure campaigns ever on a social issue.

By comparison, other recent social issue campaigns in California—Proposition 22 (Definition of Marriage, 2000), Proposition 73 (Parental Notification for Abortion, 2005), Proposition 85 (Parental Notification for Abortion, 2006), and Proposition 4 (Parental Notification for Abortion, 2008)—raised and spent much less.

Proposition	Year	Issue	YES Expenditures	NO Expenditures
Prop 22	2000	Marriage	\$7,028,840.18	\$6,700,000
Prop 73	2005	Abortion	\$2,300,000	\$4,600,000
Prop 85	2006	Abortion	\$3,797,275.46	\$6,410,907.67
Prop 4	2008	Abortion	\$2,527,222.27	\$9,292,084.91
Prop 8	2008	Marriage	\$39,642,911.00	\$43,027,785.59

\* With the exception of Proposition 73 and Prop 22 all expenditure numbers are based on the numbers provided by the secretary of state's summary of each campaign's main committee. Information on Proposition 73 was unavailable through the secretary of state and provided by Planned Parenthood Affiliates of California. Information on Prop 22 was incomplete from the secretary of state, and more complete information was provided by Reed & Davidson, LLP.

In the Proposition 22 campaign in March 2000, the pro-LGBT side (the No on Knight campaign) spent approximately \$6.7 million while our opposition spent just over \$7 million. In the three parental notification campaigns, according to the secretary of state and "Planned Parenthood Affiliates of California: Campaigns for Teen Safety Donations" the two sides combined spent less than \$14 million. The "Cal-Access" section of the California Secretary of State website offers a searchable database on ballot measure issues available at <http://cal-access.ss.ca.gov/Campaign/Measures/> .

### **No on 8 Outspent Yes on 8 by a Narrow Margin**

No on 8 outspent Yes on 8. Specifically, No spent 109% of what Yes spent.

The No side had the spending advantage overall, but it was at a serious financial disadvantage at a particularly crucial time: when both sides were buying time for late September and early October and both were going on the air for the first time with paid TV ads. Yes on 8's financial advantage at this point gave it an outsized opportunity to frame the entire campaign. The financial advantage and its implications are described in detail in the chronology below.

Also, both No and Yes were much closer to spending parity than has been the case in other recent ballot measures on social issues. The pro-choice side in all three parental notification initiatives in California outspent the opposition by a considerable margin. The pro-choice Planned Parenthood side spent as much as \$9.3 million per campaign. The anti-choice side never spent more than \$3.7 million per campaign.

The No on Prop 73 campaign spent 200% of what the Yes campaign spent.

The No on 85 campaign spent 168% of what the Yes campaign spent.

The No on 4 campaign spent 368% of what the Yes campaign spent.

## **Daily and Weekly Bank Balances of Both Campaigns**

Using California secretary of state campaign finance disclosure information posted online, we have calculated the daily and weekly bank balances for Yes on 8 and No on 8 from May 1, 2008, through November 4, Election Day. We have itemized all contributions and expenditures exceeding \$100,000 to illuminate the largest factors affecting the balances.

A campaign's bank balance is a useful but imperfect indicator of the financial resources available at each point in the campaign season. The imperfections arise because it is frequently true, in many campaigns, that at some points the cash available to one or both campaigns is encumbered. For example, if a donor provides a large sum of money to a campaign for a restricted purpose, the campaign's bank balance could make it look flush; yet at the same time, the campaign might be "broke"—broke in the sense that it has no discretionary funds available.

The charts that follow are therefore a starting point for understanding the financial pressure under which both sides operated, but they almost certainly understate those pressures at times.

**Yes on 8 Account Balance:**

05/01/2008–11/4/2008

<b>Week</b>	<b>Date</b>	<b>Balance</b>	<b>Major Contribution/Expenditure</b>
5/1/08		-\$273,918.00	
5/8/08		-\$283,098.00	
5/15/08		-\$338,189.00	
5/22/08		-\$306,314.00	
5/29/08		-\$329,508.00	
6/5/08		-\$374,830.00	
	6/12/08		+ \$250,000.00 from Focus on the Family
6/12/08		-\$102,857.00	
6/19/08		-\$237,092.00	
6/26/08		-\$198,227.00	
7/3/08		-\$153,946.00	
7/10/08		-\$113,660.00	
7/17/08		-\$152,779.00	
	7/21/08		+ \$500,000.00 from American Families Association
7/24/08		\$702,243.00	
	7/30/08		- \$100,300.00 to Lawrence Research for Polling
7/31/08		\$1,282,197.00	
	8/6/08		+ \$150,000.00 from Dorothy Nielson
	8/6/08		- \$119,241.98 to Valley Press for Mass Media
	8/7/08		+ \$200,000.00 from Elsa Prince
	8/7/08		- \$353,200.97 to Candidates Outdoor Graphics for Signs
8/7/08		\$2,174,346.00	
	8/12/08		+ \$100,000.00 from Donald Laws
	8/12/08		+ \$125,000.00 from Pacific Shores Masonry
	8/13/08		+ \$250,000.00 from Elsa Prince
	8/14/08		+ \$1,000,000.00 from Knights of Columbus
8/14/08		\$5,118,015.00	
	8/18/08		+ \$450,000.00 from John Templeton

<b>Week</b>	<b>Date</b>	<b>Balance</b>	<b>Major Contribution/Expenditure</b>
	8/19/08		+ \$100,000.00 from Stephen Samuelian
<b>8/21/08</b>		<b>\$7,387,163.00</b>	
	8/25/08		+ \$100,000.00 from Fieldstead and Co.
	8/26/08		- \$142,056.17 to Valley Press for Mass Mail
	8/27/08		+ \$100,000.00 from Fieldstead and Co.
<b>8/28/08</b>		<b>\$9,410,923.00</b>	
	9/2/08		- \$3,260,794.00 to Marketing Comm Serv for broadcast advertising
	9/2/08		- \$257,200.83 to Candidates Outdoor Graphics for signs
<b>9/4/08</b>		<b>\$8,540,758.00</b>	
	9/9/08		+ \$100,000.00 from Kelvin Moss
	9/10/08		+ \$100,000.00 from Matthew Wheelwright
<b>9/11/08</b>		<b>\$11,553,028.00</b>	
	9/15/08		- \$727,248.00 to Marketing Communication Services for broadcast advertisement
	9/17/08		- \$140,848.71.00 to Valley Press for mass mail
	9/18/08		+ \$500,000.00 from NOM
<b>9/18/08</b>		<b>\$12,062,858.00</b>	
	9/19/08		- \$178,600.42 to Candidates Outdoor Graphics for signs
	9/19/08		- \$178,600.42 to Candidates Outdoor Graphics for misc.
	9/19/08		- \$100,000.00 to CA Voter Guide for slate mailer
	9/22/08		+ \$100,000.00 from ECCU
	9/22/08		- \$899,892.00 to Marketing Comm Serv for broadcast advertisements
	9/22/08		- \$200,000.00 to Connell Donatelli for Web site
	9/23/08		+ \$100,000.00 from Joseph Moran
	9/23/08		- \$126,000.00 to Valley Press for postage
	9/24/08		+ \$300,000.00 from Fieldstead
	9/24/08		- \$193,029.00 to Marketing Comm Serv for broadcast advertisements
	9/25/08		+ \$409,000 from Concerned Women for America
<b>9/25/08</b>		<b>\$12,346,131.00</b>	
	9/30/08		- \$890,263.98 to Marketing Comm Serv for production costs

<b>Week</b>	<b>Date</b>	<b>Balance</b>	<b>Major Contribution/Expenditure</b>
	9/30/08		- \$266,667.00 to Church Communication Network for conference
<b>10/2/08</b>		<b>\$11,548,850.00</b>	
	10/6/08		- \$5,039,249.94 to Marketing Comm Serv for TV or cable airtime and production costs
	10/8/08		- \$100,000.00 to Church Communication Networks for conference
<b>10/9/08</b>		<b>\$6,265,121.00</b>	
	10/10/08		- \$360,631.33 to Bieber Comm for campaign literature
	10/10/08		- \$137,422.84 to Valley Press for campaign literature
	10/13/08		- \$1,229,750.78 to Marketing Comm Serv for TV or cable airtime and production costs
	10/13/08		- \$142,877.61 to Marketing Comm Serv for TV or cable airtime and production costs
	10/15/08		- \$130,000.00 to Eagle Foundation for professional services
	10/16/08		+ \$250,000.00 from Container Supply Store
<b>10/16/08</b>		<b>\$5,690,227.00</b>	
	10/17/08		- \$100,000.00 to CA Voter Guide for campaign literature
	10/20/08		+ \$150,000.00 from Knights of Columbus
	10/20/08		- \$3,463,854.40 to Marketing Comm Serv for TV or cable airtime and production costs
	10/21/08		+ \$100,000.00 from NOM
	10/21/08		- \$1,000,000.00 to Marketing Comm Serv for TV or cable airtime and production costs
	10/21/08		- \$190,000.00 to Five 9 for phone banks
	10/22/08		+ \$150,000.00 from Fieldstead
	10/22/08		- \$246,933.94 to Valley Press for campaign literature
	10/22/08		- \$100,447.49 to Bieber Comm for campaign literature
<b>10/23/08</b>		<b>-\$58,084.00</b>	
	10/24/08		- \$1,000,000.00 to Marketing Comm Serv for TV or cable airtime and production costs
	10/24/08		- \$886,729.32 to Bieber Communications for campaign literature
	10/27/08		- \$1,400,000.00 to Marketing Comm Serv for TV or cable airtime and production costs
	10/27/08		+ \$200,000.00 from US Catholic Bishops
	10/27/08		+ \$250,000.00 from Fieldstead

<b>Week</b>	<b>Date</b>	<b>Balance</b>	<b>Major Contribution/Expenditure</b>
	10/27/08		+ \$250,000.00 from John Dalton
	10/27/08		+ \$100,000.00 from Roger Boyer
	10/27/08		+ \$100,000.00 from Josephine Templeton
	10/27/08		+ \$100,000.00 from Mike Murray
	10/28/08		+ \$1,000,000.00 from Alan Ashton
	10/28/08		+ \$200,000.00 from Galaxy Enterprises
	10/28/08		+ \$100,000.00 from Belinda Vandersloot
	10/28/08		+ \$100,000.00 from Focus on the Family
	10/28/08		- \$2,500,000.00 to Marketing Comm Serv for TV or cable airtime and production costs
	10/29/08		+ \$100,000.00 from Watermark Investments
	10/29/08		+ \$100,000.00 from Vineyard Group
	10/29/08		+ \$100,000.00 from Katharine Garff
	10/29/08		+ \$500,000.00 from Claire Reiss
	10/29/08		+ \$100,000.00 from Josephine Templeton
	10/30/08		+ \$500,000.00 from Claire Reiss
	10/30/08		+ \$400,000.00 from Caster Family Trust
	10/30/08		- \$772,019.00 to Marketing Comm Serv for TV or cable airtime and production costs
	10/30/08		- \$343,337.88 to Bieber Comm for campaign literature
	10/30/08		- \$277,981.00 to Marketing Comm Serv for TV or cable airtime and production costs
	10/30/08		- \$335,029.51 to Monaco Inc for campaign literature
<b>10/30/08</b>		<b>\$977,222.00</b>	
	10/31/08		+ \$300,000.00 from Hartfield Holdings
	11/3/08		- \$248,494.59 to Marketing Comm Serv for TV or cable airtime and production costs
	11/4/08		+ \$119,311.87 from Church of Jesus Christ of Latter-day Saints
<b>11/4/08</b>		<b>\$1,035,514.02</b>	

**No on 8 Account Balance:**

05/01/2008 – 11/4/2008

<b>Date</b>		<b>Balance</b>	<b>Major Contribution/Expenditure</b>
5/1/08		\$93,842.00	
5/8/08		\$99,092.00	
5/15/08		\$115,359.00	
5/22/08		\$100,724.00	
5/29/08		\$168,423.00	
	6/5/08		+ \$200,000.00 from Human Rights Campaign (HRC)
6/5/08		\$403,033.00	
6/12/08		\$387,685.00	
6/19/08		\$423,945.00	
	6/20/08		+ \$100,000.00 from Center Advocacy Issues PAC
	6/25/08		+ \$200,000.00 from LA GL Center
6/26/08		\$754,683.00	
	6/27/08		+ \$350,000.00 from EQCA
	6/30/08		+ \$130,000.00 from HRC
7/3/08		\$1,218,917.00	
7/10/08		\$1,262,235.00	
7/17/08		\$1,312,171.00	
	7/18/08		+ \$125,000.00 from HRC
	7/22/08		+ \$1,250,000.00 from EQCA
	7/23/08		+ \$250,000.00 from HRC
	7/24/08		+ \$100,000.00 from GLAAD
	7/24/08		- \$2,551,818.00 to Mering Carson for TV or cable airtime
7/24/08		\$453,394.00	
	7/29/08		+ \$1,050,000.00 from HRC
	7/30/08		+ \$250,000.00 from CA Teachers
	7/30/08		+ \$250,000.00 from Gill Action Fund
	7/31/08		- \$1,137,494.00 to Mering Carson for TV or cable airtime
7/31/08		\$1,183,498.00	
	8/4/08		+ \$500,000.00 from EQCA
	8/7/08		+ \$250,000.00 from Esmond Harmsworth
	8/7/08		- \$497,711.20 to Mering Carson for TV or cable airtime
8/7/08		\$1,312,730.00	
	8/11/08		- \$865,523.80 to Mering Carson for TV or cable airtime
	8/14/08		+ \$150,000.00 from HRC
8/14/08		\$679,558.00	
	8/18/01		- \$126,237.50 to Lake Research Partners for polling research
8/21/08		\$618,902.00	
	8/26/08		+ \$1,000,000.00 from EQCA

<b>Date</b>		<b>Balance</b>	<b>Major Contribution/Expenditure</b>
	8/28/08		- \$1,108,636.00 to Mering Carson for TV or cable airtime
<b>8/28/08</b>		<b>\$866,075.00</b>	
	9/3/08		+ \$1,200,000.00 from ACLU
	9/3/08		- \$109,943.50 to Remcho Johansen & Purcell LLP for legal services
	9/4/08		- \$832,558.00 to Mering Carson for TV or cable airtime
<b>9/4/08</b>		<b>\$1,146,972.00</b>	
<b>9/11/08</b>		<b>\$1,260,692.00</b>	
	9/17/08		+ \$500,000.00 from EQCA
	9/17/08		+ \$100,000.00 from Michael Huffington
	9/18/08		- \$1,437,915.00 to Mering Carson for TV or cable airtime
<b>9/18/08</b>		<b>\$875,438.00</b>	
	9/22/08		+ \$100,000.00 from Robert Haas
	9/24/08		+ \$1,250,000.00 from EQCA
	9/24/08		+ \$250,000.00 from CA State Services Employees PAC
	9/24/08		- \$2,000,000.00 to Mering Carson for TV or cable airtime
<b>9/25/08</b>		<b>\$975,926.00</b>	
	10/1/08		+ \$100,000.00 from CA DSCC
	10/1/08		+ \$100,000.00 from Californians Against Elimination of Basic Rights
	10/2/08		+ \$500,000.00 from EQCA
	10/2/08		- \$1,000,000.00 to Mering Carson for TV or cable airtime
<b>10/2/08</b>		<b>\$1,206,930.00</b>	
	10/3/08		+ \$250,000.00 from Fred Eychaner
	10/3/08		+ \$100,000.00 from Esmond Harmsworth
	10/6/08		- \$110,155.67 to Storefront Political Media for campaign literature
	10/9/08		+ \$500,000.00 from EQCA
	10/9/08		- \$1,750,000.00 to Mering Carson for TV or cable airtime
<b>10/9/08</b>		<b>\$1,657,640.00</b>	
	10/14/08		+ \$1,000,000.00 from EQCA
	10/14/08		+ \$1,000,000.00 from CA Teachers
	10/14/08		- \$1,000,000.00 to Mering Carson for TV or cable airtime
	10/15/08		+ \$450,000.00 from EQCA
	10/15/08		+ \$250,000.00 from HRC
	10/15/08		- \$2,200,000.00 to Mering Carson for TV or cable airtime
	10/16/08		+ \$100,000.00 from SEIU
	10/16/08		+ \$120,000.00 from National Center for Lesbian Rights Action Fund
	10/16/08		+ \$500,000.00 from HRC
	10/16/08		- \$1,400,000.00 to Mering Carson for TV or cable airtime
<b>10/16/08</b>		<b>\$1,972,302.00</b>	
	10/17/08		+ \$100,000.00 from Ellen DeGeneres

<b>Date</b>	<b>Balance</b>	<b>Major Contribution/Expenditure</b>
10/20/08		- \$1,457,967.00 to Mering Carson for TV or cable airtime
10/20/08		- \$100,000.00 to Lake Research for polling research
10/20/08		- \$100,000.00 to Mering Carson for TV or cable airtime
10/21/08		+ \$871,000.00 from EQCA
10/21/08		+ \$525,000.00 from Californians Against Elimination of Basic Rights
10/21/08		- \$410,227.00 to Mering Carson for TV or cable airtime
10/21/08		- \$150,000.00 to Armour Griffin Media for campaign consultancy
10/21/08		- \$129,000.00 to IW Group for professional services
10/22/08		+ \$100,000.00 from James Hormel
10/22/08		+ \$100,000.00 from David Maltz
10/22/08		+ \$250,000.00 from HRC
10/22/08		- \$3,000,000.00 to Mering Carson for TV or cable airtime
10/22/08		- \$392,000.00 to Storefront Political Media for campaign literature
10/23/08		+ \$1,000,000.00 from EQCA
10/23/08		- \$2,000,000.00 to Mering Carson for TV or cable airtime
<b>10/23/08</b>	<b>-\$426,881.00</b>	
10/24/08		+ \$268,000.00 from Campaign for Marriage Equality
10/24/08		- \$480,761.00 to Mering Carson for TV or cable airtime
10/24/08		- \$100,000.00 to Armour Griffith Media
10/27/08		- \$729,484.00 to Mering Carson for TV or cable airtime
10/28/08		+ \$700,000.00 from EQCA
10/28/08		+ \$100,000.00 from David Bohnett
10/28/08		+ \$425,000.00 from Campaign for Marriage Equality
10/28/08		+ \$1,000,000.00 from Los Angeles Gay and Lesbian Community Center
10/28/08		- \$2,400,000.00 to Mering Carson for TV or cable airtime
10/29/08		- \$223,032.50 to Storefront Political Media for campaign literature
10/30/08		+ \$350,000.00 from EQCA
10/30/08		+ \$500,000.00 from William Resnick
10/30/08		+ \$220,000.00 from HRC
10/30/08		- \$111,176.15 to Blackrock Associates for information technology services
10/30/08		- \$2,000,000.00 to Mering Carson for TV or cable airtime
<b>10/30/08</b>	<b>\$768,941.00</b>	
10/31/08		+ \$100,000.00 from David Geffen
10/31/08		+ \$100,000.00 from Tim Gill
10/31/08		- \$785,368.00 to Mering Carson for TV or cable airtime
11/1/08		+ \$125,000.00 from EQCA
11/3/08		- \$750,000.00 to Winning Connections for TV or cable airtime
11/3/08		+ \$134,462.00 from CA DSCC
11/3/08		- \$150,000.00 to Spoken Hub for TV or cable airtime

<b>Date</b>		<b>Balance</b>	<b>Major Contribution/Expenditure</b>
11/4/08		\$1,505,322.00	

# Appendix H: Who Moved?

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## **Methodology Used to Calculate Voter Movement**

For the purposes of this report, “movement” among voters -- that is, the change of aggregate opinion about same-sex marriage as a result of the Prop 8 campaign -- is calculated by comparing the results of the “Be Clear” question of Lake's September 22-24 poll, just before the two sides started airing television ads, and the final Lake tracking poll administered October 28-30. The Be Clear question asks: "Just to be clear, is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?" This question filters out the self-correction of wrong-way voting, ie the movement that occurs when a voter who is on one side or the other learns the meaning of Yes and No and changes his or her position on the horse-race question to comport with his or her pre-existing policy view. Movement on the Be Clear question isolates shifts in opinion on the public policy of allowing same-sex marriage.

Using Lake’s data has two important strengths. First, Lake alone covers the period containing the vast majority of the paid TV advertising campaign, from September 24 until just a few days before Election Day. Second, comparing Lake data to other Lake data has one crucial strength. Any errors Lake might have made—eg determining the composition of the likely voter electorate, or in question wording—would tend to cancel one another out as we examine Lake’s estimated electorate over time. Using Lake data across the board allows us to isolate that movement in the face of other potential imperfections in the data.

The chart below presents both the raw polling data and change in margin for each demographic subgroup available from the Lake crosstabs. The columns on the right side of the chart labeled “Raw Polling Data” show the percentage of voters polled who want to eliminate or keep same-sex marriage for October 30 and September 22. Sample size of each group is in the right-most column. All groups with a sample size under 100 have a gray fill to warn that they provide less certain data.

The columns on the left side chart the net movement over this time period. The “margin favoring elim” for both dates is calculated by subtracting “%who want to keep” from “percent who want to elim”. The difference is the margin favoring eliminate. The key findings of the chart are in the center grayed column, “Change in Margin Favoring Elim.” This is calculated by finding how much “Eliminates” lead grew by subtracting the September 22 margin from the October 30 margin, ie column 1 minus column 2.

Below the chart is an explanation of how use change in margin to calculate approximate votes as well as net gains and losses for several demographic groups.

Just to be clear, is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?

Changes in the Margin - Net Gains & Losses

Raw Polling Data

		30-Oct	22-Sep	October minus September			30-Oct	30-Oct	30-Oct	22-Sep	22-Sep	22-Sep
		Margin Favoring Elim	Margin Favoring Elim	Change in Margin Favoring Elim	Points Gained by Elim	Points Gained by Keep	% Who Want to Elim	%Who Want to Keep	Sample Size	% Who Want to Elim	%Who Want to Keep	Sample Size
** gray fill indicates a sample size less than 100												
	Total	13	3	10	6	-4	52	39	975	46	43	800
	Men	14	9	5	4	-1	52	38	465	48	39	384
	Women	12	-2	14	7	-7	51	39	510	44	46	416
Age Groups	Under 30	-14	-8	-6	0	6	40	54	148	40	48	112
	30 - 39	14	-15	29	17	-12	53	39	138	36	51	120
	40 - 49	14	-7	21	13	-8	54	40	192	41	48	144
	50 - 64	13	8	5	2	-3	51	38	264	49	41	224
	65 & over	28	22	6	2	-4	58	30	204	56	34	184
	Under 35	-6	-9	3	3	0	43	49	199	40	49	168
	35 - 49	13	-10	23	15	-8	54	41	279	39	49	208

Just to be clear, is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?

Changes in the Margin - Net Gains & Losses

Raw Polling Data

		30-Oct	22-Sep	October minus September			30-Oct	30-Oct	30-Oct	22-Sep	22-Sep	22-Sep
		Margin Favoring Elim	Margin Favoring Elim	Change in Margin Favoring Elim	Points Gained by Elim	Points Gained by Keep	% Who Want to Elim	%Who Want to Keep	Sample Size	% Who Want to Elim	%Who Want to Keep	Sample Size
		** gray fill indicates a sample size less than 100										
	Under 50	6	-10	16	11	-5	50	44	478	39	49	376
	50 & over	20	14	6	2	-4	54	34	468	52	38	408
Age & Gender	Men <50	11	1	10	9	-1	53	42	243	44	43	193
	Women <50	0	-22	22	12	-10	46	46	235	34	56	183
	50 & over Men	15	17	-2	-2	0	51	36	212	53	36	187
	50 & over Women	24	13	11	5	-6	57	33	257	52	39	221
	Under 35 Men	-3	9	-12	-2	10	46	49	95	48	39	85
	Under 35 Women	-8	-28	20	9	-11	41	49	104	32	60	84
	35 - 49 Men	20	-5	25	16	-9	57	37	148	41	46	108
	35 - 49 Women	6	-16	22	14	-8	50	44	131	36	52	99

Just to be clear, is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?

Changes in the Margin - Net Gains & Losses

Raw Polling Data

** gray fill indicates a sample size less than 100		30-Oct	22-Sep	October minus September			30-Oct	30-Oct	30-Oct	22-Sep	22-Sep	22-Sep
		Margin Favoring Elim	Margin Favoring Elim	Change in Margin Favoring Elim	Points Gained by Elim	Points Gained by Keep	% Who Want to Elim	%Who Want to Keep	Sample Size	% Who Want to Elim	%Who Want to Keep	Sample Size
		Education Level	H.S. or Less	29	12	17	9	-8	60	31	226	51
Post H.S.	24		16	8	5	-3	57	33	297	52	36	248
Non-college grad	26		14	12	7	-5	58	32	523	51	37	400
College graduate +	-4		-9	5	4	-1	44	48	436	40	49	383
4-year College grad	2		-12	14	8	-6	47	45	316	39	51	240
Post-graduate	-16		-5	-11	-3	8	38	54	120	41	46	142
Non college men	25		26	-1	1	2	57	32	247	56	30	187
Non college women	28		5	23	11	-12	59	31	276	48	43	213
College men	1		-8	9	6	-3	47	46	210	41	49	188
College women	-7		-9	2	2	0	42	49	226	40	49	195
Y Affili	Strong Democrat	-13	-27	14	7	-7	40	53	341	33	60	282

Just to be clear, is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?

Changes in the Margin - Net Gains & Losses

Raw Polling Data

		30-Oct	22-Sep	October minus September			30-Oct	30-Oct	30-Oct	22-Sep	22-Sep	22-Sep	
		Margin Favoring Elim	Margin Favoring Elim	Change in Margin Favoring Elim	Points Gained by Elim	Points Gained by Keep	% Who Want to Elim	%Who Want to Keep	Sample Size	% Who Want to Elim	%Who Want to Keep	Sample Size	
** gray fill indicates a sample size less than 100		Weak Democrat	-15	-37	22	13	-9	37	52	111	24	61	94
		Weak Republican	39	35	4	6	2	66	27	88	60	25	82
		Strong Republican	52	56	-4	-3	1	71	19	222	74	18	198
		Democrat	-14	-29	15	8	-7	39	53	452	31	60	376
		Indep.	20	-6	26	16	-10	55	35	180	39	45	120
		Indep and Leans	12	-7	19	12	-7	51	39	270	39	46	208
		Republican	49	50	-1	0	1	70	21	310	70	20	280
Party & Gender	Democratic men	-10	-24	14	7	-7	40	50	208	33	57	169	
	Democratic women	-17	-34	17	9	-8	38	55	244	29	63	207	
	Indep. men	16	4	12	11	-1	54	38	91	43	39	60	
	Indep. women	23	-17	40	21	-19	56	33	89	35	52	60	

Just to be clear, is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?

Changes in the Margin - Net Gains & Losses

Raw Polling Data

		30-Oct	22-Sep	October minus September			30-Oct	30-Oct	30-Oct	22-Sep	22-Sep	22-Sep	
		Margin Favoring Elim	Margin Favoring Elim	Change in Margin Favoring Elim	Points Gained by Elim	Points Gained by Keep	% Who Want to Elim	%Who Want to Keep	Sample Size	% Who Want to Elim	%Who Want to Keep	Sample Size	
** gray fill indicates a sample size less than 100		Indep. men w leans	10	3	7	8	1	51	41	132	43	40	116
		Indep. women w leans	16	-19	35	18	-17	52	36	138	34	53	93
		Republican men	47	50	-3	0	3	70	23	149	70	20	141
		Republican women	50	49	1	0	-1	69	19	161	69	20	139
Ethnicity	White	15	-2	17	9	-8	53	38	634	44	46	519	
	African American **	15	11	4	3	-1	51	36	59	48	37	64	
	Latino	21	11	10	7	-3	56	35	165	49	38	136	
	Asian **	4	7	-3	-1	2	48	44	49	49	42	53	
	White men	18	1	17	10	-7	55	37	304	45	44	240	
	White women	12	-4	16	8	-8	51	39	331	43	47	279	
	Latino men	24	25	-1	0	1	55	31	73	55	30	79	

Just to be clear, is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?

Changes in the Margin - Net Gains & Losses

Raw Polling Data

		30-Oct	22-Sep	October minus September			30-Oct	30-Oct	30-Oct	22-Sep	22-Sep	22-Sep
		Margin Favoring Elim	Margin Favoring Elim	Change in Margin Favoring Elim	Points Gained by Elim	Points Gained by Keep	% Who Want to Elim	%Who Want to Keep	Sample Size	% Who Want to Elim	%Who Want to Keep	Sample Size
** gray fill indicates a sample size less than 100												
	Latino women	18	-8	26	15	-11	56	38	92	41	49	57
Ethnicity &...	White <50	5	-15	20	12	-8	49	44	278	37	52	211
	White 50+	23	7	16	8	-8	57	34	343	49	42	298
	Latino <50	18	-3	21	14	-7	56	38	106	42	45	91
	Latino 50+	23	38	-15	-9	6	54	31	54	63	25	43
	White Democrat	-24	-48	24	11	-13	34	58	241	23	71	211
	White Indep.	14	-18	32	19	-13	52	38	116	33	51	68
	White Republican	51	46	5	4	-1	71	20	261	67	21	226
	African American Dems **	12	11	1	4	3	52	40	44	48	37	50
	Latino Democrat	10	-5	15	9	-6	50	40	120	41	46	83

Just to be clear, is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?

Changes in the Margin - Net Gains & Losses

Raw Polling Data

		30-Oct	22-Sep	October minus September			30-Oct	30-Oct	30-Oct	22-Sep	22-Sep	22-Sep
		Margin Favoring Elim	Margin Favoring Elim	Change in Margin Favoring Elim	Points Gained by Elim	Points Gained by Keep	% Who Want to Elim	%Who Want to Keep	Sample Size	% Who Want to Elim	%Who Want to Keep	Sample Size
** gray fill indicates a sample size less than 100												
	Latino Ind. and Repub	49	38	11	6	-5	71	22	40	65	27	49
Marital Status	Married	20	10	10	5	-5	55	35	586	50	40	480
	Unmarried	-3	-8	5	4	-1	44	47	360	40	48	311
	Single	-16	-20	4	3	-1	38	54	201	35	55	133
	Separated/Divorced	41	-18	59	31	-28	65	24	70	34	52	66
	Widowed	26	23	3	2	-1	58	32	58	56	33	79
	Married men	22	15	7	4	-3	56	34	285	52	37	252
	Married women	18	5	13	7	-6	55	37	300	48	43	228
	Unmarried men	-1	-3	2	4	2	46	47	169	42	45	128
	Unmarried women	-4	-13	9	5	-4	43	47	191	38	51	183
Marital Stat	(Child under 18) Yes	24	2	22	13	-9	59	35	295	46	44	252

Just to be clear, is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?

Changes in the Margin - Net Gains & Losses

Raw Polling Data

		30-Oct	22-Sep	October minus September			30-Oct	30-Oct	30-Oct	22-Sep	22-Sep	22-Sep
		Margin Favoring Elim	Margin Favoring Elim	Change in Margin Favoring Elim	Points Gained by Elim	Points Gained by Keep	% Who Want to Elim	%Who Want to Keep	Sample Size	% Who Want to Elim	%Who Want to Keep	Sample Size
** gray fill indicates a sample size less than 100												
	(Child under 18) No	6	2	4	3	-1	48	42	657	45	43	535
	Father	34	14	20	13	-7	65	31	137	52	38	125
	Mother	15	-11	26	13	-13	53	38	159	40	51	127
	Dem/Ind Mothers < 45	0	-42	42	24	-18	47	47	~100	23	65	~ 100
	Dem/Ind Fathers < 45	29	-4	33	16	-17	62	33	~100	46	50	~ 100
	Childless man	5	5	0	1	1	47	42	319	46	41	251
	Childless woman	9	0	9	5	-4	50	41	338	45	45	284
Location	LA County	10	5	5	1	-4	48	38	254	47	42	206
	Orange	37	16	21	13	-8	64	27	89	51	35	75
	Inland Empire	20	22	-2	-3	-1	56	36	89	59	37	73
	San Diego	10	23	-13	-5	8	51	41	85	56	33	71

Just to be clear, is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?

Changes in the Margin - Net Gains & Losses

Raw Polling Data

		30-Oct	22-Sep	October minus September			30-Oct	30-Oct	30-Oct	22-Sep	22-Sep	22-Sep
		Margin Favoring Elim	Margin Favoring Elim	Change in Margin Favoring Elim	Points Gained by Elim	Points Gained by Keep	% Who Want to Elim	%Who Want to Keep	Sample Size	% Who Want to Elim	%Who Want to Keep	Sample Size
		8	15	-7	0	7	49	41	108	49	34	87
Sacramento		-2	-33	31	16	-15	45	47	213	29	62	173
Bay Area		18	10	8	3	-5	53	35	457	50	40	373
MM Los Angeles		-5	-31	26	13	-13	43	48	198	30	61	166
MM San Francisco - Oakland - San Jose		8	14	-6	1	7	49	41	108	48	34	88
MM Sacramento - Stockton - Modesto		11	20	-9	-4	5	51	40	82	55	35	67
MM San Diego		36	27	9	9	0	66	30	82	57	30	62
MM Other Central		24	15	9	5	-4	57	33	220	52	37	181
MM Los Angeles Men		12	4	8	3	-5	50	38	237	47	43	193
MM Los Angeles Women		-13	-32	19	14	-5	41	54	92	27	59	77
MM San Francisco - Oakland - San Jose Men												

Media Market (MVI)

&...

Just to be clear, is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?

Changes in the Margin - Net Gains & Losses

Raw Polling Data

** gray fill indicates a sample size less than 100		30-Oct	22-Sep	October minus September			30-Oct	30-Oct	30-Oct	22-Sep	22-Sep	22-Sep
		Margin Favoring Elim	Margin Favoring Elim	Change in Margin Favoring Elim	Points Gained by Elim	Points Gained by Keep	% Who Want to Elim	%Who Want to Keep	Sample Size	% Who Want to Elim	%Who Want to Keep	Sample Size
		MM San Francisco - Oakland - San Jose Women	3	-30	33	13	-20	46	43	106	33	63
MM Los Angeles under 35	0	-9	9	7	-2	46	46	97	39	48	77	
MM Los Angeles Under 50	17	-4	21	13	-8	55	38	227	42	46	163	
MM Los Angeles 50 & over	20	21	-1	-3	-2	53	33	216	56	35	204	
MM San Francisco - Oakland - San Jose Under 50	-22	-44	22	14	-8	37	59	99	23	67	77	
MM San Francisco - Oakland - San Jose 50 & Over	13	-20	33	16	-17	52	39	92	36	56	88	
MM Los Angeles White	17	5	12	4	-8	53	36	270	49	44	226	
MM San Francisco - Oakland - San Jose White	-3	-36	33	17	-16	45	48	130	28	64	111	

Just to be clear, is your vote to eliminate marriage for gay and lesbian couples in the state of California or NOT to eliminate marriage for gay or lesbian couples in the state of California?

Changes in the Margin - Net Gains & Losses

Raw Polling Data

		30-Oct	22-Sep	October minus September			30-Oct	30-Oct	30-Oct	22-Sep	22-Sep	22-Sep
		Margin Favoring Elim	Margin Favoring Elim	Change in Margin Favoring Elim	Points Gained by Elim	Points Gained by Keep	% Who Want to Elim	%Who Want to Keep	Sample Size	% Who Want to Elim	%Who Want to Keep	Sample Size
** gray fill indicates a sample size less than 100												
	MM Sacramento - Stockton - Modesto White	16	16	0	4	4	53	37	76	49	33	68
Pres Vote Intention	(Plans to vote) McCain	66	55	11	8	-3	80	14	313	72	17	277
	(Plans to vote) Obama	-15	-34	19	9	-10	38	53	538	29	63	387
	(Plans to vote) Undecided	-4	7	-11	-7	4	37	41	71	44	37	91

## **A Detailed Look at the Methodology Used to Calculate Voter Movement**

### **Basic Calculations**

To calculate the net swing among each voter subgroup listed in the chart above, we compared the net change in margin between the September 22 and October 30 tracking polls. “Margin” means the difference between the percentage supporting a ban on same-sex marriage and those opposing a ban on same-sex marriage.

Example: Consider a voter subgroup that favored the marriage ban by 45-35 in the September poll and then by 60-30 in the October poll.

- The subgroup experienced a 20-percentage-point swing. The swing is the difference between the October margin (60%-30% = 30%) and the September margin (45%-35% = 10%).
- The estimated percentage of voters in the subgroup who changed their minds would be half of the swing, in this case 10%. To calculate:  $(60-30 = 30\%) - (45-35 = 10\%) = 20\%$ , divided by two, yields 10%.
- The estimated number of voters in the subgroup who changed their minds is calculated by applying the percentage above (10%) to the absolute number of voters in the subgroup. If this group contained 1,000,000 voters, multiplying that number by 10% = estimated net movement of 100,000 voters who moved toward favoring the ban on same-sex marriage.
- The estimated number of votes represented by the 20-point swing is 200,000. The movement in this voter subgroup resulted in a change of 200,000 in the net margin of victory for the Yes side.

The report sometimes refers to this change as a “200,000-vote swing,” or sometimes refers to it as an estimated 100,000 voters who changed their minds.

### **The Advantages of Thinking about Voter Movement in terms of “Swing”**

#### **Advantage 1: It is easy to understand**

The “200,000-vote swing” often lends the greatest insight when we are examining election results. If a ballot measure passes, as Prop 8 did, with 7,001,084 voters voting Yes and 6,401,482 voters voting No, most commonly people would say that it passed by 600,000 votes, even though 300,000 voters *changing their minds* from Yes to No would have been sufficient to change the outcome. Alternatively, it would have taken 600,000 additional non-voters voting No to change the outcome.

Some campaign activities -- eg turning out supporters -- yield a 1-vote swing per voter: turning out a voter who would not have voted, but will vote for your side, increases your margin (or decreases the opposition's margin) by one vote. Other campaign activities -- eg those that

persuade a voter to change his or her mind on an issue, or that correct a voter's wrong-way vote -- yield a 2-vote swing per voter: persuading a voter subtracts a vote from the opposition's total and adds a vote to your total.

**Advantage 2: The swing is knowable with greater precision than the number of voters who changed their minds.**

Saying that this net change in votes -- a 200,000-vote swing -- resulted from 100,000 people changing their minds is an oversimplification. Each voter (assuming the voter is certain to cast a ballot) changing his or her mind results in a two-vote swing -- it adds a vote to the side to which the voter changes, and subtracts a vote from the other side.

But there are other possibilities that create two-vote swings. One person might change his/her mind from undecided to Yes (creating a 1-vote swing), and another might change his/her mind from No to undecided (creating another 1-vote swing). Or one No voter might become disinterested in the election and decide not to vote instead of voting, while a Yes voter who was formerly disinterested becomes interested and decides to vote. Undoubtedly, a portion of the swing measure represents these occurrences. But in the Prop 8 campaign, probably the majority of the movement was a result of people moving within the electorate: most voters were voting, and there's no reason to believe that the number of people entering and exiting the likely electorate was large, or that they would have tended to lean one way or the other.

**The Methodological Assumption made in this report to allocate Undecided Voters**

This report's methodology assumes that an undecided voter is equally likely to cast a Yes vote or a No vote, and thus that moving from Yes to undecided is a 1-vote swing toward No, while moving from undecided to Yes is a 1-vote swing toward Yes. In some campaigns, this is not true; undecided voters tend to break disproportionately in one direction. The data from the Prop 8 campaign is far from conclusive: some data suggest that undecided voters broke toward Yes; some data suggest that they broke toward No. One could argue in favor of either position defensibly, and the truth may differ across demographic subgroups. This report makes the simplest assumption: that undecided voters divided equally.

Some might argue that undecided voters would abstain rather than divide equally. In the case of Prop 8, however, this view is not persuasive: the campaign's polling showed approximately 10% of voters undecided throughout, yet fewer than 3% abstained from voting on Prop 8. But probably *some* undecided voters abstained (and also true that some decided voters probably abstained due to ballot spoilage or dropoff). The model used in this report does not account for this.

Others might argue that undecided voters would break in the same ratio as decided voters, eg in a group where Yes had a big lead, undecided voters might break toward Yes. There is no evidence for or against this in the case of Prop 8; it might or might not be true. The method used in this report has the advantage of simplicity of calculation and explanation.

Both of the above arguments would suggest the same calculation: ignoring undecided voters (or, to put it another way, reallocating them proportionally to decided voters). This formulation is

often used in ballot measures, because many voters skip ballot questions on which they are undecided. On most ballot questions, however, undecided voters are largely voters with very low information about the particular ballot measure on which they are voting; they are not so much undecided (torn) as uninformed. Prop 8 was not that kind of measure.

In any case, the numbers would not change markedly if either of these methods were used. In the example above, this alternative methodology would estimate the above swing to be 20.8% ( $56.25\% - 43.75\% = 12.5\%$  to  $66.67\% - 33.33\% = 33.3\%$ ), for a change in margin of 20.8%, rather than 20%, barely altering our calculation. So this alternative method of calculation would impact the findings of this report very little.

### **Methodological limitations in drawing conclusions from ballots cast by different voter subgroups**

Below are this report's approximations translating net movement among subgroups polled into ballots cast. For the most part, the quantifiable ballots cannot be added between demographic groups. For instance, if we know 500,000 parents moved toward the anti-gay side, and 700,000 Democrats did the same, the overlap between the categories prevents us from being able to define which voters are included in both categories. For mutually exclusive demographics, it is permissible to add between groups. Lake's question to establish parental status is binary and separates people into either "childless" or "parent," the latter defined as someone with a child under 18 living at home. Thus we can add the movement among the childless subgroup and the parent subgroup with confidence there aren't overlapping voters.

All subgroup sample size is taken from the final Lake tracking poll ending on October 30. This is the most accurate estimation of electoral make-up available as it is the closest data point to election day. For consistency, this report applied the ratio of subgroup to total sample within Lake polling to total ballots cast to estimate the electoral size of each subgroup. Example: parents make up 30% of the total sample for the October 30 Lake Poll. We assume that parents also make up 30% of ballots cast election day. There were 13,743,177 total ballots cast on election day, enabling this report to estimate parents were responsible for 30% of the votes or 4,122,953 ballots.

## **Voter Movement by Change in Margin**

### **Total Population**

Total Ballots Cast on Election Day : 13,743,177  
Change in Margin: 10% pt change in margin from (3) to (13)  
"Net Movement": 1,374,318  
"Movers" (1/2): a minimum of 687,159

### **Parental Status**

#### **Parents : Based on "child under 18 Yes"**

Parents: 30% of those polled on Oct 30<sup>th</sup>  
Total Parental Ballots: total ballots ( 13,743,177 ) x % of electorate (.30 ) = 4,122,953  
Change in margin among parents: 22% change in margin from (2) to (24)  
"Net Movement": 907,050  
"Movers" (1/2): a minimum of 503,525

#### **Mothers :Based on "child under 18 Yes" and reported gender**

Total Parental Ballots: total ballots ( 13,743,177 ) x % of electorate (.30 ) = 4,122,953  
Mothers are 54% of parents polled on Oct 30<sup>th</sup>  
Total Mother Ballots: total parent ballots (4,122,953) x % mothers ( .54 ) = 2,226,395  
Change in margin among mothers: 26% pt change in margin from (-11) to (15)  
"Net Movement": 578,862  
Movers" (1/2): a minimum of 289,431

#### **Fathers : Based on "child under 18 Yes" and reported gender**

Fathers are 46% of parents polled on Oct 30<sup>th</sup>  
Total Father Ballots: total parent ballots (4,122,953) x % fathers ( .46 ) = 1,896,558  
Change in margin among fathers : 20% pt change in margin from (14) to (34)  
"Net Movement": 379,311  
"Movers" (1/2)– a minimum of 189,655

## **Parental Status Continued**

### **Democratic & Independent Mothers < age 45**

Total Parental Ballots : total ballots ( 13,743,177) x % of electorate (.30 ) = 4,122,953  
Dem & Ind Parents < 45 are 44% of parents polled on Oct 30<sup>th</sup>  
Mothers are 59% of Dem & Ind parents  
Total Dem/Ind<45 Mother Ballots :total parental ballots (4,122,953) x % DemInd<45 (.44) x %  
mothers (.59) = 1,070,318  
Change in margin among Dem/Ind<45 Mothers :42% pt change in margin from (-42) to (0)  
"Net Movement": 449,533  
"Movers" (1/2): a minimum of 224,766

### **Democratic & Independent Fathers < age 45**

Total Parental Ballots: total ballots ( 13,743,177) x % of electorate (.30 ) = 4,122,953  
Dem & Ind Parents < 45 are 44% of parents polled on Oct 30<sup>th</sup>  
Fathers are 41% of Dem & Ind parents  
Total Dem/Ind<45 Father Ballots: total parental ballots (4,122,953) x % DemInd<45 (.44) x %  
Fathers (.41) = 743,780  
Change in margin among Dem/Ind<45 Fathers: 33% pt change in margin from (-4) to (29)  
"Net Movement" : 245,447  
"Movers" (1/2):a minimum of 122,724

### **"Childless": Based on "Child under 18 no"**

"Childless": 70% of those polled on Oct 30<sup>th</sup>  
Total "Childless" Ballots: total ballots ( 13,743,177) x % of electorate (.70) = 9,620,224  
Change in margin among "Childless": 4% pt change in margin from (2) to (6)  
"Movement" : 384,808  
"Movers" (1/2) : a minimum 192,404

## **Race**

### **White :**

Whites account for 65% of those polled on Oct 30<sup>th</sup>

Total Ballots: total ballots ( 13,743,177) x % of electorate(.65) = 8,658,202

Change in margin among Whites : 17% pt change in margin from (-2) to (15)

“Movement” : 1,471,894

“Movers” (1/2) : a minimum of 735,947

### **African American:**

\*\* movement within margin of error

(movement based off of small sample size <100, ) ( time captured is Oct 2 – Oct 30)

African Americans account for 6% of those polled on Oct 30<sup>th</sup>

Total Ballots: total ballots ( 13,743,177) x % of electorate(.06) = 824,590

Change in margin among African Americans: 4% pt change in margin from (11) to (15)

“Movement” : 32,984

“Movers” (1/2) : a minimum of 16,492

### **Asian:**

\*\* movement within margin of error

(movement based off of small sample size <100, ) ( time captured is Oct 2 – Oct 30)

Asians account for 5% of those polled on Oct 30<sup>th</sup>

Total Ballots: total ballots ( 13,743,177) x % of electorate(.05) = 687,159

Change in margin among Asians: (-3%) pt change in margin from (7) to (4)

“Movement”: 20,615

“Movers” (1/2) : a minimum 10,307

### **Latino:**

Latinos account for 17% of those polled on Oct 30<sup>th</sup>

Total Ballots: total ballots ( 13,743,177) x % of electorate(.17) = 2,336,340

Change in margin among Latinos :10% pt change in margin

“Movement” : 233,634

“Movers” (1/2) :116,817

## **Party**

### **Democrat:**

Democrats account for 46% of those polled on Oct 30th

Total Democrat Ballots: total ballots ( 13,743,177) x % of electorate(.46) : 6,321,861

Change in Margin among Democrats : 15% pt change in margin from (-29) to (-14)

"Movement" : 948,280

"Movers" (1/2) : a minimum of 474,140

### **Independent:**

Independents account for 18% of those polled on Oct 30th

Total Independent Ballots: total ballots ( 13,743,177) x % of electorate(.18) = 2,473,772

Change in margin among Independents : 26% pt change in margin from (-6) to (20)

"Movement": 643,181

"Movers" (1/2) : a minimum of 321,590

### **Republican:**

\*\* movement is within margin of error

Republicans account for 32% of those polled on Oct 30th

Total Republican Ballots: total ballots ( 13,743,177) x % of electorate(.32) = 4,397,817

Change in margin among Republicans: (-1) %pt change in margin from (50) to (49)

"Movement": 43,987

"Movers" (1/2) : a minimum of 21,989

# Appendix I: Polling failed to predict the strong power of the Yes on 8 kids argument

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Lake Research attempted to gauge the potential impact of Yes on 8 making an argument about kids. But their findings understated the effect that the kids argument actually had on voters once it was on the air in the “Princes” ad.

Specifically, in polls that Lake Research conducted in May, July, and August 2008, it included questions testing four variations of the kids argument:

- **The Kids** (tested in May): “It is getting harder and harder to raise kids these days, and this decision [the court decision] only makes it worse. That is why we need a Constitutional Amendment. Children are too impressionable. Now, we will be forced to discuss these issues with them at too early an age. That might even lead some of them to think that homosexuality is okay, and they may experiment to see if they are gay.” (voters were asked if this was “convincing” or “not convincing”)
- **Confuse Kids** (tested in July): “It is fine for people to be together and do what they want in their private lives, but their public displays and marriages send inappropriate and confusing messages to our children. It is better for children to be raised by a mother and a father. We should not encourage more adoption by gay couples. The children will be teased at school. Public gay marriage is bad for our children.” (“convincing” or “not convincing”)
- **Children Need Both** (tested in July and August): “Marriage is a union of husband and wife. The people of California do not want the government teaching our children and grandchildren that our deeply cherished ideals of marriage are out of date and that opposition to gay marriage is just bigotry and discrimination. Marriage is about bringing together men and women so children have both mothers and fathers.” (“convincing” or “not convincing”)
- **Kids Split Sample** (tested in August): “Some/other people say we should vote yes on Prop 8. Voting yes will ensure that children—as young as kindergarten—will not be required to be taught, even against the will of their parents, that gay marriage and traditional marriage are the same, but that is what will happen if we don’t put this definition in our constitution.” (After hearing this and an argument for voting no, voters were asked which argument they found “more convincing” and answers were tallied as “yes”, “no”, and “neither or both.”)

In each poll, the various arguments about kids were tested as part of a larger battery of messages that the Yes on 8 campaign might consider. Most of the time, with one exception, the kids arguments failed to stand out. The polling suggested that most variations on the kids

argument, including the ones most similar to “Princes,” did not pose the strongest threat to the No on 8 campaign; the kids-related arguments did not test as well as other non-kids-related arguments available to Yes on 8.

In May, “The Kids” argument ranked as the least convincing argument tested. Among all likely voters, it was fourth out of four, 44% calling it “convincing” and 53% calling it “unconvincing.” Among racial and ethnic subgroups, it performed better but still ranked in last place. Among African-American likely voters, it was tied for last, 55% called it “convincing” while 42% found it “unconvincing.” Among Latino and Asian likely voters, the argument ranked last in persuasive power compared to the other arguments tested, with 51% and 52% respectively calling it “convincing” and 48% and 40% calling it “unconvincing.”

In July, the “Confuse Kids” argument ranked fourth out of five arguments tested. Among all likely voters and among Latino likely voters, it was fourth, with 58% of all likely voters and 63% of Latino likely voters calling it “convincing.” Among likely voters undecided about how they were voting on Prop 8, this argument ranked last, fifth out of five, with 49% calling it “convincing.” Among a universe of voters Lake felt was potentially persuadable—those who answered that they didn’t favor gay marriage but found it acceptable—“Confuse Kids” was fourth out of five, with 62% calling it “convincing.” Among our base voters—those who favored gay marriage—“Confuse Kids” was fifth out of five, with only 16% calling it “convincing.”

The “Children Both” argument was the exception, the kids-related argument that tested strongly. Unlike the other kids arguments, however, this argument is very much focused on marriage, and the idea that marriage is about one man and one woman; kids are brought up only as doing better if they grow up with a mother and a father, a different point than the one front and center in “Princes.” “Children Both” was the strongest of five arguments in July and the strongest of three arguments in August among all likely voters. It was ranked as “convincing” by 64% to 35% in July and 59% to 39% in August. Likewise, the argument was the strongest of five in July among Latino likely voters (74% to 25%) and second strongest in July among undecided likely voters (68% to 32%). [ But this argument performed much less well with the Lake persuadable voters and with our base; with both, the argument was third out of three in the August polling, with 61% of the persuadables and only 25% of the base finding it “convincing.”

The August test of a reworded version of “The Kids” argument—put up against two different possible counterarguments by No on 8—showed that both No counterarguments bested the kids-based argument. Among likely voters, one response by No—a more forceful and flat denial of the Yes charges—had No coming out ahead as “more convincing” by 41% to 35%, with 25% calling neither or both “more convincing.” The other response by No also had No ahead as “more convincing” by 39% to 36%, with 24% saying neither or both was “more convincing.”

For the full text of all arguments tested, see below.

One warning sign in all of the above is that the various kids arguments, even when they ranked lower than other arguments, still were usually deemed convincing by a majority of the likely voters overall and in almost every subcategory. The kids arguments therefore did demonstrate potential to have power with the electorate.

Further, likely voters found Yes on 8's arguments significantly stronger than No on 8's across the board, itself a warning to the No on 8 campaign that it was the underdog.

Even with the polling as the only information available, it therefore would have been prudent for the No on 8 consultants to prepare for kids attacks. But it's also fair for the consultants to have anticipated a kids attack to be less likely than other possible attacks. To recognize the extraordinarily high likelihood of the kids attacks, the No on 8 campaign consultants would also have had to consider the historical experience. With that said, some polling efforts have fared better at gauging the power of the kids argument immediately after one of these ballot measure votes. Third Way, polling in Maine after the passage of Measure 1, found that 63% of voters in the moveable middle thought it was *likely* that schools would teach about homosexuality if Measure 1 failed, 74% were *concerned* about schools teaching homosexuality, 40% thought kids would be more likely to experiment with homosexuality, and 58% were concerned about that possibility.

## **Full Text of Arguments Tested**

### **May 19–27. % of those polled that agree with the statement...**

1. Regardless of how I feel about gay marriage, people should not be treated unfairly under the laws of our state. **78%**
2. Our constitution should guarantee the same rights to all citizens, and should not single out one group to be treated differently. **73%**
3. Marriage strengthens families and communities. We should support committed couples who want to accept the responsibility that comes with marriage. **72%**
4. I may not agree with gay marriage, but I think government should stay out of people's personal lives. **69%**
5. Our constitution should guarantee the same rights to all citizens, and should not single out one group for discrimination. **66%**

### **May 19–27. % of those polled that find the statement convincing...**

1. The government has no business telling people who can and cannot get married, just like it is no business of the government to tell people what they can read, watch on TV, or do in the privacy of their own homes. We do not need a constitutional amendment that gives the government more say in our private lives. **57%**
2. The state supreme court has said that our constitution protects all of us equally—gay or straight. People have the right to love who they love and now the right to marry who they want to marry. Can you imagine your neighbor voting on who you can marry or on your rights? We can disagree on this issue, but it is simply wrong to vote on other people's fundamental rights. **55%**

3. The court's decision preserves equality in California. The court ruled that gay and lesbian couples in California have the same ability to marry as other couples. These couples only want the same rights and equality that everyone else is entitled to—nothing more, nothing less. **55%**

4. Many gay and lesbian couples stay together for years, despite disapproval and discrimination, and still they persevere. These couples are committed to building happy lives together despite the obstacles they face. We should vote no on this amendment because gay and lesbian couples deserve to experience the same joys and challenges of marriage as other couples. **53%**

4. Our constitution protects each of us equally. That is what the court said. Now, other people want to come in and say that it does not protect everyone equally. They want to say that we should exclude some people from equal protections under the law and that only SOME people should get married, have families, and be able to protect their loved ones. It is wrong to exclude people from constitutional protections. **53%**

5. We have been dealing with this issue for so many years, and it's a waste of time and money. Think of what we could accomplish if we focused this much attention on education, health care, and the environment—issues that bring us together. The Supreme Court has given its opinion, we should let it be. If we keep going back and forth, in and out of court, it will cost us millions and divert our attention from major problems facing our state. **53%**

6. The California Supreme Court has only decided that the government must allow gay and lesbian couples to marry. There is not one word in this decision that directs any church or religious leader to say or do anything they don't believe in. We still have separation of church and state. No church, synagogue, or other religious institution will be forced to marry gay and lesbian couples if they don't want to. **53%**

### **July % of “undecided” that find the statement convincing**

1. We do not need more government in our lives. The government has no role telling two committed and devoted adults who they should marry. Government has no business telling people who can and cannot get married just like it cannot tell us what we can read or say or do in our private lives. We do not need a constitutional amendment that gives the government more say in our lives. **72%**

2. Marriage is the institution that conveys dignity and respect to couples who want to make a lifetime commitment. Gay and lesbian couples stay together for years and want to make this commitment just like any other loving committed couple. Two people who love each other should have the ability to express that commitment, and no one should be denied that dignity and respect. **60%**

3. Regardless of how you feel about this issue, we should guarantee the same fundamental freedoms to every Californian. The freedom to marry is fundamental to our society like the freedoms of religion and speech and we should treat everyone equally. It is simply wrong to vote on people's fundamental freedoms. **55%**

4. Marriage is the institution that conveys dignity and respect to couples who want to make a lifetime commitment. Gay and lesbian couples stay together for years and want to make this commitment just like any other loving committed couple. Two people who love each other should have the ability to express that commitment, and no one should be denied that dignity and respect. Committed and loving couples that want to take on the responsibility that comes with marriage should be treated like everyone else. **53%**

5. Our California constitution should not be used to single out one group of people to be treated differently or separately. Basic freedoms and rights should be guaranteed to everyone. Our nation was founded on the principle that everyone should be treated equally. Proposition 8 bans gay and lesbian couples from getting married, that treats them differently and it excludes them from enjoying the same freedoms and rights as other loving, committed couples. **51%**

# Appendix J: How to get the truth out of a poll

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Both the Prop 8 campaign in 2008 and the subsequent Question 1 campaign in Maine in 2009 teach us a lot about the limitations of polling.

## **The Basic Problem:**

### **Even smart pollsters find this a tough issue to get right . . .**

First, the issue of same-sex marriage is obviously a difficult issue on which to poll compared to other issues, even for methodologically sophisticated pollsters. In California, well-run polls got wildly different results, even when asking identical questions at the same time to similar audiences. For example, PPIC and Field showed No on 8 heading toward a landslide victory in September, at the same time that Lake found a dead heat. Similarly, as Election Day loomed, PPIC and Field showed No on 8 ahead, though by a narrowing margin, at the same time that Binder was finding a dead heat and Lake was correctly predicting a loss. By Election Day, Binder had never once found Yes on 8 at 50% or above, even though Lake had Yes on 8 at 50% or higher consistently throughout most of October and only a shade below 50% (and still well ahead of No on 8) as October closed. Of all the polls, only Lake predicted the Election Day outcome correctly, that No on 8 would suffer a loss. Every other poll taken around that time (not only PPIC, Field, and Binder, but also other private polls shared with the No on 8 campaign) showed No on 8 narrowly ahead.

Methodological choices made by pollsters affect their results. But there is no pattern to their choices that explains the varying poll results. Both Lake and PPIC employed random digit dialing to contact and select the voters they included in their poll; both Binder and Field took the other commonly used approach and used a voter list to contact and select voters they included in their polls. All pollsters make their own assumptions about the likely composition of the portion of the electorate that will actually vote; Lake for instance weighs its results to include key demographic subgroups to reflect those assumptions; others, including Binder Research, do not. Within the polling profession, there is ongoing discussion about the pros and cons of these approaches. What is interesting in Prop 8, however, is that even pollsters who made similar methodological choices did not have their findings converge.

The paper by Prof. Gregory B. Lewis and Dr. Charles W. Gossett “Why Did Californians Pass Proposition 8?” examines PPIC and Field polling data on Prop 8. Lewis and Gossett make the case that wrong-way voting (a phenomenon described in Finding 7 and Appendix K) explains much of the discrepancy between their polls that showed No on 8 consistently ahead and the outcome where Yes on 8 prevailed comfortably. Go to

**[http://papers.ssrn.com/Sol3/Delivery.cfm/SSRN\\_ID1463485\\_code101796.pdf?abstractid=1451709&mirid=5](http://papers.ssrn.com/Sol3/Delivery.cfm/SSRN_ID1463485_code101796.pdf?abstractid=1451709&mirid=5)**

to download the full text of the Lewis and Gossett research. Perhaps part of the reason Lake Research more closely predicted the election result is that it took greater pains to minimize the ways in which wrong-way voting affected its numbers in its Be Clear question.

But the Lake standard horse race question also had, in its own way, difficulty predicting the outcome. It understated support for No on 8, painting a bleaker picture than the one that emerged on Election Day. After speaking with people from Lake and Binder who were deeply involved in the polling on Prop 8 and reading the brief statements issued by Field and PPIC, there is not yet a clear reason for all of the discrepancies.

### **. . . yet there are signs of progress**

Some polling efforts have fared better at gauging the power of the kids argument immediately after one of these ballot measure votes. Third Way, polling in Maine after the passage of Measure 1, found that 63% of voters in the moveable middle thought it was *likely* that schools would teach about homosexuality if Measure 1 failed, 74% were *concerned* about schools teaching homosexuality, 40% thought kids would be more likely to experiment with homosexuality, and 58% were concerned about that possibility.

In addition, although the Lake message battery testing was flawed, as discussed in Finding 5, its benchmark poll found that “gay couples” topped the list of most trusted messengers, with 58% of likely voters saying they had a “great deal” or “some” interest in hearing from them on the issue of same-sex marriage. Runners-up were “parents of gay people” at 49%, “local religious leaders” at 47%, “Sen. Diane Feinstein” at 42%, and “Ellen DeGeneres” at 40% (a total of fourteen messengers were tested, and these were the only ones breaking 40%). Note that No on 8 aired ads with Feinstein and DeGeneres but never tried one with gay couples speaking for themselves. A September 15 memo from Lake Research and Wild Swan Resources, however, concluded that gay couples were not the optimal messenger choice without noting the source of any data driving that conclusion. The memo may reflect data that emerged in focus groups, but its failure to say so means that other factors, including the consultants’ gut sense of things, may have carried the day. If that is true, it means that more positive findings about LGBT spokespeople first have to convince the pollsters before they can influence campaign communications.

## **When to Poll**

How to decide whether or when to poll—and whether and when to believe poll results? I offer ten guidelines that may better guide the LGBT community and our allies in the future as we decided whether and when to poll, as well as whether and when to consider additional methodological options to collect better data on smaller voter subgroups.

I also offer one guideline, at the very end, on when to believe and rely on public polls.

### **Guideline 1: Accept that polling is prone to error.**

Polling on the issue of same-sex marriage ballot measures is difficult and prone to serious error. Use polling, but don’t rely on it by itself to assess the value of a particular message or approach. Don’t assume that hiring a second pollster solves the problem. Polling itself, while valuable, is sometimes an inherent part of the problem.

**Guideline 2: Compare apples to apples.**

Polling is better at identifying trends that emerge in serial polls conducted by the same firm than in predicting absolute outcomes. As a community, we should discount an isolated poll by any one firm or an isolated finding on any one question.

**Guideline 3: Poll on the present, not the future.**

Polling is much better at providing a snapshot of the present—what voters believe right now—than it is at prediction. Voters often fail to accurately describe what they will do in the future, or how they might respond to an argument in the future. No wonder that polling, relying on their answers, falls short as well.

**Guideline 4: Avoid the hypothetical.**

Polling on same-sex marriage is at its most problematic when posing hypothetical arguments and asking whether and how voters would react to them. Polling begins to approximate push polling when a series of questions after a horse race question ask the equivalent of whether the voter would change their mind if a particular thing was true. Leading questions too often get the voter being polled to give in whether or not they would actually respond that way in the real-world election. In addition, polling overestimates the value of messages that require voters to think, reason, analogize, or respond to abstract ideas, eg, “keep government out of all our lives” or “regardless of how you feel about marriage, it is wrong to treat one group of people differently from another.” See Finding 5 for a fuller discussion of the danger that polling overstates the power of de-gayd arguments in particular.

**Guideline 5: Acknowledge that polling likely understates the impact of emotional arguments.**

On the other hand, polling underestimates the power of emotional messages, such as the Yes on 8 argument about kids. Perhaps the reason for the disparity is an artifact of the polling process itself. Most of these polls, and all of the major polls discussed in detail in this report, are conducted over the telephone. A phone caller, asking a question in a neutral tone of voice, does not evoke the emotional power of the “Princes” ad even if they clearly state the idea behind it. A voter may not be lying when they say the idea behind “Princes” doesn’t affect them, but when the same voter sees it played out emotionally in a TV ad like “Princes,” then they react to it. The fundamental problem could be methodological. A telephone polling conversation may be unable to convey the true gist of an emotionally gripping ad.

**Guideline 6: Don’t let polling drive the rest of the research.**

For the above reasons, it is often a mistake to use polls to find the winning argument; polling can easily identify the wrong one. Similarly, it is often a mistake to use polls to narrow the ideas and messages that will receive further testing. Here, I am offering advice that is the opposite of standard practice: most campaigns begin their research by polling first precisely with this aim in mind.

No on 8 made choices consistent with this conventional approach. The campaign had Lake Research conduct a benchmark poll in May, and then used focus groups for additional research in June through August. With the Lake poll results understating the power of the kids and schools argument, it is not surprising that the argument received less attention in the focus

groups, in some of them being relegated to the last few minutes, according to the moderator's guide. No on 8 used focus groups more consistently to test other potential Yes on 8 arguments that polled better. At the same time, Lake Research recognized the possibility that its polling was understating the power of the kids argument based on its own experience with past same-sex marriage campaigns. It is beyond the scope of this report to ascertain fully how momentum developed that moved the kids issue as fully to the sidelines as it ended up.

Unsurprisingly, however, in many campaigns (not only No on 8), a self-reinforcing dynamic emerges: when an argument polls poorly, it receives relatively cursory examination in later research, which reduces the likelihood that the power of the argument will become clear.

Further, in the case of the kids and schools argument, it is also likely a bit of a relief for campaign consultants when it polls poorly. It is comforting to find that less emotionally charged arguments are the ones we have to counter, rather than the not-yet-solved argument and fears about kids and schools.

**Guideline 7: Don't base poll questions on wishful thinking.**

Don't poll on messages that would never survive a real-life campaign. Many pro-LGBT campaigns devote much of their benchmark polling to test messages that could only work if our opposition fails to campaign and if voters live in a bubble where their only understanding of the ballot measure is what we tell them about it. They ask whether the voter would prefer (a) a stock argument that avoids mentioning that LGBT people are the ones most affected by the vote at hand or (b) a specific argument that uses the word "gay" or some other equally clear reference to the reality of the subject matter. Not very surprisingly, voters prefer option (a). It's like asking voters if they'd prefer chocolate ice cream or chocolate ice cream with added gay. Few pick the latter. "Gay" is stigmatized, perhaps even for many of those who support LGBT equality, and certainly for many voters who are undecided or persuadable on the issue of same-sex marriage.

It is not realistic for our campaigns to proceed as though we control whether or not voters learn that the ballot measure up for a vote is about LGBT people. Whether we like it or not, most voters will learn that from the opposition campaign, reading the paper or watching the news, over a water cooler conversation at work, or over the dinner table at home. Our omission of the information doesn't guarantee widespread ignorance of the reality of what's on the ballot. Yet consultants often conduct our campaigns as though that's true, perhaps out of habits developed in the larger part of their practice where they run campaigns for incumbent election officials who can completely overwhelm their challengers.

The No on 8 ad "Unfair" is a classic example of an attempt to reframe as non-gay the measure on the ballot. It relies on vague but negative adjectives, endorsements from various reputable entities, a dark screen, a bright red "No" on the screen, and ominous background music to convey the undesirability of Prop 8 and to encourage a no vote. All of this is standard operating procedure in ballot measure campaigns of any kind in California seeking a no vote.

But this reframing is most effective at defeating ballot measures on unknown, obscure, or confusing topics, where no opposition group is making counterarguments. It is least effective when the topic is clear, voter interest is high; voter opinions are firmly held; voters feel

knowledgeable about the issue itself; and when the opposition is making clear, specific counterarguments. In other words, an ad like “Unfair” is least likely to have an impact in a campaign exactly like Prop 8.

Many of the ads by Maine’s No on 1 campaign are vulnerable to a similar critique. No on 1 faced the same anti-LGBT messaging by Yes on 1 as California experienced with Yes on 8. The Yes campaigns focused on kids and schools and a purported danger to kids. Specifically, the Yes campaigns raised the specter that straight kids would be indoctrinated inappropriately to view being gay as normal. The Yes on 1 ads in Maine repeatedly used the verb “push” in a highly pejorative way, eg, “Vote Yes on Question 1 to prevent homosexual marriage from being pushed on Maine students.” See Appendix E for the full transcripts of all of the Yes on 8 ads, and Appendix R for Yes on 1 ads. But the No on 1 campaign in Maine succumbed to the same temptation to avoid the issue. See Finding 4 for more discussion of avoidance in both the No on 8 and the No on 1 campaigns.

**Guideline 8: Focus groups have many of the same deficiencies as polling.**

Focus groups may also, for similar reasons, bias pro-LGBT campaigns against seeing the power of the kids argument. Most focus group research is done in groups, as the name implies. Well-run focus group research makes choices to try to maximize opportunity for diverse ideas to emerge in the group; most groups are all women or all men, for instance, to make sure that one or two men don’t dominate group discussion or shut down others’ ideas.

But several dynamics can emerge in focus groups that make it less likely they will give us a true read on an issue like kids and schools. Well-run focus groups keep participants unaware of which side is sponsoring the focus group, because many people want to give the answer desired by the focus group sponsor and please the moderator of the group. But early in many focus groups, it’s obvious which side has sponsored the event and is paying them. It’s evident that we need their help, and are asking for them to figure out how to beat the anti-gay side. Participants may try so hard to please us that we walk away thinking we have found something that works when we haven’t. This is especially true if in the focus group we haven’t fully made the most powerful anti-gay argument that we will later encounter in the campaign.

Another focus group dynamic can disable the group for an almost opposite reason. In many of the No on 8 focus groups, especially those with men, one or two strongly opinionated participants offered anti-same-sex marriage opinions early on. This often surprised the moderator of the group because the participants had been prescreened (by telephone) and identified as undecided on Prop 8. But either the telephone screening suffered from some of the same deficiencies as telephone polling or the screening failed to predict what the participants would articulate once placed in a group of their peers. Either way, the result was that peer pressure made the focus group environment so much less hospitable to different opinions that the groups yielded less insight than hoped for.

One possible remedy to consider in future campaigns is to do focus group research one-on-one, rather than in small groups. At least one attempt with this methodology, in Houston in 2005, was much more successful in uncovering difficulties with pro-LGBT messages and ads than other focus groups were.

Another possible remedy may be empirical experimentation. One example of this is the one-on-one door-to-door canvassing described in Recommendation 3, above. Taking time to talk with individuals who voted Yes on 8 and live in swing neighborhoods may yield insight into messages that move some (by no means all) of those who in 2008 voted against us.

This is not to suggest that one-on-one canvassing will teach us all we need to know. A combination of research approaches deserves consideration, and polls and focus groups are very likely to be useful components of a research plan. The work of Lake Research for No on 8 illustrates both the usefulness of polling (eg, the daily tracking and the Be Clear question to supplement the standard horse race question) and the potential for polling to be misleading, even rigged against discovery of voters' true views (eg, the failure to identify kids as a potent argument for Yes on 8 and the weakness of the message testing, including spending disproportionate time on de-gayd arguments unlikely to carry the day once the opposition makes its case). Case studies, history, and a wide range of new experiments are likely to be necessary as well. By themselves, neither polling nor focus groups are likely to tell us enough.

**Guideline 9: Be picky when you hire.**

Choose an intellectually honest pollster, one who will tell you the truth even if you don't want to hear it. Choose a pollster who is available on a reasonable basis. Choose a pollster who provides analysis both orally and in written memos and reports.

One of the great virtues of Lake Research was its willingness to report pessimistic numbers to the No on 8 campaign, even when more optimistic numbers would have been welcomed. It's smart to hire a pollster who is willing to tell you what you don't want to hear, particularly when their work is accurate. The opposite choice—easily available—is comforting, but only until Election Day; then it becomes an excruciating experience when the campaign underperforms.

Yet, both No on 8 pollsters could have provided, and should have been required to provide, written analysis of the results of each poll they conducted. Future campaigns should insist from the first part of the hiring process that any potential pollster agree to provide on a regular basis written analysis, not just tables and raw results.

A brief written analysis should accompany every single poll, including daily tracking polls, otherwise why conduct the poll? Little will be learned from pages and pages of undigested tables and no analysis.

Oral analysis is helpful but evanescent and therefore insufficient. If someone on the decision-making team misses the conference call, they have no access to the pollster's thinking. If someone wants to look back at a previous poll, they have no written analysis available. If someone joins the campaign later, they are in the dark and it's a challenge to bring them up to speed.

Written analysis has to include complete sentences. A series of PowerPoint slides does not constitute analysis and will not be helpful enough after the fact. PowerPoint slides alone suffer from the same deficiencies as oral analysis.

Capture the best thinking of the pollster in written form, and it is much more likely that the campaign team—as a team—will think about and use the new information, ask more questions of the pollster, and recognize the need for additional data sooner than they otherwise would.

Bring up all of the above topics in all pollster interviews. At the beginning of the relationship explain what you want and why you want it, and the pollster is much more likely to meet your expectations later.

**Guideline 10: Learn from the limitations that affected the data and analysis in this report.**

The polling by Lake Research (and the more limited polling done for No on 8 by David Binder Research) made possible some of the most important findings in this report. The No on 8 campaign made a smart decision spending almost \$1.2 million on research, most of it for polling. The data provide a mostly complete—but not absolutely complete—opportunity to explore the differences among all the subgroups that play important roles in California elections. It's worth noting some of the limitations, however, so that future campaigns can consider whether and how to overcome them.

***African-American voters: pros and cons of periodic oversampling***

For example, African-American voters, while represented proportionally in all of the Lake polls, number under 100 respondents in all but one of the polls, because they represent only 5% to 10% of the California likely voter electorate. Any group numbering fewer than 100 completed poll interviews constitutes a sample that is too small for reliable trend analysis from poll to poll; apparent changes in the margin between their support and opposition on Prop 8 are smaller than the (very large) possible margin of error.

Only in the initial Lake benchmark poll in May 2008 did No on 8 spend the money to oversample African-Americans. Future campaigns should consider oversampling African-American voters on a regular or periodic basis to gauge voter movement or lack of movement. That would allow a more rigorous assessment of whether we are gaining support among these voters, and whether the data helps us do better. Oversampling would require the pollster's callers to complete a minimum of 100 completed respondents per survey; this would permit trend analysis among these voters. The additional cost would amount to \$5,000 more for each daily tracking survey. If No on 8 had chosen to do this twice a week for three weeks, the cost would have been an additional \$30,000; if No on 8 had done the oversampling throughout the twenty-four-day tracking series from October 5 through 30, it would have incurred an additional \$120,000 in survey expenses.

***Monolingual voters: pros and cons of translating surveys into Spanish and Asian languages***

The Lake and Binder polls for No on 8 were conducted only in English. As a result, only Latino voters relatively comfortable and fluent in English are included in the results. The reason for this decision is that California has very few monolingual Spanish speakers who are also likely voters; therefore in California, Lake Research can provide bilingual interviewing but does not do so routinely. Latinos are 5% to 6% of likely voters on ballot measures in California. Monolingual Spanish speakers are only 7% of all Latino voters; 90% to 95% of California Latino likely voters

are comfortable communicating in English, in Lake's experience. That means that only 2% to 3% of all completed interviews in a typical poll of 600–800 likely voters would require Spanish. This is too small a group from which to generalize results to monolingual Spanish speakers as a separate group. It is also likely that this group would disproportionately include some of the least persuadable older voters. By contrast, in Florida, where monolingual Spanish speakers are a much larger percentage of the electorate, Lake routinely arranges for bilingual interviewing.

On the flip side, the cost of Spanish-language bilingual interviewing is only the cost of translation of the questionnaire, approximately \$1,000. Given the low cost, future campaigns might want to explore bilingual polling, and test oversampling among monolingual Latino voters to see if useful insight emerges.

Similarly, it is likely that only Asian-Pacific islander voters relatively comfortable and fluent in English are included in the Lake polling results. The situation is similar to the one described above regarding Latino voters, except that the cost of multilingual interviewing is much higher, approximately \$100 extra per completed interview because an outside firm specializing in this work would need to be brought in. Overall, the additional cost of oversampling API likely voters, including but not limited to those requiring interviews in Asian languages as well as those who could participate in English, would cost roughly the same as oversampling African-American voters noted above.

### ***Cell phone–only households: pros and cons of exclusion***

One truth about polling is that cost makes it difficult to avoid excluding some subgroups. One group entirely excluded from No on 8 polling, for instance, was cell phone–only households, and those with no landline whatsoever. Including these doubles the cost of each poll for a variety of reasons: phone company restrictions on access, legal rules governing the calls, and costs associated with the fact that a number of people retain their old cell phone numbers even when they move from one state to another. While in Lake's estimation this exclusion was not material in 2008, this will no longer be the case by 2016, when cell phone–only households are expected to be much more numerous. In other words, each campaign has to choose which voter subgroups to prioritize in its research, since research dollars are limited.

Yet, even with the limitations, the No on 8 polling made a serious attempt to include a wide variety of groups and subgroups. As a result, the No on 8 polling provides important insight, particularly into some subgroups of voters.

### **Guideline 11: Don't rely on public polls.**

Read them, enjoy them, think about them—but don't assume they have got it right. Some do a terrific job on a variety of issues. But many struggle to establish a reliable track record on same-sex marriage. Others make methodological choices that can easily produce misleading results.

The first page of the Recommendations section lists three of the reasons that even some of the best public polls may err, but here are just a few of the poor methodological choices to watch out for before taking a public poll too seriously.

- Including in the poll the opinions of anyone other than likely voters, eg a poll of all adults whether or not they are likely voters. In many elections, the majority of adults don't vote. Even in the highest turnout elections, a large number of eligible adults don't vote. Including them in a poll biases the results, quite possibly in our favor.
- Asking the same-sex marriage question with multiple answer options, eg marriage, civil unions, or neither. This is not the way the question will appear on the ballot. It is impossible to know how to allocate those voters who choose an option in the poll that will not be available to them when they vote.
- Forcing those polled to fit their answers into a very limited number of categories when an open-ended question would be more appropriate. When asking people "why" they hold a particular view, it is particularly easy for a pollster to inadvertently exclude some of the most important points of view that truly capture poll participants' truest responses.
- Failing to put numbers in context, eg indicating that 5% or 10% of poll participants is a "small" number; the question we have to ask is, small compared to what? A "small" number of votes might nevertheless be enough to make the difference between victory and defeat, in which case we will need the "small" number on our side and be misled by a poll that dismisses it.

The list above is not comprehensive. But it came to mind when the Public Religion Research Institute (PRRI) released their July 2010 poll finding that only one in five Californians say Proposition 8 is a "good thing" and claiming majority support for same-sex marriage. The poll suffers from all four of the deficiencies noted above.

# Appendix K: Wrong-Way Voting

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## **Background on Wrong-Way Voting**

### **Additional Findings and Patterns in Wrong-Way Voting**

### **The Methodology Used to Measure the Number of Votes Affected by Wrong-Way Voting**

#### **Definition of Wrong-Way Voting**

Wrong-way voting is when a person casts a vote that contradicts their beliefs; their vote is the opposite of their intention. On Prop 8, wrong-way voting occurred when someone who supported allowing gay and lesbian couples to marry voted Yes on 8, or when someone who wanted to ban gay and lesbian couples from marrying voted no.

#### **Why We Can Measure Wrong-Way Voting on Prop 8**

Wrong-way voting on Prop 8 is measurable thanks to a smart decision in questionnaire design by Lake Research. After asking the horse race question to find out how each voter was planning to vote (yes or no on 8), Lake asked in plain language whether each voter wanted to eliminate marriage for gay and lesbian couples, or to retain it.

The Lake polling revealed that both types of wrong-way voters existed: those whose mistake benefitted the No side, and those whose mistake benefitted the Yes.

Of course, until any voter actually casts a ballot, that voter is merely a potential wrong-way voter. But if their confusion persists through the time when they cast a ballot, they are no longer potential wrong-way voters. They become actual wrong-way voters, voting for a result that is the opposite of what they intend.

The Lake data is once again useful in determining whether and when potential wrong-way voters became actual wrong-way voters. This is because Lake also aimed to gauge when and whether each voter voted, starting when absentee voting began on October 6 for the November 4 election.

For a full discussion of the methodology used in this report to calculate the scale of wrong-way voting, see the section of this Appendix headed “Model Used to Estimate Wrong-way Voting” (below).

#### **Magnitude of Wrong-Way Voting**

**Wrong-way voting was very high.** An estimated 1,528,744 voters cast their ballot in a way that differed from the voter’s public policy intention. This equals 11.4% of the total

number casting a ballot on Prop 8. In total, 876,987 voters who wanted to eliminate gay marriage cast no votes while 651,757 voters voted yes while trying to keep gay marriage.

**Wrong-way voting reduced Yes on 8's margin of victory.** If wrong-way voting had been fully corrected during the Prop 8 campaign, the Yes margin of victory would have increased from 599,602 to 1,050,064. Yes on 8 would have received 53.9%, rather than 52.2%, of the vote.

**The rate of wrong-way voting was even higher among early voters.** An estimated 3,848,090 voters cast mail ballots before October 30. Of these voters, 615,427, or 16.0%, cast their ballots the wrong way. Specifically, 310,988 early voters voted no despite trying to eliminate gay marriage by their vote. On the other hand, 304,439 early voters voted yes despite trying not to eliminate gay marriage by their vote. Each wrong-way vote is a net differential of two votes: it subtracts one from the voter's intended side and adds one to the voter's intended opposition. Thus, No benefited by approximately 13,099 net votes overall.

**Among late voters, Yes on 8 lost hundreds of thousands of votes from voters who wanted to eliminate gay marriage.** The rate of wrong-way voting decreased over the course of the campaign. But even as the rate of wrong-way voting was falling, more voters were voting, and the absolute number of wrong-way voters therefore increased. Among those who voted after October 30, 565,999 voters who wanted to eliminate gay marriage cast no votes. In late voting, 565,999 voters voted no while trying to eliminate gay marriage. On the other hand, 347,318 late voters voted yes while trying to keep gay marriage. Thus, No on 8 was the beneficiary of a further 437,363 net votes via wrong-way voting near and on Election Day.

### **Additional Findings Regarding Wrong-Way Voting**

In addition to Finding 1 (near the beginning of this report), here are supplemental findings about the patterns of wrong-way voting that occurred in Prop 8.

***Wrong-way voting diminishes as Election Day looms, and voters with a higher education vote the wrong-way at a much lower rate than others.***

Some predictable conclusions emerge from the data. Voters voted the wrong way less often over time, and as the campaign went on and Prop 8 achieved higher and higher visibility, wrong-way voting fell among almost all groups. Voters with higher education levels voted the wrong way at a much lower rate. Among voters with postgraduate education, only 2% of pro-gay marriage (henceforth, "pro-gay") voters voted yes, and only 5% of anti-gay marriage (henceforth, "anti-gay") voters voted no—while 16% of anti-gay voters with a high school or less education voted no, and 10% of pro-gay voters with a high school or less education voted yes.

But there are other conclusions that emerge from the data that are less easy to foresee.

***At every stage of the campaign, wrong-way voting was about 4% higher among voters against same-sex marriage than among those who favored same-sex marriage.***

Overall, wrong-way voting was always about 4% higher among Yes voters. As of late September, among anti-gay voters, 22% of men and 19% of women were planning to vote the wrong way; among pro-gay voters, the numbers were 16% and 17%. By October, anti-gay voters had reduced their wrong-way voting to 12% for men and 14% for women, and pro-gay voters had reduced theirs to 11% and 8%. No one maintained its advantage over time, although the particulars of the advantage changed substantially (see below).

***Wrong-way voting tended to get corrected for voters on both sides belonging to a group that shared their views on same-sex marriage.***

*For example, pro-LGBT voters who are part of a demographic group that also factors the pro-LGBT position - such as younger voters – are the most likely to correct their wrong-way most likely to correct their wrong-way voting before they vote. On the other hand, pro-LGBT voters who belong to a group which that was predominantly opposed to same-sex marriage – such as voters over age sixty-five – are the least likely to correct their wrong-way voting before they vote.*

A voter who belonged to a pro-gay demographic and was pro-gay, tended to move toward voting no (the “correct” vote) over time.

Similarly, a voter who belonged to an anti-gay demographic and was anti-gay tended to move toward voting yes.

This scenario did not hold up, however, for voters who belonged to groups with whom they disagreed on the issue of same-sex marriage. These voters were less likely to learn the “correct” vote—in fact, in some cases, they appear to have unlearned the correct vote.

The clearest example looks at voters by age; age has substantial correlation with a voter’s support for same-sex marriage. According to Lake, voters under thirty supported same-sex marriage by a margin of 51 to 38 at the end of the campaign. Voters over sixty-five opposed same-sex marriage 55 to 29; other age groups fell in between. But the change in wrong-way voting between late September and late October is striking.

- In the pro-gay marriage cohort (under thirty), voters who were pro-gay marriage reduced their wrong-way voting from 26% to 6%. Overwhelmingly, they learned that no was the “correct” vote.
- In the anti-gay marriage cohort (over sixty-five), voters who were anti-gay marriage reduced their wrong-way voting from 20% to 15%. They also learned that yes was the “correct” vote.
- In the pro-gay marriage cohort (under thirty), voters who were anti-gay marriage—ie, that disagreed with most of their peers—increased their wrong-way voting from 6% to 16%.

- Similarly, in the anti-gay marriage cohort (over sixty-five), voters who were pro-gay marriage increased their wrong-way voting from 21% to 28%.
- This is the example that is most striking. But examples abound across the data. To take two:
  - Among the largest subgroups, by gender: men, who leaned toward Yes, anti-gay voters corrected their wrong-way voting (22% to 12%) more than pro-gay voters did (16% to 11%). Among women, the opposite was true: pro-gay voters reduced wrong-way voting from 17% to 8%, while anti-gay voters reduced theirs only from 19% to 14%.
  - Among voters intending to vote for McCain, anti-gay voters reduced their wrong-way voting from 16% to 7%, while pro-gay voters reduced it only from 24% to 23%. Voters intending to vote for Obama displayed the mirror image: pro-gay voters reduced theirs from 15% to 6%, while anti-gay voters reduced only from 26% to 22%.

There are two likely causes of this phenomenon: an affinity effect (people learn how to vote from their peers) and potential campaign effects. It's hard to disentangle some sort of affinity effect from potential campaign effects (campaign communications are more salient to people who agree with them and are directed at potential supporters, and thus campaign communications tend to correct wrong-way voting amongst people who agree with the campaign). It is difficult to disentangle the two effects, and both likely operated in this election. But the data—very inconclusively—suggest the affinity effect was greater than the campaign effect. For example, Bay Area voters over fifty, who probably disproportionately received communication from the No campaign because of where they lived, nevertheless displayed wrong-way voting characteristics of a Yes group (anti-gay wrong-way voting fell over time; pro-gay wrong-way voting increased).

***The principal exception to the above is that Latino pro-LGBT voters were less likely to be wrong-way voters.***

Latino pro-gay voters wrong-way voted at a much lower rate than would be expected given other factors. The available data don't explain why this is so. Latinos as a whole resembled whites when asked their public policy position on marriage by the end of the campaign; within both groups, the anti-marriage position led the pro-marriage position by 7 points. Latino anti-gay voters voted the wrong way at a slightly higher rate than white anti-gay voters (16% to 14%) by that time. But Latino pro-gay voters voted the wrong way at a much lower rate than whites (11% to 6%). Latinos similarly experienced a large drop throughout the campaign: anti-gay Latinos cut their wrong-way voting at about the average rate (22% to 16%), while pro-gay Latinos cut their wrong-way voting dramatically (from 28% to 6%).

There are several tempting explanations for this that are not borne out by the data. One possibility might be that pro-gay Latinos are overwhelmingly young. But pro-gay Latino voters over fifty cut their wrong-way voting from 22% to 0%, according to Lake, while anti-gay Latinos over fifty cut their wrong-way voting only from 27% to 21%. (Latinos under fifty showed a similar pattern.) It might be expected that Latino women account for the disparity, but pro-gay Latino men cut their wrong-way voting dramatically, from 30% to 6%. It might be hoped that Latino Democrats account for the disparity, but pro-gay Latinos who are Independents or Republicans cut their wrong-way voting from 48% to 6%!

It's possible that highly educated Latinos account for the disparity. Lake's published data do not allow a test of that supposition, although exposure to questionnaire-level data would allow it.

It's also true that these subsets of Latino voters have very small sample sizes that make it difficult to draw conclusions. But the aggregate sample size of Latino voters is considerable, so it makes it harder to dismiss the conclusion about Latino voters as a whole. Perhaps the set of assumptions that do least violence to the data would be:

- Latino voters as a whole display a higher “community effect,” and if all factors were equal would wrong-way vote at a lower rate because they would learn more from their peers about how to vote
- Nevertheless, older Latino voters have lower education levels as a whole, and along with their language challenges this makes them more susceptible to wrong-way voting
- In contrast, younger Latinos disproportionately are influenced by other pro-gay cohorts (eg, are more influenced by their peers of different races who are more pro-gay), and hence pro-gay young Latinos correct wrong-way voting more quickly.

Although these theories are suggested by, and not inconsistent with, the data, the data involved have very small sample sizes and do not definitively prove these conclusions. Regression analysis of Lake's questionnaire-level data over time (including previous surveys, to increase the sample sizes) to isolate variables correlated with Latino identification could potentially permit closer examination of this finding.

The phenomenon of pro-gay Latinos having low wrong-way voting seems highly likely, however, even given that the data pertaining to subgroups is not fully conclusive.

## **Model Used to Estimate Wrong-Way Voting for This Report**

Here, step-by-step, is the model used to estimate wrong-way voting so that all readers can independently examine the calculations and conclusions offered in this report.

- 1) Determine the number of people who voted in the November 2008 election in California. The answer is 13,743,177 (see [California Secretary of State](#)).
- 2) Estimate the percentage of people who had voted by October 30. The Lake Research Daily Tracking Polling projected as of October 30 that 28% of voters had voted.
- 3) To estimate the number of early voters who voted the wrong way,
  - a) Determine the set of tracking polls containing disjoint samples. Lake reported “three-day rolling tracks,” meaning that each daily tracking poll includes the results of three consecutive days of polling. The advantage of this approach is that it reduces the likelihood that a one-day anomaly will be mistaken by the campaign as significant. A series of Lake tracking poll results therefore counts each voter three times. For example, a voter polled on Monday will be included in tracking polls for Friday through Monday, Saturday through Tuesday, and Monday through Wednesday before being dropped from the survey. To aggregate the result from multiple tracking releases, we reduce the set of surveys to those that will not contain the same respondent more than once. This set includes the surveys ending: 10/9, 10/13, 10/16, 10/20, 10/23, 10/27, and 10/30.

- b) For each survey in the disjoint set, examine the top line for the Be Clear question and examine the crosstabs comparing the responses to the Be Clear question (which begins “Just to be clear”) with the responses to the horse race question (which begins “I realize you have already voted”).
- c) To estimate the behavior of early voters as a whole, average the results, on a percentage basis, of the seven surveys. To estimate the percentage of early voters who wanted a particular policy outcome, average the results of the seven top lines for the given answer to the Be Clear question. To estimate the voting behavior of the people who preferred a particular policy outcome, average the crosstabs for a given answer to the Be Clear question against the responses to the early-voting horse race question across the seven disjoint surveys.

**To Be Clear: “Eliminate Gay Marriage”**

Date	Horse Race				N (sample size)
	Yes	No	Undecided	Refused	
10/9	83	10	4	3	107
10/13	80	12	6	3	103
10/16	73	19	4	5	88
10/20	81	14	0	6	84
10/23	80	15	3	2	97
10/27	81	13	1	5	114
10/30	77	20	1	2	158
ESTIMATE	79.3	14.7	2.7	3.7	(N/A)

- d) To estimate the number of early voters who voted wrong-way No, multiply:
  - i) the percentage of early voters who said they wanted to eliminate marriage;
  - ii) the percentage of “be-clear-eliminate” voters who responded no to the horse race question, plus half the percentage of “be-clear-eliminate” voters who responded undecided to the horse race question;
  - iii) the percentage of voters who voted early;
  - iv) the number of ballots cast in the election.
- e) To estimate the number of early voters who voted wrong-way Yes, reverse the responses above.
- 4) To estimate the number of late voters who voted the wrong way,
  - a) Examine the last Lake tracking poll, which ended interviewing on October 30. Examine the top line for the Be Clear question and the crosstabs comparing the responses to the horse race question beginning “Proposition 8 on the November ballot.”
  - b) To estimate the behavior of late voters as a whole, use the results of the last survey, which ended interviewing on October 30.
  - c) To estimate the number of late voters who voted wrong-way No, multiply:
    - i) the percentage of late voters who said they wanted to eliminate marriage;
    - ii) the percentage of “be-clear-eliminate” voters who responded no to the horse race question, plus half the percentage of “be-clear-eliminate” voters who responded undecided to the horse race question;
    - iii) the percentage of voters who voted late;
    - iv) the number of ballots cast in the election.
    - v) To estimate the number of late voters who voted wrong-way Yes, reverse the responses above.

## **Correcting for the Limitations of the Data, and Assumptions Made to Use the Data**

### **Frequency of mail voting**

It seems likely there is a deficiency in the Lake Research early voting model. The percentage of voters who have already voted in Lake’s sample is already 22% on October 7, which was the second day of early voting. Following that, the percent of Lake’s electorate that reports casting a ballot declines, eg, on October 9, it drops to 17%. According to Lake Research, this is because it changed the way it was asking whether someone had already voted on October 7. After that, the proportion of “already voted” voters essentially stays the same. It does not increase above 17% until October 25, varying between 13% and 17% for that period.

It is highly unlikely that no one voted between October 9 and October 25, although there is no hard evidence on this question.

We nevertheless use Lake’s estimate of the number of early voters who had voted by October 30 because it is the best data available. We derive our estimates for the number of early votes by multiplying that number by the number of total ballots cast in the November election.

## **Measuring wrong-way early voting**

We estimate the number of people who voted the wrong way by averaging the percentages across each disjoint sample available during the period in which Lake was tracking.

We could use the later numbers, as they should include early voters from the entire early voting period. But this would lead to problems: respondents might correct their wrong-way voting after the fact. Or they might move on the marriage question, though this is less likely.

However, one of Lake's methodological choices makes this an easy decision—even with early voters the interviewer asks how a voter would vote *if the election were held today*. Wrong-way voters following the interviewer's instructions *should* correct their wrong-way vote if they have since learned the meanings of Yes and No.

One could do other statistical manipulations to try to adjust for the time series available, but Lake's data (implying that there was no early voting at all between October 9 and October 25) makes a blunter approach more realistic. Averaging the percentages is the approach chosen here.

## **Mail voting post-October 30**

The step-by-step model described above assumes that a substantial percentage of voters voted by mail between October 30 and the end of the campaign. We further assume that these voters behaved the same as precinct voters (Election Day voters), and that both groups behaved the way that poll respondents who had not yet voted on October 30 were intending to behave.

## **Behavior of voters undecided on vote intention**

A substantial number of voters indicated that they were undecided on the horse race question but were able to give an answer on the Be Clear question. The assumption used in the model above is that half of those voters voted the wrong way—that they voted essentially randomly.

## **Binder data is consistent with the findings above**

Although the model described above analyzes the No on 8 polling conducted by Lake Research, it should be noted that the only other known data that bears on this question—the September 2–4 poll by David Binder Associates—is consistent with this data. Binder asked the standard horse race question, and then later asked a question designed to ascertain persuadability surrounding marriage. Voters were asked: “Generally speaking, now that marriage for gay and lesbian couples is the law in California, what best describes your opinion?”

- It is acceptable to you (“acceptable”)
- You do not like it, but it is acceptable (“dislike”)
- You do not like it, and it is unacceptable (“unacceptable”)

13% of the “acceptable” voters were planning to vote yes, while 19% of the “unacceptable” voters were planning to vote no. This is very similar to the wrong-way voting estimate derived from the Lake data from the nearby period using the Be Clear question: in Lake's September 22–24 poll, 19% of voters who said their vote was to eliminate gay marriage were voting no,

while 16% of voters who said their vote was to not eliminate gay marriage were intending to vote yes.

### **Additional corroboration of wrong-way voting**

Two independent analyses using data other than the Lake Research polling data have reached conclusions consistent with the findings in this report on wrong-way voting.

Prof. Gregory B. Lewis and Dr. Charles W. Gossett wrote a paper “Why Did Californians Pass Proposition 8?” that analyzed data from other sources, primarily the Field Research Corp. (which publishes the Field Poll) and the Public Policy Institute of California (PPIC). In examining the data, they found that:

- “Though most respondents’ positions on Proposition 8 fit with their beliefs about same-sex marriage, the number of ‘errors’ is striking: across the three polls that asked about both, 8 to 21% of same-sex marriage supporters said they would vote for Proposition 8, and 11 to 25% of opponents [of same-sex marriage] planned to vote against it.” [from the second version of the paper]
- “Proposition 8 opponents did a little better than they should have and that the 48-52 loss overstates current support for same-sex marriage” and “the explanation appears to be confusion [wrong-way voting] rather than a principled stand against ‘writing discrimination into the constitution.’” [from the first version of the paper]

Based on the data they examined, Lewis and Gossett explicitly rejected the alternative explanation that some same-sex marriage opponents had a principled opposition to writing discrimination into the constitution. See page 24 of their paper for their dissection of this possibility, available for download online at [http://papers.ssrn.com/Sol3/papers.cfm?abstract\\_id=1451709](http://papers.ssrn.com/Sol3/papers.cfm?abstract_id=1451709). This finding is supported as well by the Lake data, which shows that wrong-way voting declined substantially over time and fell over time at a similar rate for both sides. This is more consistent with the steady but incomplete resolution of voter confusion than it is with any attempt (or success) by No on 8 to make a “protect the constitution” argument.

Additionally, Nate Silver, writing in his blog [fivethirtyeight.com](http://fivethirtyeight.com), relied upon election results from the previous votes cast in thirty-one states on marriage issue ballot measures. He noted that No on 8 received more votes than his model predicted. He did not explore at length the explanation for his finding, except to speculate in passing that perhaps the No on 8 campaign had not gotten all the credit it may have deserved for keeping the margin closer than he would have expected. But his finding would be equally consistent with wrong-way voting benefitting No on 8 having the effect of narrowing the margin.

# Appendix L: The Larger Dynamics: Why history repeats itself

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Three dynamics lead many LGBT ballot measure campaigns to make the same strategic choices, even when those choices result in our losing election after election. These predictable dynamics are mentioned in other parts of this report, but summarized here to better expose their combined impact.

## **Larger Dynamic #1:**

*Most consultants are predictably attracted to the idea of a de-gay campaign.*

Every contested ballot measure on same-sex marriage has involved a collision inside the pro-LGBT campaign between:

- The susceptibility of many voters, even some in our base, to an appeal to anti-gay prejudice; and
- The normal assumptions and beliefs of most campaign consultants.

Among voters, anti-gay prejudice is common but not universal. Its impact on voters' decision making ranges from great to small. For most voters, it endures over time not because it is repeatedly examined but because it is not. It is sustained by a set of assumptions about gay people that go largely unquestioned in day-to-day life. Like any established prejudice, anti-gay prejudice is not easy to eradicate or even curb. American history suggests that it's difficult to eliminate or reduce prejudice, and it takes a long time to do so.

Among campaign consultants, a belief about how to do the job is almost universal. Most are hired to win an election that is less than a year away, often only a few months away. They therefore want to pursue the easiest, surest path to get their client to 50% of the votes cast plus one.

As a result, campaign consultants aren't intuitively drawn to creating a campaign focused on reducing anti-gay stigma. Quite the opposite. If there's an easier way to win than reducing prejudice, they would be grateful for it. It's a rare consultant who wouldn't ask "How can I find an alternative to facing anti-gay prejudice directly? How can I sidestep voters' mix of feelings about gay people and focus them instead on some other idea or value where the majority of voters are already on our side?"

The result is that most consultants have limited curiosity about the potential for a campaign to reduce prejudice. They often have much greater curiosity about what would happen if they

presented voters with a “de-gayed” campaign, one that avoids putting LGBT people front and center, avoids using the word “gay,” and drives home a message that wins over voters even if they are prejudiced against gay people.

On the other hand, some consultants, particularly some who have been through same-sex marriage ballot measures before, are genuinely concerned about the need to diminish anti-LGBT prejudice. Two pollsters with whom I spoke at length remember all too well our side’s vulnerability and decline in the face of anti-gay attack. Even they, however, are often affected by the next two dynamics and find themselves back in the cycle familiar in these campaigns.

### **Larger Dynamic #2:**

*Consultants rely greatly on polling to determine the campaign message. Unfortunately, however, polling has a blind spot when it comes to anti-Gay prejudice, and it understates the power of the kids argument. Consultants end up finding in the polling that they don’t have to, can’t, or shouldn’t try to address anti-Gay prejudice. When they find what they hoped to find, they (like all humans) find it very hard to resist seeing the inquiry as over.*

Consultants rely importantly on polling to select the campaign’s message. Polling is usually the first (frequently, the principal) research tool they employ. There are many good reasons to turn to polling, but consultants’ reliance on it is also reflexive. Most campaign consultants who have been in the business for a while are used to polling. They know it. They like it. It often provides seemingly clear answers to difficult questions. And in many campaigns, it works pretty well, eg when an incumbent elected official is seeking reelection or when a favored ballot measure campaign committee is seeking to consolidate its already strong support.

In addition, campaign consultants over time develop relationships with various pollsters. They like them. They are comfortable with them. These relationships between consultants and pollsters are often healthy. Their coming together as part of a campaign team has many virtues. But one downside is the mind-set engendered, where consultants feel that the campaign is proceeding normally, the way they’re used to. It is rare for consultants to use the opportunity of the moment to in any alternative way, eg to reconsider the variety of research tools available and reevaluate the value of polling. Instead, hiring the pollster and commissioning the benchmark poll occurs almost on autopilot. This makes the process comfortable, not only for the consultants and the pollsters, but also for other participants in the campaign, both those familiar with campaigns (yes, this is what a campaign looks like, we’re doing the right thing) and those unfamiliar with campaigns (what a relief, although the ballot measure feels very daunting, there are parts of the process that are relatively simple where our experts know what they’re doing). Polling is something everyone can agree on. It is easy to raise money for polling; donors are relieved to pay for a poll. Polling allows the campaign team to postpone other tasks that may be much more difficult.

All of this comfort sets up the expectation that polling will move the campaign forward. It is hard to resist the hope that “the answer” is coming, and it is coming in the poll.

The habits and hopes of the consultants, however, affect the contents of the poll they commission. This is a problem because the voters who get polled can only answer the questions they are asked. Questions testing de-gay messages are numerous. Many of the questions ask about the ballot measure in very general terms; such questions directly or indirectly invite the poll participants to put aside and not report their feelings about gay people. The messages that omit mention of “gay” generally perform better than messages that reveal that “gay” is a central focus of the ballot measure.

Responsible pollsters also test potential messages that will be used by the anti-LGBT campaign. But they spend relatively little of the poll testing the two sides’ messages against each other; it is cumbersome and time-consuming to do so. In a poll, time is limited. There is a great temptation to ask more of the (relatively briefer) message battery questions rather than devote the bulk of the time to a handful of much longer questions that pit one side’s argument against the other side’s. Yet it is only the much longer questions that fully pose for the voters the range of arguments to which they will be exposed in the real-world campaign, when both sides are fighting for their attention.

In addition, polling understates the power of anti-gay messages that turn out to be most successful in the real-world campaign. Voters in a poll don’t fully acknowledge their susceptibility to the messages based on anti-gay prejudice. There are many possible reasons for this:

- Some voters may be embarrassed to confess to a pollster that they harbor anti-gay prejudice
- A single repetition of the appeal to anti-gay prejudice may not be enough for voters to override their mixed feelings about gay people and fully awaken latent prejudice
- Emotional arguments of all kinds may test less well than intellectual ones in a telephone poll, because the emotional power of the anti-gay appeal to prejudice may be small over the phone compared to the force it gathers on TV
- Irrational, fear-based arguments may test less well on the phone even compared to other emotional arguments

We know that this dynamic operated in the polling for the No on 8 campaign. See Finding 4 and Appendix I for discussion of how No on 8’s research failed to anticipate the power of the kids argument made by Yes on 8.

The result: consultants, who even before doing any research are predisposed to wish for a poll-tested way to de-gay the campaign, are likely to find that the polling gives them exactly what they wished for.

### **Larger Dynamic #3:**

*Campaign leaders, board, manager, and staff all tend to defer to consultant expertise. Consultants tend to become the campaign's de facto decision makers. They then run a de-gay campaign, even when the campaign leaders have doubts about its wisdom. Thus, history repeats itself.*

With the poll results in, the relieved consultants present the de-gay message as “poll-driven” and necessary for the campaign to have a chance to win. There is more than a bit of truth in this: the polls did produce the results, the consultants are accurately describing their take on the polling data, winning looks extremely difficult under any circumstances, and nothing in the consultants’ experiences has prepared them to pick a fight with anti-gay prejudice if there’s any way they can avoid it.

In addition, there is often no clear alternative to the de-gay campaign. Little is generally done between campaigns to determine whether and how additional tens of thousands or hundreds of thousands of voters can be persuaded to support our position. To the extent that voter persuasion is explored, it is often in the context of a lobbying campaign that needs to change the minds of only a handful of legislators, a very unusual group of voters.

Even less frequently explored is whether and how we can help voters resist appeals to anti-gay prejudice such as the kids argument. In other words, the problem is not all the consultants’ fault. We have not devoted ourselves sufficiently to developing our own community expertise on voter persuasion and reducing prejudice.

Without our own established expertise, it is understandable why we defer to consultants. They’re smart. They are well intentioned. They have data. They have experience, if not on same-sex marriage measures than in elections that seem similar.

In fact, many LGBT and allied leaders may be grateful that the consultants have found a de-gay way to run the campaign. We often share many of their concerns, that we simply need to get past this one election, that anti-gay prejudice is too entrenched to challenge, that it both bespeaks naiveté and provokes more anxiety to try a “gay” campaign, and that a high-minded appeal to a more generalized de-gay value sounds easier to sell to funders and a better bet to win.

Or, if some of the leaders have concern about the de-gay approach and question the consultants’ recommendations—if they point out the centrality of anti-gay stigma in American society and argue for an alternative, clear message that tries to blunt it—the consultants say the words that every campaign leader finds almost impossible to resist. Gently shaking their heads, the consultants say, more or less, that “you have to choose between either (a) winning with the de-gay message or (b) losing. We will lose if we do it your way.” This assertion usually fairly quickly ends the questioning or isolates the person who had the courage to raise the issue.

## **The Pros and Cons of Embracing or Rejecting These Larger Dynamics**

This report is skeptical of the value of the de-gay campaign, but the skepticism is tempered by the awareness of our current lack of experience with the alternatives. There is a chance that the process described above has provided the best possible advice. Consultants are smart. They are right to focus on winning. Polls offer valuable information. Gay people are unpopular. And, hardest of all to consider, but sometimes true: some elections are unwinnable. It's possible that a campaign that attempts to face anti-gay prejudice will not succeed in the short time frame before Election Day.

On the other hand, in the same-sex marriage ballot measure campaigns so far, all have chosen some version of avoidance and the de-gay message strategy. To date, this strategy has yielded:

- one win, in Arizona in 2006;
- thirty-four losses in thirty-one states, including Arizona in 2008.

Given this rate of success of 0%—zero states where we prevailed in the most recent vote on marriage—and given the flaws in the process described above, it is worth considering whether and how we can more accurately measure the potential of other approaches that might give us as good or better a chance to win even the immediate election; perhaps diminish the power of anti-gay prejudice; and by so doing lay more of the groundwork necessary for success in future elections.

Also, the de-gay campaign has inherent weaknesses that the anti-gay side is well prepared to recognize and exploit. The anti-gay side, if they have the wherewithal to run even a minimally funded campaign, has the power to raise voters' awareness that the ballot measure is all about gay people. The anti-gay side has the ability to remind voters of their anti-gay prejudice in visceral ways, eg, through the faces of children apparently in danger.

The de-gay campaign then faces a terrible dilemma: either allow the opposition to define who gay people are and what we're like and allow their characterization of us as dangerous and untrustworthy to become the dominant understanding in the campaign discourse; or, belatedly, rebut the attacks. Thus far, we have not managed to win under either set of circumstances. If we doubt that we can ever survive the former, then it makes a great deal of sense for us to consider a more logical alternative to the latter.

So instead of waiting for the attack, hoping it won't work, and then responding too late to it, we could anticipate the attack; test ways to preempt and discredit it; and at no time simply wait and hope that it will fail on its own accord. It hasn't so far. It probably won't. We will have to slay the dragon. There is no sign that the anti-gay lie is about to die imminently of its own accord.

# Appendix M: The Equality for All Executive Committee

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## **Equality for All (No on 8) Executive Committee (EC)**

Heather Carrigan, ACLU Foundation of Southern California, (EC as of 8/18/08)

Oscar De La O

Sue Dunlap, Planned Parenthood, (EC as of 6/23/08)

Maya Harris, Ford Foundation

Dan Hawes, National Gay and Lesbian Task Force, (EC as of 6/23/08)

Dennis Herrera, San Francisco City Attorney, (EC as of 8/18/08)

Delores Jacobs, San Diego LGBT Center

Lorri L. Jean, LA Gay and Lesbian Center

Kate Kendell, National Center for Lesbian Rights

Geoff Kors, Equality California

Joyce Newstat, (EC as of 8/11/08)

Tawal Panyacosit, API Equality, (EC as of 7/21/08)

Rashad Robinson, Gay & Lesbian Alliance Against Defamation, (EC as of 6/30/08)

Marty Rouse, Human Rights Campaign, (EC as of 6/23/08)

Kevin Tilden, (EC as of 7/7/08)

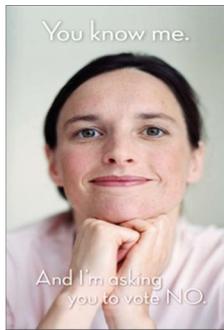
# Appendix N: Direct Mail

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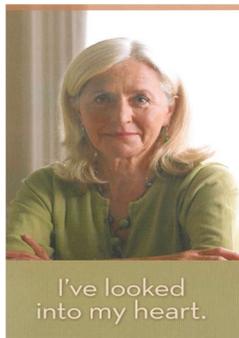
Storefront Political Media created eight mail prototypes for the No on 8 campaign, five of which made it through focus groups and were sent to potential voters. The mailers are below in thumbnail version with a notation of whether or not they were produced en masse and sent to voters. Full scale reproductions of each direct mail piece follows.



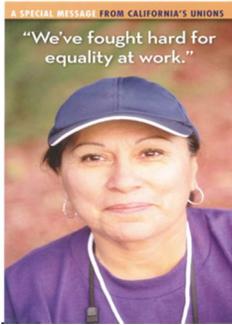
“Know” was mailed to permanent absentee ballot voters on October 6<sup>th</sup>, and to a wider universe of in-person voters on October 26<sup>th</sup>.



“Know 2”, a slightly updated version of the prior, was sent to a universe of voters on October 24<sup>th</sup>



“Heart” was mailed on October 28<sup>th</sup>.



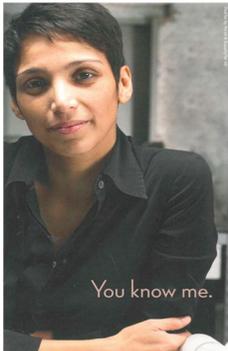
1  
6

California Labor Federation's "Real" was mailed on October 28<sup>th</sup>



1  
6

California Labor Federation's "Vote" was mailed on October 30<sup>th</sup>.



This mailer was tested in focus groups and never mailed.



This mailer was tested in focus groups and never mailed.

They didn't ask and I didn't tell.



This mailer was tested in focus groups and never mailed.

# Appendix O: The Non-Competitiveness of Most Same-Sex Marriage Ballot Measures

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## **Few of the Pro-LGBT Ballot Measure Campaigns on Same-Sex Marriage Have Been Competitive**

In 28 of the 35 anti-gay ballot measures related to same-sex marriage to date, the pro-LGBT side did not run competitive campaigns. They did not amass the resources needed to communicate frequently with voters.

## **Evidence of Non-Competitiveness**

This report compares expenditures in each campaign, divided by the number of congressional districts in the state, to the sum considered minimal to compete in a congressional district. Congressional districts across the country are roughly comparable units, having by law very close to identical populations.

## **The Cost of a Congressional Seat**

Although the total expenditures of successful congressional campaigns vary by location and time, the Campaign Finance Institute has calculated the average “price of a congressional seat.” Its data, available online at [http://www.cfinst.org/data/pdf/VitalStats\\_t1.pdf](http://www.cfinst.org/data/pdf/VitalStats_t1.pdf) and reproduced below, examines the average cost of a congressional campaign over the past 24 years. The average cost in “2008 dollars” corrected for inflation has risen from \$700,000 in 1986 to \$1.4 million in 2008. Conceptually, a “House Winner” would have succeeded in communicating with voters enough to actually win the seat.

## **The Threshold Chosen for This Report’s Analysis**

Not wanting to err in the direction of characterizing a campaign “non-competitive,” this report selected the threshold of \$500,000 per congressional district in expenditures made by the pro-LGBT side to establish the floor of what can be considered a competitive pro-LGBT campaign.

## **Seven Competitive LGBT Ballot Measure Campaigns**

Applying this threshold, seven of the 35 pro-LGBT campaigns on marriage were competitive:

Maine, Question 1, 2009;

California, Proposition 8, 2008;

Wisconsin, Referendum 1, 2006;

Colorado, Amendment 43, 2006;

Colorado, Referendum I, 2006;

Oregon, Ballot Measure 36, 2004; and

Hawaii, Constitutional Amendment 2, 1998.

They are highlighted in the table below in gray. Colorado's Ref. I is included in the list of marriage measures even though its subject matter was domestic partnership because it was on the ballot at the same time as Amendment 43, a vote on same-sex marriage, and both became part of the larger discourse on marriage. The pro-LGBT side lost each election except the 2006 Arizona Prop 107 which was largely reversed in 2008 with Prop 102.

## Implications

For analytical purposes, it is a mistake to lump together competitive and non-competitive campaigns to assess the effectiveness of voter persuasion. Non-competitive campaigns are very unlikely to persuade voters; in a data set including all 35 measures, the preponderance of the non-competitive campaigns can obscure more successful efforts at persuasion by the much smaller number of competitive campaigns.

## Campaign Finance Institute – The Cost of a Congressional Seat

**The Cost of Winning an Election, 1986-2008 (in nominal and 2008 dollars)**

	<i>House Winners</i>		<i>Senate Winners</i>	
	<i>Nominal Dollars</i>	<i>2008 Dollars</i>	<i>Nominal Dollars</i>	<i>2008 Dollars</i>
2008	1,362,239	1,362,239	7,500,052	7,500,052
2006	1,259,791	1,345,402	8,835,416	9,435,839
2004	1,038,391	1,183,513	7,183,825	8,187,811
2002	911,644	1,091,034	3,728,644	4,462,352
2000	845,907	1,057,630	7,198,423 <sup>1</sup>	9,000,119
1998	677,807	895,287	4,655,806	6,149,663
1996	686,198	941,609	3,921,653	5,381,338
1994	541,121	786,122	4,488,195	6,520,299
1992	556,475	853,949	3,353,115	5,145,586
1990	423,245	697,205	3,298,324	5,433,276
1988	400,386	728,682	3,746,225	6,817,939
1986	359,577	706,359	3,067,559	6,025,962

## **Competitive LGBT Ballot Measure Campaigns**

Year	State	Ballot Measure	\$ spent by Anti-gay	\$ spent by pro-gay	# of districts	pro-gay money / district	% anti-gay	% pro-gay
2009	Maine	Question 1	\$ 3,070,000.00	\$ 4,565,000.00	2	\$ 2,282,500.00	52.75%	47.25%
2008	California	Proposition 8	\$ 38,322,850.94	\$ 39,642,911.00	53	\$ 747,979.45	52.30%	47.70%
2008	Florida	Amendment 2	\$ 1,607,802.92	\$ 3,720,315.93	25	\$ 148,812.64	62.10%	37.90%
2008	Arizona	Proposition 102	\$ 7,600,000.00	\$ 450,000.00	8	\$ 56,250.00	56.20%	43.80%
2006	Arizona	Proposition 107	\$ 1,019,143.00	\$ 1,831,504.00	8	\$ 228,938.00	48.20%	51.80%
2006	South Dakota	Amendment C	\$ 123,166.00	\$ 171,578.00	1	\$ 171,578.00	52.00%	48.00%
2006	Virginia	Marshall-Newman Amendment	\$ 413,490.00	\$ 1,545,257.00	11	\$ 140,477.91	57.00%	43.00%
2006	South Carolina	Amendment 1	\$ 116,122.00	\$ 486,549.00	6	\$ 81,091.50	78.00%	22.00%
2006	Tennessee	Amendment 1	\$ 299,279.00	\$ 158,814.00	9	\$ 17,646.00	81.30%	18.70%
2006	Wisconsin	Referendum 1	\$ 669,251.00	\$ 4,982,745.00	8	\$ 622,843.13	59.00%	41.00%
2006	Colorado	Amendment 43	\$ 1,376,485.00	\$ 5,458,995.00	7	\$ 779,856.43	55.00%	45.00%
2006	Colorado	Referendum I	\$ 1,027,777.00	\$ 5,112,495.00	7	\$ 730,356.43	48.00%	52.00%
2006	Alabama	Constitutional Amendment 774	-	-	7		81.00%	19.00%
2006	Idaho	Amendment 2	\$ 39,000.00	\$ 106,378.00	2	\$ 53,189.00	63.00%	37.00%
2005	Kansas	Amendment 1	\$ 158,729.00	\$ 106,011.00	4	\$ 26,502.75	70.00%	30.00%
2005	Texas	Proposition 2	\$ 505,992.00	\$ 782,409.00	32	\$ 24,450.28	76.25%	23.74%
2004	Missouri	Constitutional Amendment 2	\$ 29,613.00	\$ 488,189.00	9	\$ 54,243.22	72.00%	28.00%
2004	Louisiana	Constitutional Amendment 1	\$ 43,117.00	\$ 23,547.00	7	\$ 3,363.86	78.00%	22.00%
2004	Ohio	State Issue 1	\$ 1,202,762.00	\$ 942,421.00	18	\$ 52,356.72	62.00%	38.00%

2004	Oregon	Oregon Ballot Measure 36	\$ 2,455,816.00	\$ 2,967,012.00	5	\$ 593,402.40	57.00%	43.00%
2004	Mississippi	Mississippi Amendment 1	\$ 7,215.00	\$ -	4	\$ -	86.00%	14.00%
2004	Utah	Constitutional Amendment 3	\$ 522,000.00	\$ 780,000.00	3	\$ 260,000.00	66.00%	34.00%
2004	Kentucky	Constitutional Amendment 1	\$ 201,370.00	\$ 522,864.00	6	\$ 87,144.00	75.00%	25.00%
2004	Georgia	Constitutional Amendment 1	\$ 92,765.00	\$ -	13	\$ -	57.00%	43.00%
2004	Michigan	State Proposal 04-2	\$ 1,931,409.00	\$ 854,212.00	15	\$ 56,947.47	59.00%	41.00%
2004	Montana	Montana Initiative 96	\$ 10,700.00	\$ 51,500.00	1	\$ 51,500.00	67.00%	33.00%
2004	Oklahoma	State Question 711	\$ 21,644.00	\$ 11,616.00	5	\$ 2,323.20	76.00%	24.00%
2004	Arkansas	Constitutional Amendment 3	\$ 334,731.00	\$ 2,952.00	4	\$ 738.00	75.00%	25.00%
2004	North Dakota	Constitutional Amendment 1	\$ -	\$ 8,974.00	1	\$ 8,974.00	73.00%	27.00%
2002	Nevada	Nevada Question 2	\$ 1,188,591.00	\$ 61,663.00	3	\$ 20,554.33	66.90%	33.10%
2000	Nevada	Nevada Question 2	\$ 973,844.00	\$ 36,994.00	3	\$ 12,331.33	69.62%	30.38%
2000	Nebraska	Initiative Measure 416	\$ 864,079.00	\$ 202,563.00	3	\$ 67,521.00	70.00%	30.00%
2000	California	Proposition 22	\$ 8,422,913.00	\$ 4,829,543.00	53	\$ 91,123.45	61.20%	38.80%
1998	Alaska	Ballot Measure 2	\$ 616,916.00	\$ 212,231.00	1	\$ 212,231.00	68.11%	31.89%
1998	Hawaii	Constitutional Amendment 2	\$ 1,464,922.74	\$ 1,469,584.53	2	\$ 734,792.27	69.00%	31.00%

# Appendix P: No on 8 Campaign Materials



## PHONE FROM HOME: VOTER ID SCRIPT

Hi, is \_\_\_\_\_ there? Hi, this is \_\_\_\_\_. I'm a volunteer with NO on 8, the Equality for All campaign. We're calling voters today to talk about an important issue on November's ballot.

**[Q1] Have you heard about Proposition 8, the measure that eliminates the right to marry for same-sex couples?**

*( [IF YES] So you may already know that... )* If Proposition 8 passes in November, it will eliminate the right of same-sex couples to marry, and treat gay and lesbian couples unfairly. We think that's wrong. We believe that everyone should be treated fairly—including having the right to marry the person you love. [\[Go to Q2\]](#)

**[Q2] How do you feel about marriage for same-sex couples?**

*[IF SUPPORTIVE]* That's great! And the good news is that like you, many Californians agree and believe that the right to marry is a fundamental right that's about simple fairness. On this important issue, we need all fair-minded Californians to vote NO on this unfair Proposition. [\[Go to Q3\]](#)

*[IF UNEASY or UNSURE]* I hear that. What we're hearing from a lot of people across California is that regardless of how one feels about marriage for same-sex couples, it's wrong take away anyone's fundamental rights. Many Californians agree and don't want to single out one group to be treated differently. On this important issue, we need all fair-minded Californians to vote NO on this unfair Proposition. [\[Go to Q3\]](#)

*[IF UNSUPPORTIVE]* I'm sorry to hear that. We believe that regardless of how you feel about marriage for same-sex couples, it's wrong take away anyone's fundamental rights. On this important issue, we need all fair-minded Californians to vote NO on this unfair Proposition. [\[Go to Q3\]](#)

**[Q3] Can we count on you to vote NO on Proposition 8?**

*[IF UNSURE of Vote]* It sounds like you're really thinking about this. **As the Election nears, may we send you some more information about Proposition 8?** Great-- what's your e-mail address? And is this your best phone number? Can I give you the Equality for All website? It's [www.NoOnProp8.com](http://www.NoOnProp8.com). In this Election, we'll need all fair-minded Californians to vote NO on Prop 8. Thanks so much for thinking about this—thinking about a California where no Californian gets singled out for different treatment. Have a great day! [\[RATING = 3\]](#)

*[IF Voting Yes on 8]* OK, Thanks for your time. Goodbye. [\[RATING = 4 or 5\]](#)

*[IF REFUSES TO SAY]* OK, Thanks for your time. Goodbye. [\[RATING = RTS\]](#)

*[IF Voting NO on 8]* Great! [\[Go to Q4\]](#)

**[Q4] Is stopping Proposition 8 a high priority for you?**

*[IF Not a High Priority]* Thanks so much for your commitment to Vote NO on Proposition 8 and to make sure that the right to marriage is not eliminated for same-sex couples. Please tell all your family and friends to vote NO, too. Have a great day! [\[RATING = 2\]](#)

*[IF High Priority]* Great! Me, too. **Why is it important for you?** In order to stop Proposition 8, we have to match the Yes side's efforts, person for person, and dollar for dollar. [\[Go to Q5\]](#)

**[Q5] Can we count on you to volunteer or donate to stop Proposition 8?**

*[IF NO]* Thanks so much for your commitment to Vote NO on Proposition 8 and to make sure that the right to marriage is not eliminated for same-sex couples. Please tell all your family and friends to vote NO, too. Have a great day! [\[RATING = 2\]](#)

*[IF YES]* Great, Please go to our website, [www.noonprop8.com](http://www.noonprop8.com) to find out how you can help stop Proposition 8 by volunteering or donating. Have a great day! [\[RATING = 1\]](#)  
[\[Select YES - Volunteer and/or YES - Donate\]](#)



**EVERY MAJOR NEWSPAPER IN THE STATE OPPOSES PROP 8**

**Alameda Times Star** – "No on 8"  
**Asian Week** – "No on Prop 8"  
**Bakersfield Californian** – "Vote NO on Prop 8"  
**Barstow Desert Dispatch** – "Marriage denial doesn't belong in constitution"  
**Berkeley Daily Planet** – "No on 8"  
**Bohemian** – "Proposition 8 eliminates rights"  
**California Aggie** - "No on Prop 8"  
**Californian** – "We urge a NO vote on Proposition 8"  
**Chico Enterprise Record** – "Flawed measure should be rejected"  
**Chico News and Review** – "How is marriage protected by intimidating gay and lesbian people?"  
**City on a Hill Press** – "All Americans deserve freedom and fairness: NO on 8"  
**Colusa Sun-Herald** – "It is only fair to afford equal protection to all. Vote 'no' on Prop 8"  
**Contra Costa Times** – "Reject Proposition 8"  
**Daily Aztec** – "All fair-minded Californians should vote NO on 8"  
**Daily Californian** – "No on Prop 8"  
**Daily Bruin** – "Marriage should be available to everyone"  
**Daily Iowan** – "California should Vote NO to marriage inequality"  
**Daily Nexus** – "Don't Hate: Vote No on 8"  
**Daily Trojan** – "Vote no on Proposition 8"  
**East Bay Express** – "Prop 8 is an abomination, it must be voted down"  
**El Mensajero** – "Obama si, la 8 no"  
**Encinitas Coast News** – "Californians need to look out for one another: No on 8"  
**Eureka Times-Standard** – "Civil rights cannot and should not be decided at the ballot box: Vote NO on 8"  
**Fremont Argus** – "No on 8"  
**Fresno Bee** – "Constitution shouldn't be used to restrict rights of same-sex couples"  
**Gilroy Dispatch** – "Same sex couples should have the right to marry"  
**Hayward Daily Review** – "No on 8"  
**Inland Valley Daily Bulletin** – "Apply marriage rules equally"  
**Jewish Journal** - "Religious 'No!' to Proposition 8"  
**La Opinión** – "Prop 8: An Unnecessary Proposal"  
**La Prensa San Diego** – "We urge you to vote NO on Prop 8"  
**La Voz** – "Vote 'no' on Prop 8"  
**Lemoore Advance** – "Vote No"  
**Long Beach Gazette** – "No on Prop 8"  
**Long Beach Press-Telegram** – "No on 8: The State has no business telling people who can get married"  
**Los Angeles City Watch** – "Prop 8: Real people losing fundamental rights"  
**Los Angeles Daily News** - "Reject Proposition 8. California is better than that."  
**Los Angeles Downtown News** – "Gays and lesbians deserve the right to marriage"  
**Los Angeles Loyolan** – "No on 8"  
**Los Angeles Times** – "Reneging on a Right"  
**Malibu Times** – "Rights for all"  
**Marin Independent Journal** – "Prop 8 eliminates the right of same sex couples to marry: Vote No"  
**Marysville Appeal Democrat** – "It is only fair that we afford equal protection to all"  
**Merced Sun Star** – "Vote No on Prop 8"  
**Milpitas Post** – "This measure deserves a No vote"

**Monterey Herald** – "Same-sex marriages now are causing no problems"  
**Morgan Hill Times** – "No on Proposition 8"  
**New York Times** – "Preserving California's Constitution"  
**Napa Valley Register** – "Vote No on Proposition 8"  
**Oakland Tribune** – "Prop 8 would reduce basic human rights"  
**OC Register** – "Revoking people's right to marry has no place in California's Constitution"  
**Orion** – "No on 8"  
**Orland Press-Register** – "The State has insisted itself in too many aspects of our private lives – No on 8"  
**Palm Springs Desert Sun** – "Reject the rejection of same-sex marriage"  
**Red Bluff Daily News** – "Proposition 8: No."  
**Redding Record Searchlight** – "Same sex vows cause no harm to our families"  
**Riverside Press Enterprise** – "No on 8"  
**Sacramento Bee** – "Californians should reject the call to exclude some people from marriage"  
**Sacramento News and Review** – "We Strongly Oppose Prop 8"  
**San Diego City Beat** – "The Prop 8 campaign is a big, rank pile of dung"  
**San Diego Union Tribune** – "No on Prop 8"  
**San Francisco Bay Guardian** – "Proposition 8, ban on same-sex marriage, NO NO NO"  
**San Francisco Business Journal** – "Proposition 8's defeat would be good for business"  
**San Francisco Chronicle** – "Californians should reject proposition 8"  
**San Francisco Examiner** – "Why is Prop 8 even on the ballot?"  
**San Gabriel Valley Tribune** – "Vote No on Prop 8"  
**San Jose Mercury News** – "Initiative against gay marriage must be defeated"  
**San Marcos Pride** – "Love is love, welcome to 2008: No on 8"  
**San Mateo County Times** – "No on 8"  
**Santa Barbara Independent** – "Prop 8 eliminates rights"  
**Santa Barbara News-Press** – "No to Prop 8"  
**Santa Cruz Metro** – "No on 8"  
**Santa Cruz Sentinel** – "No on 8: Equal treatment under the law"  
**Santa Monica Mirror** – "This is a No-Brainer: NO on Prop 8"  
**Santa Rosa Press Democrat** – "Reneging on marriage rights makes second-class citizens"  
**Silicon Valley Metro** – "No on 8"  
**Solano Tempest** - "Prop. 8 discriminates unfairly"  
**Sonoma Index-Tribune** – "Proposition 8 is movement in the wrong direction"  
**Stanford Daily** – "Vote No on Prop 8"  
**Stockton Record** – "We must not write discrimination into the California Constitution"  
**Torrance Daily Breeze** - "The state is better off not redefining the moral issues related to marriage: No on 8"  
**Tracey Press** – "We don't like taking away civil rights, vote no on Proposition 8"  
**Tri Valley Herald** – "No on 8"  
**Vacaville Reporter** – "Protect equal rights: Vote NO on Prop 8"  
**Vallejo Times-Herald** – "Please vote for equality and vote no on 8"  
**Ventura County Star** – "Proposition 8 denies rights, 'No' vote stands for fairness"  
**Victorville Daily Press** – "It is only fair that it afford equal protection to all"  
**Visalia Times-Delta** – "Prop 8 takes from rights of others"  
**Ukiah Daily Journal** – "Prop 8 and its proponents are wrong"  
**UC San Diego Guardian** – "No to Proposition 8"  
**Whittier Daily News** – "No on Prop 8"  
**Willows Journal** – "Vote No on Prop 8"



**Let's remember that same-sex couples are part of our community and should not be treated differently.**

- Same-sex couples are our neighbors, friends, coworkers and family.
- They pay taxes, are nurses, small business owners, firefighters and family members.
- Loving and committed same-sex couples want to get married, care for each other, protect and take responsibility for each other — just like any other couples in California.
- Regardless of how you feel about this issue, we should not vote to hurt same-sex couples in California.

Same couples of our community  
Prop 8 e marriage  
Regardless of about this issue  
eliminate fi rights for AN

**Vote NO**

## **Prop 8's proponents are WRONG a**

- Domestic partnerships are not the same as marriage. Domestic partnerships do not provide the same fundamental rights, responsibilities, dignity and respect as a marriage.
- In a marriage, a paramedic doesn't tell you that you cannot get into the ambulance with your spouse, or a doctor does not ask to see papers before letting you into the hospital room. Married couples can automatically make life or death decisions for each other in these crisis situations.
- Domestic partnerships simply do not equal marriage.

## Don't Eliminate Fundamental Rights

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we should not  
damental  
Californian.

- Our laws should guarantee the SAME fundamental rights to every Californian.
- State law should not be used to single out one group to be treated differently.
- Government has no business telling couples who have been together for years that they can or cannot get married.
- In California, we let people decide what is best for them, without government interference, and we don't vote to eliminate fundamental rights.
- Eliminating the fundamental rights of same-sex couples treats them differently under the law... and that is simply wrong.

## on Prop 8

id they are trying to **SCARE** voters.

- Prop 8 has nothing to do with education — this is just a scare tactic.
- Nothing in our state education laws requires children to be taught anything about marriage.
- Local school districts set policy about health and family curriculum, and all parents have the absolute right to opt out of any classes that they oppose on religious or moral grounds.

**VOTE NO**   
**ON PROP 8**  
EQUALITY FOR ALL

# Appendix Q: The No on 8 “Road Map to Victory”

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Equality for All... A Roadmap to Victory. November 2008 Election

“In light of the fundamental nature of the substantive rights embodied in the right to marry — and their central importance to an individual’s opportunity to live a happy, meaningful, and satisfying life as a full member of society — the California Constitution properly must be interpreted to guarantee this basic civil right to all individuals and couples, without regard to their sexual orientation.”

California Supreme Court Chief Justice Ronald J. George

May 15, 2008

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June 2008 Friends and Potential Donors, The good news is clear: The California Supreme Court's recent decision guaranteeing us all the fundamental freedom to marry is a milestone in our Country's history. And since that ruling the media — and indeed the public — from the far corners of our country — and indeed the world — have weighed in, blogged in, commented on and yearned to be heard on what we all see as a change, so long in coming, but so very important. But the celebrations — as happy as they are, and as historic as we all know them to be — will be silenced, and the movement set back immeasurably if the Constitutional amendment slated for the November ballot is allowed to pass.

Following is a plan — a real roadmap to victory — that outlines how we can prevent the amendment from passing — and once and for all guarantee equal rights for all.

The polling numbers show this can be done. The volunteer base is energized like never before.

The campaign team you have hired has NEVER LOST a “NO” campaign — and has worked on, and won, some of the most critical and sensitive social issues ever facing electorates around the nation. We have the will and the way, all we need are the funds to make it happen.

That's where you come in.

We have put together a budget that allows us to talk to the public in every way California voters need to be talked to. We have an electronic paid media plan and a creative team that will make sure our messages get noticed. And we have combined that with an earned media effort, a field program, direct mail program and paid phone program designed to reach voters in addition to the airwaves. And as we have certainly seen during the recent Presidential primaries, no effective political campaign can be successful now without a real presence on the internet. We have that too.

All of that cost money — and in a state as large as California, lots of money. Since the Court decision we have raised more than six figures on the net alone (!) and the first events have raised another 100K or more, but that's just the beginning.

We need your help. We need big donations that allow us to buy television early, and continuing donations to keep the field fed and the phones ringing.

Of course, I am happy to answer any questions you or your friends have about the plan. It will allow us to win. I hope you'll join us. Together we can make history. Sincerely, Steve Smith  
The Dewey Square Group

## **Background Introduction**

An initiative amending California's constitution to ban marriage for same-sex couples is likely headed for the November 2008 ballot. The summary that would appear before voters reads:

This initiative amends the California Constitution to provide that only marriage between a man and a woman is valid or recognized in California. The measure would have no fiscal effect on state or local governments. This is because there would be no change to the manner in which marriages are currently recognized by the state.

As of May 9, the Secretary of State's office reports that proponents of the amendment have turned in 1,055,000 signatures. Based on this raw count, it is likely that the initiative will meet the threshold of 694,354 valid signatures needed to qualify it for the November ballot. The Secretary of State will officially certify the initiative for the ballot in late June.

## **Winning the Campaign**

The Equality for All (EFA) campaign — a large and diverse coalition of civil rights, faith, choice, labor and community of color organizations — is prepared to defeat this constitutional amendment. With a smart, well funded campaign EFA can prevail.

Despite the numerous measures that appear on California's ballots each year, most proposed initiatives are rejected by the voters. Judged by the standards established in other California ballot measure campaigns, proponents of the current anti-marriage measure lack the political support they need to win. Specifically, analyses of the numerous ballot measures waged in California show that in order to win, the initial polling regarding a proposed measure should show three things:

1. That the measure will pass with 60% of the vote;
2. That the yes-to-no ratio is two-to-one; and
3. That the strong support for the measure is at least 40%;

EFA's September 2007 poll and May 2008 poll both show that the proposed initiative meets only one of the three criteria. The 2007 poll, conducted by Greenberg, Quinlan Rosner Research, showed that only 50% of likely California voters would vote in favor of the constitutional amendment—10 points under the 60% threshold. Further, with 48% of likely voters opposed to the amendment, the yes-to-no ratio is virtually 1:1. The only factor that meets the typical criteria for success is that 43% of likely California voters strongly support the amendment. The recently completed poll, conducted by Lake research again showed 50% support but the opposition had dropped to 42% while the "strong support" remained at 43%. Thus, by the above three standards, the measure is clearly vulnerable.

The current political climate in California makes the terrain even rockier for the proponents of the initiative:

1. A September 2006 poll by the Public Policy Institute of California showed public opinion has moved significantly since 2000, the last time an anti-marriage measure was on the ballot. The PPIC poll showed that roughly as many California likely voters support the right to marry for gay

and lesbian couples as oppose it. A September 2007 poll by David Binder showed similar results with a widening margin of support. 2. In two successive legislative sessions (2005 and 2007) the California legislature has passed a bill to allow same-sex couples to marry. No other state legislature has ever passed such legislation, whereas California's legislature has passed it twice. Further, the vote did not emerge as a wedge issue in the 2006 elections and not a single legislator who voted for the bill lost his or her seat. 3. In April, California's Republican Governor, Arnold Schwarzenegger, came out firmly and strongly against the proposed constitutional amendment, saying: "I will always be there to fight against [such an amendment]." 4. The Supreme Court has now ruled that Gay and Lesbian couples as a matter of equal protection under the law can begin getting married on June 17th. 5. During the last two weeks the Los Angeles Times and California Field Polls highlighted the possibility of winning in this election. While the Los Angeles Times Poll indicated the gap was decreasing but we were still losing, the Field Poll indicated that by a slim 51% to 42% majority — the public in California now supported Gay and Lesbian marriages.

**November Electorate** The turnout in the November 2008 election will be one of the highest in recent memory. Assuming Senator Obama is the Democratic nominee running for President, the electorate will include a higher percentage of African American and younger voters than in previous national elections. The landscape of the election is projected to be as follows:

#### Total Votes

- 12.4 million voters will cast ballots in November • 5 million ballots (40%) will be cast by mail

#### Demographics

- 47% under 50 years old (6% higher than in past elections)
- 66% White
- 19% Hispanic (most but not all of which will be Latino/a)
- 7% African American
- 4% Asian/Pacific Islander

#### Party Breakdown

- 44% Democrats
- 36% Republicans
- 20% Decline to State/Other

“So was last week's ruling an impetus or impediment to that process? My hunch is that by basing the case for the right to intra-gender marriage so clearly and forcefully on the doctrine of equal rights, the court situated gay marriage not only in an established body of law but also

within the essential definition of America. Opposition to gay marriage is most commonly rooted in tradition, religious tradition in particular. But the ideas that all men are created equal and have an inalienable right to the pursuit of happiness are the traditions that define our nation, and by basing its decision on those premises the court did gay rights, and American ideals, a huge service.”

*Washington Post Op-Ed by Harold Meyerson Friday, May 23, 2008*

### **We can WIN this campaign** A Preliminary Look at New Polling

There is no question that the court decision and its incredible worldwide impact has and is resulting in changes in public opinion — both in California and around the nation. In order to gauge that change and provide the campaign with the most accurate revised way forward, Lake Research Associates, led by partner, Celinda Lake, conducted a new quantitative poll for EFA. That poll was completed Wednesday night, May 28, 2008.

While we are still reviewing the incredibly important information contained in all the cross-tab information, an initial read of the numbers indicates this is a fight we CAN win.

On the first ballot question:

50% of the respondents indicated they would support the proposed constitutional amendment and 42% indicated they would oppose it.

(One important up-front comment: We do significantly better when we describe the initiative this way:

However, if we describe the initiative as “over turning the actions of the Supreme Court” we do 10 pts worse. For all of our sake we need to begin our message discipline at the very beginning by talking about what it does in the same manner — and never using overturn in any of our discussions, writings, or speeches! This is about Gays and Lesbians being allowed to marry, not the process by which that is happening.”

After that first ballot, when asked a clarifying question just a few questions later (“Did you mean to support or oppose banning gay and lesbian couples from marriage?”) the vote shifted slightly to 47% supporting the ban and 44% opposing the ban.

### Preliminary Road to Victory

Even more significant, after a simulated campaign with arguments being made on both sides of the issue, the “third ballot” of the poll showed, 47% supported the proposal and 46% opposed the proposal — in other words, we end up in a statistical dead heat.

Our data, while slightly different, mirrors two public polls that came out while we were surveying the public. Both the prestigious California Field Poll (which, for the first time found that a majority

of Californians supported Gay Marriage) and a Los Angeles Times Poll (which indicated less support for the initiative than Field but growing support for gay and lesbian marriage).

All the available current research makes it clear that WE CAN DEFEAT THIS PROPOSAL...but it will not be easy.

The data from the Lake Poll is so new that we have not yet seen the full crosstabs, and although we only have the top-line data, and have had one briefing by Celinda, there are some significant strategic conclusions that can be drawn from the topline data.

1. Our base is, as expected, younger, more Democratic, more educated, unmarried and located in Los Angeles and Bay area.

2. We have a lot of work to do within that base: e.g. Bay Area support is at 47Y / 46N Los Angeles is tied 47Y / 47N. We can WIN both of these areas — but we need to do a lot of work in both areas and bring them home with big margins.

3. Their base is older, more Republican, more blue collar and very strong in the communities of color` (African American, Latino and Asian.....especially African American women).

4. The communities of color being part of our opposition base vote must be mitigated or we will not achieve the vote totals we need in base Democratic areas such as LA and the Bay Area.

We are currently doing careful demographic studies of the cross tabs to segment more clearly the targets for this campaign. The above represents our first takes at key targets.

In addition, three general themes appear to be emerging for us:

1. People should not be treated “differently”

2. It’s wrong to deny people fundamental rights and freedoms, or, said another way: The Constitution should guarantee equal protections for everyone, and

3. Government should not be determining who can and who can not get married — or the more libertarian way of staying it: Government should stay out of our lives.

We are certainly looking for some additional focus group work to clarify the exact words we want to be using (e.g. the word “rights,” while it has not been particularly effective in other states, appears to be a good message for us in California, but we want to further test it).

And while this campaign will certainly include an emotional overtone, that emotion may be centered more around cherished American values like equal treatment under the law, fundamental freedoms like speech, religions and yes, marriage (see above quote) and our rights to be treated fairly and equally by all, rather than emotional messages about love and commitment. Again, we will look to define these messages in the next several weeks as we move into solidifying campaign messages.

Their strongest argument is that the court has overridden the will of the people and the people need to exercise their will — again. Interestingly other messages the opponents have used in other states have less salience in California (we are not going to enumerate them here for obvious reasons) but some would say that this is NOT a surprise to us, we are, in fact, Californians!

The campaign will be providing funders with a more detailed, updated memo as more data become available to us, after we take a very close look at the Cross-tabs of this poll, and as do additional focus group work. This further research will allow us to begin to specifically target those demographic groups that will bring us the votes necessary for victory.

But the polling will not change the overall campaign tactics outlined below, they will all just be refined to hone in on the voters we will need to secure. What follows is a discussion of the campaign tactics we will employ to win in November. **The Internet and Social Marketing** As we all know, many younger voters are more attentive to the internet than to TV, so the internet component of the campaign is particularly important, given that younger voters are so important to EFA's success. In addition, some have estimated that San Francisco is one of the most "wired" and "blogged" cities in the United States. Short-changing this part of the campaign, in this election year, with this electorate would be disastrous.

We therefore have hired a firm who will give us the kind of internet presence we need — and they have already begun their work. The first priority of the internet element of the campaign will be to mobilize our base to volunteer time and to contribute money to the effort. The secondary priority will be to persuade voters to vote "no" on the measure.

More detail of this program is outlined in the accompanying memo from Blackrock Associates (see Appendix 4) who have been hired to implement this portion of the campaign. The first element will be to grow our online base using both online and offline techniques including a "Vow to Vote No effort," processing the data from the decline-to-sign campaign and voter file messaging.

While an email campaign has already begun, it needs to dramatically build with the expansion outlined above. Then we will use celebrities, social networking and the blogs to deliver a balanced program of fundraising, volunteer recruitment and providing motivating information which can be shared on the Web and throughout the Net.

Based on our latest polling, the website will be redesigned to reflect the new messaging from the Lake poll. And finally we will utilize some online advertising.

### **Earned Media**

The earned media component of the campaign plan has five specific goals:

1. Educating and persuading opinion leaders and informed voters
2. Motivating EFA supporters in areas of the state that are supportive of our position (largely coastal California from Los Angeles to Eureka — with attention also paid to San Diego)
3. Discrediting supporters of the

initiative, especially in EFA base areas 4. Making sure that all responses are on-target and on-message 5. Never leaving a charge unanswered.

Given the nature of this issue, the last two — keeping us on all message and never leaving dangerous charges unanswered — will be extremely critical to this effort.

Mechanics – How does EFA get the votes?

In the two weeks immediately following the Court decision and with the publication of two statewide polls (LA Times and Field) this issue generated more media attention and press inquiries than most initiatives garner during the full length of their campaigns. And the press inquiries were not limited to California outlets. Indeed, the press operation — from the beginning — was simultaneously handling calls from the limited circulation Palm Springs Desert Sun to the producers of NBC's Nightline — and every outlet in between.

Of course, the larger outlets wanted — and we provided — key spokespersons — either from the community or from the campaign — to answer their “tough” questions about what does this mean, or can we win, or what are we going to spend.

Earned media experts from Ogilvy worked with LGBT communications experts from organizations throughout the state and county to make sure we were all on the same page, with the same messages during these critical early press events. That will be extremely important as we move ahead in this campaign. But, coordinated by Ogilvy, we have the team in place who know how to do it and we are blessed with communications experts from throughout the LGBT community who are already part of our earned media effort.

An important note here: Other than the Presidential Race — this initiative could indeed be the most watched election in the nation. Every single issue that affects this — from what is on the form of the new marriage licenses, to those couples coming to California to get married — every one of them has the potential to generate news stories — and they will. Again that makes speaking with one voice even more critical.

Initiatives, unlike candidates can ONLY speak with the voice that the spokespersons give them. Making sure our spokespersons are always speaking with the same messages with the same tone and with the right people talking to the right audiences will be one of our most important jobs.

And given the closeness of this race (see polling discussion above) words matter in this effort — and the right words matter a lot. It's “treated differently”, NOT “discrimination”, it's about a constitutional amendment that only recognizes marriage as between a man and a woman, it's NOT about “overturning the recent Court Decision.” While those are phrases that sound the same, they can make a huge difference in where people end up on the issue.

It's clear: Words matter in this campaign, and the earned media team will be ever-vigilant in making sure everyone is using the right words.

The Mercury News May 2008 First-ever majority favors gay marriage By Edwin Garcia

SACRAMENTO - For the first time ever, a statewide survey reports a majority of California voters favor gay marriage — a finding that pollsters describe as a milestone driven by younger people....

## **Deliverables**

Press Kits and Media materials Press briefing packets with the appropriate messaging will be prepared and one-on-one desk side briefings will be conducted with the 5 to 10 print reporters and the electronic reporters assigned to cover this campaign by their outlets. These packets will include the positive stories already available to us from the Court Decision, to poll reaction to Op-Ed's in National papers.

## **Editorial Board Scheduling**

During the summer, the campaign will begin to schedule editorial board visits with every major daily in California and some of the minor ones. We will go directly into the “belly of the beast” (e.g. the Central Valley) and make our case. Some publications such as the Orange County Register and the Bakersfield Californian are likely to support the initiative, but we expect most of the major newspapers (the LA Times, San Jose Mercury News, Sacramento Bee and the SF Chronicle) to come out against it and we will work them aggressively. Nevertheless we are going to talk to every board that will hear us. We will not leave the misperceptions of our opponents set the stage — and we will counter what they say at every board that will hear from you — and we might be surprised. The fundamental freedom arguments and the government out of our lives are arguments that can appeal to more conservative outlets — to we are going to make sure we visit everyone of them with our messages.

## **Talk Radio Outreach**

We will use talk radio where it is to our advantage to do so. While the campaign does not want to motivate or inflame the opposition, it definitely wants to motivate its base. And there are certain shows — in the San Francisco Bay Area and Los Angeles — that might well be used to motivate the public to (1) register if they are not registered and (2) then get-out-and-vote.

## **A Rapid Response Team**

From the initial stages of the campaign, a rapid response network will be set up to address the misinformation and outright lies put out by the other side and to discredit their charges.

Maggie Linden with her 30 years of initiative experience, will be anchoring the rapid response message desk. We know that others will try and divide us — we've already experienced press who wanted comment (in a negative manner) about the form that the Secretary of State had developed for new marriage licenses. Within minutes the team had decided on the message (“This isn't about forms, it's about fundamental rights”) and had responses to the three outlets that were taking that tact. This is how we will deal with challenges and attacks: swiftly, accurately, with message based on polling and with a swift retort to those who would distort.

**The Press Phone Hotline** Of course the day-to-day press operations are being handled by a press protocol set up by Ogilvy which directs every inquiry to one phone number (916-717-1411). All media inquiries, will be directed there and then the team will determine who is best to comment and answer the reporters questions. Ali Bay, from Equality California will be staffing the press hotline and will have instant access to the rest of the media team when needed.

**Speakers Manual and Trainings** Another role of the earned media team will be — after messages are developed — to create speakers training manuals — and indeed do trainings — for key spokespersons. The discussion above about staying on message is best accomplished through tool kits — and manuals that everyone can refer to and everyone can be trained on. Ogilvy will take the lead on developing these materials — and starting the trainings. Again, since this issue is SO “hot” we need to train as many people as possible on our messages — and also on what NOT to say. Trainings and the manual are an important part of our role.

**Messaging Updates** On a regular basis the campaign will produce messaging memos and talking points for both our state and national partners.

**Paid Media** EFA will buy 2000 points of television in the Los Angeles, San Francisco Bay Area, Sacramento and San Diego markets in the 18 to 21 days leading up to Election Day. Of these, 1600 points will be aired on traditional television and 400 points will be aired on cable TV, taking advantage of new technologies that will allow EFA to target very specific audiences. Further, EFA will purchase:

- 1000 points of advertising on Latino/a oriented TV
- 1000 points of advertising in the smaller California coastal media markets
- A small amount of media in the Fresno market to cut losses in that area of the state
- Advertising on API oriented television and African American radio
- Display ads in API and African American newspapers.

The campaign has retained Ogilvy Public Relations, Worldwide to do both the paid and earned media portions of the campaign including the actual ad development, production and buy.

### **Buying Media—A Key Part of a Winning Strategy**

Our experience with initiatives has taught us that securing media early helps make the buy more efficient and guarantees quality inventory that may not be available as we move close to election time. That means putting real money into the buy much earlier than anyone usually does — and it generally means “buying backwards” from election day. That secures the campaign’s ability to be on the air in those last crucial days — even if you don’t raise as much as you had planned for.

#### **An Ugly Betty Story**

For the “NO on 85 campaign” in November 2006, we purchased about 35% of the total television buy in July of 2006, focusing primarily on the primetime television “dayparts” (those shows between the end of the morning news and the beginning of the evening news) and also some late night and some news programming. The buy included “betting” on some new fall season shows, one of which was Ugly Betty. Ugly Betty became an instant hit the day it premiered. As the ratings for the show climbed and the demand for television time increased due to political ads, we found ourselves both priced out of this particular television show for any

future buys, and at the same time in the enviable position of owning a number of Ugly Betty commercial breaks because we had bought them SO early. We propose doing the same for this initiative — not only buying prime that we know will be valuable (The Daily Show, Ugly Betty, etc.) but also “betting” on some of the new programming that, like Ugly Betty, could prove to have incredible reach in the California market.

What did the actual numbers look like?

Below is a history of costs for television and radio during the November election. We have selected some programming in the Los Angeles market to illustrate the increases as we moved closer to the election. As you can see, costs for Ugly Betty and 60 Minutes rose over 300% from the time we began buying to the time we made our last buy at the end of October. In October, we actually moved to buying radio as we felt we had been priced out of the television market (and in fact we were priced out with other campaigns spending upwards of \$50 million on television!) Radio costs also increased but not to the same degree as television.

Based on our past experience, and the fact that this year’s election will be a high-profile presidential election, we recommend making a base buy of at least 35% of your total budget (\$4.9 million of the total recommended budget) or more in July 2008. Early commitment will help us achieve more television and radio inventory and provide the coverage we need to win this election.

There are myths that exist — particularly regarding buying “news adjacencies” — that refers to buying ads at the beginning, middle and end of news programming. In fact, recent research shows that the MOST watched 6pm news in Los Angeles is on UNIVISION — not on the networks and therefore buying these expensive spots is not effective in reaching key targets. We found in Prop 85 that our spots on The Daily Show had just about as much salience with “news-hungry” viewers as did the CBS Evening News. We will carry that experience into our plans for this initiative.

#### Media Terminology Discussion

While many of you may be quite familiar with GRPs and the terms “reach” and “frequency” for those who are not, what follows is a short primer on media terms.

The budget buys target rating points (also known as “points” or “gross rating points”). Points are a measure of the audience size, or the number of viewers reached by a station or program. Points are used to measure the exposure to one or more programs or commercials, without regard to multiple exposures of the same advertising to individuals. One point delivers 1% of the target population we are trying to reach.

Television program ratings (number of points) vary greatly. A primetime program could deliver between 14 to 25 points and a late night news program may only deliver five points. One: 60 radio commercial delivers on the low end, less than one rating point or two rating points on the high end. This is because there are so many stations, listening is fragmented AND there is now satellite radio that draws audiences away from commercial radio.

<b>Los Angeles TV</b>	<b>July 2006</b>	<b>Sept 2006</b>	<b>Oct 2006</b>
Oprah	\$5,200	\$9,000	sold out
Regis and Kelley	\$1,200	\$4,000	\$5,500
Evening News- SA	\$1,200	\$1,600	\$5,000
Ugly Betty	\$14,000	\$25,000	\$60,000
60 Minutes	\$23,100	\$62,000	\$100,000

The total number of points we can afford to buy will be based on a combination of budget, type of programming purchased and audience targeting. These points are also expressed in “reach” and “frequency” terms. And industry rule of thumb is that an effective frequency must exceed 3 times for any audience to respond to a single message.

(The calculation is reach x frequency = gross rating points.)

Our media plan will include buying programming to reach the broadest of audiences, as well as focused efforts on priority target audiences. This will include buying specific cable programming, prime and news. A solid mix will provide this campaign with the reach and frequency needed to penetrate the electorate, even in this presidential year.

### **Labor and Democratic Allies**

As part of its coordinated campaign for the November election, The California Democratic Party will identify over 3,000,000 households for slate mailers and volunteer door-to-door and phone campaigns. The plan calls for an EFA contribution to this effort of \$200,000 to ensure EFA messaging is placed appropriately on materials and in phone/door scripts. This contribution will also get EFA a “place at the table” to help determine specific voters to target.

The California Federation of Labor will target approximately 1,000,000 labor union households for two pieces of mail and two phone calls. EFA’s plan calls for a contribution of \$50,000 to this effort to maximize EFA messaging within that program. EFA will seek a labor union supporter to subsidize this particular expenditure.

### **Paid Phone/Mail Program**

EFA will send two pieces of mail to the 1.6 million swing voter households. Between the two pieces of mail, EFA will pay for a live ID/persuasion call. After the second piece of mail, EFA will place automated phone calls to supporters identified on the first call.

Assuming this program enjoys typical success, 20% of the initial universe will be persuaded and/or identified, resulting in 320,000 newly identified supporters or 2.6% of the ultimate vote.

This program will be implemented to reach identified “vote-by-mail” voters starting 5 weeks before Election Day. The program will be implemented to reach all other identified voters starting 3 weeks before Election Day.

## **Field/Volunteer Phone Program**

Based on the high level of volunteer participation in its decline-to-sign effort — and based on the incredible outpouring of support since the Court decision, EFA will implement a robust volunteer phone bank program. EFA's field staff estimates that a normal volunteer shift will last 2 hours with 20 calls per shift completed. From these 20 conversations, it is projected that 8 new supporters will be persuaded or identified.

A significant number of early volunteer shifts will be used to recruit additional volunteers (rather than persuading or identifying new supporters) and raise money to help subsidize the field program (the finance plan assumes the field program will raise \$350,000). Ultimately, the plan estimates staffing 71,094 volunteer shifts, requiring the recruitment of volunteers for 142,188 shifts — assuming a 50% no show rate. This program will result in 285,000 supporters being identified and/or persuaded or about 2.25% of the ultimate vote.

The field program has begun with in-kind donated staff which started in mid May. Early efforts are aimed at phoning LGBT and base voter lists, including the decline-to-sign petition signers, the Democracy project lists and the coalition partner lists, to recruit an expanded volunteer pool. From mid June through mid August the field plan calls for opening field offices in Los Angeles (multiple locations), San Diego and San Francisco. Additional field staff will be hired starting in mid July. The target persuasion/ID calls will begin in mid August and continue through Election Day.

## **Endorsements**

In issue campaigns as polarized as this one, political endorsements are far less important. However, some attention will be paid to ensuring friendly elected officials don't stray from the path. The exceptions to this are the African American and Latino/a caucus elected and other leaders where a special effort must be made to ensure their vocal opposition to the initiative.

Organizational endorsements are very helpful so that key organizations can sign ballot measure arguments, educate their memberships and communicate their endorsement. EFA will work very closely with key organizational allies to follow-up their endorsements with assistance in communicating effectively with their memberships. Endorsements from the California Democratic Party, the State Federation of Labor and the California Teachers Association are especially important. All three of these organizations conduct extensive member voter contact programs. We are already working hard to secure these endorsements.

Based on the polling data, the CTA and Federation of Labor programs could deliver as many as 257,000 additional "no" votes.

A special endorsement effort will be made in the African American and Latino communities because public spokespeople on behalf of our campaign in those communities will be vitally important. For example, NAACP has already joined the EFA effort.

## **Conclusion**

Equality For All can defeat this constitutional amendment on marriage with a well-funded, smart campaign. The initiative is clearly vulnerable by commonly held standards for winning ballot measures in California; both our internal and external polls show that winning is possible; the political climate in California is ripe for a victory on the initiative; the Governor opposes the amendment; the Presidential turnout which will see younger voters coming out in droves is helpful to us; and EFA has a large and diverse coalition of civil rights, faith, choice, labor and community of color organizations prepared to defeat it.

Having just completed an extensive, grassroots “decline to sign” campaign statewide, EFA has built a strong, well organized and highly motivated network of volunteers. This gives EFA a significant advantage. EFA is further strengthened by the leadership of an impressive team of campaign and political experts with long records of winning “no” campaigns.

Clearly, the stakes are higher in California than in any other state likely to face a similar ballot measure in the current election cycle. Because the Court’s have now given us the rights we so deserve, it is up to this campaign to protect and preserve what we have fought so hard to secure. .

The results of this California campaign will have a dramatic impact on the trajectory towards equal rights for LGBT people not just in California, but across the country. Defeating a “marriage only” constitutional amendment in California, especially after a court victory, will embolden other state courts and legislatures. It also will significantly help increase national political and public support for ending the exclusion of same-sex couples from marriage. Conversely, a loss in California will dramatically slow, if not halt, U.S. progress toward marriage equality and it will give right wing activists momentum to attack other rights and protections such as domestic partnerships, civil unions, adoption and school safety. It will give pause to elected officials and the public who might otherwise continue moving toward support for LGBT equality.

All of the pieces are in place to win except the money. Clearly, this unprecedented moment in history will require an unprecedented commitment of all parties involved. With enough money, raised early enough, allowing us to do everything we need to do including buying electronic media early and to fully fund the comprehensive effort outlined in this plan, Equality For All can defeat this amendment and have a dramatic impact on the future of such divisive measures in California and around the country. The stakes have never been higher nor the likelihood of victory as great.

## **Appendix 1**

Equality For All Proposed Campaign Budget Public Opinion Research

Ballot Argument Focus Groups.....\$30,000  
 Campaign Phase 1 Poll/Grps.....\$70,000  
 Check-in Poll.....\$35,000  
 Media Testing.....\$60,000  
 Tracking.....\$60,000  
 Total.....\$255,000

**Internet Strategy**

Website Set-Up.....\$12,000  
 Maintenance/Operations.....\$48,750  
 Added Technology/Ads.....\$100,000  
 Total.....\$160,750

**Earned Media**

Staffing.....\$112,000  
 Printing.....\$8,000  
 Events.....\$8,000  
 Spokesperson Training.....\$4,000  
 Total.....\$132,000

**Endorsements**

Staffing.....\$165,000  
 Printing/Packets.....\$15,000  
 Total.....\$180,000

**Individual Voter Contact**

Democratic Party.....\$250,000  
 State Fed of Labor.....\$100,000  
 Slates.....\$200,000  
 LGBT Voter Lists.....\$360,000  
 Volunteer Phones/Field.....\$600,000  
 Target VbM Mail/Phones.....\$860,000  
 Target Voter Mail/Phones.....\$1,100,000  
 Total.....\$3,470,000

**Paid Media**

Los Angeles.....	\$6,800,000
San Francisco.....	\$2,700,000
Sacramento.....	\$1,000,000
San Diego.....	\$900,000
Fresno.....	\$200,000
Small Coastal Markets.....	\$300,000
API Media.....	\$200,000
Spanish Media.....	\$1,500,000
Black Radio/Papers.....	\$450,000
Production.....	\$300,000
Total.....	\$14,350,000
Legal/Accounting.....	\$150,000
Management/Consulting	
May - November.....	\$300,000
Miscellaneous.....	\$300,000
TOTAL (minus fundraising).....	\$19,287,750
Fundraising.....	\$1,600,000
TOTAL (with fundraising).....	\$20,887,750

# Equality For All Proposed Campaign Budget

## (Monthly)

	May	June	July	August	Sept	Oct	Nov	TOTAL
<b>Public Opinion Research</b>								
Ballot Argument Focus Groups		\$30,000						\$30,000
Campaign Phase 1 Poll/Grps	\$35,000	\$35,000						\$70,000
Check-in Poll				\$35,000				\$35,000
Media Testing					\$60,000			\$60,000
Tracking						\$60,000		\$60,000
TOTALS	\$35,000	\$65,000	\$0	\$35,000	\$60,000	\$60,000	\$0	\$255,000
<b>Internet Strategy</b>								
Website Set-Up		\$12,000						\$12,000
Maintenance/Operations	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$7,500	\$13,750	\$58,750
Added Technology/Ads		\$15,500	\$11,500	\$10,500	\$29,250	\$22,250	\$1,000	\$90,000
TOTALS	\$7,500	\$35,000	\$19,000	\$18,000	\$36,750	\$29,750	\$14,750	\$160,750
<b>Earned Media</b>								
Staffing		\$22,400	\$22,400	\$22,400	\$22,400	\$22,400		\$112,000
Printing		\$5,000		\$3,000				\$8,000
Events			\$2,000	\$2,000	\$2,000	\$2,000		\$8,000
Spokesperson Training			\$2,000	\$2,000				\$4,000
TOTALS	\$0	\$27,400	\$26,400	\$29,400	\$24,400	\$24,400	\$0	\$132,000
<b>Endorsements</b>								
Staffing		\$33,000	\$33,000	\$33,000	\$33,000	\$33,000		\$165,000
Printing/Packets		\$5,000	\$5,000	\$5,000				\$15,000
TOTALS	\$0	\$38,000	\$38,000	\$38,000	\$33,000	\$33,000	\$0	\$180,000
<b>Individual Voter Contact</b>								
Democratic Party				\$250,000				\$250,000
State Fed of Labor					\$100,000			\$100,000
Slates					\$200,000			\$200,000
Volunteer Phones/Field	\$5,000	\$115,000	\$300,000	\$250,000	\$200,000	\$80,000		\$950,000
Target VbM Mail/Phones					\$430,000	\$430,000		\$860,000
Target Voter Mail/Phones						\$1,100,000		\$1,100,000
TOTALS	\$5,000	\$115,000	\$300,000	\$500,000	\$930,000	\$1,610,000	\$0	\$3,460,000

	May	June	July	August	Sept	Oct	Nov	TOTAL
<b>Paid Media</b>								
Los Angeles			\$3,400,000		\$1,700,000	\$1,700,000		\$6,800,000
San Francisco			\$1,350,000		\$675,000	\$675,000		\$2,700,000
Sacramento			\$500,000		\$250,000	\$250,000		\$1,000,000
San Diego			\$450,000		\$225,000	\$225,000		\$900,000
Fresno			\$100,000		\$50,000	\$50,000		\$200,000
Small Coastal Markets			\$150,000		\$75,000	\$75,000		\$300,000
API Media			\$100,000		\$50,000	\$50,000		\$200,000
Spanish Media			\$750,000		\$375,000	\$375,000		\$1,500,000
Black Radio/Papers			\$225,000		\$112,500	\$112,500		\$450,000
Production				\$300,000				\$300,000
TOTALS			\$7,025,000	\$300,000	\$3,512,500	\$3,512,500	\$0	\$14,350,000
<b>Legal/Accounting</b>								
	\$5,000	\$20,000	\$20,000	\$27,000	\$27,000	\$27,000	\$24,000	\$150,000
<b>Management/Consulting</b>								
May - November	\$30,000	\$48,000	\$48,000	\$48,000	\$48,000	\$48,000	\$30,000	\$300,000
<b>Miscellaneous</b>								
	\$25,000	\$50,000	\$50,000	\$50,000	\$75,000	\$50,000	\$0	\$300,000
<b>Total (minus fundraising)</b>								
	\$107,500	\$398,400	\$7,526,400	\$1,045,400	\$4,746,650	\$5,394,650	\$68,750	\$19,287,750
<b>Fundraising</b>								
	\$5,000	\$200,000	\$500,000	\$100,000	\$300,000	\$400,000	\$95,000	\$1,600,000
<b>Total (with fundraising)</b>								
	\$112,500	\$598,400	\$8,026,400	\$1,145,400	\$5,046,650	\$5,794,650	\$163,750	\$20,887,750

## Introduction

Ballot measures in California are different than such measures anywhere else. Because of the state's size and influence, California ballot measures often have a significant national impact. Further, California measures are enormously expensive. As a result, more than half the costs are typically funded by a small group of very large donors. Without such support, sufficient funds cannot be raised to mount a competitive and thus successful campaign.

For example, in 2006 proponents of an initiative on renewable energy raised and spent \$59 million, \$51 million of which was contributed by a single donor. Five additional donors made contributions of \$1 million or more. Similarly, proponents of a cigarette tax measure raised and spent \$16.3 million, more than \$14 million of which was contributed by a consortium of half a dozen large health care providers. Still, both of these initiatives lost because the opposition spent 1.5 to 5 times as much (\$92 million and \$77 million respectively).

The same dynamic applies to smaller campaigns. In 2006, Planned Parenthood and its supporters spent \$6.4 to defeat the parental notification initiative that would have required minors to get parental permission before terminating their pregnancies. More than 50% of this funding came from eight donors. Planned Parenthood prevailed with such a relatively small budget because supporters of the initiative only spent \$3.7million—58% of what Planned Parenthood spent.

These examples illustrate two critical “truths” about the impending initiative in California to constitutionally ban same-sex couples from marriage:

- (1) To defeat the measure, the Equality For All (EFA) campaign must be prepared at least to match its opponents' spending. Proponents of the measure spent \$2 million to qualify it, suggesting that they are prepared to raise the millions necessary to try to win their campaign.
- (2) To fund a competitive campaign, EFA will need to raise a very large amount of money very soon from a relatively small pool of donors.

With sufficient funding, EFA is prepared to wage an effective fight. Late in 2007 the campaign hired one of California's most experienced and successful general campaign consultants: Steve Smith of the Dewey Square Group. Mr. Smith has been running campaigns in California for 25 years, including over a dozen initiative campaigns, and he has never lost a “no” campaign. Most recently, he was the general campaign consultant for the successful effort to defeat the parental notification initiative in 2006. Mr. Smith has developed a campaign plan to defeat the anti-marriage amendment.

This plan requires a budget of \$21 million, nearly 70% of which will be used for paid media.

The campaign plan relies on raising more than half of the campaign budget by late June to fund early air time buys. Purchasing air time early will enable the campaign to do far more with its

media dollars. By buying October air time in June or July, the time is as much as 3.5 times less expensive, and the available time is of much higher quality in terms of available schedules and placement. To take advantage of this significant savings, EFA needs to raise as much as \$10.5 million by the end of June. Such a large sum cannot be raised in such a short time from rank and file donors. This early money can only be raised from the campaign's 7-figure donors.

## Context

### Other State Amendment Campaigns

California dwarfs all other states that have waged marriage campaigns in the past in terms of number of voters and historic costs of campaigns. It will be bigger than any other waged before will require unprecedented commitments of time and money to defeat the initiative.

California has over 16 million registered voters, exponentially more than states that have recently faced similar anti-marriage amendments. For example, Oregon has 2.4 million voters. The 2004 campaign there to defeat a constitutional amendment on marriage is considered one of the most well funded of all such campaigns. The Oregon campaign spent \$3 million--\$1.25 for each voter in the state. Equivalent funding per voter in California translates roughly into a \$20 million budget. In Wisconsin, 4 million people were registered to vote in 2006. With a \$4.3 million budget, Action Wisconsin spent \$1.07 per voter. Equivalent funding for a California campaign would be roughly \$17 million. These comparisons illustrate the necessity in California of raising revenues that dramatically exceed those raised for campaigns in smaller, less consequential states.

EFA's campaign to defeat a constitutional amendment on marriage in California will be of unprecedented scale, requiring unprecedented support from the LGBT community. In 2004 and 2006, 21 states faced similar amendments. Combined, the campaigns to defeat the amendments spent \$20 million (outspending proponents of the amendments by 2-to-1), and were funded almost exclusively by LGBT donors and organizations. EFA will aggressively seek funding from allied organizations and individuals, but major LGBT donors and organizations will need to be the primary funders of the California campaign as they have been in all other states.

### Fundraising Environment

The 2008 fundraising environment will be extremely competitive. Potential California and out-of-state donors to EFA within and outside the LGBT community will also be asked to fund Presidential candidates, others running for elected office and yet another parental notification initiative in California.

In addition to in-state competitive fundraising pressures, at least one and as many as three states will be waging battles on marriage this November:

- Florida: Pro-amendment forces turned in almost 650,000 valid signatures to qualify a constitutional amendment for the ballot, about 40,000 more than they needed.

- Arizona: A bill to put an amendment on the ballot has been resurrected. Its final fate will be determined in the AZ state legislature in May or June.
- Pennsylvania: A bill is working its way through the Pennsylvania Senate. Its fate will be determined in May or June.

## Political Environment

The California campaign to defeat the anti-marriage amendment is different from previous and contemporaneous campaigns in its scale, its wide-ranging political implications and its statewide political context that makes a win achievable.

Over the past eight years, the California political environment regarding marriage has evolved significantly and is arguably the most favorable in the nation, after Massachusetts. This promising political environment is clearly demonstrated by at least four factors:

(1) In two successive legislative sessions (2005 and 2007) the California legislature has passed a bill to allow same-sex couples to marry. No other state legislature has ever passed such legislation, whereas California's legislature has passed it twice. Further, the vote did not emerge as a wedge issue in the 2006 elections and not a single legislator who voted for the bill lost his or her seat.

(2) Legislators' progress on the issue of marriage echoes the progress of their constituents – Californians have changed their minds. A September 2006 poll by the Public Policy Institute of California (PPIC) showed that public opinion has moved significantly since 2000, the last time an anti-marriage measure was on the ballot. The PPIC poll showed that roughly as many Californians support the right to marry for gay and lesbian couples as oppose it.<sup>1</sup> A September 2007 poll by David Binder showed similar results.<sup>2</sup>

(3) After years of hard work, the California Supreme Court could strike down California's law prohibiting same-sex couples from marriage. The decision is expected by June 2 if not before. Many legal experts believe that the Court is likely to decide that denying marriage licenses to same-sex couples is unconstitutional.

(4) In April, California's Republican Governor, Arnold Schwarzenegger, came out firmly and strongly against the proposed constitutional amendment, saying: "I will always be there to fight against [such an amendment]."

## What's at Stake

Clearly, the stakes are higher in California than in any other state likely to face a similar ballot measure in the current election cycle. Not only may defeating the constitutional amendment be necessary to preserve a victory in the California Supreme Court, it is necessary to preserve the ability of the legislature to once again pass a marriage bill.

The results of the California campaign will have a dramatic impact on the trajectory towards equal rights for LGBT people not just in California, but across the country. Defeating a "marriage only" constitutional amendment in California, especially after a court victory, will embolden other

state courts and legislatures; and it will significantly help increase national political and public support for ending the exclusion of same-sex couples from marriage.

A loss in California will dramatically slow, if not halt, progress toward marriage equality in the United States and it will give right wing activists momentum to attack existing victories on domestic partnerships, civil unions, adoption and school safety. It will give pause to elected officials and the public who might otherwise continue moving toward support for LGBT equality.

### Why EFA Can Win

Judged by the standards established in other California ballot measure campaigns, proponents of the current anti-marriage measure lack the political support they need to win. Specifically, analyses of the numerous ballot measures waged in California show that in order to win, the initial polling regarding a proposed measure should show three things:

- (1) That the measure will pass with 60% of the vote;
- (2) That the yes-to-no ratio is two-to-one; and
- (3) That the strong support for the measure is at least 40%;

EFA's September 2007 poll shows that the proposed initiative meets only one of the three criteria. The poll, conducted by Greenberg, Quinlan Rosner Research, showed that only 50% of likely California voters would vote in favor of the constitutional amendment—10 points under the 60% threshold. Further, with 48% of likely voters opposed to the amendment, the yes-to-no ratio is virtually 1:1. The only factor that meets the typical criteria for success is that 43% of likely California voters strongly support the amendment. By the above three standards, the current measure is clearly vulnerable.

All of these contextual factors combined demonstrate clearly that a fully funded campaign can defeat the proposed constitutional amendment. In fact, with the possible exception of Massachusetts, these contextual factors are more favorable than in any state that has faced such a measure in the past or will face such an amendment this year. Victory in California is possible if the proper resources are brought to bear on the effort.

### Overview of Fundraising Streams

- California's leading LGBT organizations must engage their donors and make major commitments to funding the campaign.
- National LGBT organizations based in and/or raising significant dollars in California must invest major percentages of the money they raise from California donors (if not more) back into the campaign.
- Major national LGBT donors and LGBT/Allied 6 figure donors must fund at least 45% of the total campaign budget to even begin to approach the role typically played by major donors in other California initiatives. Otherwise, sufficient funds cannot be raised to mount a competitive campaign.

- Grassroots fundraising. Waging a campaign in such a large and consequential state around an issue of great interest to the national LGBT and allied communities provides EFA with a major fundraising advantage: the ability to attract a potentially enormous pool of small to medium sized donors. EFA must take advantage of the current political climate regarding marriage and its momentum to attract these donors, through online and other grassroots fundraising tactics.

#### California and National LGBT Organizations

Recommended commitment to overall goal: \$6.85 million (33%)

The organizations comprising the Executive Committee of EFA, other major California organizations and national organizations with reach and depth into the California LGBT donor community must contribute directly to EFA and plumb their donor relationships to help finance this campaign. Commitments from every major LGBT organization in the state will be required to fully fund the campaign.

National LGBT organizations dig deep into California to fund their operations nationally, and several have major programmatic operations in California. In 2008, it will be critical for those same organizations to invest heavily back into California's effort to defeat the anti-marriage initiative.

While comparisons are difficult given the far more developed network of established LGBT organizations in California than in other states, in-state LGBT organizations and their national counterparts have led the way in prior statewide battle initiatives.

While a commitment to fund 33% of the total campaign budget is not be out of line with the contributions of in-state and national LGBT organizations to other campaigns, the absolute dollar amount - \$6.85 million – is significantly higher. The unfortunate reality is that if all organizations involved are unwilling (or unable) to make such unprecedented contributions, the favorable political climate in California will be squandered.

For comparison purposes, contribution amounts and percentages in prior campaigns are listed below:

- In Oregon, the Executive Committee - Basic Rights Oregon, ACLU, and Planned Parenthood - raised just over 21% of the campaign's total budget.
- Basic Rights Oregon essentially ceased operations, contributing just over \$184,000 to the campaign's \$3 million budget, or about 6% of the total raised.
- NGLTF was the largest organizational donor to the Oregon campaign, contributing \$663,000 or about 22% of the \$3 million raised. HRC contributed \$313,000, or about 10% of the Oregon campaign's total budget.
- Action Wisconsin funded \$800,000 (about 19%) of Fair Wisconsin's \$4.3 million dollar budget.
- Fair Wisconsin raised about 4% of its \$4.3 million budget from HRC.

- In Michigan, HRC was the largest organizational donor with \$231,000 or 27% of that campaign's \$854,000 budget.
- In Ohio, HRC was the only national LGBT organization that contributed to the campaign. HRC's \$384,000 investment represented nearly 40% of the total campaign's \$943,000 budget.
- Arizona Together received \$155,000 in contributions from HRC, or about 8% of that campaign's budget.

#### Major National LGBT Funders

Recommended commitment to overall goal \$8 million (38%)

Major national LGBT funders emerged in 2006 as the primary donors to the competitive ballot campaigns. If California's campaign is going to win, the major national LGBT donors must fund at least 38% of the total budget, playing the role individuals and large organizations have played in other California initiatives.

#### LGBT and Allied 6-Figure Donors

Recommended commitment to overall goal \$1.4 million (7%):

In addition to the existing major national LGBT funders, large donors to LGBT causes in California and other states must play a major role in ensuring that this campaign is fully funded. The Executive Committee and Finance Committee - with support from campaign fundraising consultants and existing national LGBT funders -- will be responsible for identifying and cultivating these donors.

#### Labor, Non-LGBT Organizations

Recommended amount of overall goal: \$1.6 million (8%)

The campaign is in the process of activating and expanding its extensive Campaign Committee comprised of supportive organizations and individuals from across the state. While most of these organizations will be supportive only by lending their names, and perhaps by assisting with some non-fundraising campaign activities, a small percentage will contribute to the campaign through various means, including issues PACs.

The finance plan calls for \$1.5 million in support from labor unions, and another \$100,000 from other non-LGBT organizations in California.

The only recent comparison available in this regard is Wisconsin, which received significant help from the Wisconsin Education Association - \$365,000 (8.4%) of its \$4.3 million budget. Eight years ago, in California's Proposition 22 campaign, contributions from Labor, PACS and corporations constituted 8% of the campaign revenues.

#### Elected Leaders

Recommended amount of overall goal: \$600,000 (3%)

Current and former elected officials at all levels will be recruited to serve on an elected leaders committee. Admittedly, the most many elected officials will do is add their name to the list and attend events to be recognized. However, if even a small number of elected officials can be persuaded to make calls, contribute from their own funds, email and mail to their own lists, lend their name to EFA emails and mail, headline events and lend staff time to organize events, the benefit will be worth the effort.

While some elected officials will participate because they care about equality, are ready to exercise leadership on the issue, and want to build awareness among their constituents that they are out front in this important political battle, others should be coaxed with negotiated “pay to play” agreements.

Grassroots Fundraising – Online, Direct Mail and Field

Recommended percentage of overall goal: \$2.5 million (12%)

Through EFA’s email list - which will grow over the course of the campaign – combined with the email lists of the EFA campaign committee organizations – the campaign will leverage the strong online fundraising environment in general in 2008 to raise \$1,300,000.

Direct mail through house lists should also be relatively lucrative. The finance plan includes an \$850,000 line item for direct mail fundraising.

EFA’s field campaign will also generate small contributors by calling LGBT volunteer lists and allied voters. A goal of \$350,000 is achievable with a robust field operation.

For context, Oregon’s campaign raised 11% of its total funds online and in contributions of under \$100. Virginia’s Commonwealth Coalition raised 8.5% of its budget online and in contributions of under \$100. In the Proposition 22 campaign, approximately 9% of campaign revenues were raised from direct mail and the internet (and this was before the internet was the ubiquitous fundraising tool that it is today).

Getting It Done: Staffing and Structuring

The vast majority of the funding for the campaign will be driven by the organizations and donors already around the table.

The campaign has hired Kimberly Ray to lead the fundraising team under the direction of the Campaign Director. She is based in Los Angeles and is recommending bringing on a San Francisco fundraiser and an east coast fundraiser to work under her supervision. The campaign director and this fundraising team will:

- Work with the Executive Committee and national organizations to de-duplicate major donor fundraising lists and coordinate approaching major donors.
- Manage mid-level and major donors not already in the universe of any one organization.

- Develop fundraising documents and information (e.g., brochures, power point presentations, direct mail).
- Build and support a finance committee, affinity and regional committees, elected leaders and the campaign committee to identify and cultivate donors.
- Write and coordinate direct mail.

### **Consequences of Failing to Fund the Campaign**

A \$21 million campaign budget puts EFA in a competitive position with the proponents of the initiative. Failing to fully fund the campaign plan makes a win less likely; and slipping below a bare bones \$14 million budget would likely result in a loss.

The most important impact of failing to adequately fund the campaign is in the area of paid media. With a \$21 million budget the campaign will be able to have two TV ads in 4 major media markets and the smaller coastal markets in California. The budget also allows for significant purchases of media—TV, print and radio—in the API, Latino and African American communities.

Shrinking to a smaller budget means limiting EFA's messaging opportunities to reach persuadable voters. A smaller budget would necessitate cutting one of the television ads and dropping one of the major media markets. The television buys would be significantly smaller in the remaining media markets, thus risking adequate market penetration.

With a \$21 million budget EFA can conduct a more robust field and phone/mail program that is worth two to three percent of the vote. A smaller budget would necessitate cutting the mail and phone program targeted at Election Day voters. This lack of voter contact means the campaign would rely on the electronic media, earned media and the internet to deliver swing voters on Election Day. Such an outcome greatly reduces EFA's ability to turn out its identified universe of persuadable voters, putting the success of the campaign in serious doubt.

### **Conclusion**

Equality For All can defeat this constitutional amendment on marriage with a well-funded campaign. The initiative is clearly vulnerable by commonly held standards for winning ballot measures in California. The political climate in California is encouraging for a winning campaign. EFA has a large and diverse coalition of civil rights, faith, choice, labor and community of color organizations prepared to help defeat the amendment.

The recommendations in this document represent a plan for an aggressive fundraising operation to allow the Equality for All campaign to raise \$21 million dollars by November 4, 2008. To hit this very high goal:

- LGBT organizations in California and nationally will need to raise funds at an unprecedented scale.

- Major national LGBT donors and LGBT/Allied 6-figure donors will need to continue and expand their record of leadership.
- California's political community will need to be brought on board, including its activist donor base.

(Footnotes)

1 PPIC Statewide Survey, September 2006: "Forty-four percent of Californians are in favor of allowing gay and lesbian couples to be legally married, while 48 percent are opposed. Support for same-sex marriage has been at 44 percent among state residents over the past two and a half years, but it has increased since January 2000 (38% in favor)...Likely voters are divided (47% favor, 46% oppose) on this issue."

2David Binder Stateside Survey, September 2007: When asked "Do you favor or oppose allowing gay and lesbian couples to marry legally? If you do not have an opinion, simply say so," 42% of registered California voters said "yes," while 40% said "no."

Appendix 3

FINANCE MEMO TO: Equality for All FR: Kimberly Ray DT: 5/28/08

After reviewing the thoughtful initial finance plan that Englin Consulting put together for you I have the following comments:

- There are three LGBT categories and I suspect there is some double counting. CA and nat'l LGBT organizations all raise money from major national individual LGBT donors. Part of my job will be to determine if the individual donors will reach above and beyond their current annual contributions to the various organizations. I think the answer is yes. I agree in principle with the number of 14M or 70% of the 20M budget. This includes organizational commitments as well as individual commitments.
- The LGBT and Allied 6-Figure donors should actually be called National Major Progressive Donors. We have already accounted for the LGBT community. The Nat'l Progressive (non LGBT) number should be 1 – 2M.
- Labor and CA Major Prgressive Donors should be in separate categories. Labor with a goal of 1 – 2M and CA Progressives with a goal of 1 – 2M.
- Again, Online, Direct Mail and House Parties should all be separate. Online should have a 2M goal. Direct Mail 1.5M goal and House Parties with a 500K goal.
- Elected officials will be a relatively small number and I think they should be folded into the Nat'l or CA number. Most of these folks have their own races to worry about including those in the LGBT community. Certainly some of them will contribute, but I believe it will be less than 500K including state electeds as well as nat'l electeds.

**Conclusion:**

At first look, I see a low of 21M and a high of 24M. Obviously, I will do another, more detailed plan with numbers next to names, who is doing the ask etc. But this is good news for the campaign. I always err on the side of caution.

All finance plans are a work in progress since some categories will do better than expected and some categories less. So there will be constant updates. Please let me know if you think I missed anything.

	PROJECTION LOW (actual commit)	ACTUAL TO DATE	PROJECTION HIGH	JAN - MAY ACTUAL	TO JUNE 30 ACTUAL	JULY	AUG	SEPT	OCT
<b>ORGANIZATIONAL COMMITS</b>									
Human Rights Campaign	\$2,000,000.00	\$130,000.00	\$2,500,000.00		\$130,000.00				
HRC Internet		\$200,000.00			\$200,000.00				
Equality California	\$1,000,000.00	\$846,000.00	\$2,000,000.00	\$496,000.00	\$350,000.00				
EQCA Direct Mail									
EQCA Internet									
EQCA Labor (CTA & SEIU)	\$2,000,000.00		\$2,000,000.00						
LA Center	\$600,000	\$25,000.00		\$25,000.00					
SD Center	\$500,000	\$200,000.00			\$200,000.00				
ACLU	\$1,500,000	\$25,000.00		\$25,000.00					
Horizons	\$200,000								
NGLTF	\$500,000	\$75,000.00		\$75,000.00					
GLAAD	\$500,000								
NCLR	\$500,000								
PFLAG	\$100,000								
Lambda	\$500,000			\$2,898.00					
Other (Log Cabin, Stonewall, Campaign Committee)	\$200,000								
SEIU United Health Care Workers PAC									
DNC Federal Fund		\$25,000.00		\$25,000.00					
Family Equality Council		\$5,000.00		\$5,000.00					
MISC		\$10,646.00			\$10,646.00				
<b>LGBT INDIVIDUAL DONORS</b>									
National	\$5,000,000.00		\$6,000,000.00			\$3,000,000.00		\$1,000,000.00	\$1,000,000.00
CA	\$2,000,000.00		\$3,000,000.00			\$125,000.00	\$125,000.00	\$1,000,000.00	\$250,000.00
<b>PROGRESSIVE INDIVIDUAL DONORS</b>									
National	\$1,000,000.00		\$2,000,000.00			\$100,000.00	\$100,000.00	\$500,000.00	\$300,000.00
CA	\$1,000,000.00		\$2,000,000.00			\$100,000.00	\$100,000.00	\$500,000.00	\$300,000.00
<b>INTERNET</b>	\$2,000,000.00	\$310,812.00	\$3,500,000.00	194,428.00	\$116,384.00	\$200,000.00	\$200,000.00	\$500,000.00	\$500,000.00
<b>LABOR</b>	\$500,000.00		\$1,000,000.00				\$250,000.00	\$250,000.00	
<b>HOUSE PARTIES</b>	\$300,000.00		\$500,000.00			\$25,000.00	\$25,000.00	\$100,000.00	\$150,000.00
<b>DIRECT MAIL</b>									
<b>TELEMARKETING</b>	\$250,000.00		\$500,000.00			\$25,000.00	\$50,000.00	\$75,000.00	\$100,000.00
<b>TOTALS</b>	\$22,150,000.00	\$1,855,356.00	\$25,000,000.00	848,326.00	\$1,007,030.00	\$3,575,000.00	\$850,000.00	\$3,925,000.00	\$2,600,000.00

Appendix 4 Blackrock Associates Memo To: Equality For All From: Larry Huynh & Brent Blackaby, Blackrock Associates Date: 5/29/08 Re: Internet Plan Overview

With the Supreme Court announcement on May 15, the internet program has been focused on fundraising to the current list and pushing out messaging to bloggers and social networks. Fundraising has been strong, however to have long term success, Equality For All (EFA) must focus more heavily on building its community of supporters.

Blackrock has outlined a plan for implementing a comprehensive online strategy, covering the following five major initiatives:

- Growing Equality For All's online base of grassroots support, using online and offline techniques ("building the community")
- Managing Equality For All's online communications program for fundraising, grassroots outreach, and online voter persuasion purposes ("leveraging the community")
- Designing & developing the new Equality For All campaign website
- Online persuasion advertising
- Fundraising: Much of the effort spent on the other four major initiatives has an end goal of building our fundraising capacity

#### Building the Community

Currently, EFA has a list of 4,000 people. The list has been extremely active and generous with donations. But with a list of only 4,000, our online fundraising upside is limited. To maximize online fundraising revenues, engage more supporters online, and building grassroots support, we must expand our online community.

Following is the general community building plan:

- "Vow to Vote No" Pledge (mid-June)
  - o This will be the core of the viral list building effort. The day the constitutional amendment ban is certified to be on the November ballot, we will launch the pledge drive to gather as many online signatures as possible. It is also critical for list building purposes to have our partner organizations send their supporters to the pledge at some point to help EFA expand our community. It is simply too difficult to grown the database rapidly without 1) the direct help from our partners or 2) spending significant dollars.
  - o Push online supporters to post "Vow to Vote No" badge/online signup widget on their blogs, websites, myspace pages, etc.
  - o We will push to bloggers and other social networking communities
  - o The pledge drive will also serve as the call to action for our paid list-building efforts (e.g., paid list rentals, online co-registrations, blogads/banner ads)

- Extract email data from “Decline to Sign” campaign (in process)
  - o There are 70,000+ signatures from our “Decline to Sign” campaign. We must pull out all emails from these signatures.
- Voter File messaging (late June/early July)
  - o Many of the larger county voters files are enriched with emails. We will initially target San Francisco and LA area counties for softer more informative messaging regarding the campaign, though the desire is to eventually get them to sign the pledge and donate
- Search engine marketing (ongoing)
  - o Currently, the EFA does not show up high on free search rankings on important keywords (e.g., “gay marriage”, “same-sex marriage”, “civil unions”, etc.). This can only be improved by getting more websites, including our coalition partners, to link to our website. EFA’s current site has been submitted to DMOZ, which Google uses to guide their free search listings
  - o We have also launched pay-per-click advertising for important keywords related to the issue. This is also one way for us to overcome the poor free search rankings.
- Blog outreach (ongoing)
  - o The blogs have already covered the Supreme Court decision. We must now transition them from covering the issue to supporting and linking to EFA’s website or even better, “Vow to Vote No” pledge.
  - o Once the initiative makes the ballot, we will have a conference call with leading national and CA bloggers to give them a “state of the campaign” report, as well as an in-person blogger summit to build relationships.
- Celebrity outreach (ongoing)
  - o Celebrities (Ellen/Portia, Takei, TR Knight, Cynthia Nixon, Brad/Angelina) can help us break through the online clutter by publicizing our efforts on their shows, websites, and to their email lists. In addition, celebrity web videos supporting EFA and driving viewers to our pledge have great potential to help us reach wide audiences and potentially go viral online. Any asks to celebrities for help should include a web component.
- Social networking (ongoing)
  - o Already on Facebook, we have grown the group “One Million for Marriage Equality” to 30,000 members. We will continue to work to expand this group but will also create “Pages” for the “Vow to Vote No” pledge to allow us to message supporters via Facebook.
  - o MySpace page will be created with the “Vow to Vote No” messaging
  - o YouTube channel needs to be created and populated with videos (whether supporter generated, celebrity generated, or campaign generated)

## Leveraging the Community

The email campaign has already begun.

We must be aware of balancing fundraising emails with list building/grassroots activation asks. Fundraising emails and drives are most successful in response to political attacks, major deadlines, or debates over key issues.

Tentative calendar for next 6 weeks. Can change based on real world events.

- Week of June 2: Launch wedding registry/community fundraising
- Week of June 9: Open [Could be “Vow to Vote No” if signatures for ballot initiative are certified]
- Week of June 16: First day of marriages for same-sex couples, wedding registry followup and fundraise
- Week of June 23: “Vow to Vote No” Pledge drive
- Week of June 30: “Vow to Vote No” followup to non-signers, Tell-A-Friend to signers, ask partners to push to their lists

In addition, as we continue to build our blog relationships, we can leverage those contacts to push out messaging and fundraise around major events/news.

## Designing & Developing the new Equality For All campaign website

Blackrock has worked with the team to define the goals of the new website and draft a set of requirements for our web developers. Currently, we are waiting on polling data to determine the branding, imagery, and themes of the website. Once the team has established that, we can begin the website design process.

Website redesign schedule:

- Week 1: Begin determining content sections and needs. (completed)
- Week 2-3: Gather assets and determine direction for new website and begin developing comps for new site. Start content development. (pending polling)
- Week 4-5: Select final design and begin building backend. Finalize content and populate the site.
- Week 6: Launch Equality For All campaign website, integrating online tools from GetActive. Push new site and pledge/petition to blogs, emails, social networking sites.

## Online Advertising

Online is a critical channel to persuade the more web-oriented younger swing voters. Many younger voters are more attentive to the internet than to TV so the internet component of the campaign is particularly important, given that younger voters are so important to EFA's success.

In addition, polling has shown many undecided voters will use the internet to gather information to formulate their voting decisions.

Consequently, it is critical EFA devote a portion of its paid media to online advertising. Blackrock will work closely with the media consultant to determine ad creative and ad placement (e.g., Google advertising content network, major newspaper sites, and social networking platforms like Facebook and MySpace).

### Fundraising

Much of our efforts in growing our community and providing online tools to engage this community is geared toward maximizing the online fundraising for the campaign. Online fundraising's greatest value is the significant economies of scale it provides. The larger the community, the higher likely fundraising yield with relatively little incremental effort to fundraise from the larger community.

Email will always be the workhorse for online fundraising. Much of our efforts online will be focused on building the email list. It takes the same amount of effort to craft, setup, and send one mass email, whether the campaign sends to a database of 5,000, 50,000, or 500,000 emails. Thus it's critical for us to build the list aggressively early on to maximize the lifetime value (as measured by funds raised) of the emails captured by the campaign.

In addition, the campaign must reach out to online communities on blogs and social networks. Beyond the obvious communications value of reaching out to these communities, they can also be a source of significant donations. The Jim Webb campaign is a great example of this. The Webb campaign had cultivated a strong base of support across the progressive blogosphere over many months. As a result, when the "Macaca" video was released, the progressive blogosphere helped make the video go viral and drive significant donations to the campaign. This would not have been possible without the cultivation of the online communities.

# Appendix R: Maine's Question 1

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**Part 1: Six Observations**

**Part 2: Canvassing Literature**

**Part 3: Advertisement Transcripts**

**Part 4: List of Public Polling**

**Part 5: Persuasion Phone Bank Script, Memo to Campaign Manager, and Revised Script**

**Part 6: Thirdway's Commissioned Research/Scattergram Surrounding the Kids Argument**

## **Part 1: Six Observations**

During the time I was writing this report, I acquired significant information about the No on 1 campaign and its effort to retain same-sex marriage in Maine.

The information included all of the TV ads used by both sides. Some important similarities and differences between the No on 1 and No on 8 campaigns are apparent from the TV ads alone. The TV ads are worth significant attention for two reasons: first, because No on 1 and No on 8 allocated the largest share of campaign communications resources to airing them; and second, because Yes on 1 and Yes on 8 shared the same campaign consulting team and it ran very similar campaigns in both states.

Other material and data, including research shared by Third Way and my experience in Maine on the ground running a small test of voter persuasion arguments, illuminate other similarities and differences between No on 1 and No on 8 that merit analysis.

As a result, throughout the report, where I have enough data from which to suggest hypotheses or draw conclusions, I have referenced the experience in Maine. I acknowledge that my information about the Question 1 campaign is much less complete than that regarding the Prop 8 campaign. Even so, I can offer six observations.

### **1. The Opposition Knew that its Appeal to Anti-Gay Prejudice was the Key to its Success**

The anti-gay Yes on 1 campaign in Maine, like the Yes on 8 campaign in California, was directed by Schubert Flint, the media firm that made the TV ads. Schubert Flint exported its main message from California and brought it to Maine, focusing on the phony argument that kids were in danger. Schubert Flint's ads in Maine placed even more emphasis on this appeal to anti-gay prejudice than their counterparts in California, indicating that the consulting firm realized that the kids argument was the core part of its strategy that won votes in California.

See Finding 2 for a discussion of the Yes on 8 ads that showcased this strategy in California.

### **2. The Pro-LGBT Side Tended to Avoid Rather than Rebut the Kids Argument, Even When it was Losing Ground in Regular tracking Polls**

The No on 1 campaign in Maine, like No on 8 in California, avoided directly addressing the opposition's fear-mongering about children, even though voter susceptibility to it seemed likely given the outcome in California. No on 1 made some specific message choices different from those of No on 8—it responded quickly with an unrelated argument about children, and some of its ads much more clearly depicted LGBT people— but the remarkable similarity is that neither campaign directly rebutted in its TV ads the fears stimulated by our opposition in their TV ads.

See Finding 4 for the full discussion of this topic.

### **3. The Pro-LGBT Side was of Two Minds about Whether to De-Gay the Campaign**

The No on 1 campaign included more LGBT people in its TV ads than any previous campaign, by far. In my opinion, this was an important step forward. Yet No on 1's ads were crafted so that it was perhaps not obvious to most voters when they were viewing LGBT people in the ads. Only sparingly did No on 1 ads clearly communicate that a person on-screen was gay in a way

every viewer would understand. No on 1 was particularly coy when it came to language. In its TV ads, No on 1 used the word “gay” only one time in one ad. In California, No on 8 used the word “gay” one time in two ads.

It is beyond the scope of this report to evaluate the entire range of No on 1 campaign communications with voters. Anecdotally, some Mainers have told me that they used the word “gay” and were clear and direct talking with voters about same-sex marriage, and I believe them. But the campaign did not systematically make those kinds of choices. Instead, the No on 1 leaflet included in this section is the kind of classic de-gay communication that is functionally content-free from the point of view of most voters; and this leaflet was the only handout provided to the door-to-door canvass to use as they asked Cumberland County voters to vote early by mail. Most importantly, the No on 1 TV ads very likely represented the overwhelming majority of communications voters received from the No on 1 campaign. For many voters, the content of the TV ads probably was the No on 1 campaign.

See Finding 5 for the full discussion of this topic.

#### **4. For the Pro-LGBT Side, a Financial Advantage, by Itself, is not Enough to Win**

The No on 1 campaign in Maine, like the No on 8 campaign in California, outspent the opposition. In Maine, however, No on 1 benefitted from a far greater financial advantage than No on 8, particularly in the early weeks of the final phase of the campaign. No on 1 more clearly than No on 8 helps us know that outspending the opposition is not enough to drown out the opposition message and is not a substitute for rebutting the opposition message.

See Finding 5 for a more detailed discussion

#### **5. A Thorough Search to Hire Principal Consultants May Be a Wise Investment of Time and One to Ensure Exposure to a Variety of Ideas about How to Run the Campaign**

No on 1’s hiring process for its principal consultants was brief and narrow compared to the approach this report recommends. Other choices made by the campaign limited its exposure to a range of ideas and to timely critique of its approach.

See Recommendation 11 for a more detailed discussion.

#### **6. Better-Than-Average Early Preparation Characterized the Efforts in both Maine and California**

In its preparations in advance of the ballot measure, Equality Maine did a significantly more thorough job than is the norm, particularly in identifying voters supportive of same-sex marriage. This was a smart focus, particularly given that the Question 1 election was held in an off-year; turnout was very high for an off-year, but still far lower than in a presidential election year.

This report is not, of course, a full and thorough evaluation of the totality of the No on 1 campaign. The point of providing the information in this appendix is to help people begin the process of learning from the experience in Maine and to encourage the leaders of the No on 1 campaign to consider further evaluation of their campaign.

**Part 2: Canvassing Literature**

**NO ON 1**  
Protect Maine Equality  
[www.ProtectMaineEquality.org](http://www.ProtectMaineEquality.org)

www.ProtectMaineEquality.org

Paid for and Authorized by Protect Maine Equality

Invited in Maine.

On November 3rd  
**we can prove it again.**

JUST GIVE

Maine has always been a place where equality matters and families are treated fairly.



Time and time again, Mainers have proven that we believe everyone should be allowed to decide for themselves how they want to live. We don't make one set of rules for some, and another set for others.

Now, opponents of equality are trying to change that, but they need your help to do it. Don't give it to them. Help Mainers keep the freedom to marry and help Maine continue to be a place where equality is never taken for granted.



Maine believes in equality

# VOTE NO ON 1

Here's how you can vote early:

- 1) Visit [www.VoteEarlyMaine.org](http://www.VoteEarlyMaine.org) to download your ballot application or request one online.\*
- 2) Know that by voting No on 1, you did your part to protect equality in Maine.

Everyone who requests a ballot will receive it after September 20th.

\*Many cities and towns now allow ballot applications online.



[www.ProtectMaineEquality.org](http://www.ProtectMaineEquality.org)

## Part 3: Advertisement Transcripts

### No on 1 Ad Transcriptions

#### No on 1 Radio ad: Empathy (9/11/09) –

*Narrator*

All Maine parents want the same things for their children. To teach them the main values of fairness and equality. And to protect them from sex and violence. But extremists from away are trying to harm our kids and schools by deceiving Maine families about what's taught in our classrooms. It won't work. Because no matter what your family looks like, marriage equality means all children will be treated with respect. Vote NO on 1. Protect Maine Equality.

#### Equality Maine TV ad: Together (aired 8/19/09)

*Narrator*

Something happens when you cross the border into this state. It's not that the water changes or the mountains. There's just something about Maine that makes it different. It's the people. Maine ways. Maine ways. Whether you're born here or move here it gets into your blood; it's how you're brought up. You know in Maine, no one tells anyone else how to live. We all share Maine values. Maine values. Fairness. Respect for each other. Strong and healthy families. We know the best way to protect and raise kids is in a loving and committed family. Where all families are accepted. We don't make one set of rules for some and another set for others. That's why everyone should be able to marry the person they love. Here in Maine. Together. Together. Together. Together. We can protect equality.

#### No on TV 1: Sam Putnam (aired 9/2/09)

*Sam Putnam*

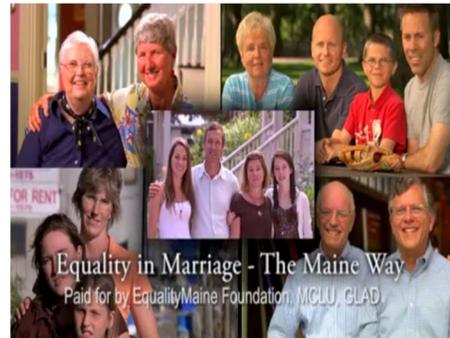
I'm Sam Putnam. I have two moms. We are an average family. I consider my mom's partner my stepmom but society doesn't. My school doesn't. My doctor doesn't. Sometimes my friend's parents don't either. My family doesn't mean to other people what it means to me.

*Jennifer Putnam*

We are just like a lot of other families in Maine. We have our ups and downs and we stick together and we love each other.

*Sam Putnam*

We can't be seen as lesser and if you vote NO then it'll help change that. Please do the right thing.



### **No on 1 TV ad: Bill Whitten (aired 9/2/09)**

*Bill Whitten*

I have two daughters. The older one is straight. The younger one is gay. I was captain of the football and baseball teams. Then I went to the University of Maine and played college football for awhile. After college I joined the Marine Corps. It's just so important that people just look at other people as not what they are but who they are, and I've been through a transition and I'm just much more accepting of everybody. Everyone should be allowed to live the way they want to live.

### **No on 1 TV Response Ad: "Clearing up Distortions" (aired 9/16/09)**

*Narrator*

Schools should be safe havens where children can learn and be accepted. In Maine, we protect all families and we all want to keep our children safe. That's the Maine way. But outsiders are trying to harm our kids and schools by deceiving families about what's taught in Maine classrooms. It won't work. Because in Maine, all families put children first.

*Sherri Gould: 2005 National Teacher of the Year—Corrina*  
"I've been teaching in Maine schools since 1983. We teach respect and Maine values. That will never change."

*Narrator*

Vote NO on 1. Protect Maine Equality.

### **No on 1 Radio Ad: "Haven" (aired 9/18/09)**

*Narrator*

Maine people have been speaking out about why they support Maine equality and how important it is to protect our kids.

"Schools should be safe havens where children can learn and be accepted."

*Narrator*

That's the Maine way. But outsiders are trying to harm our kids and schools, by deceiving families about what's taught in Maine classrooms, by using a Boston professor who knows nothing about Maine and tells us that everything will change, from religious tax exemptions to our schools. That's ridiculous. Neither religion nor schools are even in Question 1. All Maine parents want the same things for their families. To protect them. To teach them the Maine values of fairness and equality.

*Sherri Gould: National Teacher of the Year from Corrina, Maine.*



“I’ve been teaching in Maine schools since 1983. We teach respect and Maine values. That will never change.”

Narrator

Vote NO on 1. To Protect Marriage Equality.

### **No on TV 1: All Families (aired 9/25/09)**

*Narrator*

Everyone should be allowed to live the way they want to live. What’s wrong with making marriage equal among all Maine people? It’s not anybody’s business to interfere with personal decisions. Whatever you believe, is it really fair to stand in the way of someone’s happiness or personal decisions? Everyone should be treated equally. You may disagree, but people have a right to live how they want to live. Vote NO on 1 to protect marriage equality.

### **NO on 1 TV ad: Proud (aired 9/25/09)**

*Narrator*

In Maine, we’re proud of every family and every child regardless of who their parents are. That’s the Maine way. But outsiders are trying to harm our kids and make them feel ashamed by making false claims about what’s taught in Maine classrooms. They’re baseless. Not true. It won’t work.

*Sarah Franklin:* South Portland School Teacher—forty-five years

“Schools should be safe havens for children. Places where all children feel welcome, accepted, and safe.”

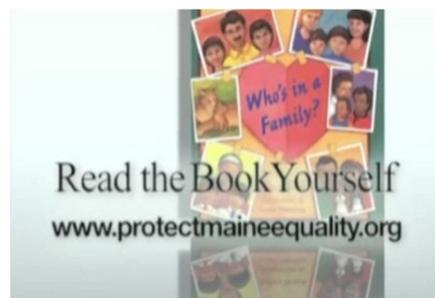
*Narrator*

Vote NO on 1 to protect marriage equality.

### **No on 1 TV ad: Book (aired 10/08/09)**

*Narrator*

A single mother or father, divorced, straight or gay, grandparents. In Maine we have many different kinds of parents. But outsiders are trying to make these families feel ashamed by using scare tactics about a book that simply values all families. Read the book yourself at [protectmaineequality.org](http://protectmaineequality.org). Then ask if we should be ashamed of any family in it. Attacks like these hurt families, and that’s not the Maine way. Vote NO on 1 to protect marriage equality.



**NO on 1 TV ad: Mom (aired 10/12/09)**

*Grandma*

Raymond and Ronny are very special. They have a beautiful home. A loving home. My grandchild, he's safe there and they take good care of him. Isn't that what it's all about? I've been a Catholic all my life. My faith means a lot to me. Marriage to me is a great institution that works, and that's what I want for my children too. I know that the people of Maine will see that and will come through for us.



**NO on 1 TV ad: Opinion (aired 10/19/09)**

*Maine's Attorney General*

Question 1 would have no impact on educational curriculum in Maine public schools.

*Narrator*

Yet they continue to attack with false statements about our schools. Attacks that are baseless. Not true. It's common sense. Maine schools wouldn't allow something inappropriate to be taught. The Bangor Daily News said it best: "Voting NO on 1 will reiterate Maine's commitment to equality and acceptance of families of all types."

*Narrator*

Vote NO on 1 to protect marriage equality.



**NO on 1 TV ad: Stand (aired 10/29/09)**

*Narrator*

It's time to take a stand. To protect Maine values. To guarantee equality for all. To fight for what's fair. To respect one another. It's time for all Maine families to feel safe and protected, and to be able to live the life they want to live without interference. It's time to promise a fair and equal future for all Maine families. On Tuesday it's time to vote No on 1 to protect marriage equality.



**NO on 1 TV ad: Clear (aired 10/30/09)**

*Narrator*

On Tuesday, Maine has a clear choice. We can choose to treat some Maine families differently. To make these families feel ashamed. To deny them basic protections like health care, or making sure their children are cared for when a parent die. Or we can choose equality, and make Maine a place where all families are equal and have the same protections. Voting No on 1 means equality for all Maine families, and that's the best choice for Maine.



## Yes on 1 Ad Transcriptions

### Yes on 1 Radio ad: Consequences (aired 9/15/09)

*Narrator*

Special interest groups got the legislature to approve homosexual marriage and tried to prevent Mainers from voting

*Representative Charlie Priest:* "We are not to send it out to referendum"

*Narrator* But Question 1 gives us our vote.

*Scott Fitzgibbon*, Professor of Law from Boston College Law School.

"Unless Question 1 passes there will be real consequences for Mainers. It will no longer be live and let live. Homosexual marriage will be the law whether Mainers like it or not. Distinguished legal scholars wrote the governor, warning of the flood of lawsuits against individuals, small businesses and religious groups. Church organizations could lose their tax exemption, and in Massachusetts homosexual marriage is taught in public schools. Federal courts have ruled that parents have no right to notice, or to pull their children out of this instruction."

*Narrator*

Vote YES on Question 1 to preserve traditional marriage between one man and one woman. Paid for by Stand For Marriage Maine.

### Yes on 1 TV ad: Consequences (aired 9/15/09)

*Narrator*

Special interest groups got the legislature to approve homosexual marriage and tried to prevent Mainers from voting. But Question 1 gives us our vote.

*Professor Scott T. Fitzgibbon*, Boston College Law School  
Unless Question 1 passes there will be real consequences for Mainers. Legal experts predict a flood of lawsuits against individuals, small businesses, and religious groups. Church organizations could lose their tax exemption. Homosexual marriage taught in public schools whether parents like it or not.

*Narrator*

Vote YES on Question 1 to preserve traditional marriage between one man and one woman.



## Yes on 1: “Everything To Do With Schools” (aired 9/22/09)

*Narrator*

Opponents of Question 1 say that legalizing homosexual marriage has nothing to do with schools.

*Woman*

“But it has everything to do with schools. After Massachusetts legalized gay marriage, our son came home and told us the school taught him that boys could marry other boys. He’s in second grade. We tried to stop public schools from teaching children about gay marriage but the courts said we had no right to object or pull him out of class.”

It’s already happened in Massachusetts. Vote YES on Question 1 to prevent homosexual marriage from being taught in Maine schools.

## Yes on 1 TV ad: “Safe Schools” (aired 10/5/09)

*Narrator*

Opponents of Question 1 say that homosexual marriage would only come up in schools so that students would feel safe. But California’s curriculum shows what really happens. The author of the book for 1st graders says: “The whole purpose of the book was to get the subject out into the minds and the awareness of children before they are old enough to have been convinced there’s another way of looking at life.” This Maine teacher is a gay activist already pushing this type of agenda. Vote YES on Question 1 to prevent homosexual marriage from being pushed on Maine students.

## Yes on 1 TV ad: Give Me A Break (aired 10/16/09)

*Narrator*

Here’s how some Massachusetts schools teach about gay marriage:

NPRs All Things Considered 9-13-04

“Already some gay advocates are working on a gay-friendly curriculum for kindergarten and up. I know that, OK, this is legal now. If somebody wants to challenge me, I say give me a break. She says the debate around gay marriage is prompting kids to ask a lot more questions, like what is gay sex. Which Allen answers thoroughly and explicitly.”

*Narrator*

Vote YES on Question 1 to prevent this from happening in



Maine.

### **Yes on 1 TV ad: They Said (aired 10/23/09)**

*Narrator*

In the 2005 campaign, they said they weren't pushing for homosexual marriage. But now we know they were. "Literally we launched this campaign back in 2005." Now they say they won't push teaching homosexual marriage to children in Maine's schools. Yet they are already pushing gay-friendly books in preschools, and hiring paid gay advisors in public schools. Last time they deceived us. Now it's our kids who will suffer. Vote YES on Question 1 to prevent homosexual marriage from being pushed on Maine children.

### **Yes on 1 Radio ad: They Said (aired 10/23/09)**

*Narrator*

In the 2005 campaign, the same people opposing Question 1 today said they weren't pushing for homosexual marriage. But now we know they were. Here's Monica Hofflinger of the No on Question 1 campaign speaking at a meeting of supporters:

"Literally we launched this campaign back in 2005."

Now they say they won't push teaching homosexual marriage to children in Maine's schools.

Jesse Connolly, the campaign manager for No on 1 said quote,

"Question 1 has nothing to do with schools or education."

Yet some of the same people behind the No on 1 campaign are already pushing to require gay-friendly books in preschools, hiring gay advisors in public schools, and even appointing gay advocates in every school building. These recommendations are of an official state commission report to the governor's cabinet. In 2005, they deceived us. Now it's our kids who will suffer. Vote YES on Question 1 to prevent homosexual marriage from being pushed on Maine children. Paid for by Stand for Marriage Maine.

### **YES on 1 TV ad: It's possible (aired 10/27/09)**

*Narrator*

Same sex marriage is controversial across America. Voters in every state to vote have rejected it. Abandoning traditional marriage entails real consequences, yet we want to be tolerant of gays. Maine's domestic partnership laws provide substantial protection for gay couples. Any problems remaining can be addressed without dismantling



traditional marriage. It's possible to support civil rights of all citizens and protect traditional marriage at the same time. A YES vote on Question 1 preserves marriage between one man and one woman.

**YES on 1 TV ad: It's Already Happening  
(aired 10/29/09)**

*Narrator*

Gay activists throughout the nation are pushing homosexual marriage across New England. They've poured over four million dollars into Maine, and they're already pushing their agenda in Maine's schools. No on 1 leaders are behind an official Maine commission report recommending gay teachers come out at school as a role model to students. They want gay-friendly books in daycare facilities and to appoint gay advocates in every school building. It's already happening here. Don't be fooled. Gay marriage will be taught in Maine's schools unless we vote YES on Question 1.



## Part 4: List of Public Polling

<b>Date of Poll</b>	<b>Pollster</b>	<b>In Favor</b>	<b>Opposed</b>	<b>Undecided</b>
April 2008	2008 Pan Atlantic SMS Services	49.5%	47.3%	3.3%
Sept. 14 - 16	Research 2000/Daily Kos	48%	46%	6%
Sept. 23 - 27	Greenberg Quinlan Rosner (GQR)	41%	50%	9%
Sept. 30 - Oct. 7	Pan Atlantic SMS Services	43%	52%	5%
Oct. 16 - 19	Public Policy Polling	48%	48%	4%
Oct. 20 - 22	Pan Atlantic SMS Services	42%	53%	6%
Oct. 31 - Nov. 1	Public Policy Polling	51%	47%	2%

## **Part 5: Persuasion Phone Bank Script, Memo to Campaign Manager, and Revised Script**

When No on 1 ran a phone bank testing our ability to persuade undecided voters to vote No, our team called a small sample of voters identified as undecided earlier in the campaign, and scored as most likely to break towards No (having a “marriage score” of 90 or more out of a possible 100). The script is attached below.

Of this group that should have been very favorably disposed towards us, 29% ended the conversation planning to vote No; 44% planned to vote Yes; and the remaining 27% were concerned about the kids issue, and we were in danger of losing them. I wrote up notes and recommendations from the experience and submitted a memo to the campaign manager with the revised script and encouraged them to follow up. The memo and revised script are attached below.

## Persuasion Script 1<sup>st</sup> Test, October 20

Hi, \_\_\_\_\_, my name is \_\_\_\_\_, and I'm a volunteer with the No on 1 campaign. We're checking in about the vote on marriage for gay and lesbian couples. What's your view, do you want to ban marriage for gay and lesbian couples, or do you want to allow marriage for gay and lesbian couples?

[if they're a 2, already support marriage] Great! We're checking in because the ballot is confusing: you have to vote NO if you support marriage for gay and lesbian couples. Did you already know that, that you need to vote NO on 1?

[if they're a 4, want to BAN marriage] [friendly tone!] Thanks for telling me – and what's the most important reason you feel that way?

[if they're a 3, undecided or refuse] [friendly!] OK [or] I hear you. Do you have some concerns?

[ask clarifying questions until you understand their concern -- you might use one of these]:

CHURCH It sounds like your faith is important to you.

TRADITION/ 1 MAN 1 WOMAN It sounds like tradition is important to you.

CHILDREN It sounds like you're concerned about what children will be taught in schools.

[if you're not sure what their concern is] Can you tell me a little more, what concerns you the most when you think about gay and lesbian couples getting married?

[if their main concern is ANYTHING EXCEPT CHILDREN, try one of these]:

Are you married / have you been married? [if yes, then follow up with one or more of the following]: Why did you get married? Has marriage been a good thing for you? What's been the best part of marriage for you?

[after you've heard them talk about how great marriage is]: You know, those are the same reasons gay and lesbian couples want to get married. [give an example or tell a story from your personal experience]

Do you know any gay or lesbian couples in a long-term committed relationship? Do you have a close friend or family member who is gay or lesbian? Are they in a long-term, committed relationship? Did you know that most gay and lesbian people enter into long-term committed relationships at some point in their lives? [give an example or tell a story from your personal experience]

Do you want to exclude gay and lesbian couples from marriage, when it's been so important to you? Do you feel OK telling an entire group of people they can't get married when they fall in love and want to make a lasting commitment?

[after you've made some headway with one or more of the above] It sounds to me like you have a dilemma. Your church/ tradition/ other concern is pointing you in the direction of voting one way, but it also sounds like you don't want to exclude an entire group of people, gay people, from such a basic human experience. You don't sound like that kind of a person. So you're going to have to choose. How are you going to decide?

[if their concern is CHILDREN, go to next page]:

[if their main concern is CHILDREN, take up to 3 swings]

Swing 1: Some of the TV ads you may have seen are very misleading. Gay marriage will not be taught in schools because, under Maine's public school curricula, "marriage" is not taught in schools. [newspaper quote here to back this up]

TV ads often exaggerate. That's why the newspaper coverage is a good reality check. Does my telling you about the newspaper coverage reassure you?

[if they're still worried] Swing 2. Maine law is very clear. Under Maine law, the Maine attorney general concluded that kids won't be taught about gay marriage. Does the view of the Attorney General relieve some of your concern?

[if they're still worried] Swing 3. Let me read you the wording of Question 1. Because there is nothing in the law or in Question 1 that has anything to do with schools or education. Absolutely nothing. Here's the text, word for word: "Question 1, People's Veto. An Act to End Discrimination in Civil Marriage and Affirm Religious Freedom. Do you want to reject the new law that lets same-sex couples marry, and allows individuals and religious groups to refuse to perform these marriages?"

In other words, Question 1 isn't about kids or schools. It doesn't affect kids or schools. It's a question about whether gay and lesbian couples can marry. That's all it's about. Does that sound right to you?

[be sure to end with this question] Now that you have more information, how do you feel about the issue – are you OK with allowing gay and lesbian couples to marry?

[if they're now on our side] Thanks for listening, and for your support. I'm glad you'll be voting NO on 1.

[if they're not] Thanks for listening. Take care, and good night.

### **1st DRAFT Persuasion Script (as of 10/17/09)**

**use this script ONLY to call identified 4's**

WHY WE'RE CALLING

Hi, is \_(first name)\_ home? [only speak to names on list]

My name is \_(first name)\_ and I'm a volunteer with the No on 1 campaign. We're checking in about the vote on marriage for gay and lesbian couples. What's your view, do you want to ban marriage for gay and lesbian couples, or do you want to allow marriage for gay and lesbian couples?

[if they want to BAN marriage] Thanks for telling me – what's the most important reason you feel that way?

[if they refuse to say] Do you have any concerns about gay and lesbian couples getting married? What's your main concern?

[if they support marriage, use wrong-way voter script]

[if they start telling you what matters to them, make sure you fully understand their #1 concern -- you might use one of these]:

CHURCH It sounds like your faith is important to you.

TRADITION/ 1 MAN 1 WOMAN It sounds like tradition is important to you.

CHILDREN It sounds like you're concerned about what children will be taught in schools.

[if you're not sure what their concern is] Can you tell me a little more, what concerns you the most when you think about gay and lesbian couples getting married?

[if their main concern is ANYTHING EXCEPT CHILDREN, try one of these]:

Are you married / have you been married? [if yes, then follow up with some of the following]: Why did you get married? Has marriage been a good thing for you? What's been the best part of marriage for you?

[after you've heard them talk about how great marriage is]: You know, those are the same reasons gay and lesbian couples want to get married. [give an example or tell a story from your personal experience]

Do you know any gay or lesbian couples in a long-term committed relationship? Do you have a close friend or family member who is gay or lesbian? Are they in a long-term, committed relationship? Did you know that most gay and lesbian people couple, they enter into long-term committed relationship at some point in their lives? [give an example or tell a story from your personal experience]

Do you want to exclude gay and lesbian couples from marriage, when it's been so important to you? Do you feel OK telling an entire group of people they can't get married when they fall in love and want to make a lasting commitment?

[after you've made some headway with one or more of the above] It sounds to me like you have a dilemma. Your church/ tradition/ other concern is pointing you in the direction of voting one way, but it also sounds like you don't want to exclude an entire group of people, gay people, as though they're not fully human. You don't sound like that kind of a person. So you're going to have to choose. How are you going to decide?

[go to next page if their main concern is CHILDREN]

[if their main concern is CHILDREN, TAKE up to 3 SWINGS before you strike out]:

Swing 1. Some of the TV ads you may have seen are very misleading. Gay marriage will not be taught in schools because, under Maine's public school curricula, "marriage" is not taught in schools. [newspaper quote here to back this up]

TV ads often exaggerate. That's why the newspaper coverage is a good reality check. Does my telling you about the newspaper coverage reassure you?

Swing 2. [if they're still worried] Maine law is very clear. And it's not the same as the law may be in other states. Under Maine law, the Maine attorney general [put in her name] concluded that [quote, that kids won't be taught about gay marriage]. Does the view of the Attorney General relieve some of your concern?

Swing 3. [if they're still worried] Let me read you the wording of Question 1. Because there is nothing in the law or in Question 1 that has anything to do with schools or education. Absolutely nothing. When you go to vote, here's what it will say, word for word. Question 1: People's Veto "Do you want to reject the new law that lets same-sex couples marry and allows individuals and religious groups to refuse to perform these marriages?"

In other words, Question 1 isn't about kids or schools. It doesn't affect kids or schools. It's a question about whether gay and lesbian couples can marry. That's all it's about. Does that sound right to you?

[be sure to end with this question] Now that you have more information, how do you feel about the issue – are you OK with allowing gay and lesbian couples to marry?

[if they're on our side, go to the wrong-way voting script to make sure they know to vote NO on 1]

[if they're against us, say thank-you and end the conversation]

One more important piece of information: some people find the ballot a little confusing. You have to vote NO if you support marriage for gay and lesbian couples. Did you already know that you need to vote NO on 1?

[if they knew to vote NO] I'm glad you knew! It's confusing, and it will be a close election, and every vote counts. [GO TO Absentee Ballot question]

[ABSENTEE BALLOT QUESTION] And one final request. We're asking all our supporters to vote early to help defeat Question 1. Have you requested and received your Absentee Ballot yet?

[Not yet requested / Election Day] This is an off-year election, so voter turnout is expected as low as 50% -- Have you heard that? If only 50% of our supporters turn out to vote, we'll lose badly. We know our supporters care deeply about this issue, but many of them never vote in off-year elections; unless someone reminds them. That's why we're asking every supporter we talk to, to vote NOW. Does that make sense? This is the best way to make sure we win. The Secretary of State publishes the names of people who have already voted. Once we know you voted, we take your name off our list and shift resources to those in our community who are less likely to turnout to vote. So would you reconsider early voting?

### **VOTING BY ABSENTEE BALLOT**

[Ballot Already Received] Can we count on you to Vote NO on 1, and send in your ballot first thing in the morning? [If Yes, Go to VOLUNTEER ASK on other side]

[Requested, but not received] Thanks for requesting an absentee ballot. Did you request it more than 3 business days ago?

[less than 3 business days ago] Can we count on you to Vote NO on 1, as soon as you receive your ballot? [If Yes, Go to VOLUNTEER ASK on other side]

[more than 3 business days ago] Let's make sure your request went through. Are you near a computer? [GO to Request]

[Unsure if application went through] No problem. Are you near a computer? [GO to Request]

### **REQUEST AN ABSENTEE BALLOT**

[Computer] Great. I would love for you to jump on your computer so I can walk you through this step-by-step – it only takes 3 minutes. (wait for them to get online). Type in [www.VoteEarlyMaine.com](http://www.VoteEarlyMaine.com). If you scroll down, you'll see an option to request an absentee ballot. Just click there. You should receive an absentee ballot in 3 business days. Can we count on

you to Vote NO on 1, as soon as you receive your ballot? [If Yes, Go to VOLUNTEER ASK]

[NO Computer/ In-Person Preference] Great. The easiest way to vote early is to go to your town office. You can even fill out an absentee ballot right away and vote immediately. Can we count on you to go to the town clerk's office and vote in person tomorrow? [If Yes, Go to VOLUNTEER ASK]

[Will request later] Great. Would Once you're online, just type in [www.VoteEarlyMaine.com](http://www.VoteEarlyMaine.com). If you scroll down, you'll see an option to request an absentee ballot. Just fill out the information and you should receive an absentee ballot in 3 business days. Can we count on you to request an absentee ballot tonight? [If Yes, Go to VOLUNTEER ASK]

#### VOLUNTEER & DONATION ASK

Over the final \_\_\_\_ days, we must call and turn out all of our remaining supporters to vote No on 1. In addition to voting No, if you care about this issue it is critical now more than ever that you make it a priority to help us get our supporters out to vote. [INSERT SPECIFIC SHIFT ASK]

[ALL] Another great way to make an impact is to give financially. As you may have seen from the commercials, our opposition is trying to spread fear about this issue. We need Mainers to dig deep and give what they can so we can keep our commercials on the air and defeat Question 1. Would you be willing to make a \$50 donation to this campaign today. (Fill out donation slip). Thank you so much for your support.

#### CLOSING

Finally, is there anyone else in your household or anyone else you know who is planning to vote NO on 1? Will you encourage them to vote early?

Early voting is the most important thing you can do to help us win. Thank you for committing to vote early.

#### RATING SYSTEM

ABS = Supporter who will request an absentee ballot right away

INP = Supporter who will vote early in person

ED = Supporter who will vote November 3

2 = with us, AND they now understand they have to vote NO

4 = not with us!

RF = Refused (would not discuss the issue)

NH = Not Home (no answer or answering machine)

WN = Wrong Number (# not working or not for that person)

## **Memo to Campaign Manager**

Report on Persuasion Phonebank Test, 10/20/09

Hey folks,

Tonight we had a mini-mini persuasion phonebank -- a test, really, to see whether calling a subset of our 3's is productive.

The good news:

- \* Most of the voters we reached did, in fact, self-identify as "undecided" at the beginning of the call. Good coding!

- \* The script worked much better than I expected. We managed to engage about 20% of the voters we reached in extended conversations, some of them lasting as long as 10 minutes. Not that 10-minute conversations are our goal! But it's amazing that the questions get a significant number of voters to open up, even on the phone. Credit the learning that has taken place from our persuasion convo's in L.A.!

- \* The script rebuttal arguments on the kids and schools issue were effective, or at least partially effective. They were surprising to our voters and got their attention. Reading voters the word-for-word ballot language that they will be voting on was particularly effective. Voters were surprised, shocked, and sometimes even a little embarrassed to realize that it doesn't mention schools or kids, a point we then pounded home. This suggests to me that it's possible that an effective rebuttal communication or ad could focus on the clarity of the ballot language, followed by the Attorney General interpretation of it (this was the way the A-G quote worked best on the calls).

- \* Our conversations with those who ended up as 2's were worthwhile; these folks needed some help to avoid wrong-way voting and to get past some general confusion. Their confusion seemed to have contributed to their having been 3's earlier; they moved from 3 to 2 mostly from our giving them a clear understanding of what they were voting on.

The not-so-good news:

- \* The opposition TV ad message has penetrated very deeply. Almost every time we got to dug into a conversation with a voter who wasn't going to convert into a 2, the voter began with a) reticence or b) vagueness or c) "tradition" (usually articulated as one man, one woman or the way marriage has always been). But eventually, concern about kids and schools surfaced. Our best bridge tonight to surface that concern was our asking "How would your life be affected if gay and lesbian couples could get married?"; it got a response like "It wouldn't (hesitation) -- but it would affect my niece or nephew."

- \* Though we have a very small sample (55 completed conversations including refusals), only 29% clearly broke our way (16 ended as 1's or 2's). At the other end of the spectrum, 44% signaled that they are very likely voting against us (24 were 5's or refusals). The remaining 27% began and ended as 3's; we have a shot at half of them, but our grip on all of them is very much affected by the kids argument. If these voters were casting their ballot right after they got off the phone with us, we would have half of them; but if they're continually exposed to the opposition arguments without more effective rebuttal by our side, we're at high risk of losing most of them.

Productivity:

- \* Our 55 conversations were accomplished in something between 3 and 3 1/2 caller hours,

mostly by 2 callers (myself and Phyllis, who did a good job -- we sat together, so we could listen in on parts of each other's calls). That means that one caller in one hour might be expected to average 15 completed calls per hour, including refusals as completed calls. I don't know how this compares to the productivity of other voter contact activities.

\* Limiting factors: probably only some of our callers have a good enough grasp of the issue and good enough interpersonal skills to do these calls. At the Waterville phonebank, where 18 showed tonight, I think probably another couple could have been trained to do these well, but I'm doubtful about the rest catching on quickly.

Potential next steps:

\* We could try a slightly larger test, e.g. with 6 callers on the phone for 2 hours each, to see if the above observations hold up.

\* We could try calling a somewhat different list, e.g. 3's under 40 years old. Tonight's list was 3's with a marriage score of 90 or above.

\* We could decide to put this aside, if we have more productive work we can do to earn votes.

I'm glad to offer more detail and answer any questions. Thanks, folks, for letting me give this a try tonight. To me, it felt very informative. Dave

## Revised Persuasion Script

### PERSUASION SCRIPT REVISED FOR 2ND TEST

Hi, \_\_\_\_\_, my name is \_\_\_\_\_, and I'm a volunteer with the No on 1 campaign. We're checking in about the vote on marriage for gay and lesbian couples. What's your view, do you want to ban marriage for gay and lesbian couples, or do you want to allow marriage for gay and lesbian couples?

[if they already support marriage] Great! We're checking in because the ballot is confusing: you have to vote NO if you support marriage for gay and lesbian couples. Did you already know that, that you need to vote NO on 1?

[if they want to BAN marriage] [friendly tone!] Thanks for telling me – and what's the most important reason you feel that way?

[if they're undecided or refuse] [friendly!] OK [or] I hear you. Do you have some concerns?

[ask clarifying questions until you understand their concern -- you might use one of these]:  
CHURCH It sounds like your faith is important to you.

TRADITION/ 1 MAN 1 WOMAN It sounds like tradition is important to you.

CHILDREN It sounds like you're concerned about what children will be taught in schools.

[if you're not sure what their concern is] Can you tell me a little more, what concerns you the most when you think about gay and lesbian couples getting married?

[if they say ANYTHING EXCEPT CHILDREN, try one of these]:

Are you married / have you been married? [if yes, then follow up with one or more of the following]: Has marriage been a good thing for you? What's been the best part of marriage for you?

[after you've heard them talk about how great marriage is]: You know, those are the same reasons gay and lesbian couples want to get married. [give example or story from your personal experience]

Do you know any gay or lesbian couples in a long-term committed relationship? Do you have a close friend or family member who is gay or lesbian? Are they in a long-term, committed relationship? Did you know that most gay and lesbian people enter into long-term committed relationships at some point in their lives? [give example or story from your personal experience]

Do you want to exclude gay and lesbian couples from marriage, when it's been so important to you? Do you feel OK telling an entire group of people they can't get married when they fall in love and want to make a lasting commitment?

[after you've made some headway with one or more of the above] It sounds to me like you have a dilemma. Your church/ tradition/ other concern is pointing you in the direction of voting one way, but it also sounds like you don't want to exclude an entire group of people, gay people, from such a basic human experience. You don't sound like that kind of a person. So you're going to have to choose. How are you going to decide?

[If you're having difficulty figuring out what their concern is]: Would your life be affected if gay and lesbian couples could get married? Do you have any worries about how it would affect you?

[if their concern is CHILDREN, go to next page]:

[if their concern is CHILDREN, take up to 3 swings]

*Swing 1: Let me read you the wording of Question 1.* Have you read the language on the ballot that you'll be voting on? It's short, let me read it to you. Here's the text, word for word: "Question 1, People's Veto. An Act to End Discrimination in Civil Marriage and Affirm Religious Freedom. Do you want to reject the new law that lets same-sex couples marry, and allows individuals and religious groups to refuse to perform these marriages?"

You can see, there is nothing in here to do with kids and schools. Absolutely nothing. Question 1 isn't about kids or schools. It's a question about whether gay and lesbian couples can marry. That's all it's about. Are you a little surprised by this?

[if they're still worried] *Swing 2. Maine law is very clear.* This is why the Maine attorney general has concluded that Question 1 won't affect what's taught in school. Attorney General Mills says that "The state's same-sex marriage law has no bearing on what can be taught in public school. They're like apples and oranges." Does the view of the Attorney General relieve some of your concern?

[if they're still worried] *Swing 3. The TV ads you've seen are terribly misleading.* Nobody wants children exposed to inappropriate material. Nobody. And your local school board has the power to make sure of it. Your local school board decides what's taught in school. Question 1 doesn't affect that.

[end with this] Now that you have more information, how do you feel – are you OK with allowing gay and lesbian couples to marry?

[if they're now on our side] Thanks for listening, and for your support. I'm glad you'll be voting NO on 1.

[if they're not] Thanks for listening. Take care, and good night.

#### CODES

1	strong agree will vote NO
2	lean NO
3	undecided
4	lean YES
5	strong disagree will vote YES

R	refused tell us their view
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#### Different types of 1's and 2's

ABS	supporter will request an abs ballot right away
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INP	supporter will vote early in person
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ED	supporter will vote on Election day
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#### Already voted

AVN	already voted No
-----	------------------

AVY	already voted Yes
-----	-------------------

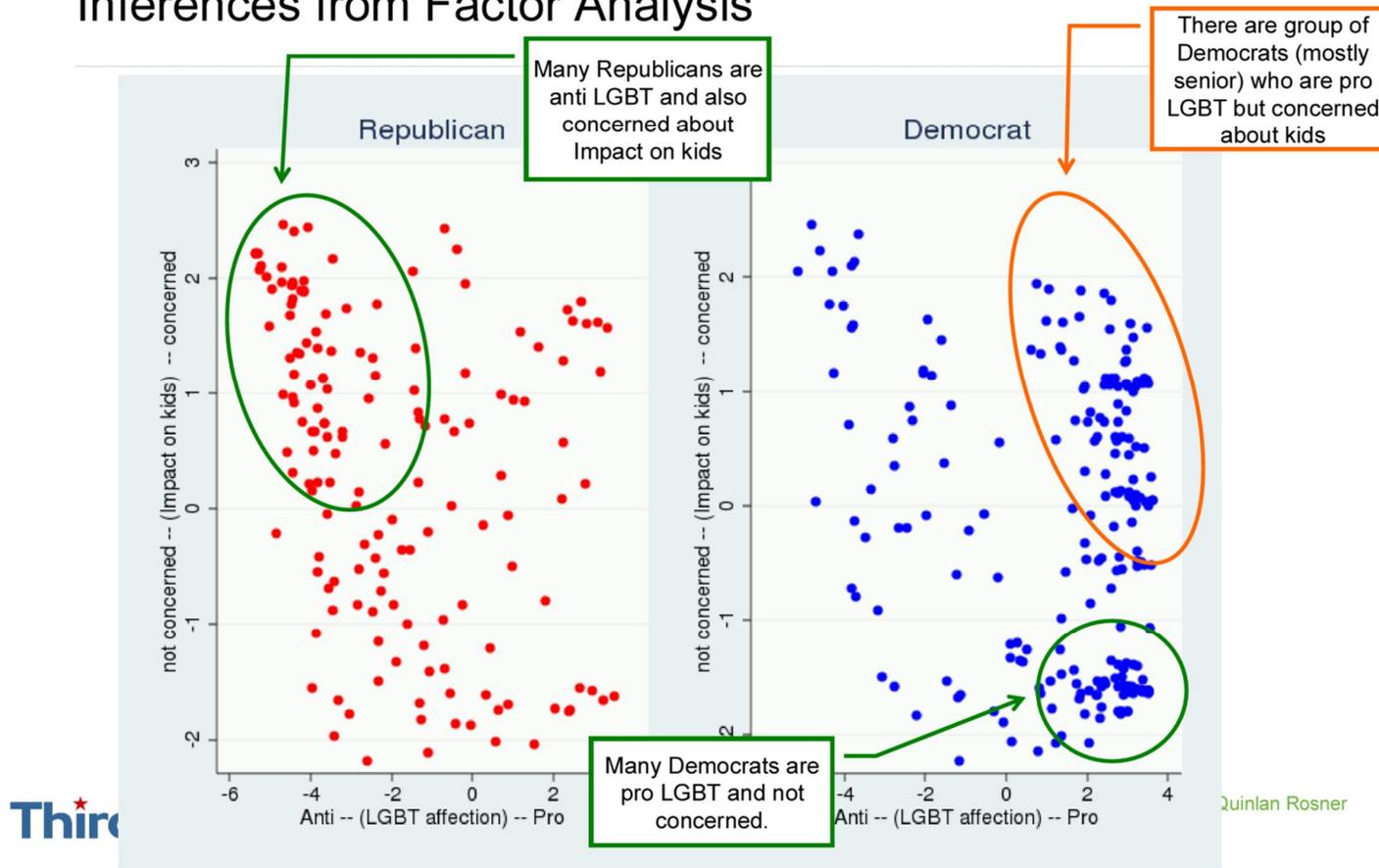
AVR	already voted, refused to tell us which way
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## Part 6: Thirdway's Commissioned Research/Scattergram Surrounding the Kids Argument

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For a detailed discussion of this topic, see Finding 1.

### Inferences from Factor Analysis



# Acknowledgements

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It was possible for me to write this report only because many people provided information, advice, critique, and help.

Vital insight and information came from those who worked on the No on 8 campaign and who also agreed to talk with me: Becca Ahuja, Jacob, Mark Armour, Dale Kelly Bankhead, David Binder, Kathleen Campisano, Regina Clemente, Cary Davidson, Julie Davis, Sue Dunlap, Michael Fleming, Adam Freed, Patrick Guerriero, Dan Hawes, Delores Jacobs, Eric Jaye, Lorri L. Jean, Sky Johnson, Kate Kendell, Geoff Kors, Celinda Lake, Maggie Linden, Grant Martin, Bob Meadow, Sarah Reece, Rashad Robinson, Marty Rouse, Steve Smith, Phyllis Watts, and Thalia Zepatos. In equally generous fashion, James Kelm spoke with my Mentoring Project colleague David Caldwell.

Other experts who were not involved with Prop 8 met with me and/or the Mentoring Project Team and helped increase our understanding of the complex issues raised in this report. They include Pat Egan, Lanae Erickson, Greg Herrick, Gregory Lewis and Charles Gossett, Ken Sherrill, and Amy Simon.

To write the report, I treated as “off the record” all of the comments by everyone listed above.

Many of the above were among the forty-two readers who helped me improve the report.

This report would not have been possible without the extensive involvement of the LGBT Mentoring Project team and many volunteers. Four in particular devoted enormous time, effort, and thoughtfulness to this project.

David Caldwell was responsible for much of the smartest analysis in this report. He devised two crucial methodologies that allowed him to calculate wrong-way voting and to identify which groups of voters moved our way and which moved away from us over the course of the Prop 8 campaign. His consistent good thinking and his willingness to push me to reexamine my own analysis improved every aspect of this report.

Toph Allen created all of the charts used in this report, allowing us to show the story of Prop 8 as well as tell it. Appendix D would not exist without his enormous investment of time and skill. He also took the lead role preparing the LGBT Mentoring Project Web site to display the report and supporting information in a way that much more easily allows a broad readership to examine it.

Jennifer Higgins successfully retrieved vital data on the No on 8 and Yes on 8 media buys that I missed and would never have found. She deserves the credit for Appendix E’s comprehensiveness and clarity. She also read all of my handwritten interview notes, making sure I didn’t err in my recollection of them, and fact-checked much of the data throughout the findings.

Dan Elortegui demonstrated patience, kindness, and ingenuity as he directed, shot, and edited the video accompaniment to this report. He was indispensable helping me improve on camera.

Regina Clemente kept me and the entire team on deadline. Otherwise, I might still be writing. She did most of the research on campaign expenditures, fundraising, field, and rural voters.

Online research and fact-checking provided necessary supplemental data, as well as corroboration of key facts. The following people found the information I needed, proofread each revised version of each section of the report, offered editing advice of great value, corrected a wide range of errors, and/or helped me correctly attribute facts to their source. Many thanks to Mike Aguilera, Sam Baltimore, Josh Baran, Robert Blackmon, Amy Churan, Dyanna Claverie, Jay Darling, Stephen Deline, Milton Davis, Deidra Edwards, Sonia Hakim, Lisa Hazirjian, Mark Hefflinger, Daniel Horton, Janet Katowitz, Jennifer Kroll, Russell Krupen, Erik Ludwig, Duncan McCullough, Frank McGinley, Bob Meadow, Olivia Morrissette, Eric Nakano, Ray New, David Nimmons, Robert Perez, Syd Peterson, Max Philp, Rashad Robinson, Jeff Rosenfeld, Chris Smith, Jacob McClain, Ashley Hunt, Elias Diaz, Kenny Duarte, Louis Camarillo, Phil Harris and Thalia Zepatos.

Ruth Strother copy edited this report pro bono, and managed both to turn it around fast and to edit with care and precision.

Cathy Renna and Nathan Tabak of Renna Communications handled media coverage of the report with terrific professionalism. Nick Sifuentes went above and beyond providing very helpful on-site media training and pro bono guidance. Wendy Pratt offered useful support and advice. Thanks to all of them for helping us reach our readership and the greater community.

Most of what I know about writing I learned from two terrific teachers, Carla Brooks at Chillicothe High School and William C. Martin at Rice University. Both made valiant efforts to eliminate my prolix tendencies, and both made writing tremendous fun.

Notwithstanding my gratitude to all of the above, none of them should be assumed to have endorsed this report or to share any of its conclusions. I alone take responsibility for the content of this report and all errors in it. I gratefully accept correction and comment from all readers.

# About the Author

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## **The LGBT Mentoring Project**

David Fleischer founded and currently directs the LGBT Mentoring Project. The Mentoring Project provides ongoing, intensive mentoring, coaching, training and support to a small number of LGBT partner organizations around the country and to their leaders, both LGBT and allies. Many are preparing for or recovering from anti-LGBT ballot measures, or are engaged in other efforts to reduce anti-gay prejudice. Partner organizations in the past year have included the Vote for Equality project of the LA Gay and Lesbian Center, EqualityMaine, and Ask Cleveland.

For more than three years, the Mentoring Project operated as a pilot project—an experiment—to test the hypothesis that consistent, frequent, one-on-one, on-site mentoring speeds leadership development and produces measureable results in organizational growth, strength, and productivity. In May 2010, the Mentoring Project became a part of the LA Gay and Lesbian Community Center’s new leadership LAB (learn-act-build), and Fleischer joined the staff of the Center to direct the LAB. In his new role, Fleischer now supervises the Vote for Equality project and may manage other leadership development projects at the Center.

## **Underwriting This Report**

The LGBT Mentoring Project covered the costs associated with this report. The primary expense was Fleischer’s time and that of other Mentoring Project consultants and staff. Fleischer volunteered to write this report, taking it on in addition to his regular responsibilities with the Mentoring Project. Fleischer did not participate in the No on 8 campaign. None of the Mentoring Project donors live in California, none of them were active in the Prop 8 campaign, and none participated in the decisions examined in this report.

## **David Fleischer**

Prior to creating the LGBT Mentoring Project in 2007, Fleischer created and ran the national training program for the Gay & Lesbian Victory Fund and Foundation (1993–1998) and created and directed the organizing and training department of the National Gay and Lesbian Task Force (1999–2006). Over the past seventeen years, Fleischer has been directly involved in thirty-eight ballot measures on LGBT community issues in twenty states; Fleischer trained leaders, solved problems, raised money, expanded the campaign team, focused operations, and sometimes simply helped the local campaign team get the work done.

Fleischer also in 2006–2008 was part of the Industrial Areas Foundation team that increased African-American and Latino voter turnout in parts of Ohio that had previously suffered from persistently low voter turnout.

Fleischer received his BA from Rice University (1977, magna cum laude) and his JD from Harvard Law School (1980).

# Glossary

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<b>Glossary Term</b>	<b>Definition</b>
<b>pro-marriage vs anti-marriage</b>	Whether one is in favor of same-sex marriage or whether one is against same-sex marriage
<b>Be Clear question</b>	A question asked by Lake Research Partners, one of No on 8's polling firms, to measure wrong-way voting and to detect changes among voters in their support or opposition to same-sex marriage
<b>absentee voting</b>	A vote cast by someone unable or unwilling to attend their official polling station. Also known as voting by mail.
<b>anti-LGBT attacks</b>	In this report, refers to anti-LGBT campaign communications that exploit anti-gay prejudice and anti-LGBT stereotypes
<b>ballot measure</b>	A direct vote in which an electorate is asked to accept or reject a proposal
<b>benchmark poll</b>	A relatively lengthy survey, usually conducted before or at the beginning of a campaign, to establish basic information about where voters stand before they are exposed to campaign communications. It often aims to inform a campaign's messaging strategy by testing arguments both sides might consider raising during the campaign.
<b>board</b>	A board, also often known as a campaign committee, is the group of individuals or group representatives that has overall authority for the campaign. Often a board chooses a subset of its members to serve on an executive committee. Either the board or the executive committee or a designee (such as a campaign manager or a general consultant hired by the board or executive committee) makes decisions for the campaign.
<b>campaign manager</b>	A senior leadership position overseeing all aspects of a campaign; in California state-wide elections often supervised by a general consultant; alternatively the person in charge who in fact supervises all the consultants; generally held accountable by a campaign committee (or a board) or an executive committee of the campaign committee
<b>canvassing</b>	The systematic initiation of face-to-face contact with voters. May be performed by volunteers, paid staff, and in candidate elections, often the candidate as well.
<b>Campaign Media Analysis Group (CMAG)</b>	A company that specializes in delivering media intelligence (information on advertisements, etc.) to clients. Often hired by campaigns to all the details of media buys placed by both sides, and retained by the No on 8 campaign among many others.

<b>Glossary Term</b>	<b>Definition</b>
<b>consultants</b>	Experts who provide advice and services related to their particular specialty. Examples of political consultants include general consultants (with expertise in the totality of campaign matters), media consultants (who create and edit ads, place the ad buys, and/or seek to gain earned media coverage), and pollsters (who create polling instruments, oversee or contract out interviewing, tabulate results, and examine and analyze findings, and offer strategic advice based on the poll results).
<b>Courage Campaign</b>	A Californian progressive, multi-issue advocacy group, chaired and founded by Rick Jacobs, which has a predominantly online presence
<b>David Binder Research</b>	David Binder Research is a polling firm that was commissioned by the No on 8 campaign to conduct a benchmark poll September 2 through 4 and daily tracking polls from October 18 through November 3.
<b>de-gayed campaign</b>	A pro-gay campaign that avoids talking directly about LGBT people in its messaging
<b>Dewey Square</b>	A public affairs firm hired by the No on 8 campaign to serve as general consultant to the campaign. Steve Smith was the principal from the firm who took a large role with No on 8.
<b>disjoint samples</b>	Samples or groups that are mutually exclusive. The members of one group are not members of the other group if two groups are disjoint.
<b>earned media</b>	Publicity gained through promotional efforts other than advertising. Examples include newspaper coverage including news stories, feature stories, an editorial, an op-ed, or any item that is not paid advertising. Earned media includes coverage in any mass medium, including but not limited to print, television, radio, and online.
<b>Equality California</b>	A statewide, pro-LGBT California organization that works on LGBT issues, including same-sex marriage
<b>Equality for All</b>	A coalition of organizations that came together to work against Prop 8; referred to in this report as the No on 8 campaign
<b>Equality Maine</b>	A state-wide, pro-LGBT political advocacy organization in Maine that works on LGBT issues, including same-sex marriage
<b>farm team</b>	An organization or activity that serves as a training ground for higher-level endeavors
<b>field campaign</b>	The portion of a campaign focused on direct contact with voters. It includes any portion of a campaign where one human being (representing the campaign) is talking to another human being (a voter or a potential volunteer). Common field campaign activities include door-to-door canvassing, phone banking (calling voters on the phone), and volunteer recruitment (e.g. by phone or in person).

<b>Glossary Term</b>	<b>Definition</b>
<b>focus group</b>	A form of qualitative research in which a group of people are asked about their perceptions, opinions, beliefs, and attitudes toward a product, service, concept, advertisement, idea, or packaging
<b>frontloading democracy</b>	
<b>Get Out the Vote</b>	A phrase used to describe political activity intended to increase the number of votes cast in an election. Commonly abbreviated GOTV. Most typically, a campaign engages in GOTV to get more of its supporters to the polls.
<b>Gill Action Fund</b>	A pro-LGBT 501(c)(4) organization that provides resources to organizations working on LGBT issues
<b>grassroots</b>	Connotes a movement driven by local people, often volunteers, who are engaged in politics at the local level.
<b>gross rating point (GRP)</b>	A standard measure of frequency and reach of a broadcast TV ad. Abbreviated GRP. Campaigns buy ads in GRP's per media market for a specific set of dates. As a rule of thumb, when a campaign buys 500 GRP's in one particular media market per week, the average person who lives in the media market will see the ad 5 times. 500 GRP's per media market per week is commonly considered the minimum effective buy for a political ad.
<b>groupthink</b>	When a cohesive or homogeneous in-group minimizes conflict and reaches consensus without critically testing, analyzing, and evaluating ideas. Often associated with resistance to new or different ideas.
<b>horse race question</b>	The most commonly asked question in political polling; it seeks to figure out which side is ahead. It often recites word-for-word the language on the ballot and then asks, "If the election was tomorrow, which way would you vote?"
<b>LA Gay and Lesbian Center</b>	A community center that provides a very wide range of social services to the LGBT community of Los Angeles. It also houses Vote For Equality.
<b>Lake Research Partners</b>	A national public opinion polling and political strategy research firm founded by Celinda Lake in 1995. Hired by the No on 8 campaign as its principal pollster. Staff who were significantly involved included Celinda Lake, Josh Ulibarri, and Bob Meadow.
<b>LGBT</b>	Lesbian, gay, bisexual, and transgender
<b>LGBT Mentoring Project</b>	The project run by David Fleischer, the author of this report, since 2007; it which provides long-term support to LGBT leaders and leadership teams around the country.
<b>Maine No on 1 campaign</b>	The statewide campaign in Maine that defended the marriage equality law challenged by Question 1. Voting No on Question 1 was a vote to keep same-sex marriage legal in Maine.

<b>Glossary Term</b>	<b>Definition</b>
<b>margin of error</b>	A statistic expressing the amount of sampling error in a survey's results. The larger the margin of error, the less faith we should have that a survey's results are "true" for a given population. The smaller the sample size of a survey, the larger the margin of error, because smaller samples are less likely to be representative of an entire population.
<b>Marriage Equality USA</b>	Founded in 2010, Marriage Equality is a national all-volunteer non-profit whose mission is to secure legally recognized marriage equality at the federal and state level.
<b>National Center for Lesbian Rights (NCLR)</b>	A nonprofit, public interest law firm based in California that litigates precedent-setting cases at the trial and appellate court levels, advocates for equitable public policies affecting the LGBT community, provides free legal assistance to LGBT clients and their legal advocates, and conducts community education on LGBT legal issues.
<b>Neil Goldschmidt</b>	The governor of the state of Oregon between 1987 and 1991
<b>Ogilvy</b>	An international advertising, marketing, and public relations agency based in Manhattan, with an office in Sacramento. No on 8 hired Ogilvy to handle both earned and paid media; it created the first TV ads including "Thorons," coordinated many early aspects of earned media including gaining state-wide editorial endorsements, and handled placement of the media buy throughout the campaign.
<b>paid media</b>	Publicity gained through paid advertising
<b>persuadable voters</b>	Undecided voters believed to be open to persuasion.
<b>phone bank</b>	A central location where people (in the case of No on 8, volunteers) call voters and potential volunteers.
<b>Public Policy Institute of California (PPIC)</b>	An independent, nonpartisan, nonprofit research institution in San Francisco, California
<b>pro-LGBT</b>	Being supportive of the lesbian, gay, bisexual, and transgender community; usually means supportive of LGBT equality as a matter of public policy
<b>Prop 22</b>	A law, also called the California Defense of Marriage Act, approved by California voters in a March 2000 ballot measure to prohibit the state from recognizing same-sex marriage, even if contracted in another state. In May 2008, it was struck down by the California Supreme Court as contrary to the state constitution.
<b>Prop 4</b>	A 2008 ballot initiative in California that would have required parental notification for minors seeking an abortion. It was defeated.
<b>Prop 73</b>	Similar to Prop 4, a 2005 parental notification ballot initiative in California that was defeated.
<b>Prop 85</b>	Similar to Prop 4, a 2006 parental notification ballot initiative in California that was defeated.

<b>Glossary Term</b>	<b>Definition</b>
<b>refusals</b>	Poll participants who do not divulge their opinion. In the Lake Research polling, a “refusal” is someone who refuses to answer a particular question but who continues to answer other questions posed by the pollster.
<b>San Diego LGBT Center</b>	A community center for LGBT people in the city and county of San Diego
<b>Save Our Children</b>	Anita Bryant’s 1977 anti-gay campaign.
<b>skunkworks</b>	A team, often within a larger organization, that is given a high degree of autonomy unhampered by the usual rules and bureaucracy so that it can pursue innovative experiments and try out new approaches.
<b>standard horse race</b>	The Lake Research version of the most commonly asked question in political polling; this is the question that seeks to figure out which side is ahead. It often recites word-for-word the language on the ballot and then asks, “If the election was tomorrow, which way would you vote?”
<b>Stanley Greenberg</b>	A pollster and political strategist
<b>Storefront Political Media</b>	A political consulting firm that provides media, communications, and general consulting services to campaigns. No on 8 hired Storefront to create and produce its direct mail to voters.
<b>synergistic</b>	When the whole is greater than the sum of the parts; when two or more forces combine and get a result greater than the mere sum of what each could accomplish on its own.
<b>Targeted Rating Points (TRP’s)</b>	A measure of the frequency and reach of TV ads that seek to reach a targeted rather than general audience. See also the definition of Gross Rating Points (GRP’s) above.
<b>The Field Poll</b>	Established in 1947 as the California Poll. It has operated continuously as an independent, nonpartisan, media-sponsored public news service that regularly conducts surveys of public opinion.
<b>The National Gay and Lesbian Task Force (The Task Force)</b>	An organization working for the civil rights of lesbian, gay, bisexual, and transgender (LGBT) people in the United States. Its organizing and training department staff led key portions of the field operation of the No on 8 campaign.
<b>Third Way</b>	Third Way is a moderate think tank in the progressive movement, working on economic and social policy agendas and aiming to create “big-tent progressivism” that appeals to moderates as well as progressives.
<b>tracking poll</b>	A brief poll, usually conducted repeatedly at regular intervals near the end of a campaign and asking the same or mostly the same questions, to capture trends and developments as election day approaches. No on 8 hired both Lake Research and David Binder Research to do daily tracking polling.
<b>undecideds</b>	Voters who have not decided on the question at hand

<b>Glossary Term</b>	<b>Definition</b>
<b>Vote For Equality</b>	The community educational project of the LA Gay and Lesbian Center that focuses on issues of public policy, including same-sex marriage.
<b>voter identification</b>	A conversation between a campaign and a voter that seeks to identify how the voter plans to vote on an issue.
<b>Wild Swan Resources</b>	The consulting practice of Phyllis Watts, who along with other consultants advised No on 8 on message. Wild Swan Resources provides leadership consulting to organizations.
<b>wrong-way voting</b>	A vote that contradicts a voter's beliefs; due to confusion, the voter votes the opposite of their intention, eg in the case of Prop 8, someone voting No who wanted to ban same-sex marriage, or someone voting Yes who favored same-sex marriage.

# Bibliography

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\*Equality for All released all polling data commissioned during the No on 8 campaign. It is available at <http://www.eqca.org/site/pp.asp?c=kuLRJ9MRKrH&b=6096765>.

David Binder Research to No on Prop 8 Media and Research Team, October 28, 2008. No on Prop 8 Ad Web Test Results.

David Binder Research to No on Prop 8 Media and Research Team, October 28, 2008. No on Prop 8 Ad Web Test Results (2).

David Binder Research. Proposition 8 Post-Election California Voter Survey. San Francisco, CA, 2008.

David Binder Research and Goodwin Simon Victoria Research. California Marriage Equality Statewide Survey Findings. San Francisco: David Binder Research, 2008.

David Binder Research. Final Results: California Voter Survey. San Francisco: David Binder Research, 2009.

David Binder Research. Binder (Unsure) 101008-102908 Crosstab and Tracking. Spreadsheet. San Francisco: David Binder Research, 2008.

David Binder Research. Binder (Unsure) 111808-110308 Crosstabs. Spreadsheet. San Francisco: David Binder Research, 2008.

David Binder Research. Final Results: California Voter Survey Sample Size=801;Margin of Error+-3.5% Interview Dates: September 2-4, 2008. San Francisco: David Binder Research, 2008.

David Binder Research. Binder Poll 101808-100308 Crosstabs. Spreadsheet. San Francisco: David Binder Research, 2008.

David Binder Research. Binder Poll 102308-102608 Summary. Spreadsheet. San Francisco: David Binder Research, 2008.

David Binder Research. Final Results: California Voter Survey. San Francisco: David Binder Research, 2008.

David Binder Research. Binder Poll 102508-102708 Crosstab. David Binder Research, 2008.

David Binder Research. Binder Poll 102508-102708 Tracking. San Francisco: David Binder Research, 2008.

David Binder Research. Binder Poll 102608-102808 Summary. San Francisco: David Binder Research, 2009.

David Binder Research. Binder Poll 102608-202808 Tracking. San Francisco: David Binder Research, 2009.

David Binder Research. Binder Poll 102708-102908 Crosstabs. San Francisco: David Binder Research, 2009.

David Binder Research. Binder Poll 102808-103008 Tracking. San Francisco: David Binder Research, 2009.

David Binder Research. Binder Poll 103008-110208 Tracking. San Francisco: David Binder Research, 2009.

David Binder Research. Binder Poll 103008-110308 Summary. San Francisco: David Binder Research, 2009.

David Binder Research. Binder Poll 110108-110308 Crosstabs Larger Sample. San Francisco: David Binder Research, 2009.

David Binder Research. Binder Poll 110108-110308 Crosstabs Smaller Sample. San Francisco: David Binder Research, 2009.

David Binder Research. Binder Poll 110108-110308 Tracking. San Francisco: David Binder Research, 2009.

David Binder Research. Binder vote summary tab 10\_23-26. San Francisco: David Binder Research, 2009.

David Binder Research. Binder vote summary tab 10\_25-27. San Francisco: David Binder Research, 2009.

David Binder Research. Binder vote summary tab 10\_26-28. San Francisco: David Binder Research, 2009.

David Binder Research. Binder vote summary tab 10\_27-29. San Francisco: David Binder Research, 2009.

David Binder Research. Binder vote summary tab 10\_30-11\_03. San Francisco: David Binder Research, 2009.

David Binder Research. Binder VOTE TAB 10\_18-11\_03. San Francisco: David Binder Research, 2009.

David Binder Research. Binder VOTE TAB 10\_18-28. San Francisco: David Binder Research, 2009.

Lake Research Partners. Parents Under age 45 - Dem or Ind AMENDMENT BALLOT \* GENDER \* SURVEY Crosstabulation. Washington: Lake Research Partners, 2009.

Lake Research Partners. California Marriage Amendment A Survey of 800 Likely Voters Statewide with Oversamples of 152 African Americans, 80 Latinos, and 110 Asian Americans May 19-27, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment A Survey of 800 Likely Voters Statewide with Oversamples of 152 African Americans, 80 Latinos, and 110 Asian Americans May 19-27, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment A Survey of 800 Likely Voters Statewide with an Oversample of 107 Latinos July 7-13, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment, Banners from a Statewide Survey of 800 Likely Voters in the 2008 General Election Including an oversample of 107 Latino Voters with Time Series Data from May 2008 July 7-13, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment, Banners from a Statewide Survey of 800 Likely Voters in the 2008 General Election with Time Series Data from May 2008 August 11-17, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment, Banners from a Statewide Survey of 600 Likely Voters in the 2008 General Election September 7-11, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Statewide Survey of 800 Likely General Election Voters September 22-24, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. CALIFORNIA MARRIAGE BAN - ROLLING TRACKER - OCTOBER, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. Parents Under age 45 - Dem or Ind AMENDMENT BALLOT \* GENDER \* SURVEY Crosstabulation % within GENDER. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment Banners from a Statewide Survey of 1,050 Likely Voters in the 2008 General Election September 29-October 2, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment Banners from a Statewide Survey of 1,050 Likely Voters in the 2008 General Election October 5-7, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment Banners from a Statewide Survey of 1,200 Likely Voters in the 2008 General Election October 6-8, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage – No on Prop. 8 Statewide Survey of 1,200 Likely General Election Voters October 6-8, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment Banners from a Statewide Survey of Vice President 1,200 Likely Voters in the 2008 General Election October 7-9, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage – No on Prop. 8 Statewide Survey of 1,200 Likely General Election Voters October 8-10, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment Banners from a Statewide Survey of 1,200 Likely Voters in the 2008 General Election October 8-11, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage – No on Prop. 8 Statewide Survey of 1,200 Likely General Election Voters October 9-12, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment Banners from a Statewide Survey of 1,275 Likely Voters in the 2008 General Election October 13-15, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage – No on Prop. 8 Statewide Survey of 1,200 Likely General Election Voters October 14-16, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage – No on Prop. 8 Statewide Survey of 1,200 Likely General Election Voters October 15-18, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment Banners from a Statewide Survey of 1,200 Likely Voters in the 2008 General Election October 18-20, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. CALIFORNIA MARRIAGE BAN - ROLLING TRACKER - OCTOBER, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage – No on Prop. 8 Statewide Survey of 1,200 Likely General Election Voters October 19-21, 2008. Washington: Lake Research Partners, 2008

Lake Research Partners. California Marriage – No on Prop. 8 Statewide Survey of 1,200 Likely General Election Voters October 20-22, 2008. Washington: Lake Research Partners, 2008

Lake Research Partners. Proposition 8 ... Total Time Series... October 28, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage – No on Prop. 8 Statewide Survey of 1,200 Likely General Election Voters October 22-25, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment Banners from a Statewide Survey of 1,125 Likely Voters in the 2008 General Election October 23-26, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment Banners from a Statewide Survey of 1,050 Likely Voters in the 2008 General Election October 25-27, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment Banners from a Statewide Survey of 1,050 Likely Voters in the 2008 General Election October 25-27, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment Banners from a Statewide Survey of 975 Likely Voters in the 2008 General Election October 26-28, 2008. Washington: Lake Research Partners, 2008

Lake Research Partners. California Marriage – No on Prop. 8 Statewide Survey of 975 Likely General Election Voters October 28-30, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage Amendment Banners from a Statewide Survey of 975 Likely Voters in the 2008 General Election October 28-30, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage – No on Prop. 8 Statewide Survey of 975 Likely General Election Voters October 28-30, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage – No on Prop. 8 Statewide Survey of 975 Likely General Election Voters October 28-30, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. California Marriage – No on Prop. 8 Statewide Survey of 975 Likely General Election Voters October 28-30, 2008. Washington: Lake Research Partners, 2008.

Lake, Celinda to Nick Donatiello, October 29, 2008. quick summary of the tracking.

Lake Research Partners. Polling on Proposition 8 A Summary of Public Attitudes Toward Prop 8 Over Time, and How the Trends Affected Campaign Strategy - No on Prop 8 - Campaign Polling Summary. : Lake Research Partners, 2008.

Lake, Celinda, Joshua Ulibarri, and Bob Meadow to Interested Parties, February 18, 2009. Proposition 8 Exit Poll Comparison and Analysis

Lake Research Partners and Wild Swan Resources to Steve Smith and Maggie Linden, September 15, 2008. The "Emotional" Appeal of Current Media Strategy.

Lake Research Partners to Interested Parties, November 14, 2008. Polling on Proposition 8.

Lake Research Partners to Steve Smith, Dewey Square Group, September 19, 2008. Polling Summary and a Path to Victory.

Meadows, Bob to No on 1 Campaign. 2009. Lake Message Learned in Proposal to Maine 2009.

Lake Poll Dates Unknown Crosstabs

Lake Research Partners. Polling on Proposition 8: A Summary of Public Attitudes Toward Prop. 8 Over Time, and How the Trends Affected Campaign Strategy. Washington: Lake Research Partners, 2008.

Lake Research Partners. No on Prop. 8: Findings from Rolling Tracking Polls, October 12, 2008. Washington: Lake Research Partners, 2008.

Lake Research Partners. Equality for All No on Prop. 8 "Findings from Rolling Tracking Polls." Washington: Lake Research Partners, 2008.

Lake Research Partners. Untitled Document. Washington: Lake Research Partners, undated.

Lake Research Partners. Focus Group Guidelines. Sherman Oaks: Lake Research Partners, 2008.

Lake Research Partners. Focus Group Guidelines. Sherman Oaks: Lake Research Partners, 2008.

Armour Griffin Media Group. Divisive. Armuor Griffin Media Group, 2008.

Woodward & McDowell, "Summary of EQCA's Efforts to Help Defeat Prop. 8" (Report Commissioned by and for Equality California, Burlingame, CA, April 14, 2009).

Smith, Steve, Dale Kelly Bankhead, and Maggie Linden, Memo to Executive Committee, September 2008

Lake Research Partners. Focus Group Guidelines. Sherman Oaks, Walnut Creek: Lake Research Partners, Undated.

Equality for All. No on 8 Ad Storyboards. San Francisco: No on 8, 2008.

Bankhead, Dale. EFA Staffing Structure Staff Chart. San Francisco: Equality for All, 2008.

Lake Research Partners. Triads Guidelines. Pasadena, San Diego, CA: Lake Research Partners, 2008.

Lake, Celinda to Nick Donatiello and Steven Smith. October 29, 2008. "Some Quick Summary Reports of The Tracking."

Valerie Vento, e-mail message to Nick Donatiello and Steve Smith, October 29, 2008.

Woodward & McDowell, "Summary of EQCA's Efforts to Help Defeat Prop. 8" (Report Commissioned by and for Equality California, Burlingame, CA, April 14, 2009).

Smith, Steve. EQCA 2008 Campaign Plan for Funders. Sacramento: Dewey Square, 2008.

Equality for All, Equality for All: Los Angeles ID Script. June 25, 2008

Equality for All, Equality for All: Phone Bank Voter ID Script. October 31, 2008

Equality for All, Phone from Home: Voter ID Script. September 28, 2008

Chicago format citations below

No On 8, PHONE BANK: VOTER ID SCRIPT - Unfair, Unnecessary & Wrong. October 16, 2008

No On 8, PHONE BANK SCRIPT: CLARIFY / ACTIVATE BASE FOR GOTV. October 22, 2008

Jaye, Eric. You Know Me. PDF. San Francisco:Storefront Political Media, 2008

Jean, Lorri L. No on Proposition 8 Frequently Asked Questions. Word Doc. Los Angeles: LA Gay and Lesbian Center

Lorri Jean, e-mail message to Geoff Kors, Kate Kendell, Delores Jacobs, Michael Fleming, Heather Carrigan, October 19, 2008

Lake Research Partners. #9009 California Statewide + Oversample. Word Doc. May 2009

Smith, Steve. Equality for All... A Roadmap to Victory. PDF. Sacramento: DeweySquareGroup, June 2008.

No on 8. "Family Portrait." Illustration. 2008. Ofrenda Inc., 2008

Linden, Maggie. Message Manuel. PDF. Sacramento: Ogilvy & Mather, September 2008

Ogilvy & Mather. Statewide Ad Buys Summary with Rev. 15. Excel Spreadsheet. Sacramento: Ogilvy & Mather, September 27, 2008.

Ogilvy & Mather. Statewide Ad Buys Summary with Rev. 12. PDF. Sacramento: Ogilvy & Mather, October 28, 2008

Ogilvy & Mather. Ad Buys in All Regions for October 6, 2008 - November 2, 2008. Excel Spreadsheet. Sacramento: Ogilvy & Mather, November 2, 2008

Ogilvy & Mather. Sac and SD Ad Schedules for October 27, 2008 - November 2, 2008. Excel Spreadsheet. Sacramento: Ogilvy & Mather, November 2, 2008

Maggie Linden, Valerie Vento, e-mail message to Steve Smith, Dale Kelley Bankhead, Prop 8 Executive Committee, September 13, 2008

Valerie Vento, e-mail message to Nick Donatiello, Steve Smith. Rotation, October 29, 2008

Ogilvy & Mather. Ogilvy LA and SF Ad Buys for October 27, 2008 - November 2, 2008. Excel Spreadsheet. Sacramento: Ogilvy & Mather, November 2, 2008

Ogilvy & Mather. Ogilvy LA and SF Day By Day October 27, 2008 - November 2, 2008. Excel Spreadsheet. Sacramento: Ogilvy & Mather, November 2, 2008

Ogilvy & Mather. No on 8 Competitive from September 22, 2008 - November 3, 2008. Excel Spreadsheet. Sacramento: Ogilvy & Mather, September 27, 2008

Ogilvy & Mather. No on 8 Television & Spending September 22, 2008 - November 3, 2008. PDF. Sacramento: Ogilvy & Mather, October 28, 2008

Ogilvy & Mather. No on 8 Television & Spending September 22, 2008 - November 3, 2008. PDF. Sacramento: Ogilvy & Mather, October 31, 2008

Ogilvy & Mather. Ogilvy Sac and SD Day By Day October 27, 2008 - November 2, 2008. Excel Spreadsheet. Sacramento: Ogilvy & Mather, November 3, 2008

Ogilvy & Mather. Summary October 6, 2008 - November 2, 2008. Excel Spreadsheet. Sacramento: Ogilvy & Mather, November 2, 2008

Arcus Foundation. African American Attitudes on Gay, Lesbian, Bisexual and Transgender Issues. Presentation. New York, NY: Arcus Foundation, 2007. PDF.

Arcus Foundation. African American Attitudes on Gay, Lesbian, Bisexual and Transgender Issues. Presentation. New York, NY: Arcus Foundation, 2008. PDF.

David Binder Research and Goodwin Simon Victoria Research. California Marriage Equality Statewide Survey Findings. Presentation. San Francisco: David Binder Research, 2009.

Egan, Patrick J and Kenneth Sherrill. California's Proposition 8: What Happened, and What Does the Future Hold?. San Francisco: National Gay and Lesbian Task Force, 2009.

GLAAD and Movement Advancement Project. Talking About Marriage Relationship Recognition for Gay Couples. AZ: GLAAD and MAP, 2007.

Greenberg Quinlan Rosner. Greenberg Poll 102608-102808 Crosstabs. 2008.

Greenberg Quinlan Rosner. Proposition 8 ... Total Time Series... October 28, 2008. 2008

No on 1 Protect Maine Equality. Maine has always been a place where equality matters and families are treated fairly. Campaign mailer. Portland, ME: Protect Maine Equality, Date unknown.

No on 8 Guerriero Questions and Draft Answers 9-1-09. 2009

NR Lake for Maine 2009. Marriage Equality: Strategic Summary.

Lewis, Gregory B. and Charles W. Gossett. "Why Did Californians Pass Proposition 8?" Toronto, Ontario: American Political Science Association, 2009.

"Lewis, Gregory B. and Charles W. Gossett. "Why Did Californians Pass Proposition 8?". 2008.

Ferriss, Susan. At heart of Prop. 8 trial, a clash over motives. Sacramento: Bee Capital Bureau, 2010.

DiCamillo, Mark and Mervin Field. Growing Trend in Support of Allowing Same-Sex Marriage In California. Big Generational and Regional Divide. Voters Leery of Changing State Constitution to Prohibit Such Marriages. San Francisco: Field Research Corporation, 2008.

DiCamillo, Mark and Mervin Field. Prop. 8 (same-sex marriage ban) dividing 49% no – 44% yes, with man voters in conflict; voters moving to the no side on Prop. 7 (renewable energy generation); yes side still leads on Prop. 2 (farm animal confinement). Plurality favors Prop. 11 (redistricting), but many undecided. San Francisco: Field Research Corporation, 2008.

Paluch, Jennifer. Why Proposition 8 Passed: Findings from the PPIC Statewide Survey. Presentation. San Francisco, CA: PPIC, 2008.

Yes on 8. Vote YES on Prop 8. Campaign Mailer. Sacramento, CA: Yes on 8, a Project of California Renewal, 2008.

Phillips, Kevin P. American Theocracy: The Peril and Politics of Radical Religion, Oil, and Borrowed Money in the 21st Century. New York: Viking, 2006.

Phillips, Kevin P. The Emerging Republican Majority. New Rochelle: Arlington House, 1969.

Branch, Taylor. Parting the Waters : America in the King Years 1954-63 (America in the King Years). New York, NY: Simon & Schuster, 1989.

Halberstam, David. *The Children*. Chicago: Ballantine Books, 1999.

Paige, R. U. (2005). Proceedings of the American Psychological Association, Incorporated, for the legislative year 2004. Minutes of the meeting of the Council of Representatives July 28 & 30, 2004, Honolulu, HI. Retrieved November 18, 2004, from the World Wide Web <http://www.apa.org/governance/>. (To be published in Volume 60, Issue Number 5 of the *American Psychologist*.)

American Psychological Association. Just the facts about sexual orientation and youth: A primer for principals, educators, and school personnel. Website. Washington, DC: American Psychological Association. PDF. <http://www.apa.org/pi/lgbt/resources/just-the-facts.pdf>.

Perrin, Ellen. "Technical Report: Coparent or Second-Parent Adoption by Same-Sex Parents -- Perrin and Committee on Psychosocial Aspects of Child and Family Health 109 (2): 341 -- AAP Policy." *AAP Policy - Journal of the American Academy of Pediatrics*. <http://aappolicy.aappublications.org/cgi/content/full/pediatrics;109/2/341> (accessed June 19, 2010).

American Psychological Association. "Understanding Child Sexual Abuse: Education, Prevention, and Recovery ." American Psychological Association (APA) . <http://www.apa.org/pubs/info/brochures/sex-abuse.aspx> (accessed June 19, 2010).

Schubert, Frank and Jeff Flint. "Passing Prop 8." 2010. <http://www.politicsmagazine.com/magazine-issues/february-2009/passing-prop-8> (accessed 8/3/2010).

Silver, Nate. "Prop 8 a Toss-Up." *FiveThirtyEight: Politics Done Right*. <http://www.fivethirtyeight.com/2008/10/prop-8-toss-up.html> (accessed June 19, 2010).

Silver, Nate. "Field Poll Shows Close Call on Gay Marriage Ban." *FiveThirtyEight: Politics Done Right*. <http://www.fivethirtyeight.com/2008/10/prop-8-tea-leaf.html> (accessed June 19, 2010).

Silver, Nate. "Prop 8 Myths." *FiveThirtyEight: Politics Done Right*. <http://www.fivethirtyeight.com/2008/11/prop-8-myths.html> (accessed June 19, 2010).

Silver, Nate. ""Analysis: Gay Marriage Ban is Underdog in Maine." *FiveThirtyEight: Politics Done Right*. <http://www.fivethirtyeight.com/2009/10/analysis-gay-marriage-ban-is-underdog.html> (accessed June 19, 2010).

Laser, Rachel, Lanae Erickson and Jim Kessler. *Moving the Middle on Marriage: Lessons from Maine and Washington*. Washington, DC: Third Way, 2010. PDF. [http://content.thirdway.org/publications/248/Third\\_Way\\_Report\\_-\\_Moving\\_the\\_Middle\\_on\\_Marriage.pdf](http://content.thirdway.org/publications/248/Third_Way_Report_-_Moving_the_Middle_on_Marriage.pdf).

John, Wildermuth. "Prop. 8 spending found to have swayed no voters." San Francisco, CA: SFGate, 2010. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/06/15/MN051DVGNE.DTL> (accessed June 19, 2010).

Egan, Patrick J. Findings from a Decade of Polling on Ballot Measures Regarding the Legal Status of Same-Sex Couples. New York, NY: New York University, 2010.

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