

2007 BALLOT MEASURES

OVERVIEW OF 12 HIGH-PROFILE MEASURES

By

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OVERVIEW

Same-sex benefits, education vouchers, property rights, medical research... Voters in nine states considered 38 very diverse ballot measures in 2007.

The Institute focused on 12 major ballot measures, and identified the committees that raised money around them.¹ These committees raised \$55.4 million, of which \$29 million was spent in opposition and \$26 million in favor. Five of the winning measures had the financial advantage, while three measures passed despite the opposition raising more.

Three-quarters of all the money raised went to six measures in Oregon and Washington. Of that \$42 million sum, two measures garnered more than half of the money: Oregon's Measure 50, a tobacco tax increase, attracted \$16.2 million; Washington's Referendum 67, relating to insurance fair conduct, attracted \$15.4 million.

CONTRIBUTIONS TO IDENTIFIED COMMITTEES ORGANIZED AROUND 2007 NON-BOND BALLOT MEASURES

STATE	MEASURE	SUBJECT	STATUS	TOTAL
Alaska	Special Advisory Vote	Same-sex Benefits	Passed	\$172,586
			ALASKA TOTAL	\$172,586
Maine	Question 1	Gambling	Failed	\$1,283,491
Maine	Question 5	Legislature	Failed	\$36,850
			MAINE TOTAL	\$1,320,341
Oregon	Measure 50	Tobacco Taxation	Failed	\$16,214,679
Oregon	Measure 49	Property Rights	Passed	\$5,039,139
			OREGON TOTAL	\$21,253,818
Texas	Proposition 15	Medical Research	Passed	\$1,911,615
Texas	Proposition 6	General Taxation	Passed	\$828,366
			TEXAS TOTAL	\$2,739,981
Utah	Referendum 1	Education Vouchers	Failed	\$8,917,452
			UTAH TOTAL	\$8,917,452
Washington	Referendum 67	Insurance	Passed	\$15,360,646
Washington	HJR 4204	Property Taxes	Passed	\$3,293,332
Washington	Initiative 960	General Taxation	Passed	\$2,116,814
Washington	SJR 8206	State Budget	Passed	\$229,239
			WASHINGTON TOTAL	\$21,000,031
			OVERALL TOTAL	\$55,404,210

¹ The Institute did not identify committees in Alabama, Louisiana and New Jersey, nor were committees identified for all measures on the ballot in the states listed in Table 1. Also, the Institute did not examine five bond-related ballot measures.

METHODOLOGY

Committees involved in major ballot measures must file campaign-finance reports with the state's disclosure agency. The National Institute on Money in State Politics collected and entered those reports into a database, using the employer and occupation information provided on disclosure reports to assign an occupation code to contributors. When that information was not provided, staff members conducted additional research to determine, where possible, a contributor's economic interest. The occupation codes are based on the Standard Industrial Classification system used by the federal government.

OUT-OF-STATE DONORS

Out-of-state donors provided 76 cents of every dollar given in opposition to the 2007 measures. In comparison, 12 cents of every dollar raised in support came from out of state. Altogether, out-of-state donors gave \$25.5 million, nearly half of all the money raised.

Oregon's tobacco tax measure attracted the most out-of-state money: opponents brought in \$11.8 million, while proponents raised \$1.1 million. Washington's insurance measure, Referendum 67, attracted \$9.6 million from out-of-state donors, \$9.5 million of which was raised by the opponents.

MAJOR OUT-OF-STATE DONORS, 2007

MEASURE'S STATE	OUT-OF-STATE DONOR	DONOR STATE	TOTAL
Oregon	Philip Morris	VA	\$6,778,417
Oregon	RJ Reynolds Tobacco	NC	\$4,863,392
Oregon	American Cancer Society*	OK	\$600,000
Texas	American Cancer Society	OK	\$238,000
Utah	Advocates For School Choice	D.C.	\$350,000
Utah	Milton & Rose D. Friedman Foundation	IN	\$261,847
Utah	National Education Association	D.C.	\$102,186
Washington	State Farm Mutual Automobile Insurance	IL	\$1,916,565
Washington	Farmers Insurance Group	CA	\$1,557,472
Washington	Allstate Insurance	IL	\$1,500,740
Washington	Property Casualty Insurers Assoc. of America	IL	\$914,592
Washington	St. Paul Travelers	MN	\$603,635
Washington	National Education Association	D.C.	\$450,000
Washington	Progressive Casualty Insurance	OH	\$402,437
Washington	GEICO	D.C.	\$373,432
Washington	Zurich American Insurance	IL	\$364,308
Washington	Nationwide	OH	\$311,322
Washington	Liberty Mutual Insurance	NH	\$281,370
Washington	Firemans Fund Insurance Company	TX	\$232,594
Washington	AFSCME	DC	\$200,000
		TOTAL	\$22,301,699

* includes \$550,000 in contributions from the American Cancer Society's Cancer Action Network

ALASKA

Alaskans voted on one ballot measure in 2007. The April Special Advisory Vote, which passed with 53 percent of the vote, advised the state legislature to adopt a proposed constitutional amendment (to be considered by voters in 2008) that would prohibit the state from providing benefits to same-sex partners of public employees or public retirees.

Money did not prevail on this measure. The two committees that raised money to support the measure gathered \$43,302, just one-third of the \$129,285 raised to oppose it.

Proponents raised no money from out-of-state donors; opponents raised \$31,710 from out of state, or one-fourth the total. Individual donors provided the bulk of the money raised by both sides, with \$61,515 given by individuals to oppose the measure, and \$34,964 given to support it.

CONTRIBUTIONS TO ALASKA'S SPECIAL ADVISORY VOTE, 2007

PROPOSERS		TOTAL
Vote Yes For Marriage		\$36,602
AK Family Action Inc.		\$6,700
	PROPOSERS' TOTAL	\$43,302
OPPOSERS		
Alaskans Together		\$129,285
	OPPOSERS' TOTAL	\$129,285
	TOTAL	\$172,586

While the average contribution was \$430, two large donors rose above the crowd. The Human Rights Campaign, based in Washington, D.C., gave \$25,730 against the measure. Countering that, Democratic state senator Ralph Seekins (District D, Fairbanks) gave \$17,162 to the proponents — \$500 to AK Family Action, and the rest to Vote Yes For Marriage.

MAINE

Maine voters rejected two major measures on the ballot in 2007, one regarding gaming and the other legislative term limits.

TRIBES VS. LL BEAN ON QUESTION 1

Question 1, which received just 48 percent of the votes, would have allowed a Maine Indian tribe to run a harness racing track with slot machines and high-stakes beano (an older version of Bingo) games in Washington County. Tribes gave heavily in support of the measure, while members of the L.L. Bean family were major funders to the opposition campaign.

The Passamaquoddy Tribe gave \$843,000, or 97 cents of every dollar raised in support. The tribe was the sole funder of the Washington County Tribal Track Coalition and the primary funder of the Yes on Question 1 committee. No money came from out of state to support the measure. In comparison, 12 percent of the money raised by opponents came from out of state.

CONTRIBUTIONS TO MAINE'S QUESTION 1 BALLOT MEASURE COMMITTEES, 2007

PROPOSERS	
Yes On Question 1	\$765,841
Washington County Tribal Track Coalition	\$100,000
PROPOSERS' TOTAL	\$865,841
OPPOSERS	
Casinos No	\$404,122
Gambling With The Way Life Should Be	\$8,427
No Slots For Maine	\$5,100
OPPOSERS' TOTAL	\$417,649
TOTAL	\$1,283,491

Opponents to the gaming measure eked out a narrow victory, despite raising less than half the amount raised by proponents. Individual donors as a group gave \$387,635, or 93 cents of every dollar raised by the opponents.

Individual members of the L.L. Bean family, heirs to the sporting goods/clothing. L.L. Bean Company, gave \$160,000, or 40 percent of the money raised by the Casinos No committee.

Leon A. Gorman, past president of the company and grandson of L.L. Bean, and his wife, Lisa, each gave \$50,000. Three other grandchildren also gave large sums in opposition: John T. Gorman gave \$25,000; Diana Bean gave \$20,000; and Linda Bean, who is also owner of Port Clyde Lobster, 2 gave \$15,000. (Hazel Dyer, who lists the same address as Linda Bean, gave \$15,000 on the same day to the same committee.)

² Melissa Waterman, "Linda Bean's Port Clyde Lobster Co.," *Free Press Online*, available from http://www.portclydelobster.com/info.php?info_id=1, accessed July 22, 2008.

LEAGUE OF WOMEN VOTERS VS. U.S. TERM LIMITS ON QUESTION 5

Question 5 would have extended legislative term limits from four terms to six terms. The measure failed miserably, garnering just 33 percent of the votes. Although the League of Women Voters backed the measure, they did not form a committee to raise money in support of it.

The sole opposing committee, No More Than Four, was chiefly funded by U.S. Term Limits (USTL), a national organization in favor of term limits. USTL gave \$35,500 of the \$36,850 raised.

³ Victoria Wallack, "PAC Forms To Oppose Term Limit Change," *The Lincoln County News*, Aug. 8, 2007, available from <http://www.mainelincountynews.com/main.asp?ArticleID=34275&SectionID=8>, accessed July 22, 2008.

OREGON

Oregonians voted on two ballot measures in 2007. They passed Measure 49, which scaled back development rights granted by 2004's highly controversial Measure 37, and rejected Measure 50, which would have used increased taxes on tobacco to fund children's health care and tobacco cessation programs.

Money prevailed in the outcome of both measures. Proponents of Measure 49 raised \$4.9 million, compared to just \$118,851 raised by opponents. Opponents to the failed tobacco tax hike raised \$12.1 million, nearly three times the \$4.1 million raised by six supporting committees.

MEASURE 49

Two donors were responsible for nearly half of the money raised by the committees supporting Measure 49. The Oregon chapter of The Nature Conservancy gave \$1.2 million. While the conservation organization does not typically get involved in ballot measure campaigns, the chapter took a leadership role "after evaluating the impacts of Measure 37 on Oregon's ecosystems and the people who depend on them...."⁴

The other major donor was Eric Lemelson, owner of Lemelson Vinyards, who gave more than \$1 million to the Yes on 49 committee.

Individual supporters, on the whole, gave \$2.4 million, or 47 percent of the money raised. The average donation made by an individual was \$1,861. An additional \$293,897 came from unitemized donations, or those that fall under the state's reporting threshold for disclosing identifying information about the contributor. Out-of-state support was relatively insignificant as a whole, giving \$316,714, or 6 percent. Mr. Lemelson's mother, Dorothy Lemelson of Incline, Nev., was the largest donor from outside Oregon, giving \$126,000.

The Oregon Sierra Club Ballot Measure committee raised all its money internally, all from the Oregon chapter of the Sierra Club. The committee then gave \$8,000 to the Yes on 49 committee.

⁴ "Nature Conservancy Supports Measure 49," The Nature Conservancy, available from <http://www.nature.org/wherewework/northamerica/states/oregon/about/art21941.html>, accessed July 15, 2008.

CONTRIBUTIONS TO OREGON'S MEASURE 49, 2007

PROPOSERS	TOTAL
Yes on 49*	\$4,897,617
Oregon Sierra Club Ballot Measure	\$21,093
Linn-Benton Yes on 49	\$1,579
PROPOSERS' TOTAL	\$4,920,289
OPPONENTS	
Stop Taking Our Property	\$77,717
Concerned Oregonians	\$32,387
Fix Measure 49	\$8,247
Families For Fairness In Property Rights	\$500
OPPONENTS' TOTAL	\$118,851
TOTAL	\$5,039,139

*These committees received money from other ballot measure committees so the following sums are effectively counted twice in the totals: the Yes on 49 committee received \$8,000 from the Oregon Sierra Club.

Four committees formed to fight Measure 49; none came close to matching the supporters' coffers. The largest opposing donor was the Taxpayer Defense Fund, which gave \$23,832

Individuals provided one-third of the opposition, giving \$39,195, or an average of \$490. An additional \$32,830 was raised from unitemized donations.

Opponents raised no money from out-of-state donors.

MEASURE 50

Two major tobacco companies bankrolled the two committees that successfully defeated Oregon's proposed tobacco tax increase. RJ Reynolds provided \$4.9 million of the \$5 million raised by Oregonians Against the Blank Check. Philip Morris gave \$6.8 million of the \$7.1 million raised by the Stop the Measure 50 Tax Hike committee. Just two cents of each dollar came from within the Beaver State; no individual Oregonian gave in opposition to the measure.

In sharp contrast, 74 cents of every dollar raised by proponents came from Oregon sources, with more than 155 identified individual donors ponying up \$344,700. Over half of the money from individuals, however, came from just two people — Philip Knight, CEO of Nike Corporation, and Win McCormack, of McCormack Communications, each gave \$100,000. Donors that gave under the state's reporting threshold of \$100 per election accounted for \$242,090 of the money raised by supporters.

The largest supporting donor was the American Cancer Society, which gave a total of \$800,000 from its various chapters. The American Heart Association contributed \$110,000. The American Lung Association gave slightly more than \$24,000. Labor unions also dug deep and combined to give \$632,419.

CONTRIBUTIONS TO OREGON'S MEASURE 50, 2007

PROPOSERS	TOTAL
Yes On The Health Kids Plan*	\$3,654,694
Nurses United Pac	\$185,202
Healthy Communities Coalition	\$168,000
School Employees Exercising Democracy	\$83,199
Intern'l Union of Operating Engineers Local 701 PAC	\$5,310
Stand For Children	\$2,845
PROPOSERS' TOTAL	\$4,099,250
OPPONENTS	
Stop The Measure 50 Tax Hike*	\$7,093,845
Oregonians Against The Blank Check*	\$5,021,584
OPPONENTS' TOTAL	\$12,115,429
TOTAL	\$16,214,679

*These committees received money from other ballot measure committees, so the following sums are effectively counted twice in the totals: Yes on the Health Kids Plan received \$168,000 from the Healthy Communities Coalition and \$76,000 from the Nurses United PAC. Oregonians Against the Blank Check received \$146,434 from the Stop the Measure 50 Tax Hike committee, which in turn received \$144,205 from the Blank Check committee.

TEXAS

Texans voted on and passed 12 ballot measures in 2007. However, the Institute identified committees that raised money around only two of those measures. Almost all of those contributions were given to support measures.

Proposition 15 authorized the creation of the Cancer Prevention and Research Institute of Texas by issuing up to \$3 billion in general obligation bonds. Four committees raised \$1.9 million in support of the measure, none against.

CONTRIBUTIONS TO TEXAS' PROPOSITION 15 COMMITTEES, 2007

PROPOSERS	TOTAL
Yes On 15	\$1,246,450
Texans To Cure Cancer	\$624,209
Cure In Your Lifetime	\$37,456
PROPOSERS' TOTAL	\$1,908,115
Opponents	
Prop 15 Families Against Cancer Tax	\$3,500
OPPONENT'S TOTAL	\$3,500
TOTAL	\$1,911,615

TOP CONTRIBUTORS TO PROPOSITION 15 SUPPORTING COMMITTEES, 2007

TOP PROPOSERS	TOTAL
Time Warner	\$500,000
Lance Armstrong Foundation	\$296,040
American Cancer Society	\$247,243
Comcast	\$150,000
Clear Channel	\$135,000
Lamar Advertising	\$110,400
PhRMA	\$100,000
TOTAL	\$1,661,183

Proposition 6 — which allows individuals to exempt a single personal motor vehicle from property taxation if the vehicle is also used for business activities — passed handily, with virtually no organized opposition.

Just one committee was identified as raising funds around the measure. Texans For Tax Relief raised \$828,366.

UTAH

Voters in Utah heartily rejected Referendum 1, the Education Voucher measure, which would have implemented a bill passed earlier in the year by the state legislature to establish a state-funded scholarship program for qualifying students to attend eligible private schools. The law could only go in effect if approved by the voters.

Four committees raised money to promote the measure, while just one committee raised money to oppose it.

CONTRIBUTIONS TO UTAH'S REFERENDUM 1, 2007

VOUCHER PROPONENTS	TOTAL
Parents For Choice In Education	\$5,149,827
Informed Voter Project	\$200,000
Hispanics Council For Reform And Educational Options	\$30,000
Hispanics For School Choice*	\$15,000
PROPONENTS' TOTAL	\$5,394,827
VOUCHER OPPONENTS	
Utahns For Public Schools	\$3,522,625
OPPONENTS' TOTAL	\$3,522,625
TOTAL	\$8,917,452

*The Hispanics For School Choice received \$15,000 from the Parents for Choice in Education committee, so that money is reflected in the total twice: once as income received by the Parents for Choice committee and then again as income to the Hispanics For School Choice committee.

Opponents raised \$306,125 from out-of-state donors, about 9 percent of their total. Proponents similarly relied little on out-of-state cash, raising \$791,917, or 15 percent of their total from these sources.

Individual donors were the proponents' mainstay, providing \$4.4 million, or 82 cents of every dollar raised. Opponents, on the other hand, raised very little from individual donors (\$145,573), relying heavily on the \$3.3 million raised from labor organizations.

THE BYRNE FAMILY VS. THE NEA

Members of the Byrne family, of the Utah-based internet retailer Overstock.com, provided 77 cents of every dollar raised by the proponents, while national, state and local chapters of the National Education Association provided 93 cents of every dollar raised in opposition.

Patrick Byrne, CEO and founder of Overstock.com, gave nearly \$3 million — \$200,000 to the Informed Voter Project (all the money the committee raised) and \$2.8 million to the Parents for Choice in Education committee.

John Byrne, former CEO of both Overstock.com and White Mountains Insurance Group (and Patrick's father), gave \$1 million. His wife, Dorothy, gave \$200,000.

The Utah Education Association was the largest donor overall, contributing nearly \$3.1 million to defeat the measure.

The National Education Association gave \$102,186, while chapters from other states, including the California Teachers Association, gave an additional \$109,507.

TOP CONTRIBUTORS TO UTAH'S REFERENDUM 1, 2007

TOP PROPONENTS	TOTAL
Byrne, Patrick M.	\$2,967,635
Byrne, John & Dorothy	\$1,200,000
Advocates For School Choice	\$350,000
Parents For Choice In Education	\$305,000
Milton & Rose D. Friedman Foundation	\$261,847
TOP PROPONENTS' TOTAL	\$5,084,482
TOP OPPONENTS	
Utah Education Association	\$3,079,540
National Education Association	\$102,186
Communities For Quality Education	\$56,864
California Teachers Association	\$50,000
Burningham, Dee	\$12,500
TOP OPPONENTS' TOTAL	\$3,301,090
OVERALL TOTAL	\$8,385,572

WASHINGTON

Washington voters passed all six measures on the state's ballot in 2007. Committees raised money around four of the six measures. Two of those six had no identified opponents raising funds.

Nearly \$3.3 million was raised to support HJR 4204, which changed the approval requirement for school levies from a super majority of 60 percent to a simple majority and removed the requirement that there be at least 40 percent of the turnout from the previous general election for school levy increases to be valid. Despite the lack of a funded opposition campaign, the measure barely passed, garnering just 50.6 percent of the votes.

SJR 8206 also had no funded opposition. The measure required the state legislature to transfer 1 percent of general state revenues to a budget stabilization account each year. One committee, Yes to A Rainy Day Fund, raised \$229,239; the measure was approved with 68 percent of the votes.

It was not a good day for opponents, who lost their campaigns despite raising significantly more money than the proponents:

Opponents to Referendum 67, which made it unlawful for insurers to unreasonably deny certain coverage claims, raised \$11.5 million, triple the \$3.8 million raised by proponents. Nevertheless, the referendum passed with 57 percent of the votes.

Similarly, opponents to Initiative 960, which required two-thirds legislative or voter approval for state tax increases and legislative approval for fee increases, raised \$1.3 million, which is 36 percent more than the \$825,328 raised by the proponents. The measure barely won, with 51 percent of the votes.

CONTRIBUTIONS TO WASHINGTON BALLOT MEASURE COMMITTEES, 2007

MEASURE	COMMITTEE	POSITION	TOTAL
Referendum 67	Consumers Against Higher Insurance Rates	Against	\$11,521,058
Referendum 67	Approve 67	For	\$3,839,588
REFERENDUM 67 TOTAL			\$15,360,646
HJR 4204	People For Our Public Schools	For	\$3,292,047
HJR 4204	Cit Comm For Arlington Schools	For	\$1,286
HJR 4204 TOTAL			\$3,293,332
Initiative 960	No On I 960	Against	\$1,291,485
Initiative 960	Voters Want More Choices	For	\$825,328
INITIATIVE 960 TOTAL			\$2,116,814
SJR 8206	Yes To A Rainy Day Fund	For	\$229,239
SJR 8206 TOTAL			\$229,239
TOTAL			\$21,000,031

REFERENDUM 67

Referendum 67, which passed with 57 percent of the votes, made it unlawful for insurers to unreasonably deny certain coverage claims. The measure was an “insurance-industry–backed effort to repeal a new law allowing consumers to sue for triple damages if an insurance company ‘unreasonably’ denies a legitimate claim.”⁵

Trial lawyers were pitted against the insurance industry and both camps poured money into the campaign.

TOP CONTRIBUTORS TO REFERENDUM 67 COMMITTEES, 2007

TOP PROPONENTS	TOTAL
Washington State Trial Lawyers Association	\$1,184,660
Schroeter Goldmark & Bender	\$76,265
Abraham Lincoln Memorial Society	\$65,750
Western Washington Trial Lawyers For Victims Rights	\$64,000
City Of Destiny Pac	\$56,750
American Association For Justice	\$50,000
Holman, James L.	\$50,000
Perey, Ron J.	\$50,000
Stritmatter, Paul L.	\$50,000
East King County Lawyers For Justice	\$49,500
TOP PROPONENTS' TOTAL	\$1,696,925
TOP OPPONENTS	
State Farm Mutual Automobile Insurance	\$1,916,565
Farmers Insurance Group	\$1,557,472
Allstate Insurance	\$1,500,740
Safeco Corp.	\$1,452,915
Property Casualty Insurers Association Of America	\$914,592
Travelers Companies	\$603,025
Mutual Of Enumclaw	\$403,246
Progressive Casualty Insurance	\$402,437
Geico	\$373,432
Zurich American Insurance	\$364,308
TOP OPPONENTS' TOTAL	\$9,488,731
OVERALL TOTAL	\$11,185,656

Insurance companies provided all but \$64,032 of the \$11.5 million raised by the opposition. Four major property and casualty insurance companies led the charge, together providing more than half all the money raised in opposition. In fact, State Farm, the largest opposing donor with \$1.9 million, gave more than the top 10 proponents' combined giving of nearly \$1.7 million.

⁵ Ralph Thomas, “Insurers vs. Lawyers, What’s Behind the Referendum 67 Fight,” Seattle Times, Oct. 10, 2007, available from http://seattletimes.nwsourc.com/html/politics/2003938314_elxballotreferendum10m0.html, accessed July 21, 2008.

Opponents relied heavily on out-of-state donors, who provided \$9.5 million, or 82 percent of their total funds. Individual donors gave just \$2,357 in opposition.

In stark contrast, the proponents raised 96 percent of their funds from within the state, gathering 46 percent of their funds from individual donors. Trial lawyers, law firms and associations provided the bulk of the money raised by the proponents, giving \$3.7 million, or 97 percent of the \$3.9 million raised. The Washington State Trial Lawyers Association was the largest supporting donor, giving \$1.2 million, or nearly a third of the total raised by the proponents.

Proponents prevailed, despite raising only a third of the money raised by the opposition.