



## **2006 BALLOT MEASURE OVERVIEW**

AN ANALYSIS OF THE MONEY RAISED AROUND  
MEASURES ON STATE BALLOTS IN 2006

By

THE NATIONAL INSTITUTE ON MONEY  
IN STATE POLITICS

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## OVERVIEW

Although citizens had the last word on Election Day, a close look at who funded state ballot measure campaigns in 2006 reveals that they are often anything but citizen-driven grassroots efforts. Out-of-state donors, large corporations, special interests and wealthy individuals provided the lion's share of the money raised to support or defeat the 2006 measures.

Committees formed to support or oppose the measures raised \$648.4 million in contributions, or 28 percent more than the \$540 million raised around measures on the ballots in 2004 (see Appendix A on page 141 for 2006 totals by state). The 2005 ballot measures attracted \$466.2 million, thanks largely to expensive measures in California.

An analysis of the \$648.4 million raised around the measures in 2006 reveals:

- Individual donors played a relatively small role in funding the campaigns, providing just 23 percent of the total contributions raised, or \$147.5 million. However, most of that money, or \$101.3 million, was given by just 15 donors who gave \$1 million or more.
- Controversial measures on same-sex marriage, minimum wages, property rights, abortion and others appeared on ballots in more than one state, often orchestrated by the same proponents.
- The 2006 elections saw a major surge of ballot measures from previous years: 219 measures were on the ballot in 37 states in 2006 — the third-highest in 100 years<sup>1</sup> — and almost double the 111 measures on ballots in 28 states in 2004. During the 2005 off-year election, nine states had a total of 25 measures on the ballots, similar to the 24 measures on ballots in 11 states in 2003.

Businesses and special interests were the primary donors to ballot measure committees, giving \$444.7 million, or 69 percent of the money raised around the 2006 measures. Tobacco company giants R.J. Reynolds and Altria, along with their affiliates and political action committees, were among the top three donors in this group, giving \$46.8 million and \$35.3 million, respectively, in eight states. Chevron Corporation was the second largest, giving \$38.9 million to campaigns in Alaska, California and Colorado.

Labor organizations contributed another \$48.2 million, while unitemized contributions — those that fall under the states' reporting threshold for providing donor information — came to \$3.3 million. The remaining \$4.7 million came from party, candidate and leadership committees.

Out-of-state donors played a pivotal role as financiers of the ballot measure campaigns, giving nearly \$155 million, or 23 percent of the total contributions. Measures in three states — California, Ohio and Arizona — attracted most of the out-of-state donations. The measures in California attracted nearly \$58 million, while the measures in Ohio and Arizona received \$17 million and \$15.7 million, respectively.

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<sup>1</sup> Pamela M. Prah, "Cancer Research, Vouchers on '07 Ballots," *Stateline.org* [on-line] Oct. 1, 2007; available from <http://www.stateline.org/live/details/story?contentId=244564>; Internet; accessed Oct. 4, 2007.

Although individual donors as a group were minor players, three individuals rose above the crowd:

- Stephen Bing, a Hollywood movie producer, was the largest donor overall, giving \$49.6 million in support of the failed Proposition 87 in California. The measure would have imposed a profit tax on energy companies and allotted \$4 billion for alternative energy research. Bing's contributions — the most ever given by an individual — accounted for 83 percent of the \$59.7 million raised by supporters of the measure.
- James and Virginia Stowers, of the Stowers Institute for Medical Research, gave \$26.8 million in support of the successful Amendment 2 in Missouri that allows for stem cell research, therapies and cures. (The Stowers Institute itself gave an additional \$79,068.) The Stowers' personal contributions accounted for 82 percent of the \$32.6 million raised in support of the measure.
- Not appearing on any campaign-finance reports, but still a heavy-hitter, was New York real estate magnate and active Libertarian Howard Rich. Although Rich never made any direct contributions, three of every four dollars raised by proponents of the so-called Taxpayers Bill of Rights (TABOR) measures on ballots in several states could be traced back to him. Altogether, groups affiliated with Rich provided \$7.6 million to support the measures, three of which were rejected by voters and five that were disqualified after successful court challenges by opponents.

## CALIFORNIA LEADS THE PACK

California's 15 ballot measures were the most costly, garnering a total of \$359.1 million, or 55 percent of the money raised. Missouri's seven ballot measures came in a distant second, with nearly \$52 million, \$36.7 million of which was raised around the highly controversial Amendment 2, which allowed and set limitations on stem cell research, therapies and cures. Arizona had the second highest number of measures on the ballot in 2006 — 17 — that attracted nearly \$32.5 million.

The most expensive measure on the ballot in 2006 was California's Proposition 87, which garnered \$153.9 million in contributions. The measure, known as the Clean Alternative Energy Program, would have established a \$4 billion program to fund research and production incentives for alternative energy, with the goal of reducing the state's petroleum consumption by 25 percent. The program would have been funded by a severance tax on producers of oil extracted in California.<sup>2</sup>

The funding of this measure typifies the point that ballot measure campaigns are not grassroots campaigns, driven instead by large corporations, special interests and wealthy individuals.

Ninety-nine percent of the \$94.2 million raised in opposition to the measure came from oil production companies. Two companies in particular shelled out substantial sums to fight the

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<sup>2</sup> "California General Election Official Voter Information Guide," *California Secretary of State* [on-line]; available from <http://www.voterguide.sos.ca.gov/props/prop87/prop87.html>; Internet; accessed Nov. 1, 2007.

measure. Chevron, headquartered in San Francisco, Calif., gave \$38 million, and Aera Energy, “one of California’s largest oil and gas producers, accounting for approximately 30% of the state’s production,”<sup>3</sup> gave \$32.8 million. Just 11 individuals gave in opposition to Proposition 87, contributing a total of \$60,100.

By comparison, 153 individual donors gave in support of Proposition 87. However, one individual, Stephen Bing, as mentioned earlier, provided 83 percent of the \$59.7 million in contributions given by supporters of the measure.

In the end, the opponents’ contributions paid off, as voters rejected the measure by a vote of 45 percent in favor to 55 percent against.

## ISSUES ACROSS STATE LINES

Several issues appeared on ballots in several states in 2006. The Institute researched these “clusters” of ballot measures to reveal to what extent they might have been organized or opposed by similar groups. The reports follow the overview and are organized by highest total contributions. They include:

- The battle over tobacco taxation, smoking bans and the expenditure of tobacco settlement money was not cheap. As health groups squared off with the tobacco industry in seven states — Arizona, California, Florida, Missouri, Nevada, Ohio, South Dakota — the total cost rose to \$128.6 million.
- The 2006 elections saw voters in five states weigh in on six ballot measures involving gambling issues. Four of the measures sought to expand gambling in some form, while a measure in South Dakota sought to eliminate gambling in the state. Committees supporting and opposing the gambling measures raised nearly \$54 million. Gambling-related enterprises with a direct stake in the passage or failure of the measures provided 89 percent, or \$48 million of all contributions related to the measures.
- The 15 property-rights measures, which were on more ballots than any other issue in 2006,<sup>4</sup> attracted \$29.5 million in contributions, 70 percent of which was raised by the opponents. California’s battle was by far the most expensive — the \$18.2 million raised around Proposition 90 accounted for 62 percent of the total raised around all 13 measures.
- The abortion measure battles in California, Oregon and South Dakota attracted \$19.4 million in contributions. Opponents of the measures raised almost \$12.1 million, or two-thirds more than the \$7.3 million raised by proponents.

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<sup>3</sup> “Overview, *Aera Energy* [on-line]; available from <http://www.aeraenergy.com/whoweare/overview.htm>; Internet; accessed Nov. 1, 2007.

<sup>4</sup> “Property Rights Issues on the 2006 Ballot,” *National Conference of State Legislatures*, Nov. 12, 2006 [on-line]; available from [http://www.ncsl.org/statevote/prop\\_rights\\_06.htm](http://www.ncsl.org/statevote/prop_rights_06.htm); Internet; accessed May 21, 2007.

- Efforts in nine states to enact strict state-spending limits — or Taxpayer Bill of Rights (TABOR) measures — generated more than controversy. In fact, the issue drew \$22.6 million in contributions to campaign committees formed to support or to oppose the measures. Proponents of the TABOR measures raised \$10.25 million, while opponents raked in \$12.35 million.
- Voters in nine states faced ballots with constitutional amendments banning same-sex marriage. Committees working for or against the ballot measures raised slightly more than \$18 million. Contributors in favor of same-sex marriage gave more than three times as much as those wanting to define marriage as between a man and a woman.
- Measures calling for an increase in the state minimum wage made their way onto ballots in Arizona, Colorado, Missouri, Montana, Nevada and Ohio in 2006. Advocates and critics of the proposed increases raised a combined \$14.4 million to argue their positions, but the positions of voters in all six states were clear — raise the minimum wage.

With each passing election, citizens' initiatives and legislative referendums are becoming more prevalent on state ballots across the country. Special-interest groups, funded by well-heeled supporters, may turn to the ballots once again during the 2008 presidential election to pass state laws, as well as to turn out a targeted group of voters.

## METHODOLOGY

The Institute on Money in State Politics collected the campaign-finance reports that ballot measure committees involved in non-bond issue measures filed with the state disclosure agency in their respective states. The committees' contributions were entered into a database for analysis. Institute staff use the employer and occupation information provided on disclosure reports to assign an occupation code to contributors. When that information is not provided, staff members conduct additional research to determine a contributor's economic interest, where possible. The occupation codes are based on the Standard Industrial Classification system used by the federal government.

## SMOKING SHOWDOWN

By Anne Bauer

As the old saying goes, “One person’s right to smoke ends where another’s nose begins.” In 2005 and 2006, voters in seven states decided 11 ballot measures aimed at broadening the distance between the smoke and the nose with higher tobacco taxes or limits on public smoking. Additionally, two more states — Florida and Idaho — decided measures that earmarked tobacco settlement funds.

The battle over tobacco taxation and restriction was not cheap. As health groups squared off with Big Tobacco in those seven states — Arizona, California, Missouri, Ohio, Nevada, South Dakota and Washington — the total cost rose to \$125 million.

Ultimately, voters in five of the seven states passed measures that increased restrictions on public smoking and/or increased tobacco taxation. The health coalitions claimed solid majorities in Arizona, Ohio, South Dakota and Washington, and won narrowly in Nevada. Tobacco won by thin margins in Missouri and California.

Tobacco companies concentrated their efforts in California; more than two-thirds of the money Big Tobacco contributed went to committees in that state. With its large population and a proposal for a whopping \$2.60 per pack tax increase on the table, tobacco companies had a lot at stake. Anti-tobacco groups responded by increasing their contributions in that state as well, but were outspent by a ratio of nearly 4-to-1.

In most states, the same players appeared again and again. On the side of public health — physical and fiscal — were coalitions funded mostly by hospitals, hospital associations, Tobacco-Free Kids, the American Lung Association and the American Heart Association. Couching the issue in terms of an individual’s right of self-determination and conservative tax policy were groups bankrolled by tobacco manufacturers R.J. Reynolds, Philip Morris, Altria, the U.S. Smokeless Tobacco Company, drinking and/or gaming establishments, and tobacco sellers.

### CONTRIBUTIONS TO THE TOBACCO MEASURES, 2005-2006

STATE	FOR TOBACCO TAX & RESTRICTION	AGAINST TOBACCO TAX & RESTRICTION	OUTCOME
Arizona	\$5,247,077	\$8,814,393	Tax & Restriction Passed
California	\$16,602,891	\$66,613,804	Tax Increase Failed
Florida <sup>5</sup>	\$5,152,652	\$0	Tobacco \$ Re-Directed
Missouri	\$6,986,455	\$6,208,086	Tax Increase Failed
Nevada	\$617,038	\$2,354,350	Restrictions Passed
Ohio	\$2,686,758	\$6,707,689	Restrictions Passed
South Dakota	\$423,380	\$230,034	Tax Increase Passed
Washington	\$1,593,651	\$33,171	Restrictions Passed
<b>TOTAL</b>	<b>\$39,309,902</b>	<b>\$90,961,527</b>	

<sup>5</sup> Florida voters faced a measure asking them to earmark tobacco settlement funds for tobacco-use prevention and education programs.

In Arizona, Nevada and Ohio, committees largely sponsored by R.J. Reynolds proffered a ballot measure in alternative to one driven by the health coalitions. In each of those three states, the tobacco supporters' ballot measure proposed less-restrictive prohibitions on public smoking. Perhaps recognizing that the public consciousness ensured some limitations on public smoking, Big Tobacco attempted to control the scope of the ban to allow smoking in places in which people were most likely to want to smoke, such as drinking and gaming establishments.

Individual donors played a minor role in each state's battle. Even Arizona and California, the two states recording a large number of individual contributors, collected only a small portion of the total raised from those individuals. Moreover, in states in which the larger organizations contributed less or not at all, businesses with a stake in the outcome of the vote contributed the vast majority of the money.

Two other states had tobacco-related measures on the ballot, neither of which attracted contributions from tobacco interests. Idaho's 2006 measure directed the expenditure of tobacco settlement money. SJR 107, which passed with 58 percent of the vote, created the Idaho Millennium Permanent Endowment fund, into which 80 percent of the tobacco money will be deposited. No identified committees raised funds in support of or in opposition to SJR 107. Florida's 2006 measure, Amendment 4, earmarked 15 percent of tobacco settlement revenues for tobacco education and prevention. Although Big Tobacco did not make direct contributions opposing this measure, several health organizations gave in support of Amendment 4.

#### MAJOR CONTRIBUTORS

The top 10 contributors on both sides of the issue gave 93 percent of the money raised. On the anti-tobacco side, the American Cancer Society was the top contributor, giving nearly \$11.4 million. The California Healthcare Association, a group representing the interests of hospitals and health systems, contributed \$9.7 million to support the California measure. The Missouri Hospitals Association gave over \$5 million, all in Missouri. The American Heart Association gave \$2.5 million, Tobacco-Free Kids gave \$1.3 million, and the American Lung Association gave \$841,985. Altogether, the top 10 anti-tobacco contributors gave 84 percent of all the money raised by committees supporting tobacco taxation and restriction.

Tobacco companies gave far and away more money than any other group, with R.J. Reynolds, Philip Morris and Altria, Philip Morris's parent group, providing a combined total of \$82.2 million. Combined, tobacco manufacturers gave \$87.8 million, or 96 percent of the \$90.9 million raised to fight tobacco taxes and restrictions. Looked at another way, tobacco companies contributed 72 percent of all the money raised around tobacco-related ballot measures in 2005 and 2006, even though they did not give anything in Florida or Washington. Smoke Less Ohio Inc. was another major contributor, giving \$6.4 million. At least some of the money behind the Smoke Less Ohio Inc. came from R.J. Reynolds. The other top 10 contributors were all gaming interests giving in Nevada. Altogether, the top 10 pro-tobacco contributors gave 98 percent of the money raised by the committees fighting tobacco tax and restriction.

## TOP CONTRIBUTORS TO TOBACCO COMMITTEES, 2005-2006

<b>PROponents OF BROADER SMOKING BANS &amp; TOBACCO TAXES</b>		<b>TOTAL</b>
American Cancer Society		\$11,390,149
California Healthcare Association		\$9,737,325
Missouri Hospital Association		\$5,092,740
American Heart Association		\$2,544,856
Tobacco-Free Kids		\$1,348,198
California Association of Hospitals & Health Systems		\$1,157,039
American Lung Association		\$841,985
Washington University		\$505,750
Fulton Homes		\$311,000
Blue Cross Blue Shield		\$275,000
	<b>TOTAL</b>	<b>\$33,204,042</b>
<b>OPponents OF BROADER SMOKING BANS &amp; TOBACCO TAXES</b>		
R.J. Reynolds		\$40,325,877
Philip Morris/Altria		\$35,436,370
Smoke Less Ohio Inc.		\$6,441,053
U.S. Smokeless Tobacco		\$2,801,786
Commonwealth Brands		\$1,250,000
Cigar Association of America		\$1,050,000
Herbst Gaming		\$1,052,050
Conwood Company		\$501,000
United Coin		\$297,500
Golden Gaming		\$200,000
	<b>TOTAL</b>	<b>\$89,355,636</b>
	<b>OVERALL TOTAL</b>	<b>\$122,559,678</b>

### ACROSS STATE LINES

Out-of-state money accounted for \$56.9 million, or 44 percent of the total raised in the tobacco battles in 2005 and 2006.

Four of the top 10 anti-tobacco donors gave to committees in multiple states. The American Cancer Society spread its money to all eight states, with emphasis on Florida, California and Ohio; the American Heart Association and Tobacco-Free Kids each gave to committees in seven states, with both focusing on California. Blue Cross and Blue Shield Companies gave \$200,000 in Missouri and Blue Cross-affiliated organizations gave an additional total of \$105,000 in Arizona, California, South Dakota and Washington.

Big Tobacco gave liberally across state lines. R.J. Reynolds gave in five states, directing the bulk of its money to the battle in California. Philip Morris spread its largesse in four states, again with the preponderance of its efforts concentrated in California. The U.S. Smokeless Tobacco Company contributed to committees in three states. Interestingly, Philip Morris and the U.S. Smokeless Tobacco Company only spent money in states in which a tobacco tax increase was

proposed. In response to an article aired on MSNBC,<sup>6</sup> a Philip Morris company official clarified that Philip Morris was not part of the efforts to preserve or increase public smoking: “We also believe that the conclusions of public health officials concerning environmental tobacco smoke are sufficient to warrant measures that regulate smoking in public places.”

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<sup>6</sup> Lea Thompson, “A Smoke Screen at the Ballot Box?,” *MSNBC*, Aug. 24, 2006 [on-line]; available from <http://www.msnbc.msn.com/id/14233906/>; Internet; accessed May 11, 2007.

**MAJOR CONTRIBUTORS GIVING ACROSS STATE LINES, 2005-2006**

<b>CONTRIBUTOR</b>	<b>STATE</b>	<b>TOTAL</b>
R.J. Reynolds	California	\$25,500,023
	Arizona	\$8,785,827
	Missouri	\$5,787,236
	Ohio	\$264,636
	South Dakota	\$2,797
<b>TOTAL</b>		<b>\$40,340,519</b>
Philip Morris USA & Altria	California	\$35,359,317
	South Dakota	\$65,402
	Arizona	\$9,451
	Missouri	\$2,200
<b>TOTAL</b>		<b>\$35,436,370</b>
American Cancer Society*	Florida	\$3,676,016
	California	\$2,771,315
	Ohio	\$2,172,154
	Arizona	\$975,999
	Washington	\$597,589
	Nevada	\$529,690
	Missouri	\$445,047
	South Dakota	\$222,340
<b>TOTAL</b>		<b>\$11,390,149</b>
U.S. Smokeless Tobacco	California	\$2,646,806
	South Dakota	\$151,980
	Missouri	\$13,000
<b>TOTAL</b>		<b>\$2,811,786</b>
American Heart Association*	California	\$1,082,018
	Florida	\$1,000,000
	Arizona	\$167,306
	Washington	\$116,026
	Ohio	\$104,750
	South Dakota	\$51,356
	Nevada	\$23,400
<b>TOTAL</b>		<b>\$2,544,856</b>
Tobacco-Free Kids*	California	\$502,131
	Washington	\$303,875
	Florida	\$175,090
	Arizona	\$162,872
	Missouri	\$103,550
	Ohio	\$82,646
South Dakota	\$18,034	
<b>TOTAL</b>		<b>\$1,348,198</b>
American Lung Association*	California	\$288,587
	Florida	\$275,000
	Arizona	\$130,835
	Washington	\$93,048
	Nevada	\$47,500
	Ohio	\$6,973
Missouri	\$43	
<b>TOTAL</b>		<b>\$841,985</b>

\*includes giving by state affiliates.

## OUT-OF-STATE DONORS

Overall, anti-tobacco groups raised 72 percent of their funds from in-state donors. In contrast, tobacco supporters raised 50 percent of their funds from in-state donors, including field offices of the large tobacco companies located in state.

Out-of-state contributions accounted for almost all the money raised in support of tobacco in Arizona, South Dakota and Missouri. In California, 37 percent of the contributions to all committees organized around Proposition 86 came from contributors with out-of-state addresses. This number would have been larger, but Philip Morris — a significant contributor in California — used the address of a California office. Philip Morris' headquarters are in Richmond, Va., and the offices of its parent group, Altria, are in New York, N.Y. In Ohio, out-of-state contributors accounted for 4 percent of the dollars raised in support of tobacco. However, \$6.4 million of the \$6.7 million raised came from Smoke Less Ohio, Inc., a committee linked to R.J. Reynolds with an Ohio address. Nevada and Washington committees fighting tobacco taxes and restriction were almost entirely funded by in-state contributions, which came mostly from businesses. Big Tobacco did not contribute in either of those states.

Even without Big Tobacco money to fight in Nevada and Florida, out-of-state donors to tobacco tax and restriction measures contributed the majority of money raised in those states and also in Ohio. California attracted a comparatively large dollar amount from out of state, \$3.2 million, but because California's tobacco battle was the most expensive of all the states, it only accounted for 19 percent of the total. In the absence of a large in-state contributor, such as was found in Missouri, out-of-state health coalitions also gave generously in Ohio, accounting for \$1.5 million, or 58 percent, of the total raised there.

Conversely, Arizona was the one state that had considerable grassroots support for increasing tobacco taxes and limiting public smoking, with a wide variety of Arizona businesses and individuals contributing. In South Dakota, nearly all of the money raised by proponents of a tobacco tax came from in-state donors. However, that does not mean the committee necessarily had grassroots support. The majority of the money came from local affiliates of national health organizations and from hospitals and health care organizations.

## OUT-OF-STATE CONTRIBUTIONS TO TOBACCO MEASURES, 2005-2006

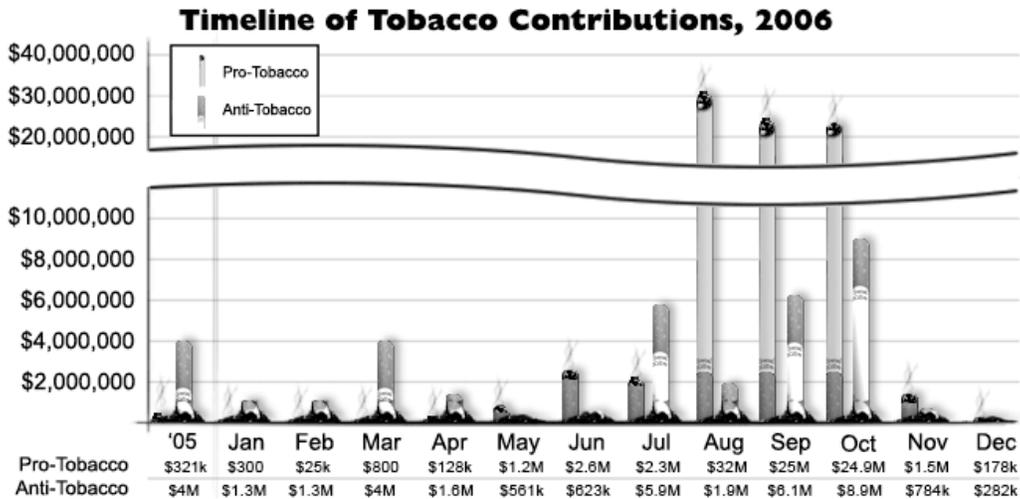
STATE	FOR TOBACCO TAX & RESTRICTION	PERCENT OF PROPONENT TOTAL	AGAINST TOBACCO TAX & RESTRICTION	PERCENT OF OPPONENT TOTAL
Arizona	\$822,543	15.7%	\$8,795,178	99.8%
California	\$3,228,874	19.4%	\$30,910,125	46.4%
Florida	\$3,451,131	67%	\$0	n/a
Missouri	\$783,596	11.2%	\$5,913,840	95%
Nevada	\$518,073	84%	\$12,500	0.5%
Ohio	\$1,560,890	58%	\$264,636*	3.9%*
South Dakota	\$0	N/A	\$224,034	97.4%
Washington	\$453,384	28.4%	\$250	0.7%
<b>TOTAL</b>	<b>\$10,818,491</b>	<b>27.5%</b>	<b>\$45,855,927</b>	<b>50.7%</b>

\*This number is possibly much higher, but can't be calculated. See discussion in the Ohio section for more information.

## TIMING OF THE CONTRIBUTIONS

Anti-tobacco contributors started giving early and gave steadily up until Election Day. Committees supporting tobacco taxation and restriction started off the year 2006 with \$4 million already in their coffers. Contributions stayed steady from January through June, and then jumped considerably in the four months preceding the election.

In contrast, pro-tobacco contributions started sluggishly, then abruptly spiked in August so that the bulk of contributions to pro-tobacco committees came in the three months immediately preceding the election. Contributions totaled less than \$500,000 from the time contributions were first recorded in late 2005 until May of 2006. In May, contributions went up slightly, with committees receiving \$1.1 million. In August, contributors began pumping in money in earnest. August was the highest month in which donations were recorded, topping out at \$32 million.



Washington state contributions were excised from the above analysis, as that election was held in 2005. No on 901, the pro-tobacco committee, was vastly out-raised by proponents of the measure, raising only 2 percent of the total amount raised around I-901. The measure's opponents recorded no contributions until September, when \$12,095 was raised. October contributions peaked at \$14,245 and fell off again in November to \$6,831.

## CONTRIBUTIONS TO WASHINGTON'S INITIATIVE 901, 2005



Healthy Indoor Air for All Washington, the committee supporting the measure, started raising money early on and kept steadily at it until after the race was decided. The committee began 2005 with \$83,000. From January through April, the committee collected \$239,735. Contributions went up in May, rising to \$323,409 in that month, then slowed down again to \$39,569 in June and \$43,917 in July. August fund raising rose again to \$125,246 and held steady in September with \$174,079. The big spike came in October, when \$552,626 — more than one-third of the total raised — was recorded. November contributions fell to \$12,070.

### A CLOSER LOOK AT EACH MEASURE

#### ARIZONA

Big Tobacco took a double hit in Arizona in 2006, though it spent 63 percent of all money in the battle. Proposition 203, a measure which assessed an additional 80 cents per pack tax on cigarettes with a similar increase on other types of tobacco products, passed with 53 percent of the votes cast. Tax revenues are earmarked for an Early Childhood Development and Health Fund. The tobacco company-sponsored Proposition 206, which would have prohibited some public and workplace smoking but allowed it in bars and designated smoking areas in restaurants, failed when it captured only 43 percent of the vote. The competing Proposition 201, a near-total ban on public smoking, passed instead with 55 percent of the votes.

## CONTRIBUTIONS TO ARIZONA'S TOBACCO MEASURES, 2006

<b>PROPOSERS OF BROADER SMOKING BANS &amp; TOBACCO TAXES</b>		<b>TOTAL</b>
Yes On 203 <sup>7</sup>		\$3,206,276
Smoke-Free Arizona Yes On 201-No On 206		\$1,810,400
Arizonans For A Fair Beginning		\$230,400
	<b>TOTAL</b>	<b>\$5,247,076</b>
<b>OPPONENTS OF BROADER SMOKING BANS &amp; TOBACCO TAXES</b>		
Arizona Non-Smoker Protection Committee		\$8,804,642
No On Proposition 203 Philip Morris USA		\$9,451
Committee To Oppose Smoke Free Arizona		\$300
	<b>TOTAL</b>	<b>\$8,814,393</b>
<b>OVERALL TOTAL</b>		<b>\$14,061,469</b>

Tobacco opponents enjoyed comparatively greater grassroots support in Arizona, as evidenced by the number of contributors. Between the three committees, there were over 450 individual contributors who gave a total of \$1.1 million, or 22 percent of the total raised to tax and restrict tobacco. By comparison, the pro-tobacco groups raised 99.8 percent of their money from tobacco companies. Of the \$8.8 million raised to fight the measures, R.J. Reynolds provided \$8.78 million. Philip Morris and Altria also contributed a relatively paltry amount — nearly \$10,000. The balance came from the Arizona Licensed Beverage Association and close to 100 individuals and drinking establishments.

### *Proposition 201*

Proposition 201, supported by Smoke-Free Arizona, prohibits smoking in all public places and places of employment, except in tobacco shops, outdoor patios, veterans and fraternal clubs when they are not open to the public, and hotel rooms designated as smoking rooms. The measure also increased the state tax on cigarettes another 2 cents per pack. Revenues collected from this tax will pay for enforcement and education costs.

One group registered opposition to Proposition 201: Committee To Oppose Smoke Free Arizona. This group reported raising \$300 from a Phoenix bar owner and shared a treasurer, Fred Mallaire, with the Arizona Non-Smoker Protection Committee.

### *Proposition 206*

Proposition 206 was the tobacco company-sponsored alternative to the more restrictive Proposition 201. While the ballot language sounded very similar to that of Proposition 201, 206 would have allowed smoking in bars. Another important aspect of 206 is that it would have preempted local regulations — so more restrictive local ordinances, such as the ordinance which was already in effect in Tempe, would have been effectively repealed. This is essentially the same approach used by R.J. Reynolds-backed groups in Ohio. As a tactic, proponents of Proposition 206 used a title suggestive of a group with the core value of protecting the public health and welfare: The Arizona Non-Smoker Protection Committee. However, the main intent of Proposition 206 was to allow more smoking in public establishments.

<sup>7</sup> \$220,100 of this committee's total came from the Arizonans For A Fair Beginning, making it likely that the money is reported twice in disclosure reports.

Smoke-Free Arizona opposed 206 and supported 201. Smoke-Free Arizona had a large number of individual contributors, but those contributors gave comparatively little money. Most of the committee's \$1.8 million in contributions came from organizations. These include the American Cancer Society, giving over half of the total, or \$975,999; the American Heart Association, with \$167,306; Campaign for Tobacco-Free Kids of Washington, D.C., \$162,872; the American Lung Association, with \$130,835; Arizonans Concerned About Smoking, giving \$107,742; and the Arizona Hospital and Healthcare Association, giving \$50,833.

### *Proposition 203*

Proposition 203 established an Early Childhood Development and Health Fund financed primarily by an increase in the state tax on tobacco products. The state tax on cigarettes increased from \$1.18 per pack to \$1.98 per pack, and the tax on other types of tobacco products increased by a similar amount. Combined with the increase contained in Proposition 201, the tax on cigarettes in Arizona is now \$2.00 per pack, which ties it with two other states for fourth-highest state tax in the nation.<sup>8</sup>

A group called No On Proposition 203 – Philip Morris USA raised token resistance to Proposition 203. That committee didn't file with the Arizona Secretary of State until a month before the election, took in less than \$10,000 — all as in-kind donations from Philip Morris and Altria Group, Philip Morris' parent company — and listed over \$57,000 in debts. Very little other opposition to Proposition 203 was in evidence, although the Arizona Tax Research Association opposed it on similar grounds to those that propelled a court challenge in Missouri. Those reasons included fear that creation of a fund whose coffers came only from this tax would ultimately take money out of the general fund because revenues would decline as people quit smoking.

Two groups supported 203: Arizonans For A Fair Beginning and Yes on 203. Lodi Farms, Pinnacle West and Bank of America contributed the bulk of Arizonians For A Fair Beginning's \$230,400. The committee, in turn, donated \$220,100 to Yes On 203. Yes On 203 (formerly First Things First For Arizona's Children) raised \$3.2 million from diverse individuals, organizations and political committees. Large contributors included Fulton Homes (\$311,000); Basha's Grocery Stores corporate offices, officers and employees (\$238,685); Grace Investment Company (\$150,000); Ross Farnsworth of Farnsworth Companies (\$105,000); Jerry Colangelo of the Phoenix Suns (\$50,000); and Blue Cross of Arizona (\$50,000).

## CALIFORNIA

Proposition 86, rejected by 52 percent of the voters, sought to impose an additional \$2.60 to California's current tax of 87 cents per pack and indirectly increase tax on other tobacco products. The funds generated from this increased tax would have gone for health care and health insurance programs. Had Proposition 86 passed, California would have had the highest tobacco tax in the nation at \$3.47 per pack.

Big Tobacco had a lot at stake in California and its contributions reflected that fact. R.J. Reynolds, Philip Morris and other tobacco companies invested approximately three times as much in

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<sup>8</sup> "State Cigarette Excise Tax," *National Conference of State Legislatures*, March 2007 [on-line]; available at <http://www.ncsl.org/programs/health/Cigarette.htm>; Internet; accessed May 21, 2007.

California as they invested in the other states combined. California represents a huge tobacco market that accounts for 6 percent of R.J. Reynolds' total cigarette sales.<sup>9</sup>

The four groups opposing Proposition 86 collected a combined total of \$66.6 million. The two groups registered in support of Proposition 86 took in \$16.6 million. For every dollar raised in support of Proposition 86, Big Tobacco raised four. Even so, it was a narrow victory: just 52 percent of Californians voted against the measure.

Individual Californians were scant on the list of contributors on either side. Pro-tobacco groups took in almost nothing from their three individual contributors — a mere \$700 out of \$66.6 million raised — and received 46 percent of their contributions from out of state. Tobacco tax proponents in the Yes on Proposition 86 committee had a small measure of grassroots support, demonstrated by some three dozen individual contributors who gave a combined total of \$13,700, plus a single contribution of \$250,000 from New York City Mayor Michael Bloomberg and support from the PICO Network, a coalition of faith-based community organizations, which gave \$75,432. These anti-tobacco groups raised only 19 percent of their funds from out-of-state sources.

#### CONTRIBUTIONS TO CALIFORNIA'S TOBACCO MEASURES, 2006

<b>PROPOSERS OF BROADER SMOKING BANS &amp; TOBACCO TAXES</b>	<b>TOTAL</b>
Yes on Proposition 86: A Coalition of Health Organizations Promoting Disease Research, Tobacco Control, Emergency Care and Children's Health Services <sup>10</sup>	\$16,352,891
Tobacco-Free Kids Action Fund (Yes on 86)	\$250,000
<b>TOTAL</b>	<b>\$16,602,891</b>
<b>OPPONENTS OF BROADER SMOKING BANS &amp; TOBACCO TAXES</b>	
No on 86-Stop the 2 Billion Tax Hike <sup>11</sup>	\$39,286,031
No on Proposition 86, Californians Against Unaccountable Taxes	\$27,174,633
California Association of Liberty and Choice No on Prop 86	\$123,140
Citizens For Responsible Elections	\$30,000
<b>TOTAL</b>	<b>\$66,613,804</b>
<b>OVERALL TOTAL</b>	<b>\$83,216,695</b>

Tobacco companies fronted three groups to defeat Proposition 86. Philip Morris bankrolled No on 86-Stop the 2 Billion Tax Hike, providing over \$35 million of the \$39.2 million the committee raised. Other contributions included \$2.6 million from the U.S. Smokeless Tobacco Company, \$1.25 million from Commonwealth Brands, a discount-price cigarette manufacturer, \$144,449

<sup>9</sup> Christopher Cooper, "Big Tobacco Spending Big Money to Fight State Bans, Taxes," *Wall Street Journal*, Oct. 10, 2006 [newspaper on-line]; available from [http://online.wsj.com/public/article/SB116044511224087676-kW\\_BI\\_8I9DLDKp1XL4\\_JWV4sjE\\_20071010.html](http://online.wsj.com/public/article/SB116044511224087676-kW_BI_8I9DLDKp1XL4_JWV4sjE_20071010.html); Internet; accessed April 24, 2007.

<sup>10</sup> \$250,000 of this committee's total came from the Tobacco Free Kids Action Fund, making it likely that the money is reported twice in disclosure reports.

<sup>11</sup> No on 86 received \$129,907 from Californians Against Unaccountable Taxes. No on 86 contributed \$248,246 to Californians Against Unaccountable Taxes. This money was likely reported twice in disclosure reports.

from the committee Californians Against Unaccountable Taxes, and the California Republican Party, which gave \$10,000.

R.J. Reynolds financed the No on Proposition 86, Californians Against Unaccountable Taxes committee, pumping in roughly \$25.4 million of the \$27 million raised by the committee. The preponderance of the balance came from the Cigar Association of America (\$1 million), the No on 86 – Stop the \$2 Billion Tax Hike committee (\$248,246), Conwood Company (\$500,000) and Philip Morris (\$52,638). Two individuals donated a total of \$200 to this committee and the committee also reported collecting \$275 in unitemized contributions, those that fall under the state's threshold for reporting the contributor's name and other identifying information.

The California Association of Liberty and Choice No on Prop 86, composed mainly of cigar manufacturers and cigar retailers, raised \$123,140. One individual donated \$500 to this committee. The Citizens For Responsible Elections, which worked on other measures on the ballot, raised \$30,000. This committee took positions on 12 other ballot measures and collected two contributions; \$20,000 from the Golden State Water Company, a water utility, and \$10,000 from singer Don Henley. Another group which formed in opposition to Proposition 86, Physicians Against Proposition 86, died a mere four days after receiving its first contribution. Started with contributions of \$25,000 each from convenience store wholesalers Core-Mark International, Inc. and Pacific Groservice, this committee closed when both contributions went back to the contributors. Not long after, Core-Mark and Pacific Groservice gave contributions in the same amounts to No on Proposition 86.

Two groups supported Proposition 86. The Yes on Proposition 86 committee was funded in the main by the California Healthcare Association, which gave \$9.7 million or 60 percent of the committee's \$16.3 million total. Other large donors include: the American Cancer Society (\$2.8 million), the California Association of Hospitals and Health Systems (\$1.1 million), the American Heart Association (\$1 million), the Tobacco-Free Kids Action Fund (\$502,131), and the American Lung Association (\$288,587).

The Tobacco-Free Kids Action Fund received \$250,000 in a single contribution from Michael Bloomberg, mayor of New York City, and distributed it in a single check to Yes on Proposition 86.

## FLORIDA

Florida's 2006 measure, Amendment 4, which passed by a substantial margin, earmarked 15 percent of tobacco settlement revenues for tobacco education and prevention. No groups registered with the state to oppose Amendment 4. The committee supporting Amendment 4, Floridians For Youth Tobacco Education, raised \$5.15 million. The bulk of the money came from the American Cancer Society, which put forth \$3.7 million. The American Heart Association contributed \$1 million, the American Lung Association kicked in \$275,000, and Tobacco-Free Kids put in \$175,090.

## MISSOURI

Big Tobacco eked a narrow win over the Missouri Hospital Association and individual hospitals in the Show-Me State when Amendment 3 failed narrowly with 51 percent of the voters opposed. Amendment 3 proposed a tax increase of 80 cents per pack on cigarettes to fund tobacco reduction and prevention programs and health care for the poor.

Squaring off on the pro side was the Committee for a Healthy Future. The Missouri Hospital Association provided 73 percent of the nearly \$7 million raised by this committee. Other organizations included Washington University (\$505,750), the American Cancer Society (\$445,047), Tobacco-Free Kids of Washington, D.C. (\$103,550), and \$100,000 each from Blue Cross Blue Shield of Kansas City and Blue Cross Blue Shield of California. The lone individual contribution was \$25,000 from William H. Danforth, former chancellor of Washington University. Overall, 11 percent of this committee's money came from out of state.

**CONTRIBUTIONS TO MISSOURI'S TOBACCO MEASURES, 2006**

**PROPOSERS OF BROADER SMOKING BANS & TOBACCO TAXES**

	<b>TOTAL</b>
Committee for a Healthy Future	\$6,986,455

**OPPONENTS OF BROADER SMOKING BANS & TOBACCO TAXES**

Missourians Against Tax Abuse	\$5,824,445
Missouri Petroleum Marketers & Convenience Stores	\$246,805
Missourians Against Unfair Taxes <sup>12</sup>	\$136,836
<b>TOTAL</b>	<b>\$6,208,086</b>

**OVERALL TOTAL    \$13,194,542**

Three committees registered in opposition to the measure: Missourians Against Tax Abuse, Missourians Against Unfair Taxes and Missouri Petroleum Marketers and Convenience Stores. Together, those committees raised \$6.2 million to defeat Amendment 3.

Another factor that might have played a role in the amendment's defeat was the opposition of some prominent Republican lawmakers. A little more than a month before the election, the Missouri House Speaker Pro Tem Carl Bearden, the House Budget Chairman Alan Ict and the Senate Appropriations Committee Chairman Charles Gross filed an amicus brief with the Missouri Supreme Court concluding that Amendment 3 created an unfunded mandate in violation of the Missouri Constitution.

The preponderance of the money was channeled into Missourians Against Tax Abuse, financed by R.J. Reynolds. The tobacco manufacturer provided \$5.7 million of the \$5.8 million the committee raised. Other contributions included \$50,000 from the Cigar Association of America, \$25,000 from the law firm Blitz Bardgett and Deutsch, which paid for professional services by Missourians Against Unfair Taxes; \$15,464 from Missourians Against Unfair Taxes; and \$2,308 from Americans for Prosperity.

Missourians Against Unfair Taxes raised \$136,836, mostly from R.J. Reynolds and stores that sell tobacco. Missouri Petroleum Marketers and Convenience Stores raised \$246,805 from its membership. "Missourians Against Tax Abuse kept the . . . proponents very busy and focused with various legal challenges. That allowed MPCA to get out early with our grassroots C-store based voter education program and define the issues on our terms," stated Ronald Leon, executive director of Missouri Petroleum Marketers and Convenience Stores Association in a November

<sup>12</sup> Missourians Against Unfair Taxes contributed \$15,463 to Missourians Against Tax Abuse, making it likely that the money is reported twice in disclosure reports.

2006 newsletter.<sup>13</sup> “RJR fully participated in opposing Amendment 3 — God bless ‘em — and put their money where their mouth is,” Leon said in the same newsletter. And how. Campaign finance reports show R.J. Reynolds spent \$5.8 million in Missouri to oppose Amendment 3. Between the three registered committees opposing Amendment 3, 95 percent of the contributions came from out-of-state contributors.

Six additional groups spent money to fight Amendment 3 without raising external funds or forming a committee.<sup>14</sup> The National Association of Tobacco Outlets spent \$840; the U.S. Smokeless Tobacco Company spent \$83,950; Exelco Leasing spent \$5,000; Americans for Prosperity spent \$25,000; Philip Morris spent \$79,836; and Missouri Family Network spent \$12,913 on a Pro-Life Voters Guide mailing outlining that organization’s opposition to Amendment 3 as well as endorsing and opposing other measures and candidates. These expenditures added another \$207,539 to the fight against the tobacco tax increase.

NEVADA

Nevada voters weighed in on two competing tobacco measures, one advanced by health care interests and the other by tobacco companies. The more restrictive measure, Question 5, passed with 54 percent of the vote despite its supporters being out-raised by a ratio of almost 4-to-1. The less restrictive measure, Question 4, failed with 52 percent voting against it.

**CONTRIBUTIONS TO NEVADA’S TOBACCO MEASURES, 2006**

<b>PROPOSERS OF BROADER SMOKING BANS &amp; TOBACCO TAXES</b>	<b>TOTAL</b>
Nevadans for Tobacco Free Kids	\$617,038
<b>OPPOSERS OF BROADER SMOKING BANS &amp; TOBACCO TAXES</b>	
Smokefree Coalition	\$2,354,350
<b>OVERALL TOTAL</b>	<b>\$2,971,388</b>

Question 4 sought to prohibit smoking in most public places, except all areas of casinos, gaming areas within establishments holding gaming licenses, bars and certain other locations.

One group raised funds in support of Question 4; the deceptively named Smokefree Coalition raised \$2.3 million from bars, gaming establishments, and petroleum marketers. The largest contributor was Herbst Gaming, which anted up over \$1 million. Herbst Gaming interests include slot machines, casinos and convenience stores. Other major contributors included United Coin, a gaming machine manufacturer, which gave \$297,500, and Golden Gaming, a business operating casinos, taverns and video poker machines that kicked in \$200,000. There were no individual contributors and the tobacco industry recorded no direct monetary support.

Question 5 prohibits smoking in certain public places, including all bars with food-handling licenses, but excludes gaming areas of casinos and certain other locations. Nevadans for Tobacco

<sup>13</sup> *MPCA News Online*, Nov. 17, 2006 [on-line]; available from <http://www.mPCA.org/newsletters/2006/110806.htm>; Internet; accessed April 5, 2007.

<sup>14</sup> These non-committee reports can be found at the Missouri Ethics Commission Web site at <http://www.moethics.mo.gov/Ethics/CampaignFinance/CFSearch.aspx>.

Free Kids supported Question 5. They brought in \$617,038, with the majority, or \$529,690, coming from the American Cancer Society. Other contributors included the American Lung Association (\$47,500), the American Heart Association (\$23,400), health care providers and a handful of individual contributors.

## OHIO

Ohio voters also contended with two competing measures purporting to restrict public smoking. Issue 4 — the less restrictive of the two measures was backed by tobacco interests and rejected by 64 percent of the voters. The measure proposed to ban smoking in public places but exempted bars, restaurants, and other locations. It also invalidated any prior local ordinances that were more restrictive than the state amendment. Issue 5 banned smoking in public places, with very few exceptions. It prevailed over Issue 4, gathering 58 percent of the votes.

### CONTRIBUTIONS TO OHIO'S TOBACCO MEASURES, 2006

#### PROPONENTS OF BROADER SMOKING BANS & TOBACCO TAXES

	<b>TOTAL</b>
SmokeFree Ohio	\$2,686,758

#### OPPONENTS OF BROADER SMOKING BANS & TOBACCO TAXES

Smoke Less Ohio Voter Education Fund	\$3,973,884
Smoking Ban Ballot Petition Committee	\$2,733,805
<b>TOTAL</b>	<b>\$6,707,689</b>
<b>OVERALL TOTAL</b>	<b>\$9,394,447</b>

The main committee supporting Issue 4 called itself Smoke Less Ohio Voter Education Fund. It both endorsed Issue 4 and opposed Issue 5. Smoke Less Ohio Voter Education Fund raised nearly \$4 million, mostly from Smoke Less Ohio, Inc. and R.J. Reynolds Tobacco. Another committee, the Smoking Ban Ballot Petition Committee reported raising roughly \$2.75 million, all as in-kind contributions from Smoke Less Ohio, Inc., which had the same address as the Smoking Ban Ballot Petition Committee. Smoke Less Ohio, Inc. registered as a corporation, and as such was not legally required to release the source of its funds. However, an article by the Ohio Tobacco Prevention Foundation reports that Smoke Less Ohio, Inc. spokesman Jacob Evans said the “vast majority” of its money came from R.J. Reynolds.<sup>15</sup> Of the \$6.7 million raised in support of Issue 4, \$6.4 million came from Smoke Less Ohio, Inc. there is no way to tell how much came from R.J. Reynolds (which would be out-of-state money) and how much came from other groups affiliated with Smoke Less Ohio, some of which were based in Ohio.

The SmokeFree Ohio committee supported Issue 5 and collected nearly \$2.7 million. Grassroots support for Issue 5 was evidenced by donations from over 800 individual contributors, though the amount collected from those individuals totals only \$149,936, or 5 percent of the money. The American Cancer Society primarily funded the committee’s efforts, providing nearly \$2.2 million.

<sup>15</sup> “Smoking Ban Group Fails to Declare Funding by Tobacco Firm,” *Toledo Blade*, September 14, 2006; [newspaper on-line]; available at <http://www.toledoblade.com/apps/pbcs.dll/article?AID=/20060914/NEWS24/609140376&SearchID=73257423965040>; Internet; accessed May 11, 2007.

The American Heart Association kicked in \$104,750 and Tobacco-Free Kids gave \$82,646. Hospitals and health care providers provided most of the rest of the funding.

**SOUTH DAKOTA**

Measure 2, which was approved by 61 percent of the voters, increased the tax on cigarettes and tobacco products by \$1 per cigarette pack, with similar increases on other tobacco products. The law will deposit up to \$30 million of tobacco tax revenue into the state general fund. Contributions above this amount, if any, up to \$5 million will be deposited into the tobacco prevention and reduction trust fund.

The battle in South Dakota attracted less cash than in the other states, due in part, perhaps, because South Dakota voters faced an array of controversial ballot measures in 2006. The lone supporting committee, Initiated Measure No. 2 Tax Tobacco Save Lives, Save Money, raised \$423,380. This committee received more than half of its contributions from the American Cancer Society, which provided \$222,340. Tobacco-Free Kids, hospitals and health care providers, and the American Heart Association also gave. Four individual contributors, all doctors, contributed a total of \$1,350. The committee reported collecting \$700 in unitemized contributions as well. This committee out-raised the six opposing committees by a ratio of nearly 2-to-1.

**CONTRIBUTIONS TO SOUTH DAKOTA’S TOBACCO MEASURES, 2006**

<b>PROPOSERS OF BROADER SMOKING BANS &amp; TOBACCO TAXES</b>	<b>TOTAL</b>
Tax Tobacco, Save Lives, Save Money	<b>\$423,380</b>
<b>OPPONENTS OF BROADER SMOKING BANS &amp; TOBACCO TAXES</b>	
South Dakota Coalition For Responsible Taxation	\$141,980
Philip Morris USA Stop Measure 2 Committee	\$65,402
Americans for Prosperity*	\$19,500
R.J. Reynolds Tobacco Company	\$2,797
National Taxpayers’ Union Ballot Committee*	\$354
<b>TOTAL</b>	<b>\$230,034</b>
<b>OVERALL TOTAL</b>	<b>\$653,414</b>

\* These committees were also involved in other ballot measures.

Big Tobacco bankrolled four of the five opposing committees:

- The South Dakota Coalition For Responsible Taxation was entirely funded by the U.S. Smokeless Tobacco Company.
- The Philip Morris USA Stop Measure 2 Committee raised all its money from Philip Morris and its parent company, Altria.
- RJ Reynolds’ committee was entirely funded by itself.
- Americans for Prosperity, which also opposed Amendment D, a property tax valuation measure, was financed by primarily by U.S. Smokeless Tobacco, along with a few tobacco sellers and individuals.

## WASHINGTON

Washington voters passed Initiative 901 by 63 percent in 2005. The measure prohibits smoking in public places and in places of employment, including restaurants, bars, taverns, bowling alleys and tobacco shops, and areas within 25 feet of doorways and ventilation openings unless a lesser distance is approved.

Healthy Indoor Air For All Washington raised nearly \$1.6 million to support of I-901. Most of the money came from the American Cancer Society (\$597,589), Tobacco-Free Kids (\$303,875), the American Heart Association (\$116,026) and the American Lung Association (\$93,048). In addition, this committee enjoyed the support of over 550 individual contributors, which accounted for nearly 10 percent of the total collected by the committee. However, one individual, William E. Bloomfield, Jr., of Web Services in Redondo Beach, Calif., gave \$70,000, almost half that amount, and Margaret Bloomfield, also of Web Services, gave \$10,000.

No On 901, a group of drinking establishments and tobacco shops, raised \$33,171, with no support from the tobacco industry. Prior to the 2006 cycle, none of the tobacco companies had contributed to the fight against anti-tobacco initiatives in Washington for several years.

### CONTRIBUTIONS TO WASHINGTON'S TOBACCO MEASURES, 2005

<b>PROPONENTS OF BROADER SMOKING BANS &amp; TOBACCO TAXES</b>	<b>TOTAL</b>
Healthy Indoor Air For All Washington	\$1,593,651
<b>OPPONENTS OF BROADER SMOKING BANS &amp; TOBACCO TAXES</b>	
No On 901	\$33,171
<b>TOTAL</b>	<b>\$1,626,822</b>

## HIGH STAKES: GAMBLING BALLOT MEASURES

By Scott Jordan

The 2006 elections saw voters in five states vote on six ballot measures involving gambling issues. Four of the measures sought to expand gambling in some form, while a measure in South Dakota sought to eliminate gambling in the state. Of the six ballot measures, only Arkansas' Referred Amendment 1 passed.

Committees supporting and opposing the measures raised nearly \$54 million. Gambling-related enterprises with a direct stake in the passage or failure of the measures provided 89 percent, or \$48 million of all contributions related to the measures.

Rhode Island saw a turf war between gaming interests: gambling companies provided 98 percent of contributions to committees on both sides of the measures. Anti-gaming committees in the other four states received no contributions from gaming interests.

### CONTRIBUTIONS TO GAMBLING BALLOT MEASURE COMMITTEES, 2006

STATE	MEASURE	PRO-GAMBLING	ANTI-GAMBLING	TOTAL
OH	Issue 3	\$27,219,106	\$1,222,076	\$28,441,182
RI	Question 1	\$17,918,133	\$5,047,194	\$22,965,327
SD	Initiated Measure 7	\$824,644	\$596,173	\$1,420,817
NE	Initiated Measure 421	\$808,846	\$91,486	\$900,332
AR	Referred Amendment 1	\$3,441	\$9,475	\$12,916
NE	Proposed Amendment 3	\$0	\$0	\$0
<b>TOTAL</b>		<b>\$46,774,170</b>	<b>\$6,966,404</b>	<b>\$53,740,574</b>

Business and special interests — mostly those with gambling ties — contributed more than \$52.8 million to committees supporting and opposing the measures. Individual donors contributed slightly more than \$700,000 and 71 percent — or \$500,000 — of those funds came from financier Carl Lindner of Ohio, who opposed slot machines in Ohio.

The only company to give across state lines was International Gaming Technology, a Reno-based gaming machine supplier that gave \$250,000 in Ohio and \$50,000 in South Dakota.

### TOP CONTRIBUTORS TO GAMBLING MEASURES, 2006

CONTRIBUTOR	STATE	INDUSTRY	MEASURE POSITION	TOTAL
Harrah's	RI	Gambling	Con	\$17,841,498
Ohio Legacy Fund	OH	Gambling	Pro	\$3,518,118
Jacobs Entertainment	OH	Gambling	Pro	\$2,940,804
Forest City Enterprises	OH	Real Estate	Pro	\$2,839,989
MTR Gaming Group	OH	Gambling	Pro	\$2,725,000
Delaware North Company Gaming & Entertainment	OH	Gambling	Pro	\$2,692,547

<b>CONTRIBUTOR</b>	<b>STATE</b>	<b>INDUSTRY</b>	<b>MEASURE POSITION</b>	<b>TOTAL</b>
Heartland Jockey Club	OH	Gambling	Pro	\$2,690,000
Penn National Gaming	OH	Gambling	Pro	\$2,690,000
Riverdowns Race Track	OH	Gambling	Pro	\$2,690,000
Thistledown	OH	Gambling	Pro	\$2,685,623
<b>TOTAL</b>				<b>\$43,313,579</b>

## A CLOSER LOOK AT EACH STATE

### ARKANSAS

Referred Amendment 1, a measure that sought to amend Arkansas' constitution to establish charitable games such as bingo and raffles in the state, passed overwhelmingly, gaining nearly 70 percent of the vote. The amendment drew little fanfare and few campaign contributions. Two committees raised \$13,000 in regards to the measure.

The Arkansas Committee for Ethical Policy raised \$9,475 in opposition to the measure. The Arkansas Baptist State Convention was the committee's biggest contributor, giving \$5,000. Thirteen other Arkansas churches combined to contribute nearly \$3,000.

The sole committee supporting the measure had a single contributor, former state Democratic legislator Charles Ormond. Ormond also sponsored a separate proposal that failed to make the ballot that would have authorized gambling and lotteries in the state.<sup>16</sup>

<b>PROPOSERS</b>	<b>TOTAL</b>
Arkansas Wagering Committee	\$3,441
<b>OPPOSERS</b>	
Arkansas Committee for Ethical Policy	\$9,475
<b>TOTAL</b>	<b>\$12,916</b>

### NEBRASKA

Nebraska voters are no strangers to gambling issues on their ballots. Six gambling ballot measures in 2004 generated nearly \$8 million in contributions to related committees. In 2006, it looked as though voters were again to face a plethora of gambling ballot measures. Instead, voters saw only two proposals that generated much less attention in terms of contributions and media exposure than in 2004. Citing a constitutional ban on identical measures appearing on state ballots more than once every three years, the Nebraska Supreme Court threw out two of the four proposed measures, one of which called for the opening up the state to three casinos.<sup>17</sup>

<sup>16</sup> "AG Certifies Gambling Proposal" *Arkansas News Bureau*, Sept. 27, 2005 [newspaper on-line]; <http://www.arkansasnews.com/archive/2005/09/27/News/329021.html>; Internet; accessed Aug. 30, 2007.

<sup>17</sup> "Gale Feels Redeemed With Gambling Decision," *Nebraska Secretary of State*, Sept. 15, 2006 [on-line]; available from [http://www.sos.ne.gov/admin/press\\_releases/archive/](http://www.sos.ne.gov/admin/press_releases/archive/); Internet; accessed June 28, 2007.

The ruling left voters with two gambling measures:

- Initiative Measure 421 sought to allow video keno in the state. The measure failed, gaining only 39 percent of the vote, despite proponents raising eight times as much as opponents.
- Proposed Amendment 3 would have doubled the amount of lottery proceeds that go to the Compulsive Gamblers Assistance Fund. Amendment 3 failed, also gaining only 39 percent of the vote. A single committee formed in support of the amendment and did not raise any funds.

**CONTRIBUTIONS TO NEBRASKA’S INITIATED MEASURE 421 COMMITTEES, 2006**

<b>PROPOSERS</b>	<b>TOTAL</b>
Nebraskans for Video Keno	\$808,846
<b>OPPOSERS</b>	
Gambling With the Good Life	\$91,486
<b>OVERALL TOTAL</b>	<b>\$900,332</b>

Before appearing on the ballot, Initiative 421 first faced the scrutiny of the Nebraska Supreme Court. Critics argued that the initiative was too similar to a 2004 proposal to allow slot machines, and therefore violated the state constitution.<sup>18</sup>

Michael Nevriy of Nebraskans for Video Keno, the single committee supporting the measure, argued that the keno machines were dissimilar to the slot machines and lacked the “lights on top” and spinning reels and symbols.<sup>19</sup> Pat Loontjer, executive director of the opposition committee Gambling With the Good Life, argued that the machines were too similar to slots and that “video keno is not keno, it is a slot machine and slot machines are the crack cocaine of gambling.”<sup>20</sup>

The court ruled the measures were not similar and Initiative 421 made the ballot.<sup>21</sup>

<sup>18</sup> “Keno Vote is Okay - Constitutional Question Might Come Later,” *NebraskaStatePaper.com*, Oct. 26, 2006 [newspaper on-line]; available from <http://nebraska.statepaper.com/vnews/display.v/ART/2006/10/27/454268119a885>; Internet; accessed June 28, 2007.

<sup>19</sup> Michael Nevriy, Editorial, “Video Keno Does Not Equate To Slot Machines,” *Grand Island Independent*, Oct. 21, 2006 [newspaper on-line]; available from [http://www.theindependent.com/stories/102106/opi\\_nevivy21.shtml](http://www.theindependent.com/stories/102106/opi_nevivy21.shtml); Internet; accessed June 28, 2007.

<sup>20</sup> Jim Minge, “Anti-Gambling Campaigner Patt Loontjer Takes on Video Keno,” *Omaha City Weekly*, Oct. 11, 2006 [newspaper on-line]; available from <http://omahacityweekly.com/article.php?id=2380>; Internet; accessed June 28, 2007.

<sup>21</sup> “Video Keno Petition Makes Signature Threshold; Humane Care Proposal Still Under Review,” *Nebraska Secretary of State*, Aug. 28, 2006 [on-line]; available from [http://www.sos.ne.gov/admin/press\\_releases/archive/](http://www.sos.ne.gov/admin/press_releases/archive/); Internet; accessed June 28, 2007.

Two committees raised more than \$900,000 in regards to Initiative 421, all of which came from contributors in the Cornhusker state. Nebraskans for Video Keno raised over \$800,000 — more than eight times the \$91,486 raised by the opposing committee, Gambling With the Good Life.

Contributions to Nebraskans for Video Keno came mainly from businesses representing gambling or vending machine interests. The committee raised no funds from individual contributors.

Top contributors to Nebraskans for Video Keno included:

- Validation Services, a company registered to lobby in the state, describes its legislative interests as “all matters related to initiative and referendum ballot issues management.”<sup>22</sup> Validation Services contributed services totaling \$167,959. Steve Willey, president of Validation Services, was a spokesman for Nebraskans for Video Keno and is the president of Papillion Keno.<sup>23</sup> Papillion Keno was a sponsor of the initiative<sup>24</sup> and contributed \$70,000.
- Two of the other sponsors of the amendment — keno operators Advanced Gaming Technologies and Big Red Lottery Services<sup>25</sup> — contributed \$70,000 and \$80,637, respectively.
- Two vending machine companies were also large contributors. Valley Vending Service, located in Cozad, Neb., contributed \$70,000. Nebraska Technical Services contributed \$70,000.
- MBM LLC contributed \$65,000. A search of corporate filings with the Nebraska Secretary of State shows that the registered agent of MBM LLC is Michael Nevrivy,<sup>26</sup> the operator of Hastings Keno.<sup>27</sup> Hastings Keno was a sponsor<sup>28</sup> of the amendment and contributed \$5,000.

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<sup>22</sup> “Nebraska Accountability and Disclosure Commission: Lobbying,” *Official Nebraska Government Web Site* [on-line]; available from [http://nadc.nol.org/lobbyist\\_search/principal.cgi?id=07PRI000624](http://nadc.nol.org/lobbyist_search/principal.cgi?id=07PRI000624); Internet; accessed June 28, 2007.

<sup>23</sup> Nancy Hicks, “Two Petitions Likely to Be on the Ballot,” *Lincoln Journal Star*, July 4, 2006, [newspaper on-line]; available from <http://www.journalstar.com/articles/2006/07/04/local/doc44a9b949d96ed907964973.txt>; Internet; accessed June 28, 2007.

<sup>24</sup> “Video Keno Petition Makes Signature Threshold; Humane Care Proposal Still Under Review,” *Nebraska Secretary of State*, Aug. 28, 2006 [on-line]; available from [http://www.sos.ne.gov/admin/press\\_releases/archive/](http://www.sos.ne.gov/admin/press_releases/archive/); Internet; accessed June 28, 2007.

<sup>25</sup> *Ibid.*

<sup>26</sup> “Corporation and Business Entity Searches,” *Nebraska Secretary of State*, [on-line]; available from <https://www.nebraska.gov/sos/corp/corptest.cgi?acct-number=10037636>; Internet; accessed June 28, 2007.

<sup>27</sup> Michael Nevrivy, Editorial, “Video Keno Does Not Equate to Slot Machines,” *Grand Island Independent*, Oct. 21, 2006 [newspaper on-line]; available from [http://www.theindependent.com/stories/102106/opi\\_nevrivy21.shtml](http://www.theindependent.com/stories/102106/opi_nevrivy21.shtml); Internet; accessed June 28, 2007.

<sup>28</sup> “Video Keno Petition Makes Signature Threshold; Humane Care Proposal Still Under Review,” *Nebraska Secretary of State*, Aug. 28, 2006, [on-line]; available from [http://www.sos.ne.gov/admin/press\\_releases/archive/](http://www.sos.ne.gov/admin/press_releases/archive/); Internet; accessed June 28, 2007.

- DCTK LLC contributed \$25,000. DCTK LLC shares the same address as Waverly/Keno Pizza.<sup>29</sup>

The committee opposing the measure was Gambling With the Good Life. The committee raised nearly \$100,000, just 10 percent of all the money raised regarding the measure.

A few individuals largely supported Gambling With the Good Life. Unitemized contributions, those that fall under the reporting threshold for reporting names and other identifying information about the contributor, accounted for 23 percent, or \$21,141, of contributions to the committee. U.S. Senate candidate and former Ameritrade CEO Peter Ricketts contributed \$15,390; primary gubernatorial candidate, former University of Nebraska football coach, and then U.S. Rep. Tom Osborne contributed \$4,000. The United Methodist Church and former CEO of Insurance Consultants Inc. Terrence Haney contributed \$10,000 each.

#### TOP CONTRIBUTORS TO NEBRASKA'S INITIATED MEASURE 421, 2006

CONTRIBUTOR	INDUSTRY	PRO/CON	TOTAL
Validation Services	Political Consultants	Pro	\$167,958
Big Red Lottery Services Ltd.	Gambling	Pro	\$80,637
Advanced Gaming Technologies	Gambling	Pro	\$70,000
Nebraska Technical Services	Vending	Pro	\$70,000
Papillion Keno	Gambling	Pro	\$70,000
Valley Vending Service/VVS	Vending	Pro	\$70,000
MBM LLC	Gambling	Pro	\$65,000
Fonner Keno Inc.	Gambling	Pro	\$35,000
Lincolns Big Red Keno	Gambling	Pro	\$35,000
Denton Daily Double Keno	Gambling	Pro	\$30,000
DCTK LLC	Gambling	Pro	\$25,000
<b>TOTAL</b>			<b>\$718,596</b>

#### OHIO

In 2006, Ohio voters struck down Issue 3, a measure that would have amended the state constitution to bring electronic slot machines to Ohio. Issue 3, titled "Gambling and College Scholarships - Learn and Earn," would have:

- Brought "31,500 slots to seven horse tracks and two Cleveland non-track locations" and permitted "expanded gaming in the four Cuyagoga County locations if approved by the county's voters."<sup>30</sup>

<sup>29</sup> "Yahoo! Local: Waverly City Guide," *Yahoo.com* [on-line]; available from [http://local.yahoo.com/details;\\_ylt=AlwmOm2SI1cKr42rTvndM36HNcIF?id=18071806&state=NE&city=Alvo&stx=Restaurants&csz=Alvo%2C+NE+68304&fr=&ed=zIPyt6131DwYxVHsWiQq4ccRIYTAoSP2iJlcosFLzLnrJStEyTX4DkSk&lcsb=](http://local.yahoo.com/details;_ylt=AlwmOm2SI1cKr42rTvndM36HNcIF?id=18071806&state=NE&city=Alvo&stx=Restaurants&csz=Alvo%2C+NE+68304&fr=&ed=zIPyt6131DwYxVHsWiQq4ccRIYTAoSP2iJlcosFLzLnrJStEyTX4DkSk&lcsb=); Internet; accessed June 28, 2007.

<sup>30</sup> "State Issue 3 Certified Ballot Language," *Ohio Secretary of State* [on-line]; available from <http://www.sos.state.oh.us/SOS/ElectionsVoter/results2006.aspx?Section=2320>; Internet; accessed June 28, 2007.

- Provided 30 percent of revenue to the Board of Regents for college scholarships.<sup>31</sup>

Although proponents greatly out-raised opponents and accounted for 96 percent of the 28 million raised around the measure, Issue 3 failed, with 57 percent of voters against bringing slots to Ohio.

### CONTRIBUTIONS TO OHIO'S ISSUE 3 COMMITTEES, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
Vote Yes On Issue 3	\$27,219,106
<b>OPPONENTS</b>	
Vote No Casinos	\$1,191,705
Vote No To Gambling In Ohio	\$30,371
<b>TOTAL</b>	<b>\$1,222,076</b>
<b>OVERALL TOTAL</b>	<b>\$28,441,182</b>

Supporters of the measure argued that Ohio was losing “hundreds and hundreds of millions of dollars to neighboring states,” specifically Pennsylvania, which recently legalized its own slot machines.<sup>32</sup>

The leading contributor to Vote Yes On Issue 3 was the Ohio Legacy Fund, a nonprofit formed to “promote economic development and improve educational opportunity for residents of Ohio.”<sup>33</sup> The Ohio Legacy Fund initially refused to disclose the source of its funds, but eventually admitted that the seven Ohio racetracks as well as the Cleveland developers behind the nontrack casinos funded it.<sup>34</sup>

The same companies that funded the Ohio Legacy Fund — those with a direct stake in the outcome of the measure — were largely responsible for a majority of the rest of the funds raised by the Vote Yes On Issue 3 committee.

Two companies who stood to gain in the nontrack casinos, Jacobs Entertainment and Forest City Enterprises, contributed \$2.9 million and \$2.8 million, respectively. Jacobs Entertainment operates casinos in Colorado and Nevada and would have operated one of the proposed Cleveland Casinos, while real estate developer Forest City Enterprises would have operated the other.<sup>35</sup>

<sup>31</sup>“State Issue 3 Certified Ballot Language,” *Ohio Secretary of State* [on-line]; available from <http://www.sos.state.oh.us/SOS/ElectionsVoter/results2006.aspx?Section=2320>; Internet; accessed June 28, 2007.

<sup>32</sup> “Plan Would Put Slot Machines at Ohio Racetracks,” *Associated Press*, April 6, 2007 [on-line]; available from <http://www.wtol.com/Global/story.asp?S=4676387>; Internet; accessed June 28, 2007.

<sup>33</sup> “James Nash, “Nonprofit Backing of Gambling Effort Raises Questions,” *Columbus Dispatch*, Aug. 2, 2006 [newspaper on-line]; available from [http://www.columbusdispatch.com/dispatch/contentbe/EPIC\\_shim.php?story=202570](http://www.columbusdispatch.com/dispatch/contentbe/EPIC_shim.php?story=202570); Internet; accessed June 28, 2007.

<sup>34</sup> *Ibid.*

<sup>35</sup> “Metro: Slots Could Boost Downtown Businesses,” *Cleveland Plain Dealer*, Nov. 3, 2006 [newspaper on-line]; available from [http://www.cleveland.com/weblogs/print.ssf?/mtlogs/cleve\\_eeedition/archives/print200911.html](http://www.cleveland.com/weblogs/print.ssf?/mtlogs/cleve_eeedition/archives/print200911.html); Internet; accessed June 28, 2007.

Donors associated with Ohio's seven racetracks contributed \$17.4 million, 61 percent of the total funds raised for the measure. Six of the seven contributions from these donors were for roughly \$2.7 million.

- Two racetracks, Riverdowns Race Track and Thistledown, each contributed around \$2.7 million, while contributions related to the other tracks were made by parent companies and affiliates.
- Penn National Gaming, the owner of Raceway Park,<sup>36</sup> and MTR Gaming Group, the owner of Scioto Downs,<sup>37</sup> each contributed \$2.7 million.
- New York-based Delaware North Company Gaming and Entertainment, which was to operate the proposed casino at Lebanon Raceway,<sup>38</sup> contributed roughly \$2.7 million. Lebanon Raceway itself contributed \$62,658.
- The Heartland Jockey Club, the operator of Beulah Park,<sup>39</sup> contributed almost \$2.7 million.
- The seventh racetrack, Northfield Park, contributed nearly \$1.2 million.

#### TOP CONTRIBUTORS TO OHIO'S ISSUE 3, 2006

CONTRIBUTOR	INDUSTRY	PRO/CON	TOTAL
Ohio Legacy Fund	Gambling	Pro	\$3,518,118
Jacobs Entertainment	Gambling	Pro	\$2,940,804
Forest City Enterprises	Real Estate	Pro	\$2,839,989
MTR Gaming Group	Gambling	Pro	\$2,725,000
Delaware North Company Gaming & Entertainment	Gambling	Pro	\$2,692,547
Heartland Jockey Club	Gambling	Pro	\$2,690,000
Penn National Gaming	Gambling	Pro	\$2,690,000
Riverdowns Race Track	Gambling	Pro	\$2,690,000
Thistledown	Gambling	Pro	\$2,685,623
Northfield Park	Gambling	Pro	\$1,186,439
<b>TOTAL</b>			<b>\$26,658,520</b>

The two victorious opposition committees raised \$1.2 million, less than 5 percent of the total contributed for the measure. The opposition was funded almost entirely by Ohioans.

<sup>36</sup> Raceway Park [on-line]; available from <http://www.racewayparktoledo.com/>; Internet; accessed June 28, 2007.

<sup>37</sup> Investor Relations, *The Mountaineer Race Track & Gaming Resort* [on-line]; available from <http://www.mtrgaming.com/ir/about.html>; Internet; accessed on June 28, 2007.

<sup>38</sup> "Buffalo Company Wants Ohio Slots," *Cleveland Plain Dealer*, Oct. 30, 2006 [newspaper on-line]; available from [http://www.cleveland.com/weblogs/print.ssf?/mtlogs/cleve\\_openers/archives/print199545.html](http://www.cleveland.com/weblogs/print.ssf?/mtlogs/cleve_openers/archives/print199545.html); Internet; accessed June 28, 2007.

<sup>39</sup> "About Beulah Park," *Beulah Park* [on-line]; available from [http://www.beulahpark.com/information/beulah\\_info.htm](http://www.beulahpark.com/information/beulah_info.htm); Internet; accessed Sept. 5, 2007.

A small group of generous donors dominated the opposition.

- Billionaire businessman Carl Lindner contributed \$500,000, or 41 percent of contributions to the committee.
- Limited Brands CEO Leslie Wexner and his company each contributed \$50,000.
- Michael Curtin, president of the Dispatch Printing Company, which publishes the *Columbus Dispatch*, contributed \$25,000.
- Wolfe Enterprises, a subsidiary of the Dispatch Printing Company, also contributed \$150,000.
- Health insurance company Nationwide Mutual Insurance contributed \$100,000, as did Ohio-based Nork Inc.

The only contribution coming from outside the state in opposition to the measure was a \$10,000 contribution from David Brennen of Naples, Fla.

#### RHODE ISLAND

In Rhode Island, gambling interests supported committees on both sides of the measure. Rhode Islanders defeated Question 1, a measure that would have amended the constitution to allow the Narragansett Indian Tribe to open a resort casino in West Warwick.

#### CONTRIBUTIONS TO RHODE ISLAND'S QUESTION 1 COMMITTEES, 2006

<b>PROPONENTS</b>	<b>TOTAL</b>
Rhode Islanders For Jobs & Tax Relief Inc. AKA Compete RI	\$17,861,133
RI Building & Construction Trades Council	\$57,000
UNITE HERE	\$0
<b>TOTAL</b>	<b>\$17,918,133</b>
<b>OPPONENTS</b>	
Save Our State Inc.	\$3,967,912
New Port Grand LLC <sup>40</sup>	\$1,025,546
The Providence Performing Arts Center	\$23,365
Concerned Citizens About Casino Gambling Inc.	\$14,993
West Warwick Citizens Against the Casino	\$5,408
Professional Facilities Management Inc.	\$5,000
Robin Porter	\$2,819
Know Casino 4 Us.Com	\$2,150
RI Hospitality & Tourism Association	\$0
Utgr Inc. DBA Lincoln Park	\$0
<b>TOTAL</b>	<b>\$5,047,193</b>
<b>OVERALL TOTAL</b>	<b>\$22,965,326</b>

<sup>40</sup> New Port Grand LLC contributed \$1,025,546 to the Save Our State Inc committee, making it likely the amount was in the disclosure reports twice.

The measure pitted the wallets of Rhode Island's two existing casinos, the Newport Grand and Lincoln Park, against the proposed operator of the new casino, Harrah's. The three casino companies that had a direct stake in the measure represented 99 percent of all contributions to committees supporting and opposing the measure.

The Newport Grand and Lincoln Park casinos argued that the proposed casino would threaten their livelihood and could jeopardize an important source of revenue for the state. Currently, the existing casinos send 60 percent of all revenues to the state, a taxation rate each casino negotiated individually with the state. In 2005, casinos generated \$245 million for the state. The casinos argued that Harrah's would be able to negotiate a much better deal, in part because "there are no tax or fee commitments attached to the proposal headed to the ballot." In earlier proposals, Harrah's had offered to pay taxes on only 25 percent of its revenue.<sup>41</sup>

According to the ballot language, all taxes on the new casino would go towards property tax relief for Rhode Islanders. Harrah's projected that the casino would generate \$144 million in tax revenue by its third year of operation.<sup>42</sup> The casino was touted as a billion-dollar investment in the state that would bring 3,800 jobs.<sup>43</sup>

Harrah's emphasized the involvement of the Narragansett Tribe and the benefits to the state. Advertisements supporting the measure highlighted property tax relief for Rhode Islanders and the alleviation of Indian poverty.<sup>44</sup> Harrah's contributed \$17.8 million to Rhode Islanders For Jobs & Tax Relief Inc. AKA Compete RI, or 99.5 percent of the funds in support of the measure.

Save Our State, the main opposition committee, was funded primarily by Newport Grand, the Lincoln Park Casino and Lincoln Greyhound Racetrack. These three combined to contribute \$4.6 million to the committee, or 92 percent of all funds raised in opposition to the measure.

Lincoln Park allied itself with opponents of all forms of gambling, including the Rhode Island Council of Churches, which opposes all gambling, even those games that are currently legal.<sup>45</sup> The Newport Grand Casino contributed slightly more than \$1 million to its own committee, New Port Grand LLC. According to expenditure reports, each of these contributions was then contributed to Save Our State Inc. the same day or within several days of the original contribution.

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<sup>41</sup> Katherine Gregg, "R.I. Slot Parlours Join Anti-Casino Fight," *Providence Journal*, Aug. 30, 2006 [newspaper on-line]; available from [http://www.projo.com/news/casino/content/projo\\_20060830\\_sos30.35b257a.html](http://www.projo.com/news/casino/content/projo_20060830_sos30.35b257a.html); Internet; accessed June 28, 2007.

<sup>42</sup> *Ibid.*

<sup>43</sup> Jim Baron, "Churches to RI: Reject Casino," *Kent County Daily Times*, Sept. 23, 2006 [newspaper on-line]; available from [http://72.14.253.104/search?q=cache:AaV2LoYhzzAJ:www.zwire.com/site/news.cfm%3Fnewsid%3D17237085%26BRD%3D1718%26PAG%3D461%26dept\\_id%3D74409%26rfi%3D6+%22churches+to+ri:+reject+casino%22&hl=en&ct=clnk&cd=1&gl=us](http://72.14.253.104/search?q=cache:AaV2LoYhzzAJ:www.zwire.com/site/news.cfm%3Fnewsid%3D17237085%26BRD%3D1718%26PAG%3D461%26dept_id%3D74409%26rfi%3D6+%22churches+to+ri:+reject+casino%22&hl=en&ct=clnk&cd=1&gl=us); Internet; accessed June 28, 2007.

<sup>44</sup> Ray Henry, "Casino Ads Geared to Sway R.I. Voters in Favor of Amendment," *Associated Press*, July 20, 2006 [on-line]; available from [http://www.boston.com/news/local/rhode\\_island/articles/2006/07/20/casino\\_ads\\_geared\\_to\\_sway\\_ri\\_voters\\_in\\_favor\\_of\\_amendment/](http://www.boston.com/news/local/rhode_island/articles/2006/07/20/casino_ads_geared_to_sway_ri_voters_in_favor_of_amendment/); Internet; accessed June 28, 2007.

<sup>45</sup> Jim Baron, "Churches to RI: Reject Casino," *Kent County Daily Times*, Sept. 23, 2006 [newspaper on-line]; available from [http://72.14.253.104/search?q=cache:AaV2LoYhzzAJ:www.zwire.com/site/news.cfm%3Fnewsid%3D17237085%26BRD%3D1718%26PAG%3D461%26dept\\_id%3D74409%26rfi%3D6+%22churches+to+ri:+reject+casino%22&hl=en&ct=clnk&cd=1&gl=us](http://72.14.253.104/search?q=cache:AaV2LoYhzzAJ:www.zwire.com/site/news.cfm%3Fnewsid%3D17237085%26BRD%3D1718%26PAG%3D461%26dept_id%3D74409%26rfi%3D6+%22churches+to+ri:+reject+casino%22&hl=en&ct=clnk&cd=1&gl=us); Internet; accessed June 28, 2007.

## TOP CONTRIBUTORS TO RHODE ISLAND'S QUESTION 1, 2006

<b>CONTRIBUTOR</b>	<b>INDUSTRY</b>	<b>PRO/CON</b>	<b>TOTAL</b>
Harrah's	Gambling	Pro	\$17,841,499
Newport Grand Casino	Gambling	Con	\$2,035,410
Lincoln Park Casino	Gambling	Con	\$1,604,022
Lincoln Greyhound Park	Gambling	Con	\$984,317
Providence Chamber of Commerce	Business	Con	\$100,000
Rhode Islanders for Jobs & Tax Relief	Gambling	Pro	\$50,000
Rhode Island Greyhound Owners	Gambling	Con	\$25,000
Providence Performing Arts Center	Arts	Con	\$23,365
UNITE HERE!	Labor	Pro	\$19,636
Newport Harbor Corp	Resort	Con	\$15,000
<b>TOTAL</b>			<b>\$22,698,248</b>

## SOUTH DAKOTA

While other gaming measures in 2006 sought to expand gambling, South Dakotans voted on a measure that sought to eliminate a form of gambling outright.

South Dakota voters struck down Initiated Measure 7, which would have prohibited lottery machines in the state. The measure gained the approval of only 33 percent of voters.

Since video lottery's inception in 1989, three similar measures have appeared on the ballot in 1992, 1994, and 2000. All failed.<sup>46</sup> In 2005, video lottery provided \$112 million in revenue for the state, accounting for 11 percent of the state general fund budget.<sup>47</sup>

## CONTRIBUTIONS TO SOUTH DAKOTA'S INITIATED MEASURE 7 COMMITTEES, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
Forward South Dakota*	\$473,007
South Dakota Family Policy 2006 Issue Fund*	\$123,166
<b>TOTAL</b>	<b>\$596,173</b>
<b>OPPONENTS</b>	<b>TOTAL</b>
No On 7	\$824,644
<b>OVERALL TOTAL</b>	<b>\$1,420,817</b>

\* Active on several other measures.

Two committees supported the measure, raising nearly \$600,000 in contributions.

<sup>46</sup> Bob Ellis, "Video Lottery: South Dakota's Stealth Addiction . . . for People and Government," *Dakota Voice*, Nov. 1, 2006 [on-line]; available from [http://www.dakotavoice.com/200611/20061101\\_1.html](http://www.dakotavoice.com/200611/20061101_1.html); Internet; accessed June 28, 2007.

<sup>47</sup> "South Dakota 2006 Ballot Questions Pamphlet" *South Dakota Secretary of State* [on-line]; available from [http://www.sdsos.gov/electionsvoteregistration/pastelections\\_electioninfo06.shtm](http://www.sdsos.gov/electionsvoteregistration/pastelections_electioninfo06.shtm); Internet; accessed June 28, 2007.

Forward South Dakota raised \$473,007. The committee received over 99 percent of its funds from a little known group called the South Dakota Association, which was supported by anonymous donations.<sup>48</sup> Dan Brentro, a Sioux Falls lawyer who heads Forward South Dakota,<sup>49</sup> also sponsored the petition drive.<sup>50</sup> Brentro claims that the association is “a group of concerned South Dakotans who share his desire to get rid of video lottery.”<sup>51</sup> Following the election, complaints were lodged with Attorney General Larry Long to reveal the source of the funds.<sup>52</sup>

The contribution by the South Dakota Association and a similar anonymous contribution regarding the abortion ballot measure<sup>53</sup> led the legislature to pass a law concerning perceived loopholes in current campaign finance law. The new law clearly defines what a ballot question committee is and requires corporations giving to ballot question committees to reveal large shareholders.<sup>54</sup>

A second committee, the South Dakota Family Policy 2006 Issue Fund, supported the gambling measure, but was also involved in measures to ban abortion and same-sex marriage in South Dakota. The committee received all of its funds from the Christian conservative group, the South Dakota Family Policy Council.

The No On 7 committee was the single committee that fought the measure, raising \$824,644 in contributions.

Several large companies that manufacture and distribute gaming machines were among the top contributors to No On 7, contributing \$275,000 or 33 percent of the committee’s total.

Most of the remaining funds came from filling stations, restaurants, bars and other operators of video lottery machines.<sup>55</sup>

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<sup>48</sup> “Campaign Donations Under Review,” *Keloland Television*, Nov. 13, 2006 [on-line]; available from <http://www.keloland.com/News/NewsDetail6371.cfm?Id=0,52392>; Internet; accessed June 28, 2007.

<sup>49</sup> Bob Ellis, “Video Lottery: South Dakota’s Stealth Addiction . . . for People and Government,” *Dakota Voice* Nov. 1, 2006 [on-line]; available from [http://www.dakotavoices.com/200611/20061101\\_1.html](http://www.dakotavoices.com/200611/20061101_1.html); Internet; accessed June 28, 2007.

<sup>50</sup> “Initiative Petition,” *South Dakota Secretary of State, Ballot Question Status* [on-line]; available from [http://www.sdsos.gov/electionsvoteregistration/upcomingelection\\_ballotquestionstatus06.shtm](http://www.sdsos.gov/electionsvoteregistration/upcomingelection_ballotquestionstatus06.shtm); Internet; accessed Sept. 7, 2007.

<sup>51</sup> “Campaign Donations Under Review,” *Keloland Television*, Nov. 13, 2006 [on-line]; available from <http://www.keloland.com/News/NewsDetail6371.cfm?Id=0,52392>; Internet; accessed June 28, 2007.

<sup>52</sup> “Questions Raised Over Video Lottery Ban Funding,” *Keloland Television*, Nov. 3, 2006 [on-line]; available from <http://www.keloland.com/News/NewsDetail6371.cfm?Id=0,52183>; Internet; accessed June 28, 2007.

<sup>53</sup> “Kevin Woster, “Lawmakers to Examine Finance Law,” *Rapid City Journal*, Feb. 6, 2007 [newspaper on-line]; <http://www.rapidcityjournal.com/articles/2007/02/06/news/local/news02.txt>; Internet; accessed June 28, 2007.

<sup>54</sup> *Ibid.*

<sup>55</sup> Retailer Info, “Licensed Operators as of Jan. 24, 2007,” *South Dakota Lottery* [on-line]; [www.sdlottery.org/pdf%20docs/Licensed%20Operators%20as%20of%201-24-07.pdf](http://www.sdlottery.org/pdf%20docs/Licensed%20Operators%20as%20of%201-24-07.pdf); Internet; accessed June 28, 2007.

**TOP CONTRIBUTORS TO SOUTH DAKOTA'S INITIATED MEASURE 7,  
2006**

<b>CONTRIBUTOR</b>	<b>INDUSTRY</b>	<b>PRO/CON</b>	<b>TOTAL</b>
South Dakota Association	Ideology	Pro	\$471,690
	Religious		
South Dakota Family Policy Council	Conservative	Pro	\$123,166
Automatic Vendors	Vending	Con	\$117,000
Music Service of South Dakota	Vending	Con	\$60,000
Summit Amusement & Distribution	Vending	Con	\$51,000
International Gaming Technology	Vending	Con	\$50,000
Hub Gaming LLC	Gambling	Con	\$41,050
TNT Enterprises	Gambling	Con	\$36,059
D & E Music & Vending	Gambling	Con	\$31,550
D & M Vending	Gambling	Con	\$29,100
<b>TOTAL</b>			<b>\$950,615</b>

## EMINENT THREAT?

By Denise Roth Barber

A wealthy real estate magnate supported property-rights measures in seven of the 13 states in which they appeared in the 2006 election cycle. Although Howard Rich — a libertarian political activist from New York City — never gave directly, a web of groups he either controls or is affiliated with gave \$6 million, more than two-thirds of the money raised to support the measures.

The 13 property-rights measures, which were on more ballots than any other issue in 2006,<sup>56</sup> attracted \$29.5 million in contributions, 70 percent of which was raised by the opponents. California's battle was by far the most expensive — the \$18.2 million raised around Proposition 90 accounted for 61 percent of the total raised around all 13 measures.

The prevalence of these measures on the 2006 ballots was largely the result of a 2005 U.S. Supreme Court ruling, *Kelo v. New London*. The Kelo decision ruled that local governments could use their power of eminent domain — the power to take private property away without the owner's consent — for the purpose of economic development. This ruling marked the first time the courts allowed governments to take private property for reasons other than the building of roads, schools, and other necessary infrastructure. The ruling also explicitly recognized the right of states to restrict the uses of eminent domain, which prompted the flurry of activity at the state level.

### CONTRIBUTIONS TO PROPERTY-RIGHTS BALLOT COMMITTEES, 2006

STATE	MEASURE	OUTCOME	PROponents	OPponents	TOTAL
California	Proposition 90	Failed	\$3,885,232	\$14,338,514	\$18,223,746
Washington	Measure 933	Failed	\$1,262,697	\$3,866,643	\$5,129,340
Arizona	Proposition 207	Passed	\$1,847,208	\$436,119	\$2,283,327
Idaho	Proposition 2	Failed	\$876,163	\$807,821	\$1,683,984
Nevada	Question 2	Passed	\$299,576	\$1,333,582	\$1,633,158
Michigan	Proposal 06-4	Passed	\$377,952	\$0	\$377,952
Oregon	Measure 39	Passed	\$197,633	\$0	\$197,633
New Hampshire	Question 1	Passed	\$46,101	\$0	\$46,101
North Dakota	Measure 2	Passed	\$13,325	\$0	\$13,325
Florida	Amendment 8	Passed	\$5,000	\$0	\$5,000
Georgia*	Amendment 1	Passed	\$0	\$0	\$0
Louisiana*	Primary Ballot 5	Passed	\$0	\$0	\$0
South Carolina*	Amendment 5	Passed	\$0	\$0	\$0
<b>TOTAL</b>			<b>\$8,810,886</b>	<b>\$20,782,680</b>	<b>\$29,593,566</b>

\*The Institute did not identify any committees organized to raise funds for or against the issue.

Voters in 10 of the 13 states approved the measures. Six measures solely prohibited governments from taking private property by eminent domain for private purposes and passed with solid margins. These were on the ballot in Georgia, Nevada, New Hampshire, North Dakota, Oregon and South Carolina.

<sup>56</sup> "Property Rights Issues on the 2006 Ballot," *National Conference of State Legislatures*, Nov. 12, 2006 [online]; available from [http://www.ncsl.org/statevote/prop\\_rights\\_06.htm](http://www.ncsl.org/statevote/prop_rights_06.htm); Internet; accessed May 21, 2007.

Seven measures also included regulatory-takings language — requiring that a property owner be entitled to compensation by government if the value of a person's property is reduced by the enactment of a state or local law. These measures met with mixed results, passing by comfortable margins in Arizona, Florida, Louisiana and Michigan, but rejected by voters in California, Idaho and Washington.

Individual donors were minor players, accounting for just 4 percent of the proponent's war chests, and 15 percent of the opponents' total.

#### HOWARD RICH GROUPS BANKROLL THE MEASURES

Ten organizations run by or affiliated with Howard Rich provided \$6 million, more than two-thirds of the money given to support the measures. All but \$20,000 went to the six western states, particularly to California, where they gave a total of \$3.37 million, and to Arizona, where they gave \$1.25 million.

These groups were:

- **Americans For Limited Government**, chaired by Rich<sup>57</sup> and based in Illinois, was the second largest donor overall, giving \$2.65 million to support the measures in five states.
- **Fund For Democracy**, based in New York City and headed by Rich. The Fund provided seed money to state initiative campaigns,<sup>58</sup> giving \$1.77 million to support the measures in three western states.
- **Montanans in Action**, supported by Rich's America At Its Best,<sup>59</sup> gave \$600,000 to support California's eminent domain measure.
- **America At Its Best** gave \$585,000 to the measures in Idaho and North Dakota. Although the organization lists a Montana address, it is primarily funded by organizations associated with Rich, according to reports the organization filed with the Nebraska Accountability and Disclosure Commission.
- **Club for Growth State Action**, headed by Rich<sup>60</sup> and also housed in the same office in Illinois as Americans For Limited Government and America At Its Best, gave \$220,000 to the measures in Arizona and California. The national arm, **Club For Growth**, out of Washington, D.C., gave another \$100,000.
- **Colorado At Its Best**, an affiliate of America At Its Best in Golden, Colo., gave \$50,000 to the Colorado measure.

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<sup>57</sup> *Americans For Limited Government* [on-line], available from <http://www.getliberty.org/people/hrich.php>; Internet; accessed April 9, 2007.

<sup>58</sup> *Ibid.*

<sup>59</sup> "America At Its Best-Groups We Support," *America At Its Best* [on-line]; available from [http://www.americaatitsbest.org/who\\_we\\_support1.html](http://www.americaatitsbest.org/who_we_support1.html); Internet; accessed June 6, 2007.

<sup>60</sup> *Americans For Limited Government* [on-line]; available from <http://www.getliberty.org/people/hrich.php>; Internet; accessed April 9, 2007.

- Two **Stop Over Spending** committees, one based in Michigan and the other in Nebraska, gave a total of \$34,000 in Idaho. Both groups were funded almost entirely by Rich's America At Its Best, according to campaign finance reports filed with the state disclosure agencies.
- **Tax and Spending Control for Nevada** was bankrolled by Rich's Americans For Limited Government, according to campaign finance reports filed with the Secretary of State's office in Nevada.
- **U.S. Term Limits**, founded by Rich,<sup>61</sup> gave \$5,000 in New Hampshire.

#### HOWARD RICH GROUPS' CONTRIBUTIONS, 2006

STATE	CONTRIBUTOR	TOTAL
California	Fund For Democracy	\$1,500,000
California	Americans For Limited Government	\$1,000,000
California	Montanans In Action	\$600,000
California	Club For Growth State Action	\$220,000
California	Colorado At Its Best	\$50,000
<b>TOTAL</b>		<b>\$3,370,000</b>
Arizona	Americans For Limited Government	\$1,117,000
Arizona	Club For Growth (National)	\$100,000
Arizona	Fund For Democracy	\$34,500
<b>TOTAL</b>		<b>\$1,251,500</b>
Idaho	America At Its Best	\$575,000
Idaho	Fund For Democracy	\$237,000
Idaho	Stop Over Spending Michigan	\$18,000
Idaho	Stop Over Spending Nebraska Coalition	\$16,000
Idaho	Tax & Spending Control For Nevada	\$12,500
<b>TOTAL</b>		<b>\$858,500</b>
Washington	Americans For Limited Government	\$360,000
<b>TOTAL</b>		<b>\$360,000</b>
Nevada	Americans For Limited Government	\$168,778
<b>TOTAL</b>		<b>\$168,778</b>
New Hampshire	Americans For Limited Government	\$5,000
New Hampshire	U.S. Term Limits	\$5,000
<b>TOTAL</b>		<b>\$10,000</b>
North Dakota	America At Its Best	\$10,000
<b>TOTAL</b>		<b>\$10,000</b>
<b>OVERALL TOTAL</b>		<b>\$6,028,778</b>

<sup>61</sup> *Americans For Limited Government* [on-line], available from <http://www.getliberty.org/people/hrich.php>; Internet; accessed April 9, 2007.

## MAJOR CONTRIBUTORS

Although many donors gave to support the measures, the big money came from a few sources. The top 10 supporting donors provided 83 percent of the money raised by proponent committees. By comparison, the top 10 opposing contributors provided 57 percent of the opposition's total.

### TOP CONTRIBUTORS TO PROPERTY RIGHTS COMMITTEES, 2006

<b>PROPONENTS</b>	<b>TOTAL</b>
Americans For Limited Government	\$2,650,778
Fund For Democracy	\$1,771,500
Montanans in Action	\$600,000
America At Its Best	\$585,000
Washington State Farm Bureau	\$392,608
Club For Growth	\$320,000
Michigan Association of Realtors	\$301,948
Arizona Chamber of Commerce	\$299,990
National Taxpayers Union	\$225,000
Fieldstead & Co.	\$213,908
<b>TOTAL</b>	<b>\$7,360,732</b>
<b>OPPONENTS</b>	
League of California Cities	\$4,085,000
The Nature Conservancy	\$1,864,489
No On 90, Conservationists For Taxpayer Protection	\$1,625,000
California State Building & Construction Trades Council	\$1,000,000
California State Association of Counties	\$650,000
California Redevelopment Association	\$560,381
Nevada Tomorrow	\$500,085
California Public Securities Association	\$500,000
California State Council of Service Employees	\$400,000
California Teachers Association	\$250,000
Forest City Residential West, Inc.	\$250,000
Pacific Gas & Electric	\$250,000
<b>TOTAL</b>	<b>\$11,934,955</b>
<b>OVERALL TOTAL</b>	<b>\$19,295,687</b>

Environmental and governmental associations, as well as labor unions, squared off with Rich's groups, giving a total of \$11.9 million, or more than half of the opponent's war chests.

The League of California Cities was the largest overall contributor. This association of California city officials made 11 contributions totaling \$4 million to the No On 90 - Californians Against the Taxpayers Trap committee.

Among the environmental organizations, two in particular stood out. The Nature Conservancy, a national nonprofit conservation organization, gave \$1.86 million in opposition to the measures in California, Washington and Idaho. The League of Conservation Voters ballot measure committee, No on 90 — Conservationists For Taxpayer Protection, gave most of the money it raised — \$1.6 million — to another opposing committee, the No on 90 — Californians Against the Taxpayers Trap.

Labor organizations provided \$2.1 million to defeat the measures, mostly in California, where they gave \$1.8 million. Three labor donors were responsible for 75 percent of all the labor money: the California State Building and Construction Trades Council, which gave \$1 million to the No On 90 - Californians Against the Taxpayers Trap; the California State Council of Service Employees, which gave \$400,000 to the No On 90, Conservationists For Taxpayer Protection; and the California Teachers Association, which contributed \$250,000 to the same committee.

Several donors gave to committees in multiple states, focusing primarily on five western states. Although dominated by Howard Rich groups and environmental organizations, one individual contributor did give across state lines. Paul Brainerd, founder of the Aldus software company and current president of the Brainerd Foundation, is now “a philanthropist promoting environmental stewardship.”<sup>62</sup>

#### MAJOR CONTRIBUTORS GIVING ACROSS STATE LINES, 2006

<b>CONTRIBUTOR</b>	<b>STATE</b>	<b>POSITION</b>	<b>TOTAL</b>
Americans For Limited Government	Arizona	For	\$1,117,000
	California	For	\$1,000,000
	Washington	For	\$360,000
	Nevada	For	\$168,778
	New Hampshire	For	\$5,000
<b>TOTAL</b>			<b>\$2,650,778</b>
The Nature Conservancy	California	Against	\$1,164,245
	Washington	Against	\$549,744
	Idaho	Against	\$150,500
<b>TOTAL</b>			<b>\$1,864,489</b>
Fund For Democracy	California	For	\$1,500,000
	Idaho	For	\$237,000
	Arizona	For	\$34,500
<b>TOTAL</b>			<b>\$1,771,500</b>
America At Its Best	Idaho	For	\$575,000
	North Dakota	For	\$10,000
<b>TOTAL</b>			<b>\$585,000</b>
Club For Growth	California	For	\$220,000
	Arizona	For	\$100,000
<b>TOTAL</b>			<b>\$320,000</b>
Brainerd, Paul	Washington	Against	\$150,000
	Idaho	Against	\$20,000
<b>TOTAL</b>			<b>\$320,000</b>
Defenders of Wildlife	Arizona	Against	\$25,000
	Washington	Against	\$25,000
	California	Against	\$20,000
	Idaho	Against	\$50
<b>TOTAL</b>			<b>\$70,050</b>

<sup>62</sup> “Origins,” *The Brainerd Foundation* [on-line]; available from <http://www.brainerd.org/about/origins.php>; Internet; accessed May 18, 2007.

<b>CONTRIBUTOR</b>	<b>STATE</b>	<b>POSITION</b>	<b>TOTAL</b>
Partnership Project Inc.	Arizona	Against	\$33,786
	California	Against	\$20,000
	Idaho	Against	\$929
<b>TOTAL</b>			<b>\$54,715</b>

#### OUT-OF-STATE DONORS

Donors from out of state contributed a total of \$7.9 million — 27 percent of all the money raised to support or oppose the measures.

Proponents relied quite heavily on out-of-state dollars. The \$6.3 million raked in from elsewhere accounted for 71 percent of the money raised by proponents. In sharp contrast, opponents raised less than 8 percent of their total, or \$1.6 million, from out-of-state donors.

Most of the out-of-state donations in support of the measures went to California and Arizona, \$3.4 million and \$1.5 million respectively. The bulk of the out-of-state money raised in opposition to the measures went to Washington, with \$786,117, and California, \$573,095.

Some committees, however, took in no out-of-state funds. Supporting committees in Michigan and Florida did not receive out-of-state donations, nor did opposing committees in North Dakota, New Hampshire and Oregon.

#### OUT-OF-STATE CONTRIBUTIONS TO PROPERTY-RIGHTS COMMITTEES, 2006

<b>STATE</b>	<b>FOR</b>	<b>AGAINST</b>	<b>TOTAL OUT OF STATE</b>	<b>PERCENT OF TOTAL</b>
North Dakota	\$10,000	\$0	\$10,000	75%
Arizona	\$1,476,525	\$60,086	\$1,536,611	67%
Idaho	\$858,500	\$41,440	\$899,940	53%
New Hampshire	\$23,525	\$0	\$23,525	51%
California	\$3,390,250	\$537,095	\$3,927,345	22%
Washington	\$366,685	\$786,117	\$1,152,802	22%
Nevada	\$168,778	\$179,700	\$348,478	21%
Oregon	\$12,500	\$0	\$12,500	6%
<b>TOTAL</b>	<b>\$6,306,763</b>	<b>\$1,604,438</b>	<b>\$7,911,201</b>	<b>27%</b>

## A CLOSER LOOK AT THE MEASURES

### ARIZONA

Voters approved Arizona's Proposition 207 with a solid 65 percent of the vote. The proposition combined eminent domain and regulatory takings in a single question and was the only one of the seven regulatory-takings measures that passed.

Two committees active on the measure raised nearly \$2.3 million. The proponent, AZ Home Owners Protection Effort, or AZ HOPE for short, raised \$1.8 million, 80 percent of the total raised altogether.

#### CONTRIBUTIONS TO ARIZONA'S PROPOSITION 207, 2006

<b>PROPONENTS</b>	<b>TOTAL</b>
AZ Home Owners Protection Effort (AZ HOPE)	\$1,847,208
<b>OPPONENTS</b>	
Protecting Arizona Taxpayers Coalition	\$436,119
<b>OVERALL TOTAL</b>	<b>\$2,283,327</b>

Three groups affiliated with Howard Rich provided \$1.25 million to AZ HOPE, two-thirds of the committee's war chest. Americans For Limited Government provided the bulk of the funds, giving \$1.1 million, while the Club For Growth gave \$100,000 and the Fund For Democracy gave \$34,500. Another major donor to AZ HOPE was the Arizona Chamber of Commerce, which gave \$299,990.

The opposing committee, Protecting Arizona Taxpayers Coalition, raised \$436,119, less than one-fourth the funds raised by the proponent committee. Two major donors provided 57 percent of the opposition's total — Valley Partnership, a real estate organization that "advocates responsible development,"<sup>63</sup> provided \$150,000 and the Sonoran Institute, a nonprofit conservation organization, gave \$101,000.

Due to the influx of funds from Rich groups, the AZ HOPE committee raised just 20 percent of its funds from donors within the Grand Canyon State. In sharp contrast, 86 percent of the funds raised by the Protecting Arizona Taxpayers Coalition came from resident donors.

Individual donors played a minor role in funding the campaigns. The AZ HOPE committee raised just over \$68,000 from individuals, which accounted for less than 4 percent of the committee's total. Similarly, the Protecting Arizona Taxpayers Coalition raised just over \$29,000 from individuals, or about 7 percent of its total.

### CALIFORNIA

California voters narrowly rejected Proposition 90 with 52 percent of the votes cast against the measure. The measure would have limited the government's ability to take private property, and

<sup>63</sup> *Valley Partnership* [on-line], available from <http://www.valleypartnership.org/>; Internet; accessed April 23, 2007.

would have required the government to pay property owners for economic losses resulting from new regulations.

The Proposition 90 campaign attracted a total of \$18.2 million, with the opponents raising more than three times the \$3.9 million raised by the proponents.

### CONTRIBUTIONS TO CALIFORNIA'S PROPOSITION 90, 2006

<b>PROPONENTS</b>		<b>TOTAL</b>
Protect Our Homes Coalition		\$3,878,880
Central California For Yes On Proposition 90		\$6,352
	<b>TOTAL</b>	<b>\$3,885,232</b>
<b>OPPONENTS</b>		
No On 90 - Californians Against The Taxpayers Trap <sup>64</sup>		\$12,409,493
No On 90 - Conservationists For Taxpayer Protection		\$1,899,021
Citizens For Responsible Elections*		\$30,000
	<b>TOTAL</b>	<b>\$14,338,514</b>
	<b>OVERALL TOTAL</b>	<b>\$18,223,746</b>

\* Involved in 13 2006 ballot measures.

The main committee in favor of the measure, the Protect Our Homes Coalition, was bankrolled almost entirely by groups affiliated with Howard Rich. Rich's groups provided 87 percent of the money raised by the committee. Rich got involved in the California measure when Republican State Rep. Mimi Walters sought his financial help after legislation she authored earlier in the year died.<sup>65</sup>

Another major donor was Fieldstead & Co., which gave \$213,908. Howard Ahmanson, a California millionaire known for his support of evangelical Christian conservative causes, runs this private philanthropic organization.<sup>66</sup>

Because of the prevalence of money from Howard Rich groups, the Protect Our Homes Coalition raised only 12 percent of its funds from in-state donors. In sharp contrast, in-state dollars made up the majority of the funds in the opponents' coffers: 99 percent of the money raised by No on 90 — Californians Against the Taxpayer's Trap; 76 percent of the funds raised by the No on 90 — Conservationists For Taxpayer Protection; and all of the money raised by Citizens For Responsible Elections.

Individual donors had a minor role in financing the committees involved in the measure. Proponents garnered \$16,164 from individuals, which made up less than 1 percent of their total, while the \$592,337 from individuals to the opposing committees made up 4 percent of their total.

<sup>64</sup> The No On 90 - Conservationists For Taxpayer Protection committee gave \$1,625,000 to this committee, making it likely the amount was in the disclosure reports twice.

<sup>65</sup> Jim Morris and Josh Israel, "A Get-Rich-Quick Story," *Center For Public Integrity*, Oct. 6, 2006 [on-line]; available from [http://www.takingsinitiatives.org/index.php?option=com\\_content&task=view&id=125&Itemid=45](http://www.takingsinitiatives.org/index.php?option=com_content&task=view&id=125&Itemid=45); Internet; accessed April 24, 2007.

<sup>66</sup> Scott Stephens, "Heir Spends Family Fortune to Discredit Evolution," *The Plain Dealer* [newspaper on-line]; available from <http://www.cleveland.com/debate/index.ssf?/debate/more/1040639430179810.html>; Internet; accessed May 22, 2007.

Although proponents faced defeat in both fund raising and the voting booth in 2006, they were not deterred, according to Kevin Spillane, a campaign consultant for Proposition 90. “The bottom line is we’re going to be back better funded and stronger than before,” Spillane said.<sup>67</sup>

**FLORIDA**

In response to the Supreme Court’s Kelo decision, the 2006 Florida Legislature passed House Bill 1567, which prohibits the transfer of private property acquired through eminent domain to another private entity with certain exceptions.

But the Legislature did not stop there, passing HJR 1569, referred to the voters as Amendment 8. The legislative referendum, which the voters passed with a solid 69 percent majority, requires a three-fifths vote of both houses of the state legislature to approve the use of eminent domain to transfer private property to another private entity.

The measure attracted little attention, relative to other states. There was no organized opposition to the measure, and the one committee formed to support it, the Stop Taking Our Property Committee, received just \$5,000 from Hospital Corp of America’s West Division seven days after the election.

**IDAHO**

Proponents of Proposition 2 were soundly defeated on Election Day. The measure, which combined eminent domain with regulatory takings, garnered just 24 percent of the votes.

The committee promoting the measure, This House Is My Home, was bankrolled by five Howard Rich groups, which provided 98 percent of the money the committee raised. America At Its Best provided the bulk of the funds, with \$575,000, while the Fund For Democracy gave \$237,000. In addition, three ballot measure committees that raised funds to pass expenditure limits in several states gave \$46,500: Stop Over Spending in Michigan gave \$18,000; Stop Over Spending Nebraska gave \$16,000; and the Tax & Spending Control For Nevada gave \$12,500.

**CONTRIBUTIONS TO IDAHO’S PROPOSITION 2, 2006**

<b>PROPONENTS</b>	<b>TOTAL</b>
This House Is My Home	\$876,163
<b>OPPONENTS</b>	
Neighbors Protecting Idaho	\$806,968
Opponents of Proposition 2	\$854
<b>TOTAL</b>	<b>\$807,821</b>
<b>OVERALL TOTAL</b>	<b>\$1,683,984</b>

Environmental interests provided a total of \$346,979, or 43 percent of the money raised by Neighbors Protecting Idaho. The largest environmental donor was the Idaho office of The Nature Conservancy, which gave \$150,500.

<sup>67</sup> Judith C. Wolff, “Eminent Domain Restrictions in the Aftermath of Kelo: Will Proposition 90 Rise From the Ashes?,” *Continuing Education for the Bar* [on-line]; available from <http://ceb.com/newsletterv20/4PropertyTax.asp>; Internet; accessed May 1, 2007.

Three other large donors gave \$100,000 or more: Republican State Sen. Brad Little and John O'Connor of the Idaho Conservation League each gave \$150,000, and Clark Development — a real estate development company headed by Bill Clark, a board member of the Idaho Smart Growth organization — gave \$100,000.<sup>68</sup>

## MICHIGAN

Michigan's eminent domain measure, Proposal 06-4, was put on the ballot when the Legislature approved Senate Joint Resolution E in December 2005 after weeks of discussion following the Kelo decision.<sup>69</sup>

No committees formed in opposition to the measure, while two formed to support it. The Protect Our Property Rights committee raised \$375,748 from five donors. The preponderance of the money came from the Michigan Association of Realtors, which gave \$301,948. The other donors were the Michigan Chamber of Commerce, \$50,000; the Michigan Association of Home Builders, \$10,000, with another \$5,000 from the organization's political arm, Friends of Housing; and the Building A Better West Michigan PAC, \$8,800.

The Prime Housing Group, which offers rental apartments close to Michigan State University,<sup>70</sup> also formed as a ballot measure committee and provided \$2,204 worth of yard signs in support of the measure.

### CONTRIBUTIONS TO MICHIGAN'S PROPOSAL 06-4, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
Protect Our Property Rights	\$375,748
Prime Housing Group	\$2,204
<b>TOTAL</b>	<b>\$377,952</b>

## NEVADA

Nevadans overwhelmingly approved Question 2, the Nevada Property Owner's Bill of Rights measure, which garnered 63 percent of the vote.

Although the measure enjoyed popular support on Election Day, just five contributors provided the money raised by the lone proponent committee, People's Initiative to Stop the Taking of Our Land, or PISTOL. Over half the money raised by PISTOL — \$168,778 — came from Americans For Limited Government. In addition, Liberty Oil, an independent Australian fuel provider with an office in Las Vegas, provided \$65,000.

<sup>68</sup> "About Idaho Smart Growth," *Idaho Smarth Growth* [on-line]; available from <http://www.idahosmartgrowth.org/about.htm#board>; Internet; accessed May 22, 2007.

<sup>69</sup> "Statewide Ballot Proposals, 2006," *Michigan State University Extension* [on-line]; available from <http://web1.msue.msu.edu/slg/materials/2006Ballot%20FINAL%20VERSION.pdf>; Internet; accessed May 11, 2007.

<sup>70</sup> *Prime Housing Group* [on-line]; available from <http://www.primehousinggroup.com/>; Internet, accessed June 9, 2007.

Three individuals gave in support of the measure. Kermitt Waters of Las Vegas, gave \$51,000. As a lawyer working in part on eminent domain issues,<sup>71</sup> Waters stood to gain substantial business if the measure passed.

Don Chairez, who ran an unsuccessful campaign for attorney general in 2006, was another major supporter of the initiative. In addition to the \$8,300 he gave to PISTOL, Chairez co-authored the measure.<sup>72</sup> As a local judge, Chairez had earlier ruled against the city of Las Vegas in its attempt to take private property for purposes of redevelopment.<sup>73</sup> The Nevada Supreme Court later reversed his ruling.

The third individual, Shahriar Soheil, of Las Vegas, gave an in-kind donation of \$6,498.

#### CONTRIBUTIONS TO NEVADA'S QUESTION 2, 2006

<b>PROPONENTS</b>	<b>TOTAL</b>
People's Initiative to Stop the Taking of Our Land	\$299,576
<b>OPPONENTS</b>	
Nevadans For Nevada	\$658,085
Nevadans for the Protection of Property Rights, Inc.	\$623,662
No on Question 2	\$51,835
	<b>TOTAL \$1,333,582</b>
<b>OVERALL TOTAL</b>	<b>\$1,633,158</b>

Three committees formed in opposition to the measure raised a total of \$1.3 million, more than four times the money raised by the sole supporting committee.

Nevadans For Nevada, "a coalition representing fire fighters and police, teachers, nurses, seniors and others,"<sup>74</sup> fought both the eminent domain measure as well as the Tax and Spend Control measure (TASC), which was stripped from the ballot by the state Supreme Court in early September. Three-fourths of the money raised by Nevadans For Nevada, \$500,085, came from Nevada Tomorrow, a committee that organized to fight the TASC measure.

The other major committee opposed to the measure, Nevadans for the Protection of Property Rights Inc., was the lead plaintiff in a lawsuit to remove the measure from the ballot. The group was partially successful in its legal challenge, as the Nevada Supreme Court ruled that the measure violated the state requirements that ballot measures address a single issue. The ruling removed the

<sup>71</sup> "Property Bill of Rights," *People's Initiative to Stop the Taking of Our Land* [on-line]; available from [www.propertybillofrights.com/who.html](http://www.propertybillofrights.com/who.html); accessed June 20, 2007.

<sup>72</sup> "Protecting Property Rights," *Don Chairez for Attorney General* [on-line]; available from <http://www.chairez.com/protecting-property-rights.php>; Internet; accessed May 16, 2007.

<sup>73</sup> *Ibid.*

<sup>74</sup> Brendan Riley, "Nevada Court Reviews Ballot Question Hearings," *Las Vegas Sun* [newspaper on-line], Aug. 23, 2006; available from <http://www.lasvegassun.com/sunbin/stories/text/2006/aug/23/082310253.html>; Internet, accessed May 17, 2007.

regulatory-takings provision but allowed the eminent domain provision to remain on the ballot as Question 3.<sup>75</sup>

To fund the committee's lawsuit and further opposition to the measure, real estate developers and casinos gave heavily, contributing \$276,000 and \$117,500, respectively. The committee also raised \$126,700, or 20 percent of its funds from outside the state.

## NEW HAMPSHIRE

Question 1 on New Hampshire's ballot passed with an overwhelming 86 percent of the votes. The measure, which prohibits government from using their power of eminent domain to take property for the purpose of transferring it to another private entity for private development, also drew no organized opposition.

Just one committee formed around Question 1 — the Property Protection Alliance of New Hampshire, which raised \$46,101 to support the measure. Unlike other committees, this committee drew support primarily from individuals, not wealthy out-of-state donors or special-interest groups. One hundred fifteen donors gave a collective total of \$28,512, accounting for 62 percent of the money raised. Two groups affiliated with Howard Rich — Americans For Limited Government and U.S. Term Limits — gave \$5,000 each, as did presidential hopeful John McCain's Straight Talk America leadership committee.

## NORTH DAKOTA

Measure 2 in North Dakota, which prohibits government from taking private property for economic development purposes, passed with 67 percent of the voters in favor of it.

The Citizens to Restrict Eminent Domain (C-RED) raised \$13,325 in support of the measure. Although C-RED describes itself as a "committee comprised of people of many backgrounds and political beliefs,"<sup>76</sup> the funds raised came almost exclusively from Rich's America At Its Best, which gave \$10,000, or three-fourths of the money raised. The Landowners Association of North Dakota and the North Dakota Farm Bureau gave \$2,000 and \$1,000 respectively. One individual, James Berg of Starkweather, gave \$200.

No committees formed in opposition to the measure.

## OREGON

Measure 39 prohibits governments from condemning private property if it intends to transfer the property to a private party. The measure passed gathering a comfortable 63 percent of the votes.

Absent any organized opposition, two committees raised a collective total of just \$197,633. The Parents Education Association, which raised \$34,154, organized around nine other ballot measures, making it difficult to determine how much of the money raised was dedicated to Measure 39.

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<sup>75</sup> "Regulatory Takings Ballot Measures Across America," *American Planning Association* [on-line]; available from <http://www.planning.org/legislation/measure37/index.htm?project=Print>; Internet; accessed May 17, 2007.

<sup>76</sup> "What is C-RED?," *Citizens to Restrict Eminent Domain* [on-line]; available from [http://c-red.org/About/About\\_C-RED.htm](http://c-red.org/About/About_C-RED.htm); Internet; accessed May 11, 2007.

Neighbors Helping Neighbors, however, organized solely to support the eminent domain measure. To fund its campaign, the committee collected 28 contributions from just 11 contributors totaling \$163,478. The Oregon Family Farm Association was its largest donor, giving \$60,563, about 37 percent of the committee's total. Seneca Jones Timber Company gave \$37,500.

#### **CONTRIBUTIONS TO OREGON'S MEASURE 39, 2006**

<b>PROPONENTS</b>	<b>TOTAL</b>
Neighbors Helping Neighbors	\$163,478
Parents Education Association	\$34,154
<b>TOTAL</b>	<b>\$197,633</b>

#### **WASHINGTON**

Washington's I- 933 was one of three eminent domain/regulatory takings measures rejected by voters by a solid 59 percent.

I-933 was written by the Washington Farm Bureau because "our members are finding it increasingly difficult to remain in business due to no-touch buffers, habitat set asides and other land use regulations limiting their ability to responsibly farm their land."<sup>77</sup> The Bureau's committee, the Property Fairness Coalition, raised nearly \$1.3 million in support of the measure, half of which — \$638,626 — came from the Washington Farm Bureau and local affiliates. The other major funder was Howard Rich's Americans For Limited Government, which gave six contributions totaling \$360,000.

The Property Fairness Coalition raised very little money from individual donors, whose contributions made up just 6 percent of the committee's funds. By comparison, the opposing committees raised half of their money from individual donors.

Most of the money raised around I-933 came from within the Evergreen State — out-of-state donors accounted for 29 percent of the proponent's coffers and 21 percent of the opposition's coffers.

#### **CONTRIBUTIONS TO WASHINGTON'S I-933, 2006**

<b>PROPONENTS</b>	<b>TOTAL</b>
Property Fairness Coalition	\$1,262,697
<b>OPPONENTS</b>	<b>TOTAL</b>
Citizens For Community Protection	\$3,861,575
Whatcom Communities Opposing I-933	\$5,067
People Who Care	\$0
<b>TOTAL</b>	<b>\$3,866,643</b>
<b>OVERALL TOTAL</b>	<b>\$5,129,340</b>

<sup>77</sup> "Vote Yes on Initiative 933," *Washington Farm Bureau* [on-line]; available from <http://www.propertyfairness.com/933learn.htm>; Internet; accessed May 18, 2007.

The primary committee opposing I-933, Citizens For Community Protection, raised roughly \$3.9 million, three times the money raised by the proponent. Environmental advocates provided \$1.79 million, or 46 percent of the money raised.

The largest environmental donor was The Nature Conservancy, which gave \$549,744. A Seattle-based environmental group, Futurewise, was second with \$200,744, followed closely by the Washington Conservation Voters, with \$176,987.

The Citizens For Community Protection committee relied heavily on donations from individuals — more than 2,000 individual donors gave a total of \$1.94 million. While the average donation was \$704, four individuals stood out among the large crowd, giving \$100,000 or more:

- Paul Brainerd contributed \$150,000. Founder of the Aldus software company and current president of the Brainerd Foundation, Brainerd is now “a philanthropist promoting environmental stewardship.” Brainerd gave an additional \$20,000 to the opposition group in Idaho, Neighbors Protecting Idaho.
- Mary Anne Tagney-Jones, active on environmental issues in the state of Washington for the past 20 years,<sup>78</sup> gave \$100,000.
- George Russell, Jr., chairman emeritus of the Russell Investment Group,<sup>79</sup> gave \$100,000.
- G. James Roush, who is on the National Advisory Council of the Sierra Club Foundation,<sup>80</sup> gave \$100,000.

Although proponents were defeated at the ballot box last November, they have vowed to return, albeit using a different tactic, as indicated on the Washington Farm Bureau’s Property Fairness Web site: “We may not have won at the ballot box, but this fight isn't over! We have set the stage for legislative efforts to fix the problems that the governor, major newspapers and even our opponents agreed are hurting this state's private property owners.”<sup>81</sup>

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<sup>78</sup> “Board Bios,” *Cascade Land Conservancy* [on-line]; available from <http://www.cascadeland.org/about-clc/board/board-bios>; Internet; accessed May 18, 2007.

<sup>79</sup> “Executive Staff Profiles,” *Russell Investment Group* [on-line]; available from [http://www.russell.com/nz/About\\_Russell/Corporate\\_Info/Executive\\_Staff/International\\_Exec\\_Staff.asp](http://www.russell.com/nz/About_Russell/Corporate_Info/Executive_Staff/International_Exec_Staff.asp); Internet; accessed May 18, 2007.

<sup>80</sup> *The Sierra Club Foundation* [on-line]; available from <http://www.sierraclub.org/foundation/inside/nac.asp>; Internet; accessed May 18, 2007.

<sup>81</sup> *Vote Yes on 933* [on-line]; available from <http://www.propertyfairness.com/>; Internet; accessed May 17, 2007.

## PRO-LIFE AND PRO-CHOICE TAKE BATTLE TO THE BALLOT

By Scott Jordan

In 2005 and 2006, citizens in three states voted down ballot measures that would have restricted abortion. South Dakota voters defeated a law passed previously by the state legislature that would have prohibited abortion in most forms. Meanwhile, voters in California and Oregon rejected measures that would have required a waiting period and parental notification prior to a minor receiving an abortion.

The measures reflect the actions by abortion opponents to strip abortion rights gradually on both the federal and state levels, while also attempting to outlaw abortion procedures completely.<sup>82</sup> These actions have put abortion-rights advocates on the defensive against the momentum created by anti-abortion victories,<sup>83</sup> causing advocates to pour money into thwarting any threat to abortion rights.

The 2005 and 2006 abortion measure battles in the three states attracted nearly \$28 million in contributions. Opponents of the measures raised nearly \$18 million, or 78 percent more than the \$10 million raised by proponents.

### CONTRIBUTIONS TO THE ABORTION BALLOT MEASURE COMMITTEES, 2005-2006

STATE	YEAR	MEASURE	PROONENTS	OPPONENTS	TOTAL
California	2006	Proposition 85	\$3,448,669	\$6,897,686	\$10,346,355
California	2005	Proposition 73	\$2,593,602	\$5,429,039	\$8,022,641
South Dakota	2006	Referred Law 6	\$2,914,334	\$3,728,525	\$6,642,859
Oregon <sup>84</sup>	2006	Measure 43	\$1,121,273	\$1,931,248	\$3,052,521
<b>TOTAL</b>			<b>\$10,077,878</b>	<b>\$17,986,498</b>	<b>\$28,064,376</b>

The closely watched campaign in South Dakota attracted attention — and money — from out-of-state donors, who accounted for 56 percent of the money raised. The campaigns in California and Oregon, by comparison, were funded primarily by in-state donors, who gave 96 percent and 89 percent of the totals raised, respectively.

### MAJOR DONORS

A few large donors were responsible for most of the contributions in each of the three states. The top 10 supporting donors contributed 69 percent of the money raised in support of the measures.

<sup>82</sup> Judy Peres, "States See New Fights on Abortion," *Chicago Tribune*, April 27, 2007 [newspaper on-line]; available from: <http://www.chicagotribune.com/news/nationworld/chi-0704270158apr27,1,6401993,print.story?coll=chi-newsnationworld-hed>; Internet; accessed May 7, 2007.

<sup>83</sup> Tracy Jan, "Protesters Decry Upholding of Ban on Abortion Procedure," *Boston Globe*, April 29, 2007 [newspaper on-line]; available from: [http://www.boston.com/news/local/articles/2007/04/29/protesters\\_decry\\_upholding\\_of\\_ban\\_on\\_abortion\\_procedure/](http://www.boston.com/news/local/articles/2007/04/29/protesters_decry_upholding_of_ban_on_abortion_procedure/); Internet, accessed May 10, 2007.

<sup>84</sup> All figures for Oregon do not include money raised by petition committees, which form to place a measure on the ballot. After a petition qualifies for the ballot, petition committees must close and disburse their remaining funds or re-form as a ballot measure committee.

Similarly, the top 10 opposing donors accounted for 63 percent of all money raised in opposition to the three measures.

#### TOP CONTRIBUTORS TO ABORTION COMMITTEES, 2005-2006

<b>PROPOSERS OF ABORTION RESTRICTIONS</b>	<b>INDUSTRY</b>	<b>TOTAL</b>
Holman, James E.	Printing & Publishing	\$3,492,668
Oregon Right to Life	Abortion Policy, Pro-Life	\$826,379
Sebastiani, Don	Beer, Wine, Liquor	\$825,000
Promising Future Inc.	Ideology/Single Issue	\$750,000
Monaghan, Tom	Religious Conservative	\$250,000
Arkley II, Robin P.	Real Estate	\$227,000
American Family Association	Religious Conservative	\$150,000
Fieldstead & Co.	Religious Conservative	\$140,900
South Dakota Family Policy Council	Religious Conservative	\$123,166
California Republican Party	State Party	\$123,069
<b>TOTAL</b>		<b>\$6,908,182</b>
<b>OPPONENTS OF ABORTION RESTRICTIONS</b>		
Planned Parenthood*	Health Care Services	\$8,837,266
American Civil Liberties Union*	Ideology/Single Issue	\$433,108
Morgan, Rebecca Q.	Former State Legislator	\$427,500
National Abortion Rights Action League/NARAL*	Abortion Policy, Pro-Choice	\$326,305
California Teachers Association	Public Sector Unions	\$275,000
California Family Health Council	Health Care Services	\$258,035
Orr, Susan P.	Computer Software	\$210,000
Kauffman, Marta	Television Production	\$150,000
Leaders For An Effective Government	Democratic-Based Group	\$150,000
Packard, Julie	General Business	\$150,000
<b>TOTAL</b>		<b>\$11,217,214</b>

\* Includes contributions from national, state and local affiliates.

Individual donors with deep pockets proved to be major sources of contributions for both sides. Fifty-six individual donors contributed \$20,000 or more, totaling \$7.9 million, or 28 percent of the total raised.

Newspaper publisher James Holman gave \$3.5 million, all in support of the California ballot measures. Holman, who played a large role in getting the measures on the California ballot in both years, was one of eight individuals who contributed more than \$90,000 in 2005 and one of seven who did so in 2006 in California.

In South Dakota, oilman Lee Fikes led all individual contributors in the state, giving \$100,000 in opposition to Referred Law 6. Fikes was one of 15 donors who contributed \$20,000 or more in support or opposition to the measure in South Dakota.

In Oregon, publisher Susan Brown Burmeister and investor Henry Hillman Jr. each contributed \$20,000. Both opposed the Oregon measure.

## GIVING IN MULTIPLE STATES

Opponents of the abortion measures proved to be more coordinated in their giving across state lines than proponents. State and local affiliates of three of the top 10 donors — Planned Parenthood, the American Civil Liberties Union (ACLU) and National Abortion Rights Action League (NARAL) — contributed to ballot measures in more than one state. The ACLU and NARAL also gave in all three states, contributing \$433,108 and \$326,305, respectively. In addition, the Feminist Majority Foundation gave in both South Dakota and California.

Planned Parenthood and its affiliates led the opposition in each state, either by making significant contributions to the opposing committees or forming their own ballot measure committees. The organization was the single-largest contributor in South Dakota, Oregon and California in 2005 and 2006, and accounted for 49 percent of all money raised against the measures in the three states. Planned Parenthood sponsored its own ballot committees in both South Dakota and California.

Several individual donors who gave in opposition to the California measures also made smaller yet still sizable contributions in opposition to the South Dakota measure. By comparison, just one supporting donor — Focus on the Family — gave to ballot measures in more than one state.

### MAJOR MULTI STATE CONTRIBUTORS, 2005-2006

<b>CONTRIBUTOR</b>	<b>STATE</b>	<b>MEASURE POSITION</b>	<b>TOTAL</b>
Planned Parenthood*	California	Con	\$7,029,453
	South Dakota	Con	\$960,924
	Oregon	Con	\$846,889
<b>TOTAL</b>			<b>\$8,837,266</b>
American Civil Liberties Union*	South Dakota	Con	\$209,415
	California	Con	\$106,961
	Oregon	Con	\$116,732
<b>TOTAL</b>			<b>\$433,108</b>
Morgan, Rebecca Q.	California	Con	\$425,000
	South Dakota	Con	\$2,500
<b>TOTAL</b>			<b>\$427,500</b>
National Abortion Rights Action League/NARAL*	California	Con	\$152,244
	Oregon	Con	\$137,748
	South Dakota	Con	\$36,313
<b>TOTAL</b>			<b>\$326,305</b>
Orr, Susan P.	California	Con	\$200,000
	South Dakota	Con	\$10,000
<b>TOTAL</b>			<b>\$210,000</b>
Working Assets	California	Con	\$58,089
	South Dakota	Con	\$55,620
<b>TOTAL</b>			<b>\$113,709</b>
Grove, Eva	California	Con	\$101,008
	South Dakota	Con	\$10,000
<b>TOTAL</b>			<b>\$111,008</b>

<b>CONTRIBUTOR</b>	<b>STATE</b>	<b>POSITION</b>	<b>TOTAL</b>
Focus on the Family	South Dakota	Pro	\$60,000
	California	Pro	\$3,381
<b>TOTAL</b>			<b>\$63,381</b>
Feminist Majority Foundation	South Dakota	Con	\$46,820
	California	Con	\$12,403
<b>TOTAL</b>			<b>\$59,223</b>

\* Includes contributions from national, state and local affiliates.

## CALIFORNIA 2005 & 2006

California voters rejected the same abortion ballot measure two years in a row. The two measures — Proposition 73 in 2005 and Proposition 85 in 2006 — both called for a waiting period and parental notification prior to abortions performed on a minor. The measures reached the ballot both years largely because of two men: newspaper publisher James Holman, and former state senator Don Sebastiani. Holman and Sebastiani financed the petition drives, as well as the major supporting committee in each election.

Committees supporting and opposing the 2005 measure combined raised slightly more than \$8 million. The 2006 measure attracted \$10.3 million in contributions.

Each election pitted the contributions of a small group of wealthy donors who financed both the campaign and the ballot process against Planned Parenthood, abortion-rights forces and other individual donors.

### CONTRIBUTIONS TO CALIFORNIA'S PROPOSITION 73 COMMITTEES, 2005

<b>PROPOSONENTS</b>	<b>TOTAL</b>
Life on the Ballot	\$2,182,418
California Parents' Rights Coalition-Yes on 73	\$263,296
Parents for Prop. 73	\$146,088
Californians for Family Rights Yes on Prop. 73	\$1,800
<b>TOTAL</b>	<b>\$2,593,602</b>
<b>OPPONENTS</b>	
Campaign for Teen Safety-No on 73 <sup>85</sup>	\$5,291,142
No on 73 A Project of American Civil Liberties Union of Northern California <sup>86</sup>	\$69,770
Californians Against Arnold's Special Election – No on 73 74 75 76 77 & 78 & Yes On 79 & 80*	\$47,960
Asian Pacific Americans for an Informed California Against Propositions 73 74 75 76 & 77	\$12,194
No on Proposition 73	\$7,975
No Special Election-41st Ad Fighting Propositions 73 74 75 76 & 78	\$0
<b>TOTAL</b>	<b>\$5,429,041</b>
<b>OVERALL TOTAL</b>	<b>\$8,022,643</b>

\*Active on other ballot measures.

<sup>85</sup> The No on 73 A Project of American Civil Liberties Union of Northern California committee gave \$33,986 to this committee, making it likely the amount was in the disclosure reports twice.

<sup>86</sup> Campaign For Teen Safety – No on 73 committee gave \$5,000 to this committee, making it likely the amount was in the disclosure reports twice.

## CONTRIBUTIONS TO CALIFORNIA'S PROPOSITION 83 COMMITTEES, 2006

<b>PROPOSERS</b>		<b>TOTAL</b>
Yes on 85		\$3,440,208
Catholics for 85		\$8,461
<b>TOTAL</b>		<b>\$3,448,669</b>
<b>OPPONENTS</b>		
Campaign for Teen Safety – No on 85 <sup>87</sup>		\$6,352,134
No on 85 A Project of American Civil Liberties Union of Northern California		\$481,624
Citizens for Responsible Elections		\$30,000
Committee for California's Future*		\$29,500
Vote No on Prop 85		\$4,429
<b>TOTAL</b>		<b>\$6,897,687</b>
<b>OVERALL TOTAL</b>		<b>\$10,346,356</b>

\*Active on other ballot measures.

### PROPOSERS

A single committee operating under a different name each election<sup>88</sup> dominated support of the measure in 2005 and 2006. The 2005 committee, Life on the Ballot, raised nearly \$2.2 million, or 84 percent of all funds raised in support of the measure. In 2006, the committee became the Yes on 85 committee and raised \$3.4 million, garnering more than 99 percent of all the money raised in support of the measure.

The committee was principally the project of two donors. James E. Holman, publisher of the *San Diego Reader*, contributed nearly \$3.5 million over the two years — \$1.4 million in 2005 and \$2.1 million in 2006. His contributions totaled 62 percent of all the money raised by the committee.

Don Sebastiani, former state senator and owner of Sebastiani Vineyards, contributed \$825,000, or 12 percent all the money raised by the committee over the course of the two elections — \$350,000 in 2005 and \$475,000 in 2006.

The committee also had several other major donors.

- Domino's Pizza founder and conservative activist Tom Monaghan contributed \$250,000 in 2005, but nothing in 2006.
- Homebuilder Paul Griffin III and his wife, Marsha, each contributed \$45,000 in 2005 and \$48,000 in 2006, for a total of \$186,000.

In 2005, the California Parents' Rights Coalition-Yes on 73-A Project of California ProLife Council Inc. committee raised \$263,296 in contributions. The committee had two main sources

<sup>87</sup> The No on 73 A Project of American Civil Liberties Union of Northern California committee gave \$27,839 to this committee, making it likely the amount was in the disclosure reports twice.

<sup>88</sup> "Campaign Finance: Yes on 85, Major Funding Provided by Jim Holman, Don Sebastiani, and Others to Reform Parents' Right to Know and Child Protection Laws in California. (Aka "Life on the Ballot – Parents' Right To Know")" California Secretary of State [on-line]; available from <http://cal-access.ss.ca.gov/Campaign/Committees/Detail.aspx?id=1257969&session=2005>; Internet; accessed April 16, 2007.

that combined to account for \$205,900, or 78 percent of all contributions it received. These contributors also gave to the 2006 Yes on 85 campaign.

- Fieldstead & Co, a private philanthropic organization funded by Howard and Roberta Ahmanson that gives to religious conservative causes,<sup>89</sup> contributed \$115,900 in 2005 and \$25,000 in 2006.
- Robin P. Arkley II, chief executive officer of real estate investment firm Security National Holding Co., contributed \$90,000 in 2005 and \$137,000 in 2006.

Other committees of note in 2005 that supported the measure:

- Parents for Prop. 73 raised \$146,088 in contributions. The primary source of funds was the California Republican Party, which contributed \$123,069, or 84 percent of the committee's funds.
- Californians for Family Rights Yes on Prop. 73 raised only \$1,800. All funds came from Judy Barrett, co-owner of the winery Chateau Montelena.

## OPPONENTS

The biggest opponent to the measures in both elections was the Campaign for Teen Safety, which altered its name between the two elections from Campaign for Teen Safety-No on 73-A Project of Planned Parenthood Affiliates of Northern California in 2005 to the Campaign for Teen Safety – No on 85 in 2006.<sup>90</sup>

The committee raised \$11.6 million over the two elections — \$5.3 million in 2005 and \$6.3 million in 2006. Planned Parenthood affiliates provided a large share of the committee's money in both elections. In 2005, Planned Parenthood affiliates gave \$2.9 million, or 55 percent of the committee's total. In 2006, \$4.1 million, or 65 percent of the committee's total, came from these groups.

Other pro-choice organizations were also major donors in both 2005 and 2006 to the Campaign for Teen Safety:

- The California Family Health Council, an organization that provides family services, contributed \$150,000 in 2005 and \$108,035 in 2006.
- NARAL affiliates gave \$152,299 — \$ 110,927 in 2005 and \$41,317 in 2006.

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<sup>89</sup> "Time Names the 25 Most Influential Evangelicals in America," *Time*, Jan. 30, 2005, [magazine on-line]; available from [http://www.time.com/time/press\\_releases/article/0,8599,1022576,00.html](http://www.time.com/time/press_releases/article/0,8599,1022576,00.html); Internet; accessed May 7, 2007.

<sup>90</sup> "Campaign Finance: Campaign for Teen Safety - No on 85 - A Project of Planned Parenthood Affiliates of California" *California Secretary of State* [on-line]; available from <http://cal-access.ss.ca.gov/Campaign/Committees/Detail.aspx?id=1257969&session=2005>; Internet; accessed April 16, 2007.

- The California Chapter of the National Organization for Women contributed \$46,359: \$13,180 in 2005 and \$33,179 in 2006.

Eight individuals contributed over \$100,000 or more over the two elections to the Campaign for Teen Safety. Leading the pack was former State Sen. Rebecca Q. Morgan, who contributed \$250,000 in 2005 and \$175,000 in 2006. Another major donor was Telosa Software executive Susan P. Orr, who contributed \$100,000 in each election. Marta Kaufman, creator and former executive producer of the television show *Friends*,<sup>91</sup> contributed \$150,000.

The ACLU was a significant player in both elections. ACLU ballot measure committees and ACLU affiliates were both major contributors to the Campaign for Teen Safety. In both years, ACLU affiliates gave more money directly to the Campaign for Teen Safety than to their own committee, giving \$72,473 in 2005 and \$20,372 in 2006. In November 2006, the No on 85 - A Project of American Civil Liberties Union of Northern California committee contributed \$60,000 to the Campaign for Teen Safety. In December 2006, the Campaign for Teen Safety sent most of the money — \$50,000 — back to No on 85.

Several other committees were active in opposing the ballot measure in 2005 and 2006.

- In 2005, the No on 73 A Project of American Civil Liberties Union of Northern California committee raised \$69,770. San Francisco-based wireless and credit card provider Working Assets contributed \$25,000. ACLU affiliates contributed only \$3,700.
- No on 85 - A Project of American Civil Liberties Union of Northern California committee raised \$481,624 in contributions. The California Teachers Association contributed \$275,000, or 57 percent of that money to the committee. ACLU affiliates contributed \$10,416.

Two contributions came from Eleni Tsakopoulos-Kounalakis & Affiliated Entities to the ACLU committees: \$20,000 in 2005 and \$25,000 in 2006. Eleni Tsakopoulos-Kounalakis is the president of AKT Development, a Sacramento-based real estate development company.

Working Assets also had a presence in its home state of California sponsoring and funding Californians Against Arnold's Special Interest Election-No on 73 74 75 76 77 & 78 and Yes on 79 & 80. As its lengthy title suggests, the committee took a position on every ballot measure featured in the election. The committee raised \$47,960 for the 2005 election and received 62 percent, or \$29,876, from itself. Working Assets also gave \$25,000 to No on 73 A Project of American Civil Liberties Union of Northern California in 2005 and \$3,214 to No on 85 in 2006.

The Feminist Majority Foundation sponsored a separate committee in each election and funded both entirely through in-kind contributions. The No on Proposition 73 committee raised \$7,975 in 2005, and the Vote No on Prop 85 committee raised \$4,429 in 2006.

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<sup>91</sup> Bruce Handy, "Roll Over, Ward Cleaver," *Time*, April 14, 1997 [magazine on-line], available from <http://www.time.com/time/magazine/article/0,9171,986188-3,00.html>; Internet; accessed May 4, 2007.

**TOP CONTRIBUTORS TO CALIFORNIA ABORTION MEASURES, 2005 & 2006**

<b>CONTRIBUTOR</b>	<b>PRO/CON</b>	<b>2005</b>	<b>2006</b>	<b>TOTAL</b>
Planned Parenthood*	Con	\$2,909,723	\$4,119,730	\$7,029,453
Holman, James E.	Pro	\$1,356,398	\$2,136,270	\$3,492,668
Sebastiani, Don	Pro	\$350,000	\$475,000	\$825,000
Morgan, Rebecca Q.	Con	\$250,000	\$175,000	\$425,000
California Family Health Council	Con	\$150,000	\$108,035	\$258,035
Monaghan, Tom	Pro	\$250,000	\$0	\$250,000
Arkley II, Robin P.		90000	137000	\$227,000
Orr, Susan P.	Con	\$100,000	\$100,000	\$200,000
California Teachers Association	Con	\$0	\$275,000	\$275,000
National Abortion Rights Action League/NARAL*	Con	\$110,927	\$41,313	\$152,244
<b>TOTAL</b>		<b>\$5,567,048</b>	<b>\$7,567,348</b>	<b>\$13,134,400</b>

\* Includes contributions from national, state and local affiliates.

## OREGON

As in California, Oregon voters went to the polls in 2006 to vote on a ballot measure that would require a minor's parents to be notified of an abortion 48 hours prior to the procedure. Measure 43 failed, garnering just 44 percent of the vote.

Oregon Right to Life brought the measure to voters by funding Keep Our Daughters Safe/DBA Committee to Protect Our Teen Daughters (Keep Our Daughters Safe), the committee that undertook and financed the petition process.

Eight committees, four on each side of the measure, raised just over \$3 million. Supporting committees raised more than \$1 million dollars, while the opposition raised \$1.9 million.

### CONTRIBUTIONS TO OREGON'S MEASURE 43 COMMITTEES, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
Keep Our Daughters Safe/DBA Committee to Protect Our Teen Daughters <sup>92</sup>	\$1,032,014
Oregon Family Council Issues PAC	\$53,241
Parents Education Association PAC*	\$34,154
Oregon Right to Life Issues PAC*	\$1,864
<b>TOTAL</b>	<b>\$1,121,273</b>
<b>OPPONENTS</b>	
No on 43 Committee	\$1,634,416
Nurses United PAC*	\$294,852
Special Righteousness PAC	\$1,980
Traditional Prejudices Coalition	\$0
<b>TOTAL</b>	<b>\$1,931,248</b>
<b>OVERALL TOTAL</b>	<b>\$3,052,521</b>

\*Active on other ballot measures.

A single organization did most of the heavy financial lifting for the main committee on both sides of the measure. Oregon Right to Life and Planned Parenthood affiliates contributed more than half of the total money raised in support or opposition to the measure.

### SUPPORTERS

The Keep Our Daughters Safe committee was responsible for getting the measure on the ballot. As required in Oregon, the committee files separate campaign finance reports during the petition process. The Keep Our Daughters Safe petition committee was largely funded by Oregon Right to Life, which contributed nearly all of the \$350,000 raised to get the measure on the ballot.<sup>93</sup>

A group of intersecting committees supported Measure 43 once it qualified for the ballot.

<sup>92</sup> The Keep Our Daughters Safe/DBA Committee to Protect Our Teen Daughters received \$95,367 from the Oregon Family Council Issues PAC. According to expenditure reports for the Oregon Family Council Issues PAC ballot measure committee, much of the \$53,241 it raised was given to this committee in the form of in-kind contributions, making it likely that the amount was in the disclosure reports twice.

<sup>93</sup> "Keep Our Daughters Safe Committee/DBA Committee to Protect Our Teen Daughters September Supplemental Report," *Oregon Secretary of State* [on-line]; available from [http://egov.sos.state.or.us/elec/pkg\\_e1\\_web\\_ce\\_cmitee\\_query.p\\_ce\\_reports\\_query](http://egov.sos.state.or.us/elec/pkg_e1_web_ce_cmitee_query.p_ce_reports_query); Internet; accessed May 25, 2007.

The Keep Our Daughters Safe ballot committee led the charge, raising just over \$1 million. The committee was largely bankrolled by Oregon Right to Life, which contributed \$826,379, or 80 percent of the total it raised. Unitemized contributions, those that fall under the state’s reporting threshold of \$100 per election, totaled \$55,868.

The Oregon Right to Life Issues PAC raised \$1,864 in unitemized contributions. The committee was also active on two other ballot measures regarding campaign finance during the 2006 election.

The Oregon Family Council, which describes itself as working “towards encouraging and equipping the Christian community to take an active role in society through the elections and legislative process,”<sup>94</sup> contributed \$95,367 to Keep Our Daughters Safe. The separate ballot question committee set up by the Oregon Family Council — the Oregon Family Council Issues PAC — raised \$53,241. The Oregon Family Council contributed \$12,000 to the PAC, while \$34,531 came from donations under the Oregon reporting threshold.

#### OPPONENTS

The No on 43 Committee led the opposition to the measure and was largely supported by Planned Parenthood affiliates, which gave \$846,889, or 52 percent of the money raised by the committee.

Large contributors to the No on 43 committee included NARAL affiliates, which gave \$137,748; ACLU affiliates, which gave \$116,732; and the campaign committee of current Oregon Gov. Ted Kulongoski — a Democrat — contributed \$45,000.

The political action committee of the Oregon Nurses Association — the Nurses United PAC, which was also active on five other ballot measures — raised \$294,852. Unitemized contributions made up more than 99 percent of the committee’s total.

#### TOP CONTRIBUTORS TO MEASURE 43

Contributors in Oregon can largely be divided into the big and the small. The top 10 contributors combined to contribute \$2.1 million, or 70 percent of the money raised around the measure. Unitemized contributions totaled \$562,205, or 18 percent of the money raised around the measure.

#### TOP CONTRIBUTORS TO OREGON’S MEASURE 43, 2006

<b>CONTRIBUTOR</b>	<b>PRO/CON</b>	<b>TOTAL</b>
Planned Parenthood*	Con	\$846,889
Oregon Right to Life	Pro	\$826,379
National Abortion Rights Action League/NARAL*	Con	\$137,748
American Civil Liberties Union	Con	\$116,732
Oregon Family Council	Pro	\$107,367
Kulongoski for Governor	Con	\$45,000
Burmeister-Brown, Susan	Con	\$20,000
Hillman Jr., Henry	Con	\$20,000
McCormack, Winthrop	Con	\$17,000
Our Oregon	Con	\$14,500
<b>TOTAL</b>		<b>\$2,151,615</b>

\* Includes contributions from national, state and local affiliates.

<sup>94</sup>“Welcome,” *Oregon Family Council* [on-line]; available from <http://www.defenseofmarriagecoalition.org/>; Internet; accessed May 7, 2007.

## SOUTH DAKOTA

South Dakota voters flatly rejected Referendum 6, which would have upheld a state law passed earlier in the year by the Legislature. HB1215 would have prohibited any abortion unless the life or health of the mother was in danger. Abortion-rights advocates who wanted to overturn the law put the measure on the ballot after a successful petition process.

The law would have been the most restrictive ban on abortion in the nation, setting the precedent for both similar laws in other states as well as the inevitable legal challenges.<sup>95</sup>

The national implications of Referendum 6 brought the national spotlight and significant contributions from all over the country. Committees active on the measure raised a total of \$6.6 million.

### CONTRIBUTIONS TO SOUTH DAKOTA'S REFERENDUM 6 COMMITTEES, 2006

<b>PROPONENTS</b>	<b>TOTAL</b>
South Dakotans for 1215/VoteYesForLife.com <sup>96</sup>	\$2,768,369
South Dakota Family Policy 2006 Issue Fund*	\$123,166
Catholic Chancery Office	\$17,215
National Right to Life Committee	\$5,583
<b>TOTAL</b>	<b>\$2,914,333</b>
<b>OPPONENTS</b>	
South Dakota Campaign for Healthy Families <sup>97</sup>	\$2,496,025
Planned Parenthood MN ND SD Action Fund	\$856,126
Working Assets	\$120,497
American Civil Liberties Union	\$106,797
Feminist Majority Foundation	\$84,641
Focus: South Dakota	\$49,440
Nix on Six	\$15,000
<b>TOTAL</b>	<b>\$3,728,526</b>
<b>OVERALL TOTAL</b>	<b>\$6,642,859</b>

\*Active on other ballot measures.

### PROPONENTS

The four committees supporting the abortion ban raised a total of \$2.9 million, most of which was raised by South Dakotans for 1215/VoteYesForLife.com.

<sup>95</sup> Evelyn Nieves, "S.D. Abortion Bill Takes Aim at 'Roe'," *Washington Post*, Feb. 23, 2006 [newspaper on-line]; available from [http://www.washingtonpost.com/wp-dyn/content/article/2006/02/22/AR2006022202424\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2006/02/22/AR2006022202424_pf.html); Internet; accessed May 10, 2007.

<sup>96</sup> The Catholic Chancery committee contributed \$8,000 to this committee, making it likely that the money is reported twice in disclosure reports.

<sup>97</sup> Two other committees contributed to this committee, making it likely that the money is reported twice in disclosure reports. The Planned Parenthood MN ND SD Action Fund contributed \$13,684 and the Working Assets ballot measure committee contributed \$96,280.

The campaign was financed largely by a few sources, including several conservative religious organizations and a controversial ballot measure committee funded by a single, anonymous donor.

The largest and most controversial donor was Promising Future Inc., which gave \$750,000 to South Dakotans for 1215/VoteYesForLife.com. Just where exactly that money came from, however, was at the heart of the debate.

Promising Future Inc. was created in September 2006 by Republican State Rep. Roger Hunt, who sponsored the original law to ban abortion. Hunt reported to the state that Promising Future Inc. received a \$750,000 contribution. However, Hunt argued that since Promising Future Inc. is a corporation, not a ballot question committee, he did not have to reveal the source of that money, which he claims to be a single South Dakota resident. Hunt also argued that not revealing the source of the funds is a First Amendment issue. The state filed a civil lawsuit against Rep. Hunt and his corporation, asking a judge to decide if Hunt should reveal the source.<sup>98</sup> The case has not been settled, at time of print.

The top donors among the conservative religious groups were members of the Arlington Group, a coalition of conservative religious and social groups known for their support of same-sex marriage bans.<sup>99</sup> Arlington Group members gave a combined \$264,005 to the committee, most of which came from two large donors: the American Family Association, which contributed \$150,000; and Focus on the Family, which gave \$60,000.

Churches and church groups contributed a total of \$256,669 to South Dakotans for 1215/VoteYesForLife.com. Top givers included local and the national chapters of the Catholic Fraternal Organization the Knights of Columbus, which contributed \$82,450; St. John the Baptist Catholic Church in Edmond, Okla., at \$43,564; and the Abiding Savior Free Lutheran Church in Sioux Falls, S.D., which contributed \$15,000.

Other conservative religious and anti-abortion forces formed and funded their own committees:

- The South Dakota Family Policy 2006 Issue Fund, a ballot measure committee of the South Dakota Family Policy Council and a member of the Arlington Group,<sup>100</sup> raised \$123,166, all of which came from the Council itself. The committee was also active on two other ballot measures.
- The Catholic Chancery Office Ballot Committee raised \$17,215, with all contributions coming from the Catholic Chancery office itself.
- The National Right to Life Committee also set up a self-financed committee, which raised \$5,583.

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<sup>98</sup> Monica LaBelle, "South Dakota Secretary of State Chris Nelson This Week Rejected Roger Hunt's Motion to Dismiss a Complaint Against Him," *Sioux Falls Argus Leader*, March 17, 2007.

<sup>99</sup> Sue O'Connell, "The Money Behind the 2004 Marriage Amendments," *National Institute on Money in State Politics*, January 2006.

<sup>100</sup> As listed on Arlington Group letterhead; available from <http://www.flfamily.org/uploadfile/event/Hate%20Crimes%202007.pdf>; Internet; accessed April 18, 2007.

Eleven individuals made contributions of \$10,000 or more to the South Dakotans for 1215/VoteYesForLife.com committee, totaling \$182,000. Adams Terminal Systems owner Michael Adams of Sioux Falls, S.D., led the giving contributing \$70,000.

Two individuals made large loans to South Dakotans for 1215/VoteYesForLife.com. The loans were later repaid. Dwight Beukelman, owner of mail service provider Qualified Presort Services, loaned \$250,000, while Suzette Kirby of Sioux Falls loaned \$26,000.

## OPPONENTS

Seven committees opposed to the measure raised a total of \$3.7 million, or 28 percent more than supporters of the measure.

South Dakota Campaign for Healthy Families, which undertook the signature-gathering process to place the referendum on the ballot,<sup>101</sup> raised roughly \$2.5 million, leading all opposing committees.

Included in the top donors to the Campaign for Healthy Families were some of the sponsors of other committees opposing the measure, as well as the committees themselves.

The ACLU, Planned Parenthood and Working Assets each had their own ballot question committee. However, the parent organizations of each committee were also major contributors to the South Dakota Campaign for Healthy Families.

- Planned Parenthood affiliates contributed \$453,444. The Planned Parenthood MN ND SD Action Fund ballot committee contributed \$13,684.
- Working Assets contributed a total of \$127,683 — \$96,280 from its ballot measure committee and \$31,403 from the company itself. Laura Scher, chief executive officer of Working Assets, contributed another \$30,000.
- The ACLU affiliates contributed \$163,439.

Thirty-one individuals made contributions of \$10,000 or more to South Dakota Campaign for Healthy Families, 29 of whom were from out of state. Top individual contributors included: Lee Fikes of Dallas, Texas, who contributed \$100,000; Sharon and Tom Warner of Rapid City, S.D., who contributed \$50,200; Agnes Gund of New York City, who contributed \$50,000; and Donald Sussman of Greenwich, Conn., who contributed \$50,000.

Other notable contributors included NARAL affiliates, which contributed \$36,313, and the Service Employees International Union, which contributed \$50,000.

The Planned Parenthood MN ND SD Action Fund was largely funded by its affiliates, which contributed \$521,165, or 61 percent of its total.

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<sup>101</sup> Kevin Woster, "HB 1215 Foes Pick Up Signatures," *Rapid City Journal*, April 4, 2006 [newspaper on-line]; available from <http://www.rapidcityjournal.com/articles/2006/04/04/news/top/news02.prt>; Internet; accessed May 7, 2007.

Individual donors comprised a large portion of the remaining contributions to the Action Fund. Top individual contributors included Lewis Cullman of New York City, who contributed \$50,100 and Shayna Berkowitz of Minneapolis, Minn., who contributed \$50,000.

The ACLU also had its own ballot measure committee, simply named the American Civil Liberties Union, which raised \$106,797 in contributions. The committee’s funds came from three sources: the ACLU itself, \$45,976; the Buddey Fund of Rockefeller Philanthropy Advisors, \$20,000; and \$40,821 in unitemized contributions, those that fall under the state’s reporting threshold for disclosing donor information.

Working Assets, “a wireless, long distance, and credit card company” that donates part of its fees to “progressive organizations working for peace, human rights, economic justice, education, and the environment,”<sup>102</sup> was a large contributor, as well as a ballot committee. Two sources largely supported the Working Assets ballot measure committee — unitemized contributions and Working Assets itself — which totaled \$95,980 and \$24,217, respectively.

The Feminist Majority Foundation Committee was yet another South Dakota ballot measure committee that was largely supported by its namesake organization and unitemized contributions, which totaled \$45,571 and \$33,295, respectively. Twenty-three individuals who contributed more than \$100 each gave a combined \$5,775.

Focus: South Dakota was created “to alert moderate and swing voters to the dangers of supporting extremist candidates and positions.”<sup>103</sup> The committee raised \$49,440. Ninety-one percent of the contributions came from Northwest Engineering of Rapid City, S.D., in the form of a \$20,000 loan and a contribution of \$25,000. Republican State Sen. Stan Adelstein, president of Northwestern Engineering,<sup>104</sup> is also a co-chair of South Dakota Campaign for Healthy Families.<sup>105</sup>

#### **TOP CONTRIBUTORS TO SOUTH DAKOTA’S REFERENDUM 6 COMMITTEES, 2006**

<b>CONTRIBUTORS</b>	<b>PRO/CON</b>	<b>TOTAL</b>
Planned Parenthood*	Con	\$960,924
Promising Future Inc.	Pro	\$750,000
American Civil Liberties Union*	Con	\$209,415
American Family Association	Pro	\$150,000
South Dakota Family Policy Council	Pro	\$123,166
Knights of Columbus	Pro	\$82,450
Adams, Michael	Pro	\$70,000
Focus on the Family	Pro	\$60,000
Working Assets	Con	\$55,620
Warner, Sharon & Tom	Con	\$50,200
	<b>TOTAL</b>	<b>\$2,511,775</b>

\*Includes contributions from national, state and local affiliates.

<sup>102</sup> *Working Assets* [on-line]; available from <http://www.workingassets.com/index.cfm>; Internet; accessed May 7, 2007.

<sup>103</sup> “About Focus: South Dakota,” *Focus: South Dakota* [on-line]; available from <http://focussouthdakota.com/aboutus.html>; Internet; accessed May 7, 2007.

<sup>104</sup> “Legislator Information,” *South Dakota Legislature*; [on-line]; available from <http://legis.state.sd.us/sessions/2003/mbrdt375.htm>; Internet; accessed May 7, 2007.

<sup>105</sup> “About the South Dakota Campaign for Healthy Families,” *South Dakota Campaign for Healthy Families* [on-line]; available from <http://www.sdhealthyfamilies.org>; Internet; accessed June 6, 2007.

## DONOR ANALYSIS

Over half of all funds raised by Referendum 6 committees came from outside the Mount Rushmore State. Opponents of the measure raised 75 percent of their funds outside of South Dakota. In sharp contrast, proponents generated 31 percent of their revenue from outside sources.

Out-of-state money proved to be a contentious issue. South Dakotans for 1215/VoteYesForLife.com put out a press release on Nov. 1 claiming that 65 percent of their funds came from within South Dakota, showing that “financial records prove that South Dakotans provided the majority of VoteYesForLife.com support.”<sup>106</sup> On Nov. 4, however, the South Dakota Campaign for Healthy Families asserted on their Web site that the \$750,000 donation from Promising Future Inc. to South Dakotans for 1215/VoteYesForLife.com was from an out-of-state donor,<sup>107</sup> a claim disputed by Roger Hunt, the creator of Promising Future Inc.<sup>108</sup>

Individual donors contributed \$2.28 million, or 34 percent of all contributions to abortion ballot measure committees in South Dakota. Individual donors provided 44 percent, or \$1.6 million of the out-of-state money. Non-resident individuals opposed the measure in far greater numbers, contributing slightly more than \$1.2 million to opposing committees and only \$419,366 to committees supporting the measure.

Individuals from California, New York and Texas led individual donors, combining to contribute \$730,961, slightly more than individuals from South Dakota who contributed \$660,046. Of the nearly 500 individual donors from these states, 22 donors contributed \$10,000 or more, accounting for more than \$450,000.

State residents greatly favored the measure, contributing \$493,606 to supporting committees compared to \$166,441 to opposing committees.

Non-individual supporters of the measure accounted for 54 percent, or \$483,297, of the money raised from out-of-state donors in support of the law. Abortion-rights organizations, religious conservative organizations, and churches provided 90 percent, or \$432,901, of these funds.

Three groups dominated the \$2.2 million raised by non-individuals for the opposition. Planned Parenthood, the ACLU, NARAL and Working Assets combine to account for 55 percent, or \$1.2 million.

Though South Dakota committees mostly received big checks from large donors, some of the money came from low-dollar grassroots fund raising.

Unitemized contributions accounted for \$1.2 million, or 17 percent of all contributions to the abortion ballot measure. Opponents of the measure raised \$712,538, or 22 percent of their funds, in unitemized contributions, while supporters raised \$444,119, or 15 percent of their funds through unitemized contributions.

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<sup>106</sup> “South Dakotans Fund Majority of VoteYes ForLife.com Campaign,” *Vote Yes For Life Blog* [on-line]; available from [http://blog.voteyesforlife.com/blog/PressReleases/\\_archives/2006/11/1/2466285.html](http://blog.voteyesforlife.com/blog/PressReleases/_archives/2006/11/1/2466285.html); Internet; accessed May 10, 2007.

<sup>107</sup> “Hunt Can’t Keep Donor Secret,” *South Dakota Campaign for Healthy Families* [on-line]; available from <http://www.sdhealthyfamilies.org>; Internet; accessed May 10, 2007.

<sup>108</sup> Monica LaBelle, “South Dakota Secretary of State Chris Nelson This Week Rejected Roger Hunt’s Motion to Dismiss a Complaint Against Him,” *Sioux Falls Argus Leader*, March 17, 2007.

## UNITEMIZED CONTRIBUTIONS TO COMMITTEES, 2006

<b>COMMITTEES</b>	<b>UNITEMIZED</b>	<b>% OF TOTAL</b>
Working Assets	\$95,980	80%
Feminist Majority Foundation	\$33,295	39%
American Civil Liberties Union	\$40,821	38%
South Dakota Campaign for Healthy Families	\$499,964	20%
South Dakotans For 1215/VoteYesForLife.com	\$444,119	16%
Planned Parenthood MN ND SD Action Fund	\$39,888	5%
Focus: South Dakota	\$2,590	5%
<b>TOTAL</b>	<b>\$1,156,657</b>	<b>17%</b>

## TAXPAYER BILL OF RIGHTS

By Denise Roth Barber

Advocates of governmental spending limits experienced two major setbacks in 2005 when voters in California rejected a proposal to impose a strict state spending limit and Colorado voters approved a suspension of the state's constitutional spending limit, originally passed in 1992.

These defeats, however, did not stop proponents from moving forward with similar spending-limit initiatives in several states in 2006.<sup>109</sup> The initiatives, known as the Taxpayer Bill of Rights (TABOR), were designed to tie state spending to the rate of inflation plus growth in population.

In the end, TABOR backers fared even worse in 2006. Voters rejected the initiatives in Maine, Nebraska and Oregon, and in five other states — Michigan, Missouri, Montana, Nevada and Oklahoma — successful court challenges by opponents disqualified the measures. In Ohio, backers withdrew the measure from the ballot in exchange for a less sweeping measure passed by the Legislature.

The 2006 TABOR battles in the nine states attracted \$22.6 million in contributions, with proponents raising \$10.25 million and opponents raising \$12.35 million.

Although voters had the last word on Election Day, they had very little to do with the funding of the campaigns leading up to that day. Contributions from residents in the states that faced these ballot measures accounted for less than 1 percent of the total. Instead, special interests and labor unions provided 94 cents of every dollar raised. Further, more than half of the money raised by the TABOR committees, \$11.9 million, came from out-of-state sources.

These giving patterns dispel any notion that the 2006 TABOR initiative drives were largely grassroots campaigns.

### CONTRIBUTIONS TO THE TABOR BALLOT MEASURE COMMITTEES, 2006

<b>ON BALLOT</b>	<b>STATE</b>	<b>PROONENTS</b>	<b>OPONENTS</b>	<b>TOTAL</b>
Measure 48	Oregon	\$1,308,062	\$3,333,370	\$4,641,432
Measure 423	Nebraska	\$1,726,766	\$2,531,090	\$4,257,856
Question 1	Maine	\$500,561	\$2,044,855	\$2,545,416
	<b>TOTAL</b>	<b>\$3,535,389</b>	<b>\$7,909,315</b>	<b>\$11,444,704</b>
<b>NOT ON BALLOT</b>				
Question 3	Nevada	\$758,756	\$2,048,085	\$2,806,841
Article 14	Missouri	\$2,351,661	\$0	\$2,351,661
CI-97	Montana	\$510,382	\$1,398,205	\$1,908,587
Proposal 06-6	Michigan	\$1,100,293	\$628,693	\$1,728,986
State Question 726	Oklahoma	\$965,069	\$355,357	\$1,320,426
Tax Expenditure Limitation Amendment	Ohio	\$1,034,546	\$10,290	\$1,044,836
	<b>TOTAL</b>	<b>\$6,720,707</b>	<b>\$4,440,630</b>	<b>\$11,161,337</b>
<b>OVERALL TOTAL</b>		<b>\$10,256,096</b>	<b>\$12,349,945</b>	<b>\$22,606,041</b>

<sup>109</sup> Pamela M. Prah, "Anti-Tax Ballot Box Revolt Stifled," *Stateline.org*, Oct. 18, 2006 [on-line]; available from <http://www.stateline.org/live/details/story?contentId=149788>; Internet; accessed April 3, 2007.

## HOWARD RICH VS. LABOR UNIONS

Ultimately, labor unions and a tangled web of groups with direct ties to Howard Rich — a New York state real estate investor with long-standing ties to libertarian causes — were the major players in last fall's battle to enact state tax and spending limits through ballot measures. Groups affiliated with Rich provided \$7.65 million. Labor organizations countered by raising \$6.87 million. Together, these donors provided nearly two-thirds of the money raised in the 2006 TABOR campaigns.

### *Howard Rich Groups Form Funding Web*

Three of every four dollars raised by TABOR proponents can be traced back to Howard Rich. In fact, four of the top 10 donors overall came from organizations with direct ties to Rich. When asked why he poured so much money into local campaigns outside his home state, Howard Rich said, "I see this as seed money... A lot of times, there's just nobody there to get them started and that's how I see part of my role."<sup>110</sup> In all, eight groups giving to the 2006 TABOR measures could be traced back to Rich:

- **America At Its Best**, the largest donor overall, gave \$2.3 million — \$1.36 million to the measure in Nebraska, \$640,000 in Missouri, and \$310,000 in Michigan. Although the organization lists a Montana address in the campaign reports, it is primarily funded by other organizations associated with Rich, according to reports the organization filed with the Nebraska Accountability and Disclosure Commission.
- **Fund For Democracy**, headed by Rich to provide seed money to state initiative campaigns,<sup>111</sup> and based in New York City, gave a total of \$2.28 million — \$1.6 million in Missouri and another \$623,000 in Michigan.
- **Americans For Limited Government**, chaired by Rich<sup>112</sup> and based in Illinois, gave nearly \$1.9 million to the ballot measures — \$701,653 in Nevada, \$632,672 in Oregon, \$430,979 in Oklahoma, and \$131,962 in Maine.
- **Montanans in Action**, with a listed address in Winifred, Mont., gave \$487,667 to the initiative effort in Montana. Although the committee's treasurer, Trevis Butcher, refused to file campaign finance reports with the state,<sup>113</sup> Howard Rich said that he poured nearly \$200,000 into the organization to back the Montana TABOR measure.<sup>114</sup>

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<sup>110</sup> Howard Rich Interview with Ray Ring, *High Country News* [on-line]; available from <http://www.hcn.org/audio/richfulledit1.mp3>; Internet; accessed Oct. 16, 2006.

<sup>111</sup> *Americans For Limited Government* [on-line], available from <http://www.getliberty.org/people/hrich.php>; Internet; accessed April 9, 2007.

<sup>112</sup> *Ibid.*

<sup>113</sup> Alyssa Work, "Following the Money," *Missoula Independent* [newspaper on-line]; Aug. 3, 2006, available from <http://www.missoulanews.com/News/News.asp?no=5864>; Internet, accessed Oct. 16, 2006.

<sup>114</sup> Ray Ring, "Taking Liberties," *High Country News*, July 24, 2006 [on-line]; available from [http://www.hcn.org/servlets/hcn.Article?article\\_id=16409](http://www.hcn.org/servlets/hcn.Article?article_id=16409); Internet; accessed Oct. 16, 2006.

- **Club For Growth**, headed by Rich,<sup>115</sup> and also housed in the same office in Illinois as Rich's Americans For Limited Government and America At Its Best, gave \$300,000, all to the Oregon measure. In addition, the Colorado Club for Growth, in Colorado Springs, Colo., gave \$150,000 to support the initiative effort in Oklahoma.
- **Colorado At Its Best**, an affiliate of America At Its Best out of Golden, Colo., gave \$110,000 to the Nebraska measure.
- **Legislative Education Action Drive**, a tax-exempt organization that Rich founded to promote education vouchers and tuition tax credits,<sup>116</sup> gave \$70,000 in Oklahoma.
- **U.S. Term Limits**, founded by Rich, gave \$50,000 in Missouri.

#### *Labor Unions Lead the Charge Against Rich*

Squaring off with Howard Rich were labor unions, which gave a collective total of \$6.87 million, more than half of the \$12.35 million raised by opponents.

Teachers' unions, in particular, gave heavily. The National Education Association (NEA), the umbrella group for public school teachers' unions, gave nearly \$2.2 million. An additional \$2 million from various state chapters of the NEA brought the union's total to \$4.2 million. In addition, the Federation of Teachers and its chapters gave \$316,705, largely due to \$252,480 from the Oregon Federation of Teachers.

The Service Employees International Union (SEIU) and several of its locals also dug deep, contributing more than \$832,000. These funds came primarily from the national SEIU, which gave \$401,671 followed by Oregon affiliate Local 53, which gave \$307,730.

#### MAJOR DONORS

The top 10 donors in favor of the TABOR measures gave just over \$9 million, which accounted for 88 percent of the total raised by the proponents. Six of the top 10 supporters were part of Howard Rich's web of groups. In addition to Rich's groups, two other national anti-tax advocates promoted the TABOR measures. The National Taxpayers Union, based in Arlington, Va., gave to the initiative efforts in Maine, Michigan, Nebraska, Oklahoma and Oregon; the Americans For Tax Reform, in Washington, D.C., gave to the failed efforts in Oklahoma and Ohio.

The top 10 donors opposed to the TABOR measures gave nearly \$4.4 million, two-thirds of the money raised by the opponents. Six of the top 10 opponents were labor unions, four of which were teacher unions. In addition, the national AARP and the Montana AARP affiliate gave considerably. Based in Washington D.C., AARP, a nonprofit organization for people age 50 and

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<sup>115</sup> *Americans For Limited Government* [on-line]; available from <http://www.getliberty.org/people/hrich.php>; Internet; accessed April 9, 2007.

<sup>116</sup> Jim Morris and Robert Brodsky, "Following the Money, Part 1," *Center For Public Integrity*, Nov. 1, 2006 [on-line]; available from [http://www.takingsinitiatives.org/index.php?option=com\\_content&task=view&id=210&Itemid=62](http://www.takingsinitiatives.org/index.php?option=com_content&task=view&id=210&Itemid=62); Internet; accessed April 12, 2007.

over, staunchly opposed TABOR because “it is bad public policy that would cripple the state's ability to provide essential services to seniors, children and the disabled.”<sup>117</sup>

#### TOP CONTRIBUTORS TO TABOR COMMITTEES, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
America At Its Best*	\$2,310,000
Fund For Democracy*	\$2,281,000
Americans For Limited Government*	\$1,897,265
National Taxpayers Union	\$692,684
Ohioans For Responsible Government	\$574,000
Montanans In Action*	\$487,667
Club For Growth*	\$300,000
Americans For Tax Reform	\$200,000
Colorado Club For Growth*	\$150,000
Ohioans For Blackwell	\$136,050
<b>TOTAL</b>	<b>\$9,028,666</b>
<b>OPPONENTS</b>	
National Education Association	\$2,197,465
Oregon Education Association	\$723,743
AARP (National)	\$620,774
Nebraska State Education Association	\$569,922
Nevada Tomorrow	\$500,085
Oregon School Employees Association	\$476,840
AARP Montana	\$441,513
Montana Education Association/ Montana Federation Of Teachers	\$432,235
Service Employees International Union	\$401,671
Boyd Gaming	\$390,000
<b>TOTAL</b>	<b>\$6,754,248</b>
<b>OVERALL TOTAL</b>	<b>\$15,781,235</b>

\* Groups affiliated with Howard Rich

The major donors typically did not put all their eggs in one basket, choosing instead to distribute their contributions to the TABOR campaigns in several states. Although no donor gave in all nine states, several gave in four or more.

<sup>117</sup> “AARP Oklahoma Tanks TABOR,” *AARP* [on-line]; available from [http://www.aarp.org/states/ok-advocacy/aarp\\_oklahoma\\_tanks\\_tabor.html](http://www.aarp.org/states/ok-advocacy/aarp_oklahoma_tanks_tabor.html); Internet; accessed April 8, 2007.

**MAJOR CONTRIBUTORS GIVING ACROSS STATE LINES, 2006**

<b>CONTRIBUTOR</b>	<b>STATE</b>	<b>POSITION</b>	<b>TOTAL</b>
America At Its Best	Nebraska	For	\$1,360,000
	Missouri	For	\$640,000
	Michigan	For	\$310,000
<b>TOTAL</b>			<b>\$2,310,000</b>
Fund For Democracy	Missouri	For	\$1,658,000
	Michigan	For	\$623,000
<b>TOTAL</b>			<b>\$2,281,000</b>
National Education Association	Maine	Against	\$997,714
	Nebraska	Against	\$770,000
	Montana	Against	\$329,751
	Oklahoma	Against	\$100,000
<b>TOTAL</b>			<b>\$2,197,465</b>
Americans For Limited Government	Nevada	For	\$701,653
	Oregon	For	\$632,672
	Oklahoma	For	\$430,979
	Maine	For	\$131,962
<b>TOTAL</b>			<b>\$1,897,266</b>
National Taxpayers Union	Nebraska	For	\$200,000
	Michigan	For	\$155,000
	Oklahoma	For	\$130,000
	Oregon	For	\$107,684
	Maine	For	\$100,000
<b>TOTAL</b>			<b>\$692,684</b>
AARP (National)	Nebraska	Against	\$365,774
	Maine	Against	\$195,000
	Michigan	Against	\$20,000
	Montana	Against	\$20,000
	Oklahoma	Against	\$20,000
<b>TOTAL</b>			<b>\$620,774</b>
Service Employees/SEIU	Oklahoma	Against	\$156,140
	Maine	Against	\$140,000
	Michigan	Against	\$50,000
	Montana	Against	\$43,031
	Oklahoma	Against	\$10,000
	Nebraska	Against	\$2,500
<b>TOTAL</b>			<b>\$401,671</b>
Americans For Tax Reform	Oklahoma	For	\$175,000
	Ohio	For	\$25,000
<b>TOTAL</b>			<b>\$200,000</b>

## OUT-OF-STATE DONORS

The involvement of several national organizations resulted in an infusion of out-of-state cash to both sides. Over half of the money raised overall, \$11.9 million, came from out of state. Proponents relied heavily on out-of-state funds, raising \$8.3 million — or 81 percent of their funds — from elsewhere. By comparison, 29 percent of the opponent’s funds — or \$3.6 million — came from out-of-state sources, mostly from the NEA. Another major out-of-state contributor was the national AARP.

## OUT-OF-STATE CONTRIBUTIONS TO TABOR COMMITTEES, 2006

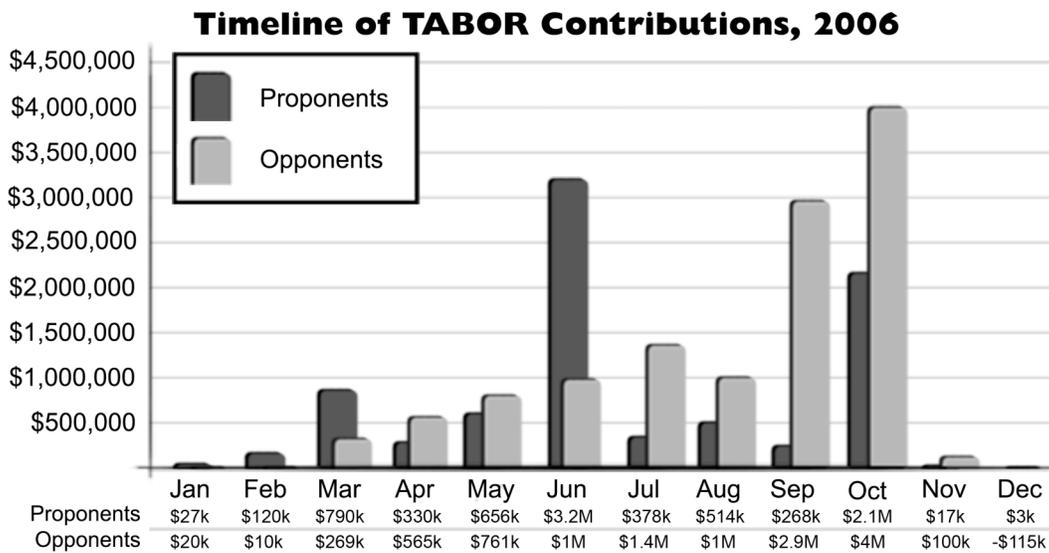
<b>ON BALLOT</b>	<b>FOR</b>	<b>AGAINST</b>	<b>TOTAL OUT OF STATE</b>	<b>PERCENT OF TOTAL</b>
Nebraska	\$1,671,000	\$1,204,141	\$2,875,141	68%
Maine	\$273,262	\$1,448,714	\$1,721,976	67%
Oregon	\$1,040,356	\$165,561	\$1,205,917	26%
<b>TOTAL</b>	<b>\$2,984,618</b>	<b>\$2,818,416</b>	<b>\$5,803,034</b>	<b>51%</b>
<b>NOT ON BALLOT</b>				
Missouri	\$2,348,810	\$0	\$2,348,810	99%
Oklahoma	\$955,979	\$152,100	\$1,108,079	84%
Michigan	\$1,088,000	\$95,750	\$1,183,750	68%
Nevada	\$701,653	\$78,000	\$779,653	28%
Montana <sup>118</sup>	\$0	\$463,727	\$463,727	24%
Ohio	\$220,245	\$50	\$220,295	21%
<b>TOTAL</b>	<b>\$5,314,687</b>	<b>\$789,627</b>	<b>\$6,104,314</b>	<b>55%</b>
<b>OVERALL TOTAL</b>	<b>\$8,299,305</b>	<b>\$3,608,043</b>	<b>\$11,907,348</b>	<b>53%</b>

<sup>118</sup> Although the table indicates the money raised in support of the Montana TABOR measure came entirely from in-state donors, a little digging reveals otherwise. Despite its name and listed Montana address, Montanans in Action — which gave nearly half a million to the CI-97 committee — was funded primarily by Howard Rich, as stated earlier.

## WHEN THE MONEY ROLLED IN

June and October were key fund-raising months in the campaign, bringing in 45 percent of the total money raised. Proponents raised the most in the month of June, nearly \$3.2 million, primarily to cover their costs of signature collection and other expenses related to getting the measures certified for the November ballot. October was their next most lucrative fund-raising period, when they raised more than \$2 million, mostly to pay for the campaigns in the three states where the measures made it on the ballot.

October was also the key month for opponents, who raised \$4 million in that month alone. September also saw an influx of \$2.9 million. Each of the three summer months brought in over \$1 million.



## TABOR MEASURES THAT MADE THE BALLOT

### MAINE

The vote on Maine's TABOR initiative, Question 1, was the closest of the three states, with just 54 percent of the votes cast against it.

Committees organized to support or oppose Maine's TABOR initiative raised \$2.54 million, 80 percent of which was raised by the opponents.

#### CONTRIBUTIONS TO MAINE'S QUESTION 1, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
TaxpayerBillofRights.com	\$495,066
Citizens Alliance Of Maine	\$4,040
Mainers For Tax Relief	\$1,455
<b>TOTAL</b>	<b>\$500,561</b>
<b>OPPONENTS</b>	
Citizens United To Protect Our Public Safety Schools & Communities	\$1,333,965
Citizens Who Support Maine's Public Schools <sup>119</sup>	\$710,889
<b>TOTAL</b>	<b>\$2,044,854</b>
<b>OVERALL TOTAL</b>	<b>\$2,545,415</b>

The three committees supporting the measure raised more than \$500,000. Rich's Americans For Limited Government was the primary donor, giving nearly \$132,000 to the TaxpayerBillofRights.com committee. The National Taxpayers Union was close behind, contributing \$100,000 to the same committee. Real estate developer Joseph Boulos gave \$25,000 to the TaxpayerBillofRights.com committee, as did New Elm Farm, an agricultural research station in Freeport, Maine.

A fourth organization promoting the measure, the Maine Heritage Policy Center, did not file campaign finance reports with the state, asserting that as an organization concerned with education, not campaigning, it was exempt from financial disclosure laws.<sup>120</sup> The state ethics commission ultimately concurred, though it did rule in late December 2006 that the committee needed to file a different report that disclosed its activity on the TABOR measure.<sup>121</sup> The committee complied and submitted the report in mid-January 2007, reporting contributions of \$975 and expenditures of nearly \$31,000.

The two opposing committees raised more than \$2 million, almost four times the money raised by the pro-TABOR committees.

<sup>119</sup> The Citizens United committee gave \$27,188 to this committee, making it likely the amount was in the disclosure reports twice.

<sup>120</sup> Trevor Maxwell, "Ethics Panel Seeks Information On TABOR Contributions," *Portland Press Herald*, Nov. 29, 2006 [newspaper on-line]; available from <http://pressherald.maine.com/news/state/061129ethics.html>; Internet; accessed Dec. 4, 2006.

<sup>121</sup> Susan M. Cover, "Heritage Policy Center Ordered to File Form," *Kennebec Journal*, Dec. 21, 2006 [newspaper on-line]; available from <http://kennebecjournal.maine.com/news/local/3444958.html>; accessed April 11, 2007.

Roughly half of the money raised by the opponents came from the NEA, which gave \$550,000 to the Citizens United to Protect Our Public Safety Schools and Communities (Citizens United). The NEA gave an additional \$447,714 to the Citizens Who Support Maine's Public Schools, the political action committee of the Maine Education Association,<sup>122</sup> which passed on \$215,000 to the Citizens United committee.

The national AARP gave \$195,000 in Maine, followed closely by the Maine Municipal Association, which gave \$157,495, and the Service Employees International Union, which gave \$140,000.

Individual donors gave a total of \$223,075, more than in any other state. The majority of the money from individuals – \$185,100 – was given to the proponents.

## NEBRASKA

Nebraska voters soundly rejected Initiative 423 last November, with 70 percent of the votes on the measure cast against it.

The TABOR campaign in Nebraska raised a collective total of \$4.2 million, with three opposing committees out-raising the two proponents by more than \$800,000.

### CONTRIBUTIONS TO NEBRASKA'S INITIATIVE 423, 2006

<b>PROPONENTS</b>	<b>TOTAL</b>
Stop Over Spending Nebraska	\$1,572,352
Committee For State Stewardship <sup>123</sup>	\$154,414
<b>TOTAL</b>	<b>\$1,726,766</b>
<b>OPPONENTS</b>	
Nebraskans Against 423	\$2,424,327
Nebraska Taxpayers Against 423	\$99,513
Stop Initiative 423 <sup>124</sup>	\$7,250
<b>TOTAL</b>	<b>\$2,531,090</b>
<b>OVERALL TOTAL</b>	<b>\$4,257,856</b>

Ninety-seven percent of the money raised by proponents of the Nebraska TABOR initiative came from out-of-state donors, most of whom can be traced directly back to Howard Rich. Stop Over Spending Nebraska was funded almost exclusively by Rich's America At Its Best, which provided \$1.36 million of the \$1.57 million raised. Another of Howard Rich's groups, Colorado At Its Best, was the primary source of funds for the Committee For State Stewardship, supplying \$110,000, nearly three-quarters of the \$154,400 the committee raised. In total, Rich's groups provided \$1.47 million to the Nebraska TABOR measure, or 85 cents of every dollar given to the proponents.

<sup>122</sup>David Farmer, "Anti-TABOR Forces Pad War Chest," *Sun Journal*, Oct. 11 2006 [newspaper on-line]; available from [http://www.sunjournal.com/story/179705-3/MaineNews/AntiTABOR\\_forces\\_pad\\_war\\_chest/](http://www.sunjournal.com/story/179705-3/MaineNews/AntiTABOR_forces_pad_war_chest/); Internet; accessed April 3, 2007.

<sup>123</sup> 25,000 of this committee's total came from the Stop Over Spending Nebraska committee, making it likely that the money is reported twice in disclosure reports.

<sup>124</sup> The \$7,250 came from the Nebraskans Against 423 committee, making it likely that the money is reported twice in disclosure reports.

The other large donor to proponents was the National Taxpayers Union, which gave an additional \$200,000, all to the Stop Over Spending Nebraska committee.

The main opponent of the measure, Nebraskans Against 423, raised \$2.4 million, thanks largely to support from five major donors: the National Education Association, which gave \$770,000; the Nebraska State Education Association, which gave \$569,922; the national AARP, which gave \$365,774; the League of Nebraska Municipalities, which gave \$118,445; and the Nebraska chapter of AARP, which gave \$112,184.

## OREGON

Oregonians rejected Measure 48 resoundingly, with 71 percent of the votes cast in opposition.

The committees in Oregon, all of which were active on other ballot measures as well, raised a total of \$4.6 million. Two committees in support of the measure raised \$1.3 million, while nine opposing committees raised \$3.3 million. However, three of the nine opposing committees did not raise any money — Healthy Communities Coalition, Oregon Sierra Club Ballot Measure, and Oregonians For Public Safety.

### CONTRIBUTIONS TO OREGON'S MEASURE 48, 2006

<b>PROPONENTS</b>	<b>TOTAL</b>
Rainy Day Amendment Committee	\$1,307,687
Parents Education Association	\$375
<b>TOTAL</b>	<b>\$1,308,062</b>
<b>OPPONENTS</b>	
Defend Oregon Coalition	\$2,622,791
School Employees Exercising Democracy	\$337,087
Nurses United	\$293,875
Oregon Public Employees Union	\$71,922
PAC 483 (Labor Union)	\$7,544
International Union of Operating Engineers Local 701	\$150
<b>TOTAL</b>	<b>\$3,333,369</b>
<b>OVERALL TOTAL</b>	<b>\$4,641,431</b>

The leading opponent was the Defend Oregon Coalition, which raised \$2.6 million in its campaign to defeat both the TABOR measure and Measure 41, another failed tax measure. More than three-quarters of the funds raised by the Coalition came from labor unions. The largest donor was the Oregon Education Association, which gave \$723,743. SEIU Local 503 gave \$307,700, while the Oregon Federation of Teachers gave \$252,480.

The Rainy Day Amendment Committee raised \$1.3 million to support both the TABOR measure and the failed Measure 45, which would have placed term limits on legislators. Seventy-one percent of the committee's funds came from two of Rich's groups: Americans For Limited Government gave \$632,672 and Club For Growth gave \$300,000.

## TABOR MEASURES THAT FAILED TO MAKE THE BALLOT

Anti-tax advocates attempted to get TABOR measures on the ballot in six other states but were unsuccessful in their efforts. Courts threw the ballot measures out in Michigan, Missouri, Montana and Oklahoma. In Ohio, the measure was dropped when then-gubernatorial candidate and then-Secretary of State Ken Blackwell met with staunch opposition on the campaign trail and decided instead to settle on a less sweeping plan from the state legislature.

### MICHIGAN

A group called Stop Overspending, bankrolled almost entirely by Howard Rich groups, failed in its effort to get a TABOR measure on Michigan's November ballot in 2006. In mid-September, the state Board of Canvassers ruled that the committee failed to submit enough valid signatures to qualify Proposal 6 for the ballot.<sup>125</sup> The decision was later upheld by the state Court of Appeals.

Michigan's Proposal 6 garnered \$1.7 million in contributions, two-thirds of which was raised by the one committee that organized to promote the measure.

#### CONTRIBUTIONS TO MICHIGAN'S PROPOSAL 6, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
Stop Overspending	\$1,100,293
<b>OPPONENTS</b>	
Defend Michigan No On Proposal 6	\$306,027
MI Voter Education Project	\$227,666
Citizens For A Better Michigan	\$95,000
<b>TOTAL</b>	<b>\$628,693</b>
<b>OVERALL TOTAL</b>	<b>\$1,728,986</b>

Two of Rich's groups provided 84 percent of the money raised by the Stop Overspending committee. The Fund For Democracy gave \$623,000, and another \$310,000 came from America At Its Best. The National Taxpayers Union provided an additional \$155,000. Just one percent of the money raised by the committee, or \$12,293, came from within the state.

The three committees that fought the measure raised a total of \$628,693, just over half of the money raised by the proponent. Three organizations provided almost half those funds: the Michigan State Employees Association gave \$110,000; the Michigan League for Human Services gave \$95,000; and the Michigan Health and Hospital Association gave \$78,167. Unlike the pro-TABOR committee, the opposition raised most of its money from within the state. Just 15 percent of the money raised, or \$95,750, came from out of state.

<sup>125</sup> Mike Gallagher, "Board of Canvassers Keep SOS Initiative Off State Ballot; Will Go to Supreme Court," *Council of Michigan Foundations*, Sept. 15, 2006 [on-line]; available from [http://www.cmif.org/News\\_Detailed.asp?ID=1218](http://www.cmif.org/News_Detailed.asp?ID=1218); Internet; accessed April 5, 2007.

## MISSOURI

Missouri's TABOR measure, Article 14, was first rejected in May by Secretary of State Robin Carnahan over problems with the signature-gathering process.<sup>126</sup> The decision was then upheld in July by a county circuit judge.

Missourians in Charge was the one and only proponent of Article 14, which formed to support both the spending lid and a property rights measure that also failed to qualify for the ballot.<sup>127</sup> Despite its name, the group was in fact bankrolled by Howard Rich's groups, which gave 99 percent of the nearly \$2.4 million raised: Fund For Democracy gave \$1.65 million; America At Its Best gave \$640,000; and U.S. Term Limits gave \$50,000.

Protect Missouri's Future, a coalition of organizations, opposed the TABOR measure. However, since the measure did not qualify for the ballot, the coalition did not establish a committee to raise funds in opposition to it, according to Amy Blouin, who helped form and facilitate the coalition.<sup>128</sup>

## MONTANA

On October 24, 2006, less than two weeks before the election, the Montana Supreme Court invalidated three ballot measures on the state's ballot "because of 'pervasive fraud' by out-of-state, paid signature-gatherers...."<sup>129</sup> The ruling upheld an earlier lower court decision made in September. Because the final ruling was made after the ballots were printed, the three measures appeared on the ballots. However, votes cast on those measures were not counted.

Among the three measures booted off the ballot was the Montana TABOR initiative, CI-97.

The TABOR battle in Montana attracted \$1.9 million in contributions, with three-quarters of the money raised by the opposition.

### CONTRIBUTIONS TO MONTANA'S CI-97, 2006

<b>PROPONENTS</b>	<b>TOTAL</b>
Yes CI-97 (Stop Over Spending Montana)	\$510,415
<b>OPPONENTS</b>	
Not in Montana: Citizens Against CI-97	\$1,398,205
<b>OVERALL TOTAL</b>	<b>\$1,908,587</b>

The two committees formed to push the TABOR measure in Montana were both bankrolled by Howard Rich. Yes CI-97 raised \$510,000, 96 percent of which came from Montanans in Action (MIA). Although MIA did not file campaign finance reports documenting its source of funds,

<sup>126</sup> Amy Blouin, "Ballot Initiative Dead for 2006; Coalition Warns that 'Spending Lid' Will Resurface," *Partners To Protect Missouri's Future* [on-line], available from <http://www.protectmo.org/>; accessed April 11, 2007.

<sup>127</sup> Phone interview with Patrick Tuohey, committee treasurer, April 6, 2007.

<sup>128</sup> Phone interview with Amy Blouin, Executive Director, Missouri Budget Project, April 6, 2007.

<sup>129</sup> Mike Dennison, "State High Court Rules Out Initiatives," *Billings Gazette*, Oct. 27, 2006 [newspaper on-line]; available from <http://www.billingsgazette.net/articles/2006/10/27/news/state/20-initiatives.prt/>; Internet; accessed April 3, 2007.

claiming it was not required by law to do so,<sup>130</sup> Howard Rich revealed that he poured nearly \$200,000 through MIA to back the Montana TABOR measure, as well as the eminent domain and judicial recall measures, the two other measures that were also struck from the ballot by the courts.<sup>131</sup>

Since the Supreme Court’s decision came in the eleventh hour of the campaign, the Not in Montana: Citizens Against CI-97 committee raised funds until the end. Three donors bankrolled the committee’s efforts, providing \$1.2 million, or 86 percent of the money it raised. AARP’s Montana chapter was the largest donor, giving \$441,513, followed by the Montana Education Association-Montana Federation of Teachers, which used union dues to provide the committee with a total of \$432,235.<sup>132</sup> The National Education Association gave \$329,751.

## NEVADA

Nevada’s Tax and Spend Control initiative (TASC) was stripped from the ballot by the state Supreme Court in early September due to conflicting language in the circulated petitions and non-compliance with the single-subject rule that requires measures to address only one subject.<sup>133</sup>

Committees organized around the TABOR measure raised a total of \$2.8 million, with proponents raising 63 percent less than the opponents.

### CONTRIBUTIONS TO NEVADA’S QUESTION 3, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
Tax And Spend Control For Nevada	\$758,756
<b>OPPONENTS</b>	
Nevada Tomorrow	\$1,390,000
Nevadans for Nevada	\$658,085
<b>OVERALL TOTAL</b>	<b>\$2,806,841</b>

The one proponent, Tax and Spend Control for Nevada, received nearly all of its funds from Howard Rich’s group, Americans For Limited Government, which provided \$701,653, or 92 percent of the money the committee raised.

Three groups formed to fight the measure and raised a collective total of more than \$2 million. However, Nevadans for Quality Education reported raising no funds. Nevadans for Nevada, which also worked on an eminent domain ballot measure, received \$500,085 from Nevada Tomorrow, making it likely that the money is reported twice in disclosure reports.

<sup>130</sup> Alyssa Work, “Following The Money,” *Missoula Independent*, Aug. 3, 2006 [newspaper on-line]; available from <http://www.missoulanews.com/News/News.asp?no=5864>; Internet; accessed Aug. 7, 2006.

<sup>131</sup> Ray Ring, “Taking Liberties,” *High Country News* [on-line]; July 24, 2006, available from [http://www.hcn.org/servlets/hcn.Article?article\\_id=16409](http://www.hcn.org/servlets/hcn.Article?article_id=16409); Internet; accessed Oct. 16, 2006.

<sup>132</sup> Mike Dennison, “Unidentified Donors Fund Group Backing Ballot Issues,” *Missoulian*, May 17, 2006 [newspaper on-line]; available from <http://www.missoulian.com/articles/2006/05/17/news/mtregional/news08.prt>; Internet; accessed April 2, 2007.

<sup>133</sup> Brendan Riley, “Nevada Court Rejects One Ballot Question, OKs Another,” *Las Vegas Sun*, Sept. 8, 2006 [newspaper on-line]; available from <http://www.lasvegassun.com/sunbin/stories/nevada/2006/sep/08/090810448.html>; Internet; accessed April 4, 2007.

The main source of funds for the anti-TASC campaign came from gaming interests, which provided more than \$1 million to Nevada Tomorrow. Top contributors were Boyd Gaming, which gave \$390,000; Harrah's and Station Casinos, which gave \$155,000 each; MGM Mirage, which gave \$135,000; and International Gaming Technology, which contributed \$100,000.

## OKLAHOMA

In late August, the state Supreme Court threw out Oklahoma's TABOR initiative, State Question 726, due to issues with the signature-gathering process. The legal challenge was funded in large part by AARP Oklahoma.<sup>134</sup>

The two committees that formed around SQ 726 raised a collective total of \$1.3 million, most of which was raised by the committee supporting the measure.

### CONTRIBUTIONS TO OKLAHOMA'S STATE QUESTION 726, 2006

<b>PROPONENT</b>	<b>TOTAL</b>
Oklahomans In Action	\$965,069
<b>OPPONENTS</b>	
Stop SQ 726	\$355,357
<b>OVERALL TOTAL</b>	<b>\$1,320,426</b>

The funds raised by Oklahomans in Action came almost exclusively from out of state. Groups tied to Howard Rich kicked in a total of \$650,979: Americans For Limited Government gave \$430,979; Colorado Club For Growth gave \$150,000; and the Legislative Education Action Drive gave \$70,000. In addition, Americans For Tax Reform contributed \$175,000, followed by the National Taxpayers Union with \$130,000. Less than one percent raised by the committee came from within the state.

Opponents to the initiative raised slightly more than one-third of the amount raised by the pro-TABOR committee. Over half of the funds — \$192,900 — came from labor organizations, primarily the National Education Association, which provided \$100,000. Fifty-seven percent of the opponents' money, or \$203,257, came from within the state

## OHIO

The TABOR story in Ohio was unlike that of any other state. Backers of the measure, known as the Tax Expenditure Limitation Amendment, were actually successful in having the measure certified for the November 2006 ballot. However, they withdrew the measure from the ballot over the summer after then-gubernatorial candidate and Secretary of State Ken Blackwell decided instead to settle on a less sweeping plan from the state Legislature.

Three committees raised just over \$1 million in the battle over the spending limit amendment, less than one percent of which was raised by the opposition.

<sup>134</sup> "AARP Oklahoma Tanks TABOR [on-line]; AARP [on-line]; available from [http://www.aarp.org/states/ok/ok-advocacy/aarp\\_oklahoma\\_tanks\\_tabor.html](http://www.aarp.org/states/ok/ok-advocacy/aarp_oklahoma_tanks_tabor.html); Internet; accessed April 5, 2007.

**CONTRIBUTIONS TO OHIO'S TAX EXPENDITURE  
LIMITATION AMENDMENT, 2006**

<b>PROPONENT</b>	<b>TOTAL</b>
Citizens For Tax Reform	\$1,034,546
<b>OPPONENTS</b>	
Campaign For Ohio's Future	\$10,290
Coalition For Ohio's Future <sup>135</sup>	\$00
<b>TOTAL</b>	<b>\$10,290</b>
<b>OVERALL TOTAL</b>	<b>\$1,044,836</b>

A major anomaly to Ohio's story is the absence of identified support from Howard Rich's organizations. Instead, Citizens For Tax Reform, chaired by then Secretary of State Ken Blackwell, who was also running for governor, raised just over \$1 million. Over half of the money came from Ohioans For Responsible Government, which gave \$574,000. However, as a tax-exempt organization, it did not file campaign finance reports with the state, so half of the money raised by Blackwell's group is from unknown sources.

Out-of-state dollars used to fund the pro-TABOR measure were also comparatively low. Over three-quarters of the money raised by Blackwell's group came from the Buckeye State. The largest out-of-state contributor was Utahan Patrick Byrne, CEO of Overstock.com, an on-line retailer. Byrne gave \$100,000 to Citizens For Tax Reform. Christopher Donahue, of Federated Investors in Pennsylvania, gave \$30,000. Bob Perry, Texan home builder and principal Swift Boat Veterans funder, gave \$25,000.

The timing of the contributions to the committees also reflects the unique story of the measure. Ninety percent of the funds raised by Citizens For Tax Reform came in 2005, as the committee had originally planned on getting the measure on the November 2005 ballot. However, in August 2005 backers chose to move the measure to the November 2006 election to assist GOP election efforts, in particular Blackwell's bid for governor.<sup>136</sup> The plan ultimately backfired, however. After meeting with staunch opposition on the campaign trail, Blackwell opted instead to support a watered-down spending limit that will be in the state's statutes rather than the constitution.

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<sup>135</sup> Committee gave itself \$5,000 in August 2005, and returned that in July 2006 so the net amount raised was zero.

<sup>136</sup> "Proposed Limit to State Spending Pulled from November Ballot Consideration; Blackwell, in Deal with GOP, Now Aims for 2006 Vote," *Policy Matters Ohio* [on-line]; available from [http://www.policymattersohio.org/media/gongwer\\_Proposed\\_Limit\\_to\\_State\\_Spending\\_Pulled\\_2005\\_0808.htm](http://www.policymattersohio.org/media/gongwer_Proposed_Limit_to_State_Spending_Pulled_2005_0808.htm); Internet; accessed April 5, 2007.

## THE MONEY BEHIND THE 2006 MARRIAGE AMENDMENTS

By Megan Moore

In 2006, voters in nine states faced ballots with constitutional amendments banning same-sex marriage. While the measures passed overwhelmingly in Alabama, Idaho, South Carolina and Tennessee, vote tallies in Colorado, South Dakota, Virginia and Wisconsin were closer than votes in states where same-sex marriage bans passed in previous election cycles. The Arizona measure became the first same-sex marriage ban to be defeated by voters.

An analysis of campaign-finance reports filed by committees active on the same-sex marriage bans reveals:

- Committees working for or against the ballot measures raised slightly more than \$18 million, with opponents collecting more than three times as much as proponents.
- Nearly \$9.3 million, or 51 percent of the total funds raised, came from four sources: gay- and lesbian-rights interests, donors connected with gay- and lesbian-rights activist Tim Gill, the Arlington Group and Christian conservative groups.
- Opponent committees outraised proponents in every state except Tennessee even though the same-sex marriage bans passed in all states except Arizona.
- The Arlington Group — a Christian conservative network whose 2004 efforts to ban same-sex marriage in 13 states were outlined in a previous Institute analysis — continued to be a potent force, contributing \$1.65 million through member groups and affiliates. These contributions comprised 40 percent of proponent committee funds.

In addition to their roles as financiers, Arlington Group associates had a hand in forming ballot measure committees in every state where money was raised.

- Gay- and lesbian-rights interests contributed the largest share of money: \$5.64 million, accounting for 31 percent of the total raised. Just 7 percent of gay- and lesbian-rights contributions came from national groups active on 2004 same-sex marriage bans. Instead, a new national group, the Gill Action Fund, stepped to the forefront, providing almost \$3.8 million, or 27 percent of opponent funds.

Gill Action founder Tim Gill also inspired wealthy individual donors who gave almost \$1.5 million either directly or through political action committees. All told, the Gill-connected contributions totaled \$5.28 million, or 38 percent of opponent funds.

- Churches and church employees, a lucrative funding source for 2004 same-sex marriage ban committees, were not major contributors in

2006. Churches and their employees gave \$234,344 in 2006, significantly less than the \$1.9 million they contributed in 2004.

- Committees in Colorado, where voters faced both a constitutional amendment to ban same-sex marriage as well as a measure to allow same-sex domestic partnerships, raised more than one-third of the \$18 million. Colorado is also the home state of the top two contributors — Gill Action Fund and Focus on the Family — who worked on opposite sides of the issue and sunk a large portion of their funds into the battle there. Same-sex marriage opponents were successful on both fronts: the same-sex marriage ban passed and the domestic partnership referendum failed.

Opponent committees in Colorado and Wisconsin raised much more than other 2006 committees and also surpassed the fund raising by committees formed around the 2004 and 2005 same-sex marriage bans. The votes were close in these states, as well as in Arizona and Virginia, two other states where ballot measure committees raised large sums. Another state where voters were closely divided on the same-sex marriage ban was South Dakota, but little money was raised there in comparison to other states with close vote tallies.

#### CONTRIBUTIONS TO SAME-SEX MARRIAGE BANS, 2006

STATE	CONTRIBUTIONS			VOTES	
	FOR	AGAINST	TOTAL	%FOR	% AGAINST
Colorado	\$1,369,754	\$5,459,145	\$6,828,899	55%	45%
Wisconsin	\$647,491	\$4,313,365	\$4,960,856	59%	41%
Arizona	\$1,039,093	\$1,899,948	\$2,939,041	48%	52%
Virginia	\$413,490	\$1,545,257	\$1,958,747	57%	43%
South Carolina	\$108,545	\$370,427	\$478,972	78%	22%
Tennessee	\$299,279	\$158,814	\$458,093	81%	19%
South Dakota	\$123,166	\$171,578	\$294,744	52%	48%
Idaho	\$27,104	\$106,378	\$133,482	63%	37%
Alabama <sup>137</sup>	\$0	\$0	\$0	81%	19%
<b>TOTAL</b>	<b>\$4,027,922</b>	<b>\$14,024,912</b>	<b>\$18,052,834</b>		

Individuals contributed 43 percent of the funds raised, or \$7.75 million of the \$18 million. That is significantly more than the 31 percent that was donated by individuals to the 2004 same-sex marriage bans that passed in 13 states.<sup>138</sup> Committees opposed to the amendments received more than \$6.56 million from individuals.

Much of the money from individuals came from a small number of contributors. Twenty-six individuals contributed more than \$25,000 each, totaling almost \$3.5 million, and representing 45 percent of money given by individuals.

<sup>137</sup> The Institute did not identify any ballot committees working for or against the Alabama constitutional amendment to ban same-sex marriage.

<sup>138</sup> Sue O'Connell, "The Money Behind the 2004 Marriage Amendments," *National Institute on Money in State Politics*, January 2006, p. 5.

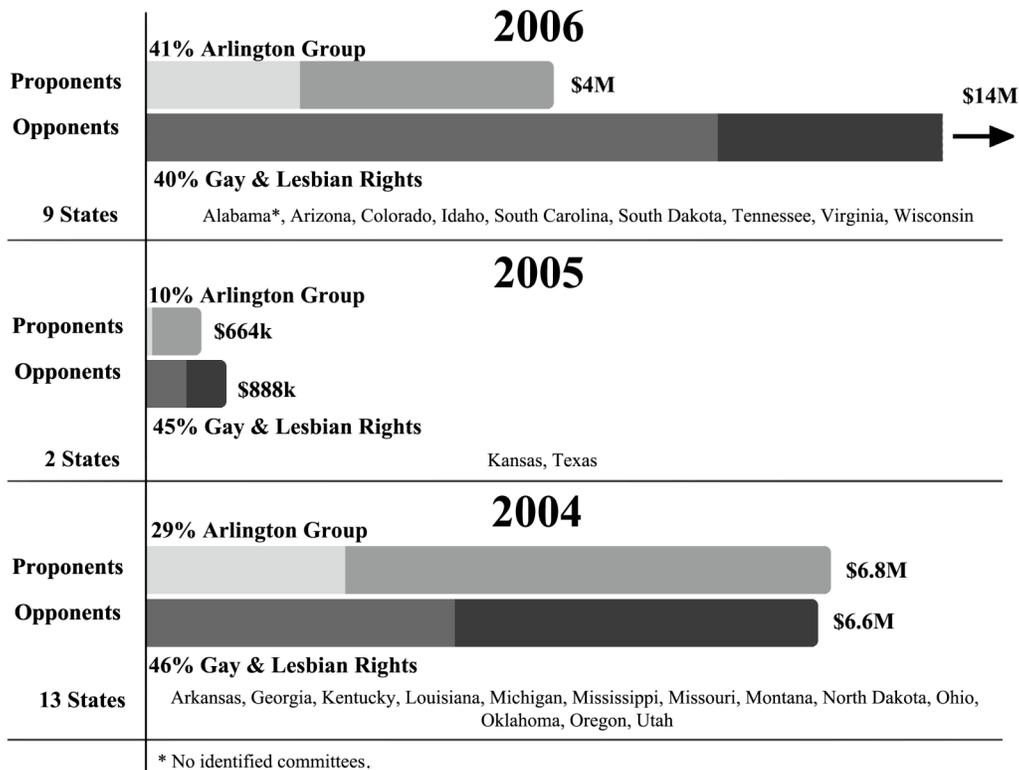
Unitemized contributions, those that fall under a state's threshold for reporting names and other identifying information about the contributor, added another \$378,692, with 78 percent going to committees working against the same-sex marriage bans.

Though the 2006 same-sex marriage bans were not the driving force in voter turnout that they were in 2004, these measures were still hotly contested as evidenced by the large sums raised around the measures and the close votes in five states. Committees that worked on the nine 2006 same-sex marriage bans raised 34 percent more than those active on the 13 measures on the 2004 ballots. Opponents also vastly out-raised proponents in 2006 but in 2004 proponent and opponent committees raised roughly the same amounts.

Arlington Group contributions declined from 2004 to 2006 but they accounted for a larger share of proponent funds: 41 percent in 2006 compared to 29 percent in 2004. Conversely, gay- and lesbian-rights interests increased their contributions from 2004 to 2006 but the 2006 contributions comprised a smaller share of opponent funds: 46 percent in 2004 compared to 40 percent in 2006.

In 2005, Kansas and Texas were the only states with same-sex marriage bans on the ballot and both measures passed handily. Kansas ballot measure committees raised slightly more than one-quarter of a million dollars with proponents raising more than opponents. Opponents collected more than proponents in Texas and both sides combined to collect nearly \$1.3 million.

### Contributions to Same-Sex Marriage Ban Committees, 2004-2006



## THE POLITICAL CLIMATE

Prior to 2006, constitutional amendments banning same-sex marriage existed in 18 states.<sup>139</sup> From 2004 to 2005, voters in 15 states enshrined same-sex marriage bans in their state constitutions. These amendments were driven by concerns stemming from two 2003 court decisions: the Massachusetts Supreme Judicial Court ruling that the state's law banning same-sex marriage was unconstitutional and the U.S. Supreme Court decision that a Texas law barring homosexual sex violated the right to privacy.<sup>140</sup>

The 2006 election cycle saw both the first defeat of a same-sex marriage ban in Arizona and closer votes in several other states on the amendments than in previous elections. This outcome was notable because eight out of the nine measures passed even while voters delivered victories to Democrats across the country.

Amid waning support for President Bush and the war in Iraq — as well as brewing scandals involving then-U.S. Rep. Mark Foley, a Florida Republican, and evangelical leader Rev. Ted Haggard — Democrats took control of the U.S. Congress and made gains in state legislatures and governorships. Indeed, in an article published two weeks before the November 2006 election, *New York Times* reporter Kirk Johnson wrote of the amendments, “And while most of the measures are expected to pass, their emotional forces in drawing committed, conservative voters to the polls, many political experts say, has been muted or spent.”<sup>141</sup> Typically, the same-sex marriage bans had been a rallying point for conservative voters, who tend to vote Republican.

One factor that may have contributed to passage of the amendments, despite the political climate, was the Oct. 25, 2006, ruling by the New Jersey Supreme Court that “committed same-sex couples must be afforded on equal terms the same rights and benefits enjoyed by opposite-sex couples under the civil marriage statutes.”<sup>142</sup> Republicans, including President Bush, used the decision to muster support for the same-sex marriage bans and boost conservative voter turnout.<sup>143</sup>

Citizens initiated fewer same-sex marriage bans in 2006 than in 2004. In 2004, six of the amendments were driven by citizens, who gathered signatures to get the measures on the ballots. But in 2006, only the Arizona and Colorado bans were initiated by citizens. Instead, most of the same-sex marriage amendments were referred to the ballot by state legislatures. A Colorado referendum to permit domestic partnerships was also referred by the state legislature.

The 2006 ballot measures can be divided into two categories: those that outlawed same-sex marriage only and those that prohibited any type of union that would approximate marriage. Amendments in Arizona, Idaho, South Carolina, South Dakota, Virginia and Wisconsin banned same-sex marriage as well as civil unions, while those in Alabama and Tennessee simply defined marriage as an institution between a man and a woman. Colorado saw both an amendment to ban same-sex marriage and a separate referendum to allow domestic partnerships.

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<sup>139</sup> In addition to the 18 states with same-sex marriage bans, Hawaii has a constitutional amendment that gives the Legislature the right to define marriage. It defines marriage as a union between a man and a woman. Christine Vestal, “Gay Marriage Ripe for Decision in 3 Courts,” *Stateline.org*, June 15, 2007 [on-line]; available from <http://www.stateline.org/live/details/story?contentId=20695>; Internet; accessed July 13, 2007.

<sup>140</sup> Sue O’Connell, “The Money Behind the 2004 Marriage Amendments,” *National Institute on Money in State Politics*, January 2006, p. 6.

<sup>141</sup> Kirk Johnson, “Gay Marriage Losing Punch As Ballot Issue,” *New York Times*, Oct. 14, 2006, sec. A, p. 1.

<sup>142</sup> “Supreme Court Summaries,” *New Jersey Judiciary* [on-line]; available from <http://www.judiciary.state.nj.us/opinions/index.htm>; Internet; accessed June 18, 2007.

<sup>143</sup> Sheryl Gay Stolberg, “G.O.P. Moves Fast to Reignite Issue of Gay Marriage,” *New York Times*, Oct. 27, 2006, sec. A, p. 1.

## THOSE IN FAVOR OF THE SAME-SEX MARRIAGE BANS

Arlington Group members and affiliates<sup>144</sup> led proponent contributors, giving \$1.65 million or 41 percent of the \$4 million raised by committees working for the passage of the same-sex marriage bans. The Arlington Group was also connected to the main proponent committees formed in every state where money was raised.

Other proponent funders without ties to the Arlington Group included individuals — who added \$1.17 million, or 29 percent of the money collected by proponents — and other Christian conservative and conservative leaning organizations, which gave \$481,865 or 12 percent of proponent funds.

### ARLINGTON GROUP

Arlington Group members and affiliates spread \$1.65 million across eight states. The more than \$1 million contributed by Arlington Group members in Colorado was the most given in any state in 2006 and accounted for 78 percent of the money raised in support of the same-sex marriage ban. Focus on the Family and the group's lobbying arm, Focus on the Family Action, contributed 98 percent of the Arlington Group money given in Colorado.

In South Dakota, Arlington Group member South Dakota Family Policy Council created and funded the sole proponent committee: South Dakota Family Policy 2006 Issue Fund.

### ARLINGTON GROUP MEMBER CONTRIBUTIONS BY STATE, 2006

<b>STATE</b>	<b>TOTAL</b>	<b>% OF TOTAL RAISED IN FAVOR</b>
South Dakota	\$123,166	100%
Colorado	\$1,073,239	78%
Virginia	\$150,665	36%
Wisconsin	\$139,189	21%
Tennessee	\$55,066	18%
Idaho	\$4,500	17%
Arizona	\$112,889	11%
South Carolina	\$848	.08%
<b>TOTAL</b>	<b>\$1,659,560</b>	<b>41%</b>

Focus on the Family was the only group that contributed in both 2004 and 2006. In fact, Focus on the Family upped its contributions significantly, from \$255,604 in 2004 to \$1.1 million in 2006. Much of this increase can be traced to Colorado, where the group is headquartered. Just over \$100,000 of Focus on the Family's contributions were made outside of its home state.

In addition to its role as a funder of same-sex marriage bans, Focus on the Family also has a network of state family policy councils that were important state players. These groups were active in four states and contributed \$226,133.

<sup>144</sup> Arlington Group members are listed on Arlington Group letterhead from a Jan. 17, 2007, letter to President Bush available from <http://www.flfamily.org/uploadfile/event/Hate%20Crimes%202007.pdf>; Internet; accessed April 18, 2007. Focus on the Family State Policy Councils are available from "State FPC Family Policy Councils," *Focus on the Family* [on-line], available from <http://www.citizenlink.org/fpc>; Internet, accessed April 30, 2007.

- In Virginia, the Family Foundation contributed \$110,230 to VA4Marriage.org, a committee it formed. Valley Family Forum, a Family Foundation affiliate, added another \$13,500 to the group's coffers. Together they contributed 35 percent of the committee's funds.
- Wisconsin Family Action gave \$79,055 to Vote Yes for Marriage.
- Colorado Family Action, which was created with the assistance of a Focus on the Family employee<sup>145</sup> and formed its own proponent committee, gave \$23,000 to Coloradans for Marriage.
- In South Carolina, the Palmetto Family Council contributed \$348 to the committee it formed to promote the same-sex marriage ban in that state.

For the first time, the Arlington Group itself made a contribution, which came in the form of an in-kind donation of \$5,970 to VA4Marriage.org. Virginia is the state where the Arlington Group originally met, in the city of Arlington.<sup>146</sup>

#### CONTRIBUTIONS FROM ARLINGTON GROUP AND AFFILIATES, 2006\*

CONTRIBUTOR	AMOUNT
Focus on the Family**	\$1,148,831
South Dakota Family Policy Council	\$123,166
Family Foundation	\$110,230
Center for Arizona Policy	\$95,765
Wisconsin Family Action	\$79,055
Colorado Family Action	\$23,000
RealMarriage.org	\$20,000
Valley Family Forum	\$13,500
Arlington Group	\$5,970
National Association of Marriage Enhancement	\$5,000
United Families Idaho	\$4,500
Family Leader Network	\$4,110
Tennessee Eagle Forum	\$2,870
Palmetto Family Council	\$348
<b>TOTAL</b>	<b>\$1,636,345</b>

\*Table does not include contributions from individuals.

\*\*This includes contributions from the group's lobbying arm, Focus on the Family Action.

<sup>145</sup> Myung Oak Kim, "Focus on the Family Sets Sights on Colorado," *Rocky Mountain News*, Aug. 5, 2006 [newspaper on-line]; available from [http://www.rockymountainnews.com/drmn/elections/article/0,2808,DRMN\\_24736\\_4896482,00.html](http://www.rockymountainnews.com/drmn/elections/article/0,2808,DRMN_24736_4896482,00.html); Internet; accessed May 30, 2007.

<sup>146</sup> Scott Helman, "Coalition Seeks to Reframe GOP Race: Leaders of Secretive Group Interview 2008 Candidates," *Boston Globe*, March 25, 2007 [newspaper on-line]; available from [http://www.boston.com/news/nation/articles/2007/03/25/coalition\\_seeks\\_to\\_reframe\\_gop\\_race/](http://www.boston.com/news/nation/articles/2007/03/25/coalition_seeks_to_reframe_gop_race/); Internet; accessed June 5, 2007.

*Arlington Group Organizes*

In addition to contributing in support of same-sex marriage ban amendments, Arlington Group affiliates formed ballot measure committees in every state where money was raised.

Proponent committees associated with the Arlington Group were the primary (and sometimes only) committees formed in support of the same-sex marriage bans in all the states in which they were formed. In three states — Tennessee, Virginia and Wisconsin — two or more proponent committees were affiliated with the Arlington Group.

**ARLINGTON GROUP AFFILIATED BALLOT MEASURE COMMITTEES, 2006**

<b>STATE</b>	<b>COMMITTEE</b>	<b>AMOUNT RAISED</b>
CO	Colorado Family Action Issue Committee	\$1,021,045
AZ	Protect Marriage Arizona C-02-2006	\$1,019,143
WI	Vote Yes for Marriage	\$605,491
VA	VA4Marriage.org	\$352,456
TN	Family Action of Tennessee	\$210,393
SD	South Dakota Family Policy 2006 Issue Fund	\$123,166
SC	Palmetto Family Council	\$99,940
TN	RealMarriage.org	\$74,631
WI	Focus on the Family Marriage Amendment	\$35,134
TN	Focus on the Family Marriage Amendment Committee	\$28,400
ID	United Families Idaho Action Fund	\$14,469
<b>TOTAL</b>		<b>\$3,583,818</b>

## THOSE AGAINST THE SAME-SEX MARRIAGE BANS

Contributions from gay- and lesbian-rights interests accounted for 40 percent of opponent funds, or \$5.64 million of the \$14 million raised by opponents. The largest gay- and lesbian-rights contributor was the Gill Action Fund, a new national group founded by activist Tim Gill, which gave \$3.8 million in six of the eight states where money was raised.

Another major source of opponent funds was individuals connected with Gill. Five individuals, and a political action committee founded by one of the individuals, contributed \$1.4 million, or 10 percent of opponent funds. Contributions from individuals not connected with gay- and lesbian-rights organizations or Gill comprised another 37 percent of opponents' funds, or nearly \$5.2 million.

### GAY- AND LESBIAN-RIGHTS GIVING

Rather than relying on the traditional national gay- and lesbian-rights groups for funding, many opponent committees instead depended on the newly formed Gill Action Fund and state gay- and lesbian-rights groups. This is a shift from 2004, when the major players were more established national groups such as the Human Rights Campaign and the National Gay and Lesbian Task Force.

### TOP NON-INDIVIDUAL GAY- AND LESBIAN-RIGHTS CONTRIBUTORS, 2006

CONTRIBUTOR	LOCATION	TOTAL
Gill Action Fund	Denver, CO	\$3,796,884
Action Wisconsin	Madison, WI	\$816,898
Human Rights Campaign	Washington, DC	\$376,498
Equality Virginia	Richmond, VA	\$168,322
Commonwealth Coalition	Richmond, VA	\$132,171
South Carolina Equality Coalition*	Columbia, SC	\$96,354
Alliance for Full Acceptance	Charleston, SC	\$41,314
National Gay & Lesbian Task Force	Washington, DC	\$28,854
Tennessee Equality Project	Nashville, TN	\$18,000
PFLAG of Washington Metropolitan Area	Washington, DC	\$10,120
	<b>TOTAL</b>	<b>\$5,485,415</b>

\*This includes contributions from the group's lobbying arm, South Carolina Equality Coalition Foundation.

#### *The Gill Strategy*

The Gill Action Fund, founded by gay- and lesbian-rights activist Tim Gill, was the top contributor to same-sex marriage ballot measure committees, giving nearly \$3.8 million to counter the measures in six states. In addition, Gill's activism inspired other well-off individuals to fund opponent committees across the country,<sup>147</sup> bringing the Gill network's total to nearly \$5.3 million.

Gill earned his fortune as the developer of the software company, Quark, which he sold in 2000 to concentrate on his charitable work.<sup>148</sup> He gained attention recently for his strategic giving to

<sup>147</sup> Joshua Green, "They Won't Know What Hit Them," *The Atlantic Monthly*, March 2007 [magazine on-line]; available from <http://www.theatlantic.com/doc/200703/tim-gill>; Internet; accessed May 23, 2007.

<sup>148</sup> *Ibid.*

legislative races in states with closely divided legislatures.<sup>149</sup> Gill's focus on state races was a response to constitutional amendments in 2004 banning same-sex marriage in 13 states, combined with the realization that many laws influencing gay- and lesbian-rights occur at the state level.<sup>150</sup>

Gill contributed \$150,000 of his personal money in 2004 to fight the effort to ban same-sex marriage in Oregon. By the 2006 election season, Gill founded a new outlet to fund his agenda<sup>151</sup> and his personal contributions to ballot measure committees dropped off. The Gill Action Fund, as it is known, has a mission of "securing equal opportunity for all people regardless of sexual orientation or gender expression,"<sup>152</sup> and is funded solely by Gill.<sup>153</sup>

Gill's philanthropy around gay- and lesbian-rights also motivated a network of wealthy contributors who gave hefty sums to fight the 2006 same-sex marriage amendments. Gill's network includes:

- "The Four Millionaires" — **Gill** combined with three other Coloradans "to find a way to moderate the state's politics and loosen the grip of Republican social conservatives."<sup>154</sup> The other millionaires are: **Pat Stryker**, who inherited her fortune through the family business — medical-supplier Stryker Corp.; **Jared Polis**, formerly of greeting card company Blue Mountain Arts and a member of the Colorado State Board of Education through 2006; and **Rutt Bridges**, who now runs the Bighorn Center, a Colorado public policy organization,<sup>155</sup> and earned his money in the oil and software industries.<sup>156</sup>

Including Gill's personal contributions, these four contributed a combined \$300,421 to the Colorado effort to prevent passage of the same-sex marriage ban and push for a domestic partnership referendum.

- **Jon Stryker** is the brother of Pat Stryker and also an heir to the Stryker Corp. fortune. Jon Stryker, who is openly gay, resides in Kalamazoo, Mich., and formed the political action committee (PAC) Coalition for Progress. Through individual and PAC contributions, Stryker worked to secure Democratic control of the Michigan state House and re-elect

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<sup>149</sup> Joshua Green, "They Won't Know What Hit Them," *The Atlantic Monthly*, March 2007 [magazine on-line]; available from <http://www.theatlantic.com/doc/200703/tim-gill>; Internet; accessed May 23, 2007.

<sup>150</sup> *Ibid.*

<sup>151</sup> "Gill's D.C. Office to Promote Gay Aims," *Rocky Mountain News*, Jan. 27, 2007 [newspaper on-line]; available from [http://www.rockymountainnews.com/drmn/local/article/0,1299,DRMN\\_15\\_5309338,00.html](http://www.rockymountainnews.com/drmn/local/article/0,1299,DRMN_15_5309338,00.html); Internet; accessed May 25, 2007.

<sup>152</sup> "What Is Gill Action?," *Gill Action* [on-line]; available from <http://www.gillaction.org/>; Internet; accessed May 25, 2007.

<sup>153</sup> Eric Gorski, "Benefactor's Group to Fight Effort to Ban Gay Marriage," *Denver Post*, Dec. 6, 2005, sec. B, p.1.

<sup>154</sup> Joshua Green, "They Won't Know What Hit Them," *The Atlantic Monthly*, March 2007 [magazine on-line]; available from <http://www.theatlantic.com/doc/200703/tim-gill>; Internet; accessed May 23, 2007.

<sup>155</sup> *Bighorn Center* [on-line]; available from <http://www.bighorncenter.org/index.cfm>; Internet; accessed June 29, 2007.

<sup>156</sup> Rita Healy, "The Gay Mogul Changing U.S. Politics," *Time*, April 4, 2007 [magazine on-line]; available from <http://www.time.com/time/nation/article/0,8599,1606679,00.html>; Internet; accessed May 29, 2007.

Democratic Gov. Jennifer Granholm in 2006.<sup>157</sup> Stryker contributed \$950,000 in personal money and his PAC gave another \$200,000 to fight the amendments to ban same-sex marriage in seven states: Arizona, Colorado, South Carolina, South Dakota, Tennessee, Virginia and Wisconsin. Stryker and the Coalition for Progress were the only Gill contributors aside from the Gill Action Fund that gave to oppose the measures outside of Colorado.

- **David Dechman** is a board member of the Gill Foundation,<sup>158</sup> which shares the same mission as the Gill Action Fund but provides grants rather than funding candidates.<sup>159</sup> Dechman contributed \$25,000 to a Colorado committee opposing the same-sex marriage ban and working for the domestic partnership referendum.

Contributions from Gill’s network accounted for 38 percent of the money raised in opposition to the same-sex marriage bans on the 2006 ballots. Gill Action Fund was the largest of the Gill-related contributors, accounting for 72 percent of Gill network contributions and 27 percent of opposition funds overall.

#### CONTRIBUTIONS FROM TOP GILL NETWORK CONTRIBUTORS, 2006

CONTRIBUTOR	AMOUNT
Gill Action Fund	\$3,796,884
Stryker, Jon L.	\$950,000
Stryker, Pat	\$250,000
Coalition for Progress	\$200,000
Polis, Jared	\$42,421
Dechman, David	\$25,000
Bridges, Rutt	\$5,000
Gill, Tim	\$3,000
<b>TOTAL</b>	<b>\$5,272,305</b>

Gill and his network gave largely in Colorado, where most reside. Individuals or groups affiliated with Gill contributed 82 percent of funds raised by Colorado opponent committees. In addition, South Carolina, South Dakota and Tennessee opponent committees each received more than 20 percent of their funds from the Gill network.

The Gill Action Fund did not contribute to ballot measure committees in two of the eight states where money was raised around the same-sex marriage bans. Instead, the group gave to 501(c)4 organizations connected with ballot measure committees in Arizona and Wisconsin.<sup>160</sup> A 501(c)4

<sup>157</sup> Kerry Eleveld, “There Is a Gay Agenda – Winning Elections,” *Salon.com*, Nov. 29, 2006 [on-line]; available from [http://www.salon.com/news/feature/2006/11/29/gay\\_millionaires/index\\_np.html](http://www.salon.com/news/feature/2006/11/29/gay_millionaires/index_np.html); Internet; accessed May 25, 2007.

<sup>158</sup> “Who We Are,” *Gill Foundation* [on-line]; available from <http://www.gillfoundation.org/what/>; Internet; accessed May 29, 2007.

<sup>159</sup> “What We Do,” *Gill Foundation* [on-line]; available from <http://www.gillfoundation.org/what/>; Internet; accessed May 29, 2007.

<sup>160</sup> E-mail correspondence with state Rep. Kyrsten Sinema, Chair, Arizona Together, June 14, 2007 and phone interview with Mike Tate, Campaign Director, Fair Wisconsin, July 2, 2007.

is a tax-exempt, nonprofit organization to promote social welfare that reports to the Internal Revenue Service but is not required to disclose specific contributors.

### GILL NETWORK CONTRIBUTIONS BY STATE, 2006

STATE	TOTAL	% OF TOTAL RAISED IN OPPOSITION
Colorado	\$4,511,591	83%
Tennessee	\$50,000	31%
South Dakota	\$50,000	29%
South Carolina	\$80,000	22%
Idaho	\$15,000	14%
Virginia	\$175,000	11%
Wisconsin	\$300,000	7%
Arizona	\$100,000	5%
<b>TOTAL</b>	<b>\$5,281,141</b>	<b>38%</b>

#### *Other Gay- and Lesbian-Rights Contributors*

Excluding contributions from the Gill Action Fund, only 7 percent of gay- and lesbian-rights giving was from nationally recognized gay- and lesbian-rights activist groups. This is a notable shift from the 2004 election cycle, when 29 percent of opposition money came from national gay- and lesbian-rights groups.<sup>161</sup>

Other than the Gill Action Fund, national gay- and lesbian-rights contributors included:

- The Human Rights Campaign (HRC) spread \$376,498 to committees in seven states. By comparison, HRC gave more than \$1 million to opponent committees in five states in 2004.
- The National Gay and Lesbian Task Force (NGLTF) contributed \$28,854 in three states. NGLTF contributed \$789,358 in six states in 2004.
- The National Stonewall Democrats, “a grassroots network connecting LGBT Democratic activists,”<sup>162</sup> gave \$3,770 through in-kind donations in South Dakota. The group did not contribute in 2004.

State-level gay- and lesbian-rights groups played a prominent role in four states where voters faced same-sex marriage bans in 2006:

- Action Wisconsin formed the Fair Wisconsin opponent committee and contributed \$816,898 through direct and in-kind donations.
- In Virginia, both the Commonwealth Coalition and Equality Virginia formed committees to fight the same-sex marriage ban. Equality

<sup>161</sup> Sue O’Connell, “The Money Behind the 2004 Marriage Amendments,” *National Institute on Money in State Politics*, January 2006, p. 14.

<sup>162</sup> “About Us,” *National Stonewall Democrats* [on-line]; available from <http://www.stonewalldemocrats.org/about/>; Internet; accessed June 4, 2007.

Virginia contributed \$168,322, with \$55,000 going to its committee and the rest to the Commonwealth Coalition. The Commonwealth Coalition financed its committee with \$132,171.

- The South Carolina Equality Coalition Foundation and the South Carolina Equality Coalition are affiliated gay- and lesbian-rights groups concentrating on education and lobbying, respectively. Both groups formed similarly named ballot measure committees. The South Carolina Equality Coalition Foundation fully funded its committee, South Carolina Equality Coalition Commission. The South Carolina Equality Coalition contributed \$78,329 to its South Carolina Equality Committee.
- Also in South Carolina, the Alliance For Full Acceptance created a committee, known as Every Family Matters, and provided all of the committee's \$36,500. The Alliance also gave \$4,814 to the South Carolina Equality Committee.
- The Tennessee Equality Project contributed \$18,000 to the Fairness Campaign.

*Gay- and Lesbian-Rights Contributions in the States*

Opponent committees in the eight states where money was raised collected anywhere from 10 percent to 67 percent of their funds from gay- and lesbian-rights interests.

Arizona is the only state where the attempt to include a same-sex marriage ban in the state constitution failed and also is the state where opponents raised the smallest percentage of funds from gay- and lesbian-rights sources. Gay- and lesbian-rights contributions accounted for just 10 percent, or \$182,085, of the nearly \$1.9 million raised by ballot committees to fight the Arizona measure.

Opponent committees in Colorado collected 67 percent of their funds from gay- and lesbian-rights interests. The nearly \$3.7 million contributed in Colorado was almost twice as much as the amount of gay- and lesbian-rights money given in the other states combined. Gill Action Fund contributions made up 99.6 percent of non-individual gay- and lesbian-rights contributions in Colorado.

**GAY- AND LESBIAN-RIGHTS GIVING BY STATE, 2006**

<b>STATE</b>	<b>TOTAL</b>	<b>% OF TOTAL RAISED IN OPPOSITION</b>
Colorado	\$3,665,485	67%
South Carolina	\$189,642	51%
South Dakota	\$60,810	35%
Virginia	\$427,526	28%
Tennessee	\$43,000	27%
Idaho	\$28,169	26%
Wisconsin	\$1,043,564	24%
Arizona	\$182,085	10%
<b>TOTAL</b>	<b>\$5,640,281</b>	<b>40%</b>

## TOP CONTRIBUTORS ACROSS THE STATES

The 2006 same-sex marriage bans were financed largely by a small group of organizations and wealthy donors. The \$11.95 million in contributions from the top 20 non-individual and individual donors accounted for two-thirds of the \$18 million raised around the amendments.

The \$8.6 million doled out by the top non-individual contributors accounted for 48 percent of the money raised. Seventy-four percent of the money given by these major donors, or \$6.35 million, went to committees working against the same-sex marriage bans.

Only four of the top 20 non-individual contributors gave in more than one state. These cross-state contributors were led by the Gill Action Fund, which led gay- and lesbian-rights giving, and Focus on the Family, which contributed the most among Christian conservative groups. Human Rights Campaign and the Coalition for Progress also gave in multiple states.

Top contributors also included two labor unions, a law firm, a public affairs firm and a state network of Catholic churches.

### TOP 20 NON-INDIVIDUAL CONTRIBUTORS TO MARRIAGE AMENDMENTS, 2006

CONTRIBUTOR	LOCATION	POSITION	TOTAL
<i>Gill Action Fund</i> *	Denver, CO	Con	\$3,796,884
<i>Focus on the Family</i> **†	Colorado Springs, CO	Pro	\$1,148,831
Action Wisconsin	Madison, WI	Con	\$816,898
Coalition for America's Families	Middleton, WI	Pro	\$391,580
<i>Human Rights Campaign</i>	Washington, DC	Con	\$376,498
Wisconsin Education Association Council	Madison, WI	Con	\$325,000
<i>Coalition for Progress</i> *	Kalamazoo, MI	Con	\$200,000
Arnold & Porter	Washington, DC	Con	\$190,642
Equality Virginia	Richmond, VA	Con	\$168,322
Service Employees International Union	Washington, DC	Con	\$150,000
Christian Family Care Agency	Phoenix, AZ	Pro	\$149,929
Commonwealth Coalition	Richmond, VA	Con	\$132,171
South Dakota Family Policy Council **	Sioux Falls, SD	Pro	\$123,166
Family Foundation **	Richmond, VA	Pro	\$110,230
Riester Public Affairs	Phoenix, AZ	Con	\$100,000
South Carolina Equality Coalition†	Columbia, SC	Con	\$96,354
Center for Arizona Policy **	Scottsdale, AZ	Pro	\$95,765
Colorado Catholic Conference	Denver, CO	Pro	\$93,596
United Families International	Gilbert, AZ	Pro	\$83,605
Wisconsin Family Action **	Madison, WI	Pro	\$79,055
<b>TOTAL</b>			<b>\$8,628,526</b>

\*Gill network affiliate. Contributions totaled \$3,996,884.

\*\*Arlington Group members or affiliates of Arlington Group members. Contributions totaled \$1,557,047.

† This includes contributions from the group's lobbying arm.

*Contributors in italics gave in more than one state.*

The top 20 individual contributors gave \$3.3 million, or 18 percent of the funds raised around the 2006 same-sex marriage bans. These major donors gave overwhelmingly to opponent committees,

which collected 89 percent of top individual contributor money, or \$2.95 million of the \$3.3 million.

As with top non-individual contributors, only four of the top individuals spread their contributions to more than one state. The top individual contributor was Jon L. Stryker, whose giving was driven by the example of Tim Gill. Stryker contributed either personal money or via his political action committee to opponent committees in every state where money was raised, except Idaho.

Other top individual contributors donating in more than one state were David Bohnett, manager of a private equity firm<sup>163</sup> and founder of the David Bohnett Foundation, which is “committed to improving society through social activism;”<sup>164</sup> literary agent Esmond Harmsworth; and gay- and lesbian-rights activist Bruce W. Bastian.

#### TOP 20 INDIVIDUAL CONTRIBUTORS TO MARRIAGE AMENDMENTS, 2006

CONTRIBUTOR	LOCATION	POSITION	TOTAL
<i>Stryker, Jon L.*</i>	Kalamazoo, MI	Con	\$950,000
Lewis, William C.	Phoenix, AZ	Con	\$715,000
Leibowitz, Dale	Madison, WI	Con	\$275,000
Stryker, Pat*	Fort Collins, CO	Con	\$250,000
Uihlein, Lynde B.	Milwaukee, WI	Con	\$250,000
McVaney, C. Edward	Greenwood Village, CO	Pro	\$100,000
Templeton, John M.	Bryn Mawr, PA	Pro	\$100,000
Sperling, John G.	Phoenix, AZ	Con	\$91,000
Gregory, John M.	Bristol, TN	Pro	\$70,000
Soros, George	New York, NY	Con	\$65,000
Uhlmann, Barbara & Steve	Scottsdale, AZ	Pro	\$51,000
Field, Thomas F.	Arlington, VA	Con	\$50,650
<i>Bohnett, David</i>	Beverly Hills, CA	Con	\$50,000
Hubbard, David & Carolyn	Mesa, AZ	Pro	\$50,000
Sandler, Herbert & Marion	Oakland, CA	Con	\$50,000
<i>Harmsworth, Esmond</i>	Boston, MA	Con	\$45,000
Polis, Jared*	Boulder, CO	Con	\$42,421
<i>Bastian, Bruce W.</i>	Orem, UT	Con	\$41,000
Herzing, Stacey	Shorewood, WI	Con	\$38,240
Krueger, Jeffrey	Madison, WI	Con	\$36,750
<b>TOTAL</b>			<b>\$3,321,061</b>

\*Gill network affiliate. Contributions total \$1,242,421.

*Contributors in italics gave in more than one state.*

<sup>163</sup> “David Bohnett Biography,” *David Bohnett Foundation* [on-line]; available from <http://www.bohnettoundation.org/About/Bio/>; Internet; accessed June 12, 2007.

<sup>164</sup> “Our Mission,” *David Bohnett Foundation* [on-line]; available from <http://www.bohnettoundation.org/About/Mission/>; Internet; accessed June 12, 2007.

## **ALABAMA**

Alabama's same-sex marriage ban appeared on the June 2006 primary-election ballot rather than the November general-election ballot. The measure was placed on the ballot by the state Legislature, where there was discord over when voters should face the amendment. Democrats wanted the ban placed on the primary-election ballot to avoid drawing additional conservative voters into the general election and Republicans wanted it on the general-election ballot so conservative voters would not unduly influence primary races.<sup>165</sup> Democrats, who controlled the Legislature, won the battle.

The Alabama same-sex marriage ban enjoyed strong support and ultimately passed with 81 percent of the vote. The Institute did not identify any groups that raised money and filed campaign finance reports with the Alabama Secretary of State. Those organizations mentioned in news accounts as taking positions on the ban relied on media attention and spent money for educational purposes only.

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<sup>165</sup> Phillip Rawls, "Many in Ala. Blast Same-Sex Marriage," *Sun Herald*, Feb. 9, 2005; sec. A, p. 9.

## ARIZONA

Bucking the national trend, Arizona voters became the first in the nation to reject a constitutional amendment prohibiting same-sex marriage. The measure would have amended the state constitution to prohibit same-sex marriage, as well as prohibiting any level or branch of government from extending legal status to unmarried couples. Opponents of Proposition 107 tried unsuccessfully to get it removed from the ballot, claiming that it violated the law requiring measures to deal with just one subject.<sup>166</sup> In the end, the very fact that the measure aimed to deny benefits to unwed couples, regardless of sexual orientation, likely led to its defeat.<sup>167</sup> The ban failed with 52 percent opposing the measure.

Four committees formed around the Arizona same-sex marriage ban, raising more than \$2.9 million. Opponents of the measure combined to gather just under \$1.9 million, 45 percent more than the proponents' \$1.04 million.

### CONTRIBUTIONS TO SAME-SEX MARRIAGE BAN COMMITTEES, 2006

<b>PROPONENTS</b>		<b>TOTAL</b>
Protect Marriage Arizona C-02-2006		\$1,019,143
Defend Marriage Arizona C-02-2006		\$19,950
	<b>TOTAL</b>	<b>\$1,039,093</b>
<b>OPPONENTS</b>		
Arizona Together Opposed to C-02-2006		\$1,833,759
No On 107 (Opposed to C-02-2006)		\$66,189
	<b>TOTAL</b>	<b>\$1,899,948</b>
<b>OVERALL TOTAL</b>		<b>\$2,939,041</b>

Because of the amendment's broad scope, the fight to outlaw same-sex marriage took a different shape in Arizona than in other states where voters chose to amend their constitutions to ban same-sex marriage. Tapping into the concerns of the state's sizable retiree population, opponents of the measure emphasized how it would affect all unmarried couples since "elderly couples frequently forgo marriage to preserve higher benefits under Social Security, Medicare and private pensions."<sup>168</sup> Advertisements run by the main opponent committee, Arizona Together, did not even mention gay marriage and used opposite-sex couples to illustrate their objections to the measure.<sup>169</sup>

Though this strategy ultimately paid off for opponents, the Protect Marriage Arizona committee actually received more money from retirees than the two committees fighting the measure. Protect Marriage Arizona received almost \$71,000 from retirees compared to nearly \$49,000 given to Arizona Together and more than \$9,000 contributed by retirees to No On 107.

<sup>166</sup> Michael Foust, "Ruling Makes Ariz. 8<sup>th</sup> State to Vote on Marriage Amendment," *BP News*, Sept. 1, 2006 [online]; available from <http://www.sbc Baptist Press.org/printerfriendly.asp?ID=23899>, Internet; accessed April 20, 2007.

<sup>167</sup> Howard Fischer, "Prop. 107 Backer Concedes," *Arizona Daily Star*, Nov. 16, 2006 [newspaper on-line]; available from <http://www.azstarnet.com/metro/156256.php>; Internet; accessed June 21, 2007.

<sup>168</sup> Kim Cobb, "Retirees Help Defeat Gay-Marriage Ban," *Houston Chronicle*, Nov. 13, 2006, sec. A, p. 6.

<sup>169</sup> *Ibid.*

The traditional funding sources for committees working on same-sex marriage bans — gay- and lesbian-rights groups and the Arlington Group — were not as prevalent in Arizona as in other states. Instead, contributions from individuals not affiliated with those sources gave more than two-thirds of the money raised by the four committees working on Proposition 107.

Roughly \$2 million of the \$2.9 million raised around the Arizona same-sex marriage amendment came from individuals. More than \$500,000 went to the Protect Marriage Arizona committee, while Arizona Together received \$1.4 million and No On 107 gathered \$64,008. The Defend Marriage Arizona committee received no money from individuals; it was funded entirely by United Families International.

More than half of the individual money came from 10 top contributors. Individual donors were led by investor William C. Lewis, who gave \$715,000, accounting for 38 percent of opponent funds.

#### *Gay- and Lesbian-Rights Giving*

Gay- and lesbian-rights organizations and their employees contributed \$182,085 in Arizona. The bulk of this money was given by the Human Rights Campaign (HRC), which gave \$155,055 to the Arizona Together committee. HRC board member Bruce W. Bastian of Orem, Utah,<sup>170</sup> also gave \$20,000 to Arizona Together. Bastian earned his fortune in the software industry and created a foundation that provides grants to organizations working on gay- and lesbian-rights issues.

One notable contributor absent from campaign-disclosure reports filed with the Arizona Secretary of State is the Gill Action Fund, which gave in most of the other states with constitutional amendments banning same-sex marriage on the ballot in 2006. The Gill Action Fund did, however, contribute \$75,000 to Arizona Together's 501(c)4; those funds were used for legal fees associated with the group's court challenge of the measure.<sup>171</sup> A 501(c)4 is a tax-exempt, nonprofit organization working to promote social welfare that reports to the Internal Revenue Service but is not required to disclose specific contributors. Despite this fact, Arizona Together chose to list all supporters on its Web site, albeit without specific contribution amounts or indications of whether the money went to the ballot committee or the 501(c)4.

Though the Gill Action Fund did not contribute to the Arizona ballot committees, the Coalition for Progress gave \$100,000 to Arizona Together. That political action committee was formed by Jon Stryker, whose activism on this issue was inspired by Tim Gill.

#### *Arlington Group Involvement*

The Protect Marriage Arizona ballot measure committee was a coalition, of which two participants were Arlington Group members: the Center for Arizona Policy and the National Association of Marriage Enhancement.<sup>172</sup>

Those groups, as well as a third Arlington Group member, Focus on the Family, contributed 11 percent of Protect Marriage Arizona's funds:

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<sup>170</sup> "About the Human Rights Campaign," *Human Rights Campaign* [on-line], available from [http://www.hrc.org/Content/NavigationMenu/About\\_HRC/HRC\\_Board.htm](http://www.hrc.org/Content/NavigationMenu/About_HRC/HRC_Board.htm), Internet; accessed April 23, 2007.

<sup>171</sup> E-mail correspondence with state Rep. Kyrsten Sinema, Chair, Arizona Together, June 14, 2007.

<sup>172</sup> "News," *Protect Marriage Arizona* [on-line]; available from <http://www.protectmarriageaz.com/marriage/news/index.php>; Internet; accessed June 5, 2007.

- The Center for Arizona Policy gave \$95,765 in contributions and in-kind donations.
- Focus on the Family contributed \$11,924 via in-kind services.
- The National Association for Marriage Enhancement gave \$5,000.

Individual and unitemized contributions — those that fall under a state’s threshold for reporting identifying information — accounted for another 56 percent of the committee’s funds. In addition, Christian Family Care Agency, United Families International and Crises Pregnancy Centers of Greater Phoenix provided more than one-quarter of the committee’s total.

#### TOP NON-INDIVIDUAL CONTRIBUTORS IN ARIZONA, 2006

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
Human Rights Campaign	Washington, DC	Gay & Lesbian Rights	Con	\$155,055
Christian Family Care Agency	Phoenix, AZ	Welfare & Social Work	Pro	\$149,929
Coalition for Progress	Kalamazoo, MI	Democratic/Liberal	Con	\$100,000
Riester Public Affairs	Phoenix, AZ	Business Services	Con	\$100,000
Center for Arizona Policy	Scottsdale, AZ	Republican/Conservative	Pro	\$95,765
United Families International	Gilbert, AZ	Republican/Conservative	Pro	\$83,605
Crises Pregnancy Centers of Greater Phoenix	Phoenix, AZ	Health Services	Pro	\$30,000
American Openings	Tucson, AZ	Manufacturing & Distributing	Pro	\$15,000
Focus on the Family	Colorado Springs, CO	Christian Conservative	Pro	\$11,924
Barney Family Investments	Mesa, AZ	Real Estate	Pro	\$10,000
CH Vineyard Group	Mesa, AZ	Beer, Wine & Liquor	Pro	\$10,000
<b>TOTAL</b>				<b>\$761,278</b>

**TOP INDIVIDUAL CONTRIBUTORS IN ARIZONA, 2006**

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
Lewis, William C.	Phoenix, AZ	Finance	Con	\$715,000
Sperling, John G.	Phoenix, AZ	Education	Con	\$91,000
Uhlmann, Barbara & Steve	Scottsdale, AZ	Pharmaceuticals & Health Products	Pro	\$51,000
Hubbard, Carolyn & David	Mesa, AZ	Health	Pro	\$50,000
Coles, Scott	Phoenix, AZ	Real Estate	Con	\$25,000
Farnsworth, Ross N.	Mesa, AZ	Real Estate	Pro	\$25,000
Quinlan, Stephen E.	Tucson, AZ	Real Estate	Con	\$20,350
Bastian, Bruce W.	Orem, UT	Gay & Lesbian Rights	Con	\$20,000
Willett, Carol & Craig	Mesa, AZ	Real Estate	Pro	\$20,000
Howard, Wayne	Phoenix, AZ	Lawyers & Lobbyists	Con	\$15,500
<b>TOTAL</b>				<b>\$1,032,850</b>

## COLORADO

Colorado was the only state with both a constitutional amendment to ban same-sex marriage and a referendum to confer legal rights to same-sex couples on the 2006 ballot. Seven committees formed around Measure 43, the same-sex marriage ban, and most worked on Referendum I as well, which would have allowed domestic partnerships. Measure 43 passed with 55 percent of the vote and Referendum I failed with 48 percent of the vote.

The issue of same-sex marriage was especially contentious in Colorado as it serves as the headquarters of vocal same-sex marriage opponent Focus on the Family, as well as the home state of gay- and lesbian-rights activist Tim Gill, founder of the Gill Action Fund.

The Colorado battle was the most expensive same-sex marriage ban campaign to date, topping the \$5.37 million raised by Oregon committees in 2004. The committees raised a combined \$6.8 million with opponents raising nearly four times as much as proponents.

### CONTRIBUTIONS TO SAME-SEX MARRIAGE BAN COMMITTEES, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
Colorado Family Action Issue Committee*†	\$1,021,045
Coloradans For Marriage <sup>173</sup>	\$348,708
Family Leader Network of Colorado	\$0
<b>TOTAL</b>	<b>\$1,369,753</b>
<b>OPPONENTS</b>	
Coloradans for Fairness Issue Committee*	\$5,107,495
Don't Mess With Marriage	\$346,550
Bell Ballot Action*†	\$5,000
People For the American Way Voters Alliance of Colorado*†	\$100
<b>TOTAL</b>	<b>\$5,459,145</b>
<b>OVERALL TOTAL</b>	<b>\$6,828,898</b>

\*Also active on Referendum I.

†Active on ballot measures other than Measure 43 and Referendum I.

#### *Gay- and Lesbian-Rights Giving*

Gay- and lesbian-rights interests contributed almost \$3.7 million of the \$5.5 million raised by the opponent committees, accounting for 68 percent of opponents' money.

The fight to prevent an amendment banning same-sex marriage in Colorado was largely a state-led effort with little support from national gay- and lesbian-rights organizations other than the Gill Action Fund. The only other national gay- and lesbian-rights contributor was the Human Rights Campaign, which gave a \$408 in-kind donation.

The Gill Action Fund was the largest gay- and lesbian-rights contributor giving more than \$3.6 million — \$3.28 million to the Coloradans for Fairness Issue Committee and \$346,000 to Don't Mess With Marriage.

<sup>173</sup> The Colorado Family Action Issue Committee contributed \$23,000 to this committee, making it likely the money is reported twice in disclosure reports.

Employees of the Gill Foundation or Gill Action Fund and others allied with Tim Gill contributed an additional \$884,256. Notable contributors were:

- Jon and Pat Stryker, Stryker Corp. heirs and siblings who gave \$550,000 and \$250,000, respectively.
- Jared Polis and Rutt Bridges, who contributed \$42,421 and \$5,000, respectively. Polis and Bridges are members of the “Four Millionaires” along with Gill and Pat Stryker. They worked “to find a way to moderate the state’s politics and loosen the grip of Republican social conservatives.”<sup>174</sup>
- David Dechman, Gill Foundation board member and a former partner at Goldman Sachs, who gave \$25,000.

In addition to these direct contributions, two members of a group of wealthy Colorado donors known as the “Four Millionaires” — Gill and Pat Stryker — contributed to two 527 committees that gave in Colorado: the Colorado Voter Project and New West Fellowship Group. A 527 committee is formed as a nonprofit with a primarily political purpose. Contribution reports filed with the Internal Revenue Service show:

- Colorado Voter Project received \$250,000 from Gill and \$200,000 from Stryker.<sup>175</sup> The group contributed \$25,000 to the Coloradans for Fairness Issue Committee.
- New West Fellowship Group collected \$380,960 from Gill and \$107,980 from Stryker<sup>176</sup> and gave \$28,000 to the Coloradans for Fairness Issue Committee.

Another prominent gay- and lesbian-rights activist, James C. Hormel of San Francisco, Calif., contributed \$10,000. Hormel is an heir to the Hormel family fortune and was the first openly gay U.S. ambassador.<sup>177</sup>

#### *Arlington Group Involvement*

The Colorado Family Action Issue Committee formed to promote the constitutional amendment to ban same-sex marriage in Colorado and to oppose the domestic partnership measure. Arlington Group member Focus on the Family had a hand in creating the group<sup>178</sup> and a spin-off organization, the Colorado Family Institute, which is now one of the state family policy councils

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<sup>174</sup> Joshua Green, “They Won’t Know What Hit Them,” *The Atlantic Monthly*, March 2007 [magazine on-line]; available from <http://www.theatlantic.com/doc/200703/tim-gill>; Internet; accessed May 23, 2007.

<sup>175</sup> From reports filed with the Internal Revenue Service; available from <http://forms.irs.gov/politicalOrgsSearch/search/basicSearch.jsp?ck>; Internet; accessed May 29, 2007.

<sup>176</sup> *Ibid.*

<sup>177</sup> James C. Hormel, “*San Francisco Public Library* [on-line]; available from <http://sfpl.lib.ca.us/librarylocations/main/glc/hormel.htm>; Internet; accessed May 2, 2007.

<sup>178</sup> Myung Oak Kim, “Focus on the Family Sets Sights on Colorado,” *Rocky Mountain News*, Aug. 5, 2006 [newspaper on-line]; available from [http://www.rockymountainnews.com/drmn/elections/article/0,2808,DRMN\\_24736\\_4896482,00.html](http://www.rockymountainnews.com/drmn/elections/article/0,2808,DRMN_24736_4896482,00.html); Internet; accessed May 30, 2007.

aligned with Focus on the Family.<sup>179</sup> Focus on the Family and the group's lobbying arm, Focus on the Family Action, provided 95 percent of the funds raised by the Colorado Family Action Issue Committee.

The Coloradans for Marriage committee was active in getting Measure 43 on the ballot but raised nearly one-third less than the Colorado Family Action Issue Committee. Coloradans for Marriage coalition members included two Arlington Group members — Focus on the Family and the National Association of Evangelicals.

There was some discord among coalition members as to whether the proposed amendment should define marriage as a union between a man and a woman or go one step further and also outlaw civil unions.<sup>180</sup> Focus on the Family was in favor of the latter<sup>181</sup> as its contributions indicate: the group contributed 13 times more to the Colorado Family Action Issue Committee than to Coloradans for Marriage, which did not take a position on Referendum I.

### *Churches Chip In*

Unlike Focus on the Family, church groups tended to support a same-sex marriage amendment limited in scope. Three Catholic bishops as well as then-president of the National Association of Evangelicals, Ted Haggard, preferred an amendment that did not include a provision against domestic partnerships.<sup>182</sup>

For the most part, church contributions echoed this preference. Sixty-three percent of the \$134,846 given by churches went to Coloradans for Marriage, which only supported Measure 43. Prominent church contributors were:

- The Colorado Catholic Conference, which gave \$44,260 to Coloradans for Marriage and \$49,336 to the Colorado Family Action Issue Committee via in-kind contributions. This was the only church that gave to the Colorado Family Action Issue Committee, which worked against Referendum I's domestic partnership provision.
- The Archdiocese of Denver contributed \$20,000 to Coloradans for Marriage.
- New Life Church gave \$12,000 to Coloradans for Marriage. At the time of the contributions, Ted Haggard was the church's pastor. Haggard resigned just days before the November election amid accusations that he had paid a male prostitute for sex and bought methamphetamine.<sup>183</sup> Though some speculated this scandal would lead

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<sup>179</sup> Perry Swanson, "Traditional-Marriage Group Expands Mission," *The (Colorado Springs) Gazette*, Feb. 12, 2007 [newspaper on-line]; available from [http://findarticles.com/p/articles/mi\\_qn4191/is\\_20070212/ai\\_n18639659](http://findarticles.com/p/articles/mi_qn4191/is_20070212/ai_n18639659); Internet; accessed May 30, 2007.

<sup>180</sup> Eric Gorski, "Push to Nix Gay Nuptials But Groups Not All on Same Page," *Denver Post*, Dec. 9, 2005, sec A, p. 1.

<sup>181</sup> *Ibid.*

<sup>182</sup> *Ibid.*

<sup>183</sup> John Holusha and Neela Banerjee, "Evangelical Leader Says He Bought Drugs," *New York Times*, Nov. 3, 2006 [newspaper on-line]; available from <http://www.nytimes.com/2006/11/03/us/04pastorcnd.html?ex=1320210000&en=3677113ba86de78f&ei=5088&artner=rssnyt&emc=rss>; Internet; accessed May 30, 2007.

to a decrease in conservative Christian voter turnout, polls commissioned by the Gill Action Fund indicate that Referendum I lost support after the Haggard story broke.<sup>184</sup> A Gill advisor suggested the attention given to homosexual sex led to some squeamishness and caused would-be supporters of civil unions to change their votes at the last minute.<sup>185</sup>

Just one church gave to opponents of the same-sex marriage ban. The First Universalist Church of Denver contributed \$500 to the Coloradans for Fairness Issue Committee.

#### TOP NON-INDIVIDUAL CONTRIBUTORS IN COLORADO, 2006

CONTRIBUTOR	LOCATION	INDUSTRY	POSITION	TOTAL
Gill Action Fund	Denver, CO	Gay & Lesbian Rights	Con	\$3,626,884
Focus on the Family*	Colorado Springs, CO	Christian Conservative	Pro	\$1,046,704
Service Employees International Union	Washington, DC	Labor Organizations	Con	\$150,000
Colorado Catholic Conference	Denver, CO	Churches & Clergy	Pro	\$93,596
New West Fellowship Group	Edgewater, CO	Democratic/Liberal	Con	\$28,000
Colorado Voter Project	Denver, CO	Democratic/Liberal	Con	\$25,000
Colorado Family Action	Castle Rock, CO	Christian Conservative	Pro	\$23,000
Archdiocese of Denver	Denver, CO	Clergy	Pro	\$20,000
Ballot Initiative Strategy Center	Washington, DC	Democratic/Liberal	Con	\$17,500
New Life Church	Colorado Springs, CO	Clergy	Pro	\$12,000
<b>TOTAL</b>				<b>\$5,042,684</b>

\*This includes contributions from Focus on the Family Action, the lobbying arm of Focus on the Family.

#### TOP INDIVIDUAL CONTRIBUTORS IN COLORADO, 2006

CONTRIBUTOR	LOCATION	INDUSTRY	POSITION	TOTAL
Stryker, Jon L.	Kalamazoo, MI	Construction Services	Con	\$550,000
Stryker, Pat	Fort Collins, CO	Democratic/Liberal	Con	\$250,000
McVaney, C. Edward	Greenwood, CO	Computer Equipment & Sales	Pro	\$100,000
Sandler, Herbert & Marion	Oakland, CA	Securities & Investment	Con	\$50,000
Polis, Jared	Boulder, CO	Candidates & Elected Officials	Con	\$42,421
Bohnett, David	Beverly Hills, CA	Securities & Investment	Con	\$25,000
Dechman, David	New York, NY	Securities & Investment	Con	\$25,000
Fikes, Amy & Lee	Dallas, TX	Oil & Gas	Con	\$25,000
Harmsworth, Esmond	Boston, MA	Printing & Publishing	Con	\$15,000
Matthews, Caz	Denver, CO	Health Professionals	Con	\$10,250
<b>TOTAL</b>				<b>\$1,092,671</b>

<sup>184</sup> Joshua Green, "They Won't Know What Hit Them," *The Atlantic Monthly*, March 2007 [magazine on-line]; available from <http://www.theatlantic.com/doc/200703/tim-gill>; Internet; accessed May 23, 2007.

<sup>185</sup> Ibid.

## IDAHO

Idaho's constitutional amendment to ban same-sex unions of any kind, House Joint Resolution 2, easily passed with 63 percent of the vote even though opponents raised nearly four times as much as proponents.

The four committees formed in Idaho to advocate for or against the same-sex marriage ban raised just \$133,483, the second-lowest amount collected among the eight states with similar measures on the November ballot. Idaho Votes No, the only committee working against passage of the amendment, raised \$106,378. Three proponent committees combined to gather just over \$27,000.

### CONTRIBUTIONS TO SAME-SEX MARRIAGE BAN COMMITTEES, 2006

<b>PROponents</b>	<b>TOTAL</b>
United Families Idaho Action Fund	\$14,469
IVA Action Fund	\$9,385
Marriage Protection Alliance, Inc.	\$3,250
<b>TOTAL</b>	<b>\$27,104</b>
<b>OPponents</b>	
Idaho Votes No	\$106,378
<b>OVERALL TOTAL</b>	<b>\$133,482</b>

#### *Gay- and Lesbian-Rights Giving*

The traditional national gay- and lesbian-rights groups did not contribute in Idaho but newcomer Gill Action Fund gave \$15,000. Gay- and lesbian-rights activist Bruce W. Bastian of Orem, Utah, also gave \$10,000. Combined, the two accounted for just under one-quarter of opponent funding.

#### *Arlington Group Involvement*

Arlington Group member United Families Idaho created the United Families Idaho Action Fund to push for passage of House Joint Resolution 2. The group raised \$14,469, more than the other two proponent committees combined.

Melaleuca, Inc., a personal and household products direct sales company, was the top contributor to United Families Idaho Action Fund, giving \$6,827 in direct and in-kind contributions. The company's CEO, Frank Vandersloot, and his wife, Belinda, contributed a combined \$2,000.

United Families Idaho also gave its ballot measure committee \$4,500. The remainder of the contributions were from individuals, except for a \$500 contribution from Idaho Senate Majority Leader Bart M. Davis' campaign committee.

**TOP CONTRIBUTORS IN IDAHO, 2006**

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
Gill Action Fund	Denver, CO	Gay & Lesbian Rights	Con	\$15,000
Bastian, Bruce W.	Orem, UT	Gay & Lesbian Rights	Con	\$10,000
Western States Center	Portland, OR	Nonprofit Institutions	Con	\$10,000
Melaleuca, Inc.	Idaho Falls, ID	Retail Sales	Pro	\$6,827
ACLU of Idaho	Boise, ID	Ideology/Single Issue	Con	\$6,700
Beswick TTEE, Daniel K.	Menlo Park, CA	Retired	Con	\$5,000
Seidl, John & Marie	Aspen, CO	Manufacturing & Distributing	Con	\$5,000
United Families Idaho	Blackfoot, ID	Republican/Conservative	Pro	\$4,500
PFLAG Treasure Valley	Boise, ID	Gay & Lesbian Rights	Con	\$3,000
Bills, David	Nampa, ID	Real Estate	Pro	\$2,500
			<b>TOTAL</b>	<b>\$68,527</b>

## SOUTH CAROLINA

South Carolina's constitutional amendment to ban same-sex marriage, Amendment 1, passed overwhelmingly with 78 percent of the vote.

Six committees formed around Amendment 1 and the four opponent committees raised more than three times as much as the two proponents, even though the vote was lopsided in the proponents' favor.

### CONTRIBUTIONS TO SAME-SEX MARRIAGE BAN COMMITTEES, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
Palmetto Family Council	\$99,490
SCForMarriage.org	\$9,055
<b>TOTAL</b>	<b>\$108,545</b>
<b>OPPONENTS</b>	
South Carolina Equality Committee	\$301,861
Every Family Matters	\$36,500
South Carolina Equality Coalition Commission	\$18,025
South Carolina Log Cabin Republicans	\$14,041
<b>TOTAL</b>	<b>\$370,427</b>
<b>OVERALL TOTAL</b>	<b>\$478,972</b>

#### *Gay- and Lesbian-Rights Giving*

Nearly half of the money raised by opponent committees, or \$189,642, came from gay- and lesbian-rights interests.

The South Carolina Equality Committee and the South Carolina Equality Coalition Commission are affiliated with two similarly named nonprofit organizations, which are themselves connected: the South Carolina Equality Coalition and the South Carolina Equality Coalition Foundation. The former lobbies on behalf of gay- and lesbian-rights, while the latter exists for educational purposes.<sup>186</sup> The South Carolina Equality Coalition contributed more than one-quarter of the money raised by the South Carolina Equality Committee, or \$78,329. The South Carolina Equality Coalition Commission was funded entirely by the South Carolina Equality Coalition Foundation.

The Every Family Matters Committee was formed by the Alliance for Full Acceptance, which provided all of the committee's \$36,500 in funding. In addition, the Alliance for Full Acceptance gave \$4,814 to the South Carolina Equality Committee through in-kind donations.

Contributors connected with Tim Gill gave \$80,000, or 22 percent of opponent funds. The Gill Action Fund contributed \$30,000 to the South Carolina effort: \$25,000 to the South Carolina Equality Committee and \$5,000 to South Carolina Log Cabin Republicans. In addition, the Coalition for Progress, the political action committee founded by Jon Stryker, gave \$50,000 to the South Carolina Equality Committee.

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<sup>186</sup> "About SC Equality," *South Carolina Equality* [on-line]; available from [http://scequality.org/index.php?option=com\\_content&task=view&id=18&Itemid=47](http://scequality.org/index.php?option=com_content&task=view&id=18&Itemid=47); Internet; accessed May 7, 2007.

Other national gay- and lesbian-rights groups contributing in South Carolina were the National Gay & Lesbian Task Force and the Human Rights Campaign, which gave \$10,000 and \$5,000, respectively, to the South Carolina Equality Committee.

*Arlington Group Involvement*

Focus on the Family affiliate Palmetto Family Council was the top proponent committee, which raised \$99,490.

Top contributors to the committee were: the Yager Freedom Foundation, founded by evangelical Dexter Yager,<sup>187</sup> which gave \$15,000 and Stokes Honda Stokes Toyota, which contributed \$10,000.

Leadership committees of two Republican presidential candidates gave \$5,000 each to the Palmetto Family Council: Mitt Romney’s Commonwealth PAC and John McCain’s Straight Talk America. Commonwealth PAC also contributed \$5,000 to SCForMarriage.org.

**TOP CONTRIBUTORS IN SOUTH CAROLINA, 2006**

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
South Carolina Equality Coalition*	Columbia, SC	Gay & Lesbian Rights	Con	\$96,354
Coalition for Progress	Kalamazoo, MI	Democratic/Liberal	Con	\$50,000
Alliance for Full Acceptance	Charleston, SC	Gay & Lesbian Rights	Con	\$41,314
Gill Action Fund	Denver, CO	Gay & Lesbian Rights	Con	\$30,000
Yager Freedom Foundation	Fort Mill, SC	Nonprofit Institutions	Pro	\$15,000
Commonwealth PAC	Boston, MA	Leadership PACs	Pro	\$10,000
Laughlin, Michael	Aiken, SC	Business Services	Con	\$10,000
National Gay & Lesbian Task Force	Washington, DC	Gay & Lesbian Rights	Con	\$10,000
Stokes Honda Stokes Toyota	Beaufort, SC	Automotive	Pro	\$10,000
Milliken, Weston F.	Los Angeles, CA	Business Services	Con	\$7,500
<b>TOTAL</b>				<b>\$280,168</b>

\*Includes contributions from the South Carolina Equality Coalition Foundation, the lobbying arm of the South Carolina Equality Coalition.

<sup>187</sup> Jim Morrill and Nancy Stancill, “Amway the Yager Way,” *Charlotte Observer*, March 19, 1995 [newspaper online]; available from <http://www.amquix.info/tosp/YAGER1.HTM>; Internet; accessed May 30, 2007.

## **SOUTH DAKOTA**

Just 52 percent of South Dakotans voted to amend the state constitution to ban same-sex marriage, the closest vote of any state where similar amendments passed.

Two committees formed to work on Amendment C and they raised less than \$300,000 combined. The opponents raised 28 percent more than the proponents, even though the proponents were raising money for both the same-sex marriage amendment and an abortion ban.

### **CONTRIBUTIONS TO SAME-SEX MARRIAGE BAN COMMITTEES, 2006**

<b>PROPOSERS</b>	<b>TOTAL</b>
South Dakota Family Policy 2006 Issue Fund	\$123,166
<b>OPPOSERS</b>	
South Dakotans Against Discrimination	\$171,578
<b>OVERALL TOTAL</b>	<b>\$294,744</b>

#### *Gay- and Lesbian-Rights Giving*

Contributions from the traditional national gay- and lesbian-rights groups to South Dakotans Against Discrimination accounted for 19 percent of opponent funding, more than in any other state with a same-sex marriage ban on the ballot in 2006.

The Human Rights Campaign contributed \$25,695 in direct and in-kind contributions. The National Stonewall Democrats, an organization of gay and lesbian Democrats, gave \$3,700 and the National Gay and Lesbian Task Force contributed \$1,500. These contributions comprised 18 percent of the money raised by opponents.

Additional gay- and lesbian-rights contributors added almost \$30,000 to the coffers of South Dakotans Against Discrimination, \$25,000 of which came from the Gill Action Fund. Taken altogether, gay- and lesbian-rights interests were responsible for 35 percent of the money raised by opponents.

The Coalition for Progress also gave \$25,000. That political action committee was started by Jon Stryker, who is one of the wealthy donors allied with Tim Gill, founder of the Gill Action Fund.

#### *Arlington Group Involvement*

The South Dakota Family Policy Council, an Arlington Group member, created the South Dakota Family Policy 2006 Issue Fund to raise money for the same-sex marriage and abortion bans. The committee was funded entirely with contributions from the South Dakota Family Policy Council.

**TOP CONTRIBUTORS IN SOUTH DAKOTA, 2006**

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
South Dakota Family Policy Council	Sioux Falls, SD	Christian Conservative	Pro	\$123,166
Human Rights Campaign	Washington, DC	Gay & Lesbian Rights	Con	\$25,695
Coalition for Progress	Kalamazoo, MI	Democratic/Liberal	Con	\$25,000
Gill Action Fund	Denver, CO	Gay & Lesbian Rights	Con	\$25,000
ACLU of the Dakotas	Fargo, ND	Ideology/Single Issue	Con	\$5,010
Lewis, Jonathan	Coral Gables, FL	Real Estate	Con	\$5,000
Northwestern Engineering	Rapid City, SD	Construction Services	Con	\$4,000
National Stonewall Democrats	Washington, DC	Gay & Lesbian Rights	Con	\$3,700
Van Hove, Scott	Washington, DC	Computer Equipment & Services	Con	\$2,000
National Gay & Lesbian Task Force	Washington, DC	Gay & Lesbian Rights	Con	\$1,500
<b>TOTAL</b>				<b>\$220,071</b>

## TENNESSEE

Tennessee was the only state where proponents of the ballot measure to ban same-sex marriage raised more money than opponents. Constitutional Amendment 1 also passed by the greatest margin of the eight amendments banning same-sex marriage on the November 2006 ballot. The 81 percent voter approval of the Tennessee amendment was second only to the Mississippi vote in 2004, where 86 percent of ballots cast were in favor of that state's amendment, and tied with the June 2006 vote in Alabama.

Five committees formed in Tennessee to work on the same-sex marriage ban, four in favor and one against, and raised just under \$500,000 combined. The proponents, led by Family Action of Tennessee, collected 47 percent more than the sole opponent committee.

### CONTRIBUTIONS TO SAME-SEX MARRIAGE BAN COMMITTEES, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
Family Action of Tennessee <sup>188</sup>	\$210,393
RealMarriage.Org	\$74,631
Focus on the Family Marriage Amendment Committee	\$13,715
Calvary Baptist Church	\$540
<b>TOTAL</b>	<b>\$299,279</b>
<b>OPPONENTS</b>	
Fairness Campaign	\$158,814
<b>OVERALL TOTAL</b>	<b>\$458,093</b>

#### *Gay- and Lesbian-Rights Giving*

Gay- and lesbian-rights contributions, including contributors connected with Gill Action founder Tim Gill, accounted for 43 percent of opponent funds.

The Gill Action Fund was the largest gay- and lesbian-rights contributor in Tennessee, contributing \$25,000. The Coalition for Progress, founded by Jon Stryker, also gave \$25,000 to the Fairness Campaign.

The Tennessee Equality Project, a statewide gay- and lesbian-rights organization, contributed \$18,000.

#### *Arlington Group Involvement*

Three of the four proponent committees can be traced to the Arlington Group. RealMarriage.org is listed on the Arlington Group letterhead used for a January 2007 letter to President George W. Bush and is a "project of Family Action of Tennessee," the proponent committee that raised the most money.<sup>189</sup>

<sup>188</sup> RealMarriage.org contributed \$20,000 to this committee, making it likely the money is reported twice in disclosure reports.

<sup>189</sup> RealMarriage.org [on-line]; available from <http://www.marriage2006.homestead.com/>; Internet; accessed July 13, 2007.

The committee raised almost \$75,000, with \$50,000 contributed by John M. Gregory of Bristol, Tenn., who made his money in the pharmaceutical industry.<sup>190</sup> Gregory is a lucrative source of funding for conservatives in Tennessee, giving his personal money and chairing and funding the Tennessee Conservative PAC “to support pro-life, family values-driven, conservative Republican candidates.”<sup>191</sup> Gregory also gave \$20,000 to Family Action of Tennessee.

Family Action of Tennessee is the lobbying arm of the Family Action Council of Tennessee, an affiliate of Arlington Group-member Focus on the Family.<sup>192</sup> Family Action of Tennessee, which collected \$210,393, led all five committees in fund raising.

Arlington Group member Focus on the Family formed the Focus on the Family Marriage Amendment Committee, which was funded entirely by Focus on the Family.

In addition to Focus on the Family’s funding of the Focus on the Family Marriage Amendment committee, Arlington Group affiliates contributed \$41,351 to the three committees mentioned above:

- RealMarriage.org gave Family Action of Tennessee \$20,000. However, that money is likely counted twice in disclosure reports: as contributions received by the RealMarriage.org ballot committee and as a contribution from the RealMarriage.org committee to Family Action of Tennessee.
- RealMarriage.org received \$18,481, mostly through in-kind services from Jerry Wayne Flowers, a consultant for RealMarriage.org.
- The Tennessee Eagle Forum, whose president signed the January 2007 letter to President Bush, contributed \$2,870 to Family Action of Tennessee.

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<sup>190</sup> “About,” *Leitner Pharmaceuticals* [on-line]; available from <http://www.leitnerpharma.com/about.html>; Internet; accessed June 13, 2007.

<sup>191</sup> “About Us,” *Tennessee Conservative PAC* [on-line]; available from <http://www.tennesseeconservative.org/about-us.php>; Internet; accessed June 13, 2007.

<sup>192</sup> “State FPC Family Policy Councils,” *Focus on the Family* [on-line], available from <http://www.citizenlink.org/fpc>; Internet, accessed April 30, 2007.

**TOP CONTRIBUTORS IN TENNESSEE, 2006**

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
Gregory, John M.	Bristol, TN	Pharmaceuticals	Pro	\$70,000
Citizens for David Fowler	Signal Mountain, TN	Candidate Committee	Pro	\$28,000
Gill Action Fund	Denver, CO	Gay & Lesbian Rights	Con	\$25,000
Coalition for Progress	Kalamazoo, MI	Democratic/Liberal	Con	\$25,000
RealMarriage.org	Brentwood, TN	Christian Conservative	Pro	\$20,000
Flowers, Jerry Wayne	Brentwood, TN	Christian Conservative	Pro	\$18,481
Tennessee Equality Project	Nashville, TN	Gay & Lesbian Rights	Con	\$18,000
Focus on the Family*	Colorado Springs, CO	Christian Conservative	Pro	\$13,715
Card Jr., Lewis	Hixson, TN	Manufacturing & Distributing	Pro	\$10,000
Southern Champion Tray	Chattanooga, TN	Manufacturing & Distributing	Pro	\$10,000
<b>TOTAL</b>				<b>\$238,196</b>

\*Includes contributions from Focus on the Family Action, the lobbying arm of Focus on the Family.

## VIRGINIA

Six committees formed around Question 1, Virginia's measure to ban same-sex marriage and civil unions. Opponents raised more than three times as much as proponents but the measure still passed with 57 percent of the vote.

The leading proponent committee, VA4Marriage.org, raised \$352,456, and was the only proponent not financed in large part by one or two sources. Two other proponent committees, Virginia Catholic Conference and Focus on the Family Marriage Amendment Committee, were funded by frequent supporters of same sex marriage bans: two Catholic dioceses and Focus on the Family, respectively.

Virginia Lt. Gov. Bill Bolling's leadership committee, Building a Better Virginia, started the Building a Better Virginia Referendum Committee.<sup>193</sup> Other than \$2,082 in unitemized contributions, all of the committee's money came from the leadership committee.

### CONTRIBUTIONS TO SAME-SEX MARRIAGE BAN COMMITTEES, 2006

<b>PROPONENTS</b>	<b>TOTAL</b>
VA4Marriage.org	\$352,456
Virginia Catholic Conference	\$27,567
Building a Better Virginia Referendum Committee	\$18,782
Focus on the Family Marriage Amendment Committee	\$14,686
<b>TOTAL</b>	<b>\$413,491</b>
<b>OPPONENTS</b>	
Commonwealth Coalition, Inc.	\$1,396,920
Equality Virginia Referendum Committee	\$148,337
<b>TOTAL</b>	<b>\$1,545,257</b>
<b>OVERALL TOTAL</b>	<b>\$1,958,748</b>

#### *Gay- and Lesbian-Rights Giving*

Gay- and lesbian-rights interests contributed a total of \$427,526 to opponent committees, which accounted for 28 percent of their funds.

Equality Virginia contributed \$168,322 — \$113,322 to the Commonwealth Coalition and \$55,000 to finance the Equality Virginia Referendum Committee. In addition, the Commonwealth Coalition transferred \$132,171 to its committee.

The Gill Action Fund contributed \$75,000 to the Commonwealth Coalition and Jon Stryker, whose giving was motivated by Tim Gill, added \$100,000.

Human Rights Campaign, which contributed \$29,814 in direct and in-kind donations, was the only other national gay- and lesbian-rights organization contributing in Virginia.

<sup>193</sup> "Building a Better Virginia Referendum Committee," *The Virginia Public Access Project* [on-line]; available from [http://www.vpap.org/cands/cand\\_index.cfm?ToKey=COM01272](http://www.vpap.org/cands/cand_index.cfm?ToKey=COM01272); Internet; accessed May 1, 2007.

### *Arlington Group Involvement*

Arlington Group members and affiliates created two of the four proponent committees and raised the bulk of the money in favor of the same-sex marriage ban.

The top recipient of proponent funds, VA4Marriage.org, was formed by the Family Foundation, a state family policy council of Arlington Group-member Focus on the Family. Nearly one-third of VA4Marriage.org's funds came from the Family Foundation as direct or in-kind contributions, such as the use of staff time or office space. In addition, Valley Family Forum, a chapter of Family Foundation,<sup>194</sup> contributed \$13,500 to VA4Marriage.org

Arlington Group member Family Leader Network also contributed \$4,110 in campaign literature to VA4Marriage.org.

The Arlington Group contributed \$5,970 through in-kind polling services to VA4Marriage.org. Virginia is the only state to date where Arlington Group is listed as a contributor to a same-sex marriage ballot committee.

Focus on the Family created the Focus on the Family Marriage Amendment Committee. The committee's \$14,686 came entirely from Focus on the Family.

### *Churches Chip In*

Virginia was just one of two states where a church-created ballot committee raised money. The Virginia Catholic Conference committee raised \$27,567 to support the measure. Contributions were almost evenly split between the Catholic Diocese of Arlington and the Catholic Diocese of Richmond.

In addition to the Catholic dioceses' contributions, proponents received \$7,780 from churches and individuals employed by churches. More important than monetary support from religious organizations, however, was the ability to get out the conservative Christian vote. According to a *Washington Post* analysis of fund raising around Question 1 published two weeks before the vote, "[s]upporters said they weren't concerned about being outspent because their main focus — organizing the church community — is a grass-roots one that does not depend on large sums of cash."<sup>195</sup>

Proponents did not hold a monopoly on church and church employee contributions, however; church interests gave \$12,264 to the two committees opposing the same-sex marriage ban.

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<sup>194</sup> "Grassroots Organization," *The Family Foundation* [on-line]; available from <http://www.familyfoundation.org/grassroots.html>; Internet; accessed May 7, 2007.

<sup>195</sup> Chris L. Jenkins, "Funds From National Groups Go to Both Sides," *Washington Post*, Oct. 23, 2006, sec. B, p. 2.

**TOP NON-INDIVIDUAL CONTRIBUTORS IN VIRGINIA, 2006**

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
Arnold & Porter	Washington, DC	Lawyers & Lobbyists	Con	\$190,642
Equality Virginia	Richmond, VA	Gay & Lesbian Rights	Con	\$168,322
Commonwealth Coalition	Richmond, VA	Gay & Lesbian Rights	Con	\$132,171
Family Foundation	Richmond, VA	Christian Conservative	Pro	\$110,230
Gill Action Fund	Denver, CO	Gay & Lesbian Rights	Con	\$75,000
Weinstein Properties	Richmond, VA	Real Estate	Con	\$50,000
Human Rights Campaign	Washington, DC	Gay & Lesbian Rights	Con	\$29,814
One Virginia PAC	Alexandria, VA	Leadership PACs	Con	\$25,000
Landmark Strategies	Springfield, VA	Business Services	Con	\$23,420
Building a Better Virginia	Richmond, VA	Leadership PACs	Pro	\$17,700
<b>TOTAL</b>				<b>\$822,299</b>

**TOP INDIVIDUAL CONTRIBUTORS IN VIRGINIA, 2006**

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
Stryker, Jon L.	Kalamazoo, MI	Construction Services	Con	\$100,000
Templeton, John M.	Bryn Mawr, PA	Christian Conservative	Pro	\$100,000
Field, Thomas F.	Arlington, VA	Education	Con	\$50,650
		Pharmaceuticals & Health		
Kirk, Randal J.	Radford, VA	Products	Con	\$25,000
Perkinson, Ruth	Richmond, VA	Real Estate	Con	\$12,578
Hershey, Loren W.	Oakton, VA	Lawyers & Lobbyists	Con	\$12,500
Massey Jr., Ivor	Richmond, VA	Securities & Investment	Con	\$10,000
Strange, Julie J.	Richmond, VA	Homemakers	Pro	\$10,000
		Computer Equipment &		
Whitlock, John D.	Richmond, VA	Services	Pro	\$10,000
Ziegler, Scott L.	Richmond, VA	Insurance	Pro	\$9,932
<b>TOTAL</b>				<b>\$340,660</b>

## WISCONSIN

Opponents of the Wisconsin constitutional amendment to ban same-sex marriage and civil unions collected more than six times as much as proponents but the measure, Question 1, still passed with 59 percent of the vote.

Twenty-six committees registered with the Wisconsin State Elections Board as working for or against the amendment. However, two committees — Fair Wisconsin and Vote Yes for Marriage — raised a majority of the funds, and 11 committees did not raise any money.

### CONTRIBUTIONS TO SAME-SEX MARRIAGE BAN COMMITTEES, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
Vote Yes for Marriage	\$605,491
Focus on the Family Marriage Amendment	\$35,134
Highland Community Church	\$2,697
Marriage Amendment Committee	\$2,140
Marriage is 1 Man and 1 Woman	\$1,584
Marinette/Oconto County Churches	\$400
WI Catholic Conf-Affm Marriage	\$44
Calvary Chapel of Wausau	\$0
Citizens United Bible Ethics	\$0
Immanuel Baptist Church	\$0
Physicians for Traditional Marriage	\$0
<b>TOTAL</b>	<b>\$647,490</b>
<b>OPPONENTS</b>	
Fair Wisconsin	\$4,285,664
Good for Wisconsin	\$12,535
ACLU of Wisconsin Against the Ban	\$7,033
Catholic Families Basic Rights	\$3,950
Attorneys Against the Ban	\$1,849
Wisconsin Coalition Against the Ban	\$1,127
Wisconsin Coalition Against Domestic Violence	\$916
UW Oshkosh Coalition Against Amendment	\$292
Eau Claire Lawyers	\$0
First Unitarian Society Madison	\$0
First Universalist Unitarian Church	\$0
Friends Opposed to Marriage Amendment	\$0
Milwaukee Monthly Meeting	\$0
Olympia Brown Unitarian Universalist	\$0
UW Whitewater Impact	\$0
<b>TOTAL</b>	<b>\$4,313,366</b>
<b>OVERALL TOTAL</b>	<b>\$4,960,856</b>

Opponent committees raised 62 percent of their funds from individuals, but just 14 percent of the money given to proponents came from individual donors.

Proponent committees instead were funded mostly by three Christian Conservative organizations: Coalition for America's Families, \$391,580; Wisconsin Family Action, \$79,055; and Focus on the Family, \$60,134.

Wisconsin was one of just four states where labor unions contributed to committees working on same-sex marriage bans in 2006 and the state where labor money played the largest role. All of the labor organizations' contributions went to opponents of the constitutional amendment.

Wisconsin unions contributed \$377,700 to Fair Wisconsin and were led by teachers' unions, which gave \$350,000. The Wisconsin Education Association Council gave \$325,000, followed by the Wisconsin Federation of Teachers, which gave \$15,000; Madison Teachers added \$7,500, and Capital Area Uniserv contributed \$2,500.

#### *Gay- and Lesbian-Rights Giving*

Fair Wisconsin received more than \$1 million of its \$4.2 million from gay- and lesbian-rights interests and it was the only committee that received support from these groups. Action Wisconsin, which formed the Fair Wisconsin ballot committee, was the top gay- and lesbian-rights contributor, giving more than \$800,000.<sup>196</sup>

Two national gay- and lesbian-rights groups contributed to Fair Wisconsin. Human Rights Campaign gave \$160,525 and the National Gay & Lesbian Task Force contributed \$17,354. Both groups contributed monetarily as well as through in-kind donations.

Two individuals whose names are often connected with the gay- and lesbian-rights movement contributed in Wisconsin:

- Bruce W. Bastian of Orem, Utah, gave \$11,000. Bastian was a co-founder of WordPerfect software and served as that corporation's chair through the mid-90s.<sup>197</sup> Bastian also founded the B.W. Bastian Foundation, which furthers equality.
- James C. Hormel of San Francisco, Calif., contributed \$10,000. Hormel was the first openly gay U.S. ambassador, serving in Luxembourg, and is an heir to the Hormel family fortune.

Wisconsin is one of only two states with a 2006 same-sex marriage ban on the general-election ballot where the Gill Action Fund did not contribute directly to a ballot measure committee. Gill Action did, however, give \$200,000 to a 501(c)4 organization affiliated with Fair Wisconsin. That money ultimately ended up in the ballot measure account as a part of the \$800,000 contributed by Action Wisconsin to its Fair Wisconsin ballot measure committee.<sup>198</sup> A 501(c)4 is a tax-exempt, nonprofit organization working on social welfare that reports to the Internal Revenue Service but is not required to disclose specific contributors.

Jon Stryker, who has followed Gill's example of supporting candidates and committees that promote gay- and lesbian-rights, gave \$300,000 to Fair Wisconsin. Stryker resides in neighboring Kalamazoo, Mich.

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<sup>196</sup> Action Wisconsin officially changed its name to Fair Wisconsin following the November 2006 elections. "About Us," *Fair Wisconsin* [on-line]; available from <http://www.fairwisconsin.com/about.html>; Internet; accessed April 14, 2007.

<sup>197</sup> "Bruce Bastian Bio," *BWB Properties* [on-line]; available from <http://www.bwbproperties.com/Bastianbio.html>; Internet; accessed May 2, 2007.

<sup>198</sup> Phone interview with Mike Tate, Campaign Director, Fair Wisconsin, July 2, 2007.

### *Arlington Group Involvement*

The main proponent committee, Vote Yes for Marriage, was connected to the Arlington Group. Julaine Appling, president of the Vote Yes for Marriage committee, is also the CEO of the Family Research Institute of Wisconsin (now known as the Wisconsin Family Council),<sup>199</sup> which is an associated family policy council of Focus on the Family. Wisconsin Family Action, the lobbying affiliate of the Family Research Institute of Wisconsin,<sup>200</sup> also gave \$79,055 to Vote Yes for Marriage.

Arlington Group member Focus on the Family formed the Focus on the Family Marriage Amendment committee and contributed the entire \$35,000 that committee raised. Focus on the Family also contributed \$25,000 to Vote Yes for Marriage.

### *Churches Chip In*

Twelve church-related committees registered with the state as referenda committees active on Question 1. These committees raised little, if any, money. Just three of the six church committees favoring the same-sex marriage ban raised money: a combined \$3,142. Among the opponent committees affiliated with churches, only one collected contributions, which totaled \$3,950.

Committees working against the ban raised more from churches and church employees than did committees pushing for the amendment's passage. Fair Wisconsin collected \$21,162 from church interests, while proponents raised slightly more than \$9,000 from churches and church employees.

## **TOP NON-INDIVIDUAL CONTRIBUTORS IN WISCONSIN, 2006**

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
Action Wisconsin	Madison, WI	Gay & Lesbian Rights	Con	\$816,898
Coalition for America's Families	Middleton, WI	Christian Conservative	Pro	\$391,580
Wisconsin Education Association Council	Madison, WI	Public Sector Unions	Con	\$325,000
Human Rights Campaign	Washington, DC	Gay & Lesbian Rights	Con	\$160,525
Wisconsin Family Action	Madison, WI	Christian Conservative	Pro	\$79,055
People For the American Way	Washington, DC	Democratic/Liberal	Con	\$70,000
Focus on the Family	Colorado Springs, CO	Christian Conservative	Pro	\$60,134
Tammy Baldwin for Congress	Madison, WI	Candidate Committees	Con	\$36,000
National Gay & Lesbian Task Force	Washington, DC	Gay & Lesbian Rights	Con	\$17,354
Wisconsin Federation of Teachers	Madison, WI	Public Sector Unions	Con	\$15,000
			<b>TOTAL</b>	<b>\$1,971,546</b>

<sup>199</sup> "Meet the Wisconsin Family Council Staff," *Family Research Institute of Wisconsin* [on-line]; available from <http://www.fri-wi.org/index.html>; Internet; accessed June 5, 2007.

<sup>200</sup> The Family Research Institute of Wisconsin is now known as Wisconsin Family Council "About Us," *Wisconsin Family Action, Inc.* [on-line]; available from <http://www.wisconsinfamilyaction.org/aboutus.html>; Internet; accessed May 7, 2007.

**TOP INDIVIDUAL CONTRIBUTORS IN WISCONSIN, 2006**

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
Stryker, Jon L.	Kalamazoo, MI	Construction Services	Con	\$300,000
Leibowitz, Dale	Madison, WI	Nonprofit Institutions	Con	\$275,000
Uihlein, Lynde B.	Milwaukee, WI	Nonprofit Institutions	Con	\$250,000
Soros, George	New York, NY	Finance	Con	\$65,000
Herzing, Stacey	Shorewood, WI	Education	Con	\$38,240
Krueger, Jeffrey	Madison, WI	Health Services	Con	\$36,750
Streckert, Sondra	Abbotsford, WI	Business Services	Pro	\$35,261
Bohnett, David	Beverly Hills, CA	Securities & Investments	Con	\$25,000
Harmsworth, Esmond	Boston, MA	Printing & Publishing	Con	\$25,000
Hiller, Jaren E.	Milwaukee, WI	Real Estate	Pro	\$20,500
			<b>TOTAL</b>	<b>\$1,070,751</b>

## VOTERS GIVE WORKERS A RAISE

By Linda Casey

During the 2006 election, Democratic congressional candidates made promises to increase the federal wage that stood at \$5.15 per hour, but six states didn't wait for Congress.<sup>201</sup>

Ballot measures calling for an increase in the state minimum wage made their way onto ballots in Arizona, Colorado, Missouri, Montana, Nevada and Ohio in 2006. Advocates and critics of the proposed increases raised a combined \$14.4 million to argue their positions, but the positions of voters in all six states were clear — raise the minimum wage.

More than 70 percent of Missouri and Montana voters overwhelmingly supported the increases, while Nevada and Arizona passed measures by 69 and 65 percent of the votes, respectively. Votes were slightly closer in Colorado and Ohio with the measures gathering 53 percent and 57 percent of the votes.

### CONTRIBUTIONS AROUND STATE MINIMUM WAGE MEASURES, 2006

STATE	MEASURE	CONTRIBUTIONS			VOTES	
		FOR	AGAINST	TOTAL	FOR	AGAINST
Ohio	Issue 2	\$3,653,549	\$1,784,245	\$5,437,794	57%	43%
Colorado	Amendment 42*	\$1,168,997	\$2,544,991	\$3,713,988	53%	47%
Arizona	Proposition 202	\$1,392,694	\$1,106,064	\$2,498,758	65%	35%
Missouri	Proposition B	\$1,839,896	\$149,900	\$1,989,796	76%	24%
Nevada	Question 6	\$105,035	\$361,325	\$466,360	69%	31%
Montana	Initiative 151	\$169,811	\$99,715	\$269,526	73%	27%
<b>TOTAL</b>		<b>\$8,329,982</b>	<b>\$6,046,240</b>	<b>\$14,376,222</b>		

\* Includes contributions to three committees also active on other ballot measures.

An analysis of money raised by the 21 committees supporting or opposing the proposed minimum wage increases reveals:

- Wage-hike advocates in the six states accounted for \$8.3 million, or 58 percent of the money raised, while opponents received \$6 million, or 42 percent of the total.
- Of the more than 950 contributors, 31 gave in more than one state and accounted for 41 percent of the money raised around the six measures.
- More than half of the total raised, or \$8.5 million, came from out-of-state sources. Of the \$8.5 million, \$6.5 million went to committees supporting wage increases and less than \$2 million went to committees against the increases.

<sup>201</sup> Americans have consistently favored minimum wage increases. Gallup polls as far back as 1937 show "that public opinion has never been against raising the minimum wage." In spite of public opinion, the federal government had not increased the federal minimum wage since Sept. 1, 1997. "Time for the \$5.15 Minimum Wage to Punch Out?" *The Wall Street Journal*, Nov. 11-12, 2006, Sec. Hot Topic, p. A5.

- Ohio's Issue 2 attracted more than 37 percent of the \$14.4 million raised.
- Business interests accounted for 41 percent — or \$5.9 million — of the overall total, with \$5.7 million going to committees opposing the measures.
- Labor organizations gave \$4.9 million, all in support of the measures, accounting for 34 percent of the overall total.
- Donors in the food, beverage, retail and lodging industries gave \$4.3 million to committees opposed to the measures, accounting for 30 percent of the overall total.
- Supporters of the measures raised more money than opponents in all but two of the six states — Nevada and Colorado.<sup>202</sup>
- In Nevada, 69 percent of Nevadans voted in favor of the increase, despite opponents raising three times more than the measure's proponents.

#### AN INTRODUCTION TO THE MINIMUM WAGE HIKE PROPOSALS

As of July 24, 2007, employers are required to pay the federal minimum wage of \$5.85 per hour,<sup>203</sup> or the amount specified by their state minimum wage law — whichever is higher. State minimum wage rates in 23 states eclipsed the federal wage that had stood at \$5.15 per hour since 1997. Others had rates equal to or below the federal rate or had no state rate. Arizona was one of the states with no state rate, but Arizona voters changed that in November of 2006 when they approved Proposition 202.

Proponents of the minimum wage increases argued that besides improving the quality of life for minimum wage workers, an increase was due because the last increase in federal minimum wage occurred in 1997.<sup>204</sup>

But opponents' over-riding message was that an increase in wages would increase the cost of goods and services, therefore forcing businesses to pass the increase on to consumers.<sup>205</sup>

Interestingly, it was suggested that some progressives even counted on hot-button issues like the proposed minimum wage hikes in 2006 to increase voter turnout similar to how conservatives used bans on gay marriage in 2004.<sup>206</sup>

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<sup>202</sup> Colorado totals include contributions to three committees also active on other ballot measures.

<sup>203</sup> On July 24, 2007, the federal minimum wage increased from \$5.15 to \$5.85 per hour.

<sup>204</sup> Christine Vestal, "Minimum-Wage Hikes Sweep State," *Stateline.org* [on-line]; available from <http://www.stateline.org/live/details/story?contentId=143470>; Internet; accessed Nov. 2, 2006.

<sup>205</sup> *Ibid.*

<sup>206</sup> Pamela M. Prah, "Wages, Property Rights on '06 Ballots," *Stateline.org* [on-line]; available from <http://www.stateline.org/live/details/story?contentId=131621>; Internet; accessed Aug. 3, 2006.

Whatever their reason for heading to the polls, voters chose to give minimum wage workers a raise.

*In Addition to the Proposed Increase*

Two other issues became a large part of the discussion surrounding these measures — first, how future increases to the minimum wage would be implemented and calculated, and second, how each state would handle tip credits or wage rates for tipped employees.

The first disagreement was not so much that any increase may take place in the future, but with the automatic nature of those increases. Additional concerns centered around the standard by which those increases were calculated. According to the proposed 2006 ballot measures, those standards would be based on the consumer price index (CPI) or cost-of-living increase.

Critics of the increases, including the Nevada National Federation of Independent Business (Nevada NFIB), claimed that any increase would force businesses to raise prices and let workers go, thereby hurting not helping workers.<sup>207</sup>

A second issue that received less attention, but was typically included in discussions about minimum wage, was wage rates for tipped employees. The debate surrounded the method used in determining so-called ‘tip credits.’ Tip credit means the ‘credit’ goes to the employer who can reduce the wage rate they pay to tipped employees. If an individual is determined to be a tipped employee, the employer can take a ‘credit’ towards the per hour rate and is only required to pay that tipped employee the difference between the state rate and the credit.

Of the six states that considered minimum wage hikes in 2006, only Montana and Nevada did not allow tip credits. The other four measures had individual approaches to wage rates for tipped employees.

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<sup>207</sup> “NFIB/Nevada Joins Fight Against Question 6,” *NFIB.com Issues in the News* [on-line]; available from [http://72.14.253.104/search?q=cache:Y-gFaA5-ljoJ:www.nifb.com/object;Internet;accessed August 1, 2007](http://72.14.253.104/search?q=cache:Y-gFaA5-ljoJ:www.nifb.com/object;Internet;accessed+August+1,+2007).

## THE MONEY RAISED AROUND PROPOSED WAGE HIKES

Supporters of the minimum wage increase raised more money than opponents in four of the six states — only opponents in Colorado and Nevada collected more money than the proponents. Colorado’s total includes contributions to three committees also active on other ballot measures, making it impossible to determine exactly how much was raised around the minimum wage issue alone.

### SOURCES OF CONTRIBUTIONS TO MINIMUM WAGE MEASURES, 2006

<b>SOURCE</b>	<b>PROponents</b>	<b>OPponents</b>	<b>TOTAL</b>
Businesses	\$216,550	\$5,704,867	\$5,921,417
Labor Organizations	\$4,891,534	\$0	\$4,891,534
Special-Interest Groups	\$1,848,179	\$50,049	\$1,898,228
Individuals	\$1,036,349	\$257,093	\$1,293,443
Political Parties and Candidates	\$302,953	\$0	\$302,953
Unitemized Contributions	\$34,417	\$34,230	\$68,647
<b>TOTAL</b>	<b>\$8,329,982</b>	<b>\$6,046,239</b>	<b>\$14,376,222</b>

Contributions from groups and individuals on both sides of the issue came from a variety of businesses, labor organizations, political parties, candidates and candidate committees, as well as special-interest groups organized primarily in support or opposition to a minimum wage increase, or ideological groups with conservative to liberal leanings or groups involved in other single-issue causes.

As the single largest source of money, business interests were responsible for more than 41 percent of the total given in the minimum wage battle; they overwhelmingly opposed an increase, with just 4 percent of their money going to committees supporting the increase.

Close behind business sources, but on the other side of the issue, were labor organizations that accounted for nearly 34 percent of the total.

### TOP CONTRIBUTORS

#### *Individuals*

Individual donors gave on both sides, but the preponderance of their money went to support the wage hikes. As a group, individuals gave nearly \$1.3 million — \$1 million in support of the minimum wage increase and \$257,000 opposed.

Twenty-two individuals gave \$10,000 or more in support of the increase and were responsible for 76 percent of the total that individuals contributed. On the other hand, only eight individuals gave more than \$10,000 to defeat the measures, accounting for 10 percent of the total individual contributors — most were representatives of the food service industry.

## TOP INDIVIDUAL CONTRIBUTORS, 2006

CONTRIBUTOR	LOCATION	POSITION	TOTAL
Stryker, Pat	Fort Collins, CO	For	\$150,000
Soros, George	New York, NY	For	\$110,000
Eychaner, Fred	Chicago, IL	For	\$100,000
Gill, Tim	Denver, CO	For	\$100,000
Pritzker, Linda	Houston, TX	For	\$90,000
Schwartz, Bernard L.	New York, NY	For	\$75,000
Bekenstein, Joshua	Wayland, MA	For	\$50,000
Lipson, Steven M.	Evanston, IL	For	\$50,000
Monte, James	St. Joseph, MO	For	\$50,000
Block, Christopher	Orlando, FL	Against	\$30,000
Burkle, Ron	Los Angeles, CA	For	\$25,000
Bass, Anne T.	Fort Worth, TX	For	\$24,000
Abraham, S. Daniel*	West Palm Beach, FL	For	\$23,500
<b>TOTAL</b>			<b>\$877,500</b>

\* Contributors that gave in more than one state.

Three Coloradoans who gave to the Colorado Amendment 42 were also big contributors to the efforts to defeat Colorado's Amendment 43 — the attempted ban on same-sex marriage — Pat Stryker, Tim Gill and Jared Polis.<sup>208</sup> Pat Stryker, from Fort Collins, Colo., contributed \$150,000 to the minimum-wage-increase efforts in Colorado. Her brother, Jon Stryker, gave \$5,000 each to committees in Montana, Nevada and Ohio. Jon Stryker and his Coalition for Progress PAC were active in several arenas, from state legislative races in 15 states, to the hotly contested gubernatorial race in Michigan.<sup>209</sup> He also added his voice, and more than \$1 million, to fight the same-sex marriage bans in Arizona, Colorado, South Carolina, South Dakota, Tennessee, Virginia and Wisconsin.<sup>210</sup>

### *Non-Individuals*

Business sources accounted for \$5.7 million, or 95 percent of the \$6 million raised by groups opposing minimum wage hikes.

Business contributions to pro-wage-hike committees total \$216,550 — \$160,500 came from attorneys, law firms and trial lawyer associations, \$37,500 from real estate development companies, and \$10,000 from a heavy-construction company in Ohio. Other business contributions in support of the increases came from insurance administrators, financial and political consulting firms.

<sup>208</sup> Megan Moore, "The Money Behind the 2006 Marriage Amendments," *National Institute on Money in State Politics*, July 23, 2007, p. 22-23.

<sup>209</sup> Kerry Eleveld, "There Is A Gay Agenda — Winning Elections," *Salon.com*, Nov. 29, 2006 [on-line]; available from [http://www.salon.com/news/feature/2006/11/29/gay\\_millionaires/index\\_np.html](http://www.salon.com/news/feature/2006/11/29/gay_millionaires/index_np.html); Internet; accessed July 10, 2007.

<sup>210</sup> Megan Moore, "The Money Behind the 2006 Marriage Amendments," *National Institute on Money in State Politics*, July 23, 2007, p. 12.

## TOP NON-INDIVIDUAL CONTRIBUTORS, 2006

CONTRIBUTOR	LOCATION	POSITION	TOTAL
Colorado Restaurant Association	Denver, CO	Against	\$1,453,751
National Education Association (NEA)*	Washington, DC	For	\$963,000
New Orleans ACORN Democracy Campaign*	New Orleans, LA	For	\$739,400
National AFL-CIO*	Washington, DC	For	\$640,000
Service Employees International Union (SEIU)*	Washington, DC & Denver, CO	For	\$622,351
National Restaurant Associations SAFE Fund*	Washington, DC	Against	\$603,000
National Federation of Independent Business (NFIB)*	Nashville, TN	Against	\$301,487
American Federation of Teachers (AFT)*	Washington, DC	For	\$300,000
Little Rock ACORN	Little Rock, AR	For	\$300,000
Outback Steakhouse*	Tampa, FL	Against	\$285,000
American Votes – 2006	Washington, DC	For	\$270,000
<b>TOTAL</b>			<b>\$6,477,989</b>

\* Contributors that gave in more than one state.

For the most part, contributions to committees opposed to an increase came from restaurants, taverns, casinos and restaurant associations. The Colorado Restaurant Association topped the list, giving almost \$1.5 million to defeat the measure in Colorado. The National Restaurant Association SAFE Fund gave in all six states, but favored the Colorado committee with more than one-third of their contribution total. Other state-level restaurant associations gave an additional \$143,000, collectively, to their home state committees.

Most consumers will recognize the names of some of the major contributors. The everyday competition was set aside while these unlikely allies waged a joint battle against any increase in the minimum wage. McDonalds, Kentucky Fried Chicken, Applebees, Jack In The Box, Wendys, Dominos Pizza, Burger King, Chuck E Cheese, Arby's Restaurant and Golden Corral served up sizeable donations helping to make the restaurant industry one of the top contributors to committees organized to defeat minimum wage increases. Other opposition came from retail giants CVS Corporation, Limited Brands, Meijer, and Walgreens, which gave \$25,000 each to defeat Ohio's Issue 2.

As a major wage-hike supporter, organized labor stepped up in a big way, spreading \$4.9 million over all six states and accounting for 58 percent of the money raised by committees backing a minimum wage increase.

Teachers, public employees, national, state and local labor federations accounted for 77 percent of the money unions contributed to increase states' minimum wages. The United Food and Commercial Workers' International Union (UFCW) — which organizes workers in retail grocery stores, meat packing and processing, food and poultry processing, manufacturing, retail stores and various factories — accounted for 7 percent of labor giving. Several building trades unions made up another 6 percent. Other transportation and general trade unions account for the balance.

Twenty-eight special-interest groups gave a collective \$1.9 million, or 13 percent of the total raised. However, special-interest money given in opposition to the minimum wages measures was only \$50,000. Supporters of the measures include five groups that were involved in the issue in multiple states and who accounted for \$886,900 in giving: the New Orleans ACORN Democracy

Campaign spread more than \$1 million over four states; Tides Foundation gave to measures in Arizona and Missouri; Ballot Initiative Strategy Center (BISC) gave in Ohio, Missouri and Colorado; the Coalition for Progress gave in Ohio, Nevada and Montana; and the National Council of the Churches of Christ in the USA gave in Montana and Ohio.

#### GIVING IN MORE THAN ONE STATE

Of the more than 950 contributors, only 30 gave in more than one state but they account for 41 percent of the money raised around the six measures. Twenty minimum-wage-increase supporters gave \$4.4 million among multiple states; 10 contributors opposing the increases gave \$962,000 in multiple states.

Labor organizations giving in more than one state were responsible for \$3.4 million of the \$5.3 million given by multi-state contributors. Business interests gave \$1 million; special-interest groups gave nearly \$887,000. The only individual to give in more than one state was Slim Fast founder S. Daniel Abraham, who gave in support of minimum wage increases in Ohio and Missouri.

#### MAJOR CONTRIBUTORS GIVING IN MULTIPLE STATES, 2006

<b>CONTRIBUTOR</b>	<b>STATE</b>	<b>POSITION</b>	<b>TOTAL</b>
National Education Association (NEA)	Ohio	For	\$710,000
	Missouri	For	\$200,000
	Arizona	For	\$28,000
	Nevada	For	\$25,000
<b>TOTAL</b>			<b>\$963,000</b>
New Orleans ACORN Democracy Campaign	Missouri	For	\$355,400
	Ohio	For	\$330,000
	Colorado	For	\$34,000
	Arizona	For	\$20,000
<b>TOTAL</b>			<b>\$739,400</b>
National AFL-CIO	Ohio	For	\$550,000
	Missouri	For	\$80,000
	Montana	For	\$10,000
<b>TOTAL</b>			<b>\$640,000</b>
Service Employees International Union (SEIU)	Arizona	For	\$615,976
	Colorado	For	\$6,375
<b>TOTAL</b>			<b>\$622,351</b>
National Restaurant Association SAFE Fund	Colorado	Against	\$223,000
	Arizona	Against	\$170,000
	Ohio	Against	\$100,000
	Nevada	Against	\$50,000
	Missouri	Against	\$40,000
	Montana	Against	\$20,000
<b>TOTAL</b>			<b>\$603,000</b>

<b>CONTRIBUTOR</b>	<b>STATE</b>	<b>POSITION</b>	<b>TOTAL</b>
National Federation of Independent Business (NFIB)	Ohio	Against	\$280,000
	Arizona	Against	\$12,162
	Nevada	Against	\$5,000
	Missouri	Against	\$3,000
	Colorado	Against	\$1,000
	Montana	Against	\$325
<b>TOTAL</b>			<b>\$301,487</b>
National Federation of Teachers (AFT)	Colorado	For	\$200,000
	Missouri	For	\$50,000
	Ohio	For	\$50,000
<b>TOTAL</b>			<b>\$300,000</b>
Outback Steakhouse	Arizona	Against	\$90,000
	Ohio	Against	\$75,000
	Colorado	Against	\$60,000
	Missouri	Against	\$30,000
	Nevada	Against	\$30,000
	<b>TOTAL</b>		
AFSCME	Missouri	For	\$200,000
	Ohio	For	\$50,000
<b>TOTAL</b>			<b>\$250,000</b>
National Air Traffic Controllers Associations (NATCA)	Missouri	For	\$100,000
	Ohio	For	\$100,000
<b>TOTAL</b>			<b>\$200,000</b>

#### OUT-OF-STATE CONTRIBUTORS

More than half, or \$8.5 million, of the \$14.4 million raised in connection with minimum wage ballot measures in 2006 came from out-of-state sources. Of the \$8.5 million, \$6.5 went to committees supporting wage increases and less than \$2 million went to committees against the increases.

#### OUT-OF-STATE CONTRIBUTORS, 2006

<b>STATE</b>	<b>PROPONENTS</b>		<b>OPPONENTS</b>		<b>TOTAL</b>	
	<b>IN STATE</b>	<b>OUT OF STATE</b>	<b>IN STATE</b>	<b>OUT OF STATE</b>	<b>IN STATE</b>	<b>OUT OF STATE</b>
Arizona	\$425,706	\$966,988	\$531,402	\$574,662	\$957,108	\$1,541,650
Colorado	\$500,327	\$668,670	\$1,942,251	\$602,741	\$2,442,578	\$1,271,411
Missouri	\$483,496	\$1,356,400	\$51,400	\$98,500	\$534,896	\$1,454,900
Montana	\$120,013	\$49,798	\$52,215	\$47,500	\$172,228	\$97,298
Nevada	\$46,535	\$36,000	\$146,625	\$214,700	\$193,160	\$250,700
Ohio	\$208,384	\$3,443,400	\$1,375,045	\$409,200	\$1,583,429	\$3,852,600
<b>TOTAL</b>	<b>\$1,784,461</b>	<b>\$6,521,256</b>	<b>\$4,098,938</b>	<b>\$1,947,303</b>	<b>\$5,883,399</b>	<b>\$8,468,559</b>

## STATE-BY-STATE ANALYSIS

While the individual measures met with positive results at the polls in each state, the overall total dollars raised around the proposed increases were as diverse as the states themselves — from \$5.4 million on Ohio’s Issue 2 to \$270,000 on Montana’s Initiative 151. Besides the increase in the state’s minimum wage, each state added an annual cost-of-living adjustment based on the Consumer Price Index (CPI).

### ARIZONA

Arizona was one of six states without a state minimum wage law prior to 2006.<sup>211</sup> But Proposition 202 changed that when 65 percent of Arizona’s voters handily approved it to create a state minimum wage law and establish a minimum wage of \$6.75 per hour. Arizona allows a \$3 per hour tip credit to employers whose employees who receive tips.

Three committees supported Proposition 202 and raised nearly \$1.4 million to encourage voters to pass the measure. A single committee organized to defeat the measure raised \$1.1 million.

#### ARIZONA CONTRIBUTIONS BY COMMITTEE, 2006

<b>PROPONENTS</b>	<b>TOTAL</b>
CPC Arizona Minimum Wage Fund I-13-2006	\$706,151
VoteYesOn202.com in Support of I-13-2006 (formerly Arizona Minimum Wage Coalition)	\$658,502
Women’s Voices Women Vote Action Fund Arizona - Support Proposition 202 I-13-2006	\$28,041
<b>TOTAL</b>	<b>\$1,168,997</b>
<b>OPPONENTS</b>	
No on 202 Opposed to I-13-2006 (formerly Jobs First Against I-13-2006)	\$1,106,064
<b>OVERALL TOTAL</b>	<b>\$2,498,758</b>

#### *Proponents*

Labor unions led the charge to pass the wage increase, giving over \$1.1 million in total, which accounted for 82 percent of the money raised by supporters of the measure.

The CPC Arizona Minimum Wage Fund was funded almost entirely by the Service Employees International Union (SEIU) Local 5 out of San Antonio, Texas, and the international SEIU in Washington, D.C. The Phoenix United Food and Commercial Workers Local 99 (UFCW) chipped in \$6,200.

VoteYesOn202.com, formerly the Arizona Minimum Wage Coalition, which included several labor organizations among their supporters, received almost \$436,000 from labor organizations and an additional \$188,000 from special-interest groups.

<sup>211</sup> “Changes in Basic Minimum Wages in Non-Farm Employment Under State Law: Selected Years 1968 to 2006,” *U.S. Department of Labor Employment Standards Administration Wage and Hour Division* [on-line]; available from <http://www.dol.gov/esa/programs/whd/state/stateMinWageHis.htm>; Internet; accessed Jan. 24, 2007.

The national organization Women’s Voices Women Vote’s (WVWV) purpose is to improve the participation of unmarried women in the electorate. The \$28,041 received by the WVWV Action Fund Arizona came from the D.C. parent group.

*Opponents*

Contributors from the food service industry and pro-business organizations were responsible for the \$1.1 million raised to defeat Proposition 202.

The committee organized in opposition to any increase was No On 202, formerly known as Jobs First Against I-13-2006.

**TOP CONTRIBUTORS IN ARIZONA, 2006**

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
Service Employees International Union (SEIU)	Washington, DC	Public Sector Unions	For	\$615,976
National Restaurant Association SAFE Fund	Washington, DC	Food & Beverage	Against	\$170,000
Service Employees Local 5 (SEIU)	San Antonio, TX & Phoenix, AZ	Public Sector Unions	For	\$153,972
Arizona Chamber of Commerce	Phoenix, AZ	Business Associations	Against	\$121,000
Arizona Restaurant & Hospitality Association	Phoenix, AZ	Food & Beverage	Against	\$117,400
United Food and Commercial Workers Local 99 (UFCW)	Phoenix, AZ	General Trade Unions	For	\$91,003
Outback Steakhouse	Tampa, FL	Food & Beverage	Against	\$90,000
Arizona Working Families	Phoenix, AZ	Ideology/Single Issue	For	\$85,000
Arizona State AFL-CIO	Phoenix, AZ	General Trade Unions	For	\$75,000
Wilson Research Strategies	Washington, DC	Business Services	Against	\$75,000
United Food & Commercial Workers (UFCW)	Washington, DC	General Trade Unions	For	\$70,000
<b>TOTAL</b>				<b>\$1,664,351</b>

**COLORADO**

Colorado voters approved Amendment 42 with 53 percent of the vote, changing Colorado’s Constitution and increasing the state’s minimum wage from \$5.15 to \$6.85 per hour. In addition, the hourly wage of workers who regularly receive tips was increased from \$2.13 to \$3.83.<sup>212</sup> As non-tipped minimum-wage workers receive annual increases, tipped workers will receive the same annual dollar-amount increase.

In Colorado, four amendments and one referendum attracted money for three committees that were also active on the minimum wage increase proposed by Amendment 42. The Hospitality Issue PAC raised just over \$1 million and opposed Amendment 42 as well as the failed measure Amendment 38. The Bell Action Ballot raised \$5,000 and People For the American Way Voters

<sup>212</sup> “Amendment 42 Fiscal Impact Statement,” Analysis of the 2006 Ballot Proposals; Colorado Legislative Council Staff, Sept. 14, 2006, p. 11.

Alliance of Colorado raised \$100. Both groups supported the successful Amendments 42 and 43, and the failed Referendum I but were against three other failed amendments — 38, 39 and 40.<sup>213</sup>

Three Coloradoans gave to committees active on Colorado Amendment 42 and were also big contributors to the efforts to defeat Colorado’s Measure 43 — the attempted ban on same-sex marriage. They were: Pat Stryker, Tim Gill and Jared Polis.<sup>214</sup>

**COLORADO CONTRIBUTIONS BY COMMITTEE, 2006**

<b>PROPOSERS</b>	<b>TOTAL</b>
Coloradoans for a Fair Minimum Wage	\$579,290
America Votes For a Fair Minimum Wage	\$280,000
Civic Participation Campaign/Mi Familia Vota Committee for Working Families	\$274,355
Colorado Progressive Action Issue Fund	\$30,252
Bell Ballot Action*	\$5,000
People For the American Way Voters Alliance of Colorado*	\$100
<b>TOTAL</b>	<b>\$1,168,997</b>
<b>OPPONENTS</b>	
Respect Colorado’s Constitution	\$1,488,441
Hospitality Issue PAC**	\$1,056,550
<b>TOTAL</b>	<b>\$2,544,991</b>
<b>OVERALL TOTAL</b>	<b>\$3,713,988</b>

\* also active on Amendment 40, Referendum I and Amendment 43

\*\* also active on Amendment 38 and Amendment 41

*Proponents*

Coloradoans for a Fair Minimum Wage collected more than half of the money raised to support Amendment 42. This ballot measure committee was organized by a statewide coalition that included ACORN, AFL-CIO, AFSCME, Colorado Education Association, Colorado Progressive Action, Colorado Progressive Coalition, 9 to 5: National Association of Working Women, SEIU and Let Justice Roll.<sup>215</sup>

America Votes for a Fair Minimum Wage was a ballot initiative committee of America Votes and, like the Coloradoans for a Fair Minimum Wage, America Votes was supported by a coalition of progressive groups.

<sup>213</sup> Amendment 38 – Citizen Initiative Process; Amendment 39 – School District Spending Requirements; Amendment 40 – Judicial Term Limits; Amendment 43 – Same-Sex Marriage Ban; Referendum I – Legal Domestic Partnerships.

<sup>214</sup> Megan Moore, “The Money Behind the 2006 Marriage Amendments,” *National Institute on Money in State Politics*, July 23, 2007, p. 22-23.

<sup>215</sup> “ACORN News,” *Association of Community Organizations for Reform Now* [on-line]; available from <http://www.acorn.org/index.php?id=10723>; Internet; accessed July 10, 2007.

The Civic Participation Campaign/Mi Familia Vota Committee for Working Families, which is “dedicated to ensuring the full participation of immigrants into the civic life,”<sup>216</sup> was also active in the efforts to pass minimum wage increases in Colorado and Arizona.

### *Opponents*

Colorado is the only state where the top-contributor list was dominated by the measure’s opponents. The top contributors gave \$826,178 of the \$1 million collected by the Hospitality Issue PAC, the Colorado Restaurant Association’s political action committee.

Together with the other opposition committee, Respect Colorado’s Constitution, the two raised more than \$2.5 million to defeat the measure, but fell short when the votes were tallied.

Respect Colorado’s Constitution was backed by a coalition of businesses and pro-business organizations including local chambers and trade groups for retail stores, businesses and hotels.<sup>217</sup>

## **TOP CONTRIBUTORS IN COLORADO, 2006**

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
Colorado Restaurant Association	Denver, CO	Food & Beverage	Against	\$1,453,751
America Votes - 2006	Washington, DC	Other/Single Issue	For	\$270,000
National Restaurant Association SAFE Fund	Washington, DC	Food & Beverage	Against	\$223,000
American Federation of Teachers (AFT)	Washington, DC	Public Sector Union	For	\$200,000
Civic Participation Campaign	Denver, CO & Houston, TX	Other/Single Issue	For	\$153,199
Stryker, Pat	Fort Collins, CO	Democratic/Liberal	For	\$150,000
Broadmoor Hotel	Colorado Springs, CO	Lodging & Tourism	Against	\$100,000
Gill, Tim	Denver, CO	Gay/Lesbian Rights	For	\$100,000
Harman Management Corp. (Kentucky Fried Chicken YUM! Brands)	Murray, UT	Food & Beverage	Against	\$72,000
Outback Steakhouse	Tampa, FL	Food & Beverage	Against	\$60,000
United Food & Commercial Workers Local 7 (UFCW)	Wheatridge, CO	General Trade Unions	For	\$50,000
<b>TOTAL</b>				<b>\$2,831,950</b>

## **MISSOURI**

Missouri voters overwhelmingly approved Proposition B by 3-votes-to-1 to increase the state minimum wage rate from \$5.15 to \$6.50 per hour. Employers are allowed a 50 percent tip credit based on the current rate. The increase to \$6.50 per hour gives tipped employees an increase to \$3.25 per hour.

<sup>216</sup> “About Us,” *Civic Participation Campaign* [on-line]; available from <http://www.mifamiliavota.net/about-us/>; Internet; accessed Aug. 3, 2007.

<sup>217</sup> Beth Potter, “Group Forms to Fight Effort for Wage Hike,” *Denver Post*, Aug. 17, 2006, Sec. business.

## MISSOURI CONTRIBUTIONS BY COMMITTEE, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
Give Missourians a Raise, Inc.	\$1,839,896
<b>OPPONENTS</b>	<b>TOTAL</b>
Save Our State's Jobs	\$149,900
<b>OVERALL TOTAL</b>	<b>\$1,989,796</b>

### *Proponents*

In the end, proponents raised 12 times more than opponents. But one backer of Proposition B was not going to count on that happening. Before the issue was decided, Sara Howard, a spokeswoman for Give Missourians a Raise, Inc., told the *Columbia Business Times*, “We will never underestimate the money — and the money and the money — that big business can bring to this battle, and we expect a fight.”<sup>218</sup>

Associated Industries of Missouri (AIM) Executive Vice President Jim Kistler also told the *Columbia Business Times*, “I wouldn’t be surprised if the unions spent \$1 million or more on this.”

Organized labor contributions accounted for 64 percent, or \$1.2 million, of the money collected by Give Missourians a Raise, Inc., with more than half coming from state employee and teachers’ unions.

Another large contributor was New Orleans ACORN Democracy Campaign which gave \$355,400, or nearly one-fifth of the \$1.8 million raised by proponents.

### *Opponents*

The SOS Jobs Steering Committee is comprised of several different business associations as well as service industry, grocer and retail associations. Surprisingly, the Missouri Chamber of Commerce and Industry was not on the list of steering committee members for Save Our State’s Jobs (SOS Jobs), the group organized to defeat Proposition B. According to the same *Columbia Business Times* article, the Chamber opposed the increase, but decided to exert their efforts and resources towards maintaining a Republican majority in the Missouri Legislature. That left other business groups with the task of battling Proposition B.

## TOP CONTRIBUTORS IN MISSOURI, 2006

CONTRIBUTOR	LOCATION	INDUSTRY	POSITION	TOTAL
New Orleans ACORN Democracy Campaign	New Orleans, LA	Ideology/Single Issue	For	\$355,400
Missouri State Council of Service Employees (SEIU)	St. Louis, MO	Public Sector Unions	For	\$210,000
AFSCME	Washington, DC	Public Sector Unions	For	\$200,000

<sup>18</sup> Randy McConnell, “Foes Prepare to Wage Battle for Voters to Raise Minimum Pay,” *Columbia Business Times*, Sept. 8, 2006, Vol. 13, Issue 3.

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
National Education Association (NEA)	Washington, DC	Public Sector Unions	For	\$200,000
Air Traffic Controllers (NATC)	Washington, DC	Transportation Unions	For	\$100,000
National AFL-CIO	Washington, DC	General Trade Unions	For	\$80,000
United Food & Commercial Workers (UFCW)	Washington, DC	General Trade Unions	For	\$70,000
United Auto Workers V CAP (UAW)	Detroit, MI	Transportation Unions	For	\$65,000
Bekenstein, Joshua	Wayland, MA	Securities & Investment	For	\$50,000
American Federation of Teachers (AFT)	Washington, DC	Public Sector Unions	For	\$50,000
Laborers' Local 110 (LIUNA)	St. Louis, MO	General Trade Unions	For	\$50,000
Montee, James	St. Joseph, MO	Attorneys & Law Firms	For	\$50,000
SimmonsCooper LLC	East Alton, IL	Attorneys & Law Firms	For	\$50,000
Tides Foundation	San Francisco, CA	Non-Profit Institutions	For	\$50,000
<b>TOTAL</b>				<b>\$1,580,400</b>

## MONTANA

Montana voters gave a huge thumbs-up to I-151 by passing the measure with 73 percent of the vote. The state's minimum wage rose from \$5.15 an hour to \$6.15 an hour. Montana is one of seven states that do not allow tip credits — meaning the minimum wage for tipped employees is the same as all other employees. In addition, the authors of I-151 left in place a portion of the law that “does not change the \$4 an hour minimum wage for a business whose annual gross sales are \$110,000 or less.”<sup>219</sup>

### MONTANA CONTRIBUTIONS BY COMMITTEE, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
Raise Montana's Committee to Increase the Minimum Wage	\$137,830
Raise Montana	\$31,982
<b>TOTAL</b>	<b>\$169,812</b>
<b>OPPONENTS</b>	
Coalition Against Continual Price Increases - No on I-151	\$99,715
<b>OVERALL TOTAL</b>	<b>\$269,527</b>

<sup>219</sup> “The Complete Text of Initiative No. 151,” *Montana Secretary of State* [on-line]; available from <http://sos.mt.gov/ELB/archives/2006/I-I-151.asp>; Internet; accessed July 11, 2007.

### *Proponents*

Proponents raised more money than the single committee formed to fight the measure. Raise Montana and its Raise Montana Committee to Increase the Minimum Wage were supported in large part by labor organizations.

According to Raise Montana's director, Stephen Bullock, monies reported as contributions to the Raise Montana organization was earmarked towards efforts to increase the minimum wage. Therefore, of the \$137,830 collected by Raise Montana, \$127,220 was passed on to the Raise Montana Committee to Increase the Minimum Wage. Bullock explained that Raise Montana wished to ensure fundraising transparency. It chose to report contributions from both committees.<sup>220</sup>

### *Opponents*

The Coalition Against Continual Price Increases-No On I-151, backed by the Chamber of Commerce, Montana Restaurant Association and the Montana Retail Association,<sup>221</sup> raised most of the \$100,000 from food service industry contributors.

## **TOP CONTRIBUTORS IN MONTANA, 2006**

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
Montana State AFL-CIO	Helena, MT	General Trade Unions	For	\$57,000
MT Education Assoc MT Federation of Teachers (MEA/MFT)	Helena, MT	Public Sector Unions	For	\$26,890
High Plains Pizza	Liberal, KS	Food & Beverage	Against	\$25,000
National Restaurant Association SAFE Fund	Washington, DC	Food & Beverage	Against	\$20,000
Bullock, Stephen C.	Helena, MT	Other/Single Issue	For	\$17,930
Wendys of Montana	Billings, MT	Food & Beverage	Against	\$14,000
Applebees (six Montana franchises)	Montana	Food & Beverage	Against	\$12,000
National AFL-CIO	Washington, DC	General Trade Unions	For	\$10,000
American Association for Justice	Washington, DC	Lawyers & Lobbyists	For	\$10,000
Unite HERE!	New York, NY	General Trade Unions	For	\$10,000
National Council of the Churches of Christ in the USA	New York, NY	Clergy	For	\$8,500
Rocky Mountain Ribs	Billings, MT	Food & Beverage	Against	\$6,000
			<b>TOTAL</b>	<b>\$217,320</b>

## NEVADA

When voters in Nevada approved Question 6, the state's minimum wage increased to \$5.15 per hour for workers who receive health benefits or \$6.15 an hour for those workers who do not receive health benefits. And, like Montana and five other states, Nevada does not allow tip credits.

<sup>220</sup> Phone interview with Stephen C. Bullock, Director, *Raise Montana*, Sept. 6, 2007.

<sup>221</sup> "Restaurants Fight Plan To Lift Minimum Wage," *The Billings Gazette* [newspaper on-line]; available from [National Institute on Money in State Politics © 2007](http://72.14.205.104/search?q=cache:19TbLFZcg9UJ:www.billingsgazette.net/articles/2006/10/25/news/state/5-fight.txt+%22Coalition+Against+Continual+Price+Increases+No+on+I-151&hl=en&ct=clnk&cd=2&gl=us;Internet; accessed Aug. 27, 2007.</a></p></div><div data-bbox=)

The 2006 vote on Question 6 was the final approval required by Nevada law, passing with 69 percent of the vote. The Nevada Constitution requires that initiative petitions proposing amendments to the state's constitution must be submitted to the voters twice. The measure becomes law after a majority of Nevada's voters approve its passage in two consecutive elections. The measure passed the first time in 2004 with 68 percent of the vote.

#### NEVADA CONTRIBUTIONS BY COMMITTEE, 2004 AND 2006

<b>PROPOSERS</b>	<b>2004</b>	<b>2006</b>	<b>TOTAL</b>
Yes on Question 6	\$1,003,774	\$105,035	\$1,108,809
<b>TOTAL</b>	<b>\$1,003,774</b>	<b>\$105,035</b>	<b>\$1,108,809</b>
<b>OPPOSERS</b>			
NIX 6 - Nevadans Against Question 6	\$0	\$361,325	\$361,325
<b>OVERALL TOTAL</b>	<b>\$1,003,774</b>	<b>\$466,360</b>	<b>\$1,470,134</b>

#### *Proponents*

Interestingly, only one committee, Yes on Question 6, raised money around the ballot question when it was placed on the ballot for the first time in 2004. Yes On Question 6 received more than \$1 million combined in 2004 and 2006 from one contributor — a union-backed committee called Give Nevada a Raise raised a mere \$105,000 in 2006.

#### *Opponents*

In 2006, Question 6 was challenged by Xix 6 – Nevadans Against Question 6. While Nix 6 raised more than three times the amount raised by the measure's proponent, it was nowhere near the amount Yes On Question 6 raised to ensure the initial passage.

All but \$70,000 from the top 10 contributors in Nevada came from donors opposed to the increase and, for the most part, represented food and beverage interests. A portion of the opposition's dollars came from Southern Nevada's 7-Eleven Franchise Owners Association that weighed in with \$45,250 to defeat Question 6.

#### TOP CONTRIBUTORS IN NEVADA, 2006

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
National Restaurant Association SAFE Fund	Washington, DC	Food & Beverage	Against	\$50,000
7-Eleven Franchise Owners Association of Southern Nevada	Las Vegas, NV	Oil & Gas	Against	\$45,250
GMRI, Inc. (Darden Restaurants)	Orlando, FL	Food & Beverage	Against	\$30,000
Jack In The Box	San Diego, CA	Food & Beverage	Against	\$30,000
Outback Steakhouse	Tampa, FL	Food & Beverage	Against	\$30,000
National Education Association (NEA)	Washington, DC	Public Sector	For	\$25,000
Nevada State Education Association	Las Vegas, NV	Unions	For	\$25,000
Fenderson, Kevan (Brinker International)	Dallas, TX	Public Sector	For	\$25,000
		Food & Beverage	Against	\$20,000

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
Teamsters Joint Council 42		Transportation Unions	For	\$20,000
Las Vegas Mini Grand Prix	Las Vegas, NV	Recreation & Live Entertainment	Against	\$10,000
McCall, James B.	Las Vegas, NV		Against	\$10,000
Puzder, Andrew F. (CKE Restaurants)	Carpenteria, CA	Food & Beverage	Against	\$10,000
RAN Services	Carson City, NV	Computer Equipment	Against	\$10,000
			<b>TOTAL</b>	<b>\$315,250</b>

## OHIO

State Issue 2 increased Ohio's state minimum wage from \$5.15 to \$6.85 an hour. Ohio law allows for a 50 percent tip credit. In addition, the minimum wage for tipped employees of employers whose gross annual sales are \$500,000 or less is adjusted down. Included in Ohio's minimum wage law are exceptions for employers with employees under the age of 16 and employees with "mental or physical disabilities."<sup>222</sup>

The \$5.4 million raised by committees around Ohio's Issue 2 topped the contribution totals of all six states proposing minimum wage increases, but the poll results were much closer than other states, with 57 percent of the voters approving the measure. Only Colorado's proposed hike proved more competitive at 53 percent to 47 percent.

### OHIO CONTRIBUTIONS BY COMMITTEE, 2006

<b>PROPOSERS</b>	<b>TOTAL</b>
Ohioans for a Fair Minimum Wage	\$3,653,549
<b>OPPOSERS</b>	
Ohioans to Protect Personal Privacy	\$1,784,245
<b>OVERALL TOTAL</b>	<b>\$5,437,794</b>

Out-of-state contributions account for 71 percent of the total dollars given to Ohio committees. Out-of-state sources gave \$3.8 million; \$3.4 million of that went to the committee in favor of the increase.

#### *Proponents*

The single proponent, Ohioans for a Fair Minimum Wage — a coalition of nonprofit, community, faith-based, civil rights and labor organizations<sup>223</sup> — raised more than twice as much as the only

<sup>222</sup> "Minimum Wage, Proposed Constitutional Amendment (Proposed by Initiative Petition)," State Issue 2 Certified Ballot Language, *Ohio Secretary of State* [on-line]; available from <http://www.sos.state.oh.us/SOS/ElectionsVoter/results2006.aspx?Section=2319>; Internet; accessed on July 11, 2007.

<sup>223</sup> "Ohioans for A Fair Minimum Wage," Raise the Wage [on-line]; available from <http://www.raisethe wage.org/coalition.html>; Internet; accessed Aug. 27, 2007.

opponent. It received 55 percent of their total contributions from organized labor. The Washington-based teachers union, National Education Association (NEA), and the National AFL-CIO gave the committee \$710,000 and \$550,000, respectively.

The Ohio committee was the sole recipient of out-of-state political party contributions to ballot measures. The Democratic Governors' Association (DGA) gave \$250,000 and the Democratic Lt. Governors' Association gave another \$7,000.

Individuals contributing to support Ohio's wage hike gave almost \$569,000. Interestingly, 13 out-of-state contributors gave a combined \$546,000, while Ohio residents gave only \$21,000.

The Ohio measure attracted more business contributions in support of an increased minimum wage than any other state. Business donations favoring Issue 2 accounted for \$127,500 — \$75,000 from a trial lawyers' association in Washington D.C., the American Association for Justice; and \$25,000 from a Cleveland real estate developer, Forest City Enterprises.

### *Opponents*

The sole committee opposing Issue 2 was Ohioans to Protect Personal Privacy. The committee spokesperson, Ty Pine, is the state director of the National Federation of Independent Business/Ohio.<sup>224</sup>

Ohioans to Protect Personal Privacy raised almost \$1.8 million, nearly all from business sources. The majority of the money came from the food and beverage industry that gave \$578,000. Ohio McDonalds and its affiliated fast food restaurants were responsible for \$176,000 of that total. The National Restaurant Association gave an additional \$100,000.

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<sup>224</sup> "Minimum Wage Issue 'Fine Print' Will Create Massive Invasion of Privacy," *Ohioans to Protect Personal Privacy*, News Release Aug. 8, 2006. [on-line]; available from [www.cose.org/advocacy/PDF/2006\\_0809\\_Signature\\_Filing\\_News\\_Release.pdf](http://www.cose.org/advocacy/PDF/2006_0809_Signature_Filing_News_Release.pdf) [Internet]; accessed Oct. 2, 2007.

**TOP CONTRIBUTORS IN OHIO, 2006**

<b>CONTRIBUTOR</b>	<b>LOCATION</b>	<b>INDUSTRY</b>	<b>POSITION</b>	<b>TOTAL</b>
National Education Association (NEA)	Washington, DC	Public Sector Unions	For	\$710,000
National AFL-CIO	Washington, DC	General Trade Unions	For	\$550,000
New Orleans ACORN Democracy Campaign	New Orleans, LA	Other/Single Issue	For	\$330,000
Little Rock ACORN	Little Rock, AR	Other/Single Issue	For	\$300,000
National Federation of Independent Business (NFIB)	Columbus, OH	Business Association	Against	\$280,000
Democratic Governors Association	Washington, DC	Party Committees	For	\$250,000
Change to Win PAC	Washington, DC	General Trade Unions	For	\$200,000
Soros, George	New York, NY	Misc. Finance	For	\$110,000
Northeastern Ohio McDonald's Advertising Association	North Canton, OH	Food & Beverage Transportation	Against	\$107,000
Air Traffic Controllers (NATC)	Washington, DC	Unions	For	\$100,000
Eychaner, Fred	Chicago, IL	Printing & Publishing	For	\$100,000
Laborers' International Union (LIUNA)	Washington, DC	General Trade Union	For	\$100,000
National Restaurant Association	Washington, DC	Food & Beverage	Against	\$100,000
SAFE Fund	Washington, DC	Food & Beverage	Against	\$100,000
			<b>TOTAL</b>	<b>\$3,237,000</b>

## APPENDIX A

The following table shows the total contributions raised by ballot measure committees in the states with had ballot questions in 2006. The totals in this table do not include such non-contribution income as refunds of deposits and interest income. Therefore, the totals below may differ slightly from the totals on the Institute's Web site, which includes all income, not just contributions.

No committees were identified by the Institute as raising money around the 2006 ballot measures in eight states — Alabama, Hawaii, Louisiana, New Jersey, New Mexico, Pennsylvania, Utah and Wyoming.

<b>STATE</b>	<b>TOTAL</b>	<b>NUMBER OF MEASURES</b>
Alaska	\$3,074,052	4
Arizona	\$32,457,807	17
Arkansas	\$12,916	1
California	\$359,102,424	15
Colorado	\$16,464,540	14
Florida	\$8,442,588	6
Georgia	\$15,874	9
Idaho	\$4,100,288	5
Maine	\$2,545,416	2
Maryland	\$25,375	4
Massachusetts	\$15,786,105	3
Michigan	\$16,248,799	6
Minnesota	\$6,433,295	1
Missouri	\$51,921,579	7
Montana	\$363,108	4
Nebraska	\$6,003,722	10
Nevada	\$9,427,235	11
New Hampshire	\$46,101	2
North Dakota	\$54,189	5
Ohio	\$43,273,424	5
Oklahoma	\$14,750	5
Oregon	\$17,444,575	10
Rhode Island	\$23,312,791	3
South Carolina	\$478,972	7
South Dakota	\$12,878,394	11
Tennessee	\$458,094	2
Virginia	\$1,958,747	3
Washington	\$11,023,598	4
Wisconsin	\$5,034,231	2
<b>TOTAL</b>	<b>\$648,402,988</b>	<b>219</b>