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Show me the money! The geography of contributions to California's Proposition 8

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Abstract

This paper provides an overview of disclosure with regard to contributions in favor of and against California's Proposition 8 measure that banned same-sex marriage. Using publicly available data, out-of-state and in-state contributions are mapped, and the geography of California state politics and the consequences of disclosure are discussed.

Acknowledgements

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Introduction

In addition to casting ballots for national and local candidates in the November 2008 general election, Californians were also asked to vote on twelve state ballot initiatives. Proposition 8, which sought to amend the California state constitution to ban same-sex marriage was among the most contentious and provocative of such ballot initiatives. In the days and months leading up to the election, vast amounts of money were spent to mobilize California voters to support or to reject this measure. More precisely, opponents and supporters of Proposition 8 contributed over \$83 million to this single ballot initiative between 1 January 2008 and 31 December 2008. Where did all of this money come from? This paper examines the sources of such contributions, and in particular the geography of campaign contributions, and explores questions about the social consequences of disclosure within the age of digital democracy.

Money, politics and disclosure

Money is often considered to be a necessary evil within politics. It is an undeniable and permanent feature of all democracies and other political systems around the world today. From national campaigns to local school boards, success at the ballot requires financial contributions in order to support candidates or initiatives, to provide information and materials, to purchase time on television, radio or in print, as well as to fund day-to-day campaign operations. After all, it is a well-known and accepted fact that money is used to buy, directly or indirectly, legitimately or illegitimately, votes, access to politicians, and ultimately, influence (e.g., Clawson et al., 1998). In this respect, money per se is not the problem; rather, it is the source of money that is cause for concern, or more precisely, it is the motivation and intent behind such contributions that are often at issue.

In many cases, the logic or intent behind a campaign contribution is relatively straightforward and clear. For instance, many political contributions are made on the basis of partisan grounds and in support of a particular candidate whom a donor believes represents their point-of-view, interests or party platform. With regard to California's Proposition 8 initiative, a number of ballot issue committees were established to receive contributions in order to carry out activities either to support or to oppose the ban on same-sex marriage. When the intent of contributions is less clear-cut, more ambiguous or has the appearance of impropriety, public concern and outrage over the undue influence of money on politicians, and more generally, about corruption, emerge (Wilcox, 2005). In light of the fact that *all* political contributions are indeed used to influence or achieve a particular end, determining what exactly constitutes undue influence is a difficult exercise. Moreover, defining corruption and the thresholds of legitimate versus illegitimate campaign contributions are also problematic given the fact that such monies are ultimately given in order to get something in return (Thompson, 1993).

One strategy that is used to confront the ambiguity surrounding the notion of undue influence, as well as corruption, is the implementation of disclosure laws. As a key component of campaign finance restrictions across the United States, disclosure generally refers to making public personal information, such as one's name, occupation, address, employer and amount given, whenever a political contribution is made. By introducing 'sunshine' and transparency to campaign finance through disclosure

regulations, the relationships between benefactor and beneficiary are revealed, and can thus be evaluated by citizens and voters. Several states enacted campaign finance laws in the wake of the Watergate scandal in the 1970s, and by the mid-1980s, each and every state had in place some form of campaign finance regulation (Carpenter, 2007).

Given the potential for money to unduly influence policymakers, identifying who is contributing to whom, as well as the amount given, permits voters to determine for themselves whether or not such contributions are improper or questionable in nature, and arguably reduces the likelihood corruption. In addition to limiting the possibility for corruption, such information also serves the broader purpose of informing voters. Depending upon the candidate or ballot issue in any given election, voters are often inundated and overwhelmed with campaign advertisements and messages. The ability to link political contributions directly to individuals, organizations or to other groups arguably provides voters a way to filter, assess and evaluate such relationships, and to develop a more informed opinion about a particular candidate or issue (Wilcox, 2005).

Access to additional information may be particularly useful when voters are confronted with state ballot measures, initiatives and referenda. Currently, there are 24 states, including California, that permit voters to enact legislation through ballot measures or voter initiatives. Since the wording of such ballot measures is often confusing, and sometimes intentionally so, it is can be difficult for voters to determine exactly what they are voting for or against (Garrett and Smith, 2005). The ability to identify the groups financing such initiatives and measures, and the amounts of money spent on such issues, arguably gives voters an alternative to the convoluted legalese of the ballot, and also provides useful information that can aid in the articulation of voter positions.

It is recognized that there are disadvantages, limitations and unforeseen consequences to disclosure regulations (e.g., Wilcox, 2005). The most noted disadvantage of disclosure is that it infringes upon the privacy of the donor. Moreover, the information obtained from disclosure laws can be used to harass, threaten or even direct retribution against donors. Though many agree in principle that disclosure and transparency are good for democracy, it has also been shown that the disclosure of personal information and the invasion of privacy act as deterrents to campaign contributions and to political participation (Carpenter, 2007). From a more practical point of view, disclosure depends upon the state readily providing information about contributors, and the interest, civic engagement and willingness of voters to seek out such information (Malbin and Gais, 1998). Though technology such as the internet facilitates wider access to such information, technology is also forcing us to reconsider the boundary between the public and private, and to rethink how we view, share and use personal information obtained via disclosure. California's Proposition 8, and the ongoing battle over same-sex marriage serve to bring the costs, benefits and consequences of disclosure in the age of digital democracy into sharp focus.

The money behind Prop 8

Just as the 2008 US presidential campaign was the most expensive in history, California's Proposition 8 generated a record amount of money for a ballot measure concerned with a social policy issue (Ewers, 2008). Put into the broader context of the 2008 election cycle, the \$83 million that was generated by the Proposition 8 initiative was only surpassed by

fundraising for the presidential contest, and was equivalent to the total amount of campaign contributions received by the 53 congressional races that took place in California (see Figure 1). This figure also exceeded the amounts raised by the seven Colorado congressional contests, and the 32 congressional races in Texas, *combined* (Federal Election Commission, 2009). Though the nature, circumstances and strategies of ballot initiatives, congressional contests, and presidential campaigns differ significantly, what is clear is that campaign contributions figure prominently in contemporary American democracy.

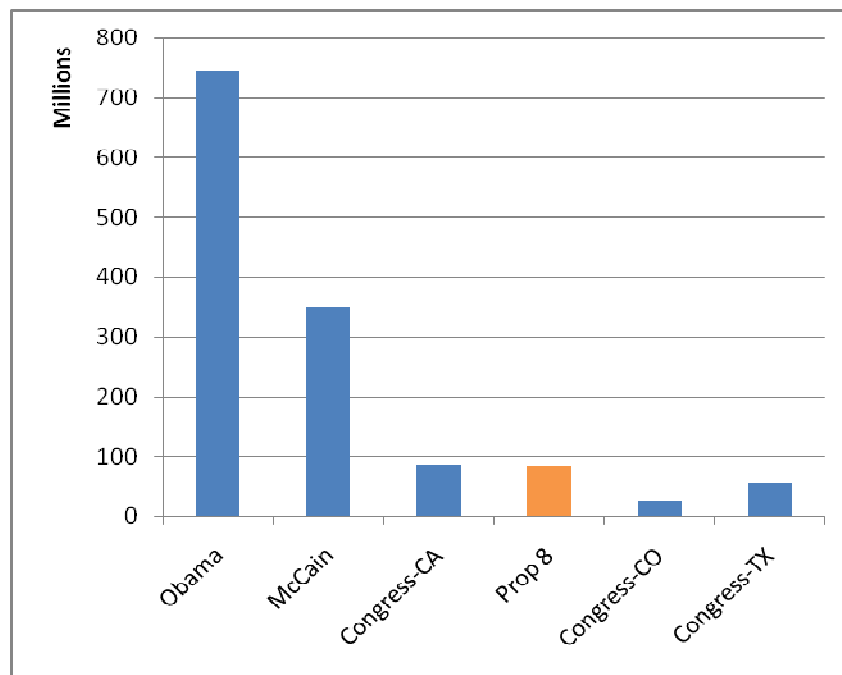


Figure 1. Comparison of campaign contributions in 2008.

If states are considered to be the laboratories of democracy in America, state ballot measures, referenda and initiatives like Proposition 8 can be considered the social policy experiments of such laboratories (Jonas, 2002). The right of citizens in many states to introduce and to establish laws outside of the normal legislative process is one of the clearest forms of direct democracy at work in America. In order to appear on the November ballot in California, supporters of Proposition 8 needed to obtain 694,354 petition signatures, the equivalent of eight percent of the total vote cast for governor in the 2006 state election (Folmar, 2008). Sponsors of the Proposition 8 initiative submitted well over one million signatures, and despite some legal wrangling, the initiative qualified to appear on the ballot in June 2008.

California is renowned, criticized and ridiculed for its hyper-democratic tendencies (e.g., Economist, 2009). Since California became a state in 1850, citizens

have been asked to vote on no fewer than 250 state ballot measures. Of all such measures, none in history generated as much campaign financing as Proposition 8. There are several inter-related explanations for this. For instance, the battle over same-sex marriage in California coincided with the historic 2008 US presidential contest between Barack Obama and John McCain. As one of the most polarizing issues in American politics, the debate over same-sex marriage and Proposition 8 became emblematic of the larger culture war that has arguably divided America and Americans during the last few presidential election cycles (but see Fiorina et al., 2004). In this regard, California's Proposition 8 became the proxy battle for gay rights across the United States, attracting both media attention and money from outside of the state.

Similar initiatives appeared on November ballots elsewhere in the United States, but according to 'Yes on 8' campaign manager, Frank Schubert, "This [California] is the ballgame. There is no other battle than this one, with all due respect to my colleagues in Arizona and Florida. If you are concerned about marriage and how it gets defined, this is where it will be decided" (Ewers, 2008). Whether or not such California exceptionalism is justified is debatable, but the fact that California is the most populous state, home to large and expensive media markets, reputed to be the bastion of liberal America (i.e., the "left" coast), and considered by many to be country's foremost testing ground for public policy (e.g., California's leading role in the adoption of stricter emissions standards), probably served to attract campaign contributions from both opponents and supporters of Proposition 8. As election day drew near and as polls indicated the margin between the yes and no vote narrowing, campaign financing for Proposition 8 surpassed all previous estimates and expectations.

Where did all of this money come from? Data and information about individual contributors to each committee can be accessed online through the California Secretary of State website (<http://www.sos.ca.gov/>), and from other sources such as the *Los Angeles Times* and *San Francisco Chronicle* that have online interfaces where donor information can be retrieved. An examination of the two largest ballot issue committees that were created in order to collect contributions in support of and opposition to Proposition 8 provides answers to this question. Namely, the *Protectmarriage.com – Yes on 8, A Project of California Renewal* committee received over \$40 million in contributions in 2008, and its rival committee, *No on 8 – Equality for All* generated over \$43 million for the same period.

One of the interesting features of this \$83 million is the geographical provenance and distribution of contributions, and the fact that approximately 30 percent of all contributions made in favor or against the same-sex marriage initiative came from outside of California. Figure 2 maps aggregated amounts of out-of-state contributions obtained by each ballot issue committee across the continental United States. The topmost map shows donations made to oppose Proposition 8 in light blue and the lower map shows the total amount of contributions made to support the measure in dark orange. As already noted by many observers, there was at least one contribution to both sides from each and every state (Hawaii and Alaska included, but not mapped). Several donations also originated overseas in places like Japan, Britain, Switzerland and Taiwan. Looking more closely, it appears that a large amount of out-of-state financial opposition to Proposition 8 originated in the northeast US, while donors in the mountain west, and in particular Utah,

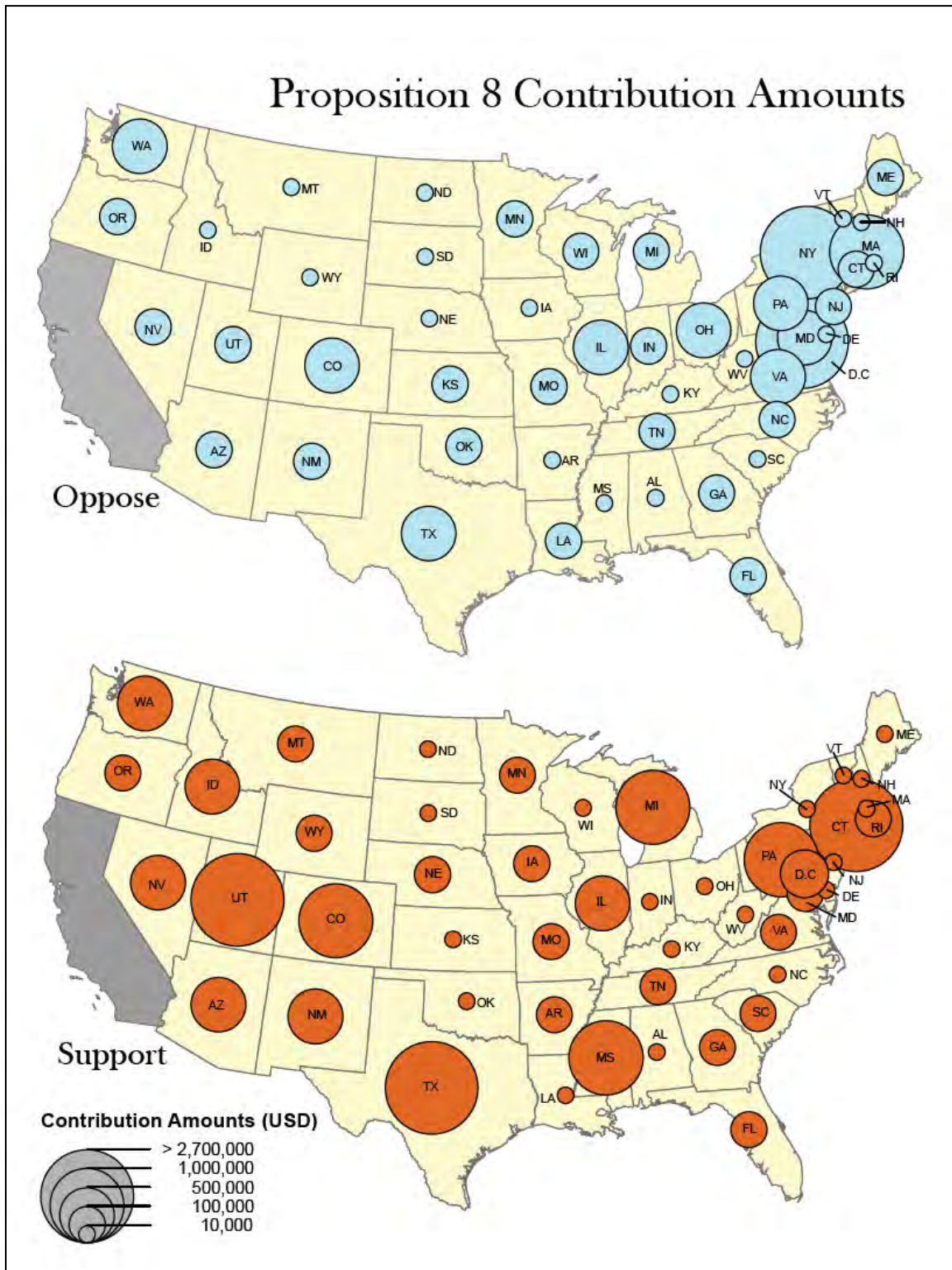


Figure 2. State-by-state contributions to Proposition 8.

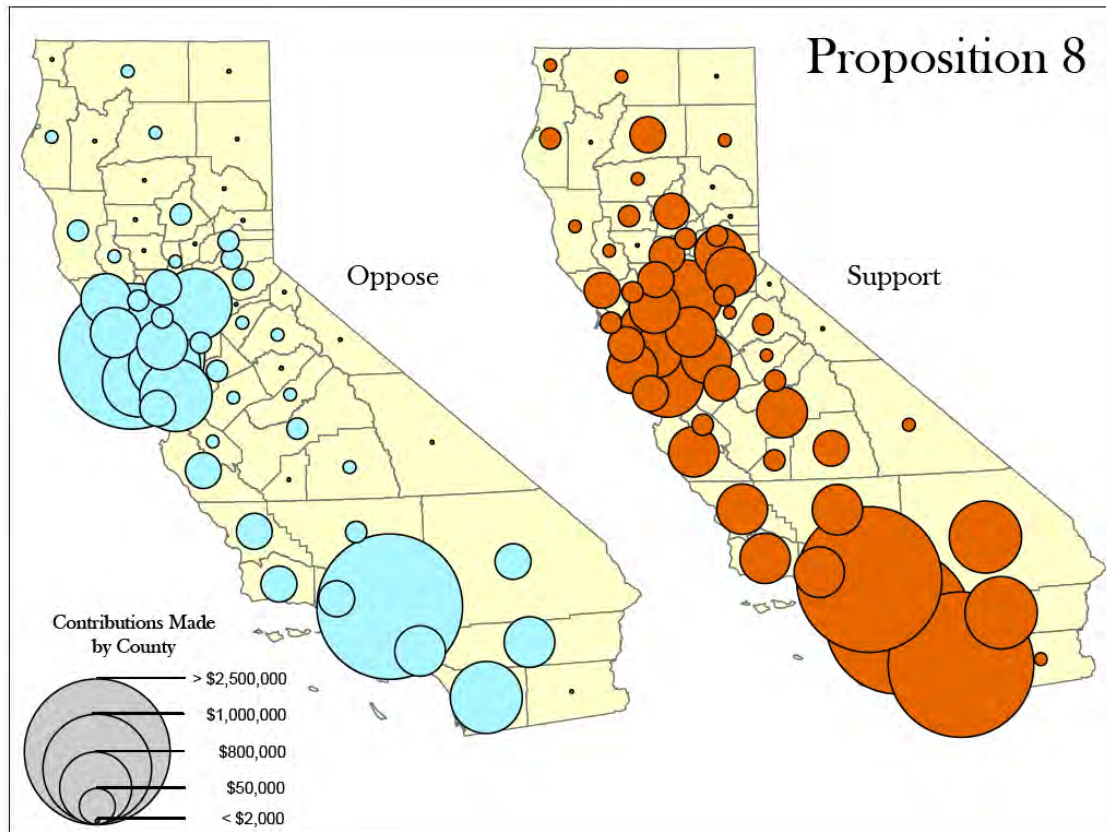


Figure 4. California county contributions to Proposition 8.

The maps of contributions within California in Figure 4 show the north/south, urban/rural and coastal/inland differences in campaign financing for Proposition 8. Most contributions both in support of and against Proposition 8 come from the urban areas of San Francisco and Sacramento in northern California, and from around Los Angeles and San Diego in southern California. Figure 5 shows the ratio of contributions in favor of Proposition 8 to those against it, highlighting the geographical (e.g., coastal/inland) bias with respect to donations in favor and against the measure. These patterns reflect much of what is known about the political geography, demographics and electoral politics of California (Kousser, 2009). In terms of individual contributions, the California Teachers Association raised over \$1 million to oppose the measure within the state, while Howard Ahmanson, Jr., of Fieldsted & Co., Claire Reiss of La Jolla and the Caster Family Trust of San Diego were among the largest contributors supporting Proposition 8. Finally, it is estimated that approximately 40% of all in-state and out-of-state contributions that were made to support Proposition 8 came from members of the Mormon Church.

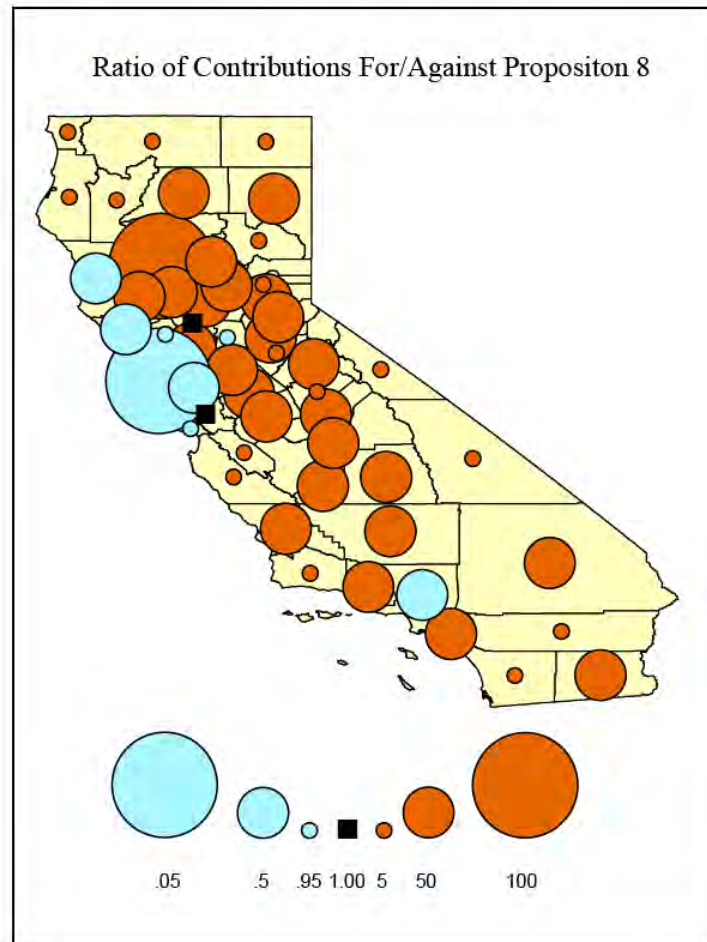


Figure 5. Ratio of California county contributions to Proposition 8.

The maps presented above show both the geographic extent and variation of campaign contributions in support of and opposition to Proposition 8. Of course, great care must be taken in interpreting such patterns given, for instance, the very large contributions of a few parties in certain states and places within California. Perhaps more importantly, the maps illustrate how out-of-state interests are directly involved with California state campaigns, politics and ultimately, policies. It is perhaps naïve to think that California state politics operates in isolation or in a vacuum, but relatively few voters seek out disclosure information, and public awareness about who is funding such campaigns arguably remains limited (Carpenter, 2007). Nevertheless, these maps, and in particular Figures 2 and 3, call into question the nature of California politics, and more generally state politics in America. When are state politics truly *state* politics? At one level, this speaks to how politically-charged the issue of same-sex marriage is across America, more so in some places than in others, but at another level, disclosure reveals the many geographical scales (e.g., individual, county, state, national, international) from which local (i.e., state) politics is funded, dictated, and shaped.

Democratizing Disclosure and Mapping Morals

As it became clear that the ban on same-sex marriage would pass, protesters opposed to Proposition 8 descended upon public places across California, from San Francisco to Los Angeles. Though these protests were relatively short-lived and limited in number, a website that identifies and maps the approximate locations of donors who supported Proposition 8 (<http://www.eightmaps.com/>), and provides the amount contributed and employer information, appeared shortly after the election (see Figure 6). Though it is difficult to evaluate the precise impact and implications of this website, its appearance raises several questions about disclosure, and especially disclosure in the age of digital democracy.

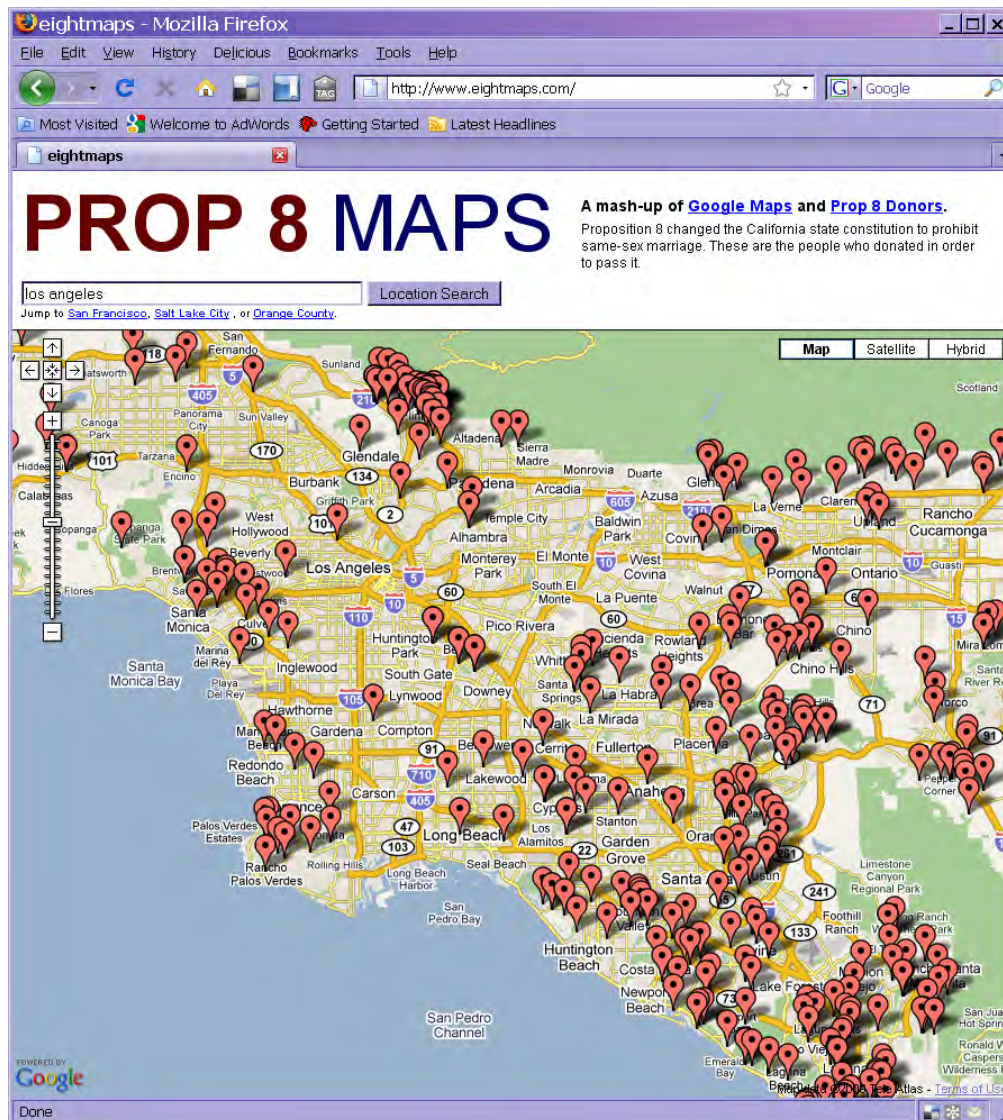


Figure 6. Screenshot of eightmaps.com website.

For instance, on the heels of their victory, and probably in response to the appearance of the above and other such websites, supporters of Proposition 8 sought a preliminary injunction to withhold the identities of those who contributed to the initiative. Among the reasons cited for the injunction were fears of reprisal and retribution, as well as the likelihood that the disclosure of such information would hamper the efforts of anti-same-sex marriage groups to finance campaigns in the future. Such fears were not unfounded as reports of death threats, hate mail and the boycott of businesses around California emerged in the weeks and months following the election (Abdollah 2008; Lawrence 2009; Stone 2009). Despite such reactions, the injunction was rejected on the grounds that disclosure laws were created to inform and to protect the public.

The appearance of the eightmaps website also speaks to the nature and continued development of America as a digital democracy. On the one hand, digital democracy refers to the fact that more people have greater access to more information thanks to digital information technology (e.g., internet, online maps and tools), and on the other, it refers to the digitization of the democratic process and democratic institutions, from government and election campaigns to the mass media and disclosure information. Moreover, digital democracy is not only about access, but about the dissemination of information, and how such information is spread and consumed. By integrating disclosure information with online mapping technology, the eightmaps website not only facilitates access and publicizes what is considered rather obscure information, but it forces citizens and voters to reconsider of the purpose, extent, intent and consequences of disclosure regulations in California and the United States.

Same-sex marriage, and more generally gay rights, is among the most divisive, politically charged issues in America. In the months following the November 2008 ballot initiative, the California State Supreme Court upheld Proposition 8, but several other states, such as Iowa, Maine and New Hampshire passed legislation recognizing same-sex marriage. The ruling in California has arguably redoubled efforts to overturn the measure in 2010 with yet another state ballot initiative (Garrison, 2008). There is also discussion that this issue may end up in federal court, and perhaps the US Supreme Court. Regardless of where rulings on same-sex marriage are issued, what is certain is that money to support or to oppose it will be necessary. What is less clear, given the ever-changing forms and emerging concerns of distributing personal and private donor information (e.g., via online maps), is where this money will come from, how much will be contributed, and ultimately, what role disclosure may play in financing the battle over same-sex marriage in America.

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