



## WESTERN STATES CENTER

**TO:** Groups working against I-343  
**From:** Kalpana Krishnamurthy, Western States Center  
**DATE:** October 5, 2005  
**RE:** Case Studies of anti-immigrant ballot measures

The purpose of this memo is to provide lessons learned from previous anti-immigrant ballot measures and perspectives on continuing to build power beyond ballot measure fights. I have featured two ballot measures that we lost (Utah and Arizona), and one that we won (California).

People and organizations that were consulted in the creation of this document were:

- Eunice Cho, National Network on Immigrant and Refugee Rights
- Eric Ward, Center for New Community
- Laura McClintock & Kristina Wilfore, Ballot Initiative Strategy Center
- Susy Buchanan, Southern Poverty Law Center
- Ed Lee, Administrative Director, Californians for Justice (CFJ); Jan Adams, CFJ campaign consultant and former Associate Director at Applied Research Center
- Lorna Vogt, Utah Progressive Network
- Kat Rodriguez, Derechos Humanos, Tucson, Arizona
- Greg Ensell, campaign staff for No on 200 in Arizona

### **“Movement Building Campaigns”**

At Western States Center we believe that ballot measure campaigns can be used to build our overall progressive movement. Transforming traditional campaigns (which are structured exclusively to get us 50% +1 of the vote on election day) into movement building campaigns takes long term commitment to building the capacity of both community based organizations and progressive campaign workers. A few key points on a movement building approach:

- The definition of victory that we should use is both a win on election day and advancing other movement goals in Washington state. The No on I-343 Campaign should use the ballot campaign process to develop the analysis and skills of our groups’ constituencies to advance a political agenda.
- We want to gain power for our groups by demonstrating our ability to influence election outcomes.
- The campaign can help our groups build in many key areas. When done well, this kind of campaign can help groups learn new and effective ways to organize and mobilize their members, develop organizing plans, utilize volunteers, raise money, improve our coalition work, voter identification etc.
- The process can help our organizations identify and train new leaders.

Participating in a traditional campaign does not necessarily exclude using it for movement building purposes. Even when big money mainstream campaigns take the lead, there is room for a complementary, movement building effort. This balancing act

we need to achieve is challenging, but not impossible – and being clear about our goals and bottom lines is critical.

Some of the lessons in this document help to underline the importance of a movement building approach. Fractured, disparate state and local campaigns have not succeeded in being able to convey our messages against anti-immigrant ballot measures. However, when structures and campaigns have succeeded is when the link between state and local, mainstream and grassroots are plain and roles are laid out clearly.

Lessons learned include:

- Pay attention early
- A unified statewide campaign structure is critical
- You're on the same side (as the consultants and each other)
- Build resources early
- Message matters
- Mobilize your support
- Be realistic while planning for the future

### **Background**

The growing surge in anti-immigrant activity did not occur spontaneously. What started with a single group over a quarter century ago has grown into a network of more than a dozen national organizations, including the Federation for American Immigration Reform (FAIR), American Immigration Control (AIC), ProjectUSA, NumbersUSA, and the Center for Immigration Studies. Together the national groups have combined annual budgets of nearly \$15 million and an active donor base of 600,000 - 750,000.

Their influence extends well beyond their dollars and their donor base, however. They have succeeded in building both a grassroots base and significant political support. Current fears—such as security concerns in the post-9/11 world, economic strains on state and local governments, and an unsteady job market—have been used successfully by anti-immigrant organizations to galvanize support for their agenda.

Moreover, the national organizations have helped spark state/local groups in as many as 40 states. They have provided financial support, training, materials and direction to many of these local groups, drafted anti-immigrant legislation, and provided supporting testimony and political pressure to get these bills passed (from Center for New Community article in GCIR Fall 2005 newsletter).

## **California's Proposition 54: Classification by Race, Ethnicity, Color or National Origin Initiative**

**Background:** Proposition 54 appeared on the November 2003 ballot. It was the brainchild of Ward Connerly, who made his first impact on California politics seven years prior with a successful campaign for Proposition 209 to end affirmative action by state government and institutions like the University system. Proposition 54 appeared on the ballot at the same time as the Gray Davis recall.

Intent of ballot measure: Amends Constitution to prohibit state and local governments from using race, ethnicity, color, or national origin to classify current or prospective students, contractors or employees in public education, contracting, or employment operations. The measure did not prohibit classification by sex.

It was very soundly defeated 63.9% to 36.1%.

## **Arizona's Proposition 200**

**Background:** Arizona had been primed for this anti-immigrant ballot measure through a decade of intense border militarization, as well as increasing public scrutiny of immigration issues. An English Only initiative passed 10 years ago, although it was later overturned in the courts. In 2002, Prop 203 (“English for the Children”) was passed to require a 1 year English-immersion speaking class for English learners.

**Intent of ballot measure:** The ballot measure required proof of citizenship to register to vote, proof of citizenship at the polls, and proof of citizenship for non-federally mandated public services.

It passed with a 56% approval.

**Getting on the Ballot in Arizona** – they needed 122,000+ signatures to put it on the ballot, but did not have any requirements to gather these in a certain number of separate districts. The money for signature gathering came from the national group FAIR at the last minute. They only had 30,000 signatures in January, but after FAIR put in money were able to meet the March deadline easily. The amount might have been as high as \$500,000.

Early polling by media sources and/or three very active state pollsters showed this passing with 75% approval. Subsequent polling showed strong support (mid to high 60s). By mid-October, polling showed that the approval rate had fallen to 62% and continued to drop.

## **Utah English Only Ballot measure**

**Background:** Before going to the ballot anti-immigrant forces tried to pass an English Only bill in four legislative sessions. The English Only measure was placed on the ballot for the November 2000 election. The campaign was actually only six months long; the coalition opposing the measure was active between May and November 2000. The initiative was eventually passed by voters, 67% to 33%.

**Intent of ballot measure:** The ballot measure declared English to be the official language for the conduct of government business in Utah, and required any general funds appropriated or designated for providing services in another language be returned to the state. Exceptions were made for tourism, health, law enforcement and court proceedings, in schools, universities and libraries.

**Getting on the Ballot in Utah** – It's pretty difficult to get on the ballot. There are two requirements in order to place an initiative on the general election ballot. First, the

sponsors must collect a number of signatures equal to 10% of all votes cast for governor in the last gubernatorial election. Second, the sponsors must collect signatures equal to 10% of votes cast for governor in district from each of at least 26 of the 29 Utah State Senate districts. There have been very few ballot measures in Utah because of the strict requirements. Ballot measures that have passed have almost all been negative and conservative in nature (the lone progressive ballot measure that passed prohibited asset forfeitures and was funded by George Soros and others).

Folks have two years to gather signatures. The English Only measure was funded by US English, a national organization that “represents the interests of Official English advocates before state and federal courts and promotes opportunities for people living in the United States to learn English.” US English helped to infuse \$250,000 into Utah and this ballot measure was one of the first times that a paid signature gathering company was utilized. There was no “decline to sign” or counter campaign because we local activists did not have enough grassroots power.

**Pre-assessment of the issue:** The coalition did not expect to get above 40% of the vote and the 60-40% split held almost the entire time. The coalition did not have to pay for polling, as one of the largest statewide firms had done recent polling on the issue. They did have informal polling as well.

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### ***Lesson #1: Pay attention early***

**Arizona:** Pay attention throughout the process. Statewide campaigns must be strategically equipped and tactically ready to challenge each stage of the initiative fight, including ballot title challenges, signature verification, and challenging the initiative in court should it pass on Election Day.

In addition, active legal teams must be established in each state. For instance, initiative opponents conducting signature verification on petitions noticed that petitions were being circulated with different texts (one said “deny services,” one said “deny public benefits”). When this issue came before the courts, a judge stated that if this had been caught earlier it would have made a difference, but this close to the election it was better to defer to the people.

**Utah:** Take it seriously. The group that initially got together to fight the ballot measure was an insider group of organizations who had lobbyists in Salt Lake City. People thought they could stop the ballot measure with a few conversations with the Republicans, as they had stopped the legislation in the past. There was a great deal of hesitancy, a great deal of delay in responding – people did not believe it would go to the voters. In the end, we were caught many months short with no money and no grassroots capacity.

### ***Lesson #2: A unified statewide campaign structure is critical***

**Arizona:** A unified statewide campaign is critical. The importance of creating a unified statewide campaign as early as possible cannot be stressed enough. This statewide

campaign should be broad based and include representation from rural areas and grassroots organizations in smaller cities.

A statewide structure requires resources to varied parts of the state -- not just metro areas but other key voting districts especially if large numbers of affected constituents live there (in WA for example that might mean the Tri-cities or places with large numbers of migrant workers in addition to Tacoma and Seattle). This is often a resource obstacle (we can only afford Metro, and that's where the votes are) but this is key to the profile of the campaign for the affected constituents and their interest in continuing beyond the campaign.

The Arizona statewide coalition (organized out of Phoenix) had 20 organizations represented at the table, with 5 having a statewide presence. It ended up being a “pay to play” coalition – input was welcome from everyone, but the input that ended up having the most impact was from organizations bringing strategic resources, or checks to the table. It was so late in the game that the ideal vs. what was realistic really caught up with the campaign.

Many grassroots groups created their own committees and approached the initiative in different ways, but they had few resources to impact a wider range of voters. Resources weren't always strategically deployed from the state coalition to the grassroots groups, and amounted to about 10% of the overall statewide budget.

**California: Create a nimble organizational structure.**

"Electoral work is inherently biased against the kinds of participatory structures that most grassroots groups are trying to model. You need to be nimble in your structure to react." - Ed Lee

Proposition 54 had a steering committee and executive committee. Initially a set of interested community organizations came together. It became clear that we needed a smaller, nimbler group who could centralize decision making and could commit resources.

Criteria for the Executive Committee:

- groups had to be able to contribute \$20,000
  - groups had to have a membership base that could be mobilized to defeat the measure
- One or two grassroots groups were able to make the financial contribution that got them to the Executive Committee level, which helped with giving the EC a level of authenticity.

The Executive Committee had just eight organizations at the start, though it did grow at the end of the campaign. They drew in a few more groups, and ended with a total of 16 organizations, which Ed would not recommend, as it was way too large.

**California:** Provide a road map. One of the first things that happened was a basic campaign overview and training for the Executive Committee (wouldn't have hurt to have one for the Steering Committee). The training was done by one of the groups (California educators group). It really helped to focus the campaign and our efforts.

**Utah:** Coalition structure was weak, but had potential to reach a wide base. The Utah coalition had no organizational structure. No bylaws, guiding principles. We had staff with their organizations who were given the leeway to work on this. Only one organization had staff that worked full time on the campaign. It was a small group of people who knew each other well, got together frequently, but didn't have structure in place.

The Utah coalition targeted churches, community groups, businesses as part of the coalition and was successful in getting 81 members to join. But there wasn't a lot of deep communication – the majority of coalition members did not come to meetings or participate in the strategy. We gave them ideas of how to work on the issue, but weren't able to do follow up with them on how these plans were getting implemented.

**Utah:** Agree to operating principles. Have the steering committee have operating principles and what you want to get out of the fight. In the heat of the campaign it becomes about media hits, but you need to check in, where are you going, what are you going to build for the long run? If you don't have those principles laid out in advance (no matter what, we're going to come out with something bigger than we came in with), people will just be tired and burned out at the end.

### ***Lesson #3: You're on the same side***

**California:** Campaign professionals and grassroots groups are on the same side. In the fight against Prop. 54, professional electoral campaign managers and statewide civil rights leadership found a way to live with each other. This is not an easy partnership. Campaign professionals deal in assembling momentary, shallow majorities out of any ammunition available (usually the mistakes of the other side); civil rights advocates promote value-based policies for fundamental social equity that require patient, long term cultivation.

How the values of these two very different groups can clash was blatantly illustrated in the 1994 campaign against Prop. 187 (an earlier anti-immigrant initiative championed by then Governor Pete Wilson). Campaign consultants polled on the measure and rapidly discovered that one of the few ways they could inspire opposition in the general population was to raise health concerns. They argued to immigrant advocates that in order to defeat Prop. 187, the message must be that, if it passed, untreated undocumented people would "spread disease." Not surprisingly, immigrants and their friends were appalled by this argument; they immediately and accurately understood it would reinforce prejudice against immigrants. Many refused to adopt this and other consultant-advocated messages and multiple well-meaning but unfocused campaigns were buried in anti-immigrant votes.

In 2003, once again polling showed that concerns about the public health implications of not collecting racial data were the most promising way of defeating the race information ban. But through hard experience, the leaders of the campaign had learned that messages must appeal broadly both to the majority of voters (the 70 % who are mostly disinterested whites) and the communities directly affected by the measure (communities of color.) Their message sought to draw all Californians together, not single out either victims or

beneficiaries of the proposal. The message was that by voting on this "you'll make a life-and-death decision affecting every Californian. Proposition 54 would block information that can help save lives." The slogan was "it's bad medicine." Campaign messages on mass market TV never mentioned race information. Even in communities of color, the health message was stressed - and it was popular there too, not surprisingly.

Because the professionals and the civil rights advocates were able to work together coherently around a values-based unifying message, they were able to convince the forces that have money for campaigns that contributing to the No on 54 effort might be getting on board with winners. Unions, led by the California Teachers Association and the National Education Association, contributed several million dollars to get the message on the airwaves.

Meanwhile a vibrant, energetic student and civil rights mobilization in communities of color put the icing on the cake - and California finally defeated one of these race-based initiatives.

Lesson: professional campaign managers and ideological justice advocates have to learn to mesh their skills and values if they are going to pull together a broad majority.

#### ***Lesson #4: Build up resources (budget and staff)***

**Arizona:** Build resources from the start. Statewide coalitions must have early access to financial and technical support to ensure that voter education campaigns get off the ground immediately. In August 2004 the business community and labor started to step up. The two largest contributors were the Chamber of Commerce and SEIU. SEUI gave \$900,000, with an additional \$100,000 from other unions. Around \$500K came from foundations. In the end, the state coalition had 2 paid staffers and 4 campaign consultants.

**California:** Staffing up. Executive Committee quickly developed a process to hire a campaign manager, which was critical. We hired a firm that had experience with communities of color. Finding the right fit was critical.

The campaign manager worked with pollsters, initiated campaign content research, and was involved in message development, dissemination of media, crafting of commercials, etc. They also worked a lot on endorsements, garnering support for our side and neutralizing support for the opposition.

In the initial stages, one organization, CFJ, was coordinating both the Steering and Executive Committees. Because CFJ existed prior to the initiative, they were able to provide this bridge. Most of the communication that happened between EC and Steering Committee was between monthly and then weekly Steering Committee calls. Because there was overlap, we were able to maintain that link.

**Utah:** Build up resources. The coalition had very little money to do any organizing. La Raza and MALDEF gave some money, the Episcopal Church gave \$5,000. Had a total of \$25,000 raised, hired an organizer, and put money into limited media. In the end, a single organization (UPNet) absorbed a lot of the cost of the campaign. In-kind support was helpful but not utilized enough, and in general, money was severely lacking.

## **Lesson #5: Messaging matters**

**Arizona:** A unified message that supports grassroots approaches. The campaign plan must be designed to encourage a unified message yet allow diverse organizing strategies on the ground by grassroots groups. Trying to do one message for everyone doesn't work. For example, the Pima County Interfaith Coalition can have one message for its base, while a grassroots group has another— different people need to hear from different folks. We need to be allies to one another, but allow folks to reach their own base.

In AZ, messages that seemed powerful to the statewide coalition often had little impact. The potential for extreme interpretation was very high because the law was written so poorly – so police and firefighters would be in the position of providing care while having to check for immigration status. The state coalition ran ads on this and talked about it extensively, but it didn't have much resonance, people didn't believe us.

The proponents of 200 only put up one television ad – it was racially themed (someone scurrying around on the ground in the dark while a helicopter with a spot light tried to find them). The overall message of the ad was “Send a message.”

**Arizona:** Proactively address wedge issues between communities of color. Each campaign must have a strategy to respond to attempts by anti-immigrant forces to wedge black and Latino communities.

**California:** A message that everyone could tolerate. We were fortunate enough in our message development to have something that everyone could live with. We didn't have to say anything like "immigrants spread disease so that's why we need to track this data" that would have pissed a lot of people off. We had a basic health message that everyone could get behind. It wasn't everyone's first choice but was okay with folks.

CFJ's message work (which has since been widely adapted) was based the idea of "we have a bottom line but not a party line," meaning that messages had to gel with their principles of racial justice but were pragmatic enough to go after confused voters. Different folks were working with different communities, so you could have multiple messages and messengers. It was okay, it didn't necessarily clash with our overall messages. There wasn't a lot of disagreement.

**California:** Avoid head-on conflicts about message. During Proposition 187, we tried to avoid direct conflicts between the Taxpayers (mainstream campaign) and the grassroots campaigns. San Francisco campaign literature and speakers' training adopted a “soft” version of the Taxpayers messages, recognizing that voters might think immigration was “a problem” and that the “no” side would benefit from raising voter anxiety about costs and overgrown bureaucracy. However, it refused to promote negative images of immigrants. Volunteer training in the grassroots campaign made it clear that volunteers would not be expected to parrot an approved “line.” Instead, they were urged to explain to people why they were willing to go out of their way to work against the proposed law. The theory was that volunteers are most persuasive when using the arguments that move them.

**Utah:** Messaging is critical. The coalition did not put a lot of resources into the messaging. Coalition did not use outside messaging folks to help us, we didn't have the money or the time. People did not know how to talk about this, the anti-racist stuff came across as emotional but it wasn't reaching the average voter in Utah. Most folks in Utah are not trying to get even or put someone else in their place, but we didn't spend enough time thinking about how to reach them.

**Utah:** Talking about race and racism was important, but did not motivate mainstream voters. US English has very racist terminology and it was clear to folks. The coalition talked about how the initiative targeted immigrants, "Hispanics, we don't want you here, don't respect your language, history, and culture."

The coalition agreed that since we were going to lose this, we wanted to craft a message that would reveal the heart of this. We are going to call it like it is, if for no other reason than to unmask it – but it didn't motivate voters. Our paid media was not focused on racism, but earned media focused on racism. We were not able to generate a whole lot of community outrage around the racism. The only county that did not pass the measure has the Navajo Nation, which did not join on as a formal cosponsor

**Washington, Proposition 200:** Washington voters overturned that state's affirmative action laws in 1998. Voters were able to justify their positions in a variety of ways, including that they were supporting civil rights! The proponents of the ballot measure were successful in framing the measure as the "Washington Civil Rights Initiative" (even though the official title was different). A clear case was not effectively made through the mainstream media, etc. that institutional racism persists and that affirmative action is a necessary, if only partial, remedy. The No on 200 campaign targeted white women voters who were seen as possibly going either way on the issue, and designed messages that pointed out the benefits to them of affirmative action. But research has shown that affirmative action is widely perceived by whites across gender as a race issue, with Black men seen as the primary beneficiaries. By trying to make the issue about gender, the campaign seems to have missed the mark, failing to convince a majority of white women voters to reject the repeal of affirmative action.

### ***Lesson #6: Mobilize your base***

**Arizona:** A coherent strategy to mobilize whites and non-immigrants. The campaign must have a strategy that seeks to mobilize white and non-immigrant voters in opposition to Protect America Now initiatives.

**California:** Recruit huge numbers of people to work. At first much of this work may have looked unfocused; for example, a four-evening-a-week phone bank spent over a month just recruiting people from the volunteer lists of previous campaigns to make additional phone calls to recruit more people. This base-building paid off by delivering a trained corps of some 700 people who delivered 60,000 door hangers over the last weekend and staffed phone banks to make some 30,000 calls.

**Utah:** Build a large volunteer base. You need a massive number of volunteers for the phone banking and door knocking. We simply didn't have enough volunteers in the campaign, it was primarily staff driven.

## ***Lesson #7: Be realistic, but plan for the future***

**Arizona:** Build for the long haul. Every campaign plan should be built with the long-term strategy of strengthening the capacity of grassroots organizations already on ground that will carry on the organizing against anti-immigrant forces after Election Day.

**Utah:** Plan for the future. Given the polling numbers and dynamics, we knew that we couldn't win, but wanted to talk about "What can we walk away with for future organizing?" Unfortunately, there was no conversation amongst the coalition members about a post ballot measure structure.

### ***Other lessons:***

**Utah:** Coalition members should have complete organizational buy in. Buy in from organizations was weak – didn't have conversations with ED's about why they were investing, how it would meet their mission, and how it could be used to build their groups. Thus, not surprisingly, coalition members had uneven communication with their memberships because of lack of buy in. It was hard to get some folks to even utilize their own internal documents/newsletters to publicize the campaign.

**Utah:** Utilize outside folks in strategic ways. People directly involved, because of passion and anger and sense that we're on the right side, are very hard to strategize in the moment with. Let cooler heads assist with strategy.

**Arizona post-election analysis:** Some Arizona polls are now showing that voters favored this ballot measure as a way of sending a message to their elected officials, that they wanted to do something, and would have voted for practically any measure that they felt sent a message that the system was broken. The voters believed that this issue had reached such an epidemic level that action had to be taken.