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Guillaume Marche

- ¹ The 2008 and 2010 elections are an index of profound political change in the United States. In the wake of these historical presidential and mid-term elections, it is important to keep sight of previous election cycles, and 2006 was significant on more than one count—not only at the federal level, but also at that of the states. In particular, 2006 was an important stage in the decade-long trend toward the development of ballot measures. One of the states which contributed to the upward trend is Colorado, where voters were consulted on fourteen measures in the 2006 and 2008 ballots, up from six in 2004 and ten in 2002. This state thus appears as an interesting laboratory for studying the significance of ballot initiatives and referendums. The focus of this article is not to debate the pros and cons of the process itself, whether or not they are a reliable way of getting policy enacted or of making up for the shortcomings of representative democracy.¹ We mean rather to approach the issue through a sociological lens, in order to assess the significance of this form of participatory democracy for social movements by examining the involvement of civil society in ballot-measure campaigns. As placing issues on the ballot has proved rather efficient for the conservative Right to push its agenda in American politics, one may indeed wonder whether progressive social movements are also able to use popular plebiscites to their own advantage. Or on the contrary, are they somehow at the mercy of whatever conservative measures get put on the ballot? More generally, the question is whether progressive social movement organizations manage to use ballot campaigns to advance their own goals, or whether they have to defensively tailor their action—hence to some extent their agenda—to the conservative ballot onslaught.

- 2 Colorado is an interesting case to study these issues, due to the presence on the 2006 ballot of two progressive measures with antagonistic fates: an initiative to raise the state's minimum wage, which passed by 53 percent of the vote, and a referendum for the creation of domestic partnerships, which was defeated by the same margin,² while an initiative to ban same-sex marriage was approved by 56 percent. Such a situation may seem contradictory, or at least paradoxical. That is why the context and reasons for such a contrasted outcome require close scrutiny. These two examples are also instructive for sociological investigation of social movements, as they challenge the researcher to determine whether the success of a ballot-measure campaign is premised upon issue-choice, messaging, or organizing. This contribution neither purports to assess the significance of ballot initiatives in terms of local—versus federal or national—democracy, nor attempts to situate the 2006 ballot initiative campaign in Colorado in the more general political context of the United States, as political scientists do. Rather it takes a microscopic, narrow-angle look at the 2006 campaign on these two issues, in order to gauge what it implied for the progressive social movement organizations which participated in it. This article is thus based on qualitative fieldwork conducted in Denver in March and April 2008, during which we had 22 interviews with 24 progressive social movement leaders, organizers and participants who contributed to the 2006 ballot-measure campaign.³ These non-directive interviews offer enlightening insights into participants' experience of the 2006 campaign and hence into the strategic challenges posed by ballot measures. Confronting this first-hand material with political science literature on ballot measures and sociological social-movement theory thus provides an opportunity to tackle a seldom-studied aspect of ballot measures.

Initiative and referendum in Colorado: the 2006 ballot

- 3 Putting an initiative on the ballot in Colorado is a relatively easy process, as this state has one of the lowest qualification thresholds. According to the state Constitution, "signatures by registered electors in an amount equal to at least five percent of the total number of votes cast for all candidates for the office of Secretary of State at the previous general election shall be required to propose any measure by petition" (Colorado State Constitution V, 1:2). In other words, for citizens to put an initiative on the 2006 ballot they merely needed to collect 68,000 voter signatures (currently 76,000). Among the eighteen states which authorize both initiative and referendum Colorado is one of the four—along with Massachusetts, Missouri, and North Dakota—in which qualifying for the ballot is easiest (Initiative and Referendum Institute, 2006). This is partly due to the fact that the standard by which the threshold is defined—a proportion of votes cast for electing the Secretary of State—is attached to a candidate election which usually draws the least participation (Hazouri: interview; Colorado Secretary of State, 2002, 100-04). As a result Colorado has the fourth highest rate of successful constitutional amendment initiatives—the only three states with higher rates being Florida, Oregon, and California (Initiative and Referendum Institute, 2006).
- 4 Measures can also be submitted to the people's approval by the Colorado General Assembly (state Congress): submitting a change in an existing *statute* (law) to referendum requires a simple majority in both houses,⁴ whereas *constitutional* amendments require a two-thirds majority. The difference between initiatives and referendums is essentially that the former are meant to create new law, whereas the latter may only concern

already existing law.⁵ Furthermore, whether statutory or constitutional, a referendum can also be mandated by popular petition with the same number of signatures as for an initiative—“five percent of the total number of votes cast for all candidates for the office of the Secretary of State at the previous general election” (Colorado State Constitution V, 1:3). In effect, most constitutional amendments in Colorado are approved through popular initiative, whereas most state assembly-initiated referendums concern statutory measures.

- 5 Amendment 42, the measure to raise the state’s minimum wage, was put on the 2006 ballot as an initiative in a concerted effort by a liberal coalition of four organizations: the Association of Community Organizations for Reform Now (ACORN), the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), the Colorado Progressive Coalition (CPC), and 9to5 National Organization of Working Women (9to5). Colorado was one of six states—along with Arizona, Montana, Missouri, Nevada, and Ohio—where indexing the state’s minimum wage to inflation was victoriously placed on the ballot that year (Initiative and Referendum Institute, 2006). In Colorado the measure was not statutory, but an amendment to write the minimum wage raise and indexing into Article XVIII of the constitution, a particularly bold—and divisive—strategy.⁶ There was indeed heated debate among the supporters of a minimum wage increase not only as to how much it should be raised from the \$5.15 federal rate—to \$6.85 an hour, more, or less—, but also as to whether making it a constitutional amendment was a wise choice.
- 6 The anti-gay marriage ballot initiative, Amendment 43, which originated with Focus on the Family, a national conservative religious group based in Colorado Springs, has a somewhat more complex history. It was launched in the wake of the 2004 general election, when a record number of eleven states passed constitutional gay marriage bans.⁷ In 2006 such measures appeared on ballots in eight additional states, including Colorado.⁸ Focus on the Family had originally targeted a broad exclusion, barring same-sex couples from other types of official recognition, such as domestic partnerships or civil unions, as well as marriage—as in nine of the eleven states which passed anti-gay marriage amendments two years earlier. Opponents of the measure had referred to this as the “dirty version” of the proposed amendment—the “clean version” narrowing the ban to marriage only, as supported for example by the Catholic Church. That was when gay rights advocates decided to launch an initiative for a constitutional amendment to create domestic partnerships. This initiative, filed as Amendment 45,⁹ was conceived so as to “goad the opponents [of gay rights] into filing the ‘dirty version’—because there would be people in their constituency that would be so upset that we were advancing the idea of partnerships, that they would want to bring the more extreme version to the ballot,” says Pat Steadman, a political consultant with Mendez and Steadman who was one of the campaign’s main drivers (interview). The “dirty version” in other words seemed easier to defeat in the polls than the “clean version”. Also in the plan, in the likely event that the gay-marriage ban was passed, should voters approve both its “dirty version” and Amendment 45, the result would be a constitutional impasse to be solved by the judiciary. This would thus provide an opportunity to have the gay-marriage constitutional ban struck down by the state’s Supreme Court, which would not only amount to defeating the local attack on gay rights, but even to striking a victory in the national battle for the recognition of same-sex couples (Steadman: interview). The anti-gay marriage amendment however was ultimately qualified in its “clean version”, known as Amendment 43.¹⁰ As a consequence the Amendment 45 initiative was withdrawn by its

promoters, who instead called upon the Colorado General Assembly to submit a referendum measure legalizing domestic partnerships, which eventually became known as Referendum I (Zeller 2006).¹¹

- 7 Colorado voters in 2006 were thus faced with both Referendum I and Amendment 43, the “clean version” of the gay-marriage ban. As Colorado in 2006 was one of the many states where the legislature had already passed a statutory ban on same-sex marriage,¹² adding an identical constitutional ban would serve little actual purpose in denying same-sex couples the right to marry, save making the ban more difficult to overturn either in the polls, or by the state’s Supreme Court (D. Smith, DeSantis and Kassel, 2006, 80).¹³ A constitutional amendment in other words actually added little to the existing statutory definition of marriage as the union of one man and one woman: there is thus little question that its promoters intended Amendment 43 as a “wedge issue” aimed at dividing up the Democratic Party’s voting base (Shaw: interview).¹⁴ On the contrary, Referendum I originated as a defensive tactic to oppose a severe attack on the recognition of lesbian, gay, bisexual, and transgender (LGBT) people, rather than as a deliberate plan to enforce liberal policy. It was crafted as an experiment: countering an anti-gay marriage amendment with an alternative “yes” campaign, a more effective plebiscitary device than the unsuccessful “no” campaigns which had been led in all other states where gay-marriage bans had been proposed (Brewer: interview).
- 8 Progressive movements are generally less prone to putting measures on the ballot than their conservative opponents, who have successfully exploited this political tactic for years. Part of why the Colorado 2006 case is highly interesting, is indeed due to the coexistence of two successful ballot initiatives—one put out by the progressive Left, minimum wage, another by the conservative Right, gay marriage—and one defensive referendum which failed to impair the latter. Since our focus here is not the motives of conservative movements in devising ballot measures, but the impact of such measures upon progressive social movements, we based our study on fieldwork conducted in March and April 2008 in Denver, where we approached organizations, leaders, and activists involved in the 2006 campaigns in favor of the minimum-wage raise (Amendment 42) and of domestic partnerships (Referendum I), and against the gay-marriage ban (Amendment 43). It is worth noting that there was not much of a campaign against Amendment 43, since promoting Referendum I was the main strategy used to undercut the ban on same-sex unions.¹⁵ We had interviews with people who collected petition signatures and registered voters,¹⁶ went door-to-door canvassing or phone-banking, sent letters and e-mails, created events to attract media visibility, participated in press-conferences and debates, created and distributed voting guides,¹⁷ or coordinated any such efforts.

Ballot measures and the significance of issue-choice

- 9 In assessing the political significance of ballot initiatives political scientists usually address the so-called “spill-over effect” whereby voters’ decisions on ballot propositions spill over onto their choice in the simultaneous candidate elections (Schauffler and Morgan, 1996; Makin, 2006). Some scholars have thus evinced ballot measures’ impact in increasing turnout at the polls (Tolbert, Grummel and D. Smith, 2001), highlighting the fact that their effect on voter participation is stronger in mid-term elections, which have relatively low-key national media exposure (M. Smith, 2001). This is pertinent for our study of the 2006 ballot, a national mid-term election, but with particularly high stakes

for turn-out in Colorado since it coincided with a gubernatorial election. Other scholars focus on ballot measures' "priming effect"—namely their capacity to boost the support of voters who are most susceptible to go to the polls for the candidates whom they perceive to be in sync with their views on the issue at hand (D. Smith, DeSantis and Kassel, 2006). These scholars approach ballot measures as a get-out-the-vote tool, not so much in *quantitative* terms—increasing overall participation—as in *qualitative* terms—polarizing partisan alignments and securing the votes of a party's core constituency.

- 10 This would seem to be the case of Amendment 42, as its placement on the ballot was influenced by opinion poll results showing it was likely to function as an incentive for liberal voters (Hanna: interview), and it is reported to have been “part of a coordinated campaign to increase support for Democratic candidates and possibly influence the balance of power in the U.S. House and Senate” (Initiative and Referendum Institute, 2007, 1). Observations of Amendment 42 suggest that in such direct democracy campaigns, the issues on the ballot matter less than the underlying tactical aim they are meant to serve—*i.e.* to introduce sharp political divisions. Daniel Klawitter, who is now a religious outreach organizer with the Front Range Economic Strategy Center (FRESC),¹⁸ was involved in the 2006 Amendment 42 campaign as a union representative in the health-care division of the Service Employees International Union (SEIU). In candidate elections, he reports, you usually campaign for “the lesser of two evils,” but the minimum-wage campaign issue “was so clear” (interview). Indeed, whereas the legislative process is based upon bargaining and compromise through the successive readings of a bill within legislative bodies (Jones: interview), with ballot measures “you can’t compromise, you can’t really discuss, it’s an all-or-nothing measure. You either vote it all up, or vote it all down,” says Michael Huttner, executive director of ProgressNow.org (interview).¹⁹ Amendment 42 may thus be interpreted as an attempt to raise a wedge issue in order to boost the liberal vote, with a significant degree of success since 2006 marks a historic victory for Colorado’s Democratic Party, which confirmed its majority in both houses of the General Assembly and replaced Republican Governor Bill Owens with a Democrat, Bill Ritter, the first time since 1958 that the Democratic Party held the governorship and a majority in both state legislative houses (Gathright and Hartman, 2006).
- 11 Referendum I (pro-domestic partnership) differs from Amendment 42 (pro-minimum wage) in this respect, insofar as Amendment 43 was aimed at bringing out same-sex marriage as a wedge issue, whereas Referendum I was a tactical firewall against Amendment 43. That is why its promoters played down the partisan divide and instead insisted that “having a domestic partnership is an issue that can affect anyone regardless of whether they are a Democrat, or a Republican,” in the words of Ru Johnson, African American outreach coordinator with Coloradans for Fairness and Equality (CFFE), the umbrella organization which steered the Referendum I campaign (interview). Of course, ballot campaigns do tend to highlight ideological fault lines, so that voters will take an unambiguous stance on the issues, and although CFFE refused to see Referendum I in partisan terms, it had to make voters get a clear-cut sense of what it identified the stakes to be: “basic legal rights”. The campaign however took care to not situate that fault line with regards to partisan politics: CFFE’s executive director Sean Duffy is notoriously Republican—he used to be a close advisor to former Governor Bill Owens—and the campaign in fact aimed at *bridging* the partisan divide. Its target audience was the middle of the political spectrum: “There was this very fine line; in American politics we have this

moveable middle,” says Denise Whinnen, one of the leading strategists in CFFE who is now deputy director of community relations at the Gay and Lesbian Fund for Colorado (GLFC).²⁰ “And it was that middle that we needed to talk to and convince that this was a just and fair argument” (interview). In essence, by claiming that domestic partnership is not marriage but a matter of basic legal rights, the Referendum I campaign endeavored to short-circuit the wedge-issue strategy of Amendment 43’s promoters.

- 12 Furthermore, although Amendment 43 was successful insofar as it passed, the 2006 election in Colorado resulted more generally in severe defeat for the Republican Party. This suggests that ballot measures function politically in paradoxical ways: on the one hand, the overall result implies that significant numbers of Democratic voters said “yes” to Amendment 43 and “no” to domestic partnerships; but on the other hand, one cannot discount the importance of Republicans’ voting the opposite way on these two ballot measures. This means that the Republican vote, no less than the Democratic vote, should never be regarded as monolithic. As elsewhere in the West, Republicans in Colorado adhere to a strong libertarian streak, and though the state is home to what Bill Vandenberg, executive director of the Colorado Progressive Coalition (CPC),²¹ calls “the Vatican of the evangelical Right”—namely Colorado Springs, home to James Dobson’s Focus on the Family and several other evangelical institutions—it is also one of the nation’s least religiously observant states, he notes: “Western states have a reputation of conservatism, but a lot of it is privacy and keep your laws off my body” (interview). For example, Colorado, which in 1893 was among the first states to grant women full suffrage, is certainly not one of the states with the harshest restrictions on women’s access to abortion (Guttmacher Institute, 2010). The notion that same-sex unions are an effective wedge issue for getting out the conservative vote therefore must be subject to caution: this is seen in Colorado in 2006 as in the 2004 presidential election for example (Ansolabehere and Stewart, 2005; Egan and Sherrill, 2006, 6; Hillygus and Shields, 2005; Langer and Cohen, 2005).
- 13 The three ballot measures under scrutiny in our study would therefore lead to mutually contradictory conclusions if studied from the angle of their get-out-the-vote potential. What this discrepancy suggests is that analyzing ballot measures mainly as voter mobilization tools fails to reveal their deeper political import.
- 14 The other main angle from which political scientists approach ballot measures is voter education. Quantitative political science literature documents a positive impact of ballot measure on voters’ engagement and knowledge (Tolbert, McNeal and D. Smith, 2003; M. Smith, 2002). “When elections permit people to make choices on substantive issues, politics might seem more relevant to their lives, and their interest in it could be piqued,” writes Mark Smith (2002, 894). One way of wondering whether ballot measures foster voter education is to examine whether they provide the public with enough information to incite them to vote. The 2006 Colorado case holds mitigated lessons on this count. For example, Cathryn Hazouri, executive director of the American Civil Liberties Union (ACLU) of Colorado, which endorsed both Amendment 42 and Referendum I, and officially opposed Amendment 43, explains that the internal language used by the ACLU differed from its public language. For example, although the ACLU of Colorado has a poverty and economic justice policy—unlike the national ACLU, which is not involved in economic issues—there was some internal debate about whether the organization should endorse Amendment 42, and the winning argument was one which reconciled economic and cultural issues: “People who are constantly concerned about making decisions about food

and clothes, or food and transportation don't have the stamina, usually, to enforce their civil liberties and civil rights, and it's only fair that they should have the same ability to do that as anyone else;" likewise, "if a gay person can't decide to love whomever he or she wants, the fact that they may make a hundred dollars an hour doesn't make any difference, because they will have to behave in a furtive manner, they will have to hide and lie, and that can't be a very pleasant life" (interview). In other words, cultural rights and economic justice are inseparable. However, she confesses, "I'm very pragmatic: winning the ballot was more important than educating voters, because of the immediate effect it would have on these populations. So I try to link the issues to the general public later" (interview). Thus, in order to avoid upsetting potential supporters of increasing the minimum wage by bringing up fairness to LGBT people, or the reverse, the ACLU abstained from educating voters on what is an important element of its conception of civil liberties and fundamental rights. In this case, consequently, the short-term goal of winning the ballot tends to outweigh that of deepening and broadening voters' understanding of the very issues about which they are consulted.

- 15 But ballot measures also raise some more fundamental issues as regards voter education. They may actually be rather deceptive, as the 2008 campaign in Colorado illustrates. The movement led by Ward Connerly was promoting an anti-affirmative action initiative to be placed on the ballot in 2008, which was entitled "Colorado Civil Rights Initiative"; petition-gatherers were able to collect signatures from supporters of racial and ethnic fairness—who do support affirmative action—for an initiative actually meant to do away with it (Vandenberg; interview; Frosch, 2008).²² But aside from sometimes disorienting voters about the issues, ballot measures can spread erroneous ideas about institutional processes. Like many other activists, for instance, Hazouri is wary of initiatives and referendums which amend the constitution. "Having the constitution amended so easily isn't good government," she claims. That is why she not only deplores a history of voters being confused, or actually deceived, on the issues themselves, but she also believes that the signature threshold should be higher for constitutional initiatives than for statutory ones, that the number of signatures required should be broken down by district so as to make sure that initiatives reflect a statewide desire to change the constitution, and that a qualified majority in the polls should be necessary for changing the constitution (interview).²³ However, as a result of the state's lax amending process, writes Dennis Polhill, "[p]robably about one-quarter of Colorado's 42 initiated constitutional amendments could have been statutes instead" (2006, 6). What this means is that, although the plebiscitary process can be educative in itself, as voters become more informed about certain issues and more engaged in the outcome of voting, it has several drawbacks: one is to narrowly define and thus oversimplify complex issues, another is to create confusion about political institutions.
- 16 This explains why active participants in ballot campaigns sometimes consider constitutional amendment measures to be a double-edged sword. From a strategic point of view, Rich Jones, director of policy and research at The Bell Policy Center,²⁴ recalls that the proposal to write the minimum-wage increase into the constitution cost the campaign the endorsements of almost all Colorado newspapers' editorial boards (interview). This, he thinks, accounts for Amendment 42's relatively *narrow* margin compared to opinion polls prior to the ballot (Jones, 2006). Katie Groke, then public affairs coordinator at Planned Parenthood of the Rocky Mountains, is wary of amending the constitution for a somewhat more fundamental reason: since constitutional

jurisprudence is the basis of women's access to abortion in the United States, activists in the pro-choice movement, she thinks, ought to address any constitutional change with caution (interview).²⁵ In-depth voter education would require setting constitutional law in context. Instead, acknowledges Terri McMaster, director of Lutheran Advocacy Ministry (LAM) of Colorado,²⁶ even though her organization justified writing the minimum-wage increase in the constitution by saying "it's close enough to a human right that it belongs in the constitution," the real motivation was one of political expediency: "we don't trust our politicians not to undo it in some time, so we put it in the constitution to make it permanent" (interview).

- 17 These shortcomings of ballot measures in educating voters explain why several campaigners we interviewed favor seeking change through the legislative process rather than through direct democracy.²⁷ Katie Groke thus notes that, although he is known for *not* being pro-choice, Governor Ritter in 2007 signed into law a bill legalizing access to emergency contraception for victims of sexual assault.²⁸ Pat Steadman likewise refers to the successful passage of a change in the state's employment non-discrimination act (ENDA) adding sexual orientation and gender expression to the list of protected categories,²⁹ as an illustration that the state legislature is a safer venue for promoting LGBT rights than appealing to the voters. The same year, the legislature also passed a bill making second-parent adoption available to same-sex couples—that is to say allowing the same-sex partner of a biological parent to adopt.³⁰ "I've kind of had it with the idea of counting on the electorate to do the right thing, because they're too easily swayed by wedge politics, emotional issues, and fear, and misinformation," Steadman says. Issues of economic inequality, or environmental problems, he adds, "are harder to distort: people have a more fixed concept of what it is—a minimum wage, or open-space conservation—than something with which they're not as familiar. Marriage, they thought they were familiar with, and they would vote for that" (interview). Steadman here draws a distinction between issues voters do know about and issues they *think* they know about, which throws into doubt the very notion of voter education. Political scientist Mark Smith's analysis at once coincides with, and helps qualify, Steadman's skepticism, as he points to the difference between voters' "knowledge" of issues, and their "ability" to make informed decisions about them (2002, 896). Without disowning the quantitative data indicating that ballot measures do contribute to increasing political knowledge, Smith indeed calls for evaluations of the process to pay attention to such qualitative factors as "whether initiatives undermine minority rights" and "whether voters make informed decisions on initiatives" in particular (2002, 901).
- 18 Furthermore, the prevalence of homophobia among the general public, for example, suggests that there is a bias against putting cultural rights before the electorate. But at the same time, the example of minimum wage implies that there may be deterrents against promoting economic issues before the legislature, where the restaurant industry enjoys much stronger support than among the Colorado population at large (Jones: interview).³¹ In addition to these structural problems, Steadman's remark also suggests that cultural issues are particularly dependent on the short-term context. Referendum I's defeat is thus often partly ascribed to its coincidence with the New Jersey *Lewis v. Harris* ruling on October 25, 2006. Two years after the introduction of domestic partnerships, the Supreme Court of that state ruled that it was unconstitutional under the state constitution's equal protection clause to deny same-sex couples the rights afforded married couples (Supreme Court of New Jersey, 2006).³² Thus, just two weeks before the

2006 ballot, this development gave credibility to the claim by Referendum I's opponents that saying domestic partnership is not marriage was a sham, and that the measure was in effect intended as the first step toward legalizing same-sex marriage (De Cambra: interview; Kim, 2006b). Referendum I's chances of approval were also hampered by the Ted Haggard scandal, which erupted five days before the November 7, 2006 ballot.³³ Ironically, Michael Jones—the male escort who had got paid for sexual intercourse by Haggard and decided to expose him—did so in the belief that he would thus discredit his client and, in turn, the anti-gay marriage initiative he actively supported (Quintero, 2006). He contributed instead to what Bobby Clark, deputy director of ProgressNowAction,³⁴ calls the “ick” factor which played out against the domestic-partnership referendum: “The Ted Haggard story reminded people that gay people have sex and that that isn't a good thing” (interview). Hypotheses about the impact of last-minute context changes seem to be confirmed by the sudden drop in support for Referendum I which was measured by opinion polls within the week prior to Election Day (Zeller, 2006; Frank, 2006; Kim, 2006a).

- 19 Mobilizing around ballot measures therefore raises important inner conflicts for social movements. Ballot measures' significance of course cannot be subsumed to their immediate purpose. Aside from the short-term objective of winning victories on specific issues, one of the apparent potential benefits of participating in such campaigns is to educate the citizenry on social movements' long-term goals. However, given the questions assailing the effectiveness of voter education in ballot campaigns, one may wonder whether they do not instead trap progressive social-movement organizations into campaigning that diverts their resources from their original mission. Social movements' aim indeed goes beyond making strategic gains on a given issue or set of issues, or on behalf of a given group of people: they may be defined as forms of collective action mobilized by conflict and geared toward redefining the terms of a society's social contract (Touraine, 1988; Melucci, 1996). Educating the citizenry then is an integral part of what they are about. This is true of minority-based social movements fighting for recognition: recognition demands not only that marginalized groups be allowed at the table, but also that the terms of the conversation be altered to accommodate them (Taylor, 1994; Ferree *et al.*, 2002). From this theoretical standpoint, minority-based social movements are about challenging the boundaries of inclusion: this necessarily involves redefining social norms through contentious, democratic deliberation, and hence challenging power relations (Guidry and Sawyer, 2003; Mouffe, 1996). And this appears to be just as true of social movements driven by economic inequality, as they call into question the very definition of fairness in the distribution of material resources, by submitting it to the same contentious deliberation.
- 20 As a democratic process which does not quite hold its promise of enhancing citizens' ability to grasp the ins and outs of issues, ballot measures seem to put a premium on—in Habermasian terms—“mass opinion” rather than “public opinion”, the former being “a pathological condition” of the public sphere in which opinion is controlled and exchanged asymmetrically (Staats, 2004, 586). Ballot measures may in this sense be regarded as a diversion of social movements' resources, since they put a lot of stress on progressive organizations, beyond the results they may yield. Taking once again the internal ACLU debates as to whether to endorse Amendment 42, one recurrent issue, as Cathryn Hazouri recalls, was whether the proposed raise—approximately 30 percent—was sufficient or not: “What we really wanted was a real living wage—but the decision we had

to make was: do we want to have *half* the loaf, or do we want to stay out of it because it's not the whole loaf?" (interview). Also considering the political quandary as to whether incremental gains fundamentally undermine long-term strategic goals, Pat Steadman and Jeff Thormodsgaard, who both actively campaigned for Referendum I, likewise report that several LGBT organizations and spokespeople—including among the Colorado Stonewall Democrats³⁵—had mixed feelings about Referendum I because it was not full marriage (interview). In other words, not only do ballot measures fall short of what Alberto Melucci calls the “symbolic challenge” of social movements (1985), but they also apparently fail to deliver in terms of social movements' instrumental goals.

Social-movement strategy: issue-choice and messaging

21 These remarks point out the need to analytically distinguish between issue choice and messaging, for seldom do the strategic short-term goals which a social movement embraces at any given time fully coincide with its overarching agenda. As Hazouri aptly puts it, “half a loaf now isn't bad, if you can get the other half later. You're not selling out—you're just buying less at the moment” (interview). In other words, issue-choice—as opposed to longer-term strategic considerations—is perhaps not the most pertinent criterion for assessing the significance of ballot measures for social movements.

22 What on the other hand are the lessons to be learned from the way in which political messages were articulated in the 2006 ballot-measure campaign in Colorado? For a better understanding of social movements, a striking difference is to be noted between the campaigns for Amendment 42 and for Referendum I: the former was personalized, in that it crafted its message in such a way as to highlight its concrete implications for real-life people, whereas the latter treated it as a more abstract matter of principle. The minimum-wage campaign was focused on informing the public about the personal experience and difficulties of people living at minimum wage. Here is how Linda Meric, national executive director of 9to5, National Association of Working Women (9to5),³⁶ describes one way her organization campaigned for Amendment 42:

Our members shared their stories with reporters about what it was like to try to work at minimum wage and to support your family. We utilized that to do a few things. One is to *put a human face*—this really is an issue that affects people—but also to *debunk a little bit the myths* that are out there about who earns the minimum wage: you know, some of the business groups will constantly say that minimum-wage earners are just teenagers flipping hamburgers for their first job, and it's not the truth—the people who are working at minimum wage are 9to5 members who are women trying to support children on these jobs, and having a very hard time (interview, emphasis mine).

23 Noteworthy in this statement is the direct relationship it establishes between the stated tactical device—“put a human face”—and the perceived truth of the matter—“debunk the myths”. Other organizations in the campaign also provided the media with real-life stories of people struggling to make ends meet on minimum wage, such as Jeffrey Edwards, a member of ACORN who was featured in an in-depth *Denver Post* article one week before the ballot (McGhee, 2006).³⁷ His story was included in “Seven Days at Minimum Wage”, a video blog co-sponsored by ACORN and the AFL-CIO, and hosted by Roseanne Barr, the actress playing the lead character in the soap opera *Roseanne* in the

1990s, whose ongoing popularity helped publicize the individual stories in the video blog.

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- 24 To better grasp the strategic significance of this personalized campaign, one may turn to the sociological theory of collective action frames. Initiated in particular by sociologists Robert Benford and David Snow, framing theory approaches participants in social movements “as signifying agents actively engaged in the production of meaning for constituents, antagonists, and bystanders or observers” (Benford and Snow, 2000, 613). Frames are the meanings, the narratives by which movement actors make sense of their collective action (Benford and Snow, 1992, 137). They fall into three categories: diagnostic (whereby actors interpret the causes of the situation they intend to change), prognostic (which formulate the intended outcomes), and motivational (which provide actors with significant reasons for mobilizing) (Benford and Snow, 2000, 617-18). The examples above suggest that the minimum-wage campaign’s strategy displayed a high level of congruence between the various frames within which it operated. It provided its audience with an analysis of current social ills (diagnostic frame), an easily accessible way to redress them (prognostic frame), and a good reason to identify and feel personally concerned with the issue at hand (motivational frame), all of which were articulated in mutually consistent terms.
- 25 The picture is strikingly different with the domestic-partnership campaign, due to the political risks of being explicit about homosexuality. Says Denise Whinnen:
- We tried to do things differently than what had been done in any other state, and the message was that this was basic legal rights. So we actually went through the statutes and looked at the kinds of things that same-gender partners were not allowed to participate in legally, and we made cases for things like hospital visitation, things that will happen around wills and probate, what will happen with children. We really tried to take the inflammatory rhetoric and emotional pieces out, and said “these are just basic legal rights, things that people should be able to do together in a partnership.” (interview)
- 26 The point of this strategy was to deflect the opponents of LGBT rights’ most extreme rhetoric by articulating the issue in language that was meant to defuse it. The justification was also that in order to pass, Referendum I must be made palatable to voting blocs which could not be taken for granted as favoring LGBT rights. Maria De Cambra, who was then outreach coordinator with the Latino community for Coloradans for Fairness and Equality and is currently program director at Latina Initiative,³⁹ found it crucial to make domestic partnerships a “human issue” rather than a “gay issue”. The point was to emphasize Latinos’ belief in human rights, in order to avoid the widespread reluctance among Latinos to explicitly discuss homosexuality—a reluctance which all too often generates the stereotype that “Latinos don’t like gays” (interview).
- 27 But more generally, Whinnen insists,
- It was a deliberate strategy to try something different from what had been tried in other states. What had been tried in other states clearly wasn’t working, because we were losing every single ballot in the country, so making the emotional appeal did not work, it was not enough to move people, so we were trying to find what people need to hear to think about this in a different way (interview).
- 28 The domestic-partnership campaign therefore developed a *universalizing* frame: establishing some degree of interpersonal identification between voters and the potential beneficiaries of the measure was to be achieved by adapting the image of the latter to the allegedly universal reference frame of the former, and certainly not by attempting to

bring mainstream voters to understand the *particularized* experience of same-sex couples. To put it plainly, the message was intentionally *normalized*. But the main point of making a legal-rights argument was to frame the issue as an abstract one, and thus deflect the dangers of discussing the potentially disturbing specifics of a same-sex couple's experience. Therefore what people needed to hear, strategists of the Referendum I campaign gauged, was indeed *not* about homosexuality. Every participant at every level in the campaign was thus cautiously instructed that "it's basic legal rights, it's not marriage," points Jeff Thormodsgaard. He also recalls for example that, though gay and an official spokesperson for the campaign, he was not expected to use his identity as a discussion point when addressing audiences, for instance by referring to his own, real-life experience (interview).

- 29 The universalizing legal-rights argument cast the issue in normative terms, since the norm in democracy is for all individuals to enjoy equal rights. The legal-rights argument was thus tantamount to claiming that this issue could and should be widely approved, on a principled basis, at the polls. There was indeed a strong rationale for this strategy, since throughout the 2006 run-up it was realistic to expect Amendment 43 to be backed by a majority of voters (Merritt, 2006). Domestic-partnership campaign organizers understood that for many, perhaps most Colorado voters there was something almost obvious to saying marriage is between a man and a woman—"like saying the sky is blue," says Michael Huttner (interview)—so Referendum I was intentionally framed in "conservative" terms. Thormodsgaard goes so far as to say "it was a campaign geared toward Republicans, run by a Republican, a very conservatively oriented message—messaging was very Republican" (interview). The whole point was indeed to target people who would vote "yes" on Amendment 43 anyway to vote "yes" on Referendum I as well.⁴⁰ Michael Brewer, who is currently the executive director of the Brett Family Foundation,⁴¹ was then the legal director of the Gay, Lesbian, Bisexual and Transgender Community Center of Colorado (The Center) and a consultant with the Referendum I campaign in charge of disseminating campaign material to the clergy statewide. He makes a case for the mainstreaming, dehomosexualizing message which was chosen, by claiming it was a simple matter of demographics and arithmetic: the LGBT community is very small, and was not even unanimous about Referendum I—one minority will not settle for less than marriage, another considers that marriage and civil unions have a class bias and ought therefore not to be goals of the LGBT movement. This further enhanced the need to address a predominantly straight, presumably mainstream electorate if Referendum I was to muster the support of more than fifty percent of voters (interview).
- 30 The universalizing frame resulted in one television ad featuring a man in a hospital corridor, saying nothing but looking deeply anguished, with voice-over explaining how couples deprived of official recognition may be separated in times of difficulty: "What if the doors were shut simply because you were gay? No matter who you are, commitment is commitment. Learn more about Referendum I."⁴² Bobby Clark is at odds with the fact that this and other pro-domestic partnership ads never showed actual same-sex couples: "It was very difficult to make an issue [whose language] is about gay couples *not* about gay couples, so it *had* to be about gay couples" (interview). On the contrary, one anti-Referendum I advertisement featured a gay couple visiting an attorney to make legal arrangements securing their rights as a couple: the scenario is a conversation between the three characters where the gay couple discuss their issues—hospital visitation, home-owning, funeral arrangements—and the attorney reassures them, until a voice-over

concludes: “Gay activists want you to believe domestic partnerships are about benefits, but they already have those legal rights. Coloradans are fair, but we don’t want counterfeit marriage. Vote ‘yes’ on Amendment 43 and ‘no’ on Referendum I.”⁴³ The anti-domestic partnership advertisement was thus paradoxically more embodied, less abstract and removed from same-sex couples’ real-life concerns than the one in support.

- 31 Benford and Snow’s definition brings light to the significance of frames: “collective action frames are action-oriented sets of beliefs and meanings that inspire and legitimate the activities and campaigns of a social movement organization,” they write (2000, 614). Striking in this statement is the parallel it draws between objective considerations (“meanings”, “legitimate”), and subjective ones (“beliefs”, “inspire”). This suggests that collective action frames may be all the more effective as the two converge, an insight confirmed by the sociology of identity and subjectivity (Calhoun, 1994; Dubet, 1994). To some extent the *meanings* in the motivational frame used by the Referendum I campaign in order to *legitimate* a “yes” vote was at odds with the *beliefs* in the diagnostic and prognostic frames which *inspired* the activists. Ru Johnson expresses this feeling when she compares the Amendment 42 and Referendum I campaigns:

Minimum wage? It’s simple: we want to raise the minimum wage. Why do we want to raise the minimum wage? Because people are not making enough money—that’s also something that can be seen as having a lot of passion in it, whereas domestic partnership: that was seen from the beginning as a very legislative initiative.

- 32 Her discourse actually abounds with terms denoting enthusiasm when referring to the former campaign, and terms denoting caution when referring to the latter (interview). According to Johnson, whereas the minimum-wage campaign made for actors’ subjective involvement in their message, the domestic-partnership campaign used a frame which distanced, or alienated actors from their message. This suggests, to borrow another set of concepts from framing theory, that the set of meanings used by the Referendum I campaign specifically in order to carry out its collective action—its “organizational frame”—was at odds with some of its actors’ deeply held beliefs about the significance of the mobilization to which they were contributing—the campaign’s “master frame” (Benford and Snow, 1992, 138; 2000, 619).
- 33 One may argue, however, that the rights-based strategy was not fundamentally flawed, for Amendment 43—which the proposed creation of domestic partnerships was initially meant to counter—passed, but not by a landslide and with a significantly narrower margin than in several other states.⁴⁴ Moreover, Referendum I in fact came fairly close to passing, since it failed by fewer than 40,000 votes (Colorado Secretary of State, 2006). The outcome of the vote, moreover, was affected by a series of technical problems with voting machines on Election Day, which prevented approximately 15 to 20,000 people in Denver in particular—one of the state’s most liberal constituencies—from either voting, or having their ballots counted (Brewer: interview; Merritt and Human, 2006). Additionally the creation of new voting locations, vote-centers, in application of the Help America Vote Act of 2002, resulted in many disoriented voters not finding their polls, discouragingly long lines in some places, and some vote-centers running out of ballots (Hazouri: interview; Fair Vote Colorado, 2006; Pew Center on the States, 2006), which presumably cost Referendum I additional votes of support.
- 34 On a more symbolical plane, Michael Brewer actually considers the mere fact that its opponents could not afford to disregard Referendum I altogether, but had to actively fight it in order to secure the passage of Amendment 43, as a victory in itself: “It bugged

the hell out of them,” he comments. “I’m glad we did it, I think we could have done better, I think we could have won, I really do, but I’m really glad we did it” (interview).⁴⁵ The symbolical spin-off of a result in the polls can indeed be very important, as suggested by Linda Meric, who claims that the degree of public discourse and awareness generated by the Amendment 42 campaign has increased 9to5’s credibility with elected officials in the legislature, for example: it became easier to generate legislative support for the three bills it successfully advocated in 2008.⁴⁶ Besides, Jane Feustel, who is a community organizer at Colorado Progressive Action and actively participated in the Amendment 42 campaign,⁴⁷ claims that victory in the polls is not always what matters the most, by pointing to the anti-gay marriage amendment in neighboring Arizona. Most observers ascribe its 2006 defeat to its broad language: Arizona Proposition 107 specified that “*no legal status for unmarried persons shall be created or recognized by [the] state or its political subdivisions that is similar to that of marriage*” (emphasis mine), thereby making it impossible for different-sex couples as well as same-sex couples to seek official recognition other than marriage.⁴⁸ Noting that the anti-Proposition 107 campaign emphasized how its passage would affect straight couples, because that was the angle with the broadest appeal, Feustel concludes that they may have won in the polls, but they lost politically by failing to address issues of equality for LGBT people (interview). Thus a short-term electoral victory may, in the longer term, end up not serving LGBT rights.

35 Conversely this implies that, even though it lost in the polls, Referendum I could pay off in the longer run if it engaged voters in significant political conversations. But the question is whether a public debate on LGBT rights actually occurred. Bobby Clark’s assessment is that

for most Coloradans the campaign existed in the commercials they saw on television. You’d go to parties, nobody talked about it. It was as if it didn’t exist: it existed in commercials, but there was no movement to it. [...] It was not really that the message was not a good message, it’s more that the idea of this never really worked itself into the social—into the public dialogue. (interview)

36 This statement is but one of the clearest articulations of a broadly shared feeling among our interviewees.

37 The subsequent question which arises is therefore what makes it possible to engage voters in significant conversations that would, if not guarantee victory in the polls, at least allow for some in-depth voter-education. Is it predicated on the message? Our previous remarks and Clark’s assessment suggest that such is not the case: framing Referendum I in terms of basic legal rights was in part meant to do, and could have done, just that. As a matter of fact, the minimum-wage Amendment 42 campaign did not carry a message of radical social transformation, either, but instead painted its opponents as special-interest groups and appealed to a common-sense notion: “hard work deserves fair pay” (Colorado Progressive Coalition 2006).⁴⁹ So there was something rather mainstream about its message too. And yet, one of the clear outcomes of our field research is that the minimum-wage campaign did generate significant political debate. Our first conclusion was that an instrumental analysis of ballot measures’ impact upon electoral politics does not allow us to grasp the full political meaning of ballot measures; what our perspective on campaign frames has just shown, furthermore, is that messaging, no more than issue-choice, exhausts the matter of ballot measure’s sociological significance with regard to social movements.

Civic engagement and the political significance of organizing

38 These remarks address the issue of how campaigns relate to audiences, which is not only a matter of messaging, but also of organizing. Katie Groke cites people who would have actually benefited from domestic partnerships but did not feel concerned enough to go to the polls, concluding that no vote can be taken for granted. Extending the matter to the anti-abortion ballot initiative which the pro-choice movement was facing in the 2008 ballot, she claims:

Just because people come and buy pills from us doesn't mean they're going to vote on our issues: we have to *earn* their vote, we have to kiss their ass, basically, to make it feel like it's the end of the world for them—and we have to make it so personal to their specific person that they get it: it's like dating! Getting someone to go to the polls is like getting someone to go on a date with you. (interview)

39 Beyond its humorous bluntness and exaggeration, the statement is particularly interesting in that the amorous comparison lays the emphasis on how personal a commitment voting is, and the very term “earn” points to the effort involved. Likewise, Jeff Thormodsgaard claims that the Referendum I campaign basically took the LGBT vote for granted, therefore abstained from spending resources to mobilize its own base, and hence alienated it: “The message also ostracized the community to a certain degree—ostracized the community from really jumping on board” (interview). These considerations differ from the notion developed above about campaigners being alienated from their own message. The point here is the status of the LGBT community as audience, rather than protagonist of the campaign, though the two are interrelated.

40 Like other interviewees, Groke understands the rationale for reaching out to the *moveable middle* of the electorate by providing it with a harmless interpretation of the domestic-partnership ballot measure, but that, she claims, is “what you do *after* you motivate your base.” Her argument is that the LGBT community was the campaign's core constituency, who “live next door to the mushy middle, or their sister is the mushy middle, or they have friends in the mushy middle. So if you're not educating them on the message, and why it's so important and they should get to the polls, *they're* not talking to these people who might not already be convinced” (interview). Interesting in this statement is that it criticizes CFFE's strategy in terms strikingly similar to those quoted above by Denise Whinnen to justify it: it was all a matter of hitting the “mushy” or “moveable” middle. But whereas Whinnen referred to messaging, Groke here tackles a question of organizing: for her the LGBT community should have been the campaign's primary audience so that they may have become its most dedicated promoters. In terms of framing theory, the campaign's frame seems to have lacked *resonance*, which Benford and Snow define as “the extent to which [a frame] resonates with the life world of adherents and constituents as well as bystanders” (1992, 140). In this instance, by failing to identify the LGBT community as its constituency, the campaign missed an opportunity for LGBT protagonists to convey to the broader audience a frame endowed with *narrative fidelity*, which is the degree to which “proffered framings [...] resonate with their targets' cultural narratives” (2000, 622). As highlighted by Benford and Snow, frames are indeed not given, but negotiated (2000, 614-18): they are at once the starting point and already the result of

collective action. What is at stake here is therefore a matter of organizing in order to mobilize.

- 41 By comparison, organizing to mobilize core audiences is what the Amendment 42 campaign paid a lot of attention to. Jane Feustel's job for example was part of an effort funded by Women's Voices Women Vote⁵⁰ to target single-women voters. Throughout the 2006 run-up she canvassed on behalf of the Colorado Progressive Coalition (CPC) in areas that were not covered by other ballot-measure campaigns or by candidate campaigns, such as Aurora, a lower-income Eastern suburb of Denver.⁵¹ Aurora was targeted as a traditionally Republican constituency, based on analyses showing that this was due to lack of voting on the part of lower-income people, rather than to actual across-the-board conservative preferences (interview). Feustel thus clearly participated in a get-out-the-vote effort; however bringing low-income voters to the polls was not just a matter of winning a short-term victory, but of enfranchising a whole segment of the electorate. For 9to5, as well as CPC and ACORN, voter registration and education is part of the regular agenda, so ballot measures in a sense serve as one more opportunity to register new voters and educate low-propensity voters, says Linda Meric. In 2006, 9to5 thus campaigned for Amendment 42 in such places as Commerce City, a low-income community with typically infrequent or unregistered voters who are also among the people most closely concerned with issues of minimum wage (Merick: interview).
- 42 Enfranchising unregistered or low-propensity voters demands substantial organizational efforts. Lindsey Hodel is the coordinator of the 501(c)(3) Roundtable,⁵² which in 2006 directly addressed 30,000 registered low-propensity voters to inform them about voting by mail, which significantly increased the likelihood that they would actually vote. These voters received literature by mail, followed up by two phone-calls, a procedure which usually yields an average response rate of 0.5 to 2 percent. This effort led 1,300 such voters to register to vote by mail, a response rate of approximately 5 percent. The 501(c)(3) Roundtable also endeavors to incite citizens to hold their elected officials accountable, a long-term voter-education process requiring organizations to keep their constituencies informed about issues between election cycles (interview). What this example shows is not so much whether ballot measures imply get-out-the-vote tactics, for in a sense they are always somehow bound to. The question rather is how social-movement organizations get out the vote, and for what purpose.
- 43 From this point of view, issue-choice and messaging are but two tools for "inspiring people" (Vandenberg: interview) to overcome their distaste of politics and politicians if need be. For Ben Hanna, head organizer at Denver ACORN, one of the organizations which initiated Amendment 42, "when you can tie something like that—something that's going to directly affect somebody—to voting, then it starts to take it out of the realm of like, 'that is politics, and this is my life'" (interview). The challenge is therefore to reconcile voters with voting, not by artificially enhancing partisan divides, but by bridging the gap between the realm of the political and the realm of experience. Thus, Meric testifies, when ballot campaigns politicize issues which do make a difference in people's lives, they become an efficient way for people to "enter an organization and get excited. On minimum wage [9to5] recruited new members, some of them became board members who now speak out and are helping to lead other organizing campaigns that we're involved in" (interview). For Hanna likewise, campaigning on minimum wage was a way to

build a sustainable organization of people who know how to do everything *I* know how to do, so that ACORN members, if I get hit by a bus, are still going to be able to sit down and put together an action, negotiate with a target, understand what a legislative campaign looks like, register voters, do turn-out—all the things that staff at any organization know how to do.

- 44 Campaigning for Amendment 42 thus provided a particularly strong incentive, hence a good opportunity to empower a constituency by “mak[ing] sure that low and moderate-income families know how to struggle effectively on their own behalf” (Hanna: interview). So, like several other organizations, 9to5 and ACORN do not approach ballot measures simply as electoral or instrumental goals to reach, but include them in their broader enfranchising agenda.
- 45 If the 2006 ballot measures in Colorado were to be approached strictly from an electoral viewpoint, the difference between the Amendment 42 and Referendum I campaigns would seem essentially one of partisanship: because minimum wage was put on the ballot by the Left, it generated partisan confrontation and a strong incentive for the left of the political spectrum to mobilize, thus helping the Democrats keep their majority in the state legislature and win the Governorship.⁵³ According to this logic, because Referendum I was put on the ballot merely as a reaction against Amendment 43, which was partisan in origin and intent, it was never meant to be politicized in partisan terms; therefore the campaign was very cautious never to identify itself as a progressive campaign—any more than as an LGBT campaign—and it failed in an election where the electorate was split along party lines. But tactical considerations should not make us lose sight of the significance of longer-term strategies: the effort of organizations like ACORN or 9to5 to raise the minimum wage was not a short-term political “fix”, but part of a long-term investment—since at least 1996—to actually improve living conditions for their constituents (Meric: interview). For Lindsey Hodel, whereas partisan and candidates’ campaigns may have seen minimum wage as a way to turn out Democratic voters, we saw that as a way of improving the quality of life for Coloradans—that’s a key difference in approach, and a key reason why non partisan community-based groups are important: we do tie issues to election, and we *can* use the election process to get real policy gains for people who are often directly affected by poor policy. (interview)
- 46 This statement is interestingly built on opposing “elections” with “policy”, but Hodel’s point is that the two terms can be reconciled. Far from stigmatizing ballot measures as electoral ploys which divert progressive organizations from their mission, she perceives them as means to translate politics into achieving policy thanks to voter empowerment.
- 47 In sociological terms, the domestic-partnership campaign tended to separate its protagonists and its audience, whereas the minimum-wage campaign was geared toward bridging that gap by empowering audiences to become actors. To identify the origin of that difference, one must turn to the two campaigns’ repertoires of action and organizing modes. The experience of Michael Huttner offers a good vantage point for comparing the ways in which they were conducted, since his organization, ProgressNow.org, volunteered support for both campaigns. ProgressNow.org boasts of having provided the minimum-wage campaign with sixty to seventy percent of its volunteers through an “online-to-offline” device whereby a website was set up for people to sign up in support of Amendment 42 or of Referendum I and their e-mail addresses were then forwarded to the appropriate campaigns, which could then contact them as volunteers. Huttner notes that the domestic-partnership campaign made very little use of this resource. He

additionally recalls the difficulties his organization encountered when interacting with Coloradans for Fairness and Equality. This, he believes, was due to the organization's heavily bureaucratic structure, which occasionally caused delay in the writing out of press releases, for example, because any message from CFFE had to be reviewed by several people before being made public.⁵⁴ As a result, says Huttner, the campaign's overly top-down management caused it to lose efficiency. This seems paradoxical insofar as CFFE's organizational structure was designed with a view to ensuring maximum coordination, by avoiding the randomness and messiness which sometimes impair grassroots collective action. But, Huttner insists, if it had been organized in a bottom-up way, the domestic-partnership campaign could have taken full advantage of the technological tools his organization offers, such as a database of 365,000 sympathetic voters which allows a campaign to send out reminders about turning in their absentee-ballots before the deadline, or information about their specific voting location (interview).

48 Grassroots organizing is the core of the Colorado Progressive Coalition's idea of social movement. For Bill Vandenberg, its executive director, CPC:

prioritizes rooting in communities and talking to people at their door, over the phone, at their congregation, at their community organization, at their school, at their beauty salon or their barber-shop: we'll talk to people where they are about what issues make a difference in their lives. And we will work to move policy from that direction, whereas some people sit in a room, and they will poll on some issues and figure out 'oh, this looks popular, let's run that' (interview).

49 Grassroots then does not mean unplanned or spontaneous: there is organization and leadership behind it, in part thanks to think-tanks such as The Bell, which play a decisive role in producing the precise scientific data to be used as crucial debating points (Colwell, 2006). The point is that grassroots means that the relationship between leadership (protagonists) and constituency (audience) is reciprocal and horizontal, not one-way and vertical. Concretely, while it operated on a narrow budget of less than \$500,000—to be compared with the close to triple budget of Respect Colorado's Constitution, the organization leading the campaign against Amendment 42—Coloradans for a Fair Minimum Wage spent most of its funds on direct mail to voters and its door-to-door campaign (Vandenberg: interview; Milstead, 2006a; Milstead, 2006b). Vandenberg goes on to contrast the cost of a field campaign with that of “consultants, TV-ad buyers, people producing the commercials, pollsters, the people who are producing the over-priced glossy materials that are going to get mailed out, the robocalls.” CPC and other organizations' expertise in going door to door and talking to people, he believes, is what made it possible for Coloradans for a Fair Minimum Wage to win Amendment 42 despite being outspent almost three to one by its opponents (interview).

50 This model of campaigning stands in sharp contrast with Coloradans for Fairness and Equality's highly professional staff and \$4.2 million budget. Vandenberg claims that “they had a ton of consultants that did a lot of polling, but in the end it didn't pass because it didn't really have a strong field presence on the ground” (Vandenberg: interview). This assessment is confirmed by several campaigners for CFFE: whereas field campaigning was initially emphasized during the first semester of 2006 in order to gather petitions for Amendment 45 (Glennon: interview), it was interrupted during the Summer—when it became certain that the “dirty version” of the gay-marriage ban was not making it onto the ballot and Amendment 45 was consequently withdrawn. At this time polling results were very encouraging, so that there was a reasonably optimistic sense that voters knew

about Referendum I and would support it in the polls, provided the public's attention be sustained (Clark: interview; Brewer: interview). So "the campaign became increasingly focused primarily on a paid-media effort," says Clark (interview), and the issue was on the public's mind. Morris Price, national leadership development officer at the Gill Foundation, a major LGBT community leader who was a CFFE volunteer, recalls:

there was a whole population [within the gay community] who really thought that as long as they talked about it and they felt confident about it, it was the same thing as changing it. But if you asked them had they registered to vote? 'No'. Had you moved your vote from one place to the next when you moved so that it would be updated? 'Oh no, I haven't done that yet.' They would take it for granted that the process would automatically work in their favor and that this would be won (interview).

51 While essentially agreeing with the way the campaign was run, Price corroborates the lack of civic engagement which other, more critical interviewees blame on the top-down nature of CFFE. Clark, for instance, recalls a widespread, albeit diffuse sense among the LGBT community that, since advertisements were to be seen on television, somehow the issue was being taken care of (interview).

52 Conversely, while emphasizing that a mainstreaming message was the proper choice for the Referendum I campaign, Michael Brewer holds that what

the campaign did *not* do was connect well with the GLBT community in an organic, grassroots way. And I think that ultimately that hurt it. Not that it was a question of messaging, but the energy behind the campaign would have been different and more effective had even the small number of people within the GLBT community been more deeply engaged. (interview)

53 Price recalls mobilizing to create such engagement among African Americans and among younger gays: the latter especially was an audience of great potential which had yet to be tapped. At one event he organized, his father, a straight black man in his sixties, spoke out vibrantly to an African American audience against Amendment 43; at another event in a gay bar, patrons who would register to vote would get a free drink coupon (interview). But such grassroots efforts remained low-key and uncoordinated, whereas, says Brewer, "after [the signature-gathering] effort was completed, I don't think that there was an effective effort by the campaign to keep [the volunteers] engaged. They did their job, and went back to their daily lives, and the professional campaign took over" (interview). The issue of civic engagement is thus literally one of *movement*: on the contrary, our interviewees' descriptions of the domestic-partnership campaign convey a *static* image of a mass organizing effort which, instead of getting the rank and file excited or mobilized, ultimately existed independently from them.

54 The two campaigns' approaches to the media sum up the differences we have explored so far. Referendum I relied on paid media, buying advertisement time on television in particular, whereas the Amendment 42 campaign—partly for lack of sufficient funds, but also out of strategic choice—preferred "earned" media, creating events to draw the media's attention and get coverage. When the petitions for Amendment 42 were brought to the Secretary of State's office on August 3, 2006, for example, the countless boxes containing them were physically carried in by several dozen marchers wearing ACORN t-shirts, who held a public rally and delivered speeches on the state Capitol's front-steps (Henley, 2006).⁵⁵ Thus, whereas the domestic-partnership audience was only on the receiving end of the media effort, continuity is what characterized the relationship between the minimum-wage campaign's audience and protagonists. To put it differently,

the former treated voters as clients, whereas the latter regarded them as potential actors who needed to be engaged.

55 This is partly due to structural factors. The coalition which initiated Amendment 42 was made up of fairly long-standing grassroots organizations, whereas the LGBT community in Colorado is essentially structured on the ground by social institutions while its political matters rest in the hands of delegates in the Democratic Party and sympathetic government bodies, or at the Gill Foundation and its 501(c)(4) branch Gill Action.⁵⁶ The minimum-wage coalition thus had experience investing some of its resources in grants and stipends to community organizations to wage the campaign, building an infrastructure that would continue to exist all the way to Election Day and beyond (Vandenberg: interview); it used the ballot campaign's short-term imperatives to serve the long-term goal of community-based movement-building. The domestic-partnership umbrella organization, on the contrary, was a purely *ad hoc* endeavor devoid of prior existence, let alone an overall movement-building political agenda. Hence Michael Brewer's deepest regret about the Referendum I campaign is "that it wasn't used at the same time to build an infrastructure which would have strengthened the GLBT community, which would have strengthened the ongoing process of community organization both in the GLBT community and beyond the GLBT community" (interview). In other words, the minimum-wage campaign was nurtured by, and reinforced, an already existing grassroots social-movement field, whereas the domestic-partnership campaign failed to be seized as an opportunity to create such a social-movement field.

56 Commitment and active civic engagement are key to social movement building, which was not ignored by CFFE. Denise Whinnen for instance says:

I do understand that we probably could have done some more work on the ground; we were part of collaborative efforts that were happening on the ground, so we felt like we—through these collaborations—met our goals in terms of who we were door-knocking to, who we were talking to via the phone: we did hit those targets. (interview)

57 CFFE indeed dedicated significant resources to its coalition-building effort, with outreach coordinators to various constituencies, such as ethnic or religious communities. The job of Maria De Cambra, CFFE's outreach coordinator with the Latino community, was to call Latino organizations and leaders, attend Latino community events in order to "educate that community on the issues and then ask them to support actively the work that we were doing." Her efforts yielded more than seventy endorsements from top Latino community leaders (De Cambra: interview). Nevertheless, getting endorsements is not tantamount to securing commitment. And because of its top-down structure CFFE requested backing, but did not integrate its supporters into the strategic initiative.⁵⁷ As a result, the endorsements—numerous and significant though they were—could not amount to engagement on the part of the constituencies in question. For Michael Brewer, who was in charge of the faith-based outreach, getting formal endorsements is not sufficient, because it "is no substitute for going into a church community, talking to members of that church community, preaching to them, distributing materials to them after a church service—that did not happen [in the Referendum I campaign]" (interview). Ru Johnson, who participated in CFFE's outreach to the African American community, likewise expresses surprise that many resources were not tapped into: "cultural institutions, faith-based institutions, the Pan-Hellenic council—Black fraternities and sororities—the Black poetry scene in Denver, which is very liberal, very gay, very active—

that's a resource that we did not explore, and that would have made a difference" (interview).

- 58 So even within coalition-building an analytical distinction should be made between top-down and grassroots organizing. It corresponds to very tangible differences in social movement structure and repertoire of action, which in turn link up to longer-term processes of movement continuity, as illustrated in this statement by Ben Hanna:

The more that you get people kind of pulled in—so the people that voted on minimum wage, that were pulled into organizations and deep in relationships with people and talk about voting and other issues etcetera—I think then it's easier to start having conversations and finding some common ground on some of the issues that traditionally would be seen as more divisive. For example in our communities, a lot of our members are older African Americans, devoutly religious, and a lot of people come up to us and say 'so your members are basically against GLBT rights.' But I actually don't think that's true. [...] A lot of our members who came from the Civil Rights movement *get* civil rights, and if you sit down and have a conversation, people can see where there's common ground, and where there are ties that bond, and you find them in the most unlikely places. So it's just a matter of making sure our members have those kinds of conversations with members of other organizations (interview).

- 59 Particularly interesting in this statement is the recurrence of the word "conversation"—defined by the *Oxford English Dictionary* as an "interchange of thoughts and words"—, which indeed implies parity and reciprocity. This suggests that coalition-building must meet these two criteria if apparently impassable barriers are to be surmounted or brought down, rather than circumvented. But just as importantly, "conversation" also implies an interpersonal interaction, which brings us back to our remarks above concerning personalized politics, seen now from the vantage point of organizing.
- 60 Ru Johnson thus recalls going to Amendment 42 rallies with "a dozen people on that stage telling about how they don't have health-care, how they're not able to pay their rent etcetera, etcetera, etcetera," and feeling that "there was this element of passion that was missing" in the Referendum I campaign. From the standpoint of framing, this is due—as we have seen—to the political risk involved in talking about LGBT issues, which were put forth in fairly abstract and subtle terms by the domestic-partnership campaign. However, Johnson believes, "if we could have added some more passion, and some more personal conviction, personal commitment to the [Referendum I] movement in terms of our display of that, we would have been able to reach a lot, a lot more people" (interview). This is of particular relevance at this point in our analysis, because it paradoxically leads us to draw a distinction between a personalized *message* and a personalized *repertoire of action*. The domestic-partnership campaign was indeed intentionally disimpassioned, insofar as its organizers were intent on making sure that Referendum I did not become a vote for or against homosexuality. Interestingly Johnson does not challenge that, even as she deplores the lack of passion in the campaign. When evoking minimum-wage rallies with people sharing their experience, she says: "Those are very passionate issues, but at the same time we know someone who stood in the waiting-room while their partner died in a hospital but they weren't able to visit them. But it's difficult to convey that message when in the first place this is seen as a rough, tough, and sturdy legislative campaign" (interview). As a matter of fact stories of people standing in the waiting-room while their partners died *were* part of the Referendum I campaign's message—in the above-mentioned "waiting-room" television advertisement for instance—and Johnson probably draws her inspiration for this example from such advertisements and arguments. But

Johnson aptly says it is “difficult”, *not* “impossible”, to convey that message, so the issue is less *what* message to convey than *how* to convey it. What she means to point out is therefore not so much a lack of passion in the *message*, as of *embodiment* of that message in people and their experience.

- 61 As this example shows, framing is indeed predicated upon a movement’s repertoire of action, which is in turn inseparable from its organizational operating mode (Hunt, Benford and Snow, 1994). But whereas our fieldwork clearly imputes the shortcomings of the domestic-partnership campaign to its top-down structure, the 2006 experience seems to have generated some awareness of these issues. For instance, even though the Gill Foundation and Gill Action were not technically in charge of the Referendum I campaign, they were closely linked with it, especially in material terms of funding and staff, but also symbolically due to the Gill Foundation’s visibility as the state’s largest, most funded LGBT organization. Although Coloradans for Fairness and Equality disbanded, the Gill Foundation has since been operating in a context marked by the outcome of the 2006 domestic-partnership campaign and outcome. And it has engaged in more authentic coalition-building efforts than CFFE did in 2006. The Gay and Lesbian Fund for Colorado (GLFC), a Gill Foundation program which only funds non-LGBT progressive and cultural initiatives in Colorado, has since 2006 reinforced its contribution to the Colorado Community Organizing Collaborative (CCOC), a collaborative effort among nine community organizations in Colorado to foster grassroots community organizing in the fields of health-care reform, immigrant rights, educational reform, economic justice, and affirmative action.⁵⁸ According to Denise Whinnen, this is

an attempt for various organizations to learn how to work cross-issue, and at the same time it was a change for foundations in terms of not calling the shots, not pushing the agenda, not to encourage a mission drift at these organizations, but really working on a level playing field where there wasn’t so much power dynamic going on, so that they would learn ‘how can we really best support these organizations’ work, and their very needs’. So it was the first time that philanthropic and organizing people started to figure out how to work more effectively on a level playing field, versus ‘we have all the money and we want you to do all the work’ (interview).

- 62 Although CCOC was launched in 2004, it was then still in its infancy, and “we were still in the very beginning stages of understanding collaboration,” says Whinnen (interview). This suggests that coalition-building lessons were learned from the 2006 Referendum I campaign (Gurule: interview).
- 63 As coalition-building illustrates, the existence of a deeply-ingrained grassroots organizing structure was therefore a precondition for progressive movements in Colorado to be able to appropriate the 2006 ballot campaigns in such a way as to serve their agenda, rather than be diverted from it. Our fieldwork shows that the preexistence of a personalized form of social movement organizing is not simply a crucial strategic advantage for convincing ordinary people to cast their votes either one way or the other. When there was a social movement field with organizations doing grassroots enfranchisement and civic engagement as part of their habitual agenda, these organizations could indeed use ballot measures to give such work urgency, hence momentum, and public exposure. Ballot measures were thus part of a natural continuum with this work; but ballot measures could not create such a field *ex nihilo*. In other words, for ballot measures to be productive for progressive social movements, the organizing needs to have happened before an issue is on the ballot, so that a ballot issue campaign

should correspond to in-depth organizing, rather than merely reactive, short-term, *ad hoc* activism. If we envision the 2006 situation sociologically from the standpoint of social movements, there is therefore little question that spending on long-term organizing is more worthwhile than purchasing thirty-second television ads in an emergency situation. According to Huttner, for instance, the budget of an organization like ProgressNow.org for five permanent staff-members *year-long* is equivalent to the cost of *five days* of television ads in September of an election year (interview). Thus, in order to grasp ballot measures' significance for progressive social movements it is critical to envision them in terms of forms of organizing and repertoires of action which underlie the campaigns.

Conclusion: the importance of long-term grassroots organizing

- 64 Studying the minimum-wage and domestic-partnership campaigns in Colorado in 2006 convincingly presents ballot measures as both a challenge and a double-edged sword for progressive social movements. They may either divert the action of social-movement organizations from their long-term goals, or, if campaigns are driven through an authentic grassroots effort, they can become an opportunity for placing their politics in the voters' hands, thus answering the Progressive Era call for citizen lawmaking. At any rate, ballot measures never quite amount to direct democracy, because voter education is never foolproof, but they do have the potential for empowering voters to make conscious, informed political decisions about issues that matter to them. A crucial question is therefore what kind of organizing underlies a ballot campaign: its deeper political significance can be reliably interpreted from whether the campaign is an isolated, *ad hoc*, somewhat reactive endeavor, or part of a broader grassroots movement with a longer-term agenda. Thus, social movement organizing modes and repertoires of action are the appropriate angle for a sociological assessment of the significance of ballot measures. To put it differently, what happens in the polls is most often but the electoral tip of an iceberg whose less visible foundations are the work which social-movement organizations do outside of, or in between, election cycles.
- 65 The recurrence of ballot measures in such places as Colorado is an ongoing source of stress for progressive social-movement organizations. It drains sizeable resources into often reactive politics. But at the same time, direct democracy not only keeps their supporters mobilized, which may avoid their slipping into complacent inactivity: it also puts a premium on long-term, grassroots movement-building. That is precisely the type of grassroots organizing which the Right has been so efficient at developing, through churches in particular, since the 1970s, and which contributes to their success in initiating ballot measures. This suggests how crucial it is for progressive social movements to look and learn from conservatives, who have proven to be masters at mobilizing from the bottom up.

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ANNEXES

Appendix 1: list of interviews

Conducted in 2008

Name	Date	Title	Organization
Brewer, Michael	April 2, 2008	(2008) Executive Director	Brett Family Foundation
		(2006) Legal Director	Gay, Lesbian, Bisexual and Transgender (GLBT) Community Center of Colorado (The Center)
Clark, Bobby	April 3, 2008	Deputy Director	ProgressNowAction
De Cambra, Maria	April 1, 2008	(2008) Program Coordinator	Latina Initiative
		(2006) Hispanic / Latino Outreach Director	Coloradans for Fairness and Equality (CFFE)
Feustel, Jane	April 1, 2008	Community Organizer	Colorado Progressive Action (CPA)
Glennon, Hope	April 4, 2008	Volunteer	Coloradans for Fairness and Equality (CFFE)
Groke, Katie	April 3, 2008	Public Affairs Coordinator	Planned Parenthood of the Rocky Mountains (PPRM)
Gurule, Dusti	April 3, 2008	Executive Director	Latina Initiative
Hanna, Ben	March 28, 2008	State Director for Colorado	Association of Community Organizations for Reform Now (ACORN)
Hazouri, Cathryn	April 2, 2008	Executive Director	American Civil Liberties Union (ACLU) of Colorado
Hodel, Lindsey	April 2, 2008	Field Director	Colorado Progressive Coalition (CPC)
Huttner, Michael	April 1, 2008	Executive Director	ProgressNow.org

Johnson, James	April 4, 2008	(2008) Civic Engagement Director	Colorado Progressive Coalition (CPC)
		(2006) Political Director	Service Employees International Union (SEIU) Local 105
Johnson, Ru	March 31, 2008	Volunteer Coordinator and Get-out-the-Vote Director for District 2	Coloradans for Fairness and Equality (CFFE)
Jones, Rich	April 3, 2008	Director of Policy and Research	Bell Policy Center (The Bell)
Klawitter, Daniel	April 3, 2008	(2008) Religious Outreach Organizer	FRESC: Good Jobs, Strong Communities
		(2006) Union Organizer for Mental Healthcare Workers	Service Employees International Union (SEIU) Local 105
Kron, Joanne	April 4, 2008	Communications Officer	Gill Foundation Gill Action
McMaster, Terry	April 4, 2008	Director	Lutheran Advocacy Ministry (LAM) of Colorado
Meric, Linda	March 31, 2008	National Executive Director	9to5 National Organization of Working Women
Price, Morris	April 1, 2008	(2008) Program Officer	Gill Foundation
		(2006) Volunteer	Coloradans for Fairness and Equality (CFFE)
Shaw, Jeffrey	April 5, 2008	Chairman	Colorado Stonewall Democrats
Steadman, Pat	March 29, 2008	Political Consultant	Mendez & Steadman
Thormodsgaard, Jeff	March 29, 2008	Political Consultant	Mendez & Steadman
Vandenberg, Bill	March 28, 2008	Co-Executive Director	Colorado Progressive Coalition (CPC)

Whinnen, Denise	April 4, 2008	(2008) Deputy Director	Gay and Lesbian Fund for Colorado (GLFC)
		(2006) Deputy Director	Coloradans for Fairness and Equality (CFFE)

Appendix 2: list of organizations

American Civil Liberties Union (ACLU) of Colorado
 Association of Community Organizations for Reform Now (ACORN)
 Bell Policy Center (The Bell)
 Brett Family Foundation
 Coloradans for a Fair Minimum Wage
 Coloradans for Fairness and Equality (CFFE)
 Colorado Community Organizing Collaborative (CCOC)
 Colorado Progressive Action (CPA)
 Colorado Progressive Coalition (CPC)
 Colorado Stonewall Democrats
 501(c)(3) Roundtable
 Front Range Economic Strategy Center / FRESC: Good Jobs, Strong Communities
 Gay and Lesbian Fund for Colorado (GLFC)
 Gay, Lesbian, Bisexual and Transgender (GLBT) Community Center of Colorado (The Center)
 Gill Action
 Gill Foundation
 Latina Initiative
 Let Justice Roll
 Lutheran Advocacy Ministry (LAM) of Colorado
 Mendez & Steadman
 9to5 National Organization of Working Women
 Philanthropic Community Organizing Collaborative (PCOC)
 Planned Parenthood of the Rocky Mountains
 ProgressNowAction
 ProgressNow.org
 Service Employees International Union (SEIU) Local 105
 Women's Voices Women's Vote

Appendix 3: interview support questions

On the 2006 campaign

How did you / your organization get involved in the 2006 ballot measure campaign?
 What was your / your organization's contribution to the 2006 campaign?
 You / your organization focused primarily on the minimum wage [domestic partnership] campaign; did you / it also contribute to the domestic partnership [minimum wage] campaign?

Did you see a lot of coalition take place between the domestic partnership and minimum wage campaigns in 2006?

What types of campaign events did you / your organization put together?

Did you find that the campaign for Referendum I / Amendment 42 was defensive, or offensive?

Do you think certain things should have been done differently?

On the political significance of ballot measures

Did campaigning on a ballot measure differ from the type of work you / your organization usually do(es)?

Do you think ballot measures are basically get-out-the-vote strategies that benefit political parties rather than progressive movements?

Do you see the campaign on ballot measures having long-term effects on progressive movement organizing—beneficial, or detrimental ones?

Does campaigning on ballot measures somehow force organizations like yours to adopt short-term, rather than long-term strategies?

Does campaigning on ballot measures somehow force organizations like yours to adopt defensive, rather than offensive strategies?

Would you agree that having to campaign about ballot measures tends to divert progressive social movements' energies away from the real work they should do?

Do you see ballot measures as a way to effectively advance progressive causes?

NOTES

1. Such is the focus of a wealth of political science literature on the topic—discussed in this issue by Donna Kesselman.
2. We wish to thank Donna Kesselman for pointing out this coincidence, and thus launching us on this stimulating case-study.
3. A list of interviewees and organizations, and the interviews' support questions are provided in the appendices to this article.
4. Popular approval then substitutes for gubernatorial signature (Colorado State Constitution V, 1:4).
5. "The 'citizen referendum' came in two forms. The 'citizen initiative' was invented to address legislative *omissions*, while the 'referendum petition' was invented to address legislative *commissions* (acts that overreach)." (Polhill 2006, 3; emphasis mine)
6. "Amendment 42. Colorado Minimum Wage: An amendment to the Colorado constitution concerning the state minimum wage, and, in connection therewith, increasing Colorado's minimum wage to \$ 6.85 per hour, adjusted annually for inflation, and providing that no more than \$ 3.02 per hour in tip income may be used to offset the minimum wage of employees who regularly receive tips." (source: Colorado Legislative Council, "Chronological Listing of Ballot Issues": <http://www.leg.state.co.us/lcs/ballothistory.nsf> [unless specified otherwise all Web pages were last visited on August 2, 2010])
7. These were: Arkansas, Georgia, Kentucky, Michigan, Mississippi, Montana, North Dakota, Ohio, Oklahoma, Oregon, and Utah; additionally, Louisiana and Arkansas passed such amendments at a different date.
8. These were: Arizona, Colorado, Idaho, South Carolina, South Dakota, Tennessee, Virginia, and Wisconsin; additionally, Alabama passed such an amendment at a different date.

9. “Amendment 45. Domestic Partnerships: An amendment to the Colorado constitution concerning the establishment of domestic partnerships, and, in connection therewith, declaring that domestic partnerships do not affect the institution of marriage between one man and one woman, stating that notwithstanding any other provision of law a domestic partnership is established as a unique and valid relationship between eligible adults of the same sex and is not similar to marriage, and directing the general assembly to enact implementing legislation consistent with the responsibilities, benefits, and protections and licensing provisions for domestic partnerships set forth in House Bill 06-1344 as passed by the Colorado general assembly.” (source: *ibid.*)

10. “Amendment 43. Marriage: An amendment to the Colorado constitution, concerning marriage, and, in connection therewith, specifying that only a union of one man and one woman shall be valid or recognized as a marriage in Colorado.” (source: *ibid.*)

11. “Referendum I. Domestic Partnerships: Shall there be an amendment to the Colorado Revised Statutes to authorize domestic partnerships, and, in connection therewith, enacting the ‘Colorado Domestic Partnership Benefits And Responsibilities Act’ to extend to same-sex couples in a domestic partnership the benefits, protections, and responsibilities that are granted by Colorado law to spouses, providing the conditions under which a license for a domestic partnership may be issued and the criteria under which a domestic partnership may be dissolved, making provisions for implementation of the act, and providing that a domestic partnership is not a marriage, which consists of the union of one man and one woman?” (source: *ibid.*)

12. In 2000 the Colorado General Assembly passed HB00-1249 “An Act Concerning Strengthening of the Marriage Relationship” which specifies that “a marriage is valid in this state if [...] it is only between one man and one woman” (source: Office of Legislative Legal Services, “Session Laws of Colorado”, Denver, Colorado General Assembly, http://www.state.co.us/gov_dir/leg_dir/olls/session_laws_of_colorado.htm).

13. As a matter of fact, in 2008, all three states where marriage-related constitutional amendments were on the ballot, and got approved—Arizona, California and Florida—already had statutory bans on same-sex unions. Florida’s Proposition 2 had been three years in the making, and Arizona’s Proposition 102 was a renewed attempt after Proposition 105 failed in 2006, but California’s Proposition 8 is different insofar as it was a response to the state Supreme Court’s May 2008 decision *In re Marriage Cases*, which struck down the state’s statutory ban, making California the second state after Massachusetts to legalize same-sex marriage. So, whereas proponents of the gay-marriage ban in Massachusetts had decided not to put a constitutional amendment in the 2008 ballot—after failing to do so in 2006—for fear of a defeat, California’s Proposition 8 was a successful attempt to reverse in the polls the judicial legalization of same-sex marriage. For an interpretation of the 2008 California Proposition 8 vote in terms of a religious divide within the Democratic electorate see Miller.

14. On “wedge issues” see the contribution by Donna Kesselman in this issue.

15. The organization coordinating that campaign was alternatively called Say No to 43 and Don’t Mess with Marriage, and worked on a relatively low budget of \$ 350,000—compared to the \$ 900,000 budget of Coloradans for Marriage, which led the campaign both for Amendment 43 and against Referendum I, and the \$ 4.2 million budget of the campaign for Referendum I (Kim, 2006b).

16. The two were sometimes done at the same time, since one must be a registered voter to sign a petition. Signatures were gathered at civic venues such as political events, but also at festivals, farmers’ markets etc.

17. The American Civil Liberties Union (ACLU) and the Latina Initiative for example created a bilingual voting guide; ProgressNow.org and the Bell Policy Center made theirs available online

and printed them out for door-to-door distribution and to be handed out near polling stations: the Bell issued 10,000 copies of its voting guide, ProgressNow.org issued 300,000 copies.

18. FRESC was created by the Denver Area Labor Federation, the AFL-CIO's central labor council for the Denver metropolitan Area, and is now identified as "FRESC: Good Jobs, Strong Communities". It is a nonprofit organization which coordinates community-based efforts of the labor movement and the no-profit sector to improve living, working, and housing standards (see: <http://www.fresc.org>).

19. ProgressNow.org is a nonpartisan, nonprofit organization whose mission is to provide progressive campaigns and organizations in Colorado with online and communication tools (see: <http://www.progressnow.org>).

20. The Gay and Lesbian Fund for Colorado is a program of the Gill Foundation, whose goal is to provide funding for progressive and cultural nonprofit organizations and programs in Colorado. The Gill Foundation was created by Tim Gill, a wealthy businessman from Colorado who is gay and decided to come out in support of gay and lesbian rights in the wake of the 1992 Amendment 2, a ballot initiative which made it unconstitutional to set up anti-discrimination policies inclusive of sexual orientation (Amendment 2 was struck down by the United States Supreme Court in *Romer v. Evans* in 1996). Whereas the Gill Foundation specifically focuses on LGBT rights, the Gay and Lesbian Fund for Colorado targets non-LGBT organizations (see: <http://www.gillfoundation.org> and <http://www.gillfoundation.org/glfchome>).

21. The Colorado Progressive Coalition engages in a wide variety of political activities to promote racial justice, health care, fair taxes, and voter empowerment, including sponsoring ballot measures such as Amendment 42 in 2006 (see: <http://www.progressivecoalition.org>).

22. The proposed amendment (Amendment 46) on the 2008 ballot was entitled "Discrimination and Preferential Treatment by Governments" (source: Colorado Legislative Council, "2008 Ballot Analysis Text & Deadlines": <http://www.leg.state.co.us/LCS/InitRefr/0708InitRefr.nsf/89FB842D0401C52087256CBC00650696>). It was defeated by a narrow margin (50.7 percent).

23. On geographical biases in the ballot-initiative process, see: D. Smith 2007, 1402-16. For a critical assessment of the initiative and referendum process, see: Magleby.

24. The Bell Policy Center is a nonpartisan, nonprofit progressive public policy center, a think-tank doing research and advocacy on policies to promote opportunity in Colorado (see: <http://www.bellpolicy.org>).

25. The issue was particularly acute as in the 2008 election Amendment 48 proposed to amend the constitution of Colorado to define a human egg as a person "from the moment of fertilization" (source: Colorado Legislative Council, "2008 Ballot Analysis Text & Deadlines"). It was defeated by a broad margin (73.2 percent) in 2008. A similar measure, Amendment 62, was defeated by a comparable margin (71 percent) in 2010.

26. Lutheran Advocacy Ministry is one of twenty state public policy offices of the Evangelical Lutheran Church of America (ELCA), and it conducts grassroots legislative advocacy mainly on issues of poverty, but also on such cultural issues as the death penalty (see: <http://www.lam-co.org>).

27. On citizens' confusion with regard to ballot measures, see: Gastil, Reedy, and Wells 1440-49. On the interplay between ballot measures and the legislative process, see: D. Smith, 2001.

28. SB07-060 "An Act Concerning the Availability of Emergency Contraception to a Survivor of a Sexual Assault" (source: Office of Legislative Legal Services, "Session Laws of Colorado", Denver, Colorado General Assembly, http://www.state.co.us/gov_dir/leg_dir/olls/session_laws_of_colorado.htm).

29. SB07-025 "An Act Concerning the Expansion of Employment Nondiscrimination Protections, and Making an Appropriation therefor" (source: *ibid.*).

30. HB07-1330 “An Act Concerning the Second-Parent Adoption of a Child of a Sole Legal Parent” (source: *ibid.*).
31. Quantitative studies nevertheless suggest that ballot measures do not intrinsically discriminate against minorities (Donovan and Bowler, 1998; Hajnal, Gerber and Louch, 2002).
32. Following *Lewis v. Harris*, New Jersey created civil unions in February 2007, but its domestic partnership statute remains in place.
33. It was revealed that Ted Haggard, pastor and founder of the New Life Church in Colorado Springs, president of the National Association of Evangelicals, and arch opponent of LGBT rights, had regularly been having paid sexual encounters with a male prostitute.
34. ProgressNowAction is an extension of ProgressNow.org (see footnote 14). The latter is a nonprofit organization whose donors benefit from tax-exemptions under section 501(c)(3) of the Internal Revenue Code, which means that it may not, “as a substantial part of its activities, attempt to influence legislation [...] or participate to any extent in a political campaign for or against any candidate for public office” (Internal Revenue Service, *Publication 557: Tax-Exempt Status for Your Organization* (June 2008), chapter 3: “Section 501(c)(3) Organizations”, <http://www.irs.gov/publications/p557/ch03.html>). To circumvent this limitation ProgressNow.org set up a separate organization under section 501(c)(4) of the Internal Revenue Code, which grants tax exemptions for organization which are “not organized for profit and [are] operated only to promote social welfare”: provided that it “is organized exclusively to promote social welfare” a 501(c)(4) organization “may still obtain exemption even if it participates legally in some political activity on behalf of or in opposition to candidates for public office” (*Ibid.*, chapter 4: “Other Section 501(c) Organizations”, <http://www.irs.gov/publications/p557/ch04.html>). ProgressNowAction is thus legally able to participate more directly in political campaigns, and to lobby for legislation.
35. The Colorado Stonewall Democrats is the state affiliate of the LGBT network within the Democratic Party (see: <http://www.stonewalldems.org>).
36. 9to5, National Association of Working Women was founded in 1973—its Colorado affiliate in 1996—and defines its mission as building “a movement to achieve economic justice, by engaging directly affected women to improve working conditions” (see: <http://www.9to5.org>).
37. The Association of Community Organizations for Reform Now (ACORN) is an organization of low- and moderate-income families, which was created in 1970 (its Colorado affiliate in 1977), and works on such issues as wages, credits, housing, public schools, through direct action, negotiation, legislative advocacy and voter participation (see: <http://www.acorn.org>). In 2008 and 2009 ACORN was at the center of a controversy when conservative Republicans accused it of encouraging tax evasion and prostitution, so that Congress decided to deny it federal subsidies; hostility and lack of funds caused ACORN to all but cease its activity in 2010.
38. “Seven Days at Minimum Wage”, <http://www.sevendaysatminimumwage.org> (last accessed October 8, 2009).
39. The Latina Initiative was created in 2002 in order to enhance the civic involvement of Latinas in Colorado (see: <http://www.latinainitiative.org>).
40. By that time however, the above-mentioned constitutional impasse was not the campaign’s goal anymore, since the provisions of Amendment 43 and Referendum I could coexist (Zeller, 2006): the goal *had become* the actual creation of domestic partnerships.
41. The Brett Family Foundation is a private charity organization which provides funding for Colorado nonprofits working for social justice, and charities serving disadvantaged people in Boulder (see: <http://www.brettfoundation.org>).
42. The advertisement may be viewed at: http://www.youtube.com/watch?v=VjIV9nzPu_A.
43. The advertisement may be viewed at: <http://www.youtube.com/watch?v=2y3rpPn3IN0>.
44. Gay-marriage bans were approved by comparable margins in Virginia (57 percent) and Wisconsin (59 percent), but with much higher margins in Idaho (63 percent), South Carolina (78

percent) and Tennessee (81 percent). Only South Dakota passed it by a somewhat narrower margin (52 percent).

45. As a matter of fact, the anti-gay marriage amendment's defeat in Arizona—the only state where this happened—is partly ascribed to the very presence of Referendum I on the ballot in Colorado, since it drained conservative funds and energies away from Arizona into neighboring Colorado in order to secure the effectiveness of Amendment 43 by making sure that referendum I should get defeated (Brewer: interview). A similar constitutional amendment was approved in 2008 (see footnotes 13 above and 48 below).

46. One grants protection for employees sharing wage information, to help fight against pay discrimination. The second one provides accommodation for breast-feeding on the workplace, which helps secure mothers' early return to work. The third one expands unemployment insurance benefits to workers who lose their job because they relocate with an active-duty military spouse (Meric: interview).

47. Colorado Progressive Action is the 501(c)(4) arm of the Colorado Progressive Coalition (see footnote 29).

48. "Proposition 107: An initiative measure proposing an amendment to the constitution of Arizona by adding Article XXX relating to the protection of marriage" (source: Arizona Secretary of State, "2006 General Election Ballot Measures", <http://www.azsos.gov/election/2006/General/ballotmeasures.htm>). As a matter of fact, Proposition 102, which got approved in the 2008 ballot, did not affect the recognition of unmarried different-sex couples as it merely stated "only a union of one man and one woman shall be valid or recognized as a marriage in this state" (source: Arizona Secretary of State, "2008 Ballot Measure / Proposition Information", <http://www.azsos.gov/election/2008/general/BallotMeasurePage.htm>).

49. The catch-phrase was visible on all campaign material distributed by the various organizations involved in the campaign.

50. Women's Voices Women Vote is a national organization dedicated to improving the electoral participation of unmarried women, one of the demographics least represented in elections (see: <http://www.wvvv.org>).

51. Of the organizations we approached, CPC, 9to5, Latina Initiative and the ACLU are the only four which campaigned both on minimum wage and domestic partnership, though not evenly: CPC thus campaigned primarily on minimum wage, but carried domestic-partnership literature door to door. Besides, other organizations, such as SEIU, supported both ballot measures and opposed Amendment 43 (Klawitter: interview, James Johnson: interview).

52. The 501(c)(3) Roundtable is a coalition of Colorado nonpartisan nonprofit organizations committed to increasing their membership's civic participation.

53. For an argument about the sustained relevance of partisanship, see Brewer.

54. In all fairness, it must again be noted that there are structural reasons for the Referendum I campaign's being more top-down than the Amendment 42 campaign. As stated earlier by Ru Johnson, the issues involved in the recognition of same-sex couples were relatively abstract and subtle to argue for, whereas the rationale for raising the minimum wage was easy for rank-and-file voters to grasp (interview). This partly explains why there was so much caution on the part of CFFE to monitor the message for domestic partnership, which could easily be distorted into what it was not—namely marriage.

55. A video of the event may be viewed at: http://www.youtube.com/watch?v=N_UfnBE0hPA.

56. On 501(c)(3) and 501(c)(4) organizations see footnote 33.

57. On the contrary, Coloradans for a Fair Minimum Wage's faith-based outreach translated in religious organizations being decision-making partners in the minimum-wage campaign (McMaster: interview; Klawitter: interview). A good illustration of this coalition-building work is Let Justice Roll, a coalition of 92 faith and community organizations for a fair living wage, in which ACORN, CPC, and the AFL-CIO take part (see: <http://letjusticeroll.org>).

58. CCOC is funded by the Philanthropic Community Organizing Collaborative (PCOC), itself a program of eleven foundations—including the Gill Foundation and the Ford Foundation—which is meant to channel philanthropic funding toward collaborative endeavors among community organizing groups working for social justice (see: http://www.piton.org/index.cfm?fuseaction=Content.Support_to_Community_Organizing).

RÉSUMÉS

Cet article étudie deux campagnes référendaires au Colorado en 2006, qui obtinrent des résultats apparemment contradictoires. L'analyse de cet exemple particulier permet de tirer des enseignements sur les conséquences pour les mouvements sociaux progressistes de ces formes de démocratie directe : détournent-elles les mouvements sociaux de leurs objectifs à long terme, ou bien leur permettent-elles de faire progresser leur cause auprès de l'électorat ? En nous appuyant sur une enquête qualitative de terrain menée en mars et avril 2008, nous montrons, à l'aide de la théorie des cadres interprétatifs (*framing theory*), que la réponse à cette question est principalement à chercher dans les formes de mobilisation mises en œuvre, plutôt que dans la nature des questions soumises à référendum ou dans la conception des messages de campagne.

This article examines the coincidence of apparently contradictory ballot measure results in Colorado in 2006 as a case study of the significance of this form of direct democracy for progressive social movements: are ballot measures an opportunity or a hindrance for progressive organizing? Based on qualitative fieldwork in Denver in March and April 2008, we use framing theory to argue that whether ballot measure campaigns divert the action of social-movement organizations from their long-term goals, or allow them to pursue them by empowering voters is more dependent on the forms of organizing, than on issue-choice or messaging.

INDEX

Keywords : ballot measures, social movements, framing theory, wedge issues, empowerment, grassroots organizing

Mots-clés : référendums locaux, mouvements sociaux, théorie des cadres interprétatifs, questions clivantes, capacité des acteurs sociaux de passer à l'action (empowerment), mobilisation de la base

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