

BUILDING A STATE OF EQUALITY 2011 YEAR-END REPORT

MESSAGE FROM THE BOARD

For Equality California, 2011 was a year of historic accomplishments, but also a year of change, challenges and opportunities. This was a year in which we took stock of our resources, revisited our mission, and looked at the big picture – all to ensure that Equality California is well-positioned to continue to lead the LGBT equality movement in California and serve as a model for the rest of our movement nationwide. This was a year marked by not one but two transitions in leadership as well as a particularly difficult decision with regard to marriage equality. Yet, thanks to you, we have continued to make important advances in equality and build a more robust movement.

Against this backdrop, we've restructured the organization to focus our work in areas that provide maximum impact in our fight for equality and the lives of LGBT Californians.

To this end, we've significantly increased the size and capacity of our field staff and this talented team has been hitting the streets and phones every day to ready us for potential 2012 ballot attacks and electoral work, as well as to identify 25,000 new supporters of marriage equality.

This end-of-year recap is intended to share with you some of Equality California's 2011 accomplishments and to touch on the groundwork we have conducted in anticipation of fulfilling ambitious plans in 2012.

Sincerely,



Clarissa Filgioun, Equality California Board President



Cary Davidson, Equality California Institute Board President

“Once again, California is at the forefront of change that is shaping the lives of all lesbian, gay, bisexual, and transgender residents across the state, thanks in large part to the work of Equality California and legislative and coalition partners who have been working together for years to achieve equality and justice for our community. Together, they transformed the state into the nation's leading trailblazer for LGBT equality—becoming a model for other states across the country.

*-Kate Kendell, Esq.
National Center for Lesbian Rights Executive Director*

PURSUING OUR MISSION

Recognizing the tough economic times, in 2011 we evaluated priorities and refocused our efforts and staffing to best support long-term movement initiatives to achieve equality, while at the same time focusing on the work ahead in California in the upcoming election year. We began by revisiting and recommitting to our mission and our role in the LGBT equality movement:

LEGISLATIVE REFORM. Equality California sponsors legislation, lobbies elected officials and advocates for passage of critical pro-LGBT equality reforms. And we ensure that after laws are enacted, they are implemented fairly and enforced fearlessly.

ELECTORAL ADVOCACY. We support pro-LGBT equality candidates and elected officials and protect a pro-LGBT equality majority in the California legislature.

BUILDING POLITICAL POWER. We engage fellow Californians to participate in the political process with a goal of achieving LGBT equality in every corner of our state.

PUBLIC EDUCATION. We execute aggressive public education campaigns designed to shift public opinion in favor of issues related to LGBT equality and to increase overall societal acceptance of LGBT people.

ACCOMPLISHMENTS

HOW DOES THIS MISSION TRANSLATE TO REAL-WORLD SUCCESS?

- In 2011, we succeeded in sponsoring 12 pro-LGBT equality bills in the state legislature on issues ranging from bullying to anti-discrimination to domestic partnerships and family protections—ten of which are now California law. Some, like our landmark FAIR Education Act, which adds LGBT people to the diverse groups included in California social studies classes, are the first of their kind in the nation. It's the most comprehensive legislative package advanced since EQCA's founding and means that we have worked with coalition and legislative partners to, in total over the last ten years, successfully sponsor more than 85 pieces of legislation—more than all other states combined.
- During Election 2010, we worked to help elect an unprecedented number of pro-equality candidates to statewide offices and a record-seven openly LGBT members of the California Legislature, the largest percentage of openly LGBT legislators of any state in the nation. In addition, we worked, together with other pro-equality groups, to help defeat Prop. 8 author Andy Pugno, who was running for the California Assembly against staunch LGBT ally, Dr. Richard Pan.

- Together with Lambda Legal and the National Center for Lesbian Rights, Equality California continues to participate in the Perry v. Brown challenge to Proposition 8 and monitor legal developments that have the potential to impact marriage equality in California.
- In the past few months, we have ramped up the activities of our field teams in Los Angeles, San Francisco and the Inland Empire. In November and December alone, these staffers connected with more than 8,000 Californians in communities ranging from West Hollywood and Pasadena to Glendale and Tarzana. And more than half of those engaged in conversations said “Yes”—YES I will volunteer, YES I will make a financial contribution, YES I want my name added to your list of active supporters. Through this work, Equality California is building the biggest list of pro-equality supporters in California who can be called to action to push for a bill, to volunteer for a candidate, defend against anti-equality attacks at the ballot and change hearts and minds.
- We engaged Amy Simon, one of the foremost public opinion researchers on LGBT issues in the nation, to conduct advanced public opinion research on marriage equality in California, testing and analyzing dozens of core beliefs about LGBT people, and developed an innovative “comfort index” of the specific core beliefs that actually drive support or opposition to marriage equality, which will significantly bolster our ability to build support for the freedom to marry and combat our opponents' anti-equality messages.
- Latino/a voters now make up more than 25%—2.2 million—of the voting population of California. Understanding the power of this demographic to shape California and to impact our efforts to achieve equality, we launched a Latino/a pilot project to test the most effective ways to engage Latino/as on issues of LGBT acceptance and marriage equality and build an effective model for this work going forward.

“We made history this year by becoming the first state to ensure that our textbooks and instructional materials no longer exclude the contributions of LGBT Americans. The FAIR Education Act gives our young people a more accurate and complete view of the world around them while helping to foster safe and welcoming school environments for all students.”

- Mark Leno
California State Senator

WINNING BACK MARRIAGE EQUALITY

As 2011 winds to a close, it is important to revisit the issue of marriage equality and the approach Equality California and leading coalition partners have taken with both short- and long-term interests of the LGBT community in mind.

In 2009, we anticipated that 2012 would provide our best opportunity in the near term to overturn Proposition 8 at the ballot. However, based on our analysis of public opinion and the significant challenges of the current political and economic climate, we concluded in fall 2011 that more work must be done and announced that we will not lead an effort to return to the ballot in 2012.

This was a difficult decision. Every day that LGBT Californians are denied the freedom to marry the person they love, same-sex couples and their families continue to experience real harm and discrimination. It's wrong and correcting that wrong is a fundamental part of our movement. Therefore, it's incumbent upon us to plot a responsible, thoughtful and strategic path to permanently restore the freedom to marry.

As we considered whether to go back to the ballot, we examined a number of factors, including input from supporters and movement leaders, the current political climate, other potential ballot measures that could impact a marriage campaign, whether a campaign could secure the necessary funding, the capacity of the movement to execute a campaign, current public support for marriage in California, the risks and impact of a potential ballot measure loss, the Perry v. Brown legal challenge to Proposition 8 and many more factors.



In 2009, we knew that one critical threshold for returning to the ballot in 2012 would be whether our movement could increase public support for marriage equality by at least 5%—a change most experts believed was the minimum support level necessary to win. There is some good news: the intensity of opposition to marriage equality has softened due to the hard work of our movement to change hearts and minds over the past three years. However, even with the progress we have made, the research clearly indicates that support for marriage equality would likely not withstand our opponents' relentless exploitation of myths about LGBT equality harming kids in a campaign context. Overall, support for full marriage equality continues to hover near, or just above, 50 percent. While we have gleaned new insights about how to make inroads with persuadable voters, we could not win without access to significant funding; the cost of a campaign could exceed \$40 million. Ultimately, the struggling economy, limited movement resources and a complicated 2012 political climate have created an environment that is considerably less favorable to a campaign to overturn Proposition 8 and significantly increases the risk of loss.

Losing again on marriage equality in California would deal another emotionally devastating blow to LGBT people and the strength of our movement—in California and nationally. A loss could create a chilling effect on efforts to pass other pro-LGBT equality legislation. It could also embolden our opposition to try to roll back other hard-won rights and protections across the state and country.

In addition, the Perry v. Brown legal challenge to Proposition 8 has provided hope that the freedom to marry can be restored in California and create a legal precedent to protect marriage without the potential risks and expense of a multi-million dollar campaign in these very trying economic times.

Equality California, together with our coalition partners, will continue to monitor the political climate, public opinion and legal developments and do the critical movement building and public education work necessary to win at the ballot should the courts fail to do their job.

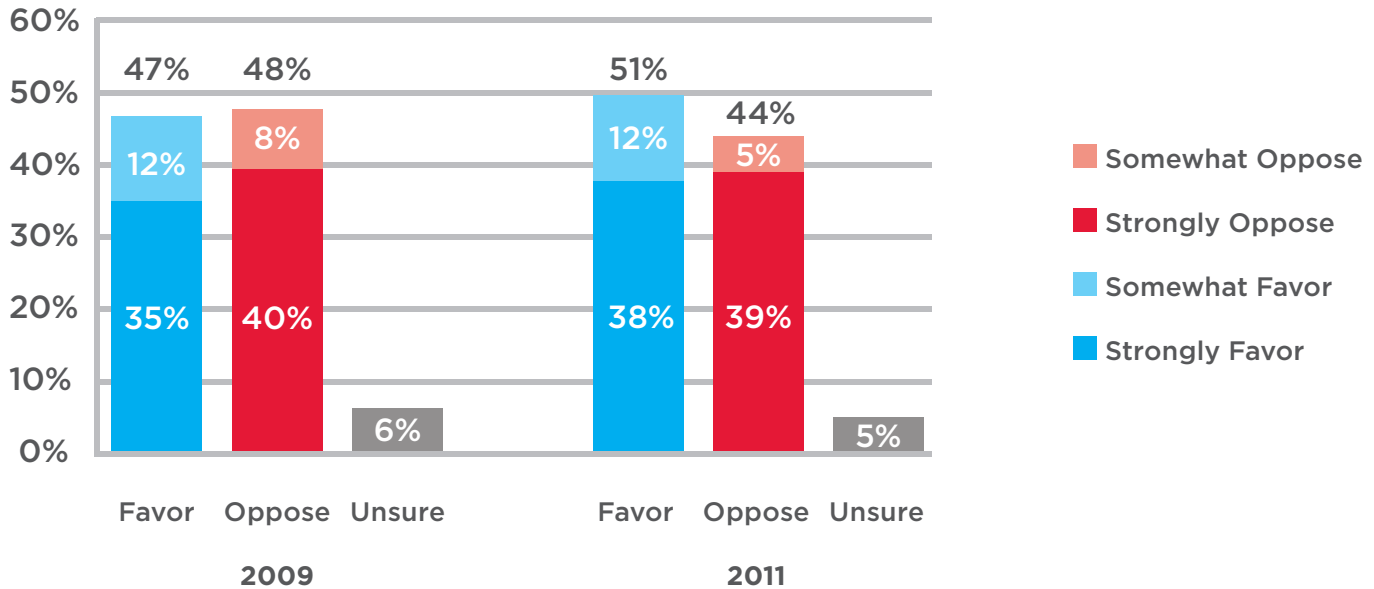
“With a challenge to Prop. 8’s discrimination now before the courts, Freedom to Marry supports Equality California’s decision to forego a ballot campaign in 2012. Freedom to Marry will continue to work with Equality California and our many other partners to engage Californians in the crucial conversations necessary to grow the pro-marriage majority and permanently restore the freedom to marry in California as soon as possible.”

- Evan Wolfson,
Founder and President of Freedom to Marry

STATEWIDE SURVEY FINDINGS ON SUPPORT FOR LEGAL MARRIAGE FOR SAME-SEX COUPLES

PUBLIC OPINION ON MARRIAGE EQUALITY OVER TIME

Do you favor or oppose allowing same-sex couples to be legally married?



KEY FINDINGS

Our September 2011 survey of likely November 2012 California voters shows that a narrow majority of likely voters (51%) support legal marriage for same-sex couples, while 44 percent oppose it. Intensity of strong support or strong opposition is the same (38% strongly favor, 39% strongly oppose), while there is more soft support for legal marriage (12%) than soft opposition (5%).

These September 2011 survey results show an increase in support for legal same-sex marriage among likely California voters of four points, compared with the level of support we measured in a May 2009 survey of 1,794 likely November 2012 voters. In that survey, opposition (48%) narrowly outweighed support (47%).

While progress has been made in those intervening months, support does not yet appear to be sufficiently high enough to provide a solid opportunity for a successful ballot measure campaign on same-sex marriage in California.

Analyzing polling data and election outcomes from past campaigns on legal same-sex marriage, it appears that an effective opposition advertising campaign can drive down initial levels of support for same-sex marriage by about four percentage points from its initial, pre-campaign advertising, level. Thus, it appears that initial support for legal same-sex marriage should be closer to the mid-50s among likely voters in order to be able to confidently embark on a winning campaign to secure marriage equality at the ballot box.

METHODOLOGY

The 2011 findings are based on a live interviewer telephone survey of 602 likely November 2012 voters in California, conducted September 12-15, 2011 by Goodwin Simon Strategic Research. Interviews were conducted in English and Spanish. The sample included cell-phones and landlines and has a margin of error of +/- 4.0%.

The 2009 findings are based on a live interviewer telephone survey of 1,794 likely November 2012 voters in California, conducted May 9-16, 2009 by Goodwin Simon Strategic Research and David Binder Research. Interviews were conducted in English, Spanish, Cantonese and Mandarin. The sample included cell-phones and landlines and has a margin of error of +/- 2.8%.

Please note that due to rounding, the sum of two numbers may appear to be one point greater or less than the sum of its parts.

THE WORK AHEAD

Our plans for 2012 include protecting our pro-LGBT equality legislative majority, responding to challenges to California's breakthrough FAIR Education Act, launching a cutting edge public education campaign and advancing a strategic and focused legislative package — all of which build on the achievements of 2011. Through these efforts we also will continue our support for marriage equality. Equality California has made the strategic decision not to go back to the ballot in 2012, but that does not mean we are taking the year off. Instead, we will focus on overcoming the psychological, cultural and emotional triggers around lesbian, gay, bisexual and transgender people and kids that continue to impede our fight for equality at the ballot box, in the legislature, before the courts and in our efforts to change hearts and minds.

DEFENDING THE FAIR EDUCATION ACT

Extreme anti-LGBT forces have seized our successes and are now mobilizing to put initiatives on the November ballot not only to attack LGBT people, but to eviscerate the FAIR Education Act. Their plan is not only to overturn it, but to eliminate the inclusion requirement for ALL underrepresented groups. Opponents failed in an earlier attempt to place a referendum before California voters, but now, if deep-pocketed anti-LGBT groups put their resources behind this effort, an anti-equality initiative is significantly more likely to qualify for the ballot.

In addition, opponents of equality are likely to attack the FAIR Education Act at every step of its implementation, using it to develop an even larger, more engaged anti-equality force.

We also expect that should they win in California, they will export this type of initiative to other states and ignite a new nationwide, state-by-state attack on LGBT people similar to those on marriage equality, this time using schools as the battleground.

PROTECTING OUR PRO-EQUALITY MAJORITY

California has one of the most progressive, pro-equality legislative majorities in the nation. But because of the current political climate, redistricting and open primaries, it's estimated that as many as half of all sitting legislators could lose their seats. This would severely jeopardize our ability to advance and protect LGBT equality in California so working to elect pro-equality candidates and support those who have stood with us is a critical piece of work for 2012.

THE BREAKTHROUGH CONVERSATION

In the electoral arena, we can count on our opponents to exploit the ugly, unfounded myth that LGBT equality harms kids.



For decades, this storyline has been an unyielding barrier in our fight for equality, whether the issue is safe schools, anti-discrimination laws or marriage equality.

In the past, we didn't have the tools to effectively counteract these messages. But since 2008, organizations and think tanks across the country have invested nearly \$1 million into research to dig deeper and find ways to counter these ugly scare tactics and we are now on the verge of breaking through this barrier. In 2012, we're embarking on the nation's most sophisticated and aggressive program to undercut and defuse the "harms kids" attack line. Groundbreaking research by political and psychological researchers will inform a broad-based, statewide effort that includes media tools, innovative organizing, field testing and intensive trainings of movement leaders.

Already, nearly 20 groups have aligned behind this campaign and the Evelyn and Walter Haas Jr. Fund has dedicated all of its 2012 California resources to EQCA and partner organizations working on the project. Why? Because this cutting-edge campaign has the potential to be a fundamental game-changer in our movement and could serve as a national model for change.



The logo consists of the letters 'EQ' in a bold, white, sans-serif font, centered on a solid red square background.The logo consists of the letters 'CA' in a bold, white, sans-serif font, centered on a solid orange square background. A small 'TM' trademark symbol is located in the bottom right corner of the orange square.

ABOUT EQUALITY CALIFORNIA

Founded in 1998, Equality California has strategically moved California from a state with extremely limited legal protections for lesbian, gay, bisexual and transgender individuals to a state with some of the most comprehensive civil rights protections in the nation.

IMPROVING THE LIVES OF LGBT CALIFORNIANS

Equality California works to achieve equality and secure legal protections for LGBT people. To improve the lives of LGBT Californians, Equality California sponsors legislation and coordinates efforts to ensure its passage, lobbies legislators and other policy makers, builds coalitions, develops community strength and empowers individuals and other organizations to engage in the political process. Equality California links its members directly with their elected officials by holding annual lobby days in Sacramento and organizing in-district lobbying meetings.

CREATING A STRONG CALIFORNIA

Equality California has successfully sponsored more than 85 pieces of legislation to advance the rights of the LGBT people in California. Working in partnership with California's LGBT Legislative Caucus, Equality California is committed to building a better future for all Californians by protecting youth, strengthening families and empowering communities. Each year at the Capitol, Equality California monitors hundreds of bills and leads efforts to defeat legislation that could have a negative impact on LGBT Californians and their families.

DEFENDING LGBT RIGHTS & PROTECTIONS

Equality California, represented by our community's legal organizations and pro-bono counsel, has been a party to key lawsuits on behalf of its members including the historic case before the California Supreme Court striking down state law that barred same-sex couples from marriage. Equality California also submitted amicus briefs supporting the federal challenge of Prop 8. In addition, Equality California has participated in cases defending California's domestic partnership laws and safe schools protections for LGBT youth.

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