



EMINENT THREAT?

AN ANALYSIS OF CONTRIBUTIONS TO PROPERTY-
RIGHTS BALLOT MEASURES, 2006

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OVERVIEW

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

The 13 property-rights measures, which were on more ballots than any other issue in 2006,¹ attracted \$29.5 million in contributions, 70 percent of which was raised by the opponents. California's battle was by far the most expensive — the \$18.2 million raised around Proposition 90 accounted for 61 percent of the total raised around all 13 measures.

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

CONTRIBUTIONS TO PROPERTY-RIGHTS BALLOT COMMITTEES, 2006

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

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

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

Seven measures also included regulatory-takings language — requiring that a property owner be entitled to compensation by government if the value of a person's property is reduced by the enactment of a state or local law. These measures met with mixed results, passing by comfortable

¹ "Property Rights Issues on the 2006 Ballot," *National Conference of State Legislatures*, Nov. 12, 2006 [online]; available from http://www.ncsl.org/statevote/prop_rights_06.htm; Internet; accessed May 21, 2007.

margins in Arizona, Florida, Louisiana and Michigan, but rejected by voters in California, Idaho and Washington.

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

HOWARD RICH GROUPS BANKROLL THE MEASURES

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

These groups were:

- **Americans For Limited Government**, chaired by Rich² and based in Illinois, was the second largest donor overall, giving \$2.65 million to support the measures in five states.
- **Fund For Democracy**, based in New York City and headed by Rich. The Fund provided seed money to state initiative campaigns,³ giving \$1.77 million to support the measures in three western states.
- **Montanans in Action**, supported by Rich's America At Its Best,⁴ gave \$600,000 to support California's eminent domain measure.
- **America At Its Best** gave \$585,000 to the measures in Idaho and North Dakota. Although the organization lists a Montana address, it is primarily funded by organizations associated with Rich, according to reports the organization filed with the Nebraska Accountability and Disclosure Commission.
- **Club for Growth State Action**, headed by Rich⁵ and also housed in the same office in Illinois as Americans For Limited Government and America At Its Best, gave \$220,000 to the measures in Arizona and California. The national arm, **Club For Growth**, out of Washington, D.C., gave another \$100,000.
- **Colorado At Its Best**, an affiliate of America At Its Best in Golden, Colo., gave \$50,000 to the Colorado measure.
- Two **Stop Over Spending** committees, one based in Michigan and the other in Nebraska, gave a total of \$34,000 in Idaho. Both groups were

² *Americans For Limited Government* [on-line], available from <http://www.getliberty.org/people/hrich.php>; Internet; accessed April 9, 2007.

³Ibid.

⁴ "America At Its Best-Groups We Support," *America At Its Best* [on-line]; available from http://www.americaatitsbest.org/who_we_support1.html; Internet; accessed June 6, 2007.

⁵ *Americans for Limited Government* [on-line]; available from <http://www.getliberty.org/people/hrich.php>; Internet; accessed April 9, 2007.

funded almost entirely by Rich's America At Its Best, according to campaign finance reports filed with the state disclosure agencies.

- **Tax and Spending Control for Nevada** was bankrolled by Rich's Americans For Limited Government, according to campaign finance reports filed with the Secretary of State's office in Nevada.
- **U.S. Term Limits**, founded by Rich,⁶ gave \$5,000 in New Hampshire.

HOWARD RICH GROUPS' CONTRIBUTIONS, 2006

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

MAJOR CONTRIBUTORS

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

⁶ *Americans For Limited Government* [on-line], available from <http://www.getliberty.org/people/hrich.php>; Internet; accessed April 9, 2007.

TOP CONTRIBUTORS TO PROPERTY RIGHTS COMMITTEES, 2006

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

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

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

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

Labor organizations provided \$2.1 million to defeat the measures, mostly in California, where they gave \$1.8 million. Three labor donors were responsible for 75 percent of all the labor money: the California State Building and Construction Trades Council, which gave \$1 million to the No On 90 - Californians Against The Taxpayers Trap; the California State Council of Service

Employees, which gave \$400,000 to the No On 90, Conservationists For Taxpayer Protection; and the California Teachers Association, which contributed \$250,000 to the same committee.

Several donors gave to committees in multiple states, focusing primarily on five western states. Although dominated by Howard Rich groups and environmental organizations, one individual contributor did give across state lines. Paul Brainerd, founder of the Aldus software company and current president of the Brainerd Foundation, is now “a philanthropist promoting environmental stewardship.”⁷

MAJOR CONTRIBUTORS GIVING ACROSS STATE LINES, 2006

CONTRIBUTOR	STATE	POSITION	TOTAL
Americans For Limited Government	Arizona	For	\$1,117,000
	California	For	\$1,000,000
	Washington	For	\$360,000
	Nevada	For	\$168,778
	New Hampshire	For	\$5,000
TOTAL			\$2,650,778
The Nature Conservancy	California	Against	\$1,164,245
	Washington	Against	\$549,744
	Idaho	Against	\$150,500
TOTAL			\$1,864,489
Fund For Democracy	California	For	\$1,500,000
	Idaho	For	\$237,000
	Arizona	For	\$34,500
TOTAL			\$1,771,500
America At Its Best	Idaho	For	\$575,000
	North Dakota	For	\$10,000
TOTAL			\$585,000
Club For Growth	California	For	\$220,000
	Arizona	For	\$100,000
TOTAL			\$320,000
Brainerd, Paul	Washington	Against	\$150,000
	Idaho	Against	\$20,000
TOTAL			\$320,000
Defenders of Wildlife	Arizona	Against	\$25,000
	Washington	Against	\$25,000
	California	Against	\$20,000
	Idaho	Against	\$50
TOTAL			\$70,050
Partnership Project Inc.	Arizona	Against	\$33,786
	California	Against	\$20,000
	Idaho	Against	\$929
TOTAL			\$54,715

⁷ “Origins,” *The Brainerd Foundation* [on-line]; available from <http://www.brainerd.org/about/origins.php>; Internet; accessed May 18, 2007.

OUT-OF-STATE DONORS

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

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

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

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

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

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

A CLOSER LOOK AT THE MEASURES

ARIZONA

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

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

CONTRIBUTIONS TO ARIZONA'S PROPOSITION 207, 2006

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

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

The opposing committee, Protecting Arizona Taxpayers Coalition, raised \$436,119, less than one-fourth the funds raised by the proponent committee. Two major donors provided 57 percent of the opposition's total — Valley Partnership, a real estate organization that "advocates responsible development,"⁸ provided \$150,000 and the Sonoran Institute, a nonprofit conservation organization, gave \$101,000.

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

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

CALIFORNIA

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

⁸ *Valley Partnership* [on-line], available from <http://www.valleypartnership.org/>; Internet; accessed April 23, 2007.

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

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

CONTRIBUTIONS TO CALIFORNIA'S PROPOSITION 90, 2006

PROPONENTS		TOTAL
Protect Our Homes Coalition		\$3,878,880
Central California For Yes On Proposition 90		\$6,352
	TOTAL	\$3,885,232
OPPONENTS		
No On 90 - Californians Against The Taxpayers Trap ⁹		\$12,409,493
No On 90 - Conservationists For Taxpayer Protection		\$1,899,021
Citizens For Responsible Elections*		\$30,000
	TOTAL	\$14,338,514
	OVERALL TOTAL	\$18,223,746

* Involved in 13 2006 ballot measures.

The main committee in favor of the measure, the Protect Our Homes Coalition, was bankrolled almost entirely by groups affiliated with Howard Rich. Rich's groups provided 87 percent of the money raised by the committee. Rich got involved in the California measure when Republican State Rep. Mimi Walters sought his financial help after legislation she authored earlier in the year died.¹⁰

Another major donor was Fieldstead & Co., which gave \$213,908. Howard Ahmanson, a California millionaire known for his support of evangelical Christian conservative causes, runs this private philanthropic organization.¹¹

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

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

⁹ The No On 90 - Conservationists For Taxpayer Protection committee gave \$1,625,000 to this committee, making it likely the amount was in the disclosure reports twice.

¹⁰ Jim Morris and Josh Israel, "A Get-Rich-Quick Story," *Center For Public Integrity*, Oct. 6, 2006 [on-line]; available from http://www.takingsinitiatives.org/index.php?option=com_content&task=view&id=125&Itemid=45; Internet; accessed April 24, 2007.

¹¹ Scott Stephens, "Heir Spends Family Fortune to Discredit Evolution," *The Plain Dealer* [newspaper on-line]; available from <http://www.cleveland.com/debate/index.ssf?/debate/more/1040639430179810.html>; Internet; accessed May 22, 2007.

Although proponents faced defeat in both fund raising and the voting booth in 2006, they were not deterred, according to Kevin Spillane, a campaign consultant for Proposition 90. “The bottom line is we’re going to be back better funded and stronger than before,” Spillane said.¹²

FLORIDA

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

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

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

IDAHO

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

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

CONTRIBUTIONS TO IDAHO’S PROPOSITION 2, 2006

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

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

¹² Judith C. Wolff, “Eminent Domain Restrictions in the Aftermath of Kelo: Will Proposition 90 Rise From the Ashes?,” *Continuing Education for the Bar* [on-line]; available from <http://ceb.com/newsletterv20/4PropertyTax.asp>; Internet; accessed May 1, 2007.

Three other large donors gave \$100,000 or more: Republican State Sen. Brad Little and John O'Connor of the Idaho Conservation League each gave \$150,000, and Clark Development — a real estate development company headed by Bill Clark, a board member of the Idaho Smart Growth organization — gave \$100,000.¹³

MICHIGAN

Michigan's eminent domain measure, Proposal 06-4, was put on the ballot when the Legislature approved Senate Joint Resolution E in December 2005 after weeks of discussion following the Kelo decision.¹⁴

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

The Prime Housing Group, which offers rental apartments close to Michigan State University,¹⁵ also formed as a ballot measure committee and provided \$2,204 worth of yard signs in support of the measure.

CONTRIBUTIONS TO MICHIGAN'S PROPOSAL 06-4, 2006

PROPONENTS	TOTAL
Protect Our Property Rights	\$375,748
Prime Housing Group	\$2,204
TOTAL	\$377,952

NEVADA

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

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

¹³ "About Idaho Smart Growth," *Idaho Smarth Growth* [on-line]; available from <http://www.idahosmartgrowth.org/about.htm#board>; Internet; accessed May 22, 2007.

¹⁴ "Statewide Ballot Proposals, 2006," *Michigan State University Extension* [on-line]; available from <http://web1.msue.msu.edu/slg/materials/2006Ballot%20FINAL%20VERSION.pdf>; Internet; accessed May 11, 2007.

¹⁵ *Prime Housing Group* [on-line]; available from <http://www.primehousinggroup.com/>; Internet, accessed June 9, 2007.

Three individuals gave in support of the measure. Kermitt Waters of Las Vegas, gave \$51,000. As a lawyer working in part on eminent domain issues,¹⁶ Waters stood to gain substantial business if the measure passed.

Don Chairez, who ran an unsuccessful campaign for attorney general in 2006, was another major supporter of the initiative. In addition to the \$8,300 he gave to PISTOL, Chairez co-authored the measure.¹⁷ As a local judge, Chairez had earlier ruled against the city of Las Vegas in its attempt to take private property for purposes of re-development.¹⁸ The Nevada Supreme Court later reversed his ruling.

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

CONTRIBUTIONS TO NEVADA’S QUESTION 2, 2006

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

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

Nevadans For Nevada, “a coalition representing fire fighters and police, teachers, nurses, seniors and others,”¹⁹ fought both the eminent domain measure as well as the Tax and Spend Control measure (TASC), which was stripped from the ballot by the state Supreme Court in early September. Three-fourths of the money raised by Nevadans For Nevada, \$500,085, came from Nevada Tomorrow, a committee that organized to fight the TASC measure.

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

¹⁶ “Property Bill of Rights,” *People’s Initiative to Stop the Taking of Our Land* [on-line]; available from www.propertybillofrights.com/who.html; accessed June 20, 2007.

¹⁷ “Protecting Property Rights,” *Don Chairez for Attorney General* [on-line]; available from <http://www.chairez.com/protecting-property-rights.php>; Internet; accessed May 16, 2007.

¹⁸ *Ibid.*

¹⁹ Brendan Riley, “Nevada Court Reviews Ballot Question Hearings,” *Las Vegas Sun* [newspaper on-line], Aug. 23, 2006; available from <http://www.lasvegassun.com/sunbin/stories/text/2006/aug/23/082310253.html>; Internet, accessed May 17, 2007.

removed the regulatory takings provision but allowed the eminent domain provision to remain on the ballot as Question 3.²⁰

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

NEW HAMPSHIRE

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

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

NORTH DAKOTA

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

The Citizens to Restrict Eminent Domain (C-RED) raised \$13,325 in support of the measure. Although C-RED describes itself as a "committee comprised of people of many backgrounds and political beliefs,"²¹ the funds raised came almost exclusively from Rich's America At Its Best, which gave \$10,000, or three-fourths of the money raised. The Landowners Association of North Dakota and the North Dakota Farm Bureau gave \$2,000 and \$1,000 respectively. One individual, James Berg of Starkweather, gave \$200.

No committees formed in opposition to the measure.

OREGON

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

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

²⁰ "Regulatory Takings Ballot Measures Across America," *American Planning Association* [on-line]; available from <http://www.planning.org/legislation/measure37/index.htm?project=Print>; Internet; accessed May 17, 2007.

²¹ "What is C-RED?," *Citizens to Restrict Eminent Domain* [on-line]; available from http://c-red.org/About/About_C-RED.htm; Internet; accessed May 11, 2007.

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

CONTRIBUTIONS TO OREGON'S MEASURE 39, 2006

PROPOSERS	TOTAL
Neighbors Helping Neighbors	\$163,478
Parents Education Association	\$34,154
TOTAL	\$197,633

WASHINGTON

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

I-933 was written by the Washington Farm Bureau because "our members are finding it increasingly difficult to remain in business due to no-touch buffers, habitat set asides and other land use regulations limiting their ability to responsibly farm their land."²² The Bureau's committee, the Property Fairness Coalition, raised nearly \$1.3 million in support of the measure, half of which — \$638,626 — came from the Washington Farm Bureau and local affiliates. The other major funder was Howard Rich's Americans For Limited Government, which gave six contributions totaling \$360,000.

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

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

CONTRIBUTIONS TO WASHINGTON'S I-933, 2006

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

²² "Vote Yes on Initiative 933," *Washington Farm Bureau* [on-line]; available from <http://www.propertyfairness.com/933learn.htm>; Internet; accessed May 18, 2007.

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

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

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

- Paul Brainerd contributed \$150,000. Founder of the Aldus software company and current president of the Brainerd Foundation, Brainerd is now “a philanthropist promoting environmental stewardship.” Brainerd gave an additional \$20,000 to the opposition group in Idaho, Neighbors Protecting Idaho.
- Mary Anne Tagney-Jones, active on environmental issues in the state of Washington for the past 20 years,²³ gave \$100,000.
- George Russell, Jr., chairman emeritus of the Russell Investment Group,²⁴ gave \$100,000.
- G. James Roush, who is on the National Advisory Council of the Sierra Club Foundation,²⁵ gave \$100,000.

Although proponents were defeated at the ballot box last November, they have vowed to return, albeit using a different tactic, as indicated on the Washington Farm Bureau’s Property Fairness Web site, “We may not have won at the ballot box, but this fight isn't over! We have set the stage for legislative efforts to fix the problems that the governor, major newspapers and even our opponents agreed are hurting this state's private property owners.”²⁶

²³ “Board Bios,” *Cascade Land Conservancy* [on-line]; available from <http://www.cascadeland.org/about-clc/board/board-bios>; Internet; accessed May 18, 2007.

²⁴ “Executive Staff Profiles,” *Russell Investment Group* [on-line]; available from http://www.russell.com/nz/About_Russell/Corporate_Info/Executive_Staff/International_Exec_Staff.asp; Internet; accessed May 18, 2007.

²⁵ *The Sierra Club Foundation* [on-line]; available from <http://www.sierraclub.org/foundation/inside/nac.asp>; Internet; accessed May 18, 2007.

²⁶ *Vote Yes on 933* [on-line]; available from <http://www.propertyfairness.com/>; Internet; accessed May 17, 2007.