

Despite Fear of Harassment From Gays, Proposition 8 Donors Lose Bid for Anonymity

Political donors who gave money to support California's ballot measure outlawing **same-sex marriage** cannot be exempted from campaign finance disclosure laws over fears they may be harassed by gay rights activists, a federal appeals court has ruled.

California law requires that all campaign contributions of \$100 or more be made public online and in hard-copy form through the state elections office, along with each donor's address, occupation and employer.

But proponents of **Proposition 8**, the voter-approved state constitutional amendment that banned same-sex marriage until it was struck down in federal court last year, argued in a lawsuit that some donors to the ballot measure's campaign were victims of threats and intimidation stemming from their contributions.

They sought to have Prop 8 donors purged from state campaign records and to be exempted from any contribution disclosures opposing gay marriage in the future.

In a 2-1 opinion on Tuesday, a three-judge panel of the 9th U.S. Circuit Court of Appeals upheld a district judge's dismissal of the lawsuit, finding that campaign disclosure laws are necessary to maintain financial transparency in elections.

Once information is made public, it cannot be made secret again, the San Francisco-based appellate panel ruled. It also rejected their claims to be exempted from any future campaigns.

“Appellants have not offered any information regarding when they may next support a campaign opposing same-sex marriage, what type of campaign they will support, where they will support it, what their involvement will entail, or whether their donors will likely face personal harassment,” said Circuit Judge Milan Smith wrote the court’s majority opinion. “These hypothetical plans and fears do not create an immediate threat of self-censorship.”

Circuit Judge J. Clifford Wallace dissented, saying that the court could order the state to purge previous records and exempt future disclosures given the risk of harassment.

John Eastman, chairman of the National Organization for Marriage, one of the groups behind the lawsuit, said the ruling leaves political supporters of traditional marriage vulnerable to harassment.

“We will continue to fight for **traditional marriage** and for the right of our donors not to have to subject themselves or their families to risks of harm and retaliation merely for helping to protect marriage,” he said in a statement.

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