

MESSAGING MEMORANDUM

From: Andrew Hayes for Assembly

Date: January 29, 2024

Subject: Messaging in California's 75th Assembly District

In California's 75th Assembly District, polling indicates that contrast messaging on Carl DeMaio and positive messaging on Andrew Hayes transforms the race, resulting in a victory for Andrew Hayes.

Specifically, the voters of AD-75 need to know the following:

Republican voters

Republicans should hear the following:

Andrew Hayes is a Conservative

- **Positive:** Andrew Hayes is the only candidate endorsed by the Republican Party of San Diego County because Hayes backs Trump for President, will build a wall, and supports passing the largest tax cut in CA history.
- **Positive:** Andrew Hayes will stand up to Gavin Newsom and the liberal career politicians in Sacramento. He'll be a common-sense conservative check on their power.

Parents' Rights

- **Positive:** Andrew Hayes would prohibit biological boys who declare themselves trans girls to play in youth girl sports because it would destroy the ability for girls to compete fairly and safely in youth athletics.
- **Positive:** As School Board President, Hayes has championed a *Parents Bill of Rights* that would require parental notification of their children's transitioning and allow parents to restrict access to sexually explicit materials in school.
- **Negative:** Carl DeMaio supports a radical transgender agenda. He would allow men calling themselves women to use women's restrooms at your daughter's school and at your office. DeMaio would force parents to let children pick their own gender.¹

¹ DeMaio stated his support for the "Fairness for All Act" at a debate hosted by the San Diego Regional Chamber of Commerce on February 7, 2020. The controversial Congressional legislation was titled H.R. 5331. While it stalled in committee due to its controversial nature, the bill would "codify a radical gender ideology" and, under it, "parents would be forced to affirm transgender ideology" according to the *Alliance Defending Freedom*.

Information on the debate can be found here: <https://www.sandiegouniontribune.com/news/politics/story/2020-02-07/50th-debate>.

DeMaio's support is voiced at 50:48 at this video <https://www.youtube.com/live/f6clFOHToHk?si=Xm78jeREj7sPrQlz&t=3048>

Information on the "Fairness for All Act" can be found here:

<https://adfmedia.org/press-release/adf-equality-act-profoundly-intolerant-deceptively-named>

<https://www.baptistpress.com/resource-library/news/fairness-for-all-act-draws-opposition-from-both-sides/>

https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1002&context=jleg_blog

<https://www.christianpost.com/news/evangelical-leader-slams-rnc-chair-for-promoting-pride-month.html>

Border Security/Sanctuary City

- **Positive:** Andrew Hayes opposes illegal immigration and will fight to secure our border. If elected to the State legislature, Hayes has a plan to fill the gaps in California's border wall and equip law enforcement to stop the release of thousands of illegal immigrants into San Diego County each month.
- **Negative:** Carl DeMaio supports San Diego being a Sanctuary City for illegal immigrants. He says "it's not the job of police to enforce immigration law." DeMaio says he would give illegals citizenship.²
- **Negative:** The National Border Patrol Union has opposed Carl DeMaio because DeMaio supports amnesty, sanctuary cities, and citizenship for illegals. Additionally, DeMaio would strip law enforcement of their retirement benefits, undermining their ability to enforce our laws and keep us safe.³

Never Trumper

- **Negative:** Carl DeMaio has been a Never Trumper who once said "Donald Trump is a disgusting pig."⁴ He also has called Donald Trump "unpopular, rude, crude, and unattractive." DeMaio was caught saying "my job isn't to support Donald Trump."

Darrell Issa

- **Negative:** Congressman Darrell Issa opposes Carl DeMaio because DeMaio has been a Never Trumper who supports open borders and defunding the police.⁵

Darrell Issa's opposition to Carl DeMaio is an important validator among Republicans. Conservative talk radio listeners should hear that Darrell Issa and the Republican Party of San Diego County oppose Carl DeMaio because of the reasons listed above.

Law enforcement – Republicans should hear the following from law enforcement

- **Positive:** Andrew Hayes will stop the early release of violent felons and lock up repeat offenders.
- **Positive:** Andrew Hayes will fight to stop any future sex offenders from being dumped in our communities and make sure predators are locked up behind bars.

² DeMaio told the *Voice of San Diego* on 11/01/12 that "it's not the job of San Diego police to enforce federal immigration laws."
<https://voiceofsandiego.org/2012/11/02/morning-report-carl-demaio-under-the-microscope/>

In a Dec. 12, 2013, article, *The Hill* reported, "DeMaio said some illegal immigrants should be given a path to citizenship."
<https://thehill.com/blogs/ballot-box/192878-gay-gop-house-candidate-says-party-must-change/>

³ <https://thenationalpulse.com/archive-post/border-patrol-union-endorses-ca-50-congressional-candidate-darrell-issa-one-of-the-biggest-champions-of-border-security/>

<https://www.sandiegouniontribune.com/news/watchdog/sdut-demaio-attacked-over-police-widow-benefits-2012jun01-htmlstory.html>

⁴ <https://twitter.com/carldemaio/status/619276517529546754>

⁵ <https://www.sandigonewsdesk.com/2023/12/congressman-darrell-issa-statement-on-carl-demaio-entry-into-the-race-for-assembly-district-75/>

- **Negative:** Police and Sheriffs strongly oppose Carl DeMaio because he introduced legislation to defund the police and voted against providing death benefits to the families of slain police officers.⁶

Fire Insurance – Republicans should hear the following from firefighters

- **Positive:** Andrew Hayes will fix California’s broken insurance market to ensure homeowners can afford fire insurance and won’t get insurance policies cancelled by their carriers.

Independent voters

Independents are very important, as over 50% of Independent voters in the district are undecided.

Independents should hear the following:

Parents’ Rights

- **Positive:** Andrew Hayes would prohibit biological boys who declare themselves trans girls to play in youth girl sports because it would destroy the ability for girls to compete fairly and safely in youth athletics.
- **Positive:** As School Board President, Hayes has championed a *Parents Bill of Rights* that would require parental notification of their children’s transitioning and allow parents to restrict access to sexually explicit materials in school.
- **Negative:** Carl DeMaio supports a radical transgender agenda. He would allow men calling themselves women to use women’s restrooms at your daughter’s school and at your office. DeMaio would force parents to let children pick their own gender.⁷

Ethics

- **Negative:** Carl DeMaio has been accused of laundering campaign money between outside political committees and his campaign, and not using funds raised as he promises.⁸ Worse, he fundraises by scamming volunteers and retirees who think they are donating to recalls, voter guides and ballot measures, but in reality their money is funneled into DeMaio's campaign account.
- **Negative:** Carl DeMaio’s company made millions off government contracts and then got caught not paying taxes.⁹ Worse, DeMaio was fined by the Ethics Commission for illegally soliciting donations, then tried to cut their budget by 30%.¹⁰ DeMaio spent more tax dollars than all of his colleagues on office expenses. Taxpayers can’t trust Carl DeMaio.

⁶ <https://voiceofsandiego.org/2012/10/30/demaio-and-police-widows-fact-check/>

<https://www.sandiegouniontribune.com/news/watchdog/sdut-demaio-attacked-over-police-widow-benefits-2012jun01-htmlstory.html>

⁷ See footnote 1

⁸ <https://voiceofsandiego.org/2021/04/27/its-a-promote-carl-organization-the-rise-of-reform-california/>

⁹ In 2001, DeMaio’s company, the Performance Institute, was issued a delinquent unemployment tax warrant for failing to pay more than \$1,000 in unemployment tax. According to the Milwaukee County Circuit Court (WI), on Dec. 19, 2001, a delinquent unemployment tax warrant was issued against the Performance Institute of 311 N Washington St Ste 200, Alexandria, VA 22314. According to the court, the lien was issued for \$1,084.40 in tax, \$50 in penalty, \$59.62 in interest and \$20.00 in fees, for a total of \$1,214.02. According to court records, the lien was satisfied and released on May 21, 2002. DWD vs. Performance Institute, Case No. 2001UC004233, Milwaukee County Circuit Court, Dec. 19, 2001.

¹⁰The Union-Tribune reported on DeMaio soliciting fines from city employees and receiving a \$1,500 fine. Two months later, in an Oct. 22, 2008, article, the *San Diego Union-Tribune* reported, “The cuts that City Councilman-elect Carl DeMaio put forth last week for certain city departments cut deepest for one -- the San Diego Ethics Commission.” (Continued on next page’s footnotes)

<https://www.sandiegouniontribune.com/news/politics/sd-me-ethics-violation-20180810-story.html>

Taxes

- **Positive:** Andrew Hayes was a leader in the fight to stop San Diego County's proposed mileage tax. But the fight continues. Sacramento politicians have raised California's gas tax to be the highest in the nation and are considering a statewide mileage tax to further punish California's workers. Andrew Hayes will fight this insanity, and will immediately vote to suspend California's gas tax and oppose all efforts to implement a mileage tax.

Law enforcement – Independents should hear the following from law enforcement

- **Negative:** Police and Sheriffs strongly oppose Carl DeMaio because he introduced legislation to defund the police and voted against providing death benefits to the families of slain police officers.¹¹

Fire Insurance – Independents should hear the following from firefighters

- **Positive:** Andrew Hayes will fix California's broken insurance market to ensure homeowners can afford fire insurance and won't get insurance policies cancelled by their carriers.

Democrat voters

Democrat voters are largely undecided. There is an opportunity for Andrew Hayes to capture Democrat votes with the following messaging.

Democrats should hear the following:

Ethics

- **Negative:** Carl DeMaio has been accused of laundering campaign money between outside political committees and his campaign, and not using funds raised as he promises.¹² Worse, he fundraises by scamming volunteers and retirees who think they are donating to recalls, voter guides and ballot measures, but in reality their money is funneled into DeMaio's campaign account.
- **Negative:** Carl DeMaio's company made millions off government contracts and then got caught not paying taxes. Worse, DeMaio was fined by the Ethics Commission for illegally soliciting donations, then tried to cut their budget by 30%. DeMaio spent more tax dollars than all of his colleagues on office expenses. Taxpayers can't trust Carl DeMaio.¹³

Fire Insurance – Democrats should hear the following from firefighters

- **Positive:** Andrew Hayes will fix California's broken insurance market to ensure homeowners can afford fire insurance and won't get insurance policies cancelled by their carriers.

<https://www.sandiegouniontribune.com/sdut-1m22ethics153131-demaio-targets-ethics-panel-2008oct22-story.html>

¹¹ See footnote 6

¹² <https://voiceofsandiego.org/2021/04/27/its-a-promote-carl-organization-the-rise-of-reform-california/>

¹³ See footnote 9