

A Laypersons Guide to Legislative Advocacy (aka: Lobbying)

Background: In 1990, I had been active in my union, representing employees in State Bargaining Unit 7. (Public Safety and Regulatory Employees) for several years. The newly elected union president asked if I would temporarily become chair of the union's legislative unit. I did so, and my "temporary" appointment lasted thru 1997. Our contract (paid) lobbyist asked if I wanted to "learn the business" as he felt that being in two places at once would be good for the organization. Here's a brief summary of what I learned, and applies generally to both State and Federal, but more specifically to the State:

1. If you aren't getting paid, you don't need to register. Volunteers, even if they are getting expenses, aren't considered professional lobbyists, so don't have to register with the FPPC.
2. When talking to a legislator (or staff) you CANNOT discuss money (campaign contributions) in the State Capitol under any circumstances. You CANNOT discuss money and issues (a bill or bill proposal) in the same conversation, no matter where you are.
3. Committee hearings are mostly theater. Generally, if you don't have your votes lined up before the hearing, you aren't going to get them. There are exceptions, but they're just that, exceptions.
4. Proposed Legislation: If you have a bill idea, put it clearly and as briefly as possible in writing, attach your background supporting material and a list of other organizations who will support it, AND a list of who will or might be opposed. List prior legislation on the subject, if any. After you have all of this, call the office of the legislator you think might carry the bill and make an appointment. Take all your material, including costs, if you have or can project that information, and meet with the staffer (you probably won't meet directly with the legislator) who is in charge of proposed legislation. Be prepared for questions, both positive and negative. Terms of Art (State): Sponsor; Person or group proposing the legislation; Author; legislator carrying the bill. Federal; the Sponsor is the legislator carrying the bill. There are three possible results:
 - A) Legislator agrees to carry (author) the bill: Legislator's office will submit the proposal to the Legislative Counsel's office for drafting of the bill language and the Legislative Counsel's Digest, the summary at the beginning of a printed bill. When it comes back, it will be submitted to the clerk of the appropriate House (put "across the desk") and receive a bill number.
 - B) Legislator is sympathetic, but won't carry the bill, the Legislator might agree to submit the bill to the Legislative Counsel for drafting as an "unbacked" bill. This will get you a proper draft and summary, and buy you time to seek an author to actually carry the bill.
 - C) Legislator won't carry the bill. Back to A), find an author.
5. Advocating For (or Against): You might become alerted to a bill of interest thru the press, one of your members, or just happenstance. I had to check every bill submitted, and the amendments to each to see if they affected the union members. If I thought it might, I'd refer it to the proper affiliate for review. The easiest way to check for bills you'd be interested in is to read the Legislative Counsel's Digest at the beginning of the bill. If that indicates an impact on the group you represent, read the entire bill text, then you can formulate your detailed support or opposition. Keep in mind: It is much easier to kill a bill than to pass one, and not voting is a "No" vote. You must get the minimum number of "Yes" votes to pass, either out of committee or on a floor vote, so if a legislator takes a walk, they are voting "No" without having to go on the record to do so.

There are, generally speaking, 7 chances to kill a bill: Subject Matter committee and Fiscal Committee in each House (2 each), Floor Vote in each House (2), Governor signs or vetoes (1).

The below applies to both Support and Opposition. There are generally 6 levels of activity: Active Support/Support/Support if Amended/Oppose Unless Amended/Oppose/Active Oppose. Then there's Watch.

- A) Support or Oppose (Active): You are going to go all out. Not only write letter(s) and solicit others to do the same, but actively advocate for your position. Gather your facts, write a letter stating your position and send it to the Author and the members of any committee(s) through which the bill must pass. Visit the committee(s) office just prior (one week) to the bill's hearing date and talk to the committee consultant handling the bill. Be polite and NEVER speak an untruth. Know your fact, have materials organized, with copies for the consultant. Be ready to answer questions. Visit the offices of ALL the committee members and do the same thing with whatever staffer is handling the bill you're advocating for/against. Attend the committee hearing and be ready to testify. You might be limited to stating "XYZ organization Supports/Opposes this bill" or you might have a chance to state your case in detail.
- B) Support or Oppose: Write Support or Opposition letter, appear at committee hearings. This is for bills you'd like to see pass or fail. But you have to prioritize your resources, and these just aren't in the top tier of concern.
- C) Support if Amended/Oppose unless Amended: The bill's subject matter affects your group, but maybe not in a vitally important way, and can be improved. You want to improve the bill to make it better for your group, or remove the harmful stuff. In your letter (and handout material if you decide to go active) explain the "why" of your position and how the amendment(s) you propose (and you need to propose one or more) take care of the problem or improve the result of the bill. If you have a friendly legislator on one or more of the committees the bill will pass through, they might be of help by suggesting your amendments as a condition of getting their vote. This position can change to Active Support/Support or Active Oppose/Oppose if necessary.
- D) Watch: This is for bills that potentially can affect your group, but don't so far. You'll need to track them and check every amendment as they move along. Obviously Watch can change to another position depending on what happens during the process.

6. Bill Tracking:

State of California: Generally, I go to the Assembly website (assembly.ca.gov), click on "Find Legislation" under the Your State Assembly tab, and that will take you to the Legislative Information page. Search by bill number is by far the quickest way, but you can search by key word(s) or code section. That can be tedious as you will get either very narrow or very broad search results. You can track a bill and get updates here.

U. S. Congress: I use GovTrack.US. It's a free service and you can look up legislation and House of Representatives and Senate members, voting records and a lot of other U S Government information. Track and get updates from this site.

I hope this is useful for those who are interested in actively tracking or doing advocacy. It's called "Lobbying" because the lobby of the Capital was the only place that advocates could approach legislators to make their case for or against legislation. "In the lobby" evolved into "lobbying", those "in the lobby" into "lobbyist". Dean Rewerts, Chair, Yuba County DCC; North Central Region Director, Rural Caucus.