



HealthVoices

Successful Advocacy at the State Legislature

Part one of a two-part series.

Issue 2, 2012

This brief is designed to provide a direct-from-the-trenches perspective on what every advocate needs to know about working with the Georgia General Assembly. A companion brief to follow will discuss the specifics of working on state budgetary issues.

A View from the Trenches – Part I

By Scott Maxwell

There is no simple, short or direct path to successful advocacy at the Georgia General Assembly.

If a bumper sticker were printed to get us started down that road, however, the phrase “develop strong personal relationships” should probably be on it.

Trusted personal relationships make the world go ‘round in the political realm and their importance must not be underestimated. Consider this real-life illustration:

In early 2008, New York Mayor Michael Bloomberg made an all-out effort to deal with his city's traffic problems by proposing that the city charge drivers who entered the most congested areas. Mayors don't have that kind of authority, so he asked the New York State Legislature to give it to him. Over a week's time, Bloomberg turned on the charm, with dinners for legislators at the mayor's residence, a team of lobbyists working in Albany, and elaborate presentations showing lawmakers how their districts would be affected by the changes.

Didn't work. Legislators barely considered Bloomberg's proposal, and some seemed to enjoy snubbing the mayor. Why? One reason was the hurry-up nature of Bloomberg's request; legislators thought the mayor was being disrespectful by asking for a quick vote. But another reason was Bloomberg himself. As one legislator, generally considered a friend of the mayor's, told the *New York Times*, 'All politics is relationships, and if he hasn't built the relationships over time, he can't suddenly create those relationships with 48 hours to go in the process... It just shows that six and a half years into his term, the mayor just does not know how to approach the legislature.'

—*Civic Work and the Importance of Relationships* by Otis White

As in New York and elsewhere, Georgia's state legislators are besieged by any number of people who are seeking their support for a bill or issue. Since there are pros and cons associated with most issues, legislators usually respond more favorably to people whom they trust, to folks with whom they identify, and to constituents who they hope will reelect them. But, as we all know or will attest, personal relationships are often complicated and require a liberal dose of trust. Thus, the successful advocate must rely on trust the way a baker depends on yeast. Without it, the legislative bread just won't rise. Whether the dough is whole wheat, rye or pumpernickel matters not.

So how does an individual or organization gain the trust of an elected official? Well, of course, there's no substitute for telling the truth, but often it's important to do more than that.

The Truth Trench

Legislators must operate in a world of multiple truths being uttered by a large collection of their friends. For example, let's say the issue on tap is the advisability of “a long walk” this afternoon. Mr. Alright, a lobbyist, walks into the office of Senator Softouch and exclaims, “The fact is, Senator, today is the first day of spring! What better time in this state's history for a long walk?” The legislator looks at his calendar and verifies that his friend the lobbyist has stated the situation correctly. Today is, indeed, the first day of spring. Perhaps, he thinks, a long walk is warranted.

However, the next person to come through his door is Ms. Quitefair, another friend and lobbyist, who opposes the idea of a long walk. “Senator,” she says, “The Weather Channel is predicting a severe cold front moving in today with high winds. The last thing we should do is take a long walk.” Senator Softouch checks the Internet, and sure enough, this lobbyist has given him very truthful information as well. Unfortunately, the two arguments he's just heard, both verified for accuracy, lead to entirely different conclusions about taking a long walk.

In the case of Mr. Alright, the trust of the legislator may have been better established if he had acknowledged his opponent's truth as well as his own when he first approached Senator Softouch. Mr. Alright could have added to his argument, “I know today's weather conditions may seem ominous, but we



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can all dress warmly. It'll be fine and a great symbolic gesture.”

No elected official wants to sign up to support an issue and then be surprised by an unanticipated downside. That's no way to win the future confidence of a legislator. Providing reliable information, using facts that can be substantiated, being willing to see both sides of an issue, all help to make an advocate part of the legislator's team of informal advisors. And don't forget, an opponent of today's issue, whether it's a legislator or lobbyist, may be an ally on tomorrow's issue. Behave accordingly!

Because the presentation of multiple truths is an every day experience for a member of the Georgia General Assembly, our law-making apparatus is replete with checks and balances.

The road to successful legislation can be difficult, but it is designed to uncover every truth in a bill, find its every flaw and avoid the embarrassment of unintended consequences that become chiseled in law.

Obviously, the biggest “check” within the legislative process is having two separate bodies that must pass each other's bills—the House of Representatives and the Senate. The Governor's ability to veto legislation adds yet another check. Further, within each House, there is a committee system (often utilizing subcommittees) that allows members to really delve into the details, vetting legislation in a thorough and transparent fashion.

Advocates must understand the system, be patient and be prepared for a thorough examination of their issues.

The Committee Trench

Once a bill has been read for the first time in the state House or Senate it is assigned to a committee. The committee's role is to thoroughly scrutinize a bill to

ensure its language actually translates into a law that does what is intended and advertised. (It doesn't a surprisingly often number of times.) Despite the author's presentation of a bill during testimony in committee or on the chamber floor, what is written becomes law, not what is said. Therefore, the actual bill language is the usual focus of committee debate, and always the cause behind unintended consequences. Obviously, it is critical that a bill's language be extremely precise. The committee is where bills are most frequently amended, changed entirely or gutted. This process is described as “perfecting” the bill.

Extending the “long walk” analogy, a bill to such effect likely would have been assigned to the Natural Resources Committee as a first step in the process. A typical situation would find some senators in favor of the long walk and some who are opposed. Let's assume that Senator Heavyweight, the committee's chair, wants to find a resolution to his members' disagreement. He might offer an amendment that requires people going on a long walk that afternoon to wear gloves and heavy coats. The committee might consider all of the truths offered by specific interest groups, view the heavy coat requirement as a sensible compromise, and then pass the bill “as amended.”

Unless a chairman feels strongly one way or the other, he or she is likely to seek a compromise. Be prepared by thinking through possible compromise positions before your bill is debated. Be alert that those wanting to tinker with your language may not be opponents. Other, even very friendly advocate groups, may want a small language change here or there, too.

The Issue Trench

Speaking of amendments and compromise, rarely is there an issue of major consequence debated that has only two sides. More often than not, there is quite a diversity of perspectives surrounding any policy debate of significance.

In Georgia, legislators depend on people to help them understand the assorted facts, to put data into perspective, and to anticipate long-term consequences of a bill's language. That's why the public can and should have input into the process and can often have a direct impact on the outcome. It's why organizations hire lobbyists to convey their point of view, and why developing a relationship with legislators is worthwhile.

Additionally, most of what lobbyists, advocates and legislators spend their time on is “tweaking” bills. The up or down votes on major issues grab the headlines, but the routine work of the General Assembly is fine-tuning a bill so that it has the widest possible support, giving it the best possible chance of success.

Working with allied groups on an issue is a proven way to increase available resources and manpower, while broadening the support behind an issue. But even allies may have different views on some of the fine points. The successful advocate is usually willing to accommodate minor changes in a bill to keep various groups on the team, or at least to prevent their outright opposition.

At the Top of the Trench—Leadership Positions

The Georgia General Assembly, like most large organizations, is run by a handful of people who serve in leadership roles. At the top on the House side is the Speaker of the House. He is elected by the House membership every two years and serves until he loses his own House seat or the members vote in a new leader. He not only presides over the House, he ultimately decides who will serve on which committee and who will get the plum jobs as committee chairmen. Additionally, it's the Speaker who determines which bills are assigned to which committees. For consideration of particularly complex or politically difficult bills, he can even create a temporary special committee.



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Other powerful people include the Speaker Pro Tem and the Majority Party Leader, both selected by their peers in the House. The Majority Whip and the Majority Caucus Chair are also important for their roles in assessing how their own party members view issues and intend to vote.

The Minority Party Leader and the Minority Whip have limited real power, but are important because on some issues the majority party is willing to compromise with the minority in order to ensure passage of a bill. This is especially true when a resolution requiring a two-thirds majority vote is in play. And, the minority leaders serve as yet another check on unintended, or perhaps unadvertised, effects of a bill.

The Senate leadership situation is similar, but has one major distinction. The Lt. Governor, who presides over the Senate per the state's constitution, is chosen by voters in a statewide election. This can lead to a power struggle in the Senate. Currently, a committee comprised of the Lt. Governor, President Pro Tem, Majority Leader, and a few others decides who will serve as committee chairs.

The other important leaders in the General Assembly are the committee chairs. These legislators generally have great latitude to run their committees as they see fit. They can manipulate the timing of debate on bills, determine whether or not there will be a vote or public testimony, and even refuse to call up a bill for consideration. On the vast majority of routine bills – those that do not demand the attention of top leadership – no one in the process is more important than the committee chair.

An advocate should always work closely with the Chairperson of the committee handling a bill.

Advocates Need a Champion

In order to pass a bill through Georgia's General Assembly, advocates need to find a champion in the legislature. A

member of the House or Senate (nice to have one in both houses), the champion is going to do the nitty-gritty work of getting a bill passed. The champion must be willing and able to argue the salient points, defend his or her position and twist arms on behalf of the cause.

In order for a champion to be successful, the advocates he or she represents must provide the ammunition to do the job. That includes point papers, occasionally an in-depth white paper (but don't be deluded into thinking it will be widely read), statistics, data and anything else that he or she may need. Keep in mind that legislators have very little professional staff assistance available to research issues. That's why lobbyists, association executives and everyday folks must serve as the legislator's resource. To be a reliable resource, one must develop and maintain their trust that the information provided will stand the tests of examination. Remember, the opponents of a bill or particular language will be reading and listening very carefully, looking for mistakes and developing their counter points. They will point out to legislators any shortcomings in someone else's materials.

Win or lose, it's important to make sure your champion and other supporters know they are appreciated. Perhaps the best way is to get the elected official some publicity back home in his district. A picture in the newspaper, an article in a newsletter, or a public recognition of any kind will be appreciated. Providing financial contributions or volunteering in an incumbent's reelection campaign are other sure ways to express appreciation...and to cement a relationship.

Bits and Pieces

- A "bill" has the effect of law. A "resolution" expresses the desire of the House or Senate without the force of law. A resolution is used to commend or congratulate individuals or groups, or to convey support for or opposition to an issue without passing a

law. A resolution is also used to put a constitutional amendment on the ballot for voters to consider. A constitutional amendment requires a two-thirds majority in both houses, but it does not go to the governor for signature or veto like other bills. It is sent directly to the Secretary of State for placement on the biennial general election ballot.

- Georgia employs a two-year term that begins in odd-numbered years. Thus, legislation that passes the House the first year can still be considered by the Senate the second year (or vice versa). However, any bill that has not cleared both houses by the end of the second year is dead. A bill introduced during the second year (even numbered), must make it through both houses that same year.

Steps to Successful Advocacy

- Prepare complete and accurate information supporting your issue
- Find or develop a champion
- Work the appropriate committee chairs and other members of leadership
- Work with other advocate organizations
- Be prepared to compromise
- Show appreciation to your champion and other supportive legislators

Exerting influence at the state legislature is a long-term proposition that requires patience, perseverance and regular attention. To be successful, stay in touch with your legislators. Remember, if you aren't discussing important issues with your elected representatives, rest assured, someone else is. That may be okay, that may be disastrous!

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