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Finding the right author for your bill

By Ray LeBov

As a sponsor of legislation, one of the most complex and critical decisions you will face is which legislator to ask to be the author of your bill.

The significance of this decision cannot be overstated and is equaled by its complexity. And yet, many bill sponsors give little more than “lip service” to the process.

This choice can be, and often is, the single most important factor in determining the fate of your bill. So, of course you want to have the best and most appropriate possible legislator agree to “carry” your bill. And, certainly, you want to avoid the catastrophe of having a “bad fit.”

There is no “one-size-fits-all” set of considerations that determines the best choice in every instance. In order to maximize the likelihood of enlisting the most appropriate author, rigorous analysis is required.

I generally apply the following checklist of considerations to help ensure that I approach the “ideal” author. It is not mandatory that you follow my checklist, but it is essential that you work from some sort of checklist to ensure that you’ve given this question the thoughtful analysis it deserves.

1. Is the potential author (“PA”) in a leadership position in the Legislature?

For obvious reasons, sometimes a bill requires the clout and influence of a legislative leader. Save this choice for when it is truly needed. You don’t want to exhaust whatever good will you have when a member with less influence is likely to suffice.

2. Is the PA the chair or an influential member of a relevant policy or fiscal committee?

This consideration is relevant for several reasons. In addition to the expertise that the legislator and his or her staff possess, your potential author brings a sizeable advantage toward passing the committee that he or she chairs and is likely to have the respect of other members relating to that field of interest.

3. What is the PA’s relationship with members of all four caucuses and the Governor’s Administration?

Typically, you will be seeking as close to universal support for your bill as you can muster. Since there are two parties and two houses, the more pervasive your author’s positive standing with other members, the better off you are likely to be. And of course you want your bill to be signed, so good relations with the Governor and the issue area experts on his staff are also important.

4. Does protocol require offering the bill to a particular PA?

For example, a particular legislator who may have established pre-eminence in a particular subject matter area may be in a position to cause problems for your bill if not paid proper deference by being given the “right of first refusal” on a bill in that area. Do your homework to determine the history of your issue. If you find that there is a legislator who has staked out the subject matter in the previously described manner, be sure to offer your bill to him or her first, along with praise for the work they have already done in the area.

5. How much does the subject matter / issue matter to the PA?

Your bill is important to you. Don’t presume it will be of equal importance to every potential author. Legislators are quite busy and many carry extensive bill loads. In most instances, you want an author to prioritize your bill and fight for it because he or she cares deeply about the outcome.

6. How will the issue play in the PA’s district?

Conduct research to determine the influence of various district constituencies. If you see a hint of likely complications from one or more of them, presumably you should look elsewhere for an author.

7. Who is the staff person in the PA’s office to whom the bill will be assigned?

This is crucial and can have as much to do with the ultimate success of your bill as any other factor on this list. In considering PAs, make sure you approach one who will assign the bill to a high quality staffer. Most legislators have multiple staffers, and bill assignments within the office are often based on subject matter jurisdiction. Talk to other lobbyists who have had dealings with the likely staff member and factor whatever you learn into your decision.

8. How much knowledge of the subject matter does the PA have?

This is a complex consideration since a little knowledge can be more dangerous than none. Generally, you would like your author to be significantly conversant with your issue. However, worst cases often arise when someone knows a little but operates on the assumption that they are well versed.

9. How do you rate the PA’s ability to present this bill in committee and on the floor?

This consideration is both general and specific. Do they typically do a good job with any bill that they are carrying? Is that quality of presentation likely to be true in your case, given the specifics of your legislative proposal?

10. Will the PA treat this as “his or her bill” or “your bill”? *i.e.*, how much input will you be allowed to have into decisions such as whether to accept amendments, etc.?

You are the sponsor, but only a legislator can introduce a bill. As the author, the legislator’s name is on the bill and it is appropriate for that person to treat the bill as his or her own. It is important to seek an author who will allow you the degree of input into decision-making that you are comfortable with and that you feel will give you the best chance of success.

There is a spectrum of possible outcomes. On the one hand, the author may thank you for bringing the idea to him or her and then effectively dismiss you. At the other extreme, a legislator may agree to carry your bill and expect you to do all the work, with very little involvement or support from his or her office. The best case is a collaborative relationship that takes advantage of what you and the author's office each bring.

11. How important is the bill to you?

It may not be important enough to use up a chit with a powerful author who you want to save for heavy lifting. There are obvious advantages to having an influential, powerful author, but not all bills require "heavy lifting" by the author. You don't want to waste your ability to get a "powerhouse" to carry a bill for you on which their influence would be overkill.

12. Similar to #11 in terms of the need for a powerful author: how difficult will this bill be to pass?

Some bills have no complexity, no controversy and no opposition and are therefore much easier than most others. You still want to exercise care in your author selection but you will find the task much easier for bills of this nature.

13. Can you use the experience with this bill to build a relationship with or to educate an up and comer?

With more rapid turnover in the Legislature now pursuant to term limits, it can be a wise investment to seek a relatively new legislator -- even a rookie -- to carry your bill so you can use the experience to develop a working relationship that will pay dividends in the future and which can also serve to educate him or her on the subject matter.

14. What is the PA's relationship with affected interest groups and other entities?

Often the success of your bill will depend on the positions taken by powerful interests. In your decision-making process, it's important to consider the PA's relationship with all entities affected by the bill.

15. How compatible is your working style with that of the PA and his or her staff?

Assuming your due diligence has identified a possible author based on the criteria we have articulated, you still must assess your comfort level working with them and their staff. Even if all the other factors point to a particular author as seemingly ideal, this last consideration remains crucial to your ultimate decision.