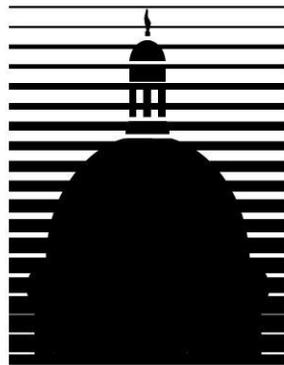




Preparing for the Legislative Session

Steps to Take Now & During the Session

Handouts



Presenter: Joe Gagen

September 15, 2014



JOE GAGEN

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Planning for Legislative Success

You can't do anything major anymore without grassroots. You can hire the best lobbyists there are, but, if you don't have the dogs barking back home, you don't have much chance.

Texas lobbyist

What is real in politics is what the voters decide is real

Unknown

I'm tired of hearing it said that democracy doesn't work. Of course it doesn't work. We are supposed to work it.

Alexander Woolcott

Politics is show business for ugly people.

Paul Begala



JOE GAGEN



JOE GAGEN

10 STEPS FOR A SUCCESSFUL LEGISLATIVE SESSION

BETWEEN NOW AND JANUARY

1. **Know your members.** Poll your members to see what issues are important to them and in what priority order and identify any legislators they know.
2. **Have a planning session** to identify your resources and develop a plan of action to use those resources to further your legislative priorities.
3. **Appoint a legislative committee** and give them authority to take positions on your association's behalf during the session consistent with the membership's views.
4. **Develop background materials** supporting your position on your issues for use by your members and for use with legislators and other interested parties. In developing these position papers, include not only issues you support but those you believe you may oppose. Remember to keep legislative handouts to one page.
5. **Look for coalition partners** to work with you on your issues. Do not overlook white hat issues. Coalitions build relationships that can benefit your association

AFTER THE SESSION STARTS

1. **Keep up with legislation** affecting your association. Use one of the reporting services if possible to track important legislation.
2. **Designate a legislative representative** that can act as a contact for the association and other groups.
3. **Look for friends** when legislation is considered that is harmful to your association. Make sure you allies are aware of harmful bills and the effect on your members.
4. **Keep your membership informed.** That is the best way to get your members more involved in your legislative efforts. Use conference calls, emails and faxes to update everyone.
5. **Help others.** Look for other issues to support including white hat issues. The friendships you form will come in handy later. As the saying goes, you should make your friends before you need them.



JOE GAGEN

THE 9 ADVOCACY RULES OF HIGHLY EFFECTIVE ORGANIZATIONS

1. **All Politics is Local** or why no one can explain a bill like a constituent.
2. **Capone Rule**-You get more done with kind words and a gun than with kind words alone (or its corollary, the LBJ rule-When you've got them by the ---, their hearts and minds will soon follow).
3. **Prince by Machiavelli Rule** *or* Don't burn a bridge that you may need to cross again.
4. **Bebe Rebozo Rule.** Always make your friends before you need them.
5. **Ronald Reagan Rule.** Be a good story teller.
6. **Animal Farm Rule.** All legislators are equal; it's just that some are more equal than others.
7. **Norman Schwarzkopf Rule.** Make your friends your heroes and they will fight for you like heroes. *Or why no one ever got mad at being thanked too many times or too many ways.*
8. **Abraham Lincoln Rule.** In the long run, legislative battles are won not in the halls of the legislature but in communities across the state.
9. **Thomas Edison Rule.** "I have not failed. I've found 10,000 ways that won't work." Never give up. Failure is a great teacher.

Suggested Outline

Two Year Legislative Activity Timetable

The two year legislative and election planning cycle begins as a practical manner not long after the end of the prior legislative session. The following timeline is predicated on that two year cycle and assumes three board meetings each year. It is recommended that the Legislative Committee “LC” chair should serve a two year term starting in the fall after the legislative session. This would allow the proper planning, execution and evaluation of the association’s legislation agenda.

The LC would meet prior to each Board meeting with the lobbyist in attendance for the purpose of preparing the information called for by the agenda items set out below. Actions requiring approval of LC recommendations are marked with “*”.

1. June Board Meeting (end of legislative session)

Agenda Items

End of legislative session report

- Chart legislative priorities and outcomes
- ID unresolved issues likely to come in next legislative session
- ID legislative and membership heroes and discuss activities to honor them *
- Evaluate what legislative efforts worked well and what did not

2. Prior to November Board Meeting (after legislative session)

Executive Committee and Legislative Committee

- Perform evaluation of lobbyist’s efforts
- Decide on renewal

Lobbyist and Staff

- Disseminate legislative bill summaries (include impact on association members) and recap the association’s legislative efforts via web site and newsletter.
- Conduct recognition program for legislative and membership heroes
- Send out short questionnaire on possible legislative issues for upcoming session
- Participate with other groups on lobbying for selection of interim study topics

3. November Board Meeting (after legislative session)

Agenda Items

LC Report

- Report on lobbyist contract. *
- Report on possible issues for next legislative session/interim studies.
- Prepare election forecast/likely candidates and key races.



- Recommendation on election strategy, if any. *
 - Fund raising - PAC
 - Grassroots campaign involvement

4. Election Year February Board Meeting

Agenda Item

Lobbyist Report

- Election update

5. Election Year June Board Meeting

Agenda Items

LC Report

- Report on election results.
- Develop tentative list of legislative issues for upcoming session.
- Strategy for expanding key contact program for upcoming session.

6. Election Year November Board Meeting

Agenda Items

LC Report

- Report on election results.
- Approve legislative agenda and strategy. *
- Review process for reporting bill status during session.
- Review process for decision making on legislative amendments during session. *

7. Legislative Session February Board Meeting

Agenda Items

Lobbyist Report

- Update status of legislation.
- Review of association positions on key legislative issues.

8. During Legislative Session

Lobbyist

- Weekly conference call with LC.
- Periodic memos on website and to key contacts on legislation (status and short summary).
- Coordinate advocacy activities with other groups.
- Recruit witnesses for hearings.
- Use of key contacts to lobby legislators on issues of importance.
- Draft position papers on legislation /secure approval of LC.

Summary of Activities. The following is a list of activities to be performed during the two year cycle and delegated to either an in-house staff member or a paid lobbyist on conjunction with the association's legislative committee.

End of session

- Chart legislative priorities and outcomes.
- ID unresolved issues likely to come up in next legislative session.
- ID legislative and membership heroes and discuss activities to honor them.
- Assist in preparation of evaluation of what legislative efforts worked well and what did not.
- Disseminate legislative bill summaries (include implication on practice) and TANA legislative efforts via web site and newsletter.
- Conduct recognition program for legislative and membership heroes.

Preparation for upcoming session

- Prepare and send out periodic questionnaires on policy issues of concern to members.
- Work with like minded groups on interim legislative committee study topics.
- Monitor campaign filings and develop recommendations of election year strategies.
- Work with coalition members on election year efforts.
- Develop and implement ongoing program to expand key contact legislative program in consultation with Legislative Committee.
- Work with LC in developing legislative priorities for session.

During legislative session

- Overall responsibility to coordinate lobby effort.
- Coordinate advocacy activities with other groups.
- Conduct weekly or biweekly conference call with LC members.
- Prepare periodic memos on website and to key contacts on legislation (status and short summary).
- Recruit and prepare witnesses for hearings.
- Set up appointments and go with members on legislative visits.
- Use key contacts to lobby legislators on issues of importance.
- Draft positions papers on legislation /secure approval of Legislative Committee.

Government Relations

AMERICAN SOCIETY OF ASSOCIATION EXECUTIVES

Don't leave It to the Lobbyist

Successful Legislative Planning

BY JOE GAGEN

Many associations believe that by hiring a lobbyist and raising some money, their legislative planning has been completed. This strategy may work for very modest goals, but if you intend to accomplish any meaningful legislative agenda or know you face some opposition, a thorough strategic planning process - one that involves key association members as well as staff is required.

Successful legislative planning demands an honest assessment of where you are, where you want to go and how you plan to get there, essentially the same type of planning most associations do routinely for budgeting or other significant projects. But when it comes to legislative matters, many associations act as if the legislature is some magical kingdom where special unwritten rules apply, and the secret to success is knowing the magic words.

Just the opposite is true. "The key to legislative success is nothing complicated," says Alfred Gilchrist, Legislative Director for the Texas Medical Association. "Like any long range plan it includes setting goals, allocating resources and outlining an action plan."

Step One: Assessment

Assessment-where you are and where you intend to go -is the first order of business. Specifically:

- What are the primary issues the association wants to address -both long-term and short-term? This should include not only initiatives the association supports and op-

poses, but also the priority in which they must be addressed.

- What opportunities exist that would further the legislative goals?
- What are the association's strengths/weaknesses in accomplishing its goals?
- What have been the "threats" to the association's goals in the past and what are the likely threats in the future?

The assessment should include input from outsiders, including a few legislators and former association leaders. Also consider surveying your membership as well as other associations. Surveys not only supply useful information, but also help lay the groundwork for the "buy in" needed later during the implementation phase.

Step Two: Action

The action plan is the blue print for association members and staff and should include the following:

Identify key contacts in all legislative districts

The most successful programs are those with active participation at the grassroots level. The feelings of the constituents back home weigh heavily in legislators' decision making process, but they can't read minds. The squeakiest wheels do get heard.

Increase member understanding

For a grass roots program to succeed, members need to know what's going on and that their involvement

makes a difference. If for nothing else, education increases members' appreciation of the pressures faced by those responsible for the day-to-day execution of the plan.

Member education should cover keys to effective legislative contact both written and in person. It should also provide opportunities for practicing testimony intended for legislative committees. "Peer-to-peer" testimony (CEOs talking to CEOs, labor talking to labor, etc.) is a good technique not only for raising money, but for gaining support for an issue. It should be explained and emphasized.

Establish financial goals

As Jesse Unrah, former speaker of the California assembly and a native Texan said, "Money is the mother's milk of politics." Strategies to meet financial goals should be established, then constantly monitored to determine effectiveness. Financial strategies need to be centered around member-to member-contact: "I gave X dollars, Bill; can you do the same?" is almost always an effective approach. Criteria to determine who receives political funds should be established, consistent with the overall plan and fully explained to the membership.

Determine the necessity of hiring a lobbyist

Whether to hire a lobbyist (or retain one) should be part of the planning process. Defining what the association expects from its lobbyist up front will go a long way to ensure a successful relationship. A lobbyist should never be perceived as the one

responsible for the association's legislative program, but rather as a resource to assist the association with its legislative efforts. Additional questions to consider when hiring a lobbyist include:

- Does the lobbyist's responsibilities extend beyond the Capitol building? For example, will he or she be expected to attend and address association meetings across the state?
- Does the lobbyist have any potential conflicts (as the association defines conflict)?
- How will the lobbyist's future clients affect the association's contract?
- What are the association's expectations concerning the lobbyist's performance and willingness to understand the association's issues and concerns?

Keys To Effective Legislative Planning

Member driven

A legislative plan must be developed by the association leadership because it is in the process of creating the plan that the leadership "buys into" and "owns" the plan. Staff or outside consultants can provide the framework for developing or updating a plan and can serve as facilitators of the process; however, it takes the members to sell it, implement it and resolve policy conflicts when they arise.

Periodically reviewed

A legislative plan should be seen as a work in progress. It should be revisited whenever a significant political event occurs. At the very least, an association should reevaluate its plan before and after each legislative session.

Well paced

As discussed, an important element of any legislative plan is expanding grass roots involvement. The key here is patience - it takes time to build up an effective program. Exaggerated expectations or asking already active members to do too much will result in failure. Start slowly; involve your members as they express an interest. Don't ask newcomers to do too much. Emphasize recognition and retention of your active members and use those members to recruit and involve more members.

Innovative

If one strategy doesn't work, try another to get members involved. Try different strategies in different parts of the state. Listen to the membership. Find out what they think will work. Use meetings and events to get ideas from other association executives.

Goals fit resources

If you are David confronting Goliath, make sure you understand the odds of success. Careful thought may yield an alternative strategy that fits your resources, allowing you to reap half a loaf rather than none at all,

Internal conflicts resolved

Nothing will kill a legislative program more quickly than conflicting voices from your side of the battle. An effective planning process will identify and resolve differences of opinion on critical issues and will include ratification by the membership of the basic plan elements.

"White Hat issues" promoted

White hat issues focus attention on the benefits your association members provide the public. When the general

public has a positive view of an association, industry or profession, legislators take note. A legislative plan should include steps to increase positive public awareness including promoting the public benefit provided by your members goods or services and publicizing any charitable work they perform.

Audience recognized

Always keep in mind your audience—the legislature. If you look around at the associations that have had the most success over the longest time, it is those that understand what is important not just to their members, but to legislators.

The vast majority of legislators are good and honorable people, but the constraints of time and a lack of expertise make it difficult to know what to do on many issues. Combine that with not wanting to alienate or surprise the voters at home, and you begin to see why they value compromise and delay. Your strategies and your time lines should reflect this reality.

(Joe Gagen specializes legislative grassroots training.)

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JOE GAGEN



Legislative Planning As A Marketing Tool:

A Strategy That Works

by Joe Gagen

Note: The Texas Bicycle Coalition enjoys tremendous success in building and retaining membership by using its legislative plan as a marketing tool. I felt if a strategy worked so well for an organization whose members were involved primarily as a hobby, the same strategy could have even more benefits for groups whose livelihood was at stake.

Charles Gandy, co-founder of the Texas Bicycle Coalition, helped grow that organization from three members to 2500 dues-paying members in four years. Today, the organization enjoys an 85% membership renewal rate. He attributes that enviable track record to having a solid legislative plan and using that plan as the centerpiece of his efforts to build and retain the Coalition's membership.

"Associations exist to improve conditions for their members, to protect their rights or capitalize on opportunities," contends Gandy, a former two-term state representative from Mesquite who currently serves as Director of Advocacy programs for the Coalition's national association, The Bicycle Federation of America. "One of the best ways to make association members feel their dues are well-spent is through the legislative process. That's why the legislative agenda should be the centerpiece of every trade association."

Viewing it as a means to stay competitive, Gandy's strategy hinges on the simple fact that people have choices, and though many organizations exist for altruistic reasons, the bottom line for most people is: What's in it for me?

"People have lots of places they can spend their money and time," Gandy asserts. "You have to give them a sense of confidence that their money and time will be well invested, that their investment will improve their business or their life."

Since most people feel like they don't have any power in the legislative process, Gandy believes even relatively minor legislative results make them feel

they have some political stroke through their organization. "Your legislative plan shows them you are results-oriented, that this organization doesn't just exist, it makes a difference," he explains.

What have you done for me lately?

A strong legislative plan also answers what Gandy considers the other perennial membership question: What have you done for me lately?

"Even what you accomplished two years ago is not good enough," he asserts. "They want to know what you achieved recently and what you are working on, but they also need to know what is ahead and why you need to continue. You must always tie those together. The agenda that you haven't completed yet — the opportunities or obstacles you still have in front of you — show why you are worthy of a future check or involvement."

Gandy, who lobbied for several trade associations and non-profit organizations before founding the Bicycle Coalition suggests the following guidelines when formulating a legislative plan and using that plan as a marketing tool:

Listen

What do the stake-holders (current and future members) perceive as the issues, the opportunities and obstacles facing the organization? Gandy advises bringing them together so they can see what others think: "Go to Houston for example and ask if

Gandy feels every member [of your organization] must not only be reminded of the organization's legislative progress, but what is going to happen in their community because of that progress.

"You should be either reinforcing how smart they are to support [your] legislative program or explaining why a new member should get politically involved.

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Legislative Planning (con't.)

the issues in Dallas apply in Houston. Of course they do, but it may not be apparent yet. Lights go off. They learn. And in that process you get buy-in. They see the core issues and realize there are legislative remedies and opportunities. They see they can have an impact."

Be a good teacher

Show parallels. Show how other organizations were successful so they can visualize what success looks like.

This is also a way to capitalize on what Gandy feels are the primary reasons people volunteer: 1) to make a contribution and receive acknowledgment for it, 2) to learn something and 3) to have fun.

"The second one is a big deal in this process," he states. "People enjoy learning how to be a lobbyist, how to be an advocate. They will stay motivated and be around longer if they are learning something."

Build Consensus

Set aside the issues that don't generate consensus. Don't let those draw you apart. "Internal strife will kill an organization's effectiveness," declares Gandy.

While you are never going to have 100 percent buy-in on everything, decide what you do have buy-in on or where you need it. "Find a position that makes sense to the majority of your members," he urges. "Find ways to link something that is distasteful with something that everyone can support." For example, members of Gandy's Bicycle Coalition were split over supporting a helmet bill, but after intensive discussions the majority agreed to support it as long as it had a strong educational component — something everyone wanted.

Layout Down, Stretch and Visionary Goals

According to Gandy, visionary goals end up being the glue that binds the organization together, but in order to show clear results early — a sure way to retain and build membership — you also need what he calls laydown and stretch goals.

"Laydown goals are entry level, usually simple, technical things," he explains. "In the bicycle world it is as simple as making it legal to use your right hand to make a right turn. Though not monumental, if everything else breaks down you can say that your organization did this, that it probably wouldn't have happened if your organization did not exist, and that is why this organization is important."

Gandy believes some laydown goals, like congratulatory resolutions, can have a very powerful effect: "For example, a resolution praising an agency that has helped you in some way not only ensures that agency will do more good things for your organization, it tells the agency that it is within the

"People enjoy learning how to be a lobbyist, how to be an advocate. They will stay motivated and be around longer if they are learning something."

— Charles Gandy, co-founder of the Texas Bicycle Coalition



comfort zone of the legislature. So while the legislature thinks it is doing something innocuous, in fact it is a very powerful tool for an advocacy organization."

Stretch goals require some resources of the organization. There are no guarantees for a stretch goal but it needs to be done and it needs to be done within a specified time frame. "These are not going to happen if you just get out of bed," Gandy observes. "You need to develop a plan, to know what your resources are and maybe find more resources to make those happen."

Visionary goals are big ticket items. They are not going to happen overnight, but if you don't do them, they won't get done. "That should be an association's mission statement," declares Gandy: "If we don't do it, it won't get done." Don't hold yourself accountable for completing them at the end of the year, he says, but be able to show progress.

Deliver Results

"You have to deliver something constantly or you are not competitive," says Gandy. To say that you passed several pieces of legislation during the last session is respectable. Those eight pieces may sound silly to some, but to have passed several bills shows that you know the process, that you have clout, that you know how to get things done. "If they are things of substance, that is icing on the cake," he states. "But volume matters."

Ensure Credibility

When formulating your legislative plan, Gandy recommends having someone at the table that knows the process from the inside, someone who can tell

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Legislative Planning (con't.)

you what's possible and can help anticipate opportunities.

"Because the Bicycle Coalition formulated its legislative plan in advance and because we had people involved who were familiar with the process, we were prepared when the Texas Department of Transportation (the agency that regulates bicycling in Texas) came under sunset review," says Gandy. "We had anticipated it and were able to use that process to further some of our goals. That wouldn't have happened if we didn't have at least one person technically proficient, who could see the opportunities that others don't see."

Form a Legislative Committee

Have a legislative committee to work out the key goals, help formulate the strategy and guide the plan through the process. "Get your committee familiar with the process," advises Gandy who got a few legislators, staff members and lobbyists to meet with his committee and talk about the process. "For those who had never been around the process, it gave them a sense of confidence that they could be a player," he says. "It got us more buy-in."

Communicate Constantly

Gandy treats every communication with a

member as a marketing piece, whether it is a newsletter, a thank you letter or an appeal for another contribution. Asserting that the legislative process is not self-evident, Gandy feels every member must not only be reminded of the organization's legislative progress, but what is going to happen in their community because of that progress.

"You should be either reinforcing how smart they are to support the organization's legislative program or explaining why a new member should get involved," he declares. "Those are the only two things you are doing and that's why the Texas Bicycle Coalition enjoys an 85% renewal rate — people feel good about being a member, we help them remember they are making a difference. That's usually what got them involved and what keeps them involved." 

(Joe Gagen is the principal in Joe Gagen and Associates, specialists in legislative planning and education. Gagen assists association members on both the state and national level to be more effective legislative advocates.)



Note: Success in the legislature is most often the result of a well-conceived, long-term strategy, one that has been planned before a legislative session ever begins. As part of a series that began with an overview of legislative planning in the September-October 1994 issue of *Association Leadership*, the following article concentrates on one key element of a good plan: coalition building. To offer TSAE members a perspective on this key legislative component, I spoke with Julian Read, a veteran political strategist who recently presented his ideas on coalition building to a TSAE Special Interest group on public affairs. Read is owner and president of Read-Poland one of the oldest public relations/public affairs firms in the Southwest.

As a natural response to a political landscape characterized by constant change, well-planned coalitions have become an integral part of a successful legislative strategy. "Coalitions have become necessary not only because society has become more complex, says Julian Read, a 40-year veteran of political campaigns, "but because there has been an explosion of issues."

An advisor to countless public figures including former Texas Governor John B. Connally and the late President Lyndon B. Johnson, Read says the increased intensity — more people chasing more issues under the constant scrutiny of the media — has made effective coalition building a requirement for accomplishing legislative goals.

Deregulation, a global economy, and further segmentation of economic markets will

lead to stranger and stranger coalitions, says Read: "It is the most wide open environment I have ever seen. You pick up the *Wall Street Journal* everyday to see who is merging with whom, who is staking what out; it is a new world everyday. You see this reflected in legislative issues and legislative approaches."

Read defines coalitions as the uniting of multiple forces or voices in support of a common viewpoint, endeavor, or objective, and feels they are not only a way to bring in troops to do battle, but a way to broaden your coverage of the legislature. He believes that the characteristics of

Making Friends Before You Need Them: The Key to Successful Coalition Building

By
Joe Gagen

Characteristics of a Strong Coalition

- **Willing allies** who share your position
- **Members who bring something to the party**—raw numbers, public image, political clout, geographical dispersion, diversity, funding
- **Strong leadership**
- **Effective internal communication**
- **Effective comprehensive media/external communications**
- **Mutual trust**
- **Good political judgment**

a strong coalition are:

1. Willing allies who share your position.
2. Members who bring something to the party—raw numbers, public image, political clout, geographical dispersion, diversity, funding.
3. Strong leadership.
4. Effective internal communications.

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“Good legislative planning is like your armor. It is what you go to war with.”

Making Friends Before You Need Them (con't.)

5. Effective comprehensive media/external communications.
6. Mutual trust.
7. Good political judgment.

Consistent with these characteristics, Read offers the following advice:

Don't wait until there is a crisis.

Quoting his number one rule of politics "make your friends before you need them," Read says you can't over-emphasize the importance of being prepared: "Association managers ought to include coalition planning as part of their strategic, long-term planning. It starts with a thorough evaluation of strengths and limitations. It is part of the total political action effort. This should be just like membership maintenance. It is really your armor, what you go to war with if you have to. You may not need it this session, but in all probability at some point you will need it.

Position the coalition.

A coalition must begin to think of itself as a single, free-standing entity. It has to have its own identity in the marketplace of ideas. Its message must be singular and clear.

This is also part of the overall planning process: What is your message? How can it sell itself? What is the objective? What is the problem or opportunity? What was the objective in forming the coalition? These things must be answered from the beginning and reviewed periodically.

Consider partners that go against the grain.

Look for someone you wouldn't normally think of as a natural partner. For example, when the conservative utilities industry joins with Consumers

Union on a particular issue, it not only brings credibility to the cause, it creates a climate for the legislator to support your position — a lot of communications from different sources all united on an issue make the legislator's decision much easier. Diverse partners send a message in a concise way that there is broad support for a measure.

last minute. You also have to realize there are limited resources, particularly when you are in session, and sometimes your coalition members will have to put their efforts toward another priority. This is just practical; there are only so many hours in the day. You have to accept that this will happen in some cases.

"A coalition must begin to think of itself as a single, free-standing entity. It has to have its own identity in the marketplace of ideas."

Customize your messages.

Communications is key. You must not only hone-in on exactly what your message is, but know your different audiences and tailor your message appropriately. No matter how complex an issue is, one of your constituents may need it distilled to one sheet of paper. You've got to be able to do that in an understandable way.

Build trust.

This is where your planning really pays off. Careful planning helps you choose good coalition members. It helps you craft a message and an agenda so that possible coalition members who join know what they are buying into. You have to be straight with coalition members from the beginning and work in good faith if you want to succeed.

You also have to be realistic and recognize going into it that the very process you are in can cause changes. A coalition member who is solidly behind you at the beginning, may very well have another issue come up that causes him to back out at the

Choose good management.

The very nature of a coalition means uniting entities that are used to being independent. The head of one association is not obligated to the head of the another. Somebody must run the ship, take the lead. This is a serious challenge for coalitions, to keep everyone moving and together.

There is a lot to keep track of: what messages will you put together, what sort of program are you going to have, who is talking to whom, and what are the results. It is a very involved process. The key word is coordination.

Consider independent outside management.

The decision to hire an outside manager depends on the background, experience and political judgment of the persons in the associations. But even the most seasoned political veterans may at some point realize they don't have the time or that they need an outside perspective.

Generally, Read feels the

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Making Friends (con't.)

earlier you get outside management, the better. It brings in objectivity, more resources, an independent perspective and an independent audit. For example, if you are having trouble getting a coalition member to do something, say get a letter signed, you have a third party to help negotiate it. It de-personalizes it.

Separate policy and advocacy.

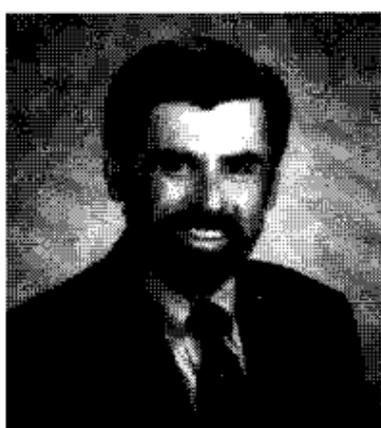
Have a small group that determines policy. Have a different committee or person in charge of lobbying entirely. Think of it like you would in manufacturing: one group creates the product, another sells it. They are different functions.

Policy involves strategy. If you get too many people involved, you diffuse it. If a group is too large you never get agreement. It paralyzes you. You can't get anything done. That is why you need someone in power to decide the policy, the message. Then everyone else can run the message.

However, you don't want to create a barrier up front, or make coalition members feel that you are not open to their suggestions. You want their input — you can not have an effective coalition without it — but you have to have responsibilities defined.

Insure adequate funding.

And finally, determine up front who is going to fund it. Adequate funding is a critical element, without it you'll never get off the ground. ■



Joe Gagen is a TSAE board member and a popular speaker on both the state and national levels. He specializes in legislative planning and education for associations and their members.



IMPORTANT LOBBY DAY DECISIONS

- Determine the date and notify potential participants**
- Determine the format of your lobby day**
- Determine the staging/meeting location for your lobby day**
- Determine whether to provide lunch or snacks**
- Determine how appointments will be set**
- Determine what issue(s) you will be lobbying**
- Determine the contents of your lobby day packet**
- Determine the number of volunteers/staff you will need**
- Determine who will take part in your training session for lobby day**
- Determine whether to invite the media to your lobby day**
- Prepare a Lobby Day Plan Timeline**
- Appointment Setting**
- Develop Leave Behinds**
- Participant Folders**
- After Lobby Day Follow up.**

Keys to Effective Advocacy

Best Practices for What to Say, When to Say It and How to Say It

Never underestimate the intelligence of your audience and never overestimate their knowledge

Ernie Pyle
Famous World War II Correspondent

Those that tell stories rule the world
Hopi American Indian Proverb

The best way to persuade people is with your ears-by listening to them
Dean Rusk



JOE GAGEN



JOE GAGEN

Former State Rep. Judy Hawley's 10 "Ps"

Be professional: The Capitol is a building of dignity. Business attire is expected.

Be prompt: Seconds are valuable. Scheduling may be so tight that you only have a few minutes. Some Senators schedule their office visits before 6 a.m. because that is the only available time in the day.

Be persuasive: Do your homework and confidently state your case. You may be the only one in the state who knows what you do.

Be patient: Good legislation takes a long time - that's how unintended consequences are avoided.

Be positive: Your legislator wants to solve problems. Offer positive suggestions. Whining is not becoming.

Be polite: Courtesy implies respect.

Be our partners: Partners are vested in the outcome and share the responsibility. You are the best resource for your legislator.

Be personal: Invest time in developing a personal relationship with your legislator. Everyone wants to help their friends.

Be passionate: Be sure it's a critical issue – one about which you are passionate - before you ask your legislator to “go to battle” for you. Your enthusiasm will be contagious.

Be precise: Ultimately, the legislator wants to know how he can help you. Make your requests as specific as possible.



JOE GAGEN

Good Advice for Capitol Visits

In Washington, DC or At Your State Capitol

Have fun and enjoy participating in the democratic process.

What you are doing is very special. The right to petition your government goes all the way back to the beginning of our great country. Legislators welcome you and value hearing about your concerns. Those that participated in past Capitol Day visits report back that they felt their voices were heard and it was a rewarding experience.

There is great value to what you are doing---and greater value with follow up.

Lending your voice to the efforts of others at the Capitol will make a difference in building understanding of the problems facing those within your industry and the importance of continued legislative support. There is no question about that. But you can add greater value to your efforts if you follow up your visit with a letter and continued contact with your legislators. Your goal is for your legislator to remember who you are—to have a relationship with you.

Don't be disappointed if you meet with a staff member instead of your legislator.

Staff members have great influence over legislative decision making. Oftentimes, having a staff member that knows you and your issues is more valuable than just meeting your legislator.

Have a coordinator for each visit.

You may be visiting a legislator on your own, but if you are visiting in a group be sure to have a coordinator that starts and ends the legislative visit. Before your visit, you should also go over with your coordinator your role and the role of others in the group during the visit.

You do not have to be an expert.

You are special and you are effective with your legislator because of what you know and have experienced. Do not worry about things you do not know. Just be prepared to say “I do not know that but I will get that information to you.”

Start and stop on time.

Be sure to determine in advance how much time you have for the visit. Watch your time and when your time is up: say “I think that is all the time we have. We want to be respectful of your time and we thank you for the time you have given us.” Oftentimes, the legislator will say, “I have more time”.

Anatomy of the visit:

- Everyone should introduce him or herself and state where he/she is from.
- Thank the legislator for service to the state or nation.
- Tell why you are there. “We are here to ask you to support (or oppose)....”
- Tell at least one story that describes or illustrates the problem that needs legislation or what will happen if legislation is approved.
- Leave a handout with everyone’s name, email, address and phone # on it. Staple your business card you have one.
- Thank the legislator/staff member for his/her time.
- Take a photo of group with legislator or staff member.
- Sign guest book when leaving if one is available.

Be sure to follow up

1. Follow up with a letter to the legislators (or staff members) you met, thanking them for their time, and briefly restate what you are asking their support for. Include a copy of the photo you took and ask the legislator to sign it and send it back.
2. Send the photo to your local paper with a short letter about the visit and issue. If it is published, send a copy to the legislator. If you have a Facebook page, post the photo and explanation on it.

Report what you learn and what you are asked. Information is powerful in any lobbying effort.

Be sure to complete a report card if you are provided one for each of your legislative visits and turn it in as instructed. This will be of great help in any follow up efforts by your organizational leaders.

Do’s and Don’ts during your visit.

- Watch jargon.
- Ask about opposition/concerns with your issue.
- Tell the truth - always.
- Keep promises-follow up on requests for additional information.

Good luck





JOE GAGEN

GIVING EFFECTIVE LEGISLATIVE TESTIMONY

Appearing as a witness before a legislative hearing can be very intimidating, especially for the first time. You want to make a good impression and give a convincing presentation for your cause or organization, but may be afraid that you will say the wrong thing or get stumped by legislators' questions.

What to do?

People who testify often and successfully follow these basic rules:

Those who show up get counted.

Unlike what we learned in school, the legislative process is a re-active process. As a former Texas lieutenant governor once said, "Legislation is decided by those who show up." Therefore, it is important to participate at public hearings and let your voice be heard. Perfect testimony is not required, however. There are any number of events and activities that determine the fate of legislation, but the content of public testimony is not near the top of that list. Simply showing up and expressing a heartfelt opinion at a public hearing is closer to the top of that list.

Use a real life story.

This is the most important rule of all. Testify about what you really know - your personal experiences or the experiences of a client or others similarly situated. Alternatively, show by analogy how the pending proposal will yield benefits or harm to the general public. Legislators respond to human-interest stories - not just facts and figures.

Keep it simple and avoid jargon.

Legislators deal with literally thousands of bills, most outside their area of expertise. On any given day, they may be confronted with 15 to 20 different issues. Therefore, if you want to have any chance of holding their attention and persuading them, keep your message simple and avoid using jargon.

Don't peel the onion.

When asked a question, try to answer in the least amount of words and still be a truthfully answer. There may a considerable amount of information that you could legitimately tell the committee in answering a question but don't do it.

Let the committee members through follow up questions request that additional information. (Let them peel the onion.) And if they don't ask, find a different forum to provide it. Most undesirable outcomes from legislative testimony occur when witnesses volunteer additional information in answers to questions.

Provide a written statement but don't read it.

Briefly reference your main points in your oral presentation and then provide greater explanation and back-up data in your written statement. Use a piece of your letterhead as a cover page to your written testimony, indicating the hearing's topic or subject matter, date and location as well as your name and title. Make enough copies for all the committee members plus four or five additional copies.

Attend prior hearings to see how the hearing process works for that particular committee.

Familiarity is a good thing. You can identify legislators' key interests and observe their questioning style, as well as how witnesses behave during their testimony.

Brainstorm with others to identify possible questions and how you will answer them.

Write down your answers, then rehearse and revise them until they are concise and to the point. If possible, try to rehearse your answers several times with a colleague or a supportive legislative staff person prior to your testimony.

Remember your mission and don't get sidetracked.

Address one issue at a time. Stick to no more than three supporting ideas or "message points" during your testimony.

Tell the committee members specifically what you want.

This sounds obvious, but you would be surprised at the number of witnesses who testify and never make it clear what they are asking the legislators to do.

Use visual aids.

Visual aids can be wonderful, if not overused. They rivet attention to the important points you are making. Consider using only one large poster board with text (a maximum of three bulleted points, each with only two to three words), or a graph or photograph if your supporting facts lend themselves to this type of presentation.

It is not personal unless you make it so.

Never, never show anger or get into an argument with a legislator, regardless of the legislator's behavior. There may be many reasons the legislator is acting the way he/she is that have nothing to do with you or your legislation.

It's their game and their rules.

Even if no one is listening to your testimony, keep going. If the legislators do not want to listen, that is their prerogative. A corollary to this rule deals with the interruptions: legislators get to interrupt you, you do not get to interrupt them.

Be polite.

Legislators often have long memories so don't be rude, arrogant, lie, or ignore their rules of decorum. Rudeness or lack of respect will hurt your cause far more than the content of an opponent's testimony or lobbying effort.

Practice saying, "I don't know, but I will get back to you."

This is one of the hardest things to do and, yet, the most important. Moreover, it is what keeps a witness from making mistakes. Your supporters will love you and your enemies will be downcast when you follow this rule. And be sure to get back to the legislators as promised as soon as possible.

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JOE GAGEN

MAKING YOUR LEGISLATIVE FRIENDS HEROES

All of us know and appreciate the importance of a legislator who not only votes for our issues, but actively supports our efforts. Oftentimes this person is the sponsor of our legislation or a member of a key appropriations committee. Sometimes these legislative friends align with our issue due to effective lobbying and sometimes due to personal experience. For whatever reason, we all know how critical these legislative friends are to success.

“ My legislative heroes are critical to our success,” says Catherine Benavidez-Clayton, Executive Director of the Epilepsy Foundation of Colorado. “They become not just our advocates, but they get us under the tent during critical legislative decision making and they become our best consultants on legislative strategy.”

But unfortunately, even the most well meaning and dedicated legislator is forced to pick and choose among the issues he or she supports and select those worthy of additional time and attention. This may be due to the volume of legislation, the daily press of time or just the politics of the process.

An example of the latter is what occurs in the making of an appropriations bill where an individual committee member has the ability to influence only a limited number of funding items during a process that often takes place outside the public light.

Under those circumstances, the individual legislator is forced to make a difficult choice as to which of several worthwhile projects or activities in which he or she believes should receive that stronger support.

It is in this context that strategies that increase the likelihood that legislators will champion your issue or cause are so important. Some of those strategies, set out as rules, are:

The Animal Farm Rule.

Like the pigs in the George Orwell novel, some legislators are more equal than others. And given that most organizations have limited resources, **it is important to focus your resources on key legislators such as those that serve on key committees or those that have personal experience with your issues.** As Ms. Benavidez-Clayton says, “those legislators that have personal experiences with your issues can bring a passion to their efforts that is immeasurable.” This of course does not mean you ignore or do not solicit support from other legislators.

The Henry B. Gonzales Rule.

Former representative Gonzales was a long time member of Congress from Texas. He once said that there is a world of difference between someone being against you and someone being **really** against you. What he meant was that there are many degrees of support and opposition within the legislative process. **The significance for you is that moving one key legislator from hard opposition to indifference may be just as critical to success as moving a supporter from passive support to championing your cause.** “The ability to move some of our stronger opposition legislators away from active opposition was very important to our success.” Says Liz Helms, a leader of the California Citizens For the Right to Know coalition.

Echoing Ms. Helms comments, Alfred Gilchrist, Legislative Director for the Texas Medical Association, adds, “You should always be looking for ways to move a legislator up a grade. Sometimes, moving a legislator from a D to a C can be as critical to our success as moving one from a B to an A.”

The Winnie the Pooh Rule.

Like the A. A. Milne character, legislators love honey. And what is legislative honey? It is quite simply praise and attention for doing positive things in support of your issues. And like Winnie with his honey, it is very hard especially for constituents to give legislators too much attention for doing good things.

Strike While the Iron is Hot Rule

Simply put, this rule emphasizes not to wait until after the legislative session to thank those that helped you. And the key here is don't just thank your sponsor or floor leader--look and look hard for things for which to thank other legislators for: a favorable vote in committee or on the floor, a quote in the newspaper, a comment during floor debate supportive of your position, or even taking time to meet with representatives of your organization are all worthy of a thank you letter. And don't forget letters to the editor in the hometown papers. You may not think anyone reads those letters, but I promise you, most legislators do.

There is No Friend Like a Constituent Rule

Thank you letters from you are nice, but they can't compare to the impact of a letter from a constituent. And if you don't have supporters in a key legislator's district, then make an effort to find some. There is simply no substitute for handwritten thank you letters from constituents. In fact, never underestimate the importance of constituents. As Ms. Benavidez-Clayton says "Those of us in small, volunteer health associations without paid lobbyists need to understand that our local constituent advocates can be far more effective than any paid lobbyist."

The Smith Barney Rule.

In a famous commercial for the stock brokerage company, the punch line was, "We make money the old fashioned way, we earn it." Hometown media stories (earned media) of your organization's local members honoring a legislator after a legislative session are far more valuable to that legislator than any paid political advertising. And legislators know that. So after

each legislative session, make a list of your key legislators, find something they did during the session for which you can thank them, and then thank them.

You can do this at a local restaurant, your offices, or even someone's home. Order a nice plaque or frame a resolution, send out press releases before the event, and invite your members and supporters. Ms. Helms did exactly that on passage of the *right to know* legislation in California. "They [our key legislative supporters] were excited to be honored and 'beamed' the entire time. And after one legislator met those attending the luncheon, she told me that she now had a better understanding of the beneficial impact of the legislation."

Make sure you take pictures of the member receiving your award. If any local press show up, all the better. But in any event, make copies of the photo, write a second press release explaining what happened, and send it to every newspaper in the legislator's district. In urban areas, the major newspaper may not publish it, but the chances are excellent that the weeklys and the suburban papers will. In addition, if you have an organization newsletter, run an article with a photo in it about the event.

If you don't have a lot of experience working with the media, look to recruit a professional public relations person for your board that is willing to help with this effort.

One last thing, clip any articles that appear in these papers (and your newsletter) and send them to the legislator, thanking him or her again.

Final Thoughts.

A little thoughtfulness can go a long way in the legislative process. Just like the rest of us, legislators like to be recognized when their efforts make a positive difference in people's lives. It is by this recognition that legislators will take a greater interest in your issues. As Ms. Helms said, "**During our recognition banquet, as our honorees met more of our folks, each of them said to me 'tell me how I can help you in the future'.**"



JOE GAGEN

CORRECT FORMS OF ADDRESS

Governor

Official/Business Address
The Honorable (full name)
Governor of Texas
State Capitol
P.O. Box 12428
Austin, TX 78711-2428

Salutation:

Dear Governor (last name):

Speaking to:

“Governor (last name)”

Lieutenant Governor

Official/Business Address
The Honorable (full name)
Lieutenant Governor of Texas
P.O. Box 12068
Austin, TX 78711-2068

Salutation:

Dear Governor (last name):

Speaking to:

“Governor (last name)”

Speaker of the House

The Honorable (full name)
Speaker of the House
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768-2910

Speaker of the House (con’t)

Salutation:

Dear Mr. (last name) or

Dear Speaker (last name)

Speaking:

“Mr. Speaker”

State Senator

Official/Business Address
The Honorable (full name)
Texas Senate
P.O. Box 12068
Austin, TX 78711-2068

Salutation:

Dear Senator (last name)

Speaking to:

“Senator (last name)”

State Representative

Official/Business Address
The Honorable (full name)
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768-2910

Salutation:

Dear Mr./Ms. (last name) or

Dear Representative (last name)

Speaking to:

“Representative (last name)” or

“Mr./Ms. (last name)”.

Joseph C. Gagen

Joe Gagen brings an entirely new way of looking at the legislative process. His highly interactive presentations are not only fun but effective in educating association leaders and their and volunteer advocates on how to “do it right” when advocating on behalf of their profession, their organization and their community.

He has conducted well over six hundred successful legislative training and planning programs for numerous national and state associations as well as numerous leadership conferences for volunteer based association members.

Those that attend Mr. Gagen’s trainings are able to:

- Communicate more effectively with public policy makers on issues of importance.
- Better understand the process and the environment in which public policy is made.
- Understand and be able to utilize the key elements needed in devising effective legislative advocacy /communication strategies.

Mr. Gagen has been involved professionally in political and legislative matters for over forty years. Among other things, he chaired the Texas agency responsible for workers’ compensation, served as general counsel to the Texas Senate State Affairs Committee and was a legislative aide in the Texas House of Representatives. He was executive director of a statewide political organization and served from 2006 to 2011 as CEO for Texas CASA, a statewide nonprofit organization advocating for children in foster care. He is a Phi Beta Kappa graduate of the University of Texas at Austin having received his B.A. with Honors in 1974 and his J.D. in 1982.



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