



The Campaign Method for More Effective State Government Affairs

Day 1: How to Successfully Lobby State Legislatures
Day 2: How to Successfully Lobby State Agencies

2018



Effective Lobbying Is Getting Votes! 27 Fundamentals for Successful Lobbying

1. Your threshold question for each lawmaker is, "Why would this lawmaker give me his or her vote?" Until you can answer that question, you are not likely to get the vote.
2. Your answer is, "Because I have what this lawmaker wants." If you don't, go home.
3. Lawmakers are your "customers." Customers buy to meet their needs, not yours.
4. The more you look like your customer, the more likely you'll make the sale.
5. Lawmakers are not like you - and the longer they're in office the less they're like you.
6. Winning a lawmaker's vote is 10% access and 90% heat. Access is easy. "Political heat" is a few active higher-level constituents, both in- and out-of-district.
7. Get past "nice" to get lawmakers' votes. A lawmaker's being nice isn't a vote
8. "*Lobbying is a dance of seduction.*" Find and use each lawmaker's susceptibilities.
9. "Facts don't vote." A lawmaker votes his or her own peculiar political calculus. Seldom are technical facts enough to get votes; but political facts may be all it takes.
10. 70% of winning a lawmaker's vote occurs before talking to the lawmaker.
11. Lawmakers are almost wholly motivated by special interests. Lobby the special interests that put and keep a lawmaker in power before you lobby that lawmaker.
12. 80-90% of lawmakers are irrelevant to your winning or losing your bill. The relevant ones are on key committees; plus the few, if any, other lawmakers who actually care.
13. Convince relevant lawmakers to partner with you. You must show each why working with you is good for him or her, politically. "*Self-interest is the engine of government.*"
14. Most lawmakers' votes are won or lost at fish fries, not in committee meetings.
15. Most committee meetings are theater since the votes were committed at the fish fry.
16. "*The lower you shoot, the higher you hit.*" Lobby staff, then members of the committee of first reference, its chair, then gatekeeper committees. Lobby leadership last, if at all.
17. There is no unimportant staff. You may not need a staff person's support, but you can't afford his or her opposition. Build warm relationships with staff!
18. The more work you do for lawmakers and especially staff the more likely your ideas will become law. Materials that don't help them do their jobs end up in the trash!
19. Legislatures operate on 3 types of rules: 1) written; 2) unwritten; 3) unwritten and unspoken. Violate any of the 3 and you will be disrespected as being ill-informed.
20. Unwritten rule 1- you have to talk to people you don't like, and who don't like you.
21. Unwritten and unspoken rule 1- "*Thou shalt make campaign contributions*" to be a long-term capitol player. Money is good; constituent support better; both is best.
22. Coalitions are indispensable. They exist for advantage - not for love, loyalty, or debt. Don't pre-qualify or disqualify a potential partner. "*Politics makes strange bedfellows.*"
23. Most contract lobbyists have little personal political power. Don't confuse a lobbyist's ability to say "hi" to a lawmaker with the ability to get that lawmaker's vote.
24. Your contract lobbyist should be a better lobbyist for the legislature overall. Your members should be better lobbyists for their districts' lawmakers.
25. The best time to lobby is when you don't need anything.
26. Agencies promulgate 90% of laws. This means what the legislature *giveth* an agency can *taketh* away; and what the legislature wouldn't give you an agency might.
27. Nobody cares about your issue as much as you do. Neither money nor the best contractors can win your battles for you. If you don't make it happen, then it won't.

Why do I get a course workbook?

This workbook will allow you more time **thinking** about what I am saying by lessening the time you spend **copying down** slide contents. Over the next two days you will receive more information than most anyone could assimilate, much less write down: up to 210 pages of workbook, 500 slides, 11 pages of classroom activities, checklists and the like. I give you this workbook so that you can give more time assessing your new skills, “now it makes sense” moments, and the many illustrative stories I will give you from my own personal lobbying experiences,

This notebook will be useful to you as you advocate for your issue.

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Engineering THE LAW, Inc.
14260 W Newberry Road, No. 335
Newberry, Florida 32669

www.lobbyschool.com
rlguyer@lobbyschool.com
561 319 9427

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The Campaign Method for More Effective State Government Affairs

Day 1- How to Successfully Lobby State Legislatures

"No man's life, liberty, or property is safe while the legislature is in session."
 Mark Twain

<u>Time</u>	<u>Workbook Page</u>	<u>Topic</u>
8:00 – 9:25		Introduction
	1	Overview of the Campaign Method and Seminar
	4	Lobbying: What, Why, Who, Where, and When
	11	Effective Lobbying
	17	Assessing and Increasing Political Strength
9:25 – 9:40	23	<i>Activity 1 Assessing Your Political Strength</i>
9:40 – 10:05	24	Building Your Lobbying Organization
	32	Crafting Your Bill and Supporting Materials
10:05 – 10:15		Break
10:15 – 11:45	38	Legislative Staff
	43	Legislative Procedure
	48	Committees, Testimony, and Caucuses
	52	Legislative Ethics
	65	Campaign Contributions
	60	Special Interests and Coalitions
11:45 – 12:00	66	<i>Activity 2 Coalition and Alliance Building</i>
12:00 – 12:45		Lunch, Speaker: Ron Phillips, Gavel Resources State Lobbying Contrasted with Federal Lobbying
12:45 – 1:30	67	Negotiating with Special Interests
1:30 – 2:30	81	<i>Activity 3 Negotiation</i>
2:30 – 2:40		Break
2:40 – 3:30	85	Contract Lobbyists
3:30 – 4:00	98	Motivating Lawmakers
	103	Getting and Keeping Votes
	111	<i>10-minute Constituent Lobbyist Checklist</i>
4:00 – 4:30	118	<i>Activity 4 “3-minute in the Hallway” Lobbying</i>
4:30 – 4:45	120	Actions after the Committee of First Reference
4:45 – 5:15		Day 1 – Q&A, Summary, and Evaluation

Day 2 – How to Successfully Lobby State Regulatory Agencies

“What the legislature *giveth* an executive agency can *taketh* away.
And what the legislature would not give you, an executive agency might.”
Robert Guyer

<u>Time</u>	<u>Workbook Page</u>	<u>Topic</u>
8:00 – 9:25	125 129 134	Constitutional and Political Foundations Agency Model and Structure Agency Powers and Actions
9:25 – 9:40	143	<i>Activity 5 Agency Actions</i>
9:40 – 10:10	144	Agency Advocacy
10:10 – 10:25		Break
10:25 – 10:45	153	The Lobbying Visits
10:45 – 11:15	161	Rule Development and Adoption
11:15 – 11:35	169	<i>Activity 6 Agency Lobbying</i>
11:35 – 11:45	171	Responding to Agency Rule
11:45 – 12:00		Day 2 – Q&A, Summary, and Evaluation

Does the Methodology Work?

"Bob Guyer's course contributed substantially to my lifelong study of advocacy and was the best CLE accredited course that I have taken, bar none, in my 39 years as a government relations consultant."

Ron Kuehn, Esq.

DeWitt Ross & Stevens S.C.

Madison, WI

"Having spent over a decade at the highest levels of government in the Pennsylvania state capitol, I can say that the Guide and the seminar experience are essential tools for both beginning and experienced government relations professionals. Bob Guyer provides sound strategies for success that can be applied across issues and industries that one may be representing to key elected and appointed decision-makers on a daily basis."

Vito G. Gallo

Assistant Vice-President, State Relations

Lehigh University

"Not only has Bob Guyer written THE BOOK on lobbying at the state level... his seminars are of exceptional value for seasoned government affairs specialists and novices alike."

Ron Myers, Esq., Speaker Pro tem (former)

Washington House of Representatives

"Robert Guyer's training seminar provided me with the methodology to gain more confidence and understanding to successfully influence the state legislature, change policy and provide positive changes for all 13,500 state employees I represent. His lobbying principles will put you back in the driver's seat in difficult political environments, and show you how to negotiate and advocate in ways that will greatly increase your chances of success."

Richard Kolodziejek, Public Affairs and Communications Director

Minnesota Association of Professional Employees

"Our participants, from seasoned lobbyists and attorneys to novice members who had never been to Tallahassee, found your program invigorating and full of useful facts, processes, and systems. We particularly appreciate the organized and targeted approach to lobbying, both in your presentation and in the guidebook, that helped us improve our skills step-by-step... We could hardly wait to meet with our legislators and use our new skills!"

Gary Scarboro, Director of Education/Government Affairs

Apartment Association of Greater Orlando

Faculty

Robert L. Guyer, Esq. established **Engineering THE LAW, Inc.** (ETL) in 1997 and serves as its President. Engineering THE LAW, Inc. increases the state lobbying capabilities of corporations, associations, and individuals through teaching the skills necessary for effective state government affairs.

Prior to establishing ETL, Mr. Guyer served in the law department of the Ralston Purina Company as Legislative Counsel and Assistant Director, State Government Affairs. He was Manager of Legislative Affairs for Energizer Power Systems, a subsidiary of Eveready Battery Company, Inc., Legislative Affairs Manager for Gates Energy Products, Inc., a subsidiary of Gates Rubber Company, and, as a contract lobbyist, Director of Legislative and Regulatory Affairs for the 501(c)(4), Rechargeable Battery Recycling Corporation.

He chaired the Legislative Committee of the Portable Rechargeable Battery Association (PRBA), an organization of the world's top manufacturers of cordless electronics. He managed PRBA's lobbying activities in 20 states and Washington, D.C.

Mr. Guyer authored *Guide to State Legislative Lobbying*, the textbook on effective state advocacy, and *Winning with Lobbyists – How to Find, Hire, and Succeed Together* (In Press). Thousands of individuals, associations, corporations, and universities use his book and materials for teaching and implementing successful advocacy.

As a partner in the Washington, D.C. law firm of Guyer, Bagby & Zimmerman, he specialized in environmental law and international product stewardship. He has personally lobbied successfully for laws or agency rules in numerous states, in Washington, D.C., and Canada. Other government affairs experience was gained in local government, electric utility industry, as an enforcement officer in a regulatory agency, and internationally.

As a visiting professor at Florida State University, Mr. Guyer developed and taught the graduate course *Lobbying* in the Masters program in *Applied American Politics*. He has also lectured at Harvard Medical School and at the University of Florida.

Twenty six states accredit or have accredited the seminar(s) for continuing legal education for attorneys. Other professional associations have accredited the seminars for continuing professional education.

Mr. Guyer holds Juris Doctor, Bachelor of Science in Civil Engineering, and Bachelor of Arts degrees. He is admitted to the practice of law in Florida and the District of Columbia.

*He teaches from a profound belief in the validity of the structure for US government as given by the founders. Their system acknowledges the corruptibility of the human soul and the consequential hazard of concentrating power in the few. And so with an evangelistic-like zeal he seeks to increase effective participation by the many regardless of their politics believing that only with many **well-equipped** voices will democracy achieve its best for all.*

Custom Seminars
Built Around Your Issue
Presented at a Time and Place of Your Convenience.

Our custom advocacy training classes are tailored to the needs of any organization. Our seminars can be built around your legislative or executive agency issue and presented to your group at a time or place of your convenience.

Half-day, 1-day, and 2-day custom versions of the *How to Successfully Lobby State Legislatures* seminar, half-day *How to Successfully Lobby State Regulatory Agencies* seminar, and short courses on legislative and executive agency lobbying are available.

The seminars increase participants' confidence, effectiveness, and probabilities of winning in the state legislature and with agencies by supplying the information, insights, and skills to design and implement a successful state lobbying campaign.

We would be pleased to present a proposal to your organization for specialized advocacy training. Your group will find the seminars interesting, empowering, and entertaining. If we can assist you please contact:

Robert L. Guyer
Engineering THE LAW, Inc.
www.lobbyschool.com
rlguyer@lobbyschool.com
561 319 9427

Campaign Method Overview – Legislative

- ✓Lobbying: what, why, who, where, when
- ✓Effective lobbying
- ✓Assessing and increasing political strength
- ✓Building lobbying campaign infrastructure
- ✓Crafting bills and supporting materials

Campaign Method Overview (cont'd)

- ✓Working with legislative staff
- ✓Using legislative procedure
- ✓Committees, testimony, and caucuses
- ✓Complying with state ethics law and rules
- ✓Making campaign contributions

Campaign Method Overview – (cont'd)

- ✓Gaining special interest support
- ✓Negotiating for special interest consensus
- ✓Hiring and working with contract lobbyists
- ✓Motivating lawmakers
- ✓Getting and keeping lawmakers' votes

Campaign Method Overview – (cont'd)

- ✓Steps after committee of 1st reference
- ✓Lobbying your bill into law

Campaign Method Overview – (cont'd)

Constitutions generally prohibit legislatures from implementing statutes.

Implementation belongs solely to executive agencies.

Campaign Method Overview – (cont'd)

Next step:
Make law into day-to-day reality through agency rulemaking.

Campaign Method Overview – Executive

- ✓ Constitutional and political foundations of US executive agencies and law
- ✓ Agency ideal and structure
- ✓ Agency legal powers and limits
- ✓ Planning for agency advocacy
- ✓ Face-to-face with agency decision makers

Campaign Method Overview – (cont'd)

- ✓ Rule development and adoption
- ✓ Responding to promulgated agency rule
 - administrative appeal
 - judicial appeal
 - legislative appeal

Campaign Method Overview – (cont'd)

- ✓ Similarities between legislative and executive agency lobbying, for example
 - drafting supporting materials
 - coalitions
 - inter-interest group negotiations
- ✓ Differences between legislative and agency lobbying, for example
 - agency more technically driven
 - importance of experts
 - less politics

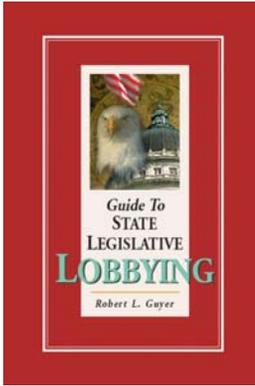
**Lobbying: What, Why, Who,
Where, and When**

“Lobbyist” generally means

Someone who tries to influence government and pays, gets paid, or is reimbursed to do it.

Lobbying is

- A logical process requiring:
- understanding players and context
 - planning
 - organization
 - execution
 - *Campaign Method for More Effective State Government Affairs*



“Mr. Guyer's clear structure and methodology for an effective lobbying campaign added to my own effectiveness with the legislature contributing to me being ranked one of the five best lobbyists in the state of Florida.”

Desinda Wood Carper
 Florida League of Cities (former)
 Staff Rep. Sharon Pritchett (current)
 Tallahassee, Florida

Legislative lobbying is not

A rational process. It can be:

- ✓petty
- ✓arbitrary and capricious
- ✓designed for political solutions
- ✓“bad” laws are passed regularly
- ✓“good” public policy may lose to politics

Lawmakers are first political

“Parliament has an office...to be at once the nation's Committee of Grievances, and its Congress of Opinions.”

John Stuart Mill (1806-1873)

It's a system for the self-serving

“Publius rejects as merely visionary any plan for civil government that depends upon reforming human nature for the purpose of eliminating factions and making all citizens devoted to the common good.”

“The Founders' View of Character and the Presidency.”
Scott Stripling (undated)
<http://www.leaderu.com/humanities/foundersview.html>

Bill of Rights establishes right to lobby

“Congress shall make no law... abridging the right of the people to... petition the government for a redress of grievances.”

First Amendment, US Constitution

What if citizens don't lobby?

“If once (i.e., the people) become inattentive to the public affairs... I, and Congress, and Assemblies, Judges and Governors shall all become wolves.”

Thomas Jefferson (1743-1826)

Why lobby legislatures?

“Neither liberty nor property is safe when the legislature is in session.”

Variously attributed to J. Gideon Tucker, Mark Twain, H. L. Mencken

Why lobby executive agencies?

“The execution of laws is more important than the making of them.”

Thomas Jefferson

What the legislature *giveth* ... an executive agency can *taketh* away and what the legislature wouldn't give an executive agency might.

Lobby the legislature to

- Gain better laws
- Protect favorable laws
- Repeal unfavorable laws
- Stop adverse proposals for laws (bills)
- Instruct courts and executive as to what public policy is and will be

Abrogation of Case Law

“... it is the intent of the legislature to reject and abrogate earlier case law holdings in: Bennett v. Columbia Health Care and Rehabilitation, 80 S.W.3d 524 (Mo.App. W.D. 2002); Kasl v. Bristol Care, Inc., 984 S.W.2d 852 (Mo.banc 1999); and Drewes v. TWA, 984 S.W.2d 512 (Mo.banc 1999) and all cases citing, interpreting, applying, or following those cases.”

Missouri Revised Statutes Chapter 287 Workers' Compensation Law §287.020 (August 28, 2010)

Lobby legislature to (cont'd)

- Affect state executive agencies
- Build momentum among states
- Build momentum to affect Congress

Who can lobby legislatures?

- Organizations for religious worship and private foundations banned
- 501(c)(3) IRC limited to budget per cent
- 501(c)(4-12) IRC unlimited advancing organization's tax-exempt purpose
- Individual (corporate/natural)

Whom do we lobby?

In order of importance, we lobby:

1. special interest groups
2. legislative staff
3. executive agencies
4. legislators
5. governor

Whom do we lobby? (cont'd)

6. electronic media
7. press
8. general public

Where do we lobby?

- Capital
- Capitol
- Lawmakers' districts
- Social context
- Business context
- Wherever we find opportunity

When do we lobby?

- Pre-regular session
- Regular session
 - early
 - late
- Special session
- Interim

When is the best time to lobby?

The best time to lobby is ***when you don't need anything !!***

When is the best time to lobby?

“Relationships in idle times pay big dividends in desperate times.”
Iowa lawmaker to Mindy Miller, CRNA, 2013
