

A Citizen's Guide to Lobbying in Maryland

Legal Aid Bureau, Inc
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I. Citizen Lobbying

"The right of the people to participate in the Legislature is the best security of liberty and the foundation of all free government . . ."

Article 7, Declaration of Rights, Constitution of Maryland.

Lobbying is attempting to influence someone else's opinion or activities—in the legislature, in city council, in government agencies, or within your organization. It is the primary mode of citizen participation in the legislative process.

The term "lobbying" has acquired a discreditable meaning. In theory, lobbying is nothing more than a special, intensive exercise of the Constitutional right to petition one's government processes, by making information available to public officials who cannot be expected to know how every law or regulation will affect all of their constituents.

Good lobbying is being able to make your point of view interesting to anyone—selecting an argument, a perspective, a strategy or an activity in such an ingenuous way that the person you are lobbying will sit up and listen.

This Guide is focused primarily at legislative lobbying in the Maryland General Assembly. Legislative lobbying can take many forms—up front and in the open or behind the scenes; trying to push through a desired bill or reacting defensively to a bad bill or trying to obtain funding for a program. The principles outlined in this section apply not only to these various forms of legislative lobbying but to all other types of lobbying as well.

For the purpose of this manual, the term "lobbyist" refers to any person who becomes involved in the passage or defeat of specific legislation or in the implementation of any law. Lobbyists play many roles:

- they act as cheerleaders by keeping legislators, allied groups and media excited about an issue;
- they ensure that voices of their constituents are heard;
- they provide technical information and advice to legislators, media governmental personnel; and,
- they pull together opposing interests to formulate compromises.

Many interest groups in our state are well organized and skilled in advocating the interests of their members before the Maryland General Assembly. The Chamber of Commerce, Farm Bureau, medical societies, banking associations, government agencies and many others maintain full-time professional lobbyists with extensive resources in our state capital to influence legislation. We believe that private individuals and citizen organizations that have not

been actively or effectively involved in legislative advocacy or “lobbying” effectively in the past now must do so to assure a balanced representation of the needs of all people throughout Maryland.

Lobbying has become associated in the public’s mind with the seamier side of politics in which bribery, power and intimidation are the weapons of political action. Many grass-roots organizations and community groups mistakenly assume that money and influence are the name of the game, with the only players the rich and powerful. However, all legislators—on the federal, state or local level—are politicians whose continued success depends in large part on their ability to satisfy at least a majority of their constituents. Therefore, recognition, status and re-election are most often the values which motivate politicians.

This is the basic premise of this Guide: that constituents like yourself are critical to the legislative process; that constituents can maximize whatever power they do have to make themselves heard. To that end, the Guide is designed to assist you in undertaking effective citizen lobbying.

The substantive part of the Guide begins, appropriately enough, with the basics—what sorts of legislative goals you can realistically set for yourself, a brief outline of how a bill becomes law, some key do’s and don’ts, and basic tools of the trade. Then we move into a more detailed discussion of the legislative process, explaining how you can influence events at each stage, followed by a section on political strategies (ideas that some might consider “trade secrets”).

The remainder of the Guide is devoted to responding to additional questions and concerns you may have, to providing you with the key names, dates, facts and figures you will need to have in order to apply the above strategies, and otherwise fleshing out the picture as well as can be done in a book. (Some things in this business you can only learn on the job—through doing them!) The legislative process and the end products of that process can only be improved by your informed input as a citizen lobbyist. You already know the needs; these pages are the tools

II Lobbying Basics

Why Legislation?

Many problems experienced by members or clients of citizen organizations can be rectified by either the executive, legislative or judicial branch of government. It is clear that state legislation cannot solve every problem: it cannot remedy a municipal problem only felt in your corner of the state; it cannot alter federal practices and programs; it cannot contradict the United States Constitution; and it obviously cannot keep Skylab flying, or stop your neighbor’s dog from barking at night.

However, the state legislature passes laws which impact the most personal aspects of your daily life: the quality of your children’s education; your’ right ‘to marry and divorce; the standards for your hospitals, mental institutions, courts and prisons; the qualifications of your barber, hairdresser, realtor, doctor and lawyer; the legality of your sexual practices; the disposition of your estate. State legislation affects the very quality of life and human interaction, and therefore must be taken very seriously.

The duties of the Maryland General Assembly are:

1. To pass laws necessary for the welfare of Maryland's citizens.
2. To pass public laws for counties and special taxing districts.
3. To decide the manner in which state funds are to be raised and expended.
4. To supervise the state's administrative agencies.
5. To propose amendments to the state Constitution.

Consider the following ways state legislation can be used to solve problems that you, your clients and your group members are experiencing:

1. It can close a loophole in existing law.

Prior to the 1981 Legislative Session, abused children above eighteen (18) did not have standing to bring an action in domestic violence cases. This loophole in the law was closed by an amendment to the domestic violence statute which deleted the word "minor", thereby giving entitlement to all abused children regardless of age.

2. It can direct a public agency to do something it claims it does not have the authority to do.

In 1979, the Maryland General Assembly passed a law which empowered the police department to give victims of domestic violence a police escort into the home for the purpose of getting their personal effects pending a judicial determination as to who shall occupy the home. Prior to this, the police department would use its discretion and was selective about providing police escorts for victims of domestic violence.

3. It can codify a court decision and protect gains achieved through litigation.

In 1979, the U.S. District Court for Maryland ruled that a juvenile shall not be involuntarily committed to a Maryland mental hospital unless counsel has been provided, that persons involuntarily committed have a constitutional right to treatment, and that no mentally retarded juvenile shall be admitted to a mental institution if a least restrictive alternative for care is available within the community. Johnson v. Solomon, 484 F.Supp. 278 (D.Md. 1979). In 1980, the General Assembly amended the Courts and Judicial Proceedings statute to bring it into compliance with the Johnson case.

4. It can overrule an adverse court decision.

In 1980, Green v. Green, 288 Md. 127, 415 A.2d 1131 (1980), established a one (1) year limitation for commencing a contempt-of-court action against a parent in default of court-ordered child support, or against a spouse in default of court-ordered spousal support. The Maryland Legislature passed a bill in 1981 which extended the one (1) year limitation to three (3) years, superseding the Green decision.

5. It can increase the number of people who are eligible for a public program.

The 1981 Legislature passed a bill which raised from \$1500 to \$1700 the amount by which gross annual income may exceed the financial eligibility asset schedule for the

pharmacy assistance program under the Maryland Medical Assistance Program. By doing this, more low-income people could qualify for the pharmacy assistance program.

6. It can provide private remedies for people where none have existed before.

In 1980, the Legislature passed a bill which provides that patients or residents of a nursing home may file a complaint alleging violations of the patient's Bill of Rights with the State Office on Aging. This law also provides for the investigation of the complaints and for a hearing on the complaint under the rules and regulations of the Department of Health and Mental Hygiene. Prior to the enactment of this legislation, nursing home patients did not have a private right of action for violations of their rights.

7. It can protect people from the actions of those who would assert their power over the less powerful.

Prior to 1981, a creditor could seize goods from debtors because of default judgment clauses in consumer contracts for the sale of goods and services. After the enactment of legislation in 1981, recovery can be had only after a court hearing and order empowering the creditor to recover the goods. This legislation gave added protection to consumers.

8. It can promote greater citizen participation by requiring disclosure of information.

A bill passed during the 1978 legislative session which broadened the State's Freedom of Information Act by generally revising the provision relating to the right to inspect public records, by prohibiting agencies from withholding entire documents if certain portions were confidential, by providing for administrative review, for judicial enforcement, and creating civil liability for violation.

9. It can promote greater citizen participation by requiring input from those people who are most affected by a law.

In 1980, the General Assembly passed a bill which required the Public Service Commission to hold rate increase hearings at convenient locations and during evening hours to assure that the persons in the service area affected by the rate increase would have ample opportunity to comment on the increases.

10. It can require that people be put on notice about their legal rights or remedies.

The General Assembly recognized that the conversion of rental dwellings to condominiums can have an adverse impact on the availability of rental units resulting in the displacement of tenants. To minimize the resulting hardship of displacement to senior citizens, handicapped persons, and other tenants, a condominium bill was enacted during the 1981 session which, among other things, requires a landlord or owner to give a 180 day notice to tenants of plans to convert rental units; it provides that failure of a landlord or owner to give notice is a defense to an action for possession; it gives the residing tenant the right of first refusal, and it grants a designated family a right to an extended lease of the rental property under certain circumstances.

11. It can respond to national issues and events currently of interest to the American populace.

Over the past few years, the U.S. Supreme Court has handed down numerous decisions affecting the 1st Amendment right of free speech. One thrust of those decisions has been to permit local Courts to determine the meaning' of "pornography" by receiving evidence as to what the community standard is. Another thrust has been to discourage "prior restraint" of 1st Amendment rights. Maryland's General Assembly responded to the Court's lead during its 1981 session by passing a bill which abolished its Motion Picture Censor Board.

12. It can respond to a media exposé of a major issue or problem.

The media exposed a number of deaths that were attributed to persons found to have high blood-alcohol levels. This led to the formation of a number of citizen groups, and the Governor appointed a commission to study the problems of drunk driving. As a direct result of these studies, a number of bills were introduced during the 1981 legislative session to strengthen the drunk driving laws of Maryland. Subsequently, six (6) bills were signed into law during 1981.

13. It can raise the consciousness of the Legislature around an issue.

A bill has been introduced during several legislative sessions which would prohibit a landlord from not renewing leases except for good cause. Although this "good cause eviction" bill has not yet passed, it has been introduced to raise sensitivity around this issue, and to pave the way for passage of this legislation in the future.

14. It can correct past legislation.

Each year there are a number of corrective bills passed during the session. These corrective hills usually do not affect any law other than to correct technical errors. Senate Bill 240 which passed during the 1981 session exemplifies this type legislation. It merely makes technical corrections in a number of Articles of the Annotated Code of Maryland.

15. It can shift the costs borne by a class of people to someone else who can better afford to pay them.

Most social welfare and public entitlement legislation shifts the costs for various services and human needs (i.e., medical assistance, school lunch subsidies, housing assistance) from lower-income individuals to the general population. On the other hand, environmental protection legislation generally shifts the social costs for various activities, (i.e., air pollutants) from the general population to the pollution discharger.

16. It can streamline the operations of a public agency to the benefit of its clientele.

Several years ago, the Employment Security Administration was experiencing a serious delay in processing claims for Unemployment Insurance Benefits. The Legislature passed a bill requiring that the Agency process claims for benefits within a specific time period to decrease the backlog of claims that the Agency was experiencing.

The Basic Rules of Effective Lobbying

1. Never lie or mislead a legislator about the relative importance of an issue, the opposition's position or strength, or any other matter.
2. Look for friends in unusual places. In politics, a friend is someone who works with you on a particular issue—whether a Democrat or Republican, liberal or conservative—even if that person or group opposes you on every other issue.
3. Never cut off anybody from contact. Do not let a legislator consider you a bitter enemy because you disagree; today's opponent may be tomorrow's ally.
4. Do not grab credit. "Nothing is impossible if it does not matter who gets the credit."
5. Your word is your bond. Never promise anything you cannot deliver.
6. Do not waste time on opponents who are publicly committed to their position. It is more productive to shore up known allies and to lobby legislators who are least committed or who claim to be neutral or keeping an open mind.
7. Never forget to notice and thank anyone who has helped you. The "good ole boy/good ole girl" system is alive and well in Annapolis.
8. Do not gossip. Knowing legislators' peculiarities and peccadilloes is one thing; talking about them is another. Remember that discretion is the better part of valor.
9. "When you are crossed politically, don't get mad. Get even." (Bobby Kennedy) The power of the ballot box is yours.
10. Get to know legislators well. Learn their interests, districts, biases, and voting records. Learn their personal schedules to know when you can best have contact with these very busy people.
11. You must learn the legislative process and timetables well.
12. Become acquainted with the legislative staff members for the legislators, committees, and various legislative resources offices (e.g., Legislative Research, Clerks, etc.) with whom you will be working. Be courteous, remember names, and say thanks. Staff persons are essential sources of information within the legislature, and have a substantial influence in some instances in the design, drafting, and passage of legislation.
13. Know your fellow lobbyists, particularly those in your interest area. They can help you understand the process, follow legislation, assess strengths and weaknesses. In addition to identifying your allies, you need to determine what groups you may need to negotiate with for changes in legislation who could otherwise block its passage.
14. Carry a rabbit's foot. In lobbying you can know your opponent; you can develop imaginative and reasonable compromises; you can burn the midnight oil to digest all the arguments; but it can all go right down the drain if you don't have a little luck.

Lobbying by Letter

One way to communicate your or your organization's views to a legislator is by letter. You may write to any legislator in the state, but you have more influence in your own legislative district where you vote. Remember that a state legislator may read hundreds of letters each week. The following are recommendations for writing effective letters to legislators.

- Write legibly or preferably type.
- Write on your personal stationery or business letterhead. If you are writing as a representative of a group, write on the organization's stationery. Do not send a postcard. Sign your full name and address so that your legislator can respond. Include a phone number, as the legislator may wish to talk with you about your communication.
- If you are a constituent, begin your letter by saying so. If you supported or voted for the legislator, say that also. (If neither is true, say nothing on these subjects.)
- Do not begin on the righteous note of "As a citizen and a taxpayer" (S)He assumes that you are not an alien and knows that we all pay taxes .
- If you are working with others on the issue, or if you are otherwise active in the community, say this also. Do not say you belong to a specific political or lobbying organization, since that may detract from the apparent spontaneity of your letter.
- Make clear what your position is and what exactly it is you would like your legislator to do. Whenever possible, refer to a specific bill by name and number and not just to a general issue. Write about one bill or issue in each letter.
- Make the letter entirely your own. Express your thoughts and conclusions in your own words. Do not use stereotyped phrases and sentences from form letters. They will be recognized as "pressure mail" and will be less effective.
- Your own personal experience is the best supporting evidence. Tell your legislator how the issue would affect you, your family, your clients, your organization, your profession, or your community or state.
- Be reasonable; do not seek impossible things. Do not threaten. Do not say, "I'll never vote for you if you don't do such and such."
- After you have told your legislator where you stand, ask your legislator to state his/her position in a reply.
- If your legislator pleases you with a vote on an issue, write and tell him/her so. If fact, be appreciative of any positive votes in the past. Much of the mail received by Delegates and Senators is from displeased constituents; a letter complimenting your legislator will be remembered favorably the next time you write.
- Timing is important. If your letter arrives too early, it will be forgotten. If your legislator is a member of the committee to which your bill has been referred, write when the committee begins hearings. If your legislator is not a member of the committee handling the bill, write him/her just before the bill is to come to the floor for debate and vote.

- Do not write to the members of the House while a bill is still being considered in the Senate and vice versa. The bill may be quite changed by the time it leaves that other chamber.
- Write the Governor promptly after the bill is passed by both houses if you want to influence his/her decision whether or not to sign it into law.
- Do not send a photo or carbon copy to your other legislators when you have addressed a letter to one. Write to each legislator individually.
- Address your legislators properly:

State Representative

The Honorable Peter Blank
 The House of Delegates
 The State Capitol
 Annapolis, Maryland

State Senator

The Honorable Jane Smith
 Annapolis, Maryland 21401

Senator Jane Smith
 The State Capitol
 Annapolis, Maryland 21401

Lobbying by Telephone

Most legislators have offices in their home districts. They can provide services and information for you. Call that office to find the immediate status of a bill, as well as to convey your opinions. If the legislature is in session and action on a bill is impending, call your legislators at their Annapolis offices. The following are recommendations for making telephone calls to your legislators.

- Identify yourself by name, address and hometown within his/her legislative district.
- Identify the bill by name and number.
- Briefly state what your position is and how you would like your legislator to vote.
- Ask for your legislator's view on the bill or issue; be firm in obtaining a commitment to vote.
- Show appreciation for his/her service on past votes. Be positive.
- If your legislator requires further information, supply it as quickly as possible. The legislative cycle moves extremely fast during the session.
- Do not be abusive and do not threaten your legislator.

- If the legislature is in session, your legislator is probably at his/her desk on the floor of the chamber. When talking to a secretary or legislative aide: identify yourself by name, address, and hometown; identify the bill by name and number; and state how you would like your legislator to vote.
- If you would like to discuss a bill more fully with your legislator, ask the secretary or legislative aid to relay your name and telephone number to your legislator and ask that your call be returned. Even if you are not able to speak to your legislator directly, your messages will be relayed to them and can only add to the overall impact of your lobbying effort.
- If you do not have your legislator's Annapolis office telephone number, call the Capitol switchboard and ask them to connect you with the legislator's office.

Lobbying by Personal Visit

One of the most effective ways to lobby legislators is in face-to-face visits with them. Most legislators have offices within their districts and have regular office hours during which they are available to their constituents. In addition, legislators have offices in Annapolis; however, because of the hectic legislative pace, it is more difficult to predict a legislator's availability when the legislature is in session. Nevertheless, if the legislators know that their constituents have traveled to the Capitol, they will come off the floor of the legislature, leave a committee hearing or find some other way to meet with them. Remember, there are three delegates and one senator in each legislative district; to maximize your efforts, make sure you contact all four of them. The following are recommendations for visiting with legislators.

- If you are a constituent and/or voted for any of your legislators, begin by telling him/her that. If you have any family, social, business or political ties to your legislators, it may serve as identification when your point of view is considered.
- Let your legislators know if you are working with others on the issue, if you are active in the community, or if you are representing members of your organization.
- A short written statement of your position should be presented to your legislators to explain what the bill does and why they should support your viewpoint. If amendments are being offered, have a mock-up of what the bill would look like with the amendments in it.
- Be clear about what your position is and what you would like your legislators to do. Identify your bill by name and number whenever possible.
- Be firm in discussing the issue with your legislators, but do not try to force them into changing their positions or committing themselves if they clearly do not want to do so.
- Always be courteous in dealing with your legislators, and never let your disagreement lead to harsh or personal remarks. If you lose your temper or prevent them from speaking, they will feel justified in branding you a "kook" or a "crackpot" and will disregard everything you have said. Besides, it is important not to alienate them; you may need their support on other issues.

- It is usually best to visit your legislators in small groups—three people are optimum—and to keep your visits as brief as you can. Going alone may be unsatisfactory because legislators may try to out-talk you or you may reach an impasse too quickly. You should convey the impression that these people are representatives of many more; if each of the three represents a different organization, their potential voting power will maximize your lobbying impact.
- To call your legislators off the floor of the chamber: go to the third floor of the Capitol, to the main entrance of the chamber, and write a note explaining briefly who you are and which bill you wish to discuss (for example: “Delegate Green May I speak with you concerning HB 563? -Jane Brown, Maryland Housing Council”). Your note will be delivered to the legislator by one of the doorkeepers, and the legislator will generally come out to meet you.
- To call your legislators out of committee hearings (to be used only in emergencies): request one of the committee pages or the committee clerk in the hearing room to deliver your note for you. You may meet the legislator in the hallway adjacent to the hearing room.
- It is preferable to schedule an appointment to meet your legislator in his/her office, when he/she can give you more attention without distractions. Call the legislator’s office a day before your visit to try arranging an appointment. If the legislator’s secretary or aide cannot confirm an appointment, ask what times the legislator is normally in his/her office, and be there at that time.

Lobbying by Testimony

All bills in the Maryland General Assembly are first referred to a committee. When a bill which affects you or your organization is heard in committee, it is particularly important that your interests be represented in the form of committee testimony. The following are recommendations for presenting testimony.

Note: While the presentation of testimony is important, and is the most visible mode of lobbying a committee, the preparation of the lobbyist and sponsor for the committee hearing is crucial to the success of the bill.

Note Also: Committee rules and deadlines can be suspended or changed unexpectedly. Directly contact the sponsor of the bill or the clerk of the appropriate committee (who is usually the secretary of the committee chairperson) to find out when the bill is scheduled to be heard.

Written Testimony

- It is not necessary to submit written comments with your oral testimony. However, if you wish to do so, prepare a short statement of your position.
- Supportive documents may be attached as appendices: statistical data, media accounts, case histories, published reports.
- Bring enough copies of your testimony for each member of the committee and its staff, as well as for members of the press who may be in attendance. Before the hearing begins, take copies to the committee clerk who is usually sitting with the committee

chairperson, and complete the witness listing (with the committee clerk), indicating your desire to testify.

Oral Testimony

- Sign the witness list for the committee clerk before the hearing begins.
- Be extraordinarily brief. Make sure your presentation is short and to the point. Legislators often hear much boring and repetitious testimony. Be novel in your approach; i.e., use visual aids. If you are not brief, be prepared to justify every extra word over 5 minutes in an oral presentation.
- Remember, if you have not done preparatory “leg work” (see “Committee Strategy,” before the committee hearings, no large amount of oral testimony will change anyone’s mind. In fact, the longer you testify, the more likely you are to antagonize the members and hurt your cause.
- Do not hand out written testimony while making an oral presentation. You will most assuredly lose the attention of the committee. You could distribute your written statement (either to the committee clerk or chairperson) before beginning your oral statement—especially if you intend briefly to call attention to more extended material therein.
- Remember that you are in a legislative forum; many people in a committee hearing do not understand “legalese” or the social services jargon of your agency.
- Dress somewhat conservatively. Your appearance may be as important to some legislators as what you say and how you say it.
- Begin by identifying yourself and giving a short description of who you represent, what your organization does, what it stands for, and how many members it has.
- Give a clear and concise statement of your position: “we are opposed to the House Bill and urge you to vote against it.”
- State the reasons for your position. Do not try to be more of an expert than you are. Do not make arguments you are not prepared to defend or prove.
 - (1) Whenever possible, begin by praising the general intent of the bill, whether or not you are opposed to the specific methods incorporated in the bill.
 - (2) State why changes in the law are necessary: political, fiscal, moral and social consequences of the bill.
 - (3) Anticipate opposition arguments by challenging your opponent’s statistics, facts or motives.
 - (4) If possible, offer concrete examples, actual case histories or supporting data.
 - (5) Ask questions that the proposed legislation leaves unanswered.

(6) Mention others who support your position.

- Close by thanking the committee and offering to answer any questions which legislators may have.

Answering Questions

- Answer questions as honestly as you can. If you do not know the answer, say so. If necessary, defer to another witness who is more knowledgeable on the subject matter or offer to supply the information at a later date.
- If you do not know the name of the questioner, simply address him/her as “Senator” or “Representative.”
- If asked whether you would support the bill if it were changed, do not publicly commit yourself to a position if there is a chance you will later need to withdraw your support. Instead, respond that you or your organization will need to reconsider the amended proposal.
- If you are asked an irrelevant or rhetorical question, use the opportunity to restate your position while remaining poised and unruffled.
- It is helpful to arrange ahead of time for a sympathetic committee member to ask you to rebut testimony given by the opposition, since you are not automatically granted this privilege.
- Even if you are sure that the battle is lost before you begin, your testimony may gain respect for your organization or may educate committee members in ways which may not be immediately apparent. Remember that your testimony becomes a part of the legislative record on the issue; you are demonstrating that support or opposition does exist and cannot be ignored.

Lobbying the Governor

The Governor and his lobbyists play key roles in the legislative process because they may introduce legislative programs which carry a great deal of weight. Therefore, you can sometimes achieve a great deal by allowing the Governor, through his staff, to make your idea his idea. You should cultivate relationships with contacts in the Governor’s staff and feed them information and suggestions for reform. In this way, you can influence reform already undertaken by his office.

The Governor may also be a key person in controlling his party’s position on a bill in the legislature, even though they have not originated it. This support can be crucial, especially with measures involving close floor fights. However, you should analyze the political strength of the Governor very carefully because his support of an issue, at times, may mean the kiss of death for that issue if it is likely to embroil your proposal in a partisan controversy where personalities become the real issue.

If your bill will have any substantial impact on the executive branch of government, you should generally contact the agency or agencies (e.g., Department of Human Resources, Department of Health and Mental Hygiene, Department of Public Safety and Correctional Services) to be

affected. They will be quick to point out any difficulties which changes in the law might impose on them. Do your best to iron out these problems before the bill is introduced.

Agencies may also be antagonistic or impervious to change. Nevertheless, it is important to work with the agency and get as much information as possible from it which relates to your bill. If you obtain the agency's support or, at least, its ambivalence, you and your sponsors will have won a major battle in most cases.

It is also important to determine what sort of reputation the agency has in the legislature. On some occasions, the agency may be looked upon with such scorn, that your chances of passing reform legislation would be better off without agency approval. Additionally, sometimes legislatures have a great distrust of agency officials. Thus, agency statistics and information may not be the best source of support for some measures.