

The Oregon Lobbyist's Briefcase Companion



2020 Edition

Formerly

“The Do’s & Don’ts of Lobbying”



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DEDICATION

David S. Barrows first stepped foot into the Oregon State Capitol as a page for the House of Representative in 1955. When he went on to represent the Oregon Fairview Home as a lobbyist in the 1959 and 1961 legislative sessions, and then additional clients as a registered lobbyist with the Oregon Legislative Assembly in 1963, he did so with an honest and integrity that garnered him the nickname “The Dean of the Lobby.” In this manner he continued to serve at every Legislative Assembly for the next 55 years.



The name “Dave Barrows” was synonymous throughout the Oregon State Capitol with quality, credibility and trust. He conducted his life’s work under a set of principles that he gladly shared with others and that we memorialize in this; the latest version of what began as David S. Barrows “The Do’s and Don’ts of Lobbying.”

In true David S. Barrows form, it is essential that credit be given to each of those who had a hand in this book’s creation. Dave would want it to be known that the idea to create a lobbyist’s guide booklet was originally the brainchild of his wife, Pat Barrows, who worked tirelessly to transform the real experiences of legislators and lobbyists into a useful tool for others. Based on her countless interview, Dani Wilke and Hedy Rijken wrote and designed the original booklet, which was then edited by Maureen Herndon-proofreader extraordinaire.

To all of those who have contributed to this guide, and all that it stands for, in memory of David S. Barrows, thank you.

HONESTY

There is nothing that will do you more harm with a legislator or colleague than to lie. If you are caught in a lie, it will not only damage your relationship with the person to whom you lied, but it is likely to ripple throughout the legislative process.

Honesty seems very simple. Yet we have provided you some basic points on which honesty in the legislative process is measured:

- Do not exaggerate the merits or problems with a bill. Fully disclose weak points so you can frame them in their proper context.
- Be realistic. If you give a realistic assessment of the effects of a bill, one which ultimately proves to be accurate, lawmakers will come to depend on you.
- Do not say the world will come to an end – or suggest anything remotely close to a doomsday scenario. It isn't true and doesn't wash with lawmakers.
- Be sincere. Legislators have a keen sense of sincerity. If you are faking, it will show.
- Admit a mistake. You will heighten your credibility with legislators if you are willing to admit an honest mistake.
- Do not lose lawmakers' trust. By being unwilling to admit mistakes, or by exaggerating or lying about a bill, you will gain a reputation for deceit. You won't help your image or that of your client or cause.
- Apologize. When you're wrong, you're wrong. Say so.

RESPECT

You will not succeed in your efforts as a lobbyist unless you show sincere respect for legislators, colleagues, and the legislative process.

Legislators have worked very hard to get to the position they are in today – by winning an election and earning the trust of their constituents. Your job is to show them respect for their position and their commitment to public service.

- Avoid disdain for legislators and the system. Even with public opinion polls showing legislative bodies in some disfavor, if you bad-mouth legislators or the process to which they are committed, know that it will become common knowledge. It will get back to them.
- Respect legislators' views. Most lawmakers won't have strong stands on all issues. When they do, respect their position, even if it differs from yours.
- Legislators will listen to constituents first. Acknowledge their need to understand how your issue is perceived by their constituents. Work with them to find ways to neutralize opposing constituents.
- Never embarrass a legislator. Whether in jest or in truth, never broach a subject which may cause a legislator personal discomfort.
- Give positive feedback to your friends. Helpful legislators should always be promoted with other legislators and lobbyists, and when the opportunity arises, with their constituents at home.
- Never beat up on your friends. A time will come when a legislator who has long supported your efforts will oppose you. That's the breaks. It is better to disagree on an issue and remain friends than cause your relationship potentially irreparable damage.

- Don't take a self-righteous attitude with lawmakers. Your focus is on your mission, not your ego. You may be right, but why alienate someone to prove it?
- Be courteous. Your parents taught you this when you were a youngster. You certainly remember how.
- Be punctual. Your time is not as important as lawmakers' time. Never, never ever be late for an appointment. Do so, and it may be your last. But if you are going to be late, call the lawmaker's office and explain.
- Be concise. Whether during a scheduled appointment in the office or a quick chat with a lawmaker in the hall, make your conversation short and to the point. Legislators have incredible schedules to keep. Respect those commitments.
- Always introduce people with you. Never assume the legislators already knows someone who is with you, particularly when it is a constituent, a client or another lobbyist.
- Never follow a legislator into the restroom. Never!

BE PREPARED

You don't have to be a Scout to understand this one. Legislators are most impressed by a solid presentation of facts that takes up a minimal amount of their time. A favorable impact is what you are trying to achieve, so be prepared and provide the necessary follow through to leave a positive impression on lawmakers.

- Do your homework. Know the answers to questions you may be asked. Don't guess. Don't inadvertently lie when you don't know the answer. Find out and get back to them ASAP.

- Do not generalize. Don't say "I don't like the bill" or "It's a bad bill" and stop there. Explain what you don't like about it or why you think it is bad.
- Know each legislator's political bent. Is the legislator conservative, moderate or liberal? Tailor your presentation around the appropriate position in the political scheme of things.
- Do not assume anything. When you do, you may be wrong. Always make sure legislators understand what you are talking about fully. If they already know something you are telling them, they will let you know.
- Don't get caught by surprise. It will damage your credibility. If someone is giving a legislator information contrary to your message, tell the legislator why you believe your information is accurate. Back it up with facts, not opinions.
- Don't let legislators get caught by surprise. Any time you set a member up for embarrassment, it hurts your effort. Legislators rarely forget such a situation.
- Keep appointments short. Enough said.
- Deal with committee members first. Legislators often want to know what the committee will do before making a commitment. Be able to tell them.
- Some legislators commute. Know which ones live in Salem during the session and which ones do not. Don't expect to make evening appointments with those who commute.
- Make an initial contact with every legislator. Say hello, introduce yourself and quickly move on.

- Maintain a presence. You cannot come to the Capitol once or twice during the session and expect to get anything done. You and your issue will be forgotten. Be there as often as you can, visiting and revisiting legislators until your issues are addressed completely. But . . .
- Don't overdo maintaining a presence. If you see a supportive member roll his or her eyes or physically turn away when you are approaching from afar, you may be overindulging your need for attention. Step back and give them room. Find a happy medium for making your contacts.
- Know your supporters. Identify legislators who are on your side early. Keep in touch, but do not spend all your time with them. They will become irritated if you constantly require their attention.
- Educate your detractors. Legislators usually listen, even when they begin from an opposing position. Do not shy away from lawmakers you assume are opponents. Educate them.
- Find supportive legislators to draft and sponsor your bills. If they like your issue, they are usually willing to have it drafted as a bill and/or sponsor it. You will need this to gain other members' support.
- Find supportive committee members to help get a hearing. Whether it is the Chair or a member with influence, find one or more committee members to push for your position in committee and on the floor.
- One-page outline/letters are critical. Lawmakers get too much mail to read volumes personally. If your outline is too long, they may just ignore it. One-page outlines using bullets to emphasize key points are the trick.

- Use visual aids when possible. Provide pictures and scrapbooks of newspaper articles and other defining materials when at all possible. It can be costly, but it is very helpful for legislators to be able to visualize the need for legislation.
- Know where your bill is at all times. Is it in committee? Which committee? Is there a hearing scheduled or about to be scheduled? For what day? Know more than the Legislative Calendar tells you about the status of your bill.
- Identify legislators' constituents who are supportive of your position. Have those constituents contact their legislator and let him or her know how important your position is to the constituent personally.
- State the purpose of your visit to staff. Don't discuss the ability of the staff to get you in to see the member. Treat staff as an important part of the legislator's operation and rally them to your support.
- Know as much about the legislator and his or her spouse, family and district as possible. Find out what he or she does for a living, what their interests are outside lawmaking, if they have a family, where they live, what the demographics and geography of their district are, and what people in their district might think generally about your efforts.
- Know each member's specialty. Bone up on legislators' pet issues, either from prior sessions or from campaign literature. It shows your interest in them. And, for Pete's sake, don't assume they know everything about everything. They don't.

- Help legislators explain their vote. When a legislator votes in favor of your position, someone in the home district isn't going to like it. Help that legislator define a message for responding to criticism and accentuating the positive of his or her (and your) position.
- Anticipate and identify opposition – neutralize it early. Much of your work can be accomplished early if you can identify your opponents and argue their position before lawmakers have heard it from them. You make points when you can outline opponents' arguments.
- Just because it is important to you doesn't mean it is important to lawmakers. Know which lawmakers aren't going to react positively to your issue initially and tailor your message to make it important to them.
- Know why your position might fail and ask supportive legislators for help. If you are honest about the opposition, you can gain allies who will help you succeed. Don't be afraid to ask for help when you need it.
- Ways and Means: the key to everything. If your bill will subsequently be sent to Ways & Means, work that committee at the same time. If it can't make it through Ways & Means, don't waste legislators' time with unneeded appointments and hearings.
- Be ready for chaos. It happens, especially toward the end of the session. Expect it and use it your advantage. More on this subject later.
- Have everything legislators need ready when they need it. This includes:
 - ✓ Informational materials
 - ✓ One-page summaries
 - ✓ List of sponsors
 - ✓ Amendments
 - ✓ Floor votes (previous sessions or other chamber)
 - ✓ Floor speeches

DEMEANOR

Half your battle is to keep your cool. Come across as professional and respectful. You don't have to be a professional lobbyist to act like one. Here are some tips to help you, even when times get tough, with legislators and with colleagues.

- Do not demand. It will get you nowhere.
- Do not threaten. You will get the boot, either out of an office or worse, out of a public hearing.
- Do not get angry. Remember, you may need this person later.
- Know which legislators do not like to be summoned from the floor or from committee. There are some. Even if it's critical to you, it won't be critical to them and may cost you a vote.
- Don't be convoluted. You may be nervous, but never let 'em see you sweat. Make sure your presentations and conversations are short and to the point.
- Stay "out of their face." Come across too tough and your argument won't come across at all.
- Do not get emotional. This is particularly difficult when you're staring at defeat. Stay professional and keep under control.
- Have a sense of humor. You will be appreciated and it will help legislators when they are under the incredible pressures of a legislative session.
- Be persistent. If you don't stay on top of things, they will fall by the wayside. If a legislator has promised to do something, stay in touch until it is done. Expect, but don't assume, he or she will remember what they have indicated they'll do.

- Always ask directly for support of your position. Say the words “can I count on your support?” Don’t assume that, because they have talked positively about your position, they ultimately will stand with you. It’s okay to wait for an answer, but eventually get one.
- Do not be intimidated by legislators. You have a job to do. Stay professional, make your case. If a legislator tries to intimidate you, respond professionally and with facts. Don’t waiver in your conviction of the issue.
- Don’t criticize or be cranky with staff. Their bosses will hear about it, and you may never get another appointment.
- Listen to exactly what the legislator is saying, not what you think they are saying. Respond to his or her specific statements and provide them precisely the information they have requested.
- Do what you say you’ll do. Do it on time and pleasantly.

STAFF AND THE GOLDEN RULE

(You never know when they will be an elected official!)

“Do unto others ...” applies directly to how you deal with the committee and personal staff of the legislature. This includes interns and volunteers. Some of your greatest accomplishments and toughest defeats will come because of how you have treated and worked with legislative staff.

- When you talk to staff, you are talking to the legislator. Assume anything you say to staff will be said directly to the member. Don’t say anything you don’t want repeated.
- Do not treat staff as underlings. They have worked very hard to get these positions and are often overqualified for the jobs they are doing. Treat staff as valuable participants in the legislative process. They are an extension of their bosses.

- Do not pick on staff for their boss's position on issues or bills. You won't accomplish anything. You will alienate the staff personally, ultimately alienating the legislator.
- Don't hang around friendly staff. If you're not busy, remember, they are. It won't be appreciated.
- State the purpose of your visit to staff members. They like to be informed and can be helpful in getting your information to their boss. Never say "Representative Doe will know what it's about." You'll most likely get turned away.
- Follow up with staff. If a member has asked for more information, give it to the staff. Their boss will get it.
- Be realistic with staff. Staff can be very helpful. They usually know their limits, and you should respect them. If you are asking them to do something, give them room to say no. It is important to build good relationships with staff.
- Meet committee administrators and assistants. You will most likely be dealing with a few committees, not all. Meet the staff personally. Don't just meet the administrator. The assistant can make or break you when time gets short at the end of the session.
- Develop a rapport with personal and committee staff. Getting to know key staff people is part of your work. Personal interests, political involvement and such give you things to talk about and show you are interested in them as individuals.

FOLLOW-THROUGH IS CRITICAL

Don't bother showing up if you aren't prepared to stay until the end of the game.

- Too often, lobbyists say they will do something and then put it on the back burner while attending to more pressing matters. You have said you will do it, it is now the most pressing matter. You must keep your word.
- Say “I will get back to you, “and then do it.
- If you don’t know the answer, find out. Never try to buffalo a lawmaker. It’s okay to say you don’t know the answer. Just get the answer and get back to the legislators.
- Notify legislators of changes. Once you’ve given out information, that’s considered your final word – unless you update it. If a bill is amended, a committee date changes, or you find out facts different from those you have conveyed, it is your responsibility to notify members with whom you have spoken about the bill.
- Give recognition to members who have helped you in their communities. Let people who are supportive of your position know what their legislators have done. You can even write an opinion article or letter-to-the-editor to local papers commending a particular lawmakers’ position. You will get repeat help if you show appreciation.
- Send thank you notes. When you get help, send a card or note. Not just for votes, but for appointments, hearing, and advice or help.

CHAOS IS NATURAL

Chaos will rear its ugly head throughout the session. Toward the end of the session, it will become the norm. Your ability to deal with chaos will determine your likelihood for success. Dealing with chaos requires a mindset, rather than some rules. Here are a few tips.

- Chaos is natural. Don’t let it get to you. Keep cool and remember your mission.

- If you crumble, you will lose. You may lose anyway, but crumbling under pressure will be remembered. You will damage your credibility.
- Be prepared for chaos. Know it's coming and do whatever is necessary to stay organized and professional. Your opponents may not prepare, but if you do, it will help you.
- Chaos does work. Sometimes knowing how chaos will affect the process helps in your strategy. Understanding how chaos can help takes time, but over the long run, you may even be able to use it to your advantage, particularly in killing legislation or getting amendments into bills otherwise ignored.

SEXUAL ATTITUDES AND CONDUCT

This section is the easiest to write and update since 1994. Let us put it as simply as possible.

Don't be a jerk. Don't be a boor. Don't touch. Don't break the law.

Male, female, legislator, lobbyist, staff, boss, Republican, Democrat, Independent, gay, lesbian, heterosexual. Be respectful through your behavior, attitudes and conduct.

Both the House and Senate have adopted strict rules regarding workplace harassment. The state Capitol is where we work.

RULES OF CONDUCT GENERALLY

Both the Senate and the House have rules that govern legislative processes and the conduct of their members, staff and others—including lobbyists. Sometimes their rules are the same; often they're different. If you're going to work at the Capitol, know the rules. And follow them. Every Capitol Club member has also agreed to abide by Oregon law and the Capitol Club Standards of Conduct. We each have a professional responsibility to follow these standards and to help our legislative colleagues at the Capitol do so too.

CAPITOL CLUB **ARTICLE I. STANDARDS OF CONDUCT**

The Capitol Club is an organization of professional advocates whose primary role is to provide information on behalf of their clients to legislators and state government officials. Capitol Club members are expected to conduct themselves in accordance with the highest levels of integrity and professional responsibility.

Each member of the Capitol Club has agreed to the following Standards of Conduct.

1. Capitol Club members are committed to carrying out their professional responsibilities honestly. No member shall knowingly or willfully make any false statement or misrepresentation in the course of their work, or knowing a document to contain a false statement cause a copy of such document to be received by a legislative or executive official without notifying such official in writing of the truth.
2. Members of the Capitol Club shall conduct themselves in a manner that is free of harassment and to discourage all harassment in the Capitol and at events, professional meetings, seminars or any events at which their work is conducted.

3. Members of the Capitol Club shall list all their clients in the online Capitol Club Directory, according to the timeline consistent with Oregon Government Ethics Commission requirements. See ORS 171.740(2).
4. No member shall distribute written or printed information without identification of themselves or client as the source of the material.
5. Members shall abide by applicable Oregon lobbying and government ethics laws and rules, the rules of the House and Senate, and these Bylaws.
6. No member shall instigate the introduction of any legislative action for the purpose of obtaining employment to lobby in opposition thereto. See ORS 171.756(1).
7. No member shall lobby or offer to lobby for consideration if any part of the member's compensation for lobbying is contingent upon the success of any lobbying activity. See ORS 171.756(3).
8. No member shall attempt to influence the vote of any member of the Legislative Assembly by the promise of financial support of the candidacy of the member, by threat of financing opposition to the candidacy of the member, at any future election. See ORS 171.756(2).
9. No member, during a session of the Legislative Assembly or during the weeks in which interim committee days are held, shall make or promise to make a campaign contribution to a legislator, to a candidate for legislative or statewide office in Oregon, or to a campaign committee that supports legislative or executive candidates for office in Oregon.

10. No member shall be in either legislative chamber when the main doors of the chamber are closed. During this period of time, the use of the halls behind either chamber is permissible only when the member has business in offices accessible only through such halls or when requested to be in such halls by a legislator.
11. No member shall communicate either orally or by gestures from the gallery of either the Senate or the House to anyone on the floor of the Senate or the House. This rule is applicable when the members of the chamber are in floor session or during a recess between sessions.
12. No member shall, in any fashion, interrupt a discussion between another person and a legislator in the capitol.
13. No member shall use state-owned facilities or equipment, including but not limited to telephones, fax machines, computers, offices, libraries and furniture, unless such use is authorized.
14. Lounges of the House and Senate are “off-limits” to members except as permitted under House and Senate rules.
15. Members shall, at the request of the committee, participate and cooperate with the Professional Responsibility Committee.

ETHICS

Oregon's government ethics laws regulate the activities of both elected officials and lobbyists. You may find yourself in situations which feel wrong or are blatantly illegal. Never second guess the ethics laws. Knowing them inside and out.

In addition, the Capitol Club, the organization of professional lobbyists, has stringent rules regarding both behavior and courtesy. Knowing them will help you in your efforts with both legislators and other lobbyists, whether you belong to the Capitol Club or not.

For more information on ethics laws go to:
<https://www.oregonlaws.org/org/171.725>

ACKNOWLEDGEMENTS

The Capitol Club, through its Board of Directors or its Professional Responsibility Committee, is available to help answer questions about working within the legislative process.

The Capitol Club Board of Directors again acknowledges the work of Dave Barrows & Associates in compiling the first Briefcase Companion. Many of the suggestions, both in 1994 and now, were made by legislators, lobbyists, and longtime political players. The original material was compiled by the one who most observed the lobbyists' effectiveness and who added her unique insights and intuition: Pat Barrows. The recommendations and practical tips contained here will help you become a strong and honorable advocate.

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