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Author

Micheli, Chris

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Thoughts on State Capitol Lobbying During the Pandemic

Chris Micheli
Aprea & Micheli, Inc.
cmicheli@apreamicheli.com

There are far more similarities than differences in lobbying during the pandemic. In many ways, “lobbying is still *lobbying*,” no matter the means of communication. With the California Legislature in full swing for its pandemic-plagued 2021 Session, legislative advocacy continues, but in some different ways. Lobbying has changed over the past sixteen months, but it is unknown how many of these changes will be permanent.

The following are thoughts about some of the specifics of lobbying during COVID-19 in the California State Capitol in Sacramento. The biggest difference obviously is the lack of in-person lobbying that would normally be taking place. In fact, while the legislative process has historically been largely dependent on those in-person discussions and the natural “give-and-take” of the process, we have learned it can be done remotely, but definitely not as well. Perhaps advocacy is less productive and more albeit time-intensive during COVID-19.

Bill Letters

Advocates still write their letters of support and opposition to legislation being considered by State Senators and Assembly Members. However, instead of hand-delivering the letters to the committee staff, author’s offices, or directly to members of the policy and fiscal committees, the letters are uploaded to the “committee portal” website. While the Capitol community was headed in this direction anyways, now this portal is the only method of delivery that committees desire. In fact, some legislative offices have gone “green,” and specifically refuse to accept paper letters.

The portal system ensures that the staff from the committee and the author’s office get advocacy letters delivered to them, and that other legislative staff can access those letters as well. The portal system simplifies the process for all parties involved, and most staff appreciate the reduction in papers scattered across their desks. Also, Assembly Members can access the actual letters on their laptops while sitting in committee or on the Assembly Floor.

Member and Staff Meetings

Pre-pandemic, many advocates walked the halls of the State Capitol for both scheduled meetings and “drop-ins” with legislators and their staff. That has not occurred since March 16, 2020, when the statewide lockdown mandate took effect. Now, these meetings are held by video conferencing applications like Zoom or MS Teams. The ability to simply drop-in on staff is severely limited while the Capitol is largely closed other than for hearings and floor sessions, and many staff members continue to work remotely at this time.



The main difficulty for advocates now is securing meetings in a timely manner as there is often a lot of back-and-forth involved with finding the right date and time to set-up the phone call or video appointment, leading to delays in timely meetings. It was much easier to drop-in at offices in the Capitol building without making formal appointments, or catching legislators or their staff walking to committees or the Floors and having a short hallway conversation about a bill or issue.

Advocates and their clients have been able to engage in limited “advocacy day(s)” activities during this pandemic – all remotely, of course. As one might imagine, there are both positive and negative experiences with this approach to lobbying. Engaging in-person with elected officials and their staff is more productive than doing so remotely by telephone or Zoom because many feel a lack of engagement and lobbying is often more effective with in-person interactions.

Committee Hearings

Essentially there are two ways to participate in legislative policy and fiscal committee hearings – in-person or remotely. In-person participation is just like it always has been, with lobbyists and members of the public testifying in-person in the committee hearing room. Both the Assembly and Senate allow telephone testimony as well as televised testimony, as well as televised testimony in a remote committee hearing room at the Capitol building.

The Assembly has established remote testimony sites at several state office buildings throughout the state, as well as the North Steps of the State Capitol. The committees establish a separate line for the “principal witnesses” testifying in support or opposition to the bill. The remaining testimony (often referred to as “Me Too” statements by proponents and opponents) occurs on a regular landline phone.

The telephone testimony option has enabled thousands of people to participate in the legislative process, many of whom have never traveled to Sacramento to testify. However, this remote testimony has also frustrated participants and legislators alike. In some instances, participants have spent hours on the phone, only to make a “Me Too” comment at the hearing, while others have lost their place in the phone queue only to have to start the process over again. And, legislators have had to listen to a seemingly endless stream of redundant comments. Some legislators in committee hearings have been subject to cursing and even threats of physical harm.

For Capitol hearings, there have also been Friday hearings, which are rare occurrences during non-pandemic times. Most staff are working remotely for hearings and Floor Sessions of the Assembly and Senate. This creates the added difficulty of reaching staff members and asking them to communicate with their Members on a time sensitive issue because these staff are not always physically in the Capitol building.

Note that, for hearings and Floor sessions, members of the public will have to go through concurrent health and security screenings. There is also very limited seating in both committee



hearing rooms and the Senate and Assembly Galleries. The Legislative Office Building (LOB) remains closed to the public entirely.

Floor Sessions

The Assembly does allow some limited interactions between members of the public and its Members, while socially distanced and with masks on, of course. These brief meetings occur outside the Assembly Chamber on the second floor of the historic part of the Capitol building. For example, a lobbyist could send a business card through a Sgt. at Arms and, if the legislator desires to do so, she or he can meet the lobbyist outside the Chamber. On the other hand, the Senate does not permit sending business cards or meeting outside the Senate Chamber.

It is hard for multiple follow-up visits to take place, which is a common practice for lobbyists before the onset of the pandemic. That is because it is difficult to have multiple Zoom calls on the same topic with the same Member or staff. In those cases, advocates may be left with a single phone call or email as follow-up contact with that legislator's office. An important aspect of lobbying, in order to be effective, is for multiple follow-up visits with a legislator and their staff. It is a rare that a single lobbying visit results in the desired outcome.

Coalition Meetings

With meetings outside the Capitol, such as coalition meetings and strategy sessions that play a critical job in lobbying elected officials, what was always an in-person meeting is now either a phone call or a Zoom session. In addition, some of the meetings that used to be held by telephone are now done by Zoom or Teams to allow for greater interaction because there have not been in-person activities over the past 16 months.

Most advocates have not attended in-person coalition meetings since last March. While some of these group meetings were normally conducted by phone, most were held in person. That no longer occurs during the pandemic and those limited personal interactions make lobbying efforts more difficult.

Concluding Observations

Some of the changes affecting lobbying activities at the State Capitol are likely to survive the pandemic, such as the use of the "committee portal" system used for submitting advocacy letters. A handful of committees used to use the portal system; now all of them do so. Because it increases access to advocacy letters on legislation, the system will continue to be used and is a positive change.

Although remote testimony by telephone has undoubtedly increased the number of individuals who have participated in legislative committee hearings, most legislators and staff do not like this form of public testimony. Most prefer in-person testimony inside the committee hearings, and this approach probably increases the opportunity for legislative debate, rather than the



impersonal landline phone testimony almost exclusively provided today. While listening to telephone testimony, interaction with those testifying for and against legislation has greatly diminished. This has resulted in less discussion among committee members themselves.

Ultimately, the legislative process is better served by in-person interactions, whether at committee hearings or lobbying individual legislators. Elected officials and their staff, as well as professional advocates, believe the process benefits from meeting and discussing legislation face-to-face, even if those interactions require masks and social distancing.