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**Power to the People:
Checking Special Interests in California**

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Abstract

There has long been concern about the role of interest groups in the policymaking process, especially the effect of group money in legislative elections/decision making and informal relationships between lobbyists and legislators. The result has been more than four decades of reform in California, beginning with the legislative ethics code in 1966. The current reform regime does almost all it can to regulate behavior through disclosure rules and limits on gifts and contributions. Interest groups play an important role in policymaking and increased constraints on their activities may be counterproductive. Future reforms should not focus on controlling legislator/lobbyist interactions, but empower the public to become more involved in the policy process as a counterweight to interest group pressure. We propose ways to improve the usability of available government information to make the public more active in policymaking and elections. Accountability and quality of policy will improve as both interest groups and interested citizens influence legislative decisions.

Keywords: special interests, legislative ethics, campaign finance, electoral reform, lobbyists

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Introduction

In California, as everywhere else, the term “special interest” is thrown around on a regular basis, often with a sneer. The implication is that the group’s focus on their own concerns and goals undermines the role of constituents in legislative decision making. While there is reason to believe that organized group interests can work against the public good (Madison 1787), interest groups play a critical role in policymaking. Without their expertise, public policy is likely to suffer, especially in a term limited state like California where a significant number of assemblymembers and senators each session have little experience with the institutional process and specific issues before the legislature (Cain and Kousser 2004, 79).

In this paper, we address the role of interest groups in the California legislative process by briefly summarizing the positive and negative aspects of interest group participation and discussing some of the many reforms that have been proposed to decrease the negative influences they may have. We find that the reforms adopted to date have centered on *quid pro quo* exchanges by either outlawing them completely or by reducing the opportunity for these relationships to develop—for example, limiting campaign contributions, gifts, and honoraria—and reform efforts in the last 15 years or so have continued to focus on these behaviors.

Given the legal limitations to campaign finance reform created by the *Buckley v. Valeo* and *Citizens United* decisions, we argue that most of the structure is in place to prosecute those who have participated in unethical exchanges, but the public is still cynical about the role of groups in the process. There are probably good reasons for this, but continuing to tweak the same types of reforms over and over—simply

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making illegal behavior *more* illegal—has done little to assuage public concern or increase democratic accountability, and that is where the effort of reform should concentrate. Even if quid pro quo exchanges have become relatively rare, it still matters that the public *thinks* they are more common.

While empirical findings on this topic have been mixed (Grönlund and Setälä 2007; Levi and Stoker 2000), this disillusionment with the process of policymaking may reduce citizens' willingness or desire to participate in politics at the electoral level, further limiting accountability. Their behavior, then, creates a self-fulfilling prophecy; if citizens are not expressing their preferences, then the only voices legislators hear are those of lobbyists. And legislators have incentives to respond to group pressure as they have little reason to believe they will be punished at the polls for doing so.

We argue that future reforms must make it easier for voters to participate in both the policymaking (prior to decisions being made) and electoral processes by making information more readily available. By increasing the capacity of voters to participate in the policymaking arena, we expect three important effects. First, their voices will serve as a counterpoint to those of the lobbyists hired by special interests. Second, increased efficacy may lead to more citizen participation. Finally, this should lead to increased democratic accountability as citizens gain the tools to make their positions known as well as the power to enforce legislator compliance in the voting booth. The proposal to increase citizen participation in the process in order to make it more representative is not new, but we place this discussion in the context of its potential impact on interest group influence and address how California processes can be changed to generate the type of participation that may reduce group influence.

The Role of Interest Groups in the Policy Process

Interest groups play many positive roles in policymaking. Through their participation, groups enhance representation by signaling to legislators which issues are salient and to whom (Bentley 1908; Truman 1951) and how intensely the public feels about a particular issue (Dahl 1956). Competing groups can provide concise and complete information surrounding the technicalities, opinions, and concerns regarding specific policies and thus lower information costs to legislators (Milbrath 1963; Ornstein 1978). Finally, groups focus on the policy effects of legislative outcomes and not just the symbolism of legislation, so they make sure that the policies they support are duly instituted by the executive branch (Aberbach 1990; Hall and Miller 2008; Mayhew 1974, 125; Scher 1963; Wilson 1989).

The problem that scholars, journalists, and voters have with interest groups is that there is potential bias in this system of participation. Some citizens fail to

receive group representation, not because of a lack of interest in the issues, but because of organizational limitations (Olsen 1971). Some groups, such as those with large membership or deep pockets, have a disproportionate voice in the process. Citizens are concerned specifically with how money influences legislator behavior,¹ and there is at least some evidence that their fears are well-founded. The impact of candidate campaign spending on electoral success has been well documented (Jacobson and Kernell 1981). Interest groups with a vested interest in the outcomes supply much of this funding, providing the incentive and opportunity for *quid pro quo* exchanges and/or the development of relationships that lead to favoritism.

Research has shown that campaign contributions can have an impact on legislative effort, for example, increasing a legislator's involvement in a bill's movement through committee, floor debates, etc. (Hall and Wayman 1990). Contributions can have an impact on the willingness of legislators to sponsor particular pieces of legislation (Rocca and Gordon 2010). And, although evidence is split on this final point, contributions can also have an effect on voting behavior of legislators in very specific sets of circumstances (Gordon 2001; Langbein and Lotwis 1990; Wilhite and Theilmann 1987).

But it is not simply what money buys that is troubling to the public. While there is little evidence of legislators trading votes for money, citizens are uncomfortable with the close contact between legislators and lobbyists.² The exchange of money between groups and legislators may be similar to a gift giving relationship (Clawson et al. 1998) or financial investment (Snyder 1992)³ where contributions are not given as part of a *quid pro quo* exchange, but in order to build long-term exchange relationships and these relationships, whether they result in an exchange or not, appear unethical to the public (Redlawsk and McCann 2005).

From common interests in policy and the process to entertaining, gift giving, constituent service, and assistance on legislation, lobbyists serve as natural comrades and allies to legislators (Hall and Deardorff 2006; Rosenthal 2001) and California's strict term limits speed up the revolving door, giving legislators incentives for building close relationships with current lobbying firms who may be their next employers. Since the passage of Proposition 140 (term limits), legislative staff, bureaucrats, and lobbyists remain as the few stable career professionals in the process, and less experienced, term-limited legislators now depend more heavily on lobbyist expertise and experience (Kousser 2005; Moncrief and Thompson 2001).

¹ As evidenced by good government and activist groups devoted to limiting the influence of money in politics (Loeb 2010; PIRG.org; Democracymatters.org; getmoneyout.com), and polls showing cynicism about the influence of interest groups see, Baldassare 2010).

² This may stem, in part, from a general dislike of lobbyists (like lawyers), regardless of their proximity to legislators.

³ See discussion of this aspect of the literature in Ansolabehere et al. (2003).

Lobbyists and legislators argue that these relationships do not lead to concrete changes in legislative behavior, but one area in which groups have an established advantage over citizens is access (Austen-Smith 1995; Wright 1990). Admission to legislative offices gains them important information, the ear of leadership at key stages of the process, and even a place at the negotiating table when final decisions are being made (Hall and Wayman 1990; Rosenthal 2001). Contributions appear to insure that moneyed groups are in the right place at the right time (Austen-Smith 1995). While practitioners may not acknowledge the problematic mix of money and access, many citizens do not make a distinction between corruption as activities that are illegal (e.g., vote buying) and activities that show favoritism (e.g., access, legislator effort, or any other type of rent-seeking) (Redlawsk and McCann 2005) and both types of behaviors can lead to changes in policy outcomes.

In summary, interest groups play an important role in the policymaking process, but voters are right to be concerned about the disproportionate effect they may have on outcomes. There is reason to believe that this concern creates a self-fulfilling prophecy where voters get discouraged from providing their input during the policymaking process, thereby failing to act as a counter to interest group influence. Interest groups have tools to inform and influence the day-to-day policy process that are simply not available to the average citizen. In theory, when interest group and voter preferences come into conflict, elections provide the impetus for legislators to respond to citizen preferences, but this can only occur when voters are both well-informed and participatory (Maxwell and Winters 2004, 12; see also Alt and Lassen 2003; Glaeser and Saks 2006)—an expectation the public rarely lives up to.

Now we turn to discussion of the reforms proposed to reduce group influence and/or corrupt activity. This discussion will illustrate that while reform has focused on defining and outlawing corrupt behavior, it does not provide the public with what is most important if they are to complement or counteract interest groups pressure—the information they need to hold their representatives accountable.

Modern Pushes for Reform

The reforms outlined in Table 1 and discussed below are attempts to either outlaw *quid pro quo* exchanges or regulate the more informal relationships between legislators and lobbyists/interest groups (Newmark 2005), but taken collectively these are not sufficient to allay public concerns about inappropriate relationships and none aim to increase accountability by providing the tools necessary to increase public electoral or policy participation.

Table 1. California Reforms Related to Interest Groups

| TYPE | DATE FIRST IMPLEMENTED | REQUIREMENTS |
|---|-------------------------------|---|
| General Ethics | | |
| Ethics code | 1966 | Restrict gifts to legislators Restrict representation of clients to state agencies (for lawyer/legislators only) |
| Honoraria ban | 1990 | Full ban on honoraria |
| Gifts | 1995 | General prohibition lifted, only gifts from lobbyists banned |
| Post-government employment | 1990 | Ban on lobbying for pay for 12 months after term ends |
| Personal financial disclosure | 1974 | Disclosure of a significant range of personal financial activities |
| Training | 1990 | Ethics training for lobbyists each two-year session |
| Independent ethics commission | 1974 | Creation of Fair Political Practices Commission |
| Lobbying Disclosure/Limits | | |
| Registration | 1974 | Registration of lobbyists at the Secretary of State's Office |
| Disclosure of activity | 1974 | Disclosure of "attempts to influence" legislative or administrative action and lobbying expenditures |
| Campaign Finance Disclosure/Limits | | |
| Public disclosure | 1974 | Disclosure of a significant range of campaign finance data (e.g., receipts, name and occupation of contributors, etc.) by both PACs and legislators |
| Campaign contribution limits | 2000 | Restrict size of contributions |
| Voluntary spending limits | 2000 | Voluntary spending limits by candidates in exchange for free space in voter literature |

Ethics Reform

Ethics Codes, Limits on Representing Clients before State Agencies, and Limits on Gifts and Honoraria

The role of an ethics code is to identify and regulate potential conflicts of interest. California's first ethics code was passed in July 1966 and restricted gifts from lobbyists and lawyer/legislators representing their clients in front of state agencies (Rosenson 2005). In 1990, Prop 112 and companion legislation banned all honoraria and strengthened the gift ban. In 1995, the legislature repealed the prohibition on gifts, leaving the restriction on gifts from lobbyists, more specifically, intact.

Post-Government Employment

Regulations affecting post-government employment are designed to limit the effects of personal relationships on legislator/lobbyist interactions by keeping former legislators from lobbying their former colleagues with whom they, presumably, have unique relationships and by avoiding conflicts of interest that might result when an incumbent legislator is faced with making decisions affecting the policies of a potential, future employer. California law currently prohibits legislators from becoming registered lobbyists for 12 months following their term in office.

Personal Financial Disclosure

Personal financial disclosure of legislators is important because it provides a baseline from which the public can identify potential conflicts of interest. Such disclosure has been required in California since the passage of Proposition 9 (1974). Rosenson (2005) identifies 19 different types of personal finances that can be disclosed, ranging from tax returns to reimbursement of travel expenses from private sources. According to her calculation, California currently requires that legislators disclose at least 10 of the 19 sources of information earning it the highest rank on her disclosure scale.

Training

While many scholars do not include the regulation of ethics training, etc. in their measures of lobbying regulations (e.g., Newmark 2005), these training courses have been a part of reform in many states (Rosenthal 2001). The goal is to make officeholders aware of potential conflicts of interest and how to avoid those activities. Proposition 9, passed in 1974, created the Fair Political Practices Commission, and in 1990 part of the lobbyist certification required by Proposition 9 was changed to require ethics training each two-year session (Secretary of State's website).

Independent Ethics Commissions

More common is the creation of independent ethics commissions, like the Fair Political Practices Commission in California (FPPC). The justification for such commissions is to have a source of ethics oversight that is independent of the legislature. The California's FPPC was created with the passage of Proposition 9, "The Political Reform Act" (1974), and was charged with enforcing the new ethics and campaign finance rules required by the act.

Lobbying Disclosure and Other Limitations

If the public is to understand and counteract the relationships between legislators and lobbyists, they must know what constitutes a lobbyist and what actions those lobbyists are taking to influence policy. Proposition 9 had three major provisions affecting lobbying disclosure. The first required that all individuals or firms meeting a specific set of criteria register as lobbyists with the secretary of state's office (SOS) rather than with the legislature's Joint Rules Committee. Second, all registered lobbyist employers must file quarterly reports of their attempts to influence government officials regarding legislative or administrative action. Lobbyists are also required to disclose all lobbying related expenditures.

Campaign Finance Limitations and Disclosure

Detailed disclosure of campaign finance receipts and expenditures has been required in California since the Political Reform Act of 1974. Limiting campaign contributions has been the most frequent concern of reform efforts, having appeared in six of the 10 California initiatives related to political reform, but only one, Proposition 34 (2000), has passed and been implemented. The logic behind these limits appears to be twofold. First, if some money buys some influence, then lots of money probably buys lots of influence and to the extent that contribution amounts are limited, the purchasing power of groups is checked as well. Second, if contributions help to build relationships between legislators and lobbyists, then if a legislator has to collect money from more groups, there will be competing pressure for his or her favors.

Campaign spending limits and publicly financed campaigns are perennial reform ideas for limiting the need for candidate fundraising. In California, voluntary spending limits have been proposed five times, passed four times, and overturned twice. Prop. 34, which included free space for campaign statements in the secretary of state's voter literature as an incentive for participation, stands as the only spending limit policy that has been fully implemented. Three ballot measures in

California have outlined publicly financed elections schemes, but none has been implemented.

The Effects of Reform

Reforms guide behavior by articulating what is appropriate and creating disincentives for bad behavior through mechanisms of accountability (Malbin and Gais 1998), but the latter can only be achieved if the public has the information they need to act as a counter-point to lobbying pressure. How well have past reforms articulated appropriate behavior and provided the information necessary for accountability?

Setting Ethical Standards and Punishing Inappropriate Behavior

The guidelines for ethical behavior in California are relatively clear. The passage of the ethics code and rules of 1966 and the changes made up through the last two decades have clarified what is expected of lobbyists and public officials, and we believe those expectations are generally clear to the public as well. Early research showing that regulation decreases perceived interest group influence on legislative decision making (Ozmy 2010) suggests that regulation matters, and Newmark (2005) ranks California among the seven states with the strictest lobbying regulations (scoring 14 out of 18). California does quite well on its campaign finance disclosure as well, earning an A and ranking number one in the country according to the California Voter Foundation's evaluation.

Punishment for illegal behavior may be one area of potential reform. Newmark (2005) scored each state based on the penalties in place for violating lobbying regulations. On this index, California scored only a two out of a possible four points, slightly below the average of 2.3 for the 47 states included in the analysis. Two other studies have placed California in the top third of most corrupt states (Boylan and Long 2003; Maxwell and Winter 2005). Given that California ranks among the highest in ethics, lobbying disclosure, and campaign finance disclosure rules on the books, the fact that it ranks in the bottom half of states in terms of punishment and the top third in perceived corruption suggests that penalties are not sufficient to limit illegal or inappropriate behavior. This may be due to the fact that the public is not aware of bad behavior or they do not have the requisite information or tools necessary to punish that behavior through the electoral process.

The Future of Reform

Historically, reform has focused on identifying which behaviors are unacceptable and figuring out how to punish wrongdoers, and in the last few years propos-

als in California have centered on making the unacceptable behavior *more* illegal by increasing punishment, reducing campaign contributions limits, etc.⁴ Unfortunately, some have found that formal laws to end unethical behavior do not have an independent effect on the level of corruption a state experiences (Hill 2003) so continuing to adjust these laws may be unproductive. In addition, while there is some evidence that the perceived power of interest groups decreases with the implementation of reforms (Ozmy 2010), the relationships on which interest group power is based continue.

What is likely to decrease the power of interest groups and/or increase the participation of the public in order to reduce potentially corrupt exchanges? Scholars argue that institutional changes (e.g., moving from a single member district to multimember districts with proportional representation) can change interest group interactions with various political actors, including legislators and bureaucrats (Naoi and Krauss 2009). Various electoral rules can increase both voter turnout and incentives for constituents to collect and use political information (Gordon and Segura 1997; Jackman 1986). High levels of electoral competition, through open primaries for example, increase popular accountability of elected officials and should reduce rent-seeking behaviors (Hill 2003) while term limits should increase rent-seeking because of the lack of an electoral incentive (Alt and Lassen 2003).

There is reason to believe that clear, strong constituent preferences diminish interest group influence on policy (Cohen and Hamman 2003; Fellowes and Wolf 2004) and a number of studies have found that interest group influence on legislative voting decreases when votes are visible and/or salient to the public (Evans 1996; Neustadt 1990; Witko 2006). It is on this basis that we make our argument that future reforms need to focus less on what lobbyists and legislators do and address what tools the public needs to be more engaged in all stages of the political process.

The logic is simple. A well-informed and participatory public should reduce both corruption and rent-seeking⁵ because they are able to hold elected officials accountable, which increases the probability that bad actors will be caught (Maxwell and Winters 2004, 12; see also Alt and Lassen 2003; Glaeser and Saks 2006). Increased likelihood of detection and punishment—whether that is electoral pun-

⁴ The exceptions to this are public financing plans and limiting campaign spending. However, given the fact that public financing has mixed support in the general public (Garrett 2009; Primo 2002) and the legal hurdles in place for rules against spending limitations in elections, we do not get into either of these issues here.

⁵ Alt and Lassen (2003) correctly distinguish between the two activities. They note that corruption is a *misuse* of government power and illegal (e.g., an explicit *quid pro quo*) while rent-seeking is the *use* of government power and legal (e.g., “tacit agreements between sympathetic actors”). However, because many citizens do not distinguish between these two (Redlawsk and McCann 2005), we are interested in reforms that will end either or both types of activities.

ishment for what the public deems to be inappropriate relationships or criminal punishment for illegal activity—reduces the incentive to participate in such activities (Hill 2003).

The public believes that interest groups have more power in the system than citizens and are well-aware that one of the reasons for interest group influence is their own lack of involvement (Hibbing and Theiss-Morse 2002). That said, there is evidence that fairness and openness increase trust in government (Bowler and Donovan 2002; Levi and Stoker 2000), and that trust increases participation (Hetherington 1998, 1999; Putnam 2000). So access to resources that increase a sense of transparency and the possibility for citizen influence may contribute to a virtuous cycle among attentive citizens.

Our reform proposals are really about the quality of disclosure and Malbin and Gais (1998) identified five characteristics of a successful campaign finance disclosure scheme that we believe are generally relevant to our proposal and that we utilize here. Our specific proposals are outlined in Table 2, and in the next section we explain and justify each reform. We begin by summarizing what we think is necessary to meet the guidelines set forth by Malbin and Gais, then we judge the quality of the information available to Californians in light of these guidelines and, finally, suggest how information could be improved to meet our goals.

Relevant activities and relationships

First, disclosure reports must include “activities and relationships of relevance to voters” (Malbin and Gais 1998). If voters are to participate in the policymaking process both during and between elections, we must provide them with information about relevant activities without overwhelming them with volumes of unorganized and uncoordinated information. We propose that those activities of interest include: when a bill of interest to the citizen is introduced, when committee hearings will be held, committee actions, and floor actions taken, sources of campaign funds, and interest group positions on bills. Clearly there are many other activities that occur during the legislative session, but we believe this is the minimum amount of information any citizen needs if they are to have influence during the policy process.

Relationships of interest include anything that links individual legislator behavior, lobbying groups, and bill action. We believe the minimum required here is a website with each legislator’s party and committee membership with links to (1) individual bills, (2) groups with positions/disclosed lobbying activity on each bill, and (3) campaign contributions from interested groups to relevant members (e.g., committee members prior to hearings and all members prior to floor action).

Table 2. Proposed Reforms to Improve the Quality and Accessibility of Policymaking Information

Legislative Information

- Standardize committee analyses to include:
 - o Similar formats
 - o All group positions on legislation: support, opposition, and neutral (when participation in policy deliberation has occurred)
 - o A requirement that all committee analyses be posted at least three days prior to the committee hearing

- Make scheduled hearings on bills an action that elicits notification for a bill subscribers on leginfo.ca.gov

Secretary of State Information

- Require that disclosure of lobbying activity be available in a database (rather than in pdf format) so that it is searchable by bill number

- Streamline campaign contributions searches by designing a separate, simpler search page for average citizens based on the information they use most

Relating Data across Multiple Sources

- Create links between:
 - o Legislator websites
 - o Committee membership
 - o Lists of bills in committee
 - o Bill analyses
 - o Group positions on legislation and/or lobbying activity
 - o Campaign contributions
 - o Legislative action on bills

- Organize the data so that citizens can start at any point in the process and find the information they need

Availability of Information

All of this information is currently available to voters in California. Party information is accessible in many places including the homepage for each chamber, party caucus websites, and the Assembly Chief Clerk's website. Committee membership is available on individual member, committee, Legislative Counsel, and Chief Clerk sites. However, once we get beyond the most basic details, information becomes more difficult to come by. *LegInfo* (the bill information website provided by the Office of Legislative Counsel) provides basic information on each bill. The text (and nonpartisan Legislative Counsel summary), the bill's history, and current status in the legislative process can all be found here. The site provides detailed analyses each time the bill is heard for a vote and the official votes for each action (committee and floor). However, if a constituent goes to the committee websites on the Assembly page, the information is hit or miss. Of the 26 substantive Assembly committees, only eight had agendas for legislative hearings posted on their link, only four posted analyses and only three provided links to both.

Group positions can be found in two places. The first source is at the end of committee analyses, which typically outline the interest groups in support and opposition. Some analyses go further to note the groups' specific arguments. Typically groups are listed after they have filed a written support or oppose position with the committee, but there are no consistent standards for including groups on these analyses. For example, some groups are interested in the legislation but maintain a "neutral" position on the bill, and these groups are rarely listed on the analyses. Groups may hold a neutral position for a variety of reasons, ranging from low interest to more strategic reasons like maintaining a low public profile.

Whatever their motivation, neutral positions should be noted in the analyses like other "official" positions if there is any participation in the deliberative process (e.g., drafting amendments). The other, theoretically more complete, source of information about lobbying activity is the lobby disclosure forms that must be filed by all organizations/individuals who hire lobbyists to influence government action. These forms are filed through the secretary of state's office and are available online in PDF format.

Campaign finance information, too, is available online through the secretary of state's office database. This website includes detailed information about contributors, late contributions and independent expenditures, earning it an A during every assessment year from the California Voter Foundation.

Utility of Available Information

It appears that, at least in theory, the information we believe to be important for citizen participation is available. However, the question remains whether that information meets the second requirement: utility (Malbin and Gais 1998). McNeal and Hale (2010) note that the critical aspects of availability are cost, timeliness, scope, detail, and searchability, and we believe these speak to utility as well.

Cost and Timeliness

In terms of financial cost, California does quite well. All of the information listed above is available for free to anyone with computer access. The cost in terms of time is larger as nonpractitioners cannot easily find the information, partly because it is spread out among multiple government agencies and branches and partly due to the form in which it is presented. We discuss this in more detail below.

The timeliness of the information is more problematic. According to legislative rules, a bill must be in print for at least 31 days before being heard in committee and notice of the bill's hearing must be printed in the Daily File for four days prior to the first committee hearing. However, short of reading the Daily File every day, finding out when a bill will be heard by a committee is difficult. The Legislative Counsel allows users to subscribe to updates on specific bills, but being set for hearing is not one of the actions that elicits notification. And, as noted previously, very few committees post their agendas on their websites making it difficult for a voter to know when to contact their legislator.

Bill analyses provide a good summary of legislation but are rarely posted on the committee's website. They are available through the legislation portal from the Legislative Counsel website, but, while some committees post analyses up to five days prior to a hearing, they are available on average less than two days prior to the committee meeting,⁶ giving the public little time to digest the information and contact their legislator. We believe that at least three days is the minimum necessary time. This three-day requirement aligns the availability of analyses to the minimum four-day file notice, which streamlines the process. This way the availability of committee analyses is standardized so the public is better prepared to thoughtfully engage the process.

Campaign finance data is provided on a semi-annual or quarterly basis in non-election years and, in election years, on a semi-annual basis with additional filings required as the election date approaches. In 2008, the California Voter Foundation gave California an A in accessibility partly because information is available going back as far as 2000 and online information is available as soon as it is filed.

⁶ This number is based on a sample of 120 bills heard in the Assembly standing committees in 2011. An average of four bills per committee was included.

Scope, Detail, and Searchability

Determining the correct amount of scope and detail is problematic because these judgments are so subjective. Whether they relate to lobbying efforts, campaign contributions, or bill summaries, activity reports need to provide enough, but not too much, detail for citizens to make good decisions. While the amount of information needed is debatable, we offer some guidelines to direct future discussions.

Understanding what a bill is intended to do or will do is difficult. For obvious reasons, legislation is written in “legalese,” and while the Legislative Counsel provides a brief digest summarizing each bill, that information, because it is a summary of the legal language, can be extremely technical and hard to comprehend. Committee and floor bill analyses are provided for every bill heard in committee and on the floor and provide more information and context that, while not perfect,⁷ should be more useful to the general public. A brief review of 120 Assembly bills introduced in the 2011 legislative year is instructive. Although the analyses’ format and information varied dramatically across committees, 76% provided a concise (less than two pages) summary of the bill, often including a rationale for new legislation and relevant background information. Almost all committee analyses (97%) included a list of groups in support of and opposition to the legislation. If all committee analyses followed a predictable format and included group positions on legislation, it could be a one-stop shop for both bill information and lobbying activity.

Reports that must be filed by lobbyist employers are the best source of lobbying activity as it relates to specific bills, but have several limitations. Because they are not searchable by bill number but only by lobbyist employer, one would need to pull up each filing and see whether the bill they are following is being lobbied by that group.⁸ In addition, they are filed quarterly, so they are usually not available to the public until after the lobbying effort has already had an effect. Maplight.org, a nonprofit, nonpartisan research organization, uses various sources (e.g., interest group websites, hearing testimony, news databases, etc.) to identify groups with an interest in key pieces of legislation and is much more complete. However, their research on support and opposition is limited to “key bills” and much of their data

⁷ One of the main critiques that we expect to be lodged against committee analyses as a form of citizen information is that they can have a partisan bias. The analyses are prepared by committee staff and these staff are hired by each committee chair and work for the Rules Committee, both of which are controlled by the majority party. While this may provide some incentives for partisan bias, committee analyses are often identified as important sources of information on legislation. So much so that, since 1999, state law (Government Code 10248) has required that they be posted on the Legislative Information Portal provided by the Legislative Counsel’s Office.

⁸ The Center for Investigative Reporting is currently taking the information from the Form 635s and putting it into searchable database. See their website <www.californiawatch.org> to see their discussion of the difficulties of making this data searchable.

is post hoc, which provides citizens with information after action has been taken but not soon enough for them to influence legislation in real time.

Malbin and Gais (1998, 41) note that the sheer number of campaign finance reports required in California is enormous and almost all of this data is available online to voters through the secretary of state's Cal-Access website. While these data are more user friendly since receiving an F grade in 2003 from the California Voter Foundation, (California's accessibility grade improved to an A in 2008) there is still a minor improvement that could increase its utility. There is so much information that a nonpractitioner could easily become overwhelmed and frustrated when trying to find what they need. Clearly there are benefits to having all of the information filed with the secretary of state available online, but at the cost of putting off many of the people for whom the information was designed.

Perhaps the biggest access barrier is the quality of searching of bill information. In 2008, the California First Amendment Coalition and MapLight.org filed a lawsuit against the California Office of Legislative Counsel stating that the lack of a structured legislative database made it impossible for citizens and groups to analyze more than one bill at a time on their leginfo.ca.gov website (http://maplight.org/pr_lawsuit). The suit was settled in 2009 when the Legislative Counsel agreed to provide a machine-readable database suitable for searching. While this database improves access substantially, it is still difficult for individual citizens to use. The size of the dataset and difficulty of downloading and putting it into a readable format is sufficient to put off most citizens who may be interested in only one or two issues.

Individual pieces of information on campaign contributions and lobbying activity, too, are not sufficiently searchable. While the secretary of state's office provides detailed information, it is really only useful if citizens know exactly what they are looking for. California's campaign finance data usability grade improved from a C in 2007 to a B+ in 2008 primarily because of the addition to the website of a user's manual about content, disclosure, etc. that should give voters more guidance about the availability of data and how to access exactly what they want (Calvoter.org). Perhaps making a simpler search page available as well would compel more citizens to actively use the data.

Finding out what basic information or relationships most average citizens are looking for and setting up the interface to make those searches easier could pay huge dividends. For example, we believe that one of the relationships that citizens are most interested in is that between a single contributor/group and a single incumbent. It is possible to find this information through the advanced search option on Cal-Access, but not as directly as one might hope. A simple search page that allowed a user to choose a donor (by name or keyword, e.g., "peace officer"), a recipient (e.g., "all incumbents," "all candidates," or by name), and one or more

election cycles is likely to produce all the information the average citizen would want about campaign finance.

The biggest problem is the lack of searchability across databases. For instance, if a citizen became interested in a gun control bill, AB 144 (2011), after reading about the bill in the Los Angeles Times, how could they access the information they needed? By going to the legislative counsel's website, they could search for the bill by keyword or bill number and pull up the committee analyses and committee and floor votes. The Assembly Public Safety Committee analysis provides a brief (one paragraph) summary and then outlines the specific changes the bill will make. One can read arguments in support and opposition, see a list of groups in support/opposition, get the name of the person who prepared the analysis and a contact phone number if they have additional questions. This same information is available in the Senate committee analysis, which also includes previous legislation on the issue and a summary of the key issues being addressed.

Once the voter has a list of the groups in support and opposition, they must then go to the secretary of state's website for contribution information. By clicking on the "major donors" link, they can find each group and pull up contributions information by election cycle. For example, in this case the Peace Officers' Research Association (PORAC) was in support of the bill, so we can pull up their filings to determine the contributions they gave to each committee member.⁹ On the SOS website, we find that PORAC made four contributions to Assemblyman Cedillo during the 2009–2010 election cycle. All four contributions must be found and added together by the citizen to find that Cedillo received \$8,500 from that group. This process must be used for each group and each member of the committee. On this bill, with 16 groups and seven committee members, that would generate a total of 112 searches.

So, it appears that the information needed for a citizen to critically evaluate a bill and legislative action is available, but often not until after legislative action has already been taken. This requires knowing where the relevant information is and going to multiple websites to compile it. The information would be much more useful if there were links connecting the requisite information. For example, a link from a legislator's website to their committees, to the bills referred to that committee, to committee hearings, to bill analyses, to contributions from groups in support and opposition, to legislator action on the bill would allow citizens to start at almost any stage in the process and make the necessary connections.

⁹ Committee membership information is available on the Assembly website.

Accuracy of Reporting

Finally, those reporting their activities must do so accurately (Malbin and Gais 1998). With campaign finance and (some) lobbying disclosure, we can be reasonably sure in California that these reports are accurate, given the independent oversight of the Secretary of State and FPPC, although an increase in penalties might be in order. However, with bill information and some aspects of lobbying disclosure, there are very few disincentives for failing to include various types of information—such as interest group positions on bills, etc.

Conclusion

It is important to note that we are not arguing, as many do, that appropriate disclosure can replace the current institutions in place to limit unethical relationships between legislators and lobbyists. To the contrary, we argue that both the regulations limiting and punishing inappropriate behaviors and the information outlining and revealing legitimate and often useful relationships are both necessary for a fully informed and participatory electorate. Interest groups play a critical role in policymaking in California, educating both the public and the government about the issues facing the state and how they believe those problems should be addressed. The public is concerned that those groups' voices are overrepresented and, worse yet, acting against the public good. Only an involved electorate can act as a counterweight to interest groups both during and between elections.

There is a natural limit on public participation in elections and especially in involvement at any stage in the policymaking process. Indeed, some of the frustration with legislatures is the sense that if the legislators would just do their jobs, then citizens would not have to intervene via initiatives and citizen oversight (Hibbing and Theiss-Morse 2002). Citizen voter participation increases under favorable electoral conditions, such as competitive races (Endersby, Gaiatas, and Rackaway 2002; Grofman, Collett and Griffin 1998; Timpone 1998) and high-information contests (Nicholson 2005), but varies with the individual characteristics of the citizens, especially those associated with increased political attentiveness, such as education, income, and age (Rosenstone and Hansen 1993; Tenn 2007; Teixeira 1992).

Citizens who possess higher levels of political knowledge are not only more likely to participate in elections and between-election engagement, they are also more likely to be attentive to cues about reforms and outcomes (Delli Carpini and Keeter 1996; Zaller 1992). However, our optimism about the capacities of the politically sophisticated members of the electorate might be tempered by evidence that the most knowledgeable are sometimes more susceptible to partisan motivated reasoning (Kahan et al. 2011), which can lead them to hold misinformed beliefs about state reforms (Nalder 2010).

On the whole, the citizens most likely to be able to effectively utilize better information about the political process will be those who are already educated, attentive, politically knowledgeable, and participatory. Those who are ideologically predisposed to value reforms and “open government” will also be more receptive. Though empowering citizens to counter the undue influence of interest groups is desirable, the most vulnerable segments of the population who are poor, less educated, inattentive, less knowledgeable, and less likely to vote are still likely to remain unaware, unrepresented, and perhaps skeptical of the system (Delli Carpini and Keeter 1996).

We argue that the many reforms already implemented have improved the quality and the amount of information available to voters whether they want to participate in the electoral arena or in the policymaking process between elections. Rules governing lobbying, disclosure, and campaign finance have made interest group activity more transparent, and the online publication of that information has made it even more accessible. Recent improvements to leginfo.ca.gov have increased accessibility by providing for direction for users, better user interface for bill searches, and incorporating tools for citizens to contact legislators about specific bills. It is the *connections* between these disparate pieces of information that highlight the relationships that voters are most concerned about, and making those connections is virtually impossible the way information is currently provided. Increasing voter knowledge about the information available and providing them with the tools to fully utilize that information to understand the process should lead to greater voter efficacy and participation at all stages of the process.

Our review of the current data leads us to believe that what the public needs is out there, but far too much of it is difficult to find or not in a format that is useful for their needs. Searchability of information across databases is vital if connections between sources of information are to be made and used—not just to reward or punish legislators at election time, but to play an active role *during* the lawmaking stage. While the public may not want to get involved in politics on a constant basis, they do want to know that they can have influence when they choose to participate (Hibbing and Theiss-Morse 2002).

This is a role for government to play. Multiple, nonprofit organizations try to make this data usable for the average person (e.g., maplight.org, The National Institute of Money in State Politics, and many others) but must wait for government entities to publish it before they can collect it all and put it into a useable format. This means that much of the data is really only accessible after policy has already been made, which simply reinforces the public’s view that their interests do not matter. By providing information in a useful and timely fashion, government can better illustrate to the public what they do, why it matters, and how citizens can have a

voice. That is a course of reform that has a real chance of empowering citizens and bringing some balance to the process.

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