



Civil and Criminal Justice

NATIONAL CONFERENCE *of* STATE LEGISLATURES

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State Legislators: Who They Are And How to Work with Them

A Guide for Criminal Justice Stakeholders



The National Conference of State Legislatures is the bipartisan organization dedicated to serving the lawmakers and staffs of the nation's 50 states, its commonwealths and territories.

NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues, and is an effective and respected advocate for the interests of the states in the American federal system. Its objectives are:

- Improve the quality and effectiveness of state legislatures
- Promote policy innovation and communication among state legislatures
- Ensure state legislatures a strong, cohesive voice in the federal system

The conference operates from offices in Denver, Colorado and Washington, D.C.

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Why Should You Care About the State Legislature?

Because of the variety and complexity of the policy issues before them, state legislators often rely on their staff, researchers, experts in the field, lobbyists, practitioners and community members to gather information and develop policies that address a need or respond to an opportunity (such as new federal funds). Legislators have access to research through legislative staff or research organizations such as the National Conference of State Legislatures; however, they also rely on experts in the field—people like you—for information and firsthand perspectives about the effects of laws and public funding on criminal justice programs.

This guide is designed to:

- Help criminal justice stakeholders understand how state legislatures work and how state legislators gather information and develop policies related to the justice system.
- Identify how people outside the state capitol—specifically, local criminal justice stakeholders or members of community-based organizations—can communicate effectively with their elected leaders and provide constructive input through the legislative process.

Understanding Legislatures and the Legislative Process

State legislatures vary from state to state, with differences in the number of legislative members and staff, time spent in session, legislative procedures, political makeup and so on. Despite these differences, however, the general legislative process is similar across states. This section summarizes the basics of the legislative process, including how bills become laws, and the people involved in the legislative process. It is important to know how the process works to communicate effectively with its participants!

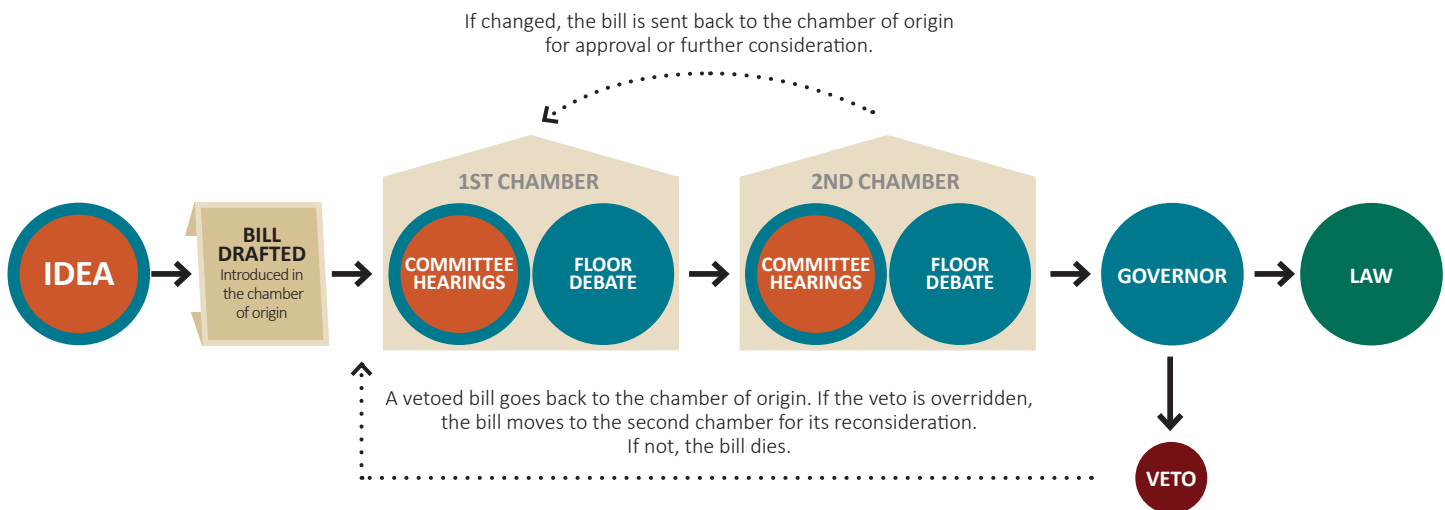
Legislative Process

The legislative process—in theory—follows a predictable, rational path that goes something like this:

1. A legislator introduces a bill;
2. The bill is assigned to a committee;
3. The committee holds public hearings;
4. The committee acts on the bill (e.g., amends it, sends it to the full House or Senate for debate, or kills it);
5. Legislators debate the bill's merits, may amend it, and vote it up or down;
6. If it is approved, the bill then goes to the other chamber, where the process is repeated;
7. If the bill is amended during consideration by the second chamber, such changes must be approved by the first chamber, and it may go to a conference committee to resolve differences between the two chambers;
8. Once enacted by the legislature, the governor may sign it, veto it, or in some states, let it become law without explicit approval through signature;
9. If the governor vetoes the bill, the legislature may sustain or override the governor's veto.

In addition to an understanding of the legislative process, it is important for stakeholders to engage in the budget process. The budget process funds many aspects of the criminal justice system and the budget can also directly affect criminal justice policy.

State Legislative Process



Get Involved

The colors indicate how the public can affect legislation at different points in the legislative process above:

Ways to Contact Legislators	Legislature's website	Letters	Emails	Social media	Phone calls	Town halls	Face-to-face meeting
Ways to Participate	Learn the process	View livestream of hearing or floor session	Attend Committee hearing/floor session	Committee testimony	Contact your legislator		

While these are the steps in every state (except Nebraska, which has one chamber), the human factor is a significant part of the legislative process. “Missing from the preceding list of steps in the legislative game is the human equation,” Tommy Neal wrote in NCSL’s 2005 book, “Learning the Game: How the Legislative Process Works.” “State legislators come from all walks of life and bring with them a smorgasbord of priorities, agendas, alliances, personalities and biases.”

Members and Staff

Many professionals support and interact with legislators, and each has a specific role in the legislature.

■ **Legislators:** The nation’s 7,383 state legislators were elected to represent the constituents in their districts. Legislators are policy generalists, not experts on most issues, although they may have expertise in one or more policy areas. Regardless, they vote on issues from A to Z—agriculture to zoning—and may benefit from your firsthand experience of working in criminal justice. Certain legislators hold positions of authority within the legislature, including the speaker of the House and the president of the Senate, the majority and minority floor leaders and whips, and committee and caucus chairs. Knowing the leadership’s agenda can also inform stakeholders about shared policy priorities and which proposals are most realistic.

■ **Legislative Staff:** Legislative staff members play important roles in the legislative process. Many legislatures, for example, employ a permanent, nonpartisan staff to provide research on specific

legislation that may be considered during the legislative session. Some states have a separate research staff for each chamber, while others employ a single shared research staff. In addition, legislatures employ other staff members, including legal staff, librarians and fiscal analysts. Some have personal staff, but not all. In the 15 states with term limits, legislative staff have become the keepers of institutional memory.

■ **Others in the Mix:** In addition to legislators and staff, various other people interact with state legislators, among them constituents, lobbyists, state agency officials, local government officials and statewide associations.

Time Spent in Session

States vary in how long legislators are in session, from nearly year-round legislatures like California, Illinois, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania and Wisconsin to sessions that last less than two months in Florida, Louisiana, Utah and Wyoming. Still others meet every other year (Montana, Nevada, North Dakota and Texas). Knowing when your state legislature is in session is critical. See NCSL's State Legislative Session Calendar for more information.

Rules of the Game

Every state has formal rules that affect the process, including requirements about how many bills a legislator can introduce in a session, the deadline for introducing bills, and the process for assigning bills to a committee. Understanding the rules that govern the process in your state is important since they determine the timing and flow of bills through the legislative process, and shed light on pressure legislators may face to prioritize issues.

If you want to provide input on a specific bill before a specific committee (the appropriate committee for criminal justice issues varies by topic and state), you need to know when committee hearings take place and the rules for presenting testimony. While the process may seem cumbersome, the rules were designed to protect against a rush to judgment and ensure that policies are reviewed by many people before going into effect.

The Importance of Elections and Partisan Composition

For criminal justice stakeholders looking to communicate with legislators, do not underestimate the role of elections and political makeup within each state and across the nation. In 2016, 5,917 of 7,383 state legislative seats nationwide were up for election. In the same election, just 12 states chose governors. About 1,263 of the elected legislators were new to the legislature after the 2016 elections. On average, 20 percent of legislators are new each election cycle, which can pose a challenge for them to learn about wide-ranging policy issues, budgets and the legislative process in short order.

Who are state legislators?

Most legislators have, and need, other jobs, in addition to serving as a legislator. In many states, a legislator's paycheck does not cover his or her annual expenses. In 2017, salaries ranged from as low as \$200 per legislative session in New Hampshire to more than \$104,000 per year in California's full-time legislature. Only 11 percent of state legislators classify their full-time occupation as "legislator."

Other occupations

- 14 percent are attorneys.
- 13 percent own a business.
- 8 percent are retired.
- 6 percent are educators (K-12 and college).
- 5 percent work in agriculture.
- Only a small number may have professional experience in criminal justice in your state. You can educate less-experienced legislators.

Demographics

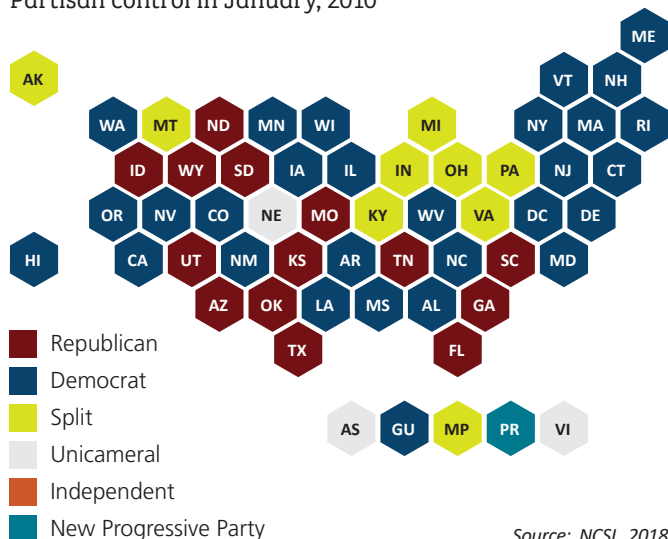
- 24 percent are women.
- 9 percent are African-American.
- 5 percent are Latino.

Age

- Average age: 56
- Baby boomers and millennials make up the largest populations at 30 percent each.

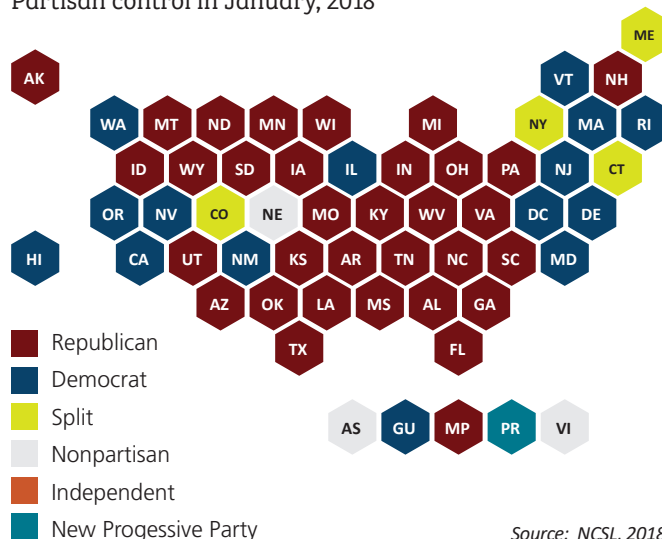
2010 Legislative Partisan Composition

Partisan control in January, 2010



2018 Legislative Partisan Composition

Partisan control in January, 2018



See the political makeup of the country between 2010 and 2018 above. These maps can change overwhelmingly in just one election. Understanding this context can be critical to effective communication with state legislators.

The day after an election, people in the state legislature face new colleagues, shifts in the balance of power and executive priorities. Strategies for communicating may need to change to fit new human or political realities. Furthermore, any work you did to educate legislative leaders, committee chairs or your own representative last year will need to be updated and repeated.

How Can I Learn About My Legislature?

Now that you understand the state legislature in general, it is important to understand the process and players in your own legislature. A good place to start is your state legislature's website, which typically provides links to bills and laws, the state constitution, legislators' home pages, press releases, daily events, term limits, state agencies and more. (NCSL maintains a directory of state legislature websites that provides internet links to every state legislature.)

Questions to ask:

- Who are my state representative and state senator?
- Where do they stand on issues important to me?
- What is the legislature's role in the state criminal justice system?
- Who are the legislative leaders in my state and are they well-versed in criminal justice issues?
- Which agencies and staff serve the legislature in my state?
- What is the party makeup of my legislature?
- What is the legislative calendar in my state?
- What is the deadline for filing a bill?
- What is the process for public input during committee hearings?
- How can I find out the status of a bill or the committee to which it has been assigned?

How to Communicate Effectively with Legislators

Those who want to contribute information to the legislative process should understand the constraints that affect how legislators respond to public policy issues or proposals. Although there are many constraints, the good news is that most legislators see themselves as students. Challenges include the following:

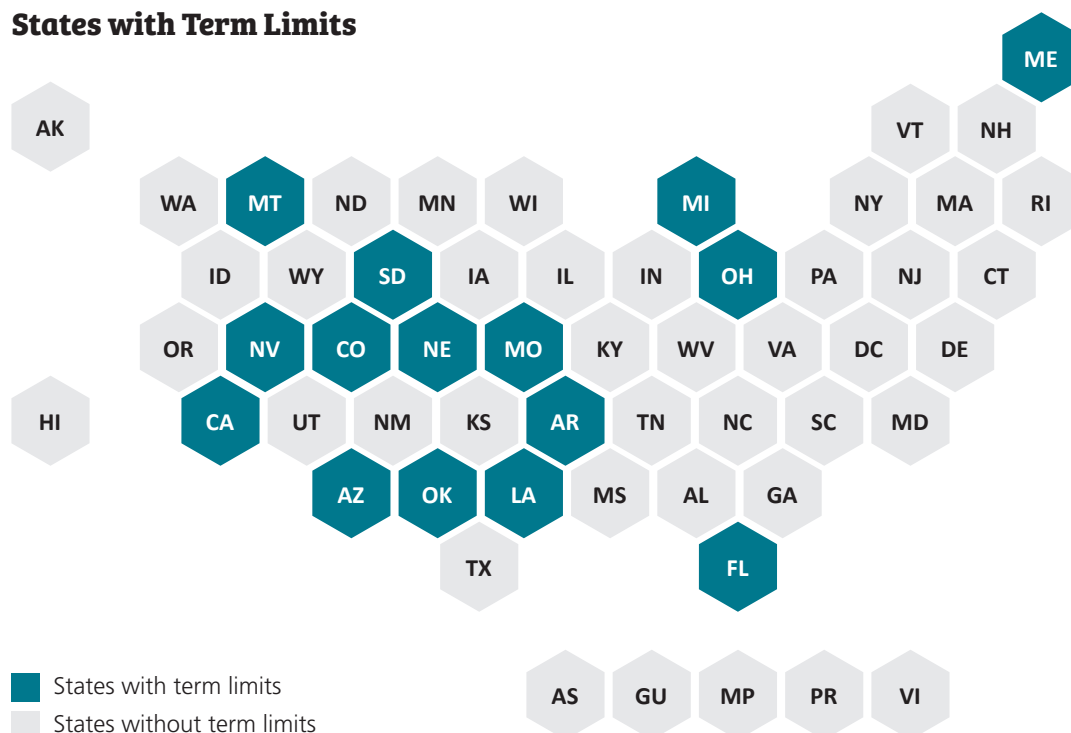
■ **Short learning curve.** About 20 percent of legislators are new after each election, so it may be a challenge for them to learn about wide-ranging policy issues, budgets and the legislative process in short order.

■ **Term limits.** In the 15 states with term limits, there may be few experienced fellow legislators with institutional memory and deep policy knowledge to share with new legislators. On the other hand, this need for education presents opportunities for people and organizations to share information on a wide range of policy topics.

■ **Information Overload.** Legislators make decisions about hundreds of policy topics each session. States vary in how many bills are introduced each year, from a high of 16,000 in New York to a low of 500 in Wyoming. While legislators are not totally involved in every bill that comes before them, they do need to know enough to vote. Being cognizant of this information overload is a key to effective communication with legislators.

■ **Timing matters.** An ideal time to meet with legislators is when they are not in session because they have more time for learning and connecting. However, it is never a bad time to engage them. Because of the nature of most state legislatures, state legislators also have other jobs that they go back to following session, and may live some distance from the state capitol. Catching them when their focus is on state legislation can be beneficial, even if the best conversation may happen between sessions. Visit NCSL's 2018 State Legislative Session Calendar page to see your state's schedule.

States with Term Limits



Source: NCSL, 2018

Four Strategies for Effective Communication

1. Establish Contact and/or a Relationship with Key Legislators

Identify the committees of jurisdiction and the legislators on these committees who have the greatest influence concerning criminal justice issues. This may be the committee chair, interested committee members, or perhaps even your own representative. Contact key legislators, meet with them, and identify yourself as a knowledgeable and dependable resource. In short, establish yourself as the “go-to” person for criminal justice issues.

In some states, the best way to reach legislators may be by building a relationship with key people on their staff. Follow up by contacting them periodically as a reminder that you are interested in being a resource. A good time to contact them, for example, might be on the heels of newly released data; you can help them interpret the data and discuss ways the legislature might address issues the data highlights.

If your professional capacity restricts you from such activities, consider making similar contact with your own organization’s governmental relations staff, other influential people who are allowed to contact legislators or connecting with a community-based advocacy group to offer your expertise and assistance.

KEEP IN MIND

- Learn the budgeting process from the governor to the legislature as early as possible. The earlier programs you care about get into the budget, the more likely they are to remain there.
- Become legislators’ source for information. Above all, be trustworthy. Legislators do not like surprises.
- Cut to the chase with your information, make sure your facts are correct, be honest about the pros and cons of policies, and be responsive—legislators often need concise information fast.
- Develop a compelling narrative. High-profile events often generate publicity, and policy implications are not always understood. Concise facts can illustrate why justice is a pressing state concern.

2. Network with Others

As the adage goes, it’s not always what you know, but who you know that counts. Getting information into the hands of legislators may be more about the relationships you have—with the media, state agencies, foundations and other stakeholders—than your direct relationship with a legislator. Informing a network of individuals can efficiently and effectively raise awareness about a wide range of criminal justice issues.

These issues cross many jurisdictions and interest areas, among them health systems, workforce development, private business, religious organizations and family services. The broader your coalition, the more support a lawmaker can expect among his or her colleagues.

KEEP IN MIND

- Build a network and speak as a group.
- Collaboration can be difficult. Agree to disagree, but come together on a couple of shared top issues and support those priorities with a common voice.
- Keep individuals and groups with similar interests apprised of your activities, even if they are not part of a formal collaboration. You may find additional areas where you can support each other if the lines of communication are open.
- Connect with people who have skills and expertise—e.g., data analysis, communications, community-building or policy—who can help get your message across. Develop and maintain relationships through traditional means and networking through social media.
- Develop a system for communicating important information to your network. Provide information regularly about topics that matter to them, including new resources and funding opportunities.

3. Raise Awareness Through Information and Resources

Why is education so fundamental? Because even experienced legislators need access to current data and objective analysis on rapidly changing issues. Criminal justice stakeholders can play a role in raising awareness about issues affecting people involved in the justice system in each legislative district. When they're not at work in the state capitol, legislators interact with the community in various ways and often organize multiple venues for a "give and take" with their constituents—at town hall meetings, online blogs and conversations, and other settings.

Another method to educate policymakers is to raise important issues with the people and organizations that legislators rely on for information, including legislative staff, researchers, the media, foundations and charitable organizations, state agencies, membership organizations and others.

For state employees, this might mean ensuring that your government relations person knows your priorities and has your most recent data to share with legislators. Although this may seem one step removed, it may be an effective strategy, particularly if the information is coming from a trusted source for the legislator.

KEEP IN MIND

- Prioritize the issues that are most critical to you and most relevant to the current environment. Avoid information overload!
- Make suggestions about topics that others with access could highlight for legislators. For example, consider identifying the hot topics of the day or explaining what new legislators need to know about criminal justice. Or piggyback on major news events, such as new federal actions.
- Let people know what information you have and what you can get. Keep it readily available and follow up promptly if they call. Establish rapport.

Hitting the Mark:

Elements of Effective Communication with Legislators

Pay attention to how information is presented to legislators. NCSL routinely surveys state legislators and staff about their preferred methods of communication. Because of time and resource constraints, legislators have distinct preferences for how they receive information.

- Information and analysis (in written or verbal form) should be unbiased and objective. Even if they already have taken a position, legislators want to know both sides of an issue so they are prepared to defend their position. This does not mean you have to present an opponent's argument, but do not "hide" opposition where it exists or mislead legislators.
- Information should be concise and to the point. NCSL distributes a wide variety of publications (web and paper), including articles, research reports, short issue briefs and postcards. While shorter is not always better, a postcard highlighting promising arrest alternatives, for example, may be easier to read through than a longer, more in-depth report.
- Consider the best method for communicating information: emails, phone calls, letters, testimony at a committee hearing, and making information known through other channels (e.g., media, foundation newsletters, etc.)
- Put your information in context. While your issue might be of national significance, present how it specifically affects the people in your community and/or across the state.
- Use data wisely. Usually, two or three well-used statistics will suffice.
- Humanize the issues through anecdotes. Legislators rely on practitioners and others who work directly with individuals to share their personal stories about who might benefit from new policies.

4. Frame Your Message

At any given time, one issue or a small group of predominant issues or controlling ideas may drive the actions of a state legislature. For many years, states have been dealing with tight budgets; therefore, focusing on effective and efficient strategies is often the filter through which legislators evaluate all proposals and funding requests. As a result, it is important to frame the message by addressing several key points.

- How does the issue affect individuals and businesses in the district and state (specifically, what are the costs and benefits related to a specific program or bill)? What is the return on investment?
- Understand and respect that some lawmakers will not be receptive to focusing on rehabilitation, while others will not be receptive to discussions driven by cost savings.
- What are best practices? Has a program or strategy been implemented elsewhere with positive results? Could it be replicated here?
- What are the consequences of not acting?
- Would new efficiencies make programs more effective or less costly?

Consider the language or image you use to increase the odds that people will pay attention to your message. People bring their own experiences and frames of reference to bear, and the words or images you use can determine whether your audience will be open to the message or turn away from it. Creating receptive listeners requires that you pay attention to how you frame an issue so people feel that it benefits everyone. Ideally, messages should all align with "big ideas" or shared beliefs, such as promoting public safety, reducing crime and ensuring fairness.

KEEP IN MIND

- Craft the message to the times. If the budget is the primary concern, frame the issue in terms of how much money it costs, where the money comes from and its return on investment. For example, how many jail-bed days can a new program save?
- Make the message relevant. Even a few days in jail can harm an individual's health and employment prospects, and increase their chance of future incarceration due to reoffending.
- Address the effects on constituents and/or the district. It is possible that the only time a legislator discusses criminal justice is when he or she gets a call from a constituent with a major issue. That issue may be relevant to many stakeholders, or just that one person. Highlighting how the justice system works not just for that one person—but for all the legislator's constituents—can lead to more comprehensive policy changes, instead of policy bandages.
- Humanize the issue. Addressing the economic effect is important, but remember that legislators are taxpayers and community members, and may have a family member who has encountered the justice system.
- Leverage headlines and media coverage to communicate your message. Think about information and resources you have that could inform policymaking around that issue.

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