

**"A complete activist's primer. This superb book should be studied by every advocate and organization that wants to impact laws and public policies to help animals."**

*-Diana Urban, former Connecticut State Representative*

# GET POLITICAL FOR ANIMALS

*and win the laws they need*

**BY JULIE E. LEWIN**

**Why and how to launch a voting bloc for animals in your town, city, county or state—and the simple steps it takes to do it**

**FOR ANIMAL RIGHTS AND RESCUE ADVOCATES AN EASY-TO-UNDERSTAND, STEP-BY-STEP MANUAL**

FROM THE NATIONAL INSTITUTE FOR ANIMAL ADVOCACY

# Get Political for Animals and Win the Laws They Need

**Why and how to launch a voting bloc for animals  
in your town, city, county or state**

**A step-by-step manual  
for animal rights and rescue advocates and organizations**

by Julie E. Lewin

NIFAA: The National Institute for Animal Advocacy  
Guilford, Connecticut

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a project of The Connecticut Council for Humane Education,  
a 501(c)(3) charitable organization

Guilford, Connecticut 06437  
[www.nifaa.org](http://www.nifaa.org)

First edition 2007, 2008, 2009  
Second edition 2009, 2012

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ISBN 978-1-4243-3258-8

Manufactured in the United States of America on recycled paper

## About NIFAA: The National Institute for Animal Advocacy [www.nifaa.org](http://www.nifaa.org)

**To win the strong state and local laws to protect animals we want so passionately, we need political organizations that endorse candidates.** As long as we delay, animals will suffer needlessly. Only NIFAA educates animal advocates on the critical importance of forming political organizations for animals in their towns, cities, counties, and states. Only NIFAA provides the comprehensive training that equips advocates to do so. Julie E. Lewin launched NIFAA in 2002 to fill this harmful void in animal advocacy. Please visit our website.

**Why must we endorse?** *Lawmakers want to be re-elected above all else.* That's why the *top factor* in how a lawmaker votes on your bill is whether you have a political group that could endorse the lawmaker's opponent next election season if the lawmaker votes wrong. To endorse, your group picks the most pro-animal candidates and announces its choices to its members and the public. Lawmakers know that your endorsements will motivate some regular voters to vote for your candidates—and also will draw some usual stay-at-homes to the polls to vote for them. Even a small group's endorsements often decide winners. Charitable groups cannot endorse. All other issue groups endorse, because they know it's the key to power in the lawmaking arena and enforcement, too. They know, and we will discover, that it really works.

### NIFAA's Mission

- Create a political culture among animal rights and rescue advocates, so we consider voting bloc political organizations that endorse candidates a mandatory part of our advocacy.
- Train advocates to launch voting bloc political organizations in their towns, cities, counties, and states. Develop leadership to expand membership of these organizations to win more and stronger laws for animals, and aggressive enforcement of them.
- Motivate advocates to lead, join, volunteer, and financially support these political organizations.
- Inspire existing animal charitable groups to establish affiliated political organizations.

### NIFAA's highly-praised Workshops and online Webinars we call "NIFAA-Nars"

Political training workshops: Informal and official animal advocacy groups benefit greatly from our intensive, comprehensive full or half-day workshops presented in the location you arrange.

Our basic NIFAA-Nar webinars: "Get Political for Animals and Win the Laws They Need;" "How the Lawmaking Process *Really* works—and How Your Political Group Influences Each Step;" and "How to Launch a Political Organization for Animals in Your Town, City, County or State—and the Simple Steps It Takes to Do It." We also provide other NIFAA-Nars on subjects you need.

For information visit [www.nifaa.org](http://www.nifaa.org) and contact us at [info@nifaa.org](mailto:info@nifaa.org) or 203-453-6590.

### NIFAA is a project of a charitable organization, so your donations are tax-deductible

We need your generous support to maintain current programs. Please visit [www.nifaa.org](http://www.nifaa.org) to donate online. Or send a check to CCHE/NIFAA, 6 Long Hill Farm, Guilford, CT 06437.

With greater funding, NIFAA's potential to help animals is profound: online on-demand workshops and webinars; conferences around the US; instructional materials; a lower price for this book; and free distribution of it to libraries and educational institutions. Can you help realize this necessary dream? Please contact NIFAA President Julie E. Lewin at 203-453-6590.

## Acknowledgments

*Get Political for Animals and Win the Laws They Need* represents my life's mission for the animals. I am grateful to so many people who believe in the National Institute of Animal Advocacy's vision, the urgent need for this manual, and my ability to create it. I thank the many rescue and rights activists who pressured me to write a step-by-step manual to guide them. Many others praised NIFAA's training workshops, which provided this manual's foundation.

I thank current and former state, county, and municipal lawmakers G. Kenneth Bernhard, Robert Fisk, Maryanne Hornish, Paul Leonard, Joseph Moore, Mary Mushinsky, Sunny M. Simon, Eric Sten, and many other legislators who encouraged me by confirming that NIFAA's approach and a political training manual are what our movement critically needs.

The Quotations, Interviews, and Case Studies that appear throughout this manual result from interviews I conducted expressly for it, except where noted or obvious. I heartily thank the many lawmakers, political activists and strategists, experts on elections and government, and law professors who graciously gave me their time for these stellar features.

I am profoundly grateful to the Animal Legal Defense Fund, Animal Welfare Trust, Animal World USA, Best Friends Animal Society, Coalition For Animals (New Jersey), the Connecticut Humane Society, Dogs Deserve Better, Farm Sanctuary, Fox Memorial Clinic, the Fund for Animals, the Humane Society of the United States, the Lapin Foundation, Maryland Votes for Animals, and the New York League of Humane Voters for their essential financial support for the writing and production of this manual. The ASPCA has just awarded NIFAA a generous much-needed grant.

NIFAA's board and I embrace generous contributors G. Kenneth Bernhard, Susan and Michael Dwyer, Niki Erlenmeyer-Kimling, Amy Etherington and David Model, Lynn and Mike Gorfinkle, Krysia Kaminski, Catherine Kangas, Susan Kautz and Steven Kitts, Sharron LaPlante, Karen Laski, Pamela Peterson, David Richman, Andi and Mark Sheptoff, Barbara Travis, Gina Trippi, Andrew Weil, Kimberley and Gordon Zimmermann, and other much-appreciated donors.

Most of all we thank David J. Reuben, whose generous support enabled me to spend the time necessary to make this manual the comprehensive work it is.

I'm in awe of my brother, Michael Z. Lewin, whose nurturing intellectual and editorial brilliance has greatly aided my ability to formulate thoughts, think strategically, and to express myself on the page. No words can adequately express my debt to the passionate activist history and spirit of my mother, Iris Zinn Francis, and her family and of my father, Leonard C. Lewin. The University of Massachusetts, Amherst, has created a family archive. UMass has taken materials that document the evolution of my activism on behalf of animals to seed a new archive on animal rights.

My dear friend Ellen Goldensohn—fortunately for me a professional editor—cheered me on with her praise for the manuscript and improved it in countless ways. I cannot imagine having completed it without her editorial and emotional support.

*Julie Lewin, October 2009*

# Get Political for Animals and Win the Laws They Need:

## *Why and How to Launch a Voting Bloc for Animals in Your Town, City, County or State*

*A manual for rights and rescue advocates and organizations*

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### CONTENTS

About NIFAA: The National Institute for Animal Advocacy.....	1
Acknowledgments.....	2

### **Part I THE FOUNDATION**

<b>Introduction: “Dare to Imagine What Politics Can Be”.....</b>	<b>15</b>
--	-----------

#### **Chapter 1 We Can Be Power Players Who Win Strong Laws for Animals**

Quotes: Leonard, Phillips, Greene, Sten, Lawlor, Sunstein, Hornish, Hill, Hillel.....	17
Power Axioms.....	17
A lawmaker’s primary concern is to be re-elected.....	19
A voting bloc is an accountability delivery system with three parts.....	20
Defining a member of a voting bloc .....	23
The Arithmetic of Elections.....	23
Deconstruct a Typical Election.....	27
How could the losing candidate have won?.....	29
Lawmakers won’t ignore animal advocates anymore, <i>because they can’t</i> .....	31
INTERVIEWS:	

Greene: The thrill of becoming political. The easiest way to wield power is to ask people to vote who traditionally aren’t asked .....

Rapoport: Endorse, mobilize, and strategize.....

#### CHARTS/ SIDEBARS/ ILLUSTRATIONS:

The Voting Bloc Is an Accountability System.....	22
Elections Are Often Hair-Close: Opportunities for Animals Lost.....	24
Only 40% Voted on Election Day November 7, 2006 and 62% on November 8, 2008...	25
Voter Participation in a Typical State.....	26
Large, robust heart and tiny, weak heart.....	27
Sample Elections: DeKalb County, Georgia; New York City; St. Paul, Minnesota.....	28
Scales of justice: Lobbying by individuals...charities...political organizations .....	32
The Most Important Power Lesson of All .....	35
Very Close Statehouse Races.....	36

#### **Chapter 2 The Dynamics of Social Change: From Charity to Political Organization**

Quotes: Simon, Thayne, Alinsky, Lieberman.....	37
Social Change Axioms.....	37
From ancient times to the present: The six phases of social change.....	39
Where we are now.....	41
A strategy is only as good as its weakest link.....	43
Change is incremental, ratcheting up the culture in fits and starts.....	43
Self-expression not effective advocacy—image, tone, methods as strategy decisions...	44
Media coverage con and pro.....	44

Petitions: Are yours useless—or power tools?.....	45
Ballot initiatives and referenda: Have a voting bloc structure in place first.....	47
Protests con and pro.....	47
Don't be a hit-and-run activist.....	48
Think big, but from the ground up.....	48
The “negative rebel”.....	48
Use your voting bloc to win enforcement of laws and ordinances for animals.....	49
INTERVIEWS:	
Stallwood: Make the status of animals a mainstream political issue.....	40
Krisko: Petitions had no impact on our county commissioners. Functioning politically won us a unanimous vote.....	40
Muller: Don't underestimate the power of very few voters.....	40
Leonard: Why do animal advocates suffer a political disconnect?.....	42
Bernhard: You have a great deal of power that has been underutilized.....	49
Jacobs: Legislators want to please groups with a track record of turning out voters.....	49
IN PRINT:	
The Merits Mean (Almost) Nothing.....	42
CHARTS/SIDEBARS/ILLUSTRATIONS:	
Familiar political organizations.....	39
The membrane.....	44
Politically designed petition.....	46
Animal Advocacy in the US Today—and the Continuum of Change.....	50

### **Chapter 3 The Structure of Government—and Why Activists Need to Know It**

Quotes: Jefferson, Adams, League of Women Voters, Pogo.....	51
Government Axioms.....	51
The animal activist must know the structure of government.....	52
The Three Branches of Government: Executive, Legislative, Judicial.....	52
The Four Levels of Government: Federal (national); State; County; City/Town.....	52
The four levels of government and lawmaking.....	52
Which level does what.....	52
Why it matters to you and the animals.....	52
The executive branch.....	53
Some states elect commissioners with authority over animals.....	53
The legislative branch.....	53
Government Lexicon.....	54
State legislatures.....	56
County governments.....	56
Municipal governments.....	57
Election cycles and terms of office at different levels of government.....	59
Term limits.....	59
Ballot initiatives.....	61
The judicial branch.....	62
The courts, civil and criminal.....	62
Judges, district attorneys, attorneys general, and sheriffs are elected or appointed.....	63
Win new court precedents for animals.....	64
“One person, one vote” and “equal representation”.....	64
The US Census and redistricting.....	64
FOIA: Freedom of Information Acts.....	67

Investigate your local animal control department.....	67
Learn the puppy mills your local pet stores buy from.....	68
IN PRINT:	
Legislators Target Voters, Ignore Nonvoters.....	65
Redistricting Helps Two Area Lawmakers.....	65
CASE STUDIES:	
To stop bad regulations, target the governor.....	60
FOIA Case study 1 A governor's hunting task force.....	66
FOIA Case study 2 Public universities.....	66
CHARTS/SIDEBARS:	
Structure of Town, City, and County Governments.....	58
Structure of a State Government.....	58
Election Cycles and Terms of Office at Different Levels of Government.....	59
How the Executive Branch Affects Animals.....	60
Confusing terms and titles: "House," "assembly district," "representative," "Congress" .....	66
Resources.....	68
Primary Elections Can Be More Important Than November's General Elections .....	69
I'm a Constituent of.....	69
Four Levels of Government: Maps with Political District Boundaries.....	70
Municipal Level: Kokomo, Indiana and Los Angeles, California.....	70
Georgia: Counties and DeKalb County.....	71
Georgia General Assembly: State Senate Districts and State House Districts.....	72
Kansas: Congressional Districts and Counties.....	74

## **Chapter 4 The Structure of Politics, the Culture of Politics, and the Political Mind**

Quotes: <i>Courant</i> , Markley, Mustone, Goodheart.....	75
Political Culture Axioms.....	75
Structure of Politics Lexicon.....	76
A pro-active chair of a town, city, county, or state political committee is a power broker who can influence how lawmakers vote.....	76
The structure of politics is the structure of the major political parties.....	76
Town, city, county committees; state central committees; national committees.....	77
National party political committees.....	77
State central committees.....	79
Town, city, and county political committees.....	79
The structure of politics inside the statehouse and town, city, and county hall.....	79
Lawmakers' party caucuses and animal legislation.....	79
All politics is local.....	80
Rewards and punishments in the legislative branch.....	81
Patronage and nepotism.....	81
Constituent service.....	82
Often a lawmaker is willing to introduce legislation for a constituent.....	82
INTERVIEW:	
Ferber: Voting blocs are key to enforcement.....	82
IN PRINT:	
Why Mobilizing Voters Matters and How to Increase Voter Turnout.....	78
Inside Agitator: Howard Dean's Plan to Rebuild the Democratic Party —Start on the Ground.....	78
CASE STUDY:	
The Voting Bloc System Trumps Political Hierarchy and Loyalty.....	78
CHART:	

The Structure of Politics Is the Structure of Major Political Parties .....	76
---	----

## **Chapter 5 50% + 1: The Dynamics and Mechanics of Political Campaigns and Voting Blocs' Role**

Quotes: Swan, Matteson, Wilson, Colson.....	83
<i>Refreshers</i> .....	83
Political Campaign Axioms.....	84
Campaign Lexicon.....	84
Understand how lawmakers vote on legislation by understanding campaigns.....	85
Voting bloc organizations conduct their own GOTVs for their endorsed candidates.....	85
The political candidate, "wannabe" candidate, and political operatives study the politics of the district and size up the opponent.....	87
Political interest groups and emerging voting blocs in the district.....	88
How a person becomes a political candidate.....	88
Campaign issues: Schools and taxes.....	89
Campaign Phase I.....	90
The candidate assembles a lean, mean, fightin' machine.....	90
The campaign's sacred basic tools: District map and voter registration list.....	90
District boundaries.....	91
The campaign sets a campaign strategy and detailed game plan.....	91
Campaign Phase II.....	92
Endorsements and political organizations, including yours.....	93
Excitement: When candidates first ask for your endorsement!.....	95
Bonds between a voting bloc and a lawmaker can begin in his first campaign..	95
Door-knocking.....	95
Candidates shore up and motivate their base within their own party.....	97
Phone-banking: ID calls, persuasion calls.....	97
Our voting blocs can run phone banks to elect our candidates.....	97
Voter registration drives will swell your list with previously registered voters....	99
Letters to new registrants are a marvelous tool for us.....	99
18-year-olds deserve our special attention.....	101
Absentee ballots are critically important.....	101
Campaign Phase III The GOTV: The Get-Out-the-Vote on Election Day.....	103
Offer advocates rides to the polls, "marking the boards," "closing" the polls.....	104
Other Election Scenarios. ....	106
Primary elections: Voter participation is low, which we can use to great advantage....	106
Forcing a party primary with petitions.....	106
Petitioning candidates; petitioning is labor-intensive: should we try it?.....	107
Special elections: Voter participation is remarkably low—use this to great advantage..	107
Volunteering in Political Campaigns Is Mandatory for Advocates!.....	107
Choose your candidates realistically and strategically.....	108
Loyalty is paramount when you endorse.....	109
Incumbents' advantage? Not if the lawmaker has ignored an emerging voting bloc.....	109
"Special interest" money in campaigns and its influence on the lawmaking process.....	109
Should Animal Advocates Run for Office? Absolutely, but only when they're ready ...support, or run as, third-party candidates?.....	110
INTERVIEWS:	
Max: Until you realize you won't win by being right, you'll get nowhere.....	92

Wilson: Get political in Pennsylvania to beat its puppy mills.....	94
Vetter: We ousted the “gang of five” county commissioners.....	96
Gans: In some districts, the relevant election is the primary.....	100
Matteson: We haven’t needed to contribute to political campaigns.....	102
Pollyea: Learning what lawmakers care about most to pass an ordinance for animals..	105
Harmon: Campaigns as a Science.....	114
IN PRINT:	
Getting Out the Vote Is (Almost) Everything.....	94
The Power of the GOTV: The Case of Kansas.....	94
Create the Voting Habit Among Your Supporters.....	94
The 1996 Presidential Election Turnout Was the Lowest in Two Centuries.....	102
I Was Elected Mayor with the Support of 6 Percent of the Adult Population.....	105
CASE STUDIES:	
The 2004 presidential campaign: John Kerry in camouflage.....	96
Bob Megna ran a stealth campaign and got elected state representative.....	96
Endorse a winner, and he might get you a 38/0 vote.....	100
Third-party candidates and the Working Families Party.....	100
CHARTS/SIDEBARS/ILLUSTRATIONS:	
Political jurisdictions with district lines.....	91
The Phases of a Political Campaign.....	102
Standard Phone-Bank Scripts Political Campaigns Use.....	112
Phone-Bank Script for Your Political Organization.....	112
Do Issue Polling to Expand Your List; Sample Script.....	113
Must Refresher.....	113

## **Part II THE APPLICATION**

### **Chapter 6 How the Lawmaking Process *Really* Works—and the Role of the Voting Bloc System**

Quotes: Jennings, McCluskey, Rapoport, O’Neill, Brown, Allen.....	115
<i>Refreshers</i> .....	115
Lawmaking Axioms.....	116
Lawmakers’ considerations in deciding to support or oppose a bill or ordinance.....	118
High-speed traffic nightmare, or molasses.....	118
A couple of advocates can run a local voting bloc and still hold day jobs.....	119
“All politics is local”.....	120
Learning to Love the Building.....	120
Schmooze; Fieldwork; Baseline Facts.....	120
“Where were you, where is she?”.....	120
It’s a process, not a showdown (at least you won’t act like it is).....	121
Learn through observation.....	122
Know the political affiliation and rank of every lawmaker; the number of law- makers in the lawmaking body; which party holds the majority of seats.....	123
In the statehouse.....	123
In town, city, or county hall.....	123
Lawmaking Lexicon.....	124
The power of political leadership in the statehouse and party caucuses.....	125
The political composition of legislative committees.....	125
Leadership in county, city, and town halls.....	125
When leadership supports or opposes your proposal .....	127

Building a constituent base in top lawmakers' districts is a priority.....	127
Deconstructing votes.....	128
Outside the Building.....	128
Newspapers.....	128
Political district maps, the voting bloc's staff of life.....	128
At-large districts.....	128
District maps.....	129
Know the arithmetic of the last election.....	129
Town, city, county electoral arithmetic.....	131
State electoral arithmetic.....	131
Do a voter participation chart for your jurisdiction.....	131
Read existing laws and ordinances that apply to animals in your jurisdiction.....	131
Choosing Your First Issue and Getting Sponsors.....	131
Drafting your bill or proposed ordinance.....	131
"Scorecard" bills and proposed ordinances.....	132
You need "protectors".....	132
Amendments.....	133
The closer you get to winning, the more likely bad amendments will be attempted.....	133
Amendments must be germane.....	133
Be prepared to compromise.....	133
Write compromises yourself.....	133
The power of your voting bloc's constituent alerts.....	134
Bring constituents to committee votes.....	135
Vote counts are essential throughout the lawmaking process.....	135
The Voting Bloc in Action: Key "Pressure Points" During the Lawmaking Process	
When Your Voting Bloc Makes All the Difference.....	135
The Lawmaking Process in the Statehouse.....	137
Charities of other issue groups lobby through affiliated political organizations.....	138
Lawmakers and lobbyists play to win.....	139
The bill pyramid: so many bills, so little time.....	139
Just because a lawmaker introduces a bill for you doesn't mean it will go anywhere....	140
How majority and minority leadership decide which lawmakers to appoint to which legislative committees.....	140
Majority and minority leadership reward and punish other lawmakers—the relevance to your lobbying strategy.....	141
The power of the committee chair; rewards and punishments.....	141
Before you "open up a statute".....	143
Use the Pressure Point System in the Statehouse to Win Laws for Animals.....	143
Targeting initial sponsors for your bill.....	143
Caution: The process varies in different legislatures.....	145
Lobby a Bill: The Key Pressure Points of the Nickie Bill.....	147
List and evaluate the committees your bill would need to pass through to survive.....	147
"Neutralizing" opposing lawmakers.....	148
Make a calendar of the Pressure Points that Nickie must survive.....	148
Talking points for lawmakers.....	155
Flyers for lawmakers.....	155
Use the Pressure Point System to Kill Anti-Animal Bills: Strategies.....	159
It's easier to kill a bill than to pass one.....	159

Focus on the committee chair, and on the bill screening committee.....	159
Amendment strategies to turn bad bills into “talkers”.....	161
....slow down bad bills.... add a damaging fiscal note.....	162
Amendment “cons”.....	162
Test the waters a year ahead.....	163
The Lawmaking Process in County, City, and Town Halls.....	162
Do your fieldwork.....	163
Choose your ordinance; write your ordinance.....	164
Use the Pressure Point System to Win County, City, or Town Ordinances.....	165
Lobby an Ordinance: The Molly Memorial Act.....	167
Use the Voting Bloc System to Defeat Anti-Animal Ordinances.....	172
Enforcement: Use the Voting Bloc System to get laws enforced.....	173
Can a couple of activists make a difference? “Shelley” and “Hank” say “yes”.....	173
Know—and base your strategy on—the chain of command.....	174
A newssheet as a component of your strategy.....	174
Do it solo?.....	176
INTERVIEW:	
O’Neil: Learn to Thrive in the Political Ecosystem—the Art of the Deal.....	136
IN PRINT:	
Majority or minority political party status? It matters.....	144
Circus lobbyist widely considered one of the most influential in Albany.....	163
CASE STUDY:	
When leadership gives orders to its party’s rank-and-file lawmakers.....	154
CHARTS/SIDEBARS/ILLUSTRATIONS:	
High-speed traffic nightmare, or molasses.....	119
Thirteen Reasons a Lawmaker Votes FOR or AGAINST Your Bill or Ordinance.....	130
Eight Other Reasons a Lawmaker May Vote AGAINST It.....	130
Selecting a Bill or Proposed Ordinance.....	132
Drafting Your Bill or Proposed Ordinance, Do’s and Don’ts.....	134
The Political Mind: What Lawmakers Ask Themselves, The Lawmaker’s Checklist.....	138
Bill pyramid—so many bills, so little time.....	139
Sample State Lawmaking Process: The Pressure Points.....	142
The Structure of a State Government and Political Structure of State Legislatures.....	144
The Political Structure of a State Senate Committee.....	146
The Membership and Politics of Connecticut’s Environment Committee.....	146
The Lawmaking Process Varies from Statehouse to Statehouse: Assume Nothing.....	160
Possible Sources of Opposition to a Bill or Proposed Ordinance for Animals.....	162
Sample Structure and Political Structure of County, City and Town Governments.....	164
Sample Town, City, and County Lawmaking Process.....	166

## **Chapter 7 Playing to Win: The Pro-Active Lobbyist for a Political Organization Is a Power Player**

Quotes: Wilde, Jagger.....	177
<i>Refreshers</i> .....	177
Lobbying Axioms.....	177
The lobbyist’s power comes from the voting bloc, from the ground up.....	179
The lobbyist has four primary tasks.....	179
Becoming a lobbyist.....	180
The lobbyist keeps emotion to herself.....	180
The lobbyist charts the path—all the pressure points—the proposal must survive.....	181

...is always working many steps ahead.....	181
...uses small-talk to forge relationships, and to get, not give, information.....	181
The “need-to-know rule” applies: “Loose lips sink ships”.....	182
Be in the building: Most work is done running into lawmakers.....	182
How a lawmaker thinks.....	182
Ask lawmakers for favors.....	182
You need “protector” lawmakers.....	183
The lobbyist is always updating her “vote count”.....	183
Undecided, “swing” votes.....	183
“We have a new member in your district”.....	183
Scorecard issues and endorsement questionnaires.....	183
Never mislead or distort.....	183
Assume lawmakers’ profound ignorance or misconceptions.....	183
Inconsistent lawmakers.....	184
Speak lean.....	184
Bait.....	184
Begin your rap this way.....	184
One proposal at a time.....	184
Know where you stand.....	184
“May I count on your vote?”.....	184
“What problem do you have? How can we fix it?”.....	185
The <i>non</i> -lobbyist <i>never</i> negotiates with lawmakers or opposing lobbyists.....	185
Possible compromises.....	186
Dividing and conquering.....	186
Petitions that work.....	187
Why a lawmaker “offers” amendments.....	187
Plotting and scheming.....	189
Voting bloc system to the rescue.....	189
Betrayal: When a lawmaker breaks a commitment.....	189
Some lawmakers lie to constituents who aren’t in an organized voting bloc.....	189
Grooming lawmakers to get more out of them.....	190
Coalition lobbying.....	190
Kick-off meetings.....	190
“Lobby days”.....	190
“I know someone”.....	191
Should you hire a contract lobbyist?.....	191
Money, power, and corporate lobbyists—how to beat them.....	193
Undeniable fact: A politically organized grassroots beats corporate money.....	194
Ascendancy in politics: Be loyal to your friends and don’t make enemies.....	195
Be a social climber for the animals.....	195
Do I have respect or affection for lawmakers? Did I enjoy lobbying?.....	195
Don’t be scared off.....	196
INTERVIEW:	
Dillard: Two cautions.....	191
IN PRINT:	
Tricks the Other Side Uses.....	196
CASE STUDIES:	
Stop a bad bill or ordinance by being a “regular” in the building.....	186

Compromising is not always necessary.....	188
CHARTS/SIDEBARS:	
The Pro-Active Lobbyist for a Political Organization: "May I count on your vote?"	
The Lobbyist.....	178
Example: Flyer for Lawmakers.....	192
Example: Talking Points for Lawmakers.....	194

## **Part III MAKE IT HAPPEN: HOW TO LAUNCH YOUR VOTING BLOC FOR ANIMALS**

### **Chapter 8 The Legal Side: How Individuals, Informal Animal Rights and Rescue Groups, and Charities Can Launch Political Organizations for Animals**

Quotes: Pacelle, Alinsky, Frost.....	197
From Charity to Voting Bloc: My Personal Journey.....	198
Legal Lexicon.....	200
Harsh words.....	201
Get Ready to Form a Voting Bloc/Political Organization.....	201
To succeed, your voting bloc needs complete freedom to lobby and electioneer.....	202
If you're an individual or a few people who want to form a political group.....	203
If you're on the board of an all-volunteer charity and want to form a political group....	203
If you're an existing all-volunteer charity, without an office or staff.....	204
If your existing animal charity has an office or animal shelter or staff.....	204
The categories reflect laws about income, donations, and taxes.....	204
Tax-Exempt Organizations: The Basics Explained	
The Categories: <i>Ad Hoc</i> Groups, Charities, Political Lobbying Organizations, PACs, and Affiliated Charitable and Political Organizations.....	206
<i>Ad hoc</i> political groups.....	206
Charities.....	206
Political lobbying organizations.....	207
Ballot initiatives.....	209
PACs.....	210
Incorporation.....	214
"QSLPOs".....	214
Affiliated Charitable, Lobbying, and Political Organizations: Your Whole Is More Than the Sum of Its Parts.....	
If you're now a 501(c)(3).....	216
Many state and local advocacy efforts begin as c4 organizations or PACs.....	216
An Affiliation Model.....	216
If you're a charity that's forming a c4 affiliate.....	217
Joint fundraising among your affiliates.....	217
Can a tax-exempt organization move money to its affiliate? Generally not.....	218
Animal Charities Can Support Your C(4) with Money and Members.....	219
Your First Steps in Forming a C(4) Political Lobbying Organization.....	219
Liability.....	220
Avoid missteps, stick to the law!.....	220
Congratulations on becoming an employer!.....	221
INTERVIEW:	
Moore: Until You Organize, You Won't Have Power in the Corridors of Power.....	218
CASE STUDY:	
The California Animal Association—15 Charities and a PAC.....	223

CHARTS/SIDEBARS:	
Relaxer re EINS.....	205
About the term “PAC”.....	205
History of Nonprofit Organizations—And why animal advocacy stayed out of politics.....	208
What Each Type of Tax-Exempt Organization Can and Can’t Do Politically.....	212
RESOURCES to help you get.....	222
Agencies to Check with about Voting Bloc Activity.....	223
Limits on Political Donations: Your State’s Laws.....	224

## **Chapter 9 How to Use Media to Help Win Laws for Animals—and When to Avoid It**

Quotes: Jacklin, Orwell, Lincoln, the Bible.....	225
<i>Refreshers</i> .....	225
Media Axioms.....	225
Media as a component of a political lobbying strategy.....	226
Maximize your number of hits with an “advance”.....	227
Use media to create an issue, a concern, a scandal.....	227
...to create controversy to defeat a proposal.....	227
Name recognition: Use media to fashion yourself/your group as the leader.....	229
...to reassure, foster member and donor loyalty.....	229
Caution: Don’t let pursuit of media detract from recruitment.....	229
Become Media Savvy: Think Like an Editor.....	229
Pitching a Story: Like politics, all media are local.....	231
Think like a camera person.....	231
The Associated Press’s “daily calendar”; radio syndicates.....	231
Form relationships with editors and reporters.....	233
Pitching an editorial.....	234
Letters to the editor.....	234
Good activist writing: Press releases, newsletters, activist alerts, talking points and flyers for lawmakers, letters to the editor, Op-Ed pieces.....	235
CASE STUDIES:	
Fawn hunting.....	228
State regulation of animal rescue.....	233
Leghold traps .....	234
Leghold traps again.....	235
Puppy mill exposés.....	236
Puppy mill exposés again.....	236
A lawmaker exploits the puppy mill issue.....	237
CHARTS/SIDEBARS:	
Media Plan as Part of a Political Strategy.....	228
Media’s Role in Helping Achieve Laws for Animals.....	228
Write Economically.....	228
Control Your Media Interview.....	230
Pitching Your Story.....	232
About Press Releases; A Sample.....	238

## **Chapter 10 Make It Happen: How to Launch Your Voting Bloc for Animals**

Quotes: Twain, Kennedy, Einstein, West/Galeono, Trippi, Merriam, Murrow.....	239
<i>Refresher</i> .....	239
Launch Axioms.....	239

Model and Structure of Your Voting Bloc Organization.....	245
The Three Elements: Purpose, Geography, Membership.....	245
The Four Tasks: Recruitment, Lobbying, Electioneering, Administration.....	245
Recruitment by political district.....	245
Lobbying.....	245
Electioneering: endorsements and the GOTV.....	246
Administration.....	246
Decision Time: <i>Ad Hoc</i> Group, C4, State PAC, 527, or Affiliates.....	246
Initial and Perpetual Recruitment.....	247
Defining a member: Think outside the box.....	247
Your literature: Basic flyer, endorsement list, voter registration forms, surveys, petitions.....	247
Recruitment Methods.....	248
Local and national charities can legally rent their membership lists to your group.....	248
Tabling...with surveys and petitions.....	249
Voter registration drives sign up many already-registered voters.....	251
Send form letters to new voters.....	252
...have a version for 18-year-old first-time voters.....	252
Table and canvass strategically.....	252
"Visibility van".....	253
Protests: Be opportunistic.....	253
Be opportunistic in other ways.....	253
Political-organizing parties.....	253
Endorsements: The Key to Your Identity and Power.....	254
Sample endorsement questionnaire.....	254
The Moment of Truth: Your GOTV (Get Out the Vote) Campaign.....	256
GOTV timetable.....	256
Ever More Powerful: Sustaining and Advancing Your Voting Bloc.....	260
Fundraising: You've Got to Ask!.....	261
Let's Join Together with SIEAAO: Society of Independent Endorsing Animal Advocacy Organizations.....	262
Let's Stay in Touch, Get Together.....	263
<i>"If the student does not surpass the teacher, the teacher has failed"</i> .....	263
INTERVIEWS:	
Phillips: A Great Recruitment Idea and an Awesome Internet GOTV.....	255
Robinson: Stop your town from killing cats by getting political.....	264
IN PRINT:	
The Leader of the Humane Society Legislative Fund Door-Knocks for the GOTV.....	257
Trippi: Use the Internet to Organize Politically.....	257
CASE STUDY:	
I found out bad things about a dog pound by examining public documents.....	264
CHARTS/SIDEBARS:	
Launching Your Voting Bloc for Animals: The Big 12 You Need to Start.....	240
Checklist: Launching Your Political Organization.....	244
Recruitment Sources.....	249
Julie's Election-Day GOTV Fantasy for Your Voting Bloc for Animals.....	257
Let's Join Together with SIEAO: Society of Independent Endorsing Animal Organizations.....	262

In memory of Nick and Luke,  
and for the desperate animals who wait

## Introduction

You and other advocates—all of us involved in animal rights and rescue—have reached a remarkable historical milestone. We’ve created a popular culture in which everyone in the United States has an opinion about the treatment of animals and animals’ rights. Thanks to you, most men and women now ponder their own relationship with animals and humans’ uses of animals. We are rightly proud that a few good laws and local ordinances protecting animals are now on the books and a few more become law every year.

But I ask you to face one fact squarely and honestly: From coast to coast, state laws and local ordinances affecting animals remain appallingly weak, even those applying to dogs and cats, our culture’s favored species. As for non-companion animals, billions continue to suffer unimaginably abusive treatment and cruel, unnatural deaths in so many (legal) ways. Often we try to win very modest legislation, yet suffer many more defeats than victories.

Now we must transform this milestone into a turning point. We must learn how other grassroots issue groups have come to wield power in the lawmaking arena. We must become political for animals, so we can win the really strong laws and ordinances that would release animals from pain. Such laws and ordinances have powerful opposition. Yet they are winnable—if we organize our support into voting blocs—that is, political organizations for animals—in our towns, cities, counties, and states.

Voting blocs’ power in the lawmaking arena stems from endorsing candidates for elective office and motivating some voters to vote for the group’s endorsed candidates. An issue group’s power is a simple matter of electoral arithmetic. At every level of government where voting bloc organizations are active, lawmakers fear incurring their wrath. These lawmakers know that if they don’t vote on legislation the way the organization wants, it may endorse the opposing candidate—and on Election Day deliver enough votes to the other guy to jeopardize the lawmaker’s re-election.

The bottom line is this: Voting blocs for animals can achieve laws and ordinances that are now mere fantasies. They will remain fantasies until we pursue them through voting blocs. How do we do this? It’s easy—if we are willing to challenge our old assumptions and adopt new ways of thinking and doing. If we have resolve.

Every issue group that *wields power* in the lawmaking arena does so through voting blocs, not through charities or individuals who plead their case on the merits.

Every issue group that *achieves* strong laws and ordinances does so through voting blocs.

Every issue group—*except ours*—that *wants* strong laws and public policies pursues them through voting blocs.

Mind-boggling to the politically uninitiated is how few politically organized constituents are needed to scare a lawmaker into submission, or even to vote him or her out of office. Many issue groups with *minimal* public support are true power players in the lawmaking arena—because they organize their few supporters into voting blocs.

I want this MANUAL to propel you to roll up your sleeves and launch a voting bloc for animals in your town, city, county, or state.

This MANUAL will show you how to launch your voting bloc, step by step. It's easy to draw increasing numbers of members to your voting bloc. I promise you, once you get into it, you'll never look back.

Imagine winning local ordinances that: require shelters that provide true comfort for animals of all domesticated species when kept outdoors and regulate the time and conditions in which they may be outdoors; restrict or ban dog tethering or penning; restrict or ban breeding, while providing public funds for spaying and neutering; require truly humane animal control policies and sheltering, including policies that focus strongly on cats' needs; ban pet stores from selling animals, the use of animals in circuses, rodeos, dog and horse racing, and the hunting and trapping of wildlife; ban the sale and production of veal and *foie gras* and many other atrocities of factory farming; and restrict laboratory testing on animals, moving toward its elimination.

Imagine achieving these changes in your locality. In nearly all parts of the United States, town, city, and county lawmakers *can* legislate directly on all these issues (it's true!) In other communities (in states that restrict local governments from banning recreational killing, for example), lawmakers can achieve the same results through highly restrictive regulations and other ordinances. Lawmakers *will* do all this, *if* you embrace and act on the lessons this MANUAL provides. This is for real, because voting bloc-power can have revolutionary effects.

Now imagine winning equally strong and encompassing laws at the state level. All state legislatures can legislate directly on all these issues.

Enforcement can be as much an electoral issue as the laws and ordinances themselves. Every law enforcement officer is part of a chain of command that leads to elected officials who can be held accountable on Election Day for what the officer does or does not do. Where judges and prosecutors are elected, voting blocs can achieve stronger prosecution for violators of these ordinances and laws. Where judges and prosecutors are appointed, voting blocs will influence them, because they function in a political context.

This MANUAL may draw many of you into a storm of urgency. Those who are able can start immediately to organize politically in your town, city, county, or state—whichever is appropriate to your goals and the time and resources you can commit. Those less ready for a quantum leap in power can meld political organizing into your plans without losing your passion or resolution. The rest of you can vow to support, financially and by volunteering, any political organization for animals that is born in your jurisdiction. And I urge you to pressure existing rescue and rights groups in your area to get with the program and launch affiliated political organizations.

If we adopt this proven strategy, we can

...Reduce the aggregate suffering of animals at an unprecedented pace, with no more effort than we're now expending.

...Spawn new political leadership among animal rights and rescue advocates to launch and sustain these voting blocs.

...Provoke existing animal rights and rescue groups to scurry to establish affiliated political organizations or team up with other groups or advocates in their area to do so.

...Spark no less than a revolution that brings about a profound restructuring of animal advocacy in every community.

# 1 We Can Be Power Players Who Win Strong Laws for Animals

"The quickest way to effectuate change is to function politically through voting blocs and to get as deep into the lawmaking and political process as possible."

—Paul R. Leonard, board of directors, Animal Legal Defense Fund; former Ohio lieutenant governor, state representative, and mayor of Dayton

"We all could win wonderful state laws and local ordinances for animals. All we need are voting bloc organizations that mobilize animal-friendly voters and endorse candidates."

—John Phillips, executive director, New York League of Humane Voters

"The political realities that determine how lawmakers vote on legislation are so little understood by grassroots groups. They wrongly think it's all about campaign donations. You need to organize politically and endorse candidates, creating a political force of your own."

—Jehmu Greene, national director, Project Vote; executive director, Rock the Vote 2003–05; political organizer and strategist

"NIFAA's approach is exactly right. Make sure you tell them that a voting bloc needs only a few members to become a power player in the lawmaking process."

—Eric Sten, city commissioner, Portland, Oregon; former political organizer

"Animal activists lobby through charities? You're kidding! Really?"

—Michael Lawlor, Connecticut state representative, judiciary committee chair

"Animal rights is an area ripe for a lot more effective work. Social change occurs through social mobilization much of the time. Animal rights only sees occasional and episodic mobilization. For real change to occur, citizens who care about animals must be willing to mobilize to do something about it."

—Law professor Cass Sunstein, appointed US "regulatory czar" by President Barack Obama

"I was elected in 2008 and just concluded my first legislative session. *GET POLITICAL FOR ANIMALS* was invaluable. I strongly urge every single advocate—and group—to read it, study it, act on it, and share it."

—Maryanne Hornish, Connecticut State Representative; co-founder, Compassionate Living Project

"Don't waste any time in mourning. Organize!"

—Joe Hill (1879–1915), legendary trade union activist

"If not now, when?"

—Hillel, 1st-century Jewish sage

## Power Axioms

*The lawmaking process and the arithmetic of elections are one and the same. The most important factor in determining the fate of proposed legislation is whether lawmakers think it could impact their chances for re-election. The legislation's merits are low on the list of considerations.*

*A lawmaker's primary concern is to be re-elected. To be re-elected, a lawmaker must win a majority of votes cast on Election Day. Only political organizations—that is, formalized voting blocs that endorse candidates—can exploit these realities. If your lobbying strategy is not based precisely on them, you don't have one.*

*To win election or re-election, a candidate needs a winning margin of only one vote—the "50% plus 1" rule—half of all votes cast plus one. Politically organized minorities drive laws and public policies on their issue, because every lawmaker knows these minorities can swing elections. Animal advocates could easily become such a minority force at every level of government.*

*Strong laws and local ordinances raise the legal minimum standards of care for animals or ban specific uses of animals outright. Voting-bloc organizations are a mandatory component of our advocacy, because*

*only they can win strong laws and ordinances.*

*Becoming a power player in the lawmaking arena requires learning to think and function as a lawmaker does—politically and strategically—with the arithmetic of elections foremost. Ignorance of political dynamics leads to repeated, avoidable failures—and to thinking small.*

*When voting on legislation, a lawmaker cares only about his constituents who vote. He doesn't care about his constituents who don't vote or what the broader public thinks. Hearing from advocates who live outside his district wastes his time, which he doesn't appreciate. It also shows him we're politically naïve.*

*In the absence of voting blocs, lawmaking is driven by money. When casting a vote means choosing between a wealthy business interest and a politically organized grassroots group in her district, a lawmaker goes with the grassroots group every time. Why? She knows that otherwise the voting bloc will punish her on Election Day—by endorsing her opponent and directing its members in her district to vote for her opponent. She knows that the wealthy interest cannot protect her from that.*

*Media attention on an issue almost never achieves strong laws or public policies, because it in no way holds individual lawmakers accountable to their own constituents on Election Day. If media coverage is not buttressed by political power, the resulting laws, if any, are cosmetic and weak, and are not enforced.*

*Media coverage on proposed legislation is often harmful, because it gives your opposition ink and air time to attack it—and alerts opponents who then contact their lawmaker.*

*Demonstrations and protests almost never achieve meaningful laws or public policies, because they in no way hold individual lawmakers accountable to their own voting constituents on Election Day. Typical petitions do not achieve strong laws and public policies for the same reason.*

*Your power in the lawmaking arena depends on: 1) The size of your voting bloc, 2) your skill in formulating a lobbying strategy that is based on dispassionate analysis of the political dynamics of the proposed legislation in your jurisdiction, and 3) your conspicuous, routine presence in "the building" (statehouse or county, city, or town hall).*

*Marks of the amateur are wishful thinking, believing a bright idea and passionate determination are enough, lobbying for bills or ordinances that are unrealistic at your current level of political organization and strength, and "hit-and-run" lobbying. These create a dangerous legacy of energy-draining failure and cynicism, discouraging other advocates from becoming politically involved.*

*Wielding power in the lawmaking arena requires a severe readjustment in how you allot your advocacy time. Your absolute priority must be aggressive recruitment to your voting bloc. Measure every minute, hour, or day you might spend on any other activity against the number of new members you might be able to locate and sign up during that time. Every one or two or three new members truly make you more powerful, truly bring strong laws or ordinances for animals within closer reach.*

*There are lawmakers who care about animals. But without a voting bloc organization to protect them on Election Day and to pressure other lawmakers, they can't do much or win much.*

*Lawmakers show great deference to lobbyists (paid or volunteer) who lobby for voting blocs that endorse political candidates—even if they hate their issue. Charitable groups and caring individuals who lobby them on the same issues may be thought of as annoyances.*

***Organize politically at the grassroots level. Power in the lawmaking arena comes only from the ground up. Think big for the animals, but from the ground up.***

Can you add and subtract, as you were taught in first and second grades? Of course you can. That's the skill it takes to pass strong—*really strong*—state and local laws. I mean laws that drastically raise the legal minimum standards of care for animals and ban some uses and practices toward animals outright. I mean laws that now are fantasies. Such laws are opposed by staggeringly powerful interest groups. To avoid any risk of controversy, lawmakers routinely dismiss our attempts at even modest legislation.

The powerful interests beat us, and lawmakers ignore us, for a shockingly simple reason: We haven't organized ourselves into political organizations that endorse candidates. Lawmakers don't fear that we could defeat them at the polls. They ignore us—*because they can*.

Laws don't get passed by arguing the merits of the issue or impressing lawmakers with a new fact. The fundamental element of lawmaking is basic arithmetic. Before taking a stand, the lawmaker makes a political calculation: Will voting for this legislation lose or win me votes next Election Day? Is it safer to vote against it? If I vote against it, is there a grassroots political organization—an official *voting bloc*—in my district that will endorse my opposition candidate and deliver its votes to him?

We must get political for animals, because lawmaking and elections are one and the same. Whether in your town, city, or county council or statehouse or the US Congress, the strongest factors in the lawmaking equation are the number of citizens who vote for a candidate, vote for the other candidate, or stay home on Election Day. Even a very small grassroots issue group becomes a power player when it forms a voting bloc that endorses candidates. Lawmakers know that the group will channel votes to its endorsed candidates, rewarding or punishing incumbents on Election Day according to their voting record on the issue.

Mind-boggling to advocates when they first get their toes wet is how few politically organized constituents they need to scare a lawmaker into submission, or even to vote him or her out of office. This is true because most political candidates win or lose by a relatively small number of votes compared with how many people *could* vote.

Even if your endorsed candidate loses the election, the winner will try to please you, to ward off your future opposition. Win or not, a voting bloc opens the door, brings you inside, and seats you at the table. Either way, it's win-win for the animals.

Becoming political for animals at all levels of government is mandatory. And it's not even hard. We must be willing to challenge our assumptions. We must be willing to abandon our old ways of thinking and doing. The only hard part is clearing our minds of those assumptions, which obstruct our enormous potential to win strong legal protections for animals.

Ponder:

**Q** *What is a lawmaker's primary concern?*

**A** To be re-elected.

**Q** How is a lawmaker re-elected?

**A** By winning a majority of vote cast by his constituents—that is, citizens who live in his district—on Election Day. If your lobbying strategy is not based precisely on these facts, you don't have one.

**Q** Aren't the merits of a bill or proposed ordinance supreme? Or at least important in determining whether my lawmaker votes for or against it? Isn't lobbying mostly the art of persuasion, convincing lawmakers with the facts and that there's some public support? And maybe how enactment would achieve some other social benefit, like eventually reducing the number of dangerous dogs or rabid cats, or saving taxpayers' dollars?

**A** No way! The most important factor in your lawmaker's decision to vote for or against a substantive proposal is whether it could lose or gain him votes on Election Day. If Election Day votes are at stake—and they are for all strong and moderate proposals—the merits are low on the list of factors the lawmaker considers before casting his vote.

Voting blocs work because lawmakers are haunted by the fact that many elections for town council, county council, state legislature—even governor and US Congress—are won and lost by relatively small numbers of votes, sometimes by less than one percent of votes cast or by only one or a dozen votes! (Scan newspapers from around your state after an Election Day for evidence of this.) Lawmakers know that a voting bloc's endorsement can draw to the polls many people who would have stayed home, had no endorsement been made.

Even the lawmaker who won by a "landslide" knows that the next time she's up for re-election, her comfortable winning margin could be threatened by a small new voting bloc that motivates some usual "stay-at-homes" to vote.

Your endorsements will also elect new lawmakers who will be animal-friendly, because they'll need your votes next Election Day, or because you've made it safe for them to be so.

⇒ It comes down to this: If you don't endorse candidates, lawmakers won't fear you. They'll ignore you, *because they can*.

Many animal advocates contact me in despair after getting this treatment from local or state lawmakers for even modest proposals. Sometimes the merits can win you commitments from a few lawmakers, but your proposal will not be brought to a vote. So it dies.

The lawmaker must know that the voting bloc system is in place *before* he casts his vote

**A voting bloc** is a system that holds lawmakers accountable on Election Day to voters in their own district—their constituents—who feel strongly about an issue. This is how it works:

- 1) **Before** the lawmaker votes on legislation about the issue, he knows the political group has identified constituents who care about the issue and will inform them whether he voted for or against it.
- 2) **Before** he votes, the lawmaker knows that his voting record on the issue will determine whether the group endorses him for re-election—or punishes him by endorsing his opponent.
- 3) **Before** he votes, the lawmaker knows the organization can deliver votes to its endorsed candidate next Election Day.

on the proposed legislation. He must know, as the next Election Day approaches, that the group will endorse a candidate for election in his district. He must know it will publicize its endorsement choice to its sympathizers in his district (by email, postcard, letter, and/or phone call). He must know its endorsement choice will cause many of these caring constituents to reward him with their vote or punish him by voting for his opponent—or at least that it may factor in their voting decision.

⇒The lawmaker knows your endorsement will cause some constituents who had voted for him in the previous election to defect.

⇒The lawmaker knows your endorsement will bring some constituents who stayed home last Election Day to the polls this Election Day. (Most people *do* stay home.)

⇒He knows you'll give them a reason to vote. He knows that animals have very strong appeal among Democrats, Republicans, and Independents alike.

⇒The lawmaker knows that if you endorse the opposition, what had been a wide winning margin of votes last Election Day could be under threat next Election Day.

When the voting bloc for animals asks the newly elected city councilor it had endorsed to vote for or against a proposed ordinance, he'll vote the way it wants. He'll "feed" the voting bloc with favors, such as introducing its legislation, helping get it brought to a vote, convincing other lawmakers to support it, and protecting it throughout the lawmaking process.

The relationship between a voting bloc and a lawmaker is symbiotic: "If you vote the way we want, you can count on us to deliver votes to you on Election Day." As in politics generally, one hand washes the other.

Launch a political organization, and in no time candidates will vie for your endorsement. It's amazing, yet true!

I often hear, "Why bother? They'll never care about animals," as if this mattered and as if passing strong laws and ordinances for animals were hopeless. Nothing could be less true. Lawmakers need only care about being re-elected, and they care about that more than anything else!

⇒Thus, a voting bloc transforms lawmakers into champions, because they know it can have a positive impact on the arithmetic of their next election. Experienced lobbyists see such transformations routinely.

What about the lawmaker who has a soft spot for animals and wants to help you win really strong legislation? (They are many!) But this lawmaker won't do so if it might cost her votes next Election Day, unless you can deliver enough votes to protect her from the backlash, canceling it out or better.

It's hardly fair to ask her to "do what's right" in a lose—lose scenario. First, voting with you might cause her to lose her next election or at least foment discontent in her district. Second, the lawmaker knows that if you don't have a voting bloc system, you won't get enough other

**The Voting Bloc System**  
**makes lawmakers accountable on Election Day**  
**to informed animal advocates who vote. It has three parts.**

**I Lawmakers in the Building**

**Town/City Hall, County Hall, Statehouse, or US Congress**

**II Issue-Based Political Organization**

- Informs advocates of every relevant vote and other action his or her own lawmaker makes
- Endorses candidates based on their voting records; ambitiously distributes its endorsement list to sympathetic potential voters
- Aggressively and ceaselessly recruits new members, focusing strategically on the districts of specific lawmakers

Political Organization's Lobbyist(s)— volunteer or paid

- Lawmakers recognize the lobbyist as the eyes and ears of their constituents
- Aggressively represents the voting bloc in the building
- Formulates a pro-active lobbying strategy
- Works to propel good proposals throughout the lawmaking process and to control their content; works to obstruct bad proposals
- Functions as strategy central for supportive lawmakers, often directing them what to do and when to do it
- Activates constituent calls and emails at key pressure points during the lawmaking process
- Helps choose the political group's lawmaking agenda based on political judgment and the group's resources
- Directs recruitment volunteers to districts of key lawmakers

**III Constituents**

**Sorted geographically according to the political district boundaries of the jurisdiction**

*At every level of government,  
power to win laws comes from the ground up.*

From "Get Political for Animals and Win the Laws They Need"  
NIFAA: The National Institute for Animal Advocacy [www.nifaa.org](http://www.nifaa.org)

lawmakers on board to pass it. Third, she knows you won't get lawmakers in "leadership" positions to bring it to a vote. Fourth, if she supports you in spite of the above, high-ranking lawmakers of her own political party may punish her.

When there's no voting bloc to maintain accountability, some lawmakers lie to advocates who contact them, because they know these constituents will not find out the truth. A lawmaker may aggressively support legislation favorable to hunters, trappers, puppy-millers, or circus promoters and aggressively fight pro-animal legislation, yet tell you he loves animals and supports your position.

**The political organization/voting bloc pertains to a specific level of government—**town, city, county, state legislature, or the US Congress. For example, if a county council is composed of 11 elected county councilors, a county voting bloc for animals finds ("politically organizes") residents of the county who are sympathetic to its cause, and sorts them according to the county council district they live in. The ID'ing by district is essential. A councilor who represents one district has no interest in constituents of another district, because they can't participate in his re-election bid.

**Defining "member": Most of your voting bloc's potential members have never donated to or been a member of any animal rescue or rights organization.** From my wanderings—and the fact that I compulsively "work the crowd" wherever I am—I'm convinced that we must think outside the box. For voting blocs, the concept of "member" is a loose one.

Very simply, a member is anyone whose voting behavior and choices may be influenced positively by your group's endorsement—and whom you can directly inform (by email, snail mail, or telephone) of your endorsement choices. Your recruitment plan must not confine itself to people who are already involved to some degree in animal welfare or rights.

Today, only a tiny number of animal rescue, and rights advocates—whether already involved or not—have a clue about how their own town or city councilor, county commissioner, state senator, or state representative votes on proposals that affect animals. (In local governments, these proposals are few and far between, another sign there's no voting bloc for animals there.) Only a tiny fraction of advocates live where a political organization for animals endorses candidates.

With help from this MANUAL you'll turn this fraction on its head.

## **The Arithmetic of Elections**

To be elected, a candidate must win at least one more vote than his or her opponent(s). In political-speak, the goal is at least "50 percent + 1," that is, at least half the number of votes cast plus one. Thus, a voting bloc needn't have a large membership in a political district to wield power. *The voting bloc need only be able to threaten the winning and losing margin.*

Let's view some elementary math and deconstruct voting behavior in the US. *Important:* When your newspaper reports that voter turnout was 40 percent, or that 40 percent of "eligible voters" voted in yesterday's election, it's referring only to *registered* voters. A truer picture of voter turnout would include people who *could* register but don't, that is, US citizens 18 years of

## Opportunities for Animals Lost: Elections Are Often Hair-Close

**"SPANO WINS STATE SENATE..."** *New York Times* 2/9/05 ..."Spano, the Republican incumbent...winning by a mere 18 votes... 57,073 to 57,055...."

**"STUDENT COUNCIL LOSER WINS BIG AS TEEN MAYOR,"** *Detroit News* 11/10/05 "HILLSDALE—...an 18-year-old high school student won a long-shot write-in campaign this week to oust the 51-year old mayor...732 to 668..."

**"RACE FOR MAYOR OF SAN DIEGO HEADS TO NOVEMBER RUNOFF,"** *New York Times* 7/28/05 "Donna Frye...led the field of 11 candidates...winning 43 percent of the vote..."

**"RECOUNT COMING IN UXBRIDGE ELECTION,"** *Milford, MA Daily News* 5/27/05 ... "Finnegan said the two-vote margin putting James Dwyer in office is too tight not to be checked."

**"VOTE-RECOUNT PROBE RAISES SOME ISSUES..."** *The Arizona Republic* 6/12/05 "...a race for the state House... Orlich finished with 5,620 votes. McCormish finished ahead with 5,633."

**"McCORMISH GOP WINNER BY 13 VOTES,"** *Arizona Republic* 9/21/04 "...in the District 20 Republican primary for the state House, according to a recount of the votes on Tuesday."

**"GUZMAN LEGALLY CONTESTS MAYOR'S ELECTION,"** *Edinburg Monitor*, McAllen, Texas 6/17/05 "The man who lost the mayor's race by six votes..."

**"BEAVER COUNTY JUDICIAL RACE,"** *Beaver County Times* 6/11/05 ..."Kuselman's lead is less than 1 percent out of nearly 25,200 votes cast in the judge race..."

**"RESULT COUNTING WENT LATER THIS TIME,"** *Times-Tribune*, Scranton, PA 6/8/05 "The choice of paper ballots over electronic votes appeared to slow election results Tuesday night, when 60 percent of the votes were posted by 10:37 p.m.— and hung there in a hair-close mayoral race, for an hour." Also reported in the story:

**"CARBONDALE AREA SCHOOL BOARD** ... Mr. Gillott had 309 votes to 301 for challenger Nancy Mark on the Democratic side and 78 votes to 71 for Ms. Mark on the Republican....

**"JESSUP** ... Patricia Geroulo Kurpis defeated Joseph A. Refice 713 votes to 700 on the Democratic side while Mr. Refice defeated her through write-in votes for a Republican nomination 11 to 1....

**"OLYPHANT**... Eugene L. Liberty finished third, ahead of Mr. Shanley, 544 to 527...."

**"RECOUNT CONFIRMS WIN BY ALTER IN APRIL 5 VOTE,"** *St. Louis Post-Dispatch* 5/9/05... "Alter defeated his closest challenger, Rep. Rick Johnson, D-High Ridge, by 72 votes."

**"TEDIOUS HAND RECOUNT BEGINS, BOOSTS ROSSI'S LEAD BY 3...IN GOVERNOR'S RACE,"** *Seattle Post-Intelligencer* ..."the governor's race that Republican Dino Rossi won by just 42 votes."

**"ORGANIZERS REQUEST US SENATE RECOUNT,"** Juneau, Alaska, *Empire* 11/04 "Democratic House District 5 candidate Tim June requested a recount ... Thomas defeated June in the November election by 76 votes, receiving 3,446 votes to June's 3,370 votes."

**"RECOUNT CONFIRMS TREASURER UNSEATED,"** Port Clinton, OH *News Herald* 11/25/04 "The total was 13,655 for Celestino and 13,613 for Democrat Anna Senior, the incumbent."

**"JUNE RECOUNT IN ARKANSAS RACE REVERSES RESULT,"** *Eyewitness News* 6/20/06 "A recount in the June 13th runoff for the Democratic nomination for a state Senate seat in eastern Arkansas ...produced a new winner...Jack Crumbly by 128 votes."

**"COURT ASKED TO RULE IN 2 PA RACES,"** *The Sentinel* 11/29/05 "Cumberland County Court is being asked to decide if one vote might change the outcome in a tight race for magisterial district judge in Carlisle, PA....In another race, the county election board will meet to begin sorting out...the results of a tie in the contest for Lower Allen commissioner."

**"JUDGE ORDERS RECOUNT FOR FRANKLIN,"** *Gloucester (NJ) County Times* 11/18/05 "A recount was ordered on Thursday to confirm a two-vote victory... Scavelli leads all candidates with 2,212 votes. Gallagher has 2,200 and is followed by Dougherty with 2,198 and Republican Paul Soloway with 1,922."

**"UNDER-VOTES ALTER ELECTION,"** Rome (GA) *News-Tribune* 11/10/05 "If challenger Sylvia Morgan had just received nine of the more than 4,400 unused votes in the Rome Board of Education election Tuesday, she would have earned a seat. While 2,091 Romans made it out to vote Tuesday, not all of them fully completed their ballots.... 14.8 percent of active registered Rome voters voted in the city commission and board of education elections."

**"COUNT ON RECOUNT IN E. CITY MAYOR'S RACE,"** *The Virginian-Pilot* 11/11/05 "Foster remained the unofficial winner of the run off for mayor with 17 more votes than Councilman Bill Lehmann..."

**"FAIRFIELD RACES MAY NEED RECOUNT,"** *Cincinnati Enquirer* 11/9/05 ... "The mayor's race was decided by one vote. The last of three seats on city council seat was decided by 121 votes..."

**"JUDGE TO RULE ON ONE-VOTE RECOUNT CHALLENGE WITHIN WEEK,"** *North County (CA) Times* "The recount changed vote totals, but not the result. Buster still had a handful of votes more than the 50-percent-plus-one he needed to avoid a runoff in the November general election..."

**"TURNOUT A SIGN OF POLITICAL APATHY,"** *Herald-Journal*, Spartanburg, SC 6/18/06 "Whether by choice, apathy, district lines they had no control over drawing, bad timing or ignorance, most people here didn't vote in Tuesday's primary election. Slightly more than 20,000 ballots were cast...that represents about 15 percent of registered voters, or less than 8 percent of the county's most recent estimated population.

"State house district 31...less than 5 percent of eligible voters turned out..."

"In the closest race, state House District 37, where incumbent Rep. Ralph Davenport kept his seat from challenger Steve Parker by only nine votes—saw a 13.4 percent turnout.

"In State house district 35, nearly 16 percent of [registered] voters turned out... Jamie Tucker, who lost the Democratic Primary... said...he believed the rain...hurt his campaign....Davies beat Tucker 175 to 144.

"Candidates in two races face a runoff election...Turnout is expected to be even less..."

**"KANSAS 2ND DISTRICT RACE,"** *Kansas City Star* 11/09/06 "Republican Boyd attributed her victory to a grassroots campaign...Even with a Democratic surge across the country, how did she defeat Ryun, a Kansan bellowed for his Olympic running who had spent 10 years representing the 2nd District in Congress? Just weeks ago few people gave her much of a chance in her rematch from two years ago, when Ryun won handily. Boyd and her campaign manager husband...listened to high-powered advisers in 2004 and ran a traditional campaign but suffered a stinging loss. This time they threw out the conventional wisdom in favor of a low-key effort heavy on yard signs and short on television ads.

"Kansas House Races..."

"16th House District...Kriegshauser received 50.2 percent of the vote. Rardin received 49.8 percent.

"118th House District...Neighbor appears to have won her fourth race against...incumbent Mary Pilcher-Cook by 1 percentage point.

"23rd House District...Morrison... received 52 percent."

**"A PHOTO FINISH IN CONNECTICUT,"** *New York Times* editorial 11/20/06 "Platitudes like 'every vote matters' became meaningful in Connecticut's Second Congressional District this week when a recount showed that Joe Courtney, a Democrat, had defeated the incumbent, Representative Rob Simmons, a Republican, by a mere 83 votes out of nearly a quarter-million cast....A difference of less than two votes in each town would have changed the result of the election." [Julie's note: I've known Courtney and Simmons since they were state representatives. Voting blocs connect with politicians early in their careers.]

**"CONTROL OF THE STATE HOUSE WILL REMAIN UP IN THE AIR FOR AT LEAST ANOTHER WEEK, MAYBE TWO...."** *Pittsburgh Post Gazette* 11/18/06 "...so far, Republicans lead in both races, and if those results hold, the GOP would have a 102–101 majority in the coming session. This case highlights the value of every vote. There are 101 Democrats in the House, 100 Republicans and two undecided races, one with a margin of 19 votes..."

"WEST CHESTER, PA...Republican Duane Milne leads Democrat Anne Crowley by 136 votes, according to an unofficial count of the 26,545 ballots cast on Election Day."

## **Only 40% of the voting-eligible population voted on November 7, 2006**

### **Only 61.7 % voted in the November 4, 2008 Presidential Election**

Professor Michael McDonald, director of the United States Elections Project at George Mason University, has composed statistical charts on voter eligibility and voter turnout for each state that include:

- Voting-age population (VAP)
- Non-citizens ineligible to vote
- Felons ineligible to vote
- Overseas citizens eligible to vote, because they give the state as their US residence
- **Voting-eligible population (VEP)**
- VAP voting rate
- **VEP voting rate**

**For your state's numbers, see <http://elections.gmu.edu>**

**For your state's, county's, or city's VAP, see <http://quickfacts.census.gov/qfd/index.html>**

age or older. Thus, the reported “40 percent turnout of eligible voters” might be only 20 or 10 or 5 percent of the people who could have voted.

So when I use the term “voting-eligible population,” I include *all* people who *could* register and vote if they were motivated to, not just those who’ve already registered. When I refer to voter turnout percentages, I mean the percentage of *all* those who *could have voted*, both registered and unregistered.

Each political jurisdiction—state, county, city, town—is divided into political districts, with each district represented in the lawmaking body by the lawmaker who has been elected by voters who live in the district. Voter turnout often varies greatly from district to district within the same jurisdiction. For example, on the same Election Day, 35 percent of the voting-eligible population may have voted in one statehouse district, but only 8 percent may have voted in another. Voter turnout in one city council district race may have been 3 percent, and 20 percent in another council district in the same city.

Think about it. In your state, how many people in each category consider themselves “animal lovers”? How many in your county? City or town? How many care for animals enough for it to *potentially influence their voting behavior*?

#### **Voter Participation in a Typical State**

Voting-eligible citizens	8,000,000
Registered to vote	5,600,000
Voted in November 2006 midterm election Candidates for US Congress, governor, state legislature, and some local governments	3,200,000
Voted in November 2004 general election Candidates for president, US Congress, and state legislature	4,800,000
Voted in November 2002 midterm election Candidates for US Congress, governor, state legislature, and some local governments	3,200,000
Voted in November 2005 county elections	1,200,000
Voted in November 2003 city and town elections	800,000

Voter participation often varies greatly in different towns, cities, and counties within the same state, and in political districts within the same town, city, county, or state.

Many voters come to the polls only to vote for president or governor. Although already in the voting booth, they may or may not bother to vote for “under ticket” candidates—those seeking election to statehouse, county, or town government. Give them a reason!

Participation in primary elections is much lower than in general elections. Our voting blocs could exploit this!

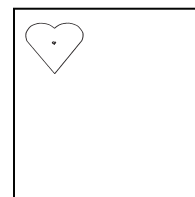
Participation is dramatically lower in special elections, held when a lawmaker dies or leaves office before the end of his term, and in run-off elections, when a candidate in a primary did not win by a wide enough margin to be nominated. Our voting blocs could exploit this!

The large heart in the graphic below represents my guess. I’m not limiting the definition to folks who have joined or donated to an animal rescue or rights group, because most of your voting bloc’s potential members may never have done so. The dot-sized heart represents the portion who are now reached by politically minded activists.

The square represents a jurisdiction’s or political district’s voting-eligible population.

The large heart represents your voting bloc’s potential—the portion of the voting eligible population who care about animals.

The tiny heart represents the portion who now are reached by political activists for animals, or are otherwise informed about how their own lawmaker votes on animal-related legislation.



In the absence of voting blocs for animals, large numbers of folk who care about animals vote for the wrong candidate.

In the absence of voting blocs for animals, many more routinely stay home on Election Day. You can motivate them to vote with your group’s endorsement.

**Political power lesson:** The large, robust, muscular heart represents our extraordinary potential to become a powerful voting bloc that determines the outcome of elections. The dot-sized heart couldn’t keep a hummingbird alive.

To wield great political power in the lawmaking arena, we don’t need to draw all these folks to the polls to vote for our endorsed candidates, just some of them!

Lawmakers know that stay-at-homes don’t care enough about schools and taxes to vote. And they know that many animal people will likely vote for the candidate who gets your endorsement, whether the candidate is, or they are, Republican, Democrat, Libertarian, or Green.

**Let’s deconstruct a typical election.** Here’s a fictional—but completely typical—county election. Let’s study the arithmetic to learn what power we could wield through voting blocs. In an election for the District #4 county council seat in (the hypothetical) Montua County, Clarence Leary defeats Annie Giorgio. The local newspaper runs the headline, “Leary Trounces Giorgio 62% to 38%.” But if we look at the math, we see a very different story—a common story that animal advocates should pay careful attention to.

Voting-eligible population (VEP)	14,230	100.0%	
Registered to vote (R)	10,008	70.0%	
Votes cast	1,516	10.6% VEP	15% R
Winner: Clarence Leary	1,030	7.2% VEP	10% R
Loser: Annie Giorgio	514	3.6% VEP	5% R
Winning Margin (WM)	516	3.6% VEP	5% R

Leary’s “landslide” victory came from only 516 out of 14,230 potential voters—only 3.6 percent of the voting-eligible population and only 5 percent of registered voters! 12,714 people didn’t vote who could have.

How could Giorgio have won? How could she have reached “50 percent + 1”? By thinking,

## OPPORTUNITIES FOR ANIMALS LOST

### DeKalb County, Georgia

#### Only ¼ of 1% Determined the Outcome of an Important Election

DeKalb county (population 678,000) is divided into 5 regular political districts. Another two “super-districts” each cover half the county. Voter participation in the 7 districts varied from 7.6% to 43%.

When a super-district commissioner died in a car crash, a special election was held to fill the vacant seat. Everyone in politics knows that voter participation in special elections is infinitesimally small—they are not held on usual Election Days and only the one race is on the ballot. So 11 candidates threw their hats into the ring—maybe because they thought their families and friends might be enough to elect them. Two won fewer than 100 votes, and only 2 broke 1,000. Because no candidate won more than half of all votes cast, a run-off election was held between the two top vote-getters.

Super-district voting-eligible population (VEP)	240,000	100.00 %
Voter participation in first election	10,204	4.25%
Voter participation in run-off election	10,659	4.5 %
Votes cast in run-off for each of the two candidates	5,648	
	5,011	
Winning margin in run-off	637 votes	.026%, about 1/4 of 1%!

**Power lesson:** Had there been a political group for animals in the jurisdiction, most would have vied aggressively to win its endorsement. They would have made commitments to support specific, very strong legislation for animals. In fact, an endorsement from a small political group for animals could have elected one of the candidates whose odds for winning had been the lowest. Alternatively, a voting bloc for animals could have run its own candidate and won this important post.

### Democratic Primary Election, City Council District #8, New York City, September 2005

Mark-Viverito	3,626
Luciano	3,610
Johnson	2,744
Denis	2,335
Ruiz	1,575
Marcial	380
Winning margin	16 votes

**Power lesson:** New York’s City Council districts are populous, and turnout in this election was tiny. The Democratic primary is New York City’s most serious election—more important than the general election that follows it in November—because New York, like most cities, is heavily Democratic. The primary’s results, easily changed by any organized voting bloc, would essentially determine the winner of the general election in November.

### Mayoral Election: St. Paul, Minnesota, November 11, 2005

Although Coleman won by a landslide, potential voter participation was so low that a new voting bloc for animals could have factored significantly. The candidates would know that its endorsement could draw many more people to the polls and change the minds of some who would have voted anyway.

Voting-age population (VAP)	222,615	= 100.00%
Votes cast	59,154	= 26.57%
Chris Coleman	40,601	= 63.64% of votes cast
Randy C. Kelly	18,203	= 30.70% of votes cast
Write-ins	350	
Winning margin:	22,398	= 10% VAP

**Power lesson:** The winning margin was huge—yet it’s only 10% of the people who *could* have voted. It’s unlikely that a voting bloc for animals could have swung the election. But undoubtedly it could have generated and directed enough votes for the mayor-elect to support some much-needed ordinances and policies.

strategizing, and campaigning the way all candidates and grassroots political organizations do.

By setting out to:

- 1) Convince 259 Leary voters (half WM + 1) to switch and vote for Giorgio. Or
- 2) Motivate 517 (WM + 1) registered voters who stayed home on Election Day to vote for Giorgio. There were 8,492 in this category to draw from. Or
- 3) Register 517 (WM + 1) new supportive voters and motivate them to vote for Giorgio. There were 4,222 in this category to draw from. Or
- 4) Pursue a combination of 1, 2, and 3—the usual strategy. This could be a snap for us! And remember, most elections are not landslides! Closer elections mean it takes fewer voters to threaten the winning margin. The 50 percent + 1 (the WM + 1 rule) is that much easier to achieve. All candidates know this.

Voter turnout in this example—15 percent of registered voters—is higher than district turnout in many actual county elections. Districts with lower turnout give even more power to voting blocs, because the voting bloc needs fewer voters to threaten to swing the election.

A new voting bloc for animals could deliver many votes to its endorsed candidates. All candidates—even incumbent lawmakers—would vie for the voting bloc's endorsement. Winners would be its friends throughout their political careers. Future political candidates in the county would never ignore it.

All politicians know that animals' appeal is broad and bipartisan. All know that ignoring such a new voting bloc could be political suicide.

**Power lesson:** These statistics and facts show how we squander our potential political power at every level of government. This is most dramatically true in town, city, and county elections, where voter participation is lowest—where two animal activists could, on a volunteer basis, launch, sustain, and expand a voting bloc that turns their local government around.

Let's look again at options 1–4 above:

- 1) If a new county political organization had endorsed Giorgio, could its endorsement have changed the minds of 259 of the 1,030 who voted for Leary? Maybe—certainly some.
- 2) Out of the 8,492 registered voters who stayed home, are there 517 who care about animals? Are there 517 who, upon learning that a pro-animal organization had endorsed Giorgio, would have been motivated to come to the polls and vote for Giorgio? Perhaps. Certainly there are some.

If these folks don't ordinarily vote in county elections, they don't care that much about schools, taxes, the summer recreational program, whether the county should or should not add a branch to the library, upgrade the health department, improve public transportation, or about any of the other many matters that local government busies itself with—the

matters that help most active voters make up their minds.

In my experience, many stay-at-homes sparkle when you talk to them about how their vote could help elect a lawmaker *who cares about animals*. Voting blocs for animals can find these people and “pull” them to the polls on Election Day.

3) Out of the 4,222 District 4 residents who are voting-eligible, but aren’t registered to vote, are there 517 who turn smiley about animals? Whom the political group could target, through voter registration drives, tabling, and other methods? Whom the animal group could register and get to the polls to vote for Giorgio? Possibly.

4) Could a new county political group for animals, by using methods 1-3, have defeated Leary and elected Giorgio? Almost certainly!

**What if Montua’s animal advocates became political?** Let’s say that two (or maybe three, four, or five) animal advocates who live in the county decide that they’re sick and tired of being ignored by the Montua County Council. They decide to get political and call themselves Montua Voters for Animals (MVA). Organizing and lobbying for a voting bloc in a town, city, or county is manageable for a couple of activists who have full-time jobs.

They assemble a mailing list (email and street addresses) of advocates in the county. They follow a recruitment plan, as explained in Chapter 10.

Next county election season, they send an endorsement questionnaire to every county council candidate, both incumbent councilors and challengers. Each question begins, “If elected or re-elected, will you support a Montua county ordinance that \_\_\_?” Leary, seeking re-election, ignores the questionnaire or answers it vaguely—because incumbents often don’t want to rock the boat. (His decision will prove fatal!) Giorgio is challenging Leary again. Computing that votes from animal advocates could put her over the top, her responses are excellent.

Montua Voters for Animals endorses Giorgio and candidates for other county council district seats. MVA distributes its endorsement list by email, with the top line asking folks to forward it to everyone they know in the county who cares even a bit about animals. If it can afford to, MVA also mails a postcard. On the eve of the election, MVA volunteers call its members, saying MVA’s candidates “need your vote!” and do their best to make it through MVA’s whole list.

This year, Election Day turnout in Council District #4 is 8,191, up 289 from the last election. Leary gets 3,861 votes, but Giorgio gets 4,330 votes and wins by 469!

Leary, Giorgio, and other county politicians credit MVA for delivering the election to Giorgio. Both Leary and Giorgio may have lost some previous supporters as a result of their stances on a non-animal issue or two (in the case of Leary, votes he cast as councilor), but the largest impact is perceived to be MVA.

MVA asks Giorgio to introduce an ordinance about an issue that was on its endorsement questionnaire, one that previous county council members had considered too controversial or extreme. She does so. When it comes to a vote, other councilors also see the writing on the wall...and the ordinance, which had been mere fantasy before MVA appeared, passes!

Now, no Montua County councilor dares ignore MVA. MVA grows, capable of delivering increasing numbers of votes in each council race, becoming ever more powerful in county hall. Incumbent councilors and other candidates routinely seek MVA's endorsement. Every year the council enacts more and stronger ordinances—and makes sure they're enforced. The state senator and representative who represent Montua County in the statehouse try to please MVA.

MVA's two leaders have become true power players. And they enjoy it!

*Lawmakers don't ignore MVA anymore, because they can't.*

Thus, a voting bloc's potential to affect the arithmetic of elections, and with it the potential to scare lawmakers into submission to pass legislation for the animals, is enormous. If we'd been political for animals, say, for the last decade, many local, state, and federal laws for animals—laws that now are sheer fantasy—would already be in place.

Thus, the political axiom: Politically organized minorities drive laws and public policies on their issue, because every lawmaker knows that the votes of politically organized minorities can determine the outcome of elections.

As I said before, in politics generally, one hand washes the other. And as I said, the lawmaking process and the arithmetic of elections are one and the same.

How many people in your county, city, or town care enough about animals to make this revolution possible? Who is your own county, city, or town commissioner, who represents you on your county, city, or town council? How many people in his or her district care about animals? *Dare to imagine what politics can be!*

Now let's return to today's reality. In one New England state, licensed hunters make up only 1½ percent of the state's population, and licensed trappers are a tiny fraction of 1 percent. Ha, you think. Passing strong anti-hunting and trapping laws should be a piece of cake. Wrong! Together, hunters and trappers dominate the state's wildlife laws and policies—and regularly win changes in state law that expand their recreational killing opportunities.

To the politically uninitiated, this seems to defy common sense. But political arithmetic explains it. These paltry few hunters and trappers are organized into a political organization that endorses candidates and has a pro-active lobbyist who keeps them abreast of what's happening in the statehouse. They benefit because animal advocates—their opponents—are not organized politically, so most remain ignorant of their own lawmakers' voting records on hunting and trapping legislation.

It comes down to this: Many state senators and state representatives fear that opposing the interests of even this small organized voting bloc might get them defeated on Election Day. Until there is an organized voting bloc on the other side, the hunters and trappers will prevail.

There's more. A decade ago, when licensed hunters there numbered about 2 percent, they helped elect their endorsed candidate for governor, whose winning margin was 3 percent. He repaid them by appointing a wildlife commissioner who worked hard to expand recreational hunting and trapping opportunities. As I said, in politics one hand washes the other.

*Lawmakers ignore us because they can. Lawmakers help the hunters because they must.*

**Q** *But aren't the NRA and state hunting lobbies powerful because they give campaign donations to their candidate?*

**A** No. Their power comes from the votes they can deliver to their endorsed candidates on Election Day.

**Q** *But lobbying for animals does occur where I live. So what's the problem?*

**A** The act of lobbying alone is not being political. Some animal charitable organizations lobby. But lobbying for a charity is "happy talk" compared with lobbying for a voting bloc. A charity lobbyist is not a power player; the voting bloc lobbyist becomes one. Charities are not allowed to endorse candidates or organize by political district. Their influence is that of persuasion, fortified with occasional constituents' alerts to generate constituent calls, emails, and letters to lawmakers. When your newspaper reports on the National Rifle Association or "gun control lobby," the "Christian right," "organized labor," the "gay rights lobby," or the "home-schoolers' lobby," it's referring to organized voting blocs, not to charities. (However, charities routinely form affiliated political organizations. Animal rights and rescue charities must do so! More on this later.)

**Q** *Are you claiming that rich corporate and business interests—pet stores, dog- and horse-racing interests, the meat industry and others—that exploit animals and give massive campaign donations to lawmakers, are less powerful than voting blocs for animals would be? This flies in the face of everything I've thought about politics and politicians!*

**A** Money does drive politics and the lawmaking process—but *only in the absence of voting blocs*. When a lawmaker must cast a vote that demands choosing between a rich animal-exploiting interest that has donated heavily to his campaign, and a bloc of organized voters in his district, the lawmaker goes with the voting bloc every time. Any lawmaker will confirm this. Why? Because the voting bloc can defeat the lawmaker on Election Day. The corporate interest cannot protect him.

In these drawings and the two drawings on the next page, I've adapted the familiar image of the "scales of justice" into the "scales of power in the lawmaking arena." Without political organizations, our power is outweighed by that of politically organized opponents (such as the hunting lobby) and by financially powerful business interests that exploit animals (such as the meat industry), as a salad is outweighed by a rib roast (the uncomfortable animal metaphor is intentional).



When we lobby through charitable organizations, we bulk up to the weight of a banana.

But with voting blocs that aggressively recruit members and endorse political candidates, we win:



**Q** *What about getting media coverage of the issue, or protesting in front of the state capitol or town hall? Won't that win laws and ordinances for animals?*

**A** Very rarely. Neither media coverage nor protesting makes a single lawmaker accountable to a single constituent. A lobbying strategy must be a political strategy. Media coverage, if favorable, can identify a problem. But business interests or anti-animal voting blocs will continue to control the issue in the lawmaking body, because they'll still be the only ones with the money or the voting-bloc accountability system. Petitions are no more effective for the same reasons. Even when there aren't demonstrably powerful opponents to a proposal, lawmakers won't want to bother with it.

If media exposés, protests, and petitions won strong laws, the animals would be a whole lot further along—and I wouldn't have written this MANUAL. I've been a newspaper reporter and nationally published magazine writer. Understanding media, I used to pursue and achieve wide coverage of animal rights issues and proposed legislation. But it didn't help win strong legislation (example: how many puppy mill exposés have there been over the last 40 years?) So now I use my time differently—except in rare instances, when I use media as part of a carefully crafted political strategy. I also organized and attended many protests, but learned equally that although we love to protest, they have no impact on lawmakers when it comes to passing strong laws and ordinances.

Surprising as it may seem, often media coverage and protests *lessen* your chances for success in the lawmaking arena. More on this in other chapters.

"Dare to imagine what politics can be." These were the words of the late US Senator Paul Wellstone, who was close to grassroots political groups. Have a fantasy: You, not marginal, but a power player. Rescuers: Conjure up how many people in your town are emotionally invested in cats or dogs. So few people vote in town elections, town councilors would view a *politically organized minority* of cat- and dog-lovers as capable of swinging town elections. The stay-at-homes don't care enough about local taxes or schools to vote, and they're not especially partisan. Candidates for local office would commit to strong legislation to win your endorsement! Animal rights activists: Contemplate how many people in your state hate leghold traps. Begin to organize just a fraction of them politically in key districts, and you'll establish yourself as player in the statehouse and get traps outlawed.

When lawmakers see you function politically, the fear center in their brains switches on. If you keep at it, their alert stays on, to the animals' steady advantage. The political base you build will win you stronger and stronger laws.

## INTERVIEW

### Jehmu Greene: The Thrill of Becoming Political

One of the first times I saw the potential impact of a small number of votes at the local level was at the University of Texas. Although there were 49,000 students on campus, most students didn't vote. So the race for student body president was typically decided by 2,000 votes. It was clear that if we gave 2,500 more students a reason to vote, we could take over student government. And we did so...

***The easiest way to wield political power is to ask people to vote who traditionally are not asked.*** Give voting meaning to them, connect what they care about to local elections. Most candidates only do outreach to people who already vote, because it's cheaper. Your potential universe is far greater.

Endorsing candidates is key, given that people pay little attention to an election. It sends a direct, simple message to your potential supporters. **The candidates know that by endorsing, you're actually quantifying the number of votes that will given to the candidate or taken away.** Everything goes back to quantifying the number of votes during the election season.

Until Julie asked me my thoughts on how I measured the political power of animal advocates, I hadn't had any. This tells you that you aren't even on the map; you're not players. Yet **you have such potential to mobilize so many voters at every level of government.** I've seen you have committed support from people in the community. It wouldn't be difficult to flip the switch to turn this into political power....

Elected officials pay very close attention to those who are in the voter file. A constituent group that adds a significant number to the voter file will get the attention of all candidates, and even a modest number is considered significant. At campaign time, the significance of this to campaign consultants is great, because they know the increase could provide the winning or losing margin in their candidate's race....

First, make sure your own people are registered and vote! Then move outward. Send emails with a link to online registration, and have a link on your website. Rock the Vote registered 1.4 million voters for the 2004 election; 1.2 million of these came from online registration.

***Jehmu Greene is national director of Project Vote, the leading nonpartisan organization promoting voter registration, election administration, and mobilization work with minority and low-income Americans. She has been president and executive director of "Rock the Vote" and Southern political director and women's outreach director of the Democratic National Committee.***

## INTERVIEW

### Miles Rapoport: Endorse, Mobilize, and Strategize

To win most lawmakers' votes on bills or ordinances that are controversial or hard fought on both sides, an issue group will have more clout if it mobilizes strategically in the field, develops political savvy and judgment, and develops the capacity to make a difference in the election or re-election of a legislator.

One would wish that the level of voter participation were such that all voters would speak on all causes. But so many people stay home on Election Day that a small issue group that organizes politically, functions strategically, and develops political savvy can have extraordinary influence in determining state laws, local ordinances, and public policies.

Even a small amount of contact can make a difference, which most people don't realize. They assume that one constituent phone call, letter, or email won't make a difference to lawmakers, but that's untrue. One was enough to get my attention and my colleagues' attention. Two or three was enough to get our serious attention, enough to win us over for a non-controversial proposal. But to win a lawmaker's vote on more controversial proposals for which there is political power on the other side, you need to develop the perceived ability to make a difference in the future careers of legislators, by mobilizing, producing good or bad publicity, and endorsing candidates.

***Miles Rapoport is the executive director of Demos, a public policy research and advocacy organization "committed to building an America that achieves its highest democratic ideals." A former grassroots political organizer, state legislator, and Connecticut Secretary of the State, he was the founding director of Democracy Works and executive director of the Connecticut Citizen Action Group.***

The more politically savvy you become, the less time you'll spend pursuing media coverage, organizing protests or demonstrations, taking pet photos with Santa, or fussing about the perfect letterhead and advisory committee.

Increasingly, you'll view such activities as potentially dangerous diversions from the real stuff of power building: direct recruitment of new members to your voting bloc, according to a strategic recruitment plan.

You'll feel in your bones that direct recruitment of voters and potential voters to your voting bloc trumps every activity that you now view as important in advancing your cause. If your primary advocacy role is donating money, you'll soon require political involvement as a condition of your donation to a group. Rescuers, too, will treat political organizing as no less essential than rescue itself.

Because we do not function according to these truths, we have squandered and continue to squander to a shocking degree our potential power to concretely help protect animals from suffering and abuse through strong state and local laws and public policies, and to get them enforced.

Until we come to grips with these truths, we will remain amateurs, and the animals we love will continue to pay the price. Let's get out of kindergarten and go to college. When you taste having power, you'll never, *never* look back.

So let's begin!

### **The Most Important Power Lesson of All**

Each of you can convince five people to vote for a political group's endorsed candidate. Say two of the five usually vote anyway. Say three of the five usually sit out the election. A few calls to folks you know, talking to folks at your office, tabling.... Everyone else in your voting bloc for animals can sway five votes.

Look at the voter turn-out charts. Do the math. Each of you sways five votes. Some of you can sway many more.

*Dare to imagine the impact on your government.*

*Dare to imagine what politics can be!*

## Very Close Statehouse Races: Here's What Happened in Tiny Connecticut

### 2002 STATE HOUSE OF REPRESENTATIVES RACES

*Voting-eligible population per house district 16,600*

Ruwet beat Kovales 3,236 to 3,235 Winning margin: **1 vote**

Congdon\* beat McGrattan, a 14-year incumbent, 3,635 to 3,630 Winning margin: **5 votes\***

Gigler beat Scire 2,992 to 2,976 Winning margin: **16 votes**

Witkos beat Stratton, a 14-year incumbent, 4,819 to 4,781 Winning margin: **38 votes**

\*Animal Advocacy Connecticut (AACT) endorsed Congdon, because McGrattan voted with breeders and hunters against AACT's dog-chaining bill and for a bill that would have legalized Sunday bow-hunting. AACT certainly delivered the election to Congdon. This was the first year one-year-old AACT made endorsements.

### 2004 STATE SENATE RACES

*Voting-eligible population per senate district 69,800*

Meyer defeated Minority Leader Aniskovich, a 14-year incumbent, 25,494 to 23,932

Winning margin: **1,562 votes**

Slossberg defeated Smith, a 12-year incumbent, 22,975 to 21,286

Winning margin: **1,689 votes**

### 2005 STATE SENATE RACE, CITY OF BRIDGEPORT

*Special election to replace a senator who resigned under indictment*

<i>Voting-eligible population</i>	45,000*	100%	VEP
Total votes cast	4,596	10%	VEP
Gomes	2,273	5%	VEP
Clemons	951	.2%	VEP
5 more candidates			
Winning margin	1,322	<b>2.9%</b>	VEP

\*Estimated adjustment made for high number of noncitizens

**Math lesson:** Although a landslide for Gomes, less than 3% of people who could have voted determined the outcome of the race.

**Political lesson:** The 10% turnout was extremely high for a special statehouse election. A major reason was the committed work of several voting bloc organizations, who delivered the election resoundingly to Gomes. The losing candidates included a sitting state representative and a former state representative, both of whom had established political allies and following.

**For voting statistics on your state, see the United States Election Project:**

**<http://elections.gmu.edu>**

**For your state's, county's, or city's Voting Age Population, go to the US Census website:**

**<http://quickfacts.census.gov/qfd/index.html>**

## 2 The Dynamics of Social Change: From Charity to Political Organization

"There are animal advocates here in Ohio—and I am sure all over—who think that any action taken for animals is never wasted. That's airy-fairy. Smart action is political action. In order to actually effectuate change, animal advocates must become political activists. Local politics is where change begins."

—Sunny M. Simon, city councilor, South Euclid, Ohio; attorney and animal activist

"'Love animals. Hate politics.' Where does that leave the animals? Our legislative successes are a direct result of our political engagement. We increasingly get involved in state legislative races and now we have legislators lining up to sponsor our bills. At the same time the hunter-trapper lobby is lamenting candidates' responses to their questionnaires."

—Robert Fisk, former Maine state representative; founder, Maine Friends of Animals, a political organization

"Animal advocates from all over the US regularly ask us how to help chained dogs. They go to their local animal control department and humane society for help with a local dog but hit a brick wall, because very few jurisdictions have laws that prohibit constant chaining. I urge advocates to move forward, presenting and pushing for legislation through local, county, or state lawmakers, and using voting blocs to do it."

—Tamira Ci Thayne, founder and president, Dogs Deserves Better

"'Compromise' and 'conflict' are not dirty words."

—Saul Alinsky, the father of modern grassroots political organizing

"If you have the votes, don't compromise. If you don't have the votes, do."

—US Senator Joseph Lieberman advising a freshman state legislator

### **Social Change Axioms**

*Rapid change requires penetrating the ultimate institution of power, the lawmaking arena. This requires using the power of the vote through voting blocs. We're the only movement that hasn't figured this out.*

*Self-expression is not effective advocacy. Passion channeled into a strategic, pragmatic, political strategy makes for effective advocacy.*

*Whatever you can accomplish without political organizing, you can accomplish far better and faster with it. Charitable organizations are weak instruments for achieving strong laws and public policies.*

*A plan or strategy is only as good as its weakest link. In lawmaking, a weak link is any vulnerability at any stage of the lawmaking process.*

*Reach for laws or ordinances you have a chance of winning. Pursuing fantasies in the lawmaking arena is a curse of animal rights. To make your fantasies realities, recruit more members to your voting bloc.*

*What's extreme in one decade may be mainstream in another. The "extreme" view must always be presented to the mainstream culture. Without it, there is no movement toward "extreme" goals.*

*The more radical your goals, the more conservative your style must be.*

*The lawmaking arena is not the place to present the radical, until you have a powerful and growing voting bloc with a proven record of ousting incumbents.*

*A substantive law or ordinance substantially raises the legal minimum standards of care for animals, or*

*bans specific uses of animals or behaviors toward them outright, or makes it easier for humans to gain legal standing to represent animals in court.*

*Change is incremental. The larger your voting bloc, the larger and faster the increments.*

*Legislative reforms and compromises either chip away at the status quo or strengthen it, making subsequent advances more difficult. Support those that chip away and oppose those that strengthen. The trick is telling them apart.*

*Don't let perfect be the enemy of good. The lawmaking process—like the rest of your life—is intrinsically one of compromise. A decent compromise gives animals some needed protections. It ratchets up what the culture considers minimum standards of care, hastening, not impeding, major change. It provides the foundation to return in a few years and strengthen what you've done, after lawmakers have grown accustomed to legislating on the issue—and after you've recruited more members in the interim.*

*If you shun compromise reflexively, you're not at the table and you're out of the game. If you don't have the votes to win what you want, opponents take control of the issue, creating a "compromise" that's cosmetic or worse than the law now on the books. If you stick around, you can use your voting bloc to control the compromise.*

*Hit-and-run advocacy does not win laws. The occasional or one-time burst of energy directed at the statehouse or county or city hall jump-frogs over what you need first: an organized political base of voters; knowledge of the lawmaking process and political dynamics of the jurisdiction adequate for political judgment; and relationships with lawmakers. Otherwise, lawmakers and opposing interests just wait for you to go away.*

*Marks of the amateur are wishful thinking, lobbying bills/proposed ordinances beyond what is politically possible at your level of political power, hit-and-run lobbying, and thinking your bright idea alone is enough. These create a legacy of failure and energy-draining cynicism—discouraging other advocates from pursuing winnable laws.*

*Don't wait for existing groups to lead you. Urge them to join you. If they won't join you, leave them behind (they'll come on board when they see your results). Essential innovations in advocacy nearly always come from vital and vibrant new leaders and ideas.*

**T**his MANUAL is about moving us beyond public education and lobbying alone. It's time! Public education on the issues is essential. It provides people with knowledge and awareness that can lead them to adopt homeless animals; treat their own animals better; and alter their buying habits, choices in entertainment, the food they eat, and the clothing they wear. None of us was born knowing the gruesome facts about the exploitation of animals, facts that now haunt us.

Public education provides the accessible body of knowledge that creates the context for political organizing. Political activists do not dream up desirable laws without knowing the issues, and they cannot recruit people to their voting bloc unless the information exists to make them receptive.

But continuing to pursue substantive laws and ordinances through charities is, to borrow Samuel Johnson's view of second marriages, "the triumph of hope over experience." Charitable organizations are excellent for creating and disseminating the body of knowledge that is

requisite to political organizing on their issue, but charities are poor instruments for passing strong laws. This is why all familiar non-animal advocacy groups that pursue laws and public policies are political organizations that may or may not have affiliated charitable organizations. The US Congress and your statehouse are full of paid and volunteer lobbyists for these political issue groups, and some are active on the county and city levels. Many issue groups start with a political organization and establish a charitable affiliate eventually, in order to benefit fully from tax laws. Often a charitable group establishes a political affiliate.

#### **Familiar Political Organizations (or groups that have political affiliates)**

National, state, and local labor unions   State hunters' groups   State Leagues of Conservation Voters  
Sierra Club and its independent state and local chapters   National Rifle Association and its state chapters  
Conservative Christian national, state, and local groups   State and local women's rights groups  
National Organization for Women and its state and local chapters   National and local gay rights groups  
State citizen action groups   Local, state, and national good government groups and their state chapters

**From ancient times to the present** When first becoming sensitized to animal welfare issues, I remember turning on the acclaimed public television series, *The Brain*. A scientist leaned casually against a table, arms folded in a relaxed manner. On the table in a large Plexiglas container filled with water, a rat swam desperately, unable to grasp onto anything. What shocked me was not how the rat was being treated (I already knew about animal research), but that PBS and the scientist felt this callous display was inoffensive and uncontroversial. (Twenty years later on November 26, 2006, CBS's *60 Minutes* aired a nearly identical shot—a rat trying to stay afloat in a pail—to illustrate a scientist's research on how the human brain constructs memories of traumatic events.)

Throughout Western history, public intellectuals from Pythagoras to Leonardo da Vinci to Jonathan Swift wrote philosophical treatises on the proper relationship between humans and animals. Many posited a moral and religious imperative that humans should not cause animals to suffer. Until less than a century ago, the ethical aspect of the relationship was a component of an educated person's intellectual, philosophical, and theological pursuits. Today few people are even aware that many prominent suffragettes and abolitionists were vegetarians who spoke out strongly against vivisection.

Since the mid-19th century, and accelerating in the 20th, public intellectuals' concern for nonhuman animals took a nosedive, a disaster from which we are only now beginning to recover. Science is rapidly bridging the false divide between human and nonhuman animals, and some publications ponder the animal rights question (often in essays that are slanted against animals by framing the debate selectively, without all the important facts). In general, however, contemporary public intellectuals still condescend to us, sometimes even mocking our goals (or, more commonly, utterly ignoring them, which amounts to the same thing). As a sign of the animal rights challenge, some new arrivals on the literary and media scene are serving as cultural translators and a bridge, and are welcomed by the intellectual elite. These writers speak the language of sensitivity, of questioning their own practices and assumptions about animals (but often conclude they're mostly OK).

As we bring animal rights into the mainstream by becoming political and permeating institutions of power, we'll not only win much stronger laws. Our goals will earn more respect and become accepted more broadly across the culture, reducing the use and abuse of animals profoundly.

#### INTERVIEW

##### **Kim Stallwood: Make the Status of Animals a Mainstream Political Issue**

Most people arrive at an understanding of how widespread animal cruelty and exploitation is through a personal transformative experience. This may be from watching a video, reading a book, getting a flyer on the street, or seeing a dog chained all the time. As we begin to see the suffering all around us, we embark on a series of lifestyle changes. For many, this includes adopting a vegetarian or vegan lifestyle. We want to make a difference for animals because we feel their suffering. It should not be therefore surprising that most of the animal protection movement's activities are designed to facilitate these personal transformative experiences in others. Sadly, not everyone is open to feeling compassion for animals. Eventually, we have to pass laws that prevent or stop cruel human behavior. This, then, is the single greatest challenge facing the animal protection movement: making the moral and legal status of animals a mainstream political issue.

*Kim Stallwood is co-executive director of Animals and Society Institute.*

#### INTERVIEW

##### **Susan Krisko: "Petitions had no impact on our county commissioners. But when we functioned politically, our ordinance won their unanimous vote."**

When we first decided we wanted a spay/neuter ordinance, we spoke to our eight county commissioners individually, explaining why an ordinance was a good thing. They acted like they were interested in supporting it, like it was a great idea—but nothing ever happened. So we figured we needed to show community support and began showing up at community events with petitions. In spite of our gathering about 2,000 signatures from county residents, the commissioners still did nothing.

Then we gathered all the animal groups together and sorted their members by commission district. Each member received an e-mail alert with his or her own commissioner's name and phone number, asking the recipient member to call his commissioner and urging the commissioner to support our ordinance.

That's when things turned around.

The ordinance was put on the agenda, and leaders from all the animal groups showed up at the public hearing. We won a unanimous vote! We learned that functioning politically is what works. Because we want more ordinances, we're considering forming a county political organization that endorses candidates.

*Susan Krisko is a board member of the Las Vegas Valley Humane Society and is a deputy district attorney. The group changed their tactics and had success after hosting a NIFAA training workshop.*

#### INTERVIEW

##### **Peter Muller: Don't Underestimate the Power of Very Few Voters**

Politicians do not care about science or ethics. You can have all the science and all the ethics on your side of an issue, but unless you can deliver votes to go with it they won't be moved to act on it. Don't underestimate the power of being able to direct 2 or 3 percent of registered voters. In many elections voter turnout is between 12 percent and 20 percent. That gives your 2 percent or 3 percent the impact of 10 percent to 25 percent.

*Peter Muller is a political organizer.*

**Phases of social change** Eighteenth-century English philosopher John Stuart Mill wrote that every great movement must experience three stages: “ridicule, discussion, and adoption.” In chronicling our movement, I go further:

**Awareness and sensitivity phase** Social change begins with growing awareness and sensitivity to a general concern, leading over time to its gaining recognition as a publicly defined issue. Awareness and sensitivity appear and flourish within a complex web of historical factors. Pioneering individuals, some of whom come together to spread the word, consider themselves harbingers of an important social movement.

**Developmental phase** The cause gains momentum, drawing wider public support and proportional emotional and intellectual engagement. Its issues become more encompassing, and are defined in greater nuance and detail.

**Expansion phase** Concerned citizens establish official charitable and civic organizations. These bring greater prominence to the cause within the culture, and significant strides are made. For the first time, much of the public has an opinion on the issue, whether informed, uninformed, or misinformed. Many deny the validity of proponents’ concerns, while others defend and champion them to varying degrees. The scope of concerns proponents want addressed and rectified continues to expand and escalate.

**Ideological phase** As the cause becomes established, an ideological spectrum—from conservative to radical—becomes pronounced among proponents. Fissures emerge, and conflict breaks out in what once had been a relatively uniform, relatively good-natured, limited, charitable cause. New leaders challenge the values and methods of established organizations, some of which go through internal strife.

**Disillusionment/complacency phase** The initial excitement, optimism, and anticipation give way to frustration and disillusionment when worthy goals remain unachieved. There may be a period of retrenchment and lack of vigor. Some activists withdraw, and many who remain are more moderate and less visionary than those who leave. Some factions respond to setbacks by adopting a militant stance that appeals to some adherents and sympathizers but repels others.

**Political phase** Some adherents observe how other issue groups achieve their goals. Political organizations appear that revitalize the movement and begin to achieve stunning, long yearned-for gains. Ideological differences remain.

**Where we are now** In a few short decades, pioneering animal rescue and rights advocates raised public recognition and knowledge about a panoply of specific issues to an astounding level. Yet—a grotesque irony—the number of animals that humans legally brutalize in our country is greater than ever.

Our laws don’t require even remotely civilized care of cats, dogs, and horses, much less for animals used for food, fur, medical research, or entertainment. Our culture continues to allow animals to be hunted and trapped for recreation. Nearly everywhere, people can legally breed a cat or dog repeatedly. Standard, legal husbandry practices for animals used for human food are so cruel that the devil could not have invented them, and consumption of animal products has

grown. The press and broadcast media have exposed the horrors of the puppy mill/pet store trade for four decades, yet the laws remain absurdly weak and are not enforced, and research suggests that people buy as many puppy-mill dogs as ever.

#### IN PRINT

##### **"The Merits Mean (Almost) Nothing"**

We were taught that merit mattered. If we could just present the facts in a full and fair manner, if we got the words right...the logic right, the tone right, the photo-op right....We learned a great deal about what ought to be and very little about...institutional...power. We headed for the library and pored over texts. We mastered the most meticulous research work conducted by the best experts in the field....We sat for hours in meaningless hearings so we could fill two minutes with our distilled facts....When our opponents remained unconcerned...when neutral moderates failed to fill the seats and pews, we assumed we had failed to make a persuasive case.

We studied harder. Others grew tired and cynical, others more isolated and self-righteous. Many activists adjusted their expectations to a life of speaking out, bearing witness, raising consciousness rather than generating reactions and making change. Moderates, sensing confusion and defeat, lost patience or did the sensible thing: got a second job or took a course, improved the yard or finished the basement....

—From *Going Public: A Citizen's Tool Guide to Community Action*, by Michael Gecan (Beacon Books).

#### INTERVIEW

##### **The Animal Legal Defense Fund's Paul R. Leonard:**

##### **"Why do animal advocates suffer a political disconnect?"**

The quickest way to effectuate change is to get as deep into the lawmaking and political process as possible through political advocacy organizations. I feel strongly that animal advocates have got to get politically organized, endorse candidates, hold news conferences announcing their endorsements—all of it! The group must be represented by a pro-active lobbyist in the statehouse or county or city hall. This is the way to win strong laws or local ordinances. Activists aren't even on the political radar now.

I don't understand why, but animal advocates suffer a political disconnect: They want strong state and local laws for animals, but don't form voting blocs. Individual activists will look at a field of candidates and try to decide from their general rhetoric which candidate would be better for animals, but don't know how they've voted on animal issues. When it comes to local or statehouse candidates, it's just as likely they'll stay home and not vote at all.

When I was mayor of Dayton from 1982 to 1987, not once did I hear from an animal advocate, nor did any of the other members of the city commission. As a state lawmaker, I had the same disheartening experience. Recently there's been some contact with our local government, which helped push the county to build a new animal shelter. Still, rescue and rights advocates here could become a powerful political force and help pass needed ordinances. Voter participation is so low in municipal and county elections that a local grassroots political group could quickly make substantial gains.

As a former state lawmaker, I watch in pain while state laws that are harmful to animals are enacted, because Ohio's advocates don't have a political organization. The Animal Legal Defense Fund is making great strides in encouraging young lawyers to dedicate their careers to animal law. What we need NOW are the laws on the books that will provide new lawyers with the tools to fight neglect and cruelty.

***Paul R. Leonard, attorney at law, Wagner & Adams, Dayton, Ohio, is chair of the board of directors of the Animal Legal Defense Fund and founder of the National Center for Animal Law and Advocacy. He was Ohio lieutenant governor, a state representative, and mayor of Dayton.***

Armies of animal rescuers have conceived of and effected marvelous advances, such as mobile spay/neuter vans, TNR (trap/neuter/release programs), and guidelines for maintaining feral cat colonies. Yet they continue to commit their lives and bank accounts to rescue, haunted by the knowledge that millions of homeless animals will never be found. (Again, a tragic irony: the more successful our spay and neuter campaigns, the greater the demand for puppy mill dogs. By being political, we could prevent this.)

**"A strategy is only as good as its weakest link."** Despite having been stuck in the disillusionment/complacency phase, animal advocacy is more vigorous than ever. We're now struggling to enter the political phase. Our weakest link is the lack of voting blocs to hold lawmakers directly accountable to us. Nurturing the goal of statewide voting blocs, with lobbyists representing them in every statehouse, is essential. The reason is obvious: a state law can help so many animals in one swoop. But experience has shown that statewide groups must have staff: lobbyists and grassroots organizers/recruiters.

***Yet a county, city, or town voting bloc can achieve a great, great deal, with only a part-time volunteer lobbyist who holds a day job.*** Forming an effective voting bloc for animals in your county, city, or town is much easier than forming a state voting bloc, which requires full-time volunteers or staff. There's the matter of geography—the building is nearby. A core of volunteers can engage in recruitment drives, and a volunteer can lobby lawmakers during county or municipal meetings held in the evening. Many states consider legislation for the basic care of companion animals to be largely county or municipal matters. And localities can legislate on animal rights issues too.

If a voting bloc in one county, city, or town achieves a few breakthrough ordinances for animals, activists in other counties, cities, and towns may be motivated to get political. Imitation is the sincerest form of flattery, and nothing succeeds like success. As activists in these jurisdictions develop political judgment and savvy, they can join together to launch a state political organization. A state legislature is more likely to pass a particular law if some of its counties have already enacted equivalent ordinances that work well and didn't lose their sponsors their next election.

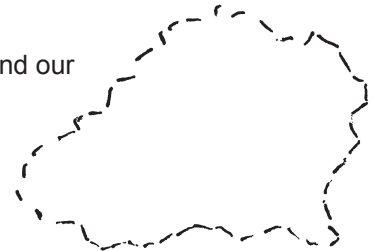
However, don't automatically confine yourself to your community. If you live reasonably near your statehouse and can commit to spending time there, do so! Sophistication about the state legislative process is a huge plus, whether you start with a state or local organization.

**Change is incremental, ratcheting up the culture in fits and starts. At this stage, enacting laws is the most rapid means, far faster than public education.** In the animal-rights world, "compromise" is a dirty word. It should not be. Compromises can provide animals with far more protections than they have now. And, so critical, they can ratchet up the cultural norms more quickly than public education and shorten—not lengthen—the journey to much stronger laws. When to compromise and what compromises to accept may be among the most difficult—and fractious—decisions your group makes. I've learned to be suspicious of agreeing to compromises that provide for regulations. Sometimes organizations support pretty worthless "victories" to stimulate donations. Not all animal advocacy groups resist this temptation. (For more on compromising, see Chapter 6, on lawmaking. For a discussion of regulations, see Chapter 3, on the structure of government.)

**Self-expression is not effective advocacy. Image, tone, and methods are strategic decisions.** An activist must create a persona that allows the maximum penetration of our movement's knowledge. The facts must be our focus. Our image, tone, and methods must welcome folks in the door to the greatest degree possible. When we make it easy for folks to view us as "the other," behaving differently than they or having different core values, it's hard for them to hear what we have to say about animals' suffering and sentience.

### The Membrane

One concept I use is "*The Membrane*." The social boundary between us and our target public must, like a membrane in the body, remain porous. Our image and presentation must not create a barrier that only the brave can cross. Instead, a membrane allows other people to be easily, gently absorbed into animal-rights territory. Otherwise, we might as well shout, "Go away."



*The Membrane* rules out bratty behavior, the kind we would not tolerate from our own children, much less from other issue groups trying to win us over. Throwing fake blood on fur coats is pretty obviously bratty. How many times have lawmakers and other lobbyists at the Connecticut statehouse, who, before they knew me, asked me if I did this!

I urge your political group to adopt a logo that incorporates a drawing of the building in which the lawmaking action occurs. For a statewide group, it's your state capitol. For a county, city, or town voting bloc, it's your county, city, or town hall. This logo shows lawmakers that you *understand* the legislative process, that you get it! It suggests to advocates, the greater public, and lawmakers that your group is bold, unique, and mainstream.

To be effective in the lawmaking arena, you must learn to recognize political and lawmaking dynamics. To begin your learning curve, you must spend time at government meetings and observe lawmakers in action. Track various proposed ordinances or bills to learn the formal stages they must survive. Learn the name and political party of each lawmaker. Try to pick up on the political dynamics of the issue, that is, if the members of the same party take the same position, and who in each party "caucus" appears to lead the others in his or her caucus. Controversial proposals are the most instructive. The *MANUAL* discusses this fully in Chapters 6, on lawmaking, and 7, on lobbying, and includes a lexicon of definitions and terms.

**Playing to win** Likewise, some advocates are afraid of conflict. But to break new ground for animals, there will be conflict! The lobbyist always acts professionally and friendly to opposing lawmakers and opposition groups. But you must not shrink from activating constituent calls and emails, and really hammering troublesome lawmakers. This will not harm your reputation or create a fissure between you and these lawmakers. It will do the reverse.

**Media coverage—con and pro** One of the hardest notions for advocates to abandon is that media coverage will get them a law passed. It almost never does, because it doesn't have an impact on the arithmetic of elections. Look again at the "Voting Bloc System" in Chapter 1. Media coverage doesn't link a specific lawmaker to his or her informed constituents, so it doesn't create the political accountability that is essential for enacting the laws strong business interests, anti-animal grassroots voting blocs, and other vocal opponents abhor. When I was a newspaper reporter and a freelance writer, I pursued and achieved major media attention for animals—but it never got me a controversial law. Now I spend a very limited time on media,

and then only if it serves as part of an overall political strategy. Sometimes I pursue coverage to create controversy over an anti-animal proposal I want to kill.

How many exposés of puppy mills have appeared in the mainstream media in the last four decades? Yet conditions remain unconscionable, and the industry is still thriving. Activists have won state laws that are nowhere near banning the sale of puppies from pet stores. Pet lemon laws provide a guarantee to prospective buyers, easing the buy without significantly driving up pet stores' costs or protecting the health of pet store puppies.

*Media coverage can do harm.* The lawmaking process is invisible to the vast majority of people whom a bill or ordinance would impact. Often it's best to keep it that way! Coverage gives air or print space to "the other side" and alerts opponents, some of whom then contact their lawmaker to oppose your proposal. Coverage may provoke newspapers to write editorials calling for lawmakers in their circulation area to oppose it. Chapter 9, on media, explains this point further and discusses when and how media can be useful, and how to achieve it.

**Petitions: Are yours useless—or power tools?** Unless petitions are designed politically and strategically, they're of no use in passing laws. Online petitions, too. They do not create one-to-one accountability of any individual lawmaker to his or her own constituents. Lawmakers know that anyone will sign a petition (constituent or not), forget they did so, and certainly never learn what actions their own lawmaker took about it.

In contrast, a highly effective petition:

- Is addressed to a specific lawmaker.
- Asks that lawmaker to take a specific position (support or oppose a specific bill or proposed ordinance).
- Is signed *only* by the lawmaker's own constituents.
- Includes the home (voting) address of each signer.
- Includes the phone and email addresses of signers who are willing to provide them.

These petitions are joyously effective, because they create specific accountability of lawmaker to constituent. The lawmaker sees that you have the contact information to let each signer know exactly what actions he takes. If the lawmaker has refused to commit to your proposal, however modest, he knows the petition is informing his constituents about his refusal. ("What, Bill won't commit to banning leghold traps?! I thought he was civilized. What's his problem?") And these petitions are marvelous for winning over fence-sitters whose votes you need to pass your proposed ordinance or bill. Chapter 6, on lawmaking, explains how to canvass with them during the lawmaking process itself.

Carry petitions door-to-door in the lawmaker's district, beginning in his home neighborhood if homes are close together. Table in his district, allowing only constituents to sign. (Have other interested folks fill out a separate sign-up sheet, because everyone is a constituent of some other lawmaker. And you don't want to seem ungracious.)

Sample petition  
TO Town Councilor Clara Chanley

We, your constituents, urge you to enact an ordinance that bans \_\_\_\_\_ in our town and use your position as Deputy Chairperson to do so.

Name	Address	Phone	Email
Politically composed petitions are marvelous for winning lawmakers' votes, including "swing votes" on pending legislation.			

-----  
They are an excellent recruitment tool for your voting bloc.

-----  
*Only Councilwoman Chanley's constituents may sign.* Street addresses show her that all signers are indeed her constituents.

-----  
Addresses, emails, and phone numbers show Chanley that MVA has the means to inform all signers what she does on the issue.

-----  
Addresses, emails, and phone numbers show Chanley that MVA has the means to inform all signers of the council candidate it endorses for her district in the next town election: Her or her opponent!

-----  
Chanley sees that signers now know that she is the councilwoman who answers to them on Election Day.

-----  
Don't wait until you have a stack to send to her. Instead, send them (keeping copies, of course) piecemeal, as you get them filled out.

-----  
Attach to the first installment a friendly cover letter about how responsive her constituents have been when you speak with them, and that you've only begun petitioning and will send her additional installments weekly or regularly.

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She'll have no idea how many constituents you'll reach, which will make her wonderfully nervous. She'll have a mental image of your fanning out all across her district, activating all those previously passive constituents, including many who had not bothered to vote in previous town elections.

-----  
The "installment method" of delivering petitions will stop her from making an early commitment to interests and councilors on the other side before she knows about the issue or the grassroots interest. (Of course, your petitions may likely cause her to withdraw that commitment.)

-----  
If before petitioning you'd asked her to support your issue (you should ask first), and she said no or refused to make a commitment, include (if true) in your cover letter that this surprised many constituents you talked with.

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LOGO  
WITH  
TOWN HALL

**MVA: MONTUA VOTERS FOR ANIMALS**  
**For laws and ordinances protecting animals**  
**from suffering and abuse**  
[www.mva.org](http://www.mva.org) 000-000-0000

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*From "Get Political for Animals and Win the Laws They Need" by the National Institute for Animal Advocacy nifaa.org*

Don't wait until you get a stack to deliver copies to the lawmaker; by that time it may be too late! Lawmakers often make commitments on a proposal very early in the lawmaking process. Send your first few sheets, with a note that you're just beginning and will be delivering more on a regular basis. This way the lawmaker knows you're still actively informing constituents about his role in the outcome of the proposal. And—this is really delicious—he has no idea how many you'll ultimately reach.

⇒ Because you're a political organization, the lawmaker knows that you'll send all the signers your endorsement choice for his district come next election season.

Well thought-out, politically savvy petitions are excellent vehicles for recruiting members to your voting bloc—that is, names and addresses of people who care about animals to whom you can send your endorsement lists. Chapters 6, on lawmaking, and 10, on launching your voting bloc, explain in more detail how to use them strategically.

**Ballot initiatives and referenda: Have a voting bloc structure in place first!** Some states and local jurisdictions provide a formal process for citizens to place a public referendum issue on the Election Day ballot. It requires a huge number of signatures of registered voters. There have been dramatic successes and failures for animals. Referenda initiatives require massive sustained volunteer or paid labor and money for media advertising. They are risky, because opposing interests usually have huge war chests.

Each signer of your referendum petition is a fine candidate for a voting bloc for animals. Before attempting a referendum, have a voting bloc structure in place! Otherwise, you are wasting an extraordinary opportunity to build for the future on the referendum's success or failure. (For more on ballot initiatives, see Chapter 3, on the structure of government.)

**Protests—con and pro** In my first decade as an animal rights activist, I organized some protests and participated in many more. I protested because when I entered the movement, this was what I saw. It took me years of lobbying to face the fact that protests have no impact on passing laws. Just like media coverage and general petitions, they in no way create direct accountability of individual lawmakers to their constituents.

In my many years of work at the state capitol building, I never saw a lawmaker decide to vote for or against an animal-related bill because of a protest. Lawmakers often view protests as infantile, engaged in by people who don't understand the dynamics of power and marginalize themselves. Protesting can backfire, as lawmakers may not want the non-protesting public to associate them with protestors.

Protests retard our political advance for animals. They miseducate new enthusiasts about the dynamics of change. They subliminally reaffirm the protesters' self-image as outsider rather than mainstreamer. They cause malaise among some segments of the public, strengthening the psychological barrier between the public and the facts we want the public to understand. For some potential supporters, they seal the "membrane."

*Fourth and foremost, protests use time poorly.* If 100 percent or 50 percent or 20 percent of the time and effort that's been put into organizing and attending protests had been spent instead recruiting members to voting blocs for animals, *how far along we would be!* It's incalculable and upsetting to think about.

I know it's a dilemma. How can we get information to the public? We don't have huge advertising budgets, and sometimes networks turn down the ads we can pay for. I believe leafleting about circuses' cruelties to animals has greatly enhanced public awareness of these cruelties. But had the time spent protesting been used organizing politically, we'd have more laws and ordinances prohibiting the use of animals in them.

Rarely, protests may help kill a specific proposed ordinance, because lawmakers don't like local public controversy. But they're a poor substitute for political organizing.

**Don't be a "hit-and-run" activist, hold onto your dream.** Hit-and-run advocacy means having a heartfelt goal, challenging yourself to win a law or ordinance, deciding to empower yourselves (*we won't take it anymore, the animals need us to act, we'll win because we must!*), pouncing on the state legislature or county or city council...but not doing the preparation necessary to have a chance...and slinking off in defeat, concluding it's hopeless to try.

**Knowledge and judgment** Effective advocacy requires knowledge and judgment about the lawmaking process and its political subtleties. Hit-and-run advocacy never allows advocates to acquire them; it's amateurish and fails. Yet it will surprise you how quickly political organizing in your jurisdiction pays off. Commit to seriously building your grassroots voting bloc. Chapter 10 tells you how.

**Savvy and strategic thinking** Advancing a lawmaking agenda and defeating anti-animal proposals require a willingness to analyze the political dynamics of the issue with pragmatic disinterest. The following chapters clarify what this means. Wishful thinking and fantasy have no place in the formulation of a lobbying strategy. But do hold onto your dreams as motivation to launch your voting bloc and to constantly recruit new members to it!

**There's a learning curve.** No lawmaker expects you to become a sophisticated strategist overnight. They've seen many other newcomers enter "the building," "grow up fast," and become power players. They were once unsophisticated neophytes themselves. Accept it: You'll make mistakes—and you'll learn from them.

**Institutional memory** Staying power allows you to build long-term institutional memory about the issue in your lawmaking arena, greatly enhancing your capacity to formulate a winning lobbying strategy. Which pro-animal and anti-animal proposals have been tried before, and how has each fared and why? Which lawmakers have been the most harmful and helpful? What procedural roadblocks have occurred?

**Think big, but from the ground up.** Cherish your goals for the strongest laws and ordinances for animals. But present bills and proposed ordinances that are within reach. As your voting bloc gains members and as you become more skilled in exploiting it, more and more goals will come within reach.

**The "negative rebel"** I pay homage to Bill Moyer, author of *Doing Democracy* (not the Public Broadcasting System's Bill Moyers). Moyer warned that repeated failures create the "negative rebel," who reacts by sounding angrier, protesting more, taking on the persona of militant agitator, revealing that he or she doesn't understand the dynamics of social change and is unwilling to learn them.

Like all movements for social change, ours is afflicted with this phenomenon. Don't fall for it. Early on, I equated mainstream methods with lesser goals. It doesn't need to be so. My own goals are radical, but my methods are mainstream, because I've learned they are the most likely to work.

**Use your voting bloc to win enforcement of laws and ordinances for animals.**

Advocates rightly ask how to get laws and ordinances enforced. The voting bloc system directly and identically applies to enforcement also. Example: If an animal control officer is not enforcing a local ordinance, use the voting bloc system to apply political pressure on the elected official(s) who appoints the police chief who supervises the animal control officer. The mayor is an elected official at the mercy of the arithmetic of elections (your voting bloc's endorsements). The voting bloc's leaders devise a political strategy. Perhaps first your president meets with the mayor, bringing officers of the group with him. The group may activate its membership to email or write the mayor about the specific concern.

Enforcement is an appropriate issue to include in the group's endorsement process. Chapter 6 will treat enforcement strategies in detail.

Are you with me? Let's move on!

**INTERVIEW**

**G. Kenneth Bernhard: "You have a great deal of power that has been underutilized."**

Lawmakers understand that animal issues have strong bipartisan appeal to voters. Accordingly, activists should participate in the political process as other voting blocs do. They should challenge both candidates and incumbent lawmakers who, by necessity, will seek their support. As a voting bloc, animal advocates could have a great deal of power that to date has been underutilized. They could make endorsements, change peoples' minds, and bring voters to the polls. Politicians will pay attention to an *organized* voting bloc and in the process will promise and pass laws that are critical to animals' welfare.

***Attorney G. Kenneth Bernhard of Cohen & Wolf, Westport, Connecticut, was a state representative from 1997 to 2005. He does legal work for several municipalities, including the review of proposed ordinances. He is a strong animal advocate.***

**INTERVIEW**

**Lawrence R. Jacobs: "Legislators want to please groups with a track record of turning out voters on Election Day."**

Legislators are most concerned about pleasing two categories of constituents: groups who are politically organized and have a track record of turning out voters on Election Day, and those who have intense preferences.

***Lawrence R. Jacobs holds the Walter F. and Joan Mondale Chair for Political Studies at the Hubert H. Humphrey Institute of Public Affairs and Department of Political Science at the University of Minnesota.***

## Animal Advocacy in the US Today—and the Continuum of Change

The bad news: The general picture is a nonpolitical movement split between the genteel to the intense and sometimes angry. Neither is adequate for effective lawmaking. Neither functions strategically by using the arithmetic of elections.

The good news: There are new exhilarating sparks of political interest that we must help ignite!

**National organizations** Multiple prominent and wealthy national multi-issue charities pay professional staff to research issues, publish informational brochures, maintain informative websites, and participate in a variety of educational campaigns. Most of the older ones are middle-of-the-road or conservative, while the younger ones pursue abolitionist goals.

Some older and more moderate multi-issue charities have regional offices with slight to moderate staff presences at state legislatures. The older charities lobby Congress and some state legislatures to some degree. Only the Humane Society of the United States has launched a truly political affiliated organization, the Humane Society Legislative Fund (HSLF). It's an exciting breakthrough. It will achieve in its own right and help legitimize the notion that political activity is a necessary component of animal advocacy.

Your state or local voting bloc can forward to its members alerts on pending federal legislation from HSLF and Humane USA, the young national political action committee. Each of your members has a Congressional representative and two US Senators, whose votes on federal bills can be influenced by voting-bloc politics.

**State organizations** Some states have traditional, endowed, staffed humane societies that may or may not operate animal shelters. Most are conservative. Some younger groups have broken ground with cost-effective spay/neuter vans rather than expensive-to-maintain animal shelters. *Tragically, there are almost no staffed, professional state political organizations for animals.* In some states activists have formed political organizations that suffer mortally from a lack of time (statewide voting blocs need full-time staff or volunteers) and from a lack of funds (to pay staff and expenses).

Members of other grassroots issue groups have a political culture. They know that to achieve state laws and policies for their issue and to defeat harmful bills and policies, they must financially support professional, staffed state political organizations and forego a charitable tax deduction for their donation.

**County, city, and town organizations** Scattered throughout the US are thousands of non-political, endowed, and staffed animal rescue/welfare groups and all-volunteer animal rescue and rights groups.

### ANIMAL RESCUE

No political organizations at any level of government, staffed or volunteer

### ANIMAL WELFARE

National level dominated by charitable organizations

Exceptions: Humane USA, a young political action committee;

The Humane Society of US's young Humane Society Legislative Fund

Very few active state political organizations, only one with paid staff

Only one established city political organization

No county or town political organizations

### ANIMAL RIGHTS

Several national charitable organizations

(HSUS is moving closer to animal rights)

Very few state political organizations, most struggling, none staffed

Only one established city political organization (the same group referred to above)

No county or town political organizations

**If existing animal advocacy groups and leaders won't lead you,  
create your own groups and leaders. The others will join you in a while.**

**Please return to this thought regularly. It's what this MANUAL is all about.**

### 3 The Structure of Government—and Why Activists Need to Know It

"When the people lead, the leaders follow."  
—Thomas Jefferson

"Practical politics consists in ignoring facts."  
—Henry Adams

"Bad lawmakers are elected by good people who don't vote."  
—Political adage

"Voting is the great equalizer in American society."  
—A Citizen's Guide to the Electoral Process, *League of Women Voters*

"Democracy is not a spectator sport."  
—Political adage

"I have met the enemy, and they is us."  
—Pogo

#### **Government Axioms**

*Most citizens do not understand the structure of government or the political dynamics that determine what it does. Their ignorance gives disproportionate power to those who have this knowledge, including commercial interests and grassroots groups that exploit animals.*

*The US Constitution and Bill of Rights were designed to prevent anarchy; to protect individuals from tyranny (interference in individuals' lives by the monolithic power of the government); to allow religious choice; to provide for maximum free expression and movement compatible with community living; to enhance the status and rights of the individual over the collective community; to staunchly protect private property; and to provide a positive and stable environment for business and commerce to thrive.*

*Every level of government (federal, state, and local) consists of three branches (executive, lawmaking, and judicial) that function as a "checks and balances" system meant to impede revolutionary change and anarchy and to protect personal rights.*

*A feature of US culture is a bias against governmental power. This includes a bias against government intrusion into peoples' lives through laws, ordinances, and regulations, and their strict enforcement.*

*Lawmakers and political activists always have election cycles in mind. A lawmaker's thinking is always influenced by the next Election Day. In fact, her political campaign for re-election begins the day after Election Day. This is also true for a lawmaker who is about to "max out" from a term limit, because there is always another elective office to aspire to (or political position to be appointed to).*

*If you want state legislation, don't go to your Congressperson, US Senators, county commissioner, or city councilor. If you want a local ordinance, don't ask your state representative, and so forth.*

**Y**ou can't function politically for animals without distinguishing your US senators from your state senator, your US representative in Congress from your state representative, or your city councilor from your county commissioner. Or the difference between a federal (US) law and a state law, or a state law and a local ordinance. Your congressperson has no influence on state or local legislation, and statehouse lawmakers can influence only state legislation.

Is government necessarily boring? Not if your goal is to become a power player for animals in the lawmaking arena. The structure of government is key to understanding political dynamics and formulating an effective, solid lobbying strategy. Actually, it's exciting, provocative and stimulating. You may be surprised at how often you think back to this chapter. Just get it under your belt and move on!

### **The Basics: Three Branches and Four Levels**

#### Government has three branches

Executive branch

Legislative branch

Judicial branch

#### We are governed at four levels or tiers

Federal (national) level

State level

County level

Municipal level (city/town)

To protect against the tyranny and instability they had experienced in England and observed on the Continent, America's founders (the "Framers" of the US Constitution) modeled a checks-and-balances constitutional system for the new republic's government. They divided it into three branches: the executive (administrative), the legislative (lawmaking), and the judicial (the courts). Each branch has some power to modify, delay, override, and correct the actions of the other two. And they incorporated levels of government, as they had known in England.

**Which level does what?** The US Constitution created a balance between national government and state power, and between state power and county and town government. It determines what areas of lawmaking, taxing, and spending the national government may engage in and what lawmaking, taxing, and spending the states may engage in. Your state's constitution determines what lawmaking, taxing, and spending its counties and municipalities may engage in. Examples: The US Constitution forbids states from passing laws or imposing tariffs that impede interstate commerce. It allows states to levy state business and personal income taxes. Some state constitutions provide that only the state—not county or municipal government—can enact laws about wildlife.

**Why it matters to you** Wanting to change wildlife and companion-animal laws, we are active on the municipal, county, state, or Congressional level. And don't, for example, try a state bill that expressly bans pet stores from selling puppies from out of state. It's blatantly unconstitutional and will be dead on arrival. Only the federal government regulates interstate commerce. Likewise, don't try a bill that requires a special sales tax on puppies from out of state. Find other legislative "language" that will get the same result. Don't try to ban hunting in your town, if your state constitution denies towns that power. Find another way. Maybe towns can promulgate safety regulations that forbid or restrictively regulate the discharge of weapons.

☞☞☞ Most state constitutions allow counties and municipalities to enact animal cruelty and neglect ordinances that are stronger than state laws. This means your local voting bloc can win model criminal ordinances for animals.

☞☞☞ States and localities can enact laws and regulations that are stronger than the US Department of Agriculture's laws and regulations. This means your state or local voting bloc can win strong criminal laws for animals subject to breeding and brokering, farming, slaughterhouses, research, circuses, and zoos, although the USDA regulates these uses of animals.

**THE EXECUTIVE BRANCH** is headed by a chief executive—the president of the United States, the governor, the county commissioner, the mayor. The chief executive establishes his or her own government priorities, puts forth a legislative agenda, and has some veto power over laws enacted by the legislative branch. Chief executives at the national and state level present annual or bi-annual budgets and tax packages to the legislative branch. The chief executive administers the day-to-day machinery of government, according to laws enacted by the lawmaking branch and regulations promulgated by the agencies.

⇒The executive appoints commissioners who head the agencies, who serve at his or her pleasure, whom the executive can remove and replace. In state government, this means the governor appoints the directors of agencies that oversee domestic animals and wildlife. These commissioners are not politically vulnerable to you—but the governor is! So if you have a problem with a state commissioner's action or lack of action or with an agency's proposed regulations, your voting bloc/political organization should apply political pressure on the governor, not on the commissioner. The governor can direct the commissioner to comply.

Commissioners of federal and state agencies bring their legislative packages to the appropriate legislative committee, testify for it, lobby for it, and testify and lobby against proposed legislation they oppose. Lawmakers view the agencies as experts, so if the relevant agency doesn't like your bill, it may be harder to pass. Procedures for counties, cities, and towns vary.

Use voting bloc politics on the chief executive to get the agency to either support your pro-animal proposal or withdraw the agency's anti-animal proposal.

⇒**Some states *elect* commissioners with authority over animals.** Citizens of Alabama, Florida, Georgia, Iowa, Kentucky, Louisiana, Mississippi, North Carolina, North Dakota, South Carolina, Texas, and West Virginia elect their states' agriculture commissioners. Washington elects its natural resources (includes fish and wildlife) commissioner. A voting bloc in these states can serve the interests of animals dramatically by endorsing and delivering votes to their favored candidates.

**THE LEGISLATIVE BRANCH** is the lawmaking branch, which enacts the laws or ordinances that residents of the jurisdiction must live by. It has power to approve, defeat, or modify the chief executive's budget and tax package.\* Lawmakers can introduce bills or ordinances on a vast range of topics. The legislative branch of federal and state governments is "bi-cameral," that is, it has two chambers, the house and senate.\*\*

\*The budget process is often different in counties and municipalities, which often have weaker chief executives.

\*\*Nebraska is unicameral, with only the General Assembly.

In the US Congress and nearly all state legislatures, each chamber has its own legislative committees. For example, a state may have a senate agriculture committee and a house agriculture committee, each of which writes, reviews, and acts on bills concerning agriculture and farmed and commercially bred companion animals. Only Connecticut, Massachusetts, and Maine have joint committees, with one such committee composed of both state senators and state representatives.

The US Congress and state legislatures can "override" a bill veto (when the chief executive refuses to sign into law a bill that has been approved by legislators) with a two-thirds majority vote in both chambers.

## GOVERNMENT LEXICON

**Jurisdiction/political jurisdiction** A geographical area defined by exact boundaries, for which an elected law-making body has authority. Except for some small towns, villages, and townships, political jurisdictions are divided into political districts. Voters who live in each district elect a lawmaker to represent it in the lawmaking body of the jurisdiction. Example: A state (a jurisdiction) may be divided into 40 state senate districts. Each senate district is represented in the state senate by a state senator who was elected by voters from that state senate district. A city may be divided into 15 city council districts, each of which is represented in the city council by a councilor who was elected by voters who live in that council district. A division of a court system also is a jurisdiction.

**Political district** An electoral subdivision of a political jurisdiction. The citizens who live within its boundaries elect a fellow resident to represent them in the lawmaking body. All districts within a political jurisdiction must have approximately equal populations.

**At large** Some county, city, and town lawmaking bodies have lawmakers who are elected “at large,” that is, they are elected by and represent the entire jurisdiction rather than a political district that is part of the jurisdiction. Example: A town council may consist of seven town councilors, two of whom represent the *whole* town rather than only a geographic portion of it. These two councilors are elected “at large,” and every resident of the town is a constituent of both. On Election Day, each citizen can vote for three candidates: two at-large candidates and one candidate to represent the council district in which the citizen lives. All US senators are elected at large within their states.

**Constituent** A citizen who lives in a political district is a constituent of the lawmaker who represents the district.

**Term limits** A state, county, or municipal law or ordinance that limits its lawmakers to a specific number of terms in a particular office.

**Law/statute** A law enacted by a state legislature that applies to that state; or a law enacted by the US Congress that applies to the entire nation.

**Ordinance** A law enacted by a county, city, town, or township that applies to that county, city, town, or township.

**Regulations** Codified legal requirements that amplify and explain how a government agency must administer and enforce a specific law or ordinance. Regulations are written and published by the executive branch agency that is mandated to enforce the specific law or ordinance. Regulations are not supposed to “make law,” that is, include provisions that the lawmaking body did not enact. (But in fact they often interpret a law to such a degree that they are in effect making law.) Example: A state legislature enacts a law that establishes a state spay/neuter fund and authorizes the state agriculture department to administer it and to promulgate regulations for its implementation. The department promulgates regulations that detail, step by step, how county governments and county animal control officers must administer the fund and handle the monies involved. The official citation of the law may be General Statute 53-247 (the law was the 247th passed in 1953). The citation for the regulations may be 53.247.30.

A state legislature may enact a law that broadly authorizes the commissioner of a state agency to promulgate regulations in a certain area. Example: A state law authorizes the commissioner of the state fish and game agency to promulgate regulations that determine hunting seasons, bag limits, and allowable hunting weapons and animal traps.

The commissioner can propose revisions of these regulations periodically. In most states, proposed regulations need approval of only a small committee of legislators, which means they may be very difficult to obstruct. However, if the same legislature enacted a law to ban leghold traps, the fish and wildlife agency could not promulgate regulations that provided for their use.

**Civil suit** A lawsuit in which one entity—a person, private business, or government agency—sues another for violation of a civil (not criminal) statute, ordinance, or regulation. Both parties are represented in civil court by their own private counsel, or in the case of governmental agencies, by government attorneys. Depending on the case, arguments are heard by a civil court judge or by a hearing officer of the government agency.

**Civil penalties** Imposed by a judge on a person convicted of a civil offense, awarding the plaintiff monetary compensation or punitive damages for economic harm and/or pain and suffering, in accordance with the penalties the particular civil statute allows.

**Crime** An act that violates a federal or state statute or county, city, or town ordinance, classifying it as something for which the accused can be arrested by a law enforcement officer and prosecuted in criminal court. The criminal code of the jurisdiction classifies crimes according to severity: infraction, violation, misdemeanor, or felony. The classifications may have lettered subcategories, such as Class A misdemeanor or Class C misdemeanor, the A the greater crime than the C. Different jurisdictions may classify the same criminal act differently.

**Criminal penalties** Imposed by a judge in sentencing a person convicted of a crime. Criminal penalties may involve a term of imprisonment and/or a fine, depending on how the particular criminal statute classifies the criminal act. Penalties and classifications vary in different jurisdictions. In one state, conviction for a crime classified as a Class A misdemeanor might provide for a maximum penalty of one year of incarceration and a \$1,000 fine. Conviction of a Class D felony might provide for a maximum sentence of two years and a \$5,000 fine. A criminal statute may also specify the maximum penalty for violation of that statute. Penalties for the lower classifications—infractions and vio-

lations—vary state to state, county to county, and town to town.

**Statute of limitations** A law requiring that prosecution for a crime or a suit for a civil claim be formally initiated within a specific period after the alleged act occurred or was discovered. For misdemeanors, the statute of limitations is one year. For felonies, it often is five or 10 years. There is no statute of limitations for murder.

**Defendant/plaintiff** In a criminal case, a government prosecutor represents “the people” in attempting to convict the defendant. In a civil case, the plaintiff files suit against the defendant.

**Small Claims Court** A civil court for resolving minor financial disputes. Plaintiffs and defendants usually represent themselves, making filing claims affordable.

**Legal standing** The right to sue or represent an entity in court. An entity cannot sue another entity unless a law or previous court ruling provides that the entity has the right to bring such a suit. Animal rights attorneys want legal standing to represent animals in court in specific cases, as well as the right to initiate broader legal actions on behalf of animals.

**Court precedent** A previous ruling by a judge or panel of judges that a judge or panel relies upon when ruling on a case currently before it, unless the defendant’s or plaintiff’s attorney makes a compelling argument not to. A judge or judicial panel creates a new court precedent by interpreting a particular law’s application to a particular set of facts in a way that alters or expands on previous judicial rulings and interpretations of the law.

Example: Using a vaguely worded state law, a law enforcement officer arrests for animal neglect a man who allegedly left his cat out in extreme cold. Other state judges had thrown out previous arrests under the same law for leaving a cat out in extreme cold, or no one had ever been arrested for it under that law before. So the defendant’s lawyer argues before the court that precedent prevents applying the law to his client’s alleged act, and that the arrest should be dismissed. If the judge allows the case to go forward, and/or if the person is convicted or pleads guilty, a new court precedent has been set. If convicted, the man can try to appeal the case to a higher court, claiming that the law did not give the lower court authority to prosecute him under that law. A higher court could refuse to hear the appeal, uphold the conviction, or throw the conviction out.

Example: Using the US Constitution, statutes, and court precedents that elevated the status of slaves and children from chattel to beings with constitutional rights, animal rights attorneys seek a ruling that grants chimpanzees the same basic legal rights as humans’. Such a precedent would create a new precedent that likely would result in a prohibition of their use in research, capture for zoos, and sale for any purpose.

**Sheriff** A county’s chief law enforcement officer. Sheriffs are elected.

**State Attorney General** The top attorney representing the state in civil matters who also serves as the attorney for the state’s executive branch (governor and the agencies).

**State District Attorney** A jurisdiction’s chief criminal prosecutor.

**General election** Held on the first Tuesday after the first Monday of November. All candidates on the ballot are the official, endorsed candidates of their political party or are running as Independents.

**Primary election** Generally an election in which registered voters decide which candidates will vie in a subsequent general election. Different states have their own rules determining the circumstances in which primaries are held and who can vote in them. Please see this chapter’s box, “Primary Elections.”

**Party convention** A political party’s annual convention, at which delegates (usually members of the party’s local county and town committees) vote to determine the party’s official, “endorsed” candidates for the next election.

**Independent/petitioning political candidate** A person demonstrating (via voters’ signatures on official petitions printed by the secretary of the state or via other procedures set by state law and/or party rules) significant support among voters, qualifying the petitioner to be included on the election ballot. Only signatures of registered voters of the district or jurisdiction are valid. For inclusion on the ballot of a primary election, only signatures of voters of the district or jurisdiction who are registered with the political party are valid. Provisions for petitioning candidates open up the democratic process, so citizens who are not part of or backed by a “party political machine” can run for elective office, giving voters more choices.

**Election cycles** See chart in this chapter.

**Electoral College** Applies only to the election of the US president. Each state has a number of presidential electors determined by the state’s population. Immediately after the general election for president, the electors of each state meet to commit all of that state’s electors to the presidential candidate who won the most votes in their state. The majority vote of the Electoral College determines the winner. The use of the college means the United States is a republic rather than a democracy, because in presidential elections individual votes are not equal. Four presidents have been elected who won less than half the official popular vote, but won more than half the electors.

**Redistricting** Adjustments to boundaries of political districts made every 10 years to reflect losses and gains in population revealed by the US Census. Districts in each level of government must be approximately equal, so constituents have equal representation. Example: Each state senate district in a particular state must have approximately the same number of residents as all the other state senate districts. On the national level, all Congressional districts must have the same population.

The US Senate has 100 Senators—two per state, regardless of the state’s population—and the US House of Representatives has 435 members of Congress. The population of each Congressional district is close to 6.5 million.

**State legislatures** States name their legislatures differently. Most are named State Legislature, in many it’s the General Assembly, in North Dakota and Oregon it’s the Legislative Assembly, and in New Hampshire it’s the General Court. The vast majority have 130–200 lawmakers. At 60, Alaska has the fewest—20 in the senate and 40 in the house. At 424, New Hampshire has the most—24 in the senate and 400 in the house.

Population per state legislative district also varies. A state senate district in North Dakota has about 13,000 people, Texas about 673,000, and California about 847,000. A house district in Vermont counts about 4,000, Texas about 139,000, Utah about 140,000, and California about 423,000. Geographic sizes of legislative districts range from 1 to 13,000 square miles; obviously, campaigning to be elected a state lawmaker in big districts is hard.

State legislatures meet full-time in Illinois, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, and Washington. Many part-time legislatures have important meetings when they’re not in session.

**County governments** All states except Connecticut and Rhode Island have county government—that’s 3,033 counties nationwide. (Alaskans call their counties boroughs, and Louisianans call theirs parishes.) Delaware and Hawaii have the least, with three each. Texas has the most, with 254. Counties vary tremendously in size and population. Virginia’s densely populated Arlington County is the smallest at 26 square miles, and sparsely populated North Slope Borough, Alaska, is the largest at 87,860. Loving County, Texas, counts 67 residents. Los Angeles County, California, counts 9,519,338 residents. Counties with populations under 50,000 accounted for nearly 75 percent of all county governments in 2000.

**Gerrymandering** Redistricting with partisan motives, to carve districts that are favorable to one political party.

**Ballot initiatives and referenda** Procedure that allows citizens to propose legislation and put it directly before the voters, bypassing the legislative branch.

**Enabling legislation** A law that allows, but does not mandate, lesser jurisdictions to engage in certain activities or to enact certain ordinances or regulations. Example: A state law that allows, but does not require, counties in the state to build county animal shelters and hire county animal control officers with the power to enforce state (and local) laws about domestic animals.

**State or federal mandate** A law that requires lesser jurisdictions to enact laws or ordinances with certain provisions or to conform to state or federal standards.

**Unfunded state or federal mandate** A law that requires lesser jurisdictions to adhere to certain standards, offer certain programs, or build certain facilities, without providing the lesser jurisdiction with the funds to do so. Example: A state law that requires counties, cities, or towns to upgrade their animal control facilities.

**Executive veto** The power that allows a US president or a governor to prevent a bill from becoming law, even though that bill has been passed by both the senate and house. The legislative branch can override a veto with a two-thirds vote.

**Freedom of Information Acts (“FOIA”)** “Open-government” or “sunshine” laws that guarantee the public’s access to government documents and government meetings. FOIAs require that the latter be announced in advance and be open to the public. The federal FOIA pertains to the US government. All state governments have freedom of information acts, which also apply to county, city and town governments within the state.

**Import health certificate** All dogs and cats who are transported from one state to another must be accompanied by an official certificate signed by a veterinarian attesting that the animal’s rabies vaccination is current (if the animal is old enough to be vaccinated), and that the animal has been examined within 30 days of transport and appears free of infectious disease. Pertains to puppies transported across state lines in the pet store/puppy mill trade.

Names of lawmaking bodies include county commission, county council, and county board of supervisors. Lawmakers who serve on them are commissioners, councilors, or supervisors. Illinois elects county legislatures; New Jersey elects freeholders to boards of freeholders; Louisiana elects police jurors to parish juries. Sizes of these boards range from one county elected official in Georgia to 40. Most have from 3 to 9 members who are elected to 4-year terms, usually in even years. A small minority has term limits.

Most counties avoid party labels, although voters know which candidates are backed by the Democrats and which are backed by the Republicans. Generally, political party dynamics still influence the lawmaking process.

Some counties elect a county executive, who functions as the county's executive branch.

Some county and municipal governments blur somewhat the lines between the executive and legislative branches. Some towns and county councils elect one of their own as chief executive. Local governments have boards and commissions (school board, finance board, planning and zoning, police commission, etc.), some of which are elected by the populace and some of which are appointed by the chief executive or council.

Some states have townships, which are usually administrative divisions of a county.

***Municipal governments*** There are 35,933 municipal governments in the US, which include cities, towns, townships, boroughs, and villages. Sizes range from Sitka, Alaska's 2,874 square miles to villages of a fraction of one square mile.

Forms of government are mayor-council (58 percent), council-manager (38 percent), and commission and town meeting (which together account for 4 percent).

*Mayor-council.* This form is common in older, larger cities, and in smaller cities with populations under 25,000, often in the mid-atlantic and midwestern states. Depending on the city charter, the mayor is powerful or weak. Characteristics are:

- The mayor is directly elected as "mayor," and is often full-time and paid.
- The mayor has executive powers, and the council has legislative powers, providing for a separation of powers between the mayor and city council.

*Council-manager.* This structure is common in cities of more than 10,000 people, mainly in the Southeast and Pacific Coast areas. The city charter determines whether the mayor has weak or strong powers. Characteristics include:

- The city council oversees general administration, makes policy, and sets the city budget.
- The council hires a city manager to carry out day-to-day administrative operations.
- Often the mayor is chosen from among the council on a rotating basis.

*Commission.* The oldest form of municipal government, it exists only in a few cities. Characteristics include:

- Voters elect individual commissioners to a small governing board.

## Structure of Town, City, and County Governments (example)

### Executive and Legislative Branches

#### Departments

Animal Control/Police   Assessor   Building and Grounds/Maintenance   Building Permits   Elections  
Parks and Recreation   Public Health   Roads   Sanitation   Town Clerk   Zoning Enforcement

#### Mayor

May be elected to office of “mayor” or  
May be top vote getter in council election or  
May be councilor who is elected by the full Council

#### Council

Number of councilors varies  
Some places called Commission or Board of Aldermen

Corporation counsel, fiscal officer, and county, city, or town manager usually report to Council

#### Elected Boards and Commissions

Education   Finance   Planning and Zoning   Police\*   Water\*   Zoning Board of Appeals  
\*May be appointed

## Structure of State Government

### Executive and Legislative Branches

Example: Connecticut 2006

#### Departments That Oversee Animals

Agriculture   Environment (includes wildlife)   Special Revenue (includes dog tracks)

#### Other Departments

Aging   Consumer Affairs   Charities   Corrections   Economic Development   Education  
Elections Enforcement   Housing   Humane Services   Mental Retardation   Public Health  
Public Safety, Tourism   Transportation.

#### Governor (R)

##### Senate 36 seats

##### SENATE MAJORITY D 24 seats

**President Pro Tem** Don Williams

**Senate Majority Leader** Marty Looney (D)

##### SENATE MINORITY R 12 seats

**Senate Minority Pro Tem** Louis DeLuca

##### House 151 seats

##### HOUSE MAJORITY D 99 seats

**Speaker** James Amann (D)

**Majority Leader** Christopher Donovan (D)

##### HOUSE MINORITY R 52 seats

**Minority Leader** Robert Ward

#### Legislative Committees

Appropriations   Banks   Economic Development   Education   Environment  
Executive Nominations   Finance, Revenue, and Bonding   General Law  
Government Administration and Elections   Human Services   Insurance and Real Estate  
Internship   Judiciary   Labor   Planning and Development  
Program Review and Investigations   Public Health   Public Safety   Regulations Review  
Select committees: Aging   Children   Housing   Workforce Development

R = Republican

D = Democrat

- Each commissioner is responsible for one specific aspect, such as fire, police, public works, health, or finance.
- One commissioner is designated as chairman or mayor, who presides over meetings.
- The commission has both legislative and executive functions.

*Representative town meeting (RTM).* The town meeting may be the purest form of democracy since it allows all voters a direct say in how the town is run. It is found in small New England towns. Typically:

- Citizens elect a board of selectmen. Some boards have only three members.
- All citizens are members of the “town meeting” and can attend and participate in town meeting discussions.
- The town meeting can propose ordinances and vote them up or down.
- Each town meeting must be announced with a “warrant” that provides the date, time, and location of the meeting and specifies the items to be discussed.
- The selectmen are responsible for implementing policy.

*Independent school districts.* In 33 states independent school districts legislate themselves and levy their own taxes. They overlap other forms of municipal or county government.

**Election cycles** Lawmakers, voting blocs, other political operatives, and political junkies always know when each lawmaker will face re-election.

	<u>Term of Office</u>	<u>Election Years</u>
President	4 years	Even years 2008, 2012, 2016...
US Senate	6 years*	Even years 2008, 2010, 2012*...
US House of Representatives	2 years	All even years 2008, 2010, 2012...

\*US Senate elections are staggered, with one-third of the Senate up for re-election at a time. The Framers sought continuity to protect against a rapid change in laws and leaders that could unsettle or destabilize the nation. Staggered elections also made sure there were always experienced senators.

Governors	4 years	Even years 2008, 2010, 2012...
A quarter of states elect governors in presidential election years; three-quarters don't.		
State Senates	2 or 4 years	Even years 2008, 2010, 2012 ... or 2010, 2014, 2018...
State Houses	2 years usually	Even years 2008, 2010, 2012...
County/City/Town Councils	2 or 4 years	Odd or even years—2007, 2009... or 2008, 2010...

To find out how your local government is structured, go online and/or to the building and ask. And go to meetings and observe.

**Term limits** Twenty-one states limit how long lawmakers can serve in certain elective offices. In some states these limits apply only to state legislators, in others to county or municipal lawmakers, and in others only to the counties and municipalities that have chosen to enact them. Typically, the limits range from 6—12 years. Most state legislative limits apply separately for each chamber; for example, a lawmaker can “max out” in the state house and then run for the state senate. This adds up to a lot of years in office! Some term limit laws allow a maxing-out candidate to seek her old seat after a two-year waiting period. When heavy turnout caused

a dearth of quality, knowledgeable lawmakers, some counties and municipalities repealed term limits or expanded the number of terms a lawmaker can serve.

Some political activists may fear that term limits weaken the potential control of grassroots voting blocs on lawmakers who are about to max out, because these lawmakers won't need our votes to be re-elected. Concern should be minimal, because:

#### **CASE STUDY: Bad leghold regulations stopped by targeting governor, not wildlife agency**

A Connecticut gubernatorial candidate won with only 36 percent of votes cast in a field of 4 candidates. About 2 percent of Connecticut's population were licensed hunters and perhaps .1 (one tenth one percent) were licensed trappers. While a Congressman, the winner had condemned leghold animal traps on TV at my request and had allowed his name to appear on our "HALT Leghold Traps" letterhead. But the hunters' and trappers' political action committee had endorsed him over the candidate who was the stronger gun advocate. The newly elected governor rewarded the voting bloc by appointing a pro-hunting and trapping wildlife commissioner to oversee the state's environment and wildlife department.

During the governor's first term, the wildlife department proposed regulations to vastly expand the legal use of leghold traps. Activists asked me for advice, saying they would pay for a big newspaper ad that would ask the public to call the wildlife commissioner to urge him to withdraw the proposals. They'd also protest in front of the commissioner's home.

I advised: You've got it wrong. The buck stops with the governor, not the commissioner. The ad must name the governor as the responsible person, not the commissioner. Targeting the commissioner would be useless, because he is appointed—not elected—and serves at the governor's pleasure, not the voters. The governor wants to get elected to a second term. He appointed a pro-hunting-trapping commissioner to pay back the hunting/trapping political lobby, because it delivered the election to him. But other voters had not known he would support an expansion of brutal trapping.

**Result:** The group took my advice. The department suddenly vaporized the proposed regulations, because the governor feared appearing in public as pro-trapping. If we'd been political, he probably wouldn't have won in the first place. If he'd won anyway, he wouldn't have allowed his commissioner to attempt the regulations. If we'd been political, we'd have won a state law banning leghold traps years ago.

### **How the Executive Branch Affects Animals**

#### **FEDERAL—the President and the Agencies/Departments**

*President nominates agency heads, who must be confirmed by Congress. Federal agencies that have jurisdiction over animals are:*

**US Department of Agriculture (USDA)** slaughterhouses, interstate transport of regulated species, medical research facilities, large-scale breeders who transport animals across state lines (including puppy mills), fur farms, animals used in circuses, zoos

**US Fish and Wildlife** migratory birds, promotion of state hunting, trapping, fishing

**Environmental Protection Agency (EPA)** endangered species

**Department of the Interior** poisoning of "problem" wildlife

**Bureau of Land Management** wild horses

#### **STATE—the Governor and the Agencies/Departments**

*Your governor appoints agency heads, who serve at his/her pleasure. Typical state agencies that have jurisdiction over animals are:*

**Agriculture** farmed animals, dog pounds, pet stores, breeders, fur farms

**Fish and Wildlife** hunting, trapping, fishing, exotic animals kept as pets

**Special Revenue** horse and dog tracks

**Health** animal research laboratories

- In most jurisdictions, term limits are generous, allowing for multiple terms and years in office.
- Term limits create much movement in electoral office by constantly creating “vacancies.” Lawmakers who are about to max out in one office often run for a higher (or lower) office that is opening up, and will still need the voting bloc’s support on Election Day. Examples: A maxing-out city councilor runs for state representative. A maxing-out state representative runs for state senate. A maxing-out state senator may run for state representative or mayor. If no available office is opening up, these former lawmakers may wait a year or two until one does.
- Some maxing-out lawmakers wait out the turn-around period and run for their old seat again. (Some resort to elaborate, hilarious place-holding plans. Please see the last newspaper excerpt in Chapter 11.)
- Maxing-out lawmakers with whom you have a political/electoral relationship want to maintain your trust on behalf of the replacement candidate of the incumbent’s political party, passing your votes on to him. The outgoing lawmaker will counsel the new candidate to seek your votes and honor them if elected.
- Lawmakers with whom you have a political/electoral relationship are not apt to turn on you.

Voters increasingly blame career politicians for our country’s woes. Many agree with actor Robin Williams’s character in the movie *Man of the Year* (“Politicians should be changed as often as diapers, and for the same reason”). Since you ask: I can despise “career” politicians, but I’m not sold on term limits because:

- It takes several years to learn the subtleties of the lawmaking process and the fine points of myriad public policy areas. Everyone—lobbyists, staff, lawmakers—in buildings with term limits has observed that they strengthen corporate lobbyists’ hands and weaken lawmakers’. Why? The many long-term corporate lobbyists know the in’s and out’s of the building better than inexperienced lawmakers do, have institutional memory of the issues, and know better whom to go to impact the process. According to the National Association of Counties, some jurisdictions have repealed or extended their limits, as a result of “the same old issue with term limits—inexperienced officials trying to run their constituencies.”
- We lose some of our best lawmakers to term limits.
- Term-limited lawmakers may more often vote for laws favoring corporate interests in the hopes of getting a cushy job with such an interest when they leave office.
- A better solution consists of an informed constituency that holds lawmakers accountable at the polls, and strong political campaign finance reform that includes public financing of campaigns and prohibits large donations and lobbyists’ donations to candidates.

**Winning laws through ballot initiatives** Ballot initiatives are, in effect, political electoral campaigns in which the initiative or the issue itself is the candidate. They allow citizens to bypass the legislative branch of government and legislate directly. State ballot initiatives first appeared in 1904 and are growing in frequency. The constitutions of 24 states provide for citizen-initiated ballot initiatives. Of these 12 have both binding and non-binding (“advisory”)

initiatives. (Illinois allows only non-binding initiatives.) Most states allow them to appear only on the ballot of regularly scheduled statewide elections; some states also allow them in off years.

The process for getting an initiative on the ballot varies by state, but all are highly labor-intensive, requiring a certain percentage of registered voters to sign a formal, state-approved petition. A successful, coordinated state ballot campaign often requires millions of dollars in advertising, coordination, and staff time; many volunteers; and strategic coordination among national, state, and local groups. Some initiatives have benefited animals dramatically. Recent examples: On November 7, 2006, Arizona voters approved a “humane farming” initiative that prohibits the confining of calves in veal crates and the confining of breeding pigs in gestation crates. Michigan voters voted against lifting its ban on dove-hunting. There were losses also. For more information on these and other animal-related initiatives, go to [www.fund.org](http://www.fund.org).

Research conducted by the Ballot Initiative Strategy Center in Washington, DC (a great resource), has found that initiatives produce broader political effects: Candidates’ positions on ballot measures matter in how citizens vote for those candidates; initiatives increase voter turnout when thoughtfully planned; and initiatives and referenda can be used to get candidates to take public positions on issues. Of course, this can cut either way for us!

Some counties, cities, and towns provide for ballot initiatives.

In my view, ballot initiatives should be undertaken only when a political organization for animals is in place or will be launched immediately after. For more on this point, and for the types of organization that legally can pursue ballot initiatives, see Chapter 8.

**THE JUDICIAL BRANCH** is the court system. Its purpose is to act as impartial referee in disputes, determine punishments, and prevent the executive and lawmaking branches from denying citizens their constitutional rights.

**Civil courts** referee disputes between private parties (individuals, organizations, or businesses) when one party (the plaintiff) accuses another party (the defendant) of having harmed the plaintiff. An entity cannot bring a civil action unless a law or court precedent (a previous judicial ruling) specifically grants the type of entity “legal standing” to do so under the circumstances, and provides the types and degree of damages that the plaintiff can recover.

**Criminal courts** referee trials between the law enforcement and prosecutorial arm of government (“the people”) and individuals, organizations, or businesses that the government alleges have committed crimes. Judges are supposed to guard the defendant’s constitutional rights against the awesome power of “the State.”

*Criminal arrests for animal abuse or neglect.* Law enforcement officers cannot interpret laws and ordinances beyond their minimum requirements, which is extraordinarily frustrating for us because existing laws and ordinances to protect animals are so weak. Understandably, animal advocates often have trouble with the “presumption of innocence” concerning the victimization of animals. A person cannot be arrested for animal abuse unless there is direct evidence (“probable cause”) to arrest him. In court, a person arrested for animal abuse, like a person arrested for any crime, is presumed innocent until proven guilty by the evidence. The “burden of proof” in criminal cases is on “the people” (the government),” and a jury must consider the

defendant “innocent until proven guilty” “beyond a reasonable doubt.”

The federal court system deals with violations of federal law and, when formally appealed to do so, determines whether a state law or local ordinance violates the US Constitution.

**Judges are elected or appointed.** The US president appoints federal judges, subject to confirmation by the US Senate. According to the organization Justice at Stake, 12 states appoint their high court judges, and 38 elect them in some fashion. Of the 38, the following 18 fill judicial seats solely through elections between competing candidates: Alabama, Arizona, Georgia, Idaho, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Nevada, North Carolina, North Dakota, Ohio, Oregon, Texas, Washington, West Virginia, and Wisconsin. In the following 16 states judges are initially appointed and face “retention elections” at the end of their first terms: Alaska, Arizona, California, Colorado, Florida, Indiana, Iowa, Kansas, Maryland, Missouri, Nebraska, Oklahoma, South Dakota, Tennessee, Utah, and Wyoming. The remaining states—Illinois, Montana, New Mexico, and Pennsylvania—use a mix of both systems.

Elective judgeships and judges’ political campaigns can reflect the worst trappings of our “pay for play” version of democracy. Judicial power is concentrated into one person—the judge, so judicial rulings lack the legislative and executive branches’ “checks and balances” other than appeal to a higher court. Judges’ rulings in cases concerning corporations can have monumental social, economic, and environmental impact on the public generally and the corporations’ workers and shareholders. From the corporation’s point of view, one ruling may translate into many thousands or millions of profit dollars. For this reason corporate trade groups and executives sometimes pour astonishing sums of money into a judicial campaign, most of which may be spent on media advertising on behalf of the judicial candidate. Ohio Supreme Court Justice Paul E. Pfeifer told the *New York Times*, “I never felt so much like a hooker down by the bus station in any [political] race I’ve ever been in as I did in a judicial race....Everyone interested in contributing has very specific interests. They mean to be buying a vote....”

**High-ranking law enforcement officers are elected or appointed**, depending on where you live and the particular job.

*Your state’s or county’s chief criminal prosecutor* (whose title may be state district attorney or county attorney) is elected—unless you live in Alaska, Connecticut, or New Jersey, where they’re appointed.

*The state attorney general* is your state’s chief law enforcement officer in civil matters, and represents the executive branch agencies. The AG is elected in 43 states. The governor appoints AGs in Alaska, Hawaii, New Hampshire, New Jersey, and Wyoming. Maine’s state lawmakers elect theirs by secret ballot, and Tennessee’s is elected by the state supreme court.

*The sheriff* is the county’s chief law enforcement officers. Sheriffs are elected. Usually the sheriff can appoint a deputy sheriff.

*Police chiefs* are appointed.

**Voting blocs can help elect judges and law enforcement officials.** In jurisdictions that elect officers of the court, your voting bloc/political organization can play a role by endorsing

your choices. Note that one does not send these candidates endorsement questionnaires.

Before your group moves to influence these elections, understand how it's done in your jurisdiction. There may be different "etiquette" and laws than for the legislative and executive branches. Regardless, once you're known to be organizing voters, and that you're not going away, these officials will think about you before taking judicial actions on animal-related cases before them, just as lawmakers will before voting on animal-related legislation.

⇒Regardless, you need to concentrate on winning strong laws and ordinances to protect animals. You want more from judges and law enforcement than enforcing and upholding woefully weak existing laws and ordinances.

**Win new "court precedents" that interpret animal cruelty and neglect laws more strongly.** Please read the definition in this chapter's lexicon. Many state laws and local ordinances on animal abuse and neglect are written vaguely. Generally, in order to charge and prosecute a person under a law or ordinance, law enforcement officers, prosecutors, and judges want it to contain specific language that applies to the particular circumstance. For example, an ordinance may prohibit harassing animals, but officials may not be willing to prosecute rodeo cowboys for harassing the animals, because the ordinance does not specifically include rodeo animals used in competitive events or entertainment. Or an ordinance may require "adequate" shelter for dogs, but adequate might be interpreted only as adequate to prevent dogs from getting frostbite or freezing to death. Or a law may require shelter for all domestic animals, but a person may have never been arrested or prosecuted for denying shelter to a horse or cow.

Once you have an operational voting bloc organization in a jurisdiction in which prosecutors and judges are elected, there may be opportunities for court precedents. Be alert for strong cases that might fill the bill.

**Caution:** If you push forward on a case and fail, you will have created a new court precedent that unambiguously states that the vague law cannot be applied generously to future similar situations. This *harms* animals, as it puts a definite new ceiling on how law enforcement can interpret the law, closing a door that had at least been cracked slightly, when a slightly different case appears down the road.

**"One person, one vote" and "equal representation"** Because every citizen is not represented equally at all levels of government, and because different states may have different laws on the same subject, the US is a republic rather than a democracy. The Constitution's "Framers" designed a two-chamber Congress to protect smaller states from being completely dominated by laws more favorable to larger states. Thus, sparsely populated Vermont has only one member in the US House of Representatives and two US senators; while huge California has two US senators and 53 members in the House of Representatives. Put another way, each Vermonter has more representation in the US Senate than each Californian does. Yet in the US House of Representatives, each Vermonter and Californian is represented equally.

Nor in presidential elections do we have a "one person/one vote" system. (See "Electoral College" in the lexicon at the beginning of this chapter.)

**The US Census and redistricting** In order to ensure "equal protection," population figures

for each political district are evaluated every 10 years for significant gains or losses. Political district boundaries are modified to reflect such changes. Unfortunately, decisions on how to redraw districts are highly partisan, determined by political appointees. Designated party members try to redraw district boundaries so their party has a majority of registered voters and sympathizers in as many districts as possible. This practice is called “gerrymandering,” and gerrymandered redistricting sometimes is challenged in court (not often enough, in my view).

Example: The 2000 US Census revealed that Connecticut’s population had grown much more slowly than some western states’, and that the city of Las Vegas had grown remarkably. So Connecticut’s Congressional delegation was reduced from six to five, and Nevada’s increased from two to three. Which sitting Congressional representative from Connecticut would be vaporized, and how the boundaries of the five surviving seats would be redrawn, was determined by behind-the-scenes battles and deal-making within and between the hierarchies of the Republican and Democratic parties.

In state legislatures, significant shifts in population require that state senate and state house districts be redrawn. Even when only minor adjustments in boundaries are needed to guarantee “one person/one vote,” state legislatures often use the Census as an excuse to drastically redraw some districts to advance the dominant party.

**Registrars of voters** Your town or county has at least one registrar, an official who registers voters, maintains local voting records, supervises Election Day personnel, and forwards informa-

#### IN PRINT

##### **Legislators Target Voters, Ignore Nonvoters**

We observed that...political parties and campaigns and the news media targeted likely voters, ignoring to a large extent the predictable nonvoters....

In Texas, the headline...story in the *Dallas Morning News* read, “Small Voter Bang for the Electoral Buck Draws Concern.” The bang, the paper noted in its lead, was that the combined turnout for the two statewide elections, the March 10 primary and a runoff earlier that week, was a “pitiful” 1.6 million of the 11.1 million registered voters in the state. “In the wake of 3.3 percent turnout [of registered voters] for the runoff election,” the newspaper reported, Texas Secretary of State Al Gonzales called a news conference “to announce that he was willing to try almost anything to get voters to the polls....”

In Michigan...the Flint City Council primary attracted only 8.5 percent of registered voters....

**Nonvoters may tell pollsters they don’t vote because they don’t like the choice of candidates. What they often mean, we found, is that they don’t connect and aren’t likely to connect enough with any political candidate or party or with the electoral process to become involved....**

—From *NonVoters: America’s No-Shows*, by Jack C. Doppelt and Ellen Shearer, associate professors of journalism, Northwestern University (Sage Publications, 2000). Doppelt is also the author of *Blueprint for a Comprehensive Plan for Increasing Voter Registration in Chicago’s Cook County*.

#### IN PRINT

##### **“Redistricting Helps Two Area Lawmakers”**

The redistricting of two state senate districts approved by the Reapportionment Commission appears to provide a political boost to two longtime incumbents of opposite parties—Democratic Sen. Eileen Daily of the 33rd District and Republican Senator William Aniskovich of the 12th District. The shift of Durham from the 33rd to the 12th District also removes from the district the hometown of one of Daily’s recent Republican challengers...Trading the section of East Haven for Durham and Killinglyworth may provide a political boost for Aniskovich...

—From the *Hartford Courant*.

**FOIA CASE STUDY 1: When the governor's hunting safety task force denied me access to its meetings, I challenged with FOIA and won. The result was a good new law and more...**

When a hunter shot and killed a jogger in Connecticut, the case received enormous media coverage and aroused public concern. The governor responded by appointing a hunting safety task force full of pro-hunting interests and environmental groups closely allied with the hunters. The task force formed subcommittees and began to meet privately. I threatened an FOIA action, and instantly the meetings were opened to the public (but not to public participation).

During a meeting, it became clear to me that the non-hunting task force members didn't know a hunter could hunt legally on someone's else's land without the owner's permission or knowledge—nor did state wildlife agency staff who were present correct their ignorance. I spoke out (and was admonished). But a member then asked the staff if it was true. Staff hemmed and hawed, saying it was a gray area. I said, "That's not true. As recently as a few weeks ago someone called the agency to ask, and was told no permission was required." (This was true.)

**Result:** I succeeded in making this a legislative issue. With the support of a hunter state senator, and a hunter state representative, I won a law requiring a landowner's permission to hunt, one of the few such laws in the US. In spite of all the fanfare surrounding the task force, this law was the only positive result.

**Result:** The state's largest electric utility company, in coordination with the state wildlife agency, had run a vigorous formal, staffed hunting program in its vast forests. When the law passed, it closed its land to hunters to avoid a cumbersome permission process.

**Result:** If we'd been an effective political force, the governor would have appointed unbiased members to the task force, which would have proposed serious, meaningful legislation, which could have passed.

**FOIA CASE STUDY 2: Targeting a public university to help animals used in research and a quasi-public water company to stop hunting in its forests**

A public institution, the University of Connecticut must allow members of the public to address its Board of Trustees. Tipped off about macaque monkeys that the university had held in especially deplorable (although legal) confinement and isolation for many years, I gained permission to address the board, alerted student government (which I also addressed), and alerted media, which provided significant coverage. *[As we go to press, students there have just stopped a research program involving monkeys!]*

**Result:** The researcher found retirement homes for these damaged beings.

Because some water and utility companies may be legally incorporated as "quasi-public agencies" subject to FOIA, they may be easier targets than private corporations. For example, water and utilities in my state coordinate with the state wildlife agency to open vast tracts of their forests to hunting. Through FOIA I was able to address a water company board of directors (all political appointees) and bring in media, and we were able to attend its meetings and gain documents.

**Result:** Because we were not organized, the effort gained nothing but publicity.

**Confusing Terms and Titles**

**"Senator" or "Sen."** can mean a US Senator or a State Senator, depending on the context.

**"Representative" or "Rep."** can mean a State Representative or US Congressman.

**"Assemblyman/woman"** can mean a State Representative.

**"Assembly district"** can mean a state house district.

**"Congress"** can mean the US Senate and US House of Representatives as a joint entity, or only the US House of Representatives, depending on the context.

**"Congressman," "Member of Congress," and "US Representative"** are the same—all refer to lawmakers who serve in the US House of Representatives.

tion to your state's elections agency. The job can be so critical in the arithmetic of elections that some large cities and counties employ both a Democratic and Republican registrar as insurance against ineptitude or improprieties by the other.

All voting records are available to you under FOIA.

**FOIA: Freedom of Information Acts** The federal government and many states have laws that guarantee a citizen's right to access to the workings of the legislative and executive branches of government. FOIAs guarantee the rights to:

- Scrutinize and receive copies of most government documents maintained on government property, including most internal memoranda. They exempt those concerned with personnel matters such as hiring and firing, and real estate transactions.
- Advance public notice of government meetings and their agendas.
- Access to all government meetings, except those that concern some personnel matters, such as hiring and firing and the purchase of real estate.

FOIA provides exceptional opportunities to the political activist. You have access to all voting registration lists, including names, street addresses, dates of birth, and political party affiliation. You can receive documents that reveal exactly how a law or regulation is enforced or not enforced and how public monies are spent. You can attend even small legislative subcommittees. You can attend and speak at public meetings, according to certain procedures, according to the jurisdiction's procedures.

Exploiting FOIA is not a substitute for political organizing and voting blocs. It can, however, be a fabulous component that enhances a political strategy.

**Use FOIA to examine the inner workings of county and municipal animal control departments.** I often get calls from advocates in distress about their local dog pound and animal control departments. Are the dogs getting fed and watered on weekends? Are they getting fed enough? What are the adoption and euthanasia rates? What did they do with those feral cats? Is it true the animal control officer is selling impounded purebreds out the back door, while telling the dogs' guardians that their dogs were never found?

State FOIAs are marvelous for investigating your local pound and animal control programs. Generally, every single paper document (except personnel files) is public information: budgets, invoices for food, veterinary care and euthanasia, disposition of each animal (adoption, euthanasia, redemption by owner), monies taken in, staffing schedules, daily logs kept by animal control officers, etc. If your state's department of agriculture maintains records on the pound, these also are available.

Thus, you can assemble a complete picture of the workings of local animal control. You can note if records are incomplete, in violation of state or local laws. You can note discrepancies. See the Case Study and the Interview with Alley Cat Allies' Becky Robinson on page 262.

An organized local voting bloc can use the problems as an endorsement issue to force change.

**FOIA, import certificates, and puppy mills** When I first became an activist, I discovered that public records, available through FOIA, provide a detailed picture of Connecticut's pet store and puppy mill connection. Laws and regulations of the US Department of Agriculture (and some states) require that any dog or cat transported across state lines to reside there for more than 30 days must be accompanied by an import health certificate filled out by a veterinarian in the state of origin, attesting that the animal appears free of contagious diseases and, if old enough, has an up-to-date rabies inoculation.

The breeder or broker sends multiple copies of this certificate to his state's livestock or agriculture commissioner. This official is supposed to review the certificate for legitimacy, sign off on it, and send a copy to the livestock commissioner of the state of destination. One copy stays with the animal.

⇒ These flimsy pieces of paper are a great source of information. NIFAA can train you how to use them to help the animals.

Now you're ready for the true grit of politics!

### Resources

Your state legislature, county, and city or town hall and their websites.  
Many state legislative websites feature interactive maps for determining your (or a new member's) state senate and state house district.

National League of Cities [www.nlc.org](http://www.nlc.org) [info@nlc.org](mailto:info@nlc.org)  
Phone: (202) 626-3000 Fax: (202) 626-3043

National Association of Counties [www.naco.org](http://www.naco.org)

National Conference of State Legislatures [www.ncsl.org](http://www.ncsl.org)

Ballot Initiative Strategy Center [www.ballot.org](http://www.ballot.org)

Justice at Stake [www.justiceatstake.org](http://www.justiceatstake.org) "...a nationwide, nonpartisan partnership of more than 30 judicial, legal, and citizen organizations....your right to fair and impartial justice is at stake...[because of] the growing impact of money and politics on fair and impartial courts."

*I'm grateful to all these organizations and their staffs for their generous help.*

## PRIMARY ELECTIONS

### can be more important than the general election that follows in November

A primary is an election in which registered voters decide which candidates will vie in a subsequent election. States have their own rules determining the circumstances in which primaries are held and who can vote in them.

In most states, primaries are “party primaries,” in which voters registered with a particular political party select the candidate who will be the party’s official candidate in the general election. If no party member wants to challenge the party’s official choice, no primary election is held. Example: Two Democrats seek the Democratic Party’s nomination for governor. Delegates at the Democratic Party’s state nominating convention elect one, but the loser polls enough delegates’ votes to qualify him for a primary election. So the state holds a primary election, in which he and the convention-endorsed candidate fight to be the Democratic candidate who will face off against the Republican (and other candidates) in November’s general election. No primary election is held if no party member(s) wants to challenge the candidate decided at the party convention, or if no would-be challengers qualify according to the party’s rules.

Some states have “open” primaries or “run-off” primaries, which are open to voters regardless of party affiliation. A voter registered with one party can vote to determine the other party’s endorsed candidate. Some states allow unaffiliated voters to participate.

Some jurisdictions require all candidates to appear on the ballot of a “general primary,” whether or not they are opposed by a member of their party.

For how it’s done in your state, see your state’s elections agency’s website or  
[www.wikipedia.com/primary elections](http://www.wikipedia.com/primary%20elections).

### I Am a Constituent of . . . Fill in the blanks for yourself.

Name and Rank, if any*	Party	District #	Contact info
Mayor _____	_____	_____	_____
City or Town Councilor** _____	_____	_____	_____
County Commissioner** _____	_____	_____	_____
State Senator _____	_____	_____	_____
State Representative _____	_____	_____	_____
Governor _____	_____	_____	_____
US Senator _____	_____	_____	_____
US Senator _____	_____	_____	_____
Member of Congress _____	_____	_____	_____
If your state elects judges _____	_____	_____	_____
and/or district attorneys _____	_____	_____	_____

\*Examples: House Majority Leader; Chair, Senate Agriculture Committee; Chair, County Police Commission

\*\*If your council districts are “at large,” you are a constituent of all council members and vote for several council candidates. In this sense, your US Senators also are “at large.”

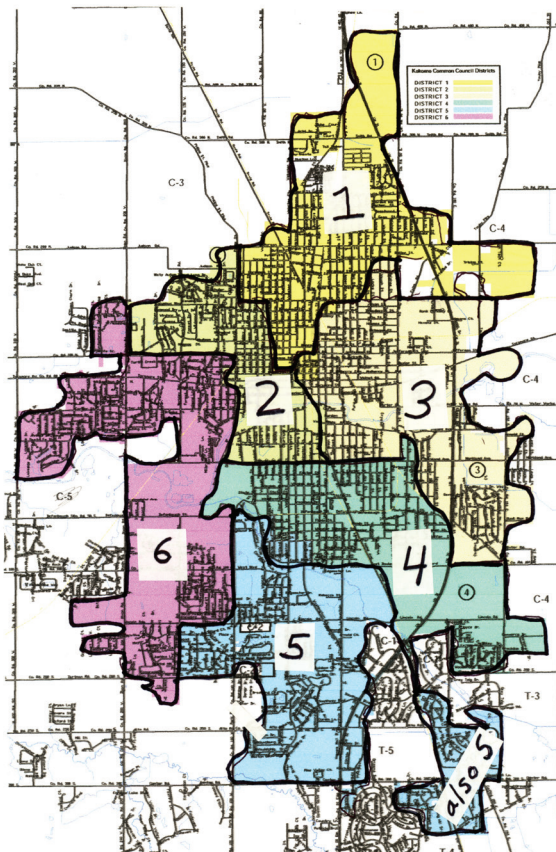
## The Four Levels or Tiers of Government: Examples of Political District Boundaries

These four pages of overview, “snapshot” maps are from the web. Political districts were shown by color, so I drew district boundary lines with a felt pen.

### Municipal Level: Kokomo, Indiana and Los Angeles, California

#### The Kokomo City Council

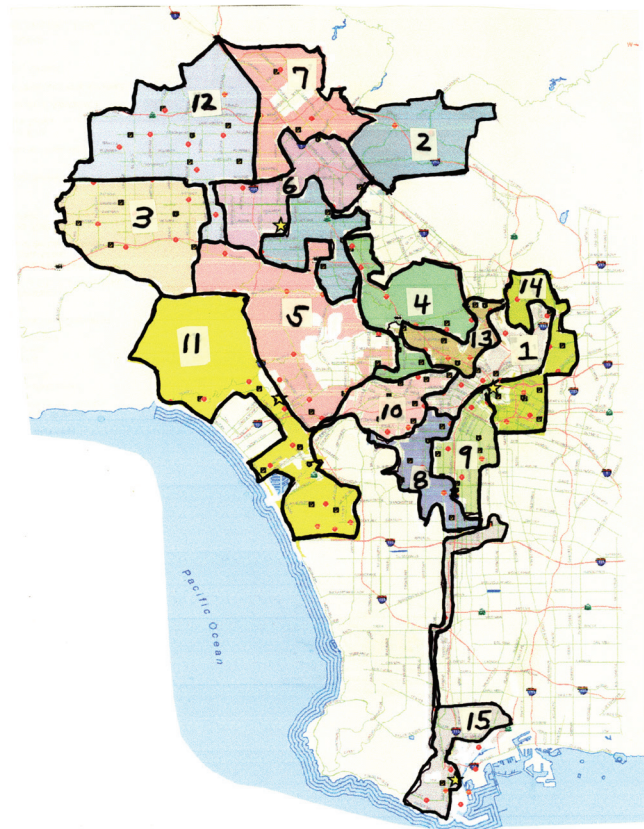
has 8 City Councilors. 6 are elected by district and 2 are elected at-large.



Kokomo and environs

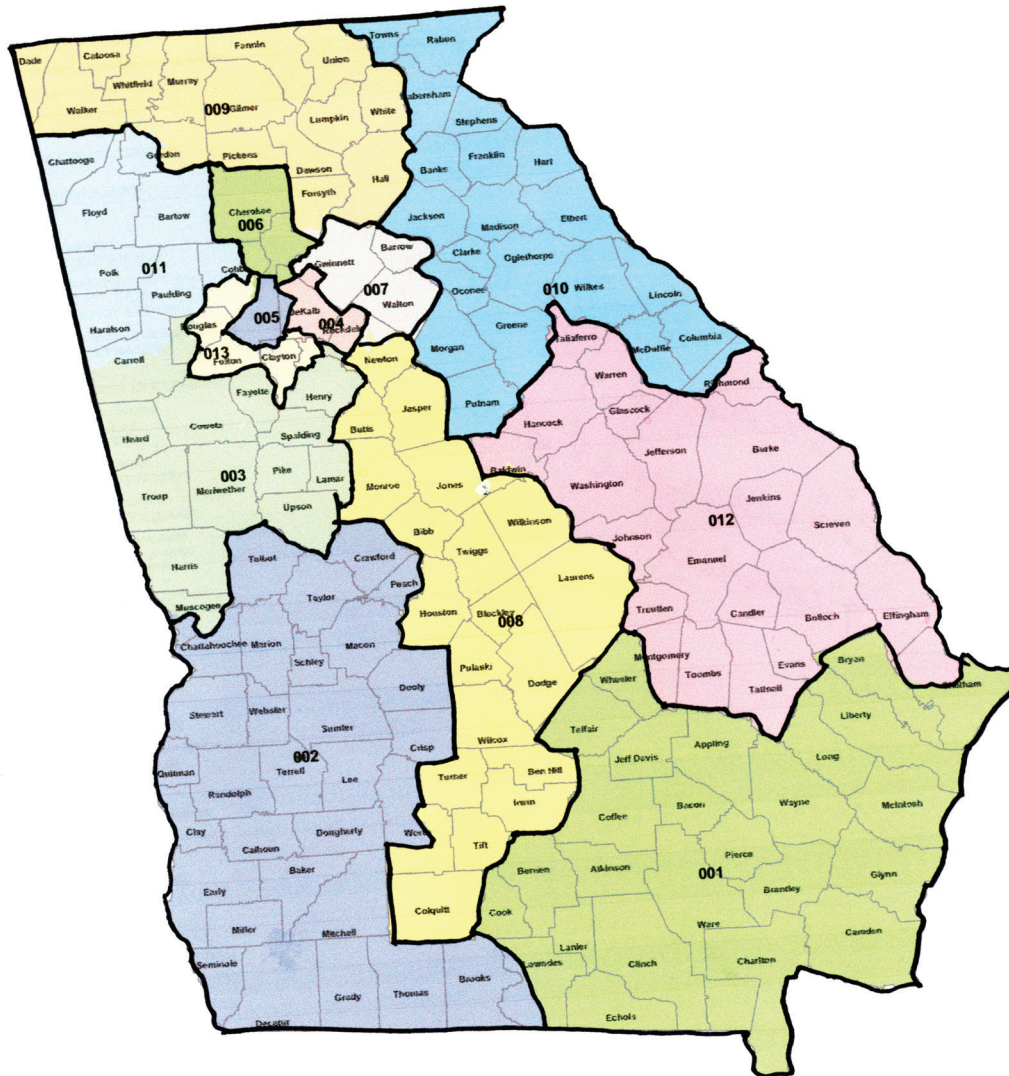
#### The Los Angeles City Council

has 15 City Councilors.



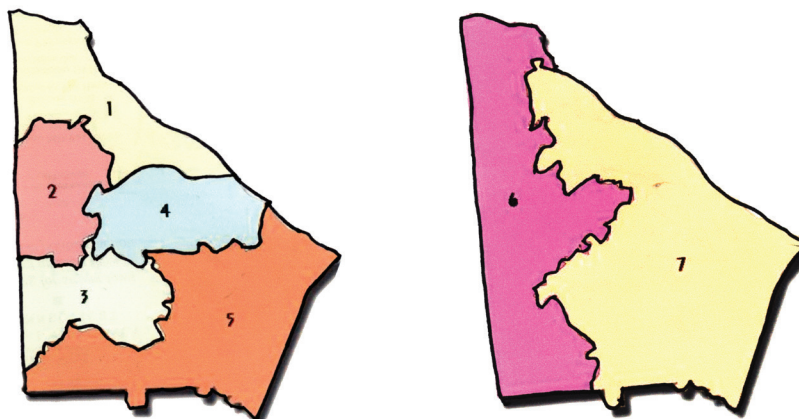
Los Angeles and environs

## Georgia's 13 Congressional Districts and 159 Counties (many more counties than most states)



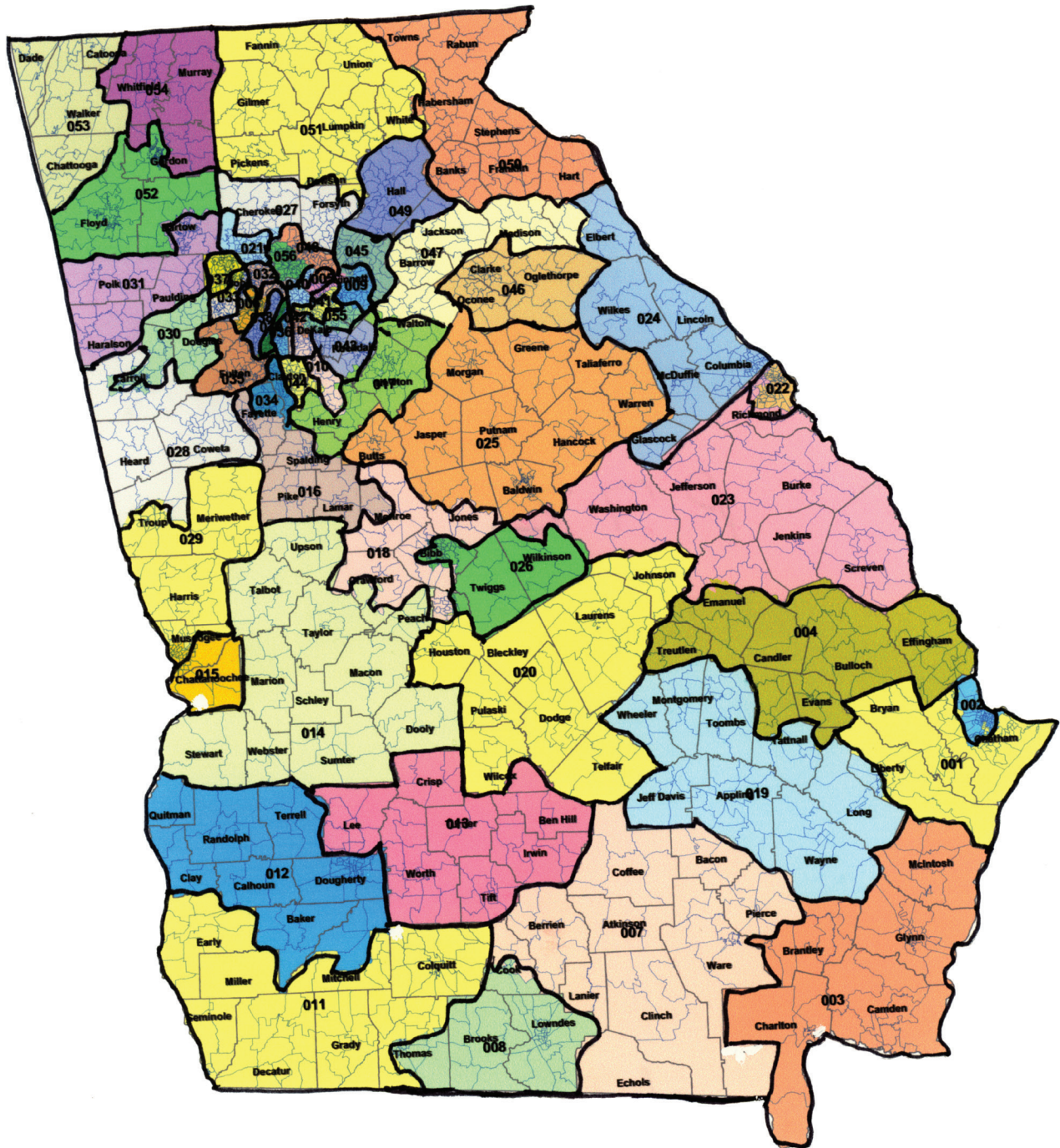
### DeKalb County Commission, DeKalb County, Georgia

The county has 7 County Commissioners. It is divided into 5 districts and two super-districts.

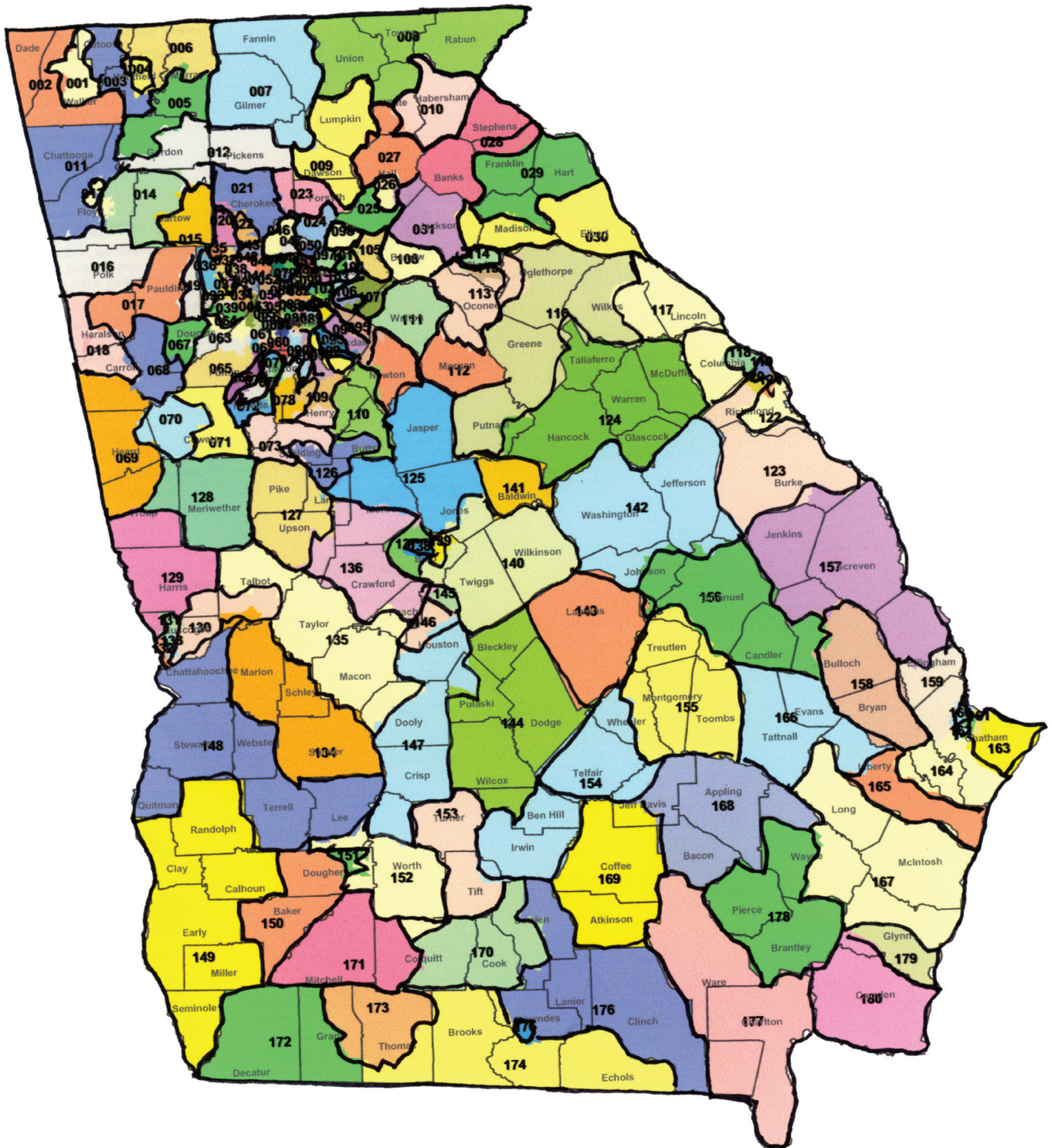


## The Georgia General Assembly

Georgia's state legislature has 56 state senators and 180 state representatives—more than most states do. These two maps show statehouse district boundaries on maps of counties. Note the tangle of tiny districts in the northwest. These cover densely populated Atlanta and environs.

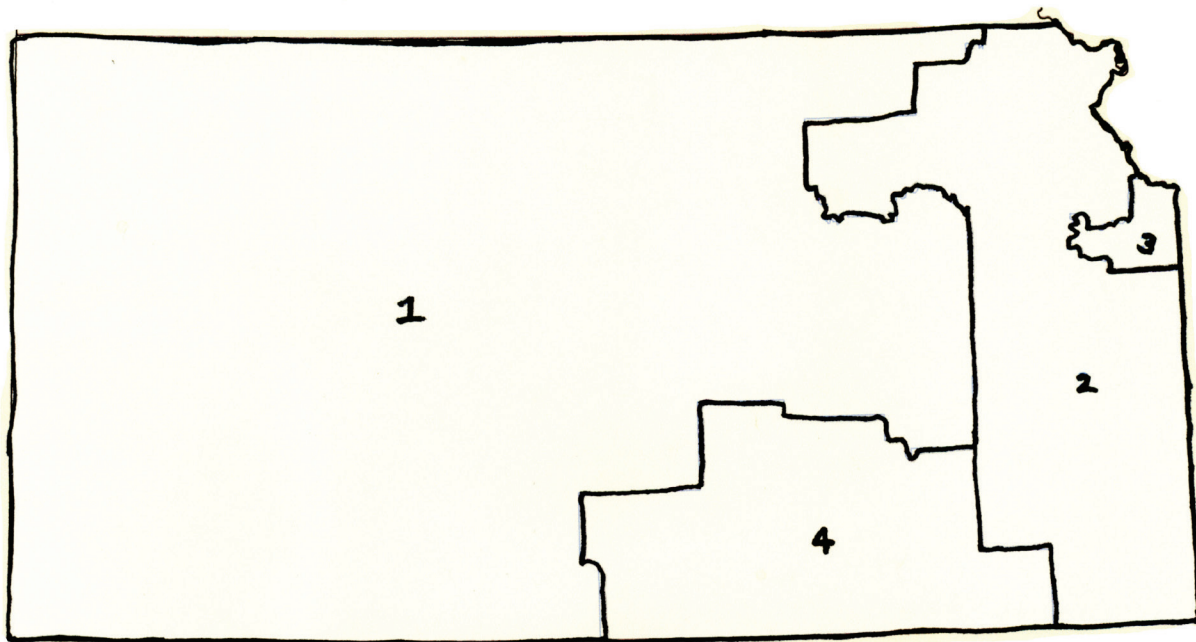


Georgia State Senate Districts

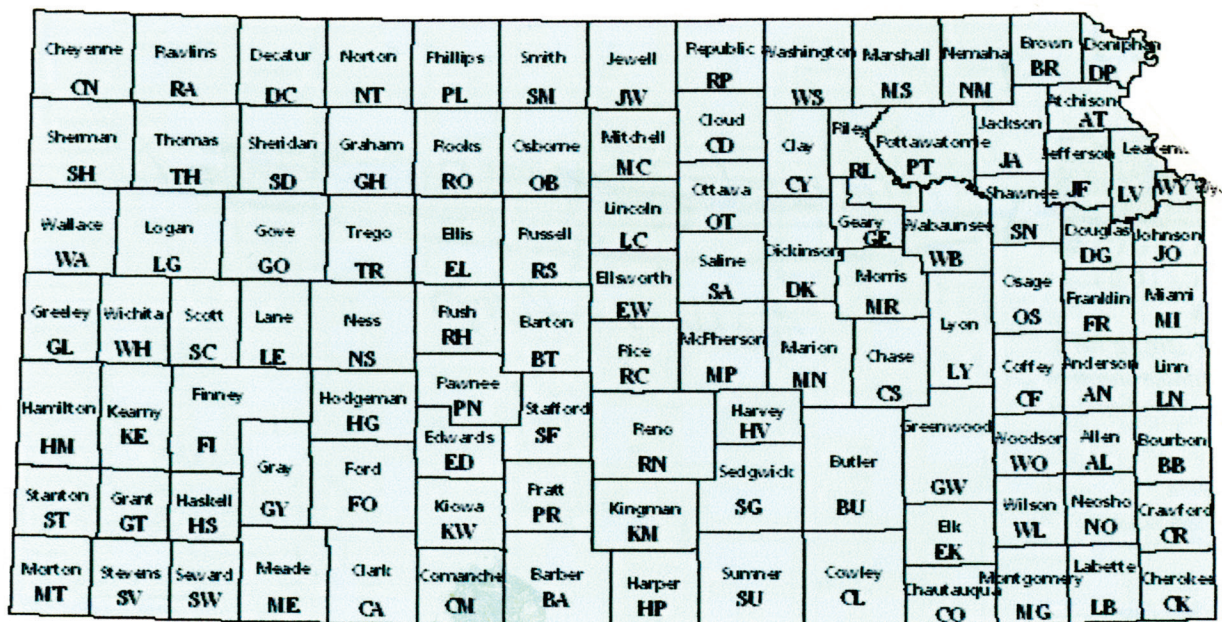


## Georgia State House Districts

## Kansas has 4 Congressional Districts



and 105 counties.



## 4 The Structure of Politics, the Culture of Politics, and the Political Mind

"After taking office when [ex-governor] Rowland resigned amid scandal last summer, [Governor] Rell removed a few of her predecessor's commissioners and prominent loyalists in what was touted as a 'housecleaning' that earned her widespread praise and helped burnish her image as a reformer. But public records abound with examples in which Rell has allowed Rowland's friends and supporters to remain on the state payroll. Some were removed from the governor's suite, but were tucked away outside the public spotlight in other state posts."

—*Legacy of Pals on the Payroll*, Hartford Courant, December 20, 2004

"I'm spending most of my time now on party recruitment, to prepare for the next election."

—*Democratic Rep. Jeff Markley in 2005, when Oregon's House minority leader. Democrats became the majority party with the November 2006 elections, and Markley became Speaker of the House.*

"Animal activists always wanted me to stick my neck out for them, and I did. My dog even got hurt as retribution. But when election time came, they were never around."

—*Amelia P. Mustone, former Connecticut state senator, deputy senate majority leader*

"There's a certain kind of history that's made in out-of-the-way places....No grand political gestures, or even memorable battles, unfold here. It's the terrain, rather, of squalid little deals, nasty skirmishes, and forgotten massacres—where the reverberations of great events wreak distant havoc on singular, unchronicled lives."

—*Adam Goodheart, New York Times Book Review, October 19, 2006*

### Political Culture Axioms

*Politics is about control: Control of the voting dynamics of the district and control of an issue in the lawmaking body.*

*During the lawmaking process, high-ranking lawmakers and political party officials wield power over lawmakers of their own party.*

*Loyalty within the political party is a premier "ethic." Party officials and lawmakers of higher rank reward loyal lawmakers of their party and punish disloyal lawmakers of their party.*

*Politics and lawmaking are highly hierarchical. Politicians, including lawmakers, defer to rank within the structure of their political party.*

*In voting on controversial legislation, lawmakers defer to the wishes of their party leadership, unless a voting bloc in their district won't let them.*

*Lawmakers aspire to rise from one level of government to another and sometimes from one branch of government to another. Lawmakers know that their colleagues have the same ambitions.*

*Lawmakers and party officials enjoy doing legislative and other favors for other lawmakers and political stalwarts, and they expect favors in return. "One hand washes the other."*

*Lawmakers enjoy wielding their power by doing favors for local party leaders and constituents who can do something for them, such as delivering campaign donations or votes or boosting their stature in the community.*

*Penetration of political parties on the local level may be easy. Party leaders are often looking for people to join their party town committee or to serve as delegates to a local nominating convention.*

## STRUCTURE OF POLITICS LEXICON

**Majority party** In a lawmaking body, the political party that occupies the most seats.

**Minority party** In a lawmaking body, a political party that does not occupy the most seats.

**Leadership** Lawmakers elected as the leaders of the lawmaking body, usually by lawmakers of their own political party. Most bodies have majority leadership and minority leadership.

—**Statehouse examples:** In a state house with a Democratic majority, Democratic state senators elect one of their own (one of their “party caucus”) as the senate president and another as senate majority leader. The two posts comprise the top state senate majority leadership. In the same state senate, the Republicans elect their senate minority leader and their assistant minority leader (or senate minority president and senate minority leader). Equivalent party elections take place in the state house. Each chamber’s Democratic majority leadership appoints other Democratic lawmakers as the chairs of that chamber’s legislative committees and appoints the other Democratic lawmakers who sit on these committees. The Republican minority leadership of each chamber appoints the Republican lawmakers who sit on that chamber’s committees.

—**Town, city, and county examples:** In municipal and county councils that use party labels, councilors of the majority party elect their majority leader, and councilors of the other party(ies) elect their minority leader(s).

Leadership elections within the building take place immediately after a general election, because ordinarily the public will not have re-elected all incumbent lawmakers. In statehouses and Congress, new or re-elected party leadership then appoints committee chairs and committee members. When a committee chair has been re-elected, leadership often re-appoints him or her as chair. The same is often true regarding other committee appointments.

**Rank-and-file lawmakers** Those who do not hold leadership positions within the lawmaking body.

For the vast majority of people, the political machinery of government is invisible. Yet political party organizations have awesome influence in the lawmaking arena. Party “regulars” often influence their lawmakers’ votes on proposed legislation. They are the “political machine” that campaigns and directs resources to re-elect their lawmakers; if discontent, they may dump a lawmaker and pick another candidate.

Political party organizations respect voting blocs as lawmakers do, because party organizations want their candidates to be elected.

Political party officials, especially chairpersons and treasurers, are behind-the-scenes power brokers at every level of government. Party political committees promote their own party, strategize to keep their incumbent lawmakers in office, defeat incumbents of other parties, search for good candidates, groom them, raise money for political campaigns, register new voters, and help get their voters to the polls on Election Days.

The structure of politics mirrors the four levels of government. And the structure of lawmaking bodies meshes with the structure of politics. Unlike the parliamentary democracies in many parts of the world, where multiple political parties can have leading roles, ours is a two-party system: Republican and Democrat. As a result, many groups whose political philosophies are less mainstream, differing significantly from the center of either of the two major parties, choose to function as a wing of one of these parties. Otherwise, lawmakers they elected would be ostracized from the Republican or Democratic caucus and would be nearly powerless. (Please see “legislative party caucuses” below.)

**The structure of politics is the structure of the major political parties. They are organized as follows:**

Democratic National Committee  
Republican National Committee

Democratic State Central Committees  
Republican State Central Committees

-----  
Democratic County Committees  
Republican County Committees

-----  
Democratic City/Town Committees  
Republican City/Town Committees

-----  
The Green and Libertarian parties have similar structures.

A member of a party's national committee is a Democratic or Republican "national committeeman/woman." A member of a party's state central committee is a Democratic or Republican "state committeeman/woman." A member of a party's town committee is a Democratic or Republican "town committeeman/woman."

In many states, counties and towns prohibit political party labels (or at least, the two major party labels), ostensibly to encourage voters to choose a candidate on the merits. In most cases, however, the Democratic and Republican parties in these communities still play the major role in choosing candidates for elective office. They still have a town and/or county party committee that meets regularly, and the committee still decides which local candidates it will back and help get elected. Often the significant difference between jurisdictions that do and don't use party labels is how candidates' names appear on the ballot on Election Day: voters still know which candidates were selected by which party. When it comes to candidates for the statehouse, the major parties' candidates appear on the ballot with their party's label, and the parties' political committees can be explicit about whom they endorse.

Local political committees seek out and groom candidates for election to their town and county councils and to the state senate and house districts that fall within or overlap them. (See examples of overlapping districts in Chapter 3.) People with political aspirations ask for the party's nomination.

**A pro-active chair of a city or town committee is a power broker.** Committee members with strong ties to wealthy business interests or organized voting blocs are powerful as well.

On one of my first visits to my state capitol, I learned the influence of town committees on lawmakers. I asked a Democratic state senator to support a ban on leghold traps. She had been opposed by the hunters' political organization, and I considered her an easy mark. But she said, "Let me talk to my people." "Her people" were the ranking members of the Democratic town committees in her state senate district, people whose enthusiastic support she would need for rallying the troops and campaign fundraising when she ran for re-election a year and a half away. She never gave me an answer, although I sure bothered her for one. Needless to say, animal advocates were not politically organized in her district, although the issue of banning leghold traps would have had overwhelming constituent support there.

**National political committees** The Republican national committeemen/committeewomen and Democratic national committeemen/committeewomen are elected by delegates from the state political committees. If officers and other members of town, city, and county political com-

## IN PRINT

### Why Mobilizing Voters Matters

The sleepy quality of many state and local elections often conceals what is at stake politically. Take, for example, the 1998 Kansas State Board of Education elections that created a six-to-four conservative majority. This election featured a well-organized campaign that used personal contact with voters to mobilize hundreds of churchgoers in low-turnout Republican primaries.

This victory at the polls culminated a year later in a dramatic change in policy. In August 1999, the Kansas State Board of Education voted six to four to drop evolution from science education standards, letting localities decide whether to teach creationism in addition to or instead of evolution....But what occurred in Kansas is a story not only about clashing ideologies, but also about how campaigns work to get voters to the polls. Very few Kansans changed their mind about the merits of evolution and creationism over the course of the election campaign. What changed was who showed up to vote.

—From *Get Out the Vote! How to Increase Voter Turnout* (Brookings Institution Press, Washington, DC, 2004) by Donald P. Green and Alan S. Gerber, professors of political science Yale University.

### CASE STUDY: The voting bloc system trumps political hierarchy and loyalty

Republican state senate leadership in my state takes a strong stand against proposed increases in salaries or benefits for state civil service workers. One Republican senator's district includes several state prisons, and the state correctional officers there are organized politically and have a savvy lobbyist.

**Result:** This senator always votes for the state union contracts supported by the correctional officers' union. His party leadership does not punish him by quashing his bills or removing him from his desirable position as minority Senate Whip on the powerful Judiciary Committee. Why? Because his leadership knows that if he votes against the contracts, a Democrat could be elected to the senate seat, which would weaken the Republican caucus's impact on much other legislation.

## IN PRINT

### Howard Dean's Plan to Rebuild the Democratic Party: Start on the Ground

Then Dean wanted to know how many organizers the state party now had on the ground....The DNC [Democratic National Committee] created [the jobs] last year as part of Dean's signature program, known as the 50-state strategy. Under this program, the national party is paying for hundreds of new organizers and press aides for the state parties....The idea is to hire mostly young, ambitious activists who will go out and build county and precinct organizations to rival Republican machines in every state in the country....The DNC recently elected Dean as DNC Chair, after Democrats continued to lose the presidential and Congressional elections....

Even some Democrats who support Dean's larger vision have doubts about whether he has built enough accountability into this model....Republicans, as I saw firsthand in Ohio during the 2004 campaign, demand certain metrics of their local organizers. Field workers are expected to sign up so many new voters, or knock on so many doors, by a given date, and people who don't meet their quotas and deadlines can find themselves replaced—even if they're volunteers....

"I think politicians are incredibly risk-averse, especially legislating politicians," Dean said. "This is like deciding to go to a psychiatrist—the risk of staying the same has to be greater than the risk of changing.... The risk of doing nothing, the same old thing, is enormous. The risk of trying something new is much smaller."

—From *"The Inside Agitator,"* by Matt Bai, *New York Times Sunday Magazine*, October 1, 2006. Julie's comment: Read this, mentally replacing "states" with council districts (if county, city, or town voting bloc) or statehouse districts (if state voting bloc).

mittees are power brokers, you can imagine the power wielded by officers and other members of “National” and “State Central.”

**State central committees** According to a formula stated in each party’s by-laws, town, city, and county committees are allowed a certain number of seats on “State Central” and are elected to it through a delegate system. Officers include the chairman, treasurer, and campaign director of the state party, who are elected by State Central. You can imagine the backroom politics and deals among factions and individual players within the party to determine who wins these positions.

**Town, city, and county political committees** Just about every municipality and county has a Democratic and Republican political committee. A person on the committee must be registered to vote with the party and a resident of the jurisdiction. Some committees have more seats than people who are willing to sit on them. In others, the reverse is true. These committees hold “caucus” elections that, although ignored by an apolitical public, may be as contentious and hard fought as elections for public office. Frequently intra-party elections are held in late winter or early spring, before the campaign season. All voters who are registered with a party can vote in their own party’s elections, but voter turnout is extremely low. Caucus elections may be held in a school or community room, with a voting booth or a show of hands, as determined by the party’s by-laws.

It’s often easy to get a seat on a local political party committee. Politicos are often looking for people to join the party town or county committee. Where membership is competitive, the best ways to gain admission are to volunteer in political municipal and county campaigns, and to ingratiate yourself with a sitting committee member who will “mentor” you.

☞☞☞ Lazy town committees leave a political vacuum for politically organized groups. In such situations, it’s not uncommon for a voting bloc organization to in effect take over the town committee’s function by fielding its own candidates and running their political campaigns.

**The structure of politics inside the statehouse and town, city, and county hall** Lawmaking bodies are structured according to political party. The political party that has elected the greatest number of lawmakers is the “majority party.” The party that holds the fewest seats is the “minority party.” In statehouses, often one party is the majority party in one chamber and the minority party in the other chamber. Voters may also elect a governor from one party, but elect enough state senators and state representatives of the other major party to give it the majority. The same asymmetries occur in federal government in Washington, DC. In November 2006, voters in only 15 states elected one-party statehouse government.

**Legislative party “caucuses”** All lawmakers of the same party are that party’s caucus, for examples, the Democratic state senate caucus and the city council Republican caucus. Party caucuses meet separately in the statehouse and town, city, and county hall—always behind closed doors. Under the caucus leadership’s direction, each party caucus meets to discuss and debate which pieces of pending legislation it will treat as caucus issues, the positions the caucus will take on them, and the strategies the caucus will pursue to advance its agenda. A lawmaker who wants to buck his caucus on a piece of legislation is strong-armed by his party’s leadership to change his mind. Although caucuses meet in “the building,” they are not subject to open government and freedom of information laws.

A lawmaker elected as the Green, Libertarian, or other party candidate would be shut out of both the Republican and Democratic caucuses, unless she pretty much pledged to side with one party over the other. In the statehouse and Congress, right after Election Day majority and minority leadership in both chambers make appointments to their portion of seats on each legislative committee (the majority party gets to appoint committee chairmanships, too). Neither party would want to fill any of its slots with a truly independent lawmaker. The lawmaker would find herself by default in the least powerful and desirable committees—perhaps those that deal with student interns and the statehouse cafeteria.

**Party caucuses and animal legislation** Caucus discipline can have enormous implications for legislation. Here again the existence of voting blocs for animals is critical. Is your bill or proposed ordinance (or one you strongly condemn) so politically prickly that one or both parties decide to caucus on it? Or is leadership of one or both parties allowing rank-and-file lawmakers of its own party to vote for or against the legislation, with no fear of leadership's retribution?

When parties caucus on a piece of legislation of concern to one or more voting blocs (imagine a hunters' political organization versus an animal rights political organization), lawmakers who represent districts that a voting bloc has locked up complain to their colleagues that they *must* vote one way and *cannot* vote the other way, without risking defeat next Election Day. If the caucus decides to take the other position, the lawmaker still votes with the voting bloc.

☞☞☞In fact, in such situations, leadership likely will release the lawmaker to "vote his district." But if the voting bloc had not organized the lawmaker's district, had not endorsed a candidate for that district, the lawmaker would have voted with his caucus.

Imagine: The majority party caucus—in your town, city, county, statehouse, or state legislative committee—supports your proposal, and the minority party caucus opposes it. But the majority party has only a few more seats than the minority party...and, alas, you expect majority party leadership to release several majority lawmakers to vote their district *against* you and their caucus. You won't win unless you're organized in some minority lawmakers' districts...so minority leadership springs these lawmakers for you. It's that same old electoral arithmetic.

**"All politics is local:" The top dogs of the lawmaking body—lawmakers designated as "leadership"—will support your issue if you've organized voters in their districts into a voting bloc.** The mayor, the county council president, the state senate president, the speaker of the state house of representatives, the state senator and the state representative who chair legislative committees that deal with animal-related legislation, and the member of Congress who chairs a Congressional committee that deals with animal legislation—are all lawmakers who are ranked as leadership within the lawmaking body. Just like lawmakers of lesser rank, to be re-elected they must win a majority of votes cast on Election Day in their own district or jurisdiction.

☞☞☞Leadership often determines whether your bill or proposed ordinance is brought to a vote or dies from lack of action. The leader may decide to order rank-and-file lawmakers of his party caucus to vote against you. To please a voting bloc, such a lawmaker may not only support your position, but also give marching orders to lawmakers in his caucus to vote your way. Voting blocs know how especially important members of leadership are, and hold them proportionally accountable by building a grassroots base of voters in their districts.

☞☞☞ These facts have implications for the political strategies of animal activists. Like other voting blocs, yours will need a strong political base in districts held by key legislators, and will recruit members in their districts to get it.

During your learning phase (see Chapter 6, on lawmaking), while you're observing how various proposals progress or are sabotaged during the lawmaking process, you'll notice something striking when your town, city, or county council or state's legislative committees vote on controversial items. The leadership votes first, saying "aye" or "nay." Rank-and-file lawmakers often echo the vote of their own party leadership.

Thus, the political culture of hierarchy and loyalty is a serious factor your lobbying strategy must reckon with. If you can win the support of the leadership of the majority party, you're in good shape. If the leadership doesn't want your issue, it's unlikely to go far, because leadership of the majority party controls what proposed legislation gets to a formal vote. *But a politically organized constituency in the political district of the leader can reverse this.* Many of our issues have bipartisan support among voters and potential voters, and every lawmaker knows that. If you have the active support of leadership of both parties, you're in great shape!

**Rewards and punishments in the legislative branch** Legislative leaders often reward lower-ranking legislators of their party who are loyal to them, and punish those who aren't. (For a full discussion of rewards and punishments, see Chapter 6, on lawmaking.) For example, chairpersons of legislative committees who stymie or move legislation forward against the wishes of the house speaker or senate president who appointed them risk being stripped of their chairmanship, having their own priority bills go up in smoke, or having a state subsidy for a project in their districts dropped from the state budget. These punishments play very badly in the lawmakers' districts come re-election time, as local power structures want lawmakers who can "deliver" for the district.

☞ **The voting bloc neutralizes this dynamic**, which is in play only when constituents who care about the issue are not informed about what's going on and are not recognized as a political voting bloc. Leadership is not apt to punish an errant lawmaker who has to contend with a powerful politically organized minority in his or her district.

**Patronage and nepotism** High-ranking lawmakers often reward party loyalists who played central roles in their election campaign by providing them with government jobs that are not subject to civil service rules. These are understood to be patronage slots—among the spoils of winning the election. For presidents and governors, they include agency commissioners and deputy commissioners, along with some less conspicuous slots. The chief executive also has funds to play with to create patronage jobs in the agencies and his office. The higher the level of government, the more and higher-paying jobs he can bestow. Such job creation is easier to hide at the national and state level than in counties and towns. (I just read in the *New York Times* that former New York governor Mario Cuomo's son Andrew was his patronage director. In November 2006 Andrew was elected New York's attorney general.) In states that don't elect judges, the chief executive may reward loyalists with judgeships, subject to confirmation by the legislative branch.

Even a low-paying position, such as animal control officer, can be a patronage job. In a case I'm familiar with, rescue advocates tried to oust their town's animal control officer for alleged

abuses and callousness. He'd been president of the state's sports trapping association! They failed. It seemed the mayor had appointed him as political payback to one of the man's relatives. If the rescue group had been politically organized, it's likely the mayor would not have appointed anyone to the position without running it by the group first. Nepotism is the awarding of government jobs to one's own relatives or in-laws.

**Constituent service** Popular lawmakers tend scrupulously to constituents' requests for help on various matters, such as a problem with a government agency (perhaps an agency buried a constituent's application for a state license of some sort). Having a reputation for constituent service is politically valuable. When an incumbent fails to win re-election, it's common to hear that he didn't attend enough to constituent service.

**Often a lawmaker will introduce a bill or proposed ordinance for a constituent.** This is another form of constituent service, although rarely does the lawmaker intend to expend time or political capital on the proposal, and the proposal will therefore die unceremoniously from lack of action. When a voting bloc makes the same request, it's another matter entirely.

Now you're ready for the true grit of lawmaking: electoral arithmetic and political campaigns.

#### INTERVIEW

##### **Animal Cruelty Prosecutor Robert Ferber: Voting Blocs Are Key to Enforcement**

Los Angeles probably has some of the best animal care ordinances in the country. But like many places, we have an enforcement problem. I run what may be the only separate prosecutorial unit in the US dedicated to enforcing animal protection laws and ordinances, but I need animal control officers to bring me cases of abuse so I can prosecute the offenders. One could sometimes say that no enforcement system exists here at all.

Understanding the chain of command is key to getting strong enforcement. It's amazing to me that very few activists in Los Angeles understand the chain of command in government, or even know that a chain of accountability exists. For example, I gave a talk at the UCLA School of Law entitled "The Virtual Decriminalization of Animal Cruelty," a phrase that referred to a system-wide failure to enforce animal protection laws. In discussion afterward, animal control was repeatedly criticized for routinely failing to act in situations when there's a legal basis to do so. But nobody mentioned the police chief or mayor or city council. Follow the chain of command high enough, and you'll find an elected official or officials.

Enforcement could easily be made an election issue. A mayor and each city councilor must be shown that their failure to require the police department and animal control to consistently do their duty toward animals will have consequences on Election Day—that the political organization for animals will endorse its opponents and will deliver votes to its endorsed candidates, possibly removing the mayor and councilors from office.

Laws and ordinances are products of a highly politicized process. Being part of government, I see this daily. Advocates could win strong ordinances, but this also requires political mobilization and endorsing candidates.

Los Angeles has so many energetic animal activists, and so many more people who would be motivated to vote for mayoral and city council candidates who had been endorsed by a local political organization for animals. Endorsements could bring so many voters to the polls who ordinarily sit out local elections. The city has an animal regulation commission that meets bi-weekly in City Hall. Meetings are well attended, and sometimes volatile. But in spite of all the energy expended, much of it directed at the city council, it's ineffective. The progress for animals that has been made more often comes about through a few activists who don't attend those meetings frequently, but who lobby individual city councilors behind the scenes.

Animal welfare in Los Angeles is potentially a very strong political movement that, with the right direction and guidance, could be a powerful and respected force to effect major change.

**Robert Ferber is a deputy city attorney and heads Los Angeles's Animal Protection Unit.**

## 5 50% + 1: The Dynamics and Mechanics of Political Campaigns, and the Role of Voting Blocs

"In the 2002 election in our state, one state representative was re-elected by 10 votes, another lost by five votes, and another by one. In 2004, several career state senators were ousted by very narrow margins. In all of these races, endorsements by issue groups that were organized into voting blocs delivered the decisive margin of votes."

—Tom Swan, executive director and chief lobbyist, Connecticut Citizen Action Group. As Ned Lamont's campaign manager in 2006, he turned the battle for the US Senate between Lamont and incumbent Joe Lieberman into the most closely watched race in the nation.

"I could get anyone elected to town government, without money or staff."

—Anonymous executive director of an association of municipalities; former lawmaker

"The presence of a voting bloc in the jurisdiction guarantees that its issues will factor significantly in political campaigns there, whether or not they attract media notice or mention in campaign literature."

—Shawn Matteson, international staff, political department, Political Action Committee, UniteHere labor union; former independent campaign consultant and strategist

"Legislators know that animals have strong bipartisan appeal among voters. But animal activist groups segregate themselves from politics. It doesn't make sense. They could be so powerful."

—State legislative leader

"There's no question that local elections can be much influenced by a determined, well-organized small group of people."

—Charles Wilson, former top aide to a Pennsylvania state senator for 20 years, Harrisburg school board member (elected), Harrisburg Democratic town committeeman, and Pennsylvania Democratic state committeeman

"I'd walk over my own grandmother to re-elect Richard Nixon."

—Attributed to Charles W. Colson, chief counsel to President Richard Nixon (1969–73)

"All political campaigns are a battle between hope and fear."

—Political adage

### **Refreshers**

*Politically organized minorities drive laws and public policies on their issue, because every lawmaker knows that a politically organized minority (voting bloc) can swing elections.*

*A lawmaker's next political campaign begins the morning after Election Day. Indeed, the potential impact on his next re-election bid is the first thing he considers before voting on proposed legislation.*

*The lawmaker's primary concern is to get re-elected. To get re-elected a lawmaker must win a majority of votes cast on Election Day. If your lobbying strategy is not based on these facts, you don't have a lobbying strategy.*

*When deciding how to vote on legislation, lawmakers don't think about the public generally. They don't think about their constituents generally. They think only about those constituents who actually vote on Election Day.*

### **Political Campaign Axioms**

*Voting blocs and political campaigns share the same tools and way of thinking.*

*If you ask a lawmaker to cast a vote that might alienate some constituent voters, she expects you to be able to get "your people" to the polls on Election Day to protect her.*

*Saying "lawmakers don't care about animals" is beside the point. They care if politically organized voters in their district care. Voting blocs transform lawmakers into strenuous advocates for their cause.*

*Neither general public approval nor media support is enough to elect a candidate. A candidate needs the support of organized voting blocs, a campaign strategy, volunteer or paid workers to phone-bank the district to identify favorable voters and register new ones, and a strong GOTV (Get Out the Vote) effort before and on Election Day. Voting blocs do their own GOTVs for their endorsed candidates.*

*Nothing is casual or accidental about any aspect of a serious, well-run political campaign. Every move is a carefully calculated, strategic decision.*

*Campaigns are labor-intensive and rely heavily on volunteers. Volunteers from your issue group can help elect your candidates and defeat the candidates you oppose.*

*Incumbents who have supported a controversial bill or ordinance—putting themselves at some political risk—expect the interest group to volunteer in their next election bid, at their campaign office or through the organized voting bloc they're part of.*

*The lawmaker's campaign for re-election begins the day after he's just been elected.*

*Your voting bloc will develop the voting habit in caring people, who will look forward to its endorsements.*

**CAMPAIGN LEXICON** *Knowing insider terms can raise your status with lawmakers and other candidates you volunteer for and endorse.*

**Constituent** A person who resides in the political district of an elected official. The former is the latter's constituent.

**Political district** The exact geographic boundaries within which all residing US citizens have the right to vote for a candidate to represent them in the lawmaking body of that jurisdiction (Congress, statehouse, county, city or town council). Every citizen is a constituent of the various lawmakers who represent him at every level of government.

**Precinct/ward/electoral district** Subdivisions of political districts that often correspond to voting locations in the district and to political party structure. Example: Each party may designate a "ward captain" for each district subdivision to organize voters there.

**Name recognition** Familiarity of a candidate's name to voters in the district or jurisdiction.

**Incumbent** Elected official currently in office.

**Challenge candidate** A candidate for elective office who is running against an incumbent.

**Open seat** A political office to which the incumbent is not seeking re-election.

**Uncontested election** An election with only one candidate.

**Contested election** A close election in which the apparent loser challenges the apparent winner in court to force a recount of the votes.

**Vote recount/automatic vote recount** When the difference between the vote totals for the apparent winner and apparent loser is slight (usually .5 or 1 percent of votes cast), laws in many jurisdictions require election officials to recount all ballots. Some states' laws allow a candidate to request a recount when the margin is less than a certain percent of votes cast. Vote recounts usually differ from the original figures to some degree; it is not unusual for recounts to change the outcome of tight elections.

**Slate of candidates** All the candidates of the same political party who are on the ballot for different elective offices.

**Nominating petition** Formal government petition that a district's registered voters may sign to enable a candidate who is not endorsed by a political party to appear on the ballot. Also see "Petitioning/Independent candidate" in Chapter 2 Lexicon.

**Interest group/grassroots interest group** A loose entity with common goals for laws and public policies that is politically organized around an interest or issue. Examples are business and trade groups (pet industry, farm bureaus, oil companies) and grassroots groups (hunters, Christian Coalition, seniors, gay rights advocates, and labor unions).

**Endorsement** A political organization's official backing of a candidate instructing its members in the district to vote for that candidate.

To understand how lawmakers think and vote on proposed legislation, you must understand political campaigns. Campaigns are strategy constructs—trajectories whose end point is victory at the polls. The influence of organized voting blocs on campaigns and candidates is huge, and makes itself felt well before Election Day. Your voting bloc will develop the voting habit among animal advocates, who will come to look forward to your endorsement choices.

Volunteering in political campaigns is an invaluable experience. No other effort will better help you understand the arithmetic of elections, the potential of a voting bloc for animals to exploit it, and how it relates to lawmaking—in short, why and how to launch a voting bloc and become a power player for animals.

Critically important, volunteering will school you on how to use your voting bloc to elect your endorsed candidates. Routinely, issue organizations run their own “phone banks” for their endorsed candidates. Before Election Day, member volunteers make calls to the group’s membership list. Folks agree eagerly to volunteer for an exciting, intense—and finite—short-term task infused with electric energy and group solidarity, toward a heartfelt goal. Find your voting bloc’s campaign schedule in Chapter 10.

Think about it: If just before a local election, you get a phone call from another animal advocate telling you a specific candidate has won her animal group’s endorsement, and urging you to vote for the candidate.... Wouldn’t it influence your voting choice, and thrill you too?

Phone-banking is the most time- and cost-effective method of electing your voting bloc’s endorsed candidates. A reliable pool of good phone bankers who know and care about animals is a highly valuable resource indeed.

An incumbent lawmaker who sees a benefit in a voting bloc’s endorsement in an election will vote for the bloc’s legislative agenda, so he can win its re-endorsement in the next election. An opposition candidate may strenuously attempt to woo a constituent-rich voting bloc away from an incumbent, with promises to support an even stronger legislative agenda. Incumbent and challenge candidate alike may welcome new, untapped affinity groups, organized or not, as long as they can avoid alienating core supporters by doing so. In an election for an “open seat” (one to which the incumbent is not seeking re-election), all candidates determine which voting blocs they can safely pursue.

Keep in mind lawmaker psychology. Lawmakers are extreme worriers. An incumbent may think his last election was close when he won 60 percent of votes cast. He knows that the more overwhelming his victory, the less likely the opposition political party(ies) will snag a high-quality challenge candidate, a bounty of rah-rah campaign volunteers, or a campaign war chest overflowing with donations. In fact, the lawmaker wants a winning margin so impressive that no one will challenge him next Election Day, making for an “uncontested” election. Campaigning is hard work and elections are dangerous. Running uncontested is the lawmaker’s dream.

All this means that lawmakers hate controversy and may suffer indigestion or worse when forced to vote on controversial legislation. They prefer that voters in their district stay sleepy, barely noticing what actions they are taking and votes on legislation they are casting. In contrast, the challenge candidate *creates* controversy to get noticed, zeroing in on specific votes

the incumbent cast that he feels he can get electoral mileage out of. Voting blocs do not allow lawmakers to avoid controversy, because they demand their support for strong legislation.

☞☞☞For us, this means that all candidates sit up and take notice when an interest group

**Scorecard issue** A bill or proposed ordinance of high priority to a voting bloc. A lawmaker's vote on the proposal factors strongly in the voting bloc's decision whether to endorse her for re-election.

**Political action committee (PAC)** A tax-exempt organization incorporated to participate directly in and/or contribute money to political campaigns. Donations are not tax deductible. The term PAC is used loosely, often referring to state political organizations and organizations the IRS categorizes as "527" political organizations.

**Partisan** A group that favors candidates of one political party.

**Nonpartisan** Not favoring political candidates according to party.

**General election** First Tuesday after the first Monday of November, known as Election Day, when multiple seats are on the ballot.

**Primary election** An election a month or months before the General Election, usually in which two or more members of the same political party vie to be the official party candidate. The winner of the primary election becomes the official party candidate to face off against candidates of other parties or independent candidates in the general election.

**Special election** Held to fill a vacant seat when an incumbent resigns or dies before the end of his term. The replacement lawmaker's term expires when the former lawmaker's would have.

**Absentee ballots** Paper ballots available before Election Day mailed from the local registrar of voters to applicants who attest that they will be out of town on Election Day or are physically unable to get to the polls.

**Election cycle/term of office** The constitutionally determined years when elections for a specific office are held. Example: Members of Congress are elected every even year (2006, 2008, 2010, etc.) A city council may be elected every four years in odd years (2005, 2009, 2013, etc.) See Chapter 3.

**Prime voter** A person who has voted in recent similar elections. Political campaigns focus much attention on them.

**Party-line voter/straight-ticket voter** A voter who always votes for candidates of the party he's registered with.

**Party ticket** A political party's roster of its endorsed candidates.

**Undecideds** Registered voters in a district who—as ascertained by a campaign's own telephone calling—have not decided which candidate they will vote for.

**Unaffiliated voter/Independent voter** A registered voter not registered with any political party (a "U" or "I").

**Splitting the ticket** Voting for candidates of two or more political parties on the same Election Day. Example: On November 7 Mary Kane voted a split ticket—for a Republican for governor and for a Democrat for state senator. Politicians and political strategists know the districts where many voters frequently split the ticket.

**Crossover voter** A voter who is registered with one political party but frequently votes for another party's candidates. Politicians and political strategists know the districts with many crossover voters.

**Third party** An official political party other than the Democratic Party or Republican Party.

**GOTV (Get Out the Vote)** A campaign's concentrated effort near and on Election Day that is strategically planned to maximize voter turnout for its candidate(s).

—**Phone bank** In a political campaign, multiple telephones in a rented or borrowed office, at which multiple campaign volunteers call voters during campaign season. Wealthy campaigns may also hire phone-bankers. Increasingly, people gather at a central location to phone-bank with their own cell phones.

—**Robo call** Phone-banking done by computer with a recorded message.

—**Door-knock** Direct candidate or volunteer contact with voters at their residences.

—**Walk sheets** For the candidate and volunteer door-knockers, a sheet organized alphabetically by street, and by odd and even street address numbers, that lists the names of people to be door-knocked and other information—e.g. date of birth and political affiliation (gender is usually obvious from the first name).

—**Lit drop** A day or weekend during the campaign when volunteers leave a candidate's campaign literature at households across all or part of the district. (In a "warm" lit drop, droppers talk to voters while dropping; in a "cold" lit drop they don't.)

**Householding** Identification of the voter mix in a household, important in targeting in phone-banking and door-knocking. Example: Households that are uniformly D (Democrat), R (Republican), or U (unaffiliated), and households that are DU, DR, RU, and DUR (a mixed household with three or more voters).

**"Wedge" issues** Social issues that receive heavy media coverage and can influence and motivate many voters who are not politically organized on the issue.

**Max donor** Campaign donor who donates the legal maximum to a campaign.

**Redistricting** Adjustments to boundaries of political districts made every 10 years to reflect losses and gains in pop-

begins to organize politically in the district they are seeking to win, and they won't want to alienate that group. To see why, review the voter participation charts in Chapter 1.

**The candidate, the “wannabe” candidate, and their political operatives study the politics of the district to size up the opposition.** They conceptualize a campaign that will maximize voter turnout among potential supporters and discourage voter turnout among opponents. All candidates think about whether and where the other(s) may be vulnerable.

All candidates—incumbents and challengers—ponder:

- Campaign issues and strategies that have worked and failed in previous campaigns waged in the district by others.
- The numbers of registered Democrats (“D’s”), Republicans (“R’s”), and Independents/Unaffiliated (“I’s” and “U’s” are the same thing) in the district. They assess how many D’s and R’s tend to vote for their party’s candidate (“party-line voters”)—and whether the district is known for lots of “crossover” voters (those with limited loyalty to candidates of the party they are registered with). In the last two decades, a much higher proportion of new voters have been critical of political parties and register as Independents. R and D candidates must campaign harder in districts with fewer party-line voters. (In a district with significant registrations with a third party, such as the Green Party, that is not running its own candidate, the candidates think about how they can win their votes.)
- The number of registered D’s, R’s, and I’s who are “prime voters,” that is, people who *always* vote in similar elections. All candidates lavish attention on prime voters who are registered with their own party and who are registered as I’s. The reason is obvious: A prime voter is a definite plus vote or minus vote in the Election Day tally.
- Voter turnout in the district, and the potential to increase it to the candidate’s advantage. Campaigns want to motivate registered voters who often stay home on Election Day. They set a quota for registering new voters who are apt to vote for their candidate.
- Demographic features of the district: Percentage of families with school-age children (they care about schools); percentage of seniors in the district (all politicians know that seniors vote!); economic structure (poorer neighborhoods have especially low voter participation); religious, ethnic, and racial structure. All impact the choice of campaign issues and campaign strategy.

ulation revealed by the US Census. Districts within each jurisdiction must be approximately equal in population, to ensure that constituents have equal representation. The US Senate is the only exception. See Chapter 3.

**Gerrymandering** Redistricting with partisan motives to carve districts that favor a particular political party.

**Secretary of the State** Often the state’s top official who oversees elections, who also is elected.

**Registrar of voters** Town or county employee responsible for maintaining voters’ lists, processing new voter registrations, overseeing the polls on Election Days, and transmitting voter information to the state elections agency. Some municipalities and counties have separate registrars for the Democratic and Republican parties.

**Ballot initiative/referendum** An item on the ballot that would authorize a law that the legislative branch of the jurisdiction has not enacted. A winning referendum may or may not become a law automatically, depending on the jurisdiction. Placing a referendum on the ballot requires a massive petitioning effort, in which signatures of registered voters in the jurisdiction must be collected and certified by election officials. See Chapters 3 and 8.

**Bond issue** An item on the ballot to authorize the jurisdiction to issue and sell bonds to finance a specific project.

- Election cycles and party-line votes. Politicians know that a popular candidate at the “top of the ticket” (for president or governor, depending on the year) benefits “under-ticket” candidates of the same political party. Many voters are motivated to come to the polls only to vote for president or governor and don’t pay attention to Congressional, state-house, or local races. Since they’re in the voting booth anyway, they’re likely to flick the switches (or whatever system is used) for under-ticket candidates of the same political party.
- The under-ticket factor. It often determines the year some new folk decide to run for office and whether, and in what year, some incumbents decide to run for higher office. Example: A county commissioner may wait to run for state representative until a year when her party’s gubernatorial candidate is the odds-on favorite.
- Whether the other candidate(s) is likely to raise significant donations to finance her campaign.
- ⇨⇨⇨Politically organized interest groups in the district and emerging political groups. The candidate knows to appeal to groups whose endorsements will influence blocs of voters. The candidate knows that people talk to their relatives, friends, and colleagues in the district about these endorsements. It’s easy to imagine a conversation in which you mention to a neighbor that Your Town’s Voters for Animals has endorsed such-and-such candidate, and your neighbor saying, “Oh! My mother-in-law down the street adores cats. I’ll tell her she’s gotta vote for her. And my mail-carrier said he belongs to PETA!”

Challenge candidates also ponder:

- Whether the incumbent cast votes in town/city/county hall or statehouse that the challenger could exploit by creating controversy about them. Unfortunately, challengers often distort the significance of some of the incumbent’s votes.
- Whether the incumbent has gotten lazy and begun to take his district for granted, perhaps not representing the district forcefully (examples: securing government bonds for the library, health center, a new community pool, slacking on constituent service, being a no-show at community events, voting for legislation that has a negative impact on the district, assuming voters won’t learn about it).

**How a person becomes a political candidate** Political party committees seek out desirable candidates they think could have broad voter appeal, but also volunteer appeal and the ability to raise campaign donations adequate to finance a serious campaign. (See the Case Studies, which make it clear that sometimes even challenge candidates can win without spending money, especially at the local level.) Often would-be candidates approach a local party committee to ask for the party’s official nomination. Sometimes the party has many good choices. When the incumbent is considered unbeatable, the opposition party may be desperate for anyone who breathes. It may choose not to run a candidate rather than an embarrassing one, making for an uncontested election.

⇨⇨⇨Even a “very strong” incumbent knows his previous wide electoral lead could be jeopardized by a serious new voting bloc that endorses his opponent.

In a decision to run for office in a race that is expected to be hard-fought, money may be a factor. The person (and the party, unless it's an independent, petitioning candidate) must assess whether he can raise enough money to run a credible campaign. How much money it takes varies widely from place to place and from campaign to campaign. But there's a minimum: the piece you leave at the door, your basic campaign flyer, some office supplies, and food for volunteers.

**How a person becomes his party's official candidate** The process varies according to the level of government and the party's rules. For local office: If there is only one serious candidate, the local party committee takes an internal vote to approve or deny that person the nomination. When more than one person wants the party's nomination, the party committee may take its own internal vote to decide which contender gets its nod.

If the loser(s) won't give up, party rules may force the political committee to hold an intra-party delegate election. In this election, all persons in the jurisdiction or district who are registered with the party may vote for delegates who are committed to a certain candidate (a very paltry few bother to, or even know the election is taking place). The delegates then vote to determine the official candidate. Get a copy of your own party's rules from your party's town committee or online from your state elections agency.

Or party rules may entitle the sore loser to face off with the party committee's candidate in a primary election. This is democratic, as it takes the decision out of the back rooms and puts it in the hands of the voters. If the initial loser wins the primary, *he* becomes the party's official endorsed candidate.

In a few states, many counties, and some towns, candidates do not run on the ballot as the endorsed candidate of a major political party (although folks usually know which are the unofficial Republican candidates and which are the unofficial Democratic candidates). If you're unsure, inquire of your local registrar of voters to find out how candidates get on the ballot where you live.

For state senate and state house races: To determine their official party candidates, each party may have a state senate nominating convention in each senate district (remember the process varies). If the senate district includes more than one town, each town committee in the senate district elects and sends delegates to the convention (the number is usually proportional to the number of registered voters the party has in the district). If a senate district comprises only part of a large city, party ward committees send delegates.

To choose candidates for statewide offices (governor, state treasurer, state attorney general, US senator) and statehouse and Congressional elections, local party committees elect a specified number of delegates from among the committee (usually proportional to the number of its party's registered voters in the town). The delegates attend a state nominating convention. These are very big deals and receive extensive media coverage.

**Campaign issues: Schools and taxes (animals, too?)** How often do candidates say, "No more taxes"? Fundamental to campaigns for elective office are taxes. Voters tend to vote their pocketbooks. To some voters, high-profile "wedge" social issues, such as school choice or gay marriage (animal rights?), are equally or more important. In local campaigns, the quality of the

schools and school funding are fundamental (except in districts of mostly retirees), and often the school budget is the biggest slice of the town budget. For “animal-lovers” who already vote and for whom school issues are paramount, your group’s endorsement could be significant to those who otherwise have no strong preference among candidates.

## CAMPAIGN PHASE I

### **The campaign assembles its principal players to run a lean, mean fightin’ machine.**

A candidate for state or local office must incorporate a campaign committee (these PACs are not the same as ongoing, grassroots issue PACs), open bank accounts, and file quarterly campaign reports according to applicable state laws (and federal laws, if lots of money is spent). The campaign committee must have a **treasurer** other than the candidate to watch over money matters and to file those quarterly reports. She may or may not be a member of the party’s town, county, or state committee. The **campaign manager** may be a member of a political committee, a supportive volunteer, a student intern, or a paid staffer—or the candidate himself. A **director of field operations** runs voter contact efforts and voter registration drives—campaigns in lower branches of government may rely on the campaign manager to perform this role. *The effectiveness of the field operation can make or break a campaign.*

Other key campaign roles are volunteer coordinator, media coordinator, absentee ballot coordinator, webmaster, and principal fundraiser. Of course, in a small local campaign one person may hold many titles and areas of responsibility.

With few exceptions (see “Case Study: Bob Megna” at the end of this chapter), every serious campaign has a core group of highly loyal strategists and volunteers whom the candidate relies on. **Volunteers** play a huge role in campaigns at every level of government.

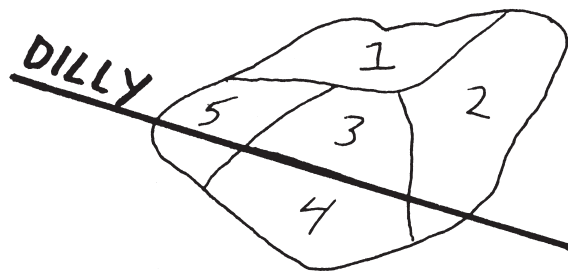
A campaign that pulls in serious bucks may rent a campaign headquarters—storefronts in highly visible areas are desirable. In the large districts of higher elective office (governor, Congress), the campaign may rent several offices.

### **The campaign team assembles its sacred basic tools: A map or maps showing the district’s exact boundaries and a voter registration list for the district.**

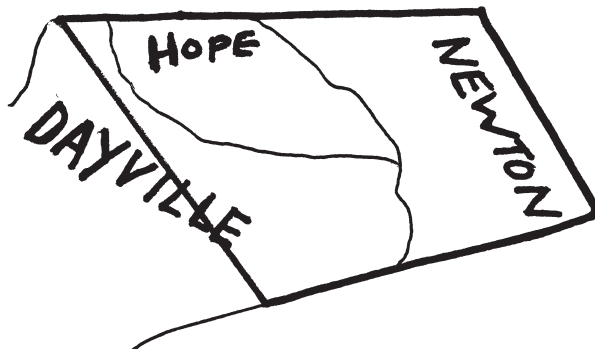
In a race for town council, for example, the candidate obtains from the town registrar of voters or town clerk an up-to-date street map with her district’s boundaries highlighted. The boundaries show the exact *target population* of the campaign, exactly where those who can vote for or against the candidate reside. The campaign manager uses these maps to determine the nuts and bolts of the campaign, including the candidate’s door-knocking routes and strategy.

District boundaries may be straightforward or irregular and squiggly. All of Dilly Lane may be in one council district. But if Dilly is a district boundary, one side of Dilly is in one council district and the other side of Dilly is in another district. Oops! Both sides of an end of Dilly could fall in a third district. This is why the candidate must have an exact, detailed map.

Often state legislative districts include parts of several towns, so a campaign for such a district must acquire a detailed map for each partially-included town. But if several entire towns fall within, say House District 10, a House District 10 candidate doesn’t need district boundary maps for those towns. Yet he still needs street maps of the towns for door-knocking purposes.



This town has 5 council districts. Dilly Lane falls into several districts.



House District 10 includes all of Newton and Hope and part of Dayville.

⇒⇒⇒ For you, the political organizer for animals, these maps are your sacred basic tools, because your members who reside in a particular district are the constituents you will make the incumbent lawmaker answer to on Election Day. Each time you get a new member or sympathizer, refer to your district maps right away to determine *exactly which political district* the person lives in. You'll add that person's name, address, and other contact information into your database for that district. (More on this later.)

**For voter registration lists**, the campaign contacts the town registrar of voters or the state elections agency. Freedom of information acts deem the lists public information, but they may need to be purchased. The lists give each voter's full name, address, date of birth, and party affiliation. Volunteers look up phone numbers. Campaigns can purchase (expensive!) lists from private companies that give phone numbers and more details about each voter and his voting behavior (for example, whether he's a "prime" voter). When door-knocking the district, the more information a candidate has, the better he can tailor his rap to the resident (see below).

⇒ In the months before an election, voter registration increases. Campaigns make regular trips to the registrar(s) for supplemental voter registration lists. A good campaign shoots off letters to the new registrants right away, asking for their votes. See examples on pages 99 and 101.

**Members of the campaign committee "position the candidate" and set the campaign strategy and detailed game plan.** They look at election figures, how many votes the candidate needs to win, and decide how and from whom the candidate will try to get them.

⇒ Savvy political directors of voting blocs that are close to the candidate may participate in strategy sessions. They are power players! You can look forward to playing such a role! (PACs can participate directly in political campaigns. Chapter 8 has details.)

The committee draws up a target budget that itemizes expenses for campaign brochures, mailings, lawn signs, and so forth. They'll lean on supportive individuals and groups to throw fundraisers. They'll conscript a "letters" chairman, responsible for recruiting supporters to write a steady stream of worshipful letters to appear in area dailies and weeklies for the duration of the campaign.

## CAMPAIGN PHASE II

**Endorsements** A voting bloc's endorsement carries the promise of many votes for the candidate. A person contemplating a political run (and his advisors) studies what political endorsements might be winnable without compromising the basic themes of the campaign or alienating voters who make up the candidate's likely base. If the incumbent's voting record

### INTERVIEW

#### **Steve Max: Until You Realize You Won't Win by Being Right, You'll Get Nowhere**

I've trained over 20,000 environmental, trade union, senior, and other activists, and they all start by thinking they're going to win because they're right or have the moral high ground or because their information is more accurate than their opposition's. Until they realize this isn't so, they get nowhere....

**All politics is truly local.** Even the most powerful elected officials have to run from some fairly small piece of geography that you can organize; even they are at the mercy of voters in their home district....So if you hope, for example, to win the support of the majority leader, do it by organizing in his district, not by flooding him with constituent calls from other parts of the state, county, or town unless he intends to run for a higher office. When he says, "I don't want to see a lot of constituent signatures on petitions, just send me three well-written letters," don't believe him. Of course he wants you to contact only three constituents instead of three thousand, because **he wants to keep his constituents out of the loop**, so they won't be informed enough about him to hold him accountable to them on Election Day.

To determine which lawmakers you have most potential to get under control or vote out of office, your first step is to **analyze election returns**. Don't just look at the numbers of how many votes each candidate got. Compare the numbers to voter registration by party in each district and then compare these to voting returns for other elections such as the presidential election in that district, when turnout is greatest. You're looking for marginal districts where the vote is close, or for districts that don't appear to be marginal but where an incumbent from one party is drawing voters from the other party by moving to the center.

There are two possible strategies. First, in a district where the winning margin is narrow, you may defeat the incumbent and elect the challenge candidate by turning out on Election Day a few people who already were registered or whom you registered. This makes you the balance of power. Or, in a district where the winning margin is wider but the incumbent is drawing votes from the center of both parties, join with the political forces that are trying to get the cross-over voters to return to their own party, because jointly you can mobilize lots of votes. This also makes you the balance of power.

**In districts with a huge winning margin, it may look like you can't move lawmakers, but you can!** Endorsing a losing candidate for whom you were known to have turned out some votes on Election Day gives you much more influence over the winner than if you never did anything. I often hear, "But if we do that, the incumbent won't like us anymore." A "good guy" lawmaker is loyal to you only until you're pushing for an issue that has some organized opposition in his district. This is about showing your organized power, not about currying personal favor with people who are nice to you but are unreliable or give you nothing.

**Steve Max is co-founder and political trainer at the Chicago-based Midwest Academy of Social Change ([www.midwestacademy.com](http://www.midwestacademy.com)) and was a campaign manager.** [Julie's note: I attended my first political meeting in his apartment, when I was in high school.]

wavered on issues relevant to a voting bloc that previously endorsed her, or who voted right but wasn't energetic about it, the challenge candidate might try to win the endorsement away from her. A group the incumbent has serviced reliably is probably a lost cause. But when the incumbent is not seeking re-election, voting bloc endorsements are up for grabs. Sometimes a leader of a voting bloc runs for office—after all, she's learned the ropes and has the volunteers! (For how your voting bloc will endorse candidates, see below and Chapter 10).

**Political organizations, including yours** PACs can endorse candidates and coordinate directly with specific candidates and their campaigns. Lobbying organizations can endorse candidates but can't coordinate directly with candidates or campaigns. (For full information on these categories and how they differ from charitable organizations, see Chapter 8.)

Political organizations compose their own formal endorsement questionnaires of 1 to 15 prioritized questions and require answers in writing. Each question begins, "If (re-) elected, will you support legislation that\_\_\_?" They (e)mail the questionnaires to all candidates and specify a deadline for their return. Ideally, the group's staff or volunteers also interview all candidates who seek its endorsement. Face-to-face contact gives you a very good feel for the candidate and may spawn a close, mutually beneficial relationship. Otherwise, written responses suffice.

Some strong candidates, especially incumbents, may ignore your questionnaire, because your endorsement would be noted by anti-animal political and interest groups and parlayed to their members to motivate them to vote against your candidate. Don't worry. The number of incumbents and candidates who try to charm you will grow exponentially over time—and it won't take long! A few "strong" long-time incumbents chose to ignore Animal Advocacy Connecticut's first questionnaire and we defeated them!

⇒ The endorsement process—questionnaire with or without an interview—is an excellent opportunity for your political organization to educate incumbent lawmakers and other candidates on your issue. On a written questionnaire, each question is preceded by a substantive explanation of the issue. Legal restrictions on charities' questionnaires are extreme, to the point of "why bother?"

Based on the responses to the questionnaires and/or interview, your group selects its candidates. It then circulates its list of endorsees to its members throughout the jurisdiction. Email is excellent, as folks can forward it easily. (Remember that your endorsements can impact the voting choices of many people who aren't on your list, and candidates know this.) Endorsement postcards are excellent in a small jurisdiction with few candidates. Mailing a long hard-copy list of the many statehouse endorsees is expensive, but if you're operating at the state level you will want to budget for this—and for mailing the questionnaire to all the many statehouse candidates (some may not want to answer it online).

PACS can contribute to political campaigns, and a PAC's endorsement may be accompanied by a check. Generally how much a PAC can contribute to a campaign is capped (the lower the level of office, the lower the cap). Know these caps *before* you give money away. (See Chapter 8.)

⇒⇒ Your voting bloc needn't contribute money to wield power. You'll get much more law-making bang from your bucks by spending them on recruitment.

⇒⇒When deciding which candidates to endorse, be loyal. Don't choose a challenge candidate over an incumbent who's been loyal to you. If you're disloyal, you'll lose credibility throughout the jurisdiction, defeating the purpose of functioning politically—i.e., using the carrot of your

#### INTERVIEW

##### **Charles Wilson: Get Political in Pennsylvania's Statehouse to Beat Puppy Mills**

For 20 years I was a top aide to a state senator. I joined the Harrisburg, Pennsylvania Democratic Town Committee. They were searching for members. I was elected to the Harrisburg Board of Education. The office was citywide, but door-knocking the entire city was impossible. So I concentrated on a half-dozen of the city's 29 precincts, the neighborhoods that traditionally had the heaviest voter turnout—where I could draw enough votes to put me over the top. I sought and won union endorsements....I urge Pennsylvania's anti-puppy-mill activists to get Julie's training and form a political organization in the strongest terms. You won't win on puppy mills on the merits or by lobbying through a charity.

*Charles Wilson was aide to a Pennsylvania state senator, was elected to the Harrisburg school board, was a state committeeman on the Pennsylvania State Democratic Committee, and was a member of the Harrisburg Democratic town committee.*

#### IN PRINT

**"Getting Out the Vote Is (Almost) Everything"** Those who write about elections tend to focus exclusively on the high-visibility contests for president, senator, or governor. This focus gives a distorted impression of how election battles are typically waged. First, high-profile races often involve professionalized campaigns, staffed by a coterie of media consultants, pollsters, speechwriters, and event coordinators. Second...these campaigns often place enormous emphasis on mass communications, such as television advertising....The typical campaign, by contrast, tends to be waged on a smaller scale and at a more personal level....Even long-standing incumbents in state and municipal posts are often unknown to a majority of their constituents. The challenge that confronts candidates in low-salience elections is to target potential supporters and get them to the polls, while living within the constraints of a tight campaign budget.

##### **The Power of the GOTV: The Case of Kansas**

The sleepy quality of many state and local elections often conceals what is at stake politically. Take, for example, the 1998 Kansas State Board of Education elections that created a six-to-four conservative majority. This election featured a well-organized campaign that used personal contact with voters to mobilize hundreds of churchgoers in low-turnout Republican primaries. This victory at the polls culminated a year later in a dramatic change in policy. In August 1999, the Kansas State Board of Education voted six to four to drop evolution from science education standards, letting localities decide whether to teach creationism in addition to or instead of evolution....But what occurred in Kansas is a story not only about clashing ideologies, but also about how campaigns work to get voters to the polls. Very few Kansans changed their mind about the merits of evolution and creationism over the course of the election campaign. What changed was who showed up to vote.

##### **Create the Voting Habit Among Your Supporters**

Mobilizing voters is not just a matter of supplying them with information about the candidates....To mobilize voters you must make them feel wanted at the polls. [It's] rather like inviting them to a social occasion. Personal invitations convey the most warmth and work best. Next best are phone calls in which the caller converses with the correspondent, as opposed to reading a canned script....One of the most interesting findings to emerge from GOTV research is that voter mobilization campaigns have enduring effects....It suggests that voting is a habit-forming activity.

—From *Get Out the Vote! How to Increase Voter Turnout*, by Donald P. Green and Alan S. Gerber, professors of political science at Yale University (Brookings Institution Press, 2004).

endorsements in exchange for lawmakers' support. A challenge candidate has nothing to lose and therefore can promise you anything. (But to keep some endorsed incumbents on their toes, you can consider noting in your endorsement list those challengers who scored 90–100 percent on your questionnaire. This nudges a re-elected incumbent to support stronger legislation.)

⇒Email creates extraordinary potential for a cash-poor, all-volunteer voting bloc for animals to affect the arithmetic of a campaign. Email your endorsement list to your core group and ask them all to forward the list to everyone they know in the jurisdiction who cares about animals.

⇒**Imagine how exciting it is when prominent candidates and incumbents seek your endorsement for the first time. It happens nearly immediately. You're on your way to becoming a power player!**

⇒Bonds between a voting bloc and lawmaker often begin in the lawmaker's first campaign, and they can be hard to break. *Get to them early!*

**Door-knocking** The goal for a serious candidate for town, city, county, or statehouse is to knock on every door in the district. Victory requires a human connection. Folks vote for people they know or people their neighbor speaks of favorably—rather than vote for someone they don't know, they may simply stay home on Election Day. Its absurd, but people often say they voted for a candidate because he cared enough to come to their door.

Typically, a serious candidate in a November election starts a daily door-knocking regimen right after Labor Day, walking weekdays from 4 p.m. until dark, Saturdays 10 a.m. until dark, and Sundays 11 a.m. until dinnertime. Exceptions are made for campaign events and appearances, religious holidays, and fundraisers. A campaign appearance can be as casual as showing up to shake hands at a seniors' flu shot clinic or as formal as a candidates' debate sponsored by the League of Women Voters (or by you!)

The campaign manager determines which neighborhoods to hit in what order. First may be those with high voter registration with the candidate's party that have high concentrations of prime voters, and where households are close together. They help the candidate shore up his base and maximize the number of "high-return" contacts per hour early in the campaign.

The candidate door-knocks with the voter registration list in hand. The information on them helps tailor the candidate's pitch to the particular household.

Central to door-knocking is to ask the voters to support you. The first rule of campaigning is that you have to ask. A simple "Can I count on your vote on November 6th?" (even if the response is "We'll see...") leaves a positive image in the voter's mind that you are serious about wanting to win, and the sense that the two of you are connected. Door-knocking can also be used to recruit volunteers and places to put lawn signs or other highly visible materials.

"*Sorry I missed you.*" If no one's home, the candidate leaves a campaign brochure (designed as a "door-knock piece") with a handwritten and signed, "Sorry I missed you" on it. Volunteers may forge the message stacks at a time to free up the candidate's time for campaigning.

The manager gives the candidate a daily quota of households to door-knock and scolds the can-

## INTERVIEW

### **Connie Vetter: "We ousted the 'Gang of Five' county commissioners."**

We founded MeckPAC in 1998 when the County Commission voted to withhold funds from the Charlotte Arts and Science Council to punish it for funding a play that had gay themes. The County Commission has nine members. It was an election year. Through our endorsements, we ousted four of the "gang of five" councilors who had supported the withdrawal of funds.

Because of our victories, the Republicans became the minority party. In subsequent elections incumbents and other candidates pursued us: "We haven't gotten your questionnaire yet," etc....We've won landmark anti-discrimination ordinances! No one lost an election because he or she voted for our agenda. We know a whole lot more about the politics of the lawmaking process than we did then, and still have a lot to learn. County commissioners learned that the sky won't fall down, that they won't be voted out of office for voting for our proposals, because we'll work hard to get our supporters re-elected on Election Day.

***Connie Vetter was co-chair of MeckPAC, a political action committee in Charlotte and Mecklenberg County, NC, that pursues gay, lesbian, bisexual, and transgender rights.***

## **CASE STUDY 1: The 2004 presidential campaign, John Kerry in camouflage**

Recall with horror these TV shots and newspaper photos. There's John Kerry, repeatedly finding time amidst his frantic campaign schedule to trudge through the woods in pursuit of pheasants, dressed in camouflage with a shotgun over his shoulder. (Haven't decorated war veterans seen enough blood?) His campaign brain trust determined it was the way to appeal to the hunting minority in states where the outcome was uncertain and whose Electoral College votes Kerry needed to win the election. The lesson for us: Kerry's campaign thought this would gain him far more votes than it would lose him. If we'd been viewed as a potent political force, Kerry would have more likely staged campaign photo-ops at, say, wildlife rehabilitation centers and animal shelters (if not a sanctuary for farm animals).

## **CASE STUDY 2: With no money and no volunteers, Bob Megna waged a "stealth" political campaign—and got himself elected state representative.**

Bob lives in a state house district within New Haven, Connecticut. The district had been represented for years by Christopher DePino, a lawmaker who had reached the pinnacle, becoming chair of the state Republican Party. Because Rep. DePino could raise any amount of money for his re-election campaigns and had a large family and strong ties in the district, the New Haven Democratic City Committee didn't bother to run candidates against him.

Bob deplored Rep. DePino's votes on some issues he felt directly harmed the district, such as siting trash-burning plants there. After getting the green light from the New Haven Democratic Committee, he began door-knocking the district strategically and handing out xeroxed flyers. DePino was not worried. He raised and spent \$80,000, much from corporate lobbyists, to keep his name prominent (because he could, and perhaps because giving business to vendors in the district kept them happy). Quietly, Bob kept walking.

Meet State Representative Robert Megna, who has been re-elected four times. Fortunately, he's an animal advocate. He won by understanding the arithmetic of elections, analyzing the district, formulating a campaign strategy based on his knowledge, and working hard.

***City Elections 2005: Candidates Speak Out on Animal Issues*** Mayor Martin Chavez promised again Tuesday that he would end the euthanasia of adoptable pets in his next term as mayor. "We are going to make Albuquerque a live-exit community," Chavez said during a mayoral candidate forum on animal welfare issues. He sparred with Councilor Eric Griego on several policy matters...relating to animal shelters, pandas, and wildlife habitat. Council President Bard Winter attended the forum briefly but had to leave. David Steele participated, but acknowledged he knows little about the issues that were discussed. The forum was sponsored by Animal Protection Voters, Animal Humane Association of New Mexico, House Rabbit Society, Prairie Dog Pals, Three Dog Baker and ABQDog...  
—*Albuquerque Journal, September 14, 2005* [Julie's note: APVoters was brand new—a great start.]

didate for spending more than two minutes at one door. *Settling into a substantive discussion or debate in an attempt to persuade the voter is a very poor use of time. The point is to make a human connection to add numbers to the "50 percent plus 1."* Such discussions rarely change minds. The longer the conversation, the more opportunity for the voter to learn details about the candidate's opinions or personality that displease. Sometimes voters who support the opposing candidate will try to take up a lot of the door-knocker's time so she can't contact other voters. Meanwhile, the candidate is failing to reach more households where one-to-one contact could win votes, and could create a sense of obligation in the residents to get off their backs on Election Day and vote for the door-knocker.

The campaign manager should rehearse the candidate in efficient use of door-knocking time. The candidate should also develop several ways to terminate lengthy conversations.

**Candidates must first shore up and motivate their base within their own party.** Whether to begin by door-knocking every household or only households that are registered with the candidate's political party or (if it's not a party primary election) as Independents is a strategy decision influenced by available time.

**Phone banks** Beginning several months before Election Day, a serious campaign phone-banks intensively. Locations may be campaign headquarters and/or sympathetic businesses with multiple phone lines—or a house or other location where volunteers gather with their cell phones. Throughout campaign season, phone banks may run Monday through Thursday evenings from 6 to 8:30 p.m., if the campaign can attract enough volunteer callers. Managing phone banks is a key skill and is best done by experienced volunteers.

⇒ **Voting blocs do their own phone-banking, with volunteers calling their members to urge them to vote for their endorsed candidates. It's highly effective in "turning out" your people on Election Day, and your endorsed candidates will love it and owe you for it.** Yours needn't be as vigorous and multi-staged as a candidate's campaign. Find sample phone-banking scripts at the end of this chapter.

Volunteers are encouraged to come to the phone banks and discouraged from phoning from home. It helps build a feeling of campaign solidarity, and the phone bank manager has more control over what they say and how many calls they make.

According to John Harmon, who's cracked the whip over me at many a phone bank, "A cadre of good phone-bankers who know and care about the outcome of the race is the most valuable resource a campaign can have. Phone-banking with volunteers is the most cost-effective method to push a candidacy."

**Phone phase 1—Voter identification and candidate name recognition** Calls are made to voters registered with the party and unaffiliateds. Callers follow a very short script asking, "If the election were held today, would you vote for Julie Lewin\* for city council?" The volunteer codes responses. Definite yeses are 1's. Leaning toward Julie are 2's. Undecideds are 3's. Leaning toward Julie's opponent (whom Julie's campaign never names) are 4's. Definite votes for the opposing candidate and hang-up's are 5's. \*Indulge me.

Voters who respond enthusiastically are asked to display a lawn sign and whether they will

volunteer in the campaign (sometimes they also are asked to donate to it).

The director of the phone bank cracks the whip. The success of the evening is measured by the number of contacts, that is, households reached. *Callers are scolded for spending more than a two minutes on the phone with any one voter. Debate and substantive discussion are very poor uses of time when the point is to add numbers to the 50 percent plus one.* As with door-knocking, extended contact can backfire.

These are not “persuasion calls,” which come later. They are quick and dirty, intended to introduce the candidate and learn the candidate’s status in the district. Information gleaned is used to hone campaign strategy. Example: Julie has low name recognition in Hopetown’s 4th ward, which is usually solid for her party. We’d better alter her door-knocking schedule to get her there next weekend. How far through the voter list volunteers get depends on the number of volunteers and available telephones.

**⇒In districts where local political committees are lazy, a voting bloc can nearly take over the phone-banking function. A lawmaker elected with the voting bloc’s help is even more dependent on it and even more vigorous in championing its agenda.**

**Phone phase 2—“Persuasion” calls** The caller reads a few lines from a script about Julie’s positions on the issues her campaign has chosen to showcase and criticizes the opposition’s voting record. As in earlier voter identification calls, responses are coded. They’re studied carefully by the candidate and her strategists, all of whom get increasingly frantic as Election Day draws near.

However, it must be noted that phone-banking is becoming increasingly difficult. More and more people screen their calls and check their caller ID, and if they don’t recognize the number or name will not answer. A low-key, nonthreatening response for answering machines is part of the script. Some campaigns make a policy of not leaving any message since there is no way to get identification of support and it takes time. Although “Do Not Call” lists generally exempt political campaigns, many voters are not aware of this and resent the intrusion.

**New voters and voter-registration drives** Remember how new registrants can give a candidate his winning margin? Presidential and gubernatorial election years provoke heightened public interest, and new voter registrations intensify. New registrants include folks who moved to town recently, 18-year-olds, and folks who’ve lived there for years but never bothered. *All are rich recruitment pools for a voting bloc for animals, especially 18-year-olds and the never-registered, who have no developed voting habits.* The latter may be registering to vote for a presidential candidate for whom they have a strong preference, but you can snag them for your under-ticket candidates. Before conducting voter registration drives, learn relevant laws from your registrar of voters.

**Political groups—including political groups for animals—can conduct ambitious voter registration drives among their supporters.** Do them by tabling, door-to-door canvassing, and showing up at events that likely supporters will attend. You’re picking up votes for your cause, while showing political candidates, the political parties—indeed, the whole political lawmaking infrastructure—that you understand how the system really works and are using it. You’re showing political candidates that whoever is elected had better be careful when voting

on animal issues!

In all states, anyone can register a voter, and the details involved in filling out and submitting the forms can be quickly learned. Voter registration needs to begin early, because there are usually cutoff dates beyond which a new voter cannot vote. Some states, however, have Election Day registration, so new voters can be recruited almost until the polls close.

**By tabling** Remember from your voter turnout chart all those folks who aren't registered? Some of these people care about animals enough to register and vote—if you ask them and if you remind them near Election Day (see “Pulling the Vote” below). And you're showing the community that you're civic-minded citizens who promote good citizenship.

**By canvassing door-to-door** Political parties conduct voter registration drives in neighborhoods where affinity is likely to be strong. On balance, it's worth the risk of helping register a few people to the opposing party. An animal voting bloc can benefit from door-to-door voter registration in more districts, because our appeal is not attached to one party.

⇒ **Your voter registration activities will swell your member lists with previously registered voters. You'll talk to everyone who walks by or who comes to the door about your mission for animals. They'll sign up to be sent your endorsement list!**

**Letters to new registrants** The two or three months before Election Day, a serious campaign makes increasingly frequent stops at the registrar(s) of voters to obtain names and addresses of new registrants. The campaign hustles to mail them a letter signed by the candidate along the lines of, “Welcome to Montua County. I look forward to representing you on the Montua County Commission,” plus a few sentences about the candidate's accomplishments or platform, political endorsements, civic involvement, and family. It's worth the cost of the postage.

**Letters to new registrants are a marvelous tool for us, too!** Not only will it gain your candidates substantial votes, *the fact that you are sending out such letters will terrify the local political establishment and gain you immediate respect as a new political force not to be dismissed or underestimated.* Use your letterhead. Use emotion sparingly.

Dear Harrison Family,

Montua Voters for Animals warmly welcomes you to our fine county. We are a nonpartisan organization that promotes the humane treatment of animals. Will you help us help them?

We have endorsed these very special people for election to Montuaville Town Council and the Montua County Commission:

Candidate A	Candidate C
Candidate B	Candidate D

Your vote for these candidates will help protect animals from suffering and abuse.

We hope they can rely on your vote.

Again, our warmest welcome to you!

### **CASE STUDY 3: Endorse a winner, and he might get your bill a 38/0 vote.**

The first year Animal Advocacy Connecticut made endorsements, both candidates in a state senate district pursued our endorsement energetically (apparently neither knew how pathetically tiny and green we were, or maybe they didn't care, because a couple of votes is a couple of votes). Both did wonderfully on our endorsement questionnaire. We chose Andrew McDonald, who won the election. The Democratic Senate leadership immediately appointed him chair of the powerful Judiciary Committee. For strategic reasons, I asked him to "raise" AACT's strong animal shelter bill in the Judiciary Committee, although the Environment Committee was more appropriate. I reminded him that he'd pledged "yes" to the bill on our endorsement questionnaire. He agreed, saying, "I stand by my questionnaire." He got the bill moved to Judiciary and got it reported out of committee 38/0.

### **CASE STUDY 4: Third-party candidates and the Working Families Party**

Here's how third-party candidacies were used strategically in several statehouse elections in one state in 2004. Some trade unions in the state, all of which have had staffed, professional political organizations for many years, and some of whose operatives regularly manage successful political campaigns, got creative. They established the "Working Families Party." The idea was to force primary elections in several strongly Democratic districts where incumbent Democrats were taking union endorsements and the labor vote for granted. The Working Families Party didn't expect to win. But they did put the fear of God into these incumbents.

**Result:** The following legislative session, these Democrats voted more reliably for the unions' bills. In 2006 WFP ran serious contenders in several legislative races. They've built the political machinery "on the ground," and they have much experience.

### **INTERVIEW**

#### **Curtis J. Gans: "In some districts, the relevant election is the primary."**

We have increasingly become, for reasons inherent in the redistricting process, a nation of one-party districts for state legislatures and US House of Representatives. The relevant election in these districts is not the general election but the primary. The winner of the primary is the *de facto* office holder.

Turnout for statewide Democratic primaries for governor and US Senate races averages 10 percent of the eligible vote. Turnout for statewide Republican primaries averages 8 percent. Average turnout for US House and state legislative primaries is substantially lower. This means that an organized minority of 4 percent can propel someone to victory in Democratic primaries and an even smaller minority can win GOP primaries.

In recent years, the effective organized minority in the GOP has been the religious and secular social conservatives—which explains why American politics is polarized and why the candidates for higher offices tend to come from among the social conservatives who have won these primary elections and are the prominent potential officeholder stream for higher offices.

Officeholders are most beholden to organized groupings within the electoral district they represent. And effective collective action—in raising issues, organizing constituencies, conducting voter registration, education, and get-out-the-vote—can make a significant difference in the choices the officeholder makes about public policy.

***Curtis J. Gans is often referred to as the leading expert on elections in the United States. He is the founder of the Committee for the Study of the American Electorate, American University, Washington, DC, and has been a leading political organizer and campaign manager.***

Very sincerely,  
Ashley Neeley, President

Avoid being specific on any issues, except mild, non-controversial ones. Your strategy is to win support without including so much as a word that could give the reader pause to consider in detail what you've written. (You know nothing about these people.) Don't mention any issue that would require the government to spend money, because these new voters will imagine their property taxes going up.

⇒ **18-year-old registrants deserve your special attention. They provide great potential for you to impact the arithmetic of elections.** In well-managed campaigns, each 18-year-old gets a letter from the candidate congratulating him or her on becoming a voter and referring to an uncontroversial item in your agenda that should please young adults.

My hunch is that in the vast majority of political districts more 18-year-olds are pro-animal than anti-animal. I see much benefit and little danger in mailing a brief and basic letter to 18-year-old registrants, informing them of your endorsements.

Dear James,

Montua Voters for Animals congratulates you for registering to vote! We are a nonpartisan organization dedicated to the humane treatment of animals.

Will you help us help animals?

We have endorsed the following very special people for election to City Council because of their demonstrated commitments to the welfare of animals.

Your vote for these fine people will help protect animals from suffering and abuse:

Candidate A	Candidate B
Candidate C	Candidate D

We hope they can rely on your vote!

Very sincerely,  
Annabelle Grossman, President  
Casey Stang, Montua High School Quarterback\*  
Stacey Morano, Senior Class President\*

\*All the better if popular high school seniors or last year's seniors co-sign your letter.

⇒ These sophisticated political techniques will gain the attention and respect of the local political establishment—and provoke their anxiety!—while helping you elect your candidates.

**Absentee ballots are critically important.** A registered voter who can't get to the polls on Election Day can vote by absentee ballot. Absentee votes determine the outcome of many elections. Because they can be turned in well before Election Day, they impact the campaign timetable and volunteer assignments.

Through phone-banking and door-knocking, campaigns and voting blocs identify likely supporters in the district who may be unable to cast their ballot in person, and deliver absentee ballot

## INTERVIEW

### **Shawn Matteson: We Haven't Needed to Contribute to Political Campaigns**

It's far easier for a specific, well-mobilized voting bloc to impact county and town elections than state or federal elections, because voter participation in these elections is so much lower and because many local lawmakers and candidates just don't run good campaigns. We endorse candidates, but rarely donate to a political campaign, and we haven't needed to. Delivering a bloc of votes greatly exceeds the persuasive power of a campaign contribution check from a PAC.

*Shawn Matteson is a member of the international staff, political department, Political Action Committee, UniteHere labor union, and was an independent campaign consultant and strategist.*

## IN PRINT

### **"The 1996 presidential election turnout was the lowest in two centuries."**

Originally only white males 20 or over with property could vote. Voting rights were gradually expanded to other segments of the population....In November 2002 only 51 percent of adult Americans voted in the presidential election. In 1996 when Bill Clinton defeated Bob Dole, less than half of those eligible voted, the lowest turnout since the early days of the Republic. Only 23 percent of all voting age US residents voted for him.

—From *Choosing the President 2004: A Citizen's Guide to the Electoral Process*, The League of Women Voters (The Lyons Press/Globe Pequot).

## PHASES OF A POLITICAL CAMPAIGN

### **Phase I**

Town/county/state/national political committee endorses candidate(s), or a person petitions to get on ballot.

Campaign acquires current list of registered voters in the district, with party affiliation, street address, phone, date of birth, gender.

Campaign acquires current, detailed street map of district.

Candidate, in conjunction with political operatives from the district and other trusted advisors, determines priority campaign issues and target budget.

Campaign leaders huddle to map out preliminary and overall campaign strategy.

Candidate designates campaign manager (paid or volunteer), campaign treasurer, field director, etc.

Treasurer files candidate forms with Elections Division of Secretary of the State and incorporates as a campaign PAC.

Campaign may phone-bank to determine top 3 issues of concern to voters in the district.

Campaign committee and candidate begin aggressive fundraising that lasts throughout campaign.

Campaign door-knock piece and basic campaign piece are printed and lawn signs produced, budget permitting.

### **Phase II**

Candidate begins walking (door-knocking) the district.

Candidate begins making public appearances at senior centers, post offices, etc., in the district.

Phone-banking begins:

    "ID" calls to voters

    "Persuasion" calls to voters

Campaign literature prepared and mailed, budget permitting.

Campaign engages in targeted voter-registration drives.

Campaign pursues 18-year-olds.

Campaign distributes lawn signs and bumper stickers, budget permitting.

Campaign offers absentee ballot applications to the elderly and others who otherwise might not vote ID'd as 1s or 2s.

More campaign literature prepared and mailed, budget permitting.

### **Phase III The GOTV**

GOTV planned and volunteers conscripted weeks before Election Day.

Continued phone-banking for persuasion and to firm voters already identified as favorable.

Field operation executes GOTV before and on Election Day.

applications to them. These include young people who may leave for college months before Election Day; in cold climates, financially well-off voters and retirees who depart for winter homes in Florida or New Mexico; and elderly and disabled folks who are homebound or reside at care facilities. The fact that someone applies is public knowledge: You can phone-bank these voters before they get their ballot.

Absentee ballots are often the subject of media reports—and felony arrests—because they can be a huge source of voter manipulation and fraud. Before handling them, learn relevant laws from your registrar of voters. Campaign volunteers can be very involved in the applications for absentee ballots, but once the ballot is sent to the voter, the campaign must be completely hands-off. Most people don't know it's a two-step process—you apply and then receive the ballot, which you either drop off or mail back.

### **CAMPAIGN PHASE III: The GOTV “Pulls the Vote”**

The Get Out the Vote effort is arguably the most critical facet of a campaign. Its purpose is to get (“pull”) every single supporter to the polls. Strong candidates snatch defeat from the jaws of victory if their GOTV strategy is poorly planned or executed. Many “underdogs” win, thanks to an awesome GOTV.

*Repeat: Every single supporter to the polls. An astounding number of elections are decided by single- and double-digit margins.*

The GOTV begins two months before the election and steadily intensifies in the weeks just before it. It relies heavily on volunteers. It starts with hyperactive phone-banking with scripts that reflect campaign “intelligence.”

The weekend before the election, phone-banking is critical, and the campaign mails its last piece of lit. In an election expected to be tight, a candidate's last lit drop or mailing may accuse his opponent of something that had not been mentioned before, giving the opponent no time for rebuttal. (If factual, this is kosher, but sometimes such mailings are untrue or distort, which is reprehensible.) The campaign runs advertisements in local newspapers; a cash-rich campaign may air radio and TV ads.

☞☞☞ Voting blocs may do their own pre-election GOTV, with phone banks and a last-minute mailing. In these phone calls volunteers also offer rides to the polls for supporters who might need them. In its final email or postcard to its members, it may warn that the election may be close and that the group's endorsed candidates really need their vote.

### **The GOTV on Election Day**

If you thrive on adrenalin and caffeine, volunteering on Election Day is for you. If you enjoy intense team solidarity and spirit, Election Day is for you. From 6 a.m.\* when the polls open until 8 p.m.\* when the polls close, volunteers are busy, busy. The candidate is being driven from polling place to polling place to shake voters' hands and is allowed only brief bathroom breaks. \*Confirm voting hours in your jurisdiction.

Your voting bloc is well advised to conduct its own election-eve phone-banking. In addition

to its plea to vote for its endorsed candidate(s), volunteers can use these final calls to note supporters who need rides to the polls. It may also assign volunteers to its endorsed candidates' campaigns.

### AM

**Poll-standing** From the minute the polls open until the minute their door is closed, campaign volunteers stand at polling places with signs and distribute "palm cards" to voters as they approach. These urge voters to vote for their candidate(s), have a photo of him/her/they, and indicate the voting levers or computer screen buttons to select. In some races, voters subliminally view an absence of poll-standers as a sign of weakness. Some folks don't know whom they're going to vote for until they walk into the booth. They aren't won over by weakness.

Your voting bloc may send volunteers to the polls. It may or may not choose to use its own signs, palm cards, or flyers, because the typical voter still feels that more help for animals means less help for humans. It's possible that you and your candidate(s) will decide that public emphasis on animals on Election Day could push voters who are still on the fence to the opposition's side. This will be a hard-boiled strategy decision. You will already have ID'd your votes and made Election-Eve calls to them, your Election-Day callers may even be "pulling" them, your presence as an official campaign volunteer will firm some votes, and your smile may win over some fence-sitters.

**"Pulling" seniors** Most seniors vote, and vote early. Beginning mid-morning, phone bank volunteers pull seniors who've been coded as 1's and 2's.

*Rides to the polls.* The caller always asks seniors if they need a ride to the polls. Volunteer drivers are waiting to provide a ride to any voter of any age coded 1 or 2 who shows any hesitancy about getting there. Volunteers do pick-ups and drop-offs right up until the polls close.

### PM

**"Marking the boards"** When you vote, poll workers of both political parties look up your name by street address and draw a line through it so you can't return to vote a second time (new technology may modify the process).

Boards help party campaign workers keep abreast of which 1's and 2's have already voted and which should be "pulled" with another phone call. A board may be a large cut of core board, upon which has been pasted a copy of an up-to-date list of registered voters in the precinct. Board volunteers drive from poll to poll, making the rounds all day long. At each polling place the board volunteer looks over the shoulders of poll-workers to see which voters' names have lines drawn through them. The volunteer then draws lines through the names on his board and carries the updated board back to campaign headquarters. Phone-bankers at HQ use the boards to update their own pull lists. I've volunteered in campaigns that pull voters 10 minutes before the polls close.

**Information from the boards is critical to how the campaign manager directs volunteers from mid-afternoon until the polls close.** If the boards reveal that voters identified as favorable are staying home, the campaign manager may direct

#### IN PRINT

**"I won with the support of 6% of the adult population of the village. And we won the village board as well....The old guard saw students as a nuisance...."**

That night we swept the elections, unseating the man who had been mayor for 16 years...and his heir apparent. In the weeks after our election, the newspapers and our opponents would tell stories of how we had been elected by "the students," saying we had mobilized ignorant college kids to come out and vote in an election they had no business participating in....The old guard saw students as a nuisance....

In the week before the election, the local *Times-Herald Record* ran a half page story on the candidates....The only mention of my candidacy was at the very end of the article....But the article makes an important point. Despite all our volunteers and campaign posters, despite all the energy and excitement we generated, a significant part of the community didn't think we could win and was therefore trapped into voting for someone else....Some people wanted to vote for me but didn't because if they didn't vote for Feldman, Nyquist might win, or the other way around....[In any race with more than two candidates] you don't need support from the majority of voters to win....you just need to be able to get more votes than anyone else. Nyquist and Feldman spent a year fighting over the same base of 500 voters and split them almost exactly down the middle....

But even the way we report elections is slanted. While I got 38 percent of the vote, that means I got support from 38 percent of the people who voted....When you add in all the people who were registered to vote and didn't, and all the people who are eligible to vote but aren't registered, I won the majority with the support of 6 percent of the adult population of the village. I won with 322 votes in a village of 6,000 people....

In small elections like ours, there are no expensive media campaigns, no paid consultants, no focus groups or polls....You knock on doors...talk to people...meet with local organizations....talk to the local newspapers. In an election like ours, where only about 900 people voted, you could physically speak to every potential voter and explain why you want to hold office. Our campaign raised just over \$2,000—most of it in tens and twenties at fund-raisers held at local bars and restaurants and by people handing us five dollars on the street. We printed up a few thousand flyers and did one mailing. We had posters in the windows of local businesses. On this level...money plays no part because you need so little...[people are] voting because they know you personally and trust you to do a good job.

**—From *Dare to Hope: Saving American Democracy*, by Jason West with Susan Bell (Hyperion, New York, NY, 2005).**

#### Election Night 2003, New Paltz, New York

For Mayor	Party	Votes	For Village Trustees—top two win	
Jason West	Green/Innovation	322	Julie Walsh	Green/Innovation 275
Thomas Nyquist	Village	258	Rebecca Rotzler	Green/Innovation 262
Robert Feldman	Community	255	Thomas Cotton	Village 262
Carl Heissenbuttel	Environmental	34	Floyd Kniffen	Community 242
			Victoria Danskin	Village 242
			Lynn Bauer	Community 242

#### Heidi Pollyea: She Won a Strong Ordinance for Animals

We gained the fervent, public support of a pastor of a multicultural mega-church where several commissioners worship and where they lobby voters for re-election support. The pastor said, "You all come to *my* church seeking *my* support and the support of *my* parishioners for re-election. Now it's *my* turn to ask for *your* support." I learned that what we offered factually was useless; it was about votes. For a while, my own county commissioner was not interested in dog-chaining legislation. But when 30 of his constituents testified for the ordinance at a public hearing, he reconsidered. His aide took our side and eased him in.

**Heidi Pollyea is area representative for Dogs Deserve Better in DeKalb County, Georgia, and led the effort for a strong anti-dog-chaining ordinance enacted there in July 2005.**

volunteers to show up at their doors and to offer to drive them to the polls. The manager may make an emergency strategy decision to direct phone-bankers to call voters coded as undecided 3's, or perhaps 3's in precincts that usually support the candidate's political party.

*Instead of boards.* Volunteers do regular checks on voter turnout in each precinct. If turnout is disappointing in precincts that they're counting on, the campaign manager may proceed as above.

**Tallying the votes when the polls close** A volunteer remains at each polling place. Election officials there announce the vote tallies of each candidate on the ballot, one voting machine at a time. The campaigner calls the results into HQ.

**The victory party** No matter how spent and sleep-deprived, all involved drive to the political party's victory bash (even if their candidates lost!). These are exciting—thronged of revved up, emotional, exhausted folk, who come to attention every time numbers from a polling place are announced. Finally all polling places are accounted for, and the candidate(s) make(s) a victory or concession speech, TV camera crews in attendance.

**Go to one!** If you're not infected with the political bug yet, this may do it.

Note: Oregon has statewide voting by mail, so there's not a single day you work towards. Washington State has voting by mail in most counties. A campaign plan in a vote-by-mail state or county must focus on early identification and persuasion, since you cannot determine exactly when any voter will vote. However, you can determine who has already voted, so that you spend no further time or energy on those voters.

## Other Election Scenarios

**Primary elections** Sometimes a primary is held to determine the official party candidate. Party rules may dictate a primary when a candidate who loses the convention vote for his party's nomination achieves a minimum number of delegate votes. For example, in May 2006, US Senator Joe Lieberman, seeking re-election to the US Senate, won 70 percent of the delegates at the Connecticut State Democratic Party's nominating convention. Lieberman challenger Ned Lamont won 30 percent of the delegates. Connecticut Democratic Party rules grant the loser a primary election if he wins 15 percent or more of the delegates. The loser can choose to withdraw, allowing the party to avoid a costly and fractious party primary. Lamont forged ahead, beating Lieberman in the Democratic primary. Lieberman then ran as an Independent and won.

**Forcing a party primary election with nominating petitions** At all levels of government, strivers who fail in both the above scenarios can choose to circulate official nominating petitions to force a party primary election, in which the winner becomes the party's official candidate at the next general election. (Also see Chapter 2, "The Structure of Government.")

For the petitioner to qualify to try to beat the party's official candidate in a primary and get on the ballot as the endorsed party candidate, a minimum percentage of voters registered with the party in the jurisdiction must sign the petition. The percentage is determined by law and party

by-laws. To snuff the disloyal challenger and avoid an intra-party battle, party regulars attempt to disqualify as many signatures as possible, using the tiniest technicality to do so. To provide a margin of safety, challengers try to collect many more signatures than the required minimum.

**Petitioning independent candidates** Often an aspirant chooses to side-step political parties and petition for a place on the ballot as an “independent” or “petitioning candidate.” The aspirant goes through the same process of collecting the required number of registered voters’ signatures—except any registered voter in the district may sign the petition, regardless of party affiliation. Whether a political party—Democratic, Republican, Libertarian, or Green—expends energy in challenging signatures on an independent’s petition is a strategy call based on whether party operatives think the petitioning candidate would be more likely to draw votes away from their own candidate or from the opposing party’s candidate. Politics is hardball.

**Petitioning is labor-intensive.** Success in petitioning to force a primary election for your candidate who lost the party’s nomination at a party convention, or to get a candidate on the general election ballot as a petitioning candidate, requires a core of hard-working, dedicated volunteers who collect the necessary number of valid signatures that could withstand challenges from opposing candidates.

**Should animal advocates consider petitioning to try to force a primary to challenge an incumbent? Or petitioning to put an Independent on the ballot?** By all means—if:

- You can collect the necessary number of valid signatures. That means submitting probably 130 percent of the number legally required.
- The incumbent lawmaker holds a leadership position and works against your legislation, and her rank determines whether your proposals go forward or die (see Chapters 6 and 7, on the lawmaking process and lobbying).
- The winner of the primary is expected to win in the general election.
- *You have organized enough reliable votes to elect your candidate* or significantly threaten your opponent’s winning margin. (You cannot make this judgment without studying previous election statistics for the district. And without knowing the political party rules for forcing a primary.)
- *The effort is worth the time it will take away from your other electoral work for animals.*

**Special elections** When an incumbent lawmaker resigns or dies before his term expires, the state elections official designates a day on which voters in the district can elect a replacement.

⇒ **Voter turnout for special elections is even lower than for regularly held elections, giving politically organized minorities even more potential to determine the outcome! Candidates will kiss your feet for your endorsement, knowing that your tiny voting bloc could easily swing a special election.** For examples, return to Chapter 1.

## **Volunteering in Political Campaigns Is Mandatory!**

As stated above, volunteering in political campaigns is an invaluable experience. No other effort will better help you understand the arithmetic of elections, the potential of a voting bloc

for animals to exploit it, and how it relates to lawmaking—in short, why and how to launch a voting bloc and become a power player for animals.

As stated above, your voting bloc will employ some of the GOTV tools you learn through volunteering.

Your help could put your candidate over the top (and her opponent under it). Incumbents who have supported you expect payback, and they are grateful for your help. Running for election is nerve-racking and exhausting; you're expected to show your appreciation. Winners feel a sense of obligation to volunteers when they must decide how to vote on a controversial issue. Impress upon advocates in your group that a heavy volunteer presence for your endorsed candidates is essential.

⇒ However, you may instead let the candidate know that you're conducting your own GOTV on his behalf.

⇒ **Decide which candidates to volunteer for strategically—candidates happily accept volunteers from any district.** Volunteer for your endorsed candidates in proportion to how much you need them to be (re-)elected, how much they need you to be (re-)elected, and to ***the degree your help could determine the outcome***. If you've not yet formed a political organization that can endorse, volunteer for candidates who make firm, not vague, commitments to you on your legislative goals.

Know incumbents' voting records about animals, to make sure you don't help the wrong guy who talked nice.

**Volunteer only for candidates who have a good chance of winning** Volunteering for a candidate committed to animal rights is wasteful if he hasn't a prayer. Remember that challengers to incumbents often promise anything to anybody. Endorsing a sure loser could serve as a warning to an anti-animal incumbent or candidate—just don't waste volunteer time on such a candidate. A voting bloc/political organization develops sophisticated political judgment about candidates' chances. This judgment often reveals that a candidate who is generally thought to be weak actually has a decent chance of winning, and that your voting bloc could deliver the winning margin.

**If you have friendly lawmakers who hold positions of leadership in the lawmaking body, have a presence in their campaigns.** You can't afford to lose friends in high places! If an incumbent of high rank in the lawmaking body is facing a serious challenge, and if he's worked hard for you, volunteer much more for him than for an incumbent who has less power in the lawmaking hierarchy. The previous chapter and the next two chapters explain in detail that without protection from certain lawmakers, your proposal may be dead on arrival, never to be voted on at all.

⇒ When volunteering, introduce and reintroduce yourself to the candidate and all campaign staff at every opportunity, explaining you're there because your group endorsed the candidate.

**Should individual animal advocates call candidates prior to Election Day to discuss animal issues?** Definitely! Politicians remember individuals, and they want to please as many

people as possible! You're letting them know there are constituents who care enough to call. If you're an advocate who's about to vote for someone endorsed by an animal advocacy voting bloc, call that candidate and tell her you've also won over X number of other votes among your family, friends, and colleagues in the district (if true).

**Reminder: Loyalty is paramount in your endorsement process.** Choose the incumbent who's been a reliable supporter, even if she promises you less than the challenger. If you don't, you'll lose all credibility. Lawmakers will cease to care about your endorsement and will feel no obligation to remain loyal to you. Thus, you'll nullify the whole purpose of having a voting bloc. For how to endorse candidates, see Chapter 10.

**Incumbents' advantage? Not if the lawmaker has ignored an emerging voting bloc or is over-confident.** In 2002 when the infant Animal Advocacy Connecticut first endorsed statehouse candidates, we provided the vote margin that defeated at least two long-term incumbents. One had thought that continuing to vote with the hunters, pet store owners, etc., was the safer bet (those groups had been political for years, after all). But because we endorsed the challenger, she lost by five votes! The other, the state's longest-sitting legislator, advocated for hunters, trappers, pet store owners, etc., from the heart. *Thanks to these victories, word got 'round the political world that we were the new kids to watch*, so to speak. We endorsed several other candidates who won in close races, helping tip them over the top.

**Special-interest money in political campaigns, and its influence on the lawmaking process** You may be surprised at how little I've discussed the role of money in politics and in lawmaking. No question: In the absence of grassroots voting blocs, the lawmaking process is driven by money. This is most pronounced in political campaigns for US Congress, governors, and state legislatures, because the higher the political office sought, the more difference campaign contributions can make in the outcome. Contributions from corporate interests finance campaign staff, offices, TV and radio advertising, leaflets, mailings, voter registration lists, polling, bumper stickers, lawn signs, and so on.

Cliché: Nothing in life is free. These special interests and their lobbyists contribute to candidates who they expect will protect their interests once elected or re-elected, those candidates who can be legally bought. The lawmaker "takes care" of the special interest in order to keep the money pipeline flowing for her next re-election bid. It's nonsense that such contributions buy only access (although they do buy access!). Candidates routinely hit up lobbyists for large donations. (See Chapter 7, on lobbying.)

Grassroots political issue groups own lawmakers too, but they buy them with votes, not money.

Many ambitious politicians at the statehouse and Congressional levels decide early in their careers to service several corporate interests or wealthy trade groups that will reward them with massive campaign contributions every time they seek re-election and financially help them when they seek higher office.

Lawmakers in leadership positions in statehouses and Congress often appoint chairs of legislative committees who will be favorably disposed to the industries those committees oversee. Leadership wants their campaign contributions to go to *their* political party, not the other party.

⇒When leadership wants its political party to hold on to political endorsements of a grassroots voting bloc, it appoints as legislative committee chairs lawmakers who favor the voting bloc over opposing corporate interests or a much weaker voting bloc on the other side of the issue. (Read how leadership makes legislative committee assignments in Chapter 6, on lawmaking.)

**Refresher:** When, in casting a vote, a lawmaker must choose between a rich special interest and a voting bloc in his district, the voting bloc wins.

## Should Animal Activists Run for Elective Office?

**ABSOLUTELY, but only when you've become savvy about politics and can win.** Many of you who launch voting blocs and begin to understand how to win elective office eventually will do so. This will be a milestone! But know what you're doing first! Volunteer heavily in multiple campaigns first! Establish and help run a solid voting bloc/political organization for animals first! Spend real time observing the lawmaking body in action first! And realize that a political campaign requires your complete, seven-day-a-week commitment for many months before Election Day. The candidate spends no time on non-campaign activities.

Warning: If elected, you'll have little time to spend on animal activism. You'll champion pro-animal legislation, of course! But you'll have no choice but to spend much more time working on "human" legislation, attending civic events, providing constituent service, and participating in political work generally.

Nor can a successful campaign be a referendum on animal rights. You'll do poorly with an "animals only" campaign, and a poor showing will harm the movement, suggesting that voters don't care and feeding our cynicism. As a candidate, you must show that you understand and are committed to the public policy needs of humans (schools, taxes, health care, etc.) and have some familiarity with current policies and where they need fixing. Your campaign platform will include several human issues and the legislative agenda you promise to pursue if elected. Study the district and determine what non-animal campaign issues will appeal to its constituents that you can articulate well. Study election cycles, choosing the best year to run.

When running against incumbents, you must completely research their voting records so you can position yourself as a desirable alternative.

Begin *quietly* planning and assembling your campaign team a year before Election Day. (You want your opposition to have as little advance notice as possible that you're going to strike.) Devise a strategy to *very aggressively* identify and pull pro-animal voters to the polls, and to *very aggressively* draw pro-animal volunteers.

Try to identify as-yet-untapped issues that could win over voters. A decade ago (before I had email or understood politics as I do now), I was conscripted at the very last minute before the state's filing deadline to run for state representative as a "sacrificial" candidate against a 14-year, favorite-son incumbent, who'd grown up in the town, had been deputy mayor, took his mother to church every Sunday, and had a son in public school. (The conscripting party's candidate had just gotten into a fistfight with a police officer in a bar, so they needed a replacement *fast*.) I was fairly new to town, was single and childless—and was a known "animal

rights radical,” receiving regular media coverage of my animal work and being a full-time presence at the state capitol lobbying for an animal charity.

I had no idea what I was doing, and it was too late to mobilize animal advocates to help me. While door-knocking, I took note that nearly every household either had a nurse or a relative or good friend who was a nurse. So a member of the party town committee found an association of nurses that could endorse my candidacy (although they’d never endorsed before). I suggested a postcard mailing to the district announcing the endorsement. We were a week too late to pull it together, but we used the endorsement in phone-banking. A renter, I also thought previous campaigns in the district had ignored renters. I suggested a postcard to apartment dwellers, expressing that I was one of them and understood their needs. This we managed.

The “untouchable” incumbent beat me by 4 percent of votes cast. I beat him two-to-one in his home precinct. If only I’d known what I do now and had had more time, I would have found animal rights and rescue volunteers to help me aggressively mobilize and “pull” the animal vote. I would have been the only known animal rights “radical” to win a state office anywhere, which would have sent a fine message.

Summary: Before running for office, have political judgment and savvy. (I had a party town committee to rely on, including John Harmon.) Run a political organization for animals for several years to gain the necessary smarts and to build a base of campaign volunteers and voters of all political persuasions. Run only when a *disinterested* analysis of all political factors and potential resources indicates you could win or make a very strong showing. Less would further marginalize us in the public’s eye and in our collective psyche, provide yet another example to activists of nonstrategic, wishful thinking, and reinforce our collective defeatism. Running for office is not the way to learn about politics; it’s no place for amateurs. An unprofessional campaign falls into the category of hit-and-run advocacy that fails.

**Should animal advocates run as or support third-party candidates? Only if the third-party candidate can win.** They rarely do win, because ours is a two-party system. Major themes of this MANUAL are learning to think pragmatically and strategically, not wasting time or falling into the trap of further marginalizing animal rights. There are exceptions to the two-party rule, however. See the Case Studies on the Working Families Party on page 100 and New Paltz on page 105 for ideas about when third-party candidates make sense.

Are you reeling? The next chapter on voting bloc politics in the lawmaking process will put it all together.

When asked what his miners were after, legendary trade union leader John L. Lewis answered: “More.” We animal advocates must politically organize so we can always win more and stronger laws, ordinances, and public policies for animals.

## Standard Phone-Bank Scripts Political Campaigns Use

### ID calls (20–30 seconds)

Hello, Mr. Harry Howe? I'm Annette calling for city council candidate Kay Sands. Could you tell me if the election were held tomorrow, would you vote for Kay Sands or another candidate? [*Response.*] Thanks so much, Harry! [*If Harry says he plans to vote for Kay, Annette says, "That's wonderful! Thank you so much, Harry!"*]

*Annette codes Harry's response on the 1–5 scale.*

### Persuasion calls (40–150 seconds, 3 minute maximum)

Hello, Mr. Harry Howe? I'm Sue calling for city council candidate Kay Sands. Kay has been endorsed by Friends of Our Schools, League of Conservation Voters, Sierra Club, Good Government Association, Health Care for All, and Humane Voters of Carson City. Kay will work hard on all these issues and more. Kay's opponent [*whom the caller never names*] has not. Can Kay count on your vote? [*Sue is ready to briefly answer a question or two. If it takes too long, Sue tells Harry she'll be sure to have someone call him to answer them.*] Thank you for your time, Harry!

*Sue codes or recodes Harry's response on the 1–5 scale, making a notation that Harry needs a callback.*

### Election Day calls (15–20 seconds)

Harry? I'm George calling for city council candidate Kay Sands. Have you voted yet today? We're counting on your vote for Kay! Do you need a ride to the polls? Thank you, Harry!

## A Phone-Bank Script for Your Political Organization

### ID/Persuasion calls One call for both should be adequate (40–180 seconds)

Hello, Mr. Neil Costa? I'm Troy calling for Humane Voters of Carson City. We've endorsed Kay Sands for city council, it's an important race. She's very good! Yes, that was tragic about those dogs; I saw it in the news. We really need your vote for Kay Sands. Can we count on your vote? That's wonderful!

[*If necessary, caller mentions other good groups that have endorsed his candidate. Caller is prepared to cut off conversation gracefully.*] I'd really like to talk to you about those poor dogs, maybe after I finish this long call list!

*Troy codes Neil's response on the 1–5 scale.*

If Neil sounds enthusiastic, Troy asks him to volunteer on Election Day. If Neil agrees, Troy gives his name and contact information to the person in charge of your Election Day GOTV.

### Election Day calls (15–20 seconds)

Neil? This is Humane Voters of Carson City calling for our endorsed city council candidate Kay Sands. Have you voted yet? This is an important race. The animals need to elect Kay Sands. Great! Thank you!

From the writings of Saul Alinsky, often called the father of grassroots organizing for change:

Change comes from power, and the power comes from the organization.  
Process tells us how; purpose tells us why.  
Tactics are doing what you can with what you have.  
"Compromise" and "conflict" are not dirty words.

### **Do Issue Polling to Expand Your Own List**

Presidential and congressional campaigns conduct voter telephone polls to identify issues and compose ads to help elect their candidates. State and local political campaigns poll too. Your political group can poll using your local voter registration list, starting with Unaffiliated voters. Add favorable voters to your own distribution/member list, ID'd by political district. If you get a phenomenally positive response, you might tell lawmakers.

#### **Script for issue polling calls (30–70 seconds)**

Mrs. Faye Zimmer? I'm Don Lundquist with Humane Voters of Carson City, a group that works to protect animals from suffering and abuse. May I ask you: Would a city councilmember's voting record about the humane treatment of animals influence whom you vote for? [Faye asks a question.] We want [legislation you're working on or are considering working on. Don needn't call it a law. Folks not involved in animal rescue or rights may be disturbed about how animals are treated, but haven't thought about laws as the remedy. This may be too big a leap for an unexpected phone call from a stranger and could seem a bit threatening.]

[*If Faye's response is at least partially favorable, Don continues.*] Good! How much would our endorsement for a candidate impact whom you vote for?

*Don codes: 1 very strongly; 2 somewhat; 3 maybe, a little.*

*If the group has current endorsements, Don continues:*

Great! We've endorsed Kay Sands for city council! Kay Sands also has been endorsed by Friends of Our Schools, the League of Conservation Voters, the Sierra Club, the Good Government Association, and Health Care for All.

Kay Sands really needs your vote! Can Kay count on your vote?

*Don enters a second code number.*

### **REFRESHER**

Each of you can convince five people to vote for a political group's endorsed candidate. Say two of the five usually vote anyway. Say three of the five usually sit the election out. A few calls to folks you know, talking to folks at your office, tabling.... Everyone else in your voting bloc for animals can sway five votes.

Remember Chapter 1's voter participation charts. Do the math. Each of you sways five votes. Some of you sway many more.

Dare to imagine the impact on your government.

Dare to imagine what politics can be!

## INTERVIEW

### John Harmon: Campaigns as a Science

Excellent GOTV work preceded by good campaign work is a sure winner. Excellent GOTV work preceded by poor campaign work sometimes can squeak out a win. Poor GOTV work preceded by good campaigning often results in an unnecessary loss. Poor GOTV work preceded by poor campaigning? Well, what would you expect?....

In Phase I the campaign team should draw up a plan that contains things like weekly targets for voter contacts, phone bank needs, tentative fundraiser dates, filing dates, key known meetings, e.g. party committee meetings, dates for mass mailings, and the dates for GOTV planning and execution. Particular attention should be paid to weekends before the election, since that is a high volunteer time. A large wall or desk calendar is one of the most useful campaign planning tools. Work your way backward from Election Day. For example, if you want the last piece of campaign literature to arrive in the mail on the Saturday or Monday before the election, it needs to be at the post office some days earlier, which means it needs to have been designed and printed before then.

Standard campaign procedures state that the campaign should contact each prime voter 7 to 10 times, in different ways, before the election. For example:

1. At the door—speak with the voter while door-knocking.
2. Your basic campaign literature left with the resident or at the door if no one is home.
3. Telephone identification—if a supporter, only one call. If undecided, a persuasion call and ID code of support again. If still undecided, a third call.
4. Piece of targeted mail based on perceived interests and values—e.g., a mailing to seniors about their issues.
5. Piece of district-wide direct mail.
6. Get Out the Vote (GOTV) telephone call.
7. Greeting at the polls on Election Day.

***John Harmon is a professor of geography at Central Connecticut State University and chairs two political action committees, one for the Connecticut State University Association of American University Professors, and one for the Connecticut Citizen Action Group.***

...Mr. Spitzer [New York's governor-elect]...is just the "streamroller" that is needed for one of the worst legislatures in this country....When the governor began openly criticizing individual legislators in their home districts, the Albany crowd went into culture shock. They talked about how Mr. Spitzer was not playing by the rules...about how he was upsetting the political etiquette...the governor went on the attack. As he traveled around the state to promote his budget, he added criticism for two fellow Democrats....That sent a loud signal that individual lawmakers can no longer hide behind their leaders and coast to re-election. Mr. Spitzer and his staff are also taking other detours around the ultra-powerful legislative leaders—[Senate President] Mr. Bruno and Assembly Speaker Sheldon Silver. If Mr. Spitzer can break these two leaders' stranglehold on public policy, more power to him.

***New York Times editorial, February 19, 2007***

## 6 How the Lawmaking Process *Really* Works—and Voting Blocs' Role

"It's remarkably feasible for a grassroots animal advocacy organization to gain power and leverage in city hall and the statehouse by creating a voting bloc that supports champions for animals."

—*Lisa Jennings, executive director, Animal Protection Voters of New Mexico (a young political organization) and executive director, Animal Protection of New Mexico (a charitable organization)*

"SANTA FE—Governor Bill Richardson today announced a \$3.6 million animal protection package that he will present to the Legislature next month. The Governor announced his plan to help the state's animal population at the Santa Fe Animal Shelter and Humane Society. 'We are taking a comprehensive approach to protecting animals, starting with a significant investment in preventing pet overpopulation and a strong animal welfare oversight board,' he said. The Governor's 10-point plan includes...."

—*From a press release issued by the governor's office, December 27, 2006*

"For an issue group to have power here, the lawmaker must know that the group's supporters can affect his re-election bid positively or negatively. If a problem lawmaker is a strong incumbent who is re-elected by a heavy margin of votes that you can't surpass, use your endorsement process to neutralize him."

—*David McCluskey, Connecticut State Representative and union officer; former lobbyist for a political labor organization*

"Face it. You know I support your bill, but you're not going to win it. No one up here is afraid of you."

—*Anonymous state senator, about a humane education bill*

"To win most lawmakers' votes on bills that are likely to be hard fought on both sides, an issue group must endorse candidates, mobilize strategically in the field, and develop political savvy and judgment."

—*Miles Rapoport, executive director, Demos; founder, Democracy Works; former grassroots political organizer, state legislator, Connecticut Secretary of the State, and Congressional candidate*

"All politics is local."

—*Thomas ("Tip") O'Neill, speaker of the US House of Representatives (1977–87); speaker of the Massachusetts state legislature (1949–52)*

"No bill is dead as long as we're in session."

—*Willie Brown, speaker of the California State Assembly (1981–95) and mayor of San Francisco (1996–2004)*

"80 percent of success is just showing up."

—*Woody Allen*

"Hope is not a strategy."

—*Political adage*

### **Refreshers**

*At every level of government, the lawmaker's absolute primary concern is getting re-elected. To get re-elected, the lawmaker must win a majority of votes cast on Election Day.*

*The ultimate factor in a lawmaker's decision to support or oppose a specific piece of legislation is not its merits. It's whether he thinks his support or opposition could affect his next election bid. If your lobbying strategy is not based on these facts, you don't have a lobbying strategy.*

*Politically organized minorities drive laws on their issue, because every lawmaker knows that a politically organized minority can vote her out of office. This fact is sitting on her shoulder every time she casts a*

*vote on any proposal that has opposition.*

*The lawmaker cares about pleasing his own constituents who vote. But he has no interest in constituents who don't vote—and or in the public generally.*

*The politics of an issue in "the building" also impact whether a lawmaker supports or opposes an issue: "Does the leadership of my political party care one way or another? Might leadership punish me for taking the opposite side?" But if in voting the lawmaker must choose between a strong grassroots political group in her district on the one hand, and her party leadership on the other, the grassroots wins. Leadership cannot protect her from politically organized, informed, dissatisfied constituents on Election Day.*

*When a lawmaker must choose between voting with a wealthy corporate interest group or a politically organized grassroots in his district, the grassroots group wins. The corporate interest cannot protect him from the grassroots voting bloc on Election Day.*

*Media attention on an issue rarely achieves meaningful laws or public policies. It can be harmful.*

*Your power in the lawmaking arena depends on: 1) The size of your voting bloc; 2) your knowledge of the process; 3) your skill in formulating a lobbying strategy based on dispassionate analysis of the political dynamics of the issue; 4) the grassroots political pressure you can apply strategically; and 5) your (volunteer or paid) lobbyist's conspicuous and consistent presence in the building.*

*Marks of the amateur are: 1) wishful thinking; 2) lobbying bills/proposed ordinances beyond what is politically possible at your level of political organization; 3) "hit-and-run" activism; and 4) thinking your bright idea alone is enough. These fail. And they create a legacy of failure and energy-draining cynicism that discourages other advocates. They figure, Why bother? We won't have a chance.*

*Needed inside the building: A protector lawmaker(s) who vote-trades, arm-twists, threatens, and cajoles other lawmakers into supporting your position, and who works with your lobbyist. Needed outside the building: A politically organized voting bloc that takes orders from the lobbyist.*

## **Lawmaking Axioms**

*Lawmakers rarely commit spontaneously to any piece of proposed legislation. They first do a hard calculation (which takes seconds) of whether their support or opposition could have political implications for them on Election Day; cross their legislative leadership; hurt their relationships with other lawmakers in the building; please or displease persons of influence in their district; or any combination of these factors.*

*Play to win. Your opponents are, and they play hardball. If you won't, don't enter the game.*

*Your opponents will not give an inch unless political realities force them to. In the corridors of power, no one makes even the tiniest compromise willingly or to be congenial.*

*You won't advance the process from your home or your group's office. Someone from your group must be in the building.*

*The lawmaking arena is hierarchical. Lawmakers in leadership positions can make or break your issue.*

*Once a bill or proposed ordinance is introduced, it's theirs (the lawmakers'), not yours. Lawmakers can alter it drastically, even turning a good proposal into a bad one. Your control lever is your voting bloc system, combined with your (volunteer or paid) lobbyist's presence in the building.*

*Opposing lawmakers and opponents' lobbyists are masters at drafting "compromise" amendments (I call*

*them "viruses") to weaken or cripple a proposal. Viruses attempt to replace or alter the proposal with empty, cosmetic, or directly harmful language. The closer your controversial proposal gets to the finish line in the lawmaking process, the more viruses break out. Their proponents play on lawmakers' anxiety about voting for something with teeth. Viruses can seem to come out of nowhere.*

*An amendment fails if it's not brought to a vote or if most lawmakers vote against it. Your shield against "viral" amendments comes from: 1) Having a (volunteer or paid) lobbyist in the building who keeps close tabs on what's going on, combined with 2) with your ability to hold lawmakers politically accountable to their constituents through your voting bloc system.*

*Even lawmakers who personally are on your side hate to vote on some controversial proposals. A lawmaker can tell you he supports you, while tipping off leadership that he would be happy if your proposal never came to a vote.*

*Lawmakers want "district peace." They know their vote on a controversial proposal might destabilize their district, winning them some votes next Election Day, but losing them some votes as well.*

*Lawmakers promote democracy only if they expect to benefit from it on Election Day. Democracy means well-informed constituents and maximum voting participation. But increased participation in the political and lawmaking process could destabilize the district electorally, threatening the lawmaker's hold on it.*

*The fate of a bill or ordinance can be sealed in political back rooms (or during telephone calls or unofficial meetings among lawmakers of the same political party)—before any public hearing or vote takes place. Your lobbying strategy must deal with this reality; otherwise your efforts may be "too little, too late."*

*Worthy laws or ordinances often take more than a year to achieve.*

*When in "the building," the need-to-know rule strictly applies. "Loose lips sink ships."*

**D**o you realize how much you've learned so far? You've learned why effective issue groups that want laws and public policies function politically. You've learned what functioning politically means—mobilizing voters by political jurisdiction and district and endorsing candidates. Although you still have questions, you've learned how the structure of government, the lawmaking process, and the arithmetic of elections are one and the same. You've learned that to enact strong laws and ordinances for animals you must launch voting blocs.

This chapter and the next chapter on lobbying will show you the nuts and bolts of lawmaking—how the voting bloc directly impacts the lawmaking process. Don't worry about how you'll actually build a voting bloc in your jurisdiction. We'll get to that in Chapter 10.

You're now ready to plunge into the cold waters of the lawmaking arena. You'll be thrilled at how quickly those waters warm up. Because this MANUAL is teaching you what to look for, you'll scale the learning curve "in the building" speedily. Trust me on this. Soon you'll be plotting and scheming (oops, I mean formulating a political lobbying strategy) like the best of them.

This chapter is where it all comes together to achieve laws, ordinances, and public policies for animals that now are fantasies. Here's where you begin to learn how to identify political dynamics in the building and in the districts, and to make them work for you with savvy and confidence.

Once you create your comfort zone, you may find the building as addictive as lawmakers do. The lawmaking body is the center of power. You'll wield power for animals you never dreamed of having.

Think what it means for a bunch of ordinary folk who have sought and won election to public office to hold the power to create laws that thousands or millions of people must live by—or risk public humiliation and imprisonment or fines if they don't.

Actually, and I'm not exaggerating, you, the pro-active lobbyist for a political organization, will wield the same power, although the public won't know it.

Actually, lobbyists for political organizations wield far more power in the lawmaking arena than many lawmakers do, because they can impact so many elections, and by extension, laws.

Yes, power is addictive: Mixing on a first-name basis with prominent public figures as an insider, calling on them quietly for backroom favors, strategizing with them to help animals. And, paramount, you yourself are creating groundbreaking laws or ordinances that protect animals from suffering and abuse.

Start imagining yourself as a power player....

### **Lawmakers' considerations in deciding to support or oppose a bill or proposed ordinance:**

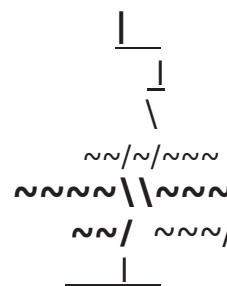
- Whether support or opposition could harm or help his next election, or otherwise destabilize or solidify his district politically.
- Whether the lawmaker's party leadership supports or opposes the proposal and gives her "marching orders" to do the same. Leadership can punish a lawmaker of lower rank who defects. (But never forget that fear of a voting bloc in her district has much more impact on the lawmaker's decision than any marching order can.)

Remember the context of party leadership: A lawmaker is elected as a Democrat or Republican (or, rarely, as an Independent or Green or other third party) (return to Chapter 3 about counties and towns that avoid party labels). Each of the two dominant political parties has the status of *majority party* or *minority party*, depending on which has more lawmakers in its "party caucus." Say your city council has 25 councilors—19 Democrats and 6 Republicans. The Democrats are the majority party, and the Republicans are the minority party. The Democrats elect their majority leader, and the Republicans elect their minority leader. Much more on this as this chapter proceeds.

- Third, fourth, or 15th consideration: The merits of the proposal. See the chart for other considerations.

**High-speed traffic nightmare, or molasses** The lawmaking process varies substantially at different levels of government. In the US Congress and statehouses, it's highly dynamic, with overlapping traffic circles, punctuated and punctured by access and exit ways, each of which has foreseen and unforeseen roadblocks and construction detours. By tracking the itinerary of non-animal bills, you'll learn how to watch for and navigate these obstacles so your bills can survive them. The process is such that your group must have a near-constant presence in the

TRAFFIC CIRCLE MERGES ↘ ROAD CLOSED *Keep moving!*  
DOUBLE MERGE ! PAVEMENT ENDS↘↘↘ CAUTION DEER CROSSING  
FOG AREA NO STOPPING RESTRICTED AREA CROSSING TRAFFIC  
BLIND ENTRANCE ? *Detour* ROAD WORK *Detour* ↗  
SLOW ← ← SPEED BUMP! POTHOLES ? *no way!* YIELD NO ENTRY  
DEAD END ↕ MERGE TRIPLE MERGE !? DEAD END  
STOP! TWO-WAY TRAFFIC **back off** *END ROAD WORK*  
No stopping or standing *DETOUR* **WHEW** *aaaah....*



In contrast, county, city, and town halls may seem slower and simpler. The process is less complex, is easier to learn, and usually has fewer steps. Plus, there are far fewer lawmakers to deal with. Most important, you won't need to be there nearly so much. This doesn't mean that passing ordinances is a snap. If it were, you county, city, and town-oriented advocates wouldn't be reading this MANUAL.

In towns, cities, and counties, you can become a power player who achieves strong ordinances and local policies to protect animals. It's highly doable and valuable because:

- A couple of advocates can run a local voting bloc and still hold day jobs.
- The building is relatively nearby.
- Voter turnout is abysmally low in municipal and county elections. Local animal advocates therefore have astounding potential to launch powerful voting blocs. Even a small rise in voter turnout and registration may threaten to politically destabilize local government (see Chapter 1).
- Many desperately needed laws for animals can be legislated at the local level as ordinances.
- It's often easier to pass a ground-breaking local ordinance than a ground-breaking state law. If the new ordinance works well in a community, the state legislature may be less afraid to enact a statewide equivalent.
- Learning local political dynamics is easier. (And it will school you for statehouse politics.)
- State senators and state representatives who represent your county, city, or town in the statehouse will pursue relationships with your local voting bloc in their district. They'll consider it when casting votes on animal-related bills in the statehouse, likely

will introduce pro-animal bills as a result of it, and certainly will confer with your voting bloc's leaders before voting on state legislation that concerns animals.

- Successes will provoke advocates in other counties and municipalities in the state to launch their own voting blocs. As well as being worthy in their own right, these could stoke a powerful statewide political organization for animals to lobby the statehouse.
- Your local voting bloc can powerfully help pass laws in Congress that apply to the entire United States. Obviously, all members of your local group live in a Congressional district. You can forward to them Humane USA's endorsements for your Congressional district and your state's two US Senate races. You can forward constituents alerts on pending national legislation from the Humane Society Legislative Fund, the Humane Society of the US's new political affiliate. (See Chapter 8 on how your charity can form its own political affiliate.)

No lawmaker will support or oppose a bill or proposed ordinance if he fears one rash vote could cost him his next election or politically destabilize his district. The jingling in the cash register of campaign donations from interest groups that oppose the proposal cannot change this. If he's a rank-and-file party member, marching orders from his party leadership will not change this.

Grassroots issue groups that are effective in the lawmaking arena learn to grasp and embrace the significance of this fact above all others. They learn to think like lawmakers, and to base their lobbying strategy with this firmly in mind. They develop the power of the vote as their core strength—and they aren't shy about it!

**"All politics is local"** What did legendary Speaker of the US House Tip O'Neill mean by his much-memorialized line? That although a lawmaker may be as far away as the state capital or Washington, only the voters in his district hold the power to return him to office or send him packing. Politicians know their political future depends on their own constituents, not on constituents of lawmakers whose districts are next door or on Washington or statehouse leaders.

☞☞☞The highest-ranking lawmakers of the jurisdiction—president of the state senate, house speaker, minority leader, legislative committee chairman, county supervisor, or city or town mayor—are just as vulnerable to voting bloc politics in their own district as any rank-and-file lawmaker is. These lawmakers often decide whether a pro- or anti-animal proposal gets brought to a vote or dies from lack of action, and whether to give marching orders to their party caucus on how to vote on it.

☞☞☞For this reason, your highest priority in voting bloc recruitment is often leaders' districts. You don't need to live in a district to recruit there.

Thus, the dynamics of the lawmaking process are twofold, in the building and in the districts.

### **Learning to Love the Building** **Schmooze, Fieldwork, Observation, Baseline Facts, Participation**

**"Where were you?" "Where is she?"** Don't harbor the notion that you can submit a bill or proposed ordinance and let a kindly or initially receptive lawmaker or two see it through. I've

heard from so many advocates who had such expectations—whose hearts were broken. Don't expect lawmakers to call you about a development.

Lawmakers assume that if you're serious, you'll be in the building regularly and they can flag you down. In the statehouse, "regularly" may mean nearly all days during the legislative session, and every day near its end. In some large states, the statehouse is empty Friday through Monday for much of the session, when lawmakers return to their families and districts. In these states, lawmakers have apartments or second homes in the state's capital.

In county, city, or town hall, "regularly" may mean stopping by once or twice a week.

Your presence in the building keeps supportive lawmakers on board. Newcomers are dumbfounded by how much business is done on the fly. They're shocked by how often the fate of a proposal or amendment rests on a happenstance encounter. Chance meetings lead to casual conversations that score you a lawmaker's vote or a tip about a covert new threat requiring your instant attention (for example, you may need to approach the mischievous lawmakers and generate a few constituent phone calls to them). Newcomers are equally amazed at how "doable" lawmaking is, how many opportunities there are for us to impact it.

Your presence is a constant reminder to any lawmaker who wants to make mischief that you'll be on top of it and will let their pro-animal constituents know in a jiffy. You've simply got to be there to put out fires. The closer you get to victory on any issue that has opposition, the more sparks break out that could flash into devastating wildfires at a moment's notice—unless you're there to extinguish them.

You've got to be there to just move your issue along, to maintain momentum, even on an issue about which controversy is minimal. Even proposals with strong bipartisan support can slip between the cracks and die if you're not there to keep applying the pressure, or they may be unintentionally or intentionally redrafted badly (more in the next chapter, on lobbying).

Some of your time will be spent fighting anti-animal proposals (this is always true in statehouses and Congress). But once you're a familiar presence, fewer will be introduced, because would-be sponsors and opposition lobbyists know they'll have a fight on their hands. This alone saves many animals from harm. In the statehouse, animal-exploiting groups and businesses are always figuring ways to expand their activities and business opportunities through new laws. They pay big money to politically connected "dark hat" lobbyists to push their agendas. (Lobbyists for nonprofits are "white hats.")

In addition to achieving wonderful ordinances for animals, a local voting bloc will block anti-feral cat ordinances, special local hunts, and other noxious ordinances and policies.

**It's a process, not a showdown (at least you won't act like it is).** The political organization's lobbyist(s) behaves professionally in his interactions with opposing lawmakers and lobbyists. You must "get along" or be ostracized, even by supportive lawmakers. Everyone still knows that your group can threaten lawmakers through its power to deliver votes to an opponent. Cordiality is seen as a sign of power, not weakness.

**Schmooze** The lawmaking process is highly social. At first you'll establish preliminary

relationships with all lawmakers and their staff. For lawmakers to introduce a bill or ordinance for you, to “work” it or to work against a proposal harmful to animals, they must know and feel comfortable with you and gain trust. It goes both ways. You need to become familiar with them as individuals. Each has a political party affiliation, a rank in the lawmaking hierarchy, and specific political considerations relevant to the building and his district. And he has personal values and preferences (for example, a lawmaker may hunt ducks, but be nutty for dogs). Combine this knowledge with your knowledge of your political strength in each lawmaker’s district. When you’re ready to launch a proposal, you’ll have enough “intelligence” to know which lawmakers to ask to sponsor the proposal and which to keep out of the loop. When fighting a bad proposal, you’ll know which lawmakers to ask to help you. (More in the next chapter, on lobbying.)

**Fieldwork** The lobbyist must know the process and the political dynamics that drive it. Lawmakers will demand it. Opponents will be armed with it. If you aren’t, they’ll pierce your heart and swagger off the battlefield, leaving you to die. Your animal advocacy constituency will expect it of you. Proceed without this knowledge, and you’re giving opponents the opportunity to amend your proposal into something that weakens existing law. You’ll have harmed animals by trying to help them.

**Baseline Facts** Get guides on the lawmaking process from the statehouse or county, city, or town hall and the League of Women Voters. They’ll inform you how your target government is constructed.

However, lawmaking is not the simple, linear process presented in civic groups’ brochures. They do not explain all essential how’s, why’s, and when’s that determine how proposed legislation is really introduced, all the real reasons it advances or dies, and the real reasons it may be drastically altered along the way. These answers are found in the political context in which a proposal is introduced and the political dynamics that accompany it from start to finish. You’re not ready to rock until you’ve become familiar with more subtle procedural rules and dynamics (which are more interesting and exciting than any civics lesson).

⇒ No one has time for amateurs who haven’t done their homework, and no one is afraid of them. Amateurs can be easily manipulated and defeated.

**Relaxer: The good news** Everyone else in the building had to learn the process and the dynamics, and many (if not most) lawmakers are less bright than you are. Trust me on this. The learning curve is rapid. Trust me on this, too.

**Learn through observation.** Choose a couple of non-animal-related proposals, including several controversial ones. Commit to being in the building for every vote that takes place on each of these proposals, maintaining a heightened sense of awareness.

Apply yourself to learning the political dynamics of the full lawmaking process that those pamphlets don’t dare touch.

**Know the political affiliation and the rank of each individual lawmaker.** This knowledge is key to constructing your lobbying strategy. In counties, cities, and towns that don’t use party labels, you’ll pick up each lawmaker’s allegiance.

**Know the number of lawmakers in the jurisdiction.** Know how many councilors sit on the city council or how many state senators sit in the state senate. To win or defeat a proposal you need a majority vote, so you need to know how many votes that is.

**Learn which political party holds the majority of seats and the size of its margin.**

**In the statehouse** Note the political affiliation of the governor. Note which political party holds the majority of lawmakers in the state senate and which suffers the status of minority. Do the same for the house. Note the long list of legislative committees, whose names will pretty well inform you of their mandates (but assume nothing). Which are likely to play a pivotal role in proposed legislation for animals? Committees in both chambers are chaired by a member of the majority party.

Pay attention to the lawmakers who chair these committees. Know which other lawmakers sit on these committees. Get a notion of their districts as well. Are there active animal rescue or rights groups in their districts you could add to your constituent base? Are their districts urban (poor, with relatively low voter turnout?), suburban (perhaps relatively pro-animal, relatively high voter turnout) or rural (more hunters and farmers, animal dealers, etc.)?

**In town, city, or county hall** Don't stop with the council. Also note the various boards and commissions and the areas of local government they deal with. Which might factor in proposed legislation on animals? Want an ordinance that limits dog chaining or bans circuses with animals? If an *elected* police commission gets first whack at your proposal (if it oversees animal control or circus permits), make it known that your voting bloc will endorse candidates for the police commission, and generate heavy constituent calls to police commissioners. Want a ban on animal dissection in schools? The school board is *elected*, and you can endorse school board candidates. Want government funding for spay-neuter or a public cat shelter? The finance board, *whose members are elected*, writes the animal control department's budget. Learn the days, times, and locations of council and relevant committee meetings (first Tuesdays of the month, 6:30 p.m., Common Room, for example). Your lobbyist must be a presence at the committees you want to influence.

You'll observe some "party-line" votes, with all lawmakers of one party voting "yes" and all lawmakers of the other party voting "no." Note the subjects on which party-line votes are frequent.

⇒ Note how often rank-and-file lawmakers vote the same way as the leader of their own political party.

⇒ Try to secure strong working relationships with the leadership of both parties, and do serious recruitment to your voting bloc in each of their districts. If you gain the general support of the chair of the key committee or commission that covers laws or ordinances about animals, bravo!

⇒ If the lawmaker of leadership rank opposes your proposal and has given marching orders to the rank and file to oppose it (or just doesn't want to bother with it), respond by immediately recruiting in his district. Don't mourn, organize.

**Relaxer: What seems complicated and confusing in this chapter is simple and easy when you learn through observation. I found this out first-hand when I learned this way, and also by seeing scores of other new lobbyists quickly pick up everything they needed to know.**

## LAWMAKING LEXICON

*Lawmaking terms and lingo vary according to the jurisdiction, and some terms have different meanings in different jurisdictions. Many apply only in statehouses and Congress. The larger the jurisdiction (large cities and counties, statehouses, and Congress) the more lingo is used. Enjoy becoming fluent.*

**Bill** A proposed state or federal law that has been drafted and has been assigned a bill number. To become law a bill must be approved by a majority vote of the lawmaking body.

**Ordinance** A county or municipal law.

**Companion bills** Identical or similar bills introduced simultaneously in the house and senate. Congress and some statehouses require each chamber to have its own bill. In these states, companion bills must be introduced by at least one state senator and one state representative.

**Amendment** A change—major, minor, or only technical—to a bill or proposed ordinance. It becomes part of the proposal if it wins a majority vote from lawmakers. In most jurisdictions, an amendment must be “germane” (see below) to the proposal. Like a bill or proposed ordinance, an amendment needs one or more lawmakers to sponsor or “offer” it. An amendment can add or delete or replace a single word or hundreds of pages. Example: A proposed ordinance reads, “Animal control officers shall arrange for all impounded, unclaimed animals to be sterilized by a licensed veterinarian prior to adoption.” An amendment could change the period to a comma and add “provided the adopter pays for the procedure in advance.” Or an amendment could delete the phrase “prior to adoption.” Or both. Or two separate amendments could attempt each of these changes. Some jurisdictions allow lawmakers to offer amendments at any and every stage of the process; other jurisdictions are restrictive. Rules determine whether lawmakers can offer verbal amendments or must have them drafted first by legal staff before they can be brought to a vote. Verbal amendments may be routine early in the process.

—**Technical amendment** An amendment that fixes a minor drafting error, not the substance of the proposal.

—**Germane** Related in subject matter. For an amendment to be brought to a vote, most lawmaking bodies require an amendment to be germane to the bill or proposed ordinance it would amend. Rules on germaneness vary according to jurisdiction.

—**Vehicle** In some statehouses, a substantive matter may be introduced as an amendment rather than as its own bill or proposed ordinance. Proponents of the amendment look for a vehicle or horse, that is, a bill or proposed ordinance that is germane to the amendment that the amendment can jump on and ride (animal metaphor notwithstanding).

—**Substitute language** An amendment to a bill or proposed ordinance that would replace all or part of the bill or ordinance.

—**Committee amendment** Offered during a legislative committee meeting, while the bill it would amend is being discussed or debated before being brought to a committee vote.

—**Floor amendment** Offered on the floor of the house or senate, while the bill it would amend is being discussed or debated before being brought to vote. Floor amendments are not allowed in Idaho and Oregon.

—**Leadership amendment** Introduced by lawmakers of top leadership rank.

—**Strike-all amendment** Deletes the entire bill or proposed ordinance and substitutes new language, retaining the original bill or ordinance number.

—**Sneak amendment/pocket amendment** Filed as close as possible to the time of the expected vote on the “vehicle” bill, in order to take opponents by surprise. In some statehouses, lawmakers often leave the chamber while bills are being debated; they don’t hang around for amendments they don’t expect that are voted on by voice vote, and return only when a bell announces that that a roll-call vote on the (now-amended) bill is taking place. Lawmakers who use pocket amendments (and bridge amendments as below) take advantage of their colleagues’ absence and lack of attention to pass substantive, controversial amendments. However, the amended bill cannot become law without being passed by the other chamber, so there’s still room for maneuvering.

—**Bridge amendment** Includes language that can be used as a link to another, non-germane amendment, creating a bridge that makes the later amendment germane to the bill. Lawmakers and lobbyists can try to catch the opposition off guard by using bridge amendments to pass controversial proposals. Example: During a formal house session, an innocent-appearing amendment is offered to a bill that has come up for a vote. Within this amendment are a few words that are germane to a controversial amendment that has not yet been presented to the chamber. The house votes on and passes this “innocuous” amendment, making it part of the bill. Then a lawmaker presents the second, controversial, amendment, which—thanks to the first amendment—is now germane to the bill. If the second amendment wins a majority vote, it becomes part of the bill.

**Bipartisan** Of both political parties. Example: “The animal rights ordinance has bipartisan support in the state senate. Its sponsors include Democrats and Republicans.”

**Conference committee** If the house or senate passes a bill and the other chamber fails to pass an identical bill, leadership may appoint several lawmakers to a conference committee to attempt a compromise that both chambers

**The power of leadership in the statehouse and party caucuses** “Caucus” is used to refer to lawmakers of the same political party, for example, the senate Republican caucus or the house Democratic caucus. Party caucuses meet behind closed doors in the statehouse and are exempt from open government and Freedom of Information laws. Although no leadership decisions are made in a political vacuum, party leaders may determine to a significant degree which bills they want all lawmakers in their party caucus to vote on as a bloc.

State senators of the majority party caucus elect the senate’s leadership—the senate president *pro tempore* (often called the president *pro tem* for short) and the senate majority leader. These senators are the alpha dogs who control the “bill traffic”; that is, they determine which bills will get a vote on the senate floor and when, and which bills die on the senate calendar from lack of action. They may designate a party “whip” from within their caucus to help keep their lawmakers in line on bills and amendments of special interest to them.

Senate leadership appoints from among its caucus the chairs of the senate’s legislative committees. Leadership assigns all remaining senators in their party caucus to these committees. Leadership may designate a party “whip” for each senate committee. Plum committee assignments are among the rewards that leadership dispenses to loyal members of its caucus, whom leadership can rely on to toe the party line, both in committee and on the senate floor. (More on leadership’s rewards and punishments later in this chapter.)

Lawmakers in the house elect their party’s leadership: The alpha dog in the house is the speaker. Directly below him is the majority leader. These two lawmakers control the bill traffic—which bills get a floor vote and when. From among their caucus they assign chairs and state representatives to the house committees. They dispense a variety of rewards and punishments to members of their caucus—a disciplinary tool for obeying or defying orders.

Members of the senate minority caucus elect their minority president and assistant minority leader, who assign minority senators to senate legislative committees. Minority members of the house elect their minority leader and an assistant minority leader. Minority leadership assigns minority state representatives to legislative committees and designates a minority whip for each committee.

Intra-party leadership elections can be brutally fought. A lawmaker may withhold his vote from a candidate until the candidate promises, if elected, to appoint him the chair of a powerful committee or to channel state funding to a project in the lawmaker’s district. Leadership lawmakers of both parties and chambers start as lowly rank-and-file lawmakers. Relationships you form early in a lawmaker’s career can pay off big-time once he ascends to high rank in the lawmaking body.

**The political composition of legislative committees** is proportional to a party’s total membership in the chamber. Example: If 60 percent of all senators are Democrats, 60 percent of every senate committee will be Democrats. The number of seats on committees varies. Committee make-up may not represent all regions of the state.

**Leadership in county, city, and town halls** Party affiliation and rank can be every bit as important locally as they are in the statehouse. Even if your focus is local government, read the above to acquire tools necessary for you to become an insightful observer and savvy power

will approve.

**Majority leadership** The highest-ranking lawmakers in the political party with the most seats in the lawmaking body. For example, in a city council with 11 Republicans and 5 Democrats, the Republican mayor and the council majority leader may be referred to as “the majority leadership.” In the statehouse, the senate president *pro tempore* and the senate majority leader are senate majority leadership, and the speaker of the house and house majority leader are the house majority leadership. Deputy leaders are referred to as part of majority leadership.

**Minority leadership** In the city council described above, the Democrats elect a minority leader and perhaps a deputy minority leader, who are the council’s minority leadership. In the statehouse, the elected leaders of the minority party in the senate and house are “the minority leadership.”

**Rank and file** Lawmakers who do not hold leadership positions within the lawmaking body.

**Caucus** General term for legislators in a jurisdiction who are of the same political party. Example: Utah’s state legislature’s senate Republican caucus. Legislators of different parties may join together in an unofficial caucus to promote legislation of specific interest to them. Example: A state could have a bipartisan animal welfare caucus. Also a verb (“to caucus”). See “Legislative party caucuses” in Chapter 4.

**Whip** The lawmaker of a political party who is responsible for rounding up her caucus’s votes on pending legislation. Whips are selected by top party leadership or elected by the party’s caucus and can be powerful figures. Statehouses and Congress have whips for each legislative committee and each chamber. Examples: After the November election, the city council’s Democratic leadership named Councilor Goldensohn majority whip. The city council’s Republican leadership named Councilor Farmer minority whip. The house Democratic whip is Rep. Laski, and the house Republican whip is Rep. Carey. In the house agriculture committee, Rep. Correa is Democratic whip and Rep. Lopes is Republican whip.

**Rollcall vote** A vote on a bill or proposed ordinance that requires each voting lawmaker to say or signal (by pressing a button) “Aye” or “Nay” publicly. The votes are recorded and available to the public—and to voting blocs!

**Voice vote** A vote for which the presiding lawmaker asks lawmakers who support the action or amendment to simultaneously shout “Aye,” and then asks lawmakers who oppose it to simultaneously shout “Nay.” By comparing the volume of sound, the presiding lawmaker rules whether the action or amendment passed or failed. A voice vote leaves no record of how individual lawmakers voted. Voice votes may be used to save time for simple, uncontroversial amendments, but also to avoid constituent accountability on controversial amendments. Or they may be used in a council or legislative committee meeting to decide uncontroversial matters or take required actions. Example: By voice vote the county commission moved to refer the proposed ordinance to the county’s finance officer. The commission president asked, “All in favor?” and all commissioners grunted their approval.

**Votes by hand** are taken in some jurisdictions.

**Party-line vote** A vote in which all lawmakers of one party vote one way and all members of the other party vote the other way. Examples: “The ordinance was defeated in a party-line vote.” “The committee passed the bill in a party-line vote.”

**Committee of cognizance/policy committee/committee of origin** In Congress and statehouses, the legislative committee mandated to review all bills that pertain to its subject area. After being introduced and receiving a bill number, a bill is referred to the appropriate policy committee. Example: A senate bill that would strengthen standards of care for farmed animals was referred to the senate’s Agriculture Committee.

**Public hearing** Official event, announced in advance, at which members of the public can comment directly to lawmakers on a bill or proposed ordinance the lawmakers are considering.

**Testimony** A speaker’s (witness’s) comments at a public hearing.

**Die from lack of action** When a bill or proposed ordinance dies without having been brought to a vote.

**Tank** To kill a bill or proposed ordinance by an overwhelming vote or by leadership’s denying it a vote.

**“Take a walk”** Just before a vote on a bill, proposed ordinance, or amendment is to take place, a lawmaker may leave the room to avoid voting on the record on it.

**Talking points** Core points used to defend or critique a bill, proposed ordinance, or amendment. Lobbyists use talking points when lobbying lawmakers. Lawmakers who agree to speak for or against a bill, ordinance, or amendment for a lobbyist, may expect the lobbyist to provide them with written talking points they can refer to while defending their position during the formal debate that precedes the vote.

**Veto** The chief executive’s—the US president’s or a state governor’s—right to kill a bill that has passed both chambers.

**Veto override** The legislature’s reversal of an executive veto by bringing the bill to a second vote and passing it with at least a two-thirds majority in both chambers. Example: A state senate vote of 40/20 and a house vote of 90/45 override a governor’s veto. Votes to override a veto often divide strictly along party lines, with lawmakers of the chief executive’s party siding with the chief executive, even if this requires some lawmakers to change their vote.

player at the local level.

**When leadership supports or opposes your issue** Because of the power of the majority leadership, drafting a bill or proposed ordinance that is acceptable to them may be essential. The degree to which this is true depends on the culture of your lawmaking body, and the proposal itself. You'll learn the relative importance of leadership by observing the lawmaking body in action on non-animal bills, and by getting to know the lawmakers.

⇒⇒⇒**Building a strong constituent base in the districts of top leaders is a priority**, no matter how animal-friendly a leader may be. You'll still need constituent pressure on leadership to get your controversial issue moved along and brought to a vote, because rank-and-file lawmakers resent leadership that thrusts them into a position of having to vote on something controversial. You also need the ability to apply constituent pressure on animal-friendly leaders because political problems arise over proposals that require the leader's firm loyalty to you and his heavy hand with his caucus.

**Fiscal analysis or note** Official projection, compiled by government staff of the jurisdiction, of the potential positive or negative fiscal impact of a bill or proposed ordinance, if any, on the jurisdiction. A "revenue neutral" fiscal analysis predicts that the proposal would have no financial benefit or cost. Examples: A fiscal analysis of a proposed ordinance requiring the county to sterilize impounded animals prior to adoption determines that compliance would cost the county a certain amount of money annually. A fiscal analysis of a state bill requiring the state department of agriculture to promulgate regulations on the care of elephants in circuses finds the bill would be revenue neutral, not costing or gaining the agency money. Or a fiscal note concludes that the bill would cost the agency money for enforcement time and for the printing of mandated public notices in newspapers around the state.

**Enabling legislation** A law that authorizes, but does not require, lesser jurisdictions to do something. Example: In a state that regulates county dog pounds, a new state law authorizes, but does not require, county animal control departments to have impounded animals sterilized prior to adoption.

**State mandate** A state law that requires action by local governments. Example: A state law requires every city to use the term "companion animal" rather than "pet" in official announcements.

**Unfunded state mandate** A state law or regulation that requires local governments to do something that costs money, but that doesn't supply state funds for them to pay for it. Example: A state law that requires counties to refurbish animal shelters to meet higher standards, but doesn't supply the counties with state funds to pay for the improvements. An alternative is for the law to provide the counties with a specific means to raise the necessary funds, for example, a temporary surcharge on dog licenses.

**Unfunded federal mandate** A federal law or regulation that requires state or local governments to do something that costs money, but that doesn't provide them with federal revenues to pay for it.

**Corporation counsel** A county, city, or town's staff attorney, or an attorney in private practice (or law firm) whom the jurisdiction keeps on retainer, who reviews proposed ordinances for constitutionality, other legal aspects, and proper drafting, and provides the jurisdiction's other legal needs.

**Grandfather clause** A provision in a law or ordinance exempting people or entities already engaged in the practice that the law or ordinance prohibits. Example: A breeding ban that applies only to dogs who remain unlicensed three months after the effective date of the law or ordinance.

**Penalties** For types of penalties, see Chapter 2.

**Regulations (as a tactic)** For a complete definition, see "Regulations," Chapter 3. Rather than dealing with an issue directly through a law or ordinance, lawmakers may enact a law or ordinance that authorizes the head of the enforcing agency to promulgate regulations addressing the issue. This is often a fall-back, compromise position for proponents who realize they don't have the votes to win the legislation they want. Mandating that the issue be addressed through regulations can be dangerous, because you may fail to control their contents, and you run the risk of ending with regulations that are worse than none. Regulations are often not enforced and provide only for civil penalties, not arrests, as criminal laws do.

**Task force** A group of lawmakers appointed by leadership to study and report back to the lawmaking body on a particular issue. A task force is often a fall-back position, when its proponents don't have the votes to achieve meaningful legislation. Opposing lawmakers or lobbyists often suggest a task force in order to avoid legislation.

**Veto-proof majority** A party that holds two-thirds or more seats in both chambers.

**When leadership gives the green light** On some proposals, neither majority nor minority leadership gives marching orders to its caucus members. This gives a green light to rank-and-file lawmakers to decide whether to support or oppose the proposal based solely on other factors, such as constituent pressure or its merits!

⇒⇒⇒Party leadership will likely relent and allow one of their own to vote against leadership's position, if leadership knows that a politically significant group in the lawmaker's district demands it. They'd rather suffer the occasional errant vote than have one of their brethren defeated next Election Day, weakening their overall power as a caucus.

If votes on a controversial proposal are all over the place in terms of party affiliation, either leadership has not given marching orders—or grassroots voting bloc politics has wrested control of the issue from leadership!

**"Deconstructing" votes** Experienced corporate lobbyists and grassroots issue lobbyists alike can figure out the politics of proposals that they have no knowledge about or interest in. They do this in seconds by observing how the leadership of each party votes, whether the rank and file votes in tandem or shows independence, whether members of a committee vote with the committee chair, etc. Doing so hones their skills, and they enjoy it for sport.

⇒Deconstruct every lawmaker's vote on every proposal that concerns animals. This cumulative information turns you into an effective, cunning strategist. More on deconstructing votes soon.

## Outside the Building

**Newspapers** To fit into the political world, you need to know the buzz. Try to get religious about reading your local daily and weekly for political and legislative news. You may find it blah at first, a chore. But as you get to know the people involved and the issues being reported on, and become savvy about political dynamics, articles will be so much clearer. Now an insider, you'll get hooked! You'll really enjoy and even crave political news in a perverse sort of way!

**Political District Maps: Your voting bloc's staff of life** You need maps showing the exact street boundaries of each political district in the jurisdiction. To launch a county voting bloc in a county council with 11 councilors, use the map to sort your members according to which of the 11 council districts they live in. Each of the 11 groups of voters constitutes your voting bloc—your constituent base—for the lawmaker who represents that district. The numbers keep you abreast of how strong or weak your voting bloc is in each district, guiding you where to focus recruitment. (It also informs you when you have an "important" person in a district, one who for some political, professional, or personal reason may have special clout with the lawmaker.) Eventually, established volunteers can become the captains or co-captains of their district, leading recruitment and initiating district meetings with their legislator(s) under your lobbyist's direct guidance.

**"At-large" political districts** Some county, city, and town councils have several at-large councilors, who represent the entire county, city or town. Everyone in the jurisdiction is a constituent of every at-large councilor. Some (usually small) towns have only at-large councilors, so there's no such thing as a district map.

⇒The district-by-district database of your supporters is critically important in your lobbying efforts. Examples: If you need the support of the council president who represents Council District 3, send an alert to your District 3 group, asking constituents to call her. Possibly invite her to a sit-down meeting with them. When a councilor threatens to oppose you or to offer an undesirable amendment, activate the constituent group in that district.

**District maps for a town, city, or county voting bloc** Ask your town or county clerk or registrar of voters for a map showing exact district boundaries, by street, of all council districts. (Increasingly, local jurisdictions provide such maps on their websites.) If there isn't one, supply your own street map and ask the clerk or registrar to draw the exact boundaries on it with a magic marker.

See the examples of district city and county maps in this chapter. Return to Chapter 5, on campaigns, for examples of district boundaries within a town or statehouse district.

**District maps for a state voting bloc** You'll want two state maps: one that gives a statewide snapshot of state senate district boundaries and another that gives a snapshot of all state house districts. Search the web and/or the blue government pages in your telephone directory for the state agency that deals with elections.

The snapshot maps will be enough to place accurately most of your members in a political district, because many towns fall completely within a specific state senate or house district. Anyone who lives in such a town is a constituent of the senator or representative/assemblyperson from that district.

See the examples of statehouse district maps in Chapters 3 and 5.

Don't be alarmed by statehouse districts that sprawl into parts of several towns. Your legislature's website provides a way to identify the right district for each recruit. If you have the recruit's nine-digit ZIP code, go to [www.votesmart.org](http://www.votesmart.org). Your fallback is to call the registrar of voters of the recruit's town, who will use the recruit's street address to determine her district.

Return to Chapter 5, on campaigns, for a simple example of such a district.

**Know the arithmetic of the last election.** Immersion in the building may whet your appetite to learn the political history of the lawmakers you are observing in action and getting to know. Don't fight the urge—succumb to it!

Go for another basic tool of your introductory kit: voter statistics from the last election:

- The number of registered voters in each district.
- The turnout of registered voters in each district.
- The winning and losing margins of each incumbent lawmaker.
- Which lawmakers beat incumbents.

*This information will give you invaluable political "intelligence" to enhance your lobbying strategy.* For example, a lawmaker who suffered through a close election may be especially vulnerable to your constituent pressure. If you need his vote, target recruitment and petition ef-

forts there (see Chapter 10's excellent recruitment tools; see the sample petition in Chapter 2).

Don't be alarmed if most lawmakers won by heavy margins! Remember they did so with low voter turnout that you can alter.

### **Thirteen Reasons a Lawmaker Votes FOR or AGAINST a Bill or Ordinance**

1. A politically organized grassroots voting bloc in his district has informed him that it has designated the proposal a scorecard issue.
2. Her party leadership in the building gave her marching orders, possibly on behalf of a wealthy business interest that contributes significantly to the party.  
  
In a statehouse, the marching orders could come from his party's leader of the legislative committee considering the bill. Or from his chamber's party leadership (house or senate). In a county or town, the orders might come from the mayor or council minority leader. Or his party's whip on the town finance board or police commission.
3. Someone from a local governmental body in his district asked him to. Examples: A police chief asked the state senator who represents his town to vote for or against a dog shelter bill. A local school board asked its state representative to vote against a state teachers' union contract.
4. A member of his party's town committee or other political party operative asked him to.
5. An influential businessperson in her district asked her to.
6. A constituent asked him to vote for or against it, and he has no strong reason not to oblige.
7. Another lawmaker asked her to as a favor.
8. The lawmaker has negotiated or expects a *quid pro quo* from the proposal's sponsoring lawmaker(s).
9. The lawmaker sits next to and chats with a lawmaker with a strong position on the proposal.
10. The lawmaker feels emotional involvement in the proposal.
11. The lawmaker's spouse has a strong position on the proposal.
12. There are no organized opponents, voting for it might make her look good, and it seems like a nice issue to support.
13. The lawmaker thinks the proposal has merit, possibly feeling passionately about it.

### **Eight Other Reasons a Lawmaker May Vote AGAINST IT**

1. There is no voting bloc to hold his feet to the fire.
2. She is philosophically conservative, disliking government involvement and regulation in all areas. (A solid voting bloc in her district trumps her philosophical orientation.)
3. The proposal may be bad for local business and eliminate jobs.
4. The proposal will cost the jurisdiction or his local government money to enforce or comply with, spelling higher taxes and an issue a political opponent could exploit in the next election campaign.
5. The bill is an unfunded state mandate that will burden local government in his district.
6. He thinks the proposal is too radical a departure from existing law.
7. The proposal is poorly drafted or conceived.
8. It is opposed by the executive agency that would be required to enforce it.

**Town, city or county electoral arithmetic** Ask your town or county registrar of voters for the detailed results of the last several local elections. If the registrar doesn't have them, she can tell you where to find them.

**Statehouse electoral arithmetic** Find the data online through your state's official government website or the online archives of a major state newspaper. If you have trouble, keep calling state agencies until you get the information you need.

**Do a voter participation chart of your jurisdiction, as constant motivator.** Remember Chapter 1's voter turnout charts—and the robust, large heart and infinitesimally small heart that couldn't pump enough blood to keep a chickadee alive? The charts' graphic clarity will focus your mind on the power awaiting you. For your personal use: Post copies in prominent locations of honor around the house (your refrigerator, bathroom mirror), on the dashboard of your car, in your billfold, and—if you carry a briefcase—attached inside the top. The chart is a powerful recruitment tool: Show it to people to attract and motivate them as members and volunteers.

**Read applicable laws and ordinances.** Make yourself familiar with existing state statutes (laws) on animals, because you must know what you're trying to change. Lawmakers will expect this of you. When lobbying at the local level, also become familiar with local ordinances about the care and keeping of animals. Your town hall may have a complete set of law books, and staff may help you. You can ask your local animal control officer, who may have a handbook. Some local zoning and public health ordinances may be relevant also.

☞☞☞ Start thinking about what a political group in your jurisdiction will look like. I use "will," because I know you're not going to waste this opportunity to help animals. Think about a couple of other advocates you could assemble for a preliminary, ad hoc core group.

<b>Anticipate Chapter 10 on just how to launch your voting bloc and recruit members.</b>
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## **Choosing Your First Issue and Getting Sponsors**

You've done your homework. You have preliminary knowledge of the process and the players and district maps, and maybe you've scanned election results. You've created the beginning of a voting bloc, however tiny, and an information vehicle to report to those who care about animals in the jurisdiction about how their lawmakers vote. Having begun to develop political judgment, you're pondering introductory issues.

You've been in the building regularly, following carefully how some non-animal issues progress. While there, you've established relationships with lawmakers and have a preliminary feel for each one's take on animals. Now combine this knowledge and electoral "intelligence" to decide on your initial ordinance or bill, and to assess which lawmakers you should initially approach to sponsor it. Ideally, you'll get sponsors from leadership of both parties.

Run specifics by receptive lawmakers and start a draft. (See "How to Draft a Bill or Proposed Ordinance" in this chapter.)

**Drafting your bill or proposed ordinance** Following non-animal-related proposals through

the process and studying existing laws and ordinances on animals show you how proposals are written in your jurisdiction and how they're tweaked along the way. Your proposal may become part of an existing law or ordinance, so draft it to mesh. Review ones on the subject that are on the books in other counties and states. National charities will provide you with compilations.

**“Scorecard” bills and ordinances** These are the proposals your voting bloc will use to grade incumbent lawmakers. If they vote with you on your scorecard bills or ordinances, you endorse them for re-election. If they vote against you, consider endorsing their opponent.

⇒ From the start, make sure lawmakers know which proposals you've designated “scorecard” issues (see Chapter 7, on lobbying). Include as scorecard issues proposals you oppose.

**You need at least one and preferably several “protectors”—lawmakers who will work with you closely and protect your proposal throughout the process.** Try to have a Democrat and a Republican, preferably of leadership rank. In the statehouse, you'll need sponsors/protectors in both chambers, so try for a senate Democrat and senate Republican and a house Democrat and a house Republican.

### Selecting a Bill or Proposed Ordinance

*Assess its chances objectively, as if you had no stake in the outcome*

1. Do you have the political strength to “give it legs”? **Yes** ☐ **No** ☐
2. Do you have a lawmaker or lawmakers who will serve as “protectors” throughout the lawmaking process? **Yes** ☐ **No** ☐
3. Will leadership of the house/senate/county/town council support it? Oppose it? If not, can recruitment in their districts turn them around? **Yes** ☐ **No** ☐
4. DO YOU HAVE THE LOBBYING CAPACITY IN THE BUILDING AND THE COMMITMENT TO SEE IT THROUGH FROM START TO FINISH? **Yes** ☐ **No** ☐
5. Can you generate constituent pressure on lawmakers at key pressure points during the process? **Yes** ☐ **No** ☐
6. Will you gain bipartisan support for it? **Yes** ☐ **No** ☐
7. Can you strongly articulate a need for the proposal in the jurisdiction and that existing laws/ordinances are inadequate? **Yes** ☐ **No** ☐
8. Can you explain clearly how it will work and what agency will enforce it? Has it worked in other jurisdictions? **Yes** ☐ **No** ☐
9. Will it cost the state/county/city/town money to implement? Will it save money (hard money, not theoretical)? **Yes** ☐ **No** ☐
10. Will there be active opposition from any business, trade, or grassroots lobby? **Yes** ☐ **No** ☐
11. Could it result in job loss? **Yes** ☐ **No** ☐
12. Does it have the support of the animal protection community in the jurisdiction? **Yes** ☐ **No** ☐
13. ARE OPPONENTS POLITICALLY ACTIVE? DO THEY HAVE LAWMAKERS WHO WILL FIGHT FOR THEM? **Yes** ☐ **No** ☐
14. Are you familiar with the legislative and political history of the issue in the jurisdiction? **Yes** ☐ **No** ☐
15. Can you enlist testimony or written statements from experts within the jurisdiction? **Yes** ☐ **No** ☐
16. Will it be opposed by the administrative agency mandated to enforce it? **Yes** ☐ **No** ☐

**Amendments** These are changes to a bill or proposed ordinance that has already been drafted, as explained in the lexicon at the top of this chapter. “Amendments offer opportunities to one side, but threats to the other side,” as political scientist Allen Rosenthal has written.

In most lawmaking bodies, amendments can be attempted at any point during the lawmaking process. An amendment must receive a majority vote to become part of the proposal, although in some statehouses chairs of the committee of cognizance may themselves redraft and incorporate amendments at an early stage. The lobbyist must know the lawmaking body’s rules concerning amendments.

If a lawmaker offers an amendment to a bill or ordinance, the body votes on it before voting on the bill or ordinance itself. An amendment that wins a majority of votes becomes part of the proposal; otherwise the amendment dies. Then the body votes on the whole proposal, whether amended or unamended.

Lawmakers may offer amendments in a sincere attempt to improve a proposal or clarify how it will be enforced. But amendments are very often put forward to weaken key provisions. Apparently positive language may be attempted to sabotage the proposed law’s intent, weaken existing law, or direct the proposal to another committee, where it could die. It’s dangerous to initiate a legislative agenda before you know the problems that can arise with amendments, unless you have hired a professional lobbyist who knows the ropes. Don’t start until you have a voting bloc that can protect against an amendment that would gut a good proposal or existing law. (See “Danger: Opening up a Statute” in Chapter 7.)

⇒⇒⇒ **The closer you get to achieving a controversial law or ordinance, the more likely bad amendments will be used in sneak attacks.**

There is no limit to the number of amendments lawmakers can attempt to “attach” to a proposal. Amendments can be voted on by either roll call or voice vote (see “Rollcall vote” and “Voice vote” in this chapter’s lexicon).

**Amendments must be germane.** In most jurisdictions, an amendment cannot be brought to a vote unless it is “germane” to the underlying bill or ordinance (see this chapter’s lexicon). Example: an amendment to a spay/neuter bill must have something to do with companion animals. Determination of germaneness can itself become a political football. (By the way, don’t be thrown if a lawmaker also uses the term “amendment” to refer to your proposal. If it alters, adds to, or subtracts from an existing statute or ordinance, it amends it.)

**Be prepared to compromise.** Remind yourself that the route to lawmaking does not generally take the form of a showdown (which might land you outside the door on your fanny). Lawmaking is a process, usually of compromise.

**Write compromises yourself.** As a lobbyist you must strategize with every step to success in mind, so be prepared with fallback or compromise positions. By being in the building and touching base with lawmakers regularly, you’ll know if and when to compromise. Then you present “compromise language” that you yourself wrote (under advisement of your sponsors and protectors, who must agree to it). Otherwise your proposal is dead, or lawmakers may turn to compromise language written by your opposition.

Don't let perfect be the enemy of good, but don't capitulate to language that won't help animals. As the lawmaking process progresses, you'll become more and more emotionally invested in winning. You've been struggling intensely for months; so rather than face complete defeat, you now may hungrily accept a compromise that you would have rejected as unacceptable earlier in the process. That's fine—if it advances the cause solidly forward. Too often some groups choose to accept a compromise that doesn't advance anything, so they can “take a win home to their members” to nourish member and donor loyalty. (For more on compromises, see Chapter 2, on social and political change, and Chapter 7, on lobbying.)

**The power of your voting bloc's constituent alerts** It may amaze you, but calls or emails from one, two, or four constituents are often enough to gain a lawmaker's support for your position. It also may be enough to quench sudden wildfires that may break out just before a critical vote on your proposal. In such situations, *immediately* telephone a couple of the troublemaker's constituents, asking them to quickly call the lawmaker.

Although most of your members will not follow through on email alerts, lawmakers know that all will receive your endorsement list next election season. Ask national animal advocacy organizations to send out alerts to their members in the jurisdiction. First, make sure these

### **Drafting Your Bill or Proposed Ordinance**

Know the issue and existing laws or ordinances.

Craft it carefully, whenever possible using language that has been enacted and successfully implemented elsewhere. Get serious input from your lead sponsors.

Keep it as simple and short as possible.

Be willing to consider writing revisions to address lawmakers' concerns, provided the end product remains worthwhile. Most proposals require “fixing” to make it through the process.

Avoid any provision that will cost the state, county, or town money, unless you're confident that you can muster adequate lawmaker support for it.

Be mindful that violations of Constitutional protections, such as due process and privacy, and prohibitions against limits on interstate commerce, are bill and ordinance killers.

Include the effective date and penalties. If strong penalties are a point of controversy that could kill it, consider weaker criminal penalties, civil penalties, or a graduated system, provided they would not also have the effect of weakening penalties for existing laws that pertain to animals.

#### **DON'T**

Throw lots of provisions in your bill or ordinance, unless you have support for them. One word or phrase may provoke more lawmakers to oppose it or create opposition from other issue groups or businesses. In some statehouses additional provisions may require the bill's approval by multiple committees.

Let perfect be the enemy of good. Lawmakers need time to get used to the notion of legislating on an issue; that itself may be a big first step. From start to finish you'll be analyzing the political dynamics of the issue dispassionately, so you can make a reasoned judgment as to whether you'll need to compromise to get the votes, and, if so, how to do it.

#### **SEVERANCE CLAUSE**

If your proposal includes several changes to existing law, consider ending it with a “severance clause.” A severance clause states that should a court rule one section unconstitutional and “throw it out” or “overturn” it, the other sections will remain on the books and still have the force of law.

groups agree with your position and your draft 100 percent. Their alerts must support your proposed legislation fully. Lobbying a proposal is a tightrope, and you don't want "outside influences," even those among our movement, to slacken it. Lawmakers are turned off by conflict within the ranks. It diminishes the likelihood of your proposal getting a vote.

Lawmakers may be annoyed if late in the game folks from other groups show up to lobby them for optional, last-minute changes, even positive ones. Things aren't done like that.

Disagreements over legislative language among factions of the movement is one reason lawmakers may push your proposal to the back burner. They don't have time or motivation to devote to sorting and sifting support and opposition among folks they figure should all stand together. And opponents exploit the division.

☞☞☞If you're the only "regular" in the building, and your group endorses candidates, your voice has by far the most weight, and you can enlist your protectors to help move your version of the proposal along. You'll call the shots!

**Bring constituents to committee votes.** When your issue is up for a vote at a scheduled meeting, try to bring constituents of lawmakers who are about to vote on it. Each constituent should try to find his own lawmaker in the building before the meeting starts. He should have a short conversation with the lawmaker, explaining why he is there and asking the lawmaker, "May I count on your vote?" before the meeting takes place. Make sure these lawmakers can see their constituents in the audience as they vote "Yea" or "Nay."

*Especially important* is bringing constituents of fence-sitting lawmakers whom you've identified as swing votes. It can impact the outcome.

Every time an advocate plans to be in the building for any reason, she should contact the office of her lawmakers(s) in advance, telling staff or voicemail: "I'm going to be in the building for [County Ordinance 06-86 on circuses/the Agriculture Committee's vote on HB 5208 on veal crates] which I support. I'll stop by \_\_\_'s office first, and hope to talk to him about it."

### **! Vote Counts Are Essential !**

**At any given time the lobbyist can tell you the current status of each and every lawmaker.**

To win a law or ordinance, you must win a majority vote at every stage, every "pressure point," of the lawmaking process. Your lobbyist is constantly doing a running tally of how many lawmakers he needs, how many have committed to voting with him, how many he knows will vote against him, and how many are on the fence. At any given time he can tell you the current status of each lawmaker. Tallies are essential for knowing which lawmakers need constituent pressure and when; knowing whether emergency canvassing in some lawmakers' districts is needed; and retooling the lobbying strategy.

## **The Lawmaking Process: Key Pressure Points and the Voting Bloc in Action**

Pressure Points are what I call the junctures in the lawmaking process at which lawmakers vote to advance, defeat, or amend your proposal. These are the points at which constituent pressure from you—and opposing groups—can make or break a proposal. At each pressure point, your

proposal can be voted forward to the next pressure point toward enactment; or denied a vote and die from “lack of action;” or be amended for the better and be voted forward to the next pressure point; or be amended for the worse and voted forward to the next pressure point.

Under your lobbyist’s direction, at each pressure point your group issues alerts to some or all of your members, asking them to call or email their own lawmakers to request their support or opposition.

⇒⇒⇒**At each pressure point, a voting bloc’s impact may be profound.**⇐⇐⇐

Lawmakers are confident that their constituents haven’t a clue about what they’re doing in the building about most issues. Constituent calls and emails on your proposal at each pressure point prove that’s no longer true within the animal advocacy community—and that how a lawmaker votes on your issue could have consequences for him when he seeks re-election.

In deciding whether to initiate a proposal, consider, step by step, the route it will need to travel from the beginning to the end of the lawmaking process. Do you have a decent chance of maintaining key lawmakers’ support at every one of these steps, these pressure points? If not, can increased recruitment in their districts get it? By learning the process in advance, observing it in action, and forming working relationships with lawmakers, you can make this judgment.

#### **INTERVIEW**

##### **Elizabeth O’Neil: Learn to Thrive in the Political Ecosystem—the Art of the Deal**

Even people who have been around politics to some degree think that “being right” will push a bill or proposed ordinance over the finish line. It’s just not true.

Your proposed legislation does not exist in isolation, but rather in the context of many other bills and issues, of competing goods. The decision to “take up the issue” is a transaction for the lawmaker. He knows there is a price he has to pay for deciding to support you: sacrificing political chits with other lawmakers that he could use on other proposals, angering colleagues who oppose your issue, provoking opposing interest groups that may be politically powerful. By choosing to support your bill, the lawmaker is saying no to other bills. This is the messy process of democracy.

Issue groups sometimes condemn compromise. But consensus results from the art of the deal. How else could it be? If you consider this cynical and approach it as something else, it’s a no-starter. If your bill is too big for the environment, it’s not going to happen. You compromise in every aspect of your life; how could a political process be different? Get lawmakers used to legislating on the issue first, creating a comfort level, then go for stronger provisions.

If your favored candidate doesn’t want your public endorsement, inform your people quietly. This doesn’t make you second-class citizens, it’s shrewd! You want him to be elected, and he feels that a public endorsement could lose him many votes. When you’ve got a proven track record, things will be different.

Show them you’re in it together, that you’re working on it together. You’ll help him get re-elected. If you don’t hold up your end of the deal, you’ll lose credibility with him and other lawmakers. It will all be over.

Be in it for the long haul. Often folks come together on one pressing issue, enter the building, and then vanish. Lawmakers have seen this over and over. They won’t take you seriously.

You need to keep mobilizing new voters. Lawmakers consider 10 calls for or against a bill as an avalanche. But on subsequent bills or ordinances, make sure it’s not only the same 10 constituents. It will appear as though you’re small, not growing.

***Elizabeth O’Neil has managed Congressional, gubernatorial, statehouse, and municipal political campaigns and is a political campaign consultant.***

## Lawmaking in the Statehouse

So many bills are moving through the building simultaneously that you'll view them as overlapping traffic circles, each with intersecting access and exit ways, and prominent and nearly invisible roadblocks and detours. Each bill involves different lawmakers, all of whom are actively involved simultaneously in many other bills. As the legislative session approaches its adjournment date, the pace quickens to dangerous speeds, and life-threatening bumps can materialize suddenly.

Most legislatures meet for three to six months, many convening in January. Some have longer sessions in odd years and shorter sessions in even years. Georgia's meets only 40 days a year, so to become a law, a bill must get through both chambers speedily. State legislatures in Illinois, Massachusetts, Michigan, New Jersey, Ohio, Pennsylvania, and Wisconsin meet year-round in sessions that convene in January.

During session, statehouses are bustling. They're crowded with suits, all of them focused utterly on their own political and lawmaking agendas, short- and long-term. Scattered about are small clutches of lawmakers and lobbyists conversing in hushed tones, while others are shouting greetings, embracing, and slapping backs. Through well-practiced peripheral vision, lobbyists are keeping track of who is talking to whom, and who is lobbying whom. Multiple legislative committee meetings, press conferences, and other events occur simultaneously, with people darting from one to another. Most of the players—lawmakers, staff, and lobbyists—have been there for years and know each other well. All know that “civilians” have no idea of the political subtleties that determine the fate and content of bills, and that most members of the public who would be concerned about a piece of pending legislation probably don't know it exists. This is the insular capitol culture that you will penetrate.

Hundreds of lobbyists represent all sorts of interests—from independent florists to powerful utility companies, banks, gambling interests, computer software companies, voting machine manufacturers, labor unions, doctors' trade groups, veterinarians' trade groups, trial lawyers, associations of builders and realtors, dental hygienists, community colleges, private social service agencies, fair housing groups, clean government groups, environmental groups, women's rights groups, gay rights groups, and so on. And, of course, there are the hunting groups, farmers' groups, pharmaceutical companies, the pet store industry, and associations of animal breeders. Full-time lobbyists may be staff members of corporations, trade associations, or nonprofit organizations; independent contractors with multiple clients paying them on a fee basis; employees of lobbying departments in large, prominent law firms; or volunteers.

A contract lobbyist or lobbying firm may have dozens of clients, some relatively small (independent florists) and some large and powerful (a bank, an insurance company, the Catholic Church). Lobbyists may be paid to lobby for or against specific bills, to only keep watch and report back to the client any pending legislation that may be harmful or useful to the client, or both. Their presence alone helps deter bills unfavorable to their clients from moving forward. Nearly every lobbyist spends time in the statehouse nearly every day during the legislative session (see Chapter 7, on lobbying).

Typically, the only interests that lobby through charities (as opposed to political organizations) are some social service providers concerned with line items in the state budget that pay

them to provide basic social services to segments of the public. These public-private partnerships are arranged through contracts between the social services providers and state agencies.

Animal advocates are (unfortunately) the other exception, although in most statehouses animal advocacy has little discernible presence at all.

In contrast, farmers, the pari-mutuel gambling industry (dog and horse racing), pharmaceutical companies, research hospitals, dog breeders, hunters, and national and state environmental organizations with close ties to hunters all have powerful presences in state capitols around the US. In some states the circus and pet store industries pay retainers to powerful contract lobbyists.

The moment there's even a rumor that a lawmaker is introducing a bill that could impact such an industry, the lobbying firm that represents it springs on the bill's rumored sponsor and on leadership. If, say, there's a bill to ban or restrict rodeo, the rodeo industry quickly hires a powerful lobbying firm to stamp it out. A voting bloc for animals can be a powerful counterforce to these industries. If it couldn't, I wouldn't have written this MANUAL.

**Routinely, charities wield power through affiliated political organizations.** Non-animal charities with public policy agendas create affiliated political organizations, and solicit donations

### **The Political Mind: What Lawmakers Ask Themselves**

"Shall I support, oppose, sponsor, champion, try to amend, try to sabotage, or ignore the proposal?"

#### **Political dynamics in my district**

Could the proposal be a wild card that loses me my next election or reduces my winning margin?

Is it, or could I make it, an issue that helps me electorally?

Will some constituents oppose it?

Will constituents who might oppose it even know about it?

Are proponents in my district politically organized?

Are opponents in my district politically organized?

Might local media treat it as controversial or oppose it? Or praise me for supporting it? Or ignore it?

Will members of my town/county committee(s) oppose it? Or support it? Or not care?

Will local government in my district oppose it? Or support it? Or not care?

Will any of my other powerful champions oppose it?

Will it turn off or please local business?

Will it cost me or gain me big political donations?

Will my involvement inspire a serious challenge candidate next election?

#### **Political dynamics in "the building"**

Do my party's leaders support it, oppose it, want it kept from a vote, not care much?

Does my legislative committee leadership support it/oppose it/want to keep it from a vote/not care much?

Could I use my vote for or against it to vote trade with other lawmakers to win support for proposal(s) I want credit for winning that I can "take home" to my district?

☞☞☞ See Chapter 8 on how your town animal charity can form an affiliated political organization/voting bloc. And how individuals can form a political organization/voting bloc on their own.

Aside: Newspapers often blame corporate lobbyists for the enactment of harmful laws and the defeat of bills the public needs, but the blame is ill-placed. Lawmakers, not lobbyists, vote to enact or defeat legislation. Lawmakers choose to yield to such lobbyists or not to yield.

➡ Still, it can be surprisingly easy to advance your bill if you know how the process works and use your voting bloc system.

[illegible]

Many groups represented by lobbyists have a legislative agenda they want enacted. Republican and Democratic leadership in the senate and house formulate high-profile legislative agendas of issues they want associated with their party, to help them next Election Day capture or recapture the governor's office and as many seats in the senate and house as possible. Rank-and-file legislators are expected to support their own party's agenda.

Each lawmaker may introduce bills that are important to him personally, bills requested by powerful constituents, and bills that will play well in the district. Often the latter are apple-pie-and-motherhood bills that make for good local press or lower taxes. Some direct state funds into local programs or building projects ("pork"—"earmarks" on Capitol Hill in Washington, DC).

⇒ Each of the state agencies of the executive branch—including the state departments of agriculture and fish and wildlife—has a legislative agenda that the governor's office has initiated or approved (see Chapter 3, on the structure of government). You'll likely want to defeat or amend many of these. Having the mandated agency's support for your bill is fabulous, but uncommon.

**Just because a lawmaker introduces a bill for you doesn't mean it will go anywhere.** Don't be naïve. Often a lawmaker introduces a bill to please a constituent, with no intention of "working" it. Your voting bloc gives a bill "legs."

**How majority and minority leadership decide which lawmakers to appoint to which legislative committees—and its relevance to your lobbying strategy** A legislator may serve on several committees. Majority leadership appoints committee chairs and its party's slots for rank-and-file lawmakers of its party. Minority leadership appoints its party's slots. Criteria they use in making these appointments include:

- *A lawmaker's willingness to follow the party's legislative outlook and agenda* as it relates to the committee's mandate.
- *A lawmaker's leadership skills.*
- *The need to reward lawmakers* who've voted to elect them to leadership (senate president, senate majority leader, or senate minority leader; speaker of the house, house majority leader, or house minority leader).
- *Payback to business interests* that contribute heavily to the party, and insurance that they'll do so the next electoral season. Example: As campaign season approaches, top-tier management employees of a state bank, and lobbyists for the bank, contribute a total of \$50,000 to the state's majority party, which has benefited the bank. Their checks may be made out to the party itself, rather than to individual lawmakers' campaigns (whom they may reward with other checks). Party leadership allocates the \$50,000 according to its priorities and needs: staffing and administrative costs at the party's State Central committee (see Chapter 4) and financial support to its priority candidates who need it. Come Election Day, the same party retains the majority. Majority leadership in both chambers appoint lawmakers who "understand" the banking industry's needs to chair the senate and house committees of cognizance for banking and credit bills, or re-appoint incumbent chairs who win re-election. This relationship may have endured through many election cycles. The bankers may also contribute to

the minority party, although perhaps a smaller sum. The minority party also appoints (or re-appoints) bank-friendly lawmakers to these committees. If the bank had been unhappy with the majority party's actions on banking legislation, it would have funneled more money to the minority party to help it wrest control of the statehouse from the majority. Of course, one party may be philosophically more in tune with the industry.

- *Insurance against politically powerful grassroots groups.* Example: Majority party leadership appoints lawmakers with strong pro-hunting voting records to chair the legislatures' committees of cognizance for hunting bills, because the party doesn't want the hunting lobby to endorse its opponents for state senate and state house the next election season. These appointments signal the hunters that "we're on your side—support our party's candidates next time 'round." Majority and minority leadership also fill some of their slots on the committee with pro-hunting lawmakers, for the same reason.

**The politics and power of the committee chair** If the chair of the committee that your bill is assigned to doesn't want to "do" the bill, you're probably dead—unless you have a strong bloc of organized voters in the chair's district, or a lot of clout with other committee members.

**Rewards and punishments** Top leadership holds high-stakes cards to reward lawmakers of its own party for allegiance and to punish lawmakers of its own party for misbehavior. Lawmakers play hardball among their own. Some rewards and punishments at leaders' disposal can make or break a lawmaker's political career, affecting, for example, whether he can realistically aspire to higher elective office.

A chair who crosses his party leadership over a bill after leadership issued him firm marching orders may find himself banished to committees with little or no power or profile (maybe the student internship committee). Within committees, rank-and-file lawmakers who cross their own party's committee leadership may watch their own pet bill die for lack of action, or find their committee assignments changed next session.

Among rewards and punishments:

- Plum committee assignments, as above. Or undesirable committee assignments, which give the lawmaker no opportunity for political traction in her district.
- Support for a bill that the lawmaker wants to "bring home to his district." Or killing the bill quietly from lack of action.
- Enacting budget items that finance capital projects in the lawmaker's district. Or eliminating such projects from the state budget bill.
- Support in the lawmaker's re-election campaign, in the form of money from the party's PAC and/or professional campaign staff. Or denial of support.
- Promotion to leadership's lower echelons, giving the lawmaker a higher salary and other perks and more influence over the fate of her own bills and over other lawmakers' bills.

⇒⇒⇒Voting bloc politics can trump all of these factors.

⇒⇒⇒It's essential to get a feel for and establish a relationship in advance with the chair of the committee to which your bill is assigned. As emphasized before, build a strong base in the dis-

## Sample State Lawmaking Process: The Pressure Points

*Also see “The Lawmaking Process Varies”  
on page 166*

**Governor** signs bill into law or vetoes it.

**Redrafted bill** returned to Senate and House for vote. If compromise bill wins a majority vote in both chambers, bill is sent to Governor.

**Conference Committee?** If Senate and House pass different versions, leadership of both chambers appoint lawmakers to a conference committee, which attempts to draft a compromise that leadership and a majority of lawmakers in each chamber will accept.

**Process starts in other chamber** Bill approved by Senate referred to House committee of cognizance; bill approved by House referred to Senate committee of cognizance. In some states that use companion bills, both chambers may work simultaneously.

**House votes** on bill, passing it with majority vote, with or without amendments; or votes against bill, killing it; or bill dies from lack of action.

**Senate votes** on bill passing it with majority vote, with or without amendments; or votes against bill, killing it; or bill dies from lack of action.

**House bill** appears on House calendar, is ready for action on the House floor.

**Senate bill** appears on Senate calendar, is ready for action on the Senate floor.

**Legislative fiscal office** prepares fiscal analysis of bill.

**Other committee(s)** vote to approve bill or it dies. May amend bill.

**Bill may be referred** to other committee(s) for review.

**Committee** redrafts, votes to approve bill or it dies.

**Committee** holds public hearing.

**Legislative committee** votes bill to public hearing or it dies.

**Bill/companion bills introduced**, drafted, assigned bill number, and referred to legislative committee(s) of cognizance.

*Imagine every existing local animal rescue and rights charitable group in the US having an affiliated political organization.*

*Imagine each local political group or affiliate feeding its membership list into a state political organization that lobbies for strong state animal protection laws.*

*Imagine each state political group feeding its membership list into a national political organization that lobbies the US Congress for federal laws for animals.*

tricts of chairs of committees you routinely do business with.

**Before you “open up a statute”** Every time you propose legislation that would alter an existing law or ordinance, you’re giving opponents the opportunity to harm it with amendments that weaken existing law. Think carefully before attempting anything highly ambitious without a voting bloc plus lobbyist in place. Once a bill is introduced, it’s the lawmakers’, not yours. You need the political means to control its content. Please see the Carter Dillard Interview in the next chapter, on Lobbying.

## **Use the Pressure Point System in the Statehouse to Win Laws for Animals**

The Pressure Point system can powerfully help the voting bloc by:

- Demonstrating your accountability system. It shows all lawmakers that you are informing advocates in their districts of every action they take in the building that is relevant to animals.
- Threatening to withdraw endorsement. Every lawmaker knows that his votes on animal bills or amendments will determine whether you endorse him for re-election or throw your support to his opponent.

To become state law, a bill must receive a majority of votes in every legislative committee with a mandate to act on it, and it must receive a majority of votes in both the senate and house. Both chambers must approve identical language.

Note: Members of the public may attend all legislative meetings and all formal sessions of the house and senate to observe lawmakers in action.

**Targeting initial sponsors for your bill** Plot out in advance the bill’s likely journey through the lawmaking process, and strategize around each pressure point. Will the agriculture committee be the committee of cognizance? Ask the chairs of the relevant Senate and House committees if they will introduce the bill for you or at least support it. Ask the minority whips the same (unless your evaluation of the politics of such a bill and your knowledge of these lawmakers dictates that you leave them out of the loop as long as possible). Alert your constituent base in their districts to ask these leaders to sponsor the bill.

If the bill survives the agriculture committee(s), will it likely be referred to the judiciary committee because it specifies a penalty for violators? Ask the chairs and minority whip of judiciary to co-sponsor the bill or at least support it. Use constituents’ calls and emails to apply pressure on them to do so. Of course, ask rank-and-filers to sign on to the bill also.

***Listen carefully to every lawmaker’s response. Try to elicit as detailed a response as possible.*** (See Chapter 7, on lobbying.)

Think of other motivators. When a dog named Rocky was beaten to death by a man’s roommate, I proposed a bill to allow an animal’s person to sue for punitive damages anyone who unlawfully kills or injures the animal. The beating death received broad media coverage, so poor Rocky had high name recognition. First I went to the state representative from Rocky’s

## The Lawmaking Structure of a State Government

### EXECUTIVE BRANCH

#### Governor

#### The Agencies

**Agriculture** Farmed and companion animals

**Fish and Wildlife** Hunting, trapping, fishing, “exotic” animals, “nuisance” wildlife, endangered species

**Special Revenue** Horse and dog racing

### LEGISLATIVE BRANCH

#### SENATE

48 seats

#### Majority

35 seats

President Pro Tem

Majority Leader

Assistant Majority Leaders

#### Minority

13 seats

Minority President Pro Tem

Deputy Minority President

#### HOUSE

99 seats

#### Majority

56 seats

Speaker

House Majority Leader

Deputy Speakers

Assistant Majority Leaders

#### Minority

43 seats

House Minority Leader

Assistant Minority Leaders

#### Typical Legislative Committees of Each Chamber

Appropriations Finance/Ways and Means Judiciary

Agriculture Banks Economic Development Education Energy and Utilities Government and Elections

Health Human Services Insurance Real Estate Labor and Public Employees Law Enforcement

Natural Resources Public Safety Regulations Rules Transportation

#### **Majority or minority party status? It matters.**

...Nationally, the Democrats picked up more than 350 seats in state legislatures in November, 25 of them in Minnesota, and gained control of 10 chambers, including the Minnesota House. Two other states shifted either to Republican control or to a tie....

—From “In Minnesota Shift, Case Study for National Political Shake-Up,” *New York Times*, December 29, 2006.

home district, who I knew sat on the judiciary committee, the likely committee of cognizance for the bill. I called the bill “The Rocky Memorial Act” to create a buzz.

I sought and scored so many sponsors—in both chambers and both parties—that the lawmaker I first approached, Rep. James Amann, had to vie with others to become the lead sponsor. Through Rocky’s death, he and I developed a strong relationship. But Amann had been trying to replace the current house speaker: to punish him, the speaker kept the bill from a floor vote. Two years later, the house elected Amann as speaker, and the Rocky bill was enacted. Since then he’s helped greatly on other bills, too.

Rocky was not our lead bill: it did not meet my criteria for strong legislation. Many lawmakers agreed to sponsor it, because there was no organized opposition, and doing so helped them appear pro-animal.

Nonetheless, Rocky was a good, positive step forward for animals. And it did gain me ongoing working relationships with several important lawmakers, who hadn’t been helpful previously, and who helped me pass important legislation and defeat bad legislation in subsequent legislative sessions. Actually, the law had unanticipated, positive impacts beyond its stated purpose. Among them: Its definition of companion animal clarified legal protections for cats, and resulted in several towns’ expanding their dog pounds to house cats. This thrilled state cat rescue groups. Rocky’s senseless, brutal death was not in vain.

If any key lawmakers—senate president or senate majority leader, speaker of the house or house majority leader, or chairman of the committee of cognizance—says he’ll oppose the bill, and you can’t agree on a compromise, consider another bill. Don’t mourn, organize his district!

**Caution: The lawmaking process varies substantially in different legislatures.** All but three states (Connecticut, Massachusetts, and Maine) have separate house and senate committees, for example, a senate agriculture committee and a house agriculture committee. In many states, a bill cannot move forward unless it is heard at public hearing in each chamber’s appropriate policy committee. Examples: To become law a senate bill must be heard in the senate agriculture committee, must be approved by (“reported out”) by the senate agriculture committee, must be brought to vote in the senate and receive a majority of senators’ votes, and then start the whole process again in the house agriculture committee. In California, a bill must be heard at public hearing in every committee that acts on it, which, including the senate and house taxing and spending committees, means a minimum of four public hearings per bill. Because of the volume of bills, legislative committees usually hear multiple bills at each hearing.

Some states require equivalent house and senate “companion” bills. Companion bills begin in both the senate committee and the house committee. The senate bill number is prefaced with SB and the house bill number with HB. It’s also done this way in the US Congress.

☞☞☞ Confirm your own state legislature’s pressure points and rules before initiating legislation. Also see the sidebar on page 160. The sequence on pages 147–159 is only a guide.

**Relaxer:**

**What seems complicated is remarkably easy and quickly learned by spending a little time in the building. The process has its own logic, which you’ll absorb rapidly.**

## Political Structure of a Typical State Senate Committee

### Majority Party

Chair  
Vice Chair  
Other majority party state senators

### Minority Party

Minority Whip  
Other minority party senators

## Membership and Politics of Connecticut's Environment Committee 2005–06

*A joint committee of both chamber, whose mandate includes all animals*

All lawmakers, interest groups, and others involved in politics think in terms of party affiliation, whether a party is in the majority or minority, and political district number. They also know that politics is not static, that lawmakers are thinking of the next election, and that many are planning their next move upward.

The lawmakers below also serve on two to four other committees.

### 28 Members: 19 Democrats (Ds) and 9 Republicans (Rs)

SD = Senate District

AD = House (Assembly) District

#### Senators

##### 4 Ds

**William Finch, Chair** SD 22

Edward Meyer, whip SD 12

Donald DeFronzo SD 6

Christopher Murphy\* SD 16

##### 2 Rs

**John McKinney, whip, ranking member**\*\*\*\*\*SD 28

Cathy Cook\*\*\*\*\*SD 18

#### Representatives

##### 15 Ds

**Richard Roy, Chair** AD 119

Edward Moukawsher, whip AD 40

Terrance Backer AD 121

Paul Davis AD 117

John Hennessy AD 127

Steven Jarmoc\*\* AD 59

Ed Jutila AD 37

Robert Megna\*\*\* AD 97

Joseph Mioli AD 136

Mary Mushinsky AD 85

James O'Rourke\*\*\* AD 32

Chris Perone AD 137

James Spallone AD 36

George Wilbur\*\*\*\* AD 63

Roberta Willis AD 64

##### 7 Rs

**Chapin, whip, ranking member** AD 67

Michael Alberts AD 50

Marilyn Giuliani AD 2

Len Greene AD 105

Raymond Kalinowski AD 100

John Piscopo AD 76

Diana Urban\*\*\*\*\* AD 43

\*Elected to Congress November 2006, ousting long-term Republican Congresswoman.

\*\*Didn't run for re-election November 2006. His wife was elected to fill his seat.

\*\*\*Former grassroots activists. See Chapter 5 case study on how Megna got himself elected.

\*\*\*\*Decade ago state Agriculture Commissioner, recently a mayor.

\*\*\*\*\*Senate Minority Leader. Son of deceased Member of Congress.

\*\*\*\*\*Ran for Secretary of the State November 2006 and lost. Democrat elected to fill her senate seat.

\*\*\*\*\*Tried to run as Independent petitioning candidate for US Senate, but narrowly missed required number of signatures. After November election switched parties becoming a Democrat. Democratic leadership rewarded her with desirable committee assignments.

The notes illustrate how fluid political careers can be. Also, many of these state legislators had been mayors and/or members of their town or city council and/or local finance or school board.

## Lobby a Bill: The Key Pressure Points of the Nickie Bill

*Legislative session beginning February 8 and ending May 8*

Because the pressure point sequence varies from statehouse to statehouse, it's impossible to provide one accurate model. So for brevity I'll use a theoretical statehouse with "joint" legislative committees that combine senators and representatives. This template, combined with my cautions and the preceding pages of this chapter, will prepare you to learn your own state's pressure points. *The next chapter will deal with the lobbying component.*

In this statehouse, the Democratic Party holds the majority of seats in both the house and senate. The governor is a Republican.

The bill limits dog chaining and tethering. We'll call it "The Nickie Memorial Act" after a dog who lived his whole life on a chain (Nick was, in fact, the chained dog who got me into animal rights).

**Consider keeping your bill basic.** Any detail in a bill may provoke unexpected opposition among lawmakers or other interest groups and possibly doom it. If your statehouse requires a bill to be approved by committees other than the committee of cognizance, depending on its provisions, you want to keep things simple. In some cases a few additional words could require approval by another committee. For example, if a line in Nickie requires a veterinarian's opinion, will the bill also need to be approved by the public health committee, whose mandate includes veterinary medicine?

Needing approval of additional committees poses three risks:

- 1) It multiplies venues in which the bill may be defeated or amended unfavorably.
- 2) The bill's progress is slowed, allowing opponents more time to work against it.
- 3) The slower pace lessens the bill's chances of getting a floor vote in both chambers before session's end. As it approaches, "floor time" becomes increasingly competitive.

**Before deciding to have the Nickie bill introduced, list the committees you think it will need to pass through, and scan and evaluate the chair and membership of each committee for likely Yes and No votes.** In this statehouse, likely committees are:

- 1) The Agriculture Committee, the likely committee of cognizance, because it has jurisdiction over legislation about domestic animals.
- 2) The Judiciary Committee, because the bill includes a penalty provision to allow law enforcement officers to arrest or fine people who violate its provisions.
- 3) Possibly the Local Government Committee, whose mandate includes local animal control departments.

(Note this list omits the legislature's "money" committees; I'm hoping that legislative staff who analyze bills' likely fiscal impact will conclude that Nickie is "revenue neutral," that it won't cost the state or local animal control departments money to administer or enforce. Unfortunately,

they'll confer with the administering agency, which is more apt to find a cost for bills it doesn't like. An "unfunded state mandate" (see lexicon page 127) could stop Nickie in his tracks.)

Are any of these committees especially animal friendly or animal hostile? Have you asked their chairs their take on Nickie, and do you think you can get and keep them under control if and when you need to? Are you likely to obtain co-sponsors/protectors on these committees to shepherd Nickie through?

Do any reliably hostile lawmakers sit on any of these committees, who might try to defeat Nickie or gut it with bad amendments? You can't make seasoned judgments your first session in the building, of course. But conferring with them in advance will help a lot.

**"Neutralizing" opposing lawmakers** Do you have the capability to exert constituent pressure on the hostile committee members to gain their support, or at least neutralize them? Neutralizing a chair means that she may still vote No, but she won't pressure committee rank-and-filers of her party to follow her lead. (In legislatures that allow the chair to deny a vote on a bill that's gotten this far, neutralizing also means she'll at least bring it to a vote, whether or not she votes your way.) Neutralizing a minority whip or rank-and-filer means he may still vote No, but he won't press other lawmakers of his party to go along with him, and he won't offer bad amendments.

⇒ Is there likely to be organized opposition (dog breeders, farmers, hunters)? Will police chiefs and animal control officers support or oppose Nickie? Have you queried animal control in the chairs' districts, or do you think it's better to let sleeping dogs lie? Lawmakers are responsive to local officials, for better or worse.

Is the state Department of Agriculture likely to support or oppose Nickie or stay neutral?

After a realistic assessment, you settle on Nickie as your lead scorecard bill for the session.

**Make a calendar of the pressure points, and their deadlines, that Nickie must survive.** Each committee may have internal deadlines, such as dates by which it must vote to "raise" bills for public hearing and dates by which it must take its final votes. If the chair doesn't place a bill on meeting agendas by these deadlines, it's dead.

Here we go!

**PRESSURE POINT 1: Bills must be filed by February 10.** In some states, the deadline day for filing bills comes before its legislative session begins. Either way, try to line up good sponsors before session begins, months before, if possible. Your endorsement process helps.

Solicit an animal-friendly lawmaker who will work hard for you to be Nickie's lead sponsor. Remind this sponsor to file the bill in a timely manner. These conversations may be in the form of emails, good-naturedly nagging of the lawmakers' aides, and a few words in person, when you run into the lawmaker in the building. Call her at home if necessary.

Pursue other sponsors according to the political needs of the bill—such as lawmakers who sit on each of the committees that will act on it. Keep your lead sponsor apprised of which co-sponsors you've lined up. You may decide that you want to "go in" with lots of co-sponsors to create

the psychology of power and success, giving the impression there's a train departing the station that could leave standoffish lawmakers behind. If so, buttonhole them. *Send an alert* to your membership, instructing them to call or email their state senator and their state representative with a request to co-sponsor Nickie. Many lawmakers may decline or not answer (rather than formally decline), but no matter. Constituent requests put them on notice that they should support Nickie when it's put before them for a vote.

**Outcome:** Nickie is introduced by Rep. Heller, a house Democrat who sits on the Agriculture Committee, and six other sponsors, who sit on the committees indicated:

**Democrats**

Rep. Heller, Agriculture  
Rep. Banta, Agriculture and Judiciary  
Rep. Donne, Agriculture and Local Government  
Sen. Handley, Agriculture and Judiciary

**Republicans**

Rep. Bernhard, Agriculture and Judiciary minority whip  
Rep. Early, Local Government  
Sen. Salia, Agriculture and Local Government minority whip

Once a lawmaker files a bill, it goes through several legislative offices, where capitol staff draft it, assign it a bill number, and refer it to the appropriate committee of cognizance. Rep. Heller will submit the exact "language" you want enacted, unless he and you figure that strategically it would be safer to start with a simple concept that avoids details for its opponents to pounce on (states' rules on bills' initial form vary).

**Outcome:** Nickie is now HB 5028 and has been referred to the Agriculture Committee as its committee of cognizance (or "policy committee"—see lexicon).

Agriculture has 23 members: 15 Democrats and 8 Republicans. For every vote on Nickie in this committee you need a minimum of 12 votes and very preferably 15, to insure Nickie against possible no-shows and turncoats at the meeting when the vote takes place.

**Pressure Point 2: The Agriculture Committee must vote to "raise" Nickie for public hearing by February 28.** Committee chairs must place Nickie on a committee meeting agenda, and a majority of committee members present must vote in favor of raising the bill by that date. Remind your sponsors on the committee to ask the chairs to place it on an agenda, preferably for a meeting well before deadline day.

**Alert** At least two weeks before Agriculture votes, send an alert asking all advocates whose state senator or representative sits on the committee to contact their lawmaker to "Vote for 'HB 5028: The chaining of dogs' to public hearing."

**Vote counts** You (or your lobbyist) have been lobbying lawmakers on the committee, so you know the number of provisional Yes votes, the number of provisional No votes, and which lawmakers are on the fence or won't say. Unless you're highly confident of a large margin, you'll make extra efforts to generate constituent pressure on the fence-sitters—who could be the "swing votes" determining whether you win or lose.

Keep applying constituent pressure, even on your Yes votes. These lawmakers may be bombarded with constituent pressure to vote against you, and opposing lobbyists and lawmakers may be at work. Constituent calls/emails keep them on board. *Take nothing for granted.* Situations can destabilize quickly.

Don't automatically write off your definite No votes. Constituent pressure may pull them over to your side.

**Outcome:** February 21 the Agriculture Committee votes 18 to 4 (1 absent) to give Nickie a public hearing and sets it for March 1. Caution: Several lawmakers who voted in favor said they weren't committed to voting for the final bill but felt the issue should have an airing.

**Deconstruct the vote, lawmaker by lawmaker.** 15 Democrats and 3 Republicans voted Yes and 2 D's and 2 R's voted No. No surprises, no hard party line, although during the committee's discussion about Nickie before the vote, two Republicans voiced reservations. Note whether any of the 4 No votes sits on the other likely committees the bill must pass through or are House or Senate leadership.

**Pressure Point 3: The public hearing March 1, at which you must make your case and show public support.** Most jurisdictions require that a public hearing on proposed legislation be held early in the process. The idea is that in a democracy, "the people" should be notified and have an opportunity to make their opinions known to the lawmakers who represent them—before it's too late.

Hearings are extremely important and unimportant at the same time. Important, because you must make your case to lawmakers on the committee, and there must be a show of support. Not everyone testifies, but you want the room full of advocates who live in the state. Best is a bevy of constituents of lawmakers who serve on the committee, *especially* constituents of the committee chairs and swing votes. Advocates must be in professional mode and neither clap nor jeer. Those who are unable to attend the hearing may submit written comments on Nickie to the committee by a certain date to express support or suggest modifications (amendments).

Why are hearings also unimportant?

⇒⇒⇒Because on a controversial, politicized bill, lawmakers and party caucuses may already have decided to "tank" it, or leadership may have already sent "marching orders" to oppose it. (Of course, your voting bloc system can change their minds!) These are important reasons to begin lobbying a bill and exerting constituent pressure early, even before the session begins.

**Think strategically.** What does the committee want to hear, and from whom? Opponents are figuring this out. You want state residents to attest that there is a serious problem that only a state law will remedy. It's highly desirable to find witnesses who are constituents of the chairs and other members. You want knowledgeable, articulate witnesses to attest that legislation is the appropriate remedy and that it would not pose an unfair burden or an unreasonable intrusion into people's lives. If possible, bring witnesses from other states who can attest that a similar law has worked smoothly there with public acceptance, without ill effect—or controversy. If a county or municipality in your state already has a Nickie ordinance that has worked well, it's excellent to have that jurisdiction's animal control officer give testimony to that effect.

As a practical matter, a public hearing is an excellent opportunity to offer suggestions on how a bill could be rewritten to allow meaningful administration or enforcement. Lawmakers are highly pragmatic people who want to know that the law would work. Can you convince your chief state prosecutor or attorney general to testify on your behalf?

**Outcome:** You got a crowd. Constituents of committee members attended and made sure to introduce themselves to their own lawmaker, your witnesses testified well, and a few lawmakers asked them thoughtful questions.

**Deconstruct the public hearing.** Good: The Agriculture Department didn't testify against Nickie. Bad: Some animal control officers from the districts of lawmakers on the committee testified that Nickie would burden law enforcement resources, and some dog breeders from these districts testified against the bill too. Note which lawmakers expressed concerns or misunderstandings about Nickie, or anything else that could harm your vote count. Talk to them, and activate constituents as you judge necessary.

**Pressure Point 4: The Agriculture Committee must vote on Nickie by its March 12 deadline.** After the hearing send another constituent alert to pressure lawmakers on the committee to support Nickie unamended (or a compromise that you have negotiated). Check with committee chairs and other members to firm their support, and listen for whispers about undesirable amendments being hatched. Nag your supporters on the committee to ask the chairs to put Nickie on a committee agenda for a vote. (In some states, a vote must be taken.)

Note: Get to the building early the day of a committee vote, scour the place to remind your Yes's to make the vote. Ask them if they've "heard anything." Note overlapping committee meetings any Yes's may be attending, and tell them you'll flag them from the door of the other meeting just before Nickie will be debated and voted on.

**Outcome: March 10 the Agriculture Committee gives Nickie a "favorable report" of 17 to 6 and refers it to the Local Government Committee.**

**Deconstruct the vote.** Did all lawmakers on Agriculture vote the way they said they would? If there were surprises, who and why? Was it a party-line vote? Do any of the No's also sit on the Judiciary or Local Government committees? If so, you better lobby them hard, turn up the constituent pressure, and ask your friends on those committees to ask the lawmakers to support Nickie as a favor.

Thank lawmakers who voted with you, and let them know that you're emailing your members in their districts to report to your members they did so. Thank the committee chair again for "getting the bill out." Email the roll-call vote to all your members, so constituents of committee members can see how their own lawmaker voted and to keep your other members engaged.

**Pressure Point 5: The Local Government Committee will vote on Nickie March 15.** LG has 25 members: 16 Democrats and 9 Republicans. You've quickly gone to LG's chairs to alert them that the bill is on its way. (Find out how long a referral takes in your statehouse.) They'll want to see the roll-call sheet from Agriculture, which tells them the politics of the vote.

You ask co-sponsors Reps. Donne and Early and Sen. Salia, who sits on LG, to "work"

committee members. You ask them to be sure to be present so they can defend Nickie at the vote. Of course, you send an alert to constituents of lawmakers who serve on the committee.

**Mischief** A week after the referral to LG, an insurance industry lobbyist flags you down. He's heard that Rep. Carl, a Republican who sits on LG, will offer a committee amendment to Nickie that would "grandfather in" (exempt) anyone whose dog is licensed by the following October 1, the date the law would go into effect. (A lobbyist for the dog breeders association or hunters asked him to do the amendment.) You track down Carl and ask if it's true and to please refrain. You ask Reps. Early and Salia, your Republican co-sponsors who sit on LG, to talk to Carl. You ask your other protectors to talk to lawmakers of their corresponding party and chamber who sit on LG. Immediately you send an alert instructing Carl's constituents to call or email him ASAP to ask him not to offer a grandfather clause amendment and to support Nickie.

This works. Carl learns he has animal-loving constituents who are kept informed of his every thought! He begs you to call off your troops, he'll leave Nickie alone. Now, this is satisfying!

**Outcome: March 20 the Local Government Committee approves Nickie 18 to 5 unamended** and refers it to the Judiciary Committee.

**Deconstruct the vote.** Note the two absences (one would have voted No). Email the roll-call vote to your membership. Thank the members who voted with you and your protectors. Send an immediate alert to constituents of lawmakers on the Judiciary Committee. You're pleased that you've avoided a minority party-line vote against Nickie.

**Pressure Point 6: The Judiciary Committee must vote on Nickie by its April 4 deadline.** A powerful committee, JUD has 45 members, 28 D's and 17 R's. Alert JUD committee chairs and favorable committee members that the bill you've discussed with them previously is headed there. You ask Sen. Handley and Reps. Banta and Bernhard to talk to lawmakers of their corresponding party who sit on JUD. You ask your other protectors to do the same to their friends on JUD. You immediately send out an alert to constituents of lawmakers who sit on JUD.

**Outcome: April 4 the Judiciary Committee approves Nickie 44 to 0, unamended.** During the committee meeting, while lawmakers are acting on other bills and haven't gotten to Nickie yet, you observe Rep. Bernhard moving from lawmaker to lawmaker, "working" the committee on Nickie's behalf. Although of the minority party, he's a wonderful protector who has good relationships with the Democratic chairs. The one reliable No vote against all pro-animal bills, a Democrat who's an assistant speaker, was absent. A lawmaker offered a grandfather amendment, but the senate chair and two rank-and-file protectors spoke against it, and it died quickly by voice vote.

You're rightfully proud of your skills! You've convinced leadership to do this landmark bill and vanquished the opposition through three committees! Congratulate yourself and your group. Email JUD's roll call to your members. Thank lawmakers who voted with you. Thank all who helped, including Sen. McDonald, JUD's senate chair, who won your group's endorsement a year ago when he first ran for office, and who has stood by you when it mattered.

But don't rest easy.

**Deconstruct all previous votes again** for implications of danger on the House or Senate floor. For example, if your state allows this, are any of the No votes chairs of committees that could demand the bill be referred from the floor to their committee, on some pretext or other? Were any No votes cast by lawmakers who frequently try to harm bills they disagree with on the floor, by filing multiple amendments that threaten to turn these bills into “talkers” (a strategy that promises extensive debate, often dissuading leadership from bringing them to a vote)? Opposition lobbyists are working hard, visibly or not.

**Pressure Point 7: Nickie goes to House bill screening.** Composed of Democratic (majority) party House members only (because the majority party controls “bill traffic,” when and if bills are voted on in the House), this group of lawmakers meets behind closed doors. As legislative committee deadlines pass, increasing numbers of House bills arrive on the House calendar. The screening group culls the list mercilessly, choosing bills the House will allow to die for lack of action. In spite of all the work you’ve done, bill screening could stop Nickie.

Bill screening’s criteria: The screeners assess the degree of constituent support or opposition; their own consensus on the contents, if any; the degree of Democratic House support or opposition indicated by previous committee votes, recent party caucus meetings, and buzz in the building; *whether the (Democratic) House chair of the committee of cognizance has asked them to protect it or tank it*; and whether the bill is likely to be a controversial “talker” that could eat up lots of floor time in debate. Screeners know that some legislative committees report some bills out to look good, but that they want and expect screeners to let the bills die. If the House chair of the committee of cognizance seriously supports a bill, he conveys this to screening. Ask him to do so for Nickie.

You’ve been lobbying members of screening all along as you run in into them, reminding them of your interest and theirs. “Hey, Bob [screening’s chair]! Still on board with Nickie? I just got a call from Carla [president of the animal welfare society in his district] about it; have you heard from her yet?” Now your strategy is two-fold: Exert constituent pressure on bill screenings’ members, and show them that Nickie enjoys broad public support. Ask animal welfare groups, national and in state, to contact lawmakers on bill screening on behalf of their membership in the state, asking for their support. Ask your Democratic House protectors to lean on screening.

Screening reviews bills that make the cut for legal and political factors and may decide to offer leadership amendments to make slight adjustments or substantial revisions.

**Outcome: House bill screening opts for giving Nickie a floor vote... probably.** This is a private, unofficial group decision, and is subject to change. And of course, the Speaker and House Majority Leader must approve. Lawmakers on screening tell you in the hallways that, my, there seems to be a lot of community support for Nickie! Your strategy is working. They may reveal that a few members are not enthusiastic about the bill, about which you’re rightly alarmed. You want to know which lawmakers.

**Pressure Point 8: Nickie goes to the House floor.** The House has 151 members: 97 Democrats and 54 Republicans. Your count is looking good.

Time is running out. As session’s end approaches, the chambers may be in session daily for 10 hours, 16 hours, or even all night. The psychology and pace of the place is now utterly frantic

### **CASE STUDY: When leadership gives orders to its party's rank-and-file lawmakers**

Back in the days when I was lobbying for an animal charity, the state association of pet store owners (a PAC) was represented by a politically connected lobbyist whose lobbying firm also represented many other prominent business and medical PACs. She probably directed at least a quarter-million dollars in PAC money to statehouse candidates every election. Every year the pet store industry tapped lawmakers to introduce bills that would expand the commercial pet trade. One such bill—opposed by animal advocates—would allow the sale of turtles. (The stores hoped to make lots of money on turtle tanks, equipment, and food.) The Democrats were the majority party. The Environment Committee, the committee of cognizance, included three lawmakers (two Democrats and one Republican, the minority whip) from the district and abutting districts of the PAC's president and her large pet wholesale business. Among those testifying against the bill at Environment's public hearing was a Republican lawmaker who didn't sit on the committee. (His infant brother had become critically ill from salmonella acquired from a pet turtle before it was illegal to sell them.) But the Republican whip ordered all Republicans on the committee to vote for the turtle bill. Several volunteers and I spent weekends and evenings calling advocates on our lists who lived in committee members' districts, asking them to call their lawmaker to vote No. (This was before email.) This changed the minds of two lawmakers, including a Republican.

**Punishment:** *The Republican whip retaliated by ordering all other Republicans to join some Democrats in voting against the defector's priority bill. Those Democratic votes and all but one Republican vote were enough to kill his bill. A freshman, he'd introduced the bill specifically to please his home district; he needed it to be enacted so he could "take it home" to his district to help his re-election 18 months away.*

Environment approved the bill and referred it to the Public Health Committee—because of the salmonella issue the bill included a reference to veterinarians. I lobbied committee members, and we phoned constituents of committee members. Wonderful news! The House chair of Public Health, Rep. Joseph Courtney, said he would oppose the bill. And the Republican (minority) lawmaker who'd testified against the bill in Environment sat on Public Health! A majority of Public Health committee members voted to kill the bill, but this Republican lawmaker voted for it! Marching orders from his party leadership had more impact on his vote than his infant brother's near death.

The following year the PAC had the bill introduced again. Again Environment approved it, but I felt we could kill it again in Public Health. But this time the bill was NOT referred to Public Health—it was sent directly to the House floor. I met with the House Majority Leader (who controlled the House bill "traffic"). I said, according to House rules, the bill MUST be referred to Public Health. He sat there repeating, "We don't feel it needs to go to Public Health." Knowing we were working hard against the bill, he rushed it to a vote. In the House debate one of the three Environment Committee members mentioned above "brought the bill out." He told the chamber that all disagreements had been worked out, that all interests were now "on board" (environmental groups that had been alarmed at nonnative species being introduced sold out, but we hadn't!) The House approved the bill and sent it to the Senate. Because I was the sole lobbyist at the statehouse, doing all the lobbying for all good animal bills and against all bad animal bills, I hadn't had time to work the Senate yet. I hurried to the Senate President Pro Tem. He said, "Oh, I already committed to [the Environment Committee member] to support the bill." I said, "But you never heard the other side, you committed without knowing anything about it?" He said yes. The Senate President rushed the bill to a Senate vote, the Senate approved it, and it became law. (The Senate President was elected to Congress in 2000, where he's been a strong animal advocate. On November 7, 2006 Joseph Courtney was elected to the US Congress by a tiny margin.)

**Lesson:** It was an astounding example of politics pure and simple, how both parties teamed up to advance and protect a bill that ordinarily they would have considered trivial, how some lawmakers used up lots of chits with other lawmakers to gain their support. Much PAC money was involved. And the Environment Committee Democrat had been named a delegate to the Democratic Party's state nominating convention, and the Senate President wanted the party's endorsement for governor.

**Lesson:** We had no voting bloc, no political organization. We were able to change some votes, but lawmakers didn't fear us. We couldn't compete with the pet store PAC or overcome statehouse politics.

and fearful. Lobbyists and lawmakers are biting their nails about bills they wanted to die but aren't, bills they want voted on but are languishing on the calendar, amendments they need to fix serious problems for their clients, and bad amendments they fear will sneak by them. Nickie is competing with major (and minor) issues of the day—budget, property taxes, energy deregulation, child abuse, low-income housing, tax breaks for corporations, get-tough-on-crime, the licensing of dental hygienists, a sales tax reduction on dry cleaning services...it's a long list.

**You send out a statewide alert.** Every animal advocate in the state has both a state senator and state representative who need to hear from their constituents NOW about Nickie. If they agree with you on Nickie, ask national animal advocacy charities to issue alerts to their members in your state. Most of the nationals alert only the fraction of their members who have signed on to a list maintained for this purpose. Still, a few calls to a legislator might secure his vote. The nationals can add up to lots of advocates whom you may not reach otherwise.

Ask everyone in your group who can to come to the statehouse after work—at this point most session days are running into the evening hours—or take time off from work to lobby their legislators directly on behalf of Nickie. Line up a House lawmaker—one of your protectors—to “bring out” Nickie on the House floor.

**“Bringing out” the bill** When the majority leader signals the house clerk about a particular bill, the clerk “calls” the bill. A lawmaker must be ready to get up to describe it, answer questions about it, and defend it during the floor debate. You know who it will be in advance, and might help designate the lawmaker. Best for bringing out your bill is a powerful lawmaker of the majority party, but only if she knows the issue and its politics to defend it well. It will likely be one of your protectors. The protector has a whole lot of other bills and details on her mind, so you are expected to provide a sheet of talking points.

**Talking points** These are in concise memo form, in large type, and are attached to a copy of the bill. The memo includes: a very brief summary of the bill; its most important features; why it's needed (in one or two sentences, if possible); what it does (in one or two sentences, if possible); what important groups and individuals endorse it (I sometimes score with the attorney general and the chief state's attorney, which wows the crowd); if the relevant state agency supports it (no mention is made of the agency if it opposes the bill); answers to questions asked frequently by lawmakers as you lobbied it); and defenses against opposition's arguments. See a sample sheet of talking points in Chapter 7, on lobbying.

Among the disillusionments suffered by citizen lobbyists is that often floor debates on bills are at a low level and don't accurately reflect the bills; even a bill's sponsor may sloppily contribute to the distortion. No matter. At this stage it's the politics of the bill, not the bill itself, that will make or break it.

**Flyer** Make up a quickie flyer that designates Nickie a scorecard bill, and hand it out to all lawmakers as they swarm outside the House chamber. It won't be elegant; your time should be spent otherwise. Head it with the bill number and title and “SUPPORT” in large bold letters, followed by endorsing animal groups and people of stature (like the chief state's attorney), a terse description of why it's needed and what it does, and committee vote tallies if they've been strong. If the Department of Agriculture supports Nickie, include this fact, as it will reassure lawmakers that it's not too “extreme.” See a sample flyer in Chapter 7, on lobbying.

**Alarm: It's April 27, and leadership still hasn't moved Nickie.** You fear they're planning to let Nickie die for lack of action. You flag down the Speaker and House Majority Leader and/or any house leaders you can find (all the other lobbyists are doing the same on behalf of their own bills). You ask Reps. Donne, Heller, Banta to find out what's going on. You've been getting conflicting answers. You know that a couple of lawmakers in screening (including that one absence in Judiciary) dislike Nickie, and you don't have constituents in their districts. You had warned your group that they needed to recruit in these districts over the summer. Chained dogs may be about to pay the—avoidable—price. How can you find out what's holding things up?

Email constituents of the Speaker and Majority Leader to make immediate calls to their offices to "please bring HB 5208: The Nickie Bill to a vote." Send an alert to presidents of all animal advocacy groups in the state to call the speaker's and majority leader's offices to urge them to "move" the bill.

**Your strategy works.** May 1 at 6 p.m., eyeing you among the crowds of lobbyists standing in the corridors outside the House chamber, the Speaker calls you over. The corporate lobbyists and other nonprofit lobbyists are impressed.

**Compromise** The speaker says there's concern among House legal staff that provisions in the bill are too vague for a criminal penalty. You tell him, gee, you'd offered to compromise with a civil penalty a month ago (if true).

It's 8 p.m. The Speaker calls you and Rep. Heller into the inner sanctum to meet with his chief counsel, who eight years ago was himself majority leader. Together you quickly work out "substitute language" and send it to the legislature's staff attorneys to draft as a leadership amendment to Nickie.

**Throughout all this, you've been checking for amendments.** Since Nickie first appeared on the House calendar, you've been using whatever system is in place to check regularly to see if any amendments to it have been filed. You don't want to be surprised. Your voting bloc system works to control amendments, but there are districts where you're weak. If you have a presence in a lawmaker's district, or if you've endorsed the lawmaker, it's much less likely he will introduce an amendment at any stage of the process without running it by you first.

You're also checking regularly for animal-related amendments that have been filed to other bills. You're aware that every session the hunting lobby tries to sneak amendments to wildlife bills to expand hunting opportunities. If you spot such an amendment, you lobby the sponsor, generate constituent calls asking her to withdraw it, and activate your protectors. If these fail, you try to convince leadership not to "move" the bill that the amendment is filed to. If the bill is not brought to a floor vote, the noxious amendment can't be voted on either.

**Pressure Point 9: May 4. House leadership puts Nickie on the day's "go" list.** You check the amendment file again. Crisis: Two amendments have appeared. Rep. Sayre's would provide town animal control departments with additional state funds to pay for enforcement. If Sayre brings out the amendment and the House approves it, Nickie would be referred to the Finance Committee and would die there—which is Sayre's true intent. Rep. Miner's amendment provides for a grandfather clause.

**Relaxer: Chapter 10 shows you step by step how to launch your voting bloc and recruit members.**

It's too late to send alerts to Sayre's and Miner's constituents (if you have phone numbers of a constituent or two with you, or district captains in their districts, call them from the building). You immediately alert your House protectors, who move about the chamber asking individual lawmakers to vote No on the amendments. You've had your talking points prepared for days and give copies to all your protectors.

At 11 a.m. the House Clerk calls the leadership amendment, and Rep. Donne brings it out. You're watching from the public balcony (the chambers are off-limits to lobbyists and the public), trying not to bite your nails or chew your hair. After a short debate, the leadership amendment you've agreed to that provides for civil penalties, passes by voice vote. Pressure from leadership has persuaded Sayre not to bring out her amendment. Miner brings his out, several lawmakers speak briefly against it, and it dies without fanfare by voice vote. Then Rep. Mushinsky stands up to speak in favor of Nickie. All lawmakers know she's a passionate supporter of animal welfare legislation. Some take their cues from this.

At 11:35 a.m. the roll-call bell rings. Representatives who had been outside the chamber during the debate rush in. All eyes are on the scoreboard. In this statehouse, Democratic names are in alphabetical order and Republican names are in alphabetical order separately. Beside each name is a light that shines green for a Yes vote and red for a No vote. Each lawmaker registers his or her own vote via a switch from his or her desk. The House Democrats look up to see how the speaker voted. They also look to see how the House chair of Agriculture voted, because Agriculture is Nickie's committee of cognizance. (Neither spoke during the debate. Surprisingly, Agriculture's House chair did not bring out Nickie—she deferred to Rep. Donne, because of his passion for animals and the respect shown him by both parties.) Both buttons are green, so the D's are reassured, and nearly all press their green button. (A couple pressed red, but seeing how alone they were in their caucus, switched to green before the final bell.)

**Outcome: May 4 the House passes Nickie 120 to 25, unamended, and transmits it to the Senate.**

**Deconstruct the vote.** Three lawmakers were absent due to family illness or death and three others "took a walk," choosing not to be in the chamber for the vote. One had told you outright that he couldn't vote for Nickie because of the hunters in his district. You suggested that he take a walk rather than vote No, and he obliged.

Your vote count had prepared you for a narrower winning vote. The real challenge had been getting the bill voted on at all. You deconstruct the House vote in a nanosecond. Did all state representatives within one Senate district vote No? Had you been expecting to win or lose that state senator's vote? If the former, you'd better check in with him.

**Pressure Point 10: The Nickie bill reaches the Senate floor.** The Senate has 36 members—23 D's and 13 R's. At this end stage of the session, which by law must adjourn at midnight three days hence, the rules of the legislature are suspended so bills can be voted on in the second chamber before the required three-day public notice period.

You manage to get the attention of the Senate Majority Leader, who looks as if he hasn't slept in a week. You tell him (if true), that you expect a strong senate vote, that according to your count you've got 22 committed Yes's (including all but two of the Senate's 23 D's, whom you

name), 8 No's, and 6 fence-sitters. He remembers that you endorsed him in his first election bid. It's bad the House took so long to get Nickie "upstairs," but he'll try to squeeze it in.

**Alarm: With only 3½ days left to the session, checking the Senate's amendment file, you discover two new amendments filed by two Republican senators who'd told you they'd support Nickie.** All lawmakers know that filing amendments to Nickie in the second chamber so close to adjournment is intended to be a death knell. A successful amendment in the second chamber to vote on a bill returns the amended bill to the first chamber, because to be enacted, every word of a bill must be approved by a majority vote in both chambers. The first chamber is unlikely to take up the bill a second time so late in the game.

Sen. McDonald tells you Nickie won't be brought to a vote unless the two senators withdraw their amendments (they're intentionally controversial and will eat up waning floor time). You frantically contact a few of their constituents and beg them to call their senators ASAP. It takes three fretful days, but the senators pledge not to call the amendments. Combined with the calls and emails they'd gotten earlier, these few repeat calls serve as a warning. They don't want to be blamed for killing Nickie. They know you'd let their constituents know that they did.

But is it too late?

At 1 a.m. on May 8, 23 hours before adjournment, it's a Go. You sprint to the balcony to watch.

Sen. McDonald brings out the bill with your talking points in hand. He stands up, names the bill and describes it in three sentences. That's it. No discussion, no debate. No amendments. The Senate Clerk calls the roll-call bell. Both party caucuses had made their decisions behind closed doors prior to the vote. The whole thing took one minute.

**Outcome: May 8 Nickie passes the Senate 28 to 6.** The entire Senate Democratic caucus went for Nickie! The 2 D's that had made commitments to the opposition didn't have the nerve to be the sole Democrats voting No. You saw the red lights next to their names switch to green before the final bell.

**Conference committee: When the House and Senate don't approve the exact same language of a bill** If majority leadership is committed enough to a bill to bother, leadership appoints a "conference committee" composed of majority and minority lawmakers of both chambers to attempt a compromise. The compromise language is returned to both chambers for a vote. (In Nickie's case, both chambers approved identical language, so a detour to a conference committee is unnecessary.)

**Pressure Point 10: Nickie is sent to the Governor's desk.** It may take a couple of weeks for legislative attorneys to draft the bill as it will appear in the state's statute books with all the proper citations. Once this document hits the Governor's desk, he has a specific number of days to either: a) sign the bill into law; b) veto the bill; or c) let the bill become law without signing it by a statutorily determined deadline, thus expressing disapproval but not to the point of a veto.

**You send out one last alert.** All supporters in the state should call the Governor's office, asking him to sign the Nickie bill. You hear that some of Nickie's politically organized opponents—dog breeders and hunters—are flooding the Governor's office with calls.

**Outcome: May 25 the Governor signs Nickie into law.**



You sleep. Then you give a party to celebrate, and you look forward to October 1, the effective date of the new law. You publicize the new law (see Chapter 9, on media). Certainly email an announcement telling your folks how and to what law enforcement authorities to report violations of the new law—and to let you know about their reports and resolution.

Note: Sometimes the best strategy is to introduce a really weak bill, get it out of committee, and plan to amend it into a bill with teeth on the House or Senate floor. This has the advantage of not stimulating much opposition early in the process. Make this strategy decision in concert with your lead protectors.

## **Use the Pressure Point System to Kill Anti-Animal Bills**

I'm glad you're sitting down and not operating heavy machinery. Of course you realize that in the above scenario, opposition lawmakers, lobbyists, and organizations were working to stop Nickie in his tracks at every turn. Everything you learn about passing a bill, the other guys know, too. Everything you know about how to defeat a bad bill, its proponents know, too.

So it's daunting to know that while lobbying for Nickie, simultaneously you may need to be fighting anti-animal bills. And keeping watch for surprise anti-animal amendments that the bad guys could try to attach to otherwise innocent bills. Fortunately, the bills they would amend are easy to identify. Such a bill would be germane to the offensive amendment. For example, a wildlife bill to protect endangered species might be a vehicle bill for a bad trapping amendment.

**The good news: It's usually easier to kill a bill than pass one.** The Pressure Point system is effective in killing anti-animal bills. I remind you that lawmakers are always looking for reasons to cull the pile and that they dislike controversy. To kill bad bills, the voting bloc exploits these facts.

The more of a presence you establish in the statehouse, the fewer bad bills will be introduced, because would-have-been-sponsors know you'll give them a fight. And because they know you'd factor their bad acts in your endorsement process.

Using the pressure point system to kill a bill is the same as enacting a bill, really. You generate constituent calls to the chair of the committee of cognizance, to motivate him to let the bill die from lack of action. You generate constituent calls to other members, urging them to vote against a public hearing for the bill, or simply to oppose the bill. If public hearings are nearly automatic for all bills in your statehouse, or if you fail at this juncture, send out another alert before the committee vote to generate constituent calls to committee members to vote No.

**Focus on the committee chair.** Exerting strong constituent pressure on the relevant chair is

## **The lawmaking process varies from statehouse to statehouse. Assume nothing.**

### **Examples:**

**“Agendized bills,” for which public hearings, work sessions, and committee votes all take place at the same legislative meeting** In some states, a legislative committee announces a meeting with several bills on the agenda. First, a bill is heard at public hearing. After the hearing, the committee works on the bill. Then—at the same meeting—the committee votes on the bill. Then it moves to the next bill on the agenda. Agendized bills are uncommon in states that use skeleton bills.

**Skeleton bills (also known as short-form bills and concept bills)** Eight states require a bill to be introduced in formal, statutory format, drafted by statehouse legal staff. It’s a rare bill that doesn’t get amended at least once, requiring legal staff to redraft it each time. For this reason, some states streamline the process by starting out with “skeleton” bills. These may consist of a short statement of intent, with a few specifics that are important to the bill’s sponsor. The legislative committee of cognizance (the policy committee—see lexicon) the bill is assigned to fleshes it out.

### **Crossover bills and companion bills**

**Crossover bills** To save time, most states require only one bill, either a house or senate bill. Example: A house bill journeys through the lawmaking process in the house. If house leadership brings it to a vote on the house floor, and a majority of lawmakers there vote in favor, the bill is then crossed over to the senate, which refers it to the senate committee on the subject. The bill then must survive the senate’s lawmaking process. If the senate amends the house’s language, the bill returns to the house for concurrence. A compromise committee may be needed.

**Companion bills** Some states require both chambers to approve their own official version of a bill. When bills are introduced, members of a rules committee compare them to decide which should be considered companion bills (although by the time they both get to the floor of their chamber, they may be completely different). The final versions of the two bills must be basically identical in language. Example: “SB 580 Re Local Animal Control” begins in the senate agriculture committee and “HB 1134 Re Local Animal Control” begins in the house agriculture committee. Each bill goes through the lawmaking process in its own chamber. Usually, the first bill to reach the floor of its chamber is the first of the two to be voted on. In most states this bill becomes *the* bill, and the other chamber’s bill is dropped. (Both chambers may rush so their bill becomes *the* bill.) If approved by the first chamber, the bill is then sent to the floor of the other chamber. If the second chamber rejects the first chamber’s language, a compromise may be attempted. Lawmakers and lobbyists may be negotiating simultaneously in both chambers. Note: Connecticut, Massachusetts, and Maine have joint committees, so there are no official companion bills.

**Committee votes** Most states give great discretion to the chair of a legislative committee to decide whether to bring a bill to a vote in the committee or let it die there without a vote.

**Referred bills** Some states don’t limit the number of committees one bill may need to pass through. Some states require action in these committees. Example, a house bill on circuses initially is assigned to the house agriculture committee. A majority of committee members vote in favor. One line concerns veterinarians, so the agriculture committee then refers it to the health committee. At its next meeting, the health committee adds an amendment and then acts on the bill favorably. The bill is then redrafted by legal staff, who then send it to the appropriations committee.

**Public hearings** For a bill to become law, every state requires at least one public hearing on it. In some states, hearings are informal. In others, they’re structured according to firm rules. Some require a public hearing in every committee a bill passes through. Some require each chamber to have a hearing in its policy committee and its appropriations committee—which add up to four hearings at a minimum. In some it’s up to the committee chair whether to hold a hearing on referred bills. On the other end of the spectrum, Connecticut—which has only one joint house and senate committee per subject—requires a hearing only in the committee of origin/policy committee. Your lobbyist probably needs to speak at every hearing; she certainly must be present to trouble-shoot if necessary.

is critical, because he can exclude the bill from being acted on in committee at all. Constituent calls/emails to him in opposition exploit the voting bloc system, and are essential. Calls/emails from representatives of organizations that are not necessarily based in the chair's district—but are in the state or have significant membership in the state—alert him that the bill has lots of public opposition and is *controversial*. One responsibility of legislative leadership is to protect other lawmakers of his party from controversial, voter-losing votes. (Still, such contacts are no substitute for strong pressure from within his district.)

**Focus on bill screening?** If the bad bill has survived the committee process, bill screening may be an excellent point at which to kill it, because: 1) There's no publicly available rollcall that politically organized supporters of the bill can take back to their members; and 2) screeners are looking for reasons to cull as many bills as possible.

You want screeners to know that there's lots of opposition to the bill (or at least they must think that there's lots of opposition!), and that you're lobbying against it heavily. Do an alert to constituents of lawmakers who sit on screening, to generate constituent calls and emails expressing opposition. Take a moment to smile at how such an alert proves to lawmakers that your new voting bloc-plus-lobbyist is keeping their constituents informed of every single move they make, even moves behind the scenes!

**Amendment strategy to turn bad bills into talkers** You also alert screeners that if the bill is brought to the House floor, you expect animal-friendly lawmakers to force a lengthy debate (if this is true) and to file amendments as an attempt to weaken it. To screeners, amendments spell t-a-l-k-e-r. They often prefer to let the bill die from lack of action.

If this doesn't work, you continue with the Pressure Point system throughout the lawmaking process until the (hopefully not) bitter end, and you lobby lawmakers to vote against the bill, using a quickie flyer. You also line up your lawmaker buddies to file amendments that, if successful, will weaken the provisions so the bill will be less harmful to animals.

**Amendment strategy to slow an anti-animal bill** Know your jurisdiction's rules on amendments and committee referrals to see if such a strategy could work. Lawmaker accomplices can work with you to attempt to attach amendments that will require the noxious bill to be sent to more committees. The more committees the bill must move through, the more time it takes to get to the House or Senate floor. The longer it takes, the more competition for floor time it faces from hundreds of other bills that are awaiting action. Thus, the greater likelihood it will die on the House or Senate calendar.

You've got lawmakers on Local Government who are willing to conspire with you. (Lawmakers love to conspire. Lobbyists love to conspire. Lawmaker and lobbyist conspire.) A successful floor amendment concerning local governments requires that the amended bill be referred to the Local Government Committee.

**Amendments that add a "fiscal note" to the bill** Any provision of a bill that could cost public funds to implement or administer must be approved by the Appropriations (the "spending") Committee and the Finance (the "taxing") Committee or the Ways and Means Committee. Lawmakers are loath to increase the state budget, because political opponents could label them "taxers-and-spenders." So committee members are inclined to vote against the bill—if the chair

### **Possible Sources of Opposition to a Bill or Ordinance for Animals**

Financially powerful business and interest groups (pet stores, farmers, circus industry, pharmaceutical companies, universities that conduct animal research, dog and horse racing interests, veterinary societies, etc.)

Governmental agencies (attorney general's office, state department of agriculture, police departments, local school boards, etc.)

Politically organized grassroots issue groups (hunters, animal breeders, farmers, etc.)

Lawmakers who are especially responsive to the above

Lawmakers who oppose your issue for personal or ideological reasons

Members of the public, including some who are especially influential

actually brings it to a vote. If it survives Appropriations, it moves to Finance, which is charged with coming up with the money to pay for it through higher taxes, user or licensing fees, or cutting the state budget elsewhere. They're likely to vote No, unless you're politically organized.

Or an amendment could provide for the relevant agency of the executive branch to write and promulgate regulations for the bill. If the agency doesn't care for the bill, it's more likely to determine that preparing regulations would *cost money* for agency staff time and to pay for the legally required public notices in classified sections of newspapers around the state. Thus, the amendment could require that the bill be reviewed by the money committees.

**Amendment "cons"** Lawmakers use amendment strategies to kill bills, while appearing to naïve constituents that they support them. Example: A lawmaker sponsors an amendment to the Nickie bill to authorize the state canine control department to train animal control officers how to enforce Nickie. If lawmakers pass the amendment, suddenly Nickie must be referred to the money committees. He tells constituents who support Nickie that he tried to strengthen the bill (training is good!), but the opposing hunting and dog breeders' lobbies know he tried to kill it. In fact, they may have initiated the amendment. By definition, a voting bloc system eliminates the "naïve constituent" factor.

**Researching support for a bill a year ahead** I test the waters while lobbying the current session's bills. Before I enacted a chaining law, there was no state law that addressed the length of time a dog could be chained, tethered, or confined. I began to ask various lawmakers how they felt about uninterrupted chaining and was struck by the emotional responses of some lawmakers with poor voting records. Then I asked the lawmakers if they felt a law was an appropriate remedy. The next year we passed a strong chaining and shelter bill that the governor vetoed (a long story), but we enacted a weaker law the year after.

### **The Lawmaking Process in Counties, Cities, and Towns**

Although I use the terms "council" and "councilors," your local elected lawmaking body may be called a commission (with elected commissioners), a board of aldermen (with elected aldermen), or something else. As few as one, two, or three dedicated activists with day jobs can become true power players in their local lawmaking arena.

The lawmaking process at the local level shares the basic components of state lawmaking,

Michael E. Vacek, 53, a Lawyer and Lobbyist...**widely considered one of the most influential lobbyists in Albany**, died there on Saturday. A familiar figure at the State Capitol for quarter century, Mr. Vacek represented a number of well-known corporations and trade organizations...the New York State Beer Wholesalers Association...the Real Estate Board of New York, R.J. Reynolds Tobacco, the New York Bankers Association, All-State Insurance, Yonkers Raceway and Feld Entertainment, the holding company of the **Ringling Bros. and Barnum & Bailey Circus**.... [emphasis added] *New York Times* Obituary Page, November 19, 2005.

but in simpler form. These stages are: introduction, fiscal analysis, public hearing, in some cases the council's referral to other appropriate commissions or boards for review, redrafting, and final vote. A proposed ordinance can die or be amended substantially for better or worse at any stage of the process (but check your local jurisdiction's rules on amendments).

Ultimately, your voting bloc system combined with your understanding of local political dynamics will determine whether you succeed. If you've skipped the daunting pages on state lawmaking above, I urge you to return to them after reading this section on local lawmaking. The outline of lawmaking dynamics in the statehouse will help you greatly understand political dynamics at any level of government. Returning to this spot, you'll be relieved at how much simpler local government is!

⇒⇒⇒ Enforcement of state laws and ordinances concerning animals generally falls to animal control officers who are part of local police departments. The quality of their enforcement is also a prime target for local voting bloc politics. (See "Shelley and Hank," below.)

I receive panic calls from rescue and rights advocates when their local town, city, township, or county is on the brink of passing an ordinance that would do great harm. Often it would punish homeless and feral cats. Often it would establish a special deer hunt. Advocates have no idea what to do except protest, call the media, and make a few phone calls to elected officials (often they don't know which officials to pressure). They don't know the process, they don't know the players, and they don't know when their councilors are up for re-election. Their last-minute efforts nearly always fail.

Overcome this easily with a voting bloc system and by thinking arithmetically. Review Chapter 1 and construct your local voting turnout chart. The residents who care enough to get to the polls about schools and taxes are already doing so. Still, you can sway many of their votes. And you've got a huge pool of dormant voters of all political persuasions to activate.

Local government is largely concerned with schools, taxes, basic services such as trash collection, zoning, and promoting local business. (In cities, add crime and law enforcement.) In contrast to state legislatures, there are not huge piles of proposals to process and cull, as there is less interest in or expectation of forging new law.

**Do your "fieldwork."** Observe, spend time in the building, and become a regular presence at council meetings. Initiate relationships with councilors and staff in the building. Learn the structure of your local government, the political affiliations of each lawmaker, and how many lawmakers of each party sit on the council (which is the majority party and which is the minority party). Choose several non-animal proposals (including some controversial ones), tracking them faithfully throughout the process by attending all public meetings at which they're on the agenda, look to identify the political dynamics that affect their progress, and observe what sorts of obstacles arise and how lawmakers and involved citizens deal with them.

## Sample Structure of Town, City, or County Government with Political Districts

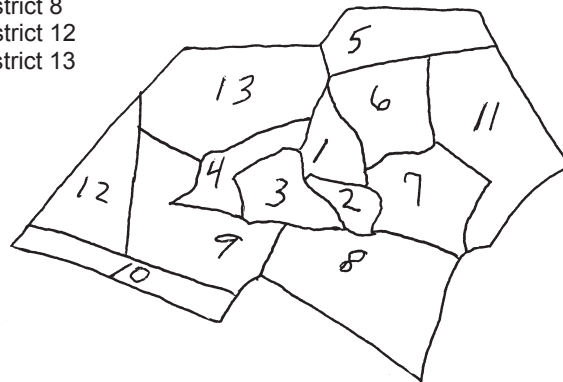
This jurisdiction is divided into 13 electoral districts and uses party affiliations. Some local governments do not use party affiliations, although the major parties play a large role in selecting and campaigning for candidates. Lawmakers may still consider themselves as part of party caucuses.

**Mayor** Cole (R) Elected at-large

In many jurisdictions, the mayor is elected as a councilor and is then elected mayor by other councilors.

**Council** (8 R's, 5 D's)

Majority (Rs)		Minority (Ds)	
Ward	District 1	Kendal	District 2
Kaminski	District 3	Farmer	District 7
Higgins	District 4	Cohen	District 9
Mantosa	District 5	McCord	District 10
Bigelow	District 6	Barry	District 11
Feinstein	District 8		
Eriksen	District 12		
Moynihan	District 13		



**Boards and Commissions**  
Elected at-large

Finance Board	School Board	Zoning Board	Zoning Board of Appeals
9 members 6 R's, 3 D's	11 members 7 R's, 4 D's	5 members 4 D's, 1 R	5 members 3 D's, 2 R's

**Boards and Commissions**

Appointed by mayor and council, proportional to majority/minority margin in council

Housing	Police	Wetlands
7 members 5 R's, 2 D's	9 members 6 R's, 3 D's	7 members 5 R's, 2 D's

**Mayor and Council May Appoint Town Manager**

**Administrative Agencies and Departments** (may be civil service)

Assessor Town/City/County Clerk Elections Health Housing Police Recreation  
Public Works Sanitation Schools Social Services Zoning Enforcement

Simultaneously, get those district maps from your local registrar of voters. Reach out to individuals and local and national animal protection groups with members in the jurisdiction. Identify each advocate you enter in your database by council district.

**Choose your ordinance.** Learn the value of realism, not letting perfect be the enemy of good. The amateur picks a fantasy and loses, the strategist/political operative picks something winnable this year or next and escalates her agenda after each win.

**Write your ordinance.** See this chapter's "How to Draft a Bill or Ordinance." Confer with your best allies on the council. They'll serve as your protectors throughout the process. You'll keep each other up to date. You'll make sure to let them know everything other councilors say to you or their constituents about the proposal. Together, you'll be counting and recounting Yes and No votes.

**Deadlines** Unlike most statehouses, your county, city, or town government may have no official sessions. However, there may be a maximum number of days, months, or meetings that can elapse between formal stages or actions on a proposal. If not acted on by those deadlines, your proposal is dead.

## **Use the Pressure Point and Voting Bloc Systems to Win County, City, and Town Ordinances for Animals**

All meetings of county, city, and town councils, commissions, and boards are open to the public, except for those dealing with personnel matters or potential real estate transactions.

As it does on the state level, the lawmaking process varies enormously from locality to locality. Compared with what happens in state legislatures, it may seem informal. Nonetheless, there are steps—pressure points—a proposed ordinance must pass through on its way to final enactment:

**Introduction** At least one councilor introduces the proposed ordinance. School boards and other elected and appointed commissions may sponsor ordinances. You'd like to go in with strong leadership and bipartisan support. (Return to Chapter 3, about the many counties and municipalities whose lawmakers don't run for election on party labels.)

**Item on council agenda** The proposal is placed on an agenda. It may have been assigned an ordinance number. If the council votes to consider the proposal, it may refer it to the corporation (or county) counsel for initial legal review. In some jurisdictions this referral may be mandatory, whether or not the entire council has interest in the proposal. In some jurisdictions, before appearing on an agenda the county, city, or town manager may have already done a preliminary review based on his own knowledge of the division of the local government that would enforce and/or administer the proposal. He may have conferred with the head of that department. He may also have done a fiscal analysis.

**Review by counsel** In cities and counties this may be one full-time position or an office of several attorneys. In smaller counties and towns, it's usually a lawyer or law firm retained on a part-time contractual basis.

**Counsel reports back to the council** Counsel's report appears as a formal agenda item at a public council meeting. Counsel may conclude that the proposal does or does not violate legal criteria, such as federal and state constitutionality. He or she may conclude that the drafting is too ponderous to be understood or too vague to be enforced (although in some jurisdictions some ordinances are vague). Counsel's report is supposed to be objective but may be influenced by political considerations. *Do not generate calls or emails to counsel.*

If the council wants to move the proposal forward, it may refer it to its fiscal officer.

### Sample Town, City, and County Lawmaking Process

*Process varies.*

Council **votes** on proposal, passing or killing it, with or without amendments.

Council holds a **public hearing** on the proposal.

Council may **redraft**.

Council may send to **other relevant board** (finance board? police commission?) for review and possible **vote**

Council sends proposal to financial officer for **fiscal analysis**.

Council sends proposal to **corporation counsel** for review.

Council decides whether to consider proposal (with or without a vote) or may “**table**” or “**hold**” it indefinitely.

Councilor or jurisdiction’s administrative agency or commission **proposes ordinance**.

**Fiscal review** The fiscal officer determines if enactment of the proposal would cost the county money, save the county money, or be revenue neutral.

**The fiscal officer reports back to the council** The fiscal report appears as a formal agenda item at a public council meeting. Officially it’s an objective analysis but may be influenced by political considerations (if the fiscal analysis finds a cost, the council has an excuse not to move it forward). *Do not generate calls or emails to the fiscal officer, unless she is elected.*

At the meeting, the council votes to move the proposal forward or kill it, or let it die from lack of action. It may try to stretch out the process by voting to “table” it.

Often these are not formal votes. Instead, the mayor or council president may move to “hold” or table the item, and other councilors may sort of grunt in agreement. Voting bloc politics can prevent this. Sometimes such delays are obligatory, because the council has not yet received the corporation counsel’s or the fiscal officer’s or the police commission’s report.

**Referral to the police commission** Depending on the jurisdiction, the council may refer a proposed ordinance on animal care or the local shelter to the police commission (unless the proposal originated with the commission) that oversees the county police department and its animal control division.

**The police commission** places the item on its formal meeting agenda and slates it for study. Within a certain period of time, the police commission votes whether to recommend to the council that it adopt, defeat, or amend the proposal. This may be a roll-call vote or grunts.

**Finance board** If the fiscal officer or police commission has found that the proposal has fiscal implications, such as needing staff time to implement and/or enforce it, or that staff would need to be trained on how to enforce it, or that it could impact local property tax revenue, the proposal may need to be referred to and gain approval of the finance board, *which is elected*.

**Public hearing** In local government, there may be no public hearing *per se*. Instead, members of the public may address the council at any meeting at which the item appears on its agenda for the third time. Councils often set aside a time at the end of their meetings for the public to address them on any subject. (Please see Freedom of Information acts, in Chapter 3.)

**The council votes to approve or defeat the proposal.** Before taking a final vote, the council may decide to study the information presented at hearing and to research several facets of the proposal for a possible revision. If a rewrite might create a different fiscal picture, the council may return the revised proposal to the finance board and gain its approval before the council's final vote. You'll use your voting bloc to try to control the revision, and you yourself will offer "language" for the rewrite.

## **Lobby a Town, City, or County Ordinance: The Molly Memorial Act and the Pressure Point System**

To illustrate how local lawmaking works—and to stay with the theme—I'll use a county dog-chaining ordinance, which we'll name after a puppy in the county who died on a chain. Our hypothetical Carroll County has 21 councilors—13 Republicans and 8 Democrats. (Review Chapter 3, "The Structure of Government," about counties and towns that don't use party labels. Party connections still exist.)

Before introducing your proposal, or asking councilors to introduce it, chart its likely path—its pressure points—deadlines if any, and determine what it will take to survive each pressure point. Your proposal's chances are only as strong as your weakest link.

Throughout the process, you're doing constant vote counts, the results of which will impact your lobbying strategy. You and/or your volunteers are recruiting in the districts, with strategic emphasis on the districts of councilors who serve in a leadership capacity and those you consider swing votes. (See Chapter 10, for fabulous recruitment and petitioning methods.) Councilors whose districts are not high priority catch wind of what you're doing. They know they could be next if they don't stay in line.

Generate as many constituent phone calls, emails, and letters as you can.

**Pressure Point 1: Getting sponsors** You know which is the majority party (Republican) and which is the minority party (Democratic), you've gotten acquainted with all the councilors, know the political affiliation of each, and have a preliminary impression (which may be inaccurate) about who is sympathetic and who isn't. You know the stages of the process in your jurisdiction well enough to plot a rough strategy chart from start to finish.

Lobby councilors, use the name of one sponsor as bait for others (see Chapter 7, on lobbying) and try for bipartisan support. Send an alert to your members to generate constituent calls and emails to all councilors, asking them to co-sponsor Molly.

**Outcome:** You may or may not pick up additional sponsors, but all councilors are on notice that some constituents care and are watching. Your efforts won you three rank-and-file councilors, all from the majority party, so your proposal will appear on an agenda automatically (in most councils).

Molly's initial sponsors are:

Councilor Green, Republican  
Councilor Maloney, Republican

Councilor Raphael, Republican  
(In places where party labels aren't used, you know each lawmaker's allegiances and alliances)

Send an alert to let your people know if their councilor signed on. Include instructions for constituent calls/emails to all elected and appointed officials who serve on any board or commission that may eventually act on Molly. These may include members of the county finance board and police commission.

**Pressure Point 2: First appearance on the Council's agenda** You turn out as many residents of the jurisdiction as possible to the Council meeting. You've instructed advocates to call/email their councilor in advance to say they look forward to meeting her there.

Note "residents"—not activists from elsewhere. It's a mistake to bring outsiders, just as it's a mistake to generate calls and emails from advocates who live outside the county:

- Councilors don't care about them because they're irrelevant to the arithmetic of their next election.
- It's a sign of weakness that you don't have local support.
- It looks as though yours is not a local effort, but part of some larger "animal rights" agenda. The latter makes them anxious, as they fear support for such an agenda could tarnish them in the eyes of some components of their base constituency.
- All this may cause even your protectors to cool off.

Remember that "all politics is local." That means political organizing in the jurisdiction. You're not going to succeed without a strong local base.

Molly's first appearance may or may not result in a discussion or a vote (this varies according to jurisdiction), but councilors will talk about it among themselves. In private, party caucuses may come to tentative or definite positions. Your protectors will let you know. Referral to the corporation counsel's office and the fiscal officer for their review may not necessarily indicate interest or support. Stretching the process out through referrals can be intended to slow a proposal, so advocates may lose their initial burst of energy and interest. They just wait for you to go away. DON'T!

**Outcome: By voice vote, the Council refers Molly to the corporation counsel for review.**

**Deconstruct the discussion.** What aspects of the proposal were discussed/debated? Who said what? Which councilors were more supportive and which less so? Did some of them echo arguments made by opposing interest groups, grassroots or corporate? Think about possible compromises you can live with, unless you feel you can gain the votes you'll need without compromising.

Don't be bluffed if counsel concludes that the matter is more appropriately legislated at the state level. As long as the state constitution doesn't prohibit lesser jurisdictions from enacting ordinances on the subject, go ahead and use your voting bloc to generate heavy constituent pressure to get the respect you need to push Molly forward. If you have doubts about whether

counsel is correct, find a pro-animal attorney in the state and ask. (The Animal Legal Defense Fund may be able to help you find one.) *Do not generate calls to the corporation counsel.*

**Pressure Point 3: Corporation counsel's report on Molly** is returned to the Council and appears on a meeting agenda. Be at the meeting! Show you're serious!

**Outcome: The Council refers Molly to the county fiscal officer for review.** The fiscal officer reviews Molly to determine if it could cost the county to enforce, and asks the sheriff or police chief for input. Inflating the cost could be another way to bollix up your proposal. Referral may or may not indicate interest or support. As above, often councils stretch out the process for proposals they don't like, waiting for you to give up and making it harder for you to assign blame for defeat.

⇒Your safety is keeping up visible recruitment to your voting bloc; your regular presence in the building; and your immediate reports to your members—on how each councilor has voted on Molly, what each has said in open meeting about the proposal, and what any has said to you about Molly that indicates opposition. Keep checking in with your protectors for inside info and for joint strategy revisions. And send reports on lawmakers to your members.

**Pressure Point 4: The fiscal officer's report appears on the Council's agenda, with a note that Molly could cost the county money to enforce.** In some jurisdictions, this may be Molly's first formal Council vote. You've sent another alert to your members to urge councilors to "refer the Molly Memorial Act" to the Police Commission with the Council's recommendation for support" (or whatever the next Pressure Point is). Your numbers are greater, and councilors note that they're hearing from many new voters. You rally the troops to attend the Council meeting, making sure you have constituents of possible "swing" votes.

Strategic recruitment has pushed your vote count far higher than it was initially, when only Molly's sponsors would make a commitment, but it's still weak. Now it's stuck at 9 Yes's, 6 No's (including the county president), and 6 councilors refusing to say. You need a minimum of 11 Yes's and a safety of least 2 or 3 more to hedge against absences or defections. In this county, your protectors don't have the option of delaying the vote.

You and your protectors have a rap that unravels the bad fiscal report. Perhaps you remember other recent ordinances on various subjects that were not deemed to cost money to enforce. But all councilors know that the Council president doesn't want to do Molly and that her fate rests not on her merits but on politics. The fiscal report may be a cover for councilors who don't want to be viewed as anti-Molly. No matter how good your debunking of the unfavorable report, it may not be enough.

So you return to the Council President's district and recruit, through door-knocking and political petitions. You deliver to the Council President petitions signed only by his constituents.

You conscript a contingent of the Council President's and fence-sitters' constituents to show up at the Council meeting.

**Outcome: The Council votes 13 (including the Council President and the Minority Leader!) to 8 to refer Molly to the Police Commission.** Deconstruction: The vote was not

party line, and some rank and filers did not vote with their leadership. You're awesome! Councilors are hearing from so many constituents they've never heard from before, some saying they're newly registered to vote because of Molly's tragic life and death. But your victory does not make you overconfident—you know that a vote to refer Molly to the Police Commission may not guarantee the lawmaker's vote later.

**Pressure Point 5: The Police Commission must issue a recommendation on Molly to the Council.** The Commission's recommendation can be good, bad, indifferent, and/or suggest changes. Immediately after the Council meeting, you schedule appointments with individual police commissioners and spend time in the building for any political gossip about Molly. Because you know to plan and act several steps ahead, I'm confident that you've already initiated relationships with commissioners. You might already have gotten bits of feedback from some of them. Or they may hold off until they know the politics of the issue in the building. But the Council president's about-face won't hurt you!

Police commissioners may again review Molly in terms of content, staffing, and costs. Or the fiscal officer may have already conferred with them and the police chief to determine what costs, if any, enforcing Molly would require. Commissioners will ask the police chief whether he wants Molly. The chief may say, "We don't need it. Current state laws and our county ordinances are adequate." Do commissioners want incessant dog-chaining to be illegal? Will Molly cost the jurisdiction personnel time to enforce, or require staff training? If they don't want the proposal, they're more apt to find a cost.

Even if the Police Commission isn't elected, send an alert to generate emails and letters to all commissioners urging them to issue a favorable recommendation on Molly. Rally the troops to attend all Commission meetings from now until it votes on Molly.

**Outcome: The Police Commission returns Molly to the Council with a wan, partial endorsement.** The Carroll County Police Commission rarely takes roll-call votes. This outcome is pretty good. Local government prefers to avoid initiatives.

**Pressure Point 6: The Council schedules a public hearing.** Here's your chance to showcase the ordinance and show broad community support. You've done such a good job with recruitment, it's likely your turnout will be higher than it was at other meetings, and councilors will notice. But it's also a showcase for opponents.

Decide what the councilors want to hear. Make the case that there's a local problem that needs a local ordinance to remedy. If possible, bring outside witnesses to report how well similar ordinances have worked in their jurisdictions, with public acceptance and without controversy.

Review the axiom in Chapter 3, "The Structure of Government," about lawmakers' reluctance to pass laws that infringe on peoples' rights, or that give law enforcement officers easier access to private property. Use the hearing to reassure councilors and opponents. Yours is a modest proposal that makes for good public policy. You're not trying to get folks arrested. You simply want animal control to have the authority to work with dog owners to help them comply through persuasion. Don't expect councilors to pass Molly on the basis of statistics on biting incidents by chained dogs elsewhere...unless they're looking for an excuse to use with Molly's opponents, or unless the county has suffered recent incidents.

If your voting bloc has enough members in enough of the 21 county council districts, Molly will win a majority vote even if your testimony is nearly gibberish—especially if it’s an election year.

Opponents also will testify, so be ready to counter their arguments as best you can. If your primary reason for wanting Molly is that chaining is inhumane, say so without unnecessarily insulting opponents. Speak truth to power, so they know what you want. Beware of making another issue, such as safety, your primary focus, or opponents will hatch a “compromise” that deals only with safety aspects, weakening Molly. Other councilors will join them.

*Keep up the constituent pressure. By now it’s likely all of Carroll County knows about Molly. Spend a moment to take stock. Congratulations! You’ve elevated the chaining of dogs to the status of a recognized issue here, with everyone having an opinion about it.*

**Outcome: The hearing went well.** Your testimony and the turnout were excellent. Some councilors asked serious, thoughtful questions, and none was disrespectful. Some seemed to learn a lot about the issue.

Molly is gaining momentum! Molly is within reach!

**Pressure Point 7: At its next regularly scheduled meeting, the Council votes by voice to redraft, incorporating some concerns expressed at the hearing.** You’re really spending time in the building now, watching for smoke that might signal kindling fires.

**Alarm:** Perhaps you’re getting feedback that many councilors are getting nervous, so a redraft with a “grandfather clause” is a threat. A grandfather clause would allow families who now have a constantly tethered dog to keep him that way—perhaps if they license the dog by a certain future date. Run to your protectors. Councilors Raphael and Maloney start vote-trading with members of their own Republican caucus and with some Democratic councilors, promising a *quid pro quo*—their support or opposition on other proposals now before the council in exchange for Yes votes on Molly.

Your count is now 10 Yes’s (you consider 2 of these soft), 6 No’s, and 5 who won’t say. You’re probably conscripting volunteers to do door-to-door petitions in the districts of the 5 “swing votes” who may determine victory or loss. If you don’t have enough volunteers for all districts, decide which of the 5 to target.

Now you and your protectors fear Molly is at risk. If it could buy you enough fence-sitters, consider offering to make the first and second violations a civil offense (resulting in a warning or fine), rather than a criminal offense, which (theoretically) allows jail time. (Practically speaking, you know animal control wouldn’t arrest folks right away on the basis of chaining or tethering alone anyway.) The third offense would be a crime. You, Green, Maloney, and Raphael all lobby the other councilors. The compromise gains you 5 councilors and firms the 2 soft Yes’s. You write up the amendment.

You issue another alert to generate constituent calls and emails asking councilors to support Molly and oppose any grandfather clause.

**Pressure Point: The Council’s final vote on Molly** You pack the hall with your people,

making sure you have constituents of “swing” councilors. Your best councilor offers your compromise amendment. After discussion and debate, the council approves the amendment unanimously by voice vote.

**Outcome: The Carroll County Council passes Molly 15 to 5, with 1 abstention.** The Molly Memorial Act goes into effect in 90 days! Bravo to you and voting bloc politics!

**Deconstruct the vote.** It was not party line. All but 2 of the councilors in whose districts you have a strong constituent base voted Yes. Of the 7 councilors in whose districts you are weak, 3 voted No and 1 abstained. One Yes vote wanted to help the dogs and felt it would not harm his re-electability; another said his family would have locked him out if he’d voted against Molly.

Why had all the 5 councilors who voted No voted in favor of the compromise? Because they feared you had the votes to pass Molly, so they amended it to weaken it. If they’d been confident that the stronger, unamended Molly would have been defeated, they would not have voted to weaken it, which would have made it more palatable to opposing lawmakers.



Thanks to your hard work and your savvy about the voting bloc system, no dog in Carroll County will be subject to a life sentence on a chain.

## **Use the Voting Bloc System to Defeat Anti-Animal Ordinances**

By now you could probably write this yourself. You use the voting bloc system strategically to create opposition and generate controversy, as described in “State Lawmaking,” above. If you can’t stop the bad ordinance through heavy lobbying and constituent pressure, you lobby a series of compromise amendments, asking your protector councilors to help you. You also use amendment and other strategies to slow the progress of the proposal, to wear out its proponents, sapping their energy.

For lots of pointers, see “Using the Pressure Point System to Defeat Anti-Animal Bills” earlier in this chapter.

**CAUTION:** The Pressure Point system rarely works as a last-minute response. By definition, a voting bloc system is not ephemeral; it’s built over time. Don’t think there’s a shortcut to political power. This delusion has been an indulgence of our advocacy groups for far too long.

**Procedure for speaking before a council at any time** A nice feature of local government is that most jurisdictions allow any citizen to address the full council about any concern. Learn your jurisdiction’s procedure to get on the agenda. If you decide public attention with media coverage enhances your strategy, bring your people to the meeting you’re scheduled to speak at and alert media in advance, before you have a proposal officially before the council.

Addressing your government may be one component of your political strategy, but it’s unlikely

to achieve an ordinance on its own. Without councilors' knowing you have a voting bloc in place, your appearance will be a flash in the pan, an example of the hit-and-run approach that I've been railing against throughout the MANUAL. An exception might be a true, one-of-a-kind scandal that you can document and that can be remedied easily without legislation, or something simple and uncontroversial. But don't be naïve. It's amazing how much local lawmakers will tolerate in the way of bad local practices, including local animal control's, when they don't fear electoral consequences.

## **Use the Voting Bloc System to Achieve Enforcement of Cruelty and Neglect Laws and Ordinances**

Experienced advocates know that even weak laws and ordinances meant to protect animals are not always enforced. The means to enforcement is the voting bloc system. The animal control officer reports to an appointed police chief, who reports to an *elected* mayor or council, or to an *elected* sheriff. A local voting bloc for animals makes clear that it considers enforcement an *electoral, endorsement* issue. (See the Michael Ferber Interview in Chapter 4.)

Note: The US justice system requires that an accused person is presumed innocent. No law enforcement officer can make an arrest without "probable cause." Even the most animal-friendly officer cannot make an arrest without a good case. A good case requires that the officer witnessed the violation; or that a credible witness(es), perhaps you, goes on record as having first-hand knowledge of the violation; or that the abuser admitted he committed the offense. If the evidence is not in clear view or if the abuser refuses to give the officer access to his property, the officer can enter only if she first obtains a search warrant signed by a judge.

Nor can officers go beyond the scope of the statute or ordinance in issuing a warning or making an arrest, however much they may want to. The solution is to enact laws or ordinances with specifics that give enforcers clear bases on which to intervene.

### **Can a Couple of Activists Make a Difference?**

#### ***"Shelley" and "Hank" Say, "Yes!"***

Shelley and Hank live in the town of Branford. Cat rescuers, they know most of Branford's homeless cats were abandoned or are descendants of abandoned cats. State law deems animal abandonment a misdemeanor punishable by up to a year in jail and a \$2,000 fine. No one has ever been arrested for abandonment in Branford. Shelley and Hank themselves have reported solid cases to Branford Animal Control.

To deter people from abandoning animals in the future (and to seek justice for abandoned cats), Shelley and Hank want reports of abandonment investigated and prosecuted. They turn to the chain of command and learn that:

Branford's two animal control officers were hired by and report to the police chief....

The police chief was hired by and reports to the mayor and town council....

The mayor and town councilors were elected by winning a majority of the votes cast by Branford voters last Election Day....

To remain in office, the mayor and town councilors must be re-elected by a majority of votes cast by Branford's voters.

If the mayor and town councilors realize that poor enforcement of the abandonment law could gain their opponents' votes, they'll likely require the police chief to require animal control to enforce the abandonment law.

**Through a strategy based on the chain of command**, the voting bloc system is a powerful tool for improving how the Branford public animal shelter is run and for strengthening adoption policies. (Chapter 3 and the Interview and Case Study on page 262 are helpful on this topic.)

From the Branford registrar of voters or town clerk, Shelley and Hank get maps showing the exact boundaries of each council district and statistics for the last several local elections. They construct a voter turnout chart, which reveals only 15-25 percent of Branford's residents who *could* vote in town elections typically do so. The election statistics reveal some close races and some volatile districts that routinely oust incumbents by electing the opposing party's candidate.

Shelley and Hank name themselves the Branford Cat Anti-Abandonment Group. They discuss the issue with the supervising animal control officer—however they feel about him—because they know the mayor, council, and police chief will pull back if they don't start with this constructive, low-conflict approach.

They openly take notes during this meeting, attempting to catch verbatim whatever the officer says of interest. (A tape recorder would appear too aggressive.)

They tell the animal control officer they want to work with him to publicize that cat abandonment is a crime, to achieve a few high-profile arrests and prosecutions, and to promote ongoing aggressive investigation and prosecution of abandonment. They try to get him to commit to a plan (and fail). (He's not apt to commit before getting the green light from the chief.)

Then they make an appointment with the police chief. At this meeting, they present their goals, say they want to work with the chief to achieve them, report on their previous appointment, and try to get him to commit to a plan. Again they sit with pad and pencil, openly taking notes. They try to bring along officers of rescue groups that have members in Branford.

**A newsheet is a critical part of their strategy.** They tell the chief that they are preparing the first of what will be a periodic email and hard-copy newsheet on Branford's progress on the issue to distribute town-wide. The chief is likely to hem and haw, saying things like, "We can't afford the personnel time to investigate; we can't afford to cross into other jurisdictions to chase abandoners who have moved away," and so forth. Shelley and Hank write down his comments. They ask him the components of a good criminal case of abandonment.

Before leaving, Shelley and Hank read their notes back to him and ask if they're accurate, because they'll be included in the newsheet. These quotes and the newsheet are the beginning of a political accountability vehicle. He may well alter his words for the better.

Still: They make appointments with the mayor and each councilor, and follow the same game plan (note-taking, etc.). But at these meetings, they add that they're researching how to form a

local political organization for animals to endorse town candidates, and are really excited about the prospect of working more closely with local government.

**Vol. 1, No. 1** They write and photocopy a single-page, two-sided debut issue and prepare an equivalent email newsletter. Its logo is a photo or drawing of Branford Town Hall surrounded with scruffy cats that are trying to get inside. The first issue:

- Summarizes the problem and defines the solution and goals.
- Reports on their meetings with the chief, the mayor, and each councilor—quoting each of them, at length if illustrative. If a councilor refuses to meet with them, they report this too. Taking care not to use a confrontational or militant tone, they let the facts speak for themselves.
- Asks recipients to forward to other humane Branford folk.
- Includes an invitation to join their list.

Meanwhile, Shelley and Hank have been actively recruiting names (with street and email addresses) of sympathetic Branford residents, and they ID each according to council district. They send an alert asking *town residents only* to call, email, or write the mayor and their own councilor. Each resident is also instructed to include his street address in the message, so that the councilor and mayor will recognize that the writer (or caller) is a constituent.

**Shelley and Hank know that relatively few Branford residents actually care one way or another about abandoned cats, but they also know this won't matter.** To impress lawmakers, they only need to show that they can influence voting behavior of *some* voting-age Branford residents, and likely bring *some* residents to the polls who previously stayed home. It needn't be spelled out to the mayor and councilors that party affiliation won't matter much to many or most of these voters.

Shelley and Hank distribute Vol. 1, No. 1 according to a strategy. Certainly they email it to their whole list, and mail printed copies if they have the money. They send an email version to local groups and ask them to forward it. They ask state and national animal welfare groups to forward it to their Branford members.

Do they distribute it broadly in town, by tabling and leafleting at the post office? They make a judgment call as to whether indiscriminate distribution could activate dangerous, dormant anti-cat sentiment. They decide to "go for it." As a result, Hank and Shelley get calls and emails from sympathetic citizens and add these names to their database. Some of the callers report incidents of people abandoning cats in their neighborhood. Hank and Shelley take notes on these complaints and evaluate them for solid cases that meet legal requirements of "probable cause" for arrest. They assist the caller in filing a report with animal control, at the same time alerting the chief, the mayor, and all councilors of the case—in writing.

☞All along, they've been attending council meetings and chatting up councilors, and getting a feel for how things are done in Town Hall.

**Vol. 1, No. 2** Has the chief agreed to pursue any good cases that Shelley and Hank bring him? They report on the progress or lack of progress. Have individual councilors contacted the chief

about enforcement? If so, which ones?

⇒ Vol. 1, No. 2 also announces that they are forming a political organization for animals in Branford and will endorse candidates in the next municipal election. They begin to fantasize about how their effort could evolve into something broader for animals in Branford.

**Subsequent issues** A pre-election issue will announce endorsements the group has made for mayor and town council. Volunteers will conduct voter registration drives, with a special effort directed at young voters, such as 18-year-old, first-time voters, who are likely to be pro-animal (see Chapters 5 and 10). (Eventually Shelley or Hank, having become savvy about local politics and built up a troop of volunteers, may themselves decide to run for town council or state representative.)

**Do it solo?** This can be a slower but steady project. One motivated advocate can acquire power by using the arithmetic of elections. Lawmakers are likely to view an “animal lover” who hangs around the building, but fails to learn the nitty-gritty political dynamics of lawmaking, function strategically, or organize a grassroots base of voters, as little more than a crank.

**Caution about media and more** Our duo might have gone straight to media to announce their plan. A downside they must weigh is that any publicized effort that brings public attention to roaming cats can backfire by promoting proposals for their eradication. The weekly newspaper could become a vehicle for letters to the editor from Branford residents complaining about cats. Our duo’s effort is not meant to be secret and can’t be kept secret—and they do want publicity that informs that abandonment is a crime. But by building a grassroots base of voters, they can make great gains toward pro-animal legislation, and also protect against anti-animal policies.

This chapter was daunting. Is it coming together for you? If not, there’s no cause to be alarmed. As I’ve emphasized, it will come together for you quickly when you go to the building and observe lawmakers in action.

And the next chapter on lobbying is sure to help.

*Teaser: Look for SIEAO in Chapter 10, on how to launch your voting bloc for animals.*

## 7 Playing to Win: The Pro-Active Lobbyist for a Political Organization

"You cannot reason a man out of a position he has not reasoned himself into."  
—Oscar Wilde

"Of course I negotiate with my enemies. Whom else would I negotiate with?"  
—Political adage

"You caa-aan't always get what you waa-aant. But if you try sometime—you just might find—you get what you need."  
—Rolling Stones lyric, sung by Mick Jagger

### **Refreshers**

*Lawmakers defer to and show respect for lobbyists who represent voting blocs/political organizations, even when they despise their issue.*

*Your lobbying strategy is no stronger than its weakest link. Every step of the lawmaking process is a link; every lawmaker is a link.*

*Show them you're there for the duration. Otherwise they just delay, waiting for you to go away.*

*For a substantive, controversial, opposed bill or proposed ordinance, a lobbying strategy that is not based on the voting bloc system is doomed to failure.*

*Opposing lawmakers and lobbyists will not give an inch unless political realities force them to. In the corridors of power, no one willingly makes even the tiniest compromise to be congenial.*

*The lobbyist's strategy is based on the fact that a lawmaker's decision to support or oppose a bill or proposed ordinance depends more on political dynamics in the district and in the building than on its merits.*

*When, in casting a vote, a lawmaker must choose between a rich corporate interest and a politically organized grassroots in his district, the grassroots wins every time.*

*The lobbyist must be a familiar presence in the building.*

*The lobbyist must always have an up-to-date vote count on the proposal: How many definite Yes votes, how many definite No votes, and how many undecided and unknown.*

*It's a process, not a showdown (at least it doesn't appear to be).*

*Lobbyists play to win. If you won't play hardball, you're not in the game.*

*A lobbyist's power comes from the ground up. If your group is not always in the middle of an ambitious recruitment drive, you're not doing your job.*

### **Lobbying Axioms**

*A lobbyist for a voting bloc is the eyes and ears of its members, and all lawmakers know it.*

*Lobbying is addictive.*

*Effective lobbying is substantially a political activity.*

*Never at any point in the lawmaking process underestimate your enemy's prowess in exploiting the subtleties of the system to defeat or co-opt your proposal.*

*"Loose lips sink ships." The need-to-know rule applies. Never tell anything to anyone about your vote count, strategy, or other insider information, unless you absolutely need that person to know it. Even neutral people in the building repeat information to others who may not be neutral, in order to gain tips and favors from them. Exclude from your loop groups or individuals who have differing or opposing agendas or are close to those who do. Never put sensitive strategy information on a website or in a group email.*

*When advocates disagree on legislation, the political group with the lobbyist in the building calls the shots.*

### **THE PRO-ACTIVE LOBBYIST: "May I count on your vote?"**

**Knows the lawmaking pressure points** of the statehouse or county, city, or town hall

**Knows the political dynamics** of the lawmaking body

**Is a conspicuous, routine presence** in "the building"

**Establishes easy relationships** with lawmakers

**Uses political judgment** as to what provisions are achievable

**Selects**/helps select priority bills/proposed ordinances

**Writes**/researches bills/proposed ordinances/amendments in concert with supportive legislators

**Develops a lobbying strategy** with supportive lawmakers

**Strategizes** to maintain control of the issue and keep it moving

**Functions as "Information Central,"** keeping supportive lawmakers up to date about developments, about what other lawmakers are coming on board or fighting the proposal, where trouble is breaking out, and what help the lobbyist needs from them

**Directs the voting bloc** when to generate constituent calls/emails at key pressure points during the lawmaking process

**Foresees, watches** for opponents' potentially damaging actions

**Is on the lookout** for opportunities to make something good happen

**Is courteous, calm, friendly** to all—including opponents

**Is professional, honorable, aggressive**

**Avoids** exhibiting raw emotion

**Directs** group to districts where recruitment is most important

**Advise**s group on which incumbent lawmakers and other candidates to endorse

### **RELAXER**

Hang out in the building. Procedures and dynamics that seem impossibly confusing on paper aren't when you see them playing out. You'll quickly absorb their logic. You'll make mistakes and learn from them. Every lobbyist learns this way.

The lobbyist's role in the lawmaking process is enormous. Whether volunteer or paid, the lobbyist is your chief strategist, navigator, and negotiator—and is focused entirely on the win. Becoming attuned to the subtleties of the process, the lobbyist learns how to exploit them, and how to anticipate problems and mischief and snuff them. A regular presence in the building, she develops and nurtures relationships with everyone in it. She does not decide unilaterally on significant compromises, but is in constant touch with her group's leaders. I often refer to the "lobbyist" in the third person, but this lobbyist might be YOU!

It's common for people like you to enter the building fearing isolation and confusion. They expect the political dynamics that drive the lawmaking process to be foreign and unfathomable. Just hang out a bit. Procedures and dynamics that might sound impossibly confusing when described from a distance or in print aren't at all when you see them playing out. You'll very quickly follow their logic.

Lawmakers view your political group's lobbyist as the emblem of your group's potential to affect their fate next Election Day: The lobbyist's power to achieve in the lawmaking arena comes from the voting bloc, from "the ground up." While working to maximize a lawmaker's comfort level with a pro-animal proposal, she's mutely scaring him with the cudgel of your voting bloc in his district. When bills and proposed ordinances have opposition (nearly all those we want have opposition), their merits will not push them over the finish line.

The lobbyist has four primary tasks:

- To advance the bills/proposed ordinances you support at each stage, each pressure point, of the lawmaking process through enactment.
- To maintain control of the content of your proposals through each stage of the process, defending them from weakening or anti-animal amendments.
- To prevent, at the earliest stage of the lawmaking process possible, anti-animal proposals and amendments from coming to a vote.
- If unable to prevent a vote on something you oppose, to convince a majority of lawmakers to vote against the proposal or amendment, thereby defeating it.
- If unlikely to defeat the proposal or amendment in a vote, to conscript lawmakers to sponsor and support amendments to weaken its impact.

The lobbyist is the glue that keeps your act together. For lawmakers on your side, the lobbyist serves as "information central," keeping other friendly lawmakers up to date about where the proposal is in the process, which other lawmakers support it, which oppose it and on what grounds, and *what specific help the lobbyist needs from supportive lawmakers at each stage*.

Lawmakers often speak much more candidly to lobbyists than they ever would to their constituents. They are in the same game, they speak the same language, and they understand the political pressures and influences the other is under. In large cities and counties, statehouses and Congress, they're part of the building's insider culture; everyone else is a civilian.

Very rapidly you will become part of this culture.

For each piece of legislation the lobbyist is “working,” her mind is always in two places: the building and the districts. She is a macro-manager who formulates and carries out a strategy for the building. Simultaneously she is a micro-manager, focusing on individual lawmakers one by one, thinking how she can use the politics of the lawmaker’s district and the politics of the building to secure his vote.

A skillful lobbyist works wonders by exercising savvy, strategic judgment, and by identifying and creating opportunities during the process and exploiting them.

But lobbying tactics work only to a point: It may not be fair to blame your lobbyist for a compromise that still helps animals or for a failure. To win a stronger law or ordinance, aggressively recruit more members to your voting bloc to give the lobbyist more power. Aggressively recruit in the districts of opposing lawmakers who have made the most trouble, such as those who hold leadership positions. Never forget that power in the lawmaking arena comes from the ground up. (Don’t mourn, organize!)

All told, a skillful lobbyist for a voting bloc that endorses candidates holds a great deal of power without a single dollar being contributed to any lawmaker’s political campaign. All told, the voting bloc lobbyist wields more power in the lawmaking arena than many lawmakers do—because lawmakers know the lobbyist can impact electoral arithmetic across the jurisdiction.

**Becoming a lobbyist** Now don’t be scared! I remind you there’s a learning curve; lawmakers have seen many other beginners mature speedily. As long as you’re backed by a political group that is mobilizing voters and plans to endorse candidates, lawmakers are not apt to be foolish enough to dismiss you. They may welcome you! Generally, they and their staff in town, city, and county halls—and even statehouses—are friendly and will help you find your way.

While lobbying for animals, you are playing a critical role, and your persona must conform to its needs. You must know what you’re doing and be knowledgeable, truthful, and respectful to supporters and opponents alike. You’re reasonable, willing to make good-faith efforts to work out differences. If not, potentially supportive lawmakers will shy away from you.

You will keep emotion to yourself. Lawmakers and staff are really turned off by it.

By now you know that your real power is not from the merits of your issues, it’s from your politically organized grassroots and lawmakers’ knowledge that you will endorse candidates in the next election. So don’t lobby in the mode of a beggar, jumping for crumbs. It’s a sign of weakness.

Each success builds the foundation for your next, more challenging goal. You’re gaining a reputation as a “pro” who knows how to negotiate the process, as a player who gets lawmakers to serve as “protectors” and introduce and co-sponsor your legislation and amendments too. You’re strengthening relationships with some lawmakers, while courting other lawmakers you hope to draw into your fold.

You’re becoming, yes, a power player for the animals, and, doesn’t it feel good?

**The lobbyist begins by charting the likely path—all the “pressure points”—the proposal must survive on its way to enactment.** This requires learning and mapping *in advance* the pressure points of your jurisdiction, as discussed in the previous chapter. As pointed out there, without such preparation you’re an amateur. Amateurs rarely win. No one’s afraid of amateurs.

Town, city, and county halls often have far fewer pressure points than statehouses.

⇒**The lobbyist is always working several steps ahead, knowing that one pressure point—one weak link—can condemn his proposal.**

**The lobbyist determines what support your legislation needs to survive each pressure point.** He dissects each legislative committee or town or county council or board: What do I know about the chair and each of its lawmaker-members and their districts? Do I have a feel for which lawmakers will likely support us and which will likely oppose us? Is our voting bloc strong in the chair’s district? In which other legislative committee or board members’ districts?

⇒Does your group need to recruit especially aggressively in some districts to gain the support, or at least the neutrality, of certain lawmakers who will carry weight at some of these pressure points? As I’ve said before and will repeat in chapters to come, your group should always be in the midst of an aggressive recruitment drive! (Look forward to Chapter 10 about this.)

**The lobbyist determines how he can best “make the case” for the proposal,** knowing what works for one lawmaker may not work for another. He may know that one city commissioner loves dogs, hates cats, and has two hunt clubs in his district; that another’s daughter is involved in cat rescue, that another’s wife is a dog fancier who’s active with the breeders’ PAC, that another is an “ethical” vegan (whose food choices result from humane more than health concerns), and that another is a retired pig farmer who hates leghold traps and has defied trappers. *Of course, your political group’s recruitment in all their districts makes your best case.*

**Lawmakers rely on the lobbyist as the expert on the issue.** If the opposition has a lobbyist, lawmakers rely on him, too.

**Use small talk to forge and maintain easy relationships.** In *The Art of Loving*, famed psychoanalyst Erich Fromm warned that small talk is empty of meaning, that it’s a barrier to true communication and love, that every word you speak should have content. Leave Dr. Fromm’s lesson behind when you enter the building!

The effective lobbyist learns the art of the schmooze, of small talk, which you’ll use to forge and maintain relationships with lawmakers and their staff. In a larger venue, where there is a contingent of lobbyists, use it to forge relationships with them, too. Small talk initiates and maintains comfortable relationships. It eases avenues of communication. Such relationships mean you’re easily approachable and you can approach others easily. Approachability allows you to lobby well generally, and to work through conflicts and work out compromises. Small talk provides comfort to lawmakers and shows them that you understand the etiquette of the game. Your purpose is not to tell people about yourself, although bits of neutral personal information can oil relationships.

⇒ Being fluent in small talk also gains you crucially important tips from staff and lobbyists, for example, about lawmakers who are conspiring to block your bill from coming to a vote. When you hear tidbits that might be helpful to lobbyists working another issue, share it with them—motivating them to do the same for you.

**Use these relationships to get information, not reveal your own game.** When it comes to your own agenda, you will *not* speak spontaneously, although it may sound as though you are. Work close to the vest, providing no more information than you intend to. Don't confide for the pleasure of confiding, as your confidence will be circulated. Don't speak about your proposal without checking to see who's within hearing range. If any of these folks is unfamiliar to you, zip it. "Loose lips sink ships."

The need-to-know rule also applies to your group's general membership, who will not have judgment about what information should be considered "privileged." You share only with your very top person or people.

**Being in the building: Most work is done by running into lawmakers.** Your lobbyist doesn't travel to the building just for meetings at which votes on animal bills or ordinances are scheduled. Goodness, no! She knows that *most of her work will be done on the fly, by catching lawmakers or staff in the halls or in the elevators or in the cafeteria*. Besides, if you're not in the building, you won't get tips until they're cold. Hot tips can save you.

In statehouses, the lobbyist prepares a daily list of lawmakers she needs to lobby or check in with, checks what legislative committees they serve on, and when and where those committees will meet. She sits in on those meetings to chase lawmakers as they enter or exit. The lobbyist gets there before meetings start, to catch lawmakers in their offices, at the elevator or, as they walk to the meeting room.

In counties, cities, or towns, she arrives at meetings early, to catch lawmakers before the meeting starts. She also stops by the building once or twice a week—especially in days before an important vote.

**How a lawmaker thinks** Have you watched "The West Wing"? Yes, it's TV, but it imparts accurately how a politician's mind is dominated by political factors in the building and the districts. While the lobbyist is constantly making judgments on how to proceed, what to say to whom, whom to include and exclude in his loop, whether to compromise, how to compromise, and at what stage of the process to do it... the lawmaker is involved in many other issues in the building that are undergoing the same fits and starts, all the while keeping her hand on the pulse of her district.

**Ask lawmakers for favors** Most lawmakers are highly social animals. The more power they acquire, the more they like to use it. The lobbyist recognizes and exploits these impulses. For example, as part of a strategy to defeat a trapping bill in committee, the lobbyist asks supportive lawmakers of both parties to help behind the scenes. The lobbyist asks supportive house Democrats to ask house Democrats who sit on the committee, whose votes he needs to kill the bill, to vote No. Do the same on the Republican side. Suggest that these helpful lawmakers could mention that traps are baited with attractants, which lure cats and dogs. It might push a fence-sitter or two over the top.

To boost the chances of an amendment to a bill, ask the sponsoring Democratic state senator to ask certain other senate Democrats (whose support you feel would be especially helpful) to add their names as co-sponsors. You also invite these senators to do so.

⇒**You need protectors.** You won't achieve a piece of significant legislation without at least one, and probably several, lawmakers who will work with you through every phase of the lawmaking process.

The lobbyist scrutinizes and evaluates the chairs and all other lawmakers who sit on each committee, board, or commission the bill must pass through, well before the bill is anywhere near the house or senate or council floor—in fact, before deciding to have the bill introduced. If the committee has 23 members, passage of a good bill or defeat of a bad one requires favorable votes from at least 12. Actually, you need commitments from more than 12, in case: 1) a few of your supporters don't attend the meeting at which the vote takes place (either intentionally, to avoid casting a controversial vote, or from illness or schedule conflict); or 2) there's slippage, which may occur if the opposition captures some of your votes.

⇒**The lobbyist is always updating her vote count of how many lawmakers have committed to the proposal, how many oppose it, and how many are undecided or won't say.** She strategizes about how to add Yes (or No) votes. She keeps separate counts for each committee or board the bill must pass through before it reaches the floor.

**Undecided, "swing" votes** By definition, swing votes determine the fate of a proposal. The lobbyist uses all means possible to gain those votes, from heavy constituent pressure to political dynamics in the building (see previous chapter). She thinks of all the angles and doesn't give up. Recruitment tools, such as politically designed petitions, are fabulous ways to convert fence-sitters. (See "Petitions that work" below and the example in Chapter 2.)

**"We have a new member in your district:" Let the lawmaker know every time a constituent signs up with your group.** When you see the constituent's lawmaker in the building, casually say: "Your constituents Howard and Susan Washington—you know, that red brick colonial at the corner of Laurel and Hillside—have just joined Voters for Animals. They're really strong animal advocates. I told them I'd mention them to you." Name both Howard and Susan, because to the lawmaker they're two voters, who will now know how she's voting. Also mention any children of voting age in the household.

**"Scorecard issues"** If the proposal is one of your scorecard issues, politely tell the lawmaker during your lobbying rap.

**Endorsement questionnaires** If you endorsed the lawmaker and he'd correctly answered the question about the scorecard issue on your endorsement questionnaire, politely remind him.

**Never mislead or distort** a lawmaker's position to other lawmakers or lobbyists. It will kill your lobbying career.

**Assume lawmakers' profound ignorance or misconceptions.** As a rule, lawmakers know little or nothing about your issue or how law enforcement currently deals with animal cruelty or neglect. Misunderstandings can cost you your bill or ordinance. If you hear or sense a lack of

understanding, explain briefly but clearly, with no more detail than required.

**Inconsistent lawmakers** A lawmaker may be receptive to some of your proposals but oppose others, even similar ones. This may seem illogical or inconsistent by advocates' standards, so take nothing for granted. Different political forces may be at work in his district, in his legislative committee or the council—or even his heart.

**Speak lean.** Lawmakers are busy. State the name and number of the bill or proposed ordinance, summarize succinctly what it does, why it's needed in your jurisdiction, who supports it (lawmakers of her party, local advocacy groups, etc.), how it will work, and how well it's worked elsewhere, if applicable. Avoid extraneous information. You want a direct response and don't want to make it easy for the lawmaker to change the subject or say he'll "be late for an appointment." The lawmaker has many other things cluttering his mind, so you may need to refresh her memory each time you speak.

**Bait** Remember, the lawmaker will be concerned about support or opposition to your issue in the building. Use a sponsor's name to gain more sponsors from within his party. Use a ranking lawmaker's support to gain support from other lawmakers in his party. Remember lawmakers don't want to cross their own party leadership.

**Begin your lobbying rap this way.** When you can legitimately do so, begin thus: "I want to ask for your support for \_\_\_\_\_, to prevent the uninterrupted chaining, tethering, or and confining of dogs. Senator Williams [chair of the committee of cognizance]/Commissioner Sosa [council minority leader] is fine with it/is a co-sponsor. It's our top scorecard issue."

Sometimes knowing his party leadership is "on board" evokes a near sigh of relief from the lawmaker, before he even knows what the proposal is about. If your proposal has the support of an animal group with members in the lawmaker's district, say so now. "I've been talking with Cary Henderson, Vance Gray, and Sandi Bisette of Animal Rights Action, who are thrilled with [the proposed legislation's name]. I told them I'd be talking to you about it." The lawmaker now knows that you'll be reporting back to them, and that they'll be talking to other members of their group who also are constituents.

Then explain the proposal.

**One proposal at a time** If you have more than one proposal to discuss with a lawmaker in the same conversation, deal with each one completely. Only then begin the next. This way you get clear, specific feedback for each and keep him focused.

**Know where you stand.** At the end of every conversation with a lawmaker about a proposal, the lobbyist must take pains to know exactly where she stands with the lawmaker on the proposal. End the conversation by repeating to the lawmaker your understanding of where he stands, including his concerns, if any.

**"May I count on your vote?"** A common fatal error of inexperienced lobbyists and constituents is not to ask the lawmaker this exact question. Here's a typical scenario. A constituent receives your alert to contact his lawmaker to vote Yes on a proposal. The constituent calls the lawmaker. The lobbyist hears from the constituent, and asks whether his lawmaker com-

mitted to voting Yes (or No, as the case may be). The constituent says, yes, the lawmaker seemed really friendly and supportive. The lobbyist asks the constituent *exactly* what the lawmaker said. The constituent struggles to respond with a vague paraphrase. The lobbyist asks if the lawmaker clearly emitted the word “Yes.” The constituent hesitates, thinks probably not.

**Power lesson:** A lawmaker’s expression of generalized sympathy or support does not a commitment make. Neither does “I’ll consider your views in making my decision” nor “Thanks, that’s really interesting, something to think about,” nor “I have a soft spot for horses, my mother rescued a few,” nor “Sounds like something I’d be interested in,” nor “Call me any time.”

⇒⇒⇒After your quick summary, ask clearly, firmly, and politely for a commitment! If the lawmaker won’t commit, ask what problems or questions she has about the proposal.

⇒⇒⇒Constituents must *immediately* report back to the lobbyist detailed information about any contact with their lawmaker, regardless of whether the answer was Yes, No, Maybe, or fuzz. The lobbyist then follows up with the lawmaker.

If the lawmaker told his constituent, “Yes, I’ll support your position,” the lobbyist firms the Yes when she sees the lawmaker, who realizes, “Geez, they’ve got a system—my constituent is going to know if I keep my word.”

If the lawmaker told the constituent, “I need to learn more about it,” the lobbyist follows up with the lawmaker, saying: “I understand you told \_\_\_\_ that you didn’t know enough about the proposal to make a commitment. Let me help.” The lawmaker realizes, “Oh, geez, the lobbyist is in touch with my constituent.” The lobbyist may be able to explain the proposal in a way that makes it palatable to the lawmaker.

If the lawmaker told the constituent that he’s going to vote the wrong way, the lobbyist follows up the lawmaker and uses her skills to make headway. ***And she generates constituent calls and emails to his constituents.***

**“What problem do you have with it? How can we fix it?”** If a lawmaker won’t commit, the lobbyist or constituent must *always* ask what questions or problems the lawmaker has with the proposal. The lobbyist needs to know this! Has she heard this concern from other lawmakers? How’s her vote count? If she needs more votes and the concern could be fixed with an amend-ment that wouldn’t damage the proposal’s intent, she confers with her protectors about such an amendment. (She sure doesn’t want opposing lawmakers or lobbyists to come forward with *their* language!) If the lawmakers say they’d commit to the proposal if amended thus, she writes a draft and asks her protectors and new allies to introduce it at the appropriate stage of the process.

In her rap, she now can tell other lawmakers that she’s fixed the problems and that everyone is now “on board.”

**Extreme caution: The non-lobbyist constituent never negotiates with a lawmaker or opposing lobbyist.** The constituent reports the lawmaker’s concern to the lawmaker, but *only the lobbyist* tries to resolve it. If the lawmaker tries to pull the constituent into negotiating a compromise—and lawmakers often do—the constituent tells the lawmaker that he’ll have the

group's lobbyist get in touch.

**Possible compromises** Proposed legislation can be amended in many, many ways. Generic compromises include:

- Weaker penalties. Your goal is to outlaw something that is now legal, to create a basis—that doesn't yet exist—for legal intervention. Getting the strongest penalty may not be critical.
- Some sort of "grandfather" clause (see lawmaking lexicon in previous chapter).
- A delay in the date the law will take effect.

**Dividing and conquering** Party-line opposition to your proposal is bad. If majority party leadership (who controls the "bill traffic," see previous chapter) wants to prevent your proposal from coming to a vote, it's dead—unless you can turn the situation around by:

- Generating heavy constituent contacts to this/these lawmaker(s).
- Circulating constituent petitions in their districts! (See below.)

#### **CASE STUDY 1: Stop a very bad bill by being a "regular" in the building**

Lobbying for the Fund for Animals, I was in the building nearly daily during Connecticut's legislative sessions. One day a state representative flagged me down by the elevator. He'd heard that a senator known to champion dogs had been approached by the politically powerful lobbyists for a corporation based in the state to introduce a bill harmful to animals. The corporation—a major target of animal activists—hosted marketing events around the US, at which they operated on dogs to demonstrate their surgical products to surgeons. The dogs, largely obtained from dog pounds in other states, were then euthanized. One of the corporation's lobbyists had been the Republican candidate for governor and sat on the state university's board of trustees. He'd asked Ed—a Republican—to introduce a bill that would repeal our state's "pound seizure" law, thus allowing impounded, unclaimed dogs in Connecticut to be sold to research facilities. Lawmakers feel unease from refusing politically powerful figures within their own party. The corporation had even hired a public relations firm that had been meeting with the editorial boards of newspapers around the state, to convince them to run editorials in favor of the legislation.

My tipster said that Ed might do it. Immediately I tracked him down and asked if this was so. He said yes, that the lobbyists had made the points that these are dogs that would be put down anyway and that fewer dogs would be bred for research and killed. I gave him the long list of reasons why such logic was bogus.

I said: Ed, as a friend, I urge you not to go forward; it could be political suicide. Media would publicize your role broadly. All your constituents who have dogs—even those who are uncritical of animal research—would imagine their own dogs getting lost, ending up in the pound several towns away, and being sold for use in a horror chamber. The corporation wouldn't buy dogs from our state pounds anyway, because they'd know that every time a dog got lost, the tearful owner would show up at their door wanting to look for him—flanked by TV cameras (animal rights groups would see to it). This is why research labs prefer to avoid dogs from their own states—they buy from brokers who pick up dogs many miles away. The bill is the corporate president's attack on animal rights (there was much known history supporting this). Ed thought, hmm, maybe this was true, and he thanked me for the warning. Then I immediately looked for the senate majority leader, the chair of house bill screening, and the house minority leader. Within a week or two I'd been able to sit down with all of them. Each told me that the lobbyists hadn't approached them yet, but they were persuaded by my arguments, and would not support such legislation.

**Result:** The lobbyists failed to find a lawmaker to introduce the bill.

- Asking your protectors to ask their leadership for the favor of allowing a vote.
- Asking if leadership will consider a compromise.

Party-line opposition from the minority party may not be fatal, but it surely weakens the prognosis. In a statehouse or large county or city council where the majority party's margin is slim, it means minority lawmakers may not only vote against you, but may conspire to offer very bad amendments.

Say a legislative committee or city council has 21 members, with 13 in the majority, all but two of whom support the proposal, and 8 in the minority, all of whom oppose it. No problem, you've got the votes. But what if only 11 majority members support you? Here's your count:

Majority party:	11 Yes	0 No	2 unknown
Minority party:	0 Yes	8 No	0 unknown
Total	11 Yes	8 No	2 unknown

Your proposal is in danger. You need a healthy margin to guard against defection or absence. A one-vote margin of victory in a legislative committee may augur severe and active opposition at subsequent steps of the lawmaking process—unless you can negotiate tolerable compromises that take the wind out of opponents' sails.

Of course you exert the maximum constituent pressure possible on the two fence-sitters, and do tabling and petitioning in their districts. But you also try to puncture the party-line vote. Target those minority lawmakers for whom you have the most constituents and/or who you think are the more winnable. Do tabling and door-to-door petitioning in their districts, too.

**Petitions that work** Generalized petitions, paper or email, are an utter waste of time because they do not create accountability of individual lawmakers to their own constituents. People (constituents and nonconstituents alike) sign and forget about them, and lawmakers know this. But if used strategically, petitions can be highly effective. I've won needed swing votes through door-to-door petitioning in fence-sitters' districts. I've turned some swing votes into protectors.

The petition must be addressed to the specific legislator: "Rep. Charles Kulka, We, your constituents, urge you to vote No on [bill number and title of bill] on pheasant hunting." See Chapter 2 for a sample petition and Chapters 2 and 10 for more detailed discussion.

⇒After an important vote, send an alert showing the roll-call vote, and ask members whose lawmaker voted right to call or email them a thank-you.

### **Why a lawmaker "offers" amendments:**

- He objects (personally or because a voting bloc in his district does) to portions of the bill/proposed ordinance and wants to change them.
- She wants to make the proposal stronger, weaker, or clearer. The last is a "technical amendment."
- He opposes the proposal, so offers an amendment that, if approved, would make the proposal more controversial, making it easier to defeat.

- She opposes the proposal and fears it will pass, so she offers an amendment that would weaken it.
- He wants to kill the proposal, so offers an amendment that would require the proposal to be sent to another committee that might defeat it.

**Also, for amendments to bills in the statehouse:**

- He opposes the bill and wants to turn it into a “talker” (requiring extended debate time) to deter leadership from bringing it to a vote.
- She opposes the bill, and offers an amendment that she knows the other chamber will not approve (see previous chapter).
- He wants to use the amendment as a “bridge” to another amendment (see “Lawmaking Lexicon” in previous chapter).
- The bill is a germane “vehicle” the lawmaker can use to try to tack on a new provision to the bill. The amendment may deal with something that’s been on the lawmaker’s own mind, may address a concern a constituent contacted him about, or was requested by a powerful grassroots voting bloc or business interest.

**In the statehouse, checking for amendments is critical.** Once a bill hits the house or senate calendar, it’s vulnerable to floor amendments. Any lawmaker who serves in the chamber that’s about to vote for the bill can file one or more amendments that are germane to the bill’s subject matter. Each state has its own system and rules for amendments. Lobbying firms with

**CASE STUDY 2: Compromising is not always necessary**

Our state wildlife commissioner introduced a bill to allow his agency to regulate the keeping of exotic animals. The environment committee voted to give it a public hearing (as it usually does for bills submitted by the executive branch, as a courtesy). The commissioner testified that having minimum standards of care would help nonprofits that take in these animals. But the bill didn’t mention nonprofits, which already could keep exotics legally if licensed by the US Department of Agriculture. Worse, he didn’t point out that current state law otherwise *forbade* the keeping of exotics. By granting the commissioner authority to promulgate regulations on the keeping of exotics, the bill would be a giant step backward, actually *reversing the ban on exotics in captivity*. I knew the agency was friendly to captive animal enthusiasts who’d been working politically to legalize the exotic animal trade in the state. I knew that opening the door for them was the commissioner’s real intent. And I’d expect his regulations to be weak and not enforced. But lawmakers on the committee took the bill at face value and thought, “What’s not to like?”

Naturally, I was disgusted. In my testimony I presented the truth, and pointed out that passage of the bill would prime the inhumane trade in exotic animals.

After the hearing, the commissioner, recognizing his bill was now in danger, approached me. He said: Write me an amendment that would limit the bill to nonprofits. I said OK, but did not intend to. (Ordinarily I’d never bluff a commissioner, but I wasn’t dealing with an honorable man. I could stall him this way.) From my knowledge of the building, I calculated that I could convince the committee to let the bill die from lack of action. I’d effectively created controversy, and no bill was better than the compromise. If I agreed to a specific compromise, I’d have to support it throughout the entire lawmaking process. Furthermore, I feared that the commissioner might be able to get a compromise bill amended badly on the house or senate floor.

**Result:** My strategy worked. The bill died from lack of action, and the animals were saved.

multiple big clients may hire a full-time person for the sole purpose of scanning every amendment, from the minute it emerges from legislative staff offices.

**Plotting and scheming: Achieving your goal through an amendment rather than a bill or ordinance** Can you see how much easier it might be to get a legislative change made through an amendment rather than a bill or proposed ordinance? Potential opponents don't know what you're planning. There's no public hearing. They don't have a target to try to defeat or amend at every pressure point. Know the lawmaking process in your jurisdiction to learn if amendments can be used this way.

When using this strategy, you need a few very willing lawmakers and a suitable germane, vehicle bill or proposed ordinance whose content you don't object to (because success would mean that it would become law, too). If the vehicle's sponsor may object, you and your protectors decide whether to ask him or cross him or give up the idea.

**In the statehouse** Some interest groups are able to recruit lawmakers to introduce an innocuous bill—whose true purpose is to provide a germane vehicle for an amendment that consists of a controversial provision, on the house or senate floor. This is more likely very late in the session, when so much is going on that everyone is dizzy. It's one of the reasons your lobbyist must be in the building at all times then.

**Voting bloc system to the rescue** No lawmaker will mess with a bill/proposed ordinance this way if there are organized constituents in his district who he knows will find out about it.

**Betrayal: When a lawmaker breaks a commitment on a vote** Sometimes a lawmaker breaks a commitment to you or to his constituents. The lawmaker may have been strongly pressured by constituents from a different voting bloc. Or pressured by another lawmaker(s), possibly his party leadership. You *must* ask him why and express concern and disappointment. You *must* send an alert to his constituents, asking them to call or email their disappointment (not anger). The lawmaker *must* know they know and that there's a price to pay: You don't want it to happen again.

☞☞☞**To discourage betrayals, the lobbyist periodically checks in with each supportive lawmaker while circulating in the building**—"Alma, you're still with us on\_\_\_\_, right?"

*Refresher:* You're playing to win, and the lawmaking process is hardball. If you're not willing to use your weight, you won't be a power player.

**Some lawmakers lie to advocates who aren't in an organized voting bloc.** I frequently meet advocates who've been lied to. Such an advocate got an alert from a charitable group and dutifully wrote or called her lawmaker. The lawmaker wrote back assuring her that he will (or did) vote as the constituent asked. I knew it wasn't true, because I was there! I've also met advocates who told me about approaching their lawmaker at community events. The lawmaker said that he, too, loves animals, and told a loving story about his dog. Back in the building, the very same lawmaker openly championed leghold traps and other anti-animal activities.

If you—the lobbyist—hear about a lie, politely but firmly confront the lawmaker and report back

to the constituent.

**Grooming lawmakers to get more out of them** The pro-active lobbyist is always looking to pull more lawmakers into his circle of supportive legislators and to promote supporters into protectors. If one year I get Rep. Hirst, whose record is not pro-animal, to co-sponsor a less controversial amendment, the next session I may ask him to do favors in committees he serves on for our new bill. Positive constituent feedback for his earlier support helps! A future benefit may be that he'll vote against us only when he really, really objects, when previously that had not been the case.

**Coalition lobbying** If you are lobbying within a coalition, it is imperative that you not reveal conflict to lawmakers. They expect you to have your own house in order. They may not expend precious time and energy on your proposal if they detect internal disagreement; they may use it as an excuse for no action, and they don't want to suffer political fallout from segments within the coalition. But because yours is the only political group and the only group with a regular presence in the building, you'll pretty much call the shots.

**Coalitions and kick-off meetings: Careful!** Often when advocates get religion about becoming political, they envision sitting everyone down together to work on a proposal and to formulate strategy. Their vision includes advocates and members of interest groups that oppose them. If they want pet store reform, they invite representatives of the pet store industry. If they want spay/neuter legislation, they invite breeders.

Don't do this! Pet stores will not support your goals. Their lobbyists and spokespersons are politically highly sophisticated, and they play only to win, however friendly and receptive they seem. That's what they're paid for. Breeders are unlikely to support any controls or regulations on breeding purebreds or raising minimum standards of care. You are adversaries, however polite. Under no circumstances do you include them in your loop. You don't want them to have any advance knowledge. They have longstanding relationships with lawmakers and can send you in circles and turn you into a joke.

You can invite any group to sit down to work out compromise language at any pressure point in the lawmaking process—if necessary.

Don't invite the media, either! Think strategically. Do you really want media reports on discussions, strategy, plans, and disagreements? Do you really want to alert opponents? The answer is NO. You want to control what media covers, how they cover it, and when they cover it as much as you can. Expecting media can help your proposal this way is top-down thinking, which has been responsible for many of our failures. Read Chapter 9 before pursuing media!

**Statehouse "Lobby Days"** Some grassroots issue groups designate a special day each legislative session for their people to come to the statehouse to impress lawmakers. Each advocate meets face to face with his own state senator and state representative. The group may have prepared a special button for participants to pin on their shirts. It may book a meeting room in which to throw a gala reception and present awards to a few lawmakers.

Caution: Be careful about planning a lobby day if you're not sure it will be well attended. It mustn't be a show of weakness! Also think strategically. A lobby day consumes lots of planning.

Is it the best use of this time? Would the time be better spent recruiting even a mere 10 more constituents in the house speaker's district? It might be.

**"I know someone."** A common misconception is that knowing a lawmaker slightly or knowing someone who knows a lawmaker will win legislation. As a favor, the lawmaker may talk to you and might mention the issue to leadership. But unless you represent a voting bloc or a powerful business group or are a heavy campaign contributor, it won't go anywhere. There's no substitute for political power based on grassroots political organizing and endorsements.

**Should you hire a contract lobbyist?** Paid lobbyists are the rule in statehouses and are not uncommon at the large city and large county level, but they are rarely seen at the level of smaller counties, cities, and towns (influence is wielded in other ways).

If this MANUAL convinces you to establish a state political organization for animals, but you have no volunteer who can put in the hours, raise money to hire a contract lobbyist. The lobby-

#### INTERVIEW

##### **Carter Dillard: Two Cautions**

###### **1) Don't pursue legislation or regulations unless you have political strength and judgment.**

In 1996 the New Jersey legislature enacted a law authorizing the state's Department of Agriculture to promulgate regulations defining humane standards of care for farmed animals—minimum standards of care that farmers would be required to comply with. The bill had been initiated by the department, which protects the interests of farmers. Its purpose may have been to obstruct anticipated efforts from the humane community to enact specific legislation protecting farmed animals.

The law required the department to issue regulations within six months of its passage, but it did not act. Thinking that farmed animals would be helped by regulations written by the department, the animal advocacy community began to pressure the department to issue them. So in 2003 the department presented draft regulations for public comment, a required step in the regulation process. Its official regulations followed in 2004.

Animal advocates were horrified. The new standards of care essentially codified existing cruel animal husbandry practices. For example, included were methods straight from the veal manufacturers' trade manual. The practical effect of demanding that the regulations be issued was a weakening of farmed animals' protections. Previously, a general, vague law had governed. It was woefully weak, but its vagueness at least kept the door open for law enforcement and the courts to demand better care than the new regulations did. The regulations closed that door with a bang. In response to advocates' outrage, in 2005 the department amended the regulations insignificantly.

**Moral:** Don't ask for or promote laws or regulations unless you have enough political strength and judgment to keep control of the process you have initiated. Anyone with even a cursory knowledge of New Jersey's government and legislature would have predicted the outcome at the beginning. Farm Sanctuary and the Humane Society of the United States have engaged in a drawn-out suit against the department, alleging that its regulations fail to do what the law requires, that is, establish "humane" standards of care.

###### **2) Draft a ballot initiative so it doesn't backfire.**

Pursue ballot initiatives with extreme care, with detailed knowledge of how the procedure works in the particular state and how it interfaces with the state legislature. A lot of thought, scrutiny, and strategy must go into the wording of the initiative. If you're not careful, even with victory you can end up with nothing or in litigation for years.

**Carter Dillard is a staff attorney for the Humane Society of the United States.**

**Make a flyer for lawmakers.** Here is a sample flyer that a lobbyist might distribute to lawmakers when a proposal is coming up for a vote. Modify it at each stage of the lawmaking process. Refer to the proposal in the format used in the lawmaking body. In a state legislature, a senate bill number may be prefaced with SB and a house bill with HB. Towns, cities, and counties have their own numbering systems. A city might use “Docket No. 07—131,” the 07 standing for 2007. The flyer below is a mishmash of a state bill and a local ordinance, but it should give you the idea.

# SUPPORT Bill 257

## “The Confinement and Shelter of Dogs”

Genesee Police Commission approved 10/1 [if local ordinance]

Passed the Senate 38/8 [if state senate bill about to be voted on in the house]

**The need:** Current law is extremely vague. This gravely hampers law enforcement’s ability to intervene for suffering dogs kept inhumanely. We’ve read about Princess, the lab mix crippled by cold-induced arthritis, whom the veterinarian said nearly froze to death. No laws had been violated. And about Pippy, the loving puppy who grew into a dangerous dog who nearly severed the arm of a child.

**What the ordinance [bill] does:** The law has not been modified since 1937, although community standards have risen. Our state constitution allows local governments to enact stronger animal care ordinances. Bill 257 defines adequate shelter for dogs, taking into account some dogs (breed, age, health) need less shelter than others. It prohibits uninterrupted tethering or penning of dogs for more than a 10-hour period.

### **Broad community support**

Memphis Voters for Animals – Bill 257 is MVA’s lead scorecard bill  
Memphis Humane Society  
Tennessee Animal Welfare Society  
Genesee County Dogs Deserve Better  
Genesee County Dogs for Life  
ASPCA (1,322 county member households)  
Humane Society of the US (500 city members households)  
Memphis Community Action Network (poorly kept dogs become dangerous)  
Memphis Neighborhood Block Associations  
Genesee High School Senior Class  
Martin Luther King High School Senior Class

Memphis Voters for Animals:  
Working to protect animals through political action  
Contact: Haley Mendez, lobbyist HM@mvfa.org 000-000-0000

ist will have other clients, possibly many. It's best if she is a true advocate for animals, not just a hired gun. Make sure she'll work hard for you, not delegate your agenda to the bottom of her client list.

The hired, contract lobbyist will lobby and nothing more. You will issue constituent alerts and perform strategic recruitment, plan for public hearings, and administer your organization.

⇒⇒⇒⇒⇒*Don't even consider going on vacation during the legislative session!*

**Money, power, and corporate lobbyists—and how to beat them** In the absence of politically organized groups, money drives politics. We all know about corporate contributions. Federal and some states' laws prohibit corporations and businesses from donating to political campaigns directly, but they still find ways. Lobbyists and employees of the business can donate individually. So guess what? The lawmaker notes that he received the maximum donation allowed from, say, 20 or 30 employees of the business interested in influencing his vote. Sometimes a honcho delivers the checks in a bundle. "Bundling" is illegal, but it's common.

Business interests and trade groups also form political action committees (PACS) to which individual members contribute. The PAC can spend its money on campaign contributions and lobbyists. Really big PACs have multiple staff, including multiple full-time lobbyists. The variety of PACs in your state may surprise you: gambling interests, doctors, massage therapists, grocery stores, plant nurseries, trade unions, the home-schoolers lobby, the gay rights lobby, the women's rights lobby, independent pharmacies, and so on. And of course pet stores, dog breeders, the farm lobby, the hunting lobby, the pharmaceutical industry, and other animal-exploiting groups and interests.

PACS that hire contract lobbyists rely on the judgment of these lobbyists in deciding which political candidates to endorse and contribute to. Thus, a statehouse lobbyist or lobbying firm that represents several or many financially powerful groups can, in effect, control vast sums of PAC money, sometimes well into six or more digits. As a result, many lawmakers, including leadership, treat their legislative agenda with respect, whether warranted or not. You'd better believe many a lawmaker is likely to vote for a bill these lobbyists want, unless they really don't like it, *or unless a politically organized grassroots is on the other side.*

The network of corporate powerbrokers and lawmakers also means that business interests can arrange jobs (part-time for full-time pay) or consulting work for ranking lawmakers, and jobs or introductions for their families or important constituents the lawmakers want to help.

Thus, most bribery is legal. I often don't become disgusted by reports of government corruption as many folks do—I'm disgusted all the time. Sometimes the difference between legal and illegal is slight.

Don't assume that county or municipal government is less prone to favors than statehouses. Some political scientists believe local government is worse. In a small jurisdiction people in business, politics, and government are more likely to know and socialize with the other people in business, politics, and government, have commercial connections, and to be related by blood or marriage.

**It's an undeniable fact: A politically organized grassroots beats corporate money every time.** One of the best compliments I've received came from a state representative whom I'd (successfully) twice hammered with constituent calls and door-to-door petitions years before. A lobbyist for the Sierra Club told me that while addressing its local political chapter on anti-pollution legislation, the lawmaker said: "When deciding how to vote on a bill, a legislator must choose between powerful corporate interests and a politically organized grassroots, the grassroots wins every time. Ask Julie Lewin."

Why? Remember that a lawmaker's primary concern is to be re-elected, and to be re-elected the lawmaker must win a majority of votes cast on Election Day. A politically organized constituency in his district can vote against him and turn him out of office. *Corporate money can't protect him from these voters.*

The hunting lobby is not powerful because of campaign contributions. It's powerful because hunters have a highly effective voting bloc system.

In some parts of the US, gay rights law has really taken off legislatively. It's not because so many people or lawmakers in these jurisdictions are open-minded; it's because gays got political. Even homophobic lawmakers began "seeing the light" when gays began to mobilize politically and endorse candidates. As I say, a politically organized minority can drive laws and public policies on its issue, because lawmakers know that a politically organized minority can swing elections. See the Connie Vetter Interview in Chapter 5.

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**Create "talking points" for your lead lawmaker** to use during formal discussion/debate before a vote. Attach copy of: lobbyist's flyer; bill you've highlighted; official fiscal analysis; all roll-call votes so far, if any.

### Bill 257 "The Confinement and Shelter of Dogs"

Bill 257: Modest step in correcting longstanding problem, amends 1937 ordinance.  
[Summarize. Quote definitions of shelter and confinement directly from bill.]

**Enforcement:** Local animal control/city humane society.

**Cost factor: None** Police commission found cost of enforcement would be negligible, if any. Animal control is already called about these cases and already goes to the properties. Very rarely does animal control make arrests. Educating animal keepers about a law is nearly always enough to gain compliance.

**Penalties:** No change. The same as failure to provide shelter in existing law. Violators of tethering and confinement will be issued a warning and a time period for compliance. If not met, violator fined up to \$100. If violation continues, up to \$250 fine. Third violation kicks to misdemeanor cruelty.

**Need/local incidents:** Current law gave no legal basis for intervention in many cases. *Princess nearly froze.* [Summarize case very briefly. Neighbor's highlighted statements attached.]

*Pippy case.* [Summarize briefly.]

*Many other cases* testified to at public hearing.

**Ascendancy in politics: Be loyal to your friends and don't make enemies.** Lobby a while and you'll watch a person you met one year as a freshman town councilor or state representative become mayor or chair of your key legislative committee, and some years later win election to the state senate. The state senator may eventually be elected state attorney general, governor, or member of Congress. If you've lost your temper with him, you'll regret it.

When first lobbying, I developed a working friendship with State Senator James Maloney. Eventually he was elected to Congress, where he remained a friend to animals. I first knew Attorney General Richard Blumenthal as a supportive state representative. He was elected state senator and then attorney general, and is thought to have his eye on the US Senate and the US Supreme Court. He agreed to testify at the public hearing in support of my group's dog-chaining bill. Years ago I'd involved Assistant District Attorney Christopher Morano in a chained dog situation ("Nickie"—see previous chapter). When he became Chief State's Attorney, the state's lead criminal prosecutor, he agreed to officially support our dog-chaining bill. Many agency commissioners and judges are former lawmakers.

Some lobbyists for opposing groups may run for office and be elected, so the same caution applies. And there's the "revolving door." Often legislators who lose re-election or are ousted by term limits decide to cash in on their savvy and connections by becoming business lobbyists. I find it offensive. On issues where the stakes are high, corporate interests hire several such lobbyists. I fought hard against a bill to allow a dog track in the state. The gambling interests strategically targeted the state senators and representatives whose votes they needed by hiring about 20 different lobbyists, each of whom was a personal and/or political friend of one of the targeted lawmakers. I narrowed the house vote margin to seven (in a house with 151 state representatives) and won a concession, but the dog track bill became law.

I was lobbying for an animal charity, not a political organization.

**Be a social climber for the animals.** It helps the animals to have friends in high places. When giving a party at my home, I may invite lawmakers with whom I have a modest, positive relationship, even if I don't expect them to attend. (Lawmakers are besieged by invitations; the invitation alone makes an impression.) I may invite my own state senator and state representative, and some from farther away if I feel it would not be inappropriately familiar. The lawmaker who was elected house majority leader one year had brought his wife to my birthday party the year before.

**Do I have respect or affection for lawmakers?** I deeply respect and care about some lawmakers and have become friends with several. All lawmakers are operating in a political ecosystem (as Elizabeth O'Neil said in her Interview in Chapter 6) they did not design, and to achieve anything they must maneuver within it. (Just as we must.)

**Did I enjoy lobbying?** Yes! I loved it when I felt I was winning for the animals. I bounded out of bed, eagerly anticipating the excitement, stimulation, hubbub, and social interplay of the day ahead and the pleasure of effectively negotiating the power center that is the statehouse.

But I did **not** enjoy lobbying when a few lawmakers strategized successfully to defeat major bills, solely because our group had not recruited in their districts, in spite of my warnings for a year or more. (For an example, see the Case Study on page 237.) From my experience and that

of advocates in other states, I feel strongly that state voting blocs need full-time paid recruiters or an utterly committed cadre of volunteer recruiters who table or canvass most weekends.

## Don't Be Scared Off

Of course you will make mistakes as you learn your way. (You'll make some even after you're experienced—everybody does.) But as stated above, below, and sideways, hang out a bit in your town, city, or county hall, and you'll make fewer. You'll see that the process and the place are not threatening. People will be friendly if you are. Procedures and dynamics that seem impossibly confusing on paper are not when you see them playing out. You'll quickly absorb their logic. Lobbying might become your favorite activity—it often does!

As my brother Mike says, you've got to play to win.

### IN PRINT

#### Tricks the Other Side Uses

**Let's negotiate.** Often, what your opponents most want is to get you to stop organizing in the community and to start...sitting around a table with them....[Your] campaign stops....You lose momentum.

[Julie's comment: Keep recruiting throughout any negotiation. It's a show of strength.]

**I'm the wrong person.** You might be told, "I would love to help you, but I'm not the right person to see." This response is usually a shabby trick to make you feel stupid....Often it is the start of a process in which no one will admit to being the right person and you will get sent from one official to the next.

[Julie's comment: Take full notes of all exchanges with all officials and staff. Know in advance where the elective buck stops, so you can prevent this treatment.]

**You are reasonable but your allies aren't. Can't we just deal with you?** This should be seen for just what it is, an attempt to divide your coalition....A consultant speaking to a group of corporate executives once laid out how this trick works: "Activists fall into three basic categories: radicals, idealists, and realists. The first step is to isolate and marginalize the radicals. They're the ones who see inherent structural problems that need remedying if indeed a particular change is to occur. To isolate them, try to create the perception in the public mind that people advocating fundamental solutions are terrorists, extremists... outsiders, communists, or whatever. After marginalizing the radicals, then identify and educate the idealists...by convincing them that changes advocated by the radicals would hurt people. The goal is to sour the idealists on the idea of working with the radicals. Instead, get them working with the realists. Realists are people who want reform but don't really want to upset the status quo; big public-interest organizations that rely on foundation grants and corporate contributions are a prime example. With correct handling, realists can be counted on to cut a deal with industry that can be touted as a "win-win" solution but that is actually an industry victory.

[Julie's comment: In a lobbying context, who is or isn't radical is irrelevant for us—only the votes your group's leaders can channel on Election Day are important. And don't let any lawmaker or opposing lobbyist play to your ego. I've often seen opposing lawmakers and powerful lobbyists manipulate activists who are beginning to learn their way around but are still green and are dazzled by getting their direct attention. You who lead must keep your feet firmly on the ground, evaluating at every step how many votes you need and how many votes you have. Negotiate only when you have something to gain by it. Lawmakers and lobbyists often also manipulate volunteers and other sympathizers who don't know what's going on. The latter must *never* get into real conversation with the former on proposed legislation that your group's lobbyist(s) is handling.]

—From *Organizing for Social Change*, third edition, from the Midwest Academy for Social Change ([www.midwestacademy.com](http://www.midwestacademy.com)), by Kim Bobo, Jackie Kendall, and Steve Max (Seven Locks Press, 2001).

## 8 The Legal Side: How Individuals, Informal Animal Rights and Rescue Groups, and Charities Can Launch Political Organizations for Animals

"I've lobbied at all levels of government and testified before lawmakers hundreds of times, and I firmly believe that we'll achieve more tangible wins for animals if our community is organized into a distinct and recognizable voting bloc. In 1999, I founded Humane USA, which endorses candidates. In 2005 we launched the Humane Society Legislative Fund, which will allow us to dramatically expand our political work. Federal, state, and local voting blocs for animals can win the enactment of far-reaching legislation."

—Wayne Pacelle, president and CEO, the Humane Society of the United States

"Change comes from power, and the power comes from the organization."

—Saul Alinsky, Chicago's legendary grassroots political organizer

"Two roads diverged in a woods, and I—I took the one less traveled by. And that has made all the difference."

—From "The Road Not Taken," by Robert Frost

**B**y now you understand the basics of lobbying. But you also know that to become a true power player in the lawmaking arena, you need more than lobbying—even when it is enhanced by legislative alerts asking supporters to contact their lawmakers. Fact is, a part- or even full-time lobbyist for a charitable organization rarely beats an opposing business group or grassroots voting bloc on a strong law or ordinance.

This chapter explains the decisions and the few legal steps needed to launch a political organization, either independently or as an arm of an existing charity.

"Now wait a minute!" you say, mentally throwing in my face the milestone laws and ordinances our movement has achieved without being directly political. Don't misunderstand: I in no way minimize these victories. I honor and embrace you who fought these fights. And yet, we must acknowledge that these hard-fought laws are few and far between, and that nearly all of them are weak and primitive compared with what animals really need and deserve.

Felony cruelty laws make nothing illegal that wasn't illegal already. That's why these bills face little or no organized opposition.

California provides a study of recent stunning accomplishment and caution, revealing both advocates' potential and limits to their bargaining power. The state's recent breakthrough law banning *foie gras* production goes into effect nine years from passage, time for lawmakers to tamper with it (not that they will). In the interim, citations for cruelty and legal challenges to existing industry practices are prohibited. California's new law restricting dog-tethering permits local animal control officers to issue waivers and exemptions for any reason and duration. Local humane groups are not political, so dogs in some communities may get no benefit at all. The law exempts hunters and farmers, *two politically organized minorities* that state political organizations for animals could beat. See the encouraging sidebar on the California Animal Association.

The day Chicago's astounding *foie gras* ordinance was to take effect, restaurateurs held *foie gras* parties, pizzerias offered *foie gras* pizza, and the Chicago Restaurant Association filed

suit to have the ordinance overturned. Chicago Mayor Richard Daley is among those who signed on to a repeal measure—clearly without fear of a pro-animal voting bloc.

⇒As a result of winning the *foie gras* ordinance, Alderman Joe Moore (see Interview in this chapter) was threatened by strong opposition in his re-election bid. That Moore's animal advocacy made him politically vulnerable is bad news for our movement. It serves as an orange-alert warning to other lawmakers not to champion our causes—simply because we are not politically organized to protect them next Election Day. (As I write, Moore and I are discussing a possible NIFAA workshop in Chicago.)

I digress now, with the story of my own journey, from volunteer to staff of a national animal rights charity, to founder and lobbyist of a state political organization for animals, to founder of NIFAA and political trainer.

### **From Charity to Voting Bloc: My Personal Journey**

In the early 1980s I must have been ripe to respond to a new ethic that was surfacing in our national culture. Newly hired as fundraiser for the Connecticut Citizen Action Group (co-founded by Connecticut native Ralph Nader before he went national), I noticed in CCAG's fundraising "ad book" an ad titled, "Ban Leghold Traps." I called the Hartford attorney who'd paid for it. Two weeks later I was attending a small meeting in New Haven, convened by a leading national animal welfare organization, to strategize on a bill to ban leghold traps in the state. I knew nothing about the lawmaking process or politics, although I thought I did.

The effort was an embarrassment of amateurism: all wishful thinking, no savvy, no political base, no strategic plan. (Soon I realized that similar events with pretty much the same people had taken place in previous years.) However, volunteering at the State Capitol building for that abortive attempt, I observed anti-animal bills—initiated by lobbyists for anti-animal industries and by grassroots political groups—sailing through to enactment, with the state's animal advocates unaware of them. In spite of some lawmakers' deep empathy for animals, we were irrelevant.

Then my neighbors got a Doberman/pit bull puppy. They chained him to a fence, never walking or petting him and inadequately feeding and watering him. Sometimes he had to lie on gravel and broken glass. He was a watchdog who quickly became dangerous, except to his neglectful family, my boyfriend, and me. I reported Nick's plight repeatedly to animal control and the local humane society. I learned how little even caring officers could do with the existing state laws and city ordinances.

I got an introduction to Cleveland Amory, founder and president of the Fund for Animals. Cleveland created a minimally paid job for me as the Fund's Connecticut coordinator (my boyfriend was willing to pay the rent). The IRS restricts the amount of money and staff-time charities can expend on lobbying. Because only a small percentage of the Fund's national budget was expended on lobbying by other staffers, I could lobby full-time during legislative session, without threatening its lobbying limit.

The only examples of lobbying for animals I had anywhere were nonpolitical. They were

what I now meanly call “pretty please,” part-time lobbying by charitable groups and individuals, and sporadic, no-follow-through (“hit-and-run”), militant, non-strategic lobbying (“it’s us against them,” and “compromises are evil”), which aren’t effective in the lawmaking arena.

Eventually I became recognized in the statehouse as a skilled lobbyist, understanding the nuances of the system, excelling as strategist, plotter, and schemer, as all effective statehouse lobbyists must. It wasn’t enough. I saw that all other issue groups lobbied through political organizations that endorsed candidates—and were taken seriously in a way I was not. I saw familiar groups like the Sierra Club, the NRA, and labor unions, lobby through political or lobbying organizations—not charities—and how all lawmakers knew these groups endorsed political candidates every election cycle. The League of Women Voters is not a charitable organization.

I observed that these groups all had a *culture* of political advocacy, educated their members politically, and offered political training workshops for them. Thus, new members were exposed to political thinking from the get-go and entered and strengthened that movement’s political culture. This cultural environment created a steady source of strategists and staff—and, so critically, a strong financial base that financed staff and offices.

I saw firsthand how “politically organized minorities drive laws and public policies on their issue, because every lawmaker knows that a politically organized minority can swing elections.”

Among these was the hunting/trapping lobby. Hunters weighed in at only 2–2½ percent of the state’s population (now they’re closer to 1 percent), and trappers at a tiny fraction of 1 percent. How ridiculous that in Connecticut and across the US animal advocates continued to embrace methods of weakness, when methods of strength were as available to us as to other issue groups. I realized these methods could be *more* available to us, because love for animals is broad and utterly nonpartisan. To be really effective, we needed to organize politically, and charities can’t do it.

Once at the state capitol building, I got stuck there, because someone had to at least fight the bad bills and amendments. My presence dramatically reduced the number introduced and enacted, and I won a few good laws. But I was only nibbling around the edges.

I asked my friend Professor John Harmon (a CCAG board member, the president of two PACs, and a political campaign strategist), if he could write a computer program that could receive street addresses in bulk and sort them by state senate and state assembly district. He said he was developing such a program for CCAG based on nine-digit ZIP codes.

I found advocates to host political organizing parties in their state senate districts. I convinced several national animal groups to allow us a one-time use of their membership lists for Connecticut. They sent data discs to John, who fed them into his computer. Once sorted, the names for each senate district were added to the invite list for that district’s party. (See more on district organizing parties in Chapter 10.) The parties were fun! Each host became senate district captain for that district and for the smaller state assembly districts within it. Those who attended became our seed voting bloc in those districts.

The Fund for Animals became rightly concerned. The parties were teetering on the outer edge of what charities legally can do. Political organizing isn’t allowed. To remain a Fund em-

## LEGAL LEXICON

**Ad hoc organization** An association of people that has come together for a specific purpose. It has no legal status and may disband without there having been any government record of it. It may be temporary—before establishing itself legally—or long-term.

**Tax-exempt/nonprofit/not-for-profit organization** In contrast to a for-profit business, an association of people who come together to create a legal entity that is not created to turn a profit for its creators or investors. The entity engages in a civic activity and has official status from a governmental agency exempting it from paying most or all taxes on income and property. Categories include:

—**Charity/charitable organization** A tax-exempt organization engaged in such civic activities as public education, research, teaching, or community services. It is entirely prohibited from electioneering and may engage in only a small amount of lobbying. It is the only category that allows donors to deduct donations from their personal income taxes. Status can be granted only by the Internal Revenue Service.

—**501(c)(3)** The section of the IRS Tax Code that governs and defines charities.

—**Lobbying organization** A tax-exempt organization primarily formed for lobbying. It is prohibited from engaging in electioneering as its primary activity (50 percent or more of its resources). Status can be granted by the IRS. A lobbying organization can be fully independent or affiliated with a charity, PAC, or both.

—**501(c)(4)** The section of the IRS Tax Code that governs and defines lobbying organizations. An independent organization can function as a c4 without IRS recognition.

—**Political organizations** A broad class of tax-exempt organizations formed primarily for the purpose of influencing the election of candidates (“electioneering”). Status is granted by a state government agency or the IRS. Depending on the focus of the political organization’s activities and the size of its budget, it may be required to register and file reports with a state agency, and possibly with the IRS and the Federal Election Commission. A political organization may be established for a transitory narrow purpose (such as a campaign committee of a candidate running for office). Or it may be a permanent organization, such as a voting bloc organization for animals. It may stand alone or be affiliated with a 501(c)(4) organization. Because of the strict prohibition on political campaign activities by 501(c)(3) charities, a charity may not directly administer a political organization.

Political organizations may be taxed on income that is not used to influence elections.

—**State PAC** A political organization that must register with and report to a state agency because it conducts electioneering or supports or opposes a ballot initiative. Each state has its own rules concerning whether and under what circumstances an organization must register as a state PAC. PACs are exempt from paying taxes on their income that is spent on electioneering activities. The term “PAC” is often loosely used as a catch-all phrase for all types of political committees, including those whose status has been granted by the IRS. State laws differ in their use of the term; in some states it’s called a “political committee.”

A PAC can be fully independent or can be affiliated with other categories of tax-exempt organizations.

—**QSLPO: Qualified State or Local Political Organization** A political organization that is exempted from certain periodic reporting to the IRS because it meets the following criteria: annual proceeds are under \$25,000; electioneers solely for local or state (not federal) elective offices; is subject to state law regarding political committees; the state’s laws require reporting an individual’s contribution of \$500 or more annually to the organization and reporting how its expenditures of \$800 or more are spent; and the state’s laws require that the information is publicly disclosable.

—**527 political organization/committee** The section in the Internal Revenue Service’s Tax Code that governs and defines different types of political organizations and their activities. Local or state groups formed for electioneering must determine if the code requires them to gain IRS status as a “527.” Sometimes 527s are referred to loosely as PACs, but the term “PAC” does not appear in the IRS Code.

—**Affiliated tax-exempt organizations** Different types of tax-exempt groups that serve as branches of the same advocacy organization. An organization creates an affiliate(s) so together they can legally engage in and coordinate different forms of advocacy, all in pursuit of the umbrella organization’s general goals. The groups may have overlapping boards of directors. Offices and staff, if any, may be shared.

—**Affiliation or control** A relationship between different nonprofit organizations in which one organization controls the governance of the other or all organizations are controlled by the same individuals. The relationship is often accomplished by structuring the bylaws of each organization so that some or all of the persons who serve on the board of directors of one organization are also directors of the other (“board overlap”). Other control/affiliation relationships are also possible.

**Exempt activity** IRS term for a tax-exempt organization’s activity that the IRS does not consider taxable. Example 1: An animal charity’s public education and rescue are tax-exempt activities. But if the charity runs a business enterprise to help finance its charitable activities, revenues from that enterprise may be subject to business taxes. Example 2: Educational or lobbying activities (if any) by a political committee are not tax-exempt, because a political committee has received tax-exempt status only for electioneering activities.

ployee, I would have to stop.

I'd been feeling like an enabler. Lobbying for a charity, I'd been reinforcing advocates' assumption that this was the right way to influence laws and public policies for animals. As long as advocates thought this way, we'd never win the laws and policies that animals critically needed. Would I remain part of the problem or forge a path to the solution?

I took the frightening steps of leaving my beloved long-term employer and launching Animal Advocacy Connecticut (AACT), a 501(c)(4) political lobbying organization. Overnight, I had more power in the statehouse. For the first time, lobbying was fun!

You may ask: Do I think lobbying for state laws through a charity is no better than not lobbying at all? Of course it's better. Having *no* presence in the building—whether statehouse or county/city/town hall—is a disaster. In the statehouse, even a regular partial presence can create controversy over anti-animal bills and amendments, and slowly achieve some worthy, if less significant, laws. (Another problem: So often national or local charities, staffed or volunteer, enter the statehouse only to lobby for or against a specific bill. For a charity to send a staffer to testify at a public hearing and do little else doesn't justify the salary and expenses. Also, advancing around them are wretched bills they ignore.) A weekly appearance in county, city, or town hall allows you to establish continuing relationships with all lawmakers, whom you'll feel out and groom for politically possible advances for animals.

Also understand that I fully comprehend firsthand the need for rescue. While with the Fund, I went daily from the Capitol Building to the poverty-stricken neighborhood adjacent to it to rescue and trap feral cats. But: If we had much stronger laws and ordinances, and enforcement of them, there would be fewer homeless animals needing our help, fewer suffering before they got it, and fewer never finding us.

**Harsh words** If you settle for lobbying through a charity, you're failing the animals. If you're a local rescue group or charity that doesn't have an affiliated political organization to lobby your local county or city council and endorse council candidates, you're failing the animals.

Back to Nick. I cared for him daily all his 11 years. My neighbors even let me walk him the last year of his life (he needed a muzzle, which he hated). I'd vowed to pass a state law banning the 24-hour chaining of dogs before I died. Through AACT, I passed such a law in 2003.

## **Get Ready to Form a Voting Bloc/Political Organization in Your State, County, City, or Town**

State and federal governments consider trying to influence who is elected to office and what laws those elected enact a very big deal—and it is. Governments will not allow personal tax deductions for monies contributed to directly influence these events. They are increasingly regulated as the public demands good government. Once you swim in these waters, you're in the big leagues. Not to worry, this MANUAL will get you prepped!

First understand that the terms "tax-exempt," "charity," and "nonprofit/not-for-profit" are

not synonymous. A charity is only one type of tax-exempt organization. What the terms do share is exemption from paying business taxes on donations spent in pursuit of the organization's primary tax-exempt activity. Only donors to charities may deduct their donation from their own taxable income. The tradeoff to this tax advantage is that charities are strictly limited in their lobbying and political activities in critical ways that noncharities are not.

To succeed as a voting bloc/political organization, you must have complete legal freedom

The IRS also uses these terms:

—**Permitted activity** An activity the tax-exempt organization can legally engage in.

—**Primary activity** The tax-exempt organization's activity that largely determines its tax-exempt status. A lobbying organization's significant activity (lobbying) must absorb more than 50 percent of its time and expenditures. A charitable organization's significant activity must absorb at least 80 percent of its time and expenditures.

—**Insignificant activity** A tax-exempt organization's lesser permitted activities, if any. Examples: A lobbying organization can engage in insignificant electioneering, and a charity can engage in insignificant lobbying.

—**Electioneering activities** Intended to influence the outcome of elections, including voter participation and choices.

**Lobbying** Any effort intended to influence any lawmaker's vote on legislation or other government action.

—**Direct lobbying** Lobbying done by an organization, business, individual, or lobbyist who communicates directly with an official, usually in a government building. A charitable organization's action alert to its *bona fide* members also qualifies as direct lobbying.

—**Grassroots or indirect lobbying** An organization's activities directed at the general public.

**Business taxes** The taxes that for-profit entities must pay on income from receipts and investments, and that in some circumstances tax-exempt organizations must pay on their insignificant activities.

**EIN (Employer Identification Number)** A federal tax number the IRS requires of all nonprofit and for-profit entities. The number allows the IRS to track the entity's finances. An EIN is required whether or not the entity has employees. The EIN is the group's equivalent of a Social Security Number.

**Tax Identification Number** An EIN.

**State Tax Identification Number** The equivalent of the above, at the state level. A group needs to obtain one so the state knows to exempt the group from state taxes. It may be the same as the EIN, but prefaced with the state's initials. Also, the group may use it to obtain a state sales-tax exemption permit.

**Corporation** An association of individuals created by law or under authority of law, having a continuous existence independent of the existences of its members, and powers and liabilities distinct from those of its members.

—**Incorporate** A nonprofit or for-profit entity's act of obtaining a legal identity from the government in which it is located or headquartered, usually issued by the Secretary of the State.

—**Incorporated** Having the legal status of a corporation.

—**Articles of incorporation/corporate charter** A set of documents filed with a state government agency for the purpose of legally documenting the creation of a corporation and gaining official status as a corporation. These include a description of the entity, its mission, its corporate structure (board of directors, whether it grants members decision-making powers), and how corporate decisions can be made. A group's application to the IRS as a 501(c)(3) or (4) must be accompanied by its articles and bylaws.

—**Bylaws** Rules governing the internal affairs of an organization. By-laws detail how the organization is run—including the number, titles, duties, tenure, replacement, and removal of board officers and other board members, and if and how much officers, staff, and volunteers may be compensated and/or reimbursed for expenses. If the organization is officially a "membership" organization that grants voting rights to its members, how "member" is defined.

**Board members and officers** Generally a 501(c)(4) lobbying organization has three or more board members—a president, vice president, treasurer, and secretary (one person can hold two titles). A political committee must have at least two officers—president and treasurer—who cannot be the same person.

**Fair market value** The price a tax-exempt group pays to another tax-exempt group for the use of its membership list, unless the groups exchange lists or are exempted from charging for other reasons (see text). The renting group must make its list available to similar groups for the same price.

**Disclosable** Available to the public and the media. Includes information on state and federal forms that political committees are required by state and federal law to file, with the names and addresses of people who donate above a certain amount and how much they donated.

to lobby without restrictions and to electioneer with few or no restrictions.

**My advice** will come to no surprise to you. I strongly feel that if you're starting from scratch, start an organization that allows you to do so, not a charity. I'll help you in any way I can.

For the political activities you'll be pursuing, knowledge about four categories of tax-exempt organizations is relevant: *ad hoc* groups, 501(c)(3) charities, 501(c)(4) political lobbying organizations, and political organizations/committees (including political action committees or "PACs").

How complicated is forming a voting bloc organization? It isn't. **A small organization needs only to understand the rules that impact its particular activities.** Start where you are and don't be daunted by the complex of state and federal regulations that do not affect your immediate plans, while still allowing flexibility for continued growth in the future.

Here are your options:

*If you're an individual or a few people who want to form a political group, and you're not formally part of an existing animal charity ("formally" means a board or staff member), you can:*

- Start unofficially as an independent *ad hoc* group, with no legal status. This is an option only if you decide not to receive donations, and/or spend more than a small amount of money. *OKAY*, provided your state's laws allow this option, but eventually you will want official legal status. *OR*
- Register as a state political committee (PAC) with your state elections agency (usually an extremely easy procedure, and status may be granted immediately). *GOOD*. Forming a state political committee alone is an option only if you won't spend more than a limited amount of money on lobbying, if your state's laws allow you to lobby freely through a political committee, and you don't plan to endorse candidates for the US Congress or president. *OR*
- Function as a 501(c)(4) political lobbying organization. Or apply to the IRS for an official determination of 501(c)(4) status (far easier than obtaining 501(c)(3) status, and status is granted quickly). *VERY GOOD*. (Whether you need to gain c4 status from the IRS depends on your state's laws and other factors.) *OR*
- Function as a c4 or apply to the IRS to become a c4 political lobbying organization *AND* register as an affiliated state political committee (PAC). *BEST OF ALL*, and easy enough. This way, you can move forward and do it all without being confined by financial and legal restrictions that apply to one category of organization.

*If you serve on the board of an existing all-volunteer animal charity, you and one or more non-board members and/or board members, can:*

- Form your own independent *ad hoc* political group. Your new group will not be able to solicit and spend donations, or share any of the charity's resources—office equipment and website, for example. Your state's laws must allow such *ad hoc* groups. *OKAY*, but eventually you will want official legal status. (If you're planning to affiliate with the c3 at

a later time, later affiliation could raise questions about whether the *ad hoc* group was ever really independent of the c3.) *OR*

- Function as an independent c4 or apply to the IRS to become an official independent c4 political lobbying organization (much easier than obtaining 501(c)(3) charitable status). Status is granted quickly. *BETTER. OR*
- File with your state elections agency as a state political committee (PAC). *BETTER. OR*
- Function as a c4 or apply to the IRS to become an independent c4 political lobbying organization *AND* register as an affiliated state political committee (PAC). (Completely overlapping boards for the two new groups are unwise.) Status is granted quickly. *BEST.*

*If you're an existing all-volunteer animal charity, without an office or staff:*

- Your board votes to apply to the IRS to establish an affiliated c4 political lobbying organization. Status is granted quickly. *GOOD.* It can stop here. *OR THEN*
- Your new affiliated c4 forms a state political committee (PAC). *BEST.* The affiliates may share equipment, services, and supplies, but each must pay its own way. For example, if 60 percent of the time your shared computer and telephone service is used on your charitable rescue group's activities, and 40 percent on its c4's lobbying activities, the rescue affiliate pays 60 percent of the bill and the c4 pays 40 percent. In a month when the percentages change, each group's cost for the month changes accordingly. The groups should have a written agreement spelling out their cost-sharing arrangement. *OR*
- Several board members independently register as a state PAC. *GOOD.* But have a separate president and office address. The IRS wants clear distinctions.

*If your existing animal charity has an office or animal shelter or staff it plans to share with a new political lobbying affiliate or with new political lobbying and PAC affiliates:*

- Your board votes to apply to the IRS to establish an official affiliated c4 political lobbying organization. Status is granted quickly. *GOOD. OR THEN*
- Its new c4 registers as an affiliated state political organization (PAC). The c4 pays the PAC's administrative costs. *BEST.*

The options above may not automatically allow your group to endorse candidates for federal office—president, US Senate, and Congress. You can easily add this ability—just keep reading.

**The categories reflect laws about income, donations, and taxes, and the activities monies are spent on.** Whether your group can function politically without gaining state and/or federal status is largely determined by federal laws and your state's laws concerning receipt and expenditure of money and tax liability and exemptions.

**Axiom:** The greater the tax privileges, the narrower the lobbying and political activities an organization can legally engage in.

The US Internal Revenue Service requires every legal entity that receives or earns money—whether a person or a tax-exempt group or business—to have a tax status, whether or not the IRS requires the entity to register with the IRS or report to it. An individual has a Social Security Number (SSN). Every nonprofit group and business has a federal tax ID number, called an Employment Identification Number (EIN), whether or not there are employees. Even a group formed by two people that accepts and banks only a few checks a year must have an EIN, for two reasons. To open a bank account, the group must use either an SSN or an EIN. The IRS does not want donations and expenditures on electioneering to be hidden. If the account is opened with a person's SSN, the IRS will consider the deposits as part of that person's income—and the person will have to pay federal and state taxes on them.

To avoid having to pay federal and state personal or business taxes on funds meant for your group's political and lobbying activities, and to conform to other legalities concerning the solicitation of funds, some nonprofits must apply to the IRS for tax-exempt status under the appropriate section of the IRS tax code and receive a confirmation letter from the IRS approving that status.

All state and local political and lobbying organizations must obtain an EIN if the group banks any money. My state regulates political activities more than some do; a PAC must have an EIN and bank account even if it never receives or spends a dime.

*NOTE: Check state and federal laws carefully. Although we have attempted to be accurate, by necessity, this chapter contains generalizations and does not cover every situation. The rules applicable to your situation and your most effective approach to compliance often depend on your group's size, location, specific goals, and financial and other factors. The information in this chapter is not a substitute for expert legal professional advice tailored to your specific circumstances, and may not be relied upon for the purposes of avoiding any penalties that may be imposed under the Internal Revenue Code.*

**Relaxer re EINs** Functioning as anything other than an *ad hoc* tax-exempt group starts with the simple act of obtaining an EIN (Employee Identification Number) from the Internal Revenue Service (see [www.irs.gov/businesses](http://www.irs.gov/businesses)). For many small groups, not much else in the way of paperwork or filings may be necessary.

**About the term "PAC"** The term does not appear anywhere in the IRS code, but many state election laws do use the term, and the IRS makes some reference to PACs in its instructional material.

According to Attorney Paul Ryan of the nonprofit Campaign Legal Center in Washington, DC, the term PAC (political advocacy committee) is "an informal, umbrella term of art that does not exist in any federal tax laws." As it concerns issue advocacy groups, it's generally understood to refer to a group's political committee—its political affiliate whose primary purpose is to influence elections through direct political activities and through contributions to political candidates. Sometimes national nonprofits call their committees "non-connected political committees" or "separate segregated funds" (SSFs), because their funds are "segregated" from both their charitable and lobbying affiliates. SSF is a term of art contained in the Federal Election Campaign Act. The FECA refers to "committees" as entities that must register because they make expenditures or receive or make contributions in connection with a federal campaign.

⇒⇒ This doesn't mean that every state or local PAC needs to have any official status from or dealings with the IRS other than initially obtaining that EIN: It's about the money, how much you receive and spend for political purposes, and/or whether you endorse federal candidates.

A c4 organization is never called a PAC.

## **Tax-Exempt Organizations: The Basics Explained**

### ***Ad Hoc* Groups, Charities, Political Lobbying Organizations, and Political Organizations (PACS)**

Official status as a political lobbying organization or charity is awarded by the Internal Revenue Service and is based on an application submitted for that purpose. Many small independent groups may be able to function as political lobbying organizations without such status. Status as a political action committee (PAC) or political committee comes with registration with a state government agency and/or the Internal Revenue Service.

Tax exemption is a privilege, because by granting it federal and state governments are in effect saying, okay, your group engages in a socially useful activity, so we're willing to forego business taxes—and, in the case of charities, also personal income tax revenue—on donations the group receives. This privilege requires a group's vigilance that its activities are confined to those that are permitted, and that it submit to regulation. Regulation may be minimal or significant, depending on the size of its budget, its tax-exempt category, and the breadth of its activities. Regulation is not burdensome for an all-volunteer group.

***Ad hoc* political groups** An *ad hoc* group has no legal status. It's two or more people who join together for a purpose, and consider themselves a group. (I suppose one person could establish an *ad hoc* group: "Hello! I'm Montua Voters for Animals!")

Say a few of you are just starting out, want to launch a town, city, or county voting bloc, don't already have an official charitable or lobbying organization or intend for your group to contribute to political candidates' campaigns. You don't expect to solicit or receive funds, so you won't need a bank account. Your only expenses will be driving to and from city hall and photocopying flyers, which you'll pay for out of your own pocket (you'll use your own Internet and telephone equipment and services and pay for them personally). You certainly don't need federal status. Laws in your state and locality may not require you to gain any official status. An organization that does not receive or make contributions may be able to lobby, endorse candidates, communicate endorsement information to its list of interested persons, and conduct voter registration drives—all without limits. But if your state's laws have registration and reporting requirements that would apply to such *ad hoc* groups, make sure you know them.

- I recommend that you obtain official, legal status, but sometimes it's better to take one step at a time.
- Your best course of action: First complete the steps outlined on the "Starting Out" chart in Chapter 10. Until you do so, you won't have enough exposure to know what it will take to actually function politically, what you're getting in for and committing yourself to. Then gain official status.

**CHARITIES—IRS code 501(c)(3)** Charities are the top rung of the tax-exempt ladder, for several reasons. First, donations to them are tax deductible. Second, they can receive grants from other charities and charitable foundations. Third, their tax exemption also applies to interest and dividend income, and in some states it applies to state and local sales taxes. For these advantages, charities forego all political campaign activity and significant lobbying.

Because donations are tax deductible, often c3 charities have an easier time raising large sums of money than the other tax-exempt categories described here.

⇨⇨⇨HOWEVER: Other issue groups are able to raise vast sums for their lobbying and political organizations, *because their advocates know it's worth sacrificing a tax deduction to be a power player in the lawmaking arena*. In big counties and cities, statehouses, and Congress, non-tax-deductible contributions finance paid lobbyists and paid political grassroots organizers, support staff, and offices.

⇨⇨⇨A top goal of this MANUAL and NIFAA is to create a political culture among animal advocates, so we too will provide generous financial support for lobbying and political organizations for animals, so we can meet our extraordinary potential to help them.

To those who still are deterred from donating to a lobbying or political organization for animals because they want a tax deduction: Just donate less. If the tax benefit you are foregoing is 12 percent, contribute 12 percent less to the lobbying or political organization.

Accordingly, a 501(c)(3)'s primary purpose must fall within public education, research, social services in its specific area, science, or religion. The privilege of this designation has a price: Charities can engage in only a small amount of lobbying (based on their budget), and must abide by restraints while conducting their lobbying activities. The IRS lobbying limit for most small charities is 20 percent of its annual expenditures. No more than a quarter of the 20 percent can be expended on grassroots or indirect lobbying (see lexicon above).

Because of the prohibition on political activities, a charity cannot submit meaningful questionnaires to incumbent lawmakers and other political candidates. Its questionnaire can ask: "What is your position on leghold traps?" It cannot ask: "If (re-)elected, will you vote for a complete ban on the use and sale of leghold traps?" Nor can the questionnaire provide information about leghold traps, nor guide the lawmaker's answer in any other way. The charity cannot inform its members of individual candidates' responses to its questionnaire or of its legislative scorecard close to Election Day. The time and money a charity devotes to legislative alerts may count toward its lobbying limit. (For a sample endorsement questionnaire, see Chapter 10.) A charity can craft a legislative alert without a call to action which would not count as lobbying.

C3s cannot organize voting blocs. They cannot endorse candidates or otherwise "electioneer."

**Political lobbying organizations—IRS tax code 501(c)(4)** A c4 is defined broadly as a "social welfare" or "civic" organization, and includes the subcategory of political lobbying organization. The primary purpose of any c4 organization must not be electoral activities. C4s can be voting blocs, because, unlike charities: They can endorse candidates. They can engage heavily in grassroots political organizing as a secondary activity, to further their legislative agenda. They can conduct voter registration drives. They can phone-bank to "communicate with their members" in ID'ing those likely to vote for their endorsed candidates, and to get out the vote (GOTV) for their endorsed candidates on Election Day. (See Chapter 5, on elections, and Chapter 10's section on how your group will do its own GOTV.) They can submit meaningful questionnaires to political candidates. (See Chapter 10's sample endorsement questionnaire.) They can sponsor candidate debates.

## **The History of Nonprofit Organizations —And why animal advocacy stayed out of politics**

Charitable endeavors are as old as written history. Establishments and programs that cared for the sick, orphans, and the poor were commonplace (however inadequate). The strong cultural imperative to form and participate in volunteer organizations to further social welfare was a uniquely American trait. When Frenchman Alexis de Tocqueville arrived in 1832 to chronicle life in the “New World,” he wrote: “Americans of all ages, all conditions, and all dispositions constantly form associations” to provide services that in France were left to the government and in England to the nobility. Animal advocacy in the United States proves the point!

In colonial America, most federal tax revenues were derived from excise taxes, tariffs, and customs duties. The southern colonies primarily taxed imports and exports, the middle colonies at times imposed a property tax and a “head” or poll tax levied on each adult male, and the New England colonies raised revenue primarily through general real estate taxes, excise taxes, and taxes based on occupation. During war with France in the late 1790’s, the federal government imposed the first direct taxes on owners of houses, land, slaves, and estates. They are called direct taxes because they are a recurring tax paid directly by the taxpayer to the government based on the value of the item. The personal income tax first appeared in 1861 to help finance the Union army during the Civil War (initially 3 percent on income over \$800), but was repealed in 1872. Permanent federal and state business and personal income taxes appeared in the early 20th century.

In 1894 the US Congress enacted a broad federal excise law that provided for the first national taxes on businesses and for the first federal tax on personal income (restricting it to the wealthy). It was also the first time a federal tax act mentioned charities. And it exempted philanthropic groups from paying business taxes. Before, charities had been created by state charter at the behest of citizens. The charters exempted them from state levies, and enabled them to engage in some functions that paralleled those of government. Examples: In 1881, the Connecticut General Assembly enacted a charter that created the Connecticut Humane Society, giving it some law enforcement authority to protect children and animals, both of whom were chattel. (A century later, the state took over the children part; now the animal part is shared, with most enforcement conducted by government.) In 1886, New York’s state legislature established the American Society for the Prevention of Cruelty to Animals.

The US Supreme Court struck down the 1894 act as unconstitutional. In 1909 Congress passed a revision, which passed constitutional muster.

In 1917 Congress provided the first personal income tax deductions for charitable giving. Charities would provide services for the poor while providing tax breaks for the wealthy, easing the blow from the debut of personal income taxation. It was now easier for associations of people to raise money to provide social services that government didn’t want to bother with. Around World War II, personal income taxes were extended more broadly throughout the population.

In response to perceived abuses, in 1934 Congress restricted how much lobbying charities could engage in. The term 501(c)(3) first appears in 1954, when Congress enacted a substantial revision to the tax act. In 1975 Congress enacted legislation to clarify the tax status of political organizations.

Over the years, lawmaking, lobbying, and electioneering by businesses and charities became even more vigorous, at all levels of government. Then and now, Congress responded to perceived abuses by creating and refining an expanding crowd of categories of nonprofit organizations, with each category’s and subcategory’s allowed activities and finances, all defined by tax code and official government and judicial rulings. States also have carried the reform mantle, and some regulate political activities more stringently than the IRS does.

Tragically for the animals of our time, formal animal welfare charities were born in the context of the genteel, often patrician charities of the 19th and early 20th centuries. The groups grew large, rich, and comfortable. Boards of directors were unwilling to sacrifice the financial and social advantages of charitable status, nor individual directors their political and business alliances, for a broader, more vital vision—a vision that would include direct political advocacy and provide leadership to local, small advocacy groups through example and political training. (Typically, these boards have included otherwise politically active directors.) For these reasons, it simply doesn’t occur to most people—animal advocates and the general public—that we could be a political force at every level of government, just like other issue groups are (if not stronger, because our appeal is broad and utterly nonpartisan).

The tradition was in place and self-perpetuating: Animal advocates have looked only to charities as their role models, having no idea there was another, essential way to help animals and to win laws, ordinances, and public policies on their behalf, and their enforcement.

Shining rays of hope: Nationally, the young Humane USA and Humane Society Legislative Fund. And a growing stream of pioneering state and local political organizations around the US based on this book. That prominent animal

A c4's electoral activity cannot be the dominant activity of the organization, but it can be an "insubstantial part" as defined in the lexicon above (less than 50 percent).

Depending on applicable state campaign finance laws, c4s may not be permitted to coordinate directly with or make financial contributions to any candidate's campaign. They cannot be partisan, that is, use political party affiliation as a factor in endorsing one candidate over another. They cannot donate to the political campaigns of their endorsed candidates—those activities are confined to political committees. But individual members, staff, and officers of the c4 can donate their personal money and time to political campaigns, and they can let candidates know it's because of the c4's endorsement. Safeguards must be taken to ensure the donations are not attributable to the organization.

A potentially great financial benefit of a c4 over a state PAC is that an individual can donate an unlimited amount of money to a c4 (although large donations to c4s, unlike to c3s and 527s, may be subject to the federal gift tax). This can also be a big advantage over a small c3, because the latter must meet IRS's annual "public support test." However, if you live in a state that has no limits or has very high limits on PAC donations, this benefit diminishes accordingly. See the box at the end of this chapter on different states' limits.

A c4 can have an affiliated PAC and/or an affiliated c3 (see "affiliates" below). A c4 that is an affiliate of a c3 can rent the c3's membership list for "fair market value."

C4s can rent other c3s' membership lists (for "fair market value"), to which the c4 can send its endorsement lists, legislative alerts, and solicitations for donations.

Like c3s, c4s are tax exempt; that is, they do not pay business taxes on the donations, interest, or dividends that comprise their income (more on c4's dividends and interest later). The biggest tax difference is that the people who donate to c4s can't deduct those donations from their taxable income. That's because the IRS does not allow tax deductions for donations used to substantially advance legislative or political goals. (C4s' solicitations should state that donations are not tax-deductible.)

If its state allows, an independent group can operate as a c4 without gaining official status as a 501(c)(4) from the IRS. Instead, the group incorporates as a nonprofit corporation (very simple), obtains an EIN, files IRS Form 1120POL, and keeps its money only in a non-interest-bearing checking account. C3s seeking to form a political lobbying affiliate *must* seek official IRS status. If you've had the experience of applying to the IRS for c3 status you'll find the c4 process much simpler. If your application is prepared properly, the IRS may rule quickly. In contrast, the c3 faces several hurdles. If it survives the IRS's first review, it becomes subject to a probationary period, during which it must demonstrate significant public support and activity and its commitment to filing required reporting documents. The difference results from c3s' fabulous privilege of providing income tax deductions to its donors.

**Ballot initiatives** Both c3s and c4s can initiate and direct ballot initiatives. In some states they

charities—The Animal Legal Defense Fund, Animal Welfare Trust, Best Friends Animal Society, Connecticut Humane Society, Dogs Deserve Better, Farm Sanctuary, the Fox Memorial Clinic, the Fund for Animals, and the Humane Society of the United have provided financial support to NIFAA to produce this MANUAL! That the Animals and Society Institute considers political involvement imperative!

need to form a type of state political committee (ask your state elections agency). Pursuing one does not change a c3's or c4's tax status: the state just wants to know who is collecting and spending money on ballot measures. A c3's support for an initiative counts toward its overall lobbying limit. It's a shame for a c3 to pursue an initiative without immediately forming a c4 and PAC. To qualify for an initiative you've collected names and addresses of many thousands of supporters—all that voter mobilization and nowhere else to go with it, just when you're hot from massive public interest. A waste. Why not form the c4 and PAC first, so you're ready to spring—and can tell signers about it? (Ballot initiatives are discussed in Chapter 3.)

**Register your c4 with a state agency?** Your state's laws might require you to do so. Determine the appropriate state agency.

**IRS's annual filing requirements for c4s with or without official IRS status are similar to c3s':**

For tax year 2009, an organization with

- Gross receipts normally \$25,000 or less must file electronically the simple 990-N (the "electronic post card"), unless it chooses to file the longer Form 990-EZ or Form 990.
- Gross receipts 25,000 - \$500,000 and assets under \$1.25 million: File Form 990-EZ or 990.
- Gross receipts \$500,000 or more or total assets of \$1.25 million or more: File Form 990.

For tax year 2010 and later, an organization with

- Gross receipts normally \$50,000 or less must file the "electronic postcard" Form 990-N.
- Gross receipts of \$50,000 - \$200,000 and total assets under \$500,000 must file Form 990-EZ or 990.
- Gross receipts of \$200,000 or more and total assets of \$500,000 or more must file Form 990.

A c4 without official IRS status files Form 1120POL annually.

"Normally" is the three-year average—the current year plus the previous two years divided by three.

**C4s and the Federal Election Commission** The FEC requires a quarterly report (FEC Form 7) from c4 organizations that spend more than \$2,000 a year on electoral member communications.

**Political organizations and committees (PACs)—IRS tax code section 527 and your state's laws** The primary purpose of political organizations and committees must be "electioneering." Electioneering includes endorsing political candidates, conducting voter registration efforts to help your endorsed candidates, volunteering for political campaigns, aggressively conducting get-out-the-vote (GOTV) efforts (see Chapter 5, on political campaigns and Chapter 10, on your voting bloc's GOTV), coordinating directly with political candidates' campaigns, and donating directly to political campaigns. They need not do all these activities. The manner in which a political organization can lawfully intervene in political campaigns is regulated by federal campaign finance laws (for elections to federal office) and is separately regulated by the laws of most states (for elections to state and local office).

The IRS defines "political organization" as a party, committee, association, fund, or other organization (whether or not incorporated) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an "exempt function." In this context, an exempt function includes "influencing or attempting to influence

the selection, nomination, election, or appointment of any individual to any federal, state, or local public office.” The political organization need not contribute to campaigns. It can devote itself to influencing elections through endorsements and GOTVs.

⇒⇒⇒Ordinarily, registering as a state or local political committee or as a federal 527 is extremely easy, and status is generally immediate.

To form a political organization, your first task is to determine if you need to register it with your state, the IRS, neither or both. If you’re forming a county, city, or town voting bloc group, also check if the jurisdiction has rules on the subject.

Whether your state requires your group to register as a state PAC depends on its own laws on the matter. Some states are very lenient; others are more restrictive.

Likewise, a few states require county or municipal political advocacy groups to register with the appropriate state agency if they fall within the criteria specified by the state’s laws. Likewise, a few local governments—towns, cities, counties—require local political advocacy groups to register with them. Often the criterion for registration at the state or local level is the solicitation and expenditure of funds above a certain amount.

Political committees may be required to pay taxes on lobbying expenditures that do not further their electioneering purposes, which is a mighty good reason for also forming an affiliated c4.

**To learn your state’s definition and requirements, identify your state’s agencies that oversee tax-exempt organizations and political organizations.** These might be the state elections agency, the secretary of the state, and/or a department within the attorney general’s office. Go to their websites for the information you need and give them a call.

⇒Your state laws may define political organization or electioneering somewhat differently than the feds do, so it’s important for you to review them. If you have questions, talking to, perhaps even sitting down with, a knowledgeable employee of the appropriate state agency could greatly streamline your understanding about what you’ll need to do.

The catch-all IRS term for a political advocacy committee whose primary purpose is electioneering is a “527 organization” (not PAC). That’s because all federal provisions addressing national, state, and local political organizations are found in Section 527 of the IRS tax code.

Though not an official IRS term, the word PAC *is* used in many state laws. A PAC whose activities are solely directed at the statehouse can be fully independent, not affiliated in any way with any charity or lobbying organization. Laws in some states may require the entity to register with the appropriate state agency—such as its elections or ethics agency—to conform to the state’s laws that cap individuals’ donations and to comply with state requirements regarding frequent filings and public disclosure of records.

Whether the IRS requires your group to register as a federal 527 depends on how much money you expect to receive and spend (it’s highly unlikely that you’ll approach this limit for a while), and whether your state’s laws have reporting requirements that are similar to the IRS’s. See QSLPO’s below and in this chapter’s lexicon.

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*Check applicable federal and state laws carefully. The information in this chart is not a substitute for expert legal professional advice tailored to your specific circumstances, and may not be relied upon for the purposes of avoiding any penalties that may be imposed under the Internal Revenue Code.*

*NIFAA: The National Institute for Animal Advocacy [www.nifaa.org](http://www.nifaa.org)*

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## **What Tax-Exempt Organizations Can and Can't Do Politically: State, County, City, and Town Advocacy Organizations**

You want to be able to electioneer and lobby as freely as possible. How much freedom you have to engage in these activities is dictated by the type of group or affiliates you form and the level of government the group or affiliates function at. Electoral activities are regulated federally and at the state level. So even a county, city, or town PAC registers with the state as a PAC, whether or not it will do statehouse lobbying or will endorse statehouse candidates. "Resources to Help You Get Started" and "Agencies to Check With" appear at the end of this chapter.

### **Ad Hoc Political Committee/Voting Bloc**

Volunteer voting blocs that don't receive or spend money beyond a minimal amount may not need local, state, or IRS status. Check applicable laws in your state. For a county, city, or town voting bloc organization, also learn if there are local ordinances that apply. I advise against functioning as an *ad hoc* voting bloc on a long-term basis.

### **501(c)(3) Charities: Public education, research, social services, religion, science**

*Status granted by the IRS.*

Can spend up to 20 percent of its income and time on lobbying. No more than a quarter of the 20 percent (5 percent of its total budget) can be spent on "grassroots" or "indirect" lobbying (see lexicon). (The 20 percent cap applies to organizations under \$500,000 that have made the 501(c)(h) election.)

Can pay a lobbying fee to a c4, provided the c3's total lobbying efforts and expenditures do not exceed permitted lobbying limits.

Can send legislative alerts to their members (may be considered part of their lobbying expenditures, depending on content and phrasing).

Cannot organize voters politically.

Cannot endorse candidates or otherwise "electioneer."

Cannot submit meaningful issue questionnaires to political candidates.

Can publicize lawmakers' scorecards only months before an election.

Donations tax deductible.

No cap on individual's donation, subject to IRS "public support test."

Can receive foundation grants.

Can initiate and work on ballot initiatives. Will result in lobbying expenditures toward cap. State may require registering as a political committee, but this won't change the c(3)'s tax status.

Can rent member list to its affiliates and other groups "at fair market value" and exchange lists with other groups.

Can rent list to political candidates, provided it does not rent to one candidate and turn down another or charge one candidate more than another.

Can form affiliated 501(c)(4) lobbying organization and state and federal PAC.

### **501(c)(4) Lobbying organizations: Lobbying, endorsements, GOTV activities**

*Primary activity cannot be electioneering.*

*Official status granted by the IRS. Can become active while awaiting IRS status. Independent*

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*group may function as a c4 without obtaining IRS status.*

Can endorse candidates.

Can engage in grassroots political organizing.

Can conduct targeted voter registration drives.

Can submit meaningful issue questionnaires to lawmakers and other political candidates

Can host candidates' debates.

Can initiate and work on ballot initiatives and not pay tax on ballot-related expenditures.

Can rent c3s' membership lists for "fair market value" and exchange lists with other groups.

Can rent its list to political candidates, provided it does not rent to one candidate and turn down another or charge one candidate more than another.

No cap on an individual's donation.

Donations not tax deductible.

Can receive only "restricted" grants from charitable foundations—caution advised.

May not be able to coordinate directly with political candidates' campaigns.

May not be able to donate to candidates' campaigns.

Can form an affiliated PAC and pay the PAC's administrative and fundraising expenses.

Unofficial c4 legally avoids paying taxes on interest/dividend income by holding all money in non-interest-bearing checking account.

### **Political Organizations (State and Local PACs and Federal 527s): Electioneering, endorsements, donating to campaigns**

*PAC status granted (usually) immediately by your state.*

*May be required to register with both the IRS and election agencies.*

*Primary activity must be electioneering.*

Can conduct own GOTV.

Can coordinate directly with political candidates' campaigns.

Can donate to their endorsed candidates' campaigns, in most states up to certain limits per candidate per election.

Some states cap an individual's donation to a state or local PAC, but don't cap an individual's donation to a 527.

Can rent unrelated c3s' and c4s' membership lists "at fair market value."

Must pay taxes on interest/dividend income above \$100 a year (avoid legally by holding money in a non-interest-bearing checking account).

May be required to pay taxes on expenditures that do not support political purposes.

Frequent financial reporting may be required.

Donor information disclosable.

Can direct public to support its preferred candidates through media advertising, mailings, and aggressive membership recruitment and identification of favorable voters.

To endorse candidates for the US Senate or Congress, check with the Federal Elections Commission to determine if you'll need to file any forms.

### **Affiliated (c)3s, c(4)s, PACs, and 527s** *These rules are generalized; your state's may vary*

A c3 can form an affiliated c4. A c3 cannot directly form a PAC or 527.

A c4 can form an affiliated state PAC and/or 527.

A c4 pays its affiliated PAC's administrative and fundraising costs, but the affiliated PAC can solicit donations only from the c4's members—check your state's laws.

CONTINUED ON NEXT PAGE

*NIFAA: The National Institute for Animal Advocacy [www.nifaa.org](http://www.nifaa.org)*

C3 and c4 board members can form a completely independent federal 527 that can solicit funds from the general public. The c4 cannot pay the independent 527's administrative costs, and the 527 cannot operate out of the c4's office.

A c4 can form an affiliated c3.

**If you also endorse candidates for the US Congress, US Senate, or President,** check to make sure whether you must also file an annual report with the FEC. Call 1-800-424-9530, #6.

**Incorporation** C4 organizations incorporate as a nonprofit corporation in their state. The IRS does not require you to incorporate your political organization; your state may or may not require a state or local PAC to incorporate. The pros and cons of incorporation vary according to the state, the type of organization, and its activities.

*NIFAA: The National Institute for Animal Advocacy    [www.nifaa.org](http://www.nifaa.org)*

However, if you also plan to endorse federal candidates for elective office—the US Congress or President—you must file IRS Form 8871. Federal political committees must pay taxes on lobbying expenditures (as opposed to electioneering expenditures). So if you get into so much money you must register federally, this is a great reason for forming an official affiliated c4.

**Becoming an IRS 527 political organization** A group becomes an IRS-recognized political organization very easily. First get an EIN (Employee Identification Number—see [www.irs.gov/businesses](http://www.irs.gov/businesses)). Then file the short IRS Form 8871.

**Becoming an independent local or state PAC** You and another person probably can form an independent local or state PAC simply by obtaining an EIN, opening a bank account, and filing a state form naming your president and treasurer.

You don't need to register with the IRS as a 527 to form a local or state PAC, provided you meet IRS's criteria as a "qualified state or local political organization" (QSLPO). Please see the definition for QSLPO in this chapter's lexicon and below.

A QSLPO: Has annual proceeds under \$25,000; electioneers solely for local and state elective office (not federal, which includes the president and members of the US Senate and Congress); complies with the state's laws regarding political committees, including its reporting requirements; the state's laws require reporting individual's contributions of \$500 or more in a year and reporting how contributions of \$800 or more are spent; and the state's laws require the information to be publicly disclosable.

### **IRS's annual financial reporting requirements for QSLPOs:**

- QSLPOs whose annual gross receipts are less than \$25,000 have no federal filing requirements, other than their initial Form 8871. (They are not required to register with or file reports with the IRS or any other federal agency.)
- QSLPOs whose annual gross receipts are \$25,000 or more must file IRS Form 8871 (the same form used to become an official federal "527") *AND* IRS Form 8872.
- QSLPOs whose annual gross receipts are between \$25,000 and \$100,000 must file IRS

Forms 8871, 8872, and 990 or 990EZ. QSLPOs that receive \$100,000 or more must file IRS Form 990 or 990EZ.

**State or local filing requirements** These vary, so you'll need to research your own state's.

### **Affiliated Lobbying, Political, and Charitable Organizations: Your Whole Is More Than the Sum of Its Parts**

To maximize flexibility, effectiveness, and income, many federal, state, and local advocacy groups create affiliated c4s, PACs, and c3s. As indicated in the "options" list earlier in this chapter, the ideal for you is to form a c4 and state PAC and eventually a federal 527 (so you can endorse federal candidates.) Once all are established and stable, eventually you may want to add a c3 to maximize income. Only c4s that have received official IRS status can be affiliates with c3s. I urge existing c3 charities to form affiliates for animals now!

A group may establish affiliates nearly simultaneously. Examples: It may start as a c4 and then establish a PAC and/or a c3. Or it may start as a PAC and then form a c4, which forms a c3. Or it may be a long-established c3 that forms an affiliated c4, which eventually or immediately forms an affiliated PAC.

Statewide political groups need money to pay staff, so affiliated c4s and PACs are essential.

**Lobbying** is done through the c4 affiliate. Benefit: The c4 can lobby without restraints and without paying taxes on substantial lobbying. It can receive large donations from individuals, which are not publicly disclosable (not all donors want their contributions made public). The c4 can rent its affiliated c3's membership list for "fair market value." It can add this list to members it generated on its own, to keep advocates informed about legislative matters, and to solicit money to finance its lobbying.

**Electioneering**—endorsements, its GOTV effort, direct involvement with campaigns, and campaign contributions (if any)—is done through its affiliated PAC. Benefit: This arm allows the group to "electioneer" fully. The PAC can use the c4's list at no cost, send notice of its endorsement choices to it, and use it to solicit donations. Federal PACs and in many states c4s pay their PACs' administrative and fundraising costs. An affiliated PAC cannot solicit funds beyond its own members list.

**Public education and research** can be paid for by its affiliated c3. If we're talking about a big, ambitious, staffed organization, like a statewide group, the c4 and PAC may want to create a c3. Benefits: Some supporters will donate additional money because they receive a tax deduction. The c3 can receive grants from charitable foundations. It can spend tax-deductible money on membership development. It can then rent its enhanced list to its c4 for fair market value. And the c4 can make its enhanced list available to its PAC for allowable uses.

Office expenses and staff (if any) can be shared, as long as the c3 and c4 can document that each fully pays its pro-rated share. How this is done is explained below.

**For a statewide, county, city, or town voting bloc organization, form a c4 and an**

**affiliated PAC.** As stated above, c4s can receive large checks, just as c3s can. In states that limit individuals' PAC donations, a statewide group cannot afford to return fat checks to donors that are over the PAC donation threshold that an affiliated c4 could have kept. (Donors may need to expressly redesignate contributions over the political contribution limit for the c4 to keep the contribution.) For statehouse lobbying, you need (at the very, very, very least) enough money for one full-time lobbyist and one full-time grassroots political organizer/recruiter—which clearly pushes you into affiliate country. You should seriously aspire to two or more full-time lobbyists—and two or many more full-time grassroots organizers/recruiters.

For statewide groups, having paid staff is incomparably more important than the ability to donate to political campaigns, as PACs can. For these reasons, opt for both a c4—so you can receive large donations and pay lobbyists and grassroots organizers, *and* a PAC—so you can electioneer fully. Anyway, individual members of your c4 and your PAC can donate to candidates, and can accompany the check with a memo notation or note that they're donating as a result of your PAC's endorsement.

You can file papers to establish both a c4 and a political committee simultaneously. Now you can both lobby and recruit fully, and electioneer without bounds come next election season.

**If you're now a c3, form an affiliated c4, which then forms a PAC.** The proper path for a 501(c)(3) that wants to engage in significant lobbying is to form an affiliated c4 organization. The c4 can engage in "insignificant" electioneering too, which, according to the IRS, must absorb less than 50 percent of its time and resources. I warn against a c4 approaching that percentage. And you must engage in *serious* electioneering! Doing the same activities through a political committee shields the c4 from possible tax liability and possible penalties.

A c4 cannot be a "shell" with no substantial activities other than to be a buffer between a c3 and PAC. A c4 with a connected PAC needs to have its own program and sources of funding. The c4 must also conform with state laws (if a local organization, also local ordinances, if any). If the affiliated c3 and c4 want to engage in more electioneering activity than permitted by c4s—and I hope you do—the c4 should form a political committee.

**Many state and local advocacy efforts begin as c4 organizations or PACs, not charities.** Eventually, if they also conduct some research and public education to further their legislative agenda, they can benefit by forming an affiliated c3. This way the c3 can attract donors who insist on a tax deduction and can receive foundation grants for research and public education the c4 needs to do anyway. IRS definitions are fairly loose as to what constitutes research and public education, and very likely no independent c4 can avoid these activities. If they decide they also want to engage in significant electioneering, they also form a PAC.

**An affiliation model** The 30 independent state Leagues of Conservation Voters are examples of organizations that have affiliates. For example, the Connecticut League of Conservation Voters, the primary group, is a c4. It later formed a c3, the Connecticut League of Conservation Voters Education Fund, with its own website. It also has a PAC. Here's how the c4's website describes the division of functions among the three affiliates:

The Connecticut League of Conservation Voters, Inc. This is the main organization that assists the environmental community with pro-environment legislation, produces scorecards, and makes endorsements. Contributions are not tax deductible.

The Connecticut League of Conservation Voters Education Fund, Inc. This is the educational affiliate of CTLCV that helps build the strength of the environmental community through research and strategic planning. It works to get more conservation-minded people involved in politics, but may not engage in campaigns or evaluate legislators. Contributions are tax deductible.

The Connecticut League of Conservation Voters Political Action Committee. This is a pro-environment PAC that can directly assist any candidate it chooses through environmental campaign mailings, ads, volunteers, and direct contributions. Contributions are not tax deductible.

Affiliates much in the news are MoveOn.org Civic Action, a c4, and MoveOn.org Political Action, a 527 involved in federal elections.

**If you're a charity that's forming a c4 affiliate** The c4 must have completely separate bank account and books. The c3 and c4 may have overlapping board members (I advise against having completely overlapping boards). The recommended number of board members for a c4 is three. The affiliates may share staff, office space, telephones, and other equipment—provided each pays all its own expenses *pro rata* on a monthly basis. Accordingly, any paid staffers whose time has been shared must keep careful time sheets and receive separate paychecks for the same pay period. The separate paycheck procedure can be avoided if the c3 has a contract with the c4 to perform specific programmatic services. This contract should be renewed annually and be voted on and approved by the boards of each organization.

Let's say the (fictional) c3 Boise City Humane Society decides to get with the program and establishes an affiliated c4 with shared office and staff. The c4 will be called Boise City Voters for Animals.

Then, after experiencing the rewards of the c4's political involvement for a few years—the thrill of gaining power! Passing long-yearned for ordinances for animals! Ousting some anti-animal lawmakers and electing supportive lawmakers!—they decide to form a PAC, too. They check to make sure there are no additional city requirements. The c4 will pay for the PAC's administrative and fundraising costs.

Then, with its increasingly voracious political appetite, the c4 also decides to register as a federal political committee so it can endorse Idaho candidates for the US Senate and Congress, and can forward to their members legislative alerts on pending federal legislation from national political groups for animals.

**Help in forming a c4 affiliate** It's super to have an attorney or paralegal among your members who could handle applications. The state agencies and IRS resources referred to in the "Resources" box may be a big help through their websites, publications, and staff. Take heart from the announcement about SIEAAO at the end of Chapter 10.

**Joint fundraising** A c4 and c3 can do joint fundraisers, provided each organization pays its *pro rata* share of all costs. Example: Affiliated c3 and c4 throw a big fundraising event or send a solicitation letter asking donors to contribute to both groups. Promotion for the event or the letter states that 65 percent of the proceeds will go to the c4 and 35 percent to the c3. The c4 must pay 65 percent of the costs (including paid staff time) and the c3 35 percent. Promotion

## INTERVIEW

### Chicago Alderman Joseph A. Moore: Until You Organize Politically, You Won't Have Clout in the Corridors of Power

I first learned about the *foie gras* issue when internationally known chef Charlie Trotter announced he would no longer serve it in his restaurant here. I didn't know what *foie gras* was, but once I learned how cruelly the birds are treated to produce it, I introduced an ordinance to extend the chef's self-imposed ban to all stores and restaurants in Chicago. No one asked me to; I did it on my own.

One of the three major producers in the US, the Hudson Valley Foie Gras Company in New York State, reacted by hiring a lobbyist who had political connections to several Chicago aldermen, including the most powerful alderman, who is chairman of the City Council's finance committee. This slowed things down. But there was no local organized opposition, possibly because the Chicago Restaurant Association was preoccupied at the time with a proposed smoking ban. Farm Sanctuary contacted me. I suggested that they hire a local lobbyist to counter Hudson Valley's. They hired the lobbying firm I recommended, which also is politically connected in Chicago.

The firm was particularly helpful in galvanizing the animal rights community to contact the members of the City Council to urge them to support the ordinance. I also teamed up with a prominent member of Chicago's animal rights community, Jana Kohl, and together we personally visited nearly every member of the City Council to educate them about the issue.

The ordinance passed 47 to 1, even though many of my colleagues did not really care one way or another. Some, including Mayor Richard M. Daley, expressed the view that the Council should not have "wasted its time" on this issue, when more "pressing" issues, such as gang violence and the prevalence of illegal drugs, faced the city. I responded that kindness, justice, and love are not finite commodities, and where we find acts of cruelty to animals, it's no excuse to say that more important wrongs are done to human beings, so let's concentrate on those exclusively.

It was a gratifying victory. But animal advocates should realize that the way this victory came about was an exception—a ground-breaking ordinance with no organized opposition and a sponsoring lawmaker passionately committed to winning its approval. Even though lawmakers at every level of government know that concern for animals is widespread, until you organize politically, your movement won't have any clout in the corridors of power.

As a local elected official, I can assure you that if city or town animal rescue or rights groups formed voting blocs that endorsed candidates, they'd be astonished at how quickly they would win ground-breaking ordinances and policies. I hope this book convinces them of this.

**Alderman Joseph A. Moore sponsored Chicago's 2006 ordinance banning foie gras.** *[Julie's note: The price paid by the absence of a voting bloc for animals came quickly. On the day the ban went into effect, Chicago restaurateurs openly violated it; a pizzeria offered foie gras pizza. Quickly Mayor Daley agreed to sign on to a repeal ordinance, and the Restaurant Association announced it would use Moore's animal advocacy as a campaign issue against him in the 2007 aldermanic elections and field a candidate to oppose him..]*

of the event must state that only 35 percent of the ticket price or donation is tax deductible. (Actually, anyone who attends a fully c3 party, who is served refreshments and/or offered paid live entertainment, must deduct the cost of the "goods and services" from the ticket price to determine how much can be deducted from personal income taxes. This is true of c3s whether they have affiliates or not. Typically the c3 states the tax-deductible amount on the ticket.

**Can a tax-exempt organization move money to its tax-exempt affiliate? Generally not.** Think of the limits and prohibitions on crossover donations among c3s, c4s, and political organizations this way. I get a tax deduction for my \$100 donation to a charity. If the charity gives \$100 to a c4 or PAC, I've gotten a tax break for a donation that will be used for lobbying or political purposes. (But if the charity *contracts* with the c4 for lobbying purposes, and stays within IRS lobbying limits on charities, it's fine.)

If I donate \$1,000 to a c4, and the c4 gives \$1,000 to its PAC, my donation has been used for electioneering. If my state caps what an individual can give to a PAC at \$500, the pass-along has skirted the limits in the state's campaign finance law.

## **Animal Charities Can Support Your 501(c)(4) with Money and Members**

Because charities ordinarily can spend up to 20 percent of their income on lobbying, they can pay your independent c4 to lobby on their behalf or to keep them informed about animal-related happenings in the statehouse or county or town hall. All city and town animal rescue and rights groups that operate within the jurisdiction of the lobbying organization can pay your c4 a small lobbying fee to keep them informed about pending legislation. And they can send out legislative alerts to their members based on your lobbying group's information. A c4 can benefit from the income afforded by such fees. The by-laws of some charities state explicitly that no monies can be expended for lobbying. But such by-laws can and should be revised. Push them hard—the animals can't tolerate a blanket no-lobbying policy!

**Renting or exchanging charities' membership lists** Also, local, state, and national animal charities can rent you their membership lists for a nominal fee, as long as they do not refuse to rent their list to other, similar tax-exempt groups at the same "fair market" price for the same purpose. Use these lists to bulk up your own membership list! Charities' procedures and policies regarding list rentals vary. Contact the ones you're interested in. Push them hard—the animals can't tolerate a no-rental policy! Some charities make exchange agreements with other groups.

## **YOUR FIRST STEPS FOR FORMING A 501(c)(4) ORGANIZATION**

**Name** Your name should allude to laws: for instance, Animal Legislation of Camden County.

**Research** Determine whether you will have state and/or IRS status. Research the application process and requirements. Minimally you'll need a name, a board of directors, and a purpose or mission statement. The IRS application requires articles of incorporation, bylaws, and an anticipated budget which you won't be held to. For application to the IRS (Form 1024), go to [www.irs.gov/nonprofit](http://www.irs.gov/nonprofit) organizations, and perhaps call the IRS to make sure you've assembled all the documents you need for applying.

**Mission statement** I advocate language as broad as you can get away with. Over time, as you evolve, broad language gives you flexibility to add to or limit your original mission without having to inform the IRS that you've done so. Otherwise, IRS might require you to refile.

**Board of directors** Boards have legal responsibilities. First is to ensure that the organization devotes itself to its mission. The second is fiduciary; the board must watch the money carefully to ensure that funds are spent appropriately and that income and expenditures are documented. Third is making sure that the organization complies with applicable laws.

Your bylaws can provide for a range, allowing you to expand or contract the board. I advise three and no more than five (the IRS recommends three) to keep things simple and efficient—and because we know how fractious animal welfare and rights can be. You need to establish yourself firmly *while you learn how to function politically*. Pick carefully: you need folks who are

not rigid ideologically or personally, who will fully share your goals and approach, who will make the commitment, and who won't slip back and spend much time in other animal activities. Spouses may be two of a board of three members.

**Articles of incorporation and bylaws** Make life easier by drawing from articles and bylaws of other groups—recruitment and observing your lawmaking body in action is a far better use of your start-up time. As noted in this chapter's "Resources" box on page 222, the Alliance for Justice has some sample documents online. Read carefully, because you will need to adhere 100 percent to whatever documents officially govern your group. I strongly discourage establishing yourselves as a membership organization whose donors have the right to vote on policy decisions or elect board officers. It's a recipe for disaster.

Research legal definitions of "member." C4 organizations that plan to send legislative alerts and endorsement lists to their donors ("privileged communication") should make sure their by-laws define membership criteria that conform with Federal Election Commission definitions.

The formal separation between a c3 and affiliated c4 is particularly important if the c4 conducts political activities that are prohibited to the c3 or has a connected PAC. For example, if the c3 and c4 have substantially overlapping boards of directors, the board or board committee might discuss political strategy at a meeting that is supposed to be a meeting of the c3 board. In this situation, it is possible that the IRS would attribute political activities to the c3, which could threaten its tax exemption.

**Liability** I'm often asked if individual board members or officers of a political organization or c4 are liable for actions of the organization. The answer is generally not, if they expend a reasonable effort to understand and meet their responsibilities, if they expend a reasonable effort to prevent the organization from engaging in unlawful activity, and if they don't commit criminal acts that are related to the organization. Anyone who is concerned about potential liability from accepting a role with a nonprofit organization should seek independent legal advice.

**"Hold harmless"** I recommend that c4s' bylaws include a "hold-harmless" clause, for an extra layer of protection.

**Registering as a lobbyist for an *ad hoc*, c3, c4, PAC, or 527** Paid statehouse lobbyists may need to register with the designated state agency. Some counties and cities require some lobbyists to register, according to certain criteria. (For example, in my state a lobbyist who's paid more than \$2,000 in income and/or is reimbursed for more than \$2,000 in expenses per legislative session must register). There's no substitute for checking with your state, county, city, or town in advance.

**Avoid missteps, stick to the law!** Don't provide a basis or pretext for a complaint to a regulating agency. The more effective you are, the more opponents will be watching for false steps. *Political activity:* If you're a c3, don't fudge on inappropriate lobbying or electioneering. If you're a c4, don't electioneer beyond what is legal. The IRS can fine your group, put it on probation, even revoke your tax-exempt status. If you have affiliates, allocate and conform activities and resources by the book. You need to protect yourself against unfair allegations, including those from within the animal protection community.

Maintain thorough paper trails of every penny received and expended by keeping clear, up-to-date books and avoiding the use of petty cash. The former is especially important if you have affiliates that share staff, office space, or other expenses.

**Congratulations on becoming an employer!** Since your vision may include paid staff ....Here's a brief introduction to the topic to whet your appetite. Every salaried employee and her employer is subject to federal withholding for Social Security and Medicare. The total is 15.3 percent, half paid by the employee and half by the employer. (Contract lobbyists are not employees.)

Let's say Montua Voters for Animals pays a part-time political organizer \$1,000 a month. The total monthly Social Security and Medicare (FICA) liability is \$153. \$76.50 is withheld from the employee's gross salary. MVA must match it with another \$76.50. The employee wants \$100 withheld for her federal income taxes each month. The state income tax at the employee's income level is 1 percent, or \$10:

Gross monthly salary	\$1,000.00
Employee's share of FICA	76.50
Employer's share of FICA	76.50
Federal income tax withheld	100.00
State income tax withheld	10.00
(If the county has a personal income or school tax, factor in this figure.)	
Total withheld	186.50
Take-home salary	813.50

Monthly, MVA's treasurer:

- a) Issues a salary check of \$813.50 to the employee.
- b) At MVA's bank, issues a check for \$253 (the total FICA and federal withholding), using an IRS "941" coupon, which the bank transmits to the IRS.
- c) Mails the withheld \$10 state income tax to the state tax department (or mails \$30 quarterly).

"Quarterly reconciliations." The feds and some states require the employer to file simple quarterly forms that summarize the monthly 941s.

"Annual reconciliations." By January 31 of the following year, MVA must send to the employee a W2 to file with federal, state, and local income tax forms. By February 28 of the following year, MVA must send to the Social Security Administration a W3 and a copy of the W2 for each person employed during the preceding year.

Unemployment-insurance tax? Check your state and federal laws. C3s are exempt from the .8% Federal Unemployment Tax, but c4s and 527s/PACs are not.

**For more information on laws, definitions, application procedures, and legal obligations for forming and maintaining political organizations,** see this chapter's "Resources" and "Agencies to Check With" boxes on the next two pages.

Contact me if you need more guidance. It would be my honor to help you.

## RESOURCES TO HELP YOU GET STARTED

**Internal Revenue Service (IRS)** [www.irs.gov](http://www.irs.gov). Under “Information,” click “Charities and Non-Profits” see [www.irs.gov/charities/nonprofits](http://www.irs.gov/charities/nonprofits)

Phone number for all categories of tax-exempt organizations: 1-877-829-5500 toll-free  
Publication 557 “Tax-Exempt Status for Your Organization”  
Package 990-3 “Instructions for Form 990 and Form 990 EZ: Returns for Organizations”

**Federal Elections Commission (FEC)** if you also plan to endorse candidates for any national office (US Senate, US Congress, and President) 1-800-424-9530 # 6

### State Agencies

Your state’s agencies that oversee nonprofit organizations and political committees. Consult state government websites or the Alliance for Justice.

**Alliance for Justice** offers a wealth of information. [www.afj.org](http://www.afj.org) offers these educational tools, sample documents, and links:

- Chart: Comparison of 501(c)(3)s, 501(c)(4)s, and political organizations
- Types of political organizations
- State offices regulating incorporation of nonprofits
- State offices regulating elections
- State offices regulating lobbying
- Sample articles of incorporation, by-laws

Books and other publications:

*The Connection: Strategies for Creating and Operating 501(c)(3)s, 501(c)(4)s and PACs* (“Managing more than one type of exempt organization can expand activists’ influence on the public policy process.”)

*Seize the Initiative* (“Increasingly, citizens groups are using ballot initiatives and referenda to advance their issues. This guide answers questions frequently asked by nonprofit organizations about working on ballot measures.”)

**National Conference of State Legislatures** has detailed charts for each state for its contribution limits in state elections.

[www.ncsl.org/programs/legman/about/ContribLimts.htm#cand](http://www.ncsl.org/programs/legman/about/ContribLimts.htm#cand)

### National Association of Cities

[http://rollyo.com/glaubinger/a\\_thru\\_m\\_state\\_leagues/](http://rollyo.com/glaubinger/a_thru_m_state_leagues/) or  
[http://rollyo.com/glaubinger/n\\_thru\\_wy\\_state\\_leagues/](http://rollyo.com/glaubinger/n_thru_wy_state_leagues/)

**Campaign Finance Institute** [www.cfinst.org](http://www.cfinst.org) or [www.CampaignFinanceInstitute.org](http://www.CampaignFinanceInstitute.org), Washington, DC  
“Nonprofit Interest Groups’ Election Activities and Federal Campaign Finance Policy: A Working Paper,” by Stephen R. Weissman and Kara D. Ryan, July 2006, is available online. Explores the financial transactions and interrelationships among some prominent national advocacy groups’ affiliated c(3)s, c(4)s, PACs, and 527s as they apply to electioneering. Examples include the National Rifle Association, Planned Parenthood of America, and the Sierra Club.

### Acknowledgments:

*I thank all these organizations and their staff for their generous help in the preparation of this MANUAL. I am very grateful to attorney Paul Tanis and Judith Maslen, compliance officer for the Connecticut Citizen Action Group and its three affiliates (staff of 20) for their help. Errors herein, if any, are mine, not theirs.*

*NIFAA: The National Institute for Animal Advocacy [www.nifaa.org](http://www.nifaa.org)*

## AGENCIES TO CHECK WITH ABOUT VOTING BLOC ACTIVITY

You need to know which—if any—government entities you must file with initially, and what the filing requires.

You need to know reporting requirements—if any.

### Start at the top

1. Your state's elections agency
2. Your state's lobbying agency
3. Your state's agency concerned with nonprofit contributions
4. If county, city, or town activity, its elections officer
5. The Internal Revenue Service (IRS)
6. The Federal Elections Commission (FEC)

Don't be intimidated by the web of federal and state laws on political committees and nonprofits. For small groups, few will be applicable.

When asking questions, make sure to explain clearly what activities you will pursue and whether or not you will solicit contributions or spend money on these activities. Read your notes back to the person before ending the conversation.

Make sure you can distinguish between what you must do and what you could do.

If you receive legal advice, make sure the attorney is experienced with 501(c)(4) political lobbying organizations and political committees, not just charitable organizations.

Every time you get advice from an official, make sure to write down his or her name and title and the date. IRS advisors also give their own ID number.

## CASE STUDY: The California Animal Association—15 (c)(3)s and a PAC

California's animal activists have had a much greater presence in their statehouse than activists in most other states. Joining the scene is the impressive and promising California Animal Association, a new coalition of 15 animal charities and a PAC, the League of Humane Voters, California Chapter, founded and run by Richard McClellan. CAA is directed part-time by Pamela Runquist. CAA scored the 2006 dog-tethering law. Many animal-related bills are introduced in Sacramento regularly. The older and separate PAWPAC distributes complete lists and detailed information about the bills prepared by lobbyist Virginia Handley.

The IRS allows charities to spend up to 20 percent of their resources on direct and grassroots lobbying. Runquist works for the American Veterinarians for Animal Rights, a charity. AVAR allots her CAA time, expenses, and office use to its 20 percent. All CAA member charities chip in to pay a lobbyist. Each member allots its payment toward the lobbyist's fee and its own expenditures on CAA-related activities toward its own 20 percent limit. The League endorses candidates and sends its endorsement choices to its own membership and to some charities' lists it has rented.

Critical next step: Will each CAA member charity form its own affiliated 501(c)(4) lobbying organization? This way, all CAA member groups could distribute the League's endorsement list to their own members and conduct its own aggressive GOTV, giving CAA much more power.

When these charities' c4s are courted by statehouse incumbents and lawmakers in their area, they might be motivated to get involved in their own county and municipal elections, too.

## Limits on Political Donations—Your State's Laws

*Before soliciting donations to your PAC, or donating to a pro-animal candidate or PAC, confirm your state's rules with your state's elections agency*

**STATES WITH NO LIMITS** Illinois, New Mexico, Oregon, Utah, and Virginia place no limits on contributions.

**STATES WITH FEW OR LOW LIMITS** Alabama, Indiana, Iowa, Mississippi, North Dakota, Pennsylvania, and Texas have no limits in some categories, or remarkably generous ones.

### OTHER STATES

#### *Individuals' contributions to candidates*

**Statewide and state legislative candidates** Thirty-seven states cap limits on an individual's donation to a particular candidate. Twelve states have no limits—Alaska, Illinois, Iowa, Mississippi, Nebraska, New Mexico, North Dakota, Oregon, Pennsylvania, Texas, Utah, and Virginia. Limits range from \$130 for a statehouse candidate in Montana, to \$51,100, split between the primary and general elections, to a gubernatorial candidate in New York. Ohio limits to \$10,000 a donation to any candidate. In many states the allowable donation is higher for higher offices. Examples: Alabama allows \$20,000 for a gubernatorial candidate, \$5,000 for a state senate candidate, and \$3,000 for a state house candidate. Connecticut allows \$2,500 for a gubernatorial candidate, \$500 for a state senate candidate, and \$250 for a state house candidate. Colorado allows \$400 for a gubernatorial candidate and \$200 for statehouse candidates. Limits often apply per election; for example, if there's a primary election, a person can donate the maximum to a candidate for that election. If his candidate wins the primary, he can again donate the maximum to the candidate for the general election in November.

**County and municipal candidates** Some states have limits on an individual's donation to a county or municipal candidate, and some counties and municipalities have done so on their own. I can find no compilations. However, an example is my state, which allows \$1,000 for a mayoral candidate and \$250 for each city or town council candidate.

#### *Individuals' contributions to organization PACs (would apply to an animal PAC)*

Kansas has no limits. Other states vary. Example: Oklahoma allows \$5,000 per year per family per PAC. (States found that parents got around limits by having their underage children donate large sums to the same candidates.)

#### *Organization PACs' contributions to political candidates*

**Statewide and statehouse candidates** Fourteen states have no limits. In the other states, limits on PAC contributions to candidates are generally similar or identical to limits on individual contributions to candidates. Examples: Idaho allows \$5,000 to each gubernatorial candidate, and \$1,000 to each legislative candidate. Massachusetts allows \$500 to any candidate.

**County and municipal candidates** I can find no compilations. However, in some states such donation limits are the same as an individual's donation.

#### *How a wealthy person can maximize political support for her favored candidate(s)*

Say a person wants to help elect candidates that were endorsed by a certain PAC. She can donate directly the entire allowable maximum to any or all of the endorsed candidates. She also can donate the allowable maximum to the PAC. Say she wants to help elect candidates who were endorsed by a certain c4 that has no affiliated PAC. She can contribute the maximum to each endorsed candidate. She can also donate an unlimited amount to the c4, which can use it for its election-related activities. Some state's campaign finance laws favor PACs' influence over candidates more than individuals' influence over candidates. These states don't restrict how much a person can donate to a PAC, but limit how much an individual can donate to a candidate. Such laws unfairly empower wealthy business interests, including animal-exploiting interests. As explained in Chapter 7, a lobbyist who represents one or more corporate clients controls vast sums of PAC money, by guiding each corporate PAC's endorsements and campaign contributions.

## 9 How to Use Media to Help Win Laws for Animals—and When to Avoid It

"The modus operandi of legislators is to grandstand before TV cameras and then, when the lights go dim, cave in to special interests."

—*Michele Jacklin, staff columnist, Hartford Courant, January 19, 2005*

"I remember when my newspaper, by far the most influential and widely read in town, published my exposé about an incumbent mayor on the eve of the election. I caught him red-handed in major improprieties. He was re-elected by the same margin that had been expected prior to my exposé. That's when I learned how little impact media coverage can have on politics, and by extension, laws, when competing with powerful, well-organized political machines and interest groups."

—*Anonymous Pulitzer-prize-winning investigative reporter*

"Political language is designed to make lies sound truthful and murder respectable, and to give an appearance of solidity to pure wind."

—*George Orwell (1903–50), from "Politics and the English Language" (1946)*

"I apologize for the length of this letter. I didn't have time to make it shorter."

—*Abraham Lincoln*

"Jesus wept."

—*The Bible (John 11:35)*

### **Refreshers**

*Sometimes media coverage can be part of a lobbying strategy that wins or defeats strong legislation. But it is never THE lobbying strategy.*

*Where lawmaking is concerned, there IS such a thing as bad publicity. Media coverage can activate controversy and opponents, and bring you down when you're on the brink of victory.*

*Your primary activity must always be strategic grassroots recruitment. Never let the pursuit of media drain time away from it.*

### **Media Axioms**

*Just like politics, all media are local. Your local newspaper and TV station require a strong local aspect as a condition of doing a story.*

*Newspapers and broadcast media more often reinforce—rather than challenge—established cultural norms.*

Many animal advocates love media coverage and hold to the notion that broad media attention on their issue is key to achieving the law or ordinance of their dreams. From previous chapters you know I say this is a mistaken notion, because coverage in no way creates the accountability of any individual lawmaker to his own constituents that is the source of grassroots power in the lawmaking arena.

Often a better strategy avoids media coverage, because media reach potential opponents of your proposal, not just proponents. Remember that your goal is to keep tight control of your proposal in the building through enactment. If you can keep your issue under the public radar,

you won't risk activating constituent calls from opponents or the kind of coverage that stirs up controversy. Furthermore, reporters quote the opposition (for "balance") without checking for accuracy or bias. Coverage also may provoke newspaper editorial boards to publish editorials that call for lawmakers in their circulation area to vote against animals' needs.

Pursuit of media is a diversion, robbing time from your most important task: ambitious recruitment to your voting bloc.

Michele Jacklin's cynical words at the top of this chapter apply only when there's not an effective voting bloc system. If you're lobbying without having a politically organized grassroots base, your proposed legislation will be ignored and die, or your opponents will seize control, turning it into something cosmetic or even harmful.

Nor is it good strategy to launch your voting bloc with an ambitious media campaign. It's more likely to provoke a yawn from lawmakers than gain you credibility. They're accustomed to folks starting with a bang and quickly ending with a whimper. They'll perk up when they see you actually function politically, rather than announce you're going to. Nor will media coverage flood you with new members/supporters. It will, however, be used by your (already organized) opponents as a scare tactic to counter-mobilize and motivate their supporters to work to defeat you. Far better recruitment tools are in Chapter 10, "How to Launch Your Voting Bloc."

A former newspaper reporter and nationally published magazine writer, I pursued and achieved enormous media coverage for animals while lobbying for an animal charity. Wayne Pacelle, for a while my boss at the Fund for Animals, and now CEO of the Humane Society of the United States, used to say that no one got more media coverage than Julie. But media were never a significant factor in getting me a good law passed or a bad law defeated; in fact, it helped get me a gubernatorial veto of a wonderful bill. Looking back, I realize I did the media thing because I couldn't legally engage in more effective uses of my time to pass laws for animals—organizing a grassroots voting bloc and endorsing candidates.

**When to use media as a component of a political lobbying strategy** Once in a while, media coverage can be a component of a good political lobbying strategy.

Say an important vote is coming up in your town council or in the statehouse. From spending time in the building, you've got a vote count: You have a pretty good idea of how many votes you're short and of which lawmakers support you, oppose you, and are on the fence (see vote counts in Chapter 6, on the lawmaking process, and Chapter 7, on lobbying).

At this point, the story you might pitch would focus on proposed legislation to remedy a problem. Plan your media hit according to a pressure point in the lawmaking process when you think it could do the most good.

For a state law, would coverage just before the beginning of the year's legislative session be best? But would there be too much competition from public policy issue groups with legislative agendas, which also will be seeking media coverage then? Would such an early piece be a great send-off? Or would it too quickly become a memory? Would another key pressure point during the process be a better time?

**Maximize your number of “media hits” with an “advance.”** Pitch an advance. Examples: “Tuesday’s Council hearing on circus ban expected to draw crowds.” Or, “Circus coming to town next week; humane advocates want law to protect circus animals.” An advance gives you a hit in addition to coverage of the event itself.

Say your issue has broad public support. Its only opponents are animal-exploiting interests that make large campaign donations to some lawmakers but don’t have a grassroots political base of voters in these lawmakers’ districts. You have at least the beginnings of a voting bloc organization with a political name in place, so you figure that media attention is worth risking.

Quickly have at least one constituent of each of these lawmakers write a letter to the editors of your local daily and weekly, making an urgent plea to the lawmaker—who is named in the letter—to vote your way, and giving contact information for him and your group. If your group is solidly established, the signer could be identified as the district captain or coordinator. The lawmaker now knows that his pro-animal constituents are going to find out how he votes.

Generate constituents’ follow-up letters to the papers to thank those lawmakers who vote right. When lawmakers vote against you, name them in letters to your daily and weekly, expressing your disappointment. This may deter them from voting against you next time, and it puts all lawmakers on notice that they could get the same treatment in the future.

**Use media to create an issue, a concern, or even a scandal.** Is the local dog pound a disgrace? Detailed information about what’s wrong is appropriate for a media story. First research the dog pound thoroughly so you can make a strong, documented case. (Return to Chapter 3, on government, about how to use your state’s freedom of information act to do this.) Make specific, detailed, practical, and realistic recommendations for the reforms you want. Your story—and your lobbying plan—is incomplete without these. Then use your voting bloc system to achieve them. You might show councilors your documentation first, because ultimately it will be they, not media, who determine the outcome—and, so importantly, the nuts and bolts of the outcome. If they’re responsive and deliver, avoid media until *after* the council enacts the reforms, and then publicly laud them.

If your recommendations require additional public funding, consider whether media coverage might be harmful; to readers, the proposed reforms may suggest higher taxes, and some may contact their councilors to object. These are all judgment calls, which you’ll make based on your knowledge of the government body and the jurisdiction and your group’s political clout. (Yet in 2004, members of the governing board of a Connecticut town were stunned by the surprising number of voters who came to the polls to approve a referendum for funds for a new animal shelter. It was a day and season not generally associated with voting, and no grassroots group organized on the referendum’s behalf! A year later residents voted down a referendum to authorize bonds to finance library improvement on a standard Election Day.)

**Use media to create controversy to help defeat a proposal.** Remember that lawmakers fear controversy, so creating it is an excellent part of a strategy for killing an anti-animal bill or proposed ordinance. Activate your voting bloc system. If it’s your considered judgment that media coverage could help stir the pot, pursue it too. Political strategists become skillful in creating a controversy that gets them in the news, and tweak it for days, weeks, or months.

### Media Plan as Part of a Political Strategy

1. Decide exactly what you want politically from the coverage.
2. Research the story.
3. Construct the story.
4. Pitch the story. If you want coverage of an event, pitch an “advance” story in addition to asking for coverage of the event itself.
5. For print media, have letter writers ready.
6. Immediately after the story, send an alert asking your members to call their lawmakers about your exact goal.
7. Consider pitching an editorial to newspaper editorial boards.

### Media’s Role in Helping Achieve Laws for Animals

#### Pro

Establishes the issue as worthy of public interest.

Superficially educates the public on the issue, helping construct a receptive climate for eventual passage of laws and ordinances.

Provides name recognition for your organization and its leaders, potentially enhancing their power.

Keeps members/donors on board by letting them know you’re important and keeping busy.

#### Con

Drains your focus and time away from political organizing, which is far more effective.

Alerts folks who oppose you to contact their lawmakers.

Gives the “other side” lots of print space or air time.

#### Negative coverage

Creates controversy, scaring off legislative support.

Presents distortions that can take on a life of their own (both sides are always quoted) (sometimes reporters distort on their own).

#### Media coverage doesn’t

Achieve meaningful laws or public policies on its own.

Quickly increase your political organization’s membership.

### Write economically in press releases, letters to the editor, op-eds, newsletters, fact sheets.

#### *Which sentences are stronger? Clearer?*

1: “Montua County Voters for Animals is a new group of animal rescuers who have come together to convince county councilors to enact a local ordinance that makes it illegal to chain a dog all day long.”  
Or, “A Montua County political group wants limits on chaining or penning dogs.”

2: “The prophet Jesus was very upset. He started weeping silently when he saw so much cruelty and suffering.” Or, “Jesus wept.”

### CASE STUDY 1: Fawn hunting

The state wildlife agency decided to reinterpret a current statute that forbade the hunting of fawns so it could allow the hunting of yearlings. (Fawn hunting had been prohibited because hunters didn’t want to reduce the reproductive capacity of the herd.) Support for the reinterpretation gained momentum in the legislature because of the growing deer population and the disproportionate power of the tiny hunters’ voting bloc (hunters were about 2 percent of the state’s population). In the state’s newspaper of record, I got a front-page story along the lines of “killing babies,” deliberately provoking emotion and controversy.

**Result:** In a snap, it killed the initiative for a year. But the revised statute was enacted the next year, because animal advocates were not politically organized. The tiny hunters’ lobby prevailed.

**Name recognition: Use media to become known as a leader.** Media give you and your group name recognition. As long your methods aren't too wild, this can help you with lawmakers. It also puts you at the top of reporters' call list, when they need a quote on an animal-related news story before their deadline.

**Media mention can reinforce member and donor loyalty.** Growing name recognition will help expand your membership over time. It also "services" current members and donors. Reading about or seeing the group's name in the news, the member or donor experiences a rush of good feeling that he's donated. Subliminal reaction: "Wow, that group I donated to is really on top of things and is recognized as a leader for animals. I'll donate more this time."

**Caution:** Again I remind you that media work must NOT detract from your Herculean efforts toward expanding your voting bloc through grassroots recruitment (see the next chapter for your recruitment plan). Think like a bodybuilder who's never satisfied with the size of his biceps.

### **Become Media Savvy: Learn to Think Like an Editor**

Newspapers and television and radio shows are human constructs. Whether an event is covered or not, whether it goes on the front page or inside, leads the TV news or merits one sentence after sports, and how many column inches, minutes, or seconds it's given are among the quick decisions editors make in newsrooms whirling with deadlines. The more you understand the criteria editors use and the needs of their medium, the more effective you'll be at exploiting them for animals.

Media are profit-driven businesses, every bit as much as your local bank. The more readers or viewers their editorial choices attract, the more advertisers the media company gets and the higher the advertising rates it can charge them. The less staff time and other expenses spent on the "news hole," the higher the profit margin.

Each story must have a theme. Either it has a "news peg" (meaning it reports something that just happened or is an exposé) or it's a feature. If a feature, it's a "bright" (light and upbeat), a profile, an interview, or a trend, or has some other theme.

For a week, study each story in your daily and weekly papers and on TV news:

- Identify each story's "news peg" or theme. Why did it make the cut? What determined its placement? Does it have "human interest"?
- *Daily newspaper.* Look how it's put together. What articles and photographs are on the front page? Is it all news, or is there a light and friendly feature, too? Where is the placement of international, national, state, county, and local news? If the paper's circulation area is big enough for regional editions, the front pages stay the same, while designated "make-over" pages cover only one region.

Notice that weekend and Monday papers may be heavy with staff-written local features, pre-packaged features purchased from national syndicates, and wire service copy—because papers don't want to pay for full weekend staff. For the first, editors get advance copy written by weekday reporters. The second and third are cheap and convenient. You might pitch a feature

### Control Your Media Interview

**DON'T** give the reporter many quotes to choose from. Very little of what you say will make it into the story, so choose your priorities in advance.

**DON'T** speak off the cuff. Every response should be thought through.

**DON'T** answer questions you don't like—ignore them. Reply *non sequitur* with prepared “talking points.”

**DON'T** let reporters put words in your mouth. Instead, rephrase in your own words. If you don't say it, the reporter can't use it. If the reporter asks, “Are you angry?” and you feel it's not good to be thought of as angry (it rarely is), don't answer yes, no, maybe, or sometimes. Ignore the question and say what you want included in the story.

**DON'T** fall for the “silent treatment.” A technique reporters share with psychotherapists is to stay silent after you answer their question. This causes the interviewee (or patient) to expand on her original answer. She often mentions (or reveals things) she had not intended to. If you doubt me, try it with your friends.

**DON'T** automatically agree to be interviewed or quoted. If you feel it would better suit your lobbying strategy to have no story, politely discourage the reporter.

**DO** keep the reporter on *your* track.

**DO** analyze in advance what talking points would best enhance your lobbying strategy and vote count, and prepare for the interview accordingly.

**DO** prepare in advance your 2 or 3 priority “talking points” and have them formulated into sound bites or quotes, because that's the most the reporter will use. Don't dilute them with lots of information; if you do, you're giving the reporter too many choices.

**DO** decide in advance what persona you should adopt for the interview for optimal political advantage (essential for television interviews).

**DO** speak professionally. Rely on information and fact, using emotion only as a strategy decision.

that fits the weekend or Monday news hole, when there's less competition for space.

Turn to the editorial section, which is often a “spread” of two facing pages. Usually top left or right are “house” editorials that represent the paper's official position on issues of public policy and legislation. Readers' “letters to the editor” may appear nearby. There may be a political cartoon. Often the facing “Op-Ed” page (short for “opposite editorial”) contains a nationally syndicated column the paper pays for, an opinion column by a staff writer, and/or an opinion piece written by a community leader or individual—perhaps you.

Turn to the features and lifestyle sections. How much is written locally, featuring local people and places? Skim the sports, business, and other sections to get a feel for them, too.

- *Weekly newspaper.* Study it as you've studied the dailies above. Note that because weeklies spend very little on reporting staff to fill their news hole, it may be easier to achieve quick coverage and to have your letters to the editor published.
- *Network television, cable, and radio.* They, too, have deliberate formats. Study them as you do newspapers. TV needs strong visuals. An interview with a “talking head” may not be enough. Pitch a location that enhances the story.

## Pitching a Story

⇒ Know your subject and what you want the piece to accomplish before you start.

Get over the notion that today's reporters do real research. You've got to hand-feed them everything except opponents' views, which they always manage to find on their own.

Decide which section of the newspaper or broadcast slot your story would fit best, or which you could fashion it to fit. Decide on the top two or three facts you want to emphasize and compose sound bites that express them. Stick to the facts you've selected.

If you can't come up with a news peg, refashion your idea into a feature—a lifestyle piece, a trend, a profile of a top volunteer, an interview with a citizen who's had a moving experience that dramatizes your issue, or perhaps even a question-and-answer format.

Be opportunistic when a news peg falls into your lap. Formal complaints about the local pound, pet store, or rodeo to an administering agency or the mayor, or a lawsuit might be newsworthy. Create such a news peg—if it would enhance your political lobbying strategy.

⇒ **Like politics, and like your proposed legislation, all media are local.** Your subject must be relevant and somehow indigenous to the circulation or broadcast area. Have ready, as interviewees, local people who have experienced the problem. Examples: Folks who recently purchased sick animals at the local pet store, a family whose dog was shot by a hunter, a disillusioned former cat breeder, or a family who financed a circus elephant's trip to a sanctuary.

For print media, does your subject lend itself to a sidebar (a much smaller companion piece that amplifies an aspect of the story)? Suggest one.

**Think like a camera person.** In print media, readers' eyes jump to stories with photos. Suggest to the reporter a photo of a local person or animal in an interesting location. Television is a visual medium. Examples of possible locations: The home of a person nursing the sick animal who was purchased from the local pet store. Or the park where the hunter shot the dog.

Don't write the story yourself unless you know your target outlet accepts such stories: Only some small weeklies print articles that have been submitted cold. Send a press release instead.

**Now you're ready to pitch.** At large daily papers, news, editorial, features, sports, and business sections all have their own "assignment" editor. TV news will likely have a top assignment editor for each broadcast time.

You've decided on a department, your "angle" on the story, the two or three core facts you want emphasized, the person (probably you) or persons who could be interviewed, and photo opportunities (or locations).

**The Associated Press** AP is an international wire service with bureaus around the US. Just about every daily, TV station, and radio newsroom in the US subscribes to AP. According to [www.ap.org](http://www.ap.org), it's "the backbone of the world's information system serving thousands of daily

## Pitching Your Story

*Newspapers and TV stations are always looking for good news stories and features*

### Before contacting the reporter or editor:

**Study your target media outlet** Determine if your story could fit into the paper or TV news and how to best make it suit the editors' and readers' interests ("slant"). A story must have a news peg, a conflict, a trend, human interest, or another dynamic. Aim for state news, city news, lifestyles, or features, and pitch it to the editor of that section or directly to a sympathetic reporter you know or are familiar with.

**Construct the concept** (news story, exposé, feature story, trend, and its story line) with all components before you pitch it. Provide research, if relevant.

**All journalism is local** Stories must have a local aspect. Enhance by local people who live within the media outlet's circulation/viewing area, who have first-hand knowledge of the issue and have agreed to be interviewed. Quote a local person (possibly yourself) in every press release.

**Suggest** convenient local photo opportunities and sidebars for print media and locations for television.

**Be timely** Old "news" doesn't sell. A "news peg" is hot, not cold or tepid.

**Be realistic** Don't ask for stories about a vague concern, because it makes you less credible for future pitches. You want editors and reporters to look forward to hearing from you. Construct your concern into a "saleable" story, or move on to something else.

Call the appropriate editor or ask whoever answers the phone to send you to the right person. Introduce and identify yourself quickly, get right to the story you're selling, generally keeping to your short script about the piece.

For coverage of an upcoming event, write a press release (see the end of this chapter). Send copies to all local media outlets, including your favorite reporters and the Associated Press, to arrive three days in advance. Two days before the event, make follow-up calls to all editors and reporters in your distribution list. TV editors may ask you to call again the morning of the event, because they won't know yet what breaking news stories they'll need to cover.

newspaper, radio, television, and online customers with coverage in all media and news in all formats. It is the largest and oldest news organization in the world, serving as a source of news, photos, graphics, audio, and video for more than one billion people a day." Day and night AP transmits to subscribers' newsrooms a steady flow of ready-made stories on breaking news from around the nation and region, photos, and features. AP dispatches may be written by AP staff. Most are stories that were written and published by member news organizations that the members fed electronically to AP, and the AP forwarded to all other members.

**Find out the AP bureau nearest to you from [www.ap.org](http://www.ap.org): They might pick up your story from another paper.** Certainly AP has a "capitol bureau" that covers your statehouse. It's likely that AP itself will not cover your news story or feature (AP has little reporting staff and is very selective). But if you achieve or expect to achieve coverage from a local daily or TV station, alert the AP wire editor to watch for the story and to consider "picking it up" to distribute to other local outlets that didn't cover it.

⇒ This way, many or all papers and TV and radio stations in the region might cover your story, in whole or in part.

**AP's "daily calendar"** Your AP bureau issues a daily story log that it sends electronically to all its print and broadcast members in the region. Assignment editors use it learn what choices are

available to them in deciding their own line-up of stories that day.

⇒ Call AP to ask that it include in its daily calendar the event you announced in a press release.

**Radio syndicates** Your state may have a radio service that supplies news and short interviews to subscriber radio stations. Form relationships with these radio reporters.

**Should you pitch your story directly to a reporter?** By all means, if there's a reporter with whom you've formed a professional relationship or one you think would treat the story favorably. The reporter can ask her editor for the go-ahead.

**Form relationships with editors and reporters.** This will occur naturally, if you give them reason to trust your news sense, give them good quotes, and don't bother them with stories they don't consider worthy. An example of the latter is calling them to report on an event that occurred days or weeks before. A news peg must be hot, not tepid or cold.

**Pitching an editorial** Once a favorable news story has appeared, might the paper run an edit-

#### **CASE STUDY 2: State regulation of animal rescue**

The state agriculture department introduced a bill that allowed it to regulate animal rescue activities so broadly that rescues would lose their foster homes and be subject to the whims of the agency, which rescuers did not trust. The first year, I killed the proposal by convincing the chairs of the legislative committee of cognizance of what the true impact of such broad legislation would be. The department decided to play hardball. The following summer and fall, before the next legislative session, it achieved tremendous media coverage supporting its claim that its bill could have prevented certain instances of animal neglect. (The bill wouldn't even have applied to those cases, which had nothing to do with rescue.)

I decided on a pre-emptive strategy based on publishing an Op-Ed in the state's newspaper of record. Before writing it, I called the Op-Ed editor to ask if she'd be interested. She was. My goal was not for the Op-Ed to persuade legions of sympathetic readers to contact their lawmakers; from experience, I knew it would do no such thing. No, my Op-Ed would be aimed at lawmakers and staff, many of whom read the paper. It would be a detailed argument, a position paper, against rampant regulation by the agriculture department as delineated in the bill.

By email I summoned animal rescue groups and individuals in the state to a November "summit" to discuss the bill and regulation in general. (The legislative session would start in January.) Before the summit, I drafted as much of the Op-Ed as possible. At the summit 35 rescuers discussed the pro's and con's, and—no surprise—agreed to oppose the bill and come up with alternatives. I modified my draft to reflect the summit and delivered it to the newspaper two days later.

In the Op-Ed, I could rightly claim to represent a statewide summit. My Op-Ed was published at the top of the editorial page, with a graphic supplied by the paper. It put the agriculture department on the defensive and alerted the agriculture commissioner and legislative leadership that the bill was controversial and would provoke a lengthy fight in the statehouse. In effect, my media tactic meant that the department could no longer frame the terms of the debate.

**Result:** After a two-year campaign, the department, refusing to redraft the troubling provisions, stopped introducing the bill.

**CAUTION:** I did not alert media to the summit, nor would we have let them attend, because I saw no benefit and many risks. How would it be reported, and who would be quoted saying what? A news story would doubtless quote the agriculture commissioner (probably very favorably), who'd denounce us as defending animal collectors. On balance, our position would lose rather than gain ground.

orial favoring your position? Consider contacting the board. Cautions: Nasty editorials are the risk you run with any story on proposed legislation. Further, unless you're in the building representing a voting bloc, the practical effect of even a good editorial could be negligible.

**"Letters to the Editor" may be the most-read portion of the paper.** Study letters each target paper has printed to gain a feel for what will fly. How long are they? Keep yours to length. Does the paper run all letters submitted? (Some dailies do; most don't.) Does the paper only run letters that refer to articles it has printed very recently? If yes, submit your letter promptly.

The paper has printed a very positive article. There's always something more to add or reinforce. A letter will amplify your message. Use this opportunity! You want a maximum number of hits. Such a letter might begin, "I'm sure readers learned a great deal from the *Daily Planet's* excellent article entitled 'Controversy Hits Area Pet Stores.' There's more to the story..." or "I'd like to relay my personal experience...."

- Decide before writing the letter what you want it to accomplish.
- Always have an action component. Examples: "The town council is considering a proposal to ban the use of elephants in circuses. Contact your own councilor right away and ask him to support it" and/or "I urge you to boycott the circus."

**Op-Ed pieces** are marvelous because you're provided space for 600 to 900 of your own words to make your case. Op-Eds are tightly structured and written; composing them is a skill. The classic Op-Ed first briefly posits a problem and your solution, then explains the problem, then explains and defends your solution, and ends with a short paragraph that suggests you've proved your case. An emotionally controlled plea can be a finisher.

### **CASE STUDY 3: Leghold traps**

Newly an activist, I discovered that the state wildlife agency leased sports-trapping rights to licensed trappers. It worked like this: All state forests and some state parks were divided into about 100 parcels. Trappers submitted sealed bids on the parcel(s) of their choice for four-year trapping rights, after which the process began anew. I proposed to our informal group of anti-trapping activists: Why not try to outbid the trappers to get lots of publicity against trapping? Several had obtained trapping licenses, to learn what the state agency taught trappers at the mandated trapping classes, so they were eligible to submit bids. Previous winning bids were public information under FOIA. We'd submit bids on as many parcels as we could afford.

We began to solicit donations quietly. Arriving at the bid opening in my "HALT Leghold Traps" T-shirt, with TV crews behind me in the driveway, I remember this delicious moment for a new activist: The president and lobbyist for the Connecticut Trappers Association's jaw literally dropping. Until then, they (and the state wildlife agency that served them) had been able to operate in secret.

Our spokesperson, I (the only female) sat amidst about 60 trappers while the sealed bid envelopes were opened and read. The scene appeared on the evening news, and the *Hartford Courant* ran a prominent story that was picked up by the Associated Press and run in other papers. Our own "trappers" explained how the state solicited children to attend its classes, at which they were taught how to bludgeon trapped coyotes to death with a club without damaging their pelts. One demonstrated the traps springing shut.

**Result:** None. The wildlife agency in no way curtailed trapping on state-owned land, and legislation to ban cruel traps went nowhere. If we'd had a political organization and voting bloc system, we could have won a law banning leghold traps years before.

- Include your own personal experience; it's far stronger than a recitation of facts from a pamphlet alone. Perhaps start with your experience in a terse sentence or two, follow with the facts, and close with an emotionally controlled plea.

Responding to a story or letter, don't supply a detailed summary of the counter-argument. This would give opponents another hit, and would reach readers who didn't see the story or letter you're objecting to. Refute only arguments you feel may have done harm, and summarize them vaguely (so as to avoid convincing anyone of their validity). If your letter appears as a personal squabble with the writer of the letter, readers will consider it a sandbox fight and may dismiss or ignore your message.

**Good activist writing: Press releases, newsletters, activist alerts, talking points and fact sheets for lawmakers, letters to the editor, and Op-Ed pieces** Read the quotes from Abraham Lincoln and the Bible at the top of this chapter. Some consider Lincoln the finest writer and orator to have been elected to US government. Excellent writing skills are a great asset, so much so that I recommend taking a journalism course.

In all good writing, especially journalistic writing, each word must earn its right to be there, must help propel the sentence and thought forward. Crime writer Scott Thurow told Court TV that while a student he was taught, "No word is too precious not to be cut." Each unnecessary word drags the sentence down, delaying comprehension and losing readers. Each word requires more thought from the reader, who doesn't want to think more than he has to. My brother Michael\* has published many dozens of mystery novels, short stories, and radio plays. His high school English teacher wrote on the blackboard, "Jesus wept," saying it was the most powerful sentence ever written. (This was in public school; the lesson was not religious in intent.)

\*Michael Z. Lewin. His books are really good. Find them in your bookstore and library.

#### **CASE STUDY 4: Leghold traps again**

Some years later, I designed a media blitz to help anti-trap activists expose that leghold traps were still legal and that state wildlife agency promoted their use for sport by children. From the agency I got the latest statistics on the number of licensed sports trappers in the state and how many of them were children, and a list of state forests in which trapping was allowed. I determined which daily and weekly newspapers covered the regions where the forests were located. I lined up an animal advocate or two (including veterinarians and folks whose companion animal had been caught in leghold traps) for interviews in each paper's circulation area. I knew the voting history on the issue of the individual lawmakers who represented these areas in the statehouse.

I pitched a fully packaged story to each paper. They bit. Some were intrigued enough to run a sidebar map (at my suggestion) of the forest in their area, to bring home the horror of the issue. The result was a massive, statewide print media and TV blitz, with extensive information on the issue—a media coup.

The public and some animal charities responded by donating lots of money. This enabled the activist "trappers" to win leases to the most heavily trapped forests and to declare them "trap-free zones." They won a staggering proportion of the parcels! Real trappers were outraged.

**Result:** The wildlife agency went into crisis mode. It suspended the leasing program for a year! After the brouhaha passed, the agency promulgated new regulations with wording that had the effect of stopping animal advocates from leasing trapping rights, and then opened the forests to trappers without charge. If we'd had a political organization and voting bloc system, we would have won a law banning leghold traps years before. We had no such organization, so the media blitz had no enduring positive impact, and an enduring negative impact.

Look at the terseness and structure of AP dispatches. They typically use the classic pyramid construction of a news story: A quick lead sentence that brings the reader into the story, followed by the most important points expressed briefly, followed by greater detail and explanation, and then greater detail and explanation. Stop reading an AP story at any point, and you'll still know what the story is about. Time-pressed newspaper editors can easily shorten AP dispatches to the size they need by chopping from the bottom. No matter where the break is made, the part of the story they use makes sense without any rewriting necessary.

Follow this construction when you write, especially in press releases. Editors want to know from a glance whether to assign a reporter to do the story. See "Press Releases" on page 238.

Editors (and lawmakers) will shrink from raw emotion. Evoke emotion in the reader by conveying direct personal experience, observation, and facts—not by relying on emotion-laden words, which should be used sparingly. Whether or how to use emotion in writing or sound bites should be a strategy decision.

That's your mini-journalism course. Now we go to what you've been waiting for, just how to launch and sustain your voting bloc for animals.

#### **CASE STUDY 5: Puppy mill exposés**

The number of puppy mill dogs does not appear to have been reduced by four decades of media exposés and activism on the part of charitable organizations. When the economy was depressed, pet stores began selling dogs with generous payment plans. Anyone with a credit card would do. The sales from pet stores went down for a while but seem to be rebounding. According to research by Stephanie Shain of the Humane Society of the US, the slack has been taken up by Internet sales: Puppy-mill brokers have simply altered their marketing techniques.

It's clear that the solution must be political organizations for animals.

#### **CASE STUDY 6: Puppy mill exposés again**

Newly an activist in 1987, I attended protests at a pet store whose employees had blown the whistle about a critically ill puppy. I learned the state agriculture department had legally required transport records (import health certificates—see Chapter 3's lexicon and discussion) of all puppies brought into the state for pet store sale. Gaining access to them under the state Freedom of Information Act (see Chapter 3 on FOIA), I used them to link every pet store in the state to its suppliers and used federal FOIA to obtain US Department of Agriculture inspection reports on each supplier. The result was a dossier on each store.

Formerly a journalist, I thought *media*. I published Op-Ed columns in many newspapers in the state. Each column had exact information about the pet stores in that paper's circulation area (as now, they always claimed they didn't buy from puppy mills). I pitched a news story to each paper, offering local people who'd had tragic experiences with puppies they'd bought in local stores and were willing to be interviewed. The Associated Press picked up the story, and there were sightings (including a huge picture of yours truly) as far away as Seattle.

**Result:** None. There had been decades of exposés.

A decade later, a month before the Connecticut legislature was about to convene, a new story hit big: A truck had gotten stuck on the Bridgeport, Connecticut pier while trying to disembark from the Long Island Ferry. Dead and dying puppies bound for pet stores were discovered inside. Activists thought, this is our chance, finally we can win a state law banning pet stores from selling puppies. (I knew better. We weren't politically organized into a voting bloc.) Unbelievably, a few days into the session a truck traveling through Greenwich, Connecticut was found to hold scores of dead and dying puppies bound for pet stores. Media reported on the events, and then reported daily on the progress of the surviving puppies. Of course a bill was introduced to ban pet stores from selling puppies.

**Result:** A cosmetic law that was good for legislators' sound-bites.

**CASE STUDY 7: A legislator exploits the puppy mill issue** Years later activists tried to close a pet store in their town by pressuring the state agriculture department, which licenses pet stores. They'd relied on the merits of their case. I urged them to function politically instead and introduced them to their prominent minority state senator, who sat on the legislative committee concerned with animals. A "problem" lawmaker who used his clout aggressively, I thought they could help get him "under control" on animal legislation in general.

A year later, at the very end of the legislative session, I'd gotten my strong all-animals shelter bill through the house by an overwhelming margin of votes, I had a commitment from majority senate leadership to bring the bill to a vote on the senate floor, and a large majority of senators of both parties had committed to vote for it. But this senator, using my animal shelter bill as a germane vehicle, filed an amendment to ban pet stores from selling puppies. He also filed a hot-potato amendment to ban cell phones while driving (which for various reasons was germane, although it had nothing to do with animals).

He knew the majority leadership would not bring the shelter bill to a vote as long as it gave him opportunity to air the cell phone issue. Nor would leaders bring the shelter bill to a vote if it gave him opportunity to air the pet store issue, which would eat up precious floor time like a filibuster, with no chance of becoming law for procedural (as well as political) reasons. An amendment on a major issue with fiscal implications, it would require review by several legislative committees, and probable public hearings, to become law. (It would not survive the process, and there was no time in the session left for this, even if there'd been the will.) Majority leaders had told the senator their conditions: Withdraw the amendments. Only then would they bring the shelter bill to a vote.

The minority senator's purposes were to: 1) kill my shelter bill, which he despised; 2) embarrass the majority party leadership, which didn't want the cell phone amendment debated or brought to a vote; 3) posture for his naïve animal activist constituents, while stabbing them in the back.

I called my contact for the pet store/puppy mill activists in his district, urging her to immediately generate constituent calls urging him to withdraw the amendments. She talked to him and didn't know whom to believe—him or me. Two days later, outside the chamber, he stormed at me—you're telling my constituents I'm trying to kill the shelter bill! As a result of those few constituent calls, he withdrew both amendments. They'd gotten him "under control."

The senate then voted for the shelter bill unanimously! But to become law, it needed the house to vote for it a second time (explaining why would add another half-page to this case study). It was too late in the last day of the session—the house hadn't even finished voting on the state budget package. (The senate hadn't even convened until 6:15 p.m., but it did "take up" the shelter bill first, of which I was proud.) The house speaker had promised me he'd run the shelter bill a second time, but he'd expected the bill to "come back down" much earlier. There was no way he could have at that point.

**Tragically ironic result:** Not having at least a few constituents politically organized in the senator's district beforehand spelled defeat of the shelter bill, which would have pertained to all domestic animals and would have been the strongest in the US.

## About Press Releases: One Page Only

The top must have one or two contact names, day and evening phone numbers with area codes, and an email address, followed by a catchy title.

If announcing an event, next comes the date, day of the week, time, and location. If the latter is more complicated than “City Hall” or “Main Street at Capitol Avenue,” give the street address. Include clear, concise directions—that you have road-tested—at the bottom of the page.

If you have a “visual” that is not obvious, mention what it is in the release.

Construct the text in pyramid form. In the first paragraph, have the most important two facts and possibly a brief attributed quote. In the second paragraph, have the next most important fact or two, perhaps with a quote. Don’t quote more than two people in the release, unless it’s absolutely essential and enormously contributes to its strength (such as different officials supporting allegations).

If you’re making allegations, attach a highlighted document that supports them (not your own fact sheet, but source documents, which you may summarize at the top of the attachment).

A centered # symbol signifies the end of the release.

Your contact person or people must be easily available at all times.

### For immediate release

**Contact:** Peter Korda  
111-111-1111  
PKorda@vananimals.org

### Political Group Wins Law Against Dog Chaining

An animal activist group has won a landmark ordinance that will ban continuous dog chaining, tethering, or penning. The Vant County Commission approved the tough new rules Tuesday in a 12 to 3 vote.

“Finally, Vant County dogs can no longer live like prisoners. Finally, there’s a legal basis to help them,” said Peter Korda, president of Vant Voters for Animals (VVA), a new political action committee.

VVA will endorse commission candidates in the upcoming county election, he said.

The ordinance will become effective October 1. It provides \_\_\_\_\_ [superficial summary], Korda said. People can report violations to Vant Animal Services at 333-3333. Public support for the issue grew when two North Gant dogs were found dead from being tangled in chains.

“VVA is indebted especially to Commissioner Jenny Thomas for her commitment to banning this atrocity,” Korda added, “and we applaud all commissioners who gave their support.”

Vant Voters for Animals was founded last year by activists who want strong legal protections for animals. County citizens who want to get involved are urged to contact the group at 111-111-1111 or [www.vananimals.org](http://www.vananimals.org).

#

## 10 Make It Happen: How to Launch Your Voting Bloc for Animals

"Everyone complains about the weather, but no one ever does anything about it."  
—*Attributed to Mark Twain*

"Things don't happen. Things are made to happen."  
—*John F. Kennedy*

"The definition of insanity is doing the same thing over and over again and expecting a different result."  
—*Attributed to Albert Einstein*

"The only thing we leaders have to fear is timidity in the face of opportunity."  
—*Adage*

"Utopia is on the horizon. When I walk two steps, it takes two steps back. I walk ten steps and it is ten steps further away. What is utopia for? It is for this, for walking.' Rather than give up and stop walking, rather than kick and scream that a perfect world doesn't fall into our laps just because we want it to, we need to learn how to walk...."

—*From Saving American Democracy, by Jason West, mayor, New Paltz, New York, quoting author Eduardo Galeano. West led a takeover of New Paltz town government.*

"This is another one of those moments—the place where the future happens. You have felt this—you know that something bigger is happening here beyond conventional politics. It is what happens every time you tell people that the future...rests in their hands—and not in yours. The room goes silent and you feel the hunger in them and the frustration within yourself to explain something that you have yet to find the words to express. It is the need to throw out all that is transactional and embrace the hunger to transform our country."

—*From The Revolution Will Not Be Televised, by Joe Trippi, campaign manager of presidential, US senatorial, and mayoral candidates and TV political commentator*

"And frightened, we are, everyone. Someone must make a stand. Coward, take my coward's hand."  
—*From "The Coward," poem by Eve Merriam (1916–92)*

"Difficulty is the one excuse history will not accept."  
—*Edward R. Murrow, legendary broadcast journalist (1935–61)*

### **Refresher**

*If local animal advocacy leaders won't lead you, ask them to join you. If they don't, launch a political organization for animals on your own. Most worthy innovations begin with new—not established—groups. When established groups witness your successes—and your growing appeal to advocates—they'll come on board.*

### **Launch Axioms**

*Imperative: Define "member" as anyone whose voting behavior could be influenced positively by your group's endorsement choices, and whom you can add to your endorsement distribution list. Your membership goals are strictly numeric. It's quantity over quality, because in the voting booth or ballot box, everyone's vote counts the same.*

*Imperative: Success requires strong (and diplomatic) leadership, by one person or a few people who understand that a new group will neither flourish nor survive without it.*

*Imperative: Launch leaders must begin with the assumption they'll do most of the work, at least for a*

## LAUNCHING YOUR VOTING BLOC FOR ANIMALS: THE **BIG 12** YOU NEED TO START

- 1** Map(s) showing political district boundaries within the jurisdiction.
- 2** Low-tech database to maintain names and contact information for sympathizers, sorted by political district.
- 3** Low-tech email information delivery system to report lawmakers' votes to your list of sympathizers and to send constituent alerts and endorsement lists.
- 4** Conspicuous and reliable presence in the building, so lawmakers and others expect to see you there regularly and indefinitely.
- 5** Knowledge of the lawmaking process of the jurisdiction. Learn by spending time in the building.
  - Follow several non-animal proposed ordinances or bills throughout the process from start to finish.
  - Initiate comfortable relationships with all lawmakers and staff.
- 6** Preliminary knowledge of the political dynamics of the lawmaking body. Learn by spending time in the building.
  - Number of lawmakers, political party affiliation of each lawmaker, each lawmaker's rank, election cycle of the jurisdiction, breakdown by political party (majority party and minority party).
- 7** Knowledge of existing state laws (and ordinances, if a local voting bloc) concerning animals within the jurisdiction, and those about political organizations.
- 8** Commitment to aggressive, continuous recruitment.
- 9** Commitment to learning to think strategically.
- 10** Commitment for the long haul. During gestation and the birth process, you'll be intoxicated with adrenalin. But this might wear off. Challenges will be many. Will you keep your eye on the prize? Will you see it through?
- 11** New way of thinking: politically foremost.
- 12** New way of thinking about and prioritizing time.

*From "Get Political for Animals and Win the Laws They Need"*  
*NIFAA: The National Institute for Animal Advocacy* [www.nifaa.org](http://www.nifaa.org)

*while. Many volunteer-based organizations never make it out of the cradle, because their founders assume they'll have a multitude of reliable, able volunteers. It takes knowledgeable leaders to direct volunteers.*

*Good news: A powerful town, city, or county voting bloc can thrive with few volunteers.*

*Your voting bloc will develop the voting habit among people who care about animals in your jurisdiction. They'll grow to anticipate and look forward to your endorsement list every election season.*

**I**t has taken many pages to get here. I now make the assumption that you've learned that real power in the lawmaking arena requires a voting bloc system, and that there's no good reason not to launch one. You've thrown your rose on the coffin of the common misconceptions that tragically have blinded and blocked us from winning laws, ordinances, and public policies that could save animals' lives and prevent animals' suffering. You *can* win them, you *must* win them, and I'll help you all I can.

Launching and sustaining a voting bloc requires mastery of only one simple concept: The lawmaking process and the arithmetic of elections are one and the same. The machinery of a voting bloc is just as simple: Recruit members, lobby lawmakers, endorse candidates, draw your members to the polls on Election Day. Apply yourself to this action square, without compromising its clean lines with publicity drives, superfluous committees, meetings called with unrealistic expectations of attendees' follow-through (where much is decided but little is carried out), or other activities. NOW: You and another activist or two sit down, roll up your sleeves, and map out a simple action plan to set your voting bloc in motion.

**Q** *How many of us does it take to start a political organization/voting bloc system?*

**A** Very few. Two or three people who are able, willing workers, who are flexible and get along with each other, and who don't have "commitment problems" can pull this off. You will be the leaders. By definition, no group can handle many leaders, and no group survives with none. You can run a county, city, or town voting bloc while holding day jobs. One peripatetic and driven advocate could do it in a town, city, or county.

In volunteer activities (and diets), people often start with great enthusiasm, promise you or themselves the moon, and then quickly recede, because, gee, fantasy is easier than reality, and making fantasies come true takes time, discipline, and hard work. Stick to the diet!

See if you're with me for this recap: The voting bloc system is an accountability vehicle designed to hold each lawmaker accountable on Election Day to his constituents who care about the issue. It has four components: 1) constituents who are organized at the grassroots level by political district; 2) a pro-active, kick-butt, savvy lobbyist(s), volunteer or paid, who is a reliable, regular, and expected presence in town/city/county hall or statehouse; 3) political endorsements; and 4) an information delivery system.

1) Constituents organized by district. You're up to speed on what this means.

2) Kick-butt lobbyist. Ditto.

3) Political endorsements. Lawmakers know that every vote they make on your scorecard pro-

posals will influence which candidates you endorse for re-election and whom you actively oppose...that you'll distribute your endorsement list broadly...that each advocate who receives your endorsement list has family, friends, neighbors, and colleagues in the district whom he may share it with...that email allows your endorsement list to be forwarded *ad infinitum*, landing in the homes of many constituents, including undecided voters and those who often sit out elections—who also have family, friends, neighbors, and colleagues they may share it with.

4) Information delivery system—this can be low-tech—that you use to:

- Distribute your endorsement list. Emails; snail mail if you think it's worth the time and money; either or both buttressed by tabling in priority political districts.
- Issue timely alerts to generate constituent phone calls, emails, and letters to lawmakers at key pressure points during the lawmaking process.
- After each pressure point vote, email an outcome report that includes how each lawmaker voted, so your members can check on their own lawmaker.
- Send separate email alerts for each political district (simply by making a separate email group for each district). This has three applications: 1) Each member can get an alert that names only *her own* lawmaker, provides contact information for that lawmaker, and reports to her about the lawmaker (if he says he's on the fence, is threatening to vote wrong or attempt a bad amendment, or needs a friendly reminder that he committed to voting correctly). 2) When only some lawmakers will be voting on the proposal at a particular pressure point, your alert goes only to those lawmakers' constituents. 3) When you need constituent pressure on a specific lawmaker, you alert only that lawmaker's constituents, explaining, for example, that the lawmaker is threatening to offer a bad amendment and should get constituent calls asking her not to.
- For town, city, and county voting blocs, send reports as you feel necessary to keep your voter base informed. (Local lawmaking bodies usually meet year 'round.)
- For statehouse voting blocs, issue a report at the end of the year's legislative session, showing how each lawmaker voted on your scorecard issues.
- Solicit volunteers for your GOTV.

The tools you'll need to establish and maintain your voting bloc—material, intellectual, and psychological—are detailed in previous chapters. Here's more advice:

- *Your first issues.* Unless your considered political judgment indicates you can do otherwise, begin with popular companion animals. Once you're established, have a track record, and have developed the habit of political thinking, pursue strong laws or ordinances for any or all species. Routinely, animal advocates misjudge their local political landscape. Often they think their proposal will be considered a no-brainer and will pass without difficulty. I've yet to hear of a no-brainer. Most proposals have opposition.
- *Educational material* about your proposal. Keep it brief and simple. Make up your own simple flyer, trying hard not to use pamphlets from other organizations.
- Commit to keeping a *tight, clear, narrow focus* that does not and will not include any

activity that does not ***directly advance the political power*** of your voting bloc.

⇒ If you don't heed this warning, you'll dilute your group's—and lawmakers' and the public's—focus on your immediate lawmaking goal. The less focus, the less lawmaker anxiety, reducing your power and influence to win laws or ordinances.

⇒ The more you are identified with “radical” issues (issues way beyond your voting bloc's reach), the more lawmakers and the public you need will shy away from you. Controversy is bad (except for killing anti-animal proposals). Tackle “radical” goals when you have a good handle and understanding of the arithmetic of your jurisdiction's elections...when you're confident that you can turn out enough voters to unsettle these elections...*and when lawmakers know you can.*

⇒⇒⇒ WONDERFUL NEWS: Actually, over time, many of your members will vote for your endorsed candidate regardless of positions you take—because few of them will pay attention to local politics or details. They'll get used to looking forward to your endorsement lists, and you'll do serious GOTVs to get them to the polls. For taking on especially tough issues, wait until you've been around for an election cycle, two, or three, so lawmakers know that you're around to stay...and know from experience what impact your GOTVs can have on Election Day. And wait until much of your member base has the habit of coming out to vote in order to vote for your endorsed candidates.

⇒ I feel bad writing this. The temptation to divert time to rescue could become your biggest barrier to success, inevitably cutting into recruitment, organizing, and lobbying time and your group's identity. All of us dedicated to the rights of animals are natural caregivers foremost, and rescuing *is* caregiving. (I'm proud to say I've saved hundreds of animals, and NIFAA's parent organization has a vigorous Trap-Neuter-Relocate-Release program). You, the leaders, must stay on the voting bloc track 100 percent and have some volunteers who do the same.

Sometimes I hear, “But if we do rescue, too, won't the community and lawmakers accept us better?” Maybe. But that's not a political strategy; it will not help empower you to win strong laws or ordinances. You don't need community good will as much as you need a politically organized minority that can threaten to swing elections. Good will comes from knowing how to get laws passed, and motivating lawmakers to have closer relationships with you because of it.

Just one new local ordinance or state law will significantly reduce the number of animals needing to be rescued. You'll use your voting bloc to gain full local enforcement. There will be far fewer animals suffering while they wait for you to rescue them (and of course we never reach many or most of these animals). Isn't a solution better than a band-aid?

I'm not exaggerating: If over the last two decades one percent of rescue time had been spent instead on political organizing across the US, we'd be a powerful political interest group in towns, cities, counties, and states. Laws and ordinances for animals that are now fantasies would be realities. Now we must aggressively do catch-up.

⇒ So many communities have wonderful advocates who are committed body, soul, and pocketbook to rescue. Your voting bloc has a potential treasure trove of members here! Simply conscript the rescuers to help you in ways that mesh with their activities. For

example, initially “require” each to go through his or her own address books and provide you with names (and addresses and contact information) to add to your list. Tell them you’ll check back with them monthly for new names (even one new name per rescuer per month is worth it). Make this a routine.

**Fun idea:** You might launch this initiative with a casual supper (perhaps a potluck) at your house. *Invite only rescuers* to this gathering, at which you’ll present your plan. Your party has one purpose and one purpose only, and it must conform completely to advancing that purpose. You’ll present your plan to them. Ask them to bring their hard-copy address books, and set aside 30 minutes for them to go through them and write down names for you—while you’re pouring aromatic, scrumptious coffee or wine.

- *Rigorous discipline.* It’s so easy to fall back into the old ways of thinking and doing, finding reasons not to do that tabling this weekend or the telephone polling tonight.
- *Commit* to learning how to think, plan, function, and apportion time strategically.
- *Repudiate* “hit-and-run” advocacy. Commit to the long haul.
- Adopt a *professional image and style*.
- Create a *logo* that incorporates a photo or drawing of your town/city/county hall or statehouse.
- *Don’t wing it.* Return to Chapter 8 to learn about legal categories of political organizations before deciding on the one you’ll start with.
- *Shun* “top-down” activities. Your initial core group needs assigned tasks, but it doesn’t need committees. Local groups may never need an official fundraising committee—unless your goal is to hire staff—and certainly not a publicity committee. If you start this

#### CHECKLIST: LAUNCHING YOUR POLITICAL ORGANIZATION

- \_\_\_ Organization model
- \_\_\_ Name
- \_\_\_ Logo
- \_\_\_ Recruitment plan
- \_\_\_ Commitment to heavy presence in “the building”
- \_\_\_ Information accountability vehicle (email)
- \_\_\_ Preliminary goals

If not an *ad hoc* group, also:

- \_\_\_ EIN
- \_\_\_ Registration with your state as a PAC? Application to IRS for 501(c)(4) status?
- \_\_\_ Possibly incorporation with Secretary of the State
- \_\_\_ Bank account
- \_\_\_ Mission statement or description of purpose
- \_\_\_ Board of directors
- \_\_\_ Bylaws and, possibly, articles of incorporation

way, you'll never get off the ground, you'll get bogged down in useless foreplay that ends there. "Ground up" organizing is direct member recruitment, by political district.

- Be *realistic* about volunteer help.
- *Humility*. You have a lot to learn. A touch of humility (internal, not external) will serve you better than overconfidence or bravado—they cause premature disappointment and burnout.

## The Model and Structure of Your Voting Bloc Organization

### The Three Elements: Purpose, Geography, Membership

It is essential to start with a clear, unfettered organizational model. The model provides a solid conceptual foundation and structure and enables survival, strength, and sustainable growth. The model and its structure perfectly reflect and serve the organization's goals. For this model, decide your political group's:

- **Purpose** Win strong legislation and public policies for animals, defeat anti-animal legislation and public policies, and achieve enforcement of good legislation.
- **Geography** Determined by the tier of government (the jurisdiction) you want laws or ordinances for: your town, city, county, or state. Will your voting bloc/political organization be a town group, a city group, a county group, or a statewide group? That is, will it target your town council, your city council, your county board of supervisors, or your state legislature?
- **Membership** Confined to residents of the town, city, county, or state who can elect lawmakers to its lawmaking body, and whose voting behavior may be influenced positively by your group's political endorsements.

### The Four Tasks: Recruitment, Lobbying, Electioneering, Administration

The model and its elements define the four tasks needed to establish and maintain your group. They guide the proper allotment of your time:

- **Recruitment by political district** Every chapter (and nearly every page!) of the MANUAL has explained the fundamental role of recruitment in establishing and expanding your grassroots voter base in the jurisdiction. The lobbyist and other top leaders of the group determine and direct its recruitment strategy. *All leaders participate in recruitment efforts on a regular basis!* See Initial and Perpetual Recruitment below.
- **Lobbying** The lobbyist(s)' role is as critical as recruitment. He, she, or they are the linchpin, the conduit of power from the grassroots voter base directly to individual lawmakers and the lawmaking body. The lobbyist(s) keeps the issue(s) on track, moving it forward through the lawmaking process. The lobbyist is your chief strategist, because only she has firsthand (and subtle) knowledge and understanding of what's happening in the building, how it happens, and what can be made to happen.

The same person or two must be the lobbyist consistently, because: He, she, or they must learn the subtleties of the process, establish comfortable, growing relationships with individual lawmakers, and learn individual lawmakers' roles and alliances in the lawmaking body and their general sympathies and antipathies. **Only he, she, or they can judge the status of a particular proposal at any given time and know just what to do.**

- **Electioneering: Endorsements and the GOTV** Your group's leaders always have in mind the year and day when the lawmaking body will next be elected. They know each incumbent's winning margin. If the jurisdiction has term limits, they know which lawmakers are maxing out. The leaders set a schedule for the endorsement process. They construct an aggressive GOTV strategy to get members to the polls. The group's membership database is composed of as many subgroups as there are political districts in the jurisdiction. The GOTV plan reflects this. See your GOTV plan and timetable on page 256.
- **Administration** All groups must establish and maintain an up-to-date (low-tech) email database system. The form of organization you opt for determines other administrative duties. If you open a bank account (or handle any money at all), someone must serve as treasurer. The treasurer must keep up-to-date books on all deposits and withdrawals. It's good policy to require a second signer to the account, and for all checks to be approved by both signers before they're written. If your group is a PAC, a c4 lobbying organization, or affiliated PAC and c4, someone must take responsibility for required reports and financial filings, if any.

Some of you can have more than one task.

## **DECISION TIME:** ***Ad Hoc* Group, 501(c)(4), State PAC, 527, or Affiliates?**

Study Chapter 8, text and boxes, and become familiar with the applicable laws in your state. Now you're ready to make this decision!

The right choice depends on your state's laws and the tier of government you've chosen. For a town, city, or county voting bloc, I recommend either *ad hoc*, state PAC, or affiliated c4 and PAC, depending on these circumstances. Your state has its own definition of "PAC." If it allows PACs to lobby and solicit members without limits, you might start with a state PAC and eventually form an affiliated c4. For a state voting bloc, you'll definitely need a c4 with an affiliated PAC or 527.

If you're an existing local all-volunteer c3 charity, form an affiliated c4, and have the c4 simultaneously form a PAC. Or, because you're all volunteer, some of your board members or other members can form an independent PAC or 527, which has no formal ties to the c3. If your state's laws regarding lobbying allow, you may not need a c4.

If you're an existing staffed charity, possibly endowed, you must form an affiliated c4. The c4 can form an affiliated PAC.

## INITIAL AND PERPETUAL RECRUITMENT

Your goal is to add as many names as possible to your list. ***It's never big enough.*** Your power in the lawmaking arena is *directly proportional* to the size of your list. The more names, the stronger the laws or ordinances you can achieve, ever closer to the utopia the animals in your community or state await. *"The lawmaking process and the arithmetic of elections are one and the same."*

If you're flush with a recent success and think you can slow down on recruitment, think again! If winning what you want is easy, your standards are too low, you're settling for too little. Reach for stronger laws or ordinances, and get more members so you can win them. When you win these, again reach higher, recruiting all the while.

***Defining a member: Think outside the box.*** Most potential members of your group probably never have joined or donated to any rescue or rights group. They're just folks who respond emotionally to animals and will view your endorsements with interest. That's why calling all of them "members" is misleading. Some will be more "memberish," more involved, than others. There are only two criteria a person must meet to be added to your list:

- He or she has a soft spot for animals. (Can be only dogs or cats, as the person will likely heed your endorsement choices, regardless of how many species you advocate for.)
- He or she lives in the jurisdiction.

However counterintuitive this seems now, a few hours' tabling or neighborhood canvassing that adds only a half-dozen names to your list is *worth the time*. When a lawmaker switches from a No to a Yes vote as a result, you'll never doubt this again.

Your rap to possible new members might avoid as many specifics about your agenda as possible, because specifics provoke questions and disagreements. You're with an animal welfare group named \_\_\_\_ that wants better laws/ordinances to protect animals from suffering and abuse and good enforcement of existing laws/ordinances. For example, you want an ordinance that prohibits the continuous chaining of dogs. If relevant, you mention that the person's own state rep/state senator/county or town commissioner voted for or against your proposal, and/or led the effort for or against it.

*Approaching recruitment with fanfare is a waste of precious time.* Recruitment needn't consist only of well-crafted events that have been planned in advance. It won't benefit from lots of fact sheets or displays (as long as what you do use is not sloppy). *Simple is more effective. You're not doing broad public education.* Nor should you spend time assembling and sending information on various animal issues to a person who requests it. Consider referring them to the national groups or forward the request yourself.

I know this is a new way of thinking about time and good will. It's the same way of thinking about time that you read about in Chapter 5, on political campaigns. It takes discipline.

**Your literature: Basic flyer, endorsement list, voter registration forms, surveys, petitions** For tabling and door-to-door, compose a basic, one-sheet flyer on your computer.

Think “minimalism.” Have your name, logo, and political slogan, such as:

Genesee Voters for Animals: *Winning Laws to Save Animals from Suffering and Abuse*

Include only a specific law or ordinance or two you’re campaigning for; a recent victory, if any, and contact information. Design sign-up sheets on your computer, with each sheet including your logo, name, and contact info. It will look clean and professional, which folks like.

When you’ve got an endorsement list, of course include it; never travel without either piece.

Always bring voter registration forms. You’re about voting and elections, after all.

## Recruitment Methods

Recruitment is about the bottom line: the most new members for each bit of time expended, and the most new members in districts where you most need them. All the methods below are excellent for initial and ongoing recruitment. The most effective recruitment methods are direct—not indirect methods, such as media articles.

**Email email email** Never could there be a better organizing tool. Keep asking your member base to provide you with more street and email addresses of animal-friendly people they know who live in the jurisdiction—and *to forward your emails broadly*. You can grow exponentially indefinitely! (Keep, but segregate, all names of folks who don’t live in the jurisdiction; they’re useful only if they live near it and know folks within it.)

**The long tail of the Internet** Cross-posts, list-serves, blogging, Facebook, and much more. Techniques and strategies are many, evolving, and valuable, books are being written. See page 255; [www.afj.org.com](http://www.afj.org.com)’s “Advocacy for Nonprofits” pdf; check out [www.neworganizing.com](http://www.neworganizing.com).

**Existing animal rescue and rights groups in your area** Maybe some of these folks are ready for what you’re doing. Certainly some will want to contact lawmakers in response to your alerts. As for the others, don’t worry. They’ll come ‘round when they realize you’re being attended to by lawmakers in a way they’ve never been, and realize their own members are looking to you. If they’re charities, they can distribute a few of your alerts, according to the legal limitations explained in Chapter 8. But formal charities *cannot* distribute your endorsement list. (Vigorously enlist *ad hoc* and other local rescue groups—and individual rescuers—as “passive” recruiters, as outlined under “clear, tight, narrow focus” above. And look back a few pages to that recruitment party social for them at your home.)

**National charities** with members in your jurisdiction. Some may share their membership in your area.

**Local and national charities can legally rent their membership list to your group for “fair market value”** (determined through researching rates similar groups charge for their lists). The charity cannot be willing to sell only to you and it cannot charge other groups more, should any come knocking.

**Happenstance** Make conversation with folks you encounter who live in the jurisdiction. A person behind you in the grocery line heaves a bag of cat litter onto the conveyor belt. Ask about the person’s animals, and at the right time mention your group. Tactfully ask for the person’s

## RECRUITMENT STRATEGIES

*Not in the middle of an ambitious recruitment campaign? You're not doing your job.*

EMAIL forward, forward, forward! Crosspost!

TABLING, sometimes with VOTER REGISTRATION DRIVES

Venues with heavy foot traffic (outside supermarkets, large office buildings),  
college and university campuses, high schools, trade schools

DOOR-TO-DOOR CANVASSING WITH POLITICALLY DESIGNED PETITIONS (see Chapters 2 and 6)

TELEPHONE POLLING (see Chapter 5 for a discussion and a sample polling script)

HAPPENSTANCE

WORD OF MOUTH

LETTERS OR PHONE CALLS TO NEWLY REGISTERED VOTERS

(see Chapter 5 for sample letters to new registrants and new 18-year-old registrants)

EXISTING LOCAL AND NATIONAL ANIMAL ADVOCACY GROUPS with members in the jurisdiction

MEMBERSHIP LISTS RENTED FROM THESE GROUPS

INDIVIDUAL RESCUERS (see "Fun idea" social on page 244)

PROTESTS ORGANIZED BY OTHER GROUPS IN THE JURISDICTION

WEBSITE

street and email addresses; some will provide them. I find many checkout employees are proud that they've taken in homeless animals and love to talk about them. At the post office: Ask for stamps with animal art, mentioning that they're for a new animal advocacy group dedicated to winning laws for animals, and see if the opener can lead anywhere.

**Ask your volunteers to do the same and give them a serious monthly quota.**  
Announce to your membership the month's "winner."

***Tabling is your primary ongoing recruitment source.*** Table every weekend. Table right after work, even during seasons when it's dark. If you have the volunteers, table in multiple locations the same day. It's wasteful to have more than one or two people per location, when that second or third person could be tabling elsewhere.

Use will power and leave your library of animal horrors at home. Educate only on your current legislative agenda, as above. Every issue will have some local opposition. Many eligible voters who will support your immediate agenda may not support your subsequent ones. Why give them cause not to help you on this one? They'll likely vote for your endorsed candidates regardless.

Find public venues in the jurisdiction—parks, post offices, sidewalks, pet supply stores, parking lots of willing businesses, college campuses.

For more constituent strength for a lawmaker, find venues in her district. Notice the section on high schools under voter registration below.

Be friendly, calm, professional, nicely dressed. Gently beckon folks as they walk by.

⇒ Absolutely cut short (politely) a discussion with one person, no matter how wonderful, when others are approaching or within range. *Your sign-up goal is strictly numeric, quantity over quality.* You might say, "You're wonderful! Could we talk tonight—I mustn't miss these folks walking by."

⇒ Do not get into discussions with opponents. You won't win. Folks in the vicinity who observe this exchange will keep their distance, and you want to engage them in conversation. Plus, you'll give the opponent ammunition to misquote you, unintentionally or intentionally, to other townspeople. Besides, it's a total waste of time and energy.

When tabling, bring these items only:

- Copies of your basic, intentionally scant, one-page flyer that prominently states that you're a group that endorses candidates. If you're already promoting a specific proposal, have a brief statement about it.
- Simple sign-up forms.
- District maps to show folks who their lawmaker(s) is, to get them more involved. If applicable, tell them "Representative Poss sits on the key committee that can determine the fate of our bill," or "Councilwoman Kane won't commit on our dog-chaining ordinance. Will you call her to ask for her support, saying you're a constituent?"
- Lots of copies of your endorsement list, if you've got one yet.
- Voter registration forms. Make sure you learn local laws regarding voter registration—they are simple. Penalties for violations can be severe. Have a sit-down or phone appointment with your local registrar of voters and take notes.
- For the skirt of your table, a professional-looking, plain banner with your logo, name, and slogan. Or a tidy, solid-color tablecloth.
- A basket of candy or animal crackers (vegan).
- Surveys or petitions. Remember that a signer who doesn't give his street address is of no use. Nor are signers who don't live in the jurisdiction.

**Tabling with surveys and petitions** People love to fill out surveys and sign petitions. They're an excellent way to lure folks over to your table and get them on your list. Keep a separate petition for nonresidents (it's not gracious to turn them away, and they might come in handy eventually for some purpose or other).

**Surveys** should be short and simple:

- 1) Would you like good state and local laws that protect animals from suffering and abuse?  
Yes\_\_\_\_\_ No\_\_\_\_\_ Other\_\_\_\_\_
- 2) Do you have special concerns about animals? Yes\_\_\_\_\_ No\_\_\_\_\_ If yes, please explain below:
- 3) Would knowing if your own Genesee city councilor/Wisconsin state lawmakers vote(s) for or against animal protection laws help you decide whom to vote for? Yes\_\_\_\_\_ No\_\_\_\_\_ It would be an important factor\_\_\_\_\_ It would be one of several factors\_\_\_\_\_ Other:\_\_\_\_\_

4) May we send you the names of Genesee city council candidates/statehouse candidates we endorse for election?

Name \_\_\_\_\_ Street address \_\_\_\_\_  
Email \_\_\_\_\_ City and ZIP \_\_\_\_\_  
Confirm email \_\_\_\_\_ Telephone(s) \_\_\_\_\_

5) Would you like to sign up others who would like to receive this list? \_\_\_\_\_

**Petitions** When using petitions for the single purpose of recruitment, they can be generic:

To Genesee Mayor Terry Argena/  
Genesee City Councilor \_\_\_\_\_:

We, your constituents, urge you to support strong legislation that protects animals [include a few specifics if this seems wise].

Name	Street address	Email	Confirm email	Telephone

**Tabling with voter registration drives:**

- **Tabling** ➔ You'll collect lots of names and addresses of sympathetic folk who are already registered—whether or not you actually register many or any new voters. Bonus: You're creating a visible presence in the jurisdiction *as a political organization*. Registration tables alert lawmakers and members of the town committees that you understand how to achieve political power—you're doing what powerful voting blocs do.
- Be sure to have voter registration tables during election season—it's when most people register, and you want a crack at them. You want your endorsements to influence as many voters as possible in the upcoming election.  
Your priority locations are in political districts whose lawmakers' legislative support you need but where you're weak.
- **At local high schools** High school seniors are a rich pool of first-time voters who may care about animals and not be loyal to any political party, making them receptive to your endorsements. Being there creates receptivity among juniors, whom you'll catch next year when they turn 18.
- **The great potential in college and university towns** New Paltz, New York, has a Green Party mayor and town council, because environmental and animal activists turned very low voter participation into an advantage (see In Print on page 105). The Greens registered voters like crazy on campus and turned them out for their candidate. Some students will remain registered in their hometown elsewhere, but many will be available to you.
- **Online voter registration** If you launch a website, offer it.

- **Telephone polling calls, using local voter registration lists** Please see the Polling Script box in Chapter 5. Every volunteer can be assigned a piece of the list to work on, spending a half-hour a night or two a week at home. This might be your best recruitment method—the most names for the least time, that is, the most names per minute or hours. You'll still need the visibility of constant tabling, so lawmakers, the political establishment, and the public see it or hear about it.

**Send form letters to new voters.** In many areas, many new registrants who think of themselves as “animal lovers” will show interest in your endorsements and may be positively influenced by them. Send them letters. Have a special version for 18-year-olds (voter registration records include date of birth). Especially in the months before an election, many people register to vote. They are new to town, or just decided to become voters, or they've just turned 18. For sample letters and discussion, see Chapter 5, on political campaigns.

Here's how it's done. Political candidates or their volunteers check regularly with the jurisdiction's registrar of voters for the latest names and addresses of new voters (it's public information) and then send them letters—or even call them. Show up at the registrar's door just as the other politicians do. Send your form letter welcoming each new registrant or household, explaining that you are a nonpartisan, nonprofit organization, and include your endorsements. Be as vague about the issues as you can, while still saying something. Every specific position on animals you include will alienate some voters.

Bonus: These letters are a dazzling way to gain the very respectful attention of lawmakers and political parties' town committees. They show so clearly that you understand and will exploit the arithmetic of elections. They'll know that at the very least your endorsements could capture the votes of many fence-sitters. Endorsements are included in your GOTV timetable below.

**Door-to-door canvassing** Although labor-intensive, door-to-door is truly a marvelous recruitment method.

**Canvassing with politically designed petitions** Definitely address each petition to the specific lawmaker. For an example of a politically designed petition, an important explanation about them, and how to deliver them to lawmakers, return to Chapter 2. It is imperative to use such petitions rather than the general ones you're accustomed to. It will pay off BIG TIME. They're enormously effective, because they so directly enhance the individual lawmaker's accountability to her own constituents.

**Table and canvass STRATEGICALLY.** This MANUAL has made clear that some lawmakers are more important to you than others. Tabling and canvassing in districts of strategically chosen lawmakers add to your membership base, while winning essential “swing votes” on pending legislation or convincing leadership to bring your proposal to a vote. (See Chapter 6, on lawmaking.)

Concentrate on districts where you need a larger member complement to be strong. These may be districts represented by lawmakers in leadership positions and/or who sit on key committees or boards (“pressure points”) that your proposal must survive to become law. Examples of the latter: the agriculture, local government, or ways and means committee in state legislatures; the police commission and finance board in counties, cities, and towns. Your

priority list includes districts of lawmakers who are particularly mischievous—and effectively so—and have been able to get away with it, electorally speaking.

**“Visibility van”** A big magnet sign on the side of your car will draw people to you:

Love animals? Want laws to protect them?

Join Montua Voters for Animals!

[www.MVA.org](http://www.MVA.org) 777-777-7777

**Protests: Be opportunistic.** You know by now that I generally discourage you from spending time organizing protests. But if protests for animals occur in the jurisdiction, be opportunistic. Attend them, and don’t leave until you have names, addresses, and contact info for every single participant. For you the protest will be a concentrated work event.

**Be opportunistic in other ways.** If an animal atrocity has just hit the news, make the poor sufferer a martyr. Folks will be much more receptive. See a wonderful example in the Interview with John Phillips on page 255.

**Political-organizing parties** For more explanation, return to Chapter 8.

- Decide whether to mail hard-copy invitations or rely solely on email, using the latter to send several reminders. Request RSVPs.
- Ask those who RSVP—even those who haven’t responded—to bring a specific food, beverages, utensils, glasses, whatever. This makes the event free to you. It also locks these people into attending. Crowds energize and motivate.
- Invite local folks you know who care about animals, even if they don’t care as much as you do. You’re looking for people who *might*, not necessarily *will absolutely*, be swayed by your endorsements. Ask them to bring friends, family, and colleagues from the jurisdiction.
- Ask local animal rescue and rights groups to share their membership and buddy lists with you. If they won’t, ask them to send notices themselves. Ask groups to post them on their websites.
- Ask national organizations to inform their members in the jurisdiction or allow you a one-time use of their lists. Some will.
- Consider an auction of donated items. It’s fun and defrays expenses. Don’t get into raffles, etc.—they’re regulated and time-consuming. You need to spend your serious time being political, not falling back into familiar activities that are not strategic and will not strengthen your voting bloc commensurate with the time they consume. This is a volunteer task for a member who won’t canvass or table.
- Have a sign-up list of simple volunteer tasks that will *directly* add members to your voting bloc, e.g., voter registration drives, tabling. Don’t count on follow-through. Once you really know what you’re doing and have a savvy volunteer coordinator to, say, set up the tabling venues, follow-through will improve greatly.
- Don’t invite lawmakers, however counterintuitive this seems. They will snow the crowd—winning electoral support without doing anything substantive for animals. Once you’re actively lobbying, invite lawmakers who haven’t just talked the talk but have delivered.
- Absolutely do not allow planning a party to reduce the time you and others spend tabling! You may have a volunteer who wants only to give parties.

**Repeat caution:** Resist the temptation to form committees that will most likely self-destruct or

take all your time to direct. Your infant group will need strong leadership, and for a while you leaders will do nearly all the work. It takes knowledgeable leaders to direct volunteers. Committees might come later, if you need them, when you know how to direct them.

## **ENDORSEMENTS: The Key to Your Identity and Power**

For local government, your first candidates' questionnaire should probably have only a few questions. It should be reality-based, by which I mean asking candidates for commitments to ordinances or policies that you may consider very modest, but would really help animals. (Alas, today in every jurisdiction in the United States, existing laws and ordinances for animals are minimal, at best.) When you get stronger, your goals can be more astounding. Don't be surprised or upset if at first some candidates do not respond. They may not take you seriously yet and fear putting pen to paper on issues that have opposition.

If you're just starting out and an election is imminent, endorse even before you have much of an existence, or at least try to interview candidates and issue a flyer with their answers to your questions.

Here's a sample questionnaire format: question, explanation, candidate's response:

Question 1: If (re-) elected, will you support a state bill/city ordinance that bans the continuous tethering and penning of dogs?

[Paragraph on why a ban is important in the jurisdiction, and, very briefly, how it would work, be administered, and financed, if applicable]

Please circle your response:

- 1 – fully supportive: I will take a leadership role in 20\_\_
- 2 – fully supportive
- 3 – not well enough informed to commit at this time
- 4 – generally opposed

Question 2: If (re-) elected, will you support a state bill/city ordinance that bans the sale of puppies in pet stores?

[Paragraph on why a ban is important in the jurisdiction, and, briefly, how it would work]

Please circle your response:

- 1 – fully supportive: I will take a leadership role in 20\_\_
- 2 – fully supportive
- 3 – not well enough informed to commit at this time
- 4 – generally opposed

Question 3: If (re-) elected, will you support a [town/city/county/state] spay/neuter program?

[Paragraph on why a program is needed in the jurisdiction, and, briefly, how it would be administered and financed]

## INTERVIEW

### **John Phillips: A Great Recruitment Idea and an Awesome Internet GOTV**

**On one political race: "Here's a recruitment technique. A bakery gave out our endorsement list with each receipt. Our candidates won and came to the aid of the bakery when it needed them. Our signup sheets there added 3,200 names to our list."**

I cultivate relationships with humane business owners around the city. My goal is to have them distribute our endorsement lists with receipts and put our endorsement posters in their windows. Earlier this year a popular vegan bakery put signs in its window for our endorsed candidates in the district—it's one of the most heavily trafficked blocks in the district. Its staff gave out our endorsement information with every receipt. Recently the landlord told its owners he would not renew their lease. So we put sign-up sheets protesting the announcement all over the bakery. The bakery's staff gathered names for us. The state senator and assemblyman we endorsed had been elected, and they publicly joined our campaign to save the bakery. We picked up 3,200 names to add to our list. The animals win, lawmakers who've become reliant on the animal vote win, and the business wins. It's a mutually beneficial relationship; it's politics.

**On another political race: "Our GOTV included a strategically designed Internet campaign, phone-banking, door-knocking, and poll-standing. We delivered the 50 percent + 1 that elected our challenge candidate to the state legislature."**

Our political organization has introduced legislation to ban the use of elephants in circuses. New York City is heavily Democratic, so often the most meaningful election is the Democratic primary. In New York's 2006 Democratic primary election, LOHV-NYC endorsed Brian Kavanagh to represent part of Manhattan in the New York State Assembly (legislature). Kavanagh was challenging incumbent state assemblywoman Sylvia Friedman. Ringling Bros., Barnum & Bailey Circus's PAC sent the incumbent a check. Incumbent assembly members don't often lose—Ringling certainly assumed it was a smart investment. But their campaign contribution helped to energize LOHV-NYC's base in the district.

Using specially designed software and voter registration data acquired from the Board of Elections, LOHV-NYC flooded the entire assembly district with endorsement postcards, targeting registered Democrats. In a *New York Daily News* blog feature about the race, the only image used was LOHV-NYC's postcard. Animal-friendly businesses around the district proudly positioned Kavanagh's posters in their windows. After the news about Ringling's contribution broke, LOHV-NYC's carefully designed Internet campaign had bloggers writing about the subject for days (an eternity on the Web). Countless people in the district were reached through MySpace, Live Journal, message boards, and other Internet technologies.

On Primary Election Day, dozens of LOHV-NYC volunteers mobilized to get out the vote for Kavanagh. Dozens phone-banked, calling voters we'd ID'd as favorable, door-knocked, and poll-stood. Friedman had been endorsed by unions and virtually every elected official in Manhattan (routine for an incumbent). Her Election Day GOTV team included members of Congress, union leaders, state senators, community leaders, and others.

But when the polls closed at 9 p.m., Brian Kavanagh, whose first endorsement was from LOHV-NYC, won by 374 votes. Only 188 people determined the outcome of this race. There was no doubt that LOHV-NYC had helped swing the election. [Julie's note: Every voter who switches candidates has the impact of 2 votes. So 188 votes determined the election: If 188 of the 374 had voted for Friedman, she would have won by two votes. Because 374 is an even number, 188, not 187, is the correct winning margin.].

It sent a powerful message to the political establishment: We care about animals, we're paying attention and we vote!

***John Phillips is executive director of the New York League of Humane Voters. He serves as assistant chair of SIEAO, Society of Independent Endorsing Animal Organizations (see page 262).***

Please circle your response:

- 1 – fully supportive: I will take a leadership role in 20\_\_
- 2 – fully supportive
- 3 – not well enough informed to commit at this time
- 4 – generally opposed

Question 4: If (re-) elected, will you support a state bill/city ordinance that prohibits the use of captive wildlife in circuses?

[Paragraph on why a ban is important in the jurisdiction, and how it would work]

Please circle your response:

- 1 – fully supportive: I will take a leadership role in 20\_\_
- 2 – fully supportive
- 3 – not well enough informed to commit at this time
- 4 – generally opposed

See a fuller discussion of the endorsement process in Chapter 5, on political campaigns.

## **THE MOMENT OF TRUTH: Your GOTV (Get Out the Vote) Campaign**

Remember how Chapter 1 defined a voting bloc system? The clincher of its three components was: “Lawmakers must know that the voting bloc/political organization will deliver votes to its endorsed candidates on Election Day.” The success—or failure—of your GOTV is your moment of truth. If you turn out your members, lawmakers will view you as powerful. If you fail to turn out your members, you’ll lose your status with lawmakers as a voting bloc that can deliver, or at least threaten, the winning and losing margins in elections.

Chapter 5 detailed the steps of a political campaign’s GOTV. The fundamentals of *your* GOTV will be the same, but it can be much less arduous. Your GOTV will start three months before Election Day. It will need volunteers beginning two months before the election. The closer to the election, the more volunteers you can use.

### **GOTV Timetable: Three months before Election Day**

**Endorsements** Call candidates to alert them that you’re (e)mailing them your endorsement questionnaire. Send questionnaires with a deadline to all candidates, even those you’re sure to endorse. *You want their commitments on your issues in writing! They mustn’t take you for granted.* If you don’t require written answers from them, they may support a compromise you oppose—or worse. Two or three of your group’s leaders act as an endorsement interview committee. Schedule interviews with candidates and complete them as soon as possible. Make reminder calls to candidates who have not responded. Ask the two national political groups for animals to forward your endorsement list to their members in the jurisdiction. (It won’t hurt to be seen tabling in non-responsive candidates’ districts during this period!) Ask local groups about renting their lists.

Return to “How to endorse” in Chapter 5. In your first round of endorsements, make sure you’re aware of a candidate’s endorsements by other groups, and, if an incumbent, his endorsements in previous elections. You’ll be horrified if you learn that you’ve endorsed a candidate who’s also been endorsed by an anti-animal group(s).

**Campaigning** Send emails to all your members announcing you’ll be endorsing candidates for the upcoming town/city/county/statehouse election. And that their support for these candidates will be critical for animals in the town/city/county/statehouse. And ask if they can offer names to add to your endorsement distribution list.

### **A Leader of the Humane Society’s Legislative Fund Door-Knocks for the GOTV**

“Beware of dog,” read a nearby sign as Mr. Pacelle knocked on the front door. Suddenly, a pit bull charged from inside the house....“I prefer little dogs when I’m canvassing,” said the 41-year-old Mr. Pacelle....The Society counts 10 million Americans as members, an average of 23,000 in each of the 435 House districts...more than twice the membership of the National Rifle Association....The Society’s motivating issue—the promotion of animal welfare—resonates with the white suburban women who could be the key bloc of voters who decide this election....

—From *Puppy Power: How Humane Society Gets the Vote Out; Animal Welfare Is the Issue, Not the Candidate’s Party*, by Brody Mullins, *Wall Street Journal Online*, November 7, 2006.

### **Julie’s Election Day GOTV Fantasy for Your Bloc for Animals**

Finding volunteers for Election Day may be easy, because Election Day is finite and exciting. If you’re covered for your Election Day phone-banking and poll-standing, have a fleet of cars/vans driving around heavily trafficked parts of the jurisdiction on Election Day with jingling bells and the names of your endorsed candidates affixed to the roof or doors. Side-door magnets can proclaim “RIDE TO THE POLLS TO HELP ANIMALS” or some such. Use the vans to do scheduled pick-ups. Stop curbside for willing registered pedestrians. At the polls, pick up those you’d delivered earlier and drive them home. You really could swing elections. Bonus: High visibility in the act of functioning politically is a powerful weapon in politics. This will utterly unnerve the local political establishment, even if you’re still tiny, because they’ll know you’ll be a growing threat. Elections in your jurisdiction will never be the same

### **IN PRINT**

#### **Joe Trippi: Use the Internet to Organize Politically**

Political organizing is all about finding those people who think like you do and drawing them into your organization...while at the same time trying to get your message out to the people who haven’t decided yet....We are in the same stage of the Internet revolution that the television was in 1956, when the percentage of homes with a TV passed 75 percent.

Seven inviolable, irrefutable, ingenious things you can do [to succeed in the Internet age]...

1. *Be first....*
2. *Keep it moving.* Do not be static....
3. *Use an authentic voice....*
4. *Tell the truth....*
5. *Build a community....*
6. *Cede control.* Once you invite people in, they’re going to want to do more....
7. *Believe again....*

—From *The Revolution Will Not Be Televised: Democracy, the Internet, and the Overthrow of Everything*, by Joe Trippi, campaign manager for [Howard] Dean for America and 27 other national, state, and local political campaigns (Regan Books, 2004).

**Absentee ballots** Email all your members to ask if they might need an absentee ballot. (Subject line: "Need absentee ballot to vote for animals?") Without an absentee ballot plan, you'll write off sympathizers who'll have left for vacations, their retirement homes, or college or who are housebound. *Many election outcomes are determined by absentee ballots*, which is why all grassroots interest groups and political parties devote time to delivering them to their supporters. Learn from your local registrar of voters the laws you must comply with.

## Two Months Before Election Day

**Finalize and distribute your endorsement list** as close to two months before Election Day as possible. For distribution, place at the top of your list, both email and hard copy:

*Forward to everyone you know in [town/city/county/state] who cares about animals.  
We need Election season and Election Day volunteers! Contact \_\_\_\_\_.  
Need an absentee ballot? Contact \_\_\_\_\_.*

Email it to your entire list—both lists, in the case of affiliated c4s and PACs.

Within one election cycle, many members will automatically plan to take the day off from work to volunteer. They'll look forward to the exhilarating group solidarity experience.

## Plan Your GOTV Carefully!

**Begin phone-banking with voter ID calls** Your pre-Election Day GOTV is mostly phone-banking Monday through Thursday, 6 p.m to 8:30 p.m., and daytime on weekends. How many evenings are spent phone-banking depends on the size of your list and the number of volunteers. One volunteer is responsible for organizing the phone bank. She breaks up the member list, and calculates how many evenings will be needed to go through it once, and then another time or two to reach members who weren't home. She learns by phone-banking previously in a candidate's campaign.

You write a short script for callers (see examples in Chapter 5). "Hello, Marie Holt? I'm Julie Lewin with Montua Voters for Animals, and I'm calling about the upcoming election November 8. We've endorsed Annie Giorgio for county commissioner for your county district. The incumbent has really let the animals down. Annie Giorgio needs your vote! Can we count on you to vote for Annie Giorgio? Thank you very much, Marie."

Provide callers with a list of names, by district, the names of your endorsed candidate and the opposition candidate, and a space next to each name to write the grade:

1 (Yes) 2 (Leaning) 3 (Undecided) 4 (Leaning against) 5 (No or hang-ups)

Name/phone #  
Name/phone #  
Name/phone #

Julie grades Marie's response. For 1s and 2s, Julie asks: "Will you need an absentee ballot, or will anyone in your family need one?" If yes, Julie makes a note next to the name. Then, "Will you need a ride to the polls? We can provide it." If yes, make careful notations for your Election Day driver. (Marie may ask the location of her polling place or want to confirm the hours the

### **Extremely Important Organizing Tools**

#### **Post a Very Large Political District Map of the Jurisdiction on Your Wall**

For each political district, affix a sticker with the name of the lawmaker who represents that district. Under the name, use an easily replaceable sticker giving the number of members' names you have in the district.

#### **Post a Large GOTV Calendar on Your Wall**

Include due dates of all required reports to regulating agencies, if any.

polls are open. All phone-bankers should have this information within reach.)

No phone-banker gets into more than the briefest conversation. It's quickly back to the list, on to the next name. The end of Chapter 5 has sample phone-bank scripts for you.

**Letters to new registrants** One volunteer, possibly you, is responsible for visiting the registrar of voters (or registrars, if there's more than one town in the jurisdiction) every week to ask for the names and addresses of new registrants and to mail them form endorsement letters. For samples of such letters, see Chapter 5.

**Tabling, door-to-door canvassing, and voter registration drives** You're continuing your routine recruitment drive. Your priority venues will be in districts of candidates you need to be re-elected, where your efforts can make the most difference to electoral and legislative outcomes. Your activity itself sends a message to candidates. See Chapter 5, on elections.

### **The Month Before Election Day**

**Phone-banking continues.** Volunteers call 1s, 2s, and 3's again. The script is adapted slightly. 1's, 2's, and 3's who are upgraded to 1 or 2 are also urged to share your endorsement information with other animal advocates they know who live in the jurisdiction. Chapter 5 has sample telephone scripts for you.

**Send out the endorsement list again.** Best is sending a different announcement to your members in each district. At the top is the name of your endorsed candidate for that district. Under it is your complete endorsement complete list, which you ask the recipient to forward broadly in the jurisdiction.

**GOTV headquarters on Election Day Eve and Election Day** Select a sympathizer's business that has several phone lines or someone's home. If the latter, volunteers can use their cell phones.

Phone-bankers call all 1s and 2s to remind them to vote, stressing how your endorsed candidates need their votes. Callers ask if they need rides to the polls. Chapter 5 has sample telephone scripts for you.

Rides to the polls Several volunteers (equipped in advance with maps) at your designated headquarters jump in their cars and pick up voters at their door, drive them to the polls, wait while they vote, and drive them home.

Closing the machines At each polling place one volunteer enters before the polls close and stays inside while results are tallied. He phones in the results to HQ.

Victory parties Go to the parties of your endorsed candidates. You're too pumped up to sleep anyway, and the parties are electric.

Savor your victories. Or mourn your losses. But wait! Remember Joe Hill: Don't mourn, organize.

## **EVER MORE POWERFUL: Sustaining and Advancing Your Voting Bloc**

Your achievements will be commensurate with your numbers, so never permit yourselves to coast when you've hit a plateau. Establish ambitious recruitment goals and compose a realistic but highly activist recruitment plan with deadlines. You can use a thermometer and report your progress to members. *(But don't put this stuff on a website—your opposition will check it more often than your members do.)* Concentrate strategically in the political districts of lawmakers who are most crucial to your success.

As you become savvy political operatives, you'll have ideas on how to grow. ➡ You'll also develop effective, reliable volunteers who will take on responsibilities. ➡ This happens when folks get comfortable, really understanding what functioning politically means. Meanwhile:

- Do what you claim to be doing: lobby to achieve laws or ordinances, and public policies in the jurisdiction.
- Score victories! Brag about them!
- Electioneer!
- Create a public identity and name recognition.
- Once you're established, and if you have reliable volunteers, maintain a sense of energy, action and optimism, with...

**...short, informative, provocative newsletters** Return to Shelley and Hank's story at the end of Chapter 6. Hard-copy or email, newsletters may be very short, no filler, with all content applying *directly* to lawmaking and to creating accountability between individual lawmakers and their constituents.

Remember about staying focused. Report *only* on what you as a voting bloc are doing. Consider tough but friendly interviews with local officials that are geared to create accountability for your legislative agenda or enforcement of your new law or ordinance. Your purpose is not puff that enhances their image. It's to get real commitments and ensure they honor them.

Absolutely don't include other animal welfare information, unless it's directly relevant, such as laws or ordinances similar to your goal that have been enacted elsewhere. Email and otherwise, newsletters are a vehicle holding individual lawmakers accountable to their own constituents—the essence of what you're about. Among the critical reasons for your extremely tight focus is

your need to educate supporters about how unique political action for animals is—the fact that your newsletter discusses nothing else is a powerful and necessary lesson.

Include hard information you want people to actually read and talk about with others. Short works best.

...**website** Keep it basic and uncluttered, completely on message. You'll gain new members from people surfing the web. Ask for recruitment volunteers. Ask for donations. *Never* post information that you don't want to fall into the hands of the opposition that would give them advance warning. For this reason, *don't* use it as substitute for action, plans, or discussion that concern strategy. Feature a link for online voter registration. For a town, city, or county voting bloc, feature a map of the jurisdiction divided into districts for people to find out who their own councilor is. For a state voting bloc, have a link to your state legislature's page for people to learn their own state senator and representative.

...**periodic potlucks** at your house. You might attract new members and volunteers who are looking for friends and community. They'll be psychologically helpful to you, too.

...**volunteer district captains or co-captains in each lawmaker's district** Under the strict direction of your group's leaders, captains develop their districts through muscular recruitment, by orchestrating constituent pressure, by arranging meetings of constituents in the district with their own lawmaker (but only under your lobbyist's direction, according to his strategy), by throwing annual district parties, fundraising, etc. Caution: You're probably a year or three away from such captains. Anyone who agrees to be a captain at this stage probably will disappoint you, wasting your precious time. And you may not be savvy enough to direct her yet.

...**perhaps an annual fund-raising gala, when you've been around a few years** It needs to be a blast, with great food and music, so your members look forward to it and everyone talks about it. Sell tickets, include a silent auction of donated items, and do an ad book (see "Ad books" below). Invite lawmakers who have won your endorsement. Don't charge them. (A common mistake is to invite other lawmakers. Don't: You'd only be giving them a chance to glad-hand, acting like they're pro-animal, weakening your members' resolve to vote against them on Election Day should you endorse their opposing candidates.

**Repeat caution:** Don't misinterpret the above list! Avoid getting seriously diverted from recruitment or from being in the building. Before deciding on an activity, evaluate it strictly according to what you need to get out of it. You don't need a time-consuming, elaborate website unless you're a statewide organization. You don't need a raffle or a bake sale. And putting together an organizing party might swallow more time than it's worth.

## **Fundraising: You've Got to Ask!**

I've warned against planned fundraising or forming a fundraising committee, unless you need to, because it's a diversion. But some fundraising requires only negligible time—and *you can always use the money!* Unless you can pay for them yourself, you'll benefit from money to pay for a basic informational brochure, photocopying, supplies, and banners for the skirts of the tables you use tabling. Statewide groups need paid staff—and the more the better. Your email

and written solicitations must state in small letters something like:

Genesee Voters for Animals is a not-for-profit organization.  
Because we engage in electoral activity, your donation is not tax-deductible.

**Renewal postcards** Mail renewal postcards every month, so each member gets one 10 months after last donating.

**Personal calls** Certainly call large donors every six months to ask for additional donations or request an equal donation the following year. Calling mid-range donors can work, too.

**Ask callers who seek advice.** When strangers call you for advice about an animal situation or issue, politely but unapologetically ask them to donate before you hang up.

**Open a PayPal account on your website,** so people can donate easily online. Investigate whether it makes financial sense to open also an online Groundspring account, so people can donate directly online with their credit card.

**At the top of all your emails** include in small type, in a different color than your message:

Genesee Voters for Animals relies solely on donations from those of you who love animals.  
Please go to [www.gva.org](http://www.gva.org) and donate as generously as you can.

I almost forgot. Will you donate to NIFAA? Please go to [www.nifaa.org](http://www.nifaa.org) to do so. Have you benefited from this manual?  
We truly need your generous financial support to provide consulting, training workshops, and regional conferences.  
Your donation to NIFAA is tax-deductible.

**Monthly donors** Keep pressing. Invite people to become automatic monthly donors through your PayPal link, with no minimum amount.

**Donor matches** are highly motivating to potential givers. Will an “angel” donate \$1,000 for every \$1,000 you raise, or \$100 or \$50 for every \$100 or \$50 donation, up to a certain amount,

Don't miss on page 264

INTERVIEW Alley Cat Allies' Becky Robinson: “To stop your town from killing cats, get political”  
CASE STUDY “I found out bad things about a dog pound by examining public documents”

before a certain date? NIFAA has an angel who will match your donation. How about it? Please donate via [www.nifaa.org](http://www.nifaa.org).

**Donation cans** have the potential to add up to serious money. A committed can coordinator can enlist an ambitious network of cans around the jurisdiction, emptied by advocates in the area. One storeowner added in script to our can: "At last!" She meant, "At last an organization dedicated to achieving strong laws for animals."

**Ad books** are distinct event programs that include paid display ads and messages from donors. Groups solicit members, local business owners, and lawmakers.

## Let's Stay in Touch, Get Together

So. You've made it through. I've greatly enjoyed our time together. I hope you have, too. I realize this MANUAL has been quite the challenge. It's asked you to comprehend, think in, and speak a new language, and to understand and analyze power relationships in a whole new way. But once you "get it," once you live it, you'll never look back.

Has the MANUAL been enough? If you'd like more guidance, host a NIFAA training workshop. Or come to my office. Or contact me through [www.nifaa.org](http://www.nifaa.org). It would be my honor to help you help the animals.

Look to SIEAO on the opposite page. We will do this together! Together we will spark and participate in and further a peaceful revolution that will bring relief to untold numbers of animals.

I believe in you utterly. I concur with the philosopher who said three millennia ago:

*"If the student does not surpass the teacher, the teacher has failed."*

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**Visit us at [www.nifaa.org](http://www.nifaa.org)**

**See our schedule of upcoming NIFAA presentations and workshops. Contact us. We are adding these bulletins and other interactive evolving features:**

- Tip of the month from NIFAA
- Tips you submit to NIFAA
- Latest new political groups NIFAA has spawned—and reports from their founders
- Recruitment techniques you've tried and recommend
- Up-dates to *GET POLITICAL FOR ANIMALS*
- Videos of NIFAA's Julie Lewin, lawmakers who believe in NIFAA's mission, and other activists
- Bulletin Board sign-up by state for those interested in working together to host a NIFAA workshop in their area

## INTERVIEW

### **Alley Cat Allies' Becky Robinson: To stop your town from killing cats, get political**

We are killing 5 million healthy cats and dogs every year. Seventy percent of cats entering US animal shelters are killed, regardless of health or temperament. Virtually all impounded cats are killed.

In a northern Virginia suburb, Paul thought he did the right thing by taking a neighborhood alley cat to the town's multi-million dollar shelter "so they could find him a home." Paul learned too late that Wild Bill was deemed "too skittish" to be adopted and the shelter would hold the healthy, young cat for just 24 hours before killing him. Paul contacted us for help. We issued an immediate alert, but despite offers from ACA and dozens of local advocates to find Wild Bill a home, the shelter killed him right on schedule.

What would have happened to Wild Bill in your town? The city that killed him pays a private contractor for "animal control." With virtually no oversight—and a **lack of political involvement and ignorance about their government on the part of local rescuers and groups**—the contractor ignored us all.

Until advocates use political organizing to win standards and accountability, tax dollars will continue to fund lethal procedures conducted without oversight. Animal control is a local function; learn where responsibility for it lies from your town clerk or by using your state's Freedom of Information Act or Open Records Act, even where there's no standard reporting system or method of accountability.

Find the information you need to start changing policies by following the money. Get a copy of your jurisdiction's annual budget. If animal control costs are not apparent, ask your town, city, or county finance officer in writing for all expenses for animal control, shelter of animals, and personnel, and copies of all invoices and receipts for the last 12 months.

Request in writing a report on the outcomes of impounded animals. Massachusetts, Ohio, and Virginia require local governments and private animal facilities to file annual reports, and Connecticut requires monthly reports from municipal pounds. But in other states many shelters don't have written policies, and many don't keep statistics on animals received, reclaimed, and killed. If your community is one of these, get a statement to that effect from your mayor or equivalent **elected** official. Through political organizing, you can reverse this situation. Use the Freedom of Information Act if you do not receive responses.

- Gather materials on life-saving programs including low- and no-cost spay/neuter, Trap-Neuter-Return (TNR) for feral cats, foster care, off-site adoptions, and online adoption services. Present this information to your jurisdiction's elected officials who, though they may have never visited the local shelter, are likely to have companion animals in their home.
- Develop a grassroots political network, an activist listserv, to garner support for change and a citizen base, and **seriously consider forming a political organization**.
- Start by asking for change on one level—one new program to be developed by the city with or without the current contractor, e.g., a subsidized spay/neuter program for stray and feral cats. Count your victories one at a time. They will come more easily as you become sophisticated and comfortable with interacting with local officials—and **as you develop political clout**.

**Becky Robinson is founder and president of Alley Cat Allies ([www.alleycats.org](http://www.alleycats.org)).**

## **CASE STUDY: I found out bad things about a dog pound by examining public documents**

When activists contacted me about a suspected dog theft ring and its possible ties to a municipal dog pound, I used my state's FOIA to obtain town documents about the pound (and federal FOIA to obtain documents about the US Department of Agriculture-licensed "Class B" dog broker in the area). I found out and exposed remarkable things, which I could document. I contacted the Mayor, Police Chief, and state Department of Agriculture, which regulates public pounds in my state, the local USDA investigator.

**Result:** The state agency and USDA did nothing, although I'd handed violations in their lap. The mayor called a sit-down with the police chief, animal control officer, himself, and me. But because neither local advocates nor state and national advocacy groups responded politically, and because we had no *political* response plan or capability in place, the officer kept her job, and dog thieves went unapprehended.

# Across the United States, laws to protect animals remain primitive. The reason? Animal advocates aren't political.

**Strong laws aren't won on their merits.**

**The top factor in a lawmaker's vote on legislation is whether it could hurt or help him on Election Day.**

**Lawmakers know even a tiny political organization can impact elections by endorsing candidates based on their voting records and mobilizing voters.**

**Political organizations exploit these facts. Charities and caring individuals cannot.**

**Every advocacy movement that wins strong laws and public policies does so through political organizations, volunteer or staffed. For the animals' sake, so must we.**

## **This easy-to-follow manual shows you the simple steps for launching a voting bloc in your town, city, county or state, transforming you into a power player who wins strong laws for animals.**



## **NIFAA: The National Institute for Animal Advocacy** [www.nifaa.org](http://www.nifaa.org)

**Creates a political culture** among animal rights and rescue advocates, so you consider voting blocs a mandatory part of your advocacy

**Trains you to launch voting bloc organizations** for animals in your state, county, city or town

**Develops political leadership** among you to win stunning victories that now are fantasies

**Inspires rights and rescue charitable groups** to form affiliated political organizations

**SIMON (RESCUED IN 2001) AND JULIE LEWIN**

**Julie E. Lewin** is an animal rights activist, political trainer and campaign consultant. She's been an animal rights lobbyist, an animal rescuer, a political organizer, and a nationally published journalist. Lewin launched NIFAA in 2002 to fill a critical void in the animal rights and rescue movements. Seasoned activists have described her training workshops as "a life-altering experience" and "the highest quality of instruction of all I've attended."

**PHOTOGRAPHY:** Farm Sanctuary (pig), Karen Bailey (deer), William Bixby (Julie and Simon)



**GET POLITICAL FOR ANIMALS AND WIN THE LAWS THEY NEED** was funded by Animal Legal Defense Fund, Animal Welfare Trust, Best Friends Animal Society, Coalition For Animals (NJ), Compassion in Entertainment, Connecticut Humane Society, Dogs Deserve Better, Farm Sanctuary, Fox Memorial Clinic, Fund for Animals, Humane Society of the United States, Lapin Foundation, League of Humane Voters of New York City and caring individuals.

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