

interviews some suggested reducing the ten-day limit to two or three days. Some legislators, however, believe the knowledge of a new lobbying contract circulates informally in a timely manner.

Comments on Interest Groups and Lobbyists in the Alabama Legislature

Those interviewed strongly agreed that the most important power of lobbyists is their ability to influence election or re-election. Recruiting and funding candidates to run against legislators who displease them was cited more than once as a lobbying tool used by some lobbyists to sway a vote on a bill. Lobbyists, especially those working for powerful associations, can contribute not only money, but also campaign workers. Contract lobbyists, according to one legislator, reserve 20% of their funds for campaign contributions.

The increasing dominance of contract lobbyists was cited several times as a change that hinders the ability of the legislature to work for the good of the state. One knowledgeable observer noted: "Discussion at the desks and around the chamber often is not on the merits or content of the legislation but identification of the bill as ____'s bill. Once the identification is made with the contract lobbyists, much of the debate and discussion one would hope for stops."

PAC-to-PAC Transfers

A specific reform often mentioned in general evaluations of the legislature and the one most strongly recommended by almost everyone interviewed on the subject of lobbyists was a ban on PAC-to-PAC transfers. Although Alabama may not be entirely alone in allowing these transfers, a conversation with the Center for Public Integrity confirmed that such a system is rare, and enough of a concern for the Center to have informed itself about attempts in Alabama to impose the ban. While

many PACs merely aggregate contributions from their constituent groups, others may be used to obscure the exact source of a contribution. Some lobbyists control multiple PACs, often with names that do not identify their purposes or their sources. Under the current system, it is possible for the candidate to be told the source of the contribution, while the public does not have that information to use in voting decisions.

On lobbyists as sources of information for policy-making, see *Legislative Support*.
On citizen lobbying and public advocacy, see *Citizen Access*.

VIII. CITIZEN ACCESS TO THE LEGISLATURE

Citizen, as used in this publication, refers to individuals who contact their legislators, including public interest groups like the League of Women Voters, as opposed to government lobbyists, contract lobbyists, and in-house or association lobbyists. (See section on *Interest Groups and Lobbyists*.) The League of Women Voters of Alabama legislative study gathered information on this topic through interview questions about *transparency*, chiefly in the context of the committee system. In addition, the information on citizen access in Alabama presented here draws on League experience, supplemented by consultation with members of other public interest groups, and by examination of public web sites, including that of the Legislature.

Most legislators appeared committed to the principle of openness. But they always noted that legislators are careful about taking public stands on difficult issues. Asked whether more transparency is needed and how to secure it, most legislators mentioned the Open Meeting Law passed in the 2005 session as a step forward.

How the Open Meetings Law Affects the Legislature

- Requires the Legislature to base its rules on the Alabama Constitution. Sections 57 and 58 of Article IV require that the doors of the chambers remain open and that neither house change its meeting place or adjourn without notice to the other.
- Permits the House and Senate bodies to make their own rules. The general rules for local bodies like County Commissions cannot be used for legislative meetings.
- Applies the rules for notice explicitly to sessions of each house, to meetings of standing committees and subcommittees, and to all permanent and joint legislative committees.

Access to Financial Information

Although budgets are difficult for the public to follow, transparency in the spending of public funds is a fundamental protection against abuse. Recent studies have provided criteria for Transparency Report Cards for state budgets, addressing what should be disclosed and how. (*Appendix B, Budget Transparency and Selected References*, Center on Budget and Policy Priorities) These studies address not only current budgets but types of information needed to enable public discussion of how public money should be spent. Most experts and many legislators favor publication of state budgets on the internet.

Transparency is also an issue for appropriations for legislative operations during regular and special sessions. Currently, citizens can determine only the broad outlines of how much is designated for the Legislative Reference Service, the Legislative Fiscal Office, the Speaker, and President Pro Tempore, but little, if any, specific information on how the money is to be spent. Transparency supporters argue that fuller disclosure of how

current funds are spent could enable the legislature to move toward more public accountability than can be provided by lump sum distributions from discretionary funds. Some believe that funding for the staffing needs described in *Legislative Support: Research and Staff* might be found through a more careful examination of current revenues. Public knowledge from objective sources about appropriations for the chambers, for leadership, and for committee budgets would provide sounder information for evaluation of how well funds are being used.

Transparency

Availability of information on governmental officials, activities, and decisions in a form that is easy to understand and access.

In the legislative context this would include: access to committee meetings, hearings, and legislators; information about the membership, legislative procedures and rules, bills under consideration, vote outcomes at all stages of the legislative process; and budgets.

Transparency Issues for Citizens Attending the Legislature

Citizen access is limited by several aspects of current legislative operations. As a result transparency is not achieved. Specific issues include, but are not limited to, the following:

- Committee meeting rooms are often too small for observers, a major problem that can make transparency problematic. An extreme example is the Senate Rules Committee, which meets in the office of the chair because it meets frequently during a session and has no adequate room on the 8th floor near the Senate chamber. The door is open, but lobbyists, public, and press are clustered at the door, unable to get in. Approximately 60% of House members and 66% of Senate members responding to the League survey called space for committee

meetings inadequate. Interview subjects usually cited the space problem first when asked to evaluate the transparency of committee meetings. Those who did not list it first always included it in their answers.

- Advance notice of committee meetings and agendas is often too short. The House requires 24 hours' advance notice; the Senate requires 4 hours wherever possible. In practice, House committee meetings with agendas for the coming week are usually published on ALISON by 5 pm Friday. Senate meetings are posted more irregularly and often with agendas to be announced. Chamber differences are reflected in the survey responses. Approximately 85% of House members agree that announcements of meetings are timely, and 79% agree that meeting agendas are provided in a timely manner. Only 41% of Senators agree that announcements are timely, and only 22% believe that meeting agendas are provided in a timely manner.
- Attending public hearings, the chief vehicle for citizen testimony, may be difficult for those who must prepare testimony and travel to Montgomery. At the State House one may find the meeting room changed. In the meeting, the bill of interest may be "carried over" to the next committee meeting at the request of a bill sponsor who is unable to attend. Public hearings on the most visible issues are more likely to be announced well ahead of the meeting. In these cases the number desiring to speak is often greater than the time permits, even though speakers are usually limited to 5 minutes.

The decision to hold a public hearing is the prerogative of the Committee Chair in the Senate. In the House, any member of the committee may request a public hearing before the agenda is posted.

Rules in both houses prohibit a vote on the bill on the same day as a public hearing. These rules allow for a committee vote after deliberation and consideration of all factors, rather than allowing the emotions generated by a public hearing to be the predominate influence.

- For ordinary citizens a broader underlying problem is intrinsic to the legislative process. The speed with which a bill moves through its three readings in the two houses can be unpredictable for a variety of reasons. Even if no legislators are deliberately speeding or delaying a bill, the time required to reach agreements on a bill cannot be predicted precisely. Once agreement is achieved, the bill may move with unexpected speed. Those who are outsiders, or groups without a constant presence in the State House, must work hard to follow particular legislation. Citizens who have already addressed their own legislators will find that The ALABAMA LEGISLATIVE INFORMATION SYSTEM ON LINE (ALISON) can help them lobby the two chambers at various stages of the process by directing their comments to committee chairs, to the Rules Committee, or to the leadership of the two bodies. (See Bill Status below and *Guide to ALISON, Appendix C.*)

Participating in the Legislative Process to Influence Decisions

There are many ways citizens can influence decisions. Most experts cite the following as the most typical ways citizens can have an impact.

Defining the issues and contributing to legislation

Before bills are submitted to the legislature, citizens have opportunities to contribute to

what may be included through membership in public interest organizations. For example, Alabama Citizens for Constitutional Reform or Alabama ARISE conduct meetings around the state to consider legislation. Other public interest groups or the press may identify state problems, suggest reforms, and encourage public discussion to set the climate for legislative attention to an issue. Once the legislature is considering the bill, informal citizen-based coalitions can join forces to promote reform.

Following the Bills

The modifications that a bill undergoes as it moves through the two houses can create difficulties for amateurs who seek to persuade legislators to support or oppose a bill. A longtime legislator said, “My worst moments came when I would meet someone on the street who said, ‘You didn’t vote the way you promised on that bill.’ I would reply, ‘By the time the bill got to a vote, it was a different bill.’ But they rarely understood.” (See Appendix C for how to access the amendments or substitutes for a bill.)

During office hours the Bill Status phone numbers are well attended and an easy source of information about where a bill is in the legislative process.

Senate 1-800-499-3051

House 1-800-499-3052

ALISON provides a history of each bill that traces action on it from the time it is introduced, including amendments and substitutes. (See Appendix C) Web sites and newsletters often trace the progress of bills of interest to specific groups, but access is usually limited to group members. (The LWVAL web site is available to the public at <http://www.lwval.org/LWVALAction/ALIssues>)

Attending or Speaking at Public Hearings

Using ALISON to check committee agendas, calling the committee secretary or legislators themselves are ways to find out

whether a public hearing will be held. Experienced citizens arrive early enough to sign up to speak near the top of the list. They also take copies of their testimony for the committee record, in case all speakers cannot be accommodated. Speakers are usually taken in order of signing, alternating between proponents and opponents of the legislation.

Getting into the Back Room

As all legislators made clear, citizens can never know what takes place outside of open meetings (e.g., legislators lobbying each other or lobbyists having a word with the committee chair in his/her office). Informal small meetings to discuss bills outside committee meeting often provide opportunities for useful dialogue about technical matters or for exploration of the impact of the bill on “stakeholders.” Finding compromises to make a bill passable is universally regarded as a legitimate part of the legislative process.

Groups with a particular interest in an issue, those who might be described as “stakeholders in good government,” may occasionally be invited by some chairs to participate in these informal discussions. The League’s experience with the 2004 Home Rule bills suggests that such invitations may follow upon public testimony that reveals a commitment to and knowledge about the particular issue. Such activity also may lead to invitations from executive agencies to help them write or review draft legislation. One or two legislative interviews evoked the statement that committees should be more proactive in seeking diverse opinion for public hearings.

Mobilizing Public Pressure

Legislators assert in studies and in interviews that constituent views weigh heavily with them. While a large number of phone calls and emails are burdensome to their staffs, evidence suggests that public pressure can be effective. An example from the 2005 session took place when the Senate assigned the House

bill to ban PAC transfers to a “graveyard” committee rather than to the Constitutions and Elections Committee. In the committee meeting, the chair confirmed that public pressure had been significant in getting the bill considered. An experienced senator declared in an interview that without the activity by the public, the bill would never have been examined.

Citizen-Legislator Interaction

The cardinal rule is an obvious one: legislators pay most attention to citizens who are their constituents. Both legislators and constituents say they want better communication with each other. The major barriers to this communication are *lack of time* and also some *lack of understanding* on the part of constituents. (Legisbrief 12, #21, 2004 NCSL)

While a face-to-face conversation outside of the pressure of a legislative session is best, a constituent’s phone call to the legislator’s Montgomery office with a brief message on fast-breaking events is said to be effective. A secretary can keep and report a count of pro and con calls very easily.

- Directories for Senate and House with contact information for individual members, committee lists, and committee offices may be obtained by writing Bill Status at the State House, 11 South Union Street, Montgomery, 36130. Senate, Room 716; House, Room 506B.
- Contact information also appears on the legislative web site, www.legislature.state.al.us. Choose Senate or House from the left panel and click on Members for an alphabetical list. Clicking on a member’s name brings up his or her home page.

The *time* problem may be partially mitigated by electronic communications. According to the surveys, 76% of legislators find their laptop computers useful for communicating with those they represent.

Email addresses are as follows:

- If a member has a personal email, it will be listed on the Member’s Home Page as described above.
- In addition, the House has a general email address from which paper copies are delivered to members. Use this address: house3@alhouse.org
Put the legislator’s name in the subject box: `firstname.lastname`

Lack of understanding, the second major barrier to good citizen-legislator communication, is a more complex issue than lack of time. In most cases the decisions legislators must make are not clear cases of right or wrong. Their constituents usually do not hold unanimous views. Few votes are easy. In addition to representing their constituents, many recognize a responsibility to consider the common good, the welfare of the state as a whole. Moreover, in the course of their work, they often have information and understand problems in ways ordinary citizens do not. A good number of interviewees commented that their constituents often do not understand the issues they address. Some legislators report they use forums in the district to address complex issues.

Legislators most often complained of the effect of the media on the public’s understanding, specifically the tendency to sensationalize legislative events rather than to educate. The focus is often on the odd bills introduced rather than an explanation of the two sides on a policy issue. Increases in grassroots activism and blogs also affect citizens’ understanding and actions on bills.

Legislators' Point of View

Studies of why individual legislators vote as they do describe the influences on each decision as “complex, highly interrelated and almost impossible to isolate on any given issue.” One means of analysis is to view each decision as lying somewhere along a continuum that defines two different ways of representing—as delegate or as trustee. At one extreme is the *delegate*, who attempts to reflect constituents’ wishes and opinions, even if they conflict with her/his own best judgment. At the other end of the continuum is the *trustee*, who considers constituent opinion and interests but gives precedence to the general public interest. Alan Rosenthal and the National Conference of State Legislatures (NCSL) believe the latter model promotes deliberation and consensus building. (Rosenthal, 1998, pp. 8-10; Rosenthal et al., 2001) *The Case for Representative Democracy: What Americans Should Know About Their Legislatures* (Rosenthal et al., 2001), which was published by NCSL, lists the following influences:

- Legislators’ core principles and beliefs and their public records
- The merits of the issue
- Constituents
- Organized interest groups and campaign contributions
- Legislative leaders and political parties
- The executive branch
- Legislative committees or trusted colleagues
- Family and personal friends

The more understanding a citizen has of these influences, the more effective interaction with legislators will be.