

## HOW DO LOBBYISTS INFLUENCE BILLS IN STATE LEGISLATURES?

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Lobbyists who seek to influence the U.S. federal government and state governments have gotten a lot of attention from journalists and researchers. According to the Center for Responsive Politics, in 2103 more than 12,000 registered lobbyists spent over three billion dollars attempting to influence the policies of the federal government; and similar efforts have been documented in the states, where both the amount and importance of lobbying has increased sharply since the late 1980s. Clearly, lobbying *efforts* are substantial. But too little is understood about whether – and how – lobbyist efforts pay off in actual *influence* over legislative outcomes. If influencing legislative policymaking is central to the task of lobbying – and if success means that one interest groups wins in competition with other groups pushing in a different direction – much uncertainty remains about the determinants of successful influence.

### Debates about Lobbying

Perhaps because it is very difficult to pin down and measure the successful exercise of influence, most contemporary scholarship on lobbying skirts the issue. “In both the United States and the European Union,” explains political scientist Christine Mahoney, “scholars have focused on a whole host of lobbying-related phenomena – formation, organization, access, activity – but not influence” as such. We get information on numbers of lobbyists, rules about what they can do to contact legislators, and amounts of money expended in the process – without knowing for sure how much all of this actually achieves. This is true despite the fact that the scholarly literature revolves around two distinct theories of lobbying, exchange theories and persuasion theories, both of which make assumptions about how interactions between lobbyists and legislators influence legislative outcomes. Adherents of both perspectives tend to fall short in measuring influence.

- Scholars who think of *lobbying as the trading of roll-call votes for contributions* from lobbyists have had difficulty showing that this actually occurs in a significant way. Empirical studies have registered mixed results, at best, and it has been easier to show that lobbyists gain access, a hearing for their policy preferences, than it has been to show that actual floor votes are delivered for contributions.
- Scholars who conceptualize *lobbying as persuasion* also have trouble defining and tracking actual influence. Legislators have access to many sources of information from their staff, interest groups, constituents, the media, and other lawmakers, so it is very hard to determine whether a specific piece of information affects their thinking or voting.

In an attempt to make more progress on measuring the actual influence of lobbyists, my research focuses on efforts at the state level and looks at the impact of a particular form of lobbying that seeks to persuade legislators with information. Interest groups and other policy actors employ two common strategies of persuasion: sometimes, they try to persuade legislators to kill proposed

bills outright; and at other times, they try to convey information about proposed legislation to persuade legislators to modify it in preferred ways. The latter strategy is what I call *constructive lobbying* because lobbyists, rather than push entirely for or against a bill, offer financial or informational assistance to a legislator to signal support for passage of legislation in a modified, specifically desired form.

Although lobbyists in practice use both strategies – attempts to kill bills and attempts to modify them – theory and evidence suggest that constructive lobbying may be an important though underappreciated part of a lobbyist’s strategic arsenal. By showing a willingness to work with a bill that an interest group opposes in its current form, the lobbyist reassures legislators who might otherwise worry about the intent of the lobbyist and the veracity of the information the lobbyist is providing.

### **The Case of Industry Lobbying on State Legislation about Electronic Waste**

My research looks at two otherwise similar types of lobbyists within the same industry: sub-groups of television manufacturers that have pursued competing lobbying strategies to influence the outcome of state-level efforts over the last decade to regulate the disposal of electronic waste. Although computer manufacturers mostly accept legal mandates to recycle outdated equipment, television manufacturers have been divided on the issue. “Legacy manufacturers” – companies that once manufactured television sets but no longer do – maintain that their responsibilities should be limited to their current share of the television market rather than the share of their products actually returned as waste. Non-legacy manufacturers, on the other hand, generally oppose all e-waste legislation, because their current bottom lines would be most directly affected.

This division within the television industry is good for my research purposes, because it offers an opportunity to measure the comparative effects of lobbying efforts trying to kill bills versus constructive lobbying to modify the terms of pending legislation. I examined lobbying efforts for all e-waste laws passed between 2004 and 2013 in the U.S. states, probing to see whether obstruction efforts or constructive lobbying influenced the outcomes of these legislative efforts.

My results suggest that the constructive approach to lobbying employed by legacy television manufacturers significantly increased the likelihood that their interests would be reflected in final legislation governing the disposal of televisions.

- During this period, legislation requiring some type of e-waste program covering the disposal of televisions was introduced in 25 states, and it passed in twenty of those states – 80% of the cases. Efforts to kill such legislation clearly were not very successful.
- Among the states where e-waste regulations including televisions were enacted, 65% of the laws used market-share language, as preferred by the legacy manufacturers. The constructive efforts of their lobbyists appear to have succeeded in influencing the content of enacted legislation almost two-thirds of the time.

With ingenuity, in short, research studies can be designed to find out modes of lobbyist impact on legislation. As my research on television manufacturers shows, progress can be made in documenting degrees of influence – and in teasing out exactly how influence works and which approaches accomplish the goals of interest groups with a stake in legislation.