

### **ADVOCACY AND TERM LIMITS: DEVELOPING ARTS SUPPORT IN THE LEGISLATURE EARLY**

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Good advocacy depends on strong relationships. Successful arts advocates build a rapport with their legislators, educating lawmakers on the issues important to the arts. Arts advocates benefit from cultivating solid ties with their elected public officials, and legislators are better prepared to represent the views and wishes of constituents.

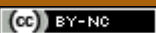
Engaging with legislators starts before election day. During campaigns, arts advocates educate candidates on issues, volunteer their time and contribute financially to the candidates they prefer. Once the elections are finished and the new legislature convenes, advocacy—and educating legislators—continues in earnest. Getting a head start on this process can mean a productive working relationship for advocates during the years the legislator is in office.

In a third of the states, however, statutory limits on the terms of officeholders increase advocates' workload. Greater numbers of newly elected legislators take office, replacing more senior officeholders forced out by term limits. Term limits compress the time available for nurturing effective relationships with legislators. The experience of arts advocates working in states with term limits illustrates the absolute importance in every state—with or without term limits—of making these connections early.

#### **impact of term limits on arts advocacy**

For many arts advocates, term limits have meant the loss of arts-friendly legislators. These legislators might be replaced by individuals who are either uninformed about or unsympathetic to public investment in the arts. Open seats might attract individuals with set ideas, willing to run because they know they won't have to commit to a legislative career that demands responsibility to constituents. New legislators often take office focused on a narrow range of issues that usually does not include support for public arts funding.

While term limits may mean losing a supporter in the legislature, they can also mean an opponent gone from the scene. With a clean slate, advocates have the opportunity to make new friends in the capitol. In some states, the new, younger lawmakers seem to some advocates to be much more favorably disposed toward the arts, especially arts education, and less prone to see public arts funding as a frill. The younger legislators seem to understand the issues better and are quicker to realize the role of public arts funding. Arts advocates need to take advantage of an open attitude presented by young, freshman legislators and begin developing mutually beneficial relationships right away.



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In other states, the opposite seems to be the norm: those new in office do not understand the impact of arts funding and think it is unimportant. Only those who had been in office longer and who were approached multiple times by their constituents over the years seem to understand the impact in their districts. In more than one state, arts advocates observe that new legislators often lack the “life experiences” that enable them to grasp readily the complex issues before them.

A survey conducted by the National Conference of State Legislatures (NCSL) on the impact of term limits finds that new members arrive with a fresh perspective—whatever their agenda—excited about the possibilities and in a hurry to establish a record.<sup>1</sup> Legislators discover they have a short time to make their mark. Arts advocates corroborate this finding, observing that new legislators are eager to “make a splash.” The result might be a hastily considered legislative proposal. Education at the very start can steer that energy toward productive outcomes.

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Typically, before term limits were enacted, there was likely to be a number of legislators in a state who were knowledgeable about the arts council and its programs, and who may even have known the arts agency staff personally. The NCSL survey confirms

that term limits result in the loss of legislators who are policy experts, and an increase in the number of legislators who know very little about state agencies or the legislative process in general.

Term limits create a steep learning curve for new legislators. Newly elected representatives are allotted a short amount of time in which to master the issues as well as the intricacies of the legislative process. Early education can make the difference. It is essential to meet legislators soon after they are elected—if they are not known to arts advocates already—so that they will be informed about the state arts agency before they get to the capitol and are overwhelmed by the weight of legislation.

Legislators themselves tell advocates that term limits have affected their ability to get their work done. They feel constrained to achieve their legislative goals in a relatively short time. Lawmakers admit that before term limits they could take their time to learn the system and then propose effective legislation. Now, those with the institutional memory are gone. “It can be like recreating the wheel each session,” says one arts advocate. In another state, a longtime arts lobbyist laments, “By the time you build relationships and an understanding of your issues, legislators are gone; and the educational and relationship-building processes start all over again.”

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In some states, term-limited legislators move from one chamber to the other, serving in the Senate, for example, after being forced out of their House seat. Cultivating an ally in the House can pay off twice if that legislator moves on to the state Senate. With these legislators, relationships built initially carry over as legislative leaders end up serving more years. The movement back and forth can be a boost to arts advocates looking to work with legislators already known to the arts community in their state.

Whatever the future holds, limits on length of service do not diminish the importance of developing arts advocates among public officials. When legislators leave office, they take their knowledge with them. A retired legislator can turn up in another position that is useful to the arts. For example, in one state a term-limited legislator who had been supportive of arts funding went on to head the state's budget office. Sometimes arts champions leave the legislature and go back home to become active in arts advocacy.

### changing strategies in arts advocacy

**Election campaigns:** In states with term limits, connecting with politicians early on is essential. There are more new faces to get to know since there are many more races for seats opened up by term limits. Arts advocates in states with term limits work to develop relationships with their legislators as soon as they can. In at least one state, the arts agency contacts all primary election winners running for an open seat to explain about the importance of the arts in their state and the essential role played by public funding of the arts. In another state, arts advocates distribute a legislative survey to all candidates running for office, with questions on cultural tourism, arts education and other public policy issues intertwined with the arts.

Council members play an important role. Their active involvement in election campaigns lets the candidates know of the arts interest among their constituents. Many council members are already involved politically and contribute to political campaigns apart from their council work. They become a visible presence for the arts constituency at fundraisers for politicians whose election is important to the success of public arts funding.

The process can never start too soon. Advocates have become mindful of the value of recruiting candidates for office. Encouraging a friend of the arts community to run for office can guarantee a solid ally in the legislature.

**Educating legislators:** Arts advocates are constantly educating legislators and their staffs about the arts issues in their state. The techniques advocates use in states with

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term limits apply in every state. Advocates need to remember to start contacting newly elected legislators before the legislative session even convenes. Advocates should get their information packets to all the new legislators before they are sworn in, and then reeducate them on a periodic basis. And the information kit might include an invitation to join the legislative arts caucus where that is appropriate.

When the new legislative session convenes, state arts agency staff visit each new member of the state legislature. They offer each legislator a visit to a program in their home district. The state arts agency works with local arts organizations to invite new legislators to performances and activities. Basic advocacy helps to solidify strength for the arts in the legislature.

Advocacy work is one-on-one. State arts agencies should encourage the active involvement of their council members. One state arts agency reports hosting a congratulatory breakfast for primary election winners, with an invitation to see a children's theatre production scheduled to travel to all legislative districts. Personal contact by council members ensures the attendance of legislators at the breakfast and theatre production.

Arts council members might invite new legislators to a dinner soon after the new session convenes. The event offers legislators the chance to meet council members and to receive a briefing on the work of the state arts agency. Or the agency arranges visits for legislators to arts programs in their districts, using council members who are constituents or supporters of the legislator to make the visit happen. Again, this should occur whether a state has term limits or not.

In some states, including those with term limits, the state arts agency requires its grantees to meet annually with legislators. In the meetings, advocates are not asking their legislators for anything. Typically, the meeting involves a board member who already has a relationship with the legislator, a second person who has the data about the arts organization's work, and a third person from the community who has a story to tell about the impact of the arts where they live. The connection made with the legislator serves to create the relationship necessary to successful arts advocacy.

Arts organizations and state arts agencies should use their politically savvy board and council members to make connections with legislators that can evolve into working relationships. In states with legislative appointees to the state arts council, those council members can help to open doors in the legislature. And often the appointment of a legislator to the state arts council can serve to convert a skeptic or a foe into a visible proponent.

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A number of states publish a periodic legislative newsletter for the state arts agency's constituents. The newsletter might address the public value of the arts, with a focus on new members in the legislature or on the legislative leadership and committee chairs, perhaps highlighting legislators from politically important districts. Another strategy is to invite a legislator to write a column for the newsletter. The topic might be a description of a memorable arts experience, which serves to remind legislators that they in fact participate in the arts. The exercise of writing a guest column for your state arts agency's newsletter forces the legislator to focus thinking on the arts in your state, and to heighten awareness of your presence and your impact.

Education can include something as simple as sending out announcements informing legislators of arts grants in their districts. The state arts agency can provide legislators with letters of congratulations to send to their constituents who have been awarded state arts agency grants. Keeping public officials in your loop can improve their understanding of the value of public arts dollars in your state.

Arts advocates are engaged at all levels of government, working with their local officials at the city and county level as well as their state legislators. Local arts councils have arts advocacy days at the community level. Advocates recognize that many politicians getting their start locally are likely to move up to the state legislature, where their support will be important and more readily assured if a connection is already established.

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**Arts on the public policy agenda:** Positioning the arts strategically within state government as part of the governor's creative economy initiative has been proven to strengthen arts support and prevent the arts from seeming marginal, especially to new legislators. Focusing on community building through arts and culture helps to link the arts to the economy and create evidence at home for legislators to see the importance of the arts. When new legislators take office, sometimes with their minds already made up, talking about the arts as an economic development strategy attracts the attention of those who might have been skeptical. In at least one state with term limits, pushing an agenda centered on creative enterprise paid off when the governor adopted economic development as a top priority.

Stressing the public value of the arts enables advocates to present a more aggressive approach by folding advocacy into programs. And to prove that their programs are worth funding, some state arts agencies have taken the advice of their legislators and begun talking about public arts funding in terms of "return on investment."

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**Influential players:** According to the National Conference of State Legislatures study, governors have gained power in state government as a result of legislative term limits. The executive branch has become more influential in the budget process, and executive branch officials appear to play a more important part in advising legislators on the impact of proposed bills, a role undertaken before by longstanding legislative committee chairs.

Arts advocates in term-limited states substantiate this shift in power to the governor. They report that relatively inexperienced legislators tend to rely heavily on the governor's recommendations on arts funding. In part, reliance on the governor's budget priorities results from legislators' concentration on the major spending issues in the state budget: health care, education and prisons.

At the same time, legislative staff members have gained importance in the legislative process. The NCSL study reports that newer lawmakers turn to staff for policy as well

Contact by constituents continues to be one of the most effective strategies for building support in the legislature.

as procedural information. State arts agencies and arts advocates find themselves working increasingly with legislative aides, who often stay in place and thus become a constant on the political scene. In some

states, staff remain on the job through successive legislative terms and become knowledgeable allies of arts advocates with their understanding of issues and the importance of the arts in the state.

Advocates also find they must focus more attention on the legislative leadership, including committee chairs, especially where terms are limited and expertise is thin. State arts agencies often turn to lobbyists who have access to these important players and can make connections with new legislators as well as with legislative leaders.

Finally, state arts agencies in states with term limits are finding that they must work quickly to identify people both inside and outside the arts community who will be most influential in carrying a positive message to new legislators.<sup>2</sup> The very basis of legislative advocacy—contact by constituents—continues to be one of the most effective strategies for building political support in the legislature.

### pros and cons of term limits

Proponents of term limits feel that limiting the number of years a politician may hold office brings fresh thinking into the legislature and gets rid of the “dead wood” seniority can produce. Term limits are thought to encourage more individuals to par-

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ticipate in politics and make government more responsive to the public by barring the reelection of entrenched incumbents.

Opponents argue that elections already exist as the mechanism to limit terms of the otherwise entrenched. They maintain that term limits compromise the benefits of seniority and experience that come with years in public office. Term limits force out knowledgeable politicians who have built good ties with their constituents, compelling advocates to line up new champions to take the places of those who left. With term limits, the legislature loses its institutional history. Arts advocates are challenged to overcome this experience gap in working to influence state legislators on matters of public support for the arts. They are constantly reeducating legislators on their issues.

### states with term limits

Term limits have traditionally set the number of years governors may serve. Delaware was the first state, in 1787, to set a constitutional two-term limit for governors. Today, nearly four-fifths of the states restrict the number of terms an individual may hold the governor's office.

Legislative term limits are more recent, and were first adopted in 1990 in California, Colorado and Oklahoma. Since then, 18 more states set up term limits for state legislators: Arizona, Arkansas, Florida, Idaho, Louisiana, Maine, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, Ohio, Oregon, South Dakota, Utah, Washington and Wyoming. These were subsequently overturned by the courts or repealed by the legislatures in six states—Idaho, Massachusetts, Oregon, Utah, Washington and Wyoming—leaving a total of 15 states with term limits.

#### States with Legislative Term Limits

Arizona	Missouri
Arkansas	Montana
California	Nebraska
Colorado	Nevada
Florida	Ohio
Louisiana	Oklahoma
Maine	South Dakota
Michigan	

Nearly every state using term limits has tried to eliminate or alter them. Political analysts believe the term limits "revolt" has reached its high point and may be receding.

**Strategies That Work—Term Limits or Not**

1. Contact newly elected legislators immediately after election day to get a head start on educating them about the arts in your state.
2. Call on each new legislator when the legislative session convenes; offer a visit to an arts program in the home district.
3. Host a congratulatory breakfast or dinner for newly elected legislators as an opportunity for them to meet arts council members and be briefed on the work of your state arts agency.
4. Assign politically involved arts council members to make connections with new legislators that can develop into working relationships with your state arts agency.
5. Invite a new legislator to write a column for your newsletter; select a legislator with an important committee assignment or politically key position in the legislature.
6. Involve city and county officials in your activities; politicians holding office at the local level often move up to the state legislature.
7. Talk about the arts in terms of public value—education, tourism, community building and economic development—to draw the attention of new legislators with a broader public policy agenda.

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**notes**

<sup>1</sup>*The Effects of Term Limits on State Legislatures: Interim Report*, National Conference of State Legislatures, July 2000.

<sup>2</sup>See "Access to Power: Building Political Clout for the Arts," *The NASAA Advocate*, Vol. VII, Issue No. 1, National Assembly of State Arts Agencies.

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