

The Art of Legislative Negotiation

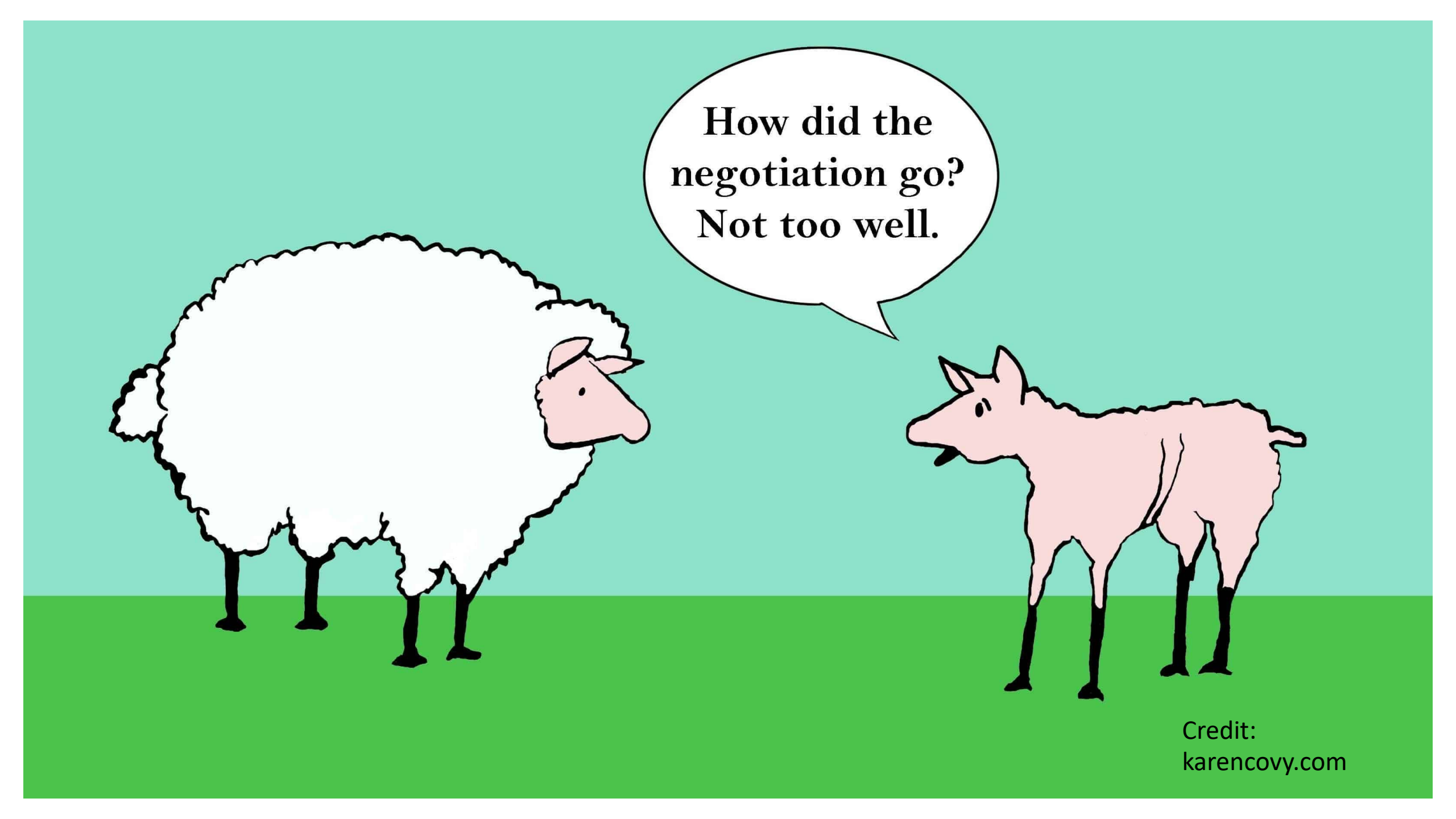
Curt Stedron
Director, NCSL Legislative
Training Institute



**I'D SAY THE NEGOTIATIONS WENT MUCH BETTER
THAN EXPECTED**



**BEDTIME WAS PUSHED BACK 10
MINUTES**



How did the
negotiation go?
Not too well.

Credit:
karencovy.com

Challenges to Effective Negotiation in the Legislature

Partisanship/Polarization

Social Media Fishbowl

Permanent Campaigning

Internal and External Simultaneous Negotiations

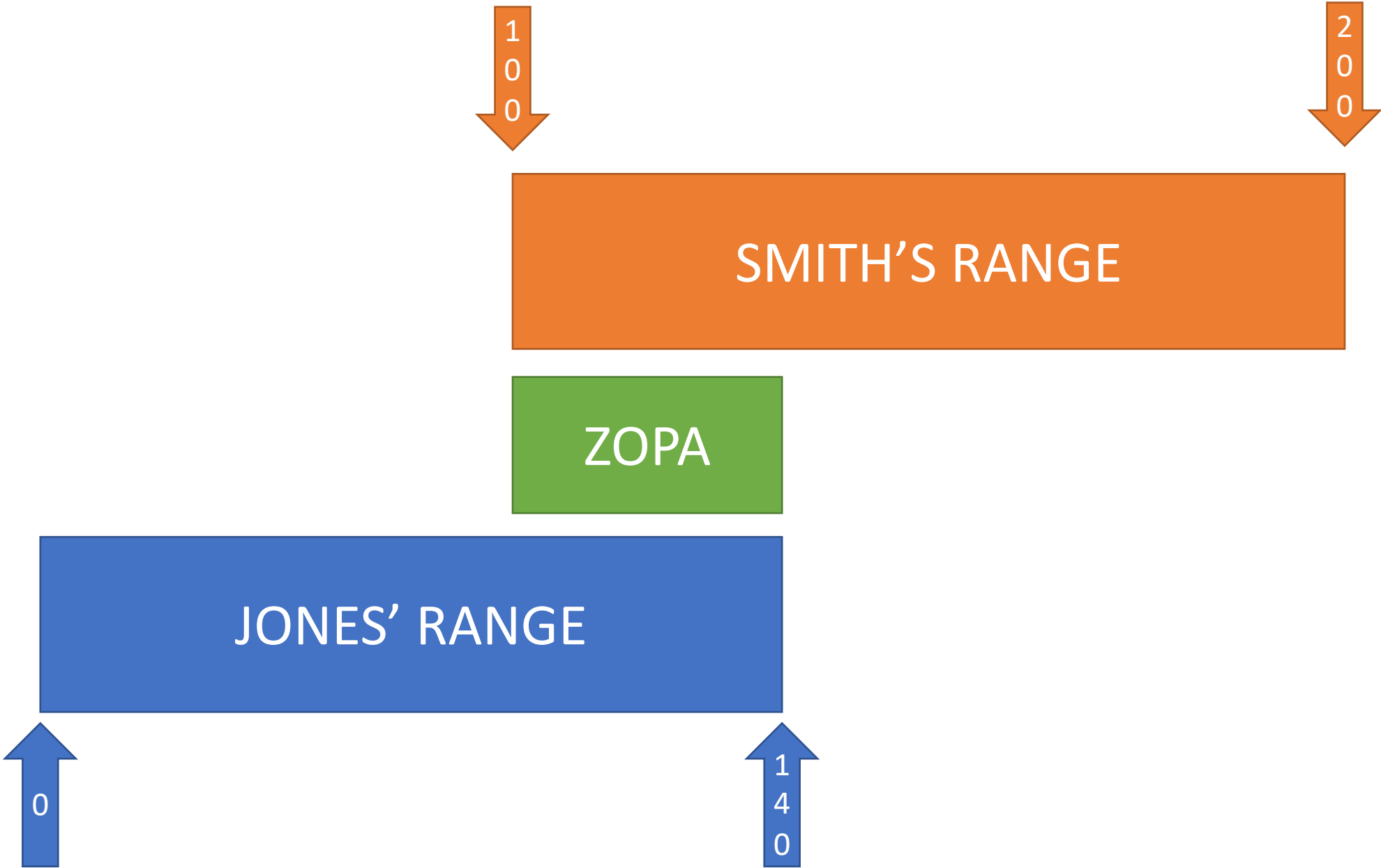
Bring to mind a **NEGOTIATION**
that you are likely to be
involved in this session.

Water Resources Act of 2025



ZOPA: *Zone of Possible Agreement*







TWO NEGOTIATION PARADIGMS

Positional Bargaining

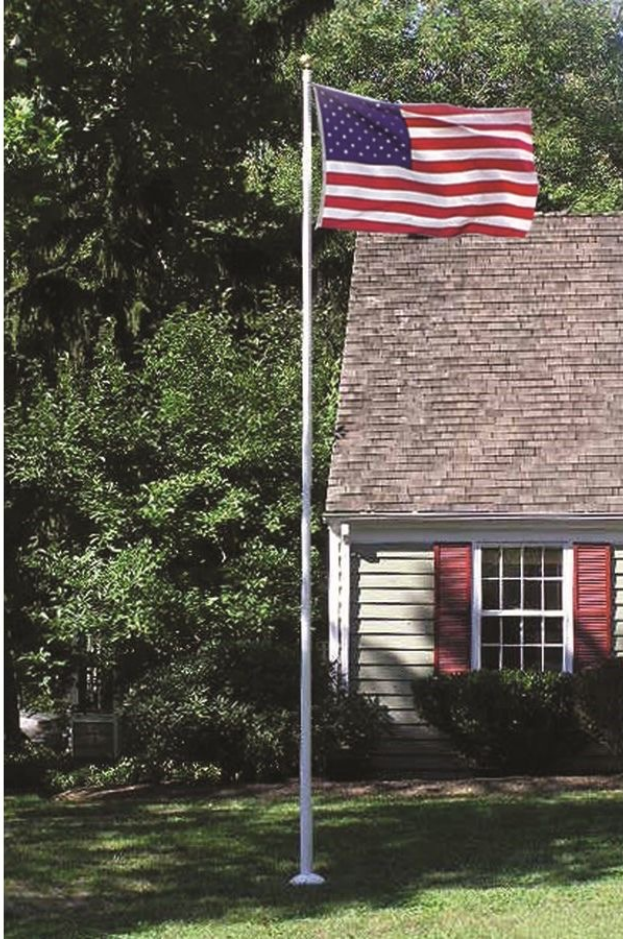


INTEREST-BASED



What is Positional Bargaining?

A negotiation strategy that asserts a **POSITION** of what you want and argues for it alone, *regardless of any underlying INTERESTS*.



All we can
see are the
POSITIONS



While we ignore underlying INTERESTS



“The fellow who says he’ll meet you halfway *is usually standing on the dividing line.*”

Orlando Battista

INTEREST-BASED NEGOTIATION

A negotiation mindset that looks for creative ways to meet the *INTERESTS* of both parties.

“The art of letting other people have it your way.”

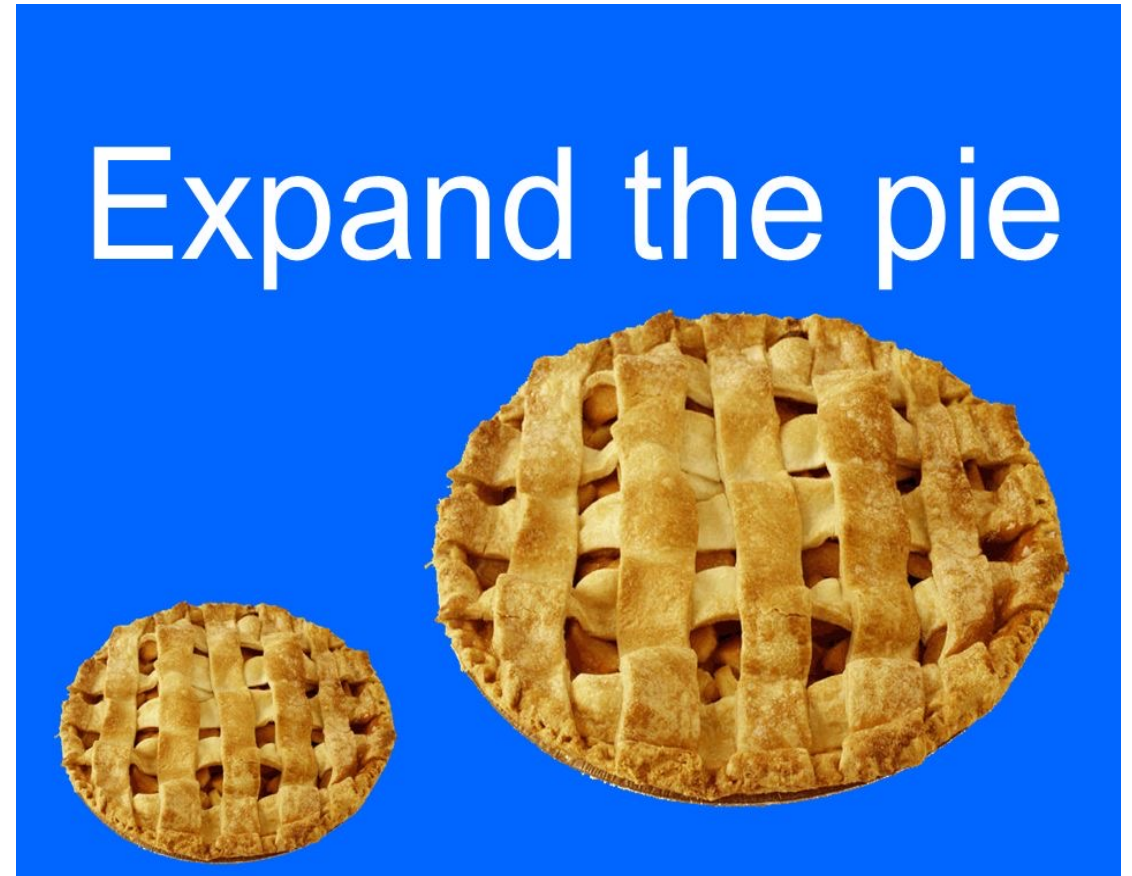
“Write the other side’s victory speech.”

POSITIONAL vs. INTEREST-BASED

The PIE IS FIXED— get biggest piece



EXPAND THE PIE— then divide it up



*“You must never try to make all the money in a deal. **Let the other person make some money too**, because if you have a reputation for always making all the money, then you won’t have many deals.”*

J. Paul Getty



PRINCIPLES OF INTEREST-BASED NEGOTIATION

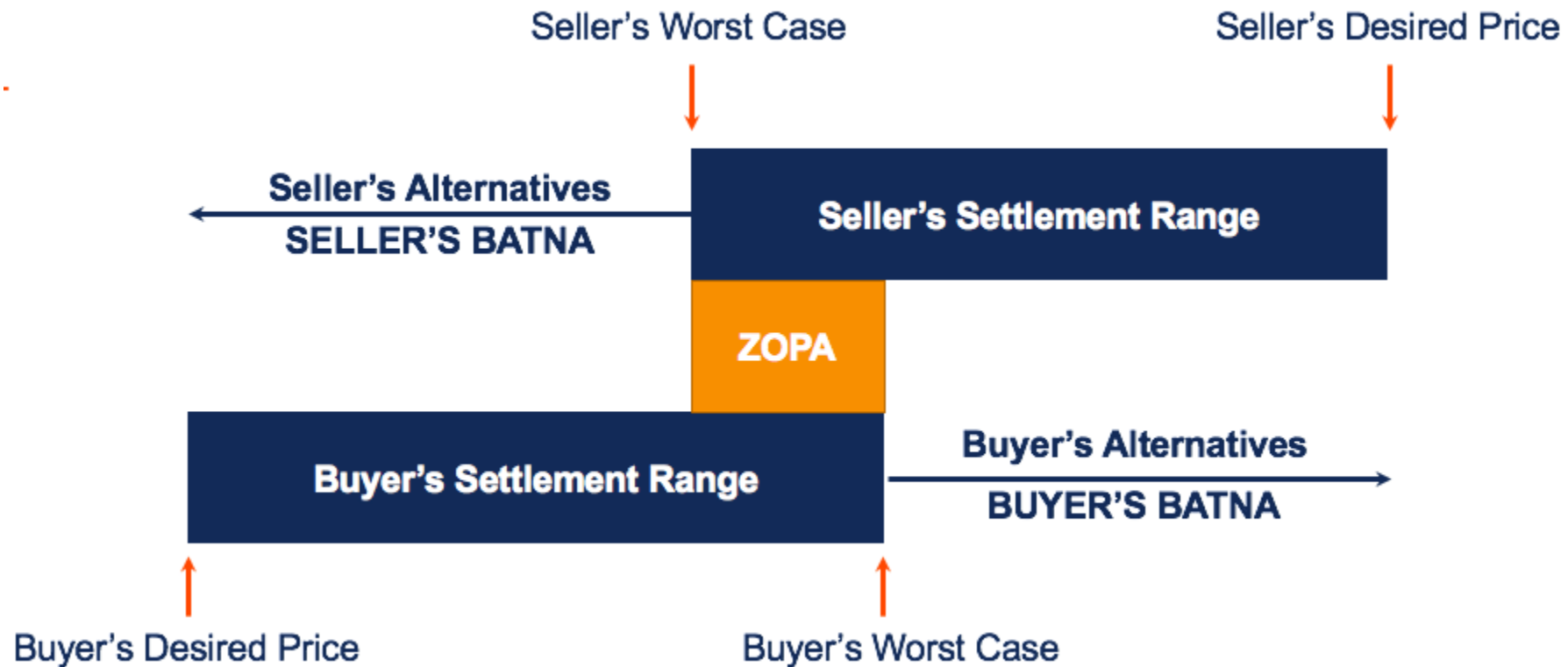
Alternatives
Interests
Options
Legitimacy

ALTERNATIVES

*“What am I going to do if I don’t
make a deal?”*

What are my *ALTERNATIVES*?

BATNA: “Best Alternative to a Negotiated Agreement”







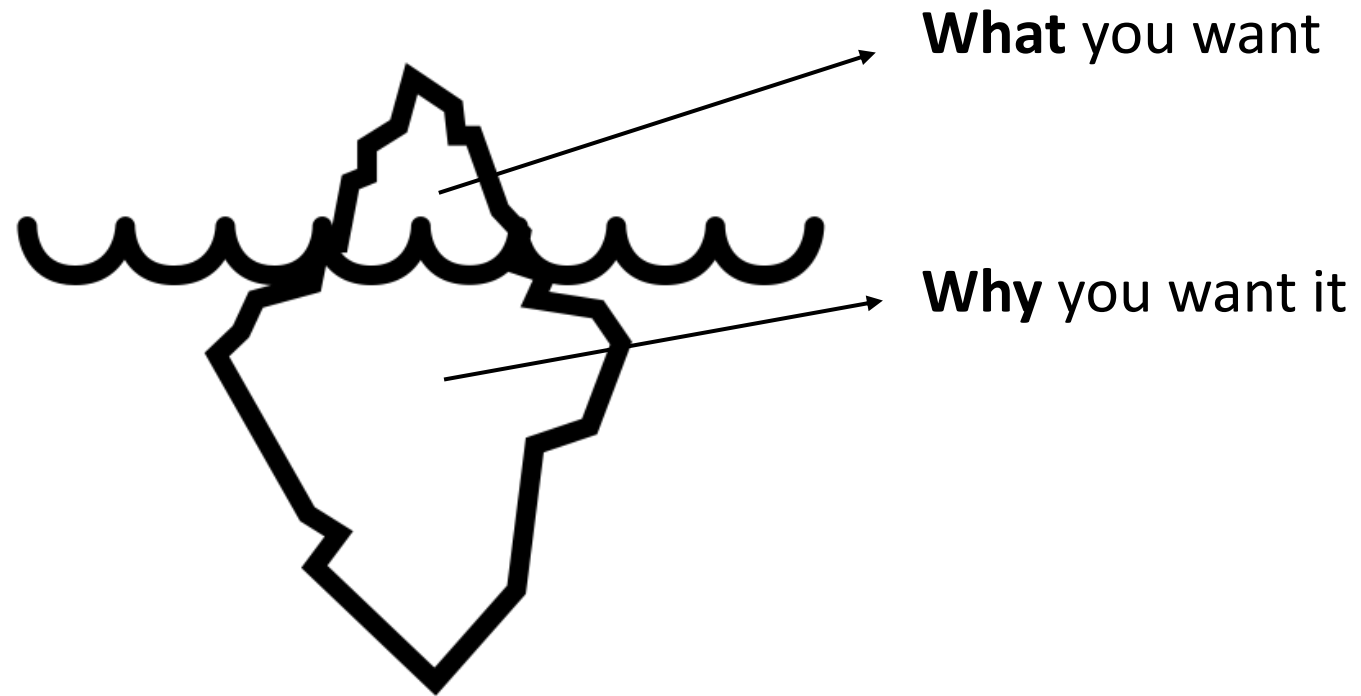


INTERESTS

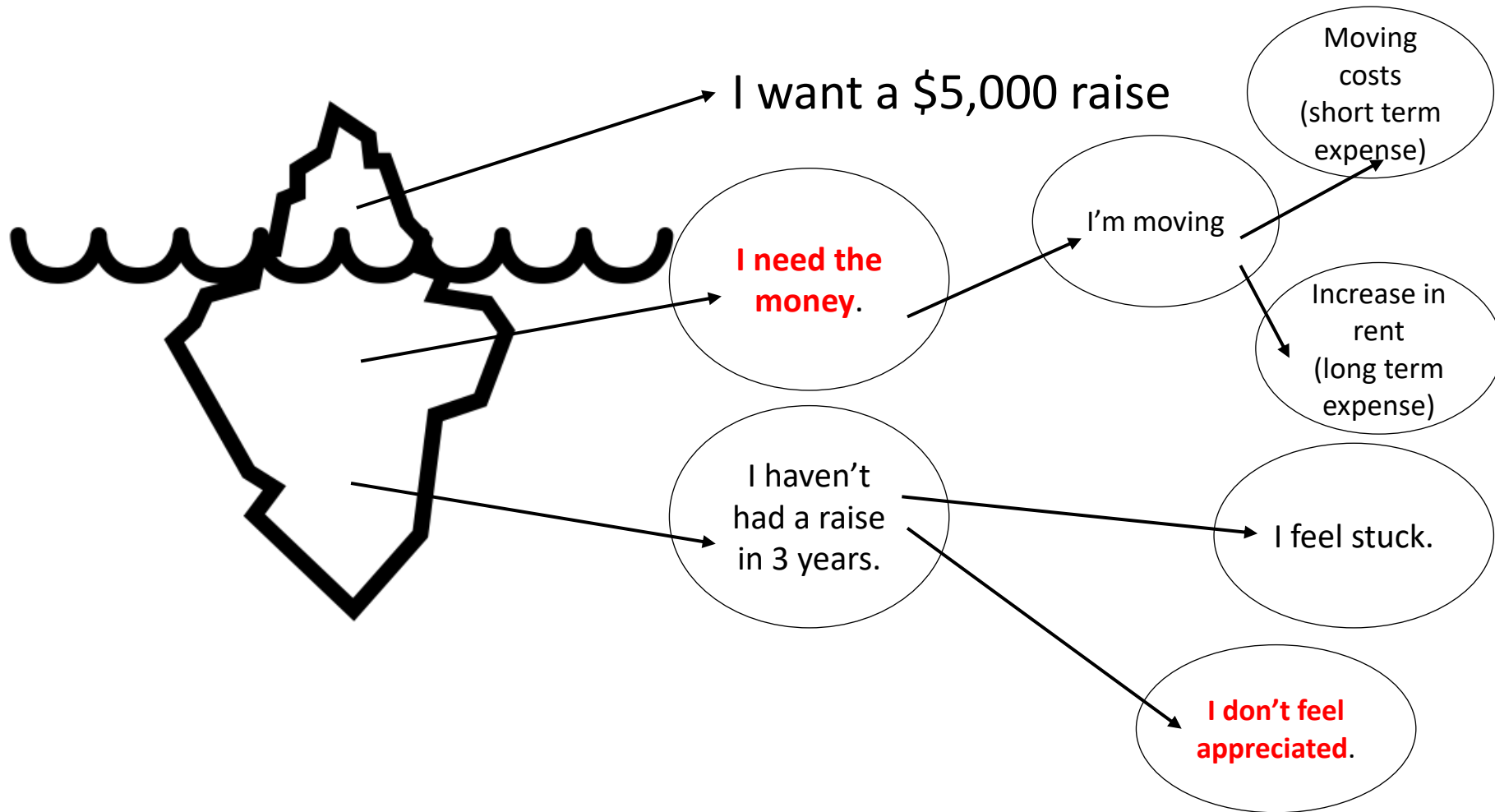
What somebody
REALLY wants

Interests are the
WHY behind the
Position

Positions vs. Interests



Positions vs. Interests

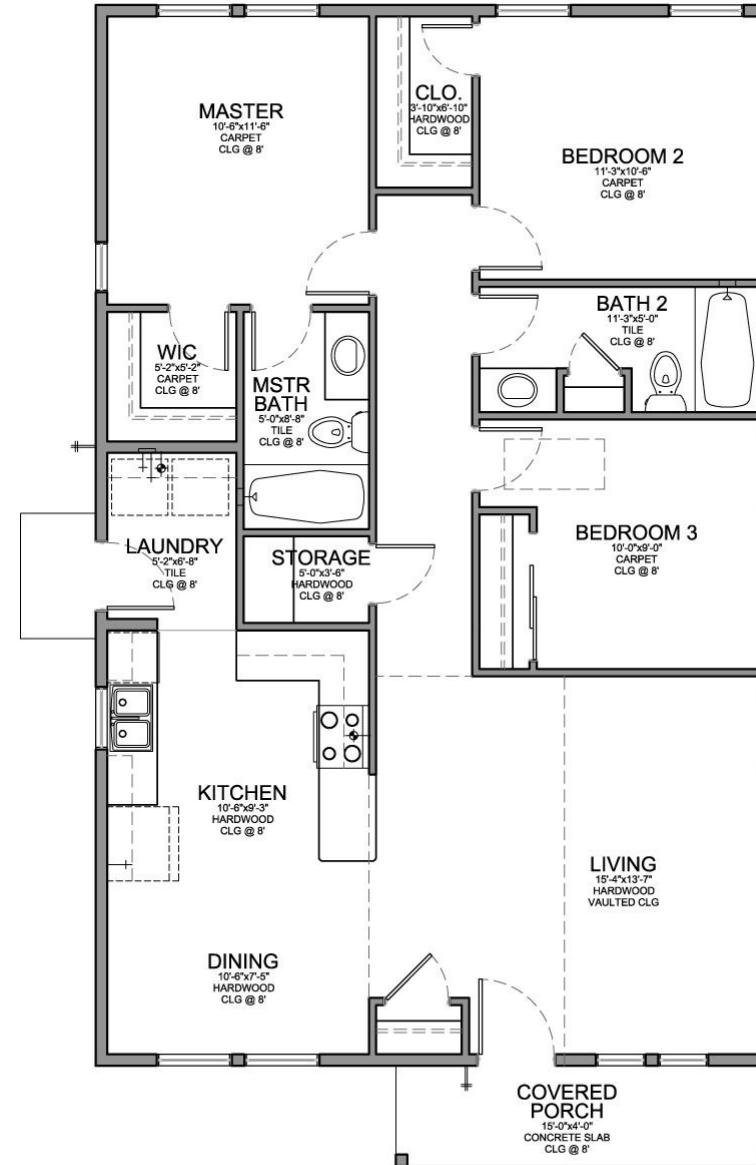


“The best move you can make in a negotiation is to think of an *interest* the other person hasn’t thought of— *and then meet it!*”

Eli Broad

POSITION:

“I need a 3rd
Bedroom!!”



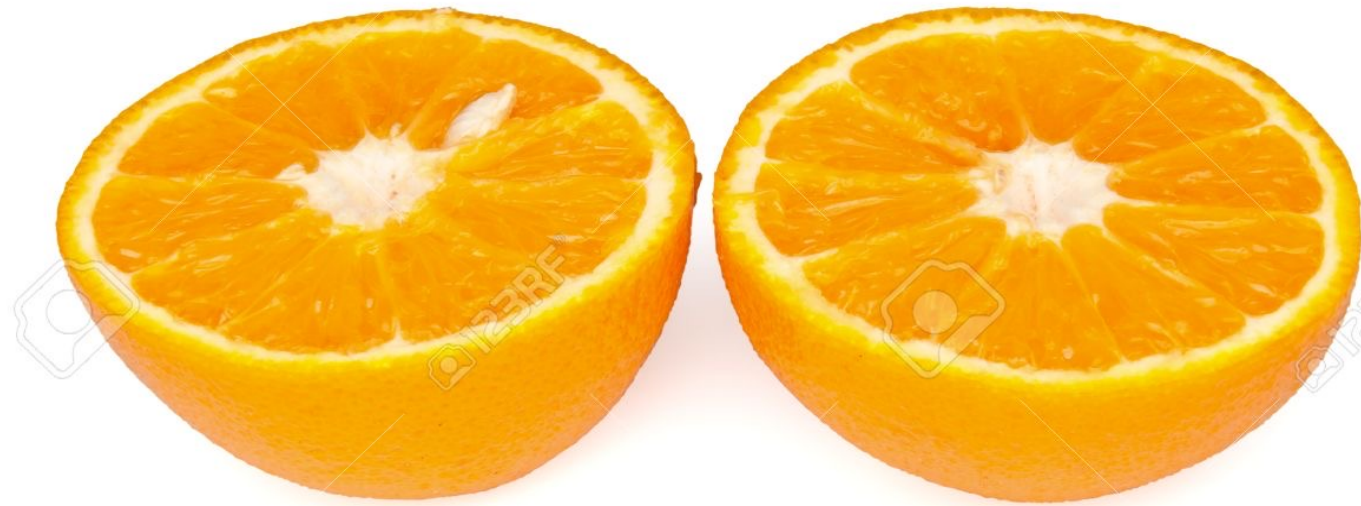
OPTIONS

Finding creative ways to fulfill the maximum amount of total *INTERESTS*.

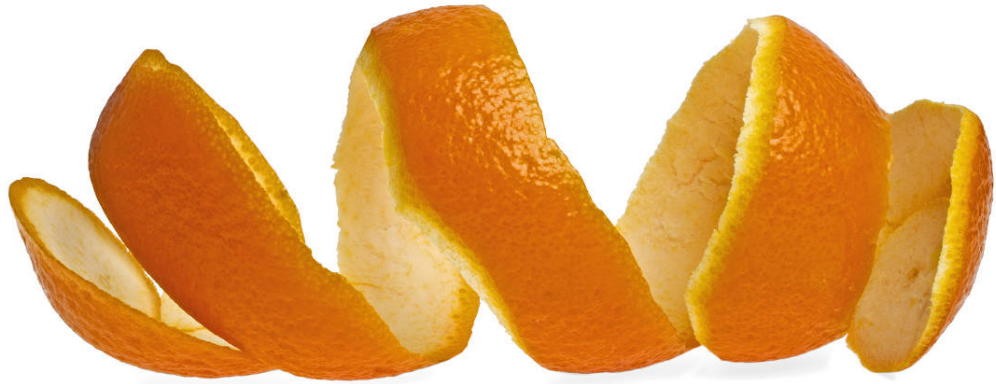
“What if we...?”

“What would be wrong with...?”

The ORANGE: Option One



The ORANGE: Option Two





INTEREST:
Workout space

*POSITION:
“Third
Bedroom!”*



LEGITIMACY

Standards of fairness
Criteria or Benchmarks that “legitimize” our
requests

“Why that number?”

REAL ESTATE COMPS

My house is worth \$1M!!



The average sale price is \$500K





MOVIECLIPS.COM

Review of Interest-Based Negotiation

Alternatives

What is my best alternative (my BATNA)? How strong is it?

What is my counterpart's BATNA? How strong is it?

Interests

What do I *really* want? What is important to me?

Why do they want what they are asking for (their interests)?

Options

What options might exist to satisfy both of our interests? What options might be *great for me and good enough* for them?

Legitimacy

What standards or objective criteria exist to legitimize these options?

DISCUSSION

Think of that REAL WORLD negotiation that you expect to be involved in.

Where can I apply any of the content that we've explored today?



WRAP UP

*Positional Bargaining vs. **Interest-Based** Negotiation*

*Fixed Pie Mindset vs **Expand the Pie** Mindset*

*Aspire to **Deliver** rather than *Deny**

*Focus on **Interests and Options** rather than *Positions**

*They are negotiating **Partners**, not *Opponents**



FINAL EXAM |