Citizens' Initiative Review Replication and Outreach Efforts: State Thought Leader Decision Processes Regarding Adoption

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July 29, 2013

In 2011, the Oregon legislature instituted a process called the Citizens' Initiative Review (CIR). The CIR uses a deliberative forum to help voters understand popular initiatives that appear on the state's ballot. A representative body of 24 citizens is randomly selected and charged with studying the text of a current ballot initiative over a five-day period. They hear arguments on both sides of the issue, call additional experts to testify, and then collectively deliberate the pros and cons. The panel together writes a majority and minority statement on the issue. These informed arguments for and against are then included in a voter pamphlet mailed to all households in the state.

Healthy Democracy Oregon is the entity responsible for coordinating and convening the Oregon CIRs. In 2012, CIRCLE was asked to study Healthy Democracy's outreach and replication efforts related to the Citizens' Initiative Review (CIR). This was one of several evaluation efforts CIRCLE conducted for the Omidyar Network's portfolio of media and public discourse projects occurring during the 2012 election cycle. The main objective of this investigation was to understand the interest, motivation, aspirations and decision processes of state thought leaders in a small number of states – Arizona, California, and Colorado – who were considering improvements or reforms to ballot or referenda processes in their state. More specifically, what did these leaders think of the Citizen Initiative Review process and how applicable could it in their state context?

Key insights gained form these interviews are:

- Citizens in all three states lack trust in their legislative bodies and highly value their citizen initiative processes
- Communications and information about ballot initiatives are seen as overly complex, biased, and at times misleading
- Trust and transparency in a proposed CIR process would be essential – from how CIR panel members are chosen, to who is on the panel to who oversees and communicates the process
- Whether there is a neutral convening group or coalition as well as institutional capacity to enact a CIR varies by state
- State contexts are important, and leaders in each state need flexibility and support in thinking through how to make a CIR-type process work in their context

Interview Sample and Process

Staff at Healthy Democracy (HD) provided CIRCLE with a list of 18 individuals who had either participated in a briefing tour about the CIR or observed one of the CIR panels in action in 2012. Some of the individuals on the list participated in both a briefing tour and a CIR panel observation. Fourteen of the individuals in the overall pool were interviewed. Of the remaining four, two declined, one did not respond, and scheduling for a fourth failed after multiple attempts to connect.

The largest number of individuals in the pool, eight, were individuals from the state of Arizona. All individuals from Arizona were interviewed. Five individuals were from California and three of these five were interviewed. Two individuals from Colorado were in the pool and both were interviewed. Three represented national groups and one of these was interviewed. Table 1 shows the geographic distribution of interviewees.

Table 1: Geographic Distribution of Interviewees

Geographic Focus of Interviewee	Interview Population	Interview Sample
Arizona	8	8
California	5	3
Colorado	2	2
National	3	1
Total	**18**	**14**

Health Democracy was in the early stages of outreach and replication in California and Colorado. HD was contacting individuals in both of these states who were not part of the initial briefing tours or CIR panel observations. Given the newness of these developing relationships, these individuals were not included in the possible interview population.

All interviews were conducted via phone from April 30 to June 13, 2013 using a semi-structured interview process (see attached questions). Interviews lasted from 17 to 64 minutes, averaging 38 minutes. Audio for interviews was recorded. Only one of these interviews had a technical problem and was not recorded properly. Summary notes and audio files were managed, coded, and analyzed using NVivo qualitative software.

Interviewee and Organizational Profiles

All interviewees were part of organizations that worked to promote citizen or public engagement, civil discourse, public policy, or good government. Nine of the individuals were senior leaders (e.g. executive director, president, vice president, managing director, director) or program leaders within nonprofit sector organizations. Three directed centers or institutes housed within

academic settings and one had expert knowledge on ballot initiatives and referenda and was retired.

Interviewees either currently or in the past worked on voter education, registration and outreach, electoral reform, grassroots organizing, coalition building (locally and across their state). Some had shaped policy and legislation and others promoted public dialogue and citizen voice and participatory democracy efforts (e.g. participatory budgeting). Some supplemented their current interests with previous experience in healthcare, journalism, business, and philanthropy.

Many of the organizations the interviewees represented had a specific statewide focus or at least worked to achieve goals that reached beyond a single community or interest. Interviewees from Arizona especially referenced working with similar organizations and often referred to other organizations or individuals that were part of the interview sample. There seemed to be some amount of interconnection and collaboration between groups interested in civic and public engagement work. The two individuals interviewed in Colorado were also statewide in their orientation working with broader coalitions, but their responses suggests that the environment of interconnected organizations didn't seem as robust as those in Arizona. Interviewees from Colorado seemed to suggest that the ability to overcome any amount of political polarization was hard. The California interviewees had statewide perspectives as well. One worked with grassroots communities and the other two were more policy experts. In Colorado and California, there wasn't as much evidence of a set of interconnected groups as we found in Arizona. Then again, far fewer individuals were interviewed in California and Colorado than in Arizona, and perhaps the interviews missed networks that existed in those states. The one individual from a nationally focused group was primarily interested in promoting the kinds of public dialogues around important issues and worked to share ways to do that across the country.

Context of Ballot and Referenda Initiatives

Interviewees in all three states indicated that ballot measures and referenda play an important role in bringing citizen voice to the legislative process, and citizens in each state generally like and support initiatives. Since direct democracy has been in place in Arizona since 1912, one Arizona respondent noted that the state is "proud of its citizen initiative roots," and another noted that it was a way to "give people some say" in the legislative process.

It was clear from all interviews that citizens in each of these states generally didn't trust their legislatures to make decisions on their behalf. A California interviewee indicated that "two-thirds of voters in California had more confidence in ballot initiatives than the legislature." A Colorado respondent said, "people trust their own legislator, but not those elected by others."

Interviewees in both Arizona and California also indicated that the initiative process was a way for legislatures to push sensitive or touchy decisions (e.g. taxation, marriage equality, immigration) out to the general voting public or to get stuck legislation unstuck. This was particularly true of legislative issues on which elected representatives may have a conflict of interest (e.g. redistricting, campaign or electoral issues). One respondent in California indicated that the initiative process was also a powerful tool for the minority party in the state legislature.

Procedural Limitations. While respondents were generally supportive of initiatives, they articulated a number of ways in which such efforts failed to reach their ideal outcomes. In both Arizona and Colorado, successful initiatives were set in place and legislators were prevented from making any changes. In part, these rules were envisioned as mechanisms to prevent tampering with the will of voters after the fact. In Colorado, specifically, most initiatives were changes to the state constitution, which are very difficult to overturn once they are in place. In both states, popular democracy produced legislation that were unfunded or an competing legislation that collided as a result of faulty language or design.

The interviewees in Arizona and California also mentioned the high threshold required to get initiatives on the ballot. Mostly this meant that a large number of signatures had to be gathered within a short time frame, resulting in the use of paid signature gatherers. Additionally, the costs of running an issue campaign coupled with potential legal challenges and related fees meant that primarily well-funded groups used the process. One interviewee in Arizona indicated that initiatives were "less and less a grassroots effort," and a California respondent talked about the "initiative industrial complex." Many of the interviewees commented on the cooptation of the initiative process by special interests as well as outside money. With a much lower threshold for getting issues on the ballot in Colorado, special interests or the influence of money in the process were not of primary concern according to the two respondents from that state.

Communication Challenges. The other obstacle in the initiative process discussed by almost all interviews was the difficulty of communicating the intended goals and outcomes of the initiatives. All three states provide voters with some sort of printed guide explaining the initiatives with both pro and con statements. According to one California interviewee, statements are provided by proponents and opponents with a rebuttal provided by each side. These statements are not fact-checked, but analysis of legislative and fiscal costs is provided. In Colorado, legal staff in the Secretary of State's office prepared the statements. In Arizona, a neutral citizen interest group crafts the language for their voter pamphlet.

Voter guide language in all states was seen still as overly complex and complicated. Interviewees indicated that even well informed voters found it difficult to understand the intent of the initiative. The language could also be misleading and information could be slanted to make voters think they were voting for one thing when they were actually voting for something else. More than one interviewee indicated that even well informed voters (such as themselves) couldn't make sense of what the statements meant or what a "yes" or "no" vote meant.

Other messaging about initiatives primarily came in the form of paid media advertising with some news coverage for the most visible campaigns. Respondents in all states indicated that there was little opportunity for the public to engage in thoughtful or meaningful dialogue or discussion. As a result, these individuals felt few voters really understood the economic or political consequences of the initiatives.

Initiative Reform. Respondents from Arizona mentioned the ideas of numbering, rather than naming, ballots; citizen review of ballot statements for readability; and giving more time to collect and evaluate signatures. However, those who want to limit citizen engagement are likely

not to support these reforms. Requiring a percentage of signatures to come from each geographic region in the state has also been floated as way to ensure rural voices in the process. Increasing citizen dialogue around the voter pamphlet has been discussed. Several organizations (e.g. League of Women Voters, Morrison Institute, O'Connor House) are starting to work to increase dialogue and discussion.

Interviewees in California also mentioned ideas to change the signature-gathering procedures in order to allow more grassroots groups to get involved. At the same time, no specific reform efforts were in place, and attempts to amend the process were thought to be difficult. One interviewee felt that disclosing the money behind an initiative would help, and improved use of technology to sign petitions or to see trade-offs was suggested.

Considering the Citizen Imitative Review

As noted earlier, the majority of the individuals interviewed had a strong individual or organizational interest in citizen engagement, voter outreach and education, electoral reform and / or public dialogue and deliberation. Citizen juries (like the Citizen Initiative Review process in Oregon) are aligned with those goals.

CIR Awareness. When asked how they first became aware of the Citizen Initiative Review Process in Oregon, respondents appeared to be fall in these five camps:

1) Part of the academy and familiar with research conducted by John Gastil at Penn State. These individuals may also have had aligned research interests, backgrounds or connections.

2) Part of an organizational or professional network that has highlighted the CIR and similar work related to citizen and public engagement. These individuals were likely to have a related activity or interest in this area.

3) Personally interested in similar processes, becoming aware outside of their own organizational or institutional context.

4) Directed by an influential leader in their organization or institution to find out more.

5) Contacted directly by Healthy Democracy staff seeking input, guidance or involvement.

For example, one individual was part of regular monthly meetings in his county at which people discussed elections and voting trends. Another interviewee was a member of a state-level advocacy group that had chapters in other states, and information circulated in this network. A couple of others mentioned that they kept their eye on peer states that had very similar citizen initiative processes to see what was happening in those policy arenas. One woman indicated that the chair of her organization's public policy committee was extremely well connected, as were the other members of this committee. These individuals brought knowledge to the organization, as did their very-well-positioned founder. One interviewee himself was an expert in the field and talked about how he came to know about efforts as people sought out his advice.

Those in the academy generally read about or researched in the area of democratic engagement. One interviewee had actually written a book on new processes of electoral and democratic engagement. Another was part of research groups or networks in citizen deliberation. This respondent said that practitioner–oriented people were often looking for and using discussion and dialogue techniques. Two of the individuals interviewed indicated that they were not particularly keeping abreast things like the CIR. One of these was not in the field any longer, and the other said she mostly responded to the needs of her grassroots community stakeholders.

Learning from Oregon. All of those interviewed had had some sort of interaction or communication with staff at Healthy Democracy. Executive Director Tyrone Reitman and Policy and Projects Director Tony Iaccarino were cited most. One interviewee also recalled talking to HD board member, Elliot Shuford. Several individuals couldn't recall exact names of whom they had talked to. Face-to-face briefing tours, virtual presentations, site-based CIR panel observations (in Oregon), phone, email and Skype were all mentioned as the platforms for communication.

The interviewees communicated a clear and consistent message about individuals affiliated with Healthy Democracy. They were "credible," "transparent," "honest," "informative," "helpful," "willing to share" and "friendly. Overall, interviewees enjoyed their conversations with HD representatives. In many instances, HD staff was willing to think through and talk about how the CIR might work within the context of their state. They were also open to critical feedback on the CIR itself. This quote with an interviewee who observed one of the CIR panels in action probably best captures the overall impression left by HD with interviewees:

> I almost can't say enough nice things about them. They are not pushy salesmen type of people, but boy they can sell it, based on what it is. They were so transparent. They offered anything you wanted to know. … Any time of the day we were observing, they were there to answer questions. We could step out of the room and talk to them. We had private meetings with them to give us information. We had dinners arranged with them so we could ask them more questions. They were just so available and answered any question and weren't trying to necessarily push just what they had onto other states. They were totally open to other ideas. . . . They were just a very good group of people and I was very impressed.

About half of those interviewed had also gone to Oregon to observe one of the two 2012 Citizen Initiative Review panels at work. One other interviewee had watched some of the online-streamed video content of the panel deliberations. Two of the interviewees from Arizona had indicated that before going to Oregon they were skeptical of the process. One interviewee wasn't convinced that citizens deliberating could actually change anything, and another was wondering if providing stipends to participants was really necessary. After seeing average citizens deliberate with seriousness and professionalism, this individual felt that the only way to ensure that non-elites were involved was to indeed provide panelists with stipends. The other skeptic from Arizona seemed to have had a more emotional response:

> I'm a natural skeptic . . . and not to sound silly . . . but it was actually a beautiful thing to watch. Because you feel like you are actually seeing democracy taking place. It was really an encouraging thing to see. You think of all of the possibilities and you think that something so pure could possibly exist in this world in of multi-million dollar campaigns, that it could still be possible for everyday people, everyday voters, to get together, talk, put aside differences and bring something to the table and come away with something that benefits everyone. It was really impressive.

Apart from seeing the mechanics of the deliberations at work, those interviewees who observed also found the opportunities provided to meet with other Oregon stakeholder groups useful. An interviewee affiliated with an Arizona chapter of a national organization met with her counterparts in Oregon. After talking to her peers about how the CIR worked in Oregon, she trusted the process even more. Meeting with Oregon state officials, including the Secretary of State, was also mentioned as useful. One interviewee noted how "open and honest" these individuals were about how things worked or didn't work in Oregon. Additionally, since observation groups were comprised of individuals from many states, the exchange of ideas amongst observers was noted as a very beneficial aspect. For one interviewee, the observation helped her clarify that the CIR process was probably not the right effort for her group to get behind, which was a very useful outcome for her.

CIR Strengths and Challenges. When asked to weigh the strengths of the CIR process and the challenges it posed, interviewees were able to articulate factors on both sides of the issue. The highlights of their thinking are shown in Table 2 below.

Table 2: Interviewee Assessment of CIR Strengths and Challenges

Strengths	Challenges
Representing the public Communicating clarity Deliberating the issues	Resource-intensive Building trust Communicating the process Disturbing the *status quo*

Several interviewees found impressive the CIR's ability to create a transparent selection process for panel members that yielded a representative body. At least one interviewee wondered how such a process might be used to inform other decision-making bodies in her state. The transparency and openness of the selection process was much noted; it could build voter's trust of the panel. Also, a couple of interviewees were impressed at the inclusion of everyday people and not just elites. This was often a missing component in other deliberative bodies.

Apart from the process, a couple of interviewees noted that the actual information (the citizen statements) produced by the panels was really useful. The fact that regular citizens were provided with information about the initiatives in "plain English" was seen as a major plus. The fact that individuals "just like themselves" vetted the information was a bonus.

Finally, in a political communication environment dominated by campaign advertising and biased information, some interviewees welcomed the opportunity for average citizens to deliberate. The panel had time to weigh pros and cons, call experts to the stand, and then debate points back and forth with others to arrive at some understanding that could be communicated to other. This sort of process was seen as lacking is so many initiative efforts.

Despite the strengths noted above, respondents were also very aware of the challenge that implementing a CIR process would pose in their state. Chief among these concerns was the

resource-intensiveness of the process. Lots of facilitation and process work was required that needed skilled individuals. Securing funds to support the work of the convening panels as well as pay for panelists to participate (e.g. stipends, food, lodging travel) was seen as difficult, especially during a time of economic belt-tightening. There may be a half-dozen or more initiatives on any given ballot, and not all could have a Citizen Panel Review.

Apart from the resources needed, a handful of interviewees also noted that a CIR process would need to be trusted by the voting public. To build trust, the organizers would have to communicate the process it well. This communication work may prove difficult if media or communication networks aren't willing to support or disseminate this information. Getting the appropriate buy-in from stakeholder groups was also seen as necessary to building trust and a potential barrier. Additionally, the convening entity of any CIR-type deliberative process would need to be trusted. One interviewee from Colorado doubted that such an entity or even coalition of entities existed in her state. The interviewees from Arizona, however, thought at least this challenge could be overcome and that enough neutral or trusted organizations or entities existed to address that concern.

Finally, one interviewee from Arizona anticipated that those who liked the initiative process as it was would work to prevent any change. In particular, she felt that there would be pushback from PACs and those who benefit from a mass media political campaign environment (e.g., political consultants, advertising firms, etc.).

Decisions, Decisions

When asked what would influence their decisions most to implement a CIR-type process in their state, interviewees noted the following:

- Seeing is Believing - seeing the citizen panels actually engaged in the process making the process real and speaking to the ideals of "democracy at work"
- Proven to Work – having research on the degree to which these processes impact voter choice
- Increases Citizen Voice – including individuals in decision and deliberations who have traditionally not been part of such processes in the past
- Already on the bandwagon – prior experience, knowledge or research convinced already of the benefits of such processes

Several interviewees from Arizona indicated that they personally or their organization were already working with others to figure out how to bring lessons from the Oregon CIR to their state for the 2014 election cycle. One Arizona interviewee admitted that she was pretty much a side player in this arena not really in a decision-maker role, but in general she was supportive. An interviewee from Colorado and one from California were definitely energized and personally interested in the CIR and its potential, and wanted to continue discussing and pushing others to consider. One California interviewee felt reform of the initiative process rested elsewhere and was more inclined to support efforts at funding disclosure related to initiatives and to work on making the signature gathering process easier and more accessible.

Will it Fit? Throughout all of these interviews, individuals were contemplating the ways in which a CIR process might work or need modification within the context of their own state.

For instance, in Arizona, interviewees noted that a number of groups were already working on citizen engagement or public dialogue types of projects. At times, issues on the ballot were part of these public conversations. Some of these were focused on specific regions of the state (e.g., Maricopa County), while others involved the whole state. A nonpartisan, independent group, the Morrison Institute, was already charged to craft ballot language for a statewide voter guide. Some interviewees from Arizona felt this organization might have a citizen group inform the process. Some wondered whether a sufficiently neutral group existed to convene a Citizen Review Panel, but others thought perhaps a group like the Arizona League of Women Voters or a coalition of academic institutions might work. A couple of interviewees indicated that they were already looking for funding sources to support a process in Arizona.

Interviewees in Arizona also wondered whether they could modify the CIR to have panels placed around the state deliberating on the same or different initiatives. In part, this was a response to concerns about costs related to travel to a central location. The role that technology might play in connecting geographically dispersed panels was articulated. Interviewees in Arizona also noted the needs of Spanish-speaking residents, Native American tribes, and those in the rural parts of the state in any CIR-type process. Any effort would need to have an Arizona "brand" in order to be trusted. It was especially important a CIR process not be seen as being imported in, especially from a state with a much different demographic profile, such as Oregon.

The two interviewees in Colorado were open to the CIR, but were wrestling with how it might work in Colorado. In contrast to Arizona, finding a non-partisan group that could be trusted with running a CIR-type process would difficult. One interviewee noted that an outside group might be able to play this role, but they would definitely need to be perceived as neutral and would have to create buy-in. One Colorado interviewee felt that tax policy issues might be the best focus for a CIR-type process in their state since often they were complex and most voters cared about such policies, even if they weren't well understood. One interviewee stated that it would be hard to get decision-makers and opinion leaders behind any change that resulted in more citizen voice, since she felt these leaders didn't believe citizens could be trusted to make decisions. She also noted that the general voting public would be most concerned with the composition of any citizen panel and the extent to which the diversity of the state was represented.

The California interviewees were the least optimistic about the possibility of a CIR process working in their state. All three noted the state's size and the difficulty of representing such diversity in a panel that was small enough to foster dialogue and deliberation. One interviewee felt the process would work well for smaller states or perhaps certain municipalities in California, such as San Francisco. This individual was also skeptical that the citizen statements would actually reach voters or influence their choices. Yet two of these interviewees noted that the California Redistricting Commission was a recent effort that might pave the way for other citizen bodies charged with deliberating important public issues and making decisions on behalf of the public. One of these also noted that there is an effort to form a Constitutional Review Commission using a similar process. The other wondered whether technology could be used to

bring the conversation online for Californians. One of the interviewees especially felt strongly enough about the CIR process personally, that he wanted to make it part of his political work in the state.

Conclusion

Overall, the interviewees felt that the following issues were important to consider in any CIR replication effort:

- **Provide voters with information they understand and can use**
  According to one Arizona interviewee, many often ascribe apathetic motives to disengaged voters, when really they lack knowledge and information. Voters lack confidence and know-how. Any ballot reform should improve voter understanding of the issues at stake and provide more, better, and more trusted information to voters.

- **Increase opportunities for public deliberation and engagement**
  One of the interviewees from California stated that even if a CIR process were not introduced in her state, the more individuals have experience with such processes, the easier it will be for them to support, understand and demand such involvement. Each citizen who has an opportunity to be part of a public deliberation brings that experience with her to future issues, and learning about deliberative processes is as much or more important than whether a particular ballot initiative is affected by a CIR statement. Other interviewees also felt that citizen engagement in well-facilitated deliberations could address the problem of polarized politics.

- **Make sure deliberation processes are clearly communicated, transparent and trusted**
  An Arizona interviewee stressed that while a CIR process might look different in any given state, the main principles of deliberative processes (e.g. trust, transparency, attention to process, diversity of views) should be adhered to. The voting public would have to clearly understand the deliberative process, which should be transparent to them. It is important for the deliberation to be guided by a neutral entity concerned with the process and not advocating a particular outcome. Also, voters would need faith that those who deliberate would truly be representative and not chosen through a biased process.

- **Provide adequate human and material resources**
  Most of the interviewees, especially those in Arizona who were further along in their thinking about this question, stressed the need for funding. One interviewee indicated that foundations committed to citizen engagement, public dialogue and deliberation, and improved political culture must provide enough money to support the coordination, implementation and participation costs related to such endeavors. The need for skilled human resources was also noted.

- **Solve the problem of scaling and share experiences with replication**
  Respondents in California wrestled with how to bring a representative, deliberative body to a state as large and diverse as theirs. Others also wondered how to bring the learning or impact of a small group of deliberators to a much larger public in a meaningful

way. To one interviewee, this seemed mainly a communication challenge. Still others felt that they needed more models and shared thinking about the multiple ways in which these processes may concretely work at the state level and how they can achieve buy-in from stakeholders, such as congressional leaders.