



# Oregon

Kate Brown, Governor

## *Citizens' Initiative Review Commission*

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WHO: Citizens' Initiative Review Commission

WHEN: Monday, January 25, 2016 – 11:00 A.M.

WHERE: College of Urban & Public Affairs  
Portland State University  
506 S.W. Mill Street, Room 710  
Portland, OR 97201

Contact the CIRC Administrator for call in information

### **What is the purpose of the meeting?**

The purpose of the meeting is to conduct regular commission business. Please use appropriate language, manners, and protocols when conducting commission business. A copy of the agenda is printed with this notice. Please visit <http://www.oregon.gov/CIRC/meetings.shtml> for current meeting information.

### **Is the public allowed to attend the meeting?**

Yes. Members of the public are invited and encouraged to be in attendance at all commission meetings. All public audience members are asked to sign-in on the attendance roster prior to the meeting. Comments may be heard under public comment portion of the meeting as listed on the agenda. Please wait to be recognized by the Chairperson prior to commenting.

### **What if the board/council enters into executive session?**

Prior to entering into executive session the commission chairperson will announce the nature of and the authority for holding executive session, at which time all audience members are asked to leave the room with the exception of news media and designated staff. Executive session would be held according to ORS 192.660.

No final actions or final decisions will be made in executive session. The commission will return to open session before taking any final action or making any final decisions.

### **Who do I contact if I have questions or need special accommodations?**

The meeting location is accessible to persons with disabilities. A request for accommodations for persons with disabilities should be made at least 48 hours before the meeting. For questions or requests call 503-725-5248. All members are asked to please give at least 24-hour notice if they are unable to attend the meeting so arrangements may be made.



Citizens' Initiative Review Commission  
Commission Meeting



11:00am – 1:00pm, Monday, January 25, 2016

- **Call to Order – Jerry Hudson, CIRC Chair**
- **Approval of Minutes From December 7, 2015 Meeting - All**
- **Commission discussion on CIR 3.0 Concept**
  - **Primer on legislation requiring representation; selection process and criteria** – Lucy Greenfield, Healthy Democracy
  - **Review background, purpose and process for 3.0 design** – Jessie Conover, Healthy Democracy
  - **Review researchers responses to questions about 3.0 design** – Jessie Conover
  - **Review Oregon statute establishing roles and responsibilities of the CIR Commission** – Sarah Giles, CIRC Administrative Coordinator
  - **Discussion related to ensuring accurate representation and quality process** – All
    - Number of participants
    - Weekly schedule
    - Compensation
    - Length of CIR
    - Additional quality assurance components
  - **Clarify design process for 2016 CIRs and future design refinements** – All
- **Public Comment Period**
- **Other Business**



Citizens' Initiative Review Commission  
Commission Meeting



11:00am, Monday, December 7th, 2015

Teleconference Meeting

**MEMBERS PRESENT:**

Jerry Hudson, Chair  
James Huffman, Vice-Chair  
Ann Bakkensen  
Mary Forst  
Robin Gumpert  
Kay Ogden  
Marion Sharp  
Ernest Estes

**MEMBERS ABSENT:**

Daniel Esqueda  
Debby Southworth

**ADMINISTRATIVE SUPPORT PRESENT:**

Sarah Giles, Administrative Coordinator  
Roslyn Owen, Financial Coordinator  
Wendy Willis, Executive Director, Kitchen Table Democracy (formerly PCI)

**GUESTS PRESENT:**

Lucy Greenfield, Healthy Democracy  
Jessie Conover, Health Democracy

**Call to Order**

Jerry Hudson, Chair, called the meeting of the Citizens' Initiative Review Commission (CIRC) to order at 11:00 am., Monday, December 7, 2015, over teleconference. Roll was called.

**Approval of Minutes from Commission Meeting September 28, 2015**

Mary Forst made a correction in the last paragraph, noting April rather than June and clarified that a November executive session brown bag did not occur as had been discussed at the September meeting due

to timing of Healthy Democracy's CIR 3.0 concept. Forst moved to then approve the minutes. Ann Bakkensen seconded and all Commissioners voted in favor of the minutes as corrected.

### **Financial Update**

Roslyn Owen, Financial Coordinator for the Commission, provided a brief financial update. Wendy Willis also reminded the Commission that the Policy Consensus Initiative, which is under contract to provide administrative support to the Commission, has changed its name to Kitchen Table Democracy, so payments from the Commission for administrative support are being made to Kitchen Table Democracy on a quarterly basis under the two year contract. Forst requested that Commission meetings continue to be held in person as the first option with teleconference as a second option for those who are unable to join.

### **Initial Review of Healthy Democracy 3.0 Concept Design**

Jessie Conover from Healthy Democracy (HD) provided a brief overview of HD's review of the CIR process. HD's Board reviewed and approved the final design. She highlighted key features of the design: a 3.75 day process, prioritizing high quality info with a Day 1 introduction and panel of independent experts, reducing the number of claims, and the opportunity for panelists to create new claims with a template to guide them. No clear consensus emerged from the design review work on making a change to the vote count. HD's Board was considering looking at this further but was not currently recommending a vote count change. The design also does not address any changes in the number of panelists of compensation.

The Commission engaged HD in Q and A on the new design. HD explained that the reasons for reviewing and re-designing the process was to respond to suggestions from the research team on improvements and to continue to strive to make the process as strong and impartial as possible.

Administrative Coordinator Sarah Giles suggested using a meeting in winter 2016 to focus entirely on the design and eliminate one of the fall 2016 meetings. The Commission agreed to hold an additional meeting in winter 2016 to focus entirely on the new design and areas where the Commissioner might play a role ahead of the 2016 CIRs. In addition, Commissioners would formulate additional questions they would like the research team to provide information on ahead of that meeting. HD would coordinate providing the questions to the research team and the answers back to the Commission. A deadline for those questions would be set once the fall 2016 meeting date was selected. Mary Forst and Robin Gumpert volunteered to work with HD to formulate an agenda that would guide the Commission's discussion of the process design.

The Commission continues to have questions about how the length of time and number of panelists affects the panel's diversity. Marion Sharpe stated she wanted to make sure the CIRs were representing all the voices in the state and were utilizing the mechanisms available to ensure an equitable, fair gathering of all those voices.

Ann Bakkensen asked how the process design team arrived at 3.75 days as the Oregon confab seemed to indicate longer CIRs but fewer of them. Conover explained that the design team wanted to test out the 3.75 days and learn from that to modify for subsequent CIRs. Ernie Estes also noted his concern with the panelists' ability to raise new issues and how to accommodate that in the new process design.

Commissioners also discussed what role the Commission would need to play with the new design. HD pointed out that the new design does ask the CIRC to play a bigger role in selecting who would make up a panel of independent experts. A guiding question for the winter 2016 meeting would be what additional recommendations or rules does the CIRC need to make in order to carry out the 2016 CIRs.

### **Approval of CIRC Final Recommendation from 2014 CIRs**

Commissioners reviewed the draft language for findings and recommendations from the 2014 CIRs per ORS 250.143. Robin Gumpert moved to approve the language. Kay Ogden seconded the motion. All Commissioners voted to approve it. The findings and recommendations would be posted by December 31, 2015 on the CIRC website ([http://www.oregon.gov/circ/Pages/Initiative-Review.aspx#Initiative\\_Review\\_Evaluations\\_and\\_CIRC\\_Recommendations](http://www.oregon.gov/circ/Pages/Initiative-Review.aspx#Initiative_Review_Evaluations_and_CIRC_Recommendations)).

### **Public Comment Period**

There was no public comment.

### **Other Business**

No additional business was discussed.



## DRAFT Citizens' Initiative Review 3.0 Concept CIRC Briefing Materials

This design concept is presented as Healthy Democracy's current thinking after a robust review and redesign process. It has been approved, in concept, by Healthy Democracy's Board of Directors and is presented to the Oregon Citizens' Initiative Review Commission for informational purposes. Healthy Democracy may change its design concept at any time for any reason, including new information or testing results.

### **Review & Redesign Process**

Since early 2015, Healthy Democracy has embarked on a comprehensive review and redesign of our flagship process, the Citizens' Initiative Review. The Healthy Democracy Board's Program Committee, in collaboration with Program Manager Jessie Conover, studied the body of CIR information, including reports, evaluations, agendas, and other materials to tee up the most pressing challenges and questions for the review and redesign. Jessie and the Program Committee convened two design confabs, in Portland and Colorado, to deliberate with some of the country's foremost CIR experts and stakeholders from states to address these challenges.

Oregon's CIRC was represented at the design confabs and on a concept design team.

A design team composed of Jessie and three longtime CIR moderators (listed below) took the body of information from CIR study and the design confabs and crafted a concept. The concept was then vetted by several key design stakeholders and was further modified by the design team before coming to Healthy Democracy's Board. The vast majority of stakeholder feedback was incorporated, resulting in a much stronger and more resilient design. The Healthy Democracy Board of Directors approved this design on December 3, 2015.

This concept is presented as a general agenda, without timing or precise process dynamics. The next step will be to flesh out the next layers – to operationalize the concept. This work, including additional testing of key exercises, will occur in the winter and spring of 2016.

### **Key Features of the CIR 3.0 Design Concept**

- 3.75 day length (beginning at ~10:30 am on Day 1).
- Emphasis on prioritizing high quality information through:
  - Neutral introduction of the policy topic prior to advocate presentations, and;
  - All-independent expert panels. Expert panels occur on Day 2, and panelists may ask questions.
- Introduction of a gentle framework to guide panelists through a policy analysis of the initiative under review. The policy analysis framework informs the design, but is converted for panelist use into a series of intuitive Voter Questions about what voters want to know when deciding how to cast their vote on a ballot measure. The policy analysis framework is derived from Robert Richards' dissertation research on the CIR and other deliberative processes.

- By framing the conversation about what voters want to know, the focus of the deliberations is on the most important information rather than spending time trying to verify unreliable information.
- Advocate information is introduced via character-limited claims, reduced from fifteen in CIR 2.0 to a maximum of seven in this design. Panelists hear presentations from advocates on Day 1, 2, and 3. Questions may be asked on days 2 and 3.
- An independent entity plays a larger role in determining the makeup of independent expert panels. In Oregon, this is the CIRC.
- Competing claims are not compared with one another as in 2.0. Rather, they are screened using the Voter Questions as proxy for importance. After the Voter Questions are applied, more information is gathered. Then claims are evaluated for reliability and may be edited.
- New claims may be added by panelists on Day 3, after advocate claims have been evaluated.
- The Citizens' Statement emphasizes key findings, which are presented as bullets. Statement in Favor and Statement in Opposition are limited to the three strongest points each and are presented as narrative statements, not bullets. A template is provided to help the groups draft their statements.
- This design can be implemented with or without a final vote count. Healthy Democracy does not currently recommend a change to the vote count, though the Healthy Democracy board may reconsider the vote count at a later time after examining it in greater detail.

#### *A Note on Time*

The charge of the design team was to design a workable, high quality CIR process using the general design direction agreements from the two design confabs. One of these agreements was to try our best to keep the timeframe to 3.75 days for a variety of reasons, including the cost to implement the CIR.

The design team accomplished that task in the initial drafting, mostly by finding efficiencies in the CIR design, keeping a claims-based approach, streamlining the statement drafting process, and employing a question-based framework to focus deliberation.

The Healthy Democracy Board adopted this design with the following qualifiers in mind:

- The review and redesign process has been rigorous and high quality, and has led to a thoughtful and robust design.
- The 3.75 day length keeps the cost of the CIR down, by design.
- We recognize that the 2016 CIRs will be the first test of 3.0, and that we will keep a close eye out for areas that would benefit from more time in future refinements of this process.

#### *Panelist Selection and Compensation*

This design does not make a recommendation on the number of CIR panelists or their rate of compensation, since this is very likely to vary by individual state conditions and does not affect the implementation of the design.

## Concept Agenda

DAY 1
Welcome & Introductions
<p>Orientation</p> <ul style="list-style-type: none"> <li>• CIR Purpose</li> <li>• CIR Process</li> <li>• CIR Roadmap with Daily Objectives</li> <li>• Who's in the Room</li> </ul>
Introduction to Initiative Process (preferably by someone independent who can answer questions, such as Secretary of State's office)
Guidelines for Discussion, Communication, Communication with Non-panelists
<p>Training</p> <ul style="list-style-type: none"> <li>• Introduce Voter Questions, as a series of questions voters want to know</li> <li>• Strong and Reliable Criteria</li> <li>• Values Primer</li> <li>• CIR Simulation Exercise (Courthouse); familiarize with Decision/Choice Tools</li> </ul>
Review Official (Written) Information on Measure
Neutral Introduction of Policy Topic
<p>Initial Pro Presentation</p> <ul style="list-style-type: none"> <li>• Present Claims (up to 7)</li> </ul> <p>Initial Con Presentation</p> <ul style="list-style-type: none"> <li>• Present Claims (up to 7)</li> </ul>
Independent Research Instructions
Daily Evaluation
DAY 2
<p>Overnight Reflections, including Independent Research (introduce but do not evaluate for new claims – that will come on Day 3).</p> <p>Daily Objectives: Set tone that today will be the chance for Information Gathering</p>
<p>Apply Voter Questions to Advocate Claims</p> <p><i>Note: These questions are subject to change with further testing and refinement.</i></p> <ul style="list-style-type: none"> <li>• Deliberate on Voter Questions in context of advocate claims</li> <li>• Exercise to apply “stickers” representing each question: <ul style="list-style-type: none"> <li>○ “What does this measure do? What problem does it solve?”</li> <li>○ “How well would this measure achieve its stated goal?”</li> <li>○ “What additional or other benefits besides the main goal would this measure accomplish?”</li> <li>○ “What drawbacks are there?”</li> <li>○ “What are the values at stake here?”</li> <li>○ “Are there other ways to address this problem or achieve the desired outcome?”</li> </ul> </li> <li>• Values Exercise in small groups – freedom to go beyond claims to identify the core values at stake.</li> <li>• The purpose of this exercise is to get panelists familiar with working with the Voter Questions and initially identifying the important information through it. It is not to sort claims into a single heading.</li> </ul>

<p>Identify Questions Using Prompts:</p> <ul style="list-style-type: none"> <li>• What gaps do you see? What information do you need about that? What information do you need to determine reliability? What information do you want about claims that seem to contradict one another? Is there anything missing?</li> <li>• With all questions, identify WHY it is important to have that question answered.</li> </ul> <p>Prompts provided in large group; popcorn in large group to get initial answers to prompts; continue discussion in small groups. Go around to each person and ask them to identify their top priority for needed information. Do three rounds of this and record questions.</p>
Lunch and Question Printing
<p>Advocate Panel (side by side)</p> <ul style="list-style-type: none"> <li>▪ Con Presentation</li> <li>▪ Pro Presentation</li> <li>▪ Con Response; Pro Response</li> <li>▪ Q&amp;A (First from list, then new burning questions. Each side gets to respond to each question. Precisely timed.)</li> </ul>
<p>Debrief</p> <ul style="list-style-type: none"> <li>• What information do we need to feel that our questions were answered? What new questions do we have?</li> </ul>
<p>Independent Expert Panel #1*</p> <p><i>*Note: This panel may come before the Advocate Panel, depending upon the specific measure under review.</i></p> <ul style="list-style-type: none"> <li>▪ Presentation</li> <li>▪ Q&amp;A</li> </ul>
<p>Independent Expert Panel #2</p> <ul style="list-style-type: none"> <li>▪ Presentation</li> <li>▪ Q&amp;A</li> </ul>
<p>Debrief</p> <ul style="list-style-type: none"> <li>• What new information did we learn that we might want to capture in a new claim? (Chart potential claim concepts for use on Day 3)</li> <li>• Shift tone away from gathering information and toward evaluating the available information.</li> </ul>
Daily Evaluation
DAY 3
<p>Overnight Reflections, including Independent Research</p> <p>Daily Objectives</p> <p>Claims Sorting (All voting is simple majority)</p> <ul style="list-style-type: none"> <li>• Reminder of Voter Questions and task of providing information that voters want to know.</li> <li>• Apply Importance Screen: “Does this claim have potential to be important to voters, either in its current state or if it were edited to be clearer or more reliable?”</li> <li>• Apply Editing Criteria and Screen to Important Claims: “Does this claim need to be edited?”</li> <li>• Editing Process (details in comprehensive agenda). Check before editing to make sure subcommittee is clear on editing charge.</li> <li>• Apply Reliability Screen to Important Claims: “Does this claim meet the criteria for strong and reliable information?”</li> </ul>

<p>New Claims</p> <ul style="list-style-type: none"> <li>• Examine Important and Reliable Claims. Identify gap areas, and propose concepts for new claims (concept accepted by simple majority).</li> <li>• Task subcommittee with drafting a new claim based on concept.</li> <li>• Examine new claims using mini version of screening process.</li> <li>• Add Reliable New Claims to Important and Reliable Claims List.</li> </ul>
<p>Final Pro Statement Final Con Statement Q&amp;A (Precisely timed)</p>
<p>Panelist Reflection &amp; Deliberation</p> <ul style="list-style-type: none"> <li>• Does the information provided in the final advocate statements make you want to reevaluate any of the Important and Reliable Claims?</li> <li>• If so, invoke mini-editing loop</li> </ul> <p>Large group reflection, focused on Important and Reliable Claims. Identify any claims that need to be revisited and invoke mini-editing loop:</p> <ul style="list-style-type: none"> <li>• Simple majority to select ones to edit</li> <li>• Subcommittee edits</li> <li>• Simple majority to accept or reject edited version</li> </ul>
<p>Statement Drafting</p> <ul style="list-style-type: none"> <li>• Guiding Question: “What do citizens want to know, and how does this statement answer their questions?”</li> <li>• Exercise to determine placement of claims in Key Findings, Statement in Support, and Statement in Opposition. Panelists start with list of all strong and important claims. Split the group in two, randomly, so there are equal pro and con statement drafting groups. Panelists select the strongest three arguments to support their group from the strong and important claims list, using a voting process. Then, have groups identify the core values at stake from their position.</li> <li>• These lists will form the draft Citizens’ Statement for fact-checking and advocate feedback.</li> </ul>
<p>After Hours:</p> <ul style="list-style-type: none"> <li>• Convene Fact-Checking Subcommittee to review claims in draft Citizens’ Statement</li> <li>• Provide draft Citizens’ Statement to advocates for review</li> </ul>
<p>Daily Evaluation</p>
<p>DAY 4</p>
<p>Overnight Reflections, no independent research (or new claims) introduced</p>
<p>Review Fact-checking Subcommittee findings and recommendations</p>
<p>Review draft Citizens’ Statement</p> <ul style="list-style-type: none"> <li>▪ If fact-checking subcommittee recommends changes, group considers them as edited claims. Simple majority needed to accept edit recommendation.</li> </ul>
<p>Review advocate feedback with Fact-Checking Subcommittee</p> <ul style="list-style-type: none"> <li>▪ Consult with fact checking subcommittee if advocates recommend changes to statement language. Consider as edited claims – simple majority needed to accept edit recommendation.</li> <li>▪ Protocol for reconciling conflicting feedback is used if necessary.</li> </ul>
<p>Statement Writing</p>

<ul style="list-style-type: none"> <li>• Groups draft a statement opposed and statement in favor using their strongest three claims and core values identified on Day 3, and use a provided template to draft a cohesive paragraph statement.</li> <li>• Groups provide feedback on each other's paragraphs; fact-checking committee does a quick sweep for changes in meaning; groups make modifications if desired.</li> </ul>
Individually Reflect on the Information in the draft Citizens' Statement.
<p>Anonymous vote on each claim in the Key Findings: Is this information important for voters to know?</p> <ul style="list-style-type: none"> <li>▪ Use to prioritize key findings. Any claims over 250-word limit are removed.</li> </ul>
<p>Finalize Citizens' Statement</p> <ul style="list-style-type: none"> <li>• Sections: Key Findings, Statement in Support, Statement in Opposition</li> <li>• Double check word count.</li> <li>• Congratulate panel on finalizing statement!</li> </ul>
Reflect on CIR Process
<p>Closing and Adjourn</p> <ul style="list-style-type: none"> <li>• Congratulations and thanks to panelists</li> <li>• Next steps for publishing statement</li> <li>• Press guidelines</li> <li>• Final Evaluation</li> </ul>