



Oregon

John A. Kitzhaber, Governor

Citizens' Initiative Review Commission

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WHO: Citizens' Initiative Review Commission

WHEN: Thursday, November 20, 2014– 11:00 A.M.

WHERE: College of Urban & Public Affairs
Portland State University
506 S.W. Mill Street, Room 611
Portland, OR 97201

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, Tuesday, November 20, 2014
College of Urban & Public Affairs
Portland State University
506 S.W. Mill St., Room 611
Portland, OR 97201

- **Call to order**
- **Approval of minutes from July 8 CIRC Commission meeting**
- **Review of 2014 CIRs**
 - Oregon CIRs
 - Report from Healthy Democracy
 - Preliminary Report from Research Team
 - Feedback from Campaign Advocates
 - Arizona and Colorado CIRs from Healthy Democracy
- **Public Comment Period**
- **Permanent Rulemaking on Temporary Rule 710-010-0000 – Citizen Elector Stipend and Travel Reimbursement**
 - Advisory Committee Recommendations
 - Preliminary Findings from Research Team
- **CIRC Membership Update**
 - Vacancies for 3 Commissioners – 1 political appointee; 2 former citizen panelists
 - Current Commission Terms:
 - 4/10/2012 - 4/9/2016*
 - Hudson, Huffman, Sharp, Bakkenson
 - 5/21/2013-5/20/2017*
 - Gumpert, Forst
 - 5/21/2013-5/20/2017*
 - Esqueda, Ogden
- **Items for 2015 Work Plan**
 - 2015-2017 budget
 - 2014 CIR Evaluations
 - Policies for future CIRs
- **Other Business**

Date: Nov 14, 2014

To: CIR Commission and Healthy Democracy

Cc: John Gastil, The Pennsylvania State University

Re: Participant Surveys and Researcher Assessments of the Fall 2014 CIR

METHODOLOGY

The principal data in this memo stems from two surveys of CIR participants as well as observations made by members of the research team. The surveys were conducted at the end of the CIR and in the weeks before and after the November election. The end-of-CIR survey had a final N of 40 and a response rate of 100%. The follow-up survey has a preliminary N of 24 and a preliminary cooperation rate of 60%. Some comparisons are made with 2010 and 2012 participant surveys.

The survey data is supplemented with observations made by the team of researchers who observed the CIR, particularly in comparison to the five-day CIRs conducted in 2010 and 2012. For these observations, a team of three researchers attended the CIR process, recording the deliberations and taking extensive notes on each agenda segment.

PROCESS LENGTH

The first set of questions assess whether the switch from a five-day process to a three-and-a-half-day process allowed the panelists enough time to adequately learn about the measure and craft their Citizens' Statements. In the follow-up survey, panelists were asked whether they thought that three and a half days was an appropriate amount of time to spend deliberating about the measure. Table 1 demonstrates panelists' responses to this question in 2014 in comparison to 2012 panelists' responses from the two-year later follow-up survey in which we asked the same question about that year's five day process.

Table 1. Do you think the length of the CIR process (five/three and a half days total) was too much time, too little time, or the appropriate amount of time to spend deliberating about the initiative and writing the Citizens' Statement?

	2012 (Measures 82 & 85)		2014 (Measures 90 & 92)	
	Number	Percent	Number	Percent
Much too short	0	0%	2	8.3%
A little too short	2	11%	6	25.0%
Appropriate	14	74%	15	62.5%
A little too long	2	11%	1	4.2%
Much too long	1	5%	0	0%
Total	19	100%	24	100%

Note: Like the 2014 survey, the 2012 two-year later follow-up survey is still being conducted. This survey presently has an N of 19 and a response rate of 37.5%.

Although a majority of panelists from both years reported that the length of their process was appropriate, Table 1 indicates that panelists in the five- day process were more likely to report having an adequate amount of time to deliberate about the measure and write the Statements. The few 2012 panelists who did not feel it was an appropriate amount of time were fairly split on whether they felt five days was too much or too little time. In contrast, 2014 panelists, who took part in a three-and-a-half-day process, were less likely to say that they had an adequate amount of time and much more likely to report that they did not have enough time to deliberate about the initiative and write their Statements.

Another way to gauge whether the amount of time provided was appropriate is to compare panelists' overall satisfaction with the process. Table 2 provides end-of-CIR reports of panelist satisfaction from 2010 - 2014. Table 2 indicates that 2010 panelists were more likely to be satisfied or highly satisfied with the process, with a few 2012 and 2014 panelists reporting either dissatisfaction or neutral feelings toward the process. Still, the results indicate no clear distinction between participants in the 2012 five-day process and the 2014 three-and-a-half-day process.

Table 2. Looking back over the past [4/5] days, how would you rate your overall satisfaction with the CIR process?

	2010 (Measures 73 & 74)		2012 (Measures 82 & 85)		2014 (Measures 90 & 92)	
	Number	Percent	Number	Percent	Number	Percent
Very Low Satisfaction	0	0%	0	0%	0	0%
Low	0	0%	0	0%	2	3%
Neutral	1	2%	4	8%	1	2%
High	10	21%	18	38%	26	43%
Very High Satisfaction	37	77%	26	54%	30	50%
Total	48	100%	48	100%	59	100%

Aside from overall satisfaction, the measure of having learned enough to make an informed decision provides a key indicator of the quality of the process and, particularly, whether the panelists' had enough time to adequately sift through the information. Similar to table 2, table 3 shows a decrease in satisfaction along this measure from 2010 to 2012, although in 2014 for the first time a few panelists reported definitely or probably not learning enough to reach an informed decision.

Table 3. A goal for this week was to learn enough about the measure to reach an informed decision. Do you believe that you learned enough this week to make an informed decision?

	2010 (Measures 73 & 74)		2012 (Measures 82 & 85)		2014 (Measures 90 & 92)	
	Number	Percent	Number	Percent	Number	Percent
Definitely Not	0	0%	0	0%	1	2%
Probably Not	0	0%	0	0%	1	2%
Unsure	0	0%	1	2%	0	0%
Probably Yes	5	10%	9	19%	14	23%
Definitely Yes	43	90%	38	79%	43	72%
Total	48	100%	48	100%	59	100%

Knobloch

As these results indicate, the participant surveys present mixed findings when used to assess the quality of the five- and three-and-a-half-day processes. Although the vast majority of panelists remained satisfied with the process and reported having learned enough to reach a good decision, 2014 panelists were more likely to report that they did not have an adequate amount of time to deliberate and a few indicated that they had not learned enough to reach a good decision.

Even so, these mixed findings may be a reflection of the process design itself, rather than merely a reflection of the length of the process. From the researchers' perspective, two problems may have interfered with the panelists' ability to learn initiative-relevant information: the absence of background experts or neutral witnesses and process design confusion.

Unlike in 2010 and 2012, in 2014 participants did not have the ability to call background witnesses and thus did not here from experts other than the advocates themselves. Although previous years have proved the difficulty of finding truly neutral witnesses, those who have been called as background experts and witnesses, rather than as advocates, have often helped panelists to negotiate conflicting information presented by the advocate teams. For example, background witnesses have previously enabled the panelists to decide that there simply wasn't enough information to reach a conclusion about specific effects that the initiative might have if enacted. In some instances, this allowed panelists to move past conflicting reports about issues such as financial impact and conclude that experts could not adequately predict such things. Without the presence of such experts, panelists may have been more likely to continually grapple with conflicting information searching for the piece of evidence that would allow them to find a definitive answer.

In other cases, background experts truly did serve as neutral sources, likely allowing panelists to feel confident in the validity of some of the advocates' claims while rejecting those they felt unfounded. Moreover, background witnesses would often provide information not provided by the advocates or provide more neutral versions of things such as definitions, which likely allowed the panelists to feel more confident in their understanding of the underlying information.

In addition, some process confusion accompanied a shift to a shortened process. For both weeks, the moderators were at times confused about the agenda or needed to readjust the agenda in real time. These moments of confusion and agenda adjustment occasionally took a significant amount of time to resolve and, subsequently, shortened the length of times panelists could spend deliberating or writing their Statements.

Compensation

The final section of this memo assesses whether panelists felt that were adequately compensated for their time. Table 4 indicates that the vast majority of panelists felt that their compensation was appropriate, though for both 2012 and 2014, the few panelists who did not feel it appropriate were more likely to think it was too little rather than too much, with panelists in the longer process in 2012 more likely to report needing more compensation.

Table 4. Do you think the stipend and travel reimbursement you received for your participation in the review was too much, too little, or the appropriate amount?

	2012 (Measures 82 & 85)		2014 (Measures 90 & 92)	
	Number	Percent	Number	Percent
Much less than needed	2	11%	0	0%
A little less than needed	2	11%	2	8.3%
Appropriate	15	79%	21	87.5%
A little more than needed	0	0%	1	4.2%
Much more than needed	0	0%	0	0%
Total	19	100%	24	100%

Date: Nov 12, 2014
 To: CIR Commission and Healthy Democracy
 Cc: Katie Knobloch, Colorado State U.
 Re: Phone survey results for Oregon CIR Fall 2014

METHODOLOGY

The principal data in this memo is from a phone survey, which was conducted the final weekend before the election, with a final N = 600. The cooperation rate was 55% (meaning more than half of those successfully contacted and eligible completed the survey). Using screening quotas, the demographics were very representative of the state: 48% male, 39% Democrat, 35% GOP, and 26% Unaffiliated/Other, 43% Tri-County/27% Willamette Valley/30% rest of Oregon, and 17% under 35 years of age, 40% 35-54, and 43% 55 and over.

The results below focus on a subset of the sample—those who had already voted in the election. This is the most relevant group because the results from it show how Oregonians are using the CIR in the course of completing their ballots. Some comparisons are made with previous years, though the 2010 sample is too small for extensive comparison with this group.

COMPARATIVE FREQUENCIES

Aware of CIR (already voted, surveyed in final week)

CIR awareness increased only marginally this year, with 54% at least somewhat aware of the CIR compared to 52% in 2012. Meanwhile, the proportion “very aware” of CIR dipped from 25% to 20%.

	2010	2012	2014
Not aware	59%	47%	46%
Somewhat aware	26%	28%	35%
Very aware	16%	25%	20%
Total	100%	100%	100%
Sample size (N)	111	323	403
At least somewhat aware	40%	52%	54%

Reading CIR Statements (already voted, surveyed in final week)

The percentage of respondents aware of the CIR who reported reading CIR Statements on the two ballot measures this year were higher than in 2012.

	Read CIR
2014: Measure 90	67%
2014: Measure 92	67%
2012: Measure 82	53%
2012: Measure 85	44%

Minimum N = 185 in 2014.

CIR Useful (already voted, surveyed in final week)

The percentage of respondents who rated the CIR Statements as at least somewhat useful declined in 2014 relative to 2012.

	2012: M82	2012: M85	2014: M90	2014: M92
Not useful	35%	27%	44%	42%
Somewhat useful	37%	39%	42%	45%
Very useful	28%	34%	14%	13%
Total	100%	100%	100%	100%

Minimum N = 123 in 2014.

CIR Informative (already voted, surveyed in final week)

Most respondents rated the CIR Statements as “somewhat informative” (55% for M90 and 49% for M92), with roughly two-thirds in both cases finding them to be at least somewhat informative.

	2014: M90	2014: M92
No new information	33%	37%
Somewhat informative	55%	49%
Very informative	12%	14%
Total	100%	100%

Minimum N = 120 in 2014.

CIR – Where first heard of it (already voted, surveyed in final week)

When asked, “Where did you first learn of the Oregon Citizens’ Initiative Review,” 58% said that they learned of it from the Voters’ Pamphlet, 17% said it was radio/television, 11% said “word of mouth,” 8% said newspaper, and the rest were spread across other categories (including just 2% on other online sources). N = 247 for this item.

REGRESSION ANALYSES

The Commission had also requested that we investigate the predictors of CIR awareness, use, and helpfulness, to see if the CIR’s overall utility was distributed evenly across the Oregon population. To make that assessment, we conducted a regression analysis that aims to “predict” various outcomes, such as becoming aware of CIR, reading a CIR guide, or finding it useful or readable once one picks it up to read it. Regression estimates the independent influence that comes from each of a set of related variables, and in this case, we used demographics that measure some of the important social and economic variations among Oregonians. Those with more education and income might be expected to differ from others because those variables are often associated with higher levels of civic engagement. We also tested for differences between men and women, between younger and older voters, and

between those Oregonian voters who identified their ethnicity as “white” versus all other ethnicity identity combinations. (Sample size limitations necessitated the crude dichotomy, which still can pick up differences in studies of civic behavior.)

The table below summarizes the findings of the regression analyses. There were no significant associations with the bulk of the CIR variables, particularly awareness of CIR and whether one had read the CIR. In other words, awareness and use were broadly distributed across the Oregon voting population in a way that was unassociated with one’s educational level, income level, age, sex, or ethnicity (at least, as measured herein). None of the overall equations were statistically significant, which suggests caution when looking for any individual significant predictors. That said, the only significant variable in any equation was age: younger voters found the Measure 92 CIR Statement more useful than did older voters, and the younger voters also found the Measure 90 CIR Statement more informative than did their older counterparts. (Though the other two survey items in these groups [Useful M90, Info. M92] did not have significant findings, the negative age effect was similar in size to the significant ones shown in the table.)

Semi-partial correlations for each demographic variable predicting CIR variables

(for those who have already voted, surveyed in final week)

	R^2	df	Education	Income	Age	Female	Ethnicity
Aware of CIR	.01	283	--	--	--	--	--
Read M90	.02	135	--	--	--	--	--
Read M92	.03	138	--	--	--	--	--
Useful M90	.09	87	--	--	--	--	--
Useful M92	.07	91	--	--	-.21*	--	--
Informative M90	.09	84	--	--	-.25*	--	--
Informative M92	.08	90	--	--	--	--	--

Statistical significance indicators: * $p < .05$, ** $p < .01$, “—” is shown when there is no significant effect. R^2 indicates the overall predictiveness of the variables (from zero to 1.0), and df shows the degrees of freedom to indicate the subsample size used for the analysis.

Regression figures effectively parse out the unique effects of each variable, but when looking at age by itself (i.e., without controlling for the other variables), one can see this significant difference in practical terms. Thus, 77% of voters under the age of 50 rated the Measure 90 CIR statement as at least “somewhat informative,” compared to 60% of those 50 and over. As for the other result, a majority (61%) of those under 50 rated the Measure 92 CIR Statement as “somewhat helpful,” whereas the majority (58%) of those 50 and over rated it as making “no difference.”



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To: Citizens' Initiative Review Commission

From: Sarah Giles, CIRC Administrative Coordinator

RE: 2014 CIR Advocate Feedback (Proponents and Opponents of Measure 90)

Date: November 14, 2014

Citizens' Initiative Review Commission Administrative Coordinator Sarah Giles met with Sara Logue (Measure 90 Opposition) and Phil Keisling and Barbra Dudley (Measure 90 Proponents) to gather feedback about their experiences as Subject Matter Experts during the Measure 90 Citizens' Initiative Review in August 2014. Below is a summary of their feedback. An additional memo from Jim Kelly (Measure 90 Proponent) is also included separately. Measure 92 Proponents and Opposition were both contacted to provide feedback but neither group responded to confirm meeting dates.

Feedback from Measure 90 Opponents

1. Preparation of Campaigns for CIR participation
 - Needed more preparation about what to expect during CIR process; recommendation to write out process in more plain language
 - Unclear the CIR panelists would be evaluating the submitted claims based on reliability
 - Unclear that findings could / would come from citizen panelists or that editing to the point that claims would look new
 - Good amount of time given to 2nd and 3rd panels to prep in response to citizen panelists' questions but one hour for 1st panel was too short
 - Would have liked more detailed agenda handed out to SMEs ahead of CIR
2. Subject Matter Expert Panels (SMEs)
 - 2 panels in one day was intense; seemed like there was a lot of fatigue by 3rd panel
 - Need clarity (for SME panelists and citizen panelists) on how additional info (beyond claims / handouts) can be submitted or requested
 - Handout length / amount seemed fair but need to be clear about when panelists get those handouts
 - Neutral experts didn't seem particularly helpful and what they presented didn't seem neutral
 - Would have been better to have neutral experts in person than via telephone; may be even better to have via email than on speaker phone
 - Concern about neutrality / previous clients of moderator who were connected to opposite side of measure
3. Claims (provided by each side to citizen panelists)
 - Perhaps frame as 7 facts / 7 opinions
 - Give word limits instead of character limits (would have to use something other than Google forms)

4. Photo / video policy
 - Not sure what photos / videos were being used for (research team / Healthy Democracy purposes)
 - Needs to be spelled out ahead of time, not on site

Feedback from Measure 90 Proponents

1. Subject Matter Expert Panels (SMEs)
 - Nomenclature misleading - difference between “domain” expert and “advocate” expert
 - Needed a neutral expert on measure drafting - perhaps someone who works for legislative counsel or a retired judge
 - Neutral experts on phone were overly constrained in providing info; need to use them more centrally in 2nd panel. Suggested that top findings / reasons at end could go to them as well for review (as go to pro and con sides)
 - Citizen panelists were never asked directly to ask questions of the neutral experts
 - Concern that some SME panelists using laptops to communicate with others during the panel
 - Suggestion to frame 2nd SME panel as “fact finding” rather than “what will the measure do?”
 - Effort to enforce timing restrictions clearly shown / no one sitting right at SME table to provide clear timing
 - Moderator could help clarify the questions asked to SME panels; ask citizens to do “fact finding exercises” rather than allow for statements of opinion from citizens followed by “what do you think” in questions creation
 - Needed a moderator to police SME panels with very clear rules and protocols
 - Suggestion to consider the process as close to the analogy of presenting to a grand jury and considering using a foreman concept as with jury (someone who is going to pause to make sure that addressing factual disputes); “citizens’ jury” also never gets time alone to deliberate without others in room (advocates constantly there, watching)
2. Claims (provided by each side to citizen panelists)
 - 250 character limits were very limiting
 - Suggestion to just ask each side for 1,000 words total ahead of time
 - As done, claims ended up being a combination of facts, assertions, and arguments
 - Could ask sides to start by providing the facts that each side thinks are the most important for citizens to know
3. Groundrules
 - Need to be more clear about boundaries / rules for SMEs
 - Need “rules of evidence” (also used in legislative hearings) about what can / can’t be allowed (e.g. legal memo offered during 2nd panel)
 - Suggestion to ask everyone to sign a paper of groundrules even if just observing

Memo

Date: November 7, 2014

To: Citizens Initiative Review Commission

From: Jim Kelly, Ex-Chief Petitioner, Measure 90

Subject: Citizens Initiative Review Process Feedback

Prologue

As a supporter of the Citizens Initiative Review process, I came in as an Advocate excited to participate. Having gone through the process, and with time to reflect, I offer the following in the spirit of constructive criticism. I have included three of what I call “fatal flaws” in the CIR process. I also offer up another idea that I think may help explain why the CIR may not be living up to expectations for your consideration and discussion. I hope that you will also share this feedback with those from other states who are considering instituting something based on Oregon’s CIR.

Fatal Flaws...

Jury without a Judge

Much of the Measure 90 CIR process and discussion revolved around the opponents’ assertions of drafting flaws in the Measure. These were highly technical and decidedly legal in nature (and, it should be noted, all that have now been reviewed by legislative counsel have been debunked). Panel members appeared to think it was their job to sort out these competing legal theories – essentially be a jury. This is wrong. *Without the guidance of a judge and instructions on the law they could not possibly sort through complex legal issues competently.*

The credence given to opponents’ theories had nothing to do with their legal arguments’ superiority – it is a testament to both the determination of the Measure 90 opponents on the panel, and a flawed process. It came down to nothing more than whether the panel chose to believe an attorney hired by the No Campaign, or whether they would believe a former Secretary State whose knowledge of the subject was vast and deep. To argue that the panel actually understood the legal issues is nonsense. No group of citizens, no matter how smart or unbiased, should be expected to sort through complex legal theories outside of a courtroom and without the guidance of a judge.

Pretending to be a jury, but working without the direction of a judge, is a **fatal flaw** in the CIR process and must be addressed.

Panel Selection

I believe the CIR process is based on the assumption that a panel will be truly representative of typical Oregon voters, and will be seeking and interested in facts, and the truth. In our case, the panel included some vocal and active partisan opponents who were clearly only interested in making sure that the panel voted against Measure 90. One need only to review the questions that were asked to recognize both their hostility towards the proponents and the sway these panel members had over the rest of the group. Of course, one would expect a few panel members of that sort given what we knew about voter attitudes on this issue. Yet, in this case those members exercised an inordinate amount of influence over the process and the results. Why?

The answer is that the process is vulnerable to being co-opted because of the methodology behind panel selection. The panel selection process does include a "volunteering" element. That is the **fatal flaw**. Here's how that can corrupt the process. Even without knowing the exact topic, the idea of being on a CIR panel would interest someone who is more politically engaged. And, in our society today, there is ample evidence that the most engaged tend to be quite partisan. Selecting to have the right number of Democrats, Republicans, and independents on the panel would not fix this. You would end up with more partisan Democrats than average, and more partisan Republicans than average.

This would explain why we could – and I would argue absolutely did - end up with a few more highly partisan panel members than would exist in a truly random group. And we know that highly partisan people on both sides of the aisle deeply disliked Measure 90. And given that these folks were motivated, vocal, and comfortable in that arena of thought and discourse, it makes sense that they could and would be highly influential in the group dynamic. Our polling told us clearly what we would face in a truly random group of Oregon voters, and the group we faced was anything but.

What this means is that as long as the selection process favors *those who want to participate over a truly representative group of voters*, reform and other initiatives that challenge the status quo of the political establishment will be at a significant disadvantage in the CIR process. That is wrong and will disadvantage any measure that offers progressive reform.

Findings Process Flaw

We were asked to provide 10-15 claims before the CIR process started. After that, as Advocates our role was one of answering the questions that the panel would give us. There is no opportunity for Advocates to discuss or refute claims made by either side, unless it comes up in the process of answering the questions that were posed to us.

We did have an opportunity to then comment on proposed findings. **But here is the fatal flaw.** *After comments are received, the panel can then make changes to their findings and then put them out in final form, with no second chance for Advocates to comment.* In this case, we were blindsided when the panel chose to insert the factually incorrect 499,000 number of registered voters who under M90 would be able to now vote in partisan primary races. That number was amongst the claims originally presented by our opponents, but was never discussed in the discussions with Advocates, and we therefore had no opportunity (or we thought need) to challenge. And since the correct number of 650,000 was used in the proposed findings we had no way to know or predict that the panel would substitute that incorrect number for the correct number in their final version, nor did we have a chance to help correct.

This alone – the panel’s ability to make last-minute changes using unchallenged data, without opportunity for final input - is a significant and **fatal flaw** in the process. An obvious and easily verifiable factual error was printed as a Finding in the Voters Pamphlet. It is not a minor error, since the factually correct number was the key marketing message that M90’s proponents used in all campaign advertising. It is not a minor error because it also undermines the credibility of the CIR process, and the Findings in general. It could have easily led to a “Pants on Fire” Politfact finding.

Another Idea to Consider

I am not an expert here, so I do not expect you to accept this at face value. But I believe the following is potentially an important issue regarding the CIR process, and I hope that the Commission explores this.

I am told it is well known amongst behavioral scientists (and trial lawyers) that the majority of people can no longer navigate a challenging problem once there are seven or more factors that have to be considered. Apparently, the science shows that when the number reaches seven, the process breaks down and many (most?) participants end up focusing on one or two points to the exclusion of the others.

Perhaps a look at the process from the viewpoint of behavioral science is warranted, and perhaps some changes would be in order. It certainly looked to me, in my role as an Advocate, and looking at the results, like we had a good number of overwhelmed panel members.

This too could disadvantage proponents of change, especially if the issue is either complex or one side argues that it is complex, since minds overwhelmed would more likely seek the safety of the status quo. I would suspect that this could also perhaps be a factor in the GMO result. In either case it classically is part of any NO strategy to complicate the issue and bring up as many variables and unknowns as possible.

Potentially, this issue is another “fatal flaw,” but I leave it to you to sort this one out.

Summation

I went into this with high hopes and a history of supporting the CIR and its good intentions. The CIR process happens at a critical juncture for campaigns – at the same time they are overwhelmed working on fundraising, staffing, outreach to community groups and media, and on and on. The CIR process is an incredible drain.

We expected a fair process with a panel representative of Oregon voters. We got neither. The current process is flawed in ways so significant as to render it not just unhelpful to Oregon Democracy, but actually damaging. Given what I now know, I would recommend any campaign to respectfully decline participation.



Citizens' Initiative Review Commission
Panelist Stipend and Travel Reimbursement Permanent Rule Advisory Group Meeting
Teleconference



9:00 a.m., September 30, 2014

MINUTES

MEMBERS PRESENT:

Alfred Medley (Grants Pass, 2014 CIR 2)
Obed Martinez (Rose Lodge, 2014 CIR 1)
Lucy Greenfield (Healthy Democracy, CIR funders)
Karna Conyers (Portland, 2014 CIR 2)

ADVISORY COMMITTEE MEMBERS ABSENT:

Tracie Stapleton (Keizer, 2014 CIR 1) - provided comments via email ahead of time)

ADMINISTRATIVE SUPPORT PRESENT:

Sarah Giles, Administrative / Rules Coordinator

GUESTS PRESENT:

None

Call to Order

Sarah Giles, CIRC Rules Coordinator, called the meeting of the Citizens' Initiative Review Commission (CIRC) Permanent Rule Advisory Group to order at 9:05 a.m., September 30, 2014, via teleconference. Roll was called.

Introductions

Advisory Committee members introduce themselves and shared a few brief thoughts on their recent experiences as Citizen Initiative Review (CIR) panelists and staff in August 2014. CIR panelists commented on the impressive work and effort they both took part in and witnessed among fellow panelists. They also shared some of the challenges they encountered in participating in the process, particularly in trying to balance new knowledge and time constraints.

Overview of Advisory Group role and purpose

Sarah Giles explained the formation of the Advisory Group, which is intended to be made up of representatives of those who will be impacted by the Permanent Rule under consideration. The CIRC invited CIR panelists from the 2014 CIRs who represent a geographic diversity from around the state to serve as Advisory Group members as well as representative from Healthy Democracy, the non-profit that currently provides funding for the CIRs. The Advisory Group's purpose is to review the language of the proposed Permanent Rule on Panelist Stipends and Travel Reimbursement and provide feedback and

comments for the CIRC to consider in setting the rule. In addition to the Advisory Group's input, the CIRC will also be holding a Rulemaking Hearing on October 29th, 10:30a.m. - 12:00p.m. and accepting public comment via email until 12:00p.m. on October 29th. The CIRC is meeting on November 20th at 11:00a.m. to review the Advisory Group's feedback and any comments from the public before voting on the Permanent Rule.

Review of Temporary Rule and Need and Fiscal Impact Statement

The Advisory Group reviewed Temporary Rule 710-010-0000, which the CIRC set in June 2014 and established proposed language for a Permanent Rule. Temporary Rule 710-010-0000 states:

According to the duties defined in ORS 250.139(5)(a), the Commission shall compensate each elector for each day served on a panel in the amount of \$100 per day. According to duties defined in 250.139(5)(b), the Commission shall reimburse each elector who serves on a panel for travel expenses in accordance with travel reimbursement policies (mileage, airfare, public transportation costs) as determined by the Oregon Department of Administrative Services. Mileage Reimbursement is therefore set at \$00.56 per mile. Stipends and travel reimbursements would be issued separately in two checks. According to duties defined in 250.139(6)(a), the Commission sets each panel duration for 3.5 days.

The Advisory Group also reviewed the need and fiscal impact statement for the Permanent Rule, which is available from the Administrative Rules Coordinator (info@circommission.org) or the Secretary of State's Office Archives Division (<http://sos.oregon.gov/archives/Pages/default.aspx>).

Review Preliminary evaluation data on travel reimbursements from Healthy Democracy

Healthy Democracy shared preliminary data from the 2014 CIR recruitments. In 2014, recruitment letters were sent to 5,000 randomly selected registered Oregon voters. The recruitment mailing return was 4.5% in 2014, down from 8.5% in 2012; however, there was also a shorter lead time for recruitment in 2014 and recruitment letters were sent much closer to the actual CIR events. At this time, Healthy Democracy was not able to separate those factors from the influence of the stated stipend amounts as set by Temporary Rule 710-010-0000 as explanation for the decrease in return rate. The rate of retaining participants - how many selected from the recruitment and invited to serve who did serve as CIR panelists - remained the same between 2012 and 2014. Both years alternate panelists were used, though this was often due to health reasons or last minute schedule conflicts.

In addition to recruitment data, Healthy Democracy also shared that they did not observe any difference in terms of attitude or panel composition between the 2012 (when the stipend was higher) and 2014 CIRs; however, the 2014 CIRs were shorter and did overlap with weekend days. Lucy Greenfield explained that Healthy Democracy and the CIRC were testing out a shorter CIR process (from 5 days in 2012 to 3.5 in 2014) and a smaller stipend (\$150 per day in 2012 and \$100 per day in 2014). The CIRC was also expecting additional data from a Colorado State University / Pennsylvania State University research team observing and evaluating the CIRs.

Discussion and Recommendations on Travel Reimbursement, Stipend, and Length of CIR

Advisory Group members shared how the travel reimbursement and stipend amounts and length of the CIR impacted them as well as what they observed / heard from fellow CIR panelists. They agreed that for some panelists, the stipend was an important concern in their being able to participate but those panelists who voiced that they had participated because of the stipend also were fully participating and engaged in the process. They did feel that seeing the \$100 stipend mentioned in the recruitment letter made them more likely to submit their names as potential CIR panelists. With a mailing of 5,000, they wondered if they would actually end up serving, but the \$100 stipend was enticement to pay attention to the mailing,

fill out the letter and return it. They also wondered if raising the stipend might mean participants would be motivated only to serve based on the money. The Advisory Group agreed the \$100 seemed fair and sufficient to them.

Al Medley suggested that the CIRC consider including language alongside the rate of \$100 that allowed for a stipend adjustor to ensure that the stipend kept pace with rising costs (e.g. cost of living). One possibility would be to use the same Cost of Living Allowance (COLA) rate that the Social Security Administration uses (based on the Consumer Price Index for Urban Wage Earners and Clerical Workers as determined by the Bureau of Labor Statistics, Department of Labor). Other Advisory Group members supported these suggestions.

Advisory Group members noted that the Temporary Rule Language does state that the mileage reimbursement rate is based on rates approved by Oregon's Department of Administrative Services (DAS), which uses the rates that are calculated by and regularly adjusted by the Internal Revenue Service. The Temporary Rule Language does, however, specifically state that mileage is set at \$00.56 per mile, and if the IRS adjusts its rates, this rate may actually be higher or lower than what DAS is using at the time of a CIR. Advisory Group members suggested eliminating the specific 2014 mileage rate but leaving in the language that states the mileage reimbursement rate is based on the rate approved by DAS.

The Advisory Group also debated whether they felt that the 3.5 days of the CIRs were adequate. While panelists all agreed that they felt rushed at the end when they voted on the Measure, they also felt that additional time would not necessarily mean they would have used it productively. In addition, panelists might have a more difficult time being away from work, family or other regular activities. The Advisory Group members suggested the CIRC consider an additional half day in order to give panelists time to evaluate any new information presented during the 3rd and final Subject Matter Expert Panel and to make sure they were thoughtfully reflecting on what they had learned before voting. That would also provide panelists a night to reflect individually before voting the next morning.

Advisory Group members also suggested considering keeping the CIRs at 3.5 days but compressing other, earlier parts in order to allow for more time and space at the end prior to voting. Lucy Greenfield provided the example of the Colorado pilot CIR, where a legislative council staff person presented on the initiative process and provided grounding at the start to help get the process moving faster. Panelists also discussed the importance of providing clarity on the panelists' role in editing and creating new claims to help speed up the process.

The meeting adjourned at 10:24 a.m.

Prepared by: Sarah Giles, Administrative Coordinator



Citizens' Initiative Review Commission



Administrative Rules Hearing



10:30 A.M., Wednesday, October 29, 2014

Room 710

College of Urban & Public Affairs

Portland State University

506 S.W. Mill Street

Portland, OR 97201

MINUTES

COMMISSION MEMBERS PRESENT:

None

ADMINISTRATIVE SUPPORT PRESENT:

Sarah Giles, Administrative Coordinator

MEMBERS OF THE PUBLIC PRESENT:

None

The Hearing on turning the Temporary Rules on Citizen Panelist Stipends and Travel Reimbursements into a Permanent Rule was held Wednesday, October 29 in Room 710 of Portland State University's College of Urban & Public Affairs, 506 S.W. Mill Street, Portland, OR.

For the record, the Notices of Proposed Rulemaking Hearing and corresponding Fiscal Impact Statements were published in the October 1st Edition of the Oregon Bulletin. Pursuant to ORS 183.335 the Notices were also sent to the appropriate Legislators. The Notices and Fiscal Impact Statements, along with the proposed rules, were also sent to all Interested Parties. Furthermore, the Notices and Fiscal Impact Statements, along with the proposed rules were posted on the Commission's public website. An Advisory Committee was convened on September 30, 2014 and provided recommendations, which were posted on the Commission's public website.

The Hearing was convened, at 10:30 AM, by Sarah Giles, Administrative Coordinator and Presiding Hearing Officer.

No members of the public appeared to present verbal or written testimony for or against the rule. Given the absence of testimony, Ms. Giles recommended that the Commission take into consideration the recommendations of the Advisory Committee at their next meeting on November 20, 2014.

Ms. Giles adjourned the Hearing at 12:00 PM.