Oregon
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WHO: Citizens' Initiative Review Commission

WHEN: Tuesday, May 21, 2013– 9:00 am

WHERE: Conference Room 445
Portland State Office Building
800 NE Oregon Street
Portland, OR 97212

**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 at the end of the meeting. 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 contact the commission specialist at (503) 373-2100. 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

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9:00 am, Friday, May 21, 2013

Portland State Office Building
Conference Room 445
800 NE Oregon Street
Portland, OR 97212

- Call to Order
- Introduce New Members
- Approve Minutes: November 14, 2012
- Legislative Update
- Review Citizen Panel Evaluations and Approve final Commission Report to Legislature on 2012 Citizens Review Process
- Commission Staffing
- Pursuant to ORS 192.660 (2)(f) for the purpose of considering information or records exempt from public inspection.
    - To review written legal advice
- Other Items for Commission Interest

# CITIZENS' INITIATIVE REVIEW COMMISSION

# REPORT ON THE 2012 CITIZENS' INITIATIVE REVIEWS

*Draft for review May 21, 2013*

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**Executive Summary**

The Citizens' Initiative Review (CIR) is an innovative way of publicly evaluating ballot measures so that voters have easy access to clear, useful, and trustworthy information at election time. It is a policy currently unique to Oregon.

In August 2012, the newly formed Oregon Citizens' Initiative Review Commission, with the administrative support of the Oregon Health Licensing Agency (OHLA), oversaw two Citizens' Initiative Reviews: one review of Measure 82 and one review of Measure 85. Healthy Democracy (HD), a nonprofit organization under contract with the CIR Commission, served as the project director for the two reviews.

Two separate panels of 24 randomly-selected and demographically-balanced Oregonians heard arguments for and against each measure and called upon subject-area experts over the course of each five-day review. The Citizens' Initiative Review findings appeared as two stand-alone Citizens' Statements published in the Oregon Voters' Pamphlet.

In contrast to a 2010 pilot, conducted by HD, pursuant to House Bill 2895 (2009), the CIR Commission provided oversight of the 2012 reviews. The CIR Commission handled specific issues, including ballot measure selection, panel composition, operating policies and procedures, moderator qualifications, and stewardship of the CIR Fund.

The CIR Commission is also responsible for ensuring that evaluations of the CIR process from CIR panelists and moderators, as outlined in House Bill 2634 (2011), are performed. The bill, codified in ORS 250.137 through 250.149, requires the following: that panelists and moderators separately convene no later than February 1 of an odd-numbered year to evaluate CIR procedures; that panelists and moderators submit written reports to the CIR Commission summarizing such evaluations, along with any recommendations; that each year in which such evaluations are the conducted the CIR Commission review shall review such evaluations and make any findings and recommendations; and that all such evaluations, findings and recommendations be made available to the public.

*CIR Commission Findings and Recommendations*

FINDINGS AND RECOMMENDATIONS, IF ANY, TO BE INCLUDED HERE.

## Introduction

In Oregon, voters have the constitutional right to lawmaking directly through the initiative process. The Oregon Citizens' Initiative Review Commission believes that the responsible exercise of this right is enhanced when voters have access to reliable and clear information about ballot measures.

With the Citizens' Initiative Review, Oregonians now have a powerful new tool in the official Statewide Voters' Pamphlet to find reliable and clear information, and sort through even the toughest questions about ballot measures.

During each Citizens' Initiative Review, a panel of randomly-selected and demographically-balanced voters is brought together from across the state to fairly evaluate a ballot measure. The panel hears directly from campaigns for and against the measure, calls upon policy experts, and deliberates during the multi-day public review.

For each measure reviewed, a new panel is convened. At the conclusion of each review, panelists draft a 'Citizens' Statement' highlighting the most important findings about the measure. Each 'Citizens' Statement' is published as a prominent page in the Voters' Pamphlet as a new and easily accessible resource for voters to use at election time.

## Background

The Citizens' Initiative Review was developed in Oregon by Healthy Democracy (HD), a nonpartisan, nonprofit organization dedicated to advancing innovative ways for the public to engage in the democratic process and improve political discourse. Founded in 2007, HD worked with a wide array of supporters and legislative leaders for five years to develop the CIR concept. During this period, HD advocated for the CIR, ran a 'field test' in 2008, and helped advance House Bill 2895 in 2009 that enabled an official pilot of the CIR process in 2010.

After the passage of House Bill 2895, HD worked with the Secretary of State's office, State Elections Office, campaign officials, and policy experts to pilot two reviews in August 2010. The two measures reviewed were Measure 73, which proposed increasing minimum sentences for repeated sex crimes and for driving under the influence; and Measure 74, which proposed the establishment of medical marijuana dispensaries.

A team led by nationally-recognized researchers, backed by a $218,000 grant from the National Science Foundation, evaluated the reviews. The evaluation team concluded that the two CIR panels convened in August 2010 engaged in high-quality deliberation and that nearly thirty percent of Oregon voters considered the CIR Citizens' Statements when deciding how to vote.

This positive evaluation of the pilot was instrumental in the June 2011 decision of the Oregon legislature to approve HB 2634, which made the Citizens' Initiative Review an official part of the Oregon elections process. The law was fully implemented during the 2012 election cycle.

A key provision of HB 2634 included the establishment of an independent commission to oversee and conduct the Citizens' Initiative Review in Oregon. The Citizens' Initiative Review Commission is the official authority on how the CIR works, how it is administered, and what measures are selected for review.

Oregon is the first state in the nation to adopt this innovative policy into law. While no other states have a review process like this one, the early success of the CIR has created interest from leaders in other states with the initiative system who are carefully monitoring the CIR's progress. Once again, Oregon is leading the way with a unique and innovative reform.

## 2012 Citizens' Initiative Reviews

*Overview*

The Oregon Citizens' Initiative Review Commission, staffed by the Oregon Health Licensing Agency, convened CIRs for two ballot measures in August 2012. Healthy Democracy, under contract with the CIR Commission, served as the project director for the two reviews.

The CIR Commission selected two measures to be reviewed: Ballot Measure 85, which proposed amending the state constitution by allocating revenue from corporate income and excise tax "kicker" refunds to additionally fund K-12 public education; and Ballot Measure 82, which proposed amending the state constitution to authorize privately-owned casinos and to mandate a percentage of casino revenues to a dedicated state fund.

Two panels of 24 randomly selected and demographically balanced voters heard arguments for and against the measures and called upon subject-area experts during the five-day public reviews. From August 6-10 in Salem, the first panel reviewed Ballot Measure 85. From August 20-24 in Portland, a second panel reviewed Ballot Measure 82.

Designed to be fair and in-depth, each review culminated with the production of a Citizens' Statement detailing the key findings of the CIR panel. Both Citizens' Statements were included in the statewide Voters Pamphlet mailed to every voter prior to the 2012 general election.

*Selection of measures for review*

Pursuant to ORS 250.139 (2), the CIR Commission considered the following criteria in selecting measures to be reviewed: (a) the fiscal impact of a measure, (b) whether the measure amends the Oregon Constitution, (c) the availability of funds to conduct reviews and (d) any other criteria established by rule.

As the CIR Commission had been in existence for less than two months at the time it was required to make its selection, the CIR Commission chose not to establish new criteria by rule, as it believed there was not sufficient time to consider fully the merits of establishing any new potential rule(s).

Based upon the CIR Commission's understanding of the availability of funds soon to be deposited in the CIR Fund, as well as in-kind support to be offered by HD, the CIR Commission determined that it would be appropriate to select two measures for review.

These decisions left the CIR Commission with two remaining criteria to consider: the fiscal impact of the measure and whether the measure proposed to amend the Oregon Constitution. As a result, it selected Measure 82 (which would authorize privately owned casinos) and Measure 85 (which would redirect corporate kicker refunds to fund K-12 public education), both of which were constitutional measures and both of which promised to have considerable potential fiscal impact.

In order to allow sufficient time to perform the organizational work required for conducting effective reviews, the CIR Commission selected which citizen initiatives to review *prior* to the Secretary of State's deadline for certifying which initiatives had qualified for the ballot. The CIR Commission made its selection on July 10, whereas the certification deadline was not until early August. The early July selection was driven largely by the fact that the eventual product of each CIR – a Citizen Statement in the Voters' Pamphlet – was to be due to the Secretary of State by August 28. In order to meet such a deadline, potential measures had to be selected, with sufficient time to invite and secure the participation of possible presenters, as well as to select panelists and to conduct the reviews.

By early July, the CIR Commission had at its disposal the final number of signatures submitted to the Secretary of State by each initiative chief petitioner, as well as the respective signature verification rates to date. Such information provided a reliable, though not perfect, indicator of which initiatives would indeed qualify for the ballot. On July 10, it appeared that the initiative petitions relating to the private casinos and the corporate kicker would indeed qualify for the ballot, as they eventually did.

*Selection of the CIR panels*

For each review, HD, under contract with the CIR Commission to serve as project director, assembled a panel of 24 Oregon voters. The panelists were selected at random to form a demographically balanced panel, fairly reflecting a cross-section of the entire state electorate. *(See Appendix A: CIR Panel Demographic Composition.)* Each panelist received a modest stipend for his or

her participation, while their accommodations, meals, and travel expenses were covered, so as to minimize barriers to participation.

A two-step selection process was used to form the panels. First, a large random sample of 10,000 voters was selected from the statewide voter registration list. These voters were then sent a letter through the postal mail inviting them to apply to participate.

Next, from those who agreed to serve, a large pool of several hundred potential panelists was put together. Over 800 Oregonians volunteered to serve in 2012. Each person in the pool was assigned a number (to protect privacy) and then in a meeting that was open to the public, with a member of the CIR Commission in attendance to oversee the process, two panels of 24 voters were assembled to match the demographics of the state electorate. The demographic criteria included: age, gender, ethnicity, education, partisan affiliation, voting history, and location of their residence.

*Participation of the presenters*

After the CIR Commission selected Measure 82 and Measure 85 for review, it requested the project director, HD, to secure the participation of an advocate team for and against each measure, as well as subject-area experts, or "background presenters," for each CIR.

The project director, on behalf of the CIR Commission, invited the campaigns in favor and against both measures to participate. For the CIR of Measure 82, it invited Stacey Dycus, Campaign Manager for Yes on 82 & 83, and Justin Martin of the Confederated Tribes of Grand Ronde and the It's Still a Bad Idea Committee, both of whom agreed to assemble their respective pro and con advocate teams for the review.

For the review of Measure 85, the project director invited Liz McCann, Political Director of Our Oregon, to assemble an advocate team in favor of the measure, as Patrick Green, the Executive Director of Our Oregon, was among the chief petitioners of the measure. As there was no active campaign against Measure 85, HD invited members of the Explanatory Statement Committee for the measure to participate. Steve Buckstein, a member of the Explanatory Statement Committee and Senior Policy Analyst at the Cascade Policy Institute, agreed to participate and was eventually joined by Senator Frank Morse. All agreed to assemble their respective pro and con advocate teams for the reviews.

Shortly prior to the launch of the review of Measure 85 scheduled for August 6, 2012, Our Oregon notified the project director of its decision to withdraw its participation. While the CIR Commission was disappointed by the decision, the project director had little difficulty identifying other informed advocates ready to speak effectively on behalf of the measure for the CIR. Jody Wiser, of Tax Fairness Oregon, a member of the coalition of groups supporting Measure 85, agreed to assemble an advocate team in favor of the measure. *(See Appendix B: CIR Presenters.)* Her team's effectiveness, as judged by the CIR panel, demonstrates the resilience and strength of the process, even in situations where a chief petitioner chooses not to participate. Given this recent experience, the CIR

Commission nevertheless believes that it may be beneficial to establish by rule a process for handling such situations where campaigns choose not to participate.

The project director, working with both initiative advocate teams and conducting independent background research, also identified a pool of policy experts or "background presenters" for each CIR. Pursuant to operating policies and procedures adopted by the CIR Commission, the project director prepared a list of no more than fifteen individual subject-area experts who were able to provide each panel with background information, answers to questions, and/or additional expertise or perspectives on the measure and associated issues.

So as to minimize any potential for staff bias, advocates for each side were offered the opportunity to propose up to five credible individual experts for inclusion on this list. Potential expert presenters were asked to fill out a questionnaire about their expertise and were asked to disclose information about any relationship that they might have with advocates. Inclusion of individuals proposed by advocates was at the discretion of the project director, but advocate groups were offered the opportunity to provide written comments, up to 500 words, about the final list given to the panel. The citizen panel itself used the information accompanying this list to determine which policy experts to call upon to provide additional information during the review. *(See Appendix B: CIR Presenters.)*

*The review process*

During the two separate five-day public hearings, panelists heard from advocates for and against Measure 82 and Measure 85, and called upon additional policy experts for information about each measure.

The project director, working with both initiative advocate teams and conducting independent background research, identified a pool of up to fifteen additional policy experts or "background presenters." The panelists had the opportunity to select policy experts from among this pool, hearing testimony from them either in person or in some cases via video or phone conference.

Over the course of each review, panelists had the opportunity to ask questions directly of the advocates and background presenters, prioritize what they wanted to learn, and deliberate together. On a daily basis the panel identified the key facts and key arguments about the measure, and as a group sorted through the information they gathered to highlight the most important points to share with voters statewide.

At the conclusion of the CIR process, the panelists drafted a Citizens' Statement, detailing the most important findings about the measure, as well as reporting how many panelists supported or opposed the measure. The Citizens' Statement was then published as a prominent new page in the Voters' Pamphlet, and distributed to every voting household across the state.

With the Citizens' Statement, voters receive clear, useful, and trustworthy information about ballot measures. The Citizens' Statement does not tell people how to vote. Rather, it provides voters with well-reasoned information they may consider in their personal deliberations when it comes time to vote.

*Integrity of the review process*

The CIR Commission has ensured that great care has gone into designing the Citizens' Initiative Review. Below are a few of the most important aspects of the review that make the process trustworthy:

- The 24 voters evaluating the measure are randomly chosen, rather than self-selected or selected by anyone who has a stake in the outcome of the review. Therefore, the panelists are not selected to "push an agenda."
- The panel is demographically balanced to fairly reflect the state electorate.
- Advocates for and against the measure are given equal time and opportunity to make their case.
- The citizen panel, not the measure advocates nor the CIR staff, determines which policy experts to call upon to provide additional information during the review.
- The review is facilitated by professional mediators who are trained to be neutral and have no personal stake in the outcome.
- During every stage of the review, the process has been designed to eliminate the introduction of bias by moderators or contract staff.
- Each day, and at the conclusion of the review, panelists evaluate the CIR process in terms of fairness and bias. The results of these evaluations are publicly reviewed each day by the panelists as part of the process and included in the public report. The results of these evaluations from CIRs in 2008, 2010 and 2012 showed very high marks for fairness and lack of bias from all of the panelists and both of the initiative advocates.
- Finally, the Citizens' Statements are written and edited by the panelists themselves as an information resource for voters.

**Effectiveness**

The effectiveness of the Oregon CIRs appears to be demonstrated by multiple evaluations of the CIR process, as conducted by independent academic researchers, by citizen panelists, and by moderators.

HB 2895 (2009) required an independent evaluation by researchers of the 2010 CIR pilot to help determine the CIR's potential utility for voters. The ultimately favorable evaluation provided support for the passage of HB 2634 (2011), which made the CIR a regular feature of Oregon's election system. While such independent evaluations are no longer required, a group of

researchers, including some from the same team that had evaluated the 2010 CIRs, performed an evaluation of the 2012 CIRs and found continued and growing effectiveness in key areas.

HB 2634, as codified in ORS 250.137 through 250.149, requires that separate evaluations be performed by citizen panelists and by moderators; that such evaluations be reported to the CIR Commission; that the CIR Commission review such evaluations and make any findings and recommendations; and finally that all such evaluations, as well as any findings and recommendations, be made available to the public.

*Independent Evaluation of the 2010 CIR pilot*

The purpose of the 2010 pilot of the Citizens' Initiative Review was to provide Oregonians with an opportunity to use the information from the Citizens' Statements, and determine through a rigorous evaluation whether voters valued the CIR as a new public service. To do this properly, legislation was required to place the results of the CIR, the 'Citizens' Statement,' into a prominent new page in the statewide voters pamphlet. This was the only way a rigorous evaluation of the CIR process could be conducted.

Recognizing the importance of this research opportunity, the National Science Foundation awarded $218,000 to a team of distinguished academic researchers from Oregon, Washington and Wisconsin to conduct the evaluation. The research team's evaluation included direct observation of the 2010 CIR panels; interviews with the panelists themselves; examination of full transcripts of the CIR panels; assessment of the Citizens' Statements; and analysis of large statewide surveys.

Their purpose was to determine: (1) the quality of deliberation that took place during the review process itself, (2) the factual accuracy of the resultant Citizens' Statements published in the statewide Voters' Pamphlet, and (3) the utility of the Citizens' Statements for voters. By all of these measures, the 2010 pilot of the Citizens' Initiative Review received high marks.

The researchers found the following:

1. "The two CIR panels convened in August 2010 engaged in high-quality deliberation. The panels conducted a rigorous analysis of the issues and maintained a fair and respectful discussion of the issues throughout the proceedings."

2. "The Citizens' Statements included in the Voters Pamphlet were thoroughly vetted by the panelists and were free of any gross factual errors or logical mistakes."

3. "The CIR Citizens' Statements were widely used and helpful to a large percentage of voters."[1]

[1] Gastil, J. & Knobloch, K. (2011) *Evaluation Report to the Oregon State Legislature on the 2010 Oregon Citizens' Initiative Review.* Seattle: University of Washington.

*Independent Evaluation of the 2012 CIRs*

As stated above, although such independent evaluations are no longer required by statute, independent researchers, including several from the same team that performed the evaluation of the 2010 pilot, also evaluated the CIRs conducted in August 2012. The new research followed the same general protocol used in 2010: (1) assessment of deliberative quality, (2) evaluation of factual accuracy of Citizens' Statements, and (3) synopsis of utility of the Citizens' Statements for voters.

The summary evaluation appears to highlight not only the continued effectiveness of the CIRs, but also significant improvements since 2010 in key areas. Below are some of the key findings of the researchers from their report:

1. "The 2012 Citizens' Initiative Review (CIR) appeared to be a highly deliberative process, both from our perspective as observers and from the point of view of the participants themselves. Overall, its quality was comparable to the 2010 CIR panels."

2. "The 2012 CIR Citizens' Statements maintained the high level of factual accuracy first achieved in 2010."

3. "Statewide surveys of voters found that 51% of those likely to vote were aware of the CIR by the end of the 2012 election. This amounts to a 9% increase from the peak of 42% awareness among likely voters in 2010. At least two-thirds of CIR Statement readers in 2012 found the panelists' insights helpful in making their own voting decisions, which is also a significant increase compared to 2010."[2]

In addition to these finding, the independent evaluators offered the following recommendations for continuing to improve the overall quality of the CIRs. These recommendations are ranked in what they considered the order of importance:

1. "The CIR Statement page in the Voters' Pamphlet should have a more visually engaging layout, and the CIR needs a more robust public information campaign."

2. "The CIR orientation should provide more precise training to panelists on how to evaluate evidence, the key terms for each aspect of the process, and the importance of values in relation to evidence and arguments."

3. "CIR organizers should continue to explore ways to effectively prepare proponents, opponents, and neutral witnesses for their appearance before citizen panelists."

[2] Knobloch, K.R., Gastil, J., Richards, R., & Feller, T. (2013). *Evaluation Report on the 2012 Citizens' Initiative Reviews for the Oregon CIR Commission*. State College, PA: Pennsylvania State University.

4. "The CIR should continue to look for ways to bring online technology into the panel deliberation."

Although the CIR Commission has not endorsed the findings or recommendations in the independently conducted evaluation, the CIR Commission is nevertheless providing a copy of the full report for the public to review. The evaluation report can be found in Appendix C.

*Citizen Panelist Evaluations of the 2012 CIRs*

Independent evaluations continue to provide valuable information regarding the effectiveness of the CIRs, but they are no longer required by statute. Instead, state law now requires the CIR Commission to ensure that panelists and moderators formally evaluate the CIR process.

According to ORS 250.143 (2), "not later than February 1 of an odd-numbered year, two electors from each citizen panel shall: (a) Convene to evaluate procedures related to the citizen panels and submit a written report to the commission summarizing the evaluation, along with any recommendations."

On January 30, 2013, four citizen panelists from the two CIRs conducted in 2012, convened to evaluate CIR procedures. The panelists included Daniel Esqueda and Kay Ogden from the CIR for Measure 82; and Dawn Sieracki and Charlotte West from the CIR for Measure 85. The evaluation was facilitated by Healthy Democracy as part of its contract with the CIR Commission. *(See Appendix D for panelist evaluation report.)*

A summary of the evaluation by panelists, including recommendations, can be found below:

"Summary of strengths and weaknesses of CIR procedures:

- Strength: clarifies complex ballot measures for the voting public.
- Strength: representative makeup of the panel increases the likelihood that final Citizen Statement will be intelligible to entire electorate.
- Strength: effective facilitation helps diverse panelists work towards a common goal and creates among them a strong sense of purpose.
- Weakness: panel diversity is possibly hindered by fact that not everyone can take five days off from work.
- Weakness: officially reviewing Measure 82, while taking into consideration Measure 83, was very difficult; it was sometimes hard to distinguish between the two.

Key recommendations to improve CIR procedures:

- Establish more opportunities to address explicitly how values might influence the evaluation of evidence and the development of arguments.

- Require all background presenters to set aside time, withing reason, to participate in process, as the limited availability of some background presenters was at time frustrating.

- Have final advocate presentations focused on responding to panelists' preliminary findings and questions, rather than making final "appeals," i.e., eliminating last 15 minutes currently designated for advocate presentations.

- Devise a way for the panelists to offer input along the way regarding possible adjustments to the agenda.

- Create a "summary wall" that is more fluid and that better reflects the evolving thinking of the panelists.

- Consider creating two groups of twelve for statement writing, even if it means some panelists who are "pro" are helping write "con" statements (and vice-versa); doing so puts focus on providing quality arguments.

- Issue press releases on Day # 5 that highlight the quality of the information and process and that downplay how many panelists were either "pro" or "con."

- Designate more time for some sections and less time for others, e.g. Day # 3 best reasons pro and con exercise.

- Allot more time to accommodate panelists who might not digest information as quickly so that they are equally able to participate."

*Moderator Evaluation of the 2012 CIRs*

Moderators must also evaluate the CIR process. According to ORS 250.143 (1), "not later than February 1 of an odd-numbered year, each person who served as a moderator for a citizen panel that evaluated a measure voted on at the most recent general election shall: (a) Convene to evaluate procedures related to the citizen panels and submit a written report to the Citizens' Initiative Review Commission summarizing the evaluation, along with any recommendations."

On October 18, 2012, four moderators from the two Citizens' Initiative Reviews (CIRs) conducted in 2012, convened to evaluate CIR procedures. The moderators included Robin Gumpert and Michael Schnee from the CIR for Measure 82; and Mary Forst and Molly Keating from the CIR for Measure 85. This evaluation was also facilitated by Healthy Democracy as part of its contract with the CIR Commission. *(See Appendix E for moderator evaluation report.)*

A summary of the evaluation by moderators, including recommendations, can be found below:

"Summary of strengths and weaknesses of CIR procedures:

- Strength: CIR moderators collectively have thousands of hours of experience providing facilitation for policy and citizen groups; the CIR compares favorably when it comes to integrity of the process, high-quality of deliberation, and value for participants.

- Strength: the CIR process encourages rational and civil discourse among panelist with different backgrounds, a rarity in today's partisan climate.

- Strength: staff plays an effective role in ensuring the integrity of the CIR process.

- Strength: the design of the five-day process has evolved over several years with a great deal of input from panelists, moderators, and others; the documentation for how to run the process has become very detailed in an effort to be able to replicate the CIR process for others.

- Weakness: despite considerable experience moderating the CIR, moderators are beginning to have trouble trusting their professional instinct and judgment because they are so concerned with following the detailed written process.

Key recommendations to improve CIR procedures:

- Provide greater clarity to moderators regarding which processes are required and which processes can be more artfully and flexibly employed to achieve the objectives for each section.

- Ensure that panelists can look back and say that there was no moderator bias in the process and that their voices were heard. Perhaps offer a question on the daily evaluation that asks: "On a scale of one to five, how satisfied are you that your voice was heard and understood today? What, if anything, is getting in the way of your voice being heard or understood? (Please be specific.)" Moderators might bring relevant responses to these questions it to the group's attention on a daily basis.

- Provide materials and room charts that clearly describe the guidelines for the development of key findings and additional policy considerations, as well as the voting processes necessary for developing them.

- Confirm that technology for voting is functioning properly and have back-up plan ready in case of technological malfunction.

- As providing staff support for the CIR process can at times be challenging and intense, protect panelists as much as possible from staff activities that might be distracting.

- Strive to make necessary mid-course changes and do so in a timely manner; while panelists were consistently reminded to always be on time, moderators and staff did not always live up to that standard

- Anticipate bottlenecks for items such as advocate feedback on draft statements; be clear about what steps are required and what could be omitted."

*CIR Commission Findings and Recommendations*

FINDINGS AND RECOMMENDATIONS, IF ANY, TO BE INCLUDED HERE.

**Administration**

As stated earlier, House Bill 2634 was passed during the 2011 Legislative Session to establish the Citizens' Initiative Review Commission within the executive branch of state government. The Citizens' Initiative Review Commission is the official authority on how the CIR works, how it is administered, and what measures are selected for review.

In contrast to a 2010 pilot of the CIR conducted by the nonprofit Healthy Democracy pursuant to HB 2895 (2009), oversight of the CIR process is now handled by the state-appointed CIR Commission.

Specific issues, including ballot measure selection, panel composition, operating policies and procedures, moderator qualifications, evaluation, stewardship of the CIR Fund, are now the responsibility of an independent commission directly accountable to the public.

The Department of Administrative Services was authorized to expend funds "incurred in the initial appointment and organization of the Citizens' Initiative Review Commission" from funds appropriated to DAS. The CIR Commission, once established, was directed to reimburse DAS for any funds expended on its behalf. The bill, codified in ORS 250.137 through 250.149, also established the Citizens' Initiative Review Fund within the State Treasury. The bill did not appropriate any funds or authorize any expenditure limitation to the CIR Commission beyond the $1 necessary to establish the fund.

The bill authorized the CIR Commission to accept contributions of "moneys and assistance" from the U.S. Government, its agencies or from any other source, public or private, subject to the limitations set out in ORS 250.147(2).

Healthy Democracy (HD), an Oregon non-profit organization, developed and piloted the initiative review process in 2008 and 2010. HD was instrumental in the development of House Bill 2634 and continued its fundraising efforts with the goal of supporting Citizens' Initiative Reviews during the 2012 election cycle. Healthy Democracy contributed $100,000 to the CIR Fund on July 31, 2012 and an additional $15,000 on August 8, 2012. In addition, HD provided in-kind assistance, totaling over $50,000, in the form of staff time and to provide materials used in support of the citizen reviews. A list of HD contributors is included in Appendix F.

In April 2012, DAS contacted the Oregon Health Licensing Agency to assist in establishing the CIR Commission as a new governmental entity. OHLA has over the past two biennia assumed the function and management of several previously independent boards and commissions. This experience and expertise is unique in state government and so DAS determined that it would be appropriate for OHLA to assist in establishing the newly formed CIR Commission.

In May 2012 OHLA and DAS entered into an interagency agreement whereby OHLA would assist in establishing the CIR Commission and would be reimbursed by DAS for any funds expended to accomplish that task. The CIR Commission is currently reviewing future staffing options.

## Budget Overview

*Expenditures*

The Citizens' Initiative Review costs approximately $85,000 per review. The major expenses for running the CIR are accommodations and meals for the panel and staff, the daily stipend and travel costs for the panel, fees for professional moderation, and staffing the CIR.

*Funding/Revenue*

The CIR Commission, which oversees and pays for the Citizens' Initiative Review, is funded entirely by charitable foundations and by donations from individuals. A list of donors is attached in Appendix F.

All moneys received by the CIR Commission are deposited into the Citizens' Initiative Review Fund established under ORS 250.146. The CIR Commission may not receive moneys or assistance from political committees, for-profit corporate treasuries, or union treasuries.

*Panelist stipends*

The statute provides that each panelist will receive a stipend for each day the panelist serves on a citizen panel. Pursuant to ORS 250.139 (5)(a), the stipend is to be calculated using the "average weekly wage" as defined by the Employment Department as of May 15 each year and for 2012 is $841.26. The daily stipend for 2012 Citizen Panel members was established to be $150. Panel members only receive stipends for the days they are present to participate.

**APPENDIX A: Citizens' Initiative Review Panel Demographic Composition**

**Measure 85,** August 6-10, 2012

| Demographic | Population Percentage | Desired Number of Panelists | Actual Number of Panelists |
|---|---|---|---|
| Gender | | | |
| Female | 53% | 12-13 | 13 |
| Male | 47% | 11-12 | 11 |
| Voting History | | | |
| Voted in 2 or more of last 4 elections | 60% | 14-15 | 12 |
| Voted in less than 2 of the last 4 elections | 40% | 9-10 | 12 |
| Ethnicity | | | |
| Caucasian/White | 89% | 20-21 | 21 |
| Non-Caucasian/Non-White | 11% | 3-4 | 3 |
| Party Registration | | | |
| Democrat | 42% | 10-11 | 10 |
| Republican | 32% | 8 | 8 |
| Non-Partisan, Independent & Other | 26% | 5-6 | 6 |
| Age | | | |
| 18-34 | 22% | 5-6 | 6 |
| 35-59 | 45% | 10-11 | 11 |
| 60 & over | 33% | 7-8 | 7 |
| Education | | | |
| High School or Less | 34% | 8-9 | 7 |
| Some College | 33% | 7-8 | 9 |
| Bachelor's Degree | 33% | 7-8 | 8 |
| Congressional District | | | |
| First | 20% | 4-5 | 5 |
| Second | 20% | 4-5 | 5 |
| Third | 20% | 4-5 | 4 |
| Fourth | 20% | 4-5 | 5 |
| Fifth | 20% | 4-5 | 5 |
| Total Number of Panelists | 100% | 24 | 24 |

Target percentages came from an analysis of a random sample of 20,000 registered voters and in consultation with the survey research firm, DHM Research.

**Measure 82,** August 20-24, 2012

| Demographic | Population Percentage | Desired Number of Panelists | Actual Number of Panelists |
|---|---|---|---|
| Gender | | | |
| Female | 53% | 12-13 | 12 |
| Male | 47% | 11-12 | 12 |
| Voting History | | | |
| Voted in 2 or more of last 4 elections | 60% | 14-15 | 12 |
| Voted in less than 2 of the last 4 elections | 40% | 9-10 | 12 |
| Ethnicity | | | |
| Caucasian/White | 89% | 20-21 | 21 |
| Non-Caucasian/Non-White | 11% | 3-4 | 3 |
| Party Registration | | | |
| Democrat | 42% | 10-11 | 10 |
| Republican | 32% | 8 | 8 |
| Non-Partisan, Independent & Other | 26% | 5-6 | 6 |
| Age | | | |
| 18-34 | 22% | 5-6 | 7 |
| 35-59 | 45% | 10-11 | 10 |
| 60 & over | 33% | 7-8 | 7 |
| Education | | | |
| High School or Less | 34% | 8-9 | 9 |
| Some College | 33% | 7-8 | 7 |
| Bachelor's Degree | 33% | 7-8 | 8 |
| Congressional District | | | |
| First | 20% | 4-5 | 5 |
| Second | 20% | 4-5 | 5 |
| Third | 20% | 4-5 | 5 |
| Fourth | 20% | 4-5 | 5 |
| Fifth | 20% | 4-5 | 4 |
| Total Number of Panelists | 100% | 24 | 24 |

Target percentages came from an analysis of a random sample of 20,000 registered voters and in consultation with the survey research firm, DHM Research.

**APPENDIX B: Citizens' Initiative Review Presenters**

**CIR of Measure 85,** August 6-10, 2012

**Advocate Team in Favor of the Measure:**

- John Calhoun, Co-Chair, Equity Alliance of Oregon
- John Mullin, Co-Chair of Tax and Revenue Committee, Human Services Coalition of Oregon
- Jody Wiser, Executive Director, Tax Fairness Oregon
- Peggy Woolsey, Policy Advocate & Lobbyist, Tax Fairness Oregon

**Advocate Team in Opposition to the Measure:**

- Steve Buckstein, Senior Policy Analyst, Cascade Policy Institute
- Frank Morse, Senator, Oregon State Legislature

**Background Presenters:**

- Chris Allanach, Senior Economist, Legislative Revenue Office
- Morgan Allen, Legislative Specialist, Oregon School Boards Association
- Elizabeth Harchenko, Former Director, Oregon Department of Revenue
- Marion Haynes, Government Affairs, Portland General Electric
- Mark McMullen, State Economist, Oregon Office of Economic Analysis
- Brian Reeder, Assistant Superintendent for Analysis and Reporting, Oregon Department of Education
- Paul Warner, Legislative Revenue Officer, Legislative Revenue Office
- J.L. Wilson, Vice President of Government Affairs, Associated Oregon Industries
- Laurie Wimmer, Government Relations Consultant, Oregon Education Association

**CIR of Measure 82**, August 20-24, 2012

**Advocate Team in Favor of the Measure:**

- Terrance Doyle, Vice President for Property Development and Procurement, Great Canadian/Great American Gaming
- Stacey Dycus, Campaign Manager, Yes on 82 & 83
- Russ Garnett, Business Manager and Financial Secretary, Roofers Union Local 49
- Alan Keser, Assistant Business Manager, International Brotherhood of Electrical Workers Local 48
- Kenneth Morgan, Business Manager, Laborers' International Union of North America Local 296
- Jeff Parr, Co-Chief Executive Officer and Managing Director, Clairvest
- Bill Reid, Principal, Johnson Reid, LLC
- Rick Stevens, Chief Executive Officer, Navegante Group
- Bruce Studer, Chief Petitioner, Measures 82 & 83

**Advocate Team in Opposition to the Measure:**

- Sho Dozono, Trustee, Spirit Mountain Community Fund
- Justin Martin, Member, Confederated Tribes of Grand Ronde Tribe and Oregon Tribal Gaming Alliance
- Kathleen Tom, Member, Confederated Tribes of Grand Ronde Tribal Council
- Steve Ungar, Former Chair, Oregon State Lottery Commission
- Bob Whelan, Senior Economist, ECONorthwest

**Background Presenters:**

- Craig Durbin, Assistant Director for Security, Oregon Lottery
- William R. Eadington, Professor of Economics, University of Nevada Reno
- Jonathan Griffin, Policy Associate, National Conference of State Legislatures
- Joshua Lehner, Economist, Oregon Office of Economic Analysis
- Mazen Malik, Senior Economist, Oregon Legislative Revenue Office
- Thomas L. Moore, Chief Executive Officer, Herbert & Louis, LLC
- Larry Niswender, Director, Oregon Lottery
- Carla C. Piluso, Former Police Chief, City of Gresham
- Stephanie Striffler, Native American Affairs Coordinator and Senior Assistant Attorney General, Oregon Department of Justice

**APPENDIX C: Independent Evaluation Report on the 2012 Citizens' Initiative Reviews**

Any opinions, findings, or conclusions expressed in this report are those of the authors and do not necessarily reflect the views of the CIR Commission.

# Evaluation Report on the 2012 Citizens' Initiative Reviews for the Oregon CIR Commission


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**This report is available online at:**
http://www.la1.psu.edu/cas/jgastil/CIR/ReportToCIRCommission2012.pdf


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## Executive Summary

To implement the 2012 Citizens' Initiative Review panels, Healthy Democracy Oregon worked on behalf of the Citizens' Initiative Review Commission to convene two demographically stratified random samples of registered Oregon voters, and each panel of citizens studied a specific ballot measure for five days. From August 6-10 in Salem, the first panel reviewed Measure 85, which proposed allocating corporate tax "kicker" refunds for K-12 public education. The second panel met from August 20-24 in Portland to review Measure 82, which proposed authorizing privately owned casinos in Oregon. Each panel concluded with the production of a one-page Citizens' Statement (shown in Appendices A and B) included as part of an official Voters' Pamphlet that the Oregon Secretary of State mailed to every household with voters registered for the 2012 general election.

The authors of this report—researchers from the University of Washington, Colorado State University, and the Pennsylvania State University—worked together to study the CIR process. We reached four main conclusions:

1. The 2012 Citizens' Initiative Review (CIR) appeared to be a highly deliberative process, both from our perspective as observers and from the point of view of the participants themselves. Overall, its quality was comparable to the 2010 CIR panels.
2. The 2012 CIR Citizens' Statements maintained the high level of factual accuracy first achieved in 2010. As found in the 2010 report, the 2012 panelists drafted Statements that contained no obvious factual errors or misleading sentences.
3. Statewide surveys of Oregon voters found that 51% of those likely to vote were aware of the CIR by the end of the 2012 election. This amounts to a 9% increase from the peak of 42% awareness among likely voters in 2010. At least two-thirds of CIR Statement readers in 2012 found the panelists' insights helpful in making their own voting decisions, which is also a significant increase compared to 2010.
4. An online experimental survey was conducted for one of the measures reviewed by the CIR process (Measure 85), with the results showing substantial knowledge gains for those exposed to the CIR Statement.

## Introduction

The purpose of this report is to provide a neutral assessment of the 2012 Citizens' Initiative Review (CIR) for the Oregon CIR Commission, which provides oversight for this process. First established in 2009, the Oregon CIR is a unique democratic reform—still with nothing comparable anywhere in the world.[3] The CIR stands among other processes that aim to improve the *quality* of public participation and political deliberation in modern democracy.[4] As Yale democratic theorist Robert Dahl wrote in 1998,

> One of the imperative needs of democratic countries is to improve citizens' capacities to engage intelligently in political life . . . In the years to come . . . older institutions will need to be enhanced by new means for civic education, political participation, information, and deliberation that draw creatively on the array of techniques and technologies available in the twenty-first century.[5]

In this spirit, the CIR was enabled initially by House Bill 2895, which passed with the understanding that "informed public discussion and exercise of the initiative power will be enhanced by review of statewide measures by an independent panel of Oregon voters who will then report to the electorate in the Voters' Pamphlet."[6] After reviewing the results of the 2010 CIR, the legislature created the CIR Commission through HB 2634, a bill that passed the House on May 23, 2011 and cleared the Senate days later, on June 1. State Representative Nancy Nathanson carried the bill on the House Floor and told the *Oregonian* that the CIR was designed to provide voters information that "comes from an impartial, unbiased review by citizens just like them."[7] Governor John Kitzhaber signed the bill and established the CIR Commission on June 16, 2011.

To implement the 2012 CIR panels, the Commission turned to Healthy Democracy Oregon (HDO), which had been designing and piloting this process for five years. HDO convened two demographically stratified random samples of registered Oregon voters, and each panel of citizens studied a specific ballot measure for five days. From August 6-10 in the state capitol, the first panel reviewed Measure 85, which proposed allocating corporate tax "kicker" refunds for K-12 public education. The second panel met from August 20-24 in Portland to review Measure 82, which proposed authorizing privately owned casinos in Oregon. Each panel concluded with the production of a one-page Citizens' Statement. As stipulated in the legislation that created the CIR, each panel produced a one-page Citizens' Statement

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[3] For an overview of related methods, see Tina Nabatchi, John Gastil, Michael Weiksner, and Matt Leighninger, eds., *Democracy in Motion: Evaluating the Practice and Impact of Deliberative Civic Engagement* (New York: Oxford University Press, 2012). Also see the earlier edited volume, John Gastil and Peter Levine, eds., *The Deliberative Democracy Handbook*: *Strategies for Effective Civic Engagement in the Twenty-First Century* (San Francisco, CA: Jossey-Bass, 2005).

[4] A very accessible account of this approach is provided in Amy Gutmann and Dennis F. Thompson, *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004). Also see Matt Leighninger, *The Next Form of Democracy* (Nashville, TN: Vanderbilt University Press, 2006).

[5] Robert Dahl, *On Democracy* (New Haven, Yale University Press, 1998), pp. 187-88.

[6] Quote from HB 2895. For more on the background and history of the process, see http://healthydemocracy.org.

[7] Kimberly Melton, "Oregon House Passes Bill Creating Independent Citizen Commission to Weigh in on Ballot Measures," *The Oregonian* (May 23, 2011). Available online at : http://www.oregonlive.com/politics/index.ssf/2011/05/oregon_house_passes_bill_to_cr.html

that detailed the key findings, policy observations, and pro and con arguments identified by the panelists. The Secretary of State then included these Statements in the Voters Pamphlet that were mailed to every household with voters registered for the 2012 general election. (The full Statements are shown in Appendices A and B.)

During and after the 2012 CIR, the authors of this report—researchers from the University of Washington and the Pennsylvania State University—worked together to study the CIR process. With university grant funding and in partnership with the Kettering Foundation, we followed the same general protocol used for the 2010 CIR evaluation report.[8] We first assess the deliberative quality of the CIR process, and we then evaluate the factual accuracy of the Citizens' Statements produced through the CIR. The third section summarizes the statewide phone survey data we collected on the CIR to assess public awareness of the CIR and its overall utility for the electorate, and the final section shows the impact of reading the CIR Statement on voter knowledge. We then conclude with a brief recap of our findings and a set of four recommendations for refining the CIR in the future.

[8] John Gastil and Katherine R. Knobloch, *Evaluation Report to the Oregon State Legislature on the 2010 Oregon Citizens' Initiative Review* (Seattle: University of Washington, 2010). Available online: http://www.la1.psu.edu/cas/jgastil/CIR/OregonLegislativeReportCIR.pdf. Portions of that report will appear in Katherine R. Knobloch, John Gastil, Justin Reedy, and Katherine Cramer Walsh, "Did They Deliberate? Applying an Evaluative Model of Democratic Deliberation to the Oregon Citizens' Initiative Review," *Journal of Applied Communication Research* (in press). The early edition of this article is available online at http://www.tandfonline.com/doi/abs/10.1080/00909882.2012.760746.

## Section 1: Evaluation of the Deliberative Quality of the 2012 CIR Panels

Each CIR panel followed the same general five-day process design, which can be summarized briefly:

- Monday: Orientation to CIR and ballot measure
- Tuesday: Proponent and opponent presentations and rebuttals
- Wednesday: Witnesses called by panel and ongoing small group discussions
- Thursday: Final proponent and opponent presentations and drafting of Key Findings/Policy Considerations
- Friday: Drafting of Pro and Con Arguments, review of full Statement, and press conference

This design was close to the 2010 design in its broadest contours, but the details reflected numerous refinements, some of which were responsive to recommendations originally provided in the 2010 CIR evaluation.

This first section of our report assesses the deliberative quality of the 2012 CIR. For each of the two CIR panels, three of the authors of this report observed directly the panelists' deliberations. Each day we distributed brief questionnaires to panelists, and this section provides a simple summary of our own assessment and the panelists' self-evaluations. Below, we assess the processes' performance along three primary criteria for deliberation: analytic rigor, democratic discussion, and well-reasoned decision making.[9]

### CIR Report Card

We begin with a summary report card for the CIR, shown in Table 1.1. This presents our overall evaluation of the process in terms of the quality of its analytic rigor, democratic discussion, and production of a well-reasoned statement. This is the same format that we used to illustrate our summary evaluation of the 2010 CIR. Our scores show an improvement in many areas over the 2010 process, particularly in terms of the better inclusion of values into the panelist discussions and in the ability for advocates and panelists to provide feedback on draft versions of the Citizens' Statements. In the following section, we provide more detailed results, using the panelist evaluations to discuss the CIR's performance on each of the three main criteria.

### Overall satisfaction

At the conclusion of the five-day review, panelists assessed their overall satisfaction with the CIR process. Panelists from both weeks indicated that they were highly satisfied with the process. When asked to "rate [their] overall satisfaction with the CIR process," all Measure 85 panelists rated it as "high" or "very high."

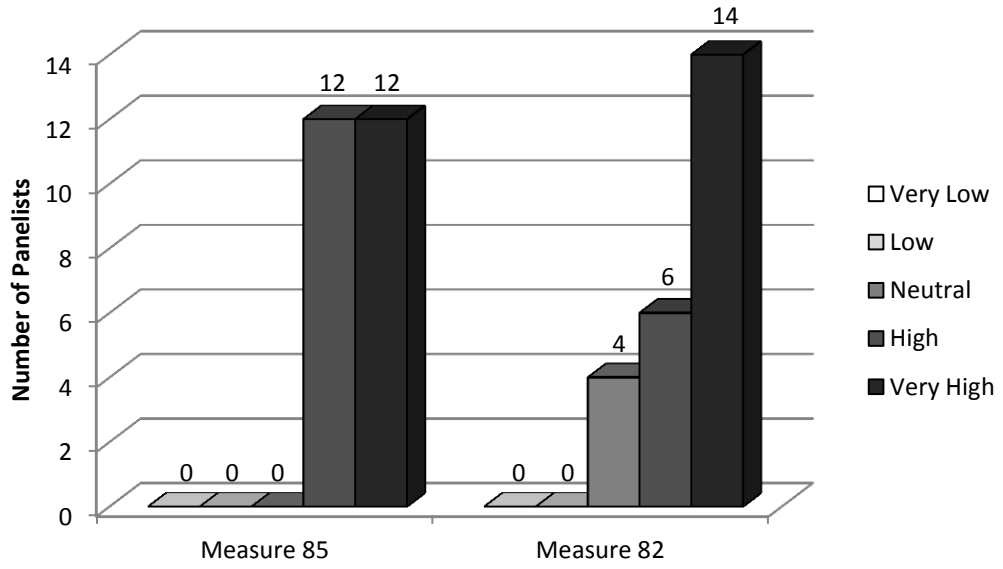
[9] For more on this approach to evaluation, see John Gastil, Katherine Knobloch, and Meghan Kelly, "Evaluating deliberative public events and projects," in Tina Nabatchi, John Gastil, Michael Weiksner, and Matt Leighninger, eds., *Democracy in Motion: Evaluating the Practice and Impact of Deliberative Civic Engagement* (New York: Oxford University Press, 2012), pp. 205-230.

**Table 1.1. Summary assessment of the quality of deliberation in the August, 2012 Oregon Citizens' Initiative Review panels**

| Criteria for Evaluating Deliberation | Measure 85 (Corporate Kicker) | Measure 82 (Non-tribal Casinos) |
|---|---|---|
| ***Promote analytic rigor*** | | |
| Learning basic issue information | B+ | A- |
| Examining of underlying values | B | A |
| Considering a range of alternatives | A | B |
| Weighing pros/cons of measure | A | A- |
| ***Facilitate a democratic process*** | | |
| Equality of opportunity to participate | A | B+ |
| Comprehension of information | A- | B+ |
| Consideration of different views | A | A- |
| Mutual respect | A | B |
| ***Produce a well-reasoned statement*** | | |
| Informed decision making | A | B |
| Non-coercive process | A | A- |

Figure 1.1 presents these results. Measure 82 panelists indicated slightly lower levels of satisfaction. Four panelists said they were "neutral," and six rated it as "high." The majority of Measure 82 panelists, however, rated their satisfaction as "very high," indicating that while a few panelists were neutral in their assessment of the process, the bulk of Measure 82 panelists were very satisfied. No panelists from either week rated their satisfaction with the CIR as either "low" or "very low."

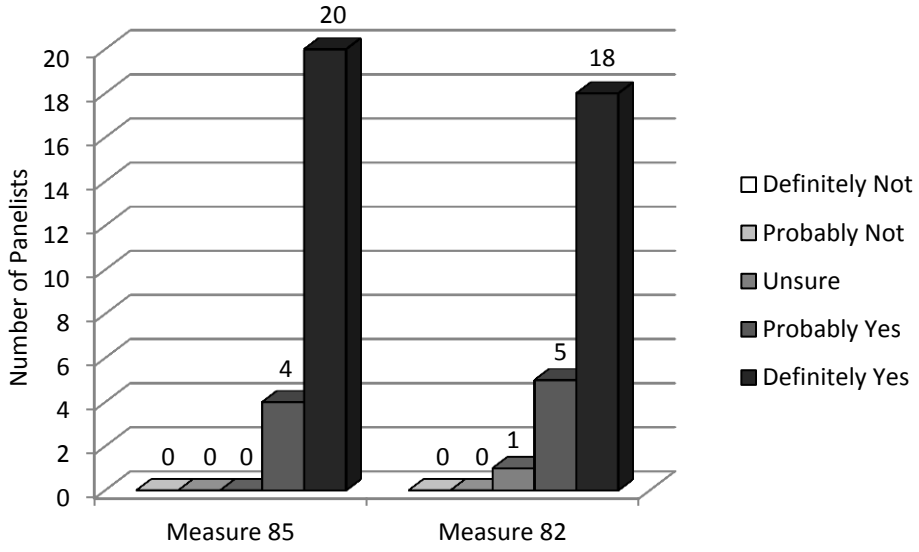
**Figure 1.1. Panelists' overall satisfaction with the CIR process**



## Analytic Rigor

One indication of the processes' analytic rigor was whether or not the panelists felt that they had learned enough to make a good decision. Figure 1.2 presents their responses. All Measure 85 panelists felt that they had heard enough to make a good decision, with 20 panelists saying that they had definitely heard enough. No Measure 85 panelist said that they were either unsure that they had heard enough information or that they had probably or definitely not heard enough information. For Measure 82, only one panelist was unsure if he or she had heard enough information to make a good decision, though five said that they probably had and a large majority of panelists (18) said that they definitely had. No Measure 82 panelists said that they had either probably not or definitely not heard enough information to reach a good decision.

**Figure 1.2. Panelists' end-of-week self-assessment of having learned enough to make an informed decision**




Panelists were also asked to "rate the performance of the CIR process" on "weighing the most important arguments and evidence" in favor of and opposing the measures. Figure 1.3 presents their assessment of the CIR in weighing information in favor of the measure. Most Measure 85 participants rated the CIR as either "good" (12 panelists) or "excellent" (10 panelists) along this criterion, with two saying that the process only did an "adequate" job and no panelists saying they did a "poor" or "very poor" job. For Measure 82, the majority of panelists again said that the process did a "good" (10 panelists) or "excellent" (11 panelists) job on weighing information in favor of the initiative, with 3 saying the process was "adequate" in this regard and none indicating that it was either "poor" or "very poor."

**Figure 1.3. Panelists' assessment of CIR's performance on weighing arguments and evidence in favor of the initiative**

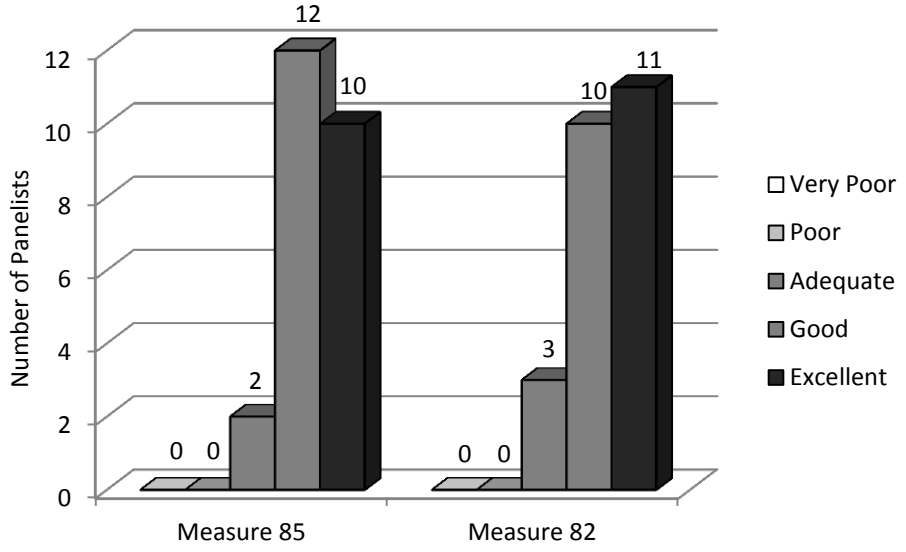
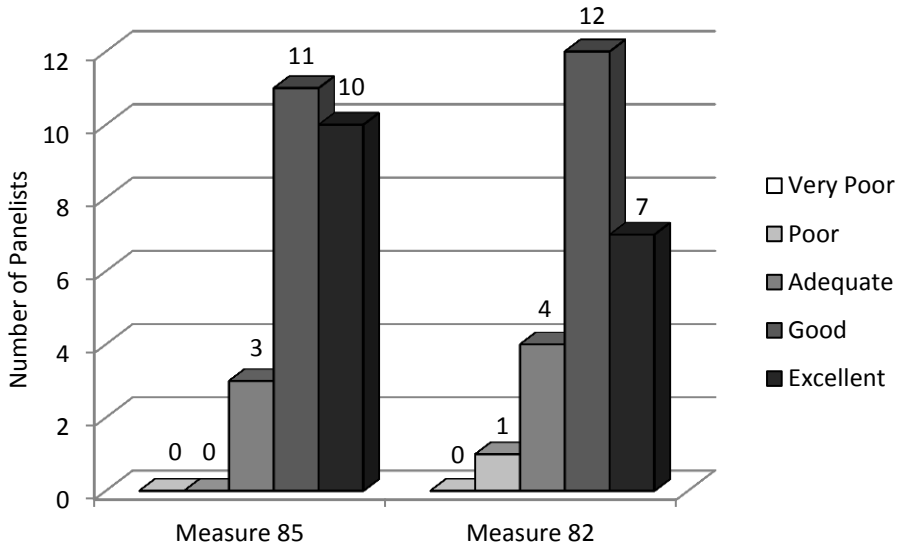


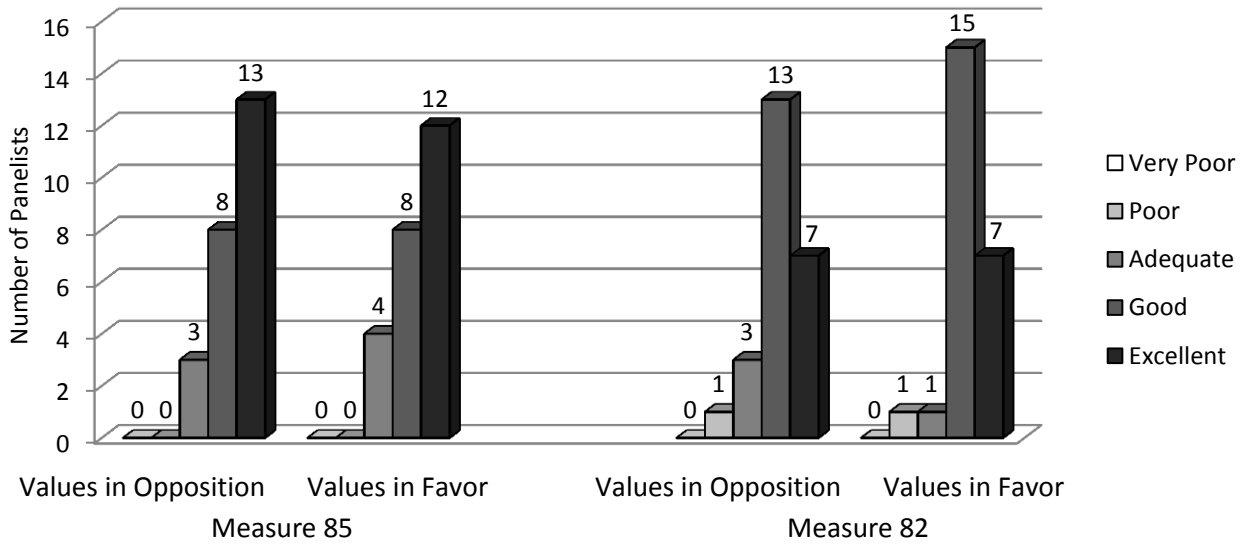

Figure 1.4 represents the panelists' satisfaction with this criterion when looking at the arguments and evidence opposing the initiative and finds similar results. The bulk of Measure 82 participants rated this aspect of the process as "good" (11) or "excellent" (10), with 3 saying it was "adequate" and none saying it was "poor" or "very poor." Measure 82 faired a bit worse, though not substantially so, with the majority again rating the process as either "good" (12) or "excellent" (7), though 4 rated the process as merely "adequate" at weighing opposing evidence and arguments and 1 panelist said that the process performed poorly along this measure.

**Figure 1.4. Panelists' assessment of CIR's performance on weighing arguments and evidence opposing the initiative**



We additionally asked panelists to rate the CIR's performance on considering the underlying values in favor and opposition to each measure. Figure 1.5 provides their responses. Measure 85 panelists were fairly satisfied with the CIR's performance on this criterion. A large majority said that the process did a "good" or "excellent" job at considering the underlying values both in favor and in opposition to the measure (21 and 20 panelists, respectively), though three panelists felt that the process was only adequate at weighing the underlying values in support of Measure 85 and four felt it was adequate at weighing the values in opposition. We again found slightly lower levels of satisfaction among Measure 82 participants. Though a majority felt that the process was either "good" or "excellent" at weighing the values in support and opposition to Measure 82 (20 and 22 panelists, respectively), a few felt that the process was adequate at weighing the values in favor and in opposition (3 and 1 panelists, respectively), and one panelist felt that the process did a "poor" job at weighing the underlying values in support and one felt that the process did a "poor" job weighing values in opposition to the measure.

**Figure 1.5. Panelists' assessment of CIR's performance on considering underlying values**




## Democratic Discussion

To assess whether panelists had equal speaking opportunity, at the end of each day we asked panelists whether they "had sufficient opportunity to express [their] views today." The results, presented in Table 1.2, indicate that a very large majority of panelists perceived having equal opportunity to speak during the process. On each day, a large majority of panelists from both weeks felt that they had had a sufficient opportunity to express their views. For Measure 82, some panelists occasionally felt that they did not have sufficient opportunity or indicated that they were unsure whether they had sufficient opportunity, with the least positive responses on Day 4 of the process, though even on this day a large majority of the panelists (19) indicated that they had sufficient speaking opportunity. Measure 82 faired even better in this regard, with only one panelist on one day saying that they had not had sufficient opportunity to speak and all panelists on Days 3 and 4 saying that they had had sufficient opportunity to speak.

**Table 1.2. Panelists' self-report of sufficient opportunity to speak for each day of the CIR**

| | Measure 85 | | | Measure 82 | | |
|---|---|---|---|---|---|---|
| | No | Unsure | Yes | No | Unsure | Yes |
| **Mon** | 1 | 1 | 22 | 0 | 1 | 23 |
| **Tues** | 2 | 0 | 22 | 1 | 1 | 22 |
| **Wed** | 0 | 1 | 23 | 0 | 0 | 24 |
| **Thurs** | 2 | 3 | 19 | 0 | 0 | 24 |
| **Fri** | 1 | 0 | 23 | 0 | 2 | 22 |

To assess whether the advocates had equal time, we asked panelists "how equal was the time given to the advocates" on the four days in which the advocates had an opportunity to address the panelists either in person or through written statements. As indicated in Table 1.3, this question was only asked for Days 1 and 2 for Measure 85 participants but was asked for Days 1, 2, 4, and 5 for Measure 82 participants. Most Measure 82 participants said that both sides received equal time on Monday and Tuesday, with an equal number saying that one side or the other had more time on Monday (1 each), and four saying that that the proponents had more time on Tuesday and 1 saying the opponents had more time. On this day, the opponents chose to wave their rebuttal time to spend more time on their presentation, and this may have caused some panelists to erroneously believe that the proponents had been given more time. The large majority of Measure 82 panelists also said that both sides were given equal time on most days, with all panelists saying that they were given equal time on the final day of the process. We again see 4 panelists on Tuesday saying that the proponents were given more time, though no panelists mentioned this perceived discrepancy in their open ended comments and our research team perceived neither side being given more time than the other.

**Table 1.3. Panelists' assessments of time given to advocates for each relevant day of the CIR**

| | Measure 85 | | | Measure 82 | | |
|---|---|---|---|---|---|---|
| | Proponents had more time | Equal time | Opponents had more time | Proponents had more time | Equal time | Opponents had more time |
| **Mon** | 1 | 21 | 1 | 0 | 21 | 1 |
| **Tues** | 4 | 19 | 1 | 4 | 20 | 0 |
| **Thurs** | NA | NA | NA | 1 | 21 | 1 |
| **Fri** | NA | NA | NA | 0 | 24 | 0 |

Note. This question was not asked on Wednesday, when advocates were not allocated speaking time.

To assess whether panelists adequately considered and comprehended the arguments and information presented to them, at the end of each day we asked panelists how often they had "trouble understanding or following the discussion today." Because the panelists were sifting through a large amount of detailed and complicated information, we expect that panelists would admit to some trouble following the discussion. A large majority of panelists saying that they often had trouble following the conversation, however, would be an indication that panelists had not been able to properly sort through the information provided to them. Table 1.4 shows that on every day a majority of panelists from both weeks said that they either "never" or "rarely" had trouble understanding the conversation. Some

panelists said that they "occasionally" had trouble comprehending the conversation, particularly on Day 1 when they were first introduced to the initiative, though this number dissipated over the course of the week with few saying that they still had trouble by Day 5. One or two panelists on most days did say that they "often" or "almost always" had trouble following the conversation, though only one Measure 85 panelist reported "often" having trouble by Day 5 and no Measure 82 panelist reported this difficulty by the end of the week. These findings indicates that though the panelists certainly had some difficulty sifting through the information, many seemed to gain confidence as they learned more about the measure, and almost all of them had gained the knowledge needed to process such complex information by the end of the week.

**Table 1.4. Frequency of reported *difficulty* understanding information for each day of the CIR**

| | Had trouble understanding Measure 85 | | | | | Had trouble understanding Measure 82 | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Never | Rarely | Occa-sionally | Often | Almost Always | Never | Rarely | Occa-sionally | Often | Almost Always |
| **Mon** | 4 | 14 | 6 | 0 | 0 | 5 | 12 | 7 | 0 | 0 |
| **Tues** | 7 | 12 | 3 | 1 | 1 | 5 | 14 | 4 | 1 | 0 |
| **Wed** | 7 | 12 | 4 | 1 | 0 | 6 | 12 | 5 | 1 | 0 |
| **Thurs** | 8 | 12 | 2 | 1 | 1 | 13 | 7 | 2 | 1 | 1 |
| **Fri** | 13 | 9 | 1 | 1 | 0 | 11 | 10 | 3 | 0 | 0 |

To further understand whether the panelists adequately considered the information and arguments raised during the process, and particularly those stemming from opposing viewpoints, we asked panelists the following question at the end of each day, "When other CIR participants or Advocate Team members expressed views different from your own today, how often did you consider carefully what they had to say?" Table 1.5 presents their responses. Almost every panelist reported that they either "often" or "almost always" considered opposing viewpoints. On only three days did a small minority of Measure 85 panelists report either "rarely" or "occasionally" considering alternative viewpoints, with all panelists reporting that they "often" or "always" did on Days 2 and 5. Measure 82 panelists performed even better in this regard. No panelist on any day reported either "never" or "rarely" listening to opposing viewpoints, though a few reported only "occasionally" listening to them. The large majority of Measure 85 panelists, however, reported "often" or "almost always" considering arguments and information presented by those who held opinions different than their own.

### Table 1.5. Panelists' self-reported consideration of opposing viewpoints for each day of the CIR

| | Measure 85 | | | | | Measure 82 | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Never | Rarely | Occa-sionally | Often | Almost Always | Never | Rarely | Occa-sionally | Often | Almost Always |
| **Mon** | 0 | 1 | 0 | 8 | 15 | 0 | 0 | 2 | 13 | 9 |
| **Tues** | 0 | 0 | 0 | 10 | 14 | 0 | 0 | 2 | 13 | 9 |
| **Wed** | 0 | 1 | 1 | 12 | 10 | 0 | 0 | 1 | 8 | 15 |
| **Thurs** | 0 | 0 | 2 | 9 | 13 | 0 | 0 | 1 | 7 | 16 |
| **Fri** | 0 | 0 | 0 | 8 | 16 | 0 | 0 | 3 | 7 | 14 |

Panelists were additionally asked to assess moderator bias. At the end of each day, we asked panelists if "the CIR Moderators demonstrated a preference for one side or the other today." Table 1.6 illustrates the results. The large majority of panelists for both weeks found no moderator bias. For Measure 85, on three of the five days no panelists said that the moderators preferred one side or the other. Though two said the moderators favored the opponents on Tuesday, this was balanced out by the two panelists who believed the moderators favored the proponents on Thursday. Measure 82 fared slightly worse, but these claims of bias tended to balance each other out. Again, on most days the large majority of panelists found no bias. Those who did report the perception of bias were split fairly evenly, with 4 claims over the course of the week that the moderators preferred the proponents and five claims that the moderators preferred the opponents. Mindful of the importance of these claims, the research team and the moderators themselves continually asked panelists to provide comments on any claims of bias, but no panelist on any day provided open-ended comments indicating moderator bias.

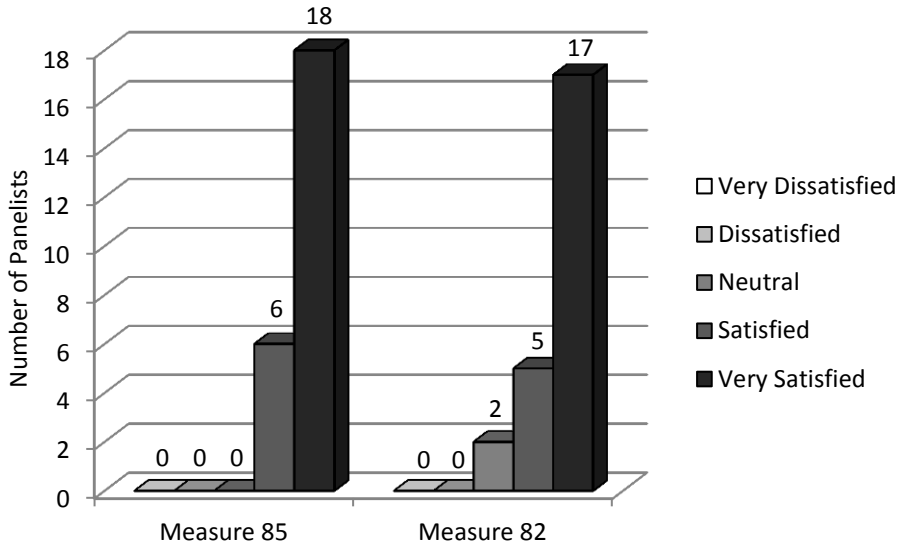
### Table 1.6. Panelists' assessment of moderator bias for each day of the CIR

| | Measure 85 | | | Measure 82 | | |
|---|---|---|---|---|---|---|
| | Favored Proponents | No Favoritism | Favored Opponents | Favored Proponents | No Favoritism | Favored Opponents |
| **Mon** | 0 | 24 | 0 | 1 | 23 | 0 |
| **Tues** | 0 | 22 | 2 | 3 | 19 | 2 |
| **Wed** | 0 | 24 | 0 | 0 | 24 | 0 |
| **Thurs** | 2 | 22 | 0 | 0 | 22 | 2 |
| **Fri** | 0 | 24 | 0 | 0 | 23 | 1 |

We also asked panelists to assess the neutrality of the staff using the following question on the end-of-week evaluation: "One of the aims of this process is to have the staff conduct the Citizens' Initiative Review in an unbiased way. How satisfied are you in this regard?" Figure 1.6 shows that for Measure 85, all panelists reported being either "very satisfied" (18 panelists) or "satisfied" (6 panelists) with staff neutrality. None reported being neutral or dissatisfied with the staff's performance on this measure. These assessments were mostly upheld for Measure 82, with 17 panelists reporting being "very

satisfied" with staff neutrality, 5 reporting being "satisfied," and two indicating that they felt "neutral" on this measure. Again, no Measure 82 panelists reported being dissatisfied with staff neutrality.

### Figure 1.6. Panelists' satisfaction with staff neutrality




To assess the level of respect upheld during the process, we asked panelists at the end of each day how often they felt "that other participants treated you with respect today." The CIR scored very high marks on this criterion, as indicated by Table 1.7. For Measure 85, all panelists on almost every day reported feeling respected "often" or "almost always." Two panelists felt only "occasionally" respected on Wednesday, and no panelists felt that they were respected "rarely" or "never" during the process. Measure 82 again saw slightly lower marks along this regard, though no panelists ever reported that they "never" or "rarely" felt respected. The large majority of panelists on each day said that they "almost always" or "often" felt respected, though a few reported only "occasionally" feeling respected on each of the five days.

### Table 1.7. Panelists' self-report feelings of respect for each day of the CIR

| | Measure 85 | | | | | Measure 82 | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Never | Rarely | Occa-sionally | Often | Almost Always | Never | Rarely | Occa-sionally | Often | Almost Always |
| **Mon** | 0 | 0 | 0 | 2 | 22 | 0 | 0 | 2 | 2 | 20 |
| **Tues** | 0 | 0 | 0 | 4 | 20 | 0 | 0 | 1 | 5 | 18 |
| **Wed** | 0 | 0 | 0 | 11 | 13 | 0 | 0 | 2 | 7 | 15 |
| **Thurs** | 0 | 0 | 2 | 5 | 17 | 0 | 0 | 3 | 6 | 15 |
| **Fri** | 0 | 0 | 0 | 7 | 17 | 0 | 0 | 4 | 8 | 12 |

## Non-Coercive and Informed Decision Making

In order to ensure that the panelists made their decision free from the presence of undue coercion, the research team asked the panelists at the end of each day how often they felt "pressure to agree with

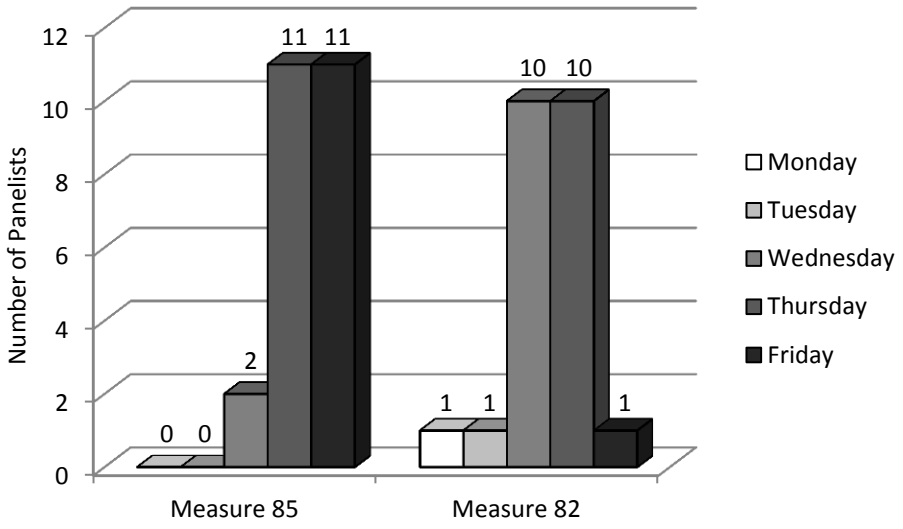
something that [they] weren't sure about." As shown in Table 1.8, the large majority of panelists from both weeks reported "never" or "rarely" feeling this pressure. Some Measure 82 panelists did "occasionally" feel pressure to agree with things about which they were unsure, and two reported "often" feeling this pressure on Day 4 when they began writing their Citizens' Statements for the Voters' Pamphlet. For Measure 85, fewer panelists reported "occasionally" feeling pressure, and on Day 2 one panelist reported feeling this pressure "often" and one reported feeling it "almost always." These feelings of pressure may have been due to real time constraints as panelists collectively worked to craft a statement for the Voters' Pamphlet. No panelists reported feeling pressure in their open-ended comments, though several did indicate that they wished they had more time, with a few even offering to stay an extra day or to add an extra hour at the end of each day.

**Table 1.8. Frequency of feeling pressured to make a decision for each day of the CIR**

| | Measure 85 | | | | | Measure 82 | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Never | Rarely | Occa-sionally | Often | Almost Always | Never | Rarely | Occa-sionally | Often | Almost Always |
| **Mon** | 18 | 5 | 1 | 0 | 0 | 14 | 8 | 1 | 0 | 0 |
| **Tues** | 13 | 8 | 3 | 0 | 0 | 15 | 5 | 2 | 1 | 1 |
| **Wed** | 10 | 13 | 1 | 0 | 0 | 14 | 8 | 2 | 0 | 0 |
| **Thurs** | 10 | 5 | 7 | 2 | 0 | 17 | 6 | 1 | 0 | 0 |
| **Fri** | 11 | 9 | 4 | 0 | 0 | 14 | 5 | 5 | 0 | 0 |

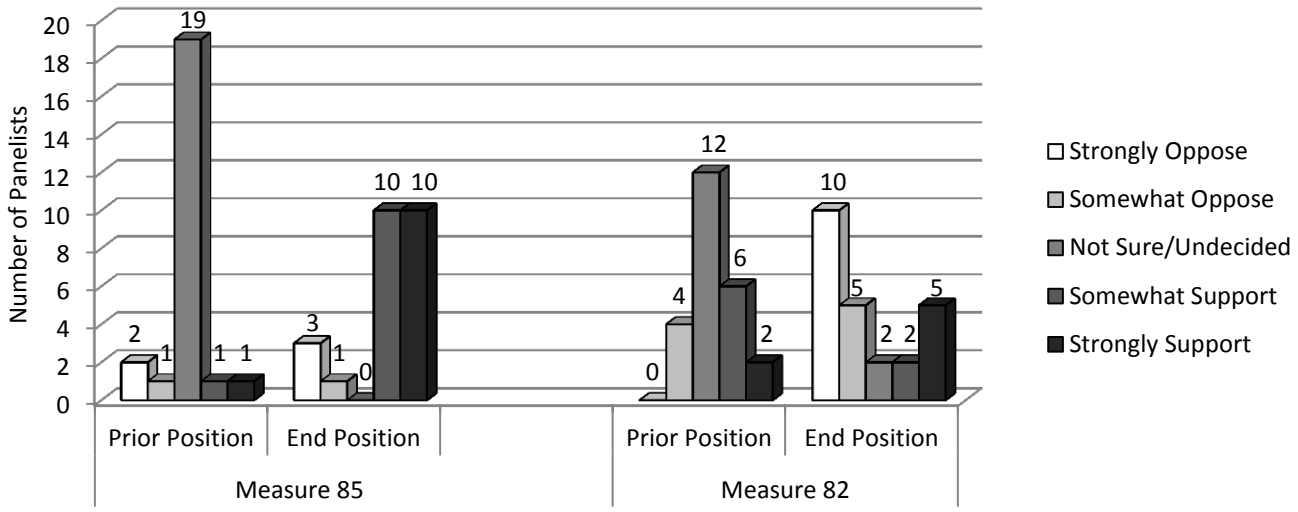
To further assess the decision-making process, we asked panelists on which day they reached their decision regarding the initiative. If panelists report that they waited until the end of the week to make up their mind, we can conclude that they likely kept an open-mind throughout the process and used their deliberations to inform their final opinions. The results are presented in Figure 1.7. For both weeks, the large majority of panelists waited until the end of the week to reach their decision. Measure 85 panelists tended to reach their decision on either Thursday or Friday (11 panelists each). Two reported reaching their decision Wednesday and none reported reaching their decision Monday or Tuesday, indicating that this panel was particularly eager to keep an open-mind and utilize the information garnered through the process to inform their opinion. Measure 82 panelists tended to reach their decision a bit earlier, with most panelists making up their mind on either Wednesday or Thursday (10 panelists each), and one panelist making up their mind of each of the remaining days. This indicates that while at least one panelist made their decision before hearing from the advocates and witnesses, the large majority utilized their deliberations to inform their decision.

**Figure 1.7. Panelists' self-report of when they reached their decision**



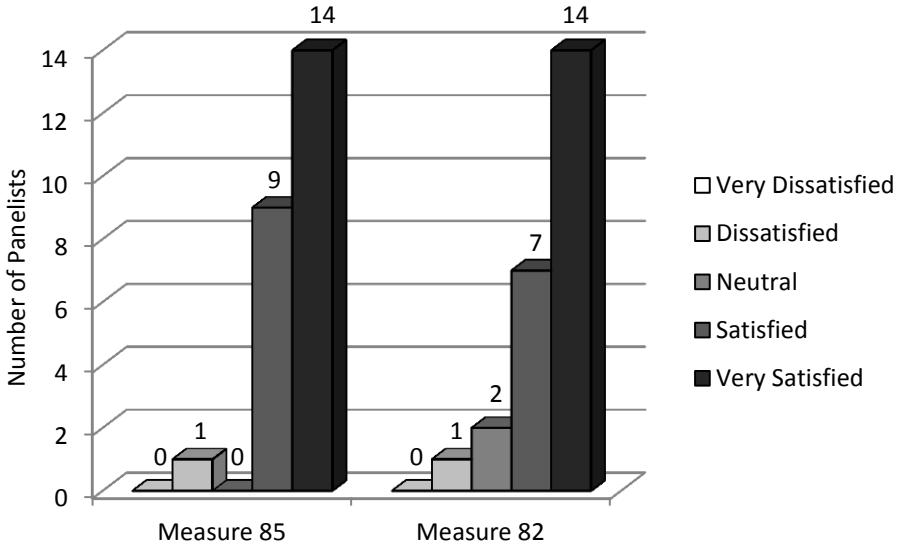

To further test whether the panelists utilized the CIR when making their decisions about the initiatives, on the end-of-week evaluation we asked panelists to report their position on the measure both "before [they] participated in the CIR" and "at the end of the CIR process." We did not ask this question before they began their deliberation out of fear of priming them to stick to their opinions, though these questions can indicate how panelists' opinions shifted over the course of the process. As indicated in Figure 1.8, for both weeks at least half of the panelists entered the deliberations undecided on the measure on which they would be deliberating (19 Measure 85 panelists and 12 Measure 82 panelists). By the end of the week, however, the process had allowed almost all of the panelists to reach a decision on the measure. For Measure 85, the majority of panelists ultimately supported the measure (20 panelists). Of the five Measure 82 panelists who either supported or opposed the measure prior to the process, two maintained support, two maintained opposition, and one panelist switched from strong opposition to strong support. Measure 82 panelists were a bit more evenly divided, with 15 opposing the measure, seven supporting it, and two remaining undecided on their position. Of the 12 Measure 82 panelists who either supported or opposed the measure prior to the CIR, four panelists maintained opposition, four panelists maintained support, three panelists moved from support to opposition, and one panelist moved from support to undecided. These findings suggest that while many panelists came into the CIR undecided, some panelists actually shifted their previously developed position on the measure over the course of the week.

**Figure 1.8. Panelists' self-report of position on measure before and after deliberation**



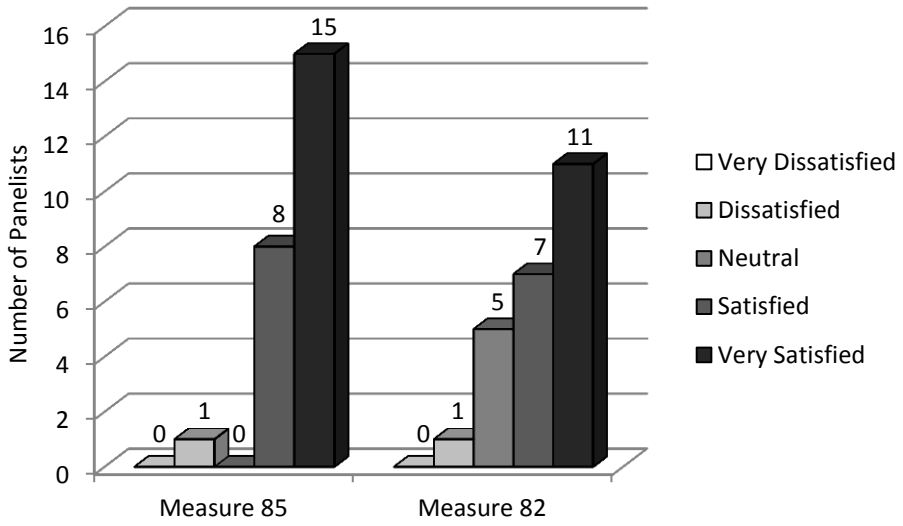

Finally, we asked panelists to rate their satisfaction with each piece of the Citizens' Statements that they produced. High levels of satisfaction with the Statements can be indicative that the panelists did not feel coerced in reaching their decision and that they believed the process permitted them to produce high quality Statements. Figure 1.9 shows their satisfaction with the Key Findings Statements. Panelists for both weeks were, for the most part, highly satisfied with this section of the Citizens' Statements. The large majority of panelists from both weeks were either "satisfied" (9 Measure 85 panelists and 7 Measure 82 panelists) or "very satisfied" (14 panelists for each measure) with the Key Findings. Only one panelist from each week was dissatisfied with the Key Findings and two Measure 82 panelists were neither satisfied nor dissatisfied.

**Figure 1.9. Panelists' satisfaction with Key Findings**



This high level of satisfaction was mostly maintained when turning to the Additional Considerations sections, as described in Figure 1.10. Measure 82 panelists actually increased their satisfaction with this section (8 "satisfied," 15 "very satisfied") though the same panelist was dissatisfied with this section as well. Measure 85 panelists were a bit less satisfied with this process; the large majority were either "satisfied" (7 panelists) or "very satisfied" (11 panelists) with this section, though five panelists felt neutral about this section. Again, the same panelist was dissatisfied with the Additional Policy Considerations as was dissatisfied with the Key Findings

**Figure 1.10. Panelists' satisfaction with Additional Policy Considerations**




Panelists were again mostly satisfied with the Arguments in Favor, as shown in Figure 1.11. Almost every Measure 85 panelist was either "satisfied" (8 panelists) or "very satisfied" (15 panelists) with this section. Only one panelist was neutral in their satisfaction and none were dissatisfied. Measure 82 panelists were also mostly satisfied. Five panelists felt "satisfied," 14 felt "very satisfied," 5 remained "neutral," and none felt dissatisfied.

### Figure 1.11. Panelists' satisfaction with Arguments in Favor

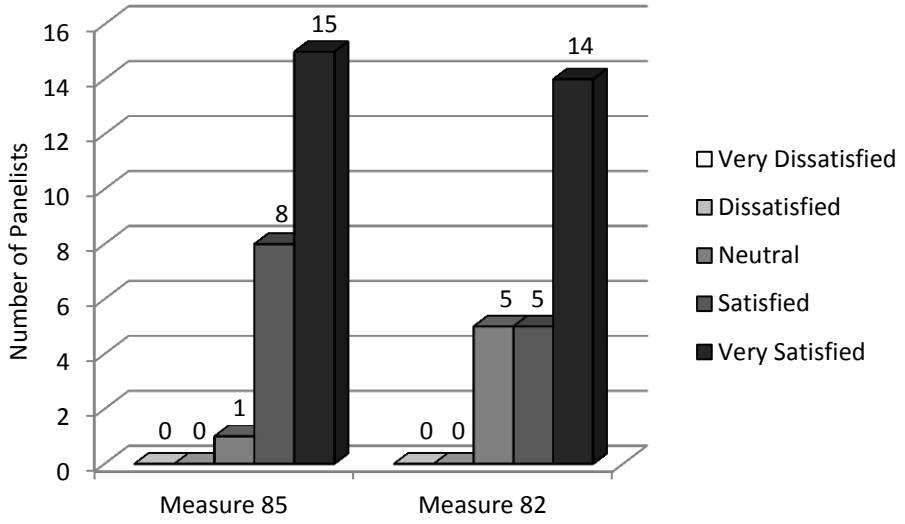
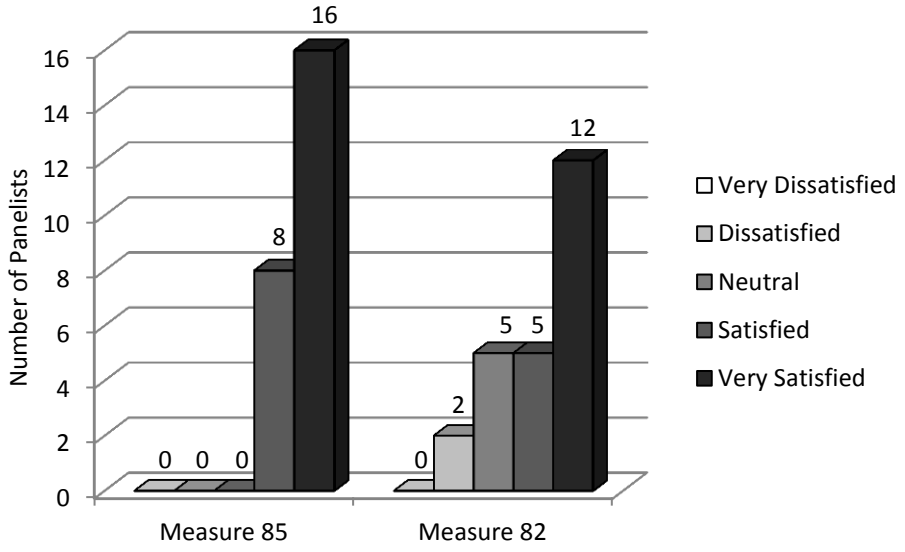



Figure 1.12 shows panelists' satisfaction with the Arguments in Opposition. All Measure 85 panelists were either "satisfied" (8 panelists) or "very satisfied" (16 panelists) with the Arguments in Opposition, and none were neutral about or felt dissatisfied with this section. Measure 82 panelists were again a bit less satisfied with this section, though the majority felt either "satisfied" (5 panelists) or "very satisfied" (12 panelists), though five said they were "neutral" about this section and two reported being "dissatisfied."

### Figure 1.12. Panelists' satisfaction with Arguments in Opposition



## Section 2: Evaluation of the 2012 Oregon CIR Citizens' Statements

In addition to our evaluation of the deliberative quality of the process, we chose to evaluate the Citizens' Review Statements produced by the 2012 Oregon Citizens' Initiative Review. (The final Statements are shown in Appendices A and B.) Below are our conclusions, presented in brief.

All of the Key Findings in the 2012 Citizens' Review Statements appear to be supported by testimonial or documentary evidence presented during the 2012 Oregon Citizens' Initiative Review, or by the text of ballot measures. Further, consistent with the statute authorizing the Oregon Citizens' Initiative Review—HB 2634, Chapter 365 Oregon Laws 2011—all of the Key Findings appear to have been impartially expressed. The limited nature of the Key Findings is reflected particularly in the use of tentative language in verb phrases—such as "could," "has the potential to," "would likely," etc. —as well as qualifying clauses, usually beginning with the terms "but" or "however." In addition, the Key Findings were generally written in non-technical language that ordinary voters are likely to understand.

Similarly, all of the Additional Policy Considerations in the Citizens' Review Statements appear to be consistent with testimonial or documentary evidence presented during the 2012 Oregon CIR panels and with the text of ballot measures. They appear to represent accurately those measures and evidence. The Additional Policy Considerations are generally written in straightforward language that is likely to be accessible to ordinary voters.

Within the 2012 Citizens' Review Statements, the statements opposing or supporting the measures (the "pro and con statements") consisted of a variety of assertions, including factual claims, predictions, and claims regarding policies or values. Nearly all of the assertions in the pro and con statements rephrased the texts of ballot measures or testimonial or documentary evidence presented to the panels. Further, the few assertions in the pro and con statements that do not appear to have originated in evidence or in the text of ballot measures—such as the assertion in the Measure 82 "con statement" regarding "sustained funding for Oregon education"—seem to be value-based conclusions that could reasonably have been drawn from that evidence or the ballot-measure texts. Like the Key Findings and the Additional Policy Considerations, the pro and con statements in the 2012 Citizens' Review Statements were generally written in simple, plain language that was likely to be comprehensible to voters.

Only one assertion in the pro and con statements in the 2012 Citizens' Review Statements appears to be problematic. In the Measure 82 "con statement," the assertion that begins, "The social impact to the overall culture and values of Oregon …" is incoherent: the sentence is both grammatically incorrect—as the verb does not agree in number with the subject—and logically faulty, since a claim that an "impact" is "at risk" is arguably devoid of meaning. The sentence would be both grammatically and logically sound if the first four words were omitted. Whether the phrasing of this problematic sentence proved confusing to voters is uncertain.

In general, the Citizens' Review Statements produced by the 2012 Oregon Citizens' Initiative Review are consistent with evidence presented to the CIR panels and with the text of ballot measures. The Statements are phrased in language likely to have been understood by Oregon voters.

## Section 3: Voter Awareness and Use of the 2012 CIR Citizens' Statements

In the final two weeks of the 2012 general election, we commissioned a statewide phone survey of 800 likely Oregon voters.[10] Half of the respondents were surveyed in final week of election, and half answered the survey the previous week. Though the survey had a low overall response rate it was representative of the Oregon electorate in terms of partisanship, demographics, and voting choices.[11]

Before presenting these results, it is important to note that the proponents of Measure 82 (casinos) opted to put a halt to their campaign after the CIR but before Election Day.[12] We do not have a reliable accounting of why this occurred, but it likely affected voters' responses to some of our questions. The fact that a CIR-analyzed measure was effectively abandoned likely reduced the importance of the CIR analysis for many voters.[13]

### CIR Awareness

In 2010, the highest recorded level of awareness of the CIR (42%) came in the survey week immediately before the election. The week prior, awareness was at 29%. That survey showed that the arrival and subsequent use of the Voters' Pamphlet was crucial for raising awareness of the CIR.

In 2012, we asked voters a question with phrasing parallel to that used in 2010: "This year, the official Oregon Voters' Pamphlet contains a one-page Citizens' Statement, for Measures 82 and 85, detailing the most important arguments and facts about each measure. These were written by the Oregon Citizens' Initiative Review panels. Were you VERY aware, SOMEWHAT aware, or NOT AT ALL aware of the new Citizens' Initiative Review?" Figure 3.1 shows that CIR awareness was higher in 2012 than in 2010. Two weeks before the election, more likely voters were aware of the CIR (43%) than even by the end of the 2010 election. By the final week, a majority of Oregon voters (51%) had become aware of the CIR.

[10] This survey was conducted by Elway Polling Inc. and included questions shared with *The Oregonian.*

[11] This is roughly the same sampling frame that we used for a statewide phone survey conducted by the University of Washington Survey Research Center in 2010.

[12] Harry Esteve, "Oregon casino supporters suspend campaign to pass Measures 82, 83," *Oregonian* (October 16, 2012).

[13] Sixty-four percent of those we surveyed were aware that the campaign had ceased, though 80% said it made no difference to them.

**Figure 3.1. Awareness of the CIR among likely Oregon voters during the final weeks of the 2010 and 2012 general elections**

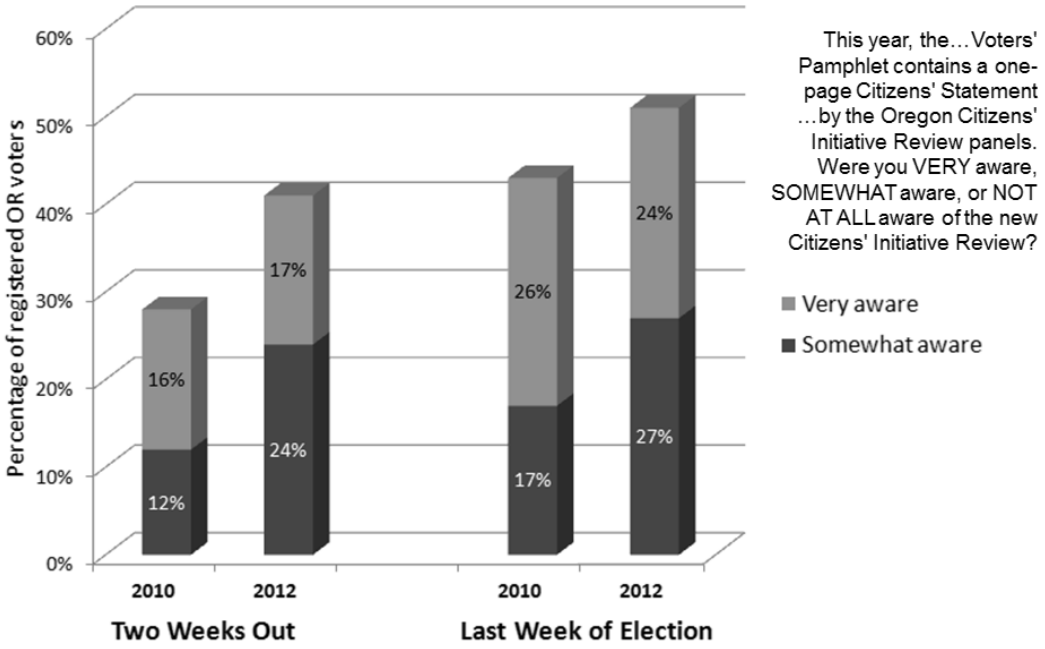
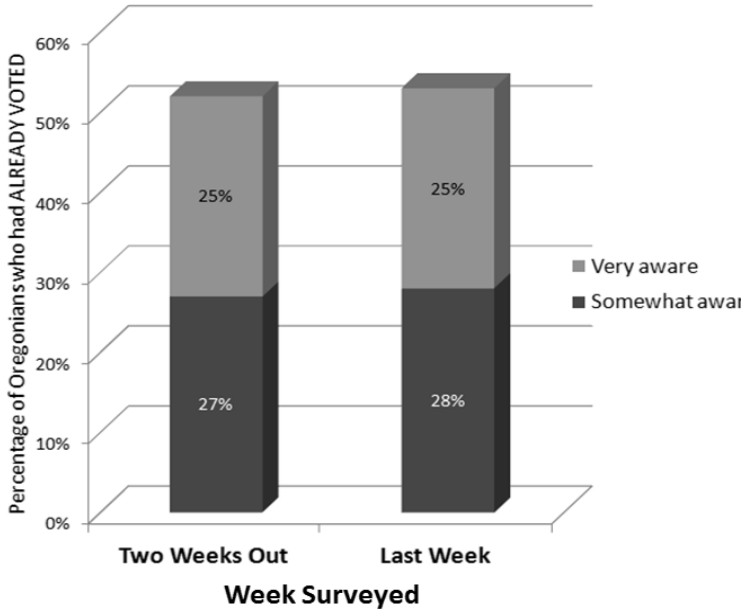



Figure 3.2 shows that among the two-fifths of the survey respondents *who had already voted* two weeks before the election, a majority (52%) were at least somewhat aware of the CIR. Similarly, 53% of those surveyed in the final week *who had already voted* were aware of the CIR. In other words, the key to awareness of CIR appears to be less the time of the survey (at least in the final weeks of an election) than whether the respondent has already made the effort to vote. In the course of voting, many Oregonians discover the CIR, most likely through reading about it in the Voters' Pamphlet.

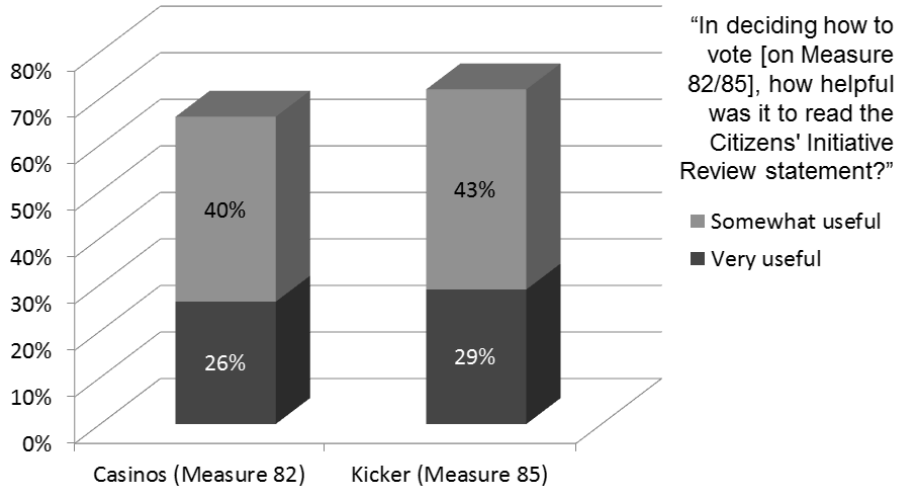
**Figure 3.2. CIR awareness for those who had already voted, either two weeks before Election Day or in the final week of the 2012 general election**




## CIR Statement Use and Helpfulness

Of those who had already voted, a majority (53%) read the CIR Statement on Measure 82 (casinos), whereas only 44% had read the CIR Statement on Measure 85 (kicker). How useful did they find the CIR Statements? In our 2012 survey, a single question for each measure asked CIR users, "How helpful was it to read the Citizens' Initiative Review statement?" On Measure 82 (casinos), 65% said it was at least "somewhat helpful," and 71% of those using the Measure 85 (kicker) statement rated it comparably. In other words, roughly two-thirds of voters who read the statements found them to be helpful. More than one-in-four found them "very helpful" (26% on Measure 82, 29% on Measure 85), which suggests that a critical mass of voters may be finding the statements to be essential reference material. Figure 3.3 summarizes these results graphically. (Note that rounding accounts for the 1% discrepancies in totals.)

**Figure 3.3. Helpfulness ratings by those voters who read CIR Statements for Measures 82 or 85**



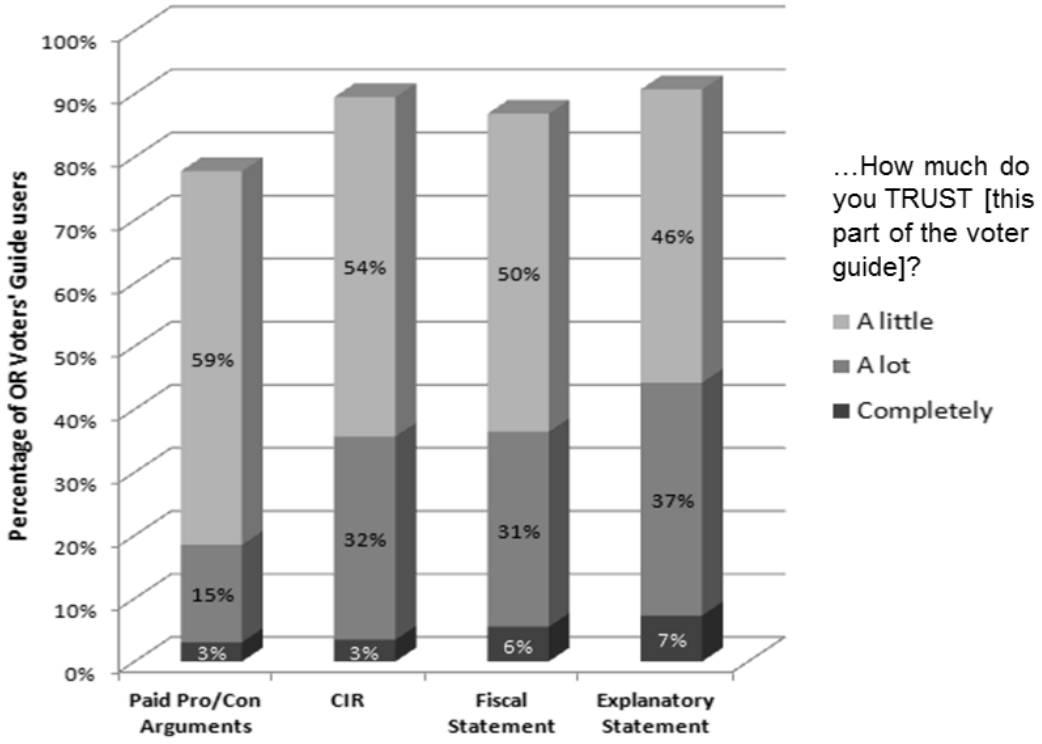

Another set of questions in the phone survey asked all voters who read the Voters' Pamphlet how much "trust" they had in each of four different sections: the CIR Statement, the paid pro/con arguments, the Fiscal Statement, and the Explanatory Statement. Figure 3.4 shows that the modal response for voters for each element of the Voters' Pamphlet was that they placed "a little" trust in each section. The clearest difference was between the paid pro and con arguments and the three other elements. In other words, Oregon voters placed roughly the same amount of trust in the CIR Statement as the Fiscal and Explanatory Statements.[14] This is noteworthy because the CIR Statement contains qualitatively different information than either of those, as it includes more elaborate policy analysis and its own set of vetted pro and con arguments.[15]

Looked at from another perspective, one could ask whether the CIR Statement provides trustworthy information to those voters who say they place no trust at all in the paid pro and con arguments provided in the Voters' Pamphlet. Of those respondents, a large majority (72%) said they had at least "a little" trust in the CIR Statement.

[14] Paired *t*-test comparisons of means showed that the pro/con statements less trustworthy than other sections ($p < .001$). Whereas Figure 3.4 shows that roughly the same proportion of Oregon voters have at least "a little" trust in both the CIR Statement and Explanatory Statement, the same mean comparison statistic shows the latter to have a higher average level of trust ($p = .001$).

[15] Report co-author Robert Richards has produced a systematic contrast of CIR Statement content against Voters' Pamphlet contents produced by public officials. It appears in John Gastil, Katherine R. Knobloch, and Robert Richards, *Vicarious Deliberation: How the Oregon Citizens' Initiative Review Influences Deliberation in Mass Elections*. Paper presented at Rhetoric Society of America Annual Conference, May 25-28, 2012.

**Figure 3.4. Levels of trust that Oregonians place in different sections of the Voters' Pamphlet**




## Predictors of CIR Awareness and Assessment

As in 2010, we found that a wide cross-section of the electorate used and found useful the CIR Statements. For the purpose of this report, we ran a regression analysis using a variety of demographic variables (sex, age, education, and income) plus measures of party affiliation, interest in politics, and political-cultural orientation.[16] None of these variables predicted the variations in voters' utility assessments, though older and culturally individualistic voters placed slightly more trust in the CIR.[17] Also, those voters who chose to read the CIR Statements were slightly older and more educated.[18]

[16] On the cultural measure, see John Gastil, Donald Braman, Dan Kahan, and Paul Slovic, "The cultural orientation of mass political opinion," *PS: Political Science & Politics*, Vol. 44 (2011), pp. 711-714.

[17] For age, the standardized regression coefficient ($b$) = .09 ($p < .05$), which indicates a small effect size, which could account for something like one percent of the variance in trust. For individualism, $b = .20$ ($p < .01$). Minimum $N = 220$ for the regressions in this section.

[18] In all four cases, $b = .09$. In the case of Measure 85, culturally individualistic voters were more likely to read the Statement ($b = .11$). All $p < .05$.

## Section 4: Online Experimental Survey Results on CIR Citizens' Statements

As in the 2010 evaluation report, we chose to conduct an online study of Oregon voters to complement the phone survey. One of the methods used in 2010 was a "survey experiment," and in this report, we focus on the impact on voter knowledge that this experiment revealed. Increasing voter knowledge is one of the principal aims of the CIR Commission. As the Commission's webpage explains, the CIR "is an innovative way of publicly evaluating ballot measures so voters have clear, useful, and trustworthy information at election time."[19] Did the CIR increase voter knowledge and voters' confidence in the accurate beliefs they held?

The most direct approach to that question is an experimental one, because it permits us to vary systematically the information that voters have at-hand. Our online experiment required surveying a wide swath of Oregon voters whose voter IDs were matched to email addresses, and the Penn State Survey Research Center administered this survey for us. The result was a sample of 400 Oregon voters spread roughly evenly across four experimental conditions.[20]

When contacted in the final weeks before the election, the online respondents who reported that they had not yet voted, nor even read the Voters' Pamphlet, were designated for the experiment.[21] Before those respondents answered the main survey questions, they were randomly placed in one (and only one) of the following four groups:

- A control group, who received no further instruction;
- A group that was shown two full pages pro and con statements on Measure 85 (see Appendix C);
- A group that was shown a page containing the Explanatory and Fiscal statements on Measure 85 (see Appendix D); and
- A group that was shown the CIR Statement on Measure 85 (see Appendices A-B).

After viewing the aforementioned statements (or lack thereof), respondents then answered a series of questions about Measure 85, and we focus herein on the knowledge questions that followed.

The survey included a battery of ten knowledge items, each of which was a statement that voters had to judge as either true or false. For example, one item read, "Measure 85 PREVENTS the Oregon Legislature from redirecting current K-12 funds to other non-education budgets." Respondents frequently expressed uncertainty and chose the "don't know" response, but many did claim to know whether each statement was accurate. The preface to these statements read, "The next few statements are relevant

[19] http://www.oregon.gov/circ/Pages/index.aspx

[20] The survey had a very low response rate (fewer than 2% of those emailed returned complete surveys), but as with the phone survey, the sample was broadly representative of the general Oregon electorate both demographically and in terms of its voting preferences.

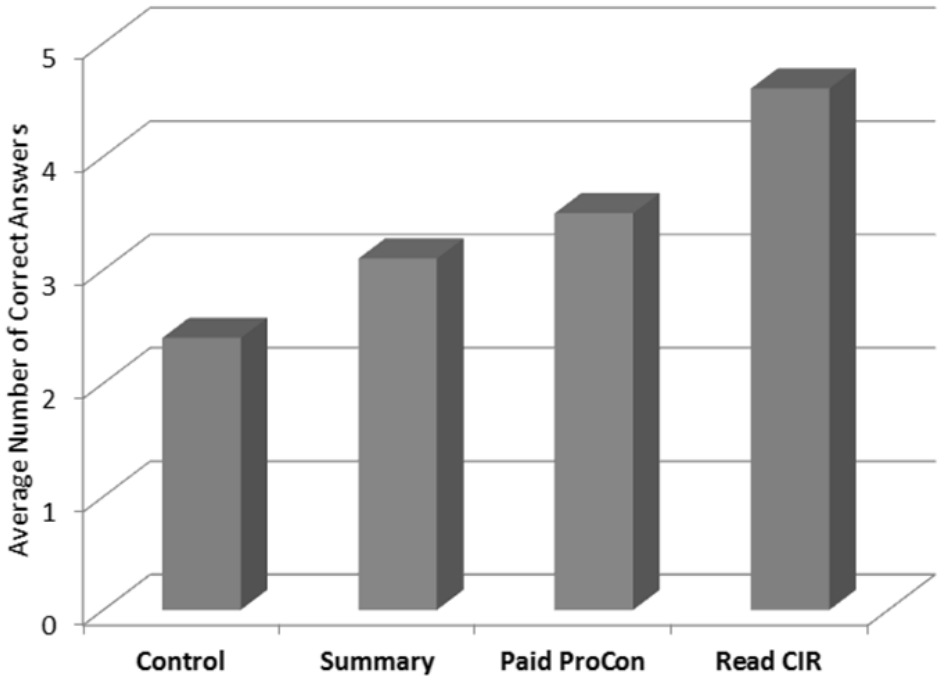
[21] We initially were separating respondents into separate experiments for Measures 82 and 85, but when the proponents of Measure 82 ended their campaign, we redirected all respondents to the Measure 85 experiment. At that time, we had collected a sample of 120 participants for the Measure 82 experiment.

to Measure 85. For each one, please indicate whether you believe it is definitely true, probably true, probably false, or definitely false. If you are not sure either way, mark the 'don't know' response."[22]

A complete list of the knowledge items used in the survey is provided in Appendix E, but Figure 4.1 summarizes the main result. As it shows, those assigned to the experimental condition that read the CIR Statement showed considerable knowledge gains. The CIR Statement readers outperformed the control group on nine of the ten knowledge items. The overall result was that CIR Statement readers answered, on average, twice as many knowledge items correctly—again, with "don't know" responses being more common that inaccurate ones.

Moreover, the differences between the CIR Statement readers and respondents in the other conditions were also statistically significant. In other words, real Oregon voters who had not yet read the Voters' Pamphlet gained more knowledge from reading the CIR Statement than from either equivalent doses of paid pro/con arguments or the official Explanatory and Fiscal statements.[23]

**Figure 4.1. Average number of correct answers on a ten-item knowledge battery regarding Measure 85 for each of four experimental conditions in the online survey**



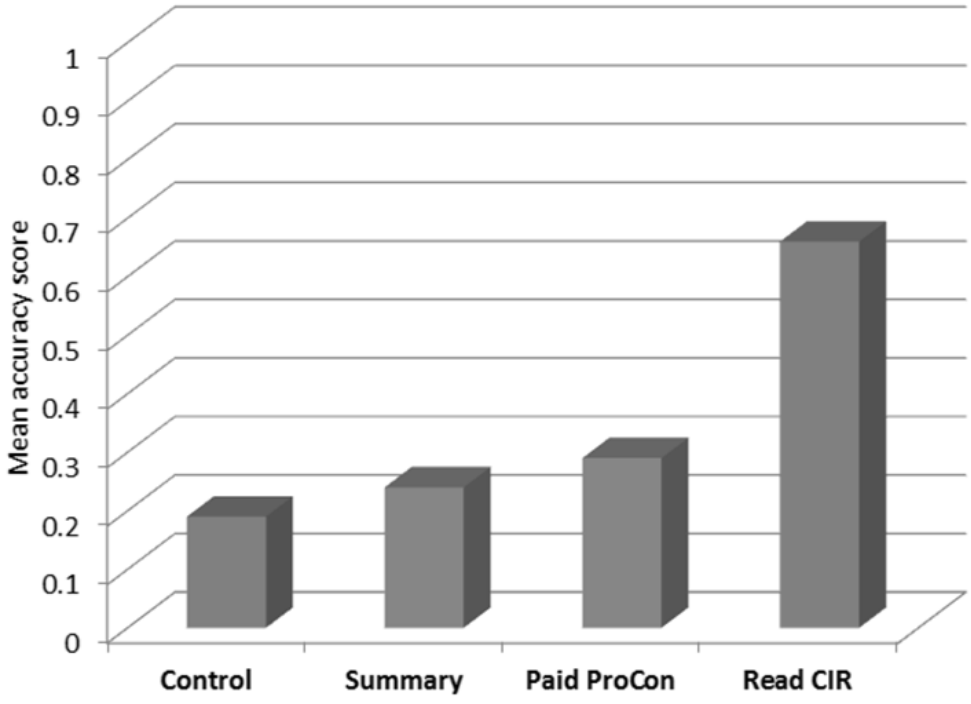

[22] The online survey permitted us to measure the number of minutes each participant spent at each of the pages in the survey. We removed from analysis those few who spent only a few seconds with the paid pro/con arguments or any of the other statements.

[23] Using an ANOVA, the overall result for the four condition comparison was $F$ (3, 329) = 12.8, $p < .001$. Post-hoc $t$-tests showed that exposure to either the CIR Statement or paid pro/con arguments yielded more correct answers than in the other conditions, but the CIR Statement condition also had a significantly higher average number of correct responses relative to the paid pro/con arguments condition.

It appears, however, that reading the CIR Statement did more than increase the accuracy of one's knowledge. Reading the Statements also increased voters' *confidence* in that knowledge. Recall that our question asked respondents whether each statement was "probably" or "definitely" true or false. We conducted a second analysis that takes that difference into account in creating an average "accuracy" score. For any single knowledge item, a person's accuracy score ranges from +2 (confident and CORRECT) to -2 (confident and WRONG), with "probably" answers scored as +1 if correct and -1 if wrong and "don't know" responses scored as 0.

By considering the confidence in one's knowledge, Figure 4.2 shows that the CIR Statement creates a more striking gap between those who read it and those who did not.[24] The Accuracy scores for those assigned to the CIR Statement condition is more than double that of all other participants in the online experiment. One might wish that scores were higher for *all* respondents, but as stated earlier, the knowledge items generated considerable "don't know" responses from Oregon voters, who clearly did not have a broad base of confidence in their knowledge relevant to Measure 85, at least as measured by the ten items shown in Appendix E.

**Figure 4.2. Accuracy scores (measuring confidence in accurate knowledge) regarding Measure 85 for each of four experimental conditions in the online survey**




[24] Main ANOVA result was $F$ (3, 268) = 18.9, $p < .001$. Post-hoc contrasts were significant between CIR Statement and all other conditions.

## Summary and Recommendations

In this concluding section, we again restate our main findings. We then present four recommendations and conclude with a note on future research.

### Main Findings

To recap our main findings, we reached these four conclusions:

1. The 2012 Citizens' Initiative Review (CIR) appeared to be a highly deliberative process, both from our perspective as observers and from the point of view of the participants themselves. Overall, its quality was comparable to the 2010 CIR panels.
2. The 2012 CIR Citizens' Statements maintained the high level of factual accuracy first achieved in 2010. As found in the 2010 report, the 2012 panelists drafted Statements that contained no obvious factual errors or misleading sentences.
3. Statewide surveys of Oregon voters found that 51% of those likely to vote were aware of the CIR by the end of the 2012 election. This amounts to a 9% increase from the peak of 42% awareness among likely voters in 2010. At least two-thirds of CIR Statement readers in 2012 found the panelists' insights helpful in making their own voting decisions, which is also a significant increase compared to 2010.
4. An online experimental survey was conducted for one of the measures reviewed by the CIR process (Measure 85), with the results showing substantial knowledge gains for those exposed to the CIR Statement.

### Recommendations

Unlike the 2010 evaluation, we have chosen not to conclude with a long set of recommendations. This partly reflects the fact that process modifications were made after 2010 that took into account many suggestions, including our own. That said, we highlight four key points to consider as the CIR refines its procedures. We rank these recommendations in order of importance, beginning with our paramount concern.[25]

**1. The CIR Statement page in the Voters' Pamphlet should have a more visually engaging layout, and the CIR needs a more robust public information campaign.** We expect that awareness of the CIR will increase again in 2014, but to reach more than a bare majority of voters, the CIR needs greater prominence online, in broadcast media, and in the Pamphlet itself.

**2. The CIR orientation should provide more precise training to panelists on how to evaluate evidence, the key terms for each aspect of the process, and the importance of values in relation to evidence and arguments.** These three suggestions go hand-in-hand as they all aim to use the CIR panelists' time more efficiently to identify key arguments and evidence. In 2012, we saw staff, facilitators, and panelists alike occasionally getting tongue-tied on terminology, though to a lesser extent in 2012 than in 2010. Most encouragingly, in the panel on Measure 82

[25] Each of these recommendations has a parallel in the 2010 evaluation, which includes more detail about some of these issues.

(casinos), we saw panelists take up values questions more directly than they had in any of the previous CIR's—a welcome development given the importance of values in prioritizing and crafting the most important pro and con arguments in the Statements.

**3. CIR organizers should continue to explore ways to effectively prepare proponents, opponents, and neutral witnesses for their appearance before citizen panelists.** We know that HDO staff sometimes have found this challenging, particularly when trying to gather together opponents to a measure as early as August. As the CIR becomes a more routine process, it should become possible to give the advocates and witnesses an ever-clearer idea of how to approach the panel—the importance of having clearly documented evidence, how to structure arguments, etc. As we noted in 2010, so many of those accustomed to using conventional campaign rhetoric falter when confronted with the deliberative CIR process, which emphasizes directness and accuracy over polish and panache. Ideally, all advocates will be equally well prepared for the distinctive deliberative environment of the CIR.

**4. The CIR should continue to look for ways to bring online technology into the panel deliberation.** As we said in 2010, there are ways to utilize computers to ease the organization and distribution of information that comes before the panel without alienating those panelists who do not prefer digital interfaces. As tablets become ever more user friendly, the CIR may find better ways to put information literally at panelists' fingertips. At some point, CIR panels should experiment with widening their audience through a parallel deliberative process online. The online followers would not be part of the voting CIR body, but they could complement it in many ways. Each of these innovations would require additional resources, but we mention them here to emphasize their importance in the process' long-term development.

## Future Research

Though this report contains detailed information about the 2012 Oregon CIR, we have only presented here some of the analyses we will develop and publish in the future. Combined with the data from the 2010 Oregon CIR, we now have a rich dataset that should shed considerable light on the efficacy of this unique deliberative process. Anyone reading this report who wishes to learn more about this research or contribute to the analyses of these data can contact the report's authors.

As we continue to develop our research on the CIR, we conclude by expressing our appreciation to everyone who has made this report and the larger research program underlying it, possible. Our university and foundation partners, our many undergraduate, graduate, and faculty colleagues, as well as others at HDO and beyond, have encouraged our study of the CIR. This process has, from the outset, been open to outside scrutiny and given researchers unfettered access to observing and interviewing the panelists and the process. The panelists themselves also get credit for completing our tedious surveys, with a response rate (still at 100% during panels) that is the envy of all our peers in academia. As both CIR panelists and organizers recognize, it is only through the interplay of practical innovation and rigorous research that we can understand and improve deliberative processes like the CIR.

# Appendix A. Oregon CIR Citizens' Statement on Measure 85

Ballot Measure 85 title: "Amends Constitution: Allocates Corporate Income/Excise Tax "Kicker" Refund To Additionally Fund K Through 12 Public Education."

## Majority Statement in Support of the Measure

POSITION TAKEN BY 19 OF 24 PANELISTS

We, 19 members of the Citizens' Initiative Review, support Ballot Measure 85 for the following reasons:

- Measure 85 does not affect the personal "kicker" and does not increase personal or corporate taxes.
- There is broad bipartisan agreement that the corporate "kicker" is not good public policy. It is unreasonable to refund legally due taxes to corporations as a result of inaccurate revenue projections. We believe Measure 85 is an improvement to current policy.
- Measure 85 would keep the corporate "kicker" dollars in the Oregon economy instead of issuing tax credits to corporations headquartered out of state.
- The intent of this measure is for 100% of the "kicker" to go to K-12 education. Despite the potential for General Funds to be redirected, the wording in the measure specifies the funding would be in addition to and not replace current education funds.
- The K-12 budget is declining due to inflation, the funding of other services, and increased costs. The passage of Measure 85 would demonstrate Oregon's commitment to improving education.
- Oregonians and Oregon businesses benefit from keeping money in the state.

## Minority Statement in Opposition to the Measure

POSITION TAKEN BY 5 OF 24 PANELISTS

We, 5 members of the Citizens' Initiative Review, oppose Ballot Measure 85 for the following reasons:

- As written, Measure 85 cannot assure additional funding for K-12 and may give the public the perception that tax policy and K-12 school funding issues have been solved thus inhibiting the discussion for future, comprehensive budget reform. The Legislature retains control and discretion of the General Fund.
- Measure 85 removes the flexibility to place corporate kicker funds into a rainy day or other reserve fund for future use.
- Due to the history of infrequent Kicker payouts, they are too random and cannot be considered as a reliable source of income.
- Over a 30 year period, Oregon Legislators have, on average, spent 99% of the available General Funds. Demonstrating an inability to prepare for budget shortfalls.
- Over a 30 year period, Oregon Legislators have, on average, Measure 85 seeks to change the Oregon constitution and should not be passed without serious consideration. This measure removes the flexibility to use the corporate kicker funds where they are most needed at the time of the distribution. We feel that this measure creates an illusion that it is "fixing" the current K-12 economic situation in Oregon. Having spent the majority of the available general funds over the last three decades the Legislature has demonstrated that "if you send it, they will spend it." We feel that real reform is the answer and Measure 85 does not "measure" up.

## Key Findings

The following are statements about the measure and the number of panelists who agree with each statement.

- The corporate "kicker" funds are not guaranteed to increase K-12 funding because of the Legislature's discretionary spending of the General Fund. This ballot measure earmarks the corporate "kicker" to fund K-12 education, but does not prevent the redirecting of current funding resources to other non-education budgets. (24)
- The corporate "kicker" has had no effect on the stability of Oregon revenue due to its unreliability. (22)
- The corporate "kicker" has the potential to stabilize State spending by introducing unexpected revenues to fill in funding gaps (Oregon Office of Economic Analysis). (24)
- There is no evidence that the corporate "kicker" benefits or harms corporations. (19)

## Additional Policy Considerations

The following are statements about the subject matter or fiscal considerations related to the measure and the number of panelists who agree with each statement.

- The corporate "kicker" has been triggered 8 times over the past 16 budget periods making it an unreliable source of school funding. (24)
- Oregon tax revenues vary greatly in each budget cycle making future revenue predictions difficult. (23)
- Oregon Legislators have spent, on average, 99% of the available General Fund monies each budget cycle (General Fund Budget History). (21)
- Corporate businesses learn about the "kicker" after their operating period, therefore it has no effect on business decisions (Sierra Institute of Applied Economics). (18)
- Corporate businesses do not expect or depend on corporate "kicker" credits. (22)
- Since 2003, the percentage of the General Fund spent on K-12 education has changed from 44.8% to the current 39.1%. (23)

# Appendix B. Oregon CIR Citizens' Statement on Ballot Measure 82

Measure 82 title: "Amends Constitution: Authorizes Establishment of Privately-Owned Casinos; Mandates Percentage of Revenues Payable to Dedicated State Fund."

## Majority Statement in Opposition to the Measure

POSITION TAKEN BY 17 OF 24 PANELISTS

We, 17 members of the Citizens' Initiative Review, oppose Ballot Measure 82 for the following reasons:

- Measure 82 changes the Oregon constitution. If this measure passes it will allow more outside influence on gambling within the state. The backers who wrote this measure stand to gain significant profits by changing the Oregon constitution.
- The social impact to the overall culture and values of Oregon are at risk with the added casinos that Measure 82 will allow.
- Changing the Oregon state constitution, with no clear economic benefit to Oregonians, is not worth the possible negative effects to our citizens.
- According to local experts more than 70,000 adult Oregonians have problems with gambling. Our concern is that an increase of private casinos will increase addictions to gambling, alcohol and drugs.
- Measure 82 will negatively impact the revenue generated by tribal casinos traditionally used to support tribal communities, nearby rural areas, non-profits and charitable organizations throughout Oregon.
- Small businesses near private casinos could stand to lose up to 46% of Video Lottery Terminal revenue on average. We believe this loss would have a substantial impact on businesses.
- If Measure 83 passes, the proposed private casino in Multnomah County will negatively impact surrounding communities who have a State vote, but not a local vote. Our concerns are traffic congestion and the possible increase in crime.
- Sustained funding for Oregon education shouldn't be dependent upon our citizens' private casino gambling losses.

## Minority Statement in Support of the Measure

POSITION TAKEN BY 7 OF 24 PANELISTS

We, 7 members of the Citizens' Initiative Review, support Ballot Measure 82 for the following reasons:

- Measure 82 changes the Oregon constitution to allow the people of Oregon to decide whether they want private casinos and allows the local communities to vote for or against the measure even if voters approve a casino in a statewide election.
- The current funding structure for K-12 schools in Oregon is not sufficient. Private casinos may provide an additional revenue source for education.
- Private casino construction and operations will result in additional well-paying jobs and property taxes for the local community.
- Research has shown the existence of a casino in a community does not in and of itself increase gambling behavior and does not cause the behavioral problems that many fear.
- A casino is a new tourist attraction and may revitalize the surrounding areas.
- The casino must be developed in an incorporated city and must be owned and operated by an Oregon tax-paying corporation.

- If measure 83 passes and the voters of Wood Village approve the proposed casino, net revenue to State and local governments are estimated to be $32 million to $54 million annually to be divided amongst:*
    - Public schools
    - Job creation
    - Oregon tribes
    - Problem gambling programs
    - Local and state police
    - City of Wood Village
    - Adjacent cities
    - Parks and natural resources
    - *Refer to section 3 of Ballot Measure 83

## Key Findings

The following are statements about the measure and the number of panelists who agree with each statement.

- Economists disagree on the long term economic impact of private casinos in Oregon. (22)
- For every dollar of revenue from Video Lottery Terminals, about 65 cents goes to the State lottery. In addition, under Measure 82, for every dollar of revenue produced by private casinos, 25 cents would go to the State lottery. (24)
- Private casinos could negatively affect the gaming revenues of the tribal casinos and the communities they support. (20)
- The Oregon Lottery and businesses with Oregon Video Lottery Terminals that are located within a close proximity of a private casino would likely lose money. (23)
- According to the "Measure 82 Estimate of Financial Impact" Measure 82 will have an unknown impact on state revenue, however, 25% of a private casino's adjusted gross revenue will be given to the State of Oregon for specified purposes. (22)
- In Oregon, the state government has compacts with all nine Tribal governments, however, those agreements do not prohibit private casinos. (24)

## Additional Policy Considerations

The following are statements about the subject matter or fiscal considerations related to the measure and the number of panelists who agree with each statement.

- If Measure 83 passes, approximately 2,000 full-time jobs with benefits may be created; however, jobs could be lost at tribal casinos and small businesses as well. (22)

# Appendix C: Explanatory and Fiscal Statements for Measure 85

These are the statements that appeared in the online experimental condition where voters read official non-CIR statements on Measure 85.

## Explanatory Statement on Measure 85

Ballot Measure 85 changes the "corporate kicker" provision of the Oregon Constitution. Under current law, certain excess corporate income and excise tax revenues collected during a biennium are returned to corporate taxpayers. Under Ballot Measure 85, the excess revenues would be retained in the state's General Fund and used to provide additional funding for kindergarten through twelfth grade public education. The Legislature has full discretion over how it allocates General Fund moneys, including the total amount of General Fund moneys to kindergarten through twelfth grade public education.

The Oregon Constitution describes how the "corporate kicker" process works. First, at the beginning of each biennium the Governor estimates tax revenues that will be received by the state's General Fund during the biennium. Estimated revenues from corporate income and excise taxes are determined separate from other General Fund revenues. The General Fund is where most individual and corporate income tax revenues are deposited. The General Fund pays for state services, including schools, prisons and social services. The biennium is the two-year period for which the state budget is prepared. The biennium runs from July 1 of each odd-numbered year to June 30 of the next odd-numbered year.

Second, at the end of each biennium budget, the Governor determines the revenues actually received by the General Fund. Again, revenues received from corporate income and excise taxes are determined separately from other General Fund revenues.

Finally, if revenues actually received by the General Fund from corporate income and excise taxes are at least two percent greater than what was estimated, the excess currently are returned, or "kicked back," to the corporate income and excise taxpayers.

Ballot Measure 85 amends the Oregon Constitution to provide the "corporate kicker" be retained in the General Fund and used to provide additional funding for public education, kindergarten through twelfth grade. The excess revenues would no longer be returned to the corporate income and excise taxpayers. The Legislature has full discretion over how it allocates General Fund moneys, including the total amount of General Fund moneys to kindergarten through twelfth grade public education.

The Oregon Constitution contains "kicker" provisions for both corporate income and excise taxpayers and personal income taxpayers. Ballot Measure 85 does not affect the "kicker" for personal income taxpayers.

## Explanation of Estimate of Financial Impact of Measure 85

The Oregon Constitution currently requires that receipts from the corporation income and excise taxes that exceed the close-of-session forecast by two percent or more be returned to corporate income and excise taxpayers. The close-of-session forecast is the last forecast given to the legislature in odd-year sessions, adjusted for laws passed during the session. The Constitution allows the legislature, with a two-thirds majority vote, to suspend the kicker and allow the unexpected additional revenue to be used for discretionary purposes, rather than being returned to corporate taxpayers.

This measure would redirect any future corporate kicker refunds. Instead of returning the revenues to corporate taxpayers, they would be expended on kindergarten through twelfth grade public education.

# Appendix D: Paid Pro and Con Statements in Online Experiment for Measure 85

## Pro Statement

Let's Make Oregon Schools Our Shared Priority
So Every Child has a Safe and Supportive Environment in which to Learn
Basic Rights Oregon urges a Yes Vote on Measure 85

Basic Rights Oregon is an organization dedicated to ending discrimination based on sexual orientation and gender identity, and promoting equality for everyone. We believe that we all have an interest in standing up for a future that works for all Oregonians. That means ensuring our children receive the education they deserve, our teachers have the training they need, and the most vulnerable student populations have the resources and support they require.

Our schools should be safe places for all students to learn. That means they need to be adequately funded.

When school budgets are slashed, that impacts programs that are critical to protecting our lesbian, gay, bisexual, and transgender (LGBT) students, staff, and families. Basic Rights Oregon believes we all have a responsibility to ensure that our schools are equipped to offer a safe environment in which to learn. In particular, our school teachers and staff must have the resources and training they need to recognize and act on instances of bullying and discrimination.

Measure 85 puts more resources in the classroom, so our children get the education and support they need to succeed.

Stand with Basic Rights Oregon in voting YES on Measure 85.

- Say YES to putting money into Oregon K-12 schools
- Say YES to ensuring every child has a quality education
- Say YES to providing a safe and supportive place for our students to learn

[from Corporate Kicker for K-12]

## Con Statement

Will Measure 85 Solve Our School Funding Crisis?

No.

So, How Can We Create Stable Funding for Schools?
There is Only One Sure Way: More Family Wage Jobs.

Measure 85 will not produce enough money to make a difference for our schools. It's not *even* a Band Aid. There has not been a "corporate kicker" refund to businesses since 2007. The non-partisan state Legislative Revenue Office also estimates there will not be a corporate kicker this budget cycle.

There aren't enough Oregonians with family wage jobs who generate the taxes to *give* education the funding it deserves. Until Oregon is a great place to start and grow businesses that can employ more Oregonians, the school funding crisis will continue.

Essential services like schools are funded mostly by income taxes, so more jobs = more money for families and schools.

The only way to permanently fund services at the levels we all expect is to make sure more people are employed and paying taxes. That's how it works in Oregon.

- More jobs and higher incomes for Oregonians would mean $2.6 billion additional tax dollars *every* two years for public services like schools, health care and senior services that make Oregonians' lives better.
- If Oregonians' incomes met the national *average* (we are currently 9% below), we would have billions more dollars flowing through the state for people to save, invest and plan for their economic future.
- We need to make it easier for people to start and expand their businesses so that more of us can have jobs and plan for our own economic future.

More private-sector jobs would mean billions more dollars for services we care about like schools, health care and public safety.

It's a Win-Win.

Quality of life starts with family wage jobs. Let's *vote* for people and policies that will create more of them.

The Oregon Small Business Coalition

[from Grow Oregon]

## Appendix E: Online Survey Knowledge Items on Measure 85

Note that we randomized the order of these items in the online survey.

1. Currently, a FORMULA IN A STATE LAW determines how Oregon K-12 public education funds are distributed to schools. [CORRECT ANSWER: TRUE]
2. Currently, NINETY-THREE PERCENT of the Oregon State General Fund is spent on education, health and human services, and public safety combined. [CORRECT ANSWER: TRUE]
3. Currently, businesses learn whether they will receive a corporate "kicker" only AFTER the operating period in which they paid the taxes affected by that corporate "kicker." [CORRECT ANSWER: TRUE]
4. Currently, the corporate "kicker" has NO EFFECT on the stability of Oregon revenue. [CORRECT ANSWER: TRUE]
5. Each year, the Oregon Legislature SETS ASIDE for future budgets an average of TWENTY-FIVE PERCENT of its available General Fund monies. [CORRECT ANSWER: FALSE]
6. Measure 85 PREVENTS the Oregon Legislature from redirecting current K-12 funds to other non-education budgets. [CORRECT ANSWER: FALSE]
7. Measure 85 would change the PERSONAL "kicker" by directing PERSONAL "kicker" funds to K-12 education. [CORRECT ANSWER: FALSE]
8. Since 2003, the percentage of the Oregon State General Fund spent on K-12 education has INCREASED. [CORRECT ANSWER: FALSE]
9. The corporate "kicker" has been triggered in EIGHT of the past sixteen budget periods in Oregon. [CORRECT ANSWER: TRUE]
10. Under Measure 85, corporate "kicker" funds are GUARANTEED TO INCREASE K-12 funding for public education in Oregon. [CORRECT ANSWER: FALSE]

## Author Biographies

**Katherine R. Knobloch** (katie.knobloch@colostate.edu) is an Assistant Professor and the Associate Director of the Center for Public Deliberation in the Department of Communication Studies at Colorado State University. She received her Ph.D. from the Department of Communication at the University of Washington in 2012. Her research focuses on evaluating the quality of deliberative public processes and their effects on participants and communities. Her work has appeared in *The Journal of Applied Communication Research* and *Javnost – The Public.* She co-authored the 2010 Citizens' Initiative Review evaluation report with John Gastil.

**John Gastil** (jgastil@psu.edu) is Professor and Head of the Department of Communication Arts and Sciences at Pennsylvania State University. He received his Ph.D. in communication arts from the University of Wisconsin-Madison in 1994. He specializes in political deliberation and group decision making, and his books include *The Jury and Democracy*, *The Group in Society*, *Political Communication and Deliberation*, *By Popular Demand*, *Democracy in Small Groups*, the co-edited volumes *Democracy in Motion: Evaluating the Practice and Impact of Deliberative Civic Engagement* and *The Deliberative Democracy Handbook*.

**Robert C. Richards, Jr.**, JD, MSLIS, MA (robert.c.richards@psu.edu) is a doctoral candidate in the Department of Communication Arts and Sciences at The Pennsylvania State University. He studies legal information and communication systems. His Ph.D. research concerns the communication of legal information about ballot initiatives to voters. His most recent publication, co-authored with Gerald J. Baldasty, is *E. W. Scripps* (Oxford Bibliographies Online, Oxford University Press, 2012).

**Traci Feller** (tracif2@uw.edu) is a doctoral candidate in communication at the University of Washington, where she received a B.S. in psychology in 2008. Her research has focused on the jury system and public deliberation, and her writing includes "What the literature tells us about the jury foreperson" (*The Jury Expert*, November, 2010). She belongs to the American Society for Trial Consultants and has interned at Tsongas Litigation Consulting in Seattle, Wash.

## APPENDIX D: Citizen Panelist Evaluation Report

### Citizen Panelist Report to the Oregon Citizens' Initiative Review Commission

February 1, 2013

According to ORS 250.143 (2), "not later than February 1 of an odd-numbered year, two electors from each citizen panel shall: (a) Convene to evaluate procedures related to the citizen panels and submit a written report to the commission summarizing the evaluation, along with any recommendations; and (b) Appoint two electors from among the former panelists convened for the evaluation to be members of the commission."

On January 30, 2013, four citizen panelists from the two Citizens' Initiative Reviews (CIRs) conducted in 2012, convened to evaluate CIR procedures. The panelists included Daniel Esqueda and Kay Ogden from the CIR for Measure 82; and Dawn Sieracki and Charlotte West from the CIR for Measure 85. The evaluation was facilitated by Tony Iaccarino, Policy & Projects Director for Healthy Democracy, on behalf of the CIR Commission.

At the conclusion of the evaluation, the four panelists selected two to serve on the CIR Commission: Daniel Esqueda and Kay Ogden.

A summary of the evaluation by panelists, including recommendations, can be found below:

*Summary of strengths and weaknesses of CIR procedures:*

- Strength: clarifies complex ballot measures for the voting public.
- Strength: representative makeup of the panel increases the likelihood that final Citizen Statement will be intelligible to entire electorate.
- Strength: effective facilitation helps diverse panelists work towards a common goal and creates among them a strong sense of purpose.
- Weakness: panel diversity is possibly hindered by fact that not everyone can take five days off from work.
- Weakness: officially reviewing Measure 82, while taking into consideration Measure 83, was very difficult; it was sometimes hard to distinguish between the two.

*Key recommendations to improve CIR procedures:*

- Establish more opportunities to address explicitly how values might influence the evaluation of evidence and the development of arguments.

- Require all background presenters to set aside time, withing reason, to participate in process, as the limited availability of some background presenters was at time frustrating.

- Have final advocate presentations focused on responding to panelists' preliminary findings and questions, rather than making final "appeals," i.e., eliminating last 15 minutes currently designated for advocate presentations.

- Devise a way for the panelists to offer input along the way regarding possible adjustments to the agenda.

- Create a "summary wall" that is more fluid and that better reflects the evolving thinking of the panelists.

- Consider creating two groups of twelve for statement writing, even if it means some panelists who are "pro" are helping write "con" statements (and vice-versa); doing so puts focus on providing quality arguments.

- Issue press releases on Day # 5 that highlight the quality of the information and process and that downplay how many panelists were either "pro" or "con."

- Designate more time for some sections and less time for others, e.g. Day # 3 best reasons pro and con exercise.

- Allot more time to accommodate panelists who might not digest information as quickly so that they are equally able to participate.

Approved and submitted by:

Daniel Esqueda
Kay Ogden
Dawn Sieracki
Charlotte West

**APPENDIX E: Moderator Evaluation Report**

**Moderator Report to the Oregon Citizens' Initiative Review Commission**

February 1, 2013

According to ORS 250.143 (1), "not later than February 1 of an odd-numbered year, each person who served as a moderator for a citizen panel that evaluated a measure voted on at the most recent general election shall: (a) Convene to evaluate procedures related to the citizen panels and submit a written report to the Citizens' Initiative Review Commission summarizing the evaluation, along with any recommendations; and (b) Appoint two moderators from among the former panelists convened for the evaluation to be members of the commission."

On October 18, 2012, four moderators from the two Citizens' Initiative Reviews (CIRs) conducted in 2012, convened to evaluate CIR procedures. The moderators included Robin Gumpert and Michael Schnee from the CIR for Measure 82; and Mary Forst and Molly Keating from the CIR for Measure 85. The evaluation was facilitated by Tony Iaccarino, Policy & Projects Director for Healthy Democracy, on behalf of the CIR Commission.

Given the currently limited pool of moderators with experience facilitating the CIR process and given that two (Mary Forst and Robin Gumpert) already serve on the CIR Commission, it was not considered practical to select two additional moderators for the CIR Commission at that time.

A summary of the evaluation by moderators, including recommendations, can be found below:

*Summary of strengths and weaknesses of CIR procedures:*

- Strength: CIR moderators collectively have thousands of hours of experience providing facilitation for policy and citizen groups; the CIR compares favorably when it comes to integrity of the process, high-quality of deliberation, and value for participants.

- Strength: the CIR process encourages rational and civil discourse among panelist with different backgrounds, a rarity in today's partisan climate.

- Strength: staff plays an effective role in ensuring the integrity of the CIR process.

- Strength: the design of the five-day process has evolved over several years with a great deal of input from panelists, moderators, and others; the documentation for how to run the process has become very detailed in an effort to be able to replicate the CIR process for others.

- Weakness: despite considerable experience moderating the CIR, moderators are beginning to have trouble trusting their professional instinct and judgment because they are so concerned with following the detailed written process.

*Key recommendations to improve CIR procedures:*

- Provide greater clarity to moderators regarding which processes are required and which processes can be more artfully and flexibly employed to achieve the objectives for each section.

- Ensure that panelists can look back and say that there was no moderator bias in the process and that their voices were heard. Perhaps offer a question on the daily evaluation that asks: "On a scale of one to five, how satisfied are you that your voice was heard and understood today? What, if anything, is getting in the way of your voice being heard or understood? (Please be specific.)" Moderators might bring relevant responses to these questions it to the group's attention on a daily basis.

- Provide materials and room charts that clearly describe the guidelines for the development of key findings and additional policy considerations, as well as the voting processes necessary for developing them.

- Confirm that technology for voting is functioning properly and have back-up plan ready in case of technological malfunction.

- As providing staff support for the CIR process can at times be challenging and intense, protect panelists as much as possible from staff activities that might be distracting.

- Strive to make necessary mid-course changes and do so in a timely manner; while panelists were consistently reminded to always be on time, moderators and staff did not always live up to that standard

- Anticipate bottlenecks for items such as advocate feedback on draft statements; be clear about what steps are required and what could be omitted.

Approved and submitted by:

Mary Forst
Robin Gumpert
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**APPENDIX F: Healthy Democracy Contributors**

Healthy Democracy contributed $100,000 to the Citizens' Initiative Review Fund on July 31, 2012 and an additional $15,000 on August 8, 2012. The contributions originated from the following sources:

- Meyer Memorial Trust
- Ford Family Foundation
- Samuel S. Johnson Foundation
- Noble and Lorraine Hancock Family Foundation
- The Carol and Velma Saling Family Foundation
- The Carpenter Foundation
- The Omidyar Network

# Citizens' Initiative Review Commission Staffing Options (May 16, 2013)

*Prepared by Jerry Hudson, Chair, Citizens' Initiative Review Commission, in consultation with Healthy Democracy Fund staff.*

## CIRC Staffing Background:

The Citizens' Initiative Review Commission (CIRC) is a governing and policy-making commission with the authority to appoint an agency director, make administrative rules, enter into contract-for-services arrangements and intergovernmental agreements.

During the 2011-13 biennium, the CIRC, with the support of the Department of Administrative Services (DAS), contracted with the Oregon Health Licensing Agency (OHLA) to provide administrative staffing support to the CIRC, and contracted with the Healthy Democracy Fund (HDF), a private nonprofit organization, to convene the 2012 CIRs and ensure that evaluations of the 2012 CIRs were conducted. HDF provided fundraising support for the CIRC, raising all of the funds to date for the CIRC ($135,000), and provided additional "in-kind" staffing support ($45,000) to manage the 2012 CIRs.

## CIRC Staffing Needs:

By the end of June 2013, the CIRC will need to secure the following for the 2013-15 biennium: (1) administrative staffing to conduct its operations, (2) program staffing to manage the 2014 CIRs, (3) fundraising support to sustain its overall operations and program. It appears unlikely that OHLA will continue providing administrative staffing support for the CIRC after its contract expires in June 2013. HDF's contract for program-related services also expires in June 2013. HDF has offered to continue raising funds to support the CIRC (with $20,000 recently secured for the 2013-15 biennium) on an in-kind basis, though its capacity to do so after June 2013 will be limited in the absence of a formal relationship with the CIRC to provide at least one of the following services: administrative, program, or fundraising.

Determining the best CIRC staffing arrangement – *either in the form of a number of separate contracts or one contract offering a package of services* – for the 2013-15 biennium will involve consideration of the following **criteria**, as well as an understanding of various staffing **responsibilities**, **options** and **expenses**:

## Staffing Criteria:

- **Competence.** Providers of support to the CIRC should possess competence to perform required responsibilities.
- **Cost.** Minimizing expenses for the CIRC is desirable, given that the CIRC has limited resources.
- **Motivation.** The quality of staffing is likely enhanced by staff motivated by the CIRC's mission to provide reliable and trustworthy information for voters.

## Administrative staffing responsibilities and estimated expenses:

- **Administration** (logistical support for public meeting, agendas, minutes; familiarity with statute governing CIRC, administrative rule making, preparation for legislative budget and E-Board meetings)
- **Financial management** (accounting for CIR Funds, travel reimbursement, stipends for commissioners)
- **Human resources** (orientation for commissioners, record keeping)
- **Web maintenance** (updating and posting CIRC-related materials on public website)
- **Estimated costs** per biennium to staff CIRC: $20,000, calculated from invoices received from OHLA for work performed thus far. Current monies in CIR Fund to cover staffing expenses amount to less than $5,000. HDF has received recent grant of $20,000 to be deposited into CIR Fund post-2013 legislative session.

## Administrative staffing options and estimated expenses:

A. **Contract-for-services agreement with state agency possessing competence to staff CIRC.** Upon preliminary assessment, it appears that unless otherwise directed by DAS, state agencies with existing staffing will likely not enter voluntarily into a contract-for-services arrangement with the CIRC; state agency staffing is likely the highest-cost option.

**B. Contract-for-services / intergovernmental agreement with entity within the Oregon University System possessing competence to staff CIRC.** The **National Policy Consensus Center,** at the **Hatfield School of Government at Portland State University**, has expressed willingness to provide administrative staffing, though legal details have yet to be fully addressed; as an entity of PSU, its overhead expense is the highest of all options, at 20 percent.

**C. Contract-for-services agreement with nonprofit organization possessing competence to staff CIRC.** As a state agency itself, the CIRC does not require staffing by another state agency to maintain its legitimacy as a state entity. For example, the **Healthy Democracy Fund**, a 501(c)3 charitable non-profit, through its staff, advisory board, and consultants, possesses competence regarding state administrative processes, is highly-motivated to support the CIRC, and can provide low-cost administrative, program and fundraising services.

**D. Staff to be hired by CIRC to perform administrative staffing responsibilities.** The CIRC possesses the statutory authority to hire a director to perform administrative staffing duties. Such a director would be a part-time employee of the state. The director might be drawn from a **competent pool of applicants**, which might even include retired or former state agency administrative staff.

## Program staffing options and estimated expenses:

In 2012, HDF was awarded, given its unique expertise, a sole-source contract with the CIRC to manage the 2012 CIRs on behalf of the CIRC. The contract included duties related to convening of the CIR panels, administration of the CIR panels, and evaluation of the 2012 CIRs. If the CIRC prefers to find alternative means of convening CIRs in 2014, it will need to assess staffing options. Expenses associated with running the CIRs in 2014 are approximately $85,000 - $100,000 per review.

**Fundraising support or staffing options and estimated expenses:**

As described in statute, the CIRC is dependent upon charitable giving to perform its functions. HDF is currently the sole fundraiser for the CIRC, performing duties including grant writing, individual solicitations, and public relations to support fundraising activities related to the CIRC on an in-kind basis. In the absence of formal relationship with the CIRC post-June 2013 – whether to provide staffing or program services, or even to provide fundraising services – HDF's ability to raise funds on behalf of the CIRC is limited. While the CIRC itself is not directly responsible for fundraising, it should consider staffing arrangements that are likely to enhance the long-term sustainability of its operations and program. Any possible expenses associated with fundraising are to be determined based upon the CIRC's needs.

# Oregon Health Licensing Agency

Citizens' Initiative Review Commission

May 21, 2013

Portland State Office Building
800 NE Oregon St.
Portland OR 97212

****PLEASE PRINT****

| Name (First, Last) | Representing | Request to Comment (yes/no) |
|---|---|---|
| [illegible] Robin Gumpert | CIRC | |
| Bathiensen, [illegible] | CIRC | yes |
| Kay Ogden | CIRC | No |
| Kacely Bull | CSU | no |
| Katie Knobloch | CSU | no |
| Tony Iaccarino | HDF | yes |
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