

Evaluation Report to the Oregon State Legislature on the 2010 Oregon Citizens' Initiative Review

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Executive Summary

The 2010 Oregon Citizens' Initiative Review (CIR) convened two small deliberative groups of randomly selected Oregon citizens to help the wider Oregon electorate make more informed and reflective judgments on two specific ballot measures in the general election. The first CIR panel deliberated from August 9-13 on Measure 73, which required increased minimum sentences for certain repeated felony sex crimes and for repeated drunk driving. The second panel met from August 16-20 on Measure 74, which would have established a medical marijuana supply system and assistance and research programs and permitted the limited selling of marijuana. Our evaluation of these panels and their consequences for the 2010 election answered two questions.

Evaluation Question 1: Did the two CIR panels convened in August, 2010 engage in high quality deliberation?

Research Method: Our research team directly observed the August CIR citizen deliberations, and we interviewed CIR panelists and project staff before and after the August events. We also studied the transcripts of the deliberations and assessed the quality of the Citizens' Statements.

Main Findings: The two CIR citizen panels held in Salem, Oregon in August, 2010 conducted a sufficiently rigorous analysis of the issues put before them and maintained a fair and respectful discussion process throughout their proceedings. The Citizens' Statements they produced included almost all of the key insights and arguments raised during their meetings and were free of any gross factual errors or logical fallacies.

Evaluation Question 2: Did the CIR Citizens' Statements help Oregonians decide how to vote?

Research Method: We conducted a pair of statewide surveys. One was administered by Polimetrix, an online polling firm that made it possible for us to interview Oregon voters in August, then follow up with them (along with a fresh sample) in the last two weeks before Election Day. The second survey was a "rolling cross-section" study, in which we phoned a new sample of 200 or more respondents each of the last nine weeks of the general election.

Main Findings: Oregon voters who read the CIR Citizens' Statements generally found them helpful in deciding how to vote on the issues that CIR panels studied. On balance, those who read the Statements became more knowledgeable about both Measure 73 and 74 and much less inclined to support either one. At the same time, a majority of Oregon voters remained unaware of the CIR process and did not read the CIR Statements in the Voters' Pamphlet.

Introduction

The 2010 Oregon Citizens' Initiative Review (CIR) represents a unique effort to convene a small deliberative group that can help a large public make more informed and thoughtful judgments on ballot measures. Since no previous state or nation has implemented a similar process, the CIR should be viewed as a novel project that tests a new means of deliberating on complex public issues. The purpose of this report is to provide a neutral assessment of the CIR, such that the Oregon legislature can better judge the success of its electoral innovation.

The CIR process involved the creation of two separate citizen panels held in consecutive weeks. The first panel deliberated from August 9-13 on Measure 73 (ballot title: "Requires increased minimum sentences for certain repeated sex crimes, incarceration for repeated driving under influence"). The second panel met from August 16-20 on Measure 74 (ballot title: "Establishes medical marijuana supply system and assistance and research programs; allows limited selling of marijuana").

This report answers two questions about the Oregon CIR:

1. Did the panels engage in high quality deliberation during their five-day meetings? To answer that question, we carefully studied the CIR process, then assessed the written statements the panelists produced at the end of their deliberations.
2. Did the CIR Citizens' Statements in the Voters' Pamphlet help Oregonians decide how to vote? We answered that question through a pair of statewide online and phone surveys of registered Oregon voters.

In brief, **we reached the following conclusions:**

1. The two CIR citizen panels held in August, 2010 carefully analyzed the issues put before them and maintained a fair and respectful discussion process throughout their proceedings. The Citizens' Statements they produced included almost all of the key insights and arguments that emerged during their meetings, and their Statements were free of any gross factual errors or logical fallacies.
2. Those who read the CIR Statements generally found them helpful in deciding how to vote on the issues that CIR panelists studied. On balance, CIR readers became more knowledgeable about Measures 73 and 74 and much less inclined to support either one. Most Oregon voters, however, never learned much about the CIR process and did not read the CIR Statements.

The remainder of this introductory section provides more background on the Oregon CIR, this evaluation project, and Measures 73 and 74. After the introduction come the two main sections of the report—one on the deliberative quality of the CIR panels and the other on how Oregon voters used the CIR Citizens' Statements. In the final section, we provide recommendations that have come out of our research, with an eye toward developing the CIR process in the future.

Establishment of the Oregon CIR

The Oregon CIR is a unique democratic reform—with nothing comparable existing anywhere in the world. Nonetheless, it stands as only the latest in a series of new deliberative processes, including the Citizens' Assembly process developed in Canada, the Participatory Budgeting methods first created in Brazil, and trademarked processes developed by civic entrepreneurs in the United States (e.g., the Citizens' Juries, Deliberative Polls, and 21st Century Town Meetings).¹

These new processes for citizen participation connect to an even broader trend toward “deliberative democracy,”² which emphasizes the *quality* of public participation and political talk, not just the volume of it. These new processes create more opportunities for citizen deliberation on public issues, be it through special structured events like the CIR or by elevating the general levels of knowledge, consideration, and mutual respect that go into everyday conversations and periodic elections.

It was in this spirit that the 2010 Oregon CIR project was conducted. The CIR was enabled 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.”³ According to testimony provided before the House Rules Committee, the CIR was intended to provide informed, non-partisan information that voters could use when deciding how to vote. This was viewed as a supplement to the more narrowly focused explanatory statement and financial impact statements in the Pamphlet, while also serving as an alternative to the more inflamed rhetoric that comes to voters through paid campaign messages.

The legislation establishing the CIR required that the panel consist of a representative sample of between 18 and 24 registered Oregon voters, that the panelists meet for five consecutive days, that the process be implemented by a nonprofit organization with prior experience implementing such panels, and that the process should result in a four-part statement for the official Oregon Voters' Pamphlet written by the panelists.⁴ In practice this equated to four distinct sections of the Citizens' Statement that appeared in the Voter's Pamphlet: a Key Findings statement containing information related to the measure that more than a majority of the panel (14) found both relevant and factually accurate, Statements in Favor of and Opposed to the Measure written by the panelists who

¹ On these and other methods, see the volume edited by John Gastil and Peter Levine, *The Deliberative Democracy Handbook: Strategies for Effective Civic Engagement in the Twenty-First Century* (San Francisco, CA: Jossey-Bass, 2005). National Issues Forums, Study Circles, Citizens' Juries, Planning Cells, Consensus Conferences, and Teledemocracy experiments began decades ago, but such deliberative processes have proliferated most rapidly and gained wider notice in the past fifteen years.

² 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).

³ Quote from HB 2895. For more on the background and history of the process, see <http://www.healthydemocracyoregon.org>.

⁴ Descriptions of the purpose and requirements of the bill are taken from the text of HB 2895 and from the legislative debate concerning the passage of the bill. The legislative history the bill can be found at <http://gov.oregonlive.com/bill/HB2895>.

supported and opposed the measures, respectively, and a Shared Agreement Statement adopted by a majority of the panelists (14), which ultimately contained a brief comment on the CIR process.⁵

The Oregon State Legislature approved the bill on June 16, 2009, and on June 26, 2009, Governor Kulongoski signed the bill into law. Because Healthy Democracy Oregon had successfully conducted a pilot test of the CIR in 2008 and had helped to lobby for the bill's passage, their organization was chosen by the Secretary of State to implement the 2010 project.

Enabling a Neutral Evaluation

The enabling legislation for the CIR provided no funding for an evaluation, yet research was critical to the one-year trial of the CIR. In particular, it was necessary to determine whether the CIR process would generate high-quality deliberation and whether, in turn, the results of those deliberations would reach the wider Oregon public and provide voters with high quality and easy to use information about measures on the general election ballot.

To make such an evaluation possible, funding from public institutions was sought by the lead author of this report, John Gastil, who serves as a professor of communication and political science at the University of Washington (UW). (See Appendix D for full author biography.) Gastil obtained funding for this from the National Science Foundation (NSF), along with additional support from the University of Washington.

Both NSF and the UW chose to fund this project in part because of Gastil's track record as a rigorous political communication and group deliberation scholar. Gastil has authored and edited six books on these subjects, including his most recent work, *The jury and democracy: How jury deliberation promotes civic engagement and political participation*.⁶ Gastil's scholarly articles have appeared in *Harvard Law Review*, *Journal of Applied Social Psychology*, *International Journal of Public Participation*, *Political Communication*, *Small Group Research*, and many other journals. His studies on deliberation, in particular, have included both praise and criticism for different methods of involving citizens in democratic decision making and discussions. Even when Gastil has proposed deliberative election reforms, he has done so with an eye toward researching—rather than assuming—their effectiveness. As a reviewer in the *American Political Science Review* once noted, “[Gastil] is surprisingly tentative in his expectations.”⁷

With sufficient funding to study carefully the CIR, Gastil assembled a team of researchers, including UW doctoral candidates Katie Knobloch and Justin Reedy, along with political science professors Katherine Cramer Walsh (University of Wisconsin-Madison) and Mark Henkels (Western Oregon

⁵ In addition, the Secretary of State provided a 150-word description of the CIR process itself.

⁶ John Gastil, E. Pierre Deess, Phil Weiser, and Cindy Simmons, *The Jury and Democracy: How Jury Deliberation Promotes Civic Engagement and Political Participation* (New York: Oxford University Press, 2010).

⁷ Christopher Wlezien, “Review of *By Popular Demand*,” *American Political Science Review* 96 92002), p. 638. Gastil was among those to first propose designing and testing processes like the CIR in his 2000 book, *By Popular Demand: Revitalizing Representative Democracy Through Deliberative Elections* (Berkeley: University of California Press). See also Ned Crosby, *Healthy Democracy: Bringing Trustworthy Information to the Voters of America* (Minneapolis: Beaver's Pond, 2003).

University) and undergraduate research assistants Jacqueline Mount, Vera Potapenko, Rory Raabe, and Victoria Pontrantolfi. (See Appendix D for biographies of principal authors and researchers.)

As described in greater detail later in the report, the funding and efforts of the research team made it possible to conduct a multi-faceted evaluation. First, to assess the quality of the CIR deliberation, we directly observed the August CIR citizen deliberations, and interviewed CIR panelists and project staff before and after the August events. We also studied the transcripts of the deliberations and assessed the quality of the Citizens' Statements. In addition, we designed a survey conducted by Polimetrix, an online polling firm that made it possible for us to interview Oregon voters in August, then follow up with them (along with a fresh sample) in the last two weeks before Election Day. The second was a "rolling cross-sectional survey," in which we phoned a new sample of 200 or more respondents each of the nine weeks preceding Election Day.

The 2010 CIR Issues

Healthy Democracy Oregon obtained sufficient funding to conduct two CIR deliberations, which then necessitated choosing from among the different issues on the ballot. In the end, the two issues chosen were Ballot Measures 73 and 74.

Measure 73 had the following ballot title: "Requires increased minimum sentences for certain repeated sex crimes, incarceration for repeated driving under influence." In the November 2 general election, Oregon voters approved it by a margin of 56.9% to 43.1%.

Briefly, Measure 73 increases the mandatory minimum sentence for certain felony sex crimes to 300 months for repeat offenders and implements a mandatory minimum sentence of 90 days for third time Driving Under the Influence of Intoxicants (DUII) charges.⁸ The law also changes a third time DUII charge to a class C felony. Previous law had mandated 100 months of incarceration for repeat felony sex offenders and placed no mandatory minimums for repeat DUII offenders. The law is projected to cost \$1.4 million for the first year of implementation, with increasing expenses per year until it reaches an annual cost of between \$18 million and \$29 million five years after its implementation. The costs for the measure would be assumed by the state, which is projected to decrease costs to local law enforcement agencies. Kevin L. Mannix, Glenn Pelikan, and James Thompson were the Chief Petitioners. Doug Harclerod, a senior policy advisor for Oregon Anti-Crime Alliance and retired Lane County District Attorney, served as the lead advocate in favor of the measure at the CIR, and Gail Meyer and Jennifer Williamson, legislative representatives for the Oregon Criminal Defense Lawyers Association, acted as the lead advocates in opposition to the measure during the CIR.

The second issue examined by the CIR was Measure 74, the ballot title of which reads, "Establishes medical marijuana supply system and assistance and research programs; allows limited selling of marijuana." Oregon voters rejected this measure by a margin of 55.8% to 44.2%.

⁸ Descriptions of the measures are taken from the 2010 Oregon State Voters' Pamphlet.

Measure 74 would have established a non-profit system to license the production and distribution of medical marijuana. In addition, the law would have created an assistance program for low-income patients and would allow the state to conduct and fund research concerning the medicinal use of marijuana. The law would have additionally increased the amount of marijuana that certified growers and caregivers are allowed to possess. Current law prevents the sale of marijuana and limits possession for growers and caregivers to no more than six mature plants and 24 ounces of usable marijuana. The proposed law would have increased the limit to 24 mature plants and 96 ounces of usable marijuana. The proposed law would cost the state between \$400,000 and \$600,000, which would be paid for through program fees. The law was estimated to generate anywhere between \$400,000 and \$20 million in additional state revenue. Anthony Johnson, Alice J. Ivany and James L. Klahr of Oregon Green Free were the chief petitioners and acted as the lead advocates in favor of the measure at the CIR, and Sheriff Tom Bergin and District Attorney Jason Marquis, both of Clatsop County, acted as the lead advocates in opposition to the measure.

Section 1. Assessment of CIR Deliberation

To evaluate the Oregon CIR process, we began with a particular conception of public deliberation. For the CIR process to be considered a high-quality deliberative democratic process, it must meet three primary requirements: (1) analytic *rigor*, (2) *democratic* discussion, and (3) a well-reasoned statement.⁹

To evaluate the CIR, we rely on both our own assessment of the process as well as the panelists' assessments. In addition we examine three separate components of the process, which can be thought of roughly as three phases of the CIR. First, we focus on the *structure* of the CIR process, which evolved over the course of the August CIR deliberation but was designed well in advance. Second, we evaluate the deliberative quality of the CIR panels themselves, the actual week-long events at which Oregon citizens talked with each other, advocates, and witnesses. Third, we assess the text of the Citizens' Statements produced by the panelists.

Overall, we find that the process met or exceeded a reasonable standard for public deliberation by maintaining high levels of well-informed, democratic discussion and exemplifying a just and informed decision-making process. Regarding the three evaluative criteria:

1. With the help of the advocates and witnesses, both weeks the citizen panelists built a satisfactory information base and maintained an adequate level of analytic rigor.
2. The process was highly democratic, ensuring equality of participation and fostering open-mindedness and respect.
3. Both of the CIR panels produced high-quality Citizens' Statements for inclusion in the voters' pamphlet that were based on the best available information and constructed through non-coercive means.

To explain how we arrived at those general findings, this section of the presents our analysis in three parts:

- A more detailed summary description through the use of a "deliberative scorecard."
- Methodological information about how we conducted our evaluation
- A complete assessment of the CIR's deliberative quality to determine the degree to which it promoted analytic rigor, facilitated a democratic process, and produced a well-reasoned final Statement.

A Deliberative Scorecard

Before presenting the full details of our evaluation, we can provide a slightly more detailed summary evaluation through the means of a "deliberative scorecard." As shown in Table 1.1, each of the three basic criteria—rigor, democratic process, and well-reasoned decision making—have sub-components that can be evaluated individually. To provide a straightforward summary of our more

⁹ This approach is described in detail in John Gastil, *Political Communication and Deliberation* (Thousand Oaks, CA: Sage, 2008). The third criterion used herein was developed specifically for looking at an advisory process like the CIR.

detailed evaluation, Table 1.1 grades each of these elements on a conventional scale from "A" (excellent) to "F" (failure). On most of the evaluative criteria sub-components, the CIR process receives a grade of "A" or "A-", but on a few elements, a "B" or "B+" is appropriate, with a "B-" being earned for one particular sub-component on one of the two CIR panels. (The more detailed evaluation later in this section explains *how* we arrived at the summary grades shown below.)

Table 1.1. Summary Assessment of the Quality of Deliberation in the August, 2010 Oregon Citizens' Initiative Review Panels

Criteria for Evaluating Deliberation	Measure 73 (Sentencing)	Measure 74 (Marijuana)
<i>1. Promote analytic rigor</i>		
1a. Learning basic issue information	B+	B+
1b. Examining of underlying values	B-	B
1c. Considering a range of alternatives	A	B
1d. Weighing pros/cons of measure	A	A
<i>2. Facilitate a democratic process</i>		
2a. Equality of opportunity to participate	A	A
2b. Comprehension of information	B+	B+
2c. Consideration of different views	A	A
2d. Mutual respect	A-	A
<i>3. Produce a well-reasoned statement</i>		
3a. Informed decision making	A-	A
3b. Non-coercive process	A	A

1. Assessing analytic rigor

To determine the analytic rigor of the deliberative process, we asked if the process allowed the panelists to build a solid information base, identify key values and evaluative criteria, consider causal arguments and a range of solutions, and carefully weigh the benefits and consequences of competing recommendations.

In the context of the CIR, building a solid information base means that the information presented to the panelists by the pro and con advocates as well as the witnesses and the HDO staff meet three requirements: (a) the information must be relevant and on topic, (b) the information must be reliable and trustworthy, and (c) the information must be sufficient or adequate enough to fulfill the tasks of making a decision and writing a statement for the voters' pamphlet. In addition, the process must also allow the panelists to identify and clarify information and key values and consider the implications of both implementing the measures and not implementing the measures. In sum, in order to fulfill the analytic process, participants must have access to the necessary information and an opportunity to weigh competing values.

2. Assessing the democratic quality of the process

To determine whether the process was conducted democratically, we asked whether Oregon voters and panelists had an equal opportunity to participate as well as whether the process allowed the panelists to comprehend and consider the relevant information and competing arguments and ensured mutual respect among all participants.

For voters to have an equal opportunity to participate, the selection process must be random, representative, and unbiased. In addition, structures within the process must ensure that all participants have equal opportunity to participate in the discussion. For panelists to fully comprehend and consider the arguments, they must be presented with verifiable information and have an opportunity to question advocates, witnesses, and one another about information or issues that need clarification as well as to pose relevant questions that are not related to the information provided by the advocates and witnesses. In short, the structure must ensure that panelists understand the relevant information and competing arguments. For the process to ensure mutual respect, the discussion must be structured to maintain a positive atmosphere while still allowing for reasoned disagreement. This requires that not only must the panelists treat each other with respect, but that the moderators, staff, advocates, and witnesses treat the panelists and one another with respect.

3. Assessing the soundness of CIR decision making and judgment

To evaluate the decision-making and judgment of the process, we asked whether the decision-making process and statement were reflective of the best available information and whether it was conducted in a fair and non-coercive manner.

To meet the first requirement, the statement that appeared in the Voters' Pamphlet must be factually correct, including the information in both the Key Findings Statement and Citizen Statement in Favor of and Opposed to the Measure, and must reflect the information presented to the panelists as well as the panelists underlying values concerning the measure. In addition, the voting and writing process for both the Citizens Statement in Favor of and Opposed to the Measure and the Key Findings Statement must have been conducted in a just and non-coercive manner, with each panelist allowed to make their choice freely and without pressure from other panelists, advocates, witnesses, moderators, or staff members.

Evaluation Research Method

To arrive at the kind of summary judgments shown in the "deliberative scorecard" in Table 1.1, we first had to gather considerable information about the CIR process. We used several different methods of data collection, including evaluations by the panelists as well as a team of university researchers. There were two basic kinds of data in these evaluations:

- *Panelists' evaluations* are used extensively to privilege the panelists' own experiences as participants in the CIR process as well as to understand their subjective satisfaction with

the process and its outcomes.¹⁰ These assessments are based primarily on questionnaires we distributed to the panelists during their time in Salem, plus a follow-up survey conducted two months after their deliberations.¹¹

- *An expert assessment* was conducted by the authors of this evaluation, along with Justin Reedy and Katherine Cramer-Walsh, both researchers with considerable experience studying public deliberation. Here, we relied on our direct observations of the process as it happened, as well as assessments of the CIR agenda/structure, transcripts of the discussions, and the CIR panelists' final written statements.¹²

Panelists' self-evaluations of CIR structure, process, and statement

Self-evaluation questionnaires were distributed at the end of each day the panels spent deliberating as well as at the end of the week. Panelists were asked to evaluate the overall process and their progress on specific goals for each day. In particular, panelists were asked about their satisfaction with the process, the presence of bias in the proceedings, and their ability to participate in and understand the discussions. Panelists were also given the opportunity to provide any additional comments to the staff and research team. An example end-of-week questionnaire is included in Appendix B.

In addition, a short-term follow up survey was conducted by the research team that allowed the panelists to evaluate the CIR. The study was conducted from October 22 – November 1, a few months after the panels had been completed and right before the election concerning the initiatives voted on by the panelists. The follow-up survey had a 79 percent response rate after several efforts to contact every participant and included questions repeated from the daily and end-of-week evaluations asking panelists to assess the way that the process was conducted and their overall satisfaction. Again, panelists were given the opportunity to provide any additional details that they felt relevant to the evaluation. Sections of that survey relevant to this evaluation are available in Appendix B.

We will provide detailed analysis of participants' self-assessments, but it is useful to note here their overall impression of the event. At the end of their week in Salem and again in the follow-up survey conducted two months later, the panelists were asked the following question, "How would you rate your OVERALL SATISFACTION with the CIR process?" Figure 1.1 represents their satisfaction with

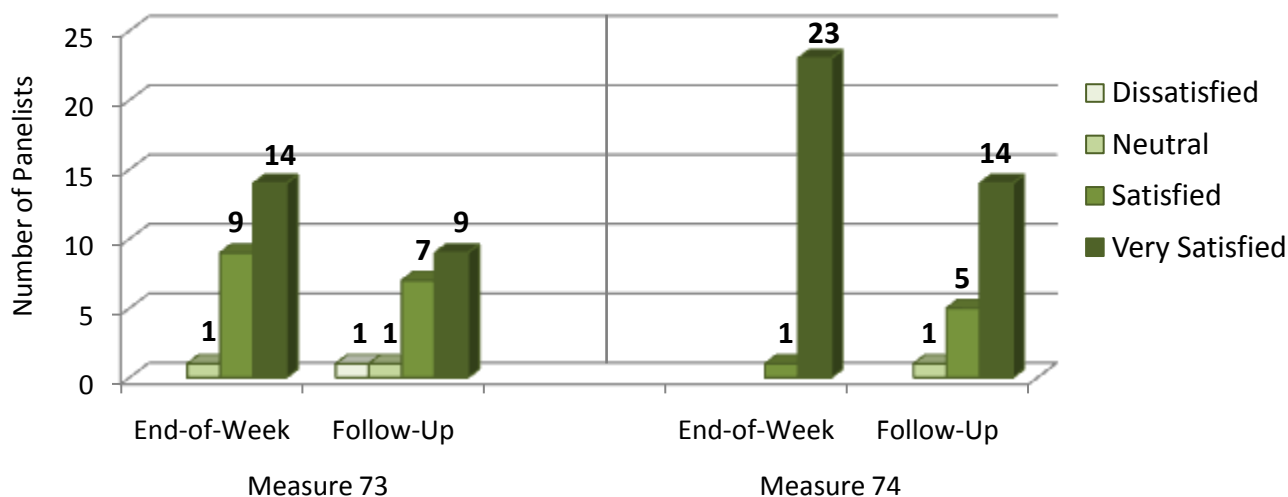
¹⁰ For a discussion of self-assessment as a direct measure of deliberation see Laura Black, Stephanie Burkhalter, John Gastil, and Jennifer Stromer-Galley, "Methods for analyzing and measuring group deliberation," *Sourcebook of political communication research: Methods, measures, and analytical techniques*, ed. Erik P. Bucy and R. Lance Holbert (New York: Routledge, in press).

¹¹ While we set up a parallel system for the advocates to evaluate the process, we received only sporadic feedback, and many of the advocates comments indicated that their evaluation was tied to their perception of the panelists position on the measure. Although we utilize some of their suggestions in the recommendations section of this report, we do not provide their quantitative assessments here.

¹² This approach is described in detail in John Gastil, Katie Knobloch, and Meghan B. Kelly M, "Evaluating deliberative public events and projects," in *Democracy in Motion: Evaluating the Practice and Impact of Deliberative Civic Engagement*, ed. Tina Nabatchi, John Gastil, Michael Weiksner, Matt Leighninger (under review at Oxford University Press).

the CIR process at the end of the week and after having time to consider their experience. The figure shows that for the most part, panelists were pleased with the CIR process: Nearly all panelists said they were either satisfied or very satisfied at the end of their week of participation.¹³ Though their satisfaction did wane a bit as time went on, evidenced by slightly lower levels of satisfaction in the follow-up survey, the results of the follow-up survey show that, for the most part, panelists maintained high levels of satisfaction with the CIR.

Figure 1.1. Panelists Overall Satisfaction with the CIR Process



Researchers' expert evaluations of CIR structure, process, and statement

Favorable participant assessments are a necessary but not sufficient basis for evaluating a deliberative process. To complement the participants' own perceptions, the authors of this report relied on their own expert assessments. For the expert evaluation, we looked at three elements of the CIR—the structure, the discussion, and the written statements—to assess the deliberative quality of the panels, relying on the conceptual definition described above as a guide post for what “good deliberation” should look like. In examining the structure of the event, we looked at its overall design, relying primarily on observation and planning materials as well as interviews with HDO staff to determine whether the process was structured to advance deliberation and prevent non-deliberative discussion. This included examining the agenda for each day, the rules for discussion and the presentation of information, and the means for organizing the information gathered during the event.

¹³ The questions were asked slightly differently in the end-of-week and follow-up evaluations and contained slightly different response options. Both were based on a five point scale. See Appendix B for the full version of both questions as well as their response scales. For ease of comparison, we have labeled the scale to correspond to the follow-up responses, though we included both answers for the midpoint option, which for the end-of-week survey was “somewhat satisfied” and “neutral” for the follow-up survey.

Each week, the CIR process spanned five days, key elements of which are highlighted below:

1. Monday: Orientation to process
2. Tuesday: Pro/con presentation/rebuttal
3. Wednesday: Witnesses called by panel
4. Thursday: Pro/con closing arguments, beginning Statement writing
5. Friday: Statement writing¹⁴

To see how well the CIR's design was executed, we turned to the discussion, relying primarily on observation and a textual analysis of the transcripts as well as a review of the information presented by the witnesses, advocates, and staff.¹⁵ For this we asked whether the discussion adhered to the process designed by the staff and whether the discussion maintained analytic rigor and democratic practices. While observing the discussions a team of three researchers took extensive notes on the proceedings and assessed the deliberative quality of each agenda segment. To aid in the organization of this task, we created a coding scheme that matched each agenda segment to its deliberative goals and allowed the researchers to evaluate whether those goals were being fulfilled as the conversation developed. After the panels were completed, we had the proceedings transcribed¹⁶ to perform a summary textual analysis of the event and to assess the parts of the proceedings which we could not directly observe, such as the statement writing segments. Finally, with the help of the HDO staff, we maintained an archive of all of the evidence presented to the panelists by the advocates and witnesses to use in evaluating both the quality of the information presented and to assess the quality of the written statement, as discussed below.

To evaluate the final output of the process we looked to the quality of the statements produced for the voters' guide, performing a close reading of the statements and examining the voting process. A research assistant performed a fact check of each claim contained in the Citizens' Statement, turning to the transcripts and archival materials to determine what evidence panelists used in developing these claims and the factual accuracy of both the claim produced and the evidence used to produce it. In addition, we reviewed the transcripts from the statement writing part of the agenda to determine whether the decision-making was conducted in a non-coercive manner, particularly looking for whether panelists applied undo pressure to one another when voting on and writing the Citizens' Statements.

Criterion 1. Promote Analytic Rigor

Now that we have provided an overview of the process, we turn to the specific criteria for deliberation: (1) analytic rigor (2) democratic discussion, and (3) informed and non-coercive decision-making. We begin the discussion of analytic rigor by revisiting the corresponding section of our summary "deliberative scorecard." This is reproduced below:

¹⁴ For the full summary agenda, see Appendix A.

¹⁵ For a discussion of the use of transcript analysis as a means for evaluating deliberation, see Black et al, "Measuring Group Deliberation," *op cit*.

¹⁶ The Transcript Co-op in Seattle, Washington completed the transcriptions.

Criteria for Evaluating Deliberation	Measure 73 (Sentencing)	Measure 74 (Marijuana)
<i>1. Promote analytic rigor</i>		
1a. Learning basic issue information	B+	B+
1b. Examining underlying values	B-	B
1c. Considering a range of alternatives	A	B
1d. Weighing pros/cons of measure	A	A

Of all the sections of our evaluation, this produced the most uneven results, though the summary assessment on this criterion would still be an “A-/B+” for Week 1 (Measure 73) and a “B+” for Week 2 (Measure 74). For the most part, the discussion was analytically rigorous. Advocates and witnesses presented the panelists with detailed information related to the measure and its intended and unintended consequences. Though at times panelists were confused or unclear about particular pieces of information, as the week went on the panelists, with the organizational and logistical help of the moderators and staff, repeatedly clarified information, requested new information, and challenged conflicting or un-sourced information. In addition, advocates and witnesses generally provided credible information as well as evidence of that information, though at times, as discussed throughout this evaluation, they failed to deliver relevant facts or provide sources or evidence for the information they were providing. Still, the panelists were able to develop a solid information base, consider a range of alternatives, and weigh the pros and cons of implementing the measures.

Below, we assess the analytic rigor of the discussions in more detail, moving back and forth between the panelists' assessments and our expert observations to provide a more complete picture of the analytic rigor of the process. Moreover, Section 3 of this report will recommend concrete ways in which we believe the CIR process could be improved to address each of the limitations identified herein.

1a. Learning basic issue information

As a whole, the structure allowed the panelists to build a solid information base, ensuring that the panelists had sufficient, reliable, and relevant information and resulting in well-informed Citizens' Statements. On the first day, panelists were provided with an overview of the process and the initiative and were given guidelines for how to conduct themselves during the discussions. Panelists were instructed to “stay in learning mode,” remaining open to the information presented and recognizing that their ideas and opinions may evolve as the week progressed. In addition, they were encouraged to remain focused on the issue in order to better utilize their time. They were encouraged to take notes while hearing from witnesses and advocates and were provided with binders to allow them to organize the information presented to them throughout the week.

The bulk of the process was structured to provide the panelists with relevant information and to allow the panelists to examine and question pertinent facts. On days 2-4, the panelists heard from both proponents and opponents of the measures as well as expert witnesses. The advocates provided opening arguments on day two and were given an opportunity to rebut the claims made

by their opponents. For days three and four, the panelists were allowed to select which witnesses they wanted to hear from. The witness list was provided by the staff with input from the advocate teams and contained relevant biographical information. This allowed the panelists to request further information on specific topics. Panelists were allowed to question the advocates and witnesses after their presentations, enabling the panelists to challenge the presenters' claims or gain clarity on pertinent facts.

Although as a whole the advocates and witnesses succeeded in providing sufficient, reliable, and relevant information to the panelists, not all presentations were equally informative. Because the advocates and witnesses served as the primary source of information, the panelists were limited to the information provided by these groups. While most of the advocates and witnesses presentations adhered to deliberative standards, some did not as adequately advance the deliberative process. When advocates or witnesses failed to provide accurate, sufficient, or relevant information, the panelists were left without access to important facts. Although in most cases, the panelists were able to gain the missing pieces of information by calling additional witnesses or repeatedly asking advocates to return to central questions, their requests for information were not always fulfilled. As one Measure 73 panelist noted, "I wish that the two sides had more information to give us."

In addition, this structure relies on advocates and witnesses to be able to thoroughly discuss the details of the measure and its potential consequences. In short, not all advocates may be prepared to embark in sustained and detailed debate or respond to questions raised by panelists or claims made by their opponents. As one panelist studying Measure 73 noted, "It appears that we need a lot of very accurate information. What we are getting is info from each side which of course promotes their cause. I am a little worried that we get just small bits of info, instead of the whole amount, like maybe things getting taken a bit out of context, maybe?"

Finally, though the staff created copies of evidence provided by advocates and witnesses to distribute to the panelists, the presenters did not always provide evidence for their claims. For example, advocates or witnesses would occasionally cite a study or a statistic, but fail to provide a copy of the study in question. This hindered the panelists' ability to either comprehend the information or challenge the claims made by advocates and witnesses, and several panelists noted this problem in their reviews of the process. Further, because panelists could not as easily refer back to these claims, they were often unable to properly utilize this information in their discussion. For example, during Week 1 the proponents of Measure 73 argued that every \$1 spent on incarceration saves the state \$4, but they did not provide any evidence of this claim. Later, panelists were presented with a chart that directly contradicted this claim, showing that the ratio is actually \$1: \$1.03. Though this was an important piece of information, particularly because much of the debate centered on the cost-effectiveness of the measure, the panelists were unable to verify the reliability of the claim and thus could not use it in their deliberations on the measure.

The use of group discussions, however, corrected many of the inadequacies in information. Throughout the process, small group discussions were used to distill the information provided by the advocates and witnesses. After most presentations, panelists were divided into small groups and instructed to identify key claims made by the presenters and raise questions related to these

claims. These claims and questions were presented to the large group and summarized and categorized before being presented to advocates and witnesses. Advocates and witnesses were encouraged to use their presentations to answer the questions raised by the panelists. In addition, the moderators led the panelists in continually reworking the questions and claims so that by the end of the week panelists could identify which questions had been answered and had developed a number of sophisticated claims relevant to the measure.

Though relaying information to the panelists presented a few problems, the most important issue here is that by the end of the week, the panelists are left with the best available information and feel that they have heard enough to reach an informed decision. We twice asked the panelists if they felt that they had learned enough information about the measure to make an informed decision, once in the end-of-week evaluation conducted in Salem and once in the follow-up survey conducted two months later. Figures 1.2 and 1.3 describe their responses to the question, "Do you believe that you learned enough to make an informed decision?"¹⁷

Figure 1.2. Panelists' End-Of-Week Self-Assessment of Having Learned Enough to Make an Informed Decision

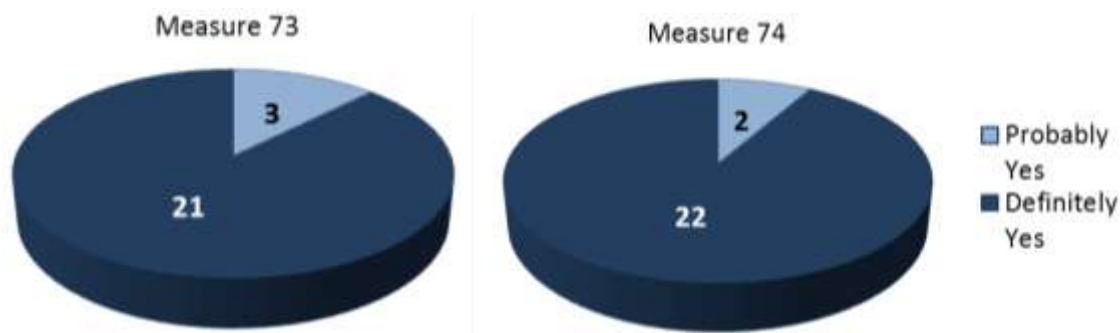
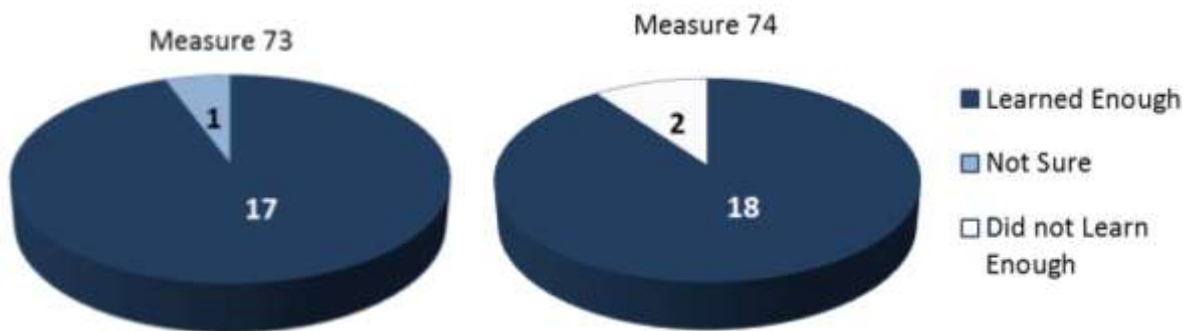


Figure 1.3. Panelists' Follow-Up Self-Assessment of Having Learned Enough to Make an Informed Decision



¹⁷ The questions were asked slightly differently in the end-of-week and follow-up evaluations and contained slightly different response options. For the complete text of both questions, see the sample surveys provided in Appendix B.

As these figures indicate, a large majority of the panelists felt they learned enough to make an informed decision. At the end of their week in Salem, every panelist reported having heard enough information to make an informed decision. In the follow-up survey, only one panelist who studied Measure 73 wasn't sure if he or she had heard enough information, and two out of twenty panelists from Week 2 (Measure 74) believed that they had not heard enough information. Although their confidence in the information they received may have waned a bit during the election, most of the panelists still felt like they had heard enough information two months later, indicating that though the process may have been muddled at times, overall the CIR worked to deliver sufficient, reliable, and relevant information to the panelists.

1b. Examining underlying values

Though the CIR as a whole promoted rigorous analysis and thereby met the analytic requirements for deliberation, the process did not provide significant space to address key values that, in the end, underlie many of the key arguments for and against Measures 73 and 74. Panelists were encouraged to highlight key "issues"¹⁸ early on in the process that were used to organize the claims raised by advocates and witnesses. While this allowed the panelists to highlight important values, they were not allowed to revisit the values originally selected or add new ones. This prevented the panelists from addressing values that may not have been obvious in the beginning but became important as they received new information. And this inability to readdress the values formed on the first day may have stymied the analytic process. As one Measure 73 panelist stated in her Wednesday comments, "I feel like perhaps we should re-evaluate our first core/central ideas. We chose them the first evening with little information behind us. Now, a few of them seem not important or at least less important."

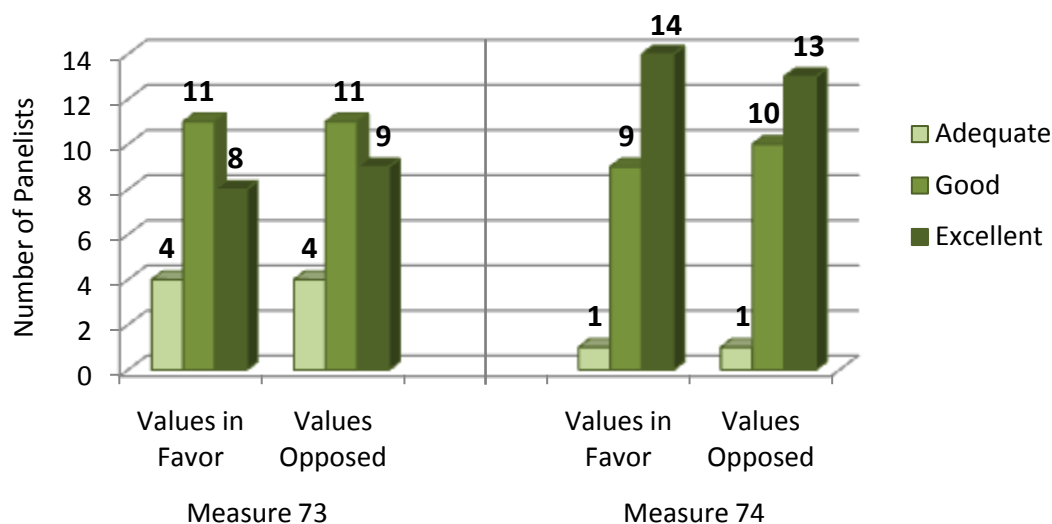
In addition, the lack of direct focus on and space to think about values may have provided opportunities for advocates or witnesses to claim that their opponents did not share important values. For example, during the week of deliberation focusing on the medical marijuana initiative, advocates in favor of the measure often couched the issue in terms of patients' rights, implying that the opposing side was not as concerned with relieving patients' suffering. The opponents, however, were not necessarily opposed to the medicinal use of marijuana but to the way that the initiative in question was written, fearing that it would spur illegal or underage recreational use. In short, both sides agreed with the values underlying the notions that patients should be able to relieve their suffering but disagreed about the best way to achieve that goal. A more thorough discussion of underlying values may have allowed the advocates to deal with this issue in a more nuanced matter, requiring both sides to focus on prioritizing values such as relieving patients' suffering and preventing recreational drug use rather than to use values arguments to denigrate their opponents. This would have strengthened the arguments for both sides by creating space for more analytic discussions of values tradeoffs in place of the more emotionally charged values claims that were not necessarily tied to facts.

The panelists' assessments, however, present a somewhat more positive evaluation regarding the consideration of underlying values. At the end of both weeks the panelists were asked to do the

¹⁸ During the process, the term "issues" was used in place of values.

following, "Please rate the CIR performance on each of the following criteria: Consideration of the values and deeper concerns motivating those SUPPORTING/OPPOSING the measure." Figure 1.4 presents their responses.

Figure 1.4. Panelists' Assessment of CIR's Performance on Considering Underlying Values



The panelists generally thought that the CIR process did a good job of considering underlying values, with all but one Measure 74 panelist rating performance on this indicator as either "good" or "excellent." Measure 73 panelists gave themselves lower average scores, with four panelists saying that the performance was only "adequate." Though the CIR did an adequate job of assessing underlying values (and the panelists' assessments are fairly positive in this regard), the CIR process could have provided more space for discussion and prioritization of panelists' underlying values.

1c. Considering a range of alternatives

Because initiatives are simple up or down votes, the requirement to consider a range of alternatives generally equated to determining whether or not the measure in question was the best method for solving the problem addressed by the initiatives. During both weeks, the panelists, with the help of the advocates opposing the measures, continually asked this question, requesting information about alternative programs and scrutinizing the measures to determine if they were the best means for accomplishing their intended goals.

Like building a solid information base, much of the impetus for considering a range of alternatives fell to the advocates and witnesses, particularly those in opposition to the measures. Proponents, in turn, would challenge the success of alternate programs and confront the claims made by their opponents. This allowed the panelists to both understand the measures in question but also to gain insight about alternative solutions. Although this process was quite thorough for Measure 73, with panelists hearing about a number of different rehabilitation or sentencing programs conducted in other states, this process was less thorough in regard to marijuana dispensaries, in part because the con advocates were less organized than the proponents, as discussed below. In short, the advocates in opposition to the measure spent more time focusing on the negative consequences of the

measure and less time offering legitimate alternative solutions to the problem of providing access to patients. Still, by the end of both weeks, panelists had heard of a number of alternative solutions and were aware of potential solutions that could be used in place of the measures in question.

1d. Weigh the pro/cons of the measure

For both weeks, the panelists, with the help of the advocates and witnesses, did an excellent job of weighing the pros and cons of the measure. The panelists continually requested detailed information about the fiscal and social impacts of the measure as well as evidence of the effects of comparable laws and practices. When advocates could not provide evidence about the pros and cons, they often suggested to the panelists which witnesses to call to meet these information needs. This allowed the panelists to more carefully select their witnesses, and several witnesses were chosen to discuss the potential consequences of these measures. Regarding the mandatory minimums measure, the panelists repeatedly requested information on the effectiveness of mandatory sentencing as well as its fiscal impact. Regarding medical marijuana, the panelists repeatedly heard information about the effects of legalizing dispensaries in other states and pressed the advocates and witnesses to explain exactly how the law would be fleshed out and operationalized if it did pass.

For both weeks, the panelists were particularly vigilant about drawing out the *unintended* consequences of the measures. During the first week, the panelists exposed several loopholes in the mandatory minimum law, including its application to minors and cases of “sexting”¹⁹, as well as how the measure would shift the balance of power in the courtroom. Regarding the medical marijuana initiative, the panelists sought to ensure that the law was enforceable and questioned its ramifications for medicinal marijuana patients and growers. Though it often required panelists to return to questions previously raised or complicated the discussion, the panelists repeatedly sought information pertaining to the intended and unintended consequences of the measure to effectively weigh its pros and cons.

Criterion 2. Facilitate a Democratic Process

After highlighting how the process performed on the analytic criteria, we begin the discussion of democratic process by revisiting the corresponding section of our summary “deliberative scorecard,” reproduced below:

Criteria for Evaluating Deliberation	Measure 73 (Sentencing)	Measure 74 (Marijuana)
<i>2. Facilitate a democratic process</i>		
2a. Equality of opportunity to participate	A	A
2b. Comprehension of information	B+	B+
2c. Consideration of different views	A	A
2d. Mutual respect	A-	A

¹⁹ The term “sexting” was used repeatedly in while discussing Measure 74 to refer to explicit sexual content sent through text message.

This section receives very high marks, with Measure 73 earning an "A-" for democratic discussion and Measure 74 receiving an "A" average. The structure of the panels encouraged a highly democratic process, making sure that panelists, advocates, and witnesses had sufficient and equal opportunities to speak, encouraging panelists to fully consider opposing viewpoints, and fostering mutual respect among all participants. As a whole, the CIR emerged as a highly democratic process that ensures a fair and respectful discussion. Below, we detail how the process fostered a democratic environment, and point to the places where this already thoroughly democratic process could be improved. (In Section 3 of this report, we will recommend means for improving the limitations described below.)

2a. Equality of opportunity to participate

To fulfill this requirement, Oregon voters must have an equal opportunity of being selected, the panelists must be representative of the Oregon electorate, and both panelists and advocates must have equal opportunity to participate in the discussion.

Panelist Selection. To be democratic, the process must ensure that individuals have an equal opportunity to participate and that the group represents the interests of the whole. To meet these requirements, the panelists were randomly selected from Oregon state voters and demographically stratified to match the Oregon electorate. To create the panels, HDO randomly selected 10,000 Oregon state voters and sent them an invitation through the mail to participate in the process as well as a brief demographic survey. From the initial request, 3.5% responded to the survey and were then entered into a pool of several hundred voters. From this smaller pool, the HDO staff anonymously selected twenty-four panelists and five alternates for each week to match the demographics of the Oregon electorate in terms of age, gender, ethnicity, education, partisan affiliation and place of residence. The selection process was constructed in consultation with Davis, Hibbitts, and Midghall, Inc., a survey research firm located in Portland, OR, and overseen by the League of Women Voters of Oregon. While this type of random selection cannot ensure that every interest is represented, it does ensure that the panels are representative of Oregon voters and provides an equal opportunity for selection. In addition, panelists who were chosen to attend received a stipend of \$150 per day as well as travel and lodging expenses and, in some cases, childcare. This allowed those people who might not be able to attend due to financial reasons or family obligations to participate in the process.

Although the HDO staff worked diligently to create a representative sample, some difficulties in attaining representativeness remain. First, because some panelists, once selected, were unable to attend, the final panels did not meet the exact target demographics, though cumulatively these differences were slight. Both weeks met the target demographics in terms of both age and ethnicity.²⁰ For Measure 73, however, one more female and one less male and one more Democrat and one less Independent participated than originally designed, and the panel had one more member of the fourth congressional district and one more member with some college education

²⁰ This data was compiled by HDO staff and is accessible at http://cirarchive.org/media/attachments/documents/M73_Final_Report.pdf and http://cirarchive.org/media/attachments/documents/M74_Final_Report.pdf

than originally intended, though they did meet their targets for the other districts and education levels. For Measure 74, the panel contained one more Republican and one less Independent, one more individual with some college education and one less with high school or less, and contained one additional member from both the second and fifth congressional district and one less from the first.

Opportunity to speak for panelists. To maintain democratic discussion, the panelists, once selected, must also have equal opportunity to participate in the discussion. The format of the process provided multiple opportunities for panelists to express themselves, allowing panelists to raise questions to advocates and witnesses directly and providing different means for participating in the discussion. Because the panelists often broke out into small groups, participants who might not have been as comfortable speaking in large groups were provided with a more comfortable environment to speak. At other times, panelists spoke in groups of two or three before beginning large group discussions. This gave them an additional, and less formal, opportunity to speak and provided another means for filtering individual contributions into the large group discussion.

In addition, at the beginning of most small group sessions, the panelists went around the circle with each participant speaking to the topic at hand before the group engaged in discussion. This ensured that all panelists' voices were heard at the beginning of the discussion and encouraged panelists to listen to the contribution of all participants. Although this format encouraged all members to participate, one panelist noted that the small group format placed too much pressure to speak, saying he would have preferred for them to first distill the information in the large group before turning to small group discussions.

In addition to the small group sessions, the structure also allowed the entire panel to participate in large group discussions, enabling panelists to bring ideas from small groups into the large group discussion and debate which witnesses to call or how to understand or phrase a claim. For these sessions, the moderators worked to ensure that outspoken members of the group did not dominate the conversation and encouraged participants who had not yet said anything to speak up. Although for both weeks, the panels contained an outspoken member that other panelists at times perceived to be domineering the conversation and diverting the process, by the end of the week, in part because of active facilitation by the moderators, both panelists had restrained themselves and several panelists commended the moderators in the end-of-week evaluations for their ability to manage the discussions and ensure particular panelists did not derail or usurp the deliberation. For example, one panelist noted on Wednesday of Week 1 (Measure 73) that a fellow panelists' "aggressive expression of his own views detracted from an open and accepting atmosphere" and another said that "one person is a bit controlling in all discussions and procedures, is getting more aggressive about it each day, and wants everything done their way, which is too bad because all the other people are not that way. I think it is beginning to hinder the whole process." Still, no panelist reported not having a sufficient opportunity to speak on that day, as will be discussed below, illustrating that the process as a whole worked to ensure that outspoken panelists did not overtake the deliberations.

The panelists' quantitative self-assessments of their opportunity to speak attest to our assessment. Table 1.2 provides panelists responses to the question, "Did you have sufficient OPPORTUNITY to

express your views today?" which was asked in the evaluations that panelists completed at the end of each day. Table 1.2 shows that throughout the week, panelists felt that they had a sufficient opportunity to speak, and for Measure 74, only one panelist (and only one day) claimed to lack sufficient opportunity to speak. In sum, through a carefully crafted process and well-handled moderation, the panelists appeared to have had a sufficient opportunity to take part in the CIR.

Table 1.2 Panelists' Self-Report of Sufficient Opportunity to Speak

	Measure 73			Measure 74		
	No	Unsure	Yes	No	Unsure	Yes
Mon	0	0	24	0	0	24
Tues	1	1	22	0	0	24
Wed	0	1	23	0	0	24
Thurs	0	2	22	0	1	23
Fri	2	1	21	0	0	24

Opportunity to speak for advocates and witnesses. The format of the CIR also provided equal opportunity for the advocates to speak, though the structure of the initiative process may prevent all advocates from being equally prepared to participate. Advocates were given a chance to present their case to the panelists both on the second and fourth day. They were given equal time to speak to the panelists and allowed the chance to rebut claims made by their opponents and address questions raised through the process. Twice, the CIR panelists were asked to report whether the proponents or opponents were given more time to make their presentations and present witnesses. Every panelist gave the same answer each time—marking the midpoint on the scale to indicate that “both sides had equal time.” In addition, the panelists chose witnesses based on what information they felt they needed, limiting the extent to which the advocates or staff could bias the selection of witnesses. In sum, the process creates an equal opportunity for advocates both supporting and opposing the measure to contribute to the deliberation and sufficiently mitigates bias.

The initiative process itself, however, may prevent both sides from being equally *prepared* to participate. While the election does not happen until November, the CIR panels are conducted in August and arranged in the early summer. While this timing aligns with other aspects of the initiative process, such as the writing of the Explanatory Statement and submission of Arguments in Favor and Opposition to the Voters' Pamphlet, opponents may not have yet formed an organized opposition. Although the proponents of the initiative are organized at this point, because they are required to have both written the measure and gathered signatures to place it on the ballot, the opponents of the bill might not be as organized in August, and, in some cases, a formalized opposition may never emerge. Although in this case, opponents were found for both initiatives covered by the CIR, a third initiative on the November 2010 ballot was not considered for review in part because it lacked an organized opposition.²¹ In addition, the opposition for Measure 74,

²¹ A fourth initiative, Measure 74, ballot titled, “Authorizes Multnomah County casino; casino to contribute monthly revenue percentage to state for specified purposes” was initially intended to accompany a separate

regarding medical marijuana dispensaries, was difficult to contact and could not attend the entire week because they could not take the time off and were based in Clatsop County, over two hours away. Finally because witnesses do not know if they will be presenting until the evening of the day before they present, many were not able to attend in person, and some could not attend at all. This prevents the panelists from receiving all the information they request and prevents relevant witnesses from participating in the deliberation.

2b. Comprehension of information

Small group discussions as well as the ability to ask questions of advocates and witnesses also encouraged mutual comprehension. At the beginning of the week panelists took part in a training exercise that taught them how to identify claims and issues and develop questions. This practice created a low-stakes environment that allowed them to practice sifting through information provided by advocates and witnesses. Throughout the week, small and large group discussions were used to identify important claims made by the advocates and witnesses and construct lingering questions. This allowed the panelists to distill the information provided to them and, by requiring them to reiterate the most important claims made by the presenters, allowed them to better comprehend the information presented to them. During the question and answer sessions, panelists were encouraged to clarify information they didn’t understand and were urged to continue asking questions that they did not feel had been satisfactorily answered. As one panelist noted, “The process was well organized and taught us how to extract critical information from proponent, opponent, and expert witness statements.”

Their quantitative self-assessments reiterate this sentiment. Table 1.3 provides the panelists’ responses to the question “How often did you have TROUBLE understanding or following the discussion today?,” which appeared on the evaluations handed out at the end of each day and indicates that a very large majority of panelists had little difficulty understanding their discussions.

Table 1.3. Frequency of Comprehension of Information by Day

	Measure 73 Panelists				Measure 74 Panelists			
	Never	Rarely	Occasionally	Often	Never	Rarely	Occasionally	Often
Mon	5	12	6	0	11	9	3	1
Tues	5	11	5	3	7	15	2	0
Wed	6	13	4	1	10	10	3	1
Thurs	7	11	5	1	13	11	0	0
Fri	16	6	1	1	13	10	1	0

Table 1.3 suggests that although the panelists were engaged in difficult deliberations, for the most part the panelists were able to digest and comprehend the relevant information and arguments. Although some panelists at times had difficulty following the details presented to them, the panelists were engaged in high-level policy talks and some difficulty in understanding the many

initiative proposal that did not receive enough signatures to make the ballot; therefore, proponents of the measure decided not to pursue the campaign, though the measure remained on the ballot, making the initiative unsuitable for review by the CIR.

relevant facts and nuances is understandable. In the end, the process gave the panelists many opportunities to digest and clarify information and the majority of the panelists rarely or never had trouble comprehending the discussion.

2c. Consideration of different views

To fulfill the requirement of a democratic discussion process, the panelists must listen to and consider arguments different from their own. The rules provided to them on the first day encouraged them to keep an open mind and reserve making a decision until they had heard all of the available information. For both measures, the panelists did an excellent job of remaining open-minded and considering different views, and panelists rarely indicated their position on the measures during the group discussions. The structure of the process continually encouraged panelists to do keep an open mind, and the panelists' self-assessments of the process suggest that they took this directive seriously. As evidence, each day panelists were asked "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?" For most days, all but one panelist said that they considered views different from their own either "often" or "almost always," with the single individual saying that they considered these views occasionally. On the other days, every single panelist said that they considered these views either "often" or "almost always."

By the end of the week, the panelists recognized this open-mindedness in both themselves and one another, with several commenting on their surprise to find mutual ground with one another or having been able to work through differences. At the end of first week, one of the panelists reviewing Measure 73 commented that she did not know the party affiliation of any of the other panelists, and she was happy that differences like that did not sway their deliberation. This indicates that rather than using party identity to pre-determine their vote panelists kept an open mind during the deliberations.

Aside from the panelists' willingness to keep an open mind, this criterion is also fulfilled by ensuring that the process contains no bias. Again, the format for group discussions, advocate presentations, and the selection of witnesses was essential to fulfilling this criterion. As previously mentioned, at the beginning of most small group sessions, the panelists went around the circle with each participant speaking to the topic at hand before the group engaged in less formal discussion. This ensured that all panelists' voices were heard at the beginning of the discussion and gave the panelists the opportunity to consider multiple viewpoints before beginning their discussion. Additionally, advocates were provided with equal time to make their cases and rebut one another's claims, preventing the possibility of one advocate having more opportunity to present their views than another.

Further, panelists chose witnesses based on their area of expertise, selecting witnesses with the goals of having specific information needs met and questions answered and using a computerized voting process to narrow down the panelists' selections. This mitigated the extent to which the selection of witnesses could create bias, as advocates and staff members did not control the selection of the witnesses and panelists were allowed to choose witnesses in a fair and non-coercive manner. One panelist connected the ability to hear from different sources of information with the goal of keeping an open mind, saying in her end-of-week evaluation that she had "been

exposed to many different points related to this measure, and this has allowed me to become more open-minded about the value of other opinions.”

The moderators also had an important role to play in fulfilling this criterion. Though they play a critical role in guiding and facilitating the deliberation, they cannot show signs of bias out of danger of swaying the panelists. Each of the five days, the citizen panelists also assessed the fairness of the CIR Moderators who facilitated their discussions, answering the question “Did the CIR Moderators demonstrate a preference for one side or the other today?” Table 1.4 shows that panelists perceived the Moderators as neutral.

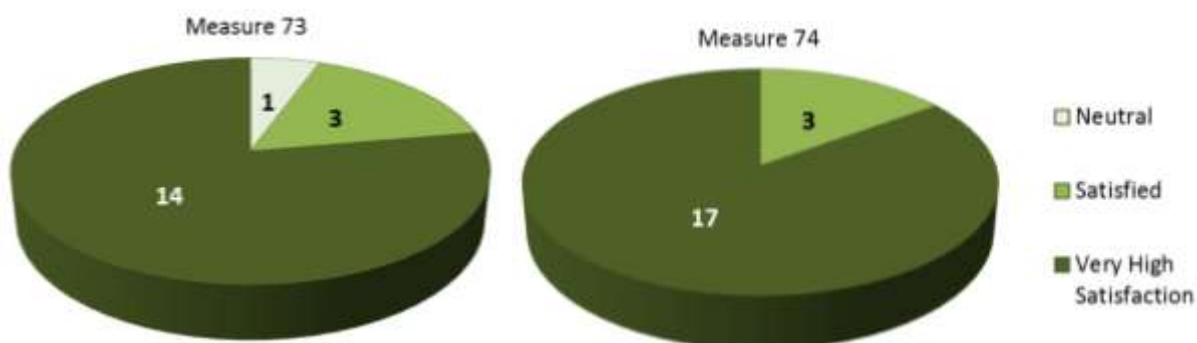
Table 1.4. Panelists Self-Assessment of Bias by Day

	Measure 73			Measure 74		
	Favored proponents	Neutral	Favored opponents	Favored proponents	Neutral	Favored opponents
Mon	0	24	0	0	24	0
Tues	0	24	0	1	23	0
Wed	0	24	0	0	24	0
Thurs	2	21	1	0	24	0
Fri	0	23	1	1	23	0

As this table shows, panelists rarely indicated that the moderators showed preference to one side or the other.

Additionally, panelists were asked to rate the bias of the staff in the follow-up survey with the question, “One of the aims of the process was to have the staff conduct the Citizens’ Initiative review in an unbiased way. How satisfied are you in this regard?” Figure 1.5 shows the results.

Figure 1.5. Panelists’ Satisfaction with Staff Neutrality



As Figure 1.5 illustrates, almost every panelist was satisfied that the staff was unbiased, with only one panelist neutral on the subject. In sum, both the willingness of the panelists to keep an open-mind as well as the structure of the process and the moderator and staff’s careful attention to remaining unbiased ensured that panelists fully considered the different views presented to them by advocates, witnesses, and one another.

2d. Mutual respect

Panelists demonstrated high levels of respect toward one another. For the most part, they listened carefully to one another and treated everyone as a valuable part of the process. Because personal feelings of being respected is one of the best measures of determining whether or not a person has been respected, Table 1.5 presents their daily responses to the question “How often do you feel that other participants treated you with respect today?”

Table 1.5 Panelists' Self-Report Feelings of Respect by Day

	Measure 73				Measure 74			
	Almost Always	Often	Occasionally	Rarely	Almost Always	Often	Occasionally	Rarely
Mon	21	3	0	0	20	4	0	0
Tues	22	2	0	0	21	3	0	0
Wed	17	7	0	0	20	4	0	0
Thurs	15	5	3	1	20	4	0	0
Fri	20	2	2	0	22	2	0	0

The responses to this question show that a supermajority of the panelists felt that they were almost always treated with respect, while the large part of the remainder felt that they were often treated with respect. Panelists from Measure 74 felt particularly respected, with all panelists reporting that they either “often” or “almost always” felt they were treated with respect. Measure 73 fared slightly less well in this regard. As the chart indicates, Thursday was a particularly difficult day for Week 1. As panelists began to hammer out the details of their Key Findings, the tone of the debate began indicating the bulk of the panelists were planning to oppose the measure. Some of this tension spilled over into the morning of day 5 as the panelists finalized their Key Findings for the Voters' Pamphlet. That morning, one panelist told the group that a statement they wrote and voted on the previous afternoon was “not jumping out” at her. Another panelist took offense to the comment and implied that the first panelist was “dissing” the groups' work. The moderators allowed the panelists to express their frustration, but quickly settled the matter, telling the panelists that:

“there will be another opportunity for you, [Panelist 1], to agree or disagree with that statement. We are trying to make sure that every voice is heard. That's the nature of this, and I think you've heard from a couple of your peers that this is really tough work. And remember we talked about deliberate versus debate, that you are here to deliberate and that means that there are going to probably be differences of opinion, and that's okay. We're hoping that you continue to respect the discussion ground rules of disagreeing positively and with respect... and I think we're going to move on. “

In short, the situation was quickly settled, with the panelists choosing to eat lunch together and talk with one another, indicating that they hadn't let the tough debate spill over into their feeling of respect for one another. The slightly lower feelings of respect on Thursday and Friday may be an indication of those particularly difficult days and a result of the large margin separating those who were voting for the measure and those who were voting against it.

For the most part, the panelists expressed feelings of respect, but the panelists studying Measure 73 did occasionally feel disrespected by one of the advocates and, to some extent, the moderators. In their open-ended comments about the moderators, panelists generally gave them good reviews, indicating that they were doing a good job of facilitating a tough process and recognizing the difficulty of facilitating a discussion among 24 diverse individuals. A few panelists, however, commented that the moderators did not treat the panelists as adults. Several panelists commented on repetitive instructions and a few said this made them feel like they were being treated like a child. As one panelist noted, "...you treated the panelists like kids. We are mature adults, treat [us] as such" In short, the panelists felt competent and capable of the task at hand and resented instances when they felt that the moderators did not acknowledge their competence.

Similar problems arose in during the first week regarding the advocates in favor of Measure 73. On a number of occasions, the lead advocate for the proponents told the panelists that the issues surrounding mandatory sentencing were too complex and that without extensive training in the subject they were not capable of learning the necessary information. In addition, particularly in their closing arguments, which contained an extended slide show of car crash victims, they used emotional appeals that were not always connected to facts or legitimate arguments related to the measure. In their open-ended comments regarding the advocates, some panelists noted these as signs of disrespect. As one panelist stated, "Please pass on to the pro advocates that certain tactics don't work. Scare tactics in particular—I thought their time could have been spent in much more informative ways today than the slide show. It made me angry that they wasted my time when they could have been giving me facts. I felt they thought if they could 'move' me I would be more likely to vote on their side."

Criterion 3. Produce a Well-Reasoned Statement

Our last criterion requires that the panelists produce a well-reasoned Citizens' Statement at the end of their deliberations. Again, we return to the "deliberative scorecard" to summarize our assessment of this requirement:

Criteria for Evaluating Deliberation	Measure 73 (Sentencing)	Measure 74 (Marijuana)
3. Produce a well-reasoned statement		
3a. Informed decision making	A-	A
3b. Non-coercive process	A	A

This section is perhaps the most important indicator of the deliberative quality of the CIR, as it focuses on the final product that goes into the official Voters' Pamphlet. For both measures, we give the CIR process very high marks. For Measure 73, the statement receives a grade of an "A/A-," and for Measure 74, it receives a solid "A". In part because the process was both sufficiently rigorous and democratic, the panelists were able to produce high quality and well-reasoned statements that were informed and constructed through a non-coercive process.

Below, we look in more detail at how the Statements adhere to each of the subcomponents of a well-reasoned statement. (In Section 3 of this report we will recommend ways to further develop the statement-writing process.)

3a. Informed decision making

Overall, the process fostered a highly informed decision-making process, allowing panelists to construct high quality Key Findings and Arguments in Favor and Opposed to the Measures. As previously discussed, both weeks the panelists took part in democratic and analytically rigorous deliberation, enabling them to use the information base they had established to make a well-reasoned decision. Though it is difficult to measure whether or not the panelists *did* take advantage of the best available information in deciding *how* to vote, the Citizens' Statements were well informed and contained the best information made available to the panelists.

We begin by discussing the factual accuracy of the statements. Our initial analysis of the statements has found no inaccuracies or exaggerations, and every claim is tied to a particular piece of evidence stemming from either the text of the measures themselves or from presentations made by advocates and witnesses. In part, this is because of the careful organizing and filtering process that the panelists used to establish a solid information base, but the writing process itself also enhanced the quality of the statement. Both weeks, panelists repeatedly voted on which claims were the most important and continually honed their factual accuracy. Feeling real time pressure by Thursday afternoon, panelists formed committees and met after hours to write first drafts and refine key findings or arguments based on claims developed and prioritized during the regular session. These refined claims and arguments were then delivered back to the group for continued "word-smithing" and development. This allowed the panelists to expend numerous hours developing and phrasing claims to ensure their factual accuracy and rhetorical neutrality.

On the fifth day, when the panelists broke up into groups favoring and opposing the measures to write their argument statements, the transcript reveals that the panelists attempted to incorporate the best available information and exclude irrelevant, inaccurate, or unverifiable information. For example, as mentioned earlier, the proponents of Measure 73 claimed that every dollar spent on incarceration saves the state four dollars, but they never provided evidence of this claim. As shown by the following transcript excerpt, when writing the Statement in Favor, the three panelists supporting the measure considered including that piece of information but excluded it because they could not verify it:

Panelist 1: We didn't want to put every one dollar spent saves four dollars.

Panelist 2: It would be good if we had a way to prove, I mean but --

Panelist 1: We don't have a way of showing that.

Panelist 2: -- somebody else next to those charts, then there's another one from that same group that says it's only a dollar and three cents, so we don't want to get it mixed up.

Panelist 1: We don't want to get that confused, yeah.

Because they had been presented with conflicting information refuting the original claim, they chose to exclude a statement rather than mislead the voters, illustrating that the panelists chose the best available information when writing their statements.

In addition, after the arguments in favor and in opposition to the measure were written, the panelists from the opposing groups, as well as the HDO staff and research team, checked the claims for factual accuracy and reported discrepancies to the group who had written the statement. This proved a highly valuable part of the process and revealed some factual inaccuracies and places that needed greater clarification. The panelists from the group who had written the statement were then given the option of choosing whether or not to incorporate the suggestions. In every case, the groups chose to incorporate the changes, resulting in more precise statements, and in one case catching a rather large numerical error.

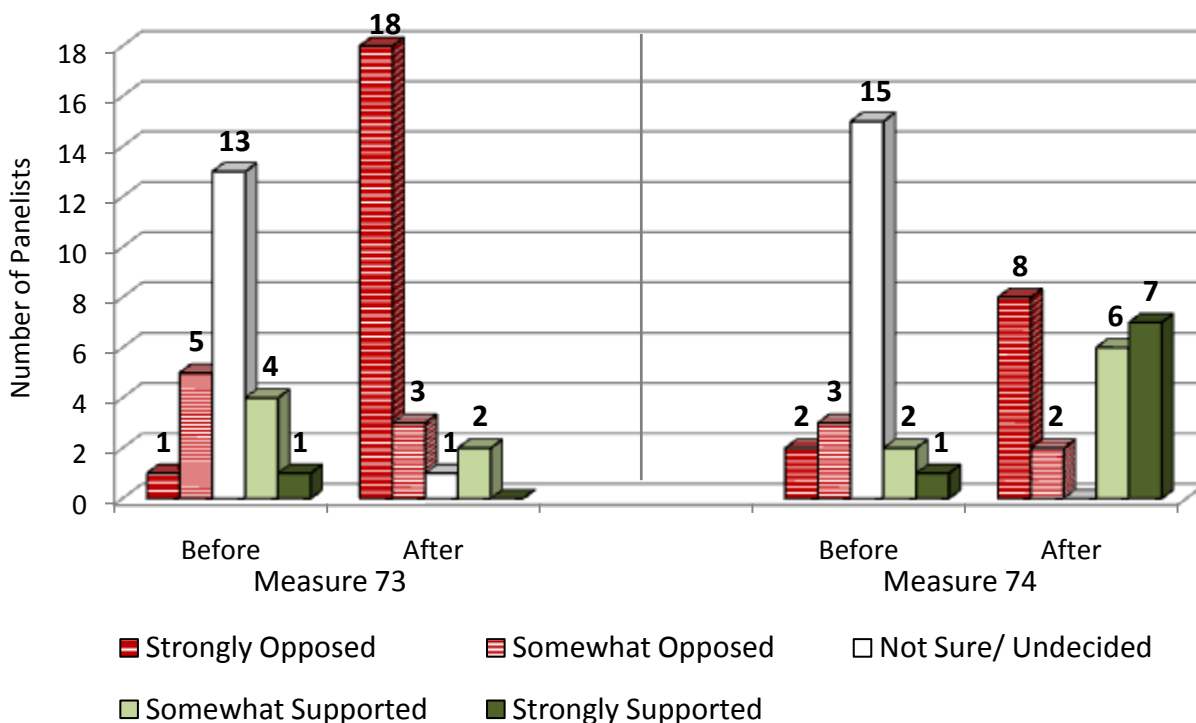
One problem did arise regarding the Shared Agreement statement, particularly during the first week. Throughout the first week, both panelists and staff were confused about what was supposed to be included in the "Shared Agreement" section of the CIR Citizens' Statement. By the end of Week 1, a large majority of the panelist agreed that they would like to use that space to say that Measure 73 was double barreled and that it improperly combined two separate issues – DUIs and felony sex offenses. This fact was not included in either the Key Findings section nor in either of the argument sections. When it came time to write the Shared Agreement statement, however, they were told that they could not talk about the initiative being double barreled because HB 2895, which established the pilot CIR project, restricted that section to statements neither for nor against the measure. The panelists were fairly upset at this exclusion because they felt it was an important piece of information to pass onto the voters. They ended up using the space to talk about the CIR process itself, saying that they had received information "not readily available to voters" and had tried to "examine both sides of this measure in an unbiased manner." Though this statement allowed readers to understand the process a bit more, by forcing the panelists to exclude a piece of information they felt important, the confusion over the Shared Agreement statement damaged the informative quality of the Citizens' Statement.

Whereas the findings presented above illustrate the factual accuracy of the statements, self-reports by the panelists are indicative of whether or not they used the best available information in making their decision. One way to test this is to see when the panelists made up their minds about how to vote on the measure. Although we did not ask Measure 73 panelists when they made up their minds, the results from Measure 74 show that only one panelist reports having made up their mind before Wednesday, saying they decided on Monday. The large majority of the remainder reported having made up their minds either Thursday (11 panelists) or Friday (8 panelists), indicating that they waited until they thought they had heard all the pertinent information before making up their minds.

Whether or not panelists *changed* their minds is also an indicator that they relied on the information garnered through the CIR when making their decision. Figure 1.6 illustrates how the panelists' opinions on the measure shifted over the course of their deliberation. At the end of the

week panelists were asked for their recollection of their opinion on the measure when they came into the process as well as their decision on the measure after the process.

Figure 1.6. Panelists Self-Report of Position on Measure Before and After Deliberation



Panelists were largely undecided before beginning the deliberation, with a majority of panelists for both measures saying that they were undecided when they came to Salem. By the end of the week, their opinions on the matter had developed and shifted dramatically. For Measure 73, panelists were overwhelmingly opposed to the measure and for Measure 74, panelists split pretty evenly on the measure. Again, this indicates that panelists utilized their experience participating in the panels in reaching their final decision.

3b. Non-coercive process

Finally, we examine whether the decision-making process was coercive. For this, we turn again to the structure of the process, the discussion, and the panelists' assessments and find that the process was almost entirely free of coercive pressure and allowed the panelists to make their minds freely. As discussed earlier, we found very little indication of bias in the proceedings and the panelists' assessments affirmed our observations. Voting was conducted in a non-coercive manner, with almost all votes done through touch pads so that panelists wouldn't be pressured by using a more public voting method. In addition, the statement itself clearly provides the votes for each statement it contains, allowing voters a transparent view of the panelists' understanding of specific aspects of the measures.

Our observations and analysis of the transcripts similarly do not find any evidence of coercive pressure. One panelist studying Measure 74 commented on:

“The willingness of this team to provide, promote and nurture the CIR participants with time, encouragement and options. No one CIR panelist needed to feel that his or her learning curve, participation level or expertise in the research/data or any of the work this week needed to be like any one of the other panelists. Our individuality was respected and celebrated.”

Still, one panelist did indicate feelings of coercion, stating:

“The last day when formulating the pro and con of a measure was difficult. I thought it would be a highlight but instead I found it frustrating. The conclusions written were not as strong in wording, but I felt compelled to agree.”

As these conflicting responses indicate, though the staff attempted to create a non-coercive atmosphere, the pressure to produce final statements within the specified time period may have placed some pressure on the panelists.

Finally, we turn to the panelists' satisfaction with the statements they wrote as an indication of coercion. If the panelists are satisfied with the statements, this indicates that they were freely written. Figure 1.7 shows how the panelists assessed the Key Findings at the end of the week in Salem and two months later, and Figure 1.8 shows the panelists' assessments of the Statements in Favor of and Opposed to the Measure as recorded by the end-of-week survey only.

Figure 1.7. Panelists' Satisfaction with Key Findings

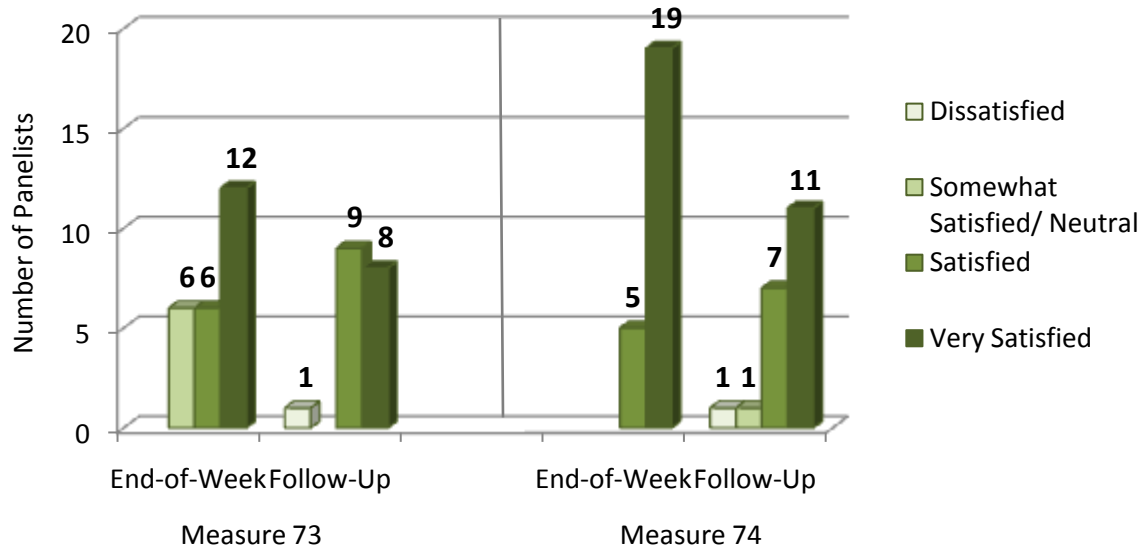
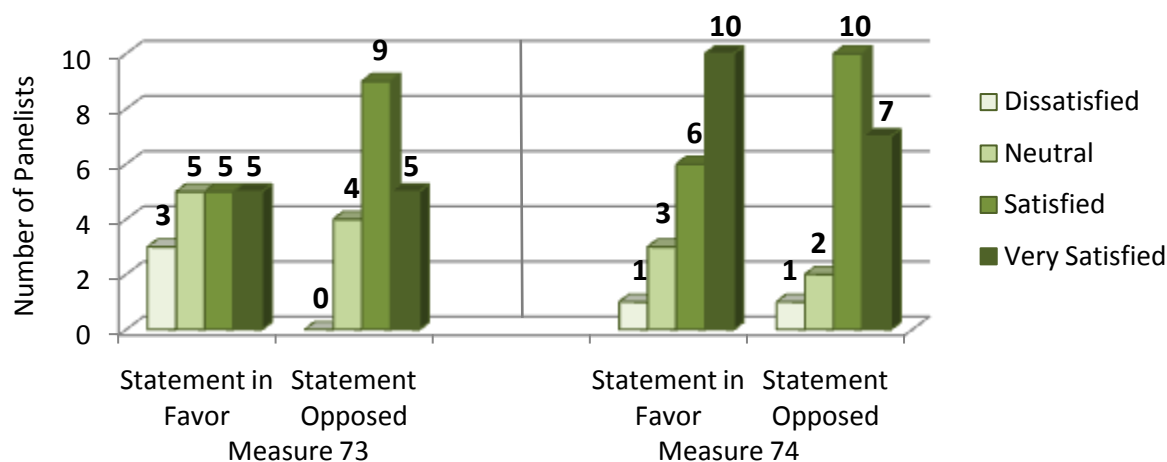


Figure 1.8. Panelists' Satisfaction with Statements in Favor/Opposed



Overall, the panelists were satisfied with the Key Findings, with their satisfaction for the Key Findings for Measure 73 actually rising a bit in the follow-up survey. Both at the end of the week and in the follow-up survey, no panelists were dissatisfied with the Key Findings for Measure 73, and only one panelist was dissatisfied with the Key Findings for Measure 74. In terms of the Statements in Favor of and Opposed to the Measure, although the Statement in Favor of the Measure, written by only three of the panelists, was received with moderate satisfaction by the panelists, they were more satisfied with the Statement Opposed to the Measure written by the supermajority. For Measure 74, which the panelists were fairly evenly divided on, the panelists maintained fairly high levels of satisfaction with both the Statements in Favor of and those Opposed to the Measure. Again, these findings suggest that the decision making and statement writing was conducted in a non-coercive manner, and together with the analysis presented in this section suggests that the process produced high quality Citizens' Statements for both measures.

Section 2. Assessment of the Utility of CIR

To assess the utility of the Oregon CIR for the wider electorate, we conducted two different surveys of likely Oregon voters. One was a telephone survey conducted by the University of Washington Survey Center, which interviewed 200 or more numbers in the Oregon registered voter database each week from late August to Election Day. The other survey used an online panel of respondents maintained by Polimetrix; this survey allowed us to interview the same people at two points in time—early in the election and then again during the last two weeks.

This section presents the results of those surveys, which can be summarized as follows:

- Many—but not most—voters ultimately learned about the CIR. Those who read the CIR Statement appeared to consider it carefully.
- Most CIR readers reported found it to be “important” in their deliberations, and many said that it provided new information and arguments.
- CIR Statement readers became more knowledgeable about both Measures 73 and 74. On balance, the Citizens' Statements left voters with more reservations and uncertainty about the two particular measures addressed by the CIR, resulting in substantially lower support for both measures.²²

This section presents the evidence for each of these findings, beginning with voter awareness and use of the CIR Statements, then turning to voters' subjective assessments of the Statements, and concluding with more direct evidence of the CIR Statements' impact.

Voter Awareness and Use of CIR

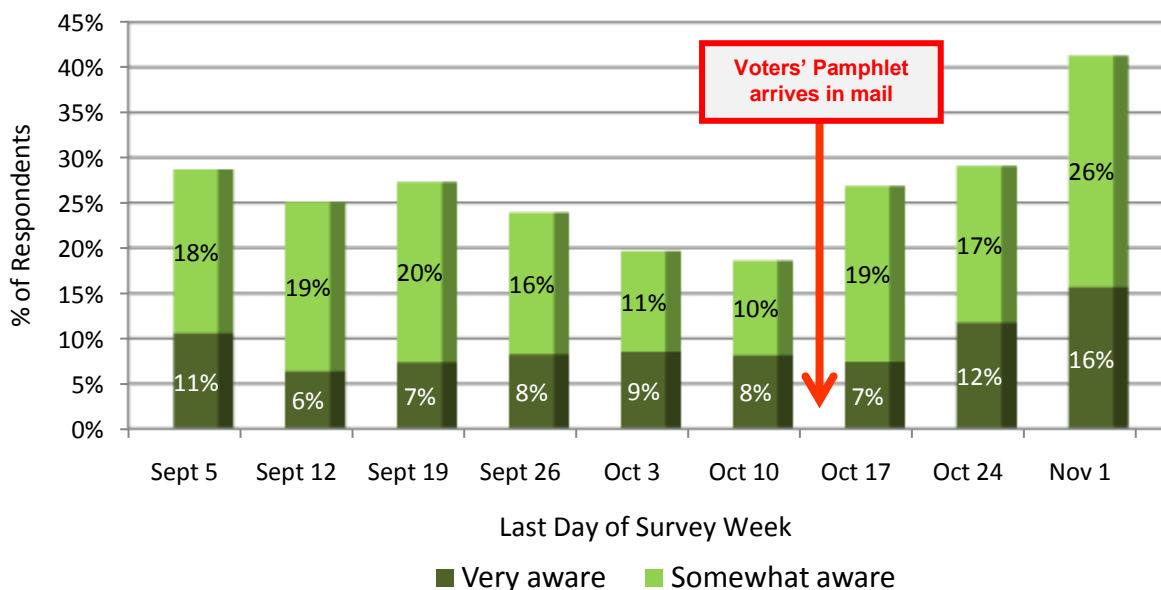
As shown in Figure 2.1, roughly 20-25% of Oregonians reported hearing about the CIR prior to the arrival of the Voters' Pamphlet, with fewer than one-in-ten saying they were “very aware” of the CIR in the early weeks of the campaign. Initial media coverage, along with Healthy Democracy activities promoting awareness of CIR, probably combined to create the initial awareness level. Once the Voters' Pamphlet arrived, awareness of the CIR increased considerably; by the final week of the election, 42% of likely voters said they were at least somewhat aware of the CIR.

Which voters were more likely to ultimately read the CIR Statements before voting? Looking at just those people who had already voted, we found that CIR awareness spread evenly across the Oregon electorate. Voters were just as likely to know about CIR or not regardless of whether they were male or female, Democratic or Republican, low or high income or education level, frequent versus infrequent news or Voters' Pamphlet readers. The lone clear exception was age. Nearly two-thirds

²² The CIR Statements appear to have significantly reduced support for both measures, dropping Measure 73 from its earlier high polling numbers and likely contributing to the failure of Measure 74. A more precise estimate of the net impact is not possible, owing to the difficulty of fully measuring all the other influences that go into an election result—in particular, the ebb and flow of campaign spending and the efficacy of the pro and con messages generated by each campaign. As a practical matter, however, the evidence presented herein shows clearly that.

(65%) of voters 40 years old or younger were at least somewhat aware of the CIR, whereas 47% of those 41-60 and just 27% of those over 60 had learned of the CIR by the time they voted.

Figure 2.1. Weekly Measures of CIR Awareness, August 30-November 1



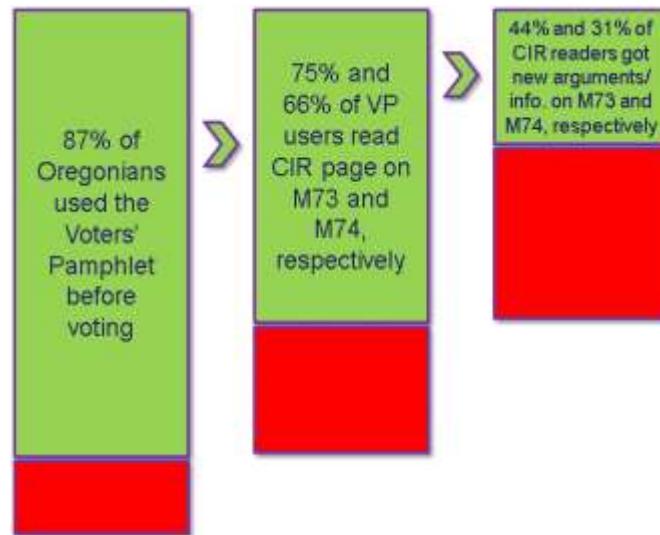
Note. Minimum weekly N = 178 from UW Survey Center cross-sectional survey.

Combining the results of different survey items, we found that 29% of Oregon voters believed they were aided by the CIR Statement on Measure 73, and 18% believed the Statement on Measure 74 aided them. Figure 2.2 shows how we derived those figures. Of those respondents who had already voted at the time of our survey, 87% reported using the Oregon Voters' Pamphlet before doing so. Of those, three-quarters read the CIR Statement on Measure 73, and two-thirds used the CIR page on Measure 74. Finally, of those who read the Measure 73 CIR Statement, 44% found that the CIR page caused them "to take into account...arguments or pieces of information" that they "might not otherwise have considered." Thirty-one percent of CIR readers said the Measure 74 CIR Statement introduced new arguments or information. (We discuss the latter finding more in the next section.)

It is useful to compare Figure 2.1 and 2.2. The first suggests that by the end of the election, roughly 42% of voters had encountered the CIR and had some memory of the CIR Statement in the Voters' Pamphlet. Using different questions in the same survey, Figure 2.2 estimates that 31-44% of voters recalled getting "new arguments or information" from the CIR Statement, depending on the Measure in question.

To get a better sense for how CIR Statement readers used it, we asked more detailed questions about its use in our online survey of Oregon voters. We asked those who had read their Voters' Pamphlet how many minutes they spent reading each portion of the sections on Measures 73 and 74, and Figure 2.3 shows the average of those results. The result is striking, with the CIR sections

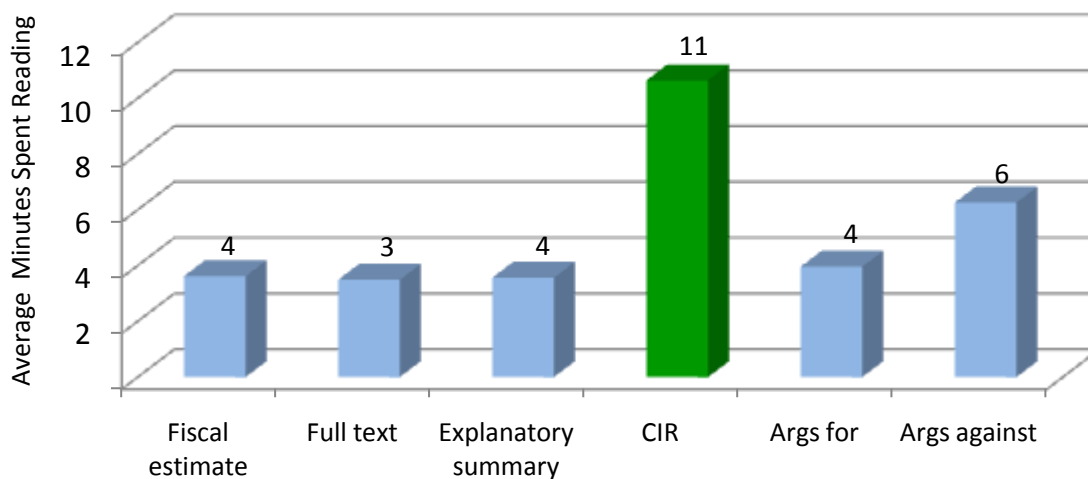
Figure 2.2. Proportion of Voters Using the Voters' Pamphlet, Reading the CIR Citizens' Statement, and Finding New Arguments and Information in the Statement



Note. *N* = 601 for combined survey weeks including these questions; 320 respondents had read the Voters' Pamphlet at time of survey. Data from UW Survey Center cross-sectional survey.

adding up to more time than any other two sections combined. These are the recollections of voters, not direct studies of Voters' Pamphlet use, so it is impossible to know if these estimates are precise, but what is clear is that voters who read the CIR statement recalled spending considerable time with it relative to other pages in their Voters' Pamphlet.

Figure 2.3. Average Minutes Spent Reading the CIR Statement and Other Sections of the Voters' Pamphlet on Measures 73 and 74



Note. Minimum *N* = 211. Figures shown are averages across the two measures. Average CIR minutes (Key Findings, plus Pro and Con arguments) was different from means in all other conditions, *p* < .001. Data from online panel survey.

Perceived Value of the CIR Statement

The CIR Statement had three main elements—a set of Key Findings, Pro and Con arguments, and an indication of how the CIR panelists themselves ended up voting on the measure. The latter feature drew immediate notice in media coverage of the CIR because it offered a simple headline, such as “Citizen's Initiative Review Votes ‘Yes’ on Oregon M74.”²³ Most Oregon voters, however, did not know—or could not recall—that particular piece of information after reading the CIR Statement. Even in the final week before the election, a majority (53-55%) of those who had read the CIR Statement did not “happen to know the position taken by the CIR panel” Measures 73 and 74. Moreover, a majority of those who tried to remember the panelists' vote did not do so correctly; a majority also reported that this particular piece of information “made no difference” to them.²⁴ This suggests, and later findings will corroborate, that the CIR panel's vote, per se, was a critical piece of information for only a very small portion of the Oregon electorate.

Among those who read the CIR Statement on Measure 73 or 74, there were also mixed results for how helpful voters found the more substantive information. Results on this particular question varied both between the two Measures and between the two survey formats employed in this study. We begin by reviewing results from the phone survey, then turn to online survey results.

CIR “helpfulness” measured in phone survey

Figure 2.4 shows that overall, Statement readers surveyed by phone found the Measure 73 statement more helpful than did those reading Measure 74. A majority found the Key Findings, Pro Arguments, and Con Arguments all to be at least “somewhat helpful” in deciding how to vote on Measure 73. For Measure 74, closer to one-third found the Statement helpful.

A follow-up got to the heart of the matter with this question: “Did reading the Citizens Initiative Review statement...cause you to take into account any arguments or pieces of information that you might not otherwise have considered?” For Measure 73, 44% said that the CIR Statement did cause voters to reexamine or reconsider their views, whereas only 29% did so after reading the CIR Statement on Measure 74. There were two noteworthy patterns to who reported that the CIR presented new arguments or information. First, responses to this question for Measure 73 and 74 were moderately correlated, such that a majority of those who gained insight from the CIR on one measure tended to do so on the other, as well.²⁵ Second, those benefitting the most were voters who had relatively high levels of general political knowledge. By way of illustration, only 37% of those CIR readers with low political knowledge said that the Statements spurred reconsideration on a measure, whereas 58% of more knowledgeable voters reported such influence.²⁶

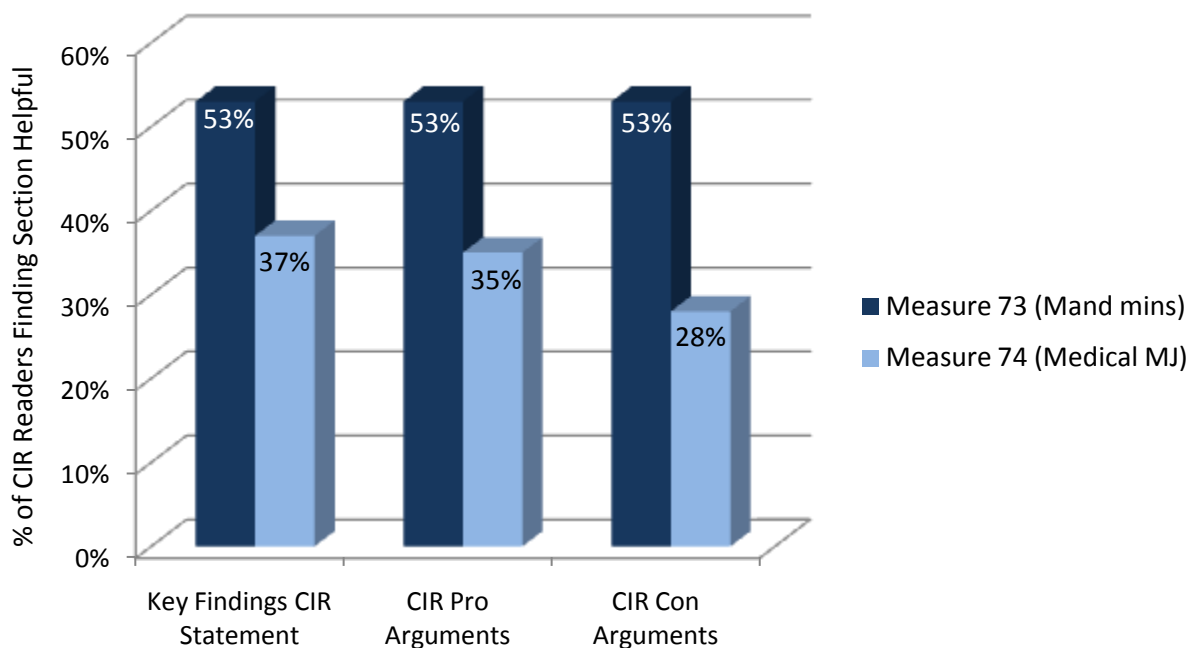
²³ <http://www.einnews.com/pr-news/151111-citizen-s-initiative-review-votes-yes-on-oregon-m74>

²⁴ At this point, we are discussing small subsamples of respondents, so more detailed analysis of these subpopulations would not be appropriate. Suffice to say that when given five response options, a majority failed to choose “large majority opposed” for Measure 73 and “small majority favored” for Measure 74.

²⁵ To be precise, 55% of those who said the CIR caused reconsideration of Measure 73 also said they did so for Measure 74. This amounts to a correlation of $r = .37, p = .003$.

²⁶ Expressed as a correlation, this amounts to $r = .35, p = .002$. General political knowledge was measured through six factual questions about U.S. and Oregon politics and government (e.g., “Which of the following can

Figure 2.4. Percentage of CIR Statement Readers Finding Its Three Main Sections At Least "Somewhat Useful"



Note. Min. $N = 85$ (CIR Statement readers). Data from UW Survey Center cross-sectional survey.

CIR "importance" measured in online survey

It was possible, however, that those CIR readers who found the Statement useful represented a specific subset of Oregon voters. To address this issue, we utilized the longitudinal online panel survey, which began with a first round of interviews in August. Those respondents were then reinterviewed in the final two weeks before the election, and this follow-up survey asked "how important" the different segments of the Voters' Pamphlet were "in deciding how to vote" on Measures 73 and 74. This allowed us to assess whether people who had strong views on the ballot measures in August would still find the CIR Statement to be an important resource in late October.

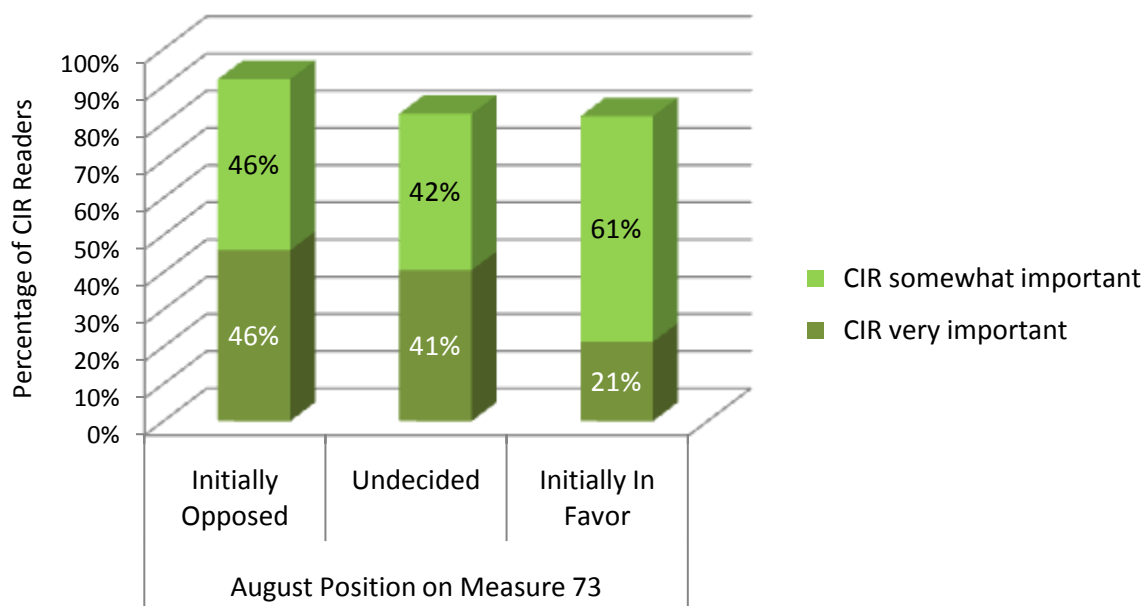
It is important to note at this point that the online survey population was asked a different question than the one posed by phone. Online respondents told us whether the CIR was "important," as opposed to whether it brought up new information and arguments. Thus, it is plausible that the CIR Statement served as an *important reminder* for many voters by helping them put together pieces of information and argument they had already heard but not yet weighed against one another.

With this different in mind, Figure 2.5 shows that respondents in the online survey overwhelmingly reported that the CIR was at least "somewhat important." Of those CIR readers initially opposed to Measure 73 back in August, 90% found the CIR Statement at least "somewhat important" in helping them decide how to vote, with almost half of them rating it as "very important." More than 80% of those initially undecided or in favor of Measure 73 also found it at least "somewhat important,"

be used to AMEND the Oregon State Constitution? Is it a signing statement by the Governor, an initiative petition, or a ruling of the Oregon State Supreme Court?").

though it was “very important” to fewer than one-in-four of those initially inclined to vote for the measure. The reduced importance of the Statement for the measure’s early supporters probably reflects the fact that the CIR Statement’s Key Findings raise serious questions about Measure 73.

Figure 2.5. Perceived “Importance” of CIR Statement Key Findings for Deciding How to Vote on Measure 73, Broken Down by Voters’ Initial Issue Positions in August

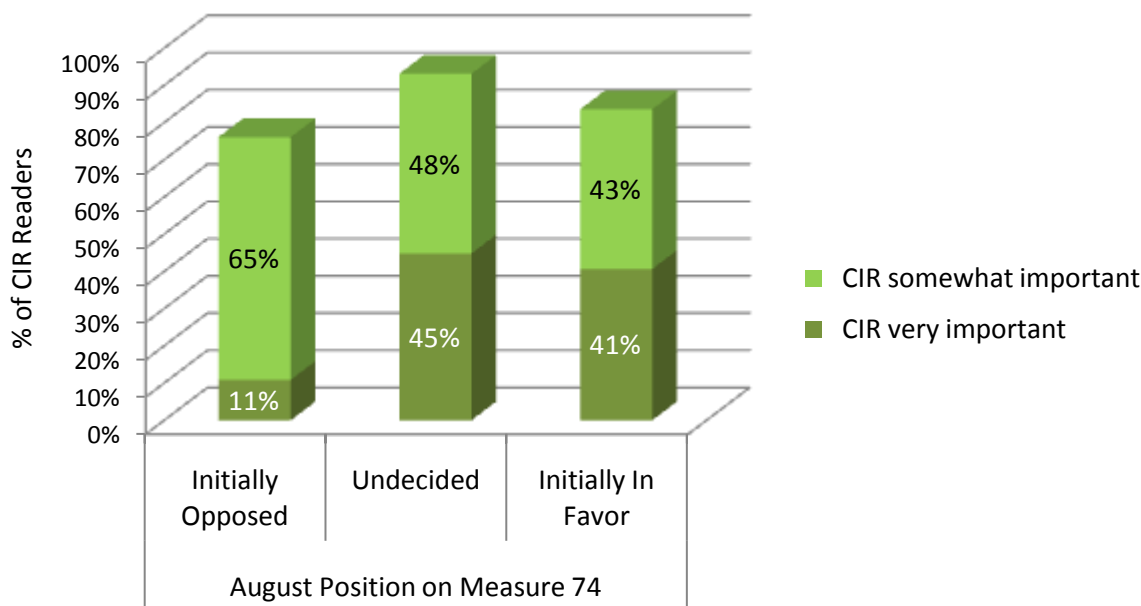


Note. $N = 224$ (Measure 73 CIR Statement readers). Data from online panel survey.

Comparing these results with the aforementioned phone survey results, what for phone respondents counts as “somewhat helpful” may roughly translate to “very important” for the online sample. Both surveys had sound methodologies and samples (see Appendix C), so the contrast in results appears due to question wording. Reading across the two surveys, however, it is reasonable to conclude that a majority of CIR readers found at least some value in the Statements.

Just as in the phone survey, fewer online respondents viewed the CIR Statement on Measure 74 to be as important as the one on Measure 73. Regardless of one’s initial views on the Measure 74, however, three-quarters or more of each group rated the Statement as at least “somewhat important.” Figure 2.6 shows that among those who initially opposed the measure, however, a much smaller percentage (11%) found the Statement to be “very important.”

Figure 2.6. Perceived “Importance” of CIR Statement Key Findings for Deciding How to Vote on Measure 74, Broken Down by Voters’ Initial Issue Positions in August



Note. N = 227 (Measure 74 CIR Statement readers). Data from online panel survey.

Next, we assessed the value of the Pro and Con arguments in the CIR Statements by juxtaposing their importance against that of the traditional paid-for pro and con pages that appear in the Oregon Voters’ Pamphlet. To simplify this analysis, we created summary scales measuring the average importance ratings given to the pro and con CIR arguments across the two measures, and we likewise created average ratings for the paid arguments.²⁷ We then categorized and cross-tabulated these averages to find what proportions of Oregon Voters’ Pamphlet readers found value in one or the other (or both or neither) of these arguments. As shown in Table 2.1, the most basic result is that voters generally value both forms of information, with only 10% finding little importance in either one and almost two-thirds (64%) finding medium or high value in both.

Table 2.1. Cross-tabulation of the Average Perceived Importance of CIR Statements by Paid-for Statements in Favor and Opposed to Measures 73 and 74

		Perceived Importance of CIR Arguments			
		Low	Medium	High	Total
Perceived Importance of Paid Arguments	Low	10%	11%	6%	27%
	Medium	6%	21%	8%	35%
	High	4%	16%	19%	38%
	Total	20%	48%	33%	100%

Note. N = 271 (Voters’ Pamphlet readers). Data from online panel survey.

²⁷ On the three-point importance scale, 1-1.75 was coded as “low,” 1.76-2.24 as “medium”, and 2.5-3 as “high.”

Direct Measures of Voter Impact

It is our belief, however, that these direct questions about the CIR have a considerable limitation. Voters use information quickly to make decisions on the many issues and candidates in an election, and they do not necessarily recall with great accuracy how they used information once they have completed their ballot.²⁸ This problem is more acute in the particular case of the CIR, which was unfamiliar to even those voters who encountered it.

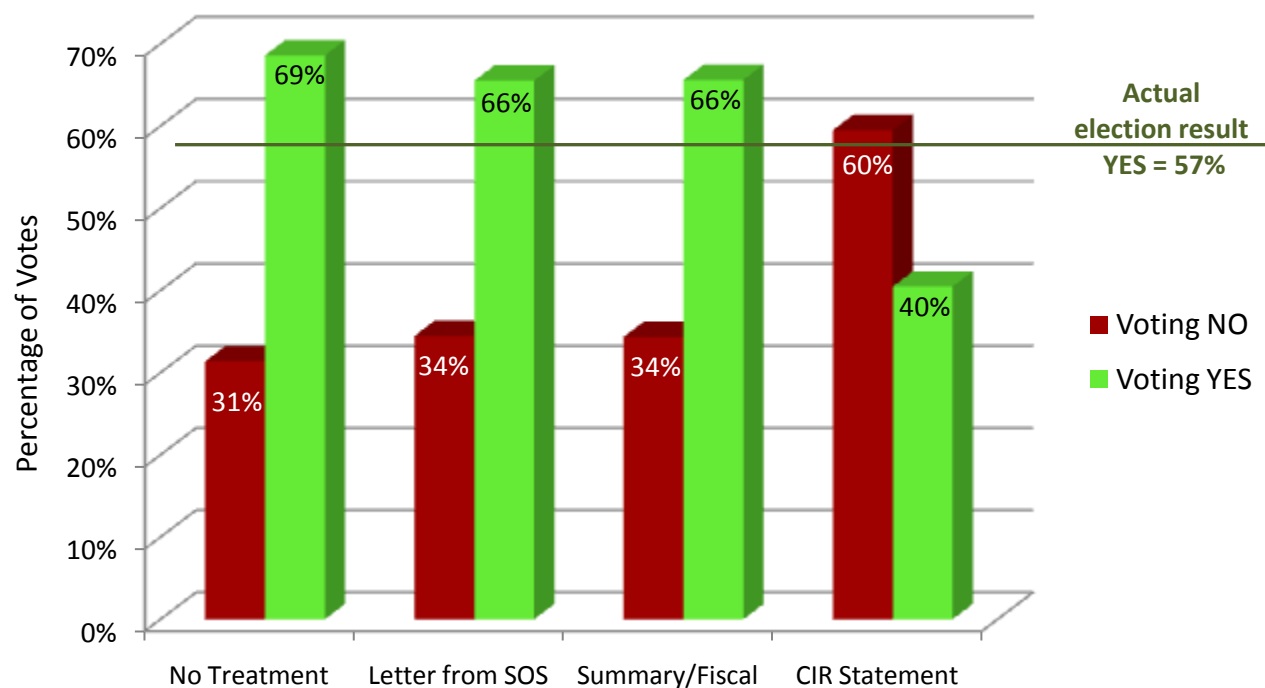
Experimental measure of impact in the online survey

The most direct approach taken in this study was an online experiment conducted with those panel respondents who, when contacted in the final weeks before the election, reported that they had not yet voted, nor even read the Voters' Pamphlet. Before those respondents answered the main survey questions, they were then randomly placed in one (and only one) of the following four groups: (1) those in a control group, who received no further instruction; (2) those in a modified control group, who were shown the letter from the Secretary of State that introduces the Voters' Pamphlet; (3) those who were shown a page containing the summary and fiscal statement on Measure 73 in the Voters' Pamphlet; and (4) those who were shown the CIR Statement on Measure 73.

After viewing the aforementioned statements (or lack thereof), respondents then answered the following question: "One of the issues in this year's general election is statewide Initiative Measure 73, which would increase mandatory minimum sentences for certain sex crimes and DUI charges. Do you plan to vote YES or NO on Measure 73, or have you NOT DECIDED yet?" Looking only at those respondents who said they intended to vote for or against Measure 73, Figure 2.7 shows the stark difference in results across the four groups: In three groups, roughly two-thirds of voters intended to vote for Measure 73, but in the group that read the CIR Statement, only 40.5% of voters said they planned to vote for the measure.

Recalling that these data are from the online survey, it was possible to look at the subset of respondents who had answered the August survey and take into account their early views of Measure 73. Among those initially opposed to the measure, 93% remained opposed across the four experimental conditions—with no clear difference among the groups. Among those initially inclined to vote for Measure 73, a very large majority continued to support it after the experiment (71% of those reading the CIR Statement and 88% of all others). Those initially unsure how they would vote showed a dramatic change: 78% of those in the CIR condition ended up opposing Measure 73, whereas undecided respondents in the other conditions split on the measure (53% for, 47% against). In other words, voters who did not have a clear initial preference on Measure 73 appear to have been swayed the most by the CIR Statement.

²⁸ On voters' recall of information and its use in both elections and surveys, see John Zaller, *The Nature and Origins of Mass Opinion* (Cambridge: Cambridge University Press, 1992).

Figure 2.7. Results of online CIR Statement experiment for voting preferences on Measure 73

Notes. $\chi^2 = 18.399$ ($df = 3$), $p < .001$. $N = 431$; min. condition $n = 105$.

Additional effects of this experiment were seen in responses to the question, "Some voters say they've received enough information about Measure 73 to make an informed choice, but others feel they haven't heard enough. How about you? Would you say you've received enough information on Measure 73 to make a well-informed vote, or not?" Whereas 43-46% of those in the control groups or reading the CIR Statement believed they had enough information, two-thirds (66%) of those getting the fiscal summary and explanatory statement concluded they had heard enough.²⁹

Another way of viewing this result is to consider whether the CIR Statement makes people more *certain* of how they intend to vote. Recalling the question of voting intention used in Figure 2.9, respondents could initially say "yes," "no," or "not sure" when asked how they intended to mark their ballots on Measure 73. The percentage ready to say "yes or no" is highest (74%) for those who read the fiscal and explanatory statement, lower for those in the control groups (56%), and lowest of all (45%) for those who read the CIR Statement.

Regression analysis of the phone survey

The second approach to assessing the CIR's impact on the electorate led us to return to our telephone survey of Oregon voters. We tried to assess the independent influence of reading the CIR Citizens' Statement after controlling for a wide range of other factors, some of which might have

²⁹ All differences described in this and the following paragraph are statistically significant ($p < .05$) comparisons of means across conditions within overall significant ANOVA analyses.

predicted who read the CIR Statement in the first place. To do this, we employed regression analyses, a means for assessing the relationship between two variables while controlling for the influence of other measures.

To begin, our phone survey included a large battery of factual knowledge questions, and we analyzed the responses to those questions to see if people reading the CIR Statement showed any evidence of knowledge gains. The sample we used for these analyses consisted of those voters who had read the Voters' Pamphlet, including both those who had and those who *had not* read the CIR Statement in the course of using the Pamphlet. In the regression analysis, we controlled for respondents' gender, age, household income, formal educational level, general political knowledge, and measure-relevant values. After having done so, we found that relative to non-readers, CIR Statement readers showed statistically significant increases in knowledge³⁰ on the following claims, first regarding Measure 73:

- Measure 73 would apply to minors
- Mandatory minimums do not have a proven deterrent effect
- Previous mandatory minimums already have elevated Oregon's incarceration rate
- Mandatory minimums reduce violent crime through incarceration

Each of these claims holds merit. On balance, this suggests that the CIR was able to reach voters in relation to not only Key Findings but also both the Pro and Con arguments in the Citizens' Statements.

To get a sense of the nature of these effects, consider one sentence from the CIR Key Findings Statement on Measure 73: "Mandatory minimum sentencing has not proven a significant deterrent to future DUII or sex crimes." Voter knowledge of this finding was measured with the following parallel survey item: "Longer mandatory sentencing has little or no DETERRENT EFFECT on future crimes." A majority (61%) of those who *had not* read the CIR statement rejected that claim, whereas only 41% of those who *had* read the CIR statement believed minimum sentencing had a proven deterrent effect.³¹

Regarding Measure 74, the following beliefs became more common among CIR Statement readers relative to non-readers:

- Measure 74 would pay for itself
- Measure 74 would relieve pain for some users
- Measure 74 wouldn't directly spur recreational use
- Current law forces many medical marijuana users to the black market

³⁰ All of these knowledge effects reported herein were statistically significant ($p < .05$). Their standardized coefficients were all in the range of .18 to .40, which is the equivalent of a "moderate" or "medium" effect size. By comparison, the comparable association between initiative knowledge and general political knowledge was generally below .10 (i.e., a "small" association).

³¹ This simple contrast is without taking the control variables into account, though none of those controls correlated significantly with either CIR reading or this knowledge item.

On this measure, each of the empirical beliefs that changed related to a Pro argument. Regarding the last belief bulleted above, this may include acceptance of a modest exaggeration, in that Measure 74's advocates did not establish clearly during the CIR panel deliberations that *many* medical marijuana users are, in fact, forced to turn to the black market to get their marijuana.

Regardless, it was not clear that changes in these particular empirical beliefs were the key considerations for voters. The particular findings that stuck in voters' minds long enough to show up in our survey may not have reflected the immediate short-term impact of reading the CIR Statement at the time of voting.³²

To test the net impact of reading the CIR Statement on voters' choices on Measures 73 and 74, we conducted a similar regression analysis with the same control variables.³³ The result was very straightforward and approximately the same for both measures: In each case, reading the CIR Statement made the average respondent in our sample much less likely to support the measure in question.³⁴

Though the regression equations provided unambiguous evidence that reading the CIR Statement reduced support for Measures 73 and 74, in both cases the statistical estimates of the exact effect size had wide margins of error.³⁵ In other words, from regression alone it is difficult to gauge the precise impact of CIR on voters' decisions. Nonetheless, it is possible to make a more refined estimate by reconciling these regression results with the data presented earlier in this section and the actual Oregon election results. Table 2.2 provides such a portrait of the CIR's impact by drawing on information about CIR awareness and use in Figures 2.1 and 2.2, along with the results of both the online experiment (Figure 2.7) and the aforementioned regression analyses.

Thus, the percentages in Table 2.2 represent plausible approximations—not precise estimates—of the CIR's likely net impact. The table shows a majority of voters unaware of CIR, but with subsets of voters that either partially considered the CIR Statements or read them more thoroughly. Those who read the CIR Statements carefully became less likely to favor the measures, but reading the CIR Statements in passing (or hearing about them indirectly, through a newspaper or website) probably

³² This relates to a long-standing view in psychology that messages are processed either "centrally" (i.e., thoughtfully and in a way that remains in long-term memory) or "peripherally" (i.e., in a momentary, heuristic fashion that does not have a lasting effect). See Richard E. Petty, Duane T. Wegener, and Leandre R. Fabrigar, "Attitudes and Attitude Change," *Annual Review of Psychology*, 48 (1997), pp. 609-647.

³³ The preceding regression was a linear analysis, with a continuous dependent variable ranging from "definitely true" to "definitely false." The voting regression used a logistic analysis, owing to the dependent variable being dichotomous (i.e., voting Yes versus No).

³⁴ These regressions look only at voters who had read the Voters' Pamphlet, then contrast CIR readers against non-readers after controlling for gender, age, household income, formal educational level, general political knowledge, and measure-relevant values. For Measure 73, Exp(B) for Read CIR was .22 (B = -1.53, SE = .72, p = .03). The overall model Nagelkerke $R^2 = .68$, $p < .001$, $N = 114$. For Measure 74, Exp(B) for Read CIR was .17 (B = -1.79, SE = .71, p = .01). Overall model Nagelkerke $R^2 = .59$, $p < .001$, $N = 113$.

³⁵ For Measure 73, the 95% confidence interval of Exp(B) was .05 - .89, meaning that the odds of supporting the measure for CIR readers vs. non-readers was between 1:20 and 9:10. For Measure 74, the equivalent figures were .04 - .56 or odds ratios between roughly 1:25 and 1:2.

had a strong effect only on Measure 73 voting preferences. (The CIR panel's critical observations about Measure 74 would only become apparent on a more thorough reading.)

Table 2.2. Estimates of the Influence of CIR on Voter Support for Measures 73 and 74, Reconciling Statistical Analysis of Surveys with Election Results

Voter awareness and use of CIR	Measure 73		Measure 74	
	Percent of Electorate	Percent Supporting Measure	Percent of Electorate	Percent Supporting Measure
Unaware of CIR Statement	60%	66%	65%	47%
Partially considered CIR	20%	50%	20%	44%
Read CIR thoroughly	20%	35%	15%	32%
Final result	57% support		44% support	

The figures in Table 2.2 suggest that CIR ultimately did not change the up-or-down vote on either measure: Without CIR, Measure 73 certainly would have passed, and Measure 74 probably would have failed. At the same time, these data suggest that in future elections, CIR analysis can have a decisive impact. In a contest that was closely-divided and/or consisted of more undecided voters, a CIR Statement could facilitate an initiative's passage or failure. In addition, in any election wherein a *majority* of voters read the CIR Statement, owing to greater publicity of the CIR process or increased voter familiarity with the CIR, the CIR could likewise prove a decisive factor in an initiative election result.

Section 3. Recommendations

In this final section, we offer a series of recommendations relevant to each aspect of the Oregon Citizens' Initiative Review (CIR) process. We intend these to inform future uses of the CIR in Oregon, and we hope that they prove useful in thinking about how to make an already deliberative and influential process even stronger in years to come.

Structural Design of the CIR

For the most part, we found the existing structural design of the CIR appropriate and effective. The CIR is already a carefully crafted process, and one must be careful not to tinker with it recklessly, as each element of its complex design interlocks with others. Even minor adjustments could have unintended and unforeseen negative consequences. With that caveat in mind, we have four recommendations for improving the overall structure of the CIR.

First, the long-term credibility of the CIR may hinge on the establishment of a volunteer board made up of the very citizens that the CIR represents. Thus, we begin with this first recommendation:

1. The CIR should establish its own Board of Directors made up of former CIR panelists, moderators, conveners, and public officials.

The idea is to establish a permanency to the CIR that goes beyond the particular organization convening a given year's CIR, such as Healthy Democracy Oregon in 2010. The Board will only have to meet occasionally, but as discussed below, there will be important decisions it must make, and its oversight will ensure the integrity of each step in the CIR process, from recruitment to reporting.³⁶

Next, it is likely that (as in 2010) the CIR will sometimes lack sufficient funds to address every issue on the ballot, and there may be questions on the ballot, such as minor constitutional amendments, that do not merit the expense of a CIR review. Thus, we make this recommendation:

2. The CIR should use specific criteria for selecting which issues to address, including voter uncertainty, issue complexity, and fiscal/legal impact.

Many criteria might go into CIR issue selection, but the three identified in the preceding recommendation should be among the most heavily weighted. First, we recommend an initial voter survey to learn which issues cause voters the greatest uncertainty. This is expressed any time voters say "not sure" when asked how they would vote after hearing a prospective ballot title. Second, some issues may elicit clear preferences from voters yet have an underlying complexity—either a technical aspect difficult to grasp or deeper value tradeoffs—that warrants the kind of rigorous analysis CIR can provide to voters. Third, some issues may have such high stakes either fiscally or legally that it is necessary to deliberate on them, even if they are relatively straightforward issues that evoke limited voter uncertainty. By contrast, there will be some issues

³⁶ This recommendation follows an initial institutional design for public deliberative processes like this originally developed by Ned Crosby.

that go to the ballot that have such a limited fiscal and legal impact that they do not merit the cost of a CIR review.

A reasonable alternative would be to say that the CIR should necessarily cover *all* issues that appear in the Voters' Pamphlet. This has the advantage of making the CIR a consistent part of every issue-related section of the Pamphlet, and that would probably make voters more likely to expect and use it. If the CIR appears only occasionally, voters won't know whether to expect it on any given issue. Unless the CIR has a secure and adequate funding stream, however, it may only cover certain ballot measures, which is the reason for issuing Recommendation #2.

A more subtle but equally critical issue is the timing of CIR issue selection:

3. The CIR should pre-commit to examining all ballot measures that have any substantial probability of qualifying for the ballot, even if funding will not permit consideration of all possible issues.

An initial screening of signatures collected for ballot measures submitted to the Secretary of State should enable an educated guess as to which issues have a plausible chance of qualifying for the ballot. At that time, CIR organizers should proceed with scheduling each issue during the window between ballot qualification and the Secretary of State's deadline for preparing the Voters' Pamphlet. Each issue would be assigned at random to a particular week, with overlaps when there are more issues to cover than weeks available. The CIR organizer can then begin scheduling background witnesses, recruiting citizen panelists, etc. (If some petitions fail to qualify for the ballot, their corresponding CIR activities are simply cancelled.)

Early CIR scheduling will give measure proponents—but especially opponents, who rarely have organized campaigns pre-built—more time to prepare their arguments and witnesses. This, in turn, is related to our next recommendation:

4. CIR organizers should offer issue advocates a training session well in advance of their appearance before citizen panelists.

As mentioned in the assessment of the CIR's deliberative quality, advocates were not always prepared for the type of discussion undertaken at the CIR. CIR organizers should offer a training session for advocates well in advance of the panels that provides advocates with an overview of the process and lets them know what they need to do to be prepared for sustained debate. This might include training in effective argumentative style, including how to link claims and values to evidence and how to appropriately use emotion in a deliberative process. Former CIR panelists may help in this process, offering advice on what they appreciated or would like to change about advocate presentations. Whether or not this is done, there should be a formal briefing document that is available on the CIR website for any advocate team to review. A similar document may even be made available for initiative *writers* to anticipate the kinds of concerns that a CIR panel will raise.

Improving the CIR Discussion Process

Once again, the CIR discussions met a reasonable threshold for deliberation, but they could be improved in many ways. Some minor adjustments could be seen even between the first panel (on Measure 73) and the second (on Measure 74). As CIR organizers continue to refine the process, we encourage consideration of the following recommendations.

Orientation to the CIR process

This CIR process foregrounds everyday Oregon citizens, yet the process stands as a legislative accomplishment. To better connect legislators and citizens, we make the following modest suggestion:

5. During the orientation, have a legislator, officer from the Secretary of State's office, or other public official welcome citizen panelists and/or thank them at the end of their service.

Many counties and municipalities follow this same principle when they have a judge stop by during jury orientation to say a few words. For similar reasons, judges often thank jurors at the conclusion of trials.³⁷ Such actions can help citizen panelists appreciate the significance of brief roles as quasi-public officials and the CIR's connection to Oregon state government.³⁸

Another relatively simple suggestion would facilitate clarity about how CIR works:

6. CIR organizers should develop a glossary of key terms for staff to avoid confusing panelists about the nature of the process.

During the course of a week, panelists hear words such as "issue," "process," "group," and "statement" used in a variety of ways, sometimes by different staff or even by the same person at different times. Being more consistent in the use of such terms will avoid "terminology creep," in which the meanings of things change inadvertently over time.

Similarly, panelists would be aided by further training in methods for evaluating evidence:

7. CIR organizers should provide more precise training to panelists on how to evaluate evidence.

Although some instruction was provided during the training exercise and rules sections about how to decipher evidence, moderators left it to panelists to decide what evidence was "strong and reliable." Panelists would be aided by a brief session designed to train panelists in evidence evaluation, providing a lesson on how to identify the strength or weakness of a claim and recognize

³⁷ Research suggests that even these small gestures can prove memorable for jurors and enhance the civic impact of serving on a jury. See John Gastil, E. Pierre Deess, Phil Weiser, and Cindy Simmons, *The Jury and Democracy: How Jury Deliberation Promotes Civic Engagement and Political Participation* (New York: Oxford University Press, 2010).

³⁸ To be clear, a public official appearing in this capacity should say nothing substantive about the issue at hand, nor even offer editorial commentary on the initiative process itself.

misleading or unverifiable claims. In addition, panelists may be aided by a brief lesson in understanding statistical reports. Several times throughout the week panelists were provided with conflicting reports. A quick lesson in understanding how and by whom these reports are produced may reduce panelists confusion about conflicting claims and bolster their ability to evaluate claims against one another.

8. The CIR orientation and discussion process should more clearly and directly address the importance of values in relation to evidence and arguments.

The CIR moderators explained to panelists that it was important they honor each other's different values—that the CIR was not meant to change anyone's values, simply provide them with more information. We recommend that values be dealt with in a more direct—and we believe forthright manner. Specifically, it is likely that on most issues *all* the relevant values are shared by *all* of the panelists; rather, it is a question of how some panelists *prioritize* their values relative to other panelists. On Measure 73, for example, all the panelists wanted to ensure public safety, and all wanted to spend the state budget prudently. The difference, in that instance, was that some would be willing to pay for longer-term incarceration than would others, even if they have the same understanding of the social benefit of extended prison sentences. The CIR process would have been more rigorous had it helped panelists recognize that they had the same values but weighted them differently.

Moreover, the period of time devoted to identifying “key issues” on each measure was, to a large extent, about identifying “key values” underlying each issue. The word “issue” itself is what is at issue here. The CIR process needs to be clearer about what panelists are doing at that point, and if they really are identifying key values, it should be made clearer why it is helpful to organize information and evidence in relation to values. For instance, when we identify “cost” as an issue, we are saying that we want to learn more information that speaks to our desire for cost-effectiveness, debt reduction, etc.

A more direct and thorough discussion of values would also make sure no values get overlooked or set aside over the course of a week-long process. When it comes time for advocates—and ultimately the panelists themselves—to make arguments for and against a measure, they necessarily invoke values one way or another. If one or more values aren't highlighted early in the process, they will get missed in the pro and con arguments—or they will come without any relevant evidence that could be linked to them.

One final problem concerning values and evidence is subtle but significant. The Day 1 warm-up exercise, in which panelists go through a hypothetical issue analysis, serves a useful purpose but could become problematic. It is important to make sure it doesn't get participants into a frame-of-mind that might favor one or the other side of the *actual* ballot issue to be discussed that week. For instance, the issue used with the 2010 CIR panels prominently features costs and revenues—the financial dimension of the issue. That puts people in an economic frame of mind, a common but not neutral value framework. By comparison, historical preservation constituted a much weaker “aesthetic” dimension. Following on the heels of such an exercise, an environmental protection

initiative, for instance, might fare poorly to the extent that the proposed regulation would privilege natural aesthetic beauty/preservation over the cost of stunting development/state revenue.

Moving from abstract values to the nature of concrete laws, we make the following suggestion:

9. The CIR orientation should offer some basic guidelines for evaluating initiatives as pieces of state legislation.

In both of the 2010 CIR panels, questions often arose about what constituted a well-crafted initiative as a piece of law. These were not questions about the value of the content or intent of Measures 73 or 74, but rather about whether their wording was sufficiently clear or, instead, problematic. For example, Measure 74 referred to “substantial compliance,” and panelists were unsure whether that level of specificity was appropriate for legislation. That measure also explained that a subsequent process would clarify the meaning of specific provisions, and panelists were unsure if such language was appropriate. To a degree, such considerations will be debated by advocates, but there may be room to give panelists some general standards and examples by which against which they can judge the measure they examine.

A final piece of guidance we suggest for the orientation concerns how panelists can weigh a measure against alternatives:

10. The CIR orientation should make clear to panelists that the opponents of a measure can present alternatives that they consider superior to the measure itself.

This advice reflects some panelists' sense that they should only focus on the measure before them, even to the point of declining to consider what other alternatives might have been put before them. A fully deliberative issue analysis, by contrast, should take into account the full range of alternatives. Though it is true that on a given ballot measures, citizens may only choose to vote Yes or No, there is always a larger context to consider. The passage of one measure may foreclose alternative solutions to a problem (e.g., by committing resources from a limited budget), and organizers should make sure that panelists know that a measure's opponents might point out those alternatives.³⁹

Preparing and utilizing witnesses

Though the witnesses did, for the most part, provide sufficient, reliable, and relevant information, not all witnesses presentations were equally informative or relevant, and the process would be improved by some adjustments to how witnesses are prepared and managed.

11. CIR organizers should prepare witnesses more thoroughly for their appearance before citizen panelists.

³⁹ There will sometimes be the special case in which different ballot measures conflict with one another. In such a case, it might even be necessary for panelists to consider both measures simultaneously—in a more systematic manner.

Like the advocates, not all witnesses were equally prepared to answer the questions posed by the panelists, and several witnesses were asked questions outside of their area of expertise. For example, during Week 2 a panelist asked a witness if they had read Measure 74 and the witness replied that they hadn't. At a bare minimum, witnesses should be required to read the measure in advance to be able to talk about issues related to the measure in a coherent manner. In addition, like advocates, witnesses may be aided by a training section or a document that tells them the types of questions panelists may want addressed and provides directions for providing panelists with relevant evidence. The facilitators should make clear to witnesses that their presentations are vital part of the process and press the necessity of providing clear and well-substantiated presentations.

Additionally, several witnesses presented over the phone, and although panelists were able to hear their presentations and ask questions, this format made the conversation more difficult for both parties and decreased the participants' ability to fully understand the claims made by witnesses. Although the difficulty of having witnesses on call is understandable, witnesses should not testify over the phone except as a last resort.

Further, a few grey areas regarding witness presentations need some clarification. Currently, there are no clear limitations on the types of questions panelists are allowed to ask witnesses. For example, decisions need to be made about whether or not panelists are allowed to ask witnesses for their opinion on the measure or raise questions to them that are outside of their area of expertise.

The perception of witness neutrality is also an issue that needs to be addressed. During the pilot project the witnesses were not always identified as supporting or opposing the measure, even when they had worked closely with advocates or made statements indicating their position on the measure. Because advocates are involved in the selection process, we suggest that the information provided to the panelists about the witnesses contains information about which advocate team suggested their inclusion. In the cases where both teams of advocates agree on witnesses, this should also be indicated, though the witness should still not be identified as "neutral."

One other suggestion made by advocates and some panelists was that witnesses be required to testify under oath, as if serving as expert witnesses in a trial. We do not endorse that recommendation, lest it have a chilling effect that makes witnesses too reluctant to testify. A better analogy to the CIR might be public hearings, where people testify without such an oath. Moreover, the panelists themselves did an excellent job of reviewing the evidence or empirical claims made by witnesses, such that any witness lacking credibility or specific documentation for a claim had little influence on the panelists. More often than not, evidentiary issues will come down to competing claims of validity, not to whether one or the other side is presenting outright falsehoods.

Evidence, documentation, and CIR online

12. CIR facilitators, advocates, and witnesses should be able to provide written documentation of any evidence presented to the panelists.

As discussed in the deliberative quality section of this report, though advocates and witnesses often provided panelists with documentation for their claims, the panelists were not always provided with evidence and had difficulty including undocumented information. Advocates and witnesses

should be prepared to present documentation of any evidence-based claims they make, including providing summaries and full texts of research reports. While using a paper process requires that hard copies of these reports and documentation be distributed to panelists, a process that integrated computer technology, discussed below, may ease the logistical burden of this process.

13. CIR facilitators should investigate ways to utilize computers to ease the organization and distribution of information.

As it was implemented in 2010, the CIR was, technologically, a distinctly 20th century process. The moderators participants wrote on large sheets of paper, affixed paper to flipcharts and the wall, and passed around plastic binders filled with paper. It is likely that over time, the CIR will augment, then eventually supplant this approach with a more high-tech process. Participants might eventually have touch screens, such as iPads, in front of them, and the wall displays might become large screens. Such changes could come with enhanced functionality, as text would be sortable, linkable, searchable, etc. Panelists could be dragging and dropping text into a CIR Statement template, such that they could better envision how their work was flowing into their final document. We wish to make no concrete recommendation along these lines, however, but rather offer this suggestion:

14. Future CIR panels should experiment with a parallel deliberative process online.

At a minimum, the CIR process could have arguments and evidence submitted by advocates and witnesses and posted online live, such that not only panelists but anyone with an Internet connection could sift through the input to the CIR panel. There are a critical mass of people in a state the size of Oregon who have sufficient interest in any topic that they will scrutinize such documents and offer useful critical feedback. The challenge would be finding a mechanism by which such an online audience's feedback could be channeled back to the CIR panel. In all likelihood, one or two CIR panelists would happily volunteer to track each day the feedback of online critics/observers, or a CIR staff intern could also provide a condensed digest of such input. Either way, it would be a way to engage the wider public in the deliberation and could offer valuable assistance to the panel.

Panelist and advocate questions

Again, some improvements may be made to the process by which panelists and advocates provide information, in particular panelists may benefit from having advocates cross examine one another and from extended question and answer segments

15. Allow advocates to cross-examine each other.

In order to foster informed deliberation, advocates should be allowed to cross-examine one another following their presentations to the panels. Though it will be necessary for CIR moderators to stress the rules of engagement—respect, consideration, civility—in the midst of any cross-examination, there is no adequate substitute for having an advocate ask direct questions of their counterparts. The panelists played this role at times, but permitting the advocates at least some time to question

one another—or even selected key witnesses—ensures that the proponents and opponents have a fair chance to make their case and question the weakest parts of the other's case.

16. Extend the time allowed for panelists to question witnesses and advocates.

This suggestion was made by several of the panelists who felt that they would have benefited from more opportunity to question advocates and witnesses. Though time is already constrained, panelists ability to have their questions answered by advocates and witnesses is a vital part of their ability to understand the relevant arguments and claims. This is particularly important for the presentations made by advocates. Though panelists were occasionally allowed to directly question the advocates, at times they did not get an opportunity to respond to or question their presentations, leaving them no chance to clarify things they may have misunderstood or challenge claims whose reliability they questioned.

Panelist control over process

The CIR panelists were aided greatly by professional moderators during the August deliberations. At the same time, there were moments when the panelists seized control of the process itself, albeit briefly, and though those led to productive procedural changes, they constituted awkward and uncertain junctures in the CIR deliberation. Thus, we offer this recommendation:

17. It should be clearer when, how, and for how long panelists can take the reins of the CIR process.

Most non-governmental organizations make routine decisions through semi-formal procedures, but in the background, there often exist bylaws that explicitly reference *Robert's Rules of Order* or some other parliamentary mechanisms that can be used to navigate a board or other body through any contentions decision-making phase. We believe the CIR would benefit from having, at least in the background, a one- to two-page set of procedures for how to appeal a moderator's judgment or to otherwise permit the panel to restructure its agenda. In these situations, the panel needs something akin to main motions, amendments, motions to table, and calling the question. The resistance to parliamentary complexity makes sense, but there are clearly times when the explicit rules are necessary and simplify—and democratize—an otherwise complex, even opaque process.

Additionally, because the panelists were continually faced time constraints, during both weeks subcommittees formed and met after hours to develop draft statements. Therefore, we make the following recommendation

18. Formalize the process for forming subcommittees and make explicit their objectives and limitations.

Several panelists were quite willing to participate in these breakout sessions, and the panelists seemed to appreciate the opportunity to more productively utilize the regular meeting hours. In addition, the statements appeared to benefit from the refinements made by the committees, which served to edit and refine claims developed by the whole group.

Though the committees served as a positive contribution to the August deliberation, in order to ensure their consistency, rules for forming the committees as well as explicit instructions regarding their objectives and limitations should be constructed. We recommend creating a more formal means for inviting participation in the committees, perhaps inviting all who wished to participate to provide their name and then randomly selecting a smaller group of participants if the number of volunteers is too large. In addition, committees should be able to edit, organize, and refine claims or questions constructed during regular hours but should not be able to add to or remove any claims or questions. Finally, limitations should be placed on their editing powers. Though they should be allowed to “wordsmith” the claims in the name of clarity and brevity, they should not add to or change the claims or questions in any significant way.

Similar to panelists' willingness to engage in CIR-related work after hours, panelists may want to bring in information that they find from outside sources. Though this did not cause a problem in August, problems may arise if explicit ground rules aren't established regarding this issue. Based on this potential difficulty, we make the following recommendation.

19. Set ground rules for panelists' ability to conduct outside research

Panelists should be able to do their own research during hours in which the CIR is not in session, but must filter any evidence they find through the staff before presenting the information to other panelists. If panelists do find pertinent information through either Internet searches or attention to the news media, they should document where and how they obtained the evidence and then deliver proof of that evidence to the staff. The staff would then present the evidence to the group as a whole, who would critique and question the evidence the same way that they handled evidence presented by advocates or witnesses. Though panelists may be able to find pertinent information on their own, they should not be allowed to use personal electronic devices to do so during hours when the CIR is in session. In short, panelists should not be allowed to search for evidence during the process because they may miss out on valuable presentations or discussions.

Improving CIR Decision Making

The Key Findings are a critical part of the CIR process, as they reflect the judgment of a majority of panelists, regardless of how the panelists vote on the measure itself. We believe these findings can be improved with the following rule change:

20. The threshold for Key Findings should be raised from to 18 out of 24 panelists.

In observing the 2010 CIR, we saw two problems. First, the current threshold of 14 votes makes it possible that panelists could insert a Finding over the objection of a substantial minority. The kinds of findings that belong in this portion of the statement need a broader level of agreement, lest they really reflect a more subjective, partial perspective on the kinds of empirical issues addressed by the CIR. Second, as it happened, the panelists left the 14-person requirement behind and strived to get as close to consensus as they could, usually getting 21 or more panelists to agree with a given finding. We think it would be better to set an explicit threshold at 18 and remind the panel that they *do not* need to water-down statements that 18 or more find to be clear and accurate. It is useful to

hear critical feedback from any panelist who can improve a potential Key Finding, but setting the bar at 18 should make it clearer what constitutes a “large-enough” supermajority.

A more general suggestion comes from a comment made by a CIR panelist:

21. It is important to remind the panel that it is writing a Statement for a voting public that has not had the time to study the issue.

The point here is to help the panelists recognize that the things they are learning go to a level of detail far beyond what the average voter knows on an issue. One rule of thumb is that panelists' Statements should answer the first questions that occurred to the panelists when they read the issue. It's easy to lose track of those questions and concerns as one drills deeper into an issue. This also relates to the phrasing of findings and arguments; panelists are well-advised to keep these as simple and clear as possible.

When it comes time to write pro and con arguments, we offer this suggestion:

22. Panelists should be reassured that it is okay if one or another side on an issue ultimately has just one—or even no—panelists.

It is unclear whether, for instance, there were truly three panelists who favored Measure 73 by the fifth day of CIR deliberations. What was clear was that panelists felt some anxiety about there being so few people on one side, as that subgroup lacked the critical mass of views and ideas that the panel had become accustomed to as a 24-person body. It will be essential to remind panelists that their vote at that juncture should reflect their personal viewpoint. At some point in the future, there will even be a CIR panel with just one person—or nobody at all—on one side of an issue, and that is not a process breakdown, but simply the way a deliberation works out.

A related concern is the following:

23. The CIR process must always ensure sufficient time in the schedule for open discussion of each other's Pro and Con statements.

When one side has just one, two, or three people, it's particularly important that they benefit from the feedback of those on the other side. In 2010, however, it was the closely-divided vote on Measure 74 that yielded particularly insightful feedback between the Pro and Con sides. This stage is critical, as it helps to ensure that the arguments made on both side are viewed as sound—and even potentially persuasive—to those taking the other side of the issue. It makes the CIR Statement, in the end, both more credible and effective.

In addition, panelists should be clear on the purpose and limitations of each section of the Citizens' Statement. We therefore recommend the following:

24. The purpose and limitations of the Shared Agreement section of the Citizens' Statement should be clarified.

As discussed previously, panelists and staff, particularly during the first week, were unclear as to what the shared agreement statement should contain. This is due, in part, to the vagueness of its designation in the enabling legislation. The purpose of this section should be clarified, particularly regarding whether or not panelists are allowed to use that segment to comment about the measure, and this refined purpose should be articulated clearly to the panelists at the beginning of the week.

Finally, clarity should be established regarding the staff's editing powers:

25. The CIR should establish rules about the appropriate level of editing by subcommittees and staff.

Because claims constructed at the beginning of the process are organized, refined, and carried through to the statement writing sections, the ability for subcommittees and staff members to edit or organize information affects the final statements produced by the panels. During both weeks, it was often unclear what role moderators, staff members, or subcommittees should play in editing claims constructed by the panelists. It may be beneficial to create an editing subcommittee, consisting of panelists and staff members, charged with the tasks of organizing and editing the claims and questions produced during small group sessions. This committee should be able to provide minor edits and organize claims or questions constructed by the panelists but should not be able to add to or remove any claims or questions. Finally, limitations should be placed on their editing powers. Though they should be allowed to "wordsmith" the claims in the name of clarity and brevity, they should not add to or change the claims or questions in any significant way.

Enhancing the CIR's Utility for the Oregon Electorate

These last two recommendations aim to help the CIR reach an even larger portion of the voting public. Behind each lies the finding that a majority of Oregon voters did not find their way to the CIR Citizens' Statements. Those who did read the Statements usually found them informative, and it is likely that the bulk of other potential readers would also find the Statements of use. The question is how to make the CIR Statement more noticeable and recognizable.

The first recommendation comes at no cost but is likely to have significant impact:

26. The CIR Statement should be permitted to have a modicum of formatting to make it more visually engaging.

We leave it to designers to work out the details, but the page as currently constituted in the Voters' Pamphlet is simply unattractive to the eye, looking more like phone book listings than a useful set of key points. Highlighting section titles and adding basic graphic elements would go a long way toward making this page attractive to a busy voter flipping through a dense Pamphlet. The formatting changes could be standardized, such that CIR panelists continue to only provide text.

Beyond the Pamphlet, it will be important to continue to explore new ways to reach out to the Oregon public and explain the CIR process. These might require a modest investment:

27. The CIR requires a more robust public information campaign.

Again, we leave the details to organizers, but it is clear from our evaluation that a small majority of Oregonians never became aware of the CIR—even by the end of the election. It will be necessary to develop a more extensive—and probably expensive—campaign to reach voters, and that should include a clear message about the CIR's history, purpose, and distinctive character. Over time, those using the CIR Statements will probably give it free publicity by recommending them to other voters, but each year, a modest public information campaign would help raise awareness of the CIR process and its Statements.

Together, making the CIR Statement more visually compelling and more widely publicizing it might effectively address a particular problem—raising awareness of CIR among older voters. Recall that older voters were the least likely to learn about the CIR, with nearly three-quarters (73%) of voters over sixty reporting no awareness whatsoever of the CIR process and Statements in the Voters' Pamphlet.

Appendix A: CIR Agenda

Day # 1⁴⁰

8:30 am	Opening and Introduction to Citizen's Initiative Review (CIR) Panelists will receive a brief introduction to the purpose of the CIR.
8:50 am	Panelist Introductions Panelists will introduce themselves briefly to one another. CIR Staff will be introduced and relevant announcements made.
9:20 am	BREAK
9:35 am	Process Introduction Panelists will be introduced to the process details.
10:05 am	Explanation of Rules of Procedure and Discussion Guidelines Panelists will be oriented to expectations regarding the quality of deliberation encouraged throughout the Citizens Initiative Review.
10:25 am	BREAK
10:40 am	Introductory Process Exercise Panelists will engage in an experiential exercise and discussion to introduce them to the various methods of deliberation that will be used during the CIR process.
12:00 pm	LUNCH
1:00 pm	Introduction of Initiative Staff will present an overview of the ballot initiative process.
1:40 pm	BREAK
1:55 pm	Orientation to Policy Area Related to the Initiative Panelists will receive an unbiased orientation to the measure by reviewing publicly available information related to the measure including the measure title and summary, draft fiscal impact statement, draft explanatory statement, and, pending review and approval by advocates, a glossary of key terms and definitions.
2:45 pm	BREAK
3:00 pm	Introduction to Pro/Con Positions Pro and Con Positions (provided by Advocates) will be read and panelists will identify some of their initial questions and requests for information from Advocates
4:00 pm	Introduction to Background Witnesses Staff will explain the panelists' option to call Background Witnesses, if desired, to supplement the information provided by Advocates.
4:10 pm	Wrap-up & Daily Evaluation Panelists will provide daily feedback in order to maintain a high quality process throughout the week.
5:00 pm	Adjourn

⁴⁰ This and other days' agendas are adapted from materials provided by Healthy Democracy Oregon.

Day # 2

8:30 am	Re-gathering Opportunity for announcements, orientation to the day and panelists to check in with one another.
8:50 am	Pro Advocate Presentation Presentation by the Initiative Proponents—may include information from Proponents themselves or witnesses enlisted by the proponents.
9:50 am	BREAK
10:05 am	Con Advocate Rebuttal Opportunity for the Initiative Opponent to rebut statements made by the Proponent
10:15 am	Con Advocate Presentation Presentation by the Initiative Opponents—may include information from Opponents themselves or witnesses enlisted by the proponents.
11:15 am	BREAK
11:30 am	Pro Advocate Rebuttal Opportunity for the Initiative Proponent to rebut statements made by the Opponent
11:40 am	Panelist Reflection Panelists will be given time to organize notes and information prior to the lunch break
12:00 pm	LUNCH
1:00	Panelist Review Information Provided by Advocates Panelists will discuss presentations from Advocates in the morning.
1:45	BREAK
1:55	Pro Advocate Response Advocate will have opportunity to provide feedback and/or clarifications to panelists
2:25	BREAK
2:35	Con Advocate Response Advocate will have opportunity to provide feedback and/or clarifications to panelists.
3:05 pm	BREAK
3:15 pm	Agenda Planning Panelists will identify questions they want to have addressed in the morning of Day # 3, and request background witnesses or additional advocate presentations.
4:10 pm	Wrap-up & Daily Evaluation Panelists will provide daily feedback in order to maintain a high quality process throughout the week.
5:00 pm	Adjourn

Day # 3

8:30 am	Re-gathering Opportunity for announcements, orientation to the day and panelists to check in with one another.
8:50 am	Witness and/or Advocate presentations (as planned by panelists) In response to their questions, panelists will be provided with additional information to support their evaluation of the measure.
9:35 am	BREAK
9:50 am	Witness Presentations and/or Advocate (as planned by panelists) In response to their questions, panelists will be provided with additional information to support their evaluation of the measure.
10:40 am	BREAK
10:55 am	Witness Presentations and/or Advocate (as planned by panelists) In response to their questions, panelists will be provided with additional information to support their evaluation of the measure.
11:40 am	Panelist Reflection Panelists will be given time to organize notes and information prior to the lunch break.
12:00 pm	LUNCH
1:00 pm	Preliminary Identification of Key Findings Panelists will review and discuss information received from presenters in the morning.
2:00 pm	BREAK
2:15 pm	Pro and Con Small Group Discussion Exercise In small groups, panelists will discuss the most important reasons to support and oppose the initiative
3:00	BREAK
3:15 pm	Agenda Planning Panelists will identify questions they want to have addressed in the morning of Day # 4.
4:10 pm	Wrap-up & Daily Evaluation Panelists will provide daily feedback in order to maintain a high quality process throughout the week.
5:00 pm	Adjourn

Day # 4

8:30 am	Re-gathering Opportunity for announcements, orientation to the day and panelists to check in with one another.
8:50 am	Con Advocate Presentation Advocate will have opportunity to provide additional information to the panel.
9:15 am	Pro Advocate Presentation Advocate will have opportunity to provide additional information to the panel
9:40 am	Panelist Review Information Provided by Advocates Panelists will discuss input from Advocates.
10:00 am	BREAK
10:15 am	Witness Presentations and/or Advocate (as planned by panelists) In response to their questions, panelists will be provided with additional information to support their evaluation of the measure.
11:15 am	BREAK
11:30 am	Con Advocate Final Statement Initiative Proponents will deliver final statements to the panel, including final summaries, agenda suggestions for final day, or any comments on the process.
11:45 am	Pro Advocate Final Statement Initiative Opponents will deliver final statements to the panel, including final summaries, agenda suggestions for final day, or any comments on the process.
12:00 pm	LUNCH
1:00 pm	Deliberation and Vote on Key Findings Panelists will express their level of agreement with key findings and decide which findings should be shared with the public in the voters' pamphlet.
1:55pm	BREAK
2:10 pm	Initial Evaluation of the Measure Panelists will discuss their tentative personal conclusions regarding the ballot measure.
3:05 pm	BREAK
3:20 pm	Agenda Planning Panelists will identify how they want to utilize their time in the morning of Day # 5.
4:10 pm	Wrap-up & Daily Evaluation Panelists will provide daily feedback in order to maintain a high quality process throughout the week.
5:00 pm	Adjourn

Day # 5 (Subject to Change by Panelists) (Scenario for NO shared agreement writing)

8:30 am	Re-gathering Opportunity for announcements, orientation to the day and panelists to check in with one another.
8:50 am	Review Day's Work/Agenda Panelists will be reminded of the outcome they will achieve by the end of the day and provided with the agenda for the day, based on their expressed preferences.
9:00 am	Witnesses, Deliberation, Consensus Statement, or Work on Final Statement Nature of activity will depend on the panelists expressed preference on Day # 4.
9:45 am	BREAK
10:00 am	Witnesses, Deliberation, Consensus Statement, or Work on Final Statement Nature of activity will depend on the panelists expressed preference on Day # 4.
10:45 am	BREAK
11:00 am	Statement Writing Panelists will divide into groups, according to their position regarding the ballot measure and prepare their position statement for the Voters' Pamphlet.
12:00 pm	LUNCH
1:00 pm	Statement-writing Panelists will divide into groups, according to their position regarding the ballot initiative and prepare their position statement for the Voters' Pamphlet.
1:50 pm	BREAK
2:05 pm	Statement Feedback and Finalization Panelists will share their draft statements with each other, receive feedback, then do final edits on their statements.
3:00 pm	BREAK
3:15 pm	Statement Report-back Each group will present their final statements
3:25 pm	Personal Evaluations/Statements Panelists will be offered time to complete comprehensive evaluations of the Citizen's Initiative Review Process.
4:00 pm	Closing Comments Panelists will have opportunity to share their learning and offer closing comments to one another.
5:00 pm	Press Conference

Day # 5 (Approximate; adjusted each week owing to panelist needs/time constraints)

8:30 am	Re-gathering Opportunity for announcements, orientation to the day and panelists to check in with one another.
8:50 am	Review Day's Work/Agenda Panelists will be reminded of the outcome they will achieve by the end of the day and provided with the agenda for the day, based on their expressed preferences.

9:00 am	Witnesses, Deliberation, Consensus Statement, or Work on Final Statement Nature of activity will depend on the panelists expressed preference on Day # 4.
9:45 am	BREAK
10:00 am	Statement Writing Panelists will divide into groups, according to their position regarding the ballot measure and prepare their position statement for the Voters' Pamphlet.
10:45 am	BREAK
11:00 am	Statement Writing Panelists will divide into groups, according to their position regarding the ballot measure and prepare their position statement for the Voters' Pamphlet.
12:00 pm	LUNCH
1:00 pm	Statement Feedback and Finalization Panelists will share their draft statements with each other, receive feedback, then do final edits on their statements.
1:50 pm	BREAK
2:05 pm	Statement Report-back Each group will present their final position statement.
2:15 pm	Write Shared Agreement Statement Panelists will work to develop a shared agreement statement, if desired.
3:10 pm	BREAK
3:25 pm	Personal Evaluations/Statements Panelists will be offered time to complete comprehensive evaluations of the Citizen's Initiative Review Process.
4:00 pm	Closing Comments Panelists will have opportunity to share their learning and offer closing comments to one another.
5:00 pm	Adjourn
TBD	Press Conference

Appendix B: Self-Evaluation Questionnaires

Panelists' End-of-Week Evaluation, Measure 74

1. Were the moderators fair? On a scale of one to five, with one showing favoritism towards those who SUPPORT the initiative and five showing favoritism toward those who OPPOSE the initiative, did the CIR Moderators demonstrate a preference for one side or the other today?
- | | | | | |
|--|---|--|---|---|
| 1 | 2 | 3 | 4 | 5 |
| The moderators seemed to prefer those in SUPPORT | | The moderators seemed to prefer NEITHER side | | The moderators seemed to prefer those in OPPOSITION |
2. On a scale of one to five, with one being not at all important and five being extremely important, how important a role did YOU play in today's panel discussions?
- | | | | | |
|----------------------|---|----------------------|---|---------------------|
| 1 | 2 | 3 | 4 | 5 |
| Not at all Important | | Moderately Important | | Extremely Important |
3. On a scale of one to five, with one being definitely NO and five being definitely YES, would you say you had sufficient OPPORTUNITY TO EXPRESS YOUR VIEWS today?
- | | | | | |
|---------------|-------------|--------|--------------|----------------|
| Definitely No | Probably No | Unsure | Probably Yes | Definitely Yes |
|---------------|-------------|--------|--------------|----------------|
4. 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?
- | | | | | |
|-------|--------|--------------|-------|---------------|
| Never | Rarely | Occasionally | Often | Almost Always |
|-------|--------|--------------|-------|---------------|
5. How often do you feel that other participants treated you with respect today?
[same response scale as above]
6. How often did you have trouble understanding or following the discussion today?
[same response scale as above]
7. How often today did you feel pressure to agree with something that you weren't sure about?
[same response scale as above]
8. How satisfied were you with the KEY FINDINGS that the CIR panel decided on and wrote?
- | | | | | |
|----------------------|---|--------------------|---|----------------|
| 1 | 2 | 3 | 4 | 5 |
| NOT AT ALL Satisfied | | SOMEWHAT Satisfied | | VERY Satisfied |
9. How satisfied were you with the ARGUMENTS IN FAVOR statement?
[same response scale as above]
10. How satisfied were you with the ARGUMENTS IN OPPOSITION statement?
[same response scale as above]
11. How satisfied were you with the SHARED AGREEMENT STATEMENT?
[same response scale as above]

For each of the following questions, please circle the answer that best reflects your views about how the CIR was conducted THIS PAST WEEK.

12. A goal for this week was to learn enough about Measure 74 to reach an informed decision.

Do you believe that you learned enough this week to make an informed decision?

1	2	3	4	5
Definitely not	Probably not	Unsure	Probably yes	Definitely yes

13. Looking back over the past five days, how would you rate your overall satisfaction with the CIR process?

Very Low	Low	Neutral	High	Very High
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14. One of 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?

Very Dissatisfied	Dissatisfied	Neutral	Satisfied	Very Satisfied
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15. During breaks and outside the CIR meeting room, some panelists have had conversations with each other about the ballot measure. How much influence did those informal talks have on your views during the CIR process?

I DID NOT PARTICIPATE in such discussions	I participated but was NOT INFLUENCED	Those conversations influence me A LITTLE BIT	Those conversations influenced me A GREAT DEAL
---	---	---	---

16. If you participated in any outside conversations, which of the following were you doing in those conversations. Please CHECK ALL that apply.

- | | |
|---|---|
| <input type="checkbox"/> Exchanging new information | <input type="checkbox"/> Developing or writing KEY FINDINGS |
| <input type="checkbox"/> Clarifying information I had already learned | <input type="checkbox"/> Developing or writing arguments IN FAVOR |
| <input type="checkbox"/> Sharing my opinions with others | <input type="checkbox"/> Agreeing with panelists who shared my views |
| <input type="checkbox"/> Considering opinions different than my own | <input type="checkbox"/> Developing or writing arguments IN OPPOSITION |
| <input type="checkbox"/> Swaying the opinions of others | <input type="checkbox"/> Developing or writing a SHARED AGREEMENT STATEMENT |

17. Thinking back over this past week, on which evenings do you recall spending time with other citizen panelists? CIRCLE ALL that apply.

Sunday	Monday	Tuesday	Wednesday	Thursday
--------	--------	---------	-----------	----------

Please rate the performance of the CIR process on each of the following criteria.

18. Consideration of the values and deeper concerns motivating those IN FAVOR of the measure.

Very Poor	Poor	Adequate	Good	Excellent
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19. Consideration of the values and deeper concerns motivating those OPPOSING the measure.
[same response scale as above]

20. Weighing the most important arguments and evidence IN FAVOR OF the measure.
[same response scale as above]

21. Weighing the most important arguments and evidence OPPOSING the measure.
[same response scale as above]

For the following two questions, we wish to remind you that the information you provide in these daily feedback surveys is strictly confidential. Participant identifiers are removed once data are recorded, and you will not be identified personally with any of the responses given.

22. Before you participated in the CIR, what was your position on this measure?

Strongly Opposed	Somewhat Opposed	Not sure/ Undecided	Somewhat Supported	Strongly Supported
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23. At the end of the CIR process, what is your position now on this measure?

Strongly Oppose	Somewhat Oppose	Not sure/ Undecided	Somewhat Support	Strongly Support
--------------------	--------------------	------------------------	---------------------	---------------------

24. With respect to your choice to support or oppose Ballot Measure 74 this week, on which day did you decide how you would vote?

Monday	Tuesday	Wednesday	Thursday	Friday
--------	---------	-----------	----------	--------

25. Some people leave processes like this feeling the same as when they came. Others leave feeling like their sense of citizenship has changed. How about you? Do you think that this process has changed you, and if so, please provide a few comments about how your sense of citizenship has changed.

26. Some panelists entered this process with no prior experience with this issue, while others had some relevant prior experience with this issue. How about you? Do you have any previous personal experience with this issue?

Yes, I do.

No, I do not.

If you answered yes and feel comfortable sharing your experience, please provide a brief description of your own relation to this issue. Remember that all the answers you provide in this evaluation are strictly confidential.

27. If approved by the state legislature, CIR processes may be held in the future for upcoming initiatives. What part of the CIR process would you recommend that the project staff change?

28. Thinking back over the course of the full week, please provide any additional comments about the CIR process that you would like staff or the research team to hear.

Panelists' Follow-Up Survey

Survey dates: October 26 – November 2

Survey format: The panelists had the option of taking the survey either online or over the phone. A separate version of the survey was created for each week so that the surveys could be more relevant to the participants.

Total sample size (N) = 38, 18 of the 24 panelists from Measure 73
and 20 of the 24 panelists from Measure 74

Response rate: 79%

Selected Questions

1. Looking back over the week you spent in participating in the CIR panels, how would you rate your overall satisfaction with the CIR process?
Very Low Low Neutral High Very High
2. How satisfied were you with the KEY FINDINGS that the CIR panel decided on and wrote?
Very Dissatisfied Dissatisfied Neutral Satisfied Very Satisfied
3. How satisfied were you with the ARGUMENTS IN FAVOR statement?
[same response scale as above]
4. How satisfied were you with the ARGUMENTS IN OPPOSITION statement?
[same response scale as above]
5. One of the aims of the process was to have the staff conduct the Citizens' Initiative review in an unbiased way. How satisfied are you in this regard?
[same response scale as above]
6. Another goal for the process was that you learn enough about Measure **73** to reach an informed decision. Do you believe that you learned enough that week to make an informed decision?
No, I did not learn enough. Yes, I learned enough. Don't know/Not Sure

Appendix C: Survey Methods

Rolling Cross Sectional Phone Survey

Survey dates: August 30 – November 1. The survey was generally conducted Monday, Tuesday, Thursday, and Saturday of each week.

Total sample size (N) = 1,991⁴¹

Target population: Registered Oregon voters likely to participate in 2010 election

Response rate: 9% using AAPOR's RR3 metric.⁴²

Weighting: Owing in part to the lower response rate from the phone survey, frequency data shown in this report from this survey use "weights" to ensure that the sample more accurately represents the regional, age, and male/female distribution of the full population of registered voters in Oregon. (This adjustment rarely changes the results by more than 1-2%.) Quotas were established for a target weekly N of 250, with the Sunday calling trying to rebalance the sample by screening out older female Portland metro area respondents, in particular. Demographic targets were set based on the Oregon voter file, which had the following breakdown in its measured demographics:

Region

Portland Metro	37%
Western OR	49%
Eastern OR	14%
Total	100%

Age

Under 40	25%
40-64 yrs old	47%
65 and over	28%
Total	100%

Sex

Male	48%
Female	52%
Total	100%

Representativeness: One way of testing the representativeness of the sample is to compare its estimate of voting results relative to actual election results. As measured in the weighted sample

⁴¹ Data were analyzed to detect anomalous response patterns indicative of automatic answers (e.g., responding "strongly agree" to a series of unrelated or reversed survey items. This removed 46 cases, which are excluded from all analysis and do not count toward the N of 1991.

⁴² RR3 estimates eligibility proportions for those respondents whose eligibility is not known (e.g., because the interviewer never got past an answering machine). See <http://www.aapor.org/Content/NavigationMenu/ResourcesforResearchers/StandardDefinitions/StandardDefinitions2009new.pdf>

used herein for the last four weeks of the election, 55.5% of respondents in this sample voted for Measure 73 (versus 56.9% of actual ballots.⁴³ On Measure 74, 45.3% of the sample voted "Yes," compared to 44.2% of all ballots. Thus, the sample herein closely represents the actual voting pattern on Measures 73 and 74.

As a second check on political representativeness, party identity was assessed. The sample used herein self-identified in the following way: 38.3% Democratic, 32.9% Republican, and 28.8% Independent/Unaffiliated/Third Party. This compares to statewide ballot returns from 2010 that were 43.5% Democratic, 35.6% Republican, and 20.9% Independent/Etc.⁴⁴ Thus, the sample used herein overestimates the prevalence of Independent voters but retains roughly the same proportion of Democrats to Republicans (approx. 12:10).

Online Panel Survey

Survey dates: Wave 1 August 5 – 31
Wave 2 October 22 – November 1

Total sample size (N)

640 completed Wave 1 only (i.e., declined to be reinterviewed)

971 completed both Wave 1 and Wave 2

509 completed only Wave 2 (i.e., not invited in Wave 1)

Target population: Registered Oregon voters likely to participate in 2010 election

Response rate: 41% for Wave 1 using AAPOR's RR3 metric.⁴⁵

Retention rate: 60% of those completing Wave 1 participated in Wave 2

Representativeness: Using the same comparisons as for the phone survey, similar percentages supported Measure 73 as in the full electorate (57.9% of survey respondents versus 56.9% of actual ballots). Nevertheless, 57.4% of survey respondents supported Measure 74, which received only 44.2% of actual ballots.

When respondents stated their party identity, 34.8% identified as Democrats, 25.3% as Republicans, and 39.1% as Independent/Third Party/Etc.. These proportions principally overestimate Independents but also slightly overestimate Democrats relative to 2010 ballot returns by party, which were 43.5% Democratic, 35.6% Republican, and 20.9% Independent. This sample had 14 Democrats per 10 Republicans, compared to a 12:10 ratio among returned ballots.

⁴³ Results from 11/22/2010 at <http://egov.sos.state.or.us/division/elections/results/2010G/index.html>.

⁴⁴ Data from 11/5/2010 at http://www.sos.state.or.us/elections/nov22010/ballot_returns_party.xls.

⁴⁵ RR3 estimates eligibility proportions for those respondents whose eligibility is not known (e.g., because the interviewer never got past an answering machine). See <http://www.aapor.org/Content/NavigationMenu/ResourcesforResearchers/StandardDefinitions/StandardDefinitions2009new.pdf>

Appendix D: Author and Principal Researcher Biographies

Katherine Cramer-Walsh is an associate professor in the Department of Political Science, and is the Morgridge Center for Public Service Faculty Research Scholar at the University of Wisconsin-Madison. She earned her bachelor's degree at the University of Wisconsin-Madison and her Ph.D. at the University of Michigan. Her work focuses on public opinion, political communication, civic engagement, and deliberative democracy. She is the author of *Talking about Race: Community Dialogues and the Politics of Difference* (University of Chicago Press, 2007), *Talking about Politics: Informal Groups and Social Identity in American Life* (University of Chicago Press, 2004) and co-author of *Democracy at Risk: How Political Choices Have Undermined Citizenship and What We Can Do About It* with the members of the American Political Science Association's Task Force on Civic Engagement and Civic Education (Brookings, 2005).

John Gastil is a Professor in the Department of Communication at the University of Washington, where he specializes in political deliberation and group decision making. Gastil received his B.A. in political science from Swarthmore College in 1989 and his Ph.D. in communication from the University of Wisconsin-Madison in 1994. Gastil's scholarly books include *Democracy in Small Groups* (New Society Publishers), *By Popular Demand: Revitalizing Representative Democracy through Deliberative Elections* (University of California, 2000), *The Deliberative Democracy Handbook: Strategies for Effective Civic Engagement in the Twenty-First Century* (co-edited with Peter Levine, Jossey-Bass, 2005), *Political Communication and Deliberation* (Sage, 2008), *The Group in Society* (Sage, 2009), and *The Jury and Democracy: How Jury Deliberation Promotes Civic Engagement and Political Participation* (Oxford, 2010). The National Science Foundation has supported multiple research programs in which Gastil has served as a principal investigator. Gastil's scholarly articles from these and other projects have appeared in *Communication Theory*, *Harvard Law Review*, *Journal of Applied Social Psychology*, *International Journal of Public Participation*, *Journal of Public Deliberation*, *Political Communication*, *Small Group Research*, and other academic journals.

Mark Henkels is a professor of Public Policy and Administration at Western Oregon University where he specializes in Oregon politics and Public Policy, particularly issues relating to our aging society. At Western, he oversees the political and public administration practicum program. He co-edited and wrote chapters in *Oregon Government and Politics* (University of Nebraska) with Richard Ellis and Brent Steel, and has a chapter in press with Clucas and Steel in the forthcoming book, *Towards One Oregon* (Oregon State University Press). He is a regular manuscript reviewer for the *Social Science Journal*, and various book publishers. He recently collaborated with Charles Johnson on a biography of Oregon's Governor Robert Straub.

Katie Knobloch is a doctoral candidate in the Department of Communication at the University of Washington, specializing in deliberation and civic identity. Knobloch received her B.A. and M.M.C. from theanship School of Mass Communication at Louisiana State University. Her current work focuses on clarifying theory and methods for evaluating deliberation, institutional design of deliberative communication structures, and the impact of participation in deliberative structures

for participants and nonparticipants. She has authored a chapter on the youth vote for *The Manship School Guide to Political Communication* and is currently coauthoring two chapters on methods for evaluating deliberative structures.

Justin Reedy is a Ph.D. candidate in the Department of Communication at the University of Washington. He studies political communication and group behavior, with a focus on how groups of people make political and civic decisions. Reedy earned a B.S. degree from Georgia Tech in 2000. His research on political discussion and conversation, media use, and public opinion has appeared in *Political Psychology*, *University of Colorado Law Review*, *George Washington Law Review*, and *the Handbook of Internet Politics*.