

# Taking the Initiative

A pilot project in Oregon would make the ballot a tool for civic education.

BY JENNIE DRAGE BOWSER

**W**hat happens to ballot initiatives when you mix a little civic education with a measure of public scrutiny and some grassroots discussion?

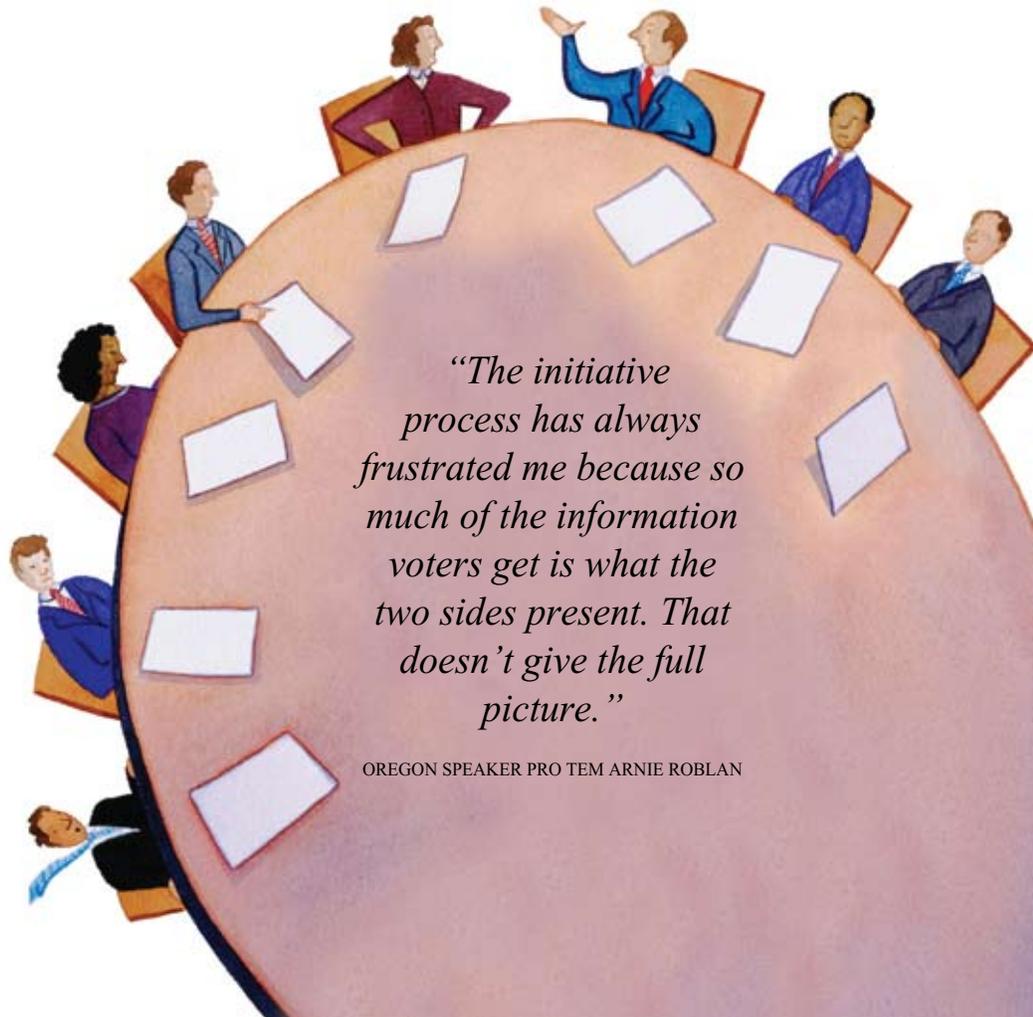
You get something that looks a lot like Oregon's new Citizens Initiative Review. Backers think it will lead to a better-informed public with a greater appreciation of what happens when new public policies are created through the initiative process.

The idea for the pilot program was first floated in 2008 by the nonpartisan, nonprofit group Healthy Democracy Oregon. The 2008 review process brought together a randomly selected group of 23 Oregon voters, balanced to reflect the demographic diversity of the state. They spent five days together in Salem learning all they could about Measure 58, a 2008 initiative that proposed limiting bilingual education in public schools to no more than two years for any student.

Panelists heard from initiative sponsors, opponents and impartial background witnesses, policy experts and fiscal analysts. They split on the issue with nine favoring passage and 14 opposed. Each side shared its views with the public in a one-page summary. Measure 58 failed by a margin similar to the positions taken by the panel.

Based on this experience, Healthy Democracy Oregon went to the Legislative Assembly and asked lawmakers to approve including their statements in the official voters' pamphlet for 2010. The legislature agreed on two, and this year statements on Measure 73—a mandatory-minimum proposal for sex offenders and drunken drivers—and Measure 74—a proposal that would allow dispensaries to sell medical marijuana—will appear in the pamphlet.

*Jennie Drage Bowser is NCSL's expert on ballot measures.*



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OREGON SPEAKER PRO TEM ARNIE ROBLAN

## DEBATE AND EDUCATION

Oregon Speaker Pro Tem Arnie Roblan was an early supporter of the panel. He wants an educated electorate and believes the review panel process is an excellent model for informing people.

“The initiative process has always frustrated me because so much of the information voters get is what the two sides present,” Roblan says. “That doesn’t give the full picture. Unintended consequences rarely get discussed—that’s just too nuanced for a 30-second radio or television ad.”

The democracy group’s co-director,

Tyrone Reitman, echoes that concern. “An initiative campaign’s job is not to inform voters, but to influence voters. The best campaigns do both, but the majority just work to influence.” No one is held accountable, he says, for the quality or accuracy of the information presented once the election is over.

Oregon’s idea is to give two dozen regular Oregon citizens the best education they can in five days and ask them to weigh in on the initiative. Measure 73 panelists, for example, heard from the chief proponents and opponents of the measure.



**SPEAKER PRO TEM**  
**ARNIE ROBLAN**  
**OREGON**

But they also received a crash course in Oregon’s criminal justice system. They heard from Multnomah County Judge Eric Bloch and Lane County District Attorney Alex Gardner, along with Doug Wilson and Ken Rocco from the Oregon Legislative Fiscal Office, who gave them a briefing on corrections funding in Oregon. They also had testimony from a county judge, an administrator from the Oregon Department of Corrections and a professor of criminal justice.

The pro and con advocates got to suggest witnesses, too, and the panel heard from a crime survivor, a county sheriff and a representative of Mothers Against Drunk Driving. From the con side, they heard from two attorneys, a public defender Tom Sermack, and a representative from the group Partnership for Safety and Justice.

Roblan points to the importance of carefully vetting initiative proposals. Policy enacted by voters through initiatives dictates a large portion of Oregon’s discretionary budget and is responsible for a significant share in the growth in state government.

“Voters should understand that, and hopefully this process gives them a better understanding that initiatives are going to cost resources,” Roblan says.

The panel review injects a key element missing from the initiative process: public deliberation. Unlike bills in the legislature, initiatives are presented to voters as a whole, with minimal public debate and no opportunity to amend the proposal or to choose an alternative. They do not go through committees, where proposals are publicly debated and examined under the microscope of policy and fiscal analysis. Voters don’t have the opportunity legislators do to say, “I like that idea, but I think there’s a better way of doing it.”

It’s yes or no, period.

“The process exemplifies high-quality citizenship unlike any other process I’ve ever seen,” says Elliot Shuford, co-director of the democracy group. “Panelists leave saying,

‘I’m going to vote in every election from here on out, and tell everyone I know to, too.’ ”

#### REMARKABLE PROCESS

The reasons people agreed to spend five long days in Salem becoming experts on an issue varied.

A few panelists cited the \$150 daily stipend in addition to transportation, meals and lodging. Others agreed out of a sense of civic duty.

“My wife and I sat down and talked about how it’s our chance to say something, do something, at the grassroots level,” says Raul

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ROCKY KROKUS  
MEMBER OF MEASURE 73 PANEL

Grimes, a member of the Measure 74 panel. He saw it as his chance to reflect his belief in the American people, not just its elected representatives.

By all accounts, what happened during the review was remarkable.

“I thought I’d be able to tell who was Republican, Democrat, independent or a Tea Partier,” says Rocky Krokus, an independent contractor who was a member of the Measure 73 panel. “But I didn’t know anyone’s affiliation and nobody knew mine. It was never brought up in the discussion. Politics never entered it. I never perceived any agendas.”

Grimes, a retired teacher who also served for 22 years in the Army, says what he appreciated the most was working in the small breakout groups.

“I got to know people from the coast, the valley and the high desert areas in the east. Working with people and trying to understand their views was good for me. Parting ways at the end of the panel was difficult and emotional.”

#### A BETTER CONVERSATION

The Citizens Initiative Review could have a broader impact than merely providing better information to voters as they evaluate initiatives.

The group’s co-directors hope the public develops a deeper understanding of the long-term causes and effects of various policies, and believe it is the only way the public will trust the conversation.

“People are accustomed to hyper-partisanship ... and then they watch something totally different take place,” says Shuford. “It shows a new direction for civic dialogue and public engagement.”

The review is not without its critics. The chief proponents of Measure 73, the mandatory-minimum sentences initiative that underwent review in August, have been vocal in their complaints. They say panelists were not screened to assemble a group that started out with a balanced view on the topic, they were not allowed to cross-examine opponents of the measure—only panelists could ask questions—and witnesses were not questioned under oath. The democracy group directors reject these criticisms, and most review panelists do, too.

When the review panel was debated in the legislature, opponents called it “elitist.” Others didn’t want to see citizen panels become a part of state government, or add bureaucracy or administration to the initiative process in general.

Panelist Krokus, however, predicts citizen reviews will become so important to Oregonians that “they will be knocking down the door to participate. It’s the purest form of democracy in action that all Oregonians should be proud of, and all other states should demand.”

The future of the Citizens Initiative Review is far from certain, however. The legislation permitting the review panels’ statements to be published in the Oregon voters’ pamphlet applies only to 2010. And although there is consensus it’s a good idea, questions remain about future funding and whether it should remain independent or become a state-funded program.

In addition to wanting the review to become a permanent part of Oregon’s initiative process, Reitman and Shuford would like to see the idea spread to other states.

“There is no better example,” Speaker Roblan says, “for educating people about the initiative than this process.”