



## **How a Citizens' Initiative Review Can Improve Elections Where Voters Directly Decide on Policy Issues**

**John Gastil**, Pennsylvania State University-University Park

America's 2016 presidential election put the spotlight on fake news, ideological biases, and the rapid spread of misinformation. Every year, similar forces shape direct democratic elections – the kind where voters weigh in on statewide initiatives or referenda or on local measures. Faced with such choices, voters often have difficulty finding relevant, reliable, and concise information to help them assess the policy issues that appear on their ballots.

A Citizens' Initiative Review can help reduce voter confusion by using panels of regular citizens to provide their peers with timely information. First adopted in 2010 by the State of Oregon, this process has been tested twelve times – including by Oregon in every even-numbered year and in pilot tests conducted in Arizona, Colorado, and Massachusetts. In Massachusetts, proposed legislation would establish the Citizens' Initiative Review as a regular part of all future statewide ballot measures.

### **The Problem of Inadequate Voter Information**

Election laws across the United States permit voters to make decisions directly on questions such as state constitutional or charter amendments, referenda referred from the legislature, bonding questions that affect how local government projects are financed, and policy initiatives placed on the ballot as a result of citizen petitions. In principle, such direct elections are highly democratic, but in practice they can produce a muddle. Voters in elections featuring high-profile ballot measures are often given unbalanced information in the same ways as they are in candidate elections – through expensive one-sided advertising, sensationalist media coverage, and partisan social media campaigns. Meanwhile, in the more low-visibility elections, important ballot measures get decided by an electorate with very little information at all. The bottom line is that, whether driven by biases or guesswork, voters can make poor judgments on the questions put before them. Advocates know this and use these elections to circumvent regular legislative methods of policymaking and a more robust public debate.

### **Evidence that the Citizens' Initiative Review Can Make a Difference**

To improve voter information, the Oregon legislature began an experiment in 2010 that led to establishing the Citizens' Initiative Review Commission in 2011. Every even-numbered year, this commission convenes a panel of 20 to 24 randomly selected citizens to deliberate on a ballot measure. Panel members spend three to five days hearing from expert witnesses, meeting in small groups, and weighing rival claims about a proposed policy. Then the panel members write a Citizens' Statement that appears in the official voters' pamphlet distributed by the Oregon Secretary of State to every registered voter. Because Oregon is a vote-by-mail state, this means that each voter receives a ballot along with guidance from the Citizen's Initiative Review at roughly

the same time.

Does this approach make a difference? With support from the National Science Foundation, the Democracy Fund, and other sources, my colleagues and I have studied this process since 2010. Our key findings are that the Oregon citizen panels have functioned as intended, both as a small deliberative body and as a voting aid for the statewide electorate.

Review panels have performed quite well as critical readers of ballot measures ranging from medical marijuana to tax reform to the regulation of genetically modified organisms. Citizens who take part in Review have the luxury of time and information resources at the ready. Over several days, Review panels sift through the arguments for and against a proposal. Participants often have the chance to select additional expert witnesses from a list provided by staff, and their small group discussions delve into details and issues that campaigns on both sides of a policy issue often try to avoid. As a result, Review participants can often move past partisan or emotional biases and evaluate proposed laws on their merits. For example, after studying the issue, a 2010 Oregon panel wrote a strong recommendation against a proposed tough sentencing law that risked putting teenagers behind bars for up to 20 years for “sexting” underage peers more than once.

Each Oregon Review has produced a final Citizens’ Statement that has provided accurate and policy-relevant information at a reading level well below that of official government materials on proposed legislation. Many citizens in the state are taking notice. From 2012 to 2016, a majority (51-54 percent) of the Oregon electorate has become aware of the Review, with roughly two-fifths of voters reporting that they read the Citizens’ Statement before voting. A large majority of those who actually read the Statements find them useful. Furthermore, a 2016 survey found that large majorities of readers intended to share what they read with other voters. This was often true even when the information went against readers’ voting preferences.

## Pending Legislation in Massachusetts

Massachusetts is the state most likely to expand use of the Citizens’ Initiative Review procedure. Our research team evaluated the 2016 pilot test held in that state and found that the pilot replicated the essential features of the Oregon Reviews. Focus groups showed that Massachusetts citizens want additional details about the Review’s nuts-and-bolts to ensure that they can trust its findings.

Currently, the Massachusetts state legislature is considering a bill to adopt the Citizens’ Initiative Review – with one important difference from the Oregon model. The Oregon Review relies on private funding to hold each review, but the legislation under consideration in Massachusetts would pay for Reviews with an appropriation from the state budget. If the law is enacted, Massachusetts would institutionalize the Citizens’ Initiative Review as a regular feature of elections where voters are asked to decide policy questions.

**Read more in John Gastil, Katherine R. Knobloch, A. Lee Hannah, Cheryl Maiorca, Ernest Paicopolos and Jennifer Watters, “Assessment of the 2016 Massachusetts Citizens’ Initiative Review Pilot on Question 4 ,” Massachusetts CIR Pilot Project and the Democracy Fund, December 2016.**