

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

Katherine R. Knobloch
Department of Communication Studies
Colorado State University

John Gastil and Robert Richards
Department of Communication Arts and Sciences
The Pennsylvania State University

Traci Feller
Department of Communication
University of Washington

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Executive Summary

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

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

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

Introduction

The purpose of this report is to provide a neutral assessment of the 2012 Citizens' Initiative Review (CIR) for the Oregon CIR Commission, which provides oversight for this process. First established in 2009, the Oregon CIR is a unique democratic reform—still with nothing comparable anywhere in the world.¹ The CIR stands among other processes that aim to improve the *quality* of public participation and political deliberation in modern democracy.² As Yale democratic theorist Robert Dahl wrote in 1998,

One of the imperative needs of democratic countries is to improve citizens' capacities to engage intelligently in political life . . . In the years to come . . . older institutions will need to be enhanced by new means for civic education, political participation, information, and deliberation that draw creatively on the array of techniques and technologies available in the twenty-first century.³

In this spirit, the CIR was enabled initially by House Bill 2895, which passed with the understanding that “informed public discussion and exercise of the initiative power will be enhanced by review of statewide measures by an independent panel of Oregon voters who will then report to the electorate in the Voters' Pamphlet.”⁴ After reviewing the results of the 2010 CIR, the legislature created the CIR Commission through HB 2634, a bill that passed the House on May 23, 2011 and cleared the Senate days later, on June 1. State Representative Nancy Nathanson carried the bill on the House Floor and told the *Oregonian* that the CIR was designed to provide voters information that “comes from an impartial, unbiased review by citizens just like them.”⁵ Governor John Kitzhaber signed the bill and established the CIR Commission on June 16, 2011.

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

¹ For an overview of related methods, see Tina Nabatchi, John Gastil, Michael Weiksner, and Matt Leighninger, eds., *Democracy in Motion: Evaluating the Practice and Impact of Deliberative Civic Engagement* (New York: Oxford University Press, 2012). Also see the earlier edited volume, John Gastil and Peter Levine, eds., *The Deliberative Democracy Handbook: Strategies for Effective Civic Engagement in the Twenty-First Century* (San Francisco, CA: Jossey-Bass, 2005).

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

⁴ Quote from HB 2895. For more on the background and history of the process, see <http://healthydemocracy.org>.

⁵ Kimberly Melton, “Oregon House Passes Bill Creating Independent Citizen Commission to Weigh in on Ballot Measures,” *The Oregonian* (May 23, 2011). Available online at : http://www.oregonlive.com/politics/index.ssf/2011/05/oregon_house_passes_bill_to_cr.html

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

During and after the 2012 CIR, the authors of this report—researchers from the University of Washington and the Pennsylvania State University—worked together to study the CIR process. With university grant funding and in partnership with the Kettering Foundation, we followed the same general protocol used for the 2010 CIR evaluation report.⁶ We first assess the deliberative quality of the CIR process, and we then evaluate the factual accuracy of the Citizens’ Statements produced through the CIR. The third section summarizes the statewide phone survey data we collected on the CIR to assess public awareness of the CIR and its overall utility for the electorate, and the final section shows the impact of reading the CIR Statement on voter knowledge. We then conclude with a brief recap of our findings and a set of four recommendations for refining the CIR in the future.

⁶ John Gastil and Katherine R. Knobloch, *Evaluation Report to the Oregon State Legislature on the 2010 Oregon Citizens’ Initiative Review* (Seattle: University of Washington, 2010). Available online: <http://www.la1.psu.edu/cas/jgastil/CIR/OregonLegislativeReportCIR.pdf>. Portions of that report will appear in Katherine R. Knobloch, John Gastil, Justin Reedy, and Katherine Cramer Walsh, “Did They Deliberate? Applying an Evaluative Model of Democratic Deliberation to the Oregon Citizens’ Initiative Review,” *Journal of Applied Communication Research* (in press). The early edition of this article is available online at <http://www.tandfonline.com/doi/abs/10.1080/00909882.2012.760746>.

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

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

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

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

This first section of our report assesses the deliberative quality of the 2012 CIR. For each of the two CIR panels, three of the authors of this report observed directly the panelists' deliberations. Each day we distributed brief questionnaires to panelists, and this section provides a simple summary of our own assessment and the panelists' self-evaluations. Below, we assess the processes' performance along three primary criteria for deliberation: analytic rigor, democratic discussion, and well-reasoned decision making.⁷

CIR Report Card

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

Overall satisfaction

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

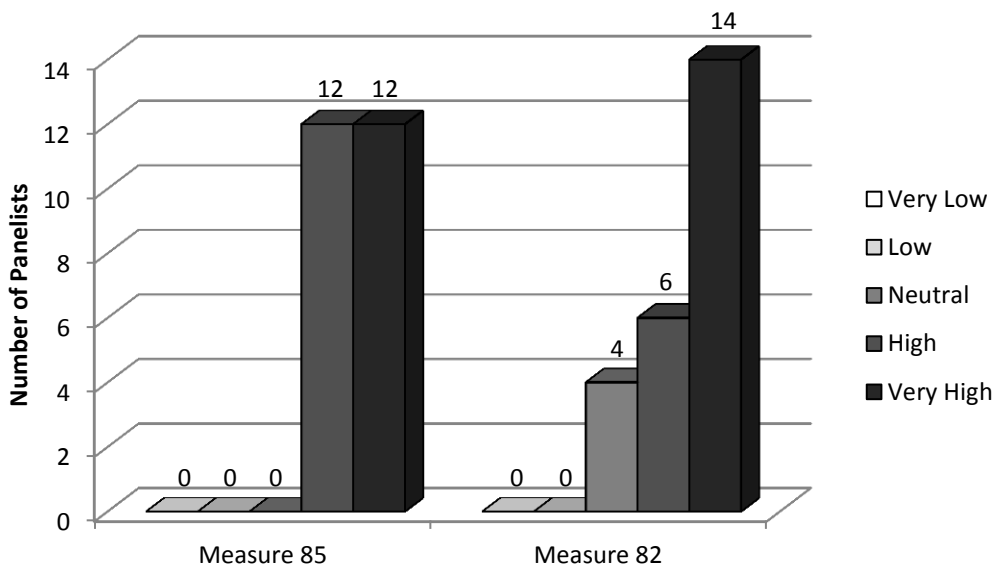
⁷ For more on this approach to evaluation, see John Gastil, Katherine Knobloch, and Meghan Kelly, "Evaluating deliberative public events and projects," in Tina Nabatchi, John Gastil, Michael Weiksner, and Matt Leighninger, eds., *Democracy in Motion: Evaluating the Practice and Impact of Deliberative Civic Engagement* (New York: Oxford University Press, 2012), pp. 205-230.

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

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

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

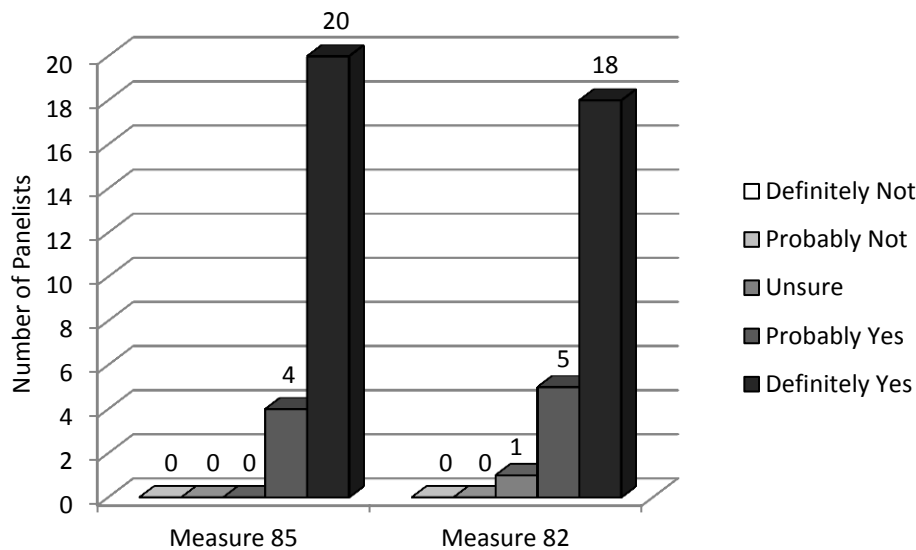
Figure 1.1. Panelists' overall satisfaction with the CIR process



Analytic Rigor

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

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



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

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

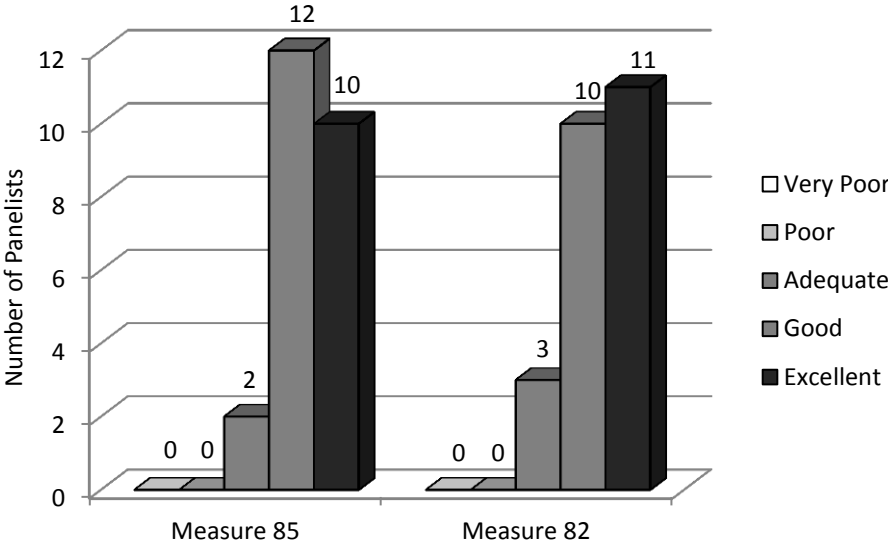
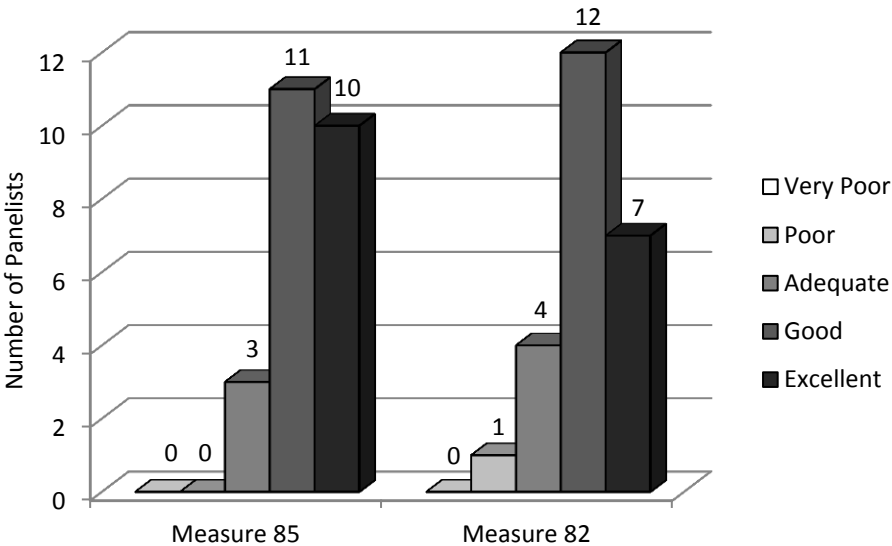


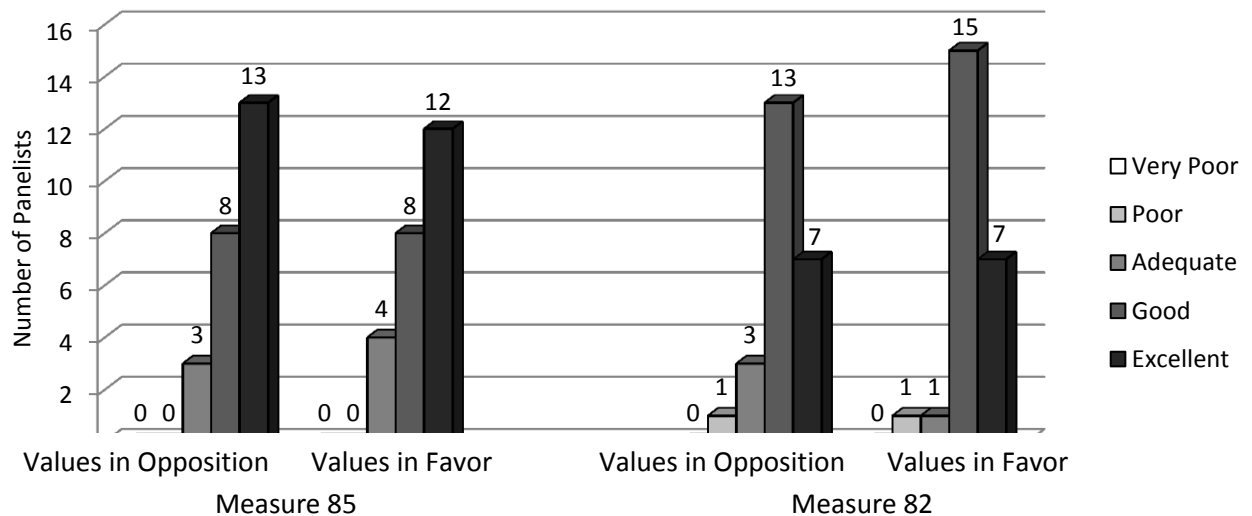
Figure 1.4 represents the panelists’ satisfaction with this criterion when looking at the arguments and evidence opposing the initiative and finds similar results. The bulk of Measure 82 participants rated this aspect of the process as “good” (11) or “excellent” (10), with 3 saying it was “adequate”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

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



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

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



Democratic Discussion

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

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

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

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

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

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

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

To assess whether panelists adequately considered and comprehended the arguments and information presented to them, at the end of each day we asked panelists how often they had “trouble understanding or following the discussion today.” Because the panelists were sifting through a large amount of detailed and complicated information, we expect that panelists would admit to some trouble following the discussion. A large majority of panelists saying that they often had trouble following the conversation, however, would be an indication that panelists had not been able to properly sort through the information provided to them. Table 1.4 shows that on every day a majority of panelists from both

weeks said that they either “never” or “rarely” had trouble understanding the conversation. Some panelists said that they “occasionally” had trouble comprehending the conversation, particularly on Day 1 when they were first introduced to the initiative, though this number dissipated over the course of the week with few saying that they still had trouble by Day 5. One or two panelists on most days did say that they “often” or “almost always” had trouble following the conversation, though only one Measure 85 panelist reported “often” having trouble by Day 5 and no Measure 82 panelist reported this difficulty by the end of the week. These findings indicates that though the panelists certainly had some difficulty sifting through the information, many seemed to gain confidence as they learned more about the measure, and almost all of them had gained the knowledge needed to process such complex information by the end of the week.

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

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

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

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

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

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

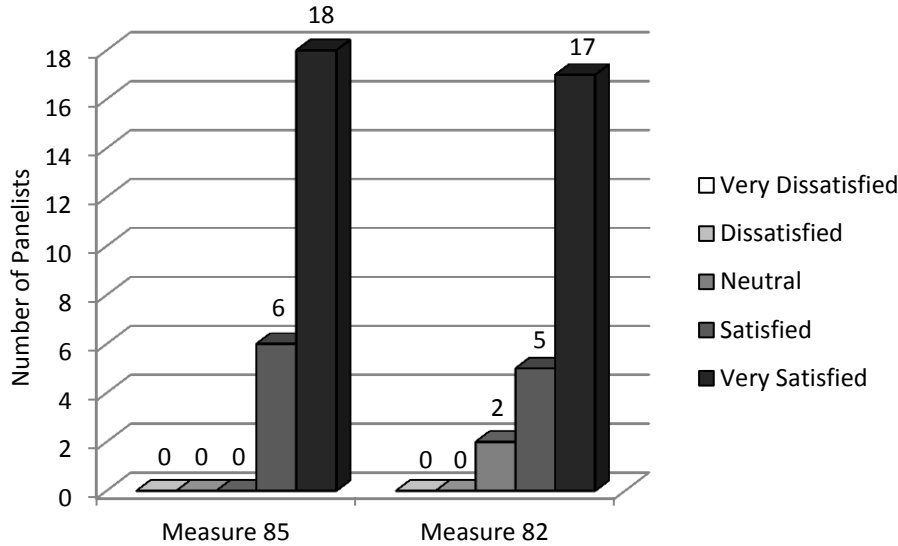
Table 1.6. Panelists' assessment of moderator bias for each day of the CIR

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

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

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

Figure 1.6. Panelists’ satisfaction with staff neutrality



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

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

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

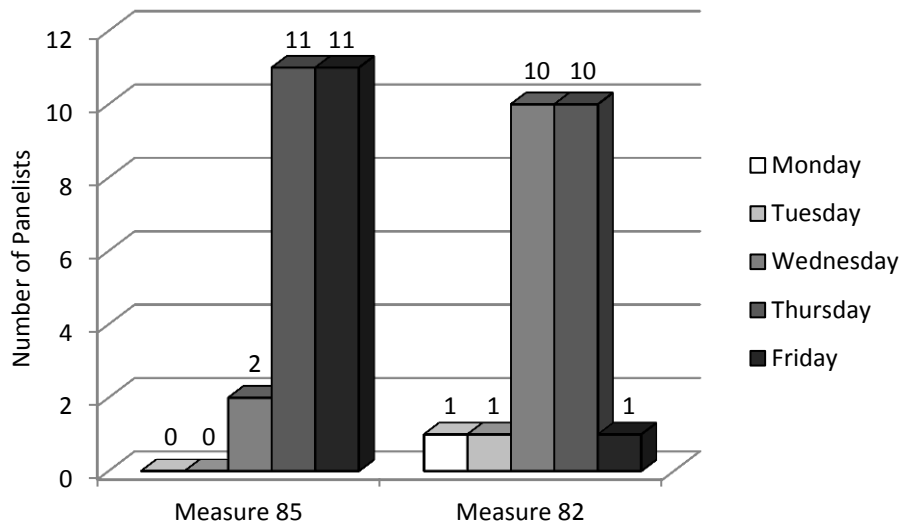
Non-Coercive and Informed Decision Making

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

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

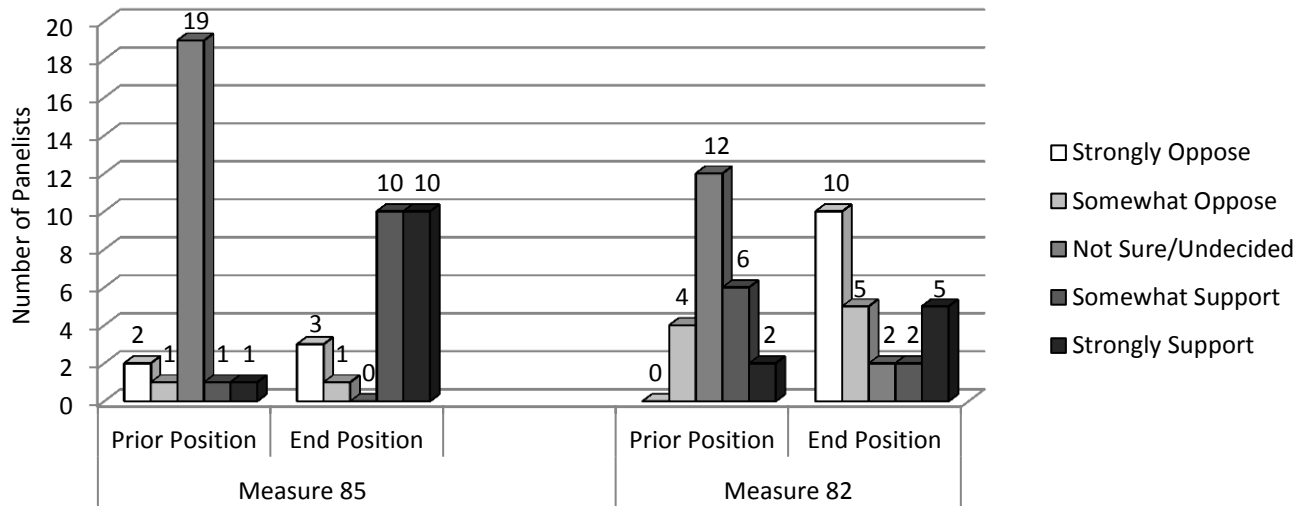
	Measure 85					Measure 82				
	Never	Rarely	Occasionally	Often	Almost Always	Never	Rarely	Occasionally	Often	Almost Always
Mon	18	5	1	0	0	14	8	1	0	0
Tues	13	8	3	0	0	15	5	2	1	1
Wed	10	13	1	0	0	14	8	2	0	0
Thurs	10	5	7	2	0	17	6	1	0	0
Fri	11	9	4	0	0	14	5	5	0	0

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

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

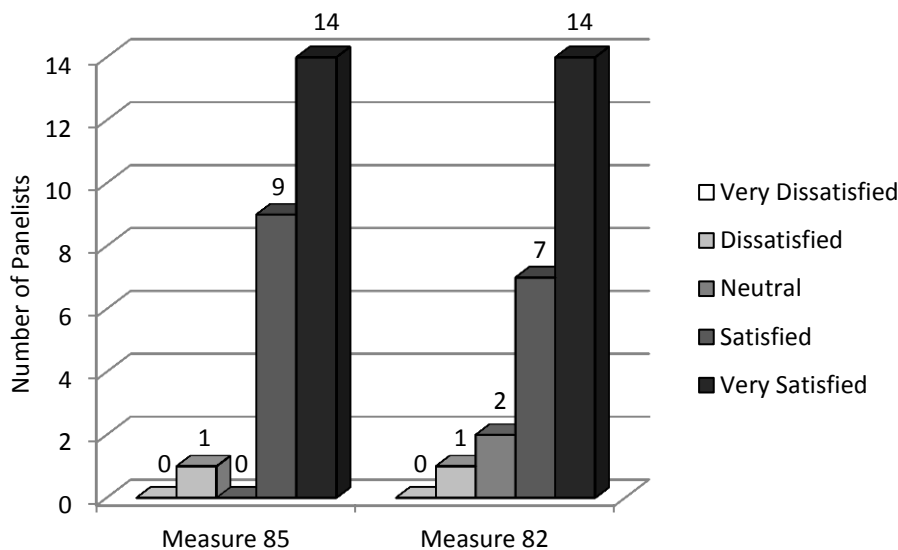
To further test whether the panelists utilized the CIR when making their decisions about the initiatives, on the end-of-week evaluation we asked panelists to report their position on the measure both “before [they] participated in the CIR” and “at the end of the CIR process.” We did not ask this question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

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



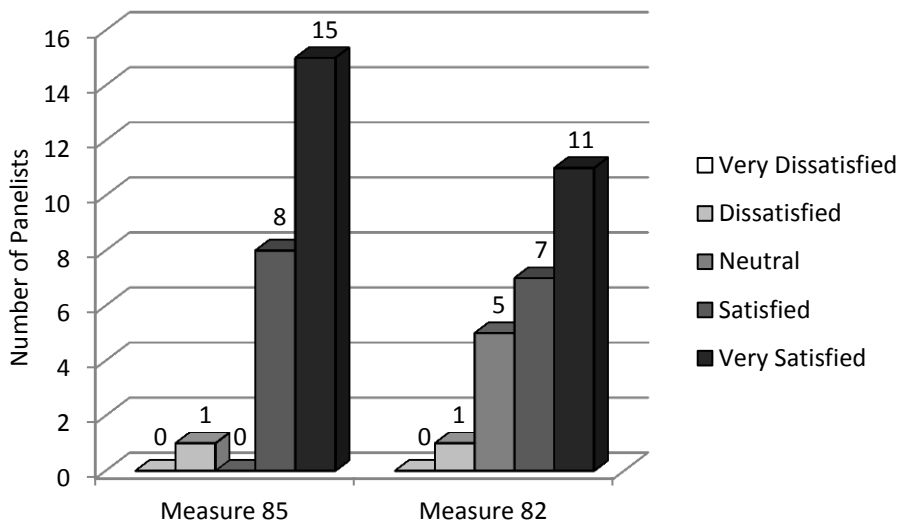
Finally, we asked panelists to rate their satisfaction with each piece of the Citizens’ Statements that they produced. High levels of satisfaction with the Statements can be indicative that the panelists did not feel coerced in reaching their decision and that they believed the process permitted them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

Figure 1.9. Panelists’ satisfaction with Key Findings



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

Figure 1.10. Panelists’ satisfaction with Additional Policy Considerations



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

Figure 1.11. Panelists’ satisfaction with Arguments in Favor

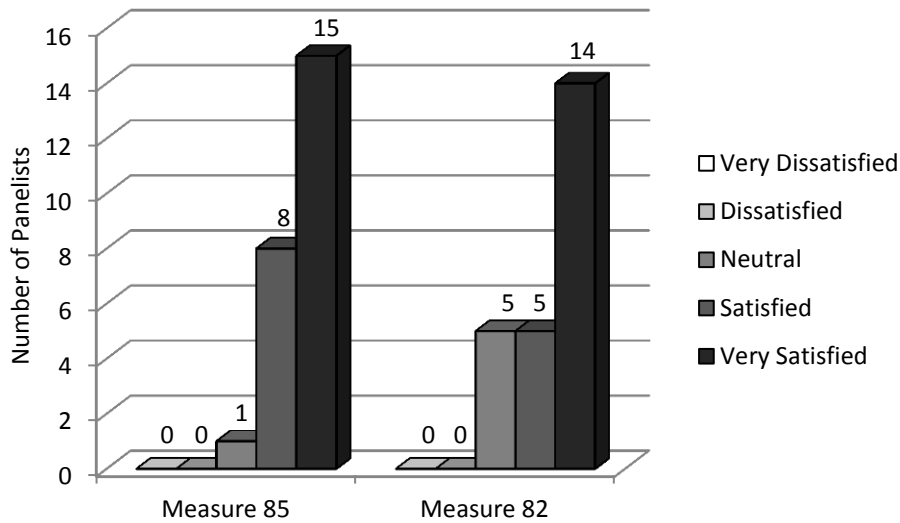
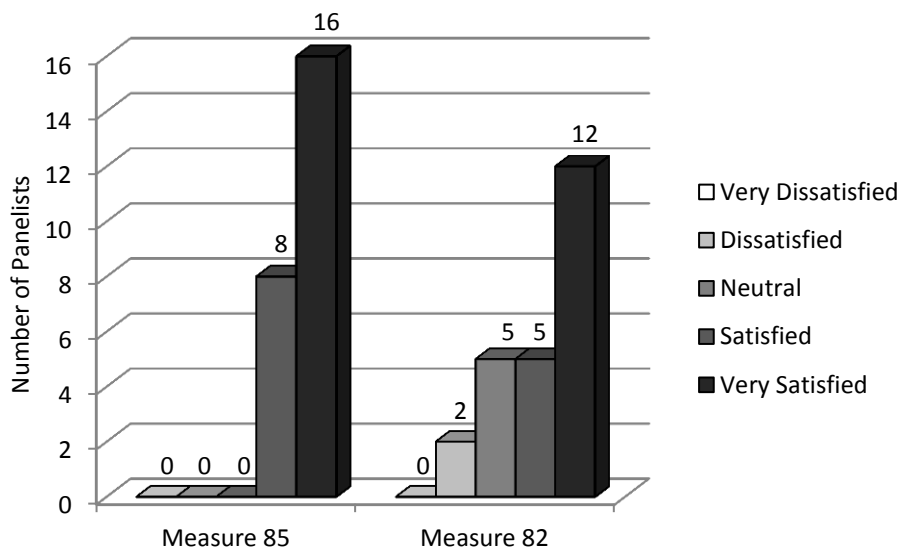


Figure 1.12 shows panelists’ satisfaction with the Arguments in Opposition. All Measure 85 panelists were either “satisfied” (8 panelists) or “very satisfied” (16 panelists) with the Arguments in Opposition, and none were neutral about or felt dissatisfied with this section. Measure 82 panelists were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

Figure 1.12. Panelists’ satisfaction with Arguments in Opposition



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

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

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

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

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

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

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

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

In the final two weeks of the 2012 general election, we commissioned a statewide phone survey of 800 likely Oregon voters.⁸ Half of the respondents were surveyed in final week of election, and half answered the survey the previous week. Though the survey had a low overall response rate it was representative of the Oregon electorate in terms of partisanship, demographics, and voting choices.⁹

Before presenting these results, it is important to note that the proponents of Measure 82 (casinos) opted to put a halt to their campaign after the CIR but before Election Day.¹⁰ We do not have a reliable accounting of why this occurred, but it likely affected voters' responses to some of our questions. The fact that a CIR-analyzed measure was effectively abandoned likely reduced the importance of the CIR analysis for many voters.¹¹

CIR Awareness

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

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

⁸ This survey was conducted by Elway Polling Inc. and included questions shared with *The Oregonian*.

⁹ This is roughly the same sampling frame that we used for a statewide phone survey conducted by the University of Washington Survey Research Center in 2010.

¹⁰ Harry Esteve, "Oregon casino supporters suspend campaign to pass Measures 82, 83," *Oregonian* (October 16, 2012).

¹¹ Sixty-four percent of those we surveyed were aware that the campaign had ceased, though 80% said it made no difference to them.

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

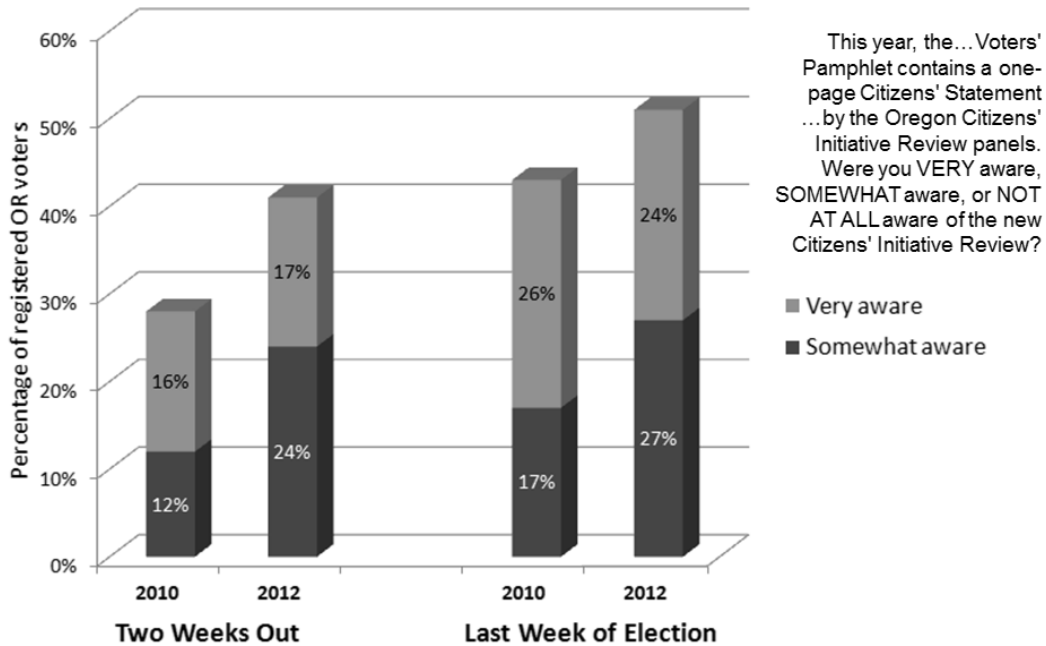
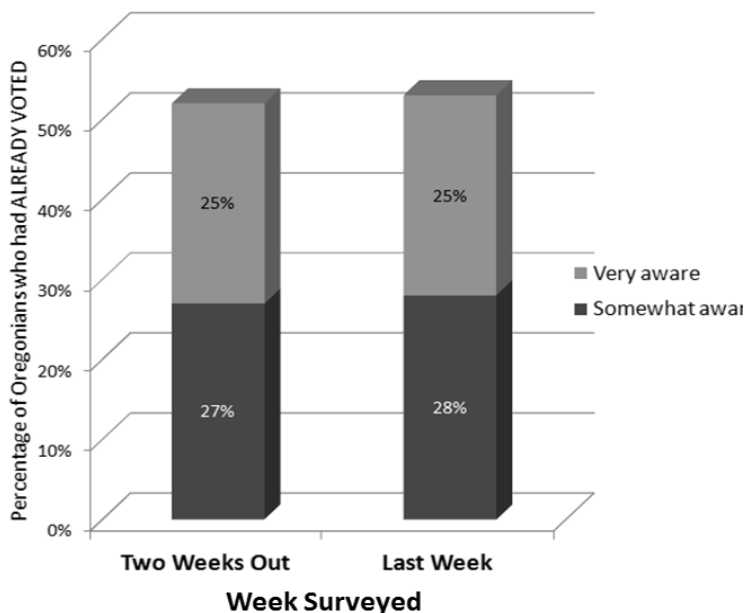


Figure 3.2 shows that among the two-fifths of the survey respondents *who had already voted* two weeks before the election, a majority (52%) were at least somewhat aware of the CIR. Similarly, 53% of those surveyed in the final week *who had already voted* were aware of the CIR. In other words, the key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

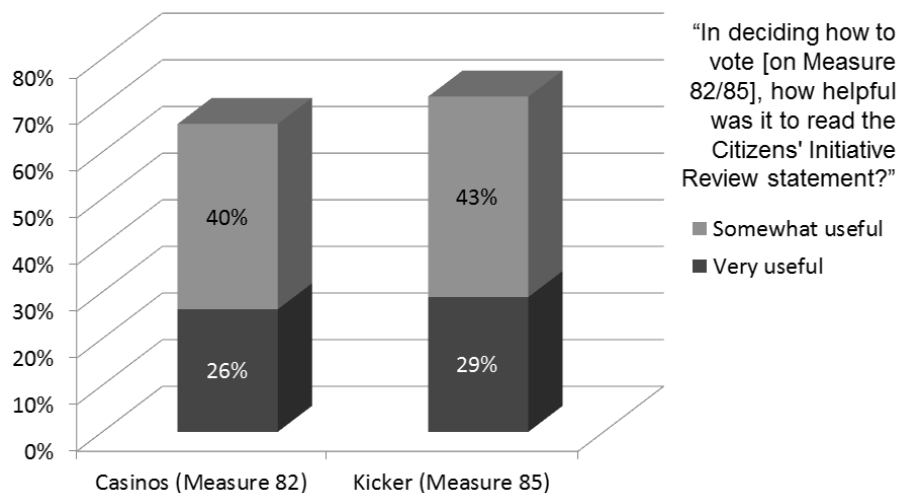
Figure 3.2. CIR awareness for those who had already voted, either two weeks before Election Day or in the final week of the 2012 general election



CIR Statement Use and Helpfulness

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

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



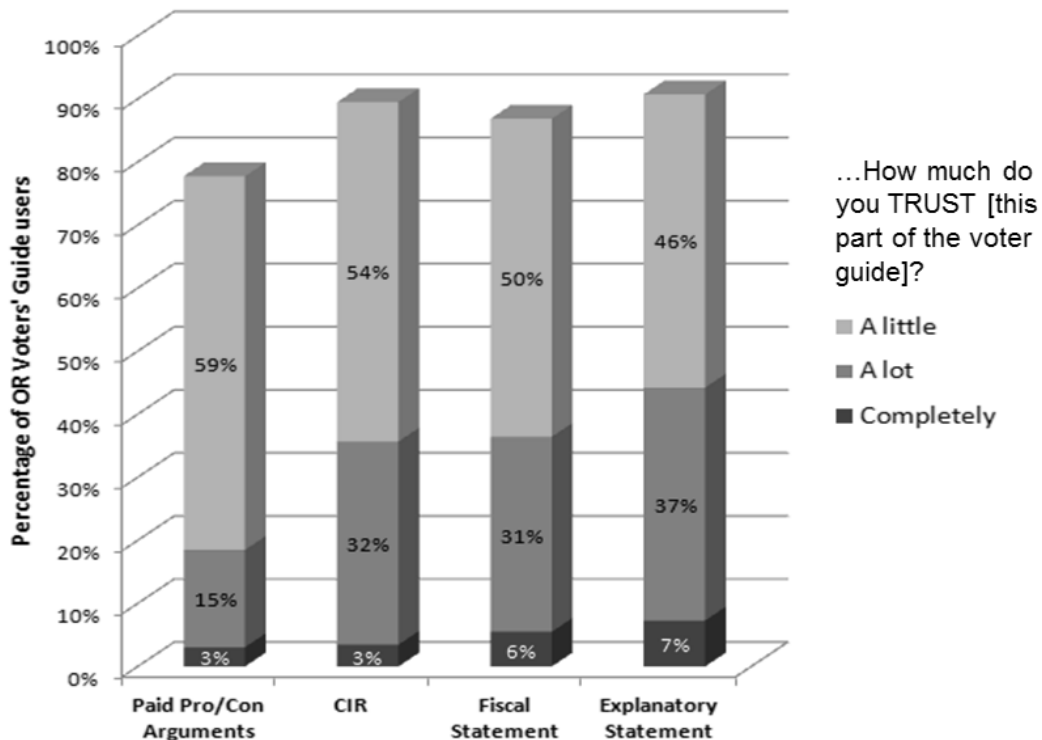
Another set of questions in the phone survey asked all voters who read the Voters’ Pamphlet how much “trust” they had in each of four different sections: the CIR Statement, the paid pro/con arguments, the Fiscal Statement, and the Explanatory Statement. Figure 3.4 shows that the modal response for voters for each element of the Voters’ Pamphlet was that they placed “a little” trust in each section. The clearest difference was between the paid pro and con arguments and the three other elements. In other words, Oregon voters placed roughly the same amount of trust in the CIR Statement as the Fiscal and Explanatory Statements.¹² This is noteworthy because the CIR Statement contains qualitatively different information than either of those, as it includes more elaborate policy analysis and its own set of vetted pro and con arguments.¹³

¹² Paired *t*-test comparisons of means showed that the pro/con statements less trustworthy than other sections ($p < .001$). Whereas Figure 3.4 shows that roughly the same proportion of Oregon voters have at least “a little” trust in both the CIR Statement and Explanatory Statement, the same mean comparison statistic shows the latter to have a higher average level of trust ($p = .001$).

¹³ Report co-author Robert Richards has produced a systematic contrast of CIR Statement content against Voters’ Pamphlet contents produced by public officials. It appears in John Gastil, Katherine R. Knobloch, and Robert

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

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



Predictors of CIR Awareness and Assessment

As in 2010, we found that a wide cross-section of the electorate used and found useful the CIR Statements. For the purpose of this report, we ran a regression analysis using a variety of demographic variables (sex, age, education, and income) plus measures of party affiliation, interest in politics, and political-cultural orientation.¹⁴ None of these variables predicted the variations in voters' utility assessments, though older and culturally individualistic voters placed slightly more trust in the CIR.¹⁵ Also, those voters who chose to read the CIR Statements were slightly older and more educated.¹⁶

Richards, *Vicarious Deliberation: How the Oregon Citizens' Initiative Review Influences Deliberation in Mass Elections*. Paper presented at Rhetoric Society of America Annual Conference, May 25-28, 2012.

¹⁴ On the cultural measure, see John Gastil, Donald Braman, Dan Kahan, and Paul Slovic, "The cultural orientation of mass political opinion," *PS: Political Science & Politics*, Vol. 44 (2011), pp. 711-714.

¹⁵ For age, the standardized regression coefficient (b) = .09 ($p < .05$), which indicates a small effect size, which could account for something like one percent of the variance in trust. For individualism, $b = .20$ ($p < .01$). Minimum $N = 220$ for the regressions in this section.

¹⁶ In all four cases, $b = .09$. In the case of Measure 85, culturally individualistic voters were more likely to read the Statement ($b = .11$). All $p < .05$.

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

As in the 2010 evaluation report, we chose to conduct an online study of Oregon voters to complement the phone survey. One of the methods used in 2010 was a "survey experiment," and in this report, we focus on the impact on voter knowledge that this experiment revealed. Increasing voter knowledge is one of the principal aims of the CIR Commission. As the Commission's webpage explains, the CIR "is an innovative way of publicly evaluating ballot measures so voters have clear, useful, and trustworthy information at election time."¹⁷ Did the CIR increase voter knowledge and voters' confidence in the accurate beliefs they held?

The most direct approach to that question is an experimental one, because it permits us to vary systematically the information that voters have at-hand. Our online experiment required surveying a wide swath of Oregon voters whose voter IDs were matched to email addresses, and the Penn State Survey Research Center administered this survey for us. The result was a sample of 400 Oregon voters spread roughly evenly across four experimental conditions.¹⁸

When contacted in the final weeks before the election, the online respondents who reported that they had not yet voted, nor even read the Voters' Pamphlet, were designated for the experiment.¹⁹ Before those respondents answered the main survey questions, they were randomly placed in one (and only one) of the following four groups:

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

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

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

¹⁷ <http://www.oregon.gov/circ/Pages/index.aspx>

¹⁸ The survey had a very low response rate (fewer than 2% of those emailed returned complete surveys), but as with the phone survey, the sample was broadly representative of the general Oregon electorate both demographically and in terms of its voting preferences.

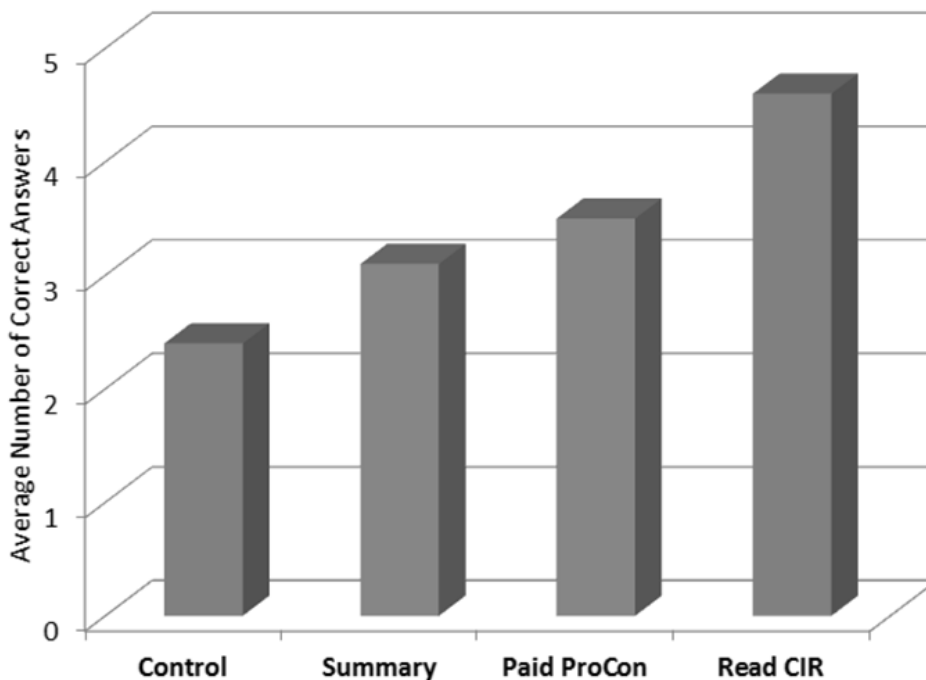
¹⁹ We initially were separating respondents into separate experiments for Measures 82 and 85, but when the proponents of Measure 82 ended their campaign, we redirected all respondents to the Measure 85 experiment. At that time, we had collected a sample of 120 participants for the Measure 82 experiment.

to Measure 85. For each one, please indicate whether you believe it is definitely true, probably true, probably false, or definitely false. If you are not sure either way, mark the ‘don't know’ response.”²⁰

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

Moreover, the differences between the CIR Statement readers and respondents in the other conditions were also statistically significant. In other words, real Oregon voters who had not yet read the Voters’ Pamphlet gained more knowledge from reading the CIR Statement than from either equivalent doses of paid pro/con arguments or the official Explanatory and Fiscal statements.²¹

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



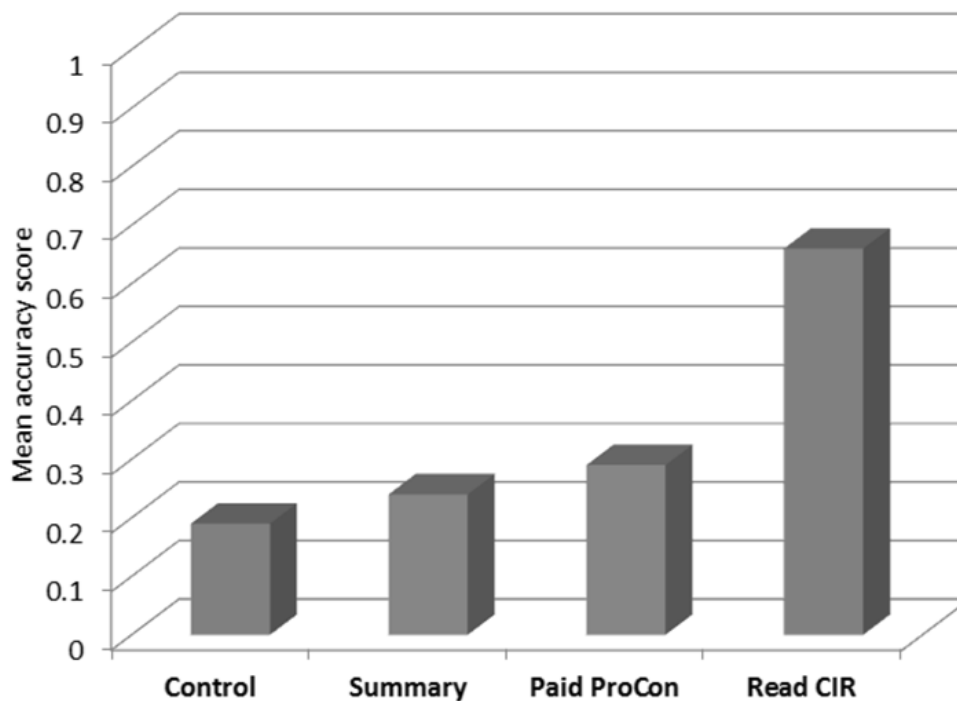
²⁰ The online survey permitted us to measure the number of minutes each participant spent at each of the pages in the survey. We removed from analysis those few who spent only a few seconds with the paid pro/con arguments or any of the other statements.

²¹ Using an ANOVA, the overall result for the four condition comparison was $F(3, 329) = 12.8, p < .001$. Post-hoc *t*-tests showed that exposure to either the CIR Statement or paid pro/con arguments yielded more correct answers than in the other conditions, but the CIR Statement condition also had a significantly higher average number of correct responses relative to the paid pro/con arguments condition.

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

By considering the confidence in one's knowledge, Figure 4.2 shows that the CIR Statement creates a more striking gap between those who read it and those who did not.²² The Accuracy scores for those assigned to the CIR Statement condition is more than double that of all other participants in the online experiment. One might wish that scores were higher for *all* respondents, but as stated earlier, the knowledge items generated considerable "don't know" responses from Oregon voters, who clearly did not have a broad base of confidence in their knowledge relevant to Measure 85, at least as measured by the ten items shown in Appendix E.

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



²² Main ANOVA result was $F(3, 268) = 18.9, p < .001$. Post-hoc contrasts were significant between CIR Statement and all other conditions.

Summary and Recommendations

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

Main Findings

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

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

Recommendations

Unlike the 2010 evaluation, we have chosen not to conclude with a long set of recommendations. This partly reflects the fact that process modifications were made after 2010 that took into account many suggestions, including our own. That said, we highlight four key points to consider as the CIR refines its procedures. We rank these recommendations in order of importance, beginning with our paramount concern.²³

- 1. The CIR Statement page in the Voters' Pamphlet should have a more visually engaging layout, and the CIR needs a more robust public information campaign.** We expect that awareness of the CIR will increase again in 2014, but to reach more than a bare majority of voters, the CIR needs greater prominence online, in broadcast media, and in the Pamphlet itself.
- 2. The CIR orientation should provide more precise training to panelists on how to evaluate evidence, the key terms for each aspect of the process, and the importance of values in relation to evidence and arguments.** These three suggestions go hand-in-hand as they all aim to use the CIR panelists' time more efficiently to identify key arguments and evidence. In 2012, we saw staff, facilitators, and panelists alike occasionally getting tongue-tied on terminology,

²³ Each of these recommendations has a parallel in the 2010 evaluation, which includes more detail about some of these issues.

though to a lesser extent in 2012 than in 2010. Most encouragingly, in the panel on Measure 82 (casinos), we saw panelists take up values questions more directly than they had in any of the previous CIR's—a welcome development given the importance of values in prioritizing and crafting the most important pro and con arguments in the Statements.

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

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

Future Research

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

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

Appendix A. Oregon CIR Citizens' Statement on Measure 85

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

Majority Statement in Support of the Measure

POSITION TAKEN BY 19 OF 24 PANELISTS

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

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

Minority Statement in Opposition to the Measure

POSITION TAKEN BY 5 OF 24 PANELISTS

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

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

Key Findings

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

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

Additional Policy Considerations

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

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

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

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

Majority Statement in Opposition to the Measure

POSITION TAKEN BY 17 OF 24 PANELISTS

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

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

Minority Statement in Support of the Measure

POSITION TAKEN BY 7 OF 24 PANELISTS

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

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

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

Key Findings

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

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

Additional Policy Considerations

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

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

Appendix C: Explanatory and Fiscal Statements for Measure 85

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

Explanatory Statement on Measure 85

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

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

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

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

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

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

Explanation of Estimate of Financial Impact of Measure 85

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

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

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

Pro Statement

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

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

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

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

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

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

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

[from Corporate Kicker for K-12]

Con Statement

Will Measure 85 Solve Our School Funding Crisis?

No.

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

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

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

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

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

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

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

It's a Win-Win.

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

The Oregon Small Business Coalition

[from Grow Oregon]

Appendix E: Online Survey Knowledge Items on Measure 85

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

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

Author Biographies

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

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

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

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