



**CITIZENS JURY®
ON THE
CITIZENS INITIATIVE REVIEW**

May 20-24, 2001

FINAL REPORT

Prepared: June 2001

A Project of the
League of Women Voters of Washington

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The Citizens Jury on the Citizens Initiative Review was convened by the League of Women Voters of Washington as part of its mission to encourage citizen participation. The recommendations stated in this report are those of the 25-person Citizens Jury and should not be construed as the opinion of LWVWA. For more information about the LWVWA or this project, contact:

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PROJECT OVERVIEW

This report summarizes the Citizens Jury on the Citizens Initiative Review held May 20-24, 2001 in Bellevue, WA to examine a proposed mechanism that could provide Washington citizens with more information about ballot initiatives. The League of Women Voters of Washington (LWVWA) conducted this project in order to explore the use of citizen panels as a way of encouraging citizen participation.

LWVWA is a strong supporter of the initiative process as a means for Washington citizens to initiate or modify legislation and has also supported changes that give citizens more information about proposed initiatives. LWVWA, as the neutral convener of the project, has not taken a position to support or oppose the Citizens Initiative Review (CIR).

The Citizens Initiative Review is a method that gives citizens the opportunity to examine initiatives and report their findings to the greater public. Under the CIR, representative citizen panels would be convened to hear from a variety of witnesses and deliberate on the pluses and minuses of a ballot initiative. The panels would share information and conclusions about the initiative with the media and the public.

The Citizens Jury to examine the Citizens Initiative Review used the method that is proposed for looking at initiatives, namely convening a cross-section of Washington residents to study the idea and report their opinions.

For this Citizens Jury, a random telephone survey identified a pool of potential jurors from around the state. A panel of 25 members was chosen from that pool to reflect the state population in gender, race, age, education, geography, and political identification. The jury convened on May 20. For two days the members heard witness presentations on a range of perspectives related to initiatives, including pro and con the Citizens Initiative Review. On May 21, the members voted 23-2 that they liked the CIR enough to adapt it for Washington. The jury then worked together to develop specific recommendations for Washington and voted 24-1 on May 24 that they would like to see their adapted version of the CIR become state law.

The Citizens Jury is a unique process that allows decision-makers and the public to hear from citizens who are both informed and representative of the public. The process allows for considerable discussion and deliberation by the jurors to develop thoughtful and useful recommendations.

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Advisory Committee

The Advisory Committee for the project consisted of 11 individuals knowledgeable about the issues surrounding initiatives and representing a variety of personal, political, and organizational perspectives. Their advice and counsel was sought by the LWVWA to identify possible opposing ideas to the CIR, comment on the appropriateness of the agenda, and insure a balanced and effective witness list. The Advisory Committee was asked to focus on the integrity and fairness of the process, not on specific outcomes. *A list of Advisory Committee members can be found on page 11.*

Juror Selection

The process for selecting the Jury began with a telephone survey of adults living in Washington. This survey was overseen by Elway Research, Inc. Using randomly generated numbers, the telephone calls were conducted in March, 2001, reaching 1000 individuals. The respondents were asked, among other things, if they might be interested in participating as a juror. From the respondents, 476 individuals expressed interest and were sent information about the LWVWA, the Citizens Jury process, and this project. They were asked to return a form if they were willing to participate in this five-day project.

All 140 individuals who returned the form were entered into the pool of potential jurors. Twenty-four jurors and two alternates were then selected out of this pool to participate in the Citizens Jury. The jurors collectively reflected the state of Washington in terms of gender, race, age, education, geographic location, and political identification. Jurors were offered a stipend of \$750 for the five-day jury for their time and participation.

Twenty-three jurors and two alternates attended the first day's meeting. For demographic reasons, the decision was made to include both alternates, increasing the jury to 25 members. *A list of jurors and the demographic composition of the jury can be found on pages 12 and 13.*

Witness Selection

Individuals knowledgeable about the issues relevant to the proposal of citizen input on initiatives were selected to serve as presenters for the Citizens Jury hearings. The jurors heard first from a neutral academic witness who gave a history of initiatives in Washington and described the views of people who favor and oppose the use of initiatives in general. Expert witnesses then presented a variety of perspectives and opinions concerning the specific proposal at hand. Those who spoke in favor saw the Citizens Initiative Review as a source of sound information for citizens about the possible effects of initiatives. Those who disagreed with the CIR did so for a number of reasons, including that they did not believe the CIR belonged as a function of government or felt that the process should be broader. Some witnesses preferred another idea such as judicial or legislative review of ballot initiatives. Together these witnesses presented the case for and against the CIR. *A complete list of the witnesses can be found on page 14.*

Charge Questions and Results

The charge to the jury outlined the jury's focus and provided direction for the hearings. It informed the jury members of the goals and objectives for the hearings. The jurors were asked to respond to questions at two times. The questions and responses are listed at the end of the recommendation section. *See page 10 for the charge questions and answers.*

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Hearings

The hearings were divided into two parts. The agenda for each was carefully developed to provide the jurors with the necessary information to address the charge questions. During the first two days, Phase I, jurors heard from one neutral resource advisor and 11 witnesses pro and con the CIR and also had a chance to work in small groups to share their own views on initiatives. They spent time evaluating the positions of the witnesses and listing the reasons to support the pro and con sides before voting on how much they liked the CIR and whether they wanted to spend time to adapt it for Washington.

Phase 2 began on the third day of the Citizens Jury. The jurors' task was to consider design features of the CIR and make recommendations on a specific plan, then vote on how much they liked their plan and whether they wanted it to become state law. They wrestled with a variety of issues, including the size of the panels, the budget, the source of revenue to support the CIR, whether witnesses should be called to testify about an initiative's fiscal impact or its constitutionality, and how the results should be reported. Jurors had access to three of the proponents and three resource advisors. *The agenda can be found on pages 15-19 and the list of the topics that were considered is on page 20.*

Recommendations

The Citizens Jury's recommendations are spelled out in detail in the narrative report which describes the plan they crafted for the Citizens Initiative Review for Washington. The recommendations are summarized at the end of the narrative in the votes on the charge questions. The recommendations in the detailed report are in language that the jurors approved. *The jury recommendations can be found starting on page 4.*

Evaluation by Jurors

At the conclusion of this Citizens Jury, the jurors completed an evaluation to assess the project and staff. Of the 25 jurors, 24 were either "satisfied" or "very satisfied" with the project and 24 felt that the staff performed in an unbiased way. On both votes, one juror was neutral. *The results of the juror evaluation can be found on page 21.*

The jurors were also given an opportunity to write a personal statement about the project for inclusion in this report. *These comments can be found on pages 22-24.*

Project Management

A Steering Committee from the League of Women Voters of Washington (LWVWA) provided continuous oversight for this project: Judy Hedden (Chair), Betsy Greene, and Myra Howrey. The project manager was Nancy Roadcap Allan. The LWVWA hired consultants with experience in Citizens Jury projects: Doug Nethercut and other staff of the Jefferson Center and Tam St. Claire and Susan Ruether of Citizens Research Group. Linda Mather of Beacon Associates was lead moderator. James Lockerbie was assistant moderator.

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CITIZENS JURY RECOMMENDATIONS

Preamble

We the Citizens Jury are a group of 25 citizens who came together for five days from across the state of Washington to examine the proposed Citizens Initiative Review. This report is based on deliberations on a number of issues ranging from the overall philosophy to the practical details of the CIR.

Goal

The goal of the Citizens Initiative Review (CIR) is to provide clear, trustworthy, and balanced information to voters about each statewide initiative on the ballot in a general election.

Guiding Values

In order for the CIR to meet its goal of providing clear, trustworthy, and balanced information to voters, citizens panels must be conducted with great care. Their results must be conveyed accurately to the public. It is essential that the staff conduct the hearings in a fair and neutral way.

Intention

A primary operating principle is to create within state government an independent program which is insulated from politics. The intent is to have the CIR free from the normal political influences which would undermine the credibility of the citizens panels or the resulting information.

How the Review is Done: Citizens Panels

The evaluation of initiatives will be conducted by citizens panels. A citizens panel will have 24 people¹ selected at random and stratified to the degree practical and legally permissible to make it a microcosm of the state. It will meet for five days to evaluate an initiative.² At the end of five days, the panelists will indicate how they would vote if the election were held that day and offer reasons for their decisions. Their report will include reasons for supporting or opposing the initiative or remaining undecided, with the percentages of panelists voting each way.³ These conclusions will be included in the Voters Pamphlet and made widely available to the public.

The 24 participants will be paid a flat stipend based on the average daily wage in Washington times five days for their services. They will hear pro and con witnesses speak about the initiative under consideration, with equal time being given to each side. Neutral witnesses may

¹ The jury decisions are reported in most cases without a vote specified. When several jurors had a different opinion or the vote was close, however, the vote and minority view may be cited. In this case, for example, 20 jurors voted for a panel of 24 people while 4 jurors preferred a panel of 18 people and 1 juror abstained.

² 6 jurors preferred leaving the number of days flexible, with the possibility of some panels lasting fewer than five days.

³ 14 jurors voted to use percentages and 9 preferred the use the actual number of jurors, with the proviso that in either case this information not be prominently featured in the report. A Sample Report Form appears on page 9.

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be called to provide background information on the issue. The Citizens Jury voted 15-8 with two abstentions to require neutral witnesses who will address the fiscal impact of the initiative⁴. The jurors voted 25-0 that a representative from the Office of Fiscal Management appear before each citizens panel to address fiscal matters.

The Citizens Jury also allowed the possibility of witnesses to address constitutional issues, but did not require it. If witnesses raise the issue of constitutionality, this fact may be mentioned in the panel's report. The specific reasons for raising it may be included in the report, but the jurors felt strongly that the panel should not attempt to determine constitutionality. If jurors want to refer to any arguments concerning constitutionality, they must do so in terms of the reasons behind the arguments. If constitutional issues arise, the citizens panel report will include a statement making it clear that the CIR does not make any final judgement concerning constitutionality.

Citizen panelists will have the opportunity to question all witnesses. The hearings will be facilitated by trained staff, with every effort made to insure that the views of the staff in no way bias or influence the hearings. Time will be included for thoughtful deliberations and the crafting of the panelists' report.

Participants will be chosen through methods based on high quality scientific random sampling. The Citizens Jury voted that all citizens 18 or older should be eligible to participate.⁵ Those gathered in this way will be placed in a pool and from this group 24 people will be selected to be a microcosm of the public based on such characteristics as age, education, and geographic location. The selection process of the final panelists can be done in public to demonstrate its fairness.

The integrity of the process will be maintained in several ways. First, the proceedings of citizens panels will be open to the public and governed by the provisions of the open meetings law. There will be a set of guidelines, analogous to those used by the Jefferson Center for its Citizens Jury process,⁶ which will outline in some detail how a citizens panel will be conducted. There needs to be careful staff training in order to insure that the staff is highly motivated to run a fair and neutral event. Once the participants have reached their conclusions, they must have ample opportunity to review how the staff has recorded them before they are made public. Finally, the panelists will state their level of satisfaction with the project and staff at the end of each citizens panel. These ratings must be made public in the final report.

Note: The Citizens Jury recommends that all initiatives be examined. As the CIR process is gearing up in the first year, there may be more initiatives than the newly trained staff can cover. It is suggested that as many initiatives be covered as can be done in a high quality way. The Citizens Jury voted 23-2 that if there are more initiatives than can be handled, random selection will be used to identify the initiatives to be reviewed that year.

⁴ 23 jurors wanted to *allow* witnesses to address fiscal impact but the vote was 15-8 when the question was whether such witnesses should be *required*. Later in the proceedings the jurors all agreed that a fiscal review should be offered by a representative of the Office of Fiscal Management.

⁵ 2 jurors wanted to leave this decision to the CIR Board.

⁶ The experience with citizens panels is a long one. In the United States, the Jefferson Center in Minneapolis has worked on the process since 1974. The Center has trademarked the name it uses for the process, calling it a Citizens Jury. Citizens Jury projects have been conducted in several states and countries.

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Board and Staff

The Citizens Jury recommends that the CIR be located administratively within the Secretary of State's Office. Since the Secretary of State is the chief elections officer for Washington, the jurors determined the CIR fits naturally within this office.

Board

The Citizens Jury recommends that the CIR be overseen by a ten-member board. Members will be appointed by the Governor, based on the following recommendations: two members nominated by the Secretary of State; two members selected by the Governor; and six members nominated from those who served on previous citizens panels (two will be appointed each year). The board will be chaired by the Secretary of State or by someone designated by the Secretary of State.

Members nominated from citizens panels will serve three-year, staggered terms. Members nominated by the Governor and the Secretary of State will serve two-year, staggered terms. No member may serve successive terms.

The board will be responsible for establishing the policies and procedures for the CIR, including guidelines to insure a consistently high quality of service. It will hire the executive director. The board will monitor fiscal matters to insure that the program is efficiently and effectively managed. The Secretary of State will be responsible for fiscal and other support operations.

The board will be responsible for monitoring the program to insure that it is meeting its goals, using a variety of evaluation tools. The board will also review the performance of the executive director and staff on at least an annual basis.

The board will meet four times a year at various locations around the state.

Note: Since there will be no previous citizens panels from which to draw citizens as the CIR begins, the citizen appointments to the first board should be drawn from persons with experience in citizens panels or other citizen deliberation processes.

Staff

Program staff will consist of full-time staff and temporary staff. The primary responsibility of the staff will be to see that the citizens panels used to evaluate initiatives are conducted according to the goals, values, and intentions of the CIR. This includes all aspects of the panels from the selection of the participants, through the holding of the hearings, to the recording of the final reports in such a way as to insure that the views of the participants are accurately portrayed.

The staff will also provide administrative support for the board, select temporary staff and provide for their training, and oversee the administration of the evaluation tools described on the next page.

A key element in maintaining staff morale and keeping the staff focused on serving the public will be training programs designed and implemented with the help of outside consultants. Training will be provided for the board as well.

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The staff, including the executive director, will evaluate each other's performance on at least a yearly basis. The executive director will use the information to insure proper performance by the staff, and the board will use it in evaluation of the performance of the executive director.

Budget

Revenues

The Citizens Jury decided that the best source of revenues would be the interest on the general fund. The State Treasurer and the State Investment Board manage the state's funds for a maximum return. In fiscal year 2000, interest earned on the general fund totaled more than \$70 million. It is proposed that a specific amount of the interest earnings on the general fund be allocated to the CIR annually.

The Citizens Jury recommends that any unexpended funds be returned to the general fund at the end of the fiscal year.

Expenditures

The budget for the CIR must be set at an amount which will enable the board and staff to conduct their tasks according to the goals, values, and intentions of the CIR. It is intended that existing governmental officials not have the power to cut the funding of the CIR. However, it is intended that expenditures be monitored closely and that the board insure that the people's money is used wisely. The board must issue a report each year on the steps taken to meet these goals.

The budget for the CIR will be set by stipulating through an initiative how much the spending should be. The Citizens Jury recommends that 25 cents per person per year be specified and proposes that the initiative setting up the CIR direct the legislature to appropriate this annual amount for the CIR.

The Citizens Jury arrived at this budget estimate based on the following information. Depending upon how many initiatives are on the ballot and therefore how many citizens panels are run, the annual costs of the CIR will vary. The Citizens Jury anticipates the need for a budget between \$700,000 and \$1,450,000. One way to look at this amount is in terms of the cost per person per year for the people of Washington. Given that the official estimate for the population of Washington was 5,803,400 in 2000, this would amount to a range of between 12 cents and 25 cents per person per year.

Evaluation

Several formal methods of evaluation will be used to insure that the CIR is meeting its goals. These evaluations will be used by the executive director and the board to review the work of the staff. They will also be made available to the CIR Evaluation Panel (see below) and to the public.

1. The participants in each citizens panel will evaluate their experiences and rate the project and its staff on whether the proceedings were conducted in a fair and neutral way, with no staff bias. These evaluations will always be made public along with the findings of the panelists. Also, all people who are called before the citizens panels as

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witnesses will be asked to fill out an evaluation form regarding their experiences during the event.

2. There will be a yearly survey taken of Washington voters to find out whether the information made available to voters is something they find trustworthy and useful. This survey will also help staff to review and improve the charge questions given to citizens panels, in order to provide better information for voters.

A CIR Evaluation Panel will meet once a year to give citizens who have participated in a citizens panel conducted by the CIR the opportunity to review its performance and select some of the board members.

The CIR Evaluation Panel will consist of no less than 8 nor more than 16 members. These will be selected by the participants in the previous year's citizens panels, selecting from among their own members a number sufficient to create a CIR Evaluation Panel of appropriate size. The Evaluation Panel will convene in the beginning of each year for two or three days in a facilitated session to review the same objective evaluations used by the board to monitor the CIR. They will issue a report commenting on what they have found and may make appropriate recommendations to the board.

The CIR Evaluation Panel will also select two of their members to serve as board members. If no citizens panel was held in the previous year, the board shall appoint two board members, selecting these from among the panelists of the last citizens panels which were held. In case of a citizen vacancy, the board will appoint citizen members from previous citizens panels. Governor and Secretary of State vacancies will be appointed by their respective state officers. In the case of a vacancy lasting six months or less, the appointee may be reappointed to a full term.

Sunset Provision

To insure that the CIR is continued only if valuable to voters, the Citizens Jury recommends that a sunset provision with a range of between six and eight years be included in the provisions authorizing the creation of the program. At the end of the prescribed period, the CIR will cease to exist unless it has been reauthorized by a new law.

As it nears the prescribed limit, the board of the CIR can make a recommendation as to whether the program should continue and whether any changes should be considered in its operation.

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SAMPLE REPORT FORM

REPORT ON INITIATIVE 1201

We, the participants in the citizens panel which reviewed Initiative 1201, reached the following conclusions:

We agreed on the following points:

- 1. -----

- 2. -----

Those of us who favor this initiative do so for the following reasons:

- 1. -----

- 2. -----

The group that gathered to write up the above reasons made up 64% of the participants. We urge those who want a further understanding of our position to visit our web site, where the testimony of the three best witnesses we heard is summarized.

Those of us who oppose this initiative do so for the following reasons:

- 1. -----

- 2. -----

The group that gathered to write up the above reasons made up 28% of the participants. We urge those who want a further understanding of our position to visit our web site, where the testimony of the three best witnesses we heard is summarized.

Those of us who are undecided on this initiative remain this way because:

- 1. -----

- 2. -----

The group that gathered to write up the above reasons made up 8% of the participants. We urge those who want a further understanding of our position to visit our web site, where the testimony of the three best witnesses we heard is summarized.

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Citizens Jury: Charge Questions and Results

Phase 1

At the end of Day 2 the jurors voted on whether they liked the CIR well enough to adapt it for Washington.

1. Now that you have heard about the CIR, please indicate on a five-point scale how much you like the idea.

I like it very much	11
I like it	8
I am neutral or undecided	5
I don't like it	1
I don't like it at all	0

2. Are there other ideas which you like?

Yes – 3 No - 22

- A. If yes, which of them, if any, do you think are better than the CIR?

In response to this question, one juror preferred that the CIR be done without government money. Another person preferred cross-state town meetings sponsored by the League to discuss initiatives and TV forums broadcast on public television stations. A third juror had some unspecified ideas but stated that they could be implemented within the CIR structure.

- B. Which of these ideas, if any, would you like to see incorporated in the CIR?

None were mentioned.

3. Would you like to discuss the details of the CIR and how it could be implemented in Washington? Please vote yes or no. If a majority votes yes, then you will spend the remaining time working on this and then take a final vote on whether you would like to see the CIR become state law. If a majority votes no, then this will terminate the hearings, you will be paid for your work and you can go home.

Yes - 23 No - 2

Phase 2

After three more days of hearings, the jury voted at the end of Day 5 on the final version of the CIR they had crafted during Phase 2.

1. Please review the CIR that you have crafted during Phase 2 and be sure that you agree on its elements. Any disagreements will be decided by majority vote. Now please vote on this proposal:

I like it very much	13
I like it	9
I am neutral or undecided	2
I don't like it	1
I don't like it at all	0

2. Please vote yes or no as to whether you would like to see the proponents of the CIR take steps for this final version to become state law.

Yes - 24 No - 1

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ADVISORY COMMITTEE

Tom Albro

Tom Albro is Chair of the Municipal League of King County.

Paul Campbell

Paul Campbell is a retired bank president.

Todd Donovan

Dr. Donovan is a professor of political science at Western Washington University who specializes in direct democracy issues and has written on the initiative process.

Ricardo Garcia

Ricardo Garcia manages the Hispanic public radio KDNA and is on the board of directors of Yakima Valley Community College.

Sue Gould

Sue Gould is a former Republican Snohomish County Council member and state legislator.

Patricia Martin

Patricia Martin is a member of the Yakama Tribal Council.

Lynn Nixon

Lynn Nixon is the government affairs director for Agilent Technologies.

Nancy Pearson

Nancy Pearson is a former LWVUS board member and a current member of the LWVWA Education Fund board.

Kenneth Pelo

Kenneth Pelo is a former social studies teacher who recently retired as Democratic Party Chair for Spokane County.

Dave Ross

Dave Ross hosts a morning talk show on news radio 710 KIRO.

Judge Dennis J. Sweeney

Judge Sweeney is Chair of the Dept. 3 Court of Appeals.

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JURORS

<u>NAME</u>	<u>HOME TOWN</u>	<u>OCCUPATION</u>	<u>AGE</u>
Patrick Alexander	Centralia	Laborer	27
Will Amon	Cheney	Retired Retail Store Manager	61
Dave Artz	Medical Lake	Printer	26
John Beima	University Place	Retired Secretary/Treasurer	78
Carolyn Belton	Tacoma	Customer Service	42
Bev Briskey	Tacoma	Technician at Qwest	42
Emily Culbertson	Everett	Corporate Trainer	20
Aaron Ermine	Spokane	Certified Nurse Aide	26
Artie Flohr	Black Diamond	Retired Facilities Manager	67
Bruce Gregory	Friday Harbor	Farmer/Computer Technician	50
Randy Hunt	Medical Lake	Floor Installer	51
Chris Johnson	Sedro Woolley	Equipment Operator	29
Anne Kellogg	Tacoma	Student	30
Karen Kling	Chehalis	Realtor	59
Joey Lovato	Port Hadlock	Video Production	42
Dotti Newton	Everett	Retired Builder	59
Ralph Peak	Shoreline	Chemical Engineer	76
Jeff Peters	Kent	Trucking Company Supervisor	54
Keri Powell	Seattle	Residential Support Specialist	20
Mel Reece	Mountlake Terrace	Retired Sales Manager	67
Patricia Shetley	Seattle	Feng Shui Pract./Potter/Graphic Des.	45
Donald Taylor	Anacortes	Retired Lutheran Clergy/Ship Master	75
Donna Tonella	Kent	Retired Word Publishing Supervisor	66
Rosie Trupp	Grandview	Bingo Manager	62
Ruby Worthy	Tacoma	Machine Operator	31

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JURY COMPOSITION

One of the key goals of any Citizens Jury is demographic balance. Potential jurors were first identified through a random telephone survey. The jurors were carefully selected to be representative of the state of Washington. Below is a chart of the demographic targets for this jury. In some cases, assigned targets were not achieved due to several last minute cancellations and substitutions. In order to maximize adherence to the jury's demographic targets, a total of 25 jurors were ultimately seated.

Demographic Category	Actual % in Population	Jury Target	Actual Jury
Gender – Male	49.3% ⁷	12	13
Gender – Female	50.7%	12	12
Age – 18-34	31.5% ⁸	7	8
Age – 35-54	41.5%	10	7
Age – 55-64	11.8%	3	4
Age – 65+	15.2%	4	6
Education – H.S. or less	35.3% ⁹	8	9
Education – Some college	23.2%	6	5
Education – College graduate ¹⁰	41.5%	10	11
Race or Ethnicity – White	75.2% ¹¹	18	18
Race or Ethnicity – Hispanic ¹² & Non-white	24.8%	6	7
Residence -- King County	29.5% ¹³	7	6
Residence -- Counties Central P. Sound	26.1%	6	8
Residence -- Other Western Counties	21.0%	5	6
Residence -- Counties East	23.4%	6	5
Party Identification -- Republican	30.0% ¹⁴	7	6
Party Identification -- Democrat	32.0%	8	11
Party Identification -- Independent	32.0%	8	6
Party Identification -- Other	6.0%	1	2

⁷ Source: 2000 November Forecast, WA Office of Financial Management

⁸ Source: 2000 November Forecast, WA Office of Financial Management

⁹ Source: 1998 State Population Survey, WA Office of Financial Management

¹⁰ Includes individuals with a 2 year Associate of Arts Degree

¹¹ Source: 2000 US Census

¹² Note: Individuals of Hispanic origin may be of any race.

¹³ Source: 2000 US Census

¹⁴ Source: The Elway Poll, January 2001

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CITIZENS INITIATIVE REVIEW WITNESSES

The following witness served as a neutral resource during the Phase 1 introduction:

- **Mark Smith**, Assistant Professor of Political Science, University of Washington

The following witnesses spoke for the CIR:

Pat Benn and Ned Crosby, **proponents of the CIR.**

Doug Cochran, **Yakima County Administrator and former Yakima County Auditor.**

John Gastil, **Associate Professor, Department of Speech Communication, University of Washington.**

Estar Holmes, **Eastern Washington Field Coordinator, Washington Conservation Voters and 1000 Friends of Washington.**

Betty Spieth, **Staff Director, Washington Transportation Alliance; formerly with the Chamber of Commerce in Seattle and the Eastside.**

Marilyn Ward, **member (and past chair) of the WA State Medical Quality Assurance Commission and citizen activist on issues involving children and health services.**

The following witnesses spoke either against the CIR or in favor of other alternatives:

Steven Eugster, **member of Spokane City Council and attorney in Spokane.**

David Harrison, **Senior Lecturer in urban and regional affairs at the Evans School of Public Affairs, University of Washington.**

Hugh Spitzer, **Affiliate Professor at the University of Washington Law School, and public finance lawyer with Foster Pepper & Shefelman in Seattle.**

Paul Telford, **Chair of Citizens for Responsible Government; retired nuclear engineer and current citizen activist.**

The following persons provided written statements against the CIR or in favor of other alternatives:

- **Brewster Denny**, Professor and Dean Emeritus, Evans School of Public Affairs, University of Washington.
- **Jeri Costa**, Washington State Senator from the 38th District, former state representative.
- **Bob Williams**, Evergreen Freedom Foundation.
- **Monte Benham**, co-sponsor with Tim Eyman of I-695, I-722, I-745, and I-747.

The following witnesses served as resource persons during the Phase 2 discussions:

Michael J. McCormick, **planning and growth management expert and former Assistant Director in the Washington State Department of Community Development.**

Marc Greenough, **Attorney with Foster Pepper & Shefelman in Seattle**

Don Brazier, **former Chief Deputy Attorney General of Washington, former state representative, and former chair, WA Public Disclosure Commission.**

CITIZENS JURY ON THE CITIZENS INITIATIVE REVIEW

AGENDA

PHASE 1 -- Examining the merits of the Citizens Initiative Review

DAY 1 – Sunday, May 20, 2001

- | | |
|---------------|---|
| 9:00 – 9:45 | Welcome, introductions, orientation |
| 9:45 – 10:30 | Background on initiatives in Washington
<i>Mark Smith, UW, academic resource</i> |
| 10:30 – 10:45 | Break |
| 10:45 – 11:15 | Introduction to the Citizens Initiative Review
<i>Ned Crosby and Pat Benn, CIR proponents</i>
Report by LWVWA on opposition to the Citizens Initiative Review and other alternative approaches.
<i>Judy Hedden, LWVWA</i> |
| 11:15 – 12:00 | Group exercise |
| 12:00 – 1:00 | LUNCH |
| 1:00 – 2:15 | Pro panel presentation with Q&A
Panel: <i>Pat Benn and Ned Crosby, with John Gastil and Estar Holmes</i> |
| 2:15 – 2:30 | BREAK |
| 2:30 – 3:45 | Con/alternatives panel presentation with Q&A.
Panel: <i>Hugh Spitzer, David Harrison, Steve Eugster, Paul Telford (Jeri Costa unable to come)</i> |
| 3:45 – 4:15 | Small groups to discuss what they have heard so far
Goals:
1.) Identify opinions you have about voting on initiatives and discuss the CIR in relation to those. (20 minutes).
2.) Identify areas where you want more information presented tomorrow. (10 minutes). |
| 4:15 – 4:30 | Summary of day; plans for Day 2 |

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DAY 2 – Monday, May 21, 2001

- 8:30 – 8:45 Welcome and review of the plans for the day
- 8:45 – 9:45 Pro panel presentation with Q&A.
Panel: *Doug Cochran, Marilyn Ward, Betty Spieth*
- 9:45 – 10:00 BREAK
- 10:00 – 11:00 Con/alternatives panel presentation with Q&A
Panel: *Paul Telford, Steve Eugster (Hans Dunshee unable to come)*
- 11:00 – 12:00 Pro and con together. Each side questions the other about plans.
Panel: *Pat Benn, Ned Crosby, John Gastil, Paul Telford, and Steve Eugster*
- 12:00 – 1:00 LUNCH
- 1:00 – 1:45 Closing statements pro and con
- 1:45 – 3:00 Small and large group discussions.
Goal: identify and discuss the values behind the various proposals and define common aspirations in those values (40 minutes). Share small group results in large group (30 minutes).
- 3:00 – 3:15 BREAK
- 3:15 – 4:15 Deliberation and voting on three questions:
1. Now that you have heard about the CIR, please indicate on a five-point scale how much you like the idea: I like it very much; I like it; I am neutral or undecided; I don't like it; I don't like it at all.
 2. Are there other ideas which you like?
 - a. If yes, which of them, if any, do you think are better than the CIR?
 - b. Which of these ideas, if any, would you like to see incorporated in the CIR?
 3. Do you like the CIR well enough that you want to spend time adapting it for the state of Washington? Please vote yes or no. If a majority votes yes, then you will spend the remaining time working on this and then take a final vote on whether you would like to see the CIR become state law. If a majority votes no, then this will terminate the hearings, you will be paid for your work and you can go home.
- 4:15 – 4:30 Summary of day and plans for day 3 if CIR adaptation approved by vote.
Closure of project if not.

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PHASE 2 -- Adapting the Citizens Initiative Review for Washington

DAY 3 – Tuesday, May 22, 2001

- 8:30 – 8:45 Welcome and review of Phase 2.
- 8:45 – 12:00 Topic #1- Location and structure of the CIR
Goal: work through questions in priority order.
- 10:00 – 10:15 BREAK (approx.)
- At the end of the allotted time, there will be deliberation and preliminary voting on Topic #1 priority questions
- Advisors present: Mike McCormick and Don Brazier
- 12:00 – 1:00 LUNCH
- 1:00 – 4:15 Topic #2 - Financial issues
Goal: work through questions in priority order.
- 2:30 - 2:45 BREAK (approx.)
- At the end of the allotted time, there will be deliberation and preliminary voting on Topic #2 questions
- Advisor present: Marc Greenough
- 4:15 – 4:30 Summary of day, check on juror satisfaction, and plans for day 4.

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DAY 4 – Wednesday, May 23, 2001

- 8:30 – 8:45 Welcome and review of day
- 8:45 – 12:00 Topic 3: Citizen panel options
Goal: work through priority questions
- 10:00 – 10:15 BREAK (approx.)
- At the end of the allotted time, there will be deliberation and preliminary voting on Topic #3 questions.
- 12:00 – 1:00 LUNCH
- 1:00 – 4:25 Topic 4: Experts and Topic 5: Results
Goal: work through priority questions
- 2:30 - 2:45 BREAK (approx.)
- At the end of the allotted time, there will be deliberation and preliminary voting on Topic #4 and #5 questions.
- 4:25 – 4:30 Summary of day, check on juror satisfaction, and plans for day 5

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DAY 5 – Thursday, May 24, 2001 – Decision day

- 8:30 – 8:40 Welcome and review of day
- 8:40 – 11:45 Review of decisions to date and discussion of any matters still pending.
Agreement on what the final plan looks like.
- 10:00 – 10:15 BREAK
- 11:45 –12:00 Deliberations and vote on CIR Phase 2 final question 1
1. Please review the CIR that you have crafted during Phase 2 and be sure that you agree on its elements. Any disagreement will be decided by majority vote. Now please vote on this proposal:
I like it very much; I like it; I am neutral or undecided; I don't like it; I don't like it at all.
- 12:00 – 1:00 LUNCH
- 1:00 – 1:45 Deliberations and vote on CIR Phase 2 final questions 2 and 3
2. At this point, the proponents will be asked to indicate whether there are any elements of your version which they think will not work or are contrary to the philosophy upon which the CIR rests. After discussing these with you, they will then recommend what those elements should be, in their opinion. You will then be asked to indicate how much you like this version:

I like it very much; I like it; I am neutral or undecided; I don't like it; I don't like it at all.

(Note: the proponents did not see any elements that would not work in the final CIR crafted by the Citizens Jury and therefore no vote on Question 2 was needed.)
 3. Please vote yes or no as to whether you would like to see the proponents of the CIR take steps for this final version to become state law.
- 1:45 – 2:00 Evaluations and juror statements to be completed while votes are tallied
- 2:00 – 2:15 BREAK
- 2:15 – 3:15 Distribution of report and statements by the four Citizens Jury spokespersons elected by the jurors: Bruce Gregory, Dotti Newton, Jeff Peters, and Patricia Shetley.
- 3:15 – 4:00 Closing

CITIZENS JURY ON THE CITIZENS INITIATIVE REVIEW

TOPICS FOR PHASE 2

1. Location and structure of the CIR
 - A. Location: should it be within the Secretary of State's Office or an independent commission?
 - B. Board composition: how should members be nominated and who should chair the Board?
 - C. Office structure: what staff are required and what tasks will they handle?
 - D. Funding process: how should the budget be set and to whom should the Board be financially accountable?
 - E. Sunset: should there be a sunset provision? If so, when should it kick in?
 - F. What qualifications do the staff need? How and when will they be trained?
 - G. If it is in the Secretary of State's Office, could it be done by existing staff?
 - H. Where should the physical facilities be located?
2. Financial issues
 - A. Budget: how much is needed for the CIR?
 - B. Source of money: where shall it come from?
 - C. Reporting: who should audit the CIR?
 - D. Unexpended funds: should these carry over to the next year?
 - E. Insufficient funding: what if there is a shortfall?
 - F. How will the money be spent? What will the salaries be?
 - G. Should the results be reported to the public?
 - H. What is the cost of evaluating initiatives?
3. Citizen panel options
 - A. Name: is "citizen panel" the best name for these groups?
 - B. Size: should the panels consist of 18 or 24 people?
 - C. Selection: should participants be selected at random from the population at large or only from registered voters?
 - D. Assignment: what should the citizen panels be asked to do?
 - E. Scope: should all initiatives be covered? If not, how will the decision be made?
 - F. Privacy: should citizen panels be allowed to deliberate in private if they so choose?
 - G. How do the requirements of the open public meetings law affect the CIR?
 - H. Who will provide training and guidelines for the panelists?
4. Experts
 - A. Experts: how should it be determined who will speak for and against the initiative? Should both advocates and neutral resource experts be invited to speak?
 - B. Constitutionality: should opinions on this issue be required to be part of the CIR?
 - C. Fiscal impact: should opinions on this issue be required to be part of the CIR?
 - D. How do you get the witnesses to come?
 - E. Should they look at the unintended consequences of initiatives?
5. Results
 - A. Content: what information will be released to the public?
 - B. Method: how should the findings be disseminated?
 - C. Evaluation: how will neutrality be ensured? How will evaluation be carried out?
 - D. Should there be a standard reporting system?
 - E. How should press relations be handled?
 - F. Who will be appointed to the evaluation panel?

CITIZENS JURY ON THE CITIZENS INITIATIVE REVIEW

JUROR EVALUATION

1. In general, how do you feel about this Citizens Jury project that you have just completed?

12	Very satisfied
12	Satisfied
1	Neutral
0	Dissatisfied
0	Very dissatisfied

2. How do you feel about different parts of the hearings?

	Very Satisfied	Satisfied	Neutral	Dissatisfied	Very Dissatisfied
Welcome/Intro	17	7	1	0	0
Pro Panels	11	13	1	0	0
Con Panels	4	10	5	4	2
Small Group Work	8	12	4	1	0
Jury Deliberations	9	8	7	1	0

3. One of our aims is to have the project staff (Linda, Jim, Tam, Susan, Doug, and Nancy) conduct the Citizens Jury in an unbiased way. How satisfied are you with their performance in this regard?

18	Very satisfied
6	Satisfied
1	Neutral
0	Dissatisfied
0	Very dissatisfied

CITIZENS JURY ON THE CITIZENS INITIATIVE REVIEW

JURORS' PERSONAL COMMENT STATEMENTS

Jurors had the opportunity to record their personal opinions in 100 words or less on any part of the project.

I want to thank Ned, Pat, and LWV for all the help to get this out and in the open. I feel if this is done right it will work. This is something we all need to look at to have initiatives work for us so that we do not have them overturned.

Patrick S. Alexander

The intent of the process over the last five days has been interesting and I commend the efforts of the staff and of Ned and Pat to pull this off. I hope this floats.

Will Amon

I believe that the Citizens Jury project itself was a wonderful opportunity for everyone to share ideas and to make decisions in spite of their different backgrounds and opinions. The matter of the CIR itself seems to be something that when fine tuned may very well be successful. I would not strongly advocate it until the finished product is on the table; however, I am very excited by the proposals we have made.

David E. Artz

I thought that the exercise was well planned and flowed well. Availability of key witnesses was limited and may be improved in future reviews.

John L. Beima

I believe this process was a good process from beginning to end. The only thing I wish is that there would have been more of a mixture of people (minorities) to make it feel more evened out. But besides that it made me feel a part of something great! And I pray it will make a difference for the future citizens in our state, the children.

Carol Belton

I think that an initiative to educate the public on issues that they vote on (or that are put on the ballot) with more information is great. I believe there is too much bogus information on the subjects (initiatives) by both sides, and someone hopefully a Citizens Jury would take the time to weed out the bull and help educate the public on the real and honest intent of the initiatives and their affect if approved by the voters.

Bev Briskey

I am grateful for this wonderful opportunity to represent my generation and be a part of something so important. I believe this process is incredible, and an overall excellent idea. I would strongly encourage any citizen to participate in a panel or project much like this one. I was very impressed, and I appreciate being here.

Emily Culbertson

CITIZENS JURY ON THE CITIZENS INITIATIVE REVIEW

I think the whole process was done very well and was very educational. I think it's a very good idea for it would inform voters.

Aaron Ermine

I found it very comforting that a widely diverse and politically varied group could become so attuned to this process. At no time did I feel that this political, geographic or educational diversity stood in the way of moving towards consensus, understanding and decision making. If anything, this process was tremendously enhanced by said diversity. It is also my feeling that this process offers a wonderful chance for Washington state citizens to be given needed information that is lacking at this time.

Robert Bruce Gregory

I think this is a great idea. I think the voter needs to be more informed. This is a great way to do it.

Randall W. Hunt

This experience has been inspiring for me. It has opened my mind to our government and the need for everyone to participate. I think if not for this opportunity I wouldn't have a new found excitement for our political system. Thanks to everyone involved. Special thanks to Ned and Pat for the idea and the opportunity.

Christopher Johnson

I believe that it is about time that information that is understandable by the average voter is available. This, I think, will make voters more informed and educated on the initiatives so more people will vote.

Anne Kellogg

I think the Citizens Jury experience has been a privilege and one I recommend. Every aspect of the process has been conducted in the highest, purest form of a democratic process. The outcome, decisions, and jury recommendations represent the process. I am grateful to have participated and made contributions. My hope is to see the Citizens Initiative Review complete the process to become an initiative in the general election. Next my hope is to find the CIR's input in our Voters Pamphlet! It has great value and there is definite need!

Karen Kling

I am very satisfied with the process. One suggestion on process: have the jury select a foreman on the first day who would help the moderator and the jury members better work together.

Joey Lovato

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This experience was extremely satisfying to me. I have never been interested in the legislative process, but I am now! Citizens' panels really allow the average person the opportunity (if selected) to participate in something they may never have come into contact with, otherwise. The staff were marvelous; the pro witnesses very informed; the con witnesses bumbling and not very well prepared, even contemptuous, at times. However, the fact that the con witnesses came was very gratifying. All in all, what a great 5 days!

Dorothy C. Newton

I was impressed by the ability of this randomly selected panel to achieve consensus and results in a short period of five days. The varied backgrounds and the eclectic mix of persons on the panel provided a rich and many-faceted discussion of problem points. The person selected as facilitator, Linda, was extremely expert in keeping us on track and proceeding rapidly to the end result.

Ralph F. Peak

I got involved in the Citizens Initiative Review process suddenly and unexpectedly. To say that I am now pleasantly surprised about how much I enjoyed it and how powerful I found it to be would be a great understatement. I have become excited about having the chance to participate in a function that holds at its core the principal that whatever we do we must doggedly protect the process. That none of our ideas, no matter how dramatically we attempt to glorify the ends they may produce, that none of those ideas are more important than ensuring that the reason we are using them is because most of the people want to.

Jeff Peters

Everyone was great, i.e. staff and witnesses! There were a few times when things got "chaotic," but all was handled in an awesome way. Plus the food is great!

Keri Powell

What concerned me about the process was that we as jurors didn't always remember that we were chosen to represent the citizens of the state of WA. I realize that, by the nature in which we were chosen, our participation implied that representation, but I think remembering the "citizens" out there could have helped temper the proceedings to some degree, temper behavior to some degree.

Patricia D. Shetley

The honor of being part of this group has been one of my life's greatest experiences. The chance to be able to make a difference in the democratic process is definitely part of that honor.

Rosa Lee Trupp

First of all, I would like to thank the LWVWA for this opportunity to be a part of the Citizens Jury. It was a great learning process for me. Although I didn't give much input, I did get a lot out of it.

Ruby Worthy