

Reforming Oregon's Legislative Democracy: Transformative Solutions for a Post-Pandemic Legislature

Task Force Report by

Student Task Force on Improving Oregon's Legislative Democracy

Aleesha Kazi, Alexander Vasquez, Evan Kohne, Sarah Dean, and Sophie Goodwin-Rice

Willamette University - Politics, Policy, Law & Ethics

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EXECUTIVE SUMMARY

Policy Problem

Ever since the COVID-19 pandemic struck in the spring of 2020, the Oregon State Legislature has been reframing, reworking, and adapting its processes to fit into a virtual world. The lawmaking process runs on relationships, deliberation, public input, and compromise, all of which are best accomplished in person. The COVID-19 pandemic has forced these key aspects of an effective Legislature to be adapted to online, remote formats to protect legislators, staffers, lobbyists, and the public from the contagious virus. These changes have had some benefits, as some Oregonians can now access democratic processes from the safety and comfort of their homes. Furthermore, remote access has afforded people who live far away from the Capitol the opportunity to participate in the same manner as those living in the Willamette Valley. However, this transition has also caused some significant problems for Oregon's "legislative democracy." This report aims to address the problems caused by this shift to remote work and to identify solutions that can remedy these problems. The term "legislative democracy" encompasses everyone involved in the Legislature's functions, including lawmakers, advocates, lobbyists, supportive offices who facilitate the lawmaking and deliberative processes, and members of the public. This report is addressed to the Oregon Legislature's House Committee on Modernizing the People's Legislature, which was created in 2021 to evaluate similar issues to those we have uncovered and to pass policies to improve Oregon's legislative process.

Findings

Through a series of 39 interviews with legislators, staff members, lobbyists, and advocates, the Student Task Force on Improving Oregon's Legislative Democracy distilled several main problems that have been exacerbated by the COVID-19 pandemic: a [digital divide](#) concerning both broadband access and technological barriers to participation; an [overwhelming amount of information](#) to process with current staff capacity limits, a major loss in the ability to build and maintain [relationships](#); exacerbated [language accessibility](#) barriers; and technological shortcomings in the [Legislature's remote committees](#). Our main finding is that these problems require structural solutions that revolve around [expanding accessibility](#) within the lawmaking process and [building institutional capacity](#). There is currently not enough time or staff capacity for the Legislature to handle all the issues the pandemic has created and uncovered. The pandemic has shown that the Legislature's institutional capacity cannot keep up with the increase in Oregonians' policy needs in the face of ongoing crises. The virtual format of the Legislature has shown how often people struggle to access the Capitol due to barriers in technology and language access. Additionally, the current structure of the Legislature hinders diversity among staff and legislators. Increasing and investing in the Legislature's institutional capacity will create a more accessible and representative Capitol that is more responsive to the needs of Oregonians.

Recommendations

The barriers and challenges created by the COVID-19 pandemic will require transformative solutions to enhance Oregon's legislative democracy. These include changes to increase accessibility, improve committee hearings, and build institutional capacity.

To increase **accessibility**, we propose that the Legislature expand: digital live remote testimony beyond the end of the pandemic, broadband access for all Oregonians, Capitol language access to make Oregon's legislative processes more accessible, relationships with Community Based Organizations (CBOs) engaging in responsive community outreach, and legislative outreach to improve services to constituent communities.

To improve **committee hearings**, we propose extending the window for testimony submission, keeping agendas consistently up-to-date, and requiring committee chairs to notify the public how many people are lined up to testify for each bill.

To build Oregon's **institutional capacity**, we propose increasing legislator pay, increasing the number of legislative and agency staff members, and increasing the amount of time that the Legislature is in session.

Conclusion

Providing this report to the House Committee on Modernizing the People's Legislature will introduce new solutions for the committee members to use when they make future policy decisions, including the Committee's final resolution that may be presented to the Legislative Assembly before the end of the 2021 session. Several of our solutions, especially those related to institutional capacity, address structural, long-term problems that will need continued conversations in the coming years among committee chairs, legislative leadership, and all the members of both chambers. These conversations must continue to improve Oregon's legislative democracy beyond the end of the COVID-19 pandemic.

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INTRODUCTION

This report began as a senior capstone project by five students at Willamette University in Salem, Oregon in the spring of 2021. Aleesha Kazi, Alexander Vasquez, Evan Kohne, Sarah Dean, and Sophie Goodwin-Rice chose to research how the COVID-19 pandemic had affected the Oregon State Legislature as the final project for Willamette's Politics, Policy, Law, and Ethics degree, under the direction of Professor of Politics Dr. Richard Ellis. All five students had experienced working as interns and staffers in legislative offices, the Governor's office, or outside advocacy groups, and together found a common interest in legislative reform.

The majority of the data in this report were drawn from interviews conducted during the first several months of the 2021 Oregon Legislative Session. Members of the Task Force spoke with 36 actors in the legislative process, including five elected officials, five elected official staffers, eight advocates, twelve lobbyists, and five agency staff members to hear their experiences working during a remote session. Quotes used throughout the report have been coded to protect the interviewees' anonymity. These interviews were coordinated mainly over email and conducted entirely virtually due to the COVID-19 pandemic. After information was gathered, the group worked to synthesize several problems and solutions in the areas of accessibility and effectiveness. Supplementary information and research frameworks were provided by a number of outside resources and past academic studies.

BACKGROUND

I. Pandemic Context & Literature Review

As Oregonians have struggled over the past year to move schools, workplaces, and social events online, the Legislature has faced its own challenge of not only converting past proceedings to digital platforms but also maintaining previous standards of deliberative, engaging, and accessible democracy. Issues that the Oregon Legislature already experienced, such as its accessibility to geographically distant residents or their tight policy deadlines, were exacerbated by the COVID-19 pandemic. The solutions provided in this report look to not only fix the problems caused by the pandemic, but strive to craft solutions that improve the Legislature and make it stronger than it was before. Through this process, Oregon's democracy will not only be more resilient to the current crisis, but more adaptable to the many future challenges it will face.

The first case of COVID-19 in Oregon was identified on February 28, 2020, and Oregon declared a state of emergency on March 8. Just three days earlier, the Legislature had adjourned its short session early due to upcoming constitutional deadlines. As the pandemic raged across the state, the Legislature remained out of session, and individual members who sought to aid their constituents and coordinate resources struggled to fully address all the ongoing crises. Governor Kate Brown led the crisis management and went on to sign over 48 COVID-19 and wildfire-related executive orders throughout the rest of 2020 (Governor Kate Brown). As the pandemic extended into the summer of 2020, many elected officials called for the Legislature to reconvene in a special session. The Oregon Constitution stipulates that the Legislature could be called into a special session by either the Governor or by a majority of both chambers; in the end, Governor Brown ended up calling all three sessions that occurred in 2020. These included a three-day session in June, and a one-day session in both August and December. Each session had a set limit on its length and attempted to address a series of issues that were being exacerbated by the pandemic, though there were also bills introduced that had not passed the previous year. The bills passed addressed major contemporary issues including changing police use of force rules, expanding the eviction moratorium, closing budget gaps, and ensuring federal dollars allocated to Oregon were being spent on the communities they had been earmarked for (VanderHart; UofO; Chavez). These sessions, while short, were crucial to the pandemic response.

The 2021 legislative session began on January 19, 2021. The pandemic has forced the long session to be almost entirely remote, except for floor sessions. Every committee meeting, hearing, and official proceeding besides the in-person floor sessions has been conducted through Microsoft Teams, allowing legislators and most staffers to work from home. This session is the chosen case study for this paper and provided the foundation for the interviews conducted.

As of now, not much has been written about state legislatures and their virtual policies, and most available resources that specify a legislative body are focused on Congress (Bassetti; Hill; Huder; LaPira & Wallner; Open Government Partnership). This research holds that transferring to virtual operations was perfectly feasible given the resources available to the federal government and the varying sets of home-state restrictions congressional members and staff would be coming from. Some research (Chaplin; Cattapan et al.; Hill; OGP; Rasmussen) does focus on other nations and their legislative responses, such as the European Union and how open to the public that body would become due to the technological access granted by virtual

policies. While the EU has struggled with transitioning online as well, member nations and their representatives have had a greater emphasis on public participation at the national level.

In the few sources that focus on state legislatures (Craven; Hering; NSCL), one fact is abundantly clear. The preference for in-person legislatures has left state governments without procedures in place to run a functioning virtual legislative session. In a collection of states' emergency procedures compiled by the National Conference of State Legislatures, only Wisconsin had plans in place before the pandemic for its members to meet virtually (NSCL 7). Some states, like Oregon, had plans which assumed that within 30 days of the start of the disaster the Legislature would be able to meet in person at a safe location, albeit with a modified quorum to account for stranded or deceased legislators (NSCL 4-6). None of the contingency rules had a long-term plan to run a virtual legislature, unable to meet in person in its normal fashion. This unpreparedness extended beyond only pandemic-related procedures to state legislatures' overall structures.

Throughout all of these varied sources, every one argued that the legislatures need to have the institutional capacity to allow the most democratic engagement to occur. The best legislatures were ones that were responsive and deliberative in their actions, striking a balance between the two approaches. As the COVID-19 pandemic has exposed where the Oregon Legislature failed in this balance both before and during the crisis, we seek to identify these weaknesses and recommend changes to create a post-pandemic legislature that is stronger than before. Not only will the post-pandemic Oregon Legislature have just as much power to create and pass legislation, but the two chambers will also be more responsive to the public through a stronger connection with their constituents. These solutions do not seek to undermine the deliberative processes but enhance them and make them effective and compatible with the changing times of the 21st century and the growing demands on the Legislature.

II. History of Oregon's Legislative Sessions

Since the conception of the Oregon Legislature, elected officials have been grappling with the question of how much institutional capacity the legislative branch needs to have to meet the needs of a growing population. Since 1885, the Legislative Assembly has convened in Salem on the second Monday in January of every odd-numbered year. For the first 35 years, legislative sessions averaged around 40 days in length. Beginning in the 1920s, the length of the biannual

sessions has gradually increased. Since the 1980s, the average session has been 6 months (Oregon Secretary of State).

Even after the session length increased, the wait time between the single legislative session every two years was still a major barrier to the ability of the Legislature to respond to the needs of the people. In 2010, there was a new wave of support for reform as legislators and the public both argued that their legislative schedule could not meet the demands of the new decade. Legislators recognized that change was needed to keep the Legislature as an effective and responsive part of the Oregon government. In a 2010 interview with *The Oregonian*, Oregon Senate President Peter Courtney noted that “We cannot make laws. We cannot make a budget the way it’s going now. . . Society is so dynamic and so diverse. There are so many more people than when they first designed this structure that it cannot respond the way it should” (Cole). In 2010, a legislative resolution, Measure 71, was referred to the voters that amended Oregon’s Constitution to have the Legislative Assembly meet annually. There was no organized opposition to Measure 71, and even those frustrated with the exact language of the amendment recognized the need for annual need in the form of a short session on even years (Cole). The referendum passed by a margin of more than 2 to 1, even in the more rural, conservative areas of Oregon, with 67% of the vote (Oregon Legislative Assembly History).

The constitutional changes enacted through Measure 71 limited the length of legislative sessions beginning in odd-numbered years to 160 days, and sessions beginning in even-numbered years to 35 days (Oregon Legislative Assembly History). The first official short session was held in 2012 with the sole intent to pass the year’s budget. However, the short session has since become vital for passing bills that were not passed in the regular session. Both Democrats and Republicans can agree that 35 days is not long enough to pass major legislative reforms. As one legislative staffer explained, “Do we pass bills that are not budget bills in the short session? Yeah. In those 35 days, you’re passing major policy changes; that’s when we passed minimum wage increase, mandatory sick leave. We pass a lot of big-ticket items in those 35 days” (Elected Official Staff B). With this already tight schedule, the COVID-19 pandemic has shown how the short length of the session limits the ability of the Legislature to respond to crises during even years.

DISCUSSION

Through our research, we identified several key problem areas in the 2021 remote legislative session, listed below. Subsequent recommendations for solutions for these issues can be found beginning on [page 17](#).

I. Current Problems

A. Digital Divide

After 136 years of in-person sessions, the transition to remote legislation has not been easy. Meetings that were once held in offices, conference rooms, or hearing chambers in the Oregon State Capitol have been shifted to a digital platform known as Microsoft Teams, and members of the public can no longer simply walk into the building when they want to meet with their elected officials or watch how the legislative process works. The pandemic and the remote nature of the 2021 legislative session have revealed the divide between those who have access to technology and the Internet and those who do not. Since the pandemic has normalized remote platforms for participation, the digital divide has therefore also highlighted who has access, and who does not, to the legislative process in Oregon.

This problem area focuses primarily on committee meetings and hearings, given that these take place every day, involve legislators from across the state, and rely on outside testimony to shape decisions and understanding of issues. As several interviewees stated, these online meetings have been fraught with obstacles. “Remote hearings are not working,” explained one senior legislative staffer. “People lose their Internet signals and they drop off calls” (Elected Official Staff B). A lobbyist echoed this point, sharing her experiences watching committee hearings:

It’s slowed by technical difficulties. . . I’d love it if the chair of the committee had good Internet access. We’re talking about broadband access for rural Oregon and she’s sitting in Salem and I can’t hear her. It’s such a small thing, but half of the work of that committee didn’t happen today. They didn’t hear a couple of bills because it took so much longer because she had a 10-second delay (Lobbyist G).

Internet-related efficiency has also been impacted by external factors, highlighting the instability of virtual proceedings, particularly in a changing global climate. The Salem area was hit by an unprecedented ice storm in mid-February of 2021, and over 200,000 households were suddenly left without power or Internet access. This caused legislative proceedings to halt for

two full days as the Governor, legislators, staff, and constituents struggled to get back online and resume their work (Cline). Meanwhile, the empty Capitol building maintained both power and the Internet. “Things just got bumped back, depending on who had power and who didn’t,” explained one advocate who had planned to testify at a committee hearing that week. “And up until [that] Friday, there were still legislators who had no power” (Advocate D).

For constituents, one of the first hurdles for participating in the Legislature is simply steady Internet service. According to the 2020 Broadband in Oregon Report, only 54% of all Oregon census blocks had basic broadband access, meaning that for many Oregonians, the Internet is not a sustainable method of participation (58). “My WiFi goes out probably four or five times a day just kind of randomly, and that’s living in town,” explained a county commissioner from the South Coast (Elected Official B). With Internet access sporadic for folks living in parts of the state farther from the Capitol and the Portland Metro area, access is by default decreased for certain populations, just as there is less access for constituents who live farther from Salem when required to travel to give live in-person testimony.

Recommendations set by community-based advocacy groups across the country over the past year have urged legislators to make participation more accessible for all. These suggestions include preserving real-time access for the public watching live streams, making it clear who on the screen is a legislator by requiring them to be audible, visible, and labeled at all times, providing multilingual platforms and translation services, and simplifying the process of signing up to give testimony (Bassetti and Weiner 11; Craven; NYPIRG 2). Through our interviews, we have found that Oregon’s current system does not meet these recommendations for accessibility, leaving much more work to be done to effectively engage and include constituents. “All of the streams are on a two-minute delay,” explained one field organizer. “Trying to watch that and see if you get testimony in – it’s not gonna work, because you’re two minutes behind” (Advocate C). Furthermore, the new Microsoft Teams platform has made an already confusing meeting setup even more difficult to understand for an outsider. During committee meetings, legislators frequently have their cameras off or are completely off-screen and are not labeled as members of the committee, leaving it unclear as to who is a guest, staffer, or legislator and removing the in-person experience of testifying “to” a committee.

The transition to online testimony has also ushered in new challenges of learning how to navigate online systems. Although one seasoned lobbyist described testifying as a “pretty smooth

process” (Lobbyist A), it has become clear that many outsiders do not have that same experience. “The hoops that people have to jump through in order to even submit written testimony are really hard for folks on the ground,” explained an advocate. “If you upload one thing wrong, then it doesn’t really tell you what’s wrong with it. We’ve lost a lot of testimony that way” (Advocate H). One legislative staff member also pointed out that the remote infrastructure of hearings is also not set up in a transparent way to accommodate busy constituents:

There is no way to tell how many people are ahead of you in committee. It is not right to ask constituents to wait hours to testify without them knowing how big the line is ahead of them, even in the virtual world. They may have prior commitments they’ve given up to attend this meeting (Elected Official Staff B).

The digital divide is and has been a continuous issue for both efficiency and accessibility in the 2021 session and will likely continue to be so until in-person sessions resume. There remains a strong need for innovation even before the pandemic ends, to bring the Legislature back to, and possibly beyond, its previous standards of democracy and engagement.

B. Information Overload

While Oregon’s state legislators are governing during a viral pandemic, they are also governing amid an information pandemic. This year there are a record number of issues that have been presented to the Legislature, some of which were caused by the pandemic, such as the record unemployment, and some not directly related to the pandemic, such as issues created by climate change or calls for racial justice. The ongoing crises that have occurred over the past year, including the pandemic, the September 2020 wildfires, and the February 2021 ice storm and power outages, combined with the move to a semi-virtual session, have inadvertently caused an increase in the flow of information. Currently, there is too much information being circulated in the virtual Legislature for everyone to track and be on the same page. This *infodemic* has caused an increase in the demands on government staff and elected officials.

The pandemic, and the aforementioned other crises, have caused Oregonians to engage more with the government, increasing the amount of constituent casework and correspondences for all levels of government. In a normal year, Governor Brown’s Constituent Services Office receives around 50,000 constituent correspondences. In 2020, the office received 197,500 correspondences, almost four times the normal amount (Agency Staff C). Similar constituent

services trends have been seen in legislative offices. Elected officials spent most of their time in the interim period between sessions in 2020 doing constituent casework and helping people file unemployment claims. Yet while the increase in constituent engagement has created more work, it has made some elected officials feel closer than ever to the people who elected them to office. One representative explained that although he has never worked this hard in his position, the increase in constituent casework has made him feel more connected to his constituents because he “had to help so many people get unemployment benefits.” He continued, explaining, “It was very hands-on. I didn’t plan it, it’s just kinda how it happened” (Elected Official E).

However, the increase in correspondences also has caused a decrease in how much time is spent on each case. A small office cannot manage almost 200,000 correspondences. The Governor’s staffer explained how their office normally “could take our time and make sure we answered people appropriately. If people required a phone call, we were able to call and spend time actually talking. . . this past year, we haven’t been able to be as personable because of the influx of calls. We’re just *not capable* of answering every call” (Agency Staff C). The problem here is that the Governor’s Constituent Services Office is only three people. Offices of elected officials are also usually only two to three people; there is not enough staff to respond to all the concerns.

Despite the digital divide and widespread issues with Internet access and navigating the Capitol’s systems, regional diversity has increased in the constituents who are submitting testimony and participating than before the pandemic as some Oregonians have found it easier to participate when physical distance is no longer a barrier. However, the Legislature’s current infrastructure may not be able to support this new level of democratic engagement. Increased access has naturally led to an increase in information flowing into the Legislature, furthering the infodemic. Committee meetings with only a few hours dedicated to several bills are not conducive to large amounts of digital live remote testimony and have led to legislative *disengagement*. “We’re talking about these really important things but, people are zoned out,” explained one lobbyist. “You might as well be submitting written testimony when there’s no engagement” (Lobbyist G). The ability to testify remotely has also furthered the infodemic by causing there to be an increase in submitted testimony. Legislators and their staff do not have the time to engage with the testimony overload. The increase in people who want to submit testimony has not been met with an increase in staff to sift through the increase in material.

On the lawmaking side of the Legislature, the most salient issue that has affected everyone is the management of all the bills. At the beginning of the session, legislators were expecting nearly 4,000 pieces of legislation to be introduced as bill drafts. For context, the Legislature saw 2,768 bills introduced in 2019 (Borrud). Legislators have not faced this many bills since 2011 when 3,020 bills were introduced as a response to the 2009 Great Recession (Ibid). As of May 2, 2021, the current number of introduced measures stands at 2,475, while only 9 have passed. While there are a vast number of issues needing solutions, introducing more bills than there is time and capacity to discuss has created problems. A lobbyist described her frustration with the increased quantity of bills, saying “the Legislature did not hold back . . . There were instances where my client would send me a bill. And I would be like, wait, where did you find this? It was somewhere in the weeds of the massive amount of bills” (Lobbyist I).

One possible explanation for the increase in bills is the massive reduction of in-person workgroups and coalition building in the fall, which resulted in the creation of too many bills covering the same topic. For example, there were three different bills introduced that were all on providing menstrual products – SB 717, SB 521, and HB 3294 (Acker). Had the sponsors of these bills come together in the fall and conversed, they might have been able to create one piece of legislation that incorporated facets from all three. Everyone has a solution to housing, wildfires, or economic prosperity. Every legislator “wants to bring home a solution, so many concepts about the same issue that in other sessions would have been coalesced into one bill and now are just a slew of ideas” (Lobbyist F). Over the past year, Oregonians have been so focused on the pandemic and wildfire recovery that it is “really hard to focus on the smaller issues that still need to be addressed. Issues have not been fully vetted because we can’t meet with as many stakeholders as we’d like” (Ibid). The information overload of the last year and the inability to connect deeply with partners have hindered the legislative process, which compounds the mounting pressure from bill deadlines.

An early problem that resulted from quickly designed bills occurred during the one-day special session in December 2020. Senate Bill 1801 was a priority bill that was passed to temporarily allow restaurants and bars to sell to-go cocktails. The bill was quickly introduced, debated on, and passed on both sides of the Legislature in one day. In an interview with *The Oregonian*, a lobbyist explained how “the bill’s language left out wine and an amendment had to be introduced to fix that. Such a mistake wouldn’t happen in normal sessions” (Thomas). The

bill's unintended exclusion of wine as a takeout option showed how rushed solutions can lead to patchy policy.

Other problems have emerged around constitutional deadlines and frameworks, which have only worsened the infodemic. In the Oregon Legislature, all bills are held to major session deadlines. The first deadline was on March 19 and required that all bills be scheduled for a work session or referred to the Joint Ways and Means Committee or House/Senate Rules Committees to survive into the next phase of the session. The following chamber deadline was on April 13 and required bills to be amended and voted out of their respective committee. Bills that did not meet this deadline died. Working within these deadlines is not a new challenge for legislators, but over the 2021 session, it has become clear that this system has also been exacerbated by the pandemic. The Legislature has been put on an extremely tight timeline as legislators have tried to push hundreds of bills through committees and onto the full chamber votes, – all amidst committees and floor sessions being canceled due to power outages, technological issues, and members testing positive for COVID-19.

Some states, such as Virginia and Washington, have limited the number of measures introduced due to the remote nature of the session. Members of the Washington State House of Representatives and Virginia General Assembly were both asked to reduce the number of bills they introduced from twelve to seven (Stafford; Vozzella and Schneider). However, Oregon did not adopt these bill limits as a way to limit the infodemic. A lobbyist expressed her concerns over leadership deciding against requiring bill limits, explaining how “our speaker felt very strongly that she didn't want limits . . . and now bills are about to die. A lot of really big conversations are not where they need to be . . . Anything over a thousand bills, which still sounds overwhelming, seems preposterous for this session” (Lobbyist B).

The infodemic has also increased the need, an ability, for multitasking. When lobbyists and legislators were in person, there was a physicality to the work, as they could only be in one place at a time. Now, they can be watching multiple hearings, taking calls, and sending emails simultaneously. It was known that even before the pandemic humans are not good multitaskers. However, the pandemic has further limited what legislators can focus on when they are constantly distracted. Recent research has shown that working in a remote environment has its downsides on an individual's ability to focus. A 2020 study done of 715 Microsoft employees showed that multitasking in the remote workplace led to a self-reported 36% increase in mental

fatigue, in instances of disrespectful behavior, and in loss of engagement (Cao et al., 9). While multitasking is not new in the Legislature, the increase in bills creates more work and raises the likelihood that everyone is going to struggle to engage with the information.

Many lobbyists and lawmakers have found they have openings in their schedules that were previously spent commuting from Portland or walking from floor sessions to hearing rooms. These built-in commute times have now been replaced with back-to-back meetings. There is no commute time between Zoom rooms. Since informal five-minute hallway conversations have disappeared, lobbyists now must use a formal thirty-minute meeting to get a response to a question that could have been answered quickly in person. The increase in demand for formally scheduled meetings has caused legislators to become hyper-scheduled, sometimes with calendars scheduled three weeks out in advance. The problem with hyper-scheduling is that a lobbyist might have a bill that is being voted on in five days and is unable to get a scheduled meeting for three weeks. One Portland lobbyist described her frustration with the slow communication process explaining how, “if you’re lucky enough to get a meeting with a member . . . and you’re scheduled for 30 minutes, you feel like you have to take the whole 30 minutes. You’re going to talk about every issue you possibly can” (Lobbyist F). Lobbyists are now talking about multiple issues at once instead of going over four bullet points for one bill.

The infodemic has caused legislators, lobbyists, advocates, and the public to feel overwhelmed, tired, and worn out over all the issues being presented through computer screens to the Legislature. Legislators are being talked to all day and trying to distill information on the myriad of bills, oftentimes zoning out and failing to internalize the information. Following all the issues and trying to keep track of everything was much easier when an issue could be explained in a five-minute hallway conversation, instead of an enormous email chain followed up with a formal video call.

Even before the pandemic, legislators were often overwhelmed and experienced issue fatigue (although “Zoom fatigue” is a new phenomenon). Legislators might still be able to receive information through the virtual format. However, a new problem that has occurred is the lack of meaningful conversations legislators are having with their colleagues. One lobbyist reported being told by a legislator, “I never see my colleagues – we have Caucus but it’s not the same.” The lobbyist went on to say that “[legislators] might receive the information but they digest it in conversations with one another and with other people. And if that’s more limited,

then their ability to truly take in what's happening is more limited" (Lobbyist B). The pandemic has prevented legislators from having conversations they would normally have with one another and with other stakeholders through informal meetings in the Capitol cafeteria or on the side of the floor. One legislator agreed with the lobbyist's interpretation of the lack of connection between legislators. "We check in when Floor is boring...you can desk hop and go visit people. With 60 members, that's really hard to do [remotely], and we're not in Caucus...you can't sit next to somebody on Zoom and talk" (Elected Official E). The pandemic has made the ability to connect with other legislators to garner votes more difficult. Legislators rely on communicating with other members before floor votes to guarantee the success of their bills. Where legislators could once "gather for a quick huddle" (Elected Official F), they must now rely on sending text messages and hope someone will respond to their phone calls. This disconnect between legislators, lobbyists, and constituents will continue to further the infodemic until actionable solutions are implemented.

C. Relationships

Our interviews highlighted the role of relationships in politics and the breakdown of relationship-building during the COVID-19 pandemic. Relationships are critical to the political process and often are seen as the lifeblood of politics. As mentioned in the previous section, many interviewees highlighted the importance of brief, informal conversations that exist organically within the Capitol building, whether through formal meetings or five-minute hallway conversations. The need for informal conversations, which were taken for granted in the pre-pandemic world, has caused a major communication problem for the Legislature and political advocates. With the near-total loss and utility of the Capitol building during COVID-19 aside from two weekly floor sessions per chamber, individuals work virtually from home. This decentralization has proven to be a huge detriment to relationships and a barrier to relationship building.

Much of politics is a game of who-knows-who, to the point where those with relationships have significantly more access to a legislator by the existence of a prior relationship, whether personal or professional. One lobbyist explicitly said, "pre-existing relationships are always important, but right now they're worth gold" (Lobbyist A). When it comes to maintaining relationships, in-person activities such as door-to-door canvassing, evening

community roundtables, and in-person meetings in someone's office all contain a trust-building component of holding space with one another. This genuine connection is sorely lacking in a world without in-person conversations or connection and has led to a collapse of relationship-building. A community advocate explained that "Without that personal contact, and this is particularly true . . . of seniors, elders, Native people, and I've seen it more also with minority communities – people want that personal contact, they want face-to-face. It doesn't feel right, the screen to screen stuff" (Lobbyist D). A face-to-face connection is extremely important for connecting with Black, Indigenous, and People of Color (BIPOC), as well as elders and Tribes in Oregon because of the inability to build trust and connection over a screen.

Legislators, lobbyists, and advocates have all confirmed that Zoom and other virtual media have led to the loss of genuine connection and the inability to maintain relationships, let alone build new ones. One senior policy staffer elaborated on the stressors placed on new legislators by the remote nature of the Legislature, explaining "they are struggling a lot because they don't know any of the members" (Elected Official Staff B). The loss of holding space in someone's office, lack of eye contact over video, and the complete inability to read a person's body language have collapsed relationship-building over the last year. One lobbyist explained, "There's no relationship building – that screen is a barrier to relationship building. There is so much to the relational learning that is lost" (Lobbyist K). The screen has become a barrier in cultivating new relationships. Advocates and community organizers have agreed with how difficult it is to score a meeting with a legislator whom they do not know, or just how difficult it is to be remembered by a legislator or partner due to the massive amount of video calls people are on daily.

Relationships are also the core to coalition building; for the legislative process, that means that relationships are critical to the success of legislation. The pandemic decreased the capacity of legislators and partners as compared to previous interim periods, which led to the aforementioned large increase in introduced bills. This lack of capacity coupled with the lack of relationship building meant that coalition building has been incredibly strained:

Running a coalition amid session and not being able to have all our members fully present or being able to read body language – it's just a different engagement than it was previously. It's really hard and overwhelming (Advocate H).

It is critical to note that for some coalitions and for people in politics who had pre-existing relationships, the shift to remote advocacy has allowed outside coalitions and political engagement from community-based organizations (CBOs) to grow. A community organizer highlighted a key division in contemporary politics:

It's been harder to meet people and bring them into the process, but for people that are in our organization or other community organizers that already have a relationship[s]...it's actually a much lower barrier to invite people into a planning commission meeting, which is all on Zoom, a city council meeting, or even to a legislative hearing (Advocate B).

Those who do not have distinguished relationships with legislators and those who have been disproportionately affected by the economic disruption of the pandemic have struggled to be able to mobilize and organize. This demonstrates the difficulties of using remote advocacy during the 2021 legislative session and preceding interim period. However, for those who already have the relationships, mobilizing and jumping into planning, meeting over Zoom, or testifying remotely in a legislative committee has been a lower barrier process. The same organizer explained that her team's relationships coupled with the remote nature of advocacy during the pandemic has allowed for greater engagement as well as participation from community leaders in rural communities across the state.

Another organizer who works in a BIPOC-led CBO also talked about the increasing political responsibility that comes with the growing involvement of CBOs in the legislative process, saying, "it's always on community-based organizations, and specifically organizations of color, to carry the legislative session and get our communities [involved]" (Advocate C). Even though relationship-building has been severely strained during COVID-19, grassroots organizations and community-based advocates with relationships have utilized remote forms of advocacy to get their communities mobilized around the legislative process, including submitting oral and written testimony.

The COVID-19 pandemic has uncovered just how important relationships and relationship building are for accessibility, public comment, and community outreach in the political process. There is a strong need for a proactive base building to foster trust with the public and marginalized communities. If the State invests in this effort, the Legislature will be able to effectively communicate with the public in times of crisis. This proactive relationship-

building can ensure that collaboration and the coalition-building process are not as strained during crises like the COVID-19 pandemic.

D. Language Access

Following the shift to remote work in 2020, the Legislature has not provided consistent or widespread language interpretation in ASL or languages other than English, nor translation services on OLIS or in other legislative materials online. Currently, there is no clearly accessible centralized resource or single point of contact within the Oregon Legislature for language access, for people who are deaf or hard of hearing, visually impaired, or have limited English proficiency.

It is important to acknowledge that the Legislature has made significant strides towards increased accessibility in committee meetings over the past few years, including the addition of American Sign Language accommodations and spoken language interpretations upon request. The Legislative Policy and Research Office (LPRO) has also hired a full-time Language Access Coordinator who will coordinate hired interpreters and contracted translation, work with visitor services, enhance ASL interpretation, and develop a long-term plan for language access services. LPRO is also working to hire a FTE Spanish Language Interpreter specifically for addressing the increased volume and need for language services for Spanish-speaking populations. The Spanish Language Interpreter will also work with the Language Access Coordinator on the long-term plan for language access services (House Rules Committee). The Legislature prioritized filling these two positions early in 2021 to provide easier internal interpreting and translation services due to the heightened demand for Legislature language access services.

However, many of our interviewees (mostly advocates and lobbyists working outside of the building) expressed that these changes have not been widespread or clear enough to adequately meet all accessibility needs. For example, the closed-captioning on Capitol videos is often misrepresentative of what is truly happening in the meeting. Names are misspelled, words are transcribed incorrectly, and captioning is only available in English, not any other languages. Other interviewees explained that accessibility services fall on organizations to arrange for themselves, rather than the state consistently providing accommodations for everyone. As one organizer shared, “We engage a lot of monolingual Spanish speakers. And so in trying to get

translation services, which the Capitol does not currently provide on their own, we have to use an outside firm” (Advocate F).

While the need for language access is not unique to COVID-19, the remote nature of the Legislature could have been, and still can be, an opportunity to integrate more remote translation and interpretation services. However, sporadically employed multilingual staff cannot fully address this need. The lack of a single point of contact for language access services online or in-person significantly impairs legislators’ abilities to deliver quality constituent services for all Oregonians. According to the 2019 American Community Survey, 15.4% of Oregonians speak a language other than English. Without centralized language access resources within the Capitol, accessibility must increase to compensate for this difference. There is a striking need for full-time equivalent (FTE) staff within the Legislature to create a single point of contact for language services. LPRO Director Misty Freeman testified before the House Committee on Rules on April 8, 2021, explaining that the Capitol DEI (Diversity Equity and Inclusion) Committee has identified the following language access needs for the Legislature’s in-person and remote functions: oral interpretation and ASL interpretation for testifying in committee, oral interpretation for answering constituent questions, oral interpretation for meetings with legislators, written translation for website materials including meeting agendas, written translation on instructions for bills, ways for constituents to get involved in the Legislature, and wayfinding information for within the Capitol building.

E. Summary of Problems

While each of these structural barriers to accessing the legislative process is not new to the nature of the COVID-19 pandemic, the remote nature of the legislature has created new challenges to accessing Oregon’s legislative democracy. While the Legislature’s use of technology in committee hearings and individual meetings with legislators has increased statewide access to the Capitol, the stark digital divide in access to broadband and technology remains a barrier to participation. The information overload faced by the Oregon Legislature speaks to the issue fatigue of so many crises and bills circulating during the legislative session that has been exacerbated by hyper scheduling of remote meetings and the convergence of crises in the last year of politics. Zoom and other virtual platforms coupled with issue fatigue have broken down relationship-building between legislators, lobbyists, and community advocates.

Coalition building in a virtual format has allowed for some statewide coalitions to grow but has also remained highly strained as members struggle with attending to COVID-19 and compounding crises. While the need for language access is not unique to the pandemic, the remote nature of the Legislature has exacerbated language barriers in participating. The shift to an increased usage of technology could have been an opportunity to integrate more remote translation and interpretation services but was not taken advantage of.

Finally, an underlying obstacle to creating more accessible and equitable public hearings stems from the discretion that is left up to the committee chair regarding the hearing process and the discrepancies this discretion causes across committees. Currently, a committee's day-to-day work depends on what the committee chair wants to address. House and Senate rules give committee chairs discretion over small technical decisions that can sometimes result in people not being able to submit testimony who wanted to. After analyzing our interviews, we determined that some of the chair's actions should be governed by rules to make hearings more accessible. For this reason, certain recommendations for committee fixes should be standardized across all meetings, chambers, and hearings.

RECOMMENDATIONS

In a democratic system, every voice deserves a chance to be heard within the legislative process. In 2021, many Oregonians still cannot participate due to a lack of access to technology, broadband Internet, and language access services for non-English speaking communities. While this inequitable access to legislators and the legislative process has always been present, the COVID-19 pandemic has reinforced barriers to participation within state government and created new barriers to accessing the remote Legislature. Cattapan et al. (2020) highlight the need for government institutions to enhance public outreach with an emphasis on community engagement for marginalized populations during the COVID-19 pandemic. Marginalized communities are especially disconnected from decision-making proceedings because they have been forced to focus on their basic needs during the pandemic, which leads to overall less capacity and less time for community members to strategize and advocate. The shift to remote-only engagement is especially inaccessible for rural Oregonians, BIPOC, young people, disabled people, and women. These communities all experience the digital divide disproportionately and may have unreliable access to the Internet, technology, or devices.

The Oregon Legislature should meaningfully expand accessibility and access to participation in the Legislature by allowing digital live remote testimony after the pandemic, investing in expanding broadband, expanding Capitol language services, strengthening relationships with CBOs, prioritizing legislative outreach and community engagement with constituents, and reform the committee process with equity in mind.

The COVID-19 pandemic has once again put Oregon's government under the spotlight for failing to keep up with the needs of the community and reinvigorated the push for a more professional Legislature. Even as the Legislature convened for three special sessions to pass critical legislation in 2020, the specialized nature and limited scope of these sessions meant that many critical issues, such as wildfire and economic recovery, could not be addressed until January 2021. The Legislature needs to be in session during long-term crises to keep up with the needs of Oregonians. On top of the difficult task of holding a virtual Legislature during an ongoing crisis, the Legislature struggled in the 2021 session to condense similar legislative ideas into a single bill or bill packages as easily as they have done in previous years. Further compounding the challenges of lawmaking, legislators spent less time before the session coordinating their ideas with legislative and coalition partners. The lack of coordination by the Legislature is creating additional work during the very moment when the Legislature is already overwhelmed by the multiple crises of this year, from the ever-present threat of COVID-19 to the Labor Day wildfires, skyrocketing unemployment, and protests for police accountability.

With the COVID-19 pandemic becoming less of an immediate threat, and as policies allowing the Legislature to meet virtually and in-person are implemented to allow both chambers to meet and continue their work, the Legislature must make sure it is an effective and responsive body. Initiatives must be created to ensure that the pandemic has not eroded the Legislature's ability to pass meaningful policy promptly. For this to be achieved, the Legislature's capacity must be increased to manage the growing list of needs and responsibilities they must address.

With these structural barriers identified, the task force's categories of recommendations are structured around increasing access to participation and expanding institutional capacity.

I. Increasing Access to Participation

RI. Digital Live Remote Testimony

The Legislature should pass HB 2560 this legislative session, and subsequently work towards requiring the Legislative Assembly provide options for digital live remote testimony.

Throughout our interviews, the most common recommendation from legislators, advocates, and lobbyists was to retain digital live remote testimony after the pandemic ends. This option would allow people to testify to an in-person committee either by phone or live video, amplifying accessibility for folks who cannot travel to Salem to provide testimony in person. One lobbyist remarked:

Getting to testify via Zoom is wonderful. . . it's great for community; it's great for accessibility. . . there should always be a digital option to engage with the Legislature. We are far beyond the times of not using technology to its best capabilities (Lobbyist I).

The conversation surrounding remote testimony began in several states long before capitol buildings closed due to the pandemic, setting a strong precedent for Oregon to adopt the program. Alaska established a virtual option for state hearings in 1978 to mitigate long travel times across the vast state. In Nevada, where most residents live hundreds of miles from the capital city, video conferencing was established between Carson City and Las Vegas in 1991. Other states have introduced this technology far more recently; both Colorado and Nebraska added virtual hearings in 2015 as a response to distance and weather-based travel restrictions (Greenberg). Oregon would benefit from having a digital live remote testimony option for many of the same reasons. At nearly 100,000 square miles, a resident of Eastern or Southern Oregon must drive anywhere from four to seven hours to Salem to testify on an issue for a few minutes. Furthermore, the climate change-related natural disasters seen in Oregon over the past year – wildfires, floods, droughts, ice storms, etc. – indicate that travel and access to the Capitol will continue to be impeded in the future. Even for people who do not have to travel a significant distance, accessibility remains an obstacle for those who have inflexible work hours, limited access to childcare, lack transportation, and have other responsibilities throughout the day. Without these voices represented in hearings, public testimony comes disproportionately from Willamette Valley-based Oregonians with time and money to spare.

The Legislature is currently considering a bill that would implement digital live remote testimony for public meetings throughout the state. House Bill 2560, which at the time of this writing has passed the House floor with a 42-5 bipartisan vote, would require the state to continue COVID-era allowances for digital live remote testimony to be codified in agency hearings, local government sessions, and other public meetings past the pandemic. However, this bill does not extend to the Legislature itself. As one legislator explained, the House and Senate are responsible for creating their own rules regarding whether they will accept remote testimony (Elected Official D). For this reason, the House Committee on Modernizing the People's Legislature has spent the 2021 session developing a House Resolution which would recommend that the House establishes a digital live remote testimony option and encourage the Senate to follow suit.

A digital live remote testimony opportunity in public government will be a tremendous asset to the accessibility across the state, yet the Legislature must hold itself to the same standard if Oregon's legislative democracy is to be truly improved. For these reasons, we recommend the Legislature pass HB 2560 this legislative session, and subsequently work towards requiring the Legislative Assembly itself to accept digital live remote testimony.

R2. Expanding Broadband Access

The Legislature needs to allocate funds towards expanding broadband throughout Oregon.

Unfortunately, the impacts of a digital live remote testimony option will be inadequate without further commitment from the Legislature. For constituents living in more rural parts of Oregon, simply getting online can be a struggle and therefore an insurmountable obstacle to participating via digital live remote testimony. The 2020 Broadband in Oregon report showed that broadband access is heavily concentrated in urban areas. 64.1% of urban households have at least basic broadband compared to 41.6% of rural households (58). The likelihood of access is also much higher for high-income families than it is for low-income families. For these reasons, we recommend that the Legislature allocate funds towards expanding broadband throughout the state, through financial support of loan and grant programs in underserved areas, infrastructure deployment, and other recommendations made by the Oregon Broadband Advisory Council (163-64). At the same time, both in-person and digital live remote testimony options must be

available to constituents once it is safe for the Capitol to re-open, to accommodate people who still do not have Internet access or those with difficulty navigating technology:

There's a huge generational difference between who's comfortable uploading a PDF to a website and who's not. Those are the things we need to consider as we move forward. It's not impacting folks equally. [The systems are] opening the process up to people who have jobs who can't take an entire day off to testify. We must be really mindful about the folks who have access when the building's open but don't have it when we're remote (Agency Staff B).

R3. Expanding Capitol Language Access

The Legislature should pass HB 3264 to increase language access at the Capitol.

To ensure that everyone has access to Oregon's legislative democracy, the Legislature needs to expand language access services. Interviews with community organizers highlighted the lack of language access options at the Oregon Legislature. In bringing multilingual community members to testify, people have been told to bring their own interpreters if they want to testify at a public hearing in their native language. Without centralized language access resources within the Capitol, accessibility must increase to compensate for this difference. A field organizer working in legislative advocacy elaborated on the following:

We'd love to have so many accessibility things. . . making it so people have the option to watch or testify online in their own language and have that be translated. That would be awesome and remove like 99% of the barriers (Advocate C).

To continue building institutional capacity for language access and accessibility beyond these two positions, we recommend swift passage of House Bill 3264, which mandates an increase in all forms of Capitol access for Oregonians who are deaf or hard of hearing, visually impaired, or who have limited English proficiency. The bill requires the Legislature to provide translator and interpreter services free of charge to facilitate witness participation in hearings or informal meetings with one or more elected officials, as required by the federal Americans with Disabilities Act (HB 3264). This bill will require simultaneous interpretation services during committee meetings and legislative proceedings. HB 3264 has support from ten House and Senate Democrats, as well as House Minority Leader Christine Drazan, who testified in support of this bill on April 8, 2021, signifying support from both major parties (House Committee on Rules).

R4. Relationship Building

Legislators should engage in partnerships and proactive relationship-building with CBOs to build relationships with Oregon’s historically underrepresented communities.

To shore up disparate access to the legislative process, the Legislature needs to proactively build stronger relationships with diverse communities across Oregon. One policy and advocacy coordinator who works for a CBO explained:

Base building is always [important] in community engagement and organizing because in a crisis you cannot start from zero. You can’t just reach out to people impacted by the crisis and start building a relationship and bring them into the process. That’s not how it works. You can only reach the people you already have a relationship with (Advocate B).

Long-term relationship building with constituents is critical to building and maintaining better connections with diverse communities and makes for an overall stronger and more accessible democracy. Angela Andrews, an author with the National Conference of State Legislatures describes several key methods for legislators to effectively build citizen engagement to better connect with constituents. Andrews recommends that legislators meet constituents where they are, work as a team, convene key stakeholders, and utilize partners. By tuning into events that have already been planned in the community and providing assistance when possible, legislators can engage in meaningful relationship-building. Andrews encourages legislators to partner with other officials or subject matter experts so that if an unfamiliar topic arises, legislators can rely on the partners convened. By pairing these strategies with enhanced community engagement, legislators can better lean into difficult conversations on controversial topics to understand differing perspectives and craft policy in a more representative fashion.

The community advocates we interviewed highlighted many successful community engagement strategies that the Legislature can and should invest in. One field organizer explained the need for legislators to invest in community engagement, stating:

I would love community outreach funding. When I get to the Legislature I could [say to CBOs] ‘hey y’all are doing some great work to bring in ... the AAPI [Asian American and Pacific Islander] community or the Latino community, or the Black community or whatever community.’ Bring in those kinds of things (Advocate C).

This field organizer who does community engagement and advocacy on local and state levels indicated that even in a statewide crisis, the Legislature is far from where it is needed to

meet the needs of constituents. CBOs, especially culturally specific organizations, which engage in year-round community outreach with the public, are often more connected than legislators to the priority issues identified by constituents. Strengthening partnerships between legislators and CBOs is a recommended strategy for tapping into existing outreach work while investing in more reciprocal communication with the community.

R5. Legislative Outreach

Legislators and legislative offices should prioritize legislative outreach strategies to keep constituents informed and engaged.

Enhanced legislative outreach means building on the existing virtual methods individual legislative offices have been using during the COVID-19 pandemic, including using virtual town halls, newsletters, and social media to make those outreach strategies more consistent and streamlined. Legislative outreach through issue-based town halls, multilingual newsletters, and daily social media posts are all effective strategies to build community engagement during the COVID-19 pandemic and beyond. The key to each of these strategies and tools is committing to consistency. During the pandemic, community organizers have consistently used these strategies to effectively connect with the public and their members over the last year.

With increased institutional capacity, legislative offices should prioritize the use of town halls, constituent coffees, and other virtual events. Issue-based town halls are effective when designed by legislators to bring in their constituents, community members, partnerships with state agencies, and/or other legislators to share information, resources, and legislative news. One community organizer discussed the power and utility of issue-based, consistent town halls:

We created the queer town hall series. . . That has been a way to really bring people together on different topics. We had suicide prevention, mental health, disabilities...They have been really helpful for bringing people that would normally not have any real interaction with us on a regular basis, except for maybe once a year for our annual gala. They are now interacting with us once a week for several months (Advocate C).

During a normal year, legislators engage in town halls and constituent coffees irregularly based on the capacity of legislative staff, whether the Legislature is in session, the length of session, and the capacity of legislators during the interim period. The COVID-19 pandemic has only furthered the irregularity of legislative outreach efforts due to some legislators being at a

loss of how to engage strictly through remote methods. We recommend that to keep constituents and the public more involved in Oregon's democracy, legislative offices should host monthly issue-based town halls to lean into specific conversations with Oregonians year-round. Language access for these events is severely lacking across legislative outreach virtually and in person. Outreach strategies must meet communities where they are and be conducted in more languages than English.

Other forms of legislative offices connecting with constituents include newsletters and social media. Due to the inability of constituents to have in-person conversations with legislators and the information overload faced by elected officials and the public over the last year, digital outreach opportunities still have not been fully taken advantage of. With this context in mind, we recommend that consistent use of monthly or quarterly newsletters to inform constituents of civic education around how the public can get involved with opportunities to testify on bills, timely legislative news, such as COVID-19 updates, information about bills, public hearing schedules or opportunities to testify, and methods for constituents to get involved in Oregon's legislative democracy. These newsletters must be prepared and sent out in multiple languages to meet constituents' diverse language needs. Digital outreach through newsletters and social media are effective and cost-saving strategies to perform digital outreach (Miller-Stevens and Gable 2013). Newsletters, emails, and social media are cost-saving because most of these forms of outreach range from free to very cheap. Email and marketing through online networks such as social media platforms LinkedIn, Facebook, Instagram, and Twitter get action alerts quickly out to the community to testify, learn when bills are scheduled for public hearings and work sessions, and share broad information around legislative news with outside organizations and legislative offices. One CBO employee explained the utility of this digital outreach done by their social media coworker:

[She] makes a lot of social media posts on Facebook and Instagram. She keeps in contact with people that way and releases a special email to our entire network to ensure people get caught up with the news. Our development team also will send out a big email, almost like a small newsletter (Advocate C).

Social media is an innovative tool used by some legislators and legislative offices but this tool is severely underutilized. Our task force recommends that to expand accessibility within the legislative process, all legislative offices should strive to prepare daily, multilingual social media and consistent newsletters to engage in consistent information sharing with constituents to build

accessibility. To expand the use of these innovative tools, the task force recommends the Legislature allocate additional funding for the hiring of more staff in individual legislator offices to carry out this important legislative outreach work to engage constituents.

II. Technical Changes to Support Institutional Capacity and Accessibility in Committees

Oftentimes we found that limits on LPRO's staffing capacities and limits to OLIS (Oregon Legislative Information System), combined with a committee chair's discretion were the main obstructions to equity and accessibility in a public hearing. While some committee business should be done at a chair's discretion, the process of holding virtual hearings needs to become more standardized. We are proposing a series of technical changes that would be consistently applied to all committees and encapsulated in the committee rules of the House and Senate to create a more institutionalized manner of conducting virtual and in-person committee hearings.

R6. Committee Recommendations Package

- **Extend the window of time in which people can submit testimony.**
- **Reissue committee agendas at the beginning of the hearing with estimated time stamps for when bills will be heard after the meeting begins.**
- **Consistently post agendas to OLIS with bills' timestamps hyperlinked after committees are finished.**
- **Committee chairs should announce how many people are signed up to virtually testify for each bill at the start of the committee meeting and announce how many people remain to testify each time a bill's public hearing is opened in that same meeting.**

One way to allow more people to testify given the compact nature of the virtual session and all the bills being presented to committees would be to extend the window of time in which people can submit testimony. Constituents currently only have 24 hours after a committee begins to add their submissions. After that 24-hour window, OLIS automatically closes the option to submit written testimony. Time limits are generally left up to the chair of each committee, causing access to testimony to differ depending on the chair's discretion. The 24-hour limit was implemented as a temporary measure during the pandemic to fit with LPRO's online portal and to help standardize and simplify computer coding for OLIS, but some committee chairs have expressed concern with the limit:

There have been instances in which committee chairs have said, 'seriously, we need to have this open for seven days.' During the ice storm, for example.

[They've said], 'Okay, it's great that we had our public hearing for the people who had power and Internet during that week. But we need to have the public record open longer' (Agency Staff B).

The ideal proposal would be to lift the 24-hour limit and extend the submission window until the bill is signed by the Governor. This change would continue the standardization model established during the pandemic but get rid of the 24-hour limit. LPRO staff indicated that the fix itself would be a simple computer change – something that has not been able to happen yet in the chaos of the 2021 session (Agency Staff B). One legislative staffer expressed his frustrations about the current 24-hour limit:

You should be able to give testimony until that bill is voted on the floor. . . If you don't know a bill exists, you're not able to give testimony. If you hear about a bill on April 9, you would not be able to give testimony, because it was slated for a work session on April 8. That's wrong. . . There are 4,000 bills this session. 70% of them are going to die. If you feel passionate about a bill, you should be able to give testimony, full stop. I don't care where it's at in the process (Elected Official Staff B).

Since extending the testimony submission window would increase the amount of testimony being submitted and therefore increase the amount of work for LPRO staffers (checking for duplicates, upload issues, etc.), we are proposing an incremental change, beginning with a seven-day window, to upload testimony until LPRO's staffing capacities are increased. However, extending the submission window to the maximum amount of time is vital. Given the ongoing infodemic, advocacy groups are often unable to organize their members through virtual means of communication on a moment's notice to go and testify. The extended period of time to testify would allow more people's voices to be included in the democratic process and address the concern of committees running out of time to hear everyone who wants to submit testimony.

Another major concern of many lobbyists, advocates, and staffers is the disorganization of virtual public hearings. When the Capitol was open to the public before the pandemic, people could see if a committee was canceled by checking the bulletin board outside the door, or how many people had signed up to testify by looking at the carbon copy of the witness list in the committee room. Now, those in-person visual cues are gone. Individuals must wait and see if the committee is going to run on schedule and get to everyone who wants to testify. One solution to help the public be more informed on the committee's work would be to require all committee agendas be posted at the beginning of the hearing with estimated time stamps for when bills will

be heard. As of now, House and Senate rules allow for the posting of an agenda to be done at each chair's discretion. Even if an agenda is posted, the committee chair can jump back and forth between meeting items as they see fit, which confuses participants:

Without timestamps, you must call in at 8 am, and you're not going to be heard until 9:45 am. That makes it difficult to participate in the public process. You're forced to either skip work or call in while you're working, and hope you don't miss your name being called because you're talking to your boss (Elected Official Staff B).

LPRO always posts committee agendas when they are provided. However, the agenda is posted well before LPRO staff know who signed up to testify. Constituents are currently allowed to sign up until the minute the meeting begins, making it difficult for committee staffers to anticipate how long each item will take. "If we don't know who's actually signed up to testify until the minute of, then it's pretty hard to stay true to those timeframes" (Agency Staff B). To address these issues, committee staffers should reissue agendas with up-to-date timestamps after the meeting begins. After the committee is finished for the day, the agenda should be consistently posted to OLIS with bills' timestamps hyperlinked to make it easy for people to find the hearing's video if they missed the live version.

As was previously stated, the time it took to commute to Salem to testify for three minutes has been replaced with waiting in a virtual lobby. To help individuals interested in virtually testifying know when they might be called on by the chair, we are proposing that all committee chairs announce how many people are signed up to testify for each bill at the start of the committee meeting and announce how many people remain to testify each time a bill's public hearing is opened in that same meeting.

These solutions bring up questions of implementation and cannot be completed without further action from the Legislature. To implement our solutions, LPRO will need to expand its staffing capacity during public hearings: "The only problem is the people who would be reposting the agenda are busy running the meeting" (Agency Staff B). Similarly to extending the 24-hour testimony submission limit, more staff members may be needed to update the agendas in real-time. This indicates a need for greater staff capacity to ensure hearings and committee meetings can manage an increase in submitted testimony in a timely manner.

III. Building Institutional Capacity

R7. Legislator Compensation

The Legislature should revive the Public Officials Compensation Commission (POCC) to study, evaluate, and set competitive legislative salaries.

To build long term institutional capacity and allow for better representation of Oregon's many diverse communities across the state, legislator pay must be increased to better reflect the work that legislators perform both during session and during the interim. Many Oregonians cannot afford to run for office in the state Legislature. Oftentimes, those elected cannot even remain legislators for long because of the financial burden of serving. These Oregonians are not independently wealthy or self-employed, and have to rely on a non-legislative income to support themselves and their families.

A pay raise would incentivize retention and open legislator positions to those with less personal wealth, giving small business owners, working-class people, and underrepresented groups such as BIPOC, more opportunity to become elected without going bankrupt. These changes would increase the opportunity for greater representation in the Oregon Legislature. During this year of economic hardship, higher pay for those in the government is not a popular position and could be one of the largest reservations against this suggestion. However, the increased time and pay would be used by legislators and staff to better respond to their constituents' needs. Legislators can ensure that bills are tailored to the issues their communities face, and more thoroughly vet appropriations to ensure that taxpayer money is most effectively used. If the Legislature has more time to deliberate and consider the impact of policy proposals, legislators will be more effective at deploying the State's funds to meet Oregonians' many needs.

We recommend that the Legislature pass a law that revives the Public Officials Compensation Commission to study, evaluate, and set pay increases for legislators. Because this commission is non-partisan and composed of citizens, the public is less likely to protest increases in legislator pay, since the Commission will establish how essential the increases are to improving Oregon's capacity for democracy. Keeping legislators from setting their own salaries will preserve the integrity of the institution while equitably compensating legislators. The Commission should also be granted the power to set the salary for legislators without legislative review, in line with how the State of Washington set up its POCC. Oregon's last commission

was modeled after Washington’s POCC except for this key power (Department of Administrative Services). This responsibility, if delegated to the Commission, will ensure that recommendations will take place instead of being simply put on the shelf.

R8. Increasing Staff

The Legislature should invest in hiring more legislative staff.

The increase in bills, testimony, and casework in the past year has created more work for staff. Instead of putting that increase in work on already overworked individual staffers, we are suggesting that the increase in the work of the Legislature be met with an increase in institutional capacity. This could be done by hiring more staff with competitive salaries to increase staff retention along with expanding the number of times legislators are in session, which will allow for more public input and time to address issues. The increase in issues and public input may

inadvertently cause an increase in the whole cycle. Figure 1 is presented as a feedback loop because this solution is being designed to expand with increases in the issues being addressed or an increase in public input. An increase in people engaging with the Legislature should not be seen as a concern and instead further expands democracy. The increase just needs to be paired with an increase in institutional capacity. Each legislative office budget should increase to accommodate one more legislative

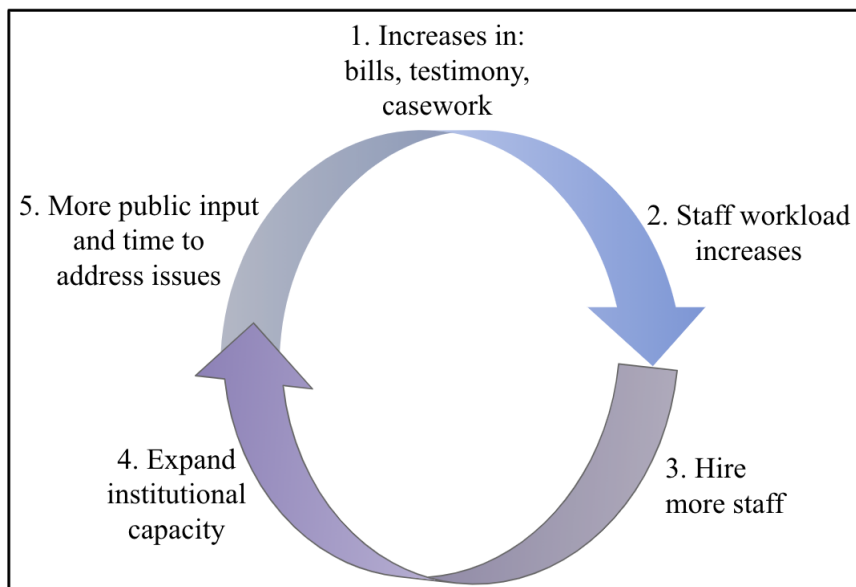


Figure 1: A diagram explaining the cycle of building institutional capacity

staffer per office to better allocate the responsibilities of constituent outreach among offices. As stated earlier in this report, we also recommend increasing LPRO staff to better manage committee responsibilities, as well as any other legislative agency office, such as Legislative Counsel, that may be strained under current pressures of the legislative session.

R9. Increasing Length of Short Sessions

The Legislature should increase the Short Session from 35 to 160 days.

Legislators facing the infodemic are increasingly feeling that they have less time to create policy for the State of Oregon. In this last year especially, legislators had less time to revisit the problems that had been quickly addressed in special sessions, and these stopgap measures became less acceptable. More time is needed to address the issues at hand facing Oregon today, or else many issues fall by the wayside for years. Previously, this was accomplished through special sessions that were focused on a crisis or pressing need at hand, but we believe these are not sufficient. Longer sessions, where legislators have more time to pass bills from start to end, are the superior way to allow legislative deliberation and policymaking to occur. The inadequacy of sporadic special sessions leads us to recommend the Legislature to expand the short session to increase the number of days when the body can legislate. Unlike the other solutions we are proposing, this change would need to be a constitutional amendment approved by Oregon voters before it could be implemented.

Since 2010, the Oregon Legislature has had a short session on even-numbered years to allow for more work to be done between the long sessions. One representative commented that the short session “is the time to make some adjustments for the previous long session that need to be clarified or fixed or tweaked” (Elected Official D). Another legislator explained that the shift to the annual session structure “professionalized the legislature”, creating both a routine structure and an interim structure (Elected Official F). The short session’s initial role was to balance any issues with the biennium budgets set every other year, though now major policy issues are also decided during this time. As the pandemic has shown, the short session is still not enough time to meaningfully address Oregonians’ issues and policy needs. Increasing the short session from 35 to 160 days is a truly effective way to increase the Legislature’s capacity.

To facilitate this more dramatic increase, Oregon could repeat the experience of the lead-up to the 2010 expansion. In the years leading up to the 2010 referendum on adding a short session, the Legislature met in a special session in 2008 and 2010 that roughly mirrored what the short session would look like. These test sessions allowed leaders to come up with the appropriate length and rules for the new session before they had to put it to a vote, giving the public a clear idea of what they would be changing if they passed the amendment (Cole). These lengthened test sessions would not have to be 160 days at the outset, but could instead slowly

expand the length over time. In line with the expansion in 2010, the Legislature should expand the short session by a 30-day increment over a decade until it matches the length of the 160-day long session. This type of incremental build-up would also help ease the shock or stress of the new deadlines put on committees and advocates. These incrementally extended short sessions would also allow legislators to adjust any rule or cost issues that might occur.

Our proposed expansion of the short legislative session would not seriously alter the dynamic of Oregon's part-time People's Legislature. The work done by legislators to coordinate their agendas with partners and write bills together could still happen during the six to seven interim months. During those same months, legislators could still return to their communities and interact directly with their constituents. While representatives of rural districts may be upset about having to spend more time in Salem, elected officials could spend more time addressing issues that impact constituents from those rural districts. With the increasingly advanced virtual meeting options, this issue could become even less of a concern. If a digital live remote testimony option is mandated and legislators can virtually attend committee hearings, legislators may have the option of spending more time "in-district", especially if the schedule of floor sessions can allow for this flexibility by occurring only on certain days each week. Increased time in committees and greater virtual access would give the public more time to have their voices heard through testimony without having to travel six hours across Oregon to give a brief statement in Salem. Through many of the other solutions, we have prepared a way for the Legislature to be more engaged with their constituents and their needs than ever before. But if we want our Legislature to be proactive, not reactive, to the issues that come across their desks, we must mandate more time and capacity to craft policy. For the Legislature to expand its legislative capacity overall, it must lengthen the time of session by expanding the short session. Furthermore, this expansion should occur hand in hand with the increase in legislator pay. This increased level of professionalization will allow legislators to better address and represent their constituents, increasing the capacity of democracy in the Legislature.

CONCLUSION

Creating institutional change both inside and outside of the Oregon Legislature will enhance Oregon's democratic institutions. An example of building institutional capacity within the Legislature is the decision by the people of Oregon and the Legislature in 2010 to adopt the

short-term session in even numbered years. Further expansion of the Legislature's institutional capacity is not a matter of *if*, but of *when*. The pandemic has shown the need for an increase in legislative capacity to accommodate the growing number of year-round problems affecting Oregonians. Additionally, the pandemic has forced the Legislature to adapt to digital live remote testimony and virtual public hearings, which have greatly improved Oregonians' ability to interact with the legislative process. This increase in accessibility to the Capitol can only be sustained by an increase in staff and elected officials' resources and time and resources.

Our policy proposal is necessary to improve Oregon's legislative democracy. The lack of accessibility, the digital divide, and the overwhelming amount of information to work through, in spite of limited resources and time, are not new problems. These problems will continue to hinder the Legislature until they are addressed. The COVID-19 pandemic has revealed cracks in the Legislature's infrastructure and exacerbated previously existing problems. The digital divide, barriers to language access, and the infodemic will remain, even if relationship-building is improved when the Legislature returns to conducting business in person. Furthermore, the issues of increasing accessibility and institutional capacity demand solutions to make Oregon's legislative democracy more effective and responsive. To this end, we have proposed policy changes to increase accessibility to the Legislature, improve committee hearings, and increase institutional capacity. Our solutions must endure beyond the COVID-19 pandemic to make long lasting improvements to Oregon's legislative democracy.

Our hope is that this report will be part of a continuing conversation about enhancing Oregon's Legislature. We encourage the House Committee on Modernizing the People's Legislature to continue these discussions, whether that is through appointing a work group in the interim or reviving this committee in upcoming sessions. Ultimately, the House Committee on Modernizing the People's Legislature should enact our suggested solutions into Oregon law.

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