



*The League of Women Voters of Oregon is a 101-year-old grassroots nonpartisan political organization that encourages informed and active participation in government. We envision informed Oregonians participating in a fully accessible, responsive, and transparent government to achieve the common good. LWVOR Legislative Action is based on advocacy positions formed through studies and member consensus. The League never supports or opposes any candidate or political party.*

April 6, 2021

To: [Senate Committee on Rules](#)  
[Senate Majority Leader Rob Wagner](#), Chair

Re: [SB 827](#) – Legislative review of proposed ballot initiatives – **Oppose**

The League of Women Voters of Oregon believes democratic government depends upon the informed and active participation of its citizens. We also believe that a thriving democracy uses elements of both representative and direct democracy. This is why we have long supported the right of Oregon citizens to propose or revise statutes through the direct initiative process. Since its inception in 1902, the initiative process provides citizens a more direct voice in decision-making on public policy, apart from the Legislature. We therefore oppose SB 827 in its current form, as it appears to assign to the Legislature a “gatekeeper” role for prospective initiatives, which appears to be counter to why the initiative system was created in the first place.

We are well aware that initiatives have not always resulted in effective public policy and can understand why the Legislature might want to better control a process that can have huge impacts on budgets and policy. However, we believe the provisions of SB 827 are problematic for these reasons:

- SB 827 creates a requirement for researching and producing four reports, prepared by the staff of four separate legislative offices, on every single initiative petition filed with the Secretary of State, whether or not that initiative ever qualifies for the ballot. We feel this is a burdensome and expensive process. Sixty-eight citizen initiatives were filed in the 2020 election cycle, and two qualified for the ballot – a success rate of three percent. Yet, had the processes required by this bill existed then, all 68 citizen initiatives would have had to have been exhaustively vetted. How much would that have cost in staff time – including the addition of new positions to be able to produce such a volume of new reports?
- The bill also creates the option for legislative leadership to hold hearings on proposed and actual initiative petitions. Yet the Legislature already has plenary authority to hold public hearings on any possible subject of public policy it wishes. Information on all such petitions is easily available on the Secretary of State’s website, and therefore qualified or as-yet unqualified ballot initiative petitions are already appropriate subjects for hearings.
- We question whether there is sufficient time to complete four reports and schedule hearings during even-numbered-year sessions, particularly for initiative petitions that are filed late in the cycle.
- The bill is unclear in purpose. Will the public view a legislative review of citizen initiatives as an overreach of authority over an initiative system that is such a big part of direct democracy in Oregon? The mere act of legislative leadership determining “whether the state would benefit from holding public hearings on one or more of the prospective

petitions”— even those not yet cleared for signature-gathering, let alone qualified for the ballot – could be perceived as an attempt to chill the efforts of chief petitioners and interfere with the goals of direct democracy.

It is our opinion there is already an existing vehicle, more in keeping with the idea of direct deliberative democracy, to analyze initiatives that have qualified for the ballot—the Citizens’ Initiative Review Commission (CIRC). The CIRC ([ORS 250.137](#) et seq.) was established by the Legislative Assembly in 2011. Its purpose is to “ensure that citizen panels are convened to review initiated measures in a fair and impartial manner.”

In a process called the Citizens’ Initiative Review (CIR), a randomly selected, representative sample of 24 registered voters from around the state are invited to study an active ballot measure, using trained facilitators over a three-to-four-day period. The CIR panelists undergo training in dialogue and deliberation techniques, hear from campaign advocates for and against the measure, as well as independent experts, and ask lots of questions along the way. After a thorough review of policy tradeoffs, fiscal impacts, and the values underlying the policy choice, they produce a statement that provides key facts and the best reasons to vote for and against the measure. This Citizens’ Statement is included in the Oregon Voters’ Pamphlet so that every registered voter in the state can read and consider the statement when they cast their ballot.

Since 2010, there have been seven statewide CIRs in Oregon, as well as local CIRs for Metro and Jackson County ballot measures, under the auspices of the Oregon nonprofit Healthy Democracy. There have also been CIRs successfully implemented in Arizona, California, Colorado, and Massachusetts. A team of proponents in Washington State is also working to pass CIR legislation there. The process, referred to around the world as the Oregon model, has been vetted by researchers at Penn State University and has received international recognition in the world of deliberative democracy.

Despite the proven track record of the CIR, the Legislature has never provided funding for this semi-independent state agency, despite numerous requests to do so. In providing funding for the CIRC, at a likely lower cost than the staff time required for the four analyses of potentially several dozen initiatives, the Legislature would be spending less and receiving an exceptional service, using a state-of-the-art deliberative democracy approach. I urge the members of this committee to read more details about the CIR on the Healthy Democracy [website](#) and to reach out to the staff of Healthy Democracy with your questions.

For the foregoing reasons, LWVOR opposes this bill and urges consideration of funding for an alternative solution that is specifically designed for the purpose of reviewing ballot measures—the Citizens’ Initiative Review process.

Thank you for allowing us to present our views on SB 827.



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