

The Deliberative Initiative: Returning Direct Democracy to the People



We have just completed 100 years of experimentation with the initiative in California. It was intended to empower the people to *initiate* the agenda for elections in which all the voters cast ballots. But the signature gathering process has itself become a barrier to the people's agenda. Successful proposals are usually sponsored by special interests, often quite narrow ones, that seek their own advantage in winning a public vote or in placing a competing measure on the ballot to confuse the public. A threshold of 8% of the votes for valid signatures requires a massive and expensive effort—perhaps three million dollars this year. While the people get to vote on the resulting proposals, what they vote on may have little connection to their real concerns for how best to fix the state. Voter discussion and voter review of propositions already determined will not fix this question of how to get the public's thoughtful input on setting the agenda in the first place.

What's Next California charts a new path. The first statewide Deliberative Poll® in California demonstrates how the people can take control of the agenda for direct democracy (see <http://www.nextca.org>). If it succeeds in this pilot project in charting a path to a successful initiative, it should be institutionalized. The basic idea is simple. A scientific random sample of registered voters is surveyed about an extensive agenda of possible reforms. The sample is then recruited to travel to a single place for a long weekend of intensive deliberations, evaluating competing proposals for a ballot measure based on carefully balanced and vetted information materials about the competing proposals. The sample should be representative in demographics and attitudes of the entire electorate. Their deliberations consist in small group discussions and then questions from the small groups directed to competing experts in plenary sessions. The entire process is supervised by a non-partisan advisory group who certify the balance and accuracy of the materials detailing the proposals and the balance of the expert panels who respond to the public's questions. This process was conducted early this summer by a coalition of eight organizations with broadcast around the state of a PBS Newshour documentary about the process and its results. An excellent scientific sample of more than 400 registered voters attended the weekend. The whole state was, in effect, placed in one room to deliberate about priorities for fixing the state. The participants, who began as a representative microcosm, became more knowledgeable and changed their views. Some of the 30 proposals they considered went up significantly with deliberation, some went down (see <http://cdd.stanford.edu/polls/california/>). Most importantly, six of the proposals that started high and went even higher with deliberation have been crafted into a ballot measure, the California Governance and Accountability Act, which is going on the ballot now (see <http://www.cafwd-action.org/pages/proposed-ballot-measure>). This initiative brings transparency and accountability to the state government's budget process and helps bring local control of some services provided at the local level.

The six proposals all started with majority support and went significantly higher with a minimum of 72% support after deliberation. The Deliberative Poll revealed how and why these proposals speak to the people's priorities. The deliberations of the microcosm enable the people to take ownership of an agenda setting process for the votes of everyone else.

In Ancient Athens there was an institution chosen by lottery or random sampling, the Council of 500, that deliberated and set the agenda for what everyone would vote on in the Assembly. In a similar way, the Deliberative Poll has set an agenda for what everyone will vote on in a ballot proposition in 2012. In Athenian democracy, this was a regular institutionalized occurrence. If this were institutionalized in California, it would not only speak to very ancient democratic values, it would also live up to the aspiration of the Progressives, a century ago, to empower the people to determine what they vote on. Is this a practical possibility in a mega state like California?

What's Next California and the resulting ballot proposition is a pilot of this idea. Institutionalizing it would face a series of challenges that all seem eminently practical but that all need careful thought. Where do the proposals come from that the people choose between? How, if at all, are they vetted before the people deliberate? How are factual materials to explain background on the issues developed? How are experts chosen who can respond to questions from the sample? How are the results of the Deliberative Poll-like process connected to the wording or revision of the ballot proposition? What threshold of support would qualify a measure to go on the ballot? Would measures go directly on the ballot or could they go on the ballot with a lower signature threshold after this process? All of these issues merit public debate and careful institutional design. Some of them might be made the subject of another Deliberative Poll. But all of them were faced informally by the pilot phase. And many issues, such as information materials have to be faced anyway by ballot propositions.

Deliberative Polls in various contexts around the world show that the people are, collectively very smart, and fully capable of dealing with complex public issues when they think their voice matters. The challenge for reviving California's direct democracy is to design institutions where the collective intelligence of the public can be harnessed to initiate the people's agenda.

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