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STRATEGIES FOR 21ST CENTURY LAWMAKING

BRIEFING NOTES

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PROBLEM IDENTIFICATION





PROBLEM IDENTIFICATION

The arc of the lawmaking process begins with defining which problems to tackle. In the vTaiwan process hundreds of thousands are translating broad issues into actionable problems. Such online participation enhances the level of information in the legislative process



BRIEFING NOTE: vTaiwan

<https://vtaiwan.tw/>

Method

AI-based insight generation

Participatory Task

Ideas, Opinions, Expertise

Owner: g0v.tw, a collaboration between the Digital Ministry, the Parliament and a volunteer civil society organization.

Location: Taiwan

Years in Operation: 2015-present

Implementation Level: National

Platforms: Web, Offline

How does it work?

vTaiwan is a four-stage process for moving from issue to legislative enactment while building consensus among diverse stakeholders. Rather than build a new tech platform, vTaiwan relies on a series of well-known existing tools that are open source (meaning they can be freely modified and customized, as needed). The process begins with a member of the public proposing an issue and a relevant government agency agreeing to steward and participate in the process.

1. Proposal Stage - Offline and online discussion of which problems to address using Discourse for discussion, slido for document sharing and Typeform for frequent questionnaires.
2. Opinion Stage- It then moves to an online process of getting input, taking advantage of an artificial intelligence (AI) tool known as Pol.is to collect and visualize participants' views, which becomes the basis for determining the extent of consensus about the nature of a problem. During this stage participants post their statements about the problem and can vote to Agree, Disagree or Pass on statements written by others or indicate if the statement is important to them. As voting progresses an algorithm is used to sort participants into opinion groups, capturing what each

group feels most strongly about, how a group perceives what the problems are and areas where people are divided and where there is consensus. Presented as a visualization, this “opinion landscape” is made available to the public and the relevant government agencies. This so-called “crowdsourced consensus-mining” makes the process of obtaining information about the “dynamics of the issue, the facts of the matter, what is at stake, and who is involved” efficient and scalable.

3. Reflection Stage - Following the opinion stage are two in-person stakeholder meetings where notes are taken online using **HackPad** and, to extend participation and maximize transparency, **livestreamed online** with a chatroom where anyone can comment. The goal is determine if the issue is ripe for advancement.
4. Ratification Stage - In some cases, the issue is resolved with a guideline, policy, or statement from the competent government agency. This often includes a point-by-point explanation of why legislation is not being enacted. In others, it is formulated into a draft bill to be sent to the Yuan (Taiwanese Legislature).

All the steps are combined onto a single set of webpages on the vTaiwan website so that the public and public servants alike can easily track the progress of an issue. Taiwan’s Digital Minister stresses that the process is flexible and the path often deviates from this roadmap. Some issues have taken as little as three months to settle while others have taken over a year.

What are the outcomes?

In Taiwan, 200,000 people have participated in this open policymaking process to define the problem around such complex issues as Uber, telemedicine, online alcohol sales and other hard topics. More than 80% of processes once initiated lead to “decisive government action.” The Taiwanese have used the process to formulate 26 pieces of national legislation. Since 2017, each Ministry is obliged to appoint a Participation Officer responsible for engaging in the process.

What does it cost?

The vTaiwan process uses a number of different tools, most of which are free. The standard price for using Pol.is is \$5,000 per month and \$48,000 per year for unrestricted use and unrestricted support from the team. The cost and service-level are negotiable. The entire process is run and maintained by volunteers with support from the government's Digital Ministry, which spends about \$100K on the project.

What are the benefits?

- Joint ownership between government and civil society builds trust and reduces the risk of failure while sharing workload.
- Flexible and transparent process enhances legitimacy.
- Combination of online and offline fosters participation by diverse audiences.

What are the risks?

- Focus on generating consensus may conflict with the need for urgent response.
- Not all Ministries or public officials are convinced of the efficacy of the process.
- Online process tends to favor discussion of technology-related topics.

vTaiwan has facilitated productive discourse among thousands of people at a time on a range of key issues. The process has helped resolve disputes between groups, ease concerns among citizens, and ultimately shape more effective and representative policies.

For more information, please contact: [**crowdlaw@thegovlab.org**](mailto:crowdlaw@thegovlab.org)

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SOLUTION IDENTIFICATION





SOLUTION IDENTIFICATION

Lawmakers must devise effective and workable solutions to problems. Parlement & Citoyens in France enables citizens to submit solutions to a problem posed by a representative. Public participation in developing solutions enhances innovation in lawmaking.



BRIEFING NOTE: MyGov India

mygov.in

Method

Online brainstorming, Prize-Backed Challenges

Participatory Task

Ideas, Opinions, Actions

Owner: National Informatics Center, Government of India

Location: India

Years in Operation: 2014-present

Implementation Level: National

Platforms: Web, Mobile

How does it work?

MyGov India is the Government of India's official citizen engagement platform and is used by its ministries and agencies to solicit ideas from the Indian public to solve public problems. Each ministry or agency can create participation opportunities that range from identifying solutions to serious problems -such as identifying opportunities to increase non-fare revenue for Indian Railways - to tapping into the creativity of members of the public to design a new app for the Prime Minister.

MyGov India divides participation opportunities into three categories: Do, Discuss, and Poll.

1. Poll - Ministries can post opinion polls and surveys about topics ranging from the naming of government programs, to the design of government apps, websites, and logos. Many polls are also used for priority-setting tasks around "Smart Cities" initiatives and area-based development. For instance, one poll allowed residents to vote for which area of the city of Ghaziabad should be selected for area-based development as a Smart City. For the duration of the polling period (determined by the creator of the poll), registered users can vote in the poll or survey; the platform shows users the results of the poll after they have cast their vote.

2. Discuss - Users respond to prompts or questions posed by Ministries, or by the central Government of India, on topics such as reducing corruption through technology, celebrating the 150th birthday of Mahatma Gandhi, or building parks in Varanasi City. Additionally, in the lead up to Prime Minister Modi's monthly national radio address (called Mann Ki Baat), users are asked to submit topics and key themes about important issues.
3. Do - The Do section presents opportunities for engagement that go beyond simply suggesting ideas or providing opinions and presents a chance for users to undertake tasks. While a large majority of the tasks are contests for designing slogans, posters or logos, there are also innovation contests involving substantive policy goals. One example was the 2018 Rurban (rural-urban) innovation challenge which invited startups or individuals to propose projects for implementation around 8 focus areas including: sanitation, road safety, healthcare services and digital literacy in villages, among others. By successfully completing tasks, users earn "activity points" and accumulate "hours" of participation, which are displayed on their profile to track their engagement on the site.

MyGov works with ministries to identify an idea for the engagement initiative and publish it on the platform, and also helps with both designing the outreach initiative and analyzing responses before passing them to the participating ministry. How submissions are processed after MyGov turns them over to the participating ministry differs from division to division. If the ministry implements a user's idea, they must inform MyGov, who in turn informs the user.

What are the outcomes?

With over 7.8 million registered users, MyGov is one of the largest CrowdLaw projects in the world. As of March 2019, the platform boasted 223,000 submissions across 808 tasks, and 3.9 million comments across 799 discussions since the platform's creation. Among the most notable features are the automatic translation tools used to transcribe and translate from the country's many diverse languages and an algorithm used to analyze and prioritize comments. Going forward, MyGov plans to include support for regional languages and further explore the use of voice-to-text conversion to enable people to participate by phone.

Additionally, important policy decisions have been shaped by submissions to the MyGov platform. For example, the Indian Railways budget of 2016 included 15 citizen ideas from MyGov. Yet, MyGov has been most popular for creative design contests such as the logo design for the “Clean India” mission (Swacch Bharat), and for soliciting topics which the Prime Minister should address in his monthly radio address to the nation.

What does it cost?

For the 2016-2017 financial year, the MyGov division of the Digital India Corporation reported a total expenditure of Rs. 1,066,194,458 (\$14,480,499 USD). MyGov is funded in full by a yearly grant-in-aid from India’s Ministry of Electronics and Information Technology. Nearly 90% of this budget -- Rs. 938,544,82 -- was spent on administrative expenses. The vast majority (over 96%) of the administrative expenditures went towards promoting the MyGov platform through advertising and conferences; only Rs. 6,033,936 -- or 0.6% of MyGov’s total budget -- was spent on direct maintenance and data storage related to website operations (Digital India Corporation, 2017).

What are the benefits?

- Extensive marketing and publicity using multiple modes of communication, especially social media, has led to high levels of engagement.
- Mixing “fun” and “serious” tasks, such as logo design with policy proposals, keeps more diverse audiences engaged.
- “Gamification” and contests boost participation.
- The MyGov India staff supports ministries in creating engagement opportunities and requires agencies to respond, explicitly communicating how they used public feedback.

What are the risks?

- While the site enables engagement, it does not commit the government to respond nor guarantee any legislative outcomes. The lack of definite outcome risks reducing the impact of the project.
- Even though policy discussions are held on myGov, Ministries are not compelled to respond, depressing participation.
- Posting vague problem statements reduces the quality of submissions and increases

the workload for the team responsible for filtering the submissions and selecting the best ones.

For more information, please contact: crowdlaw@thegovlab.org

Sources:

- MyGov India Blog, *"15 Citizen Ideas That Shaped the Rail Budget 2016-17"*.
- Available online at <https://blog.mygov.in/15-citizen-ideas-that-shaped-the-rail-budget-2016-17/>

BRIEFING NOTE: Decide Madrid

decide.madrid.es

Method

Online Brainstorming

Participatory Task

Ideas

Owner: Madrid City Council

Location: Madrid, Spain

Years in Operation: 2015–present

Implementation Level: Local

Platforms: Web, offline

How does it work?

Decide Madrid is a citizen participation platform launched in 2015 that, amongst other features, allows members of the public to submit proposals to the City Council.

People wishing to make a proposal through the Decide Madrid website must first register by providing, as a minimum, their email address. Registered users can then create a “citizen proposal” of any length in text and/or video. Citizen proposals can be submitted via the website, by mail, or in person. To assist people in developing sound proposals, a resource kit and blog post with guidelines and tips are provided.

Once a proposal is submitted, any registered and verified resident of Madrid can click a button expressing support for a proposal. Once posted, each proposal is given twelve months to gather the public support needed for it to progress to the next phase of consideration. In order to advance to the next stage, a given proposal must receive the support of at least 1% of registered citizens in Madrid over 16 years of age (currently ~27,000 people) – this is a legal requirement that stems from Spanish law. If, after 12 months, a proposal does not reach this threshold, it is moved to the “archived” section of the website.

Proposals can be sorted by “most active,” “highest rated,” “newest,” and “archived,” or by category tags such as “culture,” “mobility,” and “social rights.”

To maximize citizen participation and accommodate those without internet access, most actions that take place on the website (including registration) can also be completed in one of Madrid’s 26 Citizen Assistance Offices with the help of trained staff.

If a proposal reaches the 1% threshold, a 45-day period of online public discussion is triggered. This period is followed by an additional seven-day period when verified users can vote to accept or reject the proposal. A majority vote in this process allows the proposal to move to the next stage – consideration by the City Council.

Any proposal that wins majority favor in the second round of public voting must be reviewed by the City Council within 30 days. During this 30 days, the Council evaluates the proposal based on its legality, feasibility, competence, and economic cost, all of which are set out in a subsequent report that is openly published. If the report is positive, a plan of action to carry out the proposal is subsequently written by City Council staff and published. If the report is negative, the City Council may either propose an alternative action, or publish the reasons that prevent the proposal’s execution.

What are the outcomes?

Decide is a mixed success. On the one hand, it offers an efficient mechanism for any member of the public to engage in democratic life and the free software that it utilizes is in use in 70+ cities. In Madrid, nearly 400,000 people are signed up and have submitted over 21,000 proposals. On the other hand, the legal requirement to obtain one percent of the population’s signatures (only two proposals have ever garnered the required support) before a proposal can move forward, combined with a number of design flaws, have resulted in thousands of proposals being submitted but none being enacted since the platform’s inception. Also many proposals put forth by citizens are poorly informed and designed in such a way that prevents their implementation, often because they are not under the jurisdiction of the City or they duplicate another law that already exists. The City of Madrid is seeking to test new ways to increase the number of signatures on citizen-submitted proposals while simultaneously improving their quality.

What does it cost?

The software is free and open source and developed by a community of volunteers. The City Council, however, pays for a staff member to focus on public engagement as his/her job.

What are the benefits?

- The clear and straightforward process make it easy to sign up and submit a proposal or vote on someone else's.
- In-person citizen assistance venues ensure that everyone - regardless of their ability to access the internet - is included.
- Registration and verification ensure that only Madrilenians participate.
- Even if the City Council cannot officially engage citizens on the platform, it can still see what people are talking about and care about.

What are the risks?

- The absence of a sample proposal or guiding questions means there is a lack of guidance as to what constitutes an actionable proposal, leading to lower quality submissions.
- The inability of elected officials or staff to engage with citizen proposals means proposals that could otherwise have been developed into something implementable receive no feedback.
- The volume of proposals is very high, which limits participants' ability to see many of them - as a result, many high quality proposals may go unnoticed.

For more information, please contact: crowdlaw@thegovlab.org

BRIEFING NOTE: Better Reykjavik

<https://betrireykjavik.is>

Method

Online Brainstorming

Participatory Task:

Ideas, Opinions

Owner: Citizens Foundation – a non-profit organization in Iceland.

Location: Iceland

Years in Operation: 2011-present

Implementation Level: Local

Platforms: Web

How does it work?

Better Reykjavik is an online platform for the crowdsourcing of solutions to urban challenges launched by the Icelandic Citizens Foundation in October 2011. Following a secure login process, residents of Reykjavik can submit proposals or vote on proposals submitted by other users. To encourage thoughtful deliberation over rancorous debates or “trolling”, Better Reykjavik provides a “pros” and “cons” feature. Here, rather than responding to individual comments, users can make comments either in favor of, or against, a particular proposal. This design also allows other users to see both sides of the debate on a proposal and decide if they want to upvote or downvote it. On the last working day of every month, the five top rated ideas, as well as the top ideas in each category, are collected by a project manager on the Mayor’s Office project management team for evaluation and possible implementation. To make the entire process transparent, every stage of the Mayor’s Office assessment is posted on the Better Reykjavik website.

The evolution from an idea to a decision takes 3-6 months – at the end of that timeline, all the participants, including the proposer and those who voted for the proposal, are notified about the outcome. If an idea has been rejected, the author receives an explanation by email, and an invitation to come to City Hall for further discussion, if requested.

What are the outcomes?

More than half (70,000) of the city's population (120,000) have participated. To date, 20,000 registered users have submitted over 6,800 proposals and 15,000 arguments for and against given proposals -over 600 projects have been implemented as a result of the process. In an audit conducted by the University of Iceland, just over 40% of Reykjavik residents report that they are pleased with Better Reykjavik and My District; 55% of respondents among elected officials and 47% among administrative staff also agreed that the implementation of My District was a success. Interestingly, although the youngest people demonstrate the lowest levels of participation, those who do participate are the most satisfied with the experience. This dynamic perhaps reflects the demand among young people for more direct forms of democratic engagement.

What does it cost?

The Citizens Foundation charges the City €2,500 for its annual service agreement for Better Reykjavik. In addition, the city has spent 1.3 billion ISK (\$12 million USD, €10 million) on the salaries of project managers, advertising and promotional costs for both Better Reykjavik and its participatory budgeting program, both of which run on the same website.

What are the benefits?

- Giving citizens a voice within the policymaking process and the power to influence the outcome of impactful issues.
- Mutual acceptance: after the platform's initial introduction, citizens continually participated online while the Reykjavik government made an effort to incorporate the platform into the already existing policymaking process. This has resulted in over 600 projects being implemented by 2018.
- The guarantee that the Mayor's Office will review the best ideas and the dedication of project management and expert resources to analyzing, evaluating and improving the proposals helps ensure a high degree of quality.

What are the risks?

- Citizen-participants do not have ultimate decision making authority, which could lead to frustration.

- Though the platform was popular when first introduced, the levels of participation have been declining in the past few years (especially within the younger demographic).
 - Google Translate is incorporated to make the website accessible to non-Icelandic speakers, but it is questionable whether this is adequate to ensure participation by non-Icelandic speaking immigrants.
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For more information, please contact: [**crowdlaw@thegovlab.org**](mailto:crowdlaw@thegovlab.org)



DRAFTING





DRAFTING

Lawmaking involves turning good ideas into written proposals for a bill. WikiLegis enables Brazilians to edit and comment on draft legislative text. By giving the public insight into the drafting process, online participation enhances transparency.



BRIEFING NOTE: Mudamos

<https://www.mudamos.org/>

Method

Collaborative drafting

Participatory Task:

Ideas, Actions

Owner: Institute for Technology and Society (ITS Rio)

Location: Brazil

Years in Operation: 2017-present

Implementation Level: Municipal, state and federal

Platforms: Mobile application

How does it work?

Mudamos is a mobile application that enables Brazil's citizens to participate in lawmaking by proposing their own bills and signing onto one another's proposals using verified electronic signatures.

Mudamos comprises three parts: 1) The app's secure and verifiable digital signature technology; 2) the process for proposing, analyzing and improving proposed bills; and 3) in-person Virada Legislativa (legal draft-a-thon) events.

- 1) Mudamos App - Any citizen with a smartphone (Android or iOS) can download the app and register with his or her electoral ID, name and address, information which Mudamos keeps secure and verifies with Brazil's Electoral Court. The app issues what is known as a cryptographic key pair, a small piece of digital code used for verification. One half of the key is stored on the user's phone and the other with Mudamos, which makes it possible to authenticate a person's signature. In this way, members of the public can draft and sign petitions in a way that is verifiable and secure.
- 2) Legal Analysis Team - To address the volume and quality of submissions, Mudamos's creators have designed a volunteer lawyer program. Since January 2018, ITS

Rio uses crowdsourcing to engage young lawyers to assist in the analysis of the proposals. The Mudamos volunteer legal team performs a legal analysis to verify whether the draft bill has all the constitutional requirements to be framed as a citizens' initiative bill. If it has all the constitutional requirements, the bill is uploaded on the platform and it is published for signature gathering immediately. If it has not, the bill's author receives a feedback report based on the analysis recommending changes or explaining why the proposal cannot be accepted as a citizens' initiative bill.

- 3) Virada Legislativa Events - To foster lawmaking literacy and help citizens to create their own draft bills, ITS organizes Virada Legislativa (legal draft-a-thons). The Virada Legislativa is a one-day in-person event to develop draft bills collectively -- a draft-a-thon -- addressing a single issue and within a timeframe.

What are the outcomes?

With the massive adoption within a few months after its launch, Mudamos has been leading, not only a technological turn in politics, but also fostering institutional and cultural changes by making the once-theoretical possibility of direct democracy real in practice. Since Mudamos has been released, the platform has received more than 8,000 draft bill proposals. In its first month, Mudamos was downloaded by more than 250,000 people and by October 2018, more than 700,000 people had downloaded the app. Over half of those are active users. Since Mudamos's launch in March 2017, several legislative bodies have enacted new measures to recognize the use of Mudamos as an official channel for participatory lawmaking.

What does it cost?

Mudamos is a free application that can be downloaded from mobile application stores.

What are the benefits?

- Mudamos is a secure and affordable way for people to express themselves politically by drafting bills for legislative consideration or signing onto bills.
- The technology ensures that signatures are trackable and verifiable.
- Mudamos reduces the reliance on paper-based systems for signature collection, which in turn reduces costs.

What are the risks?

- Mudamos's electronic signature is not a national standard and the major risk to the Mudamos project is the contesting of the validity of its signatures by legislative bodies. Since an electronic signature standard is not established by law or even by a House of Representatives rule, the decision whether or not to accept Mudamos signatures is made subjectively.
 - Another risk faced by Mudamos is the low adoption rate of the app (350,000 active users) in relation to the number of signatures required to propose a national level draft bill (1.5 million)
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For more information, please contact: crowdlaw@thegovlab.org

BRIEFING NOTE: Constitución CDMX

Method

Collaborative Drafting, Open Innovation

Participatory Task

Ideas, Opinions, Drafting

Owner: Mexico City's Government

Location: México City, México

Years in Operation: 2016-2018

Implementation Level: Municipal/State

Platforms: Web, Offline

How does it work?

Mexico's Congress gave the Mayor of Mexico City exclusive authority to craft the city's constitution, which would then be ratified by a constitutional assembly. However, to increase popular legitimacy, the Mayor, instead established a working group tasked with receiving public input. In turn, The Lab for Mexico City set up the Constitución CDMX (CDMX referring to "Ciudad de México") digital platform, which offered the public four ways to participate in the process: 1) a survey, 2) online petitions, 3) collaborative drafting, and 4) an event platform. The opportunities to participate were heavily advertised via social media and local high school volunteers were enlisted to get out the word on street corners.

Constitución CDMX's participation methods included the following:

1. **Survey:** This seven question survey aimed to capture residents' hopes and fears, expectations, and ideas for the future of the city and mapped them by age, gender and neighborhood.
2. **Online Petitions:** The City collaborated with Change.org Mexico to set up a tool where residents could petition the working group. Any petition with 5,000 signatures was analyzed, and a legal opinion was sent to the petition-maker and its signees. When a petition garnered 10,000 signatures, the proposing resident(s) would

present his/her proposal to three representatives of the Working Group. When a petition surpassed 50,000 signatures, the proposing resident(s) presented their proposal in a working session with the Mayor, who committed to explicitly include it in the constitutional draft.

3. **Collaborative Drafting:** Residents could add their comments or suggestions to essays prepared by the Working Group that addressed questions of constitutional theory, proposals of a technical nature, and related academic papers using MIT's pubpub platform.
4. **Event platform:** An event platform was created that enabled resident-organized events related to the constitution to be promoted to increase participation. Event organizers could also upload the findings of their events to the collaborative editing platform and receive feedback from other platform users.

Each week, the Working Group reviewed a summary of the Constitución CDMX platform's activity, discussed the resident inputs and, with technical and legal support, reflected the result of their discussion in an evolving draft of the constitution. The Working Group's final draft was then passed through the Mayor to the Constitutional Assembly which held responsibility for final review and endorsement of the constitution.

What are the outcomes?

Within six months, 341 proposals were submitted as online petitions, and signed by more than 400,000 unique users. Four petitions surpassed the 50,000 signatures threshold, while another 11 got more than 10,000 signatures. In total, 14 petitions were successfully included in the Constitutional draft. Additionally, the survey mechanism generated 30,000 geo-tagged responses from 1,474 neighborhoods, accounting for 90% of all neighborhoods in Mexico City; 100 essays were submitted to the collaborative drafting platform and received 1000 comments; and 55 resident-organized events were registered. As a result, the final document is considered to be the most progressive constitution in Latin America, and it has been recognized by the United Nations as a, "historical document that addresses the central challenges of development and peace," and as, "a guide to fulfill the universal, indivisible and progressive nature of human rights, the Sustainable Development Goals, and the 2030 Agenda."

What does it cost?: The platform development cost was \$15,000. There were also additional costs for outreach and marketing, as well as for digital kiosks and mobile devices which were used to encourage participation from citizens who did not have access to the Constitución CDMX platform online..

What are the benefits?

- Having multiple ways to participate - from filling out a survey to writing a petition - encouraged more people to participate.
- The Mayor's commitment to include language drafted by the public if it garnered enough signatures enhanced legitimacy. At the same time, the Mayor made clear that citizen proposals that did not reach the signature threshold would be considered but not automatically included. By clearly communicating these boundaries, expectations were surpassed.
- Partnership with a well-known brand name (Change.org) increased trust and participation in the process.

What are the risks?

- The main challenge initially encountered was the lack of trust in the process and with the government - trust was essential to robust citizen participation.
- The still present digital divide in Mexico City created implementation challenges and necessitated offering face-to-face participation options.

For more information, please contact: crowdlaw@thegovlab.org



OVERSIGHT AND EVALUATION





OVERSIGHT AND EVALUATION

Evaluation examines how a law is working. With new technology, a watchful community can collectively monitor legislative impact. In the UK, the public is helping to evaluate evidence submitted to certain parliamentary committees, enhancing accountability.



BRIEFING NOTE: Evidence Checks UK

<https://www.parliament.uk/business/committees/committees-a-z/commons-select/education-committee/dfe-evidence-check-forum/>

Owner: UK Parliament

Location: UK

Years in Operation: 2014-present

Implementation Level: National

Platforms: Web, Offline

How does it work?

“Evidence Checks” are one-month exercises in which members of the public are invited to provide comments online on the rigor of evidence on which policy is based. This process allows a large and diverse group of people with relevant experience and expertise to identify gaps in research that require further review. In the UK House of Commons, there is a Select Committee conducting oversight for each government department, examining spending, policies and administration. In an Evidence Check, government departments supply information to the Committee about an issue. Committee staff publishes the information on a new page within their own parliament.uk page that is dedicated to the evidence check, and shares the task of scrutinizing that evidence with a wider pool of experts, stakeholders and members of the general public for comment. Typically, the Committee uploads the government statement as a publicly-viewable PDF and frames the request with specific questions and problems which they would like participants to address. The process comprises three steps:

1. The Committee requests a submission from the government department responsible for a policy. The Department is asked to supply information about the policy in question and the evidence upon which the policy is based.
2. The Committee publishes the departmental submission and adds a page to their website to collect comments over a period of 3-4 weeks, inviting academics, stakeholders, practitioners and members of the public affected by the policy, to comment on the departmental advice. This can include comments on the strength of

the evidence provided by the department, highlighting contrasting evidence, selection biases, and gaps in the evidence. The web forum is public but committee staff may choose to review comments before and after users post them to check they are not defamatory, abusive, or otherwise inappropriate.

3. The Committee assesses comments and uses them to guide further investigation of the policy and/or integrates the commentary into its final report which is supplied to the relevant government Minister for response.

Within this broad approach, Commons Select Committees have implemented evidence checks in varying ways.

In 2014/15 the **Education Select Committee**, used the process to help it develop its work program. Initially, the Committee requested a 2-page statement on 9 topics from the Department of Education, inviting public comment via web forums on each, as well as comment on the Department's approach to the use of evidence generally. Comments in the web forums then informed Committee decisions regarding what areas to focus on and hold oral evidence sessions for.

In 2016, the **Science and Technology Select Committee** published 7 government statements on policy areas including driverless cars, smart cities, digital government, smart meters and flexible working arrangements. It sought comments that aligned with a framework that the Institute for Government developed in partnership with the Alliance for Useful Evidence and Sense About Science, which covered diagnosis of the issue, evidence-based action by government, implementation method, value for money, and testing and evaluation.

Targeted outreach, including social media, guest blogs on civil society organization websites, and leveraging the networks of organizations with expertise in the related policy topic, is crucial for obtaining high quality participation on an array of policy topics.

What are the outcomes?

Evidence Checks help committees more efficiently and effectively hold government to account by leveraging the collective intelligence of a broader expert audience. In 2016, the **evidence check conducted** by the **Women and Equalities Committee** into sexual harassment

in schools (dubbed a 'Fact Check') generated contributions from knowledgeable stakeholders, students with lived experience of harassment, and led to a revised (upwards) estimate of the incidence of harassment and information from contributions was incorporated into the subsequent Ministerial Briefing on the issue.

What does it cost?

There are no documented costs with what is essentially expanding the hearing process to the Web, enabling a broader audience to scrutinize what has been presented to the Committee. Because the process runs via the Committee's own webpage, the overhead is low.

What are the benefits?

- The online collection of comments reduces temporal and geographic barriers to accessing relevant experts, increasing the level of expertise and experience to which the Committee has access.
- Web forums where members of the public can submit their comments, to be reviewed by Parliament can encourage more members of the public with compelling lived experiences to contribute through less formal (but still transparent) processes.
- Does not require sophisticated technology and is a low cost option compared to other methods of collecting large-scale public opinion
- Solicits specific responses to clearly identified and granular problems posed by the Committees, rather than vague responses to broad problems

What are the risks?

- Evidence Checks could be improved with better technology that allows people to add references, rate one another's responses, add videos and additional briefing materials, and permits more sophisticated modernization.
- Without the right level of outreach to interested individuals and groups, participation will be low to non-existent.
- Questions have to be clearly framed lest participation fail to address the relevant questions of the reliability of evidence.

For more information, please contact: crowdlaw@thegovlab.org

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BRIEFING NOTE: Evaluación de la Ley, Chile

http://www.evaluaciondelaley.cl/foro_ciudadano/site/edic/base/port/inicio.html

Method

Social Auditing

Participatory Task

Ideas, Opinions

Owner: Chamber of Deputies of Chile

Location: Chile

Years in Operation: 2011-present

Implementation Level: National

Platforms: Web, Offline

What is it?

Evaluación de la Ley is an ex-post evaluation methodology for assessing the effectiveness of active laws led by the Law Evaluation Department in the Chilean Chamber of Deputies using off-line and online focus groups.

Background

The bicameral Congress of Chile is the first national parliament in Latin America to implement a system for evaluating current laws and one of the first in the world to institutionalize an ex-post evaluation mechanism of the effects of legislation.

The Law Evaluation Department is a professional support unit within the administration of the Chamber of Deputies (lower house). It develops and publishes reports that analyze the impact that important laws have had after being in effect over a period of years. Their aim is to assess fulfillment of the objectives that the legislators sought when introducing a law, to detect unintended consequences, to have a record of the citizen's perception of the impact of the law on their lives, and to serve as useful input for updating and revising the evaluated laws.

Created in 2010 by officials from the Chamber of Deputies, the initiative received technical support from the OECD through a program of cooperation and exchange in matters of legal evaluation.¹ In 2011, the new department developed a plan for how it would work and carried out a pilot to validate the proposed methodology and assess the relevance of having an ex-post evaluation mechanism.

Project Description

Although the Law Evaluation Department is part of the administrative structure of the Chamber of Deputies, the decision as to which laws to evaluate is made by the Law Evaluation Committee, a group comprising elected members of Congress from multiple parties that functions similarly to a standing committee and meets every two months.

The Committee prepares the list of potential laws to be evaluated based on the requests they receive from Deputies or other political bodies (standing committees, the Speaker Of The House, etc.). To select the laws chosen for evaluation, the Law Evaluation Department assesses the laws according to selection criteria such as technical feasibility, general applicability of the law, political neutrality, among others, and then presents the filtered list to the Committee for them to agree which law to evaluate next. Due to human resources constraints, the Committee selects no more than 1 or 2 laws each year.

Today the Evaluation Department employs a multidisciplinary team of four full-time professionals. These are trained researchers and facilitators with expertise in both quantitative and qualitative research methods and the moderation of group discussions.

They perform the evaluation of the laws by using a four-month process that unfolds in three stages:

1. Technical study of the law
2. Citizen perception study, and
3. Final report.

1) Technical Study (6 weeks) - The technical study includes a thorough investigation

¹. 2011-2012 [Annual Report of the Chamber of Deputies of Chile](#). Pp 87. Available in Spanish

of the legislative history and parliamentary debate to identify the objectives of the law, the tools chosen by legislators to achieve its goals, the institutions involved in its implementation, and the interest groups and areas of society affected. In this stage, interviews are carried out with specialists and those responsible for the implementation of the law, and indicators for the quantitative measurement of the impact of the law are drawn up.

- 2) Citizen Perception Study (3 weeks) -To measure the citizen perception of the law, the technical study helps identify the groups of people who will be invited to participate and identifies the most appropriate methodologies according to the type of law: interviews, surveys, focus groups, workshops, citizen meetings, face-to-face forums, debates with experts and/or seminars. The convened participants can come from one or more of the following groups: frontline public officials from the public agencies responsible for the implementation of the law; groups of citizens affected by the law; intermediate organizations that bring together natural or legal persons affected by the law; civil society organizations whose beneficiaries are persons reached by the law; specialist practitioners or academics.
- 3) Final Report (11 weeks)- Finally, the technical report and citizen perception report are both compiled, and conclusions are drawn about the effects of the application of the regulation. Based on the conclusions, recommendations are made to improve the quality or effectiveness of the regulation, correct unexpected effects, cover legal gaps or expand its scope, among others. The report is delivered to the Law Evaluation Committee for review and the committee president reports on it in a plenary session. Then, it is distributed to the relevant standing committees and to the public and private entities that participated in the evaluation process.

The stages are subject to modification. Given the heterogeneity of the country's laws, a flexible methodology was designed in which, for each stage, the team can select the activities that it considers most appropriate, according to the characteristics of each law to be evaluated. For example, for some laws it may be necessary to conduct an international law analysis; in cases where it is known in advance that the law is failing to meet its objectives, it is necessary to deepen the study into the possible causes.

When conducting its first pilot evaluation in 2011, the Law Evaluation Department implemented an online forum to collect opinions from self-selected citizens interested in volunteering to participate. However, with insufficient resources and technical support to keep it running and analyze the comments received, the online forum was disabled at the time.

Now, in 2019, the National Congress of Chile is promoting a bidding process to build an online platform called “Virtual Congress” that aims to facilitate interaction between members of the congress and their staff and citizens. One of the features of this future platform will allow the Law Evaluation Department to collect opinions, evidence and expertise from the public in response to targeted questions. The Evaluation Department’s main motivation for incorporating an online, crowdlaw component of this social auditing process is to be able to increase both, the territorial scope and the quantity of citizens consulted.

Impact

Between 2011 and 2018, 12 laws have been evaluated collaboratively, for which a total of 305 people were interviewed, 32 focus groups held (11 in the capital city of Santiago and 6 in Valparaíso, headquarters of the parliament and 19 in other cities) in which 391 citizens participated and 55 other citizens participated in workshops and panels with experts. In short, somewhere on the order of 800 people have participated in these activities.

There is no detailed demographic information, however about who took part in those focus groups but anecdotal reporting by the Evaluation Department staff suggests that, mainly white-collar professionals and administrative agency officials participated in interviews. No attempt was made to select representative samples of the population, but rather to gauge the opinion of well-informed people on the subject including experts in the area, members of the teams that implemented the law from the administrative agencies and citizens with knowledge based on lived experience related to the law being evaluated.

The qualitative inputs provided by the citizen, experts and implementers of the law during these focus groups provide an on-the-ground perspective of the real world impact of legislation that would be missing based only on other instruments, such as opinion surveys and quantitative data analysis.

By contacting both the public agencies responsible for implementing the law and citizens and representatives of civil society affected by it, the Law Evaluation Department team has the opportunity to identify the points of the process in which the implementation of the law is inadequate. In addition, contact is made with a wider and more diverse array of people who may not have been consulted when the law was enacted.

All the reports presented contain recommendations for both the executive and legislative branches to improve and update the laws, some of which have been used as input for legal modifications. Eighteen bills have been introduced, amending existing law and citing the work of the Law Evaluation Department. For example, the report on organ donation was used to prepare amendments to current law. The report on the Private Data Protection Law was cited by the executive branch when it sought to introduce a bill updating the legislation.

What are the benefits?

- The multi-partisan political committee that selects the law to be evaluated from a list prepared by professionals according to technical criteria reduces bias in the selection and gives political support both to the evaluation process and to the reports produced.
- Giving the multi-partisan committee the power to select which law to evaluate and to oversee the Law Evaluation Department work, helped to overcome the initial resistance of some congress persons who were afraid that this evaluation process could be aimed to audit or scrutinize their work.
- Interviewing frontline public workers and citizens affected by the law allows for an understanding of the “situation on the ground”.
- The technical and financial capacity required to operate the process are both relatively low.

What are the risks?

The process does not yet take much advantage of the role that technology could play. Using technology could enable the team to gauge public opinion at a much larger scale and engage people who cannot currently participate.

For more information, please contact: crowdlaw@thegovlab.org

BRIEFING NOTE: Social Audits

Projeto Controladoria na Escola, Brazil | TransGov, Ghana | CPEC, Connecticut, USA

Method

Social Auditing

Participatory Task

Ideas, Actions

Owner:

1. Brazil's Comptroller General
2. TransGov Ghana
3. Connecticut Policy and Economic Council (CPEC)

Location: Brazil, Ghana, Connecticut, USA

Years in Operation: 2000 - present

Implementation Level: National, Local

Platforms:

1. The Promise Tracker Tool - <https://monitor.promisetracker.org/>
2. TransGov - <https://www.transgovgh.org/>
3. Casio Pocket PCs, Digital Cameras

How Does It Work?

The Internet creates the opportunity for asking the public how to measure impact of laws and policies, what data to use for that purpose and enlisting people in the process of evidence gathering to support better evaluation and oversight. Such participation has the potential to enhance accountability and improve results. Although only one of these social auditing projects involves the legislative branch of government, the success of these initiatives, coupled with the absence of many legislative examples (UK Evidence Checks and Chile's Evaluación de Leyes are two notable exceptions), leads us to include them as worthy exemplars for legislatures looking to engage the public in oversight and evaluation.

Projeto Controladoria na Escola - this project involved asking students to collect data about their local school environments, report the major issues they faced, identify the root causes of those issues and propose ideas to fix them, initially by hand, and then using the Promise Tracker tool. In the pilot phase students from 10 schools identified over 600 issues such as burnt out light bulbs, missing fire extinguishers and broken chairs. The Comptroller General visited each school later that year to monitor the results of the project and to oversee the resolution of the issues.

TransGov - Created in 2014, TransGov is a platform to help Ghanaian citizens monitor the progress of local development projects. The creators of TransGov (Jerry Akanyi-King, Kennedy Anyinatore, Kwame Yeboah and Prince Anim) found that citizens were unaware of whom to hold accountable for faulty or incomplete infrastructure projects (such as the construction of public schools and flyovers) and service delivery in their localities. The solution they developed was “to curate a list of development projects in local communities and give people the ability to comment, give feedback and let their voices be heard.” The platform also allows people to report issues such as burst pipelines or potholes and track the status of their complaint.

CPEC - In 2000, the Connecticut Policy and Economic Council (CPEC) conducted a pilot project to engage local residents in collecting data to evaluate public projects in order to hold the local government accountable for its commitments to clean up derelict land use sites and advocate for change. The project, called CityScan, began in Hartford, Connecticut, and was later extended to half a dozen other cities in the state. It provided ordinary citizens with what was, at the time, state-of-the-art technology, including handheld computers, wireless modems and first generation digital cameras. Citizens were also trained in how to collect data to assess the performance of government agencies and hold them accountable. This “social auditing” effort was part of a broader initiative by the Council to introduce citizen-based performance assessment (CBPA) in local neighborhoods and eventually statewide, making CityScan one of the earliest examples of technology-enabled social auditing anywhere in the world.

What are the outcomes?

Projeto Controladoria na Escola - In one school alone, the students identified

115 issues and within just 3 months, 45% of the issues were fixed either by the department of education or, where possible, by the students and school management themselves. More recently, 4,000 students from 104 public schools participated in the campaign and helped evaluate the state of classrooms, availability of Wi-Fi and computer labs, toilet paper in bathrooms and other issues by collecting evidence in response to a questionnaire administered through Promise Tracker. Now the project is expanding to 200 schools.

TransGov - Today, TransGov has 600,000 registered users who provide feedback through the TransGov website, mobile app, by SMS or by phone. By posting complaints received on TransGov to social media sites, the time taken to resolve complaints reduced by nearly 60% since public officials were subjected to the heightened scrutiny. On average it takes 3 days to fix a pothole and 48 hours to fix a burst pipe reported via TransGov compared with nearly a week to fix a pothole and more than 3 days to fix a pipe before TransGov's social auditing process.

CPEC - In Hartford, CityScan played an important role in enabling other organizations to improve their own work. The most prominent example of such an organization was "Hartford Proud & Beautiful," a private-public partnership which worked towards clearing graffiti from public sites. They used data about graffiti in public spaces in 90 sites in Hartford collected by CityScan volunteers to clean the graffiti. Following the success of the two pilots in Parkville, CityScan expanded to eighteen more neighborhoods in Hartford and eventually, to seven more cities in Connecticut.

What are the benefits?

- Whether in the US, Ghana or Brazil, using a distributed community network made it possible for government and civil society to get a clearer picture of on-the-ground conditions.
- Using digital cameras, smartphones and other tools, they often created an actual picture or even video of conditions that could be used to hold institutions to account.
- Cooperation between the network of volunteers and government institutions is crucial for impact. CPEC got local governments to commit to the clean-up of derelict land-use sites and volunteers, using hand-held devices, were able to take the pictures needed to

hold them to account.

What are the risks?

- Social auditing needs to be tied to measurable outcomes, such as increasing the number of problems fixed in schools or derelict land use sites to be cleaned up. Without clear outcomes, the project will fail.
 - The “crowd” volunteering to participate in social auditing needs to understand clearly what is being asked of it.
 - Without an institutional actor ready to respond, the efforts of the social auditing community will not lead to outcomes.
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