GOVLAB

CROWDLAW FOR CONGRESS

STRATEGIES FOR 21ST CENTURY LAWMAKING

KEY TAKEAWAYS

congress.crowd.law

PROJECT TAKEAWAYS

Sponsored by the Democracy Fund, the GovLab's CrowdLaw for Congress (congress.crowd.law) project explores how lawmaking bodies around the world are turning to CrowdLaw or the use of new technology to foster an efficient two-way conversation with the public to the end of improving the quality and the legitimacy of lawmaking.

Drawn from research on over a hundred CrowdLaw cases and myriad interviews with leading practitioners, these twenty practical how-to's explain how to introduce 21st century lawmaking techniques to engage with the public at each stage of lawmaking. For more information, please contact us at crowdlaw@thegovlab.org.

design for the specific stage of lawmaking

Design the public engagement process and choose the tools best suited to the information and tasks needed at that stage.

In Brazil, Mudamos is a tool and process designed specifically for the public to draft their own bills and get others to sign onto them. TransGov in Ghana, by contrast, is used to evaluate the implementation of legislation after-the-fact.

act on input received

Legislatures must commit clearly and publicly to act on input received, even if the commitment is merely to consider and give feedback on a proposal.

In Taiwan, the *Yuan* will consider any issue that goes through the vTaiwan process. In Brazil, the *Camara dos Deputados* is constitutionally obliged to review citizen proposals with the requisite supporting signatures.

both sides must engage

It is not enough for the public to engage; government has to play an active role for CrowdLaw to succeed.

In Connecticut, the CityScan project succeeded because local governments committed to fix the issues citizens pointed out in this social auditing process. In Madrid, the prohibition on government providing feedback on proposals has resulted in lower quality submissions and no successful citizen proposals making it into law.

make platforms and processes easy to use

To maximize engagement, platforms and processes must be simple and easy to understand with substantial guidance.
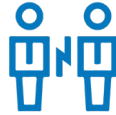
The UK Parliament's Evidence Checks process uses a website and no special tools. The Madrid City Council provides Kit Decide — instructional materials that teach people how to participate and create a proposal.

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train public servants

Ensure staff are well supported to facilitate constructive discussion and collaboration, especially to navigate conflicting views.

In Taiwan, over two thousand civil servants have been trained in public engagement. In Chile, the Chamber of Deputies' Law Evaluation Department staff are trained to run citizen focus groups to evaluate the impact of legislation.

manage conflict

Build time into the process for divergent views to be expressed and consensus to emerge naturally.

The vTaiwan process includes multiple deliberative phases: proposal, opinion generation, reflection and, only then, ratification.

strive for and measure diversity

To diversity, collect data (e.g. age, gender but also the number of frequent users, number of votes or proposals, participation rates by location, occupation).

In Estonia, the online *Rahvakogu* process attracted mostly educated, wealthier males, which is why the organizers designed a second step using a random sample of the population.

collaborate and share the work

Involve universities, community organizations and nonprofits willing to share the work of running an engagement process.

The main challenge Mexico City's collaborative constitution drafting process faced was lack of trust in the process. The City partnered with well-known brand Change.org to attract participation.

create space for sharing ideas in the public interest

Commit to open sharing ideas and insights to enable deliberation and the implementation of public input.

The terms of service of Reykjavik's Better Reykjavik make clear that "When a user presents an idea on the Better Reykjavík forum, it is automatically considered the public property of the residents of Reykjavík" in order to enable deliberation and amendment.

define the topic clearly and ask specific questions

Limit the scope of the consultation and clearly articulate the issues to create focused and relevant participation.

In Estonia's *Rahvakogu* process, limiting discussion to political reform led to concrete and specific proposals in a short time frame. In the UK Parliament's Evidence Checks process, guiding questions keep participation on topic.

offer multiple ways to participate

Create different channels for engagement, a choice of tasks to undertake and both selection and self-selection mechanisms.

In Mexico City, the Crowd constitution crafting process Constitución CDMX offered four different options for the user to participate, including surveys, petitions, proposals and live events. In Estonia, they combined online self-selection with an offline selected random sample of the population for more legitimate decisionmaking.

use high technology

Use the latest technologies to enable participate efficiently and at scale.

In Taiwan, the Pol.is tool uses artificial intelligence to cluster citizen opinions and enable the public to identify and discuss problems with thousands of participants. In Brazil, they are turning to the blockchain to enable verification of the signatures on citizen petitions.

use low tech when not

Offer complementary face-to-face alternatives to online engagement to build community and ensure inclusion.

The Virada Legislativa is a one-day in-person event – a draft-a-thon – for Brazilian citizens to draft legislation together.

turn good participation into great pariticipation

Invest in efforts to improve the quality of submissions by offering technical assistance and guidance.

In Iceland, the Mayor's Office's project managers analyze, evaluate and improve proposals together with the public. In Brazil, a volunteer team of crowdsourced lawyers assist in the analysis of citizen submissions to the Mudamos citizen initiative app.

advertise opportunities to participate

Conduct targeted outreach to attract better participation. For example, use social media, blogs on NGO websites, and leverage the lists of relevant organizations.

The Government of India uses social media, online articles, radio broadcasts, and live events to promote MyGov. The platform operates a Facebook account, Instagram page, YouTube channel, and Twitter feed with over 1.4 million followers, accounting for the platform's 7.8 million users.

share outcomes

Share real-world impacts publicly by communicating how public feedback is used in law and policymaking.

MyGov India gives credit to members of the public by name for their contributions. In the USA, regulatory agencies sometimes write up a summary of how public input was taken into account in drafting a regulation.

make crowdlaw relevant

Create the incentive to participate by ensuring that there are definite ways for public input to be used and taken account of in lawmaking.

In Mexico City, the guarantee by the Mayor that any proposal that received enough signatures would be included in the constitutional draft spurred participation and satisfaction.

build crowdlaw into everyday pratice

Transform CrowdLaw practices into a normal part of governing rather than a one-off event.

In Reykjavik, where over half the population is on the City's CrowdLaw platform, the Mayor's Office commits to implementing the top ideas from the Better Reykjavik platform every month. This has resulted in over 600 projects being implemented.

define measurable outcomes

Measure the impact of CrowdLaw practices on the quality of lawmaking rather than adopting participation only for its own sake.

In Taiwan, it is possible to measure the connection between public input and the passage of twenty-six major pieces of legislation on the digital economy. In Mexico City, there is documentation of public proposals used in the draft of the new constitution. In Iceland, they count precisely how many projects were developed with public co-creation.

give power to real people

Whether in the US, Ghana or Brazil, people have good ideas, professional know-how and lived experience to share and will do so willingly. Just as members of the public contribute to writing Wikipedia entries, restaurant reviews on Yelp or sharing health advice on Patients Like Me, CrowdLaw is demonstrating how members of the public can and will share their collective intelligence and be capable and keen participants in the lawmaking process.

If, after reviewing the materials, you are interested in experimenting with any of the Crowdlaw Strategies for 21st Century Lawmaking, the Democracy Fund will support the creation and development of the technology, the process and the evaluation for U.S. Congress Members, Committees and their staff - at no cost to you. If you are interested in learning more, please check out crowd.law and contact us at crowd-law@thegovlab.org