July 5, 2021

Shalanda Young
Acting Director
Office of Management and Budget

Re: OMB RFI Submission (Docket Number OMB-2021-0005)

The POPVOX Foundation is honored to submit this response to the Office of Management and Budget's (OMB) Request for Information ("the Equity RFI") on "Methods and Leading Practices for Advancing Equity and Support for Underserved Communities Through Government."

About the POPVOX Foundation

The POPVOX Foundation's mission is "to inform and empower people and make government work better for everyone." This includes reimagining the concept of "civic infrastructure," and providing new ways for government to share information and engage the public, with an emphasis on diverse participation and rebuilding public trust.

The POPVOX Foundation[1] pursues this mission through publications, convenings and educational outreach on the growing need for government to modernize its processes and keep pace with an increasingly complex and rapidly changing society. Much of the Foundation's charitable work builds upon lessons learned from innovative uses by governments, academia, and civil society of the "POPVOX" technical platform (popvox.com), which is operated by POPVOX, Inc.

The POPVOX Foundation team works closely and in various capacities with researchers and government entities to test new methods for deliberation and public input on policy proposals. This includes a "deliberative democracy" project[2] conducted with a personal congressional office and an ongoing "collaborative legislating" project[3] with the House Committee on Natural Resources for crafting an Environmental Justice bill in partnership with impacted communities. The Foundation provides technical assistance on general topics of modernization and constituent engagement. In 2019, POPVOX Foundation co-founder, Marci Harris, testified before the House Select Committee on the Modernization of Congress on "Improving Constituent Engagement" and was a member of the American Political Science Association Presidential Task Force on Congressional Modernization.[4]

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[1] www.popvox.org
[2] Samantha McDonald, Ph.D., "NEW REPORT: How Deliberative Forums Could Improve Constituent Engagement in Congress" (May 2021)
https://www.popvox.org/blog/how-deliberative-forums-could-improve-constituent-engagement-in-congress
[3] Anne Meeker, "Making Laws WITH the People — Collaborative legislating with POPVOX," (January 2021) https://medium.com/popvox/making-laws-with-the-people-d619b0aa84f1
[4] House Select Committee on Modernization hearing on "Improving Constituent Engagement" (June 2019) https://www.c-span.org/video/?461357-1/improving-constituent-engagement

About this Submission

The submission was prepared by POPVOX Foundation team members:

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While the expertise of the POPVOX Foundation team is geared to the legislative branch, the need to leverage technology for better constituent engagement and modernize technology and processes for improved service delivery are also relevant to the executive branch and its agencies. Indeed, as this submission will show, better understanding and information-sharing between the two branches could unlock insights for public engagement that neither branch can successfully execute on its own.

Given the unique nature of the Equity RFI, the POPVOX Foundation seized the opportunity to demonstrate how innovative, intentional outreach strategies and methods can reach a broader range of participants and contribute to greater diversity of perspectives shared in a process such as this. In the short time between the RFI notice and submission deadline, we worked both to craft a submission that is responsive to the questions identified in the RFI *and* to "get the word out" to relevant stakeholders, beyond the usual suspects.

Outreach on the Equity RFI included:

- **Spreading the word about the RFI through philanthropic networks**, suggesting that philanthropies encourage organizations in their portfolios to submit comments (the alert + invitation to webinar was shared by Philanthropy for Active Civic Engagement ("PACE Funders") on May 18, 2021 with participants in their "philanthropic laboratory for funders seeking to maximize their impact on democracy and civic life in America"
- **Hosting an informational webinar,** "OMB's Equity RFI: Background and Submission Tips," about the RFI and best practices for a submission on May 27, 2021.
- **Posting a follow-up informational post** to encourage submissions: "The OMB Equity RFI: YES, you should submit comments!"
- **Sending a reminder email** to all who expressed interest (~150 people) with a reminder of the deadline and a link to Regulations.gov and the POPVOX Foundation resources
- **Continuing to promote the RFI opportunity via social media**, including direct personal engagement with experts in the field to encourage them to submit
- **Hosting a discussion with Congressional staffers** to get input from caseworkers who regularly assist constituents with navigating federal programs and agency requirements

Contributors

The following individuals contributed ideas and suggestions for this submission:

Neesha Suarez, Director of Constituent Services, Office of Congressman Seth Moulton [MA-6]
Marven Hyppolite, Senior Caseworker, Office of Congressman Seth Moulton
Max Price, District Aide and Caseworker, Office of Congressman Seth Moulton
Diane Hill, Government Affairs, Partnership for Public Service

Recommendations Overview

Area 1: Equity Assessments and Strategies

- OMB should expand Customer Experience ("CX") efforts to include metrics we refer to as "Civic Experience" ("CivX"), with an emphasis on how interactions with agencies impact individuals' sense of "efficacy"

- OMB should encourage agencies to apply equity-centered approaches to user experience research and embrace a "citizen-as-partner" framing in these interactions

Area 2: Barrier and Burden Reduction

- OMB and federal agencies should utilize Congressional casework — and caseworkers — as a source of information for program improvement, especially on the topic of advancing equity and support for underserved communities

- Agencies' assessments should include metrics for adverse interactions (such as request for additional document, delays in processing, the need to engage multiple times); feedback loops should include metrics beyond processing time

- Agencies should index program dropoff with delays in processing and adjudication to measure whether delays lead beneficiaries to abandon the process.

Area 5: Stakeholder and Community Engagement

- Agencies should evaluate their available customer service information materials for accessibility to community-based assistance organizations.

- Agencies should conduct community-based outreach, including partnerships with local media and trusted local organizations

- OMB should encourage agencies to allow and encourage "deliberative" processes for public notice and comment processes and other participatory opportunities

- OMB should encourage agencies to partner with third parties to conduct innovative deliberative projects that prioritize equity and participation by underserved communities.

- Agencies should be assessed on their ability to attract broad participation — especially from underserved communities and communities that will be impacted by the policy in question

- OMB should encourage agencies to experiment with deliberative-style engagements, and should consider holding its own deliberative process on the topics identified in the RFI

- OMB should encourage agencies to broaden outreach efforts and measure their effectiveness in reaching underserved communities

- OMB should direct agencies to prioritize opportunities to reduce economic barriers by providing incentives or compensate people for time spent engaging

- OMB should encourage agencies to conduct outreach through nontraditional methods, including What'sApp, local radio, YouTube, Facebook and other social media, and allowing people to sign up for updates or "follow" a particular topic or region.

- Agencies should provide standardized, readily resharable information with Congressional offices and view them as partners in community-based outreach

Area 1: Equity Assessments and Strategies

What are some promising methods and strategies for assessing equity in internal agency practices and policies? What knowledge, skills, or supports do practitioners need to use such tools effectively? What are some promising methods and strategies for identifying systemic inequities to be addressed by agency policy?

- **RECOMMENDATION: OMB should expand Customer Experience ("CX") efforts to include metrics we refer to as "Civic Experience" ("CivX"), with an emphasis on how interactions with agencies impact individuals' sense of "efficacy"**

In recent years, the Federal Government has prioritized customer experience ("CX") metrics for public-facing services, with notable success.[5] If not balanced by a consideration of individuals' broader "experience," however, the narrow construct of "citizen-as-customer," can have detrimental effects on the advancement of equity in governing processes. **A promising strategy for assessing equity in internal practices and policies (specifically those related to "customer experience") is to** *expand measurements of Customer Experience ("CX") to include metrics we refer to as "Civic Experience" ("CivX"), with an emphasis on how interactions with agencies impact individuals' sense of "efficacy."* This expanded approach will help the administration reach its goal of "embedding equity throughout agency practices and policies."

Increasing the efficiency and ease by which people interact with government services is, without question, a very good thing. However, an exclusive focus on customer experience optimization without a broader consideration of civic efficacy and access may exacerbate historic inequalities or overlook the experiences of underserved communities.

Writing in 2002, political scholar, Jane Fountain, cautioned[6] that a customer service approach in government could improve agency delivery but weaken the public's sense of connection to fundamental democratic responsibilities and increase political inequalities. Narrow CX approaches — especially when deeply embedded in government processes through performance metrics — may elevate the experience of the most empowered or numerous participants, while failing to address the needs of underserved communities.

Section 280 of OMB's Circular A-11 guidance for all federal agencies defines a customer as "individuals, businesses, and organizations (such as grantees, state and municipal agencies) that interact with a Federal Government agency or program, either directly or via a Federal contractor or even a Federally-funded program."[7] Those "customers" are very different from each other and

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[5] Nicole Ogrysko, "VA sees trust improve by 24% in five years, thanks to veterans experience effort," *Federal News Network* (June 2021) https://federalnewsnetwork.com/veterans-affairs/2021/06/va-sees-trust-improve-by-24-in-five-years-thanks-to-veterans-experience-effort/

[6] Jane Fountain, "Paradoxes of Public Sector Customer Service," *Governance* (2002) https://onlinelibrary.wiley.com/doi/abs/10.1111/0952-1895.00151

[7] "Section 280—Managing Customer Experience and Improving Service Delivery," OMB Circular No. A-11 (2020) https://www.performance.gov/cx/assets/files/a11-280.pdf

often have competing interests.[8] For example, individuals living in a neighborhood downstream from industrial effluence, environmental activist groups, and businesses regulated by the Environmental Protection Agency are all legitimate "customers" of the agency. However, their needs, interests, understanding of the regulatory process, and ability to engage are very different.[9]

"Digital divide" issues illustrate how optimizing service delivery for a majority of beneficiaries can exacerbate difficulties for underserved communities, such as those lagging in technology adoption due to lack of broadband connectivity, economic challenges, or lack of comfort with technology. Most Americans would, without hesitation, opt for an online digital process for basic services, such as the replacement of a lost Social Security card.[10] They would likely indicate a high level of satisfaction with a "frictionless" experience that required no human or paper-based interaction. But, what about those who often do not find themselves in the same situation as "most Americans?" — a person with a disability, someone living in a rural area or on tribal lands that lack reliable connectivity, a family experiencing homelessness. Many historically and currently underserved communities are often underserved precisely because their situation differs from the majority of the population. This has led some user experience experts to caution that concepts like frictionless design can lead to "frictionless racism"[11] if not intentionally mitigated with a focus on equity.

That is why it is so important that metrics of individuals' "experience" engaging with government examine not only their satisfaction and ability to access services, but also the impact of the interaction on their sense of "efficacy." "Efficacy" is a term used by political scientists and researchers to evaluate the civic health of an organization or community, examining individuals' sense of empowerment to engage with government and the degree to which they believe such participation is worthwhile. Conditions such as poverty, poor health, and unemployment are associated with lower levels of efficacy, resulting in diminished civic engagement and participation. Personal interactions with the government, however — especially service-based interactions — can impact feelings of efficacy.[12] **Expanding CX assessment strategies to include metrics of individuals' perceived efficacy following interactions with government could help agencies tailor processes and policies to better address the needs of underserved communities.**

[8] Joseph A. Pegnato, "Is a Citizen a Customer?" *Public Productivity and Management Review* (1997) https://www.jstor.org/stable/3380680

[9] Angelo Frigo, "Why CX in government is not performing as well as in the private sector," *Medium* (2021) https://frigoa.medium.com/reducing-the-time-it-takes-to-use-federal-programs-is-foundational-to-rebuilding-trust-in-7487af7360ee

[10] Angelo Frigo, "Why CX in government is not performing as well as in the private sector," *Medium* (2021) https://frigoa.medium.com/reducing-the-time-it-takes-to-use-federal-programs-is-foundational-to-rebuilding-trust-in-7487af7360ee

[11] Sarah Cupples, "Frictionless design, frictionless racism," *Medium*, 2021 https://uxdesign.cc/frictionless-racism-1097022d07f8

[12] Jennifer Shore, "How social policy impacts inequalities in political efficacy," *Sociology Compass* (2020) https://onlinelibrary.wiley.com/doi/epdf/10.1111/soc4.12784

The POPVOX Foundation has developed a "[CivX Metrics Toolkit](#)" to help agencies and civic organizations at all levels of government assess their own practices and include measures of civic efficacy and access in user surveys. ***We recommend that these concepts be considered for OMB's A-11 Section 280 Umbrella Clearance process,[13] in which OMB approves agency feedback surveys and provides sample templates.***

How might agencies collect data and build evidence in appropriate and protected ways to reflect underserved individuals and communities and support greater attention to equity in future policymaking? How might agencies build capacity and provide training and support for teams conducting this work?

- **RECOMMENDATION: OMB should encourage agencies to apply equity-centered approaches to user experience research and embrace a "citizen-as-partner" framing in these interactions**

We applaud the work that the Federal Customer Experience team, led by the Office of Management and Budget, is undertaking to apply human-centered principles to understanding and improving individuals' experience interacting with agencies and accessing government services.[14] This approach is illustrated by recent inter-agency "journey mapping" exercises in which agency teams identified typical users of services and mapped their 'journeys' through various processes. For example, the cross-agency team mapped the experience of a small business owner, a public housing resident, and a homeowner following a natural disaster to discern common themes across experiences.[15]

As agencies begin to adopt these approaches, we suggest opening the aperture of experiences explored to include not only the (1) "**customer**" interactions in which individuals are seeking to access government services but also to what Georgia State University Professor John Clayton Thomas describes as roles in which individuals act as:

(2) "**partners**" — when assistance is desired from the public to be effective for services or programs (e.g., vaccinations, citizen science projects, collecting or providing data for policy refinement); or as

(3) "**citizens**" — when information or public acceptance is needed to reach or implement a decision (e.g., voting, contacting lawmakers, participating in public comment opportunities).

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[13] Frank Konkel, OMB Makes Major Changes to Agency Guidance on Customer Experience, *NextGov*, (August 2020) https://www.nextgov.com/cio-briefing/2020/08/omb-makes-major-changes-agency-guidance-customer-experience/167629/
[14] Mapping the cross-agency customer experience, (January 2021) https://www.performance.gov/cx/blog/journey-mapping/
[15] Federal Customer Experience Initiative, Customer Journey: Disaster Survivor https://www.performance.gov/cx/assets/files/FCXI-Journey-Maps-Disaster-Survivor.pdf

These additional "roles" offer the potential to engender a sense of efficacy in participants *and* to surface bottom-up solutions for addressing equity deficits for underserved communities. This approach will be important for new efforts that involve collecting data and evidence to reflect these communities, processes in which failure to build trust and local buy-in can lead to further disengagement. Those who have not felt welcome at the metaphorical table in the past will necessarily be more reluctant to participate as partners, even though their experiences and voices are crucial to helping agencies understand how to address historical inequities. **As agencies develop plans for addressing equity in their work, creating opportunities for and viewing individuals as "partners" and "citizens" (rather than simply as "customers") will be essential.** Approaches for this kind of engagement are described in greater detail in the section responding to Area 5 on "Stakeholder and Community Engagement."

Area 2: Barrier and Burden Reduction

This section includes observations and recommendations from a perspective not usually directly addressed in Executive Branch agency management: front-line Congressional staff who deal with constituent "casework."

In June 2021, the POPVOX Foundation and the Partnership for Public Service invited district staffers from the office of Rep. Seth Moulton [MA-6] to discuss the questions raised by the OMB Equity RFI, and how lessons from congressional caseworkers could inform efforts to improve agency processes. Rep. Moulton's casework team has been recognized for excellence in casework, receiving the 2020 Congressional Management Foundation Democracy Award for Constituent Services.[16]

"Casework" plays a vital part in Congress's oversight responsibility, often informing legislative actions, but caseworkers also play an on-the-ground role directly assisting constituents and gathering information on local trends in federal services. From helping resolve problems to doing proactive outreach to underserved communities about underutilized benefits, **Congressional district offices essentially function as a local customer service and outreach field office for the entire federal government**: accessible, accountable, and effective in escalating difficult inquiries that are stalled or unresolvable through normal customer service channels. As Director of Constituent Services, Neesha Suarez, described:

> *"I was walking [a constituent] through 'this is what's going to happen, here's what you can expect.' I told her... 'You're not the only one who's struggling. But I wish that we didn't have to talk—I wish you didn't have to call me, I wish that the agency could just work the way it's supposed to. I'm happier because I get to have this communication, and we get to build this relationship and advocate for you and then strengthen our system. But we*

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[16] Democracy Awards, Congressional Management Foundation (2020)
https://www.congressfoundation.org/projects/democracy-awards/award-categories/constituent-service/1693-constituent-service-winners-2020

shouldn't have to constantly be fighting with these agencies. We're all kind of doing the same thing."

One thing that became clear in the wide-ranging discussion, was that **congressional offices — especially district offices and the insight of those staffers with casework responsibilities — are an underutilized source of insight for the improvement of federal processes**. While each agency may know where bottlenecks exist and which processes could be improved within their own work, congressional caseworkers have valuable insights that cut across federal agencies and programs. Furthermore, the cases that reach congressional offices are often the "edge" or outlier cases that can be difficult for agencies to identify, and may be experienced by individuals who would be less likely than others to complete a "customer experience" survey or escalate in a way that the issue would come to the agency's attention.

RECOMMENDATION: OMB and federal agencies should utilize congressional casework — and caseworkers — as a source of information for program improvement, especially on the topic of advancing equity and support for underserved communities, through:

- Providing feedback mechanisms for congressional staff to share information about burdens or barriers that constituents are reporting or that they observe across programs, including burdens and barriers involving the interaction of multiple federal agencies

- Hosting regular conversations with relevant congressional casework staff to share new information on program requirements or program changes

- Treating congressional office intervention as an indication of process issues requiring assessment; why did the constituent need to contact a congressional office for assistance? What in the agency's process was insufficient on its own?

How could agencies incorporate considerations of the psychological costs of qualifying or applying for Federal benefits programs into their assessments of equitable service delivery?

- **RECOMMENDATION: Agencies' assessments should include metrics for adverse interactions (such as request for additional document, delays in processing, the need to engage multiple times); feedback loops should include metrics beyond processing time**

Several Congressional caseworkers noted in our discussion that often, agencies' 'modernization' efforts shifting customer service channels to digital platforms increase the amount of burden on constituents already facing significant difficulties. As Neesha Suarez said,

> "It gets into the psychological component: is the agency questioning my service? Are they suggesting that I'm making this up? Is this my fault? Like, could I have done something better? Did I lose this document, again—when the agency already has this information?

The agency that created this document should have those records. And it shouldn't be a burden on you to carry them around with you in a file folder to prove the service that you had or the tax returns that you've given them."

In these contexts, subsequent adverse interactions with agencies have cumulative psychological impacts. These cumulative impacts also affect equity when they are disproportionately concentrated in underserved communities. As Marven Hyppolite recalled,

"We saw with the small business loans during the pandemic, the majority of [relief] went to well-to-do businesses, and a lot of minority owned businesses didn't do very well. And in casework in general, I think we notice this thing where folks from minority communities kind of expect the government not to work, right? It's like, 'Oh, well, you know, unfortunately, we can't give you this housing benefit.' 'Well, I didn't get it, but did I really expect to get it?'"

To address the effects of these impacts, discussion participants suggested that federal agencies, particularly benefit-granting programs, should consider **tracking the number of times individual constituents either have negative experiences** (e.g. delays, requests for additional documents) **or must interact with customer service** (to include their Congressional office) in the course of their applications, adjudications, or recertifications, For example, each time a constituent has one of these interactions, a 'point' could be assigned to their file. Programs with high point counts could be targeted for improvement, geographic areas with high point counts could be priorities for opening field offices or doing additional outreach, and constituents with high lifetime point counts could be assigned a 'guide' or an additional level of service to ensure that they have an opportunity to share concerns and rebuild trust with that agency.

For constituents who are more comfortable interacting with existing federal feedback mechanisms for input Neesha Suarez, noted that feedback mechanisms for customer service input are inconsistent across the Federal government, and often focus on metrics that do not accurately capture the nuance of civic experience:

"I actually think a lot can be done through feedback surveys. It feels like the service aspects of these agencies don't really care about their customer service. You always get these, "how am I doing? Let us know how we're doing!," whatever it is, feedback surveys. You never see that with passport agencies; you don't see it a lot with the IRS at all. If it does exist, if those structures do exist for feedback, they're very much not upfront about it. **A lot of our agencies think that processing time is the [only metric] of customer service,** the ability to process a form and have that information. They think that's just it. And there's so much more to it."

To address which adverse interactions to track, as well as expanding and enriching feedback surveys, agencies could consider convening focus groups to understand the full scope of events

and interactions that represent an adverse psychological effect for constituents (the 'burdens and barriers' of this RFI)[17].

What types of overarching metrics (e.g., program uptake, over- or underpayments) might an agency use to measure a benefit program's outcomes?

- **RECOMMENDATION: Agencies should index program dropoff with delays in processing and adjudication to measure whether delays lead beneficiaries to abandon the process.**

Discussion participants supported tracking overpayments as a metric for measuring agency performance, especially given the damaging psychological cost of overpayment recovery on constituents.

Participants also suggested indexing program dropoff to delays in processing and adjudication: how many constituents abandon an application, or are unreachable when the application is adjudicated?

These metrics should be publicly available, and/or presented in annual reports to Congress, in part to help caseworkers plan and target their outreach.

Area 5: Stakeholder and Community Engagement

"What processes should agencies have in place to engage proactively with the underserved individuals and communities that will be most affected by agency programs, policies, rules, processes, or operations? How can agencies design and implement community engagement practices that are accessible to underserved communities? How might affected communities be engaged pro-actively and early to shape agency policy priorities and strategies?"

- **RECOMMENDATION: Agencies should evaluate their available customer service information materials for accessibility to community-based assistance organizations.**

The caseworkers we spoke with applauded OMB's starting list of burdens and barriers as comprehensive, and were heartened by OMB's recognition of the challenges constituents face in accessing federal services. However, although OMB rightly noted that the need for a third party advocate is often a barrier to entry, caseworkers noted that for some underserved communities, the ability to access third party help (whether for translation, assistance understanding a program, vouching for the agency's trustworthiness, or navigating difficulties in the application process), is often vital for participation.

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[17] NB: the caseworkers we spoke with also provided some feedback on additional barriers beyond the suggested list; additional sections of our discussion are available at www.popvox.org/blog

In particular, Neesha Suarez noted that this type of community-based assistance can be helpful in navigating what can feel like an excess of information:

> "[...]The thing is that our constituents are trying to find the answers anyway. So rather than going to these weedy IRS websites, or SSA websites, they are going to YouTube, and going on AARP, and going on blogs, where somebody else has condensed it before them. And that person may just be a blog person, or that person may be, you know, nefarious—they may not have the best intentions."

The caseworkers we spoke with noted that **the IRS's use of specific notice numbers in correspondence around Economic Impact Payments in the pandemic is a great model**: by giving individual notices numbers that were clearly visible on constituent-facing correspondence, caseworkers and other community-based assistance services could more easily understand which documents constituents had received and develop explanatory materials that helped clarify constituents' rights and responsibilities.

Agencies should consider developing community advisory panels of nonprofit, government, and volunteer assistance organizations to ensure that available public information is accessible and easy-to-use for their specific audiences and services, in order to improve engagement with underserved individuals and communities dependent on these third party organizations.

- **RECOMMENDATION: Agencies should conduct community-based outreach, including partnerships with local media and trusted local organizations**

Caseworkers participating in our discussion noted that information on benefits is often difficult to find, but in some cases, media coverage of available programs helped get the word out. As Neesha recalled in helping constituents navigate little-known benefits in the pandemic,

> "The first few inquiries that we got [on Emergency Broadband Benefits] were in response to a [Boston] Globe article where it was in a subsection. And then one was like, 'Hey, I think that I heard about this thing, but I can't remember if I made it up?' And that's exactly like every person that's reached out: 'I'm not sure if this is a real thing, or if I'm being scammed,' or anything like that. And we're like, 'No, no, it's real!'"

In an era where trust in government is low, **agencies should consider partnering with trusted local media to get the word out about available programs**.

In the same vein, participants also lauded t**he Census Bureau's strategy that prioritizes hiring people to conduct outreach from the communities the agency is trying to reach**. This is a visible, tangible commitment from an agency to equitable access, and one that the caseworkers we spoke with noted was highly effective.

- **RECOMMENDATION: OMB should encourage agencies to allow and encourage "deliberative" processes for public notice and comment processes and other participatory opportunities**

Deliberation is the "mutual communication that involves weighing and reflecting on preferences, values, and interest regarding matters of common concern."[18] Deliberative democracy takes the ideals of deliberation and puts them into the context of democratic values and governance. It promotes discussion as a meaningful form of democratic participation in hopes that these discussions can make decision-making processes in government more democratic.

The Organization for Economic Co-operation and Development (OECD), has identified over 300 deliberations at the local, state, and federal levels across the world. These instances include deliberative polls, citizen juries, participatory budgeting, citizens' assemblies, and town-hall meetings.[19] In Canada, large citizens' assemblies have been institutionalized on a provincial level to promote citizen engagement in government.[20] A sample of British Columbia residents was selected using randomized selection with representative gender, age, and geographical distribution to propose changes to the provincial electoral system. The proposals for the electoral reform developed by this citizens' assembly led to province-wide referendums. In Ireland, a citizens' assembly consisting of 99 randomly selected Irish citizens debated issues such as abortion, fixed-term representation, and climate change. The Irish government officially responded to each of the assembly's topic deliberations.[21]

The Institute for Democratic Engagement and Accountability (IDEA) at the Ohio State University has tested deliberative town halls for over fifteen Representatives and Senators over the past several years. In these town halls, Members of Congress discuss single policy topics with a random representative sample of their constituents.[22] In addition to these online town halls, POPVOX Foundation's Civic Experience Lead, Dr. Samantha McDonald, Ph.D., conducted deliberative experiments with Members of Congress, using an online asynchronous forum hosted on popvox.com as a platform for representative-constituent deliberations.[23]

In recent years, some deliberative experiments have occurred in Congress, hosted by committees. As discussed further below, the House Committee on Natural Resources in Congress established an Environmental Justice Working Group with community leaders and

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[18] John S. Dryzek, "Deliberative democracy and beyond: Liberals, critics, contestations," Oxford University Press on Demand (2002) 76.

[19] OECD Public Governance Directorate, "Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative Wave", 2020 https://www.oecd-ilibrary.org/sites/339306da-en/index.html?itemId=/content/publication/339306da-en.

[20] Amy Lang, "But is it for real? The British Columbia Citizens' Assembly as a model of state-sponsored citizen empowerment." Politics & Society 35, no. 1 (2007), 35-70

[21] The Citizens Assembly, 2021, https://www.citizensassembly.ie/en/

[22] Michael Neblo, "Written Testimony before the Select Committee on the Modernization of Congress United States House of Representatives: Improving Constituent Engagement through Technology" (June 2019) https://www.congress.gov/116/meeting/house/109589/witnesses/HHRG-116-MH00-Wstate-NebloM-20190605.pdf.

[23] Samantha McDonald, "Constituent Communication in Representative Democracy: Testing Platforms for Deliberation in the U.S. Congress," (Dissertation, 2021). http://www.samiam.info/wp-content/uploads/McDonald_Thesis_FINAL_May_17_2021.pdf

activists, and conducted a multi-year engagement process that included in-person and online convenings, and asynchronous digital engagement.

Characteristics of effective deliberative processes include:

- **Diverse and representative participation** by those impacted by the policies in question. Many deliberative organizers use random sampling techniques to recruit a population based on the demographics of the population of interest. Some deliberations over-sample for groups with a higher stake in the policy outcomes. These practices keep those that are the most impacted at the forefront of decision-making.
- **Inclusive engagement practices** that make it possible for people to participate without prior knowledge of the topic or means of engagement. Deliberative processes often provide easy-to-read, balanced, factual, and accessible instructional material and policy descriptions to participants before the event. Some deliberative processes invite experts to explain relevant material.
- **Space for underrepresented or historically underserved groups**[24] to participate and even to have enclave discussions[25] Efforts towards increasing deliberation and equity are central to deliberative processes.
- **Some deliberative processes use neutral 3rd-party groups to host and moderate deliberative events between people and governing institution**s. In the studies referenced above on the U.S. Congress, academic institutions moderate the deliberative town halls to ensure elected officials go beyond answering softball questions and address challenging and meaningful topics.[26] These neutral third parties offer an extra form of trust to the conversations.
- **Proactive "recruitment" strategies**: According to political scientist, Katerina Vráblíková, "recruitment is probably the single most important mechanism explaining how political discussion increases political activism in non-electoral politics."[27] Proactive recruitment methods used within deliberative settings can offer a substantial step towards improving equity.

The long-term and far-reaching benefits of deliberative environments could be substantial for equity. Research shows that participation begets participation: participatory processes helps

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[24] Carolyn M. Hendricks, "When the Forum Meets Interest Politics: Strategic Uses of Public Deliberation," *Politics & Society* (2006), https://journals.sagepub.com/doi/pdf/10.1177/0032329206293641.
[25] Christopher F. Karpowitz, Chad Raphael, and Allen S. Hammond IV, "Deliberative Democracy and Inequality: Two Cheers for Enclave Deliberation among the Disempowered," *Politics & Society* (2009) https://journals.sagepub.com/doi/pdf/10.1177/0032329209349226
[26] Michael Neblo, "Written Testimony before the Select Committee on the Modernization of Congress United States House of Representatives: Improving Constituent Engagement through Technology."
[27] Katrina Vráblíková, "What Kind of Democracy? Participation, Inclusiveness and Contestation," Routledge, Taylor & Francis Group (2016), 105

people better understand their government[28] and can lead to greater participation in the future.[29] Political scientist Dr. Jonathan E. Collins found that people of low socioeconomic backgrounds and members of historically marginalized racial-and-ethnic groups are more likely to attend public engagement events, specifically local public school meetings, if those events were deliberative.[30] Exposure to deliberative environments in Dr.Collins' experiment also led to increased trust in the government.

"How might affected communities be engaged pro-actively and early to shape agency policy priorities and strategies?" and "What tools and best practices might agencies deploy to establish advisory boards, task forces, and commissions that are inclusive of underserved communities?"

- **RECOMMENDATION: OMB should encourage agencies to partner with third parties to conduct innovative deliberative projects that leverage technology and prioritize equity and participation by those in underserved communities.**

As referenced above, the House Natural Resources committee pioneered a new open, collaborative process for drafting and refining legislation[31] that included:

1. **In-person convening** with stakeholder groups (that was also live streamed and available on YouTube, to allow for remote and asynchronous participation)
2. **Launching a Request for Input** on popvox.com allowing individuals, organizations, and lawmakers to share statements on a list of proposed principles for environmental justice policy
3. **Invited comments on draft bill text** on the POPVOX Madison platform,[32] which allowed individuals to highlight a portion of the draft text and comment on that portion
4. **Incorporated feedback into the text of the bill** that was introduced and again received comments from individuals, organizations, and lawmakers via popvox.com

Michael Latner, Union of Concerned Scientists lauded the new process as "signaling] the evolution of our democratic institutions and a concrete advancement of innovative governing principles... The more inclusive, participatory design of collaborative governance projects like the

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[28] Carole Pateman, "Participation and Democratic Theory," Cambridge Univ. Press (2000)

[29] Michael X. Delli Carpini and Scott Keeter, "What Americans know about politics and why it matters," Yale University Press (1996)

[30] Jonathan Collins,"Does the Meeting Style Matter? The Effects of Exposure to Participatory and Deliberative School Board Meetings" *American Political Science Review* (2021) 1-15

[31] Committee on Natural Resources, "Environmental Justice" (n.d.)
https://naturalresources.house.gov/environmental-justice

[32] Inline comments on Environmental Justice for All Act draft, POPVOX Madison
https://www.popvox.com/madison/documents/environmental-justice-for-all-act

Environmental Justice for All Act expand the role of citizens beyond elections, giving us all a seat at the table in formulating policy and addressing the challenges our communities face."[33]

Committee staff viewed the process as essential to leveling the playing field between community organizations and well-funded campaigns. The committee's Outreach Director remarked that "POPVOX was an equalizer. You did not need to have a federal lobbyist living in DC to be part of the process."[34]

These processes are well suited to use in agencies' notice and comment processes. In many ways they build upon earlier experiments such as RegulationRoom, a National Science Foundation-funded project operated by the Cornell eRulemaking Initiative, which closed in 2017 when funding was discontinued.[35] The participatory experiment, which was used in six rulemaking processes, showed what is possible when an agency partners with a third party to conduct a tech-enabled outreach, education, and participatory process for notice and comment rulemaking.

More recently, the Expert and Citizen Assessment of Science and Technology (ECAST) network of universities, science centers, and nonpartisan policy think tanks has piloted a "participatory technology assessment" process ("pTA") in 40 citizen deliberations in 18 different U.S. cities, engaging approximately 2,100 participants across a range of topics. These include projects undertaken in partnership with several federal agencies, including a National Aeronautics and Space Administration project on Planetary Defense (2014) and a National Oceanic and Atmospheric Administration (NOAA) project on Climate Resilience (2015-2018) and upcoming projects with the National Institutes of Health on Human Genome Editing (2019-2022). Like the deliberative town halls conducted by OSU's IDEA Institute (described above), the ECAST process brings together a diverse group of people selected through a random sample, provides a nominal incentive for participation (usually $100), and conducts "tutored" deliberations with nonpartisan descriptions of issues to be considered and facilitated discussion.[36]

We recommend that OMB encourage agencies to work with third parties on innovative deliberative projects that leverage technology and prioritize equity and participation by those in underserved communities.

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[33] Michael Latner, "Natural Resources Committee Embraces Collaborative Governance," Union of Concerned Scientists' *The Equation* (December 2019) https://blog.ucsusa.org/michael-latner/natural-resources-committee-embraces-collaborative-governance/
[34] Anne Meeker, "Making Laws WITH the People — Collaborative legislating with POPVOX," (January 2021) https://medium.com/popvox/making-laws-with-the-people-d619b0aa84f1
[35] History of RegulationRoom http://regulationroom.org/about/history#.Unf7AhDOSSo
[36] Leah R. Kaplan, Mahmud Farooque, Daniel Sarewitz, David Tomblin, "Designing Participatory Technology Assessments: A Reflexive Method for Advancing the Public Role in Science Policy Decision-making," *Technological Forecasting and Social Change*, Volume 171 (2021) https://doi.org/10.1016/j.techfore.2021.120974

What tools can agency offices, including communications, civic engagement, enforcement, and policymaking offices, use to better engage or reach underserved communities?

- **RECOMMENDATION: Agencies should be assessed on their ability to attract broad participation — especially from underserved communities and communities that will be impacted by the policy in question**

The tools mentioned above, whether technology platforms like popvox.com or third party experts like the POPVOX Foundation, OSU's IDEA Institute or the ECAST network all provide tools and techniques for agencies to reach and engage underserved communities for engagement with "citizens-as-partners" on program design, notice and comment processes or program integrity efforts. These tools and partners can be engaged in a way that explicitly identifies engagement of underserved communities as a success metric of the project, incentivizing oversampling or targeted outreach to impacted communities or those who have not been sufficiently represented in these discussions in the past.

What practices should agencies put in place to reach underserved communities in rural areas or underserved communities that otherwise are not able to visit Washington, DC, to engage with policymakers?

- **RECOMMENDATION: OMB should encourage agencies to experiment with deliberative-style engagements, and should consider holding its own deliberative process on the topics identified in the RFI**

OMB should encourage agencies to experiment with deliberative-style engagements like the ones described above — whether in-person or remote, analog or online. By partnering with third party organizations, agencies can specify key populations or communities that should be explicitly included in participatory processes — whether because they are directly impacted by the policy in question or because they are currently or historically underserved.

OMB may even wish to consider the establishment of a deliberative process for the process raised in this RFI. As noted in the introduction, we at the POPVOX Foundation undertook basic outreach to spread the word about the opportunity to contribute on this topic, but for many the process was daunting. GIven adequate lead time and resources, it would be possible to establish a process in which members of the communities described in the RFI are actually invited to share their own perspectives of how they could be better engaged and served by government agencies.

- **RECOMMENDATION: OMB should encourage agencies to broaden outreach efforts and measure their effectiveness in reaching underserved communities**

Practices within deliberative engagements can also work outside deliberations. For example, agencies could establish minimum thresholds of recruitment, proactively inviting and over-sampling for minority and stakeholder group involvement in their forms of outreach.

Agencies could also improve language to widen participation—the average American reads at an 8th-grade level.[37] A simple test of the reading level of information given to the public can determine it's equity. 18F has already identified that "Digital literacy, access, and language fluency are challenges for many people who interact with the government's services." They have provided an Inclusive Language Guide For Government.[38] The Plain Language Association International (PLAIN) also provides great resources for adopting plain language[39]. Agencies could increase their efforts to integrate these guidelines into every form of public engagement.

Lastly, agencies should do more to advertise and invite people to public engagement events. Our team at the POPVOX Foundation discovered this RFI through a post on Twitter. It is unclear if we would have discovered this RFI through the Federal Register or other formal means.

Of course, these efforts will ultimately not be adopted unless they become part of agencies' assessments. OMB should direct agencies to include metrics of their success in reaching and engaging underserved communities as a part of their overall assessments *and* in the performance metrics of senior executives.

- **RECOMMENDATION: OMB should direct agencies to prioritize opportunities to reduce economic barriers by providing incentives or compensate people for time spent engaging**

Too often, governments trade on a spirit of civic altruism or civic piety where people are expected to do the hard work for their communities and governments for free, consigning civic engagement to the "voluntary sector" of civic life.[40] The value of people's time and engagement is substantial; it is an essential form of civic labor that should be rewarded. These rewards help keep people motivated to participate, especially when the return on investment is slow-going and hard to see. Financial incentives also make it easier for underserved groups to participate, thus advancing the equity of each participatory process. It may feel impossible given the budgeting constraints of each agency, but we highly encourage agencies to consider paying people for their time and expertise in these public engagement practices - as they can offer tremendous benefits towards equity.

Many deliberative processes, such as the ECAST process described above, offer compensation to participants. This is a concept that is gaining momentum in some countries in which

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[37] U.S. Department of Education, "Literacy, Numeracy, and Problem Solving in Technology Rich Environments Among U.S. Adults" (2014) https://nces.ed.gov/pubs2014/2014008.pdf
[38] 18F. "18F Content Guide: Inclusive Language," (n.d.) https://content-guide.18f.gov/our-style/inclusive-language/
[39] https://plainlanguagenetwork.org/
[40] Harry C. Boyte, "Reinventing Citizenship as Public Work: Citizen-Centered Democracy and the Empowerment Gap," *Civic Engagement* (2013), 31.

participation on "citizen panels" is treated in a similar manner as jury duty, allowing for a de minimis compensation for time spent.[41] But "compensation" does not always have to be monetary. In some cases, the availability of childcare at a public meeting or food for a participatory gathering can help families make the decision to show up and participate.

- **RECOMMENDATION: OMB should encourage agencies to conduct outreach through nontraditional methods, including What'sApp, local radio, YouTube, Facebook and other social media, and allowing people to sign up for updates or "follow" a particular topic or region.**

Senior Caseworker, Marven Hyppolite, highlighted two effective and underutilized methods of reaching immigrant and minority communities: drivetime radio and WhatsApp groups.

> *"One of the things I [noticed], especially with the grant stuff, is that there are a ton of communities, especially minority communities that rely on radio, Whatsapp messages and things of that nature. And I feel like we could utilize those better to get that information out."*

Allowing constituents to sign up for WhatsApp communications from an agency, working with influencers to push trusted messaging in WhatsApp groups, and making a deliberate effort to reach out to communities through radio stations would all be helpful in reaching immigrant communities.

Neesha Suarez noted that many constituents reach congressional offices after finding information and how-tos on navigating complex processes on YouTube and to Facebook groups:

> *"We get a lot of constituents who will say, 'I watched this YouTube video about how to file my taxes, like can you verify that this is true?' Or a big thing that we had during the pandemic was all these Facebook groups coming together and crowdsourcing ideas, like 'call your congressman or email at this time, because you'll get a response.' These people are willing to go out there and try to find the answers. It's just that, like, we don't make it easy to get them."*

Having more available video walk-throughs and shareable content for Facebook and other social media platforms would help distribute vital information in an easily digestible format.

- **RECOMMENDATION: Agencies should provide standardized, readily resharable information with Congressional offices and view them as partners in community-based outreach on program information *and* opportunities to comment or participate in the rulemaking process**

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[41] Innovative Citizen Participation and New Democratic Institutions: Catching the Deliberative wave, OECD (2020)
https://www.oecd.org/gov/open-government/innovative-citizen-participation-new-democratic-institutions-catching-the-deliberative-wave-highlights.pdf

As noted above, congressional offices are the front-line catch-all customer service of last resort. They are also an underutilized resource for identifying cumulative burdens and issues that cross agency siloes. OMB should consider proactive work to engage the House and Senate for more efficient technical processes for submission and tracking of casework from congressional offices to federal agencies *and* to tap into the network and knowledge of congressional office staff. Agencies could consider deliberately partnering with Congressional offices to help build on existing outreach and customer service resolution activities these offices are already carrying out. District offices are a direct portal to policymakers in the Legislative Branch, but are widely interested in anything to improve their constituents' experience with government. **Partnering with Congressional offices to help reach constituents in rural and underserved communities, push out information, or convene feedback groups could be a potentially rewarding and effective component to OMB's emerging strategies on equity and access.**

Conclusion

We applaud the administration's innovative use of the RFI process to gather broad input on these important issues and stand ready to provide additional information or assist in any way as this process moves forward. In this effort, we see the potential for a new approach to governing that is more inclusive, responsive, and effective. Many of the principles described in this submission are already in practice in other countries. This RFI and the reports, assessments, plans, and ultimate implementation it will catalyze can be the foundation of a 21st Century governing system that works for — *and with* —everyone.

Additional Links

- **"Beyond 'customer experience' (CX) to 'civic experience' (CivX) in government services and engagement,"** by Samantha McDonald, Ph.D. https://www.popvox.org/blog/omb-rfi-civx

- **"What OMB can learn from Congressional caseworkers on advancing equity and support for underserved communities through government**," by Anne Meeker https://www.popvox.org/blog/omb-rfi-congressional-casework

- "**Why OMB should encourage agencies to use deliberative practices to advance equity and support for underserved communities through government**," by Samantha McDonald, Ph.D. https://www.popvox.org/blog/omb-rfi-deliberative