Written Testimony before the Select Committee on the Modernization of Congress
United States House of Representatives

"Improving Constituent Engagement through Technology"
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Chairman Kilmer, Vice Chairman Graves, and esteemed members of the committee:

Thank you for the opportunity to speak with you. I am the co-founder and CEO of POPVOX, a technology platform with a mission to "inform and empower individuals and make government work better for everyone."

I am a member of the American Political Science Association's Task Force on Congressional Reform, working with the Subcommittee on Technology and Innovation to produce recommendations for this committee.

I am also a proud former Congressional staffer who loves this institution. I came to Washington from my home state of Tennessee to pursue an LL.M. in 2006 and interned with the Ways and Means Health subcommittee – eventually becoming counsel in the chairman's personal office and covering tax, trade, and health.

Those were the Affordable Care Act days and the amount of incoming constituent and advocacy input was unprecedented for the time. For me, going from taking notes on a laptop and searching cases in law school via Lexis and Westlaw to the paper-based system of Congress was like stepping back in time.

I kept a list of the things I thought could be fixed with better technology... and the list kept growing. I envisioned a system that could bring some structure to the legislative advocacy ecosystem – listing all bills online; allowing organizations and constituents to create accounts and post input in a structured, transparent way; providing for outward anonymity but requiring

real names and addresses to be sent with messages to lawmakers in a way that could be easily processed by offices.

I naively thought that this was something Congress should build for itself, and asked around for the office that does that. I found that I could build a system for House Democrats or for Senate Republicans – but, unlike the Architect of the Capitol that takes care of the physical infrastructure of Congress – there was no entity that handled the *digital infrastructure* for Congress in a bicameral, nonpartisan way. To my knowledge, that is still the case.

I left the Hill in 2010 to form POPVOX (named for "vox populi," the "voice of the people") with co-founders Rachna Choudhry and Dr. Joshua Tauberer. We built the system that I had envisioned – delivering millions of messages over the years from constituents in every Congressional district and cataloging position statements from thousands of organizations. Of course, the fact that you are holding this hearing is evidence that our solution was not a panacea. Our POPVOX team solved one technical problem and found many others that needed attention. I am happy to now share with you how we are working on a new way to help lawmakers and constituents connect.

But first, I would like to offer three framing observations aligned with priorities identified by the APSA Technology and Innovation subcommittee for improving the bidirectional flow of information between constituents and Congress:

1. **Individuals are engaging at scale and that is not going to stop.**

There are many reasons for the increase in constituent activism, none of which show signs of slowing. For one, professional advocacy tactics increasingly emphasize actions targeting lawmakers – some for legitimate reasons, such as genuine efforts to impact policy – and others in a raw attempts to grow email lists or keep activists engaged for fundraising purposes. Secondly, the rise of partisan news coupled with a decline of local news outlets has effectively nationalized our civic dialogue.[1] People have fewer sources of information about their local school board or city council, but they can spend 24-hours a day hearing about the latest battles at the national level, with members of Congress perceived as their only outlet for impacting the

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[1] Stephen Carter, "No News Is Bad News for Civil Discourse," *Bloomberg*, March 28, 2019, https://www.bloomberg.com/opinion/articles/2019-03-28/disappearance-of-local-news-is-bad-news-for-national-politics

See also: Matthew P. Hitt, Joshua Darr, Johanna Dunaway , "Why Losing Our Newspapers Is Breaking Our Politics," Scientific American, March 26, 2019, https://www.scientificamerican.com/article/why-losing-our-newspapers-is-breaking-our-politics/

issues of concern. Americans are experiencing a high level political stress,[2] and you see the results in your inbox. Third, social media has been a blessing and a curse for lawmaker-constituent relations, providing an opportunity for members of Congress to communicate much more directly with constituents,[3] but also opening the floodgates for trolls and misinformation – leading some to eschew certain platforms entirely.[4]

2. Disinformation is proliferating and Congress has a role to play in countering it

In a time of decreasing trust[5] and rising disinformation targeting Americans, improving interactions between members of Congress and their constituents is not simply a matter of mass advocacy or making constituents feel heard, it is vital to our national and economic security. The millions of interactions between Americans and their elected representatives are an important component of America's "information system."[6] For many, these are their only

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[2] "More Now Say It's 'Stressful' to Discuss Politics With People They Disagree With," Pew Research Center, November 5, 2018 https://www.people-press.org/2018/11/05/more-now-say-its-stressful-to-discuss-politics-with-people-they-disagree-with/

[3] Jacob R. Straus, "Social Media Adoption by Members of Congress: Trends and Congressional Considerations," Congressional Research Service report #R45337, October 9, 2018, https://fas.org/sgp/crs/misc/R45337.pdf

[4] Frank Lockwood, "Arkansas congressman cites abuses, cuts ties with Facebook," Arkansas Democrat-Gazette, May 14, 2018, https://www.arkansasonline.com/news/2018/may/14/crawford-cites-abuses-cuts-ties-with-fa/

Jacinta Render, "Rep. Alexandria Ocasio-Cortez stopped using Facebook due to 'public health risk," ABCNews, April 15, 2019, https://abcnews.go.com/Politics/rep-alexandria-ocasio-cortez-stopped-facebook-due-public/story?id=62412463

[5] Jennifer Kavanagh, Michael D. Rich, Truth Decay: An Initial Exploration of the Diminishing Role of Facts and Analysis in American Public Life, RAND Corporation report, 2018, https://www.rand.org/pubs/research_reports/RR2314.html

> Four drivers of "Truth Decay"– "the diminishing role of facts and analysis in American life":
> 1. Human cognitive bias: We seek information that confirms our existing beliefs)
> 2. Changes to the information system: rise of social media; decline of local media, increase in partisan and 24-hour news sources and " intensification of profit motives"
> 3. Decline of civics education: contributing to an electorate "susceptible to consuming and disseminating disinformation, misinformation, and information that blur the line between fact and opinion"
> 4. Political, social, and economic polarization, which overlap and reinforce each other
>
> These factors lead to a host of negative impacts on society: erosion of political discourse, political paralysis, alienation and disengagement, and uncertainty.

[6] *Worldwide Threat Assessment of the US Intelligence Community*, presentation by DNI Chief, Daniel R. Coats to the Senate Select Committee on Intelligence, January 29, 2019 https://www.odni.gov/files/ODNI/documents/2019-ATA-SFR---SSCI.pdf

> Adversaries' "growing capability to shape and alter the information system" of America presents "a very quickly evolving flood of technological changes that poses a major threat to the United States."

personal experience with the federal government – an opportunity to express concerns, share opinions and personal experiences, and even offer ideas for improvement.

Unfortunately, inadequate technology mean that this vast pipeline of information flowing between constituents and Congress is undervalued by participants on both sides. Unsatisfactory interactions don't just hurt the lawmaker's standing with constituents, they can adversely impact "political efficacy"[7] – individuals' sense that "people like me" can influence government – which political scientists have long noted is correlated to trust, community engagement, voting, and civic participation.

3. Technology created the problem and is the key to addressing it
In any other industry, massive quantities of input from customers would be considered a net positive, not a problem to be fixed. Hearing from constituents at scale – even via form letters and scripted phone calls – is an opportunity for valuable insight *and* for effective responses that build trust and provide factual information. Correspondence volume is not the problem; technology is. The 541 offices in Congress are a low-margin, resource-limited market with high switching costs, served by a small group of vendors with minimal competitive pressure. The pain of inadequate technology is borne primarily by interns or junior staffers with little-to-no decision making power. This dynamic has allowed these vital systems to languish for years with sporadic innovations timed for fresh classes of incoming members. Market forces are not going to improve things without some help.

It is not enough for this committee to examine ways to fix the technical systems of today – though, believe me, I have plenty of thoughts on that – but it must look further down the road and ask how communications between constituents and lawmakers should work in the 21st Century.

Imagine a 21st Century Congress

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[7] Angus Campbell, Gerald Gurin, and Warren E. Miller, *The Voter Decides,* pp. xiii, 242, 1954 https://doi.org/10.1177/000271625429600134

Political efficacy is defined as "the feeling that individual political action does have, or can have, an impact upon the political process, i.e., that it is worth while to perform one's civic duties. It is the feeling that political and social change is possible, and that individual citizen can play a part in bringing about this change"

Beyond Distrust: How Americans View Their Government, Pew Research Center, November 23, 2015, https://www.people-press.org/2015/11/23/8-perceptions-of-the-publics-voice-in-government-and-politics/

Imagine a system in which constituents are notified in a way that fits their lives and routines with regular opportunities to weigh in and provide input on topics under consideration. The experience is so simple and clear that people participate in this process – not just when they are mad or scared or feel passionately about an issue – but as a regular occurence, bringing input from those across the political spectrum, including those who rarely participate right now: those in the middle. I often joke that no one ever writes to Congress to say: "I feel very moderate about this issue and encourage you to strike a balance and use your best judgement." A 21st Century Congress would make it possible to hear from those people too.

Imagine a Congressional office process in which input from constituents is displayed in clear analytics by trending topic or issue. Constituents don't expect a personal response to every interaction – because interactions are so frequent – but can easily request more information or the lawmaker's position on a topic. A nonpartisan, factual CRS one-pager – along with the lawmaker's most recent statement on the topic – is immediately dispatched, and the constituent can follow up with additional comments or questions, which either receive an automatic reply if previously addressed or are passed along to the appropriate staffer for more consideration. Everyone in the office – including the member – can view interactions in real-time and they are aggregated and displayed in clear analytics.

Imagine a system in which organization position letters include a notation of how many constituents in the district consider themselves "members" of the organization – and the constituents receive a clear notification of what has been submitted in their name, with an opportunity to comment or clarify. Imagine a platform in which committees could engage with stakeholders before bills were drafted – in a public-but-closed forum, allowing transparency into the early stages of negotiation and compromise.

At POPVOX, we are building what we hope will be the first step to a system like the one I just described. Through a grant from the Democracy Fund, the new POPVOX LegiDash provides basic information for staffers – a calendar, directory, and legislation tracker – but also begins to provide a new kind of information for constituents:

- LAWMAKER POSITIONS – allowing lawmakers to post their positions on pending bills ("support," "oppose," or "not yet stated") which is displayed on the POPVOX bill page and sent via notification to constituents and followers.

- LAWMAKER POSTS – allowing the lawmaker to post updates that anyone can follow and view but to which *only constituents* can reply. There is no algorithmic manipulation, so we are not deciding who sees what. We don't sell ads or user data, so there is no

incentive for us to try to drive clicks or eyeballs. It's just a new way to distribute input to constituents and ask for their input on specific topics.

- COMMITTEE TOOLS – testing publicly viewable stakeholder engagement tools for committees.

As with our first version of POPVOX and subsequent iterations, we know this is not a panacea. When we think about optimization, it is to increase the political efficacy among participants and improve the flow and quality of information for Congressional staffers and lawmakers. Our mission – along with many others in the "civic tech" community – is to inform and empower people and make government work better for everyone, and we are honored to work with this committee and your colleagues to do just that.

Thank you again.

I have a list of recommendations on a few of these points that I will submit in writing for the record.

Recommendations

1. Use vendor approval process to incentivize improved constituent engagement technology

- **Open opportunities for technology providers to engage with Congress**
  - Provide annual information sessions and requests for information to create opportunities for new vendors
  - Clearly describe requirements, restrictions, and processes to encourage new entrants to engage
  - Designate a point of contact within relevant offices (i.e. Ethics, CAO, Franking) and create a process for early consultation
- **CAO to establish "customer satisfaction" ratings system for technology vendors, including:**
  - A twice-yearly survey of Congressional offices regarding the level of service and technical performance of their constituent management system

- ○ A requirement that approved vendors maintain a minimal "customer satisfaction" rating to continue their "approved" status (with a probationary period for more frequent review to allow for improvement before approval is removed)
- ○ A central repository for reporting issues or problems so that patterns of insufficient services or software issues are recorded and viewable to other members when they are making purchasing decisions.

2. Task Congressional Research Service with providing nonpartisan fact sheets on key issues

One of the most frequent requests we receive at POPVOX – from constituents *and* from Congressional staffers – is for a source of brief (ideally one-page), nonpartisan explanations of issues. While we understand that CRS analysis is constantly in demand, a service like this from the Library of Congress – through CRS – could tremendously augment lawmakers' efforts to provide constituents with factual and nonpartisan information. Research has shown that, even when the lawmaker does not agree with the constituent, a considered response that addresses the issue improves constituent satisfaction. The resource could be implemented in the following way:
- CRS establishes page on its website listing available issue briefs
- Includes a clear identifier for each topic and a standardized URL, allowing offices to easily incorporate issue briefs into their responses to constituent input
- Staffers submit new issue requests to CRS through the web page as they begin to receive constituent inquiries on new topics, allowing CRS to prioritize new issue briefs based on staffer requests

3. Maintain a 21st Century "Frank"

While Franking will always find itself under pressure to respond to new methods of communicating, it is more important than ever. In a world of increasing disinformation, polarized rhetoric, and – soon – the arrival of "deep fake" videos, Franking limitations on lawmakers' use of official resources to disseminate overtly political, personal or untrue materials is an important firewall. If anything, these institutional protections should be more widely understood by the general public and the distinction between "campaign" and "official" actions and statements more clearly delineated.

4. Work with the executive branch on digital submission of casework

In addition to advocacy or issues-based correspondence, a major part of any Congressional office – especially district offices – is constituent casework. There are numerous opportunities to work with the executive branch to allow for digital submission and tracking of constituent cases to various agencies. Several Congressional offices are already experimenting with digital submission of forms (e-signature on PDF submitted via email). The executive branch is now undertaking its own technology modernization efforts – much of it at the direction of Congress under new legislation such as the Modernizing Government Technology Act (2017) and the 21st Century Integrated Digital Experience (IDEA) Act (2018). Implementation of these new laws provide opportunity to ensure that executive branch digitization includes advanced programming interfaces (APIs) for the digital submission of casework from Congress. This new functionality would present an excellent opportunity to test the aforementioned RFI process for technology providers, to call for new solutions and to challenge legacy providers to introduce innovative solutions for digital casework submission.

5. Leverage "CWC 2.0" for Congress-wide analytics

The Communicating with Congress[8] (CWC) service – introduced in 2015, allowing advocacy vendors to submit messages to House offices via API – was a massive innovation. It provides the first accurate measurement of the total (third party) messages coming into Congress, demonstrating, for example, that third party messages jumped from 8.8 million in 2016 to 28 million in 2017. Before CWC, that increase could have only been measured through office self-reporting to researchers (as with the Congressional Management Foundation's important and oft-quoted 2005 report, "Communicating with Congress: How Capitol Hill is Coping with the Surge in Citizen Advocacy."[9] Now, CWC volume is tracked monthly, providing insights into the ebb and flow of Congressional correspondence. As CWC begins planning its "2.0," there is tremendous opportunity to begin to provide even better metrics for the institution and the public as a whole to understand the input that Congress is receiving. These might include aggregate statistics, keywords, or even a list of subject lines.

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[8] https://www.house.gov/doing-business-with-the-house/communicating-with-congress-cwc

[9] Communicating with Congress: How Capitol Hill is Coping with the Surge in Citizen Advocacy (754 KB), 2015, http://www.congressfoundation.org/projects/communicating-with-congress/how-capitol-hill-is-coping-with-the-surge-in-citizen-advocacy