

Sortition as a direct democratic system to appoint a real citizens representation, also called “citizen jury“

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INTRODUCTION

According to historical sources our political system was developed AGAINST democracy (sovereignty of the people). An "Electoral Aristocracy" was installed (18 century). Nevertheless, this can be seen as a positive evolution compared with ruling by inheritance (*25) (*26) (*27).

Later on some "democratic" elements were installed, for instance "free" or so called "democratic" elections with universal suffrage, the equality principle, freedom of speech, freedom of organisation, free press,... but some of them were weakened or eliminated afterwards (*24).

But a "democratic element" is not yet a "democracy". Freedom of organisation may be a "democratic element", without it a democracy can not exist, on his own it is no democracy. This way "free elections", to appoint a governor for instance, can be a democratic element but on his own it is by no means a democracy.

Furthermore, our political system of representation by elected representatives is derived from the Roman Republic system and not from the Athenian Democracy (*25). Naming our political system a "democracy" is deliberately misleading propaganda (*26).

With the rise of the political parties, who have in fact taken over the legislative power, (*10) whereby the lobbyists can work more directly, the result is a concentration of power, of both legislative and economic and financial interests, that eliminate the last remains of democracy in our political system. One could say that history repeats itself. The Roman Empire collapsed by internal decadency and cumulation of wealth and power by the few, what apparently is inherent to the electoral representative system (*25).

Some other Countries and States, also many cities and communities, made the choice for a more democratic political system, already more than a century ago, by introducing the initiative and referendum, some others joined more recently (*28). The best known examples are Switzerland and half of the States in the US (*32).

Also here we notice an evolution, or a demand, towards a further democratisation with, for instance, the institution of representation of the people, appointed by sortition (*29) (*5). Main cause is the ever increasing power of the financial and economical interests and their influence on the legislation.

*5 Terrill Bouricius – Multi Body Sortition <http://www.publicdeliberation.net/cgi/viewcontent.cgi?article=1220&context=jpd>

*10 Wilfried Dewachter, De trukendoos van de Belgische participatie. (Dutch)

<https://www.standaardboekhandel.be/seo/nl/boeken/algemeen/9789028979727/dewachter-wilfried/de-trukendoos-van-de-belgische-participatie>

*24 Bernard Manin : The principles of Representative Government

<http://www.zje.net.cn/djwsj/The.Principles.of.Representative.Government,.Bernard.Manin,.CUP,.1997.pdf>

*25 Roslyn Fuller - Beasts and Gods: How Democracy Changed its Meaning and Lost its Purpose

<https://www.amazon.co.uk/Beasts-Gods-Democracy-Changed-Meaning/dp/1783605421>

*26 Francis Dupui-Déri – History of the Word "Democracy"

https://www.researchgate.net/publication/259648867_History_of_the_Word_Democracy_in_Canada_and_Quebec_A_Political_Analysis_of_Rhetorical_Strategies

*27 David VanReybrouck -Against Elections <https://www.amazon.co.uk/Against-Elections-David-Van-Reybrouck/dp/1847924220>

*28 Direct Democracy Navigator <http://www.direct-democracy-navigator.org/>

*29 Génération Nomination est une ONG basée en Suisse qui milite en faveur d'un grand oublié des démocraties modernes, pourtant plébiscité par les pères de la démocratie : le tirage au sort <http://www.genomi.ch/democratie-pas-utopie/> (French)

*32 https://en.wikipedia.org/wiki/Initiatives_and_referendums_in_the_United_States

The system of sortition is based on the statistical fact that when a random sampling is performed in a scientific manner a realistic picture is shown of the whole population. As a result decisions made by this group are representative for the whole population. As "representatives" of the citizens a representative group that has been obtained by sortition (a "democratic" system) is a more honest and credible and thus a more acceptable system than elected representatives (by definition an "aristocratic" system) (*9 page 23 and following).

There is no party discipline, no group pressure, no strategic pre-discussed and agreed upon voting behavior, no political haggling, no favors for friends (revolving door), no fear of retaliation or loss of an electable position on the voting list in the next elections: Everyone votes in good conscience what best serves the common interest in the long term according to him or her.

Besides that, the electoral system has evolved to a participacy in the past decades due to the takeover of the decision-making power by the political parties (*10).

A political system that uses sortition contains a variety of methods that could be implemented with the proper knowledge. Knowing the complexity of the sortition system and the necessity to maintain credibility, a high quality standard is essential. Scientific guidance and evaluation are necessary. (*9 page 82).

In order to avoid disillusion and frustration as much as possible it is recommended that prior to the projects a contract is drafted involving the organizers and participants (politicians and citizens). This contract would explain the method with which the conclusions will be made, and the eventual use of the results. (*9 page 51).

Such a contract seems to be seldom enforceable but in any case it will provide an occasion for a preliminary discussion (*11) (Attachment 2).

The purpose and the resources will determine the sortition method that will be used. (Attachment 1) Also the representativeness and reliability has to be established (statistical representative, geographical representative, demographical representative,..)

For the practical application an extensive specialized knowledge is needed. For example, it is not recommended that Stratified random sampling is to be used for a sampled group that later on has to be divided in subgroups. Certain calculation methods also can be used to ascertain specific goals (for example the "Penrose system") (*2), or a combination of different sampling methods.

When applying a system where everyone is asked to take part (for example the SRS system), people can refuse (what is practically impossible to avoid) and so it becomes in fact at the end of the selection process more of a "voluntary" participation. It then is important that an independent team that guides the procedure visits those who refuse to participate and motivates them to take part in the sampling (*9). If, after all, a refusal takes place at the end of such a selection processes it seems in practice that this does not present an unacceptable effect on the representativeness (*12 page 7-1).

The challenge is that the chosen system of representation by sortition will have to prove its soundness and trustworthiness against the current system of "elected" representation.

One should also be aware of the pitfalls of the so called "participation" systems, the way politicians are often describing them, where the (eventually drawn by lot) citizen can work and think alongside politicians, but it is still the politicians who maintain the ultimate decision power (*16). Panels where citizens appointed by sortition are working together with politicians (Ireland, Iceland) are so far disappointing in their results (*25).

*2 Penrose system <https://arxiv.org/ftp/cond-mat/papers/0405/0405396.pdf>

*9 Random selections in Politics - Lyn Carson and Brian Martin <http://www.bmartin.cc/pubs/99rsip.pdf>

*10 Wilfried Dewachter, De trukendoos van de Belgische participatie. (Dutch) <https://www.standaardboekhandel.be/seo/nl/boeken/algemeen/9789028979727/dewachter-wilfried/de-trukendoos-van-de-belgische-participatie>

*11 <https://www.psa.ac.uk/sites/default/files/conference/papers/2016/Explaining%20the%20fate%20psa%20.pdf>

*12 <https://www.uvm.edu/~dguher/POLS234/articles/fishkin.pdf>

*16 participation ladder Arnstein <http://lithgow-schmidt.dk/sherry-arnstein/ladder-of-citizen-participation.html> see also attachment 2

*25 Roslyn Fuller - Beasts and Gods: How Democracy Changed its Meaning and Lost its Purpose <https://www.amazon.co.uk/Beasts-Gods-Democracy-Changed-Meaning/dp/1783605421>

An other example of obstruction by the political establishment is the proposal for a new electoral system for BC (British Columbia) where a panel of citizens appointed by sortition made a motivated proposal and presented it to the citizens of BC through a referendum.

A majority of the citizens accepted the proposition (57.7%) but the politicians had imposed a special majority (60%), this way the implementation was denied by the government .

Special majorities are a violation of the principle of equality and are often used by politicians with all kinds of pretext (*17).

There is also an ambiguity in cooperating with the reshuffle of political power between the elected politicians and the citizens on the one side, while on the other side some party officials have stated that the "primacy of politics" (meaning the elected politicians) is untouchable.

We also have to avoid that participation of citizens is only called on when there are only (political) losses to be expected, whatever decision is taken.

Making sortition and participation unworkable and discrediting it to eliminate the "competition" is a strategy that can be expected and an answer to this problem still has to be found.

The same struggle is going on for decades against the binding referendum at citizens initiative. So we are on familiar grounds (*20) (*22).

In his work "What Sortition Can and Cannot Do" (*3) Keith Sutherland present a clear example of the sortition system to meet the challenge.

Keith Sutherland compares the citizens representation by sortition with a digital photograph.

"All of the pixels together are giving a good image of the society as a whole. One pixel however (or a subgroup) is in no way an image of this society. The participants cannot individually be given a voice and be allowed to go into debate. They only can listen, formulate questions and vote.

The citizens who have been selected by sortition are required to take part in the citizens representation.

In comparison with this "optimal" application a realistic system has to be developed.

A longer mandate, for example a complete legislature with a partial replacement every year, (*4) with an obligation of participation, will reasonably not be achievable. Because of this a deviation from the optimal result will emerge. This must be studied in order to see if this deviation is acceptable or not.

A whole other use of sortition is dividing the group that has been selected by sortition in subgroups. In these subgroups the participants can have discussions and suggest and formulate questions (*12 *13 deliberative poll - J.S. Fishkin 1991 – 1997). The coaching surrounding this application will need to be more intense because some of the individual characteristics of the participants can overpower subgroups. The splitting up in subgroups and the deliberative way of working contradicts the principle of representativeness by a group selected by sortition, because every individual or subgroup is not an image of a society as a whole (*3). It is actually a combination of two separate systems, deliberation and sortition.

With this application the need for independence and professionalism of the guidance and in the choice of experts and panels to be heard is of crucial importance. The representation obtained by sortition will, at the end of her "deliberation," vote as a whole by secret vote (*12 p. 10). In most cases asking questions to experts must be facilitated and discussion in public or video recording has to be avoided in order to guarantee an equal participation to all.

*3 Keith Sutherland <http://www.newdemocracy.com.au/docs/researchpapers/What%20Sortition%20Can%20Do%20PSA.pdf>

*4 in some propositions the Senate of a two Chamber system is appointed by sortition. Every year one third of the of the representatives is replaced. A full mandate will take up three years in this case.

*12 <https://www.uvm.edu/~dguber/POLS234/articles/fishkin.pdf>

*13 <http://cdd.stanford.edu/>

*17 http://participedia.net/sites/default/files/case-files/653_265_final_report.pdf and http://www.sortitionfoundation.org/canada_citizens_assembly

*20 We want to emphasise that the plebiscite (a referendum initiated by the government) does not belong to democratic instruments, this due to the known abuses. www.democratie.nu

*22 https://www.democracy-international.org/sites/democracy-international.org/files/PDF/Publications/2007-05-01_dutch_direct_democracy-nl.pdf (Dutch)

in other languages:

<https://www.democracy-international.org/direct-democracy-facts-and-arguments-about-introduction-initiative-and-referendum>

Another challenge is to maintain the intrinsic "better qualities" of the sortition system compared with the electoral representation (*9 pro and con arguments). Also the choice of a name is important, for example "citizens jury" instead of "citizens representation" because the (citizens) Jury is still seen by the population as a trustworthy institution (*9).

We can reasonably assume that the influences of powerful interests that control today's political system (*25) will not disappear when a system of citizen representation by sortition is implemented. We have to expect that these influences will reorientates themselves to maintain the ability to influence decisions. The weak points are the administration that still is needed to assist the appointed citizens representatives, the organization of- and those who guide the process, the use of mass media, the influence of the elected (professional) politicians who will, in a way and in some systems, provide cooperation or with whom has to be negotiated during the process, etc..

Terrill Bouricius suggests (Journal of Public Deliberation V9 Issue 1 – Multi Body Sortition p. 7, p. 10 - 3.1) (*5) that his system of “Multi Body Sortion” be applied (partially) into existing structures if possible, and as an intermediate step.

This way, for example in a bicameral system, the Chamber of Elected Representatives will continue to fulfill its role as developer of the law.

We are aware that the evolution to democracy (sovereignty of the people) is a continued endeavor that will evolve with the changes in society and technology.

It is our opinion that, besides fundamental rights and freedoms, two pillars are essential: the political representation of the citizens by sortition and the binding referendum by citizens initiative (*20).

Both of these offer, due to the evolution in society and the technical possibilities of today, an unseen potential for the introduction of democracy in politics.

For us the right to a "Binding Referendum by Citizens Initiative" is the ultimate expression of the sovereignty of the people. Representation by sortition can be an important complimentary element in a democracy.

We also establish that the "European Convention for the Protection of Human Rights and Fundamental Freedoms" only guarantees the right to "free elections" (the institution of an "electoral aristocracy"), democracy (citizens sovereignty) is not mentioned at all and the current interpretation of our constitution does not allow a Binding Referendum at Citizens Initiative.

*5 Terrill Bouricius – Multi Body Sortition <http://www.publicdeliberation.net/cgi/viewcontent.cgi?article=1220&context=jpd>

*9 Random selections in Politics - Lyn Carson and Brian Martin <http://www.bmartin.cc/pubs/99rsip.pdf>

*20 We want to emphasise that the plebiscite (a referendum initiated by the government) does not belong to the democratic instruments, this due to the known abuses. www.democratie.nu

*25 Roslyn Fuller - Beasts and Gods: How Democracy Changed its Meaning and Lost its Purpose
<https://www.amazon.co.uk/Beasts-Gods-Democracy-Changed-Meaning/dp/1783605421>

In our proposal with the use of sortition we will, in accordance with the work of Terrill Bouricius (*5) (*19), appoint several citizens jury's which each fulfill a different specialized task. The sortition system that is used depends on the task at hand.

We also checked our proposal against the comments and suggestions of the colloquium in the Senate about representative democracy (*21). It is our opinion that we have been able to give a positive answer to the question that professor Herwig Reynaert poses in the conclusion of the colloquium: to propose the realization of a representative democracy with direct democratic elements.

PROPOSITION: (see also schematic overview next page)

As a transition arrangement to a fully operational democracy the citizens decides the balance of power between the "Legislative Citizens Jury" (3.) selected by sortition" and the "Elected Representatives" (5.). During "free" elections the citizens can cast a vote for the "Legislative Citizen Jury selected by Sortition" as well as voting for a candidate or a political party.

The amount of "seats" of the "Legislative Citizen Jury" (3.) is at the most the same as the number of seats of the "Elected Representatives" (5.) with a minimum of three (*23). The "vote value" of the "Legislative Citizens Jury" is proportional to the amount of votes received during the elections and the "seats" of both groups, "elected" and "appointed by sortition" (See also attachment 3).

The Agenda-jury (2.), or a citizen petition (1.), decides whether a Bill, handled by the "Elected Representatives" (5.) is of sufficient societal importance to be submitted to the "Legislative Citizens Jury" (3.). In case a "Legislative Citizens Jury" (3.) is called, the votes of the Elected Representatives (5.) and the "Legislative Citizens Jury" (3.), casted on that specific Bill, are aggregated in order to accept or reject the Bill.

The Evaluation Jury (7.) will evaluate legislative proposals, who are submitted by citizen petition (4.), on their societal importance. In case of acceptance they are submitted to the "elected representatives" (5.) and the "Legislative Citizens Jury" to vote on (3.).

*5 Terrill Bouricius – Multi Body Sortition <http://www.publicdeliberation.net/cgi/viewcontent.cgi?article=1220&context=jpd>

*19 David Van Reybrouck (Dutch)

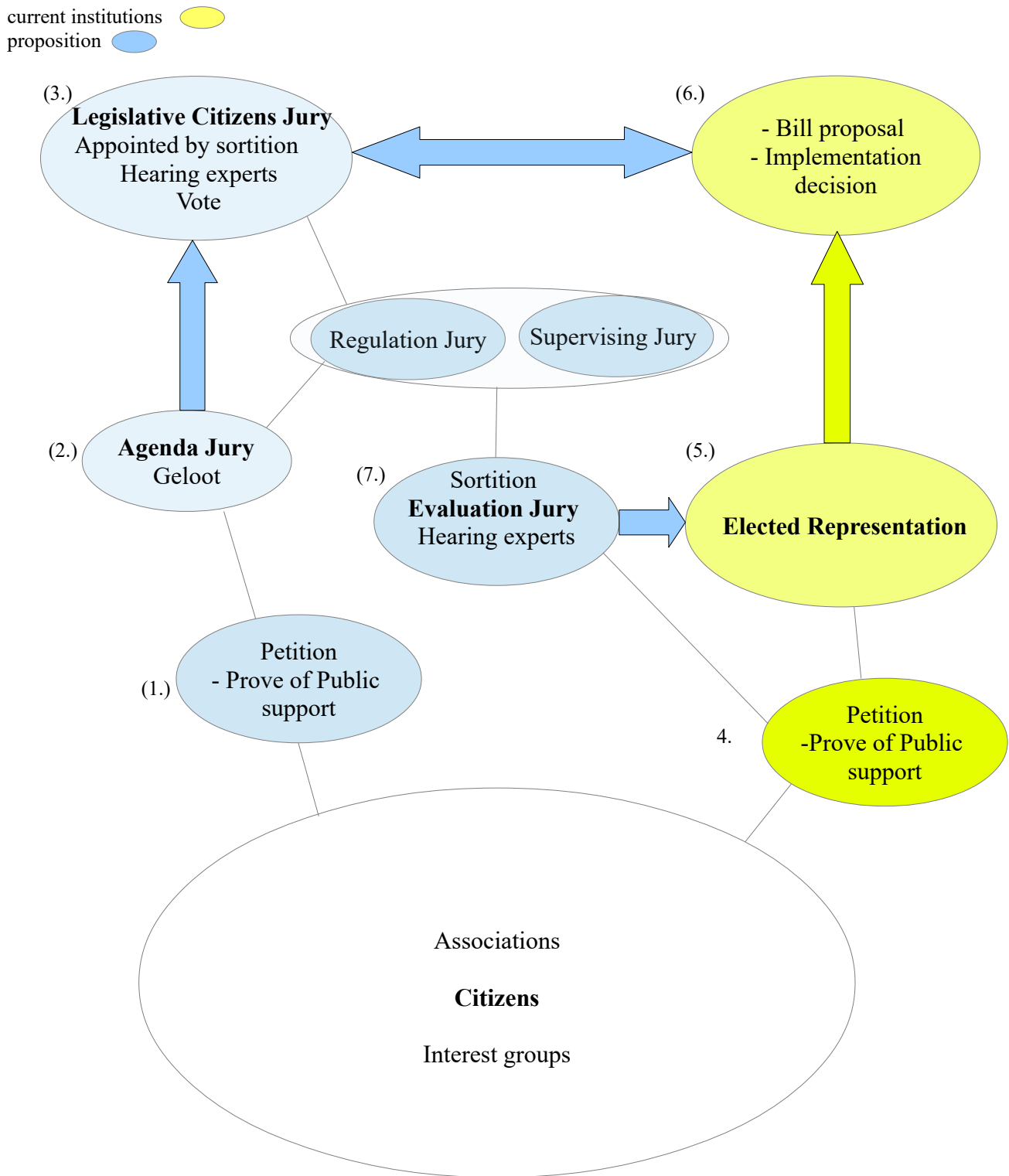
<https://decorrespondent.nl/538/Het-kan-een-totaal-andere-inrichting-van-onze-democratie/53776866-eda791cf>

*21 http://www.senate.be/event/20150922_representatieve_democratie/act_nl.pdf Representatieve democratie: op weg naar het einde van een model? Belgische Senaat - Dinsdag 22 september 2015

https://orbi.ulg.ac.be/bitstream/2268/187347/1/Representatieve_democratie_F-N.pdf N/F verslag colloquium senaat (Dutch and French)

*23 The "not-voters", even in our system of compulsory voting, account for something between 10 and 15 % of the electorate. Representing them in full by representatives in the sortition group would assign them around 15 seats. 3 seats is thus a very modest proposition and fits in with the possibility of our proposal that people can vote for representation by sortition if they want to.

Schematic Overview:



In the literature there are several suggestions developed to use a chamber that represents the citizens appointed by sortition in a two chamber system (even at the European level). Around the world there countless experiments has been done with institutions appointed by sortition. These experiences and conclusions can be taken into account (*8) (*9).

*8 Scientific classification of participative and democracy experiments. www.participedia.net

*9 Random selections in Politics - Lyn Carson and Brian Martin <http://www.bmartin.cc/pubs/99rsip.pdf>

Rules Council/Jury:

This one focuses on the writing of procedures for the sortitions, hearings, and voting;

Oversight Council/Jury:

This one makes sure that the civil servants follow the procedures and address potential complaints.

The "Rules-" and "Oversight Council/Jury" are the authors and enforcers of the rules. The "Rules Council/Jury" could be selected from people who had already been served in a selected body; they already know the ins and outs of the procedures.

Agenda Jury (2.):

Determining the agenda of the Legislative Citizens Jury. This takes place in the Agenda Jury, a very large body of which the participants have been selected by sortition. The Agenda Jury decides by simple majority what law propositions/bills (with their implementation decisions) are of enough importance for society to be presented to vote by the Legislative Citizens Jury. (*35)

The Agenda Jury is made up of a, appropriate for this purpose, sample of 600 citizens (for example, through preliminary survey). The appointed citizens stay available to be selected for selection in the other jury groups, with the exception for the time that they are serving in the Agenda Jury. The appointed Agenda Jury is available for a month (not during the holiday period) to evaluate the societal importance of submitted bill/proposals within a certain time frame (for example 14 days). This means that they will, at the most, be active for a month and 14 days. During exceptionally busy times multiple Agenda Jury's can be called up.

Agenda Jury members don't need to have meetings (the member list is not public.)

The candidates for the Agenda Jury will be informed a week before their participation that will last for one month, and they will receive a tax-exempt reimbursement for each reviewed proposed bill (it also can happen that there are none to be reviewed in which case they will be put back into the pool of available citizens for sortition, also for the Agenda Jury).

The bill propositions are sent through mail or depending on the situation by e-mail to the members of the Agenda Jury, and to the special interest groups that have registered. This groups can publish reviews and form discussion groups on their websites and in their publications. The members of the Agenda Jury will receive a list of these interest-groups and possible on-line applications on the Internet. If an interest-group (1.) collects enough signatures (proving enough public support) the proposed bill and or implementation decisions plan is placed on the agenda of the Legislative Citizens Jury and the Legislative Citizens Jury is summoned (see example 2). With the current technology it is possible to quickly have a reasonable idea of what the public support is, for example in two steps (*14), where the first step confirms the right to petition.

The vote casting by the members of the Agenda Jury can also be done through the phone (for example using an "end to end auditable voting system E2E"):

- Identification with national registration number and a code.

- for proposition xxxx press 1, for proposition xxxxx press 2, ...
- present to the Citizens Jury press 1, do not present to the Citizens Jury press 2, undecided press 3

or by letter.

The Agenda Jury decides by secret ballot and a simple majority within the prescribed period.

A participation quorum can also be required (for example a minimum of 384 participants is needed to guarantee a sufficient representation).

*14 Nederland : *Wet raadgevend referendum* 1 juli 2015 (Dutch law)

De aanvraag verloopt in twee stappen:

- Een inleidend verzoek ondersteund door 10.000 handtekeningen, te verzamelen binnen een eerste termijn van vier weken.
- Een definitief verzoek ondersteund door 300.000 handtekeningen, te verzamelen binnen een tweede termijn van zes weken.

*34 in order to avoid as much as possible Corporate, Political, Concern and "Special Interest" sponsored trolls, or similar activities, it may be advisable to only give access to some internet applications with e-id, token or other protective measurements.

*35 System of selectivity used by Demoex Sweden <https://en.wikipedia.org/wiki/Demoex>

Legislative Citizens Jury (3.):

Law propositions and bills and their implementation decisions are submitted to the Legislative Citizens Jury by decision of the Agenda Jury or by exercising of the petition right. This Legislative Citizens Jury does not have a fixed set of members, they are drawn out of all citizens entitled to vote in the elections. Every time a law, in some cases with his implementation decisions, must be voted on by the Legislative Citizens Jury, lot will select a group of four hundred citizens (EAS System) to come together for one day. In exceptional cases it could take a few days or at the most a week.

There is no party discipline, no group pressure, no strategic pre-discussed and agreed upon voting behavior, no political haggling, no favors for friends (revolving door), no fear of retaliation or loss of an electable position on the voting list in the next elections: Everyone votes in good conscience what best serves the common interest in the long term according to him or her.

In order to avoid that charismatic speakers influence the vote, the law proposals are presented by neutral contributors.

The Legislative Citizens Jury is called up, listens to a well-informed explanation of the arguments in favor and against from experts and affected parties, and votes. They don't discuss amongst each other (*3). The Legislative Citizens Jury vote by secret ballot.

The votes from both the representative groups ("elected" and "appointed by sortition") are added together and decides this way, with simple majority, that a proposed bill is accepted or rejected. When there is an acceptance of a proposed bill the group of the Elected Representatives must submit to both "representative groups" ("elected" and "appointed by sortition") an implementation decisions plan before 6 months have passed. If the Elected Representatives do not respect this timing they are automatically discharged and new elections are required within three months of the discharge. In this case those representatives who are not reelected will not receive any redundancy payment (dismissal due to grave error).

Participants are substantially reimbursed and cared for (*7) during their participation.

Evaluation Jury (7.):

Taking carefully gathered information collected from society into consideration, and when a considerable public support is shown (4.), this Evaluation Jury will organize hearings, invite experts and parties concerned, will be advised by professional and neutral guidance if necessary, deliberate in subgroups selected by sortition when useful, present a motivated petition to the group of Elected Representatives. This Evaluation Jury is made up of one hundred and fifty members drawn by lot out of all citizens who are entitled to vote in elections. The Review Panel/Jury is formed when a citizen/interest group has submitted a sufficiently backed petition. Participants of this Jury are reimbursed well and cared for during their participation (*7) (*30).

A worked out bill/implementation decisions that, as a result of a petition from the Evaluation Jury (7.) is submitted to the group of Elected Representatives (5.), and is named as such, will also automatically be presented to the Legislative Peoples Jury (3.) to be voted on.

If the group of Elected Representatives has not voted upon the concerned petition 6 months after the petition was submitted (*15), they are supposed to abstain from voting and the petition will be put to a vote before a Legislative Peoples Jury who decides by simple majority and secret ballot.

If the petition is expressed in general terms it is up to the group of Elected Representatives, or a member thereof, to submit a detailed proposal. Also this proposal will automatically be submitted to the Legislative Peoples Jury to be put to a vote.

*3 Keith Sutherland <http://www.newdemocracy.com.au/docs/researchpapers/What%20Sortition%20Can%20Do%20PSA.pdf>

*7 Also the people at home (child care, home care, elderly care, business help,...) .

*15 decision not to vote.

*30 We generally take around six months to deliver the process from beginning to end – as a guide, citizens need at least 40 hours in person, meeting five to six times to meaningfully deliberate and find common ground without feeling (or being!) pushed toward a pre-ordained outcome. <http://www.newdemocracy.com.au/library/what-is-a-citizens-jury>

Practical example 1: (for the calculations see also appendix 3)

The Legislative Citizens Jury receives, during an election, 40% of the votes casted for candidates and political parties . This way, the Legislative Citizens Jury has 60 votes (40% of 150)
In this case of 40% of the votes, the vote value for every member of the Legislative Citizens Jury is **0.156**.

-A proposed bill is rejected by the group of "Elected Representatives" with 65 votes opposed, 30 votes in favor, and 55 abstentions (150 in total)

- This proposed bill has received enough support from the Agenda Jury to be submitted to the Legislative Citizens Jury. The result of the vote from the Legislative Citizens Jury is **23** votes opposed, **340** votes in favor, and 21 abstentions (384 in total).

Corrected this results in:

23 x **0.156** = 3,588 votes opposed

340 x **0.156** = 53,04 votes in favor

The total of the votes of both groups:

65 + 3,588 = 68,588 opposed

30 + 53,04 = 83,04 in favor

The proposed bill is accepted and is binding. Within six months the implementation decisions will be presented for voting to both groups representatives (elected and appointed by sortition).

Practical example 2 :

-The elected group of Citizens Representatives (5.) has decided to vote on a bill proposition.

-The Agenda Jury (2.) is notified (and the special interest groups) and is carrying out the vote in order to decide if the Legislative Citizens Jury should be convened (3.).

-A citizen/interest group starts a petition (1.) to convene the Legislative Citizens Jury (3.) in order to address the bill proposition (without waiting for the results from the Agenda Jury).

The interest group gets to the first step (*14) "to lock in" the right to petition and now wait for the result of the Agenda Jury.

For example the Agenda Jury says "no". (In the "yes" case the Legislative Jury would be called up anyway and then the petition is without a subject)

The interest group can now go to the second step because it received its right to petition and collects signatures for the second step within a determined time.

The bill proposal is submitted to both the Legislative Peoples Jury (3.) and the Elected representatives (5.) for a vote .

*14 Nederland : *Wet raadgevend referendum* 1 juli 2015 (Dutch law)

De aanvraag verloopt in twee stappen:

- Een inleidend verzoek ondersteund door 10.000 handtekeningen, te verzamelen binnen een eerste termijn van vier weken.
- Een definitief verzoek ondersteund door 300.000 handtekeningen, te verzamelen binnen een tweede termijn van zes weken.

Practical example 3 :

- A citizen/interest group has submitted an implementation decisions plan, with explanations, to the Evaluation Jury (7.) about a bill that was voted on and accepted by the elected representatives but without any implementation plan (*31).
- The Evaluation Jury (7.) is convened and decides, after hearing the experts and parties involved, that the proposition of the implementation plan, as submitted to them, will be submitted to the elected Representatives to vote on.
- The Elected Representatives (5.) refuses to vote on the proposal.
- After 6 months the Legislative Jury (3.) is convened. After hearing the experts and parties involved, the Legislative Jury votes on the proposed implementation decisions plan.

The result of the voting of the Legislative Jury is in favor of the submitted implementation decisions plan, the Elected Representatives have sustained, the implementation decisions plan becomes active immediately after publication.

*31 Voorstel uitvoeringsbesluiten Gewestelijke Volksraadpleging (Dutch)

<http://www.democratie.nu/index.php/component/content/article?id=1246:persbericht-kan-democratie-de-vlaamse-politiek-veroveren>

CONCLUSION:

We can only conclude that the Athenians of the old Greece with their choice of 500 citizens for the "Boulè", appointed by sortition, could achieve a great statistical accuracy. Starting at 380 people selected by sortition the reliability reaches 95% with an error margin of 5%. When you have more than 50.000 citizens the number for a reliable sample barely increases. Only the reliability level increases. With a sample size of 600 people the result has a reliability level of 99%.

Another important criteria is to give the chance to participate in the political decision making process to as many citizens, who have the legal right to vote in the elections, as possible .

On the other hand the maximum capacity for rotation may not be exceeded. The participation in one of the jury's does not mean exclusion from participating in others, the opposite is true. Putting this into practice will show if using a jury of 600 citizens for the Legislative Citizens Jury will be a viable possibility, whether the work load for the Agenda Jury is realistic, and what tools they will need to be available to them. Also the possibility can be checked whether or not it is acceptable to call people for the same Jury task, with tens of years in between.

Since every jury will have the decision right without limitation in subjects there is a large possibility that after an adjustment period the acceptable response rate will be achieved more easily. We propose to take the democratization of our institutions one step further and suggest leaving the noncommittal, denigrating and demotivating "advices" and the "politically harmless" subjects "Landscape care, bicycle lanes, culture,...".

*33 The very low response ratio (around 5%) found in a large number of "informative participation" projects is disastrous for the credibility and representativeness of such events.

LINKS:

<http://blogimages.seniorennet.be/democratie/attach/128802.pdf> provisional link to the sortition library

<https://equalitybylot.wordpress.com/about/> blog of the Kleroterians

[http://www.ethesis.net/volksvertegenwoordigers/volksvertegenwoordigers.htm#Hoofdstuk 3. De wetgevende functie van de Kamer \(Dutch\)](http://www.ethesis.net/volksvertegenwoordigers/volksvertegenwoordigers.htm#Hoofdstuk 3. De wetgevende functie van de Kamer (Dutch))

Tabel 3.1. Aantal ingediende begrotingen, internationale akkoorden, wetsvoorstellen en -ontwerpen per legislatuur 1101

soort	1958-1961		1961-1965		1965-1968	
	aantal	%	aantal	%	aantal	%
begrotingen uit de Senaat	35	4,83	51	4,32	30	5,38
begrotingen van de regering	64	8,83	76	6,44	42	7,53
internationale akkoorden van de regering	75	10,34	208	17,61	40	7,17
internationale akkoorden uit de Senaat	10	1,30	5	0,42	4	0,72
wetsontwerpen uit de Senaat	89	12,28	133	11,26	42	7,53
wetsontwerpen van de regering	126	17,38	208	17,61	89	15,95
wetsvoorstellen uit de Senaat	27	3,72	56	4,74	21	3,76
wetsvoorstellen van de Kamerleden	299	41,24	444	37,60	290	51,97
totaal	725		1181		558	

<https://www.checkmarket.com/market-research-resources/sample-size-calculator/>

Calculate representative sample size

Sample size		
Population size:	<input type="text" value="8000000"/>	How many people are in the group your sample represents? (The sample size does not change much for populations larger than 20,000.)
Margin of error:	<input type="text" value="5"/> %	This is the plus-or-minus figure usually reported in newspaper or television opinion poll results. For example, if you use a margin of error of 4% and 47% percent of your sample picks an answer, you can be "sure" that if you had asked the question to the entire population, between 43% (47-4) and 51% (47+4) would have picked that answer.
Confidence level:	<input type="text" value="95"/> %	This tells you how sure you can be of the error of margin. It is expressed as a percentage and represents how often the true percentage of the population who would pick an answer lies within the margin of error.
Required sample size:	385	Number of respondents needed

	Confidence level = 95%			Confidence level = 99%		
	Margin of error			Margin of error		
Population size	5%	2,5%	1%	5%	2,5%	1%
100	80	94	99	87	96	99
500	217	377	475	285	421	485
1.000	278	606	906	399	727	943
10.000	370	1.332	4.899	622	2.098	6.239
100.000	383	1.513	8.762	659	2.585	14.227
500.000	384	1.532	9.423	663	2.640	16.055
1.000.000	384	1.534	9.512	663	2.647	16.317

FAQ :

Q - A point of concern is the idea of having a pool of citizens that will be pulled from for some duration (Agenda Jury), rather than doing a fresh lottery for every jury. Although the intent is that the pool not be made public, if it is leaked, that provides monied interests with a target list for bribing. Why create that possibility by keeping a pool for any period.

A - For every Jury we have to motivate “how and why” and this for a country of 8.000.000 people with the right to vote at elections (Belgium at national level)

- has the Jury to be representative and in what range, error margin, confidence level...
- What kind of sampling method(s) are used and why
- what is the maximal rotation wanted (and possible)
- what is the estimated workload and what if it is exceeded.
- vulnerability for bribing / external influences / coercion
- ...

But we also have to take into account all the tactical possibilities of the proposal as a whole. We have to describe more practical possibilities.

Also the proposal is developed for a political active population (in contradiction to the situation at the moment in the electoral representative system)

For example: (in the case of a very important piece of legislation where bribing or coercion is a real risk).

A bill has (in our proposal) two possible origins

1- Coming from a petition and the Evaluation Jury: A Legislative Jury is automatically summoned. The agenda Jury is not involved.

2- Coming from an elected representative: From the moment on that the bill is on the agenda of the elected representatives to vote, an interest group can start to collect signatures in order to “lock in” their petition right in case the agenda jury decides not to summon the Legislative Jury. Of course we need active “watchdogs” for this purpose but I don’t doubt that there will be. But indeed, leaking the list of Jury members is possible and bribing and coercion also.

That is also one of the reasons we decided to take a relatively “very” large group and a relatively “short” duty period. The motivation for a large group is the representation and reliability level and reporting or exposure of bribery or coercion becomes more plausible. Nevertheless we have to stay within the desired rotation and participation possibilities.

If a small number of Jury members for the Agenda Jury is acceptable (how to defend that ?) another system might be possible.

SUGGESTIONS /REMARKS :

- Imagine that the system works so well that most people simply stop voting at all (relying on the jury)... If 10% of the voters turn out in an election and half of them (5% of the electorate) choose from among candidates, should the elected branch get 50% of the power? Abstaining seems to more naturally go with NOT supporting elected officials making decisions.

– For every bill proposal or implementation decision plan that is launched, be it by the elected representatives or by the Evaluation Jury, the possibility has to exist that a counter proposal is formulated and voted on at the same time. Each proposition can be accepted or rejected with a simple majority, or in case of a double YES it is the proposal that gets the most YES votes that is maintained.

In the case of a bill/implementation decision submitted by the elected representatives the right to present a counter proposal by the Evaluation Jury can be locked in with a petition with a low threshold within a very short period (*14). After that a full blown petition can eventually be started to show that it is sufficiently backed by the population to summon an Evaluation Jury. A “very urgent” bill / implementation decision (without any delay in execution) decided by the elected representatives will automatically summon the Evaluation Jury with the bill/implementation decision as subject , within six months. The Evaluation Jury has the right to propose a counter proposal or to propose to delete the law / implementation decision at all. If an Evaluation Jury isn't summoned within the imposed period the law/implementation plan is automatically suspended.

- The system of an Agenda Jury and Legislative Citizens Jury (1.) (2.) (3.) can also be used in a two Chamber system where one of the permanent Chambers, eventually appointed by lot, can be expanded with the Legislative Citizens Jury if there is a Bill proposal under consideration of importance to society.

References:

- *1 Steekproefmethoden (Dutch)
https://www.uhasselt.be/documents/uhasselt@school/lesmateriaal/statistiek/Lesmateriaal/Steekproefmethoden_04.pdf
- *2 Penrose system <https://arxiv.org/ftp/cond-mat/papers/0405/0405396.pdf>
- *3 Keith Sutherland <http://www.newdemocracy.com.au/docs/researchpapers/What%20Sortition%20Can%20Do%20PSA.pdf>
- *4 in some propositions the Senate of a two Chamber system is appointed by sortition. Every year one third of the of the representatives is replaced. A full mandate will take up three years in this case.
- *5 Terrill Bouricius – Multi Body Sortition <http://www.publicdeliberation.net/cgi/viewcontent.cgi?article=1220&context=jpd>
- *6 Oregon CIR <http://healthydemocracy.org/citizens-initiative-review/>
- *7 Also the people at home (child care, home care, elderly care, business help,...)
- *8 Scientific classification of participative and democracy experiments. www.participedia.net
- *9 Random selections in Politics - Lyn Carson and Brian Martin <http://www.bmartin.cc/pubs/99rsip.pdf>
- *10 Wilfried Dewachter, De trukendoos van de Belgische participatie. (Dutch)
<https://www.standaardboekhandel.be/seo/nl/boeken/algemeen/9789028979727/dewachter-wilfried/de-trukendoos-van-de-belgische-participatie>
- *11 <https://www.psa.ac.uk/sites/default/files/conference/papers/2016/Explaining%20the%20fate%20of%20psa%20.pdf>
- *12 <https://www.uvm.edu/~dguber/POLS234/articles/fishkin.pdf>
- *13 <http://cdd.stanford.edu/>
- *14 Nederland : *Wet raadgevend referendum* 1 juli 2015 (Dutch law)
De aanvraag verloopt in twee stappen:
- Een inleidend verzoek ondersteund door 10.000 handtekeningen, te verzamelen binnen een eerste termijn van vier weken.
 - Een definitief verzoek ondersteund door 300.000 handtekeningen, te verzamelen binnen een tweede termijn van zes weken.
- *15 decision not to vote
- *16 participation ladder Arnstein <http://lithgow-schmidt.dk/sherry-arnstein/ladder-of-citizen-participation.html> (see also attachment 2)
- *17 http://participedia.net/sites/default/files/case-files/653_265_final_report.pdf and
http://www.sortitionfoundation.org/canada_citizens_assembly
- *18 <http://www.democratie.nu/index.php/nieuws-14/archief/1216-wat-is-democratie> zie: “De Meerderheidsregel” (Dutch)
- *19 David Van Reybrouck (Dutch)
<https://decorrespondent.nl/538/Het-kan-een-totaal-andere-inrichting-van-onze-democratie/53776866-eda791cf>
- *20 We want to emphasise that the plebiscite (a referendum initiated by the government) does not belong to the democratic instruments, this due to the known abuses. www.democratie.nu
- *21 http://www.senate.be/event/20150922_representatieve_democratie/act_nl.pdf Representatieve democratie: op weg naar het einde van een model? Belgische Senaat - Dinsdag 22 september 2015
https://orbi.ulg.ac.be/bitstream/2268/187347/1/Representatieve_democratie_F-N.pdf N/F verslag colloquium senaat (Dutch and French)
- *22 https://www.democracy-international.org/sites/democracy-international.org/files/PDF/Publications/2007-05-01_dutch_direct_democracy-nl.pdf (Dutch)
in other languages:
<https://www.democracy-international.org/direct-democracy-facts-and-arguments-about-introduction-initiative-and-referendum>
- *23 The “not-voters”, even in our system of compulsory voting, account for something between 10 and 15 % of the electorate. Representing them in full by representatives in the sortition group would assign them around 15 seats. 3 seats is thus a very modest proposition and fits in with the possibility of our proposal that people can vote for representation by sortition if they want to.
- *24 Bernard Manin : The principles of Representative Government
<http://www.zje.net.cn/djwsj/The.Principles.of.Representative.Government.,Bernard.Manin.,CUP.,1997.pdf>
- *25 Roslyn Fuller - Beasts and Gods: How Democracy Changed its Meaning and Lost its Purpose
<https://www.amazon.co.uk/Beasts-Gods-Democracy-Changed-Meaning/dp/1783605421>

*26 Francis Dupui-Déri – History of the Word "Democracy"

https://www.researchgate.net/publication/259648867_History_of_the_Word_Democracy_in_Canada_and_Quebec_A_Political_Analysis_of_Rhetorical_Strategies

*27 David VanReybroeck -Against Elections <https://www.amazon.co.uk/Against-Elections-David-Van-Reybrouck/dp/1847924220>

*28 Direct Democracy Navigator <http://www.direct-democracy-navigator.org/>

*29 Génération Nomination est une ONG basée en Suisse qui milite en faveur d'un grand oublié des démocraties modernes, pourtant plébiscité par les pères de la démocratie : le tirage au sort <http://www.genomi.ch/democratie-pas-utopie/>

*30 We generally take around six months to deliver the process from beginning to end – as a guide, citizens need at least 40 hours in person, meeting five to six times to meaningfully deliberate and find common ground without feeling (or being!) pushed toward a pre-ordained outcome. <http://www.newdemocracy.com.au/library/what-is-a-citizens-jury>

*31 Voorstel uitvoeringsbesluiten Gewestelijke Volksraadpleging

<http://www.democratie.nu/index.php/component/content/article?id=1246:persbericht-kan-democratie-de-vlaamse-politiek-veroveren>

*32 https://en.wikipedia.org/wiki/Initiatives_and_referendums_in_the_United_States

*33 The very low response ratio (around 5%) found in a large number of “informative participation” projects is disastrous for the credibility and representativeness of such events.

*34 in order to avoid as much as possible Corporate, Political, Concern and “Special Interest” sponsored trolls, or similar activities, it may be advisable to only give access to some internet applications with e-id, token or other protective measurements.

*35 System of selectivity used by Demoex Sweden <https://en.wikipedia.org/wiki/Demoex>

Attachment 1 :

The most notable methods (*1):

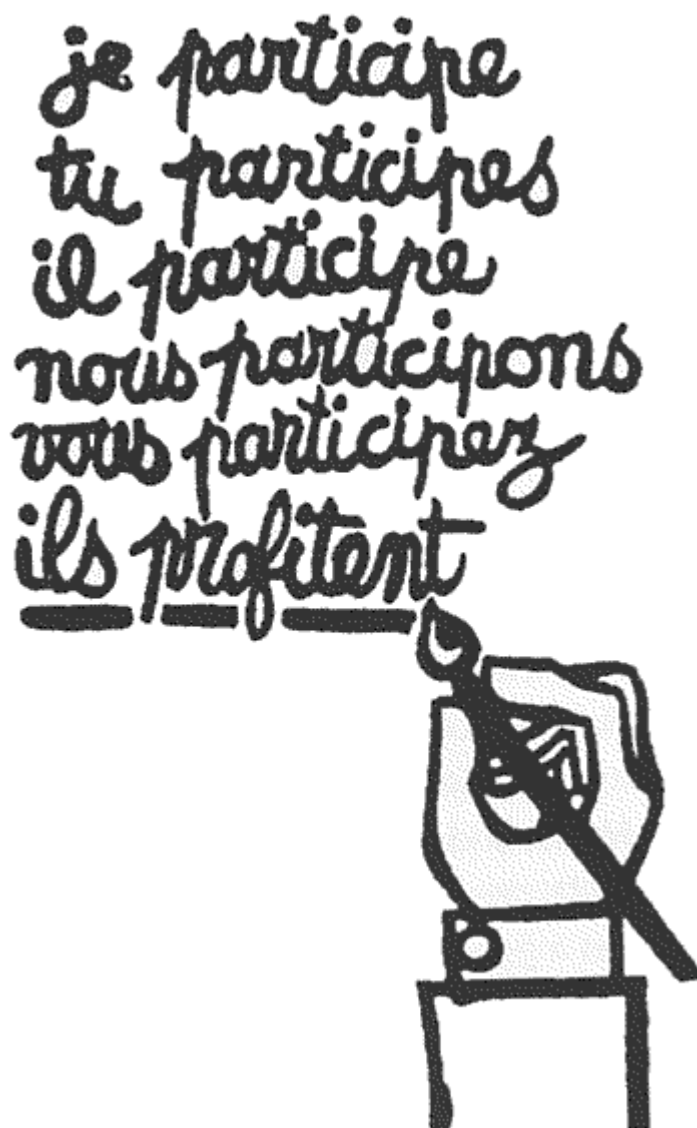
- Voluntary response sampling
- Accessibility sampling, convenience sampling
- Quota sampling, judgment sampling
- SRS: simple random sampling
- Stratified random sampling
- Cluster sampling
- Systematic sampling
- Multi-stage sampling

Attachment 2 :

Empty Refusal Versus Benefit

There is a critical difference between going through the empty ritual of participation and having the real power needed to affect the outcome of the process. This difference is brilliantly capsulized in a poster painted last spring [1968] by the French students to explain the student-worker rebellion. (See Figure 1.) The poster highlights the fundamental point that participation without redistribution of power is an empty and frustrating process for the powerless. It allows the powerholders to claim that all sides were considered, but makes it possible for only some of those sides to benefit. It maintains the status quo. Essentially, it is what has been happening in most of the 1,000 Community Action Programs, and what promises to be repeated in the vast majority of the 150 Model Cities programs.

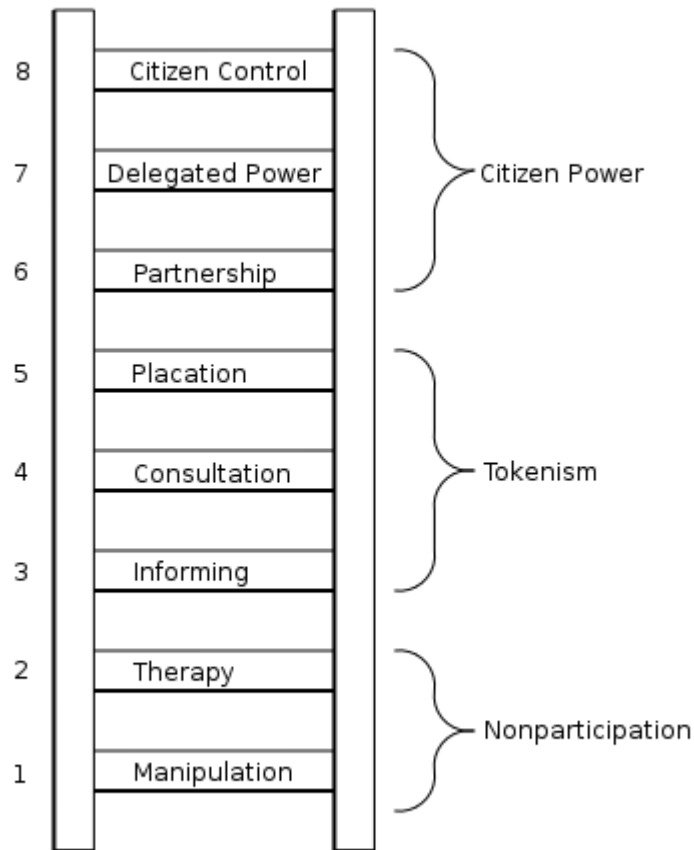
Figure 1. French student poster. In English, "I participate, you participate, he participates, we participate, you participate...they profit."



Types of participation and "nonparticipation"

A typology of eight levels of participation may help in analysis of this confused issue. For illustrative purposes the eight types are arranged in a ladder pattern with each rung corresponding to the extent of citizens' power in determining the end product. (See Figure 2.)

Figure 2. Eight rungs on the ladder of citizen participation



<http://lithgow-schmidt.dk/sherry-arnstein/ladder-of-citizen-participation.html>

Originally Published as Arnstein, Sherry R. "A Ladder of Citizen Participation" JAIP, Vol. 3, No 4, July 1969, pp 216-224 . I do not claim any copyrights.
Reprinted in "The City Reader" 1996 Routledge Press

Attachement 3:

Explanation:

If the Legislative Citizen Jury receives an equal amount of votes, or more, during an election, compared with the total number of valid casted votes for the Elected Representatives (blank or invalid not included), then the maximum amount of 150 seats (votes) will be assigned. (The current amount of seats in the Elected Chamber of Representatives is 150.)

This does not mean that the Legislative Citizens Jury is composed of 150 people. Because of a presupposed margin of error, the representativeness, and the desired rotation, we propose that the Legislative Citizens Jury has 384 members.

The maximum "vote value" of each member of the Legislative Citizen Jury is then $150 : 384 = 0.390$.

The "vote value" of each of the members of the Legislative Citizens Jury is also proportional to the amount of votes received, compared with the Elected Representatives.

For example, when the number of votes for the Legislative Citizens Jury is 40% of the valid casted votes for the Elected Representatives then the ultimate "vote value" for each member of the the Legislative Citizens Jury is, in our example, 40% of 0.390 is 0.156 what equals 60 votes.

Because the Legislative Citizens Jury has at least 3 votes the minimal "vote value" of each member of the Legislative Citizens Jury is $3 : 384 = 0.008$.