

DEMOGRAPHIC NOTES

ISSUE BRIEF FROM COLORADO

JULY 2020

BACKGROUND

In 2019, the Colorado General Assembly passed HB19-1184, *Demographic Notes For Certain Legislative Bills*. This law provides funding for and requires Legislative Council staff to prepare demographic analyses for up to 20 bills each year, starting with the 2020 legislative session. The Legislative Council is the nonpartisan research arm of the General Assembly. **Demographic notes use publicly-available quantitative data, and qualitative data submitted by people with lived experience, to outline the potential impact of a bill on preventable disparities**—including economic, employment, health, education, or public safety outcomes—for various populations in the state. Populations may be identified by race, ethnicity, sex, gender identity, sexual orientation, disability, geography, socioeconomic status, or other relevant characteristics for which data are available.

Over the past two legislative sessions, Center for Health Progress has supported the implementation of legislative processes that further equity frameworks and expose potential disparate impacts of legislation. During the 2019 Colorado legislative session, Center for Health Progress piloted the Legislative Equity Program with the goal of improving the equity

lens among policymakers as they consider legislation. Through this first-of-its-kind program, Center for Health Progress provided technical assistance to members of the Health and Human Services Committee in the Senate and the Public Health Care and Human Services Committee in the House. We taught select legislators and their staff how to use our health equity impact assessment tool, as well as the framework through which we understand equity, and analyzed nearly every bill assigned to those two committees.

During the 2020 legislative session, Center for Health Progress set out to build the capacity of key stakeholders in Colorado to engage in the demographic note process and use these and other health- and equity-focused policy analysis tools. We believe that **the voices, input, and leadership of community members who would be impacted by potential laws should always**

be included in the stakeholder process for any bills, and were eager for this to be another avenue for engagement in the democratic process. This report outlines lessons and recommendations for advocates, funders, and others who may be interested in amplifying the voices, visibility, and life experiences of people who are directly impacted by policies being passed at the Capitol.

COVID-19 DISRUPTION

On March 14, the General Assembly temporarily adjourned due to the health and safety concerns caused by the COVID-19 pandemic. They reconvened on May 26, and adjourned on June 15, which ended up being the 84th legislative day. As a result, only one demographic note was conducted for 651 bills this legislative session. *Limit Mobile Electronic Devices While Driving* received a demographic note on March 18, after the legislative session was temporarily closed.¹

LESSON LEARNED: ORGANIZATIONAL CAPACITY

Organizations interested in engaging in the demographic notes process should understand its potential and the internal capacity required for success. Engagement can range from encouraging legislators to use data in their policymaking to gathering public comments from their networks. Even with significant disruptions to the 2020 legislative session, Center for Health Progress learned several lessons about the capacities necessary for success:

- I. **Strong and fully-functioning community organizing strategy:** This provides the foundation for the direction of any policy work and centers the lived experience and expertise of grassroots community members. Any grassroots organizing must include leadership development support and training that breaks down big, often complex, policies and ideas. This is most effective when the organizers are from the communities they are organizing, both in identity and geography, and have built strong, trusting relationships with the base and the leaders they are working to develop into health justice advocates. If an organization does not have community organizing capacities, connect with other organizations who do, and then:
 - A. Learn what bills these organizations are prioritizing in order to match the right opportunities to the right grassroots member base
 - B. Educate these groups on what demographic notes are, the process for how the community can participate, and how to engage their members in the public comment process prior to the start of the session
 - C. Share when the public comment period is open and the deadline for submitting comments for the demographic note

1. Demographic Note for Senate Bill 20-065: http://leg.colorado.gov/sites/default/files/images/lcs/sb065_00.pdf

- D. Share templates and examples for how they can engage their members with relevant lived experiences in submitting public comments
- II. **Policy analysis and advocacy capacity:** Organizations need to be able to track and follow the demographic notes process through the legislature. Organizers often have working knowledge of the policies to connect to the everyday experiences of grassroots members, but support from policy staff who are more closely connected to the process is essential to learn about policies in more depth.
- III. **Communication capacity and channels:** Support for leadership development and member engagement is critical. Organizations must be able to quickly create and distribute comment templates, action alerts, talking points, and education materials to engage the grassroots base, and integrate the actions taken by grassroots members into a contact database.

LESSON LEARNED: ENGAGEMENT PROCESS

Leveraging these three core capacities, organizations can effectively engage community members in the public comment portion of the demographic note. Importantly, these steps are cyclical and interdependent in nature.



PREREQUISITE: Build a strong base of trained, directly-impacted individuals through community organizing and leadership development that forms authentic and trusting relationships OR develop strong relationships with organizations that have trained, directly-impacted bases.

STEP 1: Actively monitor the policymaking process and become well-versed on any legislation being considered for a demographic note. Translate that analysis to the communications and organizing teams, and explain the types of individual experiences that are related to the issue.

STEP 2: Write talking points and develop templates for comments. Translate these tools to other languages. Create forms for easy tracking and comment collection.

STEP 3: Identify grassroots members who have a connection to the specific issue. Connect with them to offer the opportunity to share their experiences and explain the process and deadline. Collect comments and help them fill out any forms, including possibly translating comments to English. Send finalized comments to the internal policy team.

STEP 4: Keep community members up-to-date on the outcomes of the bill as it moves through the process, and share the impacts of the use of demographic notes and their public comments.

EXAMPLE: LATINX CAPITOL DAY

In early 2020, members were trained on opportunities to participate in the legislative process, then brought to the Capitol to meet their legislators. This direct support for grassroots leaders provided necessary context and built confidence to engage in the legislative process, as well as identified the issues members are most connected to. When the opportunity for comment on a demographic note arises, these individuals can now be quickly mobilized to respond.

RECOMMENDATIONS: FOR ORGANIZERS

Organizing is the most powerful and effective strategy to promote community participation in the demographic notes process. It is focused on building a large, strong, and diverse base of people who can use their collective leadership and power to engage in civic processes. Organizers should:

- I. **Train grassroots leaders:** Leaders must learn how a bill becomes a law and the roles people can play in the democratic process. Before the fast-paced legislative session, **organizers should explain what demographic notes are, the opportunity they present, how to submit public comments, and how important this process and demographic data is in policymaking.** These trainings should aim to increase understanding of how public comments and stories from constituents influence the crafting of legislation. Trainings should include explanations of comment templates and talking points, practice developing stories and comments, and guidance through the process that will be used during the session. In addition, broader trainings on the legislative process are essential so grassroots members understand the bigger structure that demographic notes are a part of. Center for Health Progress conducts interactive trainings in Spanish and English on topics like “How a Bill Becomes a Law,” “Lobbying v. Advocacy,” and a session on how to prepare for a trip to the Capitol to speak with your elected officials. This also includes creating clear and organized meeting agendas with elected officials in order to get your point across and questions answered.
- II. **Use public comments as leadership development:** As an initial step, organizers should identify grassroots members who have a connection to the specific issue being targeted for demographic notes before the legislative session begins. **Organizers should know the connections between the lived experiences of their leaders and the organization's active areas of work, and should draw out these connections.** Organizers can then connect leaders with the opportunity to share their experiences, including those who may face barriers to physically going down to the Capitol, through opportunities like demographic notes.
- III. **Increase comfort at the Capitol:** Showing up at the Capitol physically, whether for an event or tour, before participating in public comment processes can have a deep impact on new leaders, especially immigrants and all those new to the democratic process. Showing up in larger numbers commands the attention of their elected representatives, and shows leaders the power of community and community organizations. It is critical to have funding and resources for members and leaders to travel. This includes, but is not limited to, mileage reimbursement, wage replacement, lodging, interpretation, child care stipends, and a meal or two depending on how long the day at the Capitol will be.



EXAMPLE: PUBLIC CHARGE COMMENTS

In late 2018, the Department of Homeland Security was accepting comments on its proposed public charge rule change. Center for Health Progress organizers hosted several comment collection events for local immigrant women with personal connections to the rule change. Speaking to the media after submitting her comment, Martha Silerio said, “For me it was important to act as a voice in support of people's access to medical services.”

- IV. **Report back:** As a piece of legislation moves through the legislative process, organizers should share the impacts of demographic notes and work to make sure leaders are updated on the outcomes. Organizers should celebrate victories with leaders to build positive momentum for movement building.

These steps help deepen understanding of demographic notes, points of public participation in the legislative process, and power building. Organizers should track the number of comments made from community members so they can assess who is more responsive to this type of activity, and to plan for growth over time.

RECOMMENDATIONS: FOR OTHER STATES

The following recommendations are for other state advocates and legislatures considering their own efforts to create a demographic notes process or similar:

- I. **Center equity:** States should stand firm in the centering of an equity framework as the foundation for this type of work. Currently in Colorado's state legislature, there is an inherent tension with the term "equity." Don't shy away from this tension, but instead ***work with legislators to demonstrate the importance of data and how it can be used to create effective public policy and make progress towards equity.*** Prior to the legislative session, it can be useful to set up trainings on health equity with legislators and their aides, so that you can begin to identify who the equity champions are, and who may need more coaching and influence to understand the value of data through demographic notes in strong policymaking. This can also include direct follow-up with key legislators who chair relevant committees, supporting them to ask specific questions that narrow in on equity-related issues as they come up. Be sure to define key terms during these trainings so everyone is on the same page.
- II. **Cultivate ongoing relationships with legislators:** Organizations should meet and work with key legislators and their staff prior to the legislative session. These can be people who represent members in your base, and/or those who you would like to strengthen or build new relationships with. It would be advantageous to ***meet with them and ask them what their legislative priorities are, how they're working to make them successful, and if the demographic note would be useful to that strategy.*** In our experience, legislators were not thinking about demographic notes, including the original bill sponsors. This is a good opportunity to build a reputation as a trusted resource who can support their work and strategy, as well as engage potential constituents in the public comment process. Community members can also build relationships with these legislators by participating in these meetings, sending thank you notes and emails, and continuing to meet outside of the legislative session to deepen relationships and build power.
- III. **Train research staff:** Staff who produce analysis for demographic notes, or similar processes, should receive training on what equity is, what it means, and how to utilize that framework as a foundation for their research. In Colorado, after urging from Center for Health Progress, the Legislative Council opted to receive equity training from the Office of Health Equity, which operates within Colorado's Department of Public Health and Environment. Topics included implicit bias and bias in data, which provided an understanding of the historical and systemic context from which data is collected.
- IV. **Work collaboratively:** Organizations should coordinate their efforts to support the legislature in using demographic notes, or similar processes, and to promote better use of data and community voices in all policymaking.

CONCLUSION: OPPORTUNITIES & LIMITATIONS

The explicit goal of the demographic note is to utilize existing data that state agencies already collect, along with national research, in order to write and pass stronger, more equitable legislation. This is an effective best practice to ensure future laws can reach their intended outcomes, and even inform other bills moving through the legislature. **Demographic notes, and public policy in general, are also better informed and more effective at reducing disparities when the lived experiences of community members are included in the research and data.** We encourage states and community-based organizations to promote their use.

Demographic notes are just one activity for the community to engage in during the policymaking process. In Colorado, the process happens very quickly, is conducted electronically, and only in English, which poses limitations on accessibility. Extending the comment period won't necessarily alleviate these accessibility issues because the Colorado legislative session is about five months long, and that could impede a bill from moving forward at a quicker pace. Any delay in the process could make a demographic note feel more like a barrier to policymaking for legislators, and not an asset. Participation in the development of demographic notes should be part of a broader community engagement strategy that invites community members into the democratic process in many ways.

Even with time and accessibility constraints, we are confident that the recommendations and lessons learned outlined in this report will, if adopted, strengthen community understanding and engagement with demographic notes. The real opportunity is for legislators to **leverage data to make better public policy**, for community leaders to learn about the legislative process and **increase their leadership and civic engagement**, and for community-based organizations to **cultivate health equity champions across the state** who will fight for laws and policies that make it possible for everyone to take care of themselves and their families.

ACKNOWLEDGEMENTS

This brief is supported by a grant from the Health Impact Project, a collaboration of the Robert Wood Johnson Foundation and The Pew Charitable Trusts. The views expressed are those of the authors and do not necessarily reflect the views of the Health Impact Project, The Pew Charitable Trusts, or the Robert Wood Johnson Foundation. Thank you also to the Colorado Center on Law and Policy, Colorado Fiscal Institute, and Colorado School of Public Health for their partnership on this project.

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