Unicameral v. Bicameral:

Pros and Cons

By Ava Alexandar, Molly Milligan, Robert Stern and Tracy Westen
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Introduction

Reform in California gained significant traction in 2008 and 2010 as Californians passed ballot measures creating an independent redistricting commission and implementing open primary elections. Neither reform, however, addressed the public’s disenchantment with California’s legislature, which the public holds in very low esteem – only 16 percent public approval in March 2011, up from 10 percent in September 2010. The legislature seems almost incapable of solving the state’s major problems. Much of the blame needs to be put on the intense partisanship in today’s politics, but others argue that some of this can be attributed to the inefficient structure of the state’s two house system.

A legislature should provide a direct, open and responsive link between citizens and the state. Its purpose should be collective decision making and problem solving. It should filter complex information using superior resources and expertise to provide constituents with well-defined options and inspire citizens to appreciate common goals. Members of the legislature, aware that their legitimate authority is derived from the consent of the governed, must represent both the interests of their local constituencies and the interests of the state as a whole, a balance that can often create tension even in the rosiest of times.

Californians have lost confidence that their legislature is effective. They are understandably underwhelmed by a legislative process characterized by influential campaign contributors, lobbyists, gridlock, last-minute deal making and inattention to the needs of individual citizens. As a result, citizens tend to ignore most of the legislature’s work. An overhaul of the structure of the state legislative body could begin to reverse this lack of confidence. An amendment to or revision of the state Constitution to create a unicameral legislature to write California’s laws could lessen polarization and increase efficiency in the capitol.

The California State Constitution allows voters to amend the state constitution through the initiative process. The ability to revise the constitution, however, is entrusted jointly to the legislature and the voters. A revision of the state constitution can follow voter approval of changes made during a constitutional convention or changes adopted and placed on the ballot by a two-thirds majority of the legislature.
A revision is a “significant alteration in the balance of powers through the Constitution . . . .” Constitutional revisions fall into two distinct categories, quantitative and qualitative. A quantitative revision effects numerous provisions of the constitution making an impact widespread throughout the constitution. A qualitative revision creates a significant change in the constitution’s explanation of California’s governmental structure. Determining whether a proposed change to the constitution constitutes a quantitative revision is considered the easier of the two, as “court looks only at the number of constitutional provisions changed or deleted,” while the definition of a quantitative revision is more nebulous.

The California Supreme Court is loath to reject an amendment approved by the people and has held that its “solemn duty [is] to jealously guard the precious initiative power, and to resolve any reasonable doubts in favor of its exercise . . . .” In very rare cases, however, the court has declared a voter-approved amendment to actually be an unconstitutional revision.

Most scholars agree that the adoption of the unicameral form for the California legislature would fundamentally alter our system of government and thus would be, by definition, a revision. A proposal to do away with one house of the legislature would be required to gain the support of two-thirds of the legislature in order to be placed on the ballot and then a majority of California voters would have to approve the measure. Given the current political climate, the possibility that these events would occur, particularly the required legislative action, is minute. A major scandal or governmental crisis could alter the political environment and provide fertile soil for a unicameral debate to flourish.

4 Raven v. Deukmejian, supra, 52 Cal.3d 336, 276 Cal.Rptr. 326, 801 P.2d 1077.
5 Others point to the term limits amendment enacted by people as proof that a major change to the legislative system does not always equal a constitutional revision. Proposition 140 enacted legislative term limits and imposed a 40% cut on the legislative budget, but the California Supreme Court did not deem it to be a constitutional revision.
Although not unprecedented among the states -- the Nebraska legislature has been a unicameral body for almost 75 years -- such a change in California’s government would make the Golden State the most prominent unicameral body in the nation as well as one of the largest jurisdictions in the world with a one house structure. The possibilities are intriguing for the average citizen: Proponents of unicameral systems maintain that legislative districts would be smaller, legislators more attuned to their constituents’ needs, the legislature less expensive to operate, and public business would be conducted more efficiently and transparently. Moreover, they argue further, the 1964 proclamation in Reynolds v. Simms, that the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution requires legislative districts be apportioned on the basis of population, removed much of the historic justification for two house legislatures in the states.6

This paper presents the pros and cons of a unicameral legislature. The first section begins with a comparison of the arguments made by proponents and opponents of such a system. The second section presents a brief history of unicameral bodies in the United States. The third section discusses the debate leading up to and the reasoning behind Nebraska’s adoption of its current legislative structure. The fourth section discusses how Nebraska’s unicameral body actually works, based on interviews with the long-time chief clerk of the legislature and a scholar who has studied and observed its workings. The fifth section explores some questions that must be considered by policymakers considering a shift from a bicameral to a unicameral legislature. The sixth and seventh sections provide a sampling of proposals to abandon California’s bicameral legislature in favor a unicameral legislature and recent academic proposals for a California unicameral legislature. The final section describes the unicameral legislative process in New Zealand.

I. Unicameral v. Bicameral Systems: The Pros and Cons

Unicameral legislatures occur more frequently in systems where the national government is a single unit.7 “Approximately half of the world’s sovereign states are presently unicameral,

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7 “Unitary Government is a system of government in which all governmental authority is vested in a central government. The regional and local governments derive their powers from the central government. Sovereign power
including both the most populous (the People’s Republic of China) and the least populous (the Vatican City).” With a few exceptions, governments with unicameral legislatures tend to be found in geographically small countries that have homogeneous populations of fewer than 10 million people in addition to few opposing political interests. Some, but not many, unicameral legislatures have adopted a quota system to guarantee that certain minority groups are provided with adequate representation.

**Bicameral legislatures** are featured in federal systems where power is disbursed among power structures, such as federal, state and local governments. The people are represented in both an “upper” and “lower” house. Representation in lower houses is usually based on a proportional division of the population to create districts; thus, each member represents nearly the same number of citizens. There is greater variation in how upper houses represent the people. Members of upper houses may be elected either through direct or indirect elections, appointed, or inherit their positions. Representation in upper houses is usually based on subdivisions that may be drawn based on regional divisions, as with the United States Senate. Chamber responsibilities and authority varies among nations.

We will compare the efficacy of unicameral vs. bicameral legislatures by focusing on:

- Quality of representation
- Accountability
- Stability
- Authority
- Power
- Decision-making
- Cost-effective and efficient legislative process
- Political tradition

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is vested with the central government and governance is conducted by it. The central government will stay supreme even if powers are delegated to regional governments. The United Kingdom is an example of a nation having a unitary system of government.” USLegal.com. http://definitions.uslegal.com/u/unitary-government/

A. The Quality of Representation

Quality representation requires legislators to take into account the policy preferences and interests of their constituents and to develop policies in accordance with those interests.9

Unicameralists argue that having an upper and a lower house in state legislatures is unnecessarily duplicative because the legislators serve essentially the same populations. They maintain that a unicameral system simplifies the legislative process, allows greater transparency, brings representatives closer to their constituents and reduces the power and influence of money and special interests. The public benefits in unicameral systems because its simpler legislative process can be more easily observed and understood, allowing citizens a greater possibility of participating in it. Unicameralists point out that minority representation in any such body is dependent on the quality of the institution and not on the number of chambers.

Bicameralists counter that legislators in the two houses serve different districts and therefore different constituencies. In a bicameral system, one’s representatives may include members in two houses from different parties, who serve on different committees, have different relationships with communities and different life experiences to draw on. These features, they argue, create a legislative system that is more responsive to the political interests of diverse communities. Further, providing the electorate with more than one representative gives constituents more opportunities to connect with any one of their representatives. They point to the Founding Fathers’ goal of adopting a bicameral system to thwart the tyranny of the majority and balance opposing political interests. They suggest that the complexity of the bicameral system creates additional barriers against the influence of special interests by forcing those interests to gain the support of larger numbers of political leaders.

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B. Political Stability

The Founding Fathers created a dual chamber legislature because they envisioned a House of Representatives filled with “firebrands” and a more staid Senate that “cools the legislative tea.”\(^\text{10}\) They intended to create a government with checks and balances and a legislature that was both deliberative and responsive to the interests of the people. Whether a two-house or a one-house legislative structure contributes to a more stable government (which ideally is both responsive and deliberative) is an area of major disagreement.

**Unicameralists** point to Nebraska as proof that a unicameral legislature can be both deliberative and responsive to the popular will resulting in stable sound government. Nebraska’s four-year legislative terms are overlapping. Half of the members, thus, are up for re-election every two years. This type of electoral process results in legislative stability, because half the legislature, knowing that voters will hold them accountable in the next election, is more responsive to public opinion. The other half knows it seats are secure until the following election, allowing those members to take a longer view of the legislative agenda, and resulting in a legislature that is both responsive and deliberative.

**Bicameralists** argue that the legislative process was intentionally created to move slowly, and with restraint, to accommodate the competing interests of the electorate and to provide stability in the law. They contend that creating separate chambers that are elected at different times and serve for different periods of time embodied these principles because one branch is structured to act more quickly to reflect the changing mood of the electorate while the other is by design deliberative. They point to Nebraska’s system with its overlapping four year terms and rotating elections and note that every election half of the electorate is disenfranchised. They also argue against unicameral systems that require all legislators to stand for election every two years because the legislature would thus be vulnerable to the mercurial whims of popular opinion.

C. Accountability

An essential part of representation is providing the electorate with the means of holding their legislature accountable for their legislative actions. This requires the legislative process to be visible and open to public scrutiny.

Unicameralists argue that the simplicity of the legislative process in a single chamber provides greater transparency and, by extension, accountability of legislative acts to citizens. This streamlined relationship between the representative and the represented encourages legislators to be more accountable to the people they serve. It also requires legislators to become individually more responsible, since they know the “buck stops with them,” and that they must therefore accept responsibility for their legislative actions. Unicameralists argue that the overly complex nature of a bicameral legislature provides opportunity for members to “pass the buck,” or place blame on the other house, in addition to frustrating efforts by constituents to place credit or responsibility for legislative actions on the proper member or members. They point out that bicameral legislatures provide fertile soil for legislative log-rolling, where members vote for bills that they do not support to curry favor with other legislators, knowing that bills frequently “die” in the other chamber. Finally, they disparage conference committees which effectively remove legislative decisions from the rank-and-file members because the members on the floor cannot amend conference committee reports.

Bicameralists contend that simplicity does not necessarily lead to greater transparency and accountability. They argue that the bicameral system is significantly transparent because the work of conference committees is open to public view and debate and therefore provides the electorate with opportunities to hold the legislature accountable. If conference committees are too powerful, they argue, the solution is to reduce the power of the conference committee, not remove the second legislative house. In addition, the committee of one house may find problems in a bill that the committee in the other house did not. They further argue that citizens in Nebraska, home of the nation’s only unicameral state legislature, are no more well-informed than their counterparts in other states. Further, the democratic process requires that responsibility be diffused through collective decision-making. Bicameralists insist that log-rolling and other types
of legislative bargaining will always be a part of the legislative process because legislators in any system will try to increase individual influence as they represent constituents regardless of the number of chambers in the legislature.

**D. Authority**

Legislative authority provides members with the expertise, confidence and ability to act in the interests of their constituents during the policy process and to maintain a check on the executive branch when the executive over reaches its authority.

**Unicameralists** argue that the nature of bicameral systems dilutes legislative authority because it splits decision-making between the competing principals of the two houses, multiple committees and two sets of legislators. The slow-moving nature of a bicameral system thwarts decision-making and encourages rivalry and conflict among the members of the two chambers. On the other hand, they say unicameral legislators feel beneficial pressure to acquire their own in-depth expertise, since they cannot rely on a second chamber to catch their mistakes. Unicameralists also say its legislators are checked and constrained by the electorate, judicial review and executive veto.

**Bicameralists** say that a bicameral legislature affords the legislators greater opportunity to develop higher levels of expertise that foster more independence and authority when dealing with the executive branch. They contend that a unicameral legislature is inherently weaker, because it has fewer committees, and provides fewer opportunities for members to develop specialized knowledge which weakens legislative oversight of the executive branch. Further, they point to Nebraska and suggest that its one-house legislature has no more influence over its executive than bicameral legislatures in the other states. Finally, countering the unicameral argument that suggests that members of unicameral bodies have greater authority because they can act “alone” and do not have to reconcile legislation with a second legislative chamber, bicameralists maintain that legislative restraint, rather than greater legislative authority, is the basis of democratic governance and it is inherent in a bicameral system.
E. Power

Bicameralists and unicameralists each argue that the other legislative system has undesirable consequences for the concentration of legislative power either in the hands of a few powerful leaders or by a chamber unrestrained by a second legislative check.

Unicameralists contend that in a bicameral system power coalesces around a few members (powerful party leaders, committee chairs and conference committee members), while power in a unicameral legislature is distributed among the rank-and-file members.

Bicameralists argue that power in a unicameral legislature is unrestrained because it is concentrated in one house with no additional legislative check. Bicameral legislatures do not depend on legislators to keep themselves in check, but rather depend on the constitutional protections provided by a dual-chamber legislature. They say that Nebraska’s small legislature (49 members) allows for a greater dispersion of power and that this dispersion of power is not likely in a larger unicameral legislature.

F. Decision-making

Legislative deliberation and decision-making is directly affected by the rules, procedures and organizational structures developed by a legislative body. Bicameralists and unicameralists disagree about what organizational structures create the most effective legislative decision-making environment.

Unicameralists argue that the legislative process in one house creates an atmosphere that allows more time for thoughtful reflection of legislation and more deliberative decision-making because the process is not burdened by the redundancy of two houses. Unicameralists believe that the judicial and executive branch checks are sufficient to assure quality control over legislation. They counter that the evidence does not support the argument that the additional check in a

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bicameral system improves the quality of legislation or safeguards against legislative errors. In fact, the dual-chamber process encourages poor legislative decisions and even errors because members take less care when voting on legislation as they know that errors can be “fixed” in conference committee. Finally, unicameralists point to the constant backlog of the bills at the end of legislative sessions in bicameral systems as evidence that the nature of two chambers fosters inefficiency that can lead to hasty, end-of-session decisions that are not in the best interest of the people.

**Bicameralists** argue that the redundancy found in two chamber legislatures is essential in creating a sound legislative process. While both types of legislatures are subject to the quality controls of the executive and judicial branches, those other two branches can only nullify or veto laws enacted by the legislature. Their checks cannot replace the legislative check that catches errors and improves bills before they are enacted. Multiple committee hearings and debates create a redundancy that forces legislators to take a second and third look at legislation that will impact the lives of their constituents. This redundancy provides additional oversight by multiple committees and members that may catch potential errors and improve the quality of legislation. Such oversight is not provided for as extensively in a unicameral legislature. Further, it is redundancy that provides citizens with the opportunity for greater participation because the extended process allows them time to understand the issues, develop opinions about efficacy of legislation and communicate their opinions to their legislators.

**G. Cost-Effective and Efficient Legislative Process**

Effective representation of the people’s interests includes the assurance that members perform their legislative duties in a manner that is both cost-effective and efficient. Both bicameralists and unicameralists claim that their system inherently produces such traits.

**Unicameralists** argue that a one-house legislature could contain fewer members, fewer committees, and is more direct. The elimination of redundancy and duplication is more efficient and consequently less costly. They point to the approximately 50% decrease in annual legislative
costs that Nebraska has realized since 1937, even though it still spends more on legislative staff than neighboring states.\textsuperscript{12}

\textbf{Bicameralists} counter that any savings achieved through the reduction of legislators and staff in a unicameral body is insignificant, compared to the loss of legislative effectiveness, if the size of a state’s budget is taken into consideration. They note that Nebraska’s annual savings of $20 million is less than two-tenths of one percent of its annual budget -- a relatively negligible amount.\textsuperscript{13} They suggest that because Nebraska has such a small legislature, and because it is non-partisan (and thus does not appropriate funds for political caucuses), comparing the savings that might be achieved in other states to that achieved in Nebraska is unreasonable.

\section*{H. Political Tradition}

Bicameralists and unicameralists each argue that their legislative system has been tested and is well represented in American legislative tradition.

\textbf{Unicameralists} contend that single chamber legislatures are not unprecedented in American tradition as two of the colonies (Delaware and Pennsylvania), the Continental Congress, three early American states (Georgia, Pennsylvania, and Vermont) and Nebraska have employed or employ the unicameral form. They say that local governments effectively utilize unicameral systems in jurisdictions across the country. They argue that many parliamentary systems in other countries are essentially unicameral bodies, since upper houses in many of those countries have become almost vestigial and lack significant power. Finally, they contend that private industry does not employ multiple governing boards in decision-making, because that would be inefficient and ultimately ineffective to carry out corporate missions.

\textbf{Bicameralists} believe that instituting a unicameral legislature is a sweeping change that runs counter to the Founding Fathers’ vision of bicameral legislatures in America. They argue that it is unreasonable to expect outcomes similar to Nebraska’s non-partisan unicameral legislature in


\textsuperscript{13} Id.
states more populous and diverse. They reject comparisons to unicameral systems in other nations as not relevant, because of their differing environments, traditions and expectations. Finally, they cite a lack of parallel experiences, even in the business world; to be sure, private corporations would not allow two governing boards, but they are profit making entities that are not entrusted with or responsible for sound law-making that reflects the will of the people and the state’s Constitution.

II. Unicameralism in American History

Long before the American Revolution, the colonies operated as “membership” corporations overseen by governors or directors. To calm the strife that might occur between the corporation’s directors (“magistrates”) and the members, permanent groups of representatives of the members (“deputies”) were created to act as advisory boards to the magistrates. At first, these bodies sat together, but as “the representatives of the people began to seek independent powers, they also began to hold separate sessions.”14 These governing bodies, which mimicked the legislative structure in England, operated for many decades, evolving into formal colonial governments before the Revolution. By that time the representative chambers (equivalent to the “deputies”) “had generally succeeded in surpassing the upper houses (equivalent to the “magistrates”) in importance.”15

Following the American Revolution, the new nation adopted the Articles of Confederation, which provided for a unicameral governing body called the Congress of the United States, made up of representatives numbering from 2 to 7 from each state. Each state had only one vote in the Congress, and the votes were controlled by their legislatures, which, additionally, could recall their representatives at any time. The new states feared a strong central government. During the eight years of their existence, however, the Articles exposed the inability of the states to develop commercially without strong central organization.

15 Id.
Delegates to the Constitutional Convention in 1787 therefore abandoned the Articles of Confederation and wrote a new governing document. They ultimately agreed to the Connecticut Compromise, which created a strong central government, and at the same time preserved a portion of the sovereignty of the individual states. This compromise was based on a bicameral legislature—proportional representation in one house balanced by equal representation of the states in the other—so that the interests of the less populated states would not be overwhelmed by the voting power of states with large populations. This check and balance is fundamental to our federal system of government.

Writing in 1788 in *The Federalist*, James Madison noted “that in a compound republic, partaking of both the national and federal character, the government ought to be founded on a mixture of the principles of proportional and equal representation.” The bicameral form would provide the government with sufficient common power to reach its objects and also restrain it against sudden, passionate impulses. He argued that the additional body should have “sufficient permanency to provide for such objects as require a continued attention, and a train of measures, [and] may be justly and effectually answerable for the attainment of those objects.”

After the Revolutionary War, some states continued to function under their former charters. Three colonies—Pennsylvania, Georgia and Vermont—continued with single chamber legislatures. Pennsylvania had employed a one-house legislature since 1701 and its Assembly enjoyed more power than any other in the colonies. Georgia and Vermont followed its model in 1776, but Georgia and Pennsylvania, apparently persuaded by *The Federalist*, abandoned the unicameral form in 1789 and 1790, respectively.

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17 Id. “Another advantage accruing from this ingredient in the constitution of the Senate is, the additional impediment it must prove against improper acts of legislation. No law or resolution can now be passed without the concurrence, first, of a majority of the people, and then, of a majority of the States. . . . [A]nd as the faculty and excess of law-making seem to be the diseases to which our governments are most liable, it is not impossible that this part of the Constitution may be more convenient in practice than it appears to many in contemplation.”
18 Federalist 63, published March 1, 1788, http://www.constitution.org/fed/federa63.htm
Only Vermont continued this form after the strong federal government was created. Its constitutional framers concentrated executive power not in an individual, but in a council lead by a governor and a lieutenant governor\textsuperscript{21} that “was in many aspects a part of the legislative process.”\textsuperscript{22} A subcommittee of this council was the “council of censors,” which had the power to see that the state constitution was followed. This group of thirteen members served seven-year terms, but it met infrequently (just thirteen times in over 50 years). The council, “never friendly to unicameralism,” suggested at least five times that the legislature should be changed to a bicameral form.

Political uncertainty reigned during the 1830s which in Vermont saw multi-party chaos, including the rise of the Anti-Masonic Party (given credit for preventing the election of a governor in 1835).\textsuperscript{23} Taking advantage of the political disorganization in that decade, during which no governor received a majority of the popular vote, the censors called a constitutional convention in 1836 and proposed an amendment to create a two-chambered legislature. Many at Vermont’s convention believed that the turmoil in governance lay in the peculiarities of the unicameral system. The censors thus made the following arguments:

(1) Bicameralism would check the tendency toward hasty, unwise action.

(2) It would banish the “baneful” effects of party strife because the distribution of representation would be more equitable.

(3) Vermont would adopt the same system as the other states had used successfully.

(4) The ballot would be shortened.

(5) The “simple” unicameral form was unsuited to “a complex civilization and was inherently vicious.”\textsuperscript{24}

\textsuperscript{21} This was a response to heavy-handed colonial Governors. Shull, \textit{American Experience with Unicameral Legislatures}, at 9.
\textsuperscript{22} \textit{Id.} at 10. Shull explained that the “executive council” was comprised of the governor and others in the executive department in addition to the council of censors.
\textsuperscript{23} \textit{Id.} at 10.
\textsuperscript{24} \textit{Id.} at 10-11.
The amendment creating a bicameral legislature was adopted. Vermont’s unicameral experience had lasted 59 years. Uncertainty, however, was common in political life in the 1830s everywhere in the United States, “but in other states, with no peculiarities of state organization, it was just accepted.”

III. The 1934 Argument for a Unicameral Legislature in Nebraska

In 1999, writing about the push for a ballot initiative to create a unicameral legislature in Minnesota, The Economist described what persuaded 1934 Nebraska to adopt a unicameral legislative system: “a state battered by the Depression voted for unicameralism because it wanted to save money; because it loved the oratory of Norris, who argued his case across the state (wearing out “two sets of tyres [sic] and two windshields,” his widow complained); and because the ballot about unicameralism also contained a proposition to repeal prohibition and allow pari-mutuel betting.”

University of Nebraska Professor Charlyne Berens doesn’t disagree with that superficial judgment, but adds “the actions taken by the leaders in the pro-unicameral movement imply an inherent, although largely unarticulated, political philosophy about how the people should be the government and that government should serve the people.” She notes that the movement toward unicameralism had its roots in the widespread progressivism in the Midwest in the late 19th century. The idea was first studied by a commission of the Nebraska legislature, which reported in 1915 that it saw “no need to retain a second house to represent the wealthy class or the aristocracy in a democratic state.” Reformers, however, failed to persuade the legislature as

25 Id.
26 Id. at 11. Shull commented that “[o]ften in American political life changes in fundamental forms of government are secured during times of political uncertainty when people without any logical analysis of the fundamental factors believe that the old system is to blame for conditions. Such was the case in Vermont.” at 10.
28 Charlyne Berens, One House: The Unicameral’s Progressive Vision for Nebraska, University of Nebraska Press (2005), 18.
a whole to put the necessary question to the voters. Similar efforts failed until the Great Depression kindled new life into the movement.

George Norris, then a United States Senator known for his integrity and independence, lent his passion to reforming Nebraska’s government. Arthur Schlesinger described Norris as fighting against “consuming ambitions, both for power and for wealth; the greed and avarice of individuals and groups for wealth; [and] the injection of privilege, favoritism and discrimination in national policy.” Norris was a champion of the populist/progressive ideal that government should serve the people’s will. To this end, he campaigned tirelessly for “a real democracy’ and a legislature so open that the ordinary person could easily understand and observe it in action. Then every Nebraskan could ‘clearly see whether his or her representative in the legislature was carrying out his promises and working for the betterment of mankind and for the improvement of our system, or whether he was covering up his tracks while serving special interests.’”

Norris took up the fight for a unicameral legislature in the aftermath of widespread citizen disgust with the 1933 Nebraska Legislature. That body fought openly, fumbled myriad legislative opportunities and, finally, had to be called back in a special session to pass appropriations it had failed to approve in order to keep the state functioning. Norris saw an opening of support for the smaller, more transparent body that he believed would return the Nebraska government to its people. An initiative quickly qualified for the ballot based on his proposal calling for a unicameral, nonpartisan legislature in which 30-50 members would serve two-year terms.

The ballot measure had broad public support, but was opposed by nearly all the newspapers in the state, political party leaders, agricultural leaders, bankers and businessmen. Voters were warned that power would be concentrated in too few persons, that ill-considered bills would be easier to pass, that special interests would be advantaged by the absence of “party discipline” and that the larger-sized legislative districts that were contemplated would take power away from

32 Berens, One House, at 36.
33 Id. at 37-38.
farmers. Voters were reminded that the legislature needed two houses in order to check regional interests and that the plan “would be an about-face from the democratic [way] of making laws by the people into the unexplored realm of making laws by a bloc or oligarchy.”34 They were advised that “lobbyists would be able to ‘buy a few men cheap’ in such a body.”35

Supporters of the measure claimed that, to the contrary, the reforms would make the legislature’s work more transparent and accessible to the ordinary citizen. Legislators no longer would be able to pass the buck to avoid accountability. Issues would not be defeated by the secret manipulations of conference committees or subject to symbolic gestures rather than true deliberation. The small size of the legislative body would assure that “individual members would debate freely and be able to amend bills to make them better. [A]ll points of view would be represented and each member would feel more responsible for studying and weighing the merits of proposed legislation.”36 In 1934, the voters approved the constitutional amendment by 59.6 percent; it dissolved the Nebraska House of Representatives and transferred all legislative power to the Senate.37

When the rules were put in place for the first session of the unicameral legislature in 1937, an idea that was radical at the time was immediately proposed and adopted: standing committees would be required to hold public hearings on every bill referred. The hearings had to be held following a five-calendar-day notice and records of committee proceedings were to be kept, with roll-call votes being part of committee reports. Moreover, even if members of the general public were excluded from the executive session of a committee, “reporters should be allowed to remain and to report on what they observed.”38

On the floor, the language of the successful ballot measure amendment had said that “the doors of the Legislature and of the Committee of the Whole shall be open, unless when the business shall be such as ought to be kept secret.” Specific rules addressed this by assuring that no final

34 Editorial, Omaha World-Herald, October 30, 1934.
35 Berens, One House, at 37, citing editorial, The Nebraska Beacon, May 3, 1934.
36 Id. at 43-44.
37 Id. at 38.
38 Id. at 46, quoting Editorial, Arkansas Gazette, May 18, 1937. This rule survives to this day. See footnote 57 for the treatment of non-traditional members of the media, such as bloggers, under the Unicameral’s current rules.
vote could be taken within the five legislative days following a bill’s introduction or until a bill had been on file for final reading for at least one legislative day. No bill could contain more than one subject. Amendments were to be printed and read in the chamber before a vote on final passage. Each bill would be considered twice on the floor, giving citizens a chance to monitor each one before a final vote took place.\(^39\)

**IV. The Nebraska Unicameral Legislature: The Nation’s Smallest Legislature**

**A. How It Functions**

The Nebraska unicameral legislature (commonly referred to by politicians and citizens there as “the Unicameral” or “Unicam”) meets every year: 60 days in even-numbered years and 90 days in odd-numbered years. The session convenes on the first Wednesday following the first Monday in January in odd-numbered years. The Unicameral Legislature has 49 non-partisan Senators (one fewer than the maximum permitted by the Nebraska Constitution), each serving staggered four-year terms. Senators are limited to two terms, but former senators become re-eligible for election after they are four years out of office. Before its unicameral legislature was instituted in 1937, the Nebraska legislature had 133 members serving in two houses. Currently each Senator serves about 35,000 citizens.

**i. Organization of Leadership and Committees**

The leadership of the legislature and the chair of each standing and select committee are elected by secret ballot on the chamber floor at the beginning of each two-year session.\(^40\) (See Appendix A for *Selected Rules of the Nebraska Unicameral Legislature*). Leadership positions include Speaker, Chair of the Committee on Committees, Chair and Vice-Chair of the Executive Board (which has statutorily prescribed administrative and management duties), and the six other members of the Executive Board. There were 14 committees in the 2011 legislative session that concluded at the end of May.\(^41\)

\(^39\) Id. at 46-47.
\(^40\) Rule 1, Section 1 (1-1), *Rules of the Nebraska Unicameral Legislature*, adopted January 12, 2011.
\(^41\) Rule 3-3.
The Committee on Committees proposes a slate of member assignments, which by rule must be voted up or down, without amendment.\(^{42}\) The seats on all committees, including the Committee on Committees, are allocated as equally as possible among senators representing three regions in the state, corresponding to the state’s congressional districts.\(^{43}\)

The Nebraska Speaker was once largely a ceremonial officer. In recent years, however, the Speaker normally presides on the floor\(^ {44}\) and has considerable authority to control legislative action. The Speaker additionally prepares the agenda for daily floor sessions, subject to approval by the Executive Board.\(^ {45}\) The body may overrule the agenda by a three-fifths vote (30 members), but this rarely occurs.\(^ {46}\) Because the office is now less ceremonial, Speakers generally serve more than one two-year term, but still the Speaker lacks the authority to appoint committees, serve as a member of any standing committee or to refer bills to committees.

ii. Introduction of Bills and Committee Consideration

By rule, bills must be introduced in the legislature during the first ten legislative days of the annual session.\(^ {47}\) Nebraska requires all bills to be prepared and indexed by the Bill Drafter in order to avoid unnecessary duplication and assure that all bills and amendments are in the proper form and language.\(^ {48}\) Research assistance is provided by the Legislative Research Office and includes legal research, studies and reports to assist members in bill formation.

A bill may have an unlimited number of authors,\(^ {49}\) and Senators may introduce an unlimited number of bills, so long as they are personally willing to endorse and support each bill.\(^ {50}\) Certain bills may be introduced later in the session: those requested by the governor, bills for general appropriations, “A” bills (appropriating money for newly authorized programs), and bills

\(^{42}\) Rule 3-2 (b).
\(^{43}\) Rule 1-1 (a); Rule 3-2 (a).
\(^{44}\) Rule 1-5.
\(^{45}\) Rule 1-16.
\(^{46}\) Id.
\(^{47}\) Rule 5-4 (c).
\(^{48}\) Rule 5-1; Rule 3-17 (c).
\(^{49}\) Rule 5-4 (a).
\(^{50}\) Id..
introduced at the request of a committee (but such bills must be accompanied by a written committee statement of intent and must be approved by a three-fifths absolute majority of the body).\textsuperscript{51} Only a few bills are introduced after the deadline, most at the request of the governor.

Bills are referred to one of the various standing committees by the Reference Committee.\textsuperscript{52} In most cases, bills will receive a public hearing by the committee, with at least seven calendar days’ notice, “before taking final action on a bill,”\textsuperscript{53} which will include testimony and citizen comments. Committees will then recommend that the bill be placed on General File (with or without amendments) or that it be indefinitely postponed.\textsuperscript{54}

Committees are required to hear and report on every bill that is referred, but committees in Nebraska still control the fate of legislation, much as they do in other states. This is true because committees in Nebraska may report a bill in the negative, which takes the form of a recommendation to postpone a piece of legislation indefinitely. Once this occurs, the clerk records this action in the journal and thereafter a vote of an extraordinary majority of the body is required to resurrect the bill.\textsuperscript{55} Additionally, even with the requirement to hear and report on each bill, a committee may kill a bill by not reporting it upon adjournment, which means an automatic committee recommendation of indefinite postponement.

Committees routinely meet in executive session to mark up and act on bills.\textsuperscript{56} These sessions are open to the press\textsuperscript{57} but not to members of the public, lobbyists, public officials or senators who are not members of the committee. They are not recorded or transcribed, but copies of amendments and recorded votes are later available.

\footnotesize
\textsuperscript{51} Rule 5-4 (c) (1), (2), and (3).
\textsuperscript{52} Rule 3-4 (e) (i).
\textsuperscript{53} Rule 3-14.
\textsuperscript{54} Rule 3-17.
\textsuperscript{55} Rule 3-18 A three-fifths majority is required for motions to return a bill to General File made within three legislative days; a two-thirds majority is required for such motions made more than three legislative days later.
\textsuperscript{56} Rule 3-16.
\textsuperscript{57} Bloggers and other non-traditional members of the media generally are not granted access to executive sessions. However, exceptions are made when members of the non-traditional press were once members of a news organizations. Ultimately, each committee chair makes the decision regarding who will be granted access to executive sessions. Committee Chairs generally take the advice of the Clerk as to who will be granted access to the session. \textit{Information provided by the Nebraska Unicameral Information Office}. 

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Each Senator may designate one priority bill,\textsuperscript{58} which aids in managing sessions of the legislature. Committee chairs may designate two priority bills among those heard by the committee.\textsuperscript{59} The Speaker may designate up to 25 priority bills.\textsuperscript{60} The Speaker may also designate up to five priority bills as “major proposals,” with the approval of two-thirds of the Executive Board.\textsuperscript{61} Priority bills must be designated before a deadline set by the Speaker (generally about half-way through the session).\textsuperscript{62} Committees are required to hear priority bills before non-priority bills may be heard.\textsuperscript{63} Priority bills are considered ahead of all other bills at each stage of debate.\textsuperscript{64} Setting of such priorities falls to party caucus leaders in other states.

iii. Debate of Legislation

**General File:** After a bill is reported by a committee to General File, the legislature will debate it on the floor, consider amendments proposed by the committee, suggest amendments, make compromises and conduct a vote.\textsuperscript{65} A majority of the legislature (25 members) must vote on whether to adopt amendments. In the event that a bill “has become new and different by reason of amendments,” the Speaker may refer it to the Reference Committee, which will send the amended bill to the proper committee for a public hearing.\textsuperscript{66} If no significant changes occur in General File, the bill is advanced to Enrollment and Review.

**Enrollment and Review:** Bills advanced to this stage are “reviewed for recommendations relative to arrangement, phraseology, and correlation.”\textsuperscript{67} This review is performed by the Enrollment and Review Committee’s legal staff. The committee itself has just one member, its Chair. Bills advance to Select File once they have been reviewed.

**Select File:** This is the second opportunity on the floor to debate and amend a bill. At this stage, the full legislature may consider motions to approve or reject any or all of the changes made in

\textsuperscript{58} Rule 5-5 (a).
\textsuperscript{59} Rule 5-5 (b).
\textsuperscript{60} Rule 5-5 (d).
\textsuperscript{61} Rule 1-17.
\textsuperscript{62} Rule 5-5 (e).
\textsuperscript{63} Rule 5-5 (g).
\textsuperscript{64} Rule 5-5 (i).
\textsuperscript{65} Rule 6-3.
\textsuperscript{66} Rule 6-3 (g).
\textsuperscript{67} Rule 6-4.
Enrollment and Review, motions to amend the bill (or to amend an amendment to a bill), a motion to recommit the bill to the proper standing committee and a motion to postpone indefinitely. 68

**Final Reading:** Following consideration during Select File, the Clerk of the Legislature reads aloud the bill aloud before the full legislature (three-fifths of the legislature may vote to waive this formality) no less than five legislative days following introduction of a bill and one legislative day after it is referred to Final Reading. 69 This is the third opportunity for consideration of a bill on the floor. The legislature at this stage may entertain motions to recommit the bill to Enrollment and Review, to the proper standing committee (with or without instructions) or to Select File for specific amendment (if the amendment is adopted by a majority of the elected members). 70 Bills not recommitted are voted on for final passage.

**Executive Approval:** Upon final passage, a bill is sent to the governor for consideration and signature. The governor may line-item veto specific budget appropriations or veto the entire bill. The legislature may override a veto with three-fifths vote. 71

**B. What Observers Say**

Patrick O’Donnell, Clerk of the Legislature 72 and a self-proclaimed “enthusiastic supporter of unicameralism,” says that the unicameral legislature “has worked very well.” His description of the way legislators in Nebraska carry out their responsibilities in a one-house body is compelling:

> The Unicameral is by and large responsive to issues in a fair and knowledgeable way. It has served the state well for long periods of time and has produced sound public policy without rancor,

68 Rule 6-5. Motions to amend require a majority vote of the elected members, unless the proposed amendment is substantially the same as a bill indefinitely postponed, which requires a three-fifths vote. A motion to adopt the changes made in Enrollment and Review requires only a majority of those members voting.

69 Rule 6-7.

70 Rule 6-8. If a bill is returned to Select File for specific amendment and the amendment is rejected, a majority of the elected members may advance it to Final Reading without going through Enrollment and Review.

71 Nebraska Constitution, Art. IV, Section 15; Rule 6-11.

72 Interview by telephone, August 11, 2011.
bitterness or deep divides.

Clerk O’Donnell notes that the advantages of the unicameral form assure “that we don’t make more mistakes than anyone else.” He pointed to the fact that each bill that reaches the floor is debated in toto on two separate occasions (General File and Select File), resulting in four readings of every bill. He further notes that the small size of the unicameral legislature is advantageous because “members know their colleagues and are better able to forge consensus, a trait totally lacking in highly charged partisan bicameral bodies.”

His view was validated by the unicameral legislature’s 2011 session, in which adjournment took place three days before the session was required to do so by the state constitution. During the session, the legislature considered a number of divisive issues, such as public employee pensions and redistricting, and dealt with a budget deficit of $1 billion. The Speaker, Mike Flood (Norfolk), said, “We didn’t have drums beating in the Rotunda. We didn’t have thousands of people camped out in tents. We didn’t engage in hysteria.” Instead, the legislature attended to its business “the Nebraska Way,” meaning that stakeholders (including the politicians, lobbyists, business leaders, attorneys and public employee representatives) debated issues intensely and eventually reached positions of compromise long before “fists came out and barricades [were] stormed.” In fact, the budget was adopted without a ‘no’ vote, and collective bargaining reform passed 48-0.

Citizens in Nebraska expect that their leaders will compromise and reach reasonable solutions. Speaker Flood said, “They want an efficient, effective government that deals with the issues and doesn’t run for cover on a tough one.”

Clerk O’Donnell also emphasized that special interests have made no particular inroads in the Unicameral and are no more powerful in Nebraska than anywhere else. He said historically it is more difficult to lobby in Nebraska because there are no party chairs and the Speaker has few powerful tools to manage the process of legislating. Thus, lobbyists must interact with many

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74 Id.
more members to affect an outcome. This balance has shifted, however, with the advent of term limits beginning in 2002 and the subsequent influx of new senators. The Speaker and committee chairs have developed into stronger leaders for the body.

O’Donnell further observed that term limits have caused the erosion of the power of the unicameral legislature vis-à-vis the governor. The term limits that were adopted in the election in 2000 came as part of the national wave. O’Donnell said that out-of-state money funded the initiative which also seemed at the time to be a reaction to a single senator perceived to be an obstructionist. In Nebraska, moreover, the reform seems to have changed the dynamics of what had been a well-functioning system. Mr. O’Donnell believes that term limits “have caused the lessening of what I had thought of as a strong independent voice in the legislative branch.” He averred that some of the shift in power may also be the result of the election of a dominating figure as governor.

Another phenomena in Nebraska is the infrequency of courtesy voting. Clerk O’Donnell believes that the unicameral form coupled with the stronger position of the current Speaker has created an atmosphere in which senators are very “institutionally oriented.” O’Donnell has observed legislators each making decisions based less on what might be better for him or her individually and more about what outcome is good for the state.

Finally, Clerk O’Donnell cautioned that a unicameral system would probably pose “interesting challenges” in California, which is exponentially more diverse and more complicated than Nebraska. He said that it might be the non-partisan nature of the unicameral legislature that is the source of its power, a characteristic that might be difficult to sell to Californians. Still, Mr. O’Donnell offered that in his view the small size of Nebraska’s unicameral legislature may be its most important feature. If instituted in California, he would advise that the body be composed of only 75 or 80 senators, 100 at most, in order to facilitate each member becoming actively involved and accountable.
Like Clerk O’Donnell, University of Nebraska Professor Charlyne Berens\textsuperscript{75} has studied the Nebraska’s unicameral legislature in depth. She thinks the one-house system works very well in a small population state with a pronounced history of independent thinking. Most of the theoretical advantages of the unicameral form are actually observable in Nebraska: accountability, transparency, increased deliberation on all bills and, most important, the people acting as a check on the legislature.

“Citizens in Nebraska are very attached to the Unicameral; a solid majority supports it and believes that Senators get more done on behalf of the people.” Citizens are not exposed to party squabbling and so, at least in that regard, there “is no circus” going on in Nebraska. Gridlock is uncommon and people pay close attention to the Unicameral when it is in session, which is “closely covered by televised news.”

Professor Berens does not believe a unicameral legislature would work in California because of the number of people and the diversity of issues found here. Her blunt assessment is that not even George Norris would recommend that California attempt this “huge” reform.

\textbf{V. Electoral Questions for a Unicameral California}

California adopted its bicameral system to assure that the legislature provides effective oversight of laws and policies as well as responsive and deliberative representation. Since California’s founding constitutional convention in 1849, at least a dozen serious proposals have urged the creation of a unicameral legislature. Academics and policymakers continue to explore the unicameral option as a way to rectify California’s perceived legislative problems.

The essential building block of the democratic process is effective representation of the citizens who are governed. Whether California’s bicameral legislative system produces effective representation or whether a unicameral legislature would be more effective are questions that have been debated since California became a state. Such inquiries beg other questions: Are optimal districts large or small? How does district size affect representation? Does that

\textsuperscript{75} Interview by telephone, August 5, 2011.
characteristic affect electoral competition, voter information, or executive oversight by its members? Should districts be represented by single members or multiple members?

There is an obvious inverse relationship between the size of the district and the size of the legislature. Large districts would mean a relatively small legislature, while small districts would mean a large legislature. Currently, California has one of the smallest legislatures in the nation and each member represents more constituents than in any other state.\textsuperscript{76} As with most reforms, changing the size of legislative districts in a unicameral legislature would have both benefits and drawbacks.

Research suggests that minority interests are more likely to be represented effectively in smaller more demographically homogeneous districts.\textsuperscript{77} Smaller districts provide qualified challengers with more opportunities to supply voters with low-cost information through direct candidate-to-voter contact,\textsuperscript{78} and one study indicates they have also been shown to discourage negative campaigning.\textsuperscript{79} Smaller districts, and hence a larger legislature, would additionally create “greater opportunities for division of labor and specialization in policy area(s)” by members.\textsuperscript{80} This, in turn, could produce more effective executive oversight.

By contrast, there are also benefits to having a smaller legislature with fewer and much larger districts. Legislatures with larger districts and fewer members have been shown to have less “pork barrel” spending.\textsuperscript{81} Studies comparing states’ upper chambers also found that those that have smaller upper chambers spend less overall.\textsuperscript{82} Others suggest that having a smaller number of legislators allows voters to keep a watchful eye on legislative activities and may lead to more

\textsuperscript{79} Ansolabehere, Steven, Shanto Iyengar, Adam Simon, and Nicholas Valentino. \textit{Does Negative Advertising Demobilize the Electorate?}, 88 American Political Science Review 829 (1994).
\textsuperscript{80} Bawn, “Reforming Representation in California,” at 143.
\textsuperscript{82} Gilligan, Thomas and John Matsusaka, \textit{Deviations from Constituent Interests: the Role of Legislative Structure and Political Parties in the States}, 33 Economic Inquiry 383 (1995).
responsible decisions. And some argue that smaller legislatures with fewer members are less subject to control by top officials, such as legislative Speakers, whereas more populous legislatures require strong control from the top.

Some researchers have suggested that instituting a unicameral system with proportional representation may more effectively address problems associated with under-representation of diverse interests in California. “The fundamental argument in favor of personalized PR [proportional representation] is that it may balance competing goals and minimize overall bias better than California’s current system or other reasonable alternatives.” A change to an Additional Member System, or “AMS,” in which a portion of the members would be elected from party lists while the rest would represent single member districts, coupled with the adoption of a unicameral structure to the legislature, is suggested by Kathleen Bawn to provide members with an incentive to better represent larger, diverse districts:

“AMS offsets potential problems created by eliminating bicameralism . . . by creating divergent electoral incentives within a single chamber. The AMS complements elimination of the two-thirds rule . . . by ensuring that most simple majorities will consist of both list and district members, that is, both legislators with an incentive to respond to geographically concentrated interests and those with an incentive to respond to geographically dispersed interests.”

When exploring a change to the structure of the legislature from a bicameral to a unicameral body, policymakers must consider which electoral option is likely to produce effective representation in a unicameral legislature. We present questions as to what type of electoral system and what district size will provide the most effective representation to the people of

83 “Additional Member System [AMS] . . . refer[s] only to the system that does not count district members towards a party’s seat share. Compensatory Member System, or CMS, refers only to the system in which district members do count . . . ‘personalized PR’ [refers] to both variants.” Bawn, “Reforming Representation in California” at 159.
84 Id.
85 Bawn prefers the AMS to CMS because AMS creates an incentive for party leaders to “respond to district seat-holders.” Id. at 153.
86 A detailed summary of Kathleen Bawn’s study is included in the next section.
87 Bawn, “Reforming Representation in California,” at 159.
California. These questions must be considered as part of any proposal to institute a unicameral legislature.

**VI. 20th Century Unicameral Proposals in California**

The 20th Century has seen sporadic unsuccessful attempts to shift California’s bicameral legislature to a unicameral legislature. Unicameral proposals were voted on by the legislature in 1913, 1915 and 1925. Additional proposals were put forward in 1921, 1923, 1935, 1937 (three proposals) and 1941, but none of these proposals advanced to a floor vote in the legislature.

In recent years, the call for abandoning the bicameral system in California in favor of a unicameral system continued. In 1974 (and again in 2006) citizens circulated petitions which could have put the question on the ballot. Former Speaker of the California Assembly Jesse Unruh strongly supported the switch, “I doubt that the purposes of a legislature, however they are understood, are served by any of the expensive, trivial, byzantine, and maddening convolutions that the presence of two houses creates for anyone who is trying to get an issue heard or a bill passed.”

In the 1990s, academics, including David W. Brady, Brian J. Gaines and Kathleen Bawn, and a sprinkling of politicians (Senator Lucy Killea, I-San Diego) supported the creation of a unicameral legislature. The 1996 California Constitution Revision Commission also initially favored the idea of switching to a unicameral legislature, but dropped it from its final proposal when the idea was deemed to lack sufficient support.

Bruce Cain, Heller Professor of Political Science and Director of the University of California’s Washington, D.C., Center, evaluated the lack of a unicameral provision in the Commission’s 1996 recommendations and explained it was “legislative self-interest” that ultimately killed the unicameral proposal. Many members of the California State Senate thought that they would lose

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a level of “prestige,” have fewer staff resources and would serve in smaller districts. Senate leaders feared they would lose leadership positions.\textsuperscript{90}

In the 21\textsuperscript{st} Century, some politicians, reformers and the media have resurrected the idea of a unicameral legislature. In 2009, then-Lt. Governor John Garamendi supported a constitutional convention, in part to review the idea of unicameral legislature and smaller legislative districts.\textsuperscript{91} The New America Foundation also supported a shift to a unicameral legislature, smaller legislative districts and proportional representation.\textsuperscript{92} Members of the media have also jumped on the unicameral bandwagon. Dan Walters recently wrote a column calling for a unicameral legislature saying that California’s bicameral legislature is “at best … outdated, wasteful and duplicative, and at worst engenders deceptive, anti-democratic gamesmanship.”\textsuperscript{93} Joshua Cameron also wrote an article calling for unicameral legislature with 120 members, thus reducing the size of each legislative district.\textsuperscript{94}

\textbf{VII. Recent Academic Studies}

Recent scholarly studies have provided insight into how to construct unicameral proposals to reduce bias, improve the legislative process, increase visibility, maximize accountability, improve responsiveness and reduce the constituent-to-member ratio. The following three summaries provide descriptions of how reformers might construct a new unicameral legislature in California.

\begin{itemize}
\item[C\textsuperscript{93}] Walters, Dan, “Time for One House for California Legislature,” \textit{Daily Republic}, July 1, 2011.
\item[C\textsuperscript{94}] Cameron, Joshua, “Should California’s Legislature Go Unicameral?,” \textit{The Sacramento Liberal Examiner}, April 18, 2011. http://www.examiner.com/liberal-in-sacramento/should-california-s-legislature-go-unicameral#ixzz1TtcZyRlk
\end{itemize}
Ides 2011 Study

Allan Ides\textsuperscript{95} recently completed a detailed study that proposed that California should adopt a system of proportional representation in a unicameral legislature as a part of a new California Constitution. (See Appendix B for his proposed language for that section of the California Constitution).

“One might argue that a bicameral system works as a legitimate check on democracy by requiring all proposed measures to satisfy the independent judgment of two distinct legislative bodies however those bodies are comprised. But this argument is premised on the assumption that democracy ought to be hobbled in this essentially random fashion.”\textsuperscript{96}

He would increase the current legislature of 120 members (40 Senate and 80 in the Assembly) to 320 members in the new unicameral legislature in an effort to decrease the current constituent-to-representative ratio. Members would be elected through a Mixed-Member Electoral System with 160 members elected in small Single-Member Districts (SMD) and the remaining 160 elected in larger Multi-Member Districts (MMD) using an “open-party-list” (Party Representation or PR) system. Members elected in SMD would represent about half of the population of the current assembly districts. Multi-Member Districts would be about twice the size of the current California senate districts and each would be served by eight legislators. Using the PR system, political parties would provide a list of eight candidates per region for the ballot and voters would vote by party and rank the candidates. Party representation proportions would be based on the statewide vote with a five percent minimum required for representation in the legislature. Achieving the proper proportionality using the combination SMD and PR would require that the number of SMD seats won by a party be subtracted from the total number of seats.\textsuperscript{97}

\textsuperscript{95} Allan Ides served as a law clerk to the Honorable Clement F. Haynsworth, Jr., Chief Judge of the United States Court of Appeals for the Fourth Circuit from 1979-80 and then clerked for the Honorable Byron R. White, Associate Justice of the United States Supreme Court from 1980-81. Professor Ides joined the Loyola Law School, Los Angeles, faculty in the fall of 1982 and served as Associate Dean for Academic Affairs from 1984-87. He has written extensively in the areas of Constitutional Law and Civil Procedure and is actively involved in various public service projects, ranging from civil rights litigation to the representation of individuals in deportation proceedings.


\textsuperscript{97} Ides is using the CMS system, thus if a party wins a 20 percent of the seats in the statewide vote, it is entitled to 20 percent of the regional seats minus the number of districts it won in the SMD contests.
Ides argued his proposals would “dissolve the hegemony of the two-party system and likely make the two dominant parties more flexible and more responsive to the electorate.” He stressed that his proposal is not a panacea and should be a part of a comprehensive plan to reform California governance.

**Brady and Gaines 1995 Study**

The 1995 study of David W. Brady and Brian J. Gaines proposed a basic model of a unicameral legislature with Single-Member-Districts (SMD) to increase visibility and accountability. They believed that a unicameral legislature would increase legislative responsiveness to constituents. “It is harder . . . for representatives in a single house to duck responsibility for their actions, and it is easier for voters to assign responsibility for polices to particular politicians or parties.” Their proposal called for a legislature of that would consist of 80-120 members with half of the legislature standing for election in each election cycle.

**Bawn 1995 Study**

Kathleen Bawn’s study of representation in California proposed a unicameral legislature and the use of an Additional-Member System (ADM). The legislature would be made up of 120

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99 David W. Brady teaches at Stanford University. He is the Bowen H. and Janice Arthur McCoy Professor of Political Science and Leadership Values, Deputy Director and Davies Family Senior Fellow, Hoover Institution Morris M. Doyle Centennial Chair in Public Policy, Emeritus and Senior Fellow, Stanford Institute for Economic Policy Research.

100 Brian Gaines is an associate professor in the Department of Political Science at the University of Illinois and is a member of the Institute of Government and Public Affairs. He was a visiting professor at the Department of Applied Economics at the Catholic University of Leuven, in Belgium. And he has served on two Royal Commissions in his native Canada.


102 Kathleen Bawn is Associate Professor of Political Science at UCLA. Her projects have looked at coalition politics in the choice of an electoral system in the Federal Republic of Germany and the incentives that Germany’s mixed electoral system creates for members of the Bundestag; how majority party leaders in the United States Congress structure coalitions through procedural decisions; how conflict within the majority party coalition is managed; and how legislative coalitions balance technical and political considerations in the structure of administrative agencies. Her work has been published in the *American Journal of Political Science*, the *American Political Science Review*, the *British Journal of Political Science*, *Legislative Studies Quarterly*, and other academic journals.
SMDs of equal population and three PR districts drawn based on “geographic and socio-economic boundaries.” PR districts might differ in population size and seats would be allotted based on the total population in the district, but each PR district would have at least 20 members.

Bawn theorized that her proposal “offers serious variance in the electoral incentives without promoting gridlock.” The structure of the PR districts would require members serving those districts to be responsive to a different set of voter interests, but they would have incentives to work together with other members of their political party. “Creation of check and balances within the party gives personalized PR its unique ability to decrease one major source of bias without causing an increase in another.” Bawn speculated that a bicameral legislature could achieve the same electoral incentives if one house was elected from party lists and the other from SMD.

VIII. Unicameral System in a Comparable Democracy: New Zealand

About 24 nations have bicameral legislatures and 112 have unicameral governments. (See Appendix C for the list countries with unicameral legislatures). We use a detailed description of the unicameral legislature of New Zealand to illustrate its role and responsibilities in the governmental structure in New Zealand. Some characteristics of New Zealand, particularly its relatively recent abandonment of the bicameral legislative form, invite its use as a comparable, successful model should California similarly adopt the unicameral form. It should be noted that no country mirrors our very large, complex and diverse state. New Zealand, however, was selected because it has much in common with California. New Zealand’s legislature serves a well-educated, multi-cultural society with diverse interest groups. English is the dominant language but there are several languages spoken. Its legal system is based on English law. New Zealand was settled as a 19th Century British colony. It has a majority European populace and

103 Bawn prefers AMS to CMS because in a CMS system “leaders may have an incentive to work against the reelection chances of district members. Fewer districts seats simply mean more list members, who depend directly on the leadership to maintain their positions. Bawn, “Reforming Representation in California,” at 153.
104 Id.
105 Id. at 159.
106 Id.
107 The Abolition Bill created a unicameral legislature in New Zealand in January 1951.
significant diverse minority populations. As is the case in California, those populations have a variety of interests that must be represented in the legislature. Also similar to California, New Zealand’s governmental system includes executive, legislative and judicial branches.

There are, of course, significant differences between New Zealand and California. New Zealand is a sovereign country rather than a subdivision of a county. New Zealand’s entire population (4 million) is less than half the size of Los Angeles County and about the size of the city of Los Angeles. Perhaps most importantly, its government is a parliamentary system.

A. Demographics and Political System

New Zealand’s population is about 4.3 million people, similar to the median U.S. state, and is ethnically, culturally and religiously diverse. Seven languages are spoken, although 91 percent of the population speaks English, and at least twelve religions are practiced. Fifty-seven percent of the population is of European descent, eight percent are Asian, about seven percent are Maori, almost five percent are Pacific Islander, about 10 percent are mixed and the remaining 13.5 percent are defined as “other.” New Zealand and California have achieved similar rates of literacy, but the average New Zealander spends about 19 years in school, exceeding the period of time invested by the average Californian.

New Zealand is a constitutional monarchy with three branches of the government: executive, judicial and legislative. The executive branch includes the chief of state (Queen Elizabeth II) who is represented by the governor general, the prime minister who acts as the head of government and the cabinet (executive council). The judiciary is appointed by the governor general.

The legislative branch is a one-house body. It has approximately 120 members (although in 2008 there were 122 members) that serve three year terms. Members include 70 popularly elected, single-member district seats and 50 seats chosen from the party lists on a proportional basis.

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108 New Zealand is a collection of islands in the southwestern Pacific Ocean. Originally settled by Polynesians around 1300 AD, Europeans later settled there and it became a British Colony in 1840. Its legal system is based on English common law and includes special legislation and land courts for the Maori people.
There are more than a half dozen political parties that are represented in the legislature with the two strongest parties currently holding 101 seats.

The two-step electoral process—a so-called mixed member proportional electoral system (MMP)—was instituted in 1994. The ballot itself is two-tiered, but the representatives elected serve in a single chamber. On each ballot, voters make decisions on the so-called “upper tier” that determine the proportionality of the political parties to be represented in the House of Representatives. It is a party vote. Parties that receive 5% or more of the vote are entitled to a portion of the seats in the House of Representatives. On the so-called “lower tier” of the ballot, a voter selects the member who will represent his or her particular district in the House of Representatives. It is called the “electorate vote,” and these seats are won by the candidate that receives a plurality of votes in the district.

**B. Checks and Balances in New Zealand’s Unicameral House of Representatives**

The primary role of the New Zealand House of Representatives is to hold the Government (executive branch) accountable for policy decisions. This model is called “responsible government,” and the Government, headed by the Prime Minister, must have the “confidence” of the House of Representatives. The House of Representatives reviews and approves the executive’s expenditures for certain purposes and annually approves the Executive budget.

Each year the executive branch must produce a “budget policy statement” providing the legislature with information about its long and short-term fiscal goals and objectives. Upon “budget delivery,” the Finance and Expenditure Committee of the House of Representatives delegates portions of the budget to be studied by particular other committees, which provide reports back to the House. The House then performs several rounds of debate (including

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109 New Zealand’s MMP system formula is the same as the Compensatory Member System (CMS) formula. This means that the lower ticket party winners do not contribute to the party’s overall share of members.

110 Permanent legislative authorities and multi-year appropriations cover items such as judges’ salaries, debt repayment and funds for Treaty of Waitangi settlements and do not have to be renewed annually.
testimony by ministers) and House readings on the bills generated during this process. Upon passage by the House, bills are sent to the Governor General for Royal Assent.  

The House also holds the executive branch accountable through Parliamentary questions to the ministers, “select committee scrutiny” and additional debates in the house. Select committees perform detailed reviews of executive performance and hear testimony in public hearings from ministers and officials. The Government must also defend its policies in debates before the House.

The House of Representatives also considers ratification of international treaties that have been negotiated by the Government. Citizens may seek redress from governmental activities by petitioning the House of Representatives, where committees recommend specific responses about the petitions to the Government. The Government then has 90 days to respond to the committee’s recommendations. (See Appendix D for more information about petitioning the House of Representatives).

C. New Zealand’s Unicameral Legislative Process

New Zealand’s unicameral House of Representatives considers several types of bills: government bills, member bills, local bills and private bills.

- Government Bills are the result of the government’s policy platform realized through its legislative program. The majority of bills enacted are Government bills.

- Member Bills are introduced by members of the House of Representatives. Very few member bills are enacted. Since there is a limited amount of time to consider bills, only six member bills in their first reading may be before parliament at the same time. When a slot becomes available, a ballot is held to select the next bill that will be considered by

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111 Assent is given based on the recommendation of the Prime Minister and other ministers.
112 “A petition is a document addressed exclusively to the House of Representatives, signed by one person or many people, requesting the House to take a clearly defined action on a matter of public policy or law, or to redress a local or private grievance.” Petitioning the House of Representatives. New Zealand. House of Representatives, Office of the Clerk of the House of Representatives (2010).
parliament. Each ballot may contain as many 40 bills, and members may have only one bill on the ballot at a time.

- **Local Bills** are introduced by members at the request of the local authorities, such as city councils. These entities pay a small administrative fee to bring bills that affect their area before the House. These bills, such as land use issues, are usually taken care of by their local member.

- **Private Bills** are promoted (and the administrative fees paid) by private citizens or industries and may relate to personal or corporate activities. This type of bill is very rare and is handled by individual members.

Bills go through as many as seven stages of consideration: Introduction, First Reading, Select Committee, Second Reading, Committee of the Whole House, Third Reading and Royal Assent. (See Appendix E for “How Parliament Makes a Law”).

- **Introduction**: Upon Introduction, a bill is publicly available for the first time. Each bill must include an explanatory note about its proposed change in policy.

- **First Reading**: If the bill has sufficient legislative support it proceeds to First Reading, which calls for a reading of its title. During First Reading, the member that sponsored the bill begins the debate. Prior to First Reading, a one- to three-day gap gives members an opportunity to reflect on the bill and allows the Attorney-General time to review the bill for conflicts with the 1990 Bill of Rights Act.

- **Select Committee**: If a bill has sufficient support during First Reading it will be referred to a select committee. During this period, newspapers run stories about the bill and encourage public participation through “Public Submissions” that will be considered by the select committee. Any citizen is permitted to submit a public submission on a bill. (See Appendix F for more information about Public Submissions). The select committee
also considers amendments and hears evidence. The select committee then has six months to complete a report that will be submitted to the full House.

- **Second Reading**: Second Reading occurs following a bill’s reporting and includes the main debate (begun by bill sponsor) and consideration of amendments for the bill. Amendments that were unanimous in the select committee become part of the bill. Amendments that did not have unanimous agreement in the select committee are subject to further review and consideration on the floor. At this point, the bill is either defeated or referred to the Committee of the Whole House.

- **Committee of the Whole House**: The entire House of Representatives is considered the Committee of the Whole. Debate at this stage includes five minute speeches, a detailed review and proposed amendments to the bill. Amendments submitted at this time that include “major policy changes” may be challenged as being unavailable for “adequate scrutiny.” Thus, members typically offer proposed amendments at Select Committee stage in “supplementary order papers,” instead of offering them on the floor. In the Committee of the Whole amendments may be broken out into smaller bills and given new titles.

- **Third Reading**: Third Reading provides members with their final opportunity to review and “debate” the bill in its final form. It is not a debate in the conventional sense, but rather a “summing up” of the bill. If a bill is agreed to at Third Reading, it has been enacted by the House.

- **Royal Assent**: The Sovereign’s representative, the Governor-General, upon the advice of the Prime Minister signs the bill into law or rejects the legislation.

New Zealand’s unicameral legislature provides a view of a working legislature that illuminates the strengths and weakness of the unicameral system in performing its central functions, namely to represent the people and provide an adequate check on the executive branch. The legislative
procedures adopted in New Zealand provide examples of some features that California reformers should contemplate during consideration of proposals for a unicameral legislature.

**Conclusion**

This report provides a starting point in the debate of whether California’s legislative process should be changed from a bicameral to a unicameral system. The history of unicameralism in the United States, arguments levied for and against both bicameral and unicameral systems and detailed examinations of both Nebraska and New Zealand’s unicameral legislatures provide a fairly comprehensive picture of how unicameral legislatures might operate here.

The strength of the unicameral system is its simplicity, transparency and efficiency -- values which have generated responsive and accountable legislative systems in Nebraska and New Zealand. By contrast, the strength of the bicameral system is its greater deliberations, expertise and legislative oversight. Either system, however, comes at a price. The unicameral system may lack effective oversight of both itself and the executive branch, and the bicameral legislature may witness greater gridlock, log-rolling, and buck passing, in addition to less transparency.

Important questions must be asked as a part of this debate in California about adopting a unicameral legislature. What is the goal of instituting a unicameral legislature to California? Is it to improve representation by reducing gridlock? If so, can a unicameral legislature be transplanted in California, a state with an enormous and diverse population, numerous interests and extensive economic woes? Is the goal to increase legislative oversight and influence compared to the executive? How would new unicameral districts be drawn, and how many members would serve in the new unicameral legislature? Would citizens continue to elect members in the same fashion, or would a MMP (Mixed Member Proportional) or PR (Proportional Representation) system, or some variation of those systems, provide better representation? How long would legislative terms be? How long would it take for an entirely new legislative body to organize itself? Will a unicameral system be able to effectively oversee the eighth largest economy in the world? What is the cost of shifting to a unicameral system, and, most importantly will the benefits outweigh the costs?
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Berens, Charlyne, One House: The Unicameral’s Progressive Vision for Nebraska, University of Nebraska Press (2005).


Nebraska Unicameral Information Office.


Interviews

Charlyne Berens, University of Nebraska Professor, by telephone, August 5, 2011.

Patrick O’Donnell, Clerk of the Legislature, by telephone, August 11, 2011.
Appendix A

Selected Rules of the Nebraska Unicameral Legislature

Published by
Patrick J. O'Donnell
Clerk of the Legislature
Lincoln, Nebraska 68509

Adopted January 12, 2011

RULE 1 – OFFICERS AND EMPLOYEES
A. Election of Officers

Section 1. Officers to be Elected. (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairperson of Committee on Committees
Chairperson of Executive Board
Vice Chairperson of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from Legislative Districts 1, 2, 15, 21 through 32, 34, and 46; two from Legislative Districts 3 through 14, 18, 20, 39, and 45; and two from Legislative Districts 16, 17, 19, 33, 35 through 38, 40 through 44, and 47 through 49. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.
Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 8(c) until the commencing of the next regular session of the Legislature at which time the Legislature shall nominate from the floor and elect by secret ballot a Vice Chairperson of the Executive Board for the balance of the original term.

During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He or she shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his or her office.


Sec. 16. Report Order of Bills. (a) The Speaker, with the approval of the Executive Board, shall report to the Legislature the order in which bills and resolutions shall be considered on General File. The Speaker's orders, as approved, are final unless changed by a three-fifths vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(b) The Speaker may, when sound judgment would so dictate, postpone the scheduled reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum cannot be assembled within one half hour after the time to which the Legislature was to have convened.

Sec. 2. Appointment of Committees. (a) At the commencement of each biennium, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and four from Districts Number 1, 2, 15, 21 through 30, 32, 34, and 46; four from Districts Number 3 through 14, 18, 20, 31, 39, and 45; and four from Districts Number 16, 17, 19, 33, 35 through 38, 40 through 44, and 47 through 49.
(b) Immediately following chairmanship and Committee on Committees membership elections, the Committee shall meet and, by a majority vote of all its members, submit to the Legislature a preliminary report of appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. Once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final.

RULE 3

report of the Committee on Committees, such report shall be returned to the Committee for further action.

The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

Sec. 4. Select Committees. (a) The select committees of the Legislature shall be as follows:

<table>
<thead>
<tr>
<th>Committee on Committees</th>
<th>13 members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enrollment and Review</td>
<td>1 member</td>
</tr>
<tr>
<td>Reference</td>
<td>9 members</td>
</tr>
<tr>
<td>Rules</td>
<td>6 members</td>
</tr>
</tbody>
</table>

Enrollment and Review.

The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the Chairperson, the Vice Chairperson of the Judiciary Committee shall assume the duties of the Chairperson of the Enrollment and Review Committee.

The bill drafting service shall have supervision of and provide legal services for the Enrollment and Review Committee.

The Chairperson of Enrollment and Review shall have authority, without being required to include the same specifically in his or her reports and recommendations to the Legislature, in accord with accepted usage:

To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.
To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the Chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the Legislature at any stage of consideration.

To reflect votes on Final Reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

Sec. 13. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the subject-matter jurisdiction of the committee. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee, except as provided for in Rule 1, Section 17.

Sec. 14. Public Hearing, Notice. Before taking final action on a bill, resolution, or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill or pronouncement of the appointee shall have been printed, by publication in the Legislative Journal. No bill or resolution having been set for public hearing shall be withdrawn nor the hearing canceled within seven calendar days of the date set for said public hearing.

Sec. 16. Executive Sessions and Closed Meetings. (a) Executive session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcribed, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.

(b) Except as provided in Rule 3, Sec. 5(c)(iii), all other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.
Sec. 17. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed.

A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure. Final action shall mean an affirmative vote of a majority of the committee members to advance a bill to General File with or without committee amendments or an affirmative vote of a majority of the committee members to indefinitely postpone the bill. A committee may reconsider any final action prior to the committee making a report on the bill or resolution to the Legislature, provided the reconsideration takes place within eight calendar days of the final action.

No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the Bill Drafter.

Sec. 18. Indefinitely Postponed Bills. If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

RULE 5 – BILLS–GENERAL PROVISIONS

Section 1. Drafting of Bills. The Bill Drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the Bill Drafter. In order to shorten the length of sections, the Bill Drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The Bill Drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the Bill Drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill ____.


No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.
Sec. 4. Introducers Signing Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any member may request to have his or her name added as cointroducer of a bill but only if the principal introducer has concurred, in writing, to that request.

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

The Legislative Performance Audit Committee may designate as priority bills two bills resulting from a performance audit or involving the performance audit process, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

The Speaker may designate up to 25 additional priority bills.

Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety-day session and prior to the 30th legislative day in the sixty-day session.

RULE 6 – BILLS–STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction, bills requiring reference shall be delivered to the Reference Committee.

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the Reference Committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File.
Each section shall be open to amendment. Following the reading of the title of the bill, the introducer shall first be recognized for ten minutes to move to advance and explain the bill. The amendments, if any, recommended by standing committees, shall then be considered. The introducer's amendments, if any, shall be considered following the consideration of the standing committee amendments and any amendments thereto. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3 and Rule 1, Section 17.

Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Section 16.

During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected members. In any event, such motions shall alternatively be passed by unanimous consent of the body.

In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members. After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.

In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; provided, that a majority of the elected members may overrule the decision of the Speaker.

If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same; provided, that a majority of the elected members may overrule the decision of the Speaker. Any motion to amend a bill or any motion to amend an amendment shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members, unless proposed as part of a committee amendment.

Any bill failing to receive 25 votes to be advanced to Enrollment and Review Initial after three attempts shall be indefinitely postponed.
Sec. 4. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members.

Sec. 5. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

A motion to approve or reject any or all of the changes recommended by the Chairperson of Enrollment and Review.

A motion to adopt an amendment to a bill or an amendment to an amendment which shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

A motion to recommit to the proper standing committee.

A motion to postpone indefinitely. After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.

Motions made pursuant to subsections b, c, and d hereof may be adopted only upon the affirmative vote of a majority of the elected members.

Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.

Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific Enrollment and Review Committee amendments may be considered.

Any bill failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts shall be indefinitely postponed.

Sec. 6. Return to Select File. (a) On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority vote of the elected members, except an amendment which is substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

(b) A point of order to determine the germaneness of a specific amendment may be considered during a motion to return a bill to Select File for specific amendment.

Sec. 7. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.
One legislative day after its reference to Final Reading.

The bill in its final form, as amended, shall have been available to members for at least one legislative day.


Sec. 8. Final Reading, Motions. (a) On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken, unless three-fifths of all of the members elected to the Legislature vote to dispense with the at large reading under this section. The Speaker shall designate on the published agenda which bills will be considered for a vote without an at large reading. This vote shall be taken on each bill individually without amendment, motion, or debate. If the Legislature confirms the Speaker's designation, the title of the bill will be read, and the final vote will be taken with voting being held open for three minutes. If the motion on any bill fails to receive the support of three-fifths of the elected members of the Legislature, then such bill and all amendments thereto will be read at large prior to the vote being taken.

(b) At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

To recommit the bill to Enrollment and Review to correct an error and for reengrossment.

To recommit the bill to the proper standing committee, with or without instructions.

To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members.

Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment and Review. A motion to so advance shall require the concurrence of a majority of the elected members.
Appendix B

THE NEW CALIFORNIA CONSTITUTION

ARTICLE II. THE LEGISLATIVE BRANCH

Section 1. Legislature of the State of California. The legislative branch shall consist of a single chamber entitled the legislature of the state of California.

Section 2. Representatives. Members of the legislature shall be known as representatives and shall serve four-year terms commencing on the second Monday in January following their election.

Section 3. Composition of the Legislature. The legislature shall consist of 320 representatives and such additional representatives as may be required by Section 7 of this Article. All representatives shall have equal status and equal voting rights in the legislature.

Section 4. Districts. The state shall be divided into 160 districts of equal population. Each district shall be entitled to one district representative.

Section 5. Regions. The state shall be divided into twenty regions of equal population. Each region shall be entitled to eight regional representatives.

Section 6. The Election of Representatives. District representatives shall be elected through a single member district plurality or majority electoral system. Regional representatives shall be elected through a proportional, open-party-list system.

Section 7. Distribution of Seats. A party’s total representation in the legislature, combining district and regional representatives, shall be the equivalent of that party’s total share of the statewide open-party-list vote. If a party receives more district seats than its proportion of the statewide open-party-list vote, that party shall retain those district seats but additional representation in the legislature will be awarded to other parties in order to achieve each party’s proportionate share of the seats. A party receiving less than 5 percent of the statewide open-party-list vote shall not be entitled to any proportionate share of representation in the legislature unless that party has also won at least three district contests in the same election.

## Appendix C

<table>
<thead>
<tr>
<th>Unicameral Nations</th>
<th>Population</th>
<th>Type of Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assembly of the Republic of Albania</td>
<td>2,994,667</td>
<td>Parliamentary</td>
</tr>
<tr>
<td>National Assembly of Angola</td>
<td>13,338,541</td>
<td>Presidential</td>
</tr>
<tr>
<td>National Assembly of Armenia</td>
<td>2,967,975</td>
<td>Presidential/Parliamentary</td>
</tr>
<tr>
<td>National Assembly of Azerbaijan</td>
<td>8,372,373</td>
<td>Presidential</td>
</tr>
<tr>
<td>Jatiyo Sangshad of Bangladesh</td>
<td>158,570,535</td>
<td>Parliamentary</td>
</tr>
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<td>National Assembly of Benin</td>
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Data from the CIA World Factbook Website https://www.cia.gov/library/publications/the-world-factbook/index.html
Appendix D

Copy of “PETITIONING THE HOUSE OF REPRESENTATIVES”
Appendix E

How New Zealand’s Parliament Makes a Law

Bill introduced
• No debate

1st reading*
• Initial debate

Select committee
• Hears public submissions.
• Recommends amendments.
• Reports to the House explaining recommendations.

2nd reading*
• Main debate on the principles of the bill as it emerged from the select committee.
• Select committee amendments adopted.

Committee of the whole House
• Detailed consideration of each clause or part.
• Further amendments can be made.

3rd reading*
• Final debate on whether it should be passed in the form emerging from committee of the whole House.

Royal assent
• Governor-General assents to the bill becoming an Act of Parliament.

* At any of these steps, a vote in the House can result in the bill being defeated

Appendix F

Copy of “Action Guide Presenting a Submission to a Select Committee”