

OUT FOR THE COUNT

An Analysis of Nonvoting
in the California Legislature

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All conclusions, implications, and recommendations expressed in this report are the authors'.

II. EXECUTIVE SUMMARY

In 2002 and 2003, three of California's largest newspapers, the *Sacramento Bee*, *San Francisco Chronicle*, and *Los Angeles Times*, carried articles and editorials raising concerns about the increasingly frequent practice of nonvoting by California legislators. To better understand the occurrence of nonvoting in the California Legislature and the factors that influence its practice, the study described in this report was conducted, focusing on: (1) nonvoting trends and patterns in the California Legislature; (2) factors contributing to legislator nonvoting; (3) differences in voting rules across state legislatures; and (4) legislator perspectives on nonvoting.

A data analysis of California's 2001-02 Legislative Session shows a substantial role played by nonvoting in bill failures. On average bills failed with 36.3 percent of members in opposition, 29.5 percent in support and 34.3 percent not voting. Consistent with the hypotheses of political science scholars that nonvoting is less likely where public visibility is heightened, committee votes had significantly higher nonvoting rates than floor votes—37.2 percent and 15.5 percent on failed bills, respectively. While wide variation in nonvoting rates was found among individual legislators—with a high of 60.0 percent, a low of 0.0 percent, and an average of 25.0 percent on failed bills—further study is required to determine conclusively the reasons behind the variation.

A synthesis of relevant academic literature suggests that numerous factors related to process and career/personal concerns come into play often influencing the decision about how to vote. These concerns, in turn, can result in deliberate or strategic nonvoting.

A review of the voting rules of forty-three states reveals that only nine state houses and five state senates expressly allow legislators to abstain, meaning that a majority of chambers require legislators to vote. However, conversations with staff in several states with particularly strong language limiting abstentions indicate that nonvoting happens more often than the rules would suggest.

Interviews with California Assembly members found that multiple factors influence the decision not to vote, including: the issue a bill addresses, political pressure, a legislator's individual background and experience, and the complexity of the bill and the level of controversy surrounding it. Legislators vary in their perspectives on the effect nonvoting has on the legislative process: while some view it as beneficial in slowing the process and encouraging improved legislation, others view it as harmful in that it inhibits good legislation and political accountability.

Finally, the lack of public access to complete legislator vote records in general and to Senator *nonvoting* records in particular, inhibits public examination, voting research, and legislative process transparency and accountability.

III. INTRODUCTION

The duty of a legislator is to represent the best interests of his or her constituents on matters too complex and numerous for the average citizen to manage. This duty is achieved, in part, through voting for or against the passage of thousands of bills each year. While some legislative bodies direct legislators to vote either yes or no in response to a vote roll call, others permit legislators to abstain from voting. Though abstaining conveys to the public a neutral or undecided position, the practical effect differs across legislative bodies. In the California Legislature, the majority of legislative body members, rather than the majority of members voting on a particular bill, must vote yes for a bill to pass. This definition of majority results in nonvotes having the same effect as no votes. Consequently, though a majority of *voting* members may support a bill, a silent block can nonetheless halt its passage.

In 2002 and 2003, several articles and editorials in the *Sacramento Bee*, *San Francisco Chronicle*, and *Los Angeles Times* raised concerns about nonvoting in the California Legislature, particularly in the Assembly. This study was conducted to analyze the occurrence of nonvoting in the California Legislature and better understand the factors related to the practice of nonvoting. Specifically, it examines:

- (1) Nonvoting trends and patterns in the California Legislature
- (2) Factors contributing to legislator nonvoting
- (3) Differences in voting rules across state legislatures, and
- (4) Legislator perspectives on nonvoting

See Appendix A for a detailed discussion of the research methodology employed and limitations encountered during the course of study.

IV. NONVOTING TRENDS AND PATTERNS IN THE CALIFORNIA LEGISLATURE

In order to determine the trends and patterns of nonvoting among California legislators, the entire population of bills introduced during the most recently completed legislative session (2001-2002) was catalogued.¹ This section discusses the outcomes of those bills, the role played by nonvoting in bill failures, the significant divergence in nonvoting rates between failed and chaptered bills and between floor and committee votes, and finally, the variation in nonvoting rates between individual legislators.

Bill Outcomes

To become law, a bill must pass votes in all Senate and Assembly policy committees with jurisdiction over the bill’s subject matter and by each of the full Houses, with concurrence between all relevant legislative bodies on any amendments made. The passing votes must be substantive in nature (such as a vote to pass the bill as is or as amended) rather than procedural (such as a motion to reconsider the bill at a future date).

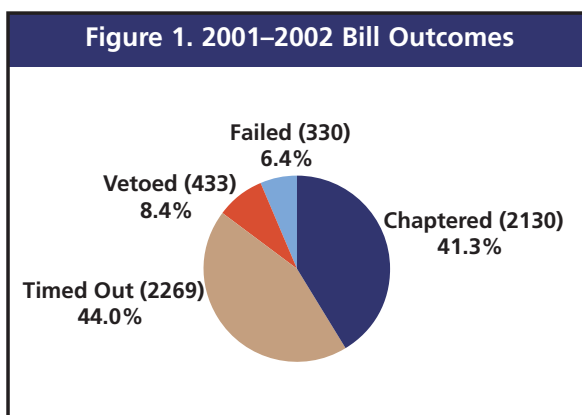
A bill may fail to become law for many reasons. It may be introduced but never acted upon, or may pass one or more votes but never be taken up again. A bill may be defeated in a committee or floor vote, or may pass all votes but ultimately fail to achieve Senate and Assembly concurrence on amendments. Finally, a bill may pass all Senate and Assembly hurdles only to be rejected by the Governor.

As outlined in Table 1, for the purposes of this study four categories of bill outcomes are defined. If a bill successfully passed through all steps in the legislative process, it is denoted as having been “chaptered” into law. If a bill was passed by all policy committees and both full Houses, but rejected by the Governor, it is denoted as “vetoed.” If a bill was introduced but never taken up for a vote, or passed one or more votes but was not considered again, it is

Outcome	Definition
Chaptered	Became law
Vetoed	Affirmed by both houses but rejected by Governor
Timed Out	Lack of sufficient action— e.g., introduced but never voted upon; successfully passed one or more votes but not considered again
Failed	Failed substantive vote* and never taken up for subsequent substantive vote
*A vote to pass a bill as is, or to pass as amended, is denoted a substantive vote, in contrast to a procedural vote such as a motion to reconsider the bill at a future date.	

denoted as having “timed out” for lack of sufficient action. Finally, if a bill failed a substantive vote and was never taken up for a subsequent substantive vote, the bill is denoted as having “failed” by legislative vote.

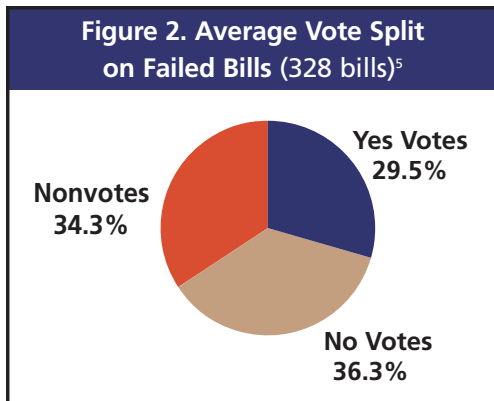
As shown in Figure 1, of the 5,162 bills introduced during the 2001-02 legislative session, 41.3 percent were chaptered, 8.4 percent were vetoed, 44.0 percent timed out, and 6.4 percent failed. The fate of bills in this latter category, and the role played by nonvoting therein, was the principal question examined in the study.



¹ Data collected comprise: (1) bill outcomes—chaptered, vetoed, timed out, or failed; (2) each failed bill’s author, topic, majority requirement, date and location of substantive vote failure, and legislator voting positions; (3) legislator voting positions on a random sample of 400 chaptered bills; and (4) each failed Assembly bills’ subject, action, and population group benefited and burdened.

Nonvoting Played a Substantial Role in Bill Failures

While one might expect failed bills to have been voted down by a majority of legislative body members, in fact, as reflected in Figure 2, bills failed with an average of 36.3 percent² of members in opposition, 29.5³ percent in support, and 34.3 percent⁴ not voting.



Moreover, in 226 of the 328 bill failures⁵ (68.9 percent), the number of additional yes votes required for bill passage was less than or equal to the number of nonvoting legislators—on average, these bills were short by four⁶ yes votes while seven⁷ legislators did not vote. Therefore, in 68.9 percent of cases the number of nonvoters was sufficiently high to have been able to effect the bill's passage, had they voted in support. Nonetheless, the likelihood that these nonvoting legislators would have voted in support were they barred from not voting is very small, given their awareness that not voting is equal in effect to voting no.

However, the frequency with which nonvoters hold sway over a bill's fate is indicative of the significant role played by nonvoting in bill failures.

A final indicator pointing to the role played by nonvoting in bill failures is the frequency with which nonvoting played a decisive role in vote failure. Because not voting in the California Legislature has the same effect as voting no, both nonvotes and no votes together contribute to a bill's failure. If this was not the case and nonvotes instead had no effect, then bills would pass when yes votes exceed no votes. Therefore, in those instances where expressed legislator support in the form of yes votes exceeds expressed opposition in the form of no votes, but the bill still fails because a sufficient number of legislators do not vote, then nonvoting can be said to have played the decisive role. This was true in 123 of the 328 bill failures (37.5 percent). The question remains whether these bills differ in any notable respects from those that failed without nonvoting playing a decisive role.

The Composition of Failed Bills

To determine whether there are bill characteristics correlated with the occurrence of nonvoting, each of the 204 failed Assembly bills were coded according to subject, action, and primary group benefited and burdened.⁸ Bills were sorted into twenty-three subject categories, eight action categories, and twenty-nine stakeholder groups primarily affected negatively and positively (for a complete listing of bill categories, see Appendix D). Once coded, bills were separated according to whether their failure was due to a majority no vote, or with more yes than no votes cast, which would indicate that nonvoting played a decisive role in bill failure.

² Standard Deviation: 23.1%; High: 100%; Low: 0.0%. The standard deviation and range of all average values cited in this report are footnoted to give the reader a sense of the spread of values represented. Standard deviation measures how far values lie from their average. For example, 68% of values lie within one standard deviation from the average, 95% lie within two standard deviations from the average, and 99.7% lie within 3 standard deviations from the average.

³ Standard Deviation: 13.3%; High: 61.3% (on a bill requiring a two-thirds majority); Low: 0.0%

⁴ Standard Deviation: 20.9%; High: 83.3%; Low: 0.0%

⁵ A total of 330 bills failed their last recorded substantive vote in the 2001-02 legislative session. Two of these bills (Senate Bills 559 and 640) could not be included in this analysis, however, because there are no votes listed for the bills in their on-line vote records, despite the fact that their on-line histories indicate that they both failed votes on January 9, 2002.

⁶ Standard Deviation: 0.2; High: 20; Low: 1

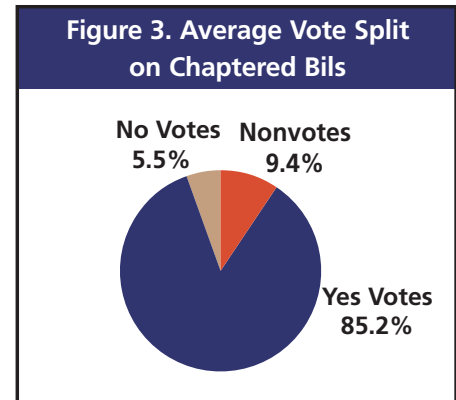
⁷ Standard Deviation: 0.4; High: 39; Low: 1

⁸ Bills were analyzed according to: Subject: the area of public policy to which bill primarily applied; Action: the type of legislative action implied by the mandates of the bill; Stakeholder Groups: the primary groups that would have benefited and been burdened by the bill, had it passed.

After categorizing the bills, it was found that many categories had fewer than five bills attributed to them, making it impossible to draw meaningful conclusions from the analysis. Though the analysis of failed Assembly bills proved inconclusive, the academic literature review, discussed in Section V, identified a number of bill characteristics thought to influence legislator nonvoting, such as bill complexity, controversy, and associated stakeholder campaign contributions.

Failed Bills Had Significantly Higher Nonvoting Rates than Chaptered

To answer the question of whether the high nonvoting rate on failed bills is unique, or whether it is characteristic of nonvoting patterns in general, a random sample of 400 chaptered bills was taken.⁹ This sample provided a comparison group against which nonvoting rates between bill categories could be analyzed. Whereas the nonvoting rate on failed bills averaged 34.3 percent¹⁰, on chaptered bills the nonvoting rate falls to 9.4 percent¹¹ (see Figure 3 for the average vote split on chaptered bills). Over half of the failed bills (52 percent) were not voted upon by 30 percent or more of eligible legislators (29 percent were not voted on by half or more of eligible legislators). In contrast, 30 percent or more of legislative body members failed to vote on only 3 percent of chaptered bills.



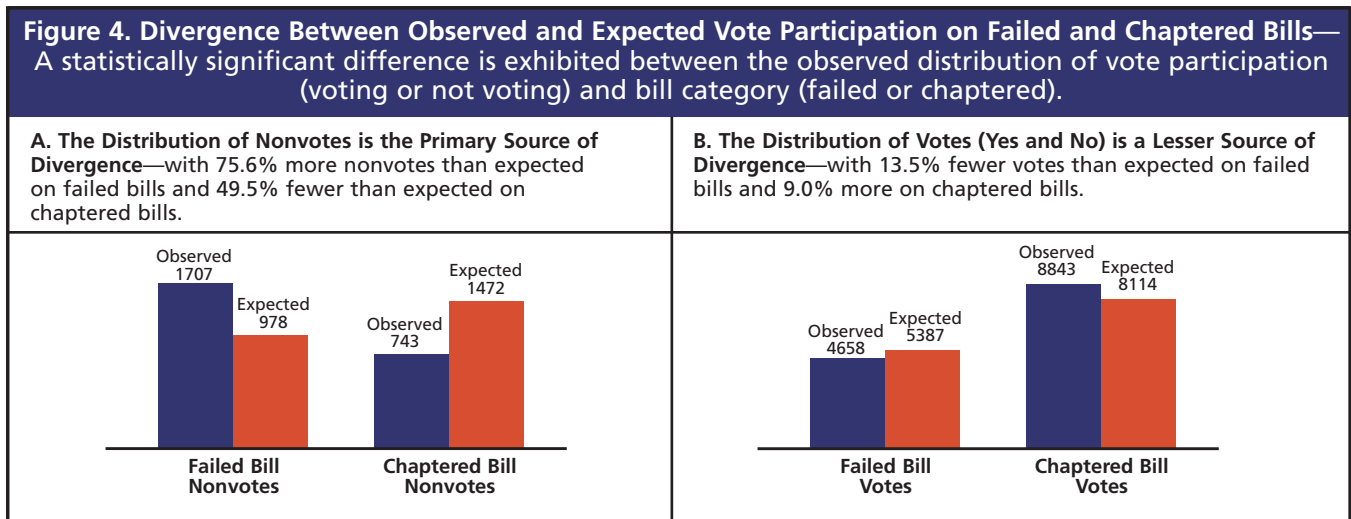
In order to examine the difference in nonvoting frequencies between failed and chaptered bills in greater depth, a chi-square test of statistical significance was performed. The test measures the strength of relationships between variables in a body of data. If no relationship exists between variables, the data should be distributed in equal proportions across variables. If the actual distribution differs substantially from the equal proportions expected, then one can conclude that a relationship does exist between variables. The next step is to examine the differences in detail to identify the primary source(s) of divergence.

⁹ A sample size of 400 permits a confidence level of roughly 95% that the actual value of all chaptered bills lies within 2.5 percentage points (plus or minus) of the values calculated from the sample.

¹⁰ Standard Deviation: 20.9%; High: 83.3%; Low: 0.0%

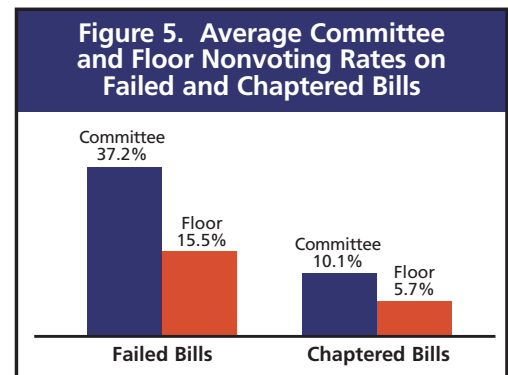
¹¹ Standard Deviation: 9.4%; High: 45.5%; Low: 0.0%

Figure 4 compares the actual (or observed) distribution of nonvotes and votes (i.e., yes and no) on failed and chaptered bills to the equal proportions that would be expected if nonvoting frequencies were not related to bill category (failed or chaptered). The difference is statistically significant (with a probability of error less than 0.0005).¹² As illustrated in Figure 4A the primary source of divergence is the 75.6 percent more nonvotes than expected on failed bills and the 49.5 percent fewer nonvotes than expected on chaptered bills. The lesser source of divergence (see Figure 4B) is the 9.0 percent more votes than expected on chaptered bills and the 13.5 percent fewer than expected on failed bills.



Committee Votes Had Significantly Higher Nonvoting Rates than Floor Votes

Just as the nonvoting rates on failed bills were disproportionately higher than on chaptered, the nonvoting rates in committee were significantly higher than on the floor. Specifically, the committee nonvoting rate on failed bills averaged 37.2 percent¹³, compared to 15.5 percent¹⁴ on bills failing floor votes (see Figure 5).¹⁵ A similarly statistically significant divergence exists between committee and floor nonvoting rates on chaptered bills.¹⁶



¹² The voting and nonvoting frequencies on failed and chaptered bills results in a chi-square statistic of 1069.76 with one degree of freedom and a p-value less than 0.0005.

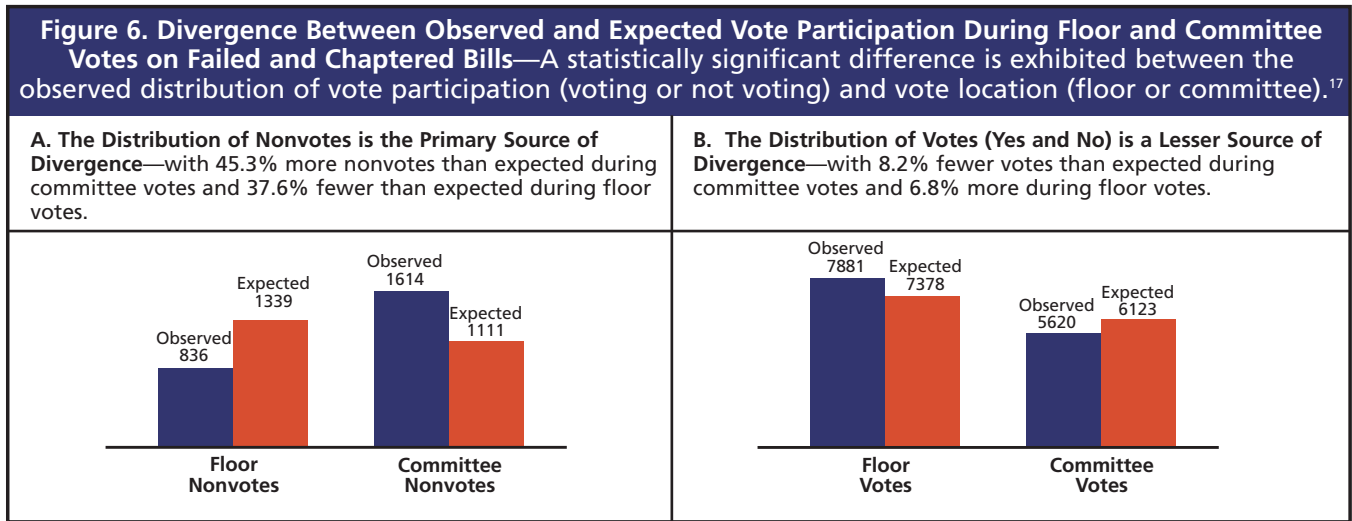
¹³ Standard Deviation: 20.4%; High: 83.3%; Low: 0.0%

¹⁴ Standard Deviation: 12.8%; High: 48.8%; Low: 0.0%

¹⁵ A statistically significant divergence with a chi-square statistic of 366.2, 1 degree of freedom, and a probability of error less than 0.0005.

¹⁶ Chi-square statistic: 74.4; Degrees of Freedom: 1; Probability of non-significance: less than 0.0005.

Figure 6 depicts the disparity (on failed and chaptered bills) between the observed distribution of voting participation during floor and committee votes and what would be expected were there no statistically significant relationship between vote participation and location.



The finding that nonvoting is more prevalent among committee than floor votes is consistent with the hypotheses of political science scholars that nonvoting is less likely to occur where public visibility is heightened. Wright (1990) explains that floor voting is a more visible political activity subjected to greater media scrutiny than the less visible committee voting, and hence that nonvoting is less likely in floor, as opposed to committee, votes.

For a detailed presentation of nonvoting parameters by location (i.e., Senate and Assembly, floor and committee, and each individual committee in which bills failed during the 2001-02 legislative session) see Appendix B.¹⁸

Nonvoting Rates Vary Considerably Between Individual Legislators

That nonvoting is pervasive among bill failures is evident from that data presented thus far. Whether nonvoting is employed uniformly by legislators or used more or less often by some members than others is the final question examined in this section. Because Senate vote records list only the names of voting Senators and not the names of those who did not vote, the analysis of nonvoting by individual legislators was restricted to the 80 members of the Assembly.¹⁹

During California’s 2001-02 Legislative Session, Assembly Member nonvoting rates varied between 0.0 percent and 60.0 percent on failed bills. On average Assembly Members did not vote on 25.0 percent²⁰ of the failed bills, when they were eligible to do so. On chaptered bills, Assembly member nonvoting rates varied between 0.0 percent and 33.9 percent, with an average of 8.0 percent²¹. One-third of Assembly members did not vote on more than 30 percent of

¹⁷ Chi-square statistic: 492.1; Degrees of Freedom: 1; Probability of non-significance: less than 0.0005.

¹⁸ While an analysis of nonvoting rates between committees would be valuable in expanding the analysis of nonvoting differences across vote locations, because only the 2001-02 legislative session was catalogued and consequently the number of bills failing in each individual committee is fairly small, conclusions can not be drawn with sufficient certainty.

¹⁹ An important implication of this omission is that Senators’ nonvoting records are not available for public examination—what is not voted on may be at least as important as what is.

²⁰ Standard Deviation: 13.5%; High: 60.0%; Low: 0.0%

²¹ Standard Deviation: 5.7%; High: 33.9%; Low: 0.0%

failed bills, while only one Member, Gil Cedillo (D-Los Angeles), failed to vote more than 30 percent of the time on the chaptered bills. However, Assembly Member Cedillo’s high nonvoting rates in both categories were due to excused absence resulting from family illness.

Table 2 lists the Assembly members with the 10 highest and lowest nonvoting rates on failed bills. Assembly Member Jerome Horton (D-Los Angeles) had the highest nonvoting rate. Assembly Member Horton did not take a position on 36 of the 60 bills that failed votes for which he was eligible. Assembly Member Dave Cox (R-Sacramento) had the lowest nonvoting rate, taking a position on each of the 38 bills that failed votes for which he was eligible. In fact, Republicans overall had much lower nonvoting rates than Democrats—13.5 percent²² and 32.0 percent²³ on average, respectively. For a complete listing of Assembly member vote counts on failed and chaptered bills, see Appendix C.

Table 2. 10 Highest and Lowest Assembly Member Nonvoting Rates on Failed Bills						
	10 Highest			10 Lowest		
Rank	Member	Non-voting Rate	Total Votes	Member	Non-voting Rate	Total Votes
1	Horton	60.0%	60	Cox	0.0%	38
2.	Cardenas	58.5%	65	Strickland	4.3%	46
3.	Shelley	54.8%	62	Cogdill	4.7%	43
4.	Cedillo	54.1%	61	Bogh	5.6%	54
5.	Diaz	49.5%	91	Campbell, B	6.8%	59
6.	Calderon	47.7%	65	Aanestad	9.7%	62
7.	Nakano	44.1%	68	Hollingsworth	9.7%	62
8.	Correa	43.5%	69	Mountjoy	10.8%	65
9.	Negrete McLeod	43.3%	60	Keeley	11.4%	88
10.	Simitian	43.3%	67	Leonard	11.8%	51

While it is clear that nonvoting rates vary considerably between individual legislators, only a rigorous examination of specific legislative factors (e.g., a multiple regression analysis or controlled experiment) would be able to determine with some degree of certainty the reasons behind the variation. Although time and resource constraints prohibited such an examination during this study, more general findings regarding factors contributing to the variation were obtained through a review of relevant academic literature and through interviews with California legislators, discussed in Sections V and VII, respectively.

²² Standard Deviation: 6.0%; High: 27.7%; Low: 0.0%

²³ Standard Deviation: 12.0%; High: 60.0%; Low: 11.4%

V. FACTORS CONTRIBUTING TO LEGISLATOR NONVOTING

A review of relevant academic literature indicates that multiple factors influence a legislator's voting behavior. Rather than a legislator simply determining his or her position on the issues represented in a bill and clearly expressing that position through a vote, research shows that numerous process and career factors often influence voting behavior. These concerns, in turn, may result in deliberate or strategic nonvoting.

Process Concerns

Legislation often changes as it moves through the legislative process. Various proposals and amendments can be added to a bill as it moves between committees or to the floor. Legislators must keep track of the issues represented in the many pieces of legislation that they are called to decide upon. Differences in the content of the bills can affect voting consistency; rarely are legislators so extremely on one side of an issue that they will vote the same way all the time. (Belknap, 1958)

External pressures, like lobbying and the legislature's political environment, will often affect a legislator's voting decision. Wright (1990) found that lobbying influenced the committee voting of legislators in the U.S. House of Representatives. Hamm (1982) found that disputes not resolved in committee can affect a legislator's decision about how to vote on the floor. In fact, Wright (1990) proposes that the different political concerns involved in floor and committee voting impact voting decisions. Voting on the floor is a more visible political activity, while committee voting is not often put to the same intense media scrutiny.

Committee leadership can impact a legislator's voting decision. Hamm (1982) found that one in six to one in ten state legislators switch their votes between the committee and floor. The major variable driving this change is party affiliation. Minority party members are more likely to engage in inconsistent voting.

Party leadership can also play an important role in an individual legislator's voting decision. Hamm (1982) also found that the party caucus is the locus of decision making rather than the committee in some states, making committee voting potentially insincere. To ensure party cohesion, party leadership might put restrictions on the voting behavior of members.

Career/Personal Concerns

Much of the literature describing the factors influencing the voting behavior of elected officials is based on the premise that legislators are primarily concerned with keeping their jobs. Thomas (1991) says that the voting behavior of elected officials is intended to maximize future electoral benefits. Sigelman et al (1992) propose that the fundamental motivation of public officials is the desire to avoid blame on controversial issues. Since the votes they cast indicate their positions to constituents, legislators often have to strategically manage the image they convey to those they represent. If a vote may offend important or a large number of constituents, it must be supported by an explanation that does not make the official look bad if the vote is questioned. If a legislator decides to follow his or her personal judgment, which is in opposition to constituent preferences, he or she must develop a strategy to diffuse charges of arrogant disregard for constituent preferences. (Sigelman, Sigelman and Walkosz, 1992)

Research shows that constituents voting in an election do consider candidates' voting records. A legislator's voting record gives an indication of how close the official's position is to that of the average constituent. Abramowitz (1988) found that candidate characteristics, including voting records, were the most important factors influencing the results of U.S. Senate elections. More specifically, a senator with a voting record that was inconsistent with the ideological position of his or her constituents paid a price in terms of electoral support in a reelection. When faced with an issue that is important to constituents, legislators are likely to take their views very seriously. It follows that a constituency's homogeneity, sophistication and ability to access information has an impact on a legislator's voting decisions. (Thomas, 1991)

Concerns about reelection and the possibility of seeking another office impact voting decisions. Thomas (1991) found that participation in roll-call voting in the U.S. Senate decreased in the final years of a legislator's term. One explanation is that the demands of campaign activities limited participation in voting. Alternatively, the decline in voting participation could be based on reluctance to reveal positions on issues before a reelection attempt.

Strategic Nonvoting

Thomas (1991) proposes that deliberately not voting on a bill allows a legislator to avoid taking a public position on an issue. Nonvoting is a strategy that can be used when a legislator feels pressured by constituent opinions that conflict with those of party leadership or the legislator's own opinions on an issue. Indeed, Glazer (1995) found that nonvoting was used strategically along with vote delay in the U.S. House of Representatives when legislators faced conflicting pressures.

Cohen and Noll (1991) found that vote abstention, or nonvoting, is not random, rather it is done purposefully and with the constituency in mind. Legislators have an incentive to vote most of the time because of the signaling role that voting plays for constituents. Legislators' voting records signal to their constituents their ideological positions and legislators with clear ideological positions theoretically are at a greater electoral advantage. "A clear policy orientation is obtained by voting on numerous roll calls, irrespective of the outcome of the votes" (Cohen and Noll, 1991, p. 100). However, when there are conflicting opinions on a issue, clearly expressing a position through a vote may represent too high a cost and an official may choose to abstain and not take a public position rather than going on record and angering constituents. Supporting this theory, Cohen and Noll (1991) found that nonvoting increases as does the amount of conflict surrounding a bill. Cohen and Noll found that legislators faced with multiple demands are more likely to abstain when the outcome is close than when there is a landslide.

VI. DIFFERENCES IN VOTING RULES ACROSS STATE LEGISLATURES

In order to better understand the impact chamber rules have on nonvoting, California’s Senate and Assembly Rules were compared to those of other states. This section discusses the findings from those comparisons, the power that abstentions have in the legislative process, and the differences in nonvoting effects resulting from various definitions of the *majority* needed to pass a bill.

State Rules

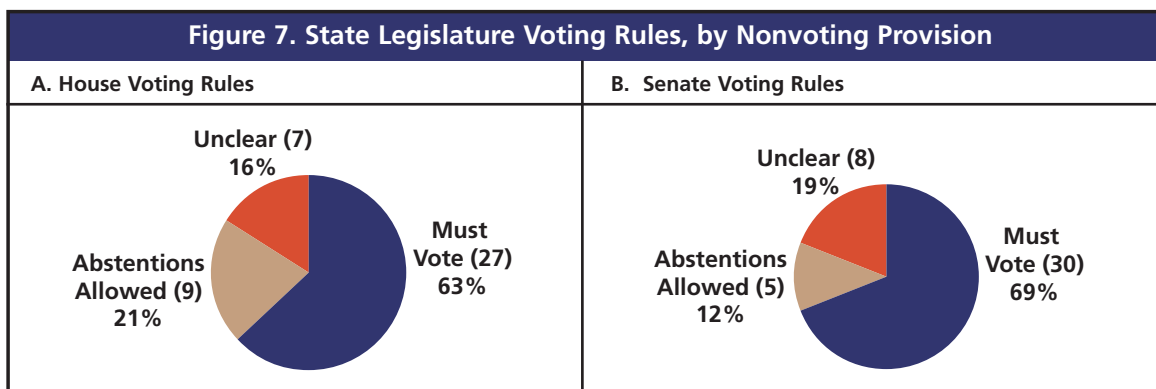
The Voting Rules of the California State Assembly and Senate, respectively, state:

“Every Member in the Assembly Chamber when a roll call is required shall record his or her vote openly and without debate, unless the Assembly excuses that member by a majority vote of the Members present and voting.”

“Every Member shall be within the House Chamber during its sittings, unless excused or necessarily prevented, and shall vote on each question put.”

Although upon initial reading these rules appear to require members to vote, a loophole exists. Because the rules pertain only to members *in the Chamber* when a vote is called, a legislator may simply avoid entering the chamber during votes on bills they choose not to openly support or oppose. Calls placed to chamber clerks in several other states with similar voting rules confirmed this practice. One clerk stated “if a Senator doesn’t want to vote they just leave the chamber for the duration of the vote—it happens all the time.” Additionally, those legislators authorized to excuse their colleagues from voting often do so as a courtesy rather than limiting exemptions to extraordinary circumstances (see Appendix E for comprehensive California voting rules).

California State Assembly and Senate voting rules were compared with forty-three other states’ rules. States were selected based on an ability to locate voting rules on state websites in under an hour.²⁴ As Figure 7A shows, seven sets of House rules are unclear about whether members are required to vote; nine clearly state that abstentions are allowed; the majority of houses (twenty-seven) have language similar to that of California, implying a Member must vote barring any conflict of interest. Figure 7B shows that of the Senate rules reviewed, eight chambers have rules that are unclear on voting requirements, five allow abstentions, and thirty imply that a Senator must vote unless he or she has a conflict of interest.



²⁴ Because Nebraska has a unicameral government, rather than two distinct houses, the analysis of state voting rules counts Nebraska’s rule among both Senate and House totals.

Many states have language even more stringent than California's. Hawaii's rules for both House and Senate, for example, state "no member shall refrain from voting unless excused," and further "any member who refuses three times to vote when ordered to do so will be considered to have voted aye, and the Clerk shall record an aye vote for the member." Other states with seemingly strict rules include Florida and North Dakota. However, when staff members familiar with current voting patterns in each of the three states were contacted, all five explained that politicians will still simply walk out of the chamber just before the vote begins to avoid follow the voting rules.

The Power of Abstention

The majority of state rules reviewed, including California's, indicate that if a parliamentary procedure is questioned and found not to be discussed in the chamber's own rules the chamber must turn to *Mason's Manual of Parliamentary Procedure* or *Robert's Rules of Order* for direction.

According to The National Conference of State Legislatures, seventy of the ninety-nine legislative chambers in the United States use *Mason's Manual* and four use *Robert's Rules of Order* as their parliamentary authority. All of these texts are consistent in stating that elected officials cannot be compelled to vote and therefore may abstain from voting. However, these officials are also reminded that they have a powerful obligation to vote on all motions "because decision-making is one of the primary discretionary duties of the office to which they were elected or appointed" (*Sturgis* 3rd edition p. 246, *Robert's* p. 70) and that "having each member vote is in the best interest of the member and the organization." (*Robert's* p.70)

According to *Sturgis Standard Code of Parliamentary Procedure*, members who abstain are presumed to not have a preference for or against a motion and thereby waive their right to vote and consent to allow those present and voting to decide the motion. (p. 126) Therefore, in the calculation of a vote, *Mason's*, *Robert's*, and *Sturgis* recommend that abstentions and missed votes should not be counted in the results (*Sturgis* 4th Edition p.134, *Mason's* 1989 Edition p. 340 and 349, *Robert's* p. 70).

The Definition of a Majority

As *Sturgis* discusses, "a majority vote, or any other vote, may be qualified or defined in many ways, each potentially offering a different outcome for the vote" (*Sturgis* 4th Edition, p.130). In California a majority is defined as more than half of all legislative body members both present and absent; therefore for a bill to be affirmed by the eighty member Assembly, forty-one yes votes are needed regardless of the number of members actually voting. This practice, in essence allows absences and abstentions to be counted as no votes. (*Robert's* p. 70, *Sturgis* 4th Edition p.134, *Mason's* 1989 Edition p. 349)

In contrast, the Hawaii, New Jersey, and Arizona state legislatures define a majority as more than half of all members who are present and voting, so long as they form a quorum. This means that if ten members of an eighty member body are absent or refuse to vote, only thirty-six of the remaining seventy members need to vote "aye" to affirm a measure. Interestingly, had this majority definition been in place during California's 2001-02 session, 37.5 percent of the bills that failed their last substantive votes would have passed and continued on through the legislative process.

VII. LEGISLATOR PERSPECTIVES ON NONVOTING

In order to obtain legislators' perspectives on nonvoting, the offices of California Assembly members serving their second or third term were contacted over the course of three weeks. Of the forty-seven returning members, eleven members and three chiefs of staff participated in the interview. All fourteen individuals interviewed were asked the following questions:

- (1) To your knowledge what are the primary factors that motivate a legislator (you, your colleagues, or other politicians) to not vote on a bill?
- (2) To what degree, if any, do you feel that missing votes or abstaining from voting plays a useful or harmful role in the legislative process?
- (3) What effect, if any, do you feel that nonvoting has on the legislative process?
- (4) Are there any anecdotes that come to mind that illustrate the role and/or effect of nonvoting or abstaining in the legislature?

Primary Factors that Motivate a Legislator to Not Vote

When discussing the factors that motivate legislators themselves—or have the potential to motivate others—to miss votes, answers typically included: not present, out of room, and out of town on legislative business. With respect to abstaining, most legislators stated that they “on occasion” do not vote on a bill because they feel political pressure. One Chief of Staff explained that his legislator rarely abstains, but when he does it is because his own position is in opposition to that of his constituents and abstaining gives him a way out of voting against either loyalty. Several members reported that they often feel “torn” on a bill because the idea is good but because of a procedural point or the execution of the bill, they can not support it. By abstaining they “send a message to the author of the bill that they will support it if changes are made.” Other members admitted that they will sometimes group their abstentions together in order to make a statement to the author of a bill, or to the outside groups sponsoring a bill that they too need to be consulted on bill formulation. Several members cautioned that abstaining cannot be done too often without other political consequences. One Member stated that “because an Assembly Member has such a short term in the legislature, you have to establish your record on the issues so you cannot abstain too often.”

Several members explained that in addition to the issue of the bill, their professional backgrounds, their value systems and personal experiences, the impact of the bill on their district (especially if it does not reflect the constituency's attitudes), how safe they feel against a challenger in the next election, the impact of the bill on the State, the complexity of a bill, and the controversial nature of a bill, all influence the way they vote. One Member added that “I reflect the district's view on almost everything. When I don't it is because I have information that they don't have.”

One Member voiced his frustration that “there are a few members who just won't vote on anything.” He explained that they use abstentions as a way to escape taking a stand on an issue and therefore, this Member implied, these politicians do not want to risk the ire of district constituents or risk losing political donations from lobbyists. One staff member quipped that abstaining “is a weenie way out.”

Several members and chiefs of staff explained that abstaining is a “soft no” or a “soft way of saying no” in that if they like the author, or share a geographical region or caucus with them, or feel that the bill has potential they will “lay off” it (abstain) so that it can be reworked. One Member, for example, said that at one point there were about six measures being floated concerning consumer privacy, all of which he felt had problems and so he abstained more than usual; eventually the Member became a co-author of one the bills because the primary author had addressed his concerns.

One Member complained that last year about 400 bills were presented on the floor in just a few days in a rushed attempt to get things passed before the session ended. He felt that many of the bills had been “gutted and amended” to the point where they resembled nothing of the original bill. “We were going through a bill every thirty seconds until two or three in the morning and there is no way that we could possibly be making intelligent decisions on these bills,” he continued. This Member also felt that this manner of voting did not allow enough time for public scrutiny and that all bills should receive a full public hearing. Another Member found fault in this argument: “Gut amend bills rarely happen, let alone to that extreme.” Additionally, “if a Member claims he or she didn’t know what they are voting for at that point, then he or she doesn’t have a very good staff.”

Several members asserted that “if a policy is bad it will get a no vote, but sometimes there is a measure that they have real mixed feelings about or no opinion at all about, making voting for it problematic in that it is not quite close enough to what they want.” One Member stated that it is “easy to cast a yes or no vote; it is harder to abstain.”

The Role that Nonvoting Plays in the Legislative Process

When asked about the role that abstaining plays in the legislative process, legislators offered a range of answers. Several members and chiefs of staffs commented that abstaining or not voting has the same results as voting no. Some members explained that abstaining could be harmful or useful in the legislative process depending on the author, the issues addressed by the bill and its execution.

One Member explained that abstaining occasionally plays a useful role when one party or the other brings a bill to the floor that needs a two-thirds majority such as a bill with an urgency clause. It is not uncommon for Republicans to not vote on this type of bill, even if they agree with it, because they do not want the bill to be implemented so quickly. By abstaining the Republicans are encouraging the author to amend the bill by taking out of the urgency clause. Another member argued that he will not vote on “spot bills” and will always abstain in order to wait for additional information about the consequences of the bill. “Sometimes when I don’t vote on something it comes back in a better form; abstaining gives the author a sense of where the votes are and who they need to contact and negotiate a positive vote.”

One Member stated that abstaining is not harmful because “if it is a really good bill it will be back and if it’s a bad bill, abstentions help to stop it.” Another Member claimed that abstentions are not harmful because they are not as offensive to the bill’s author thereby helping the members maintain relations as long as they do not do it too frequently, as some seem to do.

At the other end of the spectrum, one Member stated that abstaining is “generally harmful.” He explained that the only legitimate reasons for abstaining are for a real conflict of interest and that these types of conflicts rarely occur. Two others felt it was harmful to the process because if legislators abstain or leave the room (“duck a vote”) during a vote so they do not have to get heat from their constituents, they are not being a good representative of the people and are evading their duties. Several members believed this happened frequently on social issues like gay rights.

Several individuals pointed out the importance of distinguishing between purposeful nonvoting and votes that are missed due to scheduling and/or personal conflicts. Because members are compelled to be in so many committees at the same time, they are often unable to make every vote.

The Effects of Nonvoting on the Legislative Process

When asked about the effect nonvoting has on the legislative process the individuals interviewed varied widely in their responses. Members who felt that nonvoting had no effect often explained that this was due to the fact that a quorum (forty-one yes votes) is always needed to pass a bill and “you either have that many positive votes or you don’t.” One Member declared that while obviously constituents send you to Sacramento to vote, from time to time you can’t vote because of illness or justifiable uncertainty. He added that “members use it sparingly because they need to be seen as being able to make decisions.” Another Member joked however that while he receives plenty of phone calls from his district when he votes yes or no on a bill, he has never received a call complaining that he did not vote on something. Politicians are placed in a sensitive position because while political opponents can challenge their voting record on the issues, they frequently point out nonvoting as well. One Member says he makes it a point to vote on everything—even the most obscure bills—to avoid the political consequences of nonvoting.

One Member stated that last year the Assembly reviewed between 1,500 and 2,000 bills and many of them passed; a sign that the good bills are getting through. Similarly, members who felt that nonvoting has a positive impact on the process stated that it has improved legislation because abstentions “force the authors to address the concerns of all members and complete negotiations in a compressed timeframe.”

Some members stated that nonvoting has a negative effect on the process because it can kill a bill without the same degree of accountability that a no vote would provide; adding that it tends to make it harder to pass “good legislation.”

Many of those interviewed, regardless of their opinion of the effects of abstaining, were aware that an abstention is essentially a no vote. In summary, it appears that Legislators agree nonvoting slows down the legislative process and while some view this as a good thing because it increases the likelihood that bills will be well thought out, others view it negatively because it makes it more difficult for good legislation to pass and reduces accountability.

VIII. CONCLUSIONS AND RECOMMENDATIONS

While the study described in this report allows a number of important conclusions to be drawn, data accessibility limitations leave critical questions unanswered. After summarizing the research findings, this section describes the significant data limitations encountered and the implications and recommendations that follow.

Research Conclusions

The analysis of nonvoting in the California Legislature reveals the following:

- Nonvoting is prevalent among and does contribute to bill failures. Bills failed with an average of 34.3 percent of legislators not voting. In 68.9 percent of bill failures the number of nonvoters was sufficiently high to have been able to affect the bill's passage, had they voted in support. 37.5 percent of bills failed with more yes votes than no votes cast, indicating that nonvoting played a decisive role in vote failure.
- Conclusions regarding whether certain types of bills are disproportionately affected by nonvoting could not be drawn from the analysis, but a review of relevant academic literature suggests that bill characteristics—such as complexity, controversy, and associated stakeholder campaign contributions—are associated with legislator nonvoting rates.
- Nonvoting rates: (1) are significantly higher on failed bills than on chaptered, supporting the conclusion that nonvoting is prevalent among failed bills uniquely; (2) are significantly higher in committee votes than in floor votes, supporting the hypothesis that nonvoting is more likely where public visibility and media scrutiny are lessened; and (3) vary considerably between individual legislators.
- Multiple factors relating to career and process concerns influence legislators' voting behavior and these factors, in turn, can lead to deliberate or strategic nonvoting.
- While the majority of state legislatures, including California's, have promulgated rules indicating that legislators must vote, loopholes exist allowing legislators to avoid following the rules by avoiding the Chamber during the time of vote.
- Legislators vary in their perspectives on the role played by nonvoting in the legislative process. While some view nonvoting as harmful in allowing elected officials to evade their duties, others believe it to be useful in slowing down the legislative process. Similarly, while some legislators believe that nonvoting has a positive effect on the legislative process by allowing only "good" bills to proceed, others view it as harmful in that it kills legislation without the accountability of a no vote.

Accessibility and Transparency Limitations

While the above findings provide important insight into the issue of legislator nonvoting, a number of data accessibility and transparency limitations prohibited more thorough examination.

First, as previously noted, unlike Assembly vote records, Senate vote records list only the names of voting legislators and not the names of those who do not vote. An important implication of this omission is that Senators' nonvoting records are unavailable for public examination—what is not voted upon may be at least as important as what is, but without complete records, this and other significant questions can not be addressed.

Second, even in Assembly records where nonvoting members are listed, there is no differentiation between types of nonvotes. Therefore, one can not determine whether a legislator made a deliberate decision not to vote on a particular bill, or whether he or she was unable to vote due to absence (excused or otherwise) resulting from district business, illness, or some other factor unrelated to the bill itself. This distinction is critical to understanding whether bill characteristics or legislature organizational factors most contribute to bills failing due to prevalent nonvoting.

Third, as presently structured, the only publicly available means of examining the information that is available is to search bill votes individually. Therefore, in order to answer questions about the role and effect of nonvoting a dataset must be created from scratch by any would-be user. This incredibly tedious, complex, and time consuming process is one which few are able, or willing, to undertake. Consequently, legislative process transparency and examination are seriously hindered.

Recommendations

While nonvoting is clearly prevalent among and does contribute to bill failures, whether nonvoting is ultimately beneficial or harmful to the legislative process, and whether legislative process reform is therefore warranted, can not be determined from this study. On the other hand, the accessibility and transparency limitations which prohibited more conclusive research into these important questions do merit change. Implementation of the following recommendations would go a long way toward facilitating voting and nonvoting research, as well as legislative process transparency and accountability:

- Require Senate vote records to include the names of nonvoting members.
- In both Senate and Assembly vote records, differentiate between types of nonvotes: abstentions, excused absences, and unexcused absences.
- Make accessible to the public spreadsheets of complete legislator vote roll calls on all bills introduced during each legislative session, ideally through an expansion of the current IT framework which would allow users to specify the information desired.

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APPENDIX A—RESEARCH METHODOLOGY AND LIMITATIONS

This appendix describes the methodology employed in and limitations encountered during the course of study.

Nonvoting Trends and Patterns

In order to obtain the data necessary to gain an understanding of voting trends and patterns in the California Legislature, the individual records of each bill introduced during the most recently completed legislative session (2001-02) were reviewed and catalogued. Bills were initially assessed for outcome according to the following, mutually exclusive, categories:

- Chaptered—bills that became law after approval of both legislative houses and signature of the Governor.
- Vetoed—bills that gained passage from both houses, but were subsequently rejected by the Governor.
- Timed out—bills that were introduced, but expired due to time restrictions or other legislative rules, but not due to a substantive vote failure or gubernatorial veto.²⁵
- Failed—bills that failed their last substantive vote.²⁶

After all bills had been assessed according to final outcome, the following data were recorded for each failed bill: date and location of final substantive vote, the type of majority needed for passage (one half or two thirds), and the vote cast by each legislative body member (whether yes, no, or not voting).

Before analyzing the data, quality control measures were taken, including cross checking all failed bills to ensure that the vote recorded was indeed the most recent substantive vote, that the correct vote location and date were reflected, and that the total yes, no, and nonvotes recorded were consistent with the online vote record.

In the case of bills that failed in Senate committees, the number of nonvoting members was calculated as the difference between total membership (obtained from the *2001-02 California Legislative Handbook* (California Office of State Publishing)) and total yes and no votes cast. This procedure was required because Senate records do not include the names of nonvoting Senators. Because committee membership changes over the course of a session, it was not possible to accurately identify which Senators did not vote in each committee vote.

From this data, legislator voting and nonvoting rates were calculated. These figures are presented in Appendix C.

In order to gain an understanding of the role played by nonvoting in bill failures, a decision rule was defined for the identification of bills that failed with nonvoting playing the decisive role. It was reasoned that nonvoting plays a decisive role when a bill fails with more yes than no votes. If nonvoting had no effect, in these instances a bill would pass. But because in the California Legislature not voting has the same effect as voting no, if a sufficient number of legislators do not vote, a bill can still fail. Therefore, when a bill receives more yes than no votes but still fails, nonvoting played the decisive role.

²⁵ A substantive vote is defined as a vote on the content of the bill in contrast to a procedural vote, such as a vote on a motion to reconsider the bill at a later date. This distinction was made after it was noticed that a large number of bills failed the last vote on content, but passed a motion for reconsideration.

²⁶ It should be noted that there is no way of knowing whether bills that failed or timed out were subsequently re-introduced and passed.

This group of bills was then analyzed against those that failed without nonvoting playing a decisive role (the methodology employed is described in the following subsection).

A comparison between nonvoting rates on failed versus chaptered bills was also performed, to determine whether nonvoting rates were uniquely high on failed bills, or whether they were consistently high across bill categories. In order to accomplish this, a random sample of 400 chaptered bills was drawn and their votes recorded. A sample size of 400 was chosen in order to permit a confidence level of roughly 95 percent that the actual population values lie within 2.5 percentage points (plus or minus) of the values calculated from the sample. The same proportion of floor to committee votes was recorded for the chaptered sample as was observed in the population of failed bills to control for any differences in floor versus committee voting patterns.

The sample of chaptered bills was obtained by assigning a random number to each bill in the chaptered population. Bills were then sorted according to their random numbers and the first 400 were used for the analysis. Since the final vote on all chaptered bills is always a floor vote, bills for which a committee vote was needed were recorded according to their first substantive vote, which is always a committee vote.

Nonvoting rates between vote locations (i.e., Senate and Assembly, committee and floor, and between each individual committee) and between individual legislators were likewise examined.

Failed Bill Characteristics

To examine whether certain bill characteristics are associated with the prevalence of nonvoting, content analysis was performed on the 204 bills that failed in the Assembly during the 2001-02 legislative session. Bills were analyzed according to:

- Subject—defined as the area of public policy to which they were most applicable.
- Action—the type of legislative action implied by the mandates of the bill.
- Beneficiary/Burdened—the primary stakeholder groups that would have benefited or been burdened by the legislation had it passed.

Once each bill had been categorized, they were then separated according to whether they had failed with nonvoting playing a decisive role. In order to prevent bias during bill coding, this designation was not made until all bills had been categorized. Summary numbers were then calculated for each data type and are presented in Appendix D.

Factors Contributing to Legislator Nonvoting

To better understand the factors that influence legislators' voting decisions and the voting strategies they employ, a review of relevant academic literature was conducted. Studies focusing on legislator voting behavior are rather uncommon, as studying the reasons behind legislator behavior is difficult. However, a number of studies that proved useful to our understanding of the issue of legislator nonvoting were found. The studies used in this analysis were the ones most often referenced in other academic articles on the topic, indicating that their methodology and findings are analytically rigorous.

State Legislature Voting Rules

To better understand the differences in voting provisions across state legislatures, California's voting rules were compared with those of forty-three other states. States were selected based on an ability to locate voting rules on the states' websites in under an hour. The rules were also compared with three of the most frequently cited parliamentary procedure manuals: *Robert's Rules of Order*, *Mason's Manual of Parliamentary Procedure*, and *Sturgis Standard Code of Parliamentary Procedure*.

Legislator Perspectives

In order to obtain legislators' perspectives on nonvoting, the offices of California Assembly members serving their second or third term were contacted over the course of three weeks. Of the forty-seven returning members, eleven members and three chiefs of staff participated in the interview. Each office was called up to three times to request a brief phone interview. Five offices refused an interview during the first or second contact and were not contacted thereafter. While the majority of offices contacted requested the interview questions in advance, five of those who agreed to be contacted did not. Seven of the interview participants were Republican and seven were Democrats.

Limitations

Beyond those limitations detailed throughout the report, an additional obvious limitation of this analysis is that it spans only two years of data. Because vote records are not available in an easily analyzable format, the bulk of time available to the project was spent gathering and verifying data before it could be analyzed. Had the data been available in a more manipulable format, it would have been feasible to conduct analysis over multiple years and thereby to examine the trends of nonvoting over time and in response to historical events, like the adoption of legislative term limits in 1990. Likewise, the important questions pertaining to bill, process, and legislator characteristics associated with high nonvoting rates, and the overall effect of nonvoting on the legislative process could have been examined in greater depth.

The limited availability of data for this analysis also hindered its scope. While the conclusions drawn from the data analysis can be made with certainty as they relate to California's 2001-02 Legislative Session, the degree to which they are true of other sessions and of other legislative bodies can not be determined without additional data.

Given time constraints only forty-three states' rules were found for inclusion in this report. Additionally, while all forty-seven returning Assembly members were contacted to participate in the study, only those who chose to be involved were, resulting in the possibility of voluntary selection bias. Any bias introduced, however, was likely mitigated by the fact that an equal number of Democrats and Republicans took part, that a mix of views were presented from both parties, and that participant nonvoting rates varied significantly.

APPENDIX B—NONVOTING PARAMETERS BY VOTE LOCATION on Assembly and Senate Bills Failing their Last Recorded Substantive Vote California 2001-02 Legislative Session

Table 1. Assembly and Senate Votes

Vote Location	Total Failed Bills	Mean Nonvoting	S.D.	High	Low	≥ 1/3 of Members Not Voting	≥ 1/2 of Members Not Voting	Ayes > Noes (A > 2N for 2/3 majority floor votes)
Assembly	204	31.9%	19.6%	77.8%	0.0%	93 votes (45.6%)	42 votes (20.6%)	75 votes (36.8%)
Senate	124	38.2%	22.4%	83.3%	0.0%	77 votes (62.1%)	52 votes (41.9%)	48 votes (38.7%)
Total²⁷	328	34.3%	20.9%	83.3%	0.0%	170 votes (51.8%)	94 votes (28.7%)	123 votes (37.5%)

Table 2. Floor and Committee Votes

Vote Location	Total Failed Bills	Mean Nonvoting	S.D.	High	Low	≥ 1/3 of Members Not Voting	≥ 1/2 of Members Not Voting	Ayes > Noes (A > 2N for 2/3 majority floor votes)
Assembly Committee	169	34.9%	19.4%	77.8%	0.0%	90 votes (53.3%)	42 votes (24.9%)	68 votes (40.2%)
Senate Committee	114	40.6%	21.4%	83.3%	0.0%	76 votes (66.7%)	52 votes (45.6%)	48 votes (42.1%)
Total Committee	283	37.2%	20.4%	83.3%	0.0%	166 votes (58.7%)	94 votes (33.2%)	116 votes (41.0%)
Assembly Floor	35	17.1%	12.8%	48.8%	2.5%	3 votes (8.6%)	0 votes (0.0%)	7 votes (20.0%)
Senate Floor	10	10.0%	11.8%	37.5%	0.0%	1 vote (10.0%)	0 votes (0.0%)	0 votes (0.0%)
Total Floor	45	15.5%	12.8%	48.8%	0.0%	4 votes (8.9%)	0 votes (0.0%)	7 votes (15.5%)

²⁷A total of 330 bills failed their last recorded substantive vote in the 2001-02 legislative session. Two of these bills (Senate Bills 559 and 640) could not be included in this analysis, however, because there are no votes listed for the bills in their on-line vote records, despite the fact that their on-line histories indicate that they both failed votes on January 9, 2002.

Table 3. Assembly Committee Votes, by Total Votes

Vote Location	Total Failed Bills	Mean Nonvoting	S.D.	High	Low	≥ 1/3 of Members Not Voting	≥ 1/2 of Members Not Voting	Ayes > Noes (A > 2N for 2/3 majority floor votes)
Public Safety	39	24.2%	17.1%	57.1%	0.0%	10 votes (25.6%)	4 votes (10.3%)	7 votes (17.9%)
Transportation	15	39.6%	20.2%	73.7%	0.0%	10 votes (66.7%)	5 votes (33.3%)	12 votes (80.0%)
Judiciary	14	34.6%	17.3%	61.5%	7.7%	8 votes (57.1%)	3 votes (21.4%)	4 votes (28.6%)
Health	12	38.4%	17.7%	68.4%	0.0%	7 votes (58.3%)	3 votes (25.0%)	4 votes (33.3%)
Business and Professions	11	38.5%	16.8%	63.6%	8.3%	8 votes (72.7%)	3 votes (27.3%)	4 votes (36.4%)
Education	11	28.4%	16.9%	62.5%	6.7%	4 votes (36.4%)	1 vote (9.1%)	4 votes (36.4%)
Elections, Redistricting, and Const. Amendments	10	42.3%	13.7%	60.0%	13.3%	8 votes (80.0%)	3 votes (30.0%)	5 votes (50.0%)
Appropriations	8	43.1%	20.8%	65.2%	9.5%	6 votes (75.0%)	4 votes (50.0%)	6 votes (75.0%)
Insurance	8	22.6%	23.1%	58.8%	0.0%	3 votes (37.5%)	1 vote (12.5%)	1 vote (12.5%)
Utilities and Commerce	6	48.6%	12.3%	64.7%	29.4%	5 votes (83.3%)	2 votes (33.3%)	4 votes (66.7%)
Housing and Community Development	5	53.3%	29.8%	77.8%	11.1%	4 votes (80.0%)	3 votes (60.0%)	1 vote (20.0%)
Banking and Finance	4	28.3%	9.0%	36.4%	15.4%	1 vote (25.0%)	0 votes (0.0%)	2 votes (50.0%)
Natural Resources	4	46.6%	25.8%	63.6%	9.1%	3 votes (75.0%)	3 votes (75.0%)	2 votes (50.0%)
Water, Parks and Wildlife	4	35.3%	22.7%	68.4%	20.0%	1 vote (25.0%)	1 vote (25.0%)	2 votes (50.0%)
Governmental Organization	3	34.7%	4.8%	37.5%	29.2%	2 votes (66.7%)	0 votes (0.0%)	2 votes (66.7%)
Labor and Employment	3	33.3%	21.8%	14.3%	57.1%	1 vote (33.3%)	1 vote (33.3%)	0 votes (0.0%)
Revenue and Taxation	3	57.1%	14.3%	71.4%	42.9%	3 votes (100.0%)	2 votes (66.7%)	3 votes (100.0%)
Agriculture	2	43.3%	14.1%	53.3%	33.3%	2 votes (100.0%)	1 vote (50.0%)	1 vote (50.0%)
Human Services	2	36.9%	28.6%	57.1%	16.7%	1 vote (50.0%)	1 vote (50.0%)	1 vote (50.0%)
Arts, Entertainment, Sports, Tourism, and Internet Media	1	26.3%	n/a	n/a	n/a	0 votes (0.0%)	0 votes (0.0%)	0 votes (0.0%)
Environmental Safety and Toxic Materials	1	44.4%	n/a	n/a	n/a	1 vote (100.0%)	0 votes (0.0%)	0 votes (0.0%)
Higher Education	1	18.2%	n/a	n/a	n/a	0 votes (0.0%)	0 votes (0.0%)	1 vote (100.0%)
Jobs, Economic Development, and the Economy	1	66.7%	n/a	n/a	n/a	1 vote (100.0%)	1 vote (100.0%)	1 vote (100.0%)
Local Government	1	45.5%	n/a	n/a	n/a	1 vote (100.0%)	0 votes (0.0%)	1 vote (100.0%)

Table 4. Senate Committee Votes, by Total Votes

Vote Location	Total Failed Bills	Mean Nonvoting	S.D.	High	Low	≥ 1/3 of Members Not Voting	≥ 1/2 of Members Not Voting	Ayes > Noes (A > 2N for 2/3 majority floor votes)
Public Safety	42	46.8%	21.5%	83.3%	0.0%	20 votes (47.6%)	17 votes (40.5%)	23 votes (54.8%)
Revenue and Taxation	14	32.1%	20.1%	66.7%	0.0%	8 votes (57.1%)	4 votes (28.6%)	3 votes (21.4%)
Judiciary	10	30.0%	12.5%	57.1%	14.3%	2 votes (20.0%)	1 vote (10.0%)	3 votes (30.0%)
Education	7	49.0%	16.2%	71.4%	28.6%	6 votes (85.7%)	4 votes (57.1%)	5 votes (71.4%)
Appropriations	6	25.6%	17.3%	53.8%	0.0%	1 vote (16.7%)	1 vote (16.7%)	2 votes (33.3%)
Environmental Quality	5	28.6%	26.7%	71.4%	0.0%	1 vote (20.0%)	1 vote (20.0%)	0 votes (0.0%)
Local Government	5	26.7%	22.4%	50.0%	0.0%	2 votes (40.0%)	2 votes (40.0%)	3 votes (60.0%)
Transportation	5	48.0%	24.7%	66.7%	6.7%	4 votes (80.0%)	3 votes (60.0%)	1 vote (20.0%)
Energy, Utilities and Communications	4	47.2%	10.6%	55.6%	33.3%	4 votes (100.0%)	2 votes (50.0%)	2 votes (50.0%)
Health and Human Services	4	35.4%	10.5%	50.0%	25.0%	3 votes (75.0%)	1 vote (25.0%)	0 votes (0.0%)
Elections and Reapportionment	3	44.4%	n/a	44.4%	44.4%	3 votes (100.0%)	0 votes (0.0%)	2 votes (66.7%)
Governmental Organization	3	46.2%	13.3%	61.5%	38.5%	3 votes (100.0%)	1 vote (33.3%)	1 vote (33.3%)
Insurance	2	35.7%	50.0%	71.4%	0.0%	1 vote (50.0%)	1 vote (50.0%)	1 vote (50.0%)
Agriculture and Water Resources	1	81.8%	n/a	n/a	n/a	1 vote (100.0%)	1 vote (100.0%)	0 votes (0.0%)
Banking, Commerce, and International Trade	1	77.8%	n/a	n/a	n/a	1 vote (100.0%)	1 vote (100.0%)	1 vote (100.0%)
Labor and Industrial Relations	1	12.5%	n/a	n/a	n/a	0 votes (0.0%)	0 votes (0.0%)	0 votes (0.0%)
Natural Resources and Wildlife	1	55.6%	n/a	n/a	n/a	1 vote (100.0%)	1 vote (100.0%)	1 vote (100.0%)

APPENDIX C—ASSEMBLY MEMBER VOTE COUNTS California 2001-02 Legislative Session

Table 1. Assembly Member Nonvoting Rate Summary Statistics		
Statistic	Failed Bills	Chapered Bills
Mean Nonvoting Percentage	25.0%	8.0%
Standard Deviation	13.5%	5.7%
High	60.0%	33.9%
Low	0.0%	0.0%

Table 2. Assembly Member Vote Counts, by Nonvoting Rate on Failed Bills								
*see Table 3, below, for vote counts by member last name								
Member	Failed Bills				Chapered Bills			
	Yes Votes	No Votes	Non-votes	% Non-votes	Yes Votes	No Votes	Non-votes	% Non-votes
Horton	8	16	36	60.0%	87	0	7	7.4%
Cardenas	14	13	38	58.5%	88	0	15	14.6%
Shelley	13	15	34	54.8%	113	0	4	3.4%
Cedillo	12	16	33	54.1%	76	0	39	33.9%
Diaz	22	24	45	49.5%	121	0	4	3.2%
Calderon	11	23	31	47.7%	105	0	15	12.5%
Nakano	18	20	30	44.1%	94	0	7	6.9%
Correa	15	24	30	43.5%	129	2	3	2.2%
Negrete McLeod	17	17	26	43.3%	142	0	4	2.7%
Simitian	21	17	29	43.3%	92	0	8	8.0%
Matthews	7	18	19	43.2%	97	1	6	5.8%
Salinas	16	27	32	42.7%	169	0	9	5.1%
Oropeza	19	19	27	41.5%	97	0	17	14.9%
Dutra	17	31	31	39.2%	138	0	6	4.2%
Chavez	17	25	27	39.1%	128	0	7	5.2%
Kehoe	26	25	26	33.8%	119	0	7	5.6%
Vargas	15	44	30	33.7%	151	1	3	1.9%
Washington	21	51	36	33.3%	83	1	12	12.5%
Cardoza	8	26	17	33.3%	134	0	6	4.3%
Longville	28	26	27	33.3%	140	0	21	13.0%
Frommer	13	28	20	32.8%	109	1	10	8.3%
Pavley	22	20	20	32.3%	124	0	7	5.3%
Nation	26	14	19	32.2%	95	0	6	5.9%
Corbett	28	28	25	30.9%	124	0	9	6.8%
Reyes	11	30	18	30.5%	106	1	8	7.0%
Papan	13	26	17	30.4%	77	1	12	13.3%
Liu	20	24	19	30.2%	130	0	3	2.3%
Wayne	21	25	19	29.2%	149	0	2	1.3%
Florez	7	27	14	29.2%	86	1	19	17.9%
Firebaugh	24	18	17	28.8%	97	0	12	11.0%
Hertzberg	14	11	10	28.6%	65	0	4	5.8%
Pacheco, Rod	19	28	18	27.7%	84	22	24	18.5%

Table 2 Continued. Assembly Member Vote Counts, by Nonvoting Rate on Failed Bills

Member	Failed Bills				Chaptered Bills			
	Yes Votes	No Votes	Non-votes	% Non-votes	Yes Votes	No Votes	Non-votes	% Non-votes
Canciamilla	20	17	14	27.5%	101	0	3	2.9%
Alquist	27	19	17	27.0%	128	0	2	1.5%
Wright	16	22	14	26.9%	77	1	4	4.9%
Wyland	12	27	14	26.4%	89	17	15	12.4%
Steinberg	24	21	16	26.2%	117	0	10	7.9%
Chan	26	22	17	26.2%	138	0	9	6.1%
Cohn	19	24	15	25.9%	111	0	6	5.1%
Lowenthal	19	16	12	25.5%	135	0	2	1.5%
Jackson	19	25	13	22.8%	126	0	4	3.1%
Leslie	20	27	13	21.7%	81	18	12	10.8%
Aroner	26	35	16	20.8%	106	1	6	5.3%
Pescetti	5	32	9	19.6%	97	0	4	4.0%
Migden	20	17	9	19.6%	84	17	12	10.6%
Campbell, J	11	31	10	19.2%	53	18	17	19.3%
Wiggins	28	16	10	18.5%	111	1	1	0.9%
Chu	23	17	9	18.4%	109	0	0	0.0%
Runner	12	37	11	18.3%	72	27	17	14.7%
Strom-Martin	32	28	13	17.8%	157	0	4	2.5%
Thomson	23	30	11	17.2%	131	1	5	3.6%
Bates	30	39	14	16.9%	103	26	16	11.0%
Wesson	26	9	7	16.7%	90	0	0	0.0%
Pacheco, Robert	22	40	12	16.2%	100	25	15	10.7%
Harman	20	33	10	15.9%	115	22	14	9.3%
Goldberg	36	56	17	15.6%	142	2	16	10.0%
Maldonado	6	32	7	15.6%	67	12	3	3.7%
Wyman	9	37	8	14.8%	76	30	15	12.4%
Ashburn	16	31	8	14.5%	57	25	10	10.9%
Briggs	10	32	7	14.3%	83	17	18	15.3%
Koretz	30	32	10	13.9%	156	0	1	0.6%
Richman	13	38	8	13.6%	82	17	11	10.0%
Leach	20	38	9	13.4%	108	15	10	7.5%
Dickerson	56	36	14	13.2%	106	20	20	13.7%
Havice	20	27	7	13.0%	113	3	7	5.7%
Daucher	15	34	7	12.5%	73	21	9	8.7%
Maddox	17	33	7	12.3%	84	18	7	6.4%
Kelley	13	37	7	12.3%	95	13	10	8.5%
La Suer	52	35	12	12.1%	103	29	12	8.3%
Zettel	19	39	8	12.1%	104	17	5	4.0%
Leonard	13	32	6	11.8%	47	21	17	20.0%
Keeley	29	49	10	11.4%	127	0	6	4.5%
Mountjoy	21	37	7	10.8%	80	34	4	3.4%
Hollingsworth	16	40	6	9.7%	79	32	14	11.2%
Aanestad	17	39	6	9.7%	69	27	17	15.0%
Campbell, B	14	41	4	6.8%	64	19	14	14.4%
Bogh	12	39	3	5.6%	87	22	3	2.7%
Cogdill	7	34	2	4.7%	73	28	5	4.7%
Strickland	6	38	2	4.3%	72	19	11	10.8%
Cox	4	34	0	0.0%	55	15	4	5.4%

Table 3. Assembly Member Vote Counts, by Member Last Name

Member	Failed Bills				Chaptered Bills			
	Yes Votes	No Votes	Non-votes	% Non-votes	Yes Votes	No Votes	Non-votes	% Non-votes
Aanestad	17	39	6	9.7%	79	32	14	11.2%
Alquist	27	19	17	27.0%	128	0	2	1.5%
Aroner	26	35	16	20.8%	106	1	6	5.3%
Ashburn	16	31	8	14.5%	57	25	10	10.9%
Bates	30	39	14	16.9%	103	26	16	11.0%
Bogh	12	39	3	5.6%	87	22	3	2.7%
Briggs	10	32	7	14.3%	83	17	18	15.3%
Calderon	11	23	31	47.7%	105	0	15	12.5%
Campbell, B	14	41	4	6.8%	64	19	14	14.4%
Campbell, J	11	31	10	19.2%	53	18	17	19.3%
Canciamilla	20	17	14	27.5%	101	0	3	2.9%
Cardenas	14	13	38	58.5%	88	0	15	14.6%
Cardoza	8	26	17	33.3%	83	1	12	12.5%
Cedillo	12	16	33	54.1%	76	0	39	33.9%
Chan	26	22	17	26.2%	138	0	9	6.1%
Chavez	17	25	27	39.1%	128	0	7	5.2%
Chu	23	17	9	18.4%	109	0	0	0.0%
Cogdill	7	34	2	4.7%	73	28	5	4.7%
Cohn	19	24	15	25.9%	111	0	6	5.1%
Corbett	28	28	25	30.9%	124	0	9	6.8%
Correa	15	24	30	43.5%	129	2	3	2.2%
Cox	4	34	0	0.0%	55	15	4	5.4%
Daucher	15	34	7	12.5%	73	21	9	8.7%
Diaz	22	24	45	49.5%	121	0	4	3.2%
Dickerson	56	36	14	13.2%	106	20	20	13.7%
Dutra	17	31	31	39.2%	138	0	6	4.2%
Firebaugh	24	18	17	28.8%	97	0	12	11.0%
Florez	7	27	14	29.2%	86	1	19	17.9%
Frommer	13	28	20	32.8%	109	1	10	8.3%
Goldberg	36	56	17	15.6%	142	2	16	10.0%
Harman	20	33	10	15.9%	115	22	14	9.3%
Havice	20	27	7	13.0%	113	3	7	5.7%
Hertzberg	14	11	10	28.6%	65	0	4	5.8%
Hollingsworth	16	40	6	9.7%	69	27	17	15.0%
Horton	8	16	36	60.0%	87	0	7	7.4%
Jackson	19	25	13	22.8%	126	0	4	3.1%
Keeley	29	49	10	11.4%	127	0	6	4.5%
Kehoe	26	25	26	33.8%	119	0	7	5.6%
Kelley	13	37	7	12.3%	84	18	7	6.4%
Koretz	30	32	10	13.9%	156	0	1	0.6%
La Suer	52	35	12	12.1%	103	29	12	8.3%
Leach	20	38	9	13.4%	108	15	10	7.5%
Leonard	13	32	6	11.8%	47	21	17	20.0%
Leslie	20	27	13	21.7%	81	18	12	10.8%
Liu	20	24	19	30.2%	130	0	3	2.3%
Longville	28	26	27	33.3%	134	0	6	4.3%
Lowenthal	19	16	12	25.5%	135	0	2	1.5%

Table 3 Continued. Assembly Member Vote Counts, by Member Last Name								
Member	Failed Bills				Chaptered Bills			
	Yes Votes	No Votes	Non-votes	% Non-votes	Yes Votes	No Votes	Non-votes	% Non-votes
Maddox	17	33	7	12.3%	95	13	10	8.5%
Maldonado	6	32	7	15.6%	67	12	3	3.7%
Matthews	7	18	19	43.2%	97	1	6	5.8%
Migden	20	17	9	19.6%	97	0	4	4.0%
Mountjoy	21	37	7	10.8%	80	34	4	3.4%
Nakano	18	20	30	44.1%	94	0	7	6.9%
Nation	26	14	19	32.2%	95	0	6	5.9%
Negrete McLeod	17	17	26	43.3%	142	0	4	2.7%
Oropeza	19	19	27	41.5%	97	0	17	14.9%
Pacheco, Robert	22	40	12	16.2%	100	25	15	10.7%
Pacheco, Rod	19	28	18	27.7%	84	22	24	18.5%
Papan	13	26	17	30.4%	77	1	12	13.3%
Pavley	22	20	20	32.3%	124	0	7	5.3%
Pescetti	5	32	9	19.6%	84	17	12	10.6%
Reyes	11	30	18	30.5%	106	1	8	7.0%
Richman	13	38	8	13.6%	82	17	11	10.0%
Runner	12	37	11	18.3%	72	27	17	14.7%
Salinas	16	27	32	42.7%	169	0	9	5.1%
Shelley	13	15	34	54.8%	113	0	4	3.4%
Simitian	21	17	29	43.3%	92	0	8	8.0%
Steinberg	24	21	16	26.2%	117	0	10	7.9%
Strickland	6	38	2	4.3%	72	19	11	10.8%
Strom-Martin	32	28	13	17.8%	157	0	4	2.5%
Thomson	23	30	11	17.2%	131	1	5	3.6%
Vargas	15	44	30	33.7%	151	1	3	1.9%
Washington	21	51	36	33.3%	140	0	21	13.0%
Wayne	21	25	19	29.2%	149	0	2	1.3%
Wesson	26	9	7	16.7%	90	0	0	0.0%
Wiggins	28	16	10	18.5%	111	1	1	0.9%
Wright	16	22	14	26.9%	77	1	4	4.9%
Wyland	12	27	14	26.4%	89	17	15	12.4%
Wyman	9	37	8	14.8%	76	30	15	12.4%
Zettel	19	39	8	12.1%	104	17	5	4.0%

APPENDIX D—CONTENT ANALYSIS CATEGORY BREAKDOWNS on Assembly Bills Failing their Last Recorded Substantive Vote California 2001-02 Legislative Session

Table 1. Bill Counts and Percentages, by Subject Category						
Bill Subject	All Failed Assembly Bills		Bills Receiving More Yes Than No Votes—Nonvoting Played Decisive Role in Vote Failure		Bills Receiving Equal or More No Than Yes Votes—Nonvoting Did Not Play Decisive Role in Vote Failure	
Banking and Finance	4	2.2%	1	0.9%	3	4.4%
Business and Commerce	19	10.3%	11	9.5%	8	11.8%
Civil Rights	2	1.1%	2	1.7%	0	0.0%
Corrections	3	1.6%	2	1.7%	1	1.5%
Economic Development	2	1.1%	1	0.9%	1	1.5%
Education	19	10.3%	12	10.3%	7	10.3%
Elections	11	6.0%	5	4.3%	6	8.8%
Environment	5	2.7%	4	3.4%	1	1.5%
Governmental Efficiency	5	2.7%	3	2.6%	2	2.9%
Health	10	5.4%	8	6.9%	2	2.9%
Housing	5	2.7%	3	2.6%	2	2.9%
Human Services	4	2.2%	4	3.4%	0	0.0%
Insurance	3	1.6%	2	1.7%	1	1.5%
Judicial Guidelines	5	2.7%	4	3.4%	1	1.5%
Judiciary	6	3.3%	4	3.4%	2	2.9%
Labor	9	4.9%	7	6.0%	2	2.9%
Local Government	7	3.8%	2	1.7%	5	7.4%
Public Contracts	4	2.2%	3	2.6%	1	1.5%
Public Safety	53	28.8%	34	29.3%	19	27.9%
Taxation and Revenue	3	1.6%	1	0.9%	2	2.9%
Transportation	1	0.5%	1	0.9%	0	0.0%
Utilities	4	2.2%	2	1.7%	2	2.9%
TOTAL*	184	100.0%	116	100.0%	68	100.0%

* This is the total number of bills for which a subject designation was assigned.

Table 2. Bill Counts and Percentages, by Action Category						
Bill Subject	All Failed Assembly Bills		Bills Receiving More Yes Than No Votes—Nonvoting Played Decisive Role in Vote Failure		Bills Receiving Equal or More No Than Yes Votes—Nonvoting Did Not Play Decisive Role in Vote Failure	
Administer	29	16.0%	19	17.3%	10	14.1%
Change existing legislation	5	2.8%	1	0.9%	4	5.6%
Deregulate	28	15.5%	14	12.7%	14	19.7%
Discourage a target behavior	36	19.9%	25	22.7%	11	15.5%
Establish new service	6	3.3%	3	2.7%	3	4.2%
Incentivize	3	1.7%	2	1.8%	1	1.4%
Regulate	73	40.3%	45	40.9%	28	39.4%
Tax Credit	1	0.6%	1	10.9%	0	0.0%
TOTAL*	181	100.0%	110	100.0%	71	100.0%

* This is the total number of bills for which a subject designation was assigned.

Table 3. Bill Counts and Percentages, by Primary Population Group Benefited or Burdened								
Primary Population Group Benefited or Burdened	All Failed Assembly Bills		Bills Receiving More Than No Votes—Nonvoting Played Decisive Role in Vote Failure		Bills Receiving Equal or More No Than Yes Votes—Nonvoting Did Not Play Decisive Role in Vote Failure			
	Benefited	Burdened	Benefited	Burdened	Benefited	Burdened		
Agriculture	2 1.0%	0 0.0%	1 1.4%	0 0.0%	1 0.8%	0 0.0%		
Bankers	1 0.5%	3 1.7%	1 1.4%	1 1.5%	0 0.0%	2 1.9%		
Business/Small Business	31 15.8%	30 17.1%	8 10.8%	11 16.4%	23 18.9%	19 17.6%		
Children	5 2.6%	2 1.1%	1 1.4%	0 0.0%	4 3.3%	2 1.9%		
Christian/Catholic Activists	5 2.6%	0 0.0%	2 2.7%	0 0.0%	3 2.5%	0 0.0%		
Civil Rights Activists	6 3.1%	16 9.1%	3 4.1%	3 4.5%	3 2.5%	13 12.0%		
Consumers	7 3.6%	9 5.1%	4 5.4%	5 7.5%	3 2.5%	4 3.7%		
Defendants	2 1.0%	33 18.9%	0 0.0%	15 22.4%	2 1.6%	18 16.7%		
Disadvantaged population	2 1.0%	0 0.0%	1 1.4%	0 0.0%	1 0.8%	0 0.0%		
Plaintiffs	8 4.1%	3 1.7%	5 6.8%	0 0.0%	3 2.5%	3 2.8%		
Doctors	0 0.0%	3 1.7%	0 0.0%	1 1.5%	0 0.0%	2 1.9%		
Environmental Groups	1 0.5%	5 2.9%	0 0.0%	3 4.5%	1 0.8%	2 1.9%		
Healthcare Advocates	4 2.0%	0 0.0%	2 2.7%	0 0.0%	2 1.6%	0 0.0%		
Insurance Groups	0 0.0%	5 2.9%	0 0.0%	3 4.5%	0 0.0%	2 1.9%		
Local Government	20 10.2%	18 10.3%	11 14.9%	9 13.4%	9 7.4%	9 8.3%		
Peace Officers	23 11.7%	4 2.3%	7 9.5%	1 1.5%	16 13.1%	3 2.8%		
General Public	63 32.1%	14 8.0%	19 25.7%	5 7.5%	44 36.1%	9 8.3%		
Schools	5 2.6%	8 4.6%	1 1.4%	3 4.5%	4 3.3%	5 4.6%		
State Employees	1 0.5%	3 1.7%	0 0.0%	2 3.0%	1 0.8%	1 0.9%		
State of California	4 2.0%	8 4.6%	3 4.1%	2 3.0%	1 0.8%	6 5.6%		
Teachers	1 0.5%	1 0.6%	1 1.4%	1 1.5%	0 0.0%	0 0.0%		
Unions/Labor	1 0.5%	8 4.6%	1 1.4%	1 1.5%	0 0.0%	7 6.5%		
US Military Forces	4 2.0%	0 0.0%	3 4.1%	0 0.0%	1 0.8%	0 0.0%		
Utilities	0 0.0%	1 0.6%	0 0.0%	1 1.5%	0 0.0%	0 0.0%		
Women	0 0.0%	1 0.6%	0 0.0%	0 0.0%	0 0.0%	1 0.9%		
TOTAL*	196 100%	175 100%	74 100%	67 100%	122 100%	108 100%		

* This is the total number of bills for which a beneficiary/burdened designation was assigned.

APPENDIX E—CALIFORNIA LEGISLATURE VOTING RULES

<p>ASSEMBLY (Assembly Rules)</p>	<p><i>Mason’s Manual. 10.</i> In all cases not provided for by the California Constitution, by the Assembly Rules, by the Joint Rules of the Senate and Assembly, or by statute, the authority is the latest edition of Mason’s Manual.</p> <p><i>Call of Assembly. 101.</i> After the roll has been called, and prior to the announcement of the vote, any Member may move a call of the Assembly. The Members present may order a call of the Assembly by a majority vote of the Members present and voting, and the Speaker shall immediately order the Sergeant at Arms to lock all doors and direct the Chief Clerk to prepare a list of absentees as disclosed by the last roll call. The list of absentees shall be furnished to the Sergeant at Arms, whereupon no Members shall be permitted to leave the Assembly Chamber except by written permission of the Speaker, and a person may not be permitted to enter except Members, Senators, or officers, or employees of the <i>Legislature in the official performance of their duties</i>. Each Member who is found to be absent, and for whom a leave of absence has not been granted, shall be forthwith taken into custody wherever found by the Sergeant at Arms, his or her assistants, or any person designated by the Sergeant at Arms, including members of the California Highway Patrol, and sheriffs or their deputies, and brought to the Assembly Chamber. A recess or adjournment may not be taken during a call of the Assembly. Additional business may be conducted and calls placed regardless of the number of calls in effect. A call of the Assembly may be dispensed with at any time upon a majority vote of the Members present, that action to become effective upon the completion of the roll call and the announcement of the vote upon the matter for which the call was ordered, unless, prior to the announcement of the vote, the call is continued by a majority vote of the Members present.</p> <p><i>B. Voting. Members Voting. 104.</i> Every Member in the Assembly Chamber when a roll call is required shall record his or her vote openly and without debate, unless the Assembly excuses that member by a majority vote of the Members present and voting. A Member may not operate the voting switch of any other Member, except that a Member presiding at the time of a roll call, who is not the Speaker or the Speaker pro Tempore, may direct another Member on the floor to operate the voting switch of the presiding Member, and any Member so presiding, including the Speaker and the Speaker pro Tempore, may also operate the voting switches at the rostrum of the Speaker and the Speaker pro Tempore, at their direction. The name of any Member who refuses to vote as required by this rule, after being requested by the Speaker to do so, shall be entered in the Journal, together with a statement that he or she was present and did so refuse to vote. Any Member who refuses so to vote may, if he or she so desires, and immediately after the announcement of the vote, submit a written explanation of the failure to vote and that explanation shall be printed in the Journal, provided that no explanation may exceed 50 words in length. In addition to the entry of his or her name in the Journal, any Member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, at the discretion of the Speaker or upon demand of any Member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any Member designated by the Speaker. Censure of a Member as provided by this rule does not constitute a bar to proceedings for his or her expulsion from the Assembly pursuant to Section 5 of Article IV of the California Constitution. A Member may submit a written explanation of his or her vote on any bill or house resolution, and that explanation shall be printed in the Journal immediately following the vote, provided that no explanation may exceed 50 words in length. A Member, prior to adjournment on the same legislative day, in the absence of any objection, may instruct</p>
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<p>ASSEMBLY CONTINUED</p>	<p>the Chief Clerk to add his or her vote to any previously announced vote that had been taken during his or her absence, so long as the outcome of the vote is not thereby changed. The Chief Clerk shall record any vote additions or vote changes in the order signed by the Members at the Clerk’s desk.</p> <p><i>Voting and Vote Changes. 106.</i> When once begun, voting may not be interrupted, except that, before the vote is announced, any Member may have the total pending vote flashed on the visible vote recorder. Prior to the announcement of the vote, the presiding officer shall instruct the Chief Clerk to record verbal votes from Members not at their desks. Any Member may move a call of the Assembly after the completion of the roll. A Member, prior to adjournment on the same legislative day, and in the absence of any objection, may instruct the Chief Clerk to change his or her recorded vote after the vote is announced, so long as the outcome of the vote is not thereby changed. The Chief Clerk may record any vote change only after the Member making the change has announced it to the Assembly.</p>
<p>SENATE (Senate Rules)</p>	<p><i>Parliamentary Rules. 20.</i> In all cases not provided for by the Constitution, these rules, the Joint Rules of Senate and Assembly, or statute, the authority shall be the latest edition of Mason’s Manual.</p> <p><i>Call of the Senate. 42.</i> Upon a motion being carried for a call of the Senate, the President shall immediately order the doors to be closed, and shall direct the Secretary to call the names of the absentees as disclosed by the last previous rollcall. Thereupon, a Member may not be permitted to leave the Senate Chamber except by written permission of the President pro Tempore or, in his or her absence, of the Vice Chair of the Committee on Rules, or, in the absence of both, of another member of the Committee on Rules designated for that purpose by the President pro Tempore or the Vice Chair of the Committee on Rules. Those Members who are found to be absent and for whom no excuse or insufficient excuses are made may, by order of those present, be taken into custody, as they appear, or may be sent for and then taken into custody by the Sergeant at Arms whenever found, or by special messenger to be appointed for that purpose. In the absence of a quorum, a majority of the Members present may order a rollcall of the Senate and compel the attendance of absentees in the manner above provided. A call of the Senate may be ordered after the roll has been called and prior to the announcement of the vote. A call of the Senate may be dispensed with at any time upon a majority vote of the Senators present, that action to become effective upon completion of the rollcall and the announcement of the vote upon the matter for which the call was ordered. A recess may not be taken during a call of the Senate. During any call, the call may be made to apply also to other items of business by a motion made and adopted by a majority vote of the Members present. Under those circumstances, when the call of the Senate is dispensed with as to any item of business, the call is deemed to be continued in effect until other items of business that have been made subject to the call by a majority of the Members present have been acted upon. When a call of the Senate is ordered, pending the announcement of the vote upon the completion of a rollcall, the pending rollcall shall become unfinished business, the consideration of which shall be continued until further proceedings under the call of the Senate are dispensed with, when it will forthwith become the order of business before the Senate. A motion to adjourn is not in order during a call of the Senate.</p> <p><i>Voting by Senate. Voting on Rollcall. 44.</i> Whenever a rollcall is required by the Constitution or rules, or is ordered by the Senate or demanded by three Members, every Member within the Senate shall without debate answer “Aye” or “No” when his or her name is called. The names of Members shall be called alphabetically.</p>

**SENATE
CONTINUED**

Senator may not vote or change his or her vote after the announcement of the vote by the presiding officer. On a legislative day when the President pro Tempore or Minority Floor Leader is in attendance throughout a session, he or she, in the absence of any objection, may instruct the Secretary of the Senate to add his or her vote to any previously announced vote that was taken while he or she was performing the responsibilities of the office of President pro Tempore or Minority Floor Leader, provided the outcome of the vote is not thereby changed. This provision does not apply to any rollcall after adjournment of the legislative day during which the rollcall in question was taken. The intent of this paragraph is to allow the President pro Tempore and the Minority Floor Leader to carry out the unique and special duties of their offices without losing the opportunity to vote on matters before the Senate.

Excused From Voting. 45. When a Senator declines or fails to vote on call of his or her name, he or she may, after completion of the rollcall and before the announcement of the vote, be required to assign his or her reasons therefore and, the Senator having assigned them, the presiding officer shall submit the question to the Senate: "Shall the Senator, for the reasons assigned by him or her, be excused from voting?" which question shall be decided without debate. Unless the Senator is excused from voting he or she shall be required to vote.

Vote Required. 47. Unless otherwise required by the Constitution, the Joint Rules of the Senate and Assembly, or these rules, any action that can be taken by the Senate requires only a majority vote of the Senate, a quorum being present.