

California could have a parliamentary government

Overview

California can and should adopt a parliamentary system. This article analyzes how a hypothetical initiative measure (Proposition X) that proposes converting the state government to a parliament would interact with the existing political structure and constitutional doctrine, and reaches two primary conclusions: a state parliamentary government would survive constitutional scrutiny, and it would provide overdue political reform to California. Proposition X would survive legal challenges, including the amendment-revision and separation of powers doctrines, and the federal constitution's guarantee clause. And Proposition X would unlock the benefits of a parliamentary system: empowering minority parties and checking the governor's power.

Analysis

Defining California's new parliamentary system

Under Proposition X, the governor — now a prime minister — is selected by parliament, the new legislative body.[1] The prime minister, also a member of parliament, takes an active role in introducing and guiding legislation through both chambers.[2] California's other independently elected constitutional executive positions are abolished and reintroduced as positions within the prime minister's cabinet: attorney general becomes minister of justice, treasurer becomes minister of finance, and so on.[3] Judges are still elected at the county level; appellate justices are nominated by the prime minister and confirmed by the Commission on Judicial Appointments.[4] All judicial vacancies require nomination and confirmation.

California's parliament is unicameral, unlike the current legislature.[5] The single chamber has double the current assembly's number of legislators, totaling 160.[6] Members are selected in an at-large proportional voting system with ranked choice voting.[7] The size and boundaries of congressional districts are still determined by

the nonpartisan redistricting commission.[8]

Parliament has new checks and balances. If no party obtains a majority, two or more parties must join to create a coalition that will caucus together to enact legislation.[9] The remaining parties form the opposition. The prime minister must face weekly questioning by the opposition leader before parliament.[10] If the prime minister fails to maintain the support of the majority coalition, it can remove the prime minister through a no-confidence vote.[11] And if parliament fails to reach agreement on matters of importance, the prime minister can dissolve the chamber and trigger a new election.[12]

A legislature-initiated revision can create a parliamentary system

Proposition X could be enacted as a legislatively proposed constitutional revision because together the legislature and the electorate have plenary power to revise the state constitution. The legislature's power to propose revisions for electorate approval was created by Proposition 7 in 1962. Before then, the legislature could only propose amendments (which were as limited in scope as the electorate's initiative amendments) and a constitutional convention.[13] Proposition 7 changed the state constitution to permit the legislature to propose revising the constitution.[14]

The legislature has since exercised that power by proposing revisions to eight different articles.[15] The changes affected nearly every aspect of California's government: separation of powers, judicial qualifications and elections, the governor's age requirement and succession, executive salaries, frequency of legislative sessions, legislator compensation, legislator conflict of interest, and initiative qualification requirements.[16] After Proposition 7, the only restriction on the legislature's ability to propose constitutional alterations is the separate-vote provision — which affects only its amendment power.[17]

That plenary revision power could be used to adopt Proposition X. The legislature can make "*wholesale* or partial constitutional revision without the need to call a constitutional convention." [18] With no limits on the scope of proposed changes — as long as they are introduced as a revision — the legislature would be well within its revision power to adopt a broad reform such as Proposition X.

The guarantee clause is no barrier to Proposition X

Proposition X is consistent with the U.S. Constitution's guarantee clause. Article IV, section 4 of the federal constitution provides, "The United States shall guarantee to every State in this Union a Republican Form of Government"[19] A parliamentary system is a republican system of government.[20] Under Proposition X the California legislature remains largely unchanged as a representative body. And because these changes are enacted through the revision process, they are on all fours with the purpose of republican government: consent of the governed.[21]

The guarantee clause does not require any particular form of republican government. The purpose of the clause is to protect against "aristocratic or monarchical" government, not "foreclose a state's ability to experiment within the broad sphere of republicanism." [22] A parliamentary system is consistent with that experimentation. Granted, nearly every state has a bicameral legislature and a governor, but that is not required. For example, Nebraska has a unicameral legislature.[23] Whether the state has one legislative chamber or two, a governor or a prime minister, the state government should be afforded "wide leeway" in determining "the appropriate allocation of state legislative power." [24] Proposition X falls within the bounds of that leeway.

And there is precedent for experimentation within republicanism. Several states had governments resembling parliaments (with a legislatively appointed governor, for example) shortly after the nation's founding.[25] Delaware had a unicameral legislature for most of the 1700s, and its governor had no veto power — instead, he had three votes in the assembly.[26] Legislatures chose the governor in eight of the original thirteen states.[27] Vermont used a unicameral legislature for its first fifty years as a state.[28]

A unicameral legislature or parliament makes far more sense for states. Congress is bicameral because of the Madisonian compromise to ensure balanced representation between small and large states.[29] But there is no equivalent sovereign entity within California, and therefore no need to split the chambers. Local governments do not require the same voice in the state legislative process as states do in the federal process, because local governments derive their powers from the state, not

the other way around.[30] And all state legislative representation is entirely population based, which makes the California Senate just a smaller version of the California Assembly.[31] In fact, the predominant state system today — bicameral state legislatures and independent executives — is largely a result of states copying the federal system soon after the federal constitution was ratified.[32] But the states are not required to be little copies of the federal plan; part of the guarantee clause’s purpose is to protect states’ right “to experiment with various forms of government.”[33] Proposition X is consistent with that purpose.

Proposition X maintains separated powers

Proposition X complies with the separation of powers doctrine. California constitution article III, section 3 states, “The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by this Constitution.”[34] Proposition X complies with this requirement because it retains checks and balances and preserves core powers. Even if one branch exercises the powers of another, that overlap will be expressly “permitted by this Constitution” after Proposition X’s changes.[35]

Enacting Proposition X as a legislatively-proposed revision ensures consistency with separation of powers. Even a constitutional amendment (which has narrower scope than a revision) does not “impermissibly usurp[] a power allocated by the Constitution exclusively to the judiciary or some other entity or branch of government” because the ability to alter the balance of power is expressly granted by the constitution.[36] There is no textual limit on the electorate’s ability to change any of the rights or powers in our constitution because the constitution itself grants that power.[37] Proposition X could preemptively resolve any separation-of-powers concerns by including a provision: “The changes herein are consistent with Article III, section 3 of the California Constitution.” Thus, when adopted, the measure would include only changes “permitted by this Constitution.”[38]

Proposition X is also consistent with separated powers because it leaves the branches’ core powers intact. Separation of powers is only implicated by acts that infringe on the core functions of branches.[39] No other interpretation is practical

because each branch frequently needs to use powers associated with the other branches; indeed, “[r]igorously adhering to the separation principle and hermetically sealing the branches from each other would promote dysfunction and permit stalemate as each branch, secure in its domain, felt free to make unreviewable decisions and take uncheckable actions.”[40] The balance of powers is only upset when the actions of one branch “defeat or materially impair the exercise of those functions” of another branch — in short, preventing the latter from performing its constitutionally-mandated duties.[41] Those truisms resolve the principal separation-of-powers objection here — that a parliament permits too much overlap — because they teach that significant overlap is already exists and is permitted.

Under Proposition X, the core functions of each branch remain largely untouched. The judicial branch adjudicates disputes and determines constitutionality, providing a check on parliament. Parliament exercises its power by passing legislation and checking the executive through dismissal. And the executive plays a role in adopting legislation and carrying out legislative mandates. Those checks are consistent with the core purpose of the separation of powers doctrine: preventing accumulated power from threatening liberty.

Switching to a parliamentary system has political reform benefits

Proposition X provides overdue political reform. Switching to a parliamentary system rewards minority parties by providing them with structural protections and channels to power. Adopting proportional representation further enables minority parties by eliminating the spoiler effect, resulting in diversity of choice for voters. Proposition X also introduces necessary changes to check the governor’s growing power. The ability of a parliament to dismiss a prime minister if she loses confidence, combined with the weekly discourse between prime minister and opposition, tends to discourage stalemates and move the center of political gravity back into the legislature. Finally, Proposition X allows California to model the parliamentary system for the rest of the country. Acting as a laboratory of democracy, California can prove the merits of a parliamentary system and create bottom-up pressure to enact improvements for our national government.

Proposition X creates more democratic representation than the current

system

Parliamentary systems are superior because they balance around partisanship. Partisanship is inherent in government; a successful form of government will cabin the excesses of faction through controls that prevent concentration of political power.[42] Indeed, Madison identified concentrated power as one of the greatest dangers to democracy: “The accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny.”[43] Subsequent evolutions in modern parliamentary systems (which are included in Proposition X) address those concerns about dangerous power consolidation: the king has been replaced by a removable prime minister; the judiciary remains independently accountable to the electorate; and the legislature must hold the people’s mandate or lose office.

And Proposition X accounts for factionalism far better than the current system. Parliamentary systems mandate a balance of power between parties because a majority is required to govern.[44] A prime minister needs assent of a parliamentary majority; if no party holds a majority, multiple parties must form a coalition.[45] It is rare for the governing party in the legislature to be politically opposite to the executive, as has happened repeatedly in the federal government.[46] As a result, bi- or tri-partisanship is encouraged, through which the executive can rely upon a stable majority in setting policy.[47] This comports with Madison’s deep distrust of parties far better than the current system, in which California has one-party supermajority control.[48]

A parliamentary system also helps resolve legislative-executive splits. California experienced the ill effects of such a split under Governor Arnold Schwarzenegger, who vetoed 1,970 bills — more than any other governor in California history.[49] Nearly two thousand pieces of legislation that had obtained majority support in both chambers were lost to executive power. And this problem is not unique to Republican governors; veto rates vary widely regardless of the party or parties controlling the governorship and the legislature. For example, Democratic California governors have vetoed as much as 24.9%, or as little as 1.79%, of their own party’s bills.[50]

Even when legislators have the votes to override a veto, they can be reluctant to do so. The political cost associated with challenging the governor, who has a higher profile and is usually more popular than the legislature, “outweighs the policy gain” that would come from restoring the bill.[51] This creates a situation that has no place in a functioning democracy: legislators must choose between enacting laws for which there is popular support and maintaining a relationship with a powerful individual. Of course, a parliamentary system could swing too far in the opposite direction by elevating third party bargaining power that may be needed to form a governing coalition.[52] Proposition X can counteract this tendency by providing multiple paths to reach a majority, such that no single group holds the necessary votes to allow others to form a government.[53] For example, if moderate Democrats fall short of a majority, they could negotiate with progressives, libertarians, or moderate Republicans to secure a governing coalition.[54]

And even accepting the risk of increased minority party power, the current system is far more antirepublican than a parliamentary alternative. Without third parties to reflect their preferences, independent voters are disappearing into the major parties.[55] Self-described independents are nearly a quarter of California’s likely voters, yet just one legislator in 120 is independent.[56] And the labels used for major party candidates are divorced from reality: legislators can share the “Democrat” label without agreeing on core policy issues.[57] Nearly a third of likely voters for both major parties in California do not strongly identify with their parties.[58] Yet this is the same system that has elected a Democratic majority in both chambers almost continuously for the last fifty years.[59]

California’s legislative supermajority is emblematic of a larger problem: a lack of third-party platforms and candidates due to first-past-the-post voting, which rewards large parties by creating a spoiler effect whereby voters who support third-party candidates hurt the major party with which they align almost as well.[60] Not wanting to lose out on representation entirely, they vote for the next-closest major party candidate instead.[61] In turn, major party candidates have little incentive to cater towards the wings of their parties.

Proposition X can reverse this trend towards a monolithic state government. California’s legislative body has been the same size since 1879.[62] By doubling its

membership Proposition X opens more space for minority parties. Currently, California has the highest person-to-legislator ratio in the country: each assembly member represents almost half a million people.[63] Having more legislators not only increases accessibility to citizens, it enables greater coalition diversity by allowing one party to split into as many as four distinct parties.[64] And a system of proportional representation would create representation for the minority. Government cannot be equal without proportional representation.[65] Proposition X delivers that.

Proposition X provides a necessary check on executive power

The executive branch is the most dangerous in our state. Proposition X acknowledges this and recenters political strength back into the legislature. Despite Madison's fears of a strong legislature, a strong executive is far worse. Madison and the other framers disliked powerful legislatures because of the capacity to abuse lawmaking power when concentrated in a single body.[66] But Madison's remedy (creating a strong executive) has resulted in the opposite problem: concentrated lawmaking power in the executive. Today, the legislature defers difficult policy decisions to the governor, who is able to act far more quickly and without the need for debate. The result: "slow action of the legislative process and delegation to the executive and its administrative agencies" withers the legislature on the vine.[67]

California's response to the COVID-19 pandemic is a current-events example of a legislature shunting responsibility to the executive. Faced with unprecedented need for government intervention on an array of major issues, the legislature adjourned for weeks, finally convening at the eleventh hour to pass a flurry of bills that left many issues unaddressed.[68] All the while, the governor acted under emergency powers to issue executive orders with the force of legislation.[69] In some cases, the governor's executive orders superseded contrary legislation.[70] And rather than meet remotely, the legislature acquiesced to this executive accumulation of power.[71]

That would not occur in a parliamentary system, which centers power in the legislature. Parliament is responsible for choosing the executive; the executive owes its power to parliament. That body can dismiss the prime minister if she loses the

majority's confidence. The executive must face questioning from the opposition, who can play the healthy role of checking executive excesses. And an appointed executive is more likely to work within parliament for the people's benefit — not for personal reelection goals.[72]

Proposition X also brings California in line with national governments around the world. Over one hundred countries (more than half of the 195 total) have a parliamentary system.[73] Some, such as the House of Commons of the United Kingdom, pick their prime minister through parliament.[74] The British prime minister has no veto power, and some bills do not even require bicameral consent.[75] And yet, there is no despotism. The system used by California and our federal government is almost entirely rejected at the global level; only a handful of states (e.g., Argentina, Brazil, Mexico, and the Philippines) have a tripartite republic like ours.[76] Even Japan's post-World War II and Iraq's post-2005 governments, both of which the United States helped design, chose parliamentary systems.[77]

Granted, strong legislatures can abuse their power. But that risk is inherent in any republic; if the legislature cannot be trusted with power, republican government itself is in danger.[78] And placing power in the legislature is far better than the current system, which instead creates a strong executive because of repeated deferrals to executive action.[79] History is replete with examples of eroded legislative power leading to authoritarianism — including in the 1930s Weimar Republic.[80] Executive power inherently pulls towards dictatorial outcomes because the executive has greater “secrecy, force, and unity” than a multiparty, multimember legislature.[81] Proposition X corrects this trend by recentering power inside the legislature, forcing legislative-executive cooperation, and reducing executive autonomy.

Proposition X allows California to serve as a laboratory of democracy

California is uniquely situated to adopt a parliamentary system due to its specialization of legislators and history of enacting pro-republican reform, such as term limits and independent redistricting. And it should do so because the federalist system encourages experimentation. What works in one state can spill over to others or even influence national politics. “It is one of the happy incidents of the federal

system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”[82] California should be that laboratory with Proposition X.

California holds the existing resources to tackle a parliamentary system. An attentive legislature is required because responsibility cannot be devolved to a governor. In a coalition majority, parties must negotiate to assure fidelity to their respective platforms — which reflect far greater nuance than big-tent parties have today. Additionally, California has one of just ten full-time legislatures in the country.[83] Other states have part-time legislators; for example, in Texas legislators meet for just five months every other year.[84] Within those ten full-time states, California is one of just four that grants sufficient resources for legislators to work full-time and maintain large support staffs.[85]

California also has a rich history of enacting democratic reforms. Proposition 140, which created term limits for legislators, helped end the reign of super-incumbents.[86] Proposition 11 established an independent redistricting commission, prevented legislators from picking their own voters.[87] And Proposition 14 established a “jungle” primary system that enabled party members to compete against each other, enabling voters to distinguish among candidates based on policy nuance rather than left or right preference.[88]

California can model a better representative government for the rest of the country, as the states often do. For example, Massachusetts reformed its healthcare system with nearly universal health coverage — which became the basis for federal legislation adopted just four years later.[89] Proposition X could similarly influence other state governments. California has already done so: ranked choice voting has spread among the states after California cities and counties began adopting that system.[90] Today, more than three million voters live in jurisdictions with ranked choice voting, and Maine recently became the first state to use ranked choice voting in a presidential election.[91] California’s success with a parliamentary system could encourage similar reform around the country.

Conclusion

California has the tools to implement Proposition X. It faces no danger from the

federal guarantee clause because a parliament is a republican form of government. And there is no question Proposition X would be constitutional if adopted by the electorate as a legislatively-proposed revision, due to the virtually limitless revision power. Proposition X also comports with the separation of powers doctrine because it preserves checks and balances, safeguards core functions, and falls under the doctrine's safe harbor rule for initiative-created imbalances.

California should enact Proposition X. "California is America before America is itself — the good, the bad, the ugly, it's the whole shebang." [92] By demonstrating the merits of a parliamentary system, California could see its experiment replicated on the national scale. And even if our leadership is not followed by states or the federal government, we would find ourselves in good company among the other parliamentary republics of the world.

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[1] Jonathan Zasloff, *Why No Parliaments in the United States?* (2013) 35 U. Pa. J. Int'l L. 269, 272.

[2] *See* House of Commons, *House of Commons Procedure and Practice* (3rd ed. 2017).

[3] *See ibid.*

[4] Judicial Council of Cal., *Fact Sheet: California Judicial Branch* (Oct. 2020).

[5] Cal. Const., art. IV, § 1 (establishing a bicameral legislature).

[6] Cal. Const., art. IV, § 2, subds. (a)(1)-(2) (providing for eighty Assemblypersons).

[7] Britannica, *Proportional Representation* (accessed Nov. 23, 2020).

[8] Cal. Const., art. XXI, §§ 1-2 (establishing the Citizens Redistricting Commission and its powers).

[9] Britannica, *Coalition Government* (accessed Nov. 23, 2020).

[10] See UK Parliament, *Question Time* (accessed Nov. 23, 2020).

[11] See Parliament of Australia, *Motions of No Confidence and Censure* (describing removal proceedings) (accessed Nov. 23, 2020).

[12] *Ibid.*

[13] *Ibid.*

[14] *Ibid.*

[15] *Id.* at 753.

[16] *Ibid.*; Voter Information Guide, General Elec. (1966).

[17] *Californians for an Open Primary v. McPherson* (2006) at 754.

[18] *Id.* at 752 (emphasis added).

[19] U.S. Const., art. IV, § 4.

[20] Black's Law Dictionary (2nd ed.), *Republican Government* (defining republican government as "a government by representatives chosen by the people").

[21] Declaration of Independence (1776).

[22] Carrillo & Duvernay, *California Constitutional Law: The Guarantee Clause and California's Republican Form of Government* (2014) 62 UCLA L.Rev. Disc. 104, 109.

[23] Nebraska State Legislature, *History of the Nebraska Unicameral* (accessed Nov. 24, 2020).

[24] *Holt Civic Club v. Tuscaloosa* (1978) at 71.

[25] Center on the Am. Gov., *Introduction to State Executives* ("Some [governors] were even chosen by the state legislatures rather than being elected by the people.").

[26] Shull, *American Experience with Unicameral Legislatures* 7-8, Detroit Bur. of Gov. Research (Dec. 1937).

[27] Const. Rights Foundation, *How the First State Constitutions Helped Build the U.S. Constitution*; Center on the Am. Gov, *Introduction to State Executives* (“Some [governors] were even chosen by the state legislatures rather than being elected by the people”).

[28] Shull, *supra* note 26, at 9.

[29] U.S. Senate, *A Great Compromise* (accessed Dec. 16, 2020). As Madison put it: “The House of Representatives will derive its powers from the people of America The Senate, on the other hand, will derive its powers from the States, as *political and coequal societies*” The Federalist No. 39.

[30] *Board of Supervisors v. Local Agency Form. Comm.* (1992) at 914 (“[S]tates are sovereign but cities and counties are not; in California as elsewhere they are mere creatures of the state and exist only at the state’s sufferance.”).

[31] See *Reynolds v. Sims* (1964).

[32] Shull, *supra* note 26, at 2.

[33] Mayton, *Direct Democracy, Federalism & the Guarantee Clause* (1999) 2 Green Bag 269, 271-72.

[34] Cal. Const., art. III, § 3.

[35] *Ibid.*

[36] *Strauss v. Horton* (2009) at 390.

[37] Cal. Const., art. XVIII, §§ 1-4.

[38] *Ibid.*

[39] *People v. Provines* (1868) 34 Cal. 520, 540-41 (Sawyer, C.J., concurring).

[40] The Icelandic Federalist Papers No. 13 at 2 (2017).

[41] *Superior Court v. County of Mendocino* (1996) at 54 (citing *Brydonjack v. State Bar* (1929) 208 Cal. 439, 444).

[42] The Federalist No. 10 (“[T]he CAUSES of faction cannot be removed, and . . . relief is only to be sought in the means of controlling its EFFECTS.”)

[43] The Federalist No. 47 (James Madison).

[44] Zasloff, *supra* note 1, at 283.

[45] *See, e.g.*, Coalition Agreement Between the ČSSD, the ANO 2011 Movement and the KDU-ČSL for the 2013-2017 Electoral Term (laying out governing strategy for a coalition).

[46] Shapiro, *Would the U.S. Be Better Off With a Parliament?*, NPR (Oct. 12, 2013) (“The extreme paralysis that has recently become the norm in D.C. almost never happens in Western European democracies.”)

[47] *Ibid.*

[48] The Federalist No. 10; McGreevy, *Democrats Win Back a Supermajority in California’s Legislature*, L.A. Times (Nov. 12, 2018)

[49] Alperovitz, *California Split*, N.Y. Times (Feb. 10, 2007) (describing Gov. Schwarzenegger’s policies); Senate Committee on Governance & Finance, *How Often Do Governors Say No?* (Oct. 1, 2012) (vetoes).

[50] California Senate Office of Research, *How Often Do Governors Say No?* at 3-4 (Oct. 2020) (Governor Gray Davis in 2000 and Governor Jerry Brown in 1982, respectively).

[51] Siders & Miller, *Override Jerry Brown’s Veto? Not Likely to Happen*, Sac. Bee (Sept. 22, 2016).

[52] Gerring, Thacker & Moreno, *Are Parliamentary Systems Better?* at 6 (2012).

[53] *Id.* at 29.

[54] See Nat. Democratic Inst., *Coalitions: A Guide for Political Parties* at 10, 16-17 (2015) (examples of coalition-building in parliamentary governments).

[55] McGhee, *California's Political Geography 2020*, Pub. Pol. Inst. of Cal. (Feb. 2020) at 5.

[56] Baldassare et al., *California Voter and Party Profiles*, Pub. Pol. Inst. of Cal. (Sept. 2020) at 2; Cal. State Assem., *Members* (accessed Nov. 24, 2020); Cal. State Senate, *Senators* (accessed Nov. 24, 2020).

[57] See Kingkade et al., *California Has a Reputation for Progressive Politics. Don't Tell That to the State's Progressives*, NBC (Oct. 13, 2020) (finding a fissure in party cohesion between moderate and progressive Democrats).

[58] Baldassare et al., *supra* note 56, at 2.

[59] Ballotpedia, *Party Control in California State Government* (accessed Nov. 24, 2020).

[60] Riker, *The Two-Party System and Duverger's Law: An Essay on the History of Political Science* (1982) 76 *Am. Pol. Science Rev.* 753, 754.

[61] Center for Voting and Democracy, *Correcting the Spoiler Effect* (accessed Nov. 24, 2020).

[62] Cal. Const. of 1879, art. IV, § 5.

[63] Bartlett, *The Size of State Legislatures*, N.Y. Times (Dec. 31, 2013)

[64] See Tomasky, *If America Had a Parliament*, N.Y. Times (Dec. 7, 2018) (discussing national political parties).

[65] See Mill, *Utilitarianism, Liberty and Representative Government* 257 (1863).

[66] The Federalist No. 51 (James Madison).

[67] The Icelandic Federalist Papers No. 13 at 4 (2017).

[68] Myers, *News Analysis: Amid Coronavirus Crisis, An Unsatisfying End for*

California's Legislature, L.A. Times (Sept. 1, 2020).

[69] *See, e.g.*, Executive Order N-38-20 (Mar. 27, 2020) (suspending certain statutes under emergency powers).

[70] *Id.*

[71] Carrillo & Duvernay, *Why Isn't California's Legislature Meeting Remotely?*, The Recorder (Jul. 16, 2020) (suggesting the legislature neglected duties by failing to meet remotely).

[72] Mill, *On Representative Government* (1861) at 159.

[73] Central Intelligence Agency, *The World Factbook* (accessed Nov. 23, 2020).

[74] U.K. Parliament, *Government and Opposition Roles* (accessed Nov. 24, 2020).

[75] U.K. Parliament, *The Parliament Acts* (accessed Nov. 24, 2020).

[76] Annenberg Classroom, *Presidential System* (accessed Dec. 16, 2020).

[77] Asia for Educators, *The American Occupation of Japan, 1945-1952*, Columbia Univ. (accessed Dec. 16, 2020); Britannica, *Iraq: Government and Society* (accessed Dec. 16, 2020).

[78] Debates and Proceedings of the Const. Convention at 529 (Nov. 26, 1878) (speech of Walter Van Dyke).

[79] The Icelandic Federalist Papers No. 13 at 4 (2017).

[80] Huq & Ginsburg, *How to Lose a Constitutional Democracy* (2018) 65 UCLA L.Rev. 78, 125-126.

[81] *Id.* at 145.

[82] *New State Ice Co. v. Liebmann* (1932) at 311 (Brandeis, J., dissenting).

[83] Nat. Conf. of State Legs., *Full- and Part-Time Legislatures* (accessed Nov. 24, 2020).

[84] Withers, Our “Part-Time” Legislature Limits the Growth of Government (Sept. 28, 2019).

[85] Nat. Conf. of State Legs., *supra* note 83.

[86] Jacobs, California Elections / Proposition 140: Initiative Cuts More Than Term of Office, L.A. Times (Oct. 28, 1990).

[87] Skelton, Prop. 11 Foes Waging Orwellian Campaign, L.A. Times (Oct. 9, 2008).

[88] Legislative Analyst’s Office, A.G. File No. 2017-053 (Jan. 30, 2018).

[89] Anthony, Beyond Obamacare: Lessons from Massachusetts, Mossavar-Rahmani Center for Bus. and Gov. (Sept. 2017) at 5.

[90] Pereira, What is Ranked-Choice Voting and Why One State is Using it for the Presidential Election, CBS News (Oct. 6, 2020).

[91] *Id.*

[92] Kingkade et al., *supra* note 57 (quoting Kevin de León, former Senate president pro tempore).