



## PANDEMIC AND LEGISLATIVE PRODUCTION: NOMINATIONS IN THE CHAMBER OF DEPUTIES

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**Abstract:** This article addresses the production of nominations in the Chamber of Deputies between February 2019 and August 2021. Nominations are legislative proposals through which parliamentarians suggest to other levels of power (especially the Executive Branch and its ministries) the adoption of measures aimed at the interests of specific social groups or society in general. Based on legislative theories, it is assumed that parliamentarians are sensitive to issues that affect their bases, so that relevant social facts, such as the Covid-19 pandemic, have implications for parliamentary behavior, reflected in the production of nominations. It is also assumed that opposition deputies are less likely to issue nominations, given the low expectation of being accepted by the government. The study showed that, during the period, deputies were intensely mobilized by presenting nominations – many of them aimed at the pandemic – and that opposition deputies were less likely to present nominations to the Executive Branch. However, the data show that the differences between opposition deputies and the others were only confirmed regarding nominations in general but not those referring to the pandemic.

**Keywords:** Chamber of Deputies; Legislative production; Nominations; Electoral connection; Covid-19 pandemic.

### 1. Introduction

Brazilian deputies have a series of formal instruments, provided for in the Federal Constitution and the internal rules of the Chamber of Deputies to meet the interests they believe to represent. The right to propose ordinary and complementary laws, constitutional amendments, information requirements, resolutions, and legislative decrees are among these instruments.

A relevant literature has already been produced in Brazil addressing the use of these resources by representatives to understand the dynamics of decision-making in the parliamentary arena and its connections with legislative behavior. It was noted that the behavior of parliamentarians and the consequent legislative production are affected by the legal possibilities of using legislative instruments. It has been proved, for example, that the right to propose ordinary laws, which lack sanction from the Executive Branch, leads to a behavior aimed at the production of laws of diffuse impact, that is, laws that affect society in general. Resolutions and decrees, not subject to presidential vetoes, induce parochialism, encouraging representatives to produce measures of local or regional impact.

To date, nominations, an interesting legislative instrument, have been left out of the

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federal surveys – although there are studies on its use by state and municipal parliamentarians. Nominations are a legislative instrument of manifestation of preferences that explain the effort of parliamentarians to promote decisions of social impact, thus aiming to strengthen the connections with society in general or with its electoral bases in particular. Because they are simple *suggestions* for the Executive (or other bodies of power) to take action on the shortcomings of society, nominations may be presented freely by parliamentarians, and are not subject to Executive vetoes. However, to take effect, nominations must be welcomed and implemented by the government or any other instance to which they are directed. Subnational studies have shown that, as a result of the freedom to propose nominations of any kind, legislators aim, above all, to serve their clientele and not the interests of society as a whole.

By the logic of the electoral connection, it is expected that the production of nominations by federal deputies result in the same pattern observed at subnational levels - mostly parochial propositions. However, in the absence of specific studies, nothing can be said for certain regarding the behavior of parliamentarians in the Chamber. This study aims to fill this gap. This effort is especially relevant in the current context of the health crisis that, since March 2020, has plagued Brazil and the world, generating a profound impact on social life, which has resulted in important problems to be faced in the most diverse areas – government, politics, economy, culture, leisure, sport, education, and health.

This article aimed to show, specifically, the pattern observed in the Chamber of Deputies concerning the production of nominations in the government of Jair Bolsonaro, in the period from February 2019 to August 2021. It is assumed that a dynamic similar to that observed at the subnational levels will be observed among federal deputies – they in fact make a generous use of nominations, often aiming at parochialism. A variation between the parliamentarians opposed and those in favor of the government concerning the stimulus to issue such propositions is also assumed.

In more systematic terms, the first hypothesis can be enunciated as follows: combined with the propositional freedom and the absence of formal impediments, such as the presidential veto, federal deputies intensively mobilize nominations aimed above all at benefiting their electoral bases, which applies to nominations in general and those related to the pandemic. The second hypothesis postulates that opposition members are less encouraged to present nominations, having little expectations of being granted by the Executive. By the reverse logic, deputies supporting the government would tend to use this legislative instrument more often. The reason why the opposition deputies and not the governors are considered is that the government coalitions have been absent from the government of Jair Bolsonaro during the period in focus, making it difficult to identify the parties (and parliamentarians) that support the government.

The article is organized into four parts, including this introduction and the final

considerations. The next part presents a brief contextualization of the problem in the light of a literature on parliamentary behavior and legislative production. Subsequently, data on the production of nominations by the Chamber of Deputies in the period are presented and analyzed – considering variables such as the proponent's party, the content of the nomination (economy, health, administration, infrastructure, housing, education,...), the nature of the expected impact (distributive or regulatory), and scope of the expected impact (personal, local, regional, sectoral, and national). The hypotheses mentioned are verified throughout this section. Finally, the final considerations are presented.

## 2. Parliamentary behavior and legislative production

A large portion of the literature seeks to interpret parliamentary production in the light of formal and informal political incentives that affect the behavior of representatives and legislative production. Studies in the area show that, legislators –rational actors – undertake constant efforts to captivate their bases to make decisions, aiming to obtain electoral gains. This is the central argument of David Mayhew (1974), in a seminal study on the behavior of parliamentarians in the United States. The author states that legislators are intensely interested in election results and therefore are always engaged in three basic types of activity, advertising, position-taking, and credit claiming.

Advertising involves participation in events such as celebrations, ceremonies, speeches, and interviews, activities through which parliamentarians try to promote their own image. Position-taking consists in the manifestation of opinions through votes and speeches aimed at expressing the convergence of the parliamentarian's position with the opinion of his/her electorate. Credit claiming, in turn, involves the production of particularistic policies, of *pork barrel* and *casework*<sup>2</sup>, to channel benefits to their electoral bases. Mayhew (1974) argues that these three activities are always present on the agenda of parliamentarians because they are abseado by re-election (*single-minded seekers of re-election*). One can disagree with Mayhew's assertion that re-election is the sole goal of representatives. However, it is reasonable to agree with the argument of Richard Fenno (1978), for whom winning elections is an indispensable condition, from which all the advantages of office derive. Nonetheless, Mayhew and Fenno consider that the interest in the election must be considered as a central variable in any effort to interpret the behavior of representatives. From this perspective, every parliamentary action has more or less close relationship with the attempt to create and maintain an electorally profitable connection with the voters.

Inspired by this perspective, many studies have been conducted in Brazil to evaluate the

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<sup>2</sup> *Pork barrel* refers to clientelist laws, which promote dispersed costs and concentrated benefits; *casework* refers to a type of legislative work that involves the effort of the legislator to mediate relations between voters and other political or bureaucratic bodies to meet the demands of the electorate.

relevance of the logic of electoral connection in the interpretation of parliamentary behavior. There are also some studies in the area of political anthropology that note the daily efforts that parliamentarians undertake to strengthen their connection with voters and thereby maximize the chances of future electoral recognition (see BEZERRA, 1999; KUSCHNIR, 2000; HEREDIA, 2002).

Studies on electoral connection and parliamentary behavior center on political institutions since they mark the relationships between representatives and voters. Mayhew and Fenno studied the US bipartisan system, consisting of single-member electoral districts. Elections foster a personal relationship between voters and the single representative of each district since it is focused on the candidate. In this institutional context, parliamentarians connect personally with voters and seek to promote themselves through advertising, position-taking, and credit claiming. In terms of legislative production, the result is particularistic policies of the *pork* type.

The Brazilian system is different from the United States but has similar effects in terms of incentives for parliamentary behavior and legislative production. Brazil has a multiparty system. Elections are proportional with an open list and electoral competition occurs even among cohorts - who strive to highlight the qualities that distinguish them from other competitors, including party colleagues. By generalizing competition and inducing voting in the person, the open list also stimulates a personalistic connection between parliamentarians and voters, which would result in clientelism in the production of laws and other types of legislative decisions (AMORIM NETO; SANTOS, 2002; NICOLAU, 2006). According to Amorim Neto and Santos (2002),

regarding the motivations underlying the performance of the parliamentarians, several analyses on the topic converge to the diagnosis that the candidates for parliamentary seats would have as the best campaign strategy the cultivation of the personalized vote at the expense of strategies that emphasized the party and its program because of the parochial incentives generated mainly by the electoral system of open list of the Chamber of Deputies. On the other hand, the effective consequence of strategies focused on personalized voting would lead candidates to try to capture narrow electoral clientele, geographically or sectorally based, within their respective States. Finally, the parliamentarians thus elected should, in their legislative performance, sponsor laws that channel benefits to their electoral clientele to maximize their chances of re-election (AMORIM NETO; SANTOS, 2002, p. 93).

The fact is that, in Brazil, as in the US, the electoral dynamics impact parliamentary behavior towards clientelism. However, Brazilian parliamentarians do not live only on *pork*. In fact, studies show that although they prefer decisions that generate diffuse costs and concentrated benefits, there are institutional limitations that inhibit this practice. The legislative prerogatives of representatives do not allow them to approve decisions imposing expenses on the treasury or impacting the government (FIGUEIREDO; LIMONGI, 2001). This type of

measure is exclusive to the Executive Branch, which is the only one capable of presenting bills that impact the budget or the structure of the federal administration. Thus, parliamentarians approve regulatory laws of diffuse impact, to face issues that, although socially relevant, are outside the direct interests of the Executive. With its broad prerogatives, this power more often addresses more impactful and structural issues related to the government plan, leaving “gaps” in the legislation that are filled by parliamentarians through their legislating prerogatives (AMORIM NETO; SANTOS, 2002; 2003).

According to Amorim Neto and Santos (2002), this phenomenon is observed when the production of *ordinary laws* by federal deputies and senators is considered. In this field of legislative production, the data suggest that parliamentarians face political and institutional obstacles to give flow to their clientelist inclinations. Of the laws passed by Congress between 1985 and 1999, 68.2% produced national impact; only 8% generated restricted or local impact. It is worth mentioning that this is just *one* example of studies that reveal the national impact of ordinary laws produced by Congress. Authors such as Lemos (2001), Ricci (2003; 2008), and Araújo (2008; 2010) analyze legislative production at the federal level and reach the same conclusions: Brazilian parliamentarians serve the most general interests of society through ordinary laws, not the interests of localities.

Amorim Neto and Santos (2002) show that the parochial interests of parliamentarians are expressed not through ordinary legislation but in other types of proposition. The study mentioned above also analyzed the production of legislative resolutions and decrees, indicating that parliamentarians explore the institutional possibilities of these instruments to promote parochialism. According to the authors, 55.1% of legislative decrees approved by federal deputies between 1985 and 1999 resulted in concentrated impact measures, while 49.5% of resolutions approved by the Senate in the same period also generated local impacts. These percentages are much higher than those related to the diffuse impact measures approved in the period: 16.5% of the resolutions of the Senate and 29.5% of the legislative decrees approved by the Chamber of Deputies aimed to cover the broader interests of the national society. Therefore, unlike what happens with the proposition of laws, parliamentarians are more parochialist than universalist when proposing legislative resolutions and decrees.

The explanation for this variation between the standard of ordinary laws and that of resolutions and decrees produced by parliamentarians is that resolutions and decrees are propositions allowed to legislators and are not subject to Executive vetoes. Being able to make decisions with greater freedom in the infra-legal arena, parliamentarians express their preferences through the available legislative devices, proposing measures aimed at benefits exclusive to their bases. This indicates that the argument of the electoral connection is valid to evaluate the behavior of Brazilian legislators: if the approval of legislative decrees and resolutions is not “*subject to the nationalizing effects of the initiative and presidential vetoes,*

*legislative production under the domain of these standards acquires the expected parochial character”* (AMORIM NETO; SANTOS, 2002, p. 134)

There is another type of legislative proposal not yet studied, which is conducive for deputies to manifest themselves in defense of the interests of their bases: the nomination. According to article 113, item I of the Internal Rules of the Chamber of Deputies, “*Nomination is the proposition by which the deputy [...] suggests to another power the adoption of a providence, the conducting of administrative or management act, or the sending of a bill on the matter of his/her exclusive initiative*”.

Before 1991, nominations were propositions by means of which federal deputies suggested “*the manifestation of one or more Commissions on a specific subject, aiming at the elaboration of a bill on the matter of initiative of the Chamber*”. In those times, nominations were very little mobilized due to their electoral unattractiveness. In 1990, only two nominations were presented. In 1991, with the new regimental wording, this number rose to 33, jumping to 3143 in 1992. This suggests that the nominations were designed to broaden the possibilities for representatives to act politically in favor of their bases. So much so that, since the regimental innovation, nominations began to be mobilized intensively by the deputies.

The strategic importance of nominations is confirmed by the decision of the Federal Senate to “imitate” the Chamber and revise the internal rules in 2019, to make nominations an instrument for presenting demands to extra-parliamentary bodies. According to the new wording of article 224 of the Rules of the Senate, “*nomination is the proposition by means of which the Senator or the commission: [...] suggests to another power the adoption of a providence, the execution of administrative or management act, or the sending of a bill on matter of his/her exclusive initiative*”. Thus, the Senate was placed on equal footing with the Chamber, and senators began to mobilize more nominations to meet the interest of their bases<sup>3</sup>.

It is worth reinforcing that nominations are very mobilized because they are virtually cost-free and useful as an instrument of vocalization of interests. Nominations do not require to be voted on. They are read in plenary, published, and sent to the relevant body – which can be the Executive Branch, its ministries, government secretaries, state enterprises, control agencies, state governments, public banks, and even universities.

If on the one hand the nominations can be presented freely, on the other, they have no legal effect and do not change the *status quo*, unless they are met by the receiving body. In practice, the nomination consists of a suggestion<sup>4</sup> of the parliamentarian, individually or in a group, referred to other bodies of power – especially the Executive and its ministries –, asking

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<sup>3</sup> Before the regimental amendment, nominations in the Senate and Chamber consisted of “the suggestion of a Senator or commission so that the subject be the object of providence or study by the competent body of the Chamber, for the purpose of its clarification or formulation of a legislative proposal”. With this change, nominations grew significantly, from zero in 2018 to 86 in 2020.

<sup>4</sup> The text of the nominations often begins with the following expression: “suggest to the ministry...”.

them to adopt measures or apply resources to meet social needs of all kinds.

Because of these characteristics, nominations become attractive as instruments for intermediating interests (D'ÁVILA FILHO, 2005; D'ÁVILA FILHO; LIMA; JORGE, 2014). Through nominations, legislators inform public bodies, especially ministries, about the needs and demands of society in general or specific social groups. Once the demand is presented, it is up to the articulation and pressure on the public power to enable the service.

It is important to bear in mind that the work of parliamentarians is not restricted to Parliament. The effort expended by deputies and senators to exercise political representation involves frequently visiting government bodies, especially ministries, to monitor the progress of their demands and press for assistance (BEZERRA, 1999). Bezerra's study shows that parliamentarians expend a lot of energy “in the name of the bases”, to maintain close ties with their electorate. It is logical to assume that this behavior also occurs in relation to nominations. When sending a nomination to a certain government body, the parliamentarian must mobilize, directly or through his/her advisory, so that their interest is considered. Nominations thus prove to be a useful instrument to signal preferences to the Executive, while allowing the parliamentarian to account to the voters on the measure taken. After presenting the nomination, the next step, as stated above, should be the mobilization with the instance to which the nomination was directed, aiming at its service – and the subsequent credit claiming, as provided for by Mayhew (1974).

In summary, it can be said that, throughout the mandates, Brazilian federal parliamentarians strive to maintain the connection with their bases and, therefore, are interested in laws that distribute exclusive benefits to groups or locations from which he/she intends to collect votes. Due to the political-institutional obstacles that prevent the proposition of laws of their predilection, parliamentarians mobilize other formal resources that allow them to express their preferences and, thus, meet the demands of their electorate. One of these resources is the nomination – already studied in the Municipal (D'AVILA FILHO; LIMA; JORGE, 2014) and State (SIMÕES, 2018) plans, but not in the Federal sphere. The following topic presents and analyzes data on the production of nominations by deputies to better understand how and to what purpose they are mobilized.

### **3. The Covid-19 pandemic and the nominations in the Chamber of Deputies**

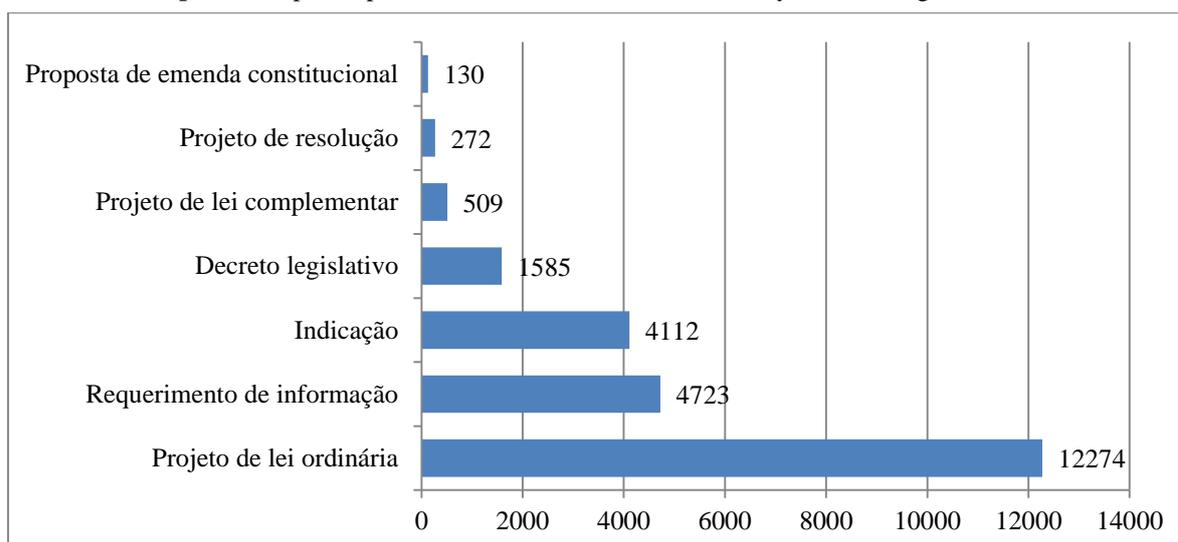
It is unnecessary to discuss the impact of the pandemic on Brazilian – and world - society. The global spread of Covid-19 and the measures taken to address it have profoundly affected social relations, generating consequences for the economy, politics, education, leisure, culture, health, and even international relations. Considering that one of the roles of representatives is to respond to social problems through legislative decisions, it is reasonable to assume that the pandemic also affected parliamentary behavior and legal production, so that a

significant part of what was produced must have aimed at solving the problems of the global health crisis.

This is a fact. According to data reported by *Correio Brasiliense*, from March 20th, 2020 - when the health crisis was recognized as a pandemic - until May 20th of the same year, 2,348 proposals were presented with the aim of mitigating the impacts of the crisis in the social and economic areas that entailed loss of collection of federated entities, income of workers, closure of companies, and loss of jobs<sup>5</sup>. Such production involves bills of ordinary and supplementary laws, legislative decrees, constitutional amendments, and provisional measures. The article does not refer to the production of nominations in the period, although these may also express the concern of deputies and senators with the crisis and its effects on the lives of Brazilians.

This article addresses the production of nominations during a longer period, from February 2019 to August 2021 – in the 56th legislature, to understand its use by deputies. The year 2019, prior to the health crisis, was included in the study to capture the impact of the pandemic decree on the legislative production of federal deputies. Beginning the presentation of the data, Graph 1 presents the total production in the period and allows initial considerations on the issue.

**Graph 1** – Proposals presented in the Chamber from January 2019 to August 2021



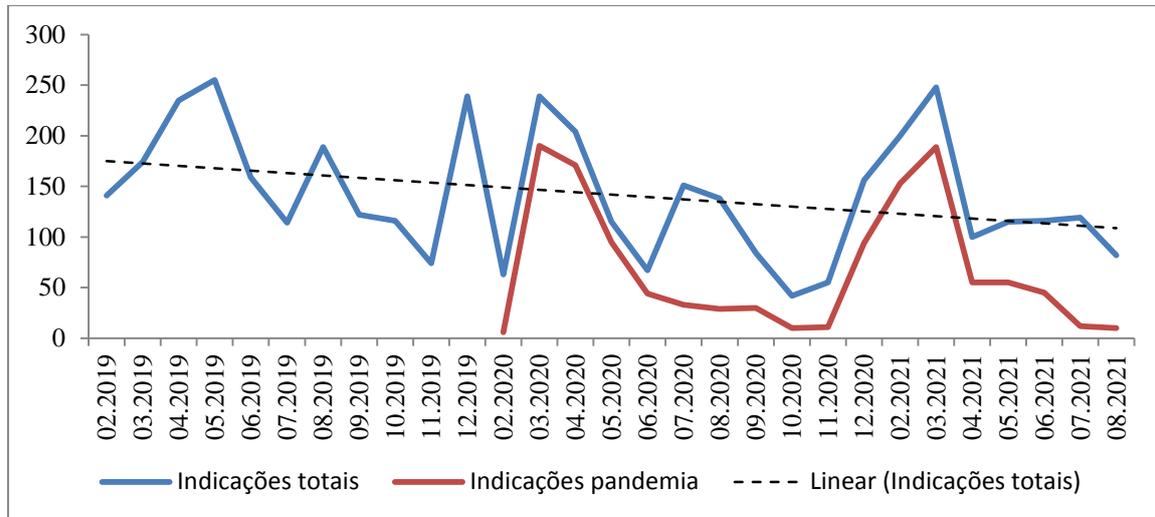
Source: The author, based on data extracted from the website of the Chamber of Deputies, 2021.

A total of 23,605 propositions were presented during this, nominations being the third type most mobilized by the deputies (17.4% of the total production). The large volume of subjects considered in the range in focus shows the commitment of members to produce decisions. It remains to be known, in the case of nominations, how much of these decisions can

<sup>5</sup> Extracted from <https://blogs.correiobrasiliense.com.br/servidor/analise-da-producao-legislativa-durante-a-pandemia/>. Available on Sep. 17th, 2021.

be associated with the covid-19 pandemic that has ravaged the world. Graph 2 presents information about this.

**Graph 2** – Proposals presented in the Chamber from January 2019 to August 2021



Source: The author, based on data extracted from the website of the Chamber of Deputies, 2021.

The dashed line in the graph shows a trend of reduction in the production of nominations in the period, most likely due to the difficulties for legislative production because of the suspension of on-site activities in the Chamber. In the context of the pandemic, legislative production must be coordinated remotely, which, as it turns out, affected the pace of parliamentary work. However, all this data indicates that the health crisis has not completely tolerated the willingness of members to produce decisions. The pandemic was the cause of most of the production during the times of crisis – 54% of the nominations issued during the pandemic aimed to fight it.

The graph also shows how quickly parliamentarians reacted to the emergence of SARS-CoV-2. The members of the Chamber began to mobilize to fight the problem in February, before the crisis was recognized as a pandemic. On February 12th, 2020, deputy Mauro Heninger (PDT/MG) suggested to the “*Ministry of Infrastructure, within the National Civil Aviation Agency - ANAC, measures to determine that commercial airlines provide surgical masks to passengers, when requested*”. On February 17th, 2020, Deputy Capitão Aberto (Republicanos/AM) suggested, to the Ministry of Economy “*the expansion of cleaning and disinfection actions of public spaces during the Public Health Emergency of National Interest caused by Covid-19, through training and eventual incorporation of professionals through temporary employment contracts*”. Also on February 17th, 2020 the same deputy suggested “*the creation of a working and discussion group, involving the public and private sectors, aimed at studying the effects of the Coronavirus epidemic on industrial production and presenting feasible proposals on the possible supply of inputs within the Free Zone of Manaus*”. These are

some of the manifestations in facing the pandemic, which have become frequent, as the red line in the graph shows – since March, a substantial part of the measures were aimed at facing the health problem. The graph shows a peak in March, followed by a decline from June to November 2020, with a new peak in March 2021, followed by a new decline until August 2021, when the collection of the data analyzed ends. The lines of the graph show that the variation in the proposition of nominations regarding the pandemic tended to follow the variation in the general production of nominations. The covid-19 pandemic has occupied the parliamentary agenda, becoming the cause of an expressive portion of the nominations approved in the period.

Table 1 shows the distribution per State and that parliamentarians from all States presented nominations, demonstrating that their usefulness is widely recognized in the Chamber of Deputies. However, whether by the absolute number or by the average, the States differ greatly from each other, indicating a high degree of heterogeneity. The highest average is that of Acre (56.4), where only seven parliamentarians presented 395 nominations. The lowest is that of Goiás, with an average of 7.7 nominations per parliamentarian.

**Table 1** – Nominations per State

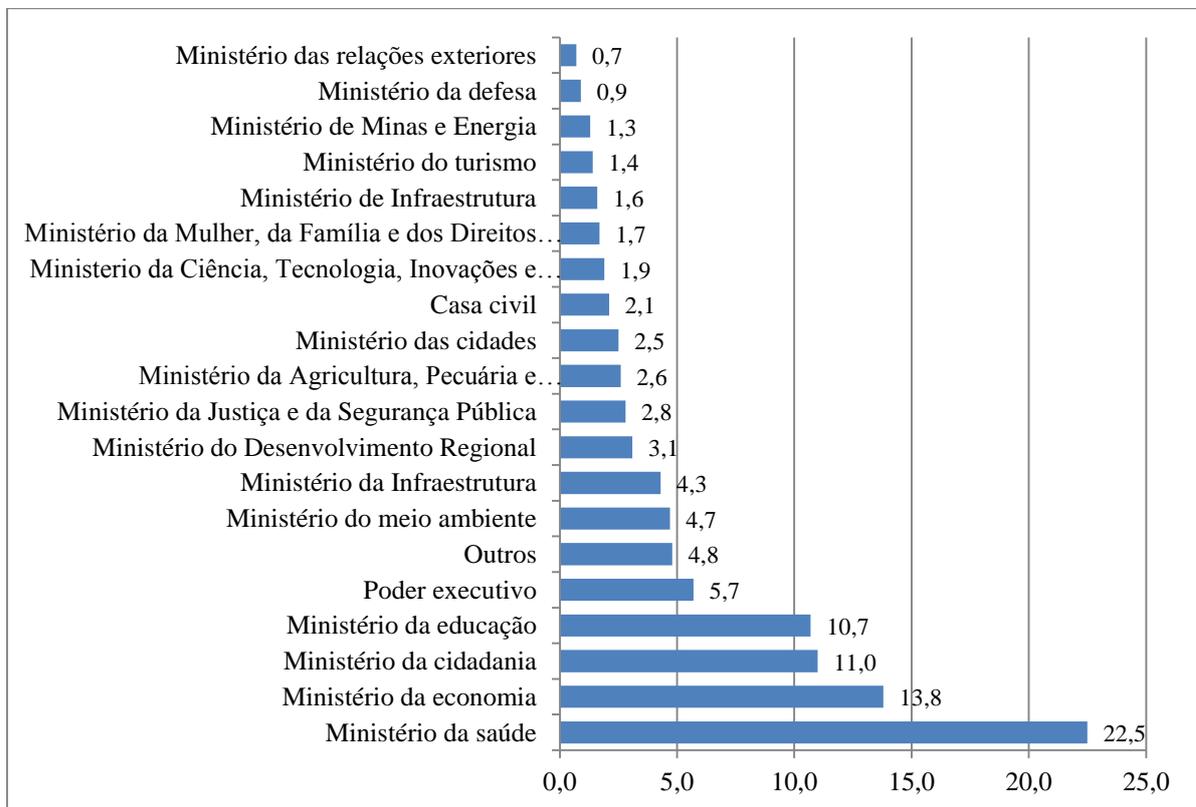
	Frequency	%	N*	Average parliamentarian	per
AC	395	10.0	7		56.4
AL	129	3.3	6		21.5
AM	358	9.1	8		44.8
AP	13	0.3	3		4.3
BA	117	3.0	16		7.3
CE	232	5.9	18		12.9
DF	62	1.6	9		6.9
ES	64	1.6	9		7.1
GO	36	0.9	13		3.0
MA	108	2.7	14		7.7
MG	204	5.2	34		6.0
MS	17	0.4	5		3.4
MT	50	1.3	8		6.3
PA	470	12.0	10		47.0
PB	147	3.7	10		14.7
PE	64	1.6	14		4.6
PI	26	0.7	4		6.5
PR	624	15.9	19		32.8
RJ	206	5.2	36		5.7
RN	34	0.9	6		5.7
RO	72	1.8	7		10.3
RR	22	0.6	5		4.4
RS	73	1.9	16		4.6
SC	62	1.6	14		4.4
SE	43	1.1	6		7.2
SP	236	6.0	43		5.5
TO	66	1.7	7		9.4
Total	3931	100.0	347		11.3

Source: The author, based on data extracted from the website of the Chamber of Deputies, 2021.

There is no institutional basis for interpreting this variation since the electoral rules and, in theory, the incentives for legislative production are the same for deputies of all States. Additionally, the variation, it seems, cannot be attributed to the number of parliamentarians per State (and their effects on electoral disputes), nor to population density or territorial extension. The explanation should be in the form parliamentarians evaluate the legislative instrument and how they decide to mobilize it to connect with their representatives. However, the methods for probing this assumption extrapolate the limits of this research.

Graph 3 shows the destination of the nominations. Although they can be sent to the most diverse instances of public power – as previously stated -, the favored targets of deputies are ministries. The “other” category represents only 4.8% of the total production in the period in focus.

**Graph 3 – Destination of nominations (%)**



Source: The author, based on data extracted from the website of the Chamber of Deputies, 2021.

It is interesting to note that the four ministries most targeted were those of Education, Citizenship, Economy, and Health. It is likely due to the fact that these ministries act the areas of strategic policy, not only because they are central to the government but because they allow members of parliament to propose the measures that are the most requested by the electorate, such as implementation of schools and universities (Education), housing (Citizenship), the

transfer of resources to states and municipalities (Economy), the construction of hospitals, and the distribution of medicine (Health).

It is now important to understand how the nominations are distributed per parties. Table 2 presents these data. It is worth noting that the Table shows only the nominations submitted by individual members of parliament. Those submitted by commissions or by more than one deputy together are excluded. However, this does not hinder the analysis, given that most of the 4112 nominations (95.6%) are submitted by members individually. Commissions contributed with only 120 nominations (2.9%) and members in partnership contributed with only 61 (1.5%).

**Table 2 – Nominations per party**

	All nominations		Pandemic nominations	
	Frequency	%	Frequency	%
AVANTE	13	0.3	4	0.3
CIDADANIA	89	2.3	36	3.1
DEM	114	2.9	42	3.6
MDB	236	6	30	2.6
NOVO	17	0.4	1	0.1
PATRIOTA	15	0.4	4	0.3
PCdoB	236	6	29	2.5
PDT	200	5.1	70	6.0
PHS	7	0.2	-	-
PL	96	2.4	27	2.3
PODEMOS	99	2.5	54	4.7
PP	136	3.5	51	4.4
PROS	410	10.4	9	0.8
PSB	186	4.7	83	7.1
PSC	19	0.5	8	0.7
PSD	126	3.2	46	4.0
PSDB	176	4.5	46	4.0
PSL	539	13.7	103	8.9
PSOL	8	0.2	5	0.4
PT	242	6.2	102	8.8
PTB	509	12.9	262	22.6
PV	62	1.6	28	2.4
REPUBLICANOS	359	9.1	114	9.8
SOLIDARIEDADE	37	0.9	7	0.6
Total	3931	100	1161	100

Source: The author, based on data extracted from the website of the Chamber of Deputies, 2021.

In all, parliamentarians from 24 parties contributed individually to the amount of nominations submitted. The number of parties that have acted against the health crisis and its effects is significant. Only one was left out, showing that the pandemic was a reason for the

articulation of a large number of parties and parliamentarians. Considering the total number of nominations in general, the parties that stand out are PROS, PTB, and PSL, with 10.4%, 12.8%, and 13.7%, respectively. Considering only the nominations regarding the pandemic, PTB proved to be the most active party (22.6% of the nominations), followed by far by Republicanos (9.8%) and PSL (8.9%).

But the comparison made in this form is not appropriate, given that the number of deputies per party differs, which affects the ability of each party to submit nominations. Table 2 shows the number of deputies of each party and the measure of nominations per deputy. The setting changes. The data show that, although the willingness to submit nominations is widespread, deputies differ greatly from each other in terms of engagement in this type of legislative production.

Before commenting on the data in Table 3, it is worth noting a large variation among parliamentarians concerning the use of nominations. Of the 584 full members alternates who served in the 56th legislature, only 347 presented at least one nomination in the period, meaning that 237 deputies did not use the legislative instrument<sup>6</sup>. Even among the proponents there is a sharp heterogeneity, which ranges from 1 to 366. The average per parliamentarian is 10.9 and the median is 3, indicating that the majority of deputies presented three nominations or less. The most productive 10% proposed 19 nominations or more in the period. In absolute terms, the top 10 proposers accounted for 1,722 nominations, 41.9% of the total. Thus, among the deputies, some can be called "super proponents", while the vast majority are more restrained in the use of the resource.

**Table 3** – Average of nominations per parliamentarian, per party.

Party	All nominations		Pandemic nominations	
	Nº of parliamentarians per party	Average per parliamentarian	Nº of parliamentarians per party	Average per parliamentarian
AVANTE	3	4.3	1	4.0
CIDADANIA	8	11.1	7	5.1
DEM	15	7.6	8	5.3
MDB	21	11.2	12	2.5
NOVO	6	2.8	1	1.0
PATRIOTA	5	3.0	3	1.3
PCdoB	4	59.0	3	9.7
PDT	17	11.8	11	6.4
PHS	1	7.0	-	-
PL	23	4.2	16	1.7
PODEMOS	12	8.3	8	6.8
PP	23	5.9	15	3.4
PROS	5	82.0	2	4.5

<sup>6</sup> This abnegation is not explained by the ideological affiliation or the relationship of the parties with the government. The statistical analysis showed no significant difference between those who presented or not nominations, considering "ideology "and" relationship with the government". It remains to be seen whether there is an explanation for the variations within the group of those who submitted a nomination.

PSB	24	7.8	16	5.2
PSC	6	3.2	3	2.7
PSD	26	4.8	17	2.7
PSDB	22	8.0	15	3.1
PSL	41	13.1	24	4.3
PSOL	5	1.6	4	1.3
PT	33	7.3	26	3.9
PTB	9	56.6	7	37.4
PV	4	15.5	3	9.3
REPUBLICANOS	25	14.4	12	9.5
SOLIDARIEDADE	9	4.1	4	1.8
Total	347	11.3	192	6.0

Source: The author, based on data extracted from the website of the Chamber of Deputies, 2021.

The Table shows that, in relation to the total production of nominations, representatives of PT, PCdoB, and PROS are the most active, with an average of 56.6, 59, and 82 nominations per parliamentarian, respectively. Regarding the nominations related to the pandemic, the PTB deputies were the most committed, with an average of 37.4 nominations per parliamentarian, followed by far by the representatives of PCdoB, whose average was 9.7. It is unclear why the parties and their parliamentarians differ so much from each other in terms of the volume of production. However, as announced (in the introduction) by the second hypothesis, it is believed that ideological affiliation among the proponents and relationship with the government sheds some light on the phenomenon. This will be evaluated later.

An important aspect of the analysis of legislative production is the content of the proposals presented since they allow to identify the subjects that mobilize the deputies. Table 4 presents the distribution of the production of the period thus categorized, showing that the federal representatives aimed to face problems in the most diverse areas of public policies, through nominations. The data in the Table also show that the impacts of the pandemic affected legislative production in all areas of public policy, supporting the idea that the pandemic had profound impacts on various areas of society.

**Table 4** – Nominations per subject

	All nominations		Pandemic nominations	
	n	%	n	%
Administration	754	18.3	185	14.9
Agriculture	121	2.9	14	1.1
Economy	330	8	154	12.4
Education, culture, and sport	438	10.7	52	4.2
Infrastructure	210	5.1	2	0.2
Environment	65	1.6	2	0.2
Housing	133	3.2	4	0.3
Politics and international relations	27	0.7	7	0.6

Health	939	22.8	377	30.4
Social	816	19.8	403	32.5
Telecommunication	64	1.6	4	0.3
Transit and transportation	215	5.2	36	2.9
Total	4112	100.0	1240	100.0

Source: The author, based on data extracted from the website of the Chamber of Deputies, 2021.

The administration, economy, health, and social areas were the most cited topics within the pandemic context. It is worth listing some examples to get a better idea of the reaction of parliamentarians to the pandemic. In the area of administration, which involves issues such as government reformulation or the hiring of servers, deputy José Ricardo (PT/AM), suggested “*to the Executive Branch, through the Ministry of Health, the creation of a National Program for hiring foreign doctors who have already worked in the "Programa Mais Médicos", to strengthen the public health system of the country during the Covid-19 pandemic*”. In the area of the economy, referring to measures aimed at mitigating the perverse economic effects of the pandemic, deputy Bacelar (Podemos/BA) suggested “*the creation of a special credit line within the framework of official banks to stimulate economic activity and preserve jobs*”. In the health area, where indications focused on the fight against the Coronavirus, deputy Leo Morais (Podemos/RO) suggested “*the massive testing of the new coronavirus (COVID-19) in the country*”. In the social area, regarding the proposals that aim to face the effects of the crisis on the daily lives of individuals, deputy Perpétua Almeida (PP/AC) suggested to the “*Minister of Women, Family, and Human Rights the implementation of measures and an Action Plan to Prevent and Address Violence Against Women in the period of social isolation*”. The nominations thus prove to be a legislative instrument of wide utility and versatility to signal to the organs of the Executive Branch the most diverse demands – for society as a whole or specific groups.

It should be noted that the examples above do not propose localized benefits, as is expected based on the theory of electoral connection previously presented. However, they do not represent the set of production. Table 5 shows that, in relation to the expected impact of the nominations, the deputies aim not only at society in general, but also at territorialized and non-territorialized social segments.

**Table 5** – The scope of the expected impacts of the nominations

	All nominations		Pandemic nominations	
	n	%	n	%
Personal	31	0.8	1	0.1
Local	1580	38.4	275	22.2
Regional	419	10.2	98	7.9
Sectoral	1389	33.8	592	47.7
National	693	16.9	274	22.1
Total	4112	100	1240	100

Source: The author, based on data extracted from the website of the Chamber of Deputies, 2021.

Considering the total of nominations, those that aim at local impact represent the highest percentage of the Table (38.4%). An example of this type is the suggestion of Heitor Freire (PSL/CE), who asks the Minister of Health “*that measures be adopted to allocate resources for a hospital autoclave of 150 liters, for the municipality of Bela Cruz/CE*”. Regional impact measures, which often turn to the bases of parliamentarians, make up 10.2% of the nominations for the period. An example of regional impact indication was presented by deputy Aline Gurgel (Republicanos/AP), who suggested “*to the Special Secretariat of Indigenous Health, of the Ministry of Health, actions related to basic Indigenous health care in the state of Amapá*”. Adding the local impact measures with those of regional impact, the percentage of proposals aimed at territories adds up to 48.6%, showing remarkable preference of deputies for measures of this nature.

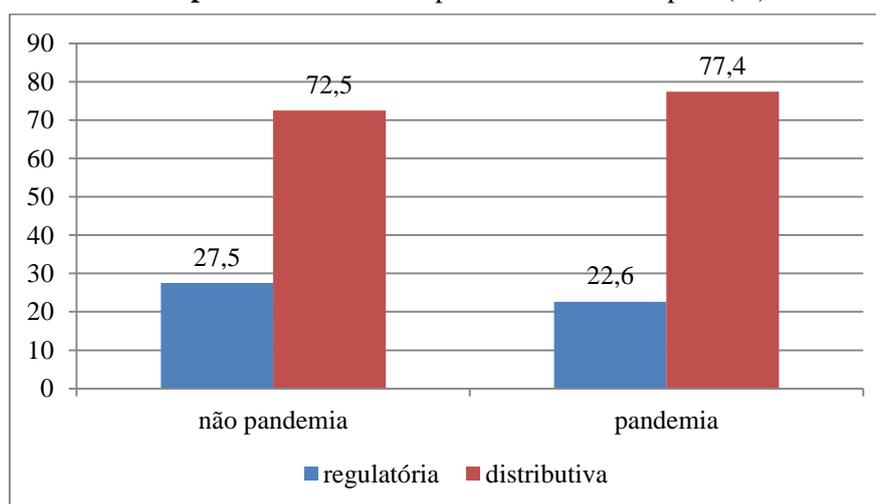
But the pattern changes concerning the propositions specifically aimed at the pandemic, in a different direction than the hypothesis put forward. Among these, the highest percentage is that of the nominations aimed to distribute resources to specific sectors of society, such as public servants and professionals from the most diverse areas (47.7%). This high percentage is due, in part, to the large number of propositions that suggest the vaccination protection of specific segments of society, such as the proposal of deputy Dagoberto Nogueira (PDT/MS) that suggests the “*Minister of Economy include the category of artisans in the financial aid measures announced in the function of Covid-19*”.

Local and regional impact measures aimed at the pandemic add up to 30.1%. An example of a proposition aimed at local impact is the nomination by deputy Weliton Prado (PROS/MG), who suggested “*to the Ministry of Health the necessary arrangements for the release of equipment and funding resources for the installation in Uberlândia, in the Triângulo Mineiro, of ICU rapid installation beds in the fight against the Coronavirus pandemic*”. An example of a regional impact measure is the suggestion of deputy Dr. Jaziel (PL/CE) who proposed “*to the Minister of Health who urgently place the State of Acre as a priority in the National Immunization Program with mass vaccination coverage against Covid-19*”. The fact is

that the local and regional nominations related to the pandemic add a lower percentage than the sectoral ones but are quite expressive, showing that the parliamentarians strove to represent their districts with the Executive Branch and its organs despite the crisis (and because of it)..

Graph 4 presents the distribution of nominations according to the nature of their expected impact, whether regulatory or distributive. The propositions aimed at the regulation of social activities of groups or society in general were considered regulatory. An example is the nomination presented by deputy Alex Manente (Cidadania/SP), who suggested to the “*Ministry of Foreign Affairs that he take all necessary measures to ensure the right of free movement of Brazilian and Venezuelan citizens and authorities who are prevented from bringing or seeking humanitarian aid to Venezuelan citizens*”. Distributive measures were those aimed at the distribution of public resources for the benefit of society in general or part of it. An example of distributive measure (of concentrated impact, in the case) is the nomination presented by deputy Agnaldo Ribeiro (PP/PA), who suggested to the Minister of Infrastructure to “*prioritize the construction of subways in the municipality of João Pessoa and Metropolitan Region, in the state of Paraíba*”. The Graph shows that, either in the pandemic, or in the other nominations<sup>7</sup>, deputies prefer the distributive type.

**Graph 4 – Nominations per nature of the impact (%)**



Source: The author, based on data extracted from the website of the Chamber of Deputies, 2021.

In both cases, more than 70% are distributive in nature. The distribution of the cases seems balanced, but the chi-square test shows that there is a significant statistical difference between the two sets ( $X^2$ : 10.918, sig. ,001): thus, there is a greater propensity to present distributive measures in the context of the health crisis. This means that the pandemic has increased the commitment of deputies to act in favor of their bases through the distribution of

<sup>7</sup> In the case of Graph 4, for the correlation test, the nominations referring to the pandemic are compared with the others (not related to the pandemic) and not with the total nominations.

public benefits. To better understand this phenomenon, it is important to analyze the production crossing the nature of the nominations with the scope of their expected impacts. The result is presented in Table 6.

**Table 6** – Nominations per nature and scope of the expected impact

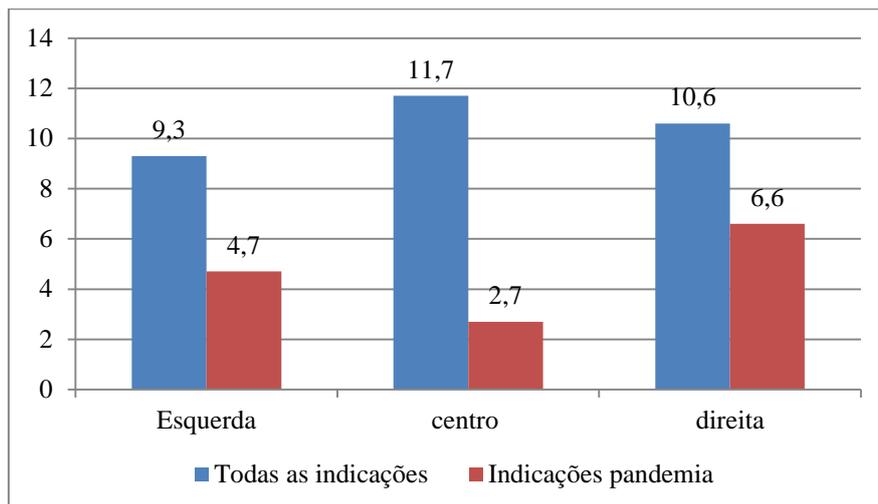
	All nominations			Pandemic nominations		
	% regulatory	% distributive	Total (100%)	% regulatory	% distributive	Total (100%)
Personal	83.9	16.1	31	0.0	100.0	1
Local	6.3	93.7	1580	1.8	98.2	275
Regional	21.7	78.3	419	14.3	85.7	98
Sectoral	42.5	57.5	1389	28.0	72.0	592
National	37.8	62.2	693	34.7	65.3	274
Total	1070	3042	4112	280	960	1240

Source: The author, based on data extracted from the website of the Chamber of Deputies, 2021.

The association between the local and distributive character is striking: 93.7% of the total propositions in focus have both characteristics simultaneously, while, among those related to the pandemic, the percentage is 98.2%, meaning that almost all of the local nominations are of the distributive type. It is also interesting to note that in all other cases – personal, regional, sectoral, and national – distributivism is greater when we observe the nominations aimed at fighting the health crisis.

Graph 5 shows the average of nominations issued by parliamentarian according to ideology, and allows us to resume the discussion on the variation among parliamentarians regarding the production of these propositions. It is clear that ideology is a factor associated with this phenomenon. Left-wing deputies were less inclined to use this instrument, either considering only the nominations aimed at the health crisis (average 4.7) or considering the totality of the nominations presented in the period (average 9.3). The right-wing (average 10.6) and especially the center (average 11.7) were more committed, especially considering the propositions unrelated to the pandemic. Considering only those related, the order changes: deputies of the center were the least dedicated to fighting the crisis (average 2.7). The left-wing occupies the second position and the right is the most active (average 6.6).

**Graph 5 – Nomination per ideology (average per deputy)**



Source: The author, based on data extracted from the website of the Chamber of Deputies, 2021.

It is undoubtedly interesting to understand the variations in the number of propositions according to ideology. However, as mentioned above, there is no clear cause for the differences between the ideological blocks regarding the production of nominations. However, a possible explanation may lie in the relationship between the parties and the government. It is known that the government of President Jair Bolsonaro strongly opposes the left-wing, which may inhibit the action of parliamentarians of this ideological block in proposing measures that depend on government support. In this case, parliamentarians ideologically attuned to the Chief Executive are more likely to put forward more demands in the form of legislative proposals – especially in the form of nominations, the acceptance of which depends on the reception of the Executive.

The problem to test this hypothesis is that there is no information about the Bolsonaro government coalitions<sup>8</sup>, simply because there were no coalitions. According to the database on coalitions, organized by CEBRAP<sup>9</sup>, the PSL was the only party to formally support the President. However, this partnership ended in November 2019, with the departure of Jair Bolsonaro from the party. The search for the support of the parties of the so-called Centrão happened late, already in 2021, leaving much of the period under analysis uncovered. One way around this problem is by considering the performance of parties that have systematically opposed (and oppose) the government. If the hypothesis is that the parliamentarians of the governing parties are more encouraged to send nominations because they have more hope of seeing their requests accepted, the opposite must be true: opposition parties, anticipating the resistance of the government, stop proposing nominations because they have no expectation of a

<sup>8</sup> According to the database on coalitions, organized by CEBRAP, the PSL was the only party to formally support the President. However, this partnership ended in November 2019, with the departure of Jair Bolsonaro from the party. The partnership with the parties of the so-called Centrão happened late, already in 2021, making it impossible to study the correlation.

<sup>9</sup> We take the time to thank CEBRAP for making this data publicly available on its website.

positive result.

According to the *Congresso em foco* - website that organizes data and provides analysis on the behavior of parliamentarians in nominal votes -, federal deputies of six parties have systematically voted against the proposals of the Executive, thus consisting in notorious opposition to the Bolsonaro government. They are: PDT, PSB, Rede, PCdoB, PT, and PSOL<sup>10</sup>. If this is true, it can be expected that the deputies of such parties have had less incentive to send nominations for the appreciation of the Executive or its ministries due to the low expectation of being contemplated.

In fact, the data partially corroborate this hypothesis, showing that deputies of opposition parties are less likely to take initiatives. During the period considered, these members presented an average of 9.8 nominations, while the other members presented an average of 10.7. The difference seems small but it is statistically relevant: *Mann-Whitney* statistics nonparametric tests turned out significant at the level .003. However, the correlation was not valid for pandemic nominations. The means are different and their values vary in the expected direction: mean of 4.3 for opposition parliamentarians and 5.3 for others. However, the *sig* resulting of the test was .262, and therefore not significant.

These results lead one consider the deputies who presented *no* nominations in the period in focus. As already reported, there are 237 members in this group. By the logic of the hypothesis, the oppositionist deputies should be overrepresented in the group, but they are not. The statistical test with all parliamentarians (who presented or not nominations) showed no difference between them.

**Table 7** – Presentation of nominations according to the relationship with the government (%)

	Submitted nominations		Total
	No	Yes	
Systematic opposition	25.3	23.6	24.3
Non-opposition	74.7	76.4	75.7
Total (100%)	237	347	584

Source: The author, based on data extracted from the website of the Chamber of Deputies, 2021.

As presented in Table 7, the two groups are distributed in balanced form, indicating that being an oppositionist or not does not affect the willingness of representatives to present nominations. As said, the statistical test ( $X^2$ ) showed no correlation. It is interesting that the hypothesis is confirmed, albeit partially (only for the total propositions, but not for the propositions referring to the pandemic), *among parliamentarians who submitted at least one*

<sup>10</sup> Information extracted from <https://congressoemfoco.uol.com.br/governo/exclusivo-os-12-partidos-que-formam-a-base-fiel-do-governo-na-camara/>, available on Oct. 2nd, 2021.

*nomination in the period.* Part of the explanation may lie in the fact that opposition deputies experience the legislative instrument and, having no return, have been discouraged to issue new nominations, meaning that opposition deputies who try once or a few times to use the legislative instrument do not insist, because they do not see chances of a positive response. More studies are necessary to better understand the phenomenon. Perhaps surveys or case studies with deputies who have had or not their nominations met, and who are willing to explain their strategies in the use of nominations.

It is worth informing that, to subsidize this research, a questionnaire with questions that could clarify the dynamics of the production of nominations in the chamber was sent to all the offices of deputies, by email. However, unfortunately, no cabinet responded to the contact.

#### **4 Final Considerations**

In the Brazilian political system, electoral rules induce parliamentarians to a rational search for the cultivation of personal ties with the electorate. The potential result is the production of parochial-type decisions. The literature shows that parochial decisions do not cover the entire legislative production of Brazilian parliamentarians but includes an expressive part of it. Driven by politics and the pursuit of electoral gains, federal deputies undertake efforts to promote benefits for their parishes or for the social groups they intend to represent. To this end, they mobilize the formal instruments provided for in the Federal Constitution or in the Internal Rules of the Chamber, such as the right to propose laws, legislative decrees, and resolutions.

Among such instruments are the nominations. They are provided for in the Internal Rules and consist of *suggestions*, which are issued by parliamentarians and sent to bodies of power outside the Legislature – especially the organs of the Executive Branch – indicating the need for works or regulatory measures necessary to face social issues of all kinds. Nominations have no legal force and therefore do not, in themselves, alter the *status quo*. However, they do not consist of mere legislative "embellishment" as one might think; on the contrary, they can be considered as promising "instruments of sewing political networks", which interconnect the public power, parliamentarians, and the electorate (D'AVILA FILHO; LIMA; JORGE, 2011, p.4).

It is only when conceiving this electoral potential of nominations that it is possible to understand why they were introduced into the Internal Rules of the Chamber (and of the Senate), and why a significant number of federal deputies have made and make use of this instrument at first glance innocuous. In the period analyzed in this study, 347 deputies (59.4%), from 24 parties, individually mobilized the resource, producing 3931 nominations that aimed to promote benefits for society as a whole, for each of the States of the federation and for part of its Municipalities.

Although the nominations can be sent to a wide variety of bodies, they have focused on ministries, especially those of Education, Citizenship, Economy, and Health – four of the 18 ministries of the Bolsonaro government. In all, these ministries received 58% of the nominations. This has to do with the fact that such instances are central in government and act in the field of electorally-promising public policies.

In terms of content, the nominations were quite versatile, covering a wide range of issues – relating, for example, to the economy, administration, politics, housing, international relations, the environment, telecommunications, infrastructure, and education. They have been widely used for the fight against the Covid-19 pandemic and the coping of its consequences in all these policy areas. Since February 2020, with the emergence of the Covid-19 virus, 1240 nominations have been proposed aimed at mitigating the crisis – 54% of the entire production of the pandemic months.

The nature of production was also considered in terms of its regulatory or distributive effects. Although regulatory measures were presented on a large scale (around 25% of the total), the vast majority (more than 70%) were distributive – of these, more than 90% proposed the concentrated transfer of benefits to States and, mainly, Municipalities. The data further show that the pandemic *increased* the distributive propensity of deputies – while the percentage of distributivism was 72.5% concerning nominations in general, the amount of nominations related to the pandemic was 77.4%. A  $X^2$  test showed that this difference is statistically significant at the level of .001. These data go in the direction of the first hypothesis, which predicted that parliamentarians use nominations to please their bases and thus strengthen electoral connections with them.

Regarding the scope of the expected impacts of the nominations, it was expected that deputies would demonstrate preferences for concentrated impact measures, targeting more often the territories in which they obtained votes. This was true for the nominations in general (38.4%) but not for those directed to the pandemic. In this case, they produced more nominations of the sectoral type (47.7%) – aimed at social segments that permeate the national territory. The interesting thing is that, even in sectoral propositions, the largest share (72%) was of distributive measures, showing the preference of parliamentarians for this type of proposition, transferring resources exclusively to part of society and not to society in general.

Finally, it is worth remembering that the study showed a great heterogeneity in the use of the instrument. Whether considering the parties, the ideological blocks, or the Brazilian States, large discrepancies were revealed among parliamentarians regarding the issuance of nominations. To demonstrate this discrepancy, it is enough to mention that the ten largest proponents (out of 347) concentrated 41.9% of the entire production of the period. The research did little to explain the causes of such variation – the most elucidating hypothesis was that this phenomenon has to do with the relationship between the parties and the type of interaction they

establish with the government. In the absence of coalitions (which did not exist in much of the period in focus), we chose to evaluate the behavior of parties of systematic opposition to the government, partially proving, according to the second hypothesis, that oppositionist deputies are less likely to propose nominations, having low expectation of being accepted – the statistical test (*Mann-Whitney*) proved to be significant at the level of .003. However, the hypothesis only worked when considering the total production of nominations but was not significant concerning the nominations referring to the pandemic. We could not conceive a plausible explanation for this fact – new investigative efforts, in qualitative or quantitative research or a survey, are necessary to better understand the strategies mobilized by deputies in the use of nominations. Mas esses esforços ficam para um outro momento.

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