

PROCESS	November 21, 2013: Democrats Use the Nuclear Option	April 6, 2017: Republicans Use the Nuclear Option
1. The Majority Leader raises a question of order to overturn the rule or precedent in question.	<u>The Majority Leader's Question of Order:</u> Does Standing Rule of the Senate 22 require 60 votes for cloture to confirm the nomination of judges, except for nominations to the Supreme Court?	<u>The Majority Leader's Question of Order:</u> Does the precedent of November 21, 2013 (only a simple majority, 51 votes, are required to confirm the nomination of judges, except for nominations to the Supreme Court) apply to nominations to the Supreme Court? In other words, do nominations to the Supreme Court only require a simple majority, 51 votes, for cloture?
2. The Presiding Officer, in consultation with the Senate Parliamentarian, rules according to the language of the rule or precedent.	<u>The Presiding Officer's Ruling:</u> Standing Rule of the Senate 22 requires 60 votes for cloture.	<u>The Presiding Officer's Ruling:</u> The precedent of November 21, 2013, does not to apply nominations to the Supreme Court (i.e., nominations to the Supreme Court require 60 votes for cloture).
3. The majority leader appeals the decision of the presiding officer.	<u>The Question on Appeal:</u> Are 60 votes required for cloture to confirm the nomination of judges, except for nominations to the Supreme Court?	<u>The Question on Appeal:</u> Does the precedent of November 21, 2013, apply to nominations to the Supreme Court?
4. The majority votes to overturn the Presiding Officer's decision.	<u>The Majority's Ruling:</u> Only a simple majority, 51 votes, are required to confirm the nomination of judges, except for nominations to the Supreme Court.	<u>The Majority's Ruling:</u> The precedent of November 21, 2013, applies to nominations to the Supreme Court (i.e., nominations to the Supreme Court only require a simple majority, 51 votes, for cloture).