



**Examples of Rules or Statutes on Confirmations  
(as of March 2019)**

**Alabama**

***Senate Rule 32***

All nominations and appointments shall be referred to, and be reported from the Committee on Confirmations before consideration by the entire Senate. A rejection by the Committee on Confirmations of any nomination or appointment shall be considered a rejection by the entire Senate. If the Senate rejects a nomination or appointment, the Secretary of the Senate shall forward the rejection to the appointing authority and request a new nominee to be submitted, or, in the event that the pertinent statute permits, the Senate may select a substitute appointment. Confirmation messages are not subject to a motion to recommit, but the nomination may be carried over.

**Alaska**

***Uniform Rule 46***

Appointments by the governor are made pursuant to AS 39.05.080. Such appointments are subject to confirmation by a majority vote of the full membership of the legislature in joint session.

**Sec. 39.05.080. Procedure for all appointments.**

Except as otherwise provided in a law relating to the positions or memberships on a specific board or commission, appointment to a position or membership shall be made in the following manner:

(1) Each governor shall present to the legislature the names of the persons appointed by that governor; each governor may present the name of a person appointed by a previous governor; only presentment that occurs during the time that the legislature is in regular session constitutes presentment under this section. The governor shall, within the first 15 days after the legislature convenes in regular session, present to the legislature for confirmation the names of the following persons: (A) persons appointed to a position or membership who have not previously been confirmed by the legislature, and (B) persons to be appointed to fill a position or membership the term of which will expire on or before March 1 during that session of the legislature. If an appointment is made after the first 15 days after the convening of the regular session but while the legislature is in regular session, the governor shall immediately present to the legislature for confirmation the name of the person appointed.

(2) When appointments are presented to the legislature for confirmation,

(A) the presiding officer of each house shall assign the name of each appointee to a standing committee of that house for a hearing, report, and recommendation; standing committees of the two houses assigned the same person's name for consideration may meet jointly to consider the qualifications of the person appointed and may issue either a separate or a joint report and recommendation concerning that person; then

(B) the legislature shall, before the end of the regular session in which the appointments are presented, in joint session assembled, act on the appointments by confirming or declining to confirm by a majority vote of all of the members the appointments presented.

(3) When the legislature declines to confirm an appointment, the legislature shall notify the governor of its action and a vacancy in the position or membership exists which the governor shall fill by making a new appointment. The governor may not appoint again the same person whose confirmation was refused for the same position or membership during the regular session of the legislature at which confirmation was refused. The person whose name is refused for appointment by the legislature may not thereafter be appointed to the same position or membership during the interim between regular legislative sessions. Failure of the legislature to act to confirm or decline to confirm an appointment during the regular session in which the appointment was presented is tantamount to a declination of confirmation on the day the regular session adjourns.

(4) Pending confirmation or rejection of appointment by the legislature, persons appointed shall exercise the functions, have the powers, and be charged with the duties prescribed by law for the appointive positions or membership. However, the

duration of an appointment made during the time period between regular sessions of the legislature by a person who is not still the governor on the first day of the next regular session ends on the date during the next regular session that the sitting governor presents for confirmation an appointment to the office. For the purpose of applying laws that limit the number of terms or parts of terms that may be served by a member of a board or commission, the part of the term of office that is served under an interim appointment immediately before the member is reappointed under this paragraph is considered to be merged with the part of the term of office that is served immediately after reappointment so that the two periods of service constitute only one part of a term. The duration of an appointment made during a regular session of the legislature and not presented to the legislature by the governor during that session ends no later than the last day of that session. The duration of an appointment made during an interim by a governor who is not in office at the beginning of the next regular session of the legislature ends no later than the last day of that regular session unless the governor who is in office during that session presents the person's name for confirmation. The same governor may not appoint the same person to the same position or membership if the person's appointment ends because of the governor's failure to present the person's name for confirmation.

**Sec. 39.05.090. Time limits in [AS 39.05.080](#).**

The time limitations concerning the submission and resubmission of names as prescribed in [AS 39.05.080](#) do not apply to those appointments that by law require recommendations by professional groups.

## **Arizona**

### ***Senate Rule 20. Proceedings on Nominations***

A. When nominations shall be made by the Governor of the State to the Senate, they shall, unless otherwise ordered, be referred to appropriate committees, and a standing committee. If the nomination is referred to the Rules Committee, the committee, upon consideration, may recommend to the President that the nomination be further referred to another standing committee or may place the nomination on a list of nominations awaiting confirmation by the Senate. If the Rules Committee recommends that the nomination shall be placed on a list of nominations awaiting confirmation by the Senate, the Rules Committee recommendation shall be dated and placed on each member's desk. If a member wishes during the first seven calendar days after action by the Rules Committee to object to the inclusion of the nomination without a hearing by a standing committee other than the Rules Committee, the member may do so by filing a protest in writing to the Secretary of the Senate during the seven day period. If a protest is filed, the President shall remove the nomination from the list and assign the nomination to an appropriate standing committee other than the Rules Committee. No nomination placed upon the list of nominations awaiting confirmation by the Senate shall be considered by the Senate until said nomination has remained on the list for seven calendar days. When a nomination is brought before the Senate, the final question on every nomination shall be, "Will the Senate advise and consent to this nomination?" which question shall not be put on the same day on which the nomination is received nor on the day on which it may be reported by a committee, unless by unanimous consent.

B. Nominations confirmed or rejected by the Senate shall not be returned to the Governor by the Secretary until the expiration of the time limit for making a motion to reconsider the same, or while a motion to reconsider is pending, unless otherwise ordered by the Senate by a majority of the members present.

### **38-211. [Nominations by governor; consent of senate; appointment](#)**

A. When it is provided by law that a state officer shall be appointed pursuant to this section, the governor shall nominate and with the consent of the senate appoint such officer as prescribed in this section.

B. If the term of any state office that is appointive pursuant to this section expires, begins or becomes vacant during a regular legislative session, the governor shall during such session nominate a person who meets the requirements of law for such office and shall promptly transmit the nomination to the president of the senate. If the incumbent is capable of continuing to serve until his successor has qualified, a nominee to that position shall not assume and discharge the duties of the office, pending senate confirmation. If the incumbent is unable to continue to discharge the duties of office, the nominee shall assume and discharge the duties of the office pending senate confirmation. If the senate consents to the nomination, the governor shall then appoint the nominee to serve for the term or, in the case of a vacancy, for the unexpired term in which the vacancy occurred. If the senate rejects the nomination the nominee shall not be appointed and the governor shall promptly nominate another person who meets the requirements for such office. If the senate takes no formal action on the nomination during such legislative session, or if a nomination other than one that is required to be sent to the senate during the first week of the legislative session is not received during the session, the governor shall after the close of such legislative session appoint the nominee to serve, and the nominee shall discharge the duties of office, subject to confirmation during the next legislative session.

C. If the term of any state office that is appointive pursuant to this section expires, begins or becomes vacant during a time in which the legislature is not in regular session, the governor shall nominate a person who meets the requirements of law for

such office and shall transmit the nomination to the president of the senate during the first week of the next regular session. The nominee shall assume and discharge the duties of the office until rejection of the nomination or inaction of the senate.

D. Every officer who is subject to confirmation as provided in this section and whose term is not fixed by law shall hold office at the pleasure of the appointing power.

E. In no event shall a nominee serve longer than one year after nomination without senate consent.

F. Nominations made by the governor shall be in writing, designating the residence of the nominee and the office for which nominated.

G. When the senate consents to a nomination, its secretary shall deliver a copy of the resolution of consent, certified by the president of the senate, to the secretary of state, who shall notify the governor. When the senate rejects a nomination, its secretary shall inform the governor promptly.

H. Before nomination or appointment by the governor pursuant to this section, the prospective nominee shall submit a full set of fingerprints to the governor for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation.

## **Arkansas**

### ***Senate Rule 17.*** Confirmation of Appointments

17.01 It shall be the duty of the Senate to consider for confirmation appointments made by the Governor, as provided by law.

17.02 Before the name of any person submitted to the Senate for confirmation shall be considered by the Senate, such appointment shall be first referred to the Rules Committee, which shall hold a public hearing thereon prior to making a recommendation to the Senate with respect to the confirmation of such appointment. Provided that the Committee may waive the holding of a public hearing with respect to any such appointment on motion adopted by two-thirds (2/3) of the full membership of such Committee.

17.03 No appointment shall be brought before the Senate for confirmation that has not received a favorable recommendation by a majority vote of the full membership of the Rules Committee, except upon suspension of the rules.

## **Colorado**

### ***Senate Rule 36.*** Confirmations

(a) Appointments by the Governor which require confirmation by the Senate shall be received and read in open session of the Senate and shall then be referred to one or more committees of reference. Consideration of any such appointment by a committee of reference shall be listed on the Senate calendar prior to such consideration so as to permit public comment and information concerning such appointment to be submitted to the committee, its chairman, or the staff thereof.

(b) On the date stated on the Senate calendar, the committee shall consider the appointment in open session and without conducting a public hearing thereon, unless the committee, in open session and upon the vote of a majority of the members present, determines otherwise.

(c) The report of the committee on any such appointment may recommend that the Senate conduct an executive session to consider the appointment, otherwise the consideration thereof shall be in open session of the Senate. Except as otherwise provided in subsection (d) of this rule, consideration of any such appointment shall be placed on the Senate calendar for the second day of actual session next following receipt of the committee report thereon.

(d) (1) (A) A committee of reference may recommend that a confirmation be placed on the consent calendar for consideration by the Senate. Except as otherwise provided in this rule, any confirmation reported out by the committee that the majority leader determines to be noncontroversial in nature may be placed on the consent calendar in the sole discretion of the majority leader, after consultation with the minority leader.

(B) Unless otherwise indicated, a confirmation shall be placed on the consent calendar for the second day of actual session following the day on which the decision is made to place the confirmation on the consent calendar. If any member, when recognized for such purpose, objects orally at the microphone to inclusion of a confirmation on the consent calendar, the confirmation shall be removed from the consent calendar and, unless otherwise indicated, shall be placed at the end of the calendar for that day. The consent calendar shall appear on the calendar under the title of "consideration of Governor's appointments", and it shall be clearly designated by the words "consent calendar".

(2) All confirmations on the consent calendar shall be considered by the Senate in the same manner as other confirmations; except that:

(A) No substantial debate, other than simple comments or questions, shall be permitted for confirmations on the consent calendar; and

(B) There shall be a single vote covering all confirmations appearing on the consent calendar. The vote shall have the effect of confirming all such appointments; except that any member may register a "no" vote on any individual confirmation appearing on the consent calendar. The vote shall be by ayes and noes and entered in the journal separately for each confirmation.

(3) A confirmation shall be removed from the consent calendar upon the objection of any member made at any time after the Senate begins to consider the confirmation. If the objection is made prior to the vote on the confirmations on the consent calendar, the confirmation shall be deemed as not having been considered and, unless otherwise indicated, shall be placed at the end of the calendar for that day.

## **Delaware**

### ***Senate Rule 28.* EXECUTIVE COMMITTEE CONSENT CALENDAR.**

(a) The Chair of the Executive Committee may propose a group of nominations for inclusion on an Executive Committee Consent Calendar. The Chair of the Executive Committee may only include the names of nominees who are being re-appointed to their current position.

(b) The proposal by the Chair of the Executive Committee for an Executive Committee Consent Calendar shall be made to the Secretary of the Senate.

(c) Upon receipt of the proposal, the Secretary of the Senate shall prepare the Executive Committee Consent Calendar, noting each nomination to be included, and present the Executive Committee Consent Calendar to the membership at an appropriate time during each legislative day.

(d) All nominations included in the Executive Committee Consent Calendar shall be read and voted on collectively as a single group.

(e) Any nomination may be removed from an Executive Committee Consent Calendar for individual action if an objection is made to a nominee's inclusion by any member.

## **Florida**

### ***Senate Rule 12.1—Executive session; authority***

The business of the Senate shall be transacted openly and not in executive session except under conditions pursuant to Article III, Section 4(b) of the *State Constitution*.

### ***Senate Rule 12.2—Executive session; purpose***

Pursuant to Article III, Section 4(b) of the *State Constitution*, the Senate may resolve itself into executive session for the sole purpose of considering appointment, removal, or suspension. No one shall be in attendance except Senators, the Secretary, and staff as approved by the President, who shall be sworn not to disclose any executive business without consent of the Senate.

### ***Senate Rule 12.3—Executive session; vote required***

When the Senate agrees, by a **majority** of those Senators present, that specified appointments, removals, or suspensions shall be considered in executive session, such shall be calendared for formal consideration by the Senate.

### ***Senate Rule 12.4—Executive session; work product confidentiality***

All information and remarks including committee work product concerning the character and qualification, together with the vote on each appointment, removal, or suspension considered in executive session shall be kept confidential except information on which the bans of confidentiality were lifted by the Senate while in executive session.

### ***Senate Rule 12.5—Executive session; separate Journal***

A separate Journal shall be kept of executive proceedings of the Senate, and no information regarding same shall be made public except by order of the Senate or by order of a court of competent jurisdiction.

### ***Senate Rule 12.6—Violation of Rule***

Violation of the above Rules as to the confidentiality of the proceedings of executive sessions shall be considered by the Senate as sufficient grounds for unseating the offending Senator.

### ***Senate Rule 12.7—Procedure; generally***

Except as otherwise herein provided, on receipt by the Senate of appointments or suspensions on which action by the Senate is required, the President shall refer each to the Ethics and Elections Committee, other appropriate committee or committees,

or a special master appointed by the President. Any such committee, subcommittee, or special master shall make inquiry or investigation and hold hearings, as appropriate, and advise the President and the Senate with a recommendation and the necessity for deliberating the subject in executive session. Reports and findings of the committee, subcommittee, or special master appointed pursuant hereto are advisory only and shall be made to the President. The report of the committee, subcommittee, or special master may be privileged and confidential. The President may order the report presented to the Senate in either open or executive session, or the President may refer it to the Rules Committee for its consideration and report. When the report is presented to the Senate during an open sitting or received by the Rules Committee, the report shall lose its privileged and confidential character.

**Senate Rule 12.8—Procedure on executive appointments**

(1) Upon receipt of a request from the Governor or other appointing official or authority for the return of the documentation of an appointment, which appointment has not been acted upon by the Senate, the Secretary, upon consultation with the President, shall return the appointment documentation and the return shall be noted in the Journal. The appointee whose appointment was returned continues in office until the end of the next ensuing regular session of the Legislature or until the Senate confirms a successor, whichever occurs first.

(2) If the appointment returned was made by the Governor, official or authority's predecessor, the appointee shall not be subject to the provisions of section 114.05(1)(e) or (f), *Florida Statutes*, during the period of withdrawal.

(3) If the appointment returned was made by the Governor, official or authority requesting the return, for purposes of section 114.05(1)(e) and (f), *Florida Statutes*, the returned appointment shall be treated as if the Senate failed to consider the appointment.

**Senate Rule 12.9—Procedure upon receipt of an executive suspension**

(1) Unless suspension proceedings are held in abeyance, the committee, subcommittee, or special master shall institute action by transmitting a notice of hearing for a prehearing conference or a hearing on the merits within three (3) months after the Secretary of the Senate receives the suspension order. The Governor and the suspended official shall be given reasonable notice in writing of any hearing or prehearing conference before the committee, subcommittee, or special master. If the Governor files an amended suspension order, the attention of the Senate, committee, subcommittee, or special master shall be directed at the amended suspension order.

(2) An executive suspension of a public official who has pending against him or her criminal charges, or an executive suspension of a public official that is challenged in a court shall be referred to the Ethics and Elections Committee, other appropriate committee, or special master; however, all inquiry or investigation or hearings thereon shall be held in abeyance and the matter shall not be considered by the Senate, committee, subcommittee, or special master until the pending charges have been dismissed, or until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, and the exhaustion of all appellate remedies for any of the above. The committee, subcommittee, or special master shall institute action within three (3) months after the conclusion of any pending proceedings. Notwithstanding an abeyance, the committee, subcommittee, or special master and the Senate may proceed if the written consent of counsel for the Governor and of the suspended official is obtained. Nothing in this Rule shall be interpreted as preventing the Senate from proceeding if the Senate President determines due process so requires.

(3) The committee, subcommittee, or special master may provide for a prehearing conference with counsel for the Governor and the suspended official to narrow the issues involved in the suspension. At such conference, both the Governor and the suspended official shall set forth the names and addresses of all the witnesses they intend to call, the nature of their testimony, photocopies of all documentary evidence, and a description of all physical evidence that will be relied on by the parties at the hearing. Each shall state briefly what each expects to prove by such testimony and evidence. The suspended official may file with the Secretary, no later than ten (10) days prior to the first (1st) prehearing conference, or no later than the date set by the committee, subcommittee, or special master if no prehearing conference is held, all written defenses or matters in avoidance of the charges contained in the suspension order.

(4) When it is advisable, the committee, subcommittee, or special master may request that the Governor file a bill of particulars containing a statement of further facts and circumstances supporting the suspension order. Within twenty (20) days after receipt of the Governor's bill of particulars, the suspended officer shall file a response with the committee, subcommittee, or special master. Such response shall specifically admit or deny the facts or circumstances set forth in the Governor's bill of particulars, and may further make such representation of fact and circumstances or assert such further defenses as are responsive to the bill of particulars or as may bear on the matter of the suspension.

(5) The Senate may act on the recommendations of the committee, subcommittee, or special master at any time it is sitting but shall do so no later than the end of the next regular session of the Legislature.

(6) Within sixty (60) days after the Senate has completed final action on the recommendation of the committee, subcommittee, or special master, any party to the suspension matter may request the return, at that party's expense, of any

exhibit, document, or other evidence introduced by that party. After the expiration of sixty (60) days from the date the Senate has completed final action, the committee, subcommittee, or special master may dispose of such exhibits or other evidence.

**Senate Rule 12.10—Adjudication of guilt not required to remove suspended officer**

For the purposes of Article IV, Section 7(b) of the *State Constitution*, the Senate may find that the suspended official has committed a felony notwithstanding that a court may have withheld adjudication of guilt upon which the suspension order is based in whole or in part.

**Senate Rule 12.11—Special master; appointment**

The President may appoint and contract for the services of a special master to perform such duties and make such reports in relation to suspensions and removals as he or she shall prescribe.

**Senate Rule 12.12—Special master; floor privilege**

With consent of the President, the special master may have the privilege of the Senate floor to present and explain the report and answer questions as to the law and facts involved.

**Senate Rule 12.13—Issuance of subpoenas and process**

The committee, subcommittee, and special master shall each have the authority to request the issuance of subpoenas, subpoenas *duces tecum*, and other necessary process under Rule 2.2. The committee chair, subcommittee chair, and special master may each administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear to testify on matters pending before the committee, subcommittee, or special master.

**Senate Rule 12.14—Rule takes precedence**

In any situation where there is a direct conflict between the provisions of Rule Twelve and part V of chapter 112, *Florida Statutes*, Rule Twelve, derived from Article III, Section 4(a) of the *State Constitution*, shall take precedence.

## **Georgia**

**Senate Rule 3-3.1** Confirmations; Procedure

(a) Upon receiving the name of any person whose appointment to public office requires Senate confirmation, the President of the Senate shall refer such appointments to the Committee on Assignments. Such referral shall be made no later than the legislative day after receipt. The Committee on Assignments shall consider such appointments and may refer such appointments to one or more standing committees and shall instruct the Secretary of the Senate to notify the Senate that the names of such appointees have been received. Except for appointments to the Judicial Qualifications Commission which shall be submitted pursuant to statute, no appointees shall be considered for confirmation by the Senate unless the names of such appointees are received by the President of the Senate prior to the tenth (10th) legislative day. However, no appointments may be considered by the Senate until the expiration of seventy-two (72) hours after receipt thereof by the President of the Senate, or until the expiration of forty-eight (48) hours after being referred to the Committee on Assignments. The Secretary of the Senate shall make the names of appointees submitted to the Senate for confirmation available for review by any Senator. The chair of the standing committee or committees to which the appointment may have been referred shall cause such appointment or appointments to be considered by the committee within a reasonable period of time after receiving the referral. The chair of the standing committee or committees to which the appointments may have been referred shall then report the committee's recommendations to the Committee on Assignments which shall report its recommendations to the full Senate.

(b) Rule 3-3.1 may be suspended by a majority vote of the Senate during the last ten (10) days of the session.

(c) Upon the request of any committee to which an appointment was referred, such appointee must furnish to the Senate a resume of all business transactions that he or she has had with the State of Georgia during the period of the two years before the appointment.

## **Hawaii**

**Senate Rule 37.** Nominations; Appointments.

(1) Nominations made by the Governor and removal of the chief legal officer of the State which require the advice and consent of the Senate, and appointments which require the confirmation or consent of the Senate shall be referred to the standing committee having jurisdiction within five legislative days of receipt of the nomination or appointment. The standing committee to which a nomination, removal of the chief legal officer or appointment is referred, shall report to the Senate with a recommendation to advise and consent, confirm, or reject on or before the fifty-ninth day of the session.

(2) Except for the appointment of a justice or judge, a nomination or appointment made by the Governor which is received by the Senate after the forty-first day of the session of the Legislature shall be returned to the Governor without action, unless a confirmation or consent is required to further a public purpose which cannot be satisfied by an interim appointment. Notice of this rule shall be given to the Governor not later than the twentieth day of the session of the Legislature.

(3) The final question on nominations made by the Governor shall be: "Will the Senate advise and consent to this nomination?"

(4) The final question on the removal of the chief legal officer of the State shall be: "Will the Senate advise and consent to the removal of the chief legal officer of the State?"

(5) The final question on appointments made by the Governor which require the confirmation or consent of the Senate shall be: "Will the Senate confirm (or consent) to this appointment?"

(6) The final question on nominations, removal of the chief legal officer or on appointments shall not be put sooner than twenty-four hours from the time when the nomination or appointment is received, nor on the day in which it may be reported by a committee, unless by unanimous consent.

(7) Public hearings shall be held for all nominees, for the removal of the chief legal officer of the State, and for all appointees prior to confirmation or consent by the Senate.

(8) Consent to the appointment of justices and judges shall be pursuant to Article VI, Section 3, of the Hawai'i State Constitution.

## **Idaho**

### ***Senate Rule 42.*** Gubernatorial Appointments.

Any appointment by the Governor of the State of Idaho which requires confirmation by the Senate, shall be on the desk of the President of the Senate and announced therefrom while in session, not less than three legislative days before being acted upon by the Senate, excepting therefrom any nomination received after the fifty-seventh day of the session; any appointee so chosen by the Governor may be examined by the State Affairs Committee or other designated committee, which committee shall submit a report to the whole Senate for adoption.

Adoption by the Senate of the committee report shall be affirmative action of the Senate on the confirmation of the appointee unless the committee report contains no recommendation.

Any report of the committee recommending confirmation of an appointment need be held for only one day when the recommendation for appointment or report of the appointment has been read across the desk more than three days previously.

## **Illinois**

### ***Senate Rule 10.1.*** Nominations

(a) Every nomination subject to confirmation by the Senate shall be referred to the Committee on Assignments in accordance with Rule 3-6; nominations may be considered by the Executive Appointments Committee or other committees in accordance with these Senate Rules. Each nominee shall be required to appear in person before that meeting of a committee convened for the purpose of considering the qualifications of the person for the office to which he or she has been nominated. The appearance of the nominee may be waived by the Chairperson of the committee without objection by the other members of the committee. If a member of the committee objects to the waiver of the nominee's appearance by the Chairperson, the committee by a vote of a majority of those appointed may waive such appearance

(b) The Executive Appointments Committee or another committee in accordance with these Senate Rules shall, six days prior to any of its meetings, post a notice on the Senate bulletin board or make the notice electronically available indicating the nominees to be considered at its next meeting and the time, date, and place of the meeting. The Chairperson of the committee shall provide a copy of the notice to the Governor's Office of Legislative Affairs or other proper appointing officer or authority, if applicable, which shall be responsible for notifying each nominee scheduled to be considered of the date, time, and place of hearing.

(c) Except for Appointment Messages placed on the Denial of Appointment Calendar under the order of Executive Appointments, on considering the report of the Executive Appointments Committee or another committee in accordance with these Senate Rules on a nomination, the Presiding Officer shall put the following question: "Does the Senate advise and consent to the nomination just made?". The Chairman of the Executive Appointments Committee may, by a motion in writing approved by a majority of the members present and voting compile a list of individual appointment messages to be acted on together by a single vote. Whenever a list of Appointment Messages has been so compiled, five or more members may request the question be put and the vote separately taken upon each of the Appointment Messages on that list. The Senate

may determine, by a majority vote of those elected, after having voted upon the question of one or more of the Appointment Messages individually, to act upon the question of the remaining Appointment Messages on that list as a unit.

(c-5) After a committee has reported to the Senate any Appointment Message "do not recommend advise and consent" pursuant to subsection (a) of Rule 3-11, the Chairman of the Executive Appointments Committee shall move that the Appointment Message (or Appointment Messages) be placed on the Denial of Appointment Calendar under the order of Executive Appointments. A motion to place an Appointment Message on the Denial of Appointment Calendar is neither debatable, subject to division under Rule 7-14, nor subject to a motion to reconsider under Rule 7-15. The Presiding Officer shall put the following question: "Shall the Senate place Appointment Message (or Messages) (insert number or numbers) on the Denial of Appointment Calendar which shall constitute the Senate's rejection of that Message (or those Messages) on its 60th session day under our Rules?" Upon adoption of the motion by a majority vote, the Secretary shall place an Appointment Message on the Denial of Appointment Calendar under the order of Executive Appointments.

After a committee has reported to the Senate any Appointment Message "without recommendation" pursuant to subsection (a) of Rule 3-11, the Chairman of the Executive Appointments Committee may move that the Appointment Message (or Appointment Messages) be placed on the Denial of Appointment Calendar under the order of Executive Appointments. A motion to place an Appointment Message on the Denial of Appointment Calendar is neither debatable, subject to division under Rule 7-14, nor subject to a motion to reconsider under Rule 7-15. The Presiding Officer shall put the following question: "Shall the Senate place the Appointment Message (or Messages) (insert number or numbers) on the Denial of Appointment Calendar which shall constitute the Senate's rejection of that Message (or those Messages) on its 60th session day under our Rules?" Upon adoption of the motion by majority vote, the Secretary shall place an Appointment Message on the Denial of Appointment Calendar under the order of Executive Appointments.

The Secretary shall set forth for each applicable Appointment Message on the Denial of Appointment Calendar the number, name of the nominee, and the title of the office, agency or other body to which nomination is being made. The Denial of Appointment Calendar shall also state the number of session days that have elapsed since each Appointment Message was received by the Senate.

The Secretary shall distribute the Denial of Appointment Calendar to each member of the Senate as a component of the Senate Calendar for each session day other than a perfunctory session day. The Secretary shall make the Denial of Appointment Calendar available to the public.

An Appointment Message shall be removed from the Denial of Appointment Calendar if a written objection stating the number of the Appointment Message to be removed is filed with the Secretary on or before the 59th session day after the day the Appointment Message was received by the Senate, and the objection contains the signature of a majority of the members elected. Upon the filing of a proper written objection, the Secretary shall remove the relevant Appointment Message from the Denial of Appointment Calendar and automatically place the Appointment Message on the Senate Calendar under the order of Executive Appointments.

An Appointment Message shall be removed from the Denial of Appointment Calendar if, upon concurrence of a majority of those appointed, the Committee on Assignments adopts a motion to remove that Appointment Message on or before the 59th session day after the day the Appointment Message was received by the Senate. Upon this action of the Committee on Assignments, the Secretary shall remove the relevant Appointment Message from the Denial of Appointment Calendar and automatically place the Appointment Message on the Senate Calendar under the order of Executive Appointments, unless the Committee on Assignments has referred the Appointment Message to a committee for further action.

If neither the Committee on Assignments takes action to remove an Appointment Message from the Denial of Appointment Calendar, nor a proper written objection to an Appointment Message on the Denial of Appointment Calendar is filed with the Secretary as required under this Rule, then that Appointment Message shall remain on the Denial of Appointment Calendar. A motion to place an Appointment Message (or Appointment Messages) on the Denial of Appointment Calendar adopted by the Senate shall constitute the Senate's rejection of each Appointment Message on the Denial of Appointment Calendar on the 60th session day after the day the Appointment Message was received by the Senate. Each Appointment Message remaining on the Denial of Appointment Calendar on the 60<sup>th</sup> session day after the day the Appointment Message was received by the Senate shall be deemed to have not received the advice and consent of the Senate and thereby rejected by the Senate pursuant to Article V, Section 9 of the Illinois Constitution.

On the 60th session day for each Appointment Message on the Denial of Appointment Calendar, the Presiding Officer shall make the following inquiry of the Secretary: "Please identify each Appointment Message on the Denial of Appointment Calendar that is on its 60th session day." After the Secretary identifies the relevant Appointment Message or Appointment Messages, the Presiding Officer shall make the following declaration: "Each Appointment Message just read is on its 60<sup>th</sup> session day and remains on the Denial of Appointment Calendar; therefore each such Message, pursuant to our Rules, is deemed to have not received the advice and consent of the Senate and is hereby rejected by the Senate pursuant to Article V, Section 9 of the Illinois Constitution. The Journal shall reflect that the Senate has rejected each such nomination and the Secretary shall inform the relevant appointing authority of the Senate's action in rejecting that authority's nomination."

(d) Except as otherwise provided for in this Rule, while any nomination remains with the Senate, it is in order to reconsider any vote taken thereon, subject to the provisions of Rule 7-15 not related to the time for making such a motion.

**Senate Rule 10-2.** Appointment Messages.

(a) Every nomination subject to the advice and consent of the Senate shall be submitted to the Senate by an Appointment Message from the appointing officer or appointing authority in accordance with this Rule, using the Appointment Message form provided in this Rule, containing all of the required information, and accompanied by a cover letter signed by the appointing officer or on behalf of the appointing authority.

(b) All Appointment Messages shall be drafted by the Legislative Reference Bureau, according to the form provided in this Rule.

(c) Appointment Messages submitted shall be assigned a sequential number by the Secretary of the Senate, indicating the order in which they were received and read into the Senate record by the Secretary of the Senate at the direction of the President of the Senate. An Appointment Message is received by the Senate when it is read into the Senate record and assigned a sequential number. A perfunctory session day shall not be deemed to be a session day for the purpose of Article V, Section 9, subsection (a) of the Illinois Constitution.

(d) An Appointment Message that does not conform to the requirements of this Rule shall, at the direction of the President of the Senate, (i) be ruled non-compliant and of no legal effect and (ii) be returned by the Secretary of the Senate to the appointing officer or authority that filed it.

(e) The appointing officer or authority may file in accordance with this Rule an Appointment Message that supersedes a previously filed Appointment Message. A superseding Appointment Message shall identify by sequential number the Appointment Message that it supersedes. The filing of a superseding Appointment Message shall automatically table the Appointment Message that it supersedes, and that superseded Appointment Message shall have no further legal effect. The filing of a superseding Appointment Message shall not have the effect of restarting the 60 session day period within which the Senate must confirm or reject the appointee under Article V, Section 9, subsection (a) of the Illinois Constitution, Senate Rule 10-1, or any applicable law.

(f) Nothing in this Rule shall be construed to prohibit an appointing officer or authority from withdrawing in writing an Appointment Message that was previously submitted to or received by the Senate. An Appointment Message that has been withdrawn shall have no further legal effect. The filing of an Appointment Message appointing the same person to the same office and for a term ending on the same date as that of an Appointment Message that was previously filed and later withdrawn shall not have the effect of restarting the 60 session day period within which the Senate must confirm or reject the appointee under Article V, Section 9, subsection (a) of the Illinois Constitution, Senate Rule 10-1, or any applicable law.

(g) An Appointment Message (i) shall be a committee-sponsored legislative measure that is unamendable and (ii) shall be controlled by the Chairperson of the Executive Appointments Committee, who for purposes of these Senate Rules shall be deemed the principal sponsor. In the absence of the Chairperson, the Vice-Chairperson of the Executive Appointments Committee shall be deemed the principal sponsor. Messages may not have individual cosponsors.

(h) Any Appointment Message pending when the Senate adjourns sine die (i) shall carry over into the next General Assembly and (ii) shall be considered to have been received by the Senate when originally read into the Senate record as provided for in subsection (c) of this Rule. An Appointment Message carrying over into the next General Assembly shall retain the sequential number assigned when originally read into the Senate record as provided for in subsection (c) of this Rule.

(i) Form

#### APPOINTMENT MESSAGE

To the Honorable Members of the Senate, One Hundredth General Assembly:

(I, (Name and Title of Appointing Officer), am)/(The (Name of the Appointing Authority) is) nominating and, by and with the advice and consent of the Senate, appointing the following named individual to the office enumerated below. The advice and consent of this Honorable Body is respectfully requested.

Title of Office: (Insert Title and Position)

Agency or Other Body: (Name of Agency, Board, Commission, or other Body to Which Nomination is Being Made)

Start Date: (Insert Start Date)

End Date: (Insert End Date or Specify "Not Applicable")

Name: (Name of Nominee)

Residence: (Residential Address of Nominee)

Annual Compensation: (Insert Dollar Amount or Specify "Unsalariated")

Per diem: (Insert Dollar Amount or Specify "Not Applicable")

Nominee's Senator: Senator (Name of Senator in whose District the Nominee Resides)

Most Recent Holder of Office: (Insert Name or Specify "New Position")

Superseded Appointment Message: (Insert Sequence Number of Superseded Message or Specify "Not Applicable")

#### **Iowa**

##### ***Senate Rule 59.*** Appointments

The secretary of the senate shall:

- a. send, to each appointee submitted by the governor for senate confirmation, a copy of a senate questionnaire as approved by the rules and administration committee;
- b. receive completed questionnaires from appointees and forward copies of the completed questionnaires to appropriate committee members; and
- c. maintain "Confirmation Calendar" categories on the senate calendar as directed under this rule, rule 6, and by the committee on rules and administration. No appointee shall be listed as eligible on the confirmation calendar until the secretary has received the appointee's completed senate questionnaire.

As soon as possible after the convening of a session, and again within one week following March 1, the secretary of the senate shall publish in the senate journal the names of all nominees submitted for confirmation. The secretary of the senate shall maintain a file of all appointments received from the governor for confirmation. The file shall contain a description of the duties and the compensation for each nominee. The file shall show the date an appointment was received from the governor, the date the appointment was published in the journal, whether the nominee has been introduced, whether a committee report has been filed, when the senate questionnaire was sent to the appointee, and shall include a copy of the appointee's completed senate questionnaire, upon receipt.

**INVESTIGATING COMMITTEES.** All appointments received from the governor shall be referred to the rules and administration committee by the secretary of the senate on the same day they are published in the senate journal. The rules and administration committee shall establish an en bloc confirmation calendar which must be filed with the secretary of the senate. Within three (3) legislative days after receiving an appointment, the committee shall either place a nominee on the en bloc confirmation calendar or assign the nominee to an appropriate standing committee for further investigation, publishing

notice of such assignment in the senate journal for the next legislative day. If the rules and administration committee fails to take action on a nominee within the three (3) legislative days, the nominee shall automatically be placed on the en bloc confirmation calendar.

Within the three (3) legislative days after an appointment has been referred to the rules and administration committee, any ten senators may require that the nominee be assigned to an appropriate standing committee by filing a written, signed request therefor with the chairperson of the rules and administration committee. The committee chair shall refer the appointment to a subcommittee within three (3) legislative days after a standing committee receives an appointment for further investigation, publishing notice of such assignment in the senate journal for the next legislative day. Within ten (10) legislative days after a standing committee receives an appointment for further investigation the subcommittee shall file its report with the standing committee.

Within fourteen (14) legislative days after a standing committee receives an appointment for further investigation, the committee shall conduct an investigation of the nominee and file its report thereon with the secretary of the senate, who shall then place the nominee on the en bloc calendar or individual confirmation calendar as directed by the committee. The failure of a committee to file its report within the prescribed time means that the nominee is to be automatically placed, without recommendation, upon the individual confirmation calendar.

Any individual nominated to head a department or agency of state government, whose appointment is subject to senate confirmation, must be introduced to the full senate prior to a vote on confirmation of the nominee. Additionally, any five (5) senators may request that any nominee be introduced to the senate by filing a written request with the secretary of the senate within ten (10) legislative days of the nominee's name appearing in the journal. Any individual nominated to a position requiring senate confirmation may request to be introduced to the full senate by notifying the secretary of the senate at least one (1) legislative day in advance of the nominee's appearance. If an individual is nominated both to fill a vacancy for an unexpired term and is also nominated for reappointment to that position during the same session, a single introduction is sufficient for eligibility for confirmation to both terms.

**HEARINGS.** Any member of a committee investigating an appointment may, within five (5) legislative days after the committee receives the appointment, obtain a hearing with the nominee by filing a written request with the secretary of the senate who shall forward it to the chair of the standing committee and the chair of the subcommittee. Notice of the hearing shall be published in the journal at least two (2) legislative days prior to the hearing. At the hearing, which shall be before the subcommittee, the nominee may be questioned as to his or her qualifications to fulfill the office to which nominated and further questioned as to his or her viewpoints on issues facing the office to which nominated. Any senator may at the discretion of the chair of the subcommittee be permitted to submit oral questions. The public may, at the discretion of the investigating committee, be permitted to submit oral or written statements as to the qualifications of the nominee.

Also, within five (5) legislative days after the subcommittee receives an appointment for investigation, any senator may submit written questions to be answered by the nominee prior to consideration of the nominee's confirmation by the senate.

**INFORMATIONAL MEETINGS.** After a nominee has been placed on the calendar and prior to the vote on confirmation, any senator may request an informational meeting on the nomination which shall be held before the subcommittee.

**VOTING ON CONFIRMATIONS.** Appointments received from the governor for senate confirmation during any session of a general assembly shall be acted upon by April 15 as provided by section 2.32 of the Code. Upon the motion of the majority leader or his or her designee, the nominees on the en bloc confirmation calendar shall be confirmed en bloc by the affirmative vote of two-thirds of the members elected to the senate. The journal shall reflect a single roll call accompanied by a statement of the names of those individuals subject to the en bloc confirmation vote.

Prior to an en bloc vote, any senator may request, either in writing or from the floor, an individual vote on any nominee on the en bloc confirmation calendar. The senate shall vote separately on the nominee.

Nominees on the individual confirmation calendar shall be confirmed by a two-thirds vote; however, the senate shall take a separate roll call on each nominee, unless by unanimous consent, it determines to take one vote on all nominees under consideration. In any case, the journal shall reflect a single roll call vote for each nominee.

If an individual is nominated both to fill a vacancy for an unexpired term and is also nominated for reappointment to that position, and such appointment and reappointment appear on the senate calendar as eligible at the same time, a single vote is sufficient for confirmation to both terms.

## **Kansas**

### ***Senate Rule 55.*** Confirmation of Appointments by Governor or Other State Official.

All nominations or appointments made by the governor or other state official, which are subject to Senate confirmation, may be considered and acted upon by the Senate in either executive or regular session except that no final action thereon may be taken in executive session. When nominations or appointments are made by the governor or other state official for confirmation by the Senate, they shall, unless otherwise ordered by the President, be referred to appropriate committees by the President. Nominations or appointments referred to committees shall be returned to the Senate within 20 legislative days after the same are referred, together with a report thereon, unless additional time be granted by a majority vote of senators present. If the nomination or appointment is not returned to the Senate within the period of time specified for its return and additional time has not been granted, the nomination or appointment shall be considered to be returned to the Senate without recommendation on the next legislative day following the last day of the period of time specified for its return. Any such appointment may be considered and acted upon by the Senate at any time after the nomination or appointment is returned to the Senate. The chairperson of the committee which recommends for confirmation a nomination or appointment may speak more than twice on the same day on the subject of the nomination or appointment. No motion to confirm any such appointment or nomination shall be in order without the unanimous consent of the Senate until the nomination or appointment is returned to the Senate, unless one day's previous notice thereof is given in open session or by posting the appointments or nominations to be considered near the entrance to the Senate chamber. Appointments shall be confirmed by the Senate only by an affirmative vote of a majority of all members of the Senate then elected (or appointed) and qualified

### ***Statute 75-4315b.*** Appointment of public officers subject to confirmation by senate; procedures; withdrawal of appointment; conditions; failure of confirmation; vacancy of unexpired term; appointment subject to senate confirmation.

(a) All appointments of public officers which are subject to confirmation by the senate shall be received, considered and acted upon in the manner provided by rules of the senate. Appointments shall be confirmed by the senate only by an affirmative vote of a majority of the senate.

(b) If a majority of the senate votes on the question of confirmation of an appointment to an office and the appointment is not confirmed, the office shall become vacant at that time.

(c) An appointing authority may withdraw an appointment from consideration by the senate at any time before confirmation if:

(1) The appointing authority withdrawing the appointment is the same person, or a body having the same members, as the appointing authority that made the appointment; or

(2) the person or body withdrawing the appointment is a successor to the appointing authority that made the appointment and the appointment was made to fill a vacancy occurring after the person or body was elected to succeed the appointing authority.

(d) If a majority of the senate votes on the question of confirmation of an appointment to an office and the appointment is not confirmed, the appointing authority which made the appointment shall not subsequently appoint to the same office the person who failed to be confirmed.

(e) If an appointment to a public office is subject to confirmation by the senate, any appointment to fill a vacancy in an unexpired term of that office shall also be subject to confirmation by the senate.

(f) As used in this section "majority of the senate" means a majority of all members of the senate then elected (or appointed) and qualified

### ***Statute 75-4315c.*** Appointments to boards and commissions; congressional district residency requirements; change in district boundaries.

If a statute imposes congressional district residency requirements for members of or appointees to a board, commission, council, committee, authority or other governmental body and the boundaries of congressional districts are changed in such a way that the requirements are no longer met, each member serving at the time of the change in district boundaries shall continue to serve the remainder of the member's current term and until a successor is appointed and qualifies unless the member's position becomes vacant before the end of such term. Unless otherwise provided by law, upon any vacancy on the governmental body, appointment to fill the vacancy shall be made in such a manner that the residency requirements are met in the least time possible.

**Statute 75-4315d.** Nongubernatorial appointments subject to confirmation by senate; procedure; information required to be submitted.

(a) As used in this section:

(1) "Office" means any state office or board, commission, council, committee, authority or other governmental body the members of which are required by law to be appointed by an appointing authority, and which appointment is subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto.

(2) "Appointing authority" means a person, other than the governor, who is required by law to make an appointment to an office.

(3) "Chairperson" means the chairperson of the confirmation oversight committee.

(4) "Committee" means the confirmation oversight committee established by K.S.A. 46-2601, and amendments thereto.

(5) "Director" means the director of the Kansas legislative research department or the director's designee.

(b) No person may be appointed to an office unless such person has completed and submitted a nomination form as required by the rules of the committee. No person may be appointed to an office unless such person has filed a statement of substantial interest as required by K.S.A. 46-247, and amendments thereto. A copy of the nomination form and the statement of substantial interest shall be kept on file in the office of the director and shall be subject to disclosure under the Kansas open records act.

(c) No person may be appointed to an office unless such person has consented to a background investigation conducted by the Kansas bureau of investigation. No person may be appointed to an office unless such person is current in the payment of taxes and consents to the release of a tax certification by the Kansas department of revenue which states whether such person is, or is not, current in the payment of taxes.

(d) Any appointing authority who desires to appoint a person to an office shall forward to the chairperson a completed copy of the nomination form, the statement of substantial interest, the consent to the release of the tax certification and a written request that a background investigation be conducted on the person nominated for appointment to an office. Upon receipt of such information, the chairperson shall forward such information and a written direction to the director to request the Kansas bureau of investigation to conduct a background investigation of such nominee and to request the Kansas department of revenue to release the tax certification for such person. Upon written request of the director and the appointing authority who nominated the person for appointment to an office, it shall be the duty of the Kansas bureau of investigation to conduct a background investigation of any person nominated for appointment to an office. Any person nominated for appointment to an office shall submit such person's fingerprints to the Kansas bureau of investigation for the purposes of verifying the identity of such person and obtaining records of criminal arrests and convictions. Upon written request of the director, it shall be the duty of the Kansas department of revenue to release to the director tax certification requested pursuant to this section.

(e) The director may receive from the Kansas bureau of investigation or other criminal justice agencies, including, but not limited to, the federal bureau of investigation and the federal internal revenue service, such criminal history record information (including arrest and nonconviction data), criminal intelligence information and information relating to criminal and background investigations as necessary for the purpose of determining qualifications of a person nominated to be appointed to an office. Upon the written request of the director, the director may receive from the district courts such information relating to juvenile proceedings as necessary for the purpose of determining qualifications of a person nominated to be appointed to an office.

(f) Any information received by the director pursuant to this section from the Kansas department of revenue or the Kansas bureau of investigation shall be kept on file in the office of the director or in a secure location under the control of the director within the Kansas legislative research department. After receipt of information, the director shall notify the appointing authority who nominated the person for appointment to an office and the nominee that the information is available for review in the office of the director. Upon the written request of such appointing authority or the nominee, the director shall allow such appointing authority and the nominee to review the information. Such information shall not be removed from the office of the director and shall not be duplicated or copied in any manner. If the appointing authority chooses to proceed with the nomination of the person for appointment to an office, the director shall notify the chairperson and the vice chairperson of the committee that such information is available for review by either legislator, or both, upon the written request of either legislator, or both.

(g) Any information received by the director pursuant to this section from the Kansas department of revenue or the Kansas bureau of investigation, other than conviction data, shall be confidential. Except as provided by section 22 of article 2 of the Kansas constitution and subsection (f), such confidential information shall not be disclosed to any other person. Any other intentional disclosure of such confidential information is a class A nonperson misdemeanor. Any person who intentionally or unintentionally discloses confidential information in violation of this section may be removed from office or employment.

(h) Any information received by the director pursuant to this section which relates to a person whose nomination for appointment to an office is confirmed by the senate as provided by K.S.A. 75-4315b, and amendments thereto, may be disposed of in the manner provided by K.S.A. 75-3501 et seq., and amendments thereto. Any information received by the director pursuant to this section which relates to a person whose nomination is withdrawn or whose appointment is not confirmed by the senate as provided by K.S.A. 75-4315b, and amendments thereto, shall be destroyed by the director. The destruction of such records shall occur no sooner than one year, and no later than two years, following the withdrawal of the nomination of the appointment or the failure of the senate to confirm the appointment of such person.

## **Kentucky**

### ***Senate Rule 73.*** Requests for Confirmation of Executive Appointments.

When a communication is received by the Senate requesting its confirmation of an appointment of an officer or officers to membership on an executive agency body the question of the confirmation shall be referred to the Committee on Committees for its consideration and action. The Committee on Committees shall refer the matter to a standing committee, to the Senate sitting as a committee of the whole, or directly to the Rules Committee. Any question of confirmation of an appointment reported to the floor by a standing committee or the Senate sitting as a committee of the whole shall then be referred to the Rules Committee. Any person whose confirmation of appointment is under consideration by a standing committee or the Senate sitting as a committee of the whole shall appear for the purpose of offering testimony before the committee at its direction prior to final committee action on the matter, unless the appearance is waived by vote of the committee.

## **Louisiana**

### ***Senate Rule 16.1.*** Committee referral of appointments submitted for confirmation

A. All appointments sent to the Senate for confirmation shall be referred to the Senate and Governmental Affairs Committee. Neither the Senate nor the Senate and Governmental Affairs Committee shall consider for confirmation any appointment unless the following information concerning the appointee has been submitted:

- (1) Full name.
- (2) Home address.
- (3) Home and business telephone number.
- (4) Social security number.
- (5) Driver's license number, or a sworn statement from the appointee that he holds no driver's license.
- (6) The name of the person or persons who recommended the nominee to the governor or appointing authority for appointment to the position.
- (7) A copy of the nominee's financial disclosure or contract disclosure statement, if the nominee is required to submit a financial disclosure statement pursuant to R.S. 42:1114, 1124, 1124.2, 1124.2.1 or 1124.3, or a contract disclosure statement pursuant to R.S. 42:1113(D)(4).

B. The committee shall report thereon to the Senate in one of the following ways:

- (1) Recommends that the appointment be confirmed.
- (2) Recommends that the appointment not be confirmed.
- (3) Without action.

### ***Senate Rule 16.2.*** Open hearings, sessions, and votes; when closed session may be held

A. All hearings, sessions, or meetings held for the purpose of considering confirmation of or confirming any governmental appointment for which Senate confirmation or approval is required shall be open to the public. However, the Senate and the Senate and Governmental Affairs Committee may hold closed sessions for consideration of matters related to confidential communications and confirmation of appointments, but all votes taken with respect to confirmations in the Senate or in the Senate and Governmental Affairs Committee shall be taken in open session.

B. This rule shall apply to all sessions, meetings, or hearings of the Senate or of the Senate and Governmental Affairs Committee.

### ***Senate Rule 16.3.*** Appointees and officers; appearances before standing committees

A. Upon receipt of appointments for Senate confirmation, the chairman of the Senate and Governmental Affairs Committee shall cause a listing to be compiled of all of the appointments received, by office. On the fifteenth calendar day of the session the chairman shall distribute a copy of the compiled listing to each senator and thereafter the listing shall be updated and distributed to the members prior to the vote to confirm the appointments.

B. The Senate and Governmental Affairs Committee, by motion of the chairman or any member of the committee and with approval of at least a majority of the members of the committee, may direct any appointee whose appointment has been

submitted for confirmation to appear before the committee. At such appearance, the committee may examine into the qualifications of the appointee and the method by which the appointee intends to administer the affairs of the office for which he has been appointed.

C. The standing committee having jurisdiction of the work to be administered by a person whose appointment has been submitted for confirmation, by motion of the chairman or any member of the committee and with approval of a least a majority of the members of the committee, may direct that the appointee appear before the committee. At such appearance, the committee may examine into the qualifications of the appointee and the method by which the appointee intends to administer the affairs of the office for which he has been appointed.

D. Any information, finding, recommendations of the committee resulting from the appearance before it of the appointee shall be transmitted to the chairman of the Senate and Governmental Affairs Committee, who shall inform the committee thereof. The Senate and Governmental Affairs Committee may consider such information in arriving at its report to the Senate with respect to said appointment.

E. The standing committee having jurisdiction over the subject matter of the department or agency administered by an officer confirmed by the Senate may at any time during his tenure bring the officer before it for the purpose of reporting to the committee on matters pertaining to the programs, operations, and administration of the department or agency.

***Senate Rule 16.4.*** Clearing of the Senate

When acting upon confidential or executive business, the Senate Chamber shall be cleared of all persons except the Secretary and his clerks, the Sergeant at Arms, and such other officers as the presiding officer shall think necessary, and all such officers shall be sworn to secrecy.

***Senate Rule 16.5.*** Questions; when put

In the Senate the question on every appointment shall be: "Will the Senate confirm this appointment?" The question shall not be put on the same day on which the name of the appointee is received or on the day on which it is reported by the committee, unless permitted by a majority of the members of the Senate.

***Senate Rule 16.6.*** Secrecy of confidential communications

The members of the Senate shall keep all confidential communications made by the governor to the Senate inviolably secret until the Senate removes the injunction of secrecy by resolution. For the purpose of this rule, confidential communications shall not include appointments submitted to the Senate for confirmation.

***Senate Rule 16.7.*** Penalties for violating confidence of Senate

Any senator, officer, or clerk of the Senate who discloses the secret of confidential business or proceedings of the Senate shall be liable, if a senator, to expulsion from the body, and if an officer or clerk, to dismissal from the service of the Senate and to punishment for contempt.

***Senate Rule 16.8.*** Notification to governor or other official

A. The governor and each other appropriate official shall be notified of each appointment confirmed by the Senate no later than the day after the confirmation.

B. Immediately after final adjournment of each session, the Secretary shall furnish to the governor or other official a list of any appointments submitted by any of them which were rejected or not confirmed.

## **Maine**

***Joint Rule 501.*** Partisan Staff Assistants for Nominations.

The members of the Legislative Council representing each party may, within 7 legislative days after the convening of the first regular session, appoint a partisan staff assistant for nominations. Each of these assistants serves at the pleasure of the appointing authority during the biennium for which the assistant is chosen. A vacancy in either of these positions must be filled for the remainder of the biennium in the same manner as the original appointment. Partisan staff assistants for nominations shall provide all necessary assistance to each joint standing committee required by law to recommend action on a gubernatorial nominee.

***Joint Rule 502.*** Notice of Gubernatorial Appointments.

The procedures for legislative confirmation are established in the Maine Revised Statutes, Title 3, chapter 6. Upon receipt by the President of the Senate, the Speaker of the House and the Legislative Information Office of notification from the Governor of the name of a nominee and of the office to which that person is nominated, the Legislative Information Office shall, without delay, forward that notice and copies of accompanying materials to the chairs of the joint standing committee

that is charged by law with reviewing nominations to that office and to the 2 partisan staff assistants for nominations. The Legislative Information Office shall establish an official file for each nominee.

**Joint Rule 503.** Committee Preconference Hearing.

The joint standing committee must hold a prehearing conference within 21 days of the notification from the Governor unless the committee decides otherwise. The prehearing conference must be consistent with the Maine Revised Statutes, Title 3, section 156.

**Joint Rule 504.** Committee Public Hearing.

The joint standing committee shall hold a public hearing on the nomination in Augusta at a time convenient to the public within 30 days, or 35 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and the Speaker of the House. At least 7 days before the hearing, in accordance with Title 3, section 157, the Legislative Information Office shall provide notice of the hearing, the name of the nominee, the office to which that person has been nominated and a general description of the duties of that office. The notice must also contain a statement that written comments relevant to the qualifications of the nominee together with supporting materials may be filed with the Legislative Information Office by 9 a.m. on the hearing date. At the hearing, the committee shall take written or oral testimony limited to relevant comments and questions regarding the qualifications of the nominee. Notwithstanding the Maine Revised Statutes, Title 3, section 157, for the purposes of reviewing nominations pursuant to this rule, the joint standing committee has the power to administer oaths and to take testimony under oath. All testimony taken at the hearing must be recorded and testimony and other materials received by the committee must be preserved according to the Maine Revised Statutes, Title 3, section 159. In the event that partisan assistants for nominations are appointed, they shall provide the committee with a written report of their investigations before the committee votes to recommend or deny confirmation.

**Joint Rule 505.** Committee Vote.

Within 35 days, or 40 days for judicial officers, from the date of the Governor's notice of the nomination to the President of the Senate and the Speaker of the House, the committee shall recommend confirmation or denial by majority vote of the committee members present and voting. The vote of the committee may be taken only upon an affirmative motion to recommend confirmation of the nominee, and a tie vote of the committee is considered a recommendation of denial. A vote may not be taken sooner than 15 minutes after the close of the public hearing unless by agreement of all committee members present. The committee vote must be by the yeas and nays of those present and voting. The chairs of the committee shall send written notices of the committee's recommendation to the President of the Senate.

**Joint Rule 506.** Senate Vote.

Within 45 days, or 50 days for judicial officers, from the date of the Governor's notification of the nomination to the President of the Senate and the Speaker of the House, the Senate shall review the recommendation of the committee on the nomination and, after review, shall vote by the yeas and nays on that recommendation.

After vote by the Senate, the committee's recommendation becomes final action of confirmation or denial unless the Senate by a vote of 2/3 of those members present and voting overrides the committee's recommendation. If the committee recommends to deny confirmation and the Senate votes by a vote of 2/3 or greater of those members present and voting to override the committee's recommendation, the nomination is considered confirmed. Following Senate confirmation or denial, notice of the action taken must be given to the Speaker of the House.

**Joint Rule 507.** Withdrawal of Nomination.

If the Governor withdraws a nomination at any time prior to the Senate vote by sending a written notice of withdrawal to the President of the Senate, the Legislature may not take any further action on that nomination.

**Joint Rule 508.** Nomination Made Within 30 Days of Adjournment.

If the Governor posts a nomination within 30 days preceding the statutory date of adjournment, a legislative committee to which a nominee is referred for confirmation review may by 2/3 vote request the President of the Senate and the Speaker of the House to delay this review in order to complete the committee's legislative work. If the President of the Senate and the Speaker of the House approve the request, the time periods for legislative action begin on the date the Legislature adjourns.

**Statute 3-153. Scope**

The nomination and confirmation of all judicial officers whose confirmation by the Legislature is required by the Constitution of Maine and the nomination and confirmation of all other officers whose confirmation by the Legislature is required by law are governed by the provisions of this chapter.

**Statute 3-154. Nominations**

The Governor shall, within 20 days after the convening of each legislative session, provide to each joint standing committee of the Legislature a list of all positions for which legislative confirmation is required that are within each committee's jurisdiction and that are vacant or have terms expiring before the convening of the next regular session of the Legislature. The chairs of each joint standing committee and the Governor, or their designees, shall negotiate in good faith to establish a schedule for nominations and consideration of nominations during the session.

When nominating a person to a position for which confirmation is required, the Governor shall post the nomination and simultaneously deliver to both the President of the Senate and the Speaker of the House of Representatives notification of the name of the nominee, the office to which that person is nominated and an information packet, which must include the background information and questionnaire provided to the Office of the Governor by the nominee and may include other information the Governor determines appropriate. The date of the posting and notice is referred to in this chapter as the "posting date."

When the nomination is received, the President of the Senate and the Speaker of the House of Representatives shall provide notice of the nomination and copies of accompanying materials to the chairs of the appropriate joint standing committee, to the Legislative Information Office and to the partisan staff assistants designated by the majority and minority parties of the Legislature. The Legislative Information Office shall establish an official file for each nominee, which is subject to the provisions of section 159. The file must include the information submitted by the Governor pursuant to this section.

The Governor may withdraw a nomination at any time before the Senate votes pursuant to section 158 by sending a written notice of withdrawal to the President of the Senate.

Notwithstanding the other provisions of this chapter, if the Governor posts a nomination within 30 days preceding the statutory date of adjournment, a legislative committee to whom a nominee is to be referred for confirmation review may, by 2/3 vote, request the President of the Senate and the Speaker of the House of Representatives to delay this review in order to complete the committee's legislative work. If the President of the Senate and the Speaker of the House of Representatives approve the request, the time periods for legislative action under this chapter begin on the date the Legislature adjourns.

**Statute 3-155. Preliminary procedures**

The chairs of the appropriate joint standing committee shall:

1. Schedule prehearing conference. Schedule a prehearing conference in cooperation with the Legislative Information Office. The prehearing conference must be held within 21 days of the posting date;
2. Request reports. Request background reports from the partisan staff assistants; and
3. Inform nominee. Advise the nominee of the date of the prehearing conference and the deadline for completion of a questionnaire from the committee and submission of supplemental materials by the nominee. The deadline is 15 days from the posting date unless the 15th day is not a business day, in which case the deadline is the next business day.

**Statute 3-156. Prehearing conference**

The appropriate joint standing committee shall hold a prehearing conference for each nominee, unless the committee decides otherwise. If the committee determines that it is necessary to avoid damage to the reputation of the nominee or that there are issues that should be discussed privately, the prehearing conference may go into executive session using the procedures specified in Title 1, section 405, and only the committee members and the partisan staff assistants may attend. All materials prepared for or reviewed in the conference are not subject to the provisions of Title 1, chapter 13 except as provided in section 159. The prehearing conference is governed by the Joint Rules of the Legislature and by the committee's rules of procedure, except that a quorum of 7 committee members must be present for votes in the prehearing conference. Votes may not be taken in executive session.

The committee shall set a public hearing date.

The committee may ask the partisan staff assistants to prepare additional background information for a public hearing. The chairs shall notify the nominee of all actions taken and decisions made at the prehearing conference.

**Statute 3-157.** Public hearings

The public hearing must be held within 30 days of the posting date except for nominations for judicial officers, for which the public hearing must be held within 35 days of the posting date. The Legislative Information Office shall advertise all public hearings at least 7 days before the public hearing in both the state paper and in a newspaper of general circulation in the area in which the nominee resides. The advertisement must contain the name of the nominee, the position for which the nomination has been made, a summary of the duties of the position, the time, place and date of the public hearing and a statement that written comments relevant to the qualifications of the nominee, together with supporting materials, may be filed with the Legislative Information Office by 9 a.m. on the hearing date.

Additional background information developed by the partisan assistants must be filed with the Legislative Information Office by 9 a.m. on the hearing date.

For the purposes of reviewing nominations pursuant to this chapter, the appropriate joint standing committee may administer oaths and take testimony under oath. Notwithstanding the provisions of section 165, subsection 7, the Legislature or, when the Legislature is not in session, the Legislative Council may grant to the joint standing committee reviewing a nomination any of the powers under section 165, subsection 7.

The committee may take testimony under oath and shall consider the materials on file with the Legislative Information Office. The committee may meet in executive session if new information is raised at the public hearing that, if known earlier, would have been subject to discussion at the prehearing conference.

The committee shall vote on the nomination within 35 days of the posting date, except that for nominations for judicial officers the committee shall vote within 40 days. A vote may not be taken sooner than 15 minutes after the close of the public hearing unless all members of the committee who are present agree. Upon a motion to confirm, properly made and seconded, the committee shall recommend confirmation or denial by a majority vote of the members present and voting at the time the vote is taken. The committee vote is by yeas and nays. Notwithstanding any other rule or provision of law, a member must be present to vote and the vote may not be modified except upon a proper motion for reconsideration.

A tie vote of the committee is deemed a recommendation for denial. The committee chairs shall promptly notify the President of the Senate of the committee's recommendation and the results of the vote, listing the yeas and nays.

**Statute 3-158.** Confirmation vote

The Senate shall vote by yeas and nays to accept or reject the recommendation of the appropriate joint standing committee. The Senate shall vote on the committee's recommendation within 45 days of the posting date, except that for judicial officers the vote must be held within 50 days of the posting date. The committee's recommendation becomes final unless it is overridden by a vote of 2/3 of the Senators present and voting.

## **Maryland**

*(Note: Maryland legislative chamber rules are not available online; the following rules are from 2011)*

**Senate Rule 22A.** Executive Nominations

(a) When any nomination is made by the Governor to the Senate, it shall be referred to the Committee on Executive Nominations to be reported upon pursuant to Rule 22B, unless the Senate directs otherwise.

(b) The Committee on Executive Nominations shall examine all nominations made by the President of the Senate, unless otherwise ordered by the Senate, together with the recommendations and communications from the Governor or the President transmits with them, and shall report to the Senate in executive session unless the Senate decides to accept the report in regular session. The Committee may require that all testimony given at a hearing of the Committee by nominees for judgeships, and any witnesses appearing in connection with the nominee, be under oath, and that a record be made of all proceedings in which testimony is received from the nominees and witnesses.

**Senate Rule 22B. Question**

When the Senate is prepared to decide upon any pending nomination, the President shall put the question: "Will the Senate advise and consent to the nomination of \_\_\_\_\_ to the office of \_\_\_\_\_?" At the request of any Senator, this question will be determined by taking the yeas and nays.

**Senate Rule 22C. Secrecy**

- (a) Any confidential communication made by the Governor to the Senate shall be kept secret by the officers and Members of the Senate.
- (b) All information or remarks touching or concerning the character or qualifications of any person nominated by the Governor shall be kept secret.
- (c) A Senator, by means of any order, resolution, or otherwise may not place in the Executive Journal any observation touching the character or fitness for office of any individual.
- (d) The secrecy enjoined by this Rule applies to all proceedings in executive session except as to the names of the nominees for office, unless the Senate determines specially to keep the names secret. The injunction of secrecy does not apply to the fact of confirmation or rejection of any particular nominee. Neither a Senator, the Secretary, nor the Journal Clerk shall disclose the vote or opinion of any Senator on a nomination, nor upon any other proceedings of an executive session, unless the Senate by order or Simple Senate Resolution removes the injunction of secrecy as to that matter.

**Senate Rule 22D. Notification**

The Secretary of the Senate shall notify promptly the Governor of all nominations which have been confirmed or rejected by the Senate from day to day.

**Michigan**

**Senate Rule 1.118 SECRETARY OF THE SENATE ADMINISTRATIVE DUTIES**

... g) The Secretary of the Senate shall compile and maintain a list of appointments by the Governor subject to the advice and consent power of the Senate. This list shall contain the name and function of the office, the holder of the office, the date of appointment, and the expiration date of the officeholder's term. This list shall be posted on the Senate Website. ...

**Senate Rule 2.104 COMMITTEE ON ADVICE AND CONSENT**

- a) All appointments to office submitted by the Governor to the Senate shall be referred to the Committee on Advice and Consent. Effective upon written notification to the Secretary of the Senate, the chairperson of the Committee on Advice and Consent may request a Senate standing committee to hold hearings and make written recommendations to the Committee on Advice and Consent on a gubernatorial appointment. The Senate standing committee may adopt by committee vote a recommendation to the Committee on Advice and Consent.
  - 1) No appointment shall be voted upon until it has been printed in the Journal.
  - 2) On all appointments to office reported favorably or without recommendation by the Committee on Advice and Consent, the question before the Senate shall be on advising and consenting to the appointment. On all appointments reported unfavorably, the question shall be on the disapproval of the appointment.
  - 3) The vote of a majority of the Senators elected and serving by record roll call vote shall be required to approve or disapprove any appointment to office submitted by the Governor. Any appointments considered by the Senate shall be in open session, unless a majority of the Senators elected and serving shall vote in favor of an executive session.
  - 4) Any appointment not disapproved within 60 session days after receipt shall stand confirmed (see Const. Art. 5, sec. 6).
- b) If an appointment is made at a time when the 60 days would lapse during an extended recess of the Senate, the Senate Majority Leader may schedule a session of the Senate for the sole purpose of carrying out the Senate's constitutional duties to advise and consent on gubernatorial appointments. The Senate Majority Leader shall notify the Secretary of the Senate at least 10 calendar days prior to the date of the scheduled session. The Secretary of the Senate shall take all reasonable steps to notify the members of the Senate of the scheduled session.

**Minnesota**

**Senate Rule 8.** 1. Every gubernatorial appointment requiring the advice and consent of the Senate must be referred by the President to the appropriate committee. If a question arises as to the proper committee, the appointment must be referred without debate to the Committee on Rules and Administration for a report making the proper reference.

2. An appointment referred to committee and not reported to the Senate within 60 legislative days after it was referred is withdrawn from committee and placed on the confirmation calendar for consideration by the Senate before adjournment of the regular session, unless the appointee's term has expired or the appointee is no longer serving.

3. The final question on the appointment is, "Will the Senate, having given its advice, now consent to this appointment?" The question must not be put the same day the appointment is received or on the day it is reported by committee except by unanimous consent. Confirmation of the appointment requires the affirmative vote of a majority of the whole Senate.

## **Mississippi**

**Senate Rule 134.** When nominations from the Governor shall be received by the Senate, the Secretary of the Senate shall read the message from the Governor to the Senate, and nominations shall be referred to the appropriate committee by the President unless the Senate by a two-thirds (2/3) vote of the Senators present and voting orders otherwise. The committee considering such nomination may, upon a vote of a majority of the committee, consider the nomination in open committee meeting or hearing. Upon receiving the report of the committee to which the nomination was referred, the Senate shall proceed to consider the nomination in open session, unless executive session is invoked as provided in Rule 133.

**Senate Rule 135.** When a nomination or any other matter is confirmed, consented to or rejected, any Senator may move for a reconsideration. Such motion to reconsider confirmation or rejection of any name submitted to the Senate for any position or office, or any other matter, may be made on the legislative day in which the vote is taken or on the next legislative day thereafter, and not later.

**Senate Rule 136.** The Governor shall not be officially notified by the Secretary of the confirmation, consent to or rejection by the Senate of any nomination or other matter until the expiration of the time limit for entering a motion to reconsider, unless otherwise ordered by the Senate, subject to Section 65 of the Constitution.

**Senate Rule 137.** All executive matters submitted by the Governor which were not considered, as well as those on which actions were taken and were under pending motions to reconsider, shall fail at the time of sine die adjournment and the Secretary shall so notify the Governor thereof.

## **Montana**

**Senate Rule S70-10.** Nominations.

- (1) The Governor shall nominate and, by and with the consent of the Senate, appoint all officers whose offices are established by the Montana Constitution or which may be created by law and for whom appointment or election is not otherwise provided.
- (2) If during a recess of the Senate a vacancy occurs in any office subject to Senate confirmation, the Governor shall appoint some fit person to discharge the duties of the office until the next meeting of the Senate, when the Governor shall nominate a person to fill the office.

**Senate Rule S70-20.** Receiving nominations -- requesting bill drafts.

- (1) Nominations received from the Governor must be:
  - (a) received by the President;
  - (b) delivered to the Secretary of the Senate; and
  - (c) read under Order of Business No. 4, messages from the Governor.
- (2) The Secretary shall distribute a copy of the list of nominations to each Senator.
- (3) (a) The President of the Senate shall submit a bill draft request for a resolution for each nominee or each group of nominees read under Order of Business No. 4. These bill draft requests will not count against any bill draft request limit imposed on the President of the Senate.
- (b) Prior to introduction of the resolution, the President of the Senate shall designate the appropriate committee chair or other member of the Senate to introduce the simple resolution.

**Senate Rule S70-30.** Committee process -- separate consideration.

- (1) (a) The committee shall research each nominee and may request biographical information from the Governor for each nominee if none has been provided.
- (b) When the resolution has been prepared and introduced, the committee shall hold a hearing on the resolution after appropriate public notice has been given.
- (2) (a) Except as provided in subsection (2)(b), following the hearings for a group of nominees, the committee shall issue standing committee reports to be considered on second reading, stating the committee's recommendations concerning the nominees.

(b) Following the hearings for the group of nominees, if a committee member wishes to have an individual nominee or group of nominees considered by the Senate separately from the group of nominees being considered by the committee, the committee member may prepare an amendment for executive action to strike or add a nominee or group of nominees. If a nominee or a group of nominees is stricken, the committee member that offered the amendment shall make a motion to request a committee resolution for the nominee or nominees to be considered by a separate resolution. A simple majority of the committee is sufficient in order to request a separate committee resolution.

(3) Within the Committee of the Whole, if a Senator wishes to have an individual nominee or group of nominees considered by the Senate separately from the group of nominees recommended by the committee, the Senator may prepare a floor amendment to strike or add a nominee or group of nominees. If a nominee or a group of nominees is stricken, a Senator may make a motion to request that the President of the Senate submit a bill draft request for that the nominee or nominees to be considered by a separate resolution.

(4) When the resolution for an individual or group nomination has been prepared and introduced, the committee shall take executive action on the resolution. When a hearing on the separated nomination was held prior to the committee's standing committee report, an additional hearing is not required to be held before the committee takes action on the separate resolution. After the committee's executive action, the committee chair shall issue a standing committee report.

(5) The Secretary will read the reports under Order of Business No. 2, reports of standing committees.

(6) After the report has been read, the resolution must be placed on Order of Business No. 7 the next legislative day for consideration by the Senate. Motions to approve or disapprove of the resolution are in order and may be debated. Approval upon second reading constitutes confirmation of the Governor's nominee. A motion to reconsider the approval or disapproval of a nomination made on second reading must occur within one legislative day. A motion to reconsider may not be made if the resolution approving a confirmation is no longer in the possession of the Senate.

## **Nebraska**

### ***Unicameral Rule 3, Sec. 4. Select Committees***

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(iii) The Clerk of the Legislature's office shall be responsible for the collection of pertinent information on gubernatorial appointments. That information will be distributed to the appropriate standing committee prior to the time of the confirmation hearing. The Clerk's office shall be the "depository" for background information on the individual, a statement of financial interests if applicable, and other biographical information that the committee chair feels is appropriate for the committee to have before it during the confirmation process.

(iv) The committees to which a gubernatorial appointee has been referred for confirmation shall conduct a confirmation hearing. Each appointee shall be required to appear in person before the committee conducting the confirmation hearing. The appearance of the appointee may be waived for good cause as determined by the chair of the committee.

The committee shall prepare a report which approves, rejects, or makes no recommendation on the appointment. Said report shall be filed with the Clerk of the Legislature. The Legislature shall then have the opportunity to accept or reject the report of the committee.

If the Legislature fails to adopt a report to approve an appointment by a majority vote of the elected members, the appointment is thereby rejected. If the report coming from the committee is to reject the appointment, and the Legislature fails to adopt the report by a majority vote of the elected members, then the appointment is thereby approved provided the report receives a majority vote in the negative.

In the event that the committee files a report making no recommendation on the appointment, the report shall be considered by the Legislature within five legislative days, and no later than the scheduled adjournment sine die of the current legislative session. The Legislature shall consider a motion to approve the appointment, which shall require a majority of the elected members for approval. If the Legislature fails to approve the motion, the appointment is thereby rejected.

In the event a motion on a report fails to receive either in the affirmative or negative a majority vote of the elected members, then such appointment shall be deemed rejected.

(v) Any appointment letter received by the Clerk of the Legislature during the last ten calendar days of any regular legislative session shall not be acted upon. Acknowledgment of receipt of the appointment shall be deferred until the next regular or special session of the Legislature.

## **New Jersey**

**Senate Rule 20:1.** Reference to Committee.

When nominations are made by the Governor and submitted to the Senate, they shall, unless otherwise ordered by the Senate President, be referred to the Judiciary Committee. If referred to another appropriate committee, they shall receive a second reference to the Judiciary Committee.

**Senate Rule 20:2.** Report of Judiciary Committee, Contents.

The report of the Judiciary Committee concerning any nomination made by the Governor shall be in writing, show whether the nomination is reported with a recommendation for confirmation or rejection, or without any recommendation, and how each member signing the report voted on the nomination.

**Senate Rule 20:3.** Voting.

The final question to be placed before the Senate in public session on every nomination shall be, "Will the Senate advise and consent to this nomination (or these nominations, if more than one is to be voted on by a single roll call)?" This question shall not be considered on the same day the nomination is received, or on the day it is reported by Committee, unless the Senate shall so resolve by the affirmative vote of at least 30 Senators. The affirmative vote of at least 21 Senators is necessary to advise and consent to any nomination. The President may call for a single roll call on more than one nomination unless a Senator requests a separate roll call on particular nominations.

The names of the Senators voting for and against the nomination and the report, if any, of the Senate Judiciary Committee with respect to the nomination, shall be entered in the Journal. Notwithstanding any of the provisions of this rule, consideration of the question whether the Senate will advise and consent to the nomination of any person for the office of Attorney General or Secretary of State, may be considered on the same day the nomination is received from the Governor.

**Senate Rule 20:4.** Confidentiality, Hearing, Respond to Objections.

All information or remarks concerning the character or qualifications of any person nominated by the Governor which are brought to the attention of the Judiciary Committee or other appropriate committee during its consideration of the nomination shall not be made public. However, any nominee, upon written request, shall be granted a hearing by the Judiciary Committee in public or private session, at the discretion of the committee which shall then advise the nominee of any objections raised to confirmation and shall afford the nominee an opportunity to respond to the objections, in public or private.

**Senate Rule 20:5.** Confirmation or Rejection; Not Considered in Subsequent Two-year Legislative Session.

- a. All nominations confirmed or rejected by the Senate shall be promptly transmitted by the Secretary to the Governor, together with the determination of the Senate and the number of Senators voting for and against the nomination. The names of the Senators voting for and against confirmation and the report, if any, of the Judiciary Committee, are the only records of the proceedings on the nomination that will be made public; except when otherwise authorized by the Senate.
- b. All nominations neither confirmed nor rejected during a two-year session of the Senate shall not be considered in a subsequent two-year session unless the Governor resubmits the nomination.

## **New York**

**Senate Rule 8, Sec. 7** Nominations.

Unless the Senate orders otherwise, all nominations sent by the Governor for the appointment of any officer shall be submitted to the Temporary President who shall jointly with the Leader of the Independent Democratic Conference then refer such nominations simultaneously to the Finance Committee, and the appropriate standing committee, for consideration and recommendation and such standing committees, other than the Committee on Judiciary shall thereafter refer such nominations to the Finance Committee of the Senate who shall take whatever further actions it deems necessary and thereafter make its report on the nominations to the full Senate. Any Senator may submit a request to the Chair of a Standing Committee considering a nomination, to speak before the committee for not more than five minutes on the nomination. The granting of any such request shall be at the sole discretion of the Committee Chair. A nomination shall not be confirmed

without reference on the day on which it is received except by unanimous consent. The names of those who voted for or against the nomination may be entered alphabetically on the journal, if any five Senators request it.

## **North Carolina**

**Senate Rule 49.** Consideration of Gubernatorial Nominations or Appointments.

When received by the Principal Clerk, written notice of a gubernatorial nomination or appointment that requires confirmation by the General Assembly or the Senate shall be read in session and shall be referred by the Chairman of the Committee on Rules and Operations of the Senate, or in his absence the President Pro Tempore of the Senate, to the appropriate Senate committee. The Chairman of the Committee on Rules and Operations of the Senate may file an appropriate resolution for consideration of the nomination or appointment. For statewide or at-large nominations or appointments, the Principal Clerk shall transmit a copy of the notice of nomination or appointment to the Senator or Senators representing the county in which the nominee or appointee resides. For nominations or appointments of persons to represent a particular district or region of the State, the Principal Clerk shall transmit a copy of the notice of nomination or appointment to the Senator or Senators representing all or a portion of the particular district or region to be represented. The chair of the Senate committee receiving referral of any nomination or appointment shall determine the procedure by which the committee shall consider that nomination or appointment and may make a report of its recommendation to the Senate.

## **North Dakota**

**Senate Rule 701.** Executive nominations.

Upon receipt of nominations from the executive, the Senate shall forthwith consider them. The nominations must be read and be referred to the select committee appointed pursuant to Senate Rule 501, unless otherwise ordered by the Senate. The final question on every nomination must be, "Will the Senate advise and consent to the nomination?" The question must be approved by a majority of the members-elect. The presiding officer shall advise the executive, in writing, of the action taken by the Senate.

## **Ohio**

**Senate Rule 101.** (Executive Appointments.)

When executive appointments are received by the Senate they shall, unless the Senate otherwise orders, be referred to the Committee on Rules and Reference. The Committee on Rules and Reference may refer the appointments to another committee.

**Senate Rule 102.** (Yeas and Nays, Appointments.)

The yeas and nays shall be called upon advising and consenting to an executive appointment. Failure of the question to receive the concurrence of a majority of the senators elected constitutes refusal of the Senate to advise and consent to the appointment. The Senate may advise and consent to two or more appointments by a single roll call vote. When a committee to which an appointment has been referred recommends its rejection, or when a senator demands that an appointment be separately considered, the question of its approval shall not be included in a single roll call vote affecting more than one appointment, but the yeas and nays shall be separately called on the question of advising and consenting to such an appointment. When two or more appointments are made the subject of a single roll call vote, the failure of the question to receive the concurrence of a majority of the senators elected shall not constitute refusal to advise and consent to the appointments, but in such case the yeas and nays shall then be separately called on the question of advising and consenting to each appointment.

## **Oklahoma**

**Senate Rule 8-40.** REFERRAL OF EXECUTIVE NOMINATIONS.

When Executive Nominations shall be made by the Governor or other appointing authority to the Senate, said nominations shall be referred for consideration to the standing committee which has in its jurisdiction the entity to which the nomination relates. Nominations shall be made by the Governor or other appointing authority to the Senate no later than May 1 of any year in order to be considered by the full Senate that year.

**Senate Rule 8-41.** REJECTION.

No person whose nomination has been rejected by the Senate shall be eligible to be later confirmed by the Senate during the same session for appointment to the same position. If an executive nomination is not approved during the regular session in which it is submitted, it shall be deemed rejected. If an interim executive nomination is not approved during the first regular session following its submission it shall be deemed rejected. The President Pro Tempore shall notify the appointing authority

of the rejection of an executive nomination by the Senate, and shall likewise notify the chief executive of the entity to which the nomination relates.

**Senate Rule 8-42. COMMITTEE REPORTS ON EXECUTIVE NOMINATIONS.**

Committee reports on Executive Nominations may be combined by the Majority Floor Leader for consideration by the Senate. At the request of any member, however, a nominee shall be separated from the combined report and considered individually by the Senate. A majority vote of the members of the Senate shall be required for adoption of a combined report.

## **Oregon**

**Senate Rule 19.10. Referral to Committee.**

Following reading of the message from the Governor appointing a person to a position or office requiring confirmation by the Senate, the President shall refer the appointment to an appropriate committee and may refer it to not more than one additional committee. The committee shall consider the appointment as soon as practicable.

**Senate Rule 19.20. Committee Review of Appointees.**

(1) All persons initially appointed to boards, commissions or agencies, subject to the provisions of section 4, Article III of the Oregon Constitution, shall appear before the appropriate Senate committee prior to confirmation by the Senate.

(2) The chair of the executive appointments committee, with the consent of the President of the Senate and a majority of the committee members, may waive appearance before the committee of persons appointed by the Governor.

**Senate Rule 19.35. Committee Action.**

(1) The committee may, after public hearing, take action on the appointment and promptly file the report with the Secretary of the Senate. On final action the committee shall recommend that:

- (a) The Senate confirm;
- (b) The Senate confirm en bloc;
- (c) The Senate refuse to confirm; or
- (d) The appointment be reported to the Senate without recommendation.

**Senate Rule 19.40. Additional Time for Consideration.**

(1) If any appointment submitted by the Governor and subject to Senate confirmation is submitted too late for the Senate to review the recommendation of the committee or otherwise consider the appointment, that appointment shall be carried over to the next convening of the Senate as required by section 4, Article III of the Oregon Constitution and ORS 171.562 and 171.565.

(2) The proposed appointment shall not be considered rejected, or confirmation denied, if the appointment is carried over. The action of carrying over consideration of the appointment shall be duly recorded in the Journal.

**Senate Rule 19.55. Consideration of Committee Reports.**

(1) Action on a committee report recommending Senate confirmation shall be placed on the calendar for the session day immediately following reading or distribution of the report during the Long Session, or as soon as possible following reading or distribution of the report during the Short Session.

(2) If the committee recommendation is to refuse to confirm or no recommendation, action on the report shall take place on the second session day after the session day the report is read or distributed during the Long Session, or as soon as possible following reading or distribution of the report during the Short Session.

(3) The vote on confirmation shall be taken by roll call. The affirmative vote of a constitutional majority (16) is necessary for confirmation.

**Senate Rule 19.60. Confirmation En Bloc.**

(1) If a committee reports on nominees en bloc, the report shall be placed on the calendar for confirmation the next session day after reading or distribution of the list of appointments during the Long Session, or as soon as possible following reading or distribution of the list of appointments during the Short Session.

(2) The motion to recommend a list of multiple boards and commissions to the full Senate is in order. Individuals whose appearance before the committee has been waived under SR19.20, may be considered en bloc upon recommendation of the committee.

(3) Any member may require a separate vote by requesting that an appointee be considered separately. The request shall be submitted in writing to the Secretary of the Senate one hour before the session on the day that the confirmation is on the

calendar. The request will be announced at the appropriate time and the appointee considered separately from the en bloc vote.

## **Pennsylvania**

### ***Senate Rule 28.* EXECUTIVE NOMINATIONS**

(a) Presentation and reference.--

(1) All nominations by the Governor or the Attorney General shall be submitted to the Secretary-Parliamentarian of the Senate. All nominees shall file the financial statements required pursuant to 65 Pa.C.S. Ch. 11 (relating to ethics standards and financial disclosure) with the Secretary-Parliamentarian of the Senate. Copies of the nominations and financial statements shall be furnished by the Secretary-Parliamentarian of the Senate to the Majority Caucus Secretary and Minority Caucus Secretary or their designees.

(2) Nominations shall, after being read, without a motion, be referred by the presiding officer to the Committee on Rules and Executive Nominations. After having been reported by the committee, the final question on every nomination shall be: "Will the Senate advise and consent to this nomination?"

(3) The Chair of the Committee on Rules and Executive Nominations shall designate an appropriate standing committee of the Senate to conduct a public hearing for nominees that have Statewide jurisdiction and to which salaries are attached. The Committee on Rules and Executive Nominations shall refer those nominees to the designated committee for the purpose of holding a public hearing to scrutinize the qualifications of nominees and to report its recommendations. Public hearings may be held for nominees for any other office.

(b) Information concerning nominations.--All information, communication or remarks made by a Senator when acting upon nominations in committee, concerning the character or qualifications of the person nominated, may be kept confidential. If, however, charges shall be made against a person nominated, the committee may, in its discretion, notify the nominee, but the name of the person making such charges shall not be disclosed.

(c) Consideration.--When the consideration of executive nominations is reached in the order of business, a Senator may make a motion to go into executive session for the purpose of confirming the nominations which have been reported from committee; and on the motion being agreed to, the nomination or nominations shall be considered until finally disposed of, unless the same shall be postponed by a majority of the Senate.

(d) Executive session.--When in executive session, no communication shall be received from the Governor, unless it be relative to the nomination under consideration, nor from the House of Representatives, nor shall any other business be considered.

(e) Reconsideration.--When a nomination is confirmed or rejected by the Senate, any Senator may move for a reconsideration on the same day on which the vote was taken, or on either of the next two days of voting session of the Senate; but if a notification of the confirmation or rejection of a nomination shall have been sent to the Governor before the expiration of the time within which a motion to reconsider may be made, the motion to reconsider shall be accompanied by a motion to request the Governor to return such notification to the Senate. A motion to reconsider the vote on a nomination may be laid on the table without prejudice to the nomination.

## **Rhode Island**

### ***Senate Rule 9.1* Scope.**

The senate's exercise of its constitutional obligation to give advice and consent to executive appointees shall be governed solely and exclusively by these rules.

### ***Senate Rule 9.2* Delivery.**

Nominations shall be delivered to the Secretary of the Senate, or his designee, at the Office of the Secretary for presentation to the Senate.

### ***Senate Rule 9.3* Presentation to the Senate.**

When a nomination shall be presented to the Senate for advice and consent, it shall, unless otherwise ordered, be referred to the appropriate committee or committees and a copy of the nomination shall be delivered to the senator within whose district the nominee resides. Except as set forth herein, nominations shall follow the same course and be subject to the same procedures as bills introduced pursuant to Rules of the Senate.

**Senate Rule 9.4** Questions Presented.

The final question on every nomination shall be, "Will the Senate advise and consent to this nomination?" which question shall not be put on the same legislative day on which the nomination is received, nor on the legislative day on which it may be reported by a committee. Provided, however, that this provision may be waived by vote of a majority of the Senate.

**Senate Rule 9.5** Effect of Non-action.

Nominations neither confirmed nor rejected during the annual session at which they are made shall not be acted upon at any succeeding session unless renewed by the appointing authority; and if the Senate shall adjourn or be in recess for a period in excess of thirty (30) days, all nominations pending and not finally acted upon at the time of such adjournment or recess shall be returned by the Secretary of the Senate to the appointing authority, and shall not again be considered unless they shall again be made and delivered to the Senate by the appointing authority.

**Senate Rule 9.6** Withdrawal of Nominations.

Nominations may be withdrawn by the appointing authority at any time prior to final action thereon by the Senate.

## **South Carolina**

**Senate Rule 51.** ... E. Unless all of the affected Senators of a county have agreed to an alternative method, candidates for gubernatorial appointment to local offices shall be considered for confirmation as described below:

Once received by the Senate, local appointments shall be referred to the appropriate county senatorial delegation. The delegation then may report the appointment to the Senate for consideration (1) if the Senators whose combined weighted vote is sixty-five percent or more favor such report or (2) if s

## **South Dakota**

**Senate Rule S7-1.** Confirmation procedure.

Nominations from the Governor shall be referred to a standing or select committee. A committee receiving such a referral shall conduct hearings on the fitness and qualifications of the nominee to serve in the post for which the nominee has been nominated. After the hearings and subsequent deliberations, the committee shall report to the full Senate its recommendation that the nomination should or should not receive the consent of the Senate. Following the committee report, action on the confirmation shall be set for a day certain on the legislative calendar. In committee and on the floor, consideration of the Governor's appointments that require Senate confirmation shall take place in open session unless otherwise ordered by a majority of the body present.

**Senate Rule S7-2.** Time for taking final action.

Final action on nominations by the Governor may not be taken until the second legislative day after receiving the nomination. This rule does not apply to a nomination received during the three final legislative days.

**Senate Rule S7-2.1.** Uncontested nomination on consent calendar.

Each standing committee may report an uncontested nomination out of committee with recommendation that it be placed on the consent calendar where it shall be subject to Joint Rules 13-2, 13-3, and 13-4.

**Senate Rule S7-3.** Motion of advice and consent.

On considering nominations from the Governor, the presiding officer shall put the following question: "Does the Senate advise and consent to the executive appointment of (name) pursuant to the executive message as found on page \_\_\_\_ of the Senate Journal?"

**Senate Rule S7-4.** Vote requirements.

Confirmation of nominations from the Governor requires a majority vote of the members-elect.

**Senate Rule S7-5.** Reconsideration of vote.

While a nomination from the Governor remains within the Senate, the members may reconsider any vote taken on it.

**Senate Rule S7-6.** Written notice of final action.

Upon final action, the secretary of the Senate shall notify the Governor and the secretary of state in writing of the action of the body.

## **Texas**

### **Senate Rule 14.01** REFERRAL TO COMMITTEE

When nominations shall be sent to the Senate by the Governor, a future day shall be assigned for action thereon, unless the Senate unanimously directs otherwise. They shall be referred directly to either the Committee on Nominations or the standing committee with jurisdiction over the subject matter involved, which shall hold hearings and report its actions directly back to the Senate.

### **Senate Rule 14.02.** NOTICE RULE

Nominations, having been reported out of the Nominations Committee or other appropriately designated standing committee, shall not be acted upon unless the names of the nominees or individual nominee shall have been printed and a copy thereof furnished to each member 24 hours beforehand.

### **Senate Rule 14.03.** EXECUTIVE SESSION OF COMMITTEE

Hearings on nominations by the proper committee shall be open meetings, unless an executive session is ordered by a majority vote of the membership of that committee.

### **Senate Rule 14.04.** REPORT TO GOVERNOR BY SECRETARY OF SENATE

All nominations approved or definitely acted on by the Senate shall be returned to the Governor by the Secretary of the Senate from day to day, as such proceedings may occur.

## **Utah**

### **Senate Rule SR3-3-101.** Senate confirmation committees.

(1) The president shall:

- (a) appoint one or more Senate executive confirmation committees composed of no more than seven senators, no more than five of whom are from the same political party;
- (b) appoint as members of the confirmation committee the Senate appropriations subcommittee chair and the Senate standing committee chair having jurisdiction over the agency or entity to which the nominee is appointed; and
- (c) designate one senator to act as chair of the committee.

(2) If called by the chair, the committee shall, before any Senate confirmation session:

- (a) meet to review gubernatorial nominations to fill an executive branch position; and
- (b) make a recommendation to the Senate to either confirm or not confirm the nominee.

(3) (a) The confirmation committee shall review the resume and qualifications of any full-time gubernatorial executive branch appointee and may interview appointees.

(b) If a meeting is held, the committee shall submit a committee report to the Senate in a form that identifies to the Senate the votes "for" and votes "against" confirmation.

(4) A standing committee may close a committee meeting only by following the procedures and requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

### **Senate Rule SR3-3-201.** Senate Judicial Confirmation Committee -- Membership.

(1) The president shall:

- (a) appoint a Senate Judicial Confirmation Committee of no more than seven senators, no more than five of whom are from the same political party; and
- (b) designate one senator to act as chair of the committee.

(2) The president may not convene the Senate to consider confirmation of a judicial appointee until the Senate Judicial Confirmation Committee has submitted its recommendation.

**Senate Rule SR3-3-202.** Senate Judicial Confirmation Committee -- Confirmation process.

- (1) (a) The Senate Judicial Confirmation Committee shall comply with the procedures established in this rule.  
(b) Each committee member shall ensure that records received by them that are classified "private," "protected," or "controlled" under Utah Code Title 63G, Chapter 2, Government Records Access and Management Act, are released only if the requirements of that act are met.
  
- (2) After the Judicial Nominating Commission announces the nominees and forwards those names to the Office of Legislative Research and General Counsel as required by Utah Code Section 20A-12-104, that office shall provide the resume of each nominee to each member of the Senate.
  
- (3) When the governor provides the president of the Senate with the nominees' resumes, application materials, and other related documents, the president shall provide that information to the members of the Senate Judicial Confirmation Committee.
  
- (4) After the governor announces the appointee and provides the information required by Utah Code Section 67-1-2:
  - (a) the chair of the Senate Judicial Confirmation Committee shall direct the preparation of a news release which shall include:
    - (i) a brief description of the judicial position to be filled;
    - (ii) the name of the appointee;
    - (iii) a brief description of the functions of the Senate Judicial Confirmation Committee;
    - (iv) a request that members of the Senate wanting to make comments contact the chair or the Office of Legislative Research and General Counsel by the deadline specified in the news release, which may not be less than 10 business days after publication of the news release;
    - (v) a request that members of the public wanting to make comments contact the Office of Legislative Research and General Counsel by the deadline specified in the news release, which may not be less than 10 business days after publication of the news release; and
    - (vi) a notice that any person wanting to comment submit a written statement detailing the substance of their testimony, including the person's name, telephone number, and mailing address, to the Office of Legislative Research and General Counsel; and
  - (b) the Office of Legislative Research and General Counsel shall:
    - (i) provide the resume of the appointee and the news release described in this Subsection (4) to:
      - (A) each member of the Senate; and
      - (B) the news media, including television, radio, and the major circulation newspapers in Salt Lake City and the geographical area served by the judicial office to be filled by the appointee; and
    - (ii) provide the appointee's resume, application materials, and other related documents to each member of the Senate Judicial Confirmation Committee.
  
- (5) (a) The chair of the Senate Judicial Confirmation Committee may direct its staff to investigate:
  - (i) the background, qualifications, and fitness for judicial office of the appointee generally; and
  - (ii) specific issues raised or revealed by any member of the committee, any senator, or any member of the public, or that may arise at any time during the Senate confirmation process.

(b) In conducting the investigation, committee staff may contact any person or organization that might have information about the nominee's fitness for judicial office.

(c) The chair may direct staff to ask the governor, the chair of the Judicial Nominating Commission, or both, whether or not certain facts revealed by the investigation were known to the governor or the nominating commission at the time the candidate was considered by either of them.
  
- (6) (a) The chair of the Senate Judicial Confirmation Committee shall provide public notice of each committee meeting.  
(b) The public notice shall include an explanation that:
  - (i) any person wanting to testify regarding the appointee shall submit a written request to testify to the Office of Legislative Research and General Counsel at least 24 hours before the meeting is scheduled to begin; and
  - (ii) portions of the meeting may be closed under Utah Code Title 52, Chapter 4, Open and Public Meetings Act.
  
- (7) Before convening a meeting of the Senate Judicial Confirmation Committee, the chair shall:
  - (a) review all written statements from persons desiring to address the committee regarding the governor's appointee;
  - (b) review all records to be distributed to the committee and classify each record as "public" or "private" by applying the standard contained in Subsection 63G-2-302(1)(e)(i);

- (c) determine which persons making a timely request to testify under Subsection (6)(a) may address the committee; and
- (d) if necessary, establish reasonable time limits for public comment.

**Senate Rule SR3-3-203.** Senate Judicial Confirmation Committee -- Meeting process.

(1) In conducting the Senate Judicial Confirmation Committee meeting:

- (a) the chair shall allow the appointee to address the committee before the committee hears any other testimony, after the last witness testifies before the committee, and before the committee makes its decision;
- (b) the chair may hold committee meetings in the geographic area to be served by the judicial office; and
- (c) the chair may allow testimony from any person wishing to testify, whether the person has submitted a written request to testify or not.

(2) Before opening comments by the nominee, or at any other time during the meeting, the committee may close the committee meeting for any of the purposes outlined in Utah Code Title 52, Chapter 4, Open and Public Meetings Act.

(3) In determining whether to recommend that the nominee be confirmed or rejected by the Senate, the Senate Judicial Confirmation Committee shall:

- (a) review the appointee's resume, application materials, and any other documents or information related to the nominee's fitness for judicial office;
- (b) review each written statement submitted to the committee;
- (c) interview, under oath or affirmation, each judicial appointee;
- (d) consider the oral testimony of persons testifying to the committee;
- (e) base its decision regarding confirmation solely upon a consideration of the nominee's fitness for judicial office without regard to any partisan political consideration;
- (f) vote on whether or not to recommend confirmation of the appointee to the Senate; and
- (g) transmit its recommendation to the Senate in a form that identifies to the Senate the votes "for" and the votes "against" confirmation.

**Senate Rule SR3-3-204. Copy to judicial nominee.**

The Office of Legislative Research and General Counsel shall provide a copy of this rule to each judicial appointee seeking Senate confirmation.

**Senate Rule SR3-3-205.** Constitution takes precedence over these rules.

Nothing contained in SR3-3-201 through SR3-3-204 may be construed to limit the authority of the Senate as provided in Utah Constitution Article VIII, Section 8.

## **Washington**

**Senate Rule 69.**

When the names of appointees to state offices are transmitted to the secretary of the senate for senate confirmation, the communication from the governor shall be recorded and referred to the appropriate standing committee.

The standing committee, or subcommittee, pursuant to rule 42, shall require each appointee referred to the committee for consideration to complete the standard questionnaire to be used to ascertain the appointee's general background and qualifications. The committee may also require the appointee to complete a supplemental questionnaire related specifically to the qualifications for the position to which he has been appointed.

Any hearing on a gubernatorial appointment, held by the standing committee, or subcommittees, pursuant to rule 42, shall be a public hearing. The appointee may be required to appear before the committee on request. When appearing, the appointee shall be required to testify under oath or affirmation. The chair of the committee or the presiding member shall administer the oath or affirmation in accordance with RCW 44.16. (See also Article 2, Sec. 6 of the State Constitution.)

Nothing in this rule shall be construed to prevent a standing committee, or subcommittee, pursuant to rule 42, upon a two-thirds vote of its members, from holding executive sessions when considering an appointment.

When the committee on rules presents the report of the standing committee before the senate, the question shall be the confirmation of the name proposed, and the roll shall then be called and the yeas and nays entered upon the journal. In the event a message is received from the governor requesting return of an appointment or appointments to the office of the

governor prior to confirmation, the senate shall vote upon the governor's request and the appointment or appointments shall be returned to the governor if the request is approved by a majority of the members elected or appointed. (Article 13 of the State Constitution.)

## **West Virginia**

**Senate Rule 56.** Unless the Senate directs otherwise by majority vote of the members present, when nominations shall be made in writing to the Senate, a future day shall be assigned for taking them into consideration and the nominations shall be referred to the Committee on Confirmations.

When considering and acting on the nominations, the Senate shall be in open session. The voting on each nomination shall be by yeas and nays. The result of Senate action upon any nomination shall be forthwith certified in a formal communication signed by the presiding officer and attested by the Clerk.

**Senate Rule 57.** The phrase "next meeting of the Senate" contained in Article VII, Section 9 of the Constitution of West Virginia means any time the full Senate is convened and includes, but is not limited to, any regular session, any extraordinary session called during any recess or adjournment of the Legislature, during any impeachment proceeding or any time the Senate is convened for the purpose of electing a presiding officer.

## **Wisconsin**

**Senate Rule 22.** Advice and consent of the senate

- 1) Whenever a nomination for an appointment is submitted to the senate, as required by law, the president shall refer the nomination to the standing committee that the president deems to be the most appropriate committee to pass upon the qualifications of the candidate. The committee shall report its findings and recommendations to the senate in writing. Nominations may be considered, and the persons so nominated may with the advice and consent of the senate be appointed during any session of the senate.
- 2) On the question of the confirmation of appointments, the vote shall be taken by ayes and noes, which shall be entered upon the journal. The question of confirmation of the appointments is not subject to a motion for reconsideration under rule [67](#). The chief clerk shall record the cumulative status of all appointments in the bulletin of proceedings. The senate shall inform the governor or other appointing authority of the senate's final action on confirmation of all nominations for appointment and the assembly of the senate's final action on confirmation of a nomination for appointment that requires assembly confirmation.
- (3) All nominations for appointments, if they have not otherwise been submitted to the senate, shall be considered to have been submitted to the senate on the 5th day after the individual is nominated for appointment.

## **Wyoming**

**Senate Rule 16-1** Confirmation of Appointments.

- (a) Upon receipt of proposed governor appointments pursuant to W.S. 28-12-101(a) or other appointments requiring confirmation by the Senate, the names of the prospective appointees and the public offices to which the appointees are proposed to be appointed shall be distributed to each member of the Senate.
- (b) On the next legislative working day, the President shall assign appropriate standing committees to interview and review the qualifications of each prospective appointee who was the subject of the motion based upon the normal area of expertise of the standing committee. Any member may attend meetings of the committee and ask questions of a prospective appointee.
- (c) Prior to confirmation of any prospective appointee the committee appointed under this rule shall report its recommendations regarding any prospective appointee to the Senate. A roll call vote of the Senate to confirm or reject an appointment shall be taken within five (5) legislative working days after the prospective appointee's name is submitted to the Senate for consideration. Confirmation of an appointee by the Senate shall require a simple majority vote.

**Statute 28-12-101.** Appointments by governor; vacancies.

- (a) The governor shall submit to the senate the name, address and occupation of each person he proposes for appointment to public office and for which senate advice and consent is required under either the constitution or laws of this state. In addition and for those appointments for which political party affiliation is specified by law, the governor shall provide the senate with documentation of compliance with W.S. 9-1-218(e). The information required by this section shall be submitted to the senate by:
  - (i) Noon on the thirtieth legislative working day during the general and budget session; and
  - (ii) Noon on the twelfth legislative working day during the budget session.

(b) The governor may fill any vacancy occurring between sessions of the legislature by temporary appointment to be effective until March 1 of the ensuing calendar year.

**Statute 28-12-102.** Senate consideration of gubernatorial appointments; procedure; roll call vote required.

(a) The senate, in a manner it determines, shall review the qualifications of each person whose name is submitted to it for consideration in accordance with W.S. 28-12-101(a).

(b) After review of nominees in accordance with subsection (a) of this section, the senate, within five (5) legislative working days after submission by roll call vote, shall confirm or reject each gubernatorial nominee requiring the advice and consent of the senate.

(c) If the senate does not consent to a nominee for a given office, the governor shall submit the name, address and biography of another person for senate consideration if the legislature is still in session. If the legislature has adjourned, the governor may make a temporary appointment as provided in W.S. 28-12-101(b). No person rejected by the senate shall be appointed to or serve in, either temporarily or otherwise, the public office for which his nomination was rejected.

**Statute 28-12-103.** Expiration date of appointees' terms.

Notwithstanding any other provision of law, effective July 1, 1979, after the expiration of the current term of office of each person appointed by the governor and required to be confirmed by the senate, the next term of that office expires on March 1 during the year of regular expiration. Thereafter, each term, as specified in this section, and each term of office on any board, commission or committee created by the laws of this state after July 1, 1979, and for which senate confirmation is required, expires on March 1 during the year of regular expiration. Notwithstanding the provisions of this section, the term of an attorney general serving pursuant to W.S. 9-1-601(b) shall terminate as provided by that subsection.