

# SENATE EXECUTIVE NOMINATIONS COMMITTEE



A Guide for Gubernatorial Nominees  
in the State of Maryland

Congratulations on being nominated for an appointment by the Governor of Maryland.

We are grateful that so many citizens, such as yourself, have expressed an interest in serving Maryland. Citizen involvement through service on boards, commissions, and other units of State government is of major importance to the well-being of our State. The Senate of Maryland considers the responsibility of confirming your nomination to be very important.

The details of your nomination have been forwarded to our Senate Executive Nominations Committee for review. The full Senate will act on the confirmation of your nomination only after we have received a report on it from this committee.

On behalf of the members of the Senate, I thank you for your time and interest in wishing to serve the State of Maryland.

Sincerely,

A handwritten signature in black ink, appearing to read 'W.C. Ferguson, IV'. The signature is stylized with large, sweeping loops and a prominent flourish at the end.

William C. Ferguson, IV  
President

# NOMINATIONS



The nomination of an individual by the Governor of Maryland to a board, commission, or other position in the Executive Branch of State government, requiring the advice and consent of the full Senate of Maryland, must be reviewed by the Executive Nominations Committee prior to confirmation. This requirement applies both to reappointments and new appointments.

Constitutional authority for these appointments and their approval is found in the Maryland Constitution, Article II, Sections 10, 11, 12, 13, 14, and 15. These sections are discussed at the end of this brochure.

## CATEGORIES OF NOMINATIONS

There are three categories of gubernatorial nominations requiring the advice and consent of the Maryland Senate:

1. "Green Bag" Nominations. The majority of nominations requiring Senate confirmation are sent as a group to the President and members of the Senate by the Governor prior to the 40th day of each legislative session, as prescribed in the Constitution, Article II, Section 13. It has become a tradition in Maryland for this list to be presented in a green leather bag or envelope; thus the phrase "Green Bag" Nominations.

2. Recess Appointments. Many appointments are made during the legislative recess or "interim," the period between sessions of the General Assembly. Upon appointment, persons thus named may begin serving their terms and may continue to do so until the Senate acts on the appointments during the next ensuing session of the General Assembly. During the session, the Senate must vote to confirm the appointments for

the individual to remain in the position or, pursuant to Article II, Section 11, the appointment will terminate on the final adjournment of the General Assembly.

3. General Appointments. Appointments may be made and presented to the Senate by the Governor at various times during the legislative session, but they are not included in the “Green Bag” because of time and other limitations.

### **CONFIRMATION BY THE SENATE OF MARYLAND**

After the nominations have been presented to the President of the Senate, they are sent to the Senate Executive Nominations Committee for review and recommendation. During the session the committee votes on each nomination and reports to the full Senate for its confirmation. All nominations must be acted upon prior to the end of each legislative session.

### **LENGTH OF TERM OF APPOINTMENT**

The length of term of an individual’s appointment and the date for the beginning of such term are unique to each board, commission, or other position to which an individual may be nominated. Generally, the length of term of a position is provided in the Annotated Code of Maryland under the section related to that particular board, commission, or agency.

The date for beginning an appointment may vary. In the case of recess appointments, an individual may begin serving the term during the interim, especially when a vacancy is being filled. “Green Bag” and general appointments may begin during or after the annual legislative session in which the nomination is confirmed but prior to the beginning of the next legislative session.

# THE COMMITTEE



## COMPOSITION

The Executive Nominations Committee, a standing committee of the Senate, is composed of eighteen State senators, many of whom have committee leadership positions in the Maryland legislature. This committee has the largest membership of any Senate committee and is representative of the various geographic areas, interests, and political party affiliations of the members of the Senate. The membership of the Executive Nominations Committee may be found at:

**<http://mgaleg.maryland.gov>**

## FUNCTION

In accordance with Rule 22A of the procedural rules of the Senate, the Executive Nominations Committee is responsible for reviewing nominations made by the Governor which require Senate confirmation as noted in the Annotated Code of Maryland under the description of each board, commission, or agency. The committee is further charged with transmitting to the Senate a report concerning these nominations and a recommendation as to whether the individuals named to these positions should receive full Senate confirmation.

## RELATIONSHIP TO THE DEPARTMENT OF LEGISLATIVE SERVICES

The provision of staff for the Executive Nominations Committee is the responsibility of the Department of Legislative Services. Working in conjunction with the committee chair, Legislative Services staff contacts the nominees, schedules committee sessions, and prepares necessary documents for committee meetings and reports.

## TIME CONSTRAINTS

The Executive Nominations Committee usually meets only when the General Assembly is in session, a 90-day period from mid-January to mid-April. The committee must review and make recommendations on over 300 nominations in this limited time frame. The cooperation of those individuals nominated is required to make the review and confirmation process successful.

If the number of recess appointments made by the Governor warrants it, the Executive Nominations Committee may also hold hearings during the legislative interim. However, the Senate can only vote to confirm the committee's recommendations during the next ensuing session of the General Assembly.



# MEETINGS



## COMMITTEE MEETINGS

Under the leadership of the chair, the Executive Nominations Committee usually meets weekly during the General Assembly session. Nominees for statewide appointments and reappointments are asked to appear before the committee in order for the senators to meet and communicate with those persons who may be serving in these positions. Committee members ask nominees questions relating to their knowledge of, or interest in, the positions to which they have been named. Questions regarding qualifications, duties, other employment, potential conflicts of interest, and other concerns of importance to the committee members also are posed to the nominees.

When a nominee is scheduled to meet with the committee, the State Senator representing the legislative district in which the nominee resides is notified and may appear at the review hearing held by the committee.

Committee proceedings are recorded for reference purposes and maintained as a permanent record by the Department of Legislative Services.

## JUDICIAL APPOINTMENTS

All nominees to the District Court of Maryland and the appellate courts of Maryland must appear before the Executive Nominations Committee. These nominees are required to give testimony under oath and are sworn in by Counsel to the Executive Nominations Committee.

## LOCAL APPOINTMENTS

Nominees to local boards and commissions may not be required to appear before the committee unless requested to do so by a Maryland State Senator. However, prior to consideration by the Executive Nominations Committee, such nominations are generally reviewed by the senators from the particular area in which the nominee resides.

## COMMITTEE VOTE

A committee vote is taken during or at the conclusion of each meeting on whether to recommend to the Senate the confirmation of those nominees just reviewed. A simple majority of the total membership of the committee is necessary to report favorably on a nomination. A report of the vote is prepared by the staff and distributed by the chair to the President and the full Senate for its adoption by a majority vote of the total membership of the Senate. If, upon appropriate motion, the report is adopted, the appointments of the nominees are considered to be confirmed without further action required by the Senate.

Nominees are notified by mail as to whether or not they have received Senate confirmation. The notification is mailed as soon as possible after the Senate has voted.



# CONSTITUTIONAL AUTHORITY

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## MARYLAND CONSTITUTION, ARTICLE II

Section 10 provides that the Governor shall nominate all civil and military officers of the State for whose appointment or election provision is not otherwise made. However, the section further provides that all such appointments are subject to the advice and consent of the Senate of Maryland.

Section 11 gives the Governor the power to fill vacancies in civil offices when the General Assembly is not in session, subject to Senate confirmation at the next ensuing session.

Section 12 provides that a person who is rejected by the Senate may not be nominated again for the same office at the same session of the General Assembly, unless at the request of the Senate, nor may that person be appointed to the same office during the legislative recess or interim.

Section 13 provides that all officers nominated by the Governor, that are subject to Senate confirmation, shall be submitted to the Senate within 40 days from the beginning of each regular session of the General Assembly.

Section 14 requires the Governor to nominate persons to fill vacancies in positions that occur during the General Assembly session, unless the vacancies occur within 10 days of final adjournment.

Section 15 authorizes the Governor to remove any civil officer appointed by him for incompetency or misconduct.

## SENATE RULE 22A

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“The Committee on Executive Nominations shall examine all nominations made by the Governor, and those referred to the committee by the President of the Senate, unless otherwise ordered by the Senate, together with the recommendations and communications the Governor or the President transmits with them, and shall report thereon 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 conjunction with such nominees, be under oath, and that a record be made of all proceedings in which testimony is received from such nominees and witnesses.”



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