

Senate Executive Nominations Committee (EXN)
Senator Bill Ferguson, Chairman
Senator Delores G. Kelley, Vice Chairman

Witness Guidelines and Committee FAQ's

Witness Guidelines:

The Committee:

The Senate Executive Nominations Committee is a 19-member standing committee appointed by the President of the Senate. In accordance with Senate Rule 22A(a), whenever the Governor submits any nomination to the Senate, the nomination is to be referred to the Executive Nominations Committee, unless the Senate directs otherwise. Senate Rule 22A(a) also requires that any nomination submitted to the Executive Nominations Committee shall be reported by the Committee to the full Senate so that it can consider whether to advise and consent to the nomination.

The underlying authority for the Senate to advise and consent to the nominations of the Governor is found in Sections 11, 13, and 14 of Article II and Sections 5A and 41D of Article IV of the Constitution of Maryland.

Hearings:

- Meetings will be held on Mondays at 5:00 p.m. (Fourth Floor, the William H. Amoss Hearing Room in the Miller Senate Building), except as otherwise determined by the chair.
- A quorum of the Executive Nominations Committee is 10 out of 19 members.
- All meetings are recorded and are available on the General Assembly's website.
- All members of the Senate will be furnished copies of each week's agenda that sets forth the nominees scheduled to appear and the position to which they have been appointed on Thursday preceding the meeting.

Nominee Attendance Requirements:

- In the interest of efficiency of operation, the committee does not require nominees to local (county and Baltimore City) boards and commissions to appear before the committee (neither as new nominees or nor as reappointments), *unless* the chair determines otherwise.

Note: However, committee members receive informational material about all nominees to local boards and commissions. Local nominees are voted on by the committee.

- If a nominee has a legitimate reason for not being able to attend a committee meeting at which the nominee had been scheduled to appear (e.g., the nominee will be out of State for a period of time that will preclude his or her attendance, has been ill, or is recovering from surgery or an accident), the chair may waive the nominee's appearance and call for a vote on the nominee.
- Members of the Senate whose constituents are nominated to various boards and commissions are notified **in advance** when those constituents are scheduled to appear before the Executive Nominations Committee.
- At each meeting of the committee, the members will be given a packet of material containing the agenda and resumes, judicial applications, letters of recommendation, and other informational documents relating to the nominees, all of which are confidential in nature, based on the advice of the counsel to the General Assembly, unless that confidentiality is waived by the nominee.

Oaths:

- Judicial nominees to District Courts, the Court of Special Appeals, and the Court of Appeals take an oath to tell the truth just after they are called by the chair. (Senate Rule 22A(b))

Notes: (1) The oath is administered by the committee administrative assistant or the committee counsel. (2) Vacancies on the circuit courts are filled by the Governor but, unlike District Court judge nominees, do **not** require Senate confirmation; circuit court judges appointed to fill vacancies have to run for election in their own right at the next general election following their appointment.

- Nominees to State and other boards and commissions, nominees to cabinet level positions, and nominees to other **nonjudicial** positions that require Senate confirmation are **not** placed under oath when they appear before the Executive Nominations Committee.

Statements of Support:

- Members of the Executive Nominations Committee, members of the Senate, members of the House of Delegates, and members of the public may make statements in support of a nominee before the committee at the appropriate time during a nominee's hearing as determined by the chair or, in absence of the chair, the vice-chair.
- Members who wish to make statements in support of a nominee, but who are unable to attend the committee meeting at which the nominee appears, may give the chair or vice-chair or committee staff a letter, memo, or note indicating that member's support to be read on that member's behalf at the meeting.

Witness Testimony:

- The Chairman of the Executive Nominations Committee asks that any witness who is NOT a member of the General Assembly, who wishes to testify, please sign up on the witness list, **1 hour** before the scheduled hearing.
- Witnesses are asked to limit their comments to **5 MINUTES**.
- The Committee **WILL** accept written testimony. Written testimony should be brought to room 110, Legislative Services Building by 3 p.m. on the day of the hearing.
- In the interest of time, **Groups and Associations** are asked to choose a **SPOKESPERSON**, and submit any additional individual comments in writing to the Committee.

Voting:

At the end of each meeting of the committee, unless a member requests that a vote on a nominee be held or separated out, the chair generally will ask for a motion and a second to the motion to approve all of the nominees on that meeting's agenda.

Executive Nominations Committee Report:

In general, on the Thursday following the committee meeting, a report of the Executive Nominations Committee, prepared to reflect the decisions of the committee, will be distributed to the members of the Senate. The chair of the committee will move that the Senate accept the report in open session. This motion is made because Senate Rule 22A (b) provides the committee "... shall report to the Senate in **executive session unless the Senate decides to accept the report in regular [open] session.**" Typically, the report of the committee is special ordered until the next business day and taken up at the appropriate time. The President is required by Rule 22(B) to put to the Senate the question: "Will the Senate advise and consent to the nominations of the Governor?" Members may ask for a division of the question if there is a nominee on which a separate vote is sought.