

**TITLE 1: GOVERNMENT**  
**DIVISION 2: EXECUTIVE BRANCH**

**§ 2904. Appointments: Failure to Confirm.**

If the appointment is not confirmed by the Senate, or House, or by a majority of members from the senatorial district within 90 consecutive calendar days from the date the person was appointed, the appointment is deemed rejected and shall automatically terminate, the position shall become vacant, and the person nominated shall not be renominated. Nothing in this section shall preclude the Governor from submitting an appointment to a special session of the legislature. This section shall apply to an appointment to any position that requires advice and consent pursuant to the Constitution or statute.

**Source:** PL 1-8, tit. 1a, § 2, modified; amended by PL 15-84, § 2, modified.

**Commission Comment:** The Commission changed “subsection” to “section” in this section pursuant to the authority granted by 1 CMC § 3806(d). PL 15-84 was enacted on September 19, 2007, and contained the following findings in addition to severability and savings provisions:

Section 1. Findings. Sections 2901 et seq. of Title 1 of the Commonwealth Code address the matter of executive appointments requiring the advice and consent of a legislative body. The Legislature finds that 1 CMC § 2904 arguably can be construed to distinguish between a person who was appointed temporarily and a person who was appointed to permanently fill a vacant position. The purpose of this act is to eliminate this ambiguity by making § 2904 apply to all appointments requiring the advice and consent of the respective confirming body, regardless whether one is appointed to fill a vacancy temporarily or permanently.