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**Supreme Court Nominations in an Election Year**

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With the recent passing of Justice Antonin Scalia, the process of appointing his replacement has been front and center in the news. It is an interesting process under usual circumstances, this time even more so due to the political climate in Washington and the upcoming election. Here's how the process works.

Article II of the Constitution gives the President the power, along with the advice and consent of the Senate, to nominate and appoint Justices to the Supreme Court whenever there is a vacancy. In decades past, presidents may have sought the advice of some advisors, but ultimately the choice on who to nominate was theirs to make and much of the interviewing was done by them. Now the White House staff and the Justice Department take an active role in the decision.

Once a nomination is made the Senate conducts a series of hearings during which the nominee is questioned on his or her record and often times asked to explain his or her position on key issues that are important at that time. As with most political processes, any past misconduct or indiscretions are almost certain to be examined. A nominee is confirmed with a simple majority, but a successful filibuster threat could add the requirement of a supermajority of 60 needed in favor of cloture which would end the debate and force a vote.

Because this is an election year, some have called for the current president to refrain from making an appointment. Some in the Senate have gone so far as to vow to vote against any nominee simply because of the timing. President Obama has nominated Judge Merrick Garland who will undoubtedly face tough scrutiny if any hearings actually take place. If they do, it will be interesting to see if he can be confirmed given all the attention that has been given to the process itself. That begs the question, how many times has a nominee been rejected by vote. Answer: 12 out of 161.