

LEGISLATIVE REFERENCE BUREAU

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Legislative Reference Bureau

A Resolution proposing special rules of practice and procedure in the Senate when sitting on impeachment trials.

INTRODUCED _____

By Pittman, Joe District NO. _____

By _____ District NO. _____

By _____ District NO. _____

By _____ District NO. _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on

Date _____

Reported _____

As Committed-Amended

Recomendation

By Hon. _____

A RESOLUTION

1 Proposing special rules of practice and procedure in the Senate
2 when sitting on impeachment trials.

3 RESOLVED, That the Senate of Pennsylvania adopt special rules
4 as follows:

5 Rules of Practice and Procedure
6 in the Senate When Sitting On
7 Impeachment Trials

8 Section 1. Reception of managers.

9 (a) Subject to subsection (b), when the Senate receives
10 notice from the House of Representatives that it has appointed
11 managers to conduct and prosecute an impeachment against an
12 individual and has directed the managers to carry articles of
13 impeachment to the Senate, the Secretary of the Senate shall
14 immediately inform the House of Representatives that the Senate
15 is ready to receive the managers for the purpose of exhibiting
16 such articles of impeachment, agreeably to such notice.

17 (b) If notice under subsection (a) is received when the

1 Senate has adjourned for at least ten days, the President pro
2 tempore shall immediately appoint a committee under section 10.
3 Section 2. Exhibition of articles of impeachment.

4 (a) When the managers are introduced at the bar of the
5 Senate and signify that they are ready to exhibit articles of
6 impeachment against an individual, the presiding officer shall
7 direct the Sergeant at Arms to make a proclamation.

8 (b) The Sergeant at Arms shall, after making the
9 proclamation, repeat the following words: "All persons are
10 commanded to keep silence, on pain of imprisonment, while the
11 House of Representatives is exhibiting to the Senate of
12 Pennsylvania articles of impeachment against ."

13 (c) The articles of impeachment shall be exhibited.

14 (d) The presiding officer shall inform the managers that the
15 Senate will take proper order on the subject of the impeachment
16 and will give notice to the House of Representatives.

17 Section 3. Consideration.

18 (a) Upon presentation of articles of impeachment to the
19 Senate, the Senate shall proceed to consider the articles.

20 (b) Consideration shall begin:

21 (1) 1 p.m. on the day following presentation;

22 (2) if presentation is on a Sunday, at 1 p.m. on the
23 Tuesday following presentation; or

24 (3) the time and day ordered by the Senate.

25 (c) After consideration begins, unless the Senate orders
26 otherwise, the Senate shall continue in session every day except
27 Sunday until final judgment is rendered and no further
28 consideration is needed.

29 (d) Before consideration, the oath or affirmation shall be
30 administered to the presiding officer and by the presiding

1 officer to each Senator then present and to other Senators as
2 they shall appear on the floor. A Senator has the duty to take
3 the oath or make the affirmation. The oath or affirmation must
4 be in the form set forth in section 25(c).

5 Section 4. Issuance of orders, etc.

6 The presiding officer may issue orders, writs and precepts
7 authorized by these rules or by the Senate, and may make and
8 enforce other rules and orders in the Senate Chamber as the
9 Senate authorizes.

10 Section 5. Enforcement.

11 (a) The Senate has the following powers:

12 (1) To compel the attendance of witnesses.

13 (2) To enforce obedience to its orders, mandates, writs,
14 precepts and judgments.

15 (3) To preserve order and to punish in a summary way
16 contempts of, and disobedience to, its authority, orders,
17 mandates, writs, precepts or judgments.

18 (4) To issue lawful orders and rules which it deems
19 essential or conducive to the ends of justice.

20 (b) The Sergeant at Arms, under the directions of the
21 Senate, may employ aid and assistance necessary to execute and
22 enforce the lawful orders, mandates, writs and precepts of the
23 Senate.

24 Section 6. Preparation and form of proceedings.

25 (a) The President pro tempore shall direct:

26 (1) necessary preparations in the Senate Chamber; and

27 (2) the form of proceedings.

28 (b) The presiding officer shall rule on all questions of
29 evidence, including relevance, materiality and redundancy of
30 evidence and incidental questions. Except as set forth in

1 subsection (c), a ruling under this subsection shall stand as
2 the judgment of the Senate.

3 (c) On a ruling under subsection (b), a vote may be taken as
4 follows:

5 (1) A Senator may request a formal vote on the ruling.

6 (2) The presiding officer may submit the ruling for a
7 vote.

8 (3) Upon request under paragraph (1) or submission under
9 paragraph (2), the vote shall be taken under the Rules of the
10 Senate immediately. Debate is not permitted.

11 (4) The result of the vote shall stand as the judgment
12 of the Senate.

13 Section 7. Writ of summons.

14 (a) Upon presentation of articles of impeachment and the
15 organization for consideration under these rules, a writ of
16 summons shall issue to the individual impeached.

17 (b) The writ must contain all of the following:

18 (1) A recitation of the articles.

19 (2) Notice to the individual to:

20 (i) appear, personally or by counsel, before the
21 Senate at a specified time, on a specified date and at a
22 specified location;

23 (ii) file an answer to the articles; and

24 (iii) stand to and abide the orders and judgments of
25 the Senate on the articles.

26 (c) All of the following apply to service of the writ:

27 (1) The officer or individual named in the precept of
28 the writ shall execute service.

29 (2) Service must be executed within the advance notice
30 specified in the precept.

1 (3) Service must be executed in one of the following
2 manners:

3 (i) By delivery of an attested copy of the writ to
4 the individual impeached.

5 (ii) If delivery under subparagraph (i) cannot
6 conveniently be done, by leaving an attested copy of the
7 writ in a conspicuous place at the last known place of
8 residence or the usual place of business of the
9 individual impeached.

10 (iii) If the Senate determines that compliance with
11 subparagraphs (i) or (ii) is impracticable, in a manner
12 the Senate deems just.

13 (d) Upon compliance with subsection (b) (2), the individual
14 impeached may:

15 (1) Plead guilty. Upon entry of the plea, judgment shall
16 be rendered.

17 (2) Plead not guilty. Upon entry of the plea, trial
18 shall commence.

19 (e) Upon noncompliance with subsection (b) (2) (i) or (ii), a
20 plea of not guilty shall be entered. Upon entry of the plea,
21 trial shall commence.

22 Section 8. Return of summons.

23 At 12:30 p.m. on the day appointed for the return of the
24 summons against the individual impeached:

25 (1) The legislative and executive business of the Senate
26 shall be suspended.

27 (2) The Secretary of the Senate shall administer an oath
28 or affirmation to the returning officer in the following
29 form:

30 I, , do solemnly swear or affirm that the

1 return made by me upon the process issued on the day
2 of , by the Senate of Pennsylvania, against ,
3 is truly made, and that I have performed such
4 service as therein described: (So help me God).

5 (3) The oath or affirmation shall be entered on the
6 record.

7 Section 9. Appearances.

8 The appearance or nonappearance of the individual impeached,
9 either personally or by counsel shall be recorded on the record.

10 Section 10. Committee.

11 (a) In an impeachment trial, unless otherwise ordered by the
12 Senate, the President pro tempore may appoint a committee of
13 Senators, no more than half of whom must be members of the same
14 political party. The President pro tempore shall be an ex
15 officio member and may vote in case of a tie on any question
16 before the committee.

17 (b) The functions of the committee are to receive evidence
18 and take testimony at times and places determined by the
19 committee. To discharge these functions, unless otherwise
20 ordered by the Senate, the committee and its chairperson have
21 the powers and duties conferred upon the Senate and the
22 President pro tempore or the President of the Senate,
23 respectively, under these rules.

24 (c) Upon appointment, the President pro tempore shall be
25 responsible for setting the first meeting of the committee.
26 Thereafter, the committee shall meet on such days as the
27 committee chair may decide until the committee has determined
28 that all relevant testimony and evidence has been presented.

29 (d) A ruling regarding the admissibility of evidence shall
30 be made by the committee chair subject to a right of appeal to

1 the committee. In an appeal, the committee shall vote on the
2 admissibility of the contested evidence.

3 (e) Unless otherwise ordered by the Senate, these rules
4 shall govern the procedure and practice of the committee so
5 appointed.

6 (f) The committee shall report to the Senate in writing that
7 it has completed receiving evidence and taking testimony, and
8 the committee shall provide a summary of the evidence and
9 testimony and a certified copy of the transcript of the
10 proceedings and testimony had and given before such committee.

11 (g) The report under subsection (f) shall be received by the
12 Senate and the evidence received and the testimony taken shall
13 be considered, subject to the right of the Senate to determine
14 competency, relevancy and materiality, as having been received
15 and taken before the Senate.

16 (h) Nothing in this section shall prevent the Senate from
17 sending for a witness and hearing the witness's testimony in
18 open Senate. The Senate may receive additional evidence and
19 testimony before making its final judgment on the articles of
20 impeachment.

21 Section 11. Commencement of trial.

22 Unless otherwise ordered by the Senate, at 12:30 p.m. on the
23 day appointed for the trial of an impeachment:

24 (1) the legislative and executive business of the Senate
25 shall be suspended; and

26 (2) the Secretary of the Senate shall give notice to the
27 House of Representatives that the Senate is ready to proceed
28 upon the impeachment in the Senate Chamber.

29 Section 12. Time of trial.

30 Unless the Senate orders otherwise, trial of an impeachment

1 shall begin each day at 12 noon. At that time, a proclamation
2 shall be made; and the trial shall proceed. Adjournment of the
3 trial does not operate as an adjournment of the Senate.

4 Section 13. Record.

5 The Secretary of the Senate shall record the proceedings in
6 cases of impeachment as in the case of legislative proceedings,
7 and the proceedings shall be reported in the same manner as the
8 legislative proceedings of the Senate.

9 Section 14. Counsel.

10 Counsel for the parties shall be admitted to appear and be
11 heard on impeachment. Counsel must be admitted to practice law
12 by a court of record of this Commonwealth.

13 Section 15. Presentation of questions, etc.

14 A motion, objection, request or application, whether relating
15 to the procedure of the Senate or relating immediately to the
16 trial, including questions with respect to admission of evidence
17 or other questions arising during the trial, made by the parties
18 or their counsel shall be addressed to the presiding officer
19 only. The presiding officer or a Senator may require a written
20 submission and reading by the Secretary of the Senate.

21 Section 16. Witnesses.

22 Witnesses shall be examined by one individual on behalf of
23 the party producing them, and then cross-examined by one
24 individual on the opposing side.

25 Section 17. Senator as witness.

26 If a Senator is called as a witness before the full Senate,
27 the Senator shall testify at the Senator's desk on the floor of
28 the Senate.

29 Section 18. Actions by individual Senators.

30 (a) If a Senator wishes a question to be put to a witness,

1 to a manager or to counsel of the individual impeached, or to
2 offer a motion or order, except a motion to adjourn, it must be
3 reduced to writing and shall be put by the presiding officer.

4 (b) The parties or their counsel may interpose objections to
5 a witness answering a question propounded at the request of a
6 Senator. The merits of the objection may be argued by the
7 parties or their counsel. Ruling on the objection shall be made
8 under section 6(b) and (c).

9 (c) It is not in order for a Senator to engage in colloquy
10 under this section.

11 Section 19. Session to be open.

12 (a) Subject to subsection (b), when the Senate is sitting
13 upon the trial of an impeachment, the doors of the Senate shall
14 be kept open.

15 (b) The Senate may direct the doors to be closed while
16 deliberating upon its decisions. A motion to close the doors may
17 be acted upon without objection. If an objection is raised to
18 the motion, the motion shall be voted on without debate by roll
19 call vote, entered on the record.

20 Section 20. Argument time limits.

21 Unless the Senate otherwise orders, preliminary or
22 interlocutory questions or a motion, or both, shall be argued
23 for not exceeding one hour on each side.

24 Section 21. Presentation of case.

25 (a) The case for impeachment shall be opened by a statement
26 of one manager or counsel for the managers.

27 (b) The case against impeachment shall be opened by a
28 statement of the individual impeached or one counsel
29 representing the individual.

30 (c) Unless otherwise ordered by the Senate upon application:

1 (1) The case against impeachment shall be closed by
2 argument on the merits made by no more than two of the
3 following:

4 (i) The individual impeached.

5 (ii) Counsel for the individual impeached.

6 (2) The case for impeachment shall be closed by argument
7 on the merits made by no more than two individuals in the
8 following categories:

9 (i) The managers.

10 (ii) Counsel for the managers.

11 Section 22. Voting on articles of impeachment.

12 (a) An article of impeachment is not divisible for the
13 purpose of voting on the article during the trial.

14 (b) Once voting has commenced on an article of impeachment,
15 voting shall be continued until voting has been completed on all
16 articles of impeachment unless the Senate adjourns for a period
17 not to exceed one day or adjourns sine die.

18 (c) On the final question whether the impeachment is
19 sustained, the vote shall be taken on each article of
20 impeachment separately.

21 (d) If impeachment upon an article is not sustained by the
22 votes of two-thirds of the Senators present, a judgment of
23 acquittal on that article shall be entered on the record.

24 (e) If impeachment upon an article is sustained by the votes
25 of two-thirds of the Senators present, the Senate shall proceed
26 to the consideration of other matters determined to be
27 appropriate; and a judgment of conviction on that article shall
28 be entered on the record. A certified copy of the judgment shall
29 be transmitted to the Secretary of the Commonwealth.

30 (f) A motion to reconsider the vote by which an article of

1 impeachment is sustained or not sustained is not in order.

2 (g) To put the question on each article of impeachment:

3 (1) the presiding officer shall state the question; and

4 (2) by roll call vote entered on the record, each

5 Senator shall rise in place and answer guilty or not guilty.

6 Section 23. Votes on orders or decisions.

7 (a) An order or decision may be acted upon without

8 objection.

9 (b) If an objection is raised to an order or decision,

10 subject to subsection (c) and section 6(b) and (c), all of the

11 following apply:

12 (1) Except as set forth in paragraph (2), the motion or

13 decision shall be voted on without debate by roll call vote.

14 (2) A motion to adjourn may be decided without a roll

15 call vote unless a roll call vote is demanded by one-fifth of

16 the Senators present.

17 (3) The vote shall be entered on the record.

18 (c) When the doors of the Senate are closed for

19 deliberation, all of the following apply to an objection to an

20 order or decision:

21 (1) Subject to paragraph (2), all of the following

22 apply:

23 (i) No Senator may speak more than once on one

24 question.

25 (ii) No Senator may speak for more than ten minutes

26 on a question.

27 (iii) No Senator may speak for more than 15 minutes

28 on the final question. The 15 minutes allowed under this

29 subparagraph is on the whole deliberation of the final

30 question, and not on the final question on each

1 individual article of impeachment.

2 (2) A time period under paragraph (1) may be altered if,
3 upon motion and without debate, the Senate consents.

4 Section 24. Oath or affirmation of witnesses.

5 (a) A witness must be sworn in the following form:

6 I, _____, do swear (or affirm, as
7 the case may be) that the evidence I shall give in the
8 case now pending between the Commonwealth of Pennsylvania
9 and _____, shall be the truth, the whole truth, and
10 nothing but the truth: (So help me God).

11 (b) The oath shall be administered by the Secretary of the
12 Senate or another authorized person.

13 Section 25. Forms.

14 (a) The following is the form of a subpoena to be issued on
15 the application of a manager or of the individual impeached or
16 the individual's counsel:

17 To _____, greeting:

18 You and each of you are hereby commanded to appear before
19 the Senate of the Commonwealth of Pennsylvania, on
20 the _____ day of _____, at the Senate Chamber in the
21 city of Harrisburg, then and there to testify your
22 knowledge in the cause which is before the Senate in
23 which the House of Representatives have impeached.....

24 Fail not.

25 Witness _____, and (President or President pro
26 tempore) of the Senate, at the city of Harrisburg, this
27 day of _____, in the year of our Lord _____.

28 _____ (President or President pro tempore of the
29 Senate).

30 (b) The following is the form of direction for the service

1 of a subpoena under subsection (a):

2 The Senate of the Commonwealth of Pennsylvania to

3 , greeting:

4 You are hereby commanded to serve and return the within
5 subpoena according to law.

6 Dated at Harrisburg, this day of , in the year
7 of our Lord .

8 Secretary of the Senate.

9 (c) The following is the form of oath to be administered to
10 the Senators and the President of the Senate sitting in the
11 trial of impeachments:

12 I solemnly swear (or affirm, as the case may be) that in
13 all things appertaining to the trial of the impeachment
14 of , now pending, I will do impartial justice
15 according to the Constitution and laws: (So
16 help me God).

17 (d) The following is the form of summons to be issued and
18 served upon the person impeached:

19 The Commonwealth of Pennsylvania, ss:

20 The Senate of Pennsylvania to , greeting:

21 Whereas the House of Representatives of the Commonwealth
22 of Pennsylvania, did, on the day of ,
23 exhibit to the Senate articles of impeachment against
24 you, the said , in the words following:

25 (insert articles here)

26 And demand that you, the said , should be put to
27 answer the accusations as set forth in said articles, and
28 that such proceedings, examinations, trials, and
29 judgments might be thereupon had as are agreeable to law
30 and justice.

1 You, the said _____, are therefore hereby
2 summoned to be and appear before the Senate of
3 Pennsylvania, at their Chamber in the city of Harrisburg,
4 on the _____ day of _____, at _____ o'clock _____,
5 then and there to answer to the said articles of
6 impeachment, and then and there to abide by, obey, and
7 perform such orders, directions and judgments as the
8 Senate of Pennsylvania shall make in the premises
9 according to the Constitution and laws of Pennsylvania.
10 Hereof you are not to fail.

11 Witness _____, and (President or President pro tempore
12 of the said Senate), at the city of Harrisburg, this day
13 of _____, in the year of our Lord _____.

14 _____ (President or President pro tempore of the Senate).

15 (e) The following is the form of precept to be indorsed on a
16 writ of summons under subsection (d):

17 The Commonwealth of Pennsylvania, _____ ss:
18 The Senate of Pennsylvania to _____, greeting:
19 You are hereby commanded to deliver to and leave
20 with _____, if conveniently to be found, or if not,
21 to leave at his usual place of abode, or at his usual
22 place of business in some conspicuous place, a true and
23 attested copy of the within writ of summons, together
24 with a like copy of this precept; and in whichsoever way
25 you perform the service, let it be done at least _____ days
26 before the appearance day mentioned in the said writ of
27 summons.

28 Fail not, and made return of this writ of summons and
29 precept, with your proceedings thereon indorsed, on or
30 before the appearance day mentioned in the said writ of

1 summons.

2 Witness _____, and (President or President pro
3 tempore of the Senate), at the city of Harrisburg, this
4 day of _____, in the year of our Lord _____.

5 _____ (President or President pro tempore of the Senate).

6 (f) Unless otherwise ordered by the Senate, process shall be
7 served by the Sergeant at Arms of the Senate.

8 Section 26. Other time periods.

9 If the Senate fails to sit for the consideration of articles
10 of impeachment on the day or hour fixed, the Senate may, by an
11 order adopted without debate, fix a day and hour for resuming
12 consideration.