

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 16 Session of
2023

INTRODUCED BY PITTMAN, JANUARY 11, 2023

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A RESOLUTION

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

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

5 Rule 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
18 Senate has adjourned for at least ten days, the President pro

1 tempore shall immediately appoint a committee under section 10.

2 Section 2. Exhibition of articles of impeachment.

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

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

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

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

16 Section 3. Consideration.

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

19 (b) Consideration shall begin:

20 (1) 1 p.m. on the day following presentation;

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

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

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

28 (d) Before consideration, the oath or affirmation shall be
29 administered to the presiding officer and by the presiding
30 officer to each Senator then present and to other Senators as

1 they shall appear on the floor. A Senator has the duty to take
2 the oath or make the affirmation. The oath or affirmation must
3 be in the form set forth in section 25(c).

4 Section 4. Issuance of orders, etc.

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

9 Section 5. Enforcement.

10 (a) The Senate has the following powers:

11 (1) To compel the attendance of witnesses.

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

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

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

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

23 Section 6. Preparation and form of proceedings.

24 (a) The President pro tempore shall direct:

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

26 (2) the form of proceedings.

27 (b) The presiding officer shall rule on all questions of
28 evidence, including relevance, materiality and redundancy of
29 evidence and incidental questions. Except as set forth in
30 subsection (c), a ruling under this subsection shall stand as

1 the judgment of the Senate.

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

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

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

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

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

12 Section 7. Writ of summons.

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

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

17 (1) A recitation of the articles.

18 (2) Notice to the individual to:

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

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

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

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

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

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

30 (3) Service must be executed in one of the following

1 manners:

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

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

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

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

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

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

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

21 Section 8. Return of summons.

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

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

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

29 I, , do solemnly swear or affirm that the
30 return made by me upon the process issued on the day

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

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

6 Section 9. Appearances.

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

9 Section 10. Committee.

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

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

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

28 (d) A ruling regarding the admissibility of evidence shall
29 be made by the committee chair subject to a right of appeal to
30 the committee. In an appeal, the committee shall vote on the

1 admissibility of the contested evidence.

2 (e) Unless otherwise ordered by the Senate, this rule shall
3 govern the procedure and practice of the committee so appointed.

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

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

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

19 Section 11. Commencement of trial.

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

22 (1) the legislative and executive business of the Senate
23 shall be suspended; and

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

27 Section 12. Time of trial.

28 Unless the Senate orders otherwise, trial of an impeachment
29 shall begin each day at 12 noon. At that time, a proclamation
30 shall be made; and the trial shall proceed. Adjournment of the

1 trial does not operate as an adjournment of the Senate.

2 Section 13. Record.

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

7 Section 14. Counsel.

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

11 Section 15. Presentation of questions, etc.

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

19 Section 16. Witnesses.

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

23 Section 17. Senator as witness.

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

27 Section 18. Actions by individual Senators.

28 (a) If a Senator wishes a question to be put to a witness,
29 to a manager or to counsel of the individual impeached, or to
30 offer a motion or order, except a motion to adjourn, it must be

1 reduced to writing and shall be put by the presiding officer.

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

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

9 Section 19. Session to be open.

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

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

18 Section 20. Argument time limits.

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

22 Section 21. Presentation of case.

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

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

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

29 (1) The case against impeachment shall be closed by
30 argument on the merits made by no more than two of the

1 following:

2 (i) The individual impeached.

3 (ii) Counsel for the individual impeached.

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

7 (i) The managers.

8 (ii) Counsel for the managers.

9 Section 22. Voting on articles of impeachment.

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

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

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

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

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

28 (f) A motion to reconsider the vote by which an article of
29 impeachment is sustained or not sustained is not in order.

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

1 (1) the presiding officer shall state the question; and
2 (2) by roll call vote entered on the record, each
3 Senator shall rise in place and answer guilty or not guilty.

4 Section 23. Votes on orders or decisions.

5 (a) An order or decision may be acted upon without
6 objection.

7 (b) If an objection is raised to an order or decision,
8 subject to subsection (c) and section 6(b) and (c), all of the
9 following apply:

10 (1) Except as set forth in paragraph (2), the motion or
11 decision shall be voted on without debate by roll call vote.

12 (2) A motion to adjourn may be decided without a roll
13 call vote unless a roll call vote is demanded by one-fifth of
14 the Senators present.

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

16 (c) When the doors of the Senate are closed for
17 deliberation, all of the following apply to an objection to an
18 order or decision:

19 (1) Subject to paragraph (2), all of the following
20 apply:

21 (i) No Senator may speak more than once on one
22 question.

23 (ii) No Senator may speak for more than ten minutes
24 on a question.

25 (iii) No Senator may speak for more than 15 minutes
26 on the final question. The 15 minutes allowed under this
27 subparagraph is on the whole deliberation of the final
28 question, and not on the final question on each
29 individual article of impeachment.

30 (2) A time period under paragraph (1) may be altered if,

upon motion and without debate, the Senate consents.

Section 24. Oath or affirmation of witnesses.

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

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

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

Section 25. Forms.

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

To , greeting:

You and each of you are hereby commanded to appear before the Senate of the Commonwealth of Pennsylvania, on the day of , at the Senate Chamber in the city of Harrisburg, then and there to testify your knowledge in the cause which is before the Senate in which the House of Representatives have impeached..... Fail not.

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

(President or President pro tempore of the Senate).

(b) The following is the form of direction for the service of a subpoena under subsection (a):

The Senate of the Commonwealth of Pennsylvania to

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

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

12 (President or President pro tempore of the Senate).

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

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

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

30 Witness , and (President or President pro

1 tempore of the Senate), at the city of Harrisburg, this
2 day of , in the year of our Lord .

3 (President or President pro tempore of the Senate).

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

6 Section 26. Other time periods.

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