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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE RESOLUTION

No. 386 Session of  
2022

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INTRODUCED BY PITTMAN AND BAKER, NOVEMBER 29, 2022

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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  
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 these rules 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 these rules, 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 these rules.

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, these rules  
3 shall govern the procedure and practice of the committee so  
4 appointed.

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

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

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

20 Section 11. Commencement of trial.

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

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

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

28 Section 12. Time of trial.

29 Unless the Senate orders otherwise, trial of an impeachment  
30 shall begin each day at 12 noon. At that time, a proclamation

1 shall be made; and the trial shall proceed. Adjournment of the  
2 trial does not operate as an adjournment of the Senate.

3 Section 13. Record.

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

8 Section 14. Counsel.

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

12 Section 15. Presentation of questions, etc.

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

20 Section 16. Witnesses.

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

24 Section 17. Senator as witness.

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

28 Section 18. Actions by individual Senators.

29 (a) If a Senator wishes a question to be put to a witness,  
30 to a manager or to counsel of the individual impeached, or to



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

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

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

10 Section 19. Session to be open.

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

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

19 Section 20. Argument time limits.

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

23 Section 21. Presentation of case.

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

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

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

30 (1) The case against impeachment shall be closed by

1 argument on the merits made by no more than two of the  
2 following:

3 (i) The individual impeached.

4 (ii) Counsel for the individual impeached.

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

8 (i) The managers.

9 (ii) Counsel for the managers.

10 Section 22. Voting on articles of impeachment.

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

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

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

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

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

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

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

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

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

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

5 Section 23. Votes on orders or decisions.

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

7 objection.

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

9 subject to subsection (c) and section 6(b) and (c), all of the  
10 following apply:

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

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

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

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

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

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

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

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



1 The Senate of the Commonwealth of Pennsylvania to  
2 , greeting:  
3 You are hereby commanded to serve and return the within  
4 subpoena according to law.  
5 Dated at Harrisburg, this day of , in the year  
6 of our Lord .

7 Secretary of the Senate.

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

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

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

18 The Commonwealth of Pennsylvania, ss:  
19 The Senate of Pennsylvania to , greeting:  
20 Whereas the House of Representatives of the Commonwealth  
21 of Pennsylvania, did, on the day of ,  
22 exhibit to the Senate articles of impeachment against  
23 you, the said , in the words following:

24 (insert articles here)

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

30 You, the said , are therefore hereby

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

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

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

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

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

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

