

SENATE RESOLUTION

RESOLVED, BY THE SENATE OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the following are adopted as the Senate Impeachment Rules of the Ninety-Sixth General Assembly solely for impeachment trial proceedings against Governor Rod R. Blagojevich:

SENATE IMPEACHMENT RULES

Rule 1. Definitions. In these Impeachment Rules, unless the context clearly requires a different meaning:

"Articles of impeachment" include one or more articles of impeachment.

"Chief Justice" means the Chief Justice of the Illinois Supreme Court in his capacity as presiding trial officer in the trial of impeachment.

"Constitution" means the Constitution of the State of Illinois.

"Governor" means Rod R. Blagojevich.

"House" means the House of Representatives of the Illinois General Assembly.

"House impeachment record" means the complete record of proceedings of the House Special Investigative Committee and the House making inquiry into the impeachment of Rod R. Blagojevich.

"Journal" means the Journal of the Senate.

"Majority caucus" means that group of Senators from the numerically strongest political party in the Senate.

"Majority of those elected" means at least 30 Senators.

"Minority caucus" means that group of Senators from other than the majority caucus.

"Minority Leader" means the Minority Leader of the Senate.

"Party" means the House Prosecutor or Rod R. Blagojevich or his counsel.

"President" means the President of the Senate.

"Presiding Officer of the Senate" means that Senator serving as the presiding officer of the Senate, whether that Senator is the President or another Senator designated by the President, in his or her capacity as presiding officer.

"Secretary" means the Secretary of the Senate.

"Senate" means the Senate of the Illinois General Assembly.

"Senate Rules" mean the Rules of the Senate of the Ninety-Sixth General Assembly, other than these Impeachment Rules.

"Two-thirds of those elected" means at least 40 Senators.

Rule 2. Notice from the House of Representatives. When the

1 Senate receives notice from the House that the Speaker of the
2 House has directed the House Prosecutor to exhibit articles of
3 impeachment before the Senate, the Secretary shall immediately
4 inform the Clerk of the House that the Senate is ready to
5 receive the House Prosecutor for the purposes of exhibiting
6 those articles of impeachment and filing of the House
7 impeachment record with the Secretary.

8 **Rule 3. Introduction of House Prosecutor; exhibition of**
9 **articles of impeachment.**

10 (a) The Counsel to the Special Investigative Committee of
11 the House shall be the House Prosecutor. The House Prosecutor
12 may select staff to assist in prosecuting the articles of
13 impeachment, including House staff.

14 (b) After the House Prosecutor is introduced to the bar of
15 the Senate, the House Prosecutor shall signify that he or she
16 is ready to exhibit articles of impeachment against Rod R.
17 Blagojevich and to file the House impeachment record. The House
18 Prosecutor shall, at the President's direction, then exhibit
19 the articles of impeachment and file the House impeachment
20 record with the Secretary. The House impeachment record, upon
21 receipt by the Secretary, is deemed admitted as evidence in the
22 trial of impeachment before the Senate. The articles of
23 impeachment shall then be presented to the Secretary, and the
24 President shall inform the House Prosecutor that the Senate
25 will take proper order on the subject of the impeachment, of

1 which due notice shall be given to the House. Further, the
2 Sergeant-at-Arms of the Senate shall provide a copy of the
3 articles of impeachment to the Chief Justice and give notice to
4 the Chief Justice of the date and time the trial on those
5 articles of impeachment will commence.

6 **Rule 4. Consideration of articles of impeachment.** After the
7 presentation of articles of impeachment to the Senate, at a
8 date and time set by the President, the Senate shall proceed to
9 the consideration of the articles of impeachment and shall
10 continue in session from day to day (Sundays excepted and
11 unless otherwise ordered by the President) with the trial until
12 final judgment is rendered, and so much longer as may, in the
13 President's judgment, be needful.

14 **Rule 5. Issuance of orders.** The President has the power (i)
15 to make and issue, by himself or by the Secretary, all orders,
16 mandates, writs, and other papers or documents authorized by
17 these Impeachment Rules or by the Senate and (ii) to make and
18 enforce any other regulations and orders relating to the
19 impeachment trial proceedings that the Senate authorizes.

20 **Rule 6. Senate enforcement powers; authority of**
21 **Sergeant-at-Arms.**

22 (a) As provided in the Constitution, the General Assembly
23 Organization Act (25 ILCS 5/), and the Senate Rules and as

1 otherwise provided by law, the Senate has the power to subpoena
2 witnesses, documents, and other materials; to compel the
3 attendance of witnesses and the production of documents and
4 other materials; to enforce obedience to its subpoenas, orders,
5 mandates, writs, and judgments; to preserve order; to punish in
6 a summary way contempt of, and disobedience to, its authority,
7 orders, mandates, writs, and judgments; and to make all lawful
8 orders, rules, and regulations that it may deem essential or
9 conducive to the ends of justice.

10 (b) The Sergeant-at-Arms of the Senate, under the direction
11 of the President, may employ aid and assistance deemed
12 necessary to enforce, execute, and carry into effect the lawful
13 subpoenas, orders, mandates, writs, and directions of the
14 Senate. All process shall be served by the Sergeant-at-Arms of
15 the Senate, unless otherwise ordered by the Senate.

16 (c) The Senate may compel any person, by subpoena, to
17 appear and give testimony as a witness and produce documents
18 and other materials before the Senate. The subpoena shall be
19 signed by the President and may be served in the same manner as
20 subpoenas from courts.

21 (d) Any witness neglecting or refusing to appear when duly
22 subpoenaed to testify or to produce documents or other
23 materials before the Senate may be arrested by warrant under
24 the signature of the President, taken before the Senate, and
25 there compelled to give testimony or produce documents and
26 other materials.

1 (e) Anyone who has been served with a subpoena to appear as
2 a witness or to produce documents or other materials before the
3 Senate and who neglects or refuses to so appear or to produce
4 any of those documents or other materials or, having appeared
5 either with or without a subpoena, neglects or refuses to be
6 sworn, to testify, or to produce any documents or other
7 materials when lawfully required to do so is, pursuant to
8 Section 8 of the General Assembly Organization Act (25 ILCS
9 5/8), guilty of a petty offense. This subsection shall not be
10 construed to affect any other right of the Senate to compel the
11 attendance of any person as a witness or the production of
12 documents or other materials or to punish for disorderly or
13 contemptuous behavior in its presence.

14 (f) The manner of effecting imprisonment of any person
15 under these Impeachment Rules for disorderly or contemptuous
16 behavior in the presence of the Senate, or for failure to
17 comply with any subpoena or to give testimony, shall be by a
18 warrant, under the signature of the President, ordering the
19 imprisonment, countersigned by the Secretary, running in the
20 name of the People of the State of Illinois, and may direct the
21 Sergeant-at-Arms to command the sheriff of any county in this
22 State where the person is located or the State Police to commit
23 the prisoner to a county jail, and deliver the prisoner to the
24 keeper thereof, and the jailer to receive the prisoner into his
25 or her custody and safely keep the prisoner for the time for
26 which the prisoner is committed, or until the prisoner is duly

1 discharged.

2 (g) If the person is committed for refusal to answer any
3 question put to him or her as a witness, or to obey an order of
4 the Senate, the warrant may direct that the person be returned
5 to the Senate at a time stated in the warrant, not exceeding 24
6 hours after the time of commitment, or it may direct that the
7 person be imprisoned until he or she signifies willingness to
8 obey the requirements of the Senate, at which time the person
9 shall be returned to the Senate by whoever then has the person
10 in custody. However, no person shall be so held beyond the time
11 of the adjournment of the Senate sitting for the purpose of
12 trying the impeachment.

13 (h) The Sergeant-at-Arms and his or her assistants shall
14 serve process and execute orders that are enjoined upon them by
15 the President; shall maintain order among the spectators
16 admitted to the impeachment trial proceedings; shall take
17 proper measures to prevent interruption of the proceedings, and
18 may arrest, with or without warrant, any person committing any
19 offense against the law or any rule of the Senate, or guilty of
20 breach of the peace in or about the Capitol or the surrounding
21 public grounds, and convey the offender before the proper court
22 for trial, and for that purpose has the same authority granted
23 to sheriffs.

24 **Rule 7. Preparation and form of proceedings.** The President
25 shall direct all necessary preparations in the Senate chamber

1 for impeachment proceedings, and the Chief Justice shall direct
2 all of the forms or proceedings while the Senate is sitting for
3 the purpose of trying an impeachment and all forms during the
4 trial not otherwise specifically provided for.

5 **Rule 8. Rules of evidence governing the trial.**

6 (a) Evidence may be admitted if it is relevant, material,
7 and not redundant. Formal rules of evidence used in Illinois
8 and federal courts do not apply to trials of impeachment before
9 the Senate.

10 (b) The House Prosecutor or the Governor or his counsel may
11 object to the admission or exclusion of evidence. Any objection
12 must be addressed to the Chief Justice. No objection, however,
13 may be made against all or any part of the House impeachment
14 record filed by the House Prosecutor with the Secretary.

15 (c) The Chief Justice may rule on an objection and his
16 ruling shall stand, unless a Senator asks that the Senate
17 override the ruling of the Chief Justice. The Chief Justice, at
18 his option, may submit the objection to the Senate, which shall
19 rule on the objection in the first instance by a record vote.

20 (d) The vote of the Senate under this Rule shall be by
21 record vote and taken in accordance with the Senate Rules.

22 (e) If a Senator has asked that the Senate override the
23 ruling of the Chief Justice, then the Chief Justice shall
24 submit the question to the Senate without debate and state the
25 question as follows: "Shall the ruling of the Chief Justice be

1 sustained?" The ruling of the Chief Justice shall be sustained
2 if a majority of those elected to the Senate vote to sustain
3 the ruling of the Chief Justice by record vote.

4 (f) If the Chief Justice submits the objection to the
5 Senate for a ruling in the first instance, then the Chief
6 Justice shall submit the question to the Senate without debate
7 and state the question as follows: "Shall the objection be
8 sustained?" The objection shall be sustained if a majority of
9 those elected to the Senate sustain the objection by a record
10 vote.

11 **Rule 9. Writ of summons; service of summons.**

12 (a) Upon the presentation of articles of impeachment and
13 the organization of the Senate for the purpose of trying an
14 impeachment, a writ of summons shall issue to Rod R.
15 Blagojevich that recites the articles of impeachment, notifies
16 him to file his appearance with the Senate at a specified day
17 and time and at a specified place, to file his answer to the
18 articles by a specified day and time, and to abide the orders
19 and judgments of the Senate.

20 (b) The summons shall be served by the Sergeant-at-Arms of
21 the Senate at least 2 days before the date fixed for the
22 appearance. Service shall be made either by delivery of a copy
23 to Rod R. Blagojevich or by leaving a copy with a person over
24 the age of 21 at his residence or at the Governor's office in
25 the State Capitol or in the James R. Thompson Center, or, if

1 such service is not practical in the judgment of the Senate,
2 notice to Rod R. Blagojevich to file his appearance and answer
3 shall be given by news article or publication at least once in
4 a newspaper of general circulation in Illinois.

5 **Rule 10. Return of summons.** At or before the date and time
6 appointed for the appearance of Rod R. Blagojevich, the
7 Sergeant-at-Arms shall file with the Secretary a completed
8 written return of summons in the following form:

9 "I, (name), Sergeant-at-Arms, do solemnly swear (or
10 affirm) that, as commanded by the Senate, I served a
11 summons to appear and a copy of the articles of impeachment
12 on Governor Rod R. Blagojevich on the _____ day of
13 _____, 2009, (personally / by leaving a copy of the
14 summons and articles with a person over the age of 21 at
15 his residence or the Governor's office in the State Capitol
16 or in the James R. Thompson Center / by news article or
17 publication at least once in a newspaper of general
18 circulation in Illinois)."

19 The return of summons of the Sergeant-at-Arms shall be
20 entered upon the Journal by the Secretary.

21 **Rule 11. Governor's appearance and answer.**

22 (a) At the date and time appointed in the summons, the
23 Governor, or counsel on his behalf, shall file a written
24 appearance and answer to the articles of impeachment.

1 (b) If Rod R. Blagojevich, after service, fails to file an
2 appearance either in person or by counsel on the day ordered
3 for filing an appearance or files an appearance but fails to
4 file an answer to the articles of impeachment, the trial shall
5 proceed, nonetheless, as if Rod R. Blagojevich had entered a
6 plea of not guilty. If the Governor, or counsel on his behalf,
7 enters a plea of guilty, then, without further proceedings,
8 judgment shall be entered removing Rod R. Blagojevich from the
9 office of Governor. The Senate, at a date and time set by the
10 President, may then proceed, pursuant to Impeachment Rule
11 24(f), to take a record vote on the question of whether Rod R.
12 Blagojevich shall be disqualified from holding any public
13 office of this State in the future.

14 **Rule 12. Commencement of trial.**

15 (a) At the hour of the day set for filing an appearance by
16 Rod R. Blagojevich, or at such other time as the President may
17 order, the legislative and executive business of the Senate
18 shall be suspended and the Secretary shall give notice to the
19 House that the Senate is ready to proceed upon the impeachment
20 trial of Rod R. Blagojevich in the Senate chamber or such other
21 place as the Senate determines.

22 (b) Before proceeding to the consideration of the articles
23 of impeachment, the President shall administer the oath to the
24 Chief Justice.

25 (c) The Secretary shall then administer the oath to the

1 members of the Senate then present and to the other members of
2 the Senate as they appear, whose duty it shall be to take the
3 oath.

4 (d) The oath to be administered shall be as follows: "I
5 solemnly swear (or affirm) that in all things pertaining to the
6 trial of the impeachment of Governor Rod R. Blagojevich, now
7 pending, I will do justice according to law."

8 (e) Any members of the Senate not present to take the oath
9 must be administered the oath upon entering the Senate chambers
10 during the trial. The Secretary shall maintain a record of
11 those Senators who have and have not been administered the
12 oath.

13 **Rule 13. Attendance; decorum; ex parte communications.**

14 (a) All Senators must attend all impeachment proceedings
15 unless excused by the President (if the Senator is a member of
16 the majority caucus) or Minority Leader (if the Senator is a
17 member of the minority caucus). Any Senator who is absent shall
18 be provided opportunity to review the record of impeachment
19 proceedings for any date the Senator was absent.

20 (b) All Senators must act in a courteous manner to the
21 President, the Chief Justice and his staff, the House
22 Prosecutor and his or her staff, the Governor and his counsel,
23 and Senate staff.

24 (c) A Senator should not initiate, permit, or consider ex
25 parte communications with members of the House, the House

1 Prosecutor or his or her staff, or the Governor or his counsel
2 or staff of the Governor or his counsel, or consider ex parte
3 communications or other communications made to the Senator
4 outside the presence of the parties concerning the impeachment
5 pending before the Senate, except that:

6 (1) If circumstances require, ex parte communications
7 for scheduling, administrative purposes, or emergencies
8 that do not deal with substantive matters or issues on the
9 merits are authorized if (i) the Senator reasonably
10 believes that no party will gain a procedural or tactical
11 advantage as a result of the ex parte communication and
12 (ii) the Senator makes provision promptly to notify all
13 other parties of the substance of the ex parte
14 communication and allows an opportunity to respond.

15 (2) A Senator may consult with other Senators or Senate
16 staff whose function is to aid the Senator in carrying out
17 the Senator's responsibilities.

18 (3) The President, Minority Leader, or any one or more
19 Senators designated by the President or Minority Leader may
20 confer with the House Prosecutor or his or her staff, the
21 Governor or his counsel or staff of the Governor or his
22 counsel, or both in an effort to mediate or settle matters
23 pending before the Senate.

24 (d) A Senator should abstain from publicly speculating on
25 issues pertaining to the impeachment trial proceedings pending
26 before the Senate, including the weight or credibility of

1 testimony or other evidence, the evidence that may be presented
2 by the parties, and how the Senator may vote on the evidentiary
3 matters and the final verdict. Senators should require similar
4 abstention on the part of Senate staff subject to the Senator's
5 direction and control. Senators or authorized Senate staff may
6 make public statements regarding their other official duties or
7 explain the procedure of the Senate for public information
8 purposes.

9 (e) The House Prosecutor and his or her staff must abstain
10 from publicly commenting on issues pertaining to the
11 impeachment trial proceedings while those proceedings are
12 pending before the Senate.

13 **Rule 14. Sufficiency of articles of impeachment.** Any motion
14 to dismiss or challenge the sufficiency of articles of
15 impeachment must be submitted, in writing, to the Chief Justice
16 on the day set for the commencement of the trial on the
17 articles or as permitted by resolution adopted by the Senate.
18 Argument on any motion challenging the sufficiency of the
19 articles shall not exceed 15 minutes, unless extended by a
20 resolution of the Senate, by unanimous consent of the Senate,
21 or by a majority of those elected to the Senate by record vote.
22 If the objection to the sufficiency of any article is not
23 sustained by a record vote of a majority of those elected to
24 the Senate, the trial shall proceed with respect to that
25 article.

1 **Rule 15. Subpoena of witnesses, documents, or other**
2 **materials; requests to admit additional evidence.**

3 (a) Requests for subpoenas for witnesses, documents, or
4 other materials may be made by the House Prosecutor or by the
5 Governor or his counsel in the form of a verified written
6 motion submitted to the Chief Justice, and a copy provided to
7 the Secretary. The motion must incorporate a showing that the
8 subpoena is reasonably required to obtain information that
9 cannot be obtained through voluntary requests for information.

10 (1) A motion for a subpoena for witness testimony must
11 contain the name, address, and telephone number of the
12 witness, a description of the subject matter of the
13 testimony, an explanation of why the testimony is relevant,
14 material, and not redundant and must indicate when the
15 party seeks to have the witness testify before the Senate.

16 (2) A motion for subpoena duces tecum must specify the
17 documents or other materials to be produced and the
18 material or relevant facts to be proved by them.

19 (3) The Chief Justice shall submit all motions made
20 under this subsection (a) to the Senate for its decision. A
21 motion made under this subsection (a) is deemed granted
22 only if the motion is sustained by a majority of those
23 elected to the Senate by record vote.

24 (4) If a motion made under this subsection (a) is
25 granted to subpoena a witness to testify before the Senate,

1 then that witness shall testify in the manner provided in
2 Impeachment Rule 22.

3 (5) If a motion made under this subsection (a) is
4 granted to issue a subpoena duces tecum and the moving
5 party seeks the admission of any produced documents or
6 other materials as evidence, then the moving party must
7 submit a request pursuant to subsection (b) of this
8 Impeachment Rule.

9 (b) Requests for the admission of any evidence, including
10 evidence not in the House impeachment record, may be made by
11 the House Prosecutor or by the Governor or his counsel in the
12 form of a verified written motion submitted to the Chief
13 Justice, and a copy provided to the Secretary.

14 (1) A motion seeking the admission of additional
15 witness testimony must contain the name, address, and
16 telephone number of the witness, a description of the
17 subject matter of the testimony, and an explanation of why
18 the testimony is relevant, material, and not redundant.

19 (2) A motion seeking the admission of documents or
20 other materials must describe and produce the proffered
21 evidence and must explain why the documents or other
22 materials are relevant, material, and not redundant.

23 (3) The Chief Justice shall submit all motions made
24 under this subsection (b) to the Senate for its decision. A
25 motion made under this subsection (b) is deemed granted
26 only if the motion is sustained by a majority of those

1 elected to the Senate by record vote. If a motion is
2 sustained with respect to the admission of additional
3 witness testimony, then the Senate shall proceed to hear
4 the testimony in the manner set forth in Impeachment Rule
5 22. If a motion is sustained with respect to the admission
6 of documents or other materials, then the documents or
7 other materials shall be deemed admitted as evidence in the
8 trial of impeachment before the Senate.

9 (4) For purposes of this subsection (b), the term
10 "House impeachment record" has the same meaning as defined
11 in Impeachment Rule 1 and consists of the documents and
12 other materials filed by the House Prosecutor pursuant to
13 Impeachment Rule 3.

14 (c) A party submitting a motion under this Impeachment Rule
15 must, simultaneously with filing the request with the Chief
16 Justice, serve a copy of the request on the opposing party. The
17 non-moving party may object to a request made under this
18 Impeachment Rule by filing objections in writing with the Chief
19 Justice and the Secretary and by serving a copy on the moving
20 party. The non-moving party has 24 hours from the time of that
21 party's receipt of service of the request to file objections,
22 unless directed otherwise by Senate resolution or additional
23 time is granted by either unanimous consent of the Senate or a
24 record vote of a majority of those elected to the Senate.

25 (d) Requests made under subsections (a) and (b) of this
26 Impeachment Rule shall not be combined into one verified

1 motion, but each must be submitted on a stand-alone basis.
2 Requests made under this Rule are in order only as permitted by
3 resolution of the Senate, by unanimous consent of the Senate,
4 or by a record vote of a majority of those elected to the
5 Senate.

6 (e) Arguments on any request made under this Rule must be
7 authorized, and time limits shall be determined, by resolution
8 of the Senate, by unanimous consent of the Senate, or by a
9 record vote of a majority of those elected to the Senate.

10 (f) It is never in order to request a subpoena for the
11 testimony of any person or for the production of documents or
12 other materials from that person if the U.S. Attorney for the
13 Northern District of Illinois has indicated that the person's
14 testimony, or inquiry into the subject matter of that person's
15 testimony, could compromise the U.S. Attorney's criminal
16 investigation of Rod R. Blagojevich, as exemplified by, but not
17 limited to, exhibits 10, 24, and 30 of the House impeachment
18 record, unless the U.S. Attorney subsequently indicates
19 otherwise.

20 (g) A request made under this Rule is not redundant merely
21 because the request relates to witness testimony or documents
22 or other materials already contained, in whole or in part, in
23 the House impeachment record.

24 **Rule 16. Opening statements and closing arguments.**

25 (a) After preliminary motions are heard, the House

1 Prosecutor may make an opening statement not to exceed 30
2 minutes. The Governor or his counsel may then make an opening
3 statement not to exceed 30 minutes.

4 (b) The House Prosecutor shall proceed to present the case
5 for impeachment. The Governor or his counsel shall then be
6 provided the opportunity to present evidence relevant to the
7 articles of impeachment as provided by these Impeachment Rules.
8 The House Prosecutor shall have an opportunity to present any
9 rebuttal.

10 (c) Closing arguments shall follow the presentation of all
11 evidence to the Senate sitting as an impeachment tribunal. The
12 House Prosecutor shall have 60 minutes to present a closing
13 argument. The Governor or his counsel shall have 90 minutes to
14 present a closing argument. The House Prosecutor shall then
15 have an additional 30 minutes to present any rebuttal argument.
16 On motion of either party before closing argument, the time for
17 closing argument may be extended by unanimous consent or a
18 record vote of the majority of those elected to the Senate. The
19 argument shall be opened and closed by the House Prosecutor.

20 **Rule 17. Senate Rules; applicability.** The Senate Rules,
21 unless otherwise provided for by law, govern the Senate while
22 it sits for the purpose of trying an impeachment. If any Senate
23 Rule conflicts with these Impeachment Rules, then these
24 Impeachment Rules control.

1 **Rule 18. Time of trial.** The hour of the day at which the
2 Senate shall sit upon the trial of an impeachment is 12 noon,
3 unless otherwise directed by the President, and when that hour
4 arrives, the President shall direct that the Senate resolve
5 itself to sit as an impeachment tribunal, and the business of
6 the trial shall proceed and shall be presided over by the Chief
7 Justice. While the Senate is sitting as an impeachment
8 tribunal, no other business than business related to the
9 impeachment trial is in order. The adjournment of the Senate
10 sitting as an impeachment tribunal does not operate as an
11 adjournment of the Senate; but on that adjournment the Senate
12 may resume the consideration of its legislative and executive
13 business.

14 **Rule 19. Secretary as custodian of all impeachment records.**

15 (a) The Secretary shall record impeachment trial
16 proceedings in the same manner as the recording of legislative
17 proceedings. Impeachment proceedings shall be journalized and
18 reported in the same manner as legislative proceedings of the
19 Senate. The Secretary shall cause a record to be made of all
20 proceedings before the Senate while sitting for the purpose of
21 trying an impeachment, including a verbatim transcript, and
22 shall provide for receipt and secure permanent maintenance of
23 all subpoenas, precepts, documents, records, books, papers,
24 pleadings, motions, and exhibits presented to or received by
25 the Senate in impeachment trial proceedings.

1 (b) The Secretary shall provide copies of all documents and
2 other materials filed in the proceedings to the majority caucus
3 and minority caucus in hard copy or electronic format. The
4 Secretary shall specify the electronic format of documents and
5 other materials filed by the parties under these Rules.

6 **Rule 20. Counsel for parties.** The House Prosecutor and his
7 or her staff and counsel for the Governor and his or her staff
8 shall be admitted to appear and be heard upon an impeachment
9 trial.

10 **Rule 21. Presentation of questions, motions, and other**
11 **matters; votes on motions, requests, and other matters.**

12 (a) All motions, objections, requests, or other matters
13 pertaining to procedure, to the articles of impeachment, or to
14 the impeachment trial, including questions with respect to the
15 admissibility of evidence, made orally or in writing by the
16 House Prosecutor or the Governor or his counsel, shall be
17 addressed only to the Chief Justice. If made orally and the
18 Chief Justice or any Senator so requests, it shall be reduced
19 to writing and read at the Secretary's desk. If made in
20 writing, it shall be in a format as required by the Secretary
21 and shall be filed with the Secretary.

22 (b) The Chief Justice shall submit to the Senate for its
23 decision all motions, requests, or other matters pertaining to
24 procedure, to the articles of impeachment, or to the

1 impeachment trial, made orally or in writing by the House
2 Prosecutor or the Governor or his counsel. The Senate shall
3 decide those motions, requests, or other matters by a record
4 vote of a majority of those elected to the Senate. Evidentiary
5 objections shall be determined under Impeachment Rule 8.

6 (c) Senators shall direct to the Chief Justice all oral or
7 written motions, requests, or other matters pertaining to
8 procedure, to the articles of impeachment, or to the
9 impeachment trial, including requests that the Senate override
10 rulings of the Chief Justice on objections to evidence. Any
11 motion, request, or other matter may be acted upon without
12 objection. If objection is made by any Senator, then the
13 motion, request, or other matter shall be decided by a record
14 vote of a majority of those elected to the Senate. The vote on
15 the motion, request, or other matter shall be without debate,
16 unless a Senator requests that the doors be closed for
17 deliberation pursuant to Rule 23. When the doors are closed for
18 deliberation as an impeachment tribunal, the President shall
19 preside and deliberations and debate shall be conducted in
20 accordance with Senate Rules.

21 **Rule 22. Witness examination and presentation of trial**
22 **exhibits; questions by Senators.**

23 (a) Before any witness may give testimony, the Secretary
24 shall administer to the witness the following oath: "I do
25 solemnly swear (or affirm) that the testimony I am about to

1 give in this matter is the truth, the whole truth, and nothing
2 but the truth."

3 (b) Each witness shall be examined by one person on behalf
4 of the party producing that witness and then cross-examined by
5 one person on the other side. The Chief Justice shall permit
6 redirect examination and may permit re-cross examination.

7 (c) After completion of questioning by the House Prosecutor
8 and the Governor or his counsel, any Senator desiring to
9 question a witness shall be permitted to do so by reducing his
10 or her question to writing and by submitting it to the
11 Secretary. Questions submitted shall be asked by the Chief
12 Justice. If any objection to a Senator's question is raised by
13 the House Prosecutor, the Governor, his counsel, or a Senator,
14 then the objection shall be ruled upon in the same manner as
15 set forth in Impeachment Rule 8. There shall be no colloquy or
16 debate by or among the Senators on the question posed.

17 (d) Copies of all documents and other materials intended to
18 be relied upon or entered into evidence and the name, address,
19 and telephone number of any witness permitted to testify before
20 the Senate pursuant to Impeachment Rule 15 shall be filed with
21 the Secretary, and a copy shall also be provided to all
22 counsel, at least 72 hours before the use of the document or
23 other material or the testimony of the witness, unless
24 specified otherwise by Senate Resolution or by motion under
25 Impeachment Rule 21.

Rule 23. Sessions; open or closed.

(a) At all times while the Senate is sitting upon the trial of an impeachment, the doors of the Senate and the Senate galleries shall be kept open, unless the Senate directs the doors to be closed while deliberating upon its decisions. A motion to close the doors may be made by any member of the Senate, and the motion shall be deemed granted only if sustained by two-thirds of those elected to the Senate by record vote.

(b) By granting a motion under subsection (a), the Senate finds that it is in the public interest for the Senate, as provided in Section 5(c) of Article IV of the Constitution, to conduct deliberations and debate on impeachment matters in closed session.

Rule 24. Final verdict and judgment.

(a) After closing arguments, the Senate sitting as an impeachment tribunal shall take a separate record vote on each article of impeachment against Rod R. Blagojevich. If there is more than one article of impeachment, then a record vote shall be taken on each article in the order that it appears in the articles of impeachment. If an article of impeachment is not sustained by two-thirds of those elected to the Senate, then a record vote shall proceed to be taken on the article next appearing in the articles of impeachment. If an article of impeachment is sustained by two-thirds of those elected to the

1 Senate, then the Senate need not take a record vote on any
2 remaining articles of impeachment.

3 (b) If a Senator has not, for a particular article of
4 impeachment, heard a substantial portion of the testimony and
5 evidence or reviewed the transcripts of those portions of the
6 testimony or evidence that the Senator did not hear, then that
7 Senator may not vote on that particular article of impeachment.

8 (c) The Chief Justice shall state the question on each
9 article of impeachment as follows: "Shall the Senate sustain
10 the _____ article of impeachment against Governor Rod R.
11 Blagojevich and remove him from the office of Governor?" Each
12 Senator, as his or her name is called, shall rise in his or her
13 place and answer "Yes" or "No". An article of impeachment and
14 the question put to the Senate is not divisible for the purpose
15 of voting thereon at any time during the trial.

16 (d) If no article of impeachment is sustained by the
17 Senate, then a judgment of acquittal shall be pronounced by the
18 Chief Justice and entered upon the Journal.

19 (e) If two-thirds of those elected to the Senate sustain
20 any one or more articles of impeachment by record vote, then
21 the Chief Justice shall pronounce judgment of conviction
22 against Rod R. Blagojevich. The Chief Justice shall also
23 pronounce in the judgment that Rod R. Blagojevich is thereby
24 removed from the office of Governor. The Secretary shall enter
25 the judgment upon the Journal.

26 (f) If judgment of conviction is entered, a record vote

1 may, upon motion of any Senator, be taken on the question of
2 whether Rod R. Blagojevich shall be disqualified from holding
3 any public office of this State in the future. The Chief
4 Justice shall state the question as follows: "Shall Rod R.
5 Blagojevich be disqualified from holding any future public
6 office in this State?" Each Senator, as his or her name is
7 called, shall rise in his or her place and answer "Yes" or
8 "No". If two-thirds of those elected to the Senate vote in
9 favor of disqualification, then judgment of disqualification
10 shall be pronounced by the Chief Justice and entered upon the
11 Journal. If two-thirds of those elected to the Senate do not
12 vote in favor of disqualification, then the Chief Justice shall
13 state that the question is lost, which shall be entered upon
14 the Journal.

15 (g) A motion to reconsider the vote by which any article of
16 impeachment is sustained or rejected is never in order. A
17 motion to reconsider the vote by which disqualification is
18 sustained or rejected is also never in order.

19 (h) Upon conclusion of all impeachment matters, the Chief
20 Justice shall adjourn the Senate *sine die* as an impeachment
21 tribunal.

22 **Rule 25. Other time periods.** If the Senate at any time
23 fails to sit for the consideration of articles of impeachment
24 at a scheduled day or hour, then the President may fix a day
25 and hour for the Senate to resume its consideration.

Rule 26. Amendments to and suspension of Impeachment Rules.

These Impeachment Rules may be suspended or amended by two-thirds of those elected to the Senate by record vote.

APPENDIX-FORMS

Form 1. Senate acknowledgement receipt; articles of impeachment and House impeachment record.

I, (name), Secretary of the Senate, have received this ____ day of ____ , 2009: (1) the articles of impeachment and (2) the House impeachment record. The House impeachment record consists of the documents and other materials itemized on the attached list.

Secretary of the Senate

Form 2. Letter acknowledging the Senate is prepared to commence hearings.

To the Honorable Speaker of the House of Representatives

As provided in the Senate Impeachment Rules, the Senate is prepared to take proper order on the subject of the impeachment of Governor Rod R. Blagojevich, who has been summoned to file

1 an appearance with the Senate on _____, 2009, at the
2 hour of _____ in the Senate Chamber and to answer the articles
3 of impeachment. The House Prosecutor may file with the
4 Secretary of the Senate a reply to the answer filed by the
5 Governor on or before _____ 2009, at the hour of
6 _____.

7 Senate floor privileges will be extended to Senators, staff
8 of the Senate President and Senate Minority Leader, the House
9 Prosecutor and his or her and staff, the Chief Justice and his
10 staff, Rod R. Blagojevich and his counsel, and those with
11 proper identification as directed by the Senate President and
12 issued by the Secretary of the Senate.

13 _____
14 Secretary of the Senate
15 cc: Members of the House Special Investigative Committee by
16 individual name

17 **Form 3.** Command to Sergeant-at-Arms to serve summons on Rod R.
18 Blagojevich.

19 To the Sergeant-at-Arms of the Senate:

20 You are hereby commanded to deliver and leave with Governor
21 Rod R. Blagojevich, if conveniently to be found, or if not, to
22 leave with a person over the age of 21 at his residence or at
23 the Governor's office in the State Capitol or in the James R.

Thompson Center, or to serve by news article or publication at least once in a newspaper of general circulation in Illinois, a true and attested copy of the within writ of summons, together with a like copy of this order; and in whichever way you perform the service let it be done at least 2 days before the appearance day mentioned in the summons.

Fail not, and make return of this writ of summons, with your proceedings thereon endorsed, on or before the appearance day mentioned in the summons.

Witness this _____ day of _____, 2009.

President of the Senate

Attested: _____
Secretary of the Senate

Form 4. Form of Summons to be served upon Rod R. Blagojevich.

The Senate of the State of Illinois to Governor Rod R. Blagojevich:

Whereas, the Illinois House of Representatives on the _____ day of _____, 2009 exhibited to the Senate articles of impeachment against you as follows:

(INSERT ARTICLES OF IMPEACHMENT)

and demands that you, Rod R. Blagojevich, should be put to

1 answer the accusations as set forth in the those articles of
2 impeachment and such proceedings, examinations, trials, and
3 judgments might be had thereupon as are agreeable to law and
4 justice.

5 You, Rod R. Blagojevich, are therefore summoned to file an
6 appearance with the Senate of the State of Illinois at its
7 chamber in the city of Springfield, on the _____ day of
8 _____, 2009 at the hour of _____, and at that time
9 file an answer to the articles of impeachment. You are
10 commanded to abide by, obey, and perform such orders,
11 directions, and judgments as the Senate of the State of
12 Illinois shall make in the premises according to the
13 Constitution and laws of the State of Illinois.

14 Witness this _____ day of _____, 2009.

15 _____
16 President of the Senate

Attested: _____
Secretary of the Senate

17 **Form 5.** Form of subpoena for testimony and production of
18 documents.

19 The Senate of the State of Illinois to:

20 NAME: _____

1 ADDRESS: _____

2 CITY: _____

3 YOU ARE COMMANDED to (appear to testify before / deliver
4 documents or other materials to / appear to testify before and
5 deliver documents and other materials to) the Senate of the
6 State of Illinois at the Senate chamber in Springfield,
7 Sangamon County, Illinois on the _____ day of
8 _____, 2009 at the hour of _____ in the
9 matter of the impeachment trial of Governor Rod R. Blagojevich
10 now pending before the Senate.

11 YOU ARE COMMANDED to bring the following:

12 (list documents or other materials)

13 in your possession or control.

14 **YOUR FAILURE TO RESPOND TO THIS SUBPOENA WILL SUBJECT YOU**
15 **TO ARREST AND PUNISHMENT AS PROVIDED BY THE ILLINOIS**
16 **CONSTITUTION, THE STATUTES OF ILLINOIS, AND THE RULES OF THE**
17 **SENATE.**

18 Witness this _____ day of _____, 2009.

19 _____

20 President of the Senate

Attested: _____

Secretary of the Senate

1 **Form 6.** Form of direction for the service of subpoena.

2 The Senate of the State of Illinois to _____:

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

5 Witness this _____ day of _____, 2009.

6 _____ Attested: _____

7 President of the Senate Secretary of the Senate