

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SENATE IMPEACHMENT RULES

I. ADMINISTRATIVE MATTERS

Rule 1. Definitions.

In these Impeachment Rules, unless the context clearly requires a different meaning:

(a) “Articles of Impeachment” means the document reflecting the vote of two-thirds of the members of the House of Representatives pursuant to Article II Section 8 of the Constitution, which impeaches an executive or judicial official of the Commonwealth which was transmitted to the Senate for hearing.

(b) “Clerk” means the Clerk of the Senate.

(c) “Committee” means the Senate Committee, whether a standing committee or one formed for the specific purpose of conducting impeachment proceedings, that the Senate President refers any impeachment related matters to.

(d) “Committee Chairperson” means the Chairperson of the Senate Committee to which any impeachment related matters are referred to.

(e) “Commonwealth” means the Commonwealth of the Northern Mariana Islands.

(f) “Constitution” means the Constitution of the Commonwealth of the Northern Mariana Islands.

(g) “Day” means a business day and does not include the weekends or legal holiday.

(h) “Hearing” means the review of evidence and law in support of or against the finding of conviction for an Article of Impeachment conducted under the authority of Article I Section 8 of the Constitution.

(i) “House” means the House of Representatives of the Twenty-Second Northern Marianas Commonwealth Legislature established by Article II of the Constitution.

(j) “House Committee(s)” means the Twenty-Second Northern Marianas Commonwealth Legislature House of Representatives Judiciary and Governmental Operations Committee and/or the Twenty-Second Northern Marianas Commonwealth Legislature House of Representatives Special Investigating Committee on Impeachment.

1 (k) "House Impeachment Record" means:

2 (1) an electronic or written transcript of the entire proceedings of the House
3 Committee(s) which conducted the hearing(s) which serves as the basis for the
4 impeachment vote;

5 (2) a copy of each document, audio recording or other material accepted by the
6 House Committee(s) as a part of the official record;

7 (3) a copy of each document, audio recording or other material the House
8 Committee(s) declined to accept as a part of the official record;

9 (4) a copy of each subpoena issued by the House Committee(s);

10 (5) a copy of the return of service for each subpoena served;

11 (6) a copy of the document(s) received in response to each subpoena issued by the
12 House Committee(s);

13 (7) a copy of the document(s) received by the House Committee(s) pursuant to 1
14 CMC § 1309;

15 (8) a copy of the document(s) which authorized the impeachment inquiry by the
16 House Committee(s); and

17 (9) a copy of the Articles of Impeachment adopted by a two-thirds majority of the
18 House members.

19 (l) "Impeached Official" means an Executive or Judicial branch official who has been
20 impeached by the House of Representatives of the Northern Marianas Commonwealth
21 Legislature.

22 (m) "Impeachment Prosecutor" means the person designated by these Impeachment
23 Rules to prosecute the Articles of Impeachment at the Senate.

24 (n) "Journal" means the Journal of Senate.

25 (o) "Judicial Official" means a justice or judge of the Commonwealth Judiciary subject to
26 Article II Section 8 of the Constitution.

27 (p) "Majority" means a majority of the votes of all Senators or Committee Members.

28 (q) "Party" means the House of Representative or the official who has been impeached
29 by the House of Representatives.

30 (r) "President" means the President of the Senate.

1 (s) "Presiding Hearing Officer" means the Senate President, or the Senate President's
2 designee, in his/her capacity as the Presiding Officer of the Senate, or the Chairperson of the
3 Committee to which the hearing is assigned.

4 (t) "Sergeant-at-Arms" means the Sergeant-at-Arms of the Senate.

5 (u) "Senate" means the Senate of the Twenty-Second Northern Marianas
6 Commonwealth Legislature.

7 (v) "Senate Rules" mean the Official Rules of the Senate of the Twenty-Second Northern
8 Marianas Commonwealth Legislature, other than these Impeachment Rules.

9 (w) "Two-thirds of the members of the Senate" means at least six (6) Senators.

10
11 **Rule 2. Notice from the House of Representatives.**

12 When the Senate Clerk receives the Articles of Impeachment from the House Clerk as
13 provided in these Rules, the Senate Clerk shall promptly file the Articles of Impeachment and
14 immediately notify the Senate President of the transmittal.

15
16 **II. PRE-HEARING MATTERS**

17
18 **Rule 3. Preparation and Form of Proceedings.**

19 The Senate President shall direct all necessary preparations in the Senate chamber for
20 impeachment proceedings.

21 (a) The Senate President may refer the Articles of Impeachment to the entire Senate for
22 hearing.

23 (b) Before the Articles of Impeachment are presented to the Senate, the Senate President
24 may refer the Articles of Impeachment to a special Committee for a preliminary determination
25 on the threshold questions of whether the Articles of Impeachment as presented:

26 (1) constitute treason, commission of a felony, corruption, or neglect of duty;
27 and/or

28 (2) satisfy all required elements of a crime, if a crime is alleged.

29 A referral under this Rule must be approved by a majority vote of the Senate.

30 (3) If the Committee determines that the House Impeachment Record is

1 insufficient to sustain all or part of the Articles of Impeachment, it shall submit a report
2 to the entire Senate regarding its conclusions on the portions of the Articles of
3 Impeachment deemed to be deficient or insufficient based on the House Impeachment
4 Record, as supplemented.

5 (4) The entire Senate may then vote to adopt the Committee Report. If the
6 majority of the Senate votes to adopt the Committee Report, then the Articles of
7 Impeachment deemed to be deficient or insufficient shall be dismissed with prejudice.

8 (5) The remaining Articles of Impeachment will proceed to hearing before the
9 Senate.

10 (c) The Senate President may refer the Articles of Impeachment to Committee for
11 hearing.

12 (1) The Committee responsible for the hearing may also conduct a preliminary
13 determination of the threshold questions of whether the Articles of Impeachment as
14 presented:

15 (A) constitute treason, commission of a felony, corruption, or neglect
16 of duty; and/or

17 (B) satisfy all required elements of a crime, if a crime is alleged.

18 (2) The Committee's conclusions on the Articles deemed to be deficient or
19 insufficient shall be made a part of the Committee's report required by Rule 40(a).

20 (3) The remaining Articles of Impeachment will proceed to hearing before
21 Committee.

22 (d) All impeachment proceedings before the Senate or Committee shall be recorded and
23 transcribed.

24 (e) All provisions of these Rules that are applicable to the impeachment hearing shall
25 apply to the preliminary determination and hearing before the Senate, whether the matters are
26 held before a Committee or the entire Senate. The Presiding Hearing Officer or Committee
27 Chairperson, as the case may be, shall direct and decide all matters not otherwise addressed by
28 these Rules.

29
30 **Rule 4. Time of Hearing.**

1 (a) The hour of the day at which the Senate or Committee shall sit upon the hearing of an
2 impeachment is from 10:00 a.m. to 5:00 p.m., Monday to Friday, excluding legal holidays unless
3 otherwise directed by the President or Committee Chairperson.

4 (b) While the Senate or Committee is sitting as an impeachment tribunal, no other
5 business than business related to the impeachment hearing is in order. The recess of the Senate
6 sitting as an impeachment tribunal does not operate as an adjournment of the Senate; but on that
7 recess, the Senate may resume the consideration of its legislative business.

8
9 **Rule 5. Burden of Proof at Hearing.**

10 (a) At all times, the burden of proof with respect to each article of impeachment rests
11 with the Impeachment Prosecutor.

12 (b) To prove each Article of Impeachment the Impeachment Prosecutor must prove each
13 Article of Impeachment by clear and convincing evidence.

14 (c) Clear and convincing evidence is the standard of proof that is greater than the
15 preponderance of the evidence but less than proof beyond a reasonable doubt required in a
16 criminal case.

17 **Rule 6. Appointment of a Presiding Hearing Officer.**

18 (a) **For Members of the Commonwealth Executive Branch.** If the Impeached Official
19 is a member of the Commonwealth Executive Branch, then the Senate President shall act as the
20 Presiding Hearing Officer to preside over the impeachment hearing. If the Senate President is
21 unable to serve, then the Senate President shall assign a designee to preside over the hearings on
22 his/her behalf.

23 (b) **For Members of the Commonwealth Judiciary.** If the Impeached Official is a
24 Justice or Judge of the Commonwealth Judiciary, then the Senate President, or the Senate
25 President's designee, shall preside over the impeachment hearing.

26 (c) The Clerk shall administer the oath to the person serving as the Presiding Hearing
27 Officer who shall preside over the Senate hearing relating to the Articles of Impeachment.

28 (d) This Rule 6 shall apply only if an impeachment matter proceeds to hearing by the
29 Senate.

1
2 **Rule 7. Appointment of Impeachment Prosecutor.**

3 (a) The House Speaker who authorized the impeachment inquiry shall serve as the
4 Impeachment Prosecutor.

5 (1) If the House Speaker is unable to do so because of death or incapacity, or
6 declines to serve as Impeachment Prosecutor by written notice to the Senate President
7 detailing why he/she declines to serve as Impeachment Prosecutor, then the Chairperson
8 of the House Impeachment Committee at the time the impeachment vote was passed,
9 shall serve as the Impeachment Prosecutor.

10 (2) If the House Impeachment Committee Chairperson is unable to serve because
11 of death or incapacity, or declines to serve as Impeachment Prosecutor by written notice
12 to the Senate President detailing why he/she declines to serve as Impeachment
13 Prosecutor, then the Senate President shall select a House member to serve as
14 Impeachment Prosecutor.

15 (b) The Impeachment Prosecutor shall be a member of the 22nd House of Representative
16 and may select staff to assist in prosecuting the Articles of Impeachment. The Impeachment
17 Prosecutor's Staff shall be limited to House legal counsel and/or other House employees.

18 (c) The Impeachment Prosecutor shall be the only person responsible to present evidence,
19 ask questions of witnesses, make motions, and address the Senate and/or Committee.
20

21 **Rule 8. Notification of Impeached Official's Legal Counsel.**

22 (a) The Impeached Official shall notify the Senate President of his/her legal counsel's
23 name and contact information.

24 (b) Upon notification, all matters shall be directed and served on the Impeached
25 Official's legal counsel.
26

27 **Rule 9. Record of Articles of Impeachment.**

28 (a) The House Impeachment Record shall:

29 (1) be consecutively paginated;

30 (2) contain a table of contents identifying the page on which each part begins; and

1 (3) be organized in first by Article of Impeachment and second by chronological
2 order.

3 (b) The House proceedings are required to be included in the House Impeachment Record
4 and shall be transcribed. The transcription and a copy of the audio recording(s) shall be included
5 as a part of the House Impeachment Record.

6 (c) The House Clerk shall transmit the House Impeachment Record in a digital
7 searchable format to the Senate Clerk within fourteen (14) calendar days after transmittal of the
8 Articles of Impeachment pursuant to these Rules, or within fourteen (14) calendar days after
9 adoption of these Rules by the Senate, whichever circumstance applies. The transmission of the
10 House Impeachment Record in a paper format will not be accepted unless a request is made to
11 and approved by the Senate President. If the House Impeachment Record is transmitted in a
12 paper format, then fourteen (14) copies shall be included in that transmission.

13 (1) If the House Clerk cannot transmit the House Impeachment Record within the
14 applicable fourteen (14) calendar day period, then the House Clerk shall submit a written
15 notice for a seven (7) calendar day extension stating the reason(s) why the House
16 Impeachment Record cannot be submitted within the applicable time period.

17 (2) If the House Clerk cannot transmit the House Impeachment Record within the
18 seven (7) calendar day extension, then the House Clerk shall submit a written request
19 under penalty of perjury no later than three (3) days prior to expiration of the seven (7)
20 calendar day extension. The written request shall state the compelling reasons why the
21 House Impeachment Record cannot be submitted within the seven (7) calendar day
22 extension. The written request must be approved by the Senate President.

23 (d) If the House Impeachment Record is not transmitted to the Senate Clerk within the
24 applicable time frame as extended, then the Senate shall consider the impeachment matter
25 without an impeachment record and the Impeachment Prosecutor shall not be allowed to appear
26 or participate in the Senate proceedings and the Senate hearing in any manner whatsoever. The
27 Articles of Impeachment shall be presented to the Senate for final verdict and judgement in
28 accordance with Rule 26.

29 (e) In transmitting the House Impeachment Record to the Senate Clerk, the House Clerk
30 shall certify that the record is timely, complete and contains all documents and materials required

1 by these impeachment rules.

2 (1) If the House Impeachment Record is transmitted to the Senate Clerk without
3 the proper certification or is otherwise not in compliance with these Rules, the Senate
4 Clerk shall promptly notify the House Clerk and allow forty-eight (48) hours for the
5 House Clerk to submit the appropriate certification and/or correct the deficiencies
6 identified by the Senate Clerk.

7 (2) If the House Clerk fails to submit the appropriate certification within the forty-
8 eight (48) hour period, then the House Impeachment Record shall be automatically
9 stricken and the impeachment matter shall proceed in the Senate without an impeachment
10 record and the Impeachment Prosecutor shall not be allowed to appear or participate in
11 the Senate proceedings and the Senate hearing in any manner whatsoever. The Articles of
12 Impeachment shall be presented to the Senate for final verdict and judgement in
13 accordance with Rule 26.

14 (f) Upon the Senate Clerk receiving the certified House Impeachment Record from the
15 House Clerk, the Senate Clerk shall transmit a copy of the House Impeachment Record to the
16 Impeached Official pursuant to Rule 10 of these Rules.

17 (g) Upon service of the House Impeachment Record, the Impeached Official shall have
18 fourteen (14) calendar days to submit to the Senate Clerk a certified written request to either
19 strike any part of, or the entire, House Impeachment Record or supplement any part of, or the
20 entire, House Impeachment Record.

21 (1) The certified written request to either strike or supplement shall contain a copy
22 of each document, audio recording and other material that the Impeached Official would
23 like to have included or excluded as part of the House Impeachment Record together with
24 a detailed explanation of why it is appropriate.

25 (2) The Impeached Official shall be allowed more time to submit its written
26 request to strike or supplement the House Impeachment Record by submitting a written
27 notice for a seven (7) calendar day extension, stating the reason(s) why the written
28 request to strike or supplement cannot be submitted within the applicable time period.

29
30 **Rule 10. Writ of Summons; Service of Summons.**

1 (a) Upon the Senate Clerk receiving the transmittal of the Articles of Impeachment from
2 the House Clerk, the Senate Clerk shall promptly issue a Summons to the Impeached Official,
3 together with a copy of the Articles of Impeachment, notifying the Impeached Official to file an
4 appearance with the Senate Clerk personally or through legal counsel together with an Answer to
5 the Articles of Impeachment, within fourteen (14) calendar days after service of the Summons;
6 or, if the Impeached Official was served before the adoption of these Rules, within fourteen (14)
7 calendar days after adoption of these Rules, whichever is first.

8 (b) The Summons shall be served by the Sergeant-at-Arms, either:

9 (1) by delivery of a copy of the Summons to the Impeached Official; or

10 (2) by leaving a copy of the Summons at the Impeached Official's government
11 office; or

12 (3) by leaving a copy of the Summons at the office of the Impeached Official's
13 legal counsel.

14 (c) If the Impeached Official has not been served the Summons within five (5) days of its
15 receipt from the Senate Clerk, then the Sergeant-at-Arms shall submit a declaration to the Senate
16 Clerk and Senate President explaining why the Summons has not been served. The Senate
17 President shall then direct the Sergeant-at-Arms to serve the Summons by registered mail to the
18 Impeached Official's government mailing address. If the Summons is served by registered mail,
19 then service shall be deemed to have occurred upon the U.S. Postal Service delivery of the
20 registered mail to the Impeached Official's government mailing address.

21 **Rule 11. Return of Summons.**

22 Unless otherwise provided by law, the Sergeant-at-Arms shall file a return of service with
23 the Senate Clerk promptly after service of the summons together with the Articles of
24 Impeachment. The return of summons of the Sergeant-at-Arms shall be entered upon Journal by
25 the Senate Clerk.

26
27 **Rule 12. Impeached Official's Appearance and Answer.**

28 (a) Within fourteen (14) calendar days after service of the Summons; or, if the Impeached
29 Official was served before the adoption of these Rules, within fourteen (14) calendar days after

1 adoption of these Rules; the Impeached Official or legal counsel for the Impeached Official,
2 shall file a written Notice of Appearance and Answer to the Articles of Impeachment with the
3 Senate Clerk. The Answer shall admit or deny each ground specified in the Articles of
4 Impeachment.

5 (b) If the Impeached Official fails to timely file a Notice of Appearance and Answer, or if
6 the Impeached Official files an Appearance but fails to file an Answer to the Articles of
7 Impeachment, then the matter shall proceed as if the Impeached Official had denied each ground
8 specified in the Articles of Impeachment. However, neither the Impeached Official, nor the legal
9 counsel for the Impeached Official, shall be allowed to appear or participate in any of the Senate
10 proceedings. The Articles of Impeachment shall be presented to the Senate for final verdict and
11 judgement in accordance with Rule 26. If the Impeached Official, or legal counsel for the
12 Impeached Official, appears and admits to any of the grounds for impeachment, then, without
13 further proceedings, judgment shall be entered removing the Impeached Official from office.

14
15 **Rule 13. Prehearing Conference.**

16 (a) The Presiding Hearing Officer may order the Impeachment Prosecutor and the
17 Impeached Official, or the Impeached Official's legal counsel, to appear for a prehearing
18 conference before the Senate or the Committee to establish:

19 (1) a deadline for the submission of the House Impeachment Record, and any
20 addition or exclusion thereof;

21 (2) deadlines for the filing of motions, if any;

22 (3) deadlines for any other matters appropriate before the Senate or Committee;

23 and

24 (4) a date for when the impeachment hearings will commence.

25 **III. RULES WHEN HEARING IS IN THE SENATE**

26
27 **Rule 14. Issuance of Orders.**

28 Unless provided otherwise by these Rules, the Presiding Hearing Officer has the power

29 to:

1 (a) make and issue all orders, mandates, writs, and other papers or documents authorized
2 by these Impeachment Rules or by the Senate; and

3 (b) to enforce any rule and order related to the impeachment proceedings that the Senate
4 authorizes.

5
6 **Rule 15. Senate Enforcement Powers; Authority of Sergeant-at-Arms.**

7 (a) As provided by Article II Section 14 of the Constitution, 1 CMC §§ 1301-1309, the
8 Senate Rules, and as otherwise provided by law, the Senate has the power to subpoena witnesses,
9 documents, and other materials; to compel the attendance of witnesses and the production of
10 documents and other materials; to enforce obedience to its subpoenas, orders, mandates, writs,
11 and judgments; to preserve order; and to make all lawful orders, and rules that it may deem
12 essential or conducive to the ends of justice.

13 (b) The Sergeant-at-Arms, under the direction of the Presiding Hearing Officer, may
14 employ aid and assistance deemed necessary to enforce, execute, and carry into effect the lawful
15 subpoenas, orders, mandates, writs, and directions of the Senate. All process shall be served by
16 the Sergeant-at-Arms, unless provided otherwise by these Rules or ordered by the Senate.

17 (c) The Senate may compel any person, by subpoena, to appear and give testimony under
18 oath as a witness and produce documents and other materials before the Senate. The subpoena
19 shall be signed by the Presiding Hearing Officer and may be served in the same manner as
20 subpoenas issued by the judicial branch.

21 (d) Anyone who has been served with a subpoena to appear as a witness, or to produce
22 documents or other materials before the Senate, and who neglects or refuses to so appear or
23 produce any of those documents or other materials; or, having appeared either with or without a
24 subpoena, neglects or refuses to be sworn, to testify or to produce any documents or other
25 materials when lawfully required to do so, is subject to being prosecuted for contempt pursuant
26 to 1 CMC §§ 1306 -1307. This subsection shall not be construed to affect any other right of the
27 Senate to compel the attendance of any person as a witness or the production of documents or
28 other materials or to punish for disorderly or contemptuous behavior in its presence.

29 (e) The Sergeant-at-Arms and any other Legislative Bureau staff shall:

30 (1) serve process and execute orders that are commanded upon them by the

1 Presiding Hearing Officer;

2 (2) maintain order among the spectators admitted to the impeachment hearing
3 proceedings, shall take proper measures to prevent interruption of the proceedings; and

4 (3) may remove, with or without warrant, any person who commits any offense
5 against the law or any rule of the Senate, or any person who disturbs the peace in or
6 around the CNMI Legislature, and refer the offender to the appropriate or proper law
7 enforcement authorities.

8
9 **Rule 16. Rules of Evidence Governing the Hearing.**

10 (a) Evidence may be admitted if it is relevant, material, and not redundant. The formal
11 rules of evidence, civil or criminal, used in the Commonwealth and federal judiciaries do not
12 apply to Senate impeachment proceedings.

13 (b) Objections to evidence.

14 (1) The Impeachment Prosecutor, the Impeached Official, or the legal counsel for
15 the Impeached Official, may object to the admission or exclusion of evidence. Any
16 objection must be addressed to the Presiding Hearing Officer.

17 (2) The Presiding Hearing Officer may rule on an objection and that rule shall
18 stand, unless a Senator asks the Senate to override the ruling of the Presiding Hearing
19 Officer. Additionally, the Presiding Hearing Officer, in his/ her sole discretion, may
20 submit an objection to the Senate.

21 (3) If a Senator asks the Senate to override the ruling of the Presiding Hearing
22 Officer, then the Presiding Hearing Officer shall submit the question to the Senate
23 without debate and state question as follows: "Shall the ruling of the Presiding Hearing
24 Officer be sustained?" The ruling of the Presiding Hearing Officer shall be sustained if a
25 majority of the Senate members vote to sustain the ruling by record vote.

26 (4) If the Presiding Hearing Officer submits the objection to the Senate for a
27 ruling in the first instance, then the Presiding Hearing Officer shall submit the question to
28 the Senate without debate and state the question as follows: "Shall the objection be
29 sustained?" The objection shall be sustained if a majority of the Senate members vote to
30 sustain the objection by a record vote.

1 (5) The Senate vote under this Rule shall be by record vote taken in accordance
2 with the Senate Rules.

3
4 **Rule 17. Preparation for and Commencement of Hearing.**

5 (a) Hearing before the Senate or before the designated Committee(s) on the Articles of
6 Impeachment shall commence on the day and directed by the Senate President. Hearing shall
7 continue day to day until its conclusion. All legislative and other business of the Senate shall be
8 suspended until conclusion of Hearing or until the Hearing is recessed by a majority vote of the
9 Senate.

10 (b) Ten (10) days prior to Hearing, each Party shall file with the Presiding Hearing
11 Officer a Witness List and an Exhibit List.

12 (1) The Witness List shall state:

13 (i) the person's name and address;

14 (ii) a description of the subject matter of the testimony; and

15 (iii) an explanation of why the testimony is relevant, material, and not
16 redundant;

17 (iv) the language that the witness will testify in. If the witness shall testify
18 in any other language than English, Carolinian, or Chamorro, then the party shall
19 provide a translator at its own cost and expense. The other party may also provide
20 its own translator at its own cost and expense; and

21 (v) whether a witness appears in person or through video conference.

22 (2) The Exhibit List must identify:

23 (i) each exhibit the Party plans to introduce into evidence at hearing;

24 (ii) each Article of Impeachment the exhibit relates to; and

25 (iii) the page number(s) of the exhibit in the House Impeachment Record.

26 (3) If the Impeached Official, or the legal counsel of the Impeached Official,
27 includes an exhibit that is not contained in the House Impeachment Record, then a copy
28 of the exhibit shall be attached to the exhibit list.

29 (4) Each exhibit contained in the Impeachment Prosecutor's Exhibit List shall be
30 assigned a number, and each exhibit contained in the Impeached Official's Exhibit List

1 shall be assigned a letter.

2 (c) If a witness is no longer able to appear in person at the Hearing, then the party calling
3 on the witness shall promptly notify the Presiding Hearing Officer and request for the witness to
4 appear through video conference.

5
6 **Rule 18. Attendance; Decorum; Ex Parte Communications.**

7 (a) Any Senator who is absent from a hearing proceeding shall be provided an
8 opportunity to review the record of impeachment proceedings for any date that the Senator was
9 absent.

10 (b) A Senator shall not initiate, permit, or engage in ex parte communications with the
11 Impeachment Prosecutor or his or her staff; or the Impeached Official or the Impeached
12 Official's counsel or staff, except:

13 (1) If circumstances require ex parte communications for scheduling,
14 administrative purposes, or emergencies that do not deal with substantive matters or
15 issues on the merits, then ex parte communications are authorized when:

16 (i) the Senator reasonably believes that no party will gain a procedural or
17 tactical advantage as a result of the ex parte communication; and

18 (ii) the Senator promptly notifies all parties of the substance of the ex
19 parte communication and allows an opportunity to respond.

20 (2) When such communication is necessary to aid in carrying out official
21 government business and the opposing party is promptly informed of the communication
22 and the substance of the communication.

23 (c) The Impeachment Prosecutor or the Impeachment Prosecutor's staff; or the Impeached
24 Official, the Impeached Official's legal counsel, or the Impeached Official's staff, shall not
25 initiate, permit, or engage in ex parte communications with a Senator, or the staff of any Senator,
26 except:

27 (1) When the circumstances require ex parte communications for scheduling,
28 administrative purposes, or emergencies that do not deal with substantive matters or
29 issues on the merits and the person promptly notifies the other party of the substance of
30 the ex parte communication and allows the other party opportunity to respond; or

1 (2) When such communication is necessary to aid in carrying out official
2 government business and the opposing party is promptly informed of the communication
3 and the substance of the communication.
4

5 **Rule 19. Legal Sufficiency of Articles of Impeachment.**

6 Any motion to dismiss, or legal challenge to the sufficiency of the Articles of
7 Impeachment or any portion thereof, must be submitted in writing to the Presiding Hearing
8 Officer within fourteen (14) calendar days prior to the day set for the commencement of the
9 Hearing on the Articles of Impeachment or as permitted by resolution adopted by the Senate.

10 (a) The Presiding Hearing Officer shall set the day and time for a hearing on any motion
11 challenging the sufficiency of the Articles of Impeachment and shall inform the parties of any
12 time limits associated with the hearing on the motion.

13 (b) The Impeachment Prosecutor shall file an Opposition to the motion within seven (7)
14 days of the hearing date. The Impeached Official may file a Reply within three (3) days of the
15 hearing date.

16 (c) If a majority of the Senate votes to grant all or any part of the motion by a record
17 vote, the dismissed Articles of Impeachment shall be presented to the Senate for final verdict and
18 judgement in accordance with Rule 26 following the hearing on any remaining articles.
19

20 **Rule 20. Subpoena of Witnesses, Documents, or Other Materials; Requests to Admit**
21 **Additional Evidence.**

22 Each party may submit subpoenas for witnesses, documents, or other materials to the
23 Presiding Hearing Officer at least ten (10) days prior to the commencement of the impeachment
24 hearing. The Presiding Hearing Officer shall sign or approve each hearing subpoena that is
25 timely submitted by a party.

26 (a) A witness served with a hearing subpoena may move to quash the subpoena by filing
27 a motion with the Senate Clerk no more than three (3) days after service.

28 (b) The Presiding Hearing Officer shall hold a hearing on the motion to quash within five
29 (5) days after the motion was filed.

30 (c) The party that requested the subpoena may file an opposition to the motion to quash

1 no later than two (2) days prior to the hearing date.

2 (d) The Presiding Hearing Officer shall rule on the motion to quash as soon as practical
3 following the hearing.

4
5 **Rule 21. Opening Statements and Closing Arguments.**

6 (a) Upon the commencement of Hearing, each party shall have equal time to present an
7 opening statement. The Presiding Hearing Officer shall decide on the time allowed for opening
8 statements and shall inform the parties of the time no less than ten (10) days prior to
9 commencement of the hearing.

10 (b) Closing arguments shall follow the presentation of all evidence to the entire Senate or
11 Committee(s), as the case may be. Each party shall have equal time to present its closing
12 argument. The Presiding Hearing Officer shall decide how much time each party shall have to
13 present its closing argument.

14 (c) Rebuttals during Opening and Closing arguments shall not be allowed.

15
16 **Rule 22. Clerk as Custodian of All Impeachment Records.**

17 The Clerk shall record impeachment hearing proceedings in the same manner as the
18 recording of legislative proceedings of the Senate. The Clerk shall cause a record to be made of
19 all proceedings before the Senate while sitting for the purpose of trying an impeachment,
20 including a verbatim transcript, shall provide receipt and secure permanent possession of all
21 subpoenas, receipts, documents, records, books, papers, pleadings, motions, and exhibits
22 presented to or received by the Senate in impeachment hearing proceedings.

23
24 **Rule 23. Procedure at Hearing, Presentation of Questions, Motions, and Other
25 Matters at Hearing; Votes on Motions, Requests, and Other Matters.**

26 (a) **Procedure at Hearing.** The Impeachment Prosecutor shall proceed to present the
27 case for impeachment one (1) article at a time, provided that the Impeachment Prosecutor may
28 move to present similar articles together. The Impeached Official shall then be provided the
29 opportunity to present evidence relevant to the Articles of Impeachment after the Impeachment
30 Prosecutor's presentation of each article.

1 (b) All motions, objections, requests, or other matters pertaining to procedure, to the
2 Articles of Impeachment, or to the impeachment hearing, including questions with respect to the
3 admissibility of evidence, made orally or in writing by a party shall be addressed to, and decided
4 by, the Presiding Hearing Officer.

5 If made orally and the Presiding Hearing Officer so orders, it shall be reduced to writing,
6 in a format as required by the Presiding Hearing Officer, and filed with the Senate Clerk.

7 (c) Unless provided otherwise by law or these Rules, whenever a substantive matter
8 relating to the impeachment is submitted to the Senate for decision or resolution, the Senate shall
9 decide the matter by a record vote. Furthermore, unless provided otherwise by law or these
10 Rules, whenever a procedural matter relating to the impeachment is submitted to the Senate for
11 decision or resolution, the Presiding Hearing Officer shall decide the matter, subject to being
12 overruled by a majority vote of the Senate.

13 (d) Senators shall direct to the Presiding Hearing Officer all requests, or other matters
14 pertaining to procedure, to the Articles of Impeachment, or to the impeachment hearing,
15 including requests to override rulings of the Presiding Hearing Officer on objections to evidence.

16 (e) Any motion, request, or other matter may be acted upon without objection. If an
17 objection is made by any Senator, then that motion, request, or other matter shall be decided by a
18 record vote of a majority of the votes cast by the members present. The vote on the motion,
19 request, or other matter shall be without debate, unless a Senator moves for an executive session
20 for deliberation pursuant to these Impeachment Rules. During an executive session for
21 deliberation as an impeachment tribunal, the Senate President shall preside, and deliberations and
22 debate shall be conducted in accordance with the Senate Rules.

23
24 **Rule 24. Witness Examination and Presentation of Hearing Exhibits; Questions by**
25 **Senators.**

26 (a) The Senate Clerk shall administer an oath to each witness prior to the witness giving
27 any testimony. The oath administered by the Senate Clerk shall be as follows: "I [witness' name]
28 do solemnly swear (or affirm) that the testimony I shall to give is the truth, the whole truth, and
29 nothing but the truth."

30 (b) Each witness shall be examined directly by the party calling the witness and then

1 cross-examined by the other party. The Presiding Hearing Officer shall permit redirect
2 examination and may permit re-cross examination.

3 (c) After completion of questioning by the parties, any Senator present desiring to
4 question a witness shall be permitted to do so. If a party objects to a Senator's question, then the
5 Presiding Hearing Officer shall rule on the objection.

6 (d) Either party shall have the opportunity to ask follow-up questions limited to the
7 question(s) raised pursuant to Rule 24(c) of these Rules.

8
9 **Rule 25. Open Sessions and Executive Sessions.**

10 (a) At all times while the Senate is sitting upon the hearing, the doors of the Senate and
11 the Senate galleries shall be kept open, subject to COVID-19 protocols.

12 (b) A motion for executive session may be made by any member of the Senate, and the
13 motion shall be made by record vote.

14 (c) By granting a motion under subsection (b), the Senate finds that it is in the public
15 interest for the Senate, as provided by Article II Section 14(c) of the Constitution, to conduct
16 deliberations and debate on impeachment matters in executive session.

17
18 **Rule 26. Final Verdict and Judgment.**

19 (a) After the closing arguments of an impeachment hearing in the Senate, or upon receipt
20 of the Committee Report described in Rule 40(a) of these Rules, the Senate sitting as an
21 impeachment tribunal may deliberate in executive session if authorized by the affirmative vote of
22 two-thirds of the members of the Senate. However, final action on the Articles of Impeachment
23 shall not be taken in executive session.

24 (b) After closing arguments and/or deliberations, if any, the Senate sitting as an
25 impeachment tribunal shall take a separate record vote on each article of impeachment against
26 the impeached official. If there is more than one article of impeachment, then a record vote shall
27 be taken on each article in the order that it appears in the Articles of Impeachment.

28 (c) The Presiding Hearing Officer shall state the question on each Article of
29 Impeachment as follows: "Does clear and convincing evidence exist to sustain the (first, second,
30 third, etc.) article of impeachment against [name of impeached official] to remove him/her from

1 the [office of impeached official]?" Each Senator, as his or her name is called, shall answer
2 "Yes" or "No". A Senator must be physically present in the Senate Chamber at the time of voting
3 in order to cast a vote. Alternatively, pursuant to Rule 4, Section 2 of the Official Rules of the
4 Senate, a Senator may appear, participate and vote remotely provided that the member is
5 physically present in the CNMI.

6 (d) A judgment of acquittal shall be pronounced by the Presiding Hearing Officer and
7 entered upon the Journal for each article not receiving a "Yes" vote from two-thirds of the Senate
8 members.

9 (e) A judgment of conviction shall be pronounced by the Presiding Hearing Officer and
10 entered upon the Journal for each article receiving a "Yes" vote from two-thirds of the Senate
11 members. Any judgment of conviction shall result in the Impeached Official's automatic
12 removal from office. The Senate Clerk shall enter the judgment of conviction and removal of
13 office in the Journal.

14 (f) A motion to reconsider the vote on any article of impeachment is never in order and
15 shall not be considered.

16 (g) Upon conclusion of all impeachment matters, the Presiding Hearing Officer shall
17 adjourn the Senate *sine die* as an impeachment tribunal.

18 (h) All decisions, rulings, orders, and judgments made by the Presiding Hearing Officer,
19 the Senate President, and the Senate are not appealable.

20 21 **IV. RULES WHEN HEARING IS IN THE COMMITTEE**

22 23 **Rule 27. Committee Chairperson to Preside.**

24 If the Senate President refers the Articles of Impeachment to a Committee pursuant to
25 Rule 3(b) or 3(c) of these Rules, the Committee Chairperson shall be the Presiding Hearing
26 Officer to preside over the proceedings or hearing in the Committee.

27 28 **Rule 28. Issuance of Orders.**

29 Unless provided otherwise by these Rules, the Committee Chairperson has the power to:

30 (a) make and issue all orders, mandates, writs, and other papers or documents authorized

1 by these Impeachment Rules or by the Senate; and

2 (b) to enforce any rule and order related to the impeachment proceedings that the Senate
3 authorizes.

4
5 **Rule 29. Senate Enforcement Powers; Authority of Sergeant-at-Arms.**

6 (a) As provided by Article II Section 14 of the Constitution, 1 CMC §§ 1301-1309, the
7 Senate Rules, and as otherwise provided by law, the Senate has the power to subpoena witnesses,
8 documents, and other materials; to compel the attendance of witnesses and the production of
9 documents and other materials; to enforce obedience to its subpoenas, orders, mandates, writs,
10 and judgments; to preserve order; and to make all lawful orders, and rules that it may deem
11 essential or conducive to the ends of justice.

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

16 (c) The Committee may compel any person, by subpoena, to appear and give testimony
17 under oath as a witness and produce documents and other materials before the Committee. The
18 subpoena shall be signed by the Committee Chairperson and may be served in the same manner
19 as subpoenas issued by the judicial branch.

20 (d) Anyone who has been served with a subpoena to appear as a witness, or to produce
21 documents or other materials before the Committee, and who neglects or refuses to so appear or
22 produce any of those documents or other materials; or, having appeared either with or without a
23 subpoena, neglects or refuses to be sworn, to testify or to produce any documents or other
24 materials when lawfully required to do so, is subject to being prosecuted for contempt pursuant
25 to 1 CMC §§ 1306 -1307. This subsection shall not be construed to affect any other right of the
26 Committee to compel the attendance of any person as a witness or the production of documents
27 or other materials or to punish for disorderly or contemptuous behavior in its presence.

28 (e) The Sergeant-at-Arms and any other Legislative Bureau staff shall:

29 (1) serve process and execute orders that are commanded upon them by the
30 Committee Chairperson;

1 (2) maintain order among the spectators admitted to the impeachment hearing
2 proceedings, shall take proper measures to prevent interruption of the proceedings; and

3 (3) may remove, with or without warrant, any person who commits any offense
4 against the law or any rule of the Senate, or any person who disturbs the peace in or
5 around the CNMI Legislature, and refer the offender to the appropriate or proper law
6 enforcement authorities.

7
8 **Rule 30. Rules of Evidence Governing the Hearing.**

9 (a) Evidence may be admitted if it is relevant, material, and not redundant. The formal
10 rules of evidence, civil or criminal, used in the Commonwealth and federal judiciaries do not
11 apply to Senate impeachment proceedings.

12 (b) Objections to evidence.

13 (1) The Impeachment Prosecutor, the Impeached Official, or the legal counsel for
14 the Impeached Official, may object to the admission or exclusion of evidence. Any
15 objection must be addressed to the Committee Chairperson.

16 (2) The Committee Chairperson may rule on an objection and that rule shall stand,
17 unless a Committee Member asks the Committee to override the ruling of the Committee
18 Chairperson. Additionally, the Committee Chairperson, in his/ her sole discretion, may
19 submit an objection to the Committee.

20 (3) If a Committee Member asks the Committee to override the ruling of the
21 Committee Chairperson, then the Committee Chairperson shall submit the question to the
22 Committee without debate and state question as follows: "Shall the ruling of the
23 Committee Chairperson be sustained?" The ruling of the Committee Chairperson shall be
24 sustained if a majority of the Committee members vote to sustain the ruling by record
25 vote.

26 (4) If the Committee Chairperson submits the objection to the Committee for a
27 ruling in the first instance, then the Committee Chairperson shall submit the question to
28 the Committee without debate and state the question as follows: "Shall the objection be
29 sustained?" The objection shall be sustained if a majority of the Committee members
30 vote to sustain the objection by a record vote.

1 (5) The Committee vote under this Rule shall be by record vote taken in
2 accordance with the Senate Rules.

3
4 **Rule 31. Preparation for and Commencement of Hearing.**

5 (a) Hearing on the Articles of Impeachment shall commence on the day and time directed
6 by the Committee Chairperson. Hearing shall continue day to day until its conclusion. All
7 legislative and other business of the Committee shall be suspended until conclusion of the
8 hearing or until Hearing is recessed by a majority vote of the Committee Members.

9 (b) Ten (10) days prior to Hearing, the Impeachment Prosecutor and Impeached Official,
10 or the Impeached Official Legal Counsel, shall file with the Committee Chairperson a Witness
11 List and an Exhibit List.

12 (1) The Witness List shall state:

13 (i) the person's name and address;

14 (ii) a description of the subject matter of the testimony; and

15 (iii) an explanation of why the testimony is relevant, material, and not
16 redundant.

17 (iv) the language that the witness will testify in. If the witness shall testify
18 in any other language than English, Carolinian, or Chamorro, then the party shall
19 provide a translator at its own cost and expense. The other party may also provide
20 its own translator at its own cost and expense; and

21 (v) whether a witness shall appear in person or through video conference.

22 (2) The Exhibit List must identify:

23 (i) each exhibit the Party plans to introduce into evidence at hearing;

24 (ii) each Article of Impeachment the exhibit relates to; and

25 (iii) the page number(s) of the exhibit in the House Impeachment Record.

26 (3) If the Impeached Official, or the Impeached Official's legal counsel, includes
27 an exhibit that is not contained in the House Impeachment Record, then a copy of the
28 exhibit shall be attached to the exhibit list.

29 (4) Each exhibit contained in the Impeachment Prosecutor's Exhibit List shall be
30 assigned a number, and each exhibit contained in the Impeached Official's Exhibit List

1 shall be assigned a letter.

2 (c) If a witness is no longer able to appear in person at Hearing, then the party calling on
3 that witness shall promptly notify the Committee Chairperson and request for the witness to
4 appear through video conference.

5
6 **Rule 32. Attendance; Decorum; Ex Parte Communications.**

7 (a) Any Committee Member who is absent from a Hearing proceeding shall be provided
8 an opportunity to review the record of impeachment proceedings for any date that the Committee
9 Member was absent.

10 (b) A Committee Member shall not initiate, permit, or engage in ex parte
11 communications with the Impeachment Prosecutor or his or her staff; or the Impeached Official
12 or the Impeached Official's counsel or staff, except:

13 (1) If circumstances require ex parte communications for scheduling,
14 administrative purposes, or emergencies that do not deal with substantive matters or
15 issues on the merits, then ex parte communications are authorized when:

16 (i) the Committee Member reasonably believes that no party will gain a
17 procedural or tactical advantage as a result of the ex parte communication; and

18 (ii) the Committee Member promptly notifies all parties of the substance
19 of the ex parte communication and allows an opportunity to respond.

20 (2) When such communication is necessary to aid in carrying out official
21 government business and the opposing party is promptly informed of the communication
22 and the substance of the communication.

23 (c) The Impeachment Prosecutor or the Impeachment Prosecutor's staff; or the Impeached
24 Official, the Impeached Official's legal counsel, or the Impeached Official's staff; shall not
25 initiate, permit, or engage in ex parte communications with a Committee Member, or the staff of
26 any Committee Member, except:

27 (1) When the circumstances require ex parte communications for scheduling,
28 administrative purposes, or emergencies that do not deal with substantive matters or
29 issues on the merits and the person promptly notifies the other party of the substance of
30 the ex parte communication and allows the other party opportunity to respond; or

1 (2) When such communication is necessary to aid in carrying out official
2 government business and the opposing party is promptly informed of the communication
3 and the substance of the communication.
4

5 **Rule 33. Legal Sufficiency of Articles of Impeachment.**

6 Any motion to dismiss, or legal challenge to the sufficiency of the Articles of
7 Impeachment or any portion thereof, must be submitted in writing to the Committee Chairperson
8 within fourteen (14) calendar days prior to the day set for the commencement of the Hearing on
9 the Articles of Impeachment or as permitted by resolution adopted by the Senate.

10 (a) The Committee Chairperson shall set the day and time for a hearing on any motion
11 challenging the sufficiency of the Articles of Impeachment and shall inform the parties of any
12 time limits associated with the hearing on the motion.

13 (b) The Impeachment Prosecutor shall file an Opposition to the motion within seven (7)
14 days of the hearing date. The Impeached Official may file a Reply within three (3) days of the
15 hearing date.

16 (c) If a majority of the Committee members vote to grant all or any part of the motion
17 by a record vote, the Committee shall include this decision in their Committee Report to the
18 Senate.
19

20 **Rule 34. Subpoena of Witnesses, Documents, or Other Materials; Requests to Admit**
21 **Additional Evidence.**

22 Each party may submit subpoenas for witnesses, documents, or other materials to the
23 Committee Chairperson at least ten (10) days prior to the commencement of the impeachment
24 Hearing. The Committee Chairperson shall sign or approve each hearing subpoena that is timely
25 submitted by a Party.

26 (a) A witness served with a hearing subpoena may move to quash the subpoena by filing
27 a motion with the Senate Clerk no more than three (3) days after service.

28 (b) The Committee Chairperson shall hold a hearing on the motion to quash within five
29 (5) days after the motion was filed.

30 (c) The party that requested the subpoena may file an opposition to the motion to quash

1 no later than two (2) days prior to the hearing date.

2 (d) The Committee Chairperson shall rule on the motion to quash as soon as practical
3 following the hearing.

4
5 **Rule 35. Opening Statements and Closing Arguments.**

6 (a) Upon the commencement of Hearing, each party shall have equal time to present an
7 opening statement. The Committee Chairperson shall decide on the time allowed for opening
8 statements and shall inform the parties of the time no less than ten (10) days prior to
9 commencement of the Hearing.

10 (b) Closing arguments shall follow the presentation of all evidence to the Committee.
11 Each party shall have equal time to present its closing argument. The Committee Chairperson
12 shall decide how much time each party shall have to present its closing argument.

13
14 **Rule 36. Clerk as Custodian of All Impeachment Records.**

15 The Clerk shall record impeachment hearing proceedings in the same manner as the
16 recording of legislative proceedings of the Senate. The Clerk shall cause a record to be made of
17 all proceedings before the Committee while sitting for the purpose of trying an impeachment,
18 including a verbatim transcript, shall provide receipt and secure permanent possession of all
19 subpoenas, receipts, documents, records, books, papers, pleadings, motions, and exhibits
20 presented to or received by the Committee in impeachment hearing proceedings.

21
22 **Rule 37. Procedure at Hearing, Presentation of Questions, Motions, and Other**
23 **Matters at Hearing; Votes on Motions, Requests, and Other Matters.**

24 (a) **Procedure at Hearing.** The Impeachment Prosecutor shall proceed to present the
25 case for impeachment one (1) article at a time, provided that the Impeachment Prosecutor may
26 move to present similar articles together. The Impeached Official shall then be provided the
27 opportunity to present evidence relevant to the Articles of Impeachment after the Impeachment
28 Prosecutor's presentation of each article.

29 (b) All motions, objections, requests, or other matters pertaining to procedure, to the
30 Articles of Impeachment, or to the impeachment hearing, including questions with respect to the

1 admissibility of evidence, made orally or in writing by a party shall be addressed to, and decided
2 by, the Committee Chairperson.

3 If made orally and the Committee Chairperson so orders, it shall be reduced to writing, in
4 a format as required by the Committee Chairperson, and filed with Senate Clerk.

5 (c) Unless provided otherwise by law or these Rules, whenever a substantive matter
6 relating to the impeachment is submitted to the Committee for decision or resolution, the
7 Committee shall decide the matter by a record vote. Furthermore, unless provided otherwise by
8 law or these Rules, whenever a procedural matter relating to the impeachment is submitted to the
9 Committee for decision or resolution, the Committee Chairperson shall decide the matter, subject
10 to being overruled by a majority vote of the Committee.

11 (d) Committee Members shall direct to the Committee Chairperson all requests, or other
12 matters pertaining to procedure, to the Articles of Impeachment, or to the impeachment hearing,
13 including requests to override rulings of the Committee Chairperson on objections to evidence.

14 (e) Any motion, request, or other matter may be acted upon without objection. If an
15 objection is made by any Committee Member, then that motion, request, or other matter shall be
16 decided by a record vote of a majority of the votes cast by the members present. The vote on the
17 motion, request, or other matter shall be without debate, unless a Committee Member moves for
18 an executive session for deliberation pursuant to these Impeachment Rules. During an executive
19 session for deliberation as an impeachment tribunal, the Committee Chairperson shall preside,
20 and deliberations and debate shall be conducted in accordance with the Senate Rules.

21
22 **Rule 38. Witness Examination and Presentation of Hearing Exhibits; Questions by**
23 **Committee Members.**

24 (a) The Senate Clerk shall administer an oath to each witness prior to the witness giving
25 any testimony. The oath administered by the Senate Clerk shall be as follows: "I [witness' name]
26 do solemnly swear (or affirm) that the testimony I am about to give is the truth, the whole truth,
27 and nothing but the truth."

28 (b) Each witness shall be examined directly by the party calling the witness and then
29 cross-examined by the other party. The Committee Chairperson shall permit redirect examination
30 and may permit re-cross examination.

1 (c) After completion of questioning by the parties, any Committee Member present
2 desiring to question a witness shall be permitted to do so. If a party objects to a Committee
3 Member's question, then the Committee Chairperson shall rule on the objection.

4 (d) Either party shall have the opportunity to ask follow up questions limited to the
5 question(s) raised pursuant to Rule 37(c) of these Rules.

6
7 **Rule 39. Open Sessions and Executive Sessions.**

8 (a) At all times while the Committee is sitting upon Hearing, the doors of the Senate and
9 the Senate galleries shall be kept open, subject to COVID-19 protocols.

10 (b) A motion for executive session may be made by any member of the Committee, and
11 the motion shall be deemed granted only if sustained by two-thirds of the members of the Senate
12 by record vote.

13 (c) By granting a motion under subsection (b), the Committee finds that it is in the public
14 interest for the Committee, as provided by Article II Section 14(c) of the Constitution, to conduct
15 deliberations and debate on impeachment matters in executive session.

16
17 **Rule 40. Committee Report.**

18 (a) After the closing arguments of an impeachment hearing in the Committee, the
19 Committee shall prepare and submit a Committee Report to the entire Senate regarding its
20 conclusions on the Articles of Impeachment, no later than forty-five (45) days after the closing
21 arguments. The Senate shall vote on the final judgment and verdict on each Article as described
22 in Rule 26.

23 (b) The Committee, sitting as an impeachment tribunal, may deliberate in executive
24 session, if authorized by the affirmative vote of two-thirds of the members of the Senate.
25 However, final action on the Committee Report shall not be taken in executive session.

26 (c) A Committee Member must be physically present in the Senate Chamber at the time
27 of voting in order to cast a vote. Alternatively, pursuant to Rule 4, Section 2 of the Official Rules
28 of the Senate, a Senator may appear, participate and vote remotely provided that the member is
29 physically present in the CNMI.

30 (d) A motion to reconsider the vote of the Committee Report is never in order and shall

1 not be considered.

2 (e) Upon conclusion of all impeachment matters, the Committee Chairperson shall
3 adjourn the Committee as an impeachment tribunal.

4 (f) All decisions, rulings, orders, and judgments made by the Committee Chairperson and
5 the Committee are not appealable.

6
7 **V. POST-HEARING AND OTHER MATTERS**

8
9 **Rule 41. Senate Rules; Applicability.**

10 (a) Unless otherwise provided for by the Constitution and other applicable laws, these
11 Impeachment Rules, together with the Senate Rules, govern the Senate while it sits for the
12 purpose of trying an impeachment. If any Senate Rule conflicts with these Impeachment Rules,
13 then these Impeachment Rules control.

14 (b) Notwithstanding any Senate Rules or Committee Rules, by a majority vote of the
15 Senators or Committee Members, these Rules may be suspended.

16
17 **Rule 42. Other Time Periods.** If the Senate at any time fails to sit for the consideration
18 of Articles of Impeachment at a scheduled day or hour, then the Senate President may fix a day
19 and hour for the Senate to resume its consideration.

20
21 **Rule 43. Amendments to and Suspension of Impeachment Rules.**

22 These Impeachment Rules may be suspended or amended by a majority of the members
23 of the Senate by record vote in the interest of justice.

24
25 **Rule 44. Catchall Provision.** The Senate, or Committee, shall have the final say for any
26 issue regarding these impeachment rules, Hearing and proceedings.