

## RULES AND PROCEDURES OF THE SPECIAL COMMITTEE ON IMPEACHMENT INQUIRY

The Special Committee on Impeachment Inquiry hereby adopts the following rules and procedures, which shall apply to the receipt and presentation of evidence for the Special Committee's inquiries into whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Franklin County State's Attorney John Lavoie or Franklin County Sheriff John Grismore (Respondents), or both, pursuant to H.R. 11.

A. The Chair of the Special Committee has the authority to call meetings of the Special Committee, call the Special Committee to order, swear in witnesses, designate the order of business, and generally supervise the affairs of the Special Committee. No action shall be taken by the Special Committee at any meeting unless a quorum is present. A majority of the members shall constitute a quorum.

1. The Special Committee shall give public notice of the date, time, place, and subject matter of the Special Committee's hearings as soon as practicable before the commencement of the hearing. A hearing and any action taken at a hearing shall not be deemed invalid solely because notice of the hearing was not given in accordance with this Rule.

2. Hearings of the Special Committee may be closed to the public and held in executive session if two-thirds of Committee members present and voting determine that confidentiality is required:

- a. to protect witnesses from potential retaliation;
- b. because the matter is related to a witness's ongoing employment;
- c. because the matter is related to another ongoing investigation;
- d. to consult with the Special Committee's attorney or attorneys;
- e. to prevent the disclosure of information that is confidential under law or is confidential under Section E; or
- f. as otherwise necessary to enable the Special Committee to conduct its inquiries.

B. The Special Committee may hire an independent investigator to conduct an investigation into one or both Respondents and may hire outside counsel to assist the Special Committee with its work.

C. The Special Committee or its investigator may request that a Respondent or other witness provide documents or other information. The Special Committee may subpoena or authorize the investigator to subpoena the attendance and testimony of witnesses and the production of documents and other items as the Special Committee deems necessary to conduct an investigation.

1. Production of documents or other materials pursuant to a subpoena duces tecum requiring the production of documents or materials shall be made at the time and place indicated on the subpoena. The Special Committee may require the immediate production of subpoenaed materials to any authorized representative of the Special Committee as identified in the subpoena.

2. Any person who is served with a subpoena to attend a hearing of the Special Committee shall also be served with notice that the person may choose to be accompanied by counsel and a union representative or other support person.

D. At any hearing at which witnesses are to be called before the Special Committee to give testimony, the following rules and procedures shall be applicable to hearings held for that purpose:

1. Testimony given or adduced at the hearing may be under oath at the discretion of the Chair. If testimony is to be given under oath, the Chair or another member of the Special Committee designated by the Chair shall administer an oath or affirmation to the witness at a hearing of the Special Committee.

2. The Special Committee is not bound by technical rules of evidence and may admit evidence that the Special Committee considers to be reliable, material, and relevant. The Chair shall make evidentiary rulings, which may be overruled by a majority of the Special Committee members present at the hearing. The decision of the Special Committee on whether to recommend articles of impeachment shall not be based solely on hearsay evidence.

3. A member of the Special Committee may be designated to lead the initial questioning of a witness. After conclusion of the witness's initial testimony, other members of the Special Committee **or special counsel to the Committee** may question the witness subject to instruction from the Chair respecting the timing, scope, and duration of the members' examination.

4. The Special Committee shall record all proceedings in which testimony or other evidence is presented. Minutes shall be kept of the proceedings by staff to the Special Committee.

5. The Special Committee may allow witnesses to appear remotely.

E. Documents or other records produced or acquired by the Special Committee shall be open to the public for copying, except that documents or other records that are otherwise confidential under law or that are produced or acquired by the Special Committee at a meeting held in executive session shall not be subject to the Public Records Act.

1. Minutes of public meetings produced under subsection D(4) and the final report of the Special Committee shall be available to the public for copying.

2. The Special Committee may vote in executive session to include in its final report a document or other record produced or acquired by the Special Committee in executive session, except for records otherwise required to be kept confidential under law.

3. Members of the Special Committee and staff shall keep confidential any documents or records that are confidential under law or that are produced or acquired during a meeting of the Special Committee held in executive session. If a document or other record is made available to a member of the Special Committee during a meeting held in executive session, the member shall not remove or reproduce the document or record.

4. Any and all documents or other records produced or acquired by the Special Committee during the course of its investigation shall be inventoried and stored as the Special Committee Record. The Special Committee shall securely store all confidential documents or other records produced or acquired by the Committee,

including all documents or other records produced or acquired during a meeting of the Special Committee held in executive session.

F. Any person who desires to appear before the Special Committee and give testimony, and who is neither invited by the Special Committee nor compelled to do so by subpoena, may contact a member of the Special Committee or any investigator appointed by the Special Committee, at least 24 hours before the scheduled hearing at which the witness desires to testify. The Special Committee may permit a person to testify if it determines the person has relevant and probative knowledge or information regarding any matter subject to the investigation, and that the testimony would not be redundant or cumulative. The Special Committee may, upon a vote of a majority of members present, require persons wishing to testify pursuant to this section to submit a written statement explaining the relevance and value of their proposed testimony to the Special Committee's investigation. All written statements shall be part of the record.

Any person who appears before the Special Committee pursuant to this Section shall have all the rights, privileges, and responsibilities of a witness as provided by these rules.

G. At the conclusion of the presentation of evidence in each matter, the Special Committee shall issue a Final Report to the House, which shall contain a summary of the pertinent evidence and applicable law and a recommendation regarding whether sufficient grounds exist for impeachment.

H. The Special Committee may, with a vote of a majority of members present, adopt additional rules and procedures or modify existing rules and procedures as it deems necessary for the fair and efficient conduct of its investigation pursuant to H.R. 11.

***DRAFT*** 6/1/2023