



1 HOUSE QUALIFICATIONS CHALLENGE COMMITTEE RESOLUTION _____

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3 RESOLVED, BY THE HOUSE QUALIFICATIONS CHALLENGE COMMITTEE,
4 pursuant to House Rule 83(e) of the Ninety-Third General
5 Assembly of the State of Illinois, and to supplement Article X
6 of the House Rules, that the following are adopted as Rules of
7 Procedure of the Committee:

8 HOUSE QUALIFICATIONS CHALLENGE COMMITTEE
9 RULES OF PROCEDURE

10 1. **Representation by Counsel.** The complainant and the
11 respondent may each be represented by counsel in proceedings
12 before the Committee. Upon conclusion of the proceedings, each
13 party may file a motion seeking reimbursement by the House of
14 Representatives of reasonable attorney's fees and expenses.
15 Each party shall be responsible for all attorney's fees and
16 expenses not approved for reimbursement.

17 2. **Motions.**

18 (a) At the initial meeting of the Committee in response to
19 a complaint, the Chairperson shall determine whether any
20 preliminary or dispositive motions will be considered. The
21 Chairperson shall then establish a briefing and hearing
22 schedule on such motions, as necessary. The Chairperson may
23 defer or limit, as appropriate, the taking of discovery pending
24 resolution of any such motion.

25 (b) Unless made orally on the record during a hearing with
26 the consent of the Chairperson, all motions shall be in writing
27 and shall briefly state the order or relief requested and the
28 specific grounds upon which relief is sought. Motions based on
29 a matter that does not appear on the record shall be supported
30 by affidavit.

1 **3. Discovery.**

2 (a) A party seeking deposition testimony of any party or
3 witness, or production of relevant documents by any party or
4 witness, shall file a motion with the Committee seeking
5 approval of such discovery requests. The Committee in its
6 discretion may approve such motions or limit discovery as
7 necessary.

8 (b) The Committee in its discretion may issue subpoenas for
9 the appearance of witnesses or production of documents.
10 Subpoenas may be issued upon written request of the
11 complainant, respondent, or member of the Committee if: (i) the
12 request is reasonably designed to produce or lead to the
13 production of evidence related to the alleged violation, (ii)
14 the terms of compliance are reasonable given the time frames
15 and other circumstances, and (iii) the subpoena is properly
16 prepared and presented for signature. Witnesses may be
17 subpoenaed to give sworn evidentiary depositions, subject to
18 cross-examination, if and only if they are unable to attend the
19 meeting or hearing. Subpoenas issued under this Rule must be
20 signed by the Chairperson and must comply with House Rule
21 4(c)(9).

22 **4. Evidence.** Irrelevant, immaterial, or unduly repetitious
23 evidence shall be excluded. The rules of evidence and privilege
24 as applied in civil cases in the circuit courts of Illinois
25 shall be followed. However, evidence not admissible under those
26 rules of evidence may be admitted (except where precluded by
27 statute) if it is of a type commonly relied upon by reasonably
28 prudent persons in the conduct of their affairs. Objections to
29 evidentiary offers may be made and shall be ruled upon by the
30 Chairperson and noted in the record.

31 **5. Burden of Proof.** The complainant shall have the burden
32 of proof to establish the matter asserted by clear and
33 convincing evidence.

1 **6. Stipulations.** The Committee encourages stipulations of
2 fact whenever possible. The parties may agree on the facts or
3 any part thereof involved in the proceeding by stipulation.
4 Stipulations may be filed in writing or entered orally into the
5 record.

6 **7. Notice of Witnesses and Documents.** Notwithstanding any
7 law or rule to the contrary, at least 7 calendar days prior to
8 an evidentiary hearing, each party must furnish to the
9 Committee and to the other party:

10 (1) A list of names, addresses, and phone numbers of the
11 witnesses the party proposes to call.

12 (2) All documents the party proposes to offer.

13 (3) All written or recorded statements of the party's
14 witnesses, regardless of their admissibility.

15 **8. Conduct of Evidentiary Hearings.** The following rules
16 shall apply to all evidentiary hearings.

17 (1) The Chairperson shall open the evidentiary hearing by
18 explaining the procedure to be followed in the hearing.

19 (2) Preliminary matters such as objections to charges,
20 disputes involving discovery, stipulations of facts and
21 documents, and scheduling of witnesses may be resolved. Upon
22 motion of either party or at the discretion of the Chairperson,
23 any or all witnesses may be sequestered.

24 (3) Each party shall be given the opportunity to make a
25 brief opening statement identifying the issues and indicating
26 what is to be proven. Subject to the Chairperson's approval,
27 each party may call witnesses to testify on his or her own
28 behalf and present documentary and demonstrative evidence. All
29 witnesses shall testify under oath or affirmation.

30 (4) The parties may cross-examine opposing witnesses. The
31 members of the Committee may also examine the witnesses.

32 (5) Before closing the evidentiary hearing, each party
33 shall be given the opportunity to make a brief closing
34 statement.

1 **9. Filing and Form of Papers.** The original of all documents
2 and a certificate of service shall be filed with the Clerk of
3 the House on or before the established due date. Copies of all
4 filed documents shall be served on all parties and on each
5 member of the Committee at the member's legislative district
6 office or other designated address. Service may be by U.S. Mail
7 or, if agreed by the parties, by facsimile.

8 **10. Failure to Comply with Orders or Rules.** If a party, or
9 any person at the instance of or in collusion with a party,
10 unreasonably refuses or fails to comply with these Rules, or
11 with any order of the Chairperson or the Committee, the
12 Committee may enter an adverse finding, order, or decision as
13 may be necessary to ensure just disposition of the matter.