

PROPOSED CHAPTER 23.24 HEARING PROCEDURES

PRE-HEARING PROCESS

1. The objector and candidate should provide to the Election Commissioner (County Auditor) an email address or other digital address the Election Commissioner can use to communicate to the parties and distribute notices and submitted documents.
2. The objection shall be deemed denied by the candidate, and it shall not be necessary that the candidate provide any response to the challenge prior to the hearing.
3. The objector shall submit (email preferred) to the Election Commissioner, at least 96 hours before the date and time set for the hearing, a list of witnesses (names and addresses) and any legible electronic/digital copies of any documents the objector wants the hearing panel to consider. Late submission by objector shall result in documents not being considered by the panel.
4. The candidate shall submit (email preferred) to the Commissioner, at least 48 hours before the date and time set for the hearing, a list of witnesses (names and addresses) and any legible electronic/digital copies of any documents to candidate wants the hearing panel to consider.
5. The Election Commissioner shall distribute to the hearing panel, the parties and county attorney, within 24 hours of receipt, copies of any witness lists and documents submitted by the parties.

HEARING PROCESS

1. The members of the hearing panel shall designate one of the members to serve as Chair of the hearing.
2. The Chair shall call the hearing to order.
3. The Chair will introduce the panel and ask the objector and candidate to identify themselves.
4. The Chair will read the written objection or summarize the objection(s) to the candidate's nomination.
5. The members of the panel will be the only ones allowed to examine the objector, candidate or witnesses.
6. The Chair will administer oaths to swear or affirm to tell the truth.
7. The Chair will maintain an orderly examination by panel members.
8. The objector will be examined first (not witnesses), followed by the candidate (except that the candidate may designate another witness to be examined on the candidate's behalf).
9. The Chair will identify and receive any documents timely received.
10. Persons listed as witness by either party shall be sequestered until examined by the panel.
11. After the objector and the candidate have been examined, the panel members, at the panel's discretion, may call forward and examine any listed witness.
12. The panel may direct legal questions to the Election Commissioner or County Attorney.
13. The Chair shall call for a vote to close the fact-finding portion of the hearing.
14. Majority rule applies to panel action.

DELIBERATION/DECISION

1. Immediately following the close of evidence, the whole panel shall deliberate in public.
2. The Chair shall call for a vote to sustain or overrule the objection.
3. Majority rule applies to the decision of the panel.