

# RULES OF PROCEDURE

UNITED STATES  
SENATE



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**MODEL COURTS OF JUSTICE**

## MODEL COURTS OF JUSTICE 2019

### UNITED STATES SENATE

### RULES OF PROCEDURE

#### **SECTION A: GENERAL PROVISIONS**

##### **Article 1: Rules of Procedure**

1. *Rules of Procedure* is adopted prior to the Oral Proceedings before the Senate and shall not be appealed.
2. Interpretation of the Rules of Procedure shall be reserved exclusively to the Secretariat unless the Presidency is explicitly authorized.

##### **Article 2: Prevail of Good Faith**

1. The manifest abuse of a right, granted by the Rules of Procedure to Members of the Senate, is not protected.
2. Such interpretation shall be in accordance with the wording and the spirit of the Rules of Procedure.

##### **Article 3: Language**

1. English is the official and working language of Model Courts of Justice.

##### **Article 4: Dress Code**

1. The dress code is formal business attire and is mandatory during the Conference.

##### **Article 5: Secretariat**

1. The Secretariat shall consist of the Secretary-General, the Under Secretaries-General, Assistants-Secretaries-General.
2. Secretariat shall refrain from any action that might undermine their position.
3. The Secretary-General may at any time address or authorize the Under Secretaries-General to address the Senate in relation with the Oral Proceedings.
4. The Secretary-General may temporarily designate a member of the Secretariat to act in her place.
5. In the absence of the Secretary-General; Under Secretaries-General shall perform all

duties and obligations of her.

#### **Article 6: Courtesy and Disciplinary Rules**

1. All participants hold the responsibility to show utmost respect to each other, to use a formal language while addressing the Senate and to act accordingly.
2. Official warning may only be given by the Presidency when a participant persistently acts against the Rules of Procedure.
3. Three official warnings shall lead to the dismissal of the concerned participant temporarily or indefinitely upon the Secretariat's discretion.

#### **Article 7: Electronic Devices**

1. The use of any electronic devices that allows the participants to communicate among themselves or with the exteriors of the Committee is strictly prohibited.
2. Presidency may allow the Senators to use electronic devices during drafting of the amendments to the proposed legislation.

#### **Article 8: Note Passing**

1. All communications between the Senators shall be performed by formal note passing under the supervision of the Presidency.

#### **Article 9: Quorum**

1. The quorum is met when simple majority of the Members of the Senate are present in the committee room.
2. Verification of the quorum shall take place at the commencement of each session by the Presidency via roll-call.
3. Members who are late to the sessions shall pass note to the Presidency in order to be eligible to participate in the proceedings.
4. The quorum shall form the basis of the majorities required for the decisions to be taken during the entertainment of Motions or the adoption of the Amendments and Bill.

### **SECTION B: COMPOSITION OF THE SENATE**

#### **Article 10: Members of the Senate**

1. The United States Senate shall consist of the Chairman, the Ranking Member, the

Senators, and the Defendant.

2. The Defendant shall participate the sessions only in the course of the Hearing.

### **Article 11: Presidency**

1. The Presidency shall be composed of the Chairman and the Ranking Member of the Senate Committee on the Judiciary.
2. The Presidency shall be responsible for the implementation and observance of the Rules of Procedure and moderate all phases of the debate and hearing.
3. The Presidency shall refrain from any actions that might undermine their impartiality and credibility within their position and shall be responsible to the Secretariat.
4. The Presidency shall also behold the rights and duties of the Senators.

### **Article 12: Appeals to the Presidency's Decisions**

1. Any decision of the Presidency, with the exception of matters that are explicitly stated within this very document, may be appealed immediately after it has been made, by the Senators depending on the phase of the proceedings.
2. A member of the Presidency may speak briefly in defense of the ruling. The appeal shall then be put to a vote among the Senators. An "in favor" vote indicates support for the Presidency's ruling whilst an "against" vote indicates opposition to it.
3. The decision of the Presidency shall stand unless overruled by **a two thirds majority** of the Senators.

### **Article 13: Senators**

1. Senators are entitled to question the defendant during the hearings following the recognition of the Presidency.
2. The amendments to the Bill shall be written by the Senators.
3. Each Senator has one equal vote in procedural and substantive matters.

## **SECTION C: ORAL PROCEEDINGS BEFORE THE SENATE**

### **Article 14: Pledge**

1. Before exercising their functions under the Rules of Procedure, the Pledge of Allegiance, led by the Chairman, shall be made by the Senators.
2. The Pledge shall be made, every day, following the prayer of the Chaplain.
3. The Pledge of Allegiance shall be taken as follows:  
*“I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all”.*

#### **Article 15: Questioning of Defendant by Senators**

1. During the Hearing, the Senators will be allowed to direct questions to the defendant following the recognition of the Presidency.
2. Each Senator shall ask their question to the defendant within the time limitation determined by the Presidency.
3. There is no time limitation for this entire phase; yet the Presidency shall have the discretion to terminate the phase in accordance with the flow of the debate.

#### **Article 16: Opening Speeches**

1. After the completion of the Congressional Hearing, the Senate shall proceed with the opening statements.
2. Each Senator shall make one opening statement.
3. The opening speeches shall briefly summarize the opinions of each Senator on data privacy, and what they will pursue during the debate.
4. The time allocated for opening statements - equal for each Senator - will be determined by the Presidency before the commencement of speeches. Immediately after the announcement of the time, Senators may raise a Motion once to alter the speakers' time. A simple majority of the Senators present is required for the Motion to pass. Should the Senate accept the Motion, the speakers' time will be altered for all Senators.

#### **Article 17: Rules Governing Points and Motions during Oral Proceedings**

1. Senators shall be entitled to raise Points of Personal Privilege, Parliamentary Inquiry and Order during Oral Proceedings.
2. Presidency shall entertain and decide on the Points.
3. Senators shall be entitled to raise a Motion to extend the speaker's time in designated phases of Debate described in this Section.

4. Senators may raise a Motion to suspend the Committee for designated breaks.
5. The Presidency shall announce the adjournment of the Committee, after the result of the voting of the Bill has been announced.
6. Presidency shall entertain the Motions. Simple majority of the Senators is required for a Motion to pass.
7. Substance of the Points and Motions described in Section D shall apply to this Section.

## **SECTION D: RULES GOVERNING THE DEBATE OF THE SENATE**

### **Article 18: Tour de Table**

1. The Presidency shall have the discretion to conduct a Tour de Table at any time during Open Debate.
2. During Tour de Table, each Senator shall briefly outline their views on the matter under discussion.
3. The time allocated per each speaker shall be determined by the Presidency.
4. The Presidency shall be included in the Tour de Table.

### **Article 19: General Speakers' List (Open Debate)**

1. Following the Introduction of the Bill, a General Speakers' List shall be established by the Presidency.
2. In order to be registered to the General Speakers' List, Senators shall raise their placards when asked by the Presidency or request to be added to the List by passing a note to the Presidency.
3. Provided that there are no Motions of any kind, the List continues until it is exhausted or until the closure of the debate.
4. Time allocated for each Senator shall be determined immediately after the Presidency establishes the List. A Motion for an extension of the speakers' time shall be in order.
5. Senators may never take the floor until being recognized by the Presidency.
6. The Presidency shall ask for Points or Motions during Open Debate.

**Article 20: Yields**

1. When in an Open Debate; Senators may yield their remaining time in two ways as follows:
  - a. Yield to another Senator/Presidency
  - b. Yield to Points of Information
2. Senators shall be allowed to refrain from yields. When there are no yields, the Presidency shall proceed with the Open Debate.
3. In case of yielding the floor to another Senator; the Presidency shall ask the particular Senator to whom the yielding Senator refers if they wish to take the floor. Should the latter accept, they shall use the remaining time to make their statements. If the Presidency has been yielded the floor; they shall immediately proceed with accepting or rejecting the yield. The latter speaker shall not be entitled to yields.
4. In case of yielding the floor to Points of Information; the President shall ask the remaining Senators if there are any questions directed to the yielding Senator. The yielding Senator shall answer any question directed to him/her until the yielded time lapses. Recognition of a follow-up question shall be up to the discretion of the Presidency.
5. Only the answer shall be deduced from the remaining time.
6. Yields to yields are not in order.

**Article 21: Unmoderated Caucus**

1. A Senator may propose moving to an unmoderated caucus by raising a Motion. Such Motion may be raised during Open Debate when the Presidency announces the floor is open for Motions.
2. The Senator raising the Motion shall briefly explain the purpose and specify a time length of the caucus.
3. The Presidency may rule the Motion out of order without any possibility of appeal or may alter the length of the caucus and put it to a vote.
4. Adoption of the Motion requires the approval of the **simple majority** of the Senators.
5. Adoption of such a Motion temporarily shall suspend the Open Debate for the specified time and the Senators shall carry a formal discussion without leaving the Committee.

**Article 22: Moderated Caucus**

1. A Senator may propose moving to a Moderated Caucus by raising a Motion during Open Debate, in order to facilitate the debate on a specific issue, when the Presidency announces the floor is open for Motions.
2. The Senator raising the Motion must state the purpose of the moderated caucus and specify a total time for the caucus, not exceeding twenty minutes, and the time per each speaker.
3. The Presidency may rule the Motion out of order without any possibility of appeal or may alter per speaker's time, the length of the caucus or the purpose of the caucus and put it to a vote.
4. Adoption of the Motion requires the approval of the **simple majority** of the Senators.
5. Adoption of such a Motion shall temporarily suspend the Open Debate for the specified time and the Senators who signify their desire to speak by raising their placards may speak in turn upon recognition of the Presidency.
6. The Presidency may call the speaker in order, if the speaker exceeds the allocated time or if the speaker's remarks are not relevant to the topic under discussion.
7. Where there are no Senators desire to speak or when the total time has expired; the moderated caucus shall end and the Open Debate shall resume.

**Article 23: Extensions**

1. A caucus may be extended with a Motion given by a Senator right after the allocated time for those moderated or unmoderated caucuses have lapsed.
2. The Presidency may rule the Motion out of order without any possibility of appeal.
3. This Motion shall be put a vote immediately after its proposal and its adoption requires a **simple majority** of the Senators.
4. The extension may not be longer than the caucus itself, unless otherwise is decided by the Presidency for the sake of the debate.
5. A caucus may only be extended once unless otherwise is decided by the Presidency for the sake of the debate.



**Article 24: Right of Reply**

1. Any Senator whose personal integrity has been accused by another Senator may submit a request for a Right of Reply to the Presidency through a message paper.
2. The Presidency shall grant the Right of Reply on their discretion. The decision is unappealable.
3. The Senator granted a Right of Reply shall address the Senate to defend her/his integrity in specified time determined by the Presidency not to be longer than one minute.

**Article 25: Point of Personal Privilege**

1. Members of the Senate may request the Presidency to correct discomforts provided that such a discomfort prevents their ability to participate in the proceedings.
2. Point of Personal Privilege may not interrupt the speaker unless it is raised due to inaudibility.

**Article 26: Point of Order**

1. Members of the Senate may raise a Point of Order to indicate an improper implementation of the parliamentary rules by Presidency or any other member of the Senate.
2. The Presidency shall immediately take into consideration the Point pursuant to the Rules of Procedure. A Point of Order which is dilatory or improper may be ruled out of order.
3. Member of the Senate raising a Point of Order may not speak on the substance of the matter under discussion.
4. A point of order may only interrupt a speaker if the speech is not following proper parliamentary procedure.

**Article 27: Point of Information**

1. During Open Debate, Senators may direct questions to their fellow members of the Senate upon the Presidency's recognition, if the speaker yields the floor to Points of Information.
2. A Point of Information may also be raised to the Presidency, at any time during the debate, to raise a substantial question regarding the case.

3. A Point of Information can never interrupt a speaker.

#### **Article 28: Point of Parliamentary Inquiry**

1. Members of the Senate may raise a Point of Parliamentary Inquiry requesting an explanation on the Rules of Procedure from the Presidency.
2. A Point of Parliamentary Inquiry may neither interrupt a speaker nor be in regard to substantive matter.

#### **Article 29: Closure of the Debate**

1. A Motion for the Closure of the Debate shall be raised by the Senators.
2. The Motion shall pass with the approval of the **two-thirds majority** of the Senators.
3. When the Debate is closed, the Committee shall move onto the voting of the Bill.

#### **Article 30: Points and Motions**

1. In case where multiple Points and Motions are proposed at the same time, the proposed Points and Motions shall be ranked pursuant to the provisions stipulated in this Section and then will be entertained accordingly by the Presidency.
2. Points shall have precedence over Motions at all times.
3. The precedence shall go as follows:
  - a. Point of Personal Privilege
  - b. Point of Order
  - c. Point of Parliamentary Inquiry
  - d. Point of Information
  - e. Motion for Suspension/Adjournment of the Meeting
  - f. Motion for the Closure of the Debate
  - g. Motion for an Extension of the Previous Caucus
  - h. Motion for an Unmoderated Caucus
  - i. Motion for a Moderated Caucus
4. When more than one motion for unmoderated caucus proposed, the longer shall be put into the vote first. Same rule applies for moderated caucus.

#### **Article 31: Voting Procedures**

1. There are three types of voting procedures in the Senate: roll call vote, voice vote, and

standing vote.

2. During a roll call vote, each Senator shall vote 'Yea', 'Nay' or 'Abstain' as his or her name is called by the Chairman.
3. Voice vote requires the Senators in favour to say 'Yea' and those against to say 'Nay' following the question of the Chairman. The Chairman determines the results according to his or her best judgement.
4. Standing vote requires the Senators to vote by raising their placards. This process may be used to confirm a voice vote.
5. Senators cannot abstain during procedural voting.

### **Article 32: Standing Vote**

1. Standing vote shall be in order in every voting procedure except for voting on an amendment or a bill.
2. The Senators are required to cast either affirmative or negative vote, abstention is not in order.
3. The Senators shall vote by raising their placards following the instructions of the Presidency. First the Presidency will ask for affirmative votes as 'Are there any seconds?', then he/she will ask for negative votes as 'Are there any objections?' If there are no seconds raised, the motion will fail. If there are no objections raised, for the motions which require simple majority, the motion will automatically pass and for the motions which require two third majority, the Presidency shall repeat 'Are there any objections?' three times before the motion fails.

### **Article 33: Substantive Voting**

1. Substantive voting shall be in order in the voting procedures of an amendment or a bill.
2. The Senators shall vote by raising their placards following the instructions of the Presidency, unless otherwise is determined by the Presidency.
3. Abstentions shall be in order, unless the Senator have previously stated he or she is 'Present and Voting'.

## **SECTION E: AMEDMENTS AND BILL**

### **Article 34: Amendments**

1. Senators may propose amendments any time after the Bill is introduced.

2. Amendment to amendments are prohibited, however, the amended parts of the Bill may be further amended.
3. The amendments are required to be delivered to the Presidency via electronic devices or message papers.
4. The amendments may be introduced following the approval of the Presidency.
5. The Senators may propose a motion to introduce the amendment following the approval of the Presidency.
6. The Presidency shall have discretion to determine the number of speakers for and against the amendment.
7. A motion to close debate will be in order following the decision of the Presidency on not entertaining any more speakers. This motion shall require two thirds majority to pass.
8. After the debate is closed, the Committee will directly move on with the voting procedure.
9. **Simple Majority** is required for an amendment to pass. Abstentions shall be in order, unless the Senator have previously stated he or she is 'Present and Voting'.

#### **Article 35: Bill**

1. After the closure of the debate, the Senate will directly move on with the voting procedure of the Bill.
2. **Simple majority** is required for a bill to pass. Abstentions shall be in order, unless the Senator have previously stated he or she is 'Present and Voting'.
3. The Presidency shall announce the Bill passed by the simple majority of all Members present in the Committee and the this shall be made public through the presence of Press Team.