

721—25.23(17A) Hearing procedures. The presiding officer shall be in control of the proceedings and shall have the authority to administer oaths, to admit or exclude testimony or other evidence and to rule on all motions and objections. The presiding officer may request that an administrative law judge assist in performing any of these functions.

25.23(1) Examination of witnesses. All witnesses shall be sworn or affirmed by the presiding officer or the court reporter, if a court reporter is provided by one of the parties, and shall be subject to cross-examination. The presiding officer and the administrative law judge have the right to examine a witness at any stage of the witness's testimony. The presiding officer may limit questioning in a manner consistent with law.

25.23(2) Public hearing. The hearing shall be open to the public.

25.23(3) Record of proceedings. Oral proceedings shall be recorded either by mechanical or electronic means or by certified shorthand reporters. Oral proceedings or any part thereof shall be transcribed at the request of any party, with the expense of the transcription charged to the requesting party. The recording or stenographic notes of oral proceedings or the transcription shall be filed with and maintained by the state commissioner of elections for at least five years from the date of decision.

25.23(4) Order of proceedings. Before testimony is presented, the record shall show the identity of the presiding officer, the identity of the administrative law judge, if any, the identity of the parties and their representatives, and the fact that all testimony is being recorded.

a. The presiding officer or designated person may read a summary of the complaint and answers thereto and other responsive pleadings filed by the respondent prior to the hearing.

b. The complainant shall make a brief opening statement, which may include a summary of allegations within the complaint and the witnesses and documents to support such charges.

c. Each respondent shall be offered an opportunity to make an opening statement, including the names of any witnesses the respondent desires to call in defense. A respondent may elect to defer making the opening statement until just prior to the presentation of evidence by the respondent.

d. Evidence on behalf of the complainant shall be presented.

e. Evidence on behalf of the respondent(s) shall be presented.

f. Rebuttal evidence on behalf of the complainant, if any, shall be presented.

g. Rebuttal evidence on behalf of the respondent(s), if any, shall be presented.

h. Closing arguments first on behalf of the complainant, then on behalf of the respondent(s), and then rebuttal, if any, on behalf of the complainant shall be made.

The order of proceedings may be tailored to the nature of the complaint proceeding.

25.23(5) Decorum. The presiding officer shall maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

25.23(6) Sequestering witnesses. The presiding officer, on the presiding officer's own motion or upon the request of a party, may sequester witnesses.