

Gregory Green

December 17, 2007

Speaker of the Senate

Dear Sir:

In response to your request, I offer the following opinion:

The power of the President concerning the ASUN constitution is one of recommendation only. The President may oversee, make suggestions, and express concerns regarding the document; however they do not have the authority to change the document without approval of the students in the Association. As in any governmental institution, the President's input is valued and respected, however in a democracy it is not the sole voice.

The process for approving the Constitution is similar to amending the constitution is listed under Article V, Section 1:

(a) The Senate, whenever two-thirds shall deem it necessary, shall propose amendments to this Constitution, or, on the petition of 10 percent of the membership of the Association, shall place an amendment on the ballot.

(b) In either case, an amendment shall be valid as part of this Constitution when ratified by two-thirds of the students voting on the question in an election and when assented to by the Board of Regents of the Nevada System of Higher Education

The constitution must be approved by Students as was voted on in the election, with no changes being made since the vote was taken. If changes to the original document are made, they must follow the Amendment process as stated above. Although this is not explicitly stated in the Associated Students of the University of Nevada Constitution, it is important that the Government functions with integrity, with a promise to students that what they have voted on is what is passed into law. This ensures that the students are being represented appropriately.

### **Conclusion**

It is my recommendation that the Senate for the Associated Students of the University of Nevada produce legislation that explains and enforces the constitutional process concerning amendments and the production of a new constitution as there is none currently in effect. In so doing, they establish a process for the enforcement and consequences of disobeying constitutional process as set forth by ASUN law. This will prevent the situation from arising, and give explicit instructions should this situation occur again.

Sincerely,

Lindsey Sanford