



Senate of the Associated Students of the University of Nevada

85th Session, 2017-2018

AN ACT TO DISSOLVE THE ELECTIONS COMMISSION AND MOVE RESPONSIBILITIES UNDER THE CENTER FOR STUDENT ENGAGEMENT

Bill Number: 38

Authored By: Intern Jonas and Senator Martinez

Sponsored By: The Committee on Government Operations

Whereas, currently, the Elections Chair is appointed by the President of the Associated Students of the University of Nevada, according to Chapter 701, Section 03, Article B of the Statutes of the Associated Students;

Whereas, the Elections Chair must be unbiased since the Elections Chair has the complete administrative charge for all details and operations of ASUN Elections and the Commission;

Whereas, an appointment may cause bias towards a candidate, especially in terms of reelection;

Whereas, the mission of the Elections Commission is to provide for a fair and efficient election for the Association;

Whereas, certain qualifications for the Elections Chair according to Chapter 702, Section 03, Article E shall be chosen based on their experience, integrity, impartiality, and good judgment;

Whereas, in Chapter 002 of the SAS, conflicts of interest are clearly defined as a situation in which an officer is involved in multiple interests (financial, personal, relational, organizational, emotional, or otherwise), one of which could possibly corrupt the motivation of the officer's behavior within the Association;

Whereas, if we place the duties of the Elections under an hourly paid position under The Center for Student Engagement reduces the chance of bias influence;

Whereas, the Center for Student Engagement would allow for year-round programming efforts to inform students on how to run for office, vote in ASUN Elections and, apply for appointed positions through the association;

Whereas, the Center for Student Engagement is already heavily involved in involving students in ASUN elections and programmatic efforts such as ElectHer and “Know Your Nevada” workshops;

Whereas, this would serve both ASUN and the Center for Student Engagement to have better collaborative efforts in programming and, outreach to engage students and underrepresented undergraduates in future ASUN Elections;

Be it enacted by the Senate of the Associated Students, a. The term “Elections Commission” in SAS I.101.09.b.2.i be replaced with “Association Elections”; b. SAS I.104 be replaced by Addendum 3A in order to reflect the President of the Associated Student’s role in the constitutional amendment procedure; c. The term “Elections Chair” in SAS II.201.01.m be struck; d. SAS II.201.01.n be struck; e. SAS II.206.02.j be amended to read, “The Attorney General shall deliver all petitions for initiative and referendum to the President of the Associated Students before the Candidates’ Meeting.” f. SAS II.212.04.g be struck; g. SAS III.302.01.c.3 shall be amended to read, “If at any time the Attorney General might possess a conflict of interest the Chair of the Committee on Government Operations shall act as a special prosecutor to act as and perform the elections duties of the Attorney General, insofar as the Attorney General’s conflict is concerned;” h. SAS V.508 be struck; i. SAS VII.701 shall be replaced by Addendum 3B; j. SAS VII.702.06 be struck; k. SAS VII.702.06.c be struck; l. “Elections Chair” be struck from SAS VII.702.15.d.1; m. SAS VII.702.19.b.2 shall be amended to read, “During the elections, none of these officials may surrender the key to their charge to any other person unless they are unable to perform their duties;” n. All other instances mentioning “Commission on Association Elections” or “Chair of the Commission of Association Elections” or “Elections Chair” shall be replaced with “Center for Student Engagement staff;”

Be it further enacted by the Senate of the Associated Students, a. All current job duties and responsibilities of the Election Commission shall be transitioned to a paid student employee to take advantage of the efficiencies available under the Center for Student Engagement; b. This change will take effect at the beginning of the 86th session of the ASUN Senate and will not affect the current elections position; c. The Election Commission shall be transitioned to a paid student employee to take advantage of the efficiencies available under the Center for Student Engagement.

Adopted in Senate on April 4th, 2018

Attest:

Hannah Jackson, Speaker of the Senate

Noah Teixeira, President of the Associated Students

I certify that this Act originated in the Senate.

Andrea Godoy, Secretary of the Senate

1 Addendum 3A

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3 **CHAPTER 104: CONSTITUTIONAL AMENDMENT PROCEDURE**

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5 **SECTION 01: PROPOSAL OF A CONSTITUTIONAL AMENDMENT TO THE**
6 **CONSTITUTION OF THE ASSOCIATED STUDENTS**

7 When the Senate has proposed an amendment to the Constitution of the Associated Students,
8 pursuant to provisions of the Article V thereof, the Secretary of the committee shall certify to the
9 President of the Associated Students the text of the amendment.

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11 **SECTION 02: PLACEMENT ON THE BALLOT**

12 Whensoever an amendment to the Constitution is received before March, the President of the
13 Associated Students shall cause the amendment to appear on the ballot.

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15 **SECTION 03: CERTIFICATION TO THE PRESIDENT OF THE UNIVERSITY**

16 Whensoever an amendment to the Constitution has been ratified by the membership of the
17 Association, pursuant to the provisions of Article V of the Constitution, the President of the
18 Associated Students shall forthwith certify to the President of the University that the amendment was
19 ratified pursuant to the provisions of the Constitution.

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21 **SECTION 04: DUPLICATE CERTIFICATES**

22 The President of the Associated Students shall cause to be filed with the Secretary of the Senate, the
23 Legislative of the Associated Students, and themselves a duplicate of the certificate.

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25 **SECTION 05: DECLARATION OF ASSOCIATION POLICY**

26 It is the policy of the Associated Students that the President of the University shall play no role in the
27 consideration of an amendment to the Constitution of the Associated Students except insofar as may
28 be required to ensure the expeditious consideration of the amendment by the Board of Regents of
29 the Nevada System of Higher Education.

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31 **SECTION 06: AUTHORITY OF CHANGE**

32 a. No person or entity, except the membership of the Association voting in an election held for
33 the purpose of ratifying an amendment to the Constitution, retains the power and authority to make
34 changes to the Constitution of the Associated Students once an amendment has been properly
35 proposed pursuant to the provisions of Article V of the Constitution; and

36 b. No person or entity retains the authority to make changes, alterations, or other adjustments
37 to an amendment to the Constitution of the Associated Students subsequent to its proper proposal
38 to the membership of the Association.

1 Addendum 3B

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TITLE VII: ELECTIONS

CHAPTER 701: FACILITATION OF ELECTIONS

SECTION 01: ESTABLISHMENT

The facilitation of elections of the Association shall be implemented collectively by student employees of the Center for Student Engagement as well as the Attorney General of the Association.

SECTION 02: MISSION

The mission of the facilitation of elections is to provide for a fair and efficient election for the Association. The facilitation of elections provides an avenue for motivated Nevada students to start their understanding of a career in public service. Students become engaged locally as well as nationally and are instilled with a deep sense of leadership and civic responsibility that contributes to the development of engaged citizens.

SECTION 03: DUTIES OF THE ATTORNEY GENERAL

The Attorney General shall have the following duties with respect to elections:

- 19 a. To investigate alleged violations of the Election Code and prosecute offenders before the
- 20 Judicial Council.
- 21 b. To prosecute any case, at his or her discretion, filed by a third party, even in cases where the
- 22 plaintiff seeks to dismiss the charge.
- 23 c. To act as the representative of the Commission before the ASUN Judicial Council.
- 24 d. To ensure that all regulations concerning petitions are followed fully.
- 25 e. To deliver all petitions for initiative and referendum to the Elections Commission before the
- 26 Candidates' Meeting.
- 27 f. To carry out such other functions and duties as required under the constitution and laws.
- 28 g. The Attorney General shall not prosecute any case to which he or she is a party or in which
- 29 he or she has an interest in the outcome as described in subsection 3, Title III, Chapter 302, Rule 3a.
- 30 When such a conflict occurs, the Chair of the Commission shall act as a special prosecutor to act as
- 31 and perform the elections duties of the Attorney General insofar as the Attorney General's conflict is
- 32 concerned.