



From: Attorney General Omar Moore

To: President of the Association Anthony Martinez

Date: October 29, 2019

Re: Recall of Appointed Senators

President Martinez,

Your inquiry is much appreciated as the recall procedure for appointed senators is not explicitly referenced in any governing documents. It is my interpretation that this should not deviate from the steps already in place to recall a senator elected through conventional means. The warranting for this is multi-faceted. First, though not elected directly, an “appointed” senator is not the same as an appointed officer within the association. Senators must go through a special election. Since the senate acts as a public body on behalf of a respective constituents, they are virtually carrying out the will of the student body as a standard election mid-session would have numerous feasibility issues. This should not serve to alter the nature or powers of the position of senator.

As established in the **ASUN Constitution Article v Section II:**

(a) All elected members of this government are subject to recall from office by election, but no person shall be recalled from office without first serving two months.

Given that a senator appointed through a special *election* still qualifies as an elected member, they would still be subject to the same recall conditions expressed above. Additionally, the



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standard criteria are still capable of catering to appointed senators. A senator appointed to a vacant seat is still accountable to the same constituents who participated in the initial election. Procedurally, this means students of a respective college should have the same ability to remove an appointed senator as every other senator, no more, no less. In either scenario, members of the association should refer to the same part of the **Constitution in Article V Section II part B.**

PROCEDURES — (1) A petition of half of the number of students who voted in the previous election of the officer or senator to be recalled is required to order a recall election.

Regardless of how a senator acquired their seat, no conflict should arise given the criteria for pursuing such a recall. The basis for required signatures of a petition would still be half the number of students voting in the previous election. I hope this thoroughly addresses your question.

Warm Regards,

Omar Moore

Attorney General

Associated Students of the University of Nevada



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