



**To:** President Hall  
**From:** Attorney General Flippin  
**Date:** May 21, 2020  
**Re:** Senators holding multiple positions

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President Hall:

In your request, you asked for an opinion on whether or not it was constitutional for a senator to be elected and subsequently appointed to the office of Parliamentarian or Speaker Pro Tempore while also being appointed to a chair position.

The section of the Constitution in question is as follows:

*(d) LIMITATION ON HOLDING OFFICE — No person shall hold more than one office, elected or appointed, at any one time.<sup>1</sup>*

The main point of clarification that needs to be made is in the phrase “hold more than one office”. Upon election, a newly elected senator *holds the office* of senator. Their subsequent appointment to the positions of Parliamentarian, Committee Chair, Speaker Pro Tempore, etc. is not an adoption of another office, rather an extension of their current office. Additionally, simply because these senators are appointed to the positions aforementioned does not make them *appointed* officials. Their primary position was elected, making them an elected official whereas those who are appointed are not given their authority directly from an election.

There is a clear distinction between elected officers and appointed officers in the compensation sections of the Statutes of the Associated Students (SAS)<sup>2</sup>. The SAS clearly states the President, Vice President, and Senators are included in the elected officials pay scale while everyone the President appoints to their cabinet and those hired below all of their cabinet members are included in the appointed officials pay scale. In other words, elected officials are directly elected by the student body whereas appointed officials are appointed by someone directly elected by the student body.

Additionally, the Constitution draws the distinction between elected and appointed officials when speaking of qualifications to hold office:

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<sup>1</sup> ASUN Const., art. I, sec. 1(d)

<sup>2</sup> SAS, Title IV, Ch. 401, Sec. 03 & SAS, Title IV, Ch. 402, Sec. 03





*(b) QUALIFICATIONS TO HOLD OFFICE — All members of the government of the Association, **at the time of their election or appointment** and throughout their terms, shall meet the general qualifications as follows...<sup>3</sup>*

The Constitution blatantly makes a distinction between elected and appointed positions. Appointment of elected officers to other positions within their jurisdiction does not make them appointed officials and, therefore, they are not in violation of the Constitution. It would be a different situation entirely if someone was elected as a senator and then appointed as a member of the President's Cabinet because it involves two distinctly different offices. Someone elected as a senator who is then appointed as Speaker Pro Tempore is still primarily a senator; their power does not overreach into different branches nor does it allow them to occupy two distinct offices.

Moreover, Senate appointed positions directly affect the inner workings and processes of the Senate body in order to make sure they are as efficient and effective as possible. Therefore, it makes logical sense for these Senate appointed positions to be occupied by members of the very body they govern.

Overall, it is my opinion that appointing senators to the positions of Parliamentarian, Speaker Pro Tempore, and/or Committee Chair is constitutional given that these senators are technically only holding one office and extending the power of that singular office through different positions. Thank you for your concern in this matter.

Best Regards,

Paige I. Flippin  
Attorney General  
*Associated Students of the University of Nevada*

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<sup>3</sup> ASUN Const., art. I, sec. 1(b)

