

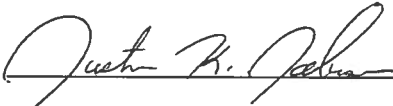
ASMSU Judicial Council Ruling: 2017- JC- 008

Topic: Elections

Yea 4 Nay 0 Justices Present 4

Record Number: 2017 -JC- 008

Ruling Date: April 11, 2017


 Justin K. Johnson, Chief Justice
 4/12/17
Date

Contested Articles:

- Bylaws Article 7, Section 7, Subsection A, B, and C
- Election Policy Article II, Section 1, Subsection C
- Constitution Section XXIII
- SUB Campaigning Policy



In a unanimous vote (4-0), taken on April 12, 2017 in the case of 2017- JC- 008, the Judicial Council for the Associated Students of Montana State University finds the Office of Student Engagement (OSE) in compliance with Article 7, Section 7, Subsection A, B, and C of the ASMSU Bylaws; Election Policy Article II, Section 1, Subsection C; and the ASMSU Constitution Section XXIII

Be it here established and declared, the Judicial Council will not assess sanctions against OSE or the executive officers involved in the dispute.

Due to the exclusion of the word "sponsor" or "officer" in Bylaws Article 7, Section 7, Subsection C, the Judicial Council could not find grounds to reprimand the officials responsible for printing "Vote YES!" on the ballot measure marketing materials found in the Student Union Building prior to the Spring 2017 election. The materials were purchased using the President's Discretionary Fund, however, with how the bylaws are currently written- promotion of ballot measures is allowed to be done using those funds. Though the OSE's actions fit the definition of campaigning in Bylaws Article 7, Section 7, Subsection A, only candidates are prohibited from using ASMSU "funds, time, equipment or supplies to aid in their campaigning," not a supporter of a ballot measure.

The Council also took note of the immediate changes to remove the word "YES" from materials created by the OSE after officials were made aware of student concerns. It is the Judicial Council's recommendation that the ASMSU Senate review the Bylaws, Article 7, Section 7, and determine if changes should be made to Subsection C in order to include ballot measures and current officers, or if it should remain unchanged.

Minutes for the meeting held on April 11, 2017 can be found on the Judicial Council webpage.

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