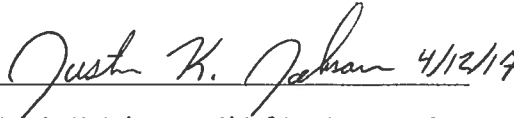


ASMSU Judicial Council Ruling: 2017- JC- 0092017-JC-009 Yea 4 Nay 0 Justices Present 4

Topic: Elections

Record Number: 2017 -JC- 009

Ruling Date: April 11, 2017


 Justin K. Johnson, Chief Justice Date

Contested Articles:

- By-Law Reference: Article 7, Section 1, Subsection A (and others)
- Constitution Reference: Section 14 (and others)



In the case of 2017-JC-009, The Judicial Council for the Associated Students of Montana State University finds, by an unanimous vote (4-0), the 2017 Spring election results will be officially recognized for all positions except the Senator-at Large (At- Large) seats; unless the following scenario is the result of the election:

- The margin of victory between the 5th and 6th candidates in the At- Large election is greater than, or equal to, 50 votes.
- Further, substantiated disputes, are not filed.

Should the margin of votes be below the required threshold, the Judicial Council will send urgent notice of an official recommendation to the ASMSU Senate to hold a special election for the the five (5) At-Large seats before the conclusion of the 2016-2017 academic year. It is in the expressed authority of the ASMSU Senate, as described by Article 7, section 10 of the ASMSU bylaws, to call a special election for the At- Large seats. In the event the ASMSU Senate does not call a special election, the results of the At- Large election will stand. It is highly recommended and encouraged by the Judicial Council, but not required, that any incumbent Senator for an At- Large should abstain from a vote to approve a special election- should there be one. If a special election is called, the newly elected At- Large senators will be officially installed at the first meeting of the Senate in the 2017-2018 academic year, unless the election is held prior to April 20, 2017.

In the case of 2017-JC-009, there was a majority opinion among the Justices of the Council:

Majority Opinion:

It was determined unanimously, by the Judicial Council, that the burden on voters as well as Senators outweighed the immediate need for a special election. With the top 3 Senators being clearly defined in the polls, and with the Judicial Council allowing for a victory of 50 votes to differentiate between the 5th and 6th At-Large Senator as being clearly defined margin of victory, it was decided the result would hold significance enough to allow them to stand. The Judicial Council recognizes that if the margin of votes between the 5th and 6th At-Large Senators is within 50 votes, then all Justices agreed on the need for the Senate to hold a prompt special election to properly elect the five (5) At- Large senate seats.

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The majority opinion, and actions within this document, shall stand as the ruling for 2017-JC-009. The Judicial Council, being the Elections Committee, issues this ruling under the authority of Article 7, section 1 of the ASMSU bylaws and under the authority of Section 14 of the ASMSU Constitution.

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

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