


**ASMSU Judicial Council Ruling: 2017- JC- 001**

Topic: Elections

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Submission Record Number: 2017 -JC- 001

Ruling Date: March 2, 2017

  
Justin K. Johnson, Chief Justice      Date

Contested Articles:

- Constitution Reference : Section 3; Section23
- By-Law Reference: Article 2 Section 1-B
- Election Policy Reference: Section 1-D



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In a unanimous vote (3-0) taken on March 2, 2017, in the case of 2017- JC- 001, the Judicial Council for the Associated Students of Montana State University finds in favor of the contesting student: Lukas Hall-Alba.

Be it here established and declared, the Judicial Council finds a direct conflict between the ASMSU Constitution and the 2017 ASMSU Elections Policy.

Section 3 of the ASMSU Constitution states, "An ASMSU member shall be defined as any Montana State University-Bozeman student paying the Student Activity Fee. An MSU-Bozeman student shall be defined as anyone currently enrolled at Montana State University-Bozeman."

Section 1-D of the 2017 Elections Policy states, " All candidates must be registered students per the MSU Registrar's Office, by add date, in order to be eligible to run. Under ASMSU guidelines, the candidate must be enrolled in a minimum of seven credits, pay the student activity fee, and be in good academic standing.

Therefore, the Judicial Council finds the Constitution shall take supremacy in determining the qualifications needed for running for ASMSU office. Be it determined, a student who is enrolled in any number of credits, and has paid the student activity fee, shall be eligible to run for an ASMSU office.

The Judicial Council supports this ruling by applying the terminology used in Section 23 of the Constitution, as well as Article 2 Section 1-B of the by-laws, by acknowledging both provisions reference the definition of an eligible candidate as set forth by section 3 of the Constitution.

It is the official recommendation of the Judicial Council to the ASMSU Senate to draft, and pass, legislation to resolve the discrepancy between the ASMSU Constitution and the 2017 ASMSU Elections Policy.