



**JP 22-23:06** Constitutionality of Special Elections

**Date:** January 20th, 2023

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The Supreme Court has determined that “special elections”, defined as elections separate from the ASuop General Election, are constitutional within our current state of government; however, the Court recommends some specific procedures for how special elections should be carried out and changes to our bylaws to expedite the process.

The Court finds that the Senate is responsible for outlining the procedures and timeline of all elections including, special elections. Article IV Section 4 of the Constitution states the following:  
“The rules and regulations for elections, including the manner in which they shall be conducted, shall be determined by the Senate, and approved by the President.”

Given the precedent for a special election – for the purpose of compelling the ASuop President to advocate for a revised ASuop Student Fee – presented in Constitutional Amendment II, the Court recommends that the Senate follow the same process for authorizing a special election by a  $\frac{2}{3}$  vote.

The Court recommends that the Senate amend bylaw 701.1 which currently reads as,

“All ASuop elections shall be overseen by an Election Committee”



To allow for elections that only contain ballot initiatives, elections with no candidates, to be exempted from this requirement, allowing special elections to occur quickly in the event there is no Election Committee previously established. The Court recommends that each authorization designate a Senator, standing Senate committee, or create an ad-hoc committee to facilitate the special election in the absence of an established Election Committee.

**Respectfully Submitted,**

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Reese Romero, Chief Justice of the ASuop Supreme Court

**1/20/2023**

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Date

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Ainsley Berryhill, Associate Justice of the ASuop Supreme Court

**1/20/2023**

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Date

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Namorrah Ward, Associate Justice of the ASuop Supreme Court

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