

Request for Review

Hereafter, in the context of this case, you, the party requesting a hearing, shall be referred to as the Plaintiff; and the party against whom the review is being sought shall be referred to as the Defendant.

Plaintiff: Full Name: Andrew Struthers
Address: 4012 NW Witham Will Dr., Corvallis, OR 97331
Phone Number: (541)974-7240
ASOSU Affiliation: Member of House of Representatives
Represented By: Student Lawyer:
Self:

Defendant: Full Name: Sokho Eath
Address: 149 Snell Hall, Jefferson Way, Corvallis, OR 97331
Phone Number: (541)737-6345
ASOSU Affiliation: ASOSU Vice-President, Chair Election Committee
Represented By: Student Lawyer:
Self:

Constitutional or statutory provision in question:

Document Title (e.g. ASOSU Constitution, Statutes, Election Packet, etc.)
ASOSU Constitution and Election Committee Website

Citation (e.g. Article and Section, etc.)
Article III, Letter E, Number 1

Quotation of the provision in question:

Article III: Letter E: Number 1: The Senate shall be composed of twelve members, six chosen by the ASOSU each year. Members shall serve for two years. The first general election immediately following the passage of this Constitution shall allow six senators to be chosen by the ASOSU to serve for no longer than one year.

Summary of the alleged violation:

The problem had hand is the 2012 ASOSU Election committee has announced there are 9 seats open for election, which available for 2 years. After speaking with Mr. Eath, we informed me that 3 of the 6 selected last year no longer hold their position and have been filed by the vacancy committee. Therefore the committee has said the 3 that were filled by the vacancy committee do not get to fill the remaining year after this and will be reopened for another 2 years, including the six already required to be elected this year, therefore bringing the total to 9 to be elected in 2012.

Alex V. Soo 4/10/12 3:25pm
4/10/12

Additional evidence:

Snapshot of the ASOSU Election webpage:

In order to become a candidate in the 2012 ASOSU Election, you must attend at least ONE of the Candidate Information Sessions. A sign-in sheet will be passed around to verify your attendance in order to be eligible as a candidate.

Candidates seeking the positions of: *President, Vice President, Speaker of the House* who pass onto the General Election following the Primary Election are required to and must attend the **April 14th Candidate Orientation Session.**

ASOSU Elected Positions:

ASOSU President & Vice-President (must run together as a ticket)

ASOSU Speaker of the House

ASOSU Senator* (9 seats available for election)

ASOSU Undergraduate Representative (20 seats available for election)

Graduate Representative (5 seats available for election)

Student Incidental Fees Committee Member (SIFC)**

*ASOSU Senators are elected for 2-year terms

**SIFC Members are elected for 1 or 2 year terms, depending on open seats

12-108(n)

Struthers, Andrew

From: ASOSU VP
Sent: Wednesday, March 14, 2012 8:49 PM
To: Struthers, Andrew
Cc: Van Drimmelen, Christopher
Subject: Re: Senate Elections

There are 9 seats open (ish, unless those three want to run for a new position) because the 6 who won 2-yr seats last year, only those 3 have remained. Unless I misread the statutes, appointees are not consider to have those seats for the remainder of that last part of their appointed term. So in cap, 6 are open per structure, 3 are open because of resignations, totaling 9.

Sokho

On Mar 14, 2012, at 8:31 PM, "Struthers, Andrew" <Andrew.Struthers@oregonstate.edu> wrote:

Hey Sokho,

I was flipping through the ASOSU website and take a look at the election stuff. I notice that it says there is 9 seats open for election. I'm pretty sure that only 6 seats should be open for election, and the other 3 seats, since they only have 1 year left are technically vacancy that are to filled by the vacancy committee. I would check with VD on this.

If you want to talk in person about this in person, I'd be happy to meet with you.

Andrew Struthers
Project Specialist
Auxiliaries and Activites Business Center
Andrew.Struthers@oregonstate.edu

Direct Judgment of ASOSU Judicial Council

Case 12-108(r)

Decision:

The Judicial Council has decided that the three extra Senate positions currently on the Spring 2012 ballot must be taken off, and that the three appointed Senators will complete the rest of the term assigned to their Senate seat. Vote: 3-0

Opinion:

It is the court's opinion that only six seats are to be voted for in one election as stated in the ASOSU Constitution Article III Section E 1: "The Senate shall be composed of twelve members, six chosen by the ASOSU each year. Members shall serve for two years. The first general election immediately following passage of this Constitution shall allow six senators to be chosen by the ASOSU to serve for no longer than one year." Each Senate seat has a two year term and the appointed Senators may complete the term that was already in progress when they were appointed.

It is the court's opinion that the interpretation of appointed officers is not the same as appointed Senators as stated ASOSU Statutes Title II Section 3 A. 3: "Terms of Office for Senators shall begin at Noon on June 1st and shall end at Noon on June the 1st two years later. Officers shall begin their duties immediately after hiring or appointment and shall end their duties at the end of the legislative session. All non-elected officers are subject to a re-hiring process following the end of the legislative session." Appointed officers are members of the Senate appointed by their fellow Senators to a position such as President Pro Tempore as stated in ASOSU Statutes Title II Section 3 D. 1: "President Pro Tempore shall be any Senator which, upon majority vote of his/her peers, shall assist the President of the Senate in all their duties and shall act as Chair of regular and special meetings upon the absence of the President."

If Senate seats are left open until an election, extra Senators could be elected. Any seats beyond the normal six could only complete the rest of the Senate term that is allotted to that seat. Extra opening would have to be specified as such, and Senators elected to fill the seats would need to be notified of the end of the term since it will not be the normal two years so that the Constitutional number of Senators will be elected each year.

Alex Van Loo

April 17, 2012

ASOSU Judicial Chairman