



Unanimous Opinion By Councilor Carmichael

**JUDICIAL COUNCIL OF THE ASSOCIATED  
STUDENTS OF OREGON STATE UNIVERSITY**

Zachary Kowash, ASOSU Vice President

INQUIRY TO THE ASOSU JUDICIAL COUNCIL  
(No. 24.038.i)

[August 24, 2024]

On July 24, 2024, Zachary Kowash, ASOSU Vice President, brought forth an inquiry before the Judicial Council pertaining to the Representation Clause of the ASOSU Constitution and its applicability to the special election authorized by Senate Bill 84.05 “Fixed Date Special Election (Revised).” The Council has identified petitioner’s question as follows:

Who is responsible for determining the constituency of a special election as required under the ASOSU Constitution and Statutes?

Section A of the Representation Clause of the ASOSU Constitution states:

All Oregon State University (OSU) students enrolled in at least one Corvallis-based course, as defined by the university, are members of the ASOSU. Membership of other OSU students, where required by applicable law or university policy, shall be represented by the ASOSU with the same rights accorded to them. No student shall lapse in membership within the ASOSU Student Body, or eligibility for office, simply for failure to enroll for one or more credits during the summer or other academic breaks, or prior to adding or withdrawing from registered credits within the current academic term. However, to vote in ASOSU elections (see Article VI), members must be enrolled in at least one eligible credit hour by the time of the election, or by a time up to two weeks prior, as deemed necessary by the ASOSU Student Government.

Senate Bill 84.05 identifies the constituency of the special election consistent with the

Representation Clause, however petitioner raises concerns regarding the permissibility of the constituency. Senate Bill 84.05 identifies the constituency as summer term students. However, this special election, concerning the incidental fee, would be only dispersed to students whom do not pay the student fee during the summer term. A significantly high number of summer term students also take classes during fall, winter, and spring terms, in which incidental student fees are due. This presents a matter of ambiguity in terms of what constituency establishment would be appropriate. Title VII §2(A) of the ASOSU Statutes states:

Any general or special election held for the Associated Students of Oregon State University shall be conducted under the provisions of these guidelines and shall be under the authority of the ASOSU Elections Committee. The Elections Committee shall have authority to make temporary revisions to these guidelines during the period of the election. The Elections Committee shall set all specific dates of events.

This subsection grants the Elections Committee sufficiently broad authority over ASOSU elections for the Council to hold that ambiguities concerning a clear constituency shall be left to the best judgement and determination of the ASOSU Elections Committee, pursuant to Title VII §2(A) of the ASOSU Statutes.