

Majority Opinion By Council Chair Knudsen

JUDICIAL COUNCIL OF THE ASSOCIATED
STUDENTS OF OREGON STATE UNIVERSITY

Taylor Sarman, ASOSU PRESIDENT

INQUIRY TO THE ASOSU JUDICIAL COUNCIL
(No. 15-002.i)

[April 20, 2015]

Taylor Sarman, ASOSU President, brought an inquiry before the Judicial Council pertaining to Article VI, Section G of the ASOSU Constitution. President Sarman requests an answer to the question, "Can the ASOSU Congress pass additional provisions or requirements for running and/or holding office?" For additional context, President Sarman attached the Joint Bill, JB-06.21, titled *Bill to Define Constituencies in the ASOSU House of Representatives*. He also attached a letter addressed to ASOSU Congress and OSU Community stating his reasons for vetoing JB-06.21.

Article VI, Section G of the ASOSU Constitution states the rules for holding office for Undergraduate students as maintaining at least a 2.0 GPA comprised of 6 credit hours and for Graduate students, a 3.0 GPA comprised of 5 credit hours is required. Both Undergraduate and Graduate students must also take the Oath of Office. Additionally, Amendment I, Section B states, "The constituencies for each Seat of the House of Representatives shall be outlined in the statutes."

After much deliberation, the Judicial Council interprets these sections in the context of the question brought by President Sarman to mean the following: Amendment I and Article III, Section I grant congress the power to make "additional provisions or requirements" regarding the time, place, and manner of running for/holding office. Additionally, Congress may set the number of seats in accordance with established constituencies. Let constituencies be hereby further defined in the spirit of the framers of the United States Constitution to mean an equally divided populous of the whole, and not to describe a particular club, group, or organization.

Just as the First Amendment of the United States Constitution protects the right to associate, so too does it protect the right not to associate. While the Judicial Council believes the intention of the JB-06.21 was truly to promote diversity, requiring individuals to prove membership to fill certain seats is a slippery slope to circumventing democracy. Additionally, any legislation restricting seats to race-based and sexual orientation-based associations potentially violates Article II of the ASOSU constitution, which prohibits discrimination in ASOSU.