

Opinion of the Court

**SUPREME COURT OF THE ASSOCIATED STUDENTS OF
COLORADO STATE UNIVERSITY****CLARIFICATION OF ELECTIONS MANAGER AND ELECTION COMMITTEE MEMBERS'
OFFICE ELEGIBILITY**

ASSOCIATE JUSTICE HUMBARGER delivered the opinion of the Court.

Scott Ricketts, the Director of University Affairs, sought clarification on the constitutionality of a member of the ASCSU Elections Committee holding a position in the Executive, Judicial, or Legislative branch of ASCSU. More specifically, he wanted clarification of the restrictions “on both the Elections Manager and members of the Elections Committee for employment and membership in ASCSU in the year after the election.”

After reviewing this the ASCSU Constitution, and the Referenda and Elections Code, the Court agreed that there were two questions that needed to be addressed. What “elected office” refers to, and which category the Elections Committee exists under.

In a unanimous decision the Court agreed that in this specific context, elected office refers to the general election. Meaning, The Elections Manager and members of the Elections Committee may not run for any office in the ASCSU general election. This includes but is not limited to President, Vice President, and Senator. This is unrelated to the methods College Councils use to select their respective Senators.

In addition to this limitation on running for office, the Elections Manager, as specified in section 704, “shall not be eligible to hold a position in the Executive or Judicial branches the following school year, with the exception of the Elections Manager position.” Officials appointed to the Election Manager position who are current members of the Judicial or Legislative Branch must resign from their current position upon becoming Elections Manager. Although those who hold positions in the Executive Branch may retain their position, because the Elections Manager position is in the same branch and thus would not be in conflict with Section 104.

The Court felt that Section 705 was clear in that “Members of the Elections Committee shall not be eligible to run for any elected office.” Members of the Elections Committee are only limited by ineligibility to run for elected office, not the stricter restrictions placed on the Elections Manager. While Committee members could be influenced by the promise of cabinet positions, the Court felt this issue would be best solved through legislative action, rather than judicial review.

In a unanimous decision, the Court also decided that the Elections Committee is considered an

Opinion of the Court

external committee. Therefore, it operates similarly to the Inclusive Excellence Committee that is chaired by a member of the executive cabinet but allows members from other branches to serve as voting members on the committee without being in conflict with Section 104. Allowing any members to be on the Elections Committee without resigning from their current position. Members of the Supreme Court are excluded from the committee according to the Referenda and Elections Code which states that “Members of the ASCSU Supreme Court shall have no participation in any election campaign while in service of their two year term.”