



THE ASSOCIATED STUDENTS OF COLORADO STATE
UNIVERSITY

26th SESSION OF THE FIFTY-FIRST SENATE
20 APRIL 2022

BILL #5120
Establishing the Constitution Caucus and the Adoption of its Bylaws

WRITTEN BY: Kevin Clark, 51st Senate Parliamentarian

SPONSORED BY: Gemma Buhaenko, Elections Manager; Elijah Sandoval, Vice President-Elect of ASCSU

ENDORSED BY: Benton Roesler, Director of Housing Security; Charlie Williamson, Senator for the Pride Resource Center; Ben Torres-Doxey, Recruitment and Retention Officer, Senator for the Asian-Pacific American Cultural Center; Evan Welch, Chair for the University Affairs Committee, Senator for the College of Liberal Arts; Christian Dykson, President of ASCSU; Sammy Trout, Senator for the College of Liberal Arts; Rob Long, President-Elect of ASCSU; Internal Affairs Committee

Abstract: This bill seeks to establish a Caucus for the purposes of rewriting the ASCSU Constitution and preventing the nullification of 50th and 51st Senate Constitutional Amendments. All citations of the ASCSU Constitution within this Bill refers to the version submitted during the 2022 ASCSU General Election [\[hyperlinked here\]](#).

WHEREAS

Article XII, Section 1202 of the ASCSU Constitution reads that:
"All amendments to this Constitution made in accordance with Article X, must be approved prior to Spring Break for inclusion on the general election ballot"; and,

WHEREAS

The Parliamentarian submitted, with approval of the Elections Manager, a copy of the ASCSU Constitution containing all amendments to the Constitution made from the 50th and 51st Senate, which was included in the 2022 ASCSU General Election Ballot; and,

WHEREAS

Article XII, Section 1201 of the ASCSU Constitution reads that:
“Upon amendment, this Constitution shall be ratified by the majority of not less than 10% of the voting members of the Associated Students of Colorado State University by placement of the question “Do you vote to approve the Constitution of the Associated Students of Colorado State University?” at the end of the general election ballot”; and,

WHEREAS

1,854 students voted in the 2022 ASCSU General Election, comprising only 6.17% of the voting members of ASCSU; and,

WHEREAS

Elections Manager Buhaenko has determined that all Constitutional amendments made since the 2021 ASCSU General Election, wherein the Constitution was ratified by 13.73% of the voting members of ASCSU, were not adopted and will be voided upon the conclusion of the 51st Senate; and,

WHEREAS

The version of the Constitution submitted for the 2021 ASCSU General Election [[hyperlinked here](#)] did **not** contain any Constitutional amendments made during the 50th Senate; and,

WHEREAS

Upon conclusion of the 51st Senate on May 4th and the commencement of the 52nd Senate on May 6th, the Associated Students of Colorado State University will operate under the 49th Senate’s Constitution; and,

WHEREAS

The nullification of Constitutional amendments made during 50th and 51st Senate will cause a disruption of several provisions that have already been fully implemented by ASCSU; and,

WHEREAS

Examples of these provisions include but are not limited to Section 106 - Diversity and Inclusion in its entirety, as well as Section 602 - Caucus Clause in its entirety; and,

WHEREAS

Article XI of the ASCSU Constitution outlines that a standard bill may be brought to the Senate floor to amend the constitution; and,

WHEREAS

Article XI, Section 1101, Subsection VI of the ASCSU Constitution reads that: *“Upon the two successive two-thirds votes of the Senate and Executive approval, this (Constitutional) amendment shall become effective”*; and;

WHEREAS

ASCSU has traditionally implemented Constitutional amendments upon approval of the ASCSU President; and,

WHEREAS

Members of ASCSU have expressed interest in rewriting the ASCSU Constitution to improve the operations of our organization and to best serve the student body of Colorado State University; and,

WHEREAS

Section 602 gives a Caucus the ability to enact its own bylaws, however, the author has deferred the passage of the bylaws for this new Caucus to the 51st Senate; so

THEREFORE, BE IT HEREBY ENACTED

That the 51st Senate of the Associated Students of Colorado State University establish a Constitution Caucus to address the issues outlined previously; and,

THEREFORE, BE IT HEREBY FURTHER ENACTED

That the first task of the Constitution Caucus will be to produce a Lex that includes all Constitutional amendments made by the 50th and 51st Senate to present at the first session of the 52nd Senate on May 6th, 2022; and,

THEREFORE, BE IT HEREBY FURTHER ENACTED

Once this task has been completed, the Constitution Caucus will shift its focus on producing new amendments for the ASCSU Constitution that will improve our organization and its ability to serve the student body of Colorado State University; and,

THEREFORE, BE IT HEREBY FURTHER ENACTED

That the Chair of the Constitution Caucus shall be the author of this Bill until an election is held for a new Chair; and,

THEREFORE, BE IT HEREBY FURTHER ENACTED

That the Constitution Caucus shall hold an election for a Chair before the first session of the 52nd Senate during the Fall Semester of 2022; and,

THEREFORE, BE IT HEREBY FURTHER ENACTED

That the Constitution Caucus shall dissolve at the conclusion of the 52nd Senate or via a simple majority vote of the Senate; and,

THEREFORE, BE IT HEREBY FURTHER ENACTED

That the Constitution Caucus shall operate as a regular caucus during the academic year, and shall convene informally over the summer to brainstorm and produce additional Constitutional amendments to present to the 52nd Senate during the 2022-23 Academic Year; and,

THEREFORE, BE IT HEREBY FURTHER ENACTED

That the 51st Senate of ASCSU adopt the bylaws for the Constitution Caucus attached within this document.


PASSAGE AND LEGISLATIVE HISTORY OF BILL 5120

INTRODUCED — 26th SESSION

20 APRIL 2022

SENATE PASSAGE [EXPEDITED] — UNANIMOUS CONSENT

20 APRIL 2022



4/21/2022

ASCSU PRESIDENT CHRISTIAN DYKSON

DATE

THAT A COPY OF THIS LEGISLATION SHALL BE FORWARDED TO

- Rob Long, ASCSU President-Elect**
 - Elijah Sandoval, ASCSU Vice-President Elect**
 - Nicholas DeSalvo, Speaker of the Senate-Elect**
 - Erin Freeman, Chief Justice**
 - The Senators-Elect of the 52nd Senate**
 - Jess Dyr Dahl, ASCSU Advisor**
 - Jessi Sholts, ASCSU Advisor**
 - Joyce McConnell, President of Colorado State University**
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BYLAWS OF THE CONSTITUTION CAUCUS

Section I. Definitions

- A. Chair - The facilitator of the Caucus.
- B. Vice Chair - The secondary facilitator of the Caucus.
- C. Member - Any person attending the Caucus.
- D. Voting Member - Any person given the right to vote.
- E. Ex-Officio Member - Considered in these bylaws as any member who holds a position within one of the three [3] branches of ASCSU.
- F. Lex - A lex (p. ledges) is both a Bill and a Resolution; these are often used (but not exclusively) for amendments to the Constitution. Ledges require three [3] readings in the Senate and two votes during the Second and Third Readings to pass. For Constitutional Amendments, Ledges require a two-thirds majority during both votes in order to pass.
- G. Quorum - Quorum in this Caucus constitutes at least four [4] voting members, excluding the Chair and/or Vice Chair

Section II. Applicability

- A. These bylaws defer to the ASCSU Senate Bylaws, ASCSU Constitution, and ASCSU Supreme Court Judgement.
- B. These bylaws are superseded by University Policy and local, state, and federal laws where applicable.
- C. These bylaws supersede any documents and orders created under the authority set forth in these bylaws.
- D. The ASCSU Supreme Court has the authority to interpret these bylaws.

Section III. Principle Provisions

- A. The Constitution Caucus is charged with two objectives:
 - 1) The first task will be to produce a Lex that must, at the least, include all Constitutional Amendments from the 50th and 51st Senate to present to the 52nd Senate on May 6th, 2022.
 - i. These Constitutional Amendments must have documentation of signature from the ASCSU President at the time that said amendment was passed.
 - ii. The lex must contain all of the proposed edits within the language of the Bill text.
 - 2) Once this first Lex is introduced, the Caucus shall focus on producing new Constitutional Amendments that will improve ASCSU as an organization and its ability to represent the students of Colorado State University.
- B. The Constitution Caucus shall dissolve at the conclusion of the 52nd Senate during the Spring Semester of 2023. If the caucus members and/or the 52nd Senate decide that the

- Constitution Caucus has served its purpose, a simple majority vote in the Senate can dissolve this caucus at any point.
- C. This Caucus shall **not** recommend any amendment to the Constitution that disrupts the current system of Separation of Powers and/or Checks and Balances between the three branches without unanimous consent from the ASCSU President, Chief Justice, Speaker of the Senate, and the ASCSU Advisors for the 2022-23 Academic Year.
 - 1) Examples of these provisions include, but are not limited to, the Veto powers of the President, the power of Judicial Review within the Supreme Court, and Senate ratification of Officers.
 - D. All votes made during the Constitution Caucus meeting with regards to Constitutional amendment additions shall be considered **provisional** for a period of one week to allow voting members the opportunity to vote.
 - 1) During the Summer, this provisional period is extended to one [1] month.
 - 2) If the meeting begins with less than four [4] members, excluding the Chair and/or Vice Chair, the meeting shall be adjourned and operate as an informal open session.
 - i. In this case, the members present shall not have the ability to commence a provisional vote on any Constitutional amendments.

Section IV. General Operations

- A. The Constitution Caucus will operate on the 11th Edition of Roberts Rules of Order where applicable and productive for the space. The provisions within these Bylaws supersede Roberts Rules of Order where applicable.
- B. Pursuant to Section 602 of the ASCSU Constitution, this Caucus is a Special Committee and shall not have the ability to discharge or receive legislation.
 - 1) An endorsement or sponsorship from the Constitution Caucus cannot be counted towards the number of sponsorships required for a piece of legislation to appear on the Senate floor. It is encouraged for members of the Caucus to endorse relevant legislation as individuals.
- C. Meetings, set by discretion of the Chair, shall be regularly scheduled on a weekly basis during the academic year.
 - 1) Caucus meetings shall not conflict with any regularly scheduled meetings of the Internal Committees.
- D. During the Summer of 2022, the Constitution Caucus will convene informally at the discretion of the Chair.
 - 1) The Chair must give ten [10] days notice when scheduling a Caucus meeting in the Summer.
- E. All meetings of the Constitution Caucus must be conducted with an option to participate virtually.
 - 1) All votes of the Constitution Caucus shall require a virtual voting option.
- F. All meetings of the Constitution Caucus shall be made open to the public as well as recorded and uploaded publicly for transparency.
- G. The Agenda for Constitution Caucus is as follows:

Constitution Caucus Agenda

- I. Call to Order
 - II. Attendance
 - III. Topic(s) Overview (5 minutes)
 - a. Some pertinent topic examples include, but are not limited to: Diversity & Inclusion, Interbranch Communication, the Roles of Branch Leaders, Senator Pay, Elections, etc.
 - IV. Discussion of Topic(s) (15 minutes)
 - V. Work Session on Constitution (30 minutes)
 - VI. Recommendations from Members (15 minutes)
 - a. This is the time allotted for proposed recommendations; however, recommendations are not required in every meeting. If there are no amendment proposals, time will be extended to workshop & discuss Constitution changes.
 - VII. Provisional Vote on Including Constitutional Amendments into the combined Lex
 - a. This is not required if there are no recommendations; follows the same procedure as Item VI on the agenda.
 - VIII. Adjournment & Open Session
- H. The Chair shall have discretion in producing the agenda and topic for each Caucus meeting.
- 1) The agenda may be altered with a simple majority of the present members, including non-voting members.
- I. The Vice-Chair shall be the secondary facilitator, and will take note of what happens during each meeting
- 1) If there is no Vice Chair, the Chair shall take notes.

Section V. Membership and Voting

- A. All members of ASCSU (including non-ex-officio students) may participate in this Caucus as a member.
- 1) All members of ASCSU, with the exception of currently seated Justices of the Supreme Court, are eligible to run for Chair or Vice Chair of this Caucus.
- B. The voting procedure for adding Constitutional amendments to the Constitution Caucus' ledges are as follows:
- 1) During a meeting, the present members may initiate a vote to add a Constitutional Amendment to the caucus' combined Lex.
 - i. For this motion to be appropriate, the amendment must have been discussed in at least two [2] Constitution Caucus meetings.
 - ii. The member must also provide the exact language to amend the Constitution in order for the motion to be considered appropriate.
 - 1. An Amendment is not limited in the number of changes that it can make. For example, a single amendment can rewrite the entire

Constitution, or rewrite a single subsection. Think of this as placing multiple provisions on a Slate.

2. Any voting member may move to separate a particular provision from a proposed amendment to be voted on by itself. This requires no vote.
- 2) During the academic year, once the Caucus has commenced a vote on an Amendment, a period of one [1] week will open for all voting members to make a decision.
 - i. During the Summer, this voting period is extended to one [1] month.
- 3) A simple majority of all members who cast a vote shall be required to adopt this amendment.
- 4) If the vote passes, the amendment will be included into the caucus' combined Lex.

C. The membership rules of the Constitution Caucus are as follows:

- 1) All ex-officio members of ASCSU for the 2021-2022 Academic Year, with the exception of currently seated Justices of the Supreme Court, who have not been confirmed to a position from the General Election or 52nd Senate Elections, may vote in the Constitution Caucus until the first session of the 52nd Senate in the Fall Semester.
- 2) All ex-officio members of ASCSU for the 2022-2023 Academic Year, with the exception of currently seated Justices of the Supreme Court, may vote in the Constitution Caucus once ratified/elected and sworn in through the Senate.
- 3) Students who are members of ASCSU under Sec. 106 of the Constitution but are not ex-officio members of ASCSU shall begin as non-voting members. They may obtain voting privileges by participating in three [3] consecutive Caucus meetings during the Academic Year or two [2] during the Summer.
 - i. Due to the timeline in which these bylaws are enacted, the meeting requirement shall be waived until June 1st, 2022.
 - ii. Voting privileges for non-ex-officio students shall require ratification from a simple majority of members who have voted. A vote will commence once the student has met their required meetings with a voting period of one [1] week during the academic year and two [2] weeks during the Summer.

Section VI. Amending the Bylaws of the Constitution Caucus

- A. The amendment of the provisions within these Bylaws may be enacted through a simple majority of all votes cast or via a Resolution in the Senate.
 - 1) The window to vote on amending these Bylaws will align with the provisions set out in Section III, Subsection D.
- B. The only exception to the previous clause is any amendment to the Principle Provisions set forth in Section III; this may **only** be amended via a Resolution in the Senate.