

ASCSU Supreme Court Case No. 5302  
Opinion of the Court

**SUPREME COURT FOR THE ASSOCIATED STUDENTS OF COLORADO STATE  
UNIVERSITY  
February 13 2023**

CLARIFICATION ON THE ALLOWANCE OF SENATE CHANGING THE ELECTIONS CODE

CHIEF JUSTICE ALAYNA TRUXAL delivered the opinion of the Court

AN ASSOCIATE SENATOR FOR THE OFFICE OF ADULT LEARNERS VETERANS SERVICES (ALVS), MADELEINE KAMBERG, requested an opinion on a few specific questions regarding senates ability to change the elections code and referenda, how to go about it, and what rules/laws apply to this process.

The following questions were submitted for clarification:

1. Does Senate have the power to change the ASCSU Referenda and Elections code
2. Is a petition is required, that must be approved by the elections manager
3. If Bill 5315, Fiscally and Otherwise Accessible Elections is passed it will need to be re-ratified in the spring
4. Are there are any special rules for amending election code other than those regarding time (sub-sections D-K)

The ASCSU Supreme Court has determined the following

1. In a 7-0-0 vote, the Court found that:
  - a. The Senate (any senator) with the endorsement of the Elections Manager, may *amend* the ASCSU Referenda and Elections Code. The constitution states in Section 806 - Referenda and Code (C) “The ASCSU Referenda and Elections Code may only be amended by a Senate bill specifically delineating all proposed amendments”.
  - b. Precedent illustrates Senate bill #3115, proposing an amendment to the ASCSU elections rules, with the endorsement of the presiding Elections Manager. This shows that while the Senate does have the ability to introduce amendments in the form of a bill, the endorsement of the Elections Manager is required.
  - c. It is the opinion of the court that while the Senate does have the power to amend the ASCSU Refrenda and Elections code, they cannot subvert the input of the elections manager relating to any changes of the code.
2. In a 7-0-0 vote, the Court found that:
  - a. A petition process is only required if the process outlined above is circumvented.
  - b. This petition process is outlined in Section III and IV of the ASCSU Referenda and Elections Code.
3. In a 7-0-0 vote, the Court found that:
  - a. No, If Bill 5315, Fiscally and Otherwise Accessible Elections is passed it will not need to be re-ratified in the spring. In this decision, the court looked to the Constitution, Section 806 (D): “The ASCSU Referenda and Elections Code shall remain in effect at all times, and shall not require yearly re-adoption.”
4. In a 7-0-0 vote, the Court found that:

- a. Subsections D-K of Section 806 of the Constitution are the sole rules outlined in the Constitution regarding amending the ASCSU Referenda and Elections Code. All other rules regarding changing the code can be found outlined in the ASCSU Referenda and Elections Code.