ASCSU Supreme Court Case No. 5401
Opinion of the Court

SUPREME COURT FOR THE ASSOCIATED STUDENTS OF COLORADO STATE UNIVERSITY

February 25, 2025

CLARIFICATION ON THE VOTING POWERS OF SENATORS PARTICIPATING IN INTERNAL ELECTIONS AND RATIFICATIONS

CHIEF JUSTICE MORGAN WRIGHT delivered the opinion of the Court

THE SPEAKER OF THE 54th SENATE, HAYDEN TAYLOR, requested an opinion regarding the voting powers senators have when participating in an internal senate election and/or ratification.

The following question was submitted for clarification

1. Can a Senator that is seeking election to an internal Senate position – one elected by the Senate body that must be concurrently held by a Senator or Associate Senator (such as a Committee Chair) – vote in the election for that position?
    i. Does a Senator's candidacy for such a position inherently forfeit their right to vote on that election?
    ii. Why?
    iii. Does the same principle as outlined above apply to Senate Ratifications for which a Senator is being ratified to a position, such as for the Legislative Strategy Advisory Board, the Board for Student Organization Funding, the Student Fee Review Board, the Elections Committee, etc.?
    iv. Why?

The ASCSU Supreme Court has determined the following:

1 (i). In a 7-0-0 vote, the Court decided that a Senator's candidacy for such a position - one elected by the Senate body (such as a Committee Chair) - does not inherently forfeit their right to vote in that election.

1 (ii). Citing Article II, Section 3, Subsection A of the 54th Senate Bylaws: "Senators shall have floor, speaking, motion, and voting rights during Senate Meetings." However, as Associate Senators are not ordinarily granted these rights, they would not be permitted to vote in such an election, unless they are voting for their Senator by proxy or are a Committee Chair as delineated by the 54th Senate Bylaws. Furthermore, referring to the Elections Code adopted by the 53rd

senate, which governs “all elections, referenda, petitions, and campaigns as authorized by the ASCSU Constitution and appl[ies] to any member of ASCSU conducting and/or participating in any such election, referenda, petition, or campaign” (Article I, Section 3), “The Elections Committee shall abide by the most recent version of Robert’s Rules of Order where appropriate or necessary” (Article V, Section 8). Therefore, since the Elections Committee abides by Robert's Rules of Order, all elections, including Senate elections, shall also abide by Robert’s Rules of Order unless explicitly overridden by the Constitution or Bylaws. Article VIII, Section 46 of Robert’s Rules of Order states that, “It is a general rule that no one can vote on a question in which he has a direct personal or pecuniary interest *yet* this does not prevent a member from voting for himself or any office.” This does not mean that the Senate is prevented from passing future legislation that overrides Robert’s Rules of Order (as the governing documents of ASCSU supersede Robert’s Rules of Order) or that a Senator is obligated to vote in an election for which they are a candidate or are an otherwise interested party. In such a case, a Senator retains the right to abstain from that vote if they wish.

1 (iii). In a 7-0-0 vote, the Court decided that the same principle as outlined above does apply to Senate Ratifications for which a Senator is being ratified to a position, such as for the Legislative Strategy Advisory Board, the Board for Student Organization Funding, the Student Fee Review Board, the Elections Committee, etc.

1 (iv). Referring to the reasoning outlined in the Court’s answer to Question 1 (ii.), Senators do not inherently forfeit their voting rights for any ASCSU election.