

February 17, 2012

FROM: Donald Garrett [REDACTED]
TO: The Elections and Disputes Commission
RE: Election Code Grievance

Good Morning!

There is no standard form for submitting grievances pursuant to 4CSG § 2.203. Please accept the attached grievance and injunction for consideration in the Disputes Board. If you have any questions, please feel free to contact me. I respectfully request immediate consideration of the injunction and I do request a hearing on the grievance. However, since it is the end of the semester, I do completely understand if the hearing cannot be held until the Spring Semester.

DIG

Enclosures

In re Election Code
Grievance Questioning the Constitutionality of Bill 23 (32nd Student Senate)

Pursuant to 4CSG § 2.203, I request a hearing on the constitutionality of Election Code 4.1. Election Code 4.1 is in violation of Article II, Section 2 and Article III, Section 1 of the Student Body Constitution of George Mason University. The grievance is in regards to the code passed by the Student Senate and approved by the Student Body President.

Background

The Election Code passed the 32nd Student Senate on Thursday, February 9, 2012 and was approved by the Student Body President, pursuant to the Code of Student Governance.

Article II, Section 2 and Article III, Section 1 Violation

Article II, Section 2 of the Student Body Constitution states, in part, “Any person may be elected to the Senate, who, at the time of election meets the minimum requirements to be involved in Student Activities.”

In addition, Article III, Section 1 states, in part, “No person except a full-time student of George Mason University shall be eligible to hold the Office of Student Body President; neither shall any person be eligible to that Office who shall not attained the age of eighteen years, be in good academic and University standing, and have attended George Mason University for one year.”

There is no provision in the Student Body Constitution that does not allow for a candidate to run for both offices. There is a clause that stipulates that you cannot serve in both a legislative and executive role. However, the terms of Senators and the Executive Branch are different.

Article II, Section 2 states, “The terms of the Senators shall expire at noon on the first Monday of May, from whence the terms of their successors shall begin.”

Article II, Section 2 states, “The terms of the Student Body President and Vice President shall commence at noon on the Saturday following the first Monday of May, next succeeding the election, and ending one year thereafter immediately upon the inauguration of their successors.”

There is no provision in the Student Body Constitution that does not allow students to run for both branches. If a student qualifies to run for both, they should be eligible to run for both.

The Commission, at the Student Senate Meeting on February 9, 2012, brought up a notion of “fairness.” Attached to the grievance is a Bill to Amend the Code of Student Governance I will submit if the Commission strikes Election Code 4.1. It should elevate the concern that Commissioner Bier spoke on behalf of the Commission.

Bill XX

A Bill to Amend the Code of Student Governance

Be it enacted by the Student Senate of George Mason University,

That 2 CSG §101 is amended and reenacted to read as follows:

§ 101 Membership of the Student Senate

There shall be no more than 40 Senators in the Student Senate, and no more than 40 individuals shall be Senators. No more than 30 Senators shall be elected during the annual Student Government Elections as provided in *Title VI 6-CSG-§510*. *Should a Senator elected in the annual Spring Student Government Election resign before being sworn in and taking office in the ensuing Student Senate, the candidate receiving the next most amount of votes past the original elected thirty shall take the spot of the resigning Senator-elect in succession to the amount of votes received.* The remaining positions shall be unfilled by spring elections and reserved for the following fall elections of freshmen and transfer students. No Senator who shall have failed to run for elective office during the spring Student Government Elections shall be eligible for fall elections.