



2011-2012

Election and Disputes Commission Student Government George Mason University

David J. Bier – Chairman

Associate Commissioners

Christina Lauderdale
Emily Daniel

Daniel Santiago

Greg Mercer

Randah Al-Hothali

Jessica Richardson

Danny Lee

I.

The issue as set before the Election and Disputes Commission (herein 'EDC') questions the whether the Student Senate of George Mason University violated the "notice and comment" requirement as outlined in Article VIII, Section 2 of the Student Body Constitution.

II.

Article VIII, Section 2 states, in part, "Any member of the Student Government may submit a bill to amend this Constitution. The Senate will publicize, through appropriate media sources, at least two consecutive weeks before an open hearing, or debate, for the proposed amendment(s)."

The legal tradition of public notice and comment on proposed regulations is a widely utilized principle. It ensures due process protections are afforded to those who are affected by any particular regulation or legal change, in this instance the Student Body. By not adhering to the prescribed steps, Student Senate's actions infringed upon the due process rights of the Student Body in an unacceptable way.

For Constitutional amendments, the hearing period must be done before Senate considers the matter. Once senate has voted on the matter, the Student Body cannot modify the contents of the proposed amendments, and must either pass or fail the amendments. By allowing for a pre-consideration hearing, students are afforded a greater ability to propose changes and make comments that may tangibly alter the amendments which Senate considers.

The EDC recommends that the current Senate leadership communicate with the next Senate's leadership on this issue to ensure that future attempts at constitutional amendments are handled in the proper manner.

III.

During the consideration and passage of Bill 32, a bill that has the primary purpose of amending the Student Body Constitution, the Student Senate failed to satisfy the "notice and comment" requirement set forth in Article VIII, Section 2. As such, Bill 32, and the provisions contained therein, are unconstitutional and cannot be considered by the students for final passage and constitutional adoption. Given the fact that this holding requires the open forum

4400 University Drive, MS 2D6, Fairfax, Virginia 22030

Phone – 703.993.2909 | Fax – 703.993.4566 | Email – SGEDC@GMU.EDU | Web – SG.GMU.EDU

to be held before Senate considers the matter, the amendments contained in Bill 32 can only appear on a future ballot if Senate passes the legislation again.

It is so ordered.

The vote on the matter was unanimous.

Commissioners present: Chairman Bier, Commissioners Lauderdale, Mercer, Santiago, Richardson, Daniel, Al-Hothali, and Lee.

Chairman Bier abstained, as he was moderating the deliberation. Chairman Bier would have voted only in the event of a tie.