

ASSEMBLY RESOLUTION 7-040

A RESOLUTION TO FURTHER AMEND THE ELECTION CODE:

- WHEREAS,** Article VI, Section D(2)(d.) of the Compiled Code (“Previously Used Party Names”) currently sets out the requirements for the re-use of a party name previously “properly filed in any election within the current or preceding three academic years”; **AND**
- WHEREAS,** The same Section currently allows re-use of such a party name with written authorization of either (1) a majority of the candidates who ran with that previous party OR (2) five candidates who ran with that previous party; **AND**
- WHEREAS,** Over the years, many parties have run upwards of 25, 30, or even 35 candidates for representative seats in the Winter CSG Elections; **AND**
- WHEREAS,** Permitting parties to exploit the current second provision for authorization of use of a party name by obtaining the written authorization of only five students could still foreseeably result in multiple groups of five former candidates each laying claim to authorized use of a particular previously-used party name; **AND**
- WHEREAS,** Such foreseeable, conflicting multiple claims to the authorized use of a previous party name would present an issue for the UEC which it would have no substantive statutory authority or guidance upon which to base a decision; **AND**
- WHEREAS,** A simple amendment to the Election Code eliminating the five-candidate loophole and thus raising the threshold for authorized use of a previous party name can significantly reduce or eliminate the possibility of such conflicting claims; **AND**
- WHEREAS,** Candidates and parties, as students and associations thereof, are entitled to the same rights to Freedom of Speech and Association guaranteed to all students in Article VIII, §§ 1-2 of the All-Campus Constitution, and also guaranteed by the First Amendment to the United States Constitution; **AND**

WHEREAS, Current language in Section F(1)(f.) and Section F(3)(a.)(i.) of the Election Code could be construed as a blanket prohibition or restriction on any and all campaign activity prior to the start of the official campaign period; **AND**

WHEREAS, Such a restriction would not only be implausible and impractical, but would also trample on students' rights to Freedom of Speech and Association guaranteed in Article VIII, §§ 1-2 of the All-Campus Constitution, as well as rights to the same guaranteed by the First Amendment to the United States Constitution; **THEREFORE BE IT**

RESOLVED, Article VI, Section D(2)(d.) of the Compiled Code ("Previously Used Party Names") shall be amended to strike the words "or at least five," so that the written authorization of no less than a majority of the candidates who ran with that previous party shall be required for any such party name properly filed and used in the preceding three academic years or current academic year to be re-used in any election cycle; **AND BE IT FURTHER**

RESOLVED, Article VI, Section F(1)(f.) of the Compiled Code ("Duration of Effect") shall be amended to strike the clause "as they are not permitted to campaign" so as to remove any reference to blanket restrictions on campaigning; **AND BE IT FURTHER**

RESOLVED, Article VI, Section F(3)(a.)(i.) of the Compiled Code ("Limitation of Campaigning") shall be amended to strike the word "campaign" and replace it with "post campaign materials in posting areas on campus, nor chalk on campus," so as to narrowly tailor reasonable restrictions on campaigning.

Authors

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President's Approval

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Presented to the Assembly for *First Reads* on _____
Presented to the Assembly for *Second Reads* on _____

Yes: _____ No: _____ Abs: _____ Date: _____

Signature Necessary: _____