

ADVISORY OPINION 2019-AO-05

REINTRODUCING A FAILED AMENDMENT OR REFERENDA WITHIN THE SAME LEGISLATIVE SESSION

Drake, J. for the Court

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This Court has jurisdiction over Advisory Opinions requested by any Senator in regard to student rights pursuant to the Constitution of the Student Body Art. § 3(C)(5).

This Court received the following request for advisory opinion from a Senator:

Is it possible for the Student Senate to reintroduce constitutional amendments or referenda with the same or similar intent within the same Legislative Session if it's first time on the ballot failed by a small margin?

ANALYSIS

Pursuant to the Constitution of the Student Body Art. VI, the procedure for presenting an amendment to the Legislative Session is laid out in detail. The procedure is further discussed in § 704.5 of the Student Body Statutes. Additionally, the procedure for referenda elections is laid out in § 707.2 of the Student Body Statutes. Nowhere in the Student Body Constitution or the Student Body Statutes is a resubmission of a previously shut down amendment or referenda prohibited, provided it be submitted within by the filing deadline. However, it can be reasonably assumed that upon a final decision of the bill (i.e. passage or failure), the process for any resubmission

would have to restart the application process (i.e. reobtain required number of signatures, file any necessary paperwork, etc.). One cannot simply slightly alter the wording and then put it back up for a vote without going through all the necessary steps because it is technically a new bill. This prevents an undue burden on the Senate from hearing resubmission after resubmission that can just change two words then send it back to the floor. Once rejected, the process begins again, even if the bill changes only slightly or not at all.

CONCLUSION

Therefore, this Court advises that the Student Senate is not prohibited from reintroducing prior failed constitutional amendments or referenda within the same Legislative Session, provided that, upon that rejection, they abide by the requirements laid out in the Student Body Constitution and the Student Body Statutes.