ASSOCIATED STUDENTS OF ASU

GPSA ASSEMBLY

NINTH LEGISLATURE

MARCH 16, 2012

ASSEMBLY BILL #28

INTRODUCED BY

THE GOVERNMENT OPERATIONS COMMITTEE

AN ACT Amending Title III of the Bylaws to Remove Unfair Provisions from the Nominations Process

THE GRADUATE AND PROFESSIONAL STUDENT ASSOCIATION,

WHEREAS Title III, Article 1, Section D, Subsection e requires that those seeking office in GPSA to attend a full Assembly meeting prior to submitting any official elections paperwork;

BELIEVING this provision to be unfairly applied because:

A. The public and potential candidates received no reasonable constructive notice of this provision, and had no reasonable chance to comply with the provision even if they could be said to have received reasonable constructive notice.
   a. The first elections email was sent over the GradStu ListServ on February 16, 2012.
      i. This e-mail contained no note of the requirement to attend an Assembly meeting.
   b. The only Assembly meeting between this first notice and the candidacy filing deadline (March 5th) was on Friday, February 17th, 2012; 1 day after the first notice was sent out.

B. Neither the elections website (http://elections.asu.edu/) nor the Election Application contains any reference to this provision, except for where this provision is present in the Bylaws posted on the elections website.

C. This provision inherently favors current GPSA office holders, as they, by the virtue of already being officers, will have likely attended an Assembly meeting; and strongly disadvantages new candidates.
BELIEVING that this provision likely cannot be fairly applied in the future because:

A. There are only nine Assembly meetings in any given year.
B. Elections materials are usually sent out in mid-spring, which would give candidates—even if constructively notified of this requirement—only one or two opportunities to attend an Assembly meeting.
C. This provision imposes an unnecessary burden upon the Elections Director to have applications out earlier than otherwise necessary in order to ensure that potential candidates are constructively notified of this requirement in time to attend one of nine Assembly meetings.
D. Assembly members appointed by the Assembly Operations Committee—and as such, who are not democratically elected by their peers—are not subject to this same requirement.

NOTING that this provision’s intention is good, but deciding that the unfairness of its application outweighs its positive intention;

THEREFORE REMOVES Title III, Article 1, Dection D, Subsection e from the Bylaws;

RENUMBERS the Bylaws accordingly,

DIRECTS the Elections Director to immediately reinstate the candidacy of any candidate denied the opportunity to run for office because of Title III, Article 1, Section D, if they otherwise would be eligible to run; and to promptly notify them as such.