The Law Book of the Associated Students of New Mexico State University

2019-2020 Edition

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CONSTITUTION OF THE ASSOCIATED STUDENTS OF NEW MEXICO STATE UNIVERSITY

PREAMBLE

The formulations of university policy are based upon the principle of appropriately shared responsibility and joint effort involving the administration, faculty and students. Shared responsibility in the formulation of policies affecting the university community requires that students have responsibility for regulating their own affairs and a significant voice in shaping policy at all levels of the university. In accordance with these principles and in order to facilitate the expression of student opinion, to provide student activities, and to establish and maintain a representative and orderly system of self-governance which shall be both the servant and agent of the student community, the students of New Mexico State University do ordain and establish, under the general procedures and regulations of the organizations and activities of New Mexico State University, this Constitution of the Associated Students of New Mexico State University.

1-1. NAME

The name of this student association shall be "The Associated Students of New Mexico State University," hereafter referred to as the "ASNMSU."

1-2. MEMBERSHIP STRUCTURE AND LIMITATION OF POWER

1-2-1. MEMBERSHIP

All students of NMSU who have paid the ASNMSU supporting fees shall be members of the ASNMSU.

1-2-2. GOVERNMENTAL STRUCTURE

The governing structure of the ASNMSU shall consist of three branches: the legislative, the executive and the judicial.

1-2-3. LIMITATION OF POWER

The ASNMSU shall not have the power to enact any law or adopt any policy which infringes upon the right of any policy-determining body of NMSU to perform their duties and responsibilities.

1-3. LEGISLATIVE

1-3-1. LEGISLATIVE POWER VESTED

All legislative powers granted in this constitution shall be vested in the Senate of the ASNMSU, hereafter referred to as the "Senate."

1-3-2. SENATE MEMBERSHIP QUALIFICATIONS AND OFFICERS

The Senate shall be composed of Senators elected by the ASNMSU members of the several undergraduate colleges and the graduate school, hereafter referred to collectively as the "colleges." Senators shall be elected for a term of one (1) year and shall take office at the last Senate meeting of the semester of their election. No person shall be a Senator who is not, when elected and while in office, a member of the ASNMSU not suffering disability by academic or disciplinary probation and a member of the college by which they are elected. No Senator shall hold an additional elected office or appointed position of the ASNMSU except as may be provided by law. The members of the Senate shall be apportioned among the several colleges in direct proportion to their respective enrollments as determined by the current official fall semester enrollment figures from the NMSU registrar; but each college shall have at least two (2) Senators. Amendments to the apportionment shall be passed by a vote of three-fourths of the Senate membership

present and voting. When a vacancy occurs in the Senate, the college council of the college of the vacated position may select an interim Senator to serve the remainder of the unexpired term. The Vice President of the ASNMSU shall be President of the Senate, but shall have no vote unless the Senate is equally divided. The Senate shall choose its other officers and also a President Pro Tempore who shall serve in the absence of the Vice President or when the Vice President shall exercise the office of President of the ASNMSU.

1-3-3. POWERS AND DUTIES

The Senate shall have the authority to pass all legislation necessary and consequent to any provision of this constitution. No money shall be drawn from the treasury except as a consequence of appropriations made by law. The Senate may levy such fees as may be necessary to support the ASNMSU upon the consent of the ASNMSU. The Senate shall have the sole power to initiate impeachment proceedings against any individual holding a position of trust and confidence under the ASNMSU on allegation of nonfeasance or misfeasance by a three-quarters vote of those present and voting. The Senate shall have the sole power to try any member of the judiciary in matters of alleged nonfeasance, misfeasance, and if guilt be found by three-quarters vote of those present and voting, to remove such a person from office. The times, places and manner of holding elections for Senators and Executive Officers shall be prescribed by the Senate. The Senate shall be the judge of the elections, returns and qualifications of all ASNMSU elected officials and may delegate these duties as prescribed by law.

1-3-4. ENACTMENT AND VETO OF BILLS

Every bill having passed the Senate shall be presented to the ASNMSU President before being enacted into law. If the president approves, the bill shall be enacted by the president's signature. If the president does not approve, the president shall return the bill together with a written message of objections to the Senate. The Senate may then reconsider the bill; should two-thirds of the Senators present vote in the affirmative upon the bill, it shall be enacted into law. Should the president fail to return a bill to the Senate within two weeks after it shall have been presented and the bill shall be enacted into law as though the president had signed it, provided the Senate, shall not have prevented its return by its adjournment. All bills shall be transmitted to the office of the President of NMSU and the office of the Vice President of Student Success of NMSU within forty-eight hours of enactment into law. The President of NMSU or designee shall have the power to nullify the annual general appropriations bill within two weeks after it shall have been presented to them.

1-3-5. MEETINGS AND RULES OF PROCEEDINGS

The Senate shall convene no less than once every two weeks during the fall and spring semesters. A regular meeting may be omitted by two-thirds vote of the Senate. A majority of the membership shall constitute a quorum to transact business, but a smaller number may adjourn and may compel upon peril of censure the attendance of absent members. The Senate Clerk shall keep a journal of the proceedings of all meetings in which shall be entered the affirmative and negative votes upon any document or matter of record. The proceedings of the meeting shall be made available to the public. The Senate may determine the rules of its proceedings. All meetings of the Senate, whether the body be sitting in whole or in part, shall be open to the public. All persons in attendance shall be subject to the rules of the Senate.

1-4. EXECUTIVE

1-4-1. EXECUTIVE POWER AND ELECTION

The executive power shall be vested in a President of the ASNMSU who shall affect the execution of all laws and policies of the ASNMSU not specifically required of the other branches. A President and a Vice President shall be elected by a majority vote of those ASNMSU members casting ballots in an election to be conducted for that purpose during the spring semester of each academic year. No person shall be a candidate for executive office who has not been a member of the ASNMSU for the spring and fall semester of the academic year prior to candidacy. No person under academic or disciplinary probation or who is not a member of the ASNMSU shall hold an executive office. Each elected executive officer shall serve a term of one year commencing on May 16th and terminating with the installation of the successor.

1-4-2. ORDER OF SUCCESSION

In such event the President shall resign from their office, shall be removed from their office or in some other manner be rendered unable to fulfill the duties and discharge the powers of office, all powers, authorities, responsibilities and duties of the office of the President shall fall upon the Vice President. In the event that such disability be removed, all powers, authorities, responsibilities and duties of the office of President shall revert to the President upon their declaration of fitness to serve. The Senate may by law provide for the order of succession of executive responsibility in the event that both the President and Vice President suffer disability or in some manner become incapacitated.

1-4-3. INFORMATION TO BE PROVIDED TO THE SENATE

The President shall from time to time give to the Senate information of the state of the ASNMSU and recommend to their consideration such measures as they shall judge necessary and expedient.

1-4-4. APPOINTIVE POWERS

The President shall nominate and, with the consent of the Senate, shall appoint members of the ASNMSU to fill executive offices which may be established by law. The Senate may, by law, invest the President with the power to make specified appointments at their sole discretion. The President shall have the authority to appoint such executive assistants as deemed necessary.

1-5. JUDICIAL

1-5-1. SUPREME AND INFERIOR COURTS

The judicial power of the ASNMSU shall be vested in the ASNMSU Supreme Court and in inferior courts ordained and established by the Senate. The Supreme Court shall be composed of five judges appointed by the President and with the consent of the Senate. All judges shall be members of the ASNMSU and no person shall be nominated or appointed a justice of the ASNMSU Supreme Court who has not been a member of the ASNMSU for the spring or fall semester prior to their appointment. The terms of the Supreme Court Justices shall commence on May 16th; three (3) justices commencing on even numbered years, two commencing on odd numbered years. The terms of all Supreme Court judges shall terminate at 11:59 am of the final day of the spring semester two years after commencement of their term. When a vacancy occurs within the Supreme Court, the President, with the consent of the Senate shall appoint a qualified member of the ASNMSU to fill the remainder of the unexpired term. A majority of the judges shall constitute a quorum to render a decision.

1-5-2. JUDICIAL POWER

The judicial power shall extend to all cases, in law and equity, arising under this constitution, statutory enactments, legislative resolutions or executive order of the ASNMSU. Both the Supreme and inferior courts shall have the power to render decisions in matters of binding arbitration when both parties to such a dispute so request and submit to the jurisdiction over any case originally adjudicated by any inferior court. The Supreme Court shall have the sole power to try impeachments of legislative and executive officers. This power shall extend no further than the judgment of removal from office.

1-6. AMENDMENTS

Amendments to this constitution shall be passed by a vote of two-thirds of the Senate membership, approved by a majority of those ASNMSU members voting for that purpose and approved by the President of NMSU or their designee before such amendments shall become effective.

2. ELECTION CODE

2-1. ASNMSU ELECTIONS ACT

AN ACT RELATING TO THE ASNMSU ELECTIONS; ENACTING AN ELECTION CODE; AND PRESCRIBING THE MANNER IN WHICH ELECTIONS SHALL BE CONDUCTED.

2-1-1. SHORT TITLE

This act shall be known as the "Election Code."

2-1-2. PURPOSE OF ELECTION CODE

The purpose of the Election Code is to secure both the secrecy of the ballot and the purity of elections, to guard against the abuse of the elective franchise, and to provide for efficient administration and conduct of elections.

2-1-3. DEFINITIONS

As used in the Election Code, the following are defined:

- A. "Voter" means any student of NMSU who is a member of ASNMSU and is eligible to vote in an ASNMSU Election;
- B. "Unofficial Results" are the number of votes secured by ICT prior to the filing of all necessary forms to the Chief Elections Officer and the resolution of any contested elections.
- C. "Official Results" are the total number of votes secured by ICT for candidates in question after all necessary forms have been filed to the Chief Elections Officer, and all contested elections resolved.
- D. "General elections" are the elections held in the spring or fall semester of each academic year for the purpose of electing ASNMSU senators and executive officers;
- E. "Internet Voting" is the process by which members of ASNMSU may cast their ballot online in any General Election, Runoff Election, Constitutional referendum, special referendum, and any other time voting is necessary by ASNMSU;
- F. "Internet Voting Instructions" are the written instructions informing Voters of the proper manner in which to vote using their NMSU login;
- G. "Run-off elections" are any elections following a general election or following a run-off election for the purpose of obtaining the legally required votes to fill an ASNMSU elected office or to pass judgment on any referendum;
- H. "Constitutional referendum" means a vote taken by the members of ASNMSU concerning a proposed ASNMSU constitutional amendment;
- I. "Special referendum" means any vote taken by the members of ASNMSU concerning any question relating to the levying of ASNMSU supporting fees or any other questions;
- J. "Election official" means the individual members of the ASNMSU Election Board, the Chief Officer, and the Deputy Elections Officer, poll workers, poll watchers;
- K. "Official candidate" means any member of ASNMSU who has met the requirements for candidacy as prescribed by the Election Code and has been certified by the Election Board;
- L. "Write-in candidate" means any member of ASNMSU who is not an official candidate, yet seeks an ASNMSU elected position and receives any write-in vote, which must include that person's full name as stated in the NMSU Phonebook, in an ASNMSU election;
- M. "Polling place" means any area designated for use in an ASNMSU election by the ASNMSU Election board;
- N. "Contestant" means any ASNMSU member who files a written notice of the contest of an ASNMSU election which is within the mandates of the election code;
- O. "Contestee" means one against whom a written notice of the contest of an ASNMSU election has been filed;

- P. "Wireless-capable devices" are any devices, electronic or other, that have the capability of connecting to a network of computers or the Internet which can be used by the general student population for voting in the ASNMSU elections;
- Q. "Wireless-capable area" is any area that a wireless connection is available to any wireless-capable device which can be used by the general student population for voting in the ASNMSU elections;

2-2. CHIEF ELECTIONS OFFICER AND OFFICIALS

2-2-1. APPOINTMENT AND QUALIFICATIONS OF THE ASNMSU CHIEF ELECTIONS OFFICER

- A. A ten (10) month office to be known as the "Office of Chief Elections Officer" is created within ASNMSU. The ASNMSU President, with the consent of the ASNMSU Senate, shall appoint a member of ASNMSU to the position of Chief Elections Officer.
- B. The Chief Elections Officer shall manage with the budget for elections as designated by the previous year's General Appropriations Act under the budget for the Director of Public Relations.
- C. The Chief Elections Officer shall not:
 - 1. Violate any qualification for the Election Board membership;
 - 2. Hold another office, appointed or elected, within ASNMSU.
- D. The Chief Elections Officer shall serve a term commencing ten (10) months prior to the last day of the following academic year and terminating at 11:59 am of the final day of the succeeding spring semester.
- E. Applicants for the position of the ASNMSU Chief Elections Officer shall be members of ASNMSU.
- F. Applicants for the position of ASNMSU Chief Elections Officer shall have been members of ASNMSU for one (1) previous semester.
- G. Preference in selection of the ASNMSU Chief Elections Officer should be given to those individuals who are familiar with or have been subject to the daily operations and procedures of ASNMSU general elections and the ASNMSU Election Code.
- H. Applicants for the position of the ASNMSU Chief Elections Officer shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Chief Elections Officer.
 - 2. Once appointed to the office of the ASNMSU Chief Elections Officer, the individual shall maintain a semester GPA of 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by ASNMSU.
 - 3. The ASNMSU Chief Elections Officer will be subject to the academic and disciplinary requirements throughout the term of office.

2-2-2. QUALIFICATION FOR REMOVAL FROM OFFICE

- A. The Chief Elections Officer shall not be removed from office unless impeached by a three-quarters (3/4) majority vote of the ASNMSU Senate present, and shall not serve as a subordinate to any member of the Executive Branch of ASNMSU, acting independently of any ASNMSU official.
- B. When a vacancy occurs in the office of the Chief Elections Officer, the ASNMSU President, with the consent of the senate, shall appoint a qualified member of ASNMSU to fill the office for the remainder of the unexpired term.
- C. If the ASNMSU President is unable to fill the office of the Chief Elections Officer, the Deputy Elections Officer shall assume the responsibility and position of the office of Chief Elections Officer.

2-2-3. DUTIES OF THE CHIEF ELECTIONS OFFICER

The Chief Elections Officer shall:

- A. Obtain and maintain reasonable uniformity in the application, operation and interpretation of the Election Code;
- B. Generally supervise all ASNMSU elections;
- C. Verify that all official candidates for ASNMSU offices are qualified to accept and to run for the office for which they are official candidates at the time of the election;
- D. Attend every other scheduled meeting of the Senate to provide reports on upcoming events, scheduled events, job progress, and current budget at the discretion of the ASNMSU President. If the Chief Elections Officer cannot attend, the Chief Elections Officer may send the Deputy Elections Officer or a representative from ASNMSU to provide the report;
- E. Prepare instructions for the Chief Elections Officer successor and election officials in accordance with ASNMSU law;
- F. Advise the election officials as to the proper methods of performing their duties as prescribed by the Election Code;
- G. Administer the Election Code, investigate potential violations, and report violations immediately to the ASNMSU Election Board;
 - 1. The Chief Elections Officer must notify the ASNMSU Senate and the Supreme Court if a penalty is enforced.
- H. Publish and distribute to the election polls, all official candidates and any other ASNMSU member who requests the Election Code, a sufficient number of copies of the Election Code as needed, including any amendments;
- I. Prepare and furnish instructions to explain clearly how voters may cast their ballots;
 - 1. Prepare and furnish to each poll sufficient ballots, forms, records or other equipment deemed necessary for the administration and operation of such polls, including suitable instructions concerning their use;
- J. Publicly announce required candidates' meetings as needed, giving notice of their time and place to the student newspaper and all ASNMSU student media outlets;
- K. Approve a representative of an official candidate prior to a required candidates meeting if the candidate is unable to attend a meeting;
- L. Automatically refer an official candidate to the Election Board for further review for failure of the candidate or an approved representative of the candidate to attend a required candidates meeting, if the candidate had at least twenty-four (24) hours' notice of the meeting;
- M. Check each poll worker during each election to ensure that the individuals working the polls are the individuals approved as poll workers;
- N. Where appropriate consult with the Attorney General regarding the legal interpretation of the Election Code;
- O. Take requests from candidates and other parties as to the setting up of additional and/or temporary Internet voting sites and render decisions as to the necessity of those sites;
- P. Take requests from candidates and other parties as to the administering and use of wireless-capable devices in wireless-capable areas for Internet voting and the setting up of Internet voting sites in wireless-capable areas;
- Q. Appoint an impartial body to administer the use of wireless-capable devices in wireless-capable areas for use by the general student population for voting in the ASNMSU elections;
- R. Appoint, if desired, one (1) Deputy Elections Officer and as many volunteers, as the office of ASNMSU Chief Elections Officer shall require. All such assistants shall hold office at the discretion of the ASNMSU Chief Elections Officer. The Deputy Elections Officer shall remain subordinate to the ASNMSU Chief Elections Officer and shall exercise powers and authorities subject to the discretion of the Chiefs Election Officer.
 - 1. The Deputy Elections Officer shall not have the authority or power to view the election results prior to their

posting.

- S. Provide training to the Elections Board at least one (1) week prior to the start of official campaigning, but not more than three (3) weeks prior.
 - 1. Training pertaining but not limited to the ASNMSU Elections Code.
- T. Act as the official custodian and trustee for the ASNMSU elections results and records which shall be kept for historical value to ASNMSU.
 - 1. Official results, per semester, shall be made public by posting said results within ten (10) business days on the ASNMSU website for no less than three (3) years, as well as be in accordance with section 2-6-2-C-4.
- U. Establish and submit a procedural elections guide to the ASNMSU Senate, as outlined in section 4-10, no later than four (4) weeks prior to the general election. Upon approval from the ASNMSU Senate, the Chief Elections Officer shall present the procedural guidelines to the Elections Board which would include, but is not limited to:
 - 1. Previous decisions regarding the penalties for violations.
- V. Conduct official ASNMSU polls and surveys of opinion on the NMSU student body.
 - 1. A poll or a survey may be requested of the Chief Elections Officer at any time during the academic year, with the exception of General Election weeks and the seven (7) days preceding and following said elections.
 - 2. The following officials may request polls or surveys:
 - a. The ASNMSU President
 - b. The ASNMSU Vice President
 - c. Executive Directors of ASNMSU
 - 3. Polls and surveys shall remain open for a period of no less than five (5) business days.
 - 4. Polls and surveys shall be made available to the student body electronically, with the choice of platform being at the discretion of the Chief Elections Officer.
 - 5. Results of polls and surveys shall be compiled by the Chief Elections Officer.
 - a. At the end of their term, the Chief Elections Officer shall deliver the compiled results of that year's polls and surveys to the office of the Attorney General so that they may be archived.
- W. Prepare a packet that includes all necessary documents for candidates, which shall include the following:
 - 1. Formal Letter
 - 2. Available Positions
 - 3. Important Dates
 - 4. Biography Instructions
 - 5. Freedom of Expression Policy/CCSU Campaign Regulations
 - 6. NMSU Housing Policy Campaign Regulations
 - 7. Poster/Flyer Information
 - 8. Petition of Candidacy/Binding to ASNMSU Election Code (Chapter 2 of Law Book)
 - 9. Qualification/Check Release
 - 10. Financial Disclosure Form
 - 11. Social Media/List Serve Form
 - 12. Official Violation Form

- 13. Code of Ethics as mandated by Appendix B-2-5
- 14. Any other document deemed necessary at the discretion of the Chief Elections Officer
- X. Organize and schedule a public debate for the presidential and vice presidential candidates that shall take place during the campaign period.
- Y. Call a required poll watchers' meeting as needed.
- Z. Inform candidates of the appeal of contest process immediately after the decision of the Election Board is rendered.

2-2-4. COMPENSATION LIMIT FOR THE CHIEF ELECTIONS OFFICER

The Chief Elections Officer shall receive compensation not to exceed the current applicable minimum wage (as allowed by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .5 Full-Time Equivalent (FTE) while performing the duties of Chief Elections Officer.

2-2-5. ASNMSU DEPUTY ELECTIONS OFFICER

- A. The office of the ASNMSU Deputy Elections Officer is created within ASNMSU.
- B. The Chief Elections Officer may appoint an ASNMSU member to the office of the ASNMSU Deputy Elections Officer.
- C. The Chief Elections Officer may post, with the announcement of vacancy, those qualifications necessary for the office of the ASNMSU Deputy Elections Officer;
 - 1. Applicants for the position of the ASNMSU Deputy Chief Elections Officer shall be members of ASNMSU;
 - 2. Applicants for the position of ASNMSU Deputy Chief Elections Officer shall have been members of ASNMSU for one (1) previous semester;
 - Preference in selection of the ASNMSU Deputy Chief Elections Officer should be given to those individuals who are familiar with or have been subject to the daily operations and procedures of ASNMSU general elections and the ASNMSU Election Code;
 - 4. Applicants for the position of the ASNMSU Deputy Chief Elections Officer shall not be on either academic or disciplinary probation;
 - a. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Deputy Chief Elections Officer.
 - Once appointed to the office of the ASNMSU Deputy Chief Elections Officer, the individual shall maintain a semester GPA of 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by ASNMSU;
 - c. The ASNMSU Deputy Chief Elections Officer will be subject to the academic and disciplinary requirements throughout the term of office;
 - d. While working in the position, the ASNMSU Deputy Chief Elections Officer shall be a member of ASNMSU;
- D. The duties and responsibilities that the ASNMSU Deputy Elections Officer shall be expected to perform are:
 - 1. Assist the Chief Elections Officer in the duties and responsibilities of the Chief Election Officers office;
 - 2. Assist in the planning and staging of the ASNMSU Elections.
- E. The ASNMSU Deputy Elections Officer shall serve, at the discretion of the Chief Elections Officer, for a period not to exceed the term of office of the Chief Elections Officer, unless otherwise provided for by law;
- F. Should the office of the ASNMSU Deputy Elections Officer become vacant during the term, the Chief Elections Officer shall appoint a replacement to fill the position for the remainder of the term, providing that the replacement fulfills the qualifications for the office of the ASNMSU Elections Chair.

2-2-6. COMPENSATION LIMIT FOR THE CHIEF ELECTIONS OFFICER

The Chief Elections Officer shall receive compensation not to exceed the current applicable minimum wage (as allowed by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .5 Full-Time Equivalent (FTE) while performing the duties of Chief Elections Officer.

2-3. ELECTION BOARD

2-3-1. ELECTION BOARD CREATION

An ASNMSU Election Board shall be composed of the Chief Elections Officer and the Vice President of each college council. The Chief Elections Officer shall serve as Chair of the Board, and shall not vote except in the event of a tie.

2-3-2. ADDITIONAL MEMBERS

The ASNMSU Attorney General and Deputy Election Officers shall be ex-officio member of the Election Board. In the event that the ASNMSU Attorney General cannot serve, the ASNMSU Deputy Attorney General shall be an ex-officio member of the Election Board. A minimum twenty-four hours (24) hour notice will be given to the Attorney General's office prior to each meeting.

2-3-3. QUORUM REQUIRED FOR MEETINGS

A quorum shall consist of a simple majority of voting members.

2-3-4. QUALIFICATIONS OF MEMBERS

In order to serve as a voting member of the ASNMSU Election Board, a person shall:

- A. Be a member of ASNMSU;
- B. Not be an official candidate for any ASNMSU elected office;
- C. Not be related by blood or marriage within the first degree to any candidate for any ASNMSU elected office;
- D. Not be a justice for any ASNMSU court;
- E. Maintain ethical conduct throughout the entire election process;
- F. If at any time a member of the election board is no longer qualified to serve on the board and that seat becomes vacant, it is up to that person's College Council to fill that vacant seat as soon as possible with one (1) qualified person from that College Council;
- G. If at any time any of the Vice Presidents of the College Councils is unable to or unwilling to discharge their duties on the Election Board, the Vice President shall notify the President of their College Council. The President shall inform the Chief Elections Officer and appoint one (1) sufficient replacement from their college council consistent with the qualifications enumerated in Section 2-3-4;
- H. In the event that a College Council does not exist, the Chief Elections Officer shall, in writing, request the Dean of the College to appoint one (1) appropriate student leader who meets all other qualifications;
- I. No member shall be a currently serving member of the ASNMSU Executive Staff or the ASNMSU Senate;
- J. Must complete said training set forth by the Chief Elections Officer.
- K. Be subject to the academic and disciplinary requirements during their time as a member of the Election Board.

2-3-5. POWERS AND DUTIES

The ASNMSU Election Board shall:

- A. Obtain and maintain uniformity in the application, operation and reasonable interpretation of the Election Code, including interpreting the Election Code as necessary prior to an ASNMSU election;
- B. Designate polling places as prescribed in the ASNMSU Election Code;
- C. Assist the Chief Elections Officer in the administration of the Election Code;
- D. Act as immediate judge for all contests;
- E. Retain its powers and responsibilities until after the final resolution of all contests;

CHAPTER TWO: ELECTION CODE

- F. Meet at least once, three (3) weeks prior to the general election;
- G. Formally approve polling places, as outlines in Section 2-5-2-A or 2-5-2-E of the ASNMSU Law Book;
- H. Approve all referendums or other questions;
- I. Certify official candidates for ASNMSU office at least ten (10) days prior to the general election;
- J. Create a violation form for use in documenting alleged violations of the election code;
- K. Attend all Election Board meetings set by the Chief Elections Officer. Failure to attend set meetings will result in a fine of five percent (5%) of the current Fiscal year's GAA Council Appropriation to be levied on that Election Board Member's College Council. This fine will increase by an additional five percent (5%) with each additional meeting missed (e.g. One (1) meeting missed is a fine of five percent (5%) of that fiscal year's GAA appropriation, the second meeting missed will result in a total fine of ten percent (10%) of that fiscal year's GAA appropriation, and the third missed meeting results in a total fine of fifteen percent (15%) of that fiscal year's GAA appropriation). This fine will be levied by the Comptroller of ASNMSU who will extract the amount from the College Council's account and deposit it into the ASNMSU Club Endowment Account. Once monies are extracted the Chief Elections Officer must be notified by the comptroller of ASNMSU who shall in turn notify the college council in writing. If they feel the need to do so, Councils may seek a redress of their grievances before the ASNMSU Supreme Court who will adjudicate all disputes arising under this act;
- L. Penalties against any candidate during an official election will be at the discretion of the Election Board as mandated in Section 2-9:
- M. Procedural guidelines for operation for the Election Board:
 - 1. The Election Board shall hear testimony in a session open to the public and shall deliberate on the judgment in a closed session.
 - 2. All members of ASNMSU shall have the right to submit a violation form against any candidate in the ASNMSU elections.
 - 3. Candidate against whom violation is filed and the ASNMSU member filing the violation, both must be given an opportunity to present their points.
 - a. ASNMSU members filing the violation may request to stay anonymous and not appear for Election Board meetings.
 - b. ASNMSU members must file their violation directly to the Chief Elections Officer and maintain communication if necessary.
 - 4. Election Board shall render its decision and rationale immediately after the meeting.
 - 5. Candidate against whom violation is filed and the ASNMSU member filing the violation, both must be informed of the Election Board's decision along with the appeal process.

2-3-6. REMOVAL FROM ELECTION BOARD

- A. No member of the election board shall be removed, unless there is a three-quarters (3/4) majority vote of the election board present. Reasons for removal shall be concurrent with the qualifications of members of the election board, as set forth in the Election Code.
- B. The decision of the election board in regards to member removal is final. There is no avenue for appeal.
- C. If a member of the election board is removed, it is the responsibility of that official's College Council to find one (1) qualified member of the council to replace that official after being notified in writing of a vacancy by the Election Board.

2-3-7. NOTICE OF CONSTITUTIONAL OR SPECIAL REFERENDUMS AND OTHER QUESTIONS

A. The Election Board shall publish in the student newspaper the full text of any proposed amendments or questions at least thirty (30) days prior to the election at which they are to be considered. Copies of the amendments or questions must be made available to any ASNMSU member who requests one. If the questions are not to be posed during a

general election, notice of the special election must be made as if it were a general election according to the Election Code.

- B. In order for a referendum or other question to appear on the ballot for an election, be it regular or special election, then:
 - It must be passed by the ASNMSU Senate in the form of a resolution at least four (4) calendar weeks before the election, and be in accordance with all other ASNMSU Law. Resolutions concerning Constitutional Referendums must be passed by a two-thirds (2/3) majority vote of the ASNMSU Senate or;
 - 2. There must be a petition signed by no fewer than fifteen percent (15%) of the members of ASNMSU submitted to the Chief Elections Officer no later than four (4) calendar weeks prior to the election.

2-4. PARTICIPATION IN THE ASNMSU ELECTION PROCESS

As verified by the Chief Elections Officer:

- A. A sitting ASNMSU Supreme Court Chief Justice or Associate Justice shall not run for ASNMSU office or campaign for any ASNMSU candidate;
- B. Official ASNMSU members currently in an elected or appointed position may seek a different office within ASNMSU during an official election. Upon being elected the individual must submit a resignation letter effective upon assuming the elected office to his or her superior terminating the current position.

2-5. ELECTION AND POLL INFORMATION

- A. General elections for both spring and fall shall be held on a date as set by the Chief Elections Officer on the first day of each academic school year.
- B. Run-off elections shall be held one (1) week immediately after the election for which they are required.
 - a. If the date for the run-off election is inappropriate, the Election Board shall set a new date, which must be as close to the original date as possible.
- C. Constitutional and special referendums and other questions shall be held if possible in conjunction with the general elections, unless otherwise provided for by law.

2-5-1. NOTICE OF ELECTION

- A. At least four (4) calendar weeks prior to the general elections, the Chief Elections Officer in conjunction with the ASNMSU Election Board shall give notice of the election of the offices to be filled and the requirement for any offices at stake.
- B. At least two (2) weeks prior to the general election, the Chief Elections Officer in conjunction with the ASNMSU Election Board shall give notice of the election, the offices or questions to be voted for, the requirements for any offices at stake, the Internet Voting Instructions, the place for each poll, and the times and days that each poll shall be open to student media outlets. The same information shall be released regarding any run-off elections within twenty-four (24) hours after the run-off election is determined to be necessary.
- C. Elections should commence no fewer than five (5) weeks before the last day of school.

2-5-2. POLL INFORMATION

The Chief Elections Officer shall be in charge of:

- A. Providing the information to the Office of Information and Communication Technologies (ICT) at least two (2) weeks prior to the beginning of voting;
- B. The Chief Elections Officer shall be in charge of closing each poll.
 - 1. With Internet Voting, the Chief Elections Officer will have Computing and networking close the polls by restricting access to the voting link after the poll is declared closed. Those voters in the process of voting will be allowed to complete the voting process, but further access to the link will be blocked.

2-5-3. DESIGNATION OF POLLING PLACES

- A. Any electronic device with access to Internet that has been approved by the Chief Elections Officer shall be considered polling places and fall under the jurisdiction of the Election Code.
- B. With Internet Voting, temporary voting locations are to be considered official polling places when an Internet accessible device is set up, which is accessible by the general student population, and used as a public poll. It will be necessary to mark the boundaries of the temporary location in order to prevent campaigning within the polling place. The exact boundaries of the polling places shall be a twenty (20) foot radius around the poll, with the exception of designated bulletin boards.
- C. No person shall campaign, or post any campaign material within twenty (20) feet of a computer lab. Any room with three (3) or more publicly accessible computers shall be considered a computer lab.
 - 1. Campaigning in a computer lab shall be allowed at the discretion of the Chief Election Officer. Candidates shall be made aware of such computer labs, where campaigning shall be allowed, at least one (1) week prior to the campaign week
- D. No campaigning shall be allowed inside the ASNMSU office.

2-5-4. OPENING AND CLOSING OF POLLS

- A. With Internet Voting, the link to the poll shall be open for voting continuously (twenty-four [24] hours per day) during the duration of the election.
 - 1. The election should begin on a weekday and last a minimum of five (5) days.
 - 2. The last day of voting must end on a weekday.
 - 3. Internet Voting should be available for voting by eight (8:00) am on the first day of the election cycle and close at five (5:00) pm on the last day.

2-5-5. EQUIPMENT FOR POLLS

- A. Internet Voting shall be used for casting of votes in both the fall and spring general elections and run- off elections.
- B. With Internet Voting, a computer lab established for students' use will be considered a polling place, and will be patrolled during the polling hours, in accordance with Section 2-5-6 of the ASNMSU Law Book.
- C. Preparation for the Internet Voting is as follows:
 - 1. The Chief Elections Officer will notify the Information and Communication Technologies (ICT) the day after the candidates are declared to be official candidates, not fewer than two (2) weeks before the election begins;
 - 2. The Chief Elections Officer will be responsible for testing the Internet Voting at least two (2) days prior to the opening of elections;
- D. In exigent circumstances, paper ballots may be used for any other election, run-off election or referendum if voting machines are not able to be attained.
 - 1. An alphabetical index of all persons currently enrolled in NMSU shall be obtained prior to each Election Day by the Chief Elections Officer. One (1) such index shall be provided for each poll.
- E. Designated mobile devices with access to Internet, as approved by the Chief Elections Officer;
- F. The Chief Elections Officer, in the case of paper ballot elections, or in the case of an emergency, shall provide the following supplies for each poll:
 - 1. A table;
 - 2. Chairs;
 - 3. At least one (1) voting machine or a ballot box with padlock;

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- 4. One (1) index of all currently enrolled students;
- 5. Sufficient ballots for each college;
- 6. One (1) poll book in which voters shall sign their names and colleges;
- 7. Instructions to voters to be posted at the poll;
- 8. A large sign stating "OFFICIAL ASNMSU POLL";
- 9. Poll worker instructions;
- 10. Copies of the Election Code;
- 11. Copies of the violation form;
- 12. Pens, ink, copies of any amendments or referendums and any other supplies that may be deemed necessary.

2-5-6. POLL WATCHERS

The Chief Elections Officer shall appoint poll watchers to observe that the election is being conducted in accordance with the Election Code:

- A. With Internet Voting, a poll watcher will be appointed for each temporary voting site designated as an official polling place;
 - 1. The poll watcher will be entrusted with the designated mobile devices used for internet voting.
- B. All Election Board members shall be poll watchers. In addition, every ASNMSU employee, elected official, and ASNMSU Roadrunner shall be eligible to be appointed as an official poll watcher unless running for a position;
- C. If any poll watcher fails to attend the appointed poll at the specified time, the Chief Elections Officer shall appoint a qualified person to fill the vacancy;
- D. Poll watchers shall submit in writing to the Chief Elections Officer any violation of the Election Code, using the violation forms created by the Election Board for that purpose;
- E. Poll watchers shall be allowed to assist ASNMSU members who find it hard to vote on their own accord.

2-6. ELECTION PROCEDURES

The following procedures shall be followed in the conduct of any ASNMSU Election.

2-6-1. VOTING PROCEDURE

A. Using their MyNMSU login information, students may only vote one (1) time for any election. This will allow only registered students who are members of ASNMSU to vote. If a student has difficulty logging on by using their myNMSU confidential information, they may notify ICT.

2-6-2. COUNTING THE VOTE-ELECTION RESULTS PROCEDURES

- A. With Internet Voting, the voting results must be collected from the official ICT representative by at least three (3) Elections Board representatives, including either the Chief Elections Officer or the Chief Elections Officer's appointed representative and two (2) other members of the Elections Board within one (1) hour from the official close of the polls. This deadline may be extended in the case of technological problems beyond human control, or when three (3) Elections Board members are not present. In such cases, the deadline will be extended one (1) hour, and the Chief Elections Officer will be responsible for finding a replacement, who is not involved in the election, for the absent Election Board members.
- B. The Chief Elections Officer shall set forth in writing the total number of votes cast for each person and the total number of votes cast for and against each constitutional amendment, referendum or other question. For Internet Voting, the Chief Elections Officer and not fewer than two (2) Election Board members, who were witnesses to the collecting of results from ICT, shall sign a statement certifying the results of the election. The receiving of ICT results shall be in accordance with procedures prescribed by the Chief Elections Officer.
- C. Regarding announcing the results, the Chief Elections Officer shall by proclamation announce the results of the

election as follows:

- 1. At the closing of polls the Election Board and any individuals they deem necessary will have a closed session to compile and certify the results prior to announcing the results.
- 2. With Internet Voting, the unofficial results of the elections shall be posted no later than eleven (11:00) pm of the Election Day unless there is a problem which would make Internet services unavailable. In the event of this happening, the unofficial results of the election will be posted within two (2) hours of receipt of the results;
- 3. Official Results shall be posted no later than ten (10) business days following the closing of the polls;
- 4. In the event of a contested result, the results will be posted upon completion of confirmation of tabulation of votes;
- 5. Election results, unofficial and official, shall be posted in the following areas:
- a. On the door of the Office of ASNMSU;
- b. A copy of the official election results will be sent to student media outlets by the Chief Elections Officer within one (1) week of any general or run-off election;
- c. The ASNMSU website within one (1) week of any general or run-off election.
- 6. A copy of the official results will be sent to the President and Vice President of ASNMSU;
- 7. The Chief Elections Officer shall keep on file both the official results and the original certification of results;
- D. Regarding voting records, the Chief Elections Officer shall keep all documentation cast in the general election and in the run-off elections only in case of a contest and only until the contest is resolved.
- E. Regarding the-President/Vice President run-off election, if no candidate receives a majority of the votes cast in the general election for ASNMSU President and Vice President, the two (2) candidates for President and two (2) candidates for Vice President receiving the most votes shall be placed in a run-off election until one (1) of the candidates for the contested office receives a majority of the votes cast.
- F. Regarding the elections of Senators, the number of official or write-in candidates equaling the number of positions to be filled from their college, who receive the most votes, shall be elected to fill those positions, provided that:
 - 1. There is no tie between two (2) or more candidates from a college so that there are more candidates receiving the most votes than the number of positions to be filled; that is to say that there is no tie for the last seat up for contention;
 - 2. If the requirements above are not met, then there shall be a run-off election consisting of those candidates who are tied for the last seat up for contention. The run-off election shall be for only those two (2) candidates who are tied. Any seat that has already been attained by another candidate who received more votes, no matter the number, than those who are tied, shall be retained by the candidate who received those votes.
- G. It is unlawful for anyone, except the Chief Elections Officer, to obtain the election results prior to online poll closing.

2-6-3. ELECTION CONTEST PROCEDURES

- A. Regarding recount of vote, any official candidate or that candidate's representative may request a recount of the votes cast concerning that particular ASNMSU race by filing a written notice with the Chief Elections Officer by five (5:00) pm the next business day following the announcement of the election results. All recounts shall be conducted at the same time and shall be prescribed by the Chief Elections Officer.
- B. Regarding contest of election, any ASNMSU member may contest the election of any official or write-in candidate when they have a clear and just ground to contest that election. Any action to contest the general election shall be commenced by filing a written notice of contest by five (5:00) pm the following business day of the announcement of the unofficial results of the general election. In the event of a run-off election, any action to contest the election shall be commenced by filing a written notice of contest by five (5:00) pm following business day of the announcement of the unofficial results of the run-off election. The notice of contest shall be filed with the

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ASNMSU Attorney General and the Chief Elections Officer. Copies of the notice of contest shall be immediately furnished to all concerned candidates and officials. The notice must contain the specific offense or offenses which allegedly took place. If the contestant claims that illegal votes have been cast or counted for the contester, the contestant must specify the poll where such illegal votes were cast or counted and the facts showing illegality.

- C. Regarding investigation and judgment, all issues of law and fact shall be investigated by the ASNMSU Office of the Attorney General in conjunction with the Election Board and the Chief Elections Officer. It shall be the duty of the Attorney General to hear such issues without delay as speedily as possible and to report those findings and opinions to the Election Board. At this time, the Election Board shall render any necessary preliminary judgment. If in the judgment of the Election Board, such error or fraud has been committed which is of such extent to render the legal results of the election to be indeterminable, the Election Board may order a new election.
 - 1. The Election Board shall render its written decision by five (5:00) pm on the second (2) business day following their meeting.
 - 2. The Chair of the Election Board shall verify that a copy of the written decision of the board is delivered by mail or hand to each party involved.
- D. Regarding appeal of contest, any decision of the Election Board may be appealed by five (5:00) pm the following business day, after the decision has been rendered, to the ASNMSU Supreme Court. The appeal shall be filed with the Chief Elections Officer. Should an appeal be submitted which may result in the penalty of being excluded from an election or run-off election, the election and/or run-off elections should not commence until a decision on the appeal is rendered. A contestant or contestee shall have the right to retain qualified ASNMSU members as student counsel for representation before any ASNMSU decision-making bodies.

2-6-4. FINANCIAL DISCLOSURES

- A. All official candidates shall submit a statement of campaign expenditures to the Election Board before the closing of the polls at five (5:00) pm. All expenses along with the donation of goods and services must be declared in the statement. Expenses must be accompanied by receipts. Donations of goods and services must be accompanied by a letter from the donor showing fair market value of the donation. In the event no expenses are incurred, an expense report shall be submitted which will reflect no expenditure.
- B. Write-in candidates shall be informed in the timeliest manner possible by the Chief Elections Officer that they must turn in a statement of campaign expenditures. The write-in candidate shall then have twenty-four (24) hours after notification in which to comply with the requirements in the section above for the statement.
- C. Candidates who fail to submit their statement of campaign expenditures within the required time limit shall be disqualified at the discretion of the Election Board.
- D. Candidates declaring campaign expenditures and donations at less than a reasonable value shall be disqualified by the Election Board.
- E. Candidates shall have the right to a hearing with the Election Board prior to disqualification and shall have the right to appeal the disqualification to the ASNMSU Supreme Court.

2-7. CANDIDACY AND POSITIONS AVAILABLE

2-7-1. SENATORIAL POSITIONS AVAILABLE

A. Number of senators in each college =

(ASNMSU College Enrollment)

(-----) (University Enrollment/30)

B. The seats of the ASNMSU Senate shall be numbered as follows:

1.	ACES	1, 16, 23,
2.	ARTS & SCIENCES	2, 8, 12, 14, 15, 17, 24, 28, 30
3.	BUSINESS	3, 18, 25
4.	EDUCATION	4, 9, 19
5.	ENGINEERING	5, 10, 20, 26
6.	GRADUATE	6, 11, 13, 21, 27, 29
7.	HEALTH & SOCIAL	7,22

- C. All seats numbered one through fifteen (1-15), inclusively, shall be elected in the fall semester and serve a term of one (1) year. All seats numbered sixteen through thirty (16-30), inclusively, shall be elected in the spring semester and serve a term of one (1) year.
- D. Seat changes shall be made based on the fall actual enrollment figures; however, no college shall have less than two (2) senate seat at any given time, and shall be determined annually by the Attorney General. The Rules Committee shall be responsible for drafting and proposing legislation to make any needed changes.

2-7-2. ELIGIBILITY FOR OFFICIAL CANDIDACY

For a candidate's name to be printed on the ballot, no later than two (2) calendar weeks prior to the general election, that candidate shall file in the ASNMSU office an affidavit petition (petition of candidacy) acknowledging candidacy for office and must be declared an official candidate by the Election Board.

- A. Each ASNMSU senate candidate must be enrolled in the college in which they are seeking election;
 - 1. The college must be listed as the candidate's primary college at the time of the election, as determined by the NMSU Registrar's Office.
- B. Candidates for ASNMSU president and vice-president may be enrolled in any college.
- C. On the affidavit each candidate shall print or type their full name, address, telephone number, college and position for which they are a candidate and acknowledge their candidacy by signing the following statement:

I, (name of candidate), acknowledge my candidacy for the office of (title of office), and shall, if elected, accept the duties and responsibilities of the office. I am a member of ASNMSU not suffering disability by academic or disciplinary probation and am qualified, as prescribed by the ASNMSU Constitution, to accept and run for the office for which I am a candidate.

- D. Individuals seeking the office of the ASNMSU President or Vice President shall submit an affidavit petition (petition of candidacy) signed by no fewer than one hundred (100) members of ASNMSU who wish to nominate the candidate. No member of ASNMSU shall sign more than one (1) petition of candidacy for the President or Vice President during any one (1) academic year.
- E. Individuals seeking the office of ASNMSU Senator shall submit together with their affidavit a petition (petition of candidacy) signed by no fewer than twenty-five (25) ASNMSU members of the candidate's college who wish to nominate the candidate. No member of ASNMSU shall sign more petitions of candidacy than positions to be voted on for senator from that college at the general election.
- F. For a candidate's name to be placed on the official ballot, the candidate must attend at least one (1) candidates briefing as called by the Chief Elections Officer, or be officially excused from the same.
- G. Any other elected positions as may exist within ASNMSU shall follow the same pattern as the President and Vice President, with the exception that twenty-five (25) signatures shall be required for any candidate seeking such an office.

2-7-3. BENEFITS OF OFFICIAL CANDIDACY

Official candidates shall receive the following benefits:

- A. A photograph and written statement printed in a voter guide prior to the general election at the expense of the Election Board, if that candidate so desires. Such a written statement shall not exceed two hundred (200) words. The Chief Elections Officer shall be responsible for arranging a photo session and collecting written statements;
- B. An official candidate may designate, with the Chief Elections Officer approval, a representative to attend necessary candidate meetings.

2-8. CAMPAIGN RULES

In campaigning the following campaign rules shall be observed:

2-8-1. GENERAL RULES

A. No person shall campaign, post any campaign material, or in any other way, attempt to induce any voter or other person to vote for any person or question within the polling place as defined in 2-5-3;

- B. No person shall solicit members of ASNMSU to vote within the areas of the polling place;
- C. Campaigning shall begin no earlier than two (2) weeks before and no later than one (1) week before voting in the ASNMSU general election in which they are running; however, petitioners are allowed to inform individual students from whom they are seeking signatures as to why that student should sign their election petition;
- D. Placement of campaign materials on campus shall abide by all NMSU rules and regulations;
- E. Candidates for the offices of Senate, Vice President, and President shall be allowed to campaign by utilizing electronic sources to include list serves, online forums and public web sites without charge against candidate campaign expenditures;
 - 1. Any electronic campaign material purchased must be included in the total campaign expenditures.
- F. Candidates are responsible for being granted access to specific list serves by the appropriate individual(s) responsible for the list serve;
- G. Candidates shall be allowed to utilize online forums to include social media websites at the discretion of the Elections Board;
- H. No person shall be denied entrance into a candidates' online forum or online community;
- I. Candidates shall be responsible for any electronic material which bears their name that is enacted by the candidate's official campaign workers or by the consent of the candidate or the candidate themselves;
- J. No person shall destroy or deface posters, pamphlets or other campaign material;
- K. No person shall disrupt or prevent the legal and orderly campaign of any person;
- L. The candidate shall be responsible for the actions of the candidate's official campaign workers as those actions relate to the conduct of the election;
- M. Total campaign expenditures for each candidate for the general election shall not exceed seventy-five dollars (\$75) for senators and three hundred dollars (\$300) for President and Vice President:
 - 1. In the event of a run-off election, each candidate may spend an additional amount equal to twenty percent (20%) of the general election limit;
 - 2. Candidates for other elected offices shall be limited as a senator with respect to campaign expenditures.
- N. It is unlawful for anyone to:
 - 1. Vote or offer to vote in the name of any other person;
 - 2. Vote or offer to vote with the knowledge of not being a qualified voter;
 - 3. Vote or offer to vote more than once in the election;
 - 4. Induce, abet, or procure a person known not to be a qualified voter to vote;
 - 5. Induce, abet, or procure a person who has voted previously in an election to vote again;
 - 6. Fraudulently deceive or mislead any voter or election official;
 - 7. Pay or cause to be paid directly or indirectly, any money or other valuable consideration to any student for the purpose of inducing any student to vote or to refrain from voting;
 - Pay or cause to be paid, directly or indirectly, any money or other valuable consideration to any person for the purpose of inducing any election official to violate the Election Code, or to mark, alter, suppress, or otherwise change any ballot that has been cast, any election return or other election documents;
 - 9. Accept a bribe;

- 10. Induce or attempt to induce fear in any student, election official, and/or voter by threats of any sort.
- 11. Obtain elections results prior to online polls closing with the exception of the Chief Elections Officer.
- O. All candidates shall submit the list serve form by five (5:00) pm the first day of voting, financial disclosure forms by five (5:00) pm on the final day of voting, and the Violation form at the discretion of the Chief Elections Officer, to the office of the Chief Elections Officer.
- P. All candidates shall submit the Qualification/Check Release form, at the discretion of the Chief Elections Officer, to the office of the Chief Elections Officer.
- Q. No candidate shall be allowed the use of any ASNMSU resources for the purpose of an election campaign or petition for candidacy.
- R. Regarding the use of chalk:
 - 1. Use of chalk shall not be allowed within ten (10) feet of the entrance of any building on the NMSU campus.
 - 2. Use of chalk shall not be allowed within twenty-five (25) feet of the entrance of Corbett Center Student Union.
 - 3. Use of chalk shall be restricted to concrete walkways.
 - 4. All chalk used must be of a temporary or removable nature. Permanent chalk, such as surveyor's chalk, shall not be used under any circumstances.
- S. Candidates for the office of Senate, Vice President, and President shall not be permitted to campaign together, and the following shall be considered illegal instances of coordination when carried out by candidates:
 - 1. Posting of campaign materials, social media activity or list serves that advocate for more than one candidate
 - 2. Any sharing of budgets or splitting of costs for resources between candidates

2-8-2. RULES ON TEMPORARY VOTING SITES

- A. Candidates who request temporary and/or additional Internet voting sites for the purpose of an ASNMSU election shall make a request to the Chief Elections Officer, who will then decide if an additional site is needed or required.
- B. No candidates may setup temporary or additional Internet voting sites themselves, but must make the request to the Chief Elections Officer for handling to ensure impartial officials handle the site.
- C. No parties shall setup temporary or additional voting sites without the direct consent of the Chief Elections Officer for the purpose of voting in the ASNMSU elections.
- D. No candidates may use a wireless-capable device in a wireless capable area to induce, abet, or procure votes for themselves.
- E. Candidates requesting the setup of wireless capable devices or the use of wireless capable devices inside a wireless capable area for the use of the general student population in voting in the ASNMSU elections, may not do so themselves, but must make a request of the Chief Elections Officer for setup.
- F. Candidates are not allowed to be involved in the use or administration of additional and/or temporary Internet voting sites.
- G. Candidates are not allowed to personally use or administer the use of wireless-capable devices in wireless capable areas for the general student population's use for voting in the ASNMSU elections.
- H. Areas that have campaign materials setup cannot be used as temporary or additional areas for setup of devices used for voting in the ASNMSU elections by the general student population until all campaign materials have been cleared.

2-8-3. WRITE IN CANDIDACY

Candidates running in ASNMSU elections as a write-in shall be subject to the following;

- A. Candidates conducting a write-in campaign must submit the following to the office of Chief Election Officer:
 - 1. Petition of Candidacy/Binding to ASNMSU Election Code (Chapter 2 of Law Book)

- 2. ASNMSU qualification check release/ authorization
- 3. Social Media/List Serve Form
- 4. Financial Disclosure Form when required as per 2-6-4
- B. Candidates conducting a write-in campaign shall meet with the Chief Election Officer within one (1) business day of submission of the petition of candidacy.
 - 1. Candidates may send a representative to meet with the Chief Elections Officer, should they not be available.
 - 2. Poll watchers and other candidates shall be informed by the Chief Elections Officer of a write-in candidate.
- C. Candidates conducting a write-in campaign shall be subject to campaign rules in accordance with 2-8.
- D. Should a candidate unknowingly win, the Chief Elections Officer shall within three (3) business days' attempt to contact the write-in candidate and request they submit the documentation stated in section 2-8-3. The write-in candidate shall then have five (5) business days after being contacted to turn in the required documentation.

2-9. ELECTION CODE PENALTIES

Any person or election official who has been found to have committed a violation of the election shall be:

- A. Prohibited, if an official candidate, from having their name on the ballots; or
- B. Disqualified as an official candidate; or
- C. Disqualified from assuming office; or
- D. Subject to such (other) penalties as may be prescribed by an ASNMSU court, ASNMSU official, ASNMSU Elections Board or disciplinary body having authority to impose such penalties.
 - 1. Decisions of the Election Board to disqualify or remove votes from a candidate will automatically trigger an appeal through the ASNMSU Supreme Court.
 - It shall be the responsibility of the Chair of Elections Board to inform the candidate and ASNMSU Supreme Court of such decision immediately after the ASNMSU Elections Board meeting at which the decision was made.
 - b. Candidate shall have the option of canceling the appeal. This request will have to be filed directly with the ASNMSU Supreme Court.

2-10. HOMECOMING ELECTIONS

Candidates for Homecoming Court shall be bound to the Campaign Rules as established in section 2-8.

- A. Any violations concerning Homecoming Court Elections shall be referred to the Chief Elections Officer and the Executive Director of Activities.
- B. Candidates for Homecoming Court shall be exempt from the limitations on campaigning together outlined in section 2-2-1-S.

2-11. AMENDMENTS

Amendments to the Election Code may be made by a simple majority of the ASNMSU Senate in the Form of a legislative bill.

- A. The Chief Senate Clerk shall make available copies of the above amendments to the ASNMSU Chief of Staff immediately after it becomes law.
- B. The Chief of Staff shall inform the Executive Directors, Attorney General, or the Comptroller of the above amendments during weekly staff meetings.

3. EXECUTIVE BRANCH

3-1. OATH OF OFFICE FOR PRESIDENT AND VICE PRESIDENT

Before taking office after the spring election, the President and Vice-President are required to swear the oath, or affirmation, found in section 3-1-1 before assuming their respective office. This oath is administrated in a public place by the ASNMSU Chief Justice of the Supreme Court.

3-1-1. OATH

"I, (State your name), do solemnly swear (or affirm) that I will faithfully execute the office of the President (or Vice President) of the Associated Students of New Mexico State University; and will, to the best of my ability, preserve, protect and defend the Constitutions and laws of the United States; the State of New Mexico; and the Associated Students of New Mexico State University; and I will faithfully and impartially discharge the duties of the office of President (or Vice President) to the best of my ability (so help me God)."

3-2. DEVOLUTION OF EXECUTIVE

AN ACT PROVIDING FOR THE ORDER OF DEVOLUTION OF EXECUTIVE RESPONSIBILITY IN THE EVENT THAT BOTH THE PRESIDENT AND THE VICE PRESIDENT SUFFER DISABILITY OR IN SOME MANNER BECOME INCAPACITATED; AND PROVIDING FOR SUCCESSION TO THE PRESIDENT ELECT.

3-2-1. DEVOLUTION OF EXECUTIVE RESPONSIBILITY

In the event that both the President and the Vice President of ASNMSU resign from the office or shall be removed from office or in some other manner are rendered unable to fulfill the duties and discharge the powers, authorities, responsibilities and duties of the office of President of ASNMSU, all powers authorities, responsibilities and duties of the office of the President of ASNMSU shall devolve upon the President Pro Tempore of the Senate, provided the President Pro Tempore is qualified under the ASNMSU Constitution to hold the office of President.

- A. The President Pro Tempore of the Senate shall, before assuming the office of President, resign from all other elected or appointed offices or positions of ASNMSU which the President Pro Tempore may occupy.
- B. In the event that the President Pro Tempore of the Senate is not qualified to hold the office of President or shall not accept the office of President, the Senate shall elect from its own membership an acting President of ASNMSU who shall be qualified under the ASNMSU Constitution to hold the office of President.
- C. The Senate shall elect from its own membership acting Vice President who shall be qualified under the ASNMSU Constitution to hold the office of Vice President.

3-2-2. SUCCESSION TO THE PRESIDENT-ELECT

If, at the time fixed for the beginning of the term of the President of ASNMSU, the President Elect shall not accept the office of President or shall not be qualified to hold the office or in some other manner is unable to assume the office of President, the Vice President Elect of ASNMSU shall become President.

3-3. EXECUTIVE REMOVAL AND IMPEACHMENT ACT

AN ACT FOR THE PROCESS OF IMPEACHMENT OF THE PRESIDENT AND VICE PRESIDENT

3-3-1. MAIN PROVISION

The ASNMSU President or Vice President may be removed from office if referred to the Supreme Court by a threequarters (3/4) vote of the membership of the ASNMSU Senate present and voting, and is found guilty of the charges made against the President or Vice President by the ASNMSU Supreme Court.

3-3-2. PROCEDURE

A. Before the ASNMSU Senate can refer the President or Vice President to the Supreme Court for impeachment proceedings, a resolution must be introduced into the Senate. This resolution will include the specific reasons for referral. After the introduction of the resolution, the Chief Senate Clerk will notify the President or Vice President in writing within two (2) days of any meeting where the person's position is being officially discussed. The President or Vice President who is charged will be allowed to speak at any meeting where the person's position is officially being discussed. No referral resolution will be allowed to go through Committee of the Whole. Following the passage of the resolution, a copy of the resolution shall be presented to the Supreme Court Chief Justice within two (2) days by the Chief Senate Clerk.

- B. Before the Supreme Court can consider the impeachment of the ASNMSU President or Vice President, the ASNMSU Chief Justice of the Supreme Court will notify, in writing within two (2) days of the receipt of the resolution the person who is to be impeached and the charges against this person. The person, who is charged, will be allowed to speak at any meeting where the person's position is being officially discussed.
- C. The ASNMSU President and Vice President shall not be removed from office unless all policies, procedures, and methods of removal, in accordance with the policies and procedures of the NMSU professional staff are followed.
- D. In the event that a resolution of impeachment is brought against the Vice President, the President Pro Tempore of the Senate shall preside over the Senate to resolve the matter of the impeachment proceedings.

3-4. EXECUTIVE SALARY ACT

AN ACT RELATING TO THE SALARY SCALE OF THE ASNMSU PRESIDENT, THE ASNMSU VICE PRESIDENT, AND EXECUTIVE STAFF.

3-4-2. COMPENSATION LIMITATION FOR THE PRESIDENT

The ASNMSU President shall receive compensation not to exceed the current applicable minimum wage (as allowed for by title 29 of the us code) plus the ASNMSU minimum wage adjustment factor for a .75 full-time equivalent (FTE) while performing the duties of the ASNMSU president. 3-4-1.

3-4-2. COMPENSATION LIMIT FOR THE VICE PRESIDENT

The ASNMSU Vice President shall receive compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the US Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .75 Full-Time Equivalent (FTE) while performing the duties of the ASNMSU Vice President.

3-4-3. PRESIDENT SALARY ACCOUNT

The ASNMSU President, all Executive Directors, Comptrollers, Attorney General, Executive Secretary, Chief of Staff, Chief Elections Officer, and shall be paid from the ASNMSU Executive Account.

3-4-4. VICE PRESIDENT SALARY ACCOUNT

The ASNMSU Vice President shall be paid from the ASNMSU Vice President Account.

3-4-5. ASNMSU MINIMUM WAGE ADJUSTMENT FACTOR

ASNMSU Executive salary limits shall be computed using an ASNMSU Minimum Wage Adjustment Factor of four dollars (\$4.00). No executive salary shall exceed this amount under any circumstance.

3-4-6. SIGNATURE APPROVAL FOR PAYROLL

- A. The ASNMSU President, Vice President, and Executive Staff may not approve payments made to themselves, either as a reimbursement or through payroll. Executive Staff must seek the approval of the immediate department head. Department heads are the ASNMSU President, Vice President, and Chief Justice.
- B. All transactions for payroll and reimbursement will require the signature approval, manual or electronic, of the department head and the ASNMSU Advisor. In the event that the ASNMSU Advisor is unavailable, the Advisor may delegate their signature of approval to the ASNMSU Fiscal Specialist.
- C. The originator cannot be the same person as the approver.

3-4-7. DELEGATION OF SIGNATURE AUTHORITY

- A. Department heads or other approvers may delegate their signature authority, though not their responsibility, on routine business transactions to temporary alternates. Acceptable alternates include department heads, professional assistants, or by order of succession.
- B. Written notice of temporary delegation of signature authority by the department head must be given to the ASNMSU Advisor, Comptroller, and Fiscal Specialist.

3-5. ASNMSU EXECUTIVE SECRETARY

3-5-1. THE OFFICE OF ASNMSU EXECUTIVE SECRETARY CREATED

The office of the ASNMSU Executive Secretary is created within the Executive and Legislative Branches of ASNMSU, and within the guidelines and policies and procedures of classified staff of NMSU.

3-5-2. APPOINTMENT OF THE ASNMSU EXECUTIVE SECRETARY

The ASNMSU President and the ASNMSU Vice President shall choose an Executive Secretary for ASNMSU. Should ASNMSU have an Executive Secretary in office, a review by the newly elected President and Vice President of the ASNMSU Executive Secretary shall be in order. The ASNMSU Executive Secretary shall serve at the discretion of the ASNMSU President and the ASNMSU Vice President. The ASNMSU Executive Secretary shall not be removed from office unless all policies, procedures and methods of removal, in accordance with the policies and procedures of NMSU classified staff, are complied with.

3-5-3. QUALIFICATIONS OF THE ASNMSU EXECUTIVE SECRETARY

The President shall post with the announcement of the position vacancy, those qualifications necessary for the office of ASNMSU Executive Secretary.

- A. Applicants shall have some knowledge of general office procedures and use and preventive maintenance of office machines, some knowledge of business communications, report writing, grammar and spelling, and some knowledge of commercial arithmetic.
- B. Applicants shall exhibit skill in the operation and preventive maintenance of a calculator, adding machine, transcribing equipment, word processing equipment, duplicating/copying equipment, and typing skills to enable applicant to type accurately fifty-five (55) words per minute.
- C. Applicants shall meet the following educational requirements:
 - 1. High school graduation or equivalent GED certificate;
 - 2. Three (3) years of typing and clerical experience; and
 - 3. Any equivalent combination of education and experience.

3-5-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU EXECUTIVE SECRETARY

The duties and responsibilities of the ASNMSU Executive Secretary:

- A. General:
 - 1. Performs typing and clerical work of some difficulty.
 - 2. Work is varied requiring some discussion in determining the sequence and method of work and the use of a variety of office procedures and routines.
- B. Supervision received:
 - 1. Works under general supervision of an administrative supervisor.
- C. Supervision exercised:
 - 1. May exercise supervision over Secretary 1, the Assistant Executive Secretary, and other student employees as assigned.
- D. Examples of duties:
 - 1. Types drafts, letters, reports, forms and other material of some difficulty from notes or rough drafts.
 - 2. May take and transcribe dictation using shorthand or transcribing equipment.
 - Make appointments for the ASNMSU President, the ASNMSU Vice President, the ASNMSU Fiscal Advisor and the ASNMSU Student Legal Aid Attorney, as needed.
 - 4. Receives and screens visitors.
 - 5. Answers and makes phone calls.
 - 6. Receives sorts and distributes mail.
 - 7. Posts book keeping information.

- 8. Maintains confidential record files.
- 9. Assembles and organizes materials used by the superiors in completing work assignments.
- 10. Answers routine student questions in academic departments.
- 11. Prepares annual appointments and budget forms, periodic reports, class and office schedules.
- 12. Runs errands.
- 13. May act as receptionist.
- 14. May operate word processing and duplicating/copying equipment.
- 15. Performs related work as assigned. (Superiors is defined as the ASNMSU President, the ASNMSU Vice President, and the ASNMSU Student Legal Aid Attorney.)
- E. Shall hold regular, daily office hours during the summer months and both fall and spring semesters. The ASNMSU Executive Secretary shall adhere to the NMSU schedule of holidays and work days.
- F. Shall prepare a procedural guide of operations for the successor to the office of ASNMSU Executive Secretary.

3-5-5. EXECUTIVE SECRETARY SALARY LIMIT FOR THE ASNMSU EXECUTIVE SECRETARY

The ASNMSU Executive Secretary shall receive a salary equivalent to that of a NMSU Secretary. Salary adjustments shall be made in accordance with the NMSU Employment Policies.

3-6. ASNMSU ASSISTANT EXECUTIVE SECRETARY

3-6-1. THE OFFICE OF ASNMSU ASSISTANT EXECUTIVE SECRETARY CREATED

The office of the Assistant ASNMSU Executive Secretary is created within the Executive and Legislative Branches of ASNMSU, and within the guidelines and policies and procedures of student employees of NMSU.

3-6-2. APPOINTMENT OF THE ASNMSU ASSISTANT EXECUTIVE SECRETARY

The Executive Secretary shall post with the announcement of up to two (2) positions of vacancy, those qualifications necessary for the office of ASNMSU Assistant Executive Secretary.

- A. Applicants shall have some general knowledge of general office procedures and use some preventative maintenance of office machines, some knowledge of business communications, report writing, grammar and spelling, and some knowledge of commercial arithmetic.
- B. Applicants shall exhibit some skill in the operation of a typewriter, calculator, adding machine, transcribing equipment, word processing equipment, spreadsheet equipment, duplicating/copying equipment, and typing skills to enable the applicant to type thirty (30) words per minute.
- C. Applicants for the positions of ASNMSU Assistant Executive Secretary shall be full-time or part-time students at NMSU.
- D. Applicants for the positions of ASNMSU Assistant Executive Secretary shall have been members of ASNMSU for one (1) previous semester.
- E. Applicants for the positions of the ASNMSU Assistant Executive Secretary shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individuals to apply for or work in the positions of the ASNMSU Assistant Executive Secretary.
 - Once appointed to the offices of the ASNMSU Assistant Executive Secretary, the individuals shall maintain a semester GPA of at least 2.0. Failure to maintain the semester GPA will result in immediate dismissal from office by ASNMSU.
 - 3. The ASNMSU Assistant Executive Secretary will be subject to the academic and disciplinary

requirements throughout their entire term of office.

- 4. While serving in the position, the ASNMSU Assistant Executive Secretary shall be a member of ASNMSU.
- F. Applicants shall meet the following educational requirements:
 - 1. Completed three (3) credit hours of English composition, two hundred (200) levels or above.
 - 2. Completed three (3) credit hours of math, one hundred (100) levels or above.

3-6-3. DUTIES AND RESPONSIBILITIES OF THE ASNMSU ASSISTANT EXECUTIVE SECRETARY

The duties and responsibilities of the ASNMSU Assistant Executive Secretary

- A. General:
 - 1. Performs typing and clerical work of some difficulty.
 - 2. Work is varied requiring some discussion in determining the sequencing and method of work and the use of the variety of office procedures and routines.
- B. Supervision received:
 - Works under general supervision of an administrative supervisor. (Superiors defined as the ASNMSU President, the ASNMSU Vice President, the ASNMSU Executive Secretary, and the ASNMSU Student Legal Aid Attorney.)
- C. Supervision exercised:
 - 1. May exercise supervision over volunteers placed in their care.
- D. Examples of duties:
 - 1. Types drafts, letters, reports, forms, and other material of some difficulty from notes or rough drafts.
 - 2. May take and transcribe dictation using shorthand and transcribing equipment.
 - 3. Make appointments for superiors, being the ASNMSU President, the ASNMSU Vice President, ASNMSU Executive Secretary, and the Student Legal Aid Attorney.
 - 4. Receives and screens visitors.
 - 5. Answers and makes phone calls.
 - 6. Receives, sorts, and distributes mail.
 - 7. Posts bookkeeping information.
 - 8. Maintains confidential records.
 - 9. Assembles and organizes materials used by superiors in completing work assignments.
 - 10. Answers routine student questions in academic departments.
 - 11. Runs errands.
 - 12. Shall act as the primary receptionist.
 - 13. May operate word processing, spreadsheet, and duplicating and copying equipment.
 - 14. Performs related work as assigned. (Superiors defined as the ASNMSU President, the ASNMSU Vice President, the ASNMSU Executive Secretary, and the ASNMSU Student Legal Aid Attorney.)
- E. Shall hold regular, daily office hours.
- F. Shall prepare a procedural guide of operations for the successor of the office of ASNMSU Assistant Executive Secretary.

3-6-4. COMPENSATION LIMIT FOR THE ASNMSU ASSISTANT EXECUTIVE SECRETARY

The ASNMSU Assistant Executive Secretary shall receive compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .5 Full-Time Equivalent (FTE) while performing the duties of the ASNMSU Assistant Executive Secretary.

3-6-5. TERM OF OFFICE FOR THE ASNMSU ASSISTANT EXECUTIVE SECRETARY

The ASNMSU Assistant Executive Secretary shall serve for a period not to exceed one (1) year unless re- appointed, commencing with the appointment by the ASNMSU President, and ending near the end of each spring semester no later than May 15, unless otherwise provided for by law.

3-7. ASNMSU FISCAL ADVISOR (NMSU BUSINESS MANAGER, I)

3-7-1. THE OFFICE OF ASNMSU FISCAL SPECIALIST CREATED

The office of the ASNMSU Fiscal Specialist, also to be known as the ASNMSU Fiscal Advisor (and recognized by the New Mexico State University as an NMSU Business Manager, I) is created within the Executive Branch of ASNMSU, and within the guidelines, policies, procedures and methods of removal, in accordance with the policies and procedures of the NMSU professional staff.

3-7-2. APPOINTMENT OF THE ASNMSU FISCAL SPECIALIST

The ASNMSU President and Vice President shall give recommendations to the ASNMSU Advisors during the process of selecting a Fiscal Specialist for ASNMSU. The ASNMSU Fiscal Specialist shall not be removed from office unless all policies, procedures and methods of removal, in accordance with the policies and procedures of the NMSU professional staff are followed.

3-7-3. QUALIFICATIONS OF THE ASNMSU FISCAL SPECIALIST

The President shall post with the announcement of the position vacancy, those qualifications necessary for the office.

- A. Knowledge of University and Department policies and procedures; principles and practices of organization and administration; University environment; principles of supervision, training, and performance evaluation; accounting procedures; grant and contract accounting; applicable agency guidelines.
- B. Exhibit skill in short and long range planning; problem analysis and resolution; report preparation and presentation; public contact and relations; research methods.
- C. Demonstrate the ability to direct, evaluate, train and supervise the work of assigned personnel; communicate effectively in written and oral form; develop and maintain effective working relationships; maintain accurate and orderly records; use independent judgment and initiative; organize and direct several activities; analyze and evaluate information; operate a computer.
- D. Should meet one (1) of the following requirements:
 - 1. A Bachelor's degree in accounting or a related field.
 - 2. At least five (5) years of experience in accounting or finance related field.

3-7-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU FISCAL SPECIALIST The duties and responsibilities of the ASNMSU Fiscal Specialist:

- A. Supervises, directs, delegates, and evaluates work of assigned clerical and student staff.
- B. Provides assistance and direction for an accounting unit; helps develop procedures.
- C. Monitors funds expended through and for ASNMSU.
- D. Creates and maintains a fiscal database for financial activities in conjunction with the Comptroller.
- E. Prepares an end of the year review for the Comptroller's office.
- F. Answers fiscally-related questions from staff and other departments.

- G. Answers agency and University guideline questions.
- H. Reviews, approves, and tracks daily paper work.
- I. Resolves accounting problems for organizations.
- J. Along with the ASNMSU comptroller; instructs and trains in methods and procedures.
- K. Responds to complaints and grievances.
- L. Reviews and recommends changes in office fiscal policy and procedures.
- M. Performs related duties as required.
- N. Serve as an ex-officio member of the Finance Board.
- O. In the absence of the Comptroller, the Fiscal Advisor shall have signatory authority.

3-7-5. FINANCIAL SPECIALIST SALARY LIMIT

The ASNMSU Financial Specialist shall receive a salary equivalent to that of an NMSU Business Manager, I. Salary adjustments shall be made in accordance with NMSU Employment Policies.

3-8. ASNMSU COMPTROLLER

3-8-1. THE OFFICE OF ASNMSU COMPTROLLER CREATED

The office of the ASNMSU Comptroller is created within the Executive Branch of ASNMSU.

3-8-2. APPOINTMENT OF THE ASNMSU COMPTROLLER

The ASNMSU President, with consent of the ASNMSU Senate, shall appoint a member of ASNMSU to the office of ASNMSU Comptroller. The ASNMSU Comptroller shall serve at the discretion of the President of ASNMSU.

3-8-3. QUALIFICATIONS OF THE ASNMSU COMPTROLLER

The President shall post with the announcement of the position vacancy, those qualifications necessary for the office of the ASNMSU Comptroller.

- A. Applicants for the position of the ASNMSU Comptroller shall be members of ASNMSU.
- B. Applicants for the position of the ASNMSU Comptroller shall have been members of ASNMSU for the fall or spring semester prior to their appointment taking effect.
- C. Applicants for the position of the ASNMSU Comptroller shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Comptroller.
 - 2. Once appointed to the office of the ASNMSU Comptroller, the individual shall maintain a semester GPA of at least 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by the ASNMSU President.
 - 3. The ASNMSU Comptroller will be subject to the academic and disciplinary requirements throughout the entire term of office.
 - 4. While working in the position, the ASNMSU Comptroller shall be a member of ASNMSU.
- D. Applicants for the position of the ASNMSU Comptroller shall have successfully completed at a minimum, six (6) hours of Accounting, two hundred (200) levels or above, with at least one of these courses being at the three hundred (300) level or above.

3-8-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU COMPTROLLER

The duties and responsibilities that the ASNMSU Comptroller shall be expected to perform are:

A. Maintain a financial review process on a monthly basis by meeting with the Executive Directors of ASNMSU to

determine how they are spending ASNMSU funds;

- B. Keep updated Personnel Action Files (PAF's) on all ASNMSU student employees;
- C. Authorize payroll payments for all of the student employees of ASNMSU;
- D. Prepare an annual report for the ASNMSU President concerning all of ASNMSU material and monies unaccounted for;
- E. Provide an analysis on the utilization of NMSU student activity fees by:
 - 1. Reporting monthly on the ASNMSU Senate distribution of activity money to recognized ASNMSU/NMSU student organizations, and their uses;
 - 2. Advising the ASNMSU Senate as to the appropriate changes that further the welfare of the NMSU student body;
 - 3. Provide the ASNMSU Senate with year-to-date information concerning the financial history of the organization;
- F. Prepare for the ASNMSU Executive Directors, in cooperation with the ASNMSU Assistant Comptroller, policies and procedures for acquisition of funds from ASNMSU;
- G. To create and manage a non-reverting account for maintenance of office equipment (computers, copy and fax machines, etc.) The Comptroller may also make capital asset purchases (as per the Comptroller Maintenance Account Act located in chapter eight (8));
- H. Serve as a voting member of the ASNMSU Finance Board, and coordinate the process of preparing the annual General Appropriations Act;
- I. Serve as an ex-officio member of the Senate Budget Committee;
- J. Prepare an audit of ASNMSU or any of ASNMSU funded organization upon the request of the ASNMSU Finance Committee, the ASNMSU Finance Board, or the ASNMSU President;
- K. Hold regular office hours during the calendar year, excluding university holidays;
- L. Prepare a procedural guide of operations for the successor to the office of the ASNMSU Comptroller;
- M. Attend meetings of the ASNMSU Senate Finance Committee at the request of the chair of Senate Finance Committee.
- N. Attend all meetings of the Continuing Diversity Board or designate an Assistant Comptroller who will attend meetings for the full term as a member.
- O. Review and process the digital Financial Procedures Workshops;
 - 1. Conduct an in person Financial Procedure Workshop upon request.
- P. Supply the ASNMSU Vice President and Fiscal Specialist monthly reports of the accountability of all provided funds to organizations which will then be made available to the Senate through the Vice President;
- Q. Complete and process reimbursement vouchers for any ASNMSU funded club or organization.
- R. Ensure that all expenditures of ASNMSU funds have been properly authorized by the ASNMSU Senate or the College Councils;
- S. Meet with the Senate of ASNMSU once a month during a scheduled meeting of the Senate to provide reports on the financial position of ASNMSU.
- T. Meet with the Executive Directors of ASNMSU once a month to provide reports on their budgets.

3-8-5. COMPENSATION LIMIT FOR THE ASNMSU COMPTROLLER

The ASNMSU Comptroller shall receive compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .625 Full-Time Equivalent (FTE) while performing the duties of the ASNMSU Comptroller.

3-8-6. TERM OF OFFICE FOR THE ASNMSU COMPTROLLER

The ASNMSU Comptroller shall serve for a period not to exceed one (1) year unless re-appointed, commencing with the appointment by the ASNMSU President, and ending near the end of each spring semester no later than May 15, unless otherwise provided for by law.

3-8-7. TEMPORARY APPOINTMENT OF THE ASNMSU COMPTROLLER

Should the office of the ASNMSU Comptroller become vacant during the summer, the President of ASNMSU shall appoint someone to fill the position for the remainder of the summer providing that the replacement fulfills the qualifications of this act. With the consent of the ASNMSU Vice President, the ASNMSU President may make a temporary appointment at the ASNMSU President's discretion.

3-9. ASNMSU ASSISTANT COMPTROLLER

3-9-1. OFFICE OF THE ASNMSU ASSISTANT COMPTROLLER CREATED

The office of the ASNMSU Assistant Comptroller is created within the Executive Branch of ASNMSU. There shall be two (2) ASNMSU Assistant Comptrollers.

3-9-2. APPOINTMENT OF THE ASNMSU ASSISTANT COMPTROLLER

The ASNMSU Comptroller shall appoint two (2) members of ASNMSU to the office of the ASNMSU Assistant Comptroller. The Assistant Comptroller shall serve at the discretion of the ASNMSU Comptroller.

3-9-3. QUALIFICATIONS FOR THE ASNMSU ASSISTANT COMPTROLLER

The ASNMSU Comptroller shall post, with the announcement of vacancy, those qualifications necessary for the position of the ASNMSU Assistant Comptroller.

- A. Applicants for the positions of the ASNMSU Assistant Comptroller shall be members of ASNMSU.
- B. Applicants for the positions of the ASNMSU Assistant Comptroller shall have been members of ASNMSU for one (1) previous semester.
- C. Applicants for the positions of the ASNMSU Assistant Comptroller shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individuals to apply for or work in the positions of the ASNMSU Assistant Comptroller.
 - 2. Once appointed to the offices of the ASNMSU Assistant Comptroller, the individuals shall maintain a semester GPA of at least 2.0. Failure to maintain the semester GPA will result in immediate dismissal from office by ASNMSU.
 - 3. The ASNMSU Assistant Comptroller will be subject to the academic and disciplinary requirements throughout their entire term of office.
 - 4. While serving in the position, the ASNMSU Assistant Comptroller shall be a member of ASNMSU.
- D. Preference in selection of the ASNMSU Assistant Comptroller should be given to those individuals who are familiar with or have been subject to the daily operations and/or procedures of the offices of the ASNMSU Assistant Comptroller.
- E. Applicants for the positions of the ASNMSU Assistant Comptroller shall have successfully completed at a minimum, six (6) credit hours of Accounting, two hundred (200) levels or above.

3-9-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU ASSISTANT COMPTROLLER

The duties and responsibilities that the ASNMSU Assistant Comptroller is expected to perform as delegated to them by the ASNMSU Comptroller are:

- A. Keep copies of all purchase orders, travel requisitions and vouchers for ASNMSU Base Program Accounts;
- B. Maintain an accurate ledger for all WATS expenses and bookstore charges;
- C. Prepare for the ASNMSU Executive Directors, in cooperation with the ASNMSU Comptroller, policies and

procedures for the expenditures of the ASNMSU Base Programs;

- D. Maintain an updated record of the ASNMSU organization, policies and procedures for the acquisition of funds from the ASNMSU Senate;
- E. Serve as an ex-officio member of the ASNMSU Finance Board;
- F. Prepare a procedural guide of operations for the successors to the offices of the ASNMSU Assistant Comptroller;
- G. Establish a file system that would include:
 - 1. A record of all Senate and College Council appropriations to student organizations;
 - 2. Copies of all purchase orders, travel requisitions and vouchers for the one to three (1-3) accounts of student organizations;
 - 3. Running balance ledgers for the student organizational accounts;
- H. Hold regular office hours with the exception of university holidays;
- I. To perform any additional duties as delegated to them by the ASNMSU Comptroller.

3-9-5. COMPENSATION LIMIT FOR THE ASNMSU ASSISTANT COMPTROLLER

The ASNMSU Assistant Comptroller shall receive compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .375 Full-Time Equivalent (FTE) while performing duties as ASNMSU Assistant Comptroller.

3-9-6. TERM OF OFFICE FOR THE ASNMSU ASSISTANT COMPTROLLER

The ASNMSU Assistant Comptroller shall serve for a period not to exceed one (1) year, unless re- appointed, commencing with the appointment by the ASNMSU President, and ending near the end of each spring semester no later than May 15, unless otherwise provided for by law.

3-9-7. TEMPORARY APPOINTMENT OF AN ASNMSU ASSISTANT COMPTROLLER

Should the office of the ASNMSU Assistant Comptroller become vacant during the summer, the ASNMSU Comptroller shall appoint a replacement to fill the position for the remainder of the summer, providing that the replacement fulfills the qualifications of this act.

3-10. ASNMSU EXECUTIVE DIRECTOR OF ACTIVITIES

3-10-1. THE OFFICE OF ASNMSU EXECUTIVE DIRECTOR OF ACTIVITIES CREATED

The office of the ASNMSU Executive Director of Activities is created within the Executive Branch of ASNMSU.

3-10-2. APPOINTMENT OF THE ASNMSU EXECUTIVE DIRECTOR OF ACTIVITIES

The ASNMSU President with consent of the ASNMSU Senate shall appoint a member of the ASNMSU to the office of the ASNMSU Executive Director of Activities. The ASNMSU Executive Director of Activities shall serve at the discretion of the President of ASNMSU.

3-10-3. QUALIFICATIONS OF THE ASNMSU EXECUTIVE DIRECTOR OF ACTIVITIES

The President shall post with the announcement of position vacancy, those qualifications necessary for the office of the ASNMSU Executive Director of Activities.

- A. Applicants for the position of the ASNMSU Executive Director of Activities shall be members of ASNMSU.
- B. Applicants for the position of ASNMSU Executive Director of Activities shall have been members of ASNMSU for the fall or spring semester prior to their appointment taking effect.
- C. Preference in selection of the ASNMSU Executive Director of Activities should be given to those individuals who are familiar with or have been subject to the daily operations and procedures of the Department of the ASNMSU Activities.

- D. Applicants for the position of the ASNMSU Executive Director of Activities shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Executive Director of Activities.
 - Once appointed to the office of the ASNMSU Executive Director of Activities, the individual shall maintain a semester GPA of at least 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by ASNMSU.
 - 3. The ASNMSU Executive Director of Activities will be subject to the academic and disciplinary requirements throughout the entire term of office.
 - 4. While working in the position, the ASNMSU Executive Director of Activities shall be a member of ASNMSU.

3-10-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU EXECUTIVE DIRECTOR OF ACTIVITIES

The duties and responsibilities that the ASNMSU Executive Director of Activities shall be expected to perform are to:

- A. Be the chief administrative officer to the ASNMSU Activities Department and, as such, shall provide the necessary leadership for the achievement of purposes, responsibilities and duties as called for by the department;
- B. Serve as chair of the ASNMSU Special Events Board in accordance with Section 6-7;
- C. Contact and determine involvement with cosponsors of previous programs within thirty (30) days of being appointed by the ASNMSU President;
- D. Be responsible for maintaining accurate and current accounts of all income and expenditures for the Department of the ASNMSU Activities. Such accounts shall be documented and available for confirmation by the ASNMSU Comptroller at any time;
- E. Hold regular office hours each week during the calendar year, excluding university holidays;
- F. Prepare a procedural guide of operations for the successor to the office of the ASNMSU Executive Director of Activities;
- G. Responsible for the planning and execution of homecoming, including the bonfire and parade.
- H. Meet with the President of ASNMSU weekly to provide reports on upcoming and scheduled events;
- I. Meet with the Senate of ASNMSU during a scheduled meeting of the Senate monthly to provide reports on upcoming events, scheduled events, job progress, and current budget at the discretion of the ASNMSU President. If the Executive Director cannot attend, the Executive Director of Activities can send the Assistant Director of Activities to provide the report.
- J. Supervise and review the functioning of publicity, speakers, special projects, films and homecoming, and assist as necessary to insure that the performance in accordance with the Articles of Operation and the ASNMSU Law Book;
 - 1. To work with other departments and organizations in the planning, preparation, and delivery of events such as Crimson Crush, Spring fling, or "The Burning of the Lobo".
- K. Appoint two individuals to fill the position of the Assistant Director of Activities for Special Events and the Assistant Director of Activities for Athletic Relations to work at the discretion of the director.
- L. Shall maintain communication and relations with the Director of the NMSU Foundation.
- M. Perform all other duties related to activities that may be requested by the ASNMSU President.
- N. Be responsible for maintaining accurate and current accounts of all income and expenditures for of the special events and performances hosted by ASNMSU (such accounts shall be documented and available for confirmation by the ASNMSU Comptroller at any time);

- O. Act as the official liaison between ASNMSU and the entertainment community;
- P. Serve as the principal contact between NMSU Intramural Sports and Recreation Department and the ASNMSU;
- Q. Meet regularly with the ASNMSU President or Chief of Staff to provide reports on upcoming and scheduled events; and
- R. Plan and organize concerts, publicity and cultural events on behalf of ASNMSU.
 - 1. The Executive Director of Activities shall supervise these events and assist in their implementation as necessary to ensure that they operate in accordance with NMSU Policy and ASNMSU Law.
 - 2. The Executive Director of Activities shall not promise to any performer more payment then the ASNMSU Senate has appropriated for the purposes of concerts and event planning in that fiscal year's General Appropriations Act.
- S. Serve as the principal contact between the NMSU Athletic Department and ASNMSU;
- T. Work in conjunction with the NMSU Athletic Department to coordinate ASNMSU tailgating activities; and
- U. If necessary, appoint a member of the ASNMSU to serve as ASNMSU Tailgate Chair.

3-10-5. COMPENSATION LIMIT FOR THE ASNMSU EXECUTIVE DIRECTOR OF ACTIVITIES

The ASNMSU Executive Director of Activities shall receive a compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .625 Full-Time Equivalent (FTE) while performing the duties of the ASNMSU Executive Director of Activities.

3-10-6. TERM OF OFFICE FOR THE ASNMSU EXECUTIVE DIRECTOR OF ACTIVITIES

The ASNMSU Executive Director of Activities shall serve for a period not to exceed one (1) year, unless re-appointed, commencing with the appointment by the ASNMSU President, and ending near the end of each spring semester no later than May 15, unless otherwise provided for by law.

3-10-7. TEMPORARY APPOINTMENT OF THE EXECUTIVE DIRECTOR OF ACTIVITIES

Should the office of Executive Director of Activities become vacant during the summer, the President of ASNMSU shall appoint one member of ASNMSU to fill the position for the remainder of the summer providing that the replacement fulfills the qualifications of this act. With the consent of the ASNMSU Vice President, the ASNMSU President may make a temporary appointment at the ASNMSU President's discretion.

3-11. ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR SPECIAL EVENTS

3-11-1. THE OFFICE OF THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR SPECIAL EVENTS CREATED

The office of the ASNMSU Assistant Director of Activities for Special Events is created within the Executive Branch of ASNMSU.

3-11-2. APPOINTMENT OF THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR SPECIAL EVENTS

The ASNMSU Executive Director of Activities shall appoint an ASNMSU member to the office of the ASNMSU Assistant Director of Activities for Special Events.

3-11-3. QUALIFICATIONS OF THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR SEPCIAL EVENTS

The ASNMSU Executive Director of Activities shall post with the announcement of vacancy, those qualifications necessary for the office of the ASNMSU Assistant Director of Activities for Special Events.

- A. Applicants for the position of the ASNMSU Assistant Director of Activities for Special Events shall be members of ASNMSU.
- B. Applicants for the position of the ASNMSU Assistant Director of Activities for Special Events shall have been a

member of ASNMSU for the fall or spring semester prior to their appointment taking effect.

- C. Preference in selection of the ASNMSU Assistant Director of Activities for Special Events should be given to those individuals who are familiar with or have been subject to the daily operations and procedures relating to this position.
- D. Applicants for the position of the ASNMSU Assistant Director of Activities for Special Events shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic process or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Assistant Director of Activities for Special Events.
 - Once appointed to the office of the ASNMSU Assistant Director of Activities for Special Events, the individual shall maintain a semester GPA of 2.0. Failure to maintain this semester GPA will result in immediate dismissal from the office by ASNMSU.
 - The ASNMSU Assistant Director of Activities for Special Events will be subject to the academic and disciplinary requirements throughout the entire term of office.
 - 4. While working in the position, the ASNMSU Assistant Director of Activities for Special Events shall be a member of ASNMSU.

3-11-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR SPECIAL EVENTS

The duties and responsibilities that the ASNMSU Assistant Director of Activities for Special Events shall be expected to perform are:

- A. Assist with the planning and execution of Homecoming and Spring Fling;
- B. Assist with scheduling of Films and Speakers;
- C. Hold regular office hours;
- D. Interact with the Executive Director of Activities to discuss current and upcoming projects;
- E. Perform any other duties assigned by the Executive Director of Activities.
- F. Assist with the planning and staging of performances at NMSU and in surrounding area;
- G. Submit a regular report regarding the activities of the ASNMSU Special Events Board;
- H. Serve as vice-chair of the ASNMSU Special Events Board;
- I. Perform other departmental duties as assigned by the Executive Director of Activities; and
- J. Hold regular office hours with the exception of university holidays.

3-11-5. COMPENSATION LIMIT FOR THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR SPECIAL EVENTS

The ASNMSU Assistant Director of Activities for Special Events shall receive compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .5 Full-Time Equivalent (FTE) while performing the duties of the ASNMSU Assistant Director of Activities for Special Events.

3-11-6. TERM OF OFFICE FOR THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR SPECIAL EVENTS

The ASNMSU Assistant Director of Activities for Special Events shall serve, at the discretion of the Executive Director of Activities, for a period not to exceed the term of office of the ASNMSU Executive Director of Activities, unless otherwise provided for by law.

3-11-7. TEMPORARY APPOINTMENT OF THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR SPECIAL EVENTS

Should the office of the ASNMSU Assistant Director of Activities for Special Events become vacant during the term, the

ASNMSU Executive Director of Activities shall appoint a replacement to fill the position for the remainder of the term, providing that the replacement fulfills the requirements of this act.

3-12. ASNMSU ASSISTANT DIRECTOR OF ACIIVITIES FOR ATHLETIC RELATIONS

3-12-1. THE OFFICE OF THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR ATHLETIC RELATIONS CREATED

The office of the ASNMSU Assistant Director of Activities for Athletic Relations is created within the Executive Branch of ASNMSU.

3-12-2. APPOINTMENT OF THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR SPECIAL EVENTS

The ASNMSU Executive Director of Activities shall appoint an ASNMSU member to the office of the ASNMSU Assistant Director of Activities for Athletic Relations.

3-12-3. QUALIFICATIONS OF THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR ATHLETIC RELATIONS

The ASNMSU Executive Director of Activities shall post with the announcement of vacancy, those qualifications necessary for the office of the ASNMSU Assistant Director of Activities for Athletic Relations.

- A. Applicants for the position of the ASNMSU Assistant Director of Activities for Athletic Relations shall members of ASNMSU;
- B. Applicants for the position of the ASNMSU Assistant Director of Activities for Athletic Relations shall have been members of the ASNMSU for the fall or spring semester prior to their appointment taking effect;
- C. Preference in selection of the ASNMSU Assistant Director of Activities for Athletic Relations should be given to those individuals who are familiar with or have been subject to the daily operations and procedures of the ASNMSU Department of Activities;
- D. Applicants for the position of the ASNMSU Assistant Director of Activities for Athletic Relations shall not be on either academic or disciplinary probation;
 - 3. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Assistant Director of Activities for Athletic Relations.
 - 4. Once appointed to the office of the ASNMSU Assistant Director of Activities for Athletic Relations, the individual shall maintain a semester GPA of 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by ASNMSU.
 - 5. The ASNMSU Assistant Director of Activities for Athletic Relations will be subject to the academic and disciplinary requirements throughout the entire term of office.
 - 6. While working in the position, the ASNMSU Assistant Director of Activities for Athletic Relations shall be a member of the ASNMSU.

3-12-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR ATHLETIC RELATIONS

The duties and responsibilities that the ASNMSU Assistant Director of Activities for Athletic Relations shall be expected to perform are:

- A. Serve as an additional contact between the NMSU Athletic Department and the ASNMSU;
- B. Assist the Executive Director of Activities in the planning of ASNMSU tailgates;
- C. Serve on the NMSU Athletic Committee if such a duty is delegated to them by the Executive Director of Activities;
- D. Hold regular office hours, excluding university holidays; and
- E. Perform other departmental duties as assigned by the Executive Director of Activities;
- F. Assist with staging and execution of Homecoming and Spring Fling.

3-12-5. COMPENSATION LIMIT FOR THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR ATHLETIC RELATIONS

The ASNMSU Assistant Director of Activities for Athletic Relations shall receive compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .5 Full-Time Equivalent (FTE) while performing the duties of the ASNMSU Assistant Director of Activities for Athletic Relations.

3-12-6. TERM OF OFFICE FOR THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR ATHLETIC RELATIONS

The ASNMSU Assistant Director of Activities for Athletic Relations shall serve, at the discretion of the Executive Director of Activities, for a period not to exceed the term of office of the Executive Director of Activities, unless otherwise provided for by law.

3-12-7. TEMPORARY APPOINTMENT OF THE ASNMSU ASSISTANT DIRECTOR OF ACTIVITIES FOR ATHLETIC RELATIONS

Should the office of the ASNMSU Assistant Director of Activities for Athletic Relations become vacant during the term, the ASNMSU Executive Director of Activities shall appoint a replacement to fill the position for the remainder of the term, providing that the replacement fulfills the requirements of this act.

3-13. ASNMSU EXECUTIVE DIRECTOR OF SERVICES

3-13-1. THE OFFICE OF THE ASNMSU EXECUTIVE DIRECTOR OF SERVICES CREATED

The office of the ASNMSU Executive Director of Services is created within the Executive Branch of ASNMSU.

3-13-2. APPOINTMENT OF THE ASNMSU EXECUTIVE DIRECTOR OF SERVICES

The ASNMSU President with consent of the ASNMSU Senate shall appoint a member of the ASNMSU to the office of the ASNMSU Executive Director of Services. The ASNMSU Executive Director of Services shall serve at the discretion of the ASNMSU President.

3-13-3. QUALIFICATIONS OF THE ASNMSU EXECUTIVE DIRECTOR OF SERVICES

The President shall post with the announcement of vacancy, those qualifications necessary for the office of the ASNMSU Executive Director of Services.

- A. Applicants for the position of Executive Director of Services shall be members of ASNMSU.
- B. Preference in selection of the ASNMSU Executive Director of Services should be given to those individuals who are familiar with or have been subject to the daily operations and procedures of the ASNMSU Department of Services.
- C. Applicants for the position of ASNMSU Executive Director of Services shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Executive Director of Services.
 - 2. Once appointed to the office of the ASNMSU Executive Director of Services, the individual shall maintain a semester GPA of 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by ASNMSU.
 - 3. The ASNMSU Executive Director of Services will be subject to the academic and disciplinary requirements throughout the term of office.
 - 4. While working in the position, the ASNMSU Executive Director of Services shall be a member of ASNMSU.

3-13-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU EXECUTIVE DIRECTOR OF SERVICES

The duties and responsibilities that the ASNMSU Executive Director of Services shall be expected to perform are:

A. Work in cooperation with the Executive and Legislative Branches of ASNMSU in order to promote,

establish, and maintain all services provided for the members of ASNMSU;

- B. Be responsible for the efficient operation of the following programs and services, and is hereby granted the authority to appoint individuals to aid this office in its purpose and in accordance with procedures set forth by the ASNMSU Law Book:
 - 1. ASNMSU Pete's Pick-Up;
 - 2. ASNMSU Discount Program;
 - 3. ASNMSU Crimson Cab;
 - 4. ASNMSU Crimson Coach;
 - 5. Other projects assigned by the ASNMSU President.
- C. To hold regular office hours during the entire calendar year, excluding university holidays;
- D. To serve as the official ASNMSU spokesperson for the aforementioned programs;
- E. Contact and determine involvement with cosponsors of previous programs within thirty (30) days of appointment by the ASNMSU President;
- F. Prepare a written report at the end of each semester to be submitted to the ASNMSU Executive and Legislative Branches that concerns itself with the progress made by each program;
- G. Prepare a procedural guide of operations for the successor to the office of the ASNMSU Executive Director of Services.
- H. Meet with the Senate of ASNMSU once a month during a scheduled Senate meeting to provide reports on upcoming events, scheduled events, job progress, and current budget at the discretion of the ASNMSU President. If the Executive Director cannot attend, the Executive Director of Services can send the Assistant Director of Services to provide the report.
- I. Administer the ASNMSU Crimson Cab program; and
- J. Control access to the ASNMSU Golf Carts.

3-13-5. COMPENSATION LIMIT FOR THE ASNMSU EXECUTIVE DIRECTOR OF SERVICES

The ASNMSU Executive Director of Services shall receive compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .5 Full-Time Equivalent (FTE) while performing the duties of the ASNMSU Executive Director of Services.

3-13-6. TERM OF OFFICE FOR THE ASNMSU EXECUTIVE DIRECTOR OF SERVICES

The ASNMSU Executive Director of Services shall serve for a period not to exceed one (1) year, unless re- appointed, commencing with the appointment by the ASNMSU President, and ending near the end of each spring semester no later than May 15, unless otherwise provided for by law.

3-13-7. TEMPORARY APPOINTMENT OF THE ASNMSU EXECUTIVE DIRECTOR OF SERVICES

Should the office of the ASNMSU Executive Director of Services become vacant during the summer, the ASNMSU President shall appoint someone to fill the position for the remainder of the summer, providing that the replacement fulfills the qualifications of this act. With consent of the ASNMSU Vice President, the ASNMSU President may make a temporary appointment at the ASNMSU President's discretion.

3-14. ASNMSU ASSISTANT DIRECTOR OF SERVICES

3-14-1. THE OFFICE OF THE ASNMSU ASSISTANT DIRECTOR OF SERVICES CREATED

The office of the ASNMSU Assistant Director of Services is created within the Executive Branch of ASNMSU.

3-14-2. APPOINTMENT OF THE ASNMSU ASSISTANT DIRECTOR OF SERVICES

The ASNMSU Director of Services shall appoint an ASNMSU member to the office of ASNMSU Assistant Director of Services. The Assistant Director of Services shall serve at the discretion of the ASNMSU Director of Services.

3-14-3. QUALIFICATIONS OF THE ASNMSU ASSISTANT DIRECTOR OF SERVICES

The ASNMSU Director of Services shall post, with the announcement of vacancy, those qualifications necessary for the office of the ASNMSU Assistant Director of Services.

- A. Applicants for the position of the ASNMSU Assistant Director of Services shall be members of ASNMSU.
- B. Applicants for the position of ASNMSU Assistant Director of Services shall have been members of ASNMSU for one (1) previous semester.
- C. Preference in selection of the ASNMSU Assistant Director of Services should be given to those individuals who are familiar with or have been subject to the daily operations and procedures of the ASNMSU Department of Services.
- D. Applicants for the position of the ASNMSU Assistant Director of Services shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Assistant Director of Services.
 - 2. Once appointed to the office of the ASNMSU Assistant Director of Services, the individual shall maintain a semester GPA of 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by ASNMSU.
 - 3. The ASNMSU Assistant Director of Services will be subject to the academic and disciplinary requirements throughout the term of office.
 - 4. While working in the position, the ASNMSU Assistant Director of Services shall be a member of ASNMSU.

3-14-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU ASSISTANT DIRECTOR OF SERVICES

The duties and responsibilities that the ASNMSU Assistant Director of Services shall be expected to perform are:

- A. Serve as the Pete's Pick-Up Director;
- B. Assist the Executive Director of Services with the organization and implementation of any services as directed by the Executive Director;
- C. Submission of all monthly payroll for all employees of Pete's Pick-Up;
- D. Assist the director in the organization and implementation of the Crimson Cab Program and Crimson Coach Program;
- E. Assist the Executive Director of Services in the organization and implementation of the Discount Program.
- F. Hold regular office hours excluding university holidays.

3-14-5. COMPENSATION LIMIT FOR THE ASNMSU ASSISTANT DIRECTOR OF SERVICES

The ASNMSU Assistant Director of Services shall receive compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .375 Full-Time Equivalent (FTE) while performing the duties of the ASNMSU Assistant Director of Services.

3-14-6. TERM OF OFFICE FOR THE ASNMSU ASSISTANT DIRECTOR OF SERVICES

The ASNMSU Executive Director of Services shall serve for a period not to exceed one (1) year, unless re-appointed, commencing with the appointment by the ASNMSU President, and ending near the end of each spring semester no later than May 15 at the discretion of the Executive Director of Services for a period not to exceed term of office of the ASNMSU Director of Services, unless otherwise provided for by law.

3-14-7. TEMPORARY APPOINTMENT OF THE ASNMSU ASSISTANT DIRECTOR OF SERVICES

Should the office of the ASNMSU Assistant Director of Services become vacant during the summer, the ASNMSU Executive Director of Services shall appoint a replacement to fill the position for the remainder of the summer, providing that the replacement fulfills the qualifications of this act.

3-15. ASNMSU EXECUTIVE DIRECTOR OF PUBLIC RELATIONS

3-15-1. THE OFFICE OF THE ASNMSU EXECUTIVE DIRECTOR OF PUBLIC RELATIONS CREATED

The office of the ASNMSU Executive Director of Public Relations is created within the Executive Branch of ASNMSU.

3-15-2. APPOINTMENT OF THE ASNMSU EXECUTIVE DIRECTOR OF PUBLIC RELATIONS

The ASNMSU President, with consent of the ASNMSU Senate shall appoint a member of ASNMSU to the office of the ASNMSU Executive Director of Public Relations. The ASNMSU Executive Director of Public Relations shall serve at the discretion of the ASNMSU President.

3-15-3. QUALIFICATIONS OF THE ASNMSU EXECUTIVE DIRECTOR OF PUBLIC RELATIONS

The President shall post, with the announcement of vacancy, qualifications necessary for the office of the ASNMSU Executive Director of Public Relations.

- A. Applicants for the position of the ASNMSU Executive Director of Public Relations shall be members ASNMSU.
- B. Applicants for the position of the ASNMSU Executive Director of Public Relations shall have been members of the ASNMSU for the fall or spring semester prior to their appointment taking effect.
- C. Applicants for the position of the ASNMSU Executive Director of Public Relations shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow an individual to apply for or work in the position of the ASNMSU Executive Director of Public Relations.
 - Once appointed to the office of the ASNMSU Executive Director of Public Relations, the individual shall
 maintain a semester GPA of 2.0. Failure to maintain this semester GPA will result in immediate dismissal from
 office by ASNMSU.
 - 3. The ASNMSU Executive Director of Public Relations will be subject to the academic and disciplinary requirements throughout the entire term of office.
 - 4. While working in the position, the ASNMSU Executive Director of Public Relations shall be a member of ASNMSU.
- D. Preference in the selection of the ASNMSU Executive Director of Public Relations should be given to those individuals who are familiar with or have been subject to the daily operations and procedures of the Department of the ASNMSU Public Relations.
- E. Applicant for the position should have skills in design and website editing.
 - 1. Applicants should be proficient in Adobe® software, such as Illustrator®, Photoshop®, and WordPressTM.
 - 2. Applicants should be proficient in all platforms of social media.

3-15-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU EXECUTIVE DIRECTOR OF PUBLIC RELATIONS

The duties and responsibilities that the ASNMSU Executive Director of Public Relations will be expected to perform are:

A. Be responsible for the efficient operation of the Department of Public Relations and is hereby granted the authority to appoint individuals to aid this office in its purpose and in accordance with procedures set forth by the ASNMSU Law

Book:

- B. Coordinate with the ASNMSU Outreach Program, which will involve members of the Executive, Legislative, and Judicial branches speaking to student groups on a regular basis;
- C. Hold regular office hours during the entire calendar year, excluding university holidays;
- D. Prepare a written report at the end of each semester to be submitted to the ASNMSU Executive and Legislative Branches that concerns itself with the progress made by each program;
- E. Meet with the Senate of ASNMSU once a month during a scheduled meeting of the Senate to provide reports on upcoming events, scheduled events, job progress, and current budget at the discretion of the ASNMSU President. If the Executive Director cannot attend, the Executive Director of Public Relations can send the Assistant Director of Public Relations to provide the report;
- F. Prepare a procedural guide of operations for the successor to the office of the ASNMSU Executive Director of Public Relations;
- G. Appoint two people to fill the position of Assistant Director of Public Relations who will assist with the management of Social Media, Student Email LISTSERV, assist with the construction of ads, posters, and brochures dealing with ASNMSU sit on the University Communications Committee and the Continuing Diversity Board, as well as perform other responsibilities under the direction of the director;
- H. Contact and determine involvement with cosponsors of previous programs within thirty (30) days of appointment by the ASNMSU President;
- I. Create flyers, posters, and social media graphics for ASNMSU events, activities, etc.
- J. Order and buy promotional items.
 - 1. Create and manipulate logos or images at any given time of said promotional items.
- K. Work in conjunction with the ASNMSU President to release ASNMSU's response to national and international crises.
- L. Manipulate, update, and modify the ASNMSU website.
- M. Other projects assigned by the ASNMSU President.
- N. Serve on Continuing Diversity Board as a voting member.
- O. Shall maintain all social media accounts of ASNMSU

3-15-5. COMPENSATION LIMIT FOR THE ASNMSU EXECUTIVE DIRECTOR OF PUBLIC RELATIONS

The ASNMSU Executive Director of Public Relations shall receive compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .75 Full-Time Equivalent (FTE) while performing the duties of the ASNMSU Executive Director of Public Relations.

3-15-6. TERM OF OFFICE FOR THE ASNMSU EXECUTIVE DIRECTOR OF PUBLIC RELATIONS

The ASNMSU Executive Director of Public Relations shall serve for a period not to exceed one (1) year, unless reappointed, commencing with the appointment by the ASNMSU President, and ending near the end of each spring semester no later than May 15, unless otherwise provided for by law.

3-15-7. TEMPORARY APPOINTMENT OF THE ASNMSU EXECUTIVE DIRECTOR OF PUBLIC RELATIONS

Should the office of the ASNMSU Executive Director of Public Relations become vacant during the summer, the President of ASNMSU shall appoint a replacement to fill the position for the remainder of the summer, providing that the replacement fulfills the qualifications of this act. With consent of the ASNMSU Vice President, the ASNMSU President may make a temporary appointment at the ASNMSU President's discretion.

3-16. ASNMSU ASSISTANT DIRECTORS OF PUBLIC RELATIONS

3-16-1. THE OFFICES OF THE ASNMSU ASSISTANT DIRECTORS OF PUBLIC RELATIONS CREATED

The offices of the ASNMSU Assistant Directors of Public Relations are created within the Executive Branch of ASNMSU. There shall be two (2) Assistant Directors of Public Relations.

3-16-2. APPOINTMENT OF THE ASNMSU ASSISTANT DIRECTORS OF PUBLIC RELATIONS

The ANSMSU Executive Director of Public Relations shall appoint two (2) ASNMSU members to the offices of the ASNMSU Assistant Directors of Public Relations

3-16-3. QUALIFICATIONS OF THE ASNMSU ASSISTANT DIRECTORS

The ASNMSU Director of Public Relations shall post with the announcement of vacancy, those qualifications necessary for the offices of the ASNMSU Assistant Director of Public Relations.

- A. Applicants for the positions of the ASNMSU Assistant Directors of Public Relations shall be members of ASNMSU for the fall or spring semester prior to the appointment taking effect.
- B. Preference in selection of the ASNMSU Assistant Directors of Public Relations should be given to those individuals who are familiar with or have been subject to the daily operations and procedures relating to this position.
- C. Applicants for the positions of ASNMSU Assistant Directors of Public Relations should have skills in design and website editing.
 - 1. Applicants should be proficient in Adobe software, such as Illustrator, Photoshop, and WordPress.
 - 2. Applicants should be proficient in all platforms of social media.
- D. Applicants for the positions of the ASNMSU Assistant Directors of Public Relations shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic process or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Assistant Director of Public Relations for web development.
 - Once appointed to the office of the ASNMSU Assistant Director of Public Relations for web development, the individual shall maintain a semester GPA of 2.0. Failure to maintain this semester GPA will result in immediate dismissal from the office by ASNMSU.
 - The ASNMSU Assistant Director of Public Relations for web development will be subject to the academic and disciplinary requirements throughout the entire term of office.
 - 4. While working in the position, the ASNMSU Assistant Director of Public Relations for web development shall be a member of ASNMSU.

3-16-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU ASSISTANT DIRECTORS OF PUBLIC RELATIONS

The duties and responsibilities that the ASNMSU Assistant Directors of Public Relations shall be expected to perform are:

- A. To assist the Executive Director of Public Relations with the production of advertisements for the department and the rest of ASNMSU. Assist the Executive Director of Public Relations with the production of advertisements for the department and the rest of ASNMSU;
 - 1. Should the Executive Director of Public Relations may have a conflict of interest in this matter, the Assistant Directors shall be fully responsible for producing such ads.
- B. To develop ASNMSU Outreach presentations as needed by the Executive Director of Services and the Executive Director of Community Outreach;

- C. To hold regular office hours during the academic year, excluding university holidays;
- D. To perform any other duties assigned by the Executive Director of Public Relations;
- E. To be responsible for drafting and/or creating all press releases concerning ASNMSU, ASNMSU sponsored events, and other projects deemed appropriate by the ASNMSU Director of Public Relations, ASNMSU Chief of Staff, or the ASMSU President;
 - 1. All Las Cruces and surrounding areas shall receive press releases as deemed necessary by the Director of Public Relations, ASNMSU Chief of Staff, or the ASMSU President.
- F. To create all advertisements and maintain "The Feed" content displayed on the campus wide video screens;
- G. To serve as the liaison with NMSU University Communication;
- H. To be responsible for collecting Student Hotline Submissions and sending to the Student Hotline list-serve; and
- I. To assist in managing and updating all ASNMSU social media accounts.

3-16-5. COMPENSATION LIMIT FOR THE ASNMSU ASSISTANT DIRECTORS OF PUBLIC RELATIONS

The ASNMSU Assistant Directors of Public Relations shall receive a compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .5 Full-Time Equivalent (FTE) while performing the duties of the ASNMSU Assistant Directors of Public Relations.

3-16-6. TERM OF OFFICE FOR THE ASNMSU ASSISTANT DIRECTORS OF PUBLIC RELATIONS

The ASNMSU Assistant Directors of Public Relations shall serve, at the discretion of the Executive Director of Public Relations, for a period not to exceed eleven (11) months, beginning, at the earliest, May 16th and ending no later than May 15th of the following year, unless otherwise provided for by law.

3-16-7. TEMPORARY APPOINTMENT OF THE ASNMSU ASSISTANT DIRECTORS OF PUBLIC RELATIONS

Should one or both of the ASNMSU Assistant Directors of Public Relations' offices become vacant during the term, the ASNMSU Director of Public Relations shall appoint a replacement to fill the vacant position(s) for the remainder of the term, providing that the replacement fulfills the requirements of this act.

3-17. ASNMSU EXECUTIVE DIRECTOR FOR COMMUNITY OUTREACH

3-17-1. THE OFFICE OF THE ASNMSU EXECUTIVE DIRECTOR FOR COMMUNITY OUTREACH CREATED

The office of the ASNMSU Executive Director for Community Outreach is created within the Executive Branch of ASNMSU.

3-17-2. APPOINTMENT OF THE ASNMSU EXECUTIVE DIRECTOR FOR COMMUNITY OUTREACH

The ASNMSU President, with the consent of the ASNMSU Senate, shall appoint an ASNMSU member to the office of the ASNMSU Executive Director for Community Outreach. The ASNMSU Executive Director for Community Outreach shall serve at the discretion of the ASNMSU President.

3-17-3. QUALIFICATIONS OF THE ASNMSU EXECUTIVE DIRECTOR FOR COMMUNITY OUTREACH

The ASNMSU President shall post with the announcement of vacancy, those qualifications necessary for the office of the ASNMSU Executive Director for Community Outreach.

- A. Applicants for the position of the ASNMSU Executive Director for Community Outreach shall be members of ASNMSU.
- B. Applicants for the position of the ASNMSU Executive Director for Community Outreach shall have been a

member of ASNMSU for the fall or spring semester prior to their appointment taking effect.

- C. Preference in selection of the ASNMSU Executive Director for Community Outreach should be given to those individuals who are familiar with or have been subject to the daily operations and procedures relating to this operation.
- D. Applicants for the position of the ASNMSU Executive Director for Community Outreach shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic process or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Executive Director for Community Outreach.
 - 2. Once appointed to the office of the ASNMSU Executive Director for Community Outreach, the individual shall maintain a semester GPA of 2.0. Failure to maintain this semester GPA will result in immediate dismissal from the office by ASNMSU.
 - 3. The ASNMSU Executive Director for Community Outreach will be subject to the academic and disciplinary requirements throughout the entire term of office.
 - 4. While working in the position, the ASNMSU Executive Director for Community Outreach shall be a member of ASNMSU.

3-17-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU EXECUTIVE DIRECTOR FOR COMMUNITY OUTREACH

The duties and responsibilities that the ASNMSU Executive Director for Community Outreach shall be expected to perform are:

- A. Maintain contact with the NMSU Foundation.
- B. Provide student organizations, including all College Councils, with advice and assistance in completing community service activities, including keeping these organizations advised of service opportunities.
- C. Prepare for all student organizations and members of ASNMSU, a presentation explaining the policies and procedures for completing the community service requirements for the ASNMSU Senate. These presentations shall occur at least once a semester and may be coordinated with the ASNMSU Comptroller to coincide with the Comptroller's Financial Procedure Workshops.
- D. Maintain a list of organizations in the community that consistently provide opportunities for student organizations to complete their community service requirements.
- E. Attend meetings of the Greater Las Cruces Chamber of Commerce.
- F. Coordinate the Big Event Community Service Project.
 - 1. The Big Event will be an off-campus community service event to be organized in the spring semester.
 - 2. The Executive Director for Community Outreach will organize the Big Event with local, regional, or national nonprofit organizations (for example, United Way).
- G. Organize the Keep State Great Community Service Project.
 - 1. The Keep State Great Community Service Project will be an on-campus event intended to prepare the campus for homecoming events.
 - 2. The ExecutiveDirector of Community Outreach will organize Keep State Great to be organized prior to Homecoming in the fall semester.
 - The event can be coordinated with the Executive Director of Activities and can include campus beautification projects which are homecoming themed.
- H. Serve as supervisor of the Roadrunner Program per 6-4.
 - 1. This will include recruiting during the summer orientation programs.

- I. Serve as an ex-officio non-voting member of the ASNMSU Senate Community Affairs Committee as requested by the committee chair.
- J. Meet with the ASNMSU Senate monthly during a scheduled meeting of the Senate to provide reports on upcoming events, scheduled events, job progress, and current budget at the discretion of the ASNMSU President. If the Executive Director cannot attend, the Executive Director of Community Outreach can send the Assistant Director of Community Outreach to provide the report.
- K. Hold regularly scheduled office hours during the calendar year, excluding university holidays;
- L. Act as the liaison of ASNMSU within the communities of Las Cruces, Dona Ana County, and Southern New Mexico.
- M. Meet with local community, business, and government leaders on a regular basis to advise them of the initiatives ASNMSU is undertaking and to foster a working relationship with these leaders.
- N. Perform any other duties as assigned by the ASNMSU President.
- O. Focus on sustainability awareness and education throughout the NMSU Campus and Las Cruces Community.
 - 1. Coordinate an Earth Day Event in Conjunction with the Office of Sustainability and related student organizations.
 - 2. Become a source of sustainability information for student organizations.
 - 3. Become an information base for student organizations.
 - 4. Focus on one (1) initiative each year which can include but is not limited to recycling, bio-waste, energy, and transportation.
- P. Serve as the Primary Coordinator for the ASNMSU Leadership Conference.

3-17-5. COMPENSATION LIMIT FOR THE ASNMSU EXECUTIVE DIRECTOR FOR COMMUNITY OUTREACH

The ASNMSU Executive Director for Community Outreach shall receive compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU adjustment factor for a .5 Full-Time Equivalent (FTE) for no more than one (1) year while performing the duties of the ASNMSU Executive Director for Community Outreach.

3-17-6. TERM OF OFFICE FOR THE ASNMSU DIRECTOR FOR COMMUNITY OUTREACH

The ASNMSU Director for Community Outreach shall serve, at the discretion of the ASNMSU President, for a period not to exceed one (1) year, commencing with the swearing in of the new President and ending no later than May 15 of the following year, unless otherwise provided for by law.

3-17-7. TEMPORARY APPOINTMENT OF THE ASNMSU EXECUTIVE DIRECTOR FOR COMMUNITY OUTREACH

Should the office of the ASNMSU Executive Director for Community Outreach become vacant during the term, the ASNMSU President shall appoint a replacement to fill the position for the remainder of the term, providing that the replacement fulfills the requirements of this act.

3-18. ASNMSU ASSISTANT DIRECTOR FOR COMMUNITY OUTREACH

3-18-1. THE OFFICE OF THE ASNMSU ASSISTANT DIRECTOR FOR COMMUNITY OUTREACH CREATED

The office of the ASNMSU Assistant Director for Community Outreach is created within the Executive branch of ASNMSU.

3-18-2. APPOINTMENT OF THE ASNMSU ASSISTANT DIRECTOR FOR COMMUNITY OUTREACH

The ASNMSU Director for Community Outreach shall appoint an ASNMSU member to the office of ASNMSU Assistant Director for Community Outreach The ASNMSU Assistant Director for Community Outreach shall serve at the discretion of the ASNMSU Director of Community Outreach.

3-18-3. QUALIFICATIONS OF THE ASNMSU ASSISTANT DIRECTOR FOR COMMUNITY OUTREACH

The ASNMSU Director of Community Outreach shall post with the announcement of vacancy, those qualifications necessary for the office of the ASNMSU Assistant Director for Community Outreach.

- A. Applicants for the position of the ASNMSU Assistant Director for Community Outreach shall be members of ASNMSU.
- B. Applicants for the position of the ASNMSU Assistant Director for Community Outreach shall have been a member of ASNMSU for the fall or spring semester prior to their appointment taking effect.
- C. Preference in selection of the ASNMSU Assistant Director for Community Outreach should be given to those individuals who are familiar with or have been subject to the daily operations and procedures relating to this position.
- D. Applicants for the position of the ASNMSU Assistant Director for Community Outreach not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Assistant Director for Community Outreach
 - 2. Once appointed to the office of the ASNMSU Assistant Director for Community Outreach. The individual shall maintain a semester GPA of 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by ASNMSU.
 - 3. The ASNMSU Assistant Director for Community Outreach will be subject to the academic and disciplinary requirements throughout the entire term of office.
 - 4. While working in the position, the ASNMSU Assistant Director for Community Outreach shall be a member of ASNMSU.

3-18-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU ASSISTANT DIRECTOR FOR COMMUNITY OUTREACH

The duties and responsibilities that the ASNMSU Assistant Director for Community Outreach shall be expected to perform are:

- A. The Assistant Director for Community Outreach will serve as the liaison and to the Department of Campus Activities.
- B. Plan leadership workshops throughout the semester.
- C. Travel to high schools statewide and regional with the intent of recruiting students into the ASNMSU Roadrunner program.
- D. Help with daily office activities, set forth by the ASNMSU Director of Community Outreach.
- E. Help with the planning, coordination, and execution of projects set forth by the Director for Community Outreach, including Keep State Great and The Big Event, timing permitting.
- F. The Assistant Director for Community Outreach will be the primary person responsible for the Roadrunner program.
- G. Hold regularly scheduled office hours, excluding university holidays.

3-18-5. COMPENSATION LIMIT FOR THE ASNMSU ASSISTANT DIRECTOR FOR COMMUNITY OUTREACH

The ASNMSU Assistant Director for Community Outreach shall receive compensation not to exceed the current applicable minimum wage (as allowed by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .375 Full-Time Equivalent (FTE) while performing the duties of the Assistant Director of Community Outreach.

3-18-6. TERM OF OFFICE FOR THE ASNMSU ASSISTANT DIRECTOR OF COMMUNITY OUTREACH

The ASNMSU Assistant Director for Community Outreach shall serve at the discretion of the ASNMSU Executive Director of Community Outreach for a period not to exceed one (1) year, unless otherwise provided for by law.

3-18-7. TEMPORARY APPOINTMENT OF THE ASNMSU ASSISTANT DIRECTOR OF COMMUNITY OUTREACH

Should the office of the ASNMSU Assistant Director of Community Outreach become vacant during the term, the ASNMSU Director of Community Outreach shall appoint a replacement to fill the position for the remainder of the term, providing that the replacement fulfills the qualifications of this act.

3-19. ASNMSU SUSTAINABILITY CHAIR

3-19-1. THE OFFICE OF THE ASNMSU SUSTAINABILITY CHAIR CREATED

The office of the ASNMSU Sustainability Chair is created within the Executive Branch of ASNMSU.

3-19-2. APPOINTMENT OF THE ASNMSU SUSTAINABILITY CHAIR

The ASNMSU Director of Community Outreach may at their discretion appoint an ASNMSU member to the office of ASNMSU Sustainability Chair.

3-19-3. QUALIFICATIONS OF THE ASNMSU SUSTAINABILITY CHAIR

The ASNMSU Director for Community Outreach shall post with the announcement of vacancy, those qualifications necessary for the office of the ASNMSU Sustainability Chair.

- A. Applicants for the position of the ASNMSU Sustainability Chair shall be members of ASNMSU.
- B. Applicants for the position of the ASNMSU Sustainability Chair shall have been a member of ASNMSU for the fall or spring semester prior to their appointment taking effect.
- C. Preference in selection of the ASNMSU Sustainability Chair should be given to those individuals who are familiar with or have been subject to the daily operations and procedures relating to this position.
- D. Applicants for the position of the ASNMSU Sustainability Chair shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Assistant Director of Community Outreach
 - Once appointed to the office of the ASNMSU Sustainability Chair, the individual shall maintain a semester GPA of 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by ASNMSU.
 - 3. The ASNMSU Sustainability Chair will be subject to the academic and disciplinary requirements throughout the entire term of office.
 - 4. While working in the position, the ASNMSU Sustainability Chair shall a member of ASNMSU.

3-19-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU SUSTAINABILITY CHAIR

The duties and responsibilities that the ASNMSU Sustainability Chair shall be expected to perform are:

- A. Help with daily office activities.
- B. Help with the planning, coordination, and execution of events organized by the Director for Community

Outreach.

- C. Focus on Sustainability awareness and education throughout the NMSU Campus and Las Cruces Community.
 - 1. Coordinate an Earth Day Event in conjunction with the Office of Sustainability and related student organizations.
 - 2. Become a source of sustainability information for student organizations.
 - 3. Become an Information Base for student organizations.
 - 4. Focus on one (1) initiative each year which can include but is not limited to recycling, bio-waste, energy, and transportation.
- D. Chair the Aggies Go Green Committee.

3-19-5. TERM OF OFFICE FOR THE ASNMSU SUSTAINABILITY CHAIR

The ASNMSU Sustainability Chair shall serve at the discretion of the ASNMSU Director of Community Outreach for a period not to exceed the term of office of the ASNMSU Director of Community Outreach, unless otherwise provided for by law.

3-19-6. TEMPORARY APPOINTMENT OF THE ASNMSU SUSTAINABILITY CHAIR

Should the office of the ASNMSU Sustainability Chair become vacant during the term, the ASNMSU Director of Community Outreach shall appoint a replacement to fill the position for the remainder of the term, provided that the replacement fulfills the qualifications of this act.

3-19-7. COMPENSATION LIMIT FOR THE ASNMSU SUSTAINABILITY CHAIR

The ASNMSU Sustainability shall receive no compensation for their services to ASNMSU office of Community Outreach.

3-20. ASNMSUATTORNEY GENERAL

3-20-1. THE OFFICE OF THE ASNMSU ATTORNEY GENERAL CREATED

The office of the ASNMSU Attorney General is created within the Executive Branch of ASNMSU.

3-20-2. APPOINTMENT OF THE ASNMSU ATTORNEY GENERAL

The President of ASNMSU, with the consent of the ASNMSU Senate, shall appoint a member of the ASNMSU to the office of ASNMSU Attorney General. The ASNMSU Attorney General shall serve at the discretion of the ASNMSU President.

3-20-3. QUALIFICATIONS OF THE ASNMSU ATTORNEY GENERAL

The President shall post with the announcement of the position vacancy, those qualifications necessary for the office of ASNMSU Attorney General.

- A. Applicants for the position of the ASNMSU Attorney General shall be members of ASNMSU.
- B. Applicants for the position of the ASNMSU Attorney General shall have been members of ASNMSU for the fall or spring semester prior to their appointment taking effect.
- C. Preference in selection of the ASNMSU Attorney General should be given to those individuals who are familiar with or have been subject to the daily operations and procedures of the ASNMSU Attorney General.
- D. Applicants for the position of the ASNMSU Attorney General shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Attorney General.
 - Once appointed to the office of the ASNMSU Attorney General, the individual shall maintain a semester GPA of at least 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by ASNMSU.
 - 3. The ASNMSU Attorney General will be subject to the academic and disciplinary requirements throughout the entire term of office.

4. While working in the position, the ASNMSU Attorney General shall be a member of ASNMSU.

3-20-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU ATTORNEY GENERAL

The duties and responsibilities that the ASNMSU Attorney General shall be expected to perform, unless otherwise provided for by law are:

- A. Represent ASNMSU in cases before the ASNMSU Supreme Court in which ASNMSU is a party of interest;
 - Should the ASNMSU Supreme Court or the ASNMSU President determine that the Attorney General has a personal or pecuniary interest in the case, the ASNMSU President is responsible for appointing counsel to represent ASNMSU.
 - Should the ASNMSU Supreme Court decide that the Attorney General has a personal or pecuniary interest in the case of impeachment proceedings against the ASNMSU President or the ASNMSU Vice President, the ASNMSU Supreme Court is responsible for appointing Counsel to represent ASNMSU.
- B. Act, if requested, as advisor on the ASNMSU law for any officer, agent or employee of the ASNMSU in the event such person is named as a party in any action in connection with an act growing out of the performance of said member's duty;
- C. Give an opinion, in writing, on any question of the ASNMSU law submitted to the Attorney General by any member of ASNMSU;
- D. Keep a register of all opinions rendered by the office of the ASNMSU Attorney General;
- E. Act, if requested, as an advisor of discipline policy for any student of NMSU in the event such person is charged with violating university regulations, provided the Attorney General is qualified under the stated policy of NMSU to render such assistance, and provided such assistance is rendered in accordance with the stated discipline policy of NMSU;
- F. Act as the official custodian and trustee for ASNMSU of the current and past versions of the ASNMSU Law Book and other related materials from other university and college student governments, all bills enacted into law, all resolutions and memorials passed by the Senate, and all other ASNMSU public records which in the opinion of the Attorney General, are of legal or historical value to ASNMSU and which are transferred to the Attorney General from any ASNMSU office or from any other source;
 - During the regular performance of their custodial and trustee duties with regards to the current ASNMSU Law Book, the Attorney General may identify grammatical, spelling or minor formatting errors in the Law Book and, upon majority consent of the Senate Rules Committee, correct these errors in their respective sections so long as the corrections do not alter or confuse the meaning, application, or legislative intent of the section or statute in which they are contained.
 - a. During the Senate recesses, any minor corrections proposed by the Attorney General must be consented upon by a majority vote of the voting members of the ASNMSU Law Book Committee, provided the corrections do not alter or confuse the legislative intent, meaning or application of the sections or statutes in which they are contained as established in 3-22-4-F-1.
- G. Perform all other duties required by the ASNMSU law;
- H. Appoint, if desired, a Deputy Attorney General. The ASNMSU Deputy Attorney General shall hold office at the pleasure of the ASNMSU Attorney General. The Deputy Attorney General shall, subject to the direction of the Attorney General, have equal power and authority as the ASNMSU Attorney General. Once appointed to the office of Deputy Attorney General, the individual shall maintain a semester GPA of at least 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by ASNMSU.
- I. Prepare a procedural guide of operations for the successor to the office of the ASNMSU Attorney General;
- J. Hold regular office hours each week during the calendar year, excluding university holidays;
- K. Attend all regular meetings of the ASNMSU Senate and serve ex-officio, non-voting member of the Senate Rules Committee;

- L. To insure that all portions of the ASNMSU Law Book and proposed legislation fit within the scope of the ASNMSU Constitution, New Mexico State laws and appropriately corresponds with ASNMSU rules and regulations;
- M. To serve on the ASNMSU Law Book Committee;
- N. Determine each fall the number of Senate seats apportioned to each college as specified in the Election Code of the ASNMSU Law Book and make available all appropriate changes in the form of a memorandum.
- O. Report to Senate the First and Final Senate meeting of each semester, at all meetings immediately following the issuing of an official opinion is issued from their office, and whenever requested by the President of the Senate.
- P. Serve as an ex officio, non-voting member of the ASNMSU Elections Board.

3-20-5. COMPENSATION LIMIT FOR THE ASNMSU ATTORNEY GENERAL

The ASNMSU Attorney General shall receive compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .625 Full-Time Equivalent (FTE) while performing the duties of the office of the ASNMSU Attorney General.

3-20-6. TERM OF OFFICE FOR THE ASNMSU ATTORNEY GENERAL

The ASNMSU Attorney General shall serve for a period not to exceed one (1) year, unless re-appointed, commencing with the appointment by the ASNMSU President, and ending near the end of each spring semester no later than May 15, unless otherwise provided for by law.

3-20-7. TEMPORARY APPOINTMENT OF THE ASNMSU ATTORNEY GENERAL

Should the office the ASNMSU Attorney General become vacant during the term, the President of ASNMSU shall appoint someone to fill the position for the remainder of the term providing that the replacement fulfills the qualifications of this act.

3-21. ASNMSUEXECUTIVE DIRECTOR OF GOVERNMENTAL AFFAIRS

3-21-1. THE OFFICE OF ASNMSU EXECUTIVE DIRECTOR OF GOVERNMENTAL AFFAIRS CREATED

The office of ASNMSU Executive Director of Governmental Affairs is created within the Executive Branch of ASNMSU.

3-21-2. APPOINTMENT OF THE ASNMSU EXECUTIVE DIRECTOR OF GOVERNMENTAL AFFAIRS

The ASNMSU President with the consent of the ASNMSU Senate shall appoint a member of ASNMSU to the office of the ASNMSU Executive Director of Governmental Affairs. The Executive Director of Governmental Affairs shall serve at the discretion of the ASNMSU President.

3-21-3. QUALIFICATIONS OF THE ASNMSU EXECUTIVE DIRECTOR OF GOVERNMENTAL AFFAIRS

The President shall post with the announcement of vacancy, those qualifications necessary for the office of the ASNMSU Executive Director of Governmental Affairs.

- A. Applicants for the position of the ASNMSU Executive Director of Governmental Affairs shall be members of ASNMSU.
- B. Applicants for the position of the ASNMSU Executive Director of Governmental Affairs shall have been members of ASNMSU for the fall or spring semester prior to their appointment taking effect.
- C. Preference in selection of the ASNMSU Executive director of Governmental Affairs should be given to those individuals who are familiar with or have been subject to the daily operations and procedures of the ASNMSU Office of Governmental Affairs.
- D. Applicants for the position of the ASNMSU Executive Director of Governmental Affairs shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA and disciplinary probation will not be permitted for individuals applying for the position of the ASNMSU Executive Director of Governmental Affairs.

- 2. If the ASNMSU Executive Director of Governmental Affairs is placed on academic or disciplinary probation, the director will be dismissed from office.
- 3. While working in the position, the ASNMSU Executive Director of Governmental Affairs shall be a full-time or part-time student of NMSU and a member of ASNMSU.

3-21-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU EXECUTIVE DIRECTOR OF GOVERNMENTAL AFFAIRS

The duties and responsibilities that the ASNMSU Executive Director of Governmental Affairs will be expected to perform are:

- A. Act as a liaison within the committees, councils and boards that constitute the shared governance system of NMSU for ASNMSU;
- B. Coordinate all activities within the office of the ASNMSU Executive Director of Governmental Affairs;
- C. Represent ASNMSU in any other state or national student coalitions deemed to have relevance to governmental affairs;
- D. Coordinate governmental affairs with any important city, county, state or national levels of governance;
- E. Maintain contacts with City Council of Las Cruces, County of Dona Ana, State Legislature, NM Senators and Representatives, and other important levels of governance;
- F. Report any important issues regarding governmental affairs to the Executive and Legislative branches;
 - Reports to the Legislative Branch will be given during a scheduled meeting of the Senate to provide reports on upcoming events, scheduled events, job progress, and current budget at the discretion of the ASNMSU President. If the Executive Director cannot attend, the Executive Director of Governmental Affairs can send the Assistant Director of Governmental Affairs to provide the report.
- G. Prepare a procedural guide of operations for the successor of the ASNMSU Executive Director of Governmental Affairs;
- H. Be present at the Campus Affairs Committee meetings and report any legislative related finding to the ASNMSU Senate. If the ASNMSU Director of Governmental Affairs cannot be present they may send the ASNMSU Assistant Director of Governmental Affairs.
- I. Chair the Student Advocacy Board and shall abide by Section 6-5 and ensure the submission of ASNMSU's Legislative Priorities to the ASNMSU Senate no later than the fourth Senate meeting of the fall semester in accordance with Section 6-5.
 - 1. The legislative priorities shall be introduced into first readings in the form of a procedural resolution by the fourth Senate meeting in the Fall semester and shall be authored by the ASNMSU Senate Representative on the Student Advocacy Board ASNMSU's Legislative Priorities shall go through all of the Senate standing committees and shall not be the Committee of the Whole. If the Senate Representative on the Student Advocacy Board is unable or unwilling to represent the resolution, the President Pro-Tempore of the ASNMSU Senate shall represent the resolution.
- J. Special projects assigned by the ASNMSU President;
- K. Serve as an ex-officio member on the ASNMSU Executive Advisory Committee.
- L. Schedule a meeting with the ASNMSU Fiscal Advisor, Executive Secretary, and Chief of Staff to discuss the logistical plans or the upcoming legislative session between November 15th and December 15th.

3-21-5. COMPENSATION LIMIT FOR THE ASNMSU EXECUTIVE DIRECTOR OF GOVERNMENTAL AFFAIRS

The ASNMSU Executive Director of Governmental Affairs shall receive compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Adjustment Factor for a .5 Full-Time Equivalent (FTE) while performing the duties of the ASNMSU Executive Director of Governmental Affairs.

3-21-5. TEMPORARY APPOINTMENT OF THE ASNMSU EXECUTIVE DIRECTOR OF GOVERNMENTAL AFFAIRS

Should the office of ASNMSU Executive Director of Governmental Affairs become vacant during the term, the President of ASNMSU shall appoint a member of ASNMSU to fill the position for the remainder of the term, providing that the replacement fulfills the qualifications of this act.

3-22. ASNMSUASSISTANT DIRECTOR OF GOVERNMENTAL AFFAIRS

3-22-1. THE OFFICE OF THE ASNMSU ASSISTANT DIRECTOR OF GOVERNMENTAL AFFAIRS CREATED

The office of the ASNMSU Assistant Director of Governmental Affairs is created within the Executive Branch of ASNMSU.

3-22-2. APPOINTMENT OF THE ASNMSU ASSISTANT DIRECTOR OF GOVERNMENTAL AFFAIRS

The ASNMSU Director of Governmental Affairs shall appoint an ASNMSU member to the office of the ASNMSU Assistant Director of Governmental Affairs. The Assistant Director of Governmental Affairs shall serve at the discretion of the director of Governmental Affairs.

3-22-3. QUALIFICATIONS OF THE ASNMSU ASSISTANT DIRECTOR OF GOVERNMENTAL AFFAIRS

The ASNMSU Director of Governmental Affairs shall post with the announcement of vacancy, those qualifications necessary for the office of the ASNMSU Assistant Director of Governmental Affairs.

- A. Applicants for the position of the ASNMSU Assistant Director of Governmental Affairs shall be members of ASNMSU.
- B. Applicants for the position of the ASNMSU Assistant Director of Governmental Affairs shall have been members of ASNMSU for one (1) previous fall or spring semester.
- C. Preference in selection of the ASNMSU Assistant Director of Governmental Affairs should be given to those individuals who are familiar with or have been subject to the daily operations and procedures of the ASNMSU Department of Governmental Affairs.
- D. Applicants for the position of the ASNMSU Assistant Director of Governmental Affairs shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Assistant Director of Governmental Affairs.
 - 2. Once appointed to the office of the ASNMSU Assistant Director of Governmental Affairs the individual shall maintain a semester GPA of 2.0. Failure to maintain the semester GPA will result in immediate dismissal from office by ASNMSU.
 - 3. The ASNMSU Assistant director of Governmental Affairs will be subject to the academic and disciplinary requirements throughout the term of office.
 - 4. While working in the position, the ASNMSU Assistant Director of Governmental Affairs shall be a member of ASNMSU.

3-22-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU ASSISTANT DIRECTOR OF GOVERNMENTAL AFFAIRS

The duties and responsibilities that the ASNMSU Assistant Director of Governmental Affairs shall be expected to perform are to:

- A. Serve as the Vice Chair of the Student Advocacy Board;
- B. Lobby the New Mexico State Legislature on issues concerning ASNMSU;
- C. Inform the New Mexico State Legislature of the issues concerning ASNMSU;

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- D. Maintain records containing:
 - 1. Information on how to contact various legislatures, committees, offices, and others;
 - 2. Information regarding advocacy activities, meetings including pertinent legislation on a national and state wide basis.
- E. Report any important issues regarding governmental affairs to the executive and legislative branches;
- F. Coordinate ASNMSU Voter Registration drives;
- G. Act as a liaison amongst New Mexico State University Government, the State of New Mexico Government, Associated Students of New Mexico, and any other national student organizations as deemed necessary by the Director of Governmental Affairs and/or the ASNMSU President;
- H. Special projects assigned by the ASNMSU President.
- I. Hold regularly scheduled office hours, excluding university holidays.

3-22-5. COMPENSATION LIMIT FOR THE ASNMSU ASSISTANT DIRECTOR OF GOVERNMENTAL AFFAIRS

The ASNMSU Assistant Director of Governmental Affairs shall receive compensation not to exceed the current applicable minimum wage (as allowed by Title 29 of the US Code) plus the ASNMSU minimum wage adjustment factor for a .375 Full-Time Equivalent (FTE) while performing the duties of the ASNMSU Executive Director of Governmental Affairs.

3-22-6. TERM OF OFFICE FOR THE ASNMSU ASSISTANT DIRECTOR OF GOVERNMENTAL AFFAIRS

The ASNMSU Assistant Director of Governmental Affairs shall serve for a period not to exceed the term of office of the Executive Director of Governmental Affairs, unless otherwise provided by law.

3-22-7. TEMPORARY APPOINTMENT OF THE ASNMSU ASSISTANT DIRECTOR OF GOVERNMENTAL AFFAIRS

Should the office of the ASNMSU Assistant Director of Governmental Affairs become vacant during the term, the ASNMSU Executive Director of Governmental Affairs shall appoint a replacement to fill the position for the remainder of the term, providing that the replacement fulfills the qualifications of this act.

3-23. ASNMSU CHIEF OF STAFF

3-23-1. THE OFFICE OF THE ASNMSU CHIEF OF STAFF CREATED

The office of the ASNMSU Chief of Staff is created within the ASNMSU Executive Branch.

3-23-2. APPOINTMENT OF THE ASNMSU CHIEF OF STAFF

The ASNMSU President is granted the authority to appoint a member of ASNMSU to the office of the ASNMSU Chief of Staff. The ASNMSU Chief of Staff shall serve at the discretion of the President of ASNMSU.

3-23-3. QUALIFICATIONS OF THE ASNMSU CHIEF OF STAFF

The President shall post with the announcement of position vacancy, those qualifications necessary for the office of the ASNMSU Chief of Staff.

- A. Applicants for the position of the ASNMSU Chief of Staff shall be members of ASNMSU.
- B. Applicants for the position of ASNMSU Chief of Staff shall have been members of ASNMSU for one (1) previous semester.
- C. Applicants for the position of ASNMSU Chief of Staff shall not be on either academic or disciplinary probation.
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for or work in the position of the ASNMSU Chief of Staff.
 - Once appointed to the office of the ASNMSU Chief of Staff, the individual shall maintain a semester GPA of at least 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by ASNMSU.

- 3. The ASNMSU Chief of Staff will be subject to the academic and disciplinary requirements throughout the entire term of office.
- 4. While working in the position, the ASNMSU Chief of Staff shall be a member of ASNMSU.
- D. Applicants for the position of the ASNMSU Chief of Staff must exhibit a definite interest in ASNMSU.

3-23-4. DUTIES AND RESPONSIBILITIES OF THE ASNMSU CHIEF OF STAFF

The duties and responsibilities that the ASNMSU Chief of Staff shall be expected to perform, unless otherwise provided for by law are:

- A. Have no authority or power to enact any law or adopt any policy on behalf of ASNMSU.
- B. From time to time, address issues on behalf of the ASNMSU President.
- C. Be expected to perform the following duties, upon request of the President of ASNMSU:
 - 1. Serve as coordinator of all meetings held between the ASNMSU President and any other organization;
 - 2. Provide support staff for any intermediate projects under consideration by ASNMSU;
 - 3. Serve as official coordinator of ASNMSU for any ASNMSU activity held on the campus of NMSU;
 - 4. Aid the President of ASNMSU in preparing and documenting material for presentation to the Board of Regents of NMSU;
 - 5. Aid the President of ASNMSU in coordinating the ASNMSU Executive Staff.
 - 6. Perform all other tasks as assigned by the ASNMSU President.
- D. Shall hold regular office hours during the calendar year, excluding university holidays.
- E. Shall prepare a procedural guide of operations for the successor to the office of the ASNMSU Chief of Staff.
- F. Shall work with the ASNMSU President to approve all executive procedural guides prior to the last Senate meeting of the year.
- G. Organize and chair weekly staff meetings at which the ASNMSU Executive Staff will provide reports and updates concerning the completion of their duties and responsibilities.
 - During these weekly Staff meetings, the ASNMSU Chief of Staff shall inform Executive Directors, Chief of Elections, Attorney General, or the Comptroller of Senate amendments to Chapters 2,3,4,6, and 7 of the ASNMSU Law Book. A copy of the amendments shall be submitted to the ASNMSU Chief of Staff by the Chief Senate Clerk immediately after the bill becomes law.

3-23-5. COMPENSATION LIMIT FOR THE ASNMSU CHIEF OF STAFF

The ASNMSU Chief of Staff shall receive compensation not to exceed the current applicable minimum wage (as allowed for by Title 29 of the U.S. Code) plus the ASNMSU Minimum Wage Factor for a .75 Full-Time Equivalent (FTE) while performing the duties of the ASNMSU Chief of Staff.

3-23-6. TERM OF OFFICE FOR THE ASNMSU CHIEF OF STAFF

The ASNMSU Chief of Staff shall serve for a period not to exceed one (1) year unless re-appointed, commencing with the appointment and ending with the swearing in of a new President, unless otherwise provided for by law.

3-23-7. TEMPORARY APPOINTMENT OF ASNMSU CHIEF OF STAFF

Should the office of the ASNMSU Chief of Staff become vacant during the term, the ASNMSU President shall appoint someone to fill the position for the remainder of the term, provided that the replacement fulfills the qualifications of this act.

3-23-8. REMOVAL FROM OFFICE

The ASNMU President shall have the sole authority to remove the Chief of Staff from office after all policies, procedures, and methods of removal, in accordance with the policies and procedures of the NMSU professional staff are completed.

A. The ASNMSU Senate can in the form of a procedural resolution, censure the Chief of Staff for disorderly behavior or unprofessional conduct. This resolution will include the specific reasons for censure.

3-24. ASNMSUEXECUTIVE ADVISORY COMMITTEE

3-24-1. THE ASNMSU EXECUTIVE ADVISORY COMMITTEE CREATED

The ASNMSU Executive Advisory Committee is created within the Executive Branch of ASNMSU.

3-24-2. APPOINTMENT OF THE ASNMSU EXECUTIVE ADVISORY COMMITTEE

The ASNMSU President shall serve as the chair. Members are the Executive Advisory Committee shall consist of at least two (2) representatives from the following categories of organizations as classified by New Mexico State Department of Campus Activities:

- A. Cultural;
- B. Departmental;
- C. Fraternity;
- D. Governing;
- E. Graduate;
- F. Honorary;
- G. Political;
- H. Professional;
- I. Publication/Media;
- J. Religious;
- K. Social;
- L. Sorority;
- M. Sports;
- N. ASNMSU Vice President;
- O. ASNMSU President Pro Tempore of the Senate;
- P. ASNMSU Director of Governmental Affairs.

3-24-3. DUTIES AND RESPONSIBILITIES OF THE ASNMSU EXECUTIVE ADVISORY COMMITTEE

The duties and responsibilities that the members of the ASNMSU Executive Advisory Committee shall be expected to perform are:

- A. Work in cooperation with their respective organizations to ensure the dissemination of information concerning the programs, services, and actions of ASNMSU;
- B. Provide input from all areas of student life at NMSU, concerning the impact of ASNMSU upon individuals, clubs, organizations and activities;
- C. Promote a free flow of ideas to and from the students and ASNMSU.

3-24-4. SALARY LIMIT FOR THE ASNMSU EXECUTIVE ADVISORY COMMITTEE

The ASNMSU Executive Advisory Committee members shall receive no compensation for service on the Executive Advisory Committee.

3-24-5. TERM OF OFFICE FOR THE ASNMSU EXECUTIVE ADVISORY COMMITTEE

The ASNMSU Executive Advisory Committee shall begin a term of office at noon (12:00 pm) on the last day of classes during the spring semester. The ASNMSU Executive Advisory Committee shall end the term of office at eleven fifty-nine (11:59) am on the last day of classes the following spring semester.

3-25. THE ASNMSU ADVISOR ACT

AN ACT RELATING TO THE APPOINTMENT OF ADVISORS TO THE ASNMSU GOVERNMENT AND ANY SUBDIVISION THEREOF; DEFINING THE POWERS AND DUTIES OF THE ASNMSU ADVISORS.

3-25-1. APPOINTMENT OF ADVISORS

Each branch of the ASNMSU government, any officer, agency, board, committee, commission, or organization of ASNMSU may appoint such persons from the NMSU faculty, administration, or staff, they deem necessary to advise them in the exercise of their constitutional and statutory duties and responsibilities. The principle advisor will be chosen as part of the Administrative Policies and Procedures manual. Advisors shall serve at the discretion of the officer or body they have been appointed to advise.

3-25-2. ADVISORS - POWERS AND DUTIES

The ASNMSU Advisors shall:

- A. Offer their opinion for consideration to the officer or body they have been appointed to advise;
- B. Provide necessary and useful information which might aid in making the best possible decisions;
- C. Serve as a communication link between the administration and faculty of NMSU and ASNMSU;
- D. Promote continuity in the administration of the affairs of ASNMSU.

3-25-3. LIMITATION OF AUTHORITY

The ASNMSU advisors shall not have the power or authority to:

- A. Establish ASNMSU law or policy;
- B. Vote on any matter under the consideration of an ASNMSU deliberative body;
- C. Direct or order any officer or body of ASNMSU in the exercise of their constitutional or statutory duties and responsibilities.

3-26. QUALIFICATIONS CHECK ACT

PRESCRIBING PROCEDURES FOR A QUALIFICATIONS CHECK OF THE ASNMSU OFFICERS, DIRECTORS, ASSITANT DIRECTORS, STAFF, JUSTICES AND SENATORS

3-26-1. PURPOSE OF ACT

To establish a procedure to insure that all the ASNMSU Officers, Directors, Assistant Directors, Staff, Justices and Senators meet the qualifications for the office that they hold.

3-26-2. ASNMSU QUALIFICATIONS CHECK ACT RELEASE OF INFORMATION

Each ASNMSU Officer, Director, Assistant Director, Staff, Justice or Senator shall submit an information release form to the ASNMSU Advisor upon the assumption of office.

3-26-3. INFORMATION TO BE RELEASED FROM THE OFFICE OF THE DEAN OF STUDENTS

- A. Membership in ASNMSU (activity fee paying student at NMSU);
- B. Academic standing (good standing or probation);
- C. Disciplinary standing (good standing or probation);

- D. College of enrollment;
- E. Cumulative Grade Point Average;
- F. Semester Grade Point Average

3-26-4. ASNMSU QUALIFICATIONS CHECK ACT LIMITATIONS OF CHECKING Only information pertinent to the qualifications of the office may be checked.

3-26-5. PROCEDURE FOR CHECKING

- A. The ASNMSU Advisor shall prepare a list of ASNMSU Officers and Senators together with the qualifications for office.
- B. This list and the information release forms shall be submitted to the office of the Dean of Students.
- C. The office of the Dean of Students shall notify the ASNMSU Advisor if any Officer, Director, Assistant Director, Staff, Justice or Senator does not meet the qualifications for office. The Vice President will be responsible for requesting a release of disqualified senators and legislative officers to be recorded by the end of the first week of every month.
- D. The ASNMSU President, Vice President or Chief Justice shall confidentially notify the person that the records indicate that said person is not qualified for office. This information will not be released to any other person. The person shall have one (1) week to correct the records.
- E. At the end of the week, the person will be given the chance to resign. If the person refuses to resign, the information will be made public and the person will be disqualified from holding the office.
- F. The same procedure shall be followed for anyone assuming office in the middle of the semester.
- G. If any ASNMSU member suspects that a person no longer meets the qualifications for the office they may confer with the ASNMSU Executive Secretary who will then proceed with the procedure for the qualifications check.

3-27. IMPEACHMENT

CREATING AN EXECUTIVE REMOVAL AND IMPEACHMENT ACT AND SETTING PROCEDURE FOR REMOVAL AND IMPEACHMENT OF ANY ASNMSU EXECUTIVE DIRECTOR AND THE ASNMSUATTORNEYGENERAL.

3-27-1. MAIN PROVISION

Any ASNMSU Executive Director, Comptroller, Advisor, or Attorney General may be removed from office if an act of impeachment is brought against said official by a three-quarters (3/4) vote of the membership of the ASNMSU Senate present and voting, and is found guilty of the charges made against said official by the ASNMSU Supreme Court.

3-27-2. PROCEDURE

A resolution will be introduced into the Senate. This resolution will include the specific reasons for impeachment. The Chief Senate Clerk will notify, in writing within two (2) days of the introduction of the resolution, the person who is to be impeached and the charges against this person. The person who is charged will be allowed to speak at any meeting where that person's position is being officially discussed. No impeachment resolution will be allowed to go through Committee of the Whole unless the person who is to be impeached has been notified by the Chief Senate Clerk within two (2) days of the meeting where the resolution of impeachment will be introduced by the Senate to the Committee of the Whole.

A. ASNMSU Executive Directors, Comptroller, Advisors, or Attorney General shall not be removed from office unless all policies, procedures, and methods of removal, in accordance with the policies and procedures of the NMSU professional staff are followed.

3-28. CONFIRMATIONS

DEFINING PROCEDURES FOR THE CONFIRMATION BY THE SENATE OF APPOINTMENTS MADE TO EXECUTIVE DEPARTMENTS BY THE EXECUTIVE BRANCH.

3-28-1. PURPOSE OF ACT

This provision establishes a procedure for defining the purpose of confirmations of Executive appointments.

3-28-2. PROCEDURE

- A. All individuals nominated by the ASNMSU President to positions within the ASNMSU Executive branch shall have their nominations confirmed by a majority vote of the ASNMSU Senate, unless otherwise provided for by law. Such confirmations shall be conducted in the form of a procedural resolution. The ASNMSU President shall formally request that the ASNMSU Senate begin consideration of a procedural resolution concerning the confirmation of an individual to an ASNMSU Executive office no later than the third (3rd) Senate meeting after nominating that individual. Should the President fail to formally request that a nominee's confirmation be considered by the Senate by the 3rd meeting after nominating them, the President shall be held accountable for nonfeasance. Unless the Senate Committee on Committees has not yet assigned senators to standing committees, confirmation resolutions shall be considered by all of the ASNMSU Senate's standing committees with each individual whose nomination is under consideration being in attendance at each committee. No confirmation resolution shall be seen in Committee of the Whole, unless the Senate permits it by 2/3 vote.
- B. The appointee will be given five (5) minutes to speak to the Senate and to give a presentation of their qualifications and the goals for the office to which they have been nominated, after which he or she will be made available to the Senate for questions and then asked to remove herself/himself to allow for discussion.
- C. Consent of the Senate will be given if majority of the Senate body votes to confirm pending appointment. If an appointee is not confirmed, the Senate will provide, through the Chief Senate Clerk, a letter to the President outlining the reason or reasons conformation was denied. Such letter will be drafted and accepted by the Senate as a whole during the same meeting in which the conformation was denied.
- D. If consent is not gained, the proposed appointee cannot be reappointed during the same semester. If the ASNMSU President wishes to reappoint an individual that has been previously denied confirmation during the current semester, the executive must provide new evidence or reasons for such action which must be accepted by two-thirds (2/3) vote of Rules Committee.
- E. Any nominated official who is denied confirmation by the ASNMSU Senate shall have their employment with ASNMSU immediately and automatically terminated in accordance with NMSU Human Resources Policy and Procedures until the Senate Rules Committee allows for reintroduction of appointee.

3-29. AMENDMENTS

Amendments to the Executive Branch may be made by a simple majority of the ASNMSU Senate in the Form of a legislative bill.

- A. The Chief Senate Clerk shall make available copies of the above amendments to the ASNMSU Chief of Staff immediately after it becomes law.
- B. The Chief of Staff shall inform the Executive Directors, Attorney General, or the Comptroller of the above amendments during weekly staff meetings.

4. LEGISLATIVE BRANCH

4-1. ASNMSUOPEN MEETING ACT

AN ACT ESTABLISHING AN OPEN MEETING POLICY FOR THE ASNMSU POLICY-MAKING BODIES

4-1-1. **DEFINITIONS**

As used in the ASNMSU Open Meeting Act:

- A. "Policy-making body" means any ASNMSU board, committee or other body that recommends or formulates policy, including the development of personnel policy, rules, regulations, discussing public business or for the purpose of taking any action of the authority of or the delegated authority ASNMSU, but not limited to the ASNMSU Senate Committees, the Student Advocacy Board, the Continuing Diversity Board and the ASNMSU Senate;
- B. "Public notice" means causing to be posted at least forty-eight (48) hours prior to any meeting, the date, time, place and purpose of such meeting;
- C. "Meeting" means any gathering of a quorum of members of a policy-making body at which policy related to the body is discussed.
- D. "Broadcasting" means any live or recorded audio, visual, or textual transmissions streamed or published through any media outlet.
- E. "Recording" means any audio, visual, or textual documentation that is saved for personal use or publication.
- F. "Publication" means any broadcasting or recording made available to another person besides oneself.
- G. "No Affiliation Disclosure" means a public agreement stating that ASNMSU is not liable and responsible for the publication of the broadcast or recording.
- H. "Session" means a set of Senate meetings that take place twelve (12) or more times in a given academic year, (6) or more times in the fall semester and six (6) or more times in the Spring Semester.

4-1-2. PUBLIC NOTICE

No ASNMSU policy-making body shall conduct a meeting unless public notice is given

4-1-3. OPEN ATTENDANCE OF MEETINGS

No person shall be denied admission to any meeting of any ASNMSU policy-making body.

4-1-4. CLOSED DELIBERATION

Any ASNMSU policy-making body may discuss personnel matters in closed session, but all decisions must be made public in open session.

4-1-5. INVALIDATION OF ACTION

When the ASNMSU Supreme Court finds that a policy-making body has violated this act, all business conducted by the body at that meeting shall be invalid; the ASNMSU Supreme Court may take other action if appropriate and in accordance with the law.

4-1-6. EMERGENCY MEETING

The ASNMSU Senate may convene an Emergency Meeting if:

- A. A simple majority of ASNMSU Senators, in writing or by petition, request an Emergency Meeting of the ASNMSU Senate. The request must be submitted to the ASNMSU Vice President, and the ASNMSU Advisor; in the absence of the ASNMSU Vice President the ASNMSU Advisor may receive requests for and emergency meeting.
 - 1. In their request ASNMSU Senators must propose a time and place for the Emergency Meeting, and the subject matter to be discussed at the Emergency Meeting.
- B. Quorum, as outlined in Section 8-9-E of the ASNMSU Law Book, must be achieved for any business to be transacted at any Emergency Meeting.

- C. The Chief Senate Clerk shall execute their duties as prescribed by section 8-5 of the ASNMSU Law Book at any Emergency Meeting.
 - 1. In the event that the Chief Senate Clerk is unable to attend the Emergency Meeting, the Deputy Senate Clerk shall assume the responsibility for the duration of the Emergency Meeting. If the Deputy Senate Clerk is also unavailable, the ASNMSU Senate shall appoint from its membership, by a simple majority vote, a member to execute the duties of the Chief Senate Clerk until such time as the Chief Senate Clerk can resume their duty or is appointed in accordance with section 8-5 of the ASNMSU Law Book.
- D. The ASNMSU Senate shall abide by all procedural rules outlined in section 8 of the ASNMSU Law Book. Only the business for which the Emergency Meeting was convened may be discussed.
- E. The Presiding Officer of an Emergency Meeting shall be the ASNMSU Vice President.
 - 1. If the ASNMSU Vice President is unable or unwilling to preside over the Emergency Meeting, the President Pro Tempore of the ASNMSU Senate shall serve as the Presiding Officer.
 - 2. If the ASNMSU Senate President Pro Tempore is unable or unwilling to serve as the Presiding Officer of the Emergency Meeting, the ASNMSU Senate President Pro Tempore shall designate a Senator to preside.
- F. The Chief Senate Clerk or Senator acting as the Chief Senate Clerk must notify the Dean of Students in writing at least twenty-four (24) hours prior to an Emergency Meeting being convened.
- G. The ASNMSU Vice President or Presiding Officer of the Emergency Meeting and the Chief Senate Clerk or acting Chief Senate Clerk of the ASNMSU Senate shall sign and date the Journal of the Emergency Meeting, and submit it to the ASNMSU Advisor with a signed and dated letter explaining the need for the Emergency Meeting and what, if any, actions were undertaken or ordered during the Emergency Meeting.
 - 1. The ASNMSU Advisor shall make the Journal of the ASNMSU Senate Emergency Meeting and the letter of explanation available in the same manner as the Journal of a regularly scheduled meeting.
- H. The ASNMSU Advisor may, with proper and due cause, request that the ASNMSU Senate review any actions undertaken or ordered during an Emergency Meeting at the next regularly scheduled ASNMSU Senate meeting.
- I. The actions undertaken or ordered during an Emergency Meeting of any ASNMSU Senate may be appealed to the ASNMSU Supreme Court.
 - 1. The ASNMSU Supreme Court may render illegal or improper actions and decisions undertaken or ordered by the ASNMSU Senate during an Emergency Meeting null and void, and may prescribe such remedy as is proper and just under the law.
 - Any review of an Emergency Meeting of the ASNMSU Senate undertaken by the ASNMSU Senate and subsequent decision of the ASNMSU Senate shall not exclude the actions or decisions undertaken or ordered during an Emergency Meeting of the ASNMSU Senate from being appealed to the ASNMSU Supreme Court.
- J. The ASNMSU Senate may choose to review any actions undertaken or ordered by any policy making body of ASNMSU in an Emergency Meeting, and may overturn any action or decision undertaken or ordered by any policy making body of ASNMSU.

4-1-7. BROADCASTING AND RECORDING

- A. Any guest attending a public policy making body's meeting may legally record at any point throughout the duration of the meeting.
- B. Any guest, official, or entity broadcasting or recording a public policy making body's meeting will be requested to sign a no affiliation agreement as well as include a no affiliation disclosure in their publication of a broadcast or recording. The sergeant of arms and vice-chair of any committee will be responsible for enforcing this section.
- C. If the party failed to provide a no affiliation disclosure in the publication of the broadcast or recording, they may redeem their rights by doing one (1) or more of the following.
 - 1. Provide a no affiliation disclosure in the publication of the broadcast or recording.
 - 2. Provide a public notice that the broadcast or recording was not affiliated with ASNMSU.

- D. Permissible areas of broadcasting and recording shall be from the senate gallery.
- E. At the time of recording and/or broadcasting, the chairman of the meeting must make an announcement to the guests informing them of the broadcast and/or recording.
- F. Any device causing audio distraction will be removed from the premise.

4-2. SENATEVACANCYACTS

AN ACT RELATING TO VACANCIES IN THE SENATE; DEFINING A COLLEGE COUNCIL AND PRESCRIBING THE MANNER FOR FILLING VACANCIES IN THE SENATE.

4-2-1. **DEFINITIONS**

As used in the Senate Vacancy Act:

- A. "Colleges" means the existing undergraduate colleges and the graduate school of NMSU;
- B. "College Council" means a student organization whose purpose is to promote the interest of the students of the respective college and which is recognized by NMSU and by the Dean of the College with whom the council is affiliated. A "College council" shall consist of no less than ten (10) members of the college elected or appointed to such council in accordance with the respective council's constitution. No college shall be recognized by ASNMSU as having more than one (1) council nor shall any council be recognized by ASNMSU which represents two (2) or more colleges.
- C. "Recall" means the removal from official office of an ASNMSU Senator by the College Council of the College that Senator represents.

4-2-2. CAUSES OF VACANCY

A vacancy in the Senate shall be caused by:

- A. The failure to elect a Senator at the time prescribed by law;
- B. The failure of a person elected to the office of Senator to meet the constitutional qualifications for holding such office;
- C. The death or resignation of a Senator;
- D. Expulsion of a Senator in accordance with the Rules of the Senate;
- E. Recall of a Senator in accordance with the ASNMSU law.

4-2-3. RESIGNATION OF SENATORS

Any member of the ASNMSU Senate may resign the Senator's office by filing a written statement of resignation with the President of the ASNMSU Senate. Upon the absence of any Senator from four (4) consecutive regularly scheduled meetings of the Senate, such Senator shall be considered to have resigned.

A. Any ASNMSU Senator that changes their major out of the college that they represent must submit a written statement of resignation.

4-2-4. PRESCRIBING A RECALL ELECTION

A Senator shall be recalled when:

- A. A recall petition containing signatures of students within that senator's college, equivalent to at least twenty-five percent (25%) of the total number of votes cast by students in the senator's college during the election in which that senator was elected to their current term is presented to the college council of the Senator's college;
- B. The college council verifies the signatures and the petition and endorses the petition by a simple majority of a quorum of the college council in accordance with the constitution and by-laws of the college council;
- C. The ASNMSU members of the Senator's college express a "no-confidence" by a two-thirds (2/3) vote supervised by the college council;
- D. The Senator must have held office at least during three (3) meetings of the Senate prior to the college's vote on the recall petition;

E. The ASNMSU Senate judges the election results.

4-2-5. OCCURRENCE OF VACANCY

Upon the failure to elect a Senator, the failure of a person elected to the office of Senator to meet the qualifications of office, death, resignation, or pending resignation of a graduating Senator, or the expulsion or recall of a Senator, the office of Senator shall be considered vacant or vacant pending resignation, and subject to normal appointment procedures.

4-2-6. COUNCIL SHALL BE INFORMED OF VACANCY

When a vacancy or pending vacancy occurs in the Senate, the President of the ASNMSU Senate shall, in writing and within three (3) days, inform the presiding officer or advisor of the college council of the College of the available position:

- A. That a vacancy has occurred, or will occur, in the Senate in the representation of their respective council's college;
- B. That the council may select an interim Senator from the membership of the council's college to serve the remainder of the unexpired term;
- C. Of the qualifications for holding the office of Senator;
- D. Of the provisions of the Senate Vacancy Act for appointing an interim Senator.

4-2-7. VALIDITY OF APPOINTMENT

For an appointment of an interim Senator to be considered valid by ASNMSU, the college council of the college of the vacated position must:

- A. Approve each appointment by a majority of a quorum of the college council membership in accordance with the council's constitution and by-laws;
 - 1. The approved interim Senator must submit to the ASNMSU Vice President the Qualification/Check Release form, in order to be sworn in.
- B. Submit to the Senate a written statement by the Dean of the council's college certifying that the body making the appointment is a college council within the meaning of the Senate Vacancy Act;
- C. Submit to the Senate a written statement signed by the presiding officer and the advisor of the council certifying that the college council of the vacated position has appointed a member of the council's college to the office of Senator in accordance with the provisions of the ASNMSU Constitution and the provisions of the Senate Vacancy Act.

4-2-8. DEAN APPOINTMENTS

In the case where no college council exists according to the ASNMSU definitions, the Dean of the college may appoint students to fill the vacant Senate seats.

4-4. ASNMSUFALLAND SPRING RETREATS ACT

AN ACT ESTABLISHING THE ASNMSU FALL AND SPRING RETREATS.

4-4-1. PURPOSE OF ACT

To provide training and guidance for all members of the ASNMSU Executive, Legislative, and Judicial branches.

4-4-2. FREQUENCY

There shall be one retreat within six (6) weeks of the first day of the fall semester and one retreat within six (6) weeks of the first day of the spring semester, and both shall be mandatory for Senators to attend. A senator may be excused at the discretion of the Vice President.

4-4-3. DIVISION OF RESPONSIBILITY

The ASNMSU Vice President shall be responsible for the planning and carrying out of the ASNMSU retreats. The planning shall include, but not be limited to, setting the time, place and content of the retreats.

4-4-4. FUNDING

A. ASNMSU shall be responsible for all expenses incurred in developing and producing the ASNMSU fall and spring retreats.

B. Retreat expenses shall be appropriated through the account of the ASNMSU Vice President during the General Appropriations Act.

4-5. APPOINTED POSITIONS PROVISIONS ACT

AN ACT PROVIDING THAT MEMBERS OF THE ASNMSU SENATE MAY HOLD CERTAIN APPOINTED POSITIONS OF ASNMSU AND PROVIDING THAT MEMBERS OF THE ASNMSU SENATE CURRENTLY HOLDING OTHER POSITIONS OF ASNMSU MAY RETAIN THOSEPOSITIONS.

4-6. ASNMSUFINANCEBOARDACT

AN ACT CREATING A LEGISLATIVE AND EXECUTIVE BOARD TO BE KNOWN AS THE "ASNMSU FINANCE BOARD" TO FORMULATE AND SUBMIT AN ANNUAL BUDGET ANALYSIS AND RECOMMENDATION TO THE LEGISLATIVE AND EXECUTIVE BRANCHES OF ASNMSU: DEFINING THE MEMBERSHIP, POWERS AND DUTIES OF THE BOARD; PRESCRIBING THE PROCEDURE BY WHICH THE ANNUAL ASNMSU GENERAL APPROPRIATIONS BILLSHALL BEFORMULATED.

4-6-1. FINANCE BOARD CREATED

A Legislative and Executive Finance Board is created to be known as the "ASNMSU Finance Board."

4-6-2. MEMBERSHIP OF THE FINANCE BOARD

The ASNMSU Finance Board shall consist of the ASNMSU President, Vice President, Chief of Staff, Comptroller, President Pro Tempore of the Senate and the Chair of the Senate Finance Committee. If the Chair of the Senate Finance Committee is also the President Pro Tempore of the Senate, the Vice Chair of the Senate Finance Committee shall assume the President Pro Tempore's place on the board. The advisors of ASNMSU, the Fiscal Advisor of ASNMSU or their designated representative, and ASNMSU Assistant Comptroller, may serve as ex-officio, nonvoting members of the board. The Chair of the Senate Finance Board.

4-6-3. DUTIES OF THE FINANCE BOARD

The ASNMSU Finance Board shall:

- A. Examine the laws governing the finances and operation of all the ASNMSU departments, boards, committees and other agencies or subdivisions of ASNMSU and recommend changes in such laws if any changes are deemed desirable;
- B. Annually review budgets and appropriation requests and formulate a full written report of the board's findings and recommendations for the consideration of each successive Senate on or before April 1 of the current academic year and make the report available to the Senate Budget Committee, the ASNMSU President, the ASNMSU Vice President and each member of the Senate. The report must include:
 - 1. A summary and justification of current annual expenses for each department;
 - 2. A summary and justification of current inter-departmental transfers and funds;
 - 3. A projected prioritized list of departmental expenses for the following academic year;
 - 4. The total tuition and fees collected for the prior academic year;
 - 5. A balanced budget recommendation for the following academic year

4-6-4. POWERS OF THE FINANCE BOARD

The ASNMSU Finance Board shall have the power to:

- A. Conduct hearings;
- B. Require any ASNMSU department, board, committee, or other agency or subdivision of ASNMSU seeking funds to submit a copy of its appropriation and budget requests and to furnish any other supporting information or data deemed necessary to carry out the board's statutory duties;
- C. Request any non-ASNMSU department, board, committee or other agency to submit an appropriation and budget request and any other supporting information or data;
- D. Appoint administrative and faculty advisors as non-voting members of the board.

4-6-5. **REPORT**

The Finance Board and the ASNMSU Senate will receive a financial report of ASNMSU and all organizations funded by ASNMSU the sixth and sixteenth week of each semester.

4-6-6. FINANCE BOARD AND QUORUM

The Chair of the ASNMSU Finance Board or a majority of the voting members of the board may call a meeting of the ASNMSU Finance Board. The board shall meet to begin consideration of the budget appropriations requests no later than February 15 of each year. A majority of the voting members of the Board shall constitute a quorum to do business.

4-7. SENATEBUDGETCOMMITTEEACT

The Senate Budget Committee shall review and consider the report and recommendations of the ASNMSU Finance Board and shall draft and submit to the Senate an annual General Appropriations Bill. Neither the Senate Budget Committee nor the Senate shall be bound to the recommendations of the ASNMSU Finance Board. The annual General Appropriations Bill shall be enacted into law in accordance with the requirements prescribed by the ASNMSU Constitution. This General Appropriations Act will only consist of the allocations for the ASNMSU Base Programs. Clubs and organizations not included in the ASNMSU Base Program Act may make requests for funding before the following year's ASNMSU Senate.

4-7-1. SENATE BUDGET COMMITTEE CREATED

A legislative Senate Budget Committee is created to be known as the "ASNMSU Senate Budget Committee."

4-7-2. MEMBERSHIP OF THE SENATE BUDGET COMMITTEE

The ASNMSU Senate Budget Committee shall consist of the ASNMSU President Pro Tempore of the Senate and the Chairs and Vice-Chairs of the Senate Community Affairs, Rules, and Finance Committees. The Senate Budget Committee shall be chaired by the Senate Finance Committee Chair. If the Chair of the Senate Finance Committee is also the President Pro Tempore of the Senate, the Parliamentarian of the Senate shall assume the President Pro Tempore's place on the board. The Comptroller and Chief Senate Clerk shall serve as an ex-officio member. The advisors of ASNMSU, the Fiscal Advisor of Advisor or their designated representative, and ASNMSU Assistant Comptrollers, may serve as ex-officio, nonvoting members of the board.

4-7-3. DUTIES OF THE SENATE BUDGET COMMITTEE

The ASNMSU Senate Budget Committee shall:

- A. Review and analyze the report of the Finance Board;
- B. Write and present the General Appropriations Act to the ASNMSU Senate;

4-7-4. POWERS OF THE SENATE BUDGET COMMITTEE

The ASNMSU Senate Budget Committee shall have power to:

- A. Conduct hearings;
- B. Require any ASNMSU department, board, committee, or other agency or subdivision of ASNMSU seeking funds to submit a copy of its appropriation and budget requests and to furnish any other supporting information or data deemed necessary to carry out the board's statutory duties;
- C. Request any non-ASNMSU department, board, committee, or other agency to submit an appropriation and budget request and any other supporting information or data.

4-7-5. SENATE BUDGET COMMITTEE AND QUORUM

The Chair of the ASNMSU Senate Budget Committee or a majority of the voting members of the board may call a meeting of the ASNMSU Senate Budget Committee. The board shall meet to begin consideration of the budget appropriations requests no later than March 1 of each year. A majority of the voting members of the Board shall constitute a quorum to do business.

4-8. ASNMSULAWBOOKACT

AN ACT CREATING THE ASSOCIATED STUDENTS OF NEW MEXICO STATE UNIVERSITY LAW BOOK COMMITTEE; DEFINING ITS POWERS AND DUTIES AND ESTABLISHING THE GENERAL CONTENTS OF THE ASSOCIATED STUDENTS OF NEW MEXICO STATE UNIVERSITY LAW BOOK.

4-8-1. **DEFINITIONS**

As used in the Law Book Act:

- A. "Committee" means the ASNMSU Law Book Committee;
- B. "Law Book" means the ASNMSU Law Book.

4-8-2. LAW BOOK COMMITTEE - CREATED

There is created the ASNMSU Law Book Committee. The committee shall consist of the ASNMSU Vice President who shall act as Chair of the Committee, the ASNMSU Chief Senate Clerk who shall act as secretary of the committee, the Chief Justice of the ASNMSU Supreme Court, the Chairs of the ASNMSU Senate Standing Committees, the ASNMSU Attorney General, the ASNMSU Comptroller, Deputy Senate Clerk, and any other members of ASNMSU the Vice President may deem necessary.

- A. The Voting Members shall consist of:
 - 1. The Vice President (in the event of a tie);
 - 2. The Pro Tempore
 - 3. Chair of the Standing Committees;
 - 4. Any current Senator of ASNMSU.

4-8-3. POWERS AND DUTIES OF THE COMMITTEE

The ASNMSU Law Book Committee is hereby authorized to:

- A. Provide an official, annotated compilation of the ASNMSU Law Book each academic year; to determine the contents of the Law Book each academic year; to determine any formatting considerations and all other things pertaining to the publication of the Law Book;
- B. Determine whether the requirements of the Law Book have been met in accordance with ASNMSU laws, rules and regulations of NMSU and to file a certificate with the Vice President of Student Affairs of NMSU when the foregoing provisions have been met to the effect that the Law Book shall be recognized as the official law of ASNMSU as of the date of publication;
- C. Adopt any system of codification deemed necessary or useful.
- D. Review any minor grammatical or formatting errors identified by the ASNMSU Attorney General and, provided that a quorum is present, consent to allowing the Attorney General to correct these errors with a majority vote, so long as the corrections do not alter or confuse the meaning, application, or legislative intent of the section or statute in which the errors are contained. Should any corrections alter or confuse legislative intent, meaning or application, the Law Book Committee shall propose the introduction of legislation to enact the corrections.
 - 1. The Chair of Rules Committee must present to the ASNMSU Senate any grammatical or formatting changes done by the ASNMSU Attorney General by the next Senate meeting after the changes are made.

4-8-4. ORIGINAL ACT TO GOVERN

The published version of the ASNMSU Law Book on the ASNMSU website shall serve as the official Law Book for all rules and decisions. In the event the official law book becomes corrupt or inaccessible, the ASNMSU Attorney General, who is the official custodian, shall maintain an official print copy of the official ASNMSU Law Book.

4-8-5. CONTENTS OF LAW BOOK

The ASNMSU Law Book shall contain:

- A. The ASNMSU Constitution as amended at the date of publication;
- B. A synopsis of all written decisions of the ASNMSU Supreme Court;
- C. All the laws (acts) of a general and permanent nature in force at the date of publication;
- D. The following shall be published on the ASNMSU website:
 - 1. All acts making an appropriation enacted since the last publication of an ASNMSU Law Book and any other acts making an appropriation as the ASNMSU Law Book Committee deems necessary or useful;

- 2. All the ASNMSU Senate resolutions enacted since the last publication of the Law Book;
- 3. All the ASNMSU Senate memorials enacted since the last publication of the Law Book.
- E. The rules of the Senate as amended at the date of publication;
- F. The rules and procedures of the ASNMSU Supreme Court as amended at the date of publication;
- G. An index of the contents of the Law Book; and
- H. Any other documents that the ASNMSU Law Book Committee may deem necessary or useful.

4-8-6. LEGAL DOCUMENTS

No amendment to the ASNMSU Constitution, the ASNMSU Senate acts, the ASNMSU Senate resolutions or the ASNMSU Senate memorials may be included in the Law Book except as enacted into law in accordance with the ASNMSU Constitution. Nor shall any document not enacted or endorsed by the ASNMSU Senate be included without the permission of those responsible for the document and without compilation notes indicating those responsible for the document.

4-9. SENATE REVIEW OF PROCEDURAL ELECTIONS GUIDE

4-9-1. MAIN PROVISION

The Procedural Elections Guide shall be submitted to the ASNMSU Senate for review no later than four (4) weeks prior to the general election Senate shall review and approve the Procedural Elections Guide submitted by a majority vote of the Senators present.

1. A copy of the Procedural Elections Guide shall be given to all the senators one week prior to such review by the Chief Senate Clerk.

4-10. SENATE SPECIAL COMMITTEE ON EDUCATION

4-10-1. SENATE SPECIAL COMMITTEE ON EDUCATION CREATED

A SENATE SPECIAL COMMITTEE ON EDUCATION IS HEREBY CREATED.

4-10-2. MEMBERSHIP

The Committee shall consist of one (1) Senator from each college appointed by each college council. It is the duty of the President of the Senate to notify each council of their responsibility. In the event that a college does not have a qualified Senator, the President of the Senate shall appoint another qualified Senator to take their place. The ASNMSU Vice President shall serve as the Chair, and only vote in the event of a tie. The ASNMSU President, ASNMSU Chief Justice, ASNMSU Director of Governmental Affairs, ASNMSU Advisors, and a Faculty Senate Representative shall serve as ex-officio members.

4-10-3. QUORUM

Quorum shall consist of a simple majority of the voting membership of the Committee.

4-10-4. DUTIES

The Special Committee on Education shall meet at the discretion of the ASNMSU Vice President.

- A. The Special Committee on Education shall:
 - 1. Discuss and review educational issues affecting the members of ASNMSU;
 - 2. Provide recommendations and solutions in regards to the issues discussed, in the form of a resolution introduced to the Senate.
 - Should the resolution pass, the ASNMSU Chief Senate Clerk shall provide a copy of the resolution to the Faculty Senate, the President of ASNMSU, the NMSU Provost, the Deans of every college, and other parties outlined by the resolution.

4-11. AMENDMENTS

Amendments to the Legislative Branch may be made by a simple majority of the ASNMSU Senate in the Form of a legislative bill.

- A. The Chief Senate Clerk shall make available copies of the above amendments to the ASNMSU Chief of Staff immediately after it becomes law.
- B. The Chief of Staff shall inform the Executive Directors, Attorney General, or the Comptroller of the above amendments during weekly staff meetings.

5. JUDICIAL BRANCH

5-1. JURISDICTION

5-1-1. DEFINITIONS

- A. A "case" is defined as a suit established arising from a dispute or an official complaint filed with the ASNMSU Court in which the plaintiff details the claims against the defendant and requests judgement from the ASNMS Court.
- B. A court has "original jurisdiction" over a certain type of case when it is the first court in which such a case is heard. The decisions of courts with original jurisdiction can only be reviewed through the appeals process.
- C. A court has "appellate jurisdiction" over a certain type of case when it has the authority to review the decision made by a lower court concerning such a case. Courts of appellate jurisdiction have the power to uphold, overturn, amend or otherwise modify the decisions and/or sentences handed down from lower courts so long as such modifications do not violate ASNMSU law.
- D. A court has "sole jurisdiction" over a certain type of case if it is the only court with the authority to hear that type of case.

5-1-2. ESTABLISHMENT OF JURISDICTION

- A. The Court shall not initiate case proceedings listed under Chapter 5 or Appendix A unless a case is first filed with the court.
- B. The ASNMSU Supreme Court shall have jurisdiction over all cases arising under the ASNMSU Constitution, statutory enactments, legislative resolutions or executive order of ASNMSU in accordance with 1-5-2.
- C. Chapter 5 shall supersede Appendix A of the ASNMSU Law Book.
- D. The Supreme Court shall have original jurisdiction over all these cases unless otherwise provided for by law.
- E. The Supreme court may allow a temporary lower court or tribunal to decide a particular case by appointing a Special Master to act as judge of this inferior court in accordance with 5-10 and the Rules of Procedure for the ASNMSU Courts.
- F. The Supreme Court shall have sole appellate jurisdiction in all cases involving the review of a decision made by an inferior court.

5-1-3. CIVIL ACTION

The ASNMSU Supreme Court shall have original jurisdiction over all cases involving civil action unless otherwise provided for by law.

- A. Civil action shall be defined as a judicial proceeding brought by one (1) party against another. A party may commence civil action against another party for an alleged violation of the ASNMSU Law Book, in order to prevent a legal violation from occurring, or for the protection of a guaranteed under ASNMSU law.
- B. Both parties in civil trials must be given an opportunity to argue their points, present witnesses and evidence, and cross examine the opposing side's witnesses.
- C. All members of ASNMSU shall have the right to commence civil action in the ASNMSU Courts in accordance with 1-2-1 and 7-1-2.
- D. Civil Action shall be commenced, adjudicated and appealed in accordance with the Rules of Procedure for the ASNMSU Courts as outlined in Appendix A.

5-1-4. APPEALS

The ASNMSU Supreme Court shall have sole appellate jurisdiction over all cases originating from an inferior ASNMSU Court.

- A. The Supreme Court shall convene to hear an appeal when a member of ASNMSU requests to have the Supreme Court review the decision of a lower court or tribunal. An individual may petition the Supreme Court for an appeal if they believe that the inferior court violated the law while making their decision, or when a party has been harmed as a result of ASNMSU law, and not because of the actions of another person or party.
- B. All members of ASNMSU shall have the right to one (1) appeal of a lower court's decision.
- C. Cases in which the Supreme Court exercised original jurisdiction shall not be subject to appeal.
- D. If the Supreme Court reviews a decision that an Associate Justice made while serving as a Special Master, that Justice must recuse themselves from the appeal.
- E. Upon appeal to the Supreme Court, no additional evidence shall be introduced and no new witnesses called.
- F. All appellate proceedings will be commenced and adjudicated in accordance with the Rules of Procedure for the ASNMSU Courts as outlined in Appendix A.

5-1-5. IMPEACHMENTS

The ASNMSU Supreme Court shall have sole jurisdiction over impeachment proceedings for all ASNMSU Executive and Legislative officials in accordance with 1-5-2. All impeachment proceedings are to be treated as a formal trial, in the form of *ASNMSU v. Defendant*.

- A. Upon receiving a Resolution of Impeachment from the Senate, the Chief Justice shall convene a Court of Impeachment. The Court of Impeachment shall consist of the entire Supreme Court or quorum thereof. The Chief Justice will notify the person to be impeached, in writing within five (5) days of receiving the Resolution of Impeachment.
- B. The Court of Impeachment will convene within five (5) days of sending the aforementioned notification.
- C. Impeachment proceedings against ASNMSU Senators for attendance reasons are only initiated by the ASNMSU Supreme Court in accordance with the ASNMSU Senate Rules.
- D. All impeachment trials shall be held in the Court of Impeachment, with the Chief Justice presiding. All impeachment proceedings will be held in accordance with the Rules of Procedure for the ASNMSU Courts.
- E. Upon conclusion of the trial, a majority vote by the Court of Impeachment removes said person from office. The Court may also prohibit said person from holding or seeking an ASNMSU office for a set amount of time not to exceed four (4) years.

5-1-6. AMENDING THE JURISDICTION OF THE ASNMSU JUDICIARY

The ASNMU Senate shall have the sole power to propose changes to the jurisdiction of any court within the ASNMSU Judiciary so long as such a change does not violate 1-5. Jurisdictional changes shall be in the form of a senate bill amending the preceding sections. Such a bill will go through the regular bill process. Changes to the judiciary's basic judicial power shall be in the form of a constitutional resolution proposing amendments to section 1-5.

5-1-7. ADOPTING CHANGES TO THE RULES OF PROCEDURE FOR THE ASNMSU COURTS

The ASNMSU Supreme Court shall have the sole power to adopt changes to the Rules of Procedure for the ASNMSU Courts. The ASNMSU Law Book Committee may formally recommend changes, but their adoption will be at the discretion of the Supreme Court. The Rules of Procedure shall be posted in Appendix A of the ASNMSU Law Book and shall carry the force of law. The Supreme Court shall not adopt any rule that violates an ASNMSU statute or deprives a member of ASNMSU of a right guaranteed under ASNMSU law. Should such a rule be adopted, it will be considered null and void. ASNMSU Courts reserve the right to suspend a portion of the Rules of Procedure to accommodate for unforeseen circumstances.

5-2. ASNMSUSUPREMECOURT JUSTICES

5-2-1. JUSTICES QUALIFICATIONS

The ASNMSU President shall post the qualifications for the offices of the ASNMSU Supreme Court Associate

Justice or Chief Justice in the announcement of position vacancy.

- A. Applicants for the positions of Supreme Court Associate Justice or Chief Justice shall be members of ASNMSU and shall have been members of ASNMSU for the fall or spring semester prior to their appointment.
- B. Applicants for the position of Supreme Court Associate Justice or Chief Justice shall not be on probation for academic progress, GPA or disciplinary reasons.
 - a. Waivers on academic progress, GPA or disciplinary probation will not be permitted for individuals applying for the positions of Supreme Court Associate Justice or Chief Justice.

5-2-2. JUSTICES APPOINTMENT

Upon a vacancy in the ASNMSU Supreme Court, an ASNMSU Supreme Court Associate Justice or Chief Justice is appointed to the office by the President of ASNMSU and confirmed by the ASNMSU Senate.

5-2-3. DISMISSAL

- A. If, at such time, an ASNMSU Justice fails to meet the qualifications required for the position, he or she must immediately resign. The ASNMSU President is responsible for checking the qualifications before the appointment is made. After the Justice is confirmed, the Chief Justice will keep record of the qualifications and request a written letter of resignation if a Justice is placed on probation for academic progress, GPA or disciplinary reasons.
- B. If the Chief Justice of the Supreme Court fails to meet the qualifications for the position, the senior Associate Justice will be responsible for asking for the resignation of the Chief Justice. At such time the senior Associate Justice shall assume the responsibilities of Chief Justice until the President makes a permanent appointment.
- C. The ASNMSU Chief Justice and Associate Justices shall not be removed from office unless all policies, procedures, and methods of removal, in accordance with the policies and procedures of the NMSU professional staff are followed.

5-2-4. **RESIGNATION**

Any ASNMSU Supreme Court Associate Justice or Chief Justice may resign by submitting a letter of resignation to the Chief Justice with copies sent to the ASNMSU President and Vice President.

5-2-5. IMPEACHMENTS

Impeachment charges may be brought against any member of the ASNMSU Supreme Court in accordance with the ASNMSU Constitution by a resolution of the ASNMSU Senate for alleged nonfeasance, misfeasance or malfeasance.

- A. Impeachment proceedings for a member of the ASNMSU Supreme Court shall be carried out in the ASNMSU Senate.
 - 1. Written notification of the allegations, along with a factual description of the grievances, must be delivered to the justice so charged, the President, Vice President and the Chief Justice within five (5) academic days after the Senate action.
 - The impeachment proceedings will be scheduled no earlier than five (5) academic days after the notification is served upon the defendant. The Justice and the Justice's counsel, if any, will be allowed to speak in the Justice's defense at the proceedings.
- B. The Senate may adjourn to a closed meeting for final deliberation of the charges, but the vote for impeachment must be taken in open meeting.
- C. The impeachment vote in the Senate must carry a three-quarters (3/4) majority for the defendant to be found guilty of the charges made against the Justice.

5-2-6. IMPEACHMENT PROCEDURE

A resolution will be introduced into the Senate. This resolution will include the specific reasons for impeachment. The Chief Senate Clerk will notify, in writing within two (2) days of the introduction of the resolution, the person who is to be impeached and the charges against this person. The person who is charged will be allowed to speak at any meeting where that person's position is being officially discussed. No impeachment resolution will be allowed to go through Committee of the Whole unless the Chief Senate Clerk has notified the person who is to be impeached within two (2) days of the meeting where the Senate to the Committee of the Whole will introduce the resolution of impeachment.

5-3. DUTIES AND RESPONSIBILITIES

5-3-1. DUTIES OF THE ASNMSU CHIEF JUSTICE

The ASNMSU Chief Justice shall perform the following duties:

- A. Act as the administrator and custodian of records for the Judicial Branch of ASNMSU. This will include managing the finances of the Judiciary and responsibility for maintaining and updating the court's records, files, decisions and documents.
- B. Preside over all court hearings and meetings. In the event of the absence of the Chief Justice, the senior Associate Justice will preside.
- C. Hold a minimum of seven (7) regular office hours per week. These hours will be kept during the summer months as well as the spring and fall semesters.
- D. Be familiar with the laws of ASNMSU and be able to interpret them.
- E. Prepare a transition manual for the successor to the office of the ASNMSU Supreme Court Chief Justice.
- F. Oversee any and all programs under the jurisdiction of the Judicial Branch. These include:
 - 1. ASNMSU Student Legal Services (SLS); this will encompass the finances of the program.
 - a. A program attorney shall be hired to serve as a full time professional employee to advise and consult with students in general civil and criminal matters; negotiate orally and in writing on behalf of students; draft basic legal documents and pleadings; author legal advice columns for the student newspaper and legal informational brochures and pamphlets for circulation to the student population; develop an appropriate referral network for matters requiring specialized legal knowledge or which cannot otherwise be handled by the SLS; update statutes; maintain legal files and establish a policy which insures confidentiality of those files. Additional duties may be assigned by the SLS Administrator or any governing authority authorized by ASNMSU to supervise the SLS.
 - 2. The ASNMSU Renters' Handbook:
 - a. The Renters' Handbook shall be a guide to renting a house or apartment in the Las Cruces area.
 - b. The Chief Justice or an Associate Justice shall work with the student attorney to annually update the handbook and keep it current with the New Mexico Uniform Owner Resident Relations Act.
 - c. Oversight of this program will include administration and finances.
- G. Administer oath of office for the ASNMSU President, the ASNMSU Vice President and all ASNMSU Senators.
- H. The ASNMSU Supreme Court Chief Justice is responsible for monitoring the attendance of the Justices.
- I. The ASNMSU Chief Justice shall inform the Associate Justices, of Senate Amendments to Chapters 5 and Appendix A of the ASNMSU Law Book. A copy of the amendments shall be submitted to the ASNMSU Chief Justice by the Chief Senate Clerk immediately after the bill becomes law.

5-3-2. DUTIES OF THE ASNMSU ASSOCIATE JUSTICES

The ASNMSU Associate Justices shall perform the following duties:

- A. Be familiar with the laws of ASNMSU and be able to interpret them;
- B. Attend all court proceedings, hearings and meetings required by the Chief Justice;
- C. Hold a minimum of seven (7) regular office hours per week.
- D. Perform those projects and duties assigned by the ASNMSU Chief Justice.

5-3-3. OATH OF OFFICE

Upon assuming office, the Justice shall take and subscribe to the following oath (or affirmation): "I (state your name) do solemnly swear (or affirm) that I will support and interpret the laws of the Associated Students of New Mexico State University unbiasedly and will to the best of my ability perform the duties of Justice of the ASNMSU Supreme Court."

5-3-4. ATTENDANCE

ASNMSU Supreme Court Associate Justices shall attend all meetings required by the ASNMSU Chief Justice.

A. The recusal of a Justice from a case shall not be counted as an absence.

5-3-5. COMPENSATION LIMIT FOR THE ASNMSU CHIEF JUSTICE

The ASNMSU Chief Justice shall receive a salary not to exceed the current applicable minimum wage (as allowed for by Title 29 of the US Code) plus the ASNMSU minimum wage adjustment factor for a .5 Full-Time Equivalent (FTE) for no more than two (2) years while performing the duties of office. This salary may not be reduced during the term of a Chief Justice.

5-3-6. COMPENSATION LIMIT FOR THE ASNMSU ASSOCIATE JUSTICES

ASNMSU Associate Justices shall receive a salary not to exceed the current applicable minimum wage (as allowed for by Title 29 of the US Code) plus the ASNMSU minimum wage adjustment factor of .375 while performing the duties of the office. This salary may not be reduced during the term of an Associate Justice.

5-4. ASNMSU CODE OF JUDICIAL CONDUCT

An independent and honorable judiciary is indispensable to justice within ASNMSU. The provisions of this code should be construed and applied to further that objective.

5-4-1. A JUSTICE SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

A justice shall observe high standards of conduct so that the integrity and independence of the judiciary may be preserved. A justice should also participate in establishing, maintaining and enforcing high standards of conduct.

5-4-2. A JUSTICE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL THEIR ACTIVITIES

A justice shall respect and comply with the law and shall conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. A justice shall not allow their, social or other relationships to influence their judicial conduct or judgment. The Justice shall not lend the prestige of their office to advance the private interest of others.

5-4-3. A JUSTICE SHALL PERFORM THE DUTIES OF OFFICE IMPARTIALLY AND DILIGENTLY

In the performance of judicial duties, a justice shall apply the following standards:

A. Adjudicative responsibilities

- 1. A Justice should maintain order and decorum in judicial proceedings.
- 2. A Justice should be patient, dignified and courteous to all those with whom the Justice deals in the Justice's official capacity, and should require similar conduct of others subject to the Justice's direction and control.
- 3. A Justice shall accord to every person who is legally interested in a proceeding, or the person's counsel, full right to be heard according to law. Except as authorized by law, a Justice shall neither initiate nor consider ex parte or other communications concerning a pending or impending proceeding. A Justice may obtain the advice of a disinterested expert on the law applicable to a proceeding before the Justice.
- 4. A Justice should perform promptly the business of the court.
- 5. All cases decided by an opinion of an appellate court shall be by a collegial opinion. Before an opinion is placed in final form, the participating Justices shall attempt to reconcile any differences between them. Each Justice on each panel is charged with the duty of carefully reading and analyzing the pertinent submitted material on each case in which the Justice participates.
- 6. A Justice should abstain from public comment about a pending proceeding in any court, and should require similar abstention on the part of court personnel subject to the Justice's direction and control. This subparagraph does not prohibit Justices from making public statements in the course of their official duties or from explaining for public information the procedures of the court.
- 7. A Justice shall not permit media personnel and equipment in the courtroom except as may be permitted by rules approved by the Supreme Court.

CHAPTER EIGHT: RULES OF SENATE

B. Administrative responsibilities

- 1. A Justice should diligently discharge the Justice's administrative responsibilities and maintain professional competence in judicial proceedings.
- 2. A Justice shall observe the standards of confidentiality, fidelity and diligence that apply to the Justice.

5-4-4. DISQUALIFICATION

A Justice is disqualified and shall recuse themselves in any proceeding in which:

- A. A justice has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding;
- B. A justice acted in their official capacity in any inferior court or as Special Master;
- C. Their spouse, or a person by blood, marriage or other relationship to them:
 - 1. Is a party to the proceeding, or an officer, director or trustee of a party;
 - 2. Is acting as representative counsel in the proceeding;
 - 3. Is known by the Justice to have an interest that could be substantially affected by the outcome of the proceeding;
 - 4. Is to the Justice's knowledge likely to be a material witness in the proceeding; or
 - 5. A party to the proceeding is an employee of the court whether assigned to the Justice or otherwise.

5-4-5. A JUSTICE SHOULD REGULATE THEIR ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THEIR JUDICIAL DUTIES

- A. They may appear at a public hearing before an executive or legislative body, and they may consult with an executive or legislative body or official, but only on matters concerning the administration of justice, except as required by law;
- B. A Justice may participate in civic and charitable activities that do not reflect adversely upon their impartiality or interfere with the performance of their judicial duties;
- C. A Justice shall not serve or perform any services for any committee, commission or organization that conflicts with his or their judicial duties;
- D. A Justice shall not hold any other paid position, judicial or otherwise, which conflict with the hours and duties the Justice is required to perform for every judicial position.

5-4-6. A JUSTICE SHOULD REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO THEIR JUDICIAL OFFICE

- A. Notwithstanding other provisions of the ASNMSU Code of Judicial Conduct or except as provided for by ASNMSU law:
 - 1. No Justice of the Supreme Court, while serving, shall be nominated, appointed or elected to any other office.

5-4-7. APPLICABILITY

This ASNMSU Code of Judicial Conduct applies to all Justices of the Supreme Court, and Justices/Special Masters of any inferior courts.

5-5. CONTEMPT

A Justice has jurisdiction to punish for contempt only for disorderly behavior or breach of the peace, which interrupts or disturbs a judicial proceeding in progress before the Justice or for disobedience of any lawful order or process of the court.

5-5-1. CONTEMPT OF COURT

The Court may order any of the following judgments if a party is found guilty of contempt of court:

- A. Order dismissing action pending before the court if said party filed the action;
- B. A judgment fining an organization or an ASNMSU Base Program a maximum of one thousand dollars (\$1,000).

CHAPTER EIGHT: RULES OF SENATE

5-5-2. A JUSTICE SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL THEIRACTIVITIES

A justice shall respect and comply with law and shall conduct themselves at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. A justice shall not allow their family, social or other relationships to influence their judicial conduct or judgement. The Justice shall not lend the prestige of their office to advance the private interest of others.

5-5-3. DISQUALIFICATION

A justice is disqualified and shall recuse themselves in any proceeding in which:

- A. A justice has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding;
- B. A justice acted in their official capacity in any inferior court or as Special Master;

5-5-4. A JUSTICE SHOULD REGULATE THEIR ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THEIR JUDICIAL DUTIES

- A. They may appear at a public hearing before an executive or legislative body, and they may consult with an executive or legislative body or official, but only on matters concerning the administration of justice, except as required by law;
- B. A justice may participate in civic and charitable activities that do not reflect adversely upon their impartiality or interfere with the performance of their judicial duties;
- C. A justice shall not serve or perform any services for any committee, commission, or organization that conflicts with their judicial duties;

5-5-6. A JUSTICE SHOULD REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO THWEIR JUDICIAL OFFICE

5-6. **OPEN MEETINGS POLICY**

The ASNMSU Supreme Court is exempt from the ASNMSU Open Meetings Act during deliberation and voting. However, the voting record of a final decision must be released upon conclusion of a case.

5-7. JUDGEMENTS

5-7-1. PRE TRIAL JUDGEMENTS

The Court may issue any of the following judgments or perform any of the following actions before a trial:

A. Issue a judgement freezing the accounts of an ASNMSU Base Program or a recognized NMSU student organization or program funded through ASNMSU.

5-7-2. POST TRIAL JUDGEMENTS

The Court may issue any of the following judgments or perform any of the following actions at the conclusion of a trial:

- A. Render an ASNMSU law void if it is found to be in violation of the ASNMSU Constitution;
 - 1. It shall be the responsibility of the Chief Justice of the Supreme Court to provide copies of such opinions as well as any previously overlooked opinions to the Law Book committee by the time it convenes.
- B. Issue a judgment requiring that an individual or individuals do no less than five (5) hours and no more than fifty (50) hours of NMSU community service which shall not be applied to community service requirements for appropriation purposes;
 - 1. Individual or Individuals failing to complete 5-7-2-B as per Supreme Court Judgement shall not be appropriated ASNMSU funds.
- C. Issue a judgment fining an organization or an ASNMSU Base Program a maximum of fifty-thousand dollars (\$50,000) or issue a judgment fining an organization or an ASNMSU Base Program to not less than fifty (50) hours and no more than one hundred (100) hours of NMSU community service which shall not be applied to community service requirements for appropriation purposes:
 - 1. Organizations failing to complete 5-7-2-C as per Supreme Court Judgement shall not be appropriated ASNMSU funds.
- D. Remove from office an ASNMSU official who has been convicted in an impeachment trial;

5-8. INCOME

Funds resulting from fines imposed on a party are treated as revenue as defined in section 7-2 of the ASNMSU Revenue Disposition Act.

5-9. APPOINTMENT OF A SPECIAL MASTER

If deemed necessary by the Chief Justice, a Special Master may be appointed to perform business before the Supreme Court.

- A. The Special Master shall be an Associate Justice of the Supreme Court.
- B. The Special Master shall act as judge of a lower court, and shall follow the procedure outlined previously of lower courts and tribunals.
- C. If a Special Master presides over a case, they are to docket any appeal to the Supreme Court.
- D. If a Justice has acted as a Special Master, on a lower court decision, the justice will recuse themselves if the case is appealed to the Supreme Court.

5-10. AMENDMENTS

Amendments to Judicial Branch may be made by a simple majority of the ASNMSU Senate in the Form of a legislative bill.

- A. The Chief Senate Clerk shall make available copies of the above amendments to the ASNMSU Chief Justice immediately after it becomes law.
- B. The Chief Justice shall inform the Executive Directors, Attorney General, or the Comptroller of the above amendments during weekly staff meetings.
- C. Program directors will be responsible for notifying the ASNMSU Vice President the name and email of the student who has been appointed to serve on the Continuing Diversity Board.
- D. If any of the continuing diversity or cultural program cannot appoint a student to serve on the Continuing Diversity Board, the program director(s) will notify the ASNMSU Vice President by the second Senate meeting of the fall semester; and they will forfeit the opportunity to have member on the Continuing Diversity Board for the fall semester.
- E. If any of the continuing diversity programs can appoint a student to serve on the Continuing Diversity Board for the Spring Semester, the program director/s will notify the ASNMSU Vice President

6. EXECUTIVE ACTS

6-1. CONTINUING DIVERSITY BOARD

AN ACT CREATING THE CONTINUING DIVERSITY BOARD; DEFINING ITS GOVERNANCE; AND RECOGNIZING ITS PURPOSE AND DUTIES.

6-1-1. PURPOSE OF ACT

The continuing diversity board is created to promote and sustain diversity among the members of ASNMSU. To help establish diversity program funding with the intent of stating new continuing diversity programs.

6-1-2. MEMBERS AND POWERS OF THE BOARD

A. Voting members of the board shall include:

- 1. The ASNMSU President, who shall serve as chair and only vote in the event of a tie,
- 2. A representative from the ASNMSU Senate,
- 3. The ASNMSU Vice President, who shall serve as vice chair,

- 4. One (1) student at large, who shall not be an ASNMSU Official,
- 5. One (1) student representative from each continuing diversity programming:
 - a. Black Programs;
 - b. Chicano Programs;
 - c. American Indian Programs;
 - d. LGBT+ Programs, and all future programs fitting the continuing diversity programming criteria as a voting member on the Continuing Diversity Board.
 - e. Military & Veterans Programs
 - f. All future programs fitting the Continuing Diversity Bard criteria as a voting member on the Continuing Diversity Board.
- 6. One (1) student voting representative from cultural student organizations including:
 - a. Greek Programs;
 - b. International Student and Scholar Services;
- 7. Failure by any member to attend more than two (2) consecutive Continuing Diversity Board meetings will result in a temporary loss of voting rights on the Continuing Diversity Board.
 - a. The ASNMSU President, and ASNMSU Vice President shall be exempt from provisions outlined in 6-1-2-A-7.
 - b. Any member of the Continuing Diversity Board shall regain their voting rights after successfully attending two (2) consecutive Continuing Diversity Board meetings.
- 8. Failure by any member to attend more than four Continuing Diversity Board meetings will result in a loss of voting rights for the rest of the fiscal year. Such member shall not be able to regain their voting rights for that fiscal year.
- B. The ASNMSU Vice President shall be responsible for notifying program directors to elect a student representative no later than the second Senate meeting of the fall semester.
- C. Either the ASNMSU President or the ASNMSU Vice President will notify diversity program directors and the appointed student representative of all Continuing Diversity Board meeting times and dates in a timely manner.
- D. Students appointed to be a voting member on the Continuing Diversity Board must:
 - 1. Be a member of ASNMSU;
 - 2. Be elected by a majority vote of all the programs that fall under the Continuing Diversity Program they will be representing.
 - 3. Be a member of any of the programs that fall under the Continuing Diversity Program they will be representing.
 - 4. Become familiar with ASNMSU Continuing Diversity Board rules and regulations;
 - 5. Attend an ASNMSU Financial Procedures Workshop;
 - 6. Be responsible, able to cooperate with others, and able to attend all meetings called by the Chair of the Continuing Diversity Board.
- E. Ex-officio members of the board shall include:
 - 1. The Comptroller or assistant Comptroller of ASNMSU,
 - 2. A member of the ASNMSU Public Relations Department appointed by the Director of Public Relations,
 - 3. The ASNMSU Executive Secretary,
 - 4. Program Directors for each of the continuing diversity programs:
 - a. Black Programs

- b. Chicano Programs
- c. American Indian Programs
- d. LBGT+ Programs
- e. Military and Veteran Programs
- 5. Program Directors from each Cultural student organization:
 - a. Greek Programs
 - b. International Student and Scholar Services
 - c. All future programs fitting the Continuing diversity programming criteria.
- F. The board shall review specific written requests for funding of diversity programming on campus or around the local community, and shall vote on the expenditures.
 - 1. No expenditure shall be considered or accepted without a specific written request.
 - 2. Each program must report on their events to the ASNMSU Senate by the second Senate meeting immediately following their event.
 - a. Such report from the program shall explain their event and how ASNMSU funds were used at said event.
 - 3. Failure to report on their events to the ASNMSU Senate in the meeting following diversity events will result in a loss of funding status from the Continuing Diversity Board in the next fiscal year.
 - 4. Failure to attend more than four Continuing Diversity Board meetings by any members of the CBD outlined in 6-1-2-A-7 and 6-1-2-A-8 may result in a loss of funding status from the Continuing Diversity Board in the next fiscal year.
- G. No single continuing diversity program or cultural student organization shall receive additional funding in excess of twenty-five percent (25%) of the amount appropriated in the General Appropriations Act in a single fiscal year.
 - 1. Any Continuing Diversity program or cultural student organization shall have the authority to initiate a transfer of any amount of their funds to any other continuing diversity program or cultural student organization. The ASNMSU diversity board shall be required to take a vote on such transfer.
- H. Any continuing diversity program is a program that fits these criteria:
 - 1. A blanket organization, meaning there are several programs under that program that will all benefit from the continuing diversity programs funds.
 - 2. It must be a program that has the intent of continuing ell into the future.
 - 3. The must have established themselves for at least three (3) years before approaching the board for more funding.
 - 4. They must be considered a diversity program as defined by the NMSU Offices of Student Diversity definition for diversity.
- I. If a continuing Diversity Program is found to have misused funds during the fiscal year then action shall be taken in accordance to 7-6.
- J. Cultural student organizations are programs the fit these criteria:
 - 1. A blanket organization, meaning there are several programs under that program that will all benefit from the continuing diversity programs fund.
 - 2. It must be a program that has the intent of continuing well into the future.
 - 3. They must have established themselves for at least three (3) years before approaching the board for more funding.

- 4. If a Cultural Student Organization is found to have misused funds during the fiscal year then during the next fiscal year those funds will be taken out of their total appropriation.
- 5. Cultural Student Organizations must aim to increase student body participation and engagement on campus.
- K. All funding requests shall be submitted to the Continuing Diversity Board at least two (2) weeks prior to the commencement of the event for which the funding is being requested.
- L. Events that are not advertised and available to members of ASNMSU shall not receive funding from this board.
- M. Events will not allow any donation as a form of payment to enter or be present at an event.
- N. The continuing diversity board reserves the right to refuse funding of any event, and may choose to fund Diversity Programming in emergency situations. If the Board refuses to fund a Continuing Diversity Program, they must give written notice to the program that funding has been denied.
- O. The ASNMSU Continuing Diversity Board shall meet at least once per month in person.

6-2. PETE'S PICK-UP

AN ACT CREATING THE ASNMSU DRIVER SERVICE, ESTABLISHING A DIRECTORSHIP; DEFINING THE DUTIES AND AUTHORITY OF THE DIRECTOR; CREATING THE POSITIONS OF DRIVER AND DISPATCHER; DEFINING THE SELECTION OF DRIVERS AND DISPATCHERS; DEFINING THE DUTIES OF DRIVERS AND DISPATCHERS; DETERMINING THE SALARY OF THE DRIVERS AND DISPATCHERS; ESTABLISHING A PROCEDURE FOR REVIEW.

6-2-1. PURPOSE OF ACT

The Pete's Pick-Up Act is created to increase the safety of ASNMSU members crossing the campus through the principle of safety in numbers.

6-2-2. DEFINITION

As used in Pete's Pick-Up Act:

A. "Passenger" is the ASNMSU member requesting a driver to a location on the NMSU campus.

6-2-3. THE DIRECTORSHIP

- A. The position of the Pete's Pick-Up Director shall be filled by the ASNMSU Assistant Director of Services.
- B. The Assistant Director of services shall have the authority to retain and remove drivers and dispatchers; to request in budget form, funding for the promotion and maintenance of the Pete's Pick-Up, and to cooperate with the NMSU PD in investigating the backgrounds of the drivers.
 - 1. The Pete's Pick-Up drivers and dispatchers shall not be removed from office unless all policies, procedures, and methods of removal, in accordance with the policies and procedures of the NMSU professional staff are followed.
- C. The director shall have the authority to set the hours of the Pete's Pick-Up at the Executive Director of Services' discretion.

6-2-4. POSITIONS OF DRIVERS AND DISPATCHERS

- A. The position of driver shall be filled by ASNMSU members in good standing, as defined by the NMSU Student Code of Conduct who sign a release form and a police record authorization form.
- B. The driver shall have the duty to respond to calls from passengers and to accompany the passenger to a destination on campus. The driver must check in with the dispatcher after completing each trip.
- C. Drivers are not bodyguards and have no authority to enter into physical contact with any would-be assailants.
- D. The position of dispatcher shall be filled by ASNMSU members in good standing as defined by the NMSU Student Code of Conduct.
- E. The duties of the dispatcher are to man the Pete's Pick-Up phone; to relay requests for drivers to the on-duty driver, and to document the movements of the drivers from the time of request to completion of assigned task, as well as assist with routine maintenance and act as an ASNMSU answering service.

- F. Drivers shall receive a wage not to exceed minimum wage and shall not work more than fifteen (15) hours a week. Dispatchers shall receive a wage not to exceed minimum wage and shall not work more than fifteen (15) hours a week.
- G. A driver or dispatcher shall not hold any other position within ASNMSU.

6-3. STUDENT DISCOUNT PROGRAM ACT

AN ACT ESTABLISHING A STUDENT DISCOUNT PROGRAM; DEFINITIONS; PRESCRIBING WHO SHALL HAVE JURISDICTION; LIMITATION OF APPROPRIATION; AND REVIEW OF SUCH A PROGRAM

6-3-1. PURPOSE OF ACT

The ASNMSU Student Discount Program is established to provide NMSU students with the means to acquire merchandise and services at a discount at local businesses.

6-3-2. JURISDICTION

- A. The Executive Director of Services of ASNMSU will be the coordinator of the ASNMSU Student Discount Program during the summer. The purpose of this program is to:
 - 1. Recruit businesses of the Las Cruces/NMSU community to participate in the ASNMSU Student Discount Program;
 - 2. Organize the necessary campaigns for the advertising of the ASNMSU Student Discount Program;
 - 3. Ensure that the ASNMSU Student Discount Program will be in operation at the beginning of the fall semester.
- B. The Executive Director of Public Relations will, in cooperation with the Executive Director of Services, do the contracted advertising for the program.

6-4. ASNMSU ROADRUNNER PROGRAM ACT

6-4-1. PURPOSE OF ACT

The purpose of the ASNMSU Roadrunner Program Act is to provide incoming NMSU students with an understanding of the workings of student government by bringing them into the organization in an apprentice fashion and allowing them to participate in the process of student government. The ASNMSU Roadrunners will consist of up to thirty (30) students in their first year at NMSU who are considered members of ASNMSU selected from the applicant pool.

6-4-2. JURISDICTION

The ASNMSU Director of Community Outreach will be the chief supervisor, with the Assistant Director of Community Outreach being the chief coordinator of the ASNMSU Roadrunner Program and will be permitted to enlist executive support and as many volunteers as is necessary to ensure the success of the program.

6-4-3. ORIENTATION PRESENTATIONS

The ASNMSU President, an ASNMSU Executive, or the ASNMSU President's appointment will coordinate a presentation to be given at Aggie Welcome Orientation. The presentation will provide an overview of the student government and will be designed to spark interest and encourage general on-campus involvement of the incoming students, especially through the ASNMSU Roadrunner Program. Membership into the ASNMSU Roadrunner Program will be made available and the application deadline will be announced at the discretion of the Executive Director of Community Outreach. Applications can also be turned in during the Aggie Welcome Orientation.

6-4-4. APPLICATION PERIOD

- A. At the beginning of the fall semester, advertisements will be posted to:
 - A. Inform students of the ASNMSU Roadrunner Program,
 - 2. Announce the application deadline
 - 3. Encourage more applicants.
- B. Applications will be available in the ASNMSU office and, after the application deadline, will be compiled and reviewed.

- C. If desired by the Assistant Director of Community Outreach for Leadership Development, a second application process will occur in the spring semester to maintain a team up to thirty (30) ASNMSU Roadrunners.
- D. If an opening occurs in the ASNMSU Roadrunner Program during a semester, the open position will be filled from the pool of that semester's applicants.

6-4-5. SELECTION PROCESS

The selection process will consist of an individual application review and a group interview. Applicants selected during a blind review will be contacted and assigned a group interview time. The group interview will be designed to highlight the applicants' skills in the areas of teamwork and creativity and will occur in groups of no more than five (5). The group interview will be conducted by a panel of three (3) ASNMSU officials.

6-4-6. DUTIES AND RESPONSIBILITIES OF ASNMSU ROADRUNNERS

An ASNMSU Roadrunner's duties will include the following:

- A. Serving as an aide to the ASNMSU Executive officers;
- B. Maintaining a minimum of four (4) but no more than seven (7) office hours per week at the discretion of the Assistant Director of Community Outreach, assisting in the duties of the ASNMSU officers and staff, and working on Roadrunner initiatives;
- C. Attending bi-weekly ASNMSU Roadrunner meetings;
- D. Thoroughly observe and be actively engaged within ASNMSU Senate meeting for a minimum of one (1) hour and aide the Senate at the discretion of the ASNMSU Assistant Director of Community Outreach;
- E. Serving on various university committees, advisory boards, and task forces;
- F. Executing initiatives formulated by the ASNMSU Roadrunners;
- G. Serving as aides to the ASNMSU Supreme Court;
- H. Performing other duties as assigned by the ASNMSU officers and staff.

6-4-7. ASNMSU ROADRUNNER PREVENTATIVE CLAUSES

A. The ASNMSU Roadrunners will not be considered the personal assistants to any single ASNMSU Executive or elected official.

6-4-8. TERM OF OFFICE

The term of the ASNMSU Roadrunners shall be as follows:

- A. Roadrunners will serve a term of up to one (1) full consecutive Fall and Spring semester beginning after the fall interview process is complete and terminating with the completion of the following years application and selection process.
- B. Any Roadrunner member introduced after the initial fall selection will serve less than one (1) full consecutive Fall and Spring semester.
- C. Roadrunner members may only serve one term.

6-5. THEASNMSU STUDENT ADVOCACY BOARD

6-5-1. THE ASNMSU STUDENT ADVOCACY BOARD CREATED

The ASNMSU Student Advocacy Board is created within the Office of the ASNMSU Executive Director of Governmental Affairs, as per Section 3-27.

6-5-2. GOVERNANCE OF THE STUDENT ADVOCACY BOARD

The Student Advocacy Board will hold governance over the review and approval of legislative priorities and suggest changes to reflect the priorities of students, student organizations, and ASNMSU. Following the conclusion of the regular legislative sessions, the President of ASNMSU will formulate legislative priorities and submit these to the Student Advocacy Board for recommendation and review only. Following the election and official results of the ASNMSU Presidential Election, The President-Elect will meet with the Student Advocacy Board to review the prior legislative session actions as well as the recommendations made by the prior ASNMSU President and Executive Director of Governmental Affairs. At conclusion of the Fall semester, the

ASNMSU President shall submit official legislative priorities to the Student Advocacy Board for final approval.

6-5-3. MEMBERSHIP OF THE ASNMSU STUDENT ADVOCACY BOARD

The Student Advocacy Board shall be made up of six (6) voting members, who shall consist of the Director of Governmental Affairs who will serve as chair and five (5) other members. One (1) member shall be the Assistant Director of Governmental Affairs, who shall serve as Vice-Chair, one (1) member shall be appointed by the Chair of the Student Advocacy Board, one (1) member shall be a student-at-large appointed by the Chief of Staff, one (1) shall be a Senator elected by the Senate, one (1) shall be a Supreme Court Justice elected by the ASNMSU Supreme Court, and one (1) shall be a member of the Council of Councils, to be appointed by the Council of Councils. In addition, the Executive Director of Governmental Affairs may appoint as many exofficio non-voting members as they deem necessary.

6-5-4. QUALIFICATIONS OF THE MEMBERS OF THE ASNMSU STUDENT ADVOCACY BOARD

- A. Individuals serving on the ASNMSU Student Advocacy Board shall be members of ASNMSU.
- B. Members of the ASNMSU Student Advocacy Board shall not be on either academic or disciplinary probation.

6-5-5. DUTIES AND RESPONSIBILITIES OF THE ASNMSU STUDENT ADVOCACY BOARD

- A. The ASNMSU Student Advocacy Board will be expected to:
 - 1. Review and rank the state legislative initiatives as proposed each year by students, student organizations and the President of ASNMSU;
 - 2. Introduce legislative priorities to the ASNMSU Senate no later than the fourth Senate meeting of the fall semester. The legislative priorities shall be introduced in accordance with Section 3-23-4-I-1
 - 3. Advocate on behalf of ASNMSU before the New Mexico State Legislature on issues concerning ASNMSU;
 - 4. Formulate an official capital outlay request;
 - 5. Maintain records containing:
 - i. Information on how to contact various legislators, committees, offices and others;
 - ii. Information regarding advocacy activities meetings and pertinent legislation;
 - 6. Assist with the voter registration drive;
 - 7. Recommend resolutions concerning off-campus activities to the ASNMSU Senate.
 - 8. Have selected the full board and begun considering and developing legislative priorities by the second (2nd) Senate meeting of the fall semester.

6-6. ASNMSU LEADERSHIP CONFERENCE ACT

6-6-1. PURPOSE OF ACT

To provide leadership development seminars for high school students and share with them the college experience at NMSU and student government at NMSU.

6-6-2. FREQUENCY

There shall be one (1) conference held annually during the spring semester.

6-6-3. DIVISION OF RESPONSIBILITY

The ASNMSU Executive Director of Community Outreach shall be responsible for the planning and execution of the ASNMSU Leadership Conference. The planning shall include, but not limited to, setting the time, place, and content of the conference.

6-6-4. FUNDING

- A. ASNMSU shall be responsible for all expenses incurred in developing and producing the ASNMSU Leadership Conference.
- B. Conference expenses shall be appropriated through the account of Community Outreach during the General Appropriations Act.

6-7. AMENDMENTS

Amendments to the ASNMSU Executive Acts may be made by a simple majority of the ASNMSU Senate in the Form of a legislative bill.

- A. The Chief Senate Clerk shall make available copies of the above amendments to the ASNMSU Chief of Staff immediately after it becomes law.
- B. The Chief of Staff shall inform the Executive Directors, Attorney General, or the Comptroller of the above amendments during weekly staff meetings.

7. FINANCIAL OPERATIONS

7-1. SUPPORTING FEES ACT

7-1-1. ASNMSU MEMBERSHIP FEE

In order to obtain and maintain membership in ASNMSU, students of NMSU shall pay to the NMSU Business Office (per semester). Based on analysis of tuition and fees for 2015-2016 fiscal year, every full- time student pays a forty-seven dollar and forty cents (\$47.40) per credit hour for fee supported activities in which two dollars and two cents (\$2.02) shall be paid for ASNMSU Student Activity account, thirty-five cents (\$0.35) shall be paid for ASNMSU Endowment account, and seven cents (\$0.07) shall be paid for ASNMSU Maintenance Fund (Cardinal) account for both the fall and spring semesters. A thirty-three dollar and fifty cents (\$33.50) ASNMSU membership fee for part-time students shall be paid.

7-1-2. PRIVILEGES OF ASNMSU MEMBERSHIP

All members of ASNMSU are entitled, upon the presentation of a valid, current Student I.D., to:

- A. Free admission to events and activities substantially funded by ASNMSU unless otherwise provided for by law;
- B. Participate, without charge, in all other ASNMSU substantially funded programs unless otherwise provided for by law;
- C. All other rights and privileges of membership in ASNMSU.

7-1-3. EXECUTIVE DIRECTOR OF ACTIVITIES EMPOWERED TO SET ADMISSION CHARGE

The ASNMSU Executive Director of Activities is empowered to set an admission charge upon the members of ASNMSU for contractually arranged events or performances presented under the auspices of ASNMSU Activities or ASNMSU Special Events provided the admission charge shall be at least one (\$1.00) dollar less than the price of a corresponding ticket charged to the general public.

7-2. REVENUE DISPOSITION ACT

7-2-1. **DEFINITIONS**

- A. "Summer" begins at the end of the last Senate meeting in the spring and ends with the first Senate meeting in the fall.
- B. "Insufficient revenue" occurs when ASNMSU Revenue is inadequate to cover all expenses incurred by ASNMSU.

7-2-2. ASNMSU REVENUE DEFINED

ASNMSU Revenue means all revenue collected or received:

- A. By the University Accounts Receivable Office from the payment of the ASNMSU membership fees;
- B. From student fees and monies appropriated to ASNMSU by the Student Fee Review Board;
- C. From the sale of admission tickets to activities or performances presented under the auspices of the ASNMSU Department of Activities;
- D. By any agency or organization created by ASNMSU;
- E. Interest from all ASNMSU accounts;
- F. From the profit of any promotional activities sponsored under the auspices of ASNMSU or any agency or organization of ASNMSU.
- G. Fines resulted from the ASNMSU Supreme Court.

7-2-3. DISPOSITION OF ASNMSU REVENUE

All ASNMSU revenue shall be deposited with the University Accounts Receivable Office. All revenue collected from the payment of the ASNMSU membership fees shall be deposited in accounts as prescribed by the General Appropriations Act.

Revenue collected from the ASNMSU membership fees not accounted for in the General Appropriations Act and interest on the Surplus Account shall be deposited in the Surplus Account. All other revenue shall be deposited in the account of the agency or organization responsible for its collection.

7-2-4. INSUFFICIENT REVENUE

A state of insufficient revenue shall be declared and repealed by the Senate, in the form of a resolution. During the summer, a state of insufficient revenue may be called by either the Senate, in the form of a resolution, or by the Summer Finance Board. If ASNMSU revenue is insufficient to cover all appropriations made by law, and insufficient revenue is declared, ASNMSU shall, at the President's discretion, discharge the deficit through:

- A. Surplus Account;
- B. Cardinal Account;
- C. Comptroller Maintenance Account;
- D. Base Program Accounts.

7-2-5. SUMMER FINANCE BOARD, SENATE VALIDATION

If the President determines ASNMSU is in a state of insufficient revenue during the summer, the President must notify the Vice President in writing. The Vice President may then call a special meeting of the Senate. Should the Senate not convene within seventy-two (72) hours of the written notification from the President to the Vice President, the Finance Board shall have the power to declare a state of insufficient revenue. The Senate must, in the form of a resolution, validate or invalidate the actions of the Finance Board concerning insufficient revenue within three (3) meetings of the Senate.

7-2-6. APPROVAL REQUIRED FOR WITHDRAWAL

No money shall be withdrawn from any account funded by ASNMSU except by voucher signed by the executive of the account, the ASNMSU Comptroller, the ASNMSU President, and the Dean of Students. Approval for withdrawal shall be denied by the ASNMSU Comptroller or ASNMSU Fiscal Advisor only for reasons of:

- A. Insufficient funds;
- B. Failure to comply with the written procedures for the financial operation of ASNMSU or any subdivision thereof as prescribed by the ASNMSU Comptroller;
- C. Failure to comply with the procedures for the financial operation of ASNMSU as prescribed by law;
- D. Withdrawal of funds for the purchase of goods or services not approved in the budgeted pools of the executive of the account.
- E. May be denied by the ASNMSU President.

7-2-7. SENATE MAY OVERRIDE PRESIDENTIAL DENIAL OF WITHDRAWAL

The ASNMSU Senate may, in the form of a resolution, override a presidential denial of withdrawal of funds with a two-thirds (2/3) vote.

7-2-8. FINANCE BOARD MAY OVERRIDE PRESIDENTIAL DENIAL OF WITHDRAWAL DURING THE SUMMER

The Finance Board may override a presidential denial of withdrawal during the summer with a two-thirds (2/3) vote.

7-2-9. PRESIDENT EMPOWERED TO IMPOUND FUNDS

The ASNMSU President is empowered to impound the funds of any agency or organization that has received funds from ASNMSU. The presidential impoundment order shall be a written memorandum to the Fiscal Advisor in the Comptroller's Office. If the presidential impoundment order is still in effect for three (3) working days, the President will inform, in writing, the Vice President and all agencies and organizations directly affected by the impoundments. The ASNMSU president is empowered to impound the funds for the reason of:

- A. Insufficient funds or revenue;
- B. Failure to comply with ASNMSU law;
- C. Failure to comply with state or federal law;
- D. To protect the financial well-being of ASNMSU;

7-2-10. SENATE MAY OVERRIDE PRESIDENTIAL IMPOUNDMENT

The ASNMSU Senate may, in the form of a resolution, override a presidential impoundment order with a two-thirds (2/3) vote.

7-2-11. FINANCE BOARD MAY OVERRIDE PRESIDENTIAL IMPOUNDMENT DURING THE SUMMER

The Finance Board may override a presidential impoundment order during the summer with a two-thirds (2/3) vote.

7-2-12. STUDENT FEE REVIEW BOARD ASSESSMENTS

All fiscal assessments and arrangements made by the Student Fee Review Board for a particular fiscal year shall be reflected in the General Appropriations Act for that fiscal year. The ASNMSU President, ASNMSU Vice President, and the ASNMSU Senate Representative on the Student Fee Review Board shall be responsible for ensuring that such assessments are reflected in the General Appropriations Act.

A. The ASNMSU Senate shall have the right to reallocate up to ten (10%) of the Surplus Account as of February 15th towards the General Appropriations Act with a two-thirds (2/3) majority vote.

7-3. ASNMSUGENERAL FUNDING RULES ACT

AN ACT ESTABLISHING THE ASNMSU SENATE APPROPRIATION GENERAL REGULATIONS THAT APPLIES TO ALL FUNDING APPROPRIATIONS.

7-3-1. **DEFINITIONS**

- A. "Recognized organization" means any agency, club or student group on file as prescribed by the Campus Activities Office and approved by the Dean of Students.
- B. "Represented in a college council" means an organization is a member of only one (1) college council and abides by the rules and regulations set by the council.
- C. "Community service project" means any project performed by a recognized organization that has improved the quality of life in the community. Community service projects must be of human interest in nature and non-profit. Projects performed by organizations must be verifiable.
- D. "Operating expenses" are those expenses that reoccur and are required for the normal functioning of the organization over the course of the academic year. Operating expenses shall not include funding for items or activities that are intended to provide something that is available to the general membership of ASNMSU, such as speakers and other service-oriented activities.
- E. "Team" means only those individuals destined to compete in a competition.
- F. "Community Service Organization" means any group whose purpose is primarily service oriented (service being to either NMSU or the community at large). The decision as to whether or not a group is service oriented shall be made by the Community Affairs Committee.
- G. "Traveling Expenses" means covered expenses relating to conference, research, competition, and community service travel include but are not limited to airfare, lodging, registration costs, parking, rental cars, shuttles, and other travel related expenses. Refer to the university's policy on funding to ensure expenses are eligible.

7-3-2. PURPOSE OF ACT

To clarify and to regulate the allocation of ASNMSU funds.

7-3-3. MAIN PROVISIONS

- A. Before a recognized organization or base program may receive funds from the ASNMSU Senate, the president and treasurer, or director of that organization or base program shall sign a Procedural Release Form stating either through digital or non-digital means that they have completed a Financial Procedure Workshop within the current academic year, that they understand ASNMSU financial procedures, and that they will follow these regulations or forfeit any right to the allocated funds. The use of the release forms will be handled by the ASNMSU Comptroller certifying that the leaders have demonstrated sufficient knowledge in the procedures. The text of the Release Form shall read: "The undersigned representative of ______ organization)______ agrees the organization will:
 - 1. Follow the revised ASNMSU Financial Procedures Guide, in its entirety, in dealing with ASNMSU monies appropriated to the organization;
 - 2. Failure to follow these procedures will result in the organization's forfeiture of any rights to the allocated funds.

- 3. An organization's successful completion of a Financial Procedure Workshop shall only be valid for the academic year in which it was completed.
- B. Appropriations for up to three (3) students for travel expenses, as expressed in section 7-4-1, shall have the option of completing the Financial Procedures Workshop requirement in accordance with 7-3-3 or by having all the students requesting appropriation complete the Financial Procedures Workshop in lieu of their organization's President and Treasurer. Should the student choose to complete the Financial Procedures Workshop in lieu of their organization.
- C. All requests for allocations not included in the General Appropriations Act must include a detailed line item breakdown.
- D. No organization other than graduate student organizations funding a graduate student shall exceed one appropriations bill per event, research project, or conference, unless otherwise provided for or required by the ASNMSU Law Book.
- E. No individual shall exceed one (1) appropriations bill per event, research project, or conference, unless otherwise provided for or required by the ASNMSU Law Book.
- F. No funds will be allocated to any recognized student organization or Base Program sponsored function to which attendance would be denied to any student currently enrolled at NMSU.
- G. All funds allocated by ASNMSU shall follow NMSU's Business Procedures Manual. ASNMSU reserves the right to supervise and inspect all funds allocated by ASNMSU.
 - 1. For students/organizations traveling internationally, an "International Travel; Student International Travel Form" to the Finance Committee.
 - a. All forms will be due at twelve (12:00) pm the day before the committee meets or at the discretion of the Finance chair. Late International Travel Form submissions will be considered by the committee at the discretion of the chair.
 - b. The Finance Chair shall collect the forms after every meeting and forward them to the Comptroller.
- H. If any revenue is to be generated from the allocation of said funds, all monies generated shall revert to the ASNMSU Surplus Account thirty (30) days after such event, unless special circumstances indicate otherwise and as acknowledged in the appropriation act.
- I. Extrajudicial purchase has restrictions. The following items will be prohibited due to legal restrictions on ASNMSU allocations:
 - 1. Donations. Donations or gifts of any kind will be prohibited by ASNMSU. This includes cash awards to employees;
 - 2. Alcohol. No funds will be allocated for purchase or consumption of alcohol or liquor;
 - 3. Holiday decorations. ASNMSU will not allocate funds to clubs or organizations for holiday decorations;
 - 4. Athletic or entertainment events. ASNMSU will not reimburse clubs or organizations for the cost of tickets to athletic or entertainment events;
 - 5. Operating expenses will not include: external medications not in a first aid kit, coffee or refreshments, chamber of commerce dues, and personal care products not required for the conduct of university business.
- J. The ASNMSU Senate shall make appropriations only if a bill enters into first readings by the first regular meeting of the Senate following the return from the trip.
 - 1. If an appropriation is requested for any travel, as defined by Section 7-4-1, during the time when Senate is not in session, a bill for the organization may be introduced only if all of the following are met:
 - a. The bill is introduced into first readings no later than the second regular meeting of the Senate of the semester succeeding the trip;
 - b. The organization requesting the reimbursement understands and agrees that the summer or winter break travel funding may be treated as an appropriation for the following semester.
- K. The ASNMSU Senate shall not make appropriations for any reason to any College Council, club, organization, or base CHAPTER EIGHT: RULES OF SENATE

program recognized by New Mexico State University and the Associated Students of New Mexico State University to promote any person running for ASNMSU elected office.

- L. Appropriations made to the Comptroller's Maintenance Account shall not revert.
- M. All ASNMSU revenue and appropriated funds remaining in ASNMSU funded accounts shall revert to the ASNMSU Surplus Account each June 30th, unless otherwise prescribed by law.
- N. Trips with appropriated funds from the Spring Semester scheduled after June 15th, but before the first Senate meeting of the fall semester shall file reimbursement requests within thirty (30) days of returning or the funds will have forfeited.
- O. All Funding Rules identify the maximum amount that can be appropriated; but the amount actually appropriated is at the discretion of the Senate.
- P. Any bill which is making an appropriation that is introduced to the ASNMSU Senate and referred to the standing committees shall have a time limit placed upon it for which it can remain in the standing committees or Senate. Any bill, for any type of travel, shall be given six (6) working weeks from the date it is introduced in first reading to get to the Senate for second readings to be voted upon. Such a bill may be tabled in any committees for as long as the author desires so long as it reaches the Senate by the sixth week to be voted upon. If it stays in committees for any longer than six (6) working weeks it shall be automatically withdrawn. The bill shall be considered active during the time place upon it and shall be withdrawn automatically if it goes over the time placed upon it.
 - 1. The author of the appropriations bill shall inform the constituent(s) and provide a carbon copy to the chair of the committee by the Monday noon before the sixth week.
 - 2. Working weeks shall be weeks during which ASNMSU has senate or standing committee meetings.
 - 3. Should an appropriations bill remain in the standing committees for six (6) working weeks, be referred to the Senate floor, and then be referred back to committees, the bill shall have until the next regularly scheduled general senate meeting to return to the floor. If the bill does not return to the Senate floor by the next regularly scheduled general meeting, it shall be withdrawn automatically.

7-4. ASNMSU SENATE APPROPRIATION ACT

AN ACT ESTABLISHING THE ASNMSU SENATE APPROPRIATION REGULATIONS FOR CLUBS AND ORGANIZATIONS.

7-4-1. DEFINITIONS

- A. "Research Travel" means travel for groups or individuals for the express purpose of collecting research as approved by a faculty advisor, as well as for an honors thesis, master's thesis, or doctoral dissertation.
- B. "Conference Attendance Travel" means travel for groups or individuals for the express purpose of attending an academic, professional, leadership, humanitarian, community service, or national club conference without the intent to present research.
- C. "Conference Presentation Travel" means travel for groups or individuals for the express purpose of presenting previously conducted research at an academic conference to which they have been accepted.
- D. "Competition Travel" means travel for teams or individuals with the express purpose of competing for recognition, reward, or any other objective which distinguishes that team or individual from others; this competition must further the organization's objective.
- E. "Community Service Travel" means travel for the express purpose of promoting human welfare, or improving the quality of life of a community of human beings.
- F. "Humanitarian Travel" means travel for the express purpose of promoting human welfare only pertaining to active disaster areas as indicated by the Federal Emergency Management Agency (FEMA) or the United Nations (UN).
- G. "Operating Expenses" means those expenses that re-occur and are required for the normal functioning of the organization over the course of the academic year. Operating expenses shall not include funding for items or activities that are intended to improve something that is available to the general membership of ASNMSU, such as speakers and other service oriented activities.

- H. "Professional Workshops" means optional expenses relating to the academic development of an organization's members. Such expenses shall be appropriated only to conference presentation and conference attendance travel. Expenses shall only be considered professional workshops for attendance if they relate to the organization's purpose and for presentation if they contribute to the individual(s) research.
- I. "Application fee" means a mandatory, non-refundable fee paid to the entity or organization hosting an event for the purposes of applying to said event.
- J. "Journal Publication" mean the expenses relating to publishing a research article in a peer reviewed research journal.
- K. "Publication fee" is a fee which is charged to student researchers to publish their work either in an open access peer reviewed research journal or hybrid scientific journal.

7-4-2. PURPOSE OF ACT

To clarify and regulate the allocation of ASNMSU funds to NMSU student organizations.

7-4-3. MAIN PROVISIONS

- A. Funds may be allocated to any recognized student organization that requires its members to pay dues to fulfill any local or national mandate. ASNMSU funds cannot be used to pay these dues.
 - 1. ASNMSU funds may be used to fund for membership fee(s)provided such a fee brings down the cost of the registration fee for the trip being reimbursed, and the combined membership fee and registration fee is lower than the original non-member registration fee.
 - a. The Chair of the Senate Finance Committee shall verify that the combined membership fee and registration fee is lower than the original non-member registration fee.
- B. Funds may not be allocated to a Base Program under Section 7-5.
- C. Trips with multiple purposes as defined in 7-4-1-A through 7-4-1-F are required to draft separate subsections for each purpose.
- D. Any recognized organization requesting a Senate appropriation shall meet all of the following community service requirements:
 - 1. At least twenty-five percent (25%) of the organization's active members must complete four (4) hours each of community service for every three thousand dollars (\$3000) appropriated; two (2) hours must benefit the southern New Mexico community outside the NMSU campus and the other two (2) hours must particularly benefit the campus of NMSU per approved appropriation:
 - a. The excess community service will be saved until expiration (one year) for an ensuing appropriation request.
 - i. On-campus and off-campus excess community service will be treated in accordance with the formulation above however they will not be interchangeable and will remain in distinct reserves.
 - ii. If the average community service completed by individual members is less than one (1) hour, the community service will not be accepted as the on-campus or off-campus requirement.
 - iii. Events occurring from January 1 through June 15 will count towards the spring semester.
 - iv. Events occurring from June 16 through December 31 will count towards the fall semester.
 - Appropriations of up to four (4) students, have the option of fulfilling community service requirements in accordance with Section 7-4-3-D-1 or by each of the students seeking an appropriation completing five (5) hours of community service each for every three thousand (3000) appropriated. These community service hours may be completed on or off the NMSU campus;
 - 3. Each community service project shall occur within one (1) year prior to the appropriation request.
 - 4. A community service project form must be submitted to the Community Affairs chair before noon on the day before the committee meets at which legislation requesting funding is to be discussed. A late community service project

can be turned in at the discretion of the Chair of Community Affairs committee. If the day before the Community Affairs meeting shall fall on a Saturday, Sunday, or a university recognized holiday, the form shall be due the closest business day prior to the committee meeting. Failure to do so will result in immediate retention of the legislation. These community service projects shall be approved by the Community Affairs Committee before the appropriation request may enter second readings.

- E. The ASNMSU Senate shall not make appropriations for food, alcoholic and non-alcoholic beverages, banquets, gifts, favors, anything to be given away with monetary value, furniture, office equipment, computer software or computer hardware to any College Council, club, or organization recognized by New Mexico State University and the Associated Students of New Mexico State University.
 - 1. ASNMSU can fund food and non-alcoholic beverages in the event that the meals are included in the mandatory registration or program fee for conference, community service, or competition.
- F. The ASNMSU Senate shall make no appropriations for trips or other expenses of clubs, organizations, or teams which are not expressly prescribed in 7-4.
- G. The ASNMSU Senate shall only fund airfare of an amount not to exceed seventy percent (70%) of one thousand dollars (\$1000) for any individual.
- H. Funding for operating expenses (including teams) shall require thirty percent (30%) matching funds from the group requesting funding.
 - Decision as to whether or not an appropriation is for operating expenses shall be made by the ASNMSU Senate Rules Committee before the request for appropriation enters second readings if the purpose of the funding is not clear.
- I. The ASNMSU Senate shall make appropriations for Conference Attendance Travel according to the following procedures:
 - 1. The ASNMSU Senate may provide up to seventy percent (70%) of the total funds requested but no more than six thousand dollars (\$6000) to help defray the traveling expenses
 - 2. No more than eight (8) attendees shall receive reimbursement from the ASNMSU Senate for attending a conference.
 - 3. Organizations must submit proof to the chair of the Rules committee in the form of a letter from the organization's faculty advisor;
 - a. Letters must include at least: who is attending, what conference they are attending, where the conference is located, and the duration of the trip. Said letter must be on letterhead including contact information for the faculty or organization advisor.
 - 4. Workshops may be funded for no more than two (2) members of those attending the conference.
- J. The ASNMSU Senate shall make appropriations for Conference Presentation Travel according to the following procedures:
 - 1. The ASNMSU Senate may provide up to seventy percent (70%) of the total funds requested to help defray the traveling expenses for all student presenters at an academic conference;
 - 2. The number of participants shall be the presenters whom have been accepted to present research by the conference;
 - 3. Participants must submit proof to the chair of the Rules committee that the presenters are indeed presenting research at an academic conference; Proof shall be in the form of the acceptance letter from the academic conference or a conference program/agenda listing the Presenter(s)'s research and a letter from the faculty advisor.
 - a. Letters must include at least: who is attending, what conference they are attending, where the conference is located, and the duration of the trip. Said letter must be on letterhead including contact information for the faculty or organization advisor.
 - 4. Workshops may be funded for all students presenting research at a conference.

- K. The ASNMSU Senate shall make appropriations for Competitive Travel according to the following procedures:
 - 1. The ASNMSU Senate may provide up to seventy percent (70%) of the total funds requested to help defray the traveling expenses for all student competitors;
 - 2. The number of alternates for a team is limited to twenty percent (20%) of the minimum number of members required to participate in the competition. Teams who compete in physically strenuous activities, or in competitions where there is a strong likelihood of injury, may take alternates for no more than sixty percent (60%) of the minimum number of members required to participate in the competition.
 - 3. Organizations must submit proof to the chair of the Rules committee in the form of a letter from the organization's faculty advisor and proof of competition that may be in the form of a schedule or bracket. If the competition should have no schedule or bracket, the constituent may provide supplementary proof of competition, with the Rules Committee ultimately having the right to exercise discretion in accepting the provided supplementary proof of competition.
 - a. Advisor letters must include at least: who is competing, what competition they are attending, where the competition is located, and the duration of the trip. Said letter must be on letterhead including contact information for the faculty or organization advisor.
 - 4. The ASNMSU Senate may provide up to seventy (70%) of the total funds, but no more than \$17,000 per team, per fiscal year, requested to defray the competitive travel costs for any non-NCAA sponsored sporting team that is recognized by New Mexico State University but not considered a student organization.
 - a. Appropriations for these teams shall be subject to the ASNMSU Financial Procedures and regulations, being considered as appropriations for competitive travel in accordance with 7-4-3-K and shall be required to submit an advisor letter from their head coach in lieu of their advisor to comply with 7-4-3-K-3 and shall be required to provide proof of competition in accordance with 7-4-3-K-3.
 - b. The ASNMSU Senate shall appropriate no more than one hundred thousand dollars (\$100,000) to non-NCAA sponsored sporting teams in a single fiscal year. The Senate may continue to appropriate more than one-hundred thousand dollars (\$100,000) to non-NCAA sponsored sporting teams with a three-quarters (3/4) vote in the affirmative for final passage.
- L. The ASNMSU Senate shall make appropriations for Research Travel according to the following procedures:
 - 1. The ASNMSU Senate may provide up to seventy (70%) of the total funds requested to help defray the traveling expenses to conduct research;
 - 2. The number of participants will be limited to the people conducting research.
 - 3. Organizations must submit proof to the chair of the Rules committee in the form of a letter from the organization's faculty advisor.
 - a. Letters must include at least: who is conducting research, where the research is taking place, and the duration of the trip. Said letter must be on letterhead including contact information for the faculty or organization advisor.
 - 4. The Senate shall appropriate no more than one thousand five hundred dollars (\$1,500) per individual for the purpose of research travel in a single appropriation bill.
 - a. Research travel appropriations for research relating to an honors thesis, master's thesis, or doctoral dissertation shall not count against the cap established in 7-4-3-L-4.
 - b. Research travel appropriations shall not be allocated to individuals who will receive academic credit resulting from the travel, with the exception of travel related to an honors thesis, master's thesis, or a doctoral dissertation.
- M. The ASNMSU Senate shall make appropriations for Journal Publication according to the following procedures:
 - 1. The ASNMSU Senate may provide up to seventy (70%) of the total funds requested to help defray the "Publication fee" to publish research in a peer reviewed research journal;

- The ASNMSU member requesting such appropriations will require to be the primary author of the research article. The number of additional participants will be limited to the people conducting the research and are coauthors on the research article;
 - a. The ASNMSU Senate shall have the right to bypass 7-4-3-M-2 with a two-thirds (2/3) majority vote, thereby appropriating money for a journal publication for which the primary author is not an ASNMSU member.
- 3. Students must submit an advisor letter from the student's research advisor and the research article to the chair of the Credentials and Archives Committee;
 - a. Letters must include at least: who is conducting the research, where the research is being published, and the cost of the publication. Said letter must be on letterhead including contact information for the faculty or research advisor;
- 4. The Senate shall appropriate no more than one thousand five hundred dollars (\$1500) per individual for the purpose of Journal Publication in a single appropriation bill;
- 5. The ASNMSU Senate shall make appropriations to Journal Publications only of the bill enters into First Readings by the seconds regular meeting of the senate following the proof of payment.
 - a. The deadline mentioned in section 7-4-3-MN-5 shall take into effect from July 1, 2020.
- N. The ASNMSU Senate shall make appropriations for Community Service Travel according to the following procedures:
 - 1. The ASNMSU Senate may provide up to seventy percent (70%) of the total funds requested to defray traveling expenses;
 - a. The ASNMSU Senate may fund for application fees for Community Service Travel;
 - i. The application fee shall not be the sole line item on the bill and the student must complete the community service activity;
 - 2. The number of participants shall be limited to those performing community service;
 - Organizations must submit proof to the chair of the Rules committee in the form of a letter from the organization's advisor;
 - a. Letters must include at least: who is performing community service, where the community service is taking place, and the duration of the trip. Said letter must be on letterhead including contact information for the faculty or organization advisor;
- O. The ASNMSU Senate shall make appropriations for Humanitarian Service Travel according to the following procedures:
 - 1. The ASNMSU Senate may provide up to eighty percent (80%) of the total funds requested to defray the traveling expenses for Humanitarian Service Travel;
 - 2. The number of participants shall be limited to those necessary for performing Humanitarian service;
 - 3. Organizations must submit proof to the chair of the Rules committee in the form of a letter from the organization's advisor and proof of the active FEMA or United Nations declaration.
 - a. Letters must include at least: who is performing Humanitarian service, where the Humanitarian service is taking place, and the duration of the trip. Said letter must be on letterhead including contact information for the faculty or organization advisor.
- P. The ASNMSU Senate shall make appropriations for student organizations recognized by New Mexico State University to fund for conferences, renowned public speakers and presenters, seminars, and workshops.
 - 1. The ASNMSU Senate may provide up to seventy percent (70%) of the total funds requested to defray the cost of travel expenses, lodging, venue costs, and booking fees or six thousand dollars (\$6000), whichever is less.
 - 2. All student organizations requesting funds for such an event will be required to present a petition with no less than

two hundred (200) undergraduate or graduate student signatures and Aggie ID number and a letter from the organization advisor presented to the Rules committee.

- a. Letters must include at least: who is speaking, where the event is taking place, and the duration of the event. Said letter must be on letterhead including contact information for the faculty or organization advisor.
- 3. If a similar event has already received appropriations from the ASNMSU Senate in an academic year, the event cannot be funded.
- 4. All events must be free to members of ASNMSU.
- 5. Organizations cannot ask for funding for conferences, renowned public speakers and presenters, seminars, and workshops events more than one (1) time in an academic year.
- 6. Any organization that receives this sponsorship must list ASNMSU as a sponsor with an inclusion of the ASNMSU Logo for that specific event.
- Q. For any legislation introduced that is under the Recommended Expenditure per person, for its type of travel, the ASNMSU Senate shall vote on the final passage of the bill by simple majority. If a bill is higher than the Recommended Expenditure per person, for its type of travel, the final passage of the bill shall be determined by a two-thirds (2/3) vote. Should the senate have appropriated fifteen percent (15%) of the Surplus Account balance minus seventy-five thousand dollars (\$75,000) during the fall semester or thirty percent (30%) of the Surplus Account balance minus seventy-five (\$75,000) during the spring semester, as referenced in Section 8-13 of the Rules of the Senate, any subsequent bills that are voted upon during the remainder of the semester that have a higher cost per individual than the Recommended Expenditures shall have their final passage determined by a three-quarters vote (3/4).
 - 1. The Recommended Expenditures per person for legislation are as follows;
 - a. Conference Attendance: nine hundred dollars (\$900)
 - b. Conference Presentation: one thousand dollars (\$1000)
 - c. Research: one thousand dollars (\$1000)
 - d. Competition: one thousand dollars (\$1000)
 - e. Community Service: one thousand two hundred dollars (\$1200)
 - f. Humanitarian: No Recommendation
 - g. Publication: one thousand dollars (\$1000)
 - 2. It shall be the responsibility of the Finance committee to determine whether a bill is over its average cost per person, for its type of travel, and make a note of it in the traveling notebook.

7-5. BASE PROGRAMS ACT

AN ACT CREATING ASNMSU BASE PROGRAMS AND REGULATING THEIR SPENDING.

7-5-1. DEFINITION

"Base Programs" are those which facilitate the operation of ASNMSU and are budgeted for in the General Appropriations Act.

7-5-2. MEMBERSHIP

ASNMSU Base Programs are: ASNMSU Departments and all college councils.

7-5-3. PURPOSE OF ACT

To clarify and regulate the allocation of ASNMSU funds to Base Programs.

7-5-4. MAIN PROVISIONS

A. ASNMSU Base Programs are not subject to section 7-4.

B. The maximum amount of the General Appropriations Act for the next fiscal year shall be no higher than the actual income from the Summer Session II, Fall, and Spring student fee allocation for the current fiscal year. Allocation adjustments to student fees during the respective time periods shall also be considered.

- C. Only Base Programs and Surplus Account Repayments shall be budgeted for in the General Appropriations Act.
- D. General Appropriations Act Operating Procedures:
 - 1. The General Appropriations Act is an itemized summary of estimated or intended expenditures for a given period, with proposals for financing;
 - 2. ASNMSU is an NMSU Department and in its operations will follow the NMSU Accounting Procedures, the NMSU Business Procedures Manual, and the State of New Mexico Purchasing Guidelines;
 - 3. Base programs cannot spend in excess of the total appropriation to the program in the General Appropriations Act;
 - 4. If any Base Program Account ends the year in deficit, the amount of the deficit must be repaid to the Surplus Account out of the next fiscal year's budget.
 - 5. Comptroller Authority:
 - a. The Comptroller is allowed to manage the General Appropriations Act according to these legal procedures;
 - b. The Comptroller is allowed to maintain and update Base Programs directors on their financial status;
 - c. The Comptroller is authorized to divert funds up to forty percent (40%) within specific Base Programs during a fiscal year between line items in order to keep the programs financially viable, with the majority vote approval of the Senate Finance Committee;
 - d. The Comptroller must report any diverted funds in a report to the ASNMSU President, the ASNMSU Fiscal Advisor and the Chair of the ASNMSU Senate Finance Committee and this report is to be kept on file until the next General Appropriations Act is in effect;
 - e. The Comptroller can only divert funds between different Base Programs, not to exceed twenty percent (20%) within a fiscal year, with the majority vote approval of the Senate Finance Committee.
 - 6. Extra Base Program Funding. Base programs are permitted to approach the Senate for funding outside of the General Appropriation Act in the form of a bill. Funding will be provided by the Surplus Account.
 - 7. If Base Programs require travel appropriations in addition to the General Appropriation Act, they must follow these guidelines:
 - a. Conference travel for Base Program operations will only be allowed according to the following:
 - i. The number of participants attending a conference will be limited to a maximum of two (2) individuals;
 - ii. Appropriations for conference travel to a Base Program will only be made once per year;
 - iii. Participants must be presenting, participating in a sponsored round-table, or attending for a specific panel or component of the conference. This reason must be given in the rationale of the bill;
 - iv. Upon returning within one (1) month from their conference the program must report to the Senate on their learning experiences.
 - b. All Base Programs who are to receive funds from the ASNMSU Senate for travel purposes will have their bills introduced and passed before they use any student fees for purchasing items needed for the aforementioned travel, unless special circumstances indicate otherwise and as acknowledged in the Appropriation Act.
- E. Proposed budgets for each Base Program shall be presented to the Finance Board and the Senate Budget Committee prior to the introduction of the General Appropriations Act into first readings.
- F. The College Councils may request, in the form of a bill, a maximum of one thousand dollars (\$1000) each academic year, or five hundred (\$500) per semester to support council events on campus as a base program.

7-6. OFFENSES AND ENFORCEMENT ACT

7-6-1. IRREGULARITIES

The ASNMSU Comptroller is empowered to:

- A. Verify the availability of the organization's matching funds as prescribed by law;
- B. Not allow any money to be transferred to organizational accounts until the prescribed matching funds are available;
- C. Verify that the appropriated monies were spent in the manner set forth by the appropriation request, including the General Appropriations Act;
- D. Find that expenditure irregularities exist and inform the Attorney General and the Chair of Senate Finance Committee, who will then investigate the irregularity.

7-6-2. OFFENSES

- A. Violation of any portion of the financial procedures of ASNMSU.
- B. Any appropriated funds which have been expended for purposes other than the approved line items.
- C. Fraud:
 - 1. Accepting ASNMSU Senate appropriation without possessing the previously described matching funds;
 - 2. Reporting false statements to ASNMSU or its officers with intent to defraud.
 - 3. Fraudulent signing of vouchers or financial reports concerning requests of any ASNMSU funds by either ASNMSU personnel or the requesting body.

7-6-3. PUNISHMENT

- A. For clubs or organizations, the following shall be permitted:
 - 1. Impoundment of funds;
 - 2. Loss of ASNMSU funding for one (1) year after citing of offense by resolution passed through the Senate;
 - 3. Censure.
- B. For Base Programs, the following shall be permitted:
 - 1. Impeachment;
 - 2. Censure;
 - 3. Senate Finance Committee can audit the Base Program;
 - 4. Impoundment of funds;
 - 5. No Senate funding, excluding the GAA, can be appropriated to the Base Program for one (1) year after citing of offense by resolution passed through the Senate.
- C. For the Comptroller, the following shall be permitted:
 - 1. Impeachment;
 - 2. Censure.

7-6-4. ENFORCEMENT

- A. Any alleged infraction can be brought forward by any party within ASNMSU and directed to the Attorney General.
- B. The Attorney General will be invested with sole investigation responsibility.
- C. The Attorney General is instructed to write an opinion within forty-eight (48) hours to be given to the ASNMSU

President and the chairs of all Senate committees.

- D. Proper penalty should be determined based upon the Attorney General's investigation and by the Senate and implemented through the following procedures:
 - 1. Impeachment must follow the specific guidelines established for the specific office;
 - 2. Censure is to be passed by a resolution outlining the specific violation and passed by two-thirds (2/3) of the Senate;
 - 3. Impoundment of funds shall be passed by the Senate through resolution with two-thirds (2/3) vote and shall be implemented by the Comptroller;
 - 4. Loss of funding shall be passed by resolution of the Senate by resolution with two-thirds (2/3) vote.
- E. If it is not during the regular scholastic year, the Attorney General's office shall write an opinion and the matter will be dealt with by the Judicial Branch of ASNMSU.

7-6-5. SENATE MAY OVERRIDE

The Senate may, upon a three-quarter (3/4) majority vote, override any provision of Chapter 7-6.

7-6-6. REGULATION OF PRESIDENTIAL POWER TO COMMIT ASNMSU FUNDS

The ASNMSU President shall not unilaterally commit ASNMSU funds to any entity without first receiving approval from the ASNMSU Senate, unless as prescribed by ASNMSU Law.

- A. During meetings of the Student Fee Review Board, the ASNMSU President may negotiate on behalf of ASNMSU in determining ASNMSU funding and may commit potential funding to entities on behalf of ASNMSU if they deem it in the interest of ASNMSU. The ASNMSU President shall not commit ASNMSU funds exceeding ten percent (10%) of the Surplus account balance as of July 1 of the current fiscal year to any entity under any circumstances.
 - 5. The ASNMSU Senate may pre-clear the ASNMSU President to commit more than ten percent (10%) of the July 1 Surplus account balance with a three-quarters (34) vote.
- B. During times when the Senate is in session, the ASNMSU President shall not commit ASNMSU funds to any entity as part of negotiations of the Student Fee Review Board without sending written or verbal notification to the Senate Representative on the Student Fee Review Board and the Chair of the Senate Finance Committee.
- C. Should the Senate be in recess, the ASNMSU President shall not commit ASNMSU funds to any entity, under any circumstances, without first sending written or verbal notification to the ASNMSU Vice President and the President Pro Tempore of the ASNMSU Senate.

7-7. CLUB ENDOWMENT ACT

ESTABLISHING PROCEDURES FOR MAINTAINING A CLUB ENDOWMENT AND A SEPARATE CLUBACCOUNT.

7-7-1. PURPOSE OF ACT

The Club Endowment is established to provide stable funding for recognized organizations. The income earned from this endowment is to be allocated to recognized organizations to provide consistent funding for them regardless of the financial status of ASNMSU.

7-7-2. DEPOSITS

Shall be read in accordance to section 7-1-1.

7-7-3. ENDOWMENT MANAGEMENT

The Club Endowment shall be a permanently endowed fund of the NMSU Foundation. The principal shall be invested and reinvested in a common investment trust fund for endowments in accordance with the investment policies of the NMSU Foundation. The principal cannot be removed without an act of the ASNMSU Senate and Board of Regents approval. Income earned from the Club Endowment shall annually be transferred to the Club Account in the Treasury Services Office according to the policy of the NMSU Foundation. The ASNMSU Comptroller shall be responsible for reporting the balance on the Club Endowment as well as the interest generated from this account.

7-7-4. WITHDRAWALS

The ASNMSU Senate, by a simple majority, may withdraw funds from the Club Account for recognized organizations. This shall be done through the normal appropriations process.

7-7-5. TRANSFERS

The ASNMSU Senate, by a three-quarters (3/4) vote, may transfer money out of the Club Account to the Surplus Account, providing the July 1 balance of the Club Account is a minimum of twenty thousand dollars (\$20,000). An amount no greater than the July 1 balance minus twenty thousand dollars (\$20,000) can be transferred. This account must be used to support Student Organizations. However, unless the surplus account drops to seventy-five thousand dollars (\$75,000), the club endowment fund must maintain a minimum balance of one hundred sixty-five thousand dollars (\$165,000). This shall be done through normal appropriation methods.

7-7-6. RATIONALE

The establishment of a club endowment and a separate club account will prevent ASNMSU from repeating the problems of 1988-89. During that year, clubs were given no direct allocations from the Senate beyond those funds awarded to the college councils in the general appropriations act. By establishing this endowment, ASNMSU will allow for the growth of both base programs and club funding. As the yield grows from the endowment, clubs will have enough funds to fulfill their potential of being a dynamic force on campus.

7-8. ASNMSU SURPLUS ACCOUNT MINIMUM BALANCE ACT

7-8-1. PURPOSE OF ACT

The purpose of the ASNMSU Surplus Account Minimum Balance Act is to assure that a minimum amount of monies will be kept in the account at all times so as to provide monies for use by ASNMSU should situations such as those outlined in the Insufficient Revenue Section of the ASNMSU Law Book occur.

7-8-2. ESTABLISHMENT OF BEGINNING BALANCE

Seventy-five thousand dollars (\$75,000) shall be the ASNMSU Surplus Account Minimum Balance.

7-8-3. USE OF MINIMUM BALANCE

The ASNMSU Surplus Account Minimum Balance of seventy-five thousand dollars (\$75,000) shall not be made available to any ASNMSU or NMSU department, branch, service or function other than for the prescribed use outlined in the Insufficient Revenue Section 7-2-4 of the ASNMSU Law Book.

7-8-4. REPLENISHMENT OF SURPLUS ACCOUNT MINIMUM BALANCE

If, after implementation of NMSU procedures, the ASNMSU Surplus Account Minimum Balance should fall below the minimum balance level of seventy-five thousand dollars (\$75,000.00) the return to the minimum balance level shall be accomplished by:

- A. Use of any excess monies in the ASNMSU Club Endowment Account;
- B. The decreasing of the forthcoming fiscal year's ASNMSU General Appropriations Act by an amount equal to the deficit.

7-8-5. EXEMPTIONS

The ASNMSU Surplus Account Minimum Balance Act is hereby exempted from Sections 7-2-4 and 7-2-5 of the ASNMSU Law Book

7-8-6. AMENDMENTS

Amendments to the ASNMSU Surplus Account Minimum Balance Act may be made only after the following requirements have been met:

- A. The ASNMSU Senate shall be informed, in writing, two (2) weeks prior to the introduction of any motion to propose amendments to the ASNMSU Surplus Account Minimum Balance Act;
- B. The ASNMSU Senate shall, before allowing the introduction of any legislation that proposes amendments to the ASNMSU Surplus Account Minimum Balance Act, vote on the motion to allow such legislation to be introduced. (The vote on the motion to allow the introduction of such legislation shall be no less than three-quarters (3/4) in the affirmative);
- C. The motion to allow the introduction of amendatory legislation to the ASNMSU Surplus Account Minimum Balance Act has been introduced and passed by the ASNMSU Senate at the previous, regularly scheduled ASNMSU Senate meeting.

7-9. ASNMSU CARDINAL ACCOUNT ACT

7-9-1. PURPOSE

The ASNMSU Cardinal Account shall be used to fund major nonrecurring purchases of equipment and other permanent, special projects for the ASNMSU Base Programs and other similar groups that potentially affect all students.

7-9-2. DEPOSITS

Shall be read in accordance to section 7-1-1.

7-9-3. WITHDRAWALS

The ASNMSU Senate, by a simple majority, may withdraw funds from the ASNMSU Cardinal Account for specific one (1) time projects. This shall be done through the normal appropriations process.

7-9-4. TRANSFERS

The ASNMSU Senate, by a three-quarters (3/4) vote, may transfer money out of the ASNMSU Cardinal Account to the Surplus Account, providing that the July 1st balance of the ASNMSU Cardinal Account is a minimum of fifty thousand dollars (\$50,000).

7-9-5. FLOOR OF ACCOUNT

A floor for the account shall be set at thirty-thousand dollars (\$30,000). The ASNMSU Senate shall not appropriate or transfer money out of the ASNMSU Cardinal Account which will bring the balance on the account before June 30th below this amount.

7-9-6. INTEREST

Any interest earned from the ASNMSU Cardinal Account shall be deposited in the ASNMSU Cardinal Account.

7-10. COMPTROLLER MAINTENANCE ACCOUNT ACT

- A. A continuous maintenance account is established.
- B. Appropriations made for maintenance in the General Appropriations Act will be deposited into the continuous maintenance account.
- C. The Comptroller may spend money from this account for the purposes of maintenance and capital asset purchases. If the expenditure for maintenance is more than one thousand dollars (\$1,000), or if the expenditure from capital asset purchases is more than five hundred dollars (\$500), then the Comptroller must get Senate approval, in the form of a bill, except during the summer when the Comptroller must get the approval of the Finance Board.
- D. Interest from the continuous maintenance account shall be deposited in the continuous maintenance account.

7-11. COLLEGE COUNCIL FUNDING ACT

AN ACT ESTABLISHING COLLEGE COUNCIL FUNDING PROCEDURES.

7-11-1. PURPOSE OF ACT

The purpose of funding the college councils is:

- A. To encourage recognized organizations to participate in college council activities;
- B. To organize events which aid the students and organizations of the respective colleges;
- C. To send representatives to ASNMSU Boards and Committees as stipulated in the law book;
- D. To streamline funding procedures for very small expenditures.

7-11-2. DEFINITIONS

- A. As used in the Council Funding Act, the following formula will be utilized to generate appropriations to Councils:
 - 1. $CCF = ACT/TCO \times (.035 \times ATI);$
 - 2. "CCF" means the amount funded per year to a college council from the General Appropriation Act.
 - 3. "ACT" means the number of recognized organizations that are represented in a college council and active in its activities;
 - 4. "TCO" means the number of recognized organizations within all college councils;

- 5. "ATI" means the actual total income for the fiscal year before the year affected by the GAA in question.
- B. The College Councils figured into the College Councils Funding Act are:
 - 1. Agricultural, Consumer, and Environmental Sciences;
 - 2. Arts and Sciences;
 - 3. Business;
 - 4. Graduate;
 - 5. Education;
 - 6. Engineering;
 - 7. Health and Social Services.
- C. The Graduate Student Council is exempt from provisions outlined by sections 7-11-3-E and will not receive funding through 7-11-2-A. The Graduate Student Council will receive no fewer than one thousand dollars (\$1,000) per active organization for council expenditures and ten thousand dollars (\$10,000) for the Graduate School Research and Arts Symposium. The Graduate Student Council is considered a base program pursuant to Base Programs Act (7-5).

7-11-3. MAIN PROVISIONS

- A. College Council Presidents will submit a list of recognized organizations within the Council to President Pro Tempore, no later than the fourth week of the spring semester. President Pro Tempore shall verify with the Student Organizations and Programming (SOAP) Office, individual organization's funding eligibility and submit findings to the Finance Board.
- B. The Finance Board will determine appropriation amounts based on the formula.
- C. College Council Presidents and Treasurers will be required to attend an ASNMSU Financial Procedures workshop each semester.
- D. College Councils may request additional funding for its organizations in accordance with 7-5.
- E. College Councils shall not appropriate more than five hundred dollars (\$500) of ASNMSU monies to each recognized organization within the council.
- F. All monies must be appropriated in accordance with NMSU regulations and ASNMSU laws.

7-12. ASNMSU SPECIAL EVENTS ACCOUNT ACT

Establishing a reverting account to provide a readily available fund for the purpose of providing special events and concerts at New Mexico State University

- A. Any money set aside for the issue of Special Events shall be deposited into the ASNMSU Special Events Account. The remaining balance at the end of the fiscal year shall not revert to the ASNMSU Surplus Account, but shall be continuous.
- B. Funds in the Special Events Account shall be appropriated by the Senate through normal appropriations methods. In an effort to maintain these funds specifically for Special Events and concert purposes, any alternative use of the funds shall require a three-quarters (3/4) vote of the Senate.
- C. After reaching one hundred thousand dollars (\$100,000) in the ASNMSU concert account, allocation of funds in line 6100 of the GAA will cease. In the event that the ASNMSU concert account goes below one hundred thousand dollars (\$100,000), Special Events may request funds in line 6100 of the GAA, not to exceed one hundred thousand dollars (\$100,000).

7-13. INTEREST

All ASNMSU funds shall earn interest, compounded monthly, based on cash balances, at the rate that University investments earn.

7-14. SUSPENSION

The ASNMSU Senate may suspend any portion of Chapter 7 with a three-quarters (3/4) majority vote.

7-15. INVALIDITY

If any portion of Chapter 7 (Financial Operations Act) is found invalid by the ASNMSU Supreme Court, only that portion of Chapter 7 will be considered invalid.

7-16. AMENDMENTS

Amendments to the ASNMSU Financial Operations may be made by a simple majority of the ASNMSU Senate in the Form of a legislative bill.

- A. The Chief Senate Clerk shall make available copies of the above amendments to the ASNMSU Chief of Staff immediately after it becomes law.
- B. The Chief of Staff shall inform the Executive Directors, Attorney General, or the Comptroller of the above amendments during weekly staff meeting.

8. RULES OF THE SENATE

8-1.OFFICER DUTIES

The ASNMSU Vice President shall be the President of the Senate, but shall vote only when the Senate is equally divided. The other officers of the Senate shall be President Pro Tempore, Parliamentarian, Chief Senate Clerk, Deputy Senate Clerk, Sergeant-at-Arms and such other clerical help and employees as deemed necessary by the Senate. Compensation for these employees of the Senate shall be fixed by the Senate at the beginning of each session. All such officers and employees shall serve at the pleasure of the Senate except when otherwise provided by the Constitution. The Parliamentarian may not be elected to or assume the duties of the presiding officer of the Senate.

8-2. DUTIES OF THE VICE PRESIDENT

- A. The Vice President shall preserve order and decorum. In case of disturbance or disorderly conduct in the lobby or galleries, the Vice President may cause the same to be cleared. The Vice President shall sign all process directed to the Sergeant-at-Arms of the Senate and issue by order of the Senate or by order of the Vice President's motion in the performance of the Vice President's duties prescribed by law or rule. The Vice President shall decide all questions of order, subject to the Senate.
- B. It shall be the duty of the Vice President to faithfully and adequately perform the following:
 - 1. Have extensive knowledge of the latest edition of Roberts Rules of Order and the ASNMSU Law Book.
 - 2. Schedule at least six (6) Senate meetings per semester for the entirety of the Vice President's elected term by June 5 of each academic year.
 - 3. Schedule all standing committee meetings for the entirety of the Vice President's elected term by June 5 of each academic year.
 - 4. Inform all senators and executive members of ASNMSU of scheduled Senate and standing committee meetings by July 1 of each academic year according to Section 8-9-A-3.
 - 5. Assign one (1) senator per standing committee to serve as Chair of each standing committee by July 1 of each academic year according to Section 8-10-B-2.
 - a. If an appointed chair resigns from the position, the vice chair shall immediately become the interim chair until the Vice President decides upon a replacement.
 - 6. Assign each senator to serve on a standing committee by August 1prior to the fall semester and January 1 prior to the spring semester according to Section 8-9-K-1.
 - 7. Inform all senators of their assigned standing committee appointment by August 1 of each academic year.
 - a. If a senator must resign from his/her appointed committee, the Vice President must assign the senator to another standing committee.
 - 8. Be responsible for calling an Emergency Session of the Senate according to Section 4-1-6.
 - 9. Schedule the ASNMSU Fall and Spring Retreat according to Section 4-4.
 - 10. Be responsible for ensuring that each Senate Special Committee has an appointed senator for the entirety of the Vice President's elected term.
 - 11. Assign points to senators via the Point System according to Section 8-9-K.
 - 12. Attend meetings as assigned by the ASNMSU President.
 - 13. Serve as the Chair of the Committee of Committees as prescribed by Section 8-10-A.
 - 14. Create a Vice President Transition Manual for the purposes of training the newly elected Vice President no later than two (2) weeks before the current Vice President's term has ended.

- 15. Serve as an ex-officio member on the Council of Councils
- 16. Serve as the vice-chair of the Continuing Diversity Board in accordance with section 6-1-2.

8-2-1. QUALIFICATIONS OF THE VICE PRESIDENT

- A. Applicants for the position of the ASNMSU Vice President shall be members of ASNMSU.
- B. Applicants for the position of the ASNMSU Vice President shall have been members of ASNMSU for the fall or spring semester prior to their election.
- C. Applicants for the position of the ASNMSU Vice President shall not be in either academic or disciplinary probation
- D. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for work in the position of Vice President.
- E. Once elected to the office of the ASNMSU Vice President, the individual shall maintain a semester GPA of at least 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by the ASNMSU President.
- F. The ASNMSU Vice President will be subject to the academic and disciplinary requirements throughout the entire term of office.
- G. While working in the position, ASNMSU Vice President shall be a member of ASNMSU.

8-3. DUTIES OF THE PRESIDENT PRO TEMPORE

- A. The President Pro Tempore shall be elected by the Senate to serve as an officer of the Senate. Whenever the President of the Senate is not in the chair, the President Pro Tempore, or a senator designated by the President Pro Tempore shall preside and shall be with all the powers and duties conferred by these rules upon the President of the Senate.
- B. It shall be the duty of the President Pro Tempore to faithfully and adequately perform the following:
 - 1. Have extensive knowledge of the latest edition of Robert's Rules of Order and the ASNMSU Law Book.
 - 2. Serve as the Presiding Officer of the Senate in the place of the President of the Senate's absence.
 - 3. Preside over the impeachment proceedings for the ASNMSU Vice President, should the event arise, according to 3-3-2-D.
 - 4. Serve as an ex-officio member of the ASNMSU Council of Councils.
 - 5. Serve on the ASNMSU Finance Board according to 4-6-2.
 - 6. Serve on the Senate Budget Committee according to 4-7-2.
 - 7. Serve as a voting member in the ASNMSU Law Book Committee according to 4-8-2-A-2.
 - 8. Gather lists of recognized organizations from college council presidents no later than the fourth week of the spring semester according to 7-11-3.
 - a. Verify these organizations with Campus Activities prior to submitting the list to the ASNMSU Finance Board according to 7-11-3.
 - 9. Preside over Committee of the Whole.
 - 10. Maintain exclusive control over the use of all electronic and public address equipment installed in the Senate Chamber according to 8-16-D.
 - 11. Serve on the Senate Committee of Committees.
 - 12. Be an ex officio member of the ASNMSU Appropriations Board.
 - 13. Create and maintain a transition manual for the position.

8-4. CHIEFSENATE CLERK

8-4-1. APPOINTMENT OF THE CHIEF SENATE CLERK

The Chief Senate Clerk appointed by the ASNMSU Vice President and approved by the Senate shall be the official custodian of all bills, documents, paper writing, and all other records of the Senate. The Clerk shall be entitled to the possession thereof and shall not allow any record, paper or document of any kind to be taken from the Clerk's desk or out of the Clerk's custody by any person except the chair or vice chair of the committee to which the same has been referred.

8-4-2. QUALIFICATIONS OF THE CHIEF SENATE CLERK

- A. Applicants for the position of the ASNMSU Chief Senate shall have been members of the ASNMSU for the fall or spring semester prior to their appointment taking effect.
- B. Preference in selection of the ASNMSU Chief Senate Clerk should be given to those individuals who are familiar with or have been regularly subject to the daily operations of the ASNMSU Senate.
- C. Applicants for the position of the ASNMSU Chief Senate Clerk shall not be in either academic or disciplinary probation
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for work in the position of the ASNMSU Chief Senate Clerk.
 - 2. Once appointed to the office of the ASNMSU Chief Senate Clerk, the individual shall maintain a semester GPA of at least 2.0. Failure to maintain the semester GPA will result in immediate dismissal from office by the ASNMSU Vice President.
 - 3. The ASNMSU Chief Senate Clerk will be subject to the academic and disciplinary requirements throughout the entire term of office.
 - 4. While working in the position, the ASNMSU Chief Senate Clerk shall be a member of ASNMSU.

8-4-3. DUTIES AND RESPONSIBILITIES OF THE CHIEF SENATE CLERK

It shall be the duty of the Chief Senate Clerk for the Senate to:

- A. Attend every session, call roll and make record of the Senators present, absent, or excused as provided by rule;
- B. Read all bills, amendments, resolutions, and all papers ordered to be read by the Senate or by the presiding officer;
- C. Prepare and furnish each member with a copy of the daily agenda which shall include all bills upon the general order, all bills upon the third reading, and such other matters as may be required by these rules; and to see that all bills and general or special orders shall be acted upon by the Senate in the order in which they were reported and stand upon the calendar, unless otherwise ordered by a majority vote of the Senate;
- D. Insert the correct referred to date on all legislation which will be the day that legislation has entered First Readings;
- E. Supervise all copying and work to be done for the Senate;
- F. Transmit, subject to the Rules of the Senate, to the ASNMSU President, all bills, resolutions, and memorials which have passed the Senate; before doing so, the Chief Senate Clerk shall certify at the foot thereof the fact and date of passage and the vote y which it passed;
- G. Make available a sheet showing by number the bills pending before each standing committee; by Friday of each week publish for distribution to each member of the Senate and to the student publications a schedule for the succeeding week of all Senate committee hearings; the schedule shall show by number and the short title the bills to be heard, the committee which will conduct the hearing and the time, date and place of the hearing;
- H. Prepare a list showing the status of legislation either on the President's table or in committee at the time of final adjournment; this list hall be included in the Journal and;
- I. Attend emergency meetings;
- J. Perform any other duty required by these rule or required by the Senate of the Vice President.
- K. Create and maintain a transition manual for the position.

8-4-4. SALARY LIMIT FOR THE CHIEF SENATE CLERK

The ASNMSU Chief Senate Clerk shall receive compensation not to exceed the wage determined by the General Appropriations ACT (GAA) (as allowed by Title 29 of the U.S. code) plus the ASNMSU wage adjustment factor for a .5 Full-time Equivalent while performing the duties of the Chief Senate Clerk.

8-5. DEPUTY SENATE CLERK

8-5-1. APPOINTMENT OF THE DEPUTY SENATE CLERK

The Deputy Senate Clerk shall be appointed by the Chief Senate Clerk and confirmed by the Senate. The Deputy Senate Clerk Shall be the official officer custodian of Senate meeting minutes, Standing Committee meeting minutes.

8-5-2. QUALIFIACTIONS OF THE DEPUTY SENATE CLERK

The Chief Senate Clerk shall post with the announcement of position vacancy, those qualifications necessary for the office of Deputy Senate Clerk.

- A. Applicants for the position of Deputy Senate Clerk shall be members of ASNMSU.
- B. Applicants for the position of Deputy Senate Clerk shall have been members of ASNMSU for the fall or spring semester prior to their appointment taking effect
- C. Preference in selection of the Deputy Senate Clerk should be given to those individuals who are familiar with or have been regularly subject to the daily operations of the ASNMSU Senate
- D. Applicants for the position of Deputy Senate Clerk shall not be in either academic or disciplinary probation
 - 1. Waivers on academic progress or waivers on GPA will not be permitted in order to allow the individual to apply for work in the position of Deputy Senate Clerk.
 - 2. Applicants for the position of Deputy Senate Clerk must maintain a semester GPA of at least 2.0. Failure to maintain the semester GPS will result in immediate dismissal from office by the ASNMSU Vice President.
 - 3. The Deputy Senate Clerk will be Subject to the academic and disciplinary requirements throughout the entire term of their office.

8-5-3. DUTIES AND RESPPONSIBILITIES OF THE DEPUT SENATE CLERK

It shall be the duty of the Deputy Senate Clerk to:

- 1. Attend all Session meetings;
- 2. Attend all Standing Committee meetings;
- 3. Attend any other special Senate or Committee meetings;
- 4. Take minutes at every Senate, Special, or Committee meetings;
- 5. Keep correct journal of the proceedings of the Senate record in full;
- 6. Update and publish all minutes;
- 7. File and make available all voting records taken during and meeting of the ASNMSU Senate in electronic and/or hard copy;
- 8. Assist the Chief Senate Clerk in any way the they deem necessary to maintain the order, intergrety, and organization of the ASNMSU Senate and;
- 9. Assume the duties of the Chief Senate Clerk in the event that the Chief Senate Clerk is absent or unable the perform their duties and;
- 10. Create and maintain a transition manual for the position.
- 11. Attend emergency meetings.

8-5-4. SALARY LIMIT FOR THE DEPUT SENATE CLERK

The ASNMSU Deputy Senate Clerk shall receive compensation not to exceed the wage determined by the General Appropriations Act (GAA) (as allowed by Title 29 of the U.S. code) plus the ASNMSU wage adjustment factor for a .375 Full-time Equivalent while performing the duties of the Deputy Senate Clerk.

8-6. SERGEANT-AT-ARMS

- A. The Sergeant-at-Arms shall be elected by the Senate.
- B. It shall be the duty of the Sergeant-at-Arms to faithfully and adequately perform the following:
 - 1. The Sergeant-at-Arms, except when absent in the discharge of the Sergeant-at-Arms duties, shall be in constant attendance upon the session of the Senate and, under the direction of the President, aid in enforcing order on the

floor of the Senate and in the rooms adjoining the Senate Chamber, and also see that no person remains on the floor unless entitled to the privileges of the same.

- 2. The Sergeant-at-Arms, in a manner consistent with the United States Flag Code 4 USC Ch. 1, shall present the national flag of the United States of America and the flag of the state of New Mexico to the senate prior to the meeting.
- 3. In addition, the Sergeant-at-Arms shall keep and maintain said flags during and after senate meetings and properly dispose of, when necessary, in a manner consistent with 4 USC Ch. 1 Section 8.
- 4. The Sergeant-at-Arms shall verify the names of the Open Forum Log and cross-reference those names with those speakers in attendance fifteen (15) minutes prior to the scheduled start of the meeting, verify attendance and identification during a recess or any other significant interruption of the Senate's order of business, and allow the speaker to proceed once the speaker has been recognized by the Chair.
- 5. The Sergeant-at-Arms shall have control of the Open Forum Log public address system, when used, and shall use their discretion in situations not directly addressed in 8-17 under the Rules of the Senate.
- 6. The Sergeant-at-Arms shall execute the demands of the Senate from time to time, together with all such process issued by authority thereof, as shall be directed to the Sergeant-at-Arms by the ASNMSU Vice President or the presiding officer of the Senate.

8-7. PARLIAMENTARIAN

- A. The Senate Parliamentarian and Vice Parliamentarian shall be appointed, without objection from the Senate, by the ASNMSU Vice President.
- B. It shall be the duty of the Parliamentarian to faithfully and adequately perform the following:
 - 1. Have knowledge of the latest edition of the Roberts' Rules of Order and dispute matters of parliamentary procedures in the Senate.
 - 2. Keep track of time lapsed during a debate or discussion on any motion on the senate floor.

8-8. RIGHTS AND DUTIES OF SENATORS

- A. The duties and responsibilities that an ASNMSU Senator shall be expected to perform are:
 - 1. Serve as a link between the student of their respective college and ASNMSU;
 - 2. Attend all required meetings, as set forth by Section 8-9-K-1 as well as any others set forth by the President of the Senate;
 - 3. Be familiar with the current ASNMSU Law Book and the latest edition of Robert's Rules of Order;
 - 4. Know the ASNMSU Senate legislative procedures;
 - 5. Know the ASNMSU financial procedures;
 - 6. Be familiar with the Base Programs and organizations that frequently approach Senate for funding
- B. The Chair and the Vice Chair of the Faculty Senate or their representatives shall be appointed as ex- officio nonvoting members.
- C. Before any Senator enters into the execution of office, that Senator shall take and subscribe to the following oath (or affirmation): "I do solemnly swear (or affirm) that I will support the Constitution and laws of the United States, the Constitution and the laws of the State of New Mexico and the Constitution and laws of the Associated Students of New Mexico State University and I will faithfully and impartially discharge the duties of the officer of Senator to the best of my ability (so help me God)."
- D. Every Senator shall be present within the Senate Chambers during the sessions of the Senate unless duly excused or necessarily prevented and shall vote on each question stated from the Chair, unless that Senator has a direct personal or pecuniary interest in the event of such question.

- E. A majority of the members elected and qualified shall constitute a quorum of the Senate. In case a number less than a quorum of the Senate shall convene, those present are authorized to send the Sergeant-at-Arms for the absent Senators during the sessions of the Senate. The Senators present may take measures as they deem necessary to secure the presence of absentees and may initiate procedures for such censure or penalty as they may deem just on those who may not render sufficient excuse for their absence or conduct. Any Senator who desires to leave the Chamber for the remainder of the meeting must be excused by a simple majority vote of the Senate or acquire an unexcused absence.
- F. A Senator rising to debate, to present a petition or other paper, to give notice or to make a motion, shall address the presiding officer and shall not proceed further until recognized by the Chair.
- G. No Senator shall speak more than twice on any motion without consent of the Senate. Senators who have once spoken shall not again be entitled to the floor (except for explanation) so long as any Senator who has not spoken desires to speak.
- H. A Senator having the floor may yield for purposes of question, clarification or explanation, but may not yield for purposes of debate except to the Chair.
- I. No person shall be interrupted while speaking, except as otherwise provided and no question shall be asked of them except through the presiding officer.
- J. The author of a bill, motion, or resolution shall have rights to last debate.
- K. Point System:

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 It is the elected duty of each Senator to attend Senate Meetings, Spring and Fall Retreats, Senate Standing Committee meetings, College Council meetings, the meetings of any Senate Special Committee to which they are appointed to, and the Financial Procedures Workshop at the beginning of each term, and to hold at least one (1) office hour per week in the ASNMSU Office in accordance with Section 8-9-K-2 in order to ensure communication between the colleges and the ASNMSU government;

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2. For each meeting missed, the Senator shall receive penalty points for that missed meeting according to the following point system:

a.	Senate meeting (unexcused)	2 points
b.	Senate meeting (excused)	0 points
c.	Standing Committee meeting (unexcused)	1 point
d.	Standing Committee meeting (excused)	0 points
e.	College Council meeting (unexcused)	1 point
	(Upon the request of the President of said Council providing that a quorum is present)	
f.	College Council meeting (excused)	0 points
g.	Special Committee Meeting (unexcused)	1 point
h.	Special Committee Meeting (excused)	0 points
i.	Financial Procedures Workshop (late completion)	1 point
j.	Retreat (unexcused)	2 points
k.	Retreat (excused)	0 points
1.	Retreat (low participation)	1 point
m.	First Breach of Decorum	verbal warning

n.	Second Breach of Decorum	1/2 point
0.	Senate Orientation (unexcused)	1 point
p.	Senate Orientation (excused)	0 points

- 3. The President of the Senate shall report the total amount of points that each Senator has accumulated to the Senate floor during their remarks at each Senate meeting. This report may be done in the form of a chart or graph;
- 4. Upon accumulation of five (5) points and any subsequent increase thereof, the Senator shall be referred to the Council of the college that Senator represents. The Council will then have the discretion of whether or not to refer the Senator to the ASNMSU Supreme Court for impeachment proceedings. A three-quarters (3/4) vote of those present and voting of the Council is required for the Council to do so provided a quorum is present. The Council shall not have the power to decrease a Senator's points, only to decide if a Senator who has accumulated five (5) points or more should be referred to the ASNMSU Supreme Court for impeachment proceedings;
- 5. If the college council does not or is not able to refer the senator to the Supreme Court for impeachment proceedings upon the accumulation of the sixth (6) point, the senator in question shall be referred to the ASNMSU Senate. The Senate will then have the discretion of whether or not to refer the Senator to the ASNMSU Supreme Court for impeachment proceedings. A three-quarters (3/4) vote of those present and voting of the Senate is required for the Senate to do so provided a quorum is present. The Senate shall not have the power to decrease a Senator's points, only to decide if a Senator who has accumulated six (6) points or more should be referred to the ASNMSU Supreme Court for impeachment proceedings. Upon the accumulation of the eighth (8) point, the Senator will be automatically referred to the ASNMSU Supreme Court for impeachment proceedings;
- 6. Upon notification of a Senator's absence, either by a letter to the Senate or through the Vice President, the senators present shall then vote on awarding the senator an excused absence by a majority vote, excusals of personal nature can be decided by the Vice President;
- 7. Excusals from retreat shall be presented to the Senate during the Senate meeting prior to retreat;
- 8. Any Senator who has not sent a written excusal request to the person running a Senate or Committee meeting and is fifteen (15) or more minutes late shall be counted absent from that meeting;
- 9. Each Senator shall begin each term of office with zero (0) points;
- 10. Proxy Votes in any form will not be allowed under any conditions;
- The President of the Senate shall keep track of as well as issue all Senators' penalty points and notify the Senator and the Council President of the college of the Senator in question when a Senator accumulates five (5) points;
- a. During Retreat, Senators will be issued verbal reprimand by the President of the Senate for unsatisfactory participation during legislative business.
- b. If necessary, issue of a Retreat penalty point due to low participation during Retreat will be decided upon by majority vote of the Committee on Committees.
- c. In the event of a tie in the committee of committees the issue will be referred back to the senate for a two thirds (2/3) vote.
- L. No Senator who has not completed the Financial Procedures Workshop shall be able to write any legislation.
 - 1. Completion of the Financial Procedures Workshop will be in effect for 1 full term. Once a Senator has completed their term, their completion of the Financial Procedures Workshop is null and void.
 - 2. Senators shall have three (3) full working weeks from the date of their installation to complete the financial procedures workshop, before said completion is considered late.

- M. At any time that a roll-call vote is held, a Senator will, upon that Senator's request, be granted thirty (30) seconds following their vote in which they may explain their votes.
- N. During each regular Senate Meeting a Senator from each college council must make a college council report similar to a Senate special committee report to the Senate.

8-9. ASNMSU SENATE REMOVAL AND IMPEACHMENT ACT

8-9-1. MAIN PROVISION

Any ASNMSU Senator shall be removed from office if the Senator is referred to the Supreme Court by a three-quarters (3/4) vote of the membership of the ASNMSU Senate present and voting or if the Senator is referred to the Supreme Court by their college council upon the accumulation of penalty points as mentioned in Sections 8-9-K-3 and 8-9-K-4 of the Rules of the Senate, and the Senator is found guilty of the charges made against the Senator by the ASNMSU Supreme Court. 4-3-2.

8-9-2. PROCEDURE

- A. Before the ASNMSU Senate can refer a Senator to the Supreme Court for impeachment proceedings a resolution must be introduced into the Senate. This resolution will include the specific reasons for referral. After the introduction of the resolution, the Chief Senate Clerk will notify, in writing within two (2) days, the Senator of any meeting where the Senator's position is being officially discussed. The Senator who is charged will be allowed to speak at any meeting where the Senator's position is being officially discussed. No referral resolution will be allowed to go through Committee of the Whole.
- B. Before the Supreme Court can consider the impeachment of any ASNMSU Senator, the ASNMSU Chief Justice of the Supreme Court will make an attempt to notify, in writing within (2) days of the receipt of the resolution. The person who is to be impeached and the charges against this person. The person, who is charged, will be allowed to speak at any meeting where the person's position is being officially discussed.
- C. Any ASNMSU Senator will be impeached upon a majority vote of the Supreme Court.

8-10. STANDING COMMITTEES

- A. There shall be a committee known as the Committee of Committees which shall be composed of the ASNMSU Vice President, the President Pro-Tempore, and the Chair of the standing committees.
- B. The Rules Committee, Finance Committee, and the Credentials and Archives Committee shall be the three ASNMSU Standing Committees and they shall convene in that order.
 - 1. Members of the ASNMSU Legislative Branch shall be assigned membership on standing committees by the Vice President, who shall make assignment on the basis of the member's preference whenever possible.
 - 2. Committee Chairs shall be appointed by the ASNMSU Vice President and shall not be removed without twothirds (2/3) affirmative vote of the Senate by those present and voting. Vice Chairs shall be elected by members of the respective committees.
 - 3. The order in which the standing committees shall meet should be Rules, Finance, and the Credentials and Archives Committee. Each standing committee shall hold regular meetings, once between each Senate meeting during the fall and spring semesters, at a permanent time and location as assigned by the Chair of the committee and may hold such other meetings as are announced in open session by the Chair or as announced by a notice on all the ASNMSU committee boards at least forty-eight (48) hours prior to a meeting.
 - 4. All presidential nominees for position within the Executive and Judicial Branches of ASNMSU will be required to perform the following before their nominations can be confirmed by the Senate.
 - a. submit a resume to all standing committees of the whole;
 - b. present before senate;
 - 5. Every piece of legislation that is to be considered by the Senate shall be sent to all standing committees.
 - 6. A quorum for a standing committee shall be fifty (50%) percent plus one (1) of the number of members assigned. If quorum is not met in a standing committee, the bills, resolutions, or memorials, or person(s) seeking confirmation shall be unable to move to the next committee or to the Senate floor, whichever comes first.

- 7. Any Senator whose name is on the byline, meaning author, may present a bill, resolution, or memorial. Senators whose names are not on the byline are unable to present a bill unless a senator whose name is on the byline makes an amendment to add those Senators to the byline. Amendments must be made in person or by proxy during standing committee meetings or the Senate Floor, whichever comes first.
 - A. This excludes senators who have graduated, been impeached, resigned, or were not re-elected. If this is the case, the following senator on the byline can pick that bill, resolution, or memorial up and claim it as their own.
- C. Any Senator presenting a bill, resolution, or memorial before a committee, other than the one they serve on, will present first if they have a NMSU class that is held at the same time of the committee meeting. Any Senator presenting a bill or resolution with guests in attendance will present second. All other legislation shall be discussed in numerical order unless the committee Chair and Senators on the committee approve the order change.
- D. The standing committees shall have responsibility for, but shall not be limited to sections 8-10-3, 8-10-4 and 8-10-5

8-10-1. DEFINITIONS

- A. "Do pass" means that a majority of the committee has voted in favor of the bill, resulting in the movement of the bill to the next committee or to the Senate floor, whichever comes first.
- B. "Do pass with proposed amendments" means that the committee has the power to amend the bill with approval of one of the bill's authors. The committee may also suggest a substitute bill.
- C. "Do not pass" means that a majority of the committee has not voted in favor of the bill, resulting in the movement of the bill to the next committee or to the Senate floor, whichever comes first.
- D. "Conditional do pass" means that a bill has not met its conditions for the committee, but a majority of the committee has voted to pass a bill on to the next committee, pending certain conditions are met by the Wednesday before the next Senate at 12pm. Should these conditions not be met by the specified deadline, the bill will be referred back to the first committee in which it was given a conditional do pass.
- E. "Favorable recommendation" means that the majority has a favorable opinion regarding the resolution or confirmation, resulting in the movement of the resolution or person(s) seeking confirmation for an ASNMSU position to the next committee or to the Senate floor, whichever comes first.
- F. "Unfavorable recommendation" means that the majority has an unfavorable opinion regarding the resolution or confirmation, resulting in the movement of the bill or person(s) seeking confirmation for an ASNMSU position to the next committee or to the Senate floor, whichever comes first.
- G. "No recommendation" means that the majority has no opinion regarding the resolution or confirmation, resulting in the movement of the resolution or person(s) seeking confirmation for an ASNMSU positions to the next committee or to the Senate floor, whichever comes first.
- H. "Retain in committee" meaning the majority of the committee has voted to stop motion on the bill, resolution, or memorial in question. This means the bill, resolution, or memorial will not continue on to the next committee meeting or the Senate floor, whichever comes first.
- I. "Refer to previous committee" meaning the bill, resolution, or memorial is problematic outside of the jurisdiction of this committee, and requires additional action from the previous committee on the bill, resolution, or memorial. The bill, resolution, or memorial in question does not move on to the next committee or Senate floor, whichever comes first.
 - 1. A bill may only be referred to a previous committee due to a conflict of the primary interests of the respective committee.
- J. "Considered as a block" meaning the majority of the committee has voted to consider the said separate pieces of legislation as a singular piece of legislation dependent upon a majority vote.
 - 1. There is no limit to how many pieces of legislation may be considered as a block.
 - 2. Appropriations considered as a block for the purposes of one (1) total appropriation are subject to guidelines

mentioned in 8-14-V.

8-10-2. RULES COMMITTEE

- A. Keeping the Rules of the Senate up to date and ensuring that all bills and resolutions abide by ASNMSU Law.
 - 1. The Rules Committee shall review any minor grammatical, spelling or formatting errors contained in the ASNMSU Law Book sections and statutes that are identified by the ASNMSU Attorney General and determine whether the correction of the errors would, in any way, alter or confuse the legislative intent, meaning or application of the sections or statutes in which they are contained. Should the correction of the errors not alter or confuse the legislative intent, meaning or application of statute, the Rules Committee may, upon majority consent of the committee, allow the Attorney General to correct the errors without the need for legislation.
 - a. In the event that the Rules Committee consents to the Attorney General's correction of an error, the Chair of the Rules Committee shall give a report to the Senate body specifying the exact nature of the error and of the correction at the Senate meeting immediately following the grant of consent.
 - b. The Senate body may, with a two-thirds (2/3) vote, overturn a decision made by the Rules Committee in regards to the Attorney General's recommended changes.
- B. The Chair of the Rules Committee, or some member of that committee designated by the Chair, shall examine and correct bills referred to him/her by the ASNMSU Vice President or Chair of a committee or by the Senate for the purpose of avoiding repetition and for ensuring accuracy in the text. The Chair shall report upon request whether the object sought to be accomplished can be secured without a special act under existing laws or by the enactment of a general law.
- C. The Rules Committee shall examine all bills, resolutions, and memorials to determine their compliance and effect to the ASNMSU Law book. The committee is required to take action on the bill, resolution, or memorial before they enter second readings. A report on each bill, resolution, or memorial must be made accessible to the senate.
- D. No letter shall be required for an operating expenses appropriation as prescribed in 7-4-3-H. Decision as to whether or not to appropriation is for operating expenses shall be made by the Rules Committee before the request for appropriation enters second readings.
- E. All legislation referred to the committee for consideration must have one (1) of the following recommendations, no later than the first regular meeting after its introduction:
 - 1. Do pass,
 - 2. Do pass with proposed amendments;
 - 3. Do not pass;
 - 4. Favorable recommendation;
 - 5. Unfavorable recommendation;
 - 6. No recommendation;
 - 7. Retain in committee:
 - a. A bill, resolution or memorial can only be taken off the table in the committee that it was retained in.
 - b. A bill, resolution, or memorial may be retained for the lack of representation. Lack of representation means that none of the bill's authors are present to introduce the bill.
 - c. This committee will not be allowed to retain a bill for circumstances such as community affairs or financial operations and procedures. However, a report may be made and is recommended by the committee.
 - Refer to previous committee, meaning the bill, resolution, or memorial is problematic outside of the jurisdiction of this committee, and requires additional action from the previous committee on the bill, resolution, or memorial. The bill, resolution, or memorial in question does not move on to the next committee

or Senate floor, whichever comes first.

- a. The same bill, resolution, or memorial cannot be referred more than once. After the bill, resolution, or memorial has been referred to the previous committee and an additional action has been taken by this committee, whether it be the same or different action, it must be sent to the next committee or Senate floor, whichever comes first.
- 9. Conditional do pass, meaning that a bill has not met its conditions for the committee, but a majority of the committee has voted to pass a bill on to the next committee, pending certain conditions are met by the Wednesday before the next Senate at 12 pm. Should these conditions not be met by the specified deadline, the bill will be referred back to the first committee in which it was given a conditional do pass.

8-10-3. FINANCE COMMITTEE

- A. Keeping the financial procedures up to date, and ensuring that all bills abide by ASNMSU financial procedures.
- B. Annually review budgets and appropriations requests and formulate a budget analysis with respect to such requests.
- C. Examining the laws governing the finances and operations of all the ASNMSU departments, boards, committees, and other agencies or subdivisions of ASNMSU and recommend changes in such laws if any changes are deemed desirable.
- D. The Chair of the Finance Committee shall review 7-11-2-A, under the Council Funding Act, and report progress and recommendations to the Senate once every semester in order to ensure adequate and equal funding to College Councils;
- E. All legislation referred to the committee for consideration must have one (1) of the following recommendations, no later than the first regular meeting after its introduction:
 - 1. Do pass,
 - 2. Do pass with proposed amendments,
 - 3. Do not pass,
 - 4. Favorable recommendation,
 - 5. Unfavorable recommendation,
 - 6. No recommendation,
 - 7. Retain in committee,
 - a. A bill, resolution, or memorial can only be taken off the table in the committee that it was retained in.
 - b. A bill, resolution, or memorial may be retained for the lack of representation. Lack of representation means that none of the bill's authors are present to introduce the bill.
 - c. This committee will not be allowed to retain a bill for circumstances such as community affairs or rules of the senate. However, a report may be made and is recommended by the committee.
 - 8. Refer to previous committee, meaning the bill, resolution, or memorial is problematic outside of the jurisdiction of this committee, and requires additional action from the previous committee on the bill, resolution, or memorial. The bill, resolution, or memorial in question does not move on to the next committee or Senate floor, whichever comes first.
 - a. The same bill, resolution, or memorial cannot be referred more than once. After the bill, resolution, or memorial has been referred to the previous committee and an additional action has been taken by this committee, whether it be the same or different action, it must be sent to the next committee or Senate floor, whichever comes first.
 - 9. Conditional do pass, meaning that a bill has not met its conditions for the committee, but a majority of the committee has voted to pass a bill on to the next committee, pending certain conditions are met by the

Wednesday before the next Senate at 12 pm. Should these conditions not be met by the specified deadline, the bill will be referred back to the first committee in which it was given a conditional do pass.

- F. The finance committee must verify the validity of the financial procedures workshops attended by the club or organizations requesting funding. If a financial procedure workshop has not been attended by that club or organization, at the discretion of the finance committee their bill will be retained in that committee and they will not be allowed to receive funding from ASNMSU until the workshop has been attended by their club or organization.
- G. All funds allocated by ASNMSU Senate shall follow NMSU's Business Procedures Manual. ASNMSU Senate reserves the right to supervise and inspect all funds allocated by ASNMSU.
- H. The ASNMSU Base Programs may approach the Finance Committee for additional funds. Upon receiving such a request, the chair of the Finance Committee may then approach a senator from the Finance Committee to draft an appropriation bill for the said base program.

8-10-4. CREDENTIALS AND ARCHIVES COMMITTIEE

A. To review the validity of the community service presented by clubs and organizations using the final criteria:

1. All appropriation bill requests for student organizations must satisfy community service requirements in 7-4-3-D.

2. Community service will expire and no longer satisfy requirements by the ASNMSU Senate after one (1) year has passed since the community service was performed.

3. Any community service that results in any monetary award for the club or organization will not be community service. The credentials and archives committee will determine an organization as service oriented according to the following requirements:

a. A set of the organization's university bylaws is presented to the committee.

b. The purpose of the organization is primarily to provide services and resources to groups outside its membership. The majority of activities hosted by the organization are in goodwill nature.

c. Proof of the organization's service oriented nature is also presented to the committee in the form a letter from the organization's advisor.

d. The organization is chartered through the Department of Campus Activities as Special Interest, at the discretion of the committee.

e. Newly chartered organizations must be active and engaged in community service for at least sixty (60) days before approaching the credentials and archives committee.

f. Organizations must provide one (1) copy of their community service based activities completed the previous year to the community affairs chair.

g. The chair shall verify if the purpose of the organization is to be a service oriented organization.

4. Any events hosted with the use of funding received in sections 6-1-2-J and 7-4-3-O shall not count as community service.

5. All community service validity is at the discretion of the credentials and archives committee. If community service requirements have not been completed or if there is no proof of community service fulfillment at the time the bill is submitted, then the bill is retained in the credentials and archives committee until the community service is completed or there is proof that the community service has been fulfilled;

a. The credentials and archives committee must contact and confirm the validity of the community service, including verification of the club's charter, for twenty-five percent (25%) of the bills presented for that week.

b. The confirmation is picked at random.

c. The credentials and archives committee must contact and maintain a current count of community service hours per organization including excess community service as per 7-4-3-D-1-a for on and off campus community service forms.

d. The credentials and archives committee must contact and confirm the head of the community service or non-profit organization that the community service was performed on behalf of.

i. Appointing these duties is at the discretion of the chair.

7. Persons requesting funding by use of group community service points will be required to have the contact information of the student organization president, advisor, and beneficiary organization representative present to verify completion of community service;

8. Name of the Organization on the Community Service form shall be the same as the name of the organization on the legislation.

B. Organizations requesting appropriations for travel prescribed in sections 7-4-3-I, 7-4-3-J, 7-4-3-K, 7-4-3-M, 7-4-3-N, and 7-4-3-O, must provide a Letter from the Advisor. This letter must include at least: who is traveling, name of the event and where it is taking place, and the duration of the travel. Said letter must be on an NMSU letterhead; and include the signature and contact information for the faculty or organization advisor, who shall be an NMSU employee;

a. No letter shall be required for an operating expenses appropriation as prescribed in 7-4-3-H. Decision as to whether or not an appropriation is for operating expenses shall be made by the Rules Committee before the request for appropriation enters second readings.

C. Organizations requesting appropriation for Conference Presentation or Competition travel, must also submit proof to the Chair of the Credentials and Archives Committee that the attendees are indeed presenting research/competing at the event as mentioned in section 7-4-3-J and 7-4-3-K. Proof shall be in the form of the acceptance letter from the event or a schedule or bracket.

D. All funds allocated by ASNMSU Senate shall follow NMSU's Business Procedures Manual. ASNMSU Senate reserves the right to supervise and inspect all funds allocated by ASNMSU.

1. Students and organizations travelling internationally, must submit an "International Travel/ Student International Travel Form" to the Chair of the Credentials and Archives Committee.

E. All Credentials and Archives Committee documentation must be submitted to the Credentials and Archives Committee chair by noon the day before the committee meets. If the committee documentation has not been submitted by noon the day before the committee meets, the organization in question will be required to wait until the next committee meeting, at the discretion of the chair.

F. All legislation referred to the committee for consideration must have one (1) of the following recommendations no later than the first regular committee meeting after its introduction on the Senate floor:

1. Do pass

- 2. Do pass with proposed amendments
- 3. Do not pass
- 4. Favorable recommendation
- 5. Unfavorable recommendation
- 6. No recommendation
- 7. Retain in committee

a. A bill, resolution or memorial can only be taken off the table in the committee that it was retained in.

b. Retaining a bill in the credentials and archives committee will only be allowed under the circumstance that the infraction of the bill is within the jurisdiction of 9-9-2-A, B, and C.

c. A bill may also be retained for the lack of representation. Lack of representation means that none of the bill's authors and organization representatives is present to introduce the bill.

d. This committee will not be allowed to retain a bill for circumstances such as rules or financial operations and procedures. However, a report may be made and is recommended by the committee.

8. Refer to previous committee, meaning the bill, resolution, or memorial is problematic outside of the jurisdiction of this committee, and requires additional action from the previous committee on the bill, resolution, or memorial. The bill, resolution, or memorial in question does not move on to the next committee or Senate floor, whichever comes first.

a. The same bill, resolution, or memorial cannot be referred more than once. After the bill, resolution, or memorial has been referred to the previous committee and an additional action has been taken by this committee, whether it be the same or different action, it must be sent to the next committee or Senate floor, whichever comes first.

9. Conditional do pass, meaning that a bill has not met its conditions for the committee, but a majority of the committee has voted to pass a bill on to the next committee, pending certain conditions are met by the Wednesday before the next Senate at 12 pm. Should these conditions not be met by the specified deadline, the bill will be referred back to the first committee in which it was given a conditional do pass.

8-10-5. TEMPORARY SELECT COMMITTEES

- A. The ASNMSU Senate shall have the opportunity to create temporary select committees on issues it deems worthy of receiving greater attention.
- B. A temporary select committee can be made by doing one (1) of the following:
 - 1. The ASNMSU Senate, with a two-thirds (2/3) vote during a senate meeting, may send a piece of legislation to a temporary select committee at any time after it has reached second readings.
 - 2. Or, a resolution can be written and passed addressing an issue that the Senate deems worthy of investigation and research.
- C. Selection of committee members for a temporary select committee:
 - 1. The President of the Senate will appoint a chair with the approval of the committee of committees.
 - 2. If no appointed senator wishes to chair a temporary select committee, the President Pro-Tempore of the Senate will act as chair.
- D. Each college will appoint, during the creation of the committee, at a minimum, one (1) senator; however, any senator may sit on the committee if he or she would like to.
- E. Rules of a temporary select committee.
 - 1. The ASNMSU senate will be notified five (5) days prior to the first scheduled meeting.
 - 2. The Chair will prepare the agenda for each meeting.
 - All meetings will conform to the current ASNMSU Law Book and the latest edition of Robert's Rules of Order.
 - 4. A report consisting of the committee's findings will be given during each of the senate meetings that the select committee is in session.
 - 5. At the conclusion of a select committee, if necessary, the committee will give written recommendations for legislation concerning the topic at hand.

8-11. ORDER OF BUSINESS

If the President and a quorum are present, the order of business shall be as follows:

- A. Roll call;
- B. Reading and approval of the Journal;
- C. Petitions and remonstrations;
- D. Open Forum;
- E. Reports of standing committees;
- F. Motions to adopt committee reports;
- G. College council reports;
- H. Reports from senate appointments on special committees;
- I. Business on the President's desk;
- J. First readings;
- K. Second readings;

- 1. Legislation with guests in attendance;
- 2. Remaining legislation.
- L. Unfinished business;
- M. Adjourn.

8-11-1. EXCEPTIONS TO THE ORDER OF BUSINESS

A. Messages from the ASNMSU President and the Faculty Senate, communications and reports from the University Administration, reports concerning enrolling and engrossing or revision of the Journal, motions to resolve into the Committee of the Whole, and motions to rise and report progress shall be received at any time.

8-12. COMMITTEE OF THE WHOLE

- A. When the Senate shall resolve itself into the Committee of the Whole, the President Pro Tempore or a Senator designated by the President Pro Tempore or the Senate shall preside. Only thirty (30) seconds shall be allowed to any member of the Senate for the purpose of explaining their vote.
- B. The rules of the Senate shall be observed in the Committee of the Whole so far as they may be applicable; yeas and nays shall only be taken regarding the passage through the Committee of the Whole. Whenever the Committee is engaged in the investigation of any charge against any of its members, the rules of the Senate will apply.
- C. There shall be an agenda of the Committee of the Whole on which shall be entered, in the order reported by the Committee on Rules, all bills and other measures referred to the Committee of the Whole.
- D. Bills committed to the Committee of the Whole shall be considered by sections. The report shall state whether or not said bills have been amended in the Committee of the Whole. If there are no objections from the floor to any section, the section stands approved with a simple majority. The Senate may reconsider any section.
- E. A motion that the Committee rise and report progress on any bill shall always be decided without debate.
- F. The ASNMSU Vice President shall be allowed to enter debate from the floor during meetings of the Committee of the Whole, but may not vote therein. The President Pro Tempore may not enter the debate from the Chair or vote except to break a tie.
- G. When a piece of legislation is under debate in the Committee of the Whole, the following recommendations are in order:
 - 1. Do pass;
 - 2. Do pass as amended;
 - 3. Recommitted to committee for further study;
 - 4. Postponed indefinitely;
 - 5. Do not pass;
 - 6. Be retained on the calendar of the Committee of the Whole.
 - 7. Favorable recommendation;
 - 8. Unfavorable recommendation;
 - 9. No recommendation.
- H. The following motions are in order in the Committee of the Whole to:
 - 1. Adjourn;
 - 2. Appoint, authorize or discharge committees;
 - 3. Take roll call vote;

- 4. Call for the previous question.
 - a. The motion to close debate by calling previous question shall follow the procedures laid out in section 8-16.

8-13. Senate Financial Procedures

The Senate will hear all bills, resolutions and memorials according to the latest edition of Robert's Rules of Order, unless otherwise specified for in special orders of the senate.

- A. The following formula will be utilized to generate the maximum amount that the Senate of the Associated Students of New Mexico State University may appropriate to chartered student groups and members of the Associated Students of New Mexico State University in the fall semester of every academic year, beginning with the first senate meeting and ending on the last senate meeting of the fall:
 - 1. FSL=(SAB-75000) x 0.15;
 - 2. "FSL" means the maximum amount that can be used in appropriations to chartered groups and members of ASNMSU during the fall semester;
 - 3. "SAB" means the surplus account balance at the beginning of the fiscal year.
- B. The Senate of the Associated Students of New Mexico State University may continue to appropriate more than the total generated in section 8-14-A-1 approved by two-thirds (2/3) of the Senate voting for the purpose.
- C. The following formula will be utilized to generate the maximum amount that the Senate of the Associated Students of New Mexico State University may appropriate to chartered student groups and members of the Associated Students of New Mexico State University in the spring semester of every academic year, beginning with the first senate meeting and ending on the last senate meeting of the spring:
 - 1. SSL={(SAB-75000) x 0.15} + BRF;
 - "SSL" means the maximum amount that can be used in appropriations to chartered student groups and members of ASNMSU during the spring semester;
 - 3. "BRF" means the balance remaining at the end of the fall semester that was not appropriated in accordance with section 8-14-A, to chartered student groups and members of ASNMSU;
 - 4. "SAB" means the surplus account balance at the beginning of the fiscal year.
- D. The Senate of the Associated Students of New Mexico State University may continue to appropriate more than the total generated in section 8-14-C-1 approved by two-thirds (2/3) of the Senate voting for the purpose.
- E. The Senate of the Associated Students of New Mexico State University will not consider appropriations made to base programs to count against the total appropriation limit for either semester.
- F. The Senate of the Associated Students of New Mexico State University may appropriation no more than one hundred thousand dollars (\$100,000) beyond the General Appropriations Act to base programs of the Associated Students of New Mexico State University during every fiscal year, as defined by New Mexico State University.
- G. The Senate of the Associated Students of New Mexico State University may continue to appropriate more than one hundred thousand dollars (\$100,000) to base programs of the Associated Students of New Mexico State University beyond the General Appropriations Act providing that the appropriation bills beyond the one hundred thousand dollars (\$100,000) fiscal year limit be approved by two-thirds (2/3) of the Senate voting for the purpose.
- H. The Comptroller shall maintain a ledger of the appropriations made by the Senate of ASNMSU; this ledger will be updated by Tuesday at noon before regularly scheduled Senate meetings; the ledger will be published to the ASNMSU webpage and will be freely available to any member of ASNMSU requesting a copy.
- I. Any money not allocated in the fall shall be added to the ledger and reallocated in the spring.

8-14. Parliamentary Procedures

A. Whenever any bill or other matter is made a special order for a particular day and it shall not be completed on that day, unless otherwise ordered it shall retain its place on the agenda as a special order in the order of business in which it was considered.

- B. No law shall be passed except by a bill and no bill shall be altered or amended on its passage so as to change its original purpose as determined by the Rules Committee. The enacting clause of all bills shall be: "BE IT ENACTED BY THE SENATE OF THE ASSOCIATED STUDENTS OF NEW MEXICO STATE UNIVERSITY."
- C. The subject of every bill shall be clearly expressed in its title and no bill embracing more than one (1) subject shall be passed except general appropriation bills and bills for the codification, revision or repeal of the laws. General appropriation bills shall embrace only appropriations for the expense of the Executive, Legislative and Judiciary departments. All ASNMSU organizations funding requests shall be construed as Executive department appropriations. All other appropriations shall be made by separate bills.
 - 1. Legislation considered as a block for the purpose of considering said block as one (1) total appropriation will be subject to Section 8-14-V.
- D. No law shall be revised or amended by reference to its title only. Each revised or amended section shall be set out in full and each shall be set in a separate section of the amending act.
- E. If any bill makes an appropriation the fact shall be stated in the title.
- F. The bill shall then be made available to the Senate. At the time of this first reading or any time thereafter, each bill shall be referred by the Senate to all standing committees or the Committee of the Whole.
- G. A Senator presenting a paper shall endorse the same if it is a petition, memorial, or report to the Senate, with a brief statement of the subject of its contents, adding that Senator's name; or if it is a notice of resolution, with that Senator's name; or if it is a report of a committee, a statement of such report with the name of the committee and the Senator making the same.
- H. Petitions, memorials and other papers of similar nature shall lie on the table to be taken up in the order in which the same were presented unless the Senate shall direct otherwise.
- I. When a bill, resolution, or memorial shall be reported by a committee, such shall be open to adoption or rejection by the Senate. Adoption or rejection shall not limit the prerogative of the Committee of the Whole to debate the bill, resolution, or memorial as to substance.
- J. Committee reports and committee amendments to a bill, resolution or memorial shall be highlighted on the bill, resolution, or memorial on file.
- K. The question on the final passage of every bill shall be by yeas and nays which shall be entered into the Journal and unless the bill receives the number of votes required by the constitution to pass it, it shall be declared lost. If on taking the final question on the bill it shall appear that a constitutional quorum is not present or if the bill requires an extraordinary majority of all the Senators elected to pass it and it appears that such a number is not present, the bill shall retain its place on the calendar and be again taken up in its regular order.
- L. Immediately after the passage of any bill, memorial, resolution or any substitute for legislation, it shall be enrolled and engrossed by the Chief Senate Clerk and thereupon shall be signed by the presiding officer of the Senate and the fact of such signing shall be entered in the Journal.
- M. Resolutions must pass with two-thirds (2/3) majority vote of the Senators present and voting, except for procedural resolutions, which shall require a simple majority vote of the Senators present and voting.
- N. The Chief Senate Clerk is not required to prepare legislation presented to that office less than thirty (30) hours prior to a regularly scheduled meeting.
- O. Upon resolution from the Committee of the Whole, the chair shall entertain a motion to adopt the entire Committee of the Whole report. Upon approval of the Committee of the Whole report, all legislation discussed will be entered into second readings.
- P. A motion or proposition requesting information from any office of ASNMSU shall be in order at any time unless otherwise determined by a majority of the Senate and when adopted, the Chief Senate Clerk shall cause the same to be forwarded immediately to the President of ASNMSU.
- Q. On taking the yeas and nays during a roll call vote on the question, the names of the members shall be called

alphabetically or reverse alphabetically at the discretion of the Chief Senate Clerk. In the event of a tie vote, the name of the President of the Senate shall be called last.

- R. Substitutes may be offered at any time when a bill or resolution is open to amendment and when adopted, shall take place of the original bill or resolution and shall be open to amendment.
- S. Any matter may be made the Special Order for any particular time or day by consent of a majority of the Senators elected.
- T. Legislation considered as a block for the purpose of one (1) total appropriation can only be considered as a block in this manner according to the following guidelines:
 - 1. If said legislation is for the purpose of competitive, conference, research, or presentation travel for the same recognized organization, any number of legislation may be considered as a block.
 - If said block meets the requirements of section 8-14-V-1, the timeframe of the travel must take place within fourteen (14) days unless travel is outside of the United States. If travel is outside of the United States, it must meet the requirements of section 8-14-V-3.
 - 3. If said block meets the requirements of section 8-14-V-1, and is travel outside of the United States, with the exception of Mexico and Canada, the travel must be for the purpose of the same event.
 - 4. Any block of legislation that meets the guidelines of section 8-14-V will be considered as one (1) total appropriation and must adhere to section 7-4-3.
 - 5. All other legislation considered as a block for the purposes of appropriation, defined as three (3) or more appropriations, will not be considered as one (1) total appropriation but instead, will be considered as separate appropriations.
- U. Every report of a committee upon a bill, which shall not be considered at the time of making the same or laid on the table by vote of the Senate, shall stand upon the calendar with the bill and be entered upon the Journal.
- V. A motion to un-table a piece of legislation from a standing committee and place it on the agenda of the Committee of the Whole shall be in order.
- W. If a Senator is late entering the chambers and misses any roll call a motion to allow will be required for them to enter the chambers.
 - 1. This motion is a privileged motion and takes precedence over the main motion, overall subsidiary and incidental motions, and over all privileged motions except those to adjourn and to fix the time which to adjourn;
 - 2. It is a non-debatable and non-amendable;
 - 3. It is out of order when another has the floor;
 - 4. Requires a majority vote; and
 - 5. Cannot be reconsidered.
 - 6. The general form of this motion shall be as follows: "I move to allow Senator (last name) onto the Senate floor.
- X. The President Pro-Tempore of the ASNMSU Senate having read the journal for the previous meeting will announce their approval thereof. Unless dissent is raised the journal will be approved. If dissent is raised the journal shall be approved following the parliamentary authority.

8-14-1. EXCEPTIONS TO THE ORDER OF BUSINESS

- A. When a bill, or resolution has been on the floor for debate for one-half (1/2) hour, it is acceptable and in order, for any Senator to call previous question;
 - 1. When a new motion is created upon the main motion (a debatable secondary motion (eg. Amend,

Postpone Indefinitely, etc.)), that motion may be debated for one-half (1/2) hour before previous question may be called.

- 2. After a vote has been taken on the secondary motion, the time will resume on the bill or resolution being discussed.
- B. Previous question may not be used in committees, in accordance with the latest edition of Robert's Rules of order, with the exception of Committee of the Whole.
- C. If at any time during the sessions of the Senate a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Chief Senate Clerk to call the roll and shall announce the results.
- D. A motion to "call a previous question" shall be followed by a roll call vote.

8-15. QUESTIONS OF ORDER

- A. The rules shall be in force from and after their adoption by the Senate and may be amended or suspended by a two-thirds (2/3) majority vote of the Senators elected at two (2) consecutive meetings and when such amendment or suspension is not inconsistent with the constitutional provision.
- B. Only persons who are members of the Senate, employees of the Senate or representatives of the media having official duties directly connected with the business of the Senate shall be admitted to the floor of the Senate during any session, provided that: a) any person may be admitted with the consent of the Senate and; b) the public address system is not present or is not in operation.
- C. If permission is denied to any member of the ASNMSU community to appear before the Senate, that person has the right to file a typed statement of 100 words or less with the Chief Senate Clerk who shall place it in the Journal.
- D. The use and control of all electronic and public address equipment installed in the Senate Chamber shall be under the exclusive control of the President Pro Tempore.
- E. The Senate by a majority vote may exclude any representative of the media who abuses their privilege of admission to the Senate Chamber.
- F. The Rules Committee is designated as the committee to which a bill will be referred to determine whether or not the Senate can, under the Constitution, take action on it. Such referrals shall be made only upon objection of any member that a bill is not germane, provided the sponsor of the bill may request, by motion, that the question of referral be determined by the whole Senate.
- G. The Drafting Manual as adopted by the Rules Committee and subject to approval of the Senate shall be the standard authority as to style and format of all legislation. Changes to the Drafting Manual shall be in the form of a procedural resolution.

8-16. OPEN FORUM

- A. Any and all members of ASNMSU shall have the opportunity to speak at the regularly scheduled meetings of the Senate during the order of business known as Open Forum. The members shall be referred to as speakers, and there shall be no more than ten (10) speakers in each Open Forum.
- B. All speakers will limit the content of their speech to no more than five (5) minutes.
- C. A speaker may be allotted additional speaking time, in five (5) minute increments, with consent of the Senate. Each senator may only move to increase the speaking time once per speaker. The motion to allot speakers more time will be non-debatable, and require a majority vote.
- D. Prior to speaking at a regularly scheduled meeting, speakers must:
 - 1. Register by signing the Open Forum Log, located in the ASNMSU office, no later than 5:00 pm of the day of the regularly scheduled meeting;
 - Read, sign, and abide to the rules and regulations followed by the Senate concerning the public address system;

- Be present with a NMSU ID and accounted for fifteen 15 minutes prior to the scheduled starting time of the regularly scheduled meeting. Speakers must also be present with their student ID and accounted for during a recess or any other significant interruption of the Senate's order of business;
- 4. A speaker in Open Forum will not be required to answer questions from the Senate. However, the speaker may answer questions from the Senate at the conclusion of their speaking time if they desire to do so and declares that willingness to the Senate at the conclusion of said speaking time.
- E. Failure to comply with 8-17-D, provisions 1 and 3, will result in being scratched from the Open Forum speaker's list, therefore forfeiting the opportunity to speak until the next regularly scheduled meeting, with all provisions applying.
- F. Failure to comply with 8-17-D-2 will result in forfeiture of any further opportunities to speak at an Open Forum while a student at NMSU.
- G. Any speaker not present and accounted for at the commencement of the orders of business, as stated in 8-17-D-3, will forfeit their right to speak until the next regularly scheduled meeting, with all provisions applying.
- H. The speaking order followed will be on a first come, first served basis. Speaker's whose opportunity to speak were forfeited must re-register in the Open Forum Log.
- I. No speaker substitutions will be allowed under any circumstances.
- J. Prior to addressing the Senate, the speaker must be recognized by the chair and asked to approach.
- K. The Senate Agenda cannot be amended to move the Open Forum from its assigned position which precedes the agenda items designated as First Readings, Second Readings, and Final Readings.

8-17. VOTING PROCEDURES

- A. Voting during a senate meeting will be done by a roll-call response, show of hands, or other voting measure at the discretion of the Vice President. All senators present on the floor when a vote is called is obligated to vote in the affirmative or negative unless they have a conflict of interest concerning the motion, confirmation, or legislation being voted upon. If a roll-call vote is issued, then the Chief Senate Clerk will call the name of each senator present. When a senator's name is called they will respond in one of the following fashions:
 - 1. "Yes" indicating a vote in favor of the motion, bill or resolution;
 - 2. "No" indicating a vote in the negative of the motion, bill, or resolution;
 - 3. "Abstain" indicating an abstaining vote. A senator maintains the right to abstain from voting concerning the motion, confirmation, or legislation to be voted on. An abstention will have the same effect as a negative vote in accordance with the latest edition of Robert's Rules of Order.
 - 4. "Pass" indicating desire to vote after all other votes have been cast. Note that if a senator passes on their voting position they are still obligated to vote on the motion, confirmation, or legislation being considered.
 - "Recuse" indicating that a senator wishes to recuse their vote. A senator may recuse themselves from voting only if they have a conflict of interest concerning the motion, confirmation, or legislation to be voted on as defined by Appendix B-2-3-C.
 - a. A senator who recuses their vote shall not be accounted for in quorum to determine a majority or supermajority for the duration of the vote.
 - b. The President of the Senate will maintain the authority to determine whether a Senator's recusal is in order.
- B. All Voting Records shall be kept by the Deputy Chief Senate Clerk in electronic format.
- C. Records will be made available within one (1) week after each senate adjournment.

9. DRAFTING MANUAL

9-1. INTRODUCTION AND PROCESSING OF LEGISLATION

9-1-1. INTRODUCTION OF BILLS

A draft is introduced and becomes a bill by the action of the Senator sending it to the Chief Senate Clerk. Once the Chief Senate Clerk assigns a "Bill #" to the draft, it has officially been introduced into Senate.

DRAFTING MANUAL PROCESS

After introduction, the bill is posted online and available to the rest of the Senate Body by the Chief Senate Clerk.

Bills are to be posted on the ASNMSU Canvas Webpage (within its' respective Senate packet), and are also made available on a Word document editing application, (such as the Box App) which will allow Senate Standing Committees to track and many any amendments to the bill throughout their lifespan in Standing Committees, up until it is presented to the Senate Floor for second readings. Bills will remain in electronic format until they have been given a 'PASSED' by the Senate Body during second readings, which should then indicate they are ready to be printed and signed by the Chief Senate Clerk, the ASNMSU Vice President, and the ASNMSU President.

9-1-2. MECHANICS OF INTRODUCTION AND PROCESSING OF LEGISLATION PROCESSING OF THE BILL AFTER INTRODUCTION

The electronic version of each bill proceeds forward along the Senate Bill Process through committee action, undergoing consideration by the Senate and the eventual printing of it into final form which is called the "enrolled and engrossed bill."

After its introduction and first reading by title, the electronic version of each bill is delivered to the committee to which the bill is referred. Committee amendments, together with all amendments, are directly indicated on the bill through distinct formatting, indicating which committee has made what amendment when it is reported. It is then sent to the Chief Senate Clerk for final edits. The enrolled and engrossed bill is signed by the President of the Senate and is delivered to the President of ASNMSU.

A substitute bill may be submitted by a committee for a bill referred to the committee, or a floor substitute may be introduced from the floor. The form for typing a substitute bill is the same as for the bill prepared for introduction, except that the heading states that it is either a committee or floor substitute for a named bill; It is to be re-introduced by the original bill's respective main author; since this Senator received a unique number identifying a piece of legislation they are responsible for. Example:

SENATE FINANCE COMMITTEE SUBSTITUTE FOR BILL # 0

9-2. TYPESOFLEGISLATION

9-2-1. BILLS

A bill is in the form used to propose laws. It is the only form which carries the phrase "AN ACT" in its title and the enacting clause;

BE IT ENACTED BY THE SENATE OF THE ASSOCIATED STUDENTS OF NEW MEXICO STATE UNIVERSITY.

Bills, in order to become law, must be passed by the Senate and signed by the ASNMSU President in a timely fashion. The Senate may override the ASNMSU President's veto by two-thirds (2/3) vote of the members present, in the event a bill is vetoed and returned.

If the ASNMSU President fails to act on a bill within two (2) weeks after the bill is passed by the Senate, it is enacted into law as though the President signed it.

Bills may create, empower, impose duties or obligations, prohibit acts, confer powers or privileges, appropriate money, or any combination of these. Bills may be broadly classified according to the manner in which they solve legislative problems. These classifications are not mutually exclusive, and most problems may be solved by any one or a combination of two (2) or three (3) methods. The classifications are: 1) original enactments; 2) amendatory acts; 3) repealing acts, and; 4) acts which revise or codify.

Original enactments cover some situations which have not yet been covered by law, or some situations in which it is desired to repeal the existing law and replace it with a new law.

Amendatory acts are ordinarily used when the change is slight and can be achieved by changing words, phrases, or sections within the framework of the existing statutes.

Repealing acts are used when it is desired to withdraw from a certain field or remove conflicts. At times, repealing acts have been used to extract the teeth from existing statutes or change their effect by repealing one of several independent sections. From a drafting viewpoint, this is an expedient method of achieving a result.

Codification or revision of the laws is aimed at cleaning up the statutes and re-passing them in better form.

9-2-2. **RESOLUTIONS**

A resolution is a formal declaration of the legislature concerning some subject which it either cannot or does not wish to control by law. Resolutions are constitutional, simple, joint, or procedural, depending upon the form of the resolution, the resolving clause either follows the title or follows a series of "WHEREAS" paragraphs.

A constitutional resolution is a declaration by the Senate. It is used to declare a referendum proposing amendments to the ASNMSU Constitution. When the constitutional resolution proposes an amendment to the Constitution, the resolving clause appears two lines before the title:

BE IT RESOLVED BY THE SENATE OF THE ASSOCIATED STUDENTS OF NEW MEXICO STATE UNIVERSITY:

Each section of the ASNMSU Constitution proposed to be amended appears within a separate section in the body of the constitutional resolution. Example:

Section 1.	It is proposed to amend Article 3, Section 1 of the ASNMSU Constitution to read: "Senate membership shall be based on enrollment of the individual undergraduate colleges and the school of graduate students within the University."
Section 2.	It is proposed to amend Article 3 of the ASNMSU Constitution to read: "In the spring semester of each year the Senate shall fix the number of senators to be elected in the general elections."
Section 3.	It is proposed to amend Article 3 of the ASNMSU Constitution by adding a new Section 14 to read: "No person over the age of ninety-nine (99) is eligible to serve as a senator."

According to the ASNMSU Constitution, before becoming effective as a provision of the Constitution, a constitutional resolution must be expressly approved by the President of NMSU or designee, as well as being approved by two-thirds (2/3) of the Senate and a majority of those ASNMSU members voting for the purpose.

A simple resolution is a declaration of the Senate and is used to express the feeling of the Senate on some subject. It does not require the approval of the ASNMSU President or the President of the University. It must include a title followed by a series of "Whereas" statements outlining the reasons for the position taken and a resolution clause expressing the feelings of the Senate.

A joint resolution is an expression the ASNMSU and the NMSU Faculty Senate concerning some subject of concern to both bodies which they cannot control themselves. Joint resolutions are usually addressed to the Administration or the Board of Regents. It must include a title followed by a series of - "Whereas" statements outlining the reasons for the position taken and a resolution clause as follows: BE IT ENACTED BY THE SENATE OF THE ASSOCIATED STUDENTS OF NEW MEXICO STATE UNIVERSITY IN CONJUNCTION WITH THE FACULTY SENATE OF NEW MEXICO STATE UNIVERSITY:

A procedural resolution is a declaration of the Senate and is used for the adoption of rules of the Senate. Since the rules under which the Senate acts have not been approved by the ASNMSU President or the President of the University, there is no need to have a procedural resolution signed. They simply become effective upon passage. It must include a title followed by a series of "Whereas" statements outlining the reason for change in the rules, the old material and a resolution clause to include the new material.

9-2-3. MEMORIALS

A memorial is an expression of the Senate's appreciation, usually addressed to another governmental body, in the form of a petition or declaration of intent. Memorials do not require the approval of the ASNMSU President or the President of the University.

9-3. PARTS OF BILLS

A bill contains several parts. Some of the parts are essential such as the title, enacting clause, and main provisions. Other parts are not required in every bill but may be useful in certain cases. If the bill contains a number of sections, the provision should be arranged in the following order:

- A. Title
- B. Enacting Clause
- C. Definitions(optional)
- D. Purpose of Act
- E. Main Provisions, Creation of Agency, Tenure, Finance, etc.
- F. Appropriations (optional)
- G. Repeal(optional)
- H. Effective Date

9-3-1. TITLE

The subject of every bill should be clearly expressed in its title. The title should cover every part of the subject matter contained in the bill. Either draft the title last or after writing the bill. Then go over the title to make sure everything in the bill is covered by the title. The title should contain only the general subject of the bill, not an index of what the bill contains. The title should be expressed in broad terms. If it is necessary to go into detail, first state the broad category and work down. The phrase "for other purposes" added to the title of an act does not take care of stray matters related to the subject matter of the bill. If the bill makes an appropriation, the phrase "MAKING AN APPROPRIATION" is required. In addition, the correct name of the organization is found on the Department of Campus Activities' webpage, under the list of organizations (once here, the organization link must be selected in order to locate the official chartered name of the organization), and must be used in the bill's title order for the bill to be passable. In an original enactment, state the object of the act as concisely as possible. Example:

AN ACT

CREATING THE ASNMSU PUBLICITY BOARD; AND DEFINING ITS POWERS AND DUTIES.

If the act amends several sections of existing laws, the title should begin with the general subject, should state what the bill is doing to do about it, and then should list the sections of the law that will be amended. If any one section of the law has been amended since its original enactment, insert the words "AS AMENDED" at the end of the section number.

If the act amends only one section, it may be clearer to the reader to state the general subject, name the section being amended, and then state what the amendatory act is going to do. Example:

AN ACT

RELATING TO THE SALARY SCALES OF EXECUTIVE OFFICERS; AND AMENDING SECTION 1 OF THE ASSOCIATED STUDENT ACT XV-71-72-2 TO INCREASE THE SALARY OF THE ASNMSU PRESIDENT

If the act merely repeals a related section or two, which would be in conflict with the new act, it is permissible to add a repeal section at the end of the title, without setting out exactly what the section being repealed does. Example:

AN ACT

REPEALING ASSOCIATED STUDENT ACT VI 66-67-9 RELATING TO THE ESTABLISHMENT OF WHO'SWHOCOMMITTEE

If the act amends a section, repeals a section, enacts a new section, or contains any two of these drafting methods, the selections should be listed in numerical order by amendments, repeals and new numbers assigned. Example:

AN ACT

ESTABLISHING THE ASNMSU INFORMATION SERVE; AMENDING SECTION 1 OF THE ASSOCIATED STUDENT ACT VII 63-64-13; REPEALING SECTIONS 2, 3, AND 4 OF THE ASSOCIATED STUDENT ACT VII 63-64-13.

A. ENACTING CLAUSE

The Senate rules provide the following exact wording for the enactment clause for bills: BE IT ENACTED BY THE SENATE OF THE ASSOCIATED STUDENTS OF NEW MEXICO STATE UNIVERSITY

B. DEFINITIONS (optional)

A definition section should be used only if the act is long and only if the words need defining; or, if it is declared, to substitute a single word for a long phrase which has to be used many times. Superfluous definitions cloud the meaning. If a word or phrase is used in only one section, the word should be defined in that section. The definition section need not state that the definitions "control unless the context requires otherwise;" this is understood. Each definition should be a subsection and the defined word should be in quotation marks. If the definition is restrictive, use the word "means"; if the definition is extensive, use the word "includes."

Whether the defined word is singular, plural, or a collective term, both verbs, "means" and "includes", remain always in the singular. It may be necessary at times to exclude a meaning from an extensive definition. To exclude the meaning, add the phrase "but does not include". Example:

Section 2. DEFINITIONS -- As used in the Public Relations Act:

- A. "Committee" means the Public Relations Committee;
- B. "Public relations" includes lobbying; and
- C. "Lobbying" includes both community and legislative relations but does not include inter university relations.

C. PURPOSE OF ACT

It is necessary to include a "purpose of act" statement on a piece of legislation, since "Section 1. Purpose of Act" is included as a section of the official Senate Bill Template. The purpose of act should state how an amendment or adopted change should be presented, such as:

Section 1. PURPOSE OF ACT – To make Chapter 8 of the ASNMSU Law Book positions uniform and consistent. Amended with inserted material underlined and deleted material [in brackets].

D. MAIN PROVISIONS

The main provisions state the intent of the bill and if necessary, create an agency for administration or designate an existing agency to perform additional duties. The format of the main provisions is the most flexible of all the parts of the bill and depends entirely upon the bill's purpose. If the bill's main purpose is to make an appropriation, the main provisions section shall include a detailed breakdown of line items and their cost (followed by a brief calculation method in the event the line item is charged more than once), which entirely makes up the total appropriation amount the bill is asking for, It may also be necessary to include a line directly underneath the line item it is addressing , specifying any information needed in order to further validate the cost of a line item being stated on the bill. Example:

Section 2. MAINPROVISIONS

LINEITEMS Airfare (1 ticket @ \$800.00/tic

Airfare (1 ticket @ \$800.00/ticket)	\$ 800.00
(El Paso, TX to Phoenix, AZ) (Round trip)	
Hotel (1 room @ \$250.00/room x 2 nights)	\$ 500.00

E. APPROPRIATION

If money is needed for the administration of the act, it is usually necessary to include an appropriation amount statement, following the line item breakdown. If an appropriation is to occur and be funded by ASNMSU on a year-to-year basis, it should be considered to be enacted into the General Appropriation Act (GAA) as a 'Base Program' for the upcoming fiscal year and thereafter. If an appropriation will vary from year to year, (such as an appropriation for an organization) it should specifically state the exact appropriation amount (line item totals added up, but cannot include cents) followed by the specific organization name also mentioned in line 1, and lastly, should indicate the ASNMSU Account it will be earmarked from. Example:

Section 10. APPROPRIATION - One thousand two hundred fifty-two dollars (\$1252.00) shall be appropriated to the account of NMSU Ethics Club from the ASNMSU Surplus Account.

Remember that a bill appropriation is generally only valid/eligible for reimbursement for the remainder of the fiscal year in which it was appropriated. There may be special cases in which this may or may not be the case, please refer to the Financial Procedures Workshop (FPW) regarding bill appropriation and reimbursement deadlines for that respective fiscal year for further details and specifications.

F. REPEALSECTION(optional)

Sections in conflict with the bill and sections not necessary after the passage of the bill should be expressly repealed. A general phrase states an obvious fact and does not remove conflicting, obsolete, or unnecessary laws.

G. EFFECTIVEDATE

If the law is to be effective at a date later than passage, state the date desired in a separate section. Effective date sections are also used when the effective date of the act is to be contingent on the happening of some event, such as the passage of a constitutional amendment, when it is necessary that the act be effective at different times for different categories of affected students.

9-4. IMPORTANT DRAFTING NOTES

A. ONE SUBJECT

A bill should embrace only one subject but may include appropriations for events in compliance with 8-4-2-B-a. Frequently the way in which the drafter expresses the idea of the bill can make the difference between whether the bill is considered to cover one or two subjects. It should also be pointed out that the Senate forbids a bill to be amended in such a way as to change its intention or to cover more than the original intent of the bill.

B. THIS ACT

In original legislation, the phrase "this act" is a rather clear statement. If amendments were never made, or if all of the sections of a certain act were amended when it was amended, it would remain clear. Unfortunately, this is not the case. When amendments are made, then the meaning of "this act" becomes uncertain. If the phrase is included in the original section which is to be amended and it is allowed to remain, it may refer to the amended act or to the entire original act as previously amended, but excluding the present amendment.

The drafter should avoid the use of "this act" whenever possible, in the drafting of original legislation. The can be done by:

- 1. Referring to the specific action being referred to; and
- 2. Referring to the specific section numbers.

This will enable the reader to identify the provisions and force a subsequent drafter into being specific when one amends this act.

In amendatory legislation, the drafter should be careful to avoid the phrase in the added language and to replace the phrase "this act" with a specific statutory citation where it occurs in the original language.

C. CAPITALIZATION

The ordinary capitalization usage is too cumbersome for use in bill drafting. Laws always speak in terms of titles and under ordinary usage, would be filled with capital letters. This is objectionable because typists are slowed down. The following rules of capitalization are suggested as being easiest to read as well as the easiest and quickest to type:

CAPITALIZE-

- 1. Every letter of the heading of a bill down to and including the inaction clause.
- 2. Every letter of section headings. Example:

Section 10. BOARD CREATED – POWERS - DUTIES OF CHAIRS - etc.

3. The first letter of proper names, derivatives of proper names specific division of calendar and short titles of acts.

DO NOT CAPITALIZE -

- 1. Generic political subdivisions, whether used in conjunction with a proper name or not. Examples:
 - a. state of New Mexico, college of Arts & Sciences.
- 2. Boards, commissions, and other bodies. Examples:
 - a. board of regents, senate.
- 3. Titles of officials, whether elected or appointed, unless the title is used in addressing them. Examples:
 - a. Mr. or Mrs. President, president, senator.
- 4. The first letter of the first word of subsections or paragraphs following a colon. Example:
 - a. Section 3: DEFINITIONS As used in the Publications Act:
 - b. A "media" means the Round-Up, KNMS AM and the ASNMSU information service.

D. PUNCTUATION

The following special rules of punctuation are particular to bill drafting; other bills follow normal usage.

SEMICOLON: In the title of an act, use semicolons to designate the break between one thought and another. Example: RELATING TO THE ASNMSU; DEFINING POWER AND DUTIES; AND AMENDING SECTION 4 OF THE ASSOCIATED STUDENT ACT VII-62-63-15.

HYPHEN AND DASH: Words such as Vice President and Ex officio are not hyphenated when used as nouns but are hyphenated when used as adjectives. Use a hyphen between elements of compound number from twenty-one through ninety-nine, and in compounds with a numerical first element. Use a hyphen between elements of a fraction except when one element contains a hyphen. Use a hyphen between the numbers of a compound section number when referring to the compilation. Use two hyphens (a dash) with no spaces on either side between the elements of a section heading and a period followed by a dash at the end of the section heading to indicate the break between the section headings and beginning of the act.

PERIOD: Use periods after section numbers. Use periods at the end of titles.

NUMBERS: Use numbers spelled out, followed by figures and symbols to express amount of money. Use Arabic numerals to express dates, formulas and in tables and charts. Use Arabic numerals to express reference to statutes and to the constitution. Articles of the constitution should not be express in Roman numerals. They should always be written as Arabic numerals in drafts. All other numbers in the body of a bill are written out and the figures enclosed in parentheses do not follow.

E. BRACKETS AND UNDERLINING

New material in amendatory sections should be underlined and material which is to be deleted should be set forth within brackets. Bracketed material and underlining will be removed and replaced as indicated in the enrolling and engrossing process.

Brackets and underlining allow legislators and other interested persons to tell from the bill itself, during its passage, just what it accomplishes without the time consuming task of comparing the bill with existing law.

Amendatory material drafted without brackets and underlining is in effect, blind legislation.

Obviously there is no problem in the case of all new legislation or if all sections of the bill are amendatory. The difficulty arises when a bill has one section which is all new and another section which is amendatory and uses brackets and underlining. It would be possible to underline all new language in any bill which has an amendatory section, but this would require an unnecessary amount of time. Something must be inserted which will warn senators that the entire bill is not amendatory and that they must read the language carefully even though it contains no underlining or brackets.

When in ordinary amendatory legislation, only a word or phrase is deleted and a new word or phrase is inserted, the material to be deleted should be set out with brackets, followed by the underscored materials. Example:

The fee for practicing sword swallowing in the Senate Chamber is [five dollars (\$5.00)] ten dollars (\$10.00).

It is unnecessary to delete words or letters for the purpose of reenacting them with or without capital letters; and it is generally unnecessary to bracket deleted punctuation if there is no word accompanying the punctuation in the bracket. Likewise, it is unnecessary to underscore new punctuation standing alone. When changing the tense, the ending of a word, or the spelling of a word, bracket or underscore the entire word and not just the part to be changed, deleted or added.

F. SUBTOTAL FORMULAS FOR APPROPRIATIONS, EXAMPLES, TABLES AND LISTS

The subtotal sections of bills that are appropriating funds to any account must include detailed line items, a line item subtotal, Less Council Funds, a subtotal to reflect the Less Council funds that have been subtracted, Less Matching Funds, and a Total Appropriation. These numbers will be calculated as follows:

 First, after all line items are listed, a line item subtotal must be calculated. Second, a section for Less Council Funds must be calculated. Once Less Council Funds have been subtracted from the line item subtotal, a second section for Less Matching Funds must be calculated. Less Matching Funds will be calculated by multiplying 60% by the subtotal that is calculated after Less Council Funds are subtracted. The Total Appropriation section of the bill will be calculated by subtracting the Less Matching Funds from the Less Council Funds subtotal. 2. Each subtotal section will read "SUBTOTAL" in all capital, underlined and bold font letters. The subtotal amounts will be in bold font and underlined. The total appropriation section will read "TOTAL APPROPRIATION" in all capital, underlined and bold font letters. The total appropriation amount will be in bold font and underlined. TOTAL APPROPRIATION and the total appropriation amount will be connected by a continuous underline.

Administrators have long since found that some materials are much easier to read, understand and compare if it is set out in a table, explained with a formula or illustrated with an example. For this reason, they make great use of these devices in translating laws for the layperson. The drafter should use these devices whenever possible.

G. DIVISIONS OF A BILL

The body of a bill is divided into numbered sections. The sections should be short to make amending easier. If the section is a long one, it will be easier to read, understand and refer to if it can be broken into subsections and sometimes even into paragraphs and subparagraphs.

The subject of the bill will determine to what extent this division should be carried. To enable persons reading the bill to know the rank of division without checking back to the prior section, the following standard form established by the NM legislature should be used;

Section 1.

- A. Subsection
- 1. Paragraph
- a. Subparagraph containing (1) items. When used in a bill, the section carries the number designation, "Section 1." followed by the section title. The other division of a section carries just their number or letter designation.

A bill for the purpose of appropriation will determine the total appropriation allotted to the account specified in the title. To enable persons reading the bill to know the total dollar amount to be appropriated, the following standard should be used;

Section 2: Main Provisions (All line items should be listed according to ASNMSU Financial Operations)

LINEITEMS

<u>SUBTOTAL</u>	<u>\$0.00</u>
Less Council Funds	\$0.00
SUBTOTAL	<u>\$0.00</u>
Less Matching Funds 60%	\$0.00
TOTAL APPROPRIATION	\$0.00

- 3. The line items will demonstrate those items and the dollar amount of those items that are being requested for allocation according to ASNMSU Financial Operations.
- 4. The line item subtotal, located as the first subtotal, will demonstrate the amount of funds requested before Less Council Funds and Less Matching Funds are subtracted.
- 5. The Less Council Funds dollar amount will demonstrate the total amount of funds to be received from the organization's college council.
- 6. The second subtotal will demonstrate the amount of funds calculated after Less Council Funds are subtracted from the line item subtotal.
- 7. The Less Matching Funds dollar amount will demonstrate 60% of the amount of funds calculated by multiplying 60% by the second subtotal.
- 8. The Total Appropriation section of the bill will be calculated by subtracting the Less Matching Funds from the second subtotal.

A bill composed of multiple appropriations (up to four [4]) will follow the standard format:

Section 1: Purpose of Act

Subsection B: (The second event)

Subsection C: (The third event)

Subsection D: (The fourth event)

Section 2: Main Provisions.

Subsection A: (The first event) To provide funding for (number of students, male and female) students to (attend/present/compete) in (event) on (date) in (location).

Subsection A: LINE ITEMS

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Section 3: Appropriation.

Grand total appropriation (Total appropriation \$0.00) shall be appropriated to the account of the (the name of the organization) from the ASNMSU (Cardinal/Club/Surplus) account.

Section 4: Rationale.

Subsection A: (An appropriate rationale shall be described in detail for each event whether it is for attendance, presentation, or competition.

Subsection B:

Subsection C:

Subsection D:

9-5. LANGUAGE SUGGESTIONS

- A. The singular includes the plural.
 - 1. Use "person", never "person or persons."
- B. Never use gender specific pronouns.
- C. Statutes speak in the present, not the future tense.
- D. Never use "and/or".
 - 1. If the intent is that all items are necessary, use the conjunction "and".
- E. Avoid the phrase "directly or indirectly".
 - 1. The phrase is generally unnecessary.
- F. Use short sentences rather than long drawn-out phrases or paragraphs.
- G. Never use "as provided in this act" or "as defined in this act".
 - 1. These phrases are superfluous and should be omitted.

H. Never abbreviate.

- 1. Exceptions: am, pm; ASNMSU nouns should be used instead of pronouns.
- I. Never use "that" at the beginning of a section or sentence.
- J. Never use a phrase when a word will suffice.

USE	AVOID
void	absolutely null and void, or is null and void and of no effect
after	subsequent to, or from and after
is authorized (or may)	is hereby authorized and empowered to
appoint	constitute and appoint
a year	perannum
on June 15, 1970	on and after June 15, 1970
June 15, 1970	the fifteenth day of June, 1970
if	in the event that, or whenever
may	it shall be lawful, or one shall; in one's discretion
consider	give consideration to
applies	is applicable
sole	sole and exclusive
is	be and the same is hereby
fail	fail, refuse and neglect
means	is defined and shall be; construed to mean
about	with reference to
percent	per cent or per centum
full	full and complete
in force	in force and effect
do	do and perform

by	by and with
each (or every)	each and every
parts (or portions)	parts and portions
money	money or monies
any person who violates	if any person shall violate
evidence	evidence, documentary or otherwise
shall	it shall be one's duty to, or is ordered and directed to, or is hereby
vested with	power and authority and it shall be one's duty in carrying out the
provisions of	this act
conclusive	final and conclusive
mail	matter transmitted through the mail
the (or that)	such, said, aforesaid, or same

K. LANGUAGE SUGGESTIONS AVOID THE PHRASE this act.

This phrase is especially troublesome in amendatory legislation and should be avoided whenever possible in other legislation, especially where the section is to become part of the compiled law. Certain sections, such as appropriations, effective date, severability, etc., which have limited life, are not so important. At times, the phrase is almost unavoidable but should be used with extreme caution and understanding.

L. LANGUAGESUGGESTIONSUSINGTHEPHRASEEX-OFFICIO.

The phrase "ex-officio" indicates only that a person holds one office by virtue of holding another office. The phrase doesn't restrict any powers or duties of an officer while serving in one's ex-officio capacity. Any misunderstanding may be avoided by using the word "automatically", as in the example: "the finance chair is automatically chair of the finance board".

M. LANGUAGE SUGGESTIONS NEVER USE ROMAN NUMERALS

Most people cannot decipher Roman numerals above ten and even below that they are confusing. Even when referring to the articles or our constitution, Arabic numerals should be used. The only exceptions are when a section of the Constitution is being amended or when a specific act is being used as a referral. Example: Associated Student Act XIV-70-71-9.

9-6 REFERENCES

The latest edition of the Merriam-Webster English Dictionary should be the standard authority on all spellings. The latest edition of the American Psychological Association (APA) Manual shall be the standard authority on style and grammar.

The Drafting Manual of the ASNMSU Senate was originally adopted by the Senate Rules Committee on May 1, 1972. This Drafting Manual was last revised during the (2015-2016) Fiscal Year (spring semester). The page following is a sample of the (2015-2016) 59th Senate Bill template, and should be revised each year accordingly, along with the revision date in this section. Be advised that current percentages and figures within this chapter were in accordance with the Financial Procedures Manual of the 59th Senate, and are only valid if also cross-listed with the most up to date Financial Procedures Manual.

SENATE OF THE ASSOCIATED STUDENTS OF NEW MEXICO STATE UNIVERSITY BILL # 00

1997-1998

Introduced by:	Date:
Referred to:	Date:
Senate Action:	Date:
Date Signed:	

AN ACT

XLIV-04-05

TYPE TITLE IN THIS SPACE. CAPITALIZE EACH LETTER OF EACH WORK AND DOUBLE SPACE THE LINES. MARGINS ARE ALWAYS THE SAME AS FOR THE TEXT OF THE BILL.

BE IT ENACTED BY THE SENATE OF THE ASSOCIATED STUDENTS OF NEW MEXICO STATE UNIVERSITY:

Section 1. SECTION HEADING - The first line of the section is indented five spaces. The Body of the Bill is double-spaced with margins as shown.

- A. The first line of the subsection is indented ten spaces. The body of the subsection is not indented;
 - 1. The first line of the paragraph is indented fifteen spaces. The body of the paragraph is not indented; and,
 - a. The first line of the subparagraph is indented twenty spaces.
 - i. Items are not indented, but follow along in the body of the subparagraph.

The last line of the text is never lower than this line

10. COLLEGE COUNCIL BYLAWS

10-1. MISSION STATEMENT

The Undergraduate College Councils of the Associated Students of New Mexico State University shall exist to promote the various academic studies of their several colleges and the student organizations therein. The councils shall have the power to provide funding to assist member organizations with their operations. The Councils shall also serve as links between student organizations and ASNMSU officials and, finally, as community service and outreach organizations that shall serve to improve life on the New Mexico State University campus and in the greater Southern New Mexico community. With these goals in mind, the Undergraduate College Councils of the Associated Students of New Mexico State University, the Senate of the Associated Students of New Mexico State University, in collaboration, do establish this unified set of council bylaws.

10-2. STRUCTURE OF THE COUNCILS

There shall be six (6) undergraduate college councils, hereafter referred to as "the councils"; one for each of the six undergraduate colleges: the College of Arts & Sciences, the College of Business, the College of Engineering, the College of Education, the College of Health and Social Services, and the College of Agricultural, Consumer & Environmental Sciences. The Undergraduate Councils shall be considered Base Programs in accordance with ASNMSU Law. Each council shall convene every two weeks, hold at least six (6) meetings per semester, and maintain order and decorum in accordance with the latest edition of Robert's Rules of Order. Once enacted by the ASNMSU Senate, these council bylaws and all subsequent amendments shall hold the force of ASNMSU Law.

10-2-1. MEMBERSHIP

The councils shall be composed of recognized student organizations that are in good standing with the council and accepted by its members.

- A. An organization must seek membership with the council that represents the college under which that organization is chartered with NMSU Campus Activities. Independent organizations shall seek membership with the college of Arts & Sciences' council. Each college's ASNMSU Senators shall serve as ex-officio, nonvoting members of their respective councils and shall attend all meetings.
- B. Each council organization shall send two (2) voting representatives, also referred to as "voting members" to council meetings; a majority of the total number of voting members in a council shall constitute a quorum to do business.

10-2-2. ENTRY PROCEDURE

Organizations shall achieve membership in their respective college's council by entering a trial period. During the trial period, organizations must send at least one (1) voting representative to two (2) consecutive regularly scheduled council meetings. Once an organization has sent representatives to two (2) consecutive meetings, they shall be eligible to be inducted into the council by a two-thirds $(\frac{2}{3})$ vote of its current membership that is present and voting, provided a quorum is present.

- A. Upon receiving the necessary ²/₃ vote and being inducted into council, an organization shall be known as a "Council Organization" or an "Organization in Good Standing".
- B. Should an organization fail to send at least one voting members to two (2) consecutive regularly scheduled council meeting, that organization shall restart their trial period.
- C. Organizations currently in good standing with an undergraduate council at the time of the initial passage of these bylaws shall maintain their good standing and full membership in that council.

10-2-3. MAINTENANCE OF GOOD STANDING

Council organizations shall regularly attend council meetings. Should a council organization in good standing fail to send at least one (1) voting member to three (3) consecutive regularly scheduled meetings, that organization shall lose their standing with their council, forfeit council membership, and shall be required to go through a new trial period in order to once again achieve good standing.

10-2-4. EXPULSION FROM COUNCIL

A council may expel an individual voting member or an entire organization with a two-thirds ($\frac{2}{3}$) vote of the entire council membership that is in good standing for a time period not to exceed the remainder of that academic year.

10-3. EXECUTIVE BOARD

Each council shall elect, by simple majority vote, an Executive Board that shall consist of a President, Vice President, Secretary and Treasurer, who shall serve as each council's officers. Each council's faculty advisor shall serve as an ex-officio, non-voting member of their council's Executive Board. All councils' Executive Board members shall serve one (1) academic year terms commencing with the conclusion of council elections and ending with the installation of their successor at the conclusion of the following year's elections.

- A. The councils may establish, as necessary, additional offices to assist the Executive Board with the execution of their duties. In the event that such an office is created, that council's President shall inform the Council of Councils, in writing, within two (2) weeks of the creation of the office.
- B. All members of a council's Executive Board shall be members of ASNMSU and shall have been members of whichever council that they officiate. Members of each Executive Board shall maintain their right to be voting representatives, except for the council president who shall not vote unless their council be equally divided. All members of each Executive Board shall attend at least one (1) hour of one ASNMSU Senate meeting each academic semester.

10-3-1. COUNCIL PRESIDENT

Each council's president shall:

- A. Serve as chair of their respective council and be responsible for scheduling at least six (6) council meetings per semester and reserving rooms;
- B. Schedule at least one (1) council community service/outreach event each semester;
- C. Prepare a General Agenda at the beginning of each academic year that includes the dates and times of each of the council's meetings and planned community service events for that year and present their General Agenda to the Council of Councils;
- D. Call all regular and special council meetings to order; the council president may, at their discretion and when necessary, call for a special meeting of their respective council;
- E. Develop and propose the agenda for each council meeting; the meeting's agenda must be adopted by the council at the beginning of each meeting in accordance with Robert's Rules of Order;
- F. Cast no vote unless the council be equally divided;
- G. Be familiar with and be responsible for impartially enforcing and interpreting these College Council Bylaws, as well as the ASNMSU Law Book in general;
- H. Appoint chairs to preside over any committees created by their respective council;
- I. Act as an official representative of the council;
- J. Serve on the Council of Councils, or designate an individual to do so on their behalf, and attend all meetings;
- K. Successfully complete an ASNMSU Financial Procedures Workshop within two (2) weeks of being elected to the office;
- L. Attend at least one (1) hour of an ASNMSU Senate meeting each semester; and
- M. Be familiar with the latest edition of Robert's Rules of Order.

10-3-2. COUNCIL VICE-PRESIDENT

Each council's vice-president shall:

- A. Assist the President with the setting of the General Agenda, the planning of meetings and the maintenance of decorum in the chamber during meeting times;
- B. In the absence of the President, assume the powers and duties of the President;
- C. In the event of the ineligibility or unseating of the President, assume the office of President and serve as such until Council elects a new president;
- D. Act as Council Parliamentarian;
- E. Serve on the ASNMSU Election Board and attend all meetings;
- F. Serve on the Council of Councils, or designate an individual to do so on their behalf, and attend all meetings;
- G. Attend at least one (1) hour of an ASNMSU Senate meeting each semester;
- H. Be familiar with the latest edition of Robert's Rules of Order; and
- I. Be familiar with these College Council Bylaws.

10-3-3. COUNCIL SECRETARY

Each council's secretary shall:

- A. Record and maintain all records and minutes of all council and council committee meetings;
- B. Record all votes and maintain all voting records;
- C. Record points for each council organization in accordance with the Council Points System;
- D. Maintain and update each council's respective website;
- E. Send minutes to all council organizations upon the conclusion of each meeting;
- F. Be responsible for all traditional and social media of their council as well as its public relations; and
- G. Attend at least one (1) hour of an ASNMSU Senate meeting each semester.

10-3-4. COUNCIL TREASURER

Each council's treasurer shall:

- A. Receive and disburse all council funds;
- B. Keep timely record of all receipts and expenditures;
- C. Successfully complete an ASNMSU Financial Procedures Workshop within two (2) weeks of being elected;
- D. Act as the liaison between their council and ASNMSU financial officials;
- E. Be responsible for explaining ASNMSU council funding policy to members of their council;
- F. Provide a financial report to their respective council at each council meeting detailing each council's account balances and pending appropriations;
- G. Have extensive knowledge of the Financial Regulations contained in these bylaws;
- H. Attend at least one (1) hour of an ASNMSU Senate meeting each semester; and
- I. Hold at least one (1) meeting with the ASNMSU Fiscal Advisor in an academic year.

10-3-5. ELECTION OF THE EXECUTIVE BOARD

Each council shall hold elections for Executive Board positions at the penultimate council meeting of each spring semester.

- A. Any student wishing to run for an executive board position must be a member of ASNMSU and be present at the council meeting where elections are being held.
 - 1. If a candidate is not present, they may still be nominated but forfeit the right to 10-3-5-C.
- B. Council elections shall be held by public ballot, voice vote or hand vote, with the results of each election posted on their respective council's website or social media.
- C. Each candidate wishing to be elected to an Executive Board officer position shall give a speech not lasting more than two (2) minutes and, afterward, will be available for a session of questions that shall not last longer than ten (10) minutes.
- D. Candidates seeking an Executive Board office shall be required to remain outside the room while voting are proceeding. They shall re-enter the room to give their speech and answer questions but shall leave once their presentation is over and remain outside the council's meeting location until voting has concluded.
- E. All Executive Board members shall be elected by a majority of council members present. Should no individual receive a majority of votes in the initial ballot, a runoff shall be immediately held for the individuals who received the most and second-most amount of votes.
- F. Each council must announce the date of their council elections at least two (2) weeks prior to the elections being held.
- G. Should a vacancy occur on a council's Executive Board prior to the scheduled Spring Elections, that council may hold a special election to elect a replacement to the position.

10-3-6. REMOVAL OF THE EXECUTIVE BOARD

An Executive Board official may be removed from office with a two-thirds $(\frac{3}{3})$ vote of no-confidence. Before a vote of noconfidence can be held, the official in question must be informed of the upcoming no-confidence vote at least five (5) business days beforehand and be given an opportunity to speak in their defense.

10-3-7. COUNCIL ADVISORS

Each council shall have a faculty advisor who shall be either a dean or a faculty member within that council's college. Each council's faculty advisor shall serve as an ex-officio, non-voting member of both that council's executive board and of the Council of Councils.

10-3-8. VERIFICATION OF SENATE HOURS

Each council's executive board members shall complete an hour verification from which shall detail the time that they spent in Senate, and which must be signed by the presiding officer of whatever Senate meeting they attended. Each council's secretary shall keep record of these forms.

10-4. COUNCIL OF COUNCILS

10-4-1. MEMBERSHIP OF THE COUNCIL OF COUNCILS

The Council of Councils shall consist of:

- A. The Presidents and Vice Presidents, or their designee(s), of each of the Undergraduate Councils;
- B. The ASNMSU President;
- C. The ASNMSU Vice President;
- D. The President Pro Tempore of the ASNMSU Senate;
- E. The Faculty advisors of the several councils; and
- F. The President and Vice President of the Graduate Student Council, who shall serve as ex-officio, non-voting members of the Council of Councils.

10-4-2. QUORUM

Quorum shall consist of a simple majority of the voting membership of the Council of Councils.

10-4-3. **DUTIES**

The Council of Councils shall:

- A. Meet at least twice (2) per semester:
- B. Elect, by majority vote, a President of the Council of Councils from among the Undergraduate Council presidents at the final meeting of the spring semester who shall preside over the Council of Councils;
 - 1. The ASNMSU Vice President shall convene the first meeting and act as chair until time that a President is chosen from among the Council Presidents.
 - 2. The President of the Council of Councils may call special meetings as they see fit.
- C. Plan and coordinate inter-council activities and events;
- D. Review and approve the yearly General Appropriations agendas proposed by each council president at the beginning of each academic year;
- E. Ensure that all councils operate and exist in accordance with these bylaws and with ASNMSU Law in general; and
- F. Represent the combined interests of all the undergraduate student organizations represented in all the councils to the ASNMSU student government.

10-5. COUNCIL DECORUM

Each Council shall maintain order in accordance with the latest edition of Robert's Rules of Order in conjunction with these bylaws. Any question of order not addressed in these bylaws shall be resolved in accordance with Robert's Rules of Order.

10-5-1. SPEAKING PRIVILEGES AND RIGHTS OF VOTING REPRESENTATIVES

Any student, faculty member, NMSU dean or administrator, as well as all special guests, shall have the right to be recognized as speak at a council meeting.

- A. All council speakers shall address the presiding officer while speaking and all debate shall flow through the presiding officer.
- B. Individuals wishing to speak must first be recognized by their council's presiding officer. No more than a single individual shall hold the floor at one time and an individual holding the floor shall not be interrupted except for points of order or clarification or to appeal of a decision of the chair.
- C. Only voting representatives from a council organization in good standing, including all Executive Board officers save the President, shall have the right to make motions at any council proceeding.
- D. A council organization may have as many of its members present at a council's proceedings as the council president allows, but they must designate only two members to be their voting representatives at the beginning of each meeting and only those representatives shall have the privilege of making motions and voting for the duration of those proceedings.
 - 1. If a council's chambers have a gallery available, then non-voting representatives shall be required to remain in the gallery.
 - 2. A council's presiding officer shall have the power to clear the council chambers or gallery, save for the voting representatives and Executive Board, in the event that the chamber becomes unruly.
- E. Voting Representatives from an organization in their trial period shall have the privilege of speaking at all council procedures, but shall make no motions and cast no votes.

10-5-2. ORDER OF BUSINESS

In general, each council's meeting agenda shall conform to the following template:

- I. Call to Order
- II. Roll Call
- III. Adoption of the Agenda
- IV. Executive Board and Staff Reports
 - Report of the President
 - Report of the Vice President
 - Report of the Secretary/Public Relations Report
 - Report of the Treasurer/Financial Report
- V. Senate Reports
- VI. Committee Reports
- VII. New Business
 - Appropriations
 - Special Business (Impeachments, Endorsements, Elections, etc.)
 - Recognition of New Organizations
- IX. Unfinished Business
- X. Community Service Announcements
- XI. General Announcements
- XII. Adjourn
- A. During Roll Call, each council organization's voting members shall respond to their organization's name being called with the number of voting members present.
- B. Each council's presiding officer is responsible for formulating and proposing an agenda for each meeting.
- C. Each council maintains the power to amend their meeting agendas and must adopt their agenda at each meeting.

10-6. VOTING PROCEDURES

- A. Only voting representatives from a council organization in good standing, including all Executive Board officers save the President, shall have the right to vote at any council proceeding.
- B. A majority of all of a council's possible voting representatives shall constitute a quorum.

- C. A majority vote of the voting representatives present, providing the members present constitute quorum, is sufficient to pass any motion or act that may be introduced in a council, except as otherwise specified within these bylaws.
- D. Each council shall require a majority of its members to agree to perform any actions not explicitly enumerated in these bylaws or in the remainder of the ASNMSU Law Book.
- E. All council votes shall be conducted by show of hand vote or voice vote or public ballot. Secret ballots shall not, at any time, be used to conduct a vote.
- F. All majorities and supermajorities shall be calculated based on the number of voting representatives present at a council's proceedings. Each council organization shall be granted up to two (2) votes on each question or motion to be voted upon, with each voting representative casting a separate vote. Each organization's two representatives shall, at all times, be considered separate votes. An organization's two voting representatives may choose to vote together on a question or motion, but shall, in no way, be bound to do so.
- G. Each voting representative maintains the right to abstain from voting from any motion or question. Should a conflict of interest arise, a voting representative or entire organization may recuse themselves from voting. The presiding officer shall be the arbiter as to whether a recusal is in order. Recusals shall temporarily reduce the number of voting representatives present for the duration of the motion or question for which the recusal is in order, so as to not count in the negative.
- H. All votes shall be recorded by each council's secretary and the results shall be posted on each council's website or social media within five (5) business days of the conclusion of each regularly scheduled meeting.

10-7. POWERS OF THE COUNCILS

The councils shall exercise the following powers:

10-7-1. COUNCIL RESOLUTIONS

Each council may draft and pass official statements that express their opinion concerning a matter that they cannot or do not wish to control. These resolutions shall be known as "council resolutions" and shall require a simple majority vote. Councils shall also use council resolutions to amend these bylaws. Councils may pass joint council resolutions between each other if they so desire.

10-7-2. ENDORSEMENTS OF CANDIDATES FOR ASNMSU OFFICES

Each council may endorse candidates for their respective college's ASNMSU Senate seats and for the positions of ASNMSU President and Vice President.

- A. A council may only endorse as many candidate as there are positions available.
- B. Endorsements shall be conducted via public ballot, voice-vote or hand-vote, with the results posted on each council's website.
- C. Each candidate wishing to be endorsed shall give a speech not lasting more than 2 minutes and, afterward, will be available for a session of questions that shall not last longer than 10 minutes.
 - i. A council may extend a candidate's speaking time or the time allotted for questioning candidates with a majority vote. Should a council extend a candidate's speaking time, they must make this extra time available to any other candidate who should desire it.
- D. Each candidate seeking endorsement shall be required to remain outside the room while endorsements and voting are proceeding. They shall re-enter the room to give their speech and answer questions but shall leave once their presentation is over and remain outside the council's meeting location until discussion and voting has concluded.
- E. The candidate receiving the most number of votes shall receive the endorsement of each council. If there are multiple positions available, then the number of candidates equaling the number of positions available, who received the most votes, shall receive the endorsements.
- F. Councils shall only hold endorsements during an ASNMSU Election's specified campaign period.
- G. Councils may officially recommend that members of their organizations vote for candidates endorsed by the council. However, the members of an organization represented in a council shall not, in any way, be bound to vote for a candidate endorsed by their respective council.

10-7-3. APPOINTMENT OF ASNMSU SENATORS

In the event that there is a vacancy in a college's ASNMSU Senate delegation, each council may appoint a replacement senator to serve out the remainder of the unexpired term in accordance with Section 4-2-7 of the ASNMSU Law Book.

- A. Individuals wishing to be appointed to a vacant Senate seat must be a member of ASNMSU, be in good academic standing with NMSU, be a member of the college which the seat represents, and be present at the meeting at which the vacancy is being filled.
- B. Each candidate wishing to be appointed to the vacant seat shall give a speech not lasting more than 2 minutes and, afterward, will be available for a session of questions that shall last no longer than 10 minutes.
 - i. A council may extend a candidate's speaking time or the time allotted for questioning candidates with a majority vote. Should a council extend a candidate's speaking time, they must make this extra time available to any other candidate who should desire it.
- C. Each candidate seeking appointment to the vacant seat shall be required to remain outside the room while discussion and voting are proceeding. They shall re-enter the room to give their speech and answer questions but shall leave once their presentation is over and remain outside the council's meeting location until voting has concluded.
- D. Councils shall appoint a student to fill a vacant seat with a majority vote of voting members present.
- E. Following the appointment of a senator, each council President shall submit the name of the appointee to the Dean of their respective college who must sign a statement confirming that the appointing council exists according to ASNMSU regulations.
- F. Each council president shall also submit a joint statement with the advisor of their council verifying that the appointment was legitimate and occurred in accordance with ASNMSU Law.
- G. Should a council be unable to fill a vacant Senate seat, the dean of that council's college shall have the authority to fill said seat.
- H. Each council shall announce a Senate vacancy to their college at least one (1) week prior to appointing a senator to fill the vacant seat.

10-7-4. IMPEACHMENT OF ASNMSU SENATORS

Should a senator accumulate the requisite number of penalty points in accordance with section 8-5-K of the ASNMSU Law Book, that senator shall be referred to their respective council. The council shall then have the power to impeach that senator and refer them to the ASNMSU Supreme Court to face trial and potential removal from office. A council may not vote to change that senators point total, but shall simply vote whether or not a senator who has accumulated six points shall be referred to the court for impeachment.

- A. A three-quarters (3/4) vote of all voting members present is required to impeach a senator.
- B. Councils shall not have the power to decrease a senator's points, only to decide whether a senator who has received five points shall be impeached and referred to the court.
- C. Councils shall have the power to review evidence and call witnesses in order to assist them in determining whether to impeach a senator.
- D. Any senator facing impeachment must be notified of any official council proceedings where their position shall be put under discussion at least three (3) business days prior to the commencement of the proceeding and be allowed to speak in their own defense at any such proceedings should they desire to do so.

10-7-5. ENDORSEMENT OF SENATOR RECALL PETITIONS

Each Council shall have the power to endorse a recall petition for a senator in their college in accordance with Section 4-2-1.

- A. A recall petition must be presented to the council and have the signatures of at least twenty-five percent (25%) of the students who in that college who voted in the last election during which that senator's seat was up for election. Such signatures must be verified by the council.
- B. A council shall endorse a recall petition by a simple majority of representatives present.
- C. Following the endorsement of a recall petition, a council must formally recall a senator with a two-thirds (2/3) vote of no confidence.
- D. A council shall only recall a senator if the senator whom is being recalled has held their office for at least three (3) regularly scheduled Senate meetings.

10-7-6. OFFICAL RECOMMENDATIONS CONCERNING LEGISLATION

Each council shall have the power to give official recommendations concerning legislation to their college's senators.

A. While a council may give their senators an official recommendation concerning legislation, they shall not, in any way, compel their senators to adhere to their recommendation.

10-8. COUNCIL FINANCIAL REGULATIONS

Each council shall receive their funding from the General Appropriations Act for that fiscal year. Each council shall be funded per the number of organizations in that council in accordance with Section 7-11, the College Council Funding Act. Councils may approach the ASNMSU Senate for additional funding outside of the General Appropriations Act. This extra funding shall be enacted in the form of a Senate bill.

- A. Each Council's President and Treasurer shall complete an ASNMSU Financial Procedures Workshop within the first two (2) weeks of the semester following their spring election or within two (2) weeks of special appointment.
- B. Council Treasurers shall be responsible for coordinating council appropriations and serving as the liaison between council organizations and ASNMSU financial officials.
- C. Each Council Organization may receive no more than five-hundred dollars (\$500) worth of funding from their respective council in an academic year. No council shall appropriate more than \$500 to an organization in a single academic year for any purpose.
- D. Councils shall vote on all appropriations and expenditures.
 - 1. Funding for events coordinated by the Council of Councils must still be voted upon by any council that is considering committing funds to said event.
- E. A council shall only appropriate funds to organizations in good standing within that council.

10-8-1. THE GENERAL AGENDA AND COUNCIL POINTS SYSTEM

At the beginning of every academic year, each council's president must propose a General Agenda consisting of their council's regularly scheduled meetings and community service/outreach events. Each council's General Agenda must be adopted by their respective council and approved by the Council of Councils. Each council must be given the ability to review and amend their General Agenda prior to adoption. Each council must publish their General Agenda on their website. Council organizations shall receive funding points based on the number of General Agenda meetings and service/outreach events that they attend.

- A. Each council president must schedule at least six (6) meetings and at least one (1) community service or community outreach event per semester for a total of at least twelve (12) meetings and two (2) community service/outreach events on their council's General Agenda per academic year.
- B. A council may add community service or outreach events to their General Agenda with a simple majority vote.
 - 1. Such service events may count towards community service hours required for Senate funding under 7-4-3-D, so long as the service is for the benefit of the NMSU or Southern New Mexico Community.
- C. Council organizations may earn up to two (2) points, one for each possible representative, for attending each regularly scheduled meeting.
- D. Council organizations may earn up to ten (10) points for participation in each of their council's community service/outreach opportunities
 - 1. Each council organization shall earn their 10 community service points for a particular event for the first 10 organizational members whom they send.
 - 2. No individual may count toward community service points for more than one organization at a given event.
- E. Of the five-hundred dollars (\$500) each council organization may receive from their council in an academic year, each organization shall be eligible for up two hundred fifty dollars (\$250) of funding each academic year so long as they are in good standing with their respective council. Such appropriations shall require a majority vote.
- F. In order to receive appropriations beyond \$250 in a given academic year, organizations shall have to accumulate at least twenty-five percent (25%) of the total possible number of points available to each council. This number shall vary among the councils, depending upon the number of meetings and community service/outreach events on each council's General Agenda. This number shall be set at the beginning of each academic year and be based on each council's original General Agenda as adopted by each respective council and by the Council of Councils and shall not change if events are added Such appropriations shall require a majority vote.

G. Each council's treasurer shall be responsible for coordinating with that council's secretary to keep track of each organization's point totals.

10-8-2. APPROPRIATIONS PROCEDURE

- A. Each organization requesting an appropriation shall be required to present to the council and inform the voting representatives of the items or services for which they are requesting funding. Each council's treasurer shall verify whether an organization has accumulated sufficient points to receive more than \$250 from their council prior to voting.
- B. Organizations requesting an appropriation at particular council meeting must inform the council President, in writing at least twenty-four (24) hours prior to that meeting.
- C. All council appropriations shall be approved at least two (2) weeks prior to the event.
- D. Organizations who are approved for an appropriation shall be required to complete a Council Appropriations Form that must be signed by the council's president, treasurer and advisor, as well as by the ASNMSU Comptroller and be submitted to the ASNMSU Fiscal Advisor. In the event that the Comptroller is not available, the Fiscal Advisor may sign in their place. The ASNMSU Fiscal Advisor shall then determine how the appropriation will be dispersed.
 - Once an appropriation is approved; organizations shall contact the ASNMSU Comptroller within six (6) weeks to use such appropriation. If there is no contact within the allotted time span any approved or unspent funds shall be reverted back into the council's budget.
- E. An organization must be in good standing with their council at the time of the vote on their appropriations as well as throughout the appropriation process. Should a council organization fall out of good standing with their council during the appropriation process, their appropriation shall be frozen by ASNMSU until said organization returns to good standing within their council.

10-8-3. FUNDING RESTRICTIONS

- A. All council appropriations shall conform to the NMSU Business Policy Manual.
- B. All councils shall appropriate funding prior to any council organization purchasing the items to be funded. Councils shall not conduct reimbursements, except for:
 - 1. Travel fuel;
 - 2. Transportation such as shuttles, taxis, car services, etc. (It is recommended that council organizations rent; vehicles through an NMSU Department utilizing Enterprise Rentals);
 - 3. Parking fees (during travel); and
 - 4. Meals (during travel).
- C. Per the NMSU Business Policy Manual, council organizations shall use either a Procurement Card (P-Card) or a Purchase Order (P.O.) to purchase the items or services for which council funding was approved. As councils are Base Programs within ASNMSU, both of these shall be accessed through the ASNMSU Fiscal Advisor, who shall have discretion as to whether to allow another NMSU Department to use an ASNMSU account index.
- D. Following approval from a council to appropriate funds, council organizations shall use a Procurement Card (P-Card) when purchasing items less than one thousand dollars (\$1000):
 - 1. Promotional items;
 - 2. Clothing and accessories for non-NMSU employees;
 - 3. Food purchases other than catering (a P-Card may be used for Sodexo catering);
 - a. Food purchases for council meetings will need to be appropriated by the council membership. Such appropriation shall be taken out of the council budget for that academic year.
 - b. Food appropriation for organizations shall count towards the maximum five hundred dollars (\$500) capacity as mentioned in 10-8-C.
 - c. Minutes of the meeting reflecting such an appropriation shall be submitted to the ASNMSU Fiscal Advisor.
 - 4. Plaques, trophies and certificates given to non-NMSU employees;
 - 5. Office supplies;

- 6. Equipment purchases, including tools and supplies;
- 7. Conference registration fees;
- 8. Airfare; and
- 9. Printing and reproduction.
- E. Following approval from a council to appropriate funds, council organizations are to fill out a Purchase Order (P.O.) in order to purchase:
 - 1. Catering other than Sodexo;
 - 2. Clothing and accessories for NMSU employees;
 - 3. Plaques, trophies and certificates given to NMSU employees;
 - 4. Performers, speakers and presenters;
 - 5. Disc jockeys;
 - 6. Lodging;
 - 7. Rentals (such as for sound equipment, tables and chairs, inflatables, generators, barriers, portable restrooms and handwashing stations);
 - 8. Maintenance and repairs;
 - 9. Film showings (license purchasing); and
 - 10. Gift cards to non-NMSU employees.

d. Gift cards shall not be given to NMSU employees and shall not exceed twenty-five dollars (\$25) per recipient.

- 11. Items greater than one thousand dollars (\$1000) in value when combining a purchase with another department.
- 12. Total purchase price greater than three thousand dollars (\$3000) for multiple items when combining purchase with another department.
- E. Per the NMSU Business Policy Manual, councils shall make appropriations for the following items only if the organization requesting funding has been pre-approved by the NMSU Purchasing Department:
 - 1. Decorations,
 - 2. Personal care products;
 - 3. Tickets for athletic or entertainment events; and
 - 4. Floral arrangements.
- F. Per the NMSU Business Policy Manual, councils shall not make appropriations for the following items for any purpose or under any circumstances:
 - 1. Items to be sold for fundraising purposes
 - 2. Giveaway items in excess value of twenty-five dollars (\$25) per recipient

10-9. PUBLIC RELATIONS OF THE COUNCILS

Each council shall actively and frequently maintain public relations with the NMSU Community and shall publicize its activities throughout each academic year.

10-9-1. COUNCIL WEBSITES

Each Council shall maintain a website which shall be updated throughout the academic year by its respective council secretary, under the supervision of the council's president. Each council's website shall, at minimum contain:

1. The names and contact information of their respective councils' Executive Board members;

- 2. An official list of Council Organizations in Good Standing;
- 3. Updated meeting minutes including voting records and records of attendance;
- 4. A list of the candidates endorsed by their respective council for each ASNMSU election;
- 5. The respective council's General Agenda;
- 6. Regular council meeting time and meeting place details;
- 7. A copy of the latest version of the ASNMSU Law Book; and
- 8. A brief outline of the requirements of council membership.
- 9. The names and contact information of the respective college's current ASNMSU Senators.

10-9-2. ORGANIZATIONAL OUTREACH

The President of each council shall, within the first six (6) weeks of the fall semester, contact the leadership of major organizations within their college via their emails provided by NMSU Campus Activities, and invite these organizations into their council. Each council president must verify this email with the Council of Councils.

10-10. AMENDMENTS TO THESE BYLAWS

The undergraduate councils shall have the power to amend these bylaws, with the advice and consent of the ASNMSU Senate.

- A. In order to be enacted, amendments to these bylaws shall first pass at least four (4) of the councils, receiving at least a two-thirds (³/₂) vote in each council, and be consented to by the ASNMSU Senate while also receiving at least a ³/₂ vote.
- B. Amendment proposals shall be introduced into one of the councils in the form of a council resolution. Upon passage through this initial council, the resolution shall be sent to the remaining councils, who shall the power to amend, approve or reject the resolution. Amendments must be set out in full and the same version of the amendment must pass in at least four of the councils before it may be acted upon by the Senate.
- C. After at least of 4 of the councils have approved the amendment, it shall be submitted to the ASNMSU Senate for consideration in the form of a procedural resolution which shall be sponsored by an ASNMSU Senator. If no senator wishes to sponsor the resolution, then the senior most senator of whichever college whose council initiated the amendment proposal shall be the default sponsoring senator, though they shall not be compelled to vote in favor of the resolution.
- D. The proposed amendments shall go through either the three standing committees or Committee of the Whole. A representative from whichever council initially proposed the amendment shall act as a guest for the resolution and shall present the proposal to the Senate and be available for questions.
- E. The Senate shall not have the power to amend the proposed amendments for reasons other than grammar and structure, but shall simply vote whether to approve or reject the proposal.
- F. Councils shall not amend these bylaws in any way so as to contradict any current New Mexico State University policy.
- G. Councils shall solely have the power to amend these bylaws and not any other section of the ASNMSU Law Book.

10-11. SUSPENSION OF THESE BYLAWS

- A. Individual councils shall have the power to suspend sections within 10-2, 10-3, 10-5 and 10-9 of these bylaws with a two-thirds (2/3) vote of voting representatives present and voting.
 - 1. Councils shall not suspend the procedures for expelling a council organization as set out in 10-2-4 nor shall they suspend the procedures for removing a member of their executive board, as established in 10-3-6
- **B.** Individual councils shall have the power to suspend sections within the Financial Regulations, as established in 10-8, with a three-quarters (3/4) vote.
 - 1. Should a council suspend any of the Financial Regulations, it shall send a written report to the President of the Council of Councils and to the ASNMSU Fiscal Advisor explaining the reasons why the suspension was made.
- C. No council shall, under any circumstances, suspend a portion of these bylaws not enumerated in 10-11.
- D. Councils shall not suspend the bylaws to perform an action or exercise a power that, in any way, violates ASNMSU Law or NMSU policy.

APPENDIX A

A. RULES OF PROCEDURE FOR THE ASNMSU COURTS

A-1. GENERAL PROVISIONS

A-1-1. SCOPE AND TITLE

- A. These guidelines shall govern the procedure in all ASNMSU courts.
- B. These guidelines shall detail the just and speedy determination of every Court action. Membership in ASNMSU does not exempt anyone from NMSU's Code of Conduct, but rather imposes the additional obligation to abide by all University regulations. A member of ASNMSU is, therefore, subject to two (2) sources of authority, ASNMSU authority and University authority.
- C. These guidelines are provided as a reference, and are provided with the warning that the Court's rules and procedures may be altered to accommodate for unforeseen circumstances.
- D. When determining judgments, the Court will consider ASNMSU statutes and ASNMSU Supreme Court precedents. The statutes of the state of New Mexico and rulings of the courts of New Mexico, as well as those of United States federal courts, will also be persuasive authority.

A-2. CONDUCT OF COURT PROCEEDINGS

- A. The purpose of judicial proceedings is to ascertain the truth. Such proceedings should be conducted with dignity and decorum, in a manner conducive to undisturbed deliberation in an atmosphere that bespeaks the responsibilities of those who are charged with the administration of justice.
- B. The taking of photographs in the courtroom during the progress of judicial proceedings or during any recess thereof and the use of sound recording equipment shall not be done or permitted. Such proceedings introduce extraneous influences which tend to have a detrimental psychological effect on the parties involved.

A-3. OPEN MEETINGS POLICY

The ASNMSU Supreme Court is exempt from the ASNMSU Open Meetings Act during deliberation, conferences regarding matters before the Court, and voting. However, the final decision must be released upon conclusion of a case.

A-4. TYPES OF CASES

The Supreme Court shall hear both civil trials and appeals.

- A. Civil trials shall consist of one (1) party, the plaintiff, filing a complaint against another party, the defendant. Both sides will be given the chance to argue their points, present witnesses and evidence, and cross-examine the opposing side's witnesses. The procedures of a municipal court should be used as a model for this type of procedure. A civil action that is decided in a lower court or tribunal may be appealed to the Supreme Court if the matter is an issue of law.
- B. An appellate hearing shall consist of one (1) party, the petitioner, requesting the Court to review the decision of a lower court or tribunal, which has been decided in favor of the other party, the respondent. Both sides shall present a brief of their argument to the Court. Both sides will then be given a brief period to make an oral argument before the Court, and answer the Court's questions. Witnesses, evidence and exhibits will not be permitted.
 - 1. In cases of original jurisdiction, a member of ASNMSU may request that the Supreme Court hear their case first, before going before a lower court or tribunal, if the Court is required to take their case as a matter of law. If this is the case, the case will be heard using the procedure of an appellate hearing.

A-5. RULES AND FORMS

- A. The ASNMSU Supreme Court or division thereof may from time to time make and amend rules governing its practice not inconsistent with law. This index is to be treated as a guide to the Supreme Courts proceedings. The Court may, if necessary, deviate from the procedures outlined in this index, to accommodate for unanticipated situations. Proposed rules or amendments shall be submitted to the Chief Justice and shall not become effective until approved by the Chief Justice.
- B. Forms used in the ASNMSU courts shall be in the form approved by the Supreme Court.

A-5-1. TIME

- A. The day of the act, event, or default from which the designated period of time begins to run shall not be included in computing any period of time prescribed or allowed by these rules. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday.
 - 1. "Day" shall be defined as a business day, excluding federal and University holidays. The Court may hold proceedings over the spring, summer or winter breaks, if the parties involved are available. If parties are not available, a proceeding may be postponed until the University resumes classes.

A-5-2. DESIGNATION OF JUSTICES

A Special Master may be designated by the Chief Justice from the pool of Associate Justices. The Special master shall act as the judge of a lower court, and shall follow the procedures outlined in this appendix. The Chief Justice shall then designate two (2) Associate Justices to serve with the Chief on the appellate panel. The remaining Justice shall serve as an alternate for the appellate panel in which he or she may sit to hear the case but have no vote, unless called to fill a vacancy on the panel.

A-5-3. RECUSAL; EXCUSAL; DISABILITY

- A. Whenever a Justice or Special Master before whom an action is pending is disqualified by the terms of the ASNMSU Constitution or the Code of Judicial Conduct, he or she shall recuse himself or herself from sitting in the action by giving notice to all parties. Upon recusal, another justice or Special Master shall be designated to conduct any further proceedings in the action in the manner provided by 5-5-5 of these rules for cases of disqualification.
- B. If a party believes that one (1) or more of the conditions in Paragraph A of this rule exists, he or she may request to disqualify the Justice or Special Master by filing a notice of excusal, naming the condition or conditions, and the Justice shall thereupon proceed in accordance with 5-5-5 of these rules. If in any case of disqualification, the Justice or Special Master fails or refuses to recognize the disqualification, any party may certify that fact by letter to the Supreme Court of ASNMSU. The Chief Justice will have the final say as to whether a Justice or Special Master should be excused. If it is the Chief Justice that is in question, then the senior Associate Justice shall have the final say.
- C. If by reason of absence, death, sickness or other cause; the Justice before whom the case is pending is unable or unavailable to perform his or her duties, either party may certify that fact by letter to the Supreme Court of ASNMSU. The Supreme Court shall thereupon designate another Justice to preside over the cause.
- D. After the designation, the excused or recused Justice shall within one (1) day send to the designated Justice a copy of all proceedings in the action.

A-5-4. PRO SE AND REPRESENTATIVE COUNSEL APPEARANCE

- A. Pro se appearance by an individual. A party to any court action may appear, prosecute, defend and appeal any proceeding themselves.
- B. A party may appear, prosecute, defend and appeal any proceeding by representative counsel. All representative counsel must be a member of ASNMSU. Whenever counsel undertakes to represent a party, the counsel shall file a written entry of appearance showing the counsel's name, address and telephone number. For the purpose of this rule, the filing of any pleading signed by counsel constitutes an entry of appearance. If an entry of appearance is made by the filing of a pleading on behalf of a party, the counsel shall set forth on the pleading the counsel's address and telephone number.

- C. A party to any court action may appear, prosecute, defend, and appeal any proceeding:
 - 1. If ASNMSU is a party in a case, the Attorney General must represent ASNMSU. If the Attorney General has a personal or pecuniary interest in the case, the ASNMSU President is responsible for appointing counsel to represent ASNMSU.
 - 2. If two (2) entities within ASNMSU are opposing parties in a case, each entity is responsible for obtaining its' own counsel.
- D. ASNMSU is under no legal obligation to provide counsel, except where provided for by law.

A-5-5. RECORD

As used in these rules, "record" shall mean:

- A. Stenographic notes which must be transcribed when a "record" is filed;
- B. A statement of facts and proceedings stipulated to by the parties for purposes of review; or
- C. Any mechanical, electrical or other recording, including a videotape recording when such method of mechanical, electrical or other recording has been approved by the Court. No broadcast or reproduction of any mechanical, electrical or other recording shall be made for any person other than an official of the Court without the express written consent of the ASNMSU Supreme Court.

A-5-6. CONTEMPT

A Justice has jurisdiction to punish for contempt only for disorderly behavior or breach of the peace, which interrupts or disturbs a judicial proceeding in progress before the Justice or for disobedience of any lawful order or process of the Court. The Court may order any of the following judgments if a party is found guilty of contempt of court:

- A. Order dismissing action pending before the Court if said party filed the action;
- B. A judgment fining an organization or an ASNMSU Base Program a maximum of five hundred dollars (\$500).

A-5-7. JUDGEMENTS

The Court may issue any of the following judgments or perform any of the following actions at the conclusion of a trial:

- A. Render an ASNMSU law void if it is found to be in violation of the ASNMSU Constitution;
 - 1. It shall be the responsibility of the Chief Justice of the Supreme Court to provide copies of such opinions as well as any previously overlooked opinions to the Law Book committee by the time it convenes.
- B. Issue a judgment freezing the accounts of an ASNMSU Base Program or a recognized NMSU student organization or program funded through ASNMSU;
- C. Issue a judgment requiring that an individual or individuals do no more than fifty (50) hours of NMSU community service which shall not be applied to community service requirements for appropriation purposes;
- D. Issue a judgment fining an organization or an ASNMSU Base Program a maximum of fifty-thousand dollars (\$50,000) or issue a judgment fining an organization or an ASNMSU Base Program to no more than one hundred (100) hours of NMSU community service which shall not be applied to community service requirements for appropriation purposes.

A-5-8. INCOME

Funds resulting from fines imposed on a party are treated as revenue as per the ASNMSU Revenue Disposition Act.

A-6. COMMENCEMENT OF CIVIL ACTION

A-6-1. COMMENCEMENT OF ACTION

- A. Civil action shall be defined as a judicial proceeding brought by one (1) party against another; one (1) party prosecuting the other for a wrong done or for protection of a right or for prevention of a wrong.
- B. A civil action is commenced by filing with the Court a complaint consisting of a written statement of a claim or claims setting forth briefly the facts and circumstances giving rise to the action.

A-6-2. SUMMONS

- A. Upon receipt of a complaint, the Clerk of the Court shall docket the action and issue a summons and deliver it to the plaintiff's counsel, who shall be responsible for prompt service of the summons and a copy of the complaint upon any opposing party. Any defendant may waive the service of summons by entering an entry appearance stating they will appear before the Court, or filing an answer explaining their position in the proceedings. An answer may include a counter complaint against the plaintiff.
- B. The summons shall be signed by the Clerk of the Court or Chief Justice, be directed to the defendant, be substantially in the form approved by the Supreme Court and must contain:
 - 1. The name of the court in which the action is brought, the docket number of the case, the name of the first party on each side, with an appropriate indication of the other parties, and the name of each party to whom the summons is directed;
 - 2. A direction that the defendant serve a responsive pleading or motion within five (5) days after service of the summons, and file the same, all as provided by law, and a notice that unless the defendant so serves and files a responsive pleading or motion, the plaintiff will apply to the court for the relief demanded in the complaint;
 - 3. The name and address of the plaintiff's representative counsel, if any, shall be shown on every summons, otherwise the plaintiff's address.
- C. Personal service shall be made as follows:
 - 1. Upon the party named in the action; or if the party refuses to receive such, by leaving same at the location where he or she has been found, and if the party refuses to receive such copies or permit them to be left, such action shall constitute valid service.
 - 2. Upon ASNMSU:
 - a. Service of process on the President, Attorney General, Senate, department, or head thereof may be made by delivering a copy of the summons and of the complaint to the Attorney General.
 - 3. Service shall be made with reasonable diligence, and the original summons with proof of service shall be returned to the Court Clerk.

A-6-3. SERVICE AND FILING OF PAPERS

- A. Every pleading subsequent to the complaint shall be served on each party.
- B. All original papers, copies of which are required to be served upon parties, must be filed with the Court either before service or immediately thereafter.
- C. Except as otherwise provided in these rules or by order of Court, proof of service shall be made by the certificate of a counsel of record, or if made by any other person, by the affidavit of such person

PLEADINGS AND MOTIONS

A-6-4. PLEADINGS ALLOWED; FORM OF MOTIONS

- A. There shall be a complaint and, if the defendant wishes to contest the plaintiff's claim in any way, an answer. The answer may assert a counterclaim. If a counterclaim is filed, an entry of appearance must be filed.
- B. Motions are written requests for the Court to hear or perform an action.
- C. An exhibit is any material piece of evidence. Exhibits will be allowed at the discretion of the Court.
- D. The signature of a party or his or her counsel on a pleading constitutes a certificate by him or her that he or she has read it, and that it is understood.

A-6-5. DEFENSES; ANSWER

- A. The defendant shall file his or her answer at least two (2) days before the appearance date as fixed in the summons.
- B. The answer shall describe in concise and simple language the reasons why the defendant denies the claim of the plaintiff as well as any defenses he or she may have to the claim of the plaintiff. A party may file a motion to have the answer clarified or explained. On the filing of such motion, the Court may require a more explicit answer or order a pretrial conference to clarify the issues.
- C. The answer shall be in the form approved by the Supreme Court.
- D. If the defendant possesses a claim or claims against the plaintiff, they may assert it in the answer as a counterclaim. The facts and circumstances giving rise to the claim or claims must be briefly described, in the form of answer approved by the Supreme Court.

A-6-6. JUDGEMENT ON THE PLEADINGS

- A. A party against whom a claim or counterclaim is asserted may, at any time, move for a judgment on the pleadings in his or her favor as to all or any part thereof.
- B. A motion for judgment on the pleadings shall be served at least two (2) days before the time fixed for the hearing. The judgment sought shall be rendered forthwith if the pleadings, on file, show that there is not genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

A-6-7. AMENDED PLEADINGS

Upon request of either party, the Court may permit them to file an amended pleading, at any stage of the proceeding. Continuances shall be granted if necessary to avoid surprise or other prejudice to the opposing party.

A-6-8. DISMISSAL OF ACTIONS

A claim may be dismissed by the plaintiff by filing a notice of dismissal at any time before filing of the answer. A claim may also be dismissed by the plaintiff, or by the defendant asserting a counterclaim, by filing a request for dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the request for dismissal, the dismissal is without prejudice. The request shall be presented to the Court before filing, and the Court shall endorse thereon an order that the action, claim or counterclaim, as the case may be, is dismissed.

A-6-9. PRETRIAL CONFERENCE

At any time after the filing of a complaint, the Court may, with or without the filing of a motion, order the parties to appear before them to clarify the pleadings and to consider such other matters as may aid in the disposition of the case. The Court may issue subpoenas for the attendance of witnesses at the request of a party.

PARTIES

A-6-10. PARTIES; CAPACITY

Every action shall be prosecuted in the name of a real party in interest. When the issue is unclear the Rules and Procedures of a New Mexico Metropolitan Court should be consulted.

A-6-11. NOTICE OF TRIAL

After the answer has been filed, or when no answer or responsive pleading is filed within a reasonable amount of time, the court shall set a date for trial of the action. The Justice or the Clerk shall issue a written notice of trial announcing the time, day and place thereof.

DISCOVERYANDPRETRIALMATTERS

A-6-12. DISCOVERY

At any time during the action, the Chief Justice may order either party to produce for inspection and copying any record, papers, documents or other tangible evidence in the possession of that party or available to that party.

A-6-13. SUBPOENAS

- A. Every subpoena shall be issued by the Chief Justice or Clerk of the Court, shall state the name of the court and the title of the action, and shall command each person to whom it is directed to attend and give testimony at a time, date and place therein specified.
- B. A Justice or Clerk may issue a subpoena, or a subpoena for the production of documentary evidence.
- C. A subpoena may command the person to whom it is directed to produce the books, papers, documents or tangible items designated therein; but the Court may quash or modify the subpoena if it is unreasonable and oppressive.
- D. Failure by any person without adequate excuse to obey a subpoena personally served upon him or her may be deemed in contempt of the court from which the subpoena was issued.

TRIAL

A-6-14. CONDUCT OF TRIALS

- A. The Court Clerk, or designee, will begin the trial by stating aloud: "All rise, the ASNMSU Supreme Court is now in session. The matter of [Plaintiff] vs. [Defendant] is before the Court. (Chief) Justice (his/her name) presiding."
- B. The Court shall administer an oath or affirmation to each witness, substantially in the following form: "You do solemnly swear (or affirm) that the testimony you give is the truth, the whole truth and nothing but the truth."
- C. The presiding Justice may order witnesses excluded from the courtroom so that they cannot hear the testimony of other witnesses and may order the witnesses not to discuss the case or their testimony with each other.
- D. Both sides may choose to make an opening statement.
 - 1. No exhibits may be introduced or witnesses examined in an opening statement.

- 2. The presiding justice will allow the plaintiff or plaintiff's counsel to make an opening statement. The plaintiff is not required to make an opening statement.
- 3. At the conclusion of the plaintiff's opening statement, the defendant may make an opening statement. The defendant is not required to make an opening statement but may do so even if the plaintiff has not made one.
- E. Presentation of Evidence.
 - 1. The plaintiff may call and examine each witness for the plaintiff after which the plaintiff rests. The Court will then hear any appropriate motions made by either party.
 - 2. The defendant may call and examine each witness for the defense after which the defense rests. The defense is not required to present any evidence or call any witnesses.
 - 3. The plaintiff may call rebuttal witnesses and then rest on its entire case.
 - 4. After both parties have rested, the Court will hear any appropriate motions by either party.
- F. Witness Testimony.
 - 1. After each witness has been examined, the opposing party may cross-examine the witness. After cross-examination, the party who called the witness may re-examine the witness based on evidence presented during cross-examination.
 - 2. The Court may ask appropriate questions of any witness at any point during the presentation of evidence.
 - 3. A witness may not testify unless the witness has a personal knowledge of the matter.
 - 4. Hearsay evidence is not admissible.
- G. Introduction of Documentary and Physical Evidence.
 - 1. A party examining a witness may introduce written documents of physical evidence during examination of the witness.
 - a. The party will ask to have the exhibit marked as Plaintiff's or Defendant's Exhibit One (1), Exhibit Two (2), etc.
 - b. The witness may be asked to identify the exhibit.
 - c. The relevance of the exhibit must then be established through examination of a witness.
 - d. The Court may rule on whether or not the exhibit will be admitted as evidence.
- H. Any evidence belonging to either party will be returned to its proper owner after the case has been decided.

A-6-15. TRIALS; JUDGMENT

After a brief recess, the Court may choose to orally announce its decision, which shall then be entered into the record. The Court may also opt to go into conference to discuss the case. If the Court goes into conference, a decision shall be made within five (5) days. A copy of the decision shall be sent to all parties involved, and shall be posted in the ASNMSU office.

JUDGMENT

A-6-16. JUDGMENT

- A. "Judgment" as used in these rules includes a decree or any order from which an appeal lies.
- B. Judgment shall be entered by the Court at the conclusion of all cases. In all cases the Court shall provide judgment.

A-6-17. DEFAULT JUDGMENT

- A. If the defendant fails to appear within the time prescribed, and if the plaintiff proves by an appropriate return that proper service was made upon the defendant, the Court may enter a default judgment for the plaintiff. The Court may require evidence as to any fact before entering a default judgment. A copy of the default judgment shall be made available by the Clerk of the Court to each party against whom the judgment has been entered.
- B. Failure to appear at the time and date set for trial shall be grounds for entering a default judgment against the non-appearing party.

A-6-18. SUMMARY JUDGEMENT; AFFIDAVITS

- A. For claimant. Any party to an action may move for summary judgment in their favor upon all or any part of their case.
- B. The motion for summary judgment sought shall be rendered if the pleadings, together with the affidavits and testimony given by an adverse party show that there is no genuine issue as to any material fact and that the moving parties are entitled to judgment as a matter of law.
- C. If a motion for summary judgment is made, the adverse party may set forth specific facts showing that there is a genuine issue for trial, in the form of an affidavit. If he or she does not so respond, summary judgment may be entered against him or her.
- D. An affidavit is a written document that serves as evidence or witness testimony. The Court will decide if an affidavit may be supplemented for witness testimony.

A-6-19. HARMLESS ERROR

Error in either the admission or the exclusion of evidence and error or defect in any ruling, order, act or omission by the Court or by any of the parties is not grounds for granting a new trial, for setting aside a verdict, for vacating, modifying or otherwise disturbing a judgment or order, unless refusal to take any such action appears to the Court inconsistent with substantial justice.

A-7. COMMENCEMENT OF AN APPELLATE HEARING

A-7-1. APPLICABILITY OF RULES: JURISDICTION

A-7-2. SCOPE AND TITLE OF RULES

- A. The appellate procedure is to be used when a member of ASNMSU wishes to have the Supreme Court review the decision of a lower court or tribunal, believing that the lower tribunal violated the law while making the decision, or when a party has been harmed as a result of the law of ASNMSU, and not because of the actions of another person or party.
- B. These rules govern procedure of appeals to the Supreme Court.

A-7-3. APPEALS; WHERE TAKEN

- A. All appeals shall be taken to the Supreme Court.
- B. Upon appeal to the Supreme Court, no additional evidence shall be heard. In its review on appeal, the Supreme Court may affirm, modify, reverse or set aside the judgment or order from which the appeal is taken.

A-7-4. APPEAL

- A. If a party is aggrieved by the judgment or final order by a lower court or tribunal, he or she may appeal to the Supreme Court. The notice of appeal shall be filed in the Supreme Court within seven (7) days after entry of the judgment or final order.
- B. Content of the notice of appeal. The notice of appeal shall specify:
 - 1. The party requesting the appeal;
 - 2. Each party against whom the appeal is taken;
 - 3. The name and address of appellate counsel if different from the person filing the notice of appeal.
- C. The appellant shall give notice by serving a copy on the Supreme Court and the lower court or tribunal.
- D. A copy of the judgment or order appealed from, showing the date of the judgment or order shall be attached to the notice of appeal.

A-7-5. DOCKETING THE APPEAL

- A. The Court Clerk or the Chief Justice shall be responsible for preparing and filing the docketing statement.
- B. The Court Clerk or the Chief Justice shall serve a copy of the docketing statement upon all parties. The docketing statement shall contain:
 - 1. A statement of the nature of the proceeding;
 - 2. The date of the judgment or order sought to be reviewed, and a statement showing that the appeal was timely filed;
 - 3. A concise, accurate statement of the case summarizing all facts material to a consideration of the issues presented;
 - 4. A reference to all related or prior appeals. If the reference is to a prior appeal, the appropriate citation should be given.

A-7-6. THE RECORD PROPER

- A. The record proper is the Court's record. If deemed necessary by the Court, the docketing statement shall include relevant papers and pleadings filed in the lower court (the court file), or a copy thereof shall constitute the record proper.
- B. The record proper shall be sent to the Supreme Court after the docketing statement is filed.

A-7-7. BRIEFS; ARGUMENTS; MANDATE

- A. Briefs shall be filed with the Supreme Court as follows:
 - 1. The appellee shall file a brief in chief with the Notice of Appeal.
 - 2. The respondent shall file an answer brief within two (2) days from the date of service of the brief in chief.
- B. The brief in chief of the appellant shall contain:
 - 1. A statement of the issues;
 - 2. A summary of the proceedings which shall indicate briefly the nature of the case, the course of proceedings, and the disposition in the court below.

- 3. A short recitation of all facts relevant to the issues presented for review, with appropriate references to the record proper and transcript of proceedings;
- 4. A conclusion which shall contain a statement of the precise relief sought.
- C. The answer brief of the appellee shall conform to the requirements of subparagraphs (1) to (4) of Paragraph B of this rule, except that a statement of the issues or of the summary of proceedings shall not be made unless deemed necessary.
- D. Except by permission of the Court, the argument portion of the brief in chief or answer brief shall not exceed four (4) pages. Except by permission of the Court, reply briefs shall not exceed two (2) pages.
- E. A brief of an amicus curie may be filed by any interested party within ASNMSU, presenting an argument for one of the parties or issues before the Court.
 - 1. An amicus Curiae brief shall not exceed two (2) pages.
- F. Within five (5) days after the filing of the notice of appeal, the Supreme Court shall:
 - 1. Enter an order disposing of the appeal; or
 - 2. Schedule or al arguments.

A-7-8. ORAL ARGUMENT

- A. Settings for oral argument will be fixed by the Supreme Court.
- B. Unless otherwise ordered, the petitioner or party first filing a notice of appeal shall open the argument.
- C. Oral argument of ten (10) minutes will be allowed to each side as to all matters unless the time is extended or restricted by the Court.

A-8. DISPOSITION

A-8-1. OPINIONS

The ASNMSU Supreme Court shall issue a majority opinion upon conclusion of a trial.

- A. The ASNMSU Chief Justice shall draft the opinion or appoint another Justice to do so.
- B. If the ASNMSU Chief Justice is in the minority, the senior Justice in the majority is responsible for appointing a justice in the majority to write the opinion.
- C. No ASNMSU Justice shall be prevented from drafting and releasing separate dissenting or concurring opinions.
- D. Opinions shall be published by posting in the ASNMSU office.

A-9. APPOINTMENT OF A SPECIAL MASTER

If deemed necessary by the Chief Justice, a Special Master may be appointed to dispose of business before the Supreme Court. If a Justice has acted as a Special Master on a lower court decision, the justice will recuse him/herself if the case is appealed to the Supreme Court.

- A. The Special Master shall be an Associate Justice of the Supreme Court.
- B. The Special Master shall act as judge of a lower court, and shall follow the procedure outlined previously of lower courts and tribunals.
- C. If a Special Master presides over a case, they are to docket any appeal to the Supreme Court.

APPENDIX B

B. ASNMSUCODE OF ETHICS

B-2-1. PREAMBLE

We the leaders of the Associated Students of New Mexico State University represent the diverse student population of New Mexico State University. ASNMSU seeks to promote the wellbeing of students by respecting the integrity, dignity, and worth of individuals, with the acknowledgement of differences. We provide services and opportunities to the student body while maintaining a professional environment. Allegiance to these ideas requires those in positions of leadership within ASNMSU to refrain from, and to discourage behaviors, which threaten the freedom and respect every individual deserves.

B-2-2. PURPOSE

The operation of the Associate Students of New Mexico State University is an endeavor which relies upon the trust and respect of the student body at New Mexico State University. Without a continual pursuance and dedication to integrity and adherence to the principles upon which ASNMSU officials are granted their authority from the student body and the NMSU system, ASNMSU cannot duly achieve its mission and goals of servicing NMSU students to the best of its ability.

In order to ensure this realization, ASNMSU enacts the following code and procedures in an effort to define and codify the appropriate behaviors and actions of official actions undertaken by those within ASNMSU. This shall also serve as an establishment for the proper means for addressing those violations of this code.

B-2-3. DEFINITIONS

For purposes of this chapter, the following definitions are created for easement of interpretation and understanding.

- A. *ASNMSU Official*: Any person who has been elected to, selected or hired for, or appointed to any ASNMSU office or position, or any person serving in a voluntary position within ASNMSU.
- B. Benefit
 - 1. Monetary or non-monetary considerations offered and received by an official and which include, but are not limited to: a valuable act, advance, award, contract, compensation, contribution, deposit, employment, favor, fee, fringe benefit, gift, gratuity, loan, offer, payment, prerequisite, privilege, promise, reward, service, subscription, or the promise they will be conferred in the future.
 - 2. Anything, regardless of monetary value, perceived or intended by either the one who offers it or the one to whom the offer is made to be sufficient in value to influence a public servant in the performance or non-performance of an official action; or which, under the circumstances, a reasonably prudent person in the position of the public servant would recognize as being likely to be intended to influence the public servant in the performance or non-performance of an official action.
- C. *Conflict of Interest*: Any specific instance when an official's exercise of authority or discretion, based upon personal interests, direct or indirect, conflicts with his/her public duties, or when, to a reasonable person, it would appear that the action(s) of an official are partial, biased, or otherwise compromised due to an official's private interests or personal gain being in conflict with the student body's interest.
- D. *Confidential Information*: Information obtained while serving as an ASNMSU official, written or unwritten, or during lawful executive or closed session, that is not available to the general public, as granted by the state of New Mexico's *Inspection of Public Records Act* and any other applicable statutes, ordinances, laws, or NMSU policies.

- E. *Immediate Family*: An ASNMSU official's spouse, parents, parents-in-law, sister, sister-in-law, brother, brother-in-law, stepparents, stepsister, or stepbrother or an individual claimed by the ASNMSU official or his/her spouse as a dependent under the United States Internal Revenue Service.
- F. *Official Act*: Any official decision, recommendation, approval, disapproval, or other action that involves the use of discretionary authority.
- G. Official Duty: Any official or ministerial action that an ASNMSU official is obligated or authorized to perform.

B-2-4. APPLICATION TO OFFICIALS

ASNMSU hereby adopts this Code of Ethics as a general code of ethics for all ASNMSU officials. This code shall set the standards appropriate for the ethical conduct of the student government, and shall provide fundamental guidelines for the receipt, review, adjudication, and determination of complaints for violation of these standards.

B-2-5. AVAILABILITY OF CODE

A copy of this code shall be made available to each official to whom this code is applicable, upon their declaration of candidacy, election or appointment to the official position that they each hold; and, said official shall sign a statement affirming receipt of this code, and acknowledging his/her compliance with provisions herein set forth.

B-2-6. INTERACTIONS WITH OTHER ASNMSU OFFICIALS

- A. Officials shall demonstrate professional courtesy, emphasizing respect for others and their opinions.
- B. Officials shall explore just methods of resolving conflict.
- C. Officials shall communicate openly and honestly in carrying out responsibilities to ASNMSU.
- D. Officials shall recognize a fair decision-making process, which acknowledges both majority and minority voices in the absence of parliamentary procedure.
- E. Officials shall delegate responsibility with the expectation that those duties will be fulfilled reflecting personal methods and styles.
- F. Officials shall support each individual's endeavors to fulfill the duties of their position.
- G. Officials shall objectively evaluate the opinions and actions of others.
- H. Officials shall not tolerate language or actions, which may discriminate against or devalue any individual student, group of students, or student organization.

B-2-7. INTERACTIONS WITH THE PUBLIC

- A. Officials shall be attentive and receptive to the diverse views and needs of their constituency.
- B. Officials shall promote open, two-way communication between the ASNMSU leadership and the students they serve.
- C. Officials shall use ASNMSU powers and resources to advance the interests of the students of NMSU.
- D. Officials shall strive to serve as a strong advocate for students, provide leadership in times of controversy, and insure that all viewpoints, however controversial, are recognized.
- E. Officials shall seek out all relevant facts and opinions before making decisions.
- F. Officials shall present an accurate portrayal of the nature and extent of said official's qualifications and competencies when applying for positions within ASNMSU and when representing ASNMSU.

B-2-8. PROHIBITIONS ENUMERATED

These prohibitions here listed are the applicable standards by which a determination of a violation of the Code of Ethics is to be made.

- A. No ASNMSU official shall receive, solicit, or accept from any person any personal benefit under circumstances in which it can be reasonably inferred or determined that the benefit is intended to influence the official's performance or nonperformance of any official duty, or as a reward for any official action on the part of such official, with the following exceptions:
 - 1. An award publically presented in recognition of serving student's interests.
 - 2. Reasonable reimbursement for expenses incurred while making a speech that relates to the performance of said official's duty.
- B. No official shall solicit, receive and accept political contributions unless such contributions are properly reported as provided for in accordance with ASNMSU laws and are actually used in a political campaign.
- C. No official shall accept from any person any personal benefit offered to the said official or any partner-ininterest of the official, which is intended to influence said official's decision in a matter, currently or in the future, brought before a component or the whole of ASNMSU. Nor shall any official solicit any personal benefit or the promise of receiving a personal benefit in the future for special considerations regarding official action(s) taken or pending.
- D. No official shall intentionally and knowingly disclose confidential information acquired by virtue of his/her office or employment, except as required in his/her official capacity and which its release is not otherwise authorized or required by applicable ordinances, laws or statutes. Also, no official may use confidential information acquired by virtue of his/her position for personal gain.
- E. No official shall use ASNMSU services, personnel, equipment or other resources for personal benefit, convenience or profit.
- F. No official shall, at any time, accept financial compensation for consulting, representing, or advising as to any pending ASNMSU matter on which he/she has or may have substantially act(ed).
- G. No official shall use or permit the use of any ASNMSU official, funds or property under his/her official control, direction or custody for a purpose which is, or to a reasonable person would appear to be, for other than an ASNMSU purpose(s). This is not to be construed as encompassing those services and regular functions that are available to all ASNMSU fee-paying students.
- H. No official shall use their position for the benefit of personal matters or others outside of the official's regular duties.
- I. No official shall act, or create the appearance of acting, on behalf of ASNMSU by making any policy statement, or by promising to authorize or to prevent any future official action of any nature when such official is not authorized to make such a statement.
- J. No official shall falsely represent his/her personal opinion to be the official position of ASNMSU, or falsely represent his/her personal opinion to be the official position of the subordinate body, or other official of ASNMSU. However, this shall not prohibit statements made by an elected official in the course of fulfilling his/her official responsibilities or in running for election to office; nor shall it apply to the professional opinions of ASNMSU officers or rendered in the course of performing their duties, provided that such opinions are clearly identified as professional opinions.
- K. No official shall use, or attempt to use, his/her official position improperly to unreasonably request, grant, or obtain in any manner any unlawful or unwarranted privileges, advantages, benefits or exemptions for themselves, or others, or to avoid the consequences of illegal acts for any person. Nothing in this provision shall

be construed to prohibit or discourage an official from performing his/her official duty or action zealously and enthusiastically.

- L. No official shall suppress any public document, record, report or any other public information available to the general public because it might tend to unfavorably affect his/her private financial, personal, or political interest.
- M. No elected official or any person appointed to an ASNMSU subsidiary body shall give any orders to any other ASNMSU official, unless otherwise authorized by law, and shall deal with ASNMSU officials through the chief executive of the relevant office. This shall not be construed to prevent an elected official from requesting information of any ASNMSU official that is a regular action of that official's office. Nor shall this be construed as prohibiting the assignment of a person other than the official from acting on behalf of the official with prior approval by the official or the ASNMSU president.
- N. No official shall interfere with the policy-making process of the Senate. This shall not be construed to preclude ASNMSU officials from requesting policy changes or acting in their official capacity in presentation of information directly related to their position.

B-2-9 ADDRESS OF VIOLATION

- A. Should a complaint alleging a violation of these standards by an ASNMSU official while in a capacity representing their office become known to any official, it shall be their duty to report such allegations to:
 - 1. Appropriate University Officials:
 - a. The person to whom the individual whose conduct is in question directly reports to;
 - b. In the case of the ASNMSU Chief of Staff or the ASNMSU Chief Justice, the ASNMSU President;
 - c. In the case of the ASNMSU President or the ASNMSU Vice President, the ASNMSU Advisor;
 - d. In the case of the ASNMSU Advisor, the Dean of Students;
 - 2. The ASNMSU Advisor;
 - 3. The Dean of Students;
 - 4. NMSU Office of Institutional Equity;
 - 5. Any third party NMSU has selected as an anonymous way to confidentially report activities that may involve criminal, unethical, or otherwise inappropriate behavior, including violations of University policy and procedure;

B-2-10 PRECEDENCE OF THE CODES OF CONDUCT

If ever the ASNMSU Code of Ethics conflicts with the NMSU Code of Conduct, the NMSU Code of Conduct shall prevail.

Special Note: The City of Las Cruces Code of Ethics, the Dona Ana County Code of Conduct, and the Associated Students of Washington State University Code of Ethics were used as models for the formulation of this code.

APPENDIX C

C. OFFICIAL OPINIONS, REPORTS, AND DECISIONS

C-1. SUPREME COURT INDEX

Each case is assigned a Supreme Court Record (SCR) number. The numbers under each case name correspond to a file in the ASNMSU Supreme Court files. These files are public record. Anyone is welcome to check out a case and look through it

Welch v. ASNMSU Senate SCR 120

During a Senate meeting, the Senate moved to break into Committee of the Whole (COW). A motion was made and passed to allow the Vice President to cast a vote. The Court held that the Vice Presidents vote during the COW is unconstitutional.

Ralph Boggs v. ASNMSU Senate SCR 050

After a Senate Election, the Senate altered sections of the Elections Code and attempted to apply the changed to the results of the election that had just occurred. The Court decided that this is unconstitutional.

Garcia Men's Council v. Organized Development of Recreation SCR 110

The Garcia Men's Council of the Organized Development of Recreation (O.D.O.R.) conducted an illegal referendum and sought to abolish an existing dormitory government illegally. The Court held that the referendum by O.D.O.R was illegal and therefore null and void.

Patterson v. ASNMSU Senate SCR 060

ASNSMU Senate passed a bill creating the Corbett Center Program Council, which would oversee programs within Corbett Center. This authority belongs to the Corbett Center Advisory Board. The Court held that the Senate Bill #4 is unconstitutional and violates University policies.

Thomas v. ASNMSU Senate SCR 120

The Senate passed Resolution #6 attempting to influence the Recognition Committee's decision regarding a student organization. The organization alleged that the referendum was politically motivated and that a resolution should have been attempted. The Court held that Resolution #6 violates Article I Sec. 2 of the Constitution.

Page Carter v. ASNMSU SCR 040

Mr. Carter said ASNMSU Senate is being constitutionally, since general elections. Also, stated senators are to serve full one year terms. Court held that Senators do hold one year terms and there must be an election every semester.

Richard Ortega v. ASNMSU Senate SCR 041

Two polls closed early during the ASNMSU Elections. Mr. Ricardo stated his standing as a candidate was affected by the closure and fair. Also, the section of the Election Code which grants full authority to judge an election to the Senate is unconstitutional. The Court held that the early closing of the polls for an election is allowed and no new vote is necessary.

Richard Ortega, ASNMSU President; Request for Review of Ortega v. ASNMSU Senate SCR 090

Ambrose, ASNMSU Vice President v. ASNMSU Senate and Chazz Barclay SCR 060

Senator Barclay had an election violation put against him by the Vic President of Student Affairs. Barclay stated that the Vice President Ambrose has no standing and no right to initiate the action. The Court held that a valid case initiated by the Vice President of Student Affairs has standing and the Court does have jurisdiction. Also, if two sections of the Election Code are contradictory, then the Court has the power to declare one section invalid.

Ambrose, ASNMSU Vice President v. ASNMSU Senate and Larry Cable SCR 061

The Vice President of Student Affairs initiated a complaint against ASNMSU Senate for illegally changing the Election Code to violate itself and the ASNMSU Constitution. The Court held that the ASNMSU Senate does not have the right to add qualification, other than being an ASNMSU member.

Ambrose, ASNMSU Vice President v. ASNMSU Senate and Tom Murray SCR 062

In question is the constitutionality of the Constitutional Amendments during the general election. The Court held that the adoption of Amendment 2, 3,4,6,7, and 11 were in violation with Article III, Sec 10 and Article IX of the ASNMSU Constitution.

John O'Brien and Joel Geldin v. Tom Murray, ASNMSU President and Fernando Macias, ASNMSU Vice President SCR 100

O'Brien and Geldin were disqualified by William M. Walz, the acting Chairman of the Election and Membership Committee, for not meeting qualifications listed under Article IV, Sec 2 and 4 of the ASNMSU Election Code. The Court held in favor for O'Brien and Geldin.

Russell D. Gray Jr. v. ASNMSU SCR 110

The Livestock Team was appropriated \$350 by the ASNMSU Senate. Later it was discovered that the Livestock Team did not qualify for the appropriation. The Court held that the money given to the Livestock Team cannot be recovered.

Pat McGrath, Chairman of the Election and Membership Committee; Request for Declaratory Judgment SCR 040

The Election and Membership Committee extended the deadline for accepting pictures of candidates for election posters. The Court held that the Committee officials do have the rights to make special rules regarding the election.

George N. Dilbert v. ASNMSU Senate and Gustavo Carrera SCR 110

Mr. Dilbert stated that Mr. Carrera was not property appointed by the College of Education Council. The Court held that there are no precise rules for appointments therefore the Court cannot review. Carrera's appointment is valid.

Pete Rahn v. ASNMSU Senate SCR 110

Mr. Rahn's candidacy for ASNMSU President was illegal by the Senate, he had not attended the main NMSU campus in spring or fall prior to candidacy, but did attend Alamogordo branch of NMSU during that spring and fall, and spring '75 at the main campus.

ASNMSU Senate Rules Committee v. Tom Murray, ASNMSU President SCR 111

ASNMSU President Tom Murray vetoed portions of the 'General Appropriations Action of 1975-76'. The Court held that the ASNMSU President violated the ASNMSU Constitution.

ASNMSU Senate Rules Committee and Richard Moolick v. Stephen G. Sylvester, ASNMSU Treasurer SCR 040

Mr. Sylvester was serving as ASNMSU Treasurer, was appointed and confirmed as Co-Senate clerk. Holding these two positions is a violation of the principal of separation of powers under the ASNMSU Constitution. The Court held that Mr. Sylvester shall no longer hold the positions of Treasurer.

K. Zeno Kiehne v. The Council of the College of Education and Anton Mytrue, ASNMSU Senator SCR 010

Senator Mytrue is on Academic Probation and has been since the previous semester. He voted in the Education Council's election for vacant senate seats. The Court held the case moot, Senator Mytrue resigned.

Dave Slade, ASNMSU Attorney General v. Pete Rahn, ASNMSU President SCR 020

Two Supreme Court Justices were appointed during their graduating year, unable to fulfill their two year terms. The AG stated that these two were not 'qualified'. The Court did not hear the case.

Jenny Chavez v. ASNMSU Elections Board SCR 022

The ASNMSU Senate passed Bill #23; allowing students in the Cooperative Education Programs were eligible to seek the office of the ASNMSU President. Ms. Chavez fell under this bill and ran for President. The Court held that Ms. Chavez is not a legitimate candidate under Article IV, Sec 1-4-1 of the ASNMSU Constitution.

Tom D. Barna v. ASNMSU Senate SCR 030

Mr. Barna challenged the ANSMU Senate's decision to impeach him from the Office of Chief Justice of the Supreme Court; and the constitutionality of the ASNMSU Law Book of 1977, Sec 1-3-3. The Court held that Mr. Barna was improperly impeached and the Court is allowed to intervene in the General Election under the ASNMSU Constitution.

Douglas A. Echols v. Dennis Holmberg, ASNMSU Chief Elections Officer SCR 100

ASNMSU Senate passed Resolution 1, which called for a referendum. Since the election was cancelled, the Chief Election Officer Holmberg wanted the referendum on the ballot of the new election. The Court held that the referendum should be withheld.

Jay Sullivan, ASNMSU Attorney General v. The Council of the College of Arts and Sciences SCR 110

The College of Arts and Sciences Council allowed two ASNMSU Senators to vote for the filling of the two vacant positions. The AG sued the Council, stating it was in violation of Article III Sec 2 of the Council's bylaws. The Court held that the Council was in violation of Article III Sec 2 of their bylaw, and the two appointments for the Senators are invalid.

Jay Sullivan, ASNMSU Attorney General and ASNMSU Publications and Communications Board v. ASNMSU Senate and ASNMSU Finance Board SCR 020

The ASNMSU Senate and the ASNMSU Finance Board were accused of wrongfully limiting the salaries of the media managers. Senate Bill #40 limits the salary of media managers. The Court held in favor of the Publication Board which is in control of the operations of the media using Sec 1-2-3 of the ASNMSU Constitution.

Tom D. Barna v. ASNMSU Senate SCR 030

Tom D. Barna and Darnell Smith announced their candidacy for ASNMSU on Feb 1st. An ASNMSU Senate Bill #16 passed on Feb 8th, which set a limit of expenditures for candidates. Mr. Barna borrowed \$45.05 from the Supreme Court's account for campaigning and reserved tables in the Courts name for campaigning. The Court held that the Senate Bill #16 would not apply to this election and that Mr. Barna's actions were violations of the ethics code.

Eileen Butko v. Election Board SCR 031

CEO Glen Daws did not apply to the Elections Code which violations occurred. Poll workers were not at stations, campaign workers were near stations, Senators were intoxicated, forms at stations were irregular, no copies of Elections Code, and there were unauthorized people in room while ballots were being counted. The Case was dismissed due to a provision in the Student Handbook.

James D. Masse, ASNMSU President; Request for Declaratory Judgment SCR 050

ASNMSU President James D. Masse asked the ASNMSU Supreme Court for a declaratory judgment regarding which executive officer signs legislation passed by the ASNMSU Senate on the last regular meeting of the spring semester. The Court held that the last meeting of the spring semester will be signed of vetoed by the newly elected/sworn in ASNMSU President.

Duke Rodriguez, ASNMSU Vice President; Request for Declaratory Judgment SCR 110

Duke Rodriguez, Vice President of ASNMSU requested for a declaratory judgment from the ASNMSU Supreme Court on the status of co-op students' eligibility for executive elective positions. The Court held that co-op students are not required to pay the Student Activity Fee to be eligible to run for an executive position within ASNMSU.

James D. Masse, ASNMSU President; Request for Declaratory Judgment SCR 111

ASNMSU President Jim Masse asked if under the Constitution and the Law Book the Legislative or the Executive Branch of ASNMSU to request for a bill, which has already been signed into law, brought before the Legislature for reconsideration. The Court held that once a bill has been signed into law it will stand.

James D. Masse, ASNMSU President; Request for Declaratory Judgment SCR 020

ASNMSU President Jim Masse asked for a declaratory judgment on a Senator from the Arts and Science who wanted to run for his seat again, but wants to change his major to Business. The Court held that the Senator will lose his or her seat once he changes his major.

Tom David Barna v. James Dyke, Director NMSU Library SCR 030

The NMSU library stated that an overdue book would not allow the student to reregister, have their transcript, and diploma withheld. Tom Barna stated that this is discriminatory in both nature and act, and is not administered equally throughout the whole student body. There was no decision.

Jeanette Gonzales v. ASNMSU Senate

SCR 031

The ASNMSU Senate did not fill the required 30 Senatorial seat within a timely manner, a violation of Article II Sec 1-3-2 of the ASNMSU Constitution. The case was dismissed after the situation was cleared.

Ann Brunette v. *The Round Up*; Anne Nesbitt, Editor; and David Wear, Business Manager SCR 050

The Round Up promised Ann Brunette that she would be paid \$25 every month. *The Round Up* never tried paying her. The Court suggested having this case be heard before a civil court.

Larry Sheffield, ASNMSU President; Request for Declaratory Judgment SCR 070

Publications and Communications Board; Pamela Smith, Chairman v. KNMS SCR 110

The PUB Board meeting on 11/15/1979 was called for clarification on the proposed trip. Also, asked if the Court could freeze KNMS's funds until this got resolved. No decision was met.

Norman Watson v. ASNMSU Senate SCR 030

On November 28th, 1979 the ASNMSU Senate passed Bill #20 amending # 17.1 of the Rights and Duties of a Senator; the President signed Bill #20 into Law. The Court held that Senate Bill #20 is unconstitutional.

ASNMSU v. Russell Rodke SCR 040

Russell Rodke, a campaign worker, was accused of destroying and defacing campaign materials of another opponent. The Court found the defendant guilty of destroying property.

Publications and Communications Board; Norman Watson, Chairman v. Bart Kinney, Financial Auditor SCR 120

Senator Thompson introduced Bill #6, to add subsection G to Chapter 2, Article II, Sec 5 of the Law Book. Sec G states that the financial auditor shall prepare an audit of any ASNMSU funded organization at request of the Finance Board or Finance Committee. There was no decision of the Court.

Election and Membership Committee; Lynette Menefee, Chair v. ASNMSU Senate and Terry Allison, Vice

President SCR 121

In the fall general elections, the ASNMSU Senate was accused of not properly re-apportioning the Senate at some point, which is in violation of Sec 1-3-2 of the Preamble of the Constitution of ASNMSU. It was decided outside of Court that the Councils should be allowed to correct election disparities.

William Douglas Mills, Jay Allen Armstrong, James William Clark v. Kelly Crawford, ASNMSU President and Terry Allison, ASNMSU Vice President SCR 040

Resolution #21 was passed by the ASNMSU Senate for a change in activity fees for all students depending on part-time, graduate, and full time status. It was alleged that President Kelly Crawford and Court decided not to hear the case.

Peggy Sanchez v. ASNMSU SCR 090

Peggy Sanchez delivered her book for sale at the ASNMSU Book Sale Sec 4-7-12 of the ASNMSU Book Sale Act. Sanchez did not receive the money from the sale book Sec 4-7-9 of the Book Sale Act. The Court dismissed case due to lack of evidence.

Ray Sherrock v. ASNMSU Senate SCR 010

The ASNMSU Senate passed Bill #37 which would fund ARA Food Service for food and beverages after Senate meetings. The Bill appeared to violate Article III, Sec 9-3-4 of the ASNMSU Law Book. The Court held that Bill #37 violated the Law Book.

Phyllis H. Borgsma, ASNMSU Attorney General v. ASNMSU Senate SCR 020

The AG filed a complaint against the ASNMSU Senate. The Complaint stated that the ASNMSU Senate illegally allocated \$450.00 to pay for food and beverages that were for the Senate. The Case was withdrawn.

ASNMSU v. Jeff Mobley;

Senator SCR 030

Senator Jeff Mobley was referred to the Supreme Court for impeachment after having 20 points for missing various Senate events. Resolution #10 gave power to the Supreme Court to regulate the Senate Point Penalty System. The Court held that Senator Mobley be impeached as due to missing points.

ASNMSU v. Paula Chavez; Senator SCR 040

Senator Paula Chavez was referred to the ASNMSU Supreme Court for impeachment. The Court held that Senator Chavez keep her senate seat, but her senate points be reduced by 4, leaving her with 16.

Ann Tuchler and Brian Sharkey v. KNMS SCR 041

Tuchler and Sharkley accused KNMS the radio station on campus for violating Sec 6-2-4-B-1 of the ASNMSU Law Book by posting a notice that declared the defendants were terminated and

banned from the premises due to lack of professionalism, insubordination, and malicious behavior. There was no Court decision made.

ASNMSU v. Sandra Butticci; Senator SCR 090

> Senator Butticci was referred to the Supreme Court for impeachment for missing 20 points. Senator Butticci resigned her position as a Senator. The Court held that Ms. Butticci was not barred from being re- elected or re-appointed for the position of Senator.

Petition for Reconsideration; Jeff Cornelius; Senator SCR 100

Senator Jeff Cornelius petitioned the Court to reconsider his being charged 6 points for missing fall retreat, which is required for Senators. The Court held that they could not reconsider point allotment for Senators.

ASNMSU v. Clint Schurr; Senator SCR 101

Senator Clint Schurr was referred to the Supreme Court after having more than 20 points as per Sec 9-17-D of the Law Book. The Court held in favor of Senator Schurr's impeachment.

ASNMSU v. Christopher Lamb; Senator SCR 110

Senator Christopher Lamb was referred to the Supreme Court after having more than 20 points due to lack of attendance. Case was dismissed; Mr. Lamb resigned from his Senate seat.

Hirschmanv. Avery SCR 110

It was questioned whether ASNMSU President Thom Avery acted within his powers when he transferred money from the KRUX account to the ASNMSU surplus account. The Court held that the President did not act within his powers, and that funds be returned to the KRUX account.

ASNMSU v. Singleton SCR 030

Senator Singleton was referred to the Supreme Court by the Arts and Science Council after missing enough meetings equally to 6 points. The Court held that the Council may not hear arguments prior to referring a senator to the Court. Also, Senator Singleton was not afforded right guaranteed to him by the 14th Amendment of the United States Constitution.

Wukelich v. ASNMSU SCR 110

Keith Wukelich accused ASNMSU of violated the Separation of Church and State by making an appropriation of the Chi Alpha Christian Fellowship and NMSU. The case was dismissed.

Apodaca v. ASNMSU Election Board SCR 030

Ferguson v. ASNMSU Election Board SCR 031 Mike Ferguson challenged the constitutionality of the eligibility requirements to be a candidate for ASNMSU President. The Court held to uphold the decision of the Election Board to disqualify Mr. Ferguson.

Wilson v. ASNMSU Election Board SCR 032

Wade Wilson stated that two members of the ASNMSU Election Board actively participated in and voted against punishment on a matter, these two members had a conflict of interest and had ill feelings toward him. There was no decision made.

Wilson v. ASNMSU Senate SCR 041

Mr. Wilson is the Media manager for *The Round Up*. The ASNMSU Senate withheld funds from Mr. Wilson and the PUB Board due to perceived unprofessionalism. There was no decision made.

Williams v. Rice SCR 100

Daniel Williams felt that ASNMSU President Bradley Rice he had over stepped his authority when he terminated Mr. Loren Hudman from employment. Mr. Williams wanted a non-ASNMSU member to advocate for him in front of the Court. The Court held that a non-ASNMSU member can advocate for a party, and that the AG can represent the President when ASNMSU is not a named party.

Hudman

v. Rice

SCR 101

The ASNMSU President Rice was charged with improperly terminating the employment of Loren Hudman. The Court held that the President did overstep his power when he terminated the Comptroller.

Vasquez v. Election Board SCR 040

Senator Eric Vasquez filed an appeal of a decision of the ASNMSU Election Board which claims that there were voters who were denied the chance to vote. The Court decided not to hear the case.

Vasquez V. Stephens SCR 041

Eric Vasquez accused Mike Stephen of campaigning more than two weeks before the beginning of the elections. The Court decided not to hear this case.

Hicks; et al. v. ASNMSU Election Board SCR 110

Byron Hicks filed a complaint to the Election Board, the Boarded chose to nullify the College of Engineering Election and schedule a new election. Candidates Byron Hicks and Keith Leich appealed the decision. The Court held that Election Board does not have the power to change the Election that is in the power of the Senate.

Buckley V. ASNMSU

Election Board SCR 040

Candidate Buckley was told at an informational meeting that he was disqualified as an official ASNMSU Presidential candidate, due to Sec 2-2-7-L of the Law Book. The Court held that Sec 2-2-7-L of the Law Book was unconstitutional and allowed and allowed too much discretion in the hands of the CEO.

Meisenhelder v. Aguirre; et al. SCR 010

Johnson v. Hill SCR 020

Senator Heather Johnson asked for a Writ of Mandamus to order President Jake Hill of ASNMSU to comply with the provision of Bills #117 and #119. The Court denied the Writ of Mandamus.

Johnson v. Hill

SCR 030

The ASNMSU President Jake Hill did not return vetoed legislation Bill #117 and #119 of the 44th Senate, as stated in the Order Granting Summary Judgment. The Senate claimed that this legislation was therefore enacted by default. The ASNMSU President claimed that his signature was sufficient action to constitute a veto, and petitioned the Court to hear the case. The Court did not hear the case

Torres v. ASNMSU SCR 050

Esteban J. Torres was disqualified from running in the spring 2005 Presidential elections by the Elections Board, in reference to Chapter 2, Sec 5-7-D of the Law Book. The Court denied the appeal; the Senate Special Committee's must hear it first.

Burton v. LaFleur 6

SCR 010

The Senator Burton was accused to violated Sec 2-7-4 of the Law Book. Senator LaFleur complained that Senator Burton campaigned early; it was stated that it was not created by her but by her friends who used facebook.com. The Court held that candidates are responsible for such mass messages on facebook.com and that it is considered a violation.

Cheng v. Muldrow & Burton 6 SCR 020

Christopher Muldrow and Chisum Burton were elected as Arts and Sciences Senators; they were accused of violated Sections, 2-7-G, 2-7-J-4 and 2-7-J-4 of the Constitution. The Court ruled in favor of Cheng, asserting that Muldrow and Burton did violate the sections.

Muldrow and Shroulote v. Bradley 7 SCR 010

Christopher Muldrow and Charlene Shroulote filed a complaint against CEO Clay Bradley stating he violated Sec 2-5-5-D, Sec 2-5-7-B, Sec 2-2-8-K, Sec 4-1-2, Sec 2-5-7-C, Sec 2-2-3, Sec 2-4-3-B, and Sec 2-5-6-A of the Law Book. The Case was dismissed.

Muldrow v. *The Round Up*, *The Round Up* Media Managers, and Christine Brigance 7 SCR 020

Christopher Muldrow filed a complaint against *The Round Up* newspaper, stating an article in the paper constituted libel and defamation against him; using Sec 6-3-5, Sec 6-3-7-B, and Sec 2-7-A of the Law Book. The Court dismissed the case without prejudice citing US Supreme Court Case *New York Times Co.* v. *Sullivan*, 376 U.S. 254 (1964)

The Associated Students of New Mexico State University v. Aditya Chavali 07 SCR-030

> A resolution passed by the ASNMUS Senate to remove Senator Aditya Chavali as a graduate Senator. The Court held that Senator Chavali was guilty of the charges brought against him; he is to be impeached and prohibited from holding or seeking an ASNMSU office for four years.

Michael R. Huerta v. The Associated Students of New Mexico State University 9 SCR 010

Associated Students of New Mexico State University (ASNMSU), v. Christopher Schoonover 9 SCR 012

Charlene Shroulote, v. ASNMSU Senate Special Committee on Elections 10 SCR 010

C-2. ATTORNEY GENERAL OPINIONS

FROM: Mathew Bose, *ASNMSU Attorney General* **DATE:** 10/14/15

The Question:

Does the candidates actions violate 2-5-3-C of the ASNMSU Law Book? Does the candidates actions violate the Chief Elections Officers rules as to campaigning and chalking? If so, is the appropriate remedy total disqualification from the election? Due to the fact that other candidates followed the ASNMSU Law Book and the Chief Elections Officers rule; therefore being subjected to less votes due to illegal campaigning. Also, will candidates not elected face an unfair bias and discrimination?

Applicable Law: <u>2-3-5-1</u>;<u>2-5-3-C</u>;<u>2-8-1-A</u>;<u>2-9</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that the following is a violation of 2-8-1-A of the ASNMSU Law Book. The candidates' chalking was within twenty (20) feet of a temporary polling place. As far as the remedy to this violation, per 2-3-5-I of the ASNMSU Law Book the final decision of penalties imposed shall be at discretion of the ASNMSU Election Board.

FROM: Mathew Bose, *ASNMSU Attorney General* **DATE:** 10/26/15

The Question:

From my understanding of 7-3-3-D of the 2014-2015 ASNMSU Law Book, GSO are allowed to introduce more than one appropriation bill per event in the case that they have more than one GSO members that wants to attend an event for different purposes (say Presentation, Competition and Attendance). In that case they can introduce

individual bills for these members using the same GSO name. Also undergrads can't be GSO members. This will make them fall under 7-4-3-D-2 for CS (i.e 5 Hours Each).

Applicable Law: 7-4-3-C;7-3-3-D

Opinion Rendered:

It is the opinion of the Office of the Attorney General that the legislation in question falls under 7-4-3-C. Section 7-3-3-D states "No organization other than graduate student organizations funding a graduate student shall exceed one (1) appropriation bill per event, research project, or conference, unless otherwise provided for or required by the ASNMSU Law Book." The emphasis shall be placed on the "unless otherwise provided for or required by the ASNMSU Law Book." In Section 7-4-3-C the ASNMSU Law Book states, "Trips with multiple purposes as defined by 8-4-1-A through 8-4-1-F are required to draft separate bills for each purpose;" Due to the explicit language in Section 7-3-3-D referenced above it is the opinion of the Office of the Attorney General that multiples bills in this instance is appropriate and that they should not be treated as individuals but rather an organization.

FROM: Ismael Torres, *ASNMSU Deputy Attorney General* **DATE:** 2/1/16

The Question:

If a conference charges students a membership fee, in addition to a registration fee because you have to be a member to get acceptance into the conference, can ASNMSU pay 40% of the membership fee or not?

Applicable Law:

<u>7-4-3-A</u>

"The ASNMSU Senate shall make appropriations for Conference Attendance Travel according to the following procedures...An organization comprised of members of the same major, attending a professional conference relating to their major."

Opinion Rendered:

It is the opinion of the Office of the Attorney General that section 7-4-3-I-2 of the ASNMSU Law Book clearly states that ASNMSU funding for Conference Attendance Travel is only for conferences that are dedicated to the field of the student's education. Given that the WAC tournament is not a professional journalism conference, it does not qualify for ASNMSU Conference Attendance Travel for the students requesting funding as stated by the ASNMSU Law Book.

FROM: Ismael Torres, *ASNMSU Deputy Attorney General* **DATE:** 2/16/16

The Question:

May an ASNMSU Senator hold the Intramurals Desk Attendant position while in office?

Applicable Law:

<u>1-3-2</u>

<u>"No Senator shall hold an additional elected office or appointed position of the ASNMSU except as may be provided by law"</u>. **Opinion Rendered:**

It is the opinion of the Office of the Attorney General that section 1-3-2 of the ASNMSU Law Book clearly states that positions of the ASNMSU that are elected or appointed cannot be held by a Senator. As stated in an Opinion Rendered 2014-2015 by Attorney General Dallas Davis, it is illegal for a Senator to hold a position in Pete's Pick Up while in office. It is the opinion of this Office that "appointed positions of ASNMSU," as written in the Law Book and interpreted in the Opinion Rendered by Attorney General Dallas Davis, be defined as both appointed positions and positions hired under the authority of those appointed positions.

Therefore, appointed positions and positions hired under the authority of an appointed position are illegal for a Senator to hold. Furthermore, it is the opinion of this Office that the Intramural Desk Attendant is not hired under the jurisdiction of an appointed position of ASNMSU, and therefore, a Senator may legally hold this position.

FROM: Ismael Torres, *ASNMSU Deputy Attorney General* **DATE:** 2/26/16

The Question:

Can a graduate student receive ASNMSU funding to attend the WAC Basketball tournament for journalism purposes? **Applicable Law:**

<u>7-4-3-I-2</u>

"The ASNMSU Senate shall make appropriations for Conference Attendance Travel according to the following procedures ... An organization comprised of members of the same major, attending a professional conference relating to their major".

Opinion Rendered:

It is the opinion of the Office of the Attorney General that section 7-4-3-I-2 of the ASNMSU Lawbook clearly states that ASNMSU funding for Conference Attendance Travel is only for conferences that are dedicated to the field of the student's education. Given that the WAC tournament is not a professional journalism conference, it does not qualify for ASNMSU Conference Attendance Travel for the students requesting funding as stated by the ASNMSU Law Book.

FROM: Ismael Torres, *ASNMSU Deputy Attorney General* **DATE:** 3/28/2016

The Question:

When an appeal is made on a decision made by the Election Board, does the appeal delay or pause the decision of the Election Board until a decision is made by the ASNMSU Senate, or does the decision stand during the appeals process?

Applicable Law:

2-3-5 "The ASNMSU Election Board shall:

D. Actas immediate judge for all contests;

E. <u>Retain its powers and responsibilities until after the final resolution of all contests;</u>

G. Penalties against any candidate during an official election will be at the discretion of the Election Board..."

Opinion Rendered:

It is the opinion of the Office of the Attorney General that the ASNMSU Law Book states that the Election Board retains its powers as the immediate judge for all contests. The appeals process and final decision is described by Opinion Rendered 2014-2015 by Attorney General Dallas, and it is the opinion of this Office that any decision made by the Election Board shall stand while an appeal is being made because of its capacity as immediate judge. Any penalties made "against any candidate during an official election" are at the discretion of the Election Board, and as immediate judges, penalties shall be enacted immediately as determined by the Election Board. Any pauses, reversals, or delays in decisions made by the Election Board must be done by the ASNMSU Senate through the respective appointed Committee and defined appeals process.

FROM: Mathew E. Bose, ASNMSU Attorney General

Ismael Torres, ASNMSU Deputy Attorney General

DATE: 4/12/16

The Question:

If a senator withdraws a bill in the senate or committees, can the bill be presented again to the senate later or not? **Applicable Law:**

<u>None</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that withdrawing a bill on the senate floor or in a

committee kills that particular bill. The ASNMSU Law Book does not explicitly mention the process of withdrawn bills so we must turn to the process of the federal government. This process does not prohibit reintroducing a bill that has previously been withdrawn but that the bill must be assigned a new number through first readings. So long as this requirement is met the bill may be reintroduced.

FROM: Mathew E. Bose, ASNMSU Attorney General

Ismael Torres, ASNMSU Deputy Attorney General

DATE: 4/12/16

The Question:

The 59th senate will meet for their last meeting at April 28, 2016. Based on the law book, "Summer" begins at the end of the last Senate meeting in the spring and ends with the first Senate meeting in the fall. That means that for this year, all bills for travels happening after April 28, 2016 until the first senate meeting in the fall, can be introduced to the senate in the fall (the first 2 meetings). Is that correct or not?

Applicable Law:

<u>7-2-1-A</u>;<u>7-3-3-J-1-D</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that the beginning of summer is at the conclusion of the last Senate meeting of the spring semester. Bills that are for trips over the summer will have until the second meeting of the fall semester to go through first readings.

FROM: Mathew E. Bose, ASNMSU Attorney General

Ismael Torres, ASNMSU Deputy Attorney General

DATE: 4/28/16

The Question:

What is your opinion on this bill, as far as the legality of the competition travel versus the conference travel. I believe that the member's attendance could fall under conference travel due to certain education aspects of the competition, even though they didn't attend any specific workshop.

Applicable Law:

<u>7-4-1-B;7-4-1-D</u>

Opinion Rendered:

After review of both the advisor letter as well as the conference website it is clear that this conference offers academic merit for the students who attended, providing each of these students with opportunities to learn industry practices as well as provide networking opportunities for each of these students. Further investigation found one of the eight students to be a different major then the rest of the attendees while Gabe Hernandez's major could not be confirmed. Per section 7-4-1-I-2 of the ASNMSU Law Book, all attendees must be of the same major if the bill includes more than four students. It is the opinion of the Office of the Attorney General that Bill 219 is currently illegal but can be legal if Brian Toles is removed and Gabe Hernandez's major is confirmed to be Journalism and Mass Communications.

FROM: *Shannon Effle, ASNMSU Attorney General* **DATE:** 3/12/17

The Question:

As GSC is funded differently than the other college councils (7-11-2-C), does 7-11-3-E apply toGSC? Since a reference for 7-11-2-C is incorrect, what should new references be so that the Law Book is clear on this?

Applicable Law:

<u>7-11-2-A-1.2.3.4 ;7-11-2-B-1.2.3.4.5.6.7;7-11-3-B,E</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that, to effectively answer the initial question, the second question needs to be addressed first. The incorrect citation mentioned in the request can be found in 7-11-2-C, where 8-12-2 is mentioned as a resource with which GSC will not receive funding.

8-12-2 does not exist in the current ASNMSU Law Bok and, upon further investigation, the conclusion was reached that 8-12-2 previously was the College Council Funding Act. The ASNMSU Law Book has undergone massive formatting changes over the course of several years, and there used to be a chapter including all the Senate bills passed the year of the specific ASNMSU Law Book. Over the last several years this chapter was taken out of the ASNMSU Law Book-thus leading to the chapter numbers within the Law Book to change. So, after chapter 8 of the ASNMSU Law Book previously referenced the Financial Operations, currently under chapter 7. So, considering this information, the reference of 8-12-2 should be changed to 7-11-2 for it to be correct. Now for the initial question. Considering that 7-11-2-C specifically states that the Graduate Student Council would not receive any money sourced from 7-11-2 or, in considering; that 8-12-2- was a previous reference to the definitions section of the College of Council Funding Act, 7-11-2-B does not list Graduate Student Council as a council considered into the act, and since the \$500 limit placed in councils 7-11-3-E is derived from the formula in 7-11-2-A (as laid out in 7-11-3-B), it would only be logical to conclude that the Graduate Student Council is not subject to the \$500 limit and is subject to 7-11-2-C, "receive no fewer than one thousand dollars (\$1000) per active organization for council expenditures and ten thousand dollars (\$10000) for the Graduate School Research and Arts Symposium".

FROM: *Shannon Effle, ASNMSU Attorney* General **DATE:** 11/01/16

The Question:

Within the 60th Senate, bills 63,43,45,55,47,53, and 56 were all appropriated to ASNMSU students who had requested funding for summer events. Each one of these bills was introduced to the Senate for first readings during the second meeting that the 60th Senate convened. Under section 7-3-3-J-C, the bill must be introduced to committees no later than the second Senate meeting of either the Fall or Spring semester in the event that the senate is not in session. Thus, would it be the case that the aforementioned bills are illegal under the current ASNMSU Law Book?

Applicable Law:

7-3-3-J-C;8-14-F:8-10-4-E:9-1-1.2

Opinion Rendered:

It is the opinion of the Office of the Attorney General that the relevant sections (7-3-3-J-1-C, 7-3-3-J-2-A, 7-3-3-J-2-B) all stipulate that bills need to be introduced into first readings of the first senate meeting of the relevant semester. While official introduction to the senate occurs in first readings, this introduction does not inherently mean introduction into committees. The introduction in first readings only refers the bill to committees (as is mentioned in in section 9-1-2), thus actual introduction to committees occurs whilst the committee meets and discusses the bill, and this can only occur if said bill has been introduced into first readings of the first senate meeting. The sixtieth senate had its first official meeting on August 25th, 2016 and the bills mentioned above were all introduced into on September 06, 2016. Thus the bills would have been introduced late and in contradiction with the laws stipulated in the Law Book.

In regards to precedent relating to this very issue, there has been none noted.

FROM: Shannon Effle, *ASNMSU Attorney General* **DATE:** 09/26/16

The Question:

Does Bill #11 constitute the use of "traveling expenses" if so, what section of the Law Book allows this? Can we pay for the certification fee? If so, what portion of the Law Book allows this?

Applicable Law:

7-3-1-D.G. ;7-4-1-G.H : 7-4-3-F.L

Opinion Rendered:

In reference to the first question, it is the opinion of the Office of Attorney General that the line items

present on lines 344-44 on bill #11 are not within the definitions of either "traveling expenses" or an "operating expense". To be considered a traveling expense-the items would have to pertain to travel (which line items listed do not, they are related specifically to the research that was being conducted). To be considered an operating expense- the items would have to be reoccurring (which line items listed do not reoccur but purchased for on time use). Thus, within the purview of the Law Book, the funding of such items as listed would have deemed illegal (reference to 7-4-3-F where it specifically states that ASNMSU shall not make appropriations for expenses not listed within 7-4 of the Law Book. In reference to the second question, it is also the opinion of the Office of the Attorney General that funding the line item #32 on bill #11 that includes certification fee would be illegal. Such a conclusion was reached since such certification also does not fit within either definition of a "travel" or "operating" expense. And such certification could not fit within the definition of a "professional workshop" due to the fact that the nature of the conference where the certification occurred was research-related, not a conference attendance or presentation-related (as discussed in 7-4-1).

FROM: Shannon Effle, *ASNMSU Attorney General* **DATE:** 4/28/16

The Question:

I am a senator at ASNMSU and am writing a travel appropriation for 21 students. The students are comprised of 10 Graduate and 11 Undergraduate students. Before I write this bill, I need an opinion from the office of the Attorney General, if I can include them on the same bill. I could not locate any section of the Law Book that would not allow them to be on the same bill.

Applicable Law:

7-3--3-D.E;7-4-3-C

Opinion Rendered:

It is the opinion of the Office of Attorney General that, under further clarification provided by the Senator whom requested this official opinion, that there are multiple purposes to the said trip. To stay within the legal bounds of the Law Book, I would recommend writing separate bills in accordance to the purpose of travel (i.e. Attendance, Presentation, Research, Community Service, etc.). In regards to the question of graduate and undergraduate students, the issue that could be taken with the Law Book is if the undergraduate students were granted more than one appropriation (in reference to section 7-3-3-D, E). If this is not the case, then there is nothing in the Law Book that prohibits the combination of graduate and undergraduate students. And to echo the sentiments of a previous Attorney General, "The Law Book is not Napoleonic in ideals in that if the rule is not in there, then the act is illegal. In fact, the converse is true. If there is no rule stating the limitations of an idea, then that idea is not limited". Shawn Michael Green, Opinion rendered on Law Book Discrepancy).

FROM: Mason Quinones, *ASNMSU Attorney General* **DATE:** 08/28/17

The Question:

Does the Vice Chair serve as a voting member on SAB, or would they have to serve as the chair's appointment?

Applicable Law:

<u>3-28-4-A</u> ;<u>6-5-3</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that section 3-28-4-A of the ASNMSU Law Book explicitly states that the ASNMSU Assistant Director of Governmental Affairs must serve as the Vice Chair of the Student Advocacy Board (SAB). Furthermore, section 6-5-3 of the ASNMSU Law Book holds that the committee must be made up of six voting members with additional ex-officio members as deemed necessary. In keeping with section 3-28-4-A, the Assistant Director of Governmental Affairs is required to serve as an ex-officio member. Being that a Vice Chair serves the same purposes as an officer Pro Tempore, serving as presiding officer in absence of the chair but maintaining the right to debate and vote until such time that they are called upon to preside, the Assistant Director of Governmental Affairs must serve as a voting member and Vice Chair on the Student Advocacy Board as the Chair's appointment.

FROM: Mason Quinones, ASNMSU Attorney General

DATE: 08/28/17

The Question:

Must the proposed uniform council bylaws be passed as a bill or as a procedural resolution?
 If the bylaws must be passed as a bill, must the ASNMSU President also have signature and veto power over their amendments as well, or may the Senate initially pass the bylaws as a bill with subsequent amendments still being passed in the form of a procedural resolution?

Applicable Law:

<u>9-2-2</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that section 9-2-2 of the ASNMSU Law Book establishes resolutions as the proper format for legislation on subject matter that the Senate cannot or does not wish to control by law. Given that the proposed uniform bylaws would allow the councils power to amend their governing laws with consent of the Senate, the power to control this subject matter is only vested in the Senate within the context of approval: not that of authorship. The nature of the amendments to these bylaws also establishes that the ASNMSU President has no authority to veto their passage, thus a procedural resolution is the only appropriate means by which to bring about the uniform College Council bylaws. As such, the second question posed is no longer applicable. It is also the opinion of the Office of the Attorney General that an amendment to 9-2-2 delineating the inclusion of amending College Council bylaws as a function of procedural resolutions, in tandem with the legislation creating the bylaws themselves, would be beneficial to provide clarity within the Law Book.

FROM: Mason Quinones, *ASNMSU Attorney General* **DATE:** 09/11/17

The Question:

It states in 7-4-3-K-4 "for any non-NCAA sponsored sporting team that is recognized by New Mexico State University but are not considered student organizations." So then they don't have to be recognized by campus activities? And just clarification that it is \$10,000 per bill, not to exceed \$100,000 in one fiscal year.

Applicable Law:

<u>7-4-3-K-4</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that section 7-4-3-K-4 of the ASNMSU Law Book explicitly states that non-NCAA sponsored sporting teams recognized by New Mexico State University may be funded by ASNMSU without being recognized by Campus Activities. However, in order to receive their funding, these teams must comply with ASNMSU Financial Procedures and shall be considered as appropriations for competitive travel as laid out in 7-4-3-K. Within 7-4-3-K-4, the inclusion of the phrase "and regulations" followed by a comma is crucial; the community service requirements are a pivotal piece of ASNMSU Financial Procedures and regulations, and the comma delineates a grammatical separation of a new clause. In keeping with standard ASNMSU Financial Procedures, all organizations requesting funds for competitive travel must complete community service as outlined in 7-4-3-D, thus this stipulation includes the requirement of community service. The remainder of the statute following the comma, requires that these teams act in accordance with 7-4-3-K by abiding limitations of team size and composition, as well as proof of competition. As stated in 7-4-3-K-4-b, the ASNMSU Senate may fund non-NCAA teams over one hundred thousand dollars (\$100,000) only by approval of a three-quarters (3/4) vote; each individual bill for the team may not exceed ten thousand dollars (\$10,000) as delineated in 7-4-3-K-4. As a clarification to the first point, there is an inconsistency in the ASNMSU Law Book as it stands, which needs to be rectified with clarified language in section 7-4-3-K; however, the intent of the statute concerning non-NCAA teams and their reimbursement is to obtain them the same rights to funding as other competitive teams and not to afford them special privileges or circumvent requirements. Therefore, it is the final opinion of this Office that non-NCAA teams must comply with all ASNMSU Financial Procedures, community service included.

FROM: Mason Quinones, *ASNMSU Attorney General* **DATE:** 09/21/17

The Question:

Per 1-3-2, may a student who is on academic warning serve in Senate? **Applicable Law:**

<u>1-3-2</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that a student on Academic Warning may not serve in Senate, nor hold any other office within ASNMSU so long as they remain below the conditions for normal academic standing. Section 1-3-2 of the ASNMSU Constitution, in delineating the qualifications for membership in the ASNMSU Senate, prescribes a condition of "suffering disability by academic or disciplinary probation" as grounds for being unfit for the office of ASNMSU Senator. Being that the phrase "suffering disability by" does not explicitly define such disability, we must turn to the NMSU System Academic Regulations and its subsection on Academic Standing/Probation. Within the provisions for students not maintaining "adequate academic standing" there are 4 levels: Undergraduate Academic Warning, Undergraduate Academic Probation I, Undergraduate Academic Probation II and Academic Suspension. Each of these levels hinges upon one premise, a student's GPA falling below 2.0 and thus falling from normal academic standing. The preface to the designations and their respective restrictions reads, "Each stage imposes more structure and limitations on the student in order to help them return to normal academic standing. The intent is not to punish, but to help the student return to normal academic standing and success." The University regards a student falling from normal academic standing as a serious issue and prioritizes the student's academic progress over comfort and privilege by imposing limitations. These limitations are outlined in a mandatory contract between the student and their academic advisor, approved by their department head, which must be signed regardless of whether the student is on Warning or Suspension. While this may constitute disability, it is subjective to the individual contract and thus unclear. To cloud matters further, the stipulations for Academic Warning state that a student of such designation remains eligible for extracurricular activities as governed by the rules of the specific activity. With the appropriate ASNMSU statue and NMSU policy failing to provide clarity on the matter, we must turn to the ASNMSU Law Book with a more holistic approach taking into consideration the statues concerning minimum requirements for the three separate, but equal, branches. Within the Executive branch, each official has a clause for their immediate dismissal from office and the requirement is uniform with exception of the name of the office in question; it reads as follows: "Once appointed to the office of the ASNM SU Attorney General, the individual shall maintain a semester GPA of at least 2.0. Failure to maintain this semester GPA will result in immediate dismissal from office by the ASNMSU." The creation of the branches as separate but equal provides grounds that a standard of qualification imposed on one branch is implied upon another unless expressly contradicted. A standard of minimum academic achievement is a common theme in the Law Book and thus carries weight. In similar manner to the University as a whole, ASNMSU is an organization given purpose and function by a primary pillar of academic achievement.

FROM: Mason Quinones, *ASNMSU Attorney General* **DATE:** 10/23/17

The Question:

1) If section 10-2-2 was suspended, would the council be able to pass a resolution to instead institute a simpler entry

procedure for such as a form for entry?

2) Would the council be able to enact a resolution, for their council solely, allowing for other opportunities for councils to earn points such as work on homecoming events etc.?

Applicable Law:

<u>10-2-2;10-6-C.D:10-8-1-A:10-11</u>

Opinion Rendered:

It is the opinion of the office of the Office of the Attorney General that section 10-2-2 of the ASNMSU Law Book may be suspended by the Engineering Council, but that a replacement procedure may not be enacted. The spirit of the uniform college council bylaws was that of bringing the councils and their member organizations closer to ASNMSU and the student government as a whole; the compromises made during the writing of these bylaws was part of that process of unification. The bylaw for entry may be suspended, by the procedures outlined in 10-11, on a case by case basis if a group needs their funding to begin a project immediately but the procedure may not be replaced entirely by the Engineering Council. With regards to the second question, it is the opinion of the Office of the Attorney General that the Engineering Council may allow for organizations to earn points via work on a Homecoming event; however, the avenue for doing so would merely require the procedure outlined in 10-6-C. Council organizations could vote to designate Homecoming as one of the outreach projects for the semester, overriding the council president's selected event as required by 10-8-1-A.

FROM: Mason Quinones, *ASNMSU Attorney General* **DATE:** 10/26/17

The Question:

Quite frequently Conferences offer cheaper registration if the attendee is willing to become a member and pay the membership fee. A lot of the attendees choose this option as it's the fiscally responsible thing to do. If ASNMSU can reimburse for registration fee, Can ASNMSU funds be used to reimburse for Membership fee? **Applicable Law:**

<u>7-4-3-A</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that ASNMSU may not reimburse for these membership fees at conferences; section 7-4-3-A of the 2017-2018 edition of the ASNMSU Law Book provides us with language which explicitly limits the Senate from funding membership dues to an organization, irrespective of the benefits provided by those membership dues.

FROM: Mason Quinones, ASNMSU Attorney General DATE: 01/16/18

The Question:

2-8-1-C talks about not "campaigning early", however if one was to create an announcement video that informs students from whom they are seeking signatures of the name, position, and why they should sign the packet, would that be permissible?

Seeing as the law book does not prohibit the execution of this right in digital format, would we proceed with this action just as anyone else would, beginning when packets are released?

Applicable Law:

<u>2-8-1-C</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that section 2-8-1-C of the ASNMSU Law Book not only fails to prohibit the creation and publication of these announcement videos, it expressly allows and provides criteria for them. The law stipulates that "petitioners are allowed to inform individual students from whom they are seeking signatures", but fails to define by what means they must inform them. Therefore, it follows that an informative video announcement is perfectly permissible and legal.

FROM: Mason Quinones, *ASNMSU Attorney General* **DATE:** 02/21/18

The Question:

An alleged violation of the Election Code, Chapter 2, and of the Financial Operations, Chapter 7, of the 2017-2018 ASNMSU Law Book was received by my office on February 19, 2018 at 12:00 PM. A separate violation form alleging the same charges was received by my office on February 20, 2018 at 4:50 PM. Both violation forms, anonymously submitted, alleged that Chief of Staff Carley Casey violated sections 2-8-1-C and 7-3-3-K of the 2017-2018 ASNMSU Law Book by seeking signatures for her candidacy petition in the Senate Chambers while remaining clocked in as Chief of Staff. Under the duties of my office, I have completed an investigation into the allegations and below are my findings.

Applicable Law:

2-8-1-C.O.R : 3-3-3-K

Opinion Rendered:

It is the opinion of the Office of the Attorney General that Chief of Staff Carley Casey did not violate section 2-8-1-C, 2-8-1-Q, nor section 2-8-1-R, of the 2017-2018 ASNMSU Law Book; however, concerning the allegations pertaining to section 7-3-3-K, it is the opinion of the Office of the Attorney General that Chief Casey did commit a violation. Section 2-8-1-C stipulates that campaigning may not begin until two weeks prior to the elections themselves. While Chief Casey was promoting herself to run for the office of ASNMSU President, she was doing so by petitioning signatures for her candidacy: which section 2-8-1-C qualifies as perfectly legal. The allegations concerning section 2-8-1-Q are not applicable to the case at hand, as Chief Casey was not distributing any election materials. The allegations concerning section 2-8-1-R very closely resemble those regarding section 7-3-3-K, but differ by the inclusion of the word campaign in section 2-8-1-R. In an opinion rendered to Senator Cisneros on the 16th of January 2018, the Office of the Attorney General confirmed a clear distinction between campaigning and petitioning, as delineated within section 2-8-1-C. The violation of Chapter 7 however falls under a different scrutiny due to the fact that it covers all promotions of people seeking ASNMSU elected office. Chief Casey was petitioning in the Senate Chambers and clocked in, thereby receiving funds/compensation, while collecting these signatures. This is a direct violation of section 7-3-3-K. For clarification, Chief Casey was not campaigning, but petitioning is an action to promote oneself for candidacy; doing so while receiving funds from her compensation in the General Appropriations Act as passed by the 60th Senate, constitutes a breach of ASNMSU law. Evidence obtained from interviews with senators, executive staff members, and a verification of Chief of Staff Casey's timesheet corroborated the allegations and led to the verdict of this office.

FROM: Mason Quinones, *ASNMSU Attorney General* **DATE:** 03/07/18

The Question:

Four violation forms alleging a violation of the Election Code, Chapter 2, were received by my office on the 5th of March, 2018 between 4:35PM and 4:46 PM. Another form alleging the same violation was received by my office on the 6th of March, 2018 at 3:21 PM. All of the aforementioned violation forms, anonymously submitted, alleged that candidates posting a Snapchat story, wherein an active link to the election website was provided, would constitute a violation of section 2-8-2-B of the 2017-2018 ASNMSU Law Book. The total of five violation forms brought these allegations against Presidential Candidates Emerson Morrow and Carley Casey, Vice Presidential Candidate Linda Cisneros, and Senatorial Candidate Reyaun Francisco. Under the duties of my office, I have completed an investigation into the allegations and below are my findings.

Applicable Law:

<u>2-5-3-B : 2-8-3-B : 2-8-2-B.D</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that Candidates Morrow, Casey, Cisneros, and Francisco did not violate section 2-8-2-B, nor section 2-8-2-D, of the 2017-2018 ASNMSU Law Book. Section 2-8-2 contains the rules for temporary voting sites in the election process; 2-8-2-B stipulates that candidates may not setup temporary or additional Internet voting sites themselves, and

2-8-2-D prohibits the use of wireless capable devices in wireless capable areas to procure votes. Section 2-5-3-B defines temporary Internet voting sites as "official polling places when an Internet accessible device is set up, which is accessible by the general student population, and used as a public poll." The use of each candidate's private snapchat account to provide an active link to voting falls outside of the definition of a polling place, as the device used to post is not publicly accessible, nor was it used to poll the general population. The use of these Snapchat posts is merely capitalizing on the opportunities presented by social media, and cannot be discerned from the posting of an active link in the candidate's Facebook campaign group. Provided that the links did not hack the election website itself and force constituents to vote for only the candidate who posted them, these links actually promote more election involvement and voter turnout.

FROM: Mason Quinones, *ASNMSU Attorney General* **DATE:** 03/07/18

The Question:

An alleged violation of the Election Code was received by my office on the 5th of March, 2018 at 4:53 PM. The violation form, anonymously submitted, alleged that Presidential Candidate Emerson Morrow and Vice Presidential Candidate Linda Cisneros violated sections 2-5-3-C and 2-8-1-A of the 2017-2018 ASNMSU Law Book by posting a banner within Corbett Center Student Union in the food court. Under the duties of my office, I have completed an investigation into the allegations and below are my findings.

Applicable Law:

<u>2-5-3-C : 2-8-1-A</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that Candidates Morrow and Cisneros did violate section 2-5-3-C, and section 2-8-1-A, of the 2017-2018 ASNMSU Law Book. The hanging of a campaign banner within the food court constitutes a violation of both statutes cited above. The three publicly accessible computers located directly across from the food court constitute a computer lab by the definition provided in section 2-5-3-C. This area has been debated contentiously within Law Book committees in the past and has been reaffirmed to be a computer lab. Furthermore, the presence of an official ASNMSU polling station just west of the food court means that this banner is also in violation of section 2-8-1-A; this statute refers us back to the radius of twenty feet around all polling stations as established in 2-5-3-B.

FROM: Mason Quinones, *ASNMSU Attorney General* **DATE:** 03/07/18

The Question:

An alleged violation of the Election Code was received by my office on the 6th of March, 2018 at 10:15 AM. The violation form, anonymously submitted, alleged that Director of Governmental Affairs Uriel Munoz violated sections 2-8-1-J and 2-8-1-K of the 2017-2018 ASNMSU Law Book by destroying campaign materials depicting Presidential Candidate Emerson Morrow and Vice Presidential Candidate Linda Cisneros. Under the duties of my office, I have completed an investigation into the allegations and below are my findings.

Applicable Law:

2-8-1-J.K

Opinion Rendered:

It is the opinion of the Office of the Attorney General that the alleged actions of Director of Governmental Affairs Munoz do violate sections 2-8-1-J and 2-8-1-K of the 2017-2018 ASNMSU Law Book. Destroying campaign materials is a serious violation, and one that reflects poorly on the candidate whose materials were not tampered with. Due to the anonymous submission of this violation form, and the violation at hand, evidence destroyed, my investigation was unable to definitively confirm the allegations. Moving forward with the Chief Elections Officer being the only individual with contact for the filer of the violation, it is the

opinion of the Office of the Attorney General that the only way to resolve this case is with a testimony

before the Election Board.

FROM: Mason Quinones, *ASNMSU Attorney General* **DATE:** 03/07/18

The Question:

Two violation forms alleging the same violation of the Election Code were received by my office on the 6th of March, 2018: one at 2:56 PM, another at 3:24 PM. Both violation forms, anonymously submitted, alleged that Chief of Staff Carley Casey violated sections 2-8-1-R of the 2017-2018 ASNMSU Law Book by seeking signatures for her candidacy petition in the Senate Chambers while remaining clocked in as Chief of Staff. Under the duties of my office, I have completed an investigation into the allegations and below are my findings.

Applicable Law:

2-8-1-C.R : 7-3-3-K

Opinion Rendered:

It is the opinion of the Office of the Attorney General that Chief of Staff Carley Casey did not violate section 2-8-1-R of the 2017-2018 ASNMSU Law Book. This very incident was filed earlier with two separate violation forms. The result of that investigation was rendered as an official opinion of this office on the 21st of February, 2018; that opinion outlined the difference between campaigning and petitioning, and this opinion will follow suit. Section 2-8-1-C stipulates that campaigning may not begin until two weeks prior to the elections themselves. While Chief Casey was promoting herself to run for the office of ASNMSU President, she was doing so by petitioning signatures for her candidacy: which section 2-8-1-C qualifies as perfectly legal. In an opinion rendered to Senator Cisneros on the 16th of January 2018, the Office of the Attorney General confirmed a clear distinction between campaigning and petitioning, as delineated within section 2-8-1-C. For clarification, Chief Casey was not campaigning, but petitioning is an action to promote oneself for candidacy; doing so while receiving funds from her compensation in the General Appropriations Act as passed by the 60th Senate, constitutes a breach of ASNMSU law. Evidence obtained from interviews with senators, executive staff members, and a verification of Chief of Staff Casey's timesheet corroborated the allegations and led to the verdict of this office. These actions were a violation of section 7-3-3-K, and are being handled through the appropriate channels, but not of the Election Code.

FROM: Mason Quinones, ASNMSU Attorney General DATE: 03/07/18

The Question:

A violation form alleging a violation of the Election Code was received by my office on the 6th of March, 2018 at 5:00 PM. The form, anonymously submitted, alleged that both Senatorial Candidates, Josiah Armstrong and Alexandria Beatty, for the College of Business violated sections 2-8-1-O of the 2017-2018 ASNMSU Law Book by failing to submit their list serve forms by the prescribed deadline of Monday March 5, 2018. Under the duties of my office, I have completed an investigation into the allegations and below are my findings.

Applicable Law:

<u>2-8-1-0</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that Candidates Armstrong and Beatty did violate 2-8-1-O of the 2017-2018 ASNMSU Law Book. In failing to submit their list serve forms to the Chief Elections Officer by the deadline, both candidates clearly violated the Election Code.

FROM: Mason Quinones, *ASNMSU Attorney General* **DATE:** 03/07/18

The Question:

A complaint was filed by Andrea Crawley with the ASNMSU Supreme Court regarding a forged signature on community service paperwork regarding ASNMSU Senate Bill 208. Ms. Crawley alleged that her signature was forged on the aforementioned forms.

Applicable Law

<u>7-6-2-C : 7-6-3-A : 7-6-4-C</u>

Opinion Rendered:

It is the opinion of the Office of the Attorney General that section 7-6-2-C of the 2017-2018 ASNMSU Law Book was violated by a constituent on the bill. In an interview with the complainant, my office was able to ascertain that the paperwork for Bill 208 was fraudulently signed. In questioning the complainant, it was revealed that she had never before seen the paperwork on which her signature appears. With that information it is clear that the signature was fraudulently rendered. The penalties for fraud are delineated in section 7-6-3 of the 2017-2018 ASNMSU Law Book, and include impoundment of funds. Seeing that the Bill has passed first readings, but not been officially passed by the Senate into law, there is no course to impound funds that have not been appropriated. Here however is where the investigation of this incident leaves the jurisdiction of ASNMSU. Section 7-6-4-C of the 2017-2018 ASNMSU Law Book stipulates that the ASNMSU Attorney General is "is instructed to write an opinion within forty-eight (48) hours"; the complaint was received by my office at 8:48 AM on Wednesday, April 18, 2018. At present my office is in violation of the very Law Book from which it derives its powers. Within the 48-hour period provided, and the extra time taken, my office was unable to ascertain who committed this act of fraud. Given that the act of fraud is a serious criminal offense which exceeds the bounds of ASNMSU law, it is the opinion of this office that the investigation that was started ought to be continued by appropriate legal authorities and University administrators.