

STUDENT SENATE BILL 2019-1080

TITLE: The Student Government Referendum Constitutionality Act

AUTHOR(S): Judiciary Chairman Will Sandifer, Senator Alfredo Ortiz

SPONSOR(S):

CHAPTER 790 STUDENT GOVERNMENT ~~INITIATIVE AND~~ REFERENDUM ACT (2000-141, 2001-114, 2002-144, 2004-116, 2006-129, 2007-109, 2008-128)

790.0 This chapters shall be titled the “Student Government ~~Initiative and~~ Referendum Act”

790.1 ~~Initiatives purporting to be law and their explanations of intent shall be placed on the ballot of any general election or authorized campus wide election, if the initiative is supported by a petition containing an explanation of intent and the signatures of not less than two percent (2%) of the Student Body enrolled at the time of submission. Any initiative purporting to be law must be submitted to the Supreme Court not less than twenty-eight (28) calendar days prior to the election that the petitioner intends to place the initiative on the ballot. Referendum questions to be proposed by petition must be submitted to the Elections Commission to be amended and approved prior to signatures being collected. All signatures must be collected within seven (7) school days of the referendum question being approved by the Elections Commission to ensure that it fulfills all the requirements of 773.1.~~

~~790.11 In order for an initiative to become law an initiative must be approved by a majority of those students voting upon the question. If approved, an initiative shall be considered a Student Body law, as if passed by the Student Senate, and properly codified. The Student Senate shall not amend an initiative until sixty (60) days following enactment. An initiative is never a “bill of law” and the Student Body President and Student Body Treasurer may not veto a law passed pursuant to this section. A law passed pursuant to 790.1 may be challenged as unconstitutional before the Supreme Court by any means in the Student Body Constitution or Student Body Statutes.~~

790.2 Referendum questions may be proposed ~~by a two-thirds (2/3) vote of the Student Senate or~~ by a petition containing the signatures of 1,000 members of the electorate not less than one percent (1%) of the Student Body enrolled at the time of submission. Any petition created under this section must be filed with the ~~Supreme Court~~ Elections Commission no later than 28 calendar days before the election that the petitioner intends to place the referendum questions on the ballot.

790.21 Referendum questions approved by a majority of the students voting on the question shall be considered enacted and shall be treated in the same manner as

resolutions adopted by the Student Senate.

- ~~790.3 All petitions filed with the Supreme Court, as provided in Sections 790.1 et seq. and 790.2 et seq. shall satisfy all of the requirements of Student Body Statute 773.1~~
- 790.4 The ~~Supreme Court~~ Elections Commission shall review ~~and amend~~ the ~~initiative or referendum, signatures, and all other corresponding documents following the collection of signatures,~~ to ensure that it effectively conveys its legislative intent and fulfills all of the requirements of 773.1.
- 790.5 ~~Failure to meet the requirements of Student Body Statutes 773.1 may result in particular signatures or the entire petition being disqualified by the Supreme Court. The Supreme Court may, at their discretion, use a random sampling technique to verify signatures. Failure to meet the requirements of Student Body Statutes 773.1(a), 773.1(b), 773.1(c), or 773.1(d) may result in particular signatures being disqualified by the Elections Commission. Entire pages may also be disqualified if they do not comply with 773.1(e), 773.1(f), or 773.1(g), and all signatures collected by the offending petitioner may be disqualified if the petitioner collecting signatures did not comply with 773.2. The Elections Commission may, at their discretion, use a random sampling technique to verify signatures and validate petitions.~~
- 790.6 The ~~Supreme Court~~ Elections Commission shall deliver all referendum questions ~~and initiatives~~ to the Supervisor of Elections no later than the second Friday immediately preceding the election by 5:00 P.M. Local Standard Time if the referendum questions ~~or initiatives~~ conform to the ~~Student Body Constitution and Student Body Statutes. The Supreme Court shall not approve any initiative legislating Student Senate budgeting or fiscal allocation.~~
- 790.7 LEGISLATIVE INTENT – The legislative intent of this act is to recognize that the Student Body retains sovereignty over its Student Government and the right ~~to alter the laws by which it is governed, and~~ to establish its opinion on certain issues. This act intends to establish procedures by which students can promote referendum ~~and initiative~~ questions.