

David Haungs, *Judicial Council President*

**AN ORDER TO AMEND THE CONSTITUTION TO ESTABLISH AN ELECTORAL
CODE**

Whereas, the Elections Article, Article XV, despite being a part of the Constitution, does not actually constitute any position within the Student Union, nor does it assign to any position its powers, duties, or rights;

Whereas, because the regulations spelled out by the Elections Article are not enumerations of powers, duties, or rights, they are unfit for the Constitution;

Whereas, detailed rules of conduct are better fit for a statutory code, which is the appropriate authority for a set of rules which guides individual behavior rather than institutional powers and duties;

Whereas, the Elections Article is currently buried under 35 pages of constitutional procedure and is therefore difficult for candidates to locate;

Whereas, some of the procedures behind allegations of election misconduct are given not in Article XV but in Article XII, Section 4, further increasing the difficulty of understanding our electoral process;

Whereas, Article XII, Section 4 likewise fails to assign any powers, duties, or rights, and instead serves as another procedural set of guidelines, similarly rendering it unfit for placement within the Constitution;

Whereas, locating election regulations within a separate statutory code would help candidates to understand what is expected of them, thereby decreasing instances of election misconduct,

Whereas, pursuant to Article III, Section 3(k), “The Senate shall establish regulations for all elections under this Constitution,” a power which it should maintain over a statutory Electoral Code;

Whereas, the publication of such an Electoral Code is an appropriate task of the Student Union Parliamentarian, who now, in practice, “makes Senate documents available to undergraduate students through the Senate website” pursuant to Article III, Section 3(l);

Whereas, Judicial Council will seek further amendments to the election regulations this term, which will be best accomplished by amending a consolidated Electoral Code rather than a constellation of constitutional sections;

Order SO 2122-04**April 29, 2021**

Whereas, the establishment of an Electoral Code would serve as an important precedent for continuing to simplify and condense the Constitution by moving non-constitutive material into statutory code and bylaws; therefore, be it

Ordered by the Student Senate of the University of Notre Dame du Lac,

That the Constitution of the Undergraduate Student Body is hereby amended as follows:

I. Article III, Section 3(k) is amended to read as follows:

The Senate shall have the power, with the consent of the Student Activities Office, to promulgate, maintain, and amend an Electoral Code to establish regulations for all Student Union elections.

II. Article III, Section 3(l) is amended to read as follows:

The Student Union Parliamentarian shall make Senate documents, including the Constitution and all Statutory Codes, available to undergraduate students through the Senate website.

And that the Student Union Electoral Code is hereby created pursuant to Article III, Section 3(k), as amended in this order. The text of Article XV hereby constitutes Sections 1 to 5 of the same, and the text of Article XII, Section 4 hereby constitutes Section 6 of the same. Article XV and Article XII, Section 4 are hereby repealed from the Constitution, and all subsections and references thereafter and thereof are renumbered accordingly.

It is so ordered.

Allan Njomo
Student Body President