Senate Order SO 2425-16 **24 September 2024**

Matthew Wich, ***Duncan Hall Senator***
Hunter Brooke, *Judicial Council President*

AN ORDER TO AMEND ARTICLES III, IX, AND XV OF THE CONSTITUTION

Whereas, Article III, Section 2(b) of the *Constitution of the Undergraduate Student Body of the University of Notre Dame du Lac* (the Constitution) currently reads, "Students who currently reside off-campus or will during the fall semester shall elect three undergraduate students to serve as the Off-Campus Senators each year;"

Whereas, Article IX, Section 2(a)(1) of the Constitution currently reads, "The Off-Campus President shall be elected by the students who will reside off-campus at the beginning of the next academic semester and those currently off campus;"

Whereas, Article IX, Section 2(b)(1) of the Constitution currently reads, "The Off-Campus Vice-President shall be elected by the students who will reside off-campus at the beginning of the next academic semester and those currently off campus;"

Whereas, Article IX, Section 2(c)(1) of the Constitution currently reads, "The Off-Campus Senators shall be elected by the students who will reside off-campus at the beginning of the next academic semester and those currently off campus;"

Whereas, Article XV, Section 4(b) of the Constitution currently reads, "The Off-Campus President, Vice-President and the Off-Campus Senators must reside off-campus during the following academic year;"

Whereas, Article XV, Section 4(d) of the Constitution currently reads, "Students currently living off-campus and students living off-campus during the following academic year are eligible to vote for Off-Campus elected positions;"

Whereas, the meaning of "off campus" is ambiguous in the articles listed above, plausibly referencing students who are currently enrolled in a study abroad program or will study abroad in the following academic year, which is not the intention of the above articles;

Whereas, Article I, Section 3(b) of the Constitution currently reads, "All elected officials (including those within the Hall Presidents Council, Senate and Class Councils) as well as all Executive Officers enumerated in Article II must be present for their entire term;"

Whereas, the decision in *Hanley and Coyle* reads, "We see no other viable interpretation for the word 'present' rather than not studying abroad; this has been the historical application of the term;"[1]

Whereas, Article XIII, Section 2(e) of the Constitution currently reads, "A petition bearing the valid signatures of 20% of the Off-Campus President's constituency currently residing locally

[1] 1 J.C. 20–4–2425

shall cause the Judicial Council to hold a recall vote for the Off-Campus President within two academic weeks of presentation of the petition;"

Whereas, Article XIII, Section 2(e) of the Constitution currently states that petition signers must be "residing locally," limiting the scope of the definition for who an Off-Campus President's constituency is;

Whereas, the clauses in Article III, IX, and XV do not make that critical specification for the definition of those who are eligible to run and vote in Off-Campus elections;

Whereas, to more clearly define the term "off campus" in the Constitution, and maintain consistency with the language in Article XIII, Section 2(e); 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 2(b) is hereby amended to read as follows:
(b) Students who currently reside locally off campus, or will reside locally off campus during the following academic year, shall elect three undergraduate students to serve as the Off-Campus Senators each year.

II. Article IX, Section 2(a)(1) is hereby amended to read as follows:
(1) The Off-Campus President shall be elected by students who currently reside locally off campus, or will reside locally off campus during the following academic year

III. Article IX, Section 2(b)(1) is hereby amended to read as follows:
(1) The Off-Campus Vice-President shall be elected by students who currently reside locally off campus, or will reside locally off campus during the following academic year.

IV. Article IX, Section 2(c)(1) is hereby amended to read as follows:
(1) The Off-Campus Senators shall be elected by students who currently reside locally off campus, or will reside locally off campus during the following academic year.

V. Article XV, Section 4(b) is hereby amended to read as follows:
(b) The Off-Campus President, Vice-President and the Off-Campus Senators must reside locally off campus during the following academic year.

VI. Article XV, Section 4(d) is hereby amended to read as follows:
(d) Students currently living locally off campus, and students living locally off campus during the following academic year, are eligible to vote for Off-Campus elected positions.

It is so ordered.

Dawson Kiser
Student Body President

Thomas Musgrave, Student Union Parliamentarian
SO2425-16, 2 October 2024
33 Affirmative, 4 Negative, 2 Abstain