Memorandum

To: Adam Martin, ASUA Supreme Court Chief Justice
From: Amy Adamcin, ASUA Elections Commissioner
Date: October 8, 2007
Re: Requests for Interpretation of the Elections Code

The ASUA Elections Commission is currently in the process of updating the Election Code. As a part of the research we are conducting, I am requesting the ASUA Supreme Court's interpretation of a few sections of the 2007 Elections Code.

1. Chapter 4- Candidacy and Candidate Information, Section 4-1.02. In this section it is stated that a requirement of a candidate is that they complete a minimum number of units, depending on their standing, at the University of Arizona in the semester prior to the election. However, there is no clear definition of "at". Does this section imply that a student must attend classes that are held on the University of Arizona campus in the semester prior to election, or does it allow for study-abroad students, correspondence courses, etc?

2. Chapter 7- Candidate Campaign Materials, Section 7-2.04. What would be considered "unsolicited emails" and "spam emails"? Is that any email that the receiver did not want, or is it merely any email without the recipients name in the body of the message?

3. Chapter 7- Candidate Campaign Materials, Section 7-1.01. Does this section restrict free speech on the part of the candidate?
   a. In the event that in the courts opinion this does restrict free speech, is it un-lawful for the elections code to affectively limit the speech of a candidate for a student government election?

Also, the Elections Commission is asking for your interpretation of the ASUA Constitution, specifically the sections concerning the approval of the ASUA Elections Code by the Senate. In Article II Section II of the ASUA Constitution, Number 11 states:

The Senate shall approve an Elections Code to govern all conduct during ASUA elections, prior to the last meeting of the Senate for the fall semester.

Also, Article V Section II states:

1. All elections shall be coordinated and supervised by the ASUA Elections Commissioner.
2. Elections shall be governed by the ASUA Elections Code.
3. All Elections Code revisions shall be made prior to the end of the fall semester, immediately preceding the semester in which the elections shall be held pursuant to Article II, Section II.
4. The Senate and the Student Body President may call a special election, pursuant to Article II, Section V.
Does the Constitution allow the senate to recommend changes to the code and vote on those recommended changes to change the code during the meeting at which the code is submitted for approval, or must they either approve or not approve the submitted code and send it back to the commission for re-submission?