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SB40-10/11: Amending Bylaws

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The Associated Students of the University of Montana
Resolution Amending Bylaws
April 20, 2011
Senate Bill SB40-10/11
Authored by: Jake Yerger, ASUM Senator
Sponsored by: Dylan Klapmeier, ASUM Senator, Tyler Gustin, ASUM Senator,
Luke Simms, ASUM Senator, Travis Suzuki, ASUM Senator, Julie DeSoto, ASUM
Senator, and Jeff Edmunds, ASUM Senator

Whereas Article 10, Section 2 of the ASUM Constitution reads, “Upon the petition of 5% of the
membership of the ASUM, or an ASUM policy calling for the support of a new University of
Montana or ASUM fee, the ASUM Senate shall be compelled to conduct a referendum;”

Whereas ASUM bylaws Article 7, Section 3 reads, “In the event that ASUM policy or procedure
does not clearly specify what action should be taken, Montana law may be substituted or used as
a guide;”

Whereas ASUM’s bylaws contain no provision regulating student-generated referenda, or the
content contained wherein;

Whereas Montana law stipulates that ballot statements must be reviewed by the Attorney
General, and such statements “must express the true and impartial explanation of the ballot issue
in plain, easily understood language and may not be arguments, or written so as to create
prejudice for or against the issue” (MCA 13-27-312, 4);

Whereas those student governments of universities located in states contiguous to the state of
Montana, and similar in size to The University of Montana ("cohort schools") include language
in their bylaws which pertain to the administration and regulation of student referenda. These
include the Associated Students of the University of Wyoming (ASUW) and the Associated
Students of the University of Idaho (ASUI). Other universities in the northwest, such as the
University of Washington, Oregon State University and Washington State University have
adopted similar policies;

Whereas the ASUM Senate may, in extreme cases, be compelled to place referenda on the
General Election ballot which compromise the principles of the student body, and The University
of Montana;

Therefore, Let It Be Resolved that ASUM Bylaws, Article V, shall be amended to include the
following section. The section will read as follows:

Section 10:

A. All student-generated referendum language shall be examined by the Relations and Affairs
Committee prior to the collection of signatures, and at a date no later than six weeks prior to the
General Election.
B. Referenda which contain patently hateful, false or misleading language, or language which violates university policy, shall be revised by the Relations and Affairs Committee to eliminate such language.

C. If a referendum cannot be revised without substantially changing the intent of the authors, but nonetheless contains language which violates this policy, the Relations and Affairs Committee shall have the right to remand the referendum to its authors for revision, until the language meets the standard established by this policy.

Passed by Committee: _____________________________, 2011

Passed by ASUM Senate: ___________________________, 2011

Travis Suzuki,  Amanda Stovall,
Relations and Affairs Chair  Chair of the Senate