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Documents from the May 8, 1996 meeting of the Associated Students of the University of Montana (ASUM)

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Associated Students
The University of Montana

Suite 105
University Center

Missoula, MT 59812
(406) 243-2451

ASUM SENATE AGENDA
May 8, 1996
Mount Sentinel Room - 6 p.m.

1. Call Meeting to Order
2. Roll Call
3. Approval of Minutes - May 1, 1996
4. Public Comment
5. President's Report
 - a. Radio Station
 - b. Miscellaneous
6. Vice President's Report
 - a. Miscellaneous
7. Business Manager's Report
 - a. Special Allocations
 - b. STIP
 - c. Miscellaneous
8. Committee Reports
9. Unfinished Business
 - a. SB36-95/96 Resolution to Oppose Non-UM Personnel Using Campus Recreation
 - b. SB37-95/96 Resolution for an Ethics Board
 - c. SB45-95/96 Resolution to Request ASUM Administration to Prepare and Submit A STIP Request for the Purchase of Locking Mailboxes for ASUM
 - d. SB46-95/96 Resolution to Amend Personnel Policy Item 2.3
 - e. SB49-95/96 Resolution to Support Change in Structure of Parking Decal Pricing
 - f. SB50-95/96 Resolution to Investigate the Possibility of Moving Hourly Pay Parking from University Center (LOT F) Parking to Campus Security Office (Lot U) and River Bowl Parking (Lot M) Area Parking
 - g. SB47-95/96 Resolution to Change Name of UM Productions to ASUM Productions
 - h. SB51-95/96 Resolution to Change ASUM House Rules Article II to Split Up the Executive Slate to Make the President and Vice-President Run Separately
 - i. SB52-96/96 Resolution to Amend ASUM Fiscal Policy 17.11
10. New Business
11. Comments

Matt Lee, President • Dana Shonk, Vice-President • Jason Thielman, Business Manager
Carol Hayes, Office Manager • Marlene Hendrickson, Fund Accountant

ASUM SENATE TALLY SHEET

DATE _____

May 8, 1996

SENATE MEMBERS

ROLL
CALL

SCOTT CARLSONTOM DONNELLYROBERT ERICKSON

JENNIFER HENRY

RENEE HILBURNJEREMY HUETH

VINCE IACOPINI

GREGORY INGRAMRONALD KELLEYALLEN LEESEAN MALOONMICHAEL MATHERNKEVIN MCCOLLYJEFF MERRICK

CORY RIGLER

MATT SHIMANEK

JOSH STICKA

DERRICK SWIFT-EAGLE

BEN WOBKERMATTHEW ZIGLAR

Sam Cooper

ASUM OFFICERS

MATT LEE

President

DANA SHONK

Vice-President

JASON THIELMAN

Business Manager

P	4	4	P	-					
P	-	-	P	4					
P	n	n	P	-					

FACULTY ADVISORS

PROFESSOR AUSLAND

P					
-					

PROFESSOR KIA

ASUM SENATE MINUTES

May 8, 1996

Mt. Sentinel Room

Chair Shonk called the meeting to order at 6:14 p.m. Present: M. Lee, Shonk, Thielman, Carlson, Cooper, Erickson, Henry, Iacopini, Kelley, A. Lee, Mathern, R. Colly, Merrick, Rigler (8:58), Sticka, Wobker and Ziglar. Excused were Donnelly, Hilburn, and Maloon. Unexcused was Shimanek. Hueth and Ingram resigned.

The minutes of the May 1 meeting were approved.

Public Comment

*Dennis Tyrell commented on CRB actions. He felt CRB violated its own rules by considering a petition not received 24 hours before convening.

*Ben Darrow discussed CRB member removal procedures, having heard that Senate might consider that action. He also discussed the procedure for nullifying the election. He stated he was not of the opinion that there was CRB meddling by the Administration.

*Dennis Tyrell stated he thought his petition to CRB wasn't given equal consideration compared to other petitions.

*CRB Chair Deines distributed notes on the Thielman-O'Leary petition results and explained them (Exhibit A). Deines implored Senate to be careful to follow the proper procedures if they carry through with their plans to invalidate any election matters. Deines outlined the proper procedure to use.

*Ross Best reiterated the point he made to CRB that all rules restricting fair campaign practices except for polling sites violate State law. He felt the Vaupel and Thielman tickets were improperly expelled from the election. He commented that removing CRB members without public notice on an agenda was illegal, as would be the case with invalidating the election. He said the ASUM Constitution dictates that ASUM executives be elected May. He also commented on the Kaimin referendum on the ballot: an issue having three options sometimes results in the least popular selection due to the nature of the choices.

*John Zimmerling, ASUM Resolution Officer, spoke on the ASUM office division, which he felt has created apathy on the part of the students. Another election would create more apathy, he said, and called for banding together and solving problems internally, thereby giving the Administration the message that we are able to solve our problems on our own.

*Dennis Tyrell referred to Rose Best's comments.

*Karen Foote noted her ethical concern as to why all presidential/vice presidential candidates didn't admit they were all in violation of rules and call it a draw. The only difference among candidates was that not all had petitions filed against them.

BREAK

*Ben Darrow spoke on the rumor of Senate possibly considering the removal of CRB members. He indicated that he would welcome being chair.

President's Report

- a. Lee led the Pledge of Allegiance to the flag.
- b. A presentation by the Student Radio Station was not possible as planned.
- c. **M. Lee-Sticka** moved to approve John Zimmerling to serve a two-year term with a review after one year as ASUM Resolution Officer. A previous question call by **Henry-Iacopini** passed, and the motion passed. Lee responded to Ross Best's comments on the Kaimin referendum and said that a student had expressed concern over the Kaimin fee wording.
- e. Lee thanked everyone for coming to this last scheduled meeting.
- f. Lee issued papers regarding the Vaupel/Spade ticket (Exhibit B). Lee felt CRB acted in error on the Thielman/O'Leary ticket and was greatly influenced by the Administration. **Lee-Henry** moved to remove five CRB members and appoint new members. **A. Lee** objected to consideration.

Division was called by **Erickson** after a voice vote. A roll call vote request by **Iacopini** resulted in 10Y, 4N, against the objection to consideration. A previous question call by **Ziglar-Iacopini** failed. At this time Chair Shonk handed the gavel to M. Lee to allow shonk to speak on the issue. The Chair recognized the arrival of Senator Rigler. The gavel was returned to Shonk. A previous question call by **Iacopini-Ziglar** passed. A roll call vote resulted in a 9Y, 6N vote, and the motion failed.

- g. **M. Lee-Henry** moved to go to the Business Manager's Report to consider two special allocation requests and then return to the President's Report. There was no objection.

Business Manager's Report

- a. A motion by **Erickson-Ziglar** to suspend Fiscal policy to consider two Special Allocation requests that did not go through Board on Budget and Finance passed.
- b. **M. Lee-Iacopini** moved to give Career Services \$608 for printing from Special Allocations and \$3,392 from Zero-Base Carryover. A previous question call by **Iacopini-Henry** passed, and the motion passed.
- c. A motion was made to give Flora and Fauna Society a \$892 Special Allocation. A previous question call by **M. Lee-Erickson** failed. A previous questions call by **McColly-Henry** passed. The motion passed.

President's Report (continued)

- h. A motion was made by **Shonk-Henry** to suspend all pertinent House Rules and to invalidate the primary election, holding a new election next Wednesday and Thursday for the presidential-vice presidential offices, reinstating the Williams/Carlson and Vaupel/Spade tickets to be on the ballot with Thielman/O'Leary. The Senate and Business Manager results from the General Election now in progress would be valid. A previous question call by **Erickson-Ziglar** passed. A roll call was requested by **A. Lee**, and a roll call vote had previously been agreed upon. The roll call vote resulted in a 10-1 vote. Due to a lack of quorum (14), the Chair indicated the motion did not pass and immediately adjourned the meeting.

The meeting adjourned at 10:19.

Carol Hayes

Carol Hayes
ASUM Office Manager

Exhibit A



Constitutional Review Board

ASSOCIATED STUDENTS OF THE UNIVERSITY OF MONTANA
UNIVERSITY CENTER 105
(406) 243-2451

May 7, 1996

To: All relevant parties

From: Tye Deines, Chair

Re: Theilman/O'Leary petition

Jason Theilman and Barbara O'Leary, ASUM members, submitted a petition to the Constitutional Review Board on Thursday, May 2, 1996 at 4:00 p.m. The petition requested that the decision of the ASUM Senate on the previous night that barred the petitioners from candidacy in the ASUM elections for President and Vice President be overturned. The petition reasons that the House Rules that govern removal of posters for primary elections is ambiguous. The petitioners contest the Senate's authority to punish them while applying an ambiguous rule. The petitioner also contends that these House Rules, namely Article 2 Section 2abc are in conflict with Montana State Law and therefore unconstitutional according to the compliance clauses in the ASUM Constitution and House Rules.

The Constitutional Review Board convened shortly after 5:00 p.m. to decide upon issues raised by the petition pursuant to Article 12 of the ASUM Constitution. After its hearing of testimony and deliberations which were recorded onto cassette tape by UM Productions, the Constitutional Review Board reached the following holdings:

The Constitutional Review Board holds, by 3-0 vote with one abstention, that the Senate may neither interpret nor apply the House Rules Article 2, Section 2abc to bar a member from candidacy for failing to remove posters. The Board further recommends that the Elections Committee revise House Rules Article 2, Section 2abc using relevant Montana State Law as a guideline when such laws are reasonably applicable. The Senate shall adopt revisions to the House Rules Article 2, Section 2abc by the date of primary election, if one is held, in the Spring Semester 1997.

The Constitutional Review Board holds, by 3-0 vote with one abstention, that Jason Theilman and Barbara O'Leary violated the House Rules Article 2, Section 2b by failing to remove posters in campus buildings for the primary election held Wednesday, April 24, 1996.

The Constitutional Review Board holds, by 2-0 vote with two abstentions, that Jason Theilman and Barbara O'Leary shall report the receipts for funds spent on their campaign to the Elections Chair, Jeremy Hueth by 5:00 p.m., Friday, May 3, 1996. The Board further holds that Jason Theilman and Barbara O'Leary shall neither spend nor accept funding for the purpose of campaigning in the 1996 Spring election.

ALAN MILLER, VICE CHAIR
JEANNE BRADLEY

TYE DEINES, CHAIR

JENNIFER BASCOM
ERIC MYER

Constitutional Review Board

May 7, 1996

Page 2

These holdings shall have the effect of reinstating Jason Theilman and Barbara O'Leary as official candidates in the ASUM election for president and vice president. The Elections Chair shall conduct an election for President and Vice President during the month of May as required by ASUM Constitution Article 7. The Senate shall neither apply any further disciplinary action to Jason Theilman and Barbara O'Leary for failing to remove posters nor take any action that has the effect of barring Jason Theilman and Barbara O'Leary from candidacy. Our holdings do not have the effect of invalidating current rules applicable to the General Election.

The Constitutional Review Board reminds all relevant parties that decisions of the Board are final according to the ASUM Constitution Article 12. All officials, committees and members shall comply with these holdings or face removal proceedings as determined by the Board. Appeals to Board decisions are available only in the form of an amendment to the ASUM Constitution as allowed by the ASUM Constitution Article 12.

So Ordered,

A handwritten signature in dark ink, appearing to read 'Tye Deines', is written over a light rectangular background.

Tye Deines,
Chair

AN EQUAL OPPORTUNITY TO
EVERY STUDENT WHO WISHES TO RUN, AND VOTE, IN
STUDENT ELECTIONS

Whereas: Jason Vaupel and Marirose Spade were barred from candidacy for violating House Rules. They did not violate State Elections

Whereas: State Law Prohibits poster from being placed within 200 ft. From a polling site. Craig and Knowles Hall, the sites of the Thielman/O'Leary posters, are both within 200 ft.

Whereas: State Law governing elections applies to State of Montana Public Officials. All Montana citizens are not allowed to vote in ASUM elections and ASUM Officials are not State Officials. Further, ASUM does not adhere to other Montana State Elections Law (i.e. all violations are a misdemeanor). The Constitution allows ASUM to substitute state law in "the absence of any clear direction for action." There is clear direction for action in the ASUM House Rules: Article 2, Section 5.

Therefore: Montana Annotated Code concerning Elections may not be applied to ASUM Elections.

Whereas: The ASUM Constitution give clear authority to the Senate to adopt and enforce rules governing elections. ASUM has adopted House Rules governing elections. These rules are subject to change and interpretation by a 2/3 vote of the Senate.

Whereas: The Constitution gives the CRB the power to interpret the CONSTITUTIONALITY of ASUM policies, documents, and actions. The Constitution provides the CRB with means to rectify unconstitutional acts, policies and documents. This is the extent of their power

Whereas: The CRB ruling did not find the House Rules unconstitutional. The CRB applied State Elections Law. Further, they applied State Law incorrectly. (Motion One).

Therefore: The CRB ruling reinstating Thielman/O'Leary is not based on any provision in the ASUM Constitution and is illegal.

Whereas: The second CRB motion admits House Rules were violated, thereby reinforcing the Senate's decision to suspend the Theilman /O'Leary candidacy.

Whereas: The Elections Committee Rules provided further clarification of the House Rules.

Whereas: The Thielman/O'Leary ticket's attempt to follow the rules and admission of violation further reinforces the Senate's decision.

Therefore: The Senate was legal and correct in their decision to suspend the Thielman/O'Leary Candidacy.

Whereas: The current Pres/VP ballot violates the Senate's legal Ruling.

Whereas: The ASUM has a responsibility to provide a fair election.

Whereas: Student confusion and frustration is evidenced by lack of turnout today, refusal to vote for president, and a petition with over 600 signatures asking for a "recall election".

Therefore Let It Be Resolved: The results of the President/Vice-President election shall be declared invalid and held over in Fall of 1996. The results of the Business Manager and Senate elections shall stand.

Therefore let it be resolved: The ASUM General Election shall be considered complete for the ASUM Senator's race and the ASUM Business Manager's race, but not for the ASUM President/Vice President's race. Which will be put on by the new ASUM Senators in September of 1996. The current ASUM President and Vice President will remain in office until the students have had the opportunity to vote in the ASUM Presidential/Vice Presidential election.

March 29, 1996

TAFKAP is my P.R. Man

"You say you want a leader/But you can't seem to make up your mind

I think you'd better close it/And let me guide you...

To the Purple Rain." —
TAFKAP (The Artist Formerly Known As Prince)

It was with those heady words ringing in my ears—and fanciful notions of coordinating a massive web of unnamed power-brokers (which is now in place)—that I dropped by the ASUM office Tuesday last and picked up the paperwork necessary to be anointed President.

Yes, you read it right: I and my friend Marirose Spade have resoundingly slammed our hats into the proverbial ring in the race for ASUM President and Vice-President, respectively. Fear it—we certainly do.

Nevertheless, we've been spending the better part of the last two weeks kissing hands and shaking babies all over campus in an effort to get folks to sign our petitions to get on the ballot. And, assuming all of your signatures are legible, we've done it.

In the process of all this flesh-pressing and glad-handing, I've been answering the tough questions and facing up to the tough issues. For those of you unfamiliar with my vision of the Purple Rain, here are a few out-takes from informal interviews I conducted over the last week:

"Mr. Vaupel, how do you feel

Column by



Jason
Vaupel

about the Family Definition?" I've always wanted to be defined as part of a family. Maybe someday, when I meet the right girl...

"How about parking?" Again, maybe someday, if I meet the right girl...

"And what of bike racks, Candidate Vaupel?" I promise a bike rack in every pot. Or, in every bike rack some...Oh dear. I can't recall. Let me get back to you.

So you can clearly see that I am on top of the situation and very comfortable with some of the more sticky situations that face the student body of this fine institution. Plus, that sentence even sounds like polyspeak, no? I've been practicing.

Moreover, I and my running mate feel strongly that there should be one ticket more than willing to conduct a campaign reflective of and based on the actions of those who have

"nobly" served before. A Salute to the Sins of the Fathers, one might call it:

The Criminal Element. While I haven't the stones or enough screws loose to rob the safe of my employer for \$312, I can confess to selling illegal fireworks out of the trunk of my car a few summers ago...and, given the chance, I'd do it again. That and the pen you all used to sign my petition was stolen from Campus Security.

The Sloth Factor. Last year's elected Vice-President was rather brusquely ushered from office on charges of poor performance and sloth. If there's one thing at which I excel, it's sloth, baby.

The Communications Angle. The incumbent bitterly refuses to grant the Montana Kaimin verbal interviews. I and my crack staff take something of a different opinion in the matter. It is with great pride that we at Purple Rain Headquarters hereby grant the Kaimin exclusive wire-to-wire coverage of the Vaupel campaign.

But, please, don't let these attractive features of my platform (the rest will be divulged later via handbill and public appearance) sway your vote right now. Take your time, survey the other candidates, and make the best choice to lead you to the Purple Rain. Thank you.

Jason Vaupel is not a protest candidate. He's a Protestant candidate.