All-Campus Judicial Council
University of Rochester Students’ Association

Appeals Hearing: Almast v. Students’ Association Government
Heard: October 16th, 2015
Decided: October 30th, 2015

Chief Justice: Wesline N. Manuelpillai
Deputy Chief Justice: Alec T. Girten
Associate Justices: Aurek L. Ransom, Dominick D. Schumacher, Jacob S. Tyson, Julia G. Ross, Madeline H. Blackburn, Patrick M. McConeghy, Rachel S. Casper

Petitioner: Anmol Almast
Respondent: Students’ Association Senate, represented by Senator David Stark

CASE FACTS:

In the spring 2015 election, senior Melissa Holloway ran simultaneously for both the Students’ Association Vice Presidency and a Senate seat. Holloway was elected to both positions. On April 20th, 2015, Holloway resigned her Senate seat to accept the SA Vice Presidency, thereby leaving a Senate seat vacant. On April 27th, 2015, the Senate approved a Senator Succession Process to create a senator selection committee to choose a member of the senior class from a pool of applicants to fill the vacancy. At the time the appeal was filed, a senator selection committee had not chosen a senior to fill the vacant seat.

The petitioner, sophomore Anmol Almast, the next highest vote-getter in the spring 2015 election, appealed the Senate decision, “Approval of Senator Succession Process,” to the All-Campus Judicial Council. The petitioner, Anmol Almast, believes, “the Senate's decision to create a senator selection committee was unconstitutional and unreasonable when ‘eligible candidates’ remained.” The respondent, the Students’ Association Senate, believes that the decision to create a senator selection committee was constitutional.

DECISION:

In the case of Almast v. Students’ Association Senate, the All-Campus Judicial Council holds the Senate decision to create a senator selection committee unconstitutional when “eligible candidates” remained.

1. Article II, § 4 of the Students’ Association Constitution states, “the Senate will provide in the bylaws a procedure to fill vacancies that may occur.” As such, the Council referenced Article V of the Students’ Association Bylaws, which outlines the procedures for filling Senate seat vacancies.
2. “Eligible candidates” are defined in the bylaws, § 3-A-a-1-i, as “any official or write-in candidate who received at least 50 votes.” As such, the Council determined that “eligible candidates” remain.

3. Given this definition of “eligible candidates,” a senator selection committee was unconstitutional by way of Article V, § 3-A-2.

4. Since more than 10 academic weeks remained until the next election (spring 2016), according to Article V, § 3-A-1, vacancies must be automatically filled by the “next eligible candidate,” in the same manner as Article IV.

5. Article IV states that the “three highest vote-getters from the Sophomore, Junior, and Senior classes shall become Senators.” Article IV, § 1-A-a maintains that senators “shall represent the SA as a whole,” and are elected by the entire Students’ Association, not any particular subgroup. Furthermore, Article V, § 3-A-a-1 defines an eligible candidate as any candidate who received greater than 50 votes with no strict stipulation of, or allusion to, class year.

6. As outlined in Article IV, § 1-A-a-1-ii, the three highest vote-getters from each class year (senior, junior, and sophomore) are guaranteed Senate seats. When three candidates from each class are seated or the list has been exhausted, the requirements have been satisfied.

As a result, the vacant seat must be offered to the candidate with the next highest number of votes. If the next eligible candidate declines or is unable to fill the seat, then the seat must be offered to each candidate in descending order by number of general election votes until a candidate accepts the seat, or until there are no more eligible candidates. At this time, the petitioner Anmol Almast is the highest vote-getter who does not have a Senate seat. As such, she must be offered the vacant seat first.

**REASONING:**

Article II, § 5 of the Students’ Association Constitution states, “the Senate will provide in the bylaws a procedure to fill vacancies that may occur.” Article V of the Students’ Association Bylaws outlines the procedures for filling Senate seat vacancies.

- The definition of eligible candidate is explicit. According to Article V, § 3-A-1-i, an “eligible candidate” is defined as “any official or write-in candidate who received at least 50 votes.”

In the case of *Almast v. Students’ Association Senate*, the Council finds that nine “eligible candidates,” official or write-in candidates who received at least 50 votes, remained in the spring 2015 election: Anmol Almast, 175; Andria Rabenold, 139; Daniel Matthews, 138; Jake Braniecki, 128; Jackson Ding, 128; Alex Guerrero, 91; Salah Mahmoudi, 84; Elaine Wang, 79; Tanima Poddar, 79.

- According to Article V, § 3-A-2: “If no eligible candidates remain, the Senate may form a senator selection committee for the purpose of interviewing potential new Senators.”

However, since “eligible candidates” do remain, § 3-A-2 of the Bylaws is not triggered and therefore, cannot be used to justify the creation of a senator selection committee in this case. In other words, the Senate’s decision to create a senator selection committee when eligible candidates remained is unconstitutional.

- According to Article V, if more than 10 weeks remain before the end of spring elections, vacancies must be “automatically filled by the next eligible candidate in the same manner as Article IV.” More than 10 academic weeks...
remained before the end of the spring 2016 elections. The phrase “automatically filled” removes the possibility of leaving the seat vacant.

- While Article IV states that the “three highest vote-getters from the Sophomore, Junior, and Senior classes shall become Senators,” Article IV, § 1-A-a maintains that senators “shall represent the SA as a whole.” Article IV, § 1-A-a-1-i states that “All members of the SA shall vote for these candidates.” Thus, Senators are elected by the entire Students’ Association, and not any particular subgroup. Once election results have been approved by the Senate, all Senators represent the entire student body, as opposed to solely those in their class year. The bylaws dictate that all Senate seats are identical and no preference will be given to class year, beyond initially filling the 14 seats. In this sense, all senators can be considered “at-large.”

- The class year qualifications in Article IV, § 1-A-a-1-ii pertain only to the three highest vote-getters from each class year (senior, junior, and sophomore), and are exhausted when the three candidates from each class are identified, or cease to exist. For example, if only two members of the sophomore class run, they are awarded Senate seats, provided they fulfill all other requirements of the Constitution and the Bylaws. There is no seat reserved specifically for a third sophomore. In this case, the seat would then go to the next eligible candidate with no regard to class year, in accordance with Articles IV and V.

As of today, October 30th, 2015, the petitioner, Anmol Almast, is the highest vote-getter who is not currently a Senator. As such, the petitioner should be offered the vacant seat. Should she decline, the seat must be offered to each candidate in descending order by number of votes in the spring 2015 general election, until a candidate accepts the seat or until there are no more eligible candidates.

The Students’ Association Senate has until 6 p.m. on Friday, November 13th, 2015, to comply with this decision.

It is so ordered.