



Student Government

UNIVERSITY OF COLORADO **BOULDER**

University of Colorado Student Government Legislative Council

Date: April 11th, 2013

78LCB12 – Referenda Funding

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Representative-at-Large

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CU-Boulder Student

A Bill to Restore Student Voting Democracy Constitutionally Required by the Supreme Court of the United States

Bill History

In 2007, the Student Group Funding Board (SGFB) was created as a result of a unanimous United States Supreme Court decision¹, allowing campuses to provide financial opportunities to student organizations unable to win a campus-wide student fee referendum, known as “minority stakeholder” groups (defined below). The unanimous Supreme Court decision held that student groups that could win funding through a campus-wide election were constitutionally sound, but that groups that could not must have other funding source opportunities. Prior to 2007, provisions in the constitution that governs the student government at CU-Boulder allowed the so-called “majority stakeholder” organizations, those capable of winning a campus-wide referendum (defined below), to bring referenda or initiative-based measures to a popular vote. For 34 years, the student population enjoyed this full right to exercise student democracy on campus.

Several years after this Supreme Court ruling, CU officials and students began attempts to adapt the CU-Boulder Student Government Election Code in order to meet the Supreme Court’s requirement that minority stakeholders have

¹ *Regents of Univ. of Wisconsin Sys. Southworth*, 529 U.S. 217

Full text at: <http://www.law.cornell.edu/supct/html/98-1189.ZS.html>

alternative funding opportunities outside of the referenda process. The end result did create the SGFB for minority stakeholders unable to win a campus-wide funding referendum. However, supplementary legislative inserts in this process also added sections 503.d and 504.d found in the Spring 2013 Election Code. These sections assert that the student body no longer has the democratic right to vote on whether to fund student organizations, but only to “advise” the SGFB on funding allocations.

The unanimous Supreme Court decision guarantees *both* the right for would-be student referenda groups to earn a majority vote and therefore funding through “majority stakeholder” status, *and* the right for non-referenda groups to adopt “minority stakeholder” status and apply to alternative funding sources. Currently, the CU-Boulder Election Code affords only one of the two Supreme Court constitutional guarantees. The SGFB’s creation was a mandatory response providing the first guarantee, the constitutionally required alternative for CU-Boulder minority stakeholder groups to the referenda as a funding option. The bill is necessary to rectify the disparity between the CU-Boulder Election Code as it currently stands, and the US constitutional guarantees unanimously upheld by the United States Supreme Court decision (Regents v. Southworth, 2000).

If adopted, the bill would not interrupt the SGFB in any way, as it would continue to serve its intended function in the oversight and financing of minority stakeholder organizations at the University of Colorado.

Definitions:

1 :*majority stakeholder*: organizations capable of acquiring a majority of the vote-eligible student population’s vote for referenda or initiative-based ballot measures in legitimate elections.

2 :*minority stakeholder*: organizations incapable of acquiring a majority of the vote-eligible student population’s vote for referenda or initiative-based ballot measures in legitimate elections.

Bill Summary

Whereas the Supreme Court unanimously upheld the rights of students to democratically vote on whether to fund student organizations appearing on a campus-wide referendum ballot;

Whereas the university officials and student government attempted to

adhere to the Supreme Court of the United States' requirement for alternative student organization funding opportunities for those student groups unable to win funding through a campus-wide referendum;

Whereas during this process, additional legislative language inserted into the Election Code asserts that the student body no longer has the democratic right to vote on whether to fund student organizations, but only to "advise" the Student Group Funding Board on funding allocations;

Whereas the bill establishes parity between the University of Colorado Student Government's Election Code and the constitutional rights guaranteed in the unanimous United States Supreme Court ruling.

THEREFORE, BE IT RESOLVED by the Legislative Council of the University of Colorado Boulder Student Government, THAT

Section 1: Repeal and nullify Election Code section 503.d and append a new section, which states:

"Any referendum that would allocate or endorse allocation of student fee monies to a student group shall so bind the CUSG only for the duration of the term of the referendum."

Section 2: Repeal and nullify Election Code section 504.d and append a new section, which states:

"Any initiative that would allocate or endorse allocation of student fee monies to a student group shall so bind the CUSG only for the duration of the term of the referendum."

Section 3: This bill shall take effect upon passage by the Legislative Council and upon either obtaining the signatures of two Tri-Executives or the lapse of six days without action by the Tri-Executives.

Vote Count

04/11/2013
04/18/2013

Tabled
Failed

Acclamation
0-16-2

Brittini Hernandez
Tri-Executive

Colin Sorensen
Legislative Council President

Tyler Quick
Tri-Executive

Logan Schlutz
Tri-Executive