



University of Colorado Student Government
Legislative Council

July 3, 2014

81 LCB 03—Referenda Regulation Reauthorization

A Bill to Amend the Election Code

Sponsored by:	Wyatt Ryder	Chief of Staff
	Juedon Kebede	President of Student Affairs
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Bill History

The purpose of this bill is to reauthorize previously passed legislation during the 80th Legislative Session, 80LCB12, which was passed on special order. This bill permanently places in the Election Code regulations to ensure student petition-initiated referenda are in compliance with the United States and Colorado Constitutions; federal, state, and Regent Law; the Institutional Fee Plan; Regent Policy, University of Colorado campus policy, or other applicable University of Colorado policy, and is a necessary protection to ensure the University of Colorado Student Government is in compliance with the law on matters of referenda.

THEREFORE, BE IT ENACTED by the University of Colorado Student Government THAT:

Section 1: Append a new Election Code section 504(e), which states: "Upon submission of the proposed language to the Election Commissioner, the Election Commissioner shall immediately consult with University Legal Counsel on all student petition-initiated referenda. If the Election Commissioner determines that a referendum violates the United States or Colorado Constitution; federal, state, or Regent Law; the Institutional Fee Plan; Regent policy, University of Colorado Boulder campus policy or other applicable University of Colorado policy, the Election Commissioner shall reject the referendum. The Election Commissioner shall issue a written decision on the referendum. Notice of the decision shall be given to the party proposing

the referendum by transmitting the decision via electronic mail to the party's University of Colorado email address. Notice is effective on the date of transmission. After a proposed referendum has been approved or rejected, the election commissioner shall then hold a referendum hearing with University Legal Counsel, the Appellate Court Chief Justice, and the petitioning party to discuss the intent of the referendum and any potential legality issues with the proposed referendum. If it has been determined that the proposed referendum has been accepted, the purpose of the hearing shall be to inform the petitioning party about the remainder of the referendum process, and their continued responsibilities through the process. If it has been determined that the proposed referendum has been rejected, the hearing shall provide an opportunity for the election commissioner to describe the appeals process, and assist the petitioning party in exploring avenues of advocacy that are not in violation of established law."

Section 2: Append a new Election Code section 504(e)(1), which states: "If the Election Commissioner rejects a referendum, the party proposing the Referendum may appeal to the Appellate Court by filing a petition in accordance with Appellate Court Rule 13 within ten (10) calendar days of notice of the Election Commissioner's decision."

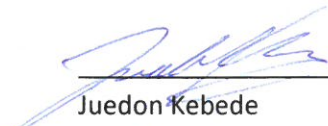
Section 3: Append a new Election Code section 504(e)(1)(a), which states: "Any appeal shall be heard under the Appellate Format as set forth in Appellate Court Rule 23."

Section 4: Append a new Election Code section 504(e)(1)(b), which states: "Review shall be limited to a determination of whether the Election Commissioner has abused his or her discretion."

Section 5: 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

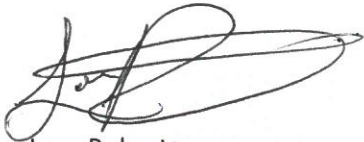
07/10/2014	Amend Section 1	Acclamation
07/10/2014	Amend Section 2	Acclamation
07/10/2014	Passed on 1st Reading	6-3-3
07/24/2014	Passed on 2nd Reading	7-3-2



Juedon Kebede
President of Student Affairs



Mitchell Fenton
Legislative Council President



Lora Roberts
President of Internal Affairs



Chelsea Canada
President of External Affairs

Bill Status: **PASSED**

