



The Associated Students of New Mexico State University

MSC 7110, P.O. Box 30001 | Las Cruces, NM 88003

T. 575.646.4415 | F. 575.646.5596

asnmsu.nmsu.edu

Office of the Attorney General

Official Opinion

TO: Hebah Alhalholy *ASNMSU A&S Senator*

FROM: Devon Harrison, *ASNMSU Attorney General*

DATE: October 9th, 2024

Subject:

Could you kindly provide a written statement summarizing the key points we discussed? Additionally, I would greatly appreciate an official opinion clarifying the rationale behind the decision to allocate Seat 14, designated for HEST per our bylaws, to a graduate senator.

Applicable Bylaw:

ASNMSU Bylaws:

2-5-4. POSITIONS AVAILABLE AND TERM LIMITS

A. Senate Seat Apportionment Equation: seats will be allocated to colleges based on adjusted representation, calculated as follows:

1. Adjusted Representation Calculation:

Adjusted representation is determined by dividing the total enrollment of each individual college by the total student enrollment, then multiplying by 30. The result is rounded to the nearest whole number to determine the adjusted representation for each college.

NMSU University Enrollment Total



The Associated Students of New Mexico State University

MSC 7110, P.O. Box 30001 | Las Cruces, NM 88003

T. 575.646.4415 | F. 575.646.5596

asnmsu.nmsu.edu

_____x30
ASNMSU College Enrollment Total

2. Assignment of Additional Seats:

If the total number of seats assigned is less than the total available, additional seats will be allocated to the college with the lowest excess or deficit representation. This is calculated by subtracting the calculated representation from the adjusted representation.

a. Excess/Deficit Calculation: Adjusted representation – calculated representation =
Excess/Deficit representation number

b. Process for Assigning Additional Seats:

Additional seats will be assigned iteratively. Starting with the college having the lowest deficit. The process repeats with updated calculations, after each new seat is added, until all seats are allocated.

B. The seats of the ASNMSU Senate shall be numbered as follows:

- 1. ACES ----- 1, 17, 23;
- 2. ARTS & SCIENCES ----- 2, 7, 12, 15, 16, 18, 24, 28, 30;
- 3. BUSINESS ----- 3, 8, 25;
- 4. ENGINEERING ----- 4, 9, 20, 26;
- 5. GRADUATE ----- 5, 10, 21, 27, 29;
- 6. HEALTH, EDUCATION & SOCIAL TRANSFORMATION ----- 6, 11, 13, 14, 19, 22;

C. All seats numbered one through fifteen (1-15), inclusively, shall be elected in the fall semester and serve a term of one (1) year; and



The Associated Students of New Mexico State University

MSC 7110, P.O. Box 30001 | Las Cruces, NM 88003

T. 575.646.4415 | F. 575.646.5596

asnmsu.nmsu.edu

D. All seats numbered sixteen through thirty (16-30), inclusively, shall be elected in the spring semester and serve a term of one (1) year; and

.

5-7-4. ORIGINAL ACT TO GOVERN

The published version of the ASNMSU Law Book on the ASNMSU website shall serve as the official ASNMSU Law Book for all rules and decisions. In the event the official ASNMSU Law Book becomes corrupt or inaccessible, the ASNMSU Attorney General, who is the official custodian, shall maintain an official print copy of the official ASNMSU Law Book.

.

Opinion Rendered:

At your request, here is a written clarification on the recent discussions regarding Senate Seat 14 during our meeting on October 9th at 3:00 p.m. in the ASNMSU Conference Room, which included Dr. Sam Worley, Vice President Miller, and me. The decision to reassign Senate Seat 14 from the Graduate College to the HEST College is based on the Senate Apportionment numbers established in August 2024 for the Fall 2024 election. This change was signed into law on September 10th, 2024.

In response to your concerns regarding section 5-7-4, the staggered implementation method is the only approach that complies with our bylaws. This method will allow us to incorporate half of the new Senate Seat numbers in the fall and the remaining half in the spring, thereby enabling current senators to complete their terms as specified in subsections 2-5-4 C and D. Importantly, this approach ensures that we never exceed thirty (30) senators at any given time. For example, with the Graduates now having five (5) seats two (2) seats will be appointed in the Fall and three (3) seats will be appointed in the Spring making it a total of five (5) Graduate Senators for the 68th Senate.

Your suggestion to not appoint the 6th Graduate Senator from the 67th Senate, while wellintentioned, would not align with the bylaws, as it would prevent that senator seat from serving a full term. This could also raise concerns about your status, as you are serving under an appointment from the 67th Senate; so, if as an association we were not allowing Senate to appoint individuals to serve current Senate terms, all 67th Interim Senators would need to resign or be impeached.



The Associated Students of New Mexico State University

MSC 7110, P.O. Box 30001 | Las Cruces, NM 88003

T. 575.646.4415 | F. 575.646.5596

asnmsu.nmsu.edu

I acknowledge that the numbers in the bylaws pertain to the 68th Senate, and they are being implemented in line with the upcoming election cycles. Having a 6th Graduate Senator does not violate the bylaws since they will be serving out a 67th seat, which will cease to exist after the fall elections. I understand your confusion with the bill taking affect with the fall elections, as bills are law when the President signs them after they are passed by Senate. The numbers are in effect if you ask where the 14th Senate seat is in; it is in HEST and will be reflected in the Fall election with the election of a HEST Student into that Seat. Currently, it is not a HEST Student in Senate seat 14 because it was a 67th Graduate seat who is serving out their last few weeks of their term. Seat 14 is already a HEST seat up for election this Fall. It is no longer considered a Graduate seat. The seat is just currently finishing up its full-term.

Furthermore, there are no specific bylaws outlining how Senate Seat Apportionment numbers should be implemented. The reason it's not fully in effect until elections is because that's when the seats are being implemented. There are no procedures to how or when the seats are implemented in the bylaws; so, this is the only logical time with precedent of doing so. The staggered approach was proposed during an ACES leadership meeting, where I introduced the new Senate Seat Apportionment Equation. The consensus among the majority was that this method best respects the bylaws while ensuring fair representation. The decision-making process for which method was left to leadership (The ASNMSU Advisors, Pro Tempore Diaz, Vice President Miller, Chief Justice Duran, and President Alhalholy).

Thank you for your attention to this matter. I appreciate your understanding as we navigate these important changes. Let me know if you have any further questions. Best regards,

Devon L. Harrison - he / him / his

ASNMSU Attorney General

Email: asnmsuag@nmsu.edu

Phone: (575)-703-4082

