



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: Dr. Edwards *ASNMSU Judicial Advisor & Director, Student Involvement and Leadership programs*

FROM: Devon Harrison, *ASNMSU Attorney General*

DATE: October 10th, 2024

Subject:

Could you kindly provide an official opinion that clarifies the correct procedure to do if Senate un-tables Resolution 13 in Committee of the Whole (C.O.W.).

Applicable Bylaw:

ASNMSU Bylaws:

“3-11. EXECUTIVE REMOVAL AND IMPEACHMENT ACT

.

.

.

H. Any ASNMSU Executive Director may be removed from office if an act of impeachment is brought against said official by a three-quarters (3/4) vote of the membership of the ASNMSU Senate present and voting and is found guilty of the charges made against said official by the ASNMSU Supreme Court:

.

.

.

2. The ASNMSU Chief Senate Clerk will notify, in writing within two (2) days of the introduction of the resolution, the person who is to be impeached and the charges against this person; 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

.
.
.
4. No impeachment resolution will be allowed to go through the ASNMSU Senate Committee of the Whole unless the ASNMSU Chief Senate Clerk has notified the person who is to be impeached within two (2) days of the meeting where the ASNMSU Senate will introduce the resolution of impeachment to the ASNMSU Senate Committee of the Whole; and.”

.
.
4-2-7. IMPEACHMENT PROCEDURE

A resolution will be introduced into the ASNMSU Senate. This resolution will include the specific reasons for impeachment. In writing, the ASNMSU Chief Senate Clerk will notify within two (2) days of the introduction of the resolution, the person to be impeached and the charges against this person. The person charged can speak at any meeting where that person’s position is being officially discussed. No impeachment resolution will be allowed to go through the ASNMSU Senate Committee of the Whole unless the ASNMSU Chief Senate Clerk has notified the person to be impeached within two (2) days of the meeting where the ASNMSU Senate to the ASNMSU Senate Committee of the Whole will introduce the resolution of impeachment.

.
.
.
6-10. LEGISLATION RECOMMENDATIONS

6-10-1. MAIN PROVISIONS

- A. “Meeting” means either an ASNMSU Senate meeting or standing committee meeting.
- B. The following recommendations are for legislation under review by the ASNMSU Senate:

.
.
.
8. “Retain or Table” if the majority has voted to stop the movement of the legislation:

a. Legislation may only be untabled in the meeting it was originally tabled unless the ASNMSU Senate Committee of the Whole is considering it; and”

Opinion Rendered:

If the Senate decides to un-table Resolution 13 during the Committee of the Whole, the proper procedure is for the Chief Senate Clerk to notify the individual facing impeachment of the



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

charges of the un-tabling happening. This notification must occur within two (2) days of the resolution's introduction, as required by the **3-11** and **4-2-7** bylaws.

Therefore, the Senate may un-table the resolution during the Committee of the Whole only after the Chief Senate Clerk has formally notified the individual being impeached.

Thank you for your attention to this matter. Should you have any further questions, please feel free to reach out.

Best regards,

Devon L. Harrison - he / him / his

ASNMSU Attorney General

Email: asnmsuag@nmsu.edu

Phone: (575)-703-4082

