



The Associated Students of New Mexico State University

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

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asnmsu.nmsu.edu

Office of the Attorney General

Official Opinion

TO: Sam Worley, *ASNMSU Legislative Advisor*

FROM: Devon Harrison, *ASNMSU Attorney General*

DATE: September 5th, 2024

Subject:

Clarification on the legality of Hebah Alhalholy's Senate qualifications as outlined by the ASNMSU Bylaws.

Applicable Bylaw:

1-3. LEGISLATIVE

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1-3-2. SENATE MEMBERSHIP QUALIFICATIONS AND OFFICERS

The Senate of the ASNMSU shall be composed of Senators of the ASNMSU elected by the ASNMSU members of the university's Undergraduate Colleges and the Graduate School, hereafter referred to collectively as the "Colleges." Senators of the ASNMSU shall be elected for a term of one (1) year and shall take office at the last Senate of the ASNMSU meeting of the semester of their election. **No person shall be a Senator of the ASNMSU who is not, when elected and while in office, a member of the ASNMSU,** not under academic or disciplinary probation, and a student of the College by which they are elected. No Senator of the ASNMSU shall hold an additional elected office or appointed position of the ASNMSU except as may be provided through the bylaws. No person shall be a Senator of the ASNMSU if they are enrolled in a recurring class scheduled to overlap for up to more than 90 minutes from the start time of a regularly scheduled Senate meeting and assigned committee meetings. The members of the Senate of the ASNMSU shall be apportioned among the several Colleges in direct proportion to their respective enrollments as determined by the current official fall semester enrollment



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figures from the NMSU registrar, but each College shall have at least two (2) Senators of the ASNMSU. Amendments to the apportionment shall be passed by a vote of three-fourths of the Senate of the ASNMSU membership present and voting. When a vacancy occurs in the Senate of the ASNMSU, the College Council of the College of the vacated position may select an interim Senator of the ASNMSU to serve the remainder of the unexpired term. The Vice President of the ASNMSU shall be President of the Senate of the ASNMSU but shall have no vote unless the Senate of the ASNMSU is equally divided. The Senate of the ASNMSU shall choose its other officers and a President Pro Tempore of the ASNMSU who shall serve in the absence of the Vice President of the ASNMSU or when the Vice President of the ASNMSU shall exercise the Office of President of the ASNMSU.

6-3. LEGISLATIVE QUALIFICATIONS ACT

C. ASNMSU Senate Officers shall have been ASNMSU fee-paying members for the fall or spring semester prior to their election or hiring;

Opinion Rendered:

In light of Senator elect Hebah Alhaholy paying the ASNMSU fee for her prior semester as a NMSU dual-credit student through Arrowhead Early College Highschool by denying the waiver and paying it on September 4th, 2024. This raises two outcomes, depending on which dates are on her paperwork. If the date from her qualification check/appointment date is used her appointment would be invalid as she didn't meet the criteria in 1-3-2 of the ASNMSU Bylaws; however, if her sworn in Senate confirmation date is used, she will have paid the fee in time and be a valid Senator appointee.

Thank you for your attention to this matter. Should you require further information or have additional questions, please do not hesitate to contact me.

Devon L. Harrison - he / him / his

ASNMSU Attorney General



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