



**The Associated Students of New Mexico State University**

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**Office of the Attorney General**

**Official Opinion**

**TO:** Jasmine Padilla, *ASNMSU Chief Elections Officer*

**FROM:** Devon Harrison, *ASNMSU Attorney General*

**DATE:** July 11<sup>th</sup>, 2024

**Subject:**

Clarification on the Legality of the approval order for the Election Packet – regarding whether the Senate or the Election Board must approve the Election Packet first

**Applicable Bylaw:**

**ASNMSU Bylaws:**

2-2-1. DEFINITIONS

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A. “Campaign Team” is all listed members that are filed with the election code packet that an official candidate submits with their election packet.

**2-4. NOTICE OF ELECTION**

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B. The ASNMSU Chief Elections Officer shall prepare a packet that includes all necessary documents for candidates, which shall at least include the following:

2-7-1. GENERAL RULES

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B. No campaigning shall be allowed within the ASNMSU office:



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1. This includes the following:

- a. Any type of explicit communications, with the exception of informative conversation that do not further anyone(s) campaign, within the ASNMSU office or ASNMSU official meetings during election season. With the exception of legislations pertaining to elections and the **election packet** itself; and

### 3-8-18. ASNMSU CHIEF ELECTIONS OFFICER

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W. Prepare **a packet** that includes all necessary documents for candidates, which shall include the following:

### 6-5-4. DUTIES OF THE PRESIDENT PRO TEMPORE

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10. In the event the ASNMSU Vice President is unable to, the elected ASNMSU President Pro Tempore **should notify the ASNMSU Department of Public Relations of any Bill Packets signed into the bylaws within three (3) business days of the Bill Packets becoming bylaw.**

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### **Opinion Rendered:**

The ASNMSU Bylaws do not provide much clarity on this topic. However, after reviewing all sections of the Bylaws that mention the election packet or are applicable to it, it appears that the approval order does not matter. The Senate is the only entity with time restraints/requirements for bill packets. Therefore, the election packet can be approved by the Election Board before being heard by the Senate.

In fact, this may even benefit the bill on the Senate floor, as the Election Board's prior approval would act as a co-signing of the packet. On the other hand, if the Senate approves the packet first, the Election Board would merely be acting as a violation checker, re-approving a packet that is already on a tight timeline to be approved.

**Devon L. Harrison - he / him / his**

*ASNMSU Attorney General*

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