

September 26, 2022

# **Boston University Student Government Judicial Commission**

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## **Judicial Review Concerning Senate Special Elections and CFA Senate Vacancies**



**Justices:**

Ilana Keusch

Ben Klein

Ruhika Ponda

Minji Kwak

Emily Wright



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On September 24, 2022, Senate Chair Hanna Dworkin submitted a request for Judicial Review regarding the authority of the Senate Chair to conduct special senator elections in the event that a college government fails to submit candidates for college senators within a timely manner.

The request submitted by Senate Chair Dworkin indicated that she had been attempting numerous times to get into contact with members of the College of Fine Arts Student Government and their official faculty sponsor in order to discuss the process of recruiting three students to represent the CFA in the Boston University Student Government Senate. This process occurred throughout the summer, prior to the commencement of regular Senate sessions in September. The sponsor has recently reached out and submitted two senatorial candidates, leaving the third position vacant.

### **Ruling**

The clause in question for this review is Article I, Section IV of the Legislative By-Laws “Should any Senate seats remain vacant, the Senate Chair shall possess the authority to hold an emergency election within the respective organization.” The Justices have discussed this request at length and have come to the conclusion that the key word that requires definition is “vacant.” We seek to determine whether or not the failure of a college government to submit senatorial candidates in a timely manner leads to a vacancy after the submission deadline has passed. Based on this decision, we will then determine whether or not the Senate Chair is authorized to conduct a special election to fill this vacancy. The Justices also consider the question of what constitutes a “timely manner” in the context of the submission of senatorial candidates.

Before reviewing the “vacancy” question, the Justices want to point to Article I, Section I, Point IV, Subsection ii, which states that “All allocated Senate seats must be filled by the fall semester prior to the first Senate meeting as set by the Senate Chair.” This means that the BUSG Constitution indicates that a timely manner is any time prior to the first senate meeting of the academic year. Therefore, if all allocated seats to a particular school are not filled by this deadline, the “timely manner” requirement has not been met.

The Justices find, in a 5-0 decision, that Senate Chair Dworkin has the authority to conduct an emergency election to fill the vacant CFA seat. By the start of the first Senate meeting, CFA had still failed to recruit all three senatorial candidates to fill the allotted seats for the CFA. This officially constitutes a vacancy in the CFA Senate delegation. To expand this further, the Justices rule that the Senate Chair has the authority to conduct a special election in the case that a college fails to submit senatorial candidates by the start of the first senate meeting. We find this



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constitutes a “vacant” senate seat and the BUSG Legislative By-Laws clearly state that the Senate Chair can hold an emergency election in this case.