

1 Elections Commission
University of Kansas Student Senate Courts
2 27 August 2024
election@ku.edu

3 UNIVERSITY OF KANSAS STUDENT SENATE COURTS

4 FINAL ACTION CONCERNING ONE KU

5 APPELLEE, One Ku

Case No.:

6 v

7 APPELANT, Ad Astra

ONE KU - FINAL ACTION

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10 The Elections Commission met to quorum today and adopted the recommendations of the Judicial Board subsequent to
11 the enforcement clause in Title Four of the constitution to find that Zakariya Ahmed and Walker Haber violated the
12 elections code by using outside resources. This was a necessary step due to the specific language contained within the
13 constitution requiring a finding, conflicting with the type of ruling issued by the Judicial Board. Nevertheless, it was not
14 a discretionary action because the Judicial Board exercises binding appellate jurisdiction over the Elections Commission.
15 The notice of final agency action issued by Student Affairs dictates that neither party may pursue any further action
16 pertaining to this matter within the University, except on the three briefing issues. If they wish to appeal, their redress
17 lies with the Courts of the State of Kansas.

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19 The parties were asked to brief three issues:

- 20 1. The scope of disqualified candidates' future participation in Student Senate
21 2. The status of elected non-presidential/vice-presidential OneKU candidates
22 3. Interim authority and certification of presidential/vice-presidential results

23
24 Decision on the First Briefing Issue:

25 The Constitution grants the Elections Commission original jurisdiction to interpret the constitution, regardless of the
26 title, as far as they pertain to the adjudication of an election violation.

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1 Section 1. Original Jurisdiction. The Student Elections Commission has original jurisdiction over cases
2 involving Title Six and Title Eight of this Constitution **and all election violations** that are filed during
3 the course of Student Senate Elections. (Title Four, Article IV § 1)

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5 That means, regardless of what the Executive Board considers to be “simply policy”, they are not privileged to disregard
6 the ‘decision’ or ‘statements’ of the Student Senate Courts. They may appeal to the Constitutional Court if they disagree.
7 Any remaining issues concerning speaking rights not otherwise covered by this ruling are the sole purview of the Speaker
8 of the Students Assembly.

9
10 The constitution is automatically executing, stating:

11 Any disqualified candidate cannot **serve as a member** of the Student Senate, the Student Executive
12 Council, the Constitutional Court, or the Student Elections Commission for the following two
13 (2) academic years. (Title Six, Article VII § 7.4)

14
15 Title Two, concerning the student assembly, is most descriptive in defining what it means to “serve as a member”.

16 **Article X. The Student’s Assembly.** The Student’s Assembly shall serve as the highest legislative
17 body of the Student Senate.

18 Section 1. Student’s Assembly Speaking and Voting Rights. **Any student, staff, or faculty member**
19 **shall be able to attend a Student’s Assembly meeting either in person or live through our**
20 **Student Senate virtual channel.**

21 1. All elected and appointed Student Senators shall have speaking and voting rights.

22 2. The Chairs of the Student Councils shall have speaking and voting rights.

23 3. Cabinet members and the CCO Directors shall serve as ex officio non-voting members of the
24 Student’s Assembly.

25 4. The Vice Provost of Student Affairs & Associates & Assistants Vice Provosts of Student Affairs
26 shall serve as ex-officio, non-voting members of the Student’s Assembly.

27 5. The Student Senate Advisors that are appointed by Student Affairs shall serve as ex, officio, non
28 voting members of the Students Assembly.

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1 6. One half (1/2) of the current voting members of the Student Senate shall constitute a quorum needed
2 to conduct business.

3 **7. All Students who have enrolled in at least 1 credit hour of coursework at the University of**
4 **Kansas - Lawrence and/or Edwards Campus are members of the KU Student Senate and shall**
5 **be ex-officio non-voting members of the Students Assembly.**

6 8. All ex-officio, non-voting members shall hold speaking rights in the Students Assembly. If someone
7 is NOT an ex-officio, non-voting member of the Students Assembly and wishes to speak, they may
8 have speaking rights deferred to them at the discretion of the President of the Students Assembly or
9 a simple majority vote by members present and voting.

10 (Title Two, Article X § 1)

11
12 A few things of note:

13 1. Any student shall be able to attend Student Assembly Meetings. That includes the disqualified candidates.

14 2. Membership in the KU Student Senate is not something one serves as. It is by the nature of being a student, paying
15 student fees, etc. that students enrolled in at least 1 credit hour are members. This is clearly distinguished from every
16 other position listed in this section where people serve as ex-officio, non-voting members as opposed to simply being.
17 Vice Provosts *shall serve*. Cabinet members *shall serve*. Students? They *are*. The remaining subpoints expand on the rights
18 each of these positions have regarding speaking etc.

19
20 This distinction is no accident, it goes to the very nature of what Student Senate is, the representation of the students.

21 Contrary to AdAstra's representation, this is not simply a privilege, it is conferred by the nature of someone's enrollment
22 status which this court lacks the authority to suspend. Being a member by itself does not grant any rights.

23
24 There are two things it allows: The ability to serve in office and the ability to be an ex-officio non-voting member of the
25 Students Assembly. The first, Zakariya and Walker are clearly disqualified from, including but not limited to any
26 nominated, appointed, elected, or hired position. The second is granted by the nature of their status as students. By the
27 virtue of being a student (ex-officio: https://www.law.cornell.edu/wex/ex_officio) they are entitled to membership in
28 the Student Assembly. This is not a position in which anyone serves, you do not have to be nominated, elected,

1 appointed, or hired. The only right of concern here is the ability to speak, and even then, they are still subject to the rules
2 of order.

3 3. Any student may also be a voting member of a Student Council, subject to their attendance.

4 Section 1. Student Councils General Speaking and Voting Rights. Any student at the University of
5 Kansas is eligible to be a voting member of a Student Council. Previous attendance shall not be
6 required for speaking and voting rights shall only be extended until the second consecutive meeting in
7 attendance. (Title Two, Article XIII § 1)

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9 This is granted by the same determination as above. These are the only two sections in the constitution where, without
10 prior designation, election, nomination, or appointment, someone just is. Akin to a citizen's right to speak at their local
11 city council, this is a basic tenet of representative democracy. It would be ridiculous to claim they, representing
12 themselves, are serving in a role on behalf of anyone.

13
14 This interpretation is further corroborated by a review of the University Senate Code which, in authorizing the Student
15 Senate, is more specific in its definition of "member", reserving it for the elected, appointed, and nominated positions
16 within Student Senate. When analyzing the framer's intent, it is important to look at versions of the Student Senate Rules
17 and Regulations before they were rewritten in 2022 since the rewrite was a rushed process with the goal of "pushing
18 through a document and fixing issues that arise later". Those versions indicate further that speaking is a right conferred
19 to being a student, not to being a member. They adopt the same definition of a member as the USC, while maintaining
20 the right to speak and to vote in committee, subject to attendance requirements.

21
22 These three limited rights are maintained by the disqualified candidates: Attendance, the right to speak in Student
23 Assembly and Student Councils, and the right to vote in Council subject to previous attendance.

24
25 Decision on the Second Briefing Issue:

26 AdAstra has withdrawn any claims they may have had against the slate OneKU senators. As such, this court makes no
27 action against the rest of OneKU. This court also dismisses any pending claims pertaining to this matter with prejudice
28 since the action to withdraw was voluntary and deadlines for new filings have passed. That means OneKU senators are

1 now immune from further inquiry on this matter by the Student Senate Courts.

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4 Decision on the Third Briefing Issue:

5 The Elections Commission recertified the election results electing and seating DaNae Estabine as President and Evanna

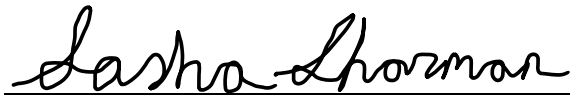
6 Dominic as Vice President. No tied third party necessitated a runoff.

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Dated this 27th of August 2024.

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Sasha Sharman
Elections Commission Chair

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