

# UW-Green Bay Student Court

Chief Justice Mach, Associate Justices Rudd, Schmidt & Czypinski  
Faculty Advisor: Mike Stearney

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## Memorandum

In regards to a complaint over the SGA election rules, the Student Court has considered the validity of changing of its current policy on referendum items. As it stands, the SGA election rules require a 60 day “notice of intent.” That is, all referendum items must be submitted to the Court 60 days prior to the official election. In a recent election, the Court has switch to electronic balloting in an effort to engage students in SGA affairs and increase voter turnout. As such, the Court recognizes the Secretary’s argument that 60 days is excessive, or perhaps, no longer necessary.

However, an effort to change the election rules requires the approval of Student Senate. As such, Chief Justice Mach attended the February 25, 2008 Senate meeting in an attempt to explain the Court’s current policy and its potentially outdated nature. On a motion to change the election rules, the Senate decided to keep the current policy. As an independent body under the direction of the Senate, the Court has no authority to overrule Senate action. Nonetheless, the Court is willing and able to do as the Senate directs, through March 14, 2008—as election materials are due at that time. Additionally, with spring break from March 15-23, and the election just a week and a day after students return, the Court would absolutely need a referendum question in hand by 4:30 p.m. on March 14<sup>th</sup>. Nevertheless, several Justices are concerned about this short notice. The Court feels strongly that the student body needs time to consider and digest the proposed smoking policy. Therefore, 15 days may be too late.

The Court, therefore, redirects this complaint to the Senate. It is suggested that the Secretary create a separate ballot either after the SGA elections or next fall. Given the current status of the policy, the Court also suggests the use of an “advisory referendum,” rather than a binding vote. Moreover, the Senate may be more willing to pass a smoking ban *per se* after student body input. Also, this may be done through electronic surveying.

Please note, the Court did not formally vote on this matter because a writ of certiorari was not completed. Rather, this opinion is comprised of informal discussions among the Justices. Please contact Chief Justice Mach for further explanation and direction on outstanding questions.

Cc: Justice Rudd  
Justice Schmidt  
Justice Czypinski  
Mike Stearney