



SENATE BILL #2676

TITLE: Limiting the Veto Power of the ASUW President
DATE INTRODUCED: October 29, 2019
AUTHOR: Chief of Legislative Affairs Hoversland
SPONSORS: Senators Milburn, Mulhall, Titus, Trent, Walls, and Welsh;
President Wilkins; Vice President Houghton; Chief of Staff
Talamantes; Director Savage

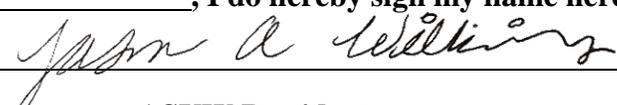
1. WHEREAS, the purpose of the Associated Students of the University of Wyoming (ASUW)
2. Student Government is to serve our fellow students in the best manner possible; and,
3. WHEREAS, the ASUW Student Government consists of three branches that should
4. collaborate with one another; and,
5. WHEREAS, these three branches are designed under a system of checks and balances to
6. prevent one branch from overstepping another and gaining unchecked power; and,
7. WHEREAS, during the 106th Administration of ASUW, the Judicial Council (JC) was sent a
8. request for interpretation regarding Article 1, Section 1.01, subsection 1, clause E of the
9. ASUW By-Laws; and,
10. WHEREAS, the JC ruled in their decision on this request, as shown in Addendum A, that the
11. President of ASUW can veto any action of the ASUW Senate, but does not have to approve
12. all of these actions; and,
13. WHEREAS, there is no process in the ASUW By-Laws specifying how the ASUW Senate can
14. overturn the veto of the President when this veto does not occur on a piece of passed
15. legislation; and,
16. WHEREAS, this ruling lacked interpretation of the context given in the subsequent
17. subclauses of the ASUW By-Laws and sets a dangerous precedent that would give the
18. Executive branch of ASUW undue and unintended power; and,

19. WHEREAS, the changes shown in Addendum B would keep the Executive Branch's powers
20. in check to preserve the necessary checks and balances.
21. THEREFORE, be it enacted by the Associated Students of the University of Wyoming
22. (ASUW) Student Government that the changes to the ASUW By-Laws as shown in
23. Addendum B be adopted by the ASUW Senate; and,
24. THEREFORE, be it further enacted that these changes take effect immediately upon passage
25. of this piece of legislation.

Referred to: _____ Advocacy, Diversity, and Policy; Steering _____

Date of Passage: _____ 11/05/2019 _____ **Signed:** _____  _____

(ASUW Chairperson)

"Being enacted on _____ 11/06/2019 _____ **, I do hereby sign my name hereto and
approve this Senate action."** _____  _____

ASUW President

Addendum A



Official Opinion of the ASUW Judicial Council



Majority Opinion handed down on February 27, 2019 by Justice Fried:

Chief Justice Richardson, Justices Bellamy, Stromberg, Pauling, and Bergman concurring:

Justice Vinluan did not take part in this decision.

**Request for interpretation of the ASUW By-Laws Article 1. Section 1.01 Clause E.
The President may veto, within ten (10) days of its passage, any action of the ASUW Senate, but such veto may be overridden by a two-thirds (2/3) vote of all the voting Senators at either of the two (2) regular ASUW Senate meetings following the veto.**

Question

On February 21, 2019 the Judicial Council received a request to interpret the ASUW By-Laws Article 1. Section 1.01 Clause E: "The President may veto, within ten (10) days of its passage, any action of the ASUW Senate, but such veto may be overridden by a two-thirds (2/3) vote of all the voting Senators at either of the two (2) regular ASUW Senate meetings following the veto."

The task of the Judicial Council is to additionally answer the following question:

In interpreting the word "action" is the President's power limited to only legislation or are there other instances in which this power can be exercised.

In full consensus of the Justices present, the Judicial Council's official interpretation is that absent any other clarification or modifiers to the word "action," it must be taken at face value. There is nothing in the documents that the Council could use to define this term any more narrowly. The power is thus not simply constrained to vetoing legislation. It is important to clarify that this means that the President may *veto* any action of the ASUW Senate, but that does not mean that every action has to be *approved* by the President.

Addendum B

Article 1. Executive Branch

Section 1.01 ASUW President

1. Responsibilities and Authorities

- A. The President shall promote, improve, and pursue the goals and objectives of the ASUW and the University.
- B. The President shall present a legislative report each semester that includes the status of all legislation passed by the ASUW Senate (as a supplement to the ASUW Steering Committee reports).
 - a. The report given each fall semester shall encompass the previous year and the report given during the spring semester shall encompass the fall semester of their term.
- C. The President shall insure that all resolutions and recommendations passed by the legislative branch are enforced or brought to the attention of those University officials with authority to take the recommended action.
- D. The President must notify the Senate of all proposed changes to a University Regulation. After twenty-one (21) days, if no legislation has been authored, the President will have the right to speak on behalf of the ASUW Student Government on the proposed changes.
 - a. The President, any executive member, any senator, and any student may write legislation regarding the recommended changes. If legislation is passed, the President must represent the opinion of the Senate that is formed through the legislation.
- E. The President may veto, within ten (10) days of its passage, any **piece of legislation passed by ~~action of~~** the ASUW Senate, but such veto may be overridden by a two-thirds (2/3) vote of all the voting Senators at either of the two (2) regular ASUW Senate meetings following the veto.
 - a. If the President fails to act on any piece of legislation within ten (10) days of passage, or before the new President is sworn in, the legislation shall go into effect without the President's signature.
 - b. The President shall provide a written explanation of any veto to the Senate at the next meeting following the veto or before the subsequent Senate is sworn in, whichever is sooner.