

RUSA

1/23/2018

Chris Kay, Parliamentarian

**Complainant:** Sara Bailey, Caucus Chair

**Question:** If there is a vacancy in the class year position, does a nominee filling the vacancy have to be of that class year?

**Finding:** No, a nominee filling a class representative vacancy does not need to be from the same class year as the previous seat-holder. Article 4.02 of the RUSA Constitution states, “If a seat is left open during the Spring elections, it shall be treated as an at large representative seat in the Fall elections; if it remains open after the Fall elections, the campus council chair may appoint a student to fill it.” From this passage it seems clear that any vacant seat, following the Fall elections, may be filled at the discretion of the Campus Caucus Chair as an at-large seat. The Constitution does not specifically protect class representative seats from this prescription. The very fact that the Constitution says, “If a seat is left open during the Spring elections, it shall be treated as an at large representative seat in the Fall elections”, indicates that class representative seats ought to revert to at-large seats in the event of a vacancy post-Spring Elections. If this were not the intention of the Constitution and if class representative seats were to be protected from becoming at-large seats then there would be no need to state the unfilled seats should be treated as at-large seats because the only seats which would be covered by the clause would be the already existing at-large seats. It should be noted that the Freshmen class representatives are elected in the Fall elections and those seats may never be elected at large in a general election, except in the case of a shortage of interested candidates. Furthermore once the Fall elections finish, a freshmen class seat, if vacated, would become an at-large seat.