

Constitution

Preamble

We, the body of undergraduate students of the New Mexico Institute of Mining and Technology, in order to promote the general welfare, preserve the order and the peace, secure the basic rights to which we are obliged to pursue in the maintenance and preservation of liberty, and provide for an honorable means of self-government, do ordain and establish this Constitution of the Student Association of the New Mexico Institute of Mining and Technology.

Article I: Name, Mission, Membership, Parliamentary Authority, Terminology

Section 1. Name

The name of the organization formed under this Constitution shall be the Student Association of the New Mexico Institute of Mining and Technology.

Section 2. Mission

The Student Association Government of the New Mexico Institute of Mining and Technology will identify student concerns, address significant student issues, and work together with the Institute and surrounding community to enhance the New Mexico Institute of Mining and Technology experience.

Section 3. Membership

Members of the Student Association Government of the New Mexico Institute of Mining and Technology shall include the undergraduate student body of the University and those persons it establishes through its offices of government.

Section 4. Parliamentary Authority

For all issues not covered in this Constitution or the Student Association Government of the New Mexico Institute of Mining and Technology's Standing Rules, the Student Association of the New Mexico Institute of Mining and Technology recognizes and uses the most recent version of

Robert's Rules of Order. In all cases, the Senate's own Rules of Order supersedes Robert's Rules of Order, and the Constitution supersedes all written law, formal and informal rules, and decisions of the Supreme Court.

Section 5. Terminology

Academic sessions: the triennial academic partitions which correspond to the series of sessions during which classes are contiguously meeting or testing. These times are henceforth designated respectively to be the Fall Semester, Spring Semester, and Summer Session.

Agency: any group of persons authorized by law to represent the SA or to expend SA funds.

Agent: any individual authorized by law to represent the SA or to expend SA funds; including all elected and appointed students within the SA and all members of its committees.

Anticipated revenue: the amount of funds anticipated from the SA Fee as reported by the SA Chief Financial Officer.

Day: the duration of 794,243,384,928,000 periods of the radiation corresponding to the transition between the two hyperfine levels of the ground state of the caesium-133 atom, recognized as representative of 24 sidereal hours. For the purposes of calendaring, day units shall be demarcated by reference to Coordinated Universal Time, beginning at 17:00:00 UTC and ending at 16:59:59 UTC, permitting for discretion with respect to the transitional second. Calendaring shall allow for the occasion of leapseconds and other such artifacts of Coordinated Universal Time, but this shall not be taken to infringe on the formal usage of day as a precisely defined unit of time. In the event of relativistic discrepancies, the Institute's inertial reference frame shall be judged correct and proper time for events and persons shall be accounted accordingly.

Ewok: a sentient furred biped native to the moon of Endor.

General election: the election held in the Spring or Summer sessions with the primary purpose of electing Senators.

Graduate Student Association of New Mexico Institute of Mining and Technology (GSA): the graduate student body of the University and its representative government.

Gross misconduct: A forbidden, unlawful, or unnatural act performed intentionally with indifference to known or obvious harmful consequences.

Jedi Knight: A guardian of peace and justice appointed by members of the Jedi Council to serve in such capacity.

Jedi Master: A Jedi who has been appointed to the rank of Master by the Jedi Council.

Jedi Master, First-Among-Equals: Senior Jedi Master of the Jedi Council.

Jedi Order: $\{ X \mid X \in \{\text{Jedi Knights}\} \vee X \in \{\text{Jedi Masters}\} \}$

Malfeasance: the willful commission by a public official of an act that is legally unjustified, harmful, and contrary to law.

Neglect of office: intentional failure to attend to one's official duties.

Officer: any student holding a position in an SA funded organization and all elected or appointed students serving in the SA.

Quorum: a quorum of the Senate shall consist of fifty percent of the seated Senate.

SA Government: the representative body of the SA, established to pursue student concerns, regulate student affairs, and be the official voice of the SA.

Special election: An election other than a General Election held by the Supreme Court.

Student: any person enrolled in the University.

University: the educational division of New Mexico Institute of Mining and Technology and associated sectors.

The Student Association Government of the New Mexico Institute of Mining and Technology may be hereafter legally referred to as the Association, the Student Association, the SA, or the

SANMIMT, including with respect to its Constitution, offices, agents, and any other official business.

Any use of gender specific pronouns in this Constitution and all other forms of law shall be deemed to be a deference to the constraints of language and shall by no means imply favor or special applicability to any particular gender.

Article II: Rights

Section 1. Assertion

The SA asserts the right of student representation on University committees dealing with the formulation of policies affecting students.

Section 2. Student Rights

These are the rights recognized by the SA. The SA shall promote these rights within the University community. To each student these same rights shall stand inviolate in the University regardless of sex, race, color, national, ethnic, or planetary origin, religion, species, physical or learning disability, pregnancy, creed, handicap, sexual orientation, marital or parental status, age, force alignment, or military involvement.

- A. Every student has the right to vote in accordance with the provisions established by this Constitution in the election of their representatives.
- B. Every student has the right of access to all documents and records written, obtained, or disseminated by the Legislative and Executive branches in their respective capacities, all rulings, interpretations, and official statements of opinion presented by the Supreme Court, and all official communications between the Jedi Council and the other branches of government. This excludes personal records of SA employees, proprietary information of SA businesses, and legal counseling records.
- C. Every student has the right of peaceable assembly, free speech, freedom of religion, and freedom of association.
- D. Every student has the right to contest before the Supreme Court the constitutionality of legislation, rulings, or decisions of the SA or any organization chartered thereby.
- E. All students shall be considered innocent of any infraction of SA laws until proven guilty in a hearing of the appropriate judicial body and shall not suffer direct or indirect penalties for an infraction until guilt has been established. No student shall be compelled to be a witness against him or herself and shall be properly informed of the nature and the cause of the accusation. The student shall have a fair and impartial hearing by the appropriate judicial body in which he or she will be confronted by the witnesses against him or her, and may utilize the assistance of counsel in any part of the proceedings. The student shall be given adequate time to prepare a defense. The student shall be given the opportunity to respond to all charges, all evidence, and all statements brought against him or her. The student shall not be judged by any individual

presenting evidence against him or her.

Article III: Executive Branch

Section 1. Office of the President and Vice President

A. The President is responsible for the administrating of student activities and SA funds and for upholding the Constitution of the SA.

B. The Vice President shall assist the President in his duties.

Section 2. Qualifications

A. The President and Vice President shall have earned a minimum of thirty credit hours at the New Mexico Institute of Mining and Technology.

B. The President and Vice President may not simultaneously hold any other office in the SA government.

C. The President and Vice President must be enrolled at the university.

Section 3. Term

A. The term of office for the President and Vice President is one year, beginning the first calendar day after Commencement of the Spring Semester and ending the calendar day of Commencement the following Spring Semester.

B. The President and Vice President may serve a maximum of two terms within the office to which they were elected.

Section 4. Powers and Responsibilities of the President

A. The President may make executive rulings necessary for the enforcement and execution of this Constitution and SA legislation which are not in violation of this Constitution and SA legislation.

B. At least twice during each session, the President shall give the Senate information in person, as to the state of the SA, and may recommend such measures as he or she deems necessary.

C. Preceding the Spring General Election, the President, in consultation with his or her executive officers, shall prepare and submit to the Senate Finance Committee a budgetary proposal for the next fiscal year for the Executive Branch of Government. The budgetary proposal shall include operating costs for the SA offices with the exception of those that fall under the jurisdiction of the Vice President. The budgetary proposal shall exclude executive agencies unless an executive agency does not have a director. If the President prepares a budget proposal for an executive agency while an agency has no director and a director is appointed before the Spring General Election, the director may take control over the executive agencies budget proposal if the director so wishes.

D. The President may establish and appoint any executive officer or executive agency to advise and assist him or her in the execution of his or her prescribed duties. The tenure of these appointments shall not exceed the term of office of the appointing President.

E. For the service of the students there shall be maintained a campus newspaper, a campus radio station, and an SA website.

Section 5. Powers and Responsibilities of the Vice President

A. The Vice President shall be the president of and preside over the Senate, and shall have no vote except in the event of a tie. The Vice President shall preside over Senate meetings in accordance with Robert's Rules of Order.

B. Preceding the Spring General Election, the Vice President shall prepare and submit to the Senate Finance Committee a budgetary proposal for the Legislative Branch for the next fiscal year. The budgetary proposal shall include the Senate, Senate committees, Senate employees, and SA Government offices under the jurisdiction of the Vice President.

C. The Vice President shall be responsible for taking attendance of the Senators at all Senate meetings and relaying attendance information to the Secretary to be placed in the meeting minutes. The Vice President shall announce at each Senate meeting all Senators who qualify for consideration for removal due to lack of attendance as outlined by SA law. The Vice President shall send all correspondence to specific Senators concerning disciplinary action upon that specific Senator. If the Vice President is not able to carry out this duty due to a serious conflict of interest, he or she may solicit the aid of the Leader of the Senate.

D. The Vice President shall have the power to require any committee of the Senate to submit a written report to the Senate as often as once every four weeks and shall have the power to require any committee to meet as often as once every four weeks. All required meetings shall be announced to the public at least seventy-two hours in advance.

E. The Vice President shall hire a Secretary for the purpose of taking the minutes of Senate meetings, managing all SA Government records, and assisting the President in any clerical activities deemed necessary. The Secretary is at the service of the four branch heads of the SA Government (President, Vice President, Chief Justice, and Jedi Master, First Among Equals) and shall be the direct employee of the Senate.

Section 6. Executive Agencies

A. An executive agent shall be any person or persons conferred by the government or its respective offices with the task of overseeing any sub-organization of the Executive Branch.

B. The President shall appoint all directors of all executive agencies, to be ratified by the Senate. All other student appointments to executive agencies shall be made by the executive agency's director with the consent of the President. The term of office for agency membership shall coincide with that of the President. The President shall be empowered to remove any of his or her appointments to any executive agencies.

C. Preceding the Spring General Election, each executive agency's director shall prepare and submit to the Senate Finance Committee a budgetary proposal for the next fiscal year for the director's executive agency.

Article IV: Legislative Branch

Section 1. Senate

The Senate shall make all laws and regulations it deems necessary and proper for the SA Government, appropriate discretionary funds of the SA, approve or disapprove appointments to constitutional and statutory executive agencies and legislative committees made by the President and Vice President, and impeach specified officials for due cause.

Section 2. Composition of the Senate

- A. General Elections shall be held in the Fall and Spring semesters and overseen by the Supreme Court.
- B. Ten undergraduate students shall be elected from the student body as a whole during each election.
- C. The term of office for each Senator shall be the two sessions of the Senate following the election of the Senator, excluding Senators elected during a special election.
- D. The Senate body shall not exceed twenty members, excepting the circumstance in which there is a tie, in which case, all individuals of the twentieth ranking for most votes received shall be allowed to assume the office of Senator.
- E. No Senator, during the time for which he or she holds office, may serve in any other branch of the SA Government or as an officer of an SA Government funded organization, unless he or she is confirmed by a two-thirds vote of the Senate.

Section 3. Powers of Subpoena

The Senate shall be empowered to subpoena SA members to appear before it or any of its committees by a majority vote of the Senate. Any student or group failing to comply with a properly issued subpoena may be suspended from SA Government offices and committees.

Section 4. Legislation

- A. Legislation must be submitted to the Vice President in the form of a bill no later than three days prior to the Senate meeting in which it is to be acted upon. The Vice President shall provide all legislation to all Senators for their review no less than two days prior to the appropriate Senate meeting.
- B. At the discretion of the Vice President, or at the request of two Senators, any person may be allowed to testify about any legislation during the Senate meeting in which the legislation is to be voted upon.
- C. A bill passed by a majority vote of the Senate shall become law upon the signature of the President within five days after its passage. A bill left unsigned by the President on the sixth day after its passage shall be considered vetoed. All vetoed legislation must be presented to the Senate by the President at the next Senate meeting after being vetoed, accompanied by a written explanation of why the bill was vetoed.
- D. The power to legislate is granted to the SA Government by the members of the SA. In that capacity its elected and appointed representatives act in accordance with the powers and

limitations granted herein. The power to vote on legislation, excepting that described in Article IX, is transferred from the voters of the previous SA election to SA Government representatives, and in the case of the Senate, representation shall be divided equally amongst those qualified to serve as Senators.

Section 5. Leader of the Senate

A. A Leader of the Senate shall be elected from the membership of the Senate by plurality. The Leader of the Senate shall preside over the Senate in the absence of the Vice President.

B. In the event that the office of the Vice President is vacant, the Leader of the Senate shall assume the title and duties of the office.

C. The Leader of the Senate shall be re-elected each session of the Senate or when the position becomes vacant.

D. The Leader of the Senate may be recalled from office by a majority vote of the Senate.

Section 6. Senate Committees

A. The Senate shall have the power to designate Senate committees as necessary.

B. The Vice President shall appoint all chairs and members of Senate committees with the concurrence of the Senate at the beginning of each session of the Senate or to fill vacancies.

C. After three consecutive rejections of a Vice Presidential appointment to a position, the floor shall be opened to nominations by the Senate.

D. Only students may serve on committees.

E. Any student may serve on an SA committee with the exception of the limitations on the Finance and Appointments Committees.

F. All Senate committees, with the exception of the Finance Committee, may re-elect their own chair.

G. If a committee member misses two meetings without documented notification to the chair, the committee member can be removed from the committee by a majority vote of the Senate.

Section 7. Finance Committee

A. The Finance Committee shall be established to investigate budget requests and make recommendations on the budget of the SA Government to the Senate.

B. Legislation concerned with finances shall be referred to this committee.

C. The Finance Committee shall submit a complete budget for each academic session, including chartered organizations' budgets, to the Senate by the second Senate meeting of each academic session. This complete budget shall include changes to government branch and executive agency budgets.

D. This committee shall be composed of seven students, of which a minimum of five must be

Senators. The Chief Financial Officer shall serve as chair of the committee and shall have no vote.

Section 8. Appointments Committee

- A. The Appointments Committee shall be established to consider all Presidential appointments and make recommendations to the Senate.
- B. The Appointments Committee shall be composed of three, four, or five Senators.
- C. One Senator shall serve as chair and shall have no vote, except in the event of a tie.
- D. The Appointments Committee shall be required to report to the Senate when any specified SA Government position becomes vacant and shall announce all vacancies at every Senate meeting until each position is filled or the Senate resolves not to fill the position. These positions shall include all Presidential appointments, the Secretary, all persons on the Finance and Appointments Committees, and any other positions deemed necessary by the Senate. The Appointments Committee shall also report as above for any Senate committee which becomes entirely vacant.

Section 9. Sessions of the Senate

- A. There shall be two sessions of the Senate each academic year. The first session shall begin the calendar day before the first day of classes of the Fall Semester. The second session shall begin the calendar day before the first day of classes of the Spring Semester.
- B. The President, Vice President, and all Senators shall take an oath of office administered by a Supreme Court Justice at the first Senate meeting of the session.
- C. The Senate shall meet on the call of the President, the Vice President, Jedi Council, or upon petition of at least one-third of the Senators.
- D. Meetings shall be held at least once a month during each session.
- E. At each meeting the Senate shall set the time and place of the next meeting.
- F. At the last regularly scheduled meeting of a session the Senate shall set the time and place of the first meeting of the next session.

Section 10. Salaries

- A. The Senate may, with the exception of the President and Vice President, establish salaries for the purpose of compensation for student officials and employees.
- B. The President and Vice President shall, at stated times, receive for their services, a compensation, which shall neither be increased nor diminished during the period for which they shall have been elected, and they shall not receive within that period any other emolument from the SA Government.
- C. The President and Vice President salaries shall be drawn from SA funds.
- D. Senators shall not receive a salary or wage for executing their duties as a Senator.

E. No more than one salaried position in the SA Government may be held by any one student.

F. If a salaried position becomes vacant, the pay for the outgoing and incoming persons shall be prorated according to the number of days in which each person performed the duties of the respective office.

Section 11. Senate Disciplinary Action

A. Call for disciplinary action may be brought against any elected or appointed official in the SA Government by any student. Grounds for disciplinary action shall be violation of law, willful neglect of office, willful malfeasance, or gross misconduct.

B. Procedures

1. Motions to discipline elected or appointed officials of the SA Government may be brought by any student before the SA Senate in the form of a written motion and seconded by at least two senators.

2. Disciplinary actions against an elected or appointed official may be ordered by a majority vote of those SA Senators present and voting.

3. In the case of removal from office, a two-thirds vote of the seated Senate is required.

4. The charges shall be considered at a separate hearing before the SA Senate.

5. The hearing shall be held at least eight calendar days after the date of actual written notification of the official who is the subject of the motion.

C. If the Person in Question is a presiding official, then members from their respective branch shall be appointed to fulfill their job, or there may be a petition for a senator to be temporarily appointed until litigation is complete.

D. Disciplinary decisions by the SA Senate may be challenged in the Supreme Court on the grounds that the procedures were not followed in good faith, or on procedural or legal grounds.

E. In the event an expelled Senator is re-elected, he or she cannot be expelled a second time for a previous action.

Section 12. Leave of Absence

If a Senator is unable to attend meetings, due either to absence for the summer session or serious illness, a leave of absence can be granted with a majority vote in place of removal. Senators granted this leave would lose their vote and be removed from quorum requirements for the duration of their absence, yet still retain their seat. Once a Senator returns from their absence, the leave may be terminated, and their vote returned to quorum. Under no circumstances is a Senator on leave accountable for attendance during their period of leave. Senators who wish to request a leave of absence for the summer session should request this of the Senate at or before the last meeting of the Spring Semester.

Section 13. Chartering Authority

- A. The Senate may, with approval of a proper constitution by the Supreme Court, choose to charter an organization that it determines as meeting a necessary or useful function.
- B. Any chartered organization must have a board of directors that is at least three-fourths comprised of SA members, GSA members, or former SA and GSA members.
- C. Any chartered organization must have a minimum membership of five members of the SA or GSA.

Article V: Judicial Branch

Section 1. Judicial Function

- A. The Judicial power, including Constitutional and legal interpretations of the SA Government, with the exception of impeachment and duties of the Jedi Order, shall be vested in the Supreme Court.
- B. The Supreme Court shall have original jurisdiction in cases arising under this Constitution, the laws and bylaws of the SA Government, and the regulations and actions of the various bodies and committees of the SA Government, with the exception of certain designated powers of the Senate and Jedi Council.
- C. All legislation signed or passed into law, motions passed by the Senate, and referenda and amendments passed by the student body must be submitted to the Supreme Court to be checked for constitutionality.

Section 2. Justices

- A. The Supreme Court shall be composed of one Chief Justice and four Associate Justices.
- B. Justices must have attended the University at least one semester immediately prior to their appointment.
- C. The Chief Justice and Associate Justices shall be appointed by the President and confirmed by the Senate.
- D. The term of office of the Chief Justice shall be one year.
- E. The term of office of an Associate Justice shall be two-years.
- F. The Chief Justice shall preside over the Court and shall be responsible for the publication of the decisions of the Court.
- G. Two justices from the Supreme Court shall be members of the University Disciplinary Committee.
- H. Not less than one Justice shall be present at each meeting of the Senate.

Section 3. Procedures

- A. A decision of the Court shall be made with the written concurrence of at least three of the justices.
- B. If there is a vacancy or absence of at least three justices, the Jedi Council may assume the function and duties of the Judicial Branch of government until such time as the President and Senate provide for new Justices. In this case, decisions of the Jedi Council will be retroactively reviewed by the court once the new justices are approved.
- C. Details of court procedures not prescribed by this Constitution or by law shall be the responsibility of the court itself.

Section 4. Records

- A. The Supreme Court shall keep record of all law, including rules of order and referenda.
- B. Permanent records of the Constitution, Amendments, Laws, Interpretations, and written explanations of Interpretations are to be kept by the Secretary.

Section 5. Subpoenas

Any Justice, upon written request for the issuance of a subpoena ordering a person to appear before the Supreme Court, may issue such a subpoena. The subpoena may be contested before the Supreme Court. Any student failing to comply with a properly issued subpoena may be suspended from SA Government offices and committees. Any student failing to comply with a properly issued Court Order may be suspended from SA Government offices and committees.

Section 6. Contempt of Court

Any act, which is calculated to hinder or obstruct the Supreme Court in its administration of justice, may be considered in contempt of court. Any student or group found guilty of contempt of court may be suspended from SA Government offices, committees, or funding. A party may be found guilty of Contempt of Court only if the act is done in the presence of the court and its presiding Justice.

Section 7. Removal from Office

- A. A Justice of the Supreme Court may be removed by a two-thirds vote of the Senate, or a majority vote of the court itself.
- B. The Senate shall be compelled to remove any Justice who fails to fulfill the duties of his or her office, including any Justice who fails to uphold the letter and spirit of this Constitution.

Article VI: Jedi Council

Section 1. Jedi Code

There is no emotion; there is peace.

There is no ignorance; there is knowledge.

There is no passion; there is serenity.

There is no chaos; there is harmony.

There is no death; there is The Force.

Section 2. Jedi Knights

A. Jedi Knights shall be appointed by members of the Council, upon a testing of their skills and will, in accordance with the procedures and rules established thereby, to perform in the capacity of mediators, ambassadors, defenders of the peace, and any other functions set forth by the Jedi Council.

B. A majority vote of the Council shall regardless in all circumstances be sufficient to confer the status of Jedi Knight.

Section 3. Jedi Masters

A. Those seated on the Jedi Council shall be deemed Masters of the Order. New masters shall be selected from the order of Jedi Knights and ordained to serve by the ceremony of no less than three members of the Council and must prior to that complete a series of trials certified by members of the Council. This ceremony shall be generally announced according to the procedures established by the Jedi Order no less than two weeks prior to the performance of the ceremony, and, should any member of the Jedi Council oppose the nomination, the Jedi nominee shall be summoned to appear before the Jedi Council, at which time the Council will vote, a simple majority being necessary to confirm. The Council may in this case require that additional trials be performed before the status of Master is granted.

B. A unanimous vote of the Council shall regardless in all circumstances be sufficient to confer the status of Jedi Master.

Section 4. Jedi Master, First-Among-Equals

A. The Jedi Master, First-Among-Equals, shall oversee meetings of the Jedi Council and represent the Jedi Council before the Senate, either by appearing in person, or through appointment of another member of the Jedi Order.

B. Only in the particular capacities which his peculiar duties mandate shall the "First-Among-Equals" title be retained. In all other instances, the title or any equivalent honorific shall be omitted, and neither shall any special gift be given, or any formal recognition outside the the Jedi Order, and then only when approaching the Jedi Master, First-Among-Equals in the context of his stateful obligations.

Section 5. Jedi Council

A. The Jedi Council shall be vested with the power to mediate affairs of state in both civil and legal capacities.

B. The Jedi Council shall act as guardians of the Senate.

C. The Jedi Council shall from time to time manufacture executive edicts which shall be regarded as law.

D. The Jedi council shall be authorized to enforce the rules established herein through the office of government.

E. Among those duties granted to the Jedi order shall be to act as ambassadors of the Institution, to establish diplomatic relations with other schools and organizations, and to act as mediators of the peace.

F. Any Jedi Master in current membership to the Institute may be appointed to the Jedi Council.

G. No Jedi Master whom is not presently in attendance at the Institute shall be retained on or appointed to the Council except by a two-thirds affirmation of the Council.

H. Preceding the Spring General Election, the Jedi Council, shall prepare and submit to the Senate Finance Committee a budgetary proposal for the next fiscal year for the Jedi Council Branch of Government.

Section 6. Friend of the Jedi

The Jedi Council may vote to honor certain individuals who have shown exceptional honor or ability in the service of the Jedi with the title of "Friend of the Jedi."

Section 7. Emissaries of the Force

A. The Jedi Council may receive emissaries from other institutions and organizations who wish to pledge themselves to the Jedi Order. Such individuals may be appointed as Jedi Emissaries under the procedures established for the appointment of Jedi Knights, and likewise, shall be eligible for promotion to the status of Jedi Master and Emissary.

B. Any three such Jedi Master and Emissaries may petition the council for the right to establish a derivative order, and, failing any prohibitive evidence be found against the petition, the Jedi Council shall approve their petition and recognize their order.

Section 8. Removal from Office

Any Jedi may be stripped of his status or titles by a two-thirds vote of the Jedi Council. A person so disbarred shall likewise be disbarred from holding any other office of government. A Jedi under accusation may petition to prove himself by trials. If such a petition is accepted, the Jedi Council shall decide a series of trials which may reclaim the Jedi's honor. At the successful completion of such trials, the Jedi Council shall either reinstate the Jedi, or else confer on him a discharge with full honors.

Section 9. Emergency Sessions

A. From time to time, when the Jedi Council must conduct official business with the Senate, the Council may declare an emergency session.

B. Notice of any emergency session must be given at least seventy-two hours in advance of its occurrence.

C. The Jedi Council will oversee the session according to the rules they have established.

D. The Jedi Council may require up-or-down votes from the Senate, which will have legal authority.

E. The Senate will always be considered to have met its quorum in the case of emergency sessions.

Article VII: Finances

Section 1. Student Funds

A. The funds of the SA Government shall be derived from designated SA fees, income from enterprises of the SA Government, and other legally approved sources.

B. An SA fee shall be levied on each undergraduate student at the University subject to authorization by the NMIMT Board of Regents. For each part-time student carrying at least one credit hour, the fee shall be prorated according to the number of credit hours registered and paid for by the student.

C. The SA is authorized, as stewards of the same, to invest or solidify the above funds in the financial instrument of their choosing, provided transparency and oversight is provided in accordance with this Constitution.

Section 2. Expenditure of Funds

A. The Finance Committee shall present all SA Government budgetary proposals received accompanied by the Finance Committee's recommendations to the Senate for approval no later than the second regularly scheduled meeting of each semester.

B. The combined proposed budgets for the SA Government shall not exceed fifty percent of the anticipated revenue for the following fiscal year.

C. Any funds not allocated by the SA Government budget proposals may be allocated by the Senate according to established laws and statutes.

D. Any other financial request must first be approved by the Chief Financial Officer or the Senate Finance Committee. The Senate must be informed of any financial request that is approved and its associated cost to the SA at the next occurring meeting of the Senate.

E. If an organization or person is denied funding or change of funding allocation by the Finance Committee, they may appeal the decision to the Senate in the form of a motion.

F. The SA Government, executive agencies, and any organizations funded through the SA Government may not spend in excess of their approved allocation.

G. The Senate shall always approve the funds necessary to administrate and conduct constitutional duties of the Executive, Judicial, and Jedi Council branches of government, up to or exceeding the amount it appropriates to itself for the same, never to exceed, in total, twenty-five percent of the anticipated revenue for the following fiscal year.

Section 3. Accounting Requirements

A. All SA Government accounting systems shall utilize dual column journal and ledger accounting practices. Both journal and ledger are to be made available to University governing bodies, including, but not limited to, the Board of Regents, Office of the President, and Offices of Deans. In addition, any registered and validated student who has on record a payment of the SA fee may request to inspect the journal and ledger. The maintenance of these documents shall be the sole responsibility of the SA Chief Financial Officer, although at the discretion of the same another individual or organization may be appointed to perform entry and maintenance duties.

B. The SA Chief Financial Officer is to provide, at his or her discretion, either hard or soft copies of the SA ledger, journal, account and portfolio statements, for each official convening of the SA Senate.

C. The fiscal year of SA is to commence at the beginning of the banking fourth quarter, July first, and will continue twelve months, ending June thirtieth, in order to coincide with the scholastic year. An annual report of the SA is to be prepared before the fall budget cycle, being presented at the first meeting of the SA Senate of the Fall Semester. This report will provide, in addition to an accurate and detailed income statement of the previous year's transactions, a balance sheet detailing the current standing of SA properties, including, but not limited to, school and external bank accounts, portfolios, and concrete property holdings, as stipulated in prior sections. From this, a statement illustrating the current equity of SA is to be presented at the same.

D. At the discretion of the SA senate, reorganization of assets may occur to maximize asset holding or minimize liabilities of the same.

E. All accounting practices, procurement, expenditures, fundraising, and investment by or on behalf of the SA shall be in accordance with local, state, and federal law.

Section 4. Contracts

A. Any agreement or contract proposed to be entered into by the SA or any of its agencies must be presented to the Chief Financial Officer for prior approval and signature.

B. Any agreement or contract proposed to be entered into by the SA or any of its agencies must be ratified by the Senate.

C. No agreement or contract with entities outside the SA may otherwise be entered into on behalf of the SA. This shall exclude powers specifically enumerated in this Constitution, in particular, diplomatic functions of the Jedi Council.

Section 5. Club Dispersations

A. Clubs shall be allotted funding from the SA budget in a fair and equitable manner without discrimination.

B. No club shall be penalized in dispensations received based on independent fundraising.

C. No approved funds shall be removed or reallocated from any club if the club has acted in good faith with respect to the previous conditions of the funds being approved, unless only the SA has incurred debts which it is otherwise incapable of satisfying, in which case it shall be permitted to requisition previously allocated funds as equitably as possibly in order to fulfill its legal obligations.

Section 6. Limitations

- A. SA funds may not be used directly or indirectly to support political lobbying, political parties, or political campaigns.
- B. All items purchased with SA Government funds become the property of the SA Government and thus the property of the New Mexico Institute of Mining and Technology Board of Regents, excepting that certain items be sold, or transferred to another organization having official 501(c)(3) with the government of United States of America.
- C. Proceeds from any transaction involving SA property shall be added to the general fund of the SA, excepting in the case of club fundraising, which proceeds may be retained for use by the relevant club without special approval provided that the fundraising meets the legal requirements established by the SA Government.
- D. Limitations on SA funds shall not be construed to affect the sovereignty of SA officials to exercise full discretion over their funds received in salary from the Institute.

Article VIII: Election Procedures

Section 1. Election of Senators

Senators shall be elected at large from among those candidates declared eligible by the Supreme Court.

Section 2. Election of the President and Vice President

- A. The President and Vice President shall be elected at large in the Spring General Election from among those candidates declared eligible by the Supreme Court
- B. No candidate may run for both offices in a single election.

Section 3. Senate Vacancies

- A. In the event of a vacancy in the Senate, the candidates receiving the next highest number of votes from the election for that session that did not receive a senatorial seat shall fill that vacancy.
- B. Senatorial duties shall be assumed upon confirmation by the Supreme Court and swearing in by a Supreme Court Justice in a timely manner.
- C. In the event that the position is refused or the Vice President is unable to contact the candidate within ten days, the next candidate on the above described list shall be appointed.
- D. This process shall continue until all vacancies are filled or there are no remaining candidates to fill the vacancies.
- E. In the event that there are no remaining candidates to fill the vacancies, the Supreme Court

shall hold a special election. Senators elected during a special election shall be treated as candidates remaining from the previous General Election and shall fill the term of office of the Senator they are replacing, starting with the terms most recently initiated.

Section 4. Executive Vacancies

A. In the event that the office of the President is vacant, the Vice President shall assume the title and duties of that office. He shall then appoint a new Vice President, to be confirmed by a two-thirds vote of the Senate.

B. In the event that both the offices of President and Vice President are vacant, a special election will take place to fill the positions in accordance with the stipulations of this Constitution, and all other business of the Senate and of the Supreme Court shall be suspended until the holding of the election.

Section 5. Election Process

A. The Supreme Court shall set the dates for all elections, prepare the ballots, and oversee the process of voting.

B. Only members of the SA and GSA shall vote at elections held by the Supreme Court.

C. All votes shall be cast by secret ballot.

D. Each person may vote only once.

E. GSA members may vote on all SA ballots except for senatorial seats.

F. Those members receiving the most total votes shall be ranked first.

G. At least two members of the Supreme Court shall be present when the votes are tallied. In addition, any member of SA Government may choose to be present. At no time pending the completed tallying of votes shall the votes be permitted to reside without the oversight of at least one Supreme Court justice and at least one other person being either Senator, Jedi, President, or Vice President.

H. In the event of a disputed vote, the Supreme Court shall decide the dispute.

I. Any candidate may demand a recount within fourteen calendar days of the election's end.

J. After an election, the final voting tallies shall be published in the SA records.

K. In the event of a tie for the offices of President or Vice President, the Supreme Court shall oversee a contest of "Rock, Paper, Scissors" between the winning candidates, the winner being appointed to office.

Article IX: Popular Legislation

Section 1. Laws Passed by Referendum

- A. Legislation may become law via referendum.
- B. Referendum items shall be put to a vote of the student body during elections. Referenda that are passed by a majority of those students voting shall become SA Government law.
- C. All referenda passed into law by the student body shall override the bylaws of the Senate.

Section 2. Legal Priority of Referenda

- A. Said laws shall be binding on the SA Government following passage into law, provided it is within SA Governmental power to enact the provisions of the referenda.
- B. Said laws may not be overturned by any actions of the Senate or the President and may only be repealed or amended via referenda.

Section 3. Overturning Existing Laws

The student body may overturn actions of the Senate or Presidential vetoes through the referendum process by a majority vote of those voting.

Section 4. Placing Referenda on the Ballot

Referenda may be placed on the election ballot by a majority vote of the seated Senate or by petitions presented to the court and signed by one-tenth of the members of the SA.

Section 5. Recall of Elected Officials

- A. A recall by the students may be used to remove from office the President, Vice President, any Senator, or the Chief Financial Officer.
- B. A petition signed by one-third the number of votes in the previous election shall be sufficient to place an option to recall on the next ballot.
- C. If two-thirds of those voting to recall or to not recall favor a recall, the official shall accordingly be recalled from office. Ballots which leave this option blank shall not be counted in the final tally.

Section 6. Constitutional Amendments

- A. Amendments to this constitution may be proposed by a two-thirds vote of the seated Senate or by petition signed by two-thirds of the number of students voting in the previous election. The proposed amendment shall be placed on the ballot of the next election, and an affirmative vote by two-thirds of those students voting on the amendment shall be sufficient to approve the amendment.
- B. A two-thirds vote of the Senate, majority vote of the Supreme Court, and approval of the Jedi Council shall likewise be sufficient to ratify an amendment.
- C. In no other way may this Constitution be amended, revised, or re-implemented.

D. Amendments of this Constitution shall be placed in the appropriate context within this document, including specific numerical references. The previous replaced text, if any, shall be recorded in a historical record.

E. If this Constitution becomes inadequate the Senate shall replace this Constitution subject to the same rules as outlined for constitutional amendments.

Section 7. Implementation of This Constitution

A. This Constitution shall become the immediate law of the SA and its Government.

B. Additional laws to accompany this Constitution may be implemented.

C. Upon the implementation of this Constitution into law, all laws and bylaws associated with the previous Constitution shall be considered repealed.

D. Upon implementation of this Constitution into law, the current Supreme Court shall immediately enumerate and approve the initial members of the Jedi Council.

E. The elected offices shall consist of those established within this document and shall be occupied by those persons elected or appointed to the respective office in the elections of the preceding two semesters.

Article X: Provisions to Ascend from Anarchy

Section 1. Transfer of the Judiciary to the Executive

In the event that there are no existing members to the Senate, Supreme Court, or Jedi Council, the President shall suspend all other duties of his office and be encharged with the capacities of the Supreme Court in conducting a special election to appoint new senators.

Section 2. Armageddon

In the event that the positions of President and Vice President have also been vacated, or the government is otherwise permanently incapacitated, the SA fee will be reimbursed and subsequently waived, and all capacities of governance shall be honorifically bestowed on Trogdor.