

The Office of the
ATTORNEY GENERAL

John M. Tuley

15 JUL '19 7:41C

To: Senate President Christian Padron

The issue at hand relates to an attempt at the July 27th Senate meeting to expunge Senator Michael Interlicchio's 2 absences for a "leisurely trip." The motion passed 17-15-1. This motion was made pursuant to Senate Rule 601(C). 601(C) reads "A motion to expunge an absence shall be made only during Miscellaneous Business and shall require a majority vote of the Student Body Senate." Other Senators cite to Senate Rule 7 which states that there must be a two-thirds vote to overturn a decision of the Senate Executive Committee. Prior to this appeal, Senator Interlicchio appealed to the Executive Committee who declined to expunge the absences, which caused Senator Interlicchio to take this action to the Senate floor, triggering the issue at hand.

Senator Interlicchio made it very clear that he was appealing only his absences, attempting to get them expunged. He in no way suggested that he was attempting to appeal the decision of the Senate Executive Committee. He did mention that his absences were denied by the Executive Committee, but these comments were made offhand, and were not articulated in either the motion to consider the absence, nor the motion to vote, made by Chair Friant. Both times the issues were presented in motions the motion was to "expunge the absences," not to "appeal a decision."

In your request, you commented that "It is the opinion of those who have raised this concern that senate rule 6.01 (C) serves to be the introductory motion to see the absence on the floor and requires that the senate votes with a simple majority." That is exactly correct, but it does not accomplish

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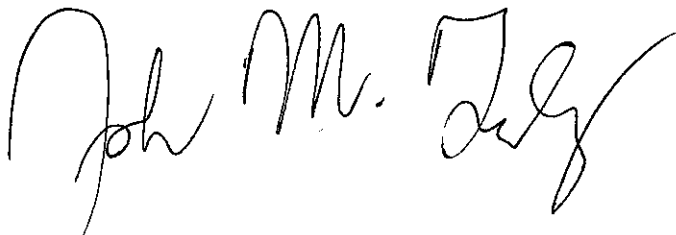
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the means that you suggested it does in your request. The exact wording of the Senate Rule highlights that the “motion to *expunge*... shall require a majority vote of the Student Body Senate” (emphasis added). As noted from the LIR committee the motion to expunge is the motion to vote on the absence, not a motion to consider the issue. Therefore, the vote did pass, and these absences are expunged.

As far as considering these issues in the first part any motion to expunge an absence made directly onto the floor requires a majority vote. I would suggest to the Senate to change the threshold to 2/3 to pull it in-line with the appeal from the Executive Committee. I would also suggest that if an individual were to appeal to the executive committee and fail, the Speaker not allow a motion to expunge, but instead make a motion to appeal the Executive Committee’s decision.

Senator Interlicchio’s absences are therefore considered expunged at this time.

It is so ordered,



John M. Tuley
Attorney General