



EXECUTIVE BRANCH

OFFICE OF THE ATTORNEY GENERAL

Madison Moore

To: Sierra Holmes, Senate President or Senate Speaker

CC: Brandon Greenaway, Student Body President

Colby Smith, Student Body Vice President

Akhila Damarla, Senate President Pro Tempore

Vihan Yalamanchili, LJR Chair

Tyler Borges, ORS Chair

Brodie Taylor, Student Government Coordinator

From: Madison Moore, Attorney General

Date: July 13, 2023

Subject: Opinion on Senate Rule 7.03

I, Attorney General Moore, in accordance with the Constitution, Statutes, and Senate Rules of the Student Body of the University of Central Florida, hereby issue the following opinion to the Senate President, Sierra Holmes, and all other interested parties:

There are two questions at hand in the matter of this opinion. Must the Senate President or Senate Speaker comply with Senate Rule 7, 7.03 General Body Senate Meeting Absences, Part C? Can the Senate President or Senate Speaker be dismissed by Senate Rule 7, 7.03 General Body Senate Meeting Absences, Part C?

The Senate Rule at hand states that “failure to participate and vote on at least 75% of votes recorded on the official voting record in a senate meeting, while being present for Initial and Final Roll Call, will result in one-half (1/2) of an absence being charged against the Senator. The absence may be expunged through the process outlined in Section 7.08.”

The answer to both questions asked above is no. The Senate President or Senate Speaker is entitled to vote, but is not required. As specified by general law, the Senate President shall have no Vote, unless they be equally divided (U.S. Constitution, Article I, section 3). In our House of Representatives, the Speaker may be entitled to vote, but in precedence, the Speaker only votes when it is on constitutional amendments or major legislation. Since The University of Central Florida’s Student Government Senate is a model of our chambers of government with binding precedent, and as stated by general law, the Senate President or Senate Speaker of the University of Central Florida Student Body is entitled to a vote on matters of importance, but is not required to vote. According to *Title II, Chapter 200 Parliamentary Authority, section*



EXECUTIVE BRANCH

OFFICE OF THE ATTORNEY GENERAL

200.3, “*Robert’s Rules of Order* shall be the authority only over those questions which have not been specified by general law, University Regulations, the University of Central Florida Student Body Constitution, Student Body Statutes, or Senate Rules and Procedures.” This opinion has answered the questions stated above by general law and the matter at hand will be further addressed with the use of documents granted parliamentary authority by the University of Central Florida’s Student Government.

I.

The two questions arose out of a need of further clarification from the Senate President or Senate Speaker, Sierra Holmes, and Senate President Pro Tempore, Akhila Damarla. The chair of Legislative, Judicial, and Rules Committee, Senator Vihan Yalamanchili, was mentioned in the request due to his membership of Committee. The LJR Committee is responsible for reviewing absences, thus upon review, Chair Yalamanchili discovered inexactness within Senate Rule 7, section 7.03.

II.

For the purpose of this opinion,

“chair” is defined as the University of Central Florida’s Student Body Senate President or Senate Speaker, unless specified to a certain committee.

“Senate” is defined as the University of Central Florida’s Student Body Senate, unless specified otherwise.

“Regular member” is defined as a senator with no presiding authority.

In *Roberts Rules of Order*, it is stated that while the chair has a right to vote as a member, it is recommended that the chair not vote unless the vote is by ballot; The chair should appear impartial. The UCF Student Body Senate uses electronic voting, which is defined by *Roberts Rules of Order* as “the same as a roll call vote.” In *Roberts Rules of Order* the purpose of a ballot vote is to “protect the voters’ right to secrecy.” The Student Body Senate does not vote by ballot because the vote record is public.

It is deemed that the Chair should remain neutral, not making motions and not debating; If the chair participates in the debate, they should relinquish the chair’s position until after the vote, as stated in *Title III, section 304.4, part 6*.

In *Roberts Rules of Order*, the author clarifies that the presiding officer, who carries the title of president or chair, is responsible for maintaining order. The chair has the responsibility of *enforcing* the rules in order for the organization to do its work in the fairest, most expedient, and impartial manner. According to



EXECUTIVE BRANCH

OFFICE OF THE ATTORNEY GENERAL

Roberts Rules of Order, the Senate President or Senate Speaker does not have the requirement to vote. Since the Senate President or Senate Speaker is the Chair of General Senate Meetings, it is the responsibility of the chair to remain impartial, it is not the responsibility of the chair to vote.

III.

In *Senate Rule 7, 7.03 General Body Senate Meeting Absences, Part C*, the language explicitly states “senator” and does not recognize the role of the presiding authority. General body senate meetings cannot be called to order without a presiding authority, it is mandatory to have a chair per meeting. Since the chair of the general body senate meetings is the presiding officer, the chair has presiding authority and is not simply defined as “senator” during the general body meetings of senate. In any form of government, if there is no presiding authority, or titles, or chain of command, there is no order.

The language stated in the section 7.03 is ambiguous and unenforceable upon the Senate President or Senate Speaker since the chair is not recognized in this rule. The Senate President or Senate Speaker is a senator, but holds titles of authority as chair that supersedes a regular member during general body meetings. Since the chair nor presiding authority is not recognized in this rule, it is the opinion of the Office of the Attorney General that the Chair of general body senate meetings is not required to comply with Senate Rule 7, section 7.03, part C.

Per the *University of Central Florida’s Constitution, section 2.05, part N*, the chair cannot uphold all duties and responsibilities of the Student Body Senate if the Senate President or Senate Speaker is to participate and vote on at least 75% of votes recorded on the official voting record in a senate meeting. Therefore, the Senate President or Senate Speaker is not required to abide by Senate Rule 7, section 7.03, part C, General Body Senate Meeting Absences, but is required to enforce this rule among regular members in general senate meetings.

Title III, section 304.4, part 6, part 11, and part 12, enforces the Senate President’s or Senate Speaker’s jurisdiction as chair.

IV.

In the opinion of the Attorney General, I hereby use general law, the University of Central Florida’s Student Government Statutes, Constitution, and *Roberts Rules of Order* to clarify the responsibilities, duties, and obligations of the Senate President or Senate Speaker.



EXECUTIVE BRANCH

OFFICE OF THE ATTORNEY GENERAL

For the foregoing reasons, it is the opinion of the Office of the Attorney General that the Senate President or Senate Speaker is not required to abide by and comply with *Senate Rule 7, section 7.03 General Body Senate Meeting Absences* and cannot be dismissed on account of this rule.

It is so ordered,

Madison Moore

Attorney General

University of Central Florida