

Voting Procedure Contested

(Continued from page one)
Myrick explained his position: "The extension of the voting on the proposed constitutional change, prolonging the balloting two days, constitutes a most flagrant violation of both the letter and the spirit of the provisions of the existing constitution governing such changes.

Illustrating his contention, Myrick put a hypothetical case.

"Suppose that in an ASUO election to determine who is to be the new president, at the end of the first day of voting, a count of the votes cast reveals that Party A's candidate is leading the Party B candidate by 100 votes," he explained.

"It is also found that 1,500 students have not yet voted. Say the Executive Council is in the control of the B party, and it is known that all the A votes are in, but some students have been deterred from voting due to the rain.

"The Executive Council votes to extend voting for two more days to insure all students an opportunity to vote. The result is that at the end of the third day of voting, the B candidate is ahead by 400 votes.

Precedent Set?

"If the continuance is allowed in this present case," Myrick charged, "there will then be precedent for the validity of such an action at a subsequent date, and the above situation could well result."

The only procedure which the law students could find under which

to contest the election was the directions given for contesting the election of a person, given in Article 4, Section 5, Clause 8 of the present constitution.

The clause states that any qualified voter wishing to contest the election must give notice in writing to the Judiciary Committee within ten days from the election, stating under oath the reason or reasons for contesting the election. This must be supported by the statement under oath of at least five qualified voters.

Petition Follows

Myricks' petition, witnessed by a notary public and including a sworn affidavit signed by the five witnesses, follows:

"To the Judiciary Committee of the ASUO. I, Donald F. Myrick, being duly sworn, do depose and say that I hereby contest the validity of the votes cast on Thursday, the twenty-seventh day of April, 1950, and Friday, the twenty-eighth day of April, 1950, for the purpose of amending the ASUO Constitution on the following grounds:

"1. Section II of Article VII of the ASUO constitution was not complied with. Said election states: Publicity, the proposed amendments shall be published in the Oregon Daily Emerald on two successive publication days, and be voted upon by ballot of the members of this association one week from the last day of publication."

Wednesday, the twenty-sixth day of April, 1950, was one week from the date of last publication. No other day meets this requirement. Votes cast on any other day are therefore invalid.

"2. Section III of Article VII provides: 'Adoption, A two-thirds majority of the ballots cast shall be necessary for the adoption of any amendment, provided that one-half of the members of this associ-

ation cast ballots.'

"Under such a provision, a vote not cast is, in effect, a vote against. Therefore provisions prescribing the total hours that the polls are open must be strictly observed in order to avoid manipulation of the result of the election.

Authority Contested

"3. Clause 6 of Section V or Article IV does not confer upon the executive council the authority to change provisions of the constitution. The purpose of this clause is to enable the council to regulate the ministerial functions of the election. This clause does not purport to establish substantive rules for elections, such rules being stated in other sections of the constitution.

"4. Even if Clause 6 of Section V or Article IV is construed to empower the executive council to rewrite the constitution, it is submitted that to do so after the polls have officially closed is ex post facto legislation and contrary to the public concept of fair play.

"Donald F. Myrick

"Vice President, Law School Student Body."

An affidavit is attached to the petition, signed by five law students, Donald Kelley, Dewey Wilson, Fred Risser, David Dardano, and Richard Hickok.

YMCA Dance to Honor Board, Foreign Students

A spring dance and social function sponsored by the YMCA Saturday will honor the members of the YMCA advisory board, and a number of foreign students from the campus.

The dance will start at the YMCA house. It is primarily for "Y" members and their guests. Bill Hempy is general chairman.

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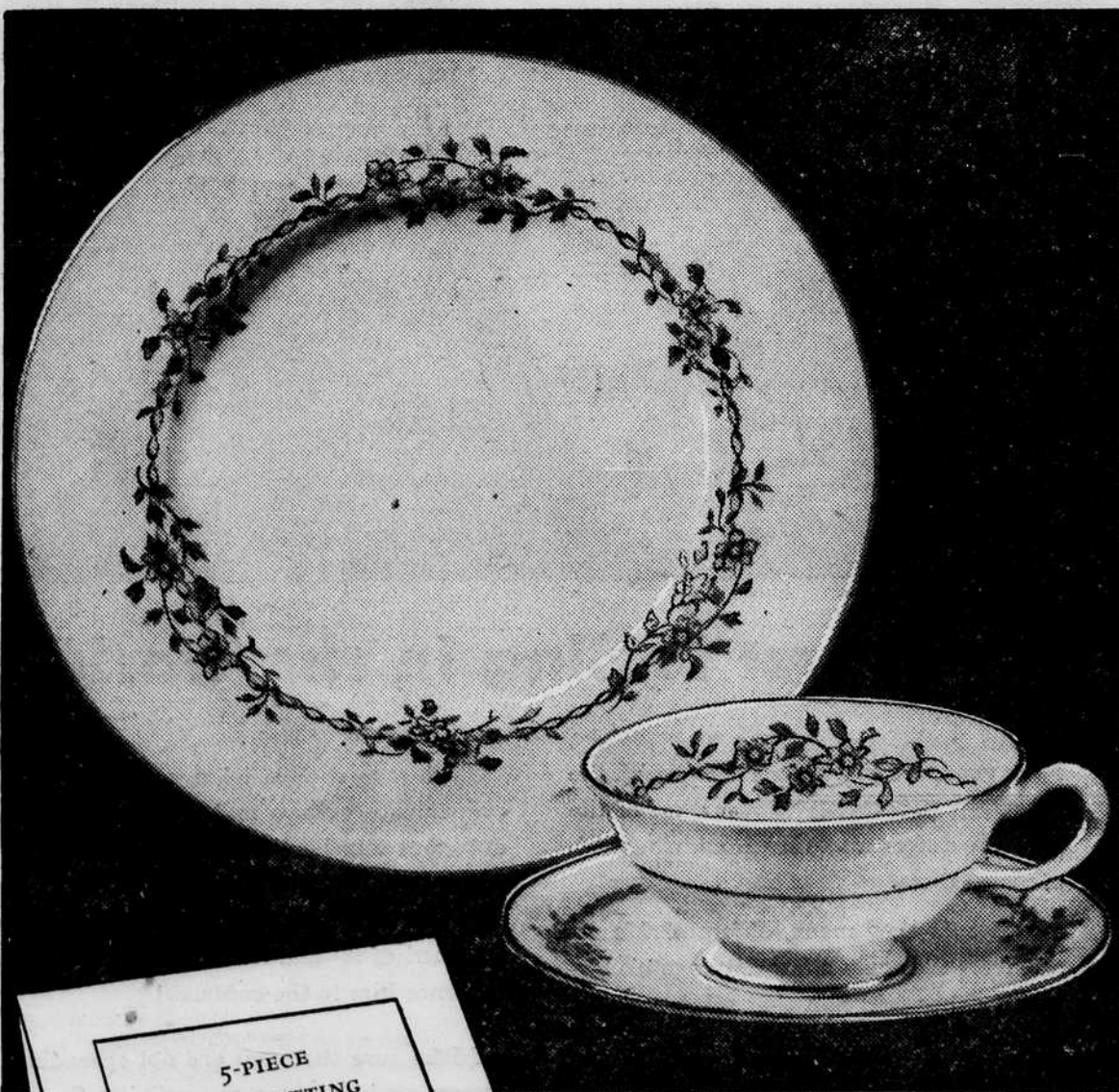


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