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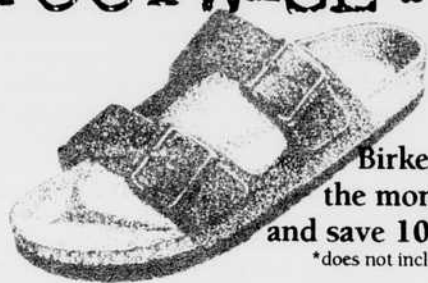
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OSPIRG ballot measure denied

*Duck Web voting is also
off the ballot because of
a missed deadline*

By Jim Scripps
Oregon Daily Emerald

While the fate of the ASUO special election is in limbo until the Feb. 24 public hearing, the ballot measure wordings for Duck Web voting and OSPIRG funding have been denied by the Constitution Court.

If the election goes forward, neither measure will appear on the ballot.

The first measure would have allowed voting for student elections via Duck Web. The second measure would have reinstated OSPIRG funding, which was voted down in last year's ASUO spring election.

The court rejected the ballot measures because the measures' wordings were not turned in by the deadline.

The court, in its released statement, said the rejection was based only on the missed deadline.

The deadline for submission for these two measures was Feb. 5 at 5 p.m., but they were turned into the court on Feb. 8, according to the court.

In its decision, the court wrote that because of the missed deadline, "the ballot measures are not considered and may not be placed on the special election's ballot."

ASUO Elections Coordinator Taylor Sturges extended the deadline for submission to the court from Feb. 5 until Feb. 8.

She wrote an e-mail to the court on Feb. 5 saying, "I've decided to extend the deadline of ballot measures being approved until Friday [Feb. 12]. Meaning that if a group is turning in revised language, then they will turn it in on Monday [Feb. 8] by 5 p.m."

However, an elections rule states that ballot measure wordings must be turned in to the court five days before the deadline.

The court responded to Sturges' message via e-mail, which said:

"The only response we can provide at this time is that we thank you for the advance notice regarding your decision to extend the deadline for submission of ballot measures."

Justice Heidi Barker, the court's spokeswoman, said the e-mail to Sturges was simply a receipt of her message and did not tell her whether the deadline extension was proper.

The measure resubmissions, the court said, had to be turned in by 5 p.m. on Friday, Feb. 5 to be considered for a Feb. 12 decision. Technically, the wordings, turned in on the following Monday, were submitted only four days prior to the Feb. 12 deadline.

"Even though I will not be extending the deadline again, I think the decision that the Constitution Court made was unjust," Sturges said.

Sturges pointed to the court's earlier decision to allow measure wordings to be turned in late for the original Feb. 5 deadline as an example of the court bending the five-day rule. The latest accepted submissions for the original deadline were received Wednesday, Feb. 3, which was not the required five days before the deadline.

Justice Barker said at that time the court was not aware of the rule.

Excerpts from ASUO responses to Petitions of Redress of Grievance to the Constitution Court:

Respondents Geneva Wortman, ASUO President, and Taylor Sturges, ASUO Elections Coordinator, motion to dismiss in response to Austin vs. ASUO President and ASUO Elections Coordinator.

Question: Can the ASUO President reach beyond her bonds of authority specifically outlined within the confines of the ASUO Constitution and rules promulgated under it?

The ASUO Constitution 5.1 states that the ASUO president is the Chief Executive Officer of the ASUO, is responsible for the administration of ASUO programs, and is the official spokesperson for the students as a whole, within and without the University. As the Chief Executive Officer, the ASUO president has a multitude of responsibilities and much more authority than what is specifically outlined in the ASUO Constitution.

The petitioner is inferring — although it is not clear — that holding a special election is outside the ASUO president's authority as outlined in the constitution. The intent of the special election is to better administer the ASUO elections process, clearly falling under the authority of the ASUO Constitution. **Question: Can the ASUO President lawfully hold a "special election" outside of the scope of such events within ASUO Constitution Article 12 Section 2 and Article 13 Sections 5, 6, 7, 8, 9, 10, 11?**

Yes. There are two places in the constitution granting the ASUO president the authority to call a special election. The first is section 13.5, which states: "The Interim President shall hold an election for the office of ASUO President within a reasonable time, not to exceed three weeks excluding finals and vacations."

The second rule, 13.10, states: "A special election shall be called by the ASUO president"

The Constitution does not designate that a special election can be called solely under these circumstances, but instead gives the authority for the president to take such action.

It is section 14 — Initiative, Referendum and Amendment — and Section 15 that are more applicable

to this election because the special election is regarding an amendment of the constitution.

Question: Can separate budgets be passed via that usage of a "special election" after normal budgeting processes have already either denied funds to said group or set the annual budget of said group in its normal entirety?

Yes. During the regular ASUO elections, groups may issue a ballot measure requesting funding of their entire annual budget or additional funds regardless of their Programs Finance Committee funding. To be in compliance with rule 12.1, this election has been mirrored as closely as possible to the regular election. Therefore, the Elections Board ruled that funding issues are allowed in the special election. The Elections Board has this authority under the rule 12.5, which states, "The Elections Board shall be responsible for promulgation of elections rules and procedures and for the overall direction of the elections."

Respondents Geneva Wortman, ASUO President, and Taylor Sturges, ASUO Elections Coordinator, second motion to dismiss in response to Scott D. Austin vs. ASUO President and ASUO Elections Coordinator.

Question: Can the ASUO Executive and Elections Coordinator extend a predetermined deadline for elections procedures after said deadline has been set and approved?

First, the elections deadline was set and extended by the elections coordinator, not the ASUO Executive.

Second, the deadline does not need to be "approved." See ASUO Constitution rule 12.5, which is mentioned above.

Question: Does the extension of deadline created by the ASUO Executive and the ASUO Elections Coordinator pose a breach of contract between the executive and the membership of this association?

The parties involved, those that had ballot measure wording before the court, were notified by the Elections Coordinator about the change before it occurred. There was no breach of contract.

"Once we realized that we were overlooking that rule, we no longer allowed measures to be turned in late," Barker said.

Some controversy has arisen surrounding Sturges' decision to extend the deadline. In a taped interview with Commentator reporter Tamir Kriegel, Sturges said she would strictly enforce the deadline.

On the tape, Sturges said: "Everyone's the same [deadline] — 5 o'clock, Feb. 5. If I don't have it in my hand, it's not going on. I'm not taking any exceptions because I'm not going to let anyone have an unfair advantage over any other group."

In response to the comments she made on tape, Sturges defended her current stance.

"It was a long time ago, before any of this Con Court stuff," she said. "Due to extenuating circumstances, I felt it was the right decision."

She said she extended the deadline because the court had taken so long with their previous decisions that groups were not given a fair opportunity to resubmit measure wordings.

OSPIRG officials have no

plans to pursue further remedies.

"There's just nothing we can do about the deadline," said Meriah Fairchild, state board chair for OSPIRG. "We will just continue working to get the message out to the student body why OSPIRG is important to them."

The court will address the legality of the deadline extension at a public hearing on Feb. 24 at 6 p.m. in Grayson Hall. The hearing is in response to two injunctions filed with the court earlier this month by student Scott Austin.

Austin charged ASUO President Geneva Wortman and Sturges with illegally calling the special election. The court decided to suspend the election until the Feb. 24 hearing.

Wortman and Sturges said the reasoning behind the election was to streamline the election grievance process by amending the ASUO Constitution before the next spring election.

Amendments to the constitution require voter approval.

"To us it was an easy-fix problem," Wortman said. "We needed to fix the elections grievance process."