

ASSOCIATED STUDENTS JUDICIARY
California State College at Long Beach

SUMMARY REPORT

Case of: Associated Students vs Homecoming Committee

Date : 1965

Charges: That the Homecoming Committee, in establishing the election regulations for the Homecoming Queen election, did violate Chapter VII, Section 1 (c) of the Bylaws of the Associated Students, adopted May 20, 1964.

Decision:

This Court finds that the election regulation established by the Homecoming Committee to allow only male students to vote for the Homecoming Queen is in violation of the Rights of Membership provision on voting, Chapter VII, Section 1 (c) of the Bylaws of the Associated Students. The express intention of this section is to guarantee to all members of the Associated Students the right to vote in any and all Associated Student elections, regardless of whether a particular election is said to be a "regular" or "special" election.

Roll Vote: Concurring: Chief Justice.....Kaelter
Assoc. Justice.....Hollenbeck
Assoc. Justice.....Lacy

Dissenting: Assoc. Justice.....Hanna
Assoc. Justice.....Brock

J. Michael
Prepared by

Bar Kaelter
Presiding Justice

THE FRANCHISE STATUS OF WOMEN
IN HOMECOMING QUEEN ELECTIONS

Mr. Justice Hanna joined by Mr. Justice Brock dissenting:

No one would deny that Chapter VII, Section 1C of the Bylaws of the Associated Students says that all members of the Associated Students shall have the right to vote in all all Associated Student Elections. Furthermore, it is clear that the Homecoming Queen Election is an Associated Students Election. However, in being asked to render a declaratory judgement, this court was not asked to merely recite the obvious, but rather to decide upon the intention and application of this provision. Specifically, the question is whether this provision is intended to be binding on all Associated Student elections or whether there is to be a distinction made between regular and special elections, with an allowance for some special rules for voting to be established in special elections. We feel that the rights of membership provision on voting, Chapter VII, Section 1C, is not intended to be an all encompassing dictum ignoring the unique circumstances of special elections.

The part arguing for the Homecoming committee, drawing upon the distinction made in the election code, Article IV, A & D, established that the Homecoming Queen election is a special election as distinguished from the regular election of A.S. Student body officers. It was further established that one of the duties of the Homecoming Committee is to set the rules by which the Queen election is to be conducted (Bylaws Chapter IV, Section 3A, upon approval by the election's commission (Election Code, Article IV, Section B) We feel that since the Homecoming Committee had decided that this years election was to be an all-male election, since the election's commission had approved of the Homecoming Committee decision and since this is a special and not a regular election that there is no conflict between conducting an all-male election and any section of the A. S. Constitution, Bylaws or Commission Codes.

The opposing party's contention that the conduction of an all-male election disenfranchises women voters and is thus in violation of the rights of membership provision seems unfounded in view of the intended scope of its application. The contention that the H.C. duties as stated the A.S. Bylaws, Chapter IV, Section 3a, does not give it the right to determine the franchise in the Homecoming Queen election also appears unfounded. This certainly can be seen as an implicit function of the H.C. under Bylaws, Chap IV, Section 3a, and Elections Code, Article IV, Section B.

Furthermore, Tradition at least sets the precedent that each year the H.C. shall establish the rules on who is to vote in the Queen election. In fulfilling this function, however, it is apparent that while the committee has generally allowed only males to vote, there have been instances where the women also have been allowed to vote. We feel that the time has come for a final solution to the question of franchise in the Homecoming Queen election. We feel that the relationship of the rights of membership provision on voting to special elections be clearly established. We also feel that the remedy to these questions is a

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legislative function. Thus, if the intended scope of the Rights of Membership is as we the minority feel, we call upon the legislative to make this absolutely clear. Otherwise, the precedent set today by the majority of this court is binding.

The decision of the Homecoming Committee should be affirmed.