ASUCI JUDICIAL BOARD

"All Judicial authority of ASUCI shall be vested in the Judicial Board. The Judicial Board's authority shall extend to all judicial cases arising under the [ASUCI] Constitution; the various by-laws of ASUCI; all official actions of the Executive Officers, Legislative Council Members, and ASUCI Commissioners; and any matters delegated to the Judicial Board by the Legislative Council"

JUDICIAL RULING ON B49-08

Chair Forouzan, writing for the majority, in which Vice Chair Agbelemose and Associate Justices Barclay and Lozano join.

Regarding B49-08, By-Law Amendment: Divestment from Fossil Fuels, the Judicial Board has voted unanimously that this measure does not meet the stated requirements for a Bill, as found in the Legislative Council By-Laws.

IX. LEGISLATION, I. Bills, 2. The format of a bill shall include the following:
a. A complete written statement of the proposal(s).
b. The author's(') name(s) and the second's name.
c. The bill number
d. Account title
e. Amount(s) of money(ies) involved
f. A budget with a breakdown of the expenditures involved. If exact amounts are not known, then an estimate must be given
g. The date of presentation to the Legislative Council
h. The date of action.

Upon reviewing the aforementioned, Judicial Board finds this legislation to be lacking in the following areas: "d. Account title, e. Amount(s) of money(ies) involved, f. A budget with a breakdown of the expenditures involved. If exact amounts are not known, then an estimate must be given, g. The date of presentation to the Legislative Council" and "h. The date of action."

Such negligence is harmful to the proper functioning of government. For government to be legitimate, it is necessary for it to be specific in its focus and clear in its purpose. By failing to delineate the accounts involved, the monies affected and so forth[1], the legitimacy of the bill is compromised. Moreover, the sanctity of government is harmed by Legislative Council's wanton disrespect for the procedures they themselves created. If Judicial Board were to allow such a bill to be passed, not only would this have the effect of legitimizing an ill-formed bill, but it would sanction improper governance. To represent the students effectively, government must be diligent, dignified, and dutiful. The passage of this bill is none of these.

[1] Legislative Council By Laws Section IX, Article I, Number 2, Subpoints D-H
"d. Account title, e. Amount(s) of money(ies) involved, f. A budget with a breakdown of the expenditures involved. If exact amounts are not known, then an estimate must be given, g. The date of presentation to the Legislative Council" and "h. The date of action."

In a whereas statement of the bill, Legislative Council states that "ASUCI should follow through with its statements." While it is indeed important that ASUCI follows through with their statements, it is imperative that they do so appropriately. To do otherwise creates an atmosphere rife for potential monetary abuse. The very values that Legislative Council seeks to promulgate with the passage of this bill are only fulfilled if they are pursued in accordance with procedures outlined in the By-Laws.

Judicial Board finds this legislation to be in violation of the rules laid out in the Legislative Council By-Laws. Utilizing the powers vested in the Judicial Board by the Constitution, we declare 49-08, By-Law Amendment: Divestment from Fossil Fuels to be unconstitutional.[2]

IT IS SO ORDERED

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Oluwatobi Agbelemose, Vice-Chair

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Christopher Barclay, Justice

_____
Kayvon Hosseini, Justice

_____
Myron Lozano, Justice

_____
Seena Forouzan, Chair

[2] While agreeing with the conclusion reached by the Judicial Board, Justice Lozano would provide a different remedy for the bylaw violation.