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 B49-14

Chair Forouzan writing for the majority, joined by Vice-Chair Agbelemose and Associates Hosseini, Lee and Tanaka. Associates Barclay and Lozano abstaining.

Upon reviewing ASUCI legislation during its meeting on Tuesday, March 4th, 2014, the ASUCI Judicial Board has found fault with Bill 49-14, "Withdrawal of ASUCI from the University of California Student Association" (B49-14). The Board therefore issues this ruling regarding the resolution.

The Judicial Board possesses the authority to "interpret all parts of [the ASUCI] Constitution."[1] All legislation passed by the Legislative Council must be "necessary and proper … according to [the ASUCI] constitution."[2] In assessing legislation, the Judicial Board (as well as the Legislative Council) is guided by two provisions[3] in the By-Laws that delineate the form and structure legislation may take.

At stake in the discussion of B49-14 is whether or not certain "let it be resolved" (hereinafter LIBR) statements make claims that are more appropriate in a resolution as opposed to a bill. Section I of Article IX in the By-laws states that "all financial allocations and financial policy statements[4]" are to be submitted as a bill; the specific content of the bill will include, amongst other things, the "amount(s) of money(ies) involved…[and] a budget with a breakdown of expenditures."[5] The last two LIBR statements in B49-14 accomplish this goal, with the preceding LIBR statements taking the form of a mixture of platitudes and justification.

However, one LIBR statement in particular makes changes to current ASUCI policy that does not fall under the purview of Article IX, Section I. In other words, they are not "financial allocations and financial policy statements."[6]

"*LET IT BE FURTHER RESOLVED that the ASUCI withdraws from UCSA at the end of Winter Quarter 2014."*[7]

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[1] ASUCI Constitution, Article VI, Section B(1)
[2] *Id.*, Art. IV, Sec. B(1)
[3] ASUCI By-Laws, Article IX, Sec. I, J.
[4] *Id.* Sec I., Subsection 1.
[5] *Id.* Subsection 2., Item E and D
[6] *Id.* Sec I., Subsection 1.
[7] *B49-14*

This LIBR statement serves the purpose of materially changing a major ASUCI policy – as such, it should be placed in a resolution. By-Law Article IX, Section J, Subsection 1 states: "all major policy items involving a change in policy shall be presented as a resolution."[8] The spirit behind such a rule is the very same spirit embedded in any democratic governments governing documents. To promote transparency and allow for the maximal involvement of the citizens that constitute the government that is by and for them, it is necessary that the laws that govern them are articulated publicly. When a policy change can be construed as having a substantively dramatic affect on the constituents, the need for transparency is doubly important. Moreover, in this particular case, in order for the money to be moved it is first necessary for ASUCI to withdraw from UCSA. To accomplish two baldly different things is to cross a bright-line that the Constitution and the By-Laws serve to guard against; the LIBR statements are important, yet different enough, that they are deserving of their own legislations.

B49-14 is unconstitutional because its corporeal form embodies the spirit of two manifestly different things. That the By-Laws stipulate financial policy statements and major policy statements take different forms substantiates this viewpoint. As B49-14 stands it does not pass constitutional muster. To remedy the situation, Judicial Board recommends Legislative Council pass two separate legislations - a resolution and a bill - with the former withdrawing ASUCI from UCSA and the latter reallocating the money.

The Judicial Board has determined that B49-14 is in contradiction with the ASUCI Constitution and By-laws. Due to these issues relating to the resolution, the Board has voted to take action. Utilizing the authorities vested in it by the Constitution, the Board hereby declares that Bill 49-14 -- "Withdrawal of ASUCI from the University of California Student Association" -- is not in effect and its implementation is barred.

IT IS SO ORDERED

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Oluwatobi Agbelemose, Vice-Chair Seena Forouzan, Chair

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Kayvon Hosseini, Justice Annette Lee, Justice

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Kevin Tanaka, Justice

[8] By-Laws, Article IX, Sec., J, Subsection 1