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 R49-54

PER CURIAM

Upon reviewing ASUCI legislation during its meeting on Tuesday, February 25, 2014, the ASUCI Judicial Board has found fault with Resolution 49-54, "Additional Voting Stations During ASUCI Fall and Spring Election Weeks" (R49-54). 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] The Constitution specifically grants the Council the authority to "establish [an] ASUCI Elections Code."[3]

The Constitution also creates an Elections Commission, which is generally composed of the Executive Vice-President, one Elections Commissioner, and three Deputy Elections Commissioners.[4] Most importantly to the Board's analysis, the Constitution specifies that "control of all elections and related activities shall rest with the Election Commissioner, as empowered by the Election Code."[5] Based on these clauses of the Constitution, the Judicial Board finds that if the Legislative Council wishes to create an elections-related procedure, that procedure must take the form of an amendment to the Elections Code. Otherwise, any such action infringes on the Elections Commissioner's "control of all elections and related activities"[6] and therefore does not "accord [with the] Constitution."[7]

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[1] ASUCI Constitution, Article VI, Section B(1)
[2] *Id.*, Art. IV, Sec. B(1)
[3] *Id.*, Art. IV, Sec. B(9)
[4] *Id.*, Art. IX, Sec. A(1)
[5] *Ibid.*
[6] *Ibid.*
[7] *Id.*, Art. IV, Sec. B(1)

R49-54 contains a provision that reads as follows:

> *Let it be finally resolved that ASUCI Elections Commission creates at least three voting booths and/or locations, [at least 1 in Student Center Plaza, at least 1 in Social Sciences Plaza, and at least 1 in Engineering near the Donald Bren Hall] that can allow students to vote easily and quickly during ASUCI Fall and Spring Election weeks.*

This provision clearly creates an elections-related procedure. Since the Resolution is not an Elections Code amendment, it infringes upon the Elections Commissioner's Constitutionally-granted authorities.

In addition, the Board has previously ruled that the minutes of a Legislative Council meeting must contain "each Council member's vote on [a] resolution and which members, if any, were not present for the vote", as required by the ASUCI By-laws, in order for a resolution to be considered valid.[8] The minutes[9] of the February 11, 2014 Legislative Council meeting do not follow these requirements in regard to R49-54.

The Judicial Board has determined that R49-54 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 Resolution 49-54, "Additional Voting Stations During ASUCI Fall and Spring Election Weeks", is not in effect and its implementation is barred.

IT IS SO ORDERED

_____	_____
Oluwatobi Agbelemose, Vice-Chair	Christopher Barclay, Justice
_____	_____
Seena Forouzan, Chair	Annette Lee, Justice
_____	_____
Myron Lozano, Justice	Kevin Tanaka, Justice

[8] *Judicial Ruling on R49-57*
[9] http://www.asuci.uci.edu/legislative/minutes/print.php?id=382