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 R50-47

Chair Agbelemose, writing for the majority, in which Judicial Board Member Lee and Vice Chair lozano join. Judicial Board Member Tanaka abstains in accordance with Judicial Board Policies and Procedures IV(C).

Upon reviewing the legislation during the meeting on Friday, January 16, 2015, the Judicial Board has reviewed and found fault with the document Resolution 50-47, "Office of the President Commissioner Approval for 2014-2015". Consequently, the Judicial Board has decided unanimously to strike down aforementioned legislation.

The Judicial Board possesses the authority to "interpret all parts of [the ASUCI] Constitution." A.S. Const. art. VI, § B cl. 1. All legislation passed by the Legislative Council must be "necessary and proper … according to [the ASUCI] constitution." A.S. Const. art. IV, § B, cl. 1.

ASUCI Legislative Council is charged with the responsibility to "promote the welfare and the interests of the undergraduate students, subject to limitations herein enumerated." A.S. Const. Art. IV, § A. The granting of this responsibility, however, is contingent on remaining in accordance with the qualifications outlined in the Constitution regarding a potential representative's appointment.

R50-47 purports to elect numerous individuals to the Office of the President, which definitely falls under the Executive Branch of the Associated Students and is completely within their jurisdiction to do so. However, in reviewing the aforementioned document we have found that the newly appointed Assistant Media and Films Director already has a position within the Legislative Council and is thus contrasting with the clause stating that "no person or group in any one of these branches shall exercise power belonging to another branch" except where directed or permitted. A.S. Const. Art III, § B.

The "separation of powers" articulated in Article III "is absolutely vital to the continued functioning of ASUCI." *Siddiqui v. Shalabi*, p. 2. A person holding simultaneous positions in separate branches of ASUCI (except where explicitly permitted by the Constitution) would be committing an "infraction … against the the ASUCI Constitution." *Siddiqui v. Shalabi*, p. 3. It is with these sections in mind that we have decided that the appointment of the Assistant Media and Films Director is void and must be struck down. Therefore, using the authorities vested in the

Judicial Board by the ASUCI Constitution, we hereby declare that, as of the date of this ruling, the appointment of an Assistant Media and Films Director as per Resolution 50-47 is not in effect.

IT IS SO ORDERED

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Oluwatobi Agbelemose, Judicial Board Chair

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Annette Lee, Judicial Board Member

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myron lozano, Judicial Board Vice Chair