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 DISSENT ON R51-33

Vice Chair Barton writing of the dissent.

Upon reviewing the legislation during the meeting on Thursday, December 3rd 2015, the Judicial Board has reviewed and approved the document Resolution 51-33, "Appointment of Elections Commissioner". Vice Chair Barton dissented.

R51-33 violates the ASUCI By-Laws. The legislation officially appoints the Elections Commissioner to run the ASUCI elections. As specified in the A.S. By-Laws art. III, § B, cl. 1, §a, item 8,

"Then upon the selection of all commissioners or directors in each respective office,each newly elected Executive shall submit a roster with job description of all paid and non-paid commissioners to the Speaker Pro Tempore of ASUCI Legislative Council or Chair of Rules Committee and then the Rules Committee will review which commissioners require a council audit and approval, and complete that process of selection and conducting of hearings by the Thursday of Week 3 of fall quarter. All legislation for the approval of non-selected members of an office may be submitted before or after the audit/approval of members have been reviewed."

R51-33 was passed by Legislative Council on November 24, 2015 after the Fall Elections had occurred. Per the A.S. By-Laws, all commissioners must be appointed and approved by the Third Week of Fall Quarter. Thus, legally, there was no Elections Commissioner to run the Fall Elections which would then in turn deem the elections invalid. The legislation is unconstitutional for failing to appoint the Elections Commissioner by the set deadline in the A.S. By-Laws. All appointed positions must be confirmed by the Legislative Council before they can be formally placed in their position. The Legislative and Executive branches failure to adhere to prescribed deadlines is an injustice to the governing documents and to the associated students of UC Irvine. This dissent should be seen as a message to the other branches of the Associated Students to adhere to the governing documents and the deadlines set within them. This type of violation should not occur and needs to be addressed by all governing officers to ensure this does not happen again.

R51-33 should be strucken down for failure to meet a governing document deadline. Due to the importance of the Elections Commissioner to the Associated Students, the failure to formally

appoint a Commissioner could destroy the integrity of the entire democratic process. The consequences of such a violation of the governing documents are far-reaching.

I respectfully dissent from the Majority Opinion of the Judicial Board in its approval of R51-33 on grounds that the legislation is an injustice to the governing documents.

/s/
William J. Barton, Vice Chair