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 R52-25: Call for a Special Election

Justice Fuoroli and Justice Anderson writing of the majority, in which, Justice Lee, Justice Shin, Justice Khosravi join. Justice Keppler abstain.

Upon reviewing ASUCI legislation during its meeting on Tuesday, November 15th, 2016, the ASUCI Judicial Board has found fault with Resolution 52-25 "Call for a Special Election" (R52-25)

In the event of a Senate seat vacancy, ASUCI Constitution, under Article 6. Section 1. Subsection (d)(1) and (d)(2), empowers the Senate to, "call a special election to fill the seat" given that the appointed student, "meets the relevant qualifications to fill the vacancy." The Senate, through R52-25, has called for a special election to fill the 1/3 vacancies in the Senate, resolving that the First Year special interest seat to be filled by appointment, as no candidate can currently fulfill the GPA requirement. However, Article 6, Section 1, Subsection (d)(2) requires that the appointed student "meets the relevant qualifications to fill the vacancy." These qualifications include a GPA requirement. Bypassing such a qualification would warrant an amendment of the ASUCI bylaws, as such a legislation would set precedent for future First Year special interest seats. The Judicial Board recognizes the constitutionality of the remainder of the legislation.

Utilizing the powers vested in the Judicial Board by the ASUCI governing documents, we hereby declare that R52-25 is unconstitutional and its implementation is barred.

IT IS SO ORDERED

Annette Lee, Chief Justice

Grace Shin, Associate Justice

Laura Anderson, Associate Justice

Michael Fuoroli, Associate Justice

Adam Keppler, Associate Justice