ASUCI JUDICIAL BOARD

"The Judicial Board has final judicial authority for ASUCI, which extends to all cases arising under the governing documents of ASUCI, all official actions of ASUCI officials and staff, and any matters delegated to the Judicial Board by the Senate or Student Advocate General."

JUDICIAL RULING ON R53-95:
By-Law Amendment: Public Information Improvements

Associate Justice Abundis delivered the opinion of the Board, in response to Senate Resolution R53-95.

In Re R53-95

Opinion of the Board

Senate Resolution R53-95 attempts to clarify the specific actions and responsibilities of senators in the Public Information committee. The resolution tries to require senate members of the Public Information committee to attend "at least one official club organization meeting for two different club or campus organizations" (paragraph 7). In addition it creates a ASUCI Senate Request Form requires these committee members to "booth at least once a quarter" to increase communications and publicize Senate matters for the benefit of the undergraduate student population.

It is the opinion of the Judicial Board that Resolution R53-95 does not provide any amendments to the written ASUCI constitution Section 13, Subsection (A), Subsection (1), that would enact the policy goals suggested in Senate Resolution R53-95

I

The substance of Senate Resolution R53-95 does little too actualize the intentions it proposes. The resolution seeks to remove the uncertainty and the subjectivity in the duties of the Public Information committee by conscripting certain duties to members of the committee. Such clarifications and amendments to the ASUCI constitution are within the powers authorized to the Senate. The Judicial Board finds issue with the lack of specificity for how these amendments to the functions and responsibilities of Public Information committee members is to be enshrined in the constitution. There is no addition of a subsection or an amendment to previously-established subsections that would make the intentions of resolution R53-95 legally binding or in some other way compelling.

II

The Judicial Board find issue with the use of the word "should" in the first operative clause of Senate Resolution R53-95. Paragraph seven (7) describes of the new duties of a Public Information committee member that they "should attend at least one official club or campus organization meeting for two different club or campus organizations." This use of the word 'should' makes the actions of committee members only suggested and not mandatory. To fulfill one's duties to the committee under the phrase 'should' all a member must do is give the responsibility a moment of consideration. Other operative clauses in R53-95 use active verbs like creates and must that ensures the suggested course of action is completed. It is in the opinion of the board that the first operative clause is amended in such a manner to also prompt action.

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Because there is no proposed text to be added or amended so as to reflect the desired policy goals of the Senate, it is in the opinion of the Judicial Board that Resolution R53-95 be withdrawn and rewritten.

It is so ordered.

Suchith Shantharaj,
Chief Justice

Yesenia Lopez,
Associate Justice

Reece Disney, Vice Chair

John Akinwole, Associate Justice

Quincy Gerald, Associate Justice

Benny Lin , Associate Justice

Michelle Abundis, Associate Justice