ASSOCIATED STUDENTS OF UCI

Judicial Board

INJUNCTION 04: Mansfield v. ASUCI Senate et Al.

BY ORDER OF THE ASUCI JUDICIAL BOARD

Dated: October 6th, 2020

By Order of the ASUCI Judicial Board

In yet another procedurally unusual, but constitutionally necessary action, this Board hereby initiates our Art. 8 powers to strike down the unconstitutional action of the Senate.

Rule.

Per the ASUCI Judicial Code §7.1.4.1, the ASUCI Judicial Board has the power to issue preliminary injunctions. The ASUCI Constitution grants the ASUCI Judicial Board the "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." ASUCI Constitution, Art 8. §2. For these reasons, under our authority to strike down unconstitutional behavior, we hereby, provide the following reasoning to our order.

Functionally, the Judicial Authority includes the enumerated power, "To nullify any measure that is considered unconstitutional and ordering the immediate halt of those actions." ASUCI Constitution, Art. 8 §2(f). Moreover, Art. 8 §2(g) of the ASUCI Constitution provides clear identification of the role of the Judicial Board, explicitly stating that the Board has the power "to judge the constitutionality of actions by the Executive Cabinet, Senate, Student Advocate General, and Elections Commission and ordering the halt of actions that are judged to be unconstitutional." As such, our Board holds the power to declare unconstitutional pieces of legislation - or those actions emerging out of them - unlawful.

Today we find the actions of the ASUCI Senate to be unconstitutional and order the halt of those actions immediately on the grounds of contempt of judicial authority. In short, by ignoring an explicitly issued order, the defendants ran afoul with the Judicial Board's enumerated powers. *See again:* Art. 8 §2(f), and Art. 8 §2(g).

More specifically, on October 5th, 2020, the ASUCI Judicial Board issued an injunction against legislation R56-19 in order to hold a proper hearing, amongst various other reasons.

However, during the ASUCI Senate Meeting on October 6th, 2020, the ASUCI Senate, and the corresponding defendants violated the Judicial Board injunction to rescind or postpone the proposal of R56-19 by considering and voting on the legislation. We find this action unconstitutional and thus order the immediate invalidation of the Senate's actions on R56-19.

Order.

Pursuant to our reasoning, the following is hereby ordered:

1. R56-19 is hereby struck and declared unlawful, with the defendant's held in contempt. In doing so, defendant surrenders his due process. Case opinion, *Mansfield v. ASUCI Senate et al. (2020)*, is hereby dismissed, as no legislation exists to provide standing.
2. All subsequent, relevant pieces of legislation connected to R56-19, as reflected directly by the ASUCI docket and lawfully posted are hereby declared null and void:
    a. R56-27, as a violation of the Judicial Board's bylaw rights to define and create code;
    b. R56-26, as a violation of the rules of amendment in the bylaws;
3. As the constitutional time limit has expired, the Judicial Board now defers the repeal of the Bylaws to the Elections Commission, to place on the ballot as needed.

BY ORDER OF THE JUDICIAL BOARD,

Kimo Gandall
Chief Justice

Madison Craw
Vice Chief Justice

Logan Knight
Associate Justice

Heriberto Mendez
Associate Justice

Joshua Wolfe
Associate Justice