ASSOCIATED STUDENTS OF UCI

Judicial Board

Preliminary Injunction on R56-35

BY ORDER OF THE ASUCI JUDICIAL BOARD

Dated: November 3rd, 2020

ORDER:

On November 3rd, Plaintiff's Counsel petitioned the Judicial Board for injunction against the ASUCI Senate for improper procedure to adopt special elections code. More specifically, prefaced on §15.1 of the Bylaws, plaintiff insists that the legislation was not approved by the Elections Commission, and is therefore unlawful: "The ASUCI Senate may, upon approval by the Elections Commission, amend the Elections Code by a majority vote."

Turning to precedence in *Wang v. Robb Et. al.* (2020), I apply a two tier prong to determining the appropriateness of injunctive relief: reasonability and harm: "...we therefore establish a two-prong test for issuing preliminary injunctive relief: first, the case must be founded on reasonable grounds... And second, the petitioner must have a showing of tangible harm..." *Wang*, at 7.

First, I believe the case is reasonable, given that, on face, plaintiff who is the Elections Commissioner alleges approval was not given. Therefore, the legislation seems to run afoul with §15.1 of the Bylaws. Second, pursuant to our Injunction 01, I hold there is a harm with violating a procedure given to Elections Commission, which may significantly alter the elections process – a procedure that is vital to our republic.

Therefore, as Chief Justice, in order to properly examine the issue, and pursuant to my authority under §7.1.4.1 of the Judicial Code, hereby enjoins the Senate to rescind or postpone the proposal of R56-35, subject to the findings of our board. This injunction shall be set to expire Monday, November 9th, at 11:59 PM, unless extended as specified.

BY ORDER OF THE CHIEF JUSTICE,

Kimo Gandall
Chief Justice