ASSOCIATED STUDENTS OF UCI

Judicial Board

Preliminary Injunction on R56-38

BY ORDER OF THE ASUCI JUDICIAL BOARD

Dated: November 2nd, 2020

ORDER:

On November 2nd, Plaintiff's Counsel petitioned the Judicial Board for injunction against the ASUCI Senate for improper appropriation of constitutional powers granted solely to the Elections Commission; namely, to call elections. ASUCI Constitution, Art. 12, Sec. 4. Evidence of this call, contained in Appendix A of the email, stated in bolded letters that "the Election will occur week 7 of winter." In contrast, in R56-38, defendant contended this call did not occur, and thus determined they had the extraconstitutional authority to call the election themselves.

This case involves numerous legal definitions of the constitution of dates and time. In this injunction we do not comment on them; instead, turning to our precedence in *Wang v. Robb Et. al.* (2020), we 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, we believe the case is reasonable, given that, on face, it appears a call may have been given. Pursuant to our prior precedence listed in *Injunction 02: Pavey Et al. v. Robb Et al*., we defer to the Elections Commission in implementing specific timelines for elections. Moreover, given the constitutional requirement that the Elections Commission has the sole power – and the wholly lack of mention of the Senate – we believe there are reasonable grounds to contend against the very jurisdiction of the Senate for calling special elections, avoiding the need for judicial review. Second, we believe the case is harmful, as the calling of an election would not potentially expend ASUCI resources – which is beyond the realm of judicial relief – but could mean a body of the government was, de facto, permitted to engage in extraconstitutional actions.

Therefore, the Judicial Board, in order to properly examine the issue, and pursuant to our authority under §7.1.4.1 of the Judicial Code, hereby enjoins the Senate to rescind or postpone the proposal of R56-38, 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 JUDICIAL BOARD,

Kimo Gandall
Chief Justice

Madison Craw
Vice Chief Justice

Nicholas Ortiz
Associate Justice

Heriberto Mendez
Associate Justice

Joshua Wolfe
Associate Justice