ASUCI Judicial Board

Ryan Pavey

v.

Alicia Drevahl, Rowland Chinedu, Adrian Poortillo, Matthew Plaza, Ivan Fonseca, James Kim, John Robb.

Petitioner represented by Mr. Anthony Mansfield.

Ruling

Dated: October 14, 2020

Synopsis:

On November 3rd, petitioner brought forward a suit against the defendant alleging they didn't follow procedure by attempting to pass new Elections Code in the senate. As argued by the petitioner, legislation R56-35 was improperly put forward by violation of §15.1 of the ASUCI Bylaws. Chief Justice Gandall approved the injunction and scheduled a preliminary hearing on November 9th. Defendants failed to appear for arguments. On the basis of default judgment, with no arguments presented to delegitimize the allegations, the Judicial Board unanimously ruled that R56-35 explicitly violates the Bylaws and must not be approved until amended or rescinded. In term, we rule in favor of the plaintiff.

Wolf J., Gandall K., Craw M., Mendez H., Knight L., Ortiz N., and Lopez M. joined the majority.

Associate Justice Wolfe delivered the unanimous opinion of the board,

The Elections Commissioner, Ryan Pavey (the petitioner), brought suit against the Senate authors of R56-35 alleging that its proposal on the Senate floor is in direct conflict with §15.1 of the ASUCI Bylaws. The petitioner argued, as paraphrased by §15.1, amending Elections Code must first be approved by the Elections Commissioner--in term, himself--before the senate may pass them. He argued that since he never approved any such code, all attempts to amend the Elections Code are null and void. Chief Justice Gandall approved the petition for a preliminary injunction and the Judicial Board agreed to hold a preliminary hearing on November 9th, as affirmed by our meeting on November 4th to emergently strike down R56-35 after the Senate usurped our injunction. Special Prosecutor Anthony Mansfeild echoed the arguments of the petitioner. However, no arguments on the record or council were brought forward by the defense. The Judicial Board must now solely rule via the arguments presented by the petitioner and their counsel.

§15.1 of the ASUCI Bylaws was brought forth as the plaintiff's argument, and the legislation in question, R56-35, reveals explicit violatiation of this clause, as ruled by this Court.

With the facts not in dispute via default judgement, we rule in favor of the plaintiff and force immediate halt on R56-35 and its implementation.

I.

The petitioner references only one clause in one governing document in their petition: §15.1 of the ASUCI Bylaws, which states that "The ASUCI Senate may, upon approval by the Elections Commission, amend the Elections Code by a majority vote." To interpret this literally, any action to update the Elections code by the Senate must always and first be approved by the Elections Commission. As a reference, the process of Election Code approval can be found in §9.3 of the ASUCI Bylaws as additional detail of the Governance and Internal Policy Committee, stating, "If the Elections Code, in any manner, shall be impacted, then a positive vote all appointed Deputy Elections Commissioner, shall be necessary to recommend the amendment(s) and or revision(s) to the floor." No evidence of any kind (i.e.: Governance and Internal Policy Committee meeting minutes with deputies) was submitted to show that the Elections Commission "approved" the new Code as proposed via R56-35. Since the defendant failed to provide any arguments or evidence on the record, it must be perceived that those facts are non-disputed.

Therefore, as §15.1 was not satisfied, R56-35 is hereby ruled improper and in violation of the ASUCI Bylaws. We thus overturn it.

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If any action shall be taken, it is imperative for the people to abide by the authority that safeguards liberty--the rule of law. With no governing principles, there is no individual protection. This court doesn't rule on how things *should* be done, only on how it *could* be done. Any explicit contradiction between action and procedure will bleed the governing integrity of our republic dry.

As enumerated by our Constitutional authority, R56-35, as ordered by this Court, is struck down, and as such, deemed null and void.

Kimo Gandall
Chief Justice

Madison Craw
Vice Chief Justice

Joshua Wolfe
Associate Justice

Heriberto Mendez
Associate Justice

Nick Ortiz
Associate Justice

Logan Knight
Associate Justice

Mario Lopez
Associate Justice