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."

Comments and Clarifications on "Amendment to the Bylaws: Fair Representation in the Senate"

Note: This is not a promotion for, or disapproval of R56-92 "Amendment to the Bylaws: Fair Representation in the Senate," only some comments and clarifications regarding the aforementioned legislation and how it pertains to the current, and future Judicial Boards. Any stipulations set forth in this document are in no way meant to curtail the powers of any of the ASUCI branches. The Judicial Board only wishes to provide guidance in the hopes of preventing any future conflict or abuse that could arise over "Amendment to the Bylaws: Fair Representation in the Senate."

VINE, K.; MALIK, A.: LAU, V.; HERNANDEZ, S.; LONGINO, G. FERAGALLO-HAWKINS, K.; and SERRANO, J approve of what is written.

I

On April 8th, 2021, the ASUCI Senate passed: R56- 92 "Amendment to the Bylaws: Fair Representation in the Senate," which amends Section III. B, Item 11 of the ASUCI Bylaws, adding stronger language encouraging ASUCI senators to "promptly fill vacant seats in the Senate," and empowering the ASUCI Judicial Board to become involved with the appointment process should the Senate fail to fill the vacancy within seven academic weeks. Seeing as how R56- 92 is a judicial check on senatorial power, the Judicial Board believes it prudent to clarify its position on R56- 92, and outline what we believe our own limitations to be. Previous Judicial Boards have been accused of, and removed from office over charges of malfeasance, and so to avoid a future board potentially abusing the power given to it by this amendment to the bylaws, this document will make clear the current board's opinion on what limited power is granted to it the Judicial Board through R56- 92, and in what few instances that power is applicable.

II

The first addition to the bylaws referencing the Judicial Board sets a timeline for the Board's involvement: "If a school, special interest, or at-large senator seat remains vacant for more than seven (7) academic weeks, the Judicial Board will be called to review the potential applicants." A strict timeline of seven weeks is set by the legislation, so let it be clear that the Judicial Board is NOT to take any part in the appointment process of a new senator until seven weeks from when the Senate position was vacated if the replacement has still not been found. In addition, should seven weeks have passed and the Senate position is still vacant, but the Senate has already selected an applicant and is in the process of appointing them, the Judicial Board should not intervene. However, should this appointment fall through the Judicial Board may then become involved in the appointment process as outlined in the bylaws.

III

The second addition to the bylaws referencing the Judicial Board grants the Board the power to levy injunctions in certain circumstances: "If the Judicial Board believes the application

pool is sufficiently qualified the Board may levy an injunction against all Senate legislation, excluding appointment legislation, until the seat is filled." The Judicial Board should ONLY levy such an injunction AFTER seven weeks have passed with no replacement having been appointed to the vacant Senate position(s), or in the process of being appointed from an existing pool of qualified candidates.

IV

It is also important to note R56- 92 uses the term "qualified" multiple times when describing potential Senate candidates. This is important because of R56- 92's allowance of the Judicial Board becoming involved in the Senate appointment process is dependent on the Senate applicants being considered "qualified" by the Judicial Board, but none of them having been selected by the Senate within a seven week period. Leaving what constitutes a Senate applicant as being "qualified" in the eyes of the Judicial Board presents opportunity for abuses to occur. Therefore, let it be known that in the eyes of the Judicial Board, a "qualified" candidate is simply someone who meets the basic requirements to serve as a member of one of ASUCI's branches, and has nothing barring them from being a part of ASUCI.

V

The third addition to the bylaws referencing the Judicial Board allows them to call for a special election to replace the vacant positions should there be no pre-existing qualified candidates: "If the Judicial Board believes there are no qualified candidates, a Special Election shall be called for week 3 or 7 of the current or upcoming quarter, whichever date is the earliest date that the Elections Commission can properly organize a special election." As previously stated, in the eyes of the Judicial Board a "qualified" candidate is any person eligible to fill the vacant position. While the Judicial Board is free to select whichever qualified candidate they deem best fit for the position, it must be from the pre-existing pool of applicants. The Judicial Board cannot call a special election if there are qualified candidates to choose from. The Judicial Board also views the decision for the date of a special election and when it can be properly organized, if it occurs, to belong to the Elections Commission.