



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 FILLING VACANCIES IN THE ASUCI SENATE

April 2, 2024

Bolek, C.; Marin, R.; Lee, A.; Malani, A.; Meng, S.; and Movahedi, N. agree with what is written.

I

On March 15, 2024, the Judicial Board was requested to review the scope of the opinion it issued on February 22, 2024 regarding ongoing vacancies in the ASUCI Senate.¹ In that opinion, Justice Lee stated and the Board concurred that a Special Election in Week 7 of Spring Quarter must be called to fill vacancies for the Arts Senator and Pharmaceutical Sciences Senator positions.

However, since that time, it has come to the attention of the Rules Committee, and thereby to the Judicial Board, that qualified candidates for the Arts Senator position may exist for the Spring Quarter. Thus, the Judicial Board was asked to clarify whether the Senate could appoint a qualified person to the Arts Senator seat before the Special Election in Week 7.

¹ Please see [Opinion on the Vacancies Within the ASUCI Senate](#) on the ASUCI Website.



II

After reviewing the ASUCI Constitution, Bylaws, and Elections Code, the Judicial Board did not find any provisions that would prevent the Senate from appointing a newly-found qualified candidate to fill a vacant seat after a Special Election has been called to fill said seat, so long as the timeline has not been set and approved by the Senate. Additionally, as the previous opinion on Senate vacancies established, it is important to fill vacancies posthaste.

The Judicial Board finds it important to consider both our constitutional commitment to transparent and fair elections and the need for a functioning senate. Thus, the act of appointing a qualified candidate to a vacant seat that is eligible to be filled by a Special Election is not necessarily unconstitutional, and would be the constitutional responsibility of the Senate.

Historically, the ASUCI Senate has, when approving the timeline for Special Elections, provided a list of all of the seats that will be up for Special Election (see, for example, R57-146). The Judicial Board believes that doing so is essential as it upholds students' "right to run for election office in ASUCI elections" (ASUCI Const. Art. III, § 1(b)) and "right to transparency and freedom of information from their student government" (ASUCI Const. Art. III, § 1(p)). To fill a seat after the approval of a timeline which announces the seat is up for election would threaten the principle that a single seat be filled by a single person and the fairness of said elections. As such, the Judicial Board feels the appropriate deadline to do so is before the timeline is approved by the Senate.