



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.”

Opinion on the Requirements for Candidacy and for Office in Art. XIII of the ASUCI Elections Code

April 17, 2024

BOLEK, C.; MARIN, R.; LEE, A.; MALANI, A.; and MOVAHEDI, N. agree with what is written.¹

I

On April 15th, 2024, the Judicial Board was requested to review the ASUCI Constitution and Elections Code to review the exact requirements placed by the governing documents on individuals both holding and seeking to hold certain offices within the Associated Students. In particular, we have been asked to examine Art. V § 1(a) of the ASUCI Constitution and Art. XIII § B of the ASUCI Elections Code in order to clarify the qualifications individuals must hold for executive office and whether such qualifications differ in the governing documents in their application to candidates for office and occupants of the same office.

Upon review of both the governing documents and of previous case law, we find that the governing documents mandate that all Executive Officers must have attained junior standing by

¹ MENG, S. did not take part in the deliberation or issuance of this opinion.



the time they assume office. We also note that, given the terms of office established in Article V § 2(a) of the ASUCI Constitution, this requirement precludes those who have not reached the appropriate level of standing from running for such offices under the current framework established in the Elections Code.

II

Article V of the ASUCI Constitution establishes the qualifications individuals must possess in order to hold certain offices within the Associated Students. Art. V § 1(a) in particular establishes the qualifications individuals must possess in order to hold elected office, among these being “a 2.0 cumulative GPA,” membership in the Associated Students as defined in Art. II § 2 of the Constitution, observance of certain governing documents, and having been free of any disqualification handed down by the Judicial Board. Notably, this Article also allows for other qualifications which are not enumerated in the Constitution to be mandated upon office holders by stating that “Any other criteria specified in the ASUCI Elections Code” may be set forth as qualification for office (ASUCI Const. Art. V § 1(a)(6)).

Article XIII of the Elections Code indeed takes up this constitutionally-prescribed capacity by establishing certain other requirements. Most importantly for this analysis, such specifications include that “Candidates for Executive Officer shall have attained Junior standing at the time of assuming office” (ASUCI Elections Code Art. XIII § B). While we recognize the difference that exists between one’s candidacy for an office and one’s possession of that office, we note here two points which ensure that this requirement applies to candidates as well as holders of executive office.

First, the Constitution’s allowance for separate qualifications to be enumerated in the Elections Code is rather clear, applying to requirements for Office and not just candidacy. Consequently, we interpret the requirements of Art. XIII of the



Elections Code as falling under the authorities ascribed to the Elections Code under Art. V § 1(a)(6) of the Constitution, and therefore must interpret them as applying to candidates for office and those who hold said offices equally.

Even if we were not to accept this line of reasoning, we would be forced to draw the same conclusion on a more principled line of reasoning. Not only do the governing documents set forth degree requirements for other positions within ASUCI — most notably, for Justices of the Judicial Board under Art. V § 1(B)(3) — but if we were to conclude the opposite, we would find that candidates for office face heightened thresholds than those who actually *hold* executive office: a clear absurdity. In order to maintain the consistency of the governing documents, we are therefore similarly obligated to find that the requirements of Art. XIII of the Elections Code apply as much to those who occupy the specified offices as they do to those who wish to occupy them.

III

The provisions of Art. XIII of the Elections Code are found to apply equally to those who hold specified positions within ASUCI as those who seek to hold them through the electoral process. Furthermore, Art. XIII § B of the Elections Code is found to mandate that Executive Officers as defined both in Art. VII § 1(a) of the Constitution and in previous opinions of the Board² — particularly, the President and the four Vice Presidents — precludes those who have not yet attained Junior status from running for Executive Office.

It is so ordered.

² See, specifically, *Comments and Clarifications on Bylaws Art. 4 § B(1)(b) and Constitution Art. 11 § 1(a)(3)*, <https://asuci.uci.edu/wp-content/uploads/2023/11/Legislative-Opinion-on-SAG-Firing-Policies.pdf>.



**APPENDIX A:
Relevant Sections of the ASUCI Constitution**

As of the writing of this opinion, Art. II § 2, Art. V § 1(a), Art. V § 2(a) and Art. VII § 1(a) of the ASUCI Constitution read as follows:

ARTICLE II. Membership

Section 2. Membership Enrollment

A student becomes a member by paying the ASUCI fee.

ARTICLE V. ASUCI Officer Qualifications, Terms of Office, and Stipends

Section 1. Qualifications

(a) The qualifications required to hold any elected position are:

- (1) Having a 2.0 cumulative GPA;
- (2) Paying the ASUCI fee;
 - (A) If a student attains a position but has not paid the ASUCI fee, they must pay it the next Quarter to continue holding that position.
 - (B) 'The next Quarter' includes Summer Sessions only if the student is enrolled in Summer Session classes.
- (3) Following all elections regulations, unless appointed;
- (4) Not being barred from holding office by a ruling of the Judicial Board;
- (5) Agreeing to abide by the ASUCI Code of Ethics; and
- (6) Any other criteria specified in the ASUCI Elections Code.

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Section 2. Terms of Office

(a) The terms of office for all elected officials of ASUCI is one academic year, beginning the last day of the Spring



Quarter in which they were elected and ending the second to last day of the following year's Spring Quarter.

ARTICLE VII. Executive Cabinet

Section 1. Membership

(a) Elected, voting

The following Executive independently by the undergraduate students at- large and have the sole right to vote on Executive Cabinet business:

- (1) The President;
- (2) The External Vice President;
- (3) The Internal Vice President;
- (4) The Academic Affairs Vice President; and
- (5) The Student Services Vice President.



**APPENDIX B:
Relevant Sections of the ASUCI Elections Code**

As of the writing of this opinion, the Art. XIII of the ASUCI Elections Code read as follows:

ARTICLE XIII. Candidate Requirements

- A. A candidate shall be defined as any member of the Associated Students of UCI (ASUCI) who has filed a Declaration of Candidacy with the Elections Commission and has met the following criteria:
 - a. Must have a cumulative GPA of 2.0 or higher on a 4.0 scale.
 - b. Must not be on University disciplinary probation and must be in good standing with the University in compliance with the UCI Code of Student Conduct.
- B. Candidates for Executive Officer shall have attained junior standing at the time of assuming office.
- C. Any candidate for an ASUCI school-based Senate seat must be majoring in the academic unit for the school that they are running to represent.
- D. Any candidate may withdraw from an election by presenting a letter of withdrawal to the Elections Commission.
- E. No candidate may file a Declaration of Candidacy for more than one (1) position.