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."

On the Ability of the Judicial Board to Update Interpretive Opinions in Response to Certain Amendments of Law

March 14, 2025

***BOLEK, C.* delivered the opinion of the Judicial Board. *MALANI, A; FARNWORTH, J.; KARATAS, Z; MARIN, R.; RINGDAHL, N.; and VISWANATH, G.* approve of what is written.**

I

On Thursday, March 13, 2025, the Judicial Board received a Petition for Formal Interpretation by Elections Commissioner Jun Jang, requesting the Board update its findings in its interpretive ruling *Opinion on Investigation Authority in Elections-Related Cases*. As clauses of the Elections Code relevant to the application of this opinion under current circumstances — that is, the ongoing Spring ASUCI General Elections — have, since the release of this opinion, been amended by the ASUCI Senate in legislation R60-81: Elections Code Reform Act, Commissioner Jang has asked that the Board

take action to "update … the opinion in line with relevant clauses of the current Election Code, particularly Art. XIV."[1]

Upon request of Petitioner, we respond urgently to this matter out of recognition for the imminent beginning of the official elections period, with candidate applications closing today at 5:00 p.m. PDT. In so doing, we indeed agree to update the stated opinion, but go still further to sketch a general outline of circumstances under which the Judicial Board may proactively update its prior rulings upon the amendment of sources of law relevant to those rulings.

II

The ASUCI Constitution grants, *inter alia*, the Judicial Board the authority to "interpret all parts of the governing documents of ASUCI" and "to make final, binding decisions on matters within its jurisdiction." Art. 8 § 2(a,c). However, these authorities are not without limit: the Judicial Board may not rule in the absence of a case or controversy, be it one brought about by a simple request for the interpretation of a particular statute or another brought about by a bitter dispute between a petitioner and a respondent. Consequently, both legal text and principle bind the Board to exercise its authorities delicately, and call into dire suspicion any measure which purports to allow the Board to act unilaterally in application of its powers.

We find that Petitioner's requested action does not, however, implicate such suspicion. In determining whether two provisions — one original and one amended — are sufficiently similar to permit the Board to, of its own volition, update the appendices to an opinion, we find at least two principles to be salient. First, the provisions in question must be aligned in purpose, accomplishing largely the same ends in the context of the legal landscape in which the respective provisions are operative. These provisions need not be identical either in language or in practice: take, for example, Art. VII § B(1) of the ASUCI Bylaws, which requires that the ASUCI Senate meet on "Tuesday and Thursday from 5:00 p.m. until 7:00 p.m. each

[1] While edited slightly for clarity and style, this quote otherwise appears as it was presented to the Board by Petitioner in their Petition for Formal Interpretation.

academic quarter." If this clause were amended to instead require the Senate meet weekly on Wednesdays from 3:00 p.m. to 6:00 p.m., the purpose of these clauses would, in the general sense, be the same.

However, what if the exact time of the Senate's meetings were essential in the decision of a ruling? Such a question leads us to the next immediately apparent principle in settling the question of whether two provisions are similarly situated in purpose and application: the legal nature of the controversy for which a provision is mustered as evidence must not rely so strictly on the exact content of the provision as to render any substantive amendment to that provision dispositive in the decision of that controversy.

We emphasize here that these principles only apply in interpretive opinions, i.e., those in which the meanings and consequences of specific governing provisions are interpreted as binding guidance for other arms of the Associated Students. This framework need not, and indeed does not, apply to rulings of the Judicial Board, in which the Board applies the governing documents as they contemporarily stand in order to adjudicate a specific case.

III

In applying this framework to the present matter, we examine the relevant statutes as they appeared on the date of the Board's ruling in *Opinion on Investigation Authority in Elections-Related Cases*, comparing them with similarly situated clauses in the Elections Code as it appears today. See *Opinion on Investigation Authority in Elections-Related Cases* (2024).

In Appendix A of the stated opinion, the Board cited clauses C, D, and F of Art. X of the then-Elections Code. Art. X § C compelled the Commission to "meet daily during the election week to review all official complaints submitted online," with Art. X § D having further required the Commission to "review all violations and all official complaints filed by individuals." See *Opinion on Investigation Authority in Elections-Related Cases* (2024). Art. X § F imposed similar responsibilities on the Elections Commission with respect to financial matters, stating

that "The Elections Commission shall verify the Financial Statements and investigate alleged violations or infractions committed by any candidate. In addition, they shall be responsible for acknowledging and verifying all Endorsement Forms within one (1) school day." See *Opinion on Investigation Authority in Elections-Related Cases* (2024). Collectively, these provisions may be interpreted to have a dual purpose: they impose duties on the Elections Commission in its handling of complaints arising from alleged electoral infractions while at the same time providing procedures by which the Commission's essential role in administering and enforcing the Elections Code may be executed.

Art. XIV § A of the current Elections Code, while at times rhetorically shifting the framing of certain duties from the Elections Commission to those who file complaints before it, largely upholds these purposes by dictating how and under what procedures the Commission must handle elections-related complaints. Furthermore, these clauses in the current Code serve to emphasize the responsibilities of the Elections Commission in response to complaints, implicating both its judicial and administrative functions, mirroring the context in which the analogous clauses of the previous code in *Opinion on Investigation Authority in Elections-Related Cases* – that is, the general requirements of the original clauses, rather than their exact requirements, were conclusive in the context of that opinion. ASUCI Elections Code Art. XIV § A. Consequently, the Board finds that the provisions of the Elections Code, both those cited in *Opinion on Investigation Authority in Elections-Related Cases* and their analogues in the Elections Code as amended in R60-81, are sufficiently similarly situated in purpose and application under the elaborated framework to allow for the stated opinion to stand with amendments to its appendices to reflect the amended landscape of ASUCI's governing documents.

IV

In *Opinion on the Vacancies in the ASUCI Senate*, the Judicial Board first implemented a system by which relevant constitutional provisions, statutes, and other sources of law are recorded as they appear on the date of ruling in appendices to such rulings. See *Opinion on the Vacancies in the ASUCI*

Senate (2024). Following internal dialogue on the necessity of such measures, the appendix system was adopted in order to promote the long-term applicability of rulings by this Board by preserving, for future reference and clarity, the legal landscape in which its decision in a given matter was made.

As a purely documentary procedure, such a system has no implications toward the legal content of the Board's rulings. As such, and provided the Board takes care to observe the dual framework elaborated above in determining whether analogous clauses are sufficiently similarly situated, the Board need not wait for case or controversy to arise before it before adding appendices to its prior opinions to reflect amendments in its sources of law. Furthermore, the Board finds that such changes — being non-substantive in nature — do not require that any opinion for which appendices are updated be "[submitted] in written form … to the ASUCI Executive Cabinet, the ASUCI Senate, the SGSM Executive Director, and any other relevant parties as determined at the direction of the Chair." ASUCI Judicial Board Policies and Procedures Art. II § B(1)(d).

V

The Judicial Board finds that updating the appendices in *Opinion on Investigation Authority in Elections-Related Cases* to reflect changes in the Elections Code since the November, 2024 publication of that opinion is not violative of any textual or principled mandate or restriction on the Judicial Board. Further, the Board finds permissible the general process of updating appendices of its prior opinions to reflect amendments to sources of law on which the Board has previously relied, provided certain guidelines are followed in pursuit of upholding the legal content of those opinions.

It is so ordered.

Appendix A: March 14, 2025

As of the date of this appendix, relevant provisions of ASUCI governing documents and other sources of law read as follows:

Relevant Sections of the ASUCI Constitution

Article 8: Judicial Board

Section 2: Authority and Powers

"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. Under this authority, the Judicial Board has the power:"

Clause A: "To interpret all parts of the governing documents of ASUCI;"

Clause C: "To make final, binding decisions on matters within its jurisdiction by a vote of a majority of voting Justices, provided that the number of Justices required for a quorum are voting;"

Relevant Sections of the ASUCI Elections Code

Article XIV: Complaints and Sanctions

"Pursuant to the purpose of this Code to promote free and fair ASUCI elections, the Elections Commission shall be empowered under the authorities of the ASUCI Constitution to receive formal complaints from students regarding the elections and levy appropriate sanctions on Candidates or Initiative Coordinators found to be in violation of this Code."

Section A: Complaint Process

Subsection 1: "All complaints must be submitted to the official ASUCI Elections Complaint Form on the Elections website and should include:"

Clause A: "Who is allegedly in violation;"

Clause B: "Where the alleged violation occurred;"

Clause C: "When the alleged violation occurred;"

Clause D: "The specific section of this Code or other ASUCI governing document that has allegedly been violated; and

Clause E: Any applicable supporting evidence."

Subsection 2: "The deadline for students to file a formal Complaint Form to the Elections Commission during the

Spring General Elections shall be the Sunday preceding Week 4 at 5:00 p.m."
Subsection 3: "Once a complaint has been received, the Elections Commission shall have (3) days to release their findings and their ruling."
Clause A: "To maintain uniformity with the procedures of the Judicial Board, complainants shall be referred to as 'Petitioners,' while subjects of complaints shall be referred to as 'Respondents.'"
Clause B: "To assist with the process of determining an appropriate ruling, the Elections Commission may request the presence of the Petitioner(s) and the Respondent(s) at separate Evidentiary Hearings to receive various perspectives on the complaint at hand."
Subclause i: "Should a Petitioner(s) refuse to attend an Evidentiary Hearing, the Elections Commission shall dismiss the complaint, subject to appeal to the Judicial Board."
Subclause ii: "Should a Respondent(s) refuse to attend an Evidentiary Hearing, the Elections Commission shall issue a summary judgment with the information available to them."
Clause C: "All decisions of the Elections Commission regarding complaints during the Spring General Elections, including decisions on sanctions or lack thereof, shall be released by Wednesday of Week 4 at 5:00 pm at the latest on the Elections website."

Relevant Sections of the ASUCI Judicial Board Policies and Procedures
Article II: Composition
Section B: Chair
Subsection 1: "The authorities of the Judicial Board Chair are stipulated in the ASUCI constitution and are listed as follows:"
Clause D: "Submits in written form all rulings of the Judicial Board to the ASUCI Executive Cabinet, the ASUCI Senate, the SGSM Executive Director, and any other relevant parties as determined at the direction of the Chair."

Relevant Legislation
R60-81: Elections Code Reform Act

Relevant Judicial Board Case Law
Opinion on Investigative Authority in Elections-Related Cases

Opinion on the Vacancies within the ASUCI Senate