



The Judicial Council of ASUCR
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Su19-JR-01

Special Elections case (Re-Opened)

Decided August 6, 2019

The Judicial Council delivers this opinion *per curiam*:

On June 7, 2019, the petitioner filed a case regarding the eligibility of the candidates at the special elections that took place on May 29, 2019.

The Judicial Council from the 2018-2019 School year discussed the constitutionality of bylaw Chapter 31 which is meant to address Executive Cabinet Eligibility but only listed the first five members of the Cabinet whereas the Constitution mentioned 10 members of the cabinet in total (5 voting and 5 non-voting members) which brought the question of the interpretation and roles of the Cabinet. The Judicial Council then ruled that the candidates elected in the special elections were considered ineligible due to the lack of year experience as listed in the constitution for the members.

We recently received an appeal from the Executive Branch that brought our attention to new information that the Council believes changes the former decision. We agree with the Executive Branch that the Constitution contradicts the definition of the members of the Executive Cabinet and complicates their roles. This along with a new issue regarding the Directors listed within the Cabinet that if left unchanged, will be a continuous problem with future special elections regarding Directors.

After further investigation and discussion of the Constitution and Bylaws, the Judicial Council concurs with the appeal given by the Executive Branch and has ruled to overturn the previous decision from the former Council of 2018-2019 by establishing the precedence that Directors elected in the Special Elections meeting are eligible and may take their respective positions without needing one year experience.

Along with the concurrence of the appeal, the Judicial Council suggests the Legislative Branch, specifically the Legislative Review Committee, create an Amendment to edit Article IV, Section A, Subsection 1 of the ASUCR Constitution that lists the President and Vice Presidents as the Executive Cabinet and lists the five directors as the Ex-Officio Cabinet, separate from the



Executive Cabinet but still part of the Executive Branch. The Council also suggests to the Legislative Review Committee and the Senate to further discuss which Directors (if any) would need any sort of former experience working with ASUCR, or no experience at all, to prevent any future issues or conflict regarding Directors or their eligibility in regular or Special Elections.