



The Judicial Council of ASUCR

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Majority Opinion S17-JR-01, 02

Regarding Amendments to the ASUCR Constitution

VICE CHIEF JUSTICE HAYDEN JACKSON delivered the opinion of the Judicial Council:

On April 10, 2017, a petitioner filed a case regarding SB W17-039, which were amendments to the ASUCR Constitution. Though the bill did not yet pass, the amendments were intended to use the mechanism provided to the ASUCR Senate in the Constitution to unilaterally amend the Constitution. The section states:

The Senate can amend the Constitution with a unanimous vote of the entire membership of the Senate. This shall be used only in the case that the proposed amendments are not fundamental changes to the structure of ASUCR. Proposed amendments must be minor in nature (i.e. grammatical changes and clarifications) and submitted to the entire Senate and campus media two (2) weeks prior to the Senate meeting at which the vote will take place. The entire text of the amendment must be in the campus newspaper;

The section only allows for amendments which are “minor in nature” to be passed by the Senate. All others must use the other mechanism, stated just before this provision.

The following amendments were ruled to be technical amendments by the Parliamentarian:

1. **Article IV, Section A, Subsection 1, Line G.** ~~Green Campus Action Plan~~ Undergraduate Sustainability Director
2. **Article IV, Section G, Subsection 3.** All Executive Officers are required to attend ~~all Senate meetings~~, and shall reports at all regularly scheduled ~~State of the Association Senate~~ meetings;

3. **Article V, Section G, Subsection 2, Line B.** Public notice shall include: posting on the door of the Association, written notice to all ~~Senators~~ ASUCR representatives and staff, posted on the ASUCR Website, ~~or and~~ notice to ~~all~~ at least one campus media.

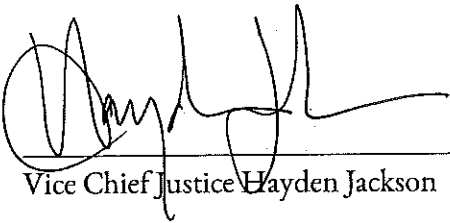
The Judicial Council finds that none of these amendments are technical, and all are substantive amendments which need to go to the ballot. Position name changes must be voted on by the students because otherwise, precedent would be established that any position can change its name to anything with only approval from the Senate, State of the Association meetings change the structure and nature of public meetings of the association previously established by the students, and the final amendment raises the standard to have a meeting.

The Judicial Council is not making value judgments on these amendments. Rather, it is ordering that these Constitutional amendments, or any which are substantially similar, must go to the ballot to be voted on by students to qualify as legal amendments to the current ASUCR Constitution.

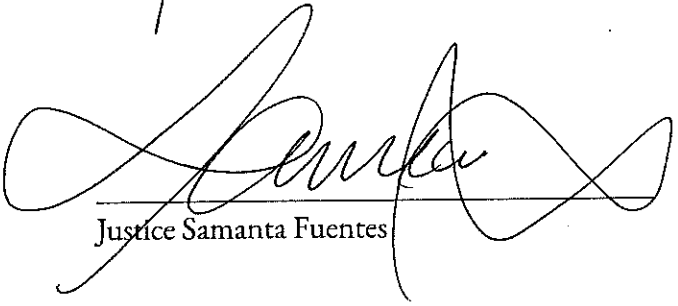
Signed,



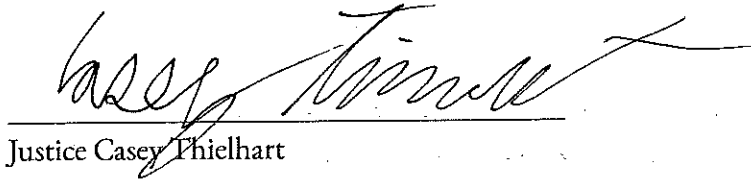
Chief Justice Jo Gbujama




Vice Chief Justice Hayden Jackson



Justice Samanta Fuentes



Justice Casey Thielhart



Justice Matthew Whiles