



Decision by the Judicial Review Board February 19, 2009

On February 18, 2009, this Board received a formal request for judicial interpretation of the Undergraduate Association (“UA”) Constitution by a member of the undergraduate student body. This decision serves to offer the following ruling on the correct interpretation of the Constitution, effective immediately:

At present, the Constitution does not explicitly specify the procedure for removal of a member of the UA Election Commission. However, Article II, Section 1 of the UA Election Code contains provisions governing the membership of the Election Commission, some of which are not contained in the Constitution. While the Election Code also lacks a provision for removal of a member of the Election Commission, the Constitution and Article VII of the Election Code allow the Senate to amend the Election Code with a three-fourths vote.

It is our opinion that requiring a three-fourths vote by the Senate to remove a member of the Election Commission would be consistent with other Constitutional provisions governing removal of appointed and elected officers, as well as with Article VII of the Election Code. Additionally, the Constitution states that a three-fourths vote of the Senate is required to overturn a policy of the Election Commission, which further serves as a guideline for the approval necessary to take adverse action against the Election Commission or its membership.

Therefore, it is hereby declared by this Board that a three-fourths vote of the UA Senate is required to remove a member of the Election Commission. The Senate may cancel this ruling in the future by passing a Constitutional amendment explicitly defining a process for removing a member of the Election Commission.

*Anthony C. Rizos '09, Chairman,
on behalf of the Judicial Review Board*