

Passed unanimously as amended  
12-0-0, on October 18, 2018.



# ASUCD CONSTITUTIONAL AMENDMENT #55

Authored by: LEICHTER  
Coauthored by: Hacker  
Introduced by: Leichter

Referred to: Internal Affairs Commission

Recommended by: Internal Affairs Commission.

Do Pass, 5-0-0, on October 8, 2018.  
Yes: Conjuico, Ganz, Gogineni, King,  
Pearl.

A Constitutional Amendment to restructure and clarify sections of the Constitution of ASUCD.

Section 1. The ASUCD Senate hereby places the following Constitutional Amendment on the Fall 2018 ballot:

## ASUCD Constitutional Cleanup Amendment

Please vote for one of the following options:

\_\_\_\_\_ Yes, I approve of the ASUCD Constitutional Cleanup Amendment.

\_\_\_\_\_ No, I do not approve of the ASUCD Constitutional Cleanup Amendment.

An Act to amend the ASUCD Constitution by placing the following amendment before the vote of the ASUCD membership on the Fall 2018 ballot.

**BACKGROUND:** The current ASUCD Constitution remains outdated, and riddled with inconsistent and vague terminology. The Constitutional Cleanup Amendment would remedy these issues by clarifying the Constitution's language, closing various loopholes, restructuring the Constitution in an intuitive manner, and instituting some common-sense policy changes. The policy changes include:

- Making Presidential appointment the default mechanism for filling vacancies in Senate, rather than countback elections, which were cumbersome, and not utilized in recent ASUCD history.
- Removing the Outreach Assembly, and ASUCD Council on Services and Investment, neither of which are currently active.
- Removing the Judicial Council Oversight Committee, an inherently partisan body lacking oversight, which has proven detrimental to the decision-making process of the Judiciary. In its place, the Senate may now force the Judicial Council to reevaluate any incorrect or partisan decision it makes, in addition to the already existing ability to remove members of the Council.
- Allowing all forms of referenda proposals to achieve legitimacy through both legislative means, and by petition. Making the default threshold for the enactment of referenda proposals 60%.

Section 1. The ASUCD membership hereby amends Article I of the ASUCD Constitution as follows:

- Section 2. Membership within ASUCD shall consist of all ~~regularly~~ currently enrolled undergraduate students of the University of California, Davis, including those with an authorized waiver of University enrollment fees; ~~those graduate students and those having an authorized waiver of University enrollment fees.~~ The ASUCD fee shall not be adjusted except by a referendum vote of the ASUCD membership.
- Section 3. Graduate or professional students of UC Davis can pay ~~the fee to~~ ASUCD fees and use ASUCD services, but. ~~However, graduate and professional students may not vote in the ASUCD elections and cannot~~ nor hold an elected or appointed office in ASUCD.
- Section 4. No ASUCD member shall hold more than one ASUCD elected office ~~elective ASUCD position~~ concurrently.
- Section 5. No ASUCD member shall concurrently hold both ~~an elective ASUCD position and an appointed ASUCD position requiring approval of the Senate~~ elected and appointed offices in ASUCD. Elected offices filled on an interim basis through the appointment process shall still be considered elected offices.

Section 2. The ASUCD membership hereby enacts Article I, Section 8 of the ASUCD Constitution as follows:

- Section 8. ASUCD hereby recognizes the University of California Student Association (UCSA) as an official system-wide representative body of University of California students, granted UCSA recognizes ASUCD as a member in good standing, with all rights and privileges guaranteed by the UCSA Charter and bylaws.
- (1) ASUCD shall contribute to UCSA the minimum amount deemed necessary to remain a member of good standing, as determined by the UCSA Board of Directors. ASUCD shall only contribute UCSA membership fees via the annual operating budget.
- (2) ASUCD may, at any time, recognize other entities as official representatives, or discontinue membership in UCSA by enactment of legislation or through the annual operating budget.

Section 3. The ASUCD membership hereby amends Article II of the ASUCD Constitution as follows:

- Section 1. The legislative authority of the ASUCD shall be vested in the ASUCD Senate (hereafter referred to as the Senate) which shall consist of twelve (12) Senators, who shall serve terms of one (1) year. "The entire Senate" shall be defined ~~in this document~~ as the total number of Senators ~~who are~~ currently holding office.
- Section 2. The Senate shall promote the welfare and interests of the members of the ASUCD, subject to the limitations enumerated in this Constitution, and consistent with the legislative process outlined under Article VI of this Constitution. All Senate actions not enumerated in this Constitution must be carried out through legislation (consistent with the provisions of Article IV of this Constitution).
- Section 3. The Senate shall have authority over and responsibility for: (1) all ASUCD revenues and their allocations, (2) maintenance, use and title to all ASUCD

property, and (3) the development of all policies and regulations necessary for carrying out the duties enumerated in this Constitution for the smooth and efficient operation of the Association, subject only to the limitations enumerated in this Constitution.

Section 4. Any undergraduate member of ASUCD in good academic standing based on Grade Point Average (GPA), registered as a full-time or part-time student at the University of California, Davis, shall be eligible to run for hold office in ASUCD Senate. ~~However, candidates for Senate shall conform to the campaign regulations enacted by legislation by the Senate or shall forfeit their eligibility to hold office.~~

Section 5. ~~There shall be two (2) General Elections held during each academic calendar year. One shall be held during the seventh (7th) week of Fall Quarter and the other shall be held during the seventh (7th) week of Winter Quarter. Six (6) Senate seats shall be filled in the Fall Quarter Election and six (6) seats shall be filled in the Winter Quarter Election. In addition, any senate seats vacant at the time of an election shall also be filled. Senate elections shall be conducted using the system of proportional representation called Single Transferable Voting, more commonly known as Choice Voting. The method of voting and counting shall be described in the ASUCD Elections Regulations. To permit an independent count of the ballots, the rankings cast shall be made available upon public request. Each winning candidate eligible to hold office will be issued a certificate of election at the beginning of the final Senate Meeting of the quarter in which the winning candidate ran for Office. Upon receipt of a certificate of election, the newly elected Senator will immediately assume office.~~

~~All voting members of the ASUCD Senate, before obtaining a Certificate of Election, shall recite the ASUCD Oath of Office:~~

~~"I, \_\_\_\_\_, Student of the University of California, Davis, in good academic standing, promise to abide by the ASUCD Guidelines of Ethics; promote the welfare and interests of the members of ASUCD; enact rules and procedures necessary and proper for the efficient operation of ASUCD in consistency with the ASUCD Constitution; and carry out and faithfully execute the duties enumerated in the ASUCD Constitution and ASUCD Bylaws at all times during my term as a Voting Member of the ASUCD Senate."~~

Section 65. ~~The Senate Senators must elect a Senate President Pro Tempore from amongst themselves at the first meeting of every quarter or when a vacancy occurs in the office of the Senate President Pro Tempore by a majority vote of the entire Senate. The Senate President Pro Tempore shall serve ~~for that quarter~~ as the official representative of the Senate ~~and shall assume all responsibilities enumerated in this Constitution and the statutes of the Senate.~~ In the event that a permanent vacancy occurs in the office of the Senate President Pro Tempore, the Senate must elect, by majority vote at their next official meeting, a new President Pro Tempore from amongst themselves to serve for the remainder of that quarter.~~

Section 76. The Senate shall ~~officially~~ hold "regularly scheduled" meetings weekly during ~~Fall, Winter, and Spring Quarter~~ the regular academic year, and "special" meetings ~~at the call of the President, or~~ at the request of any five (5) Senators. A simple majority of ~~the voting members of the Senate~~ the entire Senate must be present for Senate meetings to occur ~~shall constitute a quorum to hold an "official" meeting in order to conduct the business of the ASUCD.~~

- ~~Section 8.~~ (1) All ~~official~~ meetings of the Senate and its subordinate bodies shall be open to the public, except for "closed sessions" which may be called during a regular meeting and approved by a majority vote of Senators present for the discussion of ASUCD personnel and employee grievance matters, investment decisions, and litigation. Senators may also call for a closed session in the event that willful interruption by members of the public sabotages the Senate's ability to conduct business in an orderly fashion.
- (2) ~~An official meeting shall be one in which a quorum of the members of Senate are present with at least twenty four hours written notice in a public place on campus and contacting the campus news media. The provisions of this section shall not apply to social functions in which a quorum of Senate members is present, provided that no business of the Association is discussed. Times, dates, and location of all regularly scheduled Senate meetings must be made public at least twenty-four hours prior to a given meeting.~~
- (3) ~~In the event that any official meeting is willfully interrupted by an individual or group of persons so as to render the orderly conduct of the meeting unfeasible or order cannot be restored by the removal of those individuals, the members of the Senate by a majority vote may order the meeting room cleared and continue in session provided that representatives of the press who were not engaged in the disruption are allowed to remain. The Senate shall not conduct any meeting in a facility that prohibits the admittance of any person on the basis of race, religion, handicap, or sex.~~
- ~~Section 9.~~ (4) Official minutes shall be kept on public record noting all actions and votes taken at Senate meetings. ~~They shall be considered public record and may be inspected by any member of the student body.~~
- ~~Section 10.~~ ~~Consistent with the provisions of this Constitution, the Senate and all subordinate bodies may enact rules and procedures necessary and proper for their efficient operation and for the general welfare of ASUCD membership.~~
- ~~Section 11.~~ (1) ~~Filling Vacancies~~ ASUCD Senate vacancies shall be filled on interim basis through the appointment of a successor by the ASUCD President, and confirmation by a majority of the remaining members of Senate. ~~be a "Countback Election" using the ballots cast by voters during the election in which the vacating candidate(s) originally ran. The Countback Election will be conducted in the following manner:~~
- (1) The President shall appoint a successor within two (2) academic weeks from the time of the vacancy, who will be selected from among applications received during an advertising period lasting five (5) academic days. The President shall be granted an additional two (2) academic weeks to repeat this process if a given nominee fails confirmation by Senate.
- (2) Interim Senators shall serve until the end of their respective predecessor's term.
- (1.1) ~~For the purpose of this section, an "election cycle" shall refer to either of the pools of candidates running in the most recent fall or winter ASUCD General Election. For each election cycle, ASUCD shall maintain, for each ASUCD Senator or Senator elect, a list of the weighted ballots assigned to them at the conclusion of the most~~

recent General Election or Countback Election. ASUCD shall also maintain, for each election cycle, a list of the weighted exhausted ballots at the conclusion of the most recent General or Countback Election.

- ~~(1.2) In the event of a vacancy or vacancies, all candidates of the election cycle that are eligible to assume ASUCD office and that have not won a previous General Election or Countback Election for that election cycle shall be contacted within two (2) academic days from the time at which the vacancy or vacancies occurred. All contacted candidates will be given one (1) academic week from the time at which they were contacted to respond as to whether or not they are willing to accept the position of ASUCD Senator should they be elected during the Countback Election. All candidates who decline to serve, or do not respond within the one (1) academic week period shall be excluded from the Countback Election. ASUCD shall provide a public list, updated daily, of all candidates participating in the Countback Election prior to the Countback Election. After the one (1) academic week response period, or once all candidates have responded, ASUCD shall conduct, within three (3) academic days, a Single Transferable Vote tally using the ballots of all vacating Senator(s) combined with all exhausted ballots of that election cycle. The number of winners of the tally shall equal the number of vacancies to fill from that election cycle.~~
- ~~(1.3) Each winning candidate that receives at least fifty percent (50%) of the threshold for the Countback Election will be issued a certificate of election at the next Senate meeting. Upon receipt of the certificate, each candidate will immediately assume office as an ASUCD Senator for the remainder of the original term. For each winning candidate that does not receive at least fifty percent (50%) of the threshold, the vacancy will be filled in the following manner specified in section 2.~~
- ~~(2) The ASUCD President shall have responsibility for filling the vacancy on interim basis, should section 1.3 not be satisfied. The President shall exclusively appoint a successor from among applications received during a one week advertising period. The advertising period must be within two (2) academic days from the time at which the Countback Election was held and must be at least five (5) academic days in length during the regular academic year (summer sessions shall not be considered part of the regular academic year). The President must appoint an interim Senator within two (2) weeks from the time at which the Countback Election was held. Any appointments made by the President shall be confirmed by a majority of the remaining members of the Senate. In the event that five (5) or more vacancies exist on the Senate, a quorum need not be present in order to confirm the interim appointment of the replacement Senate members made by the President.~~

~~(3) The appointed replacement member shall serve as an interim member of the ASUCD Senate until the vacated Senate seat is filled on a permanent basis at the next regularly scheduled Senate election.~~

Section ~~128~~. (1) The subordinate bodies of the Senate will consist of the following:

- ~~(1a)~~ (1a) Academic Affairs Commission to represent and advocate on behalf of the student body within both the administration and ASUCD in areas concerning academic affairs recommend ASUCD programs and policies in Academic Affairs areas and to disseminate information concerning the student development of courses and curriculum.
- ~~(2b)~~ (2b) Internal Affairs Commission to recommend and author policy regarding improvements to the internal operations, structure, legislative procedures, and Constitution of ASUCD ~~be responsible for investigating and recommending improvements in areas and services which affect the quality of student life; for planning and organizing ad hoc ASUCD activities which will enhance the quality of student life; and to disseminate information concerning the tasks of the commission.~~
- ~~(3c)~~ (3c) Business and Finance Commission to recommend and author policy regarding the financial practices of ASUCD and assist in creating the annual operating budget ~~be responsible for advising the Senate on matters dealing with the fiscal concerns of the ASUCD; to recommend action on financial allocations; and to disseminate information concerning the tasks of the commission.~~
- ~~(4d)~~ (4d) External Affairs Commission to ~~be responsible for~~ establishing liaison and achieving rapport with all off-campus, public bodies affecting students and their welfare in the University; and to work with the Executive Branch and Senate in developing and recommending policies for action in external areas; to disseminate information concerning the tasks of the commission.
- ~~(5e)~~ (5e) Ethnic and Cultural Affairs Commission to ~~be responsible for~~ investigating and recommending policies and programs concerning the ethnic community of U.C. Davis; and to for ~~establishing liaison and achieving rapport with all on-campus and off-campus relevant bodies affecting ethnic students and their quality of life in the University.~~
- ~~(6f)~~ (6f) Environmental Policy and Planning Commission to ~~be responsible for~~ researching environmental issues affecting UC Davis, and providing recommendations for improvements thereof; for, and to recommend and author setting environmental policy within ASUCD and recommending environmental policy for the surrounding areas off-campus; for addressing the campus structural environment, suggesting modification and improvements thereof; to ensure a safe and healthy environment for the students of UC Davis.
- ~~(7g)~~ (7g) Gender and Sexuality Commission to ~~be responsible for~~ actively promoting awareness of gender and sexuality issues, as well as prevention of sexual assault, through outreach efforts, publicity drives, and special projects; to for working

~~with campus resources pertaining to gender, sexuality, and rape prevention in order to improve these respective efforts on campus; for assisting in the organization and coordination of educational programs concerning gender, sexuality, sexual assault, and sexual harassment; for reviewing and making formal recommendation to the ASUCD Senate and relevant ASUCD Commissions on gender, sexuality, and sexual assault issues and programs at UC Davis and throughout the UC System; for and to recommend and author policy reviewing, considering, and making formal recommendation on all legislation related to gender, sexuality, and sexual assault on behalf of ASUCD to the ASUCD Senate.~~

~~(8) ASUCD Outreach Assembly to foster collaborative student activities as well as inform the student body of ASUCD and student organization activities.~~

- ~~Section 13.~~ (12) Members and Chairpersons of ASUCD Commissions shall be appointed by majority approval of an Interviewing eCommittee consisting of:
- (a) The current or outgoing Chairperson of the hiring Commission. If the outgoing Chairperson of the hiring Commission is reapplying for the position, the hiring Commission shall select a designee by majority vote to replace the outgoing Chairperson on the Interviewing Committee.
  - (b) ~~One (1)~~ voting member of the hiring Commission not currently reapplying for the position, and one Chairperson of another ASUCD Commission, both chosen at the discretion of the Chairperson of the hiring Commission;
  - (c) ~~and t~~Two (2) Senators chosen at the discretion of the Senate President Pro Tempore. ~~In the event that the outgoing Chairperson of the hiring Commissions reapplying for the position, the Vice Chairperson of that Commission shall take his/her place on the interviewing committee and assume all responsibilities outlined in this section. In the event that both the Commission Chairperson and Vice Chairperson are applying for the position of Chairperson, the Commission shall select a designee by majority vote to replace the outgoing Chairperson of that Commission (on the interviewing committee).~~
- (3) All members and Chairpersons of ASUCD Commissions shall be subject to approval by a majority vote of the Senate. ~~Members and Chairpersons may only be removed by a 2/3 majority vote of the entire Senate. The number of members and terms of these members for each Commission shall be determined by legislation.~~
- (24) Senators shall serve as ex-officio, non-voting members of all subordinate bodies of the Senate. Commission Chairpersons shall serve as ex-officio, non-voting members of the ASUCD Senate.
- Section 149. (1) The Senate may, by a 2/3 majority vote of the entire Senate, remove any ASUCD officer previously ~~appointed by the President and confirmed by the~~ Senate.

Section ~~15~~10. ~~(1)~~ The ASUCD Vice President shall ~~serve as the President of the Senate and~~ preside over all Senate meetings as an unbiased parliamentarian.

(1) ~~In the event that the Vice President is unable to attend a Senate meeting, t~~The Senate President Pro Tempore shall ~~assume these responsibilities~~ preside in the absence of the Vice President. ~~In the event that both the Vice President and Senate President Pro Tempore are unable to attend a Senate meeting~~ In the absence of both the Vice President and Senate President Pro Tempore, the Senate must appoint by majority vote, a temporary presiding officer from amongst themselves, who assume these responsibilities for that meeting.

Section 16. ~~(1)~~ ~~Members of the ASUCD Outreach Assembly shall be assigned to outreach to different areas of student life, as specified by legislation. The number of members and terms of these members shall be determined by legislation.~~

~~(2)~~ ~~Members and the Speaker of the ASUCD Outreach Assembly shall be appointed by a committee consisting of:~~

~~A.~~ ~~The current or outgoing Speaker of the Outreach Assembly.~~

~~B.~~ ~~One (1) current or outgoing Outreach Assembly member.~~

~~C.~~ ~~The ASUCD President or his or her designee.~~

~~D.~~ ~~Two (2) ASUCD Senators.~~

~~In the event that the outgoing Speaker of the Outreach Assembly is reapplying for the position, the Assembly Chair Pro Tempore shall take his/her place on the interviewing committee and assume all responsibilities outlined in this section. In the event that both the Speaker and Assembly Chair Pro Tempore are applying for the position of Speaker the Outreach Assembly shall select a designee by majority vote to replace the outgoing Speaker of the Outreach Assembly (on the interviewing committee). All members, including the Speaker of the ASUCD Outreach Assembly, shall be subject to approval by a majority vote of the Senate. Outreach Assembly members and the Outreach Assembly Chairperson may only be removed by a two-thirds (2/3) majority vote of the entire Senate.~~

~~(3)~~ ~~The Speaker of the Outreach Assembly shall serve as an ex-officio, non-voting member of the ASUCD Senate. The Speaker shall serve as a member of the Outreach Assembly, but shall not vote on the Outreach Assembly unless the vote is evenly divided.~~

Section 17. ~~An "abstention" in the event of a vote of the ASUCD Senate and its subordinate bodies shall recuse the voting member from the overall vote count necessary to pass a motion.~~

Section 4. The ASUCD membership hereby amends Article III of the ASUCD Constitution as follows:

Section 2. ~~(1)~~ Any undergraduate member of the ASUCD in good academic standing based upon Grade Point Average (GPA), who ~~shall have~~ has completed no ~~less~~ fewer than sixty (60) quarter units of University credit, or the equivalent, and ~~shall have~~ has been a registered full-time or part-time student at the



University of California Davis for at least two (2) entire academic quarters during one (1) or both of the two (2) quarters immediately preceding the quarter in which the individual seeks election shall be eligible to hold the office of ASUCD President or Vice President. However, candidates for President and Vice President shall conform to the campaign regulations enacted by legislation by the Senate or shall forfeit their eligibility to hold these offices.

~~Section 3. (1) The President and Vice President shall be elected together.~~

~~(2) The President and Vice President shall be elected annually during a general election conducted during the seventh week (7th) of Winter Quarter. The Presidential election shall be conducted using an Instant Runoff Voting system. The method of voting and counting shall be described in the ASUCD Election Regulations. To permit an independent count of the ballots, the rankings cast on ballot shall be made available to the public upon request. The eligible candidates for the Presidential ticket receiving a simple majority of the votes cast for their offices in any round of the instant runoff shall be issued certificates of election from the outgoing President and Vice President at the beginning of the final Senate meeting of Winter Quarter. Upon the receipt of the certificates of election, the newly elected President and Vice President shall immediately assume their offices.~~

~~(3) The ASUCD President and Vice President, before obtaining a Certificate of Election, shall recite the ASUCD Oath of Office:~~

~~"I, \_\_\_\_\_, Student of the University of California, Davis, in good academic standing, promise to abide by the ASUCD Guidelines of Ethics; and promote the welfare and interests of the members of ASUCD; and in consistency with the ASUCD Constitution, enact rules and procedures necessary and proper for the efficient operation of ASUCD; and carry out and faithfully execute the duties enumerated in the ASUCD Constitution and ASUCD Bylaws at all times during my term in office."~~

Section 43.

(1) The President shall serve as the chief executive officer of the ASUCD and shall be responsible for the coordinate functions of the office. The President shall have the sole authority to make treaties, memorandums of understanding, or other legally binding contracts on behalf of the ASUCD, subject only to ratification by a 2/3 majority approval of the Senate ~~those Senators present~~. The Vice President shall act as the presiding officer over all Senate meetings and shall assist in assuring the smooth and efficient operation of the ASUCD.

(2) The President and Vice President shall as ex-officio, non-voting members on all subordinate bodies of Senate Commissions.

(3) The President shall serve as the official representative of the ASUCD. The President and Vice President shall serve as ex-officio members on all committees requiring student membership. The President, Vice President, or a designee chosen at the discretion of the President and approved by majority vote of the entire Senate, shall serve as the official representative of the ASUCD to the University of California Student Association for the duration of that President's term in office. The President shall serve as the official representative of the ASUCD to the University of California Student Body Presidents' Council.

(4) The President shall exclusively appoint the following ASUCD offices subject to majority approval of the entire Senate:

- (a) ~~all~~ Directors of ASUCD Units (with the exceptions of The California Aggie and KDVS Radio) ~~and~~
  - (b) ~~r~~Representatives to all committees requiring student membership ~~subject to approval by a majority vote of the Senate, and shall make~~
  - (c) The ASUCD Controller, who shall serve as an ex-officio, non-voting member of the Senate
  - (d) The ASUCD Vice President, should a permanent vacancy occur in the office of Vice President prior to the end of that term
  - (e) ~~o~~Other appointments as directed by the Constitution and the statutes of the Senate. ~~All unit Directors may only be removed by a 2/3 majority vote of the entire Senate.~~
- (5) ~~The President shall exclusively appoint the ASUCD Controller to be confirmed by a majority vote of the entire Senate. The ASUCD Controller shall serve as an ex-officio, non-voting member of the Senate. The ASUCD Controller may only be removed by a 2/3 majority vote of the entire Senate.~~
- (65) The President shall not introduce any legislation, with the exception of the annual operating budget of ASUCD. ~~The President, which they shall annually formulate and submit an operating budget for the ASUCD, in the form of legislation, to be approved by the ASUCD Senate. The budget shall be relayed~~ assigned to the Business and Finance Commission consistent with Article VI, Section 1(3) of this Constitution.
- (a) ASUCD shall grant the UC Davis Club Finance Council (CFC) a minimum of forty-five (45) cents per ASUCD member per academic quarter each fiscal year, and may only do so via the annual operating budget.
- (7) ~~When a permanent vacancy occurs in the office of Vice President shall appoint a Vice President to be approved by majority vote of the entire Senate, to fill the remainder of that term.~~
- Section 54.
- (1) During any period of time in which the President is unable to fulfill the duties of the office, the Vice President will act as President and exclusively appoint a temporary Vice President, to be approved by a majority vote of the Senate ~~all Senators present~~, for that period of time.
  - (2) When a permanent vacancy occurs in the office of the President, the Vice President shall assume the office of ASUCD President for the remainder of that term.
  - (3) When permanent vacancies occur concurrently in the offices of ASUCD President and Vice President, the Senate President Pro Tempore shall assume the office of President for the remainder of that term ~~and fill all vacancies according to the procedures for filling each vacant office as enumerated in this Constitution.~~

Section 65. The President shall ~~may~~, during the first (1st) week of Spring Quarter and the eighth (8th) week of Fall Quarter, address the Senate regarding the State of the Association, and recommend to their consideration such measures as ~~he/she~~ they shall judge necessary and expedient.

Section 5. The ASUCD membership hereby strikes Article IV, Article V, Article VI, Article VII, Article VIII, Article IX, and Article X of the ASUCD Constitution.

#### **ARTICLE IV**

##### **METHOD OF ENACTMENT OF LEGISLATION**

- Section 1. ~~(1) The Senate shall introduce and consider legislation at any official Senate meeting with quorum. All introduced legislation will be referred to the appropriate Commission(s) at the discretion of the presiding officer, unless overruled by a majority vote of the entire Senate. The Senate may only consider legislation returned by the Commission(s) to which it was sent, unless legislation is revived by the Senate or deemed "urgent."~~
- ~~(2) Only legislation that receives a recommendation of "pass as written," "pass as amended," or "no recommendation made" by at least half for the Commissions to which it was sent, shall be returned to the Senate.~~
- ~~(3) Legislation that receives a recommendation of "do not pass" by more than half of the Commissions to which it was sent shall not be returned to the Senate and may only be considered by the Senate if it is revived by a 2/3 majority vote of the entire Senate.~~
- ~~(4) Legislation shall be deemed "urgent" in the following manner: A majority of the Senators present must approve a motion to deem legislation "urgent" and receive approval from the presiding officer. In the event that the motion to deem such legislation "urgent" does not receive approval from the presiding officer, the legislation shall not be deemed urgent unless the Senate re-passes the motion by a 2/3 majority vote of the Senators present. If legislation is deemed urgent, the presiding officer will not refer such legislation to any Commission(s) or will pull such legislation from the Commission(s) to which it was sent for immediate consideration by the Senate.~~
- ~~(5) The Senate shall, by a majority vote of the entire Senate, pass legislation to (1) adopt or revise policies and regulations for the smooth and efficient operation of the ASUCD, (2) express the opinions of the ASUCD on matters concerning student welfare, and (3) take other actions necessary to promote the welfare and interests of the ASUCD membership, subject to the limitations enumerated in this Constitution. The Senate shall, by a 2/3 majority vote of the entire Senate, pass legislation to (1) adopt or revise the annual operating budget of ASUCD and (2) allocate all other ASUCD moneys.~~
- ~~(6) The ASUCD Vice President shall act as the presiding officer over all Senate meetings, but shall have no vote, unless the Senate by equally divided between affirmative and negative votes, without abstentions.~~
- ~~(7) The ASUCD President shall not introduce any legislation with the exception of the annual operating budget of ASUCD.~~

- ~~(8) — Legislation to amend any ASUCD Elections Regulations must be signed by the ASUCD President or somehow otherwise enacted no less than four (4) weeks before the first election it will affect.~~
- ~~(9) — Every piece of legislation that has passed the Senate shall be presented to the ASUCD President. Upon presentation of such legislation the President shall have until the next "regularly scheduled" Senate meeting (as defined in Article II, Section 7 of this Constitution) to either approve the legislation by signing it into law or disapprove by returning it to the Senate with his/her objections (hereafter such action shall be referred to as a veto). In the event that legislation is presented to the President within three days of the next "regularly scheduled" Senate meeting, the President shall have until the following "regularly scheduled" Senate meeting to either sign or veto such legislation. If the President fails to return legislation to the Senate by the aforementioned deadline, the legislation shall become law in the same manner as if it had been signed, unless the Senate by their adjournment prevents its return, in which case it shall not become law.~~
- ~~(10) — To become law any piece of legislation passed by the ASUCD Senate must either be signed by the ASUCD President, not returned to the Senate by the appropriate time, or if vetoed, must be repassed by the Senate with a 2/3 majority vote of the entire Senate~~

- ~~Section 2. (1) — The Senate shall, by majority vote, have power to place a Legislative Ballot Measure before a vote of the membership of ASUCD. The procedure for Legislative Ballot Measures is outlined in Article V of this Constitution.~~
- ~~(2) — An "abstention" in the case of any proposed amendments to the ASUCD Constitution shall be removed from the vote count of ASUCD membership necessary to pass the amendment.~~

## **ARTICLE V**

### **Ballot Measures**

- ~~Section 1. (1) — A "Ballot Measure" shall include any measure, other than Ticket or candidate, placed on the ballot of an ASUCD Election. The two types of Ballot Measures are Legislative Ballot Measures and Initiative Ballot Measures.~~
- ~~(2) — Constitutional Amendments may be either Legislative or Initiative Ballot Measures. Article VI of this Constitution specifies the procedures for amending this Constitution.~~
- ~~————— (3) — A ballot measure shall have three (3) options: yes, no, and skip.~~
- ~~Section 2. (1) — An "Initiative Ballot Measure" is a measure in which an individual collects signatures and UC Davis Student Identification (ID) numbers to place a measure on the ballot as outlined below and in legislation enacted pursuant to this Constitution. An Initiative Ballot Measure may be a Referendum, Recall, or Constitutional Amendment.~~
- ~~(2) — An Initiative Ballot Measure may be placed on the ballot by a petition signed by no less than eight percent (8%) of the members of ASUCD. Upon certification of the required signatures by the ASUCD Elections Committee, the Initiative Ballot Measure shall be presented to a vote of the membership of ASUCD.~~

- ~~(3) — A "Referendum" is an Initiative Ballot Measure in which the members of ASUCD are asked to approve or reject a certain proposal. The Referendum sponsors shall follow the procedures and deadlines outlined in legislation acted pursuant to this Constitution.~~
- ~~(3.1) — A Referendum may nullify enacted ASUCD legislation. However, it may not nullify legislation directly involving ASUCD funds, unless the expenditures originate from the Senate Reserves. A petition for such a Referendum must be taken out within ten (10) academic weeks of the enactment of the legislation. A sixty percent (60%) affirmative vote of a simple majority of those voting on the Referendum shall immediately nullify the legislation specified in the Referendum.~~
- ~~(3.2) — A Referendum may create, modify, or nullify student fees. Such a referendum must follow procedures outlined in this Constitution and legislation enacted pursuant to this Constitution.~~
- ~~(3.2.1) Any fee based Referendum may only apply to ASUCD members if twenty percent (20%) of the eligible voting population vote on the fee based Referendum and a sixty percent (60%) of those that vote on the fee based Referendum vote in the affirmative. Skips shall not be considered as votes on the measure; they shall count as a vote neither toward determination of the twenty percent (20%) threshold nor as part of the sixty percent (60%) affirmative threshold.~~
- ~~(3.2.2) Each proposed new, increased, renewed, or nullified fee must be voted on as separate Referenda, unless there are multiple fees that support a common student service goal, in which case they may be aggregated into a single Referendum.~~
- ~~(4) — A "Recall" is an Initiative Ballot Measure that removes an elected official via a vote of the membership of ASUCD. The Recall sponsors shall follow the procedures and deadlines outlined in legislation enacted pursuant to this Constitution.~~
- ~~(4.1) — After the Recall Initiative Ballot Measure has been properly verified by the Elections Committee, a Special Election shall be scheduled by the Elections Committee. The Special Election shall be held no less than one (1) academic week and no more than three (3) academic weeks from the date of certification.~~
- ~~(4.2) — The Recall petition shall contain a specific statement of the reasons for the proposed recall.~~
- ~~(4.3) — An affirmative vote by a simple majority of those voting on the issue shall be required to immediately recall the ASUCD official.~~
- ~~(4.4) — Vacancies resulting from recall shall be filled in accordance with the provisions enumerated in this Constitution.~~
- ~~(4.5) — A recalled official shall not be eligible to fill the vacancy created by their recall but shall not be restricted from seeking~~

the office from which they were recalled in any subsequent ASUCD election, so long as they are otherwise eligible.

- Section 3. ~~(1) A "Legislative Ballot Measure" is a measure that is placed before a vote of the membership of ASUCD by a majority vote of the ASUCD Senate. Such a measure must follow the procedures outlined in this Constitution and enacted in legislation pursuant to this Constitution.~~
- ~~(2) A Legislative Ballot Measure shall be introduced as a piece of legislation in compliance with Article IV of this Constitution and legislation enacted pursuant to this Constitution.~~
- ~~(3) A "Legislative Ballot Measure" may be included in the next General Election if the measure is approved by the ASUCD Senate at least four (4) weeks prior to the start of the General Election.~~
- ~~(4) A sixty percent (60%) affirmative vote of the members of ASUCD voting on the measure is required for a Legislative Ballot Measure to take effect.~~
- ~~(5) If a Legislative Ballot Measure creates, modifies, or nullifies student fees, the measure must follow the additional procedures outlined in this Constitution and legislation enacted pursuant to this Constitution.~~

## **ARTICLE VI**

### **AMENDING THE CONSTITUTION**

- Section 1. ~~(1) Proposed amendments to the ASUCD Constitution may be submitted to a vote of the ASUCD membership by Legislative Ballot Measure, as provided by Article V, Section 3 of this Constitution. An affirmative vote of 60 percent (60%) of those voting on the Amendment shall be required for its adoption. Constitutional Amendments become effective immediately upon passage or as otherwise provided in the Amendment.~~
- ~~(2) Proposed amendments to the ASUCD Constitution may be placed upon the ballot by Initiative Ballot Measure as provided by Article V, Section 2 of this Constitution. An affirmative vote of 60 percent (60%) of those voting on the Amendment shall be required for its adoption. Constitutional Amendments become effective immediately upon passage or as otherwise provided in the Amendment.~~
- ~~(3) The Initiative or Legislative Ballot Measure shall specify which parts of the ASUCD Constitution are to be modified and which language is to be added to the ASUCD Constitution~~

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## **ARTICLE VII**

### **ASUCD EXTERNAL RELATIONS**

- Section 1. ~~(1) Fee referendums cannot be passed for dedicated fees towards membership dues for any external organization. Fee referendums may still be passed so long as they do not fund these membership costs. An external organization is any organization, which operates outside of the jurisdiction of ASUCD and the UC Davis campus.~~
- Section 2. ~~(1) Section 1 does not preclude ASUCD from entering into membership~~

with an external organization. The ASUCD Senate may still dedicate funding from the ASUCD General Fund towards the membership dues of these organizations at their discretion, as outlined in Article IV Section 5.

## **ARTICLE VIII**

### **ASUCD Council on Services and investment**

- Section 1. ~~The ASUCD Council of Services and Investment shall consist of eleven (11) voting members that include faculty, staff, and students. Per the ASUCD Audit conducted in 2015, "to enhance campus wide visibility and endorsement by the Academic Senate, the Governance Board will be commissioned as an Administrative Advisory Committee (AAC) of the Chancellor, as the AAC system is an established mechanism by which campus wide participation in the decision making process is promoted." As such, the Council will comply with all appropriate AAC processes and operating guidelines. The sections outlined below will help to define the boundaries and scope of the Council.~~
- Section 2. ~~The Council will be charged with the end goal of assisting the organization with making business decisions that support the goal of maximizing return and conserving resources, where appropriate, in order to ensure a long term sustainable financial model that includes local control. The purpose of the Council is to provide recommendations regarding business oversight and enhanced accountability based on ASUCD's mission of enhancing the student experience by providing resources, opportunities, and services to cultivate a culture of student leadership and involvement, that is consistent with all applicable University policies. This Council will be responsible for providing recommendations for the long term vision of the association.~~
- Section 3. ~~The Council will be delegated the authority necessary by ASUCD and the AAC to carry out the functions described below.~~
- Section 4. ~~The Council shall be advisory and shall be responsible for: (1) reviewing all ASUCD businesses at a minimum on a quarterly basis and making recommendations to ensure financial sustainability, (2) evaluating, and making recommendations regarding new business models and infrastructure that provide important services to all ASUCD members, (3) providing recommendations regarding all ASUCD capital investments (4) recommending consistent business practices for all ASUCD units to create equity, (5) addressing both proactive and reactive issues that impact the businesses of ASUCD, subject only to the limitations enumerated in this Constitution. The Council will only focus on activities that are a function of ASUCD, unless unmentioned in this Constitution. (6) make recommendations to the ASUCD President and the ASUCD Business Manager regarding the review of units regarding operational oversight (7) developing an incentive system to inspire excellence (8) the ASUCD President will be responsible for presenting the budget to the Council in order to review the final budget before it is approved by Senate.~~

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~~Training for this AAC will be made to be better understand the culture of the units and ensure financial literacy.~~

~~The Council will establish clearly defined speaking procedures with regards to these functions in the charter of the Council. Once established this charter will be approved through the legislative process in the form of a bill and to the Chancellor. Any modifications made to the Charter must include the approval of the legislative process and to the Chancellor or to the Chancellor's designate.~~

The Council will establish clearly defined operating procedures with regards to these functions in the Charter. Once established, this Charter will be approved by the Senate and the Chancellor. Any modifications made to the Charter, must include the approval of the Senate and the Chancellor (or the Chancellor's designee).

On a yearly basis, the Council will submit a report to the ASUCD President, Senate, Student Affairs and the Chancellor that outlines the performance of each business based on the goals set forth in Section 2.

~~Section 5. The Council shall not be responsible for: (1) the creation of the yearly annual ASUCD Budget, (2) will not be involved in the development of more programming, (3) will not confirm or hire student unit directors or (4) be involved in the direct corrective action or performance management for any ASUCD employee (5) perform audits nor (6) adjusting line items in the current fiscal budget.~~

~~Section 6. The Council will be comprised of the following voting members: Eight undergraduate students that are comprised of: (1) five (5) student leaders appointed through the Administrative Advisory Committee process to serve a two year term (2) the President Pro Tempore of the ASUCD Senate (3) the ASUCD Vice President (4) and the ASUCD Controller. All members must be in good academic standing based on Grade Point Average (GPA) and registered as a full time or part time student at the University of California, Davis, while serving in this capacity. All elected officials will be immediately appointed to the committee once their term begins and immediately removed from the committee once their term in office has expired.~~

~~Two student leaders will be selected through the AAC process to serve as alternates on the Council; however, they will only be allowed to vote if a student voting member is absent.~~

~~Two administrative personnel (appointed at the counsel of the Vice Chancellor for Student Affairs and the Chancellor) for two year terms. ASUCD would like to request that one of the administrative personnel, be a career staff member of ASUCD. Nothing shall prohibit the re-appointment of members upon the expiration of their term.~~

~~Two faculty members (appointed at the counsel of the Provost and others as considered appropriate) for a two year term. ASUCD would like these appointees to have a solid business background and come from academic areas of campus that understand business models and strategy. Nothing shall prohibit the re-appointment of members upon the expiration of their term.~~

~~The Council will be comprised of the following non-voting members:~~

~~The ASUCD President will serve as a non-voting, ex-officio member but will maintain veto power over all decisions.~~

~~The ASUCD Business Manager shall be a non-voting, ex-officio member of the Council.~~

~~The ASUCD Business and Finance Commission Chair shall also serve as a non-voting, ex-officio member of the Council.~~

~~The ASUCD Internal Affairs Commission Chair shall also serve as an ex-officio member of the Council.~~



All unit directors of ASUCD shall serve as non-voting ex-officio members of the Council.

~~Section 7. The five (5) undergraduate students will be selected through the ASUCD Administrative Advisory Committee Selection process that takes place each year along with two alternates.~~

~~Section 8. Elected officials shall be members of the Council once they are elected into office. All other members will be appointed commencing on the first day of July and will end their term two years later on June 30.~~

~~Section 9. Officers of the Council shall consist of a Chair and Vice Chair. The Chair and the Vice Chair will be elected by a majority vote of the Council. The Chair shall be selected from the pool of students selected through the AAC process and the Vice Chair will be selected from the pool of all voting members except positions that are elected. The duties for the Chair will include: establishing agendas, presiding at meetings, taking attendance, and calling for special meetings when necessary. The role of the Vice Chair will include presiding at meetings when the Chair is not present and assisting the Chair in their capacity.~~

~~In the event that a permanent vacancy occurs in either the Chair or Vice Chair position, the Council must elect, by majority vote at their next official meeting, a new Chair or Vice Chair from amongst the Council to serve for the remainder of their term.~~

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~~These roles along with other operating procedures of the Council such as will be more clearly defined in the charter of the Council.~~

~~Section 10. The Council shall officially hold "regularly scheduled" meetings and will meet at a minimum on a monthly basis from July through June. The Council may elect to meet more regularly as determined by the business needs of ASUCD. The Chair or Vice Chair may call a special meeting and must give at least (72) hours notice. During the months of June, July, August and September, the Council may meet remotely via conference call and teleconference in order to maintain quorum. The Council will be allowed to vote on issues electronically and does not need to wait until the next regularly scheduled meeting to recommend an action, as long as quorum is represented in the vote and all members are notified in writing or electronically in advance of the vote. Any electronic vote will carry the same weight as a vote taken while a Council meeting is in session and will be recorded in the Council minutes.~~

~~In addition, the Chair and the Vice Chair shall meet monthly with the ASUCD President, ASUCD Senate Pro Tempore and ASUCD Business Manager in order to get a better understanding of the issues facing the organization and to assist in the creation of upcoming agendas.~~

~~Section 11. All official meetings of the Council of ASUCD Services and investments shall be open to the public, except for closed sessions which may be called during a regular meeting for the discussion of investment decisions and litigation, and final evaluation of RFP's that impact the entire association. An official meeting shall be one in which a quorum of the members of the Board are present. Quorum shall be met when the board has 8 voting members in attendance including 5 students. In the event that any official meeting is willfully interrupted by an individual or group of persons so as to render the orderly conduct of the meeting unfeasible or order cannot be restored by the removal of those individuals, the members of the Council by a majority vote may order the meeting room cleared and continue in session. The Council shall not conduct any meeting in a facility that prohibits the admittance of any person~~

~~on the basis of race, religion, ability, gender, protected class, or sexual orientation.~~

~~Official minutes shall be kept noting all actions taken at board meetings. They shall be considered part of the public record and may be inspected by any member of the student body. Additionally, copies of the minutes shall be distributed to SGAO and the University once they have been approved and made available.~~

~~Section 12. — Agenda items that don't pertain to the unit shall not be discussed unless they are notified in advance. A unit director may send a session to the unit director.~~

~~Section 13. — The Council will vote on recommendations to be taken with regards to ASUCD that focus on the areas outlined in Section 4 above. These recommendations will go to the ASUCD President for acceptance or rejection. If a recommendation is approved for consideration, the ASUCD President will then meet with the ASUCD Executive team and the Division of Student Affairs to discuss implementation plans. Since the AAC the Council will be organized under Student Affairs, these recommendations will be forwarded along to the Chancellor. All other stipulations in the Constitution apply.~~

~~Section 14. — Vacancies will be filled by utilizing the same process by which a Council member was initially appointed.~~

~~Section 15. — If the Council decides that subordinate committees are necessary to achieve its goals, then the committees, their composition and procedures of operation will be modified in the charter of the Council.~~

~~Section 16. — (1) — The five student leaders appointed through the AAC process may be removed from the Council consistent with the AAC process. Any ASUCD elected official may be removed from the Council consistent with this constitution and the ASUCD bylaws. The Provost may remove any member that is appointed by the Provost to serve in this capacity.~~

~~Section 17. — Consistent with the provisions of this Constitution, the Council may enact rules and procedures necessary and proper for their efficient operation and for the general welfare of the ASUCD membership. These procedures shall be more clearly defined in the charter of the Council. At a minimum, this document shall include the roles and expectations of members including expectations regarding attendance, clearly define the resignation process for members, define the short term and ongoing expectations of the Council, and spell out communication procedures. If the Council deems it necessary to create subcommittees, this information will be clearly defined in the charter document. In order to best prepare for the future of ASUCD, the Council will create new additions to the charter as it deems necessary, so long as they do not conflict with this Constitution or ASUCD bylaws and are in keeping with campus policy.~~

## **ARTICLE IX**

### **ASUCD Judicial Council**

~~Section 1. — The adjudicating powers of ASUCD shall be vested in the ASUCD Judicial Council. The Judicial Council shall consist of four (4) Councilmembers and one (1) Chair of the Judicial Council, who shall all serve terms of no more than two (2) years.~~

~~The Chair of the Judicial Council shall be responsible for:~~

- a) ~~Presiding over weekly meetings; if the Council does not meet for more than four (4) consecutive weeks, the Chair of the Council will be subject to a closed session of the ASUCD Senate to discuss their performance as Chair;~~
- b) ~~Reporting monthly to the ASUCD Senate on the Council's recent and relevant activity;~~
- c) ~~Submitting all Judicial Council rulings, including all majority, dissenting, and concurring opinions, to the ASUCD Executive Office, the ASUCD Senate, and the Student Government Administrative Office no more than two (2) days after the ruling is made;~~
- d) ~~Reporting to the Senate President Pro Tempore weekly with Councilmember attendance for that week;~~
- e) ~~Administering the Presidential and Vice Presidential oaths of office.~~

- Section 2. ~~(1) The Judicial Council shall be responsible for:~~
- a) ~~Resolving all disputes that arise under this Constitution and the ASUCD Bylaws by issuing binding rulings, unless otherwise overturned by the ASUCD Judicial Council Oversight Committee;~~
  - b) ~~Resolving all disputes arising under official actions of ASUCD Elected Officials, Appointed Officers, and all subordinate bodies of the ASUCD Senate;~~
  - c) ~~Exercising appellate jurisdiction over any decision of the Elections Committee or action of an Elections Committee Member;~~
  - d) ~~Issuing temporary injunctions on all ASUCD legislation when membership on the Council falls below three (3) Councilmembers; All injunctions are automatically lifted when the Judicial Council reaches three (3) members;~~
  - e) ~~Reviewing, weekly, all legislation enacted by the ASUCD Senate for adherence to ASUCD Governing Documents;~~
  - f) ~~Sending memos to the ASUCD Senate, Internal Affairs Commission Chairperson, and author of the legislation with regard to the legislation's adherence to ASUCD Governing Documents no later than two (2) weeks after the legislation is passed by the Senate.~~
- ~~(2) The ASUCD Judicial Council may deny any appeal made to it or may grant the appeal in part or in whole as determined by a majority vote of the Judicial Council.~~
- ~~(3) ASUCD Judicial Councilmembers who are absent from more than three (3) Council meetings per quarter shall be subject to a closed session of the ASUCD Senate.~~

- Section 3. ~~(1) ASUCD Judicial Councilmembers shall be hired by an Interviewing Committee chaired by the ASUCD Senate President Pro Tempore.~~
- ~~(2) The remaining voting members of the Interviewing Committee shall include the ASUCD President, two (2) ASUCD Senators, and the Internal Affairs Commission Chairperson.~~
- ~~(3) The Interviewing Committee shall, by a majority vote of the entire Committee, select Councilmembers to be confirmed by a majority vote of the ASUCD Senate.~~
- ~~(4) The ASUCD Senate shall not conduct business if a vacancy on the Judicial Council persists for more than four (4) weeks after the vacancy initially occurs, unless determined by a two thirds (2/3) supermajority vote of the entire Senate that prompt action is urgent and necessary for the functioning of the Association.~~

- Section 4. ~~(1) No member of the Judicial Council can hold any elected or appointed~~

office in ASUCD that would constitute a conflict of interest or impair their impartiality as Councilmembers.

~~(2) Only undergraduate members of ASUCD can serve as Judicial Councilmembers.~~

~~Section 5. (1) In performing the duties specified in Section 2 above, the ASUCD Judicial Council shall proceed according to rules and procedures enacted pursuant to this Constitution.~~

~~Section 6. (1) Councilmembers may recuse themselves from any case if they feel they cannot remain impartial or unbiased in their decision.~~

~~(2) The ASUCD Senate can, by a two thirds (2/3) supermajority vote, remove a Councilmember from any case on the grounds that the challenged Councilmember cannot render an impartial or unbiased opinion.~~

~~Section 7. (1) Once confirmed by the ASUCD Senate, before obtaining a seat on the Judicial Council, ASUCD Judicial Councilmember nominees shall recite the ASUCD Oath of Impartiality administered by the ASUCD Vice President. All nominees of the ASUCD Judicial Council shall say their own name and then recite:~~

~~"I, \_\_\_\_\_, student of the University of California, Davis, promise to abide by the ASUCD Governing Documents; act in a fair, honest, and impartial manner; ensure individuals' rights are upheld when rulings are made; review and interpret legislation and actions taken by the executive and legislative branches; and faithfully execute the duties enumerated in the ASUCD Constitution, ASUCD Bylaws, and ASUCD Internal Codes at all times during my term as a member of the ASUCD Judicial Council."~~

~~Section 8. (1) The Student Government Administrative Office shall be responsible for maintaining all Judicial Council petition forms both in paper and digital form, as well as for publishing all records of Judicial Council official minutes and decisions on the ASUCD Website.~~

## **ARTICLE X**

### **ASUCD Judicial Council Oversight Committee**

~~Section 1. (1) The ASUCD Judicial Oversight Committee, hereinafter referred to as JCOC, shall serve as the official ad hoc Committee that maintains all appellate jurisdiction over ASUCD Judicial Council Rulings.~~

~~Section 2. (1) The JCOC shall be chaired by the ASUCD Vice President and consist of two (2) additional voting members. The voting members shall include the ASUCD Vice President, the Chairperson of the Judicial Council, and the Internal Affairs Commission Chairperson. (2) Two thirds (2/3) of the members of JCOC must be present for the meeting to take place.~~

~~Section 3. (1) The Chairperson of JCOC shall be responsible for:~~  
~~a) Calling for and conducting Committee meetings no later than two (2) weeks after an official appeal or complaint has been filed challenging an official Judicial Council ruling;~~  
~~b) Presiding over all meetings of JCOC;~~  
~~c) Reporting the official decision of the Committee to the ASUCD Executive Office, the ASUCD Senate, the ASUCD Judicial Council Chairperson, the~~

author of the appeal being considered, and the Student Government Administrative Office.

- (2) — The Judicial Council Oversight Committee shall be responsible for:
  - a) — Hearing all appeals officially submitted to the Chair of JCOC limited only to clearly cited violations that could put the Association at legal risk or that are clearly unconstitutional or un-bylawful.
  - b) — Deciding, by a two-thirds (2/3) vote of the entire Committee, to either concur with or overrule an official decision of the ASUCD Judicial Council.
- (3) — All decisions of JCOC are final and binding.
- (4) — No member of JCOC can author or file an official appeal to the Judicial Council Oversight Committee.
- (5) — If the Vice President or Internal Affairs Commission Chair is the author of the legislation, they must recuse themselves from the Committee. In this instance the Vice President will be replaced by the ASUCD Controller and the Internal Affairs Commission Chair will be replaced by the Business and Finance Commission Chair.

Section 4. — (1) — In performing the duties specified in Section 3 above, the ASUCD Judicial Council Oversight Committee shall proceed according to rules and procedures enacted pursuant to this Constitution.

### **The Student Representation Act**

**ABSTRACT:** Under current rules, UC Davis is the only campus *mandated* to be represented by the University of California Student Association (UCSA), a lobbying organization on behalf of University of California students. The Ballot Measure serves not to end ASUCD's affiliation with UCSA, but gives ASUCD a choice as to whom it is represented by.

A Ballot Measure to establish the "The Student Representation Act/UCSA Re Affiliation Act" by placing the following before a vote of the Associated Students of the University of California, Davis (ASUCD) Membership on the Fall 1999 election ballot.

**BACKGROUND:** UCSA was established three decades ago to represent and lobby for the interests of University of California students as agreed upon by its Board of Directors, which is made up of member campuses. Furthermore, ASUCD is unlike other UC student associations in that we are required by the 1995 "UCSA Affiliation Act" Ballot Measure to contribute to UCSA, limiting ASUCD's choices and negotiation ability. Finally, ASUCD has not distributed membership fees as intended in the 1995 "UCSA Affiliation Act" because the method is not consistent with ASUCD practices.

Section 1. ASUCD hereby recognizes UCSA as an official system wide representative body of University of California students, so long as UCSA recognizes ASUCD as a member in good standing with all rights and privileges guaranteed by the UCSA Charter and bylaws.

Section 2. ASUCD shall contribute to UCSA the minimum amount deemed necessary to remain a member of good standing, as determined by the UCSA Board of Directors. **ASUCD may at any time recognize other entities as official representatives or discontinue membership in UCSA by enactment of legislation or through the annual operating budget. ASUCD shall only contribute UCSA membership fees via the annual operating budget.**

Section 3. ASUCD hereby updates the 1995 "UCSA Affiliation Act" Ballot Measure with "The Student Representation Act/UCSA Re affiliation Act" Ballot Measure.

Section 4. This Ballot Measure shall become null and void upon enactment of another Ballot Measure, which specifically enumerates nullifying this Ballot Measure. This Ballot Measure

shall also become null and void upon enactment of legislation that specifically enumerates nullifying this Ballot Measure passed by a majority of the ASUCD Senate and signed by the ASUCD President in the event that one of the following conditions exist: 1) The minimum amount per student deemed by the UCSA Board of Directors necessary for an association to remain in good standing as full, voting members with all rights and privileges is set grossly unequally so that students of one association are taxed significantly more than students of another association; 2) The composition of the UCSA Board of Directors deviates from either equal or proportional representation of student associations; or 3) The decision-making authority of UCSA is changed in such a way as to make the Board of Directors a subordinate body or that grants voting membership on the UCSA Board of Directors to any person(s) not elected or appointed by a student association within the purview of the University of California to represent all of the students of that student association.

### **Club Finance Council Entitlement Act**

**ABSTRACT:** A Constitutional Amendment to establish the Club Finance Council Entitlement Act by placing the following before a vote of the ASUCD Membership on the Winter Quarter 2001 election ballot.

**BACKGROUND:** This Constitutional Amendment will in no way increase students' quarterly fees. Currently, ASUCD leadership has the discretion through the annual budget not to allocate funds to the Club Finance Council (CFC) for disbursement to over 250 clubs and organizations. This Constitutional Amendment obligates ASUCD leadership to appropriating at least 45 cents per student per quarter.

**SECTION 1.** The Associated Students, University of California, Davis shall grant to the Club Finance Council (CFC) a minimum of forty five (45) cents per undergraduate per academic quarter each fiscal year. ASUCD may annually set the CFC grant level beyond the minimum funding.

**SECTION 2.** The Associated Students, University of California, Davis shall only contribute to the CFC grant via the annual operating budget.

**SECTION 3.** Issuance of the CFC grant is contingent upon: 1) finalization of the annual operating budget; 2) all allocation and actions by the Club Finance Council is in accordance with CFC bylaws; 3) annual authorization by the ASUCD President.

**SECTION 4.** This Constitutional Amendment shall become null and void upon enactment of another constitutional amendment which specifically enumerates nullifying this Constitutional Amendment.

Section 6. The ASUCD membership hereby enacts Article IV, Article V, and Article VI of the ASUCD Constitution as follows:

### **ARTICLE IV**

#### **ASUCD JUDICIAL BRANCH**

- Section 1.        (1)        The adjudicating powers of the ASUCD shall be vested in the ASUCD Judicial Council (hereafter referred to as the Judicial Council), which shall consist of five (5) Councilmembers, including one (1) Chair, who shall serve terms no longer than two (2) years.
- (a)        Members of the Judicial Council shall be appointed by majority approval of the Senate, chosen from a list of nominees provided by an interviewing committee. The interviewing committee shall consist of the President, two (2) Senators, the

Internal Affairs Commission Chairperson, and the Senate President Pro Tempore presiding.

- (b) In the event a vacancy on the Judicial Council persists for more than four (4) consecutive weeks, the Senate shall not conduct business other than to fill said vacancy.
- (c) Once appointed by Senate, Judicial Council nominees must recite the following Oath of Office as administered by the Vice President:

"I \_\_\_\_\_, student of the University of California, Davis, promise to abide by the ASUCD Governing Documents; Act in a fair, honest, and impartial manner; Ensure individuals' rights are upheld when rulings are made; Review and interpret legislation and actions taken by the executive and legislative branches; and faithfully execute the duties enumerated in the ASUCD Constitution, ASUCD Bylaws, and ASUCD Internal Codes at all times during my term as a member of the ASUCD Judicial Council."

- (2) Any undergraduate member of ASUCD in good academic standing based on Grade Point Average (GPA), registered as a full-time or part-time student at the University of California, Davis, shall be eligible to hold office in the Judicial Council. No member of the Judicial Council can concurrently hold any office in ASUCD that would constitute a conflict of interest or impair their impartiality as a Councilmember.

Section 2.

- (1) The Judicial Council shall exercise appellate jurisdiction to resolve disputes that may arise between this Constitution, statutes of the Senate, and/or actions taken by officials of the ASUCD.
  - (a) Members of the Judicial Council must recuse themselves in any situation where they feel they cannot render an impartial or unbiased decision.
- (2) The Judicial Council may deny any appeal it receives, in part or in whole, by majority approval of the Judicial Council.
- (3) All decisions and/or official rulings issued by the Judicial Council with regard to a given appealed dispute shall be considered binding.
- (4) The Judicial Council shall review all enacted legislation for adherence to this Constitution, and may issue memos informing the Senate when these conflict.
- (5) The Judicial Council shall hold weekly meetings during the regular academic year to execute the various responsibilities and capacities of the Judicial Council enumerated in this Constitution and ASUCD enacted legislation.

Section 3.

The Judicial Council Chair shall have the following responsibilities:

- (1) Presiding over weekly meetings of the Judicial Council
- (2) Reporting to the Senate during each academic quarter on the recent activity of the Judicial Council

(3) Submitting all official rulings, memos and relevant documentation of the Judicial Council in a timely manner to the appropriate ASUCD bodies for publication and archiving purposes

(4) Administering the Presidential and Vice Presidential oaths of office

Section 4. Should evidence support the notion that the Judicial Council, or a member thereof, rendered a decision grounded on misinformed or partisan beliefs, the member(s) in question shall be subject to a closed session of the Senate, and may be required to reevaluate their decision by two-thirds (2/3) approval of the entire Senate.

## **ARTICLE V**

### **ASUCD ELECTIONS AND REFERENDA**

Section 1. (1) There shall be two (2) ASUCD General Elections held during each academic calendar year, held during the seventh (7th) week of Fall Quarter and the seventh (7th) week of Winter Quarter respectively.

(a) Six (6) Senate seats shall be filled during each General Election using the electoral system of Single Transferable Voting, also known as Choice Voting.

(b) The office of President and Vice President shall be filled during the Winter Quarter General Election using the electoral system of Instant Runoff Voting.

(2) All candidates participating in an ASUCD General Election shall conform to campaign regulations as enacted by Senate, or shall forfeit their eligibility to hold office.

(3) Each winning candidate eligible to hold office in ASUCD shall be issued a Certificate of Election at the beginning of the final Senate meeting of the quarter in which they ran for office, upon which they shall immediately assume the office for which they ran.

(4) Before obtaining a Certificate of Election, newly-elected officials shall recite the ASUCD Oath of Office:

"I, \_\_\_\_\_, Student of the University of California, Davis, in good academic standing, promise to abide by the ASUCD Guidelines of Ethics; promote the welfare and interests of the members of ASUCD; enact rules and procedures necessary and proper for the efficient operation of ASUCD in consistency with the ASUCD Constitution; and carry out and faithfully execute the duties enumerated in the ASUCD Constitution and ASUCD Bylaws at all times during my term in office."

Section 2. (1) At any time during the regular academic calendar year, a Referendum may occur asking the ASUCD membership to approve or reject a given proposal, or set of proposals. Referendum procedures and guidelines may be enacted through legislation pursuant to this Constitution.

(a) ASUCD members may choose to "approve," "reject," or "skip" any given referendum proposal. "Skip" votes shall never affect the voting result, nor count towards the total votes cast.



- (2) Referendum proposals shall be limited to any of the following:
- (a) The modification or nullification of enacted ASUCD legislation, except for legislation directly involving ASUCD funds not originating from Senate reserves.
  - (b) The creation, modification, or nullification of student fees.
    - (i) Referenda which would dedicate fees towards membership dues to any organization operating outside the jurisdiction of ASUCD and the UC Davis campus can never occur.
  - (c) The recall of an elected official, in addition to the specific reasons for the proposed recall.
    - (i) Vacancies resulting from recall shall be filled in accordance with the provisions enumerated in this constitution.
    - (ii) Recalled officials shall not be eligible to fill the vacancy created by their recall.
  - (d) An amendment to this Constitution, which must clearly enumerate the textual changes being made.
- (3) Referendum proposals shall be put to a vote of the ASUCD membership if either of the following two (2) conditions are met:
- (a) If a petition for said proposal collects at least eight percent (8%) of the ASUCD membership's valid signatures and Student Identification (ID) numbers.
  - (b) If the proposal receives majority approval of the ASUCD Senate as per the legislative process outlined in Article VI of this Constitution.
- (4) Referendum proposals receiving sixty percent (60%) approval of eligible votes cast shall immediately take effect, unless otherwise specified by the given proposal.
- (a) Additionally, referendum proposals creating, modifying, or nullifying student fees must receive votes totaling at least twenty percent (20%) of the ASUCD membership, and will otherwise be rejected.

## **ARTICLE VI**

### **LEGISLATIVE PROCESS**

- Section 1.
- (1) Legislation may be introduced with intention to enact any of the following:
- (a) The adoption and/or revision policies and regulations for the smooth and efficient operation of the ASUCD
  - (b) The expression of opinions of the ASUCD on matters concerning student welfare

- (c) The implementation of action necessary to promote the welfare and interests of the ASUCD membership
- (d) Creating a referendum proposal as defined under Article V, Section 3(2) of this Constitution
- (d) The adoption and/or revision of the annual operating budget
- (e) The allocation of ASUCD monies
- (2) Any Senator may introduce legislation during any regularly scheduled meeting of the Senate, for consideration from the Senate.
  - (a) The President shall be responsible for introducing the annual operating budget of ASUCD.
- (3) When introduced, legislation will be assigned to the relevant ASUCD Commission(s) as determined by the presiding officer of Senate for consideration.
  - (a) Any Commission(s) may consider and offer amendments for legislation assigned to it, and must issue Senate a recommendation for or against the legislation's passage.
  - (b) Legislation receiving recommendations for its passage by at least half the Commissions to which it was assigned shall be returned to the Senate for consideration, and will otherwise be considered as failed.
  - (c) The Senate shall never consider failed legislation or legislation lacking the required recommendation(s) necessary for its consideration, unless revived and/or deemed as urgent by at least two-thirds (2/3) approval of the entire Senate.
- (4) Legislation which adopts or revises the annual operating budget, and/or allocates ASUCD moneys receiving two-thirds (2/3) approval of the entire Senate, or any other type of legislation receiving majority approval of the entire Senate shall be presented to the President.
  - (a) Senators may choose to approve, reject, or abstain on any eligible piece of legislation. Abstentions shall never affect the voting result, nor count towards the total votes cast.
  - (b) The Vice President shall have no vote in Senate, except to break ties in which there are no abstentions.
- (5) Upon presentation of legislation, the President shall have one (1) academic week to approve or veto said legislation. Failure to do so within the allotted time period will result in automatic approval on behalf of the President.
- (6) Any legislation both approved by the Senate and either (a) approved by the President, or (b) vetoed by the President and reapproved by at least two-thirds (2/3) majority approval of the entire Senate shall be enacted into law.

Section 2. Additional guidelines and procedures for introducing, considering and enacting legislation may be enacted by the Senate pursuant to this Constitution.

Section 3.      If legislation pertaining to guidelines and/or regulations for ASUCD General Elections is enacted up to four (4) weeks prior to an upcoming ASUCD General Election, it will not take effect until said election's completion.

Finance: No

Appropriation: None

Vote: Majority

DO PASS AS AMENDED, 12-0-0, BY A ROLL CALL VOTE OF THE ASUCD SENATE ON OCTOBER 18, 2018. YES: ALONI, CLEMONS, HACK, HACKER, HTOO, KAUR, KULLAR, LEICHTER, MARAIYESA, MARTINEZ, PEREZ, SPASOV.

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Michael Gofman  
ASUCD President

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Date