Presented to the Senate Floor on May 16, 2013.

**ASUCD CONSTITUTIONAL AMENDMENT #35**

**Author by:** CANO  
**Co-authored by:** Hsu, McManus, Lara  
**Introduced by:** Sagala  
**Referred to:** Internal Affairs Commission  
**Recommendation:** Internal Affairs Commission

Do Pass As Amended,  
7-2-0, on May 20, 2013.  
Yes: Cano, Hackney, Lopez, McManus, Rivilis, Waaland, Yoon.  
No: Herskovitz, Renslo.

An ASUCD Constitutional Amendment to move the date for the seating of the ASUCD Senators.

Section 1. The ASUCD Senate hereby places the following Constitutional Amendment on the fall 2013 ballot:

**ASUCD Due Process Amendment**

Please vote for one of the following options:

_______ Yes, I approve of the ASUCD Due Process Amendment.  
_______ No, I do not approve of the ASUCD Due Process Amendment.

An Act to amend the ASUCD Constitution by placing the following amendment before the vote of the ASUCD membership on the fall 2013 ballot.

**BACKGROUND:** In winter 2013, ASUCD Senate Bill #66 (CANO) authorized the renewal of the Bylaw Review Special Committee (BRSC), which was tasked with reviewing ASUCD Elections policies that are largely contained within Chapter Four of the ASUCD Bylaws and Articles II and III of the ASUCD Constitution. This Constitutional Amendment represents one of the recommendations of BRSC, and extends the time of seating the Senators to the end of the quarter in which they won elective office. Currently, there is not enough time for the Elections Committee to properly access each violation assessment in the three-day time frame allotted before the seating of the newly Elected Senators in the week following the last day of election. Currently, if an appeal is filed or complaint filed against the Elections Committee, no Senator may be seated. This is problematic because the current senators term out the week following the Election; this means the ASUCD Senate no longer has quorum to conduct official business until the ASUCD Court renders a verdict on pending appeals. Additionally, if there is an appeal to the Elections Committee decision, the ASUCD Court does not have any time to
accept any appeals. This Constitutional Amendment moves the seating of the Senators to the last meeting of the quarter in which they won Office. Doing so gives three weeks for the Elections Committee and Court to exercise their jurisdiction over Elections sanctions and disqualifications. Thus, this amendment gives each student the ability to exercise all form of appeals.

Section 1. The ASUCD membership hereby amends Article II, Section 5 of the ASUCD Constitution by adding all underlined and deleting all stricken text as follows:

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 during the week following the election at the Senate meeting 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.

Section 2. Following the enactment of this Constitutional Amendment, the fall 2012 elected senators shall continue office until the end of fall quarter 2013.

Finance: No Appropriation: None Vote: Majority

DO PASS AS AMENDED, 8-1-3, BY A ROLL CALL VOTE OF THE ASUCD SENATE ON MAY 30, 2013. YES: BURKE, FIGUEROA, KAPPES, SAGALA, THOMAS, TOPF, TORRES, WONDERS, XIONG. NO: SAHOTA. ABSTAIN: BURKE (A), NONGA, ONG.

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Carly Sandstrom                                           Date
ASUCD President