On April 19th, 2018, the Judicial Council received a complaint from petitioner Rebecca Nelson arguing that the Elections Committee’s interpretation of the bylaws regarding the process followed in initiating a recall election was incorrect. This specific section in question states:

“i. At any time, any member of ASUCD may request a petition for an Initiative Ballot Measure or a Recall of an elected official. The Elections Committee shall provide a petition request form. A completed request for a petition for an Initiative Ballot Measure or a Recall is to be submitted to the Elections Committee. The Elections Committee Chair shall forward the petition to the Internal Affairs Commission.

...

iii. The Internal Affairs Commission shall review the request for a petition at the next regularly scheduled Internal Affairs Commission meeting. The Internal Affairs Commission may suggest modifications to an Initiative Ballot Measure, but may not make any amendments to the Ballot Measure without the approval of the authors. Upon the Internal Affairs Commission’s approval of the Initiative Ballot Measure’s language, the Internal Affairs Commission Chair shall sign the request for an Initiative Ballot Measure or Recall, and shall submit the request for a petition to the SGAO and the Senate President Pro Tempore. Internal Affairs Commission shall not postpone an Initiative Ballot Measure by more than one (1) week except by consent of the petitioner(s).
iv. Upon the receipt of the Internal Affairs Commission’s Initiative Ballot Measure language, the Elections Committee shall prepare and present official petition forms to the petitioner(s) within two (2) academic days. This petition must clearly state its purpose. The petitioner(s), at this time, must select a Ballot Measure Coordinator to represent the campaign and take on all duties and responsibilities granted by the ASUCD Elections Code. The Ballot Measure Coordinator may request more copies of the petition if needed. If the Elections Committee presents the petition to the petitioner(s) within four (4) academic weeks of the end of spring quarter instruction, the petitioner(s) may elect to take out the official petition during the first academic week of the subsequent fall Quarter.

v. The Ballot Measure Coordinator and any other ASUCD members who wish to circulate the petition may do so. Only signatures of ASUCD members shall be valid for the petition. The petition requires eight percent (8%) of the currently registered undergraduate population, as specified in Article V of the ASUCD Constitution.

vi. All petitions must be submitted to the Elections Committee within four (4) academic weeks after the petition was taken, or by the end of spring quarter instruction. Petitions must be submitted by the due date and time, and must have the valid signatures of eight percent (8%) of ASUCD members, or the petition shall be disqualified. Once a petition has been submitted, it cannot be withdrawn.”

A special election shall be able to be held at any time as specified in Bylaw 403. If a member of the Association seeks to recall an Elected Official, they may initiate that process at any time. Should they then collect the requisite amount of signatures, a special election shall be called by the Elections Committee.

The Judicial Council feels that these provisions are explicit in their specification of the process recalls should follow:

1) Any member of the Association can request a recall petition for an individual ASUCD elected official from Elections Committee.

2) Elections Committee will request the Internal Affairs Commission consider the language of the petition. The petition language shall be solely actionable in nature and not include peripheral or background information.
3) The Internal Affairs Commission shall review the language of the recall and the Chair of the Internal Affairs Commission shall sign off on the petition.

4) Elections Committee must provide the recall petitions and establish who is the Recall Coordinator.

5) The Recall Coordinator has four (4) weeks to submit signatures equal in number to 8% of the membership of ASUCD.

**Actionable Items**

Let it be resolved, the Elections Committee shall issue a petition to the petitioner for the purpose of collecting signatures for any elected official the petitioner specifies, as soon as the language is cleared by the Internal Affairs Commission. The Elections Committee shall be responsible for ensuring the enforcement of this injunctive ruling. This ruling shall be nullified upon the publication of a Judicial Council opinion in the case of *Nelson v. ASUCD*.

Ryan Gardiner, Jason “J.J”. Hsu, and Aria Aghalarpour voting in support.

Sydney Hack voting to abstain.

Devo Leichter abstaining in absence.