A Constitutional Amendment to clarify the different types of Ballot Measures and the effects of abstentions in ASUCD voting procedures.

Section 1. The ASUCD Senate hereby places the following Constitutional Amendment on the fall 2015 ballot:

Ballot Measure Clarification Amendment

Please vote for one of the following options:

__________ Yes, I approve of the Ballot Measure Clarification Amendment.

__________ No, I do not approve of the Ballot Measure Clarification Amendment.

An Act to amend the ASUCD Constitution by placing the following amendment before the vote of the ASUCD membership on the fall 2015 ballot.

BACKGROUND: The ASUCD Constitution enumerates several different types of Ballot Measures. However, these names are inconsistent throughout the ASUCD Constitution. These inconsistencies have led to confusion between the different types of Ballot Measures in the ASUCD Bylaws and in practice. This Constitutional Amendment clarifies the different types of Ballot Measures in several different parts of the ASUCD Constitution. It also ensures that these procedures are consistent with both UC Davis and University of California policy for Ballot Measures.

Section 1. The ASUCD membership hereby amends Article IV, Section 2 of the ASUCD Constitution by deleting all stricken through text and adding all underlined text as follows:
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Section 2.  (1) The Senate shall, by majority vote, have power to place before a vote of the membership of ASUCD any measure enacted pursuant to this Article. These shall include, but shall not be limited to, approval of Senate legislation, non-binding advisory measures, and resolutions expressing the opinion of the membership of ASUCD—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) The Senate shall, by majority vote, present the measure to a vote of the membership of ASUCD at the next General Election (consistent with the provisions of Article IV of this Constitution.

(3) A simple majority of those voting on the measure shall be required for its passage. For fee-based initiatives, refer to Article V, Section 4, subsection 1.

(4) The procedure outlined in this section shall be inapplicable to amending the ASUCD Constitution.

Section 2. The ASUCD membership hereby amends Article V of the ASUCD Constitution by deleting all stricken through text and adding all underlined text as follows:

ARTICLE V

RECALL, INITIATIVE AND REFERENDUM 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 enacted 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
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.

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.

Section 1. (1) Initiative - "Initiative" shall mean a measure placed on the ballot for a vote of the membership of ASUCD by means of gathering signatures of ASUCD members as outlined below and in legislation enacted pursuant to this Constitution. A measure which only nullifies legislation previously enacted by the ASUCD Senate shall be defined as a "Referendum" and not as an "Initiative".

(2) Upon presentation to the Senate President Pro Tempore of a petition bearing the valid signatures of no less than eight percent (8%) of the members of ASUCD the quarter the petition was taken out. 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) An affirmative vote by a simple majority of those voting on the issue shall be required for the enactment of a non fee-based initiative or non fee-based referendum ballot measure. For fee-based initiatives of fee-based referenda, refer to Section 4, subsection 1.

(4) Initiative ballot measures become effective immediately upon passage or as otherwise provided in the initiative ballot measure.

(5) When the initiative ballot measure amends the ASUCD Constitution, an affirmative vote of sixty percent (60%) of those voting on the issue shall be required for its adoption. Constitutional amendments become effective immediately upon passage or as otherwise provided in the amendment.

(6) The initiative petition sponsor(s) and circulator(s) shall follow the procedures and adhere to the deadlines outlined in legislation enacted pursuant to this Constitution.

(7) Any fee-based initiative or fee-based referendum embracing more than one subject may not be submitted to the electors or have any effect.

Section 2. (1) Referendum - "Referendum" shall mean a measure placed on the ballot for a vote of the membership of ASUCD which would nullify legislation previously enacted by the ASUCD Senate. A referendum measure shall be placed on the ballot in accordance with the provisions outlined below and in legislation enacted pursuant to this Constitution.

(2) Legislation directly involving ASUCD funds shall not be subject to referendum with the exception of expenditures originating from the Senate Reserve.

(3) Upon presentation to the Senate President Pro Tempore of a referendum petition bearing the valid signatures of no less than eight percent (8%) of the members of ASUCD the quarter the petition was taken out. Upon certification of the required signatures by the ASUCD Elections Committee, the referendum measure shall be presented to a vote of the membership of ASUCD.

(4) An affirmative vote by a simple majority of those voting on the issue shall be
required to adopt the referendum. Any referendum thus adopted shall
immediately nullify the previously enacted legislation voted upon in the
referendum.

(5) A referendum petition must be taken out within ten (10) academic weeks of
the enactment of a piece of legislation. The referendum petition sponsor(s)
and circulator(s) shall follow the procedures and adhere to the deadlines
outlined in legislation enacted pursuant to this Constitution.

Section 3. (1) Recall—“Recall” shall mean the removal of any ASUCD Senator, the ASUCD—
__________________________________________________________
President, and/or the ASUCD Vice President by a vote of the membership of—
__________________________________________________________
ASUCD.

(2) Upon presentation to the Senate President Pro Tempore of a recall petition
containing the valid signatures of no less than eight percent (8%) of the
ASUCD membership, and upon certification of the required signatures by the
ASUCD Elections Committee, a Special Recall Election shall be scheduled by
the Elections Committee. The Special Recall Election will be held no less than
one (1) academic week and no more than three (3) academic weeks from the
date of certification.

(3) The recall petition shall contain a specific statement of the reasons for the
proposed recall.

(4) An affirmative vote by a simple majority of those voting on the issue shall be
required to immediately recall the ASUCD official.

(5) The recall petition sponsor(s) and circulator(s) shall follow the procedures and
adhere to the deadlines outlined in legislation enacted pursuant to this
Constitution.

(6) Vacancies resulting from recall shall be filled in accordance with the provisions
enumerated in this Constitution.

(7) A recalled elected official shall not be eligible to fill the vacancy created by his/her
recall but shall not be restricted from seeking the office from which they were
recalled in any subsequent ASUCD General Election, so long as they are otherwise
eligible.

Section 4. (1) Any fee-based initiative or fee-based referendum requiring a student vote may
be done so in accordance with ASUCD Election Codes, and may only apply to ASUCD
members if it is duly established by a 60% majority of those ASUCD members who voted on
the measure.

(2) Any fee-based initiative or fee-based referendum requiring a student vote may
be done so in accordance with ASUCD Election Codes, and ASUCD Constitution, and
may only apply to ASUCD members. Any approved funds from fee-based initiative or
referendum shall only be allocated to the specified department, purpose, or activity as
indicated on the ballot and voted on by ASUCD members; otherwise, these fees will be
redirected to the appropriate department, purpose or activity. If the fees are not
redirected to the appropriate entity, the imposed fees will be nullified.

Section 3. The ASUCD membership hereby amends Article VI of the ASUCD Constitution by deleting all
stricken through text and adding all underlined text as follows:

ARTICLE VI

AMENDING THE CONSTITUTION
Section 1. (1) A proposed amendment of this Constitution may be submitted to a vote of the ASUCD membership upon an affirmative vote of a simple majority of the entire ASUCD Senate (consistent with the provisions of Article IV of this Constitution) by Legislative Ballot Measure, as provided by Article V, Section 3 of this Constitution. The proposed amendment shall then be referred to a vote of the ASUCD membership on a date to be determined by the Senate. An affirmative vote of 60 percent 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 Initiative Ballot Measure as provided by Article V, Section 1 of this Constitution. An affirmative vote of 60 percent 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.

Section 4. The ASUCD membership hereby amends Article IV, Section 1, Subsection (6) of the ASUCD Constitution by deleting all stricken through text and adding all underlined text as follows:

(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 (same number of affirmative votes as any combination of negative votes and/or abstentions), between affirmative and negative votes, without abstentions.

Section 5. The ASUCD membership hereby amends the Table of Contents of the ASUCD Constitution by deleting all stricken through text and adding all underlined text as follows:

PREAMBLE

STUDENT BILL OF RIGHTS

ARTICLE I. Name and Membership

ARTICLE II. ASUCD Legislative Branch

ARTICLE III. ASUCD Executive Branch

ARTICLE IV. Method of Enactment of Legislation

ARTICLE V. Recall, Initiative, and Referendum-Ballot Measures

ARTICLE VI. Amending the Constitution

ARTICLE VII. Judicial Branch

ARTICLE VIII. ASUCD External Relations
CONSTITUTIONAL SUPPLEMENTS

Student Representation Act
Club Finance Council Entitlement Act

Finance: No                               Appropriation: None                               Vote: Majority

DO PASS, 12-0-0, BY A ROLL CALL OF THE ASUCD SENATE ON APRIL 17, 2014. YES: CHUNG, FAYYAZ, GUPTA, HELLAND, HUEY, LOKHAN DWALLA, MITCHELL, SANCHEZ, SENCHEV, SHERMAN, SMYTHE, WATSON.

Armando Figueroa
ASUCD President

Date