

February 2, 2018

In re: Constitutional Amendment Petition

*ASSOCIATE JUSTICES TAM and AGUILAR-ROSENTHAL joined by Chief Justice Henzer, Associate Justice Kirley, Associate Justice Sicorsky. Joined in thought by Assistant Justice Cai.*

On January 30, 2018 Constitutional Council received an interpretation request from Student Union President Sydney Robinson regarding the process of amending the Student Union Constitution. The section in question, Article X, Section 1, states that if the amendment calls for a special election, “the Election Commissioner shall set an election day for not less than ten (10) and not more than twenty-five (25) days after the petition is submitted.” The Council was asked to interpret whether “after the petition is submitted” requires that the petition have all the signatures before it is considered submitted.

Due to the ambiguity of this section of the Constitution, the Council examined two other instances of petitioning in the Constitution, specifically Article IX, Sections 1 and 4, which concern Initiative and Block Funding, respectively. Article IX, Section 1, Part A states that “The constituency of the Student Union shall have the power to initiate any act... provided that five percent (5%) of the constituents shall sign a petition calling for an election on a bill, which shall be submitted in writing to the Chief Justice.” This implies that the petition must be signed before it is submitted. Article IX, Section 4, Part A states that “The constituency of the Student Union shall have the power to initiate the allocation of funds... provided that fifteen percent (15%) of the constituents sign a petition calling for an election on the allocation, which shall be submitted in writing to the Election Commissioner...”, which again indicates that the collection of signatures must precede submission of the petition.

The Council then applied the process used in the two sections outlined above to the petition process for amendments. In short, it is the opinion of this body that submitting a petition for amendments requires that signatures must have already been collected.

*It is so ordered.*