

ASUC Judicial Council

Advisory Opinion

On this date, the Eleventh of February, Two Thousand and Nine

By Chair Kiira Johal, with whom
Assistant Chair Jason Koo and
Associate Justices Joseph Guzman and Lara Palanjian join

The Judicial Council was asked to consider whether Jonathan Gaurano is eligible under Article I, Section 3 of the ASUC Constitution¹ to run for a position in the ASUC Senate during the Spring 2009 general election, given that he is not a registered student at the University of California at Berkeley for the current semester.

Article I, Section 3 of the ASUC Constitution states that a student must be a registered student at UC Berkeley in order to assume or remain in an elected or appointed position of the Association. This section allows for the following exceptions:

- 1) the position is explicitly designated as non-student,
- 2) for not more than one semester, if the person can demonstrate that s/he is actively working towards the removal of a University imposed impediment of her/his registration for that semester,
- 3) it is the Summer semester provided that the person intends to be a registered student in the Fall semester

The Judicial Council has found that none of these exceptions are met by Mr. Gaurano's circumstances. Although he will be a registered UC Berkeley student during the Fall semester of 2009, he will not be so at the time of possible election during the Spring 2009 semester. Furthermore, Mr. Gaurano personally cancelled his registration for the Spring of 2009 and therefore is not actively working towards removing a University imposed impediment of his registration as is explicitly allowed for under Article I, Section 3 of the Constitution.

Title VI, Article I, Section 1.1 of the ASUC By-Laws additionally stipulates that a student, for the purposes of running or serving as ASUC Senators and Officers, is "one who is registered in classes during the current semester or, if between semesters, during the most recent semester." The Council finds that the ASUC Constitution and By-Laws are clear in their intention that a student be registered in order to run for an ASUC office and accordingly conclude that Jonathan Gaurano is ineligible to run for ASUC Senate in the Spring semester of 2009.

¹ Article I, Section 3 of the ASUC Constitution states: "In order to assume or remain in an elected, appointed, or confirmed position in the Association, a person must be a registered student at the University of California at Berkeley, unless the position is explicitly designated as non-student, or - for not more than one semester - if the person can demonstrate that s/he is actively working towards the removal of a University imposed impediment of her/his registration for that semester. This provision does not apply to the Summer semester provided that the person intends to be a registered student in the Fall semester."