

To be completed in triplicate

ASSOCIATED STUDENTS JUDICIARY
California State College, Long Beach

COMPLAINT TO REQUEST A DECLARATORY JUDGMENT

To: Associated Students Judiciary
From: Stuart Shapiro, Elections Commissioner
Date: April 4, 1972

The undersigned requests a review of the rights and duties pursuant to:

Appointment of members of Elections Commission.

Cause for request: To prevent disqualification of members of the
Commission and possible invalidation of the Fall election results
by collateral attack engendered dueto the nature of the appointive body.

Briefly explain the substance of your issue: Question of the Commission
regarding appointment of members of the commission by the AS President
while that current AS President is also a candidate for AS office.

The undersigned does hereby request a judgment on the preceding issue.

Signed Stuart Shapiro
Quinn J. Brown

ASSOCIATED STUDENTS JUDICIARY
CALIFORNIA STATE COLLEGE, LONG BEACH
REJECTION OF A REQUEST FOR A DECLARATORY JUDGEMENT
PLAINTIFF: STUART SHAPIRO, ELECTIONS COMMISSIONER

The Court rejects Mr. Shapiro's request for a Declaratory Judgement.

Using the current By-Laws as a basis, the request presented before us does not contain a legal controversy which may be remedied at this time. An incumbent President who is also a candidate for re-election does not lose his authority to appoint members to the Elections Commission. If this authority is used to enhance the re-election of the President, then it would constitute a basis for judicial relief.

It is so ordered.

Majority decision delivered by Justice Ronald Montejano.

Vote: 5-0-0 Unanimous

Justices Present: Fairbanks, Leach, Montejano, Park, Walker.

Justices Absent: Wysocki

Gayle Fairbanks, Associate Justice

Dennis Leach, Associate Justice

Ronald Montejano
Ronald Montejano, Associate Justice

Gordon Park
Gordon Park, Chief Justice Pro Tempore

James Walker, Associate Justice

David Wysocki, Associate Justice

4-5-72