

DIXON ~~ASSOCIATED STUDENTS~~ vs. A.S. SENATE

In light of the evidence offered before our court (Plaintiff's exhibits B through F) also in light of the case argued before this court, we feel that it is first necessary to define or shall we say decide whether the Election Code (Plaintiff's exhibit A) is different and distinct from that of the operating rules and procedures of the Elections Commission. It is our finding that they are very definitely two distinctly different documents and that they may not be considered the same, or be covered by our Constitution and By-laws as that in Chapter III, Section 2, D, would not apply to the Election Code. And after careful study of the Constitution and the By-laws of the Associated Students we find that the Associated Students Senate of California State College at Long Beach has no right or authority to amend or even approve or disapprove the Election Code.

Although we feel that the Senate should have the right to make the Election Code of this College, it is not up to the Court, to give them this right. Preceding Senate control of the Election Code, the necessary change in the A.S. By-laws must take place. Until these changes take place, there is nothing this Court, or anyone else, can do.

As to the final charge--the violation of Senate Bill Number Six--inasmuch as the Senate had no right to consider the matter which they did, whether or not they posted the time, place, and the topic of discussion of their committee, is really immaterial. We then cannot find the Senate in violation of this bill in this instance. However, had this been a proper matter of discussion in the Senate committee and the Senate failed to post notice of its discussion thirty hours prior to the committee meeting, as required by Senate Bill Number Six, there definitely would have been a

violation. When the Senate breaks a rule which they made themselves, it is very frustrating to those who would like to see good student government. It is a disgrace for any group of responsible students involved in a very serious business, that of student government and self-control, to make such mistakes and leave such an impression on any group of fellow students.

In conclusion, this Court partially finds in favor of the Plaintiff. The Associated Student Senate will no longer attempt to change the Election Code in any way. Any attempt to do so will be in violation of this decision and in contempt of this Court.

Concurring:


Justice J. Dan Lilley


Chief Justice Bar Kaelter


Justice Linda Hallenbeck