

ASSOCIATED STUDENTS JUDICIARY
California State College at Long Beach

REQUEST FOR DECLARATORY JUDGEMENT

To: Associated Students Judiciary

From: David Warren

Date: May 3, 1966

The undersigned does hereby request the A.S. Judiciary to give a declaratory judgement on Section VII., B., of the Elections Code, Revised-March 8, 1966.

Recommendation for Judgment; The undersigned recommends to the Associated Judiciary the following judgment: That Section VII., B., of the Elections Code be eliminated or be changed to "incumbant listed after their name on the ballot".

The undersigned does hereby request the Associated Students Judiciary to consider the above petition and render judgment in his favor.

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ASSOCIATED STUDENTS JUDICIARY
CALIFORNIA STATE COLLEGE AT LONG BEACH

SUMMARY REPORT

Case of: Request for Declaratory Judgment on Section VII, B of
the Elections Code, Revised--March 8, 1966.

Date: May 4, 1966

Charges: That said section is not in conformance with the A.S.
Constitution.

Decision: In spite of my vigorous dissent on the legal authority of their judgment, my two brethren on this Court have found that Section VII, B of the Elections Code, Revised--March 8, 1966, is not in conformance with the preamble and spirit of the A.S. Constitution. This Section discriminates against those candidates who are not current holders of A.S. offices since it does not give them an equal opportunity to state a qualification after their name on the ballot. The only remedy to this situation is to either (1) eliminate altogether this Section from the Elections Code allowing no candidate to state any qualification after his name on the ballot, or (2) add to this Section a provision to allow every candidate to list one current qualification after his name on the ballot. Therefore, this Court directs the Elections Commissioner to change and restate Section VII, B of the Elections Code, Revised--March 8, 1966, to conform to the A.S. Constitution by implementing one of the two remedies stated above.

Roll Vote: Concurring: J. Dan Lilley
Linda Hallenbeck

Dissenting: J. Michael Hanna


Presiding Justice