

in triplicate

ASSOCIATED STUDENTS JUDICIARY  
California State College, Long Beach

COMPLAINT TO REQUEST A DECLARATORY JUDGMENT

320 7th St #6

Seal Beach, CA

431-0384 90746

To: Associated Students Judiciary

From: JAN STROUT, A.S. Vice President

Date: 19 September 1971

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

Note required for A.S. Senate to override Presidential Veto  
Cause for request: refer to: Chapt I, ART. I, C. on a By-law Amendment.

By-laws, Chapter II, ARTICLE I, Section 2, Senate  
powers, state: that it requires a 3/4 vote  
of the entire Senate to override a Presidential

veto, where Chapter II, ART. II, Section 1, A  
Briefly explain the substance of your issue: states that 3/4 vote of the Senate is required  
to override a Presidential veto (complying 3/4 of those  
present & voting). Is the required vote -

3/4 of the entire senate? or 3/4 of the senate present.

Does JUDICIARY CASE #27 apply? (1966)  
or set a precedent?

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

Signed Jan Strout

ASSOCIATED STUDENTS JUDICIARY  
CALIFORNIA STATE COLLEGE LONG BEACH  
DECLARATORY JUDGMENT  
ADJUDICATED THIS 28th DAY OF SEPTMEBER, 1971.

Plaintiff: Jan Strout

This action concerns whether the entire Senate, or merely a majority of the Senate, must meet to over-ride a Presidential veto on a By-law amendment. Chapter I Article I Section 7c states:

"Three-fourths of the Senate shall be required to over-ride a Presidential veto of a Constitutional or By-laws amendment."

Whereas Chapter II Article I Section 2c states:

"Three-fourths of the entire Senate shall be required to over-ride a Presidential veto of a By-laws amendment."

Herein lies the controversy: whether or not the entire Senate must meet to over-ride the Presidential veto of a By-laws amendment.

This court finds that to effect such a decision, the entire Senate must meet. It was noted by the court that both Chapter I Article I Section 7c, and Chapter II Article I Section 2c were constructed with two (2) sentences, with the above-cited passages in each case being the second of the two passages. Now in each case the first sentence, while addressing the same topic, stipulated the "total voting membership." Consequently, it is understood by this court to indicate that the authors of the By-laws intended such a qualification be required.

Vote: 5-0-0, Unanimous

Gayle Fairbanks  
Gayle Fairbanks, Associate Justice

Ron Montejano  
Ron Montejano, Associate Justice

Gordon Park  
Gordon Park, Associate Justice

Jim Semmens  
Jim Semmens, Associate Justice

David E. Schmidt  
David E. Schmidt, Chief Justice