Request for an Opinion of the ASUA Supreme Court

Questions:

In the case where proposed legislation is placed on the ballot of an ASUA election by the processes described by Article VII Section II of the ASUA Constitution, and a majority of all votes cast in the election affirm the proposed legislation, is the result the direct enactment of the proposed legislation?

Are the statements that may be petitioned for under Article VII Section II of the ASUA Constitution limited to statements which the ASUA Legislative Branch can enact?

Can Article VII Section II of the ASUA Constitution be applied to compel the ASUA to include a ballot item that invites students to voice their support for a student fee (in the case where the ASUA lacks the authority to enact the fee)?

Background Statement:

Article VII Section II of the ASUA Constitution grants the right to petition for the enactment of legislation, and grants the right to force a statement of proposed legislation on the ballot of an ASUA election (by the presentation of appropriate signatures). It is also clear, I think, that the result of any vote forced by the process described in Article VII section II will decide the proposed legislation and result directly in its enactment in the case where a majority of all votes cast in the election support the proposed legislation.

On my understanding, the statements that may be petitioned for under Article VII Section II are limited to statements which are the proper objects of ASUA legislation. Provisions for the enactment of several sorts of legislation (such as constitutional amendments) are governed by other sections of the ASUA Constitution. Statements of legislation to which Article VII section II is applicable include amendments to the ASUA Bylaws and Elections Code, and modifications to other ASUA policies (such as club funding policies, for example). But, on my understanding, the section does not grant UA students the right to force the ASUA to create ballot items regarding matters which the ASUA Legislative Branch cannot itself enact or regarding matters where the result of a vote upon a matter cannot be regarded as deciding the issue which is the object of the petition. (This does not mean that the ASUA Legislative Branch cannot order a poll of the student body regarding a statement that the Legislative Branch cannot itself enact.) Simply, Article VII Section II grants the right of Legal Initiatives pertaining to the legislative jurisdiction of the ASUA. And so, the Article cannot be applied to compel the ASUA to include a ballot item that invites students to voice their support for a student fee. (Fees for UA students
are proposed annually by the UA President and must be approved by the Arizona Board of Regents. For fees that do not relate directly to academic costs, the UA administration has traditionally asked the ASUA to conduct a poll of the student body to determine whether students support the fee. The result of such polls do not determine whether the UA President will propose a fee or whether the Regents will approve it.

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