

April 28, 2005

Dear ASUW Elections Committee:

We are writing in regard to the recently published "ASUW Student Government Election 2004 Information Packet". Specifically the sections dealing with the process of complaints and violations and sanctions. After reviewing the packet the Judicial Council has come to the conclusion that these sections are unconstitutional.

In order to retain a constitutional separation of powers, the hearing of all complaints and violations as well as the power to impose sanctions was granted to the ASUW Judicial Council by the ASUW Constitution. By delegating these powers to the Elections Committee through legislation, it is our opinion that the ASUW Senate has overstepped its boundaries and violated said constitution.

Taking into consideration the lengthy process of amendment to this document and the need for the document to be in existence at this time, we have decided that no action be taken to adapt said document for the upcoming election. However, when this document again comes under review of the Elections Committee the issue of separation of powers needs to be looked at more closely and the Elections Committee shall not overstep said boundary again.

In the interim, any and all elections complaints and violations shall be submitted to the ASUW Judicial Council for review. These complaints will be processed in accordance to the ASUW Judicial Council By-laws and Rules as they are currently set forth. As we see these sections of the Elections Packet as being the esteemed opinion of the ASUW Senate, we will take them into consideration when making a decision, however the guidelines set forth in the Elections Packet shall not be the primary guide for such a decision.

We appreciate your full compliance with the decision of the Judicial Council.

Respectfully submitted,

A.J. Cockrell  
Chief Justice  
ASUW Judicial Council