

Presented on the Senate Floor on April 21, 2005.

ASUCD CONSTITUTIONAL AMENDMENT # 8

Authored by: LLOYD
Co-Authored by: Assagai, Holloway, Sanchez, Whitney
Introduced by: Lloyd

Referred to: Internal Affairs Commission
Business and Finance Commission

Recommendation: Internal Affairs Commission: Do Pass as Amended,
9-0-0, on May 2nd 2005.
Yes: Coniglio, Falch,
George, Lay, Parisi,
Savaree-Ruess,
Van Schoelandt,
Zamora (E), Zamora (M).

Business and Finance Commission: Do Pass as Amended, 7-0-2,
on May 10th 2005.
Yes: Dardik, Herold, Higgins,
Jenks, Klebanov, Lee, Vora.
Abstain: Good, Pang.

A constitutional amendment to place the "Responsible Fee Approval Initiative" on the Fall 2005 ASUCD elections ballot.

BACKGROUND: According to Article V, Section 1, subsection 3 of the ASUCD Constitution, "An affirmative vote by a simple majority of those voting on the issue shall be required for the enactment of the initiative ballot measure." Consequently, a spurious majority of eligible ASUCD votes have the authority to impose fee increases on the entire undergraduate body of the University of California, Davis.

Precedent exists for higher thresholds. For example, constitutional amendments require a 60% vote. In addition, ASUCD monetary legislation requires a 2/3 majority vote of the senate.

The "Responsible Fee Approval Initiative" will amend the ASUCD Constitution to better ensure that voting requirements will be higher and more reflective of the student body by raising the threshold to a 60% majority. In addition, this initiative will make the approval of future fiscal initiatives more consistent with the current ASUCD fund procedures when enacting fee-based initiatives and/or referenda.

Section 1. The ASUCD Senate hereby places the attached "Responsible Fee Approval Initiative" constitutional amendment on the Fall 2005 ASUCD elections ballot.

Finance: No

Appropriations: None

Vote: Majority

DO REDIRECT TO BUSINESS AND FINANCE COMMISSION AS AMENDED, 12-0-0, BY A ROLL CALL VOTE OF THE ASUCD SENATE ON MAY 5, 2005.

YES: BIRDSALL, FIEL, FOX, HAAG, KALFAYAN, KEENE, LLOYD, ROY, SHIVELY, SINGH, VALI, YU.

DO PASS AS AMENDED, 11-1-0, BY A ROLL CALL VOTE OF THE ASUCD SENATE ON MAY 12, 2005.

YES: BIRDSALL, FIEL, FOX, HAAG, KEENE, LLOYD, ROY, SHIVELY, SINGH, VALI, YU.

NO: KALFAYAN

Caliph Assagai
ASUCD President

Date

Responsible Fee Approval Initiative

_____ Yes, I approve of the Responsible Fee Approval Initiative constitutional amendment.

_____ No, I do not approve of the Responsible Fee Approval Initiative constitutional amendment.

Section 1. ASUCD hereby amends Article IV, Section 2, subsection 3 of the ASUCD Constitution as follows:

2.3 A simple majority of those voting on the measure shall be required for its passage. For fee-based initiatives, refer to Article V, Section 4, subsection 1.

Section 2. ASUCD hereby amends Article V, Section 1, subsection 3 and Section 4, subsection 1 of the ASUCD Constitution as follows:

1.3 An affirmative vote by a simple majority of those voting on the issue shall be required for the enactment of a non fee-based initiative or non fee-based referendum ballot measure. For fee-based initiatives or fee-based referenda, refer to Section 4, subsection 1.

4.1 Any fee-based initiative or fee-based referendum requiring a student vote may be done so in accordance with ASUCD Election Codes and may only apply to ASUCD members, if it is duly established by a ~~50%~~60% majority of those ASUCD members who voted on the measure.

Section 3. The Responsible Fee Approval Initiative shall apply to all fee-based initiatives or fee-based referenda voted on or after the fall 2005 election.