

David Tanner v General Assembly

Syllabus: The amendments approved by the General Assembly without the Amendments Committee's approval are invalid because they were not approved by the Amendments Committee as constitutionally mandated, and were voted on after the time-frame established by the Constitution.

Mr. Chief Justice, Associate Justices and Justice Pro Tempore:

The Constitution in Article XIII, Section 1, Subsections 1-3 describes the process for the formation and approval of General Amendments in advance of the Student Body Amendment Vote:

(1) The General Assembly shall establish a standing committee to deal with proposals for constitutional amendments, to be called the Amendments Committee.

(2) The committee shall convene a Constitutional Amendments Convention each semester with the purpose of raising any potential amendments to the Student Government Constitution. All students shall have the opportunity to state opinions with regard to specifics of the Student Government Constitution, as well as to propose their own amendments.

(3) The General Assembly shall vote upon final proposals for General Amendments at least one week prior to the General Student Body Amendment Vote. All General Amendments approved by a majority vote of the General Assembly shall be presented to the Student Body prior to or at the General Amendment Vote.

It is clear that all "proposals for constitutional amendments" must be "deal[t] with" by the Amendments Committee (henceforth AC) [see (1)]. Said proposals can be raised by students or the committee itself [see (2)]. The role of the General Assembly (henceforth GA) is to "vote upon final proposals for General Amendments" [see (3)]. Nowhere is the GA given power to propose their own amendments (except as individual students or AC members as stated in Subsection 2). All "final proposals" which the GA votes on, were "deal[t] with" by the AC. In short, no amendment makes it to a vote by the GA without the AC "deal[ing] with it."

The GA has voted today to approve a number of student amendment proposals which were not approved by the AC. This attempt to put forth amendments to the Student Body Amendment Vote is illegal for two reasons: 1. It does not pass through the AC, and 2. It is past the time frame of "at least one week prior to the General Student Body Amendment Vote."

What does it mean for the AC to "deal with proposals"? It is clear that the AC's role is both to propose amendments as a committee, and to vet and grant or deny approval to student amendment proposals. The amendments in question (see Appendix A) were emailed to me by Jonathan Malek on April 18th and subsequently discussed in the AC WhatsApp group. After discussion, it was decided that one of the amendments would be approved and the rest denied. However, on April 23rd, the GA voted to approve two of Mr. Malek's suggested amendments which had not been approved by the AC (see Appendix B). This constitutes an unjustifiable

usurpation of the Amendments Committee's role as prescribed by the constitution. Of what purpose is the AC's "deal[ing] with proposals," if the GA can wantonly disregard the AC's approval or denial of approval and establish which amendments appear on the ballot at will?

There is a second reason why the GA's vote to approve the two amendments of Mr. Malek is illegal: the timing. "The General Assembly shall vote upon final proposals for General Amendments at least one week prior to the General Student Body Amendment Vote" (3). The election is scheduled for April 29th—six days from now. The GA only began (and then completed) voting on the Malek amendments *today*, less than one week before the election. (Voting on all other amendments commenced before today, though the GA vote on all amendments was finalized today as well). As such, even if the GA were to have the right to approve amendments without the AC's approval, the Malek amendments were voted on illegally late and cannot be included in the Spring 2021 Spring Election ballot. The Court should instruct the GA and the Canvassing Committee that the Malek amendments are invalid and should not be included on the ballot.

Sincerely,
David Tanner

Appendix A - Jonathan Malek's proposed amendments

(no subject) Inbox X  

 **Jonathan Malek** <jmalek@mail.yu.edu>
to me ▾ Apr 18, 2021, 10:04 AM (5 days ago) ☆ ↶ ⋮

Add to Article VIII Section 1:5
The Senior Co-Chair must establish the number and titles of liaisons for the Student Life Committee within three days after the intent-to-run forms for the Fall elections are released by the Canvassing Committee.
The Senior Co-Chair must begin the processes for selecting student liaisons by Fall election day.

Change Article XI Section 3:3 and split it up after the word "filed" to another sentence
Add to Article XI Section 3:3 after the word "filed":
In the event of a suit, the court must release the petitioner's suit publicly before the student body if the case is accepted.

Add to Article VIII Section 5:1,XII
-The General Assembly must authorize by majority vote for any official to take a leave of absence.
-The General Assembly by 3/5 majority vote may file to the Office of Student Life to dissolve any WCSG club.

Change X Section 5:7
--In the event that any position is not filled during Fall-2, the members of the council in which the position was not filled, by majority vote, shall appoint a qualified student to fill the position.

-Change Article VIII Section 3:2
No student may hold more than one position in YSU, YCSA, SYMSSC, SOY, or the SLC simultaneously.

Add to Article XIII Section 1:6
At least three-fifths of the student body must cast ballots, including blanks, in the General Student Body Amendment Vote for an amendment to be ratified.

-Change Article VI 1:3 to
The SOY President must be a senior or upper junior in good standing and enrolled in the Judaic Studies morning program with the largest student population.

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Appendix B - Amendments denied approval by the AC but approved by the GA

Add to Article VIII Section 5:1,XII

The General Assembly must authorize by majority vote for any official to take a leave of absence.

The General Assembly by 3/5 majority vote may file to the Office of Student Life to dissolve any WCSG club.

Change Article VIII Section 3:2

No student may hold more than one position in YSU, YCSA, SYMSSC, SOY, or the SLC simultaneously.

Add to Article XIII Section 1:6

At least two-fifths of the student body must cast ballots, including blanks, in the General Student Body Amendment Vote for an amendment to be ratified.