Boston University Student Government Judicial Commission

Constitutional Opinion Concerning the Student Elections Committee and the Senate Elections Oversight Committee

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In its most recent report released on December 6th of 2018, the Executive Advisory Committee (EAC) presents facts and findings on the history of the Student Elections Committee (SEC), the Senate Election Oversight Committee (EOC), and the Judicial Commission. In this report, the EAC claims that the current Constitution states the following: “The Student Election Commission, Judicial Commission and Senate Election Oversight Committee shall establish a neutral oversight over the Student Election Commission to ensure a fair and legitimate election.” However, the correct constitutional item can be found in Article VIII, Section II, clause 4, which states that “The Judicial Commission shall establish a neutral oversight over the Student Election Commission to ensure a fair and legitimate election.” Therefore, the typographical error pointed out in the EAC report is not a part of the current constitution.

On this note, the EAC report results in two major constitutional questions:

1. **Who is the SEC accountable to?**
2. **In the case of a disagreement between the SEC, the EOC, and the Judicial Commission, whose opinion prevails?**

Due to the structure and separation of powers of the Boston University Student Government, it is evident that the SEC is not fully encompassed within any one branch. Therefore, it must necessarily pertain to one of the branches established by the Constitution. The SEC is a body that must remain unbiased, a quality that can only be achieved through the Judicial Branch (i.e. the Judicial Commission). The reason behind this is that Senators cater to their own constituents, which makes them naturally favor a specific group within the student body. Additionally, the Executive Board (President and respective Vice Presidents) works to achieve the goals in its platform, which shifts its interests in a certain direction. However, the Judicial Commission focuses solely on the integrity of the Constitution and other rules that must be compliant with it and be fair to the entirety of the student body. Therefore, the SEC is part of the Judicial branch, although not explicitly stated in the Constitution. Because the Judicial Commission has the power to oversee the SEC, the SEC is a subordinate body of the Judicial Commission. As such, the SEC is tasked with amending the election rules under the guidance of the Judicial Commission. In order to maintain clarity, specificity, fairness, and compliance with the Constitution, the Judicial Commission shall review and approve any changes made by the SEC.

On the other hand, the EOC is under the jurisdiction of the Student Government Senate as stated by the Constitution. Since the EOC has an oversight role, it is the Senate’s responsibility to activate this committee if they wish to oversee and contribute to the process of amending election rules and/or wish to oversee the elections process.

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Taking this into account, the Judicial Commission must ensure that no member of student
government proposes changes to the rules with the intent of creating loopholes that may result in
unfair advantages. Moreover, the Judicial Commission is committed to prevent senators from
incorporating election rule changes for their own benefit, since it is expected that slates will
include current senators. Considering the nature of the authority of the SEC and EOC,
determined by the separation of powers and hierarchy of Student Government, the Judicial
Commission shall make the final approval on changes to the election rules. Thus, in occasions
where the SEC and EOC disagree, the Judicial Commission shall take a vote to make a decision.

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