SENATE BILL 11

A BILL
To amend the By-Laws to define and clarify the Judicial Review Process.

Primary Sponsor: Senator Beeson
Cosponsor(s):
First Reading: 09/15/2014
Referred to: Rules and Judiciary Committee
Second Reading: 09/22/2014

Be it enacted by the Undergraduate Senate of the East Carolina University Student Government Association,

SECTION 1. SHORT TITLE.

This bill may be cited as “The Judicial Review Act”.

SECTION 2. CHANGES TO THE BY-LAWS.

WHEREAS, the judicial review process is currently missing from the Constitution and By-Laws of the East Carolina University Student Government Association; and,

WHEREAS, this process is vital to any fair and balanced system of government; and,

WHEREAS, the Student Government Association Constitution states that the Attorney General with the assistance of the Associate Justices shall “interpret any provision of the Constitution, By-Laws and/or any constitutional law upon written request”; and,

WHEREAS, the By-Laws of the East Carolina University Student Government Association further expresses this power in agreement with the Constitution; now, therefore, be it,

ENACTED, The following shall be added as an amendment to the By-Laws as a new section between Section 4.5 and 4.6 to become the new 4.6, causing the subsequent sections to be renumbered:

“Section 4.6 Judicial Review Process
(a) The Judicial Branch shall have the power to review and interpret legislation or provisions of the Constitution and By-Laws as granted in the Constitution.

(b) In order to review a provision of the Constitution or the By-Laws for interpretation or to review a piece of passed legislation for constitutional review, the Judicial Branch must receive a written request from a student at East Carolina University to take this action.
   a. Justices and the Attorney General shall not be allowed to submit these written requests as this would be a conflict of interest.

(c) Upon receiving a written request for review, the Judicial Branch shall review the legislation or provision in question no earlier than one week from the date the request was received and not later than three weeks from that date.

(d) The Judicial Branch shall notify the party making the request, upon the submission of the request, that they may submit a maximum of a two (2) page argument in support of their opinion on the legislation or provision.

(e) The Judicial Branch shall notify the President of the Student Body and the Speaker of the Senate, upon the submission of the request, that they may submit a maximum of a two (2) page argument each in support of their opinion on the legislation or provision.

(f) The Judicial Branch shall read all arguments at their meeting during which the review is being conducted and shall take these into consideration in the forming of their decision.

(g) The four (4) Associate Justices shall decide the opinion of the Judicial Branch by vote with the Attorney General voting only in the case of a tie.

SECTION 3. DATE EFFECTIVE.

This Act shall be effective upon its passage by two-thirds (2/3) of the ECU SGA Undergraduate Senate.