



TEXAS A&M UNIVERSITY
STUDENT GOVERNMENT ASSOCIATION
JUDICIAL COURT

Special Advisor Scoggins v. Chair Bowen
(Plaintiffs) (Defendant)

Judicial Court Case #64-02

February 16, 2012

SUMMARY

Plaintiff(s) brought suit in order to request that the Court rule against SB64-74 (SOFA). Two points were brought up for discussion including procedure and misleading wording.

DECISION

Part I. Procedural Concerns

Plaintiffs brought forward the idea that the lack of a veto/signature causes this bill to violate Article II, Section III, Sub (a) which states "Signing or vetoing all bills passed by the Student Senate within five (5) class days. Any bill not signed or vetoed within five (5) class days shall be considered signed or approved. This veto power shall not extend to resolutions, the Student Senate or Judicial Court By-Laws, or measures approved in an initiative or general election, but shall extend to the Student Government Constitution." The question that is presented to us is whether calling a referendum in fact requires that a bill in the normal sense be passed. The Court agrees with this interpretation.

Past precedent gives us an insight into how referendums have been called in the past. The last referendum called by the Senate (SB63-74) did indeed include a location for the Student Body President to duly approve or veto. This coupled with the idea that the act of calling a referendum has been determined to follow normal bill procedure leads us to conclude this bill does in fact violate Article II, Section III, Sub (a) of the constitution.

The next concern is whether the Student Body President had the opportunity to veto the bill even though there was no space provided to him. The Student Senate has in any recent past provided this space on all applicable bills, including referendum. The lack of providing this space in turn acts as a substantive error and the Student Body President could not be reasonably expected to understand that placing his veto to this document would carry the full power of an executive veto.

Part. II. Wording

Based on Part I of this opinion the bill is in fact not in force and therefore addressing this point is now moot.

IMPLICATIONS

The implications of this ruling are as follows:

1. The Student Body President, under this Constitution, has the right to veto referendum called by the Senate.
2. SB 64-71 is declared unconstitutional and is null and void. Therefore the referendum question shall not appear on the Spring 2012 Elections.

...It is so ORDERED

Texas A&M University

Judicial Court



Bryan Rowe

Kyle Klasser

Hannah Weger

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Cameron Hallbert

Signed on 2/16/12



Judicial Court