



TEXAS A&M UNIVERSITY  
STUDENT GOVERNMENT ASSOCIATION  
JUDICIAL COURT

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*Colt Jim Clemens V. Speaker John Tyler Koch (a)*  
(Plaintiff) (Defendant)

February 11, 2008

### SUMMARY

On February 6, 2008 S.B. 08 (S) 44 came before the Student Senate as emergency legislation. This bill proposed several election regulation changes that would be enforced in the upcoming student elections. Senator Clemens introduced an amendment that would increase student refunds on election fees for all major offices to \$30. S.B. 08 (S) 44 with its proposed amendment was passed by the Student Senate. New legislation, S.B. 08 (S) 48, was then introduced to increase the refunds for all minor races by \$15. S.B. 08 (S) 48 was passed by the Student Senate. Finally, S.B. 08 (S) 49 was proposed by Senator Testa stating that "All fees should remain previously set." This bill was also passed. On February 9, 2008 Mr. Clemens filed for a Petition for a Permanent Injunction that asked the Judicial Court to render an opinion on the meaning of S.B. 08 (S) 49 and take any and all action necessary to ensure the protection of the student body and constitutionality of S.B. 08 (S) 49.


### DECISION

After reviewing the SGA Constitution and all applicable SGA Bylaws, the Court finds that it is unconstitutional and a violation of checks and balances for the Student Senate to intervene in setting the Election Commission's fees. The Court believes that pursuant to Article III Section I of the SGA Constitution the Legislative Branch is responsible to "identify student opinion and formulate student policy." The Student Senate does have the power to vote for or against any policy proposed by the Executive Branch of government. It is not however specified in the Constitution that Senate has the power or authority to change policy proposed by the Election Commission. If in disagreement with such proposed legislation Student Senate may simply vote it down. Furthermore, Judicial Court finds that setting election fees and refunds has been at the Election Commissioner's discretion. The Election Regulations do not provide any information that deviates from the Court's findings that setting fees is an internal process.

Judicial Court reaffirms that its decision is based on the SGA Constitution. Pursuant to Article IV Section I of the SGA Constitution "All Judicial powers shall be vested in the Judicial Court of the Student Government Association of Texas A&M University." Furthermore, Judicial Court has the power to interpret the Constitution, any Branch By-laws, and Senate legislation according to Article IV Section III (d) of the SGA Constitution.

The Court respectfully asks that all proposed Senate Legislation be specific and explicit as possible to prevent confusion and prevent a similar event from occurring. If questions arise concerning the clarification of any of the governing documents, the Chief Justice is available and constitutionally allowed to give his or her interpretation pursuant to Article IV Section III (f) of the SGA Constitution.

In summary, all fees should remain as previously set by the Election Commissioner.

  
Joseph W. Reed  
Chief Justice  
Judicial Court  
Texas A&M University.

02-11-08  
Date



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(Plaintiff) (Defendant)

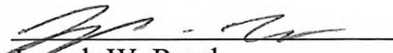
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### DECISION

Judicial Court denies Plaintiffs request for an injunction based on its findings in *Colt Jim Clemens V. Speaker John Tyler Koch (a)*. The amendment to S.B. 08 (S) 44 was found to be unconstitutional and all actions involved with S.B. 08 (S) 48 and S.B. 08 (S) 49 were not necessary.

  
Joseph W. Reed

Chief Justice  
Judicial Court  
Texas A&M University.

02-11-08  
Date



*Judicial Court*