

The Majority Opinion of the Judicial Board
Plaintiff: Christopher Williams
Regarding the constitutionality of the Yell-Leader Run-Off Referendum
January 23, 1997

It is the opinion of the Judicial Board of the Student Government Association of Texas A&M University, that Article III, Section III, letter (f) is separate from letter (g) because of the different purposes of a referendum under said article. Specifically, the purpose of a referendum under letter f to "consider proposed legislation". The purpose of a referendum under letter (g) being to allow a student body to circumvent the legislative branch by "enacting measures independent of the Senate". The referendum in question falls under letter (f) due to the nature in which the referendum was issued to the student body. Referendums under letter (g) are binding because letter (g) specifically states that action by the Student Body President be taken. Referendums under letter (f) may be binding or non-binding under the current Constitution because of letter (f)'s lack of specificity regarding the nature of binding referendums. To differentiate between binding and non-binding referendums, the words "Binding to the Student Government Association" will appear in the text of the referendum sent out of the Student Senate. Referendums not bearing the words "Binding to the Student Government Association" will be considered non-binding. Therefore, Mr. William's request is denied.

We commend both sides for their well researched presentations.

Recommendation to Student Government Association Judicial Board

Issues discussed but not decided by the J-Board re: doesn't directly relate to the filing by Chris Williams.

J-Board suggests the evaluation of the rights and responsibilities of the legislation and executive branch in creating and/or amending election regulations including regulations that have an effect directly or indirectly rules and regulations outside the realm of SGA. It is our opinion that the optimal method of accomplishing this would begin in the Senate Rules and Regulations Committee.