

2017-#1

J. Donnelly for the Court

Pursuant to Article IV, Section 3(C)(4), of the Student Body Constitution, this Court has jurisdiction to “issue writs of mandamus, prohibition, and quo warranto when a Student Body officer is named as a respondent, or such other writs necessary and proper to complete exercise of its jurisdiction.”

On 6/8/2017, a Florida State University Student petitioned this Court for a Writ of Mandamus to compel the officers of the Senate, specifically the Senate President and Senate Pro Tempore, to make public the voting results from committee votes in accordance with Senate Bill 13 (2017). The Sixty Ninth Student Senate passed Senate Bill 13 on January 18, 2017. Mary Coburn, Vice President for Student Affairs, then signed the Bill on January 30, 2017.

Chapter 409 – “Senate in the Sunshine”

The 69th Senate revised Chapter 409 through the passage of Bill 13. Bill 13 added Ch. 409.3, which reads;

“Individualized voting results from every Student Senate meetings and Student Senate standing committee meetings shall be published and archived on the Student Government Association website within ten (10) days of the meeting.”

Mandamus

Mandamus lies to enforce a ministerial act. With a ministerial act the duty is prescribed by law, and the discharge of said duty can be executed without the exercise of discretion or judgment. Mandamus does not apply where judicial discretion or judgment is necessary.

This Court relies upon the Florida State University Student Body Statutes for guidance in this matter. Chapter 401.3(C) states:

“All legislation shall come into effect upon the signature of the Vice President for Student Affairs. Should Student Senate choose to enact the legislation at a later date, it must be stated in the original piece of legislation.”

Senate Bill 13 was signed by the VPSA, Mary Coburn, on January 30, 2017. There is no indication in the original piece of legislation that this bill was to take effect on any date other than the date in which the VPSA signed the legislation.

Therefore, the legislation came into effect on January 30, 2017.

Judicial discretion is not necessary for resolution of the matter before the Court.

The facts indicate that Bill 13 passed the Senate on 1/18/2017, and was signed by the VPSA on 1/30/17. Accordingly, Bill 13 should have taken effect on 1/30/2017,

and any individualized voting results thereafter should have been published and archived on the Student Government Association website within ten (10) days of the respective meetings.

Conclusion

Petitioner is entitled to a writ of mandamus ordering the Student Senate President and the Senate Pro Tempore to make public the voting results from committee votes in accordance with Senate Bill 13.

The Senate is therefore ordered to act in accordance with this writ and Senate Bill 13 of the 69th Senate.