

## ADVISORY OPINION 2019-AO-01

## REASONING

### REVIEW OF PROPOSED CONSTITUTIONAL AMENDMENTS

*Keller, J. for the Court*

*Published January 24, 2019*

Pursuant to Student Body Statutes, the Supreme Court is required to review any proposed constitutional amendment for its adequacy and fairness to “ensure that the language of the statement adequately and fairly reflects the intent of the ballot proposal.” SGA Stat. 506 (B)2. The purpose of the Court’s review is to, “ensure that all provisions voted on by students are fair and not deceptive in terms of the provision’s language, and do not violate the Student Body Statutes, the Student Body Constitution, the Board of Governors Regulations, University Policy or Regulation, or any local, state, or federal law.” SGA Stat. 506 (A)2.

On January 17, 2017, two separate petitions to certify proposed amendments to the Student Body Constitution for the Spring 2019 election were properly submitted to the Court for review. The first amendment called for the replacement of gender-specific pronouns with gender-neutral pronouns within the Florida State University Student Government Association Constitution of the Student Body. The second amendment seeks to ensure that future amendments made to the Student Body Constitution are gender neutral. The Court advises that there is nothing which facially violates a federal, state, or local law such that these Proposed Constitutional Amendments should be withheld from the ballot, and that the statements of intent accompanying the proposed amendments are fair and adequate.

In reaching this decision, the Court looked to the language of the SGA Statute 506 (“Court Review Act”) and the language of Article VI Section 1 of the Student Body Constitution. The Court Review Act requires that all proposed constitutional amendments and referenda (“provisions”) be submitted to the Supreme Court for review. The Court’s review is limited to an advisory opinion.

There is a distinct difference in language throughout the Court Review Act. The Title and Purpose Section emphasizes the importance of ensuring the provision’s language is “fair and not deceptive language” for it to be placed on the ballot. While chapter 506(B)(2) requires that all Statements of Intent be reviewed by the Court to ensure that they adequately and fairly represent the accompanying proposed provision.

#### **Proposed Amendment 1**

Viewing the provision and the Statement of Intent in light of the statute, the Court finds that the intent of the ballot proposal is both fair and adequate. The intent of the ballot proposal is “to replace existing instances within the Student Body Constitution of “He, Him, His, She, Her, Hers” with “They, Them, Their, Theirs.” *See* Student Senate Proposed Constitutional Amendment No. 1, <http://sga.fsu.edu/bills/11.07.18.pdf>, at 10. No ambiguous language is used within the ballot proposal, and the language cannot be seen as “deceptive” because the sole intent is clearly set forth.

#### **Proposed Amendment 2**

Viewing the provision and the Statement of Intent in light of the statute, the Court finds that the intent of the ballot proposal is both fair and adequate. The intent of the ballot

proposal is “to ensure that future amendments made to the Student Body Constitution are gender neutral.” *See* Student Senate Proposed Constitutional Amendment No. 2, <http://sga.fsu.edu/bills/11.07.18.pdf>, at 11. No deceptive language is present within the ballot proposal, and the intent of the provision is clearly stated.

## **CONCLUSION**

Nothing in this Advisory Opinion should be read or construed to favor a position either for or against the proposed amendments. The Court only advises that there is nothing which facially violates nor conflicts with any known federal, state, or local law such that these Proposed Constitutional Amendments should be withheld from the ballot, and that the statements of intent accompanying the proposed amendments are fair and adequate.