ADVISORY OPINION 2024-01

CONCERNING THE PROPER AUTHORITY AND PROCEDURE FOR PLACEMENT OF OPINION ON THE ELECTION BALLOT

Per Curiam, Writing for the Court.

Pursuant to Article IV, Section 3(C)(5), of the Student Body Constitution, it is within the jurisdiction of this Court to issue advisory opinions an SBS 702.2(h) the Court accepts jurisdiction to deliver this advisory opinion.

We take this opportunity to emphasize that we have not been presented with a case or controversy, and we are not considering a particular set of facts. This advisory opinion is a general interpretation of student rights and is not binding on the Court.

On September 19th, 2024, this Court received a petition by a Florida State University Student Government Association ("SGA") Student Body President for an Advisory Opinion as to the proper constitutional procedures that must be followed for the placement of a proposed Opinion to the Florida State University Student Body election ballot during this year's election. Petitioner poses, and this Court will address, questions concerning:

(1) Does the term "acts of the Senate" in Article III, Section 3.3 include proposed constitutional amendments referred to the ballot?

(2) Does the Student Body President have the authority to veto a proposed constitutional amendment referred to the ballot by the Student Senate under the current constitutional framework?

We emphasize that this Advisory Opinion is a statement of this Court's interpretation of the law and that the Supreme Court reserves ruling on the issues discussed herein without a case requiring a decision before the Court, should this issue come before us again in subsequent litigation. However, now that the Court has issued an Advisory Opinion on the matter, it should be known that the proper procedures required for a proposed constitutional amendment are laid out in the opinion as follows.

ANALYSIS

In forming our opinion, this Court looked to the specific language of the FSU Constitution and provisions in the Student Body Statutes ("SBS") regarding the constitutional amendment process. *See Kisor v. Wilkie*, 139 S. Ct. 2400 (2019) (holding that a court must exhaust all traditional tools of statutory construction). When interpreting a provision, Courts begin with the language of the text at issue, giving the words contained in the provision their ordinary meaning. *See N.Y. v. Travelers Ins. Co.*, 514 U.S. 645, 655; *Moskal v. United States*, 498 U.S. 103, 108 (1990). "The beginning point must be the language of the provision, and when the text speaks with clarity to an issue, judicial inquiry into its meaning, in all but the most extraordinary circumstance, is finished." *Ramey v. Director*, 326 F.3d 474, 476 (4th Cir.2003).

The United States Senate defines an "act" as "a measure passed by one or both Chambers." Using this definition it is clear that when the Student Body Senate (SBS) vote on anything they are "acting." Therefore, under Article VI Sec. 1 "Amendments … may be proposed by two-thirds (2/3) vote of the Student Senate" the proposal is an act. Additionally, Art. III, sec. 3.3 affords the Student Body President to veto "acts" of the senate. Under the same provision the veto may be overridden by a two-thirds (2/3) vote of the SBS. As written, the process should go proposal-veto-override veto. This is the political process…

Thus, in exercising judicial restraint, the Court answers Yes to both proposed questions.

Respectfully Submitted this the 19th day of September, 2024.