



UNIVERSITY OF
GEORGIA

Student Government Association

SUPREME COURT OF THE UNIVERSITY OF GEORGIA

*Statement 32-02
With Regards to Bill 32-04*

*Authored: September 04, 2019
Delivered by: Chief Justice Evan Oliver*

Syllabus

The Senate of the Student Government Association unanimously passed Bill 32-04, a bill to modify the Executive Branch Statutes. The Court unanimously found that there was no err in the constitutionality of the bill, but the Court has severe concerns that they wish to warn the Senate and Executive Branch about with regards to the listing out of Executive Cabinet member positions within this bill and the statutes.

On September 03, 2019, the Student Government Association Senate unanimously passed Bill 32-04, a bill to modify the Executive Branch Statutes. This bill was authored by Attorney General Ethan Pender and sponsored by Senator Patrick Femia of the Grady College of Journalism and Mass Communication. As states in the abstract of the bill, “This Bill seeks to modify the Executive Branch chapter of the Student Government Association Statutes in accordance with the new policies and positions adopted by the 32nd Administration.” A note was also added to this bill that states “This bill seeks to replace the entirety of the Executive Branch portion of the statutes. Additionally, it reorders the Executive Branch portion of the statutes as Chapter 300 and the Legislative Branch portion as Chapter 200 to correspond with the ordering of the constitution.”

According to Article VII, Section 3, Paragraph A, subsection iii of the Constitution, the Supreme Court has jurisdiction to determine the constitutionality of the statutes. In deliberation as to the constitutionality of the bill in question, the Supreme Court of the University of Georgia unanimously agreed that the bill did not err in abiding by the Constitution and all other Student Government Association governing documents.

However, in this case, the Court has decided to deliver this statement as a plea for the Senate to consider apparent loopholes and hypothetical institutional crises that could arise from the implementation of this bill as is.

The Court would like to focus on clauses 300.7, 300.8, and 300.9 of the Statutes and this newly passed bill:

300.7 “Upon assembly of quorum, a constitutional Executive Cabinet member shall assume office upon a two-thirds majority vote by the Senators present.”

300.8 “A non-constitutional Executive Cabinet member shall assume office upon appointment by the Student Government Association President.”

300.9 “The Executive Cabinet shall consist of the following voting officers:

- a. Student Government Association President
- b. Student Government Association Vice President
- c. Student Government Association Treasurer
- d. Chief of Staff
- e. Executive Director of Communications
- f. Executive Director of Student Engagement
- g. Attorney General
- h. Deputy Chief of Staff
- i. Director(s) of Government Relations

- j. Director(s) of Platform and Programming
- k. Director(s) of First-Year Programs
- l. Public Affairs Advisor
- m. Director(s) of Social Media
- n. Creative Director
- o. Photographer(s)
- p. Videographer
- q. Director(s) of Academic Outreach
- r. Director(s) of Greek Outreach
- s. Director(s) of International Outreach
- t. Director(s) of Multicultural Outreach
- u. Director(s) of Philanthropy Outreach
- v. Director(s) of Religious Outreach
- w. Director of Student Employee Outreach
- x. Director of Transfer and Non-Traditional Student Outreach
- y. LGBT Resource Center Liaison
- z. Disability Resource Center Liaison
- aa. Student Veterans Resource Center Liaison”

The Court recognizes that the Executive Cabinet is not mentioned in the Constitution and is solely a statutory creation. This means that the hypothetical issues that could arise would be statutory in nature.

In previous administrations, and what has been determined as precedent practice up to now, every incoming Executive administration will make changes to their Executive Cabinet. These changes might include the addition of non-constitutional Executive Cabinet member positions, the removal of non-constitutional Executive Cabinet member positions, or the changing/reshaping of these non-constitutional Executive Cabinet member positions. The listing out of each Executive Cabinet position within the statutes creates the burden of limiting administrations to only fill the positions that are statutorily spelled out in the governing documents and Statute 300.9 of this bill. Such a limit would go against precedent and severely limit the power of the Executive Branch to reshape the Executive Cabinet in which they appoint.

The burden of responsibility would fall on the newly appointed Attorney General to update the statutes to reflect the new Executive Cabinet, as stated in Statute 100.4, “The Student Government Attorney General shall be responsible for continuous maintenance of the SGA Statutes such that at any given time they reflect all legislation enacted as of that time. Legislation shall be considered enacted when all SGA action on it is completed.”

The Court would like to pose the following hypothetical scenarios to emphasize the potential problems:

What if an Attorney General is denied confirmation by the Senate and therefore the statutes are not updated to reflect the Executive Cabinet changes of a new administration?

What if the Senate fails to meet before the end of the spring semester or denies to bring up statutory changes until the fall? Does that mean the Executive administration is forced to keep a cabinet that is a perfect reflection of the existing statutes?

What if the new executive branch administration, led by elected officials of the student body, wants to implement changes to the Cabinet in which they preside over and the Senate denies this ability by refusing to change the statutes? Does this give too much power to the legislative branch over the Executive Cabinet? (Statute 301.3 of this bill states “The Student Government Association President may set any formal or informal structures or reporting techniques that they deem appropriate for the efficient and productive operation of the Executive Cabinet.”)

It is not within the powers of the judicial branch and this Court to propose amendments or make new statutes to address these concerns. That responsibility lies with the Senate. However, we have authored this statement in urgency, with the hopes that the Senate and the Attorney General will re-evaluate these inconsistencies and hypotheticals in order to prevent inevitable constitutional crises in the near future.

It is so ordered.