

Texas State University Student Government Supreme Court

Syllabus
Advisory Opinion
Composition of the Court
Opinion No: 25-10

Request Received – 03/31/2025 – Opinion Issued – 04/05/2025

The court received a request from a student regarding how many Justices were to be a part of the Supreme Court at any given period as the Student Government Code and Constitution conflict with each other.

For this question, we hold that:

1 – In pursuance to Article VI Section 3 Subsection A (pg. 14) of the Student Government Constitution, the court shall consist of five (5) justices and in pursuance to Article VI Section 3 Subsection B (pg. 14) of the Student Government Constitution the court shall elect one Chief Justice from these five (5) Justices.

A detailed explanation of our opinion is found below.

Associate Justice Downey delivered the majority opinion for a unanimous court in which Chief Justice Hanzala, Associate Justices Karki and Nguyen joined. Justice Hernandez did not take part in this decision.

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Associate Justice Downey delivered the majority opinion of the court.

The court was asked to deliberate on whether Article IV Section 1 Subsection A (pg.10) of the Student Government Code of Laws determines the number of justices or if Article VI Section 3 Subsection A (pg. 14) of the Student Government Constitution stands.

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The court would first like to elaborate on the purpose of the Student Government Code of Laws which is stated in Article 1 – Purpose, Structure, and Definitions (pg. 1) and is as follows:

“The Senate and Graduate House of Representatives shall establish, through legislation, a Student Government Code of Laws, which shall outline policy and procedures relating to the overall operation of the Student Government and establish procedures for provisions found but not detailed within the Student Government Constitution.”

The court will also consider Article II. Purpose (pg. 1) of the Student Government Constitution which is as follows:

“Subject solely to the authority of the Texas State University Board of Regents, Student Government officially represents the Texas State University Student Body in voicing concerns, promoting student interests, and advocating for student and academic life to the faculty, staff, and administration of Texas State University”

It is the opinion of the court that using the two provisions, the Student Government Constitution takes precedent over the Student Government Code of Laws. This is for two main reasons, the first being that as stated in Article II. Purpose (pg. 1) of the Student Government Constitution “*Student government . . . promotes student interests*”. It is also the opinion of the court that since the Student Government Constitution was voted into law by the student body and the Student Texas State University Supreme Court Student Government Code of Laws was not, the Constitution more closely aligns to representing “*student interests*” than the Student Government Constitution and thus will always take precedent over the Student Government Code of Laws.

Using this precedent the along with the fact that “*Student Government Code of Laws . . . shall outline policy and procedure . . . not detailed within the Student Government Constitution.*” (Article 1 Purpose, Structure, and Definitions pg. 1 of the Student Government Code of Laws the court holds that Article VI Section 3 Subsection A and B of the Student Government Constitution stands and shall take precedence over the Student Government Code of Laws Article IV Section 1 Subsection A (pg. 10).

It is so ordered...