Texas State University

Student Government

Supreme Court

Syllabus

Jcolby Joseph vs. Belle Porth

Opinion 26-03

Complaints received – October 13th, 2026. Argued – October 23rd, 2026. Opinion Issued – October 26th, 2026.

The court received a complaint from Jcolby Joseph referred to as the petitioner arguing that the election of Senator Belle Porth to Vice President Pro Tempore, referred to as the defendant was invalid as it did not receive a 2/3rds majority vote as required by the code. The complaint alleged:

1. The internal senate vote of Belle Porth to the position of VP Pro Tempore was unlawful as it did not meet the 2/3rd, majority as required by the Code of Laws.

The Court convened a hearing on this matter on October 23rd, 2026. We analyzed the presented arguments from the petitioner and the defense, the submitted evidence, our cross examination, and the Code of Laws to make our determination on this matter.

The court holds:

1. Because a 2/3rd majority was not achieved in the election of VP-Pro Tempore, the results are invalid.
2. Because the Vice President did not formally nominate a candidate for VP Pro Tempore and Parliamentarian, the results are invalid.

Chief Justice Downey delivered the majority opinion for a unanimous court in which Justices Pickle, Ramon, and Smith did not join.

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Chief Justice Elliott Downey delivered the unanimous opinion of the court.

The court would like to note that since a quorum of three justices could not be reached as required by Article IV, Section D, Subsection 1 of the Student Government Code of Laws, "*If the Supreme Court cannot reach a quorum by the deadline to issue the Notice of Complaint, the Chief Justice will have sole jurisdiction to hear and decide the case.".*

I

For the complaint alleged, the petitioner argued that since under the Constitution under Article 4, Section 3, Subsection B, there is no position of VP-pro tempore that is cited only in the position of Senate leadership; however, in the Code of Laws the position and responsibilities of VP-Pro Tempore are clearly outlined in The Student Government Senate Rules of Procedure, Article 1, Section 1, Subsection C. Therefore, the petitioner alleged that the two positions were different. Furthermore, the petitioner alleged that the Vice President did not have the authority to appoint a Senator to the position of VP-Pro Tempore.

The defendant argued that the election in which a simple majority was reached was simply to nominate her and that a 2/3^{rds}, confirmation vote was set to occur later to officially confirm her to the position. The defendant also alleged that the position of Senate Leader and VP-Pro Tempore was the same.

The court referred to advisory opinion 25-10:

"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."

The court recognizes that the wording of "*Senate Leader"* and *"VP-Pro Tempore"* within the Code of Laws and Constitution is not the same, however because many of the responsibilities overlap between the two positions it is the court's opinion that the two are the same. The court

would recommend that a governing documents committee be put together to specify how the VP-Pro Tempore is the same as the Senate Leader position.

The petitioner requested that the court change the way in which the VP-Pro Tempore is elected from being a 2/3rd majority to a simple majority. The court cannot change a part of the code that is very clearly defined; we can only interpret it. If the court had the ability to change the code in the way that the petitioner was requesting, then student government wouldn't be a fair organization with equal power shared between the three branches.

The court will refer to Article IV, Section 3 of the Student Government Constitution:

"The Senate Leader and the Parliamentarian shall be elected members of the Senate appointed by the Student Body Vice President."

The court has a duty to maintain the balance of power between the three branches of student government; it is for this reason why it is the opinion of the court that in order to maintain a fair balance of power, the Vice President Nominate a Senator for the position of VP-Pro Tempore. Following this nomination, the Senate must vote by a 2/3rd majority for this person to be confirmed.

The court would also like to add that this process applies to the position of Parliamentarian as well since both positions have the same process in the code and constitution for being elected.

The court will also recommend a governing documents committee be formed to discuss adding a law in the code that defines what is to be done when a 2/3rd supermajority vote cannot be reached.

It is so ordered . . .