Advisory Opinion

Opinion No.: 11 SSG 003
Inquirer: Zach Dexter, Student Body Treasurer
Re: Seeking relief against vetoed bills

Date Issued: September 1st, 2011

I. QUESTION(S) PRESENTED

1. Would a party have standing in a suit against a supposedly illegal funding bill passed by Student Congress and vetoed by the Student Body President?

II. BACKGROUND

1. On the evening of August 31st, 2011, Student Body Treasurer (SBT) solicited an Advisory Opinion of the Student Solicitor General and provided the following details:
2. On an unspecified date, Student Congress passed a funding bill that required a higher fundraising-to-cash ratio of a certain student organization than for other student organizations. The student organization affected suspects a violation of the Viewpoint Neutrality Clause.¹

III. ANALYSIS

The Student Code provides a mostly definitive negative answer to the question, but there may exist a small loophole for such a student organization to bring suit against Student Government.

III S.G.C. 407(B) reads: “No standing shall extend to any student or student organization arising from a proposed legislative act.” This statute alone almost wholly answers the SBT’s question – this student organization almost certainly would not have standing. If the bill passed in Full Congress, however, then the bill is no longer “proposed.”

But III. S.G.C. 407(A) should close the loophole I identified. It requires that an organization’s “powers, rights, privileges, benefits or immunities [be] adversely affected, restricted, impaired, or diminished by the legislative act in question.” Because a vetoed bill does not have the force of law, the organization is in no way adversely affected by it.

This Opinion should not be construed to mean that a student organization would not have standing to sue if it were otherwise adversely affected in the funding process.

¹ V S.G.C. 109
IV. CONCLUSION

Because a vetoed funding bill does not have the force of law to adversely affect a student organization, it would not have standing to sue as per III. S.G.C. 407(A).

/s/Erik M. Davies

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