



# THE STUDENT BODY SUPREME COURT OF BUTLER UNIVERSITY

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Order Number: 2122-010

**Order in the Matter of:**

Veto Override Language of the SGA Constitution and General Bylaws  
Motion filed: March 14, 2022

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Order handed down: March 15, 2022

In the matter of Senate overrides of legislative vetoes signed by the president, this Court has decided that a minimum of two-thirds of the full Student Senate must vote in the affirmative. The Court is also formally installing the previously temporary injunction, as enacted by Court Order 2122-008, on the Student Body Senate's override of Legislative Veto 2122-003 on March 2, 2022. This now upholds Legislative Veto 2122-003, as signed by President Will Gigerich.

In the matter of the Universal Petition, henceforth referred to as Petition 2122-005, filed by President Will Gigerich on March 3, 2022, the Court interprets the language found in the SGA Constitution in regards to presidential veto overrides as needing two-thirds of the total body in the affirmative. The Court examined the language in the SGA Constitution Article IV Section 9, which states "If the President vetoes the legislation, then the Student Senate may override the veto by a two-thirds vote." The Court determined that the language "the Student Senate" refers to all sitting members of the Student Senate, not just those who are present. The Court considered that the Senate's ability to check the President's veto power holds a certain threshold that should not be achieved by a bare minimum quorum.

The Court would like to make it known that this order is exclusively in regards to overrides of legislative vetoes. However, due to the scope of this situation, and additional information presented by President Will Gigerich in Petition 2122-005, the Court asserts authority to discuss and rule on all matters which relate to  $\frac{2}{3}$  votes in all governing documents, as were mentioned in the petition. Following examination of these points, opinions on Petition 2122-005, including opinions concerning this order, shall be released. This will allow for the entire scope of all two-thirds language to be considered in these opinions.

Justices Crnarich, Kissel, Miller, Rashevich, and Stanley concur.  
Justice Ball dissents.

*It is so ordered.*



**Universal Petition Concerning Two-thirds Votes of Divisions of the Student  
Government Association**

Filed on: 3/3/2022  
Filed by: Will Gigerich  
Primary Butler Email: [REDACTED]  
Primary Phone Number: [REDACTED]  
Academic Standing: Senior  
Organizational Affiliation: Student Government Association Executive Branch – President  
Petition Filed Against: Student Government Association Legislative Branch

**Brief Description of Unconstitutionality:**

*“Robert’s Rules of Order states that ‘A two-thirds vote - when the term is unqualified - means at least two thirds of the votes cast by persons entitled to vote, excluding blanks or abstentions, at a regular or properly called meeting’ (401). In regards to the vote to override a legislative veto, the two-thirds vote is qualified by the phrase ‘the Student Senate may override.’”*

**Additional Information:**

*“As the primary author of the current SGA Constitution, I am more than happy to testify on the original intent of the document and its effects on the operations of the organization. I encourage the Judicial Branch to act with integrity and uphold the governing documents that not only were approved by the student body’s representatives but that each and every justice affirmed their commitment to protect and defend.”*

**Office of the Student Body President**  
**Universal Petition**  
**In the Matter of the Vote to Override Legislative**  
**Veto 2122-003**

During the meeting of the Student Senate on Wednesday, March 2, 2022, a discussion and vote to overturn Legislative Veto 2122-003 took place. During the roll call vote, 18 senators voted in favor of overturning the veto, 1 senator voted in opposition to overturning the veto, and 6 senators abstained from the vote. After the vote, the Speaker of the Senate announced that the veto was overturned. This announcement was based on information provided to the Speaker of the Senate by the Chief Justice prior to the meeting. The Chief Justice stated that only a two-thirds vote of the senators present was necessary to overturn the veto. This information is purely the interpretation of the Chief Justice and not a ruling of the Student Body Supreme Court (the only entity which has the authority to rule on such matters).

Therefore, I implore the Student Body Supreme Court to hold a hearing on this matter to determine the correct interpretation of Article IV, Section 9 of the SGA Constitution. For reference, this section states “If the President vetoes the legislation, then the Student Senate may override the veto by a two-thirds vote.” Different language is used in Article V, Section 6 of the SGA General Bylaws. For reference, this section states, “Any senator will then be able to motion to override the veto with a two-thirds vote, the veto shall be overrode and the legislation granted authority.”

Robert’s Rules of Order states that “A two-thirds vote - when the term is unqualified - means at least two thirds of the votes cast by persons entitled to vote, excluding blanks or abstentions, at a regular or properly called meeting” (401). In regards to the vote to override a legislative veto, the two-thirds vote is qualified by the phrase “the Student Senate may override.” While it is possible to believe that the procedure outlined in the SGA General Bylaws is unqualified, it is not reasonable to believe that the procedure in the SGA Constitution is also unqualified. Regardless, the procedure in the General Bylaws is irrelevant to consider in this matter because Article II, Section 2 of the SGA Constitution states that “No bylaw or resolution may in conflict with this constitution, the University’s regulations, or local, state and federal laws.”

In total, in all of SGA’s governing documents, a “two-thirds vote” is explicitly qualified by the terms/phrases “the Senate,” “the Student Senate,” “the Executive Branch’s elected and presidentially appointed officers,” “the elected or confirmed members currently occupying the office of the Student Government Association Executive Branch,” or “the Student Government Association Supreme Court” in 20 out of 22 occasions. Only two times is a “two-thirds vote” not explicitly qualified. However, in these instances, a “two-thirds vote” should not be considered “unqualified.” This is because, in these instances, the phrase “a two-thirds vote” was simply used as shorthand for “a two-thirds vote of [the applicable body/branch].” Furthermore, precedence

within the Student Government Association has been that abstentions are counted towards the total required for a “two-thirds vote.”

Whereas Order Number 2122-008 in the Matter of Temporary Injunction of Senate Override of Legislative Veto 2122-003 specifically cited the Judicial Branch’s powers of judicial review and judicial review in this case directly relates to a resolution and its subsequent veto, Article XI, Section 1 of the SGA General Bylaws is relevant. For reference, this section states that “The Judiciary shall inform the Executive and Legislative Branch leaders of decisions resulting from judicial review within five (5) business days with possible explanations or suggestions attached, as well as information regarding appealing a judicial review decision.” Therefore, in accordance with the SGA General Bylaws, I expect this matter to be resolved swiftly within the next five business days.

As the primary author of the current SGA Constitution, I am more than happy to testify on the original intent of the document and its effects on the operations of the organization. I encourage the Judicial Branch to act with integrity and uphold the governing documents that not only were approved by the student body’s representatives but that each and every justice affirmed their commitment to protect and defend.

Below I have outlined every instance of a “two-thirds vote” for review. Excerpts highlighted in blue are explicitly qualified. Excerpts highlighted in yellow are not explicitly qualified but should be considered qualified based on the original intent of the SGA Constitution.

**Constitution:**

Article II, Section 3 of the SGA Constitution states that “This constitution will be considered ratified once the **Student Government Association Senate votes to adopt it by a two-thirds vote.**”

Article II, Section 4 of the SGA Constitution states that amendments to the Constitution will be “confirmed by a **two-thirds vote of the Student Senate.**”

Article IV, Section 9 of the SGA Constitution states “If the President vetoes the legislation, then the **Student Senate may override the veto by a two-thirds vote.**”

Article IV, Section 12 of the SGA Constitution states that “The President and the Vice President may be impeached for gross neglect of duty by a two-thirds vote of the Student Government Association Supreme Court and vacate office upon the conviction of impeachment by an affirmative **two-thirds vote of the Student Senate.**”

Article IV, Section 13 of the SGA Constitution states that “If a Vice Presidential Office vacated prematurely, the President will nominate a replacement to serve the unexpired balance of the term with the **two-thirds confirmation of the Student Senate.**”

Article V, Section 8 of the SGA Constitution states that “Members of the Student Senate may be impeached for gross neglect of duty by a **two-thirds majority vote of the Student Government**

Association Supreme Court and vacate office upon the conviction of impeachment by an affirmative two-thirds vote of the Student Senate.”

Article VI, Section 4 of the SGA Constitution states that “Members of the judiciary may be impeached for gross neglect of duty by a two-thirds vote of the elected or confirmed members currently occupying the office of the Student Government Association Executive Branch and convicted and removed from office by an affirmative two-thirds vote of the Student Government Association Student Senate.”

### **General Bylaws:**

Article III, Section 4 of the SGA General Bylaws states that “Executive Orders are subject to judicial review and can be repealed by a two-thirds vote of the Student Senate within five (5) business days of the order being made.”

Article V, Section 2 of the SGA General Bylaws states that “Exceptions may be made if the primary sponsor of the resolution attaches a clause indicating that a resolution shall have an expiration date or the Senate, by a two-thirds vote, attached a clause indicating that a resolution shall have an expiration date.”

Article V, Section 3 of the SGA General Bylaws states that “All meetings of the Senate shall be open to the public with the expectation of a meeting that is called into Executive Session by the Speaker of the Senate or a two-thirds vote of the Student Senate.”

Article V, Section 6 of the SGA General Bylaws states, “Any senator will then be able to motion to override the veto with a two-thirds vote, the veto shall be overrode and the legislation granted authority.”

Article XII, Section 6 of the SGA General Bylaws states that “In the case that more than \$50,000 is needed, the Senate must approve the expenditure(s) with a two-thirds majority vote and receive executive approval.”

Article XIV, Section 5 of the SGA General Bylaws states that “Resolutions of censure require an affirming two-thirds vote in the Senate and are not subject to expective approval.”

Article XV, Section 2 of the SGA General Bylaws states that “Once ratified, the Student Government Association General Bylaws may be amended by an affirmative two-thirds vote of the Student Senate and the signature of the President.

### **Executive Branch Rules and Procedures:**

Article VII, Section 1 of the Executive Branch Rules and Procedures states that “The Executive Branch Rules and Procedures shall be ratified by an affirmative two-thirds vote of the Executive Branch’s elected and presidentially appointed officers and go into effect on the date approved for implementation.”

Article VII, Section 2 of the Executive Branch Rules and Procedures states that “Once ratified, the Executive Branch Rules and Procedures may be amended by an affirmative two-thirds vote of the Executive Branch’s elected and presidentially appointed officers.”

### **Legislative Branch Rules and Procedures:**

Article IV, Section 4 of the Legislative Branch Rules and Procedures states that “The motion will be sustained and the resolution may come to the Senate floor within an affirmative two-thirds vote of the Student Senate.”

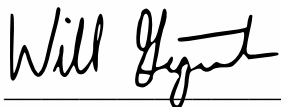
Article IV, Section 7 of the Legislative Branch Rules and Procedures states that “If a senator fails to recuse themselves, the Senate may motion and vote with an affirmative two-thirds majority to remove a senator from the voting process and discussion on a certain resolution.”

Article VII, Section 1 of the Legislative Branch Rules and Procedures states that “The Legislative Branch Bylaws shall be ratified by an affirmative two-thirds vote of the Student Senate into effect on the date approved for implementation.”

### **Judicial Branch Rules and Procedures:**

Article I, Section 2 of the Judicial Branch Rules and Procedures states that “Scheduling matters should be a collaborative effort that is decided by availability and consensus of a two-thirds majority.”

Respectfully submitted,



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Will Gigerich, Student Body President  
Thursday, March 3, 2022 at 3:20pm