

IN THE STUDENT JUDICIARY
FOR THE UNIVERSITY OF ALABAMA

No. 22-010

SARAH SHIELD, GARRETT BURNETT;

STUDENT/S

TYLER TANNEHILL;

SENATOR

Complainant,

versus

DAVID STRICKLAND;

ATTORNEY GENERAL, STUDENT GOVERNMENT ASSOCIATION

Defendant,

Appeal for Judicial Review

OPINION

COUNSELOR MORTHLAND delivered the Opinion of the Court, which was joined in full by the Panel of Justices present on the case. Upon receiving Judicial Appeal No. 22-010, the special panel convened at 2:30 PM on Friday, September 30th, 2022.

I

The Complainants argue that Attorney General Strickland provided an incorrect interpretation of the Student Government Association (SGA) Constitution when delivering an Opinion of the Office of the Attorney General on August 22nd, 2022. At the request of the SGA Advisor and Elections Board Advisor on behalf of the SGA Senate and Elections Board, Attorney General Strickland answered the following question:

'When should special elections for Senate vacancies be held based on the Constitution's writing?'

In his response, he analyzed Article III, Section 4, Subsection B of the SGA Constitution:

'Special elections for Senate vacancies will be held every twenty full class days beginning from the first day of the fall semester until forty class days prior to spring SGA elections.'

and interpreted such to determine:

'Special elections for Senate vacancies should be held sometime between twenty full class days after the first day of the fall semester and forty class days prior to the spring SGA elections; they should not be held every twenty full class days during that time period.'

Appeal No. 22-010 was filed on the opinion that this interpretation was egregious. Complainants cite the Merriam-Webster Dictionary definitions of ‘will’ and ‘every’ to argue Attorney General Strickland inappropriately redefined terms of the Constitution.

II

The Defendant provides that:

1. The earliest capable timeline for the Office of Institutional Technology (OIT) to organize ballot material is twenty-one days,
2. The SGA Elections Board was confirmed Monday, September 19th, 2022. Thus, there was no facilitative body to hold an election at the time of the Opinion,
3. The Constitution does not provide for an eventuality where no Elections Board yet exists,
4. The Constitution must be viewed in light of the realities of technology, process, and time, and
5. The Opinion was written to precisely respect the rights and privileges of student self-governance and maintain the electoral processes free from administrative and advisory overreach and influence.

In addition, the Defendant cites the Merriam-Webster Dictionary definition of ‘interpret’ to assert that his interpretation could not have been incorrect, as it is defined an ‘individual judgement’.

III

The Court voted unanimously in favor of the Defendant, finding that the Complainants’ appeal has no merit and Attorney General Strickland’s interpretation of Article III, Section 4, Subsection B of the Constitution was neither incorrect nor egregious.

IV

The Court found that the Complainants' chosen definition of 'will' is not the sole definition of such. Cambridge Dictionary defines 'will' as a modal verb, 'used to talk about what someone or something is able or willing to do'. Attorney General Strickland effectively applied this definition to his interpretation. Thus, the Defendant's interpretation was not founded on definitionally incorrect grounds.

Given the constraints of OIT and the Elections Board, and as student-operated elections are objectively unable to take place under the Complainants' interpretation of the Constitution, Attorney General Strickland's interpretation was necessary in ensuring the integrity of student self-governance. Thus, the Defendant's interpretation was not egregious.

Additionally, as the Court recognizes the Constitutional twenty-day timeline is incompatible with realistic capabilities, and in the effort to prevent future disagreement, the Court moves to suggest the Student Government Association revise Article III, Section 4, Subsection B of the Constitution of the Student Government Association of The University of Alabama to accommodate OIT and Elections Board resources.

ORDERS

IT IS HEREBY ORDERED: That the Student Government Association clearly define the process of special elections, in accordance with OIT and Elections Board capabilities, to prevent future potential disagreements.

It is so ordered,



Counselor to the Chief Justice, Student Government Association