

**SUPREME COURT OF STUDENT GOVERNMENT  
AT TEXAS STATE UNIVERSITY**

No. 01-02

**HUNTER SCHULER, DIRECTOR OF RULES AND  
STANDARDS v. SEAN QUIÑONES, STUDENT BODY  
VICE PRESIDENT**

**ON APPLICATION FOR INJUNCTION AND NOTICE  
OF COMPLAINT**

Received September 8, 2014 – Issued September 9, 2014

The application for an injunction and Notice of Complaint was submitted by the complainant and received by Chief Justice Cody DeSalvo. Justice DeSalvo forwarded the injunction request and the Notice of Complaint to the Supreme Court to decide if the Court would hear the case and granted injunctive relief to the complainant.

The complainant requested injunctive relief pending a hearing by the Court related to the issue of a resolution passed by the Senate on September 8, 2014 with 13 votes in the favor, 8 votes against and 5 abstained votes. The complainant believes that this violates Article III, Section 4 of the Constitution which requires a majority vote to pass any Senate action.

JUSTICE DESALVO delivered the opinion of the Court, with Justice Tennent, Wan, Morrison, McKinney and Schultz, concurring.

The S.G.C. Title VII. §100.7(3) requires the complainant to demonstrate an immediate, irreparable harm in order for the Court to grant injunctive relief. Because the President has yet to sign the resolution into effect and a presidential veto is still an option, no irreparable harm is yet certain.

In addition, because the Notice of Complaint filed with the Court is itself based on a cause of action that the

Court believes should not yet be acted on, no hearing on the case will be scheduled.

It is the opinion of this Court that we must give the branches of our Student Government that are currently in conflict the time to attempt to resolve this issue themselves. They should use all the powers granted to them before the Court becomes involved. If those options are exhausted or unsuccessfully executed and the issue still exists the Court will review a new Notice of Complaint and is prepared to reassess its opinion on injunctive relief.

The complainant's petition is thereby vacated, and the injunctive relief is denied.

*It is so ordered.*

**TEXAS STATE UNIVERSITY**  
**STUDENT GOVERNMENT – SUPREME COURT**

Notice of Complaint

Hunter Schuler  
Director of the Rules and Standards Commission  
*Complainant*

vs.

Sean Quiñones  
Chairman of the Senate, Vice President of Student Government

*(Pertaining to the Constitutionality of S.S.R. 2014-2015.2)*

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COMPLAINANT BRIEF –

On 08SEP2014, the Student Government Senate adopted S.S.R. 2014-2015.2. After a failed motion to table and a failed motion to send to committee, there was a motion to call the question. There was a second to this motion with no objection. The Vice President then took the vote by roll-call. There were 13 "ayes," 8 "nays," and 5 "abstains." In the chamber's haste, the Vice President incorrectly determined that the piece of legislation had passed. However, with 13 ayes, and 13 combined other votes, the piece of legislation was split 13-13. The Vice President did not vote to break the tie and create a majority. I have confirmed all of these numbers with the Senate Clerk, Peyton Smith, who verified them to me to be accurate and true. Therefore, the Vice President acted unconstitutionally in determining that this piece of legislation had passed.

CONSTITUTIONALITY –

The passing of S.S.R. 2014-2015.2 is in violation of the constitution pursuant to:

Student Government Constitution – Article III. Section 4, which reads in its entirety,  
“Any action by the Senate must have attained at least a majority vote of the Senate to pass. The Senate may prescribe a higher threshold as it deems necessary.”

REQUEST FOR RELIEF –

I beseech the Supreme Court to find that S.S.R. 2014-2015.2 is unconstitutional, unlawful, and invalid due to it not having received a majority vote by the Senate. I further implore the court to find these *de jure* University Committee appointments unconstitutional and that any actions by these appointees in an official capacity for a University Committee does not have the proper legal support of Student Government.

REQUEST FOR IMMEDIATE INJUNCTION --

I also request that while the Court considers the constitutionality of this legislation that an injunction is issued immediately which suspends this legislation until the Court reaches a determination on its constitutionality. This request for injunction should be considered separately from the request for relief. I urge the Court to treat this consideration with haste and conduct any and all proceedings, as well as issuing an injunction, as soon as possible so that the Senate may reconsider University Committee appointees and so that these University Committees may conduct their business without delay.

I swear that everything I have written is true and correct to the best of my knowledge.

Respectfully,

Hunter Schuler.

Director -- Rules and Standards Commission

**DeSalvo, Cody Lee**

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**From:** Hunter <hunterschuler@txstate.edu>  
**Sent:** Monday, September 08, 2014 10:46 PM  
**To:** DeSalvo, Cody Lee  
**Subject:** Notice of Complaint #03-742-109  
**Attachments:** form.csv; SGSC - S.S.R. 2014-2015.2.docx

**sendername:**

Hunter

**last-name:**

Schuler

**student-id-number-a0:**

A04161526

**senderemail:**

hunterschuler@txstate.edu

**do-you-need-emergency-relief-such-as-an-order-from-the-supreme-court-to-stop-pending-legislation-impeachment-election-board-order-or-rules-and-standards-commission-sanction:**

Yes, I need the court to stop a pending action.

**please-tell-us-what-action-or-actions-you-are-requesting-the-supreme-court-stop-and-justify-the-request-if-there-is-more-than-one-thing-yoursquod-like-us-to-stop-please-list-them:**

I request that the Supreme Court issue an injunction, suspending S.S.R. 2014-2015.2 until the Court has made a determination on the constitutionality of this legislation.

**unnamed:**

On 08SEP2014, the Student Government senate voted on S.S.R. 2014-2015.2. The Vice President determined that this piece of legislation passed, however, the legislation did not have a majority vote of the Senate and is therefore unconstitutional and invalid.

**unnamed-1:**

Pursuant to Article III. Section 4.

"Any action by the Senate must have attained at least a majority vote of the Senate to pass. The Senate may prescribe a higher threshold as it deems necessary."

**unnamed-2:**

Option 2: I am filing this Notice of Complaint Under Article VI Section 2 of the Student Government Constitution.

**unnamed-3:**

On 08SEP2014, the Student Government Senate adopted S.S.R. 2014-2015.2. After a failed motion to table and a failed motion to send to committee, there was a motion to call the question. There was a second to this motion with no objection. The Vice President then took the vote by roll-call. There were 13 "ayes," 8 "nays," and 5 "abstains." In the chamber's haste, the Vice President incorrectly determined that the piece of legislation had passed. However, with 13 ayes, and 13 combined other votes, the piece of legislation was split 13-13. The Vice President did not vote to break the tie and create a majority. I have confirmed all of these numbers with the Senate Clerk, Peyton Smith, who verified them to me to be accurate and true. Therefore, the Vice President acted unconstitutionally in determining that this piece of legislation had passed.

**unnamed-4:**

I request that the Supreme Court determine that S.S.R. 2014-2015.2 be considered unconstitutional due to it not having received a majority vote by the Senate. I also request that while the Court considers the constitutionality of this legislation that an injunction is issued which suspends this legislation until the Court reaches a determination on its constitutionality.

**if-you-dont-want-to-use-the-space-provided-you-can-type-the-brief-in-ms-word-and-attach-it:**

SGSC - S.S.R. 2014-2015.2.docx (Attached file)

**unnamed-5:**

**would-you-like-the-supreme-court-to-assign-a-judicial-advocate-to-help-you-prepare-for-the-supreme-court-hearing-preparation-of-documents-and-even-counsel-and-representation-judicial-advocates-are-texas-state-students-with-an-understanding-of-supreme-court-procedures:**

No, I will prepare for the Supreme Court hearing, documents and represent myself.

**will-you-be-submitting-any-evidence-for-the-court-to-consider-besides-the-brief-receipts-photos-records-etc:**

No, I will not.

**oath-of-affirmation-of-truth:**

I, the filer of this Notice of Complaint, in accordance with Title VII §100.4(3) of the Student Government Code, do solemnly swear – the documents I have provided are truthful and that I will tell the truth, the whole truth, and nothing but the truth – as the laws of Student Government require.

Form location: <http://studentgovernment.dos.txstate.edu/courts/supremecourt/complaint.html>

Confirmation number: 03-742-109