

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

No. 01-05

Cody DeSalvo, Senator

v.

Corey Benbow, Attorney General
ON APPLICATION FOR INJUNCTION

Syllabus

Issued October 30, 2020

An application for Injunction Relief was submitted by Mr. Cody DeSalvo, hereafter referred to as the Complainant, because of a conflict between the Student Government Constitution and Student Government Code of Laws. Each defines different types of voting thresholds for passage of a Vote of No Confidence Resolution. The Constitution set a 2/3 voting threshold while the Code of Laws set a Majority. The Respondent filed a complaint with the Supreme Court and is requesting temporary relief related to the complaint as follows:

1. The Court issue an injunction and enjoin any party from bringing into force and effect the resolution: "A Vote of No Confidence in the Senate Parliamentarian."
2. The Court restores the [Complainant] as Senate Parliamentarian with all the rights and responsibilities conferred to that office until the case is resolved.
3. That the Court orders a temporary delay in the Senate Parliamentarian election until this case has been resolved.

The request for Injunction Relief was received by Chief Justice William Frank Cadoree and referred by him to the whole Supreme Court for consideration.

Held: The Court grant's temporarily relief by ordering a temporary suspension of a Senate Parliamentarian election in Senate but rejects the other two requests for relief.

Opinion

Injunctions are instruments used by this Court to stop actions that may cause a person imminent or immediate harm in their dealings with Student Government.¹

Consistent with this standard, several questions related to the conflict between the Student Government Constitution and Code of Laws were brought forward by the Justices. This Court finds actionable issues on each of these topics. These concerns all sufficiently meet or exceed what should reasonably be required for the issuance of an injunction.

In reviewing the requests for relief, the Court has determined that the request with the greatest potential harm to the organization and the Complainant is the election of a new Parliamentarian, especially if the Court finds in favor of the Complainant.

Chief Justice FRANK CADOREE delivered the Majority Opinion of the Court in which Justices WOSNIG and GUILHAS joined. Justice MALCOM's opinion was not registered.

Order

The Court Orders a temporary delay in the Senate Parliamentarian election until this case has been resolved. This means an election for Parliamentarian or nomination submissions cannot be placed on the Senate Agenda for November 2. Additionally, a motion to add an election of the Senate Parliamentarian cannot be called or considered on November 2.

A request to grant an injunction and enjoin enforcement of the "A Vote of No Confidence in the Senate Parliamentarian" and the request to restore the Complainant to the Office of Senate Parliamentarian is denied.

The Court has tentatively scheduled a hearing on this topic for November 4, 2020, at 7:35 p.m.

It is so ordered...

¹ S.G.C. Title VII, Chapter 200, Article VII, Section 2(c)