

STUDENT GOVERNMENT ASSOCIATE SUPERIOR COURT

OWINGS V. SGA
(IN RE GC 2017-002)

OCTOBER, 2017

CHIEF JUSTICE Bourland delivered the unanimous opinion of the Court. JUSTICE Kimani and JUSTICE Gustafson took no part in these proceedings.

Petitioner Owings challenges the SGA General Counsel’s October 5, 2017 opinion, GC 2017-002.¹ The General Counsel found Bill 980907 was not improperly labeled because it was a “nominating bill,” not an “appointing bill.”² We find that Bill 980907 is, as it states, an Act *nominating* students to a position on the University President Search Committee and AFFIRM the General Counsel’s decision. Furthermore, even if the Act appointed people to a position, the distinction is irrelevant because the positions are not high offices.

We agree with the General Counsel’s position that the bill nominates students to the Search Committee. Once nominations are made, a third party (here, the Regents) makes the selection. The bill says “nominating.” The letter from the Regents says “nominate.” We believe both are abundantly clear. Just because only a few students were nominated does not make the nomination a de facto appointment. An analogy: both major political parties nominate a single person to be President, but only one of the two people will ultimately be selected. The GOP does not “appoint” a president. Nor has President Baker “appointed” students to the Search Committee. The bill, therefore, served to nominate students to the Search Committee.

¹ Official Record, 3. The facts associated with this appeal are laid out in our decision in *Monlux v. SGA*, SC 2017-001, 2.

² Official Record, 1.

Furthermore, the distinction between appointment and nomination is irrelevant in this case because the position on the Search Committee is not a high office.³ While the rules and procedures for appointing and nominating a high officer may, in truth, be a wise and apt policy for nominating and appointing all other officers, the Code does not require it. The Court will not legislate from the bench by requiring the President to adhere to policies and procedures not mandated by the Code Annotated.

The General Counsel's opinion is AFFIRMED.

³ See our opinion in *Monlux v. SGA*, SC 2017-001, 2–3, for our discussion of why this position is not a high office.