
SUPREME COURT OF THE STUDENT BODY

No. 23-001

Andrew H. Gary

Plaintiff

v.

Board of Elections

Defendant

**BRIEF OF *AMICUS CURIAE*
UNDERGRADUTE SENATE**

INTRODUCTION

1. On or about the 7th of November, 2023, the Undergraduate Senate authorized and directed, by a vote of 17-3, the Chairman of the Rules and Judiciary Committee of the Undergraduate Senate to file, on behalf of the Undergraduate Senate, a brief of *amicus curiae* with the Student Supreme Court with regards to this case.

2. The Undergraduate Senate respectfully submits this brief *amicus curiae* pursuant to R. 35.

SUMMARY

3. It being outside the legislative authority to determine the meaning of the phrases “legislation that concerns both undergraduate and graduate and professional student” (Student Const. ch. I art. III, §4), “amendments affecting only their constituency” (Student Const. ch. I art. VIII, §1), “[concerning] only that student’s population” (Student Const. ch. I art. VIII, §2), and “those issues affecting their own constituents” (Student Const. ch. 1. art. IX, §4), the establishment by the Student Supreme Court of a formal test to determine whether an issue is considered “joint” proves necessary.

ARGUMENT

4. The Student Constitution defines the term “joint”—within the context of legislation—as “[concerning] both undergraduate and graduate and professional students”.

5. No further clarification is provided by the Student Constitution as to the particular meaning of the

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word “[concerning]” within this context (Student Const. ch. I art. III, §4), nor is any particular test to determine whether or not any particular legislative enactment “[concerns] both undergraduate and graduate and professional students” established by the Student Constitution.

6. The Student Constitution furthermore explicitly limits the powers of “the respective governments and legislative branches” to “those issues affecting their own constituents” (Student Const. ch. 1. art. IX, §4).

7. No further clarification is provided by the Student Constitution as to the particular meaning of the word “affecting” within this context” (Student Const. ch. 1. art. IX, §4), nor is any particular test to determine whether or not any particular legislative enactment “[affects] their own constituents” established by the Student Constitution.

8. The Student Constitution additionally permits the Senate of each constituency to “to propose [constitutional] amendments affecting only their constituency” (Student Const. ch. I art. VIII, §1).

9. No further clarification is provided by the Student Constitution as to the particular meaning of the phrase “affecting only” within this context (Student Const. ch. I art. VIII, §2), nor is any particular test to determine whether or not any proposed constitutional amendment would “[affect] only their constituency” established by the Student Constitution.

10. The Student Constitution does not, in any way, confer the power of constitutional interpretation on either the Undergraduate Senate, the Graduate and Professional Student Senate, the Joint Governance Council, or any combination of the above. The power of constitutional interpretation is, pursuant to Student

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Const. ch. I art. IV, §5, vested within the Student Supreme Court.

11. There exists no precedent of the Student Supreme Court which would establish a test for—nor provide advice in any way—the classification of an item of legislation or a proposed constitutional amendment as “joint”.

12. It would provide much needed clarity for the Student Supreme Court to establish a formal test for the adjudication of the ascription of “joint” status to legislation and proposed constitutional amendments.

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/s/ Christopher C.
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