

Summer 6-20-2014

# Declaratory Judgment 6/20

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University of South Florida  
Student Government  
Supreme Court  
55<sup>th</sup> Term



STUDENT GOVERNMENT SUPREME COURT

**Declaratory Judgment Opinion**


REQUESTED BY: ALEXANDER JOHNSON - ATTORNEY GENERAL  
DECISION RENDERED: 6/20/2014

**Question before the Court:**

1. "Are ERC deliberations exempt from minutes being taken and publicized"

**Decision:**

- I. §204.2 enumerate the requirements for all Student Government Meetings. §204.2.3 states, "Minutes of the meeting must be taken, archived, and available to the public." As an entity of Student Government the Election Rules Commission is required to take minutes of all their meetings unless there is a specific exemption. The only such exemption is the judicial vesting clause of Article IV Section I which specifically enumerates that all judicial power is vested in the Supreme Court. This includes the ability to hold private deliberations throughout the adjudication process only in regard to Supreme Court proceedings. The Election Rules Commission is an entity of Student Government which often holds meetings to discuss technical or procedural violations that may have occurred. While the ERC adjudication process has judicial elements, it is not a judicial function and is not encompassed within the judicial vesting clause, thus subject to the §204.2.3 requirement that minutes must be "taken, archived, and available to the public." These meetings are considered public under Law and are not encompassed in any exemption from public record statutes, therefore minutes must be taken, archived, and available to the public.

  
Sammy Hamed  
Chief Justice

