

# Indiana University Supreme Court

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BLUE MATTHEWS, SPEAKER OF THE STUDENT BODY CONGRESS, *Petitioner*

v.

VOICE EXECUTIVE PARTY, *Respondent*

Docket Number: SBSC-2018-11

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Decided November 7, 2018

Before KAIL, Chief Justice, and DECKER, HARRINGTON, HAXEL, HIMEBAUGH, LAHEY, PATHAK, SCHANTZ, VOGTMAN, and WESTFIELD, Associate Justices. NEED, Associate Justice, took no part in the consideration or decision of the case.

## OPINION

JUSTICE SCHANTZ delivered the opinion of the Court.

## BACKGROUND

On October 12<sup>th</sup>, 2018, a Petition for Judicial Review for Injunctive Relief was filed by Mr. Dakota “Blue” Matthews, Speaker of the Student Body Congress (“Petitioner”) against the VOICE Executive Party (“Respondent”). Petitioner not only claimed that Respondent was acting “in breach of” the Indiana University Student Government (“IUSG”) Constitution through their refusal to “turn over the budget to Congress,” but also that the aforementioned offence met the threshold for injunctive relief.<sup>1</sup> On October 14<sup>th</sup>, the Court denied Petitioner’s request for injunctive relief, holding that “Petitioner does not sufficiently demonstrate that the alleged actions of Respondent constitute an ‘immediate, irreparable, and egregious harm to the Petitioner, other interested parties, and/or the student body,’” citing the threshold for

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<sup>1</sup> Matthews v. VOICE, cert. denied, at 1.

injunctive relief established by the Court’s UNI. PRO. FOR PUB. H’RG., Rule 8(b)(3). Yet, recognizing Petitioner’s concerns, the Court ordered Respondent to “send its proposed budget to the Student Body Congress for review and to be voted upon” within three days.

On October 24, Petitioner refiled his Petition for Judicial Review for Injunctive Relief. Petitioner claimed that Respondent had failed to comply with the October 14<sup>th</sup> Order, as Respondent had submitted to Congress only “a partial budget template . . . to show what the budget looks like,” not the “full student government budget”.<sup>1</sup> Petitioner further alleged that Respondent “did not seek [Congressional] approval before executing the student government budget.” For both of these reasons, Petitioner again requested injunctive relief.

Recognizing the consequences that would result if Petitioner’s claims were factual, a public hearing for Injunctive Relief was granted on October 26<sup>th</sup>.<sup>2</sup> Both parties were directed to brief and argue the following two questions:

1. Whether—pursuant to Article 2, Section 2, and Article 3, Section 2 of the IUSA Constitution, and Article VII, Section A of the IUSA Bylaws—the Executive Branch may withhold its proposed budget from the Congress and then execute its proposed budget.
2. Whether the VOICE Executive Party’s alleged failure to submit its budget to the Congress for review, and the VOICE Executive Party’s ability to spend money without Congressional oversight of its budget meet the threshold for Injunctive Relief under Rule 8(b) of this Court’s UNI. PRO. FOR PUB. H’RG.

On November 1, 2018, the Court heard oral argument pursuant to its Standing Rules for a Public Hearing.

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<sup>1</sup> Matthews v. VOICE, 2nd Pet. for Inj. Rel., at 2.

<sup>2</sup> Matthews v. VOICE, cert. granted.

## **DISCUSSION**

### **I: Introduction & Question (1)**

In the November 1<sup>st</sup> hearing of this case, this Court sought to gain clarity as to the claims made by Petitioner in both the original and refiled Petitions for Injunctive Relief, while also seeking to answer the fundamental questions that arose as a result.

On the matter of Question (1), Petitioner argued that the budget submitted by Respondent in compliance with this Court's October 14<sup>th</sup> order was unsatisfactory, as Respondent had submitted "a partial budget template to show what the budget looks like" and had not actually sought the approval of Congress.

While the Court acknowledges that the active concealment or execution of a budget by any executive party without the approval of Congress would represent a serious breach of the Constitution and Bylaws governing IUSG, the Court unanimously holds that the VOICE Executive Party has not unconstitutionally withheld or acted upon its budget. The budget submitted by Respondent in compliance with this Court's October 14<sup>th</sup> order contained adequate detail to be discussed and seriously considered by Congress, and therefore did not violate the October 14<sup>th</sup> order. Petitioner's claim that the lack of specifics included in this budget represents a violation of the October 14<sup>th</sup> order is non-substantive, as Congress is clearly empowered by the IUSG Constitution and Bylaws to reject any budget it does not see fit to approve. The structure of any proposed budget is a matter for Congress to consider, not this Court. Question (1), then, is rendered irrelevant.

On the matter of Question (2), Petitioner argued that Respondent's actions were unconstitutional and sought injunctive relief on the grounds of Article II, § 2 of the IUSG Constitution, which specifically states that the Legislature has "original jurisdiction over all expenditures and fundraising activities." We disagree with this line of argument, and the remainder of this discussion will demonstrate its reasoning.

## II: First Principles

At the highest level of abstraction, the relationship between the Executive and Legislative branches is one of reciprocal determinacy; neither branch is either omnipotent or unchecked over the other on any matter. Not only does each branch check and balance all others, but, in both function and ontology, each branch requires each other to achieve the ultimate *telos*, the ultimate end, of student government: to serve students. The Executive's primary function is *to do*, and the Legislature's primary function is *to direct*, through its role as a representative body, what exactly the Executive does.

A fractal of this abstract relationship can be clearly seen in the relationship each branch has to another on budgetary matters. Not unlike the federal processes of taxation, the budget of IUSG and is a pool of resources to be used for the benefit of students as determined by the elected representatives of those students. The Legislature, then, as such elected representatives, is imbued with the power to decide to what abstract ends or specific initiatives that money may go to. The Executive, then, has the power to veto any budget passed by the Legislature, but if that veto is overridden, the Executive has the obligation to take these funds and do with them as they are directed by Congress. As the Executive is the body carrying out the directives of the Legislature, the Executive is the most knowledgeable body as to the procedural steps of accomplishing any given goal.

## III: Original Jurisdiction & Question (2)

Petitioner argued that Article II, § 2 of the IUSG Constitution grants Congress full, unabridged authority over the budget through "original jurisdiction". This Court agrees with the understanding that the use of "original jurisdiction" represents a linguistic failure on part of the framers, as presented in both Mr. Kipp's Brief as *Amicus Curiae* and Petitioner's oral argument; the context in which original jurisdiction is typically used is an explicitly judicial one, and we believe that any attempt to translocate the original meaning to the relationship between the Executive and Congress via metaphor will obscure more than it reveals. We disagree, however, that the only valid interpretation of original jurisdiction places unabridged or total authority over all financial matters in Congress.

It is the opinion of the Court, based on the first principles described above, that “original jurisdiction” is best understood as follows: in their place as elected representatives of the interests of students, Congress has the responsibility to generate and to pass the budget of IUSG. In fulfilling this responsibility, the Legislature may consider, but by no means is obliged to concur with, any suggestions made by the Executive. The official IUSG Budget *must* be introduced as a resolution to be passed by a vote of the Congress, and it then *must* be signed by the President. The Executive may propose a draft budget to Congress, but Congress *must*, ultimately, approve of and pass a budget. The relationship between the Executive and the Legislature on matters of budgetary procedures is the same as the relationship between the two branches in the abstract: reciprocally determined. While Congress ultimately has the responsibility to direct the activities of the Executive, authority over the budget, in the end, is *shared*.

However, in order for Congress to truly have the ability to generate and vote on a budget, a number of entitlements *necessarily* follow:

- The Legislative Branch is entitled to pass a budget independent of any action or lack thereof by the Executive, with the exception of a Presidential veto, which may then be overridden.
- The Legislative Branch is entitled to all budgetary documentation maintained by the Executive.
- The Legislative Branch is entitled to *request*, but not demand, testimony, written or in person, as to the recommendations of or the past activities of the Executive.

We hold that these entitlements are *necessarily* required for the function of the legislative branch in relation to the budget; without any one of them, Congress would not be able to fulfill their responsibility to oversee the budget and direct the activities of the Executive, as follows from the argumentation above.

From these considerations, we hold that no action taken by the Executive was unconstitutional on the grounds of Article II, § 2 of the IUSG Constitution. Because of this, the threshold for injunctive relief as described under Rule 8(b) of this Court’s UNI. PRO. FOR PUB. H’RG is not met.

#### IV: The Student Body Treasurer

As to the role of the Student Body Treasurer, Petitioner argued that Article VII § A of the IUSG Bylaws was unconstitutional, as it was supplanted by Article II, § 2 pursuant to Article V, § 4 of the Constitution. It has not escaped our notice that the first entitlement of Congress listed above may also lead to this conclusion. We oppose this interpretation of the Bylaws.

Article VII, §A of the IUSG bylaws states that:

“The Student Body Treasurer shall develop fiscal year budgets for the IUSA Executive Administration and its departments, the Student Body Congress, the IUSA Funding Board, and the Student Body Supreme Court. The Treasurer will compile a master budget comprising the aforementioned components and any other necessary components.”

Budget, in this context, may refer to either (1) the allocations of monies to areas and initiatives, as *would* be passed by Congress, or (2) the collection of documentation required for the proper administration of the budget as it *was* passed by Congress.

We hold that the Student Body Treasurer is responsible for, and must maintain and develop, all documentation required for the proper administration of the budget, per the second definition posited above. This process is not only necessary but also proper for the Student Body Treasurer to fulfill their constitutional mandate (Art. 3, § 2).

This is not to ignore the knowledge garnered by the Executive through its activities. It is not beyond the power of the Executive to develop *proposed budgets* for discussion and revision by Congress, as would be reflected by the first definition posited above, but to act upon them would be in violation of both the IUSG Constitution and Bylaws. However, per the entitlements listed above, Congressional activity in relation to the budget is not dependent on the submission of such a proposal.

## **FINDINGS**

On the matter of Question (1), the Court unanimously holds that the VOICE Executive Party has not unconstitutionally withheld or acted upon a budget. Question (1), then, is rendered irrelevant.

On the matter of Question (2), the Court unanimously denies Petitioner's request for injunctive relief on the grounds of a failure to meet the threshold for Injunctive Relief per Rule 8(b) of this Court's UNI. PRO. FOR PUB. H'RG. Specifically, this Court holds that the actions taken by Respondent do not comprise or indicate a violation of the IUSG Constitution, Bylaws, or Election Code.

## **CONCLUSION**

The Student Body Supreme Court of Indiana University hereby DENIES Petitioner's request for injunctive relief as of November 8<sup>th</sup>, 2018.

*It is so ordered.*

Associate Justices DECKER, HARRINGTON, HIMEBAUGH, LAHEY, PATHAK,  
and WESTFIELD join in the decision.

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## **CONCURRENCE**

JUSTICE VOGTMAN, with whom CHIEF JUSTICE KAIL and JUSTICE HAXEL join, concurring:

I join the Court's opinion in full with respect to denying Injunctive Relief. I would further note that Petitioner seeks Injunctive Relief on two grounds. First, Petitioner argues that the VOICE Executive Party "failed to comply" with our Order of October 14. *Matthews v. VOICE*, 2nd Pet. for Inj. Rel., at 2. More specifically, Petitioner opines that VOICE failed to comply because they only

“sent a partial budget template to Congress,” not the “full student government budget.” *Ibid.* And, second, Petitioner claims that VOICE spent Indiana University Student Association (IUSA) funds without “seek[ing] [Congressional] approval.” *Ibid.*

Petitioner is mistaken on both counts. First, we ordered VOICE to “send[] its proposed budget to the Student Body Congress for review and to be voted upon” within three days. *Matthews v. VOICE*, cert. denied, at 1. VOICE labeled the document it sent as the “IUSA 2018-2019 Organizational Budget Proposal,” Brief of Respondent, at 6. At oral argument, both parties conceded that the document was more than simply a budget template but was not intended to be the final budget product. We ordered VOICE to send Congress a *proposed* budget, not the “full student government budget.” Cf. 2nd Pet. for Inj. Rel., at 2. VOICE did exactly that, and they did so within the seventy-two-hour window.

Second, VOICE has not improperly spent IUSA funds. Each expenditure VOICE has executed since Congress’ formation this September falls into three categories: mandatory reimbursements for expenses incurred last year; necessary funds pledged to an event by the last Presidency; or operational costs, such as a Wi-Fi bill. Exhibit of Respondent. All expenses were compulsory and were approved by our Assistant Dean and Interim Director of Student Life and Learning. See Brief for Libby Spotts as *Amicus Curiae*, at 2.

For these reasons, Petitioner does not meet our Court’s threshold for granting Injunctive Relief, UNI. PRO. FOR PUB. H’RG., Rule 8(b). Thus, as JUSTICE SCHANTZ thoughtfully demonstrates, Petitioner is not entitled to Injunctive Relief.

I further concur with the Court’s judgment regarding the first question on the merits. The Court concludes that VOICE has “not unconstitutionally withheld or acted upon a budget,” and therefore throws out the first question. In reaching this conclusion, the Court briefly discusses the process by which the IUSA budget is developed and passed. This involves interpreting the Original Jurisdiction Clause of the IUSA Constitution in Article II, Section 2. However, my interpretations of “original jurisdiction” and the budget approval process in general differ substantially from JUSTICE SCHANTZ’S. I therefore write separately.



## I

The first question we granted asks us to determine whether the IUSA Executive Branch may “withhold its proposed budget from the Congress and then execute its proposed budget.” At oral argument, the substantive issue underlying this question became clear: How is the IUSA budget to be formulated, reviewed, amended, and passed? And, more specifically, what roles should the Executive and Legislative branches of government play in formulating, reviewing, amending, and passing the budget? In answering these questions, we must consult the IUSA Constitution and its Bylaws. Article V, Section 4 of the Constitution provides: “This Constitution will be the supreme authority for the governance of IUSA. No bylaw or resolution may be in conflict with this constitution.” Thus, we must first peruse the Constitution before undertaking any analysis of the Bylaws.

## A

The IUSA Constitution is effectively silent on the issue. Only two clauses of the Constitution relate to fiscal matters. Neither provision, however, discusses how the budget is to be created, reviewed, or passed. In fact, the word “budget” never appears in the Constitution.

One such clause is contained within the discussion of the duties and powers of the Executive Branch. Article III, Section 2 provides, in relevant part: “The Treasurer of IUSA will take care to ensure that accounts are properly kept, bills promptly paid, and revenues fully received.” However, this clause does not discuss the budget approval process to any extent.

The more applicable provision is contained within the powers and duties of the Legislative Branch. Article II, Section 2 provides, in relevant part: “The Congress will serve as [the] final policymaking authority and have original jurisdiction over all expenditures and fundraising activities.” The latter part of this compound sentence reads as “Congress will . . . have original jurisdiction over all expenditures and fundraising activities.” I agree with the Court that this clause sheds light on the role of Congress in fiscal matters. The Court further extends the meaning of original jurisdiction into the context of the budget approval process. Here, however, is where I begin to draw the line. I do

not view “original jurisdiction” as bestowing upon Congress the power to generate the IUSA budget from scratch. See Maj. Op., *supra*, at 5.

## B

The Constitution nowhere defines the meaning of “original jurisdiction” within a budgetary context. More generally, the Constitution does not, to any extent whatsoever, lay out the process by which the IUSA budget is to be generated, amended, and implemented. Having exhausted my Constitutional analysis, I now move to the Bylaws. Fortunately, the Bylaws are instructive.

## 1

As its title eponymously describes, Article VII of the Bylaws devotes itself entirely to discussing IUSA “Finances”. Further, Section A of this article unambiguously describes the framework for the first stage of the budget approval process: formulating a proposed budget.

Under “Budget Development,” Section A provides, in relevant part:

The Student Body Treasurer shall develop fiscal year budgets for the IUSA Executive Administration and its departments, the Student Body Congress, the IUSA Funding Board, and the Student Body Supreme Court. The Treasurer will compile a master budget comprising the aforementioned components and any other necessary components.

Section A further states that “[t]he Treasurer shall submit . . . the master budget for consideration to the [IUSA Oversight and Reform Committee (IORC)] of the Student Body Congress at the first official Congressional meeting of a new term.”

The Student Body Treasurer is an entity of the IUSA Executive Branch. IUSA CONST., Art. III § 1. Therefore, I interpret this provision of the Bylaws as clearly giving the Executive Branch—not Congress—the power to construct a proposed budget. The plain wording of this clause provides that the Executive Branch must initiate the budget approval process. It is the duty of the Treasurer to: first, propose budgets for each branch of IUSA; second, compile those budgets into a “master budget”; and third, submit the master budget to the IORC at the first Congressional meeting of the term. I therefore disagree with JUSTICE SCHANTZ when he writes that “Congress has the responsibility to *generate* and to pass” the IUSA budget. Maj. Op., *supra*, at 5 (emphasis added). Article VII,

Section A of the Bylaws plainly gives the Student Body Treasurer—and therefore the Executive Branch—the responsibility to generate the budget. It does not say that “Congress shall develop fiscal year budgets”; it does not say that “both the Student Body Treasurer and Congress shall collaboratively develop fiscal year budgets”; it says the Student Body Treasurer shall do so.

## 2

Once the Student Body Treasurer has sent the proposed budget to the IORC, we move to the second stage of the budget approval process: reviewing the proposed budget. Again, the Bylaws are illuminating. Article VI, Section B states, in relevant part, that “[t]he IORC shall review and report to Congress on the proposed budget after the initial draft is proposed.” The IORC does so “in order to inform the subsequent vote at the next [Congressional] meeting, two weeks later.” *Ibid.* In other words, it is now the IORC’s duty to evaluate the budget proposed by the Treasurer.<sup>1</sup> The IORC then reports on its findings to the full Congress in order to give Congressional members not on the IORC a chance to familiarize themselves with the specifics of the proposed budget.

## 3

We now arrive at the third stage of the budget approval process: amending the proposed budget. Just as with the previous stages, the Bylaws are informative. Article VII, Section A provides under “Budget Consideration”: “The Student Body Congress shall review and amend all fiscal year budget requests and consider for approval or rejection all budget resolutions within two Congressional meetings after submission of a budget resolution.” By its plain wording, this clause gives the full Congress control over the third stage of the budget approval process. Put differently, once the IORC relays its findings on the proposed budget to the full Congress, it is the duty of the full Congress to “review and amend” the proposed budget.<sup>2</sup> *Ibid.* The Bylaws here indicate that the full Congress has the power to review and amend the proposed budget to the

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<sup>1</sup> This likely entails assessing each expenditure and determining whether IUSA funds are being properly allocated. However, I would leave Congress to flesh out the specifics of this process, since evaluating the proposed budget is wholly the duty of the IORC (a Congressional committee), not of the Court.

<sup>2</sup> Again, it is not the Court’s place to hash out the details of this process, as doing so is inherently a Congressional matter.

degree it sees fit. Once it does so, Congress must then bring the proposed budget to a floor vote via a “budget resolution,” in order to “consider [the proposed budget] for approval or rejection.” *Ibid.*

#### 4

This brings us to the final stage of the budget approval process: passing the budget. In no different fashion, the Bylaws spell out the procedure by which to do so. Article VII, Section A provides under “Budget Approval” that “[t]he Student Body Congress shall approve no request for funds until the [IORC] has reviewed and approved the resolution and passed it to the full Congress.” In other words, Congress approves the proposed fiscal year budget and therefore “approves . . . request[s] for funds.” *Ibid.* However, Congress will not do so (and no IUSA branch may spend money from a budget) until both the IORC has undergone stage two of the budget approval process, and the full Congress has undergone stage three.

#### 5

In sum, the Bylaws unmistakably lay out the procedure by which the IUSA budget is proposed, reviewed, amended, and passed each year. The Student Body Treasurer proposes the budget and sends it to the IORC. The IORC then reviews the proposal and conveys its findings to the full Congress. The full Congress then examines and amends the proposed budget, before passing it and permitting funds to be spent. The Bylaws could hardly have been more clear.

#### C

Returning to the IUSA Constitution, we must ensure that none of the cited Bylaws conflict with any provisions of the Constitution. See IUSA CONST., Art. V § 4. Article III, Section 2, which canvasses the duties of the Student Body Treasurer, provides no such conflict. The Treasurer may certainly fulfill his responsibilities under this clause without impeding his duties under Article VII, Section A of the Bylaws.

However, the Original Jurisdiction Clause of Article II, Section 2 warrants more intricate discussion. At oral argument, Petitioner raised the claim that the term “original jurisdiction” was likely a misnomer in the initial drafting of the Constitution and ought to be re-read as “original authority”. Petitioner then argued that having original authority over the budget constitutes having the

power to originally propose the budget or undertake the first stage of the budget approval process. In doing so, Petitioner argued that the Original Jurisdiction Clause was in conflict with my aforementioned provisions of the Bylaws, and therefore superseded such provisions. See IUSA CONST., Art. V § 4.

To an extent, the Court agrees with Petitioner's claims. The Court attempts to interpret "original jurisdiction" in such a way that it both gives Congress the primary authority to propose, review, and carry out the IUSA budget, and comports with Article VII, Section A of the Bylaws. As a result, the Court delicately construes the first sentence of the "Budget Development" section in Article VII, Section A of the Bylaws. The Court finds that the Student Body Treasurer is obligated to construct a proposed budget and submit it to the IORC. See Maj. Op., *supra*, at 6. However, the Court holds that neither the IORC nor the full Congress is compelled to take that proposal into consideration. *Ibid.* This is an extremely fine line to walk, and not a route for which I advocate.

# 1

In its literal meaning, "original jurisdiction" is a legal term that defines the ability of a court to hear a case for the first time. In the IUSA Constitution, it is only used in Article II, Section 2. It is not used in the Bylaws. Nothing in Article II, Section 2 has anything to do with the courts or legal cases, but rather has everything to do with Congress, its legislative sessions, and its duties concerning policymaking and fiscal matters. Thus, its usage is, admittedly, peculiar.

Petitioner at oral argument claimed that it was likely employed because the undergraduate framers of the Constitution "did not have the legal verbiage" to sufficiently convey their intentions regarding the fiscal duties of Congress. While this may hold some truth, I would not go so far as to therefore throw out any application of the phrase in its literal meaning, as the Court does. See Maj. Op., *supra*, at 4-5.

When a court hears a case, it reviews the facts of the case, listens to testimony from opposing parties, and uses that information to render a decision. So, although reviewing "expenditures and fundraising activities," IUSA CONST., Art. II § 2, is not a "court case" in the strictest sense, doing so certainly involves each of the actions taken by a literal court faced with a case. Evaluating fiscal matters involves assessing the facts of what the expenditure is, and where the

money is coming from and going to; asking necessary questions of the interested parties and discussing the allotted funds with other IUSA branches; and, ultimately, rendering a decision on the efficacy of the expenditure based on such information. In a figurative sense, when Congress decides whether to approve an expenditure, it effectively takes on the role of a court in rendering its decision. As a result, I would not place “original jurisdiction” in a light separate from its own definition, as the Court attempts to do. Rather, I would interpret its usage as giving Congress the power to review the facts of, and render a decision on issues involving specific expenditures, just as a court would review the facts of, and render a decision on a case.

## 2

Further, I would apply the interpretation of “original jurisdiction” to the first stage of the budget approval process in a different manner than both Petitioner and the Court. The Court holds that “original jurisdiction” gives Congress the power to “generate and pass” a budget. Maj. Op., *supra*, at 5. The Court also asserts that Congress may do so “independent of any action or lack thereof by the Executive” Branch. *Ibid.* Under the Court’s interpretation, Congress is not required to heed the recommendations of the Executive Branch when the Student Body Treasurer promulgates a proposed budget. This reading may result in a scenario in which an IUSA budget is developed, reviewed, amended, and passed entirely by Congress without any input from the Executive Branch. Suppose the Treasurer composes a budget proposal and submits it to the IORC. At the same time, Congress independently draws up its own budget proposal. The IORC then reviews the Treasurer’s proposed budget but deems it unsuitable, or otherwise declines to incorporate any of its suggestions when the IORC reports to the full Congress. The full Congress then brings its own proposed budget to a floor vote and passes it.<sup>3</sup>

This violates Article VII, Section A of the Bylaws. Section A states that the Treasurer “shall develop” budget proposals. Hence, Section A implicitly provides that the Treasurer must play at least some role in the budget approval process. Proposing a budget that is entirely ignored is not playing a role in the budget approval process.

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<sup>3</sup> Note that if the Student Body President were to veto the passed budget, Congress could simply override the veto by a two-thirds majority vote under Article III, Section 3 of the IUSA Constitution.

My interpretation of “original jurisdiction” detaches the phrase from Congressional power over the budget development stage. My reading of the Original Jurisdiction Clause gives Congress the primary power of review in scenarios where questions about specific expenditures are raised after the budget has been proposed or passed. This is more aligned with our Constitution’s provisions and its Bylaws than the Court’s reading. For example, virtually every amendment to the budget after it has been passed must be approved by Congress. This approval process includes scenarios involving requests for additional funds, IUSA BYLAWS, Art. VII § A; stipends for members of the Executive Branch and the Director, *id.*, at § B; line-item changes, *id.*, at § C; requiring more information about specific financial statements, *id.*, at § D; additional allocations to a specific expenditure after the budget has been passed, *id.*, at § F; and any emergency expenditures, *id.*, at § G.

Each of these scenarios coincides with my reading of the Original Jurisdiction Clause as the power of Congress to render a decision on an issue or question about the budget. But, common sense dictates that before any issue or question about the budget arises, a budget must have been developed or must have taken some form to begin with. And the Student Body Treasurer—not Congress—develops the budget and gives it some form. IUSA BYLAWS, Art. VII § A.

## II

For these reasons, I disagree with the Court’s reasoning. However, on the original issue of the first question on the merits, I join the Court’s eventual conclusion. In my view, the Executive Branch must develop a proposed budget and send it to the IORC. The Executive Branch cannot spend any funds from the proposed budget until the full Congress has formally passed the proposal via a floor vote. Thus, as JUSTICE SCHANTZ ably demonstrates, the Executive Branch may not withhold its proposed budget from the Congress, let alone then execute it. Since my basic answer is the same, I join in the judgment of the Court.