



The Supreme Court of DemocraCiv
Majority Opinion

RB33 v. The Ministry

Decided: September 17, 2018

Associate Justice My Name Is Immaterial delivers the majority opinion.

I

On August 19th, Minister WesGutt opened voting on the items on the Ministry's docket. On August 25th, at 5:19 PM, Minister Joebob changed his vote on the Additional Legislative Seats Act from a Yeah to a Nay. Before this change, it had accrued three (3) Yeahs, and two (2) Nays. As the new vote stood, the bill was vetoed. In the words of the Plaintiff, "another 12 hours and it would have auto-passed the ministry". Given the facts, the Supreme Court considers when a vote closes, specifically regarding when a Minister may change their vote.

II

The Constitution, in Article 1, Section 2, 1 sets the rules for how a Ministry is to handle the approval or vetoing of bills: "Each Bill which has passed the Legislature shall, before it become Law, be sent to the Executive Ministry, if they don't Approve they may Veto it within one week and Return it to the Legislature with their reasoning and the Legislature shall reconsider such Bill. If the Ministry Signs the Bill or if they don't Veto it within one week, it shall pass into Law." The Court has previously ruled on cases where the specifics of approval have been called into question, specifically *Espresso v. The Ministry*. In that case, the Ministry acted based on a decision stemming from a clear majority; three (3) Ministers voting in favor. They, in essence, concluded the vote by acting upon its results, something Associate Justice MASENKOEX noted when he delivered the Plurality Opinion.

The decision passed down in *Espresso v. The Ministry* specifically permits the Ministry to act once a clear majority has been reached, but does not speak on the issue of closing the vote once a clear

majority has been reached¹. In the current case before the Court, the Ministry was permitted to act once it had obtained a clear majority. When the clear majority shifted towards veto, it was once again permitted to act. No evidence of any action by the Ministry based on the results of the original majority exists. The Ministry did not announce the results of the vote to approve, nor did the Ministry make any actions permitted within the law, which would have implicitly announced the results of the vote. With the lack of procedures that prohibited vote-switching, or that specifically defined when a vote is concluded, besides the seven (7) day time limit, and the implicit limit of the Ministry acting upon a vote, there is no evidence that the vote was in anyway illegal.

III

Ability and action are distinct legal entities. The Ministry, through voting 3-2 to approve, granted itself the ability to act upon that vote. Acting in this case would have declared the vote closed before the seven (7) day deadline. The Ministry chose not to act. The Ministry then voted 3-2 to veto. It did not act upon this vote, as the seven (7) day deadline closed the vote, forcing the Ministry to act upon its final vote.

As with many of the cases presented to the Court, this is the unfortunate result of lack of clear guidelines and rules. The Ministry and Legislature should expand the Ministry's procedures to protect the branch against further confusion and legal action.

It is so ordered, that based on the evidence presented to the Court, combined with precedent set in *Espresso v. The Ministry*, we uphold the veto of the Additional Legislative Seats Act.

¹ "Without these conditions, the constitutional body cannot function within the procedural parameters (or lack thereof) within the constitution alone, and may therefore act upon any clear majority it receives, even if only a portion of the whole body has voted. To clarify, a clear majority means that once enough votes have been cast towards a certain result, there remains no mathematical way to change said result even if the remaining votes are cast."