



OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA INTERCOLLEGIATE LEGISLATURE

OPINION 2016-07F

-April 5, 2016

Honorable Delegates and Members,

There has been another official legally binding opinion requested. The request has been submitted in three questions. Allow me to answer the first, which is “Can the OIL Attorney General issue legally binding opinions in relation to an OIL delegations Constitution and/or Bylaws?”

My opinion is Yes, but with very strict parameters.

Under Article Five, Chapter Four, Section 400 of the Statutes, “The Attorney General, whenever called upon by a member of the Organization, may issue opinions concerning the operations of the Organization.” So, the Attorney General MAY issue an opinion in relation to an OIL Delegations Constitution and/or Bylaws whenever it interferes with the operation of the organization. Allow me to break this down even further.

Title Seven, Chapter Two of the Statutes breaks down what is a delegation, delegation chair, and a delegate. I find that the Attorney General (aka myself) may only issue an opinion on a Delegations Constitution and/or Bylaws when those documents conflict with this chapter of Statutes, or under other sections of the OIL Constitution and/or Statutes. Therefore, I would request that each delegation chair provide the Attorney General with the most updated Constitution and Bylaws of their respective Delegation. However, I also find that only my office and the Steering Committee of each delegation has the jurisdiction to handle these conflicts. The only other body of OIL that would conceivably have jurisdiction, the OIL Supreme Court, specifically doesn’t under Title Three, Chapter One, Section 103, where it states that “No Court of the organization shall hear any case except those arising out of alleged violations of the Oklahoma Intercollegiate Legislature Constitutional and Statutory law or from within the Senate approved Supreme Court rules. The OIL Supreme Court has no subject matter jurisdiction in any other matter. Any attempt to file any type of action outside of these parameters shall result in the immediate dismissal of the case without the scheduling of a hearing.” But, that does not remove the restriction for the Supreme Court to overturn an opinion issued by the Attorney General, that power still rests with them.

Now onto the second question, which is “If an OIL delegations Constitution and/or Bylaws do not outline the procedure for a filing deadline, or explicitly grant control of elections to the Chair or the Steering Committee, can that Delegation Chair and/or Steering Committee establish a filing deadline?”

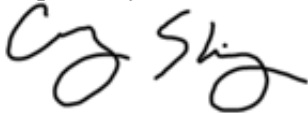
I would say Yes, but only for a matter of practicality, and the deadline that the Steering Committee establishes would need to be approved by the delegation overall (aka a vote by the people). However, I would highly encourage that delegation to go back through their Constitution and/or Bylaws and amend them to correct that loophole.

Now onto the third question, which is “Should the leadership of a delegation intentionally attempt to limit the ability of one of its members from running, what would be the proper procedure for that delegate to follow?”

I would say that the individual should appeal the decision of the leadership before the delegation as a whole, unless their respective delegations Constitution and/or Bylaws provides for a process. We need to follow our rules and procedures to a point. They are there for a reason. We must put personal bias aside when trying to run our organization and delegations. Again I say though, if a delegations Constitution and/or Bylaws do not specifically outline an election procedure that is fair and equal, I would highly encourage that delegation to amend them.

I will also state that if any member of the Legislature disagrees with a current OIL Statute or Article of the OIL Constitution, that they write a piece of Internal Legislation to amend them.

Respectfully,

A handwritten signature in black ink, appearing to read 'Corey Shirey', written in a cursive style.

Corey Shirey

Attorney General