

IN THE SUPREME COURT

Action No. _____

Tim Nichols
Speaker of Student Congress
PLAINTIFF

Versus

JJ Raynor
Student Body President

And Ryan Morgan
On behalf of the Board of Elections
DEFENDANT

MOTION
FOR
INJUNCTION

Done this the 16th day of February 2009.

1. On February 16, 2009 at 9:49pm an email was sent to the student body by Student Body President JJ Raynor in support of the pending Childcare fee referendum to be voted on by the student body on February 17.
2. The subject heading of the email read: FORMAL NOTICE: Reminder: Vote Today (2.17.09) on Student Fee Referendum.
3. The email provided information about the referendum and a link to the Executive Branch website for more information.
4. The Executive Branch website contained a conspicuously displayed link to a PDF file which expresses in glowing terms the benefits of the fee as well as the dangers of not passing the fee (i.e. emotional pleas and testimonials from recipients of the fee money obviously urging passage of the fee).
5. Title VI Section 402L(2) provides that: "Email lists reserved for the use of Student Government officials or any party acting on behalf of Student Government may not be used to advance the candidacy of any individual or support the passage or failure of a referendum."
6. The email clearly states: "This email is sponsored by: Student Government".
7. A facebook group (<http://www.facebook.com/group.php?gid=53727321197>) clearly labeled "Student Government" urged students to vote for the referendum and listed the Student Government office (Union Suite 2501) as its location.
8. For the purposes of the statute (402L(2)) a facebook group serves the equivalent function of an "email list...for the use of... any party acting on behalf of Student Government". The group has approximately 222 members.

9. Another facebook group (<http://www.facebook.com/group.php?gid=50645052091>) indicates that the Student Government Suite was used to store campaign materials, in violation of the spirit, if not the letter, of Title VI Section 405A.
10. The integrity of the referendum election has been compromised by these multiple violations of the rules which are designed to prevent Student Government from unduly affecting the outcome of any ballot measure.
11. Due to the special nature of a referendum (i.e. there are no candidates on whom to levy fines—the normal penalty for campaign violations), the best way to insure a free and fair election free from undue influence from student government is to order a new election.
12. Title IV Section 410A provides that the Court or, when time will not permit convening the full court, the Chief Justice acting alone may issue an injunction against the Board of Elections to preserve the status quo until a determination can be reached.
13. Plaintiff respectfully prays that the court will enjoin the Board of Elections from placing the fee referendum on the ballot on February 17, or alternatively to invalidate the results of said referendum until the court can properly determine a date for a re-election.

PLAINTIFF

Tim Nichols
Speaker, Student Congress

DEFENDANT

JJ Raynor
Student Body President

And Ryan Morgan
On behalf of the Board of Elections