IN THE SUPREME COURT)	
Action No. 09 SSC 007)	
)	
Taylor Holgate,)	
Marc Seelinger)	
)	
Plaintiffs) ANSWER	
)	
versus)	
)	
)	
Peter Gillooly,)	
Chair, Board of Elections)	
)	
Defendant)	
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1. Jurisdiction. It is admitted that the Student Supreme Court has jurisdiction over this controversy under Title III, Article IV, Section 401 of the Student Code. All other allegations contained in paragraph one of the Holgate Complaint and paragraph 1 of the Seelinger Complaint are denied. Students were not disenfranchised during the elections, nor did the Board of Elections act negligently in conducting the election.

2. Standing. It is admitted that the Plaintiffs have standing under Title III, Article IV, Section 409(a) of the Student Code. All other allegations contained in paragraph 2 of the Holgate Complaint and paragraph 2 of the Seelinger Complaint are denied. Title III, Article IV, Section 407 of the Student Code grants standing to students challenging legislative acts. As there are no legislative acts in questions, the Plaintiffs cannot have standing under that section.

3. The allegations contained in paragraph 3 of the Holgate Complaint and paragraph 3 of the Seelinger Complaint are admitted.

4. Relief:

a. The allegations contained in paragraph 4a of the Holgate Complaint and paragraph 4a of the Seelinger Complaint are denied. Students in District 1 and District were not disenfranchised.

b. The allegations contained in paragraph 4b of the Holgate Complaint and paragraph 4b of the Seelinger Complaint are admitted.

c. It is admitted that Chairman Gillooly did not obtain the letter from ITS referenced by Title VI, Article III, Section 302(H) of the Student Code. Chairman Gillooly was, however, in contact with ITS in advance of the elections and conducted successful test elections to verify that the elections software was working properly on February 2, 2010 and January 26, 2010.

d. It is admitted that Title VI, Article III, Section 403(H) of the Code states: "The Board of Elections may call for a re-election if a violation occurred and it could have affected the outcome or compromised the integrity of the election. If the Board of Elections feels that a re-election is necessary, they must allow all affected parties the opportunity to present information concerning the decision to hold a re-election." All other allegations contained in paragraph 4d of the Holgate Complaint and paragraph 4d of the Seelinger Complaint are denied. The referenced section does not require that the board of elections solicit input from effected parties unless the board decides that a re-election is necessary because of a campaign violation that could have affected the outcome or compromised the integrity of the election. The Board of Elections did not determine that a re-election was necessary in District 1 or District 5, thus they were not required to solicit input from the candidates.

e. It is admitted that Students living in District 5 and District 6 were asked to confirm their residence in either District 5 or District 6 before casting their ballots, that students who provided false information could have cast ballots in either the District 5 or District 6 election, and that Chairman Gillooly acknowledged this fact in an e-mail to Ms. Holgate. All other allegations contained in paragraph 4e of the Holgate Complaint are denied. The Board of Elections did not act negligently in requesting that students confirm their residence before casting ballots. This request is necessary because the elections software operated by Information and Technology Services (ITS) cannot properly identify the proper District for students. Instead, based on the address that a student lists on their Student Central profile, the elections software identifies a small number of Districts in which the student may reside. The capabilities and limitations of the ITS elections software are outside of the Board of Election's control.

5. Demand for Judgment:

5a. The Defendant requests that the Student Supreme Court deny the Plaintiffs' demand for judgment, as listed in paragraph 5 of the Holgate Complaint and paragraph 5 of the Seelinger Complaint.

5b. The Defendant requests that the Student Supreme Court lift its injunction blocking certification of election results for the Student Congress elections in District 1 and District 5.

Filed this the 14th day of February, 2010, at 5:00 p.m.

DEFENDANT Peter Gillooly Chair, Board of Elections

COUNSEL FOR THE DEFENDANT Kristopher Gould Student Solicitor General