IN THE SUPREME COURT)
Action No. 09 SSC 007)
T 1 H 1 .)
Taylor Holgate,)
Marc Seelinger)
Plaintiffs) MOTION TO DISMISS
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versus)
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)
Peter Gillooly,)
Chair, Board of Elections)
)
Defendant)
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Defendant moves that the above captioned action be dismissed for failure to state proper grounds for relief:

1. Plaintiffs' Complaints fail to cite a clause in the Student Code that would require the Board of Elections to call for a re-election. Title VI, Article IV, Section 403(H), as quoted in the complaints, simply gives the Board of Elections discretion to call for a re-election in the event that a campaign violation would have affected the outcome of the election of compromised the integrity of the election.

2. Plaintiffs' Complaints fail to cite a violation and provide sufficient facts to support a conclusion that the violation affected the outcome of the election or compromised the integrity of the election. The Complaints cite technical problems, but technical problems are not violations of elections law and thus are not covered under Title VI, Article IV, Section 403(H). Further, the Complaints merely cite voter disenfranchisement, and do not provide any specific allegations regarding how voters were disenfranchised. Thus the facts alleged in the complaint are too vague and are insufficient to show that a violation affected the results of the elections or compromised the integrity of the elections.

For the foregoing reasons, the Defendant requests that the Court dismiss the above captioned action.

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

COUNSEL FOR THE DEFENDANT Kristopher Gould Student Solicitor General