

Student Supreme Court can call for a re-election, but does not state the grounds necessary for the Court to call for a re-election. Petitioners to the Court must cite one of the other sections of the Code that specifically state the grounds for which the Court can call for a re-election.

iii. The Board of Elections should take action to ensure that free and fair elections are held and that all eligible students are able to vote. The Board of Elections took those steps, offering paper ballots for any who may not have been able to vote online.

iv. The Board of Elections is “responsible for monitoring the online election, verifying the results, and ensuring that the process was not corrupted.”

b. The allegations contained in paragraph 4b of the Complaint are admitted in part and denied in part.

i. Students in District 5 were not disenfranchised during the election held on February 9, 2010. Students, if any, who were unable to vote in the proper district were unable to vote through their own fault, because they failed to update their current campus address with the University Registrar. The Board of Elections is not responsible for ensuring the accuracy of addresses students list with the University Registrar. Any students who could not vote on Student Central were allowed the vote by paper ballot, provided by the Board of Elections.

ii. Ms. Holgate did lose by twenty-five votes, but that margin is too large to compromise the integrity of the election or change the outcome of the election.

iii. 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.

iv. 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. Further, the referenced section only applies to campaign violations and the issue at hand, as already decided by this Court in the Order Dismissing *Holgate & Seelinger v. Gillooly*, 09 SSC 007, does not involve campaign violations.

c. The allegations contained in paragraph 4c of the Complaint are denied. The Board exercised proper discretion in ensuring that the voting process was not corrupted and properly followed the Student Code’s protocol for determining whether a re-election should be held.

5. Demand for Judgment. The Defendant requests that the Student Supreme Court deny the Plaintiffs’ demand for judgment, as listed in paragraph 5 of the Complaint.

Filed this the 24th day of February, 2010, at 5:00 p.m.

DEFENDANT
Peter Gillooly
Chair, Board of Elections

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