

administered that a fair election was made impossible.” *Dorrol v. Oliver*, unreported, cited in *Dunn v. King*. Because of a poorly constructed ballot and poorly administered election in this case, both of these standards can be applied here and thus justify the claims of sufficiently grave harm. Further, in *Callahan v. Gordon*, the court held that “The Elections Board’s reliance on a continued, historical pattern of legal violations is no defense for their violations here. The Elections Board has a clear and affirmative duty to know and apply the statutes.” Ref. no. 72–002 1972. This Court has routinely held that the Board of Elections has an affirmative duty to know and apply the statutes correctly, which they failed to do here.

6. On or about October 31, 2023, PLAINTIFF requested in their Complaint “declaratory judgment that DEFENDANT violated Student Const. ch. 1 art. VIII §1.” and that “that the Board of Elections be directed to disqualify any and all graduate and professional student votes on the referendum” and DEFENDANT offered no contest.
7. On or about November 3, 2023, DEFENDANT requested in their complaint that “this Court issue precedent which provides clarification on the definition of ‘joint’” and requested “that this Court issue precedent which provides clarification on to how evaluate the extent to which a proposed amendment to this Constitution affects only one Constituency.” PLAINTIFF does seek to draw the Court’s attention to *Reeves v. Coleman*, 1 S.S.C. 180 (1999), which dealt directly with the question of the validity of graduate student votes for the office of Resident Hall Association (RHA) President. The then Student Constitution and Student Code contained conflicting language as to who was allowed to vote in an election for RHA President and the Court ordered a re-election after finding that graduate students were entitled to vote for RHA President. PLAINTIFF asserts that while the Court’s rational basis review of who was allowed to vote can be used as a guide for this case, the decision for a re-election cannot, as DEFENDANT in this case is able to segregates votes in a way that would not adversely affect other elections on the ballot and DEFENDANT is able to discern with certainty valid versus invalid votes.
8. Seeing no genuine issue of material facts, PLAINTIFF moves for Summary Judgment to grant Relief as requested in DEFENDANT’s Answer.

Andrew Gary

Andrew Gary
PLAINTIFF



Filed this the 3rd day of November 2023, at 3:00 a.m.