

IN THE SUPREME COURT)	
)	
Action No. 23-002)	
)	
Tanner Jacob Edwards)	
PLAINTIFF)	
)	
Versus)	DEFENDANTS' MOTION
)	FOR LEAVE TO AMEND
Board of Elections)	THEIR ANSWER
Sophie van Duin,)	
Acting Chair of the Board of Elections)	
DEFENDANTS)	
)	
)	
)	
)	

DEFENDANTS' MOTION FOR LEAVE TO AMEND THEIR ANSWER

Pursuant to R. 43, DEFENDANTS respectfully request that this Court enter an Order granting the Board of Elections and Acting Chair of the Board of Elections Sophie van Duin leave to file their First Amended Answer to PLAINTIFFS' Complaint and state as follows:

1. This matter arises from DEFENDANTS' determination that PLAINTIFF is not eligible to seek the office of President of the Graduate and Professional Student Government.
2. PLAINTIFF filed their Complaint on or about January 20th.
3. DEFENDANTS filed their Answer on or about January 24th.
4. This request is made in good faith and does not prejudice the PLAINTIFF in this matter.
5. DEFENDANTS pleaded as part of their affirmative defense as follows: *"The Court has previously acknowledged this in Russel v. Berger, 1 S.S.C. 255 (2016) when they acknowledged that University Administration should have the final say on qualifications for office: 'Should the Chancellor, Provost, or Vice Chancellor for Student Affairs of the University of North Carolina at Chapel Hill directly order of the Board of Elections actions contradictory to those stated here, their orders shall hold precedent.'"*
6. DEFENDANTS now seek leave to amend their affirmative defense to more correctly characterize the Court's holding in *Russel v. Berger, 1 S.S.C. 255 (2016)* by stating as part of their affirmative defense: "The Court has previously acknowledged this in *Russel v. Berger, 1 S.S.C. 255 (2016)* when they acknowledged that orders from the University Administration had precedent over any ruling or order of the Court: 'Should the Chancellor, Provost, or Vice Chancellor for Student Affairs of the University of North Carolina at Chapel Hill directly order of the Board of Elections actions contradictory to those stated here, their orders shall hold precedent.' It is thus clear that the qualifications for office developed as part of the Constitution were not wholly the creation of the legislature and were shaped by the bounds of

University dictates.”

WHEREFORE, DEFENDANTS respectfully request that this Honorable Court GRANT an Order granting leave for DEFENDANTS to file an amended Answer and for such other relief as this Court deems necessary and just.

Filed this the 5th day of February, 2024, at 2:15 P.M.

/s/ Andrew H. Gary
COUNSEL

