



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.

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DEFENDANT  
Peter Gillooly  
Chair, Board of Elections

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