

IN THE SUPREME COURT	)	
	)	
Action No. 08 SSC 002	)	
	)	
Matt Wohlford	)	
PLAINTIFF	)	
	)	
versus	)	[ ANSWER ]
	)	
Ryan Morgan, Board of Elections	)	
DEFENDANT	)	

**1 Answer**

Below are responses to Plaintiff’s numbered claims:

**1.1 Jurisdiction**

*Admit the allegation.* Restatement of The Code.

**1.2 Standing**

*Admit the allegation.* Restatement of The Code.

**1.3 Necessary Defendants**

*Admit the allegation.* Restatement of The Code.

**1.4 Enactment of 08-BE-012**

*Admit the allegation.*

**1.5 Section 2.1 of 08-BE-012**

*Admit the allegation.* Restatement of 08-BE-012.

**1.6 Admission of Violations by the Plaintiff**

*Deny the allegation.* Section 2.2, 08-BE-012 reads

*“During a meeting between Mr. Wohlford and BOE Chairman Morgan, Wohlford admitted to holding an interest meeting in the Campus Y and giving an interview to the Daily Tar Heel.”*

The word “violation” does not appear.

## **1.7 Admission of Violations by the Plaintiff**

*Deny the allegation.* Section 2.2, 08-BE-012 merely states that the Plaintiff admitted to the following facts:

- (a). Holding an interest meeting in Campus Y;
- (b). Giving an interview to a DTH reporter.

08-BE-012 does not imply Plaintiff admitted to violating the election law.

## **1.8 Meeting with Chairman Morgan**

*Admit the allegation in part, and deny in part.* The meeting between the Plaintiff and Chairman Morgan did take place however, as Plaintiff alleges in (6), 08 SSC 001:

*Mr. Morgan informed Mr. Wohlford that the Board of Elections was not fully staffed, and that Mr. Morgan had not yet determined how he would interpret certain portions of the election laws, including those pertaining to early campaigning.*

That is an accurate description of the meeting. In (8) the Plaintiff refers to the same meeting and alleges:

*In this meeting, Mr. Morgan expressed doubt that any action would be taken against Mr. Wohlford concerning his meeting in the Campus Y and his comments to the Daily Tar Heel. Mr. Morgan also assured Mr. Wohlford that if any action were to be taken, it was likely that Mr. Wohlford would be offered an opportunity to present a defense to the alleged violations.*

Two claims contradict one another.

## **1.9 Investigation**

*Deny the allegation.* Investigation is an act of ascertaining facts. As Plaintiff stipulates in (7): he personally admitted to Chairman Morgan holding an interest meeting and giving an interview to the DTH. Those are the facts of the case; hence the investigation has occurred.

## **1.10 Discussion of the Violations**

*Deny the allegation.* The hearing, during which the violations were discussed, occurred on September 5, 2008 in SU 2500 at 7:00pm EDT.

## **1.11 Questioning of the Plaintiff**

*Deny the allegation.* As Plaintiff stipulates in (7), he met with Chairman Morgan, who questioned him regarding his campaign activities. The Board extends the opportunity of defense against possible punitive rulings in cases where a question of fact is present. Plaintiff admitted to the facts of the case, hence the question of fact is not present; defense against undisputed facts is unnecessary. Subsequent deliberations of the facts' encroachment on Title VI are questions of law, they are in the purview of the BOE and do not require Plaintiff's response.

## **1.12 Enactment of 08-BE-012**

*Admit the allegation.*

### **1.13 Title VI, Section 402(A)[2]**

*Admit the allegation.* Restatement of The Code.

### **1.14 Nature of the Interest Meeting**

*Deny the allegation.* Plaintiff alleges his meeting in the Campus Y consisted of oral declaration of candidacy and conveyance of contact information. However, in (17) Plaintiff claims

*Mr. Kiley became aware of the meetings upon seeing an email Mr. Wohlford sent to multiple recipients, not including Mr. Kiley.*

If the Plaintiff sent mass emails inviting students to the interest meeting, that alone constitutes conveyance of contact information and possibly declaration of candidacy. Therefore, (17) casts doubt on Plaintiff's account of the interest meeting in the Campus Y.

### **1.15 Article in The Daily Tar Heel**

*Deny the allegation.* The BOE considers any interview an act of furthering one's candidacy, which lies outside of the scope of Section 402(A)[2], Title VI.

### **1.16 Article in The Daily Tar Heel**

*Deny the allegation.* The BOE considers any interview an act of furthering one's candidacy, which lies outside of the scope of Section 402(A)[2], Title VI.

### **1.17 The Daily Tar Heel Reporter**

*Deny the allegation.* While appearance of a reporter may not be under Plaintiff's direct control, admission to the meeting and an interview to said reporter are.

### **1.18 The Daily Tar Heel Reporter**

*Deny the allegation.* While appearance of a reporter may not be under Plaintiff's control, admission to the meeting and an interview to said reporter are.

In addition, sending mass emails is prohibited under Section 402(L)[2], Title VI. The lack of explanation of reporter's awareness of the interest meeting suggests the email was sent indiscriminantly, e.g. a mailing list.

### **1.19 Article in The Daily Tar Heel**

*Deny the allegation.* The BOE considers any interview an act of furthering one's candidacy, which lies outside of the scope of Section 402(A)[2], Title VI.

### **1.20 Nature of the Interest Meeting**

*Admit the allegation.* 08-BE-012 only refers to a meeting held in Campus Y, which under Section 102(N), Title VI is a public meeting.

## 2 Demand for Judgement

Based on Plaintiff's admission to the facts: meeting held in Campus Y and an interview given to the Daily Tar Heel, and the BOE's subsequent finding of these facts to be in violation of the election law, the Defendant hereby asks the Court to not overturn Punitive Decision 08-BE-012.

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