

IN THE STUDENT SUPREME COURT)
)
Action No. 08 SSC 006)
)
Ronald F. Bilbao)
PLAINTIFF)
)
versus) [ANSWER]
)
Ryan Morgan, Board of Elections)
DEFENDANT)

Answer

1 Jurisdiction

Admit the allegation.

2 Standing

Admit the allegation.

3 Necessary Defendants

Admit the allegation.

4 Relief

4.1

Admit the allegation.

4.2

Admit the allegation.

4.3

Deny the allegation.

4.3.1

S.G.C. VI § 402(G) does not require the BOE to consult any University officials to levy a fine but, only to estimate the cost of the repairs to the damaged University property.

4.3.2

Opinion of propriety of campaigning materials and/or their placement by any University official is irrelevant after the BOE has issued guidelines on placement of said materials, especially on the day of the election, especially after said placement is explicitly prohibited by S.G.C. VI § 402(G) and 08-BE-010.

4.3.3

If the Plaintiff objected to, or had questions about, S.G.C. VI § 402(G) and/or 08-BE-010, he could have contacted the BOE for clarification or appealed an appropriate section of 08-BE-010. Instead, the Plaintiff bypassed the proper clarification and dispute resolution channels and obtained a permission from a University official who is not versed in S.G.C.

4.3.4

In addition, this Court has only jurisdiction over matters arising out of actions of the members of the Student Government, not University officials.

4.4

Admit in part and Deny in part. The plaintiff indeed admitted to placing the signs in the quad area before the Louis Round Wilson Library however, S.G.C. VI § 402(G) does not allow candidates to seek approval of University officials regarding placement of campaigning materials.

4.5

Deny the allegation. Grass is a plant, grass root is a plant. Inserting objects into the ground directly damages the grass and/or its roots.

4.6

University officials' involvement in Student Government election policy is carried out through official channels¹, not private conversations with candidates. As far as Student Government elections are concerned, S.G.C. supercedes an impromptu communication with any University official.

4.7

Admit the allegation. Both Chairman Morgan and Vice-Chairman Tenyotkin made it clear to Mr. Bilbao that if he does not remove the signs in question, he will be subjected to a fine. Mr. Bilbao said that he is not so much concerned with the fine(s) because he is well under his spending limit.

¹Such as communication with the BOE Chair.

4.8

Deny the allegation. 08-BE-030 has been enacted in accordance with S.G.C. VI § 402(G).

5 Demand for Judgment

5.1

5.1.1

The Board asks this court to uphold Punitive Decision 08-BE-030, for it has been enacted lawfully under S.G.C.

5.1.2

The Board does not issue public retractions of any kind. Should this court reverse 08-BE-030, that serves as public notice sought by the Plaintiff.

5.2

5.2.1

The Board asks this court to uphold Punitive Decision 08-BE-031, for it has been enacted lawfully under S.G.C.

5.2.2

In a phone conversation on February 10, 2009, Vice-Chairman Tenyotkin made absolutely no assurances to any possible further action by the BOE. Vice-Chairman Tenyotkin and Mr. Bilbao discussed maximum fines, which Mr. Bilbao's campaign will incur for the violation. Vice-Chairman Tenyotkin also strongly advised Mr. Bilabo to remove the signs.

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