

IN THE SUPREME COURT)
)
Action No. 08 SSC 001)
)
Matt Wohlford)
PLAINTIFF)
)
versus) [ANSWER]
)
Ryan Morgan, Board of Elections)
DEFENDANT)

1 Answer

1.1 Jurisdiction

Admit the allegation. Restatement of The Code.

1.2 Standing

Deny the allegation. In the scope of 08 SSC 001, the Plaintiff is not affected by 08-BE-010, for 08-BE-010 is a general set of rules. The Plaintiff does not allege any direct or adverse affect of 08-BE-010 on his person. Therefore, the Plaintiff does not have Standing.

1.3 Necessary Defendants

Admit the allegation. Restatement of The Code.

1.4

Deny the allegation. Explanations follow.

1.5 Meeting with the BOE Chariman Morgan

Admit the allegation.

1.6 Meeting with the BOE Chariman Morgan

Admit the allegation.

1.7 Enactment of 08-BE-001

Admit the allegation.

1.8 Title VI, Section 403(C)[1]

Admit the allegation. Restatement of The Code.

1.9 Notification of Candidates

Deny the allegation. One is not considered a candidate or petitioner until one formally declares candidacy. Therefore, BOE is not obligated under Title VI, Section 403(C)[1] to notify the Plaintiff for he is neither a candidate nor a petitioner.

1.10 Amendment of 08-BE-001

Admit the allegation.

1.11 Standing to appeal 08-BE-001 and 08-BE-010

Deny the allegation. Plaintiff does not have a standing to appeal any decision of the BOE unless Plaintiff demonstrates direct effect of the decision upon his or her person; punitive decision being one such example. In addition, Administrative Decisions of the BOE cannot be appealed to the BOE but, only to the Student Supreme Court pursuant to Section 403(C)[2], Title VI.

1.12 Abuse of Power

Deny the allegation. BOE did not overstep its bounds in interpreting the relevant parts of Title VI.

1.13 Section 102(N) and Sections 403(2) - 403(6) of Title VI

Admit in part, unsure in part. Restatement of The Code. Sections 403(2)-403(6), Title VI do not exist, please elaborate.

1.14 08-BE-010 3(C) and 3(D)

Admit the allegation. Restatement of 08-BE-010.

1.15 Authority of the BOE

Deny the allegation. 08-BE-010 does not contradict Title VI. Plaintiff claims "*additional predicates ascribed to these terms in 08-BE-010 amount to amendments.*" Simple addition of "predicates" does not constitute a contradiction but, in the case of 08-BE-010, an explanation.

1.16 Section 3(A), 08-BE-010

Admit the allegation. Restatement of 08-BE-010.

1.17

Deny the allegation. 3(A), 08-BE-010 is a direct reading of Section 402(A)[2], Title VI, and therefore does not contract it.

1.18 Authority of the BOE

Deny the allegation. BOE acted within its authority in the direct reading of Section 402(A)[2], Title VI.

1.19 Section 3(C), 08-BE-010

Admit the allegation. Restatement of 08-BE-010.

1.20 Section 3(D), 08-BE-010

Admit the allegation. Restatement of 08-BE-010.

1.21 Apparent contradiction of 3(C) and 3(D), 08-BE-010

Deny the allegation. "Directly visible" has the same bearing as the "100ft No Smoking Rule." Many private bars are within 100ft of the University facilities however, smoking outside of the bars is not forbidden. "Directly visible" is meant to forbid campaigning in the immediate vicinity of the University's property borders, e.g. flag pole outside of the Post Office and Court House on Franklin St.

1.22 Apparent contradiction of 3(C) and 3(D), 08-BE-010

Deny the allegation. 08-BE-010 is consistent within reasonable interpretation.

1.23 Basis for exclusion of private property.

Deny the allegation. Basis for exclusion of some private locations is present in Title VI. Section 102(N) in part reads "Private shall be defined as that which is not in the *general view*..." The BOE understands anything directly visible from UNC property to be in general view. Inevitably, certain private locations are directly visible from UNC property and hence fall under BOE's reasonable jurisdiction for the enforcement of the election law.

1.24 Authority of the BOE

Deny the Allegation. Section 3(D), 08-BE-010 is not beyond the authority of BOE but, in fact, is within said authority as per Section 102(N) of Title VI.

1.25 Sections 3(i) 3(viii), 08-BE-010

Admit the allegation. Restatement of 08-BE-010.

1.26 Section 3(vi), 08-BE-010

Admit the allegation. Restatement of 08-BE-010.

1.27 Section 3(vi), 08-BE-010

Deny the allegation. Section 3(vi), 08-BE-010 is explicitly qualified as to pertain to 3(B) and 3(D), 08-BE-010, which are definitions of "campaigning" and "public." Therefore, 3(vi) applies only to public campaigning. Furthermore, Sections 3(A) and 3(C), 08-BE-010 are mutually exclusive of Sections 3(B) and 3(D), hence they are not contradictions by definition.

1.28 Section 3(vi), 08-BE-010

Deny the allegation. Section 3(vi), 08-BE-010 does not unequivocally prohibit "holding rallies or interest meetings," but, instead specifies that such activities are prohibited in the context of public campaigning.

1.29 Section 3(vii), 08-BE-010

Admit the allegation. Restatement of 08-BE-010.

1.30 Section 3(vii), 08-BE-010

Admit the allegation. Restatement of 08-BE-010.

1.31 Section 3(vii), 08-BE-010

Admit the allegation. Restatement of 08-BE-010.

1.32 Section 3(vii), 08-BE-010

Admit the allegation. Inclusion of "campaign workers" in (vii) was a clerical error and did not appear in the final version of the decision. Unfortunately, the first draft was uploaded to the BOE's website but, official BOE records contain the correct version. BOE apologizes for the oversight.

1.33 08-BE-010

Admit the allegation. Restatement of 08-BE-010.

1.34 Internal inconsistency of 08-BE-010

Deny the allegation. 08-BE-010 is not internally inconsistent and can be easily followed.

1.35 Purpose of 08-BE-010

Deny the allegation. 08-BE-010 serves its stated purpose.

2 Demand for Judgement

2.1

The Plaintiff fails to allege any direct effect of Administrative Decision 08-BE-010 on his person or to demonstrate illegality of 08-BE-010.

2.2

The Defendant hereby asks the Court not to overturn Administrative Decision 08-BE-010.

Ryan Morgan, Defendant
The Board of Elections
(919) 962-8683, 2500 Student Union
UNC Chapel Hill, Chapel Hill, NC 27599

Valery Tenyotkin, Counsel
The Board of Elections
(919) 923-5583, 2500 Student Union
UNC Chapel Hill, Chapel Hill, NC 27599

Filed this the 31st day of October, 2008, at 03:30 a.m.