

IN THE SUPREME COURT)	
)	
Action No. 08 SSC 004)	
)	
Tim Nichols)	
Speaker of Student Congress)	
PLAINTIFF)	ANSWER
)	
Versus)	
)	
)	
JJ Raynor)	
Student Body President)	
)	
)	
And Ryan Morgan)	
On behalf of the Board of Elections)	
DEFENDANT)	

1. Admitted.
2. Denied. Title III, Section 409 states “standing to bring an action before the Supreme Court for an election error or fraud in the acts, decisions and rulings of the Elections Board extends to plaintiffs who must have his/her powers, rights, privileges, benefits or immunities adversely affected, restricted impaired or diminished.” This section of the Student Code establishes standing solely for actions filed against the Board of Elections. It does not establish standing to bring an action against the Student Body President or the Executive Branch of Student Government.

Furthermore, no complaint was ever made to the Board of Elections about the alleged campaign violations. Since the Board of Elections has not been given the chance to take action in regards to these alleged violations there can be no standing under Title III, Section 409 which refers solely to “election error or fraud in the acts, decisions, and rulings of the Elections Board”.

Finally, no reference is made in the complaint to actions or errors on the part of the Board of Elections. Under Title III, Section 409, the Plaintiff must contest actions or errors on the part of the Board of Elections in order to establish standing before the Supreme Court. At no point in the complaint does the Plaintiff allege an illegal action or error on the part of the Board of Elections. All allegations are solely made against the Executive Branch of Student Government. By not making any allegations against the Board of Elections, the Plaintiff fails to meet Title III, Section 409's standard for establishing standing before the Supreme Court.

3. Denied. On February 16th, 2009, Student Body President J.J. Raynor sent an email through the Formal Notice email system informing students that they could vote in a fee referendum to be held on Feb. 17th, 2009. The email contained the wording of the fee referendum, information on where and when students could vote, and a link to the Student Government homepage. The link to the Student Government homepage was to a pdf version of the basic fee information presentation given to Student Congress. The information in this pdf included the numbers associated with the fee's use and three testimonial quotes from students receiving assistance through the fee program. The document did not contain any statements from Student Government endorsing a vote one way or the other on the referendum. None of the testimonial statements from non-Student Government members profiled in the document contained language advocating a specific vote on the referendum.

Furthermore, Student Body President J.J. Raynor used the Formal Notice system to inform the campus of the referendum and the opportunity to learn more about the fee history as part of a good faith effort to respond to the requests of Student Congress. At the February 4th, 2009 meeting of Student Congress, the body expressed its concern that students would not have enough information about the fee to make an educated decision in the referendum. Members of

Student Congress asked that appropriate efforts be taken to publicize the referendum and the fee background. In response, Student Body President J.J. Raynor offered to send a Formal Notice email to all students informing them of the referendum and linking them to information on the fee. While the referendum was ultimately authorized through the petition process and not through Student Congress, Student Body President J.J. Raynor felt it important to make a good faith effort to comply with the concerns expressed by the members of Student Congress. Hence, President Raynor sent a Formal Notice to all students and directed them to the same background information on the fee that had been presented to Student Congress.

Since the email sent through the Formal Notice system did not advocate for a vote one way or another on the referendum and the information document did not contain information advocating for a vote one way or another on the referendum the Executive Branch did not violate Title VI, Section 402(L).

4. Denied. Title VI, Section 402(L) states that “email lists reserved for the use of Student Government officials or any party acting on behalf of Student Government may not be used to advance the candidacy of any individual or support the passage or failure of a referendum.” Facebook is not an email list nor is Facebook a tool reserved only for members of Student Government. All students have access to Facebook and can create Facebook groups as evidenced by the number of different groups created that advocated both for and against the fee referendum. Facebook is a tool for generating dialogue accessible to all students, not just members of Student Government, therefore any alleged advocacy by Student Government through Facebook does not constitute a violation of Title VI, Section 402(L).
5. Denied. Defendant denies that campaign materials associated with the referendum were stored by the Executive Branch or the Board of Elections in a student government office. Campaign

materials for the referendum were found in the Student Activities and Organizations Office after the plaintiff's complaint was filed. The Student Activities and Organizations is an office space and work center open to all members of student organizations. It is not a Student Government office as defined in the Student Code. The Student Activities and Organizations Office contains office space, office supplies, and filing cabinets intended for the use of Student Organizations. It is open to all students and is not controlled by Student Government. Office space for the Executive Branch, Student Congress, the Senior Class, and the Graduate and Professional Student Body Federation link off of the main Student Activities and Organizations space, but no materials were found in these offices.

Campaign materials were found on a counter top in the Student Activities and Organizations Office after the Executive Branch was alerted to the issue upon receipt of the complaint. There is no indication of who left these materials in the Student Activities and Organizations Office. It is not known if these materials were left by a member of the Executive Branch, a member of the Legislative Branch, or a member of a Student Organization. Since the common area is owned by all student organizations and is not used or maintained exclusively by the Executive Branch of Student Government, the defendants cannot certify who placed the materials in the Student Activities and Organizations Office.

Finally, Title VI Section 405(A) specifically states "for the duration of the campaign of any elected position." Thus the prohibitions on storing or displaying campaign materials in Student Government Offices should apply only to materials for candidates, not referenda.

6. Denied. The defendants deny all of the alleged violations of the Student Code.
7. Denied. Paragraph two establishes standing under a section of the code that solely refers to the Board of Elections. Under this claim to standing, the Executive Branch of Student Government is

not a Necessary Defendant. Because the Plaintiff did not file a motion or complaint with the Board of Elections, the Board of Elections has not had the opportunity to make an error and is also not a necessary defendant since the complaint does not have standing.

8. Defendants ask that the Supreme Court lift the temporary injunction against the Board of Elections and allow the Board of Elections to proceed with its normal process for certifying an election. This certification process is the appropriate venue for investigating the claims made by the Plaintiff since these claims have not previously been delivered to the Board of Elections for a decision.
9. Defendants ask that the Supreme Court lift the temporary injunction.

Filed this the 18th day of February, 2009, at 7:30 p.m.

DEFENDANT

J. J. Raynor
Student Body President

DEFENDANT

Ryan Morgan
Chair, Board of Elections