

IN THE SUPREME COURT)

Action No. 10 SSC 003)

Deanna Santoro)
Speaker Emeritus, Student Congress)
PLAINTIFF)

COMPLAINT

versus)

Andrew Phillips)
Chairperson, Board of Elections)
DEFENDANT)

I. Establishing Jurisdiction

The Student Supreme Court has jurisdiction over this matter pursuant to Title III Section 401(a) of the Student Code. This Section states that the Student Supreme Court has jurisdiction over controversies arising out of actions of the executive branch, of which the Board of Elections (BOE) is a subsidiary. The Plaintiff alleges that the BOE abused its discretion in its interpretation of Title VI Sections 408(B)(1) and 408(B)(3).

II. Standing

Title III Section 408 grants standing in any case alleging invalidity or illegality of an act of any committee in the executive branch, which includes the BOE and its administrative decisions, to any student. Additionally, as a member of Student Congress and a proponent of the law at issue, the Plaintiff has standing under Section 409(B). As Speaker Emeritus and a member of Congress, it is Plaintiff's duty to ensure that the Code is enforced. The BOE's alleged misinterpretation of the Code diminished Plaintiff's ability to enforce the laws passed by her Congress. Furthermore, Plaintiff had to resign her post as Speaker in order to file suit and avoid conflicts of interest as per Title VI Section 408(B)(1).

III. Necessary Defendants

Pursuant to Title III Section 510(B)(3), the necessary defendant is the Chairperson of the Board of Elections, Andrew Phillips.

IV. Relief

- a. The BOE is required to oversee fair and impartial elections as per Title VI Section 301 and to "administer all laws pertaining to student

elections” pursuant to Title VI Section 314(A). Moreover, it “shall investigate by its own directive, outside reports, or prompts, cases of misconduct as they relate to Title VI” Title VI Section 306(H). The Section does not preclude prompts from the Speaker of Student Congress.

- b. Student Body President Candidate Ian Lee currently serves as Student Body Secretary, and he has held this office through the entirety of his campaign.
- c. Taking action upon several complaints questioning the legitimacy of Mr. Lee’s candidacy while serving in his capacity as Student Body Secretary, the BOE issued Administrative Decision 10-BE-07 on December 13th, 2010 that misinterpreted Title VI Section 408(A) to allow the Student Body Secretary to run for Student Body President.
- d. Plaintiff, believing Defendant to have misinterpreted the statute, beginning on January 23rd, 2011 repeatedly asked him in private to issue a new Administrative Decision regarding Title VI Section 408(A) consistent with Title VI Section 310(A)(5) of the Student Code, which allows for automatic “disqualification for failure to submit a resignation for an executive or judicial branch position.” Plaintiff called Defendant three times, left two voicemails, and sent an email asking Defendant to take action. Defendant blatantly ignored Plaintiff’s prompts until he declined to investigate in a verbal conversation on Sunday, February 6th, 2011. Thus, the ninety-six hour statute of limitations and the seventy-two hour statute of limitations established by Title III Section 513(A) and Title VI Section 307(C)(1), respectively, for appealing administrative decisions of the BOE has *not* elapsed.
- e. Defendant has failed to investigate reports of violation of the Code by Plaintiff. Therefore, Plaintiff seeks relief from this Court in order to enforce the duties of Congress as prescribed by Title II Section 122(J). In order to avoid speaking publicly for or against Mr. Lee’s campaign as prohibited by Title VI Section 408(B)(1), Plaintiff had to resign her role as Speaker on Monday, February 7th, 2011.
- f. Plaintiff alleges that the BOE abused its discretion in interpreting Title VI Section 408(B)(3) as overriding Section 408(B)(1) and therefore allowing Mr. Lee to run for Student Body President in Administrative Decision 10-BE-07. Plaintiff alleges that Title VI Section 310(A)(5) expressly prohibits Student Body Officers from running for Student Body President. Plaintiff understands the word “official” in Title VI Section 408(B)(3) to refer to any student participating in Student

Government who is not named in Title VI Section 408(B)(1). Read as the BOE has incorrectly interpreted it, Section 408(B)(3) would void Section 408(B)(1).

- g. The BOE's interpretation of Title VI Section 408(B) overextends the powers cited in Title VI Section 306(A). The BOE has established a "standard which lacks explicit basis in election law."

V. Demand for Judgment

The Plaintiff respectfully requests that the Court reverse the findings of Administrative Decision 10-BE-07 and remand proceedings back to the BOE consistent with its interpretation of Title VI Sections 408(B)(1) and 310(A)(5).

We do affirm that we have read in full the foregoing complaint and that the allegations contained therein are true to the best of our knowledge and belief.

Respectfully submitted,

PLAINTIFF

Deanna Santoro

Speaker Emeritus, 92nd Student Congress

1318 Granville Towers West

deanna.santoro@gmail.com

(803) 553-9202

Erik M. Davies

Counsel for the Plaintiff

303 Smith Level Rd., Apt. C-22

erik.m.davies@gmail.com

(704) 576-9398

Filed this the 7th day of February, 2011, at 7:03 p.m.