

IN THE SUPREME COURT

Action No. 09 SSC 008

Taylor Holgate  
Candidate, Student Congress District 5  
PLAINTIFF

versus

Peter Gillooly  
Chairman, Board of Elections  
DEFENDANT

COMPLAINT

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1. Establishing jurisdiction: The Supreme Court has jurisdiction of this controversy under Section 401 of Title III. The plaintiff alleges that students were disenfranchised during the election held on Tuesday, February 9, 2010 due to negligence on the part of the Board of Elections. Therefore, the complaint is being lodged against the Board of Elections over whom this Court has jurisdiction.
2. Standing: The plaintiff has standing in the matter under Section 407 of Title III as a student alleging the invalidity of an action by the Board of Elections. Additionally, the plaintiff alleges her “powers, rights, privileges, benefits or immunities adversely affected, restricted impaired or diminished” and, therefore, has standing under Section 409 of Title III.
3. Necessary Defendants: According to Section 510 of Title III, Part B(3) the necessary defendant is the chairman of the Board of Elections, Mr. Gillooly.
4. Relief:
  - a. As per IV S.G.C. § 501(A), “The Board of Elections shall be responsible for monitoring the online election, verifying the results, and ensuring that the process was not corrupted.” The plaintiff holds that this clause obligates the Board of Elections to provide secure, lawful ballots for all voters. In certifying the results, furthermore, the Board of Elections must provide a document affirming that “no [...] election irregularities have been detected which could compromise the integrity of the election process or change the outcome of the election” (IV S.G.C. § 602(A)(3)). Should this duty have not been upheld, candidates may appeal the results to the Supreme Court pursuant to VI S.G.C. § 602(K)(1). The plaintiff further alleges that it is the duty of the Board of Elections to ensure that free and fair elections are held and that all eligible students are able to vote as per Title VI, Section 302(A): “It shall be the duty and authority of the Board

of Elections to administer all laws governing elections.” And further, as per Title VI, Section 501(A) which reads, “The Board of Elections shall be responsible for monitoring the online election, verifying the results, and ensuring that the process was not corrupted.”

b. The plaintiff holds that, for the following reasons, the elections process was corrupted due to negligence on behalf of the Board of Elections:

- Students in District 5 were disenfranchised during the student body election held on February 9, 2010. These students were unable to vote in the election while logged-on to Student Central. Specifically, the online voting system may have disenfranchised as many as 296 students by incorrectly stating their class standing or residence information. The online ballot asserted that casting a ballot with false information constituted a violation of the Honor Code, preventing students from casting a lawful ballot.
- Ms. Holgate lost the election by 25 votes, a margin slim enough to have “compromise[d] the integrity of the election process or change the outcome of the election”.
- The plaintiff further alleges that it is the duty of the Board of Elections to ensure all voting technology is working as per Title VI, Section 302(H): “The Board of Elections shall obtain a letter from Information Technology Services (ITS) seven (7) days before an election confirming that necessary computer systems are acceptably secure for conducting the said election.” Yet Chairman Gillooly never requested this letter to confirm that the computer systems are acceptably secure as the Public Information Request email sent to him by the plaintiff confirms.
- VI S.G.C. § 403(H) reads, “The Board of Elections may call for a re-election if a violation occurred and it could have affected the outcome or compromised the integrity of the election. If the Board of Elections feels that a re-election is necessary, they must allow all affected parties the opportunity to present information concerning the decision to hold a re-election.” However, the plaintiff asserts that the Board *did not exercise due discretion in refusing to issue a re-election*.

c. Because the Board did not exercise proper discretion in ensuring that the voting process was corrupted and has refused to follow the Student Code-mandated protocol in determining whether a re-election should be held, the plaintiff must turn to the Student Supreme Court for a clarification on this matter.

5. Demand for judgment: The plaintiff respectfully requests that the Court invalidate the results from the District 5 Student Congress election and order that a new vote be held on a date determined by the Court as per VI S.G.C. § 602(K)(1).

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.

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