

IN THE SUPREME COURT

Action No. _____

Marc Seelinger, Jr.
Candidate, Student Congress District 1
PLAINTIFFS

versus

Peter Gillooly
Chairman, Board of Elections
DEFENDANTS

COMPLAINT

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 his "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. The plaintiff alleges that students in District 1 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.
 - b. 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."
 - c. 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.

- d. The plaintiff further alleges that the Board of Elections neglected to hold a meeting or contact candidates following the revelation of voting issues to determine whether the integrity of the election had been violated as per Title VI, Section 403: “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.”
5. Demand for judgment: The plaintiff respectfully requests that the Court invalidate the results from the District 1 Student Congress election and order that a new vote be held on a date determined by the Court.

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

Marc Seelinger, Jr.

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919-302-4791

Candidate, Student Congress District 1

Filed on this day, February, 11 2010 at .