

IN THE SUPREME COURT )  
 )  
Action No. 08 SSC 002 )  
 )  
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**

*Admit the allegation.* Restatement of The Code.

### **1.3 Necessary Defendants**

*Admit the allegation.* Restatement of The Code.

### **1.4 Enactment of 08-BE-012**

*Admit the allegation.*

### **1.5 Section 2.1 of 08-BE-012**

*Admit the allegation.* Restatement of 08-BE-012.

### **1.6 Investigation Procedure**

*Deny the allegation.* Most of VI S.C. § 403(D) did not apply because the Board consisted only of Chairman Morgan at the time of the investigation. The Board's evidence, in addition to Plaintiff's admission to the facts of the case (holding a meeting and giving an interview to the DTH), was convincing enough for a unanimous vote to issue 08-BE-012. In determining the scale of the sanction (fine), the BOE followed reasonable a process as well as precedent.

### **1.7 Admission of Violations by the Plaintiff**

*Deny the allegation.* Section 2.2, 08-BE-012 merely states that the Plaintiff admitted to the following facts:

- (a). Holding an interest meeting in Campus Y;

(b). Giving an interview to a DTH reporter.

08-BE-012 does not imply Plaintiff admitted to violating the election law, it merely states that the Plaintiff admitted to the facts of the case, which later the BOE found to be violations. Investigation is an act of ascertaining facts. As stipulated by the Plaintiff: he personally admitted to Chairman Morgan holding a meeting and giving an interview to the DTH. Those are the facts of the case; hence the investigation has occurred.

## **1.8 Meeting with Chairman Morgan**

*Admit the allegation in part, and deny in part.* The meeting between the Plaintiff and Chairman Morgan did take place however, as Plaintiff alleges in (6), 08 SSC 001:

*Mr. Morgan informed Mr. Wohlford that the Board of Elections was not fully staffed, and that Mr. Morgan had not yet determined how he would interpret certain portions of the election laws, including those pertaining to early campaigning.*

That is an accurate description of the meeting. In (8) the Plaintiff refers to the same meeting and alleges:

*In this meeting, Mr. Morgan expressed doubt that any action would be taken against Mr. Wohlford concerning his meeting in the Campus Y and his comments to the Daily Tar Heel. Mr. Morgan also assured Mr. Wohlford that if any action were to be taken, it was likely that Mr. Wohlford would be offered an opportunity to present a defense to the alleged violations.*

Two claims contradict one another.

## **1.9 Investigation**

*Deny the allegation.* As Plaintiff stipulates, he met with Chairman Morgan, who questioned him regarding his campaign activities. The Board extends the opportunity of defense against possible punitive rulings in cases where a question of fact is present. Plaintiff admitted to the facts of the case, hence the question of fact is not present; defense against undisputed facts is unnecessary. Subsequent deliberations of the facts' encroachment on Title VI are questions of law, they are in the purview of the BOE and do not require Plaintiff's response.

## **1.10 Questioning of the Plaintiff**

*Deny the allegation.* See (1.6) and (1.9). Defendant's request for evidence is as immaterial to the case as Plaintiff's unwillingness to comply with said request.

## **1.11 Discussion of the Violations**

*Deny the allegation.* The hearing, during which the violations were discussed and 08-BE-012 was enacted, was closed to public pursuant to VIS.C. § 403(A). Hearing's compliance with the NCGS is irrelevant because it is outside of the jurisdiction of this court.

### **1.12 Affidavit and Capriciousness of the Decision**

*Deny the allegation.* Mr. Vickers' recollection of the events begins with him wrongly identifying the date of the meeting, during which the BOE sanctioned Ms. La Roche; it continues to state that Ms. La Roche was invited to the meeting when, in fact, Vice-Chairman Tenyotkin told her during the course of questioning that the meeting would be public and she can attend if she so desires but, will not be allowed participate in the debate. Ms. La Roche's "I didn't know" comment, which Ms. Vickers mislabels as defense, was a casual conversation with members of the Board after the sanction vote. Finally, Affidant incorrectly alleges that the BOE did not sanction Ms. La Roche. Punitive Decision 08-BE-015 against Ms. La Roche is available for inspection.

The Defendant is unsure what article the Plaintiff is referring to, please elaborate.

### **1.13 Interview to the DTH**

*Deny the allegation.* The BOE considers any interview an act of furthering one's candidacy, which lies outside of the scope of VI S.C. § 402(A)[2].

### **1.14 Article in The Daily Tar Heel**

*Deny the allegation.* The BOE considers any interview an act of furthering one's candidacy, which lies outside of the scope of VI S.C. § 402(A)[2].

## **2 Demand for Judgement**

Based on Plaintiff's admission to the facts: meeting held in Campus Y and an interview given to the Daily Tar Heel, and the BOE's subsequent finding of these facts to be in violation of the election law, the Defendant hereby asks the Court to not overturn Punitive Decision 08-BE-012.

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Filed this the 10th day of November, 2008, at 11:55 p.m.