

IN THE SUPREME COURT

Action No. 10 SSC 002 )  
 )  
Adam J. Horowitz, Leah Josephson, )  
Christopher B. Lane, Chelsea Cook, )  
PLAINTIFFS )  
 )  
Versus ) ANSWER  
 )  
Hogan Medlin )  
Student Body President, )  
 )  
and )  
 )  
Andrew R Phillips )  
Chair, Board of Elections, )  
DEFENDANTS )

---

**I. Jurisdiction**

1. *Admit the allegation.* Restatement of The Code.

**II. Standing**

1. *Admit the allegation.* Restatement of The Code.
2. *Deny the allegation.* While the Plaintiffs have identified the relevant portion of the Student Code, the Plaintiffs failed to demonstrate how they were directly and adversely affected by the election act. Simply citing the Student Code is not adequate in establishing standing. Therefore, the Defense moves to dismiss the case on the grounds that the Plaintiffs have failed to demonstrate standing.

**III. Necessary Defendants**

1. *Admit the allegation.* Restatement of The Code.
2. *Admit the allegation.* Restatement of The Code.

**IV. Relief**

1. *Deny the allegation.* As the Code is silent on the matter of what constitutes ‘good order,’ there is no clear standard to determine the legality or validity of President Medlin’s actions. Given the Code’s lack of guidance, President Medlin followed the precedent set

by previous student body presidents in executing Title I, Article V, Section 7. President Medlin took steps to verify that the signatures on the ballot belonged to students of the University by using the electronic verification system used in previous years. Specifically, President Medlin screened signatures to ensure they belonged to UNC students and that those signatures were unique and unduplicated. The Plaintiffs, therefore, have no textual basis founding their claim that President Medlin violated the aforementioned statute.

2. *Deny the allegation.* The candidates' meeting that the Plaintiffs reference in their Complaint refers to meetings designed for candidates running for office and their respective campaign staffs, not referenda. Moreover, there is no process specified in the Code for how referenda become certified. The UCommons referendum and its supporters, therefore, could not have violated Title IV, Section 404.B.
3. *Without knowledge.*
4. *Deny the allegation.* The section of the Student Code the Plaintiffs are referencing clearly refers to campaigns for certain offices, rather than referenda. The Plaintiffs seemed to ignore the following portion of the code, which dispels the notion that Section 405.G applies to referenda: "No candidate, nor any campaign worker, shall publicly campaign *for said candidate*..." As there are no candidates for referenda, the portion of the code that Plaintiffs referenced is unrelated.
5. *Deny the allegation.* In a meeting with Union President Tyler Mills and Union Associate Director Tony Patterson, Chair Phillips instructed them that the banners on the side of the Union and on South Road constituted violations of Title VI, Section 406.I .1.b. In addition, the Chair informed Associate Director Patterson that a plan to project an image promoting UCommons on the side of Student Stores constituted a violation of Title VI, Section 406.I .1.c. Therefore, Chair Phillips fulfilled his duty under Title VI, Section 406.
6. *Deny the allegation.* Firstly, the Board of Elections received no formal complaints about the use of Wendy's coupons to solicit signatures for the UCommons ballot petition. The Board did, however, become aware of this claim by informal comments. These comments prompted a preliminary investigation by Chair Phillips, which revealed that Carolina Dining Services was distributing the coupons in the Union to promote the inclusion of Wendy's in the Phase 1 Renovation of the Union; this renovation is unrelated to the UCommons renovation. A conversation between Chair Phillips and Union Associate Director Tony Patterson revealed that the coupons were not being exchanged in *quid pro quo* fashion for signatures; they were simply being provided to raise awareness about the Wendy's. Therefore, the Defense asserts that there was no violation of Title VI, Section 406.J.
7. *Admit the allegation in part.* The Plaintiff's allegation in Complaint 4.7 is that, as the previous six rulings are violations of campaign law, and Chair Phillips failed to respond accordingly, Chair Phillips failed to execute his duty as specified in Title VI, Section

314.B. As the Defense denies allegations 4.1-4.3 and 4.5-4.6, the Defense also denies the portions of Complaint 4.7 related to those aforementioned allegations.

**V. Demand for Judgment**

The Defense requests that the Supreme Court deny the Plaintiff's demands for judgment and also requests that the injunction against revealing the outcome of the UCommons referendum be released.

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

Respectfully Submitted,

---

DEFENDANTS  
Hogan Medlin  
Student Body President  
144 East Longview Street  
Chapel Hill, NC 27516  
[hogan.medlin@gmail.com](mailto:hogan.medlin@gmail.com)  
(336) 552-8349

Andrew R. Phillips  
Chair, Board of Elections  
205 Raleigh Street #301  
Chapel Hill, NC 27516  
[aphillips@unc.edu](mailto:aphillips@unc.edu)  
(919) 259-4681

Kevin M. Whitfield  
Student Solicitor General  
146 East Longview Street  
Chapel Hill, NC 27516  
[kmwhitfield@gmail.com](mailto:kmwhitfield@gmail.com)  
(252) 367-1177

Filed this 9<sup>th</sup> day of February, 2011 at 6:00 a.m.