

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
IN AND FOR ALACHUA COUNTY**

**STUDENTS FOR ONLINE VOTING,
THOMAS F. JARDON, President, and
SAM A. MIORELLI, Executive Director,**

Petitioners,

vs.

Case No.: 01-2008-CA-000833

Division: W

**STUDENT GOVERNMENT OF THE
STUDENT BODY OF THE UNIVERSITY OF FLORIDA;
SUPREME COURT OF THE STUDENT BODY
OF THE UNIVERSITY OF FLORIDA;
BERNARD MACHEN AS PRESIDENT
OF THE UNIVERSITY OF FLORIDA AND
AGENT OF THE UNIVERSITY OF FLORIDA
BOARD OF TRUSTEES,**

Respondents.

ORDER TO SHOW CAUSE

THIS ACTION came before this Court on the Petition for Extraordinary Writ of Mandamus and for Prohibition (the Petition), filed 22 February 2008 by Petitioners, Students for Online Voting, Thomas F. Jardon, President, and Sam A. Miorelli, Executive Director. Petitioners allege that they submitted an Online Voting Petition (the OVP) to the Supreme Court of the Student Body of the University of Florida for approval to place the OVP on the spring 2008 general election ballot; that the OVP complied with all requirements of Article VIII, Section 2, of the Constitution of the Student Body of the University of Florida, and sections 773.0 and 773.1 of the Statutes of the Student Government of the University of Florida; and that the OVP was presented to the Supreme Court of the Student Body not less than 28 school days prior to the 2008 spring general election, as required by section 790.1 of the Statutes of the Student Government.

Petitioners contend that the Supreme Court of the Student Body erred in denying placement of the OVP on the ballot on the grounds that the OVP was unconstitutional under the Fourteenth Amendment of

the United States Constitution and under Article VI of the Florida Constitution. Specifically, Petitioners aver that, as an administrative agency of the State of Florida, the Supreme Court of the Student Body has no power to declare any act taken pursuant to lawful authority as unconstitutional under either the United States Constitution or the Florida Constitution. Petitioners contend that the Supreme Court of the Student Body is not a court under Article V of the Constitution of the State of Florida and lacks jurisdiction to declare any act taken pursuant to lawful authority unconstitutional. To the contrary, Petitioners contend that the Supreme Court of the Student Body only has the power to determine whether the OVP satisfies the Constitution of the Student Body and the statutes governing the Student Body. Petitioners assert that, if the OVP satisfies the above requirements, they have a clear legal right to have the OVP placed on the ballot. This Court finds that a response to the Petition is warranted.

Therefore, it is **ADJUDGED** that:

1. Respondents shall file a responsive pleading to all counts of the Petition within **20** days of the entry of this Order, and show good cause why this Court should not grant the relief Petitioners seek.
2. Respondents shall address the above issues in particular, and shall also address any other issues raised in the Petition.
3. The response shall contain thorough legal analysis with proper citations to authority.
4. A proposed order shall accompany the response. The proposed order shall contain legal analysis with a thorough application of the law to the instant facts, citing all relevant authority and incorporating the facts found in the response, and shall state with specificity the action to be ordered by the Court.
5. Respondents shall file an appendix to their response(s) containing all documents necessary to this Court's review of the proceedings below.

6. Petitioners, although not required to file a reply, shall have **20** days from service of the response within which to file a reply.
7. If Petitioners file a reply, a proposed order shall accompany the reply. The proposed order shall contain legal analysis with a thorough application of the law to the instant facts, citing all relevant authority and incorporating the facts found in the reply, and shall state with specificity the action to be ordered by the Court.

ORDERED in Alachua County, Florida on 28 February 2008.

Frederick D. Smith
Circuit Judge

Frederick D. Smith, Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order was furnished by U.S. Mail on 29 February 2008, to the following:

James H. Sullivan, Esquire
204 W. University Ave
Suite 10
Gainesville, FL 32601

Joseph W. Little, Esquire
Counsel for Petitioners
3731 N.W. 13th Place
Gainesville, FL 32605

The Office of General Counsel
University of Florida
123 Tigert Hall
P.O. Box 113125
Gainesville, FL 32611

Office of Student Government
University of Florida
305 Reitz Union
P.O. Box 118505
Gainesville, FL 32611

Supreme Court of the Student Body
University of Florida
305 Reitz Union
P.O. Box 118505
Gainesville, FL 32611

President Bernard Machen
University of Florida
123 Tigert Hall
P.O. Box 113125
Gainesville, FL 32611

Lisa K. O'Connor
Lisa O'Conner, Judicial Assistant