

The plaintiff, Mr. Ingram, received a complaint against him from the Vice-Chair of the Board of Elections, Shruthi Sundaram, at 5:21pm on Friday, February 4th, 2011. The plaintiff seeks redress against a pattern of malfeasance by the Board and appeals the results of the Board's February 7th disqualification hearing. The following are the grounds on which the plaintiff believes he deserves relief for said malfeasance of the Board of Elections:

(1.) Irrelevance of the investigation under the Code

- a. The Board's investigation into the Plaintiff's campaign, as evidenced by the conduct and coverage of the hearing, was not well grounded in the code. VI S.G.C. Section 310 (B) states: "The Board of Elections may find that a campaign has violated the Election Laws in such a manner as to be considered malicious and harmful. These reasons shall include, but not limited to, repeated or multiple violations of Title VI by a candidate or his/her campaign workers, an intentional and/or organized act of a candidate or his/her campaign against another candidate, or a specific plan to obstruct the election process. If the Chair of the Board of Elections believes that such a level of evidence exists, the Board of Elections must conduct a hearing of disqualification." A plain reading of the two charges for which the plaintiff's campaign was held responsible do not constitute an intentional or organized act against another candidate(s) nor do they convey the existence of a specific plan to obstruct the election process. Confrontation, which is what the Board implies is what occurred, is not malice nor is it harmful in this case. The Court possesses copies of the complaints and the plaintiff's responses for the record.

(2.) Illegal Signature Gathering

- a. The Board of Elections decided after the first night of signature gathering, Tuesday January 18th, they would not hold any campaign responsible for illegal signature gathering in the Dean Dome. However, complaints were filed against all candidates in various capacities for illegal dorm-storming on the same night, which was not given the same exemption. The plaintiff's campaign was the only one investigated and subsequently fined. The selective enforcement of such rules is unacceptable and anathema to the spirit of student code, which charges the board of elections under III S.G.C. Section 301 "to conduct fair and impartial student elections in accordance to the Student Government Election Laws" as well as Section 314 (B), which vests these powers in the Board.

(3.) Refusal to investigate Ian Lee

- a. Members of the plaintiff's campaign have filed multiple complaints with Board of Elections against the Lee Campaign. Charges range from illegal dorm-storming and intentionally misinforming students about signature gathering rules, to Lee not resigning from his position as Student Body Secretary in the midst of the campaign. None of these complaints have been taken seriously by the Board of Elections and there has been no official follow-up from anyone on the Executive Board with those who filed the complaints. Furthermore, when Mr. Lee began pursuing petition signatures by electronic means the board refused to even consider investigating this unprecedented action that multiple campaigns believed

to be a violation of election law. By not taking such allegations against Lee seriously with any tangible form of investigation, the Board violates III S.G.C. Section 306 (H).

(4.) Passing of Information

- a. Early on the morning of February 5, 2011, Jeff DeLuca, a member of the Ingram campaign filed a complaint against Ian Lee. By the same afternoon, Ian indicated to Mr. DeLuca that he was aware of his complaint against him. Whereas the Board of Elections had not sent Mr. DeLuca an acknowledgment of his complaint, as it did when he filed an earlier complaint against a member of Mr. Lee's staff, there must be unethical sharing of information going on between the Board of Elections and the Lee Campaign. The actions of the Board of Elections constitute a violation of III S.G.C. Section 306 (H) and undermine confidence in the Board's ability to be a neutral arbiter of the election process.

(5.) General Malfeasance

- a. The Daily Tar Heel published an editorial on February 4, 2011, entitled "Lee's breach of the Code: Board of Elections failing to address violation". In it, the Editorial Board states that, "This far into the race, addressing the violation might do more harm than good. But that does not change the principle of the matter: The BOE needs to do its job... The BOE should not be content for its inaction to serve as tacit approval... As the primary check on candidates' power, it should have addressed these issues long before they came to our attention." The sentiments expressed in this article reflect a public sentiment that the Board of Elections has been generally derelict of its duties throughout the election process. For them to bring a disqualification hearing against the Plaintiff in the face of such negative press, served as a convenient distraction from the bad press caused by their refusal to investigate blatant violations by Mr. Lee.
- b. The hearing into the plaintiff's potential disqualification as a candidate in the Student Body President election took place in Gardner 08 the night of Monday February 7th. Conduct of the audience at this hearing was disorderly and disrespectful of the process, complete with traditional theatre and junk food like popcorn being passed around. The hearing was already perceived to be a show rather than an unprecedented event with serious implications for the student body. The Board of Elections did little to maintain control of the process and ensure the plaintiff a fair trial. The hearing was widely panned as a media spectacle. For example, the Daily Tar Heel's "Election Day Postmortem" called the hearing "ludicrous" and "a farce of a proceeding". The plaintiff asserts that the conditions under which the hearing took place denied the plaintiff a fair hearing. VI S.G.C. Section 301 requires the Board to "conduct fair and impartial student elections" and the Board violated this section of the code with its conduct of the hearing.

(6.) Excessive and Meritless Fines

- a. After the February 7th hearing, the Board issued a fine of \$25 against the plaintiff's campaign for collecting signatures in classroom buildings. Whereas the

subject of this particular complaint, Mr. Billy Kluttz, collected two signatures in the building, mostly from acquaintances, the fine is excessive at best and without merit at worst under VI S.G.C. Section 306(C) which states that “penalties must be appropriate to the relevant violation”. On February 2, the Board levied a fine of \$12.50 against the campaign for illegal dormstorming in four dormitories. To levy a fine twice that amount for breaking a vague rule that resulted in a net gain of two signatures out of over 3,600 submitted is illogical.

- b. After the same February 7th hearing, the Board issued a fine of \$12.50 against the plaintiff’s campaign based on a highly subjective interpretation of how long it took Mr. Kluttz’s smile to convey an emotion to Mary Cooper. The “clear and convincing” evidentiary standard required in VI S.G.C. Section 306(C) was not held to on this charge.

V. DEMAND FOR JUDGMENT

- (1) The plaintiff requests the Court dismiss the two fines, of \$25 and \$12.50 respectively, imposed by the Board of Elections after the disqualification hearing, and
- (2) A public written apology by the Board Chair to the plaintiff’s campaign for creating an unnecessary media spectacle that embarrassed the plaintiff and caused irreparable harm to the reputation of all those involved in the campaign.

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

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Filed this the 11th day of February, 2011, at 3:30PM.