

IN THE SUPREME COURT

Action No. 10 SSC 001 )  
 )  
Rick Ingram, )  
PLAINTIFF )  
 )  
Versus ) ANSWER  
 )  
Andrew Phillips (BOE Chair), )  
Shruthi Sundaram (BOE Vice-Chair), )  
Connor Brady (BOE Secretary), )  
Keyoor Patel (BOE Treasurer), )  
Cydney Swofford (BOE Member), )  
Patricia Flood (BOE Member), )  
DEFENDANTS )  
 )

---

**I. Jurisdiction**

*Admit the allegation.* Restatement of The Code.

**II. Standing**

*Admit the allegation.* Restatement of The Code

**III. Necessary Defendants**

*Deny the allegation in part.* Defense agrees that Chair Phillips is a formal party defendant pursuant to Title III, Section 510. However, the Defense **denies** that other members of the Board of Elections are necessary defendants. The Plaintiff asserts that, because many of the Elections Board decisions were made unanimously, all of the members are required to appear before the Court. On the contrary, the Defense believes that the unanimity of the Elections Board's actions proves that Chair Phillips can adequately represent the Board and describe its actions as relevant to the suit. Consequently, the Defends moves to dismiss all members of the Election Board, excluding Chair Phillips as necessary defendants on the grounds that they were improperly brought into the action.

**IV. Relief**

1. *Deny the allegation.* Title VI, Section 310.B.1 establishes that if the Chair of the Board of Elections believes that evidence of harmful or malicious acts exists, the Board must conduct a hearing of disqualification. The stated purpose of the hearing of

disqualification is to allow the candidate accused of harmful or malicious acts to respond to charges against them; thus it is only *after* the hearing has occurred that the Board can make a determination as to whether or not there is clear and convincing evidence of a violation that the acts were malicious and harmful, and thus constituted sufficient cause for disqualification.

The Board also denies that Plaintiff's claim that, even if one assumes all of the allegations presented were correct, they would still not constitute a violation to Section 310.B. The Elections Board held a hearing of disqualification precisely because the allegations suggested a violation of 310.B. Moreover, it was determined in that hearing that there was clear and convincing evidence for two counts against the Plaintiff's campaign, which weakens the Plaintiff's claim that the hearing of disqualification was unfounded.

2. *Deny the allegation.* Because the Dean E. Smith Center was not originally included on a list of locations in which petition solicitation is prohibited, the Elections Board did not hold campaigns responsible for signatures gathered at that location prior to the Board's directive.

In the mandatory candidates' meeting held on January 18, the Elections Board specifically stated that residence hall solicitation ("dorm-storming") would not begin until January 19. Rick Ingram and Jeff DeLuca, a member of Ingram's campaign staff, admitted to dorm-storming the evening of January 18. The Board subsequently fined the Ingram campaign for soliciting residence halls on the evening of January 18. Mr. Ingram's admission provided 'clear and convincing' evidence of a violation.

Furthermore, Mr. Ingram is incorrect in his assertion that complaints were filed that night against other student body president candidates. No complaints of this nature were filed against Brooklyn Stephens or Mary Cooper. Furthermore, the decision to fine *only* Mr. Ingram was not the product of selective enforcement, but rather a function of the conclusive evidence of his violation.

3. *Deny the allegation.* The Board of Elections has never refused to investigate Ian Lee. The complaints filed by members of the Plaintiff's campaign have either (a) not contained any conclusive evidence warranting action by the Elections Board or (b) have in fact prompted action from the Elections Board. The Plaintiff asserts that the complaints from his campaign were not taken seriously, as there was no 'official follow-up.' However, there is no clause in Title VI of the Student Code that requires the Board of Elections to confirm or acknowledge receipt of any email.

The Plaintiff also raises concerns over the Elections Board decision allowing Mr. Ian Lee to run for Student Body President. However, the Elections Board ruled in December 2010 that Mr. Lee could run for Student Body President as long as he campaigns on behalf of himself, and not his office. The Plaintiff's assertion that this complaint has not been taken seriously, then, seems unfounded. Furthermore, the statute of limitations for bringing suit against the Elections Board for its administrative decision has long expired.

In regards to electronic signature gathering, the Board of Elections in fact released a decision on the validity of those signatures in 11-BE-02. As that decision was published on January 24, 2011, the statute of limitations for any action based on that decision has expired.

4. *Deny the allegation.* The anecdote provided by the Plaintiff does not offer a clear narrative of how the Elections Board violated Section 306.H. That statute requires the Elections Board notify the accused of any investigation. It does not, however, require that complaints *against* a candidate receive some formal acknowledgement or notification of receipt. Contrary to the Plaintiff's allegations, it would have been a violation of Section 306.H to not notify Mr. Lee of an ongoing investigation.
5. *Deny the allegations.* The Plaintiff does not in fact raise a matter of law in this allegation. As an editorial board of *The Daily Tar Heel* does not have any authority under the Student Code, and the Elections Board is in no way subject to any decisions or opinions of that body, the Plaintiff's reference to the article is irrelevant. While the Plaintiff may be frustrated by the conflicting opinions of the editorial board and the Elections Board, his concern has no legal basis.

#### **V. Demand for Judgment**

Based on the implausibility of the Plaintiff's claims, the Defense requests that the Supreme Court deny the Plaintiff's demands for judgment.

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,

---

DEFENDANT  
Connor Brady  
Secretary, Board of Elections  
203 Raleigh Street #115  
Chapel Hill, NC 27516  
cebrady92@gmail.com  
(336) 953-2511

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 7:00 a.m.