

IN THE SUPREME COURT

Action No. 09 SSC 004)	
)	
Nash Keune		
Candidate for Student Body President)	
)	
)	
Versus)	COMPLAINT
)	
Peter Gillooly, Chairperson, Board of Elections		
Residence Hall Association)	
)	

I. JURISDICTION

The Plaintiff argues that the has jurisdiction over this matter. According to Title III Section 401(a) of the *Student Constitution of the University of North Carolina at Chapel Hill* (hereafter “The Code”), the Supreme Court...

The Supreme Court shall have legal power, as to both questions of law and fact, over controversies where the matter in controversy is the validity, under the Student Constitution or laws enacted under its authority of actions of the executive branch, legislative branch, elections board or other organizations and committees organized under the authority of this Code of Permanent Laws. This jurisdiction is extended to questions of law arising under this Constitution, the laws enacted under its authority and the governing documents of the other organizations and committees recognized under its authority. These organizations include but are not limited to the Residence Hall Association, Graduate and Professional Student Federation, Carolina Athletic Association and other organizations receiving funds from the Student Congress.”

In this complaint the plaintiff asks the Supreme Court evaluate the validity of the *Joint Board of Elections and RHA Residence Hall Access Policy* issued by the Board of Elections (hereafter referred to as “BOE”) and the Residence Hall Association (hereafter referred to as “RHA”) and posted on the BOE website on January the 11th, 2010. The policy in question bans the collection of signatures for ballot petitions in residence halls, except between the hours of 7pm-9pm.

As this document constitutes actions of the BOE and RHA, the plaintiff contends that the Supreme Court does, in fact, have jurisdiction over this matter.

II. STANDING

According to Title III, Sect 409:

Standing to bring an action before the Supreme Court for an election error or fraud in the acts, decisions and rulings of the Elections Board extends to plaintiffs who must have

his/her powers, rights, privileges, benefits or immunities adversely affected, restricted impaired or diminished.

Furthermore, according to Section 409 B

A student directly and adversely affected by a regulation, ruling, or determination of the Elections Board"... has the standing to bring an action before the Supreme Court.

The Plaintiff asserts that Mr. Keune's rights, privileges and benefits are violated by *Joint Board of Elections and RHA Residence Hall Access Policy* according to Section 303C-8 of the Student Code. This states that...

Collecting petitions in dormitories, dining halls and other university buildings shall not constitute public campaigning and shall therefore be allowed, subject to the rules of those respective entities.

The plaintiff contends that the regulations set forth by the document, *Joint Board of Elections and RHA Residence Hall Access Policy*, were issued in a manner inconsistent with the regulations set forth in Title VI, Section 402J-3 of the Student Code, which states that...

Regulations concerning campaign action and ballot / **candidacy petition signature-gathering** activities in residence halls, dining halls, libraries, and other locations on campus shall be determined by the respective administrative units of the University, which include but are not limited to the Department of University Housing, and the Granville Towers Management, and the University Legal Council (facilities use policy), the Dining Services, and **posted no later than the last day of classes of the fall semester for spring elections.** (emphasis added)

The plaintiff holds that upon examining the time stamp upon the document, *Joint Board of Elections and RHA Residence Hall Access Policy*, posted on the BOE website demonstrates that it was created by BOE Chairman Peter Gillooly on **January 11th, 2010 at 10:39pm**. This is evidenced by an included image attached to this electronic filing sent as an e-mail, titled, "Gillooly_Jan11_2010.jpeg".

This is inconsistent with the relevant regulations regarding the gathering of petition signatures in Residence Halls, as set forth in Title VI, Section 402J-3.

Therefore, the plaintiff asserts that Mr. Keune as standing under the Student Code to bring action against the Board of Elections and Residence Hall Association.

III. NECESSARY DEFENDANTS

Title III, Section 510B-3 dictates that for suits based on election action, the Election Board Chairperson shall be a formal party defendant in every action. This clause provides the justification for the inclusion of the Board of Elections as a necessary defendant, because this appeal suit is based on election action.

As the RHA is a co-sponsor of the document, *Joint Board of Elections and RHA Residence Hall Access Policy*, the plaintiff contends that they are equally responsible for the infringement upon Mr. Keune's rights, privileges, and benefits, according to Section 303C-8 of the Student Code.

IV. RELIEF

As candidates for Student Body President must gather 1,000 unique signatures to qualify as a candidate in the general student body election, limitations upon signature petition gathering in residence halls limit the access of each campaign to students. This constitutes a severe handicap to attempts to acquire the requisite number of signatures.

The plaintiff holds that the Board of Elections and Residence Hall Association have acted improperly by not issuing the document, *Joint Board of Elections and RHA Residence Hall Access Policy*, in a timely manner according to the regulations set forth in Title VI, Section 402J-3. This statute requires that regulations regarding petition gathering in Residence Halls must be posted by the last day of class in the fall semester for spring elections.

V. DEMAND FOR JUDGMENT

The plaintiff that asserts that given the document, *Joint Board of Elections and RHA Residence Hall Access Policy*, was not issued in a manner consistent with the Student Code, Title VI Section 402J-3.

Therefore, the plaintiff requests that the court determine that the document is invalid and its regulations cannot be enforced.

Furthermore, the plaintiff asserts that, because the Board of Elections and Residence Hall Association did not issue regulations concerning petition signature gathering in residence halls in a timely manner as prescribed in the Student Code, Title VI Section 402J-3, that there is to date no valid regulation regarding the gathering of petition signatures in residence halls.

Therefore, it ought to be permissible for student campaigns to gather petition signatures in residence halls outside of the prescribed hours set forth by the document, *Joint Board of Elections and RHA Residence Hall Access Policy*.

Additionally, we request that the court issue and **immediate temporary injunction** suspending the regulations set forth in the document *Joint Board of Elections and RHA Residence Hall Access Policy*. This would allow student campaigns to begin to collect petition signatures in residence halls immediately following the mandatory candidates meeting on January 12th, 2010.

We 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.

Nash Keune
nash_keune@hotmail.com

301-873-7028
Candidate, Student Body President

Christopher Jones
Cjones89@email.unc.edu
336-817-9747
Chief of Staff, Nash Keune for Student Body President

Anthony Dent
adent@email.unc.edu
910-734-4951
Chief Legal Counsel, Nash Keune for Student Body President

Stephen Estes
sestes@email.unc.edu
919-257-3814
Campaign Manager, Nash Keune for Student Body President

Filed this day of January 12, 2010 at 8:15 PM.

Dormingstorming 2010-1.doc (Read-Only) [Compatibility Mode] - Microsoft Word

Home Insert Page Layout References Mailings Review View Add-Ins

Envelopes Labels Start Mail Merge Select Recipients Edit Recipient List Highlight Merge Fields Address Block Greeting Line Insert Merge Field Match Fields Find Recipient Auto Check for Errors Preview Results Finish & Merge

Document Properties Location: C:\DOC

Author: cpayne Title: Subject: Keywords: Category: Status:

Comments:

Created: Monday, January 11, 2010 10:39:00 PM
 Modified: Tuesday, January 12, 2010 6:46:09 PM
 Accessed: Tuesday, January 12, 2010 6:46:09 PM
 Printed:

Last saved by: Gillooly, Pete
 Revision number: 2
 Total editing time: 25 Minutes

Statistic name	Value
Pages:	5
Paragraphs:	96
Lines:	235
Words:	1099
Characters:	6395
Characters (with spaces):	7516

The University of North Carolina at Chapel Hill
 OFFICE OF THE Board of Elections

Joint Board of Elections and RHA Residence Hall Access Policy

It is the candidate's responsibility to relay this information to all of his/her campaign members and their designees:

Access to the residence halls for the purpose of door-to-door canvassing and campaigning in the common lobby area happens from 7 to 9 pm on Sunday through Thursday over a three week span starting with the release of petition forms to students declaring their intent to run for SBP.

The Board of Elections has designed a "Non-Solicitation Notice" that it will distribute to students via its website and advertised through other means of promotion that students who live in campus housing will be allowed to print and stick to their doors. This sign will display the fact that the residents of the room do not want to be solicited by a campaign member or

Page: 1 of 5 Words: 10,1,099 English (U.S.)

start 2 Windows Expl... Spring Semester ... 2 Mozilla Thund... 3 Firefox 3 Microsoft Offi... Title3_01.09.pdf ... EN 51% 8:26 PM