

1 In The Supreme Court)
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3 Action No. 08 SSC 001)
4)
5 Matt Wohlford)
6 PLAINTIFF)
7)
8 VERSUS)
9)
10 Ryan Morgan for)
11 Board of Elections)
12 DEFENDANT)

COMPLAINT

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15 Jurisdiction:

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17 1. The Supreme Court has original jurisdiction over appeals of Administrative Decisions
18 enacted by the Board of Elections pursuant to Title VI, Section 403(K) of the Student
19 Code.

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21 Standing:

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23 2. The Plaintiff has standing to bring action before the Supreme Court pursuant to Title
24 III, Section 409(B) of the Student Code as a “student directly and adversely affected by a
25 regulation, ruling, or determination of the Elections Board.”

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27 Necessary Defendants:

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29 3. Ryan Morgan, Chairman of the Board of Elections, representative of the Board of
30 Elections pursuant to Title III, Section 510(B)[3] of the Student Code.

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32 Relief:

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34 4. The Plaintiff alleges that 08-BE-010 contains multiple instances of internal
35 inconsistency, and that the Board of Elections overstepped its authority by rendering
36 certain interpretations of the election laws which substantively change the Student Code –
37 a power reserved to the Student Congress alone. The instances of internal inconsistency
38 of 08-BE-010 are set forth in paragraphs 19-22, 26-28, and 29-32 below. The instances of
39 interpretations in 08-BE-010 which substantively change the Student Code are set forth in
40 paragraphs 13-15, 16-18, and 23-24 below.

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42 5. In late August, Defendant Morgan, in his capacity as the Chairman of the Board of
43 Elections, met with Plaintiff Wohlford in the office of the Board of Elections. In this
44 meeting, Mr. Wohlford indicated his intention to run for Student Body President and, at
45 the request of Mr. Morgan, described his early campaigning activities, which included
46 private campaigning and oral declarations of candidacy in a public setting.

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6. Mr. Morgan informed Mr. Wohlford that the Board of Elections was not fully staffed, and that Mr. Morgan had not yet determined how he would interpret certain portions of the election laws, including those pertaining to early campaigning.

7. Subsequently, on September 28, 2008, the Board of Elections enacted 08-BE-001, an Administrative Decision which sought to interpret the portions of the election laws relevant to early campaigning.

8. Pursuant to Title VI, Section 403(C)[1], “The Board of Elections shall notify via email petitioners and the candidate(s) whose campaign(s) are in question of the position of the Board within twenty-four (24) hours of any decisions made.”

9. Neither Defendant Morgan nor any member of the Board of Elections provided Plaintiff Wohlford with such notification. Mr. Wohlford was, therefore, unable to file an appeal of the decision within the seventy-two hour statute of limitations required by Title VI, Section 403(K) of the Student Code.

10. Administrative Decision 08-BE-010, an amended version of 08-BE-001, was passed October 5, 2008, including all the original text of 08-BE-001 with a couple of additional sentences.

11. Because Mr. Wohlford was never afforded an opportunity to appeal 08-BE-001 when it was first passed, and because the entire text of that decision was effectively enacted a second time on October 5th, Mr. Wohlford has standing to appeal the entirety of 08-BE-010 and not merely those portions which were new since the passage of 08-BE-001 in September.

12. Title VI, Section 302(A) of the Student Code states that “It shall be the duty of the Board of Elections to administer all laws governing elections,” and that “The Board of Elections shall recommend to the Student Congress such legislation as it shall deem necessary and proper.” The power to “establish laws governing elections” is strictly vested in the Student Congress, pursuant to Title I, Section 4(M); therefore, the Board of Elections may not enact any decision which amounts to a substantive change of the election laws, and any attempt to do so constitutes an abuse of power by the board.

13. Title VI, Section 102(N) defines both “public” and “private.” Title VI, Sections 403(2) – 403(6) define campaigning, and draw distinctions as to what sorts of campaigning may be done at certain times relative to the election. The terms “public campaigning” and “private campaigning” can be understood as the synthesis of the definitions provided by Title VI, Section 102(N) and Sections 403(2) - 403(6).

14. Section 3(B) of 08-BE-010 defines “campaigning.” Sections 3(C) and 3(D) define “private campaigning” and “public campaigning,” respectively.

92 15. Because the terms defined by the Board of Elections in 08-BE-010 are already
93 defined by the Student Code, the additional predicates ascribed to these terms in 08-BE-
94 010 amount to amendments to the Student Code, and are therefore beyond the authority
95 of the Board of Elections to assert.
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97 16. Section 3(A) of 08-BE-010, which seeks to clarify Section 402(A)[2] of the Student
98 Code, states that “Oral declaration of candidacy for an office shall consist of no more
99 than specifying one’s desire to run a particular office, soliciting, without elaborating on
100 any details whatsoever, campaign workers, and orally conveying contact information.”
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102 17. It is not contained within the predicates of declaring one’s candidacy, soliciting
103 campaign workers, or providing contact information that said activities exclude
104 “elaborating on any details whatsoever.” This additional restriction, which is not implied
105 by Section 402(A)[2] of the Student Code, would require an amendment to the Student
106 Code.
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108 18. Section 3(A) of 08-BE-010 is, therefore, beyond the authority of the Board of
109 Elections to enact.
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111 19. Section 3(C) of 08-BE-010 defines “private campaigning” as “any gathering, at any
112 time, for any purpose, encompassing any activities, that takes place either in student’s
113 dormitory room or on private property.” Further, it states that “nothing in this decision
114 shall be construed as to restrict private campaigning, which is not regulated by the BOE.”
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116 20. Section 3(D) of 08-BE-010 states that “Public Campaigning shall be defined as
117 [campaigning] which takes place outside of the student’s residence and on UNC property
118 or directly visible from UNC property.”
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120 21. Section 3(D) directly contradicts Section 3(C); whereas the latter expressly permits
121 “any activities” which take place “on private property,” the former seeks to prohibit
122 certain instances of the same.
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124 22. 08-BE-010 is, therefore, internally inconsistent.
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126 23. There is no basis in the student code for the exclusion of campaigning on private
127 property directly visible from UNC property. Noted in Section 3(C) is the fact that the
128 BOE has no authority over campaigning on private property. The visibility of private
129 property from UNC property does not yield the BOE such authority.
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131 24. Section 3(D) of 08-BE-010 is, therefore, beyond the authority of the Board of
132 Elections to enact.
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134 25. Sections 3(i) – 3(viii) of 08-BE-010 provide a list, though not an exhaustive one, of
135 activities which the BOE declares to be illegal when conducted earlier than 28 days prior
136 to a regular election.
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138 26. Section 3(vi) of 08-BE-010 identifies “holding rallies or interest meetings” as one
139 such activity.
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141 27. The supposed illegality of “holding rallies or interest meetings” asserted in Section
142 3(vi) of 08-BE-010, when not qualified as to pertain only to those rallies or meetings
143 which both a) occur on UNC property and b) include activities not expressly permitted by
144 Section 3(A) of 08-BE-010, directly contradicts Sections 3(C) and 3(A) of 08-BE-010,
145 respectively.
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147 28. Because Section 3(vi) of 08-BE-010 unequivocally prohibits “holding rallies or
148 interest meetings” without the necessary caveats, 08-BE-010 is internally inconsistent.
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150 29. Section 3(vii) of 08-BE-010 states that it is illegal to “Publicly, in plain sight solicit
151 votes, campaign staff, or otherwise engage in campaign-furthering activities with or
152 without the use of campaign materials” earlier than 28 days prior to a regular election.
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154 30. Section 3(A) of 08-BE-010 includes “soliciting [...] campaign workers.”
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156 31. 08-BE-010 states that activities identified in Sections “[3](A) and [3](C) may occur at
157 any time.”
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159 32. Sections 3(A) and 3(vii) of 08-BE-010 are in contradiction of one another; 08-BE-010
160 is, therefore, internally inconsistent.
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162 33. 08-BE-010 warns that “Each instance of noncompliance with this administrative
163 decision shall result in a significant fine to be determined on a case by case basis should
164 the candidate become certified by the BOE.”
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166 34. Because 08-BE-010 is internally inconsistent it cannot be strictly adhered to by
167 candidates or campaign workers.
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169 35. Campaigns, even when diligent, are therefore exposed to unavoidable violations of
170 election laws. 08-BE-010 fails its stated purpose to “preempt confusion and avoid
171 unnecessary sanctions against potential candidates of all upcoming elections of the 2008-
172 2009 school year.”
173

174 Demand for Judgment:
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176 36. Matt Wohlford requests that Administrative Decision 08-BE-010 be overturned.
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179 “I do affirm that I have read in full the foregoing complaint and that the allegations
180 contained therein are true to the best of my knowledge and belief.”
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183 Matt Wohlford, Plaintiff

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188 Filed this the 22nd day of October, 2008, at 6:00 AM