

1 In The Supreme Court )  
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3 Action No. 08 SSC 002 )  
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 Punitive 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. On October 5, 2008, the Board of Elections enacted Punitive Action 08-BE-012.

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36 5. Section 2.1 of 08-BE-012 enumerates Plaintiff Wohlford’s supposed violations of the  
37 election laws. These include giving “an interview to the Daily Tar Heel” and having “a  
38 meeting in a public location: the Campus Y.”

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40 6. In Section 2.2 of 08-BE-012, the Board of Elections asserts that Mr. Wohlford  
41 admitted to the violations in a meeting with Defendant Morgan.

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43 7. While Mr. Wohlford disputes neither that this meeting with Mr. Morgan took place nor  
44 that his comments to the Daily Tar Heel and his meeting in the Campus Y were  
45 mentioned, he negates Mr. Morgan’s assertion that the conversation included a  
46 confession to the violations as alleged in 08-BE-012.

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8. The meeting between Mr. Wohlford and Mr. Morgan took place in late August, when the Board of Elections was comprised of Mr. Morgan alone. In this meeting, Mr. Morgan expressed doubt that any action would be taken against Mr. Wohlford concerning his meeting in the Campus Y and his comments to the Daily Tar Heel. Mr. Morgan also assured Mr. Wohlford that if any action were to be taken, it was likely that Mr. Wohlford would be offered an opportunity to present a defense to the alleged violations.

9. The Board of Elections did not conduct an investigation of Mr. Wohlford's alleged violations.

10. The Board of Elections did not hold a hearing to determine whether Mr. Wohlford's comments to the Daily Tar Heel and meeting in the Campus Y constituted violations of the election laws.

11. The Board of Elections neither questioned Mr. Wohlford nor offered him an opportunity to present a defense to the alleged violations.

12. The meeting in which 08-BE-012 was enacted was closed to the public.

13. Title VI, Section 402(A)[2] of the Student Code states that "Candidates and their campaign workers may at any time orally declare candidacy for a given office in a public setting and may orally provide contact information at public forums for those who may wish to join their campaign."

14. Pursuant to Title VI, Section 402(A)[2] of the Student Code, Mr. Wohlford's meeting in the Campus Y merely consisted of Mr. Wohlford declaring his candidacy and providing contact information.

15. While Mr. Wohlford does not dispute that an article containing his comments was printed in the Daily Tar Heel, he contests the Board of Election's assertion that his comments amounted to a violation of Title VI, Section 402(A)[1] of the Student Code.

16. Mr. Wohlford's comments to Mr. Kevin Kiley, the author of the Daily Tar Heel article in question, were limited to a declaration of Mr. Wohlford's potential candidacy and his personal awareness of the election laws. Mr. Wohlford made no comments in promotion of his candidacy.

17. Although the article contains a description of some of Mr. Wohlford's early campaign meetings, Mr. Wohlford did not inform Mr. Kiley of these meetings. Instead, Mr. Kiley became aware of the meetings upon seeing an email Mr. Wohlford sent to multiple recipients, not including Mr. Kiley.

18. Mr. Wohlford was not responsible for Mr. Kiley's receipt of the email and Mr. Kiley never explained to Mr. Wohlford how he came to be in possession of the email.

93 19. Mr. Wohlford did subsequently comment on the existence of these meeting to Mr.  
94 Kiley, but his comments were limited to an expression of his belief that the meetings  
95 were not in violation of the election laws.

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97 20. The meetings described in the article were instances of private campaigning, and the  
98 Board of Elections has not found them to be in violation of the election laws.

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100 Demand for Judgment:

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102 21. Matt Wohlford requests that Punitive Decision 08-BE-012 be overturned.

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105 “I do affirm that I have read in full the foregoing complaint and that the allegations  
106 contained therein are true to the best of my knowledge and belief.”

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109 Matt Wohlford, Plaintiff

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114 Filed this the 22<sup>nd</sup> day of October, 2008, at 6:00 AM

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