

1 In The Supreme Court)
2)
3 Action No. 08 SSC 002)
4)
5 Matt Wohlford)
6)
7)
8 VERSUS)
9)
10 Ryan Morgan for)
11 Board of Elections)
12 DEFENDANT)
13
14

COMPLAINT

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 has standing to bring action before the Supreme Court pursuant to Title III,
24 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 Wohlford’s alleged violations of the election
37 laws. These include giving “an interview to the Daily Tar Heel” and having “a meeting in
38 a public location: the Campus Y.”
39

40 6. The alleges that the Board of Elections did not follow the proper procedure as outlined
41 in Title VI Section 403 D. First, the Board of Elections did not have sufficient evidence
42 to find Mr. Wohlford in violation of election law. Second, the Board of Elections did not
43 conduct an investigation in the manner and method required by Title VI Section 403D.
44 Finally, the manner in which the fine was determined was capricious on the part of the
45 Board of Elections.
46

47 7. In Section 2.2 of 08-BE-012, the Board of Elections asserts that Mr. Wohlford
48 admitted to the violations in a meeting with Defendant Morgan. Mr. Wohlford challenges
49 Mr. Morgan's assertion that the conversation amounted to a confession to the violations
50 as alleged in 08-BE-012. Furthermore, the challenges that this meeting constituted an
51 investigation as required under Title VI Section 403.

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

60

61 9. The Board of Elections did not conduct an investigation of Mr. Wohlford's alleged
62 violations in the manner and method required by Title VI Section 403. Title VI Section
63 403 D(2) states "In the event that a campaign is under investigation for a violation of this
64 Act, then it is the responsibility of the Chair of the Board of Elections to notify the
65 accused of the investigation. This notification, orally and written, must be given within
66 twenty-four (24) hours after the commencement of investigation and no administrative
67 decision may be issued until the defendant has been given an opportunity to respond to
68 the accusations." Mr. Wohlford was not given notice of an investigation and was not
69 given an opportunity to respond to the accusations.

70

71 10. The Board of Elections neither questioned Mr. Wohlford nor offered him an
72 opportunity to present a defense to the alleged violations as required by Title VI Section
73 403 D. Instead, the Board of Elections relied on comments made during the
74 aforementioned meeting between Mr. Wohlford and Mr. Morgan which took place more
75 than one month prior to the enactment of 08-BE-012. The alleges that this evidence was
76 not sufficient to prove the charges against Mr. Wohlford. The defense's request for more
77 evidence is indicative of the insufficiency of the evidence at the time the decision was
78 made.

79

80 11. The meeting in which 08-BE-012 was enacted was illegally closed to the public in
81 violation of N.C.G.S. Article 33C § 143-318.11. The illegal act of closing this meeting
82 denied Mr. Wohlford due process guaranteed to him under Title VI Section 403 D.

83

84 12. Both the testimony of Clay Vickers and an article printed in the Daily Tar Heel on
85 October 6, 2008, suggest that the Board of Elections acted capriciously and arbitrarily in
86 coming to decide 08-BE-012

87

88 13. In addition to alleging that the Board of Elections failed to follow proper procedures
89 in enacting 08-BE-012, the Plaintiff also contests the Board's factual finding that Mr.
90 Wohlford's comments to Kevin Kiley constituted an illegal interview with campus
91 media.

92

93 14. Mr. Wohlford's quotes in the Daily Tar Heel article in question were limited to a
94 declaration of Mr. Wohlford's potential candidacy, statements pertaining to his personal
95 awareness of the election laws, and comments not in promotion of his candidacy. Other
96 descriptions of Mr. Wohlford's early campaigning activities were not based on comments
97 issued to Mr. Kiley by Mr. Wohlford.
98

99 15. The Plaintiff is prepared to produce all available evidence of communications
100 between Mr. Kiley and Mr. Wohlford in order to prove the allegations set forth in
101 paragraph 14 above.
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103
104 Demand for Judgment:
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106 21. Matt Wohlford requests that Punitive Decision 08-BE-012 be overturned.
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108
109 "I do affirm that I have read in full the foregoing complaint and that the allegations
110 contained therein are true to the best of my knowledge and belief."
111

112 

113 Matt Wohlford,
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116 (206) 388-6253
117

118 Filed this the 10th day of November, 2008, at 12:00 PM
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