

IN THE SUPREME COURT

Action No.	10 SSC 002)	
)	
Adam J. Horowitz, Leah Josephson, Christopher B. Lane, Chelsea Cook, PLAINTIFFS)	
)	
Versus)	COMPLAINT
)	
Hogan Medlin and Andrew Phillips, DEFENDANT(S))	

I. JURISDICTION

1. Title III, Article IV, Section 401 of the Student Code grants the Supreme Court legal power over actions of “the executive branch, legislative branch, election board or other organizations and committees organized under the authority of the Code of Permanent Laws.”
2. The Defendants are Student Body President and Board of Elections Chair, respectively, and the charges herein refer to their actions in office regarding the UCommons Ballot Petition.

II. STANDING

1. Title III, Article IV, Section 408a of the Student Code provides for the standing to “bring an action before the Supreme Court based on invalidity or illegality of an act” of the President of the Student Body.
2. Title III, Article IV, Section 409b of the Student Code provides for the standing to “bring an action before the Supreme Court for an election error or frauds in the acts, decisions and rulings of the Elections Board” when the plaintiff has “his/her powers, rights, privileges, benefits or immunities adversely affected, restricted impaired or diminished” and when the plaintiff is “a student directly and adversely affected by a regulation, ruling, or determination of the Elections Board. As students at UNC, the Plaintiffs have the “rights, privileges, [and] benefits” to fair, democratic elections. These “rights, privileges, [and] benefits” have been denied to the Plaintiffs, as well as the Student Body. Additionally, should the outcome of this violation lead to an increase in Student Fees, the Plaintiffs shall be “directly and adversely affected by a regulation, ruling, or determination of the Elections Board,” as the Plaintiffs, as well as the Student Body, will be responsible for paying the exorbitant fee of \$8 a semester.

III. NECESSARY DEFENDANTS

1. Title III, Article V, Section 510b(2) of the Student Code states that when “The suit is based on executive act, the necessary defendants could include the Student Body

President, executive officers, cabinet officials and other members of the executive branch involved in the act.”

2. Title III, Article V, Section 510b(3) of the Student Code states that when “The suit is based on an election action, the necessary defendants could include all parties who would be directly and adversely affected if the complaint were upheld, or against whom an injunction would have to be issued. The Elections Board Chairperson shall be a formal party defendant in every action.”

IV. RELIEF

1. Title 1, Article V, Section 7 of the Student Code states "The President shall, if he or she determines the petition to be in good order within the limitations of the Constitution, direct the Elections Board to conduct an election on the bill." Plaintiffs contend that the UCommons Ballot Petitions were not in good order, since their collection process was in violation of numerous sections of Title VI. Therefore, Medlin’s actions violated Title I, Article V, Section 7.
2. Title VI, Article IV, Section 404b of the Student Code states “No candidate or campaign shall publicly campaign before the official Declaration of Intent to Run for Office.” Title VI, Article I, Section 102F defines a campaign as “the organization of candidate(s), worker(s), gratuity(ies), service(s), and material(s) used to promote (a) candidate(s) or promote or relegate a referendum.” The plaintiffs contend that Union distributed fliers and posted banners prior to the official Declaration of Intent to Run for Office and related Candidates Meetings. Since campaigning began illegally, the UCommons Ballot Petitions were not in good order.
3. Title VI, Article IV, Section 405f of the Student Code states “Public distribution of ballot/candidacy petitions shall be prohibited in all classroom buildings.” The plaintiffs contend that the Union distributed UCommons Ballot Petitions within academic buildings, thereby rendering them to be not in good order.
4. Title VI, Article IV, Section 405g of the Student Code states “No candidate, nor any campaign worker, shall publicly campaign for said candidate, publicly seek to further the interests of said candidacy, or use campaign materials prior to one’s candidacy being certified by the Board of Elections.” The plaintiffs contend that the Union campaigned in the form of fliers, buttons, posters, banners, etc., before submitting the UCommons Ballot Petition to the Board of Elections, thereby rendering the petitions not in good order.
5. Title VI, Article IV, Section 406I(1) of the Student Code states “The following shall not be used on behalf of any candidate or referendum: a. The Cubes (The Pit and behind the Campus Y); b. Outside the Student Union; c. The exterior of all campus buildings.” The plaintiffs contend that the Union violated Section 406I(1b) by displaying banners on the outside of the Union and on South Road, and violated Section 406I(1c) by projecting campaign material onto the side of Student Stores.
6. Title VI, Article IV, Section 406J of the Student Code states “No person or student organization may offer incentives of cash value to the solicitors of signatures for a petition or to the signers of a petition for the purpose of placing a candidate or referendum on the ballot. No student or student organization may use an incentive to persuade a student to vote. Incentives are to be defined and judged by the Board of Elections.” The plaintiffs contend that the Union used coupons for a free Wendy’s Frosty

to solicit signatures for the ballot petition. A Wendy's Frosty is listed on Wendy's "Everyday Value Menu" for the price of \$0.99. Therefore, the Union utilized incentives of a cash value of \$0.99, violating Title VI, Article IV, Section 406J.

7. Title VI, Article III, Section 314b states "The Board of Elections shall use its powers specified in Title VI Section 306.A of Title VI to administer all laws pertaining to student elections." Phillips, as chairman of the Board of elections, has failed to administer all of the above laws within Title VI, and has therefore violated Title VI, Article III, Section 314b.

V. DEMAND FOR JUDGMENT

1. Plaintiffs ask the court to rule that the Union's Campaign violated Title VI.
2. Due to overwhelming, continuing violations of Title VI during the petition gathering period, Plaintiffs ask the court to rule that any petition signatures collected during the period of illegal campaigning are not "in good order" given that Title VI defines the rules for gathering petitions.
3. Plaintiffs ask the court to rule that Medlin was acting outside his powers in the Constitution when he directed the referendum to be placed on the ballot because he knew or should have known that the petitions were not in good order.
4. Based on Medlin's illegal action, Plaintiffs ask the court to issue an injunction to keep the referendum from appearing on the ballot, or if there is not sufficient time to do so, barring the Board of Elections from certifying the results.
5. In case the court rules that the petitions were in good order, Plaintiffs ask the court to rule that Phillips failed to carry out his affirmative duty in Title VI, Article III, Section 314b of the Student Code to rule on the alleged violations and determine an appropriate punishment.
6. Based on Phillips' illegal inaction, Plaintiffs ask the court to issue an injunction to keep the referendum from appearing on the ballot, or if there is not sufficient time, barring the Board of Elections from releasing the results.

I 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.

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