IN THE SUPREME COURT		
Action No. 10 SSC 001)	
Rick Ingram, PLAINTIFF)))	
Versus) MOTION	
Andrew Phillips (BOE Chair),)	
DEFENDANT(S))	

I. ALLEGATIONS ON THE GROUNDS THE ORDER IS SOUGHT

- (1.) A Board of Elections hearing into the plaintiff's potential disqualification as a candidate in the Student Body President election took place in Gardner 08 the night of Monday February 7th. Conduct of the audience at this hearing was disorderly and disrespectful of the process, complete with traditional theatre and junk food like popcorn being passed around as if the hearing were a show rather than an unprecedented hearing with serious implications for the student body. The Board of Elections did little to maintain control of the process and ensure the plaintiff a fair trial. The hearing was widely panned as a media spectacle. For example, the Daily Tar Heel's "Election Day Postmortem" called the hearing "ludicrous" and "a farce of a proceeding". The plaintiff asserts that the conditions under which the hearing took place, evidence of the general malfeasance of the Board cited in the fifth allegation in the original complaint, denied the plaintiff a fair hearing. VI S.G.C. Section 301 requires the Board to "conduct fair and impartial student elections" and the Board violated this section of the code with its conduct of the hearing.
- (2.) The Board issued a fine of \$25 against the plaintiff's campaign for collecting signatures in classroom buildings. Whereas the subject of this particular complaint, Mr. Billy Kluttz, collected a very small number of signatures in the building, mostly from acquaintances, the fine is excessive at best and without merit at worst under VI S.G.C. Section 306(C) which states that "penalties must be appropriate to the relevant violation".
- (3.) The Board issued a fine of \$12.50 against the plaintiff's campaign based on a subjective interpretation of how long it took Mr. Kluttz's smile to convey an emotion to Mary Cooper. The "clear and convincing" evidentiary standard required in VI S.G.C. Section 306(C) was not held to on this charge.

II. THE ORDER SOUGHT

The Plaintiff files a motion to amend his Demand for Judgment given that immediate vacation of the Board of Election's investigation into the plaintiff is no longer possible.

(1.) The plaintiff requests the Court dismiss the two fines, of \$25 and \$12.50 respectively, imposed by the Board of Elections after the disqualification hearing.

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.

[Rick Ingram]

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Filed this the 11th day of February, 2011, at 1:30PM.