

IN THE SUPREME COURT

Action No. _____

G. Dylan Russell,)
PLAINTIFF.)

Versus)

Grayson Berger,)
Chair, Board of Elections;)

Grady Hale,)
Member, Board of Elections;)

TJ Bakare,)
Member, Board of Elections;)

Paul Kushner,)
Member, Board of Elections;)

Maddie Marshall,)
Member, Board of Elections;)

Daniel Serody,)
Member, Board of Elections;)

Elinor Solnick,)
Member, Board of Elections;)

DEFENDANTS.)

COMPLAINT

I. JURISDICTION

The Student Supreme Court holds jurisdiction over this matter as explicitly authorized under III S.G.C. §600(A)(1) and III S.G.C. §600(A)(2), which state that the Supreme Court’s jurisdiction extends to “...controversies regarding actions of the Executive Branch, Legislative Branch, and all independent agencies of Student Government,” and extends “...to questions of law arising under this Constitution [and the] authority of actions of the... Board of Elections.”

Plaintiff alleges that Defendants, as members of the Board of Elections, violated VI S.G.C. §506 by not following the clear language of VI S.G.C. §506(E) in calculating the election results for the Spring 2016 General Election constitutional amendment referendum, thus rendering an incorrect election result.

II. STANDING

III S.G.C. §630 states that “[s]tanding to bring an action before the Supreme Court for an election error or fraud in the acts, decisions and rulings of the Board of Elections extends to plaintiffs who must have his/her powers, rights, privileges, benefits or immunities adversely affected, restricted impaired or diminished” and that the plaintiff must be “[a] student directly and adversely affected by a regulation, ruling, or determination of the Board of Elections” (III S.G.C. §630(2)) and/or “[a] student alleging election error in relation to a constitutional referendum” (III S.G.C. §630(3)).

Plaintiff Russell satisfies all of these criteria and is thus entitled to standing to bring this action before the Student Supreme Court. Plaintiff Russell served as the referendum contact for the referendum proposal put forward by petition by the Graduate and Professional Student Federation as defined under VI S.G.C. §101(I) and as required under VI S.G.C. §500(A). Further, VI S.G.C. §500(B) establishes the referendum contact as the legally responsible party for any campaign violations. Thus, Defendants’ failure to enforce VI S.G.C. §506(E) most directly affects Plaintiff Russell as the referendum contact.

Additionally, Plaintiff Russell, as a graduate student, is “directly and adversely” affected by this ruling by Defendants because of the substantial changes proposed for graduate and professional student governance in the Spring 2016 General Election constitutional amendment referendum vote. Plaintiff Russell also satisfies the criteria of being a student alleging election error in relation to a constitutional referendum as authorized as a condition for standing under III S.G.C. §630(3).

III. NECESSARY DEFENDANTS

III S.G.C. §707 defines “necessary defendants” as “...all students who caused or contributed to the plaintiff’s injury, officials or officers in charge of the student group that caused or contributed to the plaintiff’s injury and all students whose powers, rights, privileges, benefits or immunities would be affected if the Court grants the relief the plaintiff requests.”

This matter deals directly with the procedures used in the 2016 Spring General Election. Pursuant to Article V, Section 1 of the Student Constitution, the Board of Elections is charged with the responsibility to oversee campus elections. This responsibility is further reiterated in I S.G.C. §900.

Therefore, as members of the Board of Elections, Defendants Berger, Hale, Bakare, Kushner, Marshall, Serody, and Solnick are all necessary defendants in this action.

IV. RELIEF

(A) Pursuant to Article V, Section 1 of the Student Constitution, the Board of Elections is charged with carrying out student elections “in the manner prescribed by law in the Student Code.”

- (B) On February 2, 2016, Student Congress enacted SCB-97-303, “A Bill to Establish Ballots for Conflicting Referenda on Amendments to the Student Constitution,” establishing VI S.G.C. §506.
- (C) On February 9, 2016, Defendants held the Spring 2016 General Election, including a constitutional amendment referendum.
- (D) Pursuant to VI S.G.C. §506, the constitutional amendment referendum was conducted using instant runoff voting (IRV) among three options: A proposal placed on the ballot by petition efforts led through the Graduate and Professional Student Federation (“Two for Two option”); a proposal placed on the ballot by a vote of Student Congress (“Better Together option”); and a “no” option to maintain the current constitution (“no change option”).
- (E) At approximately 11:00 PM on February 9, 2016, Defendants announced the “final” results of the Spring 2016 General Election constitutional amendment referendum.
- (F) Defendants reported these “final” results as the Two for Two option receiving 4,440 votes (64.00%) and the no change option receiving 2,498 votes (36.00%). In calculating these “final” results, Defendants failed to comply with the procedures for IRV as outlined in VI S.G.C. §506(E).
- (G) On the first round of balloting, the Two for Two option received 3,483 votes (50.20%). The Better Together option received 2,335 votes (33.66%). The no change option received 1,120 votes (16.14%).
- (H) To calculate the next round of results, Defendants incorrectly eliminated the second-place option—the Better Together option—and calculated “final” referendum results as the Two for Two option receiving 4,440 votes (64.00%) and the no change option receiving 2,498 votes (36.00%).
- (I) Defendants determined based on these errant results that the Two for Two option had failed, as 2/3 of the vote is required for passage pursuant to Article VI, Section 2 of the Student Constitution.
- (J) These “final” results were calculated without regard to the procedures for IRV outlined in IV S.G.C. §506(E), which reads:

*Instant runoff shall be defined as a vote in which the voter may rank options in order of preference. If an option wins in the first count, no runoff shall occur. If, after the count of the first-order preference votes, none of the options reach the threshold required by the Constitution, **the option with the fewest first-order preference votes shall be eliminated, and the vote recounted. This process shall continue until one option reaches the threshold required by the Constitution** (emphasis added).*

- (K) VI S.G.C. §506(D) clearly defines the no change option as an “option” under VI S.G.C. §506(E) when it clearly states that voters shall have “the option to select ‘no,’ meaning that the voter votes against all referenda in conflict” (emphasis added).
- (L) Thus, VI S.G.C. §506(E) requires Defendants to eliminate the no change option first and reallocate the votes from this option to the other options and continue to calculate results.

Defendant erred in eliminating the Better Together option, which was not “the option with the fewest first-order preference votes.”

(M) However, VI S.G.C. §506(E) requires more than just the correct elimination of “the option with the fewest first-order preference votes.” Specifically, VI S.G.C. §506(E) requires Defendant to repeat this process until it is resolved: “**This process shall continue until one option reaches the threshold required by the Constitution** (emphasis added).”

Therefore, Defendants must continue to eliminate the option with the fewest preference votes until one option reaches the threshold required by the Constitution.

(N) Thus, IV S.G.C. §506(E) requires Defendants to eliminate the option with the fewest preference votes and repeat the IRV process until the Two for Two option receives 66.67% of the vote pursuant to Article VI, Section 2 of the Student Constitution or the Better Together option receives 50% + 1 of the vote pursuant to Article VI, Section 1 of the Student Constitution.

V. DEMAND FOR JUDGMENT

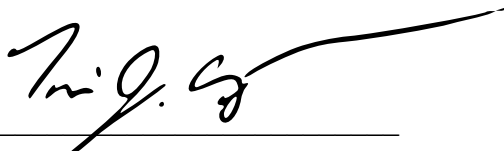
Plaintiff respectfully requests the Court invalidate the errant election results reported by Defendants on February 9, 2016. Plaintiff further requests the Court order the Board of Elections to correctly calculate the Spring 2016 General Election constitutional referendum results in accordance with the procedures outlined in VI S.G.C. §506(E).

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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PLAINTIFF

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