



5. Pursuant to Student Const. ch. I art. IV, §1, all students of the University of North Carolina at Chapel Hill are obligated to “obey the Honor Code, the Student Constitution, and the Student Code” whether or not they are officially declared candidates for office.
6. It is a meaningful question of law as to whether Defendant was engaged in a pattern of behavior violating the Student Constitution, and whether such an individual and his organized campaign apparatus may fairly continue to seek such office.

### STANDING

7. PLAINTIFF Samuel Robinson is a fee-paying undergraduate student and declared candidate for Student Body President.
8. Pursuant to Student Const. ch. 1 art. VI §11, “No group or organization on the campus of the University shall coerce any student or attempt to unduly influence their vote in any manner. Violations of these provisions shall be tried by the Supreme Court.”
9. Plaintiff asserts that the Student Supreme Court is explicitly established as the Court of original jurisdiction, and thus implied to be the trier of fact, for complaints arising under Student Const. ch. 1 art. VI §11.
10. No standard of harm is established as required in the Student Constitution for complaints arising under Student Const. ch. 1 art. VI §11. Plaintiff asserts that all fee-paying students hold standing to sue before the Court for violations of the provision.
11. Even if this Court were to find that standing in this case required proof of harm, the Court ruled in *Gaskill v. Wren* III, 1 S.S.C. 121 (1974) that, “It is not necessary to examine their effect on the outcome of the election, that the violations did occur is assumed conclusively in law to have been harmful.” The Court in *Gaskill* was evaluating a situation where an election was conducted without specific rules and it was alleged that candidates campaigned within 50 feet of a polling location and where candidate themselves served on the Election Board. The Court’s finding that, “There is no need, given the gravity of the violation and construed in the light of the other violations to inquire into the effect in fact. It is conclusively presumed in law to have been harmful.” creates a standard whereby a sufficiently grave violation of law is *per se* harmful.

## CLAIM

12. Plaintiff alleges in two (2) claims that Defendant violated Student Const. ch. 1 art. VI §11 by “coerc[ing] or attempt[ing] to unduly influence [a student’s] vote.”
13. The Court has routinely employed an evidentiary standard of preponderance of evidence. In *Peace v. RHA Executive Board* 2 S.S.C. \_\_\_\_ (2022), the Court “informed the parties to presume a preponderance standard absent any common law authority contradicting such a standard”. Further the Court held in *Nicholas v. Raynor* 1 S.S.C. 232 (2009) that the presumption of a valid election must be rebutted by a “by a preponderance of the evidence.”
14. In the first alleged violation, Defendant solicits thirty (30) votes in exchange for an “opportunity to serve on the unc executive cabinet *[sic]*.”
15. On or about the 23<sup>rd</sup> of January, 2023, Defendant initiated contact with Jane Doe, a fee-paying undergraduate student with no meaningful prior relationship to Defendant, via Instagram Direct Messenger, offering an “opportunity to serve on the unc executive cabinet *[sic]*” (Exhibit A). Though no entity exists within Student Government named the “Executive Cabinet,” this is understood to mean either the Executive Board or Cabinet of the Executive Branch of Undergraduate Student Government. Members of the Executive Board are referred to the USG President by a selection committee which abides by a competitive application process, and confirmed by the Undergraduate Senate (I U.C.S.G. §210). Members of the Cabinet are selected by competitive application process, receiving nomination by the USG President and confirmation by the Undergraduate Senate (I U.C.S.G. §211).
16. In a subsequent voice memo, Defendant extends a quid-pro-quo offer, stating that “all I would need you to do is get thirty votes, um, through like an online link and like send it to your friends and like your organizations and also like help us get votes from the graduate school. And then, if you can help us with that, then I can 100% guarantee you a spot on the Executive Branch if we win.”
17. Defendant is an Undergraduate Senator serving on the Rules and Judiciary Committee, passing the “Code Test” with an 86% accuracy rate, including correctly answering a question relating to the application timeline and confirmation procedure for Executive Board members (Exhibit B). The Rules and Judiciary Committee is responsible for hearing resolutions to confirm Undergraduate Executive Branch Officers (I U.C.S.G. §210(D)) and Cabinet nominees (I U.C.S.G. §211(C)). He is reasonably expected to know that such an offer cannot be “100% guarantee[d]” given the selection procedure for USG

Executive Branch appointments. Such an expectation could not reasonably be held for Jane Doe or any member of the student body not serving in an elected or Senate-confirmed position within Student Government to whom Defendant made such an offer.

18. By attempting to offer a prominent position in Undergraduate Student Government in exchange for a significant number of votes, the Defendant organized a quid-pro-quo exchange, in violation of the Student Constitution and with knowing intent to circumvent the Undergraduate Code. This represents an exercise of undue influence to receive a student's vote.
19. In the second alleged violation, Defendant engages in a fundamental disinformation campaign that unduly influences voter behavior by wrongly suggesting that his election would result in the election of Amie Boakye, a fee-paying undergraduate student, to the office of "Student Body Vice President," an office which neither exists nor for which an equivalent post may be filled by unilateral decision of the USG President.
20. In his campaign announcement video published on Instagram (@davidbassforpresident), on or around the 31<sup>st</sup> of January, 2023, Defendant states that "together, [I and Amie Boakye] are running for Student Body President and Vice President of UNC Chapel Hill" (Exhibit C). This assertion is further advanced in another Instagram post (@davidbassforpresident) published on around the 31<sup>st</sup> of January, 2023 introducing Bass and Boakye, in which a statement implied to be from Boakye opens by saying "My name is Amie Boakye, and I am thankful to be able to run for the office of Student Body Vice President" (Exhibit D). Further, Boakye announced via Instagram (@amie\_baokye) that she is "running for Student Body Vice President along side *[sic]* David Bass" (Exhibit E).
21. No governing document refers to or establishes an office of Student Body Vice President. The traditional responsibility of a vice president, assuming the presidency in its vacancy, is held by the president of the constituency opposite the elected Student Body President.
22. Should Defendant be elected to serve as Student Body President, he would dual-serve as Undergraduate Student Government President. As an undergraduate student, Boakye would be eligible to serve as Undergraduate Student Government Vice President, a position referred to across all governing documents by one of the following names:
  - a. Undergraduate Student Government Vice President
  - b. Undergraduate Student Government Vice-President
  - c. USG Vice President
  - d. Undergraduate Vice President

- e. Vice President (exclusively in the Undergraduate Code, under Chapter 1: Structure and Purpose of the Undergraduate Executive Branch)
- f. Vice President of the Undergraduate Student Body (exclusively in the Undergraduate Code, under Chapter 2: Undergraduate Executive Branch Officers)

Thus, a highly informed and aware voter might conclude that Defendant is running with Boakye as a candidate for USG Vice President.

23. As an Officer of the USG Executive Branch, the USG Vice President is selected through a competitive application process reviewed by a selection committee which makes a recommendation to the USG President-elect. The President-elect's nominee must then be considered by the Rules & Judiciary Committee of the Undergraduate Senate and confirmed by vote of the Undergraduate Senate (I U.C.S.G. §210).
24. Defendant is an Undergraduate Senator serving on the Rules and Judiciary Committee, passing the "Code Test" with an 86% accuracy rate, including correctly answering a question relating to the application timeline and confirmation procedure for Executive Board members (Exhibit B). He is reasonably expected to know that a candidate for Student Body President lacks unilateral authority over the selection of the USG Vice President. Such an expectation could not reasonably be held for a general member of the student body not serving in an elected or Senate-confirmed position within Student Government to whom Defendant promised that his election would equate to the elevation of Boakye as "Student Body Vice President."
25. Defendant received no fewer than 600 "likes" within 24 hours of his announcement video release and a combined over 127 "comments" across the three aforementioned posts.
26. Numerous "comments" under Baokye's post indicate a widespread and pervasive understanding that Baokye was a candidate for office or stood to receive an appointment to the office of "Student Body Vice President" should Defendant be elected (Exhibit F).
27. Such misinformation grants Defendant an undue advantage in the election, expanding his campaign's ability to recruit and engage voters on a false pretense.
28. Plaintiffs are not contesting the right of the Defendant to make campaign promises. Voters may be reasonably trusted to expect limitations to a Student Body President's ability to deliver on platform promises, but this tactic rests on a fundamental and intentional misrepresentation of the structure and operations of Student Government that betrays the trust of the voting

populous in the electoral process. Permitting such a tactic to be employed incentivizes the use of widespread disinformation tactics and manipulation of the general public with little avenue for recourse.

**RELIEF**

- 29. Plaintiff requests declaratory judgment that Defendant violated Student Const. ch. 1 art. VI §11.
- 30. Plaintiff further requests that defendant barred from seeking the Office of Student Body President.
- 31. Plaintiff asks that a clear precedent be established in the decision of the Court that defines their original jurisdiction over non-government actors' violation(s) of the Student Constitution where the pathway to remedy is explicitly established as the Student Supreme Court.
- 32. Should the requested relief not be granted, Plaintiff specifically requests that no ruling be established against the introduction of evidence used in this Complaint to related-but-different filings against Defendant in the Board of Elections. The judicial authority of the Board of Elections to hear allegations of elections law violations must be thought of as a dual sovereignty mechanism, parallel to that of the Student Supreme Court, whose original jurisdiction over questions of electoral practice is limited and defined by the Student Constitution.

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

/s/ Samuel C. Robinson  
PLAINTIFF



/s/ Andrew H. Gary  
CAMPAIGN COUNSEL



/s/ Callie E. Stevens  
CO-COUNSEL

A large black rectangular redaction box covering the signature of Callie E. Stevens.

/s/ Christopher C. McClanahan  
DEPUTY COUNSEL

A large black rectangular redaction box covering the signature of Christopher C. McClanahan.

Filed this the 1<sup>st</sup> day of February, 2023, at 9:30 p.m.

**Robinson v. Bass**

**Action No. \_\_\_\_\_**

**Complaint Appendix**



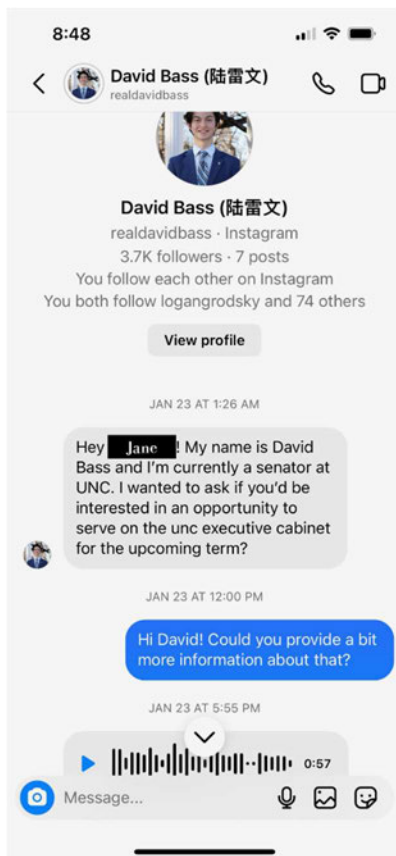
## Exhibit A: Communication between Defendant and Jane Doe

Date: On or around 23<sup>rd</sup> of January, 2023

Parties:

- 1) DEFENDANT David Bass, a fee-paying undergraduate student currently serving as an Undergraduate Senator for District 4: Kenan-Flagler Business School and declared candidate for Student Body President.
- 2) Jane Doe, a fee-paying undergraduate student who holds no elected or Senate-confirmed position within Undergraduate Student Government.
  - Jane Doe is identified for the Court as [REDACTED] Plaintiff requests that this name be redacted in public documents and communications with Defendant, for fear of public retribution. This fear is reasonably established from the behavior exhibited by David Bass and his supporters, who, on or around the 1<sup>st</sup> of November, 2023, during expulsion hearings against David Bass in the Undergraduate Senate, were rambunctious and hostile in their behavior, threatening to “January 6<sup>th</sup>” the meeting.

Screenshot:



Link to Audio: [REDACTED]

Transcript:

Bass: Hey [Jane]! My name is David Bass and I'm currently a Senator at UNC. I wanted to ask if you'd be interested in an opportunity to serve on the unc executive cabinet for the upcoming term?

Doe: Hi David. Could you please provide a bit more information about that?

Bass, via Instagram Direct Messenger audio message: Yeah definitely for sure. Um, so the Executive Branch meets once every two weeks and we pretty much have different departments like Sexual Assault Prevention Department, SRC Oversight Department, Mental Health Committee, DEI Committee, and all these different focus groups like whatever areas you're interested in like campus issues or like the environment, or whatever. You can choose whatever group that you wanna do. And then, for the upcoming election it starts from January 31st through February 7th, so then all I would need you to do is get thirty votes, um, through like an online link and like send it to your friends and like your organizations and also like help us get votes from the graduate school. And then, if you can help us with that, then I can 100% guarantee you a spot on the Executive Branch if we win, and so far we have a team of 70, 97 members, so it's like pretty strong, and uh, we're just gonna keep growing and growing so if we can get this thing like um like if we can get this team uh solidified and like get the votes coming, we have a very very strong shot at winning. Um and also I can like send you more about the platform as well. Let me know if this is something that interests you and I would love to have you join the team.

## Exhibit B: Proof of Completion of the Code Test by Defendant

From the verified list maintained by the Chair of the Rules and Judiciary Committee in the Undergraduate Senate Drive.

Student Code Test (Responses) ☆ 📄 🔄

File Edit View Insert Format Data Tools Extensions Help

100% \$ % .0 .00 123 Default (Ari... 10 B I S A ↵ 📄 📄 📄

A19:E19 fx 4/25/2022 21:34:21

	A	B	C	D	E
1	Timestamp	Email Address	Score	Name	PID
2	4/25/2022 10:46:36	afaal@unc.edu	28 / 36	Alhagi Faal	730474722
3	4/27/2022 23:38:18	ajarezm@live.unc.edu	26 / 36	America Juarez Maldonac	730328849
4	4/12/2022 13:10:27	andrewah@ad.unc.edu	36 / 36	Andrew Gary (1)	730389123
5	4/19/2022 13:37:50	acrist1@unc.edu	28 / 36	Anna Crist	730470334
6	4/19/2022 14:52:02	annakmor@gmail.com	31 / 36	Anna Morris (2)	730384733
7	4/27/2022 22:40:17	arthia@live.unc.edu	29 / 36	Arthi Annadurai	730319566
8	4/22/2022 16:43:11	Atharvak@ad.unc.edu	32 / 36	Atharv Kripak (2)	730465710
9	4/26/2022 20:56:36	avispute@unc.edu	33 / 36	Athava Vispute	730479436
10	4/26/2022 20:29:59	ani0207@email.unc.edu	28 / 36	Balasai Anirudhu Bommu	730393978
11	4/22/2022 16:21:54	spiscit@live.unc.edu	31 / 36	Bryson Piscitelli (1)	730318125
12	4/26/2022 20:56:36	cbaruch@unc.edu	33 / 36	Callan Baruch	730467569
13	4/19/2022 17:56:41	ces51603@ad.unc.edu	32 / 36	Callie Stevens (1)	730489214
14	4/26/2022 11:09:58	cacaro@ad.unc.edu	31 / 36	Caroline Bull (3)	730470115
15	4/26/2022 15:27:22	Charlesu@live.unc.edu	32 / 36	Charles Underwood (2)	7303-25639
16	4/26/2022 23:11:03	cphillips1@unc.edu	32 / 36	Christian Phillips	730334385
17	4/24/2022 19:18:18	dgrim@unc.edu	31 / 36	Damon Grim	730459140
18	4/25/2022 10:13:13	dmercede@live.unc.edu	32 / 36	Daniel Mercedes (2)	730314130
19	4/25/2022 21:34:21	drbass@ad.unc.edu	31 / 36	David Bass (3)	730469940
20	4/26/2022 12:16:30	david248@ad.unc.edu	31 / 36	David Vashakidze	730443537
21	4/24/2022 23:52:18	dtroat@live.unc.edu	28 / 36	Davis Troutman	730318816
22	4/18/2022 21:45:05	derdal@unc.edu	30 / 36	Deniz Erdal	730482865
23	4/26/2022 0:18:16	elliott.gualano@unc.edu	33 / 36	Elliot Gualano (2)	730400107
24	4/27/2022 23:57:26	fgperez@ad.unc.edu	22 / 36	Fatima Perez	730487557
25	4/25/2022 21:19:09	ciuffyg@email.unc.edu	31 / 36	Gianluca Ciuffreda	730394262

## Exhibit C: Defendant SBP Campaign launch video

Link to Post: <https://www.instagram.com/reel/CoFQroUgHjs>

Permanent Link to Video: <https://youtu.be/OsrZBY4 Lk>

Transcript of first 25 seconds of video, as captioned in the video with punctuation added:

Bass: Good morning Tar Heels. My name is David Bass.

Boakye: And my name is Amy *[sic]* Boakye.

Bass: And together, we are running for Student Body President and Vice President at UNC-Chapel Hill.

Boakye: We want to focus on the safety, wellness, inclusivity, and success of every student on this campus.

Bass: And together we are Tar Heels United!

# Exhibit D: Defendant SBP Campaign introduction post

Link to Post: <https://www.instagram.com/p/CoGGkajOEOW/>

The image is a screenshot of an Instagram post from the account 'davidbassforpresident'. The post features two separate introduction cards for David Bass and Amie Boakye. The top card, titled 'Meet David Bass', includes a bio and a photo of David Bass. The bottom card, titled 'Meet Amie Boakye', includes a bio and a photo of Amie Boakye. The Instagram interface shows 156 likes and several comments from users like 'jessicajunelee' and 'powerchanger123'. The post is sponsored by the David Bass for Student Body President Campaign.

### Meet David Bass

My name is David Bass and I am honored to run for the 2023 Student Body President of UNC Chapel Hill. My mother is from Shanghai, China, and my father grew up in the Bronx, New York from a working class Russian-Jewish family. He was admitted into Vassar on a full-ride scholarship and provided me with the opportunities I have today, which allowed me to understand the importance of hard work and fighting for the common people. For the majority of my life, I've lived abroad in Japan, China, and Australia, and served as Student Body President at the American School in Japan. When I came to UNC as an international student, I was accepted with open arms by our warm community and want to give back in every way I can. I served on the Undergraduate Senate this past year and directly heard the voices of our students and the many issues that they face on a daily basis. It is my mission to make sure that your concerns are brought to direct action and change to make sure every single Tar Heel has the best four years at UNC. I ask for your vote of confidence as the next Student Body President of UNC Chapel Hill.

DAVID BASS FOR PRESIDENT  
SPONSORED BY THE DAVID BASS FOR STUDENT BODY PRESIDENT CAMPAIGN

Comments:  
davidbassforpresident • Follow  
davidbassforpresident Please fill out the petition in my bio! #tarheelsunited 13h  
jessicajunelee DAVID BASS FOR PRESIDENT 12h 1 like Reply  
powerchanger123 Aweosme bro 12h Reply

156 likes  
13 HOURS AGO

Add a comment... Post

### Meet Amie Boakye

My name is Amie Boakye, and I am thankful to be able to run for the office of Student Body Vice President. I am a freshman here at the University of North Carolina and I am majoring in Psychology and Political Science with a minor in Spanish. Growing up between different cities and states around this country, I've learned to embrace the differences between each and every community around me. Further, I have found my passion as a servant leader working with communities less fortunate than me. I firmly believe that equality is not just necessary but attainable. Within my service, I met four of my closest friends and learned that identifying a problem and finding a solution requires more than just yourself. Speaking to people affected by systems that have plagued the marginalized around me changed my perception of how to help and where to start. If you elect me as your Student Body Vice President, I will work with you to make one of the best years you've had. I could not be more proud to be part of an amazing group of people. As a black girl from Kentucky, stepping into a new community of bright individuals I have first hand seen the struggles redlining has put on people of color and justice systems. Although, UNC has a shaky past with diversity and inclusion, I and David Bass, and every member of our team Tar Heels United will put in the work to make this University a safer space for all. Just remember the change begins with us.

Amie and I investigated the current issues that affect our students through actively hearing their voices and brainstorming actionable solutions. We realized that in order to address the deeper issues on our campus, our Executive Branch must actively seek out student perspectives beyond the echo chambers of student government and focus on action-oriented goals. Furthermore, we believe that creating the best solutions for our students requires open dialogue, sharing perspectives, and building understanding among students from diverse backgrounds and different walks of life. Therefore, we created Tar Heels United, a team of over 100+ members from all corners of campus and diverse communities, dedicated to creating tangible, innovative solutions that make a difference for every Tar Heel on our campus and ensure our students the best four years at UNC.

DAVID BASS FOR PRESIDENT  
SPONSORED BY THE DAVID BASS FOR STUDENT BODY PRESIDENT CAMPAIGN

Sign Our Petition Today!

DAVID BASS FOR PRESIDENT  
Follow the link in bio!

SPONSORED BY THE DAVID BASS FOR STUDENT BODY PRESIDENT CAMPAIGN



## Exhibit E: Baokye campaign post

Link to Post: <https://www.instagram.com/p/CoFUyiIObuk/>



The image shows an Instagram post from the user amie\_boakye. The main image is a photograph of a woman with her arms crossed, wearing a grey blazer and a leopard-print scarf, standing in front of a white, circular gazebo with several columns. To the right of the image is the post's text, which is a long announcement about her campaign for Student Body Vice President. Below the text are icons for likes, comments, shares, and a bookmark. The post has been liked by emilyzaragozah and others, and it was posted 21 hours ago. At the bottom of the post, there is a section for comments with a text input field and a 'Post' button. Below the main image are three smaller thumbnail images: the first shows the woman alone, the second shows her with a young man in a blue suit, and the third shows her alone again.

amie\_boakye • Follow

amie\_boakye Today I'm announcing I'm running for Student Body Vice President along side David Bass. Transitioning to UNC has been extremely hard on my mental health. I'm at the lowest I've been in a very long time but I'm slowly learning to make pathways to push through. Finding motivation to do anything has been next to impossible and often I feel as though I'm invisible and struggling alone because a lot of people don't understand the things that plague my mind. Day by day I'm learning that I've met some of the most amazing people here and I'm not alone and you aren't either. If you need a friend or someone to talk to dm me because i'm here and I always will be. To say I'm thankful and honored to be able to run for this position would be an understatement. This year has been long and rough but I've made it this far and I want to be the support that I and others never got. Never in a million years did I think I would be running for Student Body VP as a freshman but here I am. Being a servant leader, and diversifying, celebrating, and serving my local and global communities have always been something I have loved to do. As VP, I would be able to help David to ensure a better community at UNC. Thank you for the ups and downs you've given me so far. Thank you for the life lesson and life long friends you've given me. I cannot wait to immerse myself more into the community at UNC especially within cheer and my Ghanaian heritage. If you are a UNC student the link is in my bio to vote for David Bass so we can help the university help you ❤️ 🗳️

21h

Liked by emilyzaragozah and others  
21 HOURS AGO

Add a comment... Post

## Exhibit F: Comments under Baokye campaign post

Link to Post: <https://www.instagram.com/p/CoFUyiIObuk/>

