

SUPREME COURT OF THE STUDENT BODY

No. ____-____

Tanner Jacob Edwards

Plaintiff(s)

v.

Board of Elections

Defendant(s)

COMPLAINT

INTRODUCTION

1. PLAINTIFF is the current Chair of the Carolina Union Board of Directors, an advisory Board for the Carolina Union. It is his intention to run for Student Body President during the 2024 election, and, during a procedural inquiry to the DEFENDANT regarding his eligibility to run, was told that his status as a Senior deems him ineligible for candidacy in the 2024 Spring Election.

2. Following several communications between parties, PLAINTIFF, and his counsel, scheduled a meeting with DEFENDANT and Associate Director of Student Life and Leadership Brian Lackman for Thursday, January 18th to discuss matters in person. At this meeting, DEFENDANT recommended that PLAINTIFF meets with the Joint Governance Council in tandem with filing this complaint.

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PARTIES

3. PLAINTIFF is a duly enrolled, fee-paying Undergraduate Student.

JURISDICTION AND STANDING

4. The Court has jurisdiction of this action pursuant to R.21 and over DEFENDANT because they are under the Student Body Constitution as defined by Jurisdiction and Standing J.C.S.G. §510, “2. The Jurisdiction of the Student Supreme Court shall extend to.... the Board of Elections.”

5. Standing is proper pursuant to Jurisdiction and Standing J.C.S.G. §540, “B. A Student directly and adversely affected by a regulation, ruling, or determination of the Board of Elections.”

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FACTS RELEVANT TO ALL CLAIMS

6. Communications exchanged between PLAINTIFF and DEFENDANT establishing that PLAINTIFF is ineligible to run for Student Body President (Exhibit A)

7. On Thursday, December 11th, PLAINTIFF reached out to DEFENDANT and asked whether he would be able to participate in the 2024 Student Body President Election. DEFENDANT conferred with colleague Katelyn Heath who stated that PLAINTIFF would be unable to run for any office, but is encouraged to apply for the Cabinet, though he would not be able to be confirmed until the Fall Semester. (Exhibit A.1)

8. PLAINTIFF responded with sections from the Joint Code: Qualifications for Office J.C.S.G. §601. (Exhibit A.2, A.3)

9. At this time, PLAINTIFF asked for further clarification, which he received from advisor Brian Lackman the following day via DEFENDANT, who stated that PLAINTIFF could not be considered for Undergraduate Student Body President due to his Fall 2024 Fee-Paying Status as a Graduate Student, but also could not be considered for Graduate Student Body President due to his Spring 2024 Fee-Paying Status as an Undergraduate Student. (Exhibit A.4, A.5)

10. DEFENDANT sends PLAINTIFF email informing them of their ineligibility to be certified as a Graduate and Professional School President Candidate (Exhibit B)

11. The Joint Code defines a candidate's constituency in Qualifications for Office J.C.S.G. §601, "3. The candidate shall be a constituent of the office for which they are candidates on the first day of the fall

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semester after the spring general election is held or at the time of running in a special election.”

12. Student Const. ch. 1 art. 2, §1 “Terms and Qualifications [for the Student Body President]” states, “The Student Body President shall be enrolled as a fee-paying student at the University of North Carolina at Chapel Hill,” as the sole qualification for the office of Student Body President.

13. Student Const. ch. 1 art. 9, §3 “Superseding Laws” states, “Any laws passed by one constituency that are in conflict with laws found in Chapter 1 of the Student Constitution shall be superseded by Chapter 1 of the Student Constitution.”

14. PLAINTIFF is a duly enrolled, fee paying student at the University of North Carolina at Chapel Hill, and will continuously be so through the 2024-2025 Academic Year.

15. PLAINTIFF will be graduating from the Masters in Public Policy program in 2025 after a single year enrolled in the Masters Program.

FIRST CLAIM

COMPLAINT

SHORT AND PLAIN STATEMENT OF CLAIM

AGAINST: BOARD OF ELECTIONS

16. Duly enrolled, fee paying students at the University of North Carolina at Chapel Hill who will be continuing their education throughout their potential term should be allowed to run for the student offices associated with the constituency they will be in on the first day of the fall semester following the Spring Election as defined in Qualifications for Office J.C.S.G. §601.

17. It is not the intention of the language between the USG, GPSG, Constitution, and Joint Student Codes to exclude duly enrolled, fee-paying students from serving as Student Body President per Student Const. ch. 1 art. 2, §1.

18. Plaintiff alleges and incorporates the above paragraphs by reference as if set forth herein.

19. DEFENDANT interprets Student Const. ch. 3, art. 2, §1.2 as sufficient to invalidate PLAINTIFFS claim of eligibility for the office of Graduate and Professional School President (Exhibit B).

20. DEFENDANT'S claims violate the PLAINTIFF'S constituency identification as defined in Qualifications for Office J.C.S.G. §601.

21. As a result of DEFENDANT'S actions, PLAINTIFF has been prevented from seeking the offices of Student Body President and GPSG President and is entitled to relief permitted by R.21.

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RELIEF

No. __-____

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Wherefore, Plaintiff(s) request the following relief:


- a. Eligibility for the Plaintiff to register as a candidate for the Graduate and Professional School Government President and Student Body President concurrently with other future Student Body President candidates.
- b. Eligibility for all future Students with Senior Status who are returning to the University for the duration of their prospective term to become candidates for, and sworn into, positions within the Graduate and Professional School Government within the timeline described in the GPSG Code.
- c. Any other relief as the Court deems just and proper.

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The undersigned individuals affirm they read in full the foregoing Complaint, and the allegations therein are true to the best of my knowledge and belief.

/s/ Tj Edwards


PLAINTIFF

UNC Dept. of Public
Policy



/s/ Alex Thornburg

*Counsel of
Record*
UNC Dept. of
English and
Comparative
Literature


/s/ Grace Lena

UNC Dept. of Public
Policy


/s/ Christian Chung

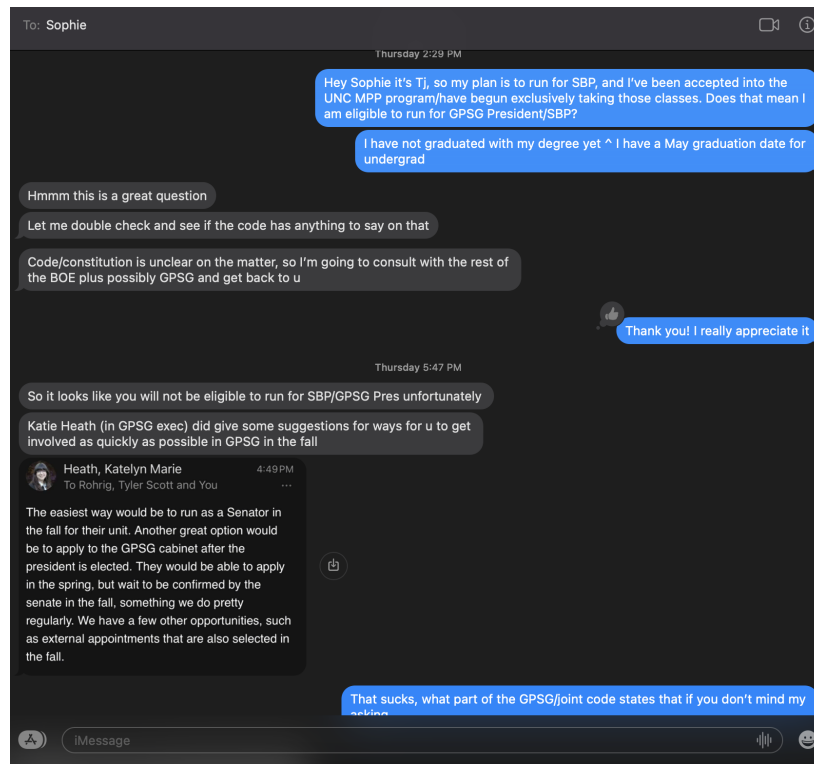
UNC Dept. of Public
Policy


Submitted January 20, 2024

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Exhibit A: Communications Between PLAINTIFF and DEFENDANT establishing PLAINTIFF's status as ineligible to run for Student Body President

1.

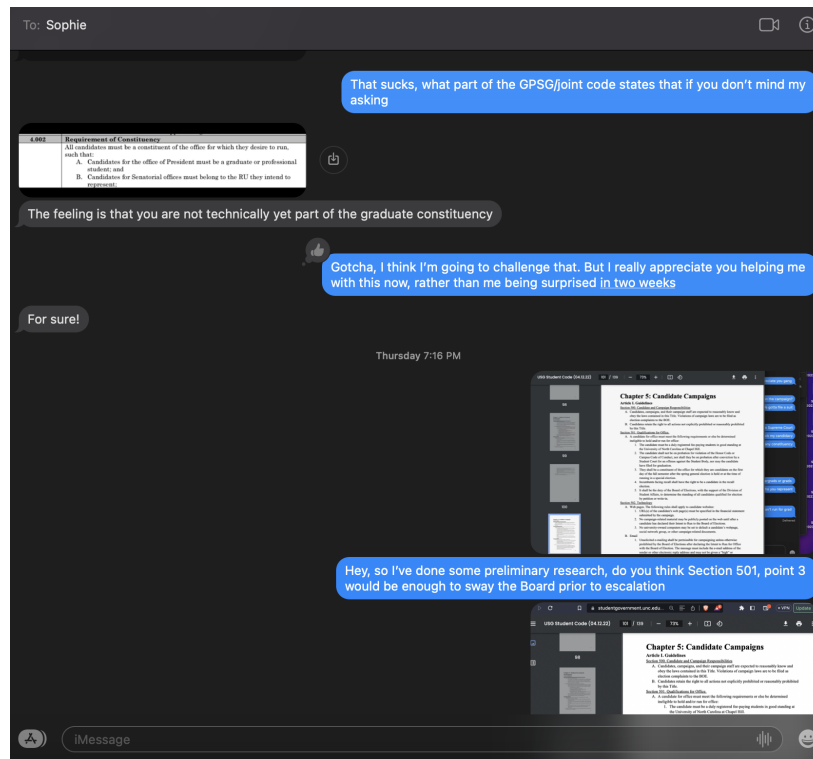


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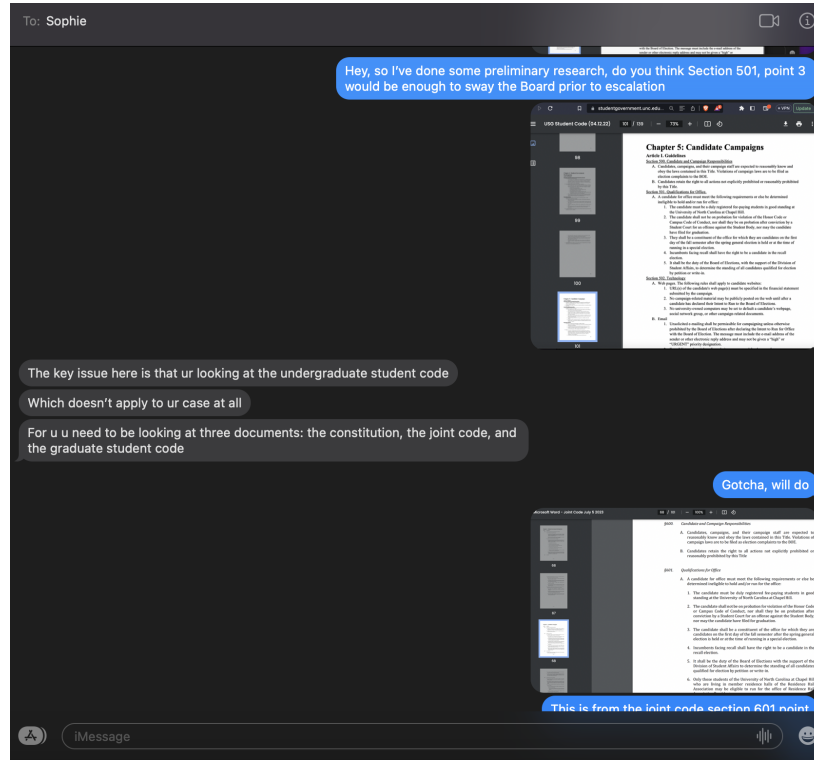
COMPLAINT

2.



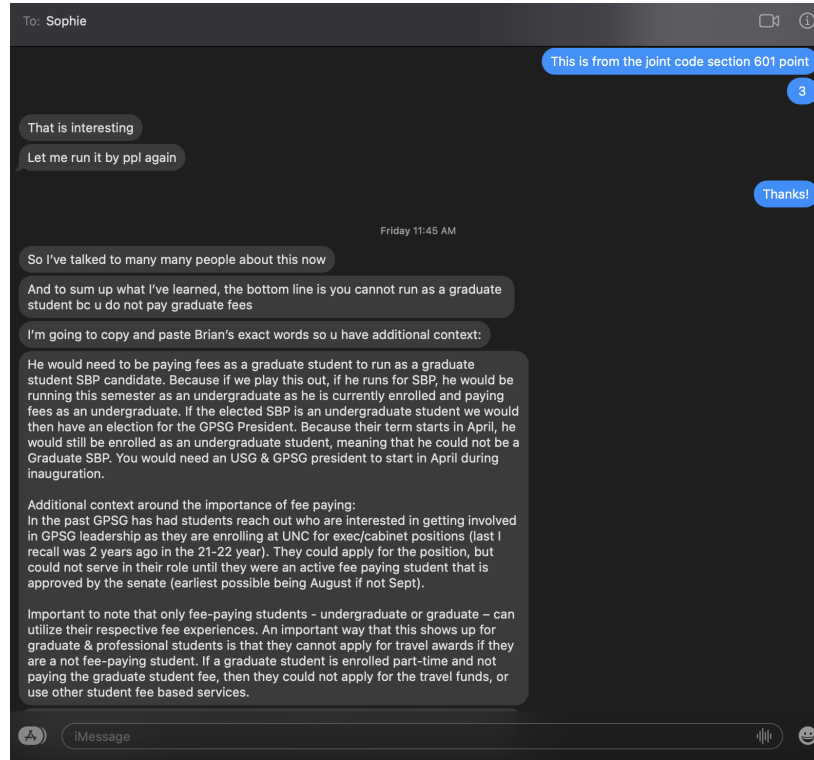
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3.



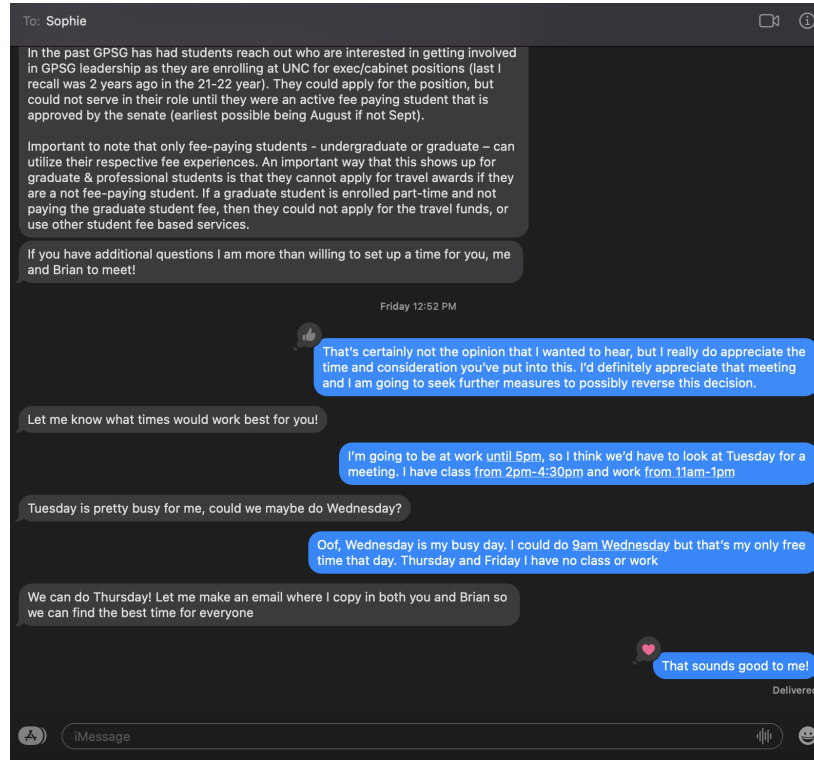
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4.



COMPLAINT

5.



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**Exhibit B: Email from Board of Elections
informing PLAINTIFF of ineligibility**

Van Duin, Sophie Elisabeth
To: Edwards, Tj; Rohrig, Tyler Scott
Thu 1/18/2024 11:12 PM

Hi Tj,

Sorry it took me so long, but I wanted to email about our earlier conversation.

This is my statement as BOE Acting Chair, on the record, that we intend to throw out your candidacy for SBP/GPSG President should you reach the required signature count by the time we go through and vet them (February 1st). We believe your candidacy violates Chapter 3, Article 1, Section 1.2 of the Student Constitution, which states that "[t]he GPSG President shall be enrolled as a fee-paying graduate or professional student at the University of North Carolina at Chapel Hill and shall be elected in the spring by the graduate and professional student body for a one-year term beginning with inauguration on the first Tuesday of April."

Best,
Sophie van Duin
Acting Chair, UNC BOE

Reply Reply all Forward