

IN THE SUPREME COURT )  
 )  
 Action No. 23-XXX )  
 )  
 Jaleah Taylor, and )  
 Matthew Tweden )  
 PLAINTIFF )  
 )  
 Versus )  
 )  
 Board of Elections )  
 Sophie van Duin, )  
 Acting Chair of the Board of Elections )  
 DEFENDANTS )

COMPLAINT

JURISDICTION

1. The Student Supreme Court holds jurisdiction as authorized under III J.C.S.G. §510(A)(2) which states that the Jurisdiction of the Student Supreme Court shall “[e]xtend to questions of law arising under the Student Body Constitution, the laws enacted under its authority, [and] the Board of Elections”, and as authorized under Student Const. ch. I art. IV, §5 which grants the Student Supreme Court “[o]riginal jurisdiction in controversies concerning executive and legislative action raising questions of law arising under this Constitution and laws enacted under its authority shall reside with the Student Supreme Court of the Student Body”.
2. R.11 holds that, “The jurisdiction of the Court shall extend to: [...] Questions of law arising under: (i) the Student Body Constitution and laws enacted under its authority; [...] and shall be based in a controversy in law.” R. 13 further holds that “The Court shall always presume jurisdiction over an action. A party seeking to show that the Court lacks jurisdiction must make an affirmative showing that the Court does not possess jurisdiction over the matter.”
3. R.21(b) holds that standing extends to plaintiff that have been adversely affected by, “a member of a constituency adversely affected by a regulation or determination of the Board of Elections.”
4. The Plaintiff asserts that DEFENDANT Board of Elections, has adopted a stated policy and intention to receive illegal ballot petition signatures and has engaged in malicious noncompliance with election transparency law by failing to promptly make public for inspection candidate ballot petitions.

STANDING

5. PLAINTIFF 1, Jaleah Taylor, is a duly enrolled, fee-paying undergraduate student and candidate for Student Body President.
6. PLAINTIFF 2, Matthew Tweden, is a duly enrolled, fee-paying undergraduate

student and candidate for Undergraduate Senate District 1.

7. PLAINTIFFS assert that the Student Supreme Court is explicitly established as the Court of original jurisdiction, and thus implied to be the trier of fact for cases and controversy arising from actions taken by the Board of Elections or controversy concerning the administration of elections. See *Whittemore v. Ruffin*, 1 S.S.C. 2 (1970); *Levy v. Ruffin*, 1 S.S.C. 5 (1971); *Dorrol v. Oliver*, unreported, cited in *Dunn v. King*; *Dunn v. King*, S.S.C. 18 (1972); *Callahan v. Gordon*, Ref. no. 72-002 1972; *Crawley v. Gordon*, 1 S.S.C. 25; *Srebro v. Gordon*, 1 S.S.C. 69 (1973); *Mask v. Gordon*, 1 S.S.C. 72 (1973); *Gaskill v. Wrenn*, 1 S.S.C. 90 (1974); *Gaskill v. Wrenn II*, 1 S.S.C. 100 (1974); *Pritchard v. James*, 1 S.S.C. 110 (1974); *Gaskill v. Wrenn III*, 1 S.S.C. 121 (1974); *Gaskill v. Granville Residence College*, 1 S.S.C. 126 (1975); *Dugan v. Bryant*, 1 S.S.C. 130 (1975); *Hancock v. U.N.C. Elections Board*, 1 S.S.C. 151 (1989); *Mcnerney v. Shuart*, 1 S.S.C. 159 (1996); *Rubush v. Dicks*, 1 S.S.C. 169 (1997); *Kennedy v. Nelson*, 1 S.S.C. 173 (1997); *Reeves v. Coleman*, 1 S.S.C. 180 (1999); *Wohlford v. Morgan*, 1 S.S.C. 201 (2008); *Klein v. Morgan*, 1 S.S.C. 212 (2008); *Bilbao v. Morgan*, 1 S.S.C. 234 (2009); *Holgate v. Gillooly*, 1 S.S.C. 246 (2010); *Russel v. Berger*, 1 S.S.C. 255 (2016); *Gary v. Board of Elections*, 2 S.S.C. \_\_\_ (2023).
8. PLAINTIFFS allege reasonably foreseeable harms, originating from a stated policy and intended action of DEFENDANT. Proof of past harm is not required to establish standing, *Gaskill v. Wren III*, 1 S.S.C. 121 (1974); *Gary v. Board of Elections*, 2 S.S.C. \_\_\_ (2023).

#### FACTS RELEVANT TO ALL CLAIMS

9. At or around 11:58 AM on February 1, 2024, DEFENDANT issued the Initial List of Certified Candidates.
10. The BOE identified ten (10) declared candidates with petitions out of order (i.e. who submitted at least the minimum number of required ballot petition signatures but, after BOE signature verification, were found to fall short of the required number of legitimate signatures).
11. Acting under II J.C.S.G. §400(B)(4) and V U.S.G.C. §300(B)(4) (two of six identical-in-language provisions, hereinafter referred to as The Correction Statutes), the BOE granted “twenty-four (24) hours after the release of the list of Certified Candidates to correct their petitions and re-submit them to the Board of Elections.”
12. On this list, PLAINTIFF 1 was identified as the only certified candidate for Student Body President. One other candidate was identified as having an out-of-order petition.
13. On this list, PLAINTIFF 2 was identified as having submitted an out-of-order petition, *allegedly* falling four (4) signatures short of the requirement.
14. Within five minutes, PLAINTIFF 2 requested access to his ballot petition to ensure timely correction of improper signatures. DEFENDANT responded to inquiry from PLAINTIFF 2 by denying his request to access ballot petitions.

15. PLAINTIFF 2 informed DEFENDANT of provisions under V U.S.G.C. §214(A), affording public access to ballot petitions. DEFENDANT then offered a 10 day timeline to submit requested documents.
16. At or around 2:25 PM on February 1, 2024, PLAINTIFF 2 sought further clarification of the BOE's interpretation of the Correction Statutes.
17. DEFENDANT affirmed their intended application of a historic BOE interpretation of the Corrections Statutes which allows for new unique signatures to be collected during this 24-hour window.
18. Paragraphs 9 through 17 are recorded in Appendix A and B.
19. PLAINTIFF 2 notes that this is the first General Election in his time on-campus at UNC in which candidates were not afforded individual access to their ballot petition signatures, either through HeelLife access or by direct and frequent communication from the Board of Elections.

### CLAIM

20. The BOE misinterprets the Correction Statutes in a manner which will illegitimately certify candidates to the ballot.
21. A plain text reading of the Correction Statutes does not allow for new unique signatures to be offered, rather for a *correction* of existing signatures which may be errant.
22. "Correction" and its derivatives are used seven (7) times in JCSG and eight (8) times in USGC. In no instance outside the Correction Statutes are ballot petitions addressed, nor are any meaningful connotative hints left behind for interpreters of law.
23. Merriam-Webster's Dictionary (2024) defines "correction," as "the action or an instance of correcting: such as a) amendment, rectification...c) a bringing into conformity with a standard." In no instance does Merriam-Webster offer "substitution" as a functional equivalent to "correction."
24. Errant signatures are not irregular. Students frequently write PID numbers without clarity, misrepresent their Senate District or Constituency, fail to imprint their signature on a paper petition, or otherwise err in their provision of information. It is the responsibility of the candidate to ensure that the signatures they provide are compliant with the respective code governing their campaign, and the correction window exists for the sake of ensuring compliance—not as a catch-all extension for more substantive failures of the campaign.
25. It is violative of the spirit of the signature collection deadline to allow for new signatures to be submitted. The current BOE interpretation would permit a candidate to knowingly submit "bad" signatures in hopes of utilizing their 24-hour

unregulated extension. The legislative intent of the Corrections Statutes is a procedural protection for typographical and technical errors, not a substantive “second chance” at making the ballot.

26. Patterns of past behavior from the BOE are non-binding (see II J.C.S.G. §905, V U.S.G.C. §804). Further, the BOE holds an affirmative duty to comply with the written law, regardless of their established habits and institutionalized errors. To Justice Crump’s way of thinking in the holding in *Callahan v. Gordon* Ref. no. 72–002 (1972), “Despite the burdens placed on the Elections Board by a statute—extra printing in this case—there is no justification for flatly ignoring the dictates of elections administration statutes. The Elections Board’s reliance on a continued, historical pattern of legal violations is no defense for their violations here. The Elections Board has a clear and affirmative duty to know and apply the statutes.”
27. The interpretative authority of the BOE is bound by statutory intent and plain-text reading. The SSC functions as a critical safeguard against rulemaking gone awry, and in the instance of an apparent and clear misinterpretation, a swift judicial response is necessitated.
28. Furthermore, the BOE’s failure to provide adequate information to candidates about their own ballot petitions constitutes a dereliction of duty. Continued failure to fulfill this responsibility constitutes willful noncompliance, both with the letter of the law and the necessary duties to practically administer the election.
29. The BOE is obliged to make public for inspection upon request “all documents submitted by campaigns or candidates including but not limited to candidate registration forms and ballot petitions (see II J.C.S.G. §314(A) and V U.S.G.C. §214(A)). This right is separate and distinct from the more encompassing public records laws established under student law—a heightened standard which acknowledges the legal necessity for campaigns to promptly access these materials.
30. The BOE lacks substantive investigatory or prosecutor powers. The duty of holding rival campaigns to account lies with individual candidates and campaigns. Failure to promptly provide requested documents fundamentally undermines the legitimacy of the adversarial aspects of the electoral process and provides structural barriers to individual campaigns meeting the high standards set under elections law.
31. It might further be noted that there is a deep precedent and tradition of candidates accessing ballot petitions and similar documents. There is no meaningful or unique burden placed on the Board of Elections which might disqualify this obligation—even before considering Justice Crump’s established intellectual tradition of statutory precedence.

#### RELIEF

32. PLAINTIFFS request declaratory judgement that DEFENDANT acted under a statutory misinterpretation of II J.C.S.G. §400(B)(4) and V U.S.G.C. §300(B)(4).

33. PLAINTIFFS further request that DEFENDANT be prohibited from certifying any candidate who, after submitting at least the minimum number of required ballot petition signatures and falling short of the requirement following BOE verification, submitted new unique signatures instead of correcting previously collected signatures.
34. PLAINTIFFS further request that DEFENDANT immediately provide the requested ballot petition information to PLAINTIFF 2.
35. PLAINTIFFS further request that DEFENDANT be directed to amend all necessary administrative structures and procedures (see *Pearce, et al. v. RHA Exec. Bd.* 2 S.S.C. \_\_\_ (2022)) to guarantee the prompt provision of necessary and relevant documentation, including but not limited to candidate registration and ballot petitions.

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.

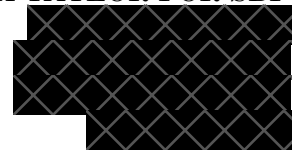
/s/ Jaleah Taylor  
PLAINTIFF



/s/ Matthew Tweden  
PLAINTIFF AND PRO SE



/s/ Christopher Lee Williams  
CAMPAIGN COUNSEL,  
JALEAH TAYLOR FOR SBP



/s/ Logan Grodsky  
CAMPAIGN CO-COUNSEL,  
JALEAH TAYLOR FOR SBP



Filed this the 1<sup>st</sup> day of February, 2024 at 9:55 P.M.

## Appendix A

## Re: Initial List of Certified Candidates

UNC Board of Elections <boe@unc.edu>

Thu 2/1/2024 12:39 PM

To: Tweden, Matthew Dean <mtweden@unc.edu>

I specified under 10 days, not 10 days exactly. During high traffic times like this, four hours is beyond unacceptable. If you wish, you are perfectly within your right to file whatever you like.

Best,  
UNC BOE



## Board of Elections

University of North Carolina at Chapel Hill  
[BOE@email.unc.edu](mailto:BOE@email.unc.edu)

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**From:** Tweden, Matthew Dean <mtweden@unc.edu>

**Sent:** Thursday, February 1, 2024 12:36 PM

**To:** UNC Board of Elections <boe@unc.edu>

**Cc:** Gary, Andrew Holmes <andrewah@email.unc.edu>

**Subject:** Re: Initial List of Certified Candidates

10 days for a spreadsheet is unacceptable and plainly not in line with the intent of the legislation, which relates to accountability in elections as they are administered. If I do not receive the requested information within the next 4 hours, you can expect to receive a motion filed with the SSC.

MT

### Matthew Tweden

University of North Carolina at Chapel Hill, Class of 2025

B.A. Public Policy & Peace, War, and Defense

Robertson Scholars Leadership Program

[mtweden@unc.edu](mailto:mtweden@unc.edu) |  | [LinkedIn](#)

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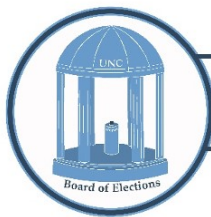
**From:** UNC Board of Elections <boe@unc.edu>

**Sent:** Thursday, February 1, 2024 12:33 PM  
**To:** Tweden, Matthew Dean <mtweden@unc.edu>  
**Cc:** Gary, Andrew Holmes <andrewah@email.unc.edu>  
**Subject:** Re: Initial List of Certified Candidates

(Apologies, resending because we forgot to reply all last time.)

Your request is under way. Please note that public records requests, like they do at the university level, take time. The university stipulates that small requests usually take under 10 days. Since this is a small request, you should have your answer within 10 days from now.

Best,  
UNC BOE



## Board of Elections

University of North Carolina at Chapel Hill  
[BOE@email.unc.edu](mailto:BOE@email.unc.edu)

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**From:** Tweden, Matthew Dean <mtweden@unc.edu>  
**Sent:** Thursday, February 1, 2024 12:27 PM  
**To:** UNC Board of Elections <boe@unc.edu>  
**Cc:** Gary, Andrew Holmes <andrewah@email.unc.edu>  
**Subject:** Re: Initial List of Certified Candidates

CC'ing BOE counsel for transparency sake.

I'll refer you to V USGC 214(A):

Section 214. Availability of Ballot Petitions and Other Documents

- A. All documents submitted by campaigns or candidates, including but not limited to candidate registration forms and ballot petitions, shall be made publicly available for inspection.
- B. The Board of Elections shall publish the final results of the election as expeditiously as possible and, when publishing results, shall include the following information:
  1. Total number of votes cast;
  2. The total amount of votes each candidate received, which shall include all ranked votes;
  3. The turnout rate; and
  4. Any other information the Board of Elections deems necessary to release.



I would also like to request to see the ballot petition submitted by the Saavedra Forero campaign (provided for under the Joint Code, I can provide my citation if needed)

Matthew

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**From:** UNC Board of Elections <boe@unc.edu>  
**Sent:** Thursday, February 1, 2024 12:20 PM  
**To:** Tweden, Matthew Dean <mtweden@unc.edu>  
**Subject:** Re: Initial List of Certified Candidates

Unfortunately, we have too many candidates missing signatures to send them each a list of names that were thrown out. We apologize for the inconvenience.

Best,  
UNC BOE



## Board of Elections

University of North Carolina at Chapel Hill  
[BOE@email.unc.edu](mailto:BOE@email.unc.edu)

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**From:** Tweden, Matthew Dean <mtweden@unc.edu>  
**Sent:** Thursday, February 1, 2024 12:19 PM  
**To:** UNC Board of Elections <boe@unc.edu>  
**Subject:** Re: Initial List of Certified Candidates

Sorry, the reason I asked for individual names is because I solicited individual signatures based on my knowledge of membership in D1, so I'm curious as to where those gaps were.

MT

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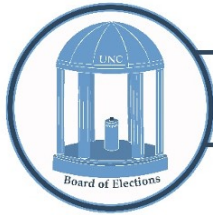
**From:** UNC Board of Elections <boe@unc.edu>  
**Sent:** Thursday, February 1, 2024 12:16 PM

**To:** Tweden, Matthew Dean <mtweden@unc.edu>

**Subject:** Re: Initial List of Certified Candidates

You are missing four (4) signatures.

Best,  
UNC BOE



## Board of Elections

University of North Carolina at Chapel Hill  
[BOE@email.unc.edu](mailto:BOE@email.unc.edu)

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**From:** Tweden, Matthew Dean <mtweden@unc.edu>

**Sent:** Thursday, February 1, 2024 12:02 PM

**To:** UNC Board of Elections <boe@unc.edu>

**Subject:** Re: Initial List of Certified Candidates

Can you provide the missing number of signatures and a list of which signatures were thrown out?

MT

### Matthew Tweden

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**From:** UNC Board of Elections <boe@unc.edu>

**Sent:** Thursday, February 1, 2024 11:58 AM

**Subject:** Initial List of Certified Candidates

Hello all,

If you are receiving this email, you filled out either the candidate registration form, training mechanism, or both for the Spring 2024 General Election. This email contains the list of initial

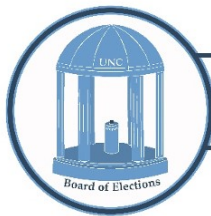
certified candidates.

- IF YOUR NAME IS ON THIS LIST: Congrats! You are a certified candidate for the SP24 General Election. Your name will appear on the ballot.
- IF YOUR NAME IS ON THE LIST, BUT IN ITALICS: You submitted enough signatures to us, but in the course of us checking PIDs and districts, we had to throw enough out that you no longer met the quota. You have until Feb 2 at noon to submit to us the missing number.
- IF YOUR NAME IS NOT ON THE LIST: You did not fill out both forms or you did but did not gather enough signatures. While your name will not appear on the ballot, you may still run as a write-in candidate (assuming you have or will complete both forms).

Next steps:

- Once you are certified, you may fill out [this form](#) in order to have your platform included in the Nonpartisan Voters Guide and ballot. Form is due by Feb 7.
- Early voting occurs Feb 8-9 and election day is Feb 14.
- Good luck!

Best,  
UNC BOE



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## Board of Elections

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University of North Carolina at Chapel Hill  
[BOE@email.unc.edu](mailto:BOE@email.unc.edu)

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## Appendix B

## Re: BOE Operations - Spring General

Tweden, Matthew Dean <mtweden@unc.edu>

Thu 2/1/2024 3:58 PM

To:UNC Board of Elections <boe@unc.edu>

Cc:Lackman, Brian Richard <brian.lackman@unc.edu>;Agurs, LaQuayle <Quayle.Agurs@unc.edu>;Gary, Andrew Holmes <andrewah@email.unc.edu>;Heath, Katelyn Marie <katiemh@live.unc.edu>;Grodsky, Logan Hunter <lgrodsky@unc.edu>

Happy to share the short responses before filing more in depth with SSC. Also adding back in the folks on this chain.

1) This will just be a difference of interpretation of the plain text language, but everything in the Codes refers to "corrections." BOE precedent is non-binding, and the SSC has historically affirmed that "we've always done it this way" is not an acceptable response. This is probably the most substantive dispute in question here because there is a genuine contest of interpretation, and something SSC can address. Though, for what it's worth, there's nothing binding the BOE to their old (and, in my view, erroneous) position - this can still be corrected and litigation averted.

2A) The urgency here matters, especially if you interpret point 1 in my direction. On top of that, let's be serious, it's a standalone export from HeelLife with maybe two or three columns of data removed. The most time-consuming part of the process is signing into HeelLife, maybe it takes 5 minutes for one individual instance, and lower time per candidate if you're doing them at the same time. Not to mention the fact that these files have already been run to create the initial certification list. This just isn't the labor-intensive process you're suggesting it is. There's also 5 BOE members, I hope you're able to burden-share some here because it definitely is a lot of work on one person. But it's deeply unserious to suggest it will take 20+ hours for a team of 5 people to export 1 CSV file and send it in an email - even if you've received 25 requests this can move very quickly and is plainly required under law.

2B) No high-level disagreement here, I wasn't expecting GPSG candidates on the memo for that reason, I just wanted to make sure they're in the loop on what their position is. Definitely a lower urgency, given the timeline. Just wanted to reinforce the need for ballot petition access.

3) No problem with the way the list was received, but if the Senate has realized there is an error, is there a pathway to correct?

MT

### Matthew Tweden

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**From:** UNC Board of Elections <boe@unc.edu>

**Sent:** Thursday, February 1, 2024 3:38 PM

**To:** Tweden, Matthew Dean <mtweden@unc.edu>

**Subject:** Re: BOE Operations - Spring General

To point 1: This has never been the case. I have been on this board for some time and that has never been how this works. You may also contact Brian or even Simon Palmore and they will reinforce my position.

To point 2A: Your public records request is underway, but do not expect it to be completed today. BOE members, on top of balancing their duties as students, also are responding to a higher-than-normal level of emails, etc. and working on election forms.

To point 2B: Whether we have a graduate presidential election depends on the SBP elected. I double-checked last year's list of initial candidates, and they also did not include GPSG presidential candidates. The candidates will be contacted separately, and we will also push a separate public memo soon.

To point 3: The ethics chair sent us a list of senators who were in good standing and eligible to become certified without collecting signatures. We have abided by this list.

Best,  
Sophie van Duin  
UNC BOE



## Board of Elections

University of North Carolina at Chapel Hill  
[BOE@email.unc.edu](mailto:BOE@email.unc.edu)

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**From:** Tweden, Matthew Dean <mtweden@unc.edu>  
**Sent:** Thursday, February 1, 2024 2:25 PM  
**To:** UNC Board of Elections <boe@unc.edu>  
**Cc:** Gary, Andrew Holmes <andrewah@email.unc.edu>; Heath, Katelyn Marie <katiemh@live.unc.edu>; Baruch, Callan Miles <cbaruch@unc.edu>; Lackman, Brian Richard <brian.lackman@unc.edu>; Agurs, LaQuayle <Quayle.Agurs@unc.edu>  
**Subject:** BOE Operations - Spring General

Hi all,

I want to keep this as effective and clean as possible, so I'm going to share a number of ongoing points with BOE operations. I hope we can get this sorted within the next few hours rather than

moving through SSC litigation, but these are critical issues with the election administration that need to be addressed immediately. For the sake of getting this email out as promptly as I can (in between classes, as well), I will *not* be citing to specific provisions in student codes, but am able and willing to provide citations upon request.

### 1) Signature Collection & Correction

The 24-hour signature correction window is *not* for collecting new signatures, but correcting existing ones. For example, an erroneous PID, a bad signature, a mistaken District or Constituency identification, etc. It is not a chance to backfill after signatures are thrown out. A clarifying email should immediately be sent to candidates clarifying these parameters.

### 2) Ballot Petition Public Access

To accurately *correct* signatures, candidates need have access to their own ballot petitions. Beyond this, the BOE does not function as an investigatory body, thus the initiation of enforcement of elections law begins with students and campaigns. Public accountability is a code-enshrined right of the students, and ballot petitions **must** be made public **promptly upon request**.

Adjacent this, GPSG President election timeline seems to have been consolidated with the SBP election timeline, however candidate certification was not conducted today. I understand that the SBP election *needs to happen* prior to the GPSG election, but an opportunity for signature verification should be provided for the current declared candidates if it will not be provided at a later date and time.

### 3) Candidate Verification

This is a tertiary point, but I think there might have been an error in accepting candidate registration. For example, some USG Senate candidates were able to register under the incumbency provision, despite having previously resigned, and should be struck from the ballot. I'm CC'ing Ethics Chair Cal Baruch for this point. The lack of publicly-available information on candidates and signatures has exacerbated this issue.

I appreciate all the work the BOE does on administering our complex elections law and look forward to working with y'all to ensure a smooth and effective Spring General.

Best,  
Matthew

### Matthew Tweden

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