

To: The Student Body of the University of North Carolina at Chapel Hill  
Date: 24 January 2022  
Subject: Staley v. Robinson for Student Body President Decision

On Saturday, January 22, 2022, the Board of Elections held a hearing for a complaint against Student Body Presidential Candidate Samuel Robinson, filed by Sage Staley, a student of UNC in the constituency of the Student Body President. Following are the results of the Hearing and the Board’s full decision in this matter.

Case	Allegations	Verdict	Points Awarded	Total Reduction of Funding
<u>Staley v. Robinson for Student Body President</u>	Technology	Guilty (6-0)	0	0%

### **Technology Violation**

The Staley Complaint listed one allegation of illegal online campaigning—namely, the lack of a sponsorship message on campaign material, which is an allegation of a Technology violation.

A Technology Violation is defined in the J.G.S.C. II.9.1 §910(E)(5), which states, “This category shall include, but not be limited to, campaigning online in illegal ways.” J.G.S.C. II.9.1 §516(A) (4) further states, “Candidate web pages, **including social networking groups**, shall contain the same endorsement as any other campaign material....”

The Plaintiff provided evidence in furtherance of their complaint, which alleged one instance of the Robinson campaign material lacking the requisite sponsorship message. The evidence provided was of the Robinson Campaign’s Instagram Profile.

The Board interprets J.G.S.C. II.9.1 §516(A)(4) based on its plain language, to mean that an Instagram Profile should contain the same endorsement as any post in support of the candidate. Furthermore, we interpret this to require a visible sponsorship message on the profile page of the account—in Instagram, this would include either the account bio section or visible in the profile picture of the account.

As such, the Robinson Campaign acknowledged that there was not a visible sponsorship message on the Instagram profile, though the posts on that page may have included a sponsorship

message. The Robinson Campaign also diligently remedied the lack of having a visible sponsorship message on the profile by adding the sponsorship message to the bio section.

Per the interpretation held by the UNC Board of Elections, as established in *Staley v. Vann for Student Body President*, the Robinson Campaign was in violation of the Technology rules regarding online campaigning prior to making the sponsorship message visible on their Instagram profile.

However, the Board took the gravity of the harm into consideration and decided to assign this violation zero points—the minimum number of points for this type of violation. Although the Robinson Campaign may have technically been in violation of the rules regarding online campaigning, this violation was not egregious or irreversible. Indeed, the Robinson Campaign’s efforts to ensure compliance with the rules regarding online campaigning are commendable.

This zero-point penalty corresponds with an 0% reduction of the Robinson Campaign’s maximum spending limit for the Campaign, as established by J.G.S.C. II.9.I §910(G).

### **Campaign Materials**

In their defense the Robinson Campaign referred to language in the Joint Code that discusses Campaign Materials. The Joint Code no longer provides a definition of “Campaign Materials” and the Robinson Campaign asked for clarification of this lack of definition. The Board interprets the term, Campaign Materials, to be any product produced by a campaign for the purpose of gaining signatures, votes, or supporters. This includes but is not limited to posters, flyers, A-frames, social media accounts and posts, emails, text messages, group messages, and telephone voicemails).

In this case the Instagram profile is considered a Campaign Material, as the Tools used to create the profile or account would be the Instagram app itself and the device that contains the app.

### **Campaign Complaints**

In their pre-hearing Answer the Robinson Campaign detailed several instances in the Plaintiff’s original Complaint in which the Plaintiff did not follow the exact regulations regarding the structure of Election Complaints, and asked the Board to dismiss the case on procedural grounds. The Board’s interpretation of J.G.S.C. II.9.II §920(A) which states, “A BOE hearing shall commence after a plaintiff files an election complaint to the BOE against a candidate or referenda campaign.” The Board interprets this regulation to mean that the Board is unable to dismiss a Complaint before a hearing has been conducted.

The Defense also cited J.G.S.C. II.9.II §921(F), which refers to Defendants’ pre-hearing Answers and states, “Failure to answer all stipulated guidelines shall not be sufficient grounds to dismiss the answer.” The Robinson Campaign pointed out that there is no similar regulation for Complaints and thus the board could dismiss the case on procedural grounds. The Board disagrees on this point and interprets the latitude provided to Defendants in their pre-hearing Answers as applying to Plaintiffs and their Complaints as well. In this case the details missing in the Plaintiff’s original Complaint were minimal and it is the opinion of the Board that these mistakes were not severe enough to dismiss the case on procedural grounds.

This previous paragraph does not intend to mean that all Complaints, regardless of procedural errors, will be heard by the Board. Rather, this is meant to allow some latitude to Plaintiffs who have minor errors in their Complaints. We do ask, however, that all Plaintiffs consult the Joint Code and make a good-faith effort to follow the Complaint guidelines as outlined in the Code.

We hope that this ruling provides further clarity regarding the rules of online campaigning during the Spring 2022 elections here at UNC. We thank all parties involved in the Hearing process for their preparation and presentation of their cases. We appreciate the candidates' hard work to provide the best, most fair election process possible.

Votes by Board of Elections Members:

<b>Guilty</b>	<b>Not Guilty</b>
Towqir Aziz	
Evan Stair	
Nico Gleanson	
Sam Cathcart	
Simon Palmore	
Rishabh Sud	