



# The Campaign Violation Case & Rationale

Joanna Faith Williams V. Clayton.Hinton

Docket Number: E 051-0001

**Presiding:** Chairman Walt Grayson

**Hearing Date:** Monday March 18<sup>th</sup>, 2018

**Hearing Time:** 8:20 pm

**Hearing Location:** App Hall Room 085

1. Complainant Name **Joanna Faith Williams** (*Recused self as a member of the E Court for the Duration of this case*).
2. The Date and Time the Complaint was Filed: **12:00pm; March 19, 2018**
3. The Name of the Campaign that violated the rule(s): **Clayton. Hinton**
4. Cite Elections (Bylaws) that have allegedly violated (*please list each Bylaw violated separately*). Please list using Article and Section Numbers of the Bylaws:

→ **Article III, Section X, Number 1, Correspondence and Communication IV:** "*Campaign Staff and Candidates are prohibited to speaking to an Elections Court Member at any time during an election. Candidates and staff may contact the Elections Court Chair to inquire about Elections related concerns, practices, policies, and cases.*"

→ **Article III, Section X, Number 1, Candidates and Campaign Staff VI states:** "*Candidates and Campaign staff shall comply with all Student Government Governing Documents, University Policy, the Code of Student Conduct, and Local, State, and Federal Law.*"

5. Explain the alleged offense:

At approximately 9:13am on March 19th, Anderson Clayton chose to contact myself, an Elections Court Member, via Facebook. Exhibit A shows the post in question, where I was inappropriately tagged, marked with the red oval. Anderson has had many opportunities to be made aware that I am an Elections Court official. From being nominated, approved, and watching me take the oath, all in senate meetings which she is present in, to watching me re-announce to Leadership Educators that I am taking on this role again, which Anderson Clayton is also present in as well; there have been numerous occasions in which she has been made aware of my role.

When tagged in a post, Facebook shares the post with those that are tagged, as well as the friends of those who have been tagged, as shown in Exhibit B. At the time of writing this, I currently have 3,044 friends on Facebook. Therefore, this post has the potential to reach 3,044 other people, who may then believe that I support the Clayton.Hinton campaign since I have now



been associated with it. As an Elections Court official, I am to remain as unbiased as possible and not support any ticket that has declared their candidacy. This post has inaccurately represented me. Because of my involvement on campus with my level of visibility and potential influence, this may also have an impact on the way that some students decide to vote.

By tagging me in a post, it directs my attention to it and communicates her message to me, therefore violating Article III, Section X, Number 1, Correspondence and Communication IV. By violating this statute, Anderson Clayton did not comply with the Elections Bylaws, which is a highly regarded Student Government Governing Document, therefore also violating Article III, Section X, Number 1, Candidates and Campaign Staff VI.

6. Witnesses: **Photo Evidence Submitted**
7. Counsel (According to the Elections Bylaws you may appoint a student, community member, etc. to argue on your behalf during the hearing. You must be present during all hearings regardless of appointed counsel):  
**Respondent** – Amanda Lago and Andrew Strahan  
**Complainant** – No counsel appointed  
**Form verified by Travis O'Shell on 3/19 at 12:21pm**

*Exhibits A and B attached below.*

## Rationale: Joanna Faith Williams V. Clayton. Hinton No. 051-0001

### Determination of Responsibility: In Violation

The Clayton Hinton Campaign was accused by Joanna Williams of violating Article III, Section X, Number 1, Correspondence and Communication IV and Article III, Section X, Number 1, Candidates and Campaign Staff VI.

The Clayton Hinton Campaign was asked to state if they were responsible or not responsible for violating these bylaws and **they specified that they were responsible for a violation** of Article III, Section X, Number 1, Correspondence and Communication IV and a violation of Article III, Section X, Number 1, Candidates and Campaign Staff VI.

Both the complainant and respondent were provided open statements, questioning, and closing statements. Since the Clayton Hinton Campaign took responsibility for the violations, the sanctioning hearing immediately commenced.

### Sanctioning Determination:

**Article III, Section X, Number 1, Correspondence and Communication IV.** Campaign Staff and Candidates are prohibited to speaking to an Elections Court Member at any time during an election. Candidates and



staff may contact the Elections Court Chair to inquire about Elections related concerns, practices, policies, and cases.

**Rationale:** The Court determined that the respondent has extensive experience in campaigning and based on the Court's responsibility to consider prior precedent during sanctioning they took into account Clayton Lee v. Wiley Sullivan Case 1. In this case the Clayton Lee campaign previously argued in favor of sanctions regarding this specific statute (speaking to E Court Members), which affirmed for the Court that Candidate Clayton was familiar with this statute. Further Candidate Clayton attended the Policies and Procedures meeting where this statute was read aloud. The Court appreciated the Clayton Hinton Campaigns argument that the intent was of negligence rather than malice, however the Court holds that it is important to weigh the impact of the action as well.

Based on testimony from the respondent and complainant, the Court determined that Joanna Williams social media presence, coupled with the importance of the first day of voting were aggravating factors in the impact of this action. The sharing of this post on the complainants Facebook page - *which has thousands of student followers* - without her consent, even if done by mistake, gave the complaint as considerable vote advantage over other campaigns.

The court believes it is important to note that the respondent failed to provide an answer regarding whether or not the Elections Board was aware of this post prior to it being posted. This lack of information did not however influence the sanctioning outcome.

The Court holds that based on prior precedent, the first day of voting is the one of the most significant days for active campaigning. The Court determined that since the violation took place roughly from 9 am to 3 pm on the first day of voting, that a sanction should appropriately correlate to the action.

The Court believes that due to the aggravating factors in the case, the public may have indirectly received or interpreted the tagged post to translate to a lack of impartiality on the part of the Court. The ethical integrity of the Court is critically important to the election and the Court heavily considered this as an impact on the potential functioning of SGA as prescribed in the Elections Bylaws sanctioning guidelines.

**The Court has determined the following sanction is appropriate for the Clayton Hinton Campaign based on the aforementioned rationale:** *A suspension of all active campaigning take place on Wednesday March 21st 2018 from 9 am to 9 pm.*

The Court considered the timing of a Tuesday and Thursday sanction and determined that Tuesday would be too soon following the hearing and Thursday would be too late in the campaign cycle.

For future cases involving contact between elections court members, campaigns and their staff: Any and all communication or contact with elections court members from campaigns constitutes "speech", unless it involves academic, organizational, and work related purposes.

**For administrative purposes:** A suspension of active campaigning means that a campaign may in no way solicit a vote, share the voting link, operate any active campaign venues such as contact tables, club meeting presentations, and more. All active campaign material such as banners, posters, flyers and more



may not be distributed and must be taken down for this period of campaigning. This also includes campaign Facebook pages and websites. Candidates may not participate in any activities that fall within the guidelines of active campaigning – soliciting a vote. E-Board members are statutorily required to ensure that this sanction is carried out ethically and entirely.

**Article III, Section X, Number 1, Candidates and Campaign Staff VI.** Candidates and Campaign staff shall comply with all Student Government Governing Documents, University Policy, the Code of Student Conduct, and Local, State, and Federal Law.

**Rationale:** The Court did not issue a sanction for this violation.

*Photo Evidence Attached Below:*



Anderson Clayton added 6 new photos — with Marisa Fernandez and 35 others.

25 mins · 📷

MEET THE PRESIDENT

Hey y'all! My name is A your next Student Body town called Roxboro, N Journalism and Political

If I had to describe mys campus, in the issues, government has become part about my job is, the students from all across capacity, from being a a member of Leadershi representing students of Sexual Assault. But I ha Appalachian as your St

The capacity to learn is willingness to learn is a semester I've learned. believe in. I've learned questions. I've learned most importantly, I've le has been one of the mo learned that good leade hope if there's one thin care about students.

I'm running for re-elect incomplete, because I students on this campu

campus that live below the poverty line. More work to do for the students with diverse abilities who have historically been left out of our conversations. More work to do for the 40% of food insecure students,

- Kim Mitchell
- Caroline Jonkers
- Matthew Raynor
- Nicholas Vachel Williams
- Juliette Leonardo
- Bria E Payne
- Galge Cogswell
- Murilo Artese
- Kim Jacome
- Gabriel Duff
- Nathalia Marie Ruiz
- Brandon Wilkerson
- Dylan White
- Tori Little
- Nile LaTowsky
- Tory Foster
- Emily Cluen
- Anna Carmichael
- Megan Laws
- Samantha Edwards
- Bethany Lynn
- Daniel Brehm
- Joanna Faith Williams
- Krista Dancy
- Sarah Mbiki
- Nick Stevens Jr.
- Lindsey Turk
- William Hodes
- Mckenna Wild
- Elizabeth Tiddy
- Denby Holloman
- Susan Edwards
- Taylor Cobb
- Holly Parsons
- Eunice McSwain

am running for re-election as t me, I grew up in a small a junior, double major in

d be invested-invested in our the people. Student en I get asked what the best ng to interact with different with students in every ergraduate Leader, to being er in Kappa Delta Sorority, to h Carolina Coalition Against g more than representing his past year.

n is a skill, but the made easily, but this ground on the issues that I must be willing to ask tough a person with a vision. And lot to learn. This past year ces of my life, but I have people than the title, and I ey this year, it's simply that. I

at my work in this office is work to do for the 18,250 the 2,300 students on this



Exhibit B.

