



The Campaign Violation Case

Milbourne Kelly V. Clayton Hinton

Docket Number: E 051-0003

Presiding: Chairman Walt Grayson

Hearing Date: Wednesday March 21st, 2018

Hearing Time: 6:00 pm

Hearing Location: College of Education 30-131

1. **Complainant Name (The Name of the Campaign Filing the Case):** Milbourne Kelly
2. **The Date and Time the Complaint is Filed:** 3/21/2018 at 11:22 AM
3. **The Name of the Campaign (or campaign with which individuals are affiliated) that violated the rule(s):** Clayton Hinton
4. Cite Rules (Bylaws) that have allegedly violated (*please list each Bylaw violated separately*). Please list using Article and Section Numbers of the Bylaws:

II. The Limited Campaigning period dates shall be established at the beginning of each legislative session by the Student Senate, and shall be the period of time in which candidates strictly solicit feedback from students and organizations. Candidates shall in no way share their campaign platforms, materials, or issue positions during this time. Candidates shall be permitted to distribute personal and campaign contact information

5. Explain the alleged offense (what happened). Be sure to provide thorough evidence, documentation, witness testimony, and more to support your case. *You may attach addenda or additional pages/documents to this form:*

A member of the Clayton Hinton campaign team solicited votes on the first day of limited campaigning, Samantha Edwards. Attached is a picture of the post. This case was originally filed before spring break but was withdrawn when my brother Chris Hinton stated that she was not a member of their campaign staff but just an excited bystander. However upon viewing their website and pictures (team pictures) recently, I see that she is indeed a part of their team and that unfortunately this is a violation of the rules. I personally did not want to present this case but I realize that it is important to uphold the bylaws.. so here I am.

6. Witnesses (please list all witnesses you would like to be present at the hearing to testify). De sure to include their email addresses: **Joe Wilkes**



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). List the name(s) and email(s) of your counsel: **Joe Wilkes**
Signed and Verified by Cassidy Chambers on 3/21/2018 at 12:20 pm.

Rationale: Joanna Faith Williams V. Clayton. Hinton - No. 051-0003

Determination of Responsibility:

The Clayton Hinton Campaign was accused by the Milbourne Kelly Campaign of violating Article III, Section X, Subsection 1, Campaign Phases II: The Limited Campaigning period dates shall be established at the beginning of each legislative session by the Student Senate, and shall be the period of time in which candidates strictly solicit feedback from students and organizations. Candidates shall in no way share their campaign platforms, materials, or issue positions during this time. Candidates shall be permitted to distribute personal and campaign contact information.

The Court acknowledges that the provisions laid out in Article III, Section 5, Subsection 1, Campaign Staff IV state "Individuals who act in support of a candidate(s) may be considered part of a campaign staff, if it is determined by the Elections Court that the candidate(s) would reasonably have been aware of their efforts in support of their campaign. Candidates are responsible for assimilating individuals who act in support of their campaign into their registered campaign staff".

The Court specifically considered testimony by the Clayton Hinton Counsel and the Director of Elections Travis O'Shell. Counsel Andrew Strahan clearly stated in the hearing that Samantha Edwards's action in posting the post in question on February 28th was "absolutely an act of support". Director O'Shell was able to verify that Edwards is currently a part of the campaigns staff.

The Court considered the information provided by the witness that the group campaign photo (submitted evidence) was taken on February 26th - two days before the posting - and that based on preponderance of the evidence the candidate would have been "reasonably aware" of Edwards support. The Candidate and Edwards appeared in these marketing photos together- which would go on to be used as primary campaign material. Further, the Court holds that Edwards's attendance in the campaign photos shows an interest on the part of Edwards or the Campaign to have Edwards participate in campaigning and campaign marketing material.

This conclusion highlights a shortcoming on the part of the respondent in "assimilating individuals who act in support of their campaign into their registered campaign staff" and training the individuals on policies and procedures accordingly. The candidate stated in the hearing that she knew Edwards was in the photo taken on February 26th when the photo was taken, that she served as a SOUL with Edwards, and that these photos were taken for the purpose of campaigning material. The Court adamantly believes the candidate was "reasonably aware of [Edwards] support" prior to the post that asked students to vote for Clayton Hinton on the first day of limited campaigning. We hold it could not be a clearer violation of limited campaigning.



Both the complainant and respondent were provided open statements, questioning, and closing statements.

Sanctioning Determination:

For the violation of: **Article III, Section X, Subsection 1, Campaign Phases II:** The Limited Campaigning period dates shall be established at the beginning of each legislative session by the Student Senate, and shall be the period of time in which candidates strictly solicit feedback from students and organizations. Candidates shall in no way share their campaign platforms, materials, or issue positions during this time. Candidates shall be permitted to distribute personal and campaign contact information.

Rationale: The Court determined that this violation was minor in terms of the reasonable advantage provided to the respondent. The Court was unable to find substantive evidence of an advantage to the Clayton Hinton Campaign due to the short period of time the post was up. The Court was unable to reach preponderance of the evidence to the number of students reached by the post and could not cite an impediment to Student Government function.

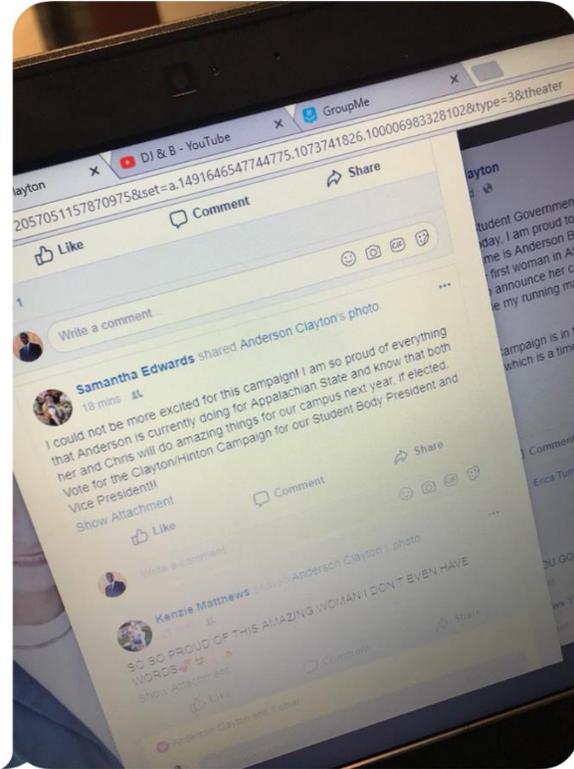
This fact however should not negate a serious disregard for the elections bylaws - specifically Article III, Section X, Subsection 1, Campaign Phases II. This post directly solicited a vote during the limited campaign period by a person that the candidates would have reasonably been aware of supporting them, the court believes the following sanction will remedy this complaint:

A suspension of the Active campaigning period from noon to 2 pm on Thursday march the 22nd.



T-Mobile 2:45 PM 28%
71 S Savvyyy

Wed, Feb 28, 3:41 PM



3:41 PM

Sun, Mar 4, 7:50 PM

Did you get home safe?

7:50 PM

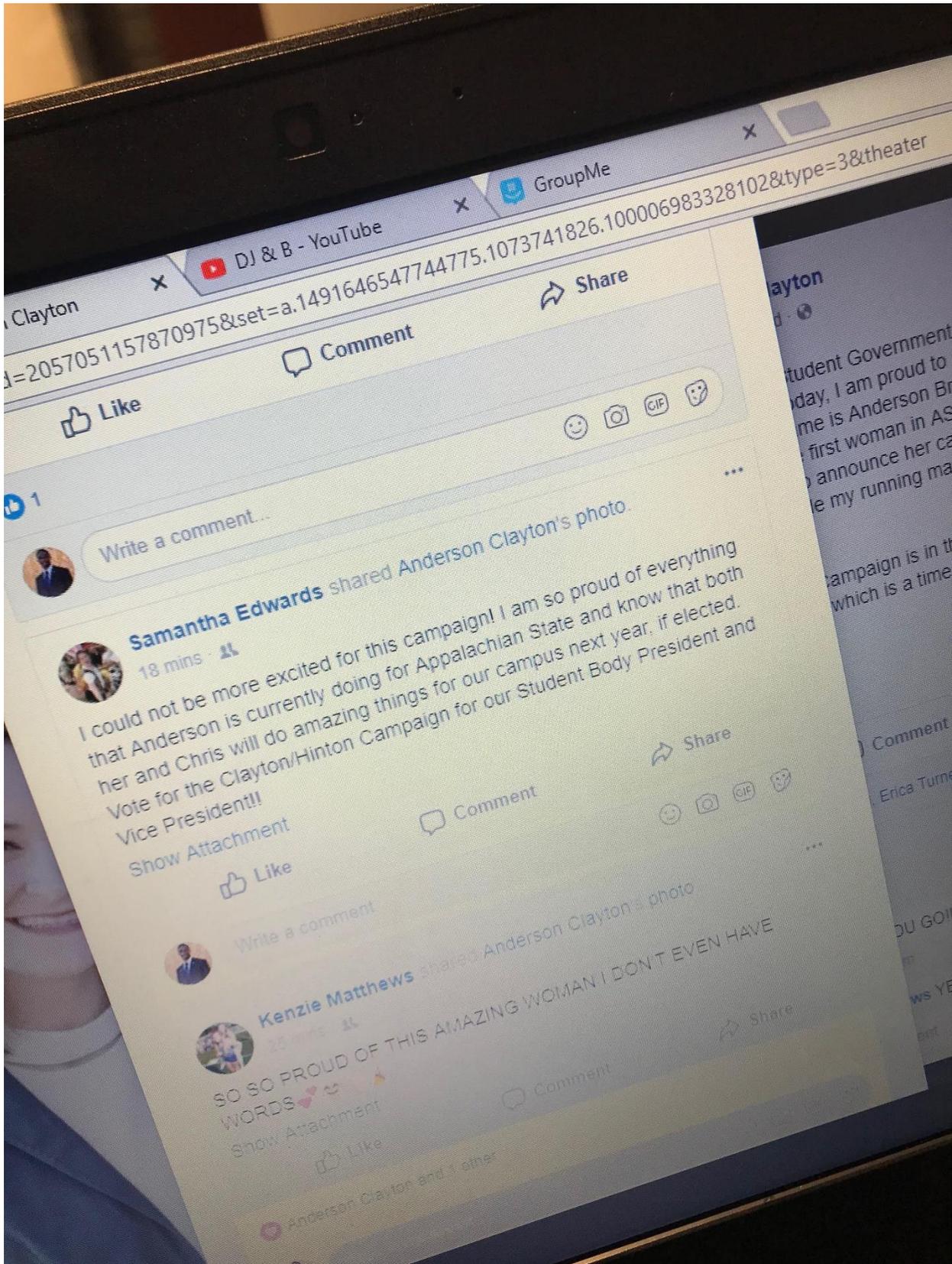
Yes! How are you? And what's the verdict on those pearly whites?

8:47 PM

Good to hear I'm glad you're safe. And I don't know yet I have to have

8:56 PM







Please reach out to me with any questions or concerns. I am always here to respond your inquiries regarding the Court and Elections Policy. The integrity of the Election is crucially important to me and your work in advocating the Rules of the Election is crucially valuable.

All the best,
Walt J Grayson