



# The Campaign Violation Case

## Milbourne Kelly V. Clayton Hinton

Docket Number: E 051-0004

**Presiding:** Chairman Walt Grayson

**Hearing Date:** Wednesday March 21<sup>st</sup>, 2018

**Hearing Time:** 7:30 pm

**Hearing Location:** College of Education 331

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:

Sanctions as observed in Williams V. Clayton Hinton E 051-0001 as seen on website.

### **Article III, Section X, Subsection 1, Campaign Phases I and II**

I. The Declaration 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 candidate may officially declare their candidacy.

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.

III. The Active 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 and their staff share their campaign platforms and materials. Candidates and staff shall be permitted to solicit votes during this time and campaign in ways that comply with all Student Government governing documents, University Policy, the Code of Conduct, and Local, State, and Federal laws.



### **Article III, Section X, Subsection 1, Candidates and Staff VI**

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

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:*

The Clayton Hinton Campaign was sanctioned by the Elections Court and told to suspend campaigning from 9 am to 9 pm on Wednesday. They were provided ample time to take down their materials both tangible and web based but had not done so for web based platforms (Facebook, Instagram, their website) for over an hour after they were supposed to.

6. Witnesses (please list all witnesses you would like to be present at the hearing to testify). Be 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. 051-0004

### **Determination of Responsibility: Responsible**

The Clayton Hinton Campaign was accused by the Milbourne Kelly Campaign of violating Article III, Section 5, Subsection 1, Campaign Phases I, II, and III:

I and II

It was determined by the court that the candidates did not violate the declaration period or the limited campaigning period because these periods were not in consideration. The sanction did not revert the campaigns back into another time period, rather they barred all active campaigning related activities.

III

The Court found the Clayton Hinton in violation of this statute on the grounds that they did violate the active campaign period for the aforementioned reasons. The Court held that Elections Court sanctions are classified as “governing documents”.



Sanction - decision of the Elections Court that the Clinton.Hinton campaign violated the Sanction E 051-0001. The court extensively discussed the quotes from “administrative purposes” section of the rationale that was referenced multiple times by the respondent. It was the decision of the court that the sanction dealt with the active campaign period. The court, based on material facts from the complainant and respondent, determined that the website, Facebook pages, and Instagram account were taken down, by being made private, at 10:29am. The sanctioning period began at 9am, and was to include, “the period of time in which candidates and their staffs share their campaign platforms and materials”. The board views the social media platforms and the graphics as materials and in some cases, platforms.

### **Sanctioning:**

The Court determined that the reach of this violation did not provide the complainant a substantial advantage. The Court also determined that there was no specifically malicious intent. Based on the testimony of Jeremiah Bradshaw, the Court was able to determine that the campaign, while violating the rules, acted in good faith.

The Court did however specify that the violation was of a willful negligence and that based on the testimony of Director of Elections O Shell, that the respondent had over 14 hours since his first instruction to remove materials. O’Shell further testified that his email notification to the respondents included a mandate to take down and make private the social networking and media pages. This combined with the vast campaign experience of a variety of Clayton Hinton members further compounded the willful negligence claim.

The Court considered Candidate Claytons recommendation to extend the Sanction overnight. The Court believes it is important to match the sanction of the original case - since the original sanction was violated. Violating a sanction is an incredibly serve offense regardless of intent or impact. The Court does not want to cripple the Clayton Hinton campaign or hurt voter turnout in any way, but does want to communicate that violating a sanction is incredibly severe. For this reason the Court has opted for the following sanction:

A suspension of Active campaigning to run from 12:01 am March 22nd to 12 pm on March 22nd.

It is important to note that members of the Court were incredibly disappointed with the level of respect exemplified by the Clayton Hinton Counsel Andrew Strahan to members of the Court. Specifically his facial expressions and tone. Members of the Court possess a variety of student judicial experiences - this type of respect and demeanor is highly unusual and exemplifies a contempt for procedure and lack of respect for the Court and members of all involved parties.

The Court would like to thank candidate Clayton for her kind tone, and willingness. We appreciate your compliance and hope that this will be the last time you come before this board.

