



# The Campaign Violation Case

## Milbourne Kelly v. Clayton Hinton

Docket No. E 051-0006

**Presiding:** Chairman Walt Grayson  
**Hearing Date:** Wednesday March 21st, 2018  
**Hearing Time:** 7:30 pm  
**Hearing Location:** App Hall

1. Complainant Name (The Name of the Campaign Filing the Case): Milbourne.Kelly
2. The Date and Time the Complaint is Filed: 03/22/2018, 3:05pm
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:

Article III, Section X, Campaign Phases 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.

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 found responsible for violating sanctions that were imposed upon them that required all active campaigning to be suspended from 9am on 3/21/2018 to 9pm on 3/21/2018. At Elections Court hearings on the evening of 3/22/2018, the Clayton.Hinton campaign was sanctioned to additional suspension of active campaigning from 12:01am on 3/22/2018 to 2:00pm on 3/22/2018. At 12:01am on 3/22/2018, all Clayton.Hinton accounts supposed to be switched to private mode, the website was instructed to be taken down, and all



canvassing was told to cease. However, once the time of required suspension approached, the following campaign materials were still live as of 12:03AM:

- a. The Clayton.Hinton website, <http://www.claytonhinton2018.com> (see attached documentation)
  - b. The Clayton.Hinton Instagram Account, with a link that directed users to vote (see attached documentation)
6. Witnesses (please list all witnesses you would like to be present at the hearing to testify). Be sure to include their email addresses: Not applicable
  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, Jared Mark
  8. Availability (*please provide your campaigns broad availability over the next 72 hours*): All evening on 3/22/2018
  9. Additional Comments: Not applicable
  10. Once you have completed this form, have an EAB member that is assigned to your team sign off. If you filled out number 4 on this form they are required per the Bylaws to sign off. If they consent to signing, you may write that they agreed to sign on the form without having their physical signature. Once you have received their signature and the form is complete email to Walt Grayson (Elections Court Chair) at [graysonwj@appstate.edu](mailto:graysonwj@appstate.edu).
  11. You will receive an update within 24 hours of your email regarding the hearing.

Cassidy Chamber verified at 4:11 pm March 22<sup>nd</sup>.

## Rationale: Milbourne Kelly v. Clayton Hinton - No. 051-0006

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

The Milbourne Kelly Campaign accused the Clayton Hinton Campaign of violating the aforementioned statutes.

### **Sanctioning Determination:**

The Court believes that the Clayton Hinton campaign was willfully negligent in not taking their website down by the 12:01 am. They cited technical issues posed by the logistics with the roughly two hour



period following the sanction and the violation. The Court does not believe the preponderance of the evidence supports an advantage to the Clayton Hinton Campaign from this violation.

While this violation is the Clayton Hinton campaigns second violation of this statute, the Court considered the testimony of the respondent in regards to the logistical issues posed by the timing of the verdict and the sanctioning period. The respondent provided a detailed timeline of events regarding this frame of time - roughly 10 pm to 12 pm which provided the Court preponderance of the evidence to believe the Clayton Hinton campaign acted in good faith.

The Court would like to note that the violation of multiple sanctions exemplifies a contempt for rules and procedure on behalf of the Clayton Hinton Campaign.

For this reason the Court has issued the following sanction:

A Suspension of the website - claytonhinton2018.com - starting at 9:30 pm March 22nd, 2018 and ending at noon on March 23rd, 2018.

A private statement from Campaign to members of this board on the importance of Rules and Procedure and the role that they play in maintain a fair and equitable society.

The removal of Jeremiah Bradshaw from all Clayton Hinton Campaign Staff sheets for the Spring 2018 Election

The Board chose the removal of Jeremiah due to his role in these violations. The board hopes the statement will provide the Clayton Hinton a time to reflect on the important of rules and procedure. The removal of the Website will hopefully prevent future violations.