



The Campaign Violation Case Milbourne Kelly v. Clayton Hinton

Docket No. E-051-0007

Presiding: Walt J. Grayson

Hearing Time: 9:00 pm

Hearing Location: App Hall 085

Hearing Date: March 22nd, 2018

1. Complainant Name (The Name of the Campaign Filing the Case): Milbourne. Kelly
2. The Date and Time the Complaint is Filed: 3/22/2018, 3:25pm
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:
 - a. **Article III Section X Subsection I: I.** All individuals assisting a campaign or candidate in any capacity, with exception to simply voting, are considered “campaign staff” and shall sign the “Campaign Staff and Committed Endorsers Form”
 - b. **III.** All candidates are liable for the conduct of their campaign staff and shall ensure that all staff comply with Elections rules. Candidates will be held responsible for the actions of their staff or other supporters who act on behalf of, or in support of a campaign.
 - c. **IV.** 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
 - d. **VI.** Candidates and Campaign staff shall comply with all Student Government Governing Documents, University
 - e. **Article III Section X Subsection I: 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:* This photo (attached) used by the Clayton Hinton campaign was taken on February 26th, 2018. Within the photo it was also determined that two of the individuals were not appropriately documented as a part of the campaign team at the time the photo was taken; those individuals being Samantha Edwards, who was determined to not be added until around March 11th, and Tomiwa Olufolabi, not added until a later unknown date. The picture was taken in purpose of being used as promotional campaign material for the Clayton Hinton Presidential and Vice Presidential ticket. That being said, all individuals involved with said photo, whether it be in front of or behind the camera, are aiding in the process of campaigning for the Clayton Hinton ticket and thus these members must be documented as campaign staff for Clayton Hinton as they are working under support of said ticket. This evidence shows that there is blatant violation of the above articles of the Election Bylaws.
6. Witnesses (please list all witnesses you would like to be present at the hearing to testify). De 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 and 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

Verified by Cassidy Chambers on March 22nd, 2018 at 4:11 pm.

Rationale: Milbourne Kelly v. Clayton Hinton - No. 051-0007

Determination of Responsibility: *Not Responsible*

The Clayton Hinton Campaign accused the Milbourne Kelly Campaign of violating Article III, Section X, Subsection 1, and Campaign Phases III.

I. All individuals assisting a campaign or candidate in any capacity, with exception to simply voting, are considered "campaign staff" and shall sign the "Campaign Staff and Committed Endorsers Form"



Not in violation - The Court held that there was no specific statute of limitations that applied to this provision and that the Campaign did not receive the form until March 15th. Further, there was no provision on the form for staff members to insert the time they signed and became a staff member.

III. All candidates are liable for the conduct of their campaign staff and shall ensure that all staff comply with Elections rules. Candidates will be held responsible for the actions of their staff or other supporters who act on behalf of, or in support of a campaign.

Not in violation - The Court held that at the time this violation to place the individuals in question were not on the campaign staff of Clayton Hinton.

IV. 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.

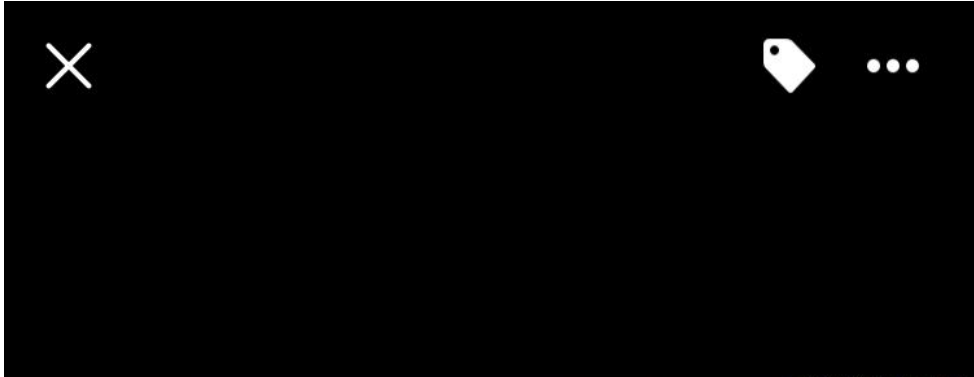
Not in Violation - This provision does not contain a statute of limitations, and therefore the candidates were operating within the bylaws.

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.

Not in violation - The Court was unable to cite a statute or law that the respondent violated based on the testimony and evidence submitted.

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.

Not in violation - The Court held the individuals in this case did not solicit votes or student feedback based on the evidence and testimony cited.



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