



The Campaign Violation Case  
Clayton Hinton v. Milbourne Kelly

Docket No. E-051-0008

Presiding: Walt J. Grayson  
Hearing Time: 10:30 pm  
Hearing Location: App Hall 085  
Hearing Date: March 22nd, 2018

## CASE WITHDRAWN DURING HEARING

1. Complainant Name (The Name of the Campaign Filing the Case): Clayton. Hinton
2. The Date and Time the Complaint is Filed: March 22, 2018 | 4:00PM
3. The Name of the Campaign (*or campaign with which individuals are affiliated*) that violated the rule(s): Milbourne. Kelly
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, 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 Presidential and Vice-Presidential Elections Authorization Act of 2017, fifth resolved clause**

“RESOLVED, the Limited Campaigning Period shall commence on the twenty-eighth day of February, year two thousand and eighteen and conclude at noon on the fourteenth day of March, year two thousand and eighteen; and be it further,”

### **Article IV, Section XV, 1, a.**

Campaign Material: Electronic and physical material used to promote nominees and otherwise garner votes for an election.

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:*



On February 27<sup>th</sup>, 2018, a video was published featuring Dejon McCoy-Milbourne and Brigitte Kelly asking and answering various questions posed by one another. Throughout the video, the song “A New Beginning” by David Hyde was playing in the background. The song has a positive connotation which would be capable of eliciting a positive response from a viewer.

Some of the questions and answers from the video were as follows:

Milbourne: “what would the name of your auto-biography be?”

Kelly: “Thumbs Up” \*does a double thumbs up\*

Milbourne: “How do you define you?”

Kelly: “The moment when someone loses, like, their thought process and they get consumed in what they love to do”

Milbourne: “Why did you choose App?”

Kelly: “I didn’t originally choose app, I think app chose me and ended up teaching me that I needed to be here.”

Milbourne: “How would you describe yourself?”

Kelly: “Passionate, energetic, and loud.”

Kelly: “How would you describe yourself?”

Milbourne: “Passionate, hardworking, and loving.”

Kelly: “What would the title of your autobiography be?”

Milbourne: “He Gave His All”

The questions and responses show a clear intent to promote the nominees. Both Kelly and Milbourne posted the video on Facebook with the caption, “DeJon Milbourne and Bigitte Claire Kelly, your candidates for President and Vice President of SGA.” That statement of their candidacy combined with the promotional aspect of the video display a clear intent to promote the nominees and otherwise solicit votes for the election. The video itself has received at least 447 views as of 3:11pm on 3/22/2018

Furthermore the video was published on the popular video sharing site, youtube.com (which has an estimated 1 billion active users) on February 27<sup>th</sup>, 2018 which was the day before limited campaigning had even begun, therefore constituting a violation of the limited campaigning dates.

The video and accompanied Facebook posts are a direct violation of limited campaigning because they constitute Campaign Materials as defined by the Elections Bylaws.” They “promote nominees (Milbourne and Kelly) and otherwise solicit votes” The video does not “solicit feedback from students and organizations” which is the only activity that limited campaigning strictly allows.



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: Arthur Lee Franklin, III and Nicholas Vachel Rubio Williams
8. Availability (*please provide your campaigns broad availability over the next 72 hours*): We will be in attendance at the March 22<sup>nd</sup> Elections Court meeting
9. Additional Comments: None
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.

## CASE WITHDRAWN DURING HEARING

The image is a screenshot of a YouTube video player. The main video shows a man in a dark suit and blue tie, identified as DJ & B, standing in what appears to be a courtroom or a formal hearing room. The video has 444 views and 10 likes. The video is titled "DJ & B" and was published by DeJon McCoy-Milbourne on Feb 27, 2018. The music is identified as "A New Beginning" by David Hyde. To the right of the video player is a "Up next" section with several video recommendations, including "Chase Goehring: Original Rapper Gets DJ Khaled's", "Weekend Update on IHOP's Apology - SNL", "Bill Hader's 'SNL' Monologue Came Together At The Last", "Girlfriends Game Night - SNL", "Jim Carrey Sketch ENRAGES Conservatives", "Undercover Office Potty - SNL", and "Jurassic Park Auditions - SNL".



**Brigitte Claire Kelly**

February 28 at 1:27pm · 🌐



DeJon Milbourne and Brigitte Claire Kelly, your candidates for President and Vice President of SGA.



**DJ & B**

The music is "A New Beginning" by David Hyde

YOUTUBE.COM



Like



Comment



Share



Joe Wilkes, Jalyn A. Howard and 11 others

17 Shares



Write a comment...

