

2020-2021 SGA Elections – Journal of Election Complaints Received

Complaint No. 90-01

Date Alleged Violation Occurred: 2/18/2020 Time: 5:15pm

Location: On Instagram

Names of Suspected Violator(s): Takia Tinsley

Suspected Violation: Takia Tinsley posted a picture of candidate Audrey Abraham, a speaker of the senate candidate, on to his Instagram Account without the proper approval of his party. In addition, he has posted a picture of his campaign photo with a different caption than what was approved by the Vice Chair of Marketing. This violates Section 5 part (D) of the Election Code and Article 4 Section 3 Part C respectively.

Complaint Filed by: Terry Fye

Hearing date: 2/26/20 Time: 7:05pm

Determination of hearing: Found responsible for Class C violation.

Reason: Candidate was aware of promotion

Sanction: Suspended from campaigning for 48 hours effective 7:05pm 2/26/20 to 7:05pm 2/28/20

Complaint No. 90-02

Date Alleged Violation Occurred: 2/18/2020

Time: 5:00pm

Location: On Instagram

Names of Suspected Violator(s): Audrey Abraham

Suspected Violation: Audrey Abraham posted a picture of candidate Takia Tinsley, an Executive Vice President candidate, on to her Instagram Account without the proper approval of this party. This violates Section 5 part (D) of the Election Code

Complaint Filed by: Terry Fye

Hearing date: 2/21/20 Time: p.m

Determination of hearing: Found not responsible .

Reason: Candidate was not aware of promotion

Sanction: None

Complaint No. 90-03

Date Alleged Violation Occurred: 2/17/2020

Time: 11:02pm

Location: On PIN

Names of Suspected Violator(s): Nigel Walton

Suspected Violation: Complainer raised concerns over what appeared to be collusion between Nigel Walton and Takia Tinsley regarding the endorsement form submitted by Mr. Tinsley on behalf of Phi Beta Sigma Fraternity Inc. Mr. Tinsley is a candidate running for EVP and this may be a breach in the election code (Article 6 section C +Section 2 G (Interfering as a supporter in his org), Article 5 section E (Submitting an endorsement form on behalf of his student Org). Under the current election code's definition of campaigning found in Article 4- Section 1 A Campaigning is defined as "any activity by a candidate or party that is intended or likely to encourage or discourage a voter to cast a vote, or to affect how a student votes." / B Campaigning is defined as "any activity by a candidate or party that is intended or likely to encourage or discourage a voter to cast a vote, or to affect how a student votes."

Complainer accused Mr. Walton of pre-campaigned to an org that Mr. Tinsley was a part of and stated that Mr. Tinsley simply did not recuse himself when submitting the form.

Complaint Filed by: Terry Fye

Hearing date: 2/28/20 Time: p.m.

Determination of hearing: Found not responsible.

Reason: Candidate was not aware of any vote taking place

Sanction: None

Complaint No. 90-04

Date Alleged Violation Occurred: 02/26/2020 Time: 5:00 pm Location: Patton Hall

Names of Suspected Violator(s): Kaelan Thomas

Suspected Violation: Complainer raised concerns about Speaker Thomas's flyer being found in Patton Hall. He was notified of a text that read: "Hey Nigel. I received this flyer in my mailbox in Patton Hall (you know I'm an RA here, so we get various flyers to post on our halls). I was wondering why we didn't receive any other flyers for anyone else who is running for an SGA office position...." This seems to violate Article 4 Campaign Practices and Section 2

Complaint Filed by: Nigel Walton

Hearing date: 3/3/20 Time: p.m.

Determination of hearing: Found not responsible.

Reason: Not a violation

Sanction: None

Complaint No. 90-05

Date Alleged Violation Occurred: 02/18/2020

Time: “in afternoon”

Location: Instagram

Names of Suspected Violator(s): Nigel Walton and Briana Bailey

Suspected Violation: Complainer reported the “posting and reposting of other candidates. Nigel Walton and Briana Bailey”. This potentially violates the election code “Section 4 – Qualifications of a Party Section C.”

Complaint Filed by: Fabiha Rahman

Status: Nigel Walton was not found in violation

Complaint No. 90-06

Date Alleged Violation Occurred: 2/27/2020

Time: “during the Atlanta SGA Meeting on February 27, 2020”

Location: SCW 460/462

Names of Suspected Violator: Kaelan Thomas

Suspected Violation: Complainer reported that “Speaker Kaelan Thomas decided to chair a meeting that involved legislation to the effect that would involve an investigation committee into EVP candidate Takia Tinsley and myself, Presidential candidate Nigel Walton. He arrived late, when he then took the chair from Speaker Pro Tempore Terry Fye. From then on, he made decisions according to the legislation instead of recusing himself. Secondly, he then allowed for his campaign manager to speak. His campaign manager, Ira Livnat is not a part of the body of the Atlanta Senate, therefore he cannot speak.”

Complaint Filed by: Nigel Walton

Hearing date: 3/3/20 Time: p.m.

Determination of hearing: Found not responsible.

Reason: Not a violation

Sanction: None

Complaint No. 90-07

Date Alleged Violation Occurred: 3/2/2020

Time: 2:24

Location: On Instagram

Names of Suspected Violator(s): Nia Cole

Suspected Violation: Complainer reported "Nia Cole posted an unapproved campaign flyer to her personal page at 2:24pm. Vice Chair of Marketing did not approve the material, and this is a Class C violation"

Complaint Filed by: Terry Fye

Hearing date: 3/5/20 Time: 2:00p.m

Determination of hearing: Found responsible for Class C violation.

Reason: Candidate was aware of promotion

Sanction: Suspended from campaigning for 48 hours effective 4:00pm 3/5/20 to 4:00pm 3/7/20

Complaint No. 90-08

Date Alleged Violation Occurred: 3/3/2020 Time: 9:00 AM Location: On Instagram

Names of Suspected Violator(s): Nigel Walton

Suspected Violation: Complainer reported "Nigel was endorsed by Collegiate 100 Atlanta Chapter. Not sure if the endorsement was officially approved by the Election Commission"

Complaint Filed by: John Le

Hearing date: 3/11/20 Time: 11:00 a.m.

Determination of hearing: Found not responsible

Reason: Candidate was unaware of promotion

Sanction: None

Complaint No. 90-09

Date Alleged Violation Occurred: 3/12/2020 Time: 12:15 Location: Student Center West room 486

Names of Suspected Violator(s): Kaelen Thomas

Suspected Violation: Complainer reported "Ira Livnat came into the Hillel room campaigning for Kaelen Thomas"

Complaint Filed by: Isabella Potash

Hearing date: 3/12/20 Time: 8:32 p.m.

Determination of hearing: Found responsible for Class C violation.

Reason: The Presidential Commissioner found the violation did occur as there is no campaigning in the Student Center West according to Article 4 Section 2 E.

Sanction: Suspended from campaigning for 48 hours effective 8:35pm 3/30/20 to 5:25 pm 4/1/20

Appeal Denied: 4/1/2020

Complaint No. 90-10

Date Alleged Violation Occurred: 3/16/2020 Time: 2:15 Location: Instagram

Names of Suspected Violator(s): Kaelen Thomas

Suspected Violation: Complainer reported "Kaelen Thomas posted an email on Instagram regarding the Presidential run-off election"

Complaint Filed by: Chelsey Snell

Hearing date: 3/30/20 Time: 8:59 a.m.

Determination of hearing: Found responsible for Class C violation.

Reason: Campaigning during Spring Break and before run-off orientation.

Sanction: Suspended from campaigning from 5:25 p.m. 4/1/2020 to 5:25 p.m. 4/3/2020

Appeal Denied: 4/1/2020

An appeal request was made by Nigel Walton on the margin for a run-off election on 3/23/2020.

Appeal Denied: 4/1/2020

Complaint No. 90-11

Date Alleged Violation Occurred: 3/24/2020 Time: 10:23 Location: LinkedIn

Names of Suspected Violator(s): Nigel Walton

Suspected Violation: Complainer reported "Presidential candidate Nigel Walton was seen pre-campaigning on his personal LinkedIn account by posting campaign materials."

Complaint Filed by: Kaelen Thomas

Hearing date: 3/30/20 Time: 7:21 p.m.

Determination of hearing: Found responsible for Class C violation.

Reason: Campaigning during Spring Break and before run-off orientation.

Sanction: Suspended from campaigning from 8:35 p.m. 3/30/2020 to 8:35 p.m. 4/1/2020

Complaint No. 90-12

Date Alleged Violation Occurred: 2/18/2020 Time: 7:41 Location: Instagram

Names of Suspected Violator(s): Nigel Walton

Suspected Violation: Complainer reported "Current SGA Senator Eugene Mafah publicly endorsed Presidential Candidate Nigel Walton on his personal Instagram account."

Complaint Filed by: Kaelen Thomas

Hearing date: 3/30/20 Time: p.m.

Determination of hearing: Found not responsible.

Reason: Candidate was unaware of promotion.

Sanction: None

Complaint No. 90-13

Date Alleged Violation Occurred: 02/26/2020

Time: "in afternoon"

Location: Instagram

Names of Suspected Violator(s): Briana Bailey

Suspected Violation: Complainer reported the “Candidate posting other candidates not allowed to be in a party with. Briana Bailey.”

Complaint Filed by: Audrey Abraham

Status: Complaint was submitted on March 27th 2020 after the deadline for the general election. The ATL Election Commission ruled to deny this complaint.

Complaint No. 90-14

Date Alleged Violation Occurred: 02/18/2020 Complaint was submitted on March 27th 2020 after the deadline for the general election. The ATL Election Commission ruled to deny this complaint. Time: “in afternoon”

Location: Instagram

Names of Suspected Violator(s): Briana Bailey

Suspected Violation: Complainer reported “There were candidates that were posting each other candidates that were not party eligible. Nigel Walton and Briana Bailey”

Complaint Filed by: Audrey Abraham

Status: Complaint was submitted on March 27th 2020 after the deadline for the general election. The ATL Election Commission ruled to deny this complaint.

Complaint No. 90-15

Date Alleged Violation Occurred: 3/30/2020 Time: After 7:11 p.m. Location: Group Me

Names of Suspected Violator(s): Nigel Walton

Suspected Violation: Complainer reported “In Presidential Candidate Nigel Walton's Campaign GroupMe titled #WaltonfortheWin, after receiving an email from the Election Commission to disclose all members of his campaign, Nigel Walton wrote Also I have to provide names.... I'm not giving them everyone's tho. Article 12 Section, 2 of the SGA Election Code, reads a Class A violation is any violation of the Student Code of Conduct and/or local, state, and/or federal laws; Election Fraud (knowingly participating in deceptive campaign activities, defined as the unauthorized tampering, altering, or abuse of the voting process; falsified campaign

documents; identity theft). Nigel Walton conspired to defraud the election commission of the information they asked for and knowingly falsified campaign documents.”

Complaint Filed by: Kaelen Thomas

Hearing date/time: 4/3/20

Determination: After much deliberation, Mr. Walton was found in violation of a Class A offense.

Reason: Article 12 Section, 2 of the SGA Election Code, reads a “Class A: Election Fraud (*knowingly participating in deceptive campaign activities, defined as the unauthorized tampering, altering, or abuse of the voting process; falsified campaign documents; identity theft*). Nigel Walton conspired to defraud the election commission of the information they asked for and falsified campaign documents.

Sanction: With this violation, the EC is hereby disqualifying Mr. Walton from the Run-off election.

Appeal Requested: 4/3/2020

Appeal denied by SJB on 4/3/2020

Complaint No. 90-16

Date Alleged Violation Occurred: 3/16/2020 Time: 1:34p.m. Location: Instagram

Names of Suspected Violator(s): Nigel Walton

Suspected Violation: Complainer reported “After the results of the election that took place on March 10-12, Presidential candidate Nigel Walton sought previous Presidential candidate Carlos Porter's support for the upcoming Runoff election. However, this support did not stop at just endorsing Nigel Walton's campaign. In the first screenshot, Nigel Walton says to Carlos Porter, I also will be creating a pseudo-cabinet that will work directly with me to address issues on campus. Will you join me? Not only is there no such thing as a pseudo-cabinet in the SGA Constitution or Bylaws, but this message was also a blatant attempt to bribe Carlos Porter to join his campaign with the promise of working directly with him in the next administration. Title VIII, Article 3, Section 2, subsection B of the Election Code states that all candidates are held accountable to the provisions of this code, SGA Constitution and Bylaws, and all other University policies. However, the burden of proof of violation must always entail a mens rea component, meaning accusers must prove a candidate or party knowingly or

purposely set out to breach the laws herein, and that they had the intention or knowledge of wrongdoing that constitutes part of a violation. Presidential candidate Nigel Walton has violated the Code of Ethics found under Article 4 of the SGA Constitution by attempting to bribe Carlos Porter to join his campaign to help him win an election. Below are the specific points within the Code of Ethics that Nigel Walton has violated. • I am prohibited from using their office or SGA funds for private gain, other than payments or reimbursements authorized by the SGA Advisor Committee on the Student Fee; • I will act impartially and not give preferential treatment to any private organization, public organization, or individual; • I will strive to avoid actions which would create the appearance of a conflict of interest or preferential treatment;”

Complaint Filed by: Kaelen Thomas

Hearing date/time: 4/3/20

Determination: After much deliberation, Mr. Walton was found in violation of a Class A offense.

Reason: It is the determination of the EC that Mr. Walton offered an intangible seat on this Psuedo-Cabinet in exchange for votes from the Perimeter Campuses specifically the Newton Campus. This is a clear violation of subsection D” In the Election Code, Article 6 – Campaign Ethics D says, “*No person shall offer anything tangible or intangible of value or make any physical, emotional, or verbal threats to any voter to affect the student’s vote. The term “anything tangible of value” is up to the discretion of the Student Judicial Board*”. and falls under CLASS A: “Election Fraud (knowingly participating in deceptive campaign activities, " defined as the **unauthorized tampering** (tampering as defined as **to carry on underhand or improper negotiations (as by bribery¹)** altering, or abuse of the voting process; falsified campaign documents; identity theft).”

Sanction: With this violation, the EC is hereby disqualifying Mr. Walton from the Run-off election.

Appeal Requested: 4/3/2020

Appeal Denied: 4/3/2020

Complaint No. 90-17

Date Alleged Violation Occurred: 04/02/2020 Time: 12:03pm Location: Lunchroom Groupme

Names of Suspected Violator(s): Kaelan Thomas

Suspected Violation: Complainer stated "Kaelen Thomas was campaigning in the lunchroom GroupMe while suspended from campaigning until April 3rd"

Complaint Filed by Tyshawn Tucker

Hearing date/time:

Determination:

Reason:

- Monday, March 30 at 8:59 AM. The election commission found that Mr. Thomas committed a Class C violation and charged him with a 2nd Class C violation. The commission charged Mr. Thomas with a Class B violation and prohibited campaigning for 92 hours even during the appeal process. The Election Commission later rescinded this statement at 6:48pm on Wednesday 4/1/20 to allow campaigning during the appeal process.
- On Wed 4/1/2020 Kaelan Thomas submitted an appeal to the Election Commission's decision to "sanction Mr. Thomas from 5:25 p.m. 4/1/2020 to 5:25 p.m. 4/3/2020" for a class B violation (from two previous C violations) to the SJB. The SJB found on Wed 4/1/2020 9:06 PM that Mr. Thomas was indeed responsible for the offense however the Election Commission mistakenly gave Mr. Thomas a Class B violation when he only deserved a Class C violation of only 48hrs. This is because *three* class C violation makes a class B, not *two*.
- Mr. Thomas then made it aware that as of 9:06 PM he had been served (without campaigning) 46 hours of his suspension and inquired about when his suspension would be over.
- The SJB turned this question to the Election Commission who, upon realization of this error, informed Mr. Thomas that his campaign would be allowed to continue at the end of his sentence at 11:22pm. As early as 9:45am Mr. Thomas was directed to campaign.
- Mr. Boyd Beckwith inquired as to whether both Class C offenses were to still stand since the SJB accepted both Class C violations as valid. Confusion arose between members of the commission as to whether he had served both terms After a meeting on 4/3/20 the Election Commission discovered that because both infractions were still valid Mr. Thomas served only one of the Class C violations. Mr. Thomas was given clear directive to go forward and campaign by the election commission and as such it is the decision by the Election Commission to not find Mr. Thomas responsible for this violation.

Complaint No. 90-18

Date Alleged Violation Occurred: 04/01/2020 Time: "In the evening" Location: Group messages

Names of Suspected Violator(s): Kaelan Thomas

Suspected Violation: Complainer stated, "Thomas neglected to inform the board of all his campaign members, including having his link sent to multiple group chats among Georgia State students."

Complaint Filed by: Makeeda Winkle

Determination: The Election Commission has determined through this investigation to rule this complaint as inconclusive due to lack of evidence and clarity from the complainant.

Reason:

On Saturday April 4th at 4:51pm the Chief Election Commissioner commented on the Election Complaint in PIN asking for clarification and evidence. There has been no response as of 4/8/20 at the time of writing. In addition to the request in PIN for more information an email was sent to the individual who submitted the complaint on Monday 4/6/20 at 2:51 p.m. to follow up for investigation. No response was received. The election commission gave ample time for response and delayed announcement of the results until after the investigation was thoroughly completed.
