

## Complaint #26-19

**Petitioner(s):** Aniyah Hubbard

**Respondent(s):** Joshua Sambrano and Lundan Sherrod

**The following allegations were filed March 3, 2026, 10:30 AM:**

- **Article 4, Section 2, Clause 12:** Campaigners cannot offer anything of monetary value to a voter on the condition that the voter casts a vote for said campaigner or said campaigner's team. Anything given to voters by candidates must be unconditional in nature. (a) Any campaign giveaway must be publicly disclosed as open to voting, even if the individual is not voting for that specific candidate.
- **Article 6, Section 2:** "All donations, both tangible and intangible must be disclosed and counted as part of their expenditures. All non-financial contributions/donations must be assessed at a fair market value."
- **Article 4, Section 2, Clause 1:** All campaigning is subject to the authority of the entities or individuals that have jurisdiction over the location where campaigning occurs and to the University of Houston Student Code of Conduct. If any complaint is filed concerning whether campaigning in a certain building is permissible, the filer must prove that a prohibition on campaigning within said building is (1) in writing and (2) well communicated to students/candidates before the alleged violation took place.

**Decision [03/05/26]:** Petitioner's complaint **HAS MERIT** in part and **DOES NOT HAVE MERIT** in part.

**Conclusion:**

- **Distribution of Snacks:** While the distribution of snacks (donuts and chips) occurred alongside campaigning, there is insufficient evidence to prove the items were given on the *condition* of a vote. Per Article 4, Section 2, Clause 12, such items are permissible if they are unconditional.
- **Unauthorized Tabling:** Evidence confirms the campaign set up a stationary display (table, chairs, and tent) in a public area without a confirmed reservation from the University. This violates Article 4, Section 2, Clause 1, as all campaigning must follow the jurisdiction and space-usage policies of the location.

**Sanction: Class C Violation.** Due to the combined nature of the reporting failure, the unauthorized stationary setup, and having more than one Class C violation on record, the campaign is issued a **12-hour suspension** from all campaigning activities.

## **Appeals:**

### STATEMENT OF DEFENSE

Re: Complaints #26-17, #26-19, #26-20, and #26-21

#### I. Introduction

This Statement of Defense responds to the four complaints issued by the Election Commission.

The campaign accepts the Commission's determinations where supported by the Election Code

and respectfully challenges those that are not. In particular, this document moves for the dismissal of Complaint #26-20 due to a complete lack of evidence and objects to the

Commissioner's extra-textual assertion that "any further violations will result in disqualification," which is not authorized by the Election Code.

#### II. Responses to Individual Complaints

##### A. Complaint #26-17 — Negative Campaigning

Commissioner's Decision: NO MERIT

The Commission correctly determined that the statements at issue constitute rhetorical critiques of prior administrations rather than prohibited personal attacks. Article 4, Section 1, Clause 6

prohibits negative campaigning defined as personal attacks on candidates, not criticism of institutional performance. The dismissal is accepted.

##### A. Complaint #26-17 — Negative Campaigning

Commissioner's Decision: NO MERIT

The Commission correctly determined that the statements at issue constitute rhetorical critiques

of prior administrations rather than prohibited personal attacks. Article 4, Section 1, Clause 6 prohibits negative campaigning defined as personal attacks on candidates, not criticism of institutional performance. The dismissal is accepted.

Defense Position:

1. The definition of "negative campaigning" in the Election Code is unclear and lacks precise boundaries, creating ambiguity about what constitutes prohibited conduct. This vagueness opens the door for arbitrary or selective enforcement, undermining fairness and consistency in application.

2. The Commission has previously accepted the campaign's use of similar rhetoric without classifying it as negative campaigning, establishing a precedent and implied waiver of objection. This prior acceptance should bar the Commission from changing its interpretation mid-election to retroactively penalize the campaign.

3. Selective enforcement of the "negative campaigning" standard against this campaign, while ignoring comparable rhetoric from others, constitutes unequal treatment and violates principles of fairness and equal protection under the Election Code.

4. For procedural fairness, the Commission should be barred from altering its interpretation or enforcement of "negative campaigning" definitions during the election cycle. Consistency is essential to ensure all candidates are treated equally and to prevent arbitrary sanctions.

5. Accordingly, the campaign respectfully requests that the Commission uphold the dismissal of Complaint #26-17 and reject any attempts to reinterpret or selectively enforce the negative campaigning provisions against the campaign.

B. Complaint #26-19 — Unauthorized Distribution of Snacks / Tabling

Approval

Commissioner's Decision: NO MERIT regarding snacks; MERIT regarding failure to submit a tabling request.

The Commission correctly found no evidence of conditional incentives in violation of Article 4, Section 2, Clause 12, which states: "Anything given to voters by candidates must be unconditional in nature." The campaign accepts responsibility for the administrative oversight regarding the tabling request at Butler Plaza.

C. Complaint #26-20 — Campaign Time Restriction

Commissioner's Decision: HAS MERIT

Defense Position: Motion to Dismiss for Lack of Evidence

1. The Election Code requires intentional solicitation of votes to constitute campaigning.

Article 4, Section 1, Clause 1 defines campaigning as “the intentional direct or indirect solicitation of votes, the purposeful bolstering of one’s personal brand and/or name... with the purpose of affecting the election outcome.” The video provided shows no solicitation of votes, interaction with voters, distribution of materials, campaign apparel, or any conduct meeting this definition. It merely shows an individual stating he was awake at 6:00 A.M., which does not constitute campaigning.

2. The Commission’s conclusion is based on inference, not evidence.

The Code requires explicit evidence, defined in Article 4, Section 1, Clause 7 as “physical proof of the activity.” To prove a 6:00 A.M. violation, the Commission would need timestamped evidence of actual campaigning at that time. No such evidence exists.

3. The Commission’s interpretation expands the Code beyond its text.

The Election Code does not authorize inferring campaigning from unrelated statements or treating “being awake” as a violation. The finding is therefore ultra vires and must be dismissed.

4. Requested Remedy

Complaint #26-20 should be dismissed in full for lack of evidence.

D. Complaint #26-21 — Interference with Voting Process

Commissioner’s Decision: NO MERIT

The Commission correctly found insufficient evidence of prohibited assistance under Article 5, Clause 9, which states: “No candidate shall assist a voter... other than by providing instructions on how to access the online ballot page.” The dismissal is accepted.

III. Objection to Unauthorized Threat of

Disqualification

The Commissioner’s closing statement asserts: “Any further violations will result in disqualification.” This statement is not authorized by the Election Code and must be withdrawn.

1. Disqualification is permitted only for Class A or Class D violations.

Article 7, Section 2 and the Violations Table specify that Class A violations result in immediate disqualification and Class D violations result in disqualification for campaigning during a suspension. No other violation category carries disqualification as a possible sanction.

2. Class B and Class C violations do not escalate to disqualification.

Class B violations may escalate to Class A only when the underlying conduct fits the definition of a Class A violation (fraud, threats, falsification, etc.). Administrative or procedural issues cannot become Class A violations.

3. The Commissioner cannot create new penalties.

The Election Code's penalty structure is exhaustive. The Commissioner has no authority to predetermine sanctions for hypothetical future conduct or impose disqualification outside the Code's enumerated categories.

4. The statement violates due process.

Penalties must be tied to a specific complaint, supported by evidence, and classified according to the Code. A blanket threat of disqualification prejudices future cases and undermines procedural fairness.

Requested Remedy

The Commission should:

- Withdraw the statement that any further violation will result in disqualification.
- Affirm that all future penalties will be imposed strictly in accordance with the Election

Code's classification and escalation provisions.

IV. Conclusion

The campaign accepts the Commission's determinations in Complaints #26-17, #26-19 (snacks), and #26-21, and accepts responsibility for the administrative oversight in Complaint #26-19 (tabling). The campaign respectfully moves for the dismissal of Complaint #26-20 due to a complete lack of evidence and objects to the Commissioner's unauthorized threat of disqualification. This defense is submitted in good faith and in full reliance on the Election Code's text, evidentiary standards, and procedural requirements

**Judiciaries decision:** Accepts the ruling

**Zainab Khimji**

Election Commissioner



