

Complaint #26-08

Petitioner(s): Yhoalibeth Guerrero Becerril

Respondent(s): Joshua Sembrano and Lundan Sherrod

The following allegations were filed Feb 16, 2026, 3:58 PM:

- **Article 4, Section 2, Clause 13:** Campaigning within the walls or within fifteen (15) feet from the entrances of University of Houston recreation and wellness centers (specifically the RAD) is prohibited.
- **Article 4, Section 1, Clause 2:** Defines active campaigning as an attempt to obtain votes through personal communication or contact.

Decision [02/18/26]: Petitioner's complaint **DOES NOT HAVE MERIT** and the initial ruling is **REVERSED**.

Conclusion: The Election Commission acknowledged the allegation that candidates were observed engaging in campaign-related activities inside the RAD Center on February 16, 2026. However, upon a thorough review of the submitted evidence packet, the Judiciary finds that the provided photograph only depicts the candidates standing outside the facility, in an area where campaigning is generally permitted.

Sanction: None. The previous Class B violation that resulted in a 24 hour suspension is hereby overturned and removed from the respondents' record.



Appeal:

STATEMENT OF DEFENSE

Submitted by: Joshua Sambrano & Lundan Sherrod Pursuant to Article 7, Section 1, Clause 8 of the SGA Bylaws (January 2026)

I. INTRODUCTION

This Statement of Defense is submitted in response to the Election Commission's allegations dated February 17, 2026. The Commission's findings rely on evidence that is incomplete, misinterpreted, and legally insufficient under the controlling authority

of the SGA Constitution (January 2026) and SGA Bylaws (January 2026). The Constitution requires that all SGA disciplinary and electoral processes be conducted with fairness, transparency, and due process. As the Constitution explicitly provides, “No student shall be deprived of rights, privileges, or opportunities within the Student Government Association without due process of law.” (SGA Constitution, Article II, Bill of Rights). The Commission’s actions fall short of this constitutional mandate.

II. GOVERNING LAW AND DUE-PROCESS REQUIREMENTS

The SGA Constitution guarantees that students must receive timely notice of allegations, access to the evidence against them, and **a meaningful opportunity to respond before sanctions are imposed**. The Constitution states: “Students shall have the right to timely notice of any allegation, access to the evidence against them, and a meaningful opportunity to respond before sanctions are imposed.” (Article II, Section 3). It further requires that “All SGA rules shall be applied uniformly and shall not be enforced arbitrarily or selectively.” (Article II, Section 4). The Constitution also limits the authority of SGA officials by declaring that “No branch or officer of the Association may exercise powers not expressly granted by this Constitution or the Bylaws.” (Article I, Section 6). The Bylaws reinforce these protections by assigning the burden of proof to the Commission: “The burden of proof shall rest with the party alleging a violation.” (Bylaws, Article 7, Section 1, Clause 4). **We are innocent until proven guilty following an opportunity to provide a defense.**

The Commission’s notice and sanctions do not satisfy these requirements.

II. VIOLATION 26-04 — UNAUTHORIZED RESIDENCE HALL CAMPAIGNING

The Commission’s allegation rests entirely on a volunteer interest form that includes the option “Tabling, Flyering, or ‘dorm-storming.’” This form is a survey of volunteer interest, not an instruction, directive, or assignment. The Bylaws require that a violation be supported by evidence of conduct, not speculation. As the Bylaws state, “A violation shall require evidence of conduct that occurred, not speculation or inference.” (Article 4, Section 1, Clause 2). The Commission has provided no evidence that any volunteer entered a residence hall, engaged in solicitation, or performed any prohibited activity.

Furthermore, the term “dorm-storming” does not appear anywhere in the Election Code. The Constitution prohibits sanctioning students under vague or undefined rules, stating: “No student shall be sanctioned under rules that are vague, undefined, or inconsistently applied.” (Article II, Section 5). Because the Commission relies on an undefined term and no evidence of conduct, this allegation cannot stand.

IV. VIOLATION 26-07 — PROHIBITED SENATE–EXECUTIVE CROSS-ENDORSEMENTS

The Commission’s evidence consists solely of Instagram screenshots showing that our campaign account follows several hundred accounts, including some Senate candidates, and that some Senate candidates follow us back. The Bylaws define coordination as “deliberate collaboration, shared strategy, or joint messaging between campaigns.” (Article 4, Section 3, Clause 8). The Commission’s evidence shows none of these elements. There is no shared messaging, no joint graphics, no coordinated events, and no communication.

The Bylaws further require intentional cooperation for a finding of coordination: “A finding of coordination requires evidence of intentional cooperation.” (Article 4, Section 3, Clause 8). Passive social-media follows do not constitute intentional cooperation. The Commission additionally asserts that a Senate candidate “disclosed they were personally recruited to join your ticket’s ‘party’ or coalition.” This is a serious allegation, yet the Commission has provided no evidence whatsoever to substantiate it. There is no screenshot, no message, no affidavit, no testimony, and no documentation of any kind showing that any Senate candidate was recruited into a “party-style” structure. The Constitution requires that sanctions be based on evidence, not unverified claims. As the Constitution states, “Students shall not be subjected to disciplinary action based on unsubstantiated allegations.” (Article II, Section 3). The Bylaws reinforce this requirement by mandating that the Commission carry the burden of proof. The Commission has not met that burden.

The Constitution also prohibits selective enforcement, stating: “Rules must be applied equally to all candidates.” (Article II, Section 4). If following Senate candidates on Instagram constitutes coordination, then every campaign that follows or is followed by Senate candidates would be in violation. The Commission has not applied this standard uniformly.

Because the Commission’s evidence does not meet the definition of coordination, because the allegation of “party-style recruitment” is entirely unsupported, and because the Commission’s interpretation would result in selective enforcement, this allegation must be dismissed.

V. VIOLATION 26-08 — ACTIVE CAMPAIGNING IN THE RAD CENTER

The Commission acknowledges that the only photograph provided shows candidates outside the RAD Center, not inside. The evidence packet contains no photo of campaigning inside the building, no audio, no witness statements, and no proof of solicitation. The Commission’s conclusion that candidates “appeared to be speaking with students they did not know” is speculative and unsupported.

The Bylaws require direct evidence: “A violation must be supported by direct evidence, not assumption.” (Article 7, Section 1, Clause 4). The Code also defines active campaigning as “soliciting votes, distributing materials, or promoting a candidacy.” (Article 4, Section 2, Clause 13). None of these elements are present in the Commission’s evidence.

Because the Commission has not provided evidence of active campaigning inside a restricted location, this allegation must be dismissed.

VI. VIOLATION 26-09 — UNAUTHORIZED OUTSIDE ENDORSEMENT & NEGATIVE CAMPAIGNING

The Commission's evidence is an unsolicited Instagram story posted by a third party who is not affiliated with our campaign. The Bylaws prohibit soliciting outside endorsements, stating: "Candidates shall not solicit endorsements from individuals who are not enrolled students." (Article 4, Section 3, Clause 10). The Commission has provided no evidence that we solicited, coordinated with, or communicated with the poster.

The Commission's theory that following an account constitutes "accepting" an endorsement is unsupported by the Bylaws. The governing documents do not state that following an account, being followed, or viewing a story constitutes acceptance of an endorsement.

The Bylaws define mudslinging as "knowingly false statements of fact about another candidate." (Article 4, Section 4, Clause 3). The phrase "sold out to admin" is rhetorical political opinion, not a factual allegation. The remainder of the story includes a screenshot of a Daily Cougar article summarizing our platform, which is factual reporting.

Because the Commission has not shown solicitation, acceptance, or coordination, and because the statement at issue is political opinion, this allegation must be dismissed.

VII. PROCEDURAL DEFECTS IN THE COMMISSION'S SANCTIONING PROCESS

The Commission imposed sanctions before reviewing our defense, in violation of the Constitution's due-process requirement that "No sanction shall be imposed until the accused has had an opportunity to present a defense." (Article II, Section 3). The Commission also aggregated multiple sanctions into an 84-hour suspension without statutory authority. The Bylaws require that "Sanctions must correspond to specific violations and may not be arbitrarily combined." (Article 7, Section 2).

Finally, the Commission failed to provide evidence with the notice, despite the constitutional requirement that "Students have the right to review all evidence prior to adjudication." (Article II, Section 3). These procedural defects independently require vacatur of the sanctions.

VIII. REQUESTED RELIEF

For the reasons stated above, we respectfully request dismissal of Violations 26-04, 26-07, 26-08, and 26-09; vacatur of the 84-hour suspension; immediate reinstatement of full campaign rights; disclosure of all evidence including metadata and witness statements; and a hearing before any further sanctions are imposed.

IX. CONCLUSION

The Commission's own evidence does not establish any violation of the Election Code. The allegations rely on speculation, misinterpretation of normal social-media behavior, and an overbroad reading of rules that must be applied narrowly. The sanctions imposed violate the due-process protections guaranteed by the SGA Constitution and Bylaws. We therefore request full dismissal of all allegations and demand an immediate presence before the commissioner and the judiciary to explain our position.

Respectfully submitted, Joshua Sambrano & Lundan Sherrod

Documentation from the Judiciary Committee:

Violation 26.08: Prohibited Active Campaigning (RAD Center)

- **Incident:** Candidates were observed inside the RAD engaging in campaign-related conversations with students on February 16, 2026, at approximately 1:00 p.m.
- **Code Section Not Followed: Article 4, Section 2, Clause 13 and Article 4, Section 1, Clause 2.**
- **Detail:** While photographed outside, candidates were later seen inside the RAD. Based on the nature of the interactions, they appeared to be speaking with students they did not know to solicit votes within a restricted location.
- **Ruling:** Active campaigning inside or near dining facilities is prohibited. This is classified as a Class B violation, which will result in a 24-hour campaign suspension.
- The committee **reversed** the decision because Commission acknowledges that the only photograph provided in the evidence packet depicts the candidates standing **outside** the RAD Center, not inside the facility. contains **no photographs** showing campaigning or solicitation occurring **inside** the building. Additionally, there are **no audio recordings, witness statements, or other forms of documentation** that substantiate the claim of solicitation within the RAD Center. Given the absence of corroborating evidence, the Commission determined that the allegation of campaigning or soliciting inside the RAD Center is **not supported** by the materials submitted.

Zainab Khimji

Election Commissioner

February 18 2026