

**Election Complaint 60-002**

**Jordan Porter (Deputy Election Commissioner) v. Benjamin Rizk (Students Unite)**

On February 15, 2024, at 2:38 p.m., Jordan Porter filed a complaint against the accused.

**Complaint Filed:**

Please list the EXACT CLAUSE(S) of the Election Code and if applicable, the exact University Policy, where the violation is alleged to have broken

Within 15ft of the Library Campaigning. (Clause 13)

Please Describe the EXACT Details of the violation

Please attach any/all evidence showing there was a violation of the Election Code and/or University Policy. If the file exceeds the file size limit, please email [sgaelect@uh.edu](mailto:sgaelect@uh.edu) the remaining files, your name as found on this form, and the exact time you submitted this form. Any additional files being emailed, must be emailed within 2 hours of submitting this form to be taken into consideration. Please merge all documents into one file for this upload.

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### **Statement of Defense:**

Benjamin Rizk (the accused) cited the precedent set by former Chief Justice (2022-2023) Edward “Eddie” Munoz III, that campaigning outside of the darker-grey tiled area in front of M.D. Anderson Library was considered outside of the fifteen feet prohibited area of the library. More specifically, it was established as long as you are outside of the darker-grey tiled area, then you are campaigning in compliance with the Election Code.

Furthermore, since he was standing on a sidewalk that is open to any person regardless of their affiliation with the university to walk on and express themselves in line with the freedom of expression policy, the sidewalk adjacent to the darker grey-tiled area would be considered an area that is permitted to campaign at.

He goes on to cite the *University of Houston Manual of Administrative Policies and Procedures*:

- “This policy is applicable to any non-curriculum related expressive activities at locations on University grounds. This policy does not apply to any official University event or activity, except as noted. Common outdoor areas of the University are deemed traditional public forums. Therefore, those who wish to engage in an expressive activity (including literature distribution) may engage in such expressive activity in the University’s common areas (e.g., University parks, grassy areas, and sidewalks) without prior registration or approval” (University of Houston Manual of Administrative Policies and Procedures, p. 1).

### **Judgement:**

Benjamin Rizk **is not in violation of** *Election Code. Article 4. Section 2. Clause 13.*

- Election Code. Article 4. Section 2. Clause 13: Campaigning within the walls or within fifteen (15) feet from the entrances of UH libraries...is prohibited. This does not protect non-active campaigning once it becomes active campaigning. Non-active campaigning will be classified as active campaigning if a candidate, volunteer, or campaign staff member approaches someone with the intention to solicit votes, draws attention to one’s self with the intention to solicit votes, draws attention to other material within the building that is intended to solicit votes, or engages in manners that are not respectful to the people or building and out of the norm to solicit votes.

### **Reasoning:**

“Campaigning within the walls or within fifteen (15) feet from the entrances of UH libraries...is prohibited” (Election Code. Article 4. Section 2. Clause 13).

In the absence of precedent, an argument could be made that the Code's explicit use of *entrance* rather than *entrance door* would find Benjamin guilty while being within fifteen feet of the University of Houston library entrance.

However, given the precedent established by Eddie Munoz, Benjamin, along with any other student, maintains the right to campaign outside of the darker-grey tiled area and thus, he was not in violation of Election Code. Article 4. Section 2. Clause 13.