



University
of Manitoba
**STUDENTS'
UNION**

Election/Referendum Complaint Form

FOR OFFICE USE ONLY		
Date and Time Received:	Complaint #	Staff Initials
February 23, 11:18 am	2020-004	

*All complaints must be submitted to the CRO, using this form, within 48 hours of the alleged breach.
Contact the CRO at cro@umsu.ca or 204-391-2358. Submissions preferred via email.*

Complainant name	Riley Shannon
Complaining email address	shannonr@myumanitoba.ca
Date and time of incident	Wednesday Feb. 19, approximately 9:30 pm
Specific section(s) of the Election Rules that are alleged to have been breached	Pre-Campaigning <u>Appendix 1: CRO Rules for the Use of Digital Campaign Materials</u>
Specific Slate, Candidate or Referendum Side that is alleged to be in breach	Connect UMSU Sia Yamba
Specific facts which, if proved, constitute a breach. (Continue on separate page as necessary.)	<p>Attached is video evidence of a Live Instagram Stream, wherein Presidential Candidate Sia Yamba explains her intention and appears to attempt to garner support for her campaign.</p> <p>This is a clear and flagrant violation of the rules.</p> <p>Furthermore, this video gives Sia and her team an unfair advantage in the grand scheme of the election. Our team is focused on being honest and transparent, while also taking the time to read and fully comprehend all of the rules we have been given and expected to follow.</p> <p>It is disappointing that Connect UMSU and specifically Sia do not carry the same level of respect for the rules, the election, and the office of the CRO. organization that would contain the logo or name of UMSU, and shall inform all applicants of this.”</p>

<p>Evidence of these facts.</p> <p>(Continue on separate page as necessary.)</p>	<p>Please find attached a screen recording of the live Instagram stream.</p>

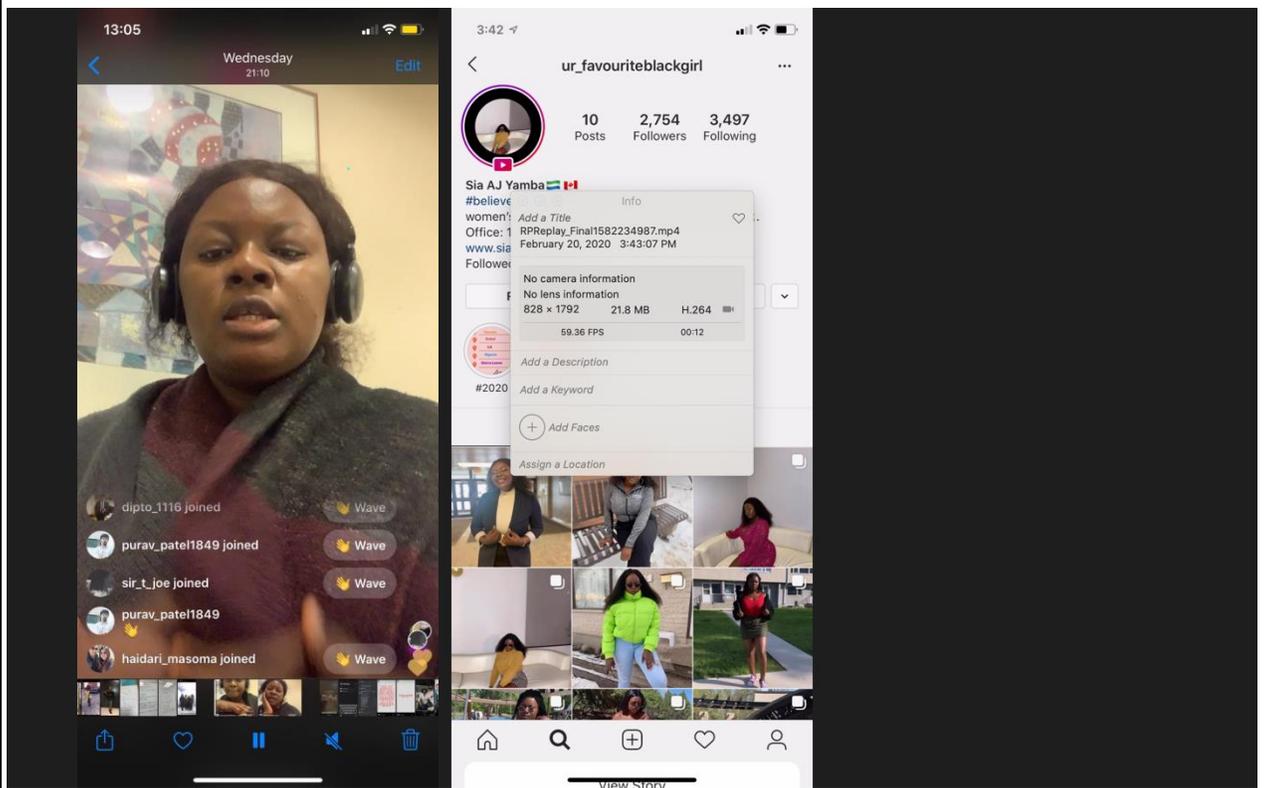
OFFICE OF THE CHIEF RETURNING OFFICER
University of Manitoba Students' Union

Ruling Form

Ruling #	2020-002
Date and time ruling posted	Monday February 24 2020 @ 10:15 am
Deadline to appeal (48 hours from posting)	Wednesday February 26 2020 @ 10:15 am
Concerning Complaint #	2020-004
Summary of the allegation	<p>Presidential candidate Sia Yamba (Connect UMSU) stated on a live Instagram Video (available to her, at the time, 2750 followers) that the video she was filming was intended "for her campaign." The statement was made to colleagues outside of the camera's view who were also in the room at the time</p>
Summary of the parties to the complaint	Connect UMSU
Does the CRO have jurisdiction?	Yes

<p>Applicable Election Rules</p>	<p><u>Definition of Pre-Campaigning</u></p> <p>Nominations Package 3, A: Pre-Campaigning shall be considered to have occurred when any Candidate, Slate or Side or any Volunteer has been found to have Campaigned outside of the Campaign Period as defined by the Election Rules.</p> <p>Nominations Package, B, iv.: privately discuss their intention to run as a Candidate or as a member of a Slate, or to register a Side, with friends or groups of no more than five;</p> <p>Nominations Package 3, B, vii: Candidates, Slates and Sides may, before the Campaign Period; may use Social Media to message groups of no more than five people for the purpose of forming a Slate or soliciting volunteers, who have solicited a response from them or who they are already friends with or who already follow them.</p> <p>3, B, vii: making presentations or speeches to groups of more than five Members of the Union with regard to a Candidate’s candidacy, a Slate or Side or qualifications of a Candidate or merits of a referendum Side from the beginning of the Nomination Period; xiv. displaying, erecting, posting (or causing to be displayed, erected or posted) physically or electronically, any Campaign Materials as defined in the Election Rules.</p>
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<p>Finding of facts</p>	<p>1) UMSU For You has provided to the Office of the CRO footage of the candidate stating that the video was intended “for her campaign”. At the time, it is clear there are viewers to the stream as there are several comments at the beginning of the video and as the video progresses.</p>



2) The volunteer for UMSU For You would screen recorded the live stream sent the Office of the CRO a time stamp of the meta-data for the video, showing that their recording of the live stream was taken on February 20 at 3:43 pm. In the video itself, a time stamp displays that the live stream had taken place 18 hours prior, therefore the live stream had taken place at approximately 9 pm the evening prior.

3) In response, Candidate Sia Yamba stated “This was me warning the two people sitting with me studying not to mention anything for my campaign when I go live so I don’t get into trouble and that demerits or complain for it.”

4) Additionally, Sia stated “I was warning the other people sitting not to say anything for my campaign and at that time if live just started, but I did not mention anything about my campaign on my live.”

5) Tino Hove, candidate for Connect UMSU stated the following: “Following up on the response from Sia it appears in the video she is instructing individuals to not mention her campaign or use offensive language.

This was in fact an act of prevention by the candidate, as instructed by the CRO we must take action to prevent our volunteers from breaking rules and to follow campaign rules.

As this was an online platform she had to put that out as a rule to ensure no violations. As seen in the video no further mention of campaigning or looking for supporters was done after this.

We argue that in the instance that this instruction was not given and a member of the live who is a volunteer mentioned the campaign we would be liable especially as it was a question and answer live.”

6) Connect UMSU provided a photo displaying that the live stream was held on Wednesday (See Above)

Ruling on the alleged breach	<p><u>Findings:</u></p> <ol style="list-style-type: none">1. Due to the video evidence provided by UMSU For You, the Office of the CRO deems that the statement of intent to run, whether directed at the camera or towards others in the room, was a statement made on camera, nonetheless. The candidate knew that they had pressed record on Instagram Live, and should have explained to others in the room what they were doing before pressing record. As the video was designed explicitly as a vehicle for campaigning, the rules regarding pre-campaigning apply.2. Though the screen recording had been taken past the 48-hour threshold for complaints to be submitted, the Office of the CRO believes that the volume of people who had access to the information (2754 people) far exceeds any time considerations. Followers of Sia's Instagram not only could watch live but could watch the live stream 24 hours after it was posted. When watching the beginning of the live stream, the first thing the viewer would hear would be that the video was intended as a vehicle for Sia's upcoming campaign. Therefore, the complaint has been regarded as legitimate.
Penalty assigned	<p>The Office of the CRO assigns:</p> <ol style="list-style-type: none">1. Sia Yamba (President – Connect UMSU) 5 demerits