



N. Byers #2
Sworn February 8, 2006

Kamloops Registry File No. 38229

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN: Nicholas Byers and Brent Foster

Petitioners

AND: The Cariboo College Student Society (Incorporation #: 514199)
Respondent(s)

AFFIDAVIT

I, Nicholas Byers of Kamloops, British Columbia and student at Thompson Rivers University,
MAKE OATH AND SAY THAT:

1. The Cariboo Student Society (herein referred to as the CSS) is holding a referendum for membership in the Canadian Federation of Students (herein referred to as the CFS). The council of the CSS has stated that the bylaws of the CSS do not need to be followed in the case of a referendum to join another organization.
2. Under the CSS bylaw 18 - 5, a referendum is to be conducted by a committee composed in the same manner in which an electoral committee is. The procedure by which this is to occur is explained in bylaw 14, section 2 - 1. It states: "The electoral committee shall be comprised of a) only society members, b) not running for office." Only one member of the Referendum Oversight Committee (herein referred to as the ROC) is a member of the CSS.
3. Under CSS bylaw 14, section 2 - 2: The chair of the ROC must be nominated by a society member and affirmed by 2/3 majority vote of council at a regular meeting. No such vote has taken place. Further to this, no such chair has even been announced.
4. CSS bylaw 18 - 2 states that announcement of a referendum must be made as per bylaw 20. Section 2 - 2 states there must be one month sufficient notice made to the members. Posters I removed from campus poster boards are stamped approved by the CSS on January 18, 2005 - less than one month before the referendum. Further to that, section 2-3 states that posters are required to show the resolution for the referendum. This did not happen. The resolution has not been advertised at all.
5. Under bylaw 18 - 9, it clearly states that the council cannot endorse any one side a referendum. Not only did the council vote to formally endorse the 'Yes' campaign in a meeting, they have published the minutes from said meeting and have been campaigning vigorously across campus. Further to that, the President of the council and member of the oversight committee formally endorsed the 'Yes' campaign with handouts containing a letter from him.

6. The members of the ROC strongly believe that the CSS bylaws are null and void for this referendum. It is my belief that it is impossible for a fair and democratic referendum to occur when bylaws are being broken and members of the ROC are in a position to directly gain from the outcome of the referendum.
7. Further to this, there was no call for campaigning for this referendum. It was never made public that someone interested in running a "No" campaign must register, nor was information provided surrounding the fact that all campaign material, for or against the referendum, must be approved by the ROC – a committee composed of two CFS members and two CSS members, who publicly stated their support for the "Yes" side of the referendum.
8. As well, there was never public notice made of the Referendum Rules, a document created by the ROC. These rules are public and a copy can be found at the CSS front desk, but only the most political students on campus would have found this document. At no time was it advertised that there were even rules for the referendum.
9. I feel that this not only provided an unfair advantage to the "yes" side of the campaign, but a severe disadvantage to the "No" side. Upon reading the ROC's rules for the referendum, they clearly state that campaign material that is not approved will be removed from campus immediately. Any student unaware of these rules (the majority of students on campus) is not able to run a campaign, nor are they informed of the rules – they simply have their campaign material taken from walls and removed from campus.

Shan

SWORN BEFORE)
ME at <i>Kamloops</i>)
in the Province of British Columbia)
on this <i>8th</i> day of <i>February</i> 20 <i>.06</i>) <i>N/B</i> <i>Nicholas Byers, Petitioner</i>

.....
A commissioner for taking affidavits
for British Columbia

L.B. RICHARDS

Shan

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