

COPY

N. Loreto #1
July 10, 2008
NO. S082674
VANCOUVER REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

SIMON FRASER STUDENT SOCIETY

PETITIONER

AND:

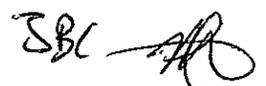
CANADIAN FEDERATION OF STUDENTS,
CANADIAN FEDERATION OF STUDENTS – SERVICES and
CANADIAN FEDERATION OF STUDENT – BRITISH COLUMBIA COMPONENT

RESPONDENTS

AFFIDAVIT

I, Nora Loreto, Provincial Treasurer for the Canadian Federation of Students – Ontario Component, of #204 – 361 Oakwood Avenue, Toronto, Ontario, M6E 2W1
MAKE OATH AND SAY AS FOLLOWS THAT:

1. I am currently the Provincial Treasurer for the Canadian Federation of Students – Ontario Component and as then president of the Ryerson Students' Union which is a member of the Canadian Federation of Students I was involved with the efforts of the Simon Fraser Student Society (the "SFSS") to defederate from the Canadian Federation of Students, and as such have personal knowledge of the matters and facts hereinafter deposed to, save and except where stated to be based on information and belief and where so stated I verily believe the same to be true.
2. On March 18 – 20, 2008, the SFSS and its Independent Electoral Commission ("IEC") held a vote (the "Vote") of Simon Fraser University ("SFU") students regarding, amongst other things, membership in the Canadian Federation of Students. From March 14 – 19, 2008, I was at the Surrey campus of SFU (the "Surrey Campus"). On

SBC 

March 20, 2008, I was at the Burnaby campus (the "Burnaby Campus") of SFU. During that time I made observations with respect to the Vote.

March 18, 2008

3. At approximately 9:45 a.m. on March 18, 2008, I observed an unidentified male leave the 15-foot demarcated polling station zone (the "Polling Zone") of the lobby polling station at the Surrey Campus with his balloting material with respect to the Vote, including marked and unmarked ballots (the "Ballot Material"). The male took his Ballot Material to one of the Surrey Campus student computer labs where he stayed for at least five minutes before returning to the polling station area and placing his Ballot Material in a ballot box.

4. At 2:05 p.m. on March 18, 2008, I observed an unidentified female in a white jacket leaning over a table at least 30 feet outside of the Polling Zone. The female had her Ballot Material spread out on the table and appeared to be completing her Ballot Material while she was talking on a cellular telephone. After a few minutes I observed the unidentified female return to the lobby polling station area and place her Ballot Material in the a ballot box.

5. At 5:15 p.m. on March 18, 2008, I observed an unidentified male voter walking outside of the Polling Zone with his Ballot Material.

6. At approximately 10:45 a.m. on March 18, 2008, I observed two clearly marked unidentified "No" campaigners (that is, anti-Canadian Federation of Students campaigners) who had previously been handing out "No" campaign materials, within the Polling Zone. The two individuals remained there for at least 15 minutes and, during that time, directed students towards the lobby polling station.

7. At approximately 11:00 a.m. on March 18, 2008, I observed a line of at least 10 unidentified males and females that was stretching outside of the Polling Zone. All of those individuals were holding their Ballot Material and several of the individuals were talking with the Independent Elections Officer, Steve (last name unknown) (the "IEO"), and with an unidentified staff person for the SFSS. The unidentified males and females

with their Ballot Material were also being canvassed by Vote candidate, Brian Ottho ("Ottho"), while standing in line. Ottho had made his anti-Canadian Federation of Students views publicly known during the period leading up to the Vote.

8. For most of the morning on March 18, 2008, at the lobby polling station on the Surrey Campus, I observed the IEO soliciting individuals to vote. From the discussion I overheard, it confirmed that the majority of the individuals solicited were vocal supporters of the "No" side (i.e. anti-Canadian Federation of Students) campaign. These individuals had been canvassing people to vote "No" earlier in the campaign.

9. At approximately 1:40 p.m. on March 18, 2008, I observed an unidentified male who was standing within the Polling Zone with a "We Want Out" button on his hat. He stood there for at least 15 minutes and walked around talking to other individuals within the Polling Zone. During that time, I witnessed at least two individuals who were carrying "Yes" campaign (i.e. pro-Canadian Federation of Students) flyers being asked to leave the Polling Zone. Those individuals immediately left the Polling Zone, where they were approached by the IEO who spoke with them for approximately 10 minutes before they left the area. I did not observe the those individuals voting.

10. At approximately 3:00 p.m. on March 18, 2008, I observed several individuals who I verily believe are friends of Vote candidates Ada Nadison ("Nadison") and Ottho, standing inside the Polling Zone. Nadison had made her anti-Canadian Federation of Students views publicly known during the period leading up to the Vote. I also observed several unidentified males clearly marked as "No" campaigners (i.e. anti-Canadian Federation of Students) within the Polling Zone who were approaching individuals as they entered the Polling Zone to vote.

11. At approximately 4:45 p.m. on March 18, 2008, while at the lobby polling station on the Surrey Campus, I observed an unidentified male clearly marked as a "No" campaigner (i.e. anti-Canadian Federation of Students) actively engaging in conversation individuals who, I verily believe, were entering the Polling Zone to vote. On several occasions I observed the "No" campaigner conversing with individuals voting

behind screens at the polling station. During that time the IEO was conversing with individuals lined up with their Ballot Material.

12. At approximately 4:45 p.m. on March 18, 2008, while at the lobby polling station on the Surrey Campus, I also observed several unidentified males and females distributing a newsletter to individuals with Ballot Materials inside the Polling Zone. The newsletter featured Nadison on the front page, and one of the individuals distributing that document was observed by me earlier in the day campaigning for the "No" side (i.e. anti-Canadian Federation of Students).

13. At approximately 5:30 p.m. on March 18, 2008, while at the lobby polling station on the Surrey Campus, I also observed an unidentified male leave the Polling Zone with his Ballot Material. The unidentified male approached the IEO and asked for help completing his Ballot Material. The IEO directed the unidentified male back into the Polling Zone where he engaged the male in conversation, which I was unable to hear, though I did see the IEO point to the "no" box (i.e. anti-Canadian Federation of Students) on the Ballot Material. I then observed the unidentified male move behind a voting screen with his Ballot Material. While there he called out to the IEO and the two of them conversed at a distance of approximately 10 feet. During that time, another individual behind a voting screen was completing her Ballot Material.

14. At approximately 6:08 p.m. on March 18, 2008, while at the lobby polling station on the Surrey Campus, I also observed the IEO talking with an unidentified male and female who were going to vote. I witnessed the two individuals take their Ballot Material behind a voting screen and while there the IEO continued to engage them in conversation. The male then walked with his Ballot Material in hand towards the IEO, who was standing at the other end of the Polling Zone. The IEO met the male half way and began discussing the Ballot Material with the male. The female student left the voting screen, leaving her Ballot Material behind, and the male student then broke off his conversation with the IEO and went behind the voting screen where the female student had left her Ballot Material. To the best of my recollection, the female student

did not return and the poll clerk went over to the voting screen to remove her Ballot Material.

15. On March 18, 2008, while at the lobby polling station on the Surrey Campus, I observed an individual wearing a name tag "Independent Kyle S" ("Kyle") spend most of the day within the Polling Zone and at one point I observed Kyle standing by the ballot boxes inside the Polling Zone. At that time I overheard him ask the IEO a number of questions about the Ballot Material. I also observed an unidentified male who I verily believe had just voted walk over to Kyle to discuss the Ballot Material. The male then described how he had just voted. That conversation continued for about five minutes.

16. At approximately 5:47 p.m. on March 18, 2008, while at the lobby polling station on the Surrey Campus, I observed Kyle and another male individual who I verily believe was a candidate in the Vote loitering within the Polling Zone and talking to individuals that I verily believe were lined up to vote and pointing to the Ballot Material on display.

17. At approximately 4:40 p.m. on March 18, 2008, while at the lobby polling station on the Surrey Campus, I observed the IEO post unmarked Ballot Material in the order of the Vote questions on a divider near the edge of the Polling Zone. This posted Ballot Material then became a focus for discussion by students and SFSS staff with many people stopping and asking questions about the Vote, ballots and questions being voted on.

March 19, 2008

18. At approximately 10:45 a.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed a female poll clerk leave the polling station leaving only one male. The female poll clerk returned approximately 10 minutes later, but promptly left again for another 10 minutes.

19. At approximately 11:30 a.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed a female poll clerk again leave the polling station. During that time there was only one poll clerk at the polling station for at least 15 minutes.

20. At approximately 1:16 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed a male poll clerk leave the Polling Zone. That polling clerk did not return until approximately 1:47 p.m. The polling station had only a single poll clerk in attendance for that period of time.

21. At approximately 4:46 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed a male poll clerk again leave the polling station. He returned at approximately 4:50 p.m.

22. At approximately 5:39 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed a female poll clerk disappear under the polling station table. She would not have been visible to anyone more than 30 feet away from the polling station. The female poll clerk emerged from under the table at approximately 5:46 p.m. Shortly thereafter, the male poll clerk at the polling station left and the female poll clerk remained at the polling station alone. At approximately 5:59 p.m., the male poll clerk returned. At this point, the female poll clerk slipped back under the polling station table. Again, she would not have been visible by most people who walked by the polling station. At approximately 6:44 p.m. the female poll clerk emerged from under the table. At this point, the male poll clerk left for a second time and he did not return to the polling station until approximately 6:46 p.m.

23. At approximately 12:38 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed an unidentified female approach the two poll clerks and engage them in conversation. After about five minutes, the unidentified female walked behind the polling station tables and continued to talk to the poll clerks for approximately five minutes, while individuals were voting.

24. At approximately 1:05 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, the poll clerks were relieved by two new poll clerks. The new poll clerks, rather than using the Independent Electoral Commission ("IEC") computers for their duties, brought their own laptops and set them up at the polling station.

25. At approximately 1:16 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed the IEO engage several individuals in conversation as they looked over their Ballot Material. The IEO then stood there, observing those individuals while they read through their Ballot Material. A short time later the IEO engaged another student in conversation in close proximity to other individuals who were completing their Ballot Material. That student had just dropped his completed Ballot Material in a ballot box.

26. At approximately 1:47 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed the IEO hold a group meeting, on the floor, beside the poll station. There were at least four unidentified individuals sitting cross-legged in a circle.

27. At approximately 1:10 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed the IEO speaking to an unidentified male and it appeared that the IEO was providing direction and/or instruction to that individual with respect to the completion of his Ballot Material. The individual then filled out his Ballot Material between two voting screens that were both occupied by other individuals.

28. At approximately 1:57 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed the poll clerks talking to individuals who were asking how to vote. One of the poll clerks held up the Ballot Material while providing an answer.

29. At approximately 6:25 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed a poll clerk help an unidentified male fill out his Ballot Material.

30. At approximately 5:05 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed a male poll clerk sit on the floor with a large pile of Ballot Material in front of him. It appeared that he was sorting or counting the Ballot Material. He proceeded to count the Ballot Material for at least 25 minutes. The other poll clerk attempted to shield what he was doing from other individuals in the area.

31. During most of the day on March 19, 2008, I observed an individual who appeared to be a scrutineer (the "Scrutineer") actively campaigning for the "No" side (i.e. anti-Canadian Federation of Students) and for Ottho within the Polling Zone. The Scrutineer was wearing a nametag and circulated within the Polling Zone for much of the day. At 9:50 a.m., I observed the Scrutineer actively soliciting individuals he appeared to know to vote. He did this by calling out to them as they walked by or actively pulling students towards the Polling Zone while, at the same time, urging the students to vote against the Canadian Federation of Students. The Scrutineer was within the Polling Zone at the time.

32. At approximately 10:40 a.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed the Scrutineer talking with three other people who appeared to be his friends, within the Polling Zone, while those individuals were voting. One of the individuals he was conversing with was wearing a "We Want Out" button. The Scrutineer and his three friends loitered at the polling station for at least 15 minutes.

33. At approximately 1:07 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed the candidate Nadison within the Polling Zone talking to individuals that I verily believe were eligible to vote.

34. At approximately 1:14 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed Nadison standing next to several individuals who were completing their Ballot Material. Around the same time, one of the poll clerks left the polling station to speak to an unidentified female that Nadison had previously been conversing with. The unidentified female and the poll clerk then walked together to the polling station. Nadison then approached the female who was now conversing with the IEO and engaged them in conversation. Nadison proceeded to leave and re-enter the Polling Zone several times before the individual voted. While within the Polling Zone, I observed her talking to the IEO and several other individuals who I verily believe were students at SFU.

35. At approximately 9:15 a.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed the IEO place additional ballot boxes behind the polling station tables that were staffed by the poll clerks. Those ballot boxes were readily accessible to candidates, scrutineers, and other individuals within the Polling Zone.

36. At approximately 9:45 a.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed the IEO constructing the second of two ballot boxes. He received help from an individual that I recognized as a "No" (i.e. anti-Canadian Federation of Students) campaigner to construct that ballot box.

37. At approximately 9:30 a.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed Ballot Material posted on both sides of screen dividers in the Polling Zone. The Ballot Material was displayed in such a way that it was visible to individuals within the Polling Zone as well as to anyone passing by the Polling Zone. The Ballot Material was left on display for the entire day.

38. At approximately 1:40 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed a woman who appeared to work for the administration of SFU and the IEO talking to individuals, who were holding their Ballot Material while standing in line to vote at the polling station.

39. At approximately 5:39 p.m. on March 19, 2008, while at the lobby polling station on the Surrey Campus, I observed an unidentified male complete his Ballot Material approximately 15 feet away from the voting screens at the polling station.

40. At approximately 11:50 a.m. on March 19, 2008, the lobby polling station on the Surrey Campus ran out of Ballot Material. A sign was posted on top of the "Vote Here" sign, saying that the polling station would re-open at 1:30 p.m.. The polling station re-opened at approximately 12:45 p.m. The noon hour is one of the busiest periods at the Surrey Campus because students are generally not in classes.

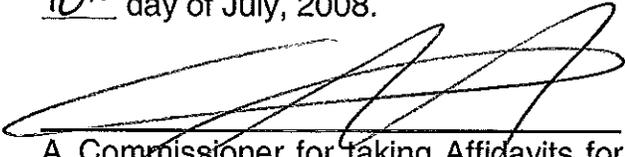
March 20, 2008

41. Throughout the day on March 20, 2008, while at the WMX polling station, a polling station located in a thoroughfare at the West Mall on the Burnaby Campus, I observed groups of individuals completing their Ballot Material together behind a single voting screen or completing their Ballot Material without the use of a voting screen.

42. At approximately 2:30 p.m. on March 20, 2008, the WMX polling station on the Burnaby Campus ran out of Ballot Material for several minutes. This happened on at least one other occasion that day.

43. At approximately 2:30 p.m. on March 20, 2008, while at the WMX polling station on the Burnaby Campus, I witnessed an unidentified female leave the Polling Zone with her Ballot Material. The poll clerks did not attempt to retrieve the Ballot Material.

SWORN BEFORE ME in the City of)
Toronto, in the Province of Ontario this)
10th day of July, 2008.)



A Commissioner for taking Affidavits for)
the Province of Ontario)

JAMES B. CAMP



NORA LORETO



IN THE SUPREME COURT OF BRITISH COLUMBIA

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SIMON FRASER STUDENT SOCIETY
PETITIONER

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CANADIAN FEDERATION OF STUDENTS – SERVICES and
CANADIAN FEDERATION OF STUDENT – BRITISH COLUMBIA
COMPONENT

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