

COPY

J. Salter #1
July 9, 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, Jeremy Salter, Executive Director of the York Federation of Students, of 336 Student Centre, 4700 Keele Street, York University, Toronto, Ontario, MAKE OATH AND SAY AS FOLLOWS THAT:

1. I am the Executive Director of the York Federation of Students and have been involved with the efforts of the Simon Fraser Student Society (the "SFSS") to defederate from the Canadian Federation of Students (the "CFS"), 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. On March 18th, 19th and 20th of 2008 I was at the Burnaby campus of SFU. During that time I made observations with respect to the Vote.

S.S. JBC

3. At approximately 9:30 a.m. on March 18, 2008, at the academic quadrangle polling station (the "Polling Station") located on the Burnaby campus of SFU, I observed a female poll clerk who was taking part in the Vote approach SFSS staff members, Gareth Yule and Mike Letourneau. She then spent approximately two minutes conferring with Mr. Yule and Mr. Letourneau. It appeared that Mr. Yule was providing directions to the poll clerk, who nodded and returned to the Polling Station. I verily believe that SFSS staff member Mr. Yule was answering questions and providing directions to the poll clerk in respect of the polling process.

4. Mr. Yule is well known as a campaigner against the CFS with respect to the Vote and, in fact, developed much of the "no" or anti-CFS materials which were circulated on SFU campuses in the months prior to the Vote.

5. Between 9:30 a.m. and 10:00 a.m. on March 19, 2008 there was only one privacy screen for voters at the Polling Station. The Polling Station is the most heavily used, and numerous voters completed their balloting material with respect to the Vote, including marked and unmarked ballots (the "Ballot Material"), in plain sight of others.

6. From 10:15 a.m. to 12:15 p.m., on March 19, 2008, I observed Jason Tockman, a member of the "no" or anti-CFS campaign, regularly entering the 15-foot marked Polling Station boundary (the "Polling Zone") and actively campaigning for the "no" side. During that period, I also observed Mr. Tockman standing at the ropes, inside the Polling Zone, where students line up to vote and I overheard him telling the students to "vote no". Mr. Tockman would also engage students who were walking through the Polling Zone and would then walk the students to the line to vote. The poll clerks at the Polling Station did not ask him to stop.

7. At approximately 11:35 a.m. on March 19, 2008, I observed at least two individuals in addition to Mr. Tockman, actively campaigning for the "no" or anti-CFS side of the membership referendum inside the Polling Zone. Those individuals wore "no" campaign buttons and communicated verbally with students suggesting to the students that they should "vote no" to continued membership in the CFS. The poll clerks at the Polling Station did not ask them to stop.

8. At approximately 12:50 p.m., on March 19, 2008, I observed Joe Paling's girlfriend, Rachel (last name unknown), a well known "no" or anti-CFS campaigner, who is not a member of the SFSS or of the CFS, inside the Polling Zone. She bore no markings identifying her as scrutineer, and continuously engaged individuals, who I verily believe were eligible to vote, in discussion. The poll clerks at the Polling Station did not ask her to stop.

9. At approximately 1:30 p.m., on March 19, 2008, I observed an Asian male inside the Polling Zone. He was discussing the Vote with other unidentified individuals. The poll clerks at the Polling Station did not ask him to stop.

10. At approximately 2:45 p.m. on March 19, 2008, I observed a group of four or five individuals at the Polling Station telling individuals who I verily believe were eligible to vote, to "vote no" to continued membership in the CFS. The poll clerks at the Polling Station did not ask him to stop.

11. At approximately 4:45 p.m., on March 19, 2008, I observed SFSS President Derrick Harder inside the Polling Zone with a large sign affixed to his back. That sign was approximately one foot wide and three feet high and had the words "vote no" written on it in large letters.

12. At approximately 6:00 p.m., on March 19, 2008, I observed an unidentified female at the Polling Station telling individuals, who I verily believe were eligible to vote, how to vote. The poll clerks at the Polling Station did not ask her to stop.

13. From 3:30 p.m. to 7:30 p.m., on March 19, 2008, music associated with the "no" or anti-CFS campaign could be clearly heard by anyone at the Polling Station. The music was being played directly behind the Polling Station, while "no" campaigners waved large signs that could be seen from the Polling Station. Those signs encouraged students to "vote no" to continued membership in the CFS.

14. At approximately 3:00 p.m., on March 19, 2008, I observed Kwantlen Student Association staff person Titus Gregory, an individual again well known for his anti-CFS views, inside the Polling Zone speaking with the poll clerks.

S.S. JBC

15. At approximately 3:15 p.m., on March 19, 2008, I observed Titus Gregory return to the Polling Station and spend several minutes there speaking with J.J. McCullough, the IEC Chief Returning Officer.

16. At approximately 3:05 p.m., on March 19, 2008, several students advised me that they had been turned away from the Polling Station because that station was out of Ballot Material.

17. Between approximately 5:50 p.m. and 6:00 p.m., on March 19, 2008, the Polling Station was again out of Ballot Material.

18. At approximately 9:50 a.m., on March 20, 2008, I observed a male student inside the Polling Zone telling other voters to "vote no" to continued membership in the CFS. He was not asked to leave by poll clerks at the Polling Station.

19. At approximately 12:30 p.m., on March 20, 2008, I observed "no" or anti-CFS campaigners inside the Polling Zone actively campaigning and encouraging students to "vote no" to continued membership in the CFS. The poll clerks at the Polling Station did not ask them to stop.

20. At approximately 1:35 p.m., on March 20, 2008, I observed "no" or anti-CFS campaigner Mr. Paling in front of the Polling Station with a large sign that was clearly visible from the Polling Station and to voters behind the voting screens inside the Polling Zone. The sign encouraged students to vote "no" to continued membership in the CFS.

21. At approximately 1:50 p.m., on March 20, 2008, I observed a bald male loitering inside the Polling Zone talking to students in the line to vote.

22. At approximately 2:10 p.m., on March 20, 2008, I observed an unidentified male standing in the line to vote at the Polling Station, telling students in the line around him how they should vote no to continued membership in the CFS. The poll clerks at the Polling Station did not ask him to stop.

23. At approximately 3:45 p.m., on March 20, 2008, I observed numerous unidentified individuals loitering at the Polling Station talking to students as they voted,

and to students in the line to vote. The poll clerks at the Polling Station did not ask them to leave.

24. At approximately 3:50 p.m., on March 20, 2008, I observed three "no" campaigners standing on the Polling Zone line with large signs that were easily visible from the voters in the Polling Zone and to voters behind the voting screens. Those signs encouraged students to "vote no" to continued membership in the CFS.

25. Between approximately 4:15 p.m. until approximately 5:15 p.m., I observed "no" campaigner Andy Shen inside the Polling Zone, stopping students of Asian descent that had been approached outside of the Polling Zone by members of the "yes" or pro-CFS campaign. I overheard Mr. Shen telling students to "vote no" and I observed Mr. Shen direct many of the students to the voting line-up and then stand with them until they had voted.

26. At approximately 5:15 p.m., on March 20, 2008, I observed numerous individuals loitering at the Polling Station telling students how to "vote no" to continued membership in the CFS. The poll clerks at the Polling Station did not ask them to leave.

27. At approximately 7:25 p.m., on March 20, 2008, I observed a poll clerk at the Polling Station ask a student to leave the Polling Zone because he held a "yes" or pro-CFS side flyer that had been given to him by a "yes" campaigner. However, poll clerks did not ask voters holding "no" side campaign materials to leave the Polling Zone at anytime throughout the day.

SWORN BEFORE ME in the City of)
Toronto, in the Province of Ontario this)
9th day of July, 2008.)


James B. Camp
A Commissioner for taking Affidavits for
the Province of Ontario


JEREMY SALTER

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

GOWLING LAFLEUR HENDERSON LLP
Barristers and Solicitors
P.O. Box 49122, Four Bentall Centre
#2300 - 1055 Dunsmuir Street
Vancouver, BC V7X 1J1
Telephone: (604) 683-6498
Attention: Martin L. Palleson

MLP/ce

File No. 02947390
