

Ross Wm. Rader
c/o Tucows Inc.
96 Mowat Avenue
Toronto, Ontario, M6K 3M1

May 25, 2005

Mr. Peter DeVita
CIRA Returning Officer
c/o CIRA
350 Sparks Street, Suite 1110
Ottawa, Ontario, K1R 7S8

Via Fax & Email

Dear Peter:

I am writing to you to convey my strong concerns about recent events that materially affect the CIRA election and call the entire nomination and election process into question.

As a member nominated candidate Board member seeking re-election in the 2005 CIRA Board of Directors election, I set about securing the support of 50 CIRA Members as per the requirements of the "2005 CIRA Directors Elections Rules" immediately following the opening of the Nomination by Member Period on April 14th. By the afternoon of May 3rd, I had secured the support of the 50 members required to cross the threshold and eventually plateaued with the support of more than 75 members. Having attained the requisite level of support, I ceased my outreach efforts – although attaining additional support was clearly within my means.

Minutes before the close of the Nomination by Member Period on May 18th, at least two-thirds of this support was withdrawn, leaving me with only 30 shows of support – rendering me apparently ineligible to stand in the coming election.

Given that my candidacy has widespread support throughout the community and that the technical integrity of the CIRA election software system is not in question, I must surmise that I have been victimized by a coordinated and concerted attempt to rig the outcome of this election by excluding my legitimate participation.

CIRA's credibility lies with its representational structure. This includes the members' capability to democratically elect a sizable portion of the Board of Directors. It is important that CIRA's Director Election process be resistant to manipulation. CIRA has implemented several safeguards to avoid this.

CIRA's Corporate Bylaws repeatedly stress that voting privilege is bestowed only to specific persons, not on a per domain name basis. One member, one vote. Proxy voting, controlled block voting and similar practices that concentrate voting power are specifically ruled out by CIRA's Director Election Rules and CIRA's Corporate Bylaws.

Were this the case in practice, the unprecedented evaporation of my nomination support in the dying moments of the nomination process would be highly unlikely. Unfortunately, it appears that a single beneficial interest is controlling a large voting block and has gained the capability to manipulate the election process.

Left unattended, this event will communicate to the Canadian Internet public that CIRA's election process is inherently unfair and that CIRA's ability to best represent the interests of Canadian stakeholders has come into question. CIRA must ensure that its record of effective private sector management of this key public resource remains unimpeachable.

My formal request to you is simple;

a) I wish to have the withdrawal of member support from my candidacy thoroughly investigated. I firmly believe that the technical data will show that this en masse coordinated withdrawal of support is in fact the action of one or two individuals who have inappropriate control of the membership rights of a large group of registrants - against CIRA's interests.

b) If it is found that an illegitimate voting block is being wielded by a single person or person with the same beneficial interest, that the CIRA Board of Directors takes appropriate steps, up to and including, the permanent revocation of the membership rights of the involved parties, to prevent these individuals from perpetrating similar abuses in the future. Sections 3.1, 6.6, 6.15 and 6.19 of CIRA's Registrant Agreement v1.5 outlines CIRA's capability to cancel all registrations (and attendant membership rights) of Registrants who bring the Registry into disrepute, interfere with CIRA's operations or expose CIRA to prosecution or legal action – all very likely outcomes resulting from procedural capture of this nature.

c) If a unified voting block is found to have materially affected the outcome of this election process, that the currently running election process be immediately canceled and restarted per the 2005 Board Election Returning Officer Terms of Reference.

d) Finally, that the CIRA Board of Directors clarify the Rules and Bylaws brought into question as the result of these abuses to ensure that similar gaming does not occur again in future elections.

If it is impractical or inappropriate for CIRA to restart the election process, there is another option that I would like you to consider. I would like to be given a reasonable opportunity to demonstrate that my candidacy does indeed have the necessary support of the membership, irregularities notwithstanding. This may take the form of allowing me additional time to demonstrate that I am able to fulfill the nomination support requirements. Alternatively, CIRA could discount these irregularities and allow the membership to determine which directors should be elected by including my name on the Final List of Candidates for election. These are simple, practical approaches to the problem, but also suffer from the disadvantage of not dealing appropriately with the larger problem of the capture of this election.

Thank you in advance for your deliberate examination of this matter. The role CIRA has granted you provides you with considerable latitude in dealing with the issues that I raise. I have the utmost faith that the recommendations resulting from your investigation will be fair, judicious and comprehensive.

If you have further questions concerning this petition, please do not hesitate to contact me.

Sincerely,

Ross Wm. Rader
ross@tucows.com