

FOR IMMEDIATE RELEASE — PRESS RELEASE

Subject: Did David Emerson violate subsection 482(b) of the Canada Elections Act?

Date: Saturday 18 February 2006

From: Dan Fass, East Vancouver, British Columbia

Did newly-elected MP David Emerson, who has switched from the Liberals to the Conservatives, violate subsection 482(b) of the Canada Elections Act? This subsection states¹:

482. Every person is guilty of an offence who

(b) by any pretence or contrivance ... induces a person to vote or refrain from voting or to vote or refrain from voting for a particular candidate at an election.

(Note: section 482 is in PART 19 of the Act titled "ENFORCEMENT ... Good Order at Elections".)

On Sunday 12 February, I wrote to Jean-Pierre Kingsley, Chief Electoral Officer of Elections Canada, who enforces the Act, to ask if Mr. Emerson violated subsection 482(b).

This possible violation differs from the one suggested by Peter Julian of the NDP on Friday 10 February. Mr. Julian asked the Ethics Commissioner whether Stephen Harper violated Section 8 of the Conflict of Interest Code for Members of the House of Commons when he approached Mr. Emerson about joining the Conservatives and its cabinet². In other words, Mr. Julian is inquiring after a different possible violator of a different body of rules enforced by a different person. Note also that the request made to the Ethics Commissioner is about possible inducement of Mr. Emerson, whereas subsection 482(b) is about inducement of voters. The following graphic summarizes the preceding differences.

Stephen Harper	David Emerson
induced?	pretence or contrivance in inducement?
House of Commons Conflict of Interest Code (Ethics Commissioner: Bernard Shapiro) [submitted Fri 10 Feb 06]	Canada Elections Act (Chief Electoral Officer: Jean-Pierre Kingsley) [submitted Sun 12 Feb 06]
David Emerson	Voters

Personally, I have no opinion as to whether a violation of subsection 482(b) did or did not occur, but I think it is legitimate to request a determination from Mr. Kingsley because the subsection seems relevant to concerns voiced by a significant number of Canadians, and especially to concerns voiced by people living in the riding of Vancouver Kingsway.

Further information can be found in the latest *The Georgia Straight*³ (Thursday 16 February).

¹ From <http://www.elections.ca/content.asp?section=loi&document=part19&dir=leg/fel/cea&anchor=sec482>

² See <http://www.ndp.ca/page/3464>

³ See <http://www.straight.com/content.cfm?id=16048>

[Erratum (20 Feb): It is **Raymond A. Landry**, Commissioner of Canada Elections, who enforces the Canada Elections Act. The question has been redirected to him. (The Chief Electoral Officer appoints the Commissioner.)]