

FOR IMMEDIATE RELEASE — NEWS RELEASE

Subject: Commissioner of Canada Elections says David Emerson did not violate subsection 482(b) of *Canada Elections Act*

Date: Wednesday 22 March 2006

From: Dan Fass, East Vancouver, British Columbia

On 12 February, I wrote to Jean-Pierre Kingsley, Chief Electoral Officer of Elections Canada, to ask if MP David Emerson had violated subsection 482(b) of the *Canada Elections Act*. This subsection states in edited form:

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.

I later redirected my inquiry to Raymond A. Landry, Commissioner of Canada Elections, on 20 February.

On 21 March, I received a letter from Senior Counsel to the Commissioner of Canada Elections, dated 15 March. In the letter, Senior Counsel says:

The available information concerning Mr. Emerson's decision to change party affiliation indicates that his decision was made after the federal election of January 23, 2006.

In this circumstance, a violation of para 482(b) of the [Canada Elections] Act cannot have occurred. Since you have not provided this Office with information of false representations made by or on behalf of the candidate before the voting took place and which the candidate knew to be false, there is no basis to conclude that a breach of the Act has been committed, and the Commissioner has no alternative but to close his file on this matter.

For the full text of Senior Counsel's letter and more about subsection 482(b) of the *Canada Elections Act* and other legal aspects of the David Emerson situation, visit [www.DavidEmersonLegal.com](http://www.DavidEmersonLegal.com).