

FEDERAL COURT

BETWEEN

DUFF CONACHER and DEMOCRACY WATCH

Applicants

- and -

THE PRIME MINISTER OF CANADA,
THE GOVERNOR IN COUNCIL OF CANADA and
THE GOVERNOR GENERAL OF CANADA

Respondents

AFFIDAVIT OF LAWRENCE LEDUC

I, Lawrence LeDuc, of the City of Toronto in the Province of Ontario, MAKE
OATH AND SAY AS FOLLOWS:

1. I am Professor of Political Science at the University of Toronto, a position which I have held since 1986. Previously, I was Professor of Political Science at the University of Windsor, and served as Associate Dean of Graduate Studies at that institution from 1982 to 1985. In 1995-96, I was Visiting Professor of Political Science at the University of Amsterdam. My areas of specialization in the field of Political Science are Elections and Political Parties, Public Opinion and Voting Behaviour, Comparative Politics, and Research Methodology. I have recently taught a fourth year/graduate seminar on

Comparative Political Parties and Elections at the University of Toronto, a course which I have taught on several previous occasions. I am co-author of nine books dealing with the subjects of Elections and Voting in Canada and other western democracies. I have also written articles on these subjects in a number of refereed journals in the field, including the *Canadian Journal of Political Science*, the *American Political Science Review*, the *British Journal of Political Science*, *Comparative Political Studies*, the *European Journal of Political Research*, *Electoral Studies*, and *Party Politics*. I am currently a member of the editorial board of *Electoral Studies*. A true copy of my curriculum vita is attached to this affidavit as Exhibit "A".

2. *Timing of elections.* In parliamentary systems under the British model, elections are held at times determined by the Government, except in cases where a government is defeated in Parliament on a vote of confidence. This has always been thought by political scientists to confer considerable political advantages on a governing political party, as that party can time an election according to its own political interests. Factors such as the state of the economy, standings in public opinion polls, or policy considerations, to mention only a few examples, often influence a governing party's decision to call an election. As a result, fixed election dates are often proposed as a means of leveling the playing field in elections and reducing the advantage that a governing party otherwise enjoys in this regard.

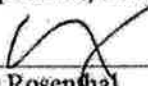
3. *The 2007 Amendment to the Canada Elections Act.* The amendment to the Canada Elections Act that was adopted by Parliament in 2007 was clearly intended to reduce the

power of governments to time elections to their own advantage. By fixing the date of the next federal election as October 19, 2009, the Government signaled its intention to renounce the traditional practice of timing an election for maximum political advantage. This was a reform that had been called for by many members of the Reform Party – one of the two predecessor parties to the governing Conservatives. While it still would be possible that the government might be defeated on a vote of confidence prior to October 19, 2009, it was clear that the responsibility for precipitating an earlier election would rest with the opposition parties.

4. *The October 14, 2008 federal election.* The current federal election was called upon the initiative of the Prime Minister when he visited the Governor General on September 7, 2008. Because of the 2007 Amendment, this decision came as a surprise to most political observers. Since Parliament was not yet in session, no non-confidence vote had occurred. Also, because four by-elections were scheduled to take place in September, there was no expectation that a federal election was imminent. The opposition parties, as well as most journalists and academic observers of elections, were taken by surprise.

5. *Effects on the election campaign.* It quickly became clear that the advantages gained by the governing party in pursuing this strategy were substantial. The Conservative party was well prepared for an election in terms of organization, funding, preparation of campaign materials, and nomination of candidates, while the opposition parties were not. In some respects, the advantages gained by the governing party under these circumstances were even greater than would have been the case under former practice,

since the opposition parties had no reason to expect an election unless they themselves precipitated one by means of a non-confidence vote. The intent of the 2007 Amendment to reduce such partisan advantage through the adoption of fixed election dates was thereby undermined.

Sworn before me at)
The City of Toronto)
In the Province of)
Ontario this 27th)
Day of September, 2008.)
)
Peter Rosenthal)
A Commissioner, Etc.)


LAWRENCE LEDUC