

FEDERAL COURT

BETWEEN

DUFF CONACHER and DEMOCRACY WATCH

Applicants

-and-

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

Respondents

AFFIDAVIT OF SINCLAIR MCKNIGHT STEVENS

I, SINCLAIR MCKNIGHT STEVENS, of the Township of King, York Region, in the Province of Ontario. MAKE OATH AND SAY AS FOLLOWS:

1. I am a lawyer, businessman, and former politician, who represented the federal ridings of York-Simcoe and York-Peel between the years 1972-1988 as a Progressive Conservative. I served in the government of Joseph Clark as President of the Treasury Board in 1979 and 1980. I also served in the government of Brian Mulroney as Industry Minister in the years 1984-1986. Currently I am leader of the Progressive Canadian Party.

2. In December 2003 the Chief Electoral Officer for Canada accepted certain merger documents filed by the then leader of the Progressive Conservative Party of Canada,

Peter MacKay, and certain merger documents filed by the Canadian Alliance by their then leader, Stephen Harper. On that day Mr. Kingsley declared the two parties merged under the name Conservative Party of Canada, notwithstanding the fact it was subsequently learned that the leaders did not have authority to file the documents, and the Federal Court of Canada subsequently held that Mr. Kingsley “erred in law” by not waiting the statutory 30 days before accepting a merger as provided in the Canada Elections Act.

3. Subsequently, over a hundred former members of the Progressive Conservative Party filed documents with the Chief Electoral Officer asking that he register a Progressive Conservative Party. The Chief Electoral Officer refused to do so, but subsequently, on March 29, 2004 he registered the Progressive Canadian Party with the short title PC Party. That newly registered party fielded 16 candidates in the subsequent 2004 federal election and 25 candidates in the subsequent 2006 election.

4. Following the 2006 election, the government headed by Prime Minister Stephen Harper introduced a Bill C-16, which was to amend the Canada Elections Act. The intent of the law was to bring predictability into our system of elections. The Bill, subsequently passed, provided for an election every 4 years, the first of which was to be on October 19, 2009, although it preserved the discretion of the Governor General to dissolve Parliament. It was my understanding that the next election was to be held on October 19, 2009 unless there was a prior vote of non-confidence in the government. My reading of the political situation suggested that it was very unlikely that there would be a non-

confidence vote.

5. The Honorable Rob Nicholson, Leader of The Government in the House of Commons and Minister for Democratic Reform, stated on Monday September 18, 2006, when questioned as to whether the Prime Minister could still call an election stated: “This Prime Minister will live by the law and spirit of this particular piece of legislation. He and this government are driving this democratic reform. ... This bill is an expression of how the House intends to conduct itself.”

6. The Honorable Rob Nicholson assured the House “instead of the governing party having the advantage of determining when the next election will take place and being the single party that may know for up to several months when it will occur, all parties would be on an equal footing.”

7. In 2007, the PC Party chose myself to be leader and Doreen Baxter to be president of the party.

8. We commenced an organizational process with the view of fielding at least 100 candidate for the election in October 2009. The PC Party’s website was updated and it was agreed that a campaign coordinator would be chosen who would commence a candidate search. A policy coach to advise candidates was to be put in place with respect to party policy. The policy coach would work with a candidate auditory and visual

presentation coach to aid such candidates. An events PR organizer was to be chosen, who would work with candidates in getting the message out locally for maximum public relations. A website manager was chosen, as was one person to look after Elections Canada filings. Meetings and conference calls were held regularly. An imperative was the raising of funds. It was recognized that the Conservative Party of Canada would likely have public funds available to spend up to 20 million dollars on an election which we presumed would be on the statutory provided date of October 19, 2009.

9. This presumption was reinforced when the Prime Minister, in the summer of 2008, provided for three by-elections to be held on September 8th and a fourth by-election to be held September 22, 2008.

10. This presumption was shattered when the Prime Minister on September 7th, 2008 (the day before the three by-elections) requested the Governor General to dissolve Parliament so that a general election could be held on October 14th, 2008.

11. This early election call was devastating to the PC Party. Our planning, which presumed the election was a year away, was now faced with a vote 37 days later, with only 1 candidate nominated, little funding raised, and only a skeleton organization in place. As a result, we fought the election with only 10 candidates.

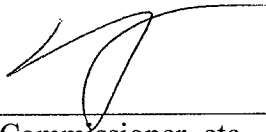
12. This set back for the PC party is particularly damaging. In particular, the PC party has no access to public funds unless we obtain a minimum of 5% of the vote in the

ridings we run in. Our target was to at least hit that 5% minimum level in votes in minimum of a hundred ridings which would mean something over 200 000 votes, which would mean we would be entitled to approximately \$400 000 per year on the basis of us receiving the statutory \$1.75 per vote indexed to inflation in every year following the 2009 election.

13. This affidavit is for the purpose of providing evidence for consideration during the hearing of this application and for no other or improper purpose.

SWORN BEFORE ME at)
the City of Toronto,)
in the Province of Ontario,)
this 5th day of November, 2008)


SINCLAIR MCKNIGHT STEVENS



A Commissioner, etc.

