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August 6, 2012

Commissioner of Canada Elections
c/o Elections Canada
257 Slater Street
Ottawa, Ontario
K1A 0M6

I write to you today in hopes that you are able to clarify a matter that we at Democracy Watch are quite concerned about: the recent interpretation of the word “induce” by the Office of the Commissioner of Canada Elections.

Only July 12 we issued a news release (<http://dwatch.ca/camp/RelsJuly1212.html>) after having received information about an Elections Canada decision on July 4th in response to a complaint made March 19th.

The ruling stated that the word “induce” in section 331 of the *Canada Elections Act* was interpreted in such a way to mean that a voter “was actually induced or affected in their voting behaviour due to the activity complained of.”

In Democracy Watch’s opinion this is a vague and possibly legally incorrect definition as we believe the term “induce” should include *trying* to persuade someone to vote one way or another (or not to vote), especially given that the heading of section 331 reads “Non-Interference by Foreigners” and the sub-heading is “Prohibition - inducements by non-residents”. “Interference” of course includes any act of interfering whether or not it is successful, and “inducement” is defined in the dictionary as: “the act of reasoning or pleading with someone to accept a belief or course of action (e.g. gave up smoking only after prolonged inducement by all the other family members).”

The clarification of what the Commissioner’s interpretation of “induce” is important not only for section 331, but also for the enforcement standard that is used for other situations, in particular cases involving alleged violations of section 5 of the Act (which prohibits actions to “induce” a person to vote who is not qualified to vote); section 282 and 482 (which prohibit foreigners from actions to “compel” voters through “intimidation” or “duress”, or to “induce” voters “by any pretence or contrivance” to vote a certain way or not vote); subsection 549(4) (which prohibits actions to “induce” a person to falsely take an oath), and; subsection 281(h) of the Act (which prohibits actions that “willfully prevent or endeavour to prevent an elector from voting at an election”).

Please clarify publicly what Elections Canada's definition of "to induce" is for all these sections of the Act through a reply letter to Democracy Watch, and by placing the content of this reply letter in a new Information Sheet in the Resource Centre section of your website, under the Legislation subsection, at:
<http://www.elections.ca/content.aspx?section=res&dir=loi/inf&document=index&lang=e>).

Kindest regards,

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