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NEWS RELEASE

## ***Does Bill C-3 Redress Democratic Rights Infringed by the 50-Candidate Threshold for Party Registration?***

***Study finds that although Bill C-3 conforms to the Supreme Court ruling,  
it remains silent on two fundamental questions.***

Montreal – The Institute for Research on Public Policy (IRPP.org) released today a study by Heather MacIvor entitled, “The Charter of Rights and Party Politics,” which looks at the Figueroa ruling’s impact on election law and assesses whether or not the legislative response adequately addresses the democratic rights violations.

“If Bill C-3 takes effect before the impending federal election, as seems likely, then eligible parties with only one or two candidates will be added to the register of parties on the twenty-first day before the vote, entitling them to issue tax receipts, label their candidate(s) and retain any surplus candidate funds,” writes MacIvor.

The author argues that Bill C-3 meets its two main objectives. Its definition of a political party, which includes a “one or more” candidate threshold, brings the party-registration regime in the *Canada Elections Act* (CEA) into conformity with the Supreme Court ruling that struck down the 50-candidate threshold. And, its new legal obligations and the penalties for phony parties provide new safeguards against abuse of the tax-credit provisions by groups falsely claiming to be political parties.

However, MacIvor finds that the legislative response is silent on two important issues. Bill C-3 does not state whether or not all automatic benefits currently provided to all registered parties would continue to be provided under the new criteria. And, it does not address whether the vote threshold for the two-tier benefits is still constitutionally valid.

Notwithstanding these lacunae, the author concludes that if electoral and institutional reforms take effect, the impact of the Figueroa ruling will be enhanced. “Instead of languishing in obscurity on the Opposition benches, MPs from smaller parties could find themselves in a strong bargaining position vis-à-vis a minority or coalition government,” says the author.

The study reviews the rulings from the lower courts to the Supreme Court’s majority decision which stated that the 50-candidate threshold for party registration under the CEA and the consequent denial of particular benefits were found not only to infringe the rights of the individuals directly involved with smaller political parties, but also violated the rights of all voters.

Since the Court opted to suspend the invalidation for 12 months to allow Parliament to bring the CEA into conformity, MacIvor reserves the latter part of her study to analyzing the Martin Government's legislative response and its implications for electoral law.

"The Charter of Rights and Party Politics," is the latest *Choices* study to be released as part of the IRPP's **Strengthening Canadian Democracy** series. It is now available on-line in Adobe (.pdf) format on the Institute's Web site ([www.irpp.org](http://www.irpp.org)). Please find the summary attached.

For more information or to request an interview, please contact the IRPP.

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