

## **Court action to quash the Conservative Party and restore the Progressive Conservative Party to the Registry of Political Parties**

On May 11, 2004, the Honorable Sinclair Stevens asked the Federal Court to find that the merger of the Progressive Conservative Party with the Canadian Alliance was not done lawfully and should therefore be undone.

It was submitted that:

1. There was no proper merger resolution as required by the Canada Elections Act; the “Agreement-in-Principle” was an agreement to start a new party, not to destroy the Progressive Conservative Party by merging it into something else.
2. The constitution of the Progressive Conservative Party prohibited mergers.
3. The Chief Electoral Officer’s registering the merger on Sunday, December 7, 2003, one day after the “Agreement-in-Principle” was voted on at a meeting of the Progressive Conservative Party was not lawful because he:
  - a) Failed to wait 30 days after the application to merge was filed with him before registering it, to ensure the satisfaction of the requirement in the Canada Elections Act that such an application is not registered within 30 days of the issuance of a writ for an election;
  - b) Denied the common law and Charter rights of “PC Party Loyalists” to make representations to him before he eliminated their party.

The Federal Court was asked to either:

1. Quash the registration of the Conservative Party of Canada and restore the Progressive Conservative Party to the Registry of Political Parties or,
2. Remit the question of the merger back to the Chief Electoral Officer for him to reconsider it in accordance with directions given by the Court.

The Judge hearing the case reserved her decision; we do not know when her judgement will be rendered.