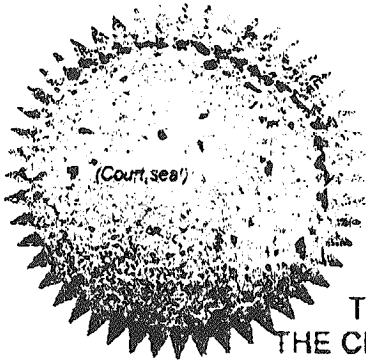


**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN.

JOAN RUSSOW and THE GREEN PARTY OF CANADA

Applicants



- and -

THE ATTORNEY GENERAL OF CANADA,
THE CHIEF ELECTORAL OFFICER OF CANADA and
HER MAJESTY THE QUEEN IN RIGHT OF CANADA

Respondents

APPLICATION UNDER RULE 14.05(2) OF THE RULES OF CIVIL PROCEDURE
and SECTION 24(1) OF THE CANADIAN CHARTER OF RIGHTS AND
FREEDOMS

NOTICE OF APPLICATION

TO THE RESPONDENTS

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing on Friday, June 29, 2001 at 10:00 a.m. at 130 Queen Street West, Toronto, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE

WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but not later than 2 p.m. on the day before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date: *May 1/01*

Issued by *L. J. [Signature]*
Local registrar

Address of court office:
393 University Avenue, 10th Floor
Toronto, Ontario M5G 1E6

TO:

The Attorney General of Canada
c/o Department of Justice (Canada)
The Exchange Tower
130 King Street West
Suite 3400, Box 36
Toronto, ON M5X 1K6

AND TO:

The Chief Electoral Officer of Canada
c/o Department of Justice (Canada)
The Exchange Tower
130 King Street West
Suite 3400, Box 36
Toronto, ON M5X 1K6

AND TO:

Her Majesty the Queen in Right of Canada
c/o Department of Justice (Canada)
The Exchange Tower
130 King Street West
Suite 3400, Box 36
Toronto, ON M5X 1K6

APPLICATION

1. The Applicants make application for:

(a) an Order that sections 2(1), 24(1) and 313 of the Canada Elections Act, S.C. 2000, c. 9 (the "Act") violate sections 3 and 15(1) of the Canadian Charter of Rights and (the "Charter") and do not constitute a reasonable limit under section 1 of the Charter, and are therefore of no force and effect;

(b) an Order suspending operation of the Order sought in section paragraph (a) above for a period of 2 years to allow the Parliament of Canada to amend the Act in a way which embodies the principle of proportional representation and does not violate the said sections of the Charter; and

(c) such further and other relief which this Honourable Court deems just.

2. The grounds for the application are:

(a) Sections 2(1), 24(1) and 313 of the Act together establish the single member plurality ("SMP") system of elections;

(b) the Applicant, Joan Russow, is a woman who is the former national leader of the Applicant, The Green Party of Canada. She is both a voter in federal elections and has been a candidate in federal elections;

(c) the SMP system creates unequal voting power among those who cast a

ballot in a given election, which impacts to the detriment of women voters and electoral candidates, on voters and candidates from geographically disbursed minority groups, and on voters and candidates for political parties whose membership is geographically disbursed, in violation of the equality rights guaranteed under section 15(1) of the Charter;

(d) by undermining the voting power of women, geographically disbursed minority groups, and supporters of political parties whose membership is geographically disbursed, the SMP system violates the right to vote of voters falling into those categories as guaranteed under section 3 of the Charter;

(e) Rule 14.05(2) of the Rules of Civil Procedure;

(f) sections 3, 15(1), 24(1) and 52 of the Charter;

(g) rule 14.05(2) of the Rules of Civil Procedure; and

(h) such further and other grounds as counsel may advise and this Honourable Court may permit.

3. The following documentary evidence will be used at the hearing of the application:

(a) the affidavit of Joan Russow sworn April 17, 2001;

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(b) the affidavit of Marian Coyne sworn April 23, 2001;

(c) the affidavit of Douglas Amy sworn April 13, 2001;

(d) the affidavit of Alan Cairns sworn April 23, 2001; and

(e) such further and other evidence counsel may advise and this Honourable Court may permit.

Date of issue:

ED MORGAN
The Test Case Centre
Faculty of Law
University of Toronto
84 Queens Park
Toronto, ON M5S 2C5

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Fax: (416) 946-5069
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Solicitor for the Applicants