



**ELECTIONS BC**  
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August 16, 2010

Leonard Krog, MLA  
Parliament Buildings  
Victoria, BC V8V 1X4

Dear Mr. Krog:

Thank you for your correspondence of August 13, 2010. I will endeavour to respond to your enquiries.

As an Officer of the Legislature I feel a very strong duty to at all times act responsibly, respectfully and independently. I am well aware of the deference that Members of the House have always shown for proceedings before the Courts and have witnessed on numerous occasions Members declining to comment upon matters because there is a nexus, either directly or indirectly between the matters in question and an issue before a Court.

It is against that back-drop that I had for consideration the question of how to proceed having regard for the John Allan Petition which sought to attack the legal legitimacy of the very document that my predecessor had caused to be approved, and that I was now charged with processing. While in discussions with legal counsel concerning an appropriate course of action I was informed by counsel for the John Allan group that, in their view, to even continue with the vote count might be seen as an abuse of process in light of the pending Court application.

As section 8 of the *Recall and Initiative Act* mandates that I had 42 days from the day on which the petition was submitted to me to determine if the petition contained the requisite number of signatures, I felt it not only appropriate but necessary to comply with section 8. However, I further was of the view that as the Court would be shortly deliberating on the legal legitimacy of the very document I was in the throes of processing, that I should respect the Court proceedings and hold further involvement with the petition in abeyance pending the outcome of the Court challenge, particularly as I was no longer faced with mandated time lines within the *Act*.

There have been concerns raised about the potential for delays of many months, and perhaps even years before further steps will be taken under the petition because of my actions, but I am of the understanding that in matters of this kind where there is a huge public interest in the proceedings, that the process is generally fast-tracked, and in fact the Court hearing is the final step in litigation that had its genesis only a few weeks ago.

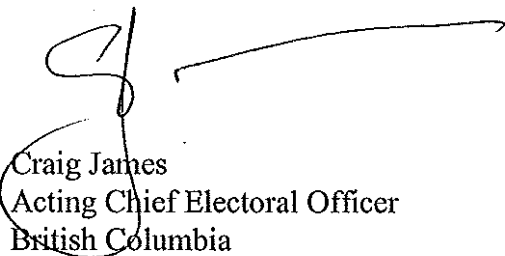
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A secondary concern that I have had relates to the appropriateness of my referring to a select standing committee of the House a petition and draft Bill that are currently the subject of Court proceedings to determine whether they are fatally flawed, particularly where it is the very actions of my office that are the subject of judicial scrutiny.

You suggest that I should have left it to the John Allan group to seek to enjoin my actions but to take such an approach would be, in my respectful opinion, to totally ignore what is currently before the Court for determination and would demonstrate a level of disrespect that would be unbecoming of my office.

I trust that the foregoing is responsive to your enquiries and must thank you for the respectful nature of your letter as I have been frankly saddened by the vitriolic attacks that I and my office have been subjected to during the past week.

Yours very truly,



Craig James  
Acting Chief Electoral Officer  
British Columbia