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**The Honourable Mobina S.B. Jaffer, Q.C.**

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Honourable Senator,

I am writing to you regarding an issue of the fundamental democratic rights of citizens of Canada.

An aside note is that I have recently observed the Senate being demonized for lack of accountability of some of its members. What is often not mentioned is that most groups of people have some members that are prone to some form of corruption. What is further not mentioned is that elected bodies in Canada, such as the House of Commons as an example, might well have more frequent and severe problems with corruption of their members than the appointed Senate. The work I have done can help bring attention to these points, as well as offer a remedy to some extent.

I have recently commenced proceedings in the Supreme Court of British Columbia. My proceedings are relevant to section 3 of the Canadian Charter of Rights and Freedoms, regarding the right to vote in an election of members of a legislative assembly.

I have spent several years of work implementing, demonstrating, and seeking visibility for an *interactive electoral system*. This is a method of electing a representative for a constituency in which each voter has one vote to participate in the selection of a representative, and may cast that vote at any time the voter chooses and change it at any time after that.

For a periodically elected legislative assembly, such as the House of Commons or a Provincial Legislature, the right to vote in an election of its members is provided to be exercised on one date chosen by various means, and then there is no means provided to exercise this right for a period of time. During that period of time, it can be said that

this right is denied, since a method has been demonstrated by which to make this right available to be exercised at any time.

In several years of observing participants in an interactive electoral system, no demonstrable justification has been presented by any participants or observers as to how it might be considered a reasonable limit in the interests of freedom and democracy to deny the right to vote in an election of members of a legislative assembly for any period of time. This would mean that the denial of this right is unlawful, according to section 1 of the Canadian Charter of Rights and Freedoms.

Experience with the interactive electoral system has demonstrated without exception that voters that are provided uninterrupted democratic enfranchisement are given extra incentive to become more informed about their electoral choices before making them and also are more resolute in adhering to those choices after they are made. Consequently, this system used on a large scale may be predicted to provide greater stability in the decision making capacity of the legislative assembly, as well as requiring less overall effort from electoral officials charged with maintaining the electoral standings for the candidates.

The Interactive Sovereign Society (ISS) is a society founded in 2010 with a representative legislative assembly whose members are chosen using an interactive electoral system, thus never denying ISS members their section 3 Charter rights. Members of the ISS are never denied their section 3 rights unless laws created by a periodically elected legislative assembly are imposed upon them.

The remedy I am seeking in my case in BC Supreme Court is as follows:

Before any individual, officer, or agent in British Columbia may have, or attempt to have, any laws imposed upon the petitioner that are created by a legislative assembly that denies the right to vote in an election of its members for any period of time, one of three conditions must be met:

1. the individual, officer, or agent must demonstrate to this honourable court why it is justifiable in a free and democratic society to consider it a reasonable limit to deny the right to vote in an election of members of a legislative assembly for any period of time,
2. the individual, officer, or agent must demonstrate to this honourable court that the petitioner has had membership in the Interactive Sovereign Society terminated, either for failure to adhere to its laws or by resignation, or
3. the individual, officer, or agent must demonstrate to this honourable court that the petitioner has displayed a lack of good faith in his allegiance to Her Majesty Elizabeth II, Queen of Canada

Since this is a matter of human rights, and also a matter of Charter rights guaranteed by law in Canada, I believe that the matter is worthy of the attention of the Senate Standing Committee on Human Rights.

The existence of the Senate already provides for the stability of legislation in Canada. The periodic denial of section 3 rights is therefore an unnecessary and redundant safeguard upon the democratic will of the citizens of Canada. The use of the Senate to provide stability through an extra deliberative step in the approval of legislation is consistent with the Constitution of Canada, whereas the denial of section 3 rights is not. I find the prohibition of the right to vote for any period of time to be the equivalent of saying that we do not trust our Senate to be our chamber of sober second thought.

Though the remedy being sought is only applicable in BC, the ISS has members all over Canada, and similar remedies may be sought in other Provinces based on this direct, literal interpretation of the Canadian Charter of Rights and Freedoms. This means that the ISS is an organization common to the entire federation. Consistency with the Constitution of Canada in the above remedy would require decisions made by a federal legislative assembly to receive approval from the Senate of Canada prior to those decisions being concluded. Therefore, a Constitution has been drafted for an organization which may be called the Interactive Legislative Assembly of Canada (ILAC) which includes ratification by the Senate as a part of its legislative process.

If the order requested from the BC Supreme Court is granted as asked, and subsequently the creation of the ILAC is ratified by the Senate, then the laws of the ILAC may be imposed upon me, as well as any other ISS member that relies on my precedent for the same status, without conflicting with the order made by the court. The order states that the three conditions apply only to laws made by a legislative assembly that denies the right to vote in an election of its members for any period of time, which the ILAC does not do, according to its Constitution.

Based on the precedent that would be set if the order is granted, it might be claimed that any group that established a working constitution with an interactive electoral process could be excused from governance by the BC Legislature. Certainly if one organization existed in BC to provide the option to BC residents to cease the periodic denial of their right to vote, with a Constitution that met the Senate's approval, then it would prevent the precedent from being used so that many different effectively sovereign states existed within the same territory. The ILAC is one suggestion, and certainly there is good reason to respect the right of the Senate to be the final word in approving such an institution. The courts may agree that as long as the right to vote were never unjustifiably denied based on the workings of the Constitution chosen by the Senate for such an organization, it could be the mandatory choice for citizens who would wish to have the periodic prohibition of their electoral rights repealed.

Of course the court could order that the Legislature start having its members interactively elected, but I believe the argument would be made that there is demonstrable justification for not extending this remedy to this extent, since many

residents of BC actually prefer to be denied the right to vote for periods of time. I couldn't really disagree with this.

If the Senate were to avoid giving the matter any attention, the court might decide to give Interactive Sovereign Society members this amnesty and then deal with any other organization that wishes to rely on this precedent by either ordering that the ISS and the other organization find a way to consolidate constitutions and act as one legislative body or requiring some written agreement between both organizations demonstrating a common area of lawful responsibility in diplomacy and bilateral affairs. However, at such a pivotal moment in the history of democracy, I would love to see the Senate of Canada establish a new chapter in its legacy by being part of it.

My only purpose in these matters is the pursuit of having my fundamental democratic rights be available to me in a way such that I may make my choices at times that I feel informed and ready to make them. I believe that the principles upon which the nation of Canada is founded, as illustrated in the Canadian Charter of Rights and Freedoms, would be well served by providing this ability for Canadians that desire a meaningful level of participation in the democratic life of their nation. There are no other aspects of Crown governance in Canada that I have any dissatisfaction toward, including Senate ratification and allegiance to Her Majesty the Queen. If the honourable Senators of Canada were to approve the creation of the ILAC, I would feel as if I was provided a better option than the ISS to have my electoral rights available without interruption while still remaining consistent with Canadian constitutional law.

One of the most important lessons my 41 years of life has taught me is that one of the most fundamentally important aspects of a person's life on which their happiness hinges is being offered choices, and being allowed to make those choices with the least interference reasonably possible. Unimpeded choices, in my experience, are the most intrinsic part of a person's life that gives them a feeling of independence and personal satisfaction. It is because of this fundamental principle that I have worked as hard as I have for nearly a decade now to bring this basic principle into the democratic forum.

I believe that the basis of how laws are made, the democratically elected legislative assembly, should be in the hands of the People. If the People are not allowed to make their choices at times that They Each feel ready to do so, then I believe that their happiness is quashed in a very intrinsic way. If people are not permitted to make their own choices at times of their own choosing, their society's laws are not really in their hands. I believe that this imposition upon their ability to make choices affects our society in some intangible yet resoundingly thorough ways. When power is usurped, and the victim does not have the ability to direct their frustrations toward the person or institution that has stripped their power, then the resulting internal frustration and resentment finds other directions to vent itself. By mitigating this usurpation, we can have a profound effect on the very fabric of our society that will alleviate an undercurrent of friction and resentment that permeates our society in any situation where "the rules" are involved in any way. In some of those situations, the participants

are often only dimly aware that any rules even apply. Tangible democratic enfranchisement brings this awareness to a new height.

I have grown very fond of the words “demonstrably justified in a free and democratic society” since beginning my work. The only way that I can prove that an interactive electoral system will work is to have participants give it a try. People that refuse to try because they claim that “it will never work” cause me to become incensed at the ignorant closed mindedness that stifles the creativity of the human spirit. I have nonetheless persevered, despite many stumbling blocks, because I believe that when given choices that are sincerely intended to empower, people rise to the occasion by doing their best to make those choices responsibly. I have *seen* it. If there really is demonstrable justification for denying the right to vote at any point in time, ever, I would like the opponents of an interactive electoral system to follow the law and *demonstrate it*, instead of making uninformed guesses as to how it would function if used, for instance, to elect Canada’s honourable Members of Parliament. Uninformed guesses are not demonstrable justification. Uninformed guesses are *theoretical* justification. We have a *Senate* for stability. We *don’t benefit* from periodic prohibitions on our rights to make representative legislative choices.

To find out more about the Interactive Sovereign Society, you can visit the website at [www.issociety.org](http://www.issociety.org) or else contact me by mail, phone, or email. I have included a copy of the Constitution for the ILAC, and I would very much appreciate hearing back from you about it.

I would very much appreciate if you would be willing to direct me as to how to prepare a presentation for the Senate Standing Committee on Human Rights. I have served as Secretary and Chief Agent for a federal political party in the past so I have a lot of experience with a deliberative assembly and the protocols involved with introducing and discussing motions and presentations, and I have studied Robert’s Rules extensively.

I look forward to hearing back from you at your earliest convenience.

Sincerely,

Sam Frank