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Notice to Canadian lawyers

<http://lawyers.findlaw.ca/human-rights/constitutional-law/british-columbia/vancouver/>

I am seeking legal representation in commencing precedent setting proceedings against the Crown regarding [section 3 Charter rights](#).

To convey my case, I must start by describing an [interactive electoral system](#) (IES). This is a method of electing a representative in which each voter has one vote that can be cast for any candidate at any time and changed to a different candidate at any time after that. There is no deadline or end date. It is an ongoing electoral process. "The right to vote in an election of members of a legislative assembly and to be qualified for membership therein", as guaranteed in [section 3](#) of the Canadian Charter of Rights and Freedoms, is available to be exercised at any time, instead of only periodically. There are more details to describe the system, but the ability to change the vote at any time is the fundamental point of it.

When I first devised this system, I made several calculations to compare it to the practice of periodic elections. In ten years of experience now with IES, as a voter and on occasion an elected representative, in several different contexts, I have found all observations to be consistent with these calculations. These include:

- greater stability in terms of composition of elected legislative assembly
- more expedient decision making process overall
- higher proportional voter satisfaction with decisions made by the elected legislative assembly
- less vehement antagonism from dissenters to decisions made by the elected legislative assembly
- more cost effectiveness in implementation and maintenance of the electoral system
- section 3 Charter rights are available to be exercised at any time instead of only periodically
- effective demonstration that denial of section 3 Charter rights for periods of time can not be justified as a reasonable limit in a free and democratic society

Based on sections 1, 3, 24, and 52 of the [Constitution Act, 1982](#), I would like to seek the courts' constitutional enforcement of my section 3 Charter rights by

having all taxes paid by me forwarded to the society of which I am a member that uses an interactive electoral system to choose its representatives, the [Interactive Sovereign Society](#). I clearly understand and would unequivocally agree that if the Crown enacts a legislative assembly under the authority of Her Majesty the Queen that does not periodically prohibit section 3 Charter rights, then my taxes could be diverted there instead of to a society alleging its own sovereignty. The Governor General has [already been contacted](#) by registered mail with a suggestion and a written Constitution that would accomplish exactly that.

I pursued this matter under my own representation in BC Supreme Court in 2014. The Crown applied to have my petition dismissed. The [application was heard](#) in front of Master Peter Keighley in New Westminster on October 17, and His Honour granted the Crown's request. The judge did state that my case could be reframed with the possibility of success and strongly encouraged me to seek legal representation before doing so to avoid being charged costs that might end up being prohibitive. I am indeed far from wealthy.

I have since then continued my research on decisions in Canadian courts regarding interpretations of section 3 of the Charter and I have become extensively familiar with the use of section 1 of the Charter in the determination of "reasonable limits" that "can be demonstrably justified in a free and democratic society", in general as well as regarding the specifics pertaining to my case. The decisions I have found to be most relevant are [Reference re Secession of Quebec](#), [Sauvé v Canada](#), [Figueroa v Canada](#), and [Harper v Canada](#). I find all of the text in these decisions to indicate that the remedy I am seeking to the denial of my section 3 Charter rights is consistent with the courts' interpretations of s. 3.

I found the most information about relevant democratic and constitutional principles in the Quebec Reference. I have written an [extensive description](#) of quotes from this decision which offers further insight into the validity of my case. I also have found several quotes from the other decisions:

- "In a democracy, sovereign power resides in the people as a whole and each citizen must have a genuine opportunity to take part in the governance of the country through participation in the selection of elected representatives." - Figueroa
- "While on its face, [s. 3](#) grants only a right to vote and to run for office in elections, [Charter](#) analysis requires looking beyond the words of the section and adopting a broad and purposive approach. The purpose of [s. 3](#) is effective representation. [Section 3](#) should be understood with reference to the right of each citizen to play a meaningful role in the electoral process, rather than the election of a particular form of government." - Figueroa

- "The framers of the [Charter](#) signaled the special importance of this right not only by its broad, untrammelled language, but by exempting it from legislative override under [s. 33](#)'s notwithstanding clause." - Sauvé
- "Denial of the right to vote on the basis of attributed moral unworthiness is inconsistent with the respect for the dignity of every person that lies at the heart of Canadian democracy and the [Charter](#). It also runs counter to the plain words of [s. 3](#) of the [Charter](#), its exclusion from the [s. 33](#) override, and the idea that laws command obedience because they are made by those whose conduct they govern." - Sauvé

Pursuing these proceedings is what I have devoted my life to for six years now, and I intend to see it through. Nothing will deter me from this goal. I have a conviction that the success of these proceedings will draw public attention to principles such as accountability, individual freedoms and choices, and effects of enfranchisement upon the respect between members of society. I believe that the impact of these principles in public awareness will cause a substantial improvement to the integrity of relations between members of societies everywhere that give any focus to this innovation in democracy, particularly in the ability of people with polarized opposite opinions to handle their disagreements with respect and dignity.

I greatly appreciate your willingness to learn of my efforts and I would very much wish to discuss the possibility of procuring your assistance. Please feel free to contact me at [604-765-1496](tel:604-765-1496) at any time or respond to this notice. I am grateful for the time you have taken to read this and I am eager to hear back from you.

Sincerely,

Sam Frank