

Submission to House of Commons Special Committee on Electoral Reform

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Summary

1. As this committee's mandate does not include studying whether the Canadian people are content with the status quo first-past-the post system, **it is incumbent upon the government and parliament to seek a mandate for change through a referendum**, regardless of what electoral system is recommended by the committee. The last general election was not a mandate from the people to implement whatever change politicians choose.
2. **Mandatory voting is an infringement on the rights of Canadians** to reject the entire political process and the right to reject all political parties and candidates offered. Even if a declined ballot is available, forcing people to vote against their will is an unnecessary intrusion by the government on their right to remain disengaged from the political process, and likely violates the Charter of Rights. It also dilutes the quality of the vote by the informed and engaged electorate.
3. **On-line voting is a change to our system that opens our election process to the very real danger of outside manipulation, both blatant and subtle.** It threatens the legitimacy of the entire electoral system in order to increase the number of votes cast by the indolent and apathetic. The quality of the choices made an informed and engaged electorate will also be diluted.

Referendum

4. The mandate of this committee to study changes to the electoral system, with no consideration as to whether the Canadian people even want a change from first-past-the post (“FPP”), is unfair to the Canadian electorate. But even if the majority of Canadians want a new system, it must be determined if the majority agree that to a new system is better than the old. Changing to a new system that has *less* support than the current system is **not** democracy.
5. The government and other politicians have made the argument that there is no need for a referendum, as the government’s campaign platform stated that this would be the last election using FPP if they were elected. They add that all political parties supporting electoral change together with the governing party received over 50% of the votes.
6. This position is tenuous at best, as it assumes that voters only supported those parties based on this one issue. There were in fact dozens of issues that decided how voters cast their ballots, with electoral reform being only one. Arguably electoral reform was a minor issue when compared to the economy, the Syrian migrant crisis, and the dislike for a government that had been in power for almost a decade.
7. The position that the people have had their say already is even weaker when it is remembered that the government did not campaign on any particular change, but just change generally. To then translate that into a mandate to change the very electoral system itself after 150 years to whatever system politicians choose is completely illogical and undemocratic.
8. It seems clear that the various political parties are using this issue to further their own agendas with little regard for the wishes of the Canadian people. Justin Trudeau made this point when he said “many of the people...who propose...we need a referendum, well they know that the fact is that referendums are a pretty good way of not getting any electoral reform.” In other words, it is irrelevant to him if the system he chooses cannot gain the support of 50%+1 of voters. He wants change, and democracy should not be allowed to get in his way.

9. The Prime Minister's unwillingness to put the matter to the electorate is not a surprise. Three times provinces have put electoral reform to the people through referenda, and three times it has failed to pass. In B.C., 61% voted for FPP. In Ontario, 63% voted for FPP. In PEI, 64% voted for FPP. So why is FPP not an option being considered by this committee?
10. A May 2016 Ipsos opinion poll shows that 73% of Canadians want a referendum on electoral reform. How can the government ignore the democratic will of Canadians on such a fundamental issue?
11. Minister Monsef has indicated that a referendum will not engage people who traditionally don't vote in high numbers. Yet **millions** of women, young people and minorities would vote in a referendum. How does she think a few hundred people attending town hall meetings will give them a greater voice?
12. Minister Monsef also stated that Twitter can replace a referendum! Does the Minister propose that we replace general elections with Twitter too? Of course not! That the Minister of Democratic Institutions wants to implement democratic reform without using the democratic process is astounding!
13. Some have argued that a referendum will be too expensive, or that there is not sufficient time to have a referendum prior to the next election. A sensible solution is to simply to have the next election under FPP and hold a simultaneous referendum on changing the system. Our democracy should not be undermined by an artificial political time line, based on a vague promise during an election campaign.
14. Like most Canadians, I am prepared to accept electoral reform of any type, if it is the democratically expressed will of the people. Not every issue needs a referendum of course, and a party that wins a general election should be allowed to implement its platform. But such a fundamental change to our democracy cannot be implemented without a direct mandate from Canadians.

15. The current political course being set, refusing to put electoral reform to a vote, is anti-democratic and should be disturbing to **all** elected officials.

Mandatory voting

16. A handful of countries in the world, including Australia, have mandatory voting. But if the purpose of mandatory voting is to persuade a greater proportion of the electorate to become engaged in the political process, compulsory voting is a poor way to do it.

17. To start with, there will be an obvious court challenge under the Charter of Rights. Forcing people to vote against their will, or even just forcing them to show up at a polling station will almost certainly be a violation of their Charter rights. Whether it would be saved as reasonable limit on their freedoms under section 1 of the Charter is entirely questionable.

18. Regardless of Charter challenges, forcing people to vote will not mean they will become engaged in the political process. Most who would not normally vote will simply resent being forced to show up, and will cast uninformed ballots. You cannot force someone to become engaged in something in which they are not interested.

19. Many people refuse to vote because they don't believe it makes a difference. You can't change that opinion by forcing them to vote.

20. The votes cast by an informed, engaged electorate will be diluted by the ballots of the uninformed, the disengaged, and the apathetic and that is also of great concern. Society is better off if those who are not interested in voting stay home.

21. The right to vote is fundamental to our democracy, and every Canadian adult, engaged or not, should always have that right. But if someone decides they can't be bothered, or that they simply don't care, then it should be their choice to abstain from voting.

Online voting

22. Given how obsessed our culture is with technology, online voting will seem to be a natural progression to many people. But the threat to our democracy that comes with it cannot be ignored.
23. The vulnerability of the internet to fraud is a very serious concern when considering our electoral system's security and integrity. The Canada Revenue Agency has been hacked. The White House has been hacked. The Pentagon has been hacked. The National Security Agency (NSA) in the U.S. has suffered a massive number of cyber-attacks upon it. Regarding the NSA attacks, Keith Squires, is quoted by KUTV: "In 2010, my IT director was letting me know that the number of attacks we were averaging a day was in between 25,000 to 80,000. We had peaks in the past year or so that were over 300,000,000 a day." (See <https://www.linkedin.com/pulse/nsa-data-center-experiencing-300-million-hacking-per-day-henriques>). Could Elections Canada survive this type of cyber-attack during an election?
24. An election costs approximately \$300 million dollars. What would happen to that money and the integrity of our democracy if a hacker group made an obvious attempt to compromise it, adding hundreds of thousands of fraudulent votes? What if hackers selected the 50 key swing ridings, and added just enough votes based on past results to influence the election one way or the other? How could the Canadian people have confidence that Elections Canada is able to sort out legitimate ballots from fraudulent ones?
25. A 2014 report to the B.C. Legislative Assembly by an Independent Panel on Internet Voting rejected outright the idea of online voting as being too dangerous to democracy (see <http://www.internetvotingpanel.ca/docs/recommendations-report.pdf>).
26. In the half dozen countries that have experimented with online voting, many problems have been found with hackers, but there have also been serious breaches of privacy and anonymity.

In France, journalists voted several times each under different names, throwing the results of the election in doubt. Because of this very serious potential for security breaches, Norway discontinued online voting (see <https://www.verifiedvoting.org/internet-voting-outside-the-united-states/>).

27. For people with genuine mobility issues, or for people who are very isolated geographically, mail in voting has existed for decades, and the ballot can be obtained online. Also, in almost every riding (except perhaps the most northerly ones) if a person calls the local riding association of the party they support; they will send a volunteer to help that person with mobility issues to the polls.
28. The argument will be made that young people do everything on their cell phones, so voting on their cell phones will help them engage in the process. The resultant danger from security issues should not be allowed to threaten the very foundation of our democracy in order to be slightly more convenient.
29. For the vast majority of Canadians, voting is a simple matter that takes a few minutes on the way to or from school or work on Election Day or on the weekend at advance polling stations. Similarly to those who will only vote if it is made mandatory, our society is better off if people who can't be bothered to go to a polling station don't vote. We should not threaten our very democracy for the convenience of the indolent and the apathetic.
30. If politicians want the people to be engaged in the political process, threatening the integrity of the system and results is not the way to do it.

Principles of Electoral Reform

31. There are **five principles** being followed by this committee regarding electoral reform. I will review them in light of the comments just made.
32. **The first principle is effectiveness and legitimacy.** Will the proposed measure increase public confidence that their democratic will, as expressed by their votes, will be fairly translated?

How can confidence be increased by the proposed electoral change if the democratic will of the people, as expressed by their votes, is disallowed completely? Without a referendum, the proposed measure, whatever it is, will have no legitimacy.

33. **The second principle is engagement.** Mandatory voting will almost certainly increase voter turnout, but it will not encourage participation in the democratic process itself beyond a disengaged electorate casting uninformed votes. That will not enhance our democracy in any way. It will in fact detract from it.

34. **The third principle is accessibility and inclusiveness.** The current system of requesting a mail in ballot online is more than sufficient for access by all eligible voters regardless of physical condition. The heart of our democracy should not be exposed to fraud for the sake of further convenience. The tradeoff is too extreme in the potential negative consequences to implement online voting.

35. **The fourth principle is integrity.** Given the obvious problems with security on the internet, the integrity of the system and public trust are at risk of being shattered if on-line voting is allowed.

36. **The fifth principle is local representation.** The issues raised in this paper have no real applicability to local accountability. But as an aside, surely FPP has greater value to local conditions than proportional representation where MPs are picked off a list of people who have nothing to do with local ridings.

Thank you for your consideration of this paper.

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