

Internet Referendum Voting Act

An Act respecting the implementation of a referendum system on government policy formation

SHORT TITLE

Short title

1. This Act may be cited as the Internet Referendum Voting Act.

INTERPRETATION

Definitions

2. In this Act,

“Account” means an electronic file of personal information that is created to access the RVS.

“Court” means the Federal Court of Canada.

“Electronic signature” involves an account holder submitting his or her name to the RVS’ policy recommendation section of the official website.

“Official Website” means the website managed and supervised by the Government of Canada of the RVS.

“Referendum” means a direct vote in which an entire electorate is asked to either accept or reject a particular government policy.

“RVS” means the Internet Referendum Voting System on Policy.

Structural Alteration of Canada's System of Parliamentary Democracy

3. Canada's parliamentary democratic system shall be structurally amended by replacing the political protocol of elected officials, including party leaders, cabinet ministers and their caucuses, exclusively deciding which policies are implemented by the government with the RVS.
4. A person shall create an electronic account in order to have access to the RVS and shall thereafter sign in on the official website, using personal information, including a social insurance number, to gain access.
5. There must be no less than 250,000 electronic signatures to certify a policy recommendation for a referendum ballot.
6. Upon the satisfaction of Section 5, the Chief Electoral Officer shall certify the policy recommendation and within 7 days schedule the commencement of the RVS procedures described in this Act.

Administration

7. (1) The Chief Electoral Officer shall:
 - (a) exercise general direction and supervision over the administrative conduct of RVS referendums and the administration of this Act;
 - (b) enforce fairness, impartiality and compliance with this Act in the conduct of RVS referendums;
 - (c) issue to election officers instructions deemed necessary to ensure effective execution of this Act;

- (d) host, maintain and service the technical needs of the RVS Official Website;
 - (e) keep a comprehensive written record of all RVS data and activity, including accounts, voting results, certified referendum questions, names of public and private sector discussion and debate participants and investigations and reports pursuant to public complaints;
 - (f) keep a video library of that which is broadcast by public and private sector parties; and
 - (d) perform such other duties and exercise such powers, including authorship and execution of administrative rules, that are incidental to the proper operation of the RVS.
- (2) Upon there being no less than 5 and no more than 15 recommendations authorized pursuant to section 5 and 7, the Chief Electoral Officer shall certify the referendum list within 3 days and within 7 days begin to arrange for the conduct of no less than 5 nationally televised discussions and debates, which must be concluded no more than 3 months from the date of certification.
- (3) Responsibilities include:
- (a) retaining experts, specialists and academics who have skills, knowledge and experience in the field to which each policy relates to attend at televised discussion and debates who after proper preparation will offer their independent opinions and perspectives, including their and other credibility-recognized and widely circulated publications;
 - (b) obtaining from experts, specialists and academics who agree to appear a brief synopsis of opinions and perspectives and their qualifications 7 days before broadcast;

- (c) arranging for input from members of the public by way of mail, e-mail, YouTube, Facebook, Twitter and other methods of public participation;
 - (d) arranging for input from the Prime Minister of Canada, cabinet ministers whose portfolios are relevant to the policy recommendation and Members of Parliament, both House of Commons and Senate, who have knowledge and expertise in the area to the proposed policy relates. Retained experts, specialists and academics shall exclusively decide which Members of Parliament and cabinet ministers have the requisite knowledge and expertise;
 - (e) taking steps to create and maintain transparency of the RVS, but which does not include the identification of voters, their personal information or how they voted. The RVS will be transparent to voters by way of posting in their accounts how they voted;
 - (f) accepting, reviewing, investigating and preparing a report on the merits related to a complaint filed by a voter; the Chief Electoral Officer shall post complaints and the report on the Official Website but shall not post the identity and other personal information of the complainant without written consent;
 - (g) ordering a re-vote in the event of third party interference, disruption or sabotage or malfunction of the RVS.
- (3) The Chief Electoral Officer shall conduct a 20 day national advertising campaign to inform the public of
- (a) the content of certified referendum policy recommendations;
 - (b) the dates of the televised discussion and debates;

- (c) the names of experts, specialists, academics and elected officials who will attend;
 - (d) citizens' entitlement to have input via mail, e-mail, YouTube, Facebook, Twitter and other methods of public participation; and
 - (e) upon the conclusion of RVS procedure tally the results and publish the results of the vote on each certified policy question.
- (4) Attendance by members of the public at televised debates will be by a lottery system administered by the Chief Electoral Officer.
- (5) Referendum questions shall be worded so that each voter may express an opinion on the question by electronically voting "yes" or "no".
- (6) To protect against unlawful intrusions of the RVS the Chief Electoral Officer shall implement and oversee two methodologies of forensic analysis of referendum results.
- (a) Thirty days prior to the formal referendum there shall be an informal referendum that will pose the certified policy recommendation to a determined number of eligible voters established by regulation; the purpose of which is to obtain an accurate sampling of what the formal referendum results would be without the unlawful intrusion.
 - (b) Where the Chief Electoral Officer determines that a policy is of national, provincial, territorial or municipal importance, a paper ballot format of referendum voting shall be implemented.
 - (c) To make the paper ballot format as convenient as possible the Chief Electoral Officer shall arrange for the delivery and receipt of the paper ballots by way of the Internet or Canada Post based on the needs of the voter.

[Amendment: May 19, 2012]

Television Advertising of Opinions Relating to Certified Proposed Policies

8. (1) All national and regional television networks and stations and CPAC must carry the live broadcast signal of each televised discussion and debate.
- (2) Commercial advertisements may be aired according to CRTC guidelines, but there shall be no advertisement that is directly or indirectly relevant to any policy on the certified list during the duration of the broadcasts.
- (3) Commercial advertisements relating to the promotion of a certified policy question
 - (a) by public sector parties or organizations who have public sector members are prohibited;
 - (b) by private sector parties are permitted but financial contributions to a television commercial supporting or objecting to a certified policy question by a person cannot exceed \$5,000; and no organization, association or group with a membership larger than 1,000 can proactively organize its membership to contribute as a block.
- (4) Television networks and stations that broadcast an advertisement must give equal time to advertisements that promote the opposite viewpoint to what has been broadcast and at the same rates.

Availability of Computers and the Internet

9. (1) The Chief Electoral Officer shall arrange to have and manage and oversee computers with Internet access in all Canada Post locations and public libraries in Canada.

- (2) Where there are no Canada post locations or public libraries within five miles of voters, the Chief Electoral Officer shall establish accounts, send and receive ballots and add these votes to RVS results.

Only One Vote Per Registered Voter

10. Each account holder may cast only one vote per certified policy question.

Duties and Responsibilities of the Government of Canada

11. (1) Upon a referendum policy issue obtaining more than 50% of the cast electronic votes, it is the duty of the Government of Canada to
 - (a) implement the policy without amendment;
 - (b) retain experts, specialists and academics to conduct on-going multi-disciplinary empirical analyses of each policy to track how it operates; and
 - (c) collect the empirical analyses every 60 days and determine if the approved policy has achieved stated objectives and conforms to the public's reasonable expectations.
- (2) Upon a majority opinion amongst the experts, specialists and academics that the approved policy has achieved or is achieving stated objectives and the public's expectations, there will be no amendment to the policy.
- (3) If there is a majority opinion amongst the experts, specialists and academics that the approved policy is not achieving stated objectives and not conforming to the public's expectations, and the consensus or majority view is that only minor alterations to the policy will rectify what is not achieving stated objectives and not conforming to the public's expectations the Government of

Canada shall implement the changes the experts, specialists and academics recommend.

- (4) If there is unanimity or a majority view amongst the experts, specialists and academics that the approved policy is not achieving stated objectives or conforming to the public's reasonable expectations, and the consensus or majority view is that no alterations to the policy will rectify what is not achieving stated objectives and conforming to the public's expectations the Government of Canada shall halt implementation of the policy and order that the public be notified accordingly.
- (5) In the event of a Section 11(4) outcome, the Chief Electoral Officer shall order another set of televised discussions and debates in the manner described in this Act; and alternatives to replace the failed policy shall be recommended by the retained experts, specialists and academics, which shall be posted on the Official Website. Members of the public then may also recommend policy alternatives and in that event Section 5 applies.
- (6) The Government of Canada may recommend policies but must follow the following procedure:
 - (a) an elected party or a Member of the House of Commons may recommend that a policy be implemented by the Government of Canada and shall publicly announce what the nature, objective and what a majority of constituents' reasonable expectations of the policy are on the Official Website;
 - (b) there shall next be hearings by the House committee or committees that have relevance to the proposed policy that will discuss and debate its merits, the video and transcripts of which must be posted on the Official Website within 2 days;

- (c) there shall next be hearings by the Senate committee or committees that have relevance to the proposed policy that will discuss and debate its merits, the video and transcripts of which must be posted on the Official Website within 2 days;
- (d) there shall next be a House discussion and debate on the proposed policy's merits, the video and transcripts of which must be posted on the Official Website within 2 days; and
- (e) there shall next be a House vote on the proposed policy and upon obtaining more than 50% the Government of Canada will notify the Chief Electoral Officer of that result and who shall certify the policy question for the purpose of triggering the RVS protocol. The Chief Electoral Officer may refuse to certify the policy question if the procedure in Section 11(a), (b), (c) and (d) is not complied with and publicly request the Government of Canada so comply. The results of this vote, including names of voting Members of Parliament and in which manner they voted shall be posted on the Official Website within 1 day.

11.1 The results of the RVS are sovereign except when:

- (a) the RVS fails to deliver a majority vote on a certified policy recommendation for a second time in a row; at which time the Government may implement a policy of its own design on that subject-matter; or
- (b) there is a free vote in the House of Commons by the Government that achieves an 85% majority in favor of decertification; at which time the Government may replace the majority voted policy with a policy of its own design.

[Amendment: April 25, 2012]

New Governments

12. (1) A government that is elected and formed by the same or another political party is bound by all previous RVS results. No RVS procedure will be commenced after an election writ is filed and may be commenced not until 7 days has elapsed after the conclusion of the election.

Court Actions

13. (1) The Court does not have jurisdiction whether by judicial review or filed action to adjudicate the RVS protocol, its processes and procedures and its results.

- (2) The Court has jurisdiction

- (a) to prosecute pursuant to sections 14, 15 and 16 of this Act;
- (b) in the event the Chief Electoral Officer or a duly authorized agent omits to do what is required under this Act, is negligent or engages in unlawful conduct in administering the RVS under this Act to grant relief that has as its sole objective the preservation and integrity of the RVS;
- (c) shall compel the Government of Canada to implement approved policies and prevent same from implementing an RVS approved policy that is certified as having not met the stated objective or the public's reasonable expectation by a consensus or majority opinion of the experts, specialists and academics retained to make those determinations; and
- (d) shall declare null and void policies unilaterally implemented by the Government of Canada that does not comply with this Act and may grant declaratory, injunctive and pecuniary relief when it is reasonable and just to do so.

- (3) Applications pursuant to this Section must comply with the following and the Federal Court Rules 1998 are amended as follows:
- (a) for the cause of action and relief specified in Section 13(d) an applicant shall not be required to pay a filing fee;
 - (b) a minimum of 3 days notice to the respondent must be given before a motion is heard;
 - (c) the Court may grant motion adjournments only if there are compelling reasons to do so, and in any event may not adjourn motions at the request of the respondent *sine di*;
 - (d) the Court must render its decision within 30 days; and
 - (e) appeals shall follow the *Federal Court Rules* 1998.

Offenses

14. (1) Every person is guilty of an offence under this Act who
- (i) creates more than one account to access the RVS;
 - (ii) creates an account with inaccurate or false personal information;
 - (iii) employs coercion, undue influence or false pretenses
 - (a) to facilitate another person creating an account;
 - (b) to have another account holder vote in a particular way.
 - (iv) appoints a proxy to vote in his or her place;

- (v) employs coercion, undue influence or false pretenses to interfere with the free expression of opinions, facts, figures and empirical studies by experts, specialists, academics and other participants referred to in this Act.

(2) Every person is guilty of an offence under this Act who

- (a) accesses personal information or voting data stored on the RVS computer without written consent from the Chief Electoral Officer;
- (b) changes or interferes with settings, preferences or commands installed or stored on the RVS;
- (c) changes or interferes with or destroys data stored in the RVS;
- (d) changes or interferes with the RVS in a manner that obstructs, interrupts or interferes with lawful access to or use of data on the RVS by the public;
- (e) causes a computer system to communicate with the RVS or other device connected directly or indirectly to it; and
- (f) remotely or directly installs a computer program that may be activated by a third party without the knowledge of the Government of Canada.

Conspiracy and Attempts

15. Every person commits an offence who conspires or attempts to commit, is an accessory after the fact in relation to or counsels in relation to an offence under this Act and is liable to the same punishment and to be proceeded against in the same manner as if he or she had committed the offence.

Punishment

16. (1) Every person who commits an offence in relation to sections 8, 10 and 14(1) is guilty of an indictable offence and is liable to imprisonment for a term of not more than 2 years and a fine of no more than \$10,000.
- (2) Every person who commits an offence in relation to Sections 14(2) is guilty of an indictable offence and is liable to imprisonment for a term of not less than 20 years and a fine no less than \$10 million.

Regulations

17. The Governor in Council may not make regulations
- (a) modifying the provisions of this Act;
 - (b) prescribing the duties and powers of the Chief Electoral Officer in connection with the RVS except as provided in this Act; and
 - (c) generally respecting any other matters and things relating to the RVS.