

BEYOND ELECTORAL BOUNDARIES REGULATING THE POLITICAL DEBATE

Oral Submissions to the Standing Committee on
General Government Bill 201, Election Finances Statute Law Amendment Act, 2016

by
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Introduction

Mr. Chairman, Members of the Committee:

Thank you for this opportunity to officially address Bill 201, which of course, directly affects the Freedom Party of Ontario as an officially registered political party, but also affects all voters and taxpayers in the province in a dangerously negative way that few seem to be aware of.

It is particularly noteworthy that this eight-point summary of Bill 201 happens to have isolated the eight most objectionable and highly undemocratic provisions of Bill 201.

Freedom Party strongly objects to all eight proposals - even though most of them would not directly affect Freedom Party.

However, in this limited verbal portion of our submission, I shall only cite the concerns that do most affect Freedom Party - and the voters and taxpayers of Ontario.

There are two: (1) "(REDUCED) Contribution limits for individuals" and (3) "Quarterly allowances are made payable to registered parties." I shall begin with the second point first.

Quarterly allowances

The very notion of political parties awarding themselves 'quarterly allowances' is offensive in the extreme. As I understand it, among the purported reasons for granting political parties a per-vote subsidy is to make-up for the short fall suffered as a result of eliminating corporate and union contributions and imposing lower limits on contributions by individuals. This suggests an implicit, if not explicit, acknowledgement that the consequences of Bill 201 will cause harm to Ontario's officially-registered political parties. And this is in fact so, whether acknowledged or not.

However, not all parties would get the per vote subsidy to replace the revenues they lose as a result of the new limits, because of the voter thresholds a party must reach to qualify for taxpayer subsidy. Calling that taxpayer funded subsidy an 'allowance' merely adds insult to injury.

Assuming that these subsidies will be adopted, Freedom Party officially proposes that, at the very least, any party *not* getting a subsidy should *not* be subject to the new, lower individual contribution limits. To do otherwise is patently unjust and glaringly tilts the electoral tables in the favour of the parties receiving subsidies - and against those who do not.

Moreover, what does it otherwise say about the three Goliaths who would restrict the 100% voluntary financing of the smaller parties, while awarding themselves taxpayer-funded subsidies?

However, in addressing the essential democratic principle involved, it must be stated that no political party - and that includes Freedom Party - should ever receive taxpayer funding - either as a 'reimbursement' of their expenses (as they have done for many years), or as a 'reward' for getting votes.

Under Bill 201, even our votes themselves now come at a price - and it is not merely the monetary amount self-awarded to the victors at the expense of the taxpayer.

It comes in the form of corrupting the democratic process itself - in the form of using forcibly raised taxpayer dollars given to political parties who in turn would use those dollars - as political parties - to solicit, influence, persuade, and even bribe those voters.

The freedom to associate through the political party process entitles no party to taxpayer-paid privileges - allowances - subsidies. This is unthinkable if any semblance of free political discourse is to be preserved in this province.

In effect, under Bill 201, both voters and non-voters become conscripted 'members' and 'supporters' of the parties receiving a subsidy in direct proportion to their percentage of the vote. This is simply politically, philosophically, economically, and morally unacceptable.

Reduced Contribution limits for individuals

Forget about *reducing* individual contribution limits. *Eliminate* personal contribution limits entirely. In a free democracy, there should be no limits on how much any individual or group may raise for its long-term plans and eventual success at the polls.

Elections are already regulated, controlled, and limited with regard to campaign *spending*, so the income or assets of any participant in that election is irrelevant. What is relevant is what that candidate or party is offering voters.

No matter how much a party or candidate may raise, one can never be allowed to go beyond the pre-established spending limits of the election. Concerns about party revenues are petty and irrelevant in the extreme.

Consider that the proposed greatly-reduced limits on individual contributions restricts the higher portion of an individual's current contribution limit that does not in any way qualify for any tax credits or refunds. Unlike a government subsidy, allowance, or even to a milder extent an individual's tax refund, no other taxpayer or citizen is affected in any fiscal way by these voluntary donations which affect nothing in the public arena.

Limiting private spending on political activity is a direct attack on democracy itself, on freedom of association, on freedom of thought and expression, and on freedom of political advocacy and action. It is an attack on the personal.

Individuals who voluntarily contribute their own dollars to help create an electoral choice for voters, should never be hindered or hampered in that regard, they should be thought of as the heroes and champions of democracy. Bill 201 insults them.

I would remind this committee that the concept of democracy and free elections means being free from government intervention and interference in the exercise of our fundamental democratic rights, particularly by the parties and candidates for whom they are expected to vote!

This brings me to a most frightening observation. Bill 201 effectively ends the era of having rules limited to holding elections. It begins a new era of government rules, regulations and restrictions for personal political activity. It is Orwellian in the extreme.

From Electoral Regulation to Political Regulation

Bill 201 broadens the jurisdiction of the government. Instead of being limited to establishing objective rules for holding elections, it will now regulate the field of ideas, and the expression of those ideas in the political marketplace - and politics itself, which is an entire separate activity from electoral activity.

Voting is a public undertaking. But like religion, Politics is Personal. As if to place a tiny exclamation point on that reality, Bill 201 explicitly specifies that Subsection 37.5 (5) of the Act is amended by striking out "third party *election* advertising" and substituting "third party *political* advertising," which stretches the mandate of Elections Ontario far beyond that of elections themselves. One can only imagine the ensuing debate that will arise about what constitutes 'political'.

This is beyond chilling.

The government is overstepping its boundaries and is now proposing to more directly regulate political debate itself, outside of the electoral process, under the pretense that it is merely regulating funding that unduly influences the legislators.

There is an assumed corruption hidden behind efforts geared towards 'political financing reform,' - whether such corruption exists or not. With each supposed reform, the public gets taken for another expensive ride, such as Bill 201's proposal that taxpayers now must now be forced to finance political parties without ever even being asked to join them. Nor do the taxpayers get a vote within the parties they have been forced to subsidize. They pay the dues, but receive no party benefits or privileges.

The problem of 'corruption' that this committee and Bill 201 are ostensibly attempting to address is one of a lack of character and principles guiding those sitting in the legislature. Expecting the prohibition of voluntary donations to private political parties - including those not even sitting in the legislature - is no solution, but does provide more evidence of the *democratic corruption in the thinking of those who make these proposals*.

Conclusion

It is not political parties that we elect to the legislature. We elect individuals, who may or may not be a member of a particular political party. Party affiliation is the personal affair of a given individual. Party affiliation is a natural and proper convention that makes it possible for given majorities of common ideas and political philosophies (which are all personal matters) to act in unison, and so democratically carry their agendas forward.

However, taxpayers should never be obligated to pay for someone else's personal political preferences and associations.

Bill 201 changes all of this. It transforms the current parties in the legislature into permanent official taxpayer funded bureaucracies, cutting them off from the very people they are constituted to represent. There can be no just claims of representation and party support when the dues are forced.

Should Bill 201 become law, then for the sake of clear transparency, the name of Elections Ontario must be changed to Politics Ontario.

Should Bill 201 become law, Freedom Party will have yet another compelling issue to bring to the attention of voters in 2018.

Thank you.