ONTARIO SUPERIOR COURT OF JUSTICE

B E T W E E N:

FAIR VOTING BC and
SPRINGTIDE COLLECTIVE FOR DEMOCRACY SOCIETY

Applicants

- and -

ATTORNEY GENERAL OF CANADA

Respondent

AFFIDAVIT OF DANIEL SANTORO

I, Daniel Santoro, of the City of Toronto, in the Province of Ontario, MAKE OATH AND

SWEAR:

1. I have personal knowledge of the matters deposed herein. Where I have relied on the

   information of others, I believe it to be true.

2. I am 39 years old.

3. I am a lawyer in Toronto and practice in the area of public law. Most of my practice

   over the last 12 years has focused on criminal defence and constitutional issues.

4. For the last two decades or so, I have not seen my political beliefs being represented in

   Canada's three main federal parties (the Liberal Party, the Conservative Party, and the

NDP). I believe truly free expression and debate are essential for the healthy functioning of a democratic society. I believe that the law should recognize the inherent dignity of all human beings, without regard for personal characteristics of any kind whether they be age, race, sex, or any other characteristic. As a manifestation of this belief, I strongly oppose criminal and other governmental sanctions against Canada's most vulnerable and marginalized. I hold our Parliamentary and common law legal tradition in high esteem and expect our politicians to understand how our governmental system is supposed to work and act in accordance with these traditions. I think that we should focus more heavily on addressing long-term and even existential challenges we face. Human life is increasingly treated as expendable. I am very concerned about the serious air, water, and land pollution which is permitted by our law. I also take strong issue with the manner in which animals are treated for commercial gain, such as 'factory farming,' which I regard as abusive to animals. I fear that if current trends keep apace, human life, animal life, and the ecosystems which sustain them will be irreversibly damaged. As such, the law should ensure all human life is protected and respected, that animals are not abused, and that our physical environment is not damaged.

5. Because I did not have strong affinities for any federal political party, I voted in my first few elections for "candidates" rather than "parties". Specifically, I voted for a candidate if I believed this candidate was a good person who was willing to think and engage with the issues – I looked to elect "good people". I made my decisions based on media interviews and my door-to-door interactions with these candidates.

6. In 2000, the first federal election in which I could vote, this approach led me to vote

for Albina Guarnieri of the Liberal Party. At the time, I was living in the Mississauga East riding. Although I voted for someone I thought was a "good person", I did not enjoy voting for the Liberal Party since I do not feel it represented my political beliefs. I also did not feel like I was making much of a difference: Albina Guarnieri got elected with over 64% of the vote, a margin almost four times as large as the second place (Alliance) candidate.

7. In the 2004 election, riding boundary changes placed me in the Mississauga-Brampton riding. I do not believe I voted in that election. I did not like any of the main candidates or parties. On the one hand, I regret not participating in this election. On the other hand, I felt forced to choose between casting a futile vote for the Green Party, a newer party I had some interest in, and voting for candidates and parties whom I felt did not reflect my own views. Subsequently, I learned that it was possible to formally decline my ballot, which action would be formally recorded. Had I known this at the time, I likely would have done this rather than simply not showing up at the polling station, which is likely to be interpreted as apathy.

8. By the 2008 election, I had moved into the Parkdale-High Park riding. At that time, given the NDP's strong historical performance in the riding, it seemed realistic to me that the Green Party might also be able to attract a significant percentage of the vote from voters who shared my concerns. In 2008 (Robert Rishchynski), 2011 (Sarah Newton), and 2015 (Adam Phipps), I voted for the Green Party. While I believed that the main parties did not address (nor seem interested to address) any of the issues I cared about (outlined above), the Green Party was at least seeking to address some of these issues. I should also mention that while Stéphane Dion ran his campaign for the

Liberal Party on a carbon tax platform (which arguably partially addresses the question of air pollution, though not water or land pollution), I did not believe the Liberals could be trusted on environmental issues more generally, nor could they be trusted to keep election promises. Their position seemed opportunistic, whereas the Green Party seemed genuine and credible in their intention to truly address the issue in a broader and meaningful fashion. The environment issue was sufficient to motivate me to 'vote for a party' rather than a candidate. However, in all three elections, the Green Party lost in my riding, obtaining 7.5%, 3.3%, 3.0% of the vote. This made me feel like I was wasting my vote.

9. Leading up to the 2019 election, I helped organize an all-party campaign debate hosted by the Roman Catholic Archdiocese of Toronto. It was in the course of this debate and through a subsequent discussion with their candidate in the debate (David Haskell) that I learned more about the People's Party of Canada (PPC). I felt David honestly answered the questions posed to him to the best of his ability, even if the answers were sure to be unpopular. I would say the same about the Green Party representative at the debate. However, over all, David took more positions that were consonant with my own, such as a willingness to promote free expression and debate, a willingness to engage in empirical analysis to make policy decisions, and an emphasis on clean air, soil, and water (including for First Nation communities) rather than a single-minded focus on climate change. I had not previously paid too much attention to this new party and its platform, aside from the high-profile fall-out between Maxime Bernier and Stephen Harper.

10. Ultimately, in 2019 I was persuaded to give the new PPC a chance. I was aware that the PPC was running candidates in all ridings and there was a generally regarded non-zero possibility that they would win at least one seat. I felt that the PPC would be able to bring several important issues to Parliament for debate. Yet the PPC candidate in my riding lost, obtaining 1.06% of the vote. And despite obtaining 1.62% of the vote nationally, the PPC did not win any seats in Parliament.

11. I understand that the Green Party and PPC are effectively marginal parties in Canadian politics, even though they obtained 6.6% of the vote (1.2 million votes) and 1.6% of the vote (0.3 million votes) respectively in the 2019 election. They promote at least some issues I strongly believe in. Though I certainly do not agree with either party on all issues, I find that both these parties more effectively represent at least some issues I care about than the mainstream political parties. Nevertheless, my chance of electing an MP from these parties in my current riding, and therefore helping these parties to grow their visibility and presence in the Canadian political discourse, is effectively nil.

12. Proportional representation is not something I have given much consideration to over the years. To the extent I have considered the matter, I was more inclined to think that our system could work "as-is" if certain rehabilitative measures were taken, e.g. pulling-back the power of the party leader in order to allow more free expression and debate. However, I have always had the intuition that it is unfair for a party to get something like 40% of the vote and 60% of the seats. But this is not an issue on which I am particularly well-informed. I do know, however, that I want a voting system where candidates who

share my political perspectives are able to run, be elected, and meaningfully participate in

the parliamentary process if a fair share of voters share my perspective and vote for them,

even if it is a minority perspective.

SWORN BEFORE ME, by videoconference,)
from the Town of Churchton Deale, in the State)
of Maryland, USA, to the City of Toronto, in the)
Province of Ontario, on the 15th day of April,)
2021.)_____
)
) **Daniel Santoro**

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Commissioner of Oaths, etc.

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