

**SEAN HERN LAW CORP.**  
LITIGATION COUNSEL

September 1, 2025

BY EMAIL

Benjamin Isitt Law Corporation  
2547 Prior Street  
Victoria, BC V8T 3X5

Dear Ben:

**Re: BC Green Party Identity Verification**

I represent the BC Green Party in relation to the leadership contest and write in response to your August 28, 2025 letter on behalf of Emily Lowan.

Reasonable Expectations

With respect to the suggestion that Ms. Lowan may bring a claim for oppression or unfair prejudice under the *Societies Act*, as you know, the merits of those claims will turn on the court's assessment of the reasonable expectations of the petitioner. In this case, when considering reasonable expectations, the agreements that Ms. Lowan signed to participate in the leadership race will feature prominently in the analysis. Those documents include Ms. Lowan's application signed June 13, 2025, which contains the following commitment:

3.1 The Applicant agrees to be bound by the Application, evaluation, and appeals process outlined in the [Leadership Contest Rules](#),...

Section 26 of the May 8, 2025 Leadership Contest Rules provides as follows:

- a. Leadership Campaigns are strongly encouraged to promote new Party membership signups as a way to increase the number of their enfranchised supporters.
  - i. The Chief Electoral Officer may verify the identity of new Party memberships at their discretion.

In this case, the Chief Electoral Officer ("CEO") exercised her discretion to verify the identity of new party memberships by way of a process that is set out in the "Voters List and Member Identification" policy.

The introductory section of that document sets out the basis for the CEO's decision to exercise her discretion in favour of verifying the identity of new members:

The integrity of the leadership contest vote depends on ensuring everyone who is voting meets the eligibility requirements and is who they say they are. Unfortunately, foreign interference has become a major issue for Canada, especially with regard to leadership contests.

The recent federal Liberal leadership contest saw fraudulent attempts to sign up new members, and the 2022 federal Conservative leadership contest saw foreign interference primarily in terms of illicit fundraising.

According to Dennis Molinaro, a professor at Ontario Tech University and former security analyst with the federal government, "leadership races are extremely vulnerable to foreign interference attempts, especially as these rules for the leadership contest are currently set by the political parties themselves." While the BC Green Party has lobbied for legislation to mandate Elections BC with managing party membership lists, nomination contests, and leadership races, we are currently responsible for protecting the integrity of the vote.

The LCC and CEO watched and learned from the verification process that the federal Liberal Party used in their February leadership contest, especially with regard to their deficient communication with members and the unreliable implementation of the verification process itself. This document describes the processes the BC Green CEO is taking to ensure that our voters list is accurate, up-to-date, and free from foreign interference.

The CEO disagrees with the suggestion in your letter that verification can only be justified by evidence of specific threats to the election process or that Ms. Lowan has any reasonable expectation that contestants should be provided with IP addresses and other personal information to audit the same. The CEO's decision is appropriately proactive, not reactive. In any event, the party also does not have IP addresses for the membership (as you assert), nor would those assist as IP addresses are routinely disguised and in any event are not associated with individuals.

The CEO believes, as does the Liberal Party of Canada and prominent academics in the field, that verification of identities is an appropriate component of a fair modern electoral process. No court is going to find that the CEO's views on these matters somehow exceeded the discretion expressly accorded to her to implement a verification process. Consequently, Ms. Lowan's reasonable expectations were not breached – she specifically agreed to the Leadership Contest Rules, including the potential for the CEO to decide, in her discretion, to implement a process for verifying new members.

#### The Verification Process is not Discriminatory

The Voters List and Member Identification policy sets out a reasonable and workable verification process with two options for members with email addresses that accommodate voter preferences and capacities. A third option is available for members who do not have an email address or are uncomfortable with technology. A fourth option has recently been added as a further backstop (a Zoom drop-in room whereby any member can join a Zoom call between

posted hours in the event a member doesn't want to set up a Google Meet appointment at a specific time).

The party has been very transparent about the verification process and responsive to Ms. Lowan's concerns. Ms. Lowan will recall that on July 23, 2025, a meeting was held with the leadership campaign teams to discuss the verification options and processes. Few questions were asked, but at the end of the meeting Ms. Lowan requested that a demonstration be provided. The CEO arranged for the same and on July 24 emailed the three campaigns the opportunity for a demonstration of each method of verification. None of the campaigns chose to receive a demonstration. Ms. Lowan's campaign co-manager, George Radner, subsequently had a few phone conversations with Stefan Jonsson, a non-voting (advisory) member of the Leadership Contest Committee, in which Mr. Radner asked some questions about verification and Mr. Jonsson provided answers. On August 25, members of the Leadership Contest Committee met with Ms. Lowan's team and discussed her concerns. Based on that discussion, the CEO made two changes to the process, and later that week added the fourth verification option, noted above. At the August 25 meeting, a request was made by Ms. Lowan's team to have a meeting with Vaultie, the independent company providing verification services. A meeting was arranged for August 27 and her team had the opportunity to ask any questions they had about Vaultie's process.

As identity verification is an emerging field, the available technology and processes are developing and a standard or "best practices" has not yet emerged. It is not reasonable to suggest, and in our view no court will find, that the verification processes offered by the party in this instance are prohibitive or discriminatory – they are simple, easy to use and accommodating, while meeting a standard of verification that the CEO, in her discretion, believes is appropriate.

Ms. Lowan's core complaint seems to be that the identity verification processes take longer than she would like. She proposes there be no verification process, and alternatively demands the process be simpler and faster so that a person who agrees to become a member can almost immediately have their identity verified. With respect, a preference for one type of verification method does not make other methods discriminatory.

It is unclear who is said to constitute the group Ms. Lowan claims is being discriminated against and how. The group is characterized as "young people and other non-traditional voters and party supporters". The party has always had young people in its membership and indeed the wide range of ages that embrace the party's principles has long been a point of pride for the party. The only attribute of young people that may set them apart from older members is that some young people may not have government issued identification and therefore the Vaultie identity verification process is not available to them, and they need to use one of the other three verification methods provided. This is not discriminatory, but rather an appropriate accommodation for those members. As for "other non-traditional voters and party supporters" – it is unclear what that characterization refers to. The party knows of no identified group of "traditional voters and supporters" against whom this vaguely cast other group is being contrasted.

Further, while speed of processing consumer decisions to buy a product is an important feature of business strategies to generate higher online sales (e.g. Amazon's one-click system), that is not necessarily applicable to or appropriate for political parties, particularly if it weakens verification processes. Federal and provincial election registration and voting processes are not discriminatory because they are procedurally more cumbersome than responding to something on social media or purchasing an online product.

The party is committed to verifying every new member who wants to vote in the leadership election. Verification will continue until the end of the day on September 22. Ms. Lowan has suggested that 80% of new members should be verified or the election should be postponed. Respectfully, that is a meaningless number. People may choose to be members but later choose not to cast a vote for whatever reason. That is their decision. The party's goal is to ensure that everyone who wants to vote has a reasonable opportunity to do so and whether that number is 80%, 60% or 100% will depend on people's choices, including, presumably, how inspired they are feeling about the contestants. It is difficult to understand how Ms. Lowan can allege that her campaign is compromised by the verification processes outlined above when identity verification is currently underway and the party has the necessary staffing and capacity to verify all new members who want to cast their ballots for a contestant.

#### Alleged Irregularity

There is a suggestion in your letter that some members cannot be provided with 60 days notice of the Leadership Vote pursuant to Rule 32 if they have signed up close to, or on, the August 10 cut-off date. The party interprets this rule differently – notice was provided to the Electorate, defined as the “body” of eligible voters, well over 60 days prior to September 13. While the number of individuals within the body was permitted (and expected) to grow until August 10 in accordance with the membership sign-up rules, this did not mean the body of the Electorate was not appropriately given notice.

#### Allegation of “Targeted” Conduct

The suggestion in your letter that the CEO's decision to implement an identity verification process has “targeted” Ms. Lowan and her supporters is offensive. This is a very serious accusation and is purportedly justified on the basis that Ms. Lowan relied upon Rule 26(a) of the Leadership Contest Rules as encouragement to sign up new members, and that strategy has somehow been confounded by the verification requirement. Literally within that rule is the statement that “new Party memberships” may be subject to identity verification at the CEO's discretion. If Ms. Lowan overlooked that provision, it is no fault of the CEO. There has been no targeting of Ms. Lowan.

We further observe that there is no actual evidence that Ms. Lowan has or will suffer any prejudice from the verification process – she is simply making bare assertions speculating that new members she has signed up will not cast ballots in her favour and that this will be because of the verification requirement.

We further note that the party's ethical code, which Ms. Lowan has agreed to uphold, includes a complaint process that may be initiated through the party's ombudspersons.

Closing Comments

We wish Ms. Lowan the best in the leadership contest. If you wish to discuss this further, on a with or without prejudice basis, please let me know. If Ms. Lowan chooses to bring litigation against the very party that she is hoping to lead, my office will accept service of any claim that is filed and you can expect a comprehensive response, including a claim for costs. We hope, for the sake of all involved and the health of the party, that is not the direction she chooses. The party will continue to work with her and all the contestants to ensure all new members who wish to vote have their identities verified in a timely way.

Yours truly,

A handwritten signature in blue ink, appearing to read 'SH' with a flourish.

Sean Hern, K.C.