

UNCLASSIFIED



COMMISSIONER OF
CANADA ELECTIONS

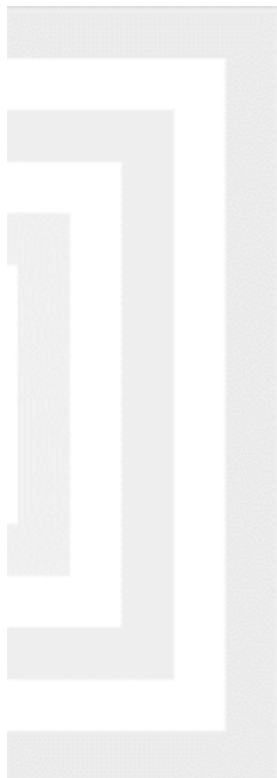
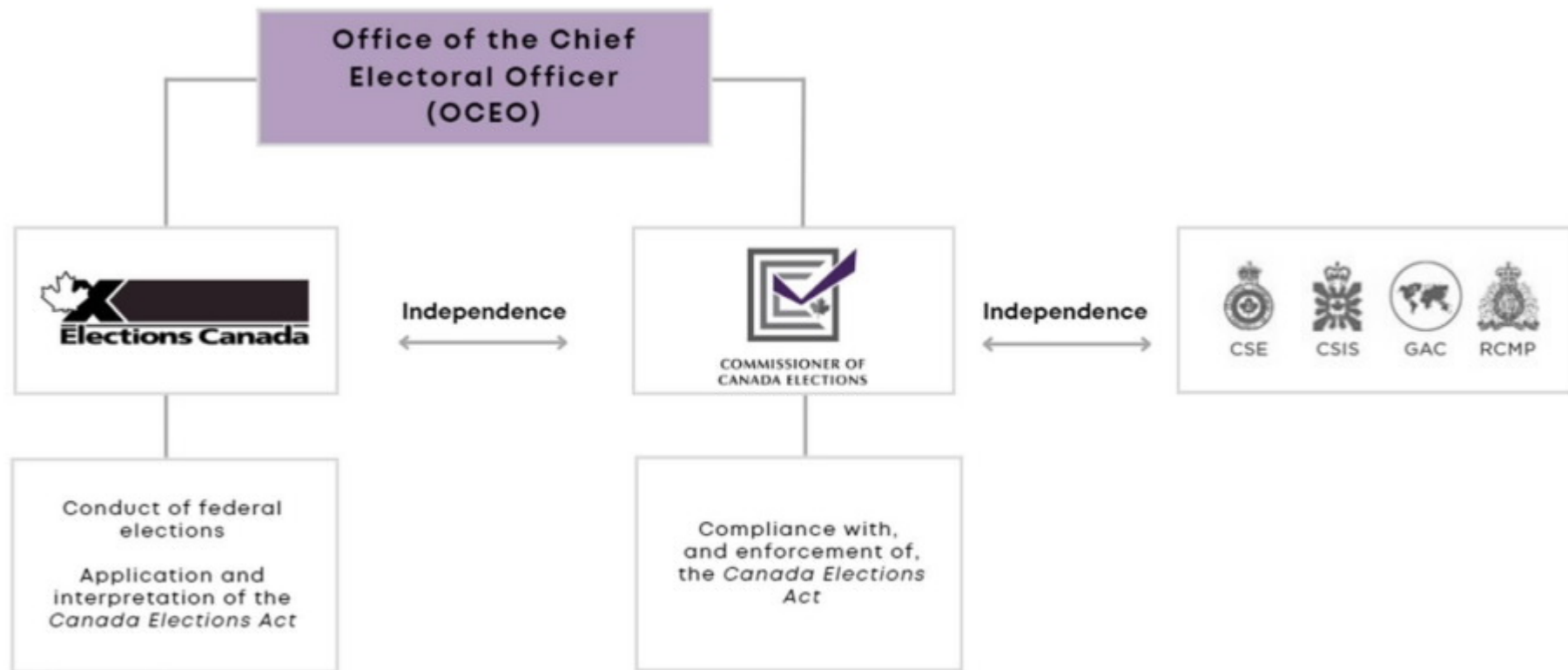
Appearance before the
National Security and Intelligence Committee of Parliamentarians
June 16, 2023

Outline of the presentation

- Our independence and the confidentiality of our investigations
- Allegations of foreign interference under our mandate
- Our toolkit
- The importance of collaboration
- Investigative challenges
- Possible legislative changes



Our independence and the confidentiality of our investigations



Allegations of foreign interference under my mandate

Do I have the authority to act?

Is the information provided sufficient to support the allegations?



Allegations of foreign interference under my mandate

Canada Elections Act



Intimidate or coerce using a pretext or contrivance (In principle, during election periods)

Preventing an elector from voting (In principle, during election periods)

A foreigner who votes in elections (In principle, during election periods)



Bribing an elector (election period)

Undue influence by a foreigner on an elector (election period)

Use of funds from a foreign entity by a third party (pre-election and election periods and at all times for partisan activities and third-party political advertising)

Foreign third party incurring regulated expenses (pre-election and election periods)

Contributions by foreign persons or entities (at all times)

Candidate who accepts a gift or benefit from a foreigner with the intention of influencing him or her as a member of Parliament if elected (From the time of their nomination until the election)



False statement about a candidate or party leader or a public figure associated with a party (election period)

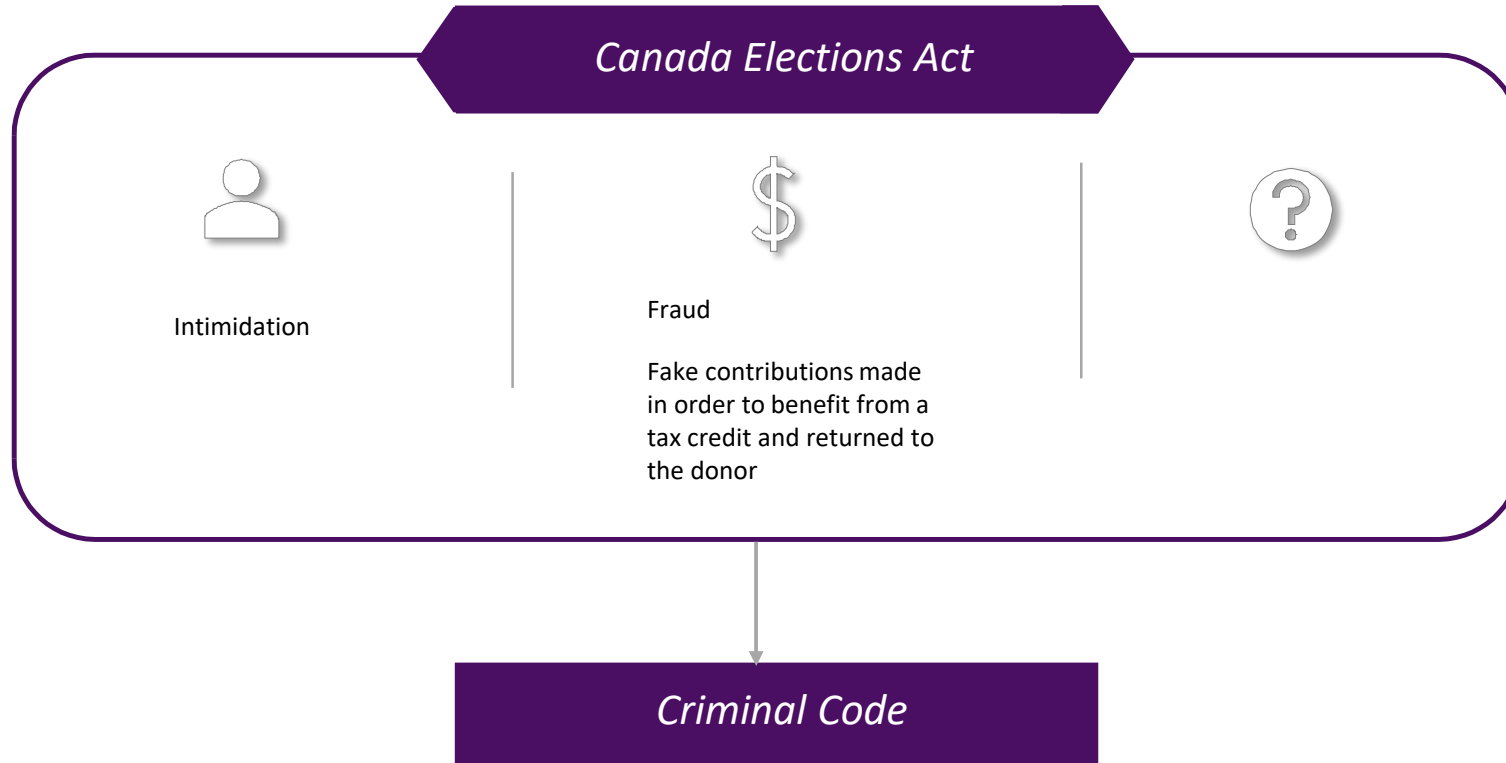
Preventing a voter from voting through misinformation or disinformation (election period)

Falsely representing oneself as the Chief Electoral Officer or a member of his staff or a person authorized to act on his behalf or on behalf of his office (at all times)

Misleading publication, unauthorized use of a computer (at all times)



Allegations of foreign interference under my mandate



Allegations of foreign interference which are not under my mandate

Criminal Code

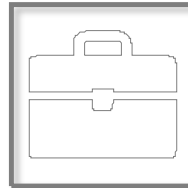
Situations involving foreign interference in general, not limited to federal elections

Examples:

- Corruption of an MP by a foreign government (bribes given to the MP to influence him/her in the exercise of their mandate)
- A foreign government intimidates or harasses an MP's family members abroad in order to influence the MP's work.
- A foreign government operating detention facilities in Canada and detaining Canadian residents.
- Intimidation in Canada of Canadian residents by a foreign government outside an electoral context



Our toolkit



Criminal regime

Administrative regime

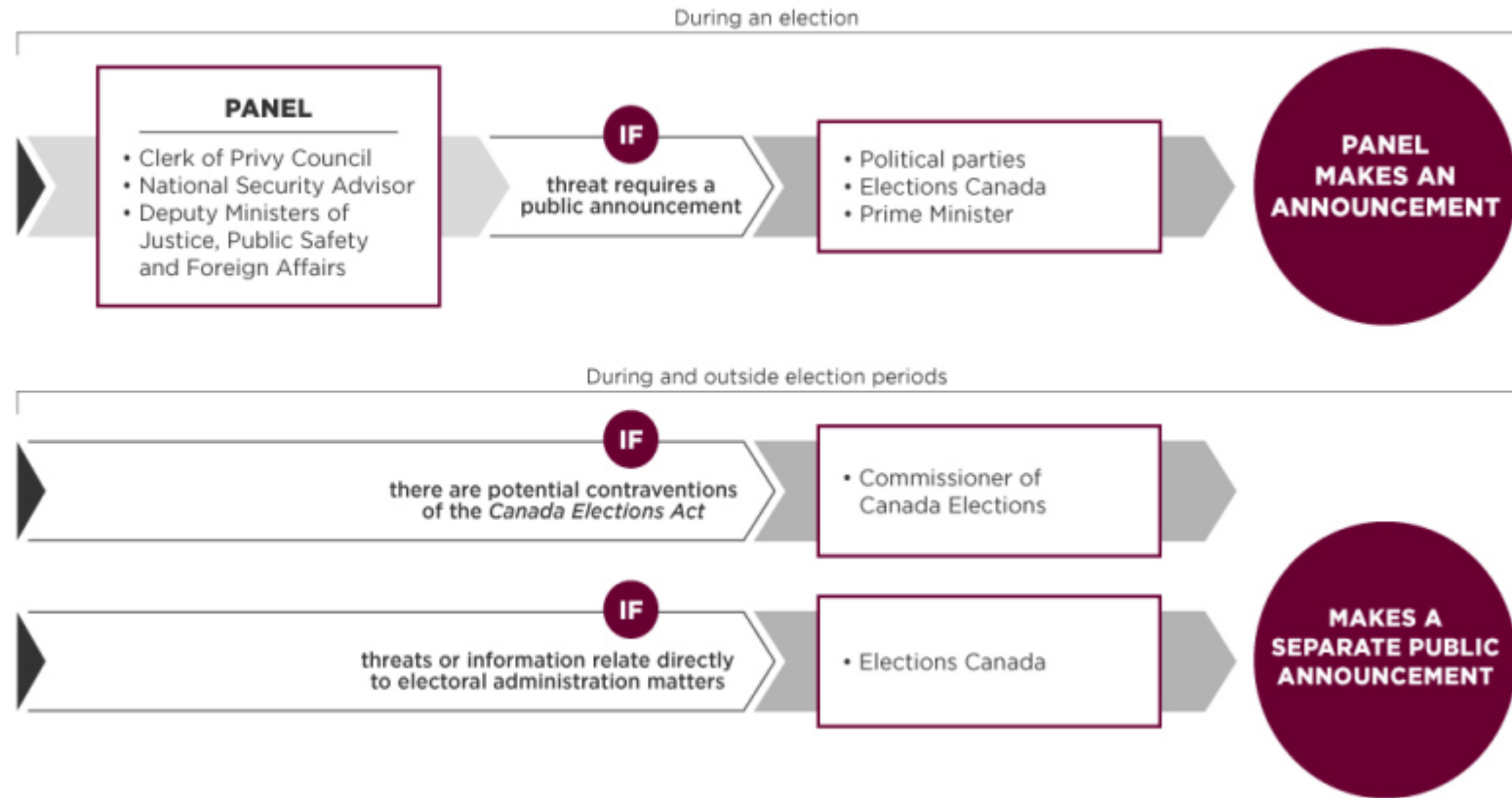
Fines and/or imprisonment (Annex 1)	Administrative monetary penalties (AMP) (Annex 1)
Offence	Violation
Punish	Ensure compliance
Summary conviction or indictment	Notice of violation
Director of Public Prosecutions	Commissioner of Canada Elections
All contraventions	Specific contraventions
Proof of intent	Proof of intent for some contraventions
Reasonable grounds to believe/Beyond a reasonable doubt	Reasonable grounds to believe / Preponderance of evidence
Time to investigate: 2-3 years / Time to judgment: TBC	Time limit for investigation and imposition of AMP: 1 year

Same investigative tools: preservation order, production order, etc. (reasonable grounds to believe) issued by a court.

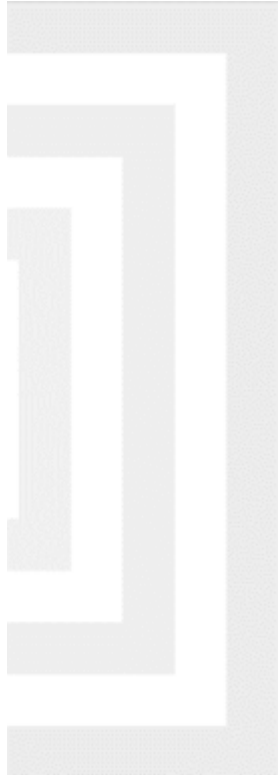
The importance of collaboration



Security and intelligence threats to elections task force



Investigative challenges



Our potential toolkit

Canada Elections Act

Power to collect evidence from persons or entities located abroad

Expansion of the administrative monetary penalties regime

Increased investigative powers (e.g. preservation and production orders) and sharing of information

Increases to maximum amounts

Eliminating the requirement for proof of intent for contraventions that are violations

Modifications to other statutes

Security of Canada Information Disclosure Act

Proceeds of Crime (Money Laundering) and Terrorist Financing Act

