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SECRET – CEO

Scenario Note
Deputy Minister Election Protocol Panel Meeting
July 25, 2019

Overview:

You are to attend a Deputy Minister-level meeting on the Critical Election Incident Public Protocol (CEIPP) Panel on July 25, 2019; a tabletop exercise (TTX) may form part of the discussion. The Cabinet Directive on the CEIPP (**Tab A**), sets out the process for informing the public during the writ period if there was an incident that threatened Canada's ability to have a free and fair election.

Background:

Since early 2018, work has been underway across the Government of Canada (GoC) to mitigate any potential threats to Canada's democratic institutions, and to ensure the integrity of the 2019 General Election. To this end, the Privy Council Office (PCO) led a whole of government effort to establish initiatives to protect democracy, across four broad categories: 1) building citizen resilience; 2) promoting institutional resilience; 3) establishing rules of the road for digital platforms; and, 4) combating foreign influence. One of the initiatives established through these efforts is the CEIPP.

The CEIPP is an effort to ensure consistency in Canada's approach when publicly informing Canadians about incidents that could threaten the integrity of the election. The CEIPP was approved by full Cabinet on June 11, 2019, and became the Cabinet Directive on the CEIPP. The CEIPP is limited to incidents that fall within the writ period and that are not Elections Canada's responsibility to address. The Protocol centers on a panel of five senior civil servants who will be jointly responsible for determining whether the threshold for informing Canadians has been met. The CEIPP Panel will include the Clerk of the Privy Council, the National Security and Intelligence Advisor (NSIA) to the Prime Minister, the Deputy Minister of Justice and Deputy Attorney General, the Deputy Minister of Public Safety, and the Deputy Minister of Foreign Affairs.

The determination of whether the threshold to inform the public has been met will take into account three key considerations, including the degree to which the incident (or incidents) undermine Canadians' ability to have a free and fair election; potential for the incident to undermine the credibility of the election; and the degree of confidence that officials have in their intelligence or information.

Considerations:

The threshold for an announcement to the public through the CEIPP is very high. The RCMP's main role in the CEIPP will be to provide law enforcement input (e.g. criminal intelligence).

The CEIPP is one of several steps that are being taken by the GoC to safeguard the election. In practice, the Security and Intelligence Threats to Elections (SITE) task force will be the primary mechanism through which information is provided to the heads of national security agencies, including the Commissioner of the RCMP, to brief the CEIPP Panel on identified incidents. SITE is a coordination and deconfliction mechanism hosted by the Communication Security Establishment (CSE), with participation from

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CSIS, GAC and the RCMP. Information coming into SITE can be assessed jointly, to ensure that all relevant departments and agencies are aware of the information, and can take appropriate action in accordance with their respective mandates. SITE also engages with foreign partners to identify lessons learned and trends.

In addition to SITE and the CEIPP, other initiatives were announced by the GoC on January 30, 2019, such as the creation of a digital citizen initiative, which seeks to support digital, news and civic literacy programming; providing cyber technical advice, guidance, and services to political parties; and issuing classified threat briefings to the leaders of the official political parties. There are also other initiatives such as the Rapid Response Mechanism which seeks to identify, prevent and respond to threats to G7 democracies, as well as committees that discuss electoral security coordination. The RCMP participates in a number of these initiatives.

If a TTX is conducted, documentation will be provided during the meeting – no TTX-related material will be shared in advance. Furthermore, CSIS, CSE and GAC are expected to provide a threat briefing during the meeting on baseline issues and trends. The RCMP may be asked to speak to its role and responsibilities in general during the meeting; however this may not necessarily be further to the threat briefing.

In addition to its criminal intelligence role, another key function of the RCMP with respect to elections is to support the Commissioner of Canada Elections (CCE). The CCE plays a significant role in protecting the integrity of electoral and political financing processes by enforcing the provisions of the *Canada Elections Act*. The CCE may also receive complaints from the public, political entities and referrals from Elections Canada concerning potential offences under the *Canada Elections Act*, and may also launch an investigation in the absence of a complaint when the facts and circumstances warrant. Bill C-76, adopted by Parliament in December 2018, provided the CCE with new tools to carry out its mandate, such as the power to compel witness testimony; power to lay charges without approval from the Director of Public Prosecutions; and a regime of Administrative Monetary Penalties and other tools.

The RCMP has a Memorandum of Understanding (MOU) with the CCE that sets out roles and responsibilities for investigations in relation to Canada's elections process. Further to the MOU, the RCMP provides support to the CCE, when required, through joint investigations in relation to alleged offences under the Acts and technical investigative services to assist in the execution of search warrants.

The CCE has a broad mandate and ability to lay charges related to the electoral process; however further to its mandate, the RCMP may also conduct its own election-related investigations that fall outside the CCE's responsibilities, or that fall outside the writ period.

The RCMP's internal processes will remain largely unchanged with respect to intake during the Federal Election. Nevertheless, intake and assessment protocols will be strengthened in order to better identify and track election-related incidents.

Talking points:

- **The RCMP's role in the Protocol is limited to instances where a law enforcement perspective is required, specifically in the provision of criminal**

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intelligence or for cases where an act of interference in Canada's democracy is criminal in nature.

- In the criminal space, the RCMP is ready to respond to any criminal acts that threaten the integrity of the 2019 election. We are coordinating with national security partners, the Commissioner of Canada Elections, and law enforcement agencies across Canada.

Submitted by – Rédigé par e-approved [redacted] Manager, National Security, Federal Policing Strategic Direction	Date 2019-07-17	Reviewed by – Examiné par [redacted] Director Federal Policing Strategic Direction	Date 2019-07-17
Recommended by – Recommandé par Ed Drodge, Executive Director Federal Policing Strategic Direction	Date 2019-07-18	Approved by – Approuvé par Mike Duheme, Deputy Commissioner, Federal Policing	Date 2019-07-

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