



Intake

Reference Number	Import Source	Received Date
EC-83283427	EC Connex	10/12/2019 7:19:49 PM

ECConnex Case

Subject

Chinese news video from inside a poll location

Topic

Foreign Broadcasting

Description

Description

████████████████████ contacted the OCIU to report that one of ██████████ just discovered in his phone news from a Chinese tv station (fairchildtv.com). The news showed a video broadcast from inside of a poll of the ██████████ ██████████ is concerned about the foreign interference in Canadian elections.

Attachments

1.  EC-83283427.txt txt 767 Bytes
2.  Questionable news story 35056.msg eml 53.50 KB

Identification

First name

████████████████████

Last Name

████████

Phone

████████████████████

Additional details

Created by

Phone

Created on

2019-10-12 18:35

Modified by



Modified on

2019-10-12 19:06

Doré, Marie-Claude

From: [REDACTED]
Sent: October 12, 2019 6:35 PM
To: upio-ociu
Subject: Questionable news story 35056

Categories: NINA

<https://www.fairchildtv.com/news.php?prov=toronto&type=eastern>

From: [REDACTED]
To: [REDACTED]
Subject: Chinese Broadcast of a polling station - Our File: 2019-1196
Date: 15 octobre 2019 13:26:00
Attachments: [image001.png](#)

V10-

Irrelevant

Thank you for your correspondence dated October 12, 2019 concerning a Chinese Broadcast from within of a polling station.

The Commissioner of Canada Elections is responsible for ensuring that the *Canada Elections Act* (the Act) is complied with and enforced.

Renseignements de tiers non pertinents

I noted that this broadcast may be from a previous election. Nevertheless, I will look further into your complaint. I invite you to share with me any additional information you may have about this incident.

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Yours truly,



COMMISSAIRE AUX ÉLECTIONS FÉDÉRALES
 COMMISSIONER OF CANADA ELECTIONS

[REDACTED]
 Enquêteur principal | Senior investigator
 Commissaire aux élections fédérales | Commissioner of Canada Elections
 30, rue Victoria
 Gatineau (Québec)
 K1A 0M6

[REDACTED] ou | or 1.855.759.6740 (sans frais|toll-free)

Télécopieur | Fax: 819.939.1801

Courriel | Email : [REDACTED]

Note Log Entry

File Number:	2019-1196	Event Date:	2019-11-19 03:45 PM
Date:	2019-11-19	Staff Member:	[REDACTED]
Time:	03:45:40 PM		

Note:

Complaint:

This complaint was received from [REDACTED]. The [REDACTED] had initially contacted the OCIU to report that [REDACTED] just discovered in his phone news from a Chinese tv station (fairchildtv.com). A segment of the news video included seemingly customary electoral activity inside a [REDACTED] polling station. The [REDACTED] was also concerned about potential foreign interference in Canadian elections.

An attached comment from [REDACTED], pointed out that this may be an old video as a ballot box 099 was observed on the video, while GE43 ballot boxes are numbered 600.

Investigation:

2019-10-15: Email to [REDACTED] advising her that we would be looking into this matter.

[REDACTED]

In relation to the present matter, there is no indication that a candidate's representative filmed the inside the polling station. Rather, the film material appears to have been gathered by a media outlet for purpose of media broadcast. As a consequence, there is no second 136 (4) violation here.

The video itself was broadcast on www.fairchildtv.com/news. This webpage's About Fairchild Television sets out the following information:

Founded in 1993 as one of the subsidiaries of the multi-media conglomerate Fairchild Media Group, Fairchild Television was the first Chinese media corporation to operate nationwide in Canada. With the head office located in Vancouver, Fairchild Television has set up two other regional offices in Toronto and Calgary. In order to better serve the increasing number of Chinese immigrants, Fairchild Television constantly works towards bringing viewers the latest and most popular Asian dramas, entertainment programs, variety shows, investigative reports and news and current affairs programs. Through Fairchild Television, Chinese immigrants can be updated on the latest news and cultural trends of Asia every minute of the day. Fairchild Television also puts its best efforts into producing local daily news and other programming to assist new immigrants in quickly adapting to and immersing into Canadian culture and lifestyle. Fairchild Television also takes pride in its annual productions of variety shows such as Miss Chinese Vancouver and Miss Chinese Toronto Pageants, and New Talent Singing Awards. Through both satellite and cable services, Chinese Canadians are able to enjoy over twenty hours of high-quality Chinese television programming daily.

My perusing other portions of this website were consistent with this mission statement. The content is Chinese but a translation button allows for easy and immediate English translation.

2019-11-19: Request to [REDACTED] to view this video and provide the gist of its content and message. [REDACTED] has some working knowledge of Chinese language. After viewing the video, [REDACTED] reported that,

Fairchild TV est un poste de télévision canadien en langue cantonaise. La majorité du contenu est en cantonais sauf une dame qui parle brièvement en mandarin. C'est écrit en chinois traditionnel (en Chine continentale, on utilise le chinois simplifié).

En terme de message, on parle d'exercer son droit de vote et on explique comment le faire (un peu comme l'information qu'ÉC fournit) – c'est vraiment le message principal de la vidéo. On parle à des électeurs, mais c'est par rapport au vote, pas par rapport à un parti en particulier. On dit aussi que beaucoup d'électeurs envoient des messages dans les groupes d'amis (le nom utilisé est celui des groupes dans WeChat) pour dire qu'ils ont déjà voté. Il y a aussi une référence à une conférence de presse d'une organisation canadienne. Dans la conférence, on semble encourager les électeurs à penser à la situation actuelle à Hong Kong lorsqu'ils feront leur choix. Je ne suis pas certaine de la date de diffusion, mais la date de l'élection mentionnée est celle de cette année.

The complainant had also expressed some concern about foreign influence. The investigation supports that Fairchild Television is a Canadian-based media service which provides services to new Chinese immigrants and inform them about local and international news. As such, there is no substance to support foreign influence.

Conclusion:

Our preliminary inquiries failed to identify any activity in breach of the CEA. File recommended for closing.

2019-11-19: [REDACTED] was advised by email.

File closing status:

1 No offence The conduct does not relate to an offence under the Act. File to be closed.

From: [REDACTED]
To: [REDACTED]
Subject: RE: Chinese Broadcast of a polling station - Our File: 2019-1196
Date: 19 novembre 2019 16:07:00
Attachments: [image001.png](#)

[REDACTED]

I have delved further into your complaint and have consulted with our in-house legal counsel.

I was informed that the *Canada Elections Act* includes a provision aimed specifically at candidates' representative, but no one else dealing with the taking of photographs or videos at a polling station. Specifically, section 136 (4) reads as follows,

(4) A candidate's representative
(a) shall not take any photograph or make any audio or video recording at a polling station; and
(b) shall not, if he or she uses a communications device at a polling station, impede any elector from exercising their right to vote or violate the secrecy of the vote.

This being said, except for the aforementioned section and other prohibitions in relation to ballots, the Act per se does not prohibit the taking of photographs or video inside a polling station.

As for your second point, the provisions surrounding foreign interference are quite complex. However, there are a number of elements – primarily those that help foster a healthy debate – that are not considered an offence under the Act. For example, foreigners are free to express an opinion about the outcome or desired outcome of the election; make a statement encouraging electors to vote or not to vote for a candidate or a registered party in the election; or share an editorial, speech, interview, column, letter, commentary or news.

Additionally, in relation to the current matter, the video originated from and was broadcast by Fairchild Television, a Canadian-based media service which provides services to new Chinese immigrants and informs them about local and international news. As such, there is no substance to support foreign influence.

Given these findings, we concluded that the circumstances as described do not contravene any provision of the Act and, as such, cannot be pursued by our Office.

We thank you for your interest in the electoral process.

Sincerely,



COMMISSAIRE AUX ÉLECTIONS FÉDÉRALES
 COMMISSIONER OF CANADA ELECTIONS

[REDACTED]
 Enquêteur principal | Senior investigator
 Commissaire aux élections fédérales | Commissioner of Canada Elections
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 Tél : [REDACTED] ou | or 1.855.759.6740 (sans frais | toll-free)
 Télécopieur | Fax: 819.939.1801
 Courriel | Email : [REDACTED]

De : [REDACTED]
Envoyé : 15 octobre 2019 13:26
À : [REDACTED]
Objet : Chinese Broadcast of a polling station - Our File: 2019-1196

[REDACTED]

Thank you for your correspondence dated October 12, 2019 concerning a Chinese Broadcast from within of a polling station.

The Commissioner of Canada Elections is responsible for ensuring that the *Canada Elections Act* (the Act) is complied with and enforced.

I noted that this broadcast may be from a previous election. Nevertheless, I will look further into your complaint. I invite you to share with me any additional information you may have about this incident.

Yours truly,



COMMISSAIRE AUX ÉLECTIONS FÉDÉRALES
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[REDACTED]
Enquêteur principal | Senior investigator

Commissaire aux élections fédérales | Commissioner of Canada Elections

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Télocopieur | Fax: 819.939.1801

Courriel | Email : [REDACTED]

Status Note Log Entry

File Number:	2019-1196	Staff Member:	[REDACTED]
Date:	2019-12-17		
Time:	09:35 AM		

Note:

Approval to close this paperless file was provided by the Commissioner in writing (OK Y 13/12) on a File Referral Record dated 2019-12-07.

STEPS:

1. Response sent by email to Complainant on 2019-11-19.
2. PDF copy of the Response placed in the Correspondence folder on the P/drive.
3. File closed = Status 1.