



CCE Intake

Reference Number

O03ZRW5R

Import Source

Complaint Web Form

Received Date

2019-10-18 12:23PM

Purpose

Why are you contacting us today?

To report a potential offence

Complaint Type

Please select the subject of your question or complaint.

Undue influence by foreigners

Complaint Subject

Which federal electoral event is your complaint related to?

October 21, 2019 General Election

Who is your complaint about?

A candidate

Please provide names and/or political affiliations (if applicable)

[REDACTED] and [REDACTED] are two Americans: Republican and Trump campaign operatives actively working on candidate Andrew Scheer's campaign. They spread lies...forget disinformation: lies....they float them, media challenges, they double down and this from accusing Liberals of wanting to decriminalize hard drugs to raising GST to raising taxes by 50% of new home buyers. I am shocked that they get away with Trumpism in Canada. What are you going to do about it? Also Scheer [REDACTED]
[REDACTED]. To whom will he swear allegiance exactly?

Incident date

2019-10-18T00:00:00

Incident Location

Where did the incident occur?

Other

Please specify other locations

Online, in person, in rallies, in media interviews.

Description

Use this section to share details with us.

I think anyone paying attention will see this in our election. Check Twitter feeds of Rosie Barton at CBC and Lisa Laflamme at CTV Thank you. Also have attached investigative journalist piece of America Tea Party interference in our election.

Identification

Tell us about yourself. Are you?

[REDACTED]

First Name

[REDACTED]

Last Name

[REDACTED]

Email address

[REDACTED]

Primary Phone

[REDACTED]

Province/Territory

[REDACTED]

Postal Code

[REDACTED]

How would you like us to contact you?

Email

Note Log Entry

File Number:	2019-1408	Event Date:	2020-08-19 10:09 AM
Date:	2020-08-19	Staff Member:	[REDACTED]
Time:	10:10:09 AM		

Note:

Closing Recommendation Report

I. Background/Issue:

A. DATE OF RECEIVING COMPLAINT

October 8th and 18th, 2020

B. FACTUAL SUMMARY

These files were received by the Office of the Commissioner of Canada Elections (OCCE) from [REDACTED], on October 8th and 18th, 2020 respectively, via complaint web form.

[REDACTED] alleged that Andrew Scheer had a former Trump operative working on his campaign and provide a link to a YouTube video [REDACTED] claimed to have seen on Twitter. [REDACTED] alleged that Mr. Scheer had employed [REDACTED] and [REDACTED], whom [REDACTED] indicated were American Trump campaign operatives, to work on his campaign. Both complainants were concerned that if Mr. Scheer was employing individuals who were American and had formerly worked for the Trump campaign that this would constitute as undue influence by foreigners on the 2019 Canadian federal election.

C. ANALYSIS, FINDINGS AND STEPS TAKEN

File 2019-1033 was originally assigned to [REDACTED] but was re-assigned to me on January 29, 2020.

File 2019-1408 was originally assigned to Louise Panneton, was re-assigned to [REDACTED] on November 15, 2019, and then re-assigned again to me on April 20, 2020.

On February 5, 2020, I reviewed file 2019-1033 and watched the YouTube video that had been provided by the COM and saved by OCCE Intel. The video was of a briefing that Mr. Scheer made on October 8, 2019, wherein a reporter asked him directly if [REDACTED] or [REDACTED] worked for his campaign. Mr. Scheer neither confirmed nor denied that they did but alluded to the CPC having hundreds of volunteers and that he could have someone look into it.

A review of file [REDACTED] shows that more information was gathered by Investigator Panneton from [REDACTED] on October 18, 2019, including the providing of an article written by an investigative journalist by the name of Amy McPherson. A reading of the article provided shows numerous topics covered by Ms. McPherson including stories on the Buffalo Chronicle, an individual name [REDACTED] and [REDACTED]. No mention of [REDACTED] or [REDACTED] is made in the article.

states that this will be breached if an expense is incurred to directly promote or oppose a candidate, registered party or the leader of a registered party or if one of the things done to influence the elector is an offence under an Act of Parliament.

Therefore, in layman's terms, a breach of this section of the Act would have occurred if an American citizen such as ██████████ provided a contribution, monetary or non-monetary in the form of volunteering or the provision of a service that was under market value, to the Scheer or CPC campaigns. An American working and being paid market value by a campaign for services rendered would not constitute a breach of section 282.4 of the Act.

I would also note that during the 2015 general election, there were complaints received by the OCCE in regards to Stephen Harper's campaign hiring an Australian foreign national to work on the campaign. ██████████. Files associated with this incident were categorized under ██████████ and the Commissioner deemed this not an offence based on the former section of the Act for unduly influence by foreigners, section 331 of the Act.

Finally, open source research conducted on April 20, 2020, showed that ██████████ ██████████. Based on this it was advised that I wait for the CPC 2019 annual return to see if either of these names showed up on the return and if not then a phone call could be had with the financial agent or chief agent of the CPC. Searches in FRMS dating back to June 26, 2020, show that no such information has been provided on the CPC's return, however, the full return has yet to be submitted.

Considering the substantial lack of evidence that would point to an offence of section 282.4 having occurred, it was suggested by the Director of Investigations that I draft up my report to the Commissioner to have the file closed as no offence as it is not be prudent at this time to speak to the CPC about this without any substantial evidence.

II. Person(s) / entity (ies) of Interest:

██████████, Republican Political Operative

- **Address:** unknown
- **Phone:** unknown
- **Email:** unknown
- **Language:** English

██████████ Canadian Citizen, Republican Political Operative

- **Address:** unknown
- **Phone:** unknown
- **Email:** unknown
- **Language:** English

██████████, Complainant

- **Address:** ██████████
- **Phone:** ██████████
- **Email:** ██████████
- **Language:** English

[REDACTED], Complainant

- Address: [REDACTED]
- Phone: [REDACTED]
- Email: [REDACTED]
- Language: English

III. Recommendation(s):

Based on the information gathered in this report, I recommend that the Commissioner close the file with status 1 – no offence.

On August 19, 2020 both complainants were contacted with the result of my review and informed that the file would be closed.

The relevant sections of “the Act” that pertain to this file are the following:

2015 Act

Non-interference by Foreigners

Marginal note: Prohibition — inducements by non-residents

331 No person who does not reside in Canada shall, during an election period, in any way induce electors to vote or refrain from voting or vote or refrain from voting for a particular candidate unless the person is

- **(a)** a Canadian citizen; or
- **(b)** a permanent resident within the meaning of subsection 2(1) of the *Immigration and Refugee Protection Act*.

2019 Act

Undue influence by foreigners

282.4 (1) No person or entity referred to in any of paragraphs (a) to (e) shall, during an election period, unduly influence an elector to vote or refrain from voting, or to vote or refrain from voting for a particular candidate or registered party, at the election:

- (a) an individual who is not a Canadian citizen or a permanent resident as defined in subsection 2(1) of the *Immigration and Refugee Protection Act* and who does not reside in Canada;
- (b) a corporation or entity incorporated, formed or otherwise organized outside Canada that does not carry on business in Canada or whose primary purpose in Canada during an election period is to influence electors during that period to vote or refrain from voting, or to vote or refrain from voting for a particular candidate or registered party, at the election;
- (c) a trade union that does not hold bargaining rights for employees in Canada;
- (d) a foreign political party; or (e) a foreign government or an agent or mandatary of a foreign government.

Meaning of unduly influencing

(2) For the purposes of subsection (1), a person or entity unduly influences an elector to vote or refrain from voting, or to vote or refrain from voting for a particular candidate or registered party, at an election if

(a) they knowingly incur any expense to directly promote or oppose a candidate in that election, a registered party that has endorsed a candidate in that election or the leader of such a registered party;

(b) one of the things done by them to influence the elector is an offence under an Act of Parliament or a regulation made under any such Act, or under an Act of the legislature of a province or a regulation made under any such Act.

Exceptions

(3) For greater certainty, subsection (1) does not apply if the only thing done by the person or entity to influence the elector to vote or refrain from voting, or to vote or refrain from voting for the particular candidate or registered party, consists of

(a) an expression of their opinion about the outcome or desired outcome of the election;

(b) a statement by them that encourages the elector to vote or refrain from voting for any candidate or registered party in the election; or

(c) the transmission to the public through broadcasting, or through electronic or print media, of an editorial, a debate, a speech, an interview, a column, a letter, a commentary or news, regardless of the expense incurred in doing so, if no contravention of subsection 330(1) or (2) is involved in the transmission.

From: [REDACTED]
To: [REDACTED]
Subject: Re: File 2019-1408 Commissioner of Canada Elections
Date: August-19-20 1:54:24 PM
Attachments: [image001.png](#)

Thank you for your reply - I truly appreciate it. So to be clear: you are saying that Andrew Scheer using Donald Trump's American campaign operatives and advisors and working together with the American GOP is legal. Then we need to legislate new laws.

A sad day for Canada.

Best regards - [REDACTED]

On Wed, Aug 19, 2020 at 10:03 AM [REDACTED] wrote:

Good morning [REDACTED],

Thank you for your correspondence dated October 18, 2019, concerning the allegation that the Andrew Scheer campaign hired Americans to work for his campaign during the 43rd General Election (GE). Previously you had been in contact with another Investigator at my office, Louise Panneton.

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

Please note that political parties and candidates may opt to retain the services of non-Canadian specialists to provide advice and guidance to their campaigns. It is not an offence under the Act for a political entity to hire individuals who are not Canadian citizens or permanent residents.

Please see section 282.4 of the Act which applies:

Undue influence by foreigners

282.4 (1) No person or entity referred to in any of paragraphs (a) to (e) shall, during an election period, unduly influence an elector to vote or refrain from voting, or to vote or refrain from voting for a particular candidate or registered party, at the election: (a) an individual who is not a Canadian citizen or a permanent resident as defined in subsection 2(1) of the *Immigration and Refugee Protection Act* and who does not reside in Canada; (b) a corporation or entity incorporated, formed or otherwise organized outside Canada that does not carry on business in Canada or whose primary purpose in Canada during an election period is to influence electors during that period to vote or refrain from voting, or to vote or refrain from voting for a particular candidate or registered party, at the election; (c) a trade union that does not hold bargaining rights for employees in Canada; (d) a foreign political party; or (e) a foreign government or an agent or mandatary of a foreign government.

Meaning of unduly influencing

282.4 (2) For the purposes of subsection (1), a person or entity unduly influences an elector to vote or refrain from voting, or to vote or refrain from voting for a particular candidate or registered party, at an election if (a) they knowingly incur any expense to directly promote or oppose a candidate in that election, a registered party

that has endorsed a candidate in that election or the leader of such a registered party; (b) one of the things done by them to influence the elector is an offence under an Act of Parliament or a regulation made under any such Act, or under an Act of the legislature of a province or a regulation made under any such Act.

In light of the information provided above, we have 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. For more information about the Office of the Commissioner of Canada Elections, please visit our website at: www.cef-ccc.ca.

Kind regards,



Information / Third Party Information / Renseignements de tiers non pertinents

Enquêteur
Bureau du commissaire aux élections fédérales
Work: [REDACTED] | [REDACTED]

Investigator
Office of the Commissioner of Canada Elections
Work: [REDACTED] | [REDACTED]

Ce message contient des renseignements qui pourraient être confidentiels, soustraits à la communication ou protégés par le secret professionnel de l'avocat ou du notaire. S'il ne vous est pas destiné, vous êtes priés de ne pas le lire, l'utiliser, le conserver ou le diffuser. Veuillez le supprimer ou le détruire sans tarder de même que toute copie de celui-ci, et communiquez avec l'expéditeur au [REDACTED] ou à [REDACTED]. Merci de votre collaboration.

This communication contains information that may be confidential, exempt from disclosure, or subject to solicitor-client privilege, or in Quebec, professional secrecy of advocates and notaries. If you are not the intended recipient, you should not read, rely on, retain, or distribute it. Please delete or otherwise destroy all copies of this communication immediately, and contact the sender at [REDACTED] or at [REDACTED]. Thank you.

From: [REDACTED]
To: [REDACTED]
Subject: File 2019-1408 Commissioner of Canada Elections
Date: August-19-20 10:03:35 AM
Attachments: [image001.png](#)
Importance: High

Good morning [REDACTED]

Thank you for your correspondence dated October 18, 2019, concerning the allegation that the Andrew Scheer campaign hired Americans to work for his campaign during the 43rd General Election (GE). Previously you had been in contact with another Investigator at my office, Louise Panneton.

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

Please note that political parties and candidates may opt to retain the services of non-Canadian specialists to provide advice and guidance to their campaigns. It is not an offence under the Act for a political entity to hire individuals who are not Canadian citizens or permanent residents.

Please see section 282.4 of the Act which applies:

Undue influence by foreigners

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Meaning of unduly influencing

282.4 (2) For the purposes of subsection (1), a person or entity unduly influences an elector to vote or refrain from voting, or to vote or refrain from voting for a particular candidate or registered party, at an election if (a) they knowingly incur any expense to directly promote or oppose a candidate in that election, a registered party that has endorsed a candidate in that election or the leader of such a registered party; (b) one of the things done by them to influence the elector is an offence under an Act of Parliament or a regulation made under any such Act, or under an Act of the legislature of a province or a regulation made under any such Act.

In light of the information provided above, we have 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. For more information about the Office of the Commissioner of Canada Elections, please visit our website at: www.cef-cce.ca.

Kind regards,



[REDACTED]
 Enquêteur
 Bureau du commissaire aux élections fédérales
 Work: [REDACTED] | [REDACTED]

Investigator
 Office of the Commissioner of Canada Elections
 Work: [REDACTED] | [REDACTED]

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[REDACTED]. Merci de votre collaboration.

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[REDACTED]. Thank you.

File Referral Record

File Number:	2019-1408	Referred By:	██████████
Date:	2020-08-20	Referred To:	TO BE CLOSED
Time:	07:05:54 AM		

Necessary Action:

I have reviewed the file and agree with the recommendation to close it with **status 1 - no offence**.

Decision – the outcome of the review of the complaint has already been communicated to the complainant.

This is a **non-complex and paperless** file without review required by the Commissioner.

Status Note Log Entry

File Number:	2019-1408	Staff Member:	██████████
Date:	2020-08-20		
Time:	10:03 AM		

Note:

Approval to close this non-complex paperless file was provided by ██████████ on a CTS note dated 2020-08-20

STEPS:

1. Response provided by email to Complainant on 2020-08-19. A copy of the email is saved in CTS.
2. File closed = Status 1.