



CEO Appearance on Foreign Interference in Canadian Elections

Fact Sheet

Canada Elections Act Provisions Relating to Foreign Interference

Key Message

- The *Canada Elections Act* (the Act) has one primary prohibition (section 282.4)—outside the scope of political financing rules—that deals with the subject of foreign interference: the prohibition of undue influence by foreigners. There is also a minor provision related to broadcasting (s. 330).

Facts

- Section 282.4 replaced the former section 331 – a change recommended by both the Chief Electoral Officer (CEO) and Commissioner of Canada Elections (CCE) in 2016. The former provision was seen as ineffective and potentially too broad. The CEO recommended removing it and the CCE recommended amending it to be more specifically targeted at prohibited conduct.
- Parliament chose to replace s. 331 with new s. 282.4, which provides that it is an offence for a non-Canadian (defined at s. 282.4(1)(a) – (e)) to “unduly influence” a person to vote or refrain from voting, or to vote or refrain from voting at for a specific party or candidate.
- The prohibition applies only during the election period.
- “Unduly influencing” is defined as knowingly incurring an expense to directly promote or oppose a party, leader or candidate at an election or influencing an elector by committing an offence under an Act or regulation of Parliament or a legislature.
- The provision creates a number of exceptions (at s. 282.4(3)) in cases where a foreigner could try to exert some influence on electors, without however reaching the threshold of *undue* influence. These include simply expressing an opinion about the desired outcome or making a statement encouraging people to vote for or against a party, or conducting media activities as typically defined in the Act.
- In 2022 the CEO recommended expanding the application of this provision to the legislated pre-election period that precedes so-called fixed-date general elections.
- Section 330 prohibits persons from using a broadcasting station outside Canada for the broadcast of any matter having reference to an election with intent to influence an elector to vote or refrain from voting (either in general or for a particular candidate or party).