



## Interview Summary: Josée Villeneuve

Josée Villeneuve, Acting Deputy Chief Electoral Officer, was interviewed by Commission counsel on March 7, 2024.

### Notes to reader

- Commission Counsel have provided explanatory notes in square brackets to assist the reader.
- This summary contains information that relates to the Commission's mandate under clauses (a)(i)(A) and (B) of its Terms of Reference. Information provided during the interviews that relates to other aspects of the Commission's Terms of Reference has been omitted from this summary, but may be adduced by the Commission at a later stage of its proceedings.

## 1. Professional Background

- [1] Josée Villeneuve is currently the Acting Deputy Chief Electoral Officer, Regulatory Affairs. From 2018 to 2024 she was the Senior Director for Political Financing at Elections Canada. Prior to that, she held positions within Elections Canada, the Office of the Information Commissioner of Canada, and the Competition Bureau.
- [2] In her current position, she is responsible for the regulatory affairs sector of Elections Canada. This encompasses the Financing Branch and the Integrity, Regulatory, Policy and Parliamentary Affairs (IRPPA) Branch, and Legal Services. She performs certain functions within Elections Canada pursuant to the *Public Servants Disclosure Protection Act* and the *Public Service Employment Act*.
- [3] During both the 43<sup>rd</sup> and 44<sup>th</sup> General Elections, Ms. Villeneuve held the role of Senior Director, Political Financing. In this position, she was responsible for managing the political financing program, including the registration of political entities and the receipt, publication, and auditing of political entity returns. She was also responsible for Elections

Canada's referrals of political financing matters to the Office of the Commissioner of Canada Elections.

[4] Ms. Villeneuve holds a Secret level clearance.

## 2. Complaints Received by Elections Canada

### 2.1 Complaints to Elections Canada

[5] Elections Canada receives a wide range of complaints that are related to the entirety of Elections Canada's mandate. It also receives many complaints that are outside of its mandate, as Elections Canada is easily recognizable by the public. It receives more complaints during the election period than outside of the election period.

[6] Examples of complaints that Elections Canada receives include:

- a. the administration of the vote, including accessibility of polling locations, wait times, and access to registration;
- b. the conduct of election officers;
- c. the conduct of candidates and political entities;
- d. receiving unwanted phone calls such as surveys and robocalls; and
- e. items that individuals have seen in the media related to policy or political issues.

[7] Elections Canada provides a range of different open channels for people to raise concerns, make complaints, or request information that will assist them in exercising their right to vote. Individuals may make complaints by phone, letter, email, fax, or in person. The Elections Canada website also has a webform that can be used to make a complaint. The webform has a drop-down menu in which a person may identify an area of complaint. One of the options in the drop-down menu is "Other", which allows individuals to explain the topic of their complaint within the message box. Individuals can therefore make complaints about foreign interference and foreign influence using the "Other" option. After receipt of the complaint, a call centre agent will create a case within EC Connex, the software used by Elections Canada to manage and route the complaints it receives. In

managing the complaints, agents can select several subjects that are related to foreign interference, including: foreign influence, foreign interference, foreign contributions, and others.

- [8] Complainants using the Elections Canada website are able to attach files to the complaint.
- [9] Oral complaints can be processed either in English or French. Written complaints could be processed in additional languages, as Elections Canada has some capacity to translate documents. However, Ms. Villeneuve does not recall ever seeing a written complaint being received by Elections Canada in a language other than English or French.
- [10] Complaints may be made anonymously. However, this can make it more difficult to process complaints and follow-up with complainants. Elections Canada cannot go back to an anonymous complainant to gather additional information about their complaint.

## 2.2 How Elections Canada Processes Complaints

- [11] Complaints made by phone from members of the public are received by a call centre. Written complaints from the public, including those from the Elections Canada website, are also assessed by call centre staff. Call centres are situated in Elections Canada's Public Affairs and Civic Education Branch and Electoral Events and Innovation Sector.
- [12] Complaints can also come from sources other than the public, such as from election administrators, through incident reports. These reports are received through the Operational Complaints and Incidents Unit within the Electoral Events and Innovation Sector.
- [13] Ms. Villeneuve is not aware of Elections Canada receiving a referral of a complaint from law enforcement. Normally, a complaint from law enforcement would not come through the complaints intake process.
- [14] Information from complaints is inputted into a case management system, which tracks its process through Elections Canada. Elections Canada uses a software called "EC Connex" to manage and route the complaints it receives. [Copies of complaints from this

computer system were produced to the Commission in pairs of files. The first contained relevant text related to the complaint extracted from EC Connex. The second is extracted metadata which provides information about who within Elections Canada accessed or updated a complaint file. The text and metadata portions of each complaint file were assigned sequential document ID numbers.]

- [15] Elections Canada has a centralized repository that contains information about how different categories of complaints should be responded to and/or routed. Depending on the nature of the complaint, it will be routed to an appropriate internal unit for follow-up and assessment. Complaints raising multiple issues can be routed to different units simultaneously by creating “parent” and “child” versions of the relevant file.
- [16] Complaints received by Elections Canada can either be routed or redirected. *Routed* complaints are those that are transferred to an internal Elections Canada department to be triaged and assessed. *Redirected* complaints are those that are made by members of the public to Elections Canada but do not fall under Elections Canada’s mandate. Such complaints can be redirected to an appropriate body, such as the Office of the Commissioner of Canada Elections (OCCE) and the Canadian Radio and Telecommunications Commission (CRTC).
- [17] All complaints related to possible violations of the *Canada Elections Act* are routed to the Integrity Assurance unit of Elections Canada.
- [18] Complaints can be closed in a variety of different ways.
- [19] If Elections Canada assesses that there is nothing alleged in a complaint that would constitute a violation of the *Canada Elections Act*, staff will respond to the complainant informing them of this fact, and will then close the file.
- [20] If a complaint on its face alleges conduct that may be a violation of the *Canada Elections Act*, Elections Canada will redirect the complaint to the Office of the Commissioner of Canada Elections (OCCE) or, in certain circumstances, to the Canadian Radio and Telecommunications Commission (CRTC).
- [21] Elections Canada does not evaluate complaints to determine whether the complaint may constitute a violation of the *Canada Elections Act*. Elections Canada’s role is not to

conduct investigations or assess the merits of this type of complaint. As long as the complaint alleges conduct that could constitute a violation of the *Canada Elections Act*, Elections Canada will redirect it to the OCCE. Staff are trained to identify allegations in a complaint that could be violations of the *Canada Elections Act*. The threshold applied by staff to make that identification is low.

- [22] Sometimes it is unclear whether a complaint has alleged a violation of the *Canada Elections Act* due to a lack of clarity or specificity in the complaint itself. In such cases, Elections Canada may close the file but provide information to the complainant about how to file a complaint directly with the OCCE. This is done so that the individual can, if they are in fact alleging a violation of the *Canada Elections Act*, contact the appropriate agency.
- [23] Ms. Villeneuve noted that, sometimes, complaints that raise concerns about foreign interference do not actually allege anything that constitutes a violation of the *Canada Elections Act*. In these cases, Elections Canada uses standard language to inform the complainant about what is and is not prohibited under the statute, and the fact that their complaint has been closed.
- [24] Other than the OCCE and the CRTC, Ms. Villeneuve is not aware if such foreign interference complaints are shared with Elections Canada's external partners, such as CSIS.
- [25] In addition to complaints, potential violations of the *Canada Elections Act* can come to Elections Canada's attention internally via incident reports. Incident reports that emanate internally within Elections Canada can be *referred* to an appropriate body, such as the OCCE and the CRTC when the incident reports, on their face, allege conduct that may be a violation of the *Canada Elections Act*.

## 2.3 Flow of Information Between Elections Canada and the Office of the Commissioner of Canada Elections

- [26] Where Elections Canada receives a complaint that may allege a violation of the *Canada Elections Act*, it redirects the file to OCCE.<sup>1</sup> This redirection is done electronically, and includes any files provided to Elections Canada through its webform. If an urgent issue arises that requires that the OCCE be notified, Elections Canada can contact the OCCE directly to expedite the transfer of information.
- [27] The OCCE is an independent body. Because of its independence, when dealing with a complaint from the public redirected to the OCCE, it is rare for information to flow back from the OCCE to Elections Canada. The relationship is largely one-way: Elections Canada redirects all complaints it receives to the OCCE related to allegations of possible violations of the *Canada Elections Act*, and the OCCE independently investigates those allegations.
- [28] There are circumstances where the OCCE and Elections Canada will communicate about public complaints. For example, if Elections Canada receives a high volume of complaints related to the same issue, Elections Canada may consult the OCCE to determine how these files would best be organized and redirected to the OCCE.
- [29] The OCCE may also contact Elections Canada to obtain information for the purposes of conducting their investigations. These are referred to as Requests for Information (RFIs).
- [30] Ms. Villeneuve is not aware of Elections Canada receiving any RFIs following the 43<sup>rd</sup> or 44<sup>th</sup> General Elections in connection with the public complaints it redirected raising foreign interference issues.

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<sup>1</sup> For more information regarding the OCCE, readers are directed to the Interview Summary of Caroline Simard & Carmen Boucher and the OCCE Institutional Report.

### 3. Complaints Received from Elections Canada Respecting Foreign Interference

[31] [Elections Canada was asked to provide the Commission with records of any complaints from the 43<sup>rd</sup> or 44<sup>th</sup> General Elections related to foreign interference. Elections Canada produced records that were either viewed as potentially related to foreign interference by Elections Canada, or which had been identified as foreign interference related by complainants, regardless of whether Elections Canada believed the complaint related to foreign interference.]

#### 3.1 Complaints During the 43<sup>rd</sup> General Election that were Redirected to the OCCE

[32] Commission counsel reviewed complaints received by Elections Canada raising possible foreign interference issues that were redirected to the OCCE during the 43<sup>rd</sup> General Election.

Time Magazine

[33] The largest number of complaints in this category related to a story published by Time Magazine that included a photograph of the Prime Minister from before his time in politics in which he appeared in brownface. Complaints raised concerns about why a foreign magazine could publish a story like this, as it could have impacted the General Election. Some complaints also raised concerns that Time Magazine had actively colluded with others to influence the outcome of the election.<sup>2</sup> The collusion allegation frequently cited another media report examining the Time Magazine story itself.<sup>3</sup>

[34] Due to the high volume of these complaints, Elections Canada consulted with the OCCE. The OCCE requested to receive all such complaints. Therefore, Elections Canada redirected all the complaints concerning Time Maganize to the OCCE. Ms. Villeneuve was not aware of any follow-up received from the OCCE to Elections Canada. The OCCE

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<sup>2</sup> Example: ELC0000385\_R.

<sup>3</sup> COM0000012.

will follow-up, if necessary, directly to the member of the public making the complaint. The OCCE will rarely follow-up with Elections Canada when Elections Canada redirects a complaint to the OCCE.

#### Dave Rubin Funding a Partisan Event

[35] The next largest collection of complaints redirected to the OCCE involved allegations that Dave Rubin, an American social media personality, had engaged in partisan activities in support of a particular political party.<sup>4</sup> The complaints included allegations that Mr. Rubin had agreed to pay the cost of security for the event that he was scheduled to attend and participate in.

[36] Because of the allegation that Mr. Rubin had paid for security, the files were redirected to the OCCE, as paying for security could constitute a prohibited contribution from a foreign source. Ms. Villeneuve was not aware of any follow up from the OCCE to Elections Canada on this matter.

#### Chinese Language Media Broadcasting from Inside a Polling Station

[37] Elections Canada received an incident report from an election officer who believed that there was a video recording from within their own polling station by a Chinese language media outlet.<sup>5</sup> Counsel for Elections Canada informed Commission counsel that video recordings of polling places are administratively prohibited by Elections Canada, subject to certain regulated exceptions, such as when the leader of a political party votes.

[38] Elections Canada reviewed the incident report and assessed that it appeared to be video taken during a previous election, not the 43<sup>rd</sup> General Election. However, as it could have constituted a violation of the *Canada Elections Act*, the matter was referred to the OCCE.

#### Allegation of Foreign Donations to Charities

[39] Elections Canada received complaints about United States-based companies attempting to influence Canadian politics, including party platforms, by forming registered charities

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<sup>4</sup> Example: ELC0000506\_R.

<sup>5</sup> ELC0000579.



in Canada and transferring money to those entities.<sup>6</sup> Because foreign funds cannot be used for regulated activities during an election period, Elections Canada redirected this matter to the OCCE.

### 3.2 Complaints During the 43<sup>rd</sup> General Election that were not Redirected to the OCCE

- [40] Elections Canada received many complaints that were identified by the complainant as related to foreign interference, which were not redirected to the OCCE because they did not appear to disclose any violation of the *Canada Elections Act*. Complainants received a standardized response to this effect.
- [41] The two largest groups of complaints falling into this category related to a tweet by former US President Barack Obama supporting Prime Minister Justin Trudeau,<sup>7</sup> and complaints about Swedish climate activist Greta Thunberg holding meetings and speaking at events in Canada during the election period.<sup>8</sup>
- [42] This conduct did not violate any provision of the *Canada Elections Act*, as the *Canada Elections Act* does not prohibit foreigners, including foreign politicians and former politicians, from expressing their opinions about Canadian elections. The *Canada Elections Act* only prohibits “undue” foreign influence, which, under s. 282.4(2)(a), occurs when an individual or entity knowingly incurs any expense to directly promote or oppose a candidate in an election or, under s. 282.4(2)(b), engages in an act that is an offence under any other law.

### 3.3 Complaints During the 44<sup>th</sup> General Election that were Redirected to the OCCE

- [43] In between the 43<sup>rd</sup> and 44<sup>th</sup> General Elections, the Integrity Assurance Unit of Elections Canada worked to accelerate the process for responding to public complaints that it

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<sup>6</sup> Example: ELC0000363\_R.

<sup>7</sup> Example: ELC0000381\_R.

<sup>8</sup> Example: ELC0000565\_R.

received. This included pre-approved standardized responses that increased the speed with which it assessed and responded to allegations involving foreign interference.

- [44] Commission counsel reviewed a series of complaints received by Elections Canada raising possible foreign interference issues that were redirected to the OCCE during the 44<sup>th</sup> General Election.

Statements by the Ambassador of the People’s Republic of China

- [45] Elections Canada received complaints about statements made by the Chinese Ambassador to Canada related to the ongoing election.<sup>9</sup> Complaints referred to the Ambassador’s comments as threatening and an attempt to intimidate voters to vote in a particular way. These allegations of threats were redirected to the OCCE, as threats could cross the line from lawful political opinion to undue foreign interference [in violation of section 282.4 of the *Canada Elections Act*].

YorkBBS

- [46] Elections Canada received a report of Chinese-language posts to an online bulletin board making false allegations against a particular political party and threatening harm to members of the Chinese community.<sup>10</sup> Because the complaint on its face mentioned threats of harm, the matter was referred to the OCCE. Because Elections Canada is not an investigative body, it did not review the posts to assess whether threats had in fact been made.

“No Farmers No Food” Signs

- [47] Elections Canada received a number complaints about signs that opposed a candidate of a political party, which were labeled as being associated with the India-based organization “No Farmers No Food”.<sup>11</sup> Elections Canada referred this complaint to the OCCE because of a possible violation of campaign sign rules. Elections Canada redirected the complaint because the signs appeared not to include the message

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<sup>9</sup> Example: ELC0000336\_R.

<sup>10</sup> ELC0000327\_R.

<sup>11</sup> Example: ELC0000299\_R.

attribution content required under the *Canada Elections Act*. The redirection was not based on the fact that No Farmers No Food is a foreign entity, but rather because the signs lacked certain mandatory content related to message attribution.

Misleading Online Advertisement from Russia

- [48] Elections Canada received one complaint from an individual who was shown an ad while online that allegedly provided false information that was critical of the leader of a political party.<sup>12</sup> The URL of the video ended with .ru [the top-level domain for the Russian Federation]. This matter was redirected to the OCCE because it was an ad, and therefore involved a placement cost (an expenditure). This in turn could have constituted undue foreign influence under the *Canada Elections Act*.

### 3.4 Complaints During the 44<sup>th</sup> General Election that were not Redirected to the OCCE

- [49] As was the case in the 43<sup>rd</sup> General Election, Elections Canada received a large number of complaints related to foreign interference that did not allege any violation of the *Canada Elections Act*. These complaints were closed and not redirected to the OCCE, with the complainant receiving a standard response indicating that their complaint does not fall within the mandate of Elections Canada.

Commission counsel asked Ms. Villeneuve about a file that related to a complaint about alleged propaganda associated with the People’s Republic of China. This propaganda was being spread by a social media account associated with the Global Times news.<sup>13</sup> This file was listed as “problem solved” with no apparent indication of how it was dealt with. Ms. Villeneuve indicated that this complaint had initially been misrouted internally to Election Canada’s social media group. The social media group is not responsible for responding to complaints. Had the complaint been routed to the Integrity Assurance Unit, it would not have been redirected to the OCCE, as the *Canada Elections Act* does not regulate foreign political commentary or the transmission to the public, in print or

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<sup>12</sup> ELC0000292\_R.

<sup>13</sup> ELC0000301\_R.

electronic media, of an editorial, a commentary, or news. According to section 282.4(3)(c) of the *Canada Elections Act*, this is not prohibited, regardless of the expense incurred.

## 4. Political Financing

[50] Commission counsel asked the witness about two aspects of the political financing regime: Elections Canada's regulation of nomination contests, and the regulation of the use of foreign funds.

### 4.1 Nomination Contests

[51] Nomination contests are not regulated by the *Canada Elections Act*, except with respect to political financing rules, which are designed to protect the integrity of the wider political financing system. The rules for nomination contests are not standardized across political parties.

[52] Nomination contestants do not need to register with Elections Canada in order to run for a party nomination. Political parties or electoral district associations have to file a report within 30 days after the selection date that includes the name of the contestants and the winner.

[53] Nomination contestants are required to file a financial return with Elections Canada, but only if they have accepted contributions or incurred expenses exceeding a certain threshold of funds. This return, where required, is filed with Elections Canada within four months after the selection date.

[54] Elections Canada reviews nomination contestant returns and conducts audits, where appropriate.

[55] Nomination contest reports and nomination contestants' campaign returns are publicly available on the Elections Canada website.

### 4.2 Foreign Funds

[56] Regulated entities cannot use foreign funds to incur expenses for regulated activities under the *Canada Elections Act*.

[57] Commission counsel asked the witness to discuss the concept of “intermingling funds”. Ms. Villeneuve explained that intermingling occurs when an entity receives money from different sources, some foreign and some domestic. Once those funds are received and deposited into a general fund or account, it can be very difficult to determine whether any given expenditure for regulated activities is paid for by funds received from a foreign or a domestic source. Intermingling is a challenge to Elections Canada’s auditing activities.

[58] In 2022, the Chief Electoral Officer made recommendations to Parliament designed to address some of the challenges to the political financing regime presented by intermingling of funds.