



## Interview Summary: Stéphane Perrault and Serge Caron

Stéphane Perrault, Chief Electoral Officer, and Serge Caron, Deputy Chief Electoral Officer, were interviewed by Commission counsel on March 8, 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

### 1.1 Stéphane Perrault

- [1] Stéphane Perrault is the Chief Electoral Officer of Canada. He has held this position since June 2018. It is a non-renewable term of 10 years. Prior to his appointment he was Acting Chief Electoral Officer from December 2016 to June 2018. Prior to this, he held a variety of legal positions with Elections Canada, the Privy Council Office, and the Department of Justice.
- [2] As Chief Electoral Officer, Mr. Perrault has overall responsibility for Elections Canada and the administration of federal elections. He exercises powers and performs duties under the *Canada Elections Act*, the *Referendum Act* and the *Electoral Boundaries Redistribution Act*.
- [3] Mr. Perrault holds a Top Secret security clearance and has been indoctrinated into one or more compartments. He is a person permanently bound to secrecy.

## 1.2 Serge Caron

- [4] Serge Caron is the Deputy Chief Electoral Officer for Digital Transformation. He has held this position since 2020. Prior to this he was Elections Canada's Chief Information Officer from 2016 to 2020. Before that, he held a number of information technology positions with the Treasury Board Secretariat and in the private sector.
- [5] During both the 43<sup>rd</sup> and 44<sup>th</sup> General Election, Mr. Caron was Elections Canada's Chief Security Officer. He was responsible for all security-related matters, including both digital and physical security. During the 44<sup>th</sup> General Election, Mr. Caron also held additional responsibilities, including leading the agency's digital transformation of systems and data management.
- [6] Mr. Caron holds a Top Secret security clearance and has been indoctrinated into one or more compartments. He is a person permanently bound to secrecy.

## 2. Elections Canada

### 2.1 The Role of Elections Canada

- [7] Elections Canada is the body responsible for the administration of Canada's federal electoral system. Elections Canada is responsible for administering the *Canada Elections Act* and is responsible for the conduct of federal elections. This includes maintaining the National Register of Electors, appointing returning officers for each electoral district, distributing informational materials, and informing Canadians about the voting process so that they can exercise their right to vote. Returning officers are appointed by the Chief Electoral Officer on the basis of merit for renewable 10-year terms and are responsible for administering elections within their respective electoral district under the supervision of Elections Canada. This includes recruiting and training over 230,000 poll workers during the writ period.
- [8] Elections Canada is responsible for administering the political financing system under the *Canada Elections Act*. This regime regulates how various forms of contributions and expenditures are made, reported, and reviewed. Elections Canada provides information

to the various participants in the electoral process about the political financing system in the form of handbooks, as well as Opinions, Guidelines and Interpretation notes (OGIs). It also collects and publishes returns, and audits the information contained in them.

- [9] Elections Canada has a limited role with respect to political party nomination contests. The *Canada Elections Act* contains financial rules related to nomination contests, which Elections Canada administers. However, outside of the political financing regime, Elections Canada does not oversee nomination contests.
- [10] Elections Canada is not an investigative agency, and it does not enforce the provisions of the *Canada Elections Act*. Investigations and enforcement of the offence provisions of the *Canada Elections Act* are the responsibility of the Commissioner of Canada Elections.

## 2.2 The Office of the Commissioner of Canada Elections

- [11] The Office of the Commissioner of Canada Elections (OCCE) falls under the Office of the Chief Electoral Officer. Mr. Perrault is responsible for appointing the Commissioner of Canada Elections, after consultation with the Director of Public Prosecutions. The Commissioner is appointed for a 10-year non-renewable term.
- [12] The OCCE operates independently of Elections Canada and the Chief Electoral Officer, in accordance with the provisions of the *Canada Elections Act*. While Elections Canada is responsible for the administration of the electoral system, the OCCE is responsible for the enforcement of the *Canada Elections Act*. Investigations and the administration of sanctions fall under the responsibility of the OCCE.

## 2.3 Security and Intelligence

- [13] Security is an important aspect of Elections Canada's mandate. This includes the security of its IT systems and databases from cyber-attacks and the physical security of its employees and the locations in which it operates.
- [14] In 2018, as part of Elections Canada's security strategy, it established the Elections Canada Security Steering Committee (EC SSC). The EC SSC was an internal committee meant to ensure that security-related information was disseminated across

Elections Canada. The objective was to ensure that Elections Canada had the right information and tools in place to maintain security. This Committee was in place during both the 43<sup>rd</sup> and 44<sup>th</sup> General Elections. After the 44<sup>th</sup> General Election, the EC SCC was integrated into Elections Canada's Corporate Affairs Committee.

- [15] Elections Canada maintains a Security Intelligence Program.<sup>1</sup> Within the program, Elections Canada receives open-source information and translates it into actionable information to help secure elections. The intelligence products produced by this Program are intended for an internal audience and are contextualized to the electoral context. They are not shared with external partners.

### 3. Electoral Integrity, Elections Canada and Foreign Interference

#### 3.1 The Concept of Electoral Integrity

- [16] Mr. Perrault was asked to provide his view on how the Commission should think about the concept of electoral integrity generally, and specifically about the “integrity” of the 43<sup>rd</sup> and 44<sup>th</sup> General Elections. He indicated that there were two meanings of electoral integrity.
- [17] In the narrow sense, it could be thought of as compliance with the rules and controls that exist to secure an election. In a broader sense, it could refer to maintaining the conditions needed for the holding of free and fair elections.
- [18] Mr. Perrault believes that the broader definition provides a more useful framework to understand the integrity of a specific election and the electoral process as a whole. This broader definition goes beyond electoral administration and instead considers the overall ecosystem that enables free and fair elections.
- [19] The components of free and fair elections generally extend well beyond the mandate of an electoral management body, such as Elections Canada. Instead, the concept includes a variety of actors and systems required to guarantee the free expression of the will of the electors. Mr. Perrault provided the example of the need for a free press as

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<sup>1</sup> See ELC0000159, pp. 16-25.

a component of electoral integrity. Mr. Perrault explained that the broader concept is what is generally used in the international context when discussing electoral integrity.

- [20] Mr. Perrault expressed his view that the narrow definition of electoral integrity was not the most useful framework for either the mandate of Elections Canada or for the Commission. This is because it is possible that existing rules or controls are inadequate to ensure free and fair elections and so merely considering compliance with the rules is insufficient to assess electoral integrity. It is also possible that electoral rules themselves can sometimes operate to undermine free and fair elections. He provided an example of a draconian voter identification rule that would have the effect of disenfranchising significant numbers of voters.
- [21] Mr. Perrault pointed to Elections Canada's Integrity Framework<sup>2</sup> as reflecting this broader concept of electoral integrity from an elections administration perspective. The framework has six components: Accessibility, fairness, independence, reliability, security, and transparency.
- [22] Mr. Perrault indicated that this framework and its components are used proactively in ensuring the various initiatives, activities, or decisions taken by Elections Canada within its statutory mandate takes into consideration impacts on electoral integrity.

### 3.2 Measuring Impacts on Elections

- [23] Mr. Perrault was invited to provide his view on how the Commission should think about assessing the "impacts" of foreign interference on Canada's electoral processes and democratic institutions.
- [24] Mr. Perrault indicated that impacts on the integrity of an election and impacts on the results are not the same thing. Assessing impact on results is an inherently difficult thing to do. It is generally impossible to draw a straight line between particular events that impact the integrity of an election and the outcome of an election. In his view, the Commission could not draw conclusions about the impacts of foreign interference by

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<sup>2</sup> ELC0000001.

examining outcomes but should instead consider the impact on the overall integrity of the election. This is inherently a qualitative assessment.

[25] Mr. Perrault explained that no election is ever without incidents or actions that impact its integrity to some degree. This does not mean that the election was not generally free and fair.. A sound electoral system contains mechanisms designed to respond to incidents or actions that affect integrity, including judicial recounts or contested elections as well as enforcement mechanisms to sanction non-compliance. The Critical Election Incident Public Protocol is another mechanism. An important question is therefore whether the mechanisms in place are adequate and function as they should. Mr. Perrault suggested that considering the impact on free and fair elections requires a systemic assessment.

### 3.3 The Relationship between Elections Canada's Mandate and Foreign Interference

[26] Mr. Perrault expressed the view that the issue of foreign interference is broader than Elections Canada's mandate, which relates specifically to electoral administration. However, Elections Canada does have a role to play when it comes to foreign interference. Elections Canada has a broad responsibility to secure elections against challenges to their integrity, regardless of whether the source of the challenge is foreign or domestic.

[27] Elections Canada engages in four main activities that bear on the issue of foreign interference:

- a. Securing the electoral infrastructure from cyberthreats and protecting the physical security of staff and electoral offices;
- b. Ensuring that Canadians have correct information about the electoral process;
- c. Auditing and administering the political financing regime; and
- d. Making recommendations to Parliament to improve the legislative framework.

- [28] Elections Canada is not a security agency, and therefore collaborates with security partners such as the Canadian Centre for Cybersecurity (CCCS), the RCMP, or local police for securing its infrastructure. Elections Canada does not have the expertise or mandate to determine whether a threat, such as a cyber-attack or a disinformation campaign, is domestic or foreign.
- [29] Elections Canada does, however, play a role in administering the political financing rules that relate to foreign contributions and making recommendations to Parliament for improving these rules.<sup>3</sup>

### 3.4 Foreign Interference Threats to Elections Canada

- [30] Commission counsel asked Mr. Perrault and Mr. Caron about various forms of threats posed by foreign interference to Elections Canada's mandate to administer elections.
- [31] The witnesses expressed the view that direct manipulation of the voting process itself would be very difficult for foreign actors to accomplish as there are many checks and balances built into the system. Voting is done by secret paper ballot. Polling places are open to observers. Events that take place at polling places are well documented. The counting of ballots is done in the presence of witnesses. An external audit of elections officials' compliance with procedures at the polls is conducted during an election and reported on afterwards. Any significant interference with the voting process would likely be detected.
- [32] Commission counsel referred to a risk assessment that Elections Canada produced into insider risk related to the 44<sup>th</sup> General Election, which included an assessment of risks posed by recruitment and coercion by foreign states.<sup>4</sup> The witnesses explained that Elections Canada is not a security or an intelligence agency. As such, an ecosystem of security partners provides information to Elections Canada about various threats. Elections Canada then contextualizes that information in the form of risk assessments

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<sup>3</sup> Mr. Perrault noted that, following the 43<sup>d</sup> and 44<sup>th</sup> General Elections, he made certain recommendations to Parliament that are either directly related to or relevant to foreign interference. See ELC0000054.

<sup>4</sup> ELC0000871.

for decision-making purposes. Risk assessments are used to communicate with returning officers so that they could better understand the threat landscape in which they operate, and to better equip them to respond. Risk assessments are an example of a kind of product prepared through Elections Canada's Security Intelligence Program.

- [33] Mr. Perrault noted that, while Elections Canada has been aware of insider threats during the 43<sup>rd</sup> General Election, its understanding of the topic has increased since then, and reached a heightened emphasis in the 44<sup>th</sup> General Election. Mr. Caron stated that Elections Canada integrated into its departmental security plan measures to respond to insider threats described in the risk assessment.
- [34] Commission counsel asked the witnesses about the following scenario: within a diaspora community in Canada, specific community members are known to have direct associations with a foreign state or state-backed entity that may engage in transnational repression. Because Elections Canada recruits poll workers from local communities, these state-affiliated individuals may seek out positions in polling places. Their mere presence in polling places may be perceived as threatening or intimidating to some members of the diaspora community, causing them not to vote or to vote differently than they would have otherwise done.
- [35] The witnesses indicated that they received no information about such a scenario actually taking place, either through intelligence reports or complaints from electors. They acknowledged, however, that intimidation of members of a diaspora community is something that they are concerned with, and that Elections Canada was taking measures to account for it. The witnesses indicated that it would not be possible to conduct security screening on all poll workers during a federal election. Elections Canada has a core staff of approximately 800 employees, but during the election period they recruit over 230,000 workers to work on election day.<sup>5</sup> It would not be possible to screen this number of workers given the timelines of an election.

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<sup>5</sup> Mr. Perrault specified that every person with access to personnel information and Election Canada's structure are security cleared.



- [36] Instead, Elections Canada was attempting to respond to this type of concern by developing targeted messaging products about the secrecy of the ballot and other safeguards in the voting process.
- [37] Mr. Perrault also noted that Elections Canada provides alternative means of voting, such as voting by mail, or voting at a returning office. Raising awareness of these methods for voting also serves to allow voters to cast ballots without fear of surveillance by foreign state-affiliated individuals who sought out positions in polling places.
- [38] Commission counsel asked the witnesses whether Elections Canada encountered evidence that its employees were compromised by foreign interference during the 43<sup>rd</sup> General Election. Mr. Perrault indicated that Elections Canada did not receive any briefing or anecdotal evidence of its employees being compromised by foreign interference.

## 4. The Relationship between Elections Canada and the Government of Canada

### 4.1 The Principle of Independence

- [39] Elections Canada was created in 1920 in order to have an independent body administer elections. It was one of the first such independent bodies in the world. Independence is critical to Elections Canada's mandate.
- [40] Elections Canada does not take direction from the government. Mr. Perrault does not report to a Minister, but rather to Parliament directly. The Chief Electoral Officer is the only officer of Parliament that is appointed solely through a resolution of the House of Commons, and without the need for an implementing Order in Council. He can only be removed by a joint resolution of the House of Commons and the Senate.
- [41] The Chief Electoral Officer also has unique powers of spending that enhance its independence from Government. [Elections Canada's funding sources are discussed in the Elections Canada Institutional Report].

[42] Independence does not mean non-collaboration. While Elections Canada must be independent from government, it also works collaboratively with government agencies, including the security and intelligence community. This is because Elections Canada does not have all of the tools and expertise necessary to address security and intelligence issues on its own, as well as because threats posed by foreign interference extends beyond electoral administration.

## 4.2 Electoral Security Coordinating Committees

- [43] Prior to 2016, Elections Canada held one-off meetings with the RCMP and Public Safety officials before each election. These meetings were generally concerned with physical security for elections, including the threat of terrorism and natural disasters.
- [44] In 2016, following the events surrounding the United States presidential election and alleged Russian interference, Elections Canada determined that greater collaboration was required to protect the integrity of elections. Mr. Perrault approached senior PCO officials as well as Greta Bossenmaier, then the Chief of the Communications Security Establishment, to discuss the need for Elections Canada to reinforce collaboration with the Government, including with respect to foreign interference. [Ms. Bossenmaier subsequently became the National Security and Intelligence Advisor to the Prime Minister, a position she held during the 43<sup>rd</sup> General Election].
- [45] This led to the formation in January 2017 of a series of bodies eventually called the Electoral Security Coordinating Committees (ESCCs). At early points in their development, they were also referred to as Electoral Security Steering Committees (ESSCs)<sup>6</sup> or Security Operations Working Groups (SOWGs).
- [46] The ESCCs were forums for collaboration and exchange. They helped maintain institutional knowledge, including knowledge of the mandates of Elections Canada's

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<sup>6</sup> Mr. Perrault noted that this title was a misnomer as the bodies were never intended to be steering committees in the sense of having decision making authority. Coordinating committees was the appropriate title given Elections Canada's independence from the Government of Canada.

various security partners. They provided the opportunity for officials from a range of institutions to interact with one another and build relationships.

[47] The membership of the ESCCs varied over time and reflected the types of security challenges confronting the electoral system. For example, during the COVID-19 pandemic, public health officials were invited to participate in the ESCCs.

[48] The core membership of ESCCs included:

- a. The Privy Council Office – key coordinators for the Government of Canada;
- b. Elections Canada – the institution mandated to administer elections;
- c. The Communications Security Establishment – responsible for cybersecurity and responding to cyberthreats to elections;
- d. The Canadian Security Intelligence Service – responsible for investigating foreign interference activities in Canada;
- e. Global Affairs Canada – responsible for social media monitoring through its' Rapid Response Mechanism;
- f. Public Safety Canada – responsible for consequence management, such as responding to large scale disasters, as well as coordination with provinces and municipalities; and
- g. The RCMP – law enforcement activities, and conduit for contact with other police of jurisdiction throughout Canada.

[49] Three ESCCs were created and comprised of officials at increasingly senior levels: Directors-General (DG ESCC), Assistant Deputy Ministers (ADM ESCC), and Deputy Ministers (DM ESCC).

[50] Mr. Perrault was the Elections Canada representative to the DM ESCC during both the 43<sup>rd</sup> and 44<sup>th</sup> General Elections and served as the Committee's Co-Chair along with the PCO.

[51] Mr. Caron was the Elections Canada representative to the DG ESCC during the 43<sup>rd</sup> General Election, and the ADM ESCC during the 44<sup>th</sup> General Election. In both roles he served as the Committee's Co-Chair along with the PCO.

- [52] The DG ESCC was the working level body that was primarily responsible for putting in place key pillars of coordination. These included communications, incident response plans and preparing table-top exercises. The DG ESCC played an important role in clarifying the roles of each participant.
- [53] The ADM ESCC set the direction and priorities for the DG ESCC and provided oversight for its operation. They were also responsible for briefing up to the Deputy Minister level.
- [54] The DM ESCC was a forum in which the senior most level of public servants and officials could be aware of each other's activities related to electoral integrity. It also formed a community of knowledge that played a role in supporting the Critical Election Incident Public Protocol's "Panel of Five". Several of the Panel of Five members were also members of the DM ESCC.
- [55] In short, the DG ESCC plays an informational role, the ADM ESCC has a directional role, and the DM ESCC has a general oversight role.
- [56] ESCC meetings occurred in both classified and unclassified settings.
- [57] Classified meetings of ESCCs were generally geared towards situational awareness and tradecraft, as opposed to fact-specific briefings.
- [58] Unclassified meetings were generally geared towards information sharing, and the development of coordination frameworks in areas such as communications.
- [59] Another significant activity of the ESCCs were tabletop exercises (TTXs). TTXs were scenarios developed in collaboration with security experts to present realistic, but ambiguous scenarios of events that threatened electoral integrity. The scenarios within TTXs were reflective of real events that could potentially arise during an election period. The TTXs were also contextualized to account for real-time concerns within the current electoral climate. Often, the scenarios were constructed to evolve over the course of the exercise to add additional, complicating events. The purpose of the TTXs was to permit officials to assess coordination and think through roles, responsibilities, and legal thresholds such as when the "Panel of 5" would make a public announcement, or when the Chief Electoral Officer would certify that an election was impracticable [under

section 59 of the *Canada Elections Act*]. This would then help officials act with the required speed and agility should an incident arise during an election period.

[60] Some, but not all TTXs involved a foreign interference element.

[61] Some of the key lessons learned from the TTXs were the importance of coordinated communications about events impacting the integrity of elections, developing incident management protocols, and ultimately developing an Election Incident Response Playbook.<sup>7</sup> Mr. Caron explained that this was a document that the ADM ESCC tasked the DG ESCC to develop to serve as a guide that would help minimize disruptions and ensure efficient coordinated responses across relevant entities if an election-related incident occurred. The Playbook describes the role of each ESCC as well as the mode of operation of the ESCCs during the pre-writ and writ periods.

### 4.3 Other Relationships with Government Actors

[62] Outside of the ESCCs, Elections Canada maintained relationships with various bodies. However, the ESCCs were the main forum for security coordination and collaboration.

#### 4.3.1 Security and Intelligence Threats to Elections Taskforce

[63] Elections Canada was not a member of the Security and Intelligence Threats to Elections task force (SITE), and Elections Canada does not have a formal relationship with SITE. However, several SITE members were represented on the ESCCs. SITE would provide information to the ESCCs on potential threats, though it did not generally provide briefings directly to Elections Canada. Elections Canada also shared its social media monitoring products with SITE, through the ESCC partners.

#### 4.3.2 Canadian Security Intelligence Service

[64] Elections Canada maintains a relationship with CSIS. The majority of security intelligence that Elections Canada receives comes to it through SITE briefings to the ESCCs, as CSIS provides security information directly to SITE. However, Elections

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<sup>7</sup> ELC0000826.

Canada sometimes receives briefings directly from CSIS. These briefings are mostly related to general information about the threat landscape.

- [65] Elections Canada does not have access to the Canadian Top Secret Network (CTSN) and does not have facilities designed to store Top Secret materials. It can store information classified at the Secret level. In order to receive Top Secret briefings from CSIS, Elections Canada officials would go to secure rooms located within Government of Canada offices. Secret level briefings would normally be disseminated to the senior executives within Elections Canada. Top Secret briefings would be limited to a small number of individuals based on the need-to-know principle. Mr. Perrault and Mr. Caron would be among the small number of individuals to receive these types of briefings.
- [66] Mr. Caron was asked about a letter he received from CSIS in 2021 in connection with the 44<sup>th</sup> General Election, in which CSIS invited select Elections Canada employees to “review sensitive information that may be relevant to the safe and effective delivery of a future election event.”<sup>8</sup> Mr. Caron explained that the letter was sent from CSIS’s Government Liaison Office, whose role is to communicate with organizations that receive information from CSIS. The purpose of the briefing described in the letter was to provide a general threat briefing to Elections Canada, including to raise awareness of the generic techniques state actors may use to achieve their goals. It was not related to a specific factual situation.
- [67] Elections Canada also received a CSIS briefing with connection with the 43<sup>rd</sup> General Election, but it was in a different format.
- [68] Elections Canada received one fact-specific briefing from CSIS related to foreign interference in connection with the 43<sup>rd</sup> General Election.
- [69] Elections Canada did not receive any fact-specific briefings from CSIS related to foreign interference in connection with the 44<sup>th</sup> General Election.

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<sup>8</sup> ELC0000101

#### 4.3.3 Communications Security Establishment / Canadian Centre for Cybersecurity

[70] Elections Canada generally maintains direct lines of contact with the Canadian Centre for Cybersecurity (CCCS), which is situated within the Communications Security Establishment. Elections Canada has an integrated incident management protocol with the CCCS to respond to any form of cybersecurity incident effecting Elections Canada's IT infrastructure. Elections Canada does not receive intelligence briefings directly from the CSE. Information obtained by the CSE may reach Elections Canada through other actors, such as its ESCC partners.

#### 4.3.4 Royal Canadian Mounted Police and Local Police of Jurisdiction

[71] Elections Canada works with the RCMP to ensure that if either body becomes aware of threats to elections, they are able to inform the other. During the 44<sup>th</sup> General Election, two Elections Canada employees were embedded in the RCMP Operations Centre to ensure more effective communication between the two bodies during the election.

[72] The RCMP also serves as Elections Canada's main conduit for any specific message to be distributed to law enforcement organizations across the country. At a more granular level, Elections Canada also maintain relationships with local police of jurisdiction throughout the Country. Each Returning Officer is responsible for serving as a focal point for engagement with local law enforcement. Elections Canada provides tools for Returning Officers to assist them in establishing and maintaining these relationships.

[73] Neither Mr. Perrault nor Mr. Caron recalled Elections Canada receiving intelligence products from the RCMP either directly or through the ESCCs during the 43<sup>rd</sup> or 44<sup>th</sup> General Elections.

#### 4.3.5 Global Affairs Canada and the Rapid Response Mechanism

[74] Elections Canada does not have a direct relationship with the Rapid Response Mechanism (RRM). However, during an election period, the RRM receives Elections Canada's daily Social Media Monitoring Reports (SMMRs). Elections Canada also receives RRM social media analyses during the election period.

[75] Elections Canada's exposure to RRM products comes from Global Affairs Canada's membership on the ESCCs. This takes the form of general environmental analysis and does not include intelligence products.

## 5. The Critical Election Incident Public Protocol and Elections Canada

[76] When the Government of Canada was developing the Critical Election Incident Public Protocol (CEIPP),<sup>9</sup> Minister Gould [then the Minister of Democratic Institutions] spoke with Mr. Perrault to seek his views on whether he should be a member of what became the Panel of 5.

[77] Mr. Perrault expressed his view that he should not be a member of that body. In his view, it was important to maintain Election Canada's independence. The Panel of 5 was a body that was ultimately accountable to the Government. Mr. Perrault explained that he was accountable to Parliament, not the Government. In his view, it was important to keep the Panel of 5's mandate under the CEIPP separate and distinct from his own mandate under the *Canada Elections Act*. The presence of the Chief Electoral Officer on the Panel of Five could call into question Election Canada's independence, given that the Panel is ultimately accountable to the Government. Preserving the independence of Elections Canada is of the utmost importance for Mr. Perrault.

[78] The Panel of 5 and the Chief Electoral Officer do not, however, work in isolation. Both operate on the basis of common sources of information, notably SITE and partner agencies through the ESCCs. What each entity would do in response to that information, however, would depend on their respective mandates. The Chief Electoral Officer would not make a public statement on a matter within the mandate of the Panel of 5. He would only make a public statement with respect to a matter that fell within his mandate to administer elections.

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<sup>9</sup> COM00000008.



- [79] Accordingly, Mr. Perrault was confident that, although Elections Canada is not part of the Panel of 5, it would nonetheless be made aware of any relevant information to its mandate that come up in the CEIPP process.
- [80] When asked for an example to help delineate the different mandates of the two bodies, Mr. Perrault referred to cyber incidents as something that could fall under either body's mandate, depending on the nature of the threat. A cyber incident that attacked Elections Canada's networks on elections day could lead him to make a public statement respecting the integrity of the election. While the Panel of 5 would be informed of such an incident, Mr. Perrault would not expect it to make a statement since the issue would be within Elections Canada's mandate.
- [81] Conversely, a cyber incident targeting a major political party's network would not be something that the Chief Electoral Officer would make a statement about, as such an incident is not related to the administration of the election itself. Such a situation might lead the Panel of 5 to make a public statement, depending on the circumstances and the Panel's independent assessment.
- [82] Commission counsel asked the witnesses about section 5.4 of the CEIPP Cabinet Directive, which states that the Panel of 5 may consult with the Chief Electoral Officer to ensure that mandates are being respected should issues of interference arise that are possibly relevant to both the Panel and the Chief Electoral Officer.
- [83] Mr. Perrault indicated that no such consultations took place with respect to either the 43<sup>rd</sup> or the 44<sup>th</sup> General Elections.

## 6. Relationship with Political Parties

- [84] Elections Canada maintains relationships with political parties as part of administering the *Canada Elections Act*. Elections Canada registers and de-registers political parties pursuant to the *Act*. Political parties are required to submit various reports to Elections Canada, which it reviews. Elections Canada also provides guidance and information to political parties about the *Canada Elections Act* and topics related to the administration of the electoral system.

- [85] One of the ways that Elections Canada engages with political parties is through the Advisory Committee of Political Parties (ACPP). This body was established in the 1990s and is now codified in the *Canada Elections Act* [in section 21.1].
- [86] The ACPP is a consultative body on operational matters and can make recommendations to the Chief Electoral Officer. It is also a forum in which political parties are kept apprised of potential or actual changes to the rules applicable to federal elections.
- [87] All registered political parties are entitled to participate in the ACPP, which typically meets on an annual basis.
- [88] During the February 13-14, 2019 meeting of the ACPP, political parties received briefings from CSIS and the CSSS regarding electoral security.<sup>10</sup> The briefings were the idea of the Privy Council Office. PCO approached Elections Canada to facilitate providing political parties with a briefing to raise their awareness of cyber security issues. Elections Canada agreed to host this briefing during the ACPP meeting but was not involved in the preparation of the briefing.
- [89] The briefing related to best practices for cyber security as well as situational awareness of cyber threats. The briefing was unclassified.
- [90] In addition to the formal briefing, political party representatives took the opportunity to speak with presenters from CSIS and the CCCS. As far as Elections Canada was aware, this was the first opportunity for direct interaction between political parties and the security community on the topic of cyber security. Elections Canada understands that political parties may have taken the opportunity to forge direct relationships or contacts between themselves and CSIS and CCCS during this briefing.
- [91] Elections Canada did not receive feedback from political parties as to the value or adequacy of the information provided to them during the briefing.

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<sup>10</sup> COM0000006, ELC0000669, ELC0000700.

- [92] There was no similar briefing provided to political parties prior to the 44<sup>th</sup> General Election. Elections Canada's focus at the time was on successfully holding an election during the COVID-19 pandemic.
- [93] Mr. Perrault believes that the Privy Council Office may have held some direct meetings with some political parties on security issues in connection with the 43<sup>rd</sup> and 44<sup>th</sup> General Elections. Elections Canada was not involved in any such meetings.

## 7. Social Media Monitoring

- [94] [Commission counsel interviewed Nick Gamache on how Elections Canada monitored social media in connection with the 43<sup>rd</sup> and 44<sup>th</sup> General Elections, including the scope of its monitoring activities, the reports that it generates, and how it responded to inaccurate information related to the electoral system.]
- [95] Russian penetration of the social media ecosystem during the 2016 US presidential election led Elections Canada to conclude that there was a need for a permanent program to monitor social media. New technology provided the capacity for Elections Canada to do so. An initial program was established for the 43<sup>rd</sup> General Election, which has since been converted into a permanent function within Elections Canada.
- [96] Elections Canada focuses its monitoring activities on information about the electoral process and ensuring voters have correct information about how to vote. It is not intended to police political debate. Elections Canada cannot police partisan conversations, or determine whether comments are fair or unfair. That is not Elections Canada's role.
- [97] Elections Canada also cannot determine whether the source of particular social media activity is foreign or domestic. It lacks the tools and processes to do so, and it would be outside of Elections Canada's mandate in any event.
- [98] Elections Canada is able to share information it obtains through social media monitoring with its partners in the security and intelligence community so that they can better perform their respective roles.

- [99] Both witnesses received Elections Canada's Social Media Monitoring Reports (SMMRs) on a daily basis during both the 43<sup>rd</sup> and 44<sup>th</sup> General Elections. This was part of maintaining situational awareness of all events related to the conduct of the elections.
- [100] Elections Canada also shared SMMRs with key partners, including the Office of the Commissioner of Canada Elections and its ESCC partners. Neither witness is aware of any feedback received from these recipients.

## 8. Complaints to Elections Canada

- [101] [Commission counsel interviewed Josée Villeneuve on how Elections Canada receives and processes complaints, as well as the complaints related to foreign interference it received during the 43<sup>rd</sup> and 44<sup>th</sup> General Election.]
- [102] The foreign interference complaints Elections Canada received during the 43<sup>rd</sup> and 44<sup>th</sup> General Elections were largely non-actionable. Any significant complaint would have been discussed at Elections Canada's daily meetings during the election period. However, neither witness recalled any complaints received by Elections Canada being shared with security and intelligence partners during the two elections. Nothing would have prevented such sharing if a complaint disclosed a serious foreign interference issue.

## 9. The Integrity of the 43<sup>rd</sup> and 44<sup>th</sup> General Elections

### 9.1 The 43<sup>rd</sup> General Election

- [103] During the course of the 43<sup>rd</sup> General Election, Elections Canada did not encounter any foreign interference issues that fell within its mandate. It also did not identify any foreign interference issues related to its mandate during any of the post-election reviews that it conducted.
- [104] Based on all of the factual information available to Elections Canada today, the witnesses believe that, with respect to matters falling within the mandate of the agency, the 43<sup>rd</sup> General Election was characterized by a high degree of integrity and fairness

and was a free and fair election. They were of this view whether measured at the nation-wide level, or with respect to each of the 338 electoral districts.

## 9.2 The 44<sup>th</sup> General Election

[105] During the course of the 44<sup>th</sup> General Election, Elections Canada did not encounter any foreign interference issues that fell within its mandate. The only possible exception to this statement relates to the existence of anti-public health measures protests that targeted polling sites, and therefore impacted the administration of the election at specific locations. It is possible that anti-public health measure sentiments could have been influenced by foreign actors but Elections Canada has no specific information that would suggest that this was the case.

[106] Commission counsel asked whether the pandemic context could have impacted the integrity of the 44<sup>th</sup> General Election. Commission counsel provided the example of the smaller number of polling locations, which would require individuals to travel greater distances to vote or to congregate in larger numbers.

[107] The witnesses agreed that the number of polling locations was smaller in the 44<sup>th</sup> General Election compared to the 43<sup>rd</sup> General Election. The total number of polling locations dropped from around 15,500 in the 43<sup>rd</sup> General Election to around 14,500 in the 44<sup>th</sup> General Election. The degree to which reduced polling numbers was an issue varied from province to province. Elections Canada normally relies on schools to act as polling stations. This proved difficult during the 44<sup>th</sup> General Election as a result of public health measures. Many school boards did not give Elections Canada permission to use their premises to run polls in their buildings. Many condo corporations in major cities also would not permit Elections Canada to run polls in their buildings as is normally the case. Elections Canada does not have the jurisdiction to require schools or property owners to permit Elections Canada to use their facilities for polling locations.

[108] The reduction in polling locations and available workforce did have an impact on accessibility, which is one aspect of electoral integrity. However, the witnesses explained there were other voting opportunities available, including by mail-in ballot and

advance polling. The witnesses indicated that the challenges presented by the pandemic did not undermine the overall integrity of the 44<sup>th</sup> General Election.

[109] Elections Canada also did not identify any foreign interference issues related to its mandate during any of the post-election reviews that it conducted.

[110] Based on all of the information available to Elections Canada today, the witnesses believe that the 44<sup>th</sup> General Election was characterized by a high degree of integrity and fairness and was a free and fair election. They were of this view whether measured at the nation-wide level, or with respect to each of the 338 electoral districts.

### 9.3 Public Concerns Respecting Foreign Interference

[111] The witnesses were aware of media reports related to allegations of foreign interference in the 43<sup>rd</sup> and 44<sup>th</sup> General Elections, including information that was alleged to have been contained in reports from security and intelligence agencies in Canada.

[112] Mr. Perrault indicated that these media reports are concerning and need to be examined to ensure public trust in confidence in elections. He also emphasized that Elections Canada is not in a position to speak to the contents of such media reports.

[113] The witnesses stated that it is not Elections Canada's role to evaluate and assess elections. Rather, the role of an electoral management body like Elections Canada is to transparently administer elections and to provide the necessary data so that others, including the general public, parliamentarians, international observers, and the courts, can have an informed opinion about the integrity of those elections.