

UNCLASSIFIED



Public Inquiry Into Foreign Interference
in Federal Electoral Processes and
Democratic Institutions

Enquête publique sur l'ingérence étrangère
dans les processus électoraux et les
institutions démocratiques fédéraux

Appendix to Interview Summary: Office of the Commissioner of Canada's Elections (Caroline Simard & Carmen Boucher)

Caroline Simard and Carmen Boucher from the Office of the Commissioner of Canada Elections (“OCCE”) were interviewed by Commission Counsel on July 25, 2024. The interview was primarily held in an unclassified environment. A small portion of the interview was held in a secure environment and references classified information. This summary discloses the evidence that, in the opinion of the Commissioner, would not be injurious to critical interests of Canada or its allies, national defence or national security.

Notes to Reader

- Commission Counsel have provided explanatory notes in square brackets to assist the reader.
- This Appendix should be read with the unclassified interview summary from the same date.

1. Review of Additional Documents

- [1] Further to the media reporting in the fall of 2022, the OCCE requested access to classified intelligence. As a result of that request, the OCCE received and reviewed roughly fifteen documents that the OCCE had not previously reviewed. The documents provided relevant contextual information but did not indicate any other possible contraventions of the Elections Act (“Act”).
- [2] Ms. Boucher requested classified information from CSIS after the release of the National Security and Intelligence Committee of Parliamentarians (“NSICOP”) Special Report on Foreign Interference in Canada’s Democratic Processes and Institutions (the “NSICOP Report”). She also asked to see a specific piece of intelligence.

- [3] Ms. Boucher raised concerns about the accuracy of paragraph 67 of the classified NSICOP Report, which referenced allegations that Canadians believed to proxies of the PRC covertly encouraged individuals to donate money to the campaigns of candidates that the PRC favoured and promised to pay them back, which according to the NSICOP report would constitute an offence under the Canada Elections Act.
- [4] Ms. Boucher referenced a record of decision dated February 27, 2023 in which the OCCE asked CSIS for additional information about the allegations of the reimbursement of campaign contributions by the PRC. Ms. Boucher did not know why the OCCE had not been provided with the related intelligence report before 2023 as the allegations clearly fell within the OCCE mandate.
- [5] The OCCE followed up with CSIS seeking production of information relating to that intelligence (by unclassified email), but ultimately decided not to pursue obtaining a Use Letter from CSIS. OCCE concluded there was no viable lead nor any indication of a specific contravention.
- [6] Ms. Boucher later advised the Commission that she met with Mr. Basler on August 19, 2024 and reviewed the discrepancy at paragraph 67 of the NSICOP report with him. Mr. Basler told Ms. Boucher that CSIS provided clarification on the paragraph, including noting that the OCCE engaged the One Vision process. The NSICOP paragraph does not reflect the clarifications made by CSIS. CSIS' record corresponded with the OCCE's record.

2. Other Relevant Intelligence/Documents

- [7] Ms. Boucher has reviewed a February 2024 CSIS-SITE report summarizing PRC electoral interference. While Ms. Boucher cannot share the contents of the classified report with OCCE investigators as she does not have a copy, she found reading the document extremely helpful to ground her understanding of how foreign interference operates. Access to classified information can guide investigations and identify areas of interest in those investigations and help the OCCE in their investigative strategies and priorities.

- [8] Ms. Boucher believes that, with the information available to OCCE at the time, the OCCE's decision and investigative steps were logical and complete in relation to the complaint received by the OCCE in relation to a lunch organized and paid for by an individual connected to a prominent Chinese community organization at the request of the Liberal Party candidate in Vancouver East.
- [9] Ms. Boucher noted that without access to intelligence, the OCCE had to start from scratch in learning and understanding the threat environment. Ms. Boucher expressed some concern with the potentially unnecessary time and resources her office invested to build their background understanding of this issue. While she does not believe that the outcome of the investigation would have changed with access to the classified intelligence, her office may have prioritized differently and could have conserved considerable resources. Similar failures to transmit classified intelligence to the OCCE in the future could jeopardize the OCCE's ability to enforce the *Act*.

3. Role during By-Elections

- [10] During the 2023 and 2024 by-elections, the OCCE attended weekly Election Security Coordinating Committee ("**ESCC**") meetings. The OCCE did not receive the daily SITE SITREPs given that the OCCE does not have access to classified dissemination infrastructure. The OCCE only received access to classified reports respecting the by-elections after the elections concluded, and with proactive follow-up by the OCCE.
- [11] The OCCE is seeking to remedy this challenge by gaining access to the government of Canada's classified infrastructure and instituting the internal structure necessary for the OCCE to receive, process and store classified information.

4. Classified Information

- [12] Ms. Boucher has access to classified information and intelligence. She receives paper products to read from CSIS in an in-person briefing. Intelligence is not shared with investigators in case they need to testify and to preserve the integrity of OCCE

investigations. Intelligence is only shared with investigators following a One Vision agreement to use intelligence.

- [13] The OCCE referenced “use letters” that have been received from CSIS in the past, which were classified at the “secret” level. The OCCE did not seek declassification of any related relevant information, as the information was contextual, not actionable.
- [14] It is important that the OCCE build the infrastructure necessary to review, receive and store classified information. A temporary alternative solution, which would allow Ms. Boucher or other OCCE employees with the requisite clearance to review intelligence at CSIS, is not practical long term. In addition, because security procedures generally preclude passing classified information in paper format, the OCCE does not retain copies of the intelligence reporting. As a result, those with access to the information are unable to re-review intelligence that they have received when it later becomes potentially relevant.
- [15] The OCCE has not yet received any funding specifically earmarked to address/respond to foreign interference. Ms. Boucher expressed that the identified solution is for the OCCE to have a secretariat capable of processing intelligence which must be separate from enforcement and the OCCE is pursuing funding options in this regard.