



Summary Report

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Panel Theme: Electoral Integrity: Political Financing

Other panel members will, I hope, cover issues such as the tools needed to prevent, detect, investigate and prosecute those caught in attempting to influence Canadian elections, politicians and policy.

I thought, in the interests of brevity I would focus on two issues only: the trust deficit, and the need to better protect internal party elections from influence.

Half a century ago, when we first entered the world of financially supporting, and therefore further regulating Canadian elections, there was a broad social consensus about government's role in many arenas, and a high level of trust in their ability to do it fairly and competently. Internal party leaders, elected official and the general public saw the issues the first legislation addressed as important and the proposed reforms as wise. This was essential to their success. Sadly, that trust level has withered badly.

Working to restore it will require finding a consensus on the balance between the public good and the private activities of civil society organisations. Political parties differ from any other civil society group, however, because their role is unique and central to choosing governments in a democracy.

As part of the Commission's recommendations, I would hope consideration could be given to rebuilding that broad consensus where elections are concerned. This might include curriculum suggestions aimed at students from 9-13, when their interest in big issues flowers. A citizen advocacy group, comprised of retired politicians and partisans, teachers and election officials might be given a mandate and resources to produce videos, social media content and a rolling speaking tour to civil society organisations. Political parties might be encouraged to include the essential principles and values in their own party programmes.

Such a multiyear campaign will be slow and challenging, admittedly. Without it, however, the acceptance of whatever recommendations are made for reform and protection will face serious obstacles to public and partisan acceptance.



Providing guard rails and other protections to party internal elections - nominations, leadership selection, and internal offices - are the very foundations of party-based democracies. They are also the most poorly managed and vulnerable electoral processes in Canada. There will be stiff resistance from some partisans to serious required reform. However, if challenged to defend the integrity and conduct of their own internal elections, their responses would serve only to highlight how weak are every party's procedures.

The parties could be required, within a reasonable deadline, to offer their own approaches to tightening membership processes, protecting against foreign influence and ensuring the integrity of the outcomes. If they are approved by the Chief Electoral Officer, or another regulator, that would permit them to establish their own systems, and to report in detail on their operations.

At a minimum this would force the parties to reflect seriously on the nightmares they potentially face if nothing is done. One need not do more than outline how easy it would be for a Prime Minister, loyal to another nation, to come to power to send a chill down the spine of every thoughtful partisan.

A second path might be an opt-in approach. Parties could agree to be bound by a series of measures and penalties, in return for some financial assistance with the costs of compliance, and a public seal of approval if they were successful. Others might choose to opt-out, and revert to a 'homegrown' approach, subject to its approval.

Optional acceptance of new rules was tried by the Americans in the 70s with their first round of reforms. There the goal was on limiting expenses in return for a cash subsidy. It worked for a while. But inevitably when a party was confident it could raise far more than the subsidy provided they opted out.

A pause for strategic reflection might cause some veteran party elders to spot a major flaw in such optional schemes: partisan attack from those who accepted publicly enforced limits and rules. "Oh see! The Vegan Party won't tell Canadians who helped to pay for their new party leader." There may be more creative approaches to the opt-in route, but I think the risk of being seen as an outlier is likely endemic to all.



A third possibility is to work to find an all-party consensus on a new legislative and regulatory frame that was seen to be both effective at better protecting party's internal elections, and incapable of being misused by any Canadian government for partisan purposes.

Ideally, we would have found consensus on better defending these essential foundations of democracy before a federal election and at least two provincial elections coming within the next twelve months. Voters confidence in the sanctity of our electoral system has been delivered several blows. Entering those campaigns with no promise of better protections would understandably undermine it further. This does not seem likely, however.

Finding all party consensus on governmental regulation of riding level revenue and expenditure, in a campaign, was very hard in 1974. One party was adamantly opposed until the final weeks. Finding an all-party consensus today about a far more invasive role for government - monitoring the finance and conduct of the most intimate of party rules and traditions - nominations and leaderships - will be much harder.

There is a profound divide between those who believe that governments have no place in the political backrooms of the nation. And those who now believe that there is no alternative to effective protection against foreigners who would corrupt our elections. But we must surely agree, at a minimum that the *status quo ante* is unacceptable; the evidence of abuse is now incontrovertible.

Those still recalcitrant might be cautioned that the failure of the parties, separately or by consensus to agree to a package of reforms, would mean that increased surveillance by our national security and law enforcement agencies would continue. Given the intense political and public interest in this accelerating threat, those agencies will no doubt be more invasive and demand greater co-operation than ever before; surely not a desirable outcome for any party.

The Commission may feel that it is not helpful to winning agreement on these difficult new reforms, to have earlier pointed out the political elephant in the room. But Canadians will demand its examination.



I refer to the efforts of some parties and politicians to deny, dissemble, and endlessly defer serious attention to this demonstrated capacity of foreign powers to meddle with some success in Canadian elections. The reasons for this dangerous political strategy don't merit discussion; the impact that it has had requires it. If foreign powers believe that their interventions will be ignored, or if discovered as a result of leaks by deeply worried national security officials, that they will only get a slap on the wrist, they will draw the appropriate conclusion: they are free to continue.

This political waffling will not end no matter who is in power, it is a product of today's intense partisan competition. Placing partisan interest ahead of the national interest may be appalling. It will not go away. That probably dictates that regulatory agencies, investigators, and enforcers should be as completely shielded from political pressure by means that are as impenetrable as it is possible to devise.

Throughout the 20th century we saw the importance to the integrity of elections being dependent on raising barriers to partisan misdeeds. We banned distributing mickeys of rye outside polling stations. We forbade MPs choosing Riding Returning Officers, or Deputy Returning Officers. And we placed strict limits on what party scrutineers were permitted to do in ballot counting rooms. Nudging the parties out of this new arena of essential regulation seems equally wise.

By International standards, Canada is late to suffer foreign interference, and lucky to have seen only its most mundane forms so far. Modern technology has permitted far more devastating and invisible forms of intervention in many countries. Influence plots so well crafted they leave no fingerprints. The perpetrators are hard to identify let alone punish.

To those who are skeptical that our 'nice little country' would attract such frightening attention are indulging in a typical Canadian naïveté about our attractions to 'bad actors.' No other country in the world has such unparalleled access to the world's superpower, or our vast reservoirs of the most valuable and sometimes rare minerals, or our membership in the G7, G20, in numerous regional economic agreements; and the largest diaspora communities per capita of immigrants from South Asia, Chinese Asia and the Philippines. All ingredients of great interest to many foreign actors.



We stand at a very important fork in the road in our future as a sustainable and globally respected electoral democracy. I am confident, Commissioner, that you will make it undeniably clear to our political parties and to Canadian voters, that real reforms delivered swiftly are essential to preventing outcomes far worse than those to which we have been exposed.