





Office of the  
Chief Electoral Officer  
of Canada

# Protecting Against Threats to the Electoral Process

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# Table of Contents

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Foreword .....	5
Introduction .....	6
<b>Part 1—Social Media, Disinformation and Democratic Processes .....</b>	<b>8</b>
<b>The Information Ecosystem .....</b>	<b>8</b>
Improving the Transparency of Online-Platform Policies .....	10
Addressing Emerging Threats Arising from Artificial Intelligence and Deepfakes .....	11
Understanding the Source of Electoral Communications .....	15
Measures to Protect Against Efforts to Undermine Trust .....	16
<b>Part 2—Political Entities .....</b>	<b>18</b>
<b>Political Financing .....</b>	<b>18</b>
Contribution Rules for Third Parties .....	19
Other Political Financing Rules .....	21
Nomination and Leadership Contests .....	24
<b>Appendix A—List of Recommendations .....</b>	<b>31</b>
<b>Part 1—Social Media, Disinformation and Democratic Processes .....</b>	<b>31</b>
1. Improving the Transparency of Online-Platform Policies .....	31
2. Addressing Emerging Threats Arising from Artificial Intelligence and Deepfakes .....	31
3. Understanding the Source of Electoral Communications .....	32
4. Measures to Protect Against Efforts to Undermine Trust .....	32
<b>Part 2—Political Entities .....</b>	<b>33</b>
1. Contribution Rules for Third Parties.....	33
2. Other Political Financing Rules.....	33
3. Nomination and Leadership Contests.....	34



Le directeur général des élections • The Chief Electoral Officer

Our file: 2024-106561

November 4, 2024

The Honourable Marie-Josée Hogue  
Commissioner, Public Inquiry into Foreign Interference in Federal Electoral  
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90 Sparks Street  
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Dear Commissioner Hogue:

As stated in my letter of September 24, 2024, I wish to share with your Commission a number of recommendations for amendments to the *Canada Elections Act* (the Act) to address foreign interference in the electoral process more effectively. I am pleased to provide you with my enclosed report, titled *Protecting Against Threats to the Electoral Process*.

I have also submitted this report to the Speaker of the House of Commons for tabling, pursuant to section 535 of the Act, which provides for the Chief Electoral Officer to make a report that sets out any amendments that are desirable to better administer the Act.

I trust that this information will be of assistance to the Commission and invite you to contact me should you have any questions.

Sincerely,

Stéphane Perrault  
Chief Electoral Officer

# Foreword

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Stéphane Perrault  
Chief Electoral Officer

The problem of foreign interference and its impact on Canada's electoral process and democratic institutions raises significant concerns. When I appeared on this matter before the Standing Committee on Procedure and House Affairs in 2022 and 2023, I indicated that a number of recommendations for legislative changes, which I had made following the previous general election,<sup>1</sup> were, directly or indirectly, relevant to better protecting our electoral process from foreign interference. I also indicated my intention to consider making other recommendations.

Since then, the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (the Commission), as well as the report of the National Security and Intelligence Committee of Parliamentarians, have shed light on the activities of foreign state actors and the threats to our democratic processes.

As the Commission enters its policy phase, I believe that it is timely to put forward a number of recommendations to improve the *Canada Elections Act* and better protect our elections.

Some recommendations included in this report build on previous ones that I made in 2022, whereas others are entirely new. For instance, changes to prevent foreign funding of third parties were recommended in 2022 and are presented again here, along with additional elements. Recommendations dealing with nomination and leadership contests, as well as with artificial intelligence, are new. Many of the recommendations address threats that are not specific to foreign interference but are nevertheless important to protect elections against threats, including activities by foreign states.

In all, the twenty-two (22) recommendations presented here represent but a fraction of the measures that need to be implemented to better protect our democratic process and institutions. The recommendations speak only to matters within the mandate of Elections Canada and only to the legislative framework for elections. They are nonetheless important elements in response to threats of foreign interference.

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<sup>1</sup> *Elections Canada, Meeting New Challenges: Recommendations from the Chief Electoral Officer of Canada following the 43rd and 44th General Elections.*

# Introduction

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Foreign interference can refer to a variety of activities, some lawful, some unlawful, that may directly impact various aspects of Canadian society, including elections. The Security and Intelligence Threats to Election (SITE) Task Force defines foreign interference as: “activities conducted or supported by a foreign state actor that is detrimental to Canadian national interests and is clandestine, deceptive or involve a threat to a person”<sup>2</sup> As was highlighted in the reports from both the National Security and Intelligence Committee of Parliamentarians (NSICOP)<sup>3</sup> and the Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (the Commission),<sup>4</sup> foreign actors may use a range of tactics and techniques, including cyberattacks, disinformation campaigns, intimidation and harassment, to interfere in electoral processes.

When it comes to elections, foreign actors can clandestinely support individuals whom they perceive to be receptive to their policies, narratives and geopolitical strategies. They can also actively oppose individuals who are perceived to be against their interests. Their tactics may involve exploiting loopholes in nomination and leadership contests, engaging in political financing activities, mobilizing community organizations and manipulating the media.<sup>5</sup>

There are safeguards throughout the federal electoral process that mitigate some of these threats to the administration of elections. The *Canada Elections Act*<sup>6</sup> (CEA) currently contains provisions that directly or indirectly address aspects of foreign interference, especially when it comes to preventing the undue influence of money and the use of foreign funds. However, it is essential to strengthen and expand the rules and protections in place to further protect elections against foreign interference and maintain electors’ trust.

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<sup>2</sup> SITE TF, “[SITE Threat Assessment of Foreign Interference Threats to Canadian Democratic Institutions–2024](#),” CAN037690, February 2024, 1.

<sup>3</sup> National Security and Intelligence Committee of Parliamentarians (NSICOP), *Special Report on Foreign Interference in Canada’s Democratic Processes and Institutions*, [nsicop-cpsnr.ca](#).

<sup>4</sup> Public Inquiry into Foreign Interference in Federal Electoral Processes and Democratic Institutions (Commission), “Initial Report Summary,” [foreigninterferencecommission.ca](#).

<sup>5</sup> Canadian Security and Intelligence Service (CSIS), Intelligence Assessments Branch, “[Foreign Interference and Elections: A National Security Assessment](#),” CSIS Intelligence Assessment CAN004985, CSIS IA 2022-23/57, 4, para. 6.

<sup>6</sup> *Canada Elections Act* (CEA), S.C. 2000, c. 9, <https://laws-lois.justice.gc.ca/eng/acts/e-2.01/index.html>.

The CEA provides for the Chief Electoral Officer (CEO) to make recommendations for legislative improvements following each general election.<sup>7</sup> The previous recommendations report was made in June 2022,<sup>8</sup> before the work of the Commission and the NSICOP began. It included several recommendations that, while not directed specifically at foreign influence, are aimed at reinforcing the integrity of the electoral process against threats, including those from foreign sources. Some of these recommendations are included, in whole or in part, in Bill C-65,<sup>9</sup> which is currently before Parliament.

As the Commission embarks on the policy phase of its work, and because Parliament may also continue to consider the question of foreign interference in the Canadian electoral process, it is important at this time to revisit some of the recommendations made in 2022. In addition, in light of recent revelations, Elections Canada undertook a thorough analysis to identify other changes to the CEA that would help more effectively address the serious issues related to foreign interference in elections.

Two clear areas of concern emerged and are covered in this report.

Part 1 deals with threats to the electoral process that arise through communications, especially social media. The recommendations in Part 1 seek to increase the transparency of electoral communications and social media. They include measures to address disinformation and the use of artificial intelligence (AI) and deepfakes, which threaten to undermine the fairness of elections or trust in the electoral process.

Part 2 describes a range of measures that relate to political entities, including third parties. It includes recommendations to better protect against the illicit funding, including foreign funding, of political entities as well as recommendations to protect as well as enhance public trust in nomination and leadership contests.

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<sup>7</sup> CEA, s. 535.

<sup>8</sup> Meeting New Challenges.

<sup>9</sup> [Parliament of Canada, LEGISinfo, Bill C-65 \(44-1\), An Act to amend the Canada Elections Act.](#)

# Part 1—Social Media, Disinformation and Democratic Processes

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## The Information Ecosystem

Several intelligence documents filed with the Commission outlined that elections present a window of opportunity for foreign states to influence or sway electoral outcomes.<sup>10</sup> Foreign actors have different strategies. But their objective is generally to influence electoral outcomes to support their own interest or undermine public confidence in Canadian democratic institutions.<sup>11</sup>

Political communications lie at the heart of the electoral process and of strategies to influence electors. While political actors continue to use more traditional methods for campaign activities, such as television, radio, telephone, signs and print advertisements, other means, which allow for more direct communication, are increasingly being used; examples are texts, or direct messaging, and social media. These types of direct communication are considered valuable tools for reaching Canadians, efficiently and inexpensively, and are credited with stimulating people to participate in elections in many ways, whether by updating their voter registration, donating to a political party or cause, or accessing information about political options and when, where and ways to vote.

The rise of technology and social media has also made it easier for foreign actors to reach target populations and manipulate narratives. The Commission and NSICOP reported on the links between disinformation campaigns and foreign interference. Both reports described how foreign actors use not just social media but also mainstream media to conduct interference activities, including by using sophisticated disinformation campaigns and amplifying propaganda or false information. The Commission also found that “the digital environment – including alternative social media platforms and artificial intelligence – offers foreign countries new ways of targeting individuals and organizations, including through surveillance and harassment.”<sup>12</sup>

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<sup>10</sup> CSIS, “Foreign Interference and Elections,” 3, para. 4.

<sup>11</sup> Security and Intelligence Threats to Elections Task Force (SITE TF), [“SITE Status Update and Summary of Foreign Interference Threats to Canadian Democratic Institutions,” CAN004599, March 2023](#), 1.

<sup>12</sup> Commission, “Initial Report,” 18.



The preferred tactic of foreign actors for achieving their objectives is using disinformation. There are examples of platforms being used to spread, or exacerbate the spread of, disinformation and misinformation that serve a foreign actor's interest and to use coordinated disinformation campaigns to dissuade voters from supporting a specific candidate because of their views.<sup>13</sup> An emerging tactic, which has the potential to further amplify these issues, is the use of generative AI, which can easily fabricate vast amounts of content for social media, including by using images and voice to impersonate political participants with the goal to mislead.<sup>14</sup>

In this constantly evolving digital landscape, Elections Canada has a mandate to ensure that Canadians have access to accurate information about the electoral process. The agency's goal is to be the authoritative source of information about federal elections. It does that through proactive and responsive communications, using programs and activities such as outreach, voter information campaigns, civic education and pre-emptive and pre-bunking communications efforts.

But it may not always be easy to know who is communicating with electors and why, who is paying for the communication, whether the communicators and their messages are accurate and can be trusted or whether they convey the full story.

Many of the CEA's provisions relating to campaign communications channels were drafted before the advent of digital communications. The opportunity presented by technologies to communicate comes with questions about whether and how to regulate their use, both during and outside elections, to uphold the critical value of transparency, a level playing field and free and fair participation in elections. Included in the 2022 Recommendations Report were proposed changes to the regulatory framework for online platforms.<sup>15</sup>

The CEA requires taglines and ad registries on platforms to provide information to electors about who is responsible for the ads they may see. It should be noted, however, that these transparency requirements apply only to advertising within the meaning of the CEA—that is, a subset of the messages placed on the Internet—and this only during an election or a regulated pre-election period.

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<sup>13</sup> CSIS, [“China: Domination of Chinese-Language Media in Canada Poses National Security Threats,” Intelligence Memorandum IM 30/2023, CAN011293, 31 July 2023.](#)

<sup>14</sup> SITE TF, [“SITE Threat Assessment of Foreign Interference Threats to Canadian Democratic Institutions—2024,” CAN037690, February 2024, 3, para. 11.](#)

<sup>15</sup> *Meeting New Challenges*, Section 5.1, “Online Platforms.”

## Improving the Transparency of Online-Platform Policies

The online-platform landscape is dynamic. New platforms emerge all the time. Existing ones change. Some online platforms are well-known networks, but there are also smaller ones that exist in niche markets. Social media and digital platforms have grown with little transparency or external oversight. Yet online platforms can play a crucial role in combatting disinformation. They usually have internal advertising and content-moderation and curation policies in place. They may also have policies on how to manage inappropriate content, such as hate speech or propaganda, and how they identify and remove malign actors. However, these policies are largely unknown to users.

Platforms regularly shut down inauthentic accounts and remove content that does not meet their policies. For example, it was reported recently that Facebook owner Meta had banned Russian state-media networks, alleging that they used deceptive tactics to carry out operations and were able to evade detection on the company's platforms.<sup>16</sup>

A legislative requirement for transparency in platform-moderation policies would force online platforms to be subject to scrutiny of their practices. This accountability is crucial to upholding the values of our electoral democracy because the decisions made by online platforms impact both political entities' participation in the electoral process and the information that electors receive. More transparency could help increase trust in digital campaigning as well as improve enforcement and electoral security.

In addition, more transparency is required about the pricing policies used by digital platforms. Major online platforms decide how, when and at what price to sell digital advertisements. And although the cost to enter the digital landscape is relatively low, using dynamic pricing strategies makes the cost and effectiveness of a digital advertising campaign difficult to predict. This unpredictability may present a risk to the level playing field if online platforms that act as gatekeepers to electors' attention treat political entities unequally.

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<sup>16</sup> "[Facebook owner Meta bans Russian state media outlets over 'foreign interference activity'](#)," *CBC News*, September 16, 2024, updated September 17, 2024.

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**Recommendation 1.1:  
Publish content-  
moderation policies  
on misleading electoral  
communications<sup>17</sup>**

It is recommended that online platforms be required to publish their content-moderation policies. At a minimum, this requirement should cover policies on how platforms will address content (paid or unpaid) that misleads electors about where, when and ways to vote or that inaccurately depicts election-related procedures during an election period (e.g. by moderating, downgrading or removing content).<sup>18</sup> However, a more comprehensive requirement would enhance the transparency of the communications ecosystem in which elections take place.

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**Recommendation 1.2:  
Publish policies on  
paid electoral  
communications**

It is recommended that such platforms should be required to publish their policies on how they administer paid electoral communications.<sup>19</sup>

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## **Addressing Emerging Threats Arising from Artificial Intelligence and Deepfakes**

AI is a transformative technology that has already shown its potential to redefine communications and disseminate information. Technology can have the advantage of improving the ways that political entities connect with electors, enabling them to personalize messages and videos or even produce campaign materials in several languages. But it can also pose a threat to the integrity of the democratic process and elections through its ability to spread dis/misinformation and manipulation on a large scale.<sup>20</sup>

One such tactic is the creation, use or distribution of deepfakes.<sup>21</sup>

Generator algorithms create original fake content; discriminator algorithms then refine the generated content, making it look more realistic. When creating a deepfake video, a user can choose an existing video and use AI to swap a speaker's face with someone else's, use lip sync to change what they were saying and fabricate new videos, fake pictures and even fake audio that sounds like their target. AI images of people doing things they never

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<sup>17</sup> Elections Canada defines "electoral communication" as the transmission to the public by any means during regulated pre-election and election periods of a message that promotes or opposes a registered party or the election of a candidate.

<sup>18</sup> See also *Meeting New Challenges*, Recommendation 5.1.1.

<sup>19</sup> Ibid.

<sup>20</sup> Canadian Centre for Cyber Security, [Cyber Threats to Canada's Democratic Process: 2023 Update](#).

<sup>21</sup> Merriam-Webster defines "deepfake" as ["an image or recording that has been convincingly altered and manipulated to misrepresent someone as doing or saying something that was not actually done or said."](#)

did, audio of them saying things they never said or created videos can threaten democracy and make it difficult for a voter to know what is real and what is a deepfake.

Examples of deceptive AI-generated content have been reported in jurisdictions around the world, including in the United States, where robocalls, supposedly from President Joe Biden, urged New Hampshire voters not to vote in that state's primary election. The robocalls used artificial intelligence technology to clone President Biden's voice.<sup>22</sup>

While the risks arising from the rapid evolution and availability of AI are not limited to foreign interference, it is clear that foreign state actors could leverage the power of technology to create deepfakes in order to influence or undermine the electoral process.

Currently, the CEA has limited application. Its impersonation provision<sup>23</sup> applies only to a person who falsely represents *themselves* to be, or who causes anyone to falsely represent *themselves* to be, an individual—for example, the CEO, an election officer, a candidate or a representative from a party or an electoral district association (EDA)—with the intent to mislead. A representation that is manifestly for the purpose of parody or satire is exempted from the provision. The CEA<sup>24</sup> also prohibits misleading publications that falsely purport to be made by certain key players in the electoral process (the CEO, a returning officer, a political party, a candidate or a prospective candidate).

Neither of these provisions covers a scenario where a threat actor manipulates the voice or image of a party leader (or any of the above entities) to make it appear that the person says or does things that the entity never said or did, or modifies the context or the environment in which the words or actions took place. In such a deepfake scenario, the threat actor does not impersonate anyone (i.e. represent themselves as someone else) or present the recording to be coming from the entity whose voice or image is manipulated.

For example, in fall 2023—during Slovakia's national elections—an audio deepfake was released, in which the leader of a party was seemingly discussing vote-buying with a local journalist<sup>25</sup>. The candidate lost the election, and although it is impossible to determine how much impact the audio had on his candidacy, the risk to democracy is clear.

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<sup>22</sup> United States, Federal Communications Commission, Statement of Chairwoman Jessica Rosenworcel, *In the Matter of Steve Kramer*, Forfeiture Order, File No.: EB-TCD-24-00036094 (September 26, 2024), [FCC-24-104A2.pdf](#).

<sup>23</sup> CEA, s. 480.1 (impersonation).

<sup>24</sup> CEA, s. 481 (prohibition against misleading publications that falsely purport to be from an election worker, political party or candidate).

<sup>25</sup> [Deepfakes in Slovakia Preview How AI Will Change the Face of Elections](#), Bloomberg, October 23, 2023.

Bill C-65 proposes to make changes to both the impersonation and misleading-publication provisions by clarifying that the prohibitions apply regardless of the medium of the representation or the manner or place in which it is made. But these minor adjustments to the existing prohibitions do not address in any way the threat of deepfakes described above.

To address deepfakes more effectively, the CEA must prohibit any misrepresentation of key participants in the electoral process that involves manipulating their voice or image without their consent.

The use of bots on social media has been widely discussed in previous Canadian elections and other, international elections. According to the US Office of Cyber and Infrastructure Analysis, bots are “programs that vary in size depending on their function, capability, and design; and can be used on social media platforms to do various useful and malicious tasks while simulating human behavior.”<sup>26</sup> In previous general elections, the issue of bots was mostly one of amplification, whereby bots would push hashtags and enable astroturfing by spamming and following accounts, thereby sharing false information. Recent bot incidents in Canada include the 2023 “Spamouflage” campaign, which targeted members of Parliament, and the 2024 bot network, which was deployed following an official party leader’s speaking event. Since the development of large language models (LLMs) in AI since 2021, the capabilities of bots have significantly increased.

Powered by AI, bots are now able to deploy intricate behavioural patterns, including human-like profiles and various activities that imitate organic behaviour. These bots develop and vary their human-sounding messaging using tools like ChatGPT, making it more difficult to detect clone-like actions. Advanced behaviour also includes sharing images that the bots themselves modify and establishing networks in which bots interact with each other, reciprocating and amplifying their messages.

During the European Union Parliament election in June 2024, the Monitoring team at Elections Canada came across a network of alleged Russian bots that was using AI to generate an immense amount of false or misleading information about the EU election. The campaign appeared authentic due to the message variations developed using LLMs. The bots also shared both legitimate and false foreign news websites, and sometimes AI-generated news websites, thereby blurring the line between what was real and what was not. In addition, the bots interacted with each other, which created the illusion of organic discourse.

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<sup>26</sup> United States, Department of Homeland Security, “[Social Media Bots Overview](#).”

Another concern related to the development of AI is dis/misinformation coming from the platforms themselves, which may use AI to produce an answer to a question about voting. In the United States, five Secretaries of State wrote an open letter<sup>27</sup> to the platform X about the false information provided by the platform's AI search assistant, Grok, to an election-related question. Some platforms have proactively decided to redirect users to an authoritative or official source of information on voting.

It is important for users of AI search-assistance tools who are seeking information about the voting process to be aware of authoritative sources.

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**Recommendation 1.3:  
Expand the impersonation provision to cover misrepresentation using voice or image manipulation**

It is recommended that the impersonation provision of the CEA (s. 480.1) be modified and expanded to apply to any misrepresentations of the individuals listed in paragraphs (a) to (e) involving the manipulation, by any means, of a voice or image. The current exemption for parody or satire should be maintained and applied to manipulated content.

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**Recommendation 1.4:  
Expand the impersonation and misleading-publications provisions**

It is recommended that ss. 480.1 and 481 be expanded to also apply outside an election period, as previously recommended.<sup>28</sup> They should also explicitly protect party leaders, leadership contestants and nomination contestants (see Recommendation 2.11 below). They should also apply within and outside Canada.

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**Recommendation 1.5:  
Clearly identify AI-generated, electoral communications**

It is recommended that all paid and unpaid electoral communications (image, audio, video or text) distributed during a regulated pre-election and election period, or a contest, that have been generated or manipulated by AI should include a clear transparency marker. This requirement would also apply to nomination and leadership contests during the contest period. In this context, electoral communications should be understood to include (1) all communications to the public made by or on behalf of a political entity, including a registered third party, as well as (2) communications by any other entity whose purpose is to influence electors to vote or not to vote, or to vote for or against a candidate or party.

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<sup>27</sup> State of Minnesota, Office of the Minnesota Secretary of State, August 5, 2024, also known as the "[Secretaries Letter to X.](#)"

<sup>28</sup> *Meeting New Challenges*, Recommendation 4.2.1 regarding s. 481.

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**Recommendation 1.6:  
Use chatbots to answer  
questions about voting**

In order to ensure that accurate information is being distributed about when, where and how to register and vote, it is recommended that platforms that have AI-generated chatbots or search functions should be required to indicate in their responses where users can find official or authoritative information.

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## **Understanding the Source of Electoral Communications**

The CEA requires that a tagline be applied on all election advertisements<sup>29</sup> made by candidates, parties and third parties to provide information on who authorized an advertisement.

Increasingly, however, political campaigns communicate with electors to promote or oppose a party or candidate through various means, such as text messages and videos, that are not considered advertisements under the CEA and are therefore not subject to the transparency requirements. As a result, electors may not know who is communicating with them or who is paying for a message. If electors are deprived of the opportunity to make informed choices about whom to vote for, their ability to meaningfully participate in the electoral process is limited. Moreover, a lack of transparency makes it difficult for electors to decide whether to trust the content of a message, and this uncertainty can give rise to speculations as to whether the message has been generated by a foreign threat actor.

Elections Canada made relevant recommendations in its 2022 Recommendations Report.<sup>30</sup> All electoral communications—whether they are paid or not—that are made by or at the request of registered political entities during a regulated electoral period should be clear about their origin. Such communications are aimed at persuading electors and influencing their opinion; they should also allow electors to properly evaluate them.

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<sup>29</sup> “Election advertising” means the transmission to the public by any means of an advertising message that promotes or opposes a registered party or the election of a candidate, including by taking a position on an issue with a registered party or associated candidate. For ease of reference, this definition includes partisan advertising of regulated third parties or registered parties during a pre-election period, but does not include issue advertising.

<sup>30</sup> *Meeting New Challenges*, Recommendation 1.1.1.

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**Recommendation 1.7:  
Require all electoral  
communications to  
include a tagline or  
source of information**

During a pre-election period and an election period, it is recommended that any electoral communication (regardless of whether it is paid) made by registered political entities, or by political entities that are required to register (third parties who spend above the statutory registration threshold), should include a tagline or a source of information on or embedded in the message (e.g. a link or address) that indicates its origin.

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## **Measures to Protect Against Efforts to Undermine Trust**

Foreign state actors who interfere in Canada's electoral process may pursue different objectives, including attempting to erode public confidence in electoral democracy and democratic institutions.<sup>31</sup>

The CEA does not define foreign interference. Rather, it describes activities that can fall under the umbrella of foreign interference, and it prohibits the involvement, in specific ways, of individuals and entities, including foreign individuals and entities, in our elections. This description translates into discrete rules that typically prohibit actions taken to interfere with the process of voting, such as preventing people from voting, intimidation, bribery and undue influence. The CEA also contains provisions that deal with the fraudulent use of a computer system and misleading publications. The application of these provisions is not uniform as they apply to different types of political entities and regulated periods. For example, some provisions apply only to specific political entities, such as candidates and parties. The provisions may also apply only during an election period.

There is, however, no general prohibition to address actions that seek to undermine the legitimacy of an election or confidence in the results. For example, it was recently reported that a viral video showing the destruction of ballots in the United States, just days before the 2024 presidential election was to take place, was fake. The investigation into the matter concluded that the video was an attempt by foreign state actors to undermine confidence in the integrity of the upcoming election.<sup>32</sup> These actions involve sowing doubt about an election's fairness by spreading disinformation about the process or false claims of irregularities, which can erode electors' trust in the results and which can have long-term consequences for the administration of elections.

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<sup>31</sup> CSIS, *Foreign Interference Threats to Canada's Democratic Process*, Cat. No. PS74-17/2021E-PDF, July 2021, 7.

<sup>32</sup> State of Pennsylvania, Bucks County District Attorney's Office, [Statement in Response to Fake Ballot Video | Bucks County District Attorney's Office \(crimewatchpa.com\)](#), October 24, 2024; Office of the Director of National Intelligence, the Federal Bureau of Investigation and the Cybersecurity and Infrastructure Security Agency, [Joint ODNI, FBI, and CISA Statement](#), October 25, 2024.



It is certainly legitimate for persons or entities to voice concerns about the electoral process or its integrity, even if the basis for their concern turns out to be false. Criticism of, and questioning about, our electoral process is healthy, and there are administrative, judicial and legislative processes to examine and respond to such concerns. This is what free and democratic societies do.

But where deliberate fabrications are spread with the goal of undermining trust in the administration of an election and its outcome, the rights of Canadians to vote, under the *Canadian Charter of Rights and Freedoms*, is attacked and the free and democratic character of our society is put at risk. For this reason, and taking into account the experiences of other jurisdictions, a recommendation was put forward in 2022 to prohibit false statements knowingly made “to disrupt the conduct of the election or to undermine the legitimacy of the election or its results.”<sup>33</sup>

Bill C-65 proposes to add a new provision that would protect against inaccurate information being spread that is intended to disrupt the conduct of an election or affect its results. The bill would amend the CEA to prohibit a person or entity, including foreign persons and entities, from knowingly making false statements about the voting process, including about voting and counting procedures, in order to affect the results or disrupt the conduct of the election. The provision does not go so far as prohibiting statements that have the purpose of undermining the legitimacy of the election. Given that this is the very objective being pursued by some foreign state actors and that is perhaps the most damaging form of foreign interference for our democracy, it needs to be addressed.

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**Recommendation 1.8:  
Prohibit false  
information that is being  
spread to undermine  
trust in an election and  
its results**

It is recommended to amend the CEA to prohibit false information that is being spread with the goal of undermining trust in an election and its results. The prohibition should capture situations where it is shown that (1) the person knew the statement to be false and (2) the statement was made with the goal of undermining trust in the election and its results.

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<sup>33</sup> *Meeting New Challenges*, Recommendation 4.1.1.

# Part 2—Political Entities

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Elections Canada’s Supplemental Institutional Report,<sup>34</sup> filed with the Commission, provides an introduction to the political financing regime and how political entities are governed by it. That overview presents the key aspects and details of the regulatory framework. Part 2 of this report will focus on identifying the limitations within the regulatory framework and proposing recommendations to strengthen the rules applicable to political entities.

## Political Financing

The conditions for free and fair elections rely on the existence of a robust and effective regulatory framework for political financing. Canada’s political financing framework is unique in the world for its comprehensiveness.

The political financing regime in the CEA is founded on transparency, the promotion of fairness and the prevention of the undue influence of money. The basic elements of the regime include how political entities receive and spend money and report their financial transactions. The regime sets low contribution-disclosure thresholds and includes measures to ensure the transparency of donations as well as strict rules limiting the amount and sources of monetary and non-monetary contributions. It provides a range of mechanisms for direct and indirect public funding to parties and candidates and subsidies for external auditors. It also establishes spending limits for nomination contests, candidates, political parties and third parties, and it regulates the spending of parties and third parties during a regulated pre-election period as well as an election period. In addition, it sets out, for all participants (nomination contestants, leadership contestants, electoral district associations, political parties, candidates and third parties), ongoing as well as event-specific reporting requirements. Finally, the regulatory framework includes compliance mechanisms that hold political entities accountable for their activities.

The regime has evolved over the last decades to reflect a changing political financing landscape, evolving values and expectations, and emerging issues, including foreign interference. However, even though the regulatory framework is comprehensive, there is room for improvement to ensure that it continues to serve its purpose effectively.

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<sup>34</sup> Elections Canada, [Elections Canada’s Supplementary Institutional Report](#), ELC.IR.0000002.EN, August 2024.

## Contribution Rules for Third Parties

Third parties are individuals and organizations other than political parties, EDAs and candidates.<sup>35</sup> Many of them (e.g. unions and industry associations) exist for purposes other than elections but wish to participate in the democratic process by, for example, promoting the interests of their members, including by supporting or opposing certain parties or candidates. Other third parties are created during an election period specifically to engage in the political debate by promoting or opposing a party or candidate for that election. Still others are permanent entities that have been created to promote or oppose parties and candidates at all times, including during an election period.

Unlike other regulated entities, third parties are not limited to receiving contributions from Canadian citizens and permanent residents. They are prohibited from using foreign funds for regulated activities but may accept contributions from other domestic sources, such as corporations, trade unions and other third parties. They are also allowed to use their own funds to spend on regulated activities, and they have done this at a growing rate, from 8 percent in 2011 to 56 percent in 2021.

Third parties are required to record only those contributions given to them for regulated activities. Contributions received for no specific purpose are treated as general revenue and can be used for regulated activities. Since there is no requirement to report the source of a third party's general revenues, this lack of transparency can open the door to the use of foreign funds when they are comingled with general revenue.

Another problem with the current third party contributions regime is that a regulated third party (e.g. entity A) can receive funds from another entity (entity B) that collects contributions. In that scenario, entity A's contributions from entity B are disclosed as such, without reference to original contributors, individual or otherwise. Again, this undermines transparency and allows for inflows of foreign contributions.

Recommendations were made in 2022 to improve transparency and help prevent foreign funding of third parties.<sup>36</sup> These recommendations would place restrictions on the use of a third party's own funds and require some third parties, mainly those for whom a significant portion of revenues consists of contributions, to fund their activities using contributions from Canadian citizens or permanent residents.

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<sup>35</sup> Although the definition may change slightly, depending on the regulated period, it usually refers to individuals, trade unions, corporations, civil society organizations and entities that come into existence during an election.

<sup>36</sup> *Meeting New Challenges*, Recommendation 2.3.1.

The recommendations state that for a third party to use its own funds, it would be required to produce audited financial statements showing that no more than 10 percent of its revenue in the previous fiscal year came from contributions. All other third parties that are not individuals would be required to fund their activities using contributions from Canadian citizens or permanent residents. Individuals who are third parties could continue using their own funds. Most of these recommendations were included in Bill C-65.<sup>37</sup>

Finally, as noted above, third parties are prohibited from using foreign funds to pay for regulated activities. However, there are no prohibitions against a foreign entity making a contribution or against a third party knowingly accepting an ineligible contribution. As well, since the prohibition in the CEA refers to a third party using funds from foreign entities to pay for regulated activities,<sup>38</sup> it is not clear that this prohibition applies equally to non-monetary contributions—that is, contributions of property or services. These gaps need to be addressed.

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**Recommendation 2.1:  
Clarify contribution  
limits for contributions  
to third parties**

It is recommended that the CEA should provide that third parties, other than individuals, who wish to rely on their own funds to finance regulated electoral activities need to provide Elections Canada with audited financial statements showing that no more than 10 percent of their revenue in the previous fiscal year came from contributions. All other third parties (that are not individuals) should be required to incur expenses to support or oppose parties and candidates only from funds received from Canadian citizens and permanent residents.

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**Recommendation 2.2:  
Prohibiting a  
contribution by a  
foreign entity**

It is recommended that foreign entities should be prohibited from making a contribution to a third party for the purpose of conducting regulated activities.

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**Recommendation 2.3:  
Clarify non-monetary  
contributions by a  
foreign entity**

It is recommended to clarify that a third party is prohibited from using property or services provided by a foreign entity for regulated activities.

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<sup>37</sup> Bill C-65, clauses 54 and 59.

<sup>38</sup> CEA, s. 349.02, Prohibition — use of foreign funds: “No third party shall use funds for a partisan activity, for advertising, for election advertising or for an election survey if the source of the funds is a foreign entity.”

## Other Political Financing Rules

### *Bulk Purchase of Party Memberships*

To vote in nomination and leadership contests,<sup>39</sup> there is generally a requirement for an individual to be a party member. This makes recruiting new party members an important part of a nomination or leadership campaign. The increased interest and renewed membership that can come from leadership and nomination contests can be beneficial for political parties. However, in some cases, this can lead contestants and/or others who have an interest in a particular outcome to buy large numbers of membership cards for distribution. There is anecdotal evidence that memberships purchased in bulk by people inside or outside a campaign may be used to affect the results of a contest as well as to buy undue influence. This practice can have a corroding impact on the integrity and perceived integrity of nomination and leadership contests. Although Elections Canada is unaware of specific instances where this practice would have occurred, it creates opportunities for foreign interference. While some parties ban this practice under their internal rules, bulk buying of memberships is not illegal under the CEA, subject to certain limitations.

Party membership fees typically range from \$10 to \$25 per year, although not all parties charge a fee. Under the CEA, the membership fee is exempted from the definition of a contribution if the fee is below the nominal amount of \$25 per year for a period of no more than five years and is paid using an individual's own funds.<sup>40</sup> A membership fee that is paid by another individual constitutes a contribution and is subject to the provisions of the CEA respecting contributor eligibility and contribution limits.

During nomination or leadership contests, individuals may purchase memberships in bulk and distribute them to supporters of a particular contestant. Given the low cost of a party membership, the current annual contribution limit of \$1,725<sup>41</sup> allows the purchase of a significant number of memberships, especially for nominations, where the total number of voters can be low. There would be no transparency regarding such activities as the person buying bulk memberships would simply be reported as a contributor. Moreover, there seem to be few legitimate reasons for buying a large number of memberships for others. If a person wants to make a contribution, they can do so directly. The same goes for a person who wants to become a member.

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<sup>39</sup> Recommendation 2.7 in this report would require voters in such contests to be Canadian citizens or permanent residents.

<sup>40</sup> CEA, para. 364(7).

<sup>41</sup> This is the contribution limit for 2024.

While foreign state actors cannot buy bulk memberships themselves, as they are prohibited from making contributions, they may use proxy actors to buy memberships indirectly, making this practice difficult to detect. Buying bulk memberships in this way can influence the outcome of a contest. As a result, it can be more effective in achieving a desired outcome than engaging in other types of influence activities.

Membership fees paid by a nomination or leadership campaign are not subject to the contribution limits since funds flowing from contestants' campaigns to the party are defined by the CEA as transfers rather than contributions and are not subject to limits. While the buying of memberships by contestants using regulated funds may not present the same level of risk of foreign interference, it does little to enhance trust in the integrity of nomination and leadership contests. It is reasonable to require supporters to pay for their own membership.

Membership applications, with or without a fee, should be made directly by an individual seeking to become a member (to the party—e.g. online—or to a person authorized by the party).

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**Recommendation 2.4:  
Prohibiting bulk  
membership purchases**

It is recommended to prohibit the payment of party membership fees by any entity other than an individual wishing to become a party member.

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**Recommendation 2.5:  
Making applications for  
membership directly**

Membership applications should be made directly by an individual seeking to become a member (to the party—e.g. online—or to a person authorized by the party).

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### ***Contributions of Cryptocurrency and Untraceable Instruments***

Transparency is a key objective of the political financing provisions of the CEA. The regime is designed to inform Canadians of the source and amount of political contributions. In the case of candidates, contestants and third parties, the CEA also requires that monetary contributions be deposited into a campaign bank account so that the sources of funds are traceable.

Contributions that are not made using traceable instruments create challenges in identifying the source of the funds and could be a way for foreign funds to be used for regulated activities. Previously, cash contributions were thought to be the most problematic for tracing the source. Parliament has addressed this issue by imposing a ban on cash contributions over \$20, along with setting out specific reporting obligations for small cash contributions.

Contributions of cryptocurrency or untraceable instruments like prepaid cards or money orders pose similar challenges. For example, prepaid cards do not identify the contributor on the face of the instrument. Cryptocurrency also poses challenges in identifying a contributor.

Although contributions of cryptocurrencies are “non-monetary” contributions under the CEA, the reality of cryptocurrency is that it functions increasingly like money. In some ways, a contribution of cryptocurrency is more like a monetary contribution, and in others, it is more like a non-monetary contribution. For example, unlike money, cryptocurrencies cannot be deposited directly into bank accounts. However, unlike contributions of property or services, cryptocurrencies are not inherently useful; instead, they are valuable as an investment or means of exchange.

A consequence of the determination that a contribution of cryptocurrency is non-monetary is that contributions of up to \$200 in cryptocurrency made to a federal political entity are deemed “nil” for the purposes of the law. This is because the CEA includes a provision to allow small-value gifts of goods and services—those valued under \$200 and made by a person not in the business of providing such a good or service—without requiring the reporting and other provisions of the CEA to apply. This exceptional provision is intended to allow individuals to donate items such as food for campaign workers or the use of their personal vehicle without the relevant contribution and expense being regulated. However, if a contribution were made in cryptocurrency, it could be seen as a means by which unregulated resources could enter the federal political financing regime.

To address these issues, recommendations were made in 2022<sup>42</sup> to require the receipting and reporting of all contributions of cryptocurrency and a prohibition on contributing using untraceable means. Bill C-65 went a step further and prohibited all forms of untraceable instruments, such as money orders, prepaid cards and cryptocurrencies.

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**Recommendation 2.6:  
Prohibiting contributions  
made using cryptocurrency  
and untraceable instruments**

It is recommended to prohibit making contributions in cryptocurrency and untraceable instruments.

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<sup>42</sup> *Meeting New Challenges*, Recommendation 8.4.1.

## **Nomination and Leadership Contests**

In Canada's democratic process, parties endorse candidates for election in an electoral district. There are no rules about how parties choose such candidates, but in many cases, parties hold "nomination contests" to do so. Where such contests are held, they are held according to the rules of the party or the local EDA that holds the contest.

Although the CEA does not regulate the rules of these contests, since 2004 it has regulated aspects of contestant financial reporting, including by requiring reports from the party or EDA about a contest and the contestants and by imposing contribution and spending limits and financial reporting obligations.

In the Commission's first report, it was noted that nomination contests held by parties or EDAs are a gateway through which foreign states may influence Canadian democratic processes. This conclusion was repeated in the report of NSICOP, which suggested that legislative change to regulate party nomination contests was desirable.

Although a potential solution would be to have Elections Canada become directly involved in the administration of nomination contests in the same way as elections, this is neither a practical nor a desirable solution, for a number of reasons.

First, unlike elections, which are run to determine who will represent the entire population of an electoral district in Parliament, nomination contests are run by parties and their local EDAs to determine their candidates for election. The contests are not mandatory, so candidates may be chosen without a contest. Further, the results of a contest are not binding on the party under the CEA. In other words, if a contestant is selected through a contest, there is no assurance that they will be endorsed by the party at an election. It is ultimately up to the parties to decide who their candidates are and how they are selected. Just as parties must continue to have control over their political platform and how they present it, so too should parties be permitted to continue to choose which candidates they endorse and retain control of the method of choosing those candidates.

As we heard during the Commission's hearings, contests vary in scope depending on the needs and internal factors of the party that is holding them. Depending on the party and EDA, the number of voters in a contest may range from thousands to just a few individuals. Contests may run for months or a day. Given the varying conditions that govern nomination contests, applying the comprehensive and consistent rules that apply to elections does not make sense.

Second, a move to impose a regulation that is overly burdensome may cause parties to move away from contests toward more appointments of candidates. This would result in less democratic participation and less transparency.



Third, running nomination contests according to rules similar to those for elections would be an enormous logistical undertaking for Elections Canada, especially as the agency does not have regional or local offices outside elections. For the 2019 general election, there were 1,041 contests reported to Elections Canada (with 1,466 contestants). For the 2021 general election, there were 705 contests (with 830 contestants). These contests can take place across the country and at any time that is convenient to the party or EDA conducting the contest and at a moment's notice. The contests could also overlap with an election. It is also the case that many contests are quite small and not likely targets of foreign interference. The costs involved in having Elections Canada directly administer these contests likely outweigh the benefits that would accrue.

For the above reasons, it is not recommended that Elections Canada be authorized to directly administer nomination contests. Neither should it be required to implement laws that regulate how those contests take place and who may participate in them.

However, aside from recommending direct administration of nomination contests, there are several proposals that could strengthen the CEA without fundamentally disrupting the delicate balance of roles and responsibilities that it has achieved.

### ***Limiting Who May Vote in Nomination and Leadership Contests***

Only Canadian citizens may vote in federal elections. Only Canadian citizens and permanent residents may contribute to parties, candidates, EDAs, leadership contestants and nomination contestants. However, there are no restrictions in the law as to who may participate as voters in nomination and leadership contests. The restriction placed on who may vote at an election and who may contribute to those in the political process reflects a well-accepted principle that Canadian governance should be decided by Canadians. Changing the law to permit only Canadians, or Canadians and permanent residents, to participate in nomination and leadership contests would directly limit foreign influence.

In order to make this change effective, political parties should be required to seek a simple declaration (using a checkbox) on the membership or membership renewal form. Only members who have declared themselves to be citizens (or permanent residents) should be allowed to participate as voting members in a leadership or nomination contest.

To address the threat of foreign interference, however, it is important not to tackle the isolated cases of unlawful participation but the coordinated attempts to infiltrate and impact the results of a contest.

The newly enacted Bill C-70 (*Countering Foreign Interference Act*)<sup>43</sup> creates a new offence of influencing a political or government process.

**20.4 (1)** Every person commits an indictable offence who, at the direction of, or in association with, a foreign entity, engages in surreptitious or deceptive conduct with the intent to influence a political or governmental process, educational governance, the performance of a duty in relation to such a process or such governance or the exercise of a democratic right in Canada.

It should be clear that, in addition to violating the CEA, non-citizens (or permanent residents) who make a false declaration to unlawfully vote in nomination or leadership contests and who do so “at the direction of, or in association with, a foreign entity” violate para. 20.4 of the *Countering Foreign Interference Act*. In so doing, they expose themselves to very serious penalties as well as inadmissibility to Canada under s. 36 of the *Immigration and Refugee Protection Act*.

This is not to suggest that all unlawful participants expose themselves to such extreme measures. But those who do so as part of coordinated interference activities by foreign entities would be so exposed.

In this regard, while the effectiveness of the proposed measure to restrict participation in nomination and leadership contests may be limited due to the absence of truly robust control mechanisms, its primary value lies in dissuading participants from engaging in coordinated foreign interference activities.

That said, political parties should be required to maintain for a certain period of time, such as seven years, records of membership declarations and voting in nominations. These records could then be available to the Commissioner of Canada Elections to access for enforcement purposes.

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**Recommendation 2.7:  
Voters in contests must be  
Canadian citizens or  
permanent residents**

It is recommended that only Canadian citizens or permanent residents be eligible to vote in a nomination or leadership contest.

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<sup>43</sup> Bill C-70 changed the name of the *Security of Information Act* to the *Foreign Interference and Security of Information Act* (R.S.C., 1985, c. O-5) and added s. 20.4 to that Act.

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**Recommendation 2.8:  
Declarations by members**

It is recommended that registered political parties be required to obtain a declaration from their members regarding their status as Canadian citizens (or permanent residents) and that parties be required to maintain records of who has voted in their contests as well as voters' declarations of eligibility for a minimum period, such as seven years.

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***Expanding to Nomination and Leadership Contests the Same Protections That Apply to Elections***

The CEA contains a number of provisions concerning voting in elections that could be expanded to nomination and leadership contests as part of an effort to inoculate such contests against foreign interference. The following recommendations are therefore made to expand existing prohibitions in the CEA to strengthen the legal framework against foreign interference in nomination and leadership contests.

In s. 282.4, the CEA prohibits certain activities referred to as “undue influence by foreigners.” This prohibition applies only during an election period, and it relates to unduly influencing a person to vote or refrain from voting for a candidate or party at an election. It is important to note that the prohibition applies not against all types of influence, but only influence that is specifically defined at s. 282.4(2) as “undue.” That includes spending money on the direct promotion of, or opposition to, a party or candidate or influencing electors' votes by doing something that is contrary to federal or provincial law.

The provision also notes at s. 282.4(3), “for greater certainty,” that it does not prohibit a variety of activities by foreign entities, such as a mere expression of their opinion of the desired outcome, a statement encouraging voting for a party or candidate, or certain kinds of statement in the media. The provision can thus be understood as an attempt to balance prohibiting certain problematic foreign influence activities against allowing scope for freedom of expression or freedom of the press.

It is worth noting that this provision could work hand in hand with the new s. 20.4 of the *Foreign Interference and Security of Information Act*, mentioned above. A violation of that section could be brought within the ambit of the CEA and investigated by the Commissioner of Canada Elections by way of s. 282.4.

As noted, however, as currently drafted, s. 282.4 applies only during an election period and only to efforts to influence electors.<sup>44</sup> The prohibition could be expanded to apply at all times<sup>45</sup> (not just during an election period) and to influencing any person to vote for or against a nomination or leadership contestant.

The CEA also includes a number of specific prohibitions, found in Part 11.1, against improperly influencing voters during elections using corrupt means. Although these prohibitions are not limited to foreigners, they relate to concerns that have been raised in the course of the Commission's work. There is no reason why these provisions should not also apply to nomination and leadership contests to help protect their integrity as key parts of the democratic process. Notably, the CEA includes prohibitions against bribery (s. 282.7), intimidation (s. 282.8(a)) and influencing an elector to vote or not to vote by "pretence or contrivance" (s. 282.8(b)). All these actions would also be problematic in a leadership or nomination contest, and the existing offences could be amended to reflect this.

Similarly, provisions that deal with impersonation (s. 480.1) and misleading communications (s. 481), discussed earlier, should be made to apply to nomination and leadership contests. This is also the case for s. 482, which provides that it is an offence to fraudulently use a computer to affect the results of an election.<sup>46</sup> This provision could equally be expanded to nomination or leadership contests.

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**Recommendation 2.9:  
Undue influence by  
foreigners in nomination  
and leadership contests**

It is recommended to expand s. 282.4 to apply at all times (not just during an election period) and apply to influencing any person to vote for or against a nomination or leadership contestant.

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**Recommendation 2.10:  
Improperly influencing voters  
in nomination and leadership  
contests using corrupt means**

It is recommended to expand the prohibitions found in Part 11.1 of the CEA to nomination and leadership contests to help protect their integrity as key parts of the democratic process. These would be ss. 282.7 (bribery), 282.8(a) (intimidation) and 282.8(b) (pretence or contrivance).

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<sup>44</sup> The CEA defines an elector as a person who is a Canadian citizen and who on polling day is 18 years of age or older (s. 3).

<sup>45</sup> Note that Bill C-65 (at clause 44) would expand s. 282.4 to apply at all times.

<sup>46</sup> Note that Bill C-65 (at clause 80) would add, as a possible basis for an offence, the fact that the fraudulent use of the computer was for the purpose of "disrupting the conduct of the election."

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**Recommendation 2.11:  
Influencing nomination and  
leadership contests through  
deceptive means**

It is recommended to expand ss. 480.1, 481 and 482 to prohibit efforts to lie or commit fraud in a nomination or leadership contest in a manner that is equivalent to the way in which they currently apply to elections.

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***Transparency of Nomination and Leadership Contest Rules***

The discussion respecting foreign interference in Canada's democratic processes has shaken Canadians' trust in the electoral process and the democratic system more broadly. One means to help restore that trust is to ensure that elements of the democratic process are more transparent. The tenets of the political financing regulatory regime set out in the CEA recognize transparency as a vital goal. Thus, improving transparency in nomination and leadership contests can also enhance trust in them and the electoral process more generally.

One way to improve transparency is to make Elections Canada a repository for party and EDA rules, with an obligation to publish them, so that Canadians can be aware of how nomination and leadership contests are conducted. The rules would need to be filed with Elections Canada. Any changes to the rules would need to be reported to Elections Canada in a timely way. As is the case for other information that parties must file with Elections Canada, failure to comply with these obligations could be subject to compliance measures, including the possibility of administrative monetary penalties imposed by the Commissioner of Canada Elections.

Nomination contestants are regulated with respect to political financing. Like other entities, such as candidates, nomination contestants are restricted to receiving contributions from individuals who are Canadian citizens or permanent residents, up to the contribution limits prescribed by the CEA. Nomination contestants are also limited in how much they can spend on a nomination campaign. (The spending limit is essentially set at 20 percent of the election limit for the same electoral district.)

There are two distinctions between nomination contestants and other entities that result in less transparency for the former. First, nomination contests are reported to Elections Canada only within 30 days after they occur.<sup>47</sup> In contrast, if a party proposes to hold a leadership contest, it must file a notice of this with Elections Canada before the contest begins, setting out the contest start and end dates. Filing the notice before the contest

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<sup>47</sup> It should be noted that this method of reporting also weakens overall compliance because if Elections Canada does not know about contestants until after a contest has occurred, we are unable to provide timely assistance to contestants and their financial agents in complying with the law.

begins allows the media and interested members of the public to be aware that the contest will happen and thus provides greater transparency.

Another area with less transparency for nomination contests flows from the fact that while all candidates, leadership contestants, parties and registered EDAs must report on their finances regardless of how much they spend or receive in contributions, nomination contestants are required to submit a financial return only if they have received contributions of \$1,000 (including non-monetary contributions) or more or if they have incurred nomination campaign expenses of \$1,000 or more.

Although the intention of this threshold for reporting is to reduce the burden on nomination contestants, it leads to an incomplete reporting regime with reduced transparency, and in many cases, it actually increases the overall administrative burden on the regime as contestants, their agents and Elections Canada seek to determine the obligation to report on the basis of incomplete information. In our experience, we know that some campaigns omit to file a financial return, which is in violation of the CEA.

In order to provide better transparency with respect to nomination campaign finances, and to establish consistency across regulated entities, all contestants should be required to file a financial return with Elections Canada. In many cases, this filing would be what is known as a “nil” return, containing nothing beyond a declaration that the statement that no money was received or spent is correct.

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**Recommendation 2.12:  
Filing nomination and  
leadership contest rules  
with Elections Canada**

It is recommended that parties and EDAs should be required to file with Elections Canada their rules for nomination and leadership contests.

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**Recommendation 2.13:  
Filing a notice before a  
nomination contest**

It is recommended that the entity holding a contest should file a notice with Elections Canada before the contest. The requirement to file a notice after the contest that gives information about the contestants and the winner would remain.

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**Recommendation 2.14:  
Filing a financial return for  
all nomination contestants**

It is recommended that all contestants should be required to file a financial return with Elections Canada.

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# Appendix A—List of Recommendations

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## Part 1—Social Media, Disinformation and Democratic Processes

### 1. Improving the Transparency of Online-Platform Policies

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**Recommendation 1.1:**  
**Publish content-moderation policies on misleading electoral communications**

It is recommended that online platforms be required to publish their content-moderation policies. At a minimum, this requirement should cover policies on how platforms will address content (paid or unpaid) that misleads electors about where, when and ways to vote or that inaccurately depicts election-related procedures during an election period (e.g. by moderating, downgrading or removing content). However, a more comprehensive requirement would enhance the transparency of the communications ecosystem in which elections take place.

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**Recommendation 1.2:**  
**Publish policies on paid electoral communications**

It is recommended that such platforms should be required to publish their policies on how they administer paid electoral communications.

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### 2. Addressing Emerging Threats Arising from Artificial Intelligence and Deepfakes

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**Recommendation 1.3:**  
**Expand the impersonation provision to cover misrepresentation using voice or image manipulation**

It is recommended that the impersonation provision of the CEA (s. 480.1) be modified and expanded to apply to any misrepresentations of the individuals listed in paragraphs (a) to (e) involving the manipulation, by any means, of a voice or image. The current exemption for parody or satire should be maintained and applied to manipulated content.

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**Recommendation 1.4:**  
**Expand the impersonation and misleading-publications provisions**

It is recommended that ss. 480.1 and 481 be expanded to also apply outside an election period, as previously recommended. They should also explicitly protect party leaders, leadership contestants and nomination contestants (see Recommendation 2.11 below). They should also apply within and outside Canada.

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**Recommendation 1.5:**  
**Clearly identify**  
**AI-generated, electoral**  
**communications**

It is recommended that all paid and unpaid electoral communications (image, audio, video or text) distributed during a regulated pre-election and election period, or a contest, that have been generated or manipulated by AI should include a clear transparency marker. This requirement would also apply to nomination and leadership contests during the contest period. In this context, electoral communications should be understood to include (1) all communications to the public made by or on behalf of a political entity, including a registered third party, as well as (2) communications by any other entity whose purpose is to influence electors to vote or not to vote, or to vote for or against a candidate or party.

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**Recommendation 1.6:**  
**Use chatbots to answer**  
**questions about voting**

In order to ensure that accurate information is being distributed about when, where and how to register and vote, it is recommended that platforms that have AI-generated chatbots or search functions should be required to indicate in their responses where users can find official or authoritative information.

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### 3. Understanding the Source of Electoral Communications

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**Recommendation 1.7:**  
**Require all electoral**  
**communications to**  
**include a tagline or**  
**source of information**

During a pre-election period and an election period, it is recommended that any electoral communication (regardless of whether it is paid) made by registered political entities, or by political entities that are required to register (third parties who spend above the statutory registration threshold), should include a tagline or a source of information on or embedded in the message (e.g. a link or address) that indicates its origin.

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### 4. Measures to Protect Against Efforts to Undermine Trust

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**Recommendation 1.8:**  
**Prohibit false information**  
**that is being spread to**  
**undermine trust in an**  
**election and its results**

It is recommended to amend the CEA to prohibit false information that is being spread with the goal of undermining trust in an election and its results. The prohibition should capture situations where it is shown that (1) the person knew the statement to be false and (2) the statement was made with the goal of undermining trust in the election and its results.



## Part 2—Political Entities

### 1. Contribution Rules for Third Parties

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**Recommendation 2.1:**  
**Clarify contribution limits for contributions to third parties**

It is recommended that the CEA should provide that third parties, other than individuals, who wish to rely on their own funds to finance regulated electoral activities need to provide Elections Canada with audited financial statements showing that no more than 10 percent of their revenue in the previous fiscal year came from contributions. All other third parties (that are not individuals) should be required to incur expenses to support or oppose parties and candidates only from funds received from Canadian citizens and permanent residents.

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**Recommendation 2.2:**  
**Prohibiting a contribution by a foreign entity**

It is recommended that foreign entities should be prohibited from making a contribution to a third party for the purpose of conducting regulated activities.

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**Recommendation 2.3:**  
**Clarify non-monetary contributions by a foreign entity**

It is recommended to clarify that a third party is prohibited from using property or services provided by a foreign entity for regulated activities.

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### 2. Other Political Financing Rules

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**Recommendation 2.4:**  
**Prohibiting bulk membership purchases**

It is recommended to prohibit the payment of party membership fees by any entity other than an individual wishing to become a party member.

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**Recommendation 2.5:**  
**Making applications for membership directly**

Membership applications should be made directly by an individual seeking to become a member (to the party—e.g. online—or to a person authorized by the party).

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**Recommendation 2.6:**  
**Prohibiting contributions made using cryptocurrency and untraceable instruments**

It is recommended to prohibit making contributions in cryptocurrency and untraceable instruments.

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### 3. Nomination and Leadership Contests

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**Recommendation 2.7:  
Voters in contests must  
be Canadian citizens or  
permanent residents**

It is recommended that only Canadian citizens or permanent residents be eligible to vote in a nomination or leadership contest.

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**Recommendation 2.8:  
Declarations by members**

It is recommended that registered political parties be required to obtain a declaration from their members regarding their status as Canadian citizens (or permanent residents) and that parties be required to maintain records of who has voted in their contests as well as voters' declarations of eligibility for a minimum period, such as seven years.

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**Recommendation 2.9:  
Undue influence by  
foreigners in nomination  
and leadership contests**

It is recommended to expand s. 282.4 to apply at all times (not just during an election period) and apply to influencing any person to vote for or against a nomination or leadership contestant.

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**Recommendation 2.10:  
Improperly influencing  
voters in nomination  
and leadership contests  
using corrupt means**

It is recommended to expand the prohibitions found in Part 11.1 of the CEA to nomination and leadership contests to help protect their integrity as key parts of the democratic process. These would be ss. 282.7 (bribery), 282.8(a) (intimidation) and 282.8(b) (pretence or contrivance).

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**Recommendation 2.11:  
Influencing nomination  
and leadership contests  
through deceptive means**

It is recommended to expand ss. 480.1, 481 and 482 to prohibit efforts to lie or commit fraud in a nomination or leadership contest in a manner that is equivalent to the way in which they currently apply to elections.

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**Recommendation 2.12:  
Filing nomination and  
leadership contest rules  
with Elections Canada**

It is recommended that parties and EDAs should be required to file with Elections Canada their rules for nomination and leadership contests.

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**Recommendation 2.13:  
Filing a notice before  
a nomination contest**

It is recommended that the entity holding a contest should file a notice with Elections Canada before the contest. The requirement to file a notice after the contest that gives information about the contestants and the winner would remain.

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**Recommendation 2.14:**  
**Filing a financial**  
**return for all nomination**  
**contestants**

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It is recommended that all contestants should be required to file a financial return with Elections Canada.