



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

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

**Public Hearing**

**Audience publique**

**Commissioner / Commissaire  
The Honourable / L'honorable  
Marie-Josée Hogue**

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1 Ottawa, Ontario

2 --- L'audience débute le mardi 22 octobre 2024 à 9 h 02

3 --- The hearing begins Tuesday, October 22, 2024 at 9:02 a.m.

4 **COMMISSIONER HOGUE:** So the roundtable this  
5 morning is entitled « Désinformation, espace numérique et  
6 processus démocratiques », or, said otherwise,  
7 "Disinformation, Digital Space and Democratic Processes", and  
8 we have seven guests this morning.

9 We have Mr. Kolga, we have Mrs. Ghai Bajaj,  
10 who is just over there, Heidi Tworek. We have Emily Laidlaw,  
11 Chris Tenove, Vivek Krishnamurthy, and Elizabeth Dubois. And  
12 the table will be moderated by Professor Lori Turnbull, who  
13 is a Professor in the Faculty of Management at Dalhousie  
14 University, and also senior advisor at the Institute for  
15 Public Policy and Governance.

16 So the floor is yours.

17 **--- ROUNDTABLE : DISINFORMATION, DIGITAL SPACE AND DEMOCRATIC**  
18 **PROCESSES / TABLE RONDE: DÉSINFORMATION, ESPACE NUMÉRIQUE ET**  
19 **PROCESSUS DÉMOCRATIQUES:**

20 **--- PANEL MODERATED BY/PANEL ANIMÉ PAR DR. LORI TURNBULL:**

21 **DR. LORI TURNBULL:** Thank you very much.  
22 Thank you very much, Commissioner, and good morning,  
23 everyone. Thank you so much for being with us this morning.

24 I want to welcome first all of our  
25 participants this morning. We're really happy to have you.  
26 We're very grateful to have your expertise on this very  
27 important topic.

28 So I'm going to take just a moment. The

1 Commissioner has already introduced the panelists this  
2 morning, so I'm going to just take a moment to introduce the  
3 topic and then I'll go right to the panelists.

4 So the panel is called "Disinformation,  
5 Digital Space and Democratic Processes". So disinformation  
6 and misinformation refer to falsely verifiable claims, in the  
7 latter case, shared without intent to deceive, and in the  
8 former, with intention to deceive and mislead.

9 A third category, malinformation, refers to  
10 information that stems from truth but is exaggerated or used  
11 out of context in order to mislead and cause potential harm.  
12 The acronym MDM is used to capture misinformation,  
13 disinformation and malinformation.

14 So regardless of intent, MDM is potentially  
15 harmful in many ways, including in reducing trust in  
16 institutions and the media, breaking down social cohesion and  
17 undermining the integrity of democratic processes. For this  
18 reason, some states may leverage MDM for the purpose of  
19 foreign interference.

20 MDM is not a new phenomenon. States  
21 disseminated lies and propaganda long before the rise of  
22 social media. However, social media platforms and the  
23 digital ecosystem in general have considerably increased the  
24 spread and impact of MDM. This explains why MDM on the one  
25 hand and social media on the other are often discussed and  
26 addressed simultaneously. More recently, advances in  
27 generative AI tools have added another layer to the  
28 discussion.

1           So this morning, we are going to hear from  
2 seven panelists who are going to address various aspects of  
3 this topic and I think we'll probably hear some of them speak  
4 to some of the same topics, so you will hear concepts being  
5 talked about more than once, but I think that's going to be  
6 very helpful to us because these are extremely complex  
7 matters.

8           And so we are a hybrid session this morning,  
9 and so we're going to start with Heidi Tworek, who is  
10 available to us on the screen.

11           **COMMISSIONER HOGUE:** Ms. Turnbull, before you  
12 start, I will invite you just to, for the benefit of those  
13 that are following our work, just to explain who the  
14 panelists are.

15           I named them, but I did not mention anything  
16 about their expertise or where they are coming from.

17           **DR. LORI TURNBULL:** So I can do that. And I  
18 just didn't want to repeat you, Commissioner, but ---

19           **COMMISSIONER HOGUE:** I understand.

20           **DR. LORI TURNBULL:** --- I totally get your  
21 point.

22           So what I'm -- okay. I will do that. I will  
23 start right now.

24           So Heidi Tworek is the Canada Research Chair  
25 and Professor of International History and Public Policy at  
26 the University of Ottawa. And again, she's online.

27           Emily Laidlaw is Canada Research Chair in  
28 Cyber Security Law, Associate Professor, University of



1 Calgary.

2 Chris Tenove is Assistant Director, Centre  
3 for the Study of Democratic Institutions at the University of  
4 British Columbia.

5 Vivek Krishnamurthy, Associate Professor,  
6 University of Colorado Law School.

7 Elizabeth Dubois, Associate Professor and  
8 University Research Chair in Politics, Communication and  
9 Technology at the University of Ottawa.

10 Marcus Kolga, investigative journalist and  
11 senior Fellow at the Macdonald-Laurier Institute.

12 And Shelly Ghai Bajaj, Post-Doctor Fellow at  
13 the University of Waterloo.

14 And there are seven of you, but I think I've  
15 got everybody.

16 **COMMISSIONER HOGUE:** I think you did.

17 **DR. LORI TURNBULL:** Okay. So just -- so to  
18 keep an order in mind, too, we are going to go to Heidi and  
19 then, after that, we'll come to Chris, so just putting you on  
20 notice.

21 Okay. Heidi, please.

22 **--- PRESENTATION BY/PRÉSENTATION PAR DR. HEIDI TWOREK:**

23 **DR. HEIDI TWOREK:** Thank you.

24 There was an impending election. One  
25 candidate opposed war with Russia and another would support  
26 one. Russia spent large sums of money to bolster support for  
27 the anti-war candidate. You might think I'm describing a  
28 current or recent election. I'm actually talking about

1 Poland Lithuania in 1697, which elected its kings  
2 democratically.

3 In that case, the Russia-backed candidate  
4 won, but only after many more shenanigans that I can describe  
5 in questions should you desire. A deep history lesson.

6 So foreign interference in elections is as  
7 old as elections themselves, but the specific role of  
8 information has changed quite dramatically over time. The  
9 past offers no simple solutions, but it helps to parse out  
10 what is unprecedented and requires new policies.

11 Thank you so much to the Inquiry for the  
12 invitation to appear before you today to consider these  
13 questions. I'm Professor of History and Public Policy and a  
14 Canada Research Chair at the University of British Columbia,  
15 not the University of Ottawa, where I direct the Centre for  
16 the Study of Democratic Institutions, or CSDI.

17 At CSDI, we aim to understand the past,  
18 analyze the present, and train for the future.

19 My own research focuses on the history and  
20 policy of communications, particularly on how new  
21 communications technologies affect democracy. Now,  
22 historians know that humans are often quite terrible about  
23 predicting the future. But I will wager one certainty.  
24 Information will remain a key tool of foreign interference.  
25 The question then is how best to contain it while upholding  
26 democratic values. So today I will briefly explore the  
27 history of foreign information flows before considering how  
28 new communications technologies have affected this

1 phenomenon. I'll explain what is new about digital media  
2 before closing with policy recommendations.

3 First the history. The turning point in  
4 state interventions came during World War I. States became  
5 much more involved in domestic and foreign information  
6 management during the war. That also generated interest in  
7 interfering in foreign information environments to achieve  
8 political and economic aims. This interest was accelerated  
9 and bolstered by two developments. The first was the then  
10 new communications technology of radio. For the first time a  
11 technology could convey information across borders without  
12 any physical equipment. And second, governments invested in  
13 radio networks outside of their domestic space, such as BBC  
14 Empire in the 1930s or the US Voice of America during World  
15 War II.

16 Attempts to intervene in foreign information  
17 environments overly and covertly became a crucial part of the  
18 Cold War. From 1946 to 2000, the United States and Soviet  
19 Union intervened in around 11 per cent of all national  
20 executive elections around the world. Information played a  
21 key role as part of what was called active measures. And you  
22 can perhaps see the thick book on the shelves behind me by  
23 Thomas Rid all about active measures by the U.S. and Soviet  
24 Union. After a lull in the 1990s, states and state actors  
25 have reinvested in using information as a form of influence  
26 and interference.

27 Now this history may sound fixed, but I do  
28 not want you to imagine that we know everything. In fact, it

1 took 75 years to uncover that many of the photographs from  
2 Nazi Germany the Americans saw in Time and Life magazine  
3 during World War II were actually photographed by SS Nazi  
4 officers and sent to the Associated Press via neutral  
5 Portugal. Or I overturned a century of historical  
6 assumptions that barely any German information was spread in  
7 the United States from 1914 to 1917 by actually showing there  
8 was a huge amount sent through a news agency and through  
9 radio technology. And this was an attempt to try to keep the  
10 United States neutral during World War I but ultimately ended  
11 up failing as the U.S. entered the war in 1917. So covert  
12 networks and contracts can stay hidden for decades because  
13 protagonists have incentives to conceal.

14 Now uncovering dynamics like this may keep  
15 historians like me in business, but it also reminds us to be  
16 humble about how much we really know about contemporary  
17 information flows.

18 So how did new communications technologies  
19 affect this phenomenon? I'd like to emphasize that new  
20 technologies do not automatically facilitate interference.  
21 Often though, new communications technologies are used by  
22 rising or challenging powers to leverage lesser resources and  
23 bolster their international status. In the early 20<sup>th</sup>  
24 century, for example, the British Empire felt comparatively  
25 secure in its worldwide network of submarine cables and  
26 established technology. By contrast, the rising power of  
27 Germany invested in the new technology of radio to try to  
28 bypass what was British-dominated networks, because Germany

1       feared that if Britain controlled cables, it could censor  
2       information flow. It invested in a worldwide wireless  
3       network to counter these problems.

4                 Despite defeat in World War I, the switch  
5       democracy, Germany continued to invest in radio for  
6       geopolitical purposes. And ironically, the Nazis would coopt  
7       these technological networks when they came to power to  
8       spread their racist content around the world, but none of  
9       this was preordained. Rather than blame new communications  
10      technologies, we should understand how and why others use  
11      them as a tool. Germany turned to radio in the early 20<sup>th</sup>  
12      century to solve problems in international relations, just as  
13      Britain felt little need to invest in newer communications  
14      technologies, and similar situations exist today.

15                Informational interference is an  
16      international relations problem. States often turn to  
17      information as a cheap form of interference, and as the cost  
18      continues to drop, the incentives to invest in information  
19      grow. Such history reminds us that technological  
20      infrastructure can be used to spread very different kinds of  
21      content. So while content obviously matters, there are other  
22      ways to address networks of foreign interference. Camille  
23      François, for example, has suggested the ABC framework,  
24      looking at actors, behaviour and content. So actors and  
25      behaviour could be problematic even if the content is not.

26                The history suggests at least two other  
27      factors. Infrastructures I've described as one and the  
28      second is finance. Financial interference can take many

1 modes. To name just three examples, offering information for  
2 free, paying to promote posts on platforms, or paying  
3 domestic actors off platform to spread information online.  
4 New communications technologies often offer new ways to  
5 finance information operations, but the methods of tracking  
6 financial flows generally already exist.

7           Now I've talked a lot about the historical  
8 parallels and precedents, but I don't want to give the  
9 impression that there is nothing new about our current  
10 situation. So I would see at least five major developments  
11 that are new. First, considerably lower barrier to entry to  
12 spreading and disseminating and producing information.  
13 Second, substantially greater financial incentives to produce  
14 information, whether through ads, selling products or other  
15 forms of online influencing. Third, more individualized  
16 targeting due to formal granular data. Fourth, a  
17 proliferation of private spaces online such as messaging apps.  
18 And fifth and finally, the rapid disappearance of online  
19 material. There is link rot, there is the disappearance of  
20 websites, and there is the inaccessibility to platforms.  
21 This can make it hard to understand what happened last week,  
22 let alone last decade. Findings of the historical sort I  
23 outline become nearly impossible in an environment controlled  
24 mostly by private companies who have little incentive to  
25 store data for the long term or make it accessible to  
26 researchers.

27           So any policy approach thus needs to consider  
28 three questions. First, what are pre-existing problems for

1 which we already have policies in place? Second, how do we  
2 enforce enforcing -- how to enforce existing policies more  
3 stringently? And, third, for new issues, what new policies  
4 are necessary? So those are the three recommendations, but  
5 I'm happy to discuss more during questions.

6 First and broadest, informational  
7 interference cannot be addressed through information alone.  
8 Media support and media literacy will not suffice on their  
9 own because much information interference arises from issues  
10 within international relations and diplomacy. What is needed  
11 is better analysis and understanding of when states turn to  
12 informational interference and why.

13 Second, financial flows require more  
14 attention, whether through FINTRAC or the Financial Action  
15 Task Force. More enforcement of existing rules and greater  
16 international coordination could go a very long way.

17 Third, developing and enforcing transparency  
18 rules for platforms will help researchers to identify and  
19 understand more about the prevalence and effects of  
20 information operations, and Bill C-63 goes some way towards  
21 this. So transparency will enable more Canada-specific  
22 research on susceptibility to foreign interference and  
23 effects, including a more differentiated look at a wide range  
24 of communities.

25 So in conclusion, it remains tremendously  
26 difficult to measure the exact effects of particular pieces  
27 of information on individuals. What sometimes matters more  
28 than how it may affect voters is how politicians think it

1 affects voters and thus the measures that they might enact.  
2 Any measures need to be considered in the long term -- the  
3 historian might say the very long term -- and in light of how  
4 to preserve broader democratic values like freedom of  
5 expression.

6 Foreign interference is not going anywhere,  
7 but the path shows very clearly that its importance can  
8 change over time. So I suggest that we can both diminish  
9 this problem and diminish it democratically. I look forward  
10 to the further recommendations by my fellow panelists on how  
11 we achieve those goals. Thank you very much.

12 **COMMISSIONER HOGUE:** Thank you.

13 **DR. LORI TURNBULL:** Thank you very much.

14 Thank you very much, Professor Tworek. We're going to come  
15 to Dr. Tenove now.

16 **--- PRESENTATION BY/PRÉSENTATION PAR DR. CHRIS TENOVE:**

17 **DR. CHRIS TENOVE:** Great, thank you. And  
18 thank you to the Commissioner and the Commission staff and to  
19 all the participants for inviting me to contribute to this  
20 very important process. So I'm Chris Tenove. I'm an  
21 instructor and research associate at the School of Public  
22 Policy and Global Affairs at the University of British  
23 Columbia, and the assistant director of the Centre for the  
24 Study of Democratic Institutions.

25 My research focuses on tech regulation,  
26 disinformation in elections, and the online abuse of  
27 politicians and journalists. The technologies, policies and  
28 politics in this area are rapidly evolving and complex, and



1 there's a continuous race between the development of malign  
2 online tactics and responses to them. For instance, even  
3 five years ago, we might not have expected that state aligned  
4 actors would use generative AI models to create fake versions  
5 of news sites or even documentaries for information  
6 operations, but now they do.

7           Rather than focus on specific tactics or  
8 policy responses in these introductory remarks, I will make  
9 three broad interventions. First, I want to clarify the  
10 democratic goods at risk from information operations, and I  
11 propose three categories of potential harms.

12           Information operations can first, reduce the  
13 free, full, and informed participation of citizens. Second,  
14 undermine fair competition among contestants for elected  
15 office. And third compromise the functional capacity of  
16 democratic institutions such as election management bodies.  
17 Information operations can potentially cause near term sharp  
18 harms to these goods. And in aggregate, along with other  
19 factors, they can contribute to long term changes in our  
20 information systems in our societies which put these goods at  
21 risk.

22           I'm purposefully using the term information  
23 operations rather than mis, dis, and mas-information.  
24 Information operations involve coordinated or complementary  
25 actions including, but not necessarily limited to  
26 communications. This choice of term relates to my second  
27 intervention which is if we want to identify and respond to  
28 foreign interference via information operations, we should

1 focus on coordinated activities rather than individual pieces  
2 of content, and we should pay particular attention to whether  
3 they involve elements of coercion, maligned funding, or  
4 deception.

5 Coercion is the use of threats or violence to  
6 undermine people's ability to participate, compete for  
7 office, or enact the rules in democratic institutions.  
8 Canadian politicians as we at CSDI and other researchers have  
9 found, face increasing threats and abuse online and offline.

10 We lack rigorous data about this in Canada,  
11 but a comparative figure to give some context is in a 2024  
12 report by the Brennan Center in the United States, which  
13 found that 43 percent of state legislators had faced a  
14 violent threat during their term in office and the preceding  
15 campaign, much of it via social media. It's unclear how  
16 frequently these threats come from foreign --- when made via  
17 social media platforms, email, or other communications where  
18 it's easy to disguise one's identity.

19 To give a figure that might provide some  
20 insight on how often these are of foreign origin, in a recent  
21 survey I did of 95 Canadian journalists, 15 percent said they  
22 had faced threats or reputational attacks that they believe  
23 originated from foreign actors. And that study on  
24 journalists also illustrated that harms are not limited to  
25 exposure to physical violence, 63 percent said the threats  
26 and reputational attacks caused harm to their mental health;  
27 43 percent said they seriously contemplated quitting  
28 journalism as a result of them. And I'd add that in that

1 study these harms were disproportionately experienced by  
2 women journalists.

3 A second element in addition to coercion, is  
4 maligned funding. This is the illegal or illegitimate use of  
5 money or other resources to amplify or silence views and  
6 voices, and Heidi also touched on this. For instance, the  
7 Commission has already heard about the recent U.S. indictment  
8 of two Russian nationals accused of covertly directing funds  
9 that were ultimately funneled to influencers based in the  
10 U.S. and Canada.

11 And many jurisdictions have struggled to  
12 ensure that social media platforms do not accept funds for  
13 political advertising that contravenes the law or intent of  
14 campaign financing regulations. And this has become much  
15 more difficult, because actors can amplify content using  
16 networks of fake accounts or other techniques and achieve the  
17 goals of advertising or paying for promotion, without money  
18 transfers.

19 The third element is deception, which  
20 involves misrepresentation about who is communicating, or how  
21 communication is being done, possibly in addition to  
22 misleading or false content. For instance, Meta's policy on  
23 coordinated, inauthentic behavior captures some of these  
24 factors. It includes the use of fake accounts or other  
25 deceptive techniques that are used to promote content or  
26 evade the platform's terms of service. Meta has taken many  
27 actions against coordinated inauthentic behaviour, a number  
28 of them that involve foreign actors engaged in it.

1           Also, as this Commission has heard,  
2 generative AI is used to create images or audio of people  
3 doing or saying things that did not happen. But as noted at  
4 the beginning, we also see the impersonation of websites or  
5 documents of organizations, including news media, but also  
6 electoral bodies, scientific institutions, and others.

7           I'll conclude with several policy  
8 implications that arise from an emphasis on information  
9 operations and these elements of coercion, maligned funding,  
10 and deception.

11           First, if a foreign actor is involved in  
12 information operations that involve these elements, we can  
13 consider it to be foreign interference rather than legitimate  
14 influence. However, communication that includes these  
15 elements may be harmful to democratic process is regardless  
16 of whether they are pursued by foreign or domestic actors,  
17 and thus, policy to address -- policies to address them  
18 regardless of their source, may fortify democratic goods.

19           That's important to consider when we  
20 contemplate benefits of social media platform governance that  
21 may not focus on foreign interference per say, such as the  
22 proposed *Online Harms Act* currently before Parliament, which  
23 I'm sure we'll be talking about.

24           A second policy comment. Multiple sectors  
25 need to be involved in identifying, mitigating, and pursuing  
26 accountability for information operations. These include  
27 journalists and independent researchers, social media  
28 platforms, and other digital services, and government

1 agencies. Each sector has different capabilities and  
2 limitations.

3                   When it comes to identifying information  
4 operations journalists and independent researchers can often  
5 bring probable cases to light. They frequently struggle  
6 however do identify core coordination, or surreptitious  
7 funding, or other forms of deception. Those challenges are  
8 exacerbated by the decline in access to platform data that  
9 journalists and independent researchers currently experience.

10                   Social media platforms can provide  
11 appropriate data to enable those investigations, and  
12 additionally platforms are in a much better position to  
13 identify inauthentic accounts and coordination, as well as  
14 patterns and violations of their own terms of service.

15                   Government actors, particularly those engaged  
16 in human and signal intelligence, may have critical insights  
17 needed to identify a nexus between communication and maligned  
18 offline activities or threat actors. So a critical policy  
19 issue is to structure information sharing among these sectors  
20 to ensure it is both effective and rights protecting.

21                   An element of this is touched on in the  
22 recent Bill C-70 which provides the authority for CSIS to  
23 share information with private entities, including social  
24 media platforms. But we need to clarify -- or carefully  
25 consider how that information sharing should occur and when  
26 or how it should influence platform behavior.

27                   When it comes to mitigation of information  
28 operations, we should remember it is not limited to exposing

1 falsehoods or providing back checks or counter messaging.  
2 Mitigation also includes mechanisms such as security support  
3 for targets of coercion from lot enforcement, but also from  
4 employers and others. Platforms' own policies on harassment,  
5 inauthentic accounts, deceptive synthetic content, etcetera,  
6 are also key to mitigation, and we need regulation to  
7 encourage the ongoing improvement and fair implementation of  
8 these platform policies in ways that fortify freedom of  
9 expression.

10 Accountability for information operations can  
11 partly be achieved through naming and shaming by journalists  
12 and independent researchers. It also requires accountability  
13 mechanisms by platforms and technology companies to deter  
14 violations of their own policies and limit recidivism. And  
15 it requires clear legal standards and capable government  
16 enforcement.

17 So those are just a sketch of some of the key  
18 policy issues and I look forward to further discussion of  
19 them. Thank you.

20 **COMMISSIONER HOGUE:** Thank you.

21 **DR. LORI TURNBULL:** Thank you very much,  
22 Professor Tenove. We're going to come to Professor Dubois.

23 **--- PRESENTATION BY/PRÉSENTATION PAR DR. ELIZABETH DUBOIS:**

24 **DR. ELIZABETH DUBOIS:** Hello. Thank you.  
25 And thank you to the Commissioner and staff, and everyone  
26 here for the opportunity to contribute to this really  
27 important discussion.

28 I am Elizabeth Dubois, an Associate Professor

1 and Research Chair in politics communication and technology  
2 at the University of Ottawa, where I also run the Pol Comm  
3 Tech Lab and I am a member of the Centre for Law Technology  
4 and Society. And for the past decade, I have been focused on  
5 trying to understand how technologies are integrated into  
6 political campaigning, trying to understand how politicians,  
7 journalists, civil society members and others make use of new  
8 technologies as they try and advance their campaigns and,  
9 within that, I have done studies on political bots, which was  
10 the early version of AI we were afraid of in 2015.

11 I have looked at echo chambers and filter  
12 bubbles. I've also explored online harassment and hate of  
13 political journalists and, more recently, have been looking  
14 at social media influencers and how they're emerging as new  
15 powerful actors.

16 And all of these different things have, in  
17 one way or another, ended up touching on disinformation and,  
18 more often than not, foreign interference as well. And that  
19 is because the tools and tactics that are used domestically  
20 often get used in foreign contexts in very similar ways,  
21 which brings me to my first point, that this is not so much  
22 about the technology or the particular components of our  
23 digital ecosystem, but the ways in which those tools and  
24 technologies are used and integrated and how they're changing  
25 and shaping different relationships among these political  
26 actors.

27 So in my opening remarks today, I want to  
28 talk a little bit about what our current digital media

1 ecosystem looks like. I think very often we try and focus on  
2 particular tools, particular pieces of disinformation or  
3 particular actors, and the reality is, we need to be thinking  
4 about how those are all related to one another.

5           So in our current media ecosystem, we do have  
6 social media, which get talked about a lot in the context of  
7 disinformation and foreign interference. We've got a wide  
8 variety of different tools in that social media bucket, but  
9 we also have instant messaging tools and private and semi-  
10 private spaces, things like Discord, Telegram, Patrimon.  
11 These are all becoming more and more integrated into our  
12 information ecosystems.

13           And we also need to remember that this online  
14 ecosystem is not completely divorced from our offline  
15 ecosystem. In fact, information often flows on and offline  
16 and back on and back off repeatedly. And it's the flow of  
17 information through that system that I think is most  
18 important for us to be thinking about when we're trying to  
19 understand the risks and the ways to deal with foreign  
20 interference and disinformation.

21           Beyond the online/offline divide, I want to  
22 reiterate that there is this private/public divide. Often,  
23 we are really tempted to think what we need to do is look  
24 only at what is happening in the public spaces because we are  
25 trying to rightly protect people's privacy. And there is a  
26 really important role for private spaces, but we also know  
27 that a large amount of disinformation content flows through  
28 semi-private or completely private spaces, and that presents



1 unique challenges if we're trying to understand how  
2 information flows through this complex network.

3 Now, I've spent a few minutes trying to talk  
4 about this network to kind of sketch out what that looks  
5 like. Now what I want to do is talk about why I think using  
6 that framework to understand our information system is so  
7 important.

8 So the first reason is because information  
9 does not stay wherever it is placed in our environment. You  
10 don't have information that only gets posted to Facebook. It  
11 gets posted to Facebook and then it gets posted across a  
12 variety of other social media, it gets chatted in a WhatsApp  
13 group, it gets talked about in face-to-face communication.

14 We have a wide array of places that  
15 information can travel and the systems that we rely on to  
16 curate and control our information to help us deal with the  
17 fact that there is far more information than any individual  
18 can consume on their own. Those systems, they dictate what  
19 information is likely to come up on our feeds or present as  
20 most important, and they are controlled by important  
21 political actors.

22 So in this case, there are political -- or  
23 it's not political, sorry. Platforms, technology platforms,  
24 that make a lot of decisions about what information is and is  
25 not able to gain prominence. There are choices about which  
26 content gets made prominent based on the location of the  
27 creator of that content. There are choices that get made  
28 about what advertising is allowed to be spent in an election

1 when it is paid for in a particular currency as examples.

2 The role of platforms extends beyond this, of  
3 course, but I point to just a few examples here.

4 Beyond that, we also have some basic human  
5 tendencies that influence the way this information flows.  
6 Humans tend towards sharing information that is sensational  
7 and emotional. Things that shock us are things we are more  
8 likely to talk about across this wide network that we are  
9 part of, and that's important because foreign actors  
10 understand that these technology platforms, paired with these  
11 social and psychological tendencies of humans, create a space  
12 in which they can manipulate that situation to get  
13 information to flow widely through that system.

14 So they know that information is not going to  
15 stay just on Facebook when they've inserted that there. They  
16 know that they can actually expect the content to flow much  
17 more broadly.

18 And so what's happening in those situations  
19 is foreign actors are able to start distancing themselves  
20 from the content. They've made the initial placement, but  
21 then that content flows through multiple steps across a bunch  
22 of different platforms on and offline, private and public,  
23 and we end up with a really hard job to try and trace that  
24 content. We also end up not really being able to trace the  
25 flow of funds spent to place that content and we end up with  
26 content that initially was foreign supported looking very  
27 domestic because it has been integrated into legitimate  
28 domestic political conversations.

1           Notably, when foreign actors are placing  
2 content in this ecosystem, understanding that it is going to  
3 be spread and develop a flow that may not be completely  
4 controlled, they are also understanding that that content is  
5 going to show up for a given person's feed in multiple  
6 different places, right. So the idea of capitalizing on this  
7 networked media ecosystem we have really relies on this  
8 assumption that we're going to get that information visible  
9 to people in a bunch of different ways, and that capitalizes  
10 on the fact that humans tend to believe things that they see  
11 repeatedly, and so this makes the disinformation all that  
12 more powerful.

13           And within all of this, we also know that in  
14 the context of an election, only the highest-level threats  
15 get called out. Only the things that seem most likely to be  
16 a risk to the integrity of our election get called out. But  
17 most of what I've just described is actually quite low-level  
18 threats, each on their own.

19           What I've just described is a situation where  
20 foreign interference can be used to create an environment  
21 that is not trustworthy in and of itself. It can be used to  
22 create an information environment where nobody knows what to  
23 trust or who to trust, and the risk is that people will pull  
24 out and become less engaged, less trusting or, worse, become  
25 extremely distrustful of our elections, whether that is  
26 founded or not.

27           Before moving on to a couple of notes on what  
28 I think we can do to address this reality, I also want to

1 mention that we do know that foreign interference and  
2 disinformation do disproportionately target marginalized  
3 communities and, in particular, diaspora communities.  
4 There's quite a lot of evidence to support that.

5 I want to also note that disinformation  
6 campaigns online also often target tightknit communities,  
7 regardless of whether they are marginalized or a diaspora.  
8 Those tightknit communities can be very easy to get messages  
9 actively flowing through because they are often communities  
10 that are hyper-engaged and are using things like reaction  
11 videos and collaborations to try and build up continued  
12 community support. And so what we see in those situations,  
13 for example, extremist content, conspiracy theory content,  
14 these communities form and they start sharing the same  
15 messages over and over.

16 So in my last couple of minutes, I want to  
17 point to three things that I think are important next steps.

18 One is on the point of media and digital  
19 literacy. There's plenty of evidence to suggest that  
20 certainly pre-bunking and debunking are needed, but they are  
21 nowhere near sufficient.

22 Ultimately, what we need from media and  
23 digital literacy is an electorate that feels capable of  
24 assessing and navigating this complex media ecosystem. The  
25 ecosystem is not getting simpler. That's not really an  
26 option, but developing better understandings of it might be.  
27 Platforms need to certainly take steps towards self-  
28 regulation, but self-regulation is, of course, not sufficient

1 either. We know, and have seen, in recent years that  
2 platforms can drastically change their approaches with little  
3 notice, and if that were to happen in the middle of a  
4 Canadian election, that would be particularly problematic  
5 because we wouldn't have the capacity to quickly address a  
6 sudden influx of disinformation, as an example.

7 And then finally, in terms of communication  
8 from the government to the public, I already mentioned  
9 briefly the idea that our very high threshold leaves,  
10 potentially, quite a lot of low level but often harmful  
11 disinformation being shared, and I think we need to develop  
12 better approaches to dealing specifically with those kinds of  
13 threats which are not going to meet that high threshold but  
14 are nevertheless important.

15 This is, of course, a very quick overview of  
16 quite a lot of different things. I'm looking forward to the  
17 discussion period. Thank you.

18 **COMMISSIONER HOGUE:** Thank you.

19 **DR. LORI TURNBULL:** Thank you, Dr. Dubois.

20 We're now going to come to Professor  
21 Krishnamurthy. And just as a heads-up, to Professor Laidlaw  
22 after that.

23 **--- PRESENTATION BY/PRÉSENTATION PAR MR. VIVEK KRISHNAMURTHY:**

24 **MR. VIVEK KRISHNAMURTHY:** Thank you very  
25 much, Madam Commissioner, Commission staff. It is an honour  
26 to be here today and to be standing on the shoulders of such  
27 wonderful colleagues.

28 My name is Vivek Krishnamurthy; I teach at

1 the University of Colorado Law School, and I work on the  
2 intersection of technology and human rights, writ large.

3           So what I'd like to do in this presentation,  
4 because we're talking about social media, this is a top 10  
5 list of the challenges that are involved and taking action  
6 against MDM, especially in a foreign interference context,  
7 and provide an orientation to some of the tools that we have  
8 and some of the trade-offs that exist, with the hope of  
9 informing public policy decisions. And the TL;DR, to use  
10 another tech term, "Too long; didn't read," is that there are  
11 no simple solutions here, which is unfortunate. There's no  
12 switch that we can turn, no simple law we can pass. I know  
13 that my colleague, Emily Laidlaw, will talk about some of the  
14 legal options.

15           All right. So let's start on the top 10  
16 list, a minute per item, so here we go.

17           First challenge, adjudicating the truth.  
18 This is really hard, right? If an element of what is  
19 disinformation or misinformation is falsity, we need to be  
20 able to determine that. And that's really hard.

21           Madam Commissioner, you're a judge and you  
22 know that the judicial system takes years to get to the truth  
23 of the matter. The half life of social media content is  
24 about six hours. That's the window that we have if we're  
25 going to look at the content and say, true/false, and do  
26 something about it.

27           And sometimes the truth is just unknowable.  
28 So we think about a distribution of content; there are some

1 things that are going to be obviously true, some things are  
2 going to be obviously false, but a lot of things will fall in  
3 the middle. So that raises a first question of what do we  
4 do? But wait; there's more.

5                   Number 2, which is how do we determine  
6 intent, right? And intent is key in our law in many areas,  
7 including in the law of expression, right? If the intent is  
8 to defraud someone, that's one thing. If it's to make a  
9 joke, it's another. And the precise same words or expression  
10 could be used for different intent, depending on context. So  
11 we need to make contextual determinations, and that too is  
12 extremely difficult, right? We do that with a certain -- and  
13 again, you can think about this in terms of distribution.  
14 Some things are going to be very obviously intended to  
15 deceive, other things maybe not. So let me give you a  
16 current example.

17                   There are these memes circulating in the US  
18 election context of Donald Trump riding a lion. That's  
19 clearly false; he's not riding a lion, he never has. It's  
20 generative AI that's delivered this. Is that disinformation?  
21 Misinformation? Is it analogy? A simile? Political  
22 expression? What do we do with it? So there are a lot of  
23 judgments that need to be made.

24                   So I told you about the time horizon. Let's  
25 talk about scale; this is number 3 on my list.

26                   Every second -- every second, one hour of  
27 video content is uploaded to YouTube. Every second there are  
28 55,000 pieces of content being posted to Facebook; that's

1 four billion pieces of content a day. We don't have many  
2 systems in society that need to make decisions at that kind  
3 of scale, and that is an enormous problem. And if you think  
4 about any large system of decision-making, you're going to  
5 have type 1 and type 2 errors; false positives and false  
6 negatives. Now, in the law of free expression, like in a lot  
7 of other legal bodies, we think that a false positive is much  
8 worse than a false negative. It is much worse that an  
9 innocent person goes to jail than 100 guilty people go free.  
10 Which is why free expression law provides a wide ambit for  
11 expression, even outside the core of things that are, you  
12 know, related to the search for truth or political  
13 expression; you name it, right?

14 So we're going to have errors in these  
15 systems. And think about this; a 1 percent error rate by  
16 Facebook in its systems, right, means 40 million errors a  
17 day, when you're talking about four billion pieces of  
18 content, right? And there can be a lot of harm in that  
19 relatively small error rate. Okay. So then the question is,  
20 you've identified this stuff, and you've also attributed  
21 foreignness, if that is something that we're interested in in  
22 this context, what do you do, and how do you decide what to  
23 do?

24 So a decade ago people talked about this in  
25 terms of binary decisions. "Oh, it violates our policy or  
26 the law. We take it down. It doesn't, we leave it up."  
27 It's a bit more subtle now, right? We have a lot of  
28 different kinds of tools in the tool bag. We can demonetize



1 content and say, "You can't make money based on this  
2 content." We can down-rank it in the algorithm and say,  
3 "We're not going to take it off but we're just going to give  
4 it less exposure." We could deplatform someone and say,  
5 "This is too far, you're off this platform." Right? We can  
6 label it; we can factcheck it. And I think what we're  
7 learning is that we do need different interventions in  
8 different circumstances, but we don't often know what's  
9 effective.

10 So sometimes -- there is some research that  
11 shows that, you know, factchecking sounds like really simple  
12 interventions that would always work. It doesn't always.  
13 Sometimes it has the perverse effect of circulating the  
14 underlying lie even more, right? It seemed like a good idea  
15 to deplatform Donald Trump after the January 6 events in the  
16 United States, but as a second order of consequence we got  
17 more and more social media networks that don't follow any  
18 rules as a result of that. So thinking about those -- and a  
19 classic example, you know, that is familiar to you is the  
20 instruction, "The jury shall disregard that statement."  
21 Nothing brings more attention to a statement than that  
22 instruction from the judge.

23 Okay. Next challenge; how do we decide what  
24 content we should surface for adjudication? Do we have  
25 platforms scan everything that's posted on a platform? Do we  
26 demand that by law -- we just made a choice here, the  
27 government made a choice in the *Online Harms Act* not to do  
28 that, not to require affirmative scanning. Do we have a

1 flagging system, trusted flagging? And how do we do this  
2 fast enough given that, again, it's the initial exposure to  
3 the thing that's also misleading that often does the harm,  
4 right? And the correctives are not very great, so -- and  
5 there are trade-offs there; fears of surveillance, of  
6 targeting minority communities, privacy risks, et cetera.

7           Next, number 6, measurement issues. How do  
8 we know that any of this stuff works? So I had a professor  
9 who said, "I went to law school because, you know, lawyers  
10 don't like math," but here comes some math, right?

11           In order to assess the performance of a  
12 system, we need to be able to assign a numerator and a  
13 denominator, right, to say, you know, this is 96 percent  
14 effective. So the numerator is simple; how many pieces of  
15 content are being acted upon. And we can look at that  
16 content, maybe, and see if those calls are correct. But the  
17 denominator, right; what is the actual percentage of stuff on  
18 a platform that falls below that, you know, legal threshold,  
19 or whatever threshold we set? It's unknowable because of the  
20 scale, right? Because of the costs that are involved in  
21 trying to assess that, right? So we don't have good ways of  
22 trying to measure the effectiveness of these interventions,  
23 right? We have some data happening, there's some research  
24 happening, lots of smart social scientists are working on it,  
25 but it's very difficult, right? So policy intervention has  
26 to grapple with that uncertainty. Okay.

27           So then what are the tools that we have,  
28 right? I talked about the interventions in terms of the

1 choices that can be made, but the tools that we have to do  
2 this all rely on automation, right? Because of the scale,  
3 the only way that we can grapple with this problem is using  
4 automated systems. Automated systems make mistakes, so we're  
5 talking about algorithmic content moderation, but also to  
6 build on points of my colleagues, platforms increasingly have  
7 detected -- spent resources on detecting patterns of  
8 behaviour, right. This is the ABC framework of Camille  
9 François that Heidi Tworek spoke about in her remarks, and  
10 Chris alluded to this, too, about coordinated in authentic  
11 behaviour.

12 Well, we don't look at the content itself,  
13 but the networks and the what computer scientists would call  
14 signals that suggest that something bad is happening, that  
15 this is an influence operation at work, and then we disrupt  
16 that operation. But that, too, is hard.

17 There is always a great deal of evolution  
18 happening.

19 Okay. So very quickly because I see that my  
20 time is running very short, what should governments do?

21 I don't have an easy answer for you. I do  
22 think that what we've heard from a number of my colleagues  
23 about transparency is really important, and here's my -- I'm  
24 going to -- my last point is that this is becoming really  
25 hard because it's becoming politicized, right. Populists  
26 around the world seem to think that large platforms are after  
27 them and, therefore, platforms are disinvesting in this  
28 because it's becoming politically hot for them to engage in

1 this kind of supervision.

2 And then I think there's a point about  
3 encrypted messaging also being an important -- increasingly  
4 important tool for political communication, and that  
5 compounds a lot of these problems because we have no  
6 visibility into what's being said. The only thing we can see  
7 are the patterns of communication, and we have to use that to  
8 detect malign actors, and that is a very hard problem.

9 Thank you.

10 **COMMISSIONER HOGUE:** Thank you.

11 **DR. LORI TURNBULL:** Thank you very much,  
12 Professor Krishnamurthy.

13 We are going to come to Professor Laidlaw.

14 **--- PRESENTATION BY/PRÉSENTATION PAR DR. EMILY LAIDLAW:**

15 **DR. EMILY LAIDLAW:** Thank you. Thank you,  
16 Commissioner and staff, for the invitation today.

17 My name is Emily Laidlaw. I am a Canada  
18 Research Chair, an Associate Professor in the Faculty of Law  
19 at the University of Calgary.

20 With my time, I will discuss the role of law  
21 in addressing mis and disinformation online.

22 This is a challenging area to regulate for a  
23 variety of reasons, as has been noted so far.

24 The information ecosystem is complex. At a  
25 content level, we're dealing with billions of pieces of  
26 content, all kinds of different kinds flowing in multiple  
27 directions across the globe all at once, and almost always  
28 through privately owned companies. And at a consumer

1 protection level, these are data driven business, meaning  
2 these businesses exist to collect, use and disclose  
3 information for financial gain and push content to their  
4 users to keep them active on their sites.

5 Regulators and courts generally lack insight  
6 into their business models and data practices, which is why  
7 the mention of transparency by my colleagues is so important.

8 So state-backed disinformation campaigns are  
9 difficult to combat because they exploit precisely the way  
10 that social media was designed to be used. States have teams  
11 of people that are creating content, use AI-generated  
12 content, spread their messages through bots, and the key  
13 thing is that it eventually seeds to humans who believe it to  
14 be true, and then amplify it further. That's why individuals  
15 and institutions with influence are often the targets of  
16 disinformation campaigns such as media, journalists and  
17 politicians.

18 In law, most mis and disinformation is legal.  
19 Jokes, memes, videos that distort the truth, sow distrust or  
20 generate hate fall into that category lawful but awful. So  
21 that leaves governments with two options, one, laws that  
22 target narrow and specific types of disinformation such as  
23 false claims about voting locations during elections, and,  
24 two, laws that target the underbelly of disinformation. And  
25 by this I mean laws that put aside concern about individual  
26 pieces of content, which are more likely to raise free  
27 expression concerns, and, instead, focus on consumer  
28 protection aimed at the business model itself.

1                   So here's the legal environment in brief.

2                   There are currently two types of laws that address  
3                   disinformation on social media.

4                   First are laws that hold individuals  
5                   criminally or civilly responsible for communicating certain  
6                   types of false statements. So for example, a broad crime of  
7                   spreading false news was held to be unconstitutional by the  
8                   Supreme Court in the early 1990s. However, narrower criminal  
9                   laws that have an element of falsity are constitutional, such  
10                  as hate propaganda, criminal defamation and fraud.

11                  Several civil causes of action are about  
12                  falsity, such as defamation or false light, which are about  
13                  spreading lies that impact reputation. There are other laws.  
14                  You know, competition law prohibits false or misleading  
15                  representations or deceptive business practices. Several  
16                  election laws prohibit, for example, intentionally sharing  
17                  false information about a candidate with the intention of  
18                  affecting election results, for example, false biographical  
19                  information.

20                  Importantly, many disinformation campaigns  
21                  are not just about false information. And my colleague,  
22                  Chris Tenove, he spoke about this. So rather, fake accounts  
23                  might be created to harass high profile individuals and shame  
24                  them into silence. Accounts are hacked and private photos or  
25                  videos are shared for the same goal of public shaming and  
26                  social upheaval. So an individual could be charged with  
27                  misuse of a computer program or harassment.

28                  The challenge with all of these laws is that

1 they depend on identifying an individual or individuals who  
2 are the bad actor, and they're not often easy to identify or  
3 find, and the content itself might be spread by a bot, so --  
4 even if there's a human behind it.

5 So all of these laws that I'm talking about  
6 are about individual to individual harm, but the real harm  
7 might be from the mob pile on, or the harm might not be to an  
8 individual at all. Indeed, the heart of our concerns about  
9 disinformation are the democratic threats posed by  
10 interference with our ability to freely form thoughts and  
11 opinions, which none of these laws address.

12 Current laws are narrow and only address a  
13 small piece of the problem, but there's good reason for this.  
14 The right to freedom of expression is fundamental. Any  
15 restriction on the right should be narrowly construed, and so  
16 it's only in exceptional circumstances that individuals  
17 should be legally responsible for the intentional spreading  
18 of false information, and even rarer for the things that we  
19 believe to be true.

20 These laws all miss the core mischief, which  
21 brings me to the second type of law that addresses  
22 disinformation, and that is social media regulation.

23 And this is a short story. Unlike several  
24 other jurisdictions, Canada has no comprehensive federal law  
25 to regulate platforms. Provincially, Quebec has a law  
26 requiring that platforms act when they obtain knowledge they  
27 are hosting illicit content.

28 If we divide this into the two categories I

1 mentioned earlier, so content level laws and consumer  
2 protection laws, at a content level, platforms have duties in  
3 the areas of defamation and copyright, and parties can get  
4 court orders to take down certain types of criminal content.

5 At a consumer protection level, Canada's  
6 private sector privacy laws and competition law indirectly  
7 can address the wider impacts of disinformation to the extent  
8 that disinformation is driven by collecting and using data  
9 and corporate power. That's all.

10 So were does that leave us? For the most  
11 part, we rely on corporate self-governance. There is  
12 significant pressure on platforms to act, and that has  
13 created fatigue in the industry, as you can never win with  
14 the government, the public or the advertisers. They have to  
15 make judgment calls as we saw with the spread of, for  
16 example, COVID mis and disinformation. And I think Professor  
17 Krishnamurthy went into detail about what these platforms do.

18 Many platforms have what is best described as  
19 national security teams addressing everything from foreign  
20 policy to crisis response. In addition, each platform is  
21 different, and some choose to do nothing at all, or can be  
22 selective in what they do. So this creates an environment of  
23 uncertainty in an area that -- and about something that  
24 monumentally impacts democracy.

25 So I am solutions oriented. Where do we go  
26 from here?

27 First, Canada needs to strengthen our laws to  
28 regulate the business model of social media. One of the most



1 important pieces of legislation that can impact  
2 disinformation is Bill C-63, although I want to be clear, the  
3 Bill does not address disinformation directly.

4           Professors Krishnamurthy, Tworek and I were  
5 on the expert group that advised the government on the  
6 development of this law, and the view of many in the group  
7 was that disinformation is one of the greatest threats that  
8 we face, but, nevertheless, should not be addressed directly  
9 in the law.

10           So why discuss the Bill? The Bill would  
11 impose a duty to act responsibly on social media to mitigate  
12 the risks associated with certain categories of content, some  
13 of which are the building blocks of disinformation campaigns,  
14 hate propaganda, violent extremism and terrorism and  
15 incitement to violence. This is admittedly narrow, but I  
16 think that a Bill that targets disinformation broadly, or at  
17 least too broadly, risks being unconstitutional.

18           I should note that other jurisdictions have  
19 taken on disinformation directly. So Europe's *Digital*  
20 *Services Act*, for example, requires that large platforms  
21 mitigate the risks to civic discourse and elections. So the  
22 focus is not on content removal but about mitigating the  
23 systemic risks of harm. The EU recently published guidelines  
24 on what this means in practice.

25           The other crucial Bill I want to flag is Bill  
26 C-27, which proposes long overdue amendments to our private  
27 sector privacy laws and introduces a new AI Act. These laws  
28 are important complements to online harms legislation because

1 it addresses the data and AI underbelly of these business  
2 models.

3 I have just two short paragraphs left. I  
4 know I'm at time. I do want to emphasize I'm not advocating  
5 that these Bills should be adopted without amendments. My  
6 point is that these types of laws are key to target the  
7 underlying structure of social media that creates the  
8 information environment we are in and should be a priority of  
9 government.

10 My last point I want to make is that this law  
11 is really only a small part of the solution here. I'm sure  
12 we'll talk today about how we need a whole of society  
13 approach for law. I think this means we need to slot into  
14 other non-legal strategies. Law can be a way to incentivize  
15 non-legal solutions, and I'll give you one example and then  
16 close.

17 It would be too risky for the Online Harms  
18 Bill to directly regulate disinformation; however, the  
19 Commissioner, the Digital Safety Commissioner could be tasked  
20 with an education role in the area of disinformation and  
21 working with civil society actors. So these are the more  
22 creative ways that law can be used to incentivise  
23 accountability in this space.

24 Thank you and I look forward to discussion.

25 **DR. LORI TURNBULL:** Thank you very much.

26 We're going to come to Mr. Kolga.

27 **--- PRESENTATION BY/PRÉSENTATION PAR MR. MARCUS KOLGA:**

28 **MR. MARCUS KOLGA:** Thank you, Commissioner

1 Hogue and staff, for this opportunity to participate in this  
2 important roundtable alongside such distinguished experts,  
3 and thank you to all of you for your great interventions and  
4 your ongoing work to defending our democracy and safeguarding  
5 free expression.

6 For over 15 years I've been monitoring and  
7 writing about foreign information operations and  
8 transnational repression, starting with Russia's 2007 effort  
9 to destabilize Estonia's democracy through historical  
10 manipulation, incitement of riots and state-sponsored cyber  
11 attacks. I'm not an academic. I am a researcher, a  
12 journalist and a human rights activist who's had the  
13 privilege of advocating for and working with some of the most  
14 courageous, prodemocracy leaders of our time, including Boris  
15 Nemtsov, who was murdered nearly 10 years ago for his  
16 opposition to Vladimir Putin. I also led Canada's campaign  
17 for Magnitsky sanctions, working with Bill Browder, former  
18 Justice Minister Irwin Cotler, and Senator Raynell  
19 Andreychuk, which earned me a place as one of the first  
20 Canadians named to the Kremlin's sanction's list in 2022.

21 My knowledge and experience are based on  
22 nearly two decades of observing Kremlin influence operations  
23 both here at home and abroad. For my work, I've been a  
24 target of Kremlin transnational repression including a series  
25 of death threats. Through my advocacy for vulnerable  
26 Canadian communities, Ukrainians, Uyghurs, Tibetans,  
27 Hongkongers, Taiwanese, Iranian Russian, Baltic and Russian  
28 activists, I've developed deep concerns about their safety

1 and their freedom to express themselves safely in Canada, and  
2 this is what I'm going to speak to you about today, the  
3 activists, the journalists, and, indeed, entire communities  
4 that are the targets of these tactics, and the urgent need to  
5 establish a protective framework against foreign information  
6 and influence operations and transnational repression.

7 This inquiry has heard about the threat of  
8 Chinese government information and influence operations  
9 targeting MPs, like Michael Chong, Kenny Chiu, and Jenny Kwan  
10 for their criticism of Beijing's human rights abuses and  
11 efforts to hold the regime to account. Regrettably, the  
12 Kremlin's well-documented targeting of Deputy Prime Minister  
13 Chrystia Freeland and MP James Bezan and other officials who  
14 have been critical of the Putin regime have largely escaped  
15 our scrutiny. However, their effects are evident in our  
16 democratic processes, our media, and in the incitement of  
17 anger and hatred by Russian state media and its proxies,  
18 which has led to physical threats and acts of vandalism  
19 against Canadians of Ukrainian heritage.

20 From elected officials to ordinary Canadians  
21 who seek to express solidarity with victims of human rights  
22 abuses, Canadians and our democracy are under threat from  
23 foreign authoritarian regimes not just during elections, but  
24 yearround.

25 Now I'd like to propose a framework aimed at  
26 safeguarding vulnerable Canadians through protective  
27 measures, deterrence and the disruption of foreign influence  
28 operations addressing both immediate and long-term threats to

1 our democracy. I'll focus on four key areas.

2 First, measures to protect vulnerable groups  
3 and individuals and prevent transnational repression; second,  
4 measures that we can take to deter the perpetrators; third,  
5 how we can disrupt these operations; and fourth, the need to  
6 support and rehabilitate the victims of transnational  
7 repression.

8 Now first, protective measures for vulnerable  
9 groups and individuals. Preventative education and awareness  
10 are key to combating transnational repression. Empowerment  
11 begins with knowledge. Canada should develop and promote  
12 education and awareness programs specifically designed to  
13 counter TNR. These initiatives should include tailored  
14 communications materials, regular seminars, and workshops for  
15 journalists, activists and dissidents to help them identify  
16 potential risks and equip them with strategies to mitigate  
17 threats.

18 To address persistent and growing cyber  
19 threats, we must promote enhanced digital security for  
20 vulnerable communities. Cyber attacks have become a primary  
21 tool for authoritarian regimes to monitor, intimidate and  
22 disrupt the activities of their targets. To defend against  
23 this, vulnerable Canadians need to be equipped with the  
24 skills and resources to protect themselves from hacking and  
25 other cyber threats. This includes comprehensive cyber  
26 security training to help them recognize phishing attempts,  
27 prevent malware installations, and understand evolving  
28 digital threats.

1                   To enhance personal and the personal legal  
2 safety of victims of transnational repression, a centralized  
3 national hotline dedicated to recording such incidents could  
4 be established. This hotline should guarantee the  
5 confidentiality of those who are calling it, provide a rapid  
6 response to reported threats, coordinate with law enforcement  
7 and intelligence agencies nationally to ensure thorough  
8 investigations and appropriate actions. Additionally, free  
9 legal service should be made available to vulnerable  
10 activists and communities. This support would help them  
11 address threats, including coordinated defamation,  
12 disinformation and harassment campaigns orchestrated by  
13 foreign entities.

14                   Second, we must adopt measures to deter the  
15 perpetrators. The effective implementation and enforcement  
16 of Bill C-70 and related legislation are crucial. The  
17 comprehensive implementation and eventual enforcement of  
18 *Canada's Foreign Influence Transparency and Accountability*  
19 *Act, FITAA* under C-70 by the new Commissioner is vital for  
20 deterring foreign influence operations and transnational  
21 repression. Currently, *FITAA* primarily targets elections and  
22 government policy, but its scope should be expanded to  
23 directly address foreign influence activities beyond  
24 government-related processes, meaning efforts to coerce and  
25 intimidate civil society actors and vulnerable communities.

26                   Public accountability and exposure are  
27 critical tools for both disrupting and deterring these  
28 operations because transparency serves as a powerful

1       deterrent. Publicly identifying and condemning foreign  
2       actors and their collaborators reinforces accountability. By  
3       collaborating with investigative journalists and civil  
4       society organizations to document and expose transnational  
5       repression, we bring these activities to light and attract  
6       the attention of law enforcement. This approach also raises  
7       public awareness, educating Canadians about the nature and  
8       scope of these threats. Increasing awareness and  
9       consistently exposing perpetrators will further deter future  
10      acts ---

11                   **DR. LORI TURNBULL:** Sorry, Professor Kolga,  
12      we've had a request to slow down a little ---

13                   **MR. MARCUS KOLGA:** Yes ---

14                   **DR. LORI TURNBULL:** --- bit for the  
15      interpreters.

16                   **MR. MARCUS KOLGA:** Yeah. Third, and perhaps  
17      most importantly, we must develop and implement strategies to  
18      identify, disrupt and terminate ongoing TNR operations. This  
19      includes greater intelligence and law enforcement cooperation  
20      specifically enhancing coordination between CSIS, CSE, RCMP  
21      and local law enforcement. By coordinating resources and  
22      expertise these agencies can work together along with  
23      community groups and civil society to identify and disrupt  
24      the activities of networks engaging in these operations.  
25      This should include the establishment of a specialized task  
26      force focussed on identifying and disrupting such operations.  
27      Sending perpetrators a message that Canada will hold them to  
28      account for their actions and it -- this will also contribute

1 to future deterrence. We should also foster and support the  
2 development of community-based interventions involving civil  
3 society and community organizations in response to TNR.

4 Community-based rapid response teams could  
5 include community leaders, legal experts, media and  
6 psychological counsellors to provide rapid support for  
7 victims and to work with law enforcement and intelligence  
8 agencies to quickly expose perpetrators and limit  
9 psychological and reputational damage. This includes  
10 community reporting mechanisms like those set up by the  
11 Ukrainian Canadian Congress over the past two years that  
12 allow community members to report incidents of harassment,  
13 physical violence and vandalism directed at community  
14 members.

15 The application of diplomatic pressure, both  
16 unilaterally and multilaterally on states and entities in  
17 transnational repression cases is essential. Again, the  
18 rapid, coordinated exposure and disruption of these  
19 operations and their collaborators are crucial to stopping  
20 and deterring them. This includes the application of  
21 Magnitsky sanctions on entities and individual perpetrators.  
22 Canada has already taken a leadership role in sanctioning  
23 Russian-state media entities and think tanks for their role  
24 in supporting Kremlin information and TNR operations in  
25 Canada. Canada should also now be enforcing those sanctions.

26 Global Affairs Rapid Response Mechanism has  
27 also effectively exposed foreign authoritarian narratives and  
28 tactics over the past three years, and they've coordinated



1 this work with our allies. However, the RRM is limited by a  
2 small team of just eight analysts, restricting its capacity  
3 to merely exposing foreign information operations. In  
4 comparison, France has over 80 personnel dedicated to this  
5 effort. Canada could adopt a similar model to Sweden's  
6 National Agency for Psychological Defence, which was quickly  
7 established in 2022 to defend Sweden against foreign  
8 influence operations and cognitive warfare, and it employs  
9 nearly 70 specialists. We should also be coordinating  
10 sanctions among our allies and targeting perpetrators and  
11 collaborators.

12 Fourth and finally, we must develop measures  
13 to support and rehabilitate the victims of TNR. Among these  
14 measures is psychological support. Victims of TNR often  
15 endure severe psychological trauma. The threats and  
16 harassment they face can disrupt workplaces and family  
17 dynamics. Defamation campaigns can result in social  
18 ostracization, loss of income and job insecurity. It is  
19 essential to provide access to specialized mental health  
20 counselling and therapy. Establishing and supporting peer  
21 networks can help victims connect with others who have faced  
22 similar repression fostering mutual support and resilience.

23 As we've heard during this Inquiry and well  
24 before it, the threats posed by foreign authoritarian regimes  
25 through transnational repression are real. Today I present a  
26 brief overview of a comprehensive framework that my  
27 colleagues and I will publish in the coming weeks, featuring  
28 a kill chain to help governments, law enforcement and civil

1 society assess threats and implement tactics to disrupt and  
2 stop such operations. We do need to move forward with  
3 urgency and determination. The safety of our citizens and  
4 the integrity of our democratic principles depend on the  
5 actions that we take now. Thank you.

6 **COMMISSIONER HOGUE:** Thank you.

7 **DR. LORI TURNBULL:** Thank you very much.

8 And, Dr. Ghai Bajaj, please.

9 **--- PRESENTATION BY/PRÉSENTATION PAR DR. SHELLY GHAI BAJAJ:**

10 **DR. SHELLY GHAI BAJAJ:** Hello, everyone. I'd  
11 like to begin by thanking the Commission for inviting me to  
12 participate today and to my fellow distinguished co-  
13 panelists. I'm Shelly Ghai Bajaj. I have a PhD in Political  
14 Science from the Department of Political Science at the  
15 University of Toronto, and I'm currently a post-doctoral  
16 fellow at the University of Waterloo and the Balsillie School  
17 of International Affairs.

18 And today my remarks are grounded in  
19 empirical and comparative research that focuses on the spread  
20 of disinformation within racialized ethnocultural diasporas  
21 within Canada. And our research focuses on three  
22 ethnocultural diasporas, the heir of the Chinese and South-  
23 Asian diasporas in Canada.

24 Our research also focuses on these  
25 undertheorized private digital spaces. So we really focus on  
26 these private, direct messaging apps, which are often  
27 encrypted. I also speak about the research as a -- in  
28 collective terms as an "our" because I have a very small but

1 might research team that works with me, but I would also like  
2 to acknowledge the hundreds of focus-group participants who  
3 shared their stories with us, as well as our survey  
4 participants who took time to answer our detailed questions.

5           And there are three points that I would like  
6 to use to kind of structure today's talk. The first is that  
7 the spread of disinformation does not occur in a vacuum. And  
8 the second is that mis and disinformation is not a universal  
9 experience. And the third is that our policy responses must  
10 consider these factors and cultivate social resilience and  
11 capacity through building trust.

12           So before I get into the differential  
13 experiences of disinformation, I'd like to zoom out a little  
14 bit and paint a bit of a backdrop to provide some background  
15 and context regarding how disinformation spreads. As Heidi  
16 pointed out, this is not a new phenomenon, but there are new  
17 dimensions to the spread of disinformation. The information  
18 space is growing as an operational domain for a variety and  
19 wide range of threat actors. It's also diversifying in terms  
20 of the technological landscape, so the scale, scope and speed  
21 for disinformation transfer and spread is rapid and it  
22 reaches far beyond domestic borders. There are new tools  
23 available, such as digital automation, data harvesting and  
24 mining, predictive analytics, bot and troll networks, and, of  
25 course, the introduction of new generative AI technologies.  
26 And these all have function to kind of scale up the spread of  
27 disinformation.

28           There's also a diversification of the social

1 media and digital platforms on which disinformation spreads.  
2 Even within three years of studying disinformation, we see  
3 the explosion of TikTok as an information source, especially  
4 for younger demographics. So the places that disinformation  
5 spreads and reaches is constantly changing. It's constantly  
6 evolving.

7           These technological shifts are occurring  
8 alongside massive geopolitical shifts as well. We have  
9 increased strains on multilateral international institutions  
10 and our rules-based international order, the order that has  
11 structured most of our post-war era of democratic peace and  
12 stability. And we are now entering uncharted territory of  
13 great power competition and increased assertiveness from new  
14 multilateral alliances represented through arrangements like  
15 the BRICS Plus. So the digital information space is  
16 increasingly used as a playing ground for these geopolitical  
17 tensions to play out.

18           And we also see the diversification of state  
19 actors in this space. So we all know and we are all familiar  
20 with the big players: Russia, China, Iran. But we also have  
21 other threat actors in this space, states like Turkey, Saudi  
22 Arabia, India, and many of these states are extremely well  
23 institutionalized and organized in their ability to operate  
24 strategically in the digital information space.

25           There are also many intermediary state actors  
26 that kind of function along the chain of disinformation,  
27 production and spread. Content farms in Southeast Asia, for  
28 example, that basically function as entire shadow economies

1 for the production and dissemination of disinformation.

2           And there are a wide range of non-state  
3 actors. The role of big tech, for example, as well as  
4 content and troll farms and networks, hacking collectives,  
5 lone wolves, cyber troops and extreme mobilized ideologues  
6 with a healthy dose of keyboard courage. So this is a really  
7 kind of unwieldy space with a wide range of actors.

8           And the way we've kind of conceptualized it  
9 in our research to make sense of this, and it's very much a  
10 conceptual exercise, but it's one that also has what we  
11 believe are implications for policy, is we've kind of parsed  
12 out the spread of disinformation along direct pathways and  
13 indirect pathways. So the direct pathways have been  
14 discussed in several of my colleagues' comments already.  
15 These information operations, coordinated disinformation  
16 campaigns, foreign information manipulation through the use  
17 of techniques like astroturfing, for example, the spread of  
18 computational propaganda, which relies on these technological  
19 boosts to amplify the spread.

20           But there are also indirect pathways, and  
21 these tend to be overlooked, undertheorized and harder to  
22 capture and measure empirically. And here we discuss the  
23 spread of everyday disinformation, that everyday transfer,  
24 that slow drip of problematic and disordered digital  
25 information between and beyond election cycles.

26           Another kind of indirect pathway of  
27 disinformation spread is that the spaces themselves are  
28 inherently transnational, and they defy our understanding of

1 hard borders. Individuals now belong to multiple  
2 intersecting and overlapping information environments. Of  
3 course, disinformation also spreads in interpersonal  
4 conversations and discussions, both online and offline. And  
5 there's that movement that Elizabeth pointed out of digital  
6 information that crossed platform boundaries. So it moves  
7 through different digital spaces. This has often been called  
8 kind of a cascading logic of mis and disinformation spread.

9           And this is important because it becomes  
10 increasingly difficult and sometimes impossible to determine  
11 the origins, intent and attribute responsibility for  
12 interference to a single actor. And all of this is occurring  
13 against a much wider backdrop of a growing democratic trust  
14 deficit.

15           So the question becomes, is disinformation a  
16 symptom of a larger issue of declining levels of trust and  
17 confidence in political institutions, processes and small "l"  
18 liberal democratic norms and values. So that's kind of the  
19 context and the background of how disinformation spreads.

20           The second point I would like to highlight  
21 are the differential experiences and impacts of  
22 disinformation, and this is especially important to  
23 understand in diverse and plural liberal democracies like  
24 Canada. And this is kind of why our research really  
25 highlights and focuses on the experience of ethnocultural  
26 diaspora.

27           And there are a few points to highlight when  
28 we consider these distinct experiences and impacts. First,

1       there are differences in the digital spaces that they use.  
2       Ethnocultural diasporas use closed and private digital  
3       spaces, specifically private and encrypted chat and direct  
4       messaging apps at a higher rate than Canadian averages. This  
5       highlights the diversity of these communities' information  
6       environments. And as I mentioned, these spaces are also  
7       inherently transnational. In our own survey, we found 80 per  
8       cent of our respondents indicated that they belong to groups  
9       that are international in terms of their composition.

10               And there are also differential impacts for  
11       the spread of disinformation for these communities. And  
12       these kind of manifest in two distinct ways. One is at the  
13       individual level. Individuals indicated that they are simply  
14       exhausted from the amount and the sheer volume of  
15       disinformation that they encounter in a wide range of digital  
16       spaces. At times, the labour of disinformation, correction,  
17       encountering can feel burdened, cumbersome and exhausting.  
18       There are also cultural dynamics to consider, especially when  
19       deciding when to engage and counter mis and disinformation  
20       that is shared.

21               But there are also stories of digital agency,  
22       which I think is a source of optimism that we can return to  
23       in hopefully the question-and-answer period. And there are  
24       also collective and group level impacts. Ethnocultural  
25       diasporas face a double-edged sword of disinformation. They  
26       have disinformation circulating within their communities, but  
27       also disinformation that targets their communities. So all  
28       diasporas across the board have reported incidences of hate,

1 discrimination stigmatization, marginalization and sometimes  
2 a threat to their physical safety or security, as well as the  
3 safety of loved ones.

4           And it's not just disinformation from home  
5 countries, but also far right anti-immigrant, xenophobic and  
6 racist narratives that spill over from information  
7 environments from the U.S. or from other foreign state  
8 actors. And all of this should inform our approaches to  
9 countering and mitigating the threat and harms of  
10 disinformation.

11           And here I'll just kind of list a few bullet  
12 points since I'm running out of time, but really, the best  
13 defence is a strong offence. And I think it's important to  
14 think beyond legal and regulatory frameworks as well as  
15 technological responses, especially when we're talking about  
16 these private digital spaces. There's a need to kind of  
17 think about our solutions as also having a dual purpose of  
18 building trust and resiliency in the long term.

19           Engaging civil society organisations.  
20 They're often trusted intermediaries with these communities.  
21 Focusing on digital media literacy, but also thinking of  
22 other forms of literacy, for example, information literacy.  
23 That's often considered in comparative research as one of the  
24 more robust forms of literacies to counter disinformation.  
25 And there's also the need to promote digital agency in these  
26 spaces because they are private, so the best way may be to  
27 empower individual users encountering disinformation in these  
28 private and encrypted applications. Also, there's an



1 opportunity for Canada to leverage our rich third-language  
2 diversity for information sources, especially for these  
3 communities.

4 And I hope to address any outstanding  
5 questions in the ---

6 **COMMISSIONER HOGUE:** Thank you.

7 **DR. LORI TURNBULL:** Thank you. Thank you  
8 very much, and thank you, everyone. This has been a very  
9 rich panel. We are moving toward a break, after which we'll  
10 come back and take some questions and answers. But I wonder  
11 if I can offer now just very briefly to everyone if you want  
12 to make a quick response to anything that you've heard from  
13 your colleagues on the panel, just while it's fresh in your  
14 mind. And you can just wave in my general direction if you  
15 want to do that.

16 Okay. That's just fine.

17 **COMMISSIONER HOGUE:** So we'll take the break.  
18 More or less 30 minutes, because we have to go through all  
19 the questions, so it can be a bit more than 30 minutes, or a  
20 bit less, but stay around and we'll come back.

21 **DR. LORI TURNBULL:** Thank you, everyone.

22 **COMMISSIONER HOGUE:** Thank you.

23 --- Upon recessing at 10:26 a.m./

24 --- La séance est suspendue à 10 h 26

25 --- Upon resuming at 11:12 a.m.

26 --- L'audience reprend à 11 h 12

27 **DR. LORI TURNBULL:** Welcome back, everyone.

28 Thank you very much, and thank you again to all of the

1 presentation -- for all of the presentations.

2 We've all learned a lot. I know my head is  
3 very full and sore, and so I think that's a good point to say  
4 we're going to turn this into a question-and-answer session.

5 So before -- I've got a list of questions  
6 that I'm going to direct to one or two of you, but -- as we  
7 go through, and we'll see how many we get through in the time  
8 that we have. But before we do that, I just want to come to  
9 the Commissioner to ask whether there are any questions you'd  
10 like to put forward right now.

11 **COMMISSIONER HOGUE:** No, I think start with  
12 the questions you have and we'll see at the end.

13 **--- OPEN DISCUSSION/DISCUSSION OUVERTE:**

14 **DR. LORI TURNBULL:** Okay. So I'm going to  
15 put this one in the general direction of Mr. Kolga and  
16 Professor Tworek.

17 Are there international models for countering  
18 MDM that might be adapted to Canadian needs, and could you  
19 give us perhaps pros and cons of the European approach to  
20 something like the regulation of *Russia Today*?

21 So perhaps I could start with Mr. Kolga on  
22 that one.

23 **MR. MARCUS KOLGA:** Sure. I think there are  
24 several jurisdictions that we can look to that are doing this  
25 work rather successfully. I'll start with Finland, and I  
26 think a lot of people have talked about Finland as a model in  
27 the past in terms of building long-term sort of generational  
28 resilience against foreign disinformation, primarily Russian

1       disinformation.

2                       And the way that the Finns are doing this is  
3 by ensuring that future -- all future generations of Finns  
4 have the digital media literacy skills, the critical thinking  
5 skills to put into -- as part of their resources when --  
6 their cognitive resources when they are going about their  
7 everyday lives. And they do this not just by developing a  
8 single course for a single year for students -- in a single  
9 year for students, but this is something that is built into  
10 the entire Finnish school curriculum.

11                      So from kindergarten to the time students  
12 graduate, every single subject that is taught to Finnish  
13 students has a component of media literacy built into it.

14                      So they understand, the Finns understand that  
15 this isn't a problem -- it's not a new problem, it's not one  
16 that is going away tomorrow, but it is something -- the  
17 threat of disinformation to our societies and our democracies  
18 is persistent and it's growing, and so they've taken this  
19 approach. And it's something that I think that we should  
20 definitely be looking at.

21                      The Swedes, understanding the growing threat  
22 back in, I think it was, 2018 or 2019, took the decision to  
23 stand up the Swedish Psychological Defence Agency. This is  
24 an independent agency within the Swedish government that is  
25 staffed by nearly -- I think it's nearly 70 people. It was  
26 established in January of 2022.

27                      Its job is to coordinate Sweden's response to  
28 foreign disinformation, both monitoring, exposing those

1 operations, but also coordinating among the Swedish military,  
2 intelligence and law enforcement as well. And it's important  
3 that it's -- that we underscore the fact that it is an  
4 independent agency from government. And so it's well funded,  
5 well resourced.

6 And by all accounts, speaking to colleagues  
7 in Sweden, it is doing this work very, very effectively.

8 I would also suggest looking at Estonia.  
9 Estonia has been dealing with Russian information operations  
10 now for nearly 100 years. It has been, again, a persistent  
11 threat in that country, to that nation.

12 One of the things that they do very well is  
13 that they, rather courageously, exposed the domestic and  
14 foreign collaborators, the individuals and groups that work  
15 with Russia to try and undermine Estonia's democracy. And of  
16 course, that sort of transparency does lead to, number one,  
17 deterrence in the future, and, I think, long-term resilience.

18 Finally, I'd say Taiwan is a jurisdiction  
19 that we should be looking to who has been -- the Taiwanese  
20 have been doing this very effectively. It's worked very  
21 effectively for the past decade or so given the growing  
22 threat of Chinese disinformation targeting Taiwan.

23 They have a system in place that -- and  
24 incredible coordination between civil society and government  
25 whereby when Chinese disinformation is detected in the  
26 Taiwanese information space, civil society is alerted. Civil  
27 society then alerts government, the affected government,  
28 whether it's an individual, a Minister or an agency. That

1 unit within government is then required to quickly respond  
2 within two hours to that alert, that disinformation that's  
3 being targeted against them, and respond with -- you know, it  
4 could be a meme or something like that.

5 But Taiwan is doing this very effectively as  
6 well. It's another jurisdiction that we could be looking to.

7 **DR. LORI TURNBULL:** Thank you very much.

8 I'm going to come as well to Professor Tworek  
9 on this question.

10 **DR. HEIDI TWOREK:** Yeah. Thank you so much.

11 **DR. LORI TURNBULL:** And just to remind you,  
12 international examples.

13 **DR. HEIDI TWOREK:** Yes. So obviously, we've  
14 just had a whole host of them, so let me just extrapolate a  
15 couple of other things.

16 I think one is to say that these kinds of  
17 international examples show us that this isn't just about  
18 taking down or removing material, it's actually about putting  
19 material out there in a more positive way. So, for example,  
20 in Taiwan during COVID that followed a philosophy known as  
21 humour over rumour. So rather than worrying about  
22 necessarily taking down a lot of information, it was to give  
23 out how to counter it, but doing it in a way that was fun, so  
24 using the Zhong Tai [*phonetic*] dog to talk about how many  
25 spaces of distance you should have between yourself and the  
26 next person.

27 So I guess the point of that is that this can  
28 be fun as well as sort of more leaden, looking at specific

1 examples, and that's what we see from places like Taiwan.

2 So that also leads to the question of what we  
3 might think of as more active media literacy. So we do have  
4 examples, for example, in the UK where there's a small non-  
5 profit which goes into schools and instead of just teaching  
6 students media literacy, it gets them to actually produce  
7 news articles, and what they've shown is that that can be  
8 really helpful in countering cynicism.

9 One of the potential downsides of teaching  
10 people media criticism is it leads to more general cynicism  
11 of all media sources, whereas if we get people to actively  
12 create material they see that there are choices about what  
13 material you include and what you don't, and that doesn't  
14 mean that it's not objective, that just means that it's the  
15 kind of choice you have to make because of space constraints,  
16 for example.

17 So I think we can then look at those kinds of  
18 non-profit efforts that are more active in terms of creating  
19 materials also in places like the UK, just to see about more  
20 grassroots civil society organizations that we could be  
21 encouraging as well.

22 Finally I would just say that one of the  
23 other reasons to look at international examples is not just  
24 to see the positive, but also to see some of the tactics that  
25 are being used elsewhere. Many of the things that we just  
26 described that are happening in Canada have happened in many  
27 other countries, actually sometimes quite some years before.  
28 And so that's another reason to have international monitoring

1 and scanning is to understand what's happening elsewhere and  
2 to try and put systems in place long before it comes to  
3 Canada.

4 **DR. LORI TURNBULL:** Okay, thank you very  
5 much.

6 I'm going to pick up on something that Mr.  
7 Kolga said in his remarks when he was talking about the role  
8 of civil society. And I'm going to push this question to Dr.  
9 Ghai Bajaj, if I can.

10 Can we expand the conversation we're having  
11 on the role of government to include the role of civil  
12 society as well?

13 **DR. SHELLY GHAI BAJAJ:** Right. So I'm a big  
14 proponent of the view that the challenge of disinformation  
15 requires a very multidimensional response, in terms of policy  
16 and that whole-of-society approach. We often talk about  
17 whole of society, but the details are often lacking in terms  
18 of how we actually flesh out these whole-of-society  
19 approaches.

20 In our own research, which again, focuses on  
21 racialized ethnocultural diasporas, the role of civil society  
22 organizations is key. These organizations still retain a  
23 higher level of trust among these communities, and the kind  
24 of key underlying theme of much of what I'm saying today is  
25 the issue of trust.

26 They're also organizations that are often a  
27 first or early point of contact for newcomer communities,  
28 helping them to connect to resources in destination

1 countries. So, again, these actors have a high degree of  
2 trust.

3 Also in our research approach, we adopted an  
4 engaged kind of methodology of partnering with the community  
5 organizations to understand the spread of disinformation  
6 within these communities. What we were very kind of happy to  
7 see is that these organizations are already doing a lot of  
8 the work of countering disinformation within these  
9 communities. They're also much more acutely aware of the  
10 threats and harms that face their communities because, again,  
11 these organizations are based on representation from members  
12 with lived experiences in these communities.

13 They're also very much aware of the kind of  
14 platforms that their community uses, they're aware of home  
15 country dynamics, events, and the kind of political  
16 inflection points that may trigger a surge of mis-,  
17 disinformation activity within our communities. And in our  
18 own research we also found that sometimes these community  
19 organizations actually, in partnership with government  
20 initiatives, effectively counter mis- and disinformation in  
21 very concrete ways.

22 One example that comes to mind is the issue  
23 of COVID vaccines. There was a government program which  
24 provided funding for community organizations to educate their  
25 membership on the benefits and potential drawbacks of  
26 vaccines. What some of these community organizations did is  
27 they brought in medical experts from within their  
28 communities, and members who could communicate in the third



1 language, and they held Zoom sessions with their membership  
2 where individuals were able to ask a trusted expert about  
3 vaccines. And some organizations actually tracked uptake in  
4 vaccines after these kind of sessions.

5 So this is just one concrete example, a small  
6 example, of how we could potentially leverage these  
7 organizations and bring them in as equal partners and trusted  
8 intermediaries.

9 **DR. LORI TURNBULL:** Thank you very much.  
10 That's really interesting.

11 In our conversations before this panel, we  
12 all were talking about sort of whole-of-society approaches to  
13 how to manage this. So I think that's kind of where we're  
14 getting now, is what different kind of roles can government  
15 and non-government can play.

16 I'm going to put a question to Professor  
17 Laidlaw, and sort of in keeping with this theme, and I'm  
18 thinking about the difficulties in trying to regulate, or  
19 regulate or not deal with entities that are not confined to  
20 Canada. And so how do we deal with something like TikTok,  
21 WeChat? Like, what is the approach for a country like Canada  
22 to take in that case?

23 **DR. SHELLY GHAI BAJAJ:** Yes. And I would say  
24 that in the area of tech regulation this has always been a  
25 challenge that most of the -- most of the companies in this  
26 sphere are not Canadian based. I would -- I tend to be less  
27 worried about it, partly because ultimately Canada can pass  
28 the laws that it passes, and there might be difficulty in

1 enforcing it but, for example, TikTok has offices here,  
2 right? And so there is capacity to be able to enforce some  
3 of these laws against some of these companies.

4 Often just the act of some investigation by a  
5 regulatory body, for example, the Privacy Commissioner  
6 federally, and even provincially, have investigated companies  
7 that are not located in Canada but their activities impact  
8 Canadians. And I've made findings that the company has  
9 failed to comply with Canadian law, and it's that active --  
10 it's essentially naming and shaming the companies for  
11 behaviour. Some of the companies ignore the recommendations  
12 of these regulators, but many have fallen in line just  
13 because.

14 And so it is always going to be an ongoing  
15 issue in this area. I think that the way forward is that  
16 we're increasingly seeing international standardization and  
17 international coherence in this particular area. We're a far  
18 way off from achieving it at the moment, but for example, in  
19 the area of online harms you have a global network of online  
20 harms regulators now that are kind of working together to  
21 find commonality and alignment.

22 And so that doesn't deal entirely with  
23 enforcement but it does address the issue that if we can  
24 globally land on the same page, we are, you know, a few steps  
25 forward and at least setting standards.

26 **DR. LORI TURNBULL:** Okay, thank you very  
27 much.

28 I'm going to put one question to Professor

1 Krishnamurthy, and then I'm going to switch gears a little  
2 bit.

3 I wonder if you could speak generally about  
4 what role online anonymity plays in disinformation.

5 **MR. VIVEK KRISHNAMURTHY:** Sure. Thank you  
6 for that question.

7 All right. So let's start with the law,  
8 right, which is that the law of free expression recognizes a  
9 right to speak anonymously, and it's extremely important in a  
10 lot of contexts, right? And not just to speak, it's to seek  
11 information anonymously. When you think about all kinds of  
12 vulnerable people who do not want to be tracked when they  
13 access information in a building like this one about  
14 something sensitive, right? Anonymous political expression  
15 has been key to the history of democracy in many countries,  
16 including here, right? But like all things, it's a double-  
17 edged sword, right? There are pros and cons to that, and  
18 certainly anonymity plays a role. And I think there's  
19 several challenges that anonymity poses, right? One is  
20 attribution, right? It would be much easier if we knew  
21 exactly who was saying what, and then we can say, "Oh, this  
22 is foreign, right? Let's regulate that differently than  
23 domestic," to the extent that's something we want to think  
24 about.

25 My own view is that trying to regulate  
26 anonymity online is a really dangerous thing to do in a  
27 democracy. It's one of those cures that's probably worse  
28 than the underlying disease. And I'd just like to sort of

1 turn this a bit into a question of what's at stake, which is  
2 that we're acting in an international environment, and I  
3 think it's really important for us to choose means that are  
4 consistent with our values, and in choosing means to think  
5 about the collateral consequences. So I do a lot of work  
6 with NGOs in the global south, right? Where there's a trend  
7 of taking a law that seems perfectly fine in a democracy,  
8 right, where there's rule of law and we can count on the  
9 public service, and in an authoritarian context it is really,  
10 really repressive, right? Because of the level of discretion  
11 that it leaves. So that's something else that we have to be  
12 extraordinarily careful about in how we move in this space,  
13 is that there are collateral consequences for democracy  
14 abroad as well.

15 **DR. CHRIS TENOVE:** I just want to kind of add  
16 a couple points to that, and maybe I don't know if it's a  
17 slight difference of opinion. One I think that would go  
18 along with what Vivek has said is that, some people are very  
19 happy to have anti social activity attributed to them. And a  
20 fair number of research has shown that just the introduction  
21 of anonymity does not guarantee that people will avoid that  
22 activity.

23 Another important point, I think, is to  
24 distinguish anonymity from unaccountability, because we can  
25 maintain people's ability to be anonymous, so free of harms  
26 of having things linked to their identity, while still  
27 ensuring that their use of digital services for instance, is  
28 held accountable. So violation of terms of service,

1 violations of the laws of financing, a range of things can be  
2 attributed to those accounts and action taken. And so, I  
3 think, thinking about accountability it's important and it  
4 doesn't need to line up with this anonymity issue.

5 **DR. LORI TURNBULL:** Thank you for that. That  
6 is very interesting. I'm making so many notes I lost track  
7 of what I was doing.

8 Okay. I'm going to kind of change a little  
9 bit in terms of the focus, and I'm going to come to Professor  
10 Dubois with a question.

11 I think we should go a few rounds on the  
12 concept of the writ period, the election period, and the  
13 difference between what we do in elections and that specific  
14 period that is defined as the writ period, how we treat  
15 things differently during that campaign period versus  
16 ordinary time which is increasingly filled with campaign  
17 material.

18 **DR. ELIZABETH DUBOIS:** Thank you. Yes.

19 So the being in an election or not in an  
20 election has historically been really important because we  
21 accept greater limits on what kind of speech we're allowed,  
22 how much money we're allowed to spend on politics, how much  
23 advertising is allowed to be done. We accept a lot more  
24 restrictions in an election period than outside of one.

25 But what we've seen over decades, and this  
26 predates social media and all of the fears of disinformation  
27 in online context we've been talking about today so far,  
28 we've seen a tendency towards what academics often call the

1 permanent campaign. And so, it's not to say that campaigning  
2 looks the exact same year-round, but it does speak to the  
3 fact that political parties and often third-party actors as  
4 well, are actively in some form of campaign mode regardless  
5 of whether that election period has formally begun.

6 We've seen some adjustments in the election  
7 laws to kind of address the idea of okay, we can have a pre  
8 writ period when it comes to political advertising for  
9 example. And I think disinformation and foreign interference  
10 is one area where we do really need to consider whether or  
11 not there are enough differences to say we should be treating  
12 them in one way in an election and in another way outside of  
13 an election.

14 So for example, we're thinking about  
15 disinformation campaigns, the ones that are most effective  
16 across social media are often the ones that plug into  
17 existing networks of actors, existing accounts that have been  
18 created. Often if we're thinking for example of influencer  
19 campaigns accounts that have been for years pouring resources  
20 and energy into building up audiences, building up knowledge  
21 of those audiences, and then maybe this information only gets  
22 paid for at a particular point. But it's built up and made  
23 use of all of those resources that were poured into it well  
24 before an election campaign, well before the specific piece  
25 of this information that caught our attention shows up on  
26 anyone's feed.

27 **DR. LORI TURNBULL:** Yes, please, Professor  
28 Laidlaw, go ahead.

1                   **DR. EMILY LAIDLAW:** Yeah, thank you. And I  
2 just want to build off of what Professor Dubois was saying,  
3 because some of us are working on some projects on elections  
4 and disinformation. And some recent work I was doing, I was  
5 examining how you think of the election an election period in  
6 law.

7                   And the way I was approaching it was that a  
8 lot of what happens is a form of slow violence and it's this,  
9 as Dr. Ghai Bajaj was saying, it's the drip, drip, that  
10 happens over a long period of time where the election itself  
11 is just one inflection point. And so, if we're looking at  
12 particular solutions, it's a distraction to just look at the  
13 period of the election.

14                   I mean there can be specific steps that can  
15 be taken, but we've already seen that put in place in law by  
16 saying, oh well, there shouldn't be false information  
17 communicated about a candidate or a location. But that  
18 doesn't address the underlying harm that we're talking about,  
19 so it requires that whole of society approach to protect the  
20 very specific arena of democratic elections.

21                   **DR. LORI TURNBULL:** While I have got you can  
22 I ask you specifically -- and then I see other hands. But  
23 while I've got you, is there a role specifically for the CRTC  
24 here?

25                   **DR. EMILY LAIDLAW:** Let me push it more  
26 broadly and say is there a role of government. And the  
27 answer is, yes absolutely, we need government to lead in this  
28 particular area. I think that what we're imagining is both,

1 discussion here about some commissioner body that leads in  
2 bringing to life this whole of society solution to  
3 disinformation, but there is also a role for regulators.  
4 That's fine.

5 Is it the CRTC? I would say no. And the  
6 reason I say that is that CRTC is a broadcasting regulator,  
7 but social media is just fundamentally different than  
8 broadcasting or any traditional media. And we've talked a  
9 bit about that today about this is the creation of these  
10 platforms that have been in a space that, you know, in terms  
11 of internet governance it was about the free flow of  
12 information and it has been global.

13 So the regulatory strategies have always been  
14 a little bit different here. And when social media came to  
15 prominence, we were always talking about companies that play  
16 this gatekeeping or intermediary role that are about  
17 facilitating often in the communication of others. So that's  
18 a vastly different beast than the idea of a broadcaster that  
19 selects the stories that they want to run, the prominence  
20 they're going to have, the control that they have.

21 None of that is present in the area of social  
22 media. We're talking about tech policy and human rights, and  
23 we're talking about AI regulation and privacy regulation. It  
24 is all of this together. So this is about tech policy and  
25 that's its own beast. And so, I do think we need some sort  
26 of body that takes a look at this, but it's not the CRTC.

27 **DR. LORI TURNBULL:** Okay. Thank you very  
28 much.



1 I'm going to come to Dr. Ghai Bajaj.

2 **DR. GHAI BAJAJ:** I would just like to add to  
3 what Dr. Dubois and Dr. Laidlaw we're mentioning. There's  
4 also the element that foreign threat actors actively utilized  
5 the period between elections to sometimes trial balloon  
6 narratives, issues, topics, and themes, to see -- to kind of  
7 prime individuals at that micro level, but also to see kind  
8 of what narrative can stick. I like to think of it, kind of  
9 as a Netflix strategy of disinformation content. You create,  
10 create, create, and see what tracks. And then by the time  
11 the election period ramps up there are narratives circulating  
12 already within our communities, up within our society, that  
13 end up being more salient and resonating with voters.

14 There are examples, for example, of Russian -  
15 - the Russians using sub-Reddit threads trial balloon, as  
16 well as infiltrating Facebook groups that are mom groups to  
17 circulate anti vaccine disinformation. And a team of  
18 researchers in the U.S. actually tracked COVID related this  
19 information to the early narrative circulating in these  
20 Facebook groups. So there is a lot of work to be done in  
21 understanding that these -- the time and kind of clear  
22 demarcations between elections and everyday context no longer  
23 exists.

24 **DR. LORI TURNBULL:** Thank you very much. Mr.  
25 Kolga.

26 **MR. MARCUS KOLGA:** Just picking up on that  
27 and Professor Dubois' point about the permanent campaign.  
28 Russia has been in a permanent campaign of disinformation

1 against Canadians for nearly 80 years.

2 We know this because a Royal Commission  
3 investigated Russian information influence operations in this  
4 country then, after a GRU Colonel operating at the Soviet  
5 Embassy here in Ottawa, Igor Gouzenko, walked out of the  
6 Embassy with a suitcase full of documents. And those  
7 documents identified nearly two dozen Canadians, elected  
8 officials, journalists, academics, others who were acting as  
9 collaborators, as agents of the Russian government.

10 So they have been doing this work already for  
11 nearly 100 years in this country.

12 And we know now from a recently released FBI  
13 affidavit that they are continuing this work, not just in  
14 Canada, but in the western world. This is not -- you know,  
15 they may be throttling up and dethrottling between elections  
16 in various different countries, but it is a constant  
17 campaign. And that campaign in the western world and Canada  
18 as well, as this FBI affidavit clearly indicates, is the  
19 monitoring of our information spaces, of our political  
20 environment to identify the most polarizing and divisive  
21 issues of the day and then to whether, you know, create  
22 disinformation, false information, to exacerbate those  
23 divisions or even to create conflicts using those divisions.

24 This is what Russia is doing, not just in  
25 elections, but all the time. And again, there's an FBI  
26 released on September 4th of this year, that clearly  
27 indicates that.

28 So you know, I think that idea that Russia or

1 China or Iran or any other adversaries are waiting around for  
2 a writ period to start acting is a bit antiquated and makes  
3 us vulnerable to their attacks.

4 **DR. LORI TURNBULL:** Okay. I -- oh, sorry.  
5 Yes, please go ahead.

6 **DR. ELIZABETH DUBOIS:** I agree with so much  
7 of what's been said, but I also do want to kind of push back  
8 a little bit because there are differences with writ periods  
9 and, in particular, the potential for disinformation that is  
10 specific as a threat to a particular election. The closer we  
11 get to election day, the more risky that is, the more  
12 threatening that is.

13 And so I'm not -- I'm not saying that we need  
14 to just think of election period or not election period, but  
15 I do think we need to think about that really vulnerable time  
16 right before an election day, right before the electorate  
17 goes to make their decision because the closer we get to E-  
18 day, the less time we have to correct disinformation or to  
19 identify or to call it out in some way.

20 And so -- and maybe we'll get to this later  
21 in the Q&A. There are definitely roles for government in  
22 that particular period that I would say should be different  
23 from a general time period.

24 **DR. LORI TURNBULL:** Okay. I'm going to make  
25 sure that we come back to that point.

26 Yes, please.

27 **MR. VIVEK KRISHNAMURTHY:** So I'd just like to  
28 surface a larger issue that I think is underneath this

1 conversation, which is, what's our decision space for dealing  
2 with this set of challenges, right. Is it based on a writ  
3 versus non-writ period or do we think bigger? Do we think  
4 about how the setup of our institutions, which date back to  
5 the 19th century, don't fundamentally work in a 21st century  
6 information environment, right, where we've gone from  
7 relative scarcity and high-cost production and distribution  
8 of information to practically zero cost, right.

9           So I think we should be having much broader  
10 conversations. Should we have an election in every riding,  
11 you know, on a rotating business, a constant period, which  
12 makes us perhaps more or less susceptible? I haven't thought  
13 about that idea, but it's the kind of thing that we should  
14 think about.

15           I think, right, is that there's also a crisis  
16 of democracy in general. People don't feel that systems are  
17 working for them, and that makes us vulnerable to various  
18 kinds of domestic and foreign malign influence, right. So I  
19 think a much broader institutional conversation has to be  
20 something on the agenda, which I know is beyond the scope of  
21 this Commission, but it's something we need to do as a  
22 society.

23           **DR. LORI TURNBULL:** Thank you.

24           I think that's a really interesting broad  
25 point. If I could put you on the spot for a moment, do you  
26 have a specific example of that that you're thinking about in  
27 terms of in the foreign interference context? Is there a  
28 specific aspect of our governance that makes us -- that is

1 antiquated in some way that makes us ill equipped to deal  
2 with this challenge?

3 **MR. VIVEK KRISHNAMURTHY:** So I think looking  
4 at our sort of democratic system, we have a series of  
5 extremely high-stakes events, right, where the benefit of  
6 interfering, right, with a relatively small investment can  
7 pay huge dividends, right.

8 So I know the Commission's thinking about  
9 nomination contests, right, and we've historically treated  
10 them as private party affairs. Should we do that when  
11 they're extraordinarily susceptible to being influenced,  
12 right? That's just one example of the kind of institutional  
13 reform that we might need to consider, right.

14 How does the electoral system work, you know?  
15 It's something that we've talked about time and again in this  
16 country provincially and federally, but I think a first pass  
17 opposed system is particularly susceptible to manipulation  
18 because, especially with our party structure, right, very  
19 small shifts in the electorate can create majorities or  
20 minorities, right. Is that something we should think about  
21 as a form of inoculating ourselves to malign influence and  
22 making the quality of democracy better over time?

23 So I think these are all larger conversations  
24 that are related to this.

25 **DR. LORI TURNBULL:** Okay. Thank you.

26 Thank you very much. Okay.

27 I'm going to come to something that Professor  
28 Dubois mentioned, and I'm going to open it up. I'm going to

1 start with Professor Dubois, if that's okay, and then I will  
2 open it up to everybody else.

3 Thinking about what -- those specific things  
4 that perhaps are appropriate to be done during a writ period  
5 by government as opposed to other times and as part of this,  
6 thinking, too, about what -- is there anything that could be  
7 done to help people, especially in that electoral context,  
8 that are targeted by disinformation, which is one of those  
9 key vulnerabilities, I think, that does present itself, as  
10 you say, and there's not -- perhaps not enough time to figure  
11 out how to course correct and reveal what's really going on?

12 **DR. ELIZABETH DUBOIS:** Yeah. So I think that  
13 there's a wide variety of different things.

14 I'm going to focus particularly on the  
15 critical election incident public protocol and the panel.  
16 And so the idea with that panel is this is a group that is  
17 going to be able to determine if some incident, some threat  
18 is a great enough threat to the integrity of the election  
19 that it needs to be made public or some other group of people  
20 need to be made aware of it.

21 And what we know about how that panel works  
22 is that they have quite a high threshold for what should be  
23 made public, and I think that in the context of an election,  
24 as we get close to an election, it is important to have a  
25 really finely tuned measure for what is a sufficient enough  
26 threat. I don't think that the level of the threat is the  
27 only thing. We need to think about how certain you are in  
28 the threat.

1           We also need to think about how the public is  
2 likely to respond to it if it is made public, but also if it  
3 isn't made public and they later learn about it. And those  
4 are things that are not always, from what I understand, fully  
5 mapped out.

6           I think what we do know is that there needs  
7 to be greater information given to people who are specific  
8 targets in an election campaign, so politicians, for example,  
9 who are targeted and don't even know they're targeted in a  
10 campaign. That, I think, is something that is a relatively  
11 easy correction.

12           Then I think there also needs to be a  
13 requirement of a reporting after each election on what came  
14 up but did not get made public.

15           And now, obviously, there will be things like  
16 national security concerns that cannot be made fully public,  
17 but some level of reporting back to the public on how they  
18 did their job and why they did their job in that way I think  
19 will build trust in a system that has a real lack of  
20 transparency in it.

21           And then finally, I think we need to have an  
22 additional process that is looking at those slow drip ideas  
23 that what I've thought of and called like low-level ideas  
24 that are consistent, that we know are happening, that are  
25 never -- and often by design, not going to reach the high  
26 threshold level, right.

27           These foreign actors are intentionally  
28 keeping it low level so it doesn't get caught up. And so

1 there needs to be a different process or an additional  
2 process that is designed to do that, and what exactly that  
3 looks like, there's a variety of options, but I'll leave it  
4 to others to contribute.

5 **DR. LORI TURNBULL:** Thank you very much.  
6 Thank you.

7 I'm going to go to Professor Tworek.

8 **DR. HEIDI TWOREK:** Yeah, thank you so much.

9 I just wanted to build on what Professor  
10 Dubois said and draw on some research that I did with Dr.  
11 Tenove about online hate and harassment of political  
12 candidates during the 2019 federal election.

13 So one of the things that we found, I think,  
14 is the ways in which online harassment and abuse can overlap  
15 with disinformation, and that can often reach a height during  
16 an election campaign. But part of the reason that this is  
17 important is not just because of the effects on the  
18 candidates, but also because of what it does to their ability  
19 to campaign.

20 If you have staff members who are spending  
21 most of their time dealing with online threats and  
22 harassment, you have less time to be out there doing the  
23 proactive job of actually campaigning. So this can be a very  
24 effective tool to draw resources away from actually doing the  
25 act of what you're supposed to be doing during election  
26 campaigns. So there are a whole host of things that one can  
27 do to try to address that, but I just want to make sure that  
28 that's a point on the table that sometimes online abuse,



1 harassment and threats can be a form of disinformation  
2 campaign and we need to pay attention to that.

3           And I'd underline that one of the reasons we  
4 need to pay attention to that, because if we want to have  
5 people who are nominated or who are elected, who look  
6 anything like the diversity of Canadian society, we do need  
7 to pay attention to this because we also see in some of the  
8 research that people who work on campaigns and are thinking  
9 about maybe becoming elected officials are somewhat  
10 discouraged by seeing what happens to people who look like  
11 them or come from their backgrounds and receive these kinds  
12 of threat. So it's a much broader question than also about  
13 the quality of our democracy and who actually represents  
14 Canadians.

15           **MS. LEILA GHAAHARY:** Could we just ask  
16 candidates to slow down, please, when they're speaking?  
17 Thank you.

18           **COMMISSIONER HOGUE:** I have a question  
19 flowing from what has been said. Can you -- and it's  
20 addressed to any of you -- can you think about a mechanism to  
21 help the candidates that are running if they are the subject  
22 of disinformation? We have heard a few witnesses in this  
23 Commission complaining about what they went through, and  
24 actually explaining all the consequences of what they went  
25 through, and I'm wondering whether this is something that  
26 should be addressed, and if so, what can be done?

27           **DR. CHRIS TENOVE:** I'll put a first -- oh,  
28 Chris Tenove speaking -- a first few items on the table. On

1 the one hand, we do need what Professor Dubois mentioned  
2 about when it's unknown, who the source is, or whether this  
3 type of campaign against someone is happening. So that kind  
4 of information is important. There are really important  
5 rules for the political parties themselves to take on in  
6 terms of providing adequate support and clear guidelines for  
7 support to all of their candidates and staff. We heard in  
8 interviews that that was not always the case. There can also  
9 and should also be public commitments by parties not to have  
10 them or their staff or those working with campaigns  
11 contribute to and amplify abuse. And then there are  
12 additional issues around the attention and quality of  
13 investigation action by law enforcement, which from our  
14 research suggests that in some areas it's quite good. People  
15 who belong in other geographic areas might not have access to  
16 law enforcement with the capabilities to understand what's  
17 going on and intervene.

18 **DR. EMILY LAIDLAW:** And I think -- I'm Emily  
19 Laidlaw and I'm going to complement quite a bit of what  
20 Professor Tenove is saying. You know, I've done a -- quite a  
21 bit of work, the research I've done on legal solutions to  
22 online harassment, in particular during elections, and it --  
23 I have to say, there aren't good answers and easy answers to  
24 this. If we had a magic wand, we would have used it by now  
25 to solve this problem. And so if we think of the different  
26 mechanisms that are available, you know, the one mentioned  
27 was a better understanding and training of law enforcement to  
28 take seriously the concerns about very individual and

1 specific threats because often this does -- you know, this is  
2 criminal activity. The challenge is that sometimes it is  
3 particular individuals that have, say if it's on social  
4 media, a huge number of followers, and so they have a large  
5 voice and influence. And so they essentially are just  
6 setting out the mob to attack individuals. And so the  
7 conversations I've had with elected officials is that it's  
8 just this steady stream of content that, you know, creates a  
9 perpetual state of fear.

10 So the one answer that we have is -- at least  
11 on the social media front, is better solutions through social  
12 media to either, you know, be able to intercept and slow down  
13 viral attacks, you know, and this is where they're assessing  
14 certain patterns of behaviour. Maybe there needs to be  
15 heightened attention by social media during the writ period,  
16 during elections that they know that this is happening more  
17 actively during that time, easier avenues to make complaints,  
18 very clear policies to deal with harassment, taking into  
19 account the specific kind of -- the intersectional issues  
20 that often make particular people greater targets than  
21 others.

22 So there are also organizations that are  
23 trying to help candidates navigate this space. I can't think  
24 of the name of the individual's organization right now, but  
25 he's out of B.C. and we were on a panel together, and that is  
26 specifically what he does is he works with candidates who  
27 might be vulnerable to help them build their own resilience  
28 and sense of power and knowledge about how to navigate this

1 so.

2 **COMMISSIONER HOGUE:** I have another question.  
3 Some that testified in front of the Commission expressed the  
4 idea that disinformation campaigns usually do not have a big  
5 impact on the way voters are voting. Do you have any  
6 comments about that, any knowledge that you would like to  
7 share with us or ---

8 **DR. SHELLY GHAI BAJAJ:** So this has been an  
9 issue that's been discussed in academic research, especially  
10 in the space of disinformation. How much does disinformation  
11 actually impact electoral outcomes? And there's a division  
12 in terms of some -- there's some proponents that say it does,  
13 and there's others that say, actually, it does not. But I  
14 think it's more useful to think about how disinformation  
15 works along a causal chain and the mechanisms that may  
16 connect it to the outcome. It's also useful to kind of  
17 broaden and widen the outcomes we link to disinformation. So  
18 it may not affect a specific election outcome, but it may  
19 erode social cohesion, it may increase polarization and  
20 radicalization. It could just pollute the information  
21 environment and make it so noisy that it becomes harder to  
22 make a clear-eyed decision at the voting booth. So there's a  
23 wider range of impacts of disinformation beyond just  
24 elections. And if we think about the mechanisms that connect  
25 disinformation and democracy, there are a lot of different  
26 kind of intervening steps that we have to think about when  
27 we're talking about building resiliency and countering  
28 disinformation as well.

1                   **DR. CHRIS TENOVE:** Yeah, and I think building  
2 on that, I think this relates to another issue that was  
3 flagged in the initial report from the Commission about the  
4 belief by members of the panel five that the information  
5 system was self cleansing in certain cases. Self cleansing,  
6 from building on this discussion, would mean that there was  
7 sufficient exposure and reaction to information that it  
8 wouldn't be having, say, a measurable effect upon voting  
9 outcomes.

10                   There are a few reasons why that's -- that is  
11 a kind of problematic term because we never see things fully  
12 cleanse from an information environment and it's not  
13 happening on its own, on itself. It's different groups are  
14 actively doing things to limit the impacts. But I think it's  
15 helpful to think about some -- a few additional elements.  
16 One is that kind of building on previous comments, the issue  
17 is not only whether disinformation shapes public opinion,  
18 which then changes voting outcome. As Professor Tworek was  
19 describing, there are also those direct impacts on the  
20 ability of candidates and parties to be able to campaign,  
21 including through, you know, threats, and also, these  
22 violations of financing expectations that we have around  
23 undue influence about which views are amplified or not.

24                   I think there are certain types of things  
25 where the information system is particularly unlikely to be  
26 able to correct itself without some form of government  
27 intervention. And so that could be -- first of all, that  
28 kind of self-cleansing concept doesn't address the specific

1 harms around coercion, malign, financing and so forth. It  
2 doesn't work in information ecosystems that might not get  
3 access to this broader information. So if you're targeting  
4 groups, say, on WeChat especially that are not English or  
5 French language speaking, there will be little possibility  
6 for that self-correction to extend to that space.

7 It doesn't necessarily work, and Professor  
8 Dubois mentioned this, in those critical periods where you  
9 need a really prompt response because it's on the eve of  
10 election. And we have seen foreign actors engage  
11 specifically in major operations right before elections  
12 happen, particularly in blackout periods in some countries  
13 where there isn't possible news media response.

14 And the last thing I'd say is in terms of  
15 identifying the coordinated activities, the nexus between  
16 online or communicative activities and offline activities or  
17 threat actors, that those can be very hard for actors, let's  
18 say journalists, independent researchers and others, to even  
19 know are involved. And so those are circumstances, too,  
20 where we might need government interventions.

21 And just to briefly mention, we -- a case  
22 that was discussed earlier was the *Buffalo Chronicle* case  
23 back in the 2019 election. And there was a very interesting  
24 debate, some of which -- about how government was deciding  
25 whether to intervene there.

26 One of the things that worked in that  
27 scenario was, first of all, that Facebook was willing to look  
28 at enforcement of its policies and address things, which we

1 don't necessarily know if all platforms will have those  
2 policies and be willing to address them, so if they're not,  
3 that would be another failure of self-correction. And also,  
4 a small number of journalists with exceptional data access  
5 and skills intervened and illuminated a lot about what was  
6 happening. And BuzzFeed News, one of those, is no longer  
7 around.

8           So we were relying on a very few number of  
9 actors. We need to know -- think about what that capacity is  
10 in civil society and news media to be able to participate in  
11 those activities to self-correct.

12           **DR. LORI TURNBULL:** Thank you.

13           Professor Dubois.

14           **DR. ELIZABETH DUBOIS:** I would like to kind  
15 of like one-up what both of my previous colleagues have just  
16 said. I agree wholeheartedly.

17           I also just want to really call out that  
18 sometimes when we're thinking about disinformation, we are  
19 thinking only about the disinformation that convinces  
20 somebody of an untruth or to have a different opinion or to  
21 have a different behaviour, but very often the goal of these  
22 kinds of campaigns are actually to silence people, to push  
23 them out, to make them feel less welcome in their political  
24 environment, to make them feel less relevant in their  
25 political environment, to make them feel like they can't  
26 trust their information environment whatsoever. And then a  
27 lack of trust in your information environment does bleed into  
28 a lack of trust in your political structures, the electoral

1 system.

2 And so there are these really important  
3 knock-on effects that don't come from being convinced by the  
4 disinformation, but do come from the disinformation being  
5 very present in your day-to-day life.

6 **DR. SHELLY GHAI BAJAJ:** And just to piggyback  
7 on what Dr. Dubois said, if the question is about the erosion  
8 of trust, then perhaps the way we should think about the  
9 question is just a slight shift in perception, and ask the  
10 question instead of how do we counter disinformation threats,  
11 maybe perhaps reframe the question as, how do we build more  
12 trust.

13 **DR. LORI TURNBULL:** Could you answer that?

14 **COMMISSIONER HOGUE:** Yes, please, keep going.

15 **DR. SHELLY GHAI BAJAJ:** Well, as a  
16 qualitative researcher, my first suggestion is touch grass,  
17 talk to people, talk to communities because, as I said, they  
18 have their own stories and experiences with disinformation.  
19 Learn where the trust gaps are.

20 There are some sub-populations that are more  
21 vulnerable to disinformation and more susceptible to  
22 believing disinformation, and this doesn't just apply to  
23 ethnocultural diasporas. There's also research, especially  
24 from researchers in the U.S., that study ideological  
25 predispositions towards disinformation susceptibility.

26 So understanding where these trust gaps are  
27 happening within our diverse society is a necessary first  
28 step to addressing the trust deficit.



1                   **MR. VIVEK KRISHNAMURTHY:** This has been such  
2 a rich conversation, and I'd like to tie some of what's been  
3 discussed by the last few speakers to free expression theory  
4 in law.

5                   One of the underpinnings of the law of free  
6 expression is, of course, this idea of a marketplace of  
7 ideas, right, and that if we provide a wide latitude for  
8 expression, the best ideas will eventually win, the truth  
9 will come out.

10                  I think we can think about a lot of what  
11 we're discussing in terms of market failures in that  
12 marketplace, and that has to do -- you know, we could look at  
13 individual instances of disinformation or we could think  
14 about the structure of these markets, right, of the  
15 platforms, of the broadcasters, of the different sort of  
16 media of communication and the different kinds of  
17 intermediation that we have.

18                  So that leads to sort of a bigger question  
19 of, you know, rather than, oh, this particular piece of  
20 disinformation's having this impact on this community, what  
21 kinds of structures do we want to promote that improve the  
22 information ecosystem in general, right. And this becomes a  
23 conversation about design, right. How do we design these  
24 systems? What are the kinds of values that we want  
25 incorporated in them? What should they prioritize or not?

26                  And those are actually much easier to  
27 regulate constitutionally than the expression itself, right,  
28 which is why I think the expert panel here in Canada and a

1 lot of international regulators have thought deeply about the  
2 structure of platforms and structural interventions that  
3 could improve situations.

4 So that's one thing I wanted to say.

5 The second concern that I have about the  
6 conversation we're having is that we're fighting the last  
7 war. What we see retrospectively is by no means what's going  
8 to happen prospectively, right. There's extraordinarily high  
9 rewards if you can figure out how to hack the current  
10 ecosystem, right, to get your way.

11 So given those powerful incentives, right, we  
12 kind of almost need to A-team and B-team this, right, and  
13 think very carefully about what are the vulnerabilities,  
14 systemically, that threat actors are going to exploit in the  
15 next environment, right, or the coming environment, and  
16 address those. And that's not, I think, just a standard, oh,  
17 let's regulate and then innovate in that.

18 We are going to need, you know, a sort of --  
19 a system of sort of continuous iteration, right, between  
20 regulators, civil society, platforms, technologists, you name  
21 it, to sort of keep adapting to what's a changing ecosystem.

22 **DR. LORI TURNBULL:** I have Professor Laidlaw  
23 and then Mr. Kolga, please.

24 **DR. EMILY LAIDLAW:** Thank you.

25 And I mean, this is a great opportunity, I  
26 think, to follow Professor Krishnamurthy about some of the  
27 legal challenges and trying to work this out. And I want to  
28 tease out his comments and build on it about that design

1 aspect, that what we're seeing in Europe and the UK, we're  
2 seeing this in Australia, at least in the area of social  
3 media regulation, is this shift to, okay, if we try to play  
4 the whack-a-mole game of individual pieces of content, first  
5 you're raising issues about freedom of expression. It's also  
6 not going to be that effective, so we're looking at these  
7 design-based mechanisms, you know, the design of social media  
8 itself, which can include, you know, how the algorithms push  
9 certain content, but also how do you structure your content  
10 moderation systems.

11 Do you have an ability to complain about  
12 content right during a live stream? When you complain, do  
13 you hear back from someone? Fine, right.

14 But we're still dealing with the question of  
15 what's included in that category, and can you broadly include  
16 disinformation? And this is a very controversial issue.

17 I will say that, you know, for example, Bill  
18 C-63, besides -- well, put aside the child safety component  
19 here. Everything else is just straight criminal content.  
20 And despite that, some of the polarization and lack of trust  
21 that we're seeing widely in our society has made that  
22 incredibly controversial, just the idea that criminal  
23 content, criminal activity would be concluded in scope just  
24 to deal with the design.

25 So then when you layer on top of that  
26 something like disinformation, I think that -- you know, my  
27 perspective is, in an ideal world where you have an  
28 independent body that is taking on these issues in a

1 thoughtful way, absolutely we should have disinformation  
2 included within scope, assuming that it's not involving  
3 content removal, but it's looking at these other -- like it  
4 could be a mechanism for that whole of society approach of  
5 saying what are the different things that we could do here  
6 that could help improve that environment.

7           But the problem is, the second you put a body  
8 in place, it becomes a source of focus of that lack of trust  
9 and lack of social resiliency. The European approach, what  
10 they've included is election processes and civic discourse,  
11 and their guidelines were recently published and state that  
12 during an election period there need to be, essentially,  
13 special factors, special mechanisms in place to deal with  
14 those particular issues.

15           What was interesting to me is the capacity  
16 for companies. So for example, they don't mention the  
17 different elections, it's all elections. And I thought,  
18 well, what are we going to do here? It is going to be  
19 schoolboard elections? I've had conversations with First  
20 Nations communities about some of the particular  
21 vulnerabilities there and challenges they're having. So are  
22 we going to have this, in particular, First Nations elections  
23 and their communities? Like, how specific is this?

24           So we are facing, with billions of pieces of  
25 content and a variety of elections, there is a very practical  
26 question of what's achievable.

27           And I don't want to go on, I'll say one last  
28 thing, which is I have wrestled with the notion of civic

1 discourse as being an idea here, because we all know what it  
2 is. Again, in an ideal world we know what it is, but we  
3 always have to think about how this can be weaponized and how  
4 that might be used to clamp down. Some very strict  
5 disinformation laws in more repressive countries have become  
6 tools for the government to shut down expression that they  
7 just don't like. And so that risk is very real, and we  
8 should be aware of it when we're thinking of legal  
9 mechanisms.

10 **DR. LORI TURNBULL:** Thank you very much.

11 Mr. Kolga?

12 **MR. MARCUS KOLGA:** I'm just going to briefly  
13 go back to the original question, which was about impact on  
14 elections.

15 What I think we need to do is broaden our  
16 scope of where we're looking for that impact. It's not just  
17 elections. We should be looking at the impact on our policy,  
18 on our media, on our understanding, our information  
19 environment. Because we know from documents; again, this FBI  
20 affidavit that was released a couple of months ago, we know  
21 that, for instance, Russia's primary objective in its  
22 information interference operations is to affect policy. I  
23 mean, elections are a part of that, but it's that  
24 manipulation of our policy and of our public opinion on  
25 important issues; that's what they're targeting, and that's  
26 where we should be looking for impact.

27 **DR. LORI TURNBULL:** Okay, thank you.

28 All right, I've got a little bit of time

1 left. I'm just going to shift gears a little bit -- not  
2 really. I'm going to come to Dr. Ghai Bajaj for a follow-up  
3 question on something that you've raised a couple of times,  
4 but I just want to give you a moment to expand on it.

5 The question is how can Canada's diaspora  
6 communities be best supported to protect themselves against  
7 misinformation, disinformation, these things we're talking  
8 about?

9 **DR. SHELLY GHAI BAJAJ:** Thanks for the  
10 question.

11 I've spent the better part of my last few  
12 years thinking about this. I also think this is one area  
13 that makes Canada a bit more unique than some of our European  
14 counterparts when it comes to tackling mis- and  
15 disinformation. And so while I think there's value in  
16 extracting kind of lessons from comparisons with other  
17 European countries, I think it's also very necessary to  
18 recognize the limitations of how much we can draw from those  
19 comparative lessons, because many European countries, like  
20 Finland and Estonia, are incredibly homogenous, and they're  
21 also unitary states as well, so they don't have that federal,  
22 regional diversity either.

23 So this may be, actually though, an  
24 opportunity for Canada to be a leader as well in how it  
25 approaches building resilience among and within diverse  
26 communities. And I think that we need to think about this as  
27 kind of a -- in a step kind of approach process type of way.

28 As a first step, I think it's fundamental to

1 understand the kind of unique attributes of the  
2 disinformation experience for these communities because  
3 there's also a lack -- this is a new -- relatively new area  
4 of research, recognizing that there's a difference in the way  
5 disinformation spreads within these communities, and then  
6 there's also a difference on the impact side of things. And  
7 the way we kind of think about it in our work, is that these  
8 communities face almost overlapping and nested  
9 vulnerabilities to disinformation because there's  
10 disinformation that they're tackling within their communities  
11 that they're aware of. There's also disinformation against  
12 their communities, and that can be foreign from home  
13 countries, but it can also be domestic here. And in our  
14 responses, and hopefully move towards empowering these  
15 communities, we also have to acknowledge a long and  
16 problematic history of many of these communities being overly  
17 securitized and historically surveilled. And this also  
18 shapes their opinions and preferences on what they see as  
19 legitimate and acceptable government interventions and  
20 government responses within their communities.

21           One finding from our focus group across  
22 communities when we asked the question and posed the question  
23 of how -- what do you think is the best way to deal with and  
24 approach disinformation within your communities is, "Let us  
25 handle it, hands off, we'll deal with it. We are aware of  
26 the problem; we know what's circulating." And there's a real  
27 hesitation, and I think that, again, goes back to the issue  
28 of trust.

1                   So in any of our responses with these  
2 communities we have to kind of use trust as an organizing  
3 framework. And there are a few concrete ways we can do this.  
4 We can, again, partner with civil society intermediaries, as  
5 well as other trusted intermediaries, like researchers. One  
6 of the kind of first things when we talked about -- when we  
7 opened our focus group discussions was, "How do you feel  
8 about this research topic?" And many times participants  
9 shared, "Thank you for asking us about these topics, because  
10 we're struggling with this within our communities."

11                   So, again, there's also a space for  
12 researchers to play this role, and Canada has an opportunity  
13 to build research capacity in terms of connecting with  
14 ethnocultural diasporas and understanding the experience.

15                   And then also there's an issue of third  
16 language -- the third-language diversity that exists within  
17 Canada. So much mis- and disinformation experienced within  
18 these communities occurs in third languages. So there's also  
19 an opportunity for us to leverage that diversity and -- in  
20 our responses, in our counter-messaging, in our pre-bunking,  
21 because debunking is found to be less effective. So, again,  
22 building trust, reaching these communities in their preferred  
23 mediums as well as their preferred modes of communication can  
24 go a long way. And sometimes treating these communities as  
25 equal partners, not as tools to help us fight disinformation.  
26 I think that's also a widespread feeling among these  
27 communities, that they're very much aware, they're very much  
28 willing to talk about it. They're already doing a lot of the



1 tough work at the grassroots level, so how can we empower  
2 them through institutions, through intermediaries, and  
3 through also through outputs as well and building that trust.

4 **DR. LORI TURNBULL:** Thank you very much for  
5 that.

6 I'm going to put a question to everybody, and  
7 some of you have talked about this, kind of alluded to it in  
8 some of your other comments, but I think it might be a good  
9 question to pose together in the end, as we get close to that  
10 kind of last couple of moments here. So I'm going to ask for  
11 your assessment of the role of a national counter-  
12 interference coordinator that could be placed in Public  
13 Safety. What are your reactions to that? Do you see a  
14 potential role for a coordinator like this; not really?

15 **COMMISSIONER HOGUE:** Vis-à-vis the  
16 disinformation.

17 **DR. LORI TURNBULL:** Yes, please.

18 **MR. VIVEK KRISHNAMURTHY:** I'm happy to take a  
19 stab at that.

20 Sure, why not, sounds good. But I think that  
21 that misses the issue, right? It sounds like a reactive  
22 solution, right? And we can talk about the institutional  
23 setup and response to what's happening in real time, but I  
24 think we have to shift the focus of the conversation, right,  
25 to thinking much more holistically about the design of  
26 information systems, how information moves in modern society,  
27 and what we should do about that.

28 So it's a small intervention and, sure, let's

1 improve efficiency and coordination and have a central point  
2 of contact, all great, right? But I think that misses the  
3 point.

4 **MR. MARCUS KOLGA:** Well, as someone who's  
5 operating in civil society, I would say that that would be  
6 extremely welcome. It's something that some of us have been  
7 calling for for quite some time because people like myself,  
8 others, are on the frontlines trying to push back on these  
9 information operations. So having a national coordinator  
10 that's working with us, with law enforcement, with  
11 government, with institutions like the RRM, and possibly  
12 creating a domestic institution like RRM that looks at  
13 domestic disinformation is something that is desperately  
14 needed and one that, again, should be modelled after the  
15 Swedish Psychological Defence Agency.

16 **DR. EMILY LAIDLAW:** I land somewhere in the  
17 middle where I would say it really just depends on what the  
18 role is. And I think that the blueprint you gave of the  
19 Finish model, I think gives us an idea of what the  
20 coordinator could do. But that's not what I imagine a  
21 coordinator is. Like, a coordinator seems to me to be  
22 somebody that is kind of linking across different sectors,  
23 when what we actually need is a body that is leading on  
24 addressing these issues, that has a -- and that's properly  
25 funded and can push funds out to support communities with the  
26 resources that they need that could develop and work with  
27 social media in developing codes of practice.

28 I mean, the EU got where they did with the

1 Digital Services Act after having worked tirelessly with  
2 industry to develop a code of practice, so it used its soft  
3 mechanisms first.

4           So some sort of body that has that soft role,  
5 I think, could be beneficial. I will say that I wouldn't  
6 dissuade you from doing something like that. I do worry that  
7 there was an attempt to do something like that in the United  
8 States and I think, what, it lasted for a month and the  
9 individual put in charge was destroyed. And it might be  
10 great now; I shouldn't overstate it. But it's -- it will  
11 become a target, and so there has to be a very clear  
12 understanding of the risks associated with that.

13           I will say, too, is that -- and, again, I'm  
14 always talking about this from just a legal and a tech policy  
15 perspective, we're in desperate need of leadership when it  
16 comes to tech policy, and this is all about the information  
17 ecosystem. Some explorations about how to deal with this,  
18 for example, in other jurisdictions have been, you need a  
19 body that more broadly has a leadership role on just tech  
20 policy, to be able to connect saying, "This is an issue that  
21 is both competition concern and a privacy concern and an  
22 online harms concern."

23           So I know that this is broader than what  
24 you're talking about when it comes to disinformation, but I  
25 think that this is more broadly about how do you look at the  
26 information economy and the fact that this cuts across all  
27 these different areas, and have somebody with the knowledge  
28 and expertise, a body, that can have oversight of that and

1 have an in with the different organizations and groups to be  
2 able to push this forward.

3 **MR. VIVEK KRISHNAMURTHY:** Very quick  
4 intervention, just on the scale of what may be required,  
5 which is that the UK enacted an Online Safety Act. OFCOM,  
6 which is the British CRTC, hired, I believe, about 400 people  
7 from the private sector, paying them tech company salaries,  
8 to be able to have the expertise to start to implement this  
9 legislation and to understand the systems, right? So I know  
10 Mr. Kolga talked about 80 people in the Swedish agency, 70 in  
11 the French one. But, you know, we're talking about serious  
12 investments if we're serious about dealing with this  
13 challenge.

14 **DR. LORI TURNBULL:** Thank you.  
15 Professor Tenove, please go ahead.

16 **DR. CHRIS TENOVE:** Yeah. Two sort of  
17 different points around this, one is that a national counter-  
18 foreign intelligence coordinator at public Safety might be  
19 able to help coordinate and deal with some of these issues.  
20 Again, identifying information operations and getting them to  
21 either government bodies, or also thinking about information  
22 sharing, I think we have to -- and this is from CSIS but also  
23 other parties. I think we have to really think through the  
24 framework for information sharing. It has been heavily  
25 politicized and the subject of court cases in the United  
26 States. And we need a clear framework that, on the one hand,  
27 does not shut down that communication, and on the other hand  
28 does not facilitate kind of a *quid pro quo* or undue influence

1 by government actors over private actors when sharing it.

2 And then a very different point I want to  
3 make is in addition to being interested in improving the  
4 capacity for government monitoring identification of  
5 information operations and responses to them, we really do  
6 need to think about how to strengthen broader civil society  
7 components of it. Some of which were addressed. I think an  
8 important contribution is how do we support bodies outside of  
9 government to have adequate access to data insight into the  
10 information environment, and also the kind of human capacity,  
11 ability to pay for people to do this.

12 We have, you know, one approach that has been  
13 pursued, it has been discussed by the Commission already is  
14 government support for the Media Ecosystem Observatory, and  
15 they help facilitate a lot of really productive forms of  
16 research and action. And so I think that's a good example.  
17 But we, I think, should think about how to kind of diversify,  
18 continue to diversify the forms of things that can build up  
19 that civil society capacity.

20 **DR. LORI TURNBULL:** Thank you very much. I'm  
21 going to go to Professor Tworek, please.

22 **DR. HEIDI TWOREK:** Yeah, thank you.

23 I mainly had put my hand up initially to  
24 underscore what Professor Krishnamurthy said about the scale  
25 of what is required, and also the extent of expertise. So I  
26 just underscore that and would have used exactly the same  
27 examples, that a single person will be very limited, and even  
28 a dozen people will be quite limited, given the scale of what

1 might be required.

2           The second thing is the question of whether  
3 this will deal with the point that Dr. Tenove and I raised  
4 about the line financing and where that will sit. Does that  
5 -- is that the case, for example, where more enforcement of  
6 policies we already have with regard to something like  
7 FINTRAC would be just as useful as creating something new?  
8 So going back to the question in my testimony of when do we  
9 need to have more enforcement of policies we already have on  
10 the books, versus the temptation to create something new.

11           And then third, to talk about the broader  
12 ecosystem, I think we need to bear in mind again the  
13 incentives within this ecosystem which are also for a whole  
14 host of non-state foreign actors as well to potentially  
15 engage in disinformation. There's obviously the infamous  
16 example of the Macedonians in the 2016 US election who began  
17 with a fake post about people supporting Hillary Clinton and  
18 they switched then to, you know, the Pope supports Donald  
19 Trump. Why did they do that? Not for political reasons but  
20 because they were making more money through it. And so we  
21 need to, I think, think about those ecosystemic incentives,  
22 and that won't necessarily be addressed by such a  
23 coordinator.

24           **DR. LORI TURNBULL:** Thank you. Thank you  
25 very much.

26           Did a hand just go up that I missed? No,  
27 okay.

28           Okay, so we're really down to our last couple

1 of minutes, and so before we wrap up, I just want to come to  
2 the Commissioner to ask if there's anything you wanted to  
3 follow up on?

4 **COMMISSIONER HOGUE:** No, I think I need to  
5 absorb.

6 **DR. LORI TURNBULL:** The last three minutes.

7 **COMMISSIONER HOGUE:** I need to absorb  
8 everything that has been said, honestly.

9 **DR. LORI TURNBULL:** Are there any absolutely  
10 last-minute pleas for something that you really wish you had  
11 said that you didn't?

12 **DR. CHRIS TENOVE:** Maybe one broad remark.

13 I just want to highlight -- I have already at  
14 various points said the social media platforms have a number  
15 of adverbial policies in effect. And they're not necessarily  
16 sufficient, they're not always appropriately enforced, but we  
17 have an assumption that that will continue; that in  
18 particular, these major US-based platforms are going to be  
19 willing partners, willing to do things often voluntarily to  
20 help protect Canadian democracy. And I think we do see some  
21 changes in specific major platforms, as well as a  
22 proliferation of smaller platforms where we can't have that  
23 assumption. And so figuring out how we can backstop our  
24 expectations and maybe even sometimes our past productive  
25 relationships with harder regulatory measures is something we  
26 need to consider, because we've been saying that this is an  
27 ecosystem that's continually changing, and thinking about  
28 very different potential behaviour, not only by, say, TikTok

1 and WeChat and others, but also by US-based platforms is  
2 something that we need to contemplate.

3 **DR. LORI TURNBULL:** Thank you.

4 And I'm going to come to Professor Dubois,  
5 please.

6 **DR. ELIZABETH DUBOIS:** Thank you.

7 Your comment, Professor Tenove, made me think  
8 of the other kinds of companies that we haven't really called  
9 out. So we've talked about social media platforms quite a  
10 lot. We need to expand that to include all of these other  
11 online spaces that are not necessarily social media  
12 platforms.

13 I also want to call out, in the last few  
14 minutes, the AI black box that we haven't discussed. There  
15 are a lot of companies creating AI tools that are being  
16 integrated into disinformation campaigns, and we need to be  
17 thinking about how that is governed and what that looks like  
18 in this ecosystem of different actors.

19 We already know that deep fakes have been  
20 around for quite a while. We've seen examples of those test  
21 balloons for astroturfing campaigns using generative AI  
22 tools. I think we should expect conversational agents and  
23 very smart chat bots to start entering the game as well. And  
24 so thinking about the companies creating those tools, I  
25 think, is also really essential.

26 **DR. LORI TURNBULL:** Thank you.

27 I'm going to give the last quick word to  
28 Professor Krishnaworthy, please.



1                   **MR. VIVEK KRISHNAMURTHY:** By goodness, a lot  
2 of pressure there.

3                   Okay, so I think a big takeaway for me is  
4 that we need policy and social innovation that happens at the  
5 speed of technical and threat innovation. So that means we  
6 have to rethink how we do this. And something that strikes  
7 me as really important, is creating public policy that  
8 encourages innovation and experimentation in responses.

9                   We don't really know what to do. We don't  
10 know what's effective. We don't know the denominator or the  
11 numerator, right? So we need to gather that information, not  
12 just to for transparency, but trying different approaches.

13                   **DR. LORI TURNBULL:** On that note I want to  
14 thank everybody very much for the rich presentations this  
15 morning. It's been a fascinating discussion. Thank you.

16                   Thank you very much.

17                   **COMMISSIONER HOGUE:** Yes, thank you very,  
18 very much. It has been fascinating. I think it would be  
19 possible to go on for -- probably for days, honestly. But I  
20 really, really appreciate your generosity and you sharing  
21 your knowledge.

22                   So thank you very much.

23 --- Upon recessing at 12:30 p.m./

24 --- La séance est suspendue à 12 h 30

25 --- Upon resuming at 1:31 p.m./

26 --- La séance est reprise à 13 h 31

27                   **COMMISSAIRE HOGUE:** Bon après-midi. So good  
28 afternoon, all.

1                   We will start a new round and this afternoon  
 2 the title of the roundtable is "Electoral Integrity:  
 3 Nomination Contests and Leadership Contests", or, said  
 4 otherwise, "Intégrité électorale: Courses à l'investiture et  
 5 courses à la direction", certains diraient "courses à la  
 6 chefferie".

7                   Alors, we... nous avons cinq panélistes  
 8 aujourd'hui. Je les nomme très rapidement, mais le... je  
 9 laisserai le soin à la professeure Turnbull de les présenter  
 10 de façon plus complète.

11                   Alors, nous avons Laura Stephenson on Zoom;  
 12 we have André Blais. André Blais is just on my left; Marc  
 13 Mayrand, also on my left, in the middle, au centre. The  
 14 other one on Zoom is Ken Carty, I think.

15                   It's Carty, hein? That's the way we pronounce  
 16 it?

17                   And the last one is Mike Pal.

18                   So, Ms. Turnbull, it's for you.

19 **--- ROUNDTABLE : ELECTORAL INTEGRITY : NOMINATION CONTEST AND**  
 20 **LEADERSHIP CONTESTS / TABLE RONDE: INTÉGRITÉ ÉLECTORALE :**  
 21 **COURSES À L'INVESTITURE ET COURSES À LA DIRECTION:**

22 **--- PANEL MODERATED BY/PANEL ANIMÉ PAR DR. LORI TURNBULL:**

23                   **DR. LORI TURNBULL:** Thank you. Thank you very  
 24 much, Commissioner, and good afternoon, everyone.

25                   Welcome to our session. Thank you so much to  
 26 the panelists who are joining us today to share their  
 27 expertise on the topic of leadership contests and nomination  
 28 contests.

1           So I'm going to introduce everyone and I'm  
2 going to introduce the topic very briefly, and then we'll  
3 turn it over to the panelists to give 10, 15 minutes of  
4 opening remarks. And so here we go.

5           So I am Lori Turnbull. I'm a Professor at  
6 Dalhousie. I'm also a member of the Research Council for the  
7 Commission.

8           Matthew Ferguson is going to co-moderate this  
9 panel with me, and he is Commission counsel.

10          And just to kind of go around the room again,  
11 and we are in a hybrid panel today, so on Zoom, Laura  
12 Stephenson is a Professor at the University of Western  
13 Ontario.

14          André Blais, in the room, is a Professor  
15 Emeritus, University de Montréal.

16          Also in the room, Marc Mayrand, former Chief  
17 Electoral Officer of Canada.

18          On Zoom, Ken Carty, Professor Emeritus,  
19 University of British Columbia.

20          And in the room with us, Michael Pal,  
21 Associate Professor at the Faculty of Law at the University  
22 of Ottawa.

23          So welcome, everyone, and just a couple of  
24 minutes on -- to set up our topic.

25          Nomination contests are one process by which  
26 political Parties may choose the candidates who will  
27 represent them in each riding in a General Election. These  
28 processes can be thought of as the first step in an election.

1           Each political party has its own rules to  
2 govern nominations processes, and these rules are enforceable  
3 by the party rather than by Elections Canada. They are not  
4 enshrined in law.

5           Elections Canada's role in nominations  
6 processes is to monitor the flow of money to nomination  
7 contestants through contributions which are regulated by the  
8 *Elections Act*.

9           So in her interim report, Commissioner Marie-  
10 Josée Hogue writes that nomination contests can be gateways  
11 for foreign states who wish to interfere in our democratic  
12 processes. Nomination contests may be vulnerable to foreign  
13 interference for various reasons. Potential factors might  
14 include rules around membership and voting, voting  
15 procedures, proof of citizenship and residency requirements,  
16 or consistency of rules enforcement. And leadership contests  
17 may face the same vulnerabilities for similar or perhaps  
18 different reasons.

19           So we talked in advance as a panel about who  
20 would go first, and we've got a kind of order to this. And  
21 so we're going to start on Zoom with Professor Carty, and the  
22 floor is yours.

23 **--- PRESENTATION BY/PRÉSENTATION PAR DR. KENNETH CARTY:**

24           **DR. KENNETH CARTY:** Thank you.

25           Good morning, everyone. My name is Ken  
26 Carty, and I'm a retired Professor of Political Science at  
27 University of British Columbia. Much of my academic work  
28 focused on the organization and operation of political

1 Parties, both here in Canada and in many other western  
2 democracies.

3 With respect to questions of the candidate  
4 nomination and leadership selection processes, my research  
5 has taken me to observe large numbers of both in federal and  
6 provincial Parties and from one end of this country to the  
7 other.

8 Let me start by simply observing that no two  
9 of these many events ever seemed alike. Each reflected the  
10 political imperatives and incentives of the moment and the  
11 many different, varied faces of Canadian political life. The  
12 great variation in these processes and events reflect the  
13 basic realities faced by our political Parties as they seek  
14 to get themselves elected.

15 Now, here I want to be clear that I'm talking  
16 about the wider party and its members across the country, not  
17 the parliamentary caucus, which operates at a very different  
18 level of our political system. Connections between the two  
19 are often tenuous, and I would leave any comments about them  
20 for subsequent questions.

21 Now, our political Parties are not typical  
22 organizations, not ones that have a clearly-defined structure  
23 or a regular pattern of internal authority relationships that  
24 govern their decision-making. They're better described as an  
25 almost shapeless network of semi-independent local  
26 associations that provide a base for the electoral activities  
27 of interested citizens. They're volatile and variable  
28 memberships are made up of amateur volunteers whose temporal

1 commitments to them are limited and varied.

2 At their heart, party organizations in the  
3 constituency grassroots are essentially electoral machines  
4 designed to vacuum up votes in elections.

5 Invariably, the formal structure is a  
6 reflection of the incentives provided by our first pass at  
7 the post-electoral system. Most of what they do is shaped  
8 and governed by that reality. And though the Parties have  
9 altered the form and presentation of their machinery over  
10 time, they've not fundamentally changed its basic nature and  
11 tasks.

12 The Parties establish or sometimes simply  
13 recognize local associations in each electoral district in  
14 order to meet their central imperatives, that is, to nominate  
15 candidates and to conduct constituency level campaigns on  
16 their behalf.

17 Until recently, these associations and their  
18 activities were unregulated. They're now registered at  
19 Elections Canada for financial reporting purposes, but I  
20 think that their essential nature has altered very little.

21 The Parties' overall framework can be best  
22 described as a network of local partisan franchises. Each  
23 constituency, interested citizens and activists, come  
24 together in a local association to conduct the Parties' local  
25 affairs, and it's true that, in general, the Parties are  
26 quite agnostic about and therefore open to those who can join  
27 and participate in their affairs. As a consequence, the  
28 nature, strength and resources available to any constituency

1 party association is largely a reflection of the interests  
2 and activities of those locals who are willing to become  
3 involved.

4 This means that there's an enormous variation  
5 in the presence and in the capacities of any Parties' local  
6 associations. In some districts, the association may have an  
7 active membership, with over 1,000 names on its register and  
8 considerable funds in its bank account. In other districts,  
9 the party may have only the most nominal presence, with no  
10 regular officers or members and no funds at its disposal.

11 And in the same way, there can be great  
12 variation in the nature of the members and their particular  
13 policy or community interests that bring them into political  
14 activity. Local associations in some places may be dominated  
15 by a homogenous group determined to advance some specific  
16 cause, but they may also just reflect the wide range of  
17 interests that give life to their individual community. And  
18 it means, of course, that a party's association, even in  
19 neighbouring constituencies, may be very different creatures.

20 Given that the primary focus of the party  
21 organization is electoral, the principal task and power of  
22 these local associations has long been the identification and  
23 selection of a local candidate, and then the preparation and  
24 conduct of the constituency level campaign to be mounted on  
25 his or her behalf.

26 Historically, the nomination of candidates  
27 was done in public meetings with the local association  
28 members coming and voting for the individual they preferred,

1 and this continues to be the normal practice.

2 Now, national party organizations, or the  
3 leadership core of them, are known to try to informally  
4 manipulate or even directly interfere with this prerogative,  
5 and they do it sometimes. However, such interference runs  
6 against the norms defining the rights to local party members.  
7 And to the extent and place it occurs, they could often  
8 generate considerable internal organizational conflict that  
9 disrupts the nomination process and then the subsequent  
10 campaign.

11 My point here is that one of the party's most  
12 critical parts in the electoral process, that of nominating  
13 its candidates, is largely governed and managed by informal,  
14 open associations run by amateur volunteers. With no real or  
15 even effective restraints on participation, it's relatively  
16 easy for anyone interested in influencing the selection of  
17 candidates and, therefore, a potential Member of Parliament,  
18 to simply join the association and turn up at a nomination  
19 meeting to vote.

20 Better still, if one has a particular agenda  
21 or a preferred candidate, it's simply a matter of recruiting  
22 many like-minded friends or community members to do likewise.

23 The addition of a block of new instant  
24 members, instant participants, once described as partisan  
25 tourists by Joe Clark, has the ability to determine a  
26 nomination decision and, in so doing, the penetration of  
27 these instant members can overturn the plans or expectations  
28 of the existing association or even the national party



1 organizers trying to oversee the process.

2           Now, this process has meant that there's a  
3 pretty regular pattern to the membership of local  
4 constituency associations. Membership numbers typically  
5 grow, often by a large percentage, during an election year,  
6 precisely in order to facilitate individuals' participation  
7 in the nomination process, and it then often falls, often  
8 quite dramatically, in subsequent years as the participants  
9 see no further reason for maintaining a membership.

10           Very often, those who stay active are those  
11 who supported the eventual nominee. Those leaving are those  
12 who backed a different would-be candidate.

13           So in this way, an association's membership  
14 varies across electoral cycles, and it often comes to reflect  
15 the personal supporters of candidates, especially those who  
16 become members of Parliament.

17           This general portrait of fluid local  
18 associations whose nomination processes are easily penetrable  
19 ought to be modified by a recognition that nominations are  
20 not contested in the majority of the major Parties' local  
21 constituency associations. Many of the local associations  
22 find themselves in non-competitive in their riding, and so  
23 are unlikely or unable to attract good candidates or members  
24 to an association nomination meeting. Others may be  
25 dominated by incumbents who found ways to ensure their  
26 unchallenged reselection.

27           This said, the very uncertainty that  
28 characterizes such an open process makes it always possible

1 for election planning to be upstaged at the nomination level.  
2 However, recent scholarship suggests that a bigger issue may  
3 be the growing difficulty Canadian Parties are experiencing  
4 in attracting strong candidates.

5 The franchise-like structure of our party  
6 organization also has observable consequences for the  
7 leadership selection process. Canadian Parties, we remember,  
8 were the first in the Westminster Parliamentary world to  
9 involve their members in leadership selections over 100 years  
10 ago. The evolution of the classic leadership convention  
11 system saw each constituency association sending a set of  
12 elected delegates to a national convention and, as in the  
13 case for nominations, this stimulated membership increases,  
14 as individuals and groups flooded into an association in  
15 order to participate.

16 In fact, membership increases were almost  
17 always larger in leadership selection years than in general  
18 election years for major Parties, and this was because all  
19 electoral district associations local constituency Parties  
20 were entitled to send delegates, and so weak as well as  
21 strong associations saw their memberships increase. Indeed,  
22 the teams of leadership candidates often targeted weak  
23 associations, as they proved easier to penetrate by signing  
24 up instant members and so capture the delegate positions.

25 Parties' decisions to move to all-member  
26 voting for leadership selection has modified that dynamic in  
27 recent years. However, there remains an organizational  
28 propensity to weight membership votes in terms of the

1 constituency map to ensure that all parts of the country are  
2 represented, so this still provides a limited window for  
3 groups seeking to influence the outcome by flooding an  
4 association's membership.

5 Now, let me just finish these short remarks  
6 by suggesting the challenge of regulating these processes is  
7 rooted in the extraordinary variation that exists in a system  
8 of fluid organizational units populated by rather transient  
9 volunteers that continually recreate themselves to meet the  
10 demands of a shifting electoral cycle. This implies that any  
11 significant regulation will involve transforming the  
12 essential nature of Canadian party organization and life as  
13 we know it.

14 Thank you.

15 **DR. LORI TURNBULL:** Thank you very much,  
16 Professor Carty.

17 We're going to go to Mr. Mayrand, please.

18 **--- PRESENTATION BY/PRÉSENTATION PAR M. MARC MAYRAND:**

19 **M. MARC MAYRAND:** Thank you.

20 Bonjour. Permettez-moi de me présenter. Marc  
21 Mayrand.

22 **Me MATTHEW FERGUSON:** Monsieur Mayrand, oui.

23 **COMMISSAIRE HOGUE:** Voilà.

24 **M. MARC MAYRAND:** C'est beau? Bon.

25 Bonjour, Madame la Commissaire.

26 **COMMISSAIRE HOGUE:** Bonjour.

27 **M. MARC MAYRAND:** Je reprends. Marc Mayrand,  
28 qui a sans aucun doute été invité à participer à cette table

1       ronde en raison du fait que j'ai été directeur général des  
2       Élections du Canada pendant presque dix ans.

3                        Pour les fins de la discussion, les  
4       panélistes se sont partagés les sujets. Dans le cas qui me  
5       revient, il s'agit de discuter brièvement du régime  
6       statutaire qui s'applique aux partis politiques et aux  
7       courses à la direction ainsi qu'aux courses locales à  
8       l'investiture.

9                        Et après ce tour d'horizon, je me propose de  
10      discuter très brièvement de certaines vulnérabilités qui me  
11      viennent à l'esprit quand je considère le régime et  
12      d'explorer certaines pistes de solution pour fins de  
13      discussion.

14                      D'abord, le régime statutaire. La première  
15      chose à noter, c'est que les partis politiques ne sont pas  
16      tenus de s'enregistrer. Ils peuvent exister complètement à  
17      l'écart du régime statutaire. Dans ce cas-là, évidemment, ils  
18      ne seront pas reconnus comme tels, leur nom n'apparaîtra pas  
19      sur les bulletins de vote et leurs candidats seront des  
20      candidats indépendants, dits indépendants. Mais tout ça, tout  
21      simplement signaler que ça reste une possibilité.

22                      Pour pouvoir s'enregistrer et être reconnu,  
23      les partis doivent rencontrer une série de conditions. On  
24      peut se demander pourquoi un parti voudrait s'enregistrer,  
25      ben, il y a certains avantages matériels très importants. Le  
26      premier, c'est de pouvoir émettre des reçus d'impôt pour les  
27      contributions qui sont reçues par le parti; le deuxième,  
28      c'est certainement de recevoir un remboursement de 50 % de

1 leurs dépenses électorales après une élection – c'est pas un  
2 mince bénéfice; l'avantage aussi, c'est d'avoir leur nom  
3 inscrit sur le bulletin de vote à côté du nom des candidats.  
4 Et autre avantage important pour les partis qui sont  
5 enregistrés, c'est d'avoir accès à la liste électorale,  
6 c'est-à-dire la liste des électeurs qui est maintenue par  
7 Élections Canada.

8           Enfin, un autre avantage qui existe, qui est  
9 plus ou moins d'actualité cependant, compte tenu de  
10 l'évolution des médias, mais il y a, en vertu de la loi, les  
11 partis ont droit à du temps d'antenne privilégié pendant la  
12 campagne électorale. Ça peut être du temps gratuit ou du  
13 temps payé, c'est un peu compliqué tout ça, mais ça reste un  
14 avantage que les autres n'auront pas.

15           Bon. Les partis, évidemment, naissent,  
16 évoluent. Je pense que M. Carty l'a bien démontré, c'est très  
17 fluide, la vie d'un parti politique. Ils disparaissent  
18 régulièrement, se fusionnent, renaissent, c'est reconnu par  
19 la loi. Et on peut constater que présentement au Canada, il y  
20 a 18 partis enregistrés, dont 5 ont des candidats élus et  
21 représentés à la Chambre des communes, mais ce nombre-là  
22 varie constamment.

23           Pour pouvoir être reconnus, les partis  
24 politiques, pour pouvoir être enregistrés auprès d'Élections  
25 Canada, doivent rencontrer certaines conditions qui sont  
26 plutôt de base. Je vous dirais qu'à chaque fois que le  
27 Parlement a essayé de restreindre ou d'imposer des normes aux  
28 partis politiques, la Cour suprême s'est montrée très

1 réticente à reconnaître des mesures contraignantes vis-à-vis  
2 des partis politiques.

3 Il était une époque où, pour pouvoir être un  
4 parti, il fallait avoir un certain nombre de candidats à  
5 travers le pays et la Cour suprême a jugé que c'était  
6 contraire à la Charte, aux droits protégés par la Charte.

7 Donc, aujourd'hui, ce qui reste de tout ça  
8 après ces débats-là, c'est que pour devenir un parti  
9 enregistré, il faut, premièrement, avoir une mission de  
10 participer aux affaires publiques – ce qui est assez simple,  
11 c'est un énoncé qui est fait par le parti dans un formulaire;  
12 il faut être en mesure et s'engager à endosser au moins un  
13 candidat et à le soutenir pendant l'élection; troisième  
14 exigence qui est plus normative aussi, c'est celle d'avoir au  
15 moins 250 membres qui sont des électeurs, c'est-à-dire qui  
16 sont des citoyens canadiens âgés de 18 ans.

17 Si ces conditions-là sont remplies avec  
18 quelques exigences en matière de gouvernance, comme  
19 politiques de protection sur les droits privés, la nécessité  
20 d'avoir un agent financier, un vérificateur financier, et  
21 cetera, un parti sera tout simplement enregistré aussitôt  
22 qu'il aura présenté un candidat à l'élection et pourra  
23 bénéficier de tous les avantages qu'on a mentionnés plus tôt.

24 Ces conditions-là doivent être renouvelées à  
25 tous les trois ans. Quand je vous dis que les partis évoluent  
26 rapidement, donc à tous les trois ans, ils doivent renouveler  
27 leurs conditions d'inscription auprès du directeur général  
28 des élections.

1                   Une fois inscrits ou reconnus, les partis  
2 doivent se soumettre à un régime financier très strict qui  
3 est basé sur des contraintes quant aux contributions, quant  
4 aux dépenses qui peuvent être faites, et qui est caractérisé  
5 essentiellement par la transparence. Vous pouvez, et je  
6 soupçonne qu'avec l'intelligence artificielle, ça va être  
7 incroyable, les analyses qui vont pouvoir être faites sur les  
8 finances des partis politiques, les sources de revenus et  
9 comment les dépenses sont faites.

10                   Ces contraintes-là puis ces règles de  
11 transparence, à mon avis, assurent... devraient donner  
12 confiance aux Canadiens que l'ingérence étrangère ne passe  
13 pas par les flux financiers. On ne verra pas au Canada un  
14 milliardaire se payer ou se taper une présidence. On ne verra  
15 pas des gens... d'ailleurs, on a vu dans le passé, dans des  
16 courses à la chefferie, des gens qui avaient investi des  
17 sommes importantes de leurs propres fonds, ce qui était tout  
18 à fait illégal. Même si vous êtes candidat à la chefferie,  
19 vous ne pouvez pas mettre plus que le montant de la  
20 contribution prévu par la loi, et ce régime-là a été  
21 confirmé, endossé par la Cour suprême à plusieurs reprises,  
22 je dirais.

23                   Outre la réglementation financière, ben, les  
24 partis sont un peu laissés à eux-mêmes. Il y a quelques  
25 règles de gouvernance concernant la présence de certains  
26 officiers, d'un certain nombre d'officiers, mais à part cela,  
27 ils sont libres de mener leurs activités à leur guise, même  
28 en ce qui concerne les courses à la chefferie puis les

1 courses à l'investiture. La seule exigence, c'est que ces  
2 courses-là soient dénoncées auprès d'Élections Canada, mais  
3 Élections Canada n'a aucun rôle à jouer dans ces courses-là,  
4 sauf en ce qui concerne les questions financières.

5 De façon générale, donc, les partis vont  
6 déterminer qui peut être membre, quels sont les droits des  
7 membres, qui peut être candidat à l'investiture, qui peut  
8 être candidat à la chefferie, et à quelles conditions ces  
9 personnes ou ces candidats-là peuvent porter leurs  
10 candidatures. Ils vont déterminer si, oui ou non, il y aura  
11 une course à l'investiture dans une circonscription donnée,  
12 puis ils vont déterminer, oui, s'il y aura une course à la  
13 chefferie, quand, quelle sera la durée. Dans le cas des  
14 courses à la chefferie, on voit souvent qu'il y a des  
15 montants qui doivent être déposés par les participants, qui  
16 ont un effet dissuasif sur leur participation, à l'occasion.

17 Donc, les partis sont maîtres d'établir les  
18 paramètres des courses à l'investiture et des courses à la  
19 direction. Ils vont déterminer évidemment le droit de vote,  
20 ils vont déterminer les dates de ces événements-là, ils vont  
21 déterminer quand ça ouvre, quand ça ferme, les mises en  
22 candidatures, ils vont déterminer le mode de scrutin utilisé.  
23 Dans certains cas, dans les courses de parti, on voit que  
24 c'est... les partis ont utilisé soit des modes de scrutin  
25 préférentiels ou avec des votes transférés – or, ce qui était  
26 parfaitement inconnu dans le système canadien autrement. Ils  
27 vont pouvoir également utiliser le vote électronique, c'est  
28 leur choix de déterminer quel est le mode de scrutin qu'ils



1 souhaitent et quelles sont les technologies qu'ils vont  
2 utiliser pour mener le scrutin.

3 Ils vont également déterminer les mécanismes  
4 de résolution de disputes, puis à cet égard-là, ils vont  
5 souvent faire signer des déclarations de confidentialité aux  
6 candidats qui se soumettent aux règles du parti, évidemment,  
7 ou de l'association, et qui renoncent ni plus ni moins à des  
8 recours externes.

9 C'est... le caractère privé ressort aussi du  
10 fait que non seulement les choses se font à l'interne, mais  
11 aussi qu'il y'a pas de surveillance, autre que les questions  
12 financières, y'a pas de surveillance externe, y'a pas de  
13 contrôle externe. Même les tribunaux sont très réticents et  
14 très rarement vont intervenir dans les questions internes des  
15 partis.

16 Donc, sauf pour le régime financier, les  
17 partis sont maitres de leur destinée. C'est la culture qui  
18 existe actuellement au sein des partis et quand on envisage  
19 des changements, il faut, à mon avis, garder ça à l'esprit.

20 Maintenant, le système, tel qu'il existe,  
21 présente des vulnérabilités. Les entités politiques  
22 présentent... je pense qu'il y a des risques d'ingérence  
23 étrangère à plusieurs égards qui peuvent se présenter, mais  
24 même quand on considère ces possibilités d'ingérence, il ne  
25 faut pas perdre de vue que toutes les entités ne présentent  
26 pas le même niveau de risque et que même à l'intérieur des  
27 partis politiques – M. Carty l'a bien fait ressortir tantôt –  
28 , les associations locales ne sont pas toutes égales. Et je

1 pense que quand on pense à une réglementation statutaire pour  
2 les partis, il faut garder à l'esprit cette diversité qui  
3 existe, cette fluidité puis cette diversité qui existent  
4 entre les entités politiques, entre les partis eux-mêmes, et  
5 également à l'intérieur des partis entre les associations.

6 On peut quand même envisager quelques  
7 vulnérabilités qui peuvent nous venir rapidement à l'esprit.  
8 Le premier, c'est souvent la question de l'argent : est-ce  
9 que l'argent peut être un facteur dans les courses à  
10 l'investiture ou dans les courses à la chefferie. Oui, c'est  
11 un facteur, mais c'est un facteur réglementé, fortement  
12 réglementé et très transparent. Pendant une course à la  
13 chefferie, je pense dans le dernier mois de la course à la  
14 chefferie, les candidats... chacun des candidats doit publier,  
15 remettre un rapport de ses entrées de fonds puis ses sorties  
16 de fonds, et ça va être publié immédiatement sur le site web  
17 d'Élections Canada. Donc, on peut voir presque en temps réel  
18 l'évolution des finances des candidats à la chefferie.

19 Donc, de ce côté-là, je vois mal... je vois peu  
20 de risques. Je pense que les Canadiens peuvent avoir  
21 confiance dans leur système à cet égard-là. C'est sûr qu'il  
22 faut toujours garder à l'esprit qu'il y a des enjeux  
23 émergents et puis qu'il faut être prêt à réagir rapidement et  
24 à modifier le régime, si c'est nécessaire pour faire face à  
25 ces enjeux-là.

26 Un des risques aussi qui exposent les partis  
27 et les associations locales à l'ingérence étrangère, à mon  
28 avis, c'est le membership. De façon générale au Canada, la

1 plupart des partis ont comme règle qu'il faut avoir 14 ans,  
2 être... appuyer le parti, et possiblement, dans certains cas,  
3 payer des frais de membership. C'est tout ce que ça prend, et  
4 le membership généralement donne le droit de vote aux  
5 membres.

6                   Ça présente des enjeux face à l'ingérence, ça  
7 présente des enjeux aussi d'un point de vue presque  
8 philosophique : est-ce que c'est normal que des gens qui ne  
9 sont pas éligibles à voter à une élection puissent déterminer  
10 qui seront les candidats à cette élection-là? Je vous pose la  
11 question. Ça peut être une source... une matière à réfléchir.

12                   On peut envisager des scénarios  
13 effectivement, d'après ce qu'on peut comprendre de ce qui  
14 s'est passé dans les dernières élections, où une entité  
15 étrangère pourrait essayer de noyauter, surtout, je vous  
16 dirais, une association locale. Dans le cas d'une course à la  
17 chefferie, ça commence à devenir assez ambitieux et difficile  
18 de le cacher, mais c'est pas impossible, disons, c'est  
19 concevable, mais dans les courses locales, c'est très  
20 concevable que les... qu'une entité étrangère parraine le  
21 membership d'un nombre important de participants qui  
22 pourraient, effectivement, contrôler les résultats d'une  
23 course à l'investiture.

24                   Est-ce que restreindre le membership serait  
25 une solution à ce problème-là? Je ne suis pas certain. Est-ce  
26 que restreindre le droit de vote à ces événements-là serait  
27 une solution? Peut-être. Oui.

28                   Une autre vulnérabilité, c'est du côté des

1 technologies. On en a moins parlé mais c'est toujours très,  
2 très présent. C'est une menace constante. On le voit même  
3 dans la campagne qui suit son cours aux États-Unis où des  
4 entités étrangères ont encore piraté des sites des campagnes  
5 électorales au sud de la frontière. Donc, c'est un risque  
6 toujours présent et je vous dirais qu'il est, à mon avis,  
7 exacerbé par le fait que de plus en plus les partis, pour  
8 toutes sortes de bonnes raisons, souhaitent utiliser le vote  
9 électronique pour choisir le candidat à la chefferie.

10 Or, le vote électronique est éminemment  
11 susceptible à des manipulations. J'ai pas... je ne peux pas  
12 vous dire quelle est la solution à ce sujet-là, mais je pense  
13 qu'il faudrait réfléchir. D'un côté, c'est très innovateur de  
14 la part des partis d'utiliser des nouvelles technologies pour  
15 des fins de vote; d'un autre côté, comment s'assurer que les  
16 risques liés à ces technologies-là sont bien... sont également  
17 bien gérés. Et je dois vous dire qu'au Canada, dans les  
18 organisations électorales, à ma connaissance, y'a pas une  
19 organisation au Canada qui encourage à ce moment-ci le vote  
20 électronique.

21 Bon, on me dit d'accélérer, alors je vais  
22 garder les pistes de solutions pour un peu plus tard lors des  
23 discussions. Merci.

24 **COMMISSAIRE HOGUE:** On va avoir le temps d'en  
25 discuter.

26 **M. MARC MAYRAND:** Merci, Madame.

27 **COMMISSAIRE HOGUE:** J'y tiens.

28 **DR. LORI TURNBULL:** Thank you so much.

1 Professor Pal.

2 **--- PRESENTATION BY/PRÉSENTATION PAR MR. MICHAEL PAL:**

3 **MR. MICHAEL PAL:** Thank you very much,  
4 Commissioner, and to the Research Council and Commission  
5 counsel for having me here. My name is Michael Pal. I'm a  
6 law professor down the street at the University of Ottawa,  
7 and I work on election law and Canadian and comparative  
8 constitutional law.

9 So my remarks today, it's good to go after  
10 Mr. Mayrand, will focus mainly on the legal regulation of  
11 political Parties, and in particular how foreign  
12 interference, I think, affects how we should consider the  
13 legal regulation of nomination contests. And so a fair  
14 amount of my remarks, I think, will touch on campaign finance  
15 and political finance. That tends to be where the Act is  
16 most robust at this moment, but there's more to be done.

17 So four main points I hope to make in my  
18 opening remarks.

19 The first is about the general legal  
20 framework applicable to Parties. We have a combination of  
21 self-regulation and a legal statutory framework that, to some  
22 extent, reflects public values that has evolved over time to  
23 encompass more and more aspects of political Parties.

24 And so I know there's been a number of  
25 proposals. I haven't followed every single minute of the  
26 testimony to date, but proposals about external entities or  
27 Elections Canada running nomination and leadership contests.  
28 I would not be in favour of that for reasons that I'll

1 explain. I think the better option is to preserve self-  
2 regulation but update the legal statutory framework to  
3 account for the realities of foreign interference.

4 Second, I'll just speak briefly to values.  
5 If we are going to amend the Canada Elections Act, what  
6 values should animate those potential reforms?

7 We've got it in the title of our panel today,  
8 electoral integrity, so that is one. Not a surprise.

9 I would also add the egalitarian model of  
10 elections, which, as M. Mayrand mentioned, has been endorsed  
11 many times by the Supreme Court of Canada, and I think is an  
12 important guide for us here.

13 Third, I will provide some areas where I  
14 think the Commission could consider proposing reforms to the  
15 statute and some specifics around that.

16 And then fourth, if I have the time, one or  
17 two comments about the role of the *Charter of Rights and*  
18 *Freedoms* because a number of these proposals sort of directly  
19 or indirectly end up restricting freedom of association or  
20 freedom of political expression, so I thought I could add  
21 something there on the *Charter*.

22 So turning to the legal regulation of  
23 political Parties, I agree very much with the accounts given  
24 by colleagues on the panel today. I would simply add that,  
25 traditionally in the common law, political Parties were  
26 unincorporated associations, much like trade unions, and so -  
27 - and we still have a lot in the system that's a result of  
28 that heritage.

1           Sort of very long story short, it became  
2 untenable over time to continue to view political Parties  
3 that way because they play such an essential role in our  
4 electoral democracy as conduits to the exercise of state  
5 power. And so we have arrived at a place similar to trade  
6 unions where they are private entities, but very tightly  
7 regulated according to the statutory framework. Federally,  
8 obviously, that's the Canada Elections Act.

9           And I agree with my colleagues, the main  
10 decisions remain private decisions of Parties to make about  
11 who to nominate, who should be a leader. Essentially,  
12 they're internal operations.

13           Where the legislative framework has evolved  
14 is to try to address certain areas where it was deemed in the  
15 public interest that these should not be purely private  
16 decisions. Those rules involve political financing, also a  
17 number of transparency measures like reporting and disclosure  
18 obligations, various enforcement rules and so on. So we've  
19 had an evolution in the way that the legal system has  
20 approached Parties.

21           And so where we've arrived is a balance  
22 between self-regulation, have not had pure self-regulation  
23 for a long time, but neither did we have 100 percent  
24 intervention by the state or by the legislature more  
25 specifically.

26           And so nomination and leadership contests  
27 reflect this balance as they are currently regulated, where  
28 they are primarily for Parties as internal matters, but there

1 are robust rules particularly around reporting and political  
2 financing, as M. Mayrand set out.

3 And so I think that this moment that the  
4 Commission has gives us a chance to consider, in light of  
5 foreign interference and what the Commission has learned,  
6 whether we have still the right balance between private  
7 regulation and public regulation -- private self-regulation  
8 and public regulation.

9 We could imagine that if there is  
10 interference in a party, okay, one of the risks is to the  
11 party members themselves. They may suffer harm if there's  
12 interference from a malicious actor. What foreign  
13 interference suggests to us is there are risks not just to  
14 the party members and the party itself, but to the broader  
15 democratic system, potentially, and to the confidence of  
16 voters in the electoral process. So what that indicates to  
17 me is a need to update the current balance to deal with those  
18 challenges.

19 Turning over the regulation of nomination or  
20 leadership contests to an external entity such as Elections  
21 Canada or some other body, I think, is problematic because it  
22 undermines the ability of Parties to administer their own  
23 internal affairs, so we should update to deal with the  
24 reality of foreign interference, but without disregarding  
25 that history legitimate private regulation by Parties of  
26 their own internal matters.

27 So turning to the next issue around values,  
28 okay. So if we are to update the legislative framework, how



1 should we go about thinking about that in general terms?

2 The title of our panel today involves  
3 electoral or election integrity, okay. Colleagues in  
4 political science will be very familiar with that term. We  
5 used to talk more about free and fair elections. Now  
6 electoral integrity has become the probably leading concept.  
7 I'm happy to hear if my colleagues disagree with that.

8 Most academic definitions of electoral  
9 integrity talk about global or international norms and  
10 standards, okay. Professor Pippa Norris has a definition  
11 that I think is probably the most widely used, so I would  
12 suggest that indicates in proposing reforms, global standards  
13 about what electoral integrity means should be top of mind.

14 Electoral integrity as a concept has also  
15 very much been concerned with the entire electoral cycle, so  
16 not simply the day of voting, but the entire process that  
17 leads up to that, the actions of the electoral management  
18 body, the actions of the Parties, and so on.

19 Second value -- much more we could say about  
20 that, but for the sake of time I'll turn to the second value.  
21 Second value is the egalitarian model of elections.

22 And so many rules that apply to political  
23 Parties indirectly or directly restrict freedom of political  
24 expression of individuals or freedom of association or  
25 potentially even the right to vote. The Supreme Court has,  
26 in a series of cases, upheld restrictions that it viewed as  
27 furthering egalitarian politics.

28 And I think there's at least two different

1 senses -- or egalitarian regulation of politics, excuse me.  
2 Two different senses of egalitarianism that the Court has  
3 applied.

4 One is that there should be a level playing  
5 field, okay. So there shouldn't be a different set of  
6 regulations for small Parties or large Parties or nomination  
7 contestants likely to win versus those who don't have much of  
8 a chance, right. All regulated entities should be on a level  
9 playing field.

10 The second is that large disparities in  
11 access to resources or wealth can corrupt the political  
12 process, and that's why we have rules like spending limits  
13 and contribution limits. And so I think the egalitarian  
14 model and the level playing field and being attuned to  
15 disproportionate influence from those with access to  
16 resources should be kept in mind as we think about potential  
17 updates to the regulatory regime.

18 So third issue, how might we actually update  
19 the regime. And so there's a number of different areas I  
20 would suggest we should consider.

21 The first is around eligibility to stand as a  
22 candidate and also as a nomination contestant. We have a  
23 very open approach to who can stand as a candidate generally.  
24 There are a number of new offences, especially since the  
25 *Election Modernization Act* and recent legislative changes,  
26 and maybe that will come out of the recommendations of this  
27 Commission.

28 So one thing to consider is whether the

1 statute should prohibit individuals convicted of various  
2 foreign interference offences from standing as nomination  
3 contestants or candidates even if the party would otherwise  
4 want to approve them to stand in that process.

5 Second area is around campaign finance, and  
6 in particular contributions. I agree with M. Mayrand that we  
7 have a relatively robust regime on contributions. Where  
8 there has traditionally been a concern for domestic  
9 malfeasance or foreign has been around non-monetary  
10 contributions. The contributions can be in the form of cash  
11 or its equivalent, or they can be contributions of goods and  
12 services that should be accounted for at their fair market  
13 value.

14 And so it seems likely to me that that is a  
15 vulnerable area for foreign interference, potentially, to  
16 occur, and I believe there's been some evidence to that fact  
17 to date.

18 One way of addressing that is having those  
19 who make non-monetary contributions assert their citizenship  
20 in making the non-monetary contributions and the reporting or  
21 to have the candidates or the electoral -- nomination  
22 contestants, excuse me, or the electoral districts  
23 association have to take some affirmative steps to ensure  
24 that non-monetary contributions are only from those who are  
25 eligible to make them.

26 The other area around contributions that I  
27 would highlight for you is on the amount that can be  
28 contributed, \$1,750 or \$25 -- goes up by \$25 every year.

1 That's the same amount for nomination contests as it is for  
2 candidates. The spending limit imposed on nomination  
3 contestants is much lower than it is in a general election.  
4 I think it's 1/20th, according to statute, so it's about  
5 \$25,000, \$24,000 in many ridings. But the amount one can  
6 contribute is the same.

7           So the risk of a small number of individuals  
8 who may not be eligible to make monetary contributions is  
9 exacerbated in the nomination contest context because the  
10 money goes a lot further because the amount that can be spent  
11 is much less, okay. So we might consider whether it should  
12 be the same maximum contribution limit for nomination  
13 contests as for the general election contest for candidates.

14           Next point is around reporting and  
15 disclosure. Leadership candidates do have to make reporting  
16 -- do have to report during campaigns in an instantaneous  
17 fashion for some of their reporting. Nomination contests  
18 generally have to file robust reporting 30 days after the  
19 selection date, so that is after the contest is over.

20           So voters and potentially the electoral  
21 management body or those who would enforce the law do not  
22 necessarily have access to the same information that is  
23 transparent for leadership contestants.

24           That's partly, I think, historically because  
25 we don't know when nomination contests occur. Some people  
26 are appointed, some contests are long, some are short. But  
27 it means there is less transparency around what is happening  
28 because of the rules on reporting.

1           Next area is around the regulation of what we  
2 call third parties, meaning interest groups or individuals  
3 rather than small political Parties.

4           When I go to speak to my colleagues around  
5 the world, the area of Canadian election law they're most  
6 interested in is our regime around third-party spending in  
7 federal elections. Much stricter than our comparable -- many  
8 of our comparable democracies like Australia or New Zealand.

9           The third-party regime that applies in the  
10 regulated pre-writ period federally when there's a statutory  
11 election or in the campaign period does not apply to  
12 nomination contests unless, potentially, they happen to fall  
13 during the regulated pre-writ period. And so that opens the  
14 door to malicious actors of various different kinds to engage  
15 in third-party -- what would be third-party spending during  
16 the writ or pre-writ period.

17           I'm almost at time, so just a final point on  
18 the *Charter*.

19           Many of the reforms that might be considered  
20 would have an impact on the *Charter*. I would simply say that  
21 elections and nomination contests are supposed to be for  
22 those who are within the jurisdiction and it would certainly,  
23 to me, be a reasonable limit or pressing its substantial  
24 purpose, at least, to try to restrict the role of foreign  
25 intervention in nomination contests in particular.

26           So with that, I'll conclude my remarks, and  
27 look forward to the discussion and questions. Thank you.

28           **DR. LORI TURNBULL:** Thank you. Thank you

1 very much.

2 We're going to go to Professor Blais.

3 **--- PRESENTATION BY/PRÉSENTATION PAR DR. ANDRÉ BLAIS:**

4 **DR. ANDRÉ BLAIS:** Bonjour. Je me présente :  
5 André Blais, je suis professeur émérite au Département de  
6 science politique de l'Université de Montréal.

7 Je vais offrir mes réflexions sur les règles  
8 qui ont été mises en place par les différents partis  
9 politiques canadiens pour choisir des candidats locaux. Je  
10 dirai également un mot à propos de la sélection des chefs de  
11 parti. Ces réflexions s'inspirent de ma conception  
12 personnelle de la démocratie, mais j'ai évidemment à l'esprit  
13 les risques que les pratiques actuelles posent pour ce qui  
14 est de l'ingérence étrangère dans le processus électoral  
15 canadien.

16 Commençons par la sélection des candidats  
17 locaux. Laissez-moi indiquer comment, selon moi, devrait se  
18 faire cette sélection selon ma conception de la démocratie  
19 représentative.

20 La première question est : qui choisit? Et  
21 ici, j'aimerais faire le contraste entre soit le parti  
22 central ou soit l'association locale. Il me semble que la  
23 réponse ici est simple : une combinaison des deux. Le  
24 candidat représentera la circonscription s'il est élu et  
25 l'association locale devrait avoir une voix au chapitre, mais  
26 le candidat portera l'étiquette du parti national et celui-ci  
27 devrait également avoir son mot à dire. La solution la plus  
28 simple et la plus logique, à mon avis, est de laisser

1 l'association locale choisir un candidat mais de donner au  
2 parti central un droit de véto, soit au niveau de la  
3 candidature ou même au niveau de la sélection, pour s'assurer  
4 que le candidat du parti respecte certains critères jugés  
5 fondamentaux.

6 Devrait-on imposer cette règle à tous les  
7 partis? Non. Non, parce qu'il y a matière à débat sur le rôle  
8 respectif du central et du local dans la sélection des  
9 candidats et j'estime qu'on doit laisser les partis décider  
10 la procédure qu'ils jugent la plus appropriée. Ma lecture de  
11 la situation actuelle est que le central joue un rôle  
12 beaucoup plus important que le local, mais je suis prêt à  
13 vivre avec.

14 Personnellement, j'estime donc qu'on devrait  
15 donner plus de pouvoir au local. Reste à voir si c'est  
16 réaliste. Comme l'a souligné le professeur Carty, plusieurs  
17 associations locales sont pratiquement inexistantes. La  
18 prépondérance du niveau central présente d'ailleurs un  
19 avantage clair pour ce qui est du risque d'ingérence  
20 étrangère. On peut supposer qu'il est plus facile pour un  
21 groupe ou gouvernement étranger de contrôler ou manipuler le  
22 processus au niveau local qu'au niveau national, le niveau  
23 national qui dispose davantage de ressources et qui a intérêt  
24 à ce que la réputation du parti ne soit pas entachée. C'est  
25 probablement pour cette raison que les tentatives d'ingérence  
26 étrangère dont nous avons entendu le plus parler semblent  
27 avoir été au niveau local.

28 S'il revient à chaque parti de définir la

1       procédure de sélection des candidats et en particulier le  
2       rôle respectif du central et du local dans le processus, il  
3       m'apparaît essentiel que cette procédure soit claire,  
4       transparente et établie à l'avance plutôt que décidée de  
5       façon circonstancielle selon les intérêts du moment. Devrait-  
6       on imposer une telle transparence? J'hésite beaucoup à  
7       proposer une nouvelle réglementation. C'est ici que les  
8       médias, selon moi, pourraient jouer un rôle crucial. Si les  
9       partis savent que leur procédure de sélection des candidats  
10      sera scrutée à la loupe par les médias, en fonction de  
11      critères comme la transparence, ils seront plus enclins à  
12      adopter des règles plus démocratiques.

13                       Si l'on admet qu'il y a de la place pour les  
14      deux niveaux, le local et le national, dans la sélection des  
15      candidats locaux, et qu'au niveau local cela implique un vote  
16      des membres du parti, la question se pose alors à savoir qui  
17      a le droit de voter pour choisir le candidat local.

18                       Je vais laisser de côté ici l'épineuse  
19      question à savoir depuis combien de temps une personne doit  
20      avoir été membre pour avoir le droit de vote. Je vais plutôt  
21      m'attarder à la question qui m'apparaît encore plus  
22      importante qui est que, selon moi, la situation est tout à  
23      fait différente lorsqu'il s'agit de statuer qui a le droit de  
24      vote. Ma position est que seules les personnes ayant la  
25      citoyenneté canadienne et qui sont âgées de 18 ans et plus,  
26      c'est-à-dire les personnes qui ont le droit de vote aux  
27      élections législatives fédérales, devraient avoir le droit de  
28      vote aux élections de sélection des candidats locaux. C'est



1 le principe de cohérence démocratique qui devrait prévaloir  
2 ici. Je ne vois pas comment on peut justifier que certaines  
3 personnes seraient suffisamment compétentes pour voter dans  
4 un cas mais pas dans l'autre. Je crois que ceci fait l'objet  
5 d'un consensus assez large dans l'ensemble de la population.  
6 Je propose donc d'imposer aux partis de ne donner le droit de  
7 vote aux élections de nomination de leurs candidats locaux  
8 qu'aux personnes qui ont le droit de vote aux élections  
9 législatives fédérales.

10 Je voudrais préciser que cela n'empêcherait  
11 pas les partis d'être plus inclusifs au niveau de leur  
12 membership. La règle ne s'appliquerait qu'aux élections pour  
13 la sélection du candidat local et pour la sélection du chef.  
14 Elle serait simple d'application. Elle mettrait fin à des  
15 pratiques abusives d'ingérence étrangère qui ont fait les  
16 manchettes et qui suscitent, je crois, une désapprobation  
17 générale.

18 Je comprends qu'on souhaite favoriser la  
19 participation du plus grand nombre possible de personnes dans  
20 le processus électoral. Je serais personnellement favorable à  
21 l'octroi du droit de vote à 16 ans. Mais il me semble logique  
22 d'appliquer les mêmes règles d'inclusion et d'exclusion pour  
23 toutes les élections fédérales, y compris celles liées à la  
24 sélection des candidats locaux et du chef de parti.

25 Un mot finalement à propos du processus de  
26 sélection des chefs de partis. J'appliquerais la même  
27 logique. J'inviterais les partis à être transparents dans  
28 leurs règles mais je n'adopterais aucune réglementation

1 coercitive, laissant plutôt aux médias le soin de scruter les  
2 procédures et leur mise en œuvre. Mais j'imposerais ici aussi  
3 l'obligation de ne donner le droit de vote qu'aux personnes  
4 qui sont éligibles de voter aux élections fédérales.

5                   Lorsqu'on examine le processus électoral  
6 canadien, toute l'attention est généralement centrée sur les  
7 élections législatives dans le cadre desquelles l'ensemble  
8 des citoyens canadiens est appelé à exprimer ses préférences.  
9 Il ne faut pas oublier que ces élections sont précédées par  
10 d'autres élections dans le cadre desquelles les membres des  
11 différents partis choisissent leurs candidats dans les  
12 différentes circonscriptions ainsi que leur chef. Ces  
13 dernières élections définissent les options entre lesquelles  
14 les citoyens canadiens pourront choisir lors de l'élection  
15 législative générale. En somme, le processus de nomination  
16 des candidats est une composante essentielle de la démocratie  
17 représentative.

18                   Le processus de nomination actuel me semble  
19 déficient à plusieurs égards. Comme je l'ai expliqué au  
20 début, je souhaiterais un meilleur équilibre dans les  
21 pouvoirs accordés aux assemblées locales et à l'exécutif  
22 national. Dans les faits, le national joue un rôle  
23 prépondérant, mettant en cause le principe de la démocratie  
24 locale. Les procédures sont souvent modifiées selon les  
25 intérêts du moment. Et finalement, on a observé au cours des  
26 dernières années des cas patents d'ingérence étrangère dans  
27 le processus.

28                   Devant une telle situation, on est tenté de

1 proposer de nouvelles règlementations pour combler les  
2 lacunes existantes. Il faut résister à cet élan, parce qu'il  
3 n'y a pas de consensus sur ce qui constitue une pratique  
4 démocratique et en partie parce que toute réforme risque  
5 d'avoir des effets pervers, comme le soulignera certainement  
6 tantôt la professeure Stephenson.

7 Pour l'essentiel, je ne propose donc pas de  
8 régler davantage le processus de nomination. Je souhaite  
9 cependant que les médias jouent un rôle plus actif dans  
10 l'évaluation critique des procédures mises en place par les  
11 différents partis, et peut-être que la Commission pourra  
12 contribuer à rappeler aux médias qu'ils ont un rôle essentiel  
13 à jouer.

14 Il y a cependant une exception, à mon avis.  
15 J'estime que la cohérence démocratique exige que seules les  
16 personnes qui ont le droit de vote aux élections législatives  
17 aient le droit de vote aux élections de nomination. Cette  
18 exigence aurait l'avantage de réduire les risques d'ingérence  
19 étrangère. Une petite réglementation, simple et, je crois,  
20 d'application facile.

21 Merci.

22 **DR. LORI TURNBULL:** Thank you very much,  
23 Professor Blais.

24 And now we are going to come to Professor  
25 Stephenson on Zoom.

26 **--- PRESENTATION BY/PRÉSENTATION PAR DR. LAURA STEPHENSON:**

27 **DR. LAURA STEPHENSON:** Thank you very much.  
28 I'm very happy to be able to join you today,

1 even if remotely.

2 My name is Laura Stephenson. I'm Professor  
3 and Chair in the Department of Political Science at the  
4 University of Western Ontario. I'm also the Co-Director of  
5 the Consortium on Electoral Democracy, which has administered  
6 the Canadian Election Study since 2019, and runs annual  
7 public opinion surveys in Canada. My research focuses on  
8 political behaviour and related institutions at all levels of  
9 government.

10 In reflecting about what I wanted to say  
11 today, two things stood out to me. First, it is obvious that  
12 there are some avenues that foreign actors can use to  
13 interfere in Canadian elections. There are points in the  
14 processes followed by Parties to choose the candidates that  
15 they put forward in election campaigns that are particularly  
16 vulnerable.

17 There's no question that the rules each party  
18 follows for their own nomination and leadership contests are  
19 susceptible to manipulation by non-citizens or malicious  
20 actors who want to make an impact on Canadian elections.

21 For some, it may seem like a simple solution  
22 is to clean up these processes, so to speak, with additional  
23 regulations for both nomination and leadership contests.  
24 Professor Blais has suggested a specific reform of voting  
25 eligibility. In a country where every citizen is guaranteed  
26 the right to vote, it could seem like an easy choice to  
27 prevent anyone ineligible to vote in an election from having  
28 input into who stands for that election. After all, they

1 cannot even vote for them yet.

2           However, the second thing that is obvious to  
3 me is that any sort of additional regulation in party  
4 nomination and leadership contests can have unintended  
5 negative impacts on political engagement. The reality is  
6 that current levels of political engagement in Canadian  
7 political processes are not very robust. In the last  
8 election, less than 63 percent of eligible citizens voted.  
9 It wasn't so long ago that turn out fell below 60 percent.  
10 And the vast majority of Canadians are not a member of any  
11 political party.

12           It is in this context that we need to be  
13 aware that any steps taken to shape the rules of parties and  
14 limit engagement in nomination or leadership processes can  
15 have serious and potentially negative consequences.

16           Careful consideration of how and why people  
17 are motivated to become involved in the electoral process in  
18 Canada is therefore warranted.

19           There are two aspects to this point that I  
20 would like to make. First, we need to recognize the  
21 constraints experienced by parties and why the status quo  
22 serves their interests. Professor Carty has explained many  
23 of these so I will only briefly revisit those that are  
24 relevant.

25           Ultimately, the goal of a party is to get its  
26 members elected to direct, or in some cases change, policy.  
27 In Canada we elect individual MPs to represent the interests  
28 of their local constituents. So, this means that

1 understanding a community, and recruiting candidates from  
2 within it, is an important part of the electoral process.  
3 Electoral district associations, or EDAs, are designed to  
4 take on this task. In most cases, EDAs are made up of loyal  
5 activists who support the party. But the reality is that the  
6 number of members in each EDA varies widely and is often not  
7 high, and many are very poorly resourced. Many EDAs do not  
8 even hold nomination contests because only one candidate  
9 emerges.

10 In ridings where a party is historically  
11 unpopular, there is a dual challenge; finding someone willing  
12 to be a candidate can be hard, but finding people to support  
13 them, who are willing to campaign on their behalf, is even  
14 harder.

15 Nomination and leadership campaigns are  
16 pivotal moments for EDAs because the opportunity to vote in  
17 such contests attracts members to the parties. Parties not  
18 only want this -- the dues, the enthusiasm, the momentum --  
19 but they need members. Strong local campaigns need  
20 volunteers and donations. For example, door knocking is a  
21 resource-intensive task, and personal campaign contact is  
22 known to help get votes.

23 So how does a party get those ever-necessary  
24 volunteers? By welcoming pretty much anyone and everyone who  
25 wants to get involved in the party. Attracting members  
26 through nomination and leadership contests is something  
27 parties rely upon for their central mission: to win  
28 elections. Getting enough people involved, however that

1 might happen, can make the difference between winning or  
2 losing a parliamentary seat.

3 To that end, it makes sense that the current  
4 rules the parties in Canada follow are very inclusive.  
5 Although the voting age is 18, the main parties do not  
6 restrict their membership to that age, nor do they have  
7 citizenship requirements. They also vary in terms of how  
8 long someone must be a member before voting in a nomination  
9 contest, as few as 2 days.

10 Even to be a candidate, membership length  
11 rules vary widely. This inclusivity likely reflects the two  
12 realities I've just stated: that a local candidate is meant  
13 to be drawn from and representative of the local  
14 constituency; and that parties both benefit from and depend  
15 upon having more supporters.

16 The second consideration on this point is  
17 that at the citizen level, inclusivity in the party  
18 nomination and leadership processes has implications for  
19 political engagement and representation. The consequences of  
20 signing up members to take part in a nomination or leadership  
21 process goes beyond increasing community representation in an  
22 EDA. It also means that the entire electoral process is  
23 accessible for interested people to get involved. This is  
24 vitally important if we want those who are involved in  
25 politics to represent the diversity of Canadian society, not  
26 just the established elites or traditional interests.

27 If nomination and leadership contests do not  
28 allow people to come forward and build their candidacies by

1 attracting new party members, then there is a real risk of a  
2 party becoming staid and irrelevant for the community it is  
3 meant to serve. If parties did not have volunteers, the  
4 types of campaigns they would be able to run would be very  
5 different from what we are familiar with.

6 Although I am not sure where I stand on  
7 Professor Blais' suggestion to restrict nomination and  
8 leadership contest vote eligibility, I do know that such a  
9 restriction could be discouraging to future voters; those who  
10 have yet to come of age and those who are not yet citizens.  
11 Both groups are potential voters whose future engagement in  
12 Canadian democracy is uncertain.

13 We know from research that one's sense of  
14 duty is a significant factor in electoral participation. We  
15 also know, from the documented decline in both duty and  
16 engagement in younger generations, that duty is not something  
17 that can be easily manipulated. Other levers are needed to  
18 motivate people to get involved in politics. Feeling like  
19 one can make a difference, or having a sense of efficacy,  
20 provides an important incentive to get involved. The  
21 excitement that one feels from being part of a nomination or  
22 leadership contest, contributing to a key stage of the  
23 democratic process, can be pivotal for someone in terms of  
24 political socialization. And such an experience with the  
25 electoral process can carry forward to shape how one sees  
26 politics and how relevant they judge it to be for themselves.  
27 When it comes time that a person is eligible to vote,  
28 socialization experiences become invaluable.



1                   Given what we know about trends in turnout  
2 across generations, and given that Canada is a society of  
3 immigrants, this point cannot be ignored.

4                   Consider as an example this scenario. A  
5 family moves to a riding where they become part of a large  
6 ethnic community. They are excited to be in Canada, but  
7 unfamiliar with the political system. Nominations for being  
8 a candidate in the next election are opened by a major party.  
9 One of the community members decides to run for office, but  
10 they are realistic, they know it will be an uphill battle  
11 against the incumbent. They know that recruiting supporters  
12 will be vital not just for the nomination contest, but also  
13 their campaign. So, they gather supporters and build  
14 momentum and sign up new members for the party so that they  
15 can vote in the nomination contest to help them win. These  
16 new party members are enthusiastic people who likely have not  
17 yet been involved in party politics, either because they were  
18 never interested before or because they were, or are,  
19 ineligible to vote. And now they can be part of making  
20 something happen that would benefit their community. Their  
21 enthusiasm is likely to be a stepping stone to future  
22 engagement, building a sense of community and efficacy that  
23 can carry forward.

24                   If, on the other hand, nomination and  
25 leadership contest rules are tightened and become more  
26 restrictive, the likelihood of an EDA even attracting a  
27 community-based candidate with new ideas and enthusiasm to  
28 get involved fades. And all those potentially efficacious

1 new party members will not get to experience party politics  
2 firsthand and will not generate enthusiasm for the political  
3 process.

4 So, to sum up, my caution is that the more  
5 restrictive nomination and leadership contests become, the  
6 more the inclusivity and accessibility of our democratic  
7 process is weakened. Two things should be considered.

8 First, the vulnerability of the current  
9 system of nomination and leadership contests and the ability  
10 of our parties to function effectively if they cannot rely on  
11 a pool of supporters who want to help, presents a conundrum.

12 Second, the risk of alienating and losing the  
13 chance to integrate current and future voters is significant.  
14 Both have implications for representation and the quality of  
15 democratic inputs that in turn are important for Canadian  
16 democracy writ large.

17 Thank you.

18 **COMMISSIONER HOGUE:** Thank you.

19 **DR. LORI TURNBULL:** Thank you very much,  
20 Professor Stephenson, and thank you to all for the  
21 presentations.

22 We are going to move toward a break before we  
23 get into a question-and-answer period, but just briefly, I  
24 will ask if there is any panelist who wants to quickly  
25 respond to anything that another panelist presented?

26 Okay.

27 **COMMISSIONER HOGUE:** Everyone is smiling.

28 **DR. LORI TURNBULL:** Everyone is smiling.

1 That's good enough for me. So we are going to take -- we  
2 will take a break, and then we will come back for questions  
3 and answers.

4 **COMMISSIONER HOGUE:** The break will be for  
5 about 30 minutes.

6 --- Upon recessing at 2:42 p.m./

7 --- La séance est suspendue à 14 h 42

8 --- Upon resuming at 3:21 p.m./

9 --- La séance est reprise à 3 h 21

10 **COMMISSIONER HOGUE:** I realize I should have  
11 introduced Me Ferguson, Matthew Ferguson. He is Commission  
12 counsel.

13 Sorry, I forgot.

14 **MR. MATTHEW FERGUSON:** That's okay,  
15 Commissioner. Thank you.

16 **COMMISSIONER HOGUE:** So you can go ahead, one  
17 of you.

18 **--- OPEN DISCUSSION/DISCUSSION OUVERTE:**

19 **DR. LORI TURNBULL:** Just checking, Ken, to  
20 make sure you're with us? There he is. Perfect.

21 **MR. MATTHEW FERGUSON:** I just have a general  
22 reminder for -- to ask everyone to speak slowly for the  
23 benefit of the interpreters.

24 J'invite tout le monde à parler lentement  
25 pour le bénéfice des interprètes. Moi-même inclus.

26 **COMMISSAIRE HOGUE:** Oui. En commençant dès  
27 maintenant.

28 **MR. MATTHEW FERGUSON:** Professor Pal, we have

1 a question with respect to -- maybe get some comments on the  
2 Bill C-70 amendments on nomination contests, and specifically  
3 on the influencing political or government processes that  
4 makes it an offence now for every person -- this is section  
5 20.4:

6 "Every person commits an indictable  
7 offence who, at the direction of, or  
8 in association with, a foreign  
9 entity, engages in surreptitious or  
10 deceptive conduct with the intent to  
11 influence a political or governmental  
12 process, educational governance, the  
13 performance of a duty in relation to  
14 such a process or such governance or  
15 the exercise of a democratic right in  
16 Canada."

17 And can you speak a bit to the application of  
18 that provision to a nomination contest?

19 **MR. MICHAEL PAL:** Okay. Thank you very much.  
20 So 20.4, recent amendment, on its face, does apply to  
21 nomination contests. So it is applicable there.

22 The questions that I have about it, so it  
23 discusses engaging -- pardon me, it points to engaging in  
24 surreptitious or deceptive conduct with the intent to  
25 influence.

26 And so the question I have is how does that  
27 tie in to other provisions in the Canada Election Act related  
28 to collusion, or other prohibited activities? It may be that

1 surreptitious or deceptive conduct is a relatively narrow  
2 phrase in relation to the types of malfeasance that we might  
3 consider to be undesirable and that we might want to prohibit  
4 in a nomination contest. So it does apply to nomination  
5 contests. I think that's clear. I know that was perhaps  
6 part of the question. It may be that it's narrower than I  
7 might have hoped it would be in the lead up to the provision  
8 being put into the statute.

9 **MR. MATTHEW FERGUSON:** Does anyone want to  
10 comment or respond?

11 **DR. LORI TURNBULL:** Okay. Thank you. So I'm  
12 going to try to pitch a question around what we might be able  
13 to do with respect to security vetting, security clearance  
14 for people who are involved in political parties, because  
15 there are a number of different ways we could go about these  
16 types of things, and what we're really talking about is, and  
17 we're going to get to this theme in a little bit too, but how  
18 parties are doing their work, whether they are public or  
19 private, they're both -- if they -- if we can make changes to  
20 some of the ways that they do their work, how would we do  
21 that? Would the parties want to do that? Will they be  
22 engaged in these sorts of things?

23 And so I wonder if I could come to Mr.  
24 Mayrand on this first, about the possibility of, and the  
25 capacity for us to even do this, even if this was an option,  
26 is there value in normalizing security clearance for party  
27 leaders? Is there value in thinking about perhaps some kind  
28 of broad security vetting for people who are candidates?

1 Would this help people to have more trust in the system?

2 And I'll open this question to everybody.

3 I'm just going to start with Mr. Mayrand.

4 **MR. MARC MAYRAND:** Well surely it would  
5 increase ---

6 **MR. MATTHEW FERGUSON:** Votre micro.

7 **MR. MARC MAYRAND:** --- public confidence.  
8 Sorry. The general public trusts in the processes. They  
9 will be an issue of capacity and the level of clearance that  
10 you would be looking for, but it seems to me that parties  
11 already do a fair bit of scrutinizing for their candidates,  
12 especially at leadership, but even for elections candidates.  
13 They would probably be welcoming something like that if it  
14 can be done confidentiality and privately between the party  
15 and the candidate and the authority responsible to provide  
16 the clearance, or verify the clearance.

17 **DR. LORI TURNBULL:** Okay. Thank you.

18 **MR. MARC MAYRAND:** Oh, one thing is the  
19 timing. In the issue of capacity, you may have thousands of  
20 nomination contestants. You will definitely have around  
21 1,500/1,800 candidates to the election. You will only have  
22 380, I'm not sure how many more, you've got a few more this  
23 time around, who will be elected.

24 So one thing to consider, if it's not already  
25 done, I'm surprised, would be to establish security clearance  
26 for anybody that sits in the House of Commons. If it's not  
27 already the case, it seems to be it should be happening.

28 So again, depending on the capacity of

1 course, it's -- the smaller the pool of appointees who get  
2 vetted the later you are in the process. And if you find out  
3 there is an issue just before sitting in the House, what do  
4 you do? You cancel the election? What do you -- so you have  
5 to think those things through.

6 **DR. LORI TURNBULL:** Okay. Any other panelist  
7 want to comment on that?

8 **DR. ANDRÉ BLAIS:** It just seems to me  
9 extraordinarily complicated. I mean, I don't -- I can't see  
10 how this could be done. I might be wrong, but this looks  
11 very complicated; no?

12 **MR. MARC MAYRAND:** The agencies are doing  
13 thousands -- oh, sorry. They do it for thousands and  
14 thousands of people every year. It's doable. I'm not saying  
15 it's simple, it's easy, but it is doable. It's feasible.

16 **DR. LORI TURNBULL:** Oh, sorry, does one of  
17 the online -- Laura or Ken -- sorry, Professor Stephenson,  
18 Professor Carty, we know each other, do you have anything you  
19 wanted -- do you want to weigh in on this one?

20 **DR. KENNETH CARTY:** Well I think the idea  
21 that you might try and vet, for security or other purposes,  
22 people who want to be candidates would be extraordinarily  
23 difficult. We're talking about probably 12 or 1,500 people  
24 across the country, many in remote communities, who -- or  
25 only at late stages in the game have decided to become  
26 involved. Whether we've got that capacity, I don't know, but  
27 certainly to kind of do it in time then to allow the parties  
28 to respond. You know, if you come in and vet during the writ

1 period and you find something and then you tell the party,  
2 does the party then have time to respond to that kind of  
3 information?

4 So, I think that given the unpredictability  
5 of the process and the fact that elections can happen at any  
6 time, it would be an extraordinarily difficult thing to do if  
7 you're going to go beyond anything like Mr. Mayrand's  
8 suggestion that perhaps MP or elected people might at some  
9 point get some kind of clearance. But for the nomination, I  
10 think it's -- it's likely to be unrealistic unless we change  
11 the very character of the way parties operate.

12 **COMMISSIONER HOGUE:** But if I may, it raises  
13 the question of, if someone is elected by the population, it  
14 can be difficult from a -- if we look at the legitimacy of  
15 the decision, it can be difficult to expel someone or to  
16 decide that this person cannot play the role. I don't know  
17 if you have any comment about that, but it's -- after the  
18 fact, it seems to me to be difficult.

19 **MR. MARC MAYRAND:** (Inaudible - No  
20 microphone)

21 **COMMISSIONER HOGUE:** Yeah.

22 **MR. MARC MAYRAND:** Now, what are the issues,  
23 of course, that are raised by the verification. Personally,  
24 I think Canadians would appreciate that there's some  
25 validation of the characters and abilities of people that  
26 represent them. It's -- hiding it from them so that they  
27 find it later on by accident, I don't know if it's any  
28 better.



1           My own view is that we should be proactive  
2 about those matters, if we're really concerned. I think we  
3 need to be proactive. And, yes, it's a -- could be a tough  
4 role, and there's a lot of discussion that takes place before  
5 this is set up, but I think it would be -- it would give  
6 everyone second thoughts before cooperating with foreign  
7 entities. Knowing that, oops, that -- anyway. It's a bit  
8 forceful, but ---

9           **COMMISSIONER HOGUE:** No, no. It's what we --  
10 what I'm looking for to get, you know, different point of  
11 view and if anyone has anything to say in that respect?

12           **DR. LAURA STEPHENSON:** I would actually -- if  
13 I can provide a comment on that. One of the things that  
14 Professor Turnbull raised was the idea of whether parties  
15 would be interested in making these changes. And the one  
16 thing I would say is that I think parties are deeply  
17 embarrassed when they have their candidates found out to be  
18 X, Y or Z, right? Something is problematic or we know of  
19 situations where leaders have to change their mind about  
20 their -- allowing nominated candidates, et cetera.

21           So I think in this case, we might actually be  
22 able to think that you'd have party agreement that nominated  
23 candidates could be vetted. Yes, I agree with Professor  
24 Carty that this might make the process a bit longer and could  
25 change things, but in the interest of everybody, I guess, not  
26 being embarrassed, especially by, of course, the media, which  
27 plays that watchdog role, I think this would be one change  
28 that could have traction.

1                   **DR. LORI TURNBULL:** Thank you very much,  
2 Professor Stephenson. We're going to go to Professor Pal.

3                   **MR. MICHAEL PAL:** I guess I have a different  
4 view. We have to take the issue of foreign interference very  
5 seriously, but if there is vetting, whether it's feasible or  
6 not, if it happens, there's an enormous amount of power in  
7 the hands of those who are doing the vetting. And so, maybe  
8 this is my -- the constitutional lawyer in me speaking, but  
9 people have a fundamental right to participate, to stand as  
10 candidates, and nomination contests ties in directly to that.  
11 So, I would be quite concerned about the long-term impacts of  
12 having a process like that that restricted potentially who  
13 was going to be able to stand as a candidate.

14                   **DR. LORI TURNBULL:** Can I just come back to  
15 you, Professor Pal, on something about that? Because that  
16 was my first inclination too when we were speaking about  
17 that, I thought, "How will this stand up to a *Charter*  
18 challenge if this sort of acts like some sort of restriction  
19 on who could hold public office and who couldn't." There's a  
20 clear -- to me anyway -- conflict there.

21                   However, if we're realistic about it, parties  
22 restrict who can hold public office all the time. And I  
23 would say that's one of their primary functions. And so, you  
24 know, not because it's necessarily good, but that's what they  
25 do. They are a filter. And so, I wonder -- and this kind of  
26 speaks to something that Professor Carty raised as well, how  
27 -- how much we can, you know, how big we can think in terms  
28 of what sorts of changes, potentially, we could consider?

1           **MR. MICHAEL PAL:** I agree, certainly parties  
2 do engage in very extensive vetting processes, especially in  
3 the social media era, greenlight committees and the like in  
4 different parties.

5           I guess the theoretical justification for  
6 that is they need to have candidates that reflect the actual  
7 policy program and direction of the party. So, there's some  
8 legitimacy in them picking candidates that survive vetting,  
9 but also fit within the party as a somewhat unified entity,  
10 all its actual decentralizations assumed.

11           But it's just a different -- that's the party  
12 self-regulating, as opposed to an external entity that might  
13 have different interests, different values, different  
14 evaluations of the evidence, different risk tolerances, and  
15 all those sorts of things. So, it introduces an external  
16 element that decreases the ability of parties to manage  
17 themselves.

18           **DR. LORI TURNBULL:** I think that's very  
19 useful, thank you. I take a lot from that distinction about  
20 parties self-regulating and there -- but still deciding who's  
21 going to be in a position to contest an office versus an  
22 external regulation. Anyway.

23           Do you want to? Okay. Yes, please.

24           (Inaudible - No microphone)

25           **MR. MARC MAYRAND:** And provincial parties  
26 verify criminal records to third parties.

27           **DR. LORI TURNBULL:** Oh, yes.

28           **MR. MARC MAYRAND:** So -- and in this context

1 also, I would suggest it's up to the party to take advantage  
2 of the service, as opposed to imposing it on the party. I  
3 assume it would be in their self-interest to request such  
4 vetting.

5 **COMMISSIONER HOGUE:** It would be optional?  
6 It would be for the party to ask for the vetting?

7 **MR. MARC MAYRAND:** Yes, in a sense. It's up  
8 to the party. Part of the checking process, they should have  
9 this tool available to them. And if they don't use it, they  
10 run the risk of -- in the public impact.

11 Il y aura des conséquences politiques s'ils  
12 ont négligé de se servir d'un service comme celui-là pis,  
13 qu'effectivement, il y a quelque chose qui ressort un peu  
14 plus tard.

15 Je pense... en tout cas. Je pense qu'il y a  
16 moyen d'engager les partis politiques sur ces questions-là.  
17 C'est pas... je pense pas que les... les partis politiques sont  
18 victimes, à mon avis, de ces situations d'ingérence là. Ils  
19 sont pas des instruments. Ils sont pas... ils sont carrément  
20 des victimes. Et comme victimes, ils ont intérêt à trouver  
21 des solutions pour prévenir que ces situations-là se  
22 répètent.

23 Je pense que c'est la bonne... c'est la  
24 meilleure façon de le présenter aux partis. C'est sûr que si  
25 on leur dit « non, dorénavant, ça va être ça, ça, ça, pis  
26 c'est nous qui allons décider qui seront vos candidats », ce  
27 sera pas acceptable. Mais je pense que les... en tout cas,  
28 moi, je vois que c'est dans l'intérêt... en tout cas, si je

1 menais un parti politique, je voudrais savoir qui sont mes  
2 candidats.

3 **Me MATTHEW FERGUSON:** Vous vouliez ajouter  
4 quelque chose, Professeur Blais?

5 **Dr ANDRÉ BLAIS:** Oui. Je suis tout à fait  
6 d'accord que les partis pourraient y trouver leur intérêt,  
7 mais je suis encore très sceptique sur la façon de se faire  
8 concrètement. Si ça se fait au tout début du processus, il y  
9 a beaucoup trop de candidats en même temps de tous les  
10 partis, donc, je vois pas comment ça pourrait se faire pour  
11 tous les candidats. Si ça se fait après l'élection, là,  
12 comment on ferait pour invalider le jugement des électeurs.  
13 Ça m'apparaît pas tout à fait légitime non plus. Et donc,  
14 même si je vois un intérêt des partis, je ne vois pas  
15 vraiment comment pratiquement ça pourrait être mis en  
16 application.

17 **Me MATTHEW FERGUSON:** Merci.

18 **DR. LORI TURNBULL:** Okay. Thank you  
19 everyone. Thank you very much.

20 I wanted to come back to Professor Carty on  
21 some of the comments that he made in his opening remarks when  
22 we were talking about the organization of parties and the  
23 realities around not all EDAs are going to be the same. Some  
24 are going to be very robust, have huge membership, quite a  
25 bit of resources, they're well organized, they're in a  
26 position to stand up a competitive nomination process every  
27 time if that's what needs to happen. And then there are  
28 others where -- probably where the party is less competitive,

1 where the local riding association is not as robust in its  
2 own organization. And so then I was thinking about, you  
3 know, in that context of what you were saying, again, getting  
4 back to what the purpose of Parties are -- is -- are, what  
5 the -- the tensions between the private functions of a party  
6 and the public functions of a party and how that leads to  
7 perhaps different ways of organizing and regulating and  
8 perhaps innovating what Parties are doing. So I wondered if  
9 you could just say a little bit more about that?

10 **DR. KENNETH CARTY:** Sure. And I think a good  
11 deal of our conversation to this point has reflected the  
12 conception that we've had in this country of Parties as  
13 private organizations. Professor Pal made that point very  
14 clearly and helpfully, I think. And they've evolved in that  
15 way, and they've evolved as these open, inclusive,  
16 participatory organizations that did the sorts of things that  
17 Laura talked about, you know, in response to the  
18 circumstances that they found themselves in, at different  
19 times, in different places, with different electorates.

20 A competing kind of conception of a political  
21 party as a private organization, however, is the idea that  
22 maybe they -- we want to think about them as public  
23 utilities. They're the public utility that delivers  
24 democracy, in the way that the hydro company's the public  
25 utility that delivers us electricity. And we -- and they  
26 have a kind of monopolistic position -- well, they're all  
27 oligopolies as opposed to strict monopolies, but we think  
28 that public utilities, because of their privilege position

1 and they're all oligopolistic or monopolistic position, need  
2 to be regulated by it. But if we think of political Parties  
3 as the public utilities that deliver democracy, then that  
4 opens us up I think to thinking about how we might regulate  
5 them in different kinds of ways, and regulating at least some  
6 of their kinds of activities in advance of what they do or in  
7 retrospect when they behaved in particular kinds of ways.

8           And, of course, we focus a lot on the  
9 nomination and leadership contest because that's where we see  
10 them as most -- in the most active form in the model of  
11 political Parties that we have in this country. If we had  
12 much more regulated conception of Parties, we might think  
13 about the nomination process or the identification process of  
14 candidates in a different way. We would probably think of it  
15 very differently if we had a different electoral system. I  
16 mean, in some sense, the dynamic of our Parties is given by  
17 the fact that they have to find individual candidates in  
18 individual geographically defined communities. And most  
19 other electoral systems produce very different obligations  
20 for political Parties.

21           So we're in the kind of context that we're  
22 in, and so we need to think about if we're going to maintain  
23 the first past the post system, and apparently we are,  
24 despite claims in recent elections, then we have to recognize  
25 that we're going to have this kind of rather decentralized  
26 process of finding candidates to run a very decentralized  
27 fragmenting kind of electoral process. Our Parties have  
28 evolved to do that about as efficiently as they can. If we

1 think that they don't do it very well, then we have to think  
2 about why that is.

3 It's clear that nomination processes are  
4 often taken over by groups, rarely by foreign actors, but  
5 there certainly have been some in recent elections, but  
6 they're as often taken over by people with ideological  
7 agendas, or group agendas, or of all -- community agendas of  
8 all kinds. But we accept that as part of a decentralized,  
9 single member representative process. And so I think that  
10 this discussion has to be rooted in a kind of recognition of  
11 what our Parties are. And if we want to regulate their  
12 activities, we're going to change what they are. I think  
13 that would be my basic point.

14 **MR. MATTHEW FERGUSON:** Professor Stephenson,  
15 we see you nodding on. Do you want to address any comments  
16 following those comments by Professor Carty?

17 **DR. LAURA STEPHENSON:** Sure. I -- you know,  
18 obviously, I agree with a lot of what has been said, but I  
19 was actually just thinking of the exact point as -- that  
20 Professor Carty made, that, you know, if an EDA or a  
21 nomination process could be taken over by the interests of a  
22 group, I mean, that's kind of what we want Parties to have  
23 that ability to do that, right, because it's local interests  
24 as was accurately said; right? It's a first past the post  
25 contest. We want constituency representation. Therefore,  
26 you want the people who are nominated to represent the  
27 constituency in which they live. And we need that to be able  
28 to be dynamic, right, because constituencies aren't static.



1 They change. Populations change, interest change, et cetera.  
2 So anything that would prevent that kind of organization to  
3 let's call it refresh or renew a party, in fact, would go  
4 against the very nature of what we hope them to do.

5 So I fully agree with Professor Carty, and I  
6 don't know how to allow for these processes to exist without  
7 -- in the current environment of concerns about foreign  
8 interference. Like, this is where I'm seeing a little bit of  
9 a conundrum, because we need things to be open so that it's  
10 open to change and less regulated at the same time as we want  
11 to be concerned about, you know, what are the interests that  
12 are going to be popping up, and how are they mobilized, and  
13 how are they supported, et cetera so. Sorry.

14 **DR. KENNETH CARTY:** Well, and as Laura points  
15 out, this is not about a new process. One remembers in the -  
16 - well, I guess the 1980s that a number of liberal  
17 associations in Saskatchewan were taken over by groups that  
18 were fundamentally opposed to providing any kind of abortion  
19 services. And the Liberal party had to decide whether those  
20 candidates and those associations kind of fit within what  
21 they were trying to do. And so there was this, you know,  
22 back and forth tension. This led them back to, of course,  
23 the increasing use of a leader's veto that produces then lots  
24 of conflict. Mr. Chrétien was very active in using that veto  
25 over local associations, recognizing the cost that it posed  
26 for the representative capacity of the party to incorporate  
27 or to exclude particular groups. And that's, of course, the  
28 very point that Professor Blais was making about this tension

1 between the national interest of a party, if there is such a  
2 thing, and the local interests of the representative members  
3 of the party.

4 So we do have, in fact, this uneven  
5 compromise. When leaders step in to veto candidates that  
6 have been chosen, very often the entire association executive  
7 just resigns. You've seen examples of that. Other times  
8 they kind of shake their heads and just accept it. So, but  
9 these are political compromises that are made in the kind of  
10 ongoing active debates of the day. And Parties have found  
11 ways to deal with that.

12 **Me MATTHEW FERGUSON:** Quelque chose à ajouter,  
13 Monsieur Blais?

14 **DR. ANDRÉ BLAIS:** Yes. Perhaps one point I  
15 think I fail to convey in my presentation is that in order  
16 for there be some regulation, I think there have to be  
17 recognition of a problem. I think it's there. And also,  
18 there has to be sort of a consensus on the value. And this  
19 is why I sort of argue only for one kind of regulation in the  
20 regulation of who votes in this nomination contest. My  
21 assumption is that the public, you know, is largely on the  
22 side of my suggestion, I guess. That it sort of makes sense  
23 most people that is the same electorate that should  
24 participate in the general election and also in the  
25 nomination contest. And so I think there is room for  
26 regulation when there is some consensus among the public  
27 about the existence of a problem and about a value that is  
28 deemed to be important and shared by most Canadians.

1                   **COMMISSAIRE HOGUE:** Monsieur Blais, quand vous  
2 dites que, selon vous, il y a un consensus au sein de la  
3 population, est-ce que vous avez... vous vous appuyez sur  
4 quelque chose en particulier que vous avez en tête ou c'est  
5 simplement votre expérience qui parle là, en fait?

6                   **D<sup>r</sup> ANDRÉ BLAIS:** C'est mon intuition. Je suis  
7 expert en opinion publique, j'ai jamais vu de sondage  
8 spécifique sur cette question. Mon impression à partir de ce  
9 que je connais de l'opinion publique, c'est probablement le  
10 cas. La Commission pourrait faire un sondage facilement, et  
11 donc, c'est mon intuition à partir de ce que je connais et du  
12 fait que, de toutes les personnes avec qui j'ai parlé de  
13 cette question-là, je n'ai pas vu... j'ai vu beaucoup de  
14 personnes qui m'ont dit, ben, ça relève du gros bon sens,  
15 plusieurs personnes, et je n'ai pas vu de personnes qui m'ont  
16 dit, ben non, ç'a aucun bon sens. C'est tout.

17                   **COMMISSAIRE HOGUE:** J'étais juste intéressée de  
18 lire ce que vous pouviez avoir.

19                   **DR. LORI TURNBULL:** Okay. Thank you. Thank  
20 you, everyone.

21                   I'm going to come to Professor Stephenson  
22 with a question just on the basis of some of her opening  
23 comments. When we were talking about the importance of  
24 keeping political parties open, keeping democracy open, and  
25 this I think goes hand in hand with Professor Carty's comment  
26 -- Professor Carty's comments about parties as public  
27 utilities that are bringing us democracy.

28                   And so, if that's the case and we rely on

1 parties to be able to breathe life into democracy and local  
2 areas, and to provide people with opportunities to  
3 participate, to get informed. Because we know this. We know  
4 that parties do perform those functions, and we just have to  
5 look at the turnout in a municipal election to realize that  
6 parties are really important when it comes to mobilizing the  
7 vote, getting people out there, getting people involved. And  
8 this is really important work.

9 But if we were to -- if Professor Blais is  
10 right, and Canadians by in large would be onside with the  
11 kind of change that would see us bring into sync the  
12 membership requirements and criteria, and voting criteria.  
13 So in order to participate in a nomination contest, you have  
14 to be an eligible voter. If we made that kind of change, do  
15 you see a problem that would be created for riding  
16 associations and political parties more broadly as agents of  
17 inclusion and participation? Like, would there be an issue?  
18 Are there other ways that parties could mobilize and include  
19 people? I just wonder if you could comment on that?

20 **DR. LAURA STEPHENSON:** Sure. And thanks for  
21 the question.

22 I mean, I guess two points. So Professor  
23 Blais has suggested that we restrict voting in these contests  
24 to 18, but he's also in favour of 16 year olds voting as  
25 well. And I think that, and a lot of the research about  
26 lowering the voting age in general, I think actually supports  
27 the idea that we do know that when people are socialized into  
28 politics at a younger age, when they are given the

1 opportunity to talk politics, experience it themselves in the  
2 household, etcetera, then they are more involved.

3           And so, the rationale behind what I was  
4 saying is that any further restrictions kind of make it the  
5 purview of people at a different stage of life, right? And  
6 that is a challenging stage to get people involved, and  
7 that's what I think we see now in terms of turnout trends as  
8 they are.

9           The other issue that you've raised, and it's  
10 a very good one, and I've been trying to think this out.  
11 Does it have to be voting; right? Could we restrict the  
12 voting and still have people involved in other ways? So in  
13 theory, I think that would be a great way of kind of squaring  
14 the circle. I'm not positive that everyone would agree,  
15 public opinion would be as strong as Professor Blais  
16 suggests. But at the same time, I think there is some logic  
17 to that idea of changing votes.

18           But the issue to me would be then How our  
19 party is going to be mobilizing people and how are candidates  
20 going to be mobilizing people? And who are those that are  
21 going to be targeted and brought into the political system?  
22 And even amongst candidates, right, who are they going to be  
23 looking to to build their coalitions and get their support  
24 bases?

25           And I think all of this would change because  
26 we're necessarily changing the impact on that ultimate end  
27 goal, right? Which you know, for parties obviously is  
28 winning the vote, for candidates it is winning the nomination

1 or the leadership contest. And any time we make those  
2 changes it's going to affect who in fact are getting targeted  
3 in the general public. And you know, I think that things  
4 change a little more in areas maybe more quickly than we  
5 often think about when we just think about the traditional  
6 voting population.

7 And so, you know, removing the ability to  
8 bring others into play I think is something that's a little  
9 more difficult to think about.

10 **DR. LORI TURNBULL:** Thank you. Do any other  
11 panelists want to respond to that?

12 **DR. KENNETH CARTY:** Well, I must say I'm not  
13 entirely convinced by Professor Blais. The reality is that  
14 for generations now parties have been open to people who were  
15 14, or 15 depending on the local association's rules, because  
16 they did vary from local association to local association.  
17 In fact, they often included a certain percentage of people  
18 who lived outside the district and who wanted to be involved  
19 or had been in the past and now had moved.

20 And so that long history suggests that maybe  
21 there isn't really a problem for the parties. There's a kind  
22 of logical niceness, or kind of a cartesian neatness to  
23 Professor Blais' argument, but I'm not convinced that it's a  
24 problem.

25 **COMMISSIONER HOGUE:** If I may, we're focusing  
26 on the age. What about the citizenship requirement? Do you  
27 see any disadvantage in setting the bar at 18?

28 **MR. MATTHEW FERGUSON:** That question was

1 directed to you Professor Carty?

2 **COMMISSIONER HOGUE:** Or to any of the ---

3 **DR. KENNETH CARTY:** Well, I guess the  
4 question is, you know, do we need any of these kinds of bars?  
5 I think the parties have in the past basically decided that  
6 they didn't, although I know some parties have for instance  
7 limits on the number of people who live outside the district  
8 who can participate. But you know, they have managed to  
9 decide for themselves what bars were appropriate.

10 One party has a rule that you have to --  
11 you're not allowed to belong to other parties. Other parties  
12 don't have that rule, they are open and flexible. And to the  
13 extent we want them to encourage people to participate in  
14 their local associations and be involved, if we're going to  
15 have this kind of local open nomination in the district  
16 system which is driven by our electoral system, we're going  
17 to have parties as the kind of organizations they are then it  
18 maybe is appropriate to let them decide who can participate.  
19 Because there's not a lot of evidence that there's a problem,  
20 that would be my view.

21 **DR. ANDRÉ BLAIS:** I still debate with my good  
22 friends, good colleagues and friends. I think a fair  
23 assumption is that people were completely unaware of these  
24 party rules and then they all suddenly see that there are  
25 buses of foreign students coming into the examination  
26 contest, very few people think this is good.

27 **DR. KENNETH CARTY:** But they think busses  
28 Coming from old people's homes, and of elderly Canadian

1 citizens are good?

2 **DR. ANDRÉ BLAIS:** If they have the right to  
3 vote, yes.

4 **DR. LORI TURNBULL:** Okay. I'm going to  
5 propose that we do a little bit of a back to the future theme  
6 where I'm going to ask a couple of questions, one I think I'm  
7 going to direct at Professor Pal.

8 We've talked a little bit about the role of  
9 the courts in -- I used the word regulation kind of, of  
10 political parties. And through various court cases there  
11 have been decisions made about what sorts of parameters  
12 political parties need to work with, and we know that's been  
13 a huge part of how political finance regime -- the political  
14 finance regime has developed. There have also been court  
15 cases talking about the value of party competition, the  
16 thresholds to be met for parties to be able to be registered,  
17 all those sorts of things.

18 So I wonder if I can start with Professor Pal  
19 and then anybody else who wants to jump in as well, if you  
20 can talk about how the role and again the regulation of  
21 political parties has evolved through the Court system?

22 **MR. MICHAEL PAL:** Okay. Thank you very much  
23 for that.

24 I'd say there's maybe three groups of  
25 relevant cases. The first are around this egalitarian model  
26 of elections that I mentioned in my opening statement,  
27 especially spending. So there's a case called *Libman* and a  
28 case called *Harper*, which really together stand for the



1 proposition that it can be constitutionally acceptable for a  
2 legislature to restrict spending by third parties if the  
3 amount still allows meaningful participation. But the goal  
4 of the legislation is to achieve a more level playing field  
5 so those with resources cannot drown out -- that's the  
6 language the Court uses -- cannot drown out those without  
7 resources.

8           So that idea of the egalitarian model goes  
9 mainly to spending limits, but you could also apply it to  
10 contribution limits, although I wouldn't -- the Supreme Court  
11 has not yet to date done that directly, but you can draw the  
12 connection there. There is a case called *Bryan*, the Court  
13 talked about informational equality as another component of  
14 the egalitarian model. Mr. Mayrand knows that case very  
15 well.

16           So those cases suggest if the means are  
17 proportionate to the goal, it is unacceptable purpose for  
18 Legislature to reduce the role of money in politics to have a  
19 level playing field. So that's one set of cases that's  
20 applicable to most of the potential reforms that relate to  
21 money in nomination and leadership contests.

22           There's another line of cases, the main case  
23 being *Figueroa*, which essentially stands, in my view, for the  
24 proposition that statutes cannot discriminate between  
25 political parties based on how likely they are to win  
26 political power or to wield political power. So struck down  
27 rules requiring parties to field 50 candidates or more in  
28 order to be registered and struck down a whole host of

1 financial rules that were very harmful to small political  
2 parties.

3 The other set of cases just raised by the  
4 last part of your question there, and this ties into the  
5 earlier discussion of parties as private entities, there are  
6 some cases where dissatisfied individuals, sometimes in  
7 nomination or leadership contests, sometimes in the context  
8 of party mergers, have sought review by the courts, sometimes  
9 judicial review with public law remedies, sometimes private  
10 law remedies where the allegation is the party has not  
11 followed its own constitution or bylaws.

12 More complicated to say what the state of the  
13 law is there. I think generally most people are of the view  
14 that public law remedies tend not to be available, but there  
15 could be private law remedies in certain circumstances.

16 Where that's directly relevant here is if a  
17 candidate -- a nomination contestant or leadership contestant  
18 is of the view that there was foreign interference in the  
19 competition, it may be that their recourse is only within the  
20 party and not to the Courts if the Courts are taking a  
21 restrictive view about their involvement in intra-party  
22 disputes, for the very good reason that Courts don't want to  
23 be involved in picking candidates if they can avoid it.

24 So one thing that the Commission might  
25 consider is whether it's appropriate to clarify the role of  
26 the courts in some way if a candidate who is dissatisfied or  
27 a nomination contestant who is dissatisfied wants to seek a  
28 remedy there.

1           **DR. LORI TURNBULL:** Thank you very much. I  
2 want to pose a kind of similar, "Let's look back a little  
3 bit" question, but this time not so much about the courts,  
4 but about the parties themselves and how they've changed,  
5 because they have changed. And I think I might take us just  
6 for a moment away from the focus on the nomination contests  
7 to leadership contests.

8           We've changed a lot in terms of how we choose  
9 leaders now in political parties. It used to be all kinds of  
10 people who were party-faithful, I put a little caveat on  
11 that, and I'm mindful of Professor Carty's comments in the  
12 opening. People come into a big arena floor and they choose  
13 between candidates, you know, and when the least popular  
14 person is dropped off, then you see the parties literally  
15 pick up the signs of the other candidates and move to support  
16 them. And this was a big, you know, kind of ruckus,  
17 enthusiastic, you know, thing that parties did.

18           Now we don't do that. There are no more  
19 delegated conventions anymore for any of the federal parties  
20 that I know of, and they've all moved to a one member, one  
21 vote model, which really brings this issue of membership into  
22 the forefront, because now we -- the members at large are  
23 choosing the leaders. It's not the people that are going as  
24 chosen as delegates by their constituencies.

25           So I am going to start with Professor Carty  
26 on this one. Can we talk about how we ended up doing that  
27 and what you think the implications are in terms of  
28 leadership contests and vulnerability to foreign

1 interference?

2 **DR. KENNETH CARTY:** It was a slow process and  
3 when some of the smaller parties started choosing leaders by  
4 every member vote, then other -- it was portrayed as somehow  
5 more democratic, because the old convention process looked  
6 like it was a brokered convention in which increasingly  
7 candidates were flooding weak local associations and taking  
8 them over and sending delegates. The advantage of those  
9 conventions was that the people who spent three or four days  
10 together got to know one another and they built a kind of  
11 consensus and a kind of shared understanding of the exercise  
12 engaged in.

13 Now there's no shared involvement in the  
14 process. One signs up or is signed up or doesn't even have  
15 to do that, because the most recent Liberal leadership  
16 convention, you didn't even have to be a member of the  
17 Liberal party. You simply had to indicate in some vague way  
18 that you were a supporter and wanted to vote, and so you were  
19 allowed to vote. And they've essentially moved away from  
20 that.

21 So the country's dominant governing party is  
22 now, for all intents and purposes, says it doesn't really  
23 believe in members, doesn't really believe in membership.  
24 Quite where that leaves us is not at all clear. It certainly  
25 leaves a leader that's not responsible to the membership, or  
26 to his caucus, or to anyone else in any kind of formal way  
27 and a process that doesn't seem to have much structure to it.

28 Whether that's open to foreign interference,

1 I think probably not as likely as the old delegate selection  
2 convention process, partly because of the increasingly  
3 regulated character of the financial side of the leadership  
4 processes. Those never used to be regulated in the old  
5 convention system. They are now much more clearly regulated  
6 and registered. So I suspect that in those terms there's  
7 probably less opportunity for foreign interference than there  
8 might well have been as recently as the 1980s, when the  
9 conventions were in full swing.

10 **DR. LORI TURNBULL:** Any other panel member  
11 want to comment on that?

12 **DR. ANDRÉ BLAIS:** I'm not sure exactly what  
13 to think of this. In a way now, foreign interference could  
14 be easier in a way, because I suppose that if a foreign  
15 government wanted to mobilize 10,000 persons to vote in an  
16 election for the leader, that would be possible; no?

17 **DR. KENNETH CARTY:** Yes, you know, it would  
18 be possible, and they might have some marginal impact, but  
19 the scale and the number of people who now can be mobilized  
20 across the -- because there's no limit on it. When the  
21 Liberals chose their last leader, who is the current  
22 incumbent, anybody in the country could have voted if they  
23 wanted to. There was a potential electorate of the size of  
24 the population because they said all you had to do was  
25 indicate you wanted to be a supporter and they'd send you a  
26 slip so you could vote.

27 So I think the sheer scale of a leadership  
28 process in a major national party now is such that while some

1 foreign interest might be able to mobilize thousands, they  
2 might well -- that might well become obvious just by the  
3 sheer scale, and they might well be buried in the size of the  
4 enterprise, not -- much more easily hidden in the old  
5 convention system, I think.

6 **DR. LORI TURNBULL:** Okay. Thank you. Thank  
7 you very much for that.

8 I'm going to ask a question -- I'm going to  
9 ask one question I think of everybody. I might start with  
10 Professor Blais. We talked a little bit about how there used  
11 to be a kind of sense that political parties would develop a  
12 consensus among them, even if it was informal, before there  
13 was a change in how political parties do things.

14 So and I can think, as an example, in 2008,  
15 when there was a suggestion that the per vote subsidy be  
16 removed, the parties who were not included in that  
17 conversation got very angry and said, you know, "This is a  
18 break in convention. This is not how we do things. We don't  
19 have some parties make decisions for everybody."

20 I wonder if you could comment, and I'm going  
21 to come to everybody on this, whether -- because I'm thinking  
22 about if a change is going to come in the regulation of  
23 political parties and the governance of political parties,  
24 whether formal or informal -- sorry, I'm speaking too fast --  
25 where will that change come from? And I'm wondering if we  
26 think political parties are still working in that kind of  
27 assumption of a consensus? And to build on that, why would  
28 political parties who are in the Legislature as members

1 change anything that seems to have gotten them elected in the  
2 first place, and does -- do those kinds of changes have to  
3 come from elsewhere?

4 **DR. ANDRÉ BLAIS:** It's an important and tough  
5 question. I guess my first reaction was I'm too young to  
6 really answer that question, but I think -- I don't think  
7 it's quite compelling. So the first election I really  
8 studied very, very intensely was the 1988 Canadian election,  
9 and I can tell you that it was intense. It was very  
10 conflictual, the free trade election. So I'm not sure that  
11 anytime in history there have been a real consensus among  
12 Parties among many things. So I'm not convinced that things  
13 have changed that much except for one thing. I think it's  
14 the role of negativity in politics in general, and it's not  
15 only Canada.

16 Basically, now there's a lot of evidence  
17 that, you know, politics is more polarized everywhere, that  
18 the discourse is that much more negative, conflictual and so  
19 on. So that makes it a bit more difficult probably to reach  
20 a consensus, except in some situations. And I think there  
21 are some circumstances where there are sort of seems to me  
22 some real problems that people agree on and there are at  
23 least some solutions that seem to make sense. And then it  
24 will be very difficult for Parties to attack them, or to --  
25 not to accept them. They might not like them, but they will  
26 not probably sort of be willing to go along with them. These  
27 are probably exceptional circumstances. It's always been  
28 exceptional, probably, but I think it's still possible. And

1 perhaps Mr. Mayrand might talk about this because he's been,  
2 I guess, in charge of trying to get some common agreement  
3 among Parties.

4 **MR. MARC MAYRAND:** Yeah, it's certainly not a  
5 given. They have to see a self interest in what's being  
6 proposed. They have to see that the problem is common enough  
7 and the solution is broad enough to include everyone. If  
8 they see it's a problem for their competitor, they'll be  
9 gladly posing any changes. So it's human nature or it's  
10 political nature or should I say partisan nature.

11 That being said, there's a fair bit -- there  
12 has been episode of consensus and agreement. And we have to  
13 be careful, a consensus doesn't mean unanimity, but most  
14 changes to the Canada Electoral Act historically, I believe,  
15 have been endorsed by more -- the majority of Parties  
16 represented in the House. We can double check that, but I'm  
17 pretty sure. There's a few example that come to my mind  
18 where it did not, and it was very acrimonious between the  
19 party and the tendency is that it erodes confidence. Because  
20 when that happens, public see that the Parties or members in  
21 the House are looking at their self interest, not necessarily  
22 at the public good.

23 So we need to keep that in mind, but again, I  
24 wouldn't -- I think consensus is possible, especially on  
25 these matters that we've been discussing today. I don't see  
26 that there's any self interest in any Parties to object  
27 strenuously to some basic changes, common sense changes to  
28 help mitigate, prevent and curtail foreign interference.



1                   **DR. LORI TURNBULL:** Professor Pal, do you  
2 want to comment?

3                   **MR. MICHAEL PAL:** So one of the major  
4 legislative changes we've had in Parliament on election law,  
5 we had the recent amendments around a foreign agent registry  
6 in the section 20.4 and the first question we answered in  
7 this session. We had the *Election Modernization Act* 2018.  
8 Before that, there was the *Fair Representation Act*, which  
9 added more seats to the House. Before that, there was the  
10 *Fair Elections Act*. So I have a hard time looking back on  
11 those debates and seeing consensus running through most of  
12 them. So maybe it existed at one time, but I think it's at  
13 least not a given. Maybe there can be consensus, they can  
14 agree, but I think it's not something we should assume. The  
15 *Figueroa* case I mentioned a little bit earlier, those were  
16 amendments to the *Elections Act* that clearly favoured the  
17 larger party. So the smaller Parties certainly didn't --  
18 weren't part of the consensus that those were good ideas. It  
19 was impossible for them to function as viable Parties with  
20 those rules.

21                   So I would certainly like to think the  
22 Parties have a common goal of upholding the public interest  
23 and preventing malicious foreign interference. I think  
24 that's separate from whether there is a default assumption  
25 that major *Elections Act* changes require consensus or always  
26 have consensus. So that's the way I think about it.

27                   **DR. LORI TURNBULL:** Okay. Thank you.

28                   Professor Stephenson?

1                   **DR. LAURA STEPHENSON:** I think I take the  
2 view of Professor Pal. I mean, I guess, in my mind I think  
3 about obviously head of the Parties are operating recently.  
4 I mean, even the disagreement about who gets clearance to  
5 learn information, but also, going back to things like gender  
6 parity amongst candidates and, you know, things that I think  
7 the Parties commit to saying is a value they care about but  
8 can't come to agreement on, and certainly all the electoral  
9 reform debates as well. So I think any small advantage that  
10 can be perceived for a party to do things the way they always  
11 have, and I think in this case, for all the reasons we've  
12 discussed about how party organizations work in action  
13 elections on the ground in constituencies, I don't think we  
14 would have consensus moving forward.

15                   **DR. LORI TURNBULL:** Thank you.

16                   And, Professor Carty?

17                   **DR. KENNETH CARTY:** I'm generally sympathetic  
18 to the points that Mr. Mayrand made. I'm a little older than  
19 André, so I remember the financial reforms that came out of  
20 the studies in the 1960s that were implemented in the 1970s,  
21 that had changes to the ballot structure, to all that  
22 process. All that happened because the Parties were able to  
23 generate some kind of consensus. And so I do think that big  
24 changes do require a recognition that there is a problem in  
25 the system, that there is a way to move forward and generate  
26 some kind of consensus. Most of the financial regulation  
27 stuff that we have reflect a pretty broad consensus that this  
28 is an appropriate way to go about. Lots of minor little

1 questions or disputes in recent years have led to no change.  
2 But I think you can get change if -- and there was a  
3 widespread perception that change is much more likely to be  
4 successful and legitimate if it reflects a kind of consensus  
5 in the House of Commons amongst the working politicians that  
6 it's appropriate.

7 **DR. LORI TURNBULL:** Okay. Thank you. Thank  
8 you very much, everyone. While we're on the Zoom with  
9 Professor Stephenson and Professor Carty, I wanted to ask you  
10 both, and then I'll open it to everyone else, if you have  
11 particular recommendations with respect to the foreign  
12 interference issue, whether for leadership nominations or  
13 things that are, you know, other matters more broadly  
14 connected to political Parties, I wonder if you can comment  
15 on that?

16 **DR. LAURA STEPHENSON:** Unfortunately, I don't  
17 have recommendations, and I've been trying to think about  
18 this, but even in the earlier discussion that occurred when  
19 people were talking about, you know, the delegated  
20 conventions of the past, I mean, the ability for foreign  
21 actors to have an influence I think is -- it's very  
22 pervasive. And I say this for a couple of reasons. And I  
23 would also point out that M. Mayrand's point about regulating  
24 finances is very well taken. And I do think that in terms of  
25 money, I think there are ways to put regulations in place at  
26 various stages that are very effective and bring transparency  
27 and some confidence. But the way we live today in today's  
28 society, right, anything can evoke influence; right? And we

1 know this from, you know, social media, for example. We know  
2 this -- the ways of transferring enough money to rent the  
3 bus. What if it doesn't have foreign students? What if they  
4 are actually just Canadian students but they have been  
5 mobilized in a specific manner. I mean, I think that there  
6 are so many different avenues that it's almost impossible to  
7 police all of them.

8           And so, is -- I actually don't have any good  
9 recommendations on this point. Although, I would say that  
10 should the parties agree upon the problem and the importance  
11 of the problem, then commitments the parties make publicly,  
12 ideally, would then, I think, empower the media to a  
13 different extent to hold them accountable to those promises.  
14 So, it would be a lot more self-regulating in ways that they  
15 would be trying to discourage any types of activities that  
16 might occur.

17           **DR. KENNETH CARTY:** Well, rather like Laura,  
18 I don't have any particular specific recommendations. And  
19 indeed, I'm -- I'm a little anxious about some of this  
20 discussion. You know, I lived in the most Asian city in the  
21 world that's not in Asia. And there are big swaths of  
22 electoral districts that are dominated by other ethnic  
23 groups, a number of them Asian. And there's been a lot of  
24 talk that there has been strong ethnic politics engaged in  
25 the nomination and even the election of candidates here and  
26 that, you know, some foreign interests are behind the  
27 opposition to a particular candidate or not.

28           Distinguishing between, you know, the

1 legitimate collective interest of particular communities in  
2 these districts as opposed to whatever support or  
3 encouragement they may or may not get from outside is a very  
4 difficult and tricky kind of thing. And I think that it's  
5 very easy for us to say, "Oh well, it's the Chinese  
6 government trying to influence what happens in Richmond."  
7 When in fact, there are viable, legitimate, active, engaged  
8 community groups with particular policy interests that are  
9 pursuing it and favour this candidate or that candidate and  
10 engaged in elections. And we risk kind of tarring them with  
11 a kind of brush that's both undesirable and potentially  
12 dangerous to the health of democratic debate in this country.

13 So, I just think that we just need to be a  
14 little bit careful and understand the kind of country this is  
15 and the kind of democracy that is required in this most  
16 plural and open place.

17 **DR. LORI TURNBULL:** Thank you. Thank you  
18 very much.

19 Professor Pal, did you want to put anything  
20 on the recommendations list that you haven't said already?

21 **MR. MICHAEL PAL:** I made a number of  
22 recommendations in my opening statement, so I would stand by  
23 those.

24 **DR. LORI TURNBULL:** Yeah.

25 **MR. MICHAEL PAL:** The only other additional  
26 one, which is one that's sometimes been discussed in  
27 Parliament, ties in a little bit to your  
28 disinformation/misinformation discussion from this morning.

1 It was not just something that's punitive to political  
2 parties that might actually help them. And so, one of the  
3 things we worry about is interference with computers,  
4 hacking, targeting of membership lists. It's sort of  
5 malicious actors trying to stop political parties from  
6 operating in the way they should.

7 Cybersecurity is very expensive, as every  
8 sophisticated institution in Canada knows, and is having to  
9 spend lots of money on. We reimburse political parties for a  
10 bunch of their different kinds of expenses. I take very much  
11 Professor Carty's comments in mind with the nature of  
12 different nomination riding associations, and some have more  
13 resources, some don't.

14 So, one proposal that I have -- I thought has  
15 some merit, is to provide reimbursement to political parties  
16 for money they spend on cybersecurity measures, which  
17 generally helps them, but also with the particular issue of  
18 foreign interference, and making sure that the process is as  
19 clean as possible.

20 There are private entities, they're very  
21 diverse, but all of them face the challenge of spending money  
22 to ensure that their IT infrastructure, essentially, is as  
23 good as it could be. And that might be some -- one  
24 particular area where public funds could be used to assist  
25 them when they've already made the expense.

26 **DR. LORI TURNBULL:** Thank you very much.

27 Mr. Mayrand?

28 **MR. MARC MAYRAND:** Maybe one thing, because I

1 feel that sometimes we get away from foreign interference,  
2 and we haven't really discussed what is foreign interference  
3 and what is troubling us at this point. I guess we all have  
4 a sense, but I'm not sure we share that sense altogether.

5           There would be maybe one or two things that I  
6 would see as more preventive than anything else, or -- as  
7 opposed to try to cure something that's happened. And it  
8 would be for political party. I think political parties  
9 should have a forum where they can consult privately without  
10 risk of things coming out, but where they could consult  
11 government authorities regarding political -- not political,  
12 but risk of interference.

13           I think that's one thing that's really  
14 missing. We're all looking at hypothesis. We have bits of  
15 facts here, bits of facts there. But nobody really knows  
16 what is exactly the risk, whether the risks are the same to  
17 all political parties, whether there's intelligence that  
18 suggests that some parties should be more careful about this  
19 and that situation or -- and maybe factor geography and this.

20           And that's something that, from what I've  
21 read, political parties don't really have right now. So,  
22 they read the paper, they get the things, they get very  
23 general briefing, but nothing that is actionable.

24           So, what I'm saying here is that there should  
25 be -- we should encourage more exchange of information  
26 between the intelligence community and the political parties.  
27 And political parties should be able to bring an issue to --  
28 not sure which agency it would be, maybe the new commissioner

1 that will be appointed for the registry là -- but where they  
2 could bring an issue or concern that they have, something  
3 that they have identified in their organization, bring that  
4 to the -- whichever authority and seek advice on how to best  
5 deal with it.

6 And be able to do it in full confidence. Of  
7 course, the nature of the business is competition, so it has  
8 to -- they have to be assured that it would be in all  
9 confidence, that it will not become a fire piece for the  
10 campaign.

11 I think something like that may be helpful.  
12 More helpful than anything else, because -- and again, it's  
13 built on the assumption that parties want to avoid the  
14 problem, they don't want to be part of the problem. So, that  
15 would be my suggestion on this.

16 **DR. LORI TURNBULL:** Thank you. And Professor  
17 Blais.

18 **DR. ANDRÉ BLAIS:** I made one specific  
19 suggestion. I haven't changed my mind on this, yet. I just  
20 want to raise another point about which I'm not sure exactly  
21 what to do. It's the role of the media.

22 I think the media play a crucial role in all  
23 of this. I assume that parties are really concerned about  
24 media report about potential interference. This is very bad  
25 news. They want to avoid that as much as possible. It seems  
26 to me that it's important that the media are able to follow  
27 the nomination process, to understand it, to understand the  
28 risks and so on. So, I'll just want to underline the fact



1 that, in my view, the media play a very crucial role.

2 I'm not sure exactly whether there's anything  
3 to be done to help the media play that role. Perhaps -- I  
4 don't see anything specific, but I just want to insist on the  
5 fact that the media are absolutely crucial in this. When  
6 there are problems, scandals, or whatever, there are reports  
7 by the media, the parties have to respond to it. And if  
8 there is anything to be done to help the media play a crucial  
9 role in that respect, that would be great. But I don't have  
10 a specific solution for this.

11 **DR. LORI TURNBULL:** Thank you very much.

12 Commissioner?

13 **COMMISSIONER HOGUE:** No, thank you. We have  
14 covered quite a lot of ---

15 **DR. LORI TURNBULL:** Yeah, I think so too.

16 All right.

17 Thank you so much to all the panelists. We  
18 really appreciate the time that you've taken to share your  
19 expertise with us today. And I will turn things back to the  
20 Commissioner.

21 **COMMISSIONER HOGUE:** So, thank you very much  
22 for coming. It was very useful. And I think we have a lot  
23 of work ahead of us, but the input you provided us with is  
24 going to be very, very important in the context of what we  
25 have to do. So, I really appreciate the time you took for  
26 coming and the sharing of your experience and expertise.  
27 Thank you.

28 **DR. LORI TURNBULL:** Thank you, Professors

1 Carty and Stephenson. Thank you for dialing in.

2 **DR. LAURA STEPHENSON:** Thank you.

3 **COMMISSAIRE HOGUE:** Merci.

4 --- Upon adjourning at 4:29 p.m.

5 --- L'audience est ajournée à 16 h 29

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**C E R T I F I C A T I O N**

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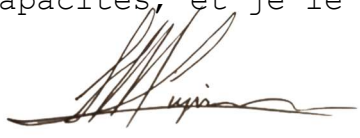
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