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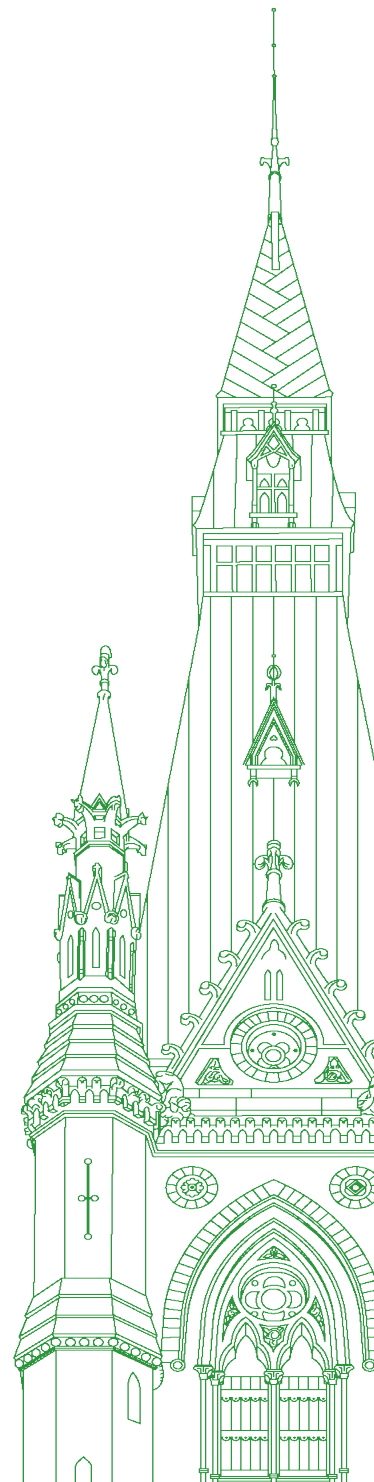
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Chair: The Honourable Bardish Chagger



Standing Committee on Procedure and House Affairs

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• (1205)

[*English*]

The Chair (Hon. Bardish Chagger (Waterloo, Lib.)): Welcome to the second hour of our meeting of the Standing Committee on Procedure and House Affairs.

I would like to welcome our Chief Electoral Officer, Monsieur Stéphane Perrault, to PROC again.

Thank you for always taking the time. With that, I will pass the floor over to you.

Mr. Stéphane Perrault (Chief Electoral Officer, Elections Canada): Thank you, Madam Chair.

Since my November 1 appearance, I have read news reports of foreign interference in the 2019 election. I am not in a position to speak to the accuracy of the contents of the recent news articles, but what I can say is this.

First, there were concerns prior to the 2019 election regarding the risks of foreign interference through various means. This is why, as part of a range of actions in preparing for the 2019 election, national security agencies took part in a meeting of the advisory committee of political parties, under the auspices of Elections Canada, to raise awareness regarding possible attempts by foreign state actors to interfere in the election. As I said in my last appearance, election security is a team sport.

[*Translation*]

Second, there are clear protocols in place among national security agencies, Elections Canada, the Commissioner of Canada Elections and other law enforcement agencies to allow for the sharing of information based on respective mandates.

The Canada Elections Act very clearly prohibits foreign contributions to candidates. According to the protocols in place, if there is information that would assist the investigation of illegal contributions, it should be sent to the commissioner.

I will note, however, as I did previously, that interference by foreign states raises issues that go well beyond compliance with legislative provisions and involve state-to-state relations.

Thank you, Madam Chair. I welcome your questions.

The Chair: Thank you very much for your comments.

We will move to the first round of questions, where each member will have six minutes.

Before we begin, I remind you that all comments should be addressed through the chair.

Mr. Cooper, you have the floor.

[*English*]

Mr. Michael Cooper (St. Albert—Edmonton, CPC): Thank you very much, Madam Chair.

Thank you, Mr. Perrault. It's good to see you again before our committee.

You referenced in your testimony the Global News report. In the November 7 report and in an updated November 20 report, Global News stated that intelligence memos cautioned the Prime Minister and several cabinet ministers regarding a vast campaign of interference by Beijing in the 2019 federal election campaign.

Has the Prime Minister or anyone in his office reported to Elections Canada any particulars concerning a campaign of interference by Beijing?

Mr. Stéphane Perrault: I'm not aware of any specifics regarding campaigns of interference by Beijing other than what I've read in the news article.

Mr. Michael Cooper: So, the answer to my question is that no report has been made by the Prime Minister or anyone in his office.

Mr. Stéphane Perrault: Madam Chair, that is what I said. I would like to remind the committee that the mandate of the commissioner of Canada Elections, unlike my own mandate, is to investigate cases of non-compliance. If there is evidence to support an investigation regarding an offence under the Canada Elections Act, that information should go to the commissioner of Canada Elections.

Mr. Michael Cooper: Just to be clear, no report has been made from the Prime Minister to you or to the commissioner, or anyone in your office—

Mr. Stéphane Perrault: I'm not aware of it.

Mr. Michael Cooper: — in his office.

Mr. Stéphane Perrault: Certainly not to my office or to me. I can't speak for the commissioner.

Mr. Michael Cooper: Can you undertake to find out from the commissioner?

Mr. Stéphane Perrault: I think it's for her to speak to the committee, Madam Chair. If the committee wants to ask, perhaps by written means....

I would note that the commissioner's independence is something that is very important, and that was very much a subject of legislation in recent years. There is a very clear distinction from her mandates—

Mr. Michael Cooper: Well, perhaps we do need to hear from the commissioner, just as we had both you and her on November 1.

Similarly, can you confirm whether any reports to Elections Canada have been made by any cabinet ministers or any officials in their office?

Mr. Stéphane Perrault: I've not received any reports regarding specific instances of non-compliance with the legislation or specific instances of Chinese interference in the election.

Mr. Michael Cooper: You're not aware that the commissioner has, from any minister.

Mr. Stéphane Perrault: I'm not aware that the commissioner has. I'm aware that we....

As we prepare for the election, we have extensive discussions with partners. We do tabletop exercises at the different levels of each organization—DG, ADM, deputy minister—so that people understand the roles and responsibilities and are able to share information.

Mr. Michael Cooper: Yes. Thank you, commissioner.

I take it that no investigation has been initiated.

Mr. Stéphane Perrault: I can't speak to that. I have no way of speaking to that. The law is very clear about the role and the commissioner's limitations in sharing information.

Mr. Michael Cooper: So you can't speak to that.

Perhaps you may be able to elaborate on answers provided by the commissioner to our committee that I received, that committee members received, yesterday. As you will recall, on November 1 the commissioner referenced that in the 2019 general election, there were 10 separate allegations of foreign interference brought to the attention of Elections Canada. She went on to indicate that there were 158 complaints.

I'm wondering if you could answer whether any of those 10 separate allegations of foreign interference concerned the CCP.

• (1210)

Mr. Stéphane Perrault: I'm not in a position to speak to that. Again, the work of the commissioner is done independently and in confidence.

Mr. Michael Cooper: You're not able to speak to any particulars concerning those allegations.

Mr. Stéphane Perrault: That is correct.

Mr. Michael Cooper: You're not able to shed any light to this committee on—

Mr. Stéphane Perrault: That is correct. I can speak about roles and responsibilities—

Mr. Michael Cooper: Okay. Thank you for that.

You did state—

The Chair: I am going to pause for a second.

We have spent a lot of time on this committee understanding the important work that interpreters do. We are a country with two official languages. Therefore, I'm going to ask that, as committee members, we ask questions through the chair and we let our witness—whom we invited to the committee, remember—answer those questions.

With that, Mr. Cooper, you have a minute and a half left. I do not want to hear two voices speaking, from anyone, at the same time. It's important that we actually get to the work we are doing.

It's back to you, Mr. Cooper.

Mr. Michael Cooper: Thank you, Madam Chair.

Mr. Perrault, in your testimony you said, "The Canada Elections Act very clearly prohibits foreign contributions to candidates." Can you elaborate on some of the penalties for either funnelling money that is foreign or directing money to candidates or knowingly receiving such monies?

Mr. Stéphane Perrault: Madam Chair, if the committee wishes, I do have a table of the various offences that could come into play in this situation. I'm happy to share that with the committee rather than reciting them.

It is correct that the law very clearly prohibits contributions from any entity other than an individual who is either a Canadian citizen or a permanent resident. Any other contribution is illegal. It is also illegal to hide the source of a contribution and to direct contributions to other persons. There are various offences for that. Typically, the highest penalty is a year imprisonment.

I have a full table that I'd be happy to share with the committee.

Mr. Michael Cooper: What constitutes the highest penalty?

Mr. Stéphane Perrault: I believe it's one year, depending on the offence.

The Chair: That's it? Excellent. Thank you.

We will now go to Mr. Turnbull for six minutes.

Mr. Ryan Turnbull (Whitby, Lib.): Thanks, Madam Chair.

Thanks, Mr. Perrault, for coming back to our committee. You're making regular appearances here, which we appreciate.

I want to start with a very simple, clear question.

In your opinion, was the election in 2019 fair and free in Canada?

Mr. Stéphane Perrault: I have no reason, Madam Chair, to believe that the election overall was not a free and fair election.

Mr. Ryan Turnbull: What if I were to ask you the same about the election in 2021? Was that election free and fair, as a democratic election should be, in your opinion?

Mr. Stéphane Perrault: In my opinion, there's no reason to believe that it was not a free and fair election.

Mr. Ryan Turnbull: When you say, “no reason to believe,” I would say that you, of all people, would have oversight and ability to see many of the factors that lead you to make that judgment. That's a pretty important blanket statement you're making. How can you be certain that your judgment is accurate? What are you taking into consideration when you say that our elections, in both instances, were free and fair?

Mr. Stéphane Perrault: I was careful, Madam Chair, to speak in the negative, in the sense that from what I know, I have no reason to doubt that it was free and fair.

I am accountable for the overall conduct of the election. Of course, in all elections there are issues that we encounter and we've seen, and we've spoken in this committee about cases, for example, of incorrect information about the voting process, which we seek to correct and make sure electors are able to vote.

There may be offences that are committed that we find out about after the fact, and there may be investigations that are or are not under way that I would not know about, but with the information that I have, I have no reason to believe that the election was not a free and fair election.

Mr. Ryan Turnbull: Thank you. Okay.

Along similar lines, do you have any reason to believe that in either 2019 or 2021 the federal elections were disrupted or compromised by foreign interference?

Mr. Stéphane Perrault: I have no specific intelligence or evidence in that regard.

What I will say is that through our relationship with the national security agencies, we are—and we were prior to both elections—aware that this was an area of risk and there was an interest in certain countries in conducting various forms of disruption or interference in the elections. This is one of the reasons why we held a meeting with political parties and the national security agencies to start raising awareness and build a relationship between the various players in order to protect the election.

• (1215)

Mr. Ryan Turnbull: What steps have been taken to protect the election? I'm sure you have specific examples.

Mr. Stéphane Perrault: For example, certainly in our case, one of the key aspects that we need to do is work with the cybersecurity experts and the Government of Canada to secure our infrastructure so that we are able to actually deliver the election and that we do not suffer from cyber-attacks.

We also take extensive steps to inform Canadians and inform the media of the procedures that we follow in order for ensuring that the vote is fair. We have a communications role to play during the election to educate Canadians and help them understand their rights and what they have to do. We also provide training to parties and candidates regarding obligations—their financial obligations and their reporting requirements—so there's a range of activities that we undertake to ensure the fairness of the election.

Mr. Ryan Turnbull: Okay. That's great.

Do you have any reason to believe that Canadians' ability to vote was compromised in any way by foreign election interference in either the 2019 or the 2021 general election?

Mr. Stéphane Perrault: Generally speaking, I would say not. As I indicated to this committee, in the past there have been cases of incorrect information on the voting process. It's very difficult to ascertain whether incorrect information originates from a domestic or a foreign source. Whichever the source, we do rectify the information.

Mr. Ryan Turnbull: Thank you.

In terms of election financing, I understand that—you've said it and I think Mr. Cooper also made mention of this in his questioning—there were limits on foreign contributions to candidates, i.e., there is none allowable, so that's good, obviously, as we can all agree.

How do our election financing rules stack up against those of other jurisdictions around the world? My understanding is that they're pretty stringent, which is a good thing for us. Could you give us some details on that?

Mr. Stéphane Perrault: I think that overall, Madam Chair, we have a very robust regime of political financing, with a mix of private and public funding, which I think is healthy. We have strong disclosure rules and low contribution limits. We do regulate a range of political entities, going from nomination contestants, electoral district associations, political parties and leadership contestants, so it's a very extensive regime.

It never is perfect. I've made recommendations to improve it, but I would say overall it's a very robust regime.

Mr. Ryan Turnbull: Can you explain what protocols are in place when Elections Canada becomes aware of a candidate violating the Canada Elections Act?

Mr. Stéphane Perrault: If we have, through whatever source, grounds to believe or even suspect that there have been specific cases of non-compliance, we would necessarily refer that to the commissioner for her to investigate.

Mr. Ryan Turnbull: When Elections Canada is alerted to a campaign breaking financing laws, how does Elections Canada respond? Do you alert the commissioner and they launch an investigation?

Mr. Stéphane Perrault: The commissioner decides whether the facts warrant launching an investigation or a review.

Mr. Ryan Turnbull: Thank you, Mr. Perrault.

The Chair: Thank you, Mr. Turnbull.

Next is Madam Gaudreau.

[*Translation*]

Ms. Marie-Hélène Gaudreau (Laurentides—Labelle, BQ): Thank you, Madam Chair.

To be very honest, I have to say that a tremendous amount of information has been provided. I had a lot of questions to ask, but I'm going to go back to the basics.

I have a good understanding of the issues related to cybersecurity and the steps or procedures to follow. Mr. Perrault, you said that the media and individuals were well aware. Could you elaborate on that? Maybe the interpretation was missing something.

I'll explain what I mean. In a way, we are told that the idea is to take action against people with bad intentions. At the end of the day, there are indeed people here who seek power or don't want to lose it. From your point of view, what can we learn from your exchanges to ensure that citizens have confidence in our democracy? Does Elections Canada have everything it needs to determine that the Canada Elections Act is compliant or is insufficient?

I would like you to talk about what measures you have and what is missing. I know very well that we will talk to the commissioner, but I will let you answer my question.

• (1220)

Mr. Stéphane Perrault: It is important for members of the committee and those who are listening to us to understand that ensuring the security of the election is not just Elections Canada's business. When we talk about what we do to ensure that elections are fair and secure, people need to understand that many stakeholders have a role to play. For example, local police forces can act when there is interference, and I am not talking about interference in the sense of foreign interference, but rather issues related to public safety. Moreover, in the last election, provincial and federal public health agencies had a role to play. So there are a lot of stakeholders.

With respect to national security, there are the national security agencies. I know that the committee will be hearing from the Canadian Security Intelligence Service. The Canadian Centre for Cyber Security supports us in terms of the security of our IT infrastructure. So a number of stakeholders are involved.

In the case of Elections Canada, we need to distinguish between the role of the Chief Electoral Officer and the Commissioner of Canada Elections. The Chief Electoral Officer is responsible for enforcing the act, and this includes ensuring that Canadians understand their rights and how to vote. The Chief Electoral Officer must also ensure that candidates and parties understand their obligations, including those under the political financing rules, and know what they can and cannot accept. In this regard, manuals are prepared and training is provided. So there's a set of activities underway to make sure that the regime is working properly.

If there are cases involving potential violations of the act, it is the role of the commissioner and her office to investigate, independent of Elections Canada.

When we talk about the different actors, it is important to understand that they have very distinct accountabilities. Personally, I report to Parliament through this committee; I do not report to a minister, unlike the national security agencies.

Therefore, we are careful to talk about our respective areas of responsibility and mandates, while ensuring good collaboration between the different departments and agencies.

Ms. Marie-Hélène Gaudreau: How do we justify the current information gaps? On the one hand, we are told by the media that there is enough evidence to say that there is the appearance of for-

eign interference in 11 constituencies. On the other hand, we are told that this is not true, that no information was provided, and that they are trying to throw a wrench in the works.

What is the job of Elections Canada, when we see that the commissioner is doing investigations? I don't understand anything anymore. Help me: what can I tell my constituents about the last election?

Mr. Stéphane Perrault: In general, I think we can talk about a fair election. I have no reason to doubt that.

We have to be careful about newspaper articles and the media. I don't want to question the journalistic work, but there was no investigation. We don't know what happened or which constituencies are affected. We don't know if money was given to candidates for their campaigns or for personal use. Are we talking about corruption of individuals or influence in the financing of elections? I don't have that information.

So we have to be careful when reading a media article before making a statement about the fairness of an election and the consequences that may result. That said—

Ms. Marie-Hélène Gaudreau: I will continue with my last question, as I only have about 30 seconds left.

Based on your expertise, is the Canada Elections Act sound? Do we have everything we need?

Mr. Stéphane Perrault: I think we have an excellent regime. Having said that, some things could be improved. I've shared that with the committee and I can elaborate on it as needed. All in all, I think our political finance regime is the envy of just about every other regime in the world.

Ms. Marie-Hélène Gaudreau: I am glad about that.

Earlier, we were talking about the measures and the steps to be taken. Of course, as you say, the commissioner has to do her investigation. However, once you have that information, what are the steps to be taken to disclose it to whom it may concern? Earlier, you mentioned ministers and the entire government.

What is the disclosure process in that respect?

Mr. Stéphane Perrault: We don't know if there are facts that would lead to an investigation. Again, this is just a newspaper article. You can make assumptions when you read an article; we all do, it's normal. You can assume that money was used to fund campaigns. If that is the case and there is evidence, it should be forwarded to the commissioner. However, I don't know if that is the case. If the commissioner decides to investigate because she feels there is sufficient evidence to do so, the investigation will run its course. Normally, at the end of the investigation, the commissioner will take action, which may or may not become public, depending on the outcome of the investigation.

• (1225)

Ms. Marie-Hélène Gaudreau: Thank you very much, Madam Chair.

The Chair: Thank you.

Mr. Blaikie, go ahead for six minutes.

[English]

Mr. Daniel Blaikie (Elmwood—Transcona, NDP): Thanks very much, Madam Chair.

I appreciate the comments to date from Monsieur Perrault, so I'm not asking him to comment on details of the case that was reported.

I do think we're in a moment where those allegations have been made in the media. The issue has been raised in the House. On the weekend, the Prime Minister offered up that he hadn't been briefed on these 11 candidates. From a public confidence point of view, I think that probably would have been helpful sooner in the process.

Monsieur Perrault does have experience talking about elections and inducing confidence in the electoral process. I think there is clearly a tension here in the mind of the public between these allegations that have surfaced, the Prime Minister later saying he didn't know anything about it and people asking questions.

For Canadians who want to come out of this feeling confident about the process and who are not satisfied to date with the way things have transpired, what do you think government, Elections Canada or other players in this process could do to help those Canadians who say that, fundamentally, they want to have confidence in the process? They think it's probably okay, but they have some lingering questions down in the backs of their minds.

Is there a process that you think might help? I get that it's not your job to determine when an investigation is warranted. That's the commissioner's job. Suggestions have been made in the House about maybe having the National Security and Intelligence Committee of Parliamentarians look at this.

Is there some other organization or group that could engage in a process that you think might help shore up Canadians' confidence with respect to this particular allegation?

Mr. Stéphane Perrault: I understand, Madam Chair, that the committee will be hearing from CSIS. They may have things to share with the committee in terms of the process of that nature. I can't speak for them. Again, I think it's important for accountabilitys to be quite distinct. As much as I value the independence of Elections Canada, it goes both ways.

To reassure Canadians, what I can say is this: Prior to the 2019 election, and certainly prior to 2021, but in both cases, there was a high level of alertness to this issue amongst the various institutions that have a role to play. Not only were they alert, but they were very deliberate in sharing their concerns with political participants—parties—through briefings. We had them come to the advisory committee of political parties in February 2019 prior to the election and I know there were subsequent ongoing briefings to the parties. The system was geared up to deal with those issues.

Beyond that, I can't say what actually took place and who shared information. That is beyond my mandate, but the system was geared up for this. I would say that the eyes were on the ball.

Mr. Daniel Blaikie: In respect of one proposal that's been made in the House, which is to just make the names of these 11 candidates public, do you have any advice either for the committee or for government about the potential consequences of doing that without any other due process around that?

Are there any consequences, either positive or negative, that we should be aware of?

Mr. Stéphane Perrault: I think it's always important to reinforce the need for the rule of law. Unlike other countries, we have a democracy that is based on the rule of law and we need to let that process flow, and that means having investigations that are confidential. If they do warrant prosecution, prosecutions are made in a court process. Certainly, we need to have confidence that the institutions we have set up to operate under the rule of law are doing their job, but we should not substitute ourselves for the various institutions.

It's important to raise awareness of this issue, and I think the work of this committee is assisting in raising awareness, but we also have to let the rules operate as they should.

Mr. Daniel Blaikie: The report you issued on the 43rd and 44th general elections—I believe that was in June, but you can correct me if I'm wrong about that—is called “Meeting New Challenges: Recommendations from the Chief Electoral Officer of Canada following the 43rd and 44th General Elections”. I think there is one specific reference to foreign interference in section 4.2, “Broadening the Scope of Existing Prohibitions”.

Could you elaborate on that particular section of your report for the committee and speak specifically about what you believe undertaking what you recommend would do to help prevent foreign interference in Canadian elections?

• (1230)

Mr. Stéphane Perrault: Madam Chair, this was a provision that was enacted in 2019 and that applies extraterritorially. It targets a range of measures that are designated under the Canada Elections Act as exerting undue influence.

This provision, unlike other provisions, applies only during the election period. Of course, I do believe that it needs to be extended beyond that. In my recommendations report, I recommend that at the very least it go through the regulated pre-writ period, but the committee may also consider, in fact, expanding it at all times.

This is one recommendation that is specifically on foreign interference. As I said in my prior appearance, foreign interference is conducted in a range of ways, so there are specific aspects of the legislation that are useful although they do not pertain specifically to foreign interference. Whether it's disinformation or impersonation of candidates, that is an illustration.

The Chair: Thank you.

I wanted you to be able to complete your thought, but I can't be too lenient.

With that, I appreciate it.

[Translation]

Mr. Berthold, the floor is yours for five minutes.

Mr. Luc Berthold (Mégantic—L'Érable, CPC): Thank you very much, Madam Chair.

Mr. Perrault, thank you very much for being with us today.

We are here because a *Global News* article revealed that a foreign underground network allegedly funded 11 candidates' election campaigns, which may have affected the outcome of some elections.

The Chief Electoral Officer is appointed directly by the Parliament. Therefore, you are the representative appointed by Canadians and elected officials to ensure that elections are well-run in Canada. I have reviewed your mandate, part of which is to "monitor compliance with electoral legislation". In addition, your values include "continuously earning and maintaining the public's trust".

What does it take for the Chief Electoral Officer, who is responsible for the electoral process in Canada, to come to the conclusion that an election was influenced by foreign interference?

Mr. Stéphane Perrault: It certainly takes more than a newspaper article. Again, I have a lot of respect for journalists, but I can't rely on a newspaper article.

By the way, the issue involved many implications, but none of that was confirmed by this article. First, it is not clear whether the money was used for the candidates' campaigns. The article does not say so. Even if you believe the article, you don't know whom the money went to or what it was used for. Essentially, we're talking about what I would call attempts at bribery or buying influence. Those are not necessarily attempts to influence the election.

Mr. Luc Berthold: Let's set aside that article.

The Chief Electoral Officer must, at some point, report and certify the result of the election by stating that it was conducted properly and that there was no foreign influence.

At what point will the Chief Electoral Officer say he has concerns? How many ridings must be targeted, how many allegations and investigations must there be before the Chief Electoral Officer says that he has concerns and that there is a possibility that the outcome of some elections may have been influenced by foreign interference activities?

Mr. Stéphane Perrault: After each election, I submit a report to Parliament, which is discussed in this committee. If I have any concerns about the fairness of the election, I will never hesitate to report them. If you read my report on the last election, you will see that I was very transparent about what worked well and what didn't. At that time, there was no specific indication to me that there was foreign interference, and this is still the case. I was aware of the risks, however, and my job is to work with the parties and with national security agency partners to make participants aware of the risks.

The mechanics of the act are followed: I report to the committee and convey, in a very transparent way, any concerns I may have about the conduct of the election, without necessarily putting a label on what's going on in one, 11, or three ridings.

• (1235)

Mr. Luc Berthold: That's my point.

I'm submitting a hypothesis to you, as I really want to know how this works. If you ever found out that there had been foreign interference, which affected the outcome of a campaign in a constituency, would you say that it affected the outcome of the election?

Mr. Stéphane Perrault: That is a good question.

It is extremely difficult to establish a causal relationship between financial irregularities and the outcome of the election. It's difficult even when it comes to spending. Campaign spending sometimes exceeds the set limit. Yet, it is extremely difficult to draw a conclusion on how overspending may have impacted the results in a particular riding.

There is, however, a mechanism for this: contesting the election. If someone believes that the election results were influenced, there is a mechanism for deciding on the issue.

Mr. Luc Berthold: So when it is publicly stated that there was no foreign influence on the results of the 2019 and 2021 elections, that is a general statement. Based on the information you have, we can't confirm anything; we can't say there was no influence, but we also can't assume that the influence changed the results.

Mr. Stéphane Perrault: That's exactly right. I think talking about the impact on the results is very speculative. The article in question talks about contributions made to candidates. To me, it's much less about the possibility that it changed the outcome of an election than it is about the fact that people's loyalty was bought.

Mr. Luc Berthold: It could go either way.

Mr. Stéphane Perrault: Indeed, what the article says is that it could go either way.

Mr. Luc Berthold: I'm not necessarily talking about the article, but more in general terms.

I see my time is now up. It is a shame, because we were on to something interesting.

The Chair: Would you like to finish what you started to say, Mr. Berthold?

Mr. Luc Berthold: What I want to know is at what point you can say that something happened in a constituency, so that the overall outcome of the election was influenced by a foreign power. At what point does the Chief Electoral Officer consider that he has received enough information, complaints and contestations to say that there was foreign influence, even if it did not change the result of the vote? What does it take for the Chief Electoral Officer to come to such conclusions in his report to Parliament? Let's not forget that, as Chief Electoral Officer, you are the voice of the public.

Mr. Stéphane Perrault: That's an important question, but it is not my role to say whether or not the election in a particular riding is valid. My role is to report to the committee what I know about the conduct of the election. If a voter believes that the results have been influenced, the mechanism for contesting the results of an election is to go to court. Only a court has the authority to overturn an election. It is not the role of the Chief Electoral Officer to say that. My role is to convey to Canadians, through this committee, what happened in an election, what went right and what went wrong.

The Chair: Thank you very much.

Ms. Sahota, you have the floor.

[*English*]

Ms. Ruby Sahota (Brampton North, Lib.): Thank you, Madam Chair.

Thank you, Chief Electoral Officer, for your presence here today.

My first question is regarding the recommendations you were just talking about. Through many Parliaments, you've been coming before this committee and making recommendations after an election. You made recent recommendations about foreign interference and financing rules that should be changed.

Were these recommendations made from a precautionary perspective, or were they based on some examples that you can give this committee of things you've learned through your partner agencies?

Mr. Stéphane Perrault: There's a long list of recommendations, so it's difficult to provide a blanket answer. For example, as we go through applying the law, we sometimes find that it is inadequate to deal with certain circumstances.

Here we're talking about contributions. In my recommendations report, I made some recommendations to better ensure the transparency of the source of money. Right now there are rules against cash contributions that are more than \$20. It's not allowed. However, there are no rules against prepaid credit cards. That was a matter of debate during a recent leadership race. I took well note of that and I agreed, in my mind, that this needs to be addressed.

Also, in my report we talk about cryptocurrencies. We haven't seen any use of cryptocurrencies to fund elections in Canada, but they are used to a growing extent in the United States. What are the rules that apply? We have guidance on that, based on the existing rules, but I do not feel that the existing rules provide sufficient transparency for those contributions.

There are things that we are looking at, and that I'm looking at, in this recommendations report that are not specifically about foreign interference, but that may be of assistance in addressing issues of foreign interference, in that case, through contributions.

● (1240)

Ms. Ruby Sahota: Thank you for that.

There's a saying that I'm fond of, that only a fool learns from their own mistakes. It's good to see that you are looking to other jurisdictions and other countries and learning from them, so we do not step into something that could be problematic.

You mentioned that Canadians should have confidence in their institutions. You are one of our finest institutions. I was wondering if you could elaborate on how Elections Canada can communicate to Canadians and continue their confidence in your institution.

I know many questions have been raised about what the threshold is. What would you do if there was an incident? The commissioner would investigate. What would that look like? You said that the investigation could be made public, but it might be private.

Could you walk us through a bit of that so Canadians can have that confidence?

Mr. Stéphane Perrault: I think an important role of Elections Canada is explaining the rules and the process. That's something that we take to heart. In the last election, for example, there were concerns about mail-in voting in light of the American experience. We were very deliberate in explaining every step of the controls and making sure that we were quite transparent and that Canadians could see what controls were in place.

Of course, we don't reach everybody. Not everybody looks at our website, but we have media and other partners to facilitate conversations about the security of our elections.

When anybody has specific information regarding non-compliance with the act, they should not hesitate to contact either my office or the commissioner. If it's my office, I will pass it on to the commissioner. Her mandate is to examine whether, in her judgment, this warrants a review or an investigation and to take appropriate steps to follow through on that. That may lead to a range of penalties, going from administrative monetary penalties all the way to criminal prosecutions. When those penalties are applied or the prosecutions take place, it is public.

That provides a degree of transparency at the end of the day on what took place during an election.

Ms. Ruby Sahota: You referenced earlier that we should be very careful about what is said or spoken about in the media or in Parliament, even.

Why is it that you say that? What is your fear about some of these articles that are being published?

Mr. Stéphane Perrault: I want to be prudent to not draw conclusions from information that is not demonstrated. Again, I want to show no disrespect in any way to the media outlets and the journalists, but in my capacity, and, certainly, other institutions that are involved in securing the election, we can't draw conclusions from just news reports.

Ms. Ruby Sahota: What would happen if we were to draw those conclusions?

Mr. Stéphane Perrault: We would risk discrediting the electoral process in situations that are not warranted. However, even in this case, even if we accept at face value what is said, we don't know which are the districts, what are the amounts of money and whether they went to the campaigns or to the pockets of the candidates.

Is this a corruption of individuals, or is it an attempt to support a campaign? We don't know any of that, so it's premature. Even if we accept those as facts, it's premature to draw conclusions. There are not enough facts at this point.

The Chair: Thank you.

[*Translation*]

Ms. Gaudreau, you have the floor for two and a half minutes.

Ms. Marie-Hélène Gaudreau: Thank you, Madam Chair.

I'm going to put all my thoughts together. We were discussing increased transparency and legislation to enhance our capacity to target any possible attempts at corruption and influence. My understanding is that there are a lot of things to consider when we get the opportunity to ask the commissioner some questions.

At the moment, it's difficult to really be sure about anything, because we can't prove anything. An investigation is needed and it's complicated. I may be wrong, but in addition to being much more vigilant, haven't we got to the point of having to look at the situation under the Lobbying Act and the Conflict of Interest Act? We've come a long way.

Voters, for whatever party they may support, as we were saying this morning, want to have more confidence in the system. I'd like you to reassure me on that score. Have you any suggestions to make? We could begin by reviewing Canada's privacy rules, which are clearly inadequate. Only yesterday, I was with the president of Estonia. We could learn from Estonia on that score.

What would you suggest? If you run out of time, I'd like to receive a report from you about this.

• (1245)

Mr. Stéphane Perrault: I would like us to pay attention to it here. I make recommendations about the Canada Elections Act, and I'm going to continue to do so. With support for these recommendations we can then amend the act.

Some measures could indeed go farther. I'll give you an example. I'm talking about potentially illegal contributions. Normally, every candidate submits a report that includes a list of their contributors, and everything is reviewed by my office; so how can such contributions be made? If that kind of money is coming in, it means that it's either cash, which is illegal beyond a certain amount, and if so it would require an investigation, or through prepaid credit cards, which I have recommended be eliminated, or through fake identities, a well-known problem.

Quebec has in fact adopted rules that are more strict than at the federal level. Employer names are requested so that several contributions from a given employer can be identified. That's not mentioned in my recommendations report, but the committee members may be interested in that. And don't think that I'm assuming the employer in this instance is the Embassy of China. The bottom line is that there are ways of improving the system.

Allow me to repeat that my role is to talk about the Canada Elections Act, and not other regimes that may be relevant with respect to instances of corruption.

Ms. Marie-Hélène Gaudreau: Thank you very much.

The Chair: Thank you, Ms. Gaudreau.

Mr. Blaikie, please go ahead.

Mr. Daniel Blaikie: Thank you, Madam Chair.

Mr. Perrault has already dealt with the issues I was going to ask about. I will therefore ask him to simply continue to talk to us about the recommendations made in section 4.2 of his June report.

If there are other ways to come up with legislation that would reduce the possibility of election interference, I'd like him to tell us about them.

Mr. Stéphane Perrault: My report contains another recommendation about the transparency of third-party funding which includes the issue of third-party foreign funding. We discussed this the last time I appeared before the committee.

Currently, third parties can neither receive nor use foreign contributions. It's important to note that a third party is any individual or group that is not a candidate or a political party. Third parties have a life outside of elections and have sources of income that can be commercial or consist of contributions received for general purposes to serve the causes they defend. So if third parties decide to get involved in an election, the funds they use are considered under the act to be their own, even when they come from abroad originally. That raises an issue of transparency and possibly of foreign financing.

What I recommend is that the possibility of requiring groups that receive a certain threshold of funding in the form of contributions to be limited, for the purposes of activities regulated by the Canada Elections Act, to using contributions from a bank account containing donations only from eligible Canadian donors under the act. Groups that do not receive contributions and have commercial revenue, can continue to use their own revenue.

This is an option I suggested to the committee to deal with the issue of third-party funding, including potential foreign funding.

Mr. Daniel Blaikie: Thank you very much, Mr. Perrault.

Thank you, Madam Chair.

The Chair: Thank you, Mr. Blaikie.

Mr. Nater, you have the floor.

[*English*]

Mr. John Nater (Perth—Wellington, CPC): Thank you, Madam Chair.

I get Mr. Blaikie's extra time as well.

Mr. Perrault, I want to start off by asking a follow-up question.

When you are made aware during a writ period of information of wrongdoing or potential wrongdoing, at what point would you think it's sufficient enough to make the public aware of the threat of foreign interference during a writ period?

Mr. Stéphane Perrault: That is, Madam Chair, I think, a highly theoretical question in the sense that, typically, financial violations do not come to light during an election period. I've never seen a situation where that occurred.

Again, we have a system guided by the rule of law. If I believe I have evidence that there was an illegal contribution or any violation of the act, my role is to refer that to the commissioner. Until the commissioner completes her investigation, I think it's premature for me to speak to any particular violation.

● (1250)

Mr. John Nater: Thank you for that.

In going back to your opening comments, you flagged, as you have in the past, concerns that were raised prior to the 2019 election about the risks of foreign interference. That was your first election as Chief Electoral Officer, but you had been involved with the organization for a number of years prior to that. I'm curious about what changed between 2015 and 2019, from your perspective, that flagged that risk more clearly for 2019 versus previous elections.

Mr. Stéphane Perrault: The answer is that it was very clear after the 2016 presidential election in the U.S. After that election, I believe in January or February, I did meet with the Privy Council Office. I did reach out to the Communications Security Establishment to start preparing for our election, because I realized that things had changed.

The concerns we had in the past around disruptions to the elections were more about natural disasters or policing matters, but then they were of a different nature.

I think I was not the only one to draw that conclusion. We saw a number of actions taken by the panel that was put in place. Different players reacted to that, but I think that was very clearly the starting point.

Mr. John Nater: Now, with the benefit of 2019 and 2021 and looking forward to the 2020-something election, where do you see the biggest risk from foreign actors? Going forward, where do you see the biggest risk?

Mr. Stéphane Perrault: I think that's a very good question for CSIS. I take my information in that regard from CSIS, and we will continue to meet.

So far, what we know on our side is very much what was said in the public report of CSIS prior to the 2021 election. It may evolve over time. I have no reason to doubt that we'll keep sharing information as we prepare for the election.

Mr. John Nater: Thank you, Mr. Perrault.

Madam Chair, I'll turn it over to Mr. Cooper.

Mr. Michael Cooper: Thank you, Madam Chair.

Mr. Perrault, through you, Madam Chair, I know you cannot speak to the contents of the Global News report, but I'll put to you a hypothetical based on that report.

If there were \$250,000 that were directed by a foreign consulate through proxies and then funnelled into campaigns of federal candidates, first of all, would you agree that it would violate multiple sections of the Canada Elections Act?

Mr. Stéphane Perrault: Absolutely.

Mr. Michael Cooper: Among the sections in that hypothetical that could be violated would be section 363 prohibiting foreign money to candidates; section 367 pertaining to the maximum con-

tribution limit of \$1,500 per person; section 368 prohibiting any person or entity from circumventing or attempting to circumvent the prohibition of foreign money and the maximum contribution limit as well as concealing or attempting to conceal the identity of the source of a contribution or acting in collusion with another person or entity for that purpose; and section 370, which prohibits indirect contributions where the source of money comes from another person or entity.

Would you agree that all of those sections could be implemented?

Mr. Stéphane Perrault: On the face of it, under your hypothetical, yes.

Mr. Michael Cooper: We often hear the assertion that the overall election was free and fair. Just because the overall election is free and fair, I would ask if you could clarify that it doesn't negate the possibility there could be interference or could be instances of illegal activity. There could be instances of violations of the Canada Elections Act that would not impact the overall integrity of an election. Do you concur?

Mr. Stéphane Perrault: Madam Chair, in every election there are signs that are unfortunately destroyed. There are all kinds of irregularities that take place, but that does not negate the overall fairness of the election. It doesn't mean that these behaviours are right or that they're fair, but there's quite a difference between seeing illegal behaviour and drawing inferences regarding the results of the election.

The Chair: Thank you.

Mr. Fergus, you have five minutes.

● (1255)

[Translation]

Hon. Greg Fergus (Hull—Aylmer, Lib.): Thank you very much, Madam Chair.

I'd also like to thank Mr. Perrault for his presentation.

Mr. Perrault, you are the fourth chief electoral officer that I have had the privilege of meeting in my lifetime, after Mr. Hamel, Mr. Kingsley and Mr. Mayrand. We have a fine and long-standing tradition in Canada.

I would just like to confirm that you believe Canada has some of the best mechanisms and regulations in the world for the proper conduct of elections.

Mr. Stéphane Perrault: I think, generally speaking, that Canada has an excellent regime.

One of the things that makes it excellent is that it is reviewed on a regular basis. Not only that, but this committee plays an important role. After every election, the chief electoral officer prepares reports, learns lessons from the election and makes recommendations about changes to the act. My predecessors did so, as I have in turn. These recommendations are then very seriously examined by the committee. There is a solid tradition of conducting these examinations in a non-partisan manner. The fact that we strive to improve the electoral process in a non-partisan manner contributes enormously to the credibility of the Canadian regime.

Hon. Greg Fergus: I would imagine that if we had to start over from scratch, you too would establish a federal elections commissioner position and a chief electoral officer position, to ensure that irreproachable and non-partisan people organize elections in Canada; is that right?

Mr. Stéphane Perrault: One of the features that makes our system so solid is that we have an elections administration that is independent from the government, and headed by a chief electoral officer appointed by the House of Commons. This is not something you see everywhere around the world and it's an important aspect.

Hon. Greg Fergus: Yesterday evening, when I read the notes you provided, I saw that you did not want to take a position on this question today because you did not have all the facts and could not draw conclusions based on a Global News report. Why is that?

[English]

Mr. Stéphane Perrault: Process matters.

[Translation]

That's simply all I would say about it.

It's important to follow the procedures in place. We're talking here about potentially very serious violations of the act that would be very damaging to elections. We therefore need to take the time to ensure that the evidence is known and reviewed, and that the process is followed. This includes ensuring the independence of the commissioner, who would conduct her investigations with all of the tools available to her, without any interference. You have to look carefully before drawing conclusions.

Hon. Greg Fergus: They are nevertheless serious allegations, and I take what's in the report seriously, as do all other parliamentarians, I believe. I would even go so far as to say that the vast majority of people who actually actually put their name on a ballot take it seriously, whether or not they have a good chance of winning in their riding. Is that your point of view also?

Mr. Stéphane Perrault: Definitely. When candidates decide to run, something that you've done several times, we send them a letter reminding them of the importance of complying with the act. We send them a message about maintaining the reputation of candi-

dates and the electoral process. They are also reminded that if they have any concerns or see anything that doesn't appear to be consistent with the act, they should report it to Elections Canada or to the office of the commissioner of Canada Elections. All participants have a role to play and I don't have the impression that our system is corrupt.

Hon. Greg Fergus: What message can you send out to ordinary people listening to us talk about the Global News report? Do you take it seriously. Does the commissioner of Canada Elections take it seriously? Are you looking into the allegations made in this report?

Mr. Stéphane Perrault: All the participants are taking it seriously. I have no reason to doubt it.

As I said in my opening address, the national security organizations we have been talking about were very much aware of issues of this kind prior to the election. They kept us informed accordingly, and we in turn transmitted relevant information to the political parties. The then commissioner also took the matter seriously. The current commissioner even wrote to the committee, and I think she stated very clearly that she took it seriously.

The message people need to receive is that we have institutions that are working properly and that we need to let them do their work.

• (1300)

The Chair: Thank you very much, Mr. Fergus.

[English]

On behalf of PROC committee members, I would like to thank you, Mr. Perrault, for your time today and for the discourse and information you've shared.

As always, should you wish to share any information, including what was referenced earlier on the list, please do send it to the clerk and we'll have it circulated to committee members.

With that, I wish you and your team a good day. Keep up the good work.

Thank you. Have a good day, everyone.

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