

ANNUAL REPORT 2022



COMMISSIONER OF
CANADA ELECTIONS

ANNUAL REPORT 2022

Caroline J. Simard, Commissioner of Canada Elections

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Protecting the integrity of our electoral system, and the trust Canadians place in it, is – and will continue to be – at the heart of our compliance and enforcement work.”

MESSAGE FROM THE COMMISSIONER

Serving Canadians as Commissioner of Canada Elections is an immense privilege. My mandate had barely begun when a period of profound transformation began to unfold for our office, heralding what will no doubt be the start of significant changes for years to come. Recent shifts in the public environment have highlighted the resilience of my team, and I would like to extend my warmest thanks to every one of them for their admirable work and for their unfailing commitment to the service of our country’s democracy.

2022 was also a year of transition for the office, as my appointment as Commissioner of Canada Elections marked the end of the mandate of my predecessor, Yves Côté, who dedicated 10 years to this organization. Since he handed over the reins to me, I have discovered that integrity is deeply rooted in the organization’s DNA. I would like to take this opportunity to extend a warm thanks to him for his dedication and sense of public service, which have greatly contributed to the organization’s reputation.

Today, as part of my first annual report, I would like to present the key elements that make up the roadmap for the Office of the Commissioner of Canada Elections for the next decade.

Protecting the integrity of our electoral system, and the trust Canadians place in it, is – and will continue to be – at the heart of our compliance and enforcement work. This ongoing commitment revolves

around the rigorous application of the law to every decision rendered, whether it involves laying criminal charges, imposing administrative monetary penalties, or issuing caution letters. What’s more, these responsibilities conferred on me will be reinforced every day through a culture of excellence that places Canadians at the centre of our actions.

Like other countries, Canada has witnessed the extent to which allegations of foreign interference can undermine public confidence in democracy and in the institutions that uphold it. This underscores the importance both of our mission and of the need for us to remain vigilant. So, it is with the public interest in mind that I announced that my office is currently conducting a review into allegations of foreign interference in the 2019 and 2021 general elections. This issue will be addressed in greater detail later in the report.

The question of public confidence in an organization such as ours comes at a time when our democratic system is being challenged by various threats emanating from the digital sphere and globalization. Disinformation spread via social networks has already worked its way into the electoral ecosystem. Other challenges are also expected to come about that may have a profound impact on the way my mandate is carried out. The advances in artificial intelligence, which could undermine the integrity of the electoral process, and the use of cryptocurrencies to finance political activities, to name but two examples, are challenges that lie ahead and that we are preparing to face.

The unique nature of our office and our expertise places us at the forefront of election law compliance and enforcement. However, our work is limited in scope to what is provided for in the *Canada Elections Act* (the Act). Working in close collaboration with

partners and stakeholders, where everyone plays their part while respecting each other’s specific responsibilities, is therefore essential. To meet the challenges that the future may bring, particular attention will also need to be paid to optimize the collaborative work already undertaken, and to expand existing partnerships and networks.

The responsibilities entrusted to me also bring with them a fresh perspective on the Act, which will guide the development of new recommendations designed to ensure greater protections for our electoral system in a rapidly changing environment. Among the recommendations I intend to make is to broaden the scope of the powers of the administrative regime to take greater advantage of its inherent agility and increase our ability to respond more effectively to the challenges of the 21st century.

It would be impossible for us to do our work without the contribution of Canadians, who are our eyes and ears on the ground. This makes it even more important to reach out to them in their own communities, through social networking platforms or through the interactions my office has with them every day.

We know we will continue to face many challenges in the months and years ahead, and the Office of the Commissioner of Canada Elections will continue to equip itself to meet them. We look forward to continuing to serve Canadians and protecting our democracy by being worthy of the trust placed in us.

Caroline J. Simard
Commissioner of Canada Elections



Photo credit:
Esther Campeau

MANDATE

The Commissioner of Canada Elections (CCE or Commissioner) is the independent officer responsible for ensuring compliance with, and enforcement of, the *Canada Elections Act* (the Act) and the *Referendum Act*.

The current Commissioner, Caroline J. Simard, assumed her position on August 15, 2022.

The importance of the CCE's role in safeguarding elections in Canada

- The Office of the Commissioner of Canada Elections is one of the few investigative bodies in the world that is exclusively responsible for ensuring that federal electoral legislation is respected. The Commissioner's role underscores the importance of protecting the integrity of Canada's electoral process.
- The Commissioner and her staff handle complaints about federal elections and conduct investigations to determine if there has been a contravention of the Act. The Commissioner may take any action deemed appropriate to ensure that the Act is complied with and enforced.
- The CCE's work contributes to maintaining the integrity of Canada's electoral system, by ensuring that all participants comply with the legislation governing federal elections.
- This work is essential to safeguard the integrity of elections as well as maintain a level playing field for all political participants.

ABOUT US

Now, more than ever, in an era where electoral issues are front and centre in the minds of Canadians, the relevance and legitimacy of the CCE's mandate are increasingly apparent. The Commissioner's work contributes to maintaining the trust that Canadians place in the electoral process.

The Commissioner works independently of Elections Canada, the government and other participants in the electoral process. Day-to-day, a specialized team of about 50 employees, as well as a number of consultants with specific expertise, as needed, support the Commissioner in fulfilling her mandate.

History

The position of Commissioner of Election Expenses is created. The Commissioner's mandate is limited to ensuring compliance with, and enforcement of, provisions related to federal election expenses.

1974

The Commissioner is granted deputy head status for the purposes of hiring their own staff and managing their office's human resources.

2014

The 10-year mandate of the previous Commissioner, Yves Côté, ends.

Caroline J. Simard becomes the first woman to be appointed to the position. Her 10-year term began on August 15, 2022.

2022

1977

The Commissioner's responsibilities are expanded to cover all provisions of the *Canada Elections Act*. The position title is officially renamed Commissioner of Canada Elections.

2018

Parliament grants more powers to the CCE, including the ability to issue administrative monetary penalties.

The CCE and Elections Canada: Two distinct organizations

Did you know? The Commissioner of Canada Elections and Elections Canada are two distinct organizations with different mandates.

Elections Canada is responsible for the conduct of federal elections and administering the Act in general, including its political financing provisions, while the **Commissioner of Canada Elections** is responsible for ensuring that the Act is complied with and enforced.

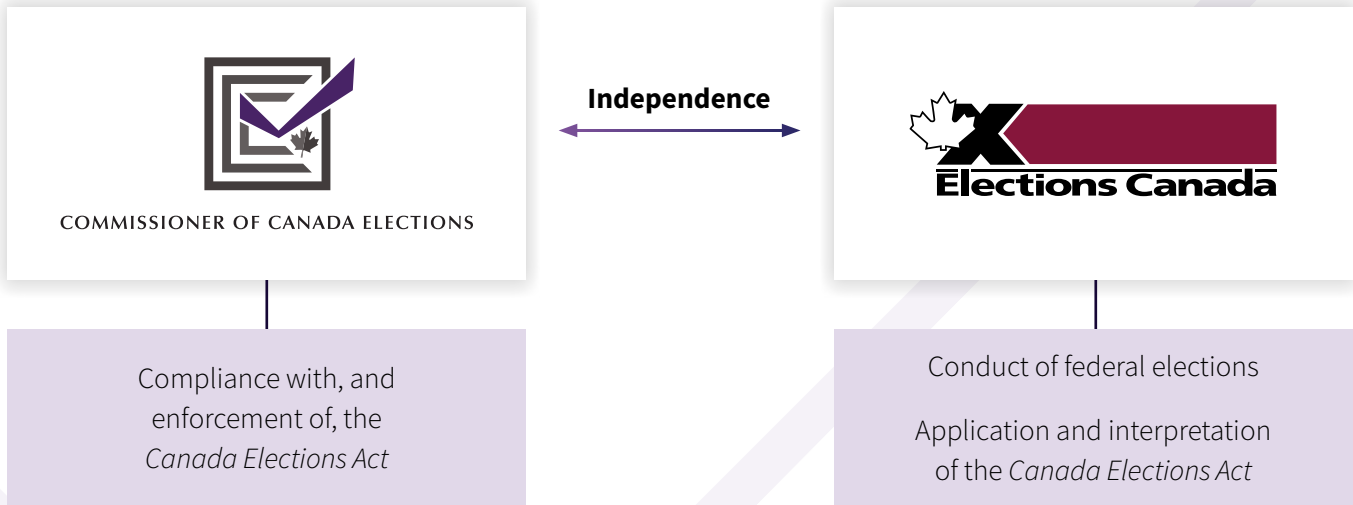
If you have questions about **services to electors, the conduct of an election, the voting process or interpretation of the Act**, [contact Elections Canada](#).

On the other hand, if you think you have witnessed something that may be a **breach** of the Act, [contact the Commissioner’s office](#).

The CCE will review your complaint and, if necessary, conduct an investigation. If the Commissioner determines that the Act was not complied with, she may take any measures that she deems appropriate, including laying criminal charges that could lead to fines or imprisonment.

You can learn more about the work of the CCE and how you can contribute to a healthy Canadian democracy by watching this [video](#).

Canada Elections Act



Funding the CCE

The CCE has two sources of funding. It receives funds in part through an annual appropriation, that is, a budget voted on by Parliament each year. This voted authority covers only the salaries of indeterminate employees.

The Act also says that the Commissioner can use unappropriated funds from the Consolidated Revenue Fund (CRF) for all other expenses. This important authority guarantees that the CCE has access to the funds she requires to conduct investigations while maintaining full independence from the government. These funds cover salaries for term employees, including casual employees and students. The Commissioner’s other expenses, such as the payment of consultants and expenses associated with travel and training, are also paid using unappropriated funds.

Appropriated Funds	Unappropriated Funds – CRF		Total
Salaries* of indeterminate employees	Other compensation – Salaries	Other expenses	
\$3,299,742	\$1,848,016	\$1,492,129	\$6,639,886

* All employee benefits are included in the unappropriated funds from the CRF.

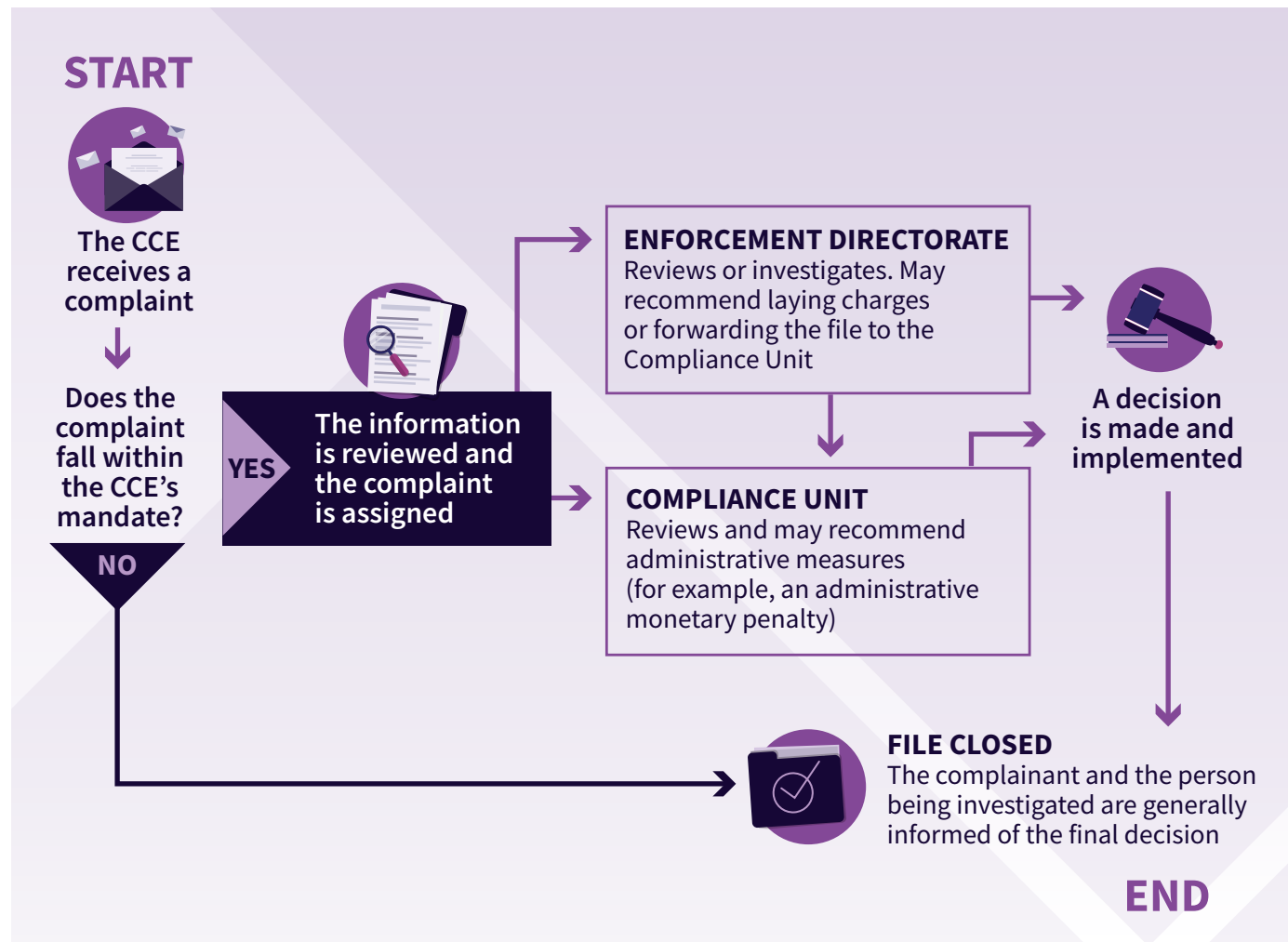
The complaint process

Members of the public are the CCE's eyes and ears. The Commissioner counts on Canadians to report any situation that might violate the Act. Anyone who believes that there may have been a contravention of the Act can submit a complaint to the office. When circumstances warrant, the Commissioner may also conduct a review or an investigation on her own initiative. Additionally, she receives referrals from Elections Canada or other government agencies.

Every complaint, regardless of the subject or the source, is carefully reviewed.

If there is sufficient evidence that the Act was contravened, the Commissioner may take appropriate measures to address the situation. The choice of measure is dependent on the facts and circumstances of the case and which sections of the Act were contravened.

The time it takes to close a file after receiving a complaint can vary considerably. The time required to conduct a review or an investigation depends on several factors, including the complexity of the file and the degree of cooperation from those involved. The quality of the facts and information is also important. Therefore, when making a complaint, it is important to provide tangible facts such as documents and details relating to the date, location and people involved.



Information required to make a complaint

Any person who believes they have witnessed something that contravenes the Act is encouraged to contact the CCE. **If you see something, say something!**





To ensure that complaints are processed quickly and effectively, they should include the following:

- Your full name and contact information;
- A detailed description of the facts, circumstances or actions that you believe to be against the law;
- The date, location, and full names of key people and their contact information (if available), as well as any other information that may help us understand the facts or the situation surrounding the complaint;
- Any other documents in support of your complaint or that you believe are relevant.

When you make a complaint and it is investigated, the CCE's investigation will be confidential.

The passage of time can affect the Commissioner's ability to address your complaint. The more time passes, the more difficult it may be to obtain the necessary evidence to lay criminal charges or to impose an administrative monetary penalty. So, if you believe that a person or an entity has contravened the Act, please inform us right away.

You can make a complaint to the CCE using any of the following means:

 ELECTRONIC FORM: www.ccf-cce.ca	 EMAIL: info@cef-cce.ca	 FAX: 1-800-663-4908 or 819-939-1801	 MAIL: Commissioner of Canada Elections 30 Victoria Street Gatineau, Quebec K1A 0M6
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THE CCE'S WORK BETWEEN ELECTIONS

The office's work continues well beyond the day of a federal election or even an election year. During a pre-election or election period, the CCE's priority is to resolve situations informally to quickly restore compliance with the Act and to reduce any impact on the election.

After an election, the CCE shifts focus to investigative work and reviewing complaint files that either did not require immediate action during the election or that were received after the election period.

The work carried out by the Commissioner and her staff is founded on the principles of **independence, impartiality and fairness**. These fundamental principles contribute to Canadians' trust in the integrity of Canada's electoral system.

By its very nature, the electoral process involves various participants and political parties of all stripes interacting in a highly partisan environment. Therefore, it is important – to ensure the integrity of our elections – that the CCE have full independence in both her work and decision-making.

At all times, the Commissioner and her staff act objectively and in good faith, without seeking to favour or disfavour any political party or candidate, or any other person or entity.

2022 IN NUMBERS

Throughout 2022, the Commissioner and her staff continued to review files related to past elections, primarily 2019 and 2021. These include new files received between January 1 and December 31, 2022, files that were still in progress at the beginning of the year, and referrals from Elections Canada. Information and statistics about these files can be found in the following section of this report.

Breakdown of files

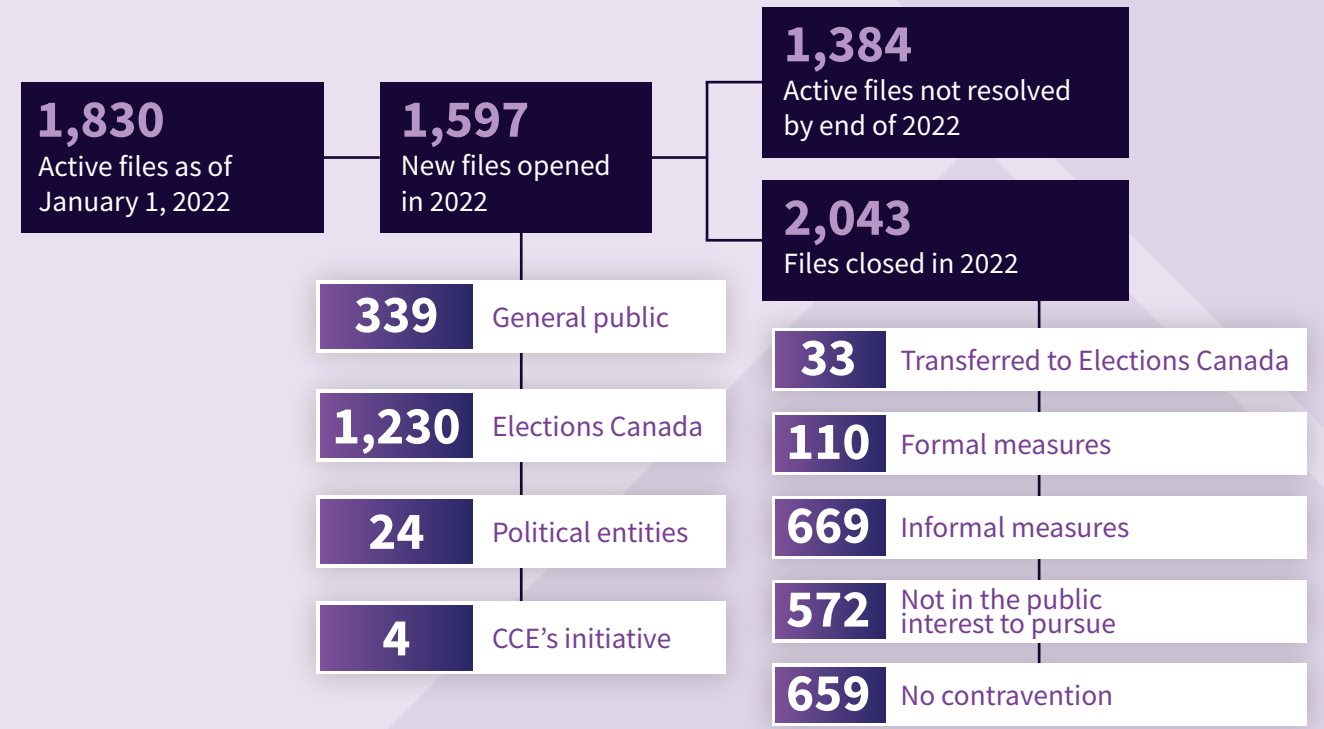
The statistics in the following table show the number of files the Commissioner and her staff worked on in 2022.

It is important to note that every complaint or referral made to the office results in a file being opened. In many cases, the Commissioner may receive several complaints all dealing with the same issue or alleging the same factual situation.

For example, many complainants may contact the office in reaction to the same alleged situation of wrongdoing shared on social media. In that case, the issue would be reviewed as a whole, but the office would open an individual file for each of the complaints received about this situation.

This phenomenon of multiple complaints on the same topic may be due in large part to the use of new means of communication, including social media platforms, which amplify the reach of information and facilitate its transmission on a large scale.

Breakdown of files 2022



When should I complain?

The Commissioner may only examine complaints related to the Act or the *Referendum Act*. As a result, she cannot respond to complaints under laws that do not fall within her mandate or that are related to electoral legislation at other levels of government. In certain cases, the CCE may deal with an offence under the *Criminal Code*, if it is closely related to an offence under the Act or the *Referendum Act*.

To help determine if your complaint falls within the Commissioner's area of responsibility, please consult the [frequently asked questions \(FAQ\)](#) on the CCE website.

The FAQ contain a wealth of useful information to help you determine if you should file a complaint.

Referrals from Elections Canada

The Commissioner receives files from Elections Canada, commonly known as referrals. These are files in which Elections Canada, in the course of its work, has detected irregularities or situations of potential non-compliance with the Act, and which are then referred to the Commissioner. These referrals may involve situations such as contraventions of political financing rules or possible illegal voting. Regardless of the issue, all referrals received by the Commissioner are reviewed.

The CCE receives these referrals some time after an electoral event. The Act contains hundreds of financing rules with which political entities must comply. Elections Canada administers these rules and carries out compliance audits. Given the deadlines set out in the Act for filing various political financing reports or documents with Elections Canada, the audit is

performed after the election. The length of the audit may also depend on the complexity of the file. As a result, Elections Canada refers files that are deemed non-compliant to the Commissioner well after the election.

In other files that Elections Canada audits, it may also identify irregularities – for example, situations that suggest that a vote may have been cast illegally. When potential wrongdoing is detected in these files, Elections Canada refers them to the Commissioner some time after polling day.

Most frequently received referrals in 2022

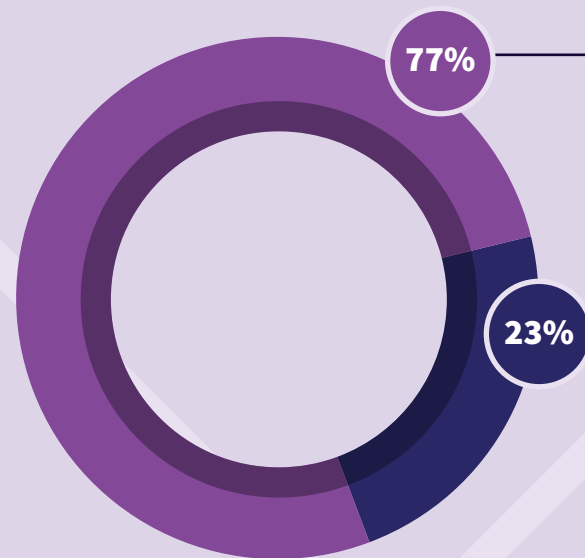
Throughout 2022, CCE staff worked on 1,230 files referred by Elections Canada. These referrals constituted a major part of the work carried out by the office during the reporting period.

The majority – 796 – of these referrals related to potential contraventions of the Act’s provisions about political financing.

An additional 434 referrals related to possible voting irregularities, pointing to either electors who may have requested a second ballot or individuals who may have voted when they were not entitled to do so.

The CCE reviews these files to determine whether there is sufficient evidence to indicate that there was a contravention of the Act.

Proportion of referrals in total new files opened in 2022



Referrals from Elections Canada

In 2022, the CCE received a total of 1,230 referrals from Elections Canada, which represents 77% of new files opened during the period covered by this report.

New files from other sources

During the same period, 367 files were received from various sources, such as the general public and political entities, which represents 23% of new files opened in 2022.

Subjects of referrals received in 2022



In 2022, 65% of referrals received by the CCE concerned potential contraventions of political financing rules.

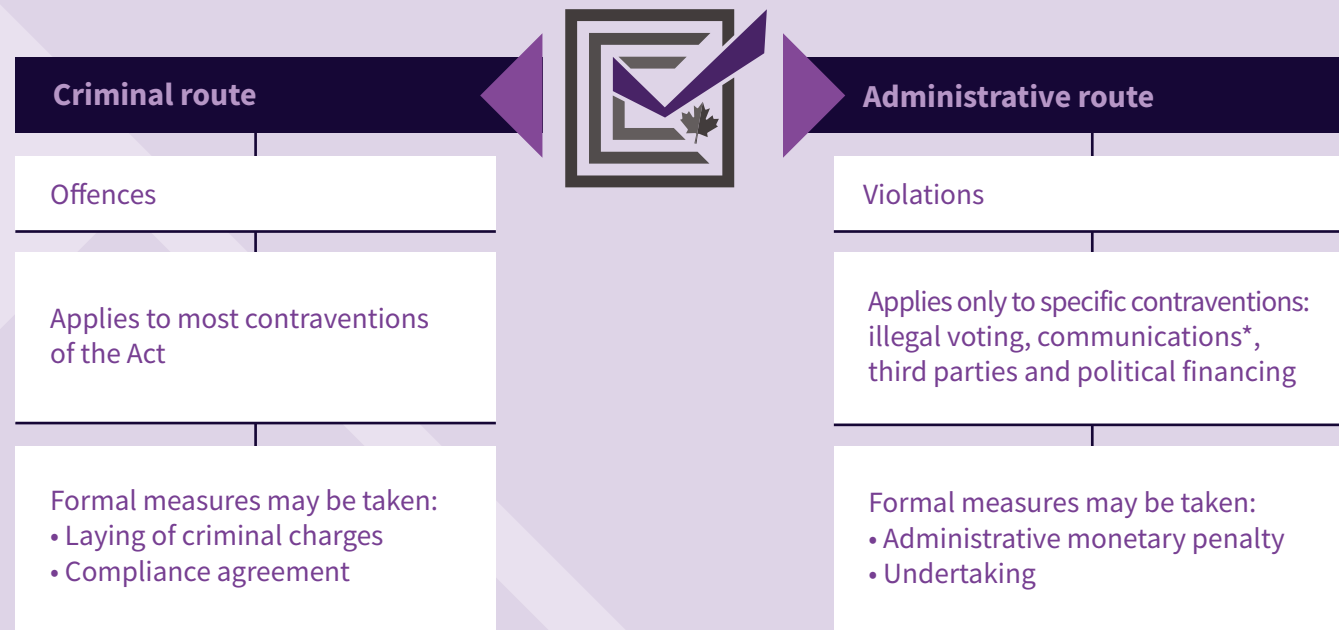
The remaining 35% of referrals related to files involving possible voting irregularities during an election.



YEAR IN REVIEW: 2022

CCE's compliance and enforcement tools

Criminal or administrative process: The CCE's toolkit



*Contraventions specific to communications include those relating to election advertising, election surveys and online platforms, for example.

It is worth noting that sometimes, a contravention of the Act can be both an offence and a violation. In those instances, the facts of the case are taken into consideration to decide whether to go the criminal or administrative route. These two routes cannot be used simultaneously.

Offence or violation: How do they differ?

An **offence** is a contravention of the Act that may be subject to a criminal investigation and for which the perpetrator may be prosecuted in court. If the perpetrator is convicted, the court may decide to impose a fine or a prison sentence.

Unlike an offence, a **violation** is a contravention of the Act that may be subject to an administrative investigation but does not carry the risk of criminal prosecution in court. However, an official notice of violation issuing an administrative monetary penalty may be served to anyone who has committed a violation of the Act.

Fostering respect for the Act through formal and informal measures

The Commissioner may use formal and informal measures to ensure that the Act is complied with and enforced.

Formal measures include:

Laying of criminal charges

If the Commissioner has reasonable grounds to believe that an offence was committed under the Act, she may lay criminal charges.

Compliance agreement

When the Commissioner has reasonable grounds to believe that an offence was committed, she may enter into an agreement with the person or entity that admits responsibility for the offence. Compliance agreements may contain any conditions that the Commissioner considers necessary to ensure compliance with the Act, including the obligation to pay an amount of money to the Receiver General of Canada.

Administrative monetary penalty (AMP)

An AMP is a financial deterrent imposed with the intention of promoting future compliance with the Act. It is not intended to punish the individual or entity that committed the violation. AMPs serve as an additional tool that the Commissioner – or the person to whom she has delegated this power – can use to quickly and effectively respond to certain situations of non-compliance, without unduly adding to the courts' workload.

When the Commissioner, or the person to whom she has delegated this authority, has reasonable grounds to believe that a person or entity has committed a

violation of the Act, she may serve them with a notice of violation setting out the amount of the AMP and a description of the act or omission. AMPs may only be applied to specific contraventions in the Act, including those related to illegal voting, communications, third parties and political financing.

Acceptance of an undertaking

An undertaking is a pledge, voluntarily signed by a person or entity – and subsequently accepted by the Commissioner or the person to whom she has delegated this power – acknowledging failure to comply with the Act. It is an administrative tool that seeks to ensure compliance with the Act. The CCE can only accept an undertaking for violations of the Act.

Under the Act, all files subject to the use of formal means by the Commissioner must be made public. This information is published on the Commissioner's website. It is also provided to the public and the media via press releases, email alerts, and the CCE's social media accounts.

Keep up to date with CCE news

To receive news and updates from the CCE, subscribe to [email alerts](#).

You can also follow the CCE on social media to stay informed of developments related to compliance and enforcement of the Act.



(formerly Twitter)

When circumstances warrant, in the case of unintentional acts or omissions or those considered to be minor, the Commissioner may use **informal means** to resolve a file. These tools, including information letters and caution letters, seek to encourage the person or entity involved to take all necessary measures to foster compliance with the Act. If the person or entity subsequently contravenes the Act, the new contraventions may be handled using formal tools.

- A **caution letter** is a warning. It may be issued, particularly for minor contraventions, when the Commissioner finds that it is not in the public interest to take formal measures. In the event of a repeat contravention, the CCE could consider the caution letter as an aggravating factor.
- An **information letter** may be sent when the Commissioner finds that there was no contravention of the Act or that the evidence of a contravention cannot be obtained, but it would be useful to provide information to the person or entity involved to prevent any future contraventions of the Act.

Each file is unique, and one complaint is all that's needed.

When choosing the appropriate measure to ensure that the Act is respected, the Commissioner always strives to use the compliance or enforcement tool that will best serve the public interest, taking into account the unique circumstances of each file and the relevant provisions of the Act.

Compliance and enforcement measures taken in 2022

In 2022, the Commissioner used formal means in 73 files, namely by issuing [70 AMPs](#) and accepting [three undertakings](#). An overview of these files is available on the CCE's website.

Among the informal measures taken during the year, 520 caution letters and 78 information letters were issued.

During the period covered by this report, the Commissioner and her predecessor did not enter into any compliance agreements, and no charges were laid.

Outreach and engagement

Over the year, the Commissioner has continued to strengthen relationships with stakeholders both within and outside the federal government. These stakeholders have knowledge that is directly related to elections or issues of interest falling within the CCE's mandate. These exchanges are key for the office, as they allow it to stay informed of developments and best practices around issues such as cryptocurrency or improper conduct on digital platforms including misinformation and disinformation, and the illegal use of artificial intelligence, including certain uses of deepfakes.

Written opinions, guidelines and interpretation notes

Tools to ensure consistency in interpreting and applying the Act

The Act states that the Commissioner must provide comments on draft written opinions, guidelines and interpretation notes proposed by the Chief Electoral Officer (CEO).

- **Interpretation notes** provide clarification on a specific area of the Act, with a view to ensuring consistency in its interpretation and application, as well as its enforcement. They can be issued by Elections Canada or at the request of the chief agent of a registered party. Interpretation notes relate to how the provisions in the Act apply to regulated political entities. They are published for informational purposes only and are not binding on regulated political entities.
- **Guidelines** may cover different areas of the Act and help make them more accessible and understandable for political entities. In particular, they are found in guides published by Elections Canada for political entities. Like interpretation notes, guidelines provide direction and promote consistency in interpreting and applying the Act. Guidelines are published for information only. They are not binding on regulated political entities.
- The CEO also issues **written opinions** after being consulted by a candidate or registered association about an activity or a practice they wish to undertake. Before a written opinion is issued, registered federal political parties and the Commissioner are consulted and invited to provide comments on a preliminary version. Written opinions are binding on Elections Canada and the Commissioner until such time as the activity or practice in question undergoes a material change, a contrary opinion is issued or the Act is amended.

In 2022, the CCE provided official comments on one written opinion and two interpretation notes:

- [Contributions Made Pursuant to Certain Agreements or Representations](#)
- [Assets of Deregistered Electoral District Associations](#)
- [Voter Databases and Election Expenses](#)

The CCE and foreign interference

- The term “foreign interference” does not appear in the Act, yet certain prohibitions specifically target foreigners. For example, the Act contains prohibitions on undue influence by foreigners and spending by foreign third parties.
- Other prohibitions apply to everyone, including Canadians. These could amount to foreign interference if committed by a foreigner. This is the case, for example, with the prohibition on offering a bribe to influence an elector, which becomes “foreign interference” if the act of offering a bribe is committed by a non-Canadian.
- The Act defines the mandate of the Commissioner and her office. The CCE may only review allegations covered by the contraventions provided for in the Act.
- The scope of contraventions is narrow and limited to the wording of each of these. For example, the Act covers intimidation of voters, not candidates, and intimidation is limited to specific behaviors.
- The CCE can lay criminal charges and impose administrative monetary penalties for matters of foreign interference.

TOPICS OF INTEREST

Allegations of foreign interference in federal elections

In recent years, the threat of foreign interference in our democratic processes has become a major concern for many Canadians. During the fall of 2022, allegations of foreign interference in the 2019 and 2021 general elections circulated in the public environment. The Commissioner and her staff take all allegations of foreign interference very seriously.

Parliamentary appearances

In 2022, the House of Commons Standing Committee on Procedure and House Affairs (PROC) undertook a study on foreign interference in federal elections. On November 1, 2022, [the Commissioner testified](#) before this parliamentary committee to describe her mandate and answer questions from Parliamentarians.

After the Commissioner first appeared before PROC, several media reports circulated in the public environment, and complaints alleging foreign interference were made to the office.

Review of foreign interference allegations by the CCE

Generally speaking, due to the Act’s confidentiality rules, the Commissioner does not confirm having received a complaint or initiated a review or an investigation on a particular issue. These rules are intended to protect the presumption of innocence and to avoid compromising ongoing investigations. However, it is clear that the issue of foreign interference weighs heavily on Canadians’ trust in Canada’s institutions and the democratic process. For that reason, and as a means of increasing transparency and of reassuring Canadians, the Commissioner decided, on an exceptional basis, to disclose that her office was conducting a thorough review of foreign interference complaints. Although this extensive review was announced in 2023 during the [commissioner’s second appearance](#) before PROC, the work related to this issue began in 2022. The text of the Commissioner’s [speeches](#) at these two parliamentary appearances is available on the CCE website.

At the time of publication of this report, no formal measures have been taken. It is worth noting that the review to determine if there were contraventions of the Act is being conducted independently of the government, other government or public institutions, the CEO and all political participants.

It remains too early to determine the outcome of the ongoing work and if the review will lead to formal measures. However, depending on the facts and circumstances of the file, the Commissioner may decide to inform Canadians in due course.

The importance of collaboration with our partners and other stakeholders

The presence of foreign elements in a review or an investigation – such as foreign activities, people or entities – can significantly increase the complexity of the CCE’s work, as well as the time and resources required to complete it. This reality, however, goes beyond foreign interference issues or the office. As such, the CCE continually works to maintain existing collaborative relationships with other stakeholders, and to establish new ones relevant to her mandate, both within and outside government.

The Commissioner recognizes the importance of collaboration. The CCE has memoranda of understanding with several partners, including the Canadian Security Intelligence Service (CSIS), the Royal Canadian Mounted Police (RCMP) and the Public Prosecution Service of Canada (PPSC). The CCE collaborates with other stakeholders that play a key role in safeguarding the integrity of elections, such as the Communications Security Establishment, Global Affairs Canada and many others.

Although the Commissioner’s work is carried out independently, this collaboration helps to ensure compliance with, and enforcement of, the Act more effectively, and enables a government-wide response to an issue in which various stakeholders play an important role. Through this collaborative effort, the Commissioner is able to obtain information that is crucial to fulfilling her mandate, and to stay informed of any developments in investigative practices or trends of interest.

The Commissioner underscores the need to continue to improve communication channels and information-sharing with stakeholders as part of her compliance and enforcement work. This topic may be the subject of future recommendations for amendments to the Act.

Foreign interference: Understanding the roles of the CCE, CSIS and RCMP

The expression “foreign interference” is commonly used to refer to a wide array of circumstances. Foreign interference is a threat to Canada’s national security and, depending on the activities or circumstances, may also threaten the integrity of our elections.

Foreign interference is a complex issue that may go beyond the elements regulated by the Act. Safeguarding the integrity of our elections requires the participation and collaboration of a wide range of partners and stakeholders, as well as all Canadians.

We all have a role to play.

In the context of federal elections, foreign interference activities for which the **Commissioner** may take action are very specific. When allegations are made pertaining to the Act, the CCE may conduct a review or an investigation.

CSIS is responsible for collecting and analyzing intelligence on foreign influenced activities that are detrimental to Canada’s interests and are clandestine or deceptive or involve a threat to any person. It may report threats to the CCE.

The **RCMP** is responsible for investigating criminal acts and foreign interference situations in general, not only those related to federal elections. However, if the activity amounts to a contravention of the Act, only the Commissioner can lay criminal charges or issue a notice of violation.

Help safeguard federal elections in Canada

Beyond the collaborative work of the Commissioner and her partners, Canadians can also help safeguard Canada’s democratic system by reporting any situation that may contravene the rules of the Act, including any foreign interference in federal elections.

To support their complaints, individuals are encouraged to contact the CCE as soon as possible and should provide **tangible** information containing as many **details** as possible.

Recommendations for legislative change

The Act states that after a general election, the Commissioner may propose legislative amendments to improve the Act’s compliance and enforcement regime.

In keeping with this requirement, in June 2022 the outgoing Commissioner, Yves Côté, published a Recommendations Report setting out the legislative amendments that, in his opinion, were desirable for better compliance with, and enforcement of, the Act.

The current Commissioner supports her predecessor’s recommendations. She also intends to make additional recommendations to Parliament that would provide the tools and resources needed to ensure that the Act is respected and to safeguard the integrity of elections.

For example, the following themes may be included in future legislative recommendations from the Commissioner:

- Expand the scope of the AMP regime to cover more of the Act’s provisions beyond those proposed by the outgoing Commissioner, including on foreign interference, and to remove proof of intent for administrative contraventions;

- Increase the maximum AMP amount, which will also require increasing the fines that the court can impose to ensure that AMPs do not exceed fines;
- Add authorities to collect evidence from individuals or companies located outside Canada, as permitted under the *Competition Act*;
- Add administrative investigation tools to simplify the process of obtaining evidence in administrative investigations, as found in Canada’s anti-spam legislation;
- Make amendments to facilitate information-sharing with certain government agencies and partners, as well as internationally.

LOOKING AHEAD...

Ongoing work related to the last general election

As stated earlier in this report, the work to ensure that the Act is complied with and enforced is an ongoing process that extends well beyond an election period. This exercise will continue in 2023 and beyond, with a view to resolving as many files as possible before the next general election.

Preparing for the possibility of an election in a minority government context

In a minority government context, an election could be triggered at any time.

This context means that the CCE needs to be properly equipped to deal with this possibility. The CCE must strengthen its capacity to respond to the increased requirements associated with a general election, including a significant increase in the volume of complaints, and to stay informed of, and prepare for, new developments in the public environment. Preparing for an election requires a great deal of planning and resources, and has a considerable impact on a micro-organization.

An election could also require the office to delay handling some files stemming from the 43rd and 44th general elections so it can deploy all necessary efforts to fulfill its mandate through the 45th general election.

Adapting to respond to current and future challenges

The CCE will continue her efforts to attract, recruit and retain staff to respond to emerging issues in the public environment and to be ready in the event that a general election is called. Investments will be required to ensure that the organization has the tools and resources it needs to respond effectively to the current environment, in terms of physical facilities, staff recruitment and the modernization of IT systems. These are measures that will be critical to the organization's success and its ability to deliver on its mandate to safeguard Canada's democratic system.

In addition, whole-of-government cooperation will continue to be vital to address the issues currently before Canadian authorities and mitigate the risks. To this end, the CCE will continue to build electoral readiness in part by strengthening partnerships and collaborative relationships with various stakeholders, both within and outside government, that also play a role in safeguarding the integrity of the electoral system. The possibility that the Commissioner could issue recommendations for legislative amendments would also align with the objective to be better equipped to respond to current and future challenges.

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