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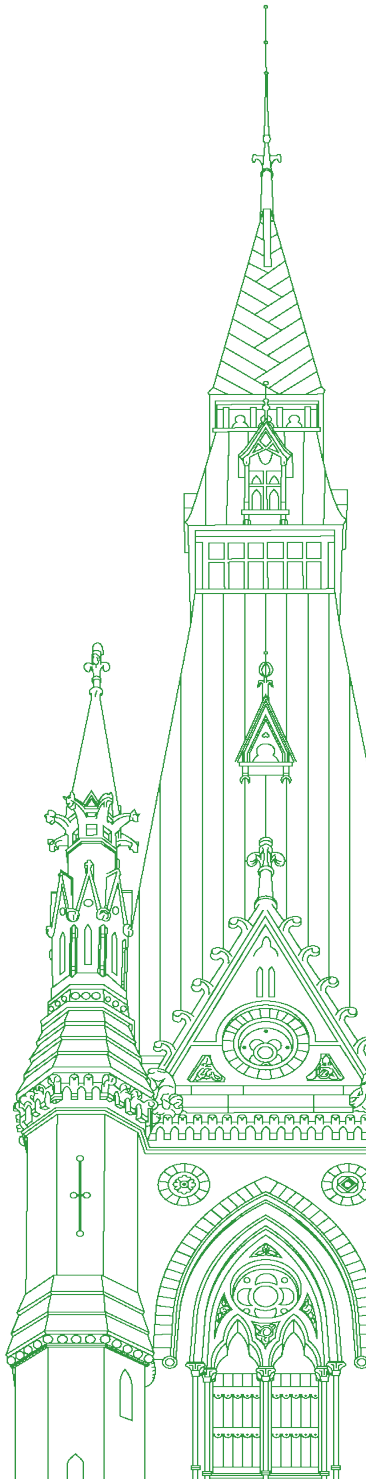

Chair: Chris Bittle

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● (1105)

[*English*]

The Chair (Chris Bittle (St. Catharines, Lib.)): I call this meeting to order.

Welcome to meeting number 34 of the House of Commons Standing Committee on Procedure and House Affairs.

Pursuant to Standing Order 108(3), the committee is meeting to continue its study of Bill C-25, an act to amend the Canada Elections Act and to enact an act to change the names of certain electoral districts, 2026.

Today's meeting is taking place in public in a hybrid format, pursuant to the Standing Orders. Members are in person in the room and have the option to appear remotely on Zoom. Before I continue, I'd ask all in-person participants to consult the guidelines written on the cards on the table. These measures are in place to help prevent audio feedback incidents and to help protect the safety of everyone, including our interpreters. There's a QR code. Please watch the video.

I'd like to remind witnesses that committee members may ask questions in either English or French. If you need interpretation, please take a moment now to prepare your earpiece and select the listening channel you need in advance, in order to take full advantage of the time allotted for questions and answers.

I have a few comments for the benefit of members. All comments should be addressed through the chair. If you're in the room or on Zoom, please raise your hand, and we will do our best to call on you.

I would like to welcome our witnesses for today's first panel. As individuals, we have Gerard Chipeur, lawyer; Eve Gaumond, lawyer and Ph.D. student; and Peter Loewen, Harold Tanner Dean of the College of Arts and Sciences at Cornell University.

Welcome, everyone. You will each have five minutes to deliver opening remarks. We will start with Mr. Chipeur.

You have five minutes, please.

Gerald Chipeur (Lawyer, As an Individual): Thank you very much.

Members of the committee, in my submissions I plan to address four edits that I believe will improve Bill C-25.

Before I address those edits, I would like to state that Bill C-25 will significantly improve the protections that Canadians have with respect to the electoral process and will increase the protection from hostile state actors and others outside of Canada desiring to influence Canadian elections. Thank you for those proposals.

I would also like to remind the committee of my previous recommendations that the nomination process not be governed by the Canada Elections Act. I continue to recommend that nomination processes be left entirely to the parties. That is something that I continue to recommend because it is my view that, in its current form, the Canada Elections Act continues to violate section 3 of the charter in the manner highlighted by Justice Epstein of the Ontario Superior Court of Justice.

In 1999, in Galati v. Ontario Liberal Party, Justice Epstein said, “It is apparent from the authorities that, contrary to the plaintiff’s claim, the intervention of the government in the nomination process of political parties would constitute a breach of constitutional rights.” I think he was right then, and I have seen no cases that would challenge that conclusion.

Now, I'll move on to the four edits.

First, I recommend the removal of certain unnecessary red tape. Second, I recommend the preservation of the neutrality of the administration of the Canada Elections Act. Third, I recommend the prevention of certain fraud and abuse. Fourth, I recommend the protection of freedom of expression.

My first point is on the question of privacy. It is my view that we do not need amendments related to privacy. In my view, the cure is worse than the disease. The publication of voter names and addresses has never been a problem in the past—at least, I'm not aware of any problems. No harm has come from that. In any event, there are thousands of people across Canada who have these voter lists, and nothing has come from it. I recommend that you don't go there, but likely you will.

If you do, my recommendation is to at least delete your proposed paragraphs 385(2)(k) and 387(d), because they are duplicative. There is no need to have a role for the Chief Electoral Officer if you already have it statutorily set forth. The statute sets forth in section 446.6 the rules that will apply, but then says that a political party must have a policy and that the Chief Electoral Officer has a role in approving that policy.

My view is that there should be no role for the CEO. There should be no policy. Just follow the act if you're going to have rules related to privacy. There's a Court of Appeal for Ontario decision from 2007, Longley et al. v. Canada, but I won't read that because of the limitations of time.

Another very important change is with respect to neutrality. Right now, the act allows the commissioner to proceed to investigate and require testimony under oath without judicial review. This is problematic, because it gives the commissioner the opportunity to move forward without an independent third party saying, “Yes, there's enough evidence here to interfere with the right of the subject”—which typically is in place with respect to criminal law—“to remain silent.” It doesn't make sense to allow the commissioner to have that kind of power.

My view is that the rules in section 510.01 that require judicial review should apply to any of the investigatory powers exercised by the commissioner.

I have three great recommendations for the issue of the abuse of the ballot, but I know I'm probably over time.

● (1110)

First, require 200 signatures instead of 100. Second, take out the limitation in proposed 477.2(b.1) to the same electoral district. Third, my recommendation is that, on your ballot, you have the parties listed first, in alphabetical order. Of course, this changes with each ballot. You have the parties listed first and all individuals listed second. Therefore, you enable individuals to make a wise choice if they choose to.

I'll stop there.

The Chair: Thank you so much. You'll have plenty of opportunity to expand on that.

We will now go to Ms. Gaumond, please, for five minutes.

Eve Gaumond (Lawyer, As an Individual): Thank you, Mr. Chair.

Thank you, committee, for the invitation to contribute to your discussions on the Canada Elections Act.

[*Translation*]

My name is Eve Gaumond. I am a lawyer and Ph.D. student in the Faculty of Law at the Université de Montréal. My research focuses in particular on the Canada Elections Act and preserving the integrity of electronic voting. I served as guest expert at the citizens' assembly on democratic expression in relation to the work of Élections Québec and during consultations between Canada and the Netherlands on the Global Declaration on the Integrity of Online Information. I have also taught courses on the protection of personal information at Université Laval.

Bill C-25 is a good bill, but it isn't perfect. In terms of the protection of personal information, it is by no means adequate, and improvements could be made as to the transparency of online political activities. Nonetheless, at a time of eroding trust in public institutions, I want to stress something. While there is always room for improvement, the current legal framework is robust and resilient, and it has served to protect the integrity of elections thus far.

My remarks will focus on two aspects of the bill which, in my opinion, should be improved: the regime for the protection of personal information and the transparency mechanisms designed to enhance the integrity of online political activities.

Since my time is limited, I will quickly run through each of the areas for improvement. I have submitted a written list of recommendations to the committee and can elaborate on each of the suggestions during the question period.

Regarding the protection of personal information, a line must be drawn between matters that fall under the Canada Elections Act and those that fall under privacy legislation. These two legal instruments serve different purposes.

The purpose of the Canada Elections Act is to establish the basic rules to ensure the integrity and proper functioning of elections. It is entirely appropriate for it to include offences relating to certain practices that are problematic politically. Those often involve personal information from a party or personal information that is disclosed to harm someone, for instance. In other words, subclause 36(1) of the bill is relevant and is warranted in the act.

On the other hand, the Canada Elections Act cannot create a complete, national and exclusive regime for the protection of personal information. The right to privacy is a complex and technical field that cannot be addressed incidentally in legislation on other matters. It is therefore imperative that sections 446.2, 446.3 and 446.4 be repealed so that existing provincial privacy legislation can apply to federal political parties, at least until a real and complete national framework is created.

The federal Privacy Act is due to be reviewed soon. The government should take the opportunity to include federal political parties in the regime. It is concerning that political parties are the only entities in Canada that are not subject to basic privacy rules, especially considering that the Cambridge Analytica scandal primarily involved the use of personal information to exert political influence.

As to transparency, the Canada Elections Act is in large part based on the idea that transparency fosters integrity. That principle works well in the real world, but three changes are needed for activities conducted in the virtual world to meet equivalent transparency standards.

First, some of the existing regimes need to be adapted to the realities of artificial intelligence. When a party uses so-called robocalls, it has to register with the Canadian Radio-Television and Telecommunications Commission, or CRTC, provide a list of the phone numbers used and a copy of the recorded message or the script that was used.

Parties that use chatbots to communicate with electors should at the very least be required to provide the queries used to program the chatbots and a list of the electors they communicated with. Parties should also be required to disclose information related to advertising that is generated or considerably altered by an artificial intelligence system.

The second change relates to influencers who are playing an ever-increasing role in politics. Right now, they often operate outside of traditional transparency rules. Consideration should be given to adding a regime that specifically governs contributions offered in exchange for endorsements. The regime could require influencers to label their sponsored content and disclose any significant link to a political entity, including benefits and incentives.

● (1115)

The last change pertains to digital platforms. Section 325.1 should be amended to require major platforms to play a bigger role in transparency. Specifically, that means that government should work with digital platforms and researchers working on election integrity issues to codify broader transparency requirements. Those requirements must guarantee that researchers will have access to the necessary information to study the information ecosystem, regardless of the political stripe of those who head up those platforms.

[*English*]

Thank you very much. I'm looking forward to your questions.

The Chair: Thank you so much.

Now we'll turn to Mr. Loewen for five minutes, please.

Peter Loewen (Harold Tanner Dean of the College of Arts and Sciences, Cornell University, As an Individual): Thank you very much to the committee for this invitation to appear.

I understand the committee is considering questions related to electoral district naming, including proposals affecting a small number of constituencies with indigenous names. I'm grateful for the opportunity to comment on this issue, and I hope I can be helpful to the committee in its consideration not only of these particular cases but also of broader questions surrounding the naming of ridings in Canada.

I want to make three points in the time I have.

First, there are good reasons for including more indigenous names in our constituencies.

Second, the process for considering indigenous matters during boundary redistribution could be revisited.

Third, the process or the practice of naming constituencies could likewise be reconsidered.

I've appeared before this committee several times, usually on the basis of my expertise as a scholar of elections, electoral systems and democracy. I gather that I'm here today as one of three commissioners responsible for redrawing Ontario's federal boundaries in the last process in 2022. I did have occasion to consult with the other two commissioners, Madam Justice Leitch and Professor Bird, and they're largely in agreement with what I have to say here today.

It was an honour and a privilege for all of us to take part in that work and to serve Canadian democracy in that way. As part of that process, my fellow commissioners and I believed it was important to better recognize indigenous peoples and histories in constituency names. The substantive representation of indigenous peoples is explicitly considered in redistribution law and jurisprudence. The naming of constituencies is much less systematically addressed. I'll return to that point.

My first point, though, is that there are good reasons to include more indigenous names in our constituencies. The first is that indigenous place names are already deeply embedded in Canadian political geography, even if we do not always stop to notice: Mississauga, Skeena, Nanaimo, Timiskaming, Etobicoke and even Brant. These names derive from indigenous languages, indigenous peoples and indigenous history. They are familiar to Canadians. They are understandable to their communities. Also, they remind us that our political geography did not begin with Confederation.

The second reason is reconciliation itself. This asks us, at least in part, to share more fully in the history of the country. It asks us and asks Parliament to strive to make our institutions places where indigenous history and representation are more visible and able to thrive. Parliament is an institution for all the people of Canada. It becomes more fully Canadian when it incorporates more of the histories and traditions of this place, not out of guilt or shame but out of a desire to better reflect the country we actually inhabit. Part of this process, I hope, is that indigenous names in ridings may encourage Canadians to learn more about the indigenous past and present of the places where they live. I'll give you just one example.

It's humbling for me to think about what may have gone through the mind of Étienne Brûlé as he travelled down the Humber River toward Lake Ontario, becoming likely the first European to see the Great Lakes. Shortly before reaching the lake, he likely would have encountered the area and the people around Teiaiagon, a large and sophisticated indigenous settlement near the river. Looking toward the lake, he would have seen a landscape very different from the one we know today: longhouses, cultivated land, black oak savannah and burned grasslands where High Park now stands. This was a civilization long before it was Baby Point. We recognize and remember things by naming them.

On the process, I have two points.

First, the redistribution process is sequenced in such a way that maps are drafted and ridings named before public consultations occur on particular recommendations. The sequencing could perhaps be revisited by Parliament and by future commissions, though it would be difficult to change in practice. It's hard to consult on particular riding names until an entire map has first been constructed, but perhaps a different process is possible.

Second, members might consider whether Parliament should routinely alter names recommended by independent commissions after redistribution has concluded. You might also consider whether changing riding names is the first step to changing other features of ridings after the process has concluded.

MPs should not, I contend, get to name their own ridings, which might be a fair characterization of what is happening here. I'd be happy to discuss that point further.

I have a final observation. Ridings do not necessarily have to be named after places. Australia commonly names electoral districts after historical figures, and provincial ridings in Quebec, for example, often follow a similar practice. There's much to recommend that approach as well. I personally think there's value in the geographic naming of ridings, because our electoral system remains, at least in part, a system of geographic representation.

I hope these remarks have been helpful. I look forward to your questions.

Thank you.

● (1120)

The Chair: Thank you so much.

We will go to Mr. Cooper for six minutes.

Michael Cooper (St. Albert—Sturgeon River, CPC): Thank you, Mr. Chair.

Thank you to the witnesses.

I'm going to ask Mr. Chipeur some questions regarding third party financing.

As you noted, the bill closes certain loopholes in the Canada Elections Act that have been exploited by foreign actors and certain registered third parties in terms of foreign actors and foreign interests being able to fund registered third parties for regulated activities. In that regard, the bill, as a general rule, requires registered third parties to set up a separate bank account for regulated activities, with the stipulation that contributions to that bank account come only from individual Canadians. However, there is an exception where third parties can use their own funds for regulated activities if contributions constitute 10% or less of the third party's revenue in the year prior to the pre-election period. According to the Chief Electoral Officer, where this exception applies to a third party, the funds used by the third party would be treated as commingled, whatever the source. That could mean contributions from a foreign source, hypothetically.

Would you agree that, with this third party exception in the bill—the 10% exception—loopholes that have enabled third parties to use foreign money for regulated activities are not closed and, in fact, remain wide open?

Gerald Chipeur: I would agree, and I would point out that it is completely inconsistent to provide in paragraphs 349.91(4)(a) to 349.91(4)(c) that there is a $200 registration requirement. Anything over $200 must be registered there, yet we could have $200 million come in if the organization was making $2 billion. There are foundations that have that kind of money. There are corporate organizations that have that kind of money. It's illogical to have these two sections right after each other. You're creating something that a freight train could drive through.

Michael Cooper: When I questioned the Chief Electoral Officer about this loophole, he rebutted by citing general provisions within the Canada Elections Act that prohibit the use of foreign funds by third parties, but these general prohibitions against using foreign funds have been readily exploited by foreign actors and certain registered third parties. Isn't that correct?

Gerald Chipeur: Absolutely.

My point is that foreign funds might be prohibited under another section, but the whole idea of third party regulation that was upheld in Harper is the idea that everyone is going to be fairly governed. In this case, certain organizations, because of the fact that they have a lot of money, will not be treated the same as other political parties. In particular, they will not be treated the same as members of Parliament or political parties. They will have an advantage just because of their size.

● (1125)

Michael Cooper: Okay. I agree with that.

The Chief Electoral Officer has said that this exception is necessary due to charter considerations, including freedom of speech and freedom of expression. Does that make sense to you?

Gerald Chipeur: I'm going to give you my personal opinion and then my professional opinion. Personally, I disagree with the Harper decision, so I would agree with the Chief Electoral Officer that we should have absolute freedom of expression. I don't like those kinds of limitations, but that's not the law. I have to live with the law, and so does Parliament.

Harper and all of the cases following Harper make it clear that you may limit third parties and that you may require all donations to be identified. There is no precedent I am aware of that would suggest that there are some individuals who get to make secret donations and don't have to disclose those because of the charter. That's just not the law.

Michael Cooper: You have extensive experience as a constitutional lawyer. Is that correct?

Gerald Chipeur: Yes.

Michael Cooper: Is it your view that, if this exception were removed, it would be charter-compliant?

Gerald Chipeur: Absolutely. There's nothing the charter requires with respect to disclosure. This is just disclosure. It doesn't cause someone to remain silent. It simply requires them to disclose the fact that they're spending money during an election.

Michael Cooper: It seems to me that the best approach towards closing the very large loopholes that exist, which have been readily exploited, is to consistently apply what this bill attempts to do for what I believe the government thinks would be the vast majority of registered third parties. That is simply to require all third parties—instead of all but those where the exception would apply—to simply set up a bank account and solicit contributions from individual Canadians. Would you agree that that's the best approach?

Gerald Chipeur: Absolutely. It's administratively simple, straightforward and consistent with the law that applies to everyone else.

The Chair: Thank you so much, Mr. Cooper.

I will now turn to Ms. Brière for six minutes.

Hon. Élisabeth Brière (Sherbrooke, Lib.): Thank you, Mr. Chair.

I will ask my question in French.

[*Translation*]

Hello, everyone.

Thank you to all the witnesses for joining us.

Ms. Gaumond, with regard to the discussions about foreign interference, disinformation and online content, such as deepfakes, various people are afraid that the stronger measures proposed in Bill C-25 could be a deterrent to legitimate speech that is protected by freedom of expression.

Do you think Bill C-25 strikes the right balance between protecting the integrity of the electoral process and the need not to criminalize or limit legitimate democratic debate?

Eve Gaumond: In my opinion, yes.

The bill strikes an interesting and effective balance. There is a provision pertaining to impersonation. I believe paragraph 480.1(1)b) pertains to false representation of what someone said. That part is a bit too vague. I will give you the wording of that provision after my colleagues have answered your questions. Other than that, I think the rest of it is sound.

There is another aspect of the bill that has to be considered: where technology use is referred to as deepfakes. There is a sunset clause. Right now, disclosure is desired. It is more broadly prohibited for now, but there is the option to reinterpret in the future if necessary and if artificial intelligence becomes perfectly acceptable and widespread and no longer poses a problem.

Those are the two problems I see, but otherwise Bill C-25 strikes a good balance, in my opinion.

[*English*]

Hon. Élisabeth Brière: Mr. Chipeur, I would like your opinion on that question too. Could you also include the 10% thing?

● (1130)

Gerald Chipeur: Thank you.

I agree with my colleague that there is, generally speaking, a good balance within the bill. I agree that sunset laws are wonderful and that it would be a good idea to revisit this—to require yourselves to revisit this—very shortly, because it's not just the law changing. Technology is also changing daily, it seems.

I would suggest that you revisit one section, proposed section 482.01. There is a list of things that would be prohibited. One of the last ones is in proposed paragraph 482.01(g). It would allow prosecution when someone comments on the results of an election. The problem with this is that part 20 of the act allows you to challenge the results of an election. I could see someone saying, “I think the Chief Electoral Officer lost a ballot box.” That sounds like you're challenging the results of the election. If you had a debate over that in a civil court and decided it was or wasn't lost, that's fine. However, putting it into quasi-criminal territory, where just because you raised that question.... In a prosecution, you would have to prove your bona fides. Your good faith would be on the table.

Think about it. Once the election is over, how can your commentary have an impact on that election? It's already done. To me, proposed paragraph 482.01(g) goes further than necessary and therefore would not be a reasonable limit “in a free and democratic society” under section 1 of the charter.

[*Translation*]

Hon. Élisabeth Brière: Can you speak to funding and the 10% limit in relation to freedom of expression?

[*English*]

Gerald Chipeur: It's not a 10% limit. In my view it's a 10% wide open train track. If you are a big organization with a lot of money, 10% is way more than $200. Therefore, if I am your average citizen and I have $200 to spend as a third party, I have to register, but if I have millions of dollars and I want to spend $200, I don't have to register, but the more important thing is where I got that $200. Basically, I can go around and get money from people who don't want their identity exposed through the registration process.

As a libertarian I might say that I don't think we should have that process, but we have it. If we're going to have it, then I think it should apply to everyone. Just because you're rich, you shouldn't be able to get around the requirement of telling the world that you gave a donation to participate in the political process.

Hon. Élisabeth Brière: Thank you.

[*Translation*]

The Chair: Ms. Normandin, you have the floor for six minutes.

Christine Normandin (Saint-Jean, BQ): Thank you very much.

Once again, I want to thank all the witnesses for joining us.

Ms. Gaumond, I would like to go back to something that another witness, Mr. Chipeur, said earlier. With respect to the security of personal information, he said that nothing of concern had happened in that regard to date.

You mentioned the Cambridge Analytica affair, and the committee has also discussed the breach of elections data in Alberta.

Could you please comment on that briefly?

Eve Gaumond: The Cambridge Analytica scandal clearly marked a turning point in the lives of Canadians and Quebeckers as to how they view online privacy. It led to privacy reforms, so I have trouble seeing how someone could claim that nothing has happened.

Christine Normandin: Thank you.

One of your recommendations pertains to—correct me if I have the wrong sections—sections 446.2, 446.3 and 446.4 of the Canada Elections Act, whereby the federal government is exonerated from the application of the various provincial laws. Some people might argue that, if the parties were subject to provincial laws, that would result in disparity in the treatment of the provinces in the case of a national party.

Can you give us the pros and cons and the primary drawbacks if parties were subject to provincial laws?

● (1135)

Eve Gaumond: I think the ultimate objective would be to have a pan-Canadian regime that includes the Personal Information Protection and Electronic Documents Act, which is the law that applies to the private sector. That is not the case at present. In the meantime, I think the citizens of the various provinces must be allowed to exercise their privacy rights.

Christine Normandin: If that were the case, might a party want to adopt an internal policy that is in line with that of the provinces with the strictest regime to ensure consistency right across Canada?

Could adopting a more rigorous internal policy to ensure compliance with the elections act have a collateral effect on repealing the section that exonerates parties from the application of provincial laws?

Eve Gaumond: Yes, definitely.

That is known around the world as the “Brussels effect”, whereby the general data protection regulations lead the rest of the world to adopt similar standards. The platforms actually wanted to comply without adopting a series of policies, so they all complied with the higher standards.

One can imagine something similar right now, such as a “British Columbia effect” or a “Quebec effect”.

Christine Normandin: Indeed, could you tell us in that regard about the provinces that have model internal policies?

You talked about Quebec's role. Can you outline what is being done in the provinces that would be a model to emulate?

Eve Gaumond: Right now, Quebec and British Columbia are the leaders in the protection of personal information. They are the provinces that have updated their legislation most recently.

I don't think it is a question of emulating their models, but rather of bringing things up to date and ensuring that the political parties are at least at the same level as all other Canadian organizations.

I think the bare minimum would be to simply respect the ten fair information principles, which include consent and need, among others. Some changes to the political parties' platforms would also be needed. So it is just a question of updating things.

Christine Normandin: Thank you.

Could you explain the potential impact of there not being any policy that applies to political parties and of asking more of them?

Is there transparency in what the political parties are putting in place?

Is there a risk of disparity among the various parties and the way they protect personal information internally?

What is the risk of not having a pan-Canadian policy or a requirement to comply with provincial policies?

Eve Gaumond: To some extent, it can lead to a race to the lowest common denominator. If political parties have policies that are less than optimal and less responsible for the protection of personal information but that provide some political advantage, that could lead other parties to set aside their values to derive the same benefits.

Having a basic standard is crucial. Otherwise, it will be a race to the lowest common denominator.

Christine Normandin: If more stringent criteria were imposed on political parties, as has been done in Quebec and British Columbia, would that not entitle them to some kind of support?

For example, political parties might hope for support to implement their internal policies and to more effectively manage the data systems they use.

In your opinion, would that create a kind of right for political parties to claim support to update their approach?

Eve Gaumond: That is a good question. I don't know if that could really happen. If you mean financial support, I really have no idea.

Christine Normandin: Actually, it might be more in terms of technical support.

Eve Gaumond: That would probably be the case. It could also buy a good measure of trust. Voters might feel more comfortable providing their personal information if they know that it will be well protected, that it will be used correctly and what uses they have consented to. It is a question of having responsible policies.

To my mind, we have to get away from the idea that it is harmful to the parties. On the contrary, I think it can be beneficial for everyone.

[*English*]

The Chair: Thank you so much.

It was so close. It was going to be the first time we were all under six minutes in the opening round. Christine is usually our best student and usually under six minutes. I'll strive to do better in the second round.

Next is Mr. Calkins for five minutes, please.

● (1140)

Blaine Calkins (Ponoka—Didsbury, CPC): Thank you.

Mr. Chipeur, in your opening remarks you listed the four items you wanted to address. I think you had to stop your remarks after about the third one. I think the fourth one dealt with protecting freedom of expression. Did you want some more time to adequately address that?

Gerald Chipeur: I don't, because I was able to slip it into my response to your colleague, Ms. Brière.

Blaine Calkins: All right. I just wanted to make sure.

In your opening remarks, when you talked about the voters list, you suggested that the cure is worse than the disease. Would you elaborate on that, please?

Gerald Chipeur: Well, all of those rules related to privacy are going to apply to all of you. You're putting handcuffs on yourselves. That's the first thing to keep in mind.

Second, freedom of expression in our Constitution has always been about political expression that is unlimited. Your ability to express yourself to all of your constituents could be severely hampered if we applied normal privacy considerations, because under normal privacy considerations, you can be blocked. They can say, "You can't talk to me. You can't send me an email. You can't call me." To me, that is pretty close to a violation of not just the charter, but the whole idea of parliamentary government. The idea of our system is that everybody communicates on political matters, and no one is able to say, "I'm not playing. I'm not going to participate." Therefore, I don't think that privacy laws should apply in the political realm.

If privacy laws are going to apply, they certainly have to apply in the same way at the federal level. We can't have the provinces involved. It would be a disaster if you allowed the provincial laws to apply, so it has to be federal. However, I recommend that there be none. There's no need. Think about it: Thousands and thousands of people, using those lists, go door to door, knocking on doors to ask people to vote for their favourite candidate. I think this concern in Alberta is way overblown. There is no problem with people communicating with other people and people knowing names and addresses, because it's out there. You can get it from so many different sources.

The important information to protect is how you vote in the ballot box. The Chief Electoral Officer does a very good job of protecting that information. Beyond that, I don't think there's anything that needs to be protected.

Blaine Calkins: Thank you very much.

Moving on to your third item, you talked about a different proposal for the ballot. I wasn't quite sure I understood what you were talking about. Are you talking about a two-option ballot where you can vote for either the party or the individual? Could you explain to me why you would change it and put the party names first? I want some clarity on that.

Gerald Chipeur: The first reason is that parties have been regulated and are what make our parliamentary system work. They are heavily regulated and are provided for in the legislation.

My idea is that you list the parties—maybe in alphabetical order; it doesn't matter—and then an individual can choose a party. The ballot would have the name of the candidate and the party. Then that would just rotate through each ballot. It gets a different one at the top, and it rotates. It's the first thing you see on the ballot. You can ignore that. You might say, "I don't want to vote for any of the parties. I hate political parties. I'm going down to the list of independents."

Blaine Calkins: They would appear below.

Gerald Chipeur: Then the independents would be listed separately, rotating, but the ballot would not, in effect, hide the political parties. You would put the political parties first on the ballot, and then all of the individual candidates would follow. You get only one vote: Either you vote for a party with a candidate name, or you go down the list to those who are not associated with a political party but have decided to run anyway.

Blaine Calkins: Are there any changes being proposed in the current legislation where the intended consequences are obvious? My concern is that the unintended consequences would be more problematic. Is there anything or any change you would recommend to this committee, other than the ones you've already listed?

Gerald Chipeur: I think I've given you all of them. My biggest recommendation—something that has been highlighted over and over again in the two decisions by the court—is to pull the Chief Electoral Officer and commissioner out of any discretionary role. Their neutrality is protected by their carefully following a statutory provision. They need to be restricted to making those kinds of decisions and to applying the statute as written. They should not have discretion with respect to party policy on the issue of privacy. It just doesn't make any sense.

● (1145)

The Chair: Thank you so much.

We'll now turn to Madam Kayabaga for five minutes, please.

Hon. Arielle Kayabaga (London West, Lib.): Thank you, Mr. Chair.

I'd like to welcome our guests today, including Mr. Loewen.

Mr. Chipeur, regarding your concerns about criminal penalties for conveying false information, the threshold in the bill is intended to prevent the capture of personal opinions or parody and to moderate any potential charter concerns. With that in mind, can you comment on the threshold in Bill C-25 requiring a person to know that a statement is false, yet that person makes it with the goal of undermining trust?

Gerald Chipeur: The problem I have with proposed section 482.01 is not that we shouldn't have some rules. My concern is with just one area, namely that part 20 gives the right to challenge the stated results. In my view, giving the commissioner the option to charge creates a high standard of proof for the individual, particularly if it turns out that what they said was not true. Someone may have reported to them, and they shouldn't have relied on that report, yet they went forward. It's just the problem of having to defend oneself for no good reason.

There's no good reason to stop someone from commenting on the results of an election; it just won't impact the election. Therefore, let's not create an administrative burden for no purpose.

Hon. Arielle Kayabaga: I think many people who have commented on this specific issue would have a divergent view on that, because the goal is to keep Canadians' trust and to make sure that no false statements are made about candidates and there is no interference in that regard.

I do want to go to another question.

Gerald Chipeur: By the way—

Hon. Arielle Kayabaga: I'm sorry. Because of the time, I want to get to my next question.

With respect to the concern you have raised around third parties using their own funds, there are still reporting requirements for third parties with respect to the source of the funds. Reducing the 10% threshold would prevent third parties from using their own funds to pay for regulated fundraising activities, even if the funds are generated entirely in Canada and by Canadians. It would also prevent them from engaging in regulated fundraising activities and, consequently, from exercising their charter rights to freedom of expression under section 2(b) and freedom of association under subsection 2(d), and the right to vote under section 3.

As I'm sure you are aware, Canadian courts have a history of scrutinizing restrictions on third party participation in elections, as illustrated in, for example, Harper v. Canada from 2004, regarding spending limits, and Ontario v. Working Families Coalition in 2025, regarding limits to political advertising outside of the election period.

Although Bill C-25 takes many important steps to close channels for dark and foreign funding, it also strikes an important balance to ensure that Canadians' charter rights are respected. I'm hoping you can speak to the importance of protecting Canadian charter rights.

Gerald Chipeur: Absolutely. One of those rights is equality. Certainly, using 10% is just not equal. If you wanted to use $1,000, $10,000 or $100,000 and say, “That's the limit that can be given by a third party organization that is not using some bank account where individuals deposit money,” I'm all for it, because then it would apply to everyone equally. When you have such a diversity of third parties, 10% is certainly not equal.

My view is that's a limitation on the freedom of expression that is simply not justified in a free and democratic society.

[*Translation*]

Hon. Arielle Kayabaga: Ms. Gaumond, you talked about improving digital political participation.

In 25 seconds, what could you suggest in that regard?

● (1150)

Eve Gaumond: The registry of political ads should be expanded to include more information. In particular, there should be an Elections Canada registration number, information about targeted advertising and the audience information that was used in the targeted ad.

[*English*]

The Chair: Madame Normandin, you have two and a half minutes.

[*Translation*]

Christine Normandin: Thank you very much, Mr. Chair.

Mr. Loewen, you talked about the importance of names that reference the geography of ridings. You talked briefly about the historical names that we see in some ridings.

Can you speak to the fact that a historical name can in some cases also be related to the geography of an area, such as when a person has founded a city?

Should we also consider key historical figures who had an impact on the geography of certain ridings?

[*English*]

Peter Loewen: I think there's a whole series of processes that places are going through right now to change names and remove people's names from things. For example, my old hometown of Toronto is going through this with Dundas Street and other things. It's an interesting exercise.

The point more generally is that when we add names to things, rather than take them away, we add to our history. We've spent a lot of time in the last number of years thinking that we could cleanse ourselves of things that have gone wrong in the past by removing names, rather than just coming to terms with what happened when it happened.

For the commissioners in this case, the belief was that by representing the important historical and contemporary indigenous communities that are involved with some ridings and that have the right to be represented in Parliament, it was a positive way of recognizing Canada's indigenous history and indigenous present, rather than the less helpful exercise of simply removing people from things, thinking that it will somehow change the past, when it doesn't change the past or the future.

[*Translation*]

Christine Normandin: Thank you, Mr. Loewen.

Ms. Gaumond, as to the transparency of political parties' online activities, can you tell us briefly what is being done currently as a result of the elections act?

Is there real transparency or is that also among the main weaknesses of the bill?

Eve Gaumond: That is not necessarily among the main weaknesses because it is not addressed in Bill C-25. Since Bill C-76, we have had the registry, which could be expanded. Bill C-76 was enacted in 2018. It is now 2026. I think we need to work with researchers in the social sciences to really understand their needs. The next step would be the legislation. It has to be codified so everyone is included in the law.

The Chair: Thank you very much.

[*English*]

Given the time, I'm going to be cruel. I'm going to allow only four minutes for each member, because we're going to have to suspend.

I apologize for my cruelty, Mr. Jackson. Please proceed.

Grant Jackson (Brandon—Souris, CPC): We're two weeks apart, Mr. Chair. I thought you'd be in a better mood. Oh dear.

Voices: Oh, oh!

Grant Jackson: At any rate, thank you to the witnesses for being here. I sincerely appreciate your testimony today.

Mr. Chipeur, I'd like to pick up on the second point you mentioned in your opening statement. It was about the lack of judicial review for the commissioner in certain of their new powers coming forward in this piece. Could you elaborate a little on what some of the unintended consequences of that may be for individuals in Canada should this come into effect as it currently sits in the bill?

Gerald Chipeur: The problem is that the decision in Longley, which is an Ontario Court of Appeal decision, said, “Care should be taken to ensure...the impartiality of this critical public role”. That's the role of the Chief Electoral Officer—and the commissioner, we can add.

If an individual who is intended to be neutral becomes the prosecutor, then we have a situation where there will be a perception that the party is not neutral. The way to bring back a perception of neutrality—the commissioner does at times have to prosecute—is to put judicial review of that decision so that there can be better or more confidence in the decision, a very powerful decision. If it were done in the criminal area, it would be absolutely unconstitutional, but because it's administrative law, the Supreme Court has allowed this kind of law to be in place.

In my view, it should not be in place in election laws because of the important neutral position that the commissioner and CEO must play. The Court of Appeal has effectively said that's mandated. My recommendation is that this committee recommend that the rule in proposed section 510.01 apply everywhere. Always require a judicial oversight. You have to ask the judge, with an affidavit where the commissioner says, “I have evidence that leads me to want to ask questions of this individual. I want to have permission to do that.”

● (1155)

Grant Jackson: You don't see there being any challenge in that being an overly burdensome requirement to have in place.

Gerald Chipeur: No. It's what happens every day when the police deal with everything from drunk driving to theft to possession of stolen goods. It is a normal part of everyday policing.

Grant Jackson: Okay. Very good.

We discussed briefly the questioning of an election result. Do you have any examples of somewhere where someone has knowingly questioned an election result? I'm just wondering whether we're creating a solution for a problem that doesn't really exist here.

Gerald Chipeur: I'm not aware of any. More importantly, over the last 40 years, I've heard of cases where someone took a ballot box home. What if there was an allegation and then it turned out not to be true? Did they act in good faith? Did they have enough information to make the allegation?

To me, why would you do that when in fact it can't have any impact on the election? The election's already done.

Grant Jackson: Well—

Gerald Chipeur: I'm just saying take it out, because the election's done.

Grant Jackson: In fact, the Chief Electoral Officer confirmed that it's actually a normal process for ballot boxes to be taken home in some circumstances by deputy returning officers for storage, until the boxes can be opened and counted.

Gerald Chipeur: But when they come back with more ballots than were issued, it sometimes raises questions.

A voice: Oh, oh!

Grant Jackson: Yes. Exactly right. I thank you for that testimony.

The Chair: I will be equal in my cruelty: Ms. Fancy, you have four minutes, please.

Jessica Fancy (South Shore—St. Margarets, Lib.): As always, thank you very much, Mr. Chair.

Thank you to the witnesses.

I'd like to talk primarily with Mr. Loewen today in regard to nominations, unique official agents and long ballots. Bill C-25 contains two primary measures to deter these unruly long ballots. Notably, voters can sign only one nomination paper. Each candidate in a riding will also need one official agent.

I'm wondering if you could speak to the importance of including both the measures we have proposed in Bill C-25. What do you think are some of the merits of each of these measures individually? As well, why do you think it is important to include both?

Peter Loewen: Thank you very much.

I was here at committee last autumn on this long ballot measure. I was glad to be included in that.

The long ballot effort is not an effort to enhance Canadian democracy. It's just an effort to gum up the works by people who have tried to reform the electoral system and have lost on every occasion they've tried. That's just the political reality of it. I'm glad you're trying to address it, because I think it is a nuisance and it's burdensome to elections.

On those two particular measures, limiting it to a single agent for single candidates is a very advisable thing. People may have a hard time convincing 200 other people to get involved in their shenanigans in trying to create long ballots.

On the issue of an individual signing multiple candidacies, I think there's potential for it to be a problem only because we all know people in our communities who are local notables and will help anyone out. You can imagine them being approached one month to sign a person's nomination. They sign it for the person to be on the ballot, and then they sign another one a few weeks later, and they forget they've done it. I would be concerned about the potential for that to be...not restrictive in creating candidates, but to create problems after an election that further gum up the works.

To the degree that the parties here can recognize that these long ballots are not helpful to voters in finding sincere candidates on their ballots, I think it's highly advisable that you do something.

Jessica Fancy: What about the last part of the question, regarding having some of these official agents with multiple candidates?

Peter Loewen: To be certain, I think allowing people to act as an agent only to a single candidate per riding is reasonable. If you say that an agent can't work for multiple candidates across ridings, it becomes restrictive, especially for start-up parties.

Jessica Fancy: I come from a rural, coastal community where sometimes there are only one or two people who have that type of notability around the area, so I can see that piece.

Can you share your thoughts regarding some of the provisions of Bill C-25 that seek to prevent anonymous and sometimes hard-to-trace contributions by prohibiting political entities for all of their activities, and third parties for regulated political or election activities, from accepting contributions in the form of cryptocurrency, money orders or prepaid payment products? I want to know if you think this measure will help ensure transparency in our political financing regime.

● (1200)

Peter Loewen: I'll just make two points on it.

Trying to regulate the medium of exchange will become increasingly difficult. The crypto stuff is all a grey area, but there are methods of payment that are becoming more acceptable and regularized.

The bigger challenge for you, as a committee, with bills like this is this: Whatever one thinks about restrictions on third parties, to Mr. Chipeur's point, it is the law. We've established that we're allowed to limit the speech of third parties so that elections are mainly fought between political parties. The way that's normally done—and you see it in this bill—is by regulating what individuals or organizations do by saying that these ones can speak and these ones can't—that is to say, legal entities or persons, in a sense. The second thing is limiting spending, with the notion that spending equals speech.

It's very plausible that we're getting into a world in which it's not people you're trying to regulate but agents, where someone is setting up a series of agents online that are then distributing information. They're not people and they're not organizations; they're something else. That's first.

Second, they do it at a cost basis that's close to zero. The idea that you will regulate the speech of people who shouldn't be allowed to speak during elections by identifying individuals or organizations and limiting their spending.... Pretty soon that will be fighting last year's war. That becomes a real challenge for you from a regulatory perspective.

The Chair: Thank you so much.

I'd like to thank our witnesses for appearing today.

The committee will suspend for a few minutes while we set up our next panel.

● (1200)

_____(Pause)_____

● (1205)

The Chair: Welcome back, everyone.

I'd like to introduce our next panel. We have, as an individual, Holly Ann Garnett, class of 1965 professor in leadership, Royal Military College of Canada, by video conference; Chris Tenove, assistant director, centre for the study of democratic institutions, University of British Columbia; and in person, the co-founder of Democracy Watch, Duff Conacher.

You'll each have five minutes.

Since you're here in person, Mr. Conacher, we'll go to you first for five minutes.

Duff Conacher (Co-founder, Board Member and Chairperson, Government Ethics Coalition, Democracy Watch): Thank you very much, Chair, for this opportunity to speak before the committee on this very important bill, C-25, changing the Canada Elections Act. This is the eighth or ninth time I've been before the committee concerning this bill. I will make my presentation in English.

[*Translation*]

I have to practice my French, and there are a lot of technical terms in this area.

● (1210)

[*English*]

I filed with the committee a list of the recommended changes to the bill that I am summarizing today, changes to close the huge loopholes in Canada's election law that allow for secret, dishonest, unethical and undemocratic interference and influence by foreign governments, businesses and organizations, and by wealthy interest groups and individuals in Canada's nomination and party leadership contests, elections and by-elections. I also filed a detailed report on changes needed to close these loopholes with this committee in February, during its study of foreign election interference. If you want even more details, you can find my Ph.D. thesis online, but I warn you that it's more than 900 pages, so that's a lot of detail to absorb.

Unfortunately, the provisions in Bill C-25, in its current form, are incomplete, weak and ineffective and will do much too little to close these huge loopholes. Flaws and gaps in the bill mean that, among other failures, it fails to fix election dates. Snap elections are fundamentally unfair in many ways, including that pre-election spending limits do not apply when a snap election is called.

The bill also still allows most of the disinformation posts on social media, because the prohibition in the bill is much too narrow and unenforceable. It applies only to some false claims that a person knowingly posts with an intent to affect the outcome of the election or by-election. The Chief Electoral Officer and the commissioner of Canada Elections testified before this committee and in the Senate in 2018 in regard to Bill C-76, and both said that proving intent is essentially impossible, so if you require it, it makes the measure unenforceable.

The bill also still allows donations that only wealthy voters can afford. The total annual donation limit currently is a combined $3,550, which is much more than most voters can afford. Seventy-five per cent of donors give only $75 each year.

The bill increases secrecy around fundraising events by lobbyists and people who want something from party leaders, making it essentially impossible to determine whether a lobbyist is helping organize or holding a fundraising event for a party, riding association, candidate, nomination contestant or party leadership contestant. It does nothing to require disclosure of other fundraising activities. All that secrecy is a recipe for corruption, waste, trading of favours and other abuses.

The bill fails to require disclosure of donations to and spending by third party interest groups during nomination and party leadership contests, unlike the U.S., which does require disclosure.

It also continues to allow third parties to use their own funds to influence elections, which hides the actual donors of the money, because the measures in Bill C-25 are easy to get around. That's also unlike the U.S., which requires disclosure during primaries and election years of all donations to third parties, known as political action committees in the U.S. To be clear, our measures in Canada are weaker than the U.S. measures during an election year for third party spending and donation disclosure.

The bill fails to set lower spending limits for third party spending by individual voters, businesses and organizations that are supported by only a few voters.

The only effective way to close these loopholes to ensure free, fair and democratic nomination and party leadership contests in elections and by-elections is to prevent, prohibit and penalize disinformation and secret, unethical and undemocratic influence. Bill C-25 does almost nothing to prevent these activities and much too little to clearly prohibit them. It is good that the bill is increasing the penalties significantly in all these areas.

If you are in favour of and support and approve of Bill C-25 in its current loophole-filled form, you support and approve of unfair snap elections called at a time that favours the ruling party and foreign government and foreign entity-funded front groups continuing to interfere in Canada's political system by secretly spending unlimited amounts of money to influence nomination and party leadership contests.

Foreign government and foreign entity-funded individuals continue to interfere in Canada's political system by spending millions to influence a federal election. If this bill passes, a single voter or a number of companies supported by very few voters will still be allowed to spend millions of dollars of their own money directly or by funnelling donations to interest groups, most of it secretly, with no disclosure of the individuals, the entity or the people behind the numbered company.

The Chair: Thank you, Mr. Conacher.

We'll now go online to Ms. Garnett for five minutes, please.

Holly Ann Garnett (Class of 1965 Professor in Leadership, Royal Military College of Canada, As an Individual): Thanks for this opportunity to speak to this committee today.

I'm the class of 1965 professor in leadership at the Royal Military College of Canada, and I hold cross appointments at Queen's University and the University of East Anglia in the U.K. I am also the co-director of the Electoral Integrity Project, an international network of scholars and practitioners seeking to improve the quality of elections with academic evidence. My current Canadian research agenda focuses on political financing and public trust in elections.

In this vein, I want to address in my opening remarks the issue of the third party financing regime that has come up in previous discussions of this committee. I hope to give some additional context from the broader study of electoral integrity.

Third party financing regimes in Canada seek to balance two democratic principles. On the one hand, there is the freedom for all groups and individuals to engage in deliberation. On the other hand, there's a desire to see that firstly, these conversations are not drowned out by a small number of well-funded groups or individuals and, more recently, that only Canadians are engaging in this debate, rather than foreign actors.

There is reason to be wary of overly limiting third party spending in elections. Third parties come together as Canadians to share beliefs or concerns about issues. The organization of citizens around common goals is important for a robust civil society and thus a robust democracy. Third parties have included advocacy organizations, medical or trade associations, unions or corporations. These are all groups and people who we want to engage in the conversation during elections and who may have expertise or experience that can enrich the political debate.

To put this debate in context, it is important to remember that third party spending limits in Canada are among the lowest in comparable democracies. In the U.K., limits were approximately 700,000 pounds, and there are no third party spending limits currently in effect in Australia. To put this into perspective, third party spending limits, if an election were held this year, are about $630,000 overall, or a little over $5,000 in a specific riding, compared to spending limits of over $35 million for a major political party. We are talking about an already quite limited amount of money.

From listening to the discussions about Bill C-25 that have already taken place, my understanding is that the main concern identified is less about the strength of third party voices and the deliberative space of elections and more about whether the funds used to contribute to this debate are authentically Canadian. Bill C-25 makes really important steps in this regard. First, the prohibition against donations of less easily traceable contributions, including anonymous contributions, can help provide transparency. Also, the addition that third parties must not simply be based in Canada to influence elections helps to close a potential means for foreign actors to gain access to the system.

One concern that has been brought up in this committee is whether to allow third parties to use their own funds if the contributions they receive are not over 10% of their annual budget. This could open the door to allowing foreign entities to fund third party campaigns via other revenue streams such as general donations or payment for work or services; however, I believe this to be an entirely reasonable balance between the principles of freedom of debate and freedom from foreign interference that I mentioned earlier for a few practical reasons.

First, not all third parties are contribution-based organizations. They may use membership dues or the revenues of a corporation. Thus, the 10% rule seeks to ensure that these types of third parties are not pushed out of the electoral conversation and can engage in the debate with their own revenues.

Second, third parties do not register until the pre-electoral or electoral period in the current regime. Since elections can take place at largely any point in Canada, third parties must be allowed some flexibility to use their own funds in engaging in the electoral debate.

All this being said, I am enthusiastic about the steps towards further strengthening Canada's third party financing regime. It is already one of the most stringent and well respected around the world, and this bill will enhance the safeguards already in place.

In the Q and A section, I will also be pleased to discuss other parts of the bill, including measures put in place to ensure the seriousness of candidates and their nominators, measures to include the nomination process in electoral safeguards, and means to address disinformation. However, I'll leave it there for now.

Thank you.

● (1215)

The Chair: Thank you so much.

We'll now turn to Mr. Tenove for five minutes, please.

Chris Tenove (Assistant Director, Centre for the Study of Democratic Institutions, University of British Columbia, As an Individual): Thank you very much to the committee for inviting me today to discuss how to protect Canada's elections.

My name is Chris Tenove. I'm a political scientist and the assistant director of the Centre for the Study of Democratic Institutions at the University of British Columbia, where I research digital media, democracy and tech regulation.

Today, I'm going to focus on challenges posed by artificial intelligence and social media. My general observation is that Bill C-25 resembles a security patch for electoral software. It fixes some important weaknesses and should be promptly enacted, possibly with some changes, but a more substantial update to the operating system is still needed.

I will flag gaps that remain regarding four issues. These are AI-generated content, false claims about electoral processes, chatbot errors and bias, and AI agents.

First, generative AI can create synthetic media that impersonates individuals or official publications. That's a real risk. The amendments to sections 480.1 and 481 are appropriate.

The Chief Electoral Officer and others have suggested that all synthetic content in electoral communications should be labelled as well. That may be helpful, but I don't think it's essential at this time. Enforcement would be difficult, and the core problem is misleading content, not necessarily that it is AI-generated. However, the deceptive use of unlabelled synthetic content could be a factor when determining whether an actor is being intentionally misleading.

Second, generative AI and social media platforms make it easier to spread false claims about electoral processes. Bill C-25 appropriately clarifies and expands prohibitions on such claims. I am sympathetic to the Chief Electoral Officer's proposal to add “intent to delegitimize elections” as a prohibited purpose, though that language may need to be narrowed. Importantly, neither the Chief Electoral Officer nor the commissioner of Canada elections currently has the authority to require prompt removal of prohibited impersonation or false claims about elections processes. The B.C. Elections Act gives Elections BC exactly this power, and I propose that equivalent authority be given to the commissioner of Canada elections.

Third, citizens increasingly get civic information from general-use chatbots like ChatGPT, AI companions and AI search tools. However, these models sometimes give incorrect information regarding elections. For instance, Demos, a UK-based think tank, tested several AI services during the Scottish parliamentary election and found that 34% of responses contained factual errors, including wrong dates and hallucinated candidates. Such errors could harm election participation.

Beyond errors, AI services may deliver biased outputs. For instance, in 2025, the Dutch data protection authority warned voters not to use chatbots for voting advice after finding that popular chatbots vastly over-recommended certain parties. Risks of bias become more acute if AI models face data-poisoning attacks or are designed to advance a bias, perhaps in alignment with business models. It's worth noting that OpenAI has begun running ads on ChatGPT in some markets.

Election laws should ensure that chatbots and other AI services document and report all political ad spending, and Bill C-25 should close any gaps. Moreover, just as the Elections Act was amended to improve transparency for social media advertising through ad registries, we need new mechanisms to bring transparency to AI services to address harmfully inaccurate or manipulated information.

Fourth, AI agents can do more than create content. They can plan, take autonomous action, coordinate across platforms, and raise and spend money. Responsible actors will build in human oversight and malicious ones will not. I suggest that you confirm that there is language that holds responsible those who use AI agents for prohibited activities and requires parties and other actors to ensure that there is a responsible individual organization behind all contributions.

Finally, election law alone cannot detect, stop and secure accountability for malicious AI agent activity and other threats I've mentioned. It needs to be supported by broader AI and platform regulation in order to act on illegal activity and impose obligations to mitigate systemic harms. We also need stronger protections for citizens' data that's held by political parties.

● (1220)

These are all parts of the updated operating system that I think Canadian democracy needs, in addition to the near-term patch that Bill C-25 provides.

Thank you, and I look forward to your questions.

The Chair: Thank you so much.

We will now go to questions.

We'll turn first to Mr. Cooper for six minutes, please.

Michael Cooper: Thank you, Mr. Chair.

I'm going to direct my questions to Mr. Conacher. You cited what you characterized as being huge loopholes in the bill, including with respect to the third party financing regime, which would allow the use of foreign funds. I presume that, by “a major loophole”, you were referring to the exception in the bill whereby certain third parties could use their own funds if contributions constituted 10% or less of the third party's revenue in the year prior to the pre-election period. Is that the loophole you're referencing?

● (1225)

Duff Conacher: Yes, and a key thing that others are not mentioning is that it is just the threshold of 10% of your revenue during the previous year. You can choose the fiscal year or calendar year, so it makes it very simple for someone to make a huge donation before the previous year, and then you can use those funds as your own funds and not disclose where that money came from. It's a ridiculously huge loophole. The threshold should be extended to 0%, and it should go right back to the last election.

Michael Cooper: When you talk about this being quite easy, it's because, in a fixed election date timeline, it's quite easy for third parties and foreign interests to make donations or solicit donations two years in advance, for example, and those funds would be treated as melded.

Duff Conacher: Even in a snap election mandate, they'd just make the donation now—it's highly unlikely there will be a snap election in the next year—and this would allow one voter to donate millions to several interest groups, knowing that they're going to spend it during the election in a way that this voter likes. Then, they themselves could spend millions of their own during a pre-election period—up to the two months if it were a fixed election—right up to the election campaign period, and then spend $1.6 million. The only disclosure would be of the $1.6 million spent, or, if it's a snap election, only $630,000 of the spending. All of the rest of the spending would be done by someone we don't know, and there would be no disclosure of that. Again, the U.S. rules are much stronger in terms of disclosure during an election year.

Michael Cooper: The notion that 10% or less of the third party's revenue comes from contributions...that could be millions and millions of dollars of foreign funds.

Duff Conacher: Yes, it could be millions of dollars.

Also, government grants and contributions are not counted, so governments could fund groups that they support, that they know will support them, and that will not be counted amongst the 10%. Therefore, even that increases the loophole in terms of where the threshold is. It's just a huge loophole that will facilitate foreign interference as well as unethical and undemocratic domestic interference.

Michael Cooper: One way to—

The Chair: I'll pause your time, Mr. Cooper.

I also speak with my hands, Mr. Conacher. Just watch, when you are speaking with your hands, that you do not hit the mic.

I apologize, Mr. Cooper. Please continue.

Michael Cooper: One way to close the loophole for foreign funding is to require all registered third parties to set up a separate bank account for regulated activities, with the requirement that contributions to such an account come exclusively from individual Canadians. Does that seem like a reasonable amendment to you?

Duff Conacher: Yes, it does, very much so. That's what should be done.

Michael Cooper: What about the argument that, somehow, this infringes on freedom of speech, freedom of expression, and that there are charter implications? Do you have any thoughts on that?

Duff Conacher: No. Disclosure requirements have been upheld as entirely constitutional by the Supreme Court of Canada. The only issue has been with the limits, and this is not about the limits.

I think the limits also need to be changed. It's crazy that one voter is allowed to spend up to $1.6 million during a pre-election and election campaign period, which is the same amount that a citizens' group with 100,000 supporters is allowed to spend. I mean, that's not democratic. It allows one wealthy Canadian to have as much influence as 100,000 Canadians.

That's something that also has to be done, and I think it would be upheld as constitutional by the Supreme Court, based on its most recent ruling in the Working Families case.

Michael Cooper: On spending limits for third parties, you recommended lowering spending limits. In contrast to your position, we heard Professor Garnett speak about spending limits for third parties in other jurisdictions. She stated that in the U.K. it's 700,000 pounds, I believe, and in Australia there are no spending limits. It's an open-ended question, but would you care to address that point?

Duff Conacher: Yes, right now you have one blanket spending limit. If it is a fixed election, then you have about $1 million during the pre-election period and just over $600,000 during the election campaign period. It's crazy to have one spending limit for many different types of third parties.

Democracy Watch's position is that businesses should be prohibited from spending. They already have economic influence. The executives who make the decision on the spending are not representing either the shareholders or the workers. One voter should be limited to spending a very small amount. Citizen groups or any type of interest group should be allowed to spend a multiple of the amount that one voter could spend, based on the actual number of voters who support them. Someone can have a numbered company supported by very few voters, or one voter can spend $1.6 million to influence the election—the same amount as a citizen group with 100,000 members. It's not democratic at all. It's not egalitarian. I think it violates the Supreme Court standard, but it just hasn't been tested in court.

● (1230)

The Chair: Thank you so much.

We'll now go to Ms. Vandenbeld, for six minutes, please.

Anita Vandenbeld (Ottawa West—Nepean, Lib.): Thank you very much.

Thank you to all of our witnesses for your expertise.

I would like to start by talking about something we heard about earlier today, namely, some questions about clauses in the bill relating to the spreading of false information. Obviously, as you have mentioned, the bill does say that the person must know that the information is false and that their objective and goal in spreading it is to undermine trust.

I know that all three of you have previously testified, spoken and written about this. I'd like to start with Professor Tenove and then hear from the three of you about whether or not you think this is a legitimate way to address it and whether it would impact freedom of speech.

Professor Tenove, go ahead.

Chris Tenove: The bill, as it's currently scoped, does protect freedom of speech, in that it requires proof both of the intent to deceive and of the existence of false claims made with the intent to undermine the conduct of or affect the results of an election.

In truth, in narrow time periods during campaigns, it does pose difficulties to regulators who want to try to identify and take action on false claims that are spreading about election processes. In the recent B.C. election, there were a few cases of false information being spread about the election. In the end, Elections BC didn't use its authority to require transmission of that information to cease but found other ways to address it.

It is a significant burden, but an appropriate one to protect speech and freedom of expression.

Anita Vandenbeld: Dr. Conacher.

Duff Conacher: Thank you.

What's strange about the bill is that some false claims are prohibited, so why not prohibit all false claims? It does make sense to require that the claim was made knowingly, because then you're targeting only the poster—not the people who share it, who may not know that it's false.

The commissioner of Canada elections and the Chief Electoral Officer said in 2018 that if you require proof of intent, it makes it unenforceable. Just say that for anything related to the election you make a false claim about—and I would extend it right through to the period between elections—and any statement you make about any policy-making process that is false, you will be sanctioned. It will be removed from social media.

As Professor Tenove mentioned, it's very difficult during an election campaign period to react quickly enough and to have it judged as false and removed, but it still needs to be there to discourage the rampant disinformation that we're seeing.

It can be done. The key part—which is not set out in the bill—is that we need to make the enforcers of this entirely independent from all political parties and all politicians. It cannot be seen, or even appear to be seen, that anyone connected to any party or government is deciding what is false and sanctioning and removing posts from social media, but this needs to be done; otherwise, rampant disinformation that misleads voters will continue to undermine elections.

Everyone should realize that elections are usually decided by a vote margin of only 5% to 10%, so disinformation has to fool only 2.5% to 5% of voters to have an effect on the election. A very small percentage of voters being fooled and changing their votes because of disinformation can affect the result of an election, which is why this needs to be dealt with.

If it's not dealt with in Bill C-25, we need another bill very soon—before the next election.

Anita Vandenbeld: Thank you.

Professor Garnett, what's your view on this?

Holly Ann Garnett: The bottom line up front is that the current bill, as it is written, strikes a really good balance.

One thing that we want to be very concerned about is that we're not stifling debate or discouraging people from entering the debate for fear that they accidentally end up being prosecuted for that.

The other challenge that I found in some of my research on disinformation is that the line between what is true and what is false is not always clear. The issue that Mr. Conacher brings up about who is adjudicating that, who is adjudicating what is a true and false claim, is very delicate. It can be very easily weaponized, and we do see it being weaponized in other countries.

To that end, keeping it within the limits of false information about the specific electoral process strikes the right balance. It encourages accurate information available to voters and, at the same time, ensures that we're not stifling any of the sort of debate and open contestation that is required to have a free and fair election.

● (1235)

Anita Vandenbeld: Professor Tenove, on the issue of whether you can determine intent, you mentioned in your statement about the way that you could look at generative AI and how it's used to determine the intent of the false information.

Could you elaborate on that, please?

Chris Tenove: There are different ways to determine intent and different standards that could be used to judge whether there is sufficient evidence. One way is to look at past histories of posting material, which might show that there have been repeated and strategic efforts to promote falsehoods. If there is evidence that someone has deliberately mis-characterized synthetic or AI-generated content as real, it could also be interpreted as evidence that they are being deceptive about the message that they're putting forward.

The Chair: I'm going to have to intervene. I do apologize.

I will now turn to Madame Normandin.

[*Translation*]

Ms. Normandin, you have the floor for six minutes.

Christine Normandin: Thank you once again to all of the witnesses.

Mr. Tenove, in your remarks, you touched on the protection of citizens' information.

Can you elaborate on the weaknesses of the bill as regards the protection of citizens' information and your recommendations to improve matters?

[*English*]

Chris Tenove: There are others who have commented on data protection, and I would defer to some of them.

The one thing I would add on the conversation that occurred in the previous session is that my sense is that the concern is not just the voter lists per se but all the data that parties accumulate about citizens linked to that voters list. It's this complete set of data that people may legitimately worry about, as these could be used in ways that are either manipulative or exposed to being lost through cybersecurity incidents or inappropriate transmissions, sales and so forth.

I think the essence is to ensure that citizens' data is being protected as a statutory right, that there's some oversight, and that it's not entirely up to the discretion of the parties.

[*Translation*]

Christine Normandin: Thank you very much.

Mr. Conacher, you talked about the publication of funding activities, noting that not all activities are well covered and that we do not always have all the information about those activities.

Were you referring to specific activities of political parties?

Or were you referring to third-party activities, for instance?

Please speak to these two types of activities.

[*English*]

Duff Conacher: The bill introduces a loophole in the current fundraising event disclosure regime, in that the exact location of a fundraising event will not be required to be disclosed, just the municipality. This will make it essentially impossible to determine whether a lobbyist or someone who wants something from the government is the one organizing or holding the fundraising event. It's a huge step backwards, and it's a recipe for corruption and waste of the public's money, trading of favours and other abuses.

Democracy Watch's position is that nomination contestants, party leadership contestants, parties, riding associations and candidates should all be required to disclose their staff, their top volunteers and campaigners, and their fundraisers. That is in order to be able to track the conflicts of interest that are created by the political favours done by these people.

● (1240)

[*Translation*]

Christine Normandin: Thank you.

On the same topic, Bill C-25 removed something from the elections act. I am referring to the requirement to give advance notice of an activity. That was changed because people did not want to announce the location of the activity in question in the interest of protecting people. They might hold an event at their home, for instance.

In your opinion, should all that information be kept nonetheless, particularly with the potential monetization of access to decision-makers?

Should the date of the event and the guest list be published, at the very least?

Should there be at least one kind of advance notice?

[*English*]

Duff Conacher: Yes, I think advance notice is helpful. I understand that there were some protests in front of some people's homes. That information can come out afterwards, but at least knowing in advance that the event will happen is important.

There's another small change that I didn't address in my recommendations. I also find it incredible that a provision has actually been put in place that, if a contestant riding association party or candidate does not follow these disclosure requirements after the fact, they're allowed to keep the donations raised at the fundraising event. Why you would allow them to do that, after they violated the law, is just another ridiculous step backwards by the Liberal government in proposing this. This secrecy and these steps are, again, a recipe for corruption.

[*Translation*]

Christine Normandin: In other words, someone could raise money to pay a fine they might have received for violating the elections act, but keep the money nonetheless.

Is that correct?

[*English*]

Duff Conacher: Yes, that's correct. The fine would likely be less than the amount raised, and there would be no disclosure of who was at the event or who organized it.

[*Translation*]

Christine Normandin: I want to go back to fixed election dates quickly.

Is the solution you propose intended to prevent snap elections or to provide a better framework for funding in the case of snap elections?

[*English*]

Duff Conacher: Well, it's very difficult to cover the pre-election period in a snap election, because no one knows, exactly, that it's coming. To take the last election as an example, people were fairly sure that, probably, an election would be called after the leadership race. It wouldn't wait until the fixed election date. We saw people spending, against both the Conservative Party leader and the Liberal Party leader, enormous amounts of money, with no disclosure of who they were because, again, we don't cover this.

Fixed election dates are more fair for everybody. All the parties, people who want to run, volunteers can arrange their lives. We should fix election dates like the U.K. had them fixed: The only time an early election would occur would be if there were a resolution passed in the House saying that the House did not have confidence in the government. That's—

The Chair: I'll have to cut you off there.

We will turn to Mr. Calkins for five minutes, please.

Blaine Calkins: I'll let you finish that thought, actually, Mr. Conacher, because my question to you was going to be about how there are two circumstances, generally speaking, in Canada, during which you would have an election that doesn't follow.... I mean, there are political ramifications. There's no constitutional requirement to follow the fixed election date, but there are political consequences for not following a fixed election date when you have a majority Parliament.

In a circumstance of a minority or hung Parliament, as it's traditionally called, either the Prime Minister can call an election or there can be a vote of non-confidence in the House. Those are two different things. I would suggest to you that a Prime Minister would have advance knowledge in his own mind and, therefore, it is to the benefit of his political agency, whatever that happens to be. When it comes to knowing what spending could or should happen in an undisclosed pre-writ period, for example, only the Prime Minister and people close to them would know that. Generally speaking, the public gets a sense when there is going to be a vote of non-confidence that could actually topple the government. How would you manage the pre-writ spending in what seem to be three completely different scenarios?

Duff Conacher: Again, if you fix election dates or there has to be a resolution in the House, passed by a majority, saying the House does not have confidence in the government, as it was in the U.K.—the U.K. also said that this resolution could then be repealed within a couple of weeks if there were something negotiated between the parties to continue Parliament—you would know that the resolution had been introduced. There would be, at least, some advance notice to everybody. All the rules could kick in at that point in time, so you would cover that period, at least.

● (1245)

Blaine Calkins: How do we deal with a Prime Minister making that...? That's a completely different thing. Are you suggesting that we remove the ability of a Prime Minister to use his or her discretion to call an election?

Duff Conacher: Yes, and New Brunswick actually did that. They had more specific language than the federal election law. Democracy Watch challenged the snap election called by Premier Higgs in New Brunswick, and the New Brunswick Court of Appeal said he violated the law.

It is possible to do it under our system and to allow an early election only when there is a vote of non-confidence. The Brits have it right: A specific resolution of non-confidence is the only thing that would cause an early election.

Blaine Calkins: After the 2015 election, I was the chair of the ethics committee for a while, and I was actually pursuing the government on cash-for-access. It was called the cash-for-access scandal back in 2016-17. The law was subsequently changed when it came to the disclosure of political fundraising events and so on. Do you foresee now, with these changes being relaxed, that we're going to find ourselves in cash-for-access types of scandals again?

Duff Conacher: Yes, I think so, because the disclosure is coming after the event, and only in the municipality. That makes it very difficult to determine whether someone's holding a fundraising event in their own home, which was the site of the cash-for-access scandal. It's a huge step backwards in transparency and ethics to do this.

Blaine Calkins: Okay. Thanks.

I'm now going to switch to Mr. Tenove. I don't know how it would all work, insofar as regulating AI-generated content. Wouldn't the more valuable aspect of dealing with AI be ensuring there's disclosure, so that people know when they're consuming AI-generated content, rather than actually trying to regulate the content itself?

Chris Tenove: One challenge—and regulators have experienced this in other jurisdictions—is that we use AI to do so many things on a spectrum, from lightly modifying to significantly changing or completely fabricating material. Determining where something is on the spectrum is difficult. Quite often, it's clear that synthetic content is being fabricated, so it's not problematic.

In addition, we do not currently have great and reliable detection systems in order to identify these things, so it could be very difficult for a regulator to figure out when someone is transgressing a requirement to reveal synthetic content.

For these reasons, I think it could very well be that this is something for which we want to further develop the capacity to ensure that we can identify manipulated or fabricated content. However, I think that the way the content is being used and what it is aiming to achieve are more critical, whether that is making false claims about how to vote, harassing candidates during an election and so forth. That's why I think the emphasis should be there.

I doubt that there are even—

The Chair: I apologize. I am going to have to cut you off.

We will turn to Mr. Jeneroux for five minutes, please.

Matt Jeneroux (Edmonton Riverbend, Lib.): Thank you, Mr. Chair.

Thank you, Holly Ann, Duff and Chris, for being with us today.

I'm going to stick with you, Chris, if that's all right. You previously made a statement that I'd like to get a little more information on from you, if possible. You indicated that, and I quote, “an insult or false accusation from Trump, Musk or others with huge, hostile followings can expose politicians and others to a blizzard of online threats and abuse.” You also wrote, and I quote, that “foreign interference can occur by...promoting misinformation.” Do you think the provisions in Bill C-25 that prohibit false information, where it is shown that the person knew the statement to be false and it was made with a goal of undermining trust in the election and its results, can help with these kinds of challenges?

● (1250)

Chris Tenove: I think that Bill C-25 is focusing pretty narrowly on content that may jeopardize section 3 rights to participate in elections, but there are broader categories of harmful content that can certainly affect how campaigning is done—whether it's fair, whether it's trusted and so forth. I think that some of those broader issues are more likely to get addressed in broader platform regulation, rather than through specific electoral law or, in the case of harassment and threats, through criminal provisions. Bill C-16, which was introduced and looks to address non-consensual intimate images, is part of the mix too, so I do think there's a range of regulatory and statutory approaches needed to address these issues.

Matt Jeneroux: I'll try to get in two more questions. We'll see if we have time for them.

Going back to your quote database, you've expressed in the past that “foreign interference can occur by providing money for electioneering. Rather than a single bundled sum offered to John A. Macdonald, funds are more likely to come through online donations, possibly including crypto-currency transfers that are difficult to monitor.”

Given that, can you share your thoughts regarding the provisions in Bill C-25 that will seek to prevent anonymous and hard-to-trace contributions by prohibiting political entities and third parties from accepting contributions in the form of cryptocurrency, money orders and prepaid payment products? In short, do you think this measure will help ensure transparency in our political financing regime?

Chris Tenove: I think Bill C-25 is a real step forward on that issue by specifying those forms of contributions. I'll admit that I do not have the background on the kind of mechanics to be able to track those in order to know how effective they will be.

I just want to highlight that I agree with what Professor Loewen mentioned in the last session. We are entering an era when the attempt to regulate the unfair production and dissemination of speech, including by foreign actors, by focusing entirely on spending for that speech is really jeopardized in the information system we have. That's partly through, as I talked about, AI agents and their ability to push speech that may appear organic. It's also partly through some of the unclear regulation around influencers, which Ms. Gaumond mentioned in the last session.

Matt Jeneroux: Finally—hopefully within the next minute—can you talk about some of the enforcement powers of the commissioner? In the past, you've expressed that it's challenging to enforce laws against people who live abroad, and that, in addition to measures in the Canada Elections Act, there needs to be a strong international framework in place as well. Bill C-25 contains several measures that strengthen the enforcement powers of the commissioner. These include enabling her to enter into formal arrangements with international counterparts and national security agencies.

Can you comment on how this increased enforcement power can help with some of the concerns you have previously expressed?

Chris Tenove: Sure.

I think it's simply that often one requires assistance from other jurisdictions to address cross-jurisdictional issues. I'd say that given these real challenges, sometimes it may be necessary to have other processes to address speech that threatens people's democratic participation. That's why I suggested such enforcement as cease transmission orders that the commissioner could adopt.

The Chair: Thank you so much.

[*Translation*]

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

Christine Normandin: Thank you very much.

Mr. Tenove, my next question is perhaps philosophical. You have talked a lot about AI-generated content, chatbots and robots. Those technologies are evolving very quickly, and it always seems like a game of cat and mouse, according to what witnesses say.

In that regard, I would like to hear your thoughts on the need for us to consider two things as elected officials. On the one hand, we always have to go back to the drawing board quickly and review the act in keeping with the pace of evolving technology. At the same time, we must never lose sight of the fact that the weakest link is ultimately the person, the voter, and that great emphasis must be placed on the educational aspect.

● (1255)

[*English*]

Chris Tenove: I think it is very difficult to keep on top of every new mechanism that technology enables for political communication. We are in a situation in Canada where we lack independent regulators and frameworks, really, for both platforms and artificial intelligence. I think that conversation about how we want to address these quickly evolving technologies really needs to direct its energies toward those developments. Key to that will be forms of transparency that allow us as societies to understand what these services, often companies, are doing and what they are sharing with Canadians, including during election periods.

I think the kinds of transparency provisions envisaged in an online harms act and in attempts at regulations for artificial intelligence are really critical, because the first step will be understanding what is happening and what is being produced by these technologies.

[*Translation*]

Christine Normandin: Thank you.

[*English*]

The Chair: I'm going to continue my cruelty, Mr. Jackson. We'll go for four minutes for the next two rounds and then call it a day.

Grant Jackson: Thank you, Mr. Chair.

Dr. Tenove, to follow up on Mr. Jeneroux's questioning, your suggestion to deal with foreign interference or activities online and content on platforms that are owned or located in foreign countries, and to try to address breaches, is to have the commissioner of Canada Elections make agreements with similar officials in those countries. Do I understand that correctly?

Chris Tenove: I think there are a couple of routes of action. One is the more prosecutorial approach, which is identifying infractions and imposing penalties, possibly by pushing it into a prosecution phase. The other thing that I mentioned, though, is the ability to directly require online platforms to cease the transmission of content that appears to be intentionally spreading false claims about the electoral process.

Does that clarify what you're asking?

Grant Jackson: It does, sort of, but I guess I'm just trying to understand how that would work in a real-world scenario, with a platform like WeChat, for example.

Chris Tenove: As it currently stands, the approach is that there are relationships between, I believe, the commissioner of Canada Elections and the platforms, to make requests once they identify infringing content, but there is no real authority to have those acted on. I suppose that beyond fines, beyond being able to apply penalties when platforms do not take down content that the commissioner has signalled is prohibited, there might be other means necessary to stop transmission in Canada. That's something I'd be happy to think through and get back to you on.

Grant Jackson: Mr. Conacher, on the topic of the commissioner, previous witnesses have raised concerns about the lack of judicial review for a commissioner acting.... The commissioner's office would be put in the role of, really, fulfilling two roles at the same time if there's no judicial review mechanism for a complaint. I wonder, do you have some comment regarding that?

Duff Conacher: The Supreme Court of Canada is going to rule soon on a Democracy Watch case, which was heard in January, concerning the right to judicial review for these kinds of administrative tribunals, commissioners, agencies or boards. The Ethics Commissioner currently has a bar to judicial review on certain areas. I think the ruling on that case will establish the standard. Generally, the courts have upheld the right to judicial review when Parliament has tried to bar it, so I don't think any attempt to bar judicial review will be successful in the long run. It's a lot better to just remove it.

● (1300)

Grant Jackson: Okay, that's where I was going to get to. Your recommendation, then, would be that this provision be removed from this piece of legislation.

Duff Conacher: It's the court's role, and the proper role, in our Constitution.

Grant Jackson: Thank you.

The Chair: Thank you so much.

[*Translation*]

Mrs. Brière, you have the floor for four minutes.

Hon. Élisabeth Brière: Thank you, Mr. Chair.

Ms. Garnett, we have heard a lot of comments and opinions on the 10% rule, whereby contributions may not exceed 10% of annual income.

What are your thoughts on that?

[*English*]

Holly Ann Garnett: Thank you for asking that question.

I think the balance that is trying to be struck in this particular bill would be between limiting speech and allowing legitimate organizations to have a voice within the electoral system. The idea behind that 10% rule is to ensure that organizations that are not contributions-based would still be able to participate. You can envision a situation in which an organization that is not necessarily in the business of fundraising would be, essentially, left out of that electoral conversation if they weren't able to use some of their own funds.

One concern that I have, and one thing we might want to be concerned about with this idea that's come up that “Well, maybe there should just be a separate pool for just those particular actions,” is whether it does turn into more of the PAC-based system that we see in the United States. My understanding of “third parties” is that they are existing groups and organizations within Canada, groups of citizens who want to have a voice in the electoral conversation. Therefore, I think that moving towards a system in which it's just another avenue for contributions, another avenue for spending, might be a dangerous route to go down.

[*Translation*]

Hon. Élisabeth Brière: We are running out of time. I would like you to quickly tell us your thoughts on the provisions in Bill C-25 regarding disinformation and deepfakes.

[*English*]

Holly Ann Garnett: One thing I can contribute to the conversation is this: Putting into an election bill that one cannot say false things about an election, for example, is relatively new. We've done some comparative work looking at how election laws deal with the issue of disinformation. Canada is one of the few places where this has been written into election law. There are very few examples of that, cross-nationally.

The thing I'm concerned about is this: While I think it's definitely a step in the right direction, we've noticed, in some of our cross-national research, that there's very little evidence on whether it ends up having the intended effect, at the end of the day—whether it's enough to actually improve the quality of our discourse. That would be where broader things that are not necessarily easily legislated through an elections act have to come into play. Things like civic education and civic literacy are longer-term investments, essentially, in the population. It's about investments in political institutions, even. That's one thing I caution.

While it's definitely a step in the right direction, we can't expect it to be the silver bullet that deals with the issue of disinformation in elections.

Hon. Élisabeth Brière: Thank you.

The Chair: Thank you so much.

I'd like to thank all the witnesses.

This meeting is adjourned.