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March 13, 2023

Honourable Ranj Pillai
Premier
CM-1

Dear Premier Pillai;

FOREIGN INTERFERENCE IN CANADIAN DEMOCRATIC INSTITUTIONS

Thank you for your letter of March 9, 2023 regarding the national conversation on foreign interference in Canadian democratic institutions. It is a matter of shared interest and common focus for all jurisdictions.

Foreign interference is an attack on democracy and a threat to fair, secure and compliant elections. Electoral integrity, as an essential element of public trust, is a primary focus of Elections Yukon and a strategic pillar through which all that we plan, prepare for, and deliver is measured. While there is no evidence of foreign intervention in Yukon elections, it is a growing risk that must be recognized and managed.

In your letter, you note a number of areas of potential impacts of foreign interference on our Yukon elections. You look to the ways to continue to prevent interference and to safeguard the security of the territory's elections. With it, the information and outreach are key activities to ensure public trust.

This has been an area of interest to me over the years from both the national and the Yukon context. As you well know, the subject of foreign interference in elections is complex. It is a global phenomenon, dynamic in scale and scope, and often involving state actors and large networks. It is one of many serious threats to electoral integrity.

Elections Yukon is in the process of producing a report on foreign interference. It will be a discussion paper for ongoing work with key partners. The paper will respond to your observations or concerns. It will also explore the potential threats, the resultant risks, the Elections Yukon role and implemented/planned strategies, and potential recommendations for legislative changes. We will work with the Members' Services Board, or other committee as assigned, for input and guidance prior to any public release of the report.

The core of preventing foreign interference is through an ecosystem of interdependent and interconnected measures. Typically, this ecosystem has three strategies; strengthening campaign finance regulations to prevent the influence of foreign influencers (this includes third parties), reducing the impact of social media disinformation, and the strengthening of cyber security to prevent hacking and privacy breaches.

To this end, Elections Yukon has a two pronged approach to respond to potential electoral interference. First is what can be done (and is being done) within existing capabilities, budgets, and authorities.

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Second is what can be done, concurrently or as a stepped approach, beyond internal means to introduce meaningful legislative change, realign organizational structures, strengthen partnerships, and expand monitoring and enforcement measures.

These strategies will be outlined in my report to be completed by late April 2023. It will recognize that while foreign election interference is the current focus, the remedies would also be applicable to domestic interference vulnerabilities and consider additional transparency and enforcement options.

I also add that my view is one of progression within the 'art of the possible', where it makes sense, and can meet short and long term objectives. It is evolving an ecosystem.

For consideration, progressing an *Elections Act* change has been problematic. Notwithstanding the considerable drafting effort and the importance of some of these changes, most of the Elections Yukon recommendations have been stalled or dismissed without follow up by the Members' Services Board or Executive Council Office. If *Elections Act* changes are needed, a corresponding willingness, commitment, and priority to make the necessary legislative change are required.

Currently the Legislative Assembly is assigned administration of the *Child and Youth Advocate Act*, *Ombudsman Act*, the *Legislative Assembly Retirement Allowances Act (2007)*, and the *Legislative Assembly Act*. In addition, the Legislative Assembly shares administration of the *Lobbyist Registration Act*, *Cabinet & Caucus Act*, and *Conflict of Interest (Ministers and Members) Act* with the Executive Council Office.

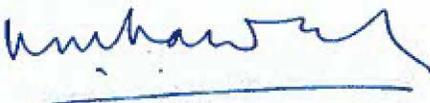
Yet, the *Elections Act* and the *Electoral District Boundaries Act* are identified in the *Government Organization Act (OIC 2014/174)*, as being administered by the Executive Council Office. This outlier assignment is problematic and different from the other independent house offices.

The *Elections Act* and the *Electoral District Boundaries Act* should be administered by the Legislative Assembly to ensure complete independence from government while ensuring that Members' Services Board, an all-party committee of the Legislative Assembly, can provide guidance and facilitate the amendment process.

Elections Yukon will continue to take measures consistent with ongoing due diligence and best practices to further position and protect Yukon elections against the growing threat of foreign interference.

Your interest and encouragement in responding to foreign election interference is much appreciated.

Sincerely,



H. Maxwell Harvey
Chief Electoral Officer

CC: Hon. Jeremy Harper, Chair, Member Services' Board