

## BACKGROUNDER

# Protecting Ontario Elections Act

February 25, 2021

[Attorney General](#)

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Ontario is proposing new electoral reforms to make it easier and safer for people to vote or become a candidate while protecting provincial elections against outside influence and interference.

### Voter Accessibility

COVID-19 and its impact on elections across Canada and around the world has highlighted the importance of ensuring elections are accessible and safe, including for people in Northern and rural communities.

If passed, a proposed amendment would increase the number of flexible advance polling days from five to ten days based on need, particularly in Northern and rural Ontario.

This would also make it easier for shift workers and others on a strict work clock to cast their vote and in a COVID-19 environment it would help reduce the number of people in a polling station.

### Voting Equipment

Voting equipment used to count and submit ballots needs to keep pace with advances in technology without sacrificing accuracy and accountability. Ontario is proposing to create an advisory committee, appointed by the Chief Electoral Officer (CEO) of Elections Ontario, to advise on guidelines for voting equipment based on best practices in provincial elections.

### Enforcement

Currently, the CEO must report minor infractions, such as political advertising that does not contain the name of the political or third party that paid for the ad, to the Ministry of the Attorney General, which decides whether to prosecute.

Ontario is proposing to authorize the Chief Electoral Officer to use administrative monetary penalties to drive compliance instead of reporting the violation to the Attorney General.

This proposed amendment will align Ontario with federal practices. The Commissioner of Canada Elections within the Office of the CEO is authorized to use administrative monetary penalties.

### Independent Members of Provincial Parliament (MPPs)

Currently, independent MPPs do not have the same ability or resources as political party candidates to fundraise outside of writ periods or keep surpluses from their campaigns.

The government is proposing to level the playing field and provide all elected sitting independent MPPs with access to constituency associations and related benefits including fundraising outside of election periods, qualifying for constituency association voter subsidies and keeping surpluses.

### Contributions, Subsidies and Third Parties

Elections Ontario has reported that the scale of third party advertising in Ontario is greater than at the federal level, and Ontario is the only province in Canada where third-party spending is counted in the millions of dollars, rather than in the thousands. In 2018, third parties spent over \$5 million during the election period and the six months prior to the election.

The government is proposing to build on prior reforms by clarifying rules and closing perceived loopholes, ensuring the role of individuals remains central in Ontario's election process and ensuring our democratic institutions are sustainable during a period of economic recovery. If passed, proposed amendments would:

- Double the personal contribution limits from \$1,650 to \$3,300 per year. This would bring Ontario into the middle of the pack among individual donations for Canadian provinces;

- Extend the per-vote subsidies each party typically receives in an election until December 31, 2024 at the 2018 rate of 63 cents per vote. This subsidy is being extended due to the financial impact of COVID-19;
- Build on the Ontario legislature's decision to ban corporate and union donations in 2016 by requiring third-party advertising spending limits to begin 12 months before an election instead of six months to reduce the influence of third parties;
- Clearly define collusion to help guard against third parties coordinating messaging with political parties.

### Efficient Elections Finance Compliance

Ontario's financial reporting rules for candidates and parties in an election are inefficient and may discourage people from running for an elected office.

Ontario is proposing to make financial reporting requirements more efficient through amendments that would:

- Reduce the amount of time a fundraising event must be posted on a party's website from seven to three days in advance of the event;
- Require people vying for party nominations to only submit candidate registration papers and not the additional financial reports introduced in 2017; and,
- Limit the Chief Electoral Officer's authority to reopen previously audited financial statements.

### Access to Financial Information

The province is proposing to require constituency associations to provide their party with financial statements on a quarterly basis or as requested.

### Single Register of Electors

Ontario is proposing to allow the Chief Electoral Officer to share information from the single register of electors with district social services administration boards so they can more accurately and efficiently support elections in territories without municipal governments in place. This information sharing would be allowed for electoral purposes only.

### Administrative Amendments

There are a number of proposed housekeeping amendments to help election processes become more streamlined and efficient. These include:

- Providing candidates who register early with certificates up to six months before the writ so they can be ready well in advance of the electoral period;
- Ensuring donations created by record merging are not reported as new contributions or fined as late submissions;
- Ending the need to audit financial statements of less than \$10,000 for political parties and/or constituency associations to be audited and increasing audit subsidies to a consistent level of \$2,000 across the board. Audit subsidies are public funds paid to help offset the costs of hiring an auditor;
- Increasing the deadline for reporting total contributions over \$200 (up from the current \$100) from a single donor to political parties and leadership contestants from 10 to 15 days from date of deposit; and,
- Requiring constituency associations to submit only an annual report. Associations currently must submit campaign and annual reports. Any campaign period information that occurred during the year will now be included in the annual report.

### Social Media Use

Politicians and voters are active on social media now more than ever. This would be the first express recognition in Ontario law that Members of the Assembly use social media to reach the public and their constituents, supporters and followers.

The proposed changes would clarify the ability of MPPs to keep individual social media accounts before, during and after a writ period. Social media activity will be subject to rules established by the Legislative Assembly. Ministers will also continue to be subject to the social media guidelines made by the government.

### Municipal Elections

In response to requests from the municipal sector to modernize election services, Ontario is proposing changes to make the election process more efficient for local staff, potential candidates and third-party advertisers.

The proposed amendments to the [Municipal Elections Act](#) would:

- Enable clerks to allow candidates and third-party advertisers to submit their nomination and registration forms electronically;
- Allow registered third-party advertisers to end their advertising campaigns before voting day; and,
- Clarify that if a third-party advertiser files a nomination to run for office, their advertising campaign automatically ends.

The proposed changes would come into effect upon Royal Assent and would apply to municipal by-elections held during the current term as well as future regular municipal elections (beginning in October 2022).

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## Additional Resources

- [Election Act](#)
  - [Municipal Elections Act](#)
  - [Election Finances Act](#)
  - [Elections Ontario](#)
  - [Members' Integrity Act](#)
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## Related Topics

### Law and Safety

Ontario's laws and related information about our legal system, emergency services, the Ontario Provincial Police and victim services. [Learn more](#)

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