

# **ELECTION ADVOCACY: What nonprofits need to know**

**FEBRUARY 10 | 1:00PM - 2:00PM**



# Ontario Election Advocacy Laws for Nonprofits

- Income Tax Act
- Election Finances Act
- Lobbyist Registration Act

*The information presented and in the slides is accurate to the best of our knowledge as of February 10, 2022.*



## **DISCLAIMER**

Today's webinar is intended to provide general guidance on matters of interest for the personal use of attendees, who accept full responsibility for its use. This is general legal information. It is not legal advice tailored to your specific situation.

It is not to be used as a substitute for consulting legal advisors.



# Honouring the Wisdom of the Wyandotte: “Anyone present could speak.”

## Collective decision-making in Wendake (aka Huronia)

- 8 matrilineal clans each elected representatives to village councils in 19 villages.
- Village chiefs met frequently. Decisions were consensus based and non-binding.
- Anyone present at these meetings could speak.



# Income Tax Act (Canada)

## What can and can't registered charities do?



**Unlimited** nonpartisan public policy dialogue and development activities

- Advocating on an issue will not be considered partisan merely because a candidate or party is closely associated with an issue.



- **Support or opposition for any political party or candidate for office**
- Fund others to engage in third party election advertising



# Election Finances Act (Ontario)

## Do you need to register as a third party advertiser?

### 1. Does your nonprofit or charity pay for advertising currently or plan to?

- a. Advertising: Includes almost all mediums, but only if there are specific costs tied to its creation or dissemination.
- b. Some exceptions: communicating with members, get out the vote efforts, publication of a book not specifically timed, newspaper editorials or organized debates, etc.

### 2. Does your advertising take place during the election or non-election period (between June 14, 2021 and June 2, 2022)?

### 3. Is your current or planned advertising “political advertising”?

- a. promotes or opposes the election of a provincial party, candidate or leader or
- b. promotes or opposes an issue “closely associated” with a provincial party, candidate or leader.

### 4. Have you spent or will you spend more than \$500 on political advertising (includes staff time but not web hosting)?



# What must third party advertisers do and not do?



- **Pass board resolution** authorizing political advertising expenses
- **Appoint a Chief Financial Officer**
- **Open a bank account**
- **Deposit all eligible contributions** in bank account
- **Record eligible contributions** \$100+
- **Register as a third party** with Elections Ontario
- **Include in all political advertising an authorization statement**, such as “Authorized by Nonprofit XYZ”
- **Appoint auditor** if spending \$5000+



- **Exceed spending limits** (\$106,000 during election period \$637,000 outside)
- **Intentionally collude** with other third parties to avoid the spending limits
- **Accept ineligible contributions** (not charities, businesses not operating in Ontario or non-residents)
- **Intentionally or unintentionally collude with political parties**, candidates, or riding associations



# Lobbyist Registration Act (Ontario)

## Do you need to register as a lobbyist?

Do you pay someone to lobby more than 50 hours?

**Payment:** This includes both staff and contractors, but not volunteers.

**Lobbying:** activities intended to influence a public office holder with respect to changes to legislation, regulations, programs, privatization, and awarding of grants, contributions or financial benefits.

- **Public office holder:** Includes Ministers and their office, MPPs and their office, and director, officer, or employee of certain public agencies.

**Lobbying does not include:** Public submissions to Parliament, individual client advocacy, public consultations, or requests for interpretation of the law.



# What must lobbyists do and not do?



- **Consultant lobbyists** must register and provide information on who paid them and what they lobbied about
- **Organizations with in-house lobbyists** must register and provide information about what they lobbied about.
- **Stay up to date.** Registrants have 30 days to report changes in information.



- Some **broader public sector organizations** are prohibited from lobbying
- Pay lobbyists on a **contingency fee** basis
- **Hire a lobbyist who is being paid to advise the Government** on the same topic





# THE POWER IS OURS:

Why it matters for nonprofits to be engaged in advocacy

WHAT COMES TO MIND WHEN YOU  
HEAR THE TERM ADVOCATE?

WHO OR WHAT ARE YOU  
PICTURING?



# Nonprofits play a vital role in an inclusive democracy

- Nonprofits are the bridge between our communities and government
- Engage and amplify community voices
- Provide unique public policy insight
- Hold governments and decision-makers accountable.



# Why does it matter?

## **Public policy impacts nonprofits:**

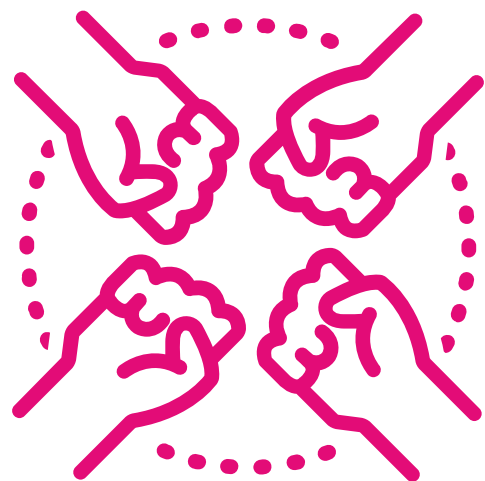
- How nonprofits go about their work, what nonprofits can do etc
- Helps nonprofits meet their mission: systemic changes needed to address underlying causes

Political parties and candidates will be talking about issues nonprofits are working on: child care, affordable housing, decent work, climate change, diversity and inclusion, Truth and Reconciliation, and more that impacts the communities we serve

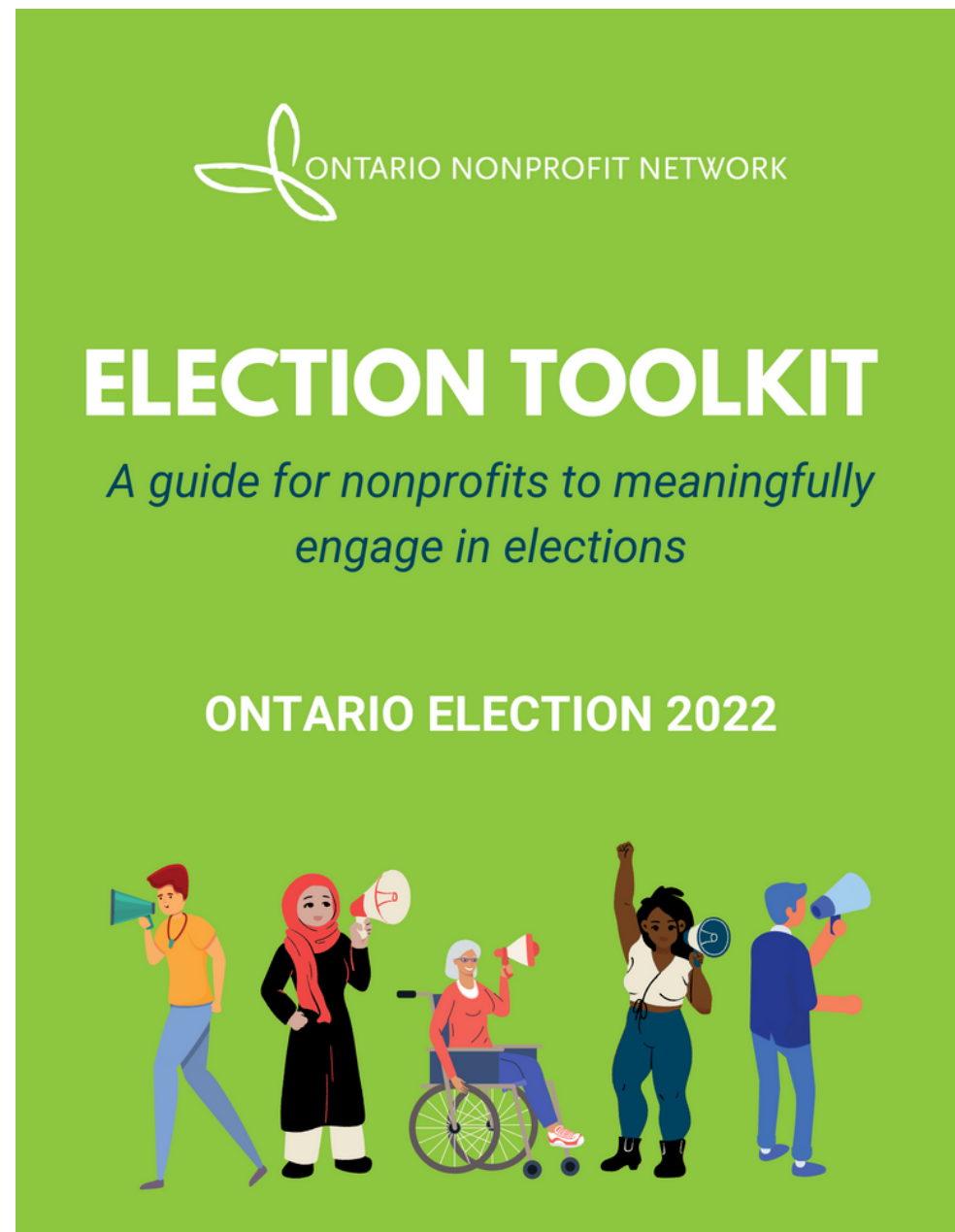


# ADVOCACY COMES IN MANY FORMS

- Coalition and Partnerships
- Amplify existing community initiatives
- Creating and sharing resources
- Meeting with candidates
- And many more!



# ONN's Election Toolkit: A guide for nonprofits to meaningfully engage in elections



- Election Rules
- Communicating the value proposition of Ontario's Nonprofit Sector
- Tips for Successful Advocacy
- Community Engagement
- Tactics
- Engage through traditional and social media
- After the Election



# Ontario's nonprofit sector: A large driver of economic and social development



**58,000** nonprofits and charities operating in communities across Ontario.



Employs **844,000** people in Ontario, 77% of whom are women.



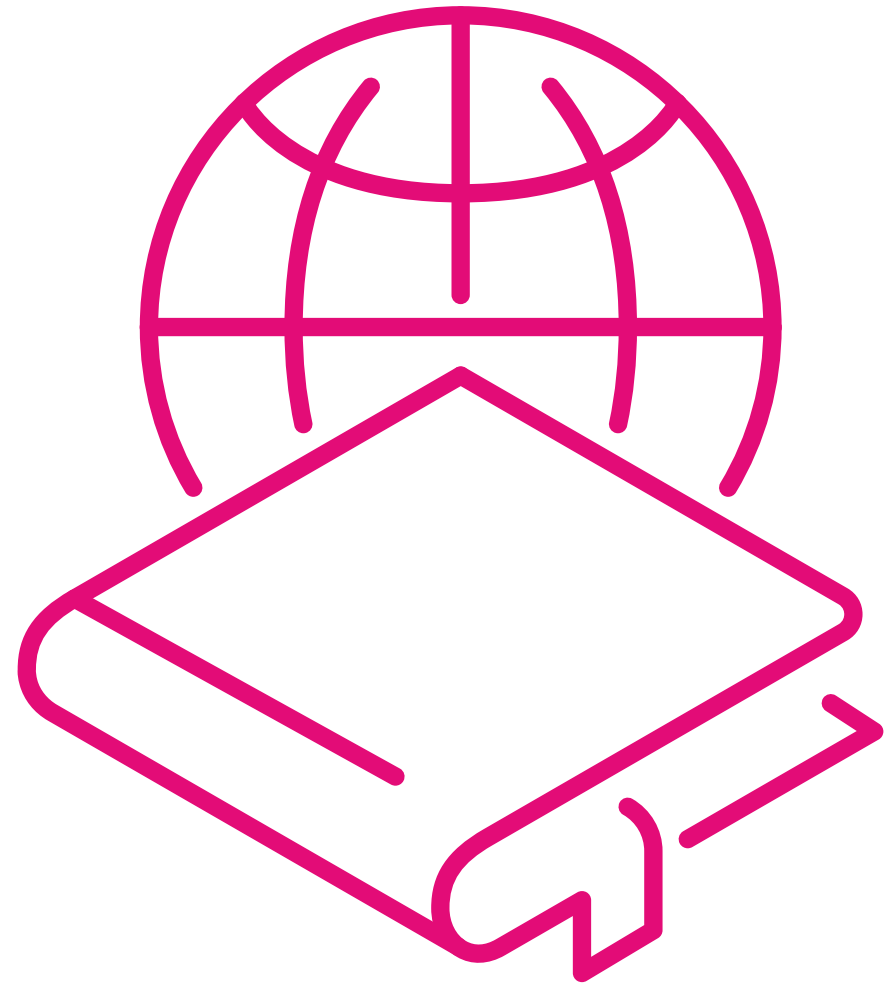
Contributes 7.9% to the province's GDP, constituting **\$65.4 billion** in economic impact.



More than **35%** of income is earned independently of government funding and donations.



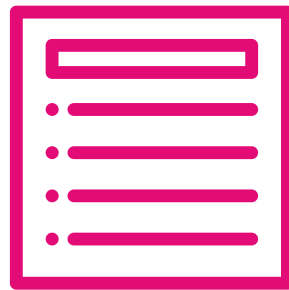
# Resources & References



- ✓ **ELECTION BASICS**
- ✓ **VOTER OUTREACH**
- ✓ **MEDIA ENGAGEMENT**
- ✓ **STORYTELLING**
- ✓ **AND MORE!**



# Make your voices heard during election campaigns and beyond



**KNOW THE RULES**



**GET INVOLVED**



**SPREAD THE WORD**





# Questions?

**Please type your questions in the chat box and we will try to have them answered.**

# Thank you for joining us today!



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[info@theonnc.ca](mailto:info@theonnc.ca)



[theonnc.ca](http://theonnc.ca)