

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO  
70 ELIZABETH II, 2021

# Bill 254

## **An Act to amend various Acts with respect to elections and members of the Assembly**

**The Hon. D. Downey**  
Attorney General

### **Government Bill**

1st Reading      February 25, 2021

2nd Reading      March 22, 2021

3rd Reading

Royal Assent

*(Reprinted as amended by the Standing Committee on the Legislative Assembly  
and as reported to the Legislative Assembly April 12, 2021)*

*(The provisions in this Bill will be renumbered after 3rd Reading)*



This reprint of the Bill is marked to indicate the changes that were made in Committee. The changes are indicated by underlines for new text and a ~~striketrough~~ for deleted text.

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#### EXPLANATORY NOTE

The *Election Act* and the *Election Finances Act* are amended. Among the changes:

1. The Chief Electoral Officer (“the CEO”) is to establish an advisory committee on voting equipment and vote counting equipment.
2. The powers of the CEO with respect to designating advance polls are expanded.
3. Independent members of the Assembly are allowed to endorse constituency associations.
4. The amounts of authorized contributions are increased.
5. The quarterly allowances to registered parties are continued until January 1, 2025. Their amounts are increased and adjustments are made to their timing.
6. Adjustments are made to the rules respecting collusion with third parties.
7. Administrative penalties for certain contraventions are provided for.

The *Members’ Integrity Act, 1994* is amended to provide for social media accounts of members of the Assembly. Such accounts may deal with any matters a member wishes to bring to the attention of the public, including partisan matters, subject to any applicable rules, guidelines and legislation, and may be continued after the dissolution of the Assembly and during and after an election period. Members of the Executive Council will also be subject to any additional rules or guidelines approved by the Executive Council.

Multiple amendments are made to the *Municipal Elections Act, 1996*. Some of the more significant amendments are outlined below.

Section 14 is amended to provide an exception for filing documents under section 33, 44 or 88.6 bearing only original signatures if the clerk has provided for electronic filing of the document. Sections 33 and 88.6 are amended to allow the clerk to provide for electronic filing under these sections.

Section 33 is further amended to provide that endorsements of a nomination that is filed electronically must still be collected as original signatures and that a person who files a nomination that must be endorsed shall retain the copy of the document bearing the original endorsement signatures.

Section 88.6 is further amended to provide that a registered third party may withdraw their registration by filing a written withdrawal in the clerk’s office during the time for filing a notice of registration, and to provide that if a registered third party files a nomination under section 33, the party’s registration is deemed to have been withdrawn at the time the nomination is filed.

**An Act to amend various Acts with respect to elections and members of the Assembly****CONTENTS**

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Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**Contents of this Act**

**1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.**

**Commencement**

**2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.**

**(2) The Schedules to this Act come into force as provided in each Schedule.**

**(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.**

**Short title**

**3 The short title of this Act is the *Protecting Ontario Elections Act, 2021*.**

**SCHEDULE 1  
ELECTION ACT**

**1 The *Election Act* is amended by adding the following section:**

**Advisory committee, voting equipment and vote counting equipment**

**4.5.1** (1) The Chief Electoral Officer shall establish an advisory committee on voting equipment and vote counting equipment consisting of,

- (a) one or two members appointed by each registered party represented in the Assembly; and
- (b) at least one and not more than three members who do not represent a registered party.

**Mandate**

(2) The advisory committee shall provide recommendations, when consulted by the Chief Electoral Officer, concerning standards for voting equipment and vote counting equipment used in elections under this Act.

**2 Subsection 9.1 (7) of the Act is amended by adding “but shall not be a Saturday, Sunday or a day that is a public holiday as defined in the *Employment Standards Act, 2000*” at the end.**

**3 Section 17.2 of the Act is amended by striking out “and” at the end of clause (b), by adding “and” at the end of clause (c), and by adding the following clause:**

- (d) any district social services administration board established under the *District Social Services Administration Boards Act*.

**4 Subsection 27.2 (5) of the Act is repealed and the following substituted:**

**Certificate**

(5) When the nomination paper has been accepted for filing, the Chief Electoral Officer may issue a certificate to the prospective candidate, indicating that,

- (a) he or she will be a candidate in the election; and
- (b) that during the period before the date the writ of election is issued, he or she may be referred to as a pre-certified candidate, and after the writ of election is issued, as a candidate.

**Expiry**

(5.1) A certificate under subsection (5) ceases to be valid if a writ of election is not issued within six months after the issuance of the certificate.

**Certificate final**

(5.2) Subject to subsection (5.1), a certificate under subsection (5) is final, and the validity of the nomination is not open to question upon any ground whatsoever.

**5 (1) Clause 44 (2) (c) of the Act is repealed and the following substituted:**

- (c) at designated other locations as determined under subsection (2.1).

**(2) Section 44 of the Act is amended by adding the following subsection:**

**Same**

(2.1) The Chief Electoral Officer shall determine, in consultation with the returning officer, the dates and times when advance polls shall be open at designated other locations, subject to the following rules:

1. The hours during which advance polls are open at designated other locations may vary from one location to another.
2. During the 10-day period provided for in clause (2) (b), at least one advance poll at a designated other location in the electoral district shall be open for some part of each day.
3. It is not necessary for a particular designated other location to have an advance poll that is open on all 10 days.

**(3) The French version of subsection 44 (5) of the Act is amended by striking out “endroits désignés” and substituting “emplacements désignés”.**

**Commencement**

**6 This Schedule comes into force on the day the *Protecting Ontario Elections Act, 2021* receives Royal Assent.**

**SCHEDULE 2  
ELECTION FINANCES ACT**

**1 (1) The definition of “constituency association” in subsection 1 (1) of the *Election Finances Act* is repealed and the following substituted:**

“constituency association”, in an electoral district, means the association or organization endorsed by a registered party or an independent member as the official association of that party or that member in the electoral district; (“association de circonscription”)

**(2) Subsection 1 (1) of the Act is amended by adding the following definitions:**

“independent member” means a member of the Assembly who is not affiliated with a registered party in the Assembly; (“député indépendant”)

“pre-certified candidate” means an individual whose nomination paper has been accepted for filing and who has been issued a certificate by the Chief Electoral Officer under subsection 27.2 (5) of the *Election Act* before the date a writ of election is issued; (“candidat doté d’une attestation préalable”)

**2 (0.1) Clause 2 (1) (a) of the Act is amended by striking out “nomination contestants”.**

**(0.2) Clause 2 (1) (b) of the Act is amended by striking out “registered nomination contestant”.**

**(0.3) Clause 2 (1) (d) of the Act is amended by striking out “registered nomination contestant”.**

**(1) Subsection 2 (1) of the Act is amended by adding the following clause:**

(d.1) use administrative penalties to promote compliance with this Act and the *Election Act*;

**(1.1) Clause 2 (1) (j) of the Act is amended by striking out “nomination contestants”.**

**(1.2) Subsection 2 (1) of the Act is amended by adding the following clause:**

(j.3) assist persons and entities who sell advertising to comply with requirements under this Act;

**(2) Section 2 of the Act is amended by adding the following subsection:**

**Returns not to be re-examined**

(1.1) For the purposes of clause (1) (c), where the Chief Electoral Officer has examined the financial return of a registered candidate, registered leadership contestant, registered constituency association or registered party and provided an approval letter, the Chief Electoral Officer shall not subsequently re-examine that return.

**3 (1) Subsection 11 (1) of the Act is repealed and the following substituted:**

**Registration of constituency associations**

(1) No constituency association of a registered party or an independent member and no person, organization or entity acting on behalf of the constituency association shall accept contributions for the purposes of the constituency association or for the purposes of the registered party or independent member or for the candidacy of any person at an election or for an election campaign of any person unless the constituency association is registered under this Act.

**(2) Subsection 11 (2) of the Act is amended by adding “or an independent member” after “registered party” in the portion before clause (a).**

**(3) Clause 11 (2) (a) of the Act is amended by adding “or independent member” after “registered party”.**

**4 (1) Clause 12 (1) (b) of the Act is amended by adding “or independent member” after “registered party”.**

**(2) Section 12 of the Act is amended by adding the following subsection:**

**Same**

(2.2) The Chief Electoral Officer shall promptly deregister the constituency association of an independent member and shall send it notice of the deregistration, by registered mail, if the member,

(a) commences representing a registered party in the Assembly;

(b) is nominated as a candidate of a registered party; or

(c) at an election, is not re-elected as a member of the Assembly.

**(3) Subsection 12 (4) of the Act is amended by adding “or independent member” after “political party”.**

**(4) Clause 12 (4.3) (b) of the Act is amended by adding “or independent member” after “political party”.**

**5 Subsection 13 (3) of the Act is repealed and the following substituted:**

### **Registration**

(3) The Chief Electoral Officer shall, for each election, maintain a register of persons in respect of whom a certificate has been issued under section 27.1 or 27.2 of the *Election Act*, and for the purposes of this Act,

- (a) a prospective candidate who has submitted a nomination paper under one of those sections is deemed to have filed an application for registration as a candidate with the Chief Electoral Officer; and
- (b) a person is deemed to have been registered as a candidate on and from the day such a certificate has been issued, or in the case of a pre-certified candidate, upon the issuance of the writ.

### **Information**

(4) As part of maintaining the register under subsection (3), the Chief Electoral Officer shall maintain the following information for person:

- 1. The full name of the person.
- 2. The address of the place or places in Ontario where records of the person's candidacy are maintained and of the place in Ontario to which communications may be addressed.
- 3. The names of the principal officers, including the chief financial officer and auditor, of the person in respect of their candidacy.
- 4. The names of all persons authorized by the person to accept contributions in respect of their candidacy.
- 5. The name and address of every financial institution that is lawfully entitled to accept deposits to be used by or on behalf of the person as the depositories for all contributions made to that person in respect of their candidacy.
- 6. The names of the persons responsible for each depository referred to in paragraph 5.

### **6 Section 17 of the Act is amended by adding the following subsection:**

#### **Pre-certified candidate**

(1.1) For greater clarity, a pre-certified candidate may not receive a contribution outside of a campaign period, and the chief financial officer of a pre-certified candidate shall, within 30 days after learning that the contribution was made contrary to this Act and upon obtaining the contributor's copy of the receipt issued under this Act, or cancelling the receipt and giving the contributor notice of the cancellation, return the contribution or an amount equal to the sum contributed.

### **7 (1) Subsections 18 (1) to (1.4) of the Act are repealed and the following substituted:**

#### **Maximum contributions**

##### **Registered parties**

(1) The contributions that a person makes to any one registered party shall not exceed, in a calendar year, \$3,300 plus \$25 for each calendar year that has begun on or after January 1, 2022.

##### **Constituency associations, nomination contestants**

(1.1) The contributions that a person makes to registered constituency associations and registered nomination contestants of any one registered party or to the constituency association of any independent member shall not exceed, in a calendar year, \$3,300 plus \$25 for each calendar year that has begun on or after January 1, 2022.

##### **Candidates of party**

(1.2) The contributions that a person makes to registered candidates of any one registered party shall not exceed, in a campaign period, \$3,300 plus \$25 for each calendar year that has begun on or after January 1, 2022.

##### **Non-party candidates**

(1.3) The contributions that a person makes to all registered candidates not endorsed by a registered party shall not exceed, in a campaign period, \$3,300 plus \$25 for each calendar year that has begun on or after January 1, 2022.

##### **Leadership contestants**

(1.4) The contributions that a person makes to any one registered leadership contestant of a registered party shall not exceed, in a calendar year that falls during a leadership contest period or during which the contestant is required to be registered by virtue of subsection 14 (2.1), \$3,300 plus \$25 for each calendar year that has begun on or after January 1, 2022.

(2) **Subsection 18 (4) of the Act is amended by striking out “\$5,000” and substituting “\$10,000”.**

(3) **Subsection 18 (5) of the Act is amended by striking out “\$25,000” and substituting “\$50,000”.**

### **8 (0.1) Subsection 23 (2) of the Act is amended by striking out “nomination contestant”.**

(1) **Section 23 of the Act is amended by adding the following subsection:**

### **Where charge may be considered not a contribution**

(2.1) Where a charge by the sale of tickets or otherwise is made for a fund-raising event, all or any portion of such charge, up to a maximum of \$30, may, at the option of the party, constituency association, nomination contestant, candidate or leadership contestant by whom or on whose behalf the activity was held, be considered not to be a contribution for the purposes of this Act.

### **(2) Subsection 23 (6) of the Act is repealed and the following substituted:**

#### **Timing**

(6) The registered party shall post the information described in subsection (5) at least three days before the date of the fund-raising event.

### **8.1 Section 24 of the Act is amended by striking out “nomination contestant” wherever it occurs.**

### **9 Section 25.2 of the Act is amended by adding the following subsection:**

#### **Principles**

(8) In ensuring compliance in accordance with subsection (7), the Chief Electoral Officer shall be guided by the principles that real time disclosure of information permits record merging when appropriate evidence is submitted, and that merged records shall not be considered to be a new contribution or subject to prosecution for late submission.

### **10 Section 27 of the Act is amended by adding the following subsection:**

#### **Same, independent candidates**

(2) The registered constituency association of a registered candidate who is an independent candidate and that candidate may transfer or accept funds, goods and services to or from each other and all such funds, goods, other than goods held in inventory for the candidate for use during a campaign period, and services accepted by the constituency association or candidate, shall be considered not to be contributions or campaign expenses for the purposes of this Act but shall be recorded as to source and any funds accepted shall be deposited in the appropriate depository on record with the Chief Electoral Officer.

### **11 (1) Subsection 32.1 (2) of the Act is repealed and the following substituted:**

#### **How allowance calculated**

~~(2) For the 2021 calendar year and subsequent calendar years, each registered party’s allowance for a quarter,~~

- ~~— (a) is \$0.452 multiplied by the number of valid votes cast for the party’s candidates in the election referred to in subsection (1), if the quarter ended before the *Protecting Ontario Elections Act, 2021* received Royal Assent; and~~
- ~~— (b) is the amount calculated by multiplying \$0.636 by the number of valid votes cast for the party’s candidates in the election referred to in subsection (1) if the quarter ended on or after the day the *Protecting Ontario Elections Act, 2021* received Royal Assent.~~

#### **How allowance calculated**

(2) For the 2021 calendar year and subsequent calendar years, each registered party’s allowance for a quarter is the amount calculated by multiplying \$0.636 by the number of valid votes cast for the party’s candidates in the election referred to in subsection (1), whether or not the quarter ended on or after the day the *Protecting Ontario Elections Act, 2021* received Royal Assent.

### **(2) Section 32.1 of the Act is amended by adding the following subsection:**

#### **Adjusted payment schedule for 2022 and 2023**

(2.1) The following adjustments are made respecting the payment of the allowances under subsection (1):

1. The first payment for the 2022 calendar year shall be the amount otherwise calculated for the first quarter of that year.
2. The second payment for the 2022 calendar year shall be the amount calculated for the three remaining quarters of that year, plus the amount calculated for the first quarter of the 2023 calendar year.
3. No further payment shall be made for the remainder of the 2022 calendar year or for the first quarter of the 2023 calendar year.
4. Commencing with the second quarter of the 2023 calendar year, the payments shall be made as otherwise provided under subsection (1).

**(3) Subparagraph 1 i of subsection 32.1 (5) of the Act is amended by striking out “December 31, 2020” and substituting “December 31, 2023”.**

**(4) Subparagraph 1 ii of subsection 32.1 (5) of the Act is repealed and the following substituted:**

- ii. two thirds of the amount determined under subparagraph i for the calendar year 2023, if the calendar year is 2024.

**(5) Paragraph 2 of subsection 32.1 (5) of the Act is amended by striking out “Subject to paragraphs 3 and 4” at the beginning and substituting “Subject to paragraphs 3, 3.1, and 4”.**

**(6) Subsection 32.1 (5) of the Act is amended by adding the following paragraph:**

3.1 In the case of an independent member,

- i. an amount is payable to the member’s registered constituency association based on the percentage of the total number of valid votes the member received as a candidate in the electoral district at the most recent election, and
- ii. in addition, if the independent member was elected as a candidate of a registered party, the registered constituency association of the registered party remains entitled to the amount it would otherwise receive.

**(7) Section 32.1 of the Act is amended by adding the following subsection:**

**Exception**

(7) Despite subsection (6), where a registered constituency association has been endorsed by an independent member who was elected as a candidate of a registered party, an allowance is payable to the registered constituency association for a quarter if all the documents it is required to file with the Chief Electoral Officer have been filed and are complete.

**12 Subsection 34 (1) of the Act is amended by striking out “that in the aggregate exceed \$100” at the end and substituting “that in the aggregate exceed \$200”.**

**13 (1) Subsection 34.1 (1) of the Act is amended by striking out “that in the aggregate exceed \$100” at the end and substituting “that in the aggregate exceed \$200”.**

**(2) Subsection 34.1 (3) of the Act is amended by striking out “10 days” and substituting “15 days”.**

**14 (1) Clause 37.10.1 (2) (a) of the Act is amended by striking out “six-month period” and substituting “12-month period”.**

**(2) Clause 37.10.1 (2) (b) of the Act is amended by striking out “six-month period” and substituting “12-month period”.**

**(3) Subsection 37.10.1 (3) of the Act is repealed and the following substituted:**

**No combination to exceed limit**

(3) No third party shall circumvent, or attempt to circumvent, a limit set out in this section in any manner, including by,

- (a) acting in collusion with another third party so that their combined political advertising expenses exceed the applicable limit;
- (b) splitting itself into two or more third parties;
- (c) colluding with, including sharing information with, a registered party, registered constituency association, registered candidate, registered leadership contestant, or registered nomination contestant or any of their agents or employees for the purpose of circumventing the limit;
- (d) sharing a common vendor with one or more third parties that share a common advocacy, cause or goal;
- (e) sharing a common set of political contributors or donors with one or more third parties that share a common advocacy, cause or goal;
- (f) sharing information with one or more third parties that share a common advocacy, cause or goal; or
- (g) using funds obtained from a foreign source prior to the issue of a writ for an election.

**Contributions**

**(3.1) Any contribution from one third party to another third party for the purposes of political advertising shall be deemed as part of the expenses of the contributing third party.**

**14.1 The Act is amended by adding the following section:**

**Interim reporting requirements**

**37.10.2 (1) Every third party shall promptly file the following interim reports with the Chief Electoral Officer, in the prescribed form:**

1. When it has paid or committed to any person or entity to spend any funds on paid political advertising, it shall report the amount spent or committed, with a separate report being required each time its aggregate spending increases by an amount of at least \$1,000.
2. When it has reached the applicable spending limit under section 37.10.1, it shall report that fact.

**Posting**

(2) The Chief Electoral Officer shall publish every report filed under subsection (1) on the website of the Chief Electoral Officer within two days of receiving it.

**Percentage**

(3) Based on the interim reports, the Chief Electoral Officer shall determine the amounts spent or committed to be spent by each third party as a percentage of the maximum spending that is permitted for a third party under section 37.10.1, and publish the percentages on the website of the Chief Electoral Officer.

**Purpose**

(4) The purpose of the percentages determined under subsection (3) is to permit persons or entities that sell advertising to be aware that the third party is at risk of exceeding its spending limit, and to make informed decisions about selling advertising to the third party.

**No selling over limit**

(5) No person or entity shall sell advertising to a third party when the person should reasonably be aware, based on the reporting under this section, that the sale would cause the third party to exceed a limit imposed by section 37.10.1.

**14.2 Section 37.12 of the Act is amended by striking out “report” wherever it appears and substituting in each case “final report”.**

**15 (1) Subsections 40 (1) and (1.1) of the Act are repealed and the following substituted:**

**Auditors**

(1) Every registered candidate, registered leadership contestant, registered party and registered constituency association shall appoint an auditor or firm who meets the qualifications described in subsection (1.1) within 30 days of receiving at least \$10,000 in contributions or incurring expenses of at least \$10,000, with respect to an election or leadership contest as the case may be, and shall promptly advise the Chief Electoral Officer of the name and address of the auditor or firm.

**Qualifications**

(1.1) An auditor or firm appointed under subsection (1) must be an auditor licensed under the *Public Accounting Act, 2004* or a firm whose partners resident in Ontario are licensed under that Act.

**(2) Subsection 40 (2) of the Act is amended by striking out “or (1.1)” and “nomination contestant”.**

**(3) Subsection 40 (3) of the Act is amended by striking out “nomination contestant” wherever it appears.**

**(4) Subsection 40 (4) of the Act is amended by,**

- (a) striking out “subsection (1), (1.1)” and substituting “subsection (1)”; and**
- (b) striking out “nomination contestant”.**

**(5) Subsection 40 (6) of the Act is amended by,**

- (a) striking out “subsection (1), (1.1)” and substituting “subsection (1)”; and**
- (b) striking out “nomination contestant”.**

**(6) Subsection 40 (7) of the Act is repealed and the following substituted:**

**Auditor’s subsidy**

(7) The Chief Electoral Officer shall subsidize the cost of auditors’ services for political parties, constituency associations, candidates and leadership contestants by paying, in respect of audits required by subsection (4) in the amount that is the lesser of the following:

1. The amount of the auditor’s account to the political party, constituency association, candidate or leadership contestant.
2. \$2,000.

**16 Section 41 of the Act is repealed and the following substituted:****Annual filing of financial statement and report, party**

~~41 (1) The chief financial officer of every political party registered under this Act shall, on or before May 31 in each year, file with the Chief Electoral Officer a financial statement,~~

- ~~—(a) of assets and liabilities as at the end of the previous year;~~
- ~~—(b) of income and expenses for the previous year, excluding election campaign expenses; and~~
- ~~—(c) setting out all the information required to be recorded under subsection 34 (1) for the previous year;~~

~~of the political party for which the chief financial officer acts, together with the auditor's report as required by subsection 40 (4).~~

**Same, constituency association**

~~(2) The chief financial officer of every constituency association registered under this Act shall, on or before May 31 in each year, file with the Chief Electoral Officer a financial statement,~~

- ~~— (a) of assets and liabilities as at the end of the previous year;~~
- ~~— (b) of income and expenses for the previous year, including, with respect to election and by election campaign expenses incurred in that period,~~
  - ~~— (i) all income and expenses received or incurred in the campaign period,~~
  - ~~— (ii) all campaign expenses, paid and outstanding, incurred in the campaign period and a statement of all disputed claims, and~~
  - ~~— (iii) all the information required to be recorded under subsection 34 (1) that relates to the campaign period; and~~
- ~~— (c) setting out all the information required to be recorded under subsection 34 (1) for the previous year,~~

~~of the constituency association for which the chief financial officer acts, together with the auditor's report as required by subsection 40 (4).~~

**Report to Chief Electoral Officer**

~~(3) A party or constituency association that waives repayment of an amount under subsection 36 (1) shall include the details in the annual financial statement filed under this section.~~

**17 Section 41.1 of the Act is repealed and the following substituted:**

**Reporting, appointed candidates**

**41.1** Promptly after a candidate is appointed with respect to a registered party for an electoral district, the registered party shall notify the Chief Electoral Officer of the name of the candidate who was selected.

**Constituency associations and parties**

**41.2** Every registered constituency association of a registered party shall disclose its financial statements to the chief financial officer of the registered party on a quarterly basis, or upon request.

~~**18 (1) Subsection 42 (2) of the Act is amended by striking out “and every registered constituency association” in the portion before clause (a), and by striking out “or constituency association” in the portion after clause (e).**~~

~~**(2) Subsection 42 (3) of the Act is amended by striking out “and registered constituency associations”.**~~

**19 Clause 43 (2) (b) of the Act is amended by striking out “subsection 41.1 (3) or section 42, as the case may be” and substituting “section 42”.**

**20 Clause 44 (5) (b) of the Act is repealed and the following substituted:**

- (b) in the case of an independent candidate,
  - (i) to their registered constituency association, if the candidate has been elected as an independent member and has endorsed a registered constituency association, and
  - (ii) to the Chief Electoral Officer in all other cases.

**21 The Act is amended by adding the following section:**

ADMINISTRATIVE PENALTIES

**Administrative penalties**

**45.1** (1) Where the Chief Electoral Officer ~~is of the opinion~~ believes on reasonable grounds that a person or entity has contravened one of the following provisions of this Act, the Chief Electoral Officer may make an order requiring the person or entity to pay an administrative penalty:

1. Subsection 12.1 (1).
2. Subsection 14 (1).
3. Section 18.
4. Subsection 22 (9).
5. Section 32.
6. Subsection 36.1 (1).

7. Subsections 37 (2) and (3).
8. Subsections 37.5 (1) and (5).
9. Subsections 37.10.1 (1) and (2).

9.1 Subsections 37.10.2 (1) and (5).

10. Subsections 37.12 (1) and (8).
11. Subsections 38 (1), (2), (3) and (3.1).
12. Section 38.1.
13. Section 41.1.
14. Section 41.2.

**Purpose**

(2) The purpose of an administrative penalty is to promote compliance with this Act and the *Election Act*.

**Limitation**

(2.1) The Chief Electoral Officer shall not make an order requiring the payment of an administrative penalty more than two years after the date on which the Chief Electoral Officer became aware of the contravention.

**Payment, etc.**

(3) An administrative penalty shall be paid into the Consolidated Revenue Fund, and shall be in an amount determined by the Chief Electoral Officer in accordance with this section.

**Maximum amounts**

(4) The maximum amount of an administrative penalty under this section shall be determined as follows:

1. For a contravention of section 18 is an amount equal to twice the amount that was contributed in contravention of that section, plus \$1,500, in the case of an individual, and plus \$5,000, in the case of a corporation or other entity.
- ~~2. For a contravention of subsection 22 (9) or 37 (2), \$10,000 in the case of an individual, and \$100,000 in the case of a corporation or other entity.~~
2. For a contravention of subsection 22 (9), 37 (2) or 37.10.2 (1) or (5), \$10,000 in the case of an individual, and \$100,000 in the case of a corporation or other entity.
3. For a contravention of subsection 37.5 (1), 37.5 (5) or 37.12 (8), \$10,000.
4. In all other cases, \$1,500, in the case of an individual, and \$5,000 in the case of a corporation or other entity.

**Criteria for penalty**

(5) The amount of an administrative penalty is to be determined taking into account,

- (a) the degree of intention or negligence on the part of the person or entity that committed the contravention;
- (b) the harm done by the contravention;
- (c) whether the person or entity derived any advantage from the contravention;
- (d) whether the person or entity made reasonable efforts to mitigate or reverse the contravention's effects;
- (e) whether the person or entity has taken steps to avoid committing the contravention in the future;
- (f) whether the person or entity has provided all reasonable assistance to the Chief Electoral Officer with respect to the contravention, including reporting it and providing any relevant information;
- (g) the person's or entity's history of compliance with the provisions of this Act;
- (h) the person's or entity's ability to pay the penalty;
- (i) any aggravating and mitigating circumstances; and
- (j) any other factor that, in the opinion of the Chief Electoral Officer, is relevant.

**Notice**

(6) The Chief Electoral Officer may take into account a factor under clause (5) (j) only if a notice that sets out the factor has been published on the website of the Chief Electoral Officer.

### Consultation

(7) Before publishing a notice under subsection (6), the Chief Electoral Officer shall publish for the purpose of public consultation, a notice that sets out the proposed factor for at least 30 days on the website of the Chief Electoral Officer.

### Procedure

- (8) An order requiring a person or entity to pay an administrative penalty shall be served on the person or entity and shall,
- (a) contain a description of the contravention to which the order relates, including the date of the contravention;
  - (b) specify the amount of the penalty, and warn about the increasing amounts for subsequent contraventions;
  - (c) give particulars respecting the time for paying the penalty and the manner of payment; and
  - (d) provide details of the person or entity's right of ~~review~~ appeal.

### Review

~~(9) A person or entity who is served with an order to pay an administrative penalty may, within 15 days of being served, request that the Chief Electoral Officer review the penalty, and on a review, the Chief Electoral Officer may, after considering all the circumstances, confirm the penalty, revoke the penalty, or vary the amount of the penalty.~~

### Appeal

~~(9) A person or entity who is served with an order to pay an administrative penalty may appeal the Chief Electoral Officer's decision by filing an application with the Superior Court of Justice within 30 days from the date the order was served, and the following applies to such an appeal:~~

- ~~1. The application must be accompanied with a copy of the order and state the reasons for the appeal.~~
- ~~2. A copy of the application must be served on the Chief Electoral Officer not less than 30 days before the appeal is to be heard.~~
- ~~3. The Superior Court of Justice may, on application, extend the 30 day period for making an appeal, if it considers it appropriate to do so.~~
- ~~4. On hearing the appeal, the Superior Court of Justice may confirm, rescind or vary the amount of the administrative penalty.~~

### Failure to pay

(10) If a person or entity who is required to pay an administrative penalty fails to comply with the requirement, the Chief Electoral Officer may file the order that requires payment with a local registrar of the Superior Court of Justice and the order may be enforced as if it were an order of the court.

### *Restoring Trust, Transparency and Accountability Act, 2018*

**22 Subsection 7 (2) of Schedule 13 to the *Restoring Trust, Transparency and Accountability Act, 2018* is amended by striking out "2022" at the end and substituting "2025".**

### Commencement

**23 This Schedule comes into force on the day the *Protecting Ontario Elections Act, 2021* receives Royal Assent.**

**SCHEDULE 3  
MEMBERS' INTEGRITY ACT, 1994**

**1 The *Members' Integrity Act, 1994* is amended by adding the following section:**

**Social media**

**9.1** (1) Nothing in this Act prevents members of the Assembly from having one or more social media accounts in their individual names.

**Content**

(2) Subject to this section, a social media account of a member of the Assembly may include content respecting such matters as the member wishes to bring to the attention of their followers, including matters described in subsection (3), as long as the content is created, posted and maintained in a manner consistent with,

- (a) any rules or guidelines that may be established or approved by the Assembly; and
- (b) the requirements of sections 2, 3 and 4 of this Act.

**Executive Council members**

(3) A social media account of a member of the Assembly who is also a member of the Executive Council may include content respecting matters related to the member's portfolio as a Minister or matters related to the policies, programs and initiatives of the Government of Ontario as long as the content is created, posted and maintained in a manner consistent with,

- (a) any rules or guidelines that may be established or approved by the Executive Council or a committee of the Executive Council; and
- (b) the requirements of the *Public Service of Ontario Act, 2006* and its regulations governing the permissible activities of public servants.

**Partisan material**

(4) Subject to subsections (2) and (3), a member's social media account may include partisan material.

**Continuation**

(5) A social media account described in subsection (1) may be continued despite the dissolution of the Assembly and the issuance of a writ for a general election, both during the campaign period and after the election.

**Definition**

(6) In this section,

“partisan material” means material that supports or opposes a particular candidate, party or issue and is not related to the Government of Ontario's work for the public at large or a member of the Assembly's work for their constituency at large.

**Commencement**

**2 This Schedule comes into force on the day the *Protecting Ontario Elections Act, 2021* receives Royal Assent.**

**SCHEDULE 4  
MUNICIPAL ELECTIONS ACT, 1996**

**1 Section 14 of the *Municipal Elections Act, 1996* is amended by adding the following subsection:**

**Exception — electronic filing**

(2) Subsection (1) does not apply if the clerk has provided for electronic filing of the document.

**2 (1) Subsection 33 (1) of the Act is repealed and the following substituted:**

**Filing of nomination**

(1) A person may be nominated for an office by filing a nomination,

- (a) in the clerk’s office, in person or by an agent; or
- (b) if the clerk has provided for electronic filing under subsection (6), electronically.

**(2) Section 33 of the Act is amended by adding the following subsections:**

**Same**

(1.2.1) For greater certainty, endorsements of a nomination under subsection (1.1) shall be collected as original signatures even if the clerk has provided for electronic filing.

**Same**

(1.2.2) A person who electronically files a nomination for an office on a council that must be endorsed by at least 25 persons shall retain the copy of the document bearing the original endorsement signatures.

. . . . .

**Electronic filing**

(6) The clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing.

**3 Subsection 33.0.1 (1) of the Act is amended by striking out “Upon” at the beginning and substituting “As soon as practicable upon”.**

**4 Subsection 33.0.2 (1) of the Act is amended by striking out “Upon” at the beginning and substituting “As soon as practicable upon”.**

**5 (1) Subsection 88.6 (1) of the Act is amended by striking out “may, in person or by an agent, file” and substituting “may, in accordance with subsection (1.1), file”.**

**(2) Section 88.6 of the Act is amended by adding the following subsections:**

**Same**

(1.1) A notice of registration may be filed,

- (a) in person or by an agent; or
- (b) if the clerk has provided for electronic filing under subsection (12.1), electronically.

. . . . .

**Electronic filing**

(12.1) The clerk may provide for electronic filing under this section and may establish conditions and limits with respect to electronic filing.

**(3) Subsection 88.6 (13) of the Act is amended by adding “as soon as practicable” before “upon filing” in the portion before paragraph 1.**

**(4) Section 88.6 of the Act is amended by adding the following subsections:**

**Withdrawal of registration**

(15) A registered third party may withdraw their registration by filing a written withdrawal in the clerk’s office during the time for filing a notice of registration set out in subsection (7).

**Same**

(16) If a registered third party files a nomination under section 33, the party’s registration is deemed to have been withdrawn at the time the nomination is filed.

**6 Paragraph 1 of subsection 88.24 (1) of the Act is amended by striking out “the day on which he or she files a nomination for the office” and substituting “the day on which the clerk receives his or her nomination for the office”.**

**7 Section 88.28 of the Act is amended by adding the following paragraph:**

2.1 Despite paragraph 2, the campaign period ends,

- i. on the day the third party's registration is withdrawn under subsection 88.6 (15) or deemed to be withdrawn under subsection 88.6 (16), or
- ii. on the day the third party advertiser files the documents under section 88.29, as long as the documents are filed after voting day and before December 31 in the year of a regular election.

**8 Section 88.29 of the Act is amended by adding the following subsection:**

**Same**

(1.1) If a third party's campaign period ends as described in paragraph 2.1 of section 88.28, the financial statement and auditor's report must reflect the third party's campaign finances as of the day the campaign period ended.

**Commencement**

**9 This Schedule comes into force on the day the *Protecting Ontario Elections Act, 2021* receives Royal Assent.**