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of Ontario



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de l'Ontario

**Official Report
of Debates
(Hansard)**

M-29

**Journal
des débats
(Hansard)**

M-29

**Standing Committee on
the Legislative Assembly**

Protecting Ontario Elections
Act, 2021

1st Session
42nd Parliament

Thursday 8 April 2021

**Comité permanent de
l'Assemblée législative**

Loi de 2021 sur la protection
des élections en Ontario

1^{re} session
42^e législature

Jeudi 8 avril 2021

Chair: Kaleed Rasheed
Clerk: Tonia Grannum

Président : Kaleed Rasheed
Greffière : Tonia Grannum

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLYCOMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE

Thursday 8 April 2021

Jeudi 8 avril 2021

The committee met at 0903 in room 151 and by video conference.

PROTECTING ONTARIO ELECTIONS
ACT, 2021LOI DE 2021 SUR LA PROTECTION
DES ÉLECTIONS EN ONTARIO

Consideration of the following bill:

Bill 254, An Act to amend various Acts with respect to elections and members of the Assembly / Projet de loi 254, Loi modifiant diverses lois en ce qui concerne les élections et les députés à l'Assemblée.

The Chair (Mr. Kaleed Rasheed): Good morning, everyone. I call this meeting to order. We are meeting today for clause-by-clause consideration of Bill 254, An Act to amend various Acts with respect to elections and members of the Assembly. Staff from Hansard, legislative counsel and ministry counsel join us remotely today.

Are there any questions? Seeing none, I propose that consecutive sections with no amendments or notices be grouped together, unless any members would like to vote on a section separately. Do members agree? Okay. Thank you.

Since the majority of the bill is—

Interjection.

The Chair (Mr. Kaleed Rasheed): Oh, sorry, MPP Miller. Please go ahead.

Mr. Norman Miller: Thank you, Chair. I seek unanimous consent from the committee to consider motion—

The Chair (Mr. Kaleed Rasheed): Sorry, MPP Miller. Just give me 30 seconds. I'm just going over a few things, and then I will come back to you. You will be the first one. Thank you so much.

Since the majority of the bill is set out in schedules, I propose we stand down sections 1, 2 and 3 of the bill and commence with schedule 1, section 1. Do members agree? Okay. Awesome. Thank you. I don't see any raised hands.

Are there any brief comments on the bill as a whole before we proceed to schedule 1, section 1? Now, I recognize MPP Miller. Please go ahead.

Mr. Norman Miller: Thank you, Chair. I seek unanimous consent from the committee to consider motion 1.2 immediately, recognizing that this is considering this motion out of order.

Interjections.

The Chair (Mr. Kaleed Rasheed): All right, so we're going to go to, on the road map, page 5, schedule 2, section 11(1). But I need to ask if there is a UC to deal with section 11(1) first, the amendment on page 1.2. Can I get a UC? MPP Natyshak, please go ahead.

Mr. Taras Natyshak: Chair, can someone read the schedule, or could Mr. Miller read the schedule?

The Clerk of the Committee (Ms. Tonia Grannum): Sorry, we're just asking if there's unanimous consent to deal with this amendment. I'll put it up on the screen. It's out of order, and I believe it's because it is a money amendment, so the minister needs to move it. I'll put it up on the screen in a second. We're just asking if there is UC to deal with this one first.

Hold on, I'll get to the page for you.

Mr. Taras Natyshak: Thank you.

The Clerk of the Committee (Ms. Tonia Grannum): It's this amendment here, if everybody can see it. There you go. We're just trying to find out if there's unanimous consent to deal with this motion first.

The Chair (Mr. Kaleed Rasheed): Can I please request for a UC to deal with this section first?

Mr. Taras Natyshak: Chair, typically, we would have a little bit of discussion prior to the request for a UC from the government, or if it was vice versa, we would give a heads-up. We haven't received any heads-up on the UC.

The Chair (Mr. Kaleed Rasheed): Actually, based on my conversation with the Clerk here, we would have eventually discussed this section, but I believe the minister has to leave. Because he is the one who is moving this section, that's why they are requesting for a UC.

Mr. Taras Natyshak: Can the minister provide with us with a rationale for why the UC is requested?

The Chair (Mr. Kaleed Rasheed): It's just for us to discuss schedule 2, section 11(1), first. That's all. That's all the UC is.

Mr. Taras Natyshak: Sure. Can the minister provide us with a rationale for his request?

The Chair (Mr. Kaleed Rasheed): Sure. Go ahead. I recognize Minister Downey.

Hon. Doug Downey: Yes, thank you. It's simply because it's unique in the sense that it's a money bill, and we wanted to make sure that it gets attention up front in the event that I'm pulled away for something. I have to move this, so that's why we asked to move it forward. If it doesn't please the opposition, then I'll simply stick around and we'll deal with it in due course.

The Chair (Mr. Kaleed Rasheed): Thank you. The UC is just to discuss schedule 2, section 11(1), first. Can I get a UC for this, please? Agreed? Perfect.

We are now going to discuss schedule 2, section 11(1), first. I'm going to request Minister Downey to please move section 11(1) of schedule 2.

Hon. Doug Downey: I move that subsection 11(1) of schedule 2 to the bill be amended by striking out subsection 32.1(2) of the Election Finances Act and substituting the following:

“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.”

0910

The Chair (Mr. Kaleed Rasheed): Thank you very much, Minister.

Just give me five seconds. I just want to do a quick attendance check. Someone has dialed in from an iPhone or maybe logged in by iPhone. Can you please confirm who this individual is?

Miss Christina Maria Mitas: Hi, this is MPP Mitas, and I'm here in Toronto, Ontario.

The Chair (Mr. Kaleed Rasheed): Okay. Because you are dialing in, I just have to give you some brief information: Because you are dialing in with audio, to indicate to the Clerk that you would like to speak, please press *9. To mute and unmute yourself, please use the mute button on your device. Because you are dialing in, during the vote you have to actually say yea or nay.

Miss Christina Maria Mitas: I apologize, Chair. I'm on a Zoom app, so I have the “raise hand” option.

The Chair (Mr. Kaleed Rasheed): No, you have to actually—both the Clerk and myself have to see you actually raising your hand, so you have to turn on your camera.

Miss Christina Maria Mitas: No, no, I realize. It's just the *9 I don't have to do. I'm on the app.

The Chair (Mr. Kaleed Rasheed): Okay, perfect. If you are on the app, then that's great.

Miss Christina Maria Mitas: I'll jump on camera for votes, as well.

The Chair (Mr. Kaleed Rasheed): Perfect. Awesome. Thank you very much for that.

The minister just requested an amendment, so is there any debate on the amendment? Seeing none, we are going to vote on schedule 2, section 11(1). Are the members ready to vote? Looks like everyone is ready to vote. All those in favour, please raise your hand. All those opposed, please raise your hand. This amendment has carried. I really appreciate the accommodation here for schedule 2, section 11(1).

Now I'm going to go back to schedule 1, section 1. Because in schedule 1, sections 1, 2 and 3, there are no amendments, is it okay if I combine these three together?

Awesome. Thank you very much. Looks like we are on board.

Any debate on sections 1, 2 and 3 for schedule 1? Seeing none, are the members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 1, sections 1, 2 and 3 combined, carry.

Now we are going to move to schedule 1, section 3.1. Government side, you're going to be moving this section 3.1. I recognize MPP Norm Miller.

Mr. Norman Miller: I move that schedule 1 to the bill be amended by adding the following section:

“3.1 Clause 27(2)(m) of the act is repealed and the following substituted:

“(m) the names of all persons authorized by the prospective candidate to accept contributions in respect of their candidacy;

“(m.1) the name and address of every financial institution that is lawfully entitled to accept deposits to be used by or on behalf of the prospective candidate as the depositories for all contributions made to that person in respect of their candidacy;

“(m.2) the names of the persons responsible for each depository referred to in clause (m.1); and”

The Chair (Mr. Kaleed Rasheed): This amendment is out of order as it is amending section 27 of the Election Act, which is not open in Bill 254.

Mr. Norman Miller: I guess, Chair, I'd ask for a short recess so I can consider this, please.

The Chair (Mr. Kaleed Rasheed): Okay. You want to have a recess? Okay, perfect. I'm going to—

Mr. Norman Miller: Sorry, Chair. Can I seek unanimous consent to consider this, then? You said it's out of order.

The Chair (Mr. Kaleed Rasheed): Okay. So MPP Miller is requesting a UC for schedule 1, section 3.1, which is currently out of order. Can I request a UC? Mr. Natyshak is saying no, so there is no UC for this one.

Now we are going to—

Mr. Norman Miller: I'm sorry; Chair?

The Chair (Mr. Kaleed Rasheed): Yes?

Mr. Norman Miller: Then I'd request a five-minute recess, please.

The Chair (Mr. Kaleed Rasheed): Okay. Is everyone okay with a five-minute recess? Okay, perfect. So we're going to go to a five-minute recess, returning back at 9:25. Thank you.

The committee recessed from 0917 to 0925.

The Chair (Mr. Kaleed Rasheed): Thank you very much, and welcome back. I do see MPP Miller. Please go ahead. I recognize you.

Mr. Norman Miller: Chair, I ask for UC to debate this motion, as it's a non-partisan motion requested by the Chief Electoral Officer.

The Chair (Mr. Kaleed Rasheed): One more time: Do we have a UC, as per MPP Miller's request, to debate on schedule 1, section 3.1?

I recognize MPP Natyshak. Please go ahead.

Mr. Taras Natyshak: Chair, the request is that we debate an amendment that has already been determined to be out of order? Is that what the request is?

The Chair (Mr. Kaleed Rasheed): Yes.

Mr. Taras Natyshak: Okay. No. No UC from our side.

The Chair (Mr. Kaleed Rasheed): Okay. Thank you very much.

Now we're going to move to schedule 1, sections 4, 5 and 6. Because there are no amendments, can I please request that I bundle them up? Are we in agreement for that?

Interjection: Yes.

The Chair (Mr. Kaleed Rasheed): Awesome. Thank you very much. So schedule 1, sections 4, 5 and 6 are bundled, and we are now going to move to votes on this one. Shall schedule 1, sections 4, 5 and 6, carry? All those in favour, please raise your hand. All those opposed, please raise your hand. It's carried.

Shall schedule 1 carry, as there are no amendments? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 1, carried.

Now we are going to move to schedule 2. Shall schedule 2, section 1, carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Perfect. Schedule 2, section 1, carried.

Now we are moving to schedule 2, section 2. I do see there are two amendments to section 2, and I recognize MPP Miller. Please go ahead.

Mr. Norman Miller: I move that section 2 of schedule 2 to the bill be amended by adding the following subsections:

“(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’.

“(1.1) Clause 2(1)(j) of the act is amended by striking out ‘nomination contestants’.”

The Chair (Mr. Kaleed Rasheed): Thank you very much. Any debate?

I recognize MPP Miller. Please go ahead.

Mr. Norman Miller: Thank you, Chair. This is a housekeeping amendment to remove the requirement for nomination contestants to submit financial statements to Elections Ontario. I recommend voting for this motion because we are proposing to streamline processes so that people vying for party nominations would only need to submit candidate registration papers and not the additional financial reports introduced in 2017.

This housekeeping amendment aligns reporting requirements for nomination contestants in the Election Finances Act as proposed by Bill 254. Nomination contestants are still required to register, but would no longer be required to submit financial reporting as recommended by the chief elections officer.

Reducing reporting requirements for nomination contestants will simplify procedures and reduce bureaucratic

red tape that could negatively affect interested candidates and will remove a barrier to running for office.

Thank you, Chair.

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are we ready to vote on schedule 2, section 2, based on the amendment? It looks like we are good to go. All those in favour, please raise your hand. Thank you. All those opposed, please raise your hand. Schedule 2, section 2, carried.

0930

Now I believe there is another amendment: subsection 2(1.2), page number 0.3. I recognize MPP Miller.

Mr. Norman Miller: I move that section 2 of schedule 2 to the bill be amended by adding the following subsection

“(1.2) Subsection 2(1) of the act is amended by adding the following clause:”

(i.3) “assist persons and entities who sell advertising to comply with requirements under this act;”

The Chair (Mr. Kaleed Rasheed): MPP Miller, can you please correct? That should be “(j.3).”

Mr. Norman Miller: Yes, I will correct that to “(j.3)” in the last point.

The Chair (Mr. Kaleed Rasheed): Thank you very much. Further debate? I recognize MPP Miller.

Mr. Norman Miller: This amendment clarifies the powers and responsibilities of the Chief Electoral Officer to support persons and entities who sell advertising to comply with the rules on third-party spending limits. Bill 254 proposes to build on the Ontario Legislature's 2016 decision to ban corporate and union donations by requiring third-party advertising spending limits begin 12 months before an election. This proposed time limit increase would help to responsibly regulate third-party advertising between elections. It would also protect the essential voice of individuals and ensure they remain a driving force of our elections.

To improve transparency, amendments to the bill will require that third parties file interim spending reports with the CEO, the Chief Electoral Officer, and that these reports be publicly available. Persons and entities selling advertising must not enter into agreements with third parties above their spending limit and must make reasonable efforts to confirm if a third party is nearing or over their spending limit by consulting posted interim spending reports.

The amendment to the CEO's power and responsibilities can assist Elections Ontario to develop additional tools and resources to support entities selling advertising in complying with third-party spending limits and help safeguard the voice of individuals in the electoral process.

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are we ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, subsection 2(1.2), carried.

Shall schedule 2, section 2, as amended, carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 2, as amended, carried.

Now, for schedule 2, sections 3, 4, 5 and 6, there are no amendments. Are we okay to bundle them up? Thank you very much. Schedule 2, sections 3, 4, 5 and 6: Are members ready to vote on that one? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, sections 3, 4, 5 and 6, carried.

Schedule 2, section 7: We're going to start with the NDP opposition amendment, subsection 7(1). MPP Natyshak, please go ahead.

Mr. Taras Natyshak: I move that subsection 7(1) of schedule 2 to the bill be amended by striking out "\$3,300" wherever it appears in subsections 18(1) to (1.4) of the Election Finances Act and substituting in each case "\$1,600".

The Chair (Mr. Kaleed Rasheed): Further debate? I recognize MPP Miller.

Mr. Norman Miller: I would just note that all the NDP amendments missed the deadline for amendments. In fact, I believe they were received at 10:30 p.m. last evening. I know that members of the government didn't see them until this morning, just before committee. So I would just like to note that.

Interjection.

The Chair (Mr. Kaleed Rasheed): Okay. I have just been informed by the Clerk that even the government missed the deadline as well.

Further debate? Seeing none, are we ready to vote on opposition subsection 7(1)? We're good? All those in favour, please raise your hand. All those opposed, please raise your hand. Subsection 7(1), not carried.

Next, we are going to move to the NDP, subsection 7(2), which is on page 0.3.2. I recognize MPP Natyshak. Please go ahead.

Mr. Taras Natyshak: I move that subsection 7(2) of schedule 2 to the bill be struck out.

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are we ready to vote?

All those in favour, please raise your hand. All those opposed, please raise your hand. Subsection 7(2), not carried.

Next, the NDP, subsection 7(3), which is on page 0.3.3. I recognize MPP Natyshak. Please go ahead.

Mr. Taras Natyshak: I move that subsection 7(3) of schedule 2 to the bill be struck out.

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, ready to vote? Awesome.

All those in favour, please raise your hand. All those opposed, please raise your hand. NDP subsection 7(3), not carried.

Next, an NDP motion, subsection 7, 18(1) to (1.4), which is on page 0.3.4. Who is moving it? MPP Natyshak, please go ahead.

Mr. Taras Natyshak: I move that section 7 of schedule 2 to the bill be struck out and the following substituted:

"7. Subsections 18(1) to (1.4) of the act are repealed and the following substituted:

"Maximum contributions

"18. The contributions that a person makes to the following shall not exceed, in a calendar year, a combined

total of \$1,600 plus \$25 for each calendar year that has begun on or after January 1, 2022:

"1. Any registered parties.

"2. Registered constituency associations of a registered party.

"3. Registered nomination contestants of a registered party.

"4. Constituency associations of an independent member.

"5. Registered candidates.

"6. Registered leadership contestants of a registered party."

0940

The Chair (Mr. Kaleed Rasheed): Any debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. The NDP motion on subsections 18(1) to (1.4), not carried.

Will schedule 2, section 7, carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 7, carried.

Now we are moving to schedule 2, section 8. I believe the government side has an amendment, subsection 8(0.1). The page number is 0.4. MPP Miller, please go ahead.

Mr. Norman Miller: I move that section 8 of schedule 2 to the bill be amended by adding the following subsection:

"(0.1) Subsection 23(2) of the act is amended by striking out 'nomination contestant'."

The Chair (Mr. Kaleed Rasheed): Further debate? I recognize MPP Miller.

Mr. Norman Miller: This is a housekeeping amendment to remove the requirement for nomination contestants to submit financial statements to Elections Ontario.

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, subsection 8(0.1), carried.

Shall schedule 2, section 8, as amended, carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 8, as amended, carried.

Next, we have schedule 2, section 8.1. I believe the independent member has an amendment, which is section 23.1. It is on page 1. I recognize MPP Collard.

M^{me} Lucille Collard: I move that section 8.1 be added to schedule 2 to the bill:

"8.1 The act is amended by adding the following section:

"No use of public health information to solicit contributions

"23.1 No party, constituency association, nomination contestant, candidate or leadership contestant registered under this act shall collect or use any personal information that was collected in a public health initiative related to the COVID-19 pandemic in order to solicit contributions."

The Chair (Mr. Kaleed Rasheed): Further debate? I recognize MPP Mantha.

Mr. Michael Mantha: Isn't this already illegal?

The Chair (Mr. Kaleed Rasheed): MPP Collard, please go ahead.

M^{me} Lucille Collard: Yes, I recognize that there are safeguards in other acts, but this act is very important and has raised a lot of concerns from the public. I think this is just a safeguard measure to ensure for the confidence of the public that the information that was collected during COVID-19 is not going to be used inappropriately.

The Chair (Mr. Kaleed Rasheed): Further debate? I recognize MPP Miller.

Mr. Norman Miller: To the independent member: I certainly appreciate the thought behind this amendment and the reasoning behind it. However, I recommend voting against this motion because the government does not support using personal information for any purpose other than the purpose for which it was gathered. We have laws in Ontario that protect personal information and personal health information. The Personal Health Information Protection Act and the Office of the Information and Privacy Commissioner of Ontario are two existing safeguards for the protection of personal information in Ontario.

This amendment isn't necessary as these laws already exist. This amendment has the potential to cause inconsistency in the laws and may lead to unfortunate results in the case law.

Thank you to the member for putting it forward.

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote?

All those in favour, please raise your hand. All those opposed, please raise your hand. Section 8.1(23.1), not carried.

Government section 8.1 on page 1.1. I believe there is an amendment. I recognize MPP Miller.

Mr. Norman Miller: I move that schedule 2 to the bill be amended by adding the following section:

“8.1. Section 24 of the act is amended by striking out ‘nomination contestant’ wherever it occurs.”

The Chair (Mr. Kaleed Rasheed): Thank you very much. Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 8.1, carried.

Schedule 2, section 9 and section 10: Since there are no amendments, I'm requesting to bundle them up. Is that okay? Thank you very much.

Schedule 2, section 9 and section 10: Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, sections 9 and 10, carried.

Moving on to schedule 2, section 11, I believe there is an amendment from the government side.

Interjection.

The Chair (Mr. Kaleed Rasheed): Oh, sorry; yes. My apologies. We already did this one.

Now we are going to move to schedule 2, sections 12 and 13. Since there are no amendments, can I bundle them up? Thank you very much. Are members ready to vote?

All those in favour of schedule 2, sections 12 and 13, please raise your hand. All those opposed? Schedule 2, sections 12 and 13, carried.

Schedule 2, section 14: We're going to start with an NDP motion on section 14, page 1.2.1.

MPP Mantha, please go ahead.

Mr. Michael Mantha: I move that section 14 of schedule 2 to the bill be amended by striking out “12-month period” wherever it appears and substituting in each case “three-month period”.

The Chair (Mr. Kaleed Rasheed): Thank you. Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Section 14, not carried.

Interjection: The amendment.

The Chair (Mr. Kaleed Rasheed): Sorry, the amendment, not carried.

0950

Next, we have NDP amendment section 14(1) on page 1.2.2. MPP Mantha.

Mr. Michael Mantha: I move that subsection 14(1) of schedule 2 to the bill be struck out.

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote? All those in favour of section 14(1), please raise your hand. All those opposed, please raise your hand. Section 14(1), not carried.

Next, we have NDP amendment section 14(2), on page 1.2.3. I recognize MPP Mantha.

Mr. Michael Mantha: I move that subsection 14(2) of schedule 2 to the bill be struck out.

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Section 14(2), not carried.

Next, we have an amendment from the NDP, section 14(3), on page 1.2.4. I recognize MPP Mantha.

Mr. Michael Mantha: I move that subsection 14(3) of schedule 2 to the bill be struck out.

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Section 14(3), not carried.

Next, I have government amendment section 14(3), on page 1.2a. I recognize MPP Miller.

Mr. Norman Miller: I move that subsection 14(3) of schedule 2 to the bill be amended by adding the following subsection to section 37.10.1 of the Election Finances Act:

“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;”

The Chair (Mr. Kaleed Rasheed): Further debate? I recognize MPP Miller.

Mr. Norman Miller: This amendment would deem that any contributions to political advertising from a third party to another third party be included in the contributing third party's political advertising expenses.

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Section 14(3) from the government side, carried.

Shall schedule 2, section 14, as amended, carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 14, as amended, carried.

Schedule 2, section 14.1: There is an amendment from the government side, section 14.1(37.10.2), on page 1.3. I recognize MPP Miller.

Mr. Norman Miller: I move that schedule 2 to the bill be amended by adding the following section:

“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.”

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Government section 14.1(37.10.2), as amended, carried.

Next, we have an amendment moved by the independent member, section 14.1(37.14), page 2. I recognize MPP Collard.

M^{me} Lucille Collard: I move that section 14.1 be added to schedule 2 to the bill:

“14.1 The act is amended by adding the following section immediately before the heading ‘Campaign Expenses’:

“No false or misleading information from third party advertisers

“37.14(1) Third party political advertising shall not include any false or misleading information.

“Complaints and investigation

“(2) Any person may complain to the Chief Electoral Officer that a third party political advertisement contains false or misleading information, and the Chief Electoral Officer shall investigate the complaint.

“If false or misleading

“(3) If the Chief Electoral Officer finds that a third party political advertisement contains false or misleading information, the Chief Electoral Officer shall provide notice of their determination to the third party.

“Offence

“(4) A third party who knowingly places a political advertisement containing false or misleading information is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.”

The Chair (Mr. Kaleed Rasheed): Further debate? I recognize MPP Collard.

M^{me} Lucille Collard: I just want to explain briefly the reasoning behind this amendment. This is a bit similar to what the government has moved this morning adding clause (j.3) to assist entities to comply with the rules, and with the previous one that provides additional information. This would provide the Chief Electoral Officer with powers of authority to ensure that third parties are complying with the rules. This also aligns with the comments that we’ve heard from third parties about the clarity of the rules.

The Chair (Mr. Kaleed Rasheed): Further debate? I recognize MPP Miller.

Mr. Norman Miller: Thank you to the independent member for the thought that went into this proposed amendment. The proposed amendment would make the Chief Electoral Officer responsible for assessing each statement in a political advertisement to determine if it is false or misleading. We have no estimate of the resources needed to undertake an assessment of the content of political advertisements, and the government has already taken steps to strengthen third party oversight and collusion provisions in this bill. So I’m recommending voting against this motion because Bill 254 and the motions that the government brings forward today will strengthen safeguards against collusion and will put in place administrative monetary penalties for third-party advertisers who do not comply with the legislation. We’re building 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.

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The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Section 14.1(37.14), moved by the independent member, not carried.

Next, we have an amendment from the government side, section 14.2(37.12) on page 3. I recognize MPP Miller.

Mr. Norman Miller: I move that schedule 2 to the bill be amended by adding the following section:

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

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Section 14.2(37.12), carried.

Next, schedule 2, sections 15, 16, 17, 18, 19 and 20: Since there are no amendments, can I bundle them?

Mr. Norman Miller: Chair?

The Chair (Mr. Kaleed Rasheed): Sorry. I recognize MPP Miller. Please go ahead.

Mr. Norman Miller: The government intends to vote against sections 16 and 18, so I'd ask you not to bundle those, please.

The Chair (Mr. Kaleed Rasheed): Okay. Thank you very much.

We will go with schedule 2, section 15. Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 15, carried.

Schedule 2, section 16: Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 16, not carried.

Schedule 2, section 17: Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 17, carried.

Schedule 2, section 18: Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 18, not carried.

Schedule 2, section 19: Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 19, carried.

Schedule 2, section 20: Are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 20, carried.

Next, we have schedule 2, section 21. I see there is an amendment moved by the government, section 21(45.1)(1), page 4. MPP Miller, please go ahead.

Mr. Norman Miller: I move that section 21 of schedule 2 to the bill be amended by striking out “is of the opinion” in the portion of subsection 45.1(1) of the Election Finances Act before paragraph 1 and substituting “believes on reasonable grounds”.

The Chair (Mr. Kaleed Rasheed): Further debate? MPP Miller.

Mr. Norman Miller: This amendment clarifies that the Chief Electoral Officer must believe on reasonable

grounds that a person or entity has contravened provisions in the Election Finances Act before making an order for a person or entity to pay an administrative monetary penalty.

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Section 21(45.1)(1), carried.

Next, we have an amendment moved by the government side: section 21(45.1)(1)(9.1), on page 5. I recognize MPP Miller. Please go ahead.

Mr. Norman Miller: I move that section 21 of schedule 2 to the bill be amended by adding the following paragraph to subsection 45.1(1) of the Election Finances Act:

“9.1 Subsections 37.10.2(1) and (5).”

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Section 21(45.1)(1)(9.1), carried.

Next, I have an amendment moved by the government side: section 21(45.1)(2.1), on page 6. I recognize MPP Miller.

Mr. Norman Miller: I move that section 21 of schedule 2 to the bill be amended by adding the following subsection to section 45.1 of the Election Finances 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.”

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Section 21(45.1)(2.1), carried.

Next, I have an amendment moved by the government side: section 21(45.1)(4), on page 7. I recognize MPP Miller.

Mr. Norman Miller: I move that section 21 of schedule 2 to the bill be amended by striking out paragraph 2 of subsection 45.1(4) of the Election Finances Act and substituting the following:

“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.”

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Section 21(45.1)(4), carried.

Next, we have an amendment moved by the government side, section 21(9) on page 8, and I believe—

The Clerk of the Committee (Ms. Tonia Grannum): When I made package number three, I inadvertently left off page 8. It was in your package number 2, however. But it's on the screen as well right now.

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The Chair (Mr. Kaleed Rasheed): Thank you very much. I recognize MPP Miller. Please go ahead.

Mr. Norman Miller: I move that section 21 of schedule 2 to the bill be amended,

(a) by striking out “review” at the end of clause 45.1(8)(d) of the Election Finances Act and substituting “appeal”; and

(b) by striking out subsection 45.1(9) of the Election Finances Act and substituting the following:

“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.”

The Chair (Mr. Kaleed Rasheed): Further debate? I recognize MPP Miller.

Mr. Norman Miller: I recommend voting for this motion because, 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 independent prosecution services in the criminal law division at the Ministry of the Attorney General for possible prosecution. Once that has been done, the Chief Electoral Officer must wait to see whether the independent prosecution services will proceed with the prosecution.

To help strengthen the suite of enforcement tools that are available to Elections Ontario to help drive compliance, we are proposing to provide the Chief Electoral Officer with new powers to impose administrative monetary penalties for what are classified as minor offences.

The opportunity to appeal an order to pay an administrative monetary penalty to the court provides an additional level of oversight to individuals and entities who disagree with the findings of the Chief Electoral Officer. The ability to appeal is also used in other provinces, such as Alberta.

This came at committee hearings. It was suggested by Mr. Giorno, who came before the committee, as well as Democracy Watch.

The Chair (Mr. Kaleed Rasheed): Further debate? Seeing none, are members ready to vote? All those in favour, please raise your hand. All those opposed, please raise your hand. Carried.

Shall schedule 2, section 21, as amended, carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, section 21, as amended, carried.

Schedule 2, sections 22 and 23: Are we okay to bundle them up? Thank you. Shall schedule 2, sections 22 and 23—we’re going to go for voting now. All members who are in favour, please go ahead. All those opposed, please go ahead. Schedule 2, sections 22 and 23, carried.

Shall schedule 2, as amended, carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 2, as amended, carried.

Next, we have schedule 3. Schedule 3, sections 1 and 2: I don’t see any amendments. Is it okay if I bundle them up? Thank you very much. Are members ready to vote? All those in favour of schedule 3, section 1 and section 2, please raise your hand. All those opposed, please raise your hand. Schedule 3, sections 1 and 2, carried.

Shall schedule 3 carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 3, carried.

Next, we have schedule 4. Schedule 4, sections 1, 2, 3, 4, 5, 6, 7, 8 and 9—as I don’t see any amendments, is it okay if I bundle them up? Awesome. Are the members ready to vote on schedule 4, section 1 all the way to section 9? Thank you. All those in favour, please raise your hand. All those opposed, please raise your hand. Schedule 4, section 1 all the way to section 9, carried.

Shall schedule 4 carry? All those in favour, please raise your hand? All those opposed, please raise your hand. Schedule 4, carried.

So now, I’m going to go back to sections 1, 2 and 3 of the bill.

Section 1—

Interjection.

The Chair (Mr. Kaleed Rasheed): Are members ready to vote on sections 1, 2 and 3? Thank you. All those in favour, please raise your hand. All those opposed, please raise your hand. Sections 1, 2 and 3 of the bill, carried.

Now I’m going to go back. Shall the title of the bill carry? All those in favour, please raise your hand. All those opposed, please raise your hand. Carried.

Shall Bill 254, as amended, carry? All those in favour please raise your hand. All those opposed, please raise your hand. Carried.

Shall I report the bill, as amended, to the House? All those in favour, please raise your hand. All those opposed, please raise your hand. Carried.

Awesome. We are done. That concludes our business for today. I really appreciate everyone’s support here. Thank you, everyone, and now the committee is adjourned.

The committee adjourned at 1019.

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