

Speaking Notes

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Bill 201 - *The Election Finances Statute Law Amendment Act, 2016*

Standing Committee on General Government

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- Thank you. Good morning. I'm Vicki McKenna, a registered nurse and First Vice-President at the Ontario Nurses' Association or ONA. Joining me today is Lawrence Walter, ONA's Government Relations Officer.
- My background in nursing includes many years of practice as an RN at London Health Sciences Centre and most recently in the day surgery unit, working with both adult and pediatric patients and their families.
- As First Vice-President at ONA, I am responsible for the political action and professional practice portfolios.
- ONA is Canada's largest nursing union, representing 62,000 registered nurses and allied health professionals, as well as more than 14,000 nursing student affiliates, providing care in hospitals, long-term care facilities, public health, the community, clinics and industry.
- The Standing Committee has heard from a number of presenters regarding the provisions restricting third-party political advertising that are proposed in Bill 201.
- In addition, the Standing Committee has received a recommendation from Ontario's Chief Electoral Officer to amend the proposed limitation on third-party political advertising in the pre-election period.

- Today, I will focus our comments on the proposed restrictions in Bill 201 regarding the definition of political advertising and the spending limitations on third-party political advertising in the election and pre-election period.
- Bill 201 has a significant impact on third parties in three ways.
- First, the definition of political advertising has been expanded to include "advertising that takes a position on an issue with which a registered party or candidate is associated."
- Second, the Bill sets limits on what a third party may spend on political advertising during an election period.
- Third, it also sets limits on spending by a third party on political advertising that includes issue-based advertising in the six-month period before the election period.
- Let's start with the expansion of the definition of political advertising to include an issue that a registered party or candidate is associated.
- Registered nurses are unique in that the standards of their nursing practice require them to advocate on behalf of their patients.

- Such advocacy efforts often require registered nurses, and their union on their behalf, to take a position on an issue such as funding for hospitals or cuts to clinical services - areas that impact the quality of care their patients are able to receive.
- As an organization representing the interests of our members and the interests of their patients, the expansion in the definition of political advertising makes it impossible for ONA to have a significant voice in an election campaign, even if that voice is strictly defined around an issue in the public's interest such as funding for public health care and is carried out in a non-partisan manner.
- If an issue becomes associated with a party, it becomes political advertising and not issue-based advertising in the public interest.
- Often the full catalogue of issues with which a party is associated is not introduced until well into an election period.
- How such uncertainty can be monitored and regulated by Elections Ontario is in itself problematic.
- As well, ONA is a non-partisan organization and does not provide funding to political parties.

- However, we are a political organization in that we advocate for issues in the interest of our members' patients such as public access to public health care.
- The expansion of the definition of political advertising in Bill 201 means that our voice on behalf of our members will be severely restricted during both election and pre-election periods, unlike the federal election financing framework that does not have restrictions during the pre-election period.
- We agree with the recommendation from Ontario's Chief Electoral Officer that third-party political advertising should not include unintended issue-based advertising between elections.
- But, we also propose greater certainty regarding the definition and timing of issues that are considered as political advertising during an election period.
- Our second concern relates to the spending limits for third parties during the election period.
- Since Bill 201 is modeled on federal legislation, it is informative to make a comparison to the third-party spending limits at the federal level.

- Federally, third-party spending limits are higher than what are being proposed in Bill 201 during an election period - \$150,000 (\$208,200 inflation adjusted) versus \$100,000.
- While some commentators have made the argument that Ontario spending limits should be proportional to the federal spending limits, we submit that the spending limits in Ontario should be no less during an election period given the advertising markets in Ontario are the most expensive in the country.
- As it is, with the expansion of the definition to potentially include issue-based campaigns, a spending limit of \$150,000 adjusted for inflation will not allow for significant advertising in some forums during an election period but will allow for other related activities that may be undertaken with a higher spending limit.
- We submit that the political advertising spending limit for third parties be increased to match the federal limit of \$150,000 adjusted for inflation during an election period.
- Finally, we turn to our third concern.
- Of most concern to ONA and our members, Bill 201 restricts third-party political advertising in the six-month period prior to the election, including issues-based advertising, while the corresponding federal law imposes no restrictions.

- It will be virtually impractical to regulate third-party political advertising in the pre-election period, much of which will be undertaken months in advance of any concrete knowledge of issues with which a party or candidate will be associated.
- We agree with this assessment made by Ontario's Chief Electoral Officer.
- As one example, assuming Ontario elections may take place in the summer period, the six-month pre-election period may overlap with issue campaigns related to an Ontario budget.
- We therefore agree with the recommendation of Ontario's Chief Electoral Officer to exclude restrictions on issue-based advertising and spending limits on political advertising in the pre-election period.
- To sum up, registered nurses are bound to advocate on behalf of their patients as part of their standards of clinical practice.
- This requirement for advocacy means that restrictions on issue-based campaigns in the pre-election period are particularly of concern.
- However, we also propose higher limits for third-party political advertising during election periods if the definition continues to include issue-based campaigns in the election period.

- We also call for greater certainty related to the definition and timing of issues that may become associated with parties and candidates during an election campaign period.
- Thank you and we look forward to your questions.