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August 10, 2016

Ms Sylwia Przewdzieck  
Clerk  
Standing Committee on General Government  
Whitney Block, Room 1405  
99 Wellesley Street West  
Toronto ON M7A 1A2

**By email: [sprzewdziecki@ola.org](mailto:sprzewdziecki@ola.org)**

RE: Bill 201—*An Act to Amend the Election Finances Act and the Taxation Act, 2007*

Dear Ms Przewdziecki:

I am writing with regard to Bill 201, *An Act to Amend the Election Finances Act and the Taxation Act, 2007*. The Bill marks an important step forward for the regulation of election financing in Ontario. That is not to say that the Bill is perfect. Although in this letter I will point out ways in which AMAPCEO believes the Bill could be strengthened, it is important to note that there are good elements to the Bill, including, for instance, the banning of union and corporate donations.

#### Contribution reform

For many years, AMAPCEO did not make donations to any political parties. This was part of AMAPCEO's dedication to non-partisanship, which stemmed from the fact that most of our members are direct employees of the public service. Consequently, AMAPCEO made a conscious decision to not enter into partisan electoral politics in any manner.

In recent years, however, it became clear that AMAPCEO had to get into "the game" on donations, and pay, for example, the cover charge to attend various political fundraising functions. It was understood that this was simply a required part of AMAPCEO's advocacy for its members. I would suggest that there can be no greater testament to the necessity of this Bill than the simple facts outlined above.

AMAPCEO fully endorses the move to curtail corporate and union donations; it is well past time for these changes to be made.

### Contribution limits are too high

It has been pointed out in several presentations to this committee that the Bill as currently proposed does not go far enough in banning the sort of “cash-for-access” fundraisers which—after being exposed in the *Globe and Mail*—served as the impetus for government action on this matter.

The Bill as written sets limits of \$1,550, however, those limits may be exceeded in a variety of scenarios. For instance, while one can contribute only \$1,550 to the central political party, \$3,100 may be donated to individual ridings, with another \$3,100 that may be donated to individual candidates in an election or by-election. Adding this all up, in a year with a by-election, one may donate up to \$7,750.

York University political scientist Robert MacDermid, arguably the leading academic authority on Ontario’s election finances, spoke about this issue to the committee. MacDermid pointed out to this committee that the typical donation is under \$500. This was borne out in an analysis undertaken by AMAPCEO of Elections Ontario donations data for the 2014 election. That data shows us that:

- There were 27,535 different donors (individuals, corporations, unions included)
- The mean average donation was \$647.97
- The median average of the donations was \$350
- The most common donation amount was \$200, which was the amount donated by 5,904 distinct donors

Given this, there is obviously significant room to lower the limit from potentially thousands of dollars.

AMAPCEO strongly believes that the donation limit should be lowered.

### Limits on advertising

AMAPCEO’s most pressing concern with the Bill revolves around free speech.

AMAPCEO is a labour union. Our largest bargaining unit is the Ontario Public Service, with members from that employer making up more than ninety percent of our overall membership. The employer in question is, of course, the Government of Ontario.

While AMAPCEO does not engage in government-bashing advertisements, we do engage in issues-based advertising in and around OPS collective bargaining. This advertising has taken the form of bus shelter ads, as well as advertisements in newspapers throughout the province.

Given that our last round of OPS bargaining overlapped the last provincial election, and the same may well be true of our next round, we have significant concerns with aspects of the Bill as proposed.

Our first concern is with what the Bill means to cover as “political advertising.” The Bill defines this as including “advertising that takes a position on an issue with which a registered party or candidate is associated.” We noted that Ontario’s Chief Electoral Officer, Greg Essensa, when he appeared before the Committee noted a quotation, from American lobbyist Tanya Metaksa (subsequently cited approvingly by the United States Supreme Court): “What separates issue advocacy and political advocacy is a line in the sand drawn on a windy day.”

That quotation gets at the heart of the issue for AMAPCEO: that the Bill would convert our issue advocacy regarding bargaining into political advertising. This would seem to be a real risk when the employer is the Government of Ontario, and that Government is identified with one political party. If, purely hypothetically, we were to be critical of employer actions during bargaining, and that bargaining fell during the six-month lead-up period to an election writ, then our bargaining-related advertising could potentially be seen as political advertising, and AMAPCEO, consequently being a Third Party.

Our second concern stems from our bargaining advertising having the potential to be seen as political advertising, and it revolves around the spending limits. The spending limitations having a focus on electoral districts is particularly problematic.

Classically, AMAPCEO’s bargaining advertising has used bus shelters and other so-called public furniture. The Queen’s Park precinct has been the focus of these campaigns. The Queen’s Park precinct sits in the riding of University-Rosedale. As such, a limit of spending of \$24,000 covering the six months leading up to an election writ would impose a significant obstacle on AMAPCEO’s expression.

Sincerely,



Dave Bulmer  
President

#### [About AMAPCEO](#)

*AMAPCEO represents more than 13,000 professional and supervisory public servants, most of whom work in the Ontario Public Service in every ministry and in a number of*

*agencies, boards and commissions; in more than 130 communities across the province and in 11 cities outside Canada.*

*While the majority of our members work in the Ontario Public Service bargaining unit, we also represent employees in six other broader public sector (BPS) bargaining units: Health Quality Ontario, Ontario Arts Council, Office of the French Language Services Commission, Office of the Provincial Advocate for Children and Youth, Public Health Ontario, and Waypoint Centre for Mental Health Care.*