

Ontario 2025 snap election third party advertising rules:

Questions from ONN's January 2025 webinar - Snap election: Navigating rules and building strategies for action



Disclaimer: The following is general legal information not legal advice specific to your situation. The following information relates to Ontario's Election Finances Act. It does not relate to federal or municipal law or advocacy outside of an election that may be governed by lobbyist legislation.

When it comes to third party advertising spending, does “spending” include the cost of staff time, or just out-of-pocket costs such as posters, advertising, etc.?

Spending on election advertising includes the cost of staff time.

What counts as expense for political advertising in digital outreach?

Spending on election advertising includes the cost of production and dissemination across traditional and digital media, with the following exceptions:

- an editorial
- a debate
- a speech
- an interview
- a column
- a letter
- a commentary
- news
- the distribution or promotion of a book for no less than its commercial value, if the book was planned to be made available to the public regardless of whether there was to be an election
- communication to members or employees
- the transmission by an individual, on a non-commercial basis on the Internet, of his or her personal political views the making of telephone calls to electors only to encourage them to vote.

Does hosting an all-candidates meeting fall into the category of things that are exempt?

As listed above, some formats are exempt from being considered election advertising no matter how much you spend on them. Advertising or broadcasting an all-candidates meeting may fall under the exempt format of “a debate” if the meeting is structured as a debate. If the event is not structured as a debate, its advertisement or broadcasting may be considered election advertising.

Who would I go to to talk to if a non-debate format all-candidates meeting is political advertising?

It is possible to contact [Elections Ontario](#) to solicit their views on proposed election advertising. While they are not obligated to provide their view, they may choose to do so. However, keep in mind that as regulator, their views will generally err on the side of caution. Additionally, it is generally advisable to be prepared to implement the feedback provided by Elections Ontario. You may also choose to obtain a legal opinion from a lawyer. You can obtain a free 30-minute consultation from the [Law Society Referral Service](#).

When a nonprofit engages in issues-based advertising which is not associated with any candidate at the time of publication, but it becomes an issue associated with one or more candidate, how does one determine when it has become an election issue? Whose opinion makes it an election issue?

An issue becomes closely associated with a candidate when one or more candidates or parties make statements associating themselves with this issue. The party or candidate may do this in a party platform, press release, or social media post.

What factors determine if advertising is election advertising? Must advertising include all factors to be deemed election advertising?

[This infographic](#) depicts the various factors that the Election Finances Act specifically lists as relevant to determine if advertising is considered election advertising. No single factor is determinative and not all factors must be present. Additionally, the Elections Commissioner is allowed to take into account any other relevant factor in determining whether advertising is considered election advertising.

Practically speaking, what they are looking for is whether the overall impact of the advertisement is to influence the results of the election, whether that means influencing what party or candidate wins or influencing what policies or issues are adopted by those campaigning.

In short, there is no single formula and third parties need to take a step back and be realistic about what the actual impact and purpose of the advertising is.

Scenario example: A nonprofit holds a community conversation on homelessness and affordable and supportive housing about a month before an election is called and plans to continue doing so. There are multiple organizations involved in the initiatives. This topic is likely to become an election issue - so what should the nonprofits do?

If a nonprofit expects advertising they will conduct during the election period to be considered election advertising because it is on an issue closely associated with a candidate, then the nonprofit may choose to record the expenses (including staff time) associated with the production of that advertising and dissemination of that advertising during the election period. Once the advertising is confirmed to be election advertising (e.g. because a candidate or party has made statements closely associating themselves with it), then the nonprofit would [register with Elections Ontario](#) and file their initial report. To learn more about the required steps third parties need to take, see our [Election Resource](#) and the [Elections Ontario Handbook](#).

Where there are multiple organizations spending money on the broadcast or advertisement, they must each consider whether they must individually register or must be considered contributors to another nonprofit who would need to record and report their contributions. Where they have purchased advertising materials or services jointly and this had the effect of reducing the price, the shared spending cannot exceed the spending limit of one third party advertisers (\$125,700 province wide).

Do in-kind supports (use of space, event food, etc.) count towards a third party election advertising spending?

Yes. In-kind support of election advertising must be assigned a monetary value and considered when determining whether a nonprofit must register as a third party, what they must report, whether they must obtain an audit, recording of contributions, and whether they have reached their election spending limits. To learn more about assessing the price of in-kind supports, see the [Third Party CFO Election Handbook 2025](#) (starting at pg.25).

How do you get in contact with Elections Ontario to seek advice about whether advertisements being contemplated would count as election advertising? Or who else do you recommend to contact about this?

Contact information for Elections Ontario can be found here:

<https://www.elections.on.ca/en/contact-us.html>

How much work is involved in registering with Elections Ontario as a third party advertiser?

Registering at minimum involves appointing a chief financial officer and recording expenses and contributions to election advertising. If election advertising spending increases by more than \$1,000 than initially reported, additional reports would need to be filed. In all cases, a final report must also be filed. If election advertising spending (and in-kind contributions) exceed \$5,000, then an auditor must be hired to do an audit of the third party election spending report to ensure it fairly represents the nonprofit's spending.

Is there a lobbying act 101?

While ONN cannot provide legal advice, ONN can deliver training on the Lobbying Act to individual organizations and networks of organizations. The fee for a 1-2 hour session is \$500+HST. For more custom or extensive sessions, additional fees may apply. To learn more about the workshops ONN can deliver, visit [this page](#).