



Submission on Proposed Legislative Changes in Bill 254, Protecting Ontario Elections Act

Dear Members of the Committee,

The Ontario Secondary School Teachers' Federation was founded in 1919, OSSTF/FEESO represents almost 60,000 public high school teachers, occasional teachers, educational assistants, instructors, psychologists, secretaries, speech-language pathologists, social workers, plant support personnel, and many other educational workers.

On behalf of the 60,000 plus members of the Ontario Secondary School Teachers' Federation, we are pleased to present our submission regarding the proposed legislative changes in Bill 254, Protecting Ontario Elections Act.

While the bill makes some minor improvements to the Ontario's election laws, specifically around voting equipment, vote counting equipment, and advance polls, we believe that this bill is fundamentally flawed and represents an infringement of Ontarians' ability and right to freely participate in elections.

Although the bill has a number of proposals including expanding advance voting days, the three most pertinent elements are:

- 1) The government proposes to continue the current per-vote subsidies for political parties until the end of 2024. The amounts currently are \$5.9 million annually for the PCs, \$4.9 million for the NDP, \$2.9 million for the Liberals, and \$672,000 for the Greens. They will be adjusted for inflation and will also be adjusted after the 2022 provincial election as the vote totals change for each party. On the whole, we agree with the principle of public financing of campaigns and believe the government should continue the practice beyond 2024.
- 2) The bill plans to increase the annual contribution rates for political parties, constituency associations, leadership candidates and election candidates from \$1,650 to \$3,300. This would obviously help any governing party, especially one with deep-pocketed business supporters. Although the other parties might benefit too, the total effect would not be anywhere near as positive as for the Ontario PCs. Despite the increase in contribution rates, this bill still maintains the ban on corporate and union donations, which, of course, continues to favour a party with well-heeled individual supporters. While OSSTF/FEESO would prefer, as a union, to be able to donate to political parties, the government's increase in contribution rates under the current regime favours them unfairly. The donation limits should not be increased.

- 3) The most jarring part of the bill that would affect our union and any other organizations' involvement in any provincial pre-election period is the extension of the current six-month limitations on independent expenditures to one full year. For example, the call for the June 2, 2022, election is scheduled for May 4, 2022. In a six-month limitation window, that would be roughly the beginning of November 2021. In this bill, the limitation would now extend to the beginning of May 2021. This means that the present independent expenditures spending limit of \$637,200 in the six months before the issuance of the election writ will be expanded to 12 months. The current \$106,200 spending limit during the campaign remains the same.

At the same time, the government is tightening the rules around "collusion" by independent expenditure organizations. The bill will now further limit the sharing of information, vendors, or "a common set of political contributors or donors" with another independent expenditure organization that represents the same political causes. This means that OSSTF/FEESO would face even more onerous restrictions in working with like-minded partners on issues of mutual interest. For example, it is quite conceivable that a strike action by school board employees like last year's, with its "No Cuts to Education" messaging, would be ruled collusion if conducted within the one-year point of a call of a provincial election. This is a potentially serious affront to the collective bargaining rights of unions.

The philosophy that buttresses this legislation is one that is, unfortunately, shared by more than one political party. The previous Liberal government brought in these independent expenditure restrictions originally and the current PC government are only now expanding their scope.

The overall theme for political parties seems to be that they believe elections belong to the parties themselves and not the public. They see themselves as the only legitimate players in the election because they ultimately have to take the responsibility and accountability for legislative action. To those parties, independent expenditure organizations have no responsibility or accountability to the general public. According to this line of thinking, if independent expenditure organizations want to be involved in the election, they should form political parties and abide by the same rules. This thinking is best encapsulated by Attorney General Doug Downey's lead-off on debate of the bill by saying:

"We're finding a balance to make sure that third parties have an ability to articulate their position, but not drown out the important work that candidates of all stripes need to do."

The Attorney General does not acknowledge that there are issues that are being neglected by political parties that independent expenditure organizations can highlight for public attention. What this legislation reinforces is the misbegotten idea that the only issues that matter are the ones emphasized by the political parties. If it's not important to the political parties then it's not important to the body politic. We reject that premise entirely.

In this vein, it has not been uncommon for parties to approach an election with a minimal platform overall and no policy planks whatsoever regarding publicly funded education, which of course falls within the ambit of OSSTF/FEESO. Under these circumstances, an independent expenditure organization should not be prevented, by excessive legislative restrictions, from making something as fundamental as education part of the public discourse.

Political parties are not the sole legitimate actors in the political arena. All citizens and groups are entitled to have their opinions and views acknowledged and debated. Citizens should not be reduced to passive voters who only express their opinion at the ballot box once every four years. Citizens must be allowed to be engaged continually in the political process. And, in extension, the organizations and political advocacy groups that citizens belong to must also be allowed and encouraged to be part of the process. Anything less is a dereliction of the citizens' duties to be politically active and a full participant in democracy.

Finally, in introducing this bill, this government did not identify any pressing public interest to extend the limitations to independent expenditures to twelve months from the current six months. No emergency or imminent threat to our democracy was noted. The government has not demonstrated any need to change elections legislation and certainly has not articulated any threat that would require this new "protection" of our elections.

We suggest, instead, that if a threat has been identified, that it immediately be made public. Otherwise, we submit that the government withdraw this egregious legislation assaulting the democratic rights of Ontarians.

If this government, or any other government, wishes to introduce future legislation to "protect" Ontario's elections, we suggest that they call for an independent commission or panel to investigate the threats and call on Ontario's citizens to make submissions to correct any perceived or real threats. Only through an independent commission, not directed by any political party or parties, will Ontarians be able to construct elections laws that enhance their democratic rights and the political process itself.