“Political Advertising” rules for Ontario and federal elections

February 26, 2025

This year is shaping up to be an important year for Canadian democracy. The Ontario provincial election is slated to take place on Feb. 27, 2025, while the federal election will be held no later than Oct. 20, 2025. Individuals and entities seeking to publicly engage in the political process and promote or oppose a political party, its leader or a candidate must carefully assess whether their involvement is regulated as “political advertising”.

Specific rules apply to “political advertising”, including that all such advertising must include information about who authorized the advertising. For example, an advertisement must include a statement such as “Authorized by the XYZ campaign” or “This advertisement was paid for by the XYZ political party.”

Some exemptions apply and not all advertising relating to an election will be considered “political advertising”. For instance, “political advertising” does not include social media posts by an individual voicing their personal views on an election. On the other hand, if social media posts or content involve any production or distribution costs (such as sponsored or boosted content), the posts or content may be considered “political advertising”.

If you have questions about the election advertising rules or want to better understand whether your advertising constitutes “political advertising” and what your registration and reporting obligations are, please get in touch with a member of our Public Policy and Advertising & Marketing teams.

Laws and regulations applicable to “political advertising”

Third parties often play a role in shaping public policy and opinion by participating in the political process. Consequently, these parties' involvement in public discourse may be considered “political advertising” and as such, they must adhere to specific rules and regulations to maintain transparency and fairness within our democratic system. Both the Ontario *Election Finances Act* and the federal *Canada Elections Act* regulate third party “political advertising”, during and outside of election periods.

The table below provides a brief overview of some of the "political advertising" rules applicable to the upcoming provincial and federal elections, including what the penalties are for contravening the applicable laws:

	Ontario	**Federal**
Regulated advertising activities	**Political advertising**: Any advertising (in any broadcast, print, electronic or other medium) that promotes or opposes a political party, its leader, or a candidate. This includes advertising that takes a position on an issue that can reasonably be regarded as closely associated with a registered party or its leader or a registered candidate.	**Partisan advertising**: The transmission to the public by any means *during a pre-election period* of an advertising message that promotes or opposes a registered party or eligible party or the election of a potential candidate, nomination contestant or leader of a registered party or eligible party, *otherwise than by taking a position on an issue with which any such party or person is associated.* **Election advertising**: The transmission to the public by any means *during an election period* of an advertising message that promotes or opposes a registered party or the election of a candidate, *including by taking a position on an issue with which a registered party or candidate is associated.*
Who must register	**Third Party**: Any person or entity that is not a political party, candidate or constituency association that engages in political advertising.	**Third Party**: A person or group that wants to participate in or influence elections other than as a political party, electoral district association, nomination contestant, or candidate
Registration requirements	A third party must register with Elections Ontario immediately after incurring expenses of $500 or more	A third party must register with Elections Canada immediately after incurring expenses of $500 or more

	on political advertising.	on partisan or election advertising
Third party identification	Advertisements must name the third party authorizing it as well as a phone number and address.	Advertisements must name the third party authorizing it as well as a phone number and address.
Blackout periods	Political advertisements may not run on polling day or the day before polling day.	Election advertisements may not run on polling day or the day before polling day.
Penalties	Third parties that fail to comply with the requirements above may be liable to the following administrative penalties ranging from $1,500 to $100,000.	Failure to comply with the requirements above are criminal offences. Contravention of strict liability offences (*e.g.*, failure to register as a third party) are punishable on summary conviction with a fine of up to $2,000, imprisonment for a term of up to three months, or both. Contravention of offences requiring intent (*e.g.*, knowingly failing to register as a third party) are punishable on summary conviction with a fine of up to $20,000, imprisonment for a term of up to one year, or both. Such offences are punishable on indictment with a fine of up to $50,000, imprisonment for a term of up to five years, or both.

By

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