

Playing by the Rules

Election Guidelines for Charities and Nonprofits

There are three bodies that govern the rules for charities and nonprofits during an election cycle:

Elections Canada

Canada Revenue Agency

The Office of the Commissioner of Lobbying

Elections Canada

During an election period, organizations must register with Elections Canada as a third party if they have engaged in one or more of the following with total expenses of \$500 or more:

Partisan activities	Election advertising	Elections survey
Activities that promote or oppose a political party, nomination contestant, potential candidate, candidate or party leader	Public advertising that promotes or opposes a registered party or candidate, including by taking a position on an issue with which a registered party/person is associated	Conducting surveys on voting intentions or choices, or about an issue with which a registered party or candidate is associated

A third party must not use funds from a foreign entity to pay for regulated activities at any time.



A third party is a person, corporation or group who wants to participate in or influence elections other than as a political party, electoral district association, nomination contestant or candidate.

Canada Revenue Agency

Charities can conduct Public Policy Dialogue and Development Activities (PPDDA) as long as the activities further their charitable purpose and provide a public benefit. However, Canada Revenue Agency Rules do not allow charities to engage in any partisan activities.

✓ Charities can

- Communicate on policy issues, providing the communications do not identify a political party or candidate.
- Inform the public about policy positions of political parties and candidates, provided the information is presented in a neutral fashion.

✗ Charities cannot

Support or oppose a political party or candidate either:

- **Directly**
 - By transferring resources to a political party or candidate (ex. Donating to a political party).
 - By engaging in external messaging (ex. telling people not to vote for a candidate).
- **Indirectly**
 - By transferring resources (ex. having paid charity staff do work to support a candidate's campaign during work hours)
 - By engaging in internal communications (ex. internal meeting minutes reveal opposition to a party and plans to organize a protest at a location where that party is holding an event)

Office of the Commissioner of Lobbying

If lobbying activities exceed 20% of your collective duties, you are required to register with the Lobbying Commission.

Regulated lobbying is communicating with **federal officials** whether directly or indirectly on a **regulated matter**.



A regulated matter is a legislative proposal, bill or resolution, a policy or program, or the awarding of a grant, contribution or other financial benefit.

Federal officials include both:

- **Public office holders:** almost all federal employees, officers and executives, members of Armed Forces and RCMP, staff of parliamentarians and all designated officials.
- **Designated public office holders:** all parliamentarians, including the Prime Minister, ministers, all ministerial staff, most senior executives, and any additional positions set by regulation.

Lobbying is also covered by the *Lobbying Code of Conduct*.

Rules:

Disclosure

Lobbyists must disclose their client or employer and objective when lobbying.

Trustworthiness

Requires lobbyists to act in good faith and not provide misleading information.

Gifts / hospitality

Providing gifts or hospitality to an official being lobbied is prevented, except under limited conditions.

Sense of obligation

Lobbying cannot occur where a sense of obligation resulting from previous political work or other close relationships can be seen to exist.