



ELECTIONS BC

A non-partisan Office of the Legislature

**GUIDE FOR
REFERENDUM ADVERTISING
SPONSORS FOR THE
2018 REFERENDUM
ON ELECTORAL REFORM**

Table of Contents

Introduction	1
Privacy	1
Referendum advertising	2
What is referendum advertising?	2
What is not referendum advertising?	2
Not sure if something is referendum advertising?	3
Referendum advertising in conjunction with an election	3
Referendum advertising sponsors	4
Who is a referendum advertising sponsor?.....	4
Who cannot be a referendum advertising sponsor?.....	5
Registering as a referendum advertising sponsor	5
Appointment of an auditor	6
Registration updates	6
Obligations of a referendum advertising sponsor	7
Bank accounts	7
Value of referendum advertising and limits	8
Value of referendum advertising	8
Referendum advertising limits	8
Referendum contributions and other income	10
Referendum contributions	10
Who can and cannot make a referendum contribution?	11
Contributor confirmation and consent	11
Recording contributors' information.....	12
Contribution limits and restrictions.....	12
Accepting referendum contributions.....	12
Anonymous contributions.....	13
Fundraising functions	13
Prohibited referendum contributions.....	13
Loans and guarantees	14
Debts.....	14
Authorization statement requirement	14
Canvassing – Identification of sponsor	15

**GUIDE FOR REFERENDUM ADVERTISING SPONSORS
FOR THE 2018 REFERENDUM ON ELECTORAL REFORM**

Restrictions on displaying referendum advertising and campaigning.....	16
Where and when signs may be placed	16
Advertising in rental or strata properties.....	16
Restriction on campaigning near referendum offices.....	16
Authority to remove unauthorized and restricted referendum advertising	17
Reporting.....	17
Initial disclosure report.....	17
Subsequent disclosure report	18
Referendum advertising disclosure report.....	19
Amending a disclosure report	20
Information to be open to the public.....	20
Offences and penalties.....	21
Questions?	22

Introduction

Elections BC is the non-partisan Office of the Legislature responsible for the administration of the provincial electoral process in B.C. and the campaign financing provisions for local government elections. Elections BC administers provincial general elections and by-elections, recall petitions, initiative petitions and initiative votes, the conduct of referenda and plebiscites, and local elections and assent voting campaign financing and advertising rules.

This guide is intended to assist referendum advertising sponsors to understand the rules related to registration, referendum advertising and disclosure reporting requirements for the 2018 Referendum on Electoral Reform. Designated opponent and proponent groups should refer to our [Financial Agent Guide for Proponent and Opponent Groups in the 2018 Referendum on Electoral Reform](#).

This guide is only a summary of the rules and does not take precedence over the *Electoral Reform Referendum 2018 Act*, its regulation, the *Election Act* or any other legislation or regulations.

The *Electoral Reform Referendum 2018 Act*, its regulation and the *Election Act* are available on the Elections BC website (elections.bc.ca), or can be purchased from Crown Publications (crownpub.bc.ca).

Privacy

Elections BC has the authority to collect, use, disclose and dispose of personal information under the *Electoral Reform Referendum 2018 Act*, the *Election Act* and the *Freedom of Information and Protection of Privacy Act*. The information is used to administer provisions of the *Electoral Reform Referendum 2018 Act* and its associated regulation.

For information about Elections BC's privacy policies, please visit elections.bc.ca/privacy or contact the Privacy Officer, Elections BC at 1-800-661-8683, privacy@elections.bc.ca or PO Box 9275 Stn Prov Govt, Victoria BC V8W 9J6.

Referendum advertising

What is referendum advertising?

Referendum advertising is an advertising message transmitted to the public by any means during the campaign period (July 1, 2018 until 4:30 p.m., December 7, 2018) that promotes or opposes, directly or indirectly, a specific response to a referendum question.

Referendum advertising certainly includes signs, posters, leaflets, billboards, brochures, and advertisements in newspapers, magazines, newsletters, and on television, radio, and the internet. It also includes canvassing voters on a commercial basis, in person or by telephone, in an attempt to influence how voters vote, and mailing materials that contain referendum advertising messages.

What is not referendum advertising?

Referendum advertising does not include:

- messages on the internet that do not and would not normally have a placement cost, including social media posts, websites and videos. Examples of messages that are not referendum advertising include: Facebook, Instagram, Snapchat posts, tweets, YouTube videos and websites, providing that the internet messages are not sponsored or boosted in any way
- the transmission of a document directly by a person or a group to their members, employees or shareholders
- the transmission by an individual of their personal views on the referendum, on a non-commercial basis by telephone or text messaging (personal social networking pages and blogs are generally not referendum advertising, unless they are sponsored)
- the publication without charge of news, an editorial, an interview, a column, a letter, a debate, a speech or a commentary published in a bona fide periodical or on a radio or television program
- the distribution or promotion of a book for no less than its commercial value, if the book was planned to be made public regardless of whether there was to be a referendum

Not sure if something is referendum advertising?

The definition of referendum advertising is broad, and in some cases it can be difficult to determine if an item or activity is referendum advertising.

If you are unsure if a message is referendum advertising, please contact Provincial Electoral Finance at Elections BC by phone (1-800-661-8683) or email (electoral.finance@elections.bc.ca).

Elections BC reviews and responds to inquiries regarding referendum advertising on a case-by-case basis. The following criteria are used when determining if a message is referendum advertising:

- Was the message transmitted to the public?
- Did the transmission occur during the referendum campaign period?
- Would a reasonable person recognize which side of the referendum debate the referendum advertising sponsor supports?
- Did the advertising promote or oppose a specific response to a referendum question?

Referendum advertising in conjunction with an election

If an advertising message could be both referendum advertising and election advertising, for either a local election or a provincial election, Elections BC will make a determination whether the advertising message is referendum advertising or election advertising. Factors that Elections BC will consider include:

- When was the advertising message transmitted (i.e. is it transmitted during both the referendum and the election campaign periods)?
- What type of sponsor is conducting the advertising (i.e. are they a candidate, electoral organization or a third party sponsor)?
- Is the sponsor already registered under the *Election Act*, the *Local Elections Campaign Financing Act* or the *Electoral Reform Referendum 2018 Act*?
- What is the primary advertising message (i.e. is the referendum or election advertising more prominent)?

An advertising message cannot be both referendum advertising and election advertising, and the full value must be attributed to the applicable spending limit established by the applicable legislation (i.e. the value cannot be prorated and attributed to a referendum spending limit and an election spending limit).

Generally, any advertising message that contains a direct election advertising message and a referendum advertising message will be election advertising and must be attributed to the election expenses limit, as referendum advertising must not:

- directly promote or oppose a registered political party or the election of a provincial candidate as defined under the *Election Act*,
- directly promote or oppose an elector organization or the election of a local election candidate as defined under the *Local Elections Campaign Financing Act*, or
- be combined with either of the above mentioned advertising.

If you would like clarification if a message is referendum advertising or election advertising, please contact Provincial Electoral Finance at Elections BC.

Referendum advertising sponsors

Who is a referendum advertising sponsor?

During the campaign period, referendum advertising may only be sponsored by the designated opponent or proponent groups, and individuals and organizations who are registered as referendum advertising sponsors with Elections BC.

The sponsor of referendum advertising is:

- a) the individual or organization that paid for the referendum advertising, or
- b) if the services of conducting the referendum advertising are provided free of charge, the individual or organization that received the free advertising, or
- c) if the individual or organization that would be the sponsor under (a) or (b) is acting on behalf of another individual or organization, that other individual or organization is the sponsor.

A referendum advertising sponsor is an individual or organization, other than a designated opponent or proponent group, that sponsors referendum advertising.

An individual or organization must not sponsor referendum advertising using the property of any other individual or organization, or indirectly through any other individual or organization.

Who cannot be a referendum advertising sponsor?

The *Electoral Reform Referendum 2018 Act* and its regulation limit who can sponsor referendum advertising.

Registered referendum advertising sponsors must be independent of, and must not sponsor referendum advertising on behalf of or together with the opponent or proponent groups or their financial agents.

Registered provincial political parties and their constituency associations may register as referendum advertising sponsors but may not sponsor any referendum advertising with another organization or any individual.

Registering as a referendum advertising sponsor

Except for the designated opponent and proponent groups, all individuals and organizations who want to sponsor referendum advertising must register with Elections BC as referendum advertising sponsors.

To register, applicants must complete an application form and submit it to Elections BC. The application form is available on the Elections BC website at elections.bc.ca.

The referendum advertising sponsor registration form requires:

- the applicant's full name, and, in the case of an organization, its usual name;
- the applicant's full address;
- in the case of an organization, the names of its principal officers or, if there are no principal officers, the names of its principal members;
- the address the applicant will receive notices and communications from Elections BC; and
- the applicant's telephone number.

The registration application must be signed by the individual applicant or, in the case of an organization, two principal officers. If the organization has no principal officers, the form must be signed by two principal members.

The list of registered referendum advertising sponsors will be available on the Elections BC website.

An individual or organization who sponsors referendum advertising prior to registering with Elections BC may be subject to significant monetary penalties.

Appointment of an auditor

If a referendum advertising sponsor sponsors referendum advertising with a total value of more than \$10,000, they must appoint an auditor.

The auditor must be qualified under section 179 of the *Election Act* and sections 205 and 206 of the *Business Corporations Act*. This means that the auditor is a Chartered Accountant (C.A.), Chartered Professional Accountant (C.P.A.), or has been certified by the Auditor Certification Board or is a qualified auditing firm.

The following cannot be appointed as an auditor:

- individuals who do not have full capacity to enter into contracts (e.g. a minor child)
- election officials, voter registration officials or other employees of Elections BC
- individuals who have been convicted of an offence under the *Election Act* or the *Recall and Initiative Act* within the last seven years

The appointment of an auditor must be made in writing and must:

- be on a form provided by Elections BC
- include the name, mailing address and telephone number of the auditor
- indicate the effective date of the appointment
- be signed, as applicable, by a principal officer of the referendum advertising sponsor, or by the sponsor if the sponsor is an individual, and
- include a signed consent of the auditor

As soon as possible after an appointment is made, a copy of the appointment form must be delivered to Elections BC. The appointment form is available on the Elections BC website or by contacting Elections BC.

The referendum advertising sponsor must give the auditor access at all reasonable times to the records of the sponsor and must provide the auditor with any information the auditor considers necessary to enable the auditor to make a report.

Registration updates

If any registration information for the referendum advertising sponsor changes, the sponsor must notify the Elections BC in writing within 30 days after the change occurs.

Obligations of a referendum advertising sponsor

A referendum advertising sponsor is required to ensure that:

- sponsored advertising contains the applicable sponsorship authorization information
- the total value of sponsored referendum advertising does not exceed \$200,000 overall
- sponsorship contributions are accepted and recorded in compliance with the legislation
- if more than \$10,000 in sponsorship contributions are accepted, a separate sponsorship bank account is used
- if sponsored referendum advertising has a total value of more than \$10,000, initial and subsequent disclosure reports are filed
- a referendum advertising disclosure report (audited if applicable) is filed by March 7, 2019
- supplementary reports are filed if information in a filed disclosure report changes or was reported incorrectly

More information about these requirements is detailed in the following sections.

Bank accounts

If a referendum advertising sponsor accepts total referendum contributions of more than \$10,000, the sponsor must open a separate sponsorship account in a savings institution.

The sponsorship account must be in the name of the referendum advertising sponsor, and where the sponsor is an organization, the account name must include the name of at least one principal officer or member of the organization.

Where a referendum advertising sponsor is required to open a sponsorship account, all referendum contributions must be deposited or transferred into that account within seven days of opening the account, and the account is to be used exclusively for the purpose of sponsoring referendum advertising.

Value of referendum advertising and limits

Value of referendum advertising

The value of referendum advertising is:

- the price paid for preparing and conducting the referendum advertising, or
- the market value of preparing and conducting the referendum advertising, if no price is paid or if the price paid is lower than the market value.

The value of referendum advertising includes all direct costs, including taxes (e.g. materials, publishing, broadcasting and transmission fees, outside design services, etc.) but excludes indirect costs (e.g. overhead).

The value of services used to prepare and conduct referendum advertising is not included in the value of referendum advertising if:

- the services are performed by the individual who is the sponsor, or
- the services are performed by an existing staff member or volunteer who normally performs these services for the sponsor organization as part of ongoing operations. This does not include services performed by a new employee of the sponsor who has been recruited in relation to the referendum advertising, or who has been seconded or reassigned from their normal duties.

Referendum advertising limits

The value of referendum advertising that can be sponsored during the referendum campaign period (July 1, 2018 to December 7, 2018) is limited.

A referendum advertising sponsor, or a group of referendum advertising sponsors, must not sponsor, directly or indirectly, referendum advertising with a value of more than \$200,000.

Referendum advertising sponsors may conduct referendum advertising independently, together in combination with other referendum advertising sponsors, or both independently and together with other sponsors, but they must not exceed the spending limits. Furthermore, they must not conduct indirect referendum advertising using the property of another individual or organization.

Each referendum advertising sponsor has their own separate advertising limit, and sponsors cannot share or combine their advertising limits with other sponsors. The full value of the sponsored advertising is subject to the sponsor's limit, and the sponsor may continue to conduct referendum advertising until they have reached their limit.

Example 1:

ABC Group is a referendum advertising sponsor. ABC Group independently conducts referendum advertising with a value of \$80,000. Thus, ABC Group has \$120,000 remaining under their referendum advertising limit.

When referendum advertising is co-sponsored by more than one referendum advertising sponsor, the value of the advertising is divided between the co-sponsors on a reasonable basis, and the value is subject to the limit for each referendum advertising sponsor.

Example 2:

ABC Group and XYZ Group are both referendum advertising sponsors and prepare and conduct referendum advertising together. The total value of the sponsored advertising is \$200,000, or \$100,000 each.

ABC and XYZ are permitted to co-sponsor advertising together up to a value of \$200,000. Therefore, ABC and XYZ have reached the combined limit and are not permitted to co-sponsor additional referendum advertising together. However, both are entitled to continue to sponsor referendum advertising independently or with another registered sponsor until each has reached their separate limits.

Since ABC has sponsored \$180,000 in referendum advertising (\$80,000 independently in Example 1 and \$100,000 with XYZ), ABC can only sponsor an additional \$20,000 in referendum advertising.

Assuming XYZ has not sponsored any other referendum advertising, they would be permitted to sponsor an additional \$100,000 referendum advertising, either independently or with other registered advertising sponsors.

An individual or organization who sponsors referendum advertising with a total value greater than the \$200,000 limit may be subject to significant monetary penalties.

Referendum contributions and other income

Referendum contributions

Referendum advertising sponsors are permitted to accept referendum contributions for the purpose of sponsoring referendum advertising, providing they are accepted in compliance with the regulation.

A referendum contribution is an amount of money or the value of any property or services provided without compensation by way of donation, advance, deposit, discount or otherwise in relation to the referendum.

If property or services are provided to a referendum advertising sponsor at less than market value, or if they are purchased from a sponsor at greater than market value, the difference between the price paid and fair market value is a referendum contribution.

The following are not referendum contributions:

- services provided by a volunteer
- property of a volunteer, if it is provided or used in relation to the services of the individual as a volunteer
- publishing without charge news, an editorial, an interview, a column, a letter or a commentary in a bona fide periodical publication or a radio or television program
- broadcasting time provided, without charge, as part of a bona fide public affairs program
- producing, promoting or distributing a publication for no less than its market value, if the publication was planned to be sold regardless of the referendum

Who can and cannot make a referendum contribution?

A referendum contribution may only be accepted from an eligible individual. An eligible individual is someone who is a resident of B.C. and either a Canadian citizen or a permanent resident.

Referendum contributions may not be accepted from:

- unincorporated organizations, corporations, or partnerships,
- trade unions,
- not for profit or charitable organizations, or
- any other organizations.

Contributor confirmation and consent

To use a referendum contribution to pay for referendum advertising, the advertising sponsor must obtain written confirmation and consent from the contributor that:

- confirms the contributor is an eligible individual (resident of B.C. and a Canadian citizen or a permanent resident of Canada), and
- gives consent to use the contribution for referendum advertising.

Elections BC has developed a form, available at elections.bc.ca, that may be used for this purpose. The written consent and confirmations do not need to be filed with Elections BC but the referendum advertising sponsor must keep them with the other referendum advertising records.

The confirmation and consent can be provided for any contribution given to the sponsor during the previous 24 months, but must be received before the sponsor uses any part of the contribution for referendum advertising.

If the contributor does not provide confirmation and consent, the contribution must not be used to sponsor referendum advertising.

Recording contributors' information

In addition to the written consent and confirmation of the contributor, referendum advertising sponsors must record the following for every referendum contribution accepted:

- the full name of the contributor
- the address of the contributor
- the date of the contribution
- the dollar amount or value of the contribution

Contribution limits and restrictions

An eligible individual must not make referendum contributions to a referendum advertising sponsor that have a total value greater than \$1,200.

Furthermore, if two or more referendum advertising sponsors conduct referendum advertising in combination, the sponsors must not use more than \$1,200 in contributions from a single contributor for their combined advertising.

At the time of requesting the confirmation and consent, the referendum advertising sponsor must advise the contributor if they have provided confirmation and consent for other referendum contributions.

Accepting referendum contributions

Referendum advertising sponsors must not accept a cash referendum contribution greater than \$100. Contributions of more than \$100 must be made by cheque, money order, electronic funds transfer from the contributor's account, or by credit card in the name of the contributor.

An individual must not make an indirect referendum contribution using the money, property, or services of another individual or organization, or to provide as consideration for making a contribution. There is an exception for individuals only. An eligible individual can make a referendum contribution with the money of another eligible individual, but the individual whose money is being used is the contributor and their name and address must be disclosed to the referendum advertising sponsor.

A referendum advertising sponsor must not accept from an eligible individual referendum contributions that have a total value greater than \$1,200, or that the sponsor has reason to believe have been made in contravention of the Electoral Reform Referendum 2018 Regulation.

Anonymous contributions

A referendum advertising sponsor must not use an anonymous referendum contribution greater than \$25 to sponsor referendum advertising, and the total value of anonymous referendum contributions that can be used in relation the referendum must not exceed \$5,000.

Fundraising functions

The purchase of a ticket to a fundraising function held by or on behalf of a referendum advertising sponsor is a referendum contribution equal to the price of the ticket.

Fundraising functions also result in referendum contributions if:

- property or services are purchased at greater than market value, in which case the difference between the price paid and the market value is a referendum contribution
- property or services are donated for sale at a fundraising function but are not sold at the fundraising function, in which case the referendum contribution is equal to the market value of the donated property or services

Organizations are not permitted to make sponsorship contributions through the purchase of tickets to fundraising functions held by or on behalf of referendum advertising sponsors. Organizations must not reimburse or refund any person for tickets purchased.

Referendum contributions accepted through a fundraising function must comply with the same contribution rules as other referendum contributions, including the written confirmation and consent of the contributor.

Prohibited referendum contributions

If a referendum advertising sponsor becomes aware that a referendum contribution was made or accepted in contravention of the rules, the sponsor must return the contribution to the contributor within 30 days.

If the referendum advertising sponsor is not able to return the contribution to the contributor, the sponsor must not use the contribution to sponsor referendum advertising.

Loans and guarantees

A referendum advertising sponsor may accept permissible loans from savings institutions for the purpose of sponsoring referendum advertising. The savings institution must charge an interest rate that is at least the prime rate of the principal banker to the government. At the time of writing, the principal banker to the government is the Canadian Imperial Bank of Commerce (CIBC).

A sponsor must not accept any other loans for the purpose of sponsoring referendum advertising.

Debts

A debt owed by a referendum advertising sponsor, other than a permissible loan, becomes a referendum contribution if it is still unpaid six months after it was due and the creditor does not make commercially reasonable efforts to collect the debt. This can result in a prohibited contribution if the debt is owed to an organization or an individual who is not an eligible individual.

For certainty, nothing in Electoral Reform Referendum 2018 Regulation affects the rights of a creditor to collect an outstanding debt.

Authorization statement requirement

Most referendum advertising must contain an authorization statement that identifies the sponsor. The authorization statement must:

- indicate the name of the sponsor, and in the case of a numbered corporation or unincorporated organization, includes the name of the organization and a principal officer/director
- indicate that the sponsor is a registered sponsor
- indicate that the advertisement was authorized by the identified sponsor; and
- include a British Columbia telephone number or mailing address where the sponsor can be contacted

Examples:

Authorized by Jane Doe, registered sponsor, 250-234-5678

Authorized by Good Guys Club, registered sponsor, Jane Doe, 123 Main St, Victoria BC, A1B 2C3

Referendum advertising sponsors must make a person available to answer questions directed to the address or telephone number shown in the advertising.

The authorization statement is not required for referendum advertising on the following items:

- clothing (e.g. shirts, sweaters, vests, jackets, hats, etc.)
- novelty items, including wearable novelty items (e.g. buttons, badges, pins, stickers, wristbands, necklaces, etc.)
- small items of nominal value intended for personal use, (e.g. pens, mugs, magnets, key-chains, notepads, etc.)

For internet advertising that has space limitations (e.g. pay-per-click, banner ads, etc.), the authorization statement is not required to be contained within the advertising message if selecting the advertising message will send the viewer to a website or profile page that contains the sponsor's required authorization statement.

Canvassing – Identification of sponsor

If canvassing voters on a commercial basis, either in person or by telephone, when speaking to the voter, the canvasser must provide the same sponsorship information, but is not required to include a phone number or mailing address. However, any advertising materials that are distributed by a canvasser in person must contain the full authorization statement, including a phone number or address.

Restrictions on displaying referendum advertising and campaigning

Where and when signs may be placed

The timing and placement of campaign signs is regulated by local municipalities, the *Transportation Act*, the *Electoral Reform Referendum 2018 Act* and its regulations. The sign policy of the Ministry of Transportation does not allow the placement of campaign signs along provincial highways.

There may be additional rules at the municipal level regarding where signs may be placed. Referendum advertising sponsors are advised to check for municipal by-laws regarding the placement of signs in any municipality where they wish to erect signs.

Generally, signs on private property may be placed at the discretion of the property owner, but may be subject to municipal or other local by-laws.

Advertising in rental or strata properties

Referendum signs must be allowed to be placed within the premises to which a renter's tenancy agreement relates, and must be allowed on the premises of a strata unit. However, landlords, strata corporations and their agents may set reasonable limits on the sizes and types of referendum signs that are permitted, and may restrict placement in common areas.

Restriction on campaigning near referendum offices

During the campaign period, the 100 metres surrounding the building where a Service BC Centre or an Elections BC Referendum Service Office is located is a restricted area where individuals and organizations must not post, display or disseminate any referendum advertising.

Authority to remove unauthorized and restricted referendum advertising

If a referendum advertising message does not have the required authorization statement, Elections BC may require the advertising to be discontinued, or removed and destroyed. Elections BC can remove and destroy unauthorized referendum advertising without notice.

Similarly, if referendum advertising is located within 100 metres of a building that contains a Service BC Centre or an Elections BC Referendum Service Office, the Chief Electoral Officer (CEO), or someone authorized by the CEO, may enter the property and remove or cover/obscure the referendum advertising or material.

Reporting

There are three types of disclosure reports to be filed by referendum advertising sponsors:

- initial disclosure reports
- subsequent disclosure reports
- referendum advertising disclosure reports

Initial disclosure report

A referendum advertising sponsor must file an initial disclosure report with Elections BC if they have sponsored referendum advertising with a total value more than \$10,000. Individuals and organizations who have sponsored \$10,000 or less in referendum advertising are not required to file this report.

The initial disclosure report must be filed within 14 days of sponsoring \$10,000 in referendum advertising and must disclose the following information for every contributor who made one or more referendum contributions that in total have a value of more than \$250:

- full name of the contributor
- the value of each contribution made by the contributor
- the date of each contribution

Once the \$10,000 advertising threshold is passed, this report must be filed even if the sponsor has not received any referendum contributions.

Example 1: ABC Group sponsors a referendum advertisement on July 20 that costs \$11,500. Since they have now sponsored more than \$10,000 in referendum advertising, ABC must file an initial disclosure report within 14 days.

As of July 20, the only contributor who had given more than \$250 to ABC Group was Zach. He gave \$700. Since the total value of Zach's contribution is more than \$250, the initial disclosure report must disclose his full name and the date and value of his contribution.

Subsequent disclosure report

After the initial disclosure report, subsequent disclosure reports must be filed within 14 days of referendum advertising sponsor receiving a referendum contribution from a contributor who makes one or more contributions with a total value of more than \$250 since the initial report.

Subsequent disclosure reports must disclose the following information for every contributor who made one or more referendum contributions with a total value of more than \$250 since the initial report:

- full name of the contributor
- the value of each contribution made by the contributor
- the date of each contribution

Multiple subsequent disclosure reports may be required if more contributions totalling more than \$250 are received since the date of the initial disclosure report. Subsequent disclosure reports must be filed until December 7, 2018.

Example 2: After the initial disclosure report is filed, Zach contributes \$300. A subsequent disclosure report is required within 14 days of Zach making this contribution. The subsequent disclosure report will only report the \$300, since this is the amount Zach contributed since the initial disclosure report.

Example 3: After the first subsequent disclosure report is filed, Zach contributes another \$200. A second subsequent disclosure report is required, and must be filed within 14 days. This second subsequent disclosure report will show both Zach's \$300 and \$200 referendum contributions.

The total of all Zach's contributions ($\$700 + \$300 + \$200 = \$1,200$) will eventually be reported in the referendum advertising disclosure report, which is separate from the initial and subsequent disclosure reports, and will disclose all referendum contributions.

The following hypothetical timeframe chart shows Zach's referendum contributions along with another contributor's contributions and how they relate to being disclosed:

GUIDE FOR REFERENDUM ADVERTISING SPONSORS FOR THE 2018 REFERENDUM ON ELECTORAL REFORM

Action	Date	Zach (contributor)	Harpreet (contributor)
Contributions received	July 1	\$700	\$100
\$10,000 threshold met	July 20		
Initial disclosure report	August 3	shows \$700 from Zach	nothing reported
Contributions received	August 6	\$300	\$100
Contributions received	August 11		\$100
1 st Subsequent disclosure report	August 18	shows \$300 from Zach	nothing reported
Contributions received	November 11	\$200	\$200
2 nd Subsequent disclosure report	November 23	shows \$500 from Zach	shows \$400 from Harpreet
Referendum advertising disclosure report	December 14	shows \$1,200 from Zach	shows \$500 from Harpreet

Referendum advertising disclosure report

Every individual and organization who sponsors referendum advertising with a total value of \$500 or more during the referendum campaign period must file a referendum advertising disclosure report.

Referendum advertising disclosure reports must be filed within 90 days after the close of voting. The filing deadline is 4:30 p.m. on March 7, 2019.

The disclosure report must be filed on forms provided by Elections BC and include:

- the value of referendum advertising sponsored, reported by class,
- any amount of the sponsor's own assets, other than the assets received by contributions, used to pay for referendum advertising, and
- the total value of referendum contributions accepted, including:
 - if a contributor gave one or more referendum contributions that have a total value of more than \$250, the full name and address of the contributor, as well as the value and date of each of their contributions.
 - the dates and amounts of any anonymous contributions and if applicable, the events at which they were received.

If a referendum advertising sponsor has sponsored more than \$10,000 in referendum advertising, the sponsor must appoint an auditor and the referendum advertising disclosure report must be filed with an auditor's report. A sponsor must provide the auditor with access to the records and any information the auditor considers necessary.

If a report meets the \$10,000 referendum advertising threshold, but is not submitted with an auditor's report, the report cannot be accepted as filed. Therefore, if an audit is required, sponsors should ensure they allow enough time for their auditor to complete their work before the filing deadline.

A sponsor may file their referendum advertising disclosure report late (up to 30 days after the deadline) if they pay a \$500 late filing fee.

Amending a disclosure report

If any of the information filed on a disclosure report changes, or if the sponsor learns that information was incorrectly reported, they must file a supplementary report.

Supplementary reports must be filed within 30 days of learning of the change or mistake.

Information to be open to the public

All disclosure reports filed by referendum advertising sponsors are available to the public. The information available for public inspection does not include the address of contributors.

To view the disclosure reports, visit our Financial Reports and Political Contribution System on the Elections BC website (elections.bc.ca/frpc).

Offences and penalties

There are significant penalties for failing to comply with the advertising and disclosure rules.

The Electoral Reform Referendum 2018 Regulation establishes monetary penalties for:

- failing to register as a sponsor
- failing to identify the sponsor on referendum advertising
- exceeding the referendum advertising limits
- failing to file a disclosure report
- not complying with the referendum contribution provisions
- sponsoring prohibited referendum advertising

The Electoral Reform Referendum 2018 Regulation also establishes offences. Individuals or organizations that commit an offence are liable to a fine of not more than \$10,000 or imprisonment for a term not longer than one year, or both.

Questions?

For more information

Phone toll-free 1-800-661-8683 / TTY 1-866-456-5448

or contact

Elections BC

Mailing address:

PO Box 9275 Stn Prov Govt

Victoria BC V8W 9J6

Phone: 250-387-5305

Fax: 250-387-3578

Toll-free Fax: 1-866-466-0665

Email: electoral.finance@elections.bc.ca

Website: elections.bc.ca

