

# GUIDE FOR REFERENDUM THIRD PARTY ADVERTISERS

*Election Finances and Contributions Disclosure Act*

Under REVIEW

Under Review

## Disclaimer

This guide has been produced to help RTPAs understand the *Election Finances and Contributions Disclosure Act* (EFCDA) which establishes rules for third parties. References to “TPAs” in this guide refer to RTPAs.

The writ for the 2021 referendum vote was issued on August 9, 2021, and a referendum vote will be held on October 18, 2021. If you engage or plan to engage in this event, this guide is an important resource to help you understand and comply with the rules.

Links to relevant legislation can be found on the [Elections Alberta website](#) or the [Alberta Queen’s Printer website](#). If the legislation is found to contradict anything presented in this guide, the legislation governs.

## Contact Information

If you have any questions that this guide does not cover, please contact us:

Elections Alberta

Suite 100, 11510 Kingsway NW

Edmonton, AB T5G 2Y5

Phone: 780.427.7191

Toll free: 310.0000 then 780.427.7191

Fax: 780.422.2900

General inquiries email: [info@elections.ab.ca](mailto:info@elections.ab.ca)

Financial compliance inquiries email: [finance@elections.ab.ca](mailto:finance@elections.ab.ca)

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Under Review



# 1 Overview

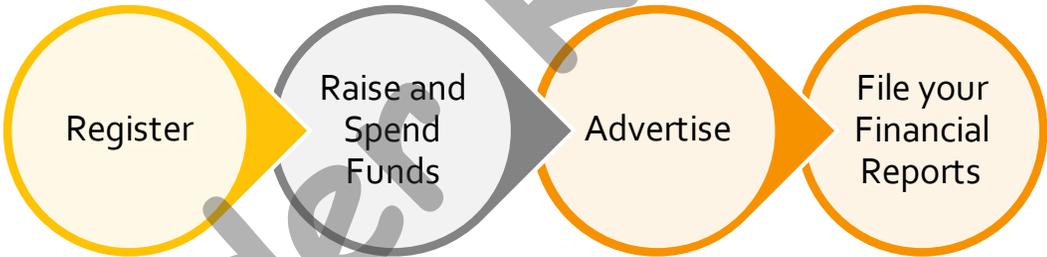
## Why do we Regulate Third Party Advertisers?

Referendum third party advertisers (RTPAs) are individuals, corporations, trade unions, employee organizations, or groups of these, that raise or spend funds on advertising to promote or oppose a question in a referendum.<sup>a</sup>

Elections Alberta is responsible for registering RTPAs and monitoring their compliance with election finance rules. We regulate and publicly disclose the financial activities of RTPAs to ensure their operations are transparent. The public has the right to know who is paying for and sponsoring advertisements that may influence the outcome of a referendum vote.

## Navigating This Guide

**Section 2** of this guide provides information about registering as a RTPA and assigning a chief financial officer. **Section 3** of this guide provides information about what referendum advertising is and regulations that apply to your advertisements. **Section 4** provides information about raising and spending funds and filing applicable reports with Elections Alberta.



<sup>a</sup> Under section 44.94993(1)(i) of the EFCDA, the Government of Canada or the government of another province or territory of Canada can also be a RTPA. This guide does not cover these entities. Please contact Elections Alberta for more information.



## 2 Registration under the EFCDA

Apply for registration as a RTPA when you incur or plan to incur **referendum advertising expenses of \$1,000 or more**, or when you accept or plan to accept **advertising contributions of \$1,000 or more**.

### Application for Registration

Submit form [TPA-R-01 Registration of a Third Party Advertiser](#) to Elections Alberta, signed by the chief financial officer whose signature must be a bona fide physical or electronic signature. Attachments are required if the third party is a group or has a governing body.

### Who can Register as a RTPA?

You can register as a RTPA if you are:

- An individual that lives in Alberta,
- A Corporation that does business in Alberta,
- A trade union that does business in Alberta, or,
- An employee organization that does business in Alberta

Please note that prohibited corporations are **not** eligible to register as RTPAs. The following are considered prohibited corporations:

- Municipalities,
- Metis settlements,
- School boards,
- Post-secondary institutions, and,
- Registered charities

Refer to section 1(1)(l) of the EFCDA for a complete list of prohibited corporations.

*An **advertising expense** is any cost incurred by your third party to create or produce an advertising message, to acquire the means to transmit an advertising message to the public, or to organize an event to promote or oppose a referendum question.*

*An **advertising contribution** is any money, real property, goods, or services provided to or for the benefit of your third party without returned compensation to the contributor.*



Example of the TPA-R-01 fillable form, available on our website.

 <b>ELECTION FINANCES AND CONTRIBUTIONS DISCLOSURE ACT</b> <b>REGISTRATION OF A THIRD PARTY ADVERTISER (TPA)</b> Form: TPA-R-01		Office Use Only
<input checked="" type="checkbox"/> INITIAL REGISTRATION <input type="checkbox"/> UPDATE TO REGISTRATION		<input type="button" value="SUBMIT"/> <input type="button" value="CLEAR"/>
<b>THIRD PARTY ADVERTISER NAME</b> Don't Ban the Breeds!		<b>ABBREV. (OPTIONAL)</b>
<b>REGISTRATION TYPE (SELECT ONLY ONE TYPE PER REGISTRATION FORM)</b> <input type="checkbox"/> ELECTION ADVERTISING <input type="checkbox"/> POLITICAL ADVERTISING <input type="checkbox"/> SENATE ELECTION ADVERTISING <input checked="" type="checkbox"/> REFERENDUM ADVERTISING		
<b>ENTITY TYPE (SELECT ONLY ONE PER REGISTRATION FORM)</b> <input checked="" type="checkbox"/> CORPORATION <input type="checkbox"/> TRADE UNION <input type="checkbox"/> EMPLOYEE ORGANIZATION <input type="checkbox"/> GROUP <input type="checkbox"/> PERSON <span style="color: red;">See Notes at Bottom</span>		
<b>BRIEFLY DESCRIBE THE NATURE OF THE TPA AND ITS OBJECTIVES</b> To encourage voters to vote against the referendum question about banning ownership of "dangerous" dog breeds in Alberta.		
<b>CONTACT INFORMATION FOR POSTING ON ELECTIONS ALBERTA WEBSITE</b>		
TPA Website www.dontbanthecreeds.ca	TPA Email Contact dontbanbreeds@email.ca	TPA Phone Number 111-111-1111
<b>PRIMARY CONTACT</b>		
Prefix John Doe	Name John Doe	Email JohnDoe@email.ca
Street Address or P.O. Box Unit 10, 6 11th Street NW		
City / Town / Village / Municipality Edmonton	Prov. AB	Postal Code T5D6S3
Primary Phone 111-111-1111		Alternate Phone
<b>CHIEF FINANCIAL OFFICER (CFO)</b>		
Prefix Jane Doe	Name Jane Doe	Email JaneDoe@email.ca
Street Address or P.O. Box 34 Jasper Drive		
City / Town / Village / Municipality Edmonton	Prov. AB	Postal Code T9F2S6
Primary Phone 222-222-2222		Alternate Phone
<b>LOCATION RECORDS ARE MAINTAINED AND COMMUNICATIONS ADDRESSED (IF OTHER THAN CFO'S ADDRESS)</b>		
Prefix Jane Doe	Name Jane Doe	Email JaneDoe@email.ca
Street Address or P.O. Box 34 Jasper Drive		
City / Town / Village / Municipality Edmonton	Prov. AB	Postal Code T9G4S3
Primary Phone 222-222-2222		Alternate Phone
<b>FINANCIAL INSTITUTION</b>		
Name TD Canada Trust		
Street Address or P.O. Box 78 South Street		Office Phone
City / Town / Village / Municipality Edmonton	Prov. AB	Postal Code T9G4S3
Email TDCanadaTrust@email.ca		
Signing Officer(s) John Doe, Jane Doe		
<b>NOTES:</b>		
1. If the TPA is a Corporation, the Primary Contact must be the Officer who has signing authority for it. 2. If the TPA is a Group, the Primary Contact must be the Principal Officer or Principal Member. Attach list of all Officers or Members. 3. If the TPA has a governing body, attach a copy of the resolution authorizing the third party to incur advertising expenses. 4. Submit an Update to Registration within 30 days of any change to registration information.		
<b>ENDORSEMENT BY TPA'S CFO (FOR INITIAL REGISTRATION OR CHANGE TO REGISTRATION INFORMATION)</b>		
Jane Doe		6/21/2021
Printed Name	Signature	Date
<b>ACCEPTANCE BY ELECTIONS ALBERTA</b>		
_____ Authorized Signature		_____ Date
<b>FORWARD SIGNED ORIGINAL TO ELECTIONS ALBERTA</b> Suite 100, 11510 Kingway NW, Edmonton, AB T5G 2Y5 (780) 427-7191 FAXED OR SCANNED COPIES ARE NOT ACCEPTED FOR INITIAL REGISTRATION		<b>OFFICE USE ONLY</b> ENTERED:

If you provide a website address, we will publish it on our website

Fill out Financial Institution section even if the advertising account is not opened yet

Read notes and attach applicable documents



## Registration Approval

Once Elections Alberta receives your registration form, we will process your application and confirm your registration in writing. Once you are registered you are obligated to follow all financial rules under the EFCDA. We publish your RTPA name and contact information on our website.

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*If your RTPA name or abbreviation on your application resembles another registered TPA, a candidate, a party, or a political organization in Alberta, we will not register you. Also, your RTPA name or abbreviation cannot resemble the name of a party or TPA that changed its name or was de-registered since the last general election.*

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## Registration Updates and Cancellations

### Updates

It is important that you update Elections Alberta of any changes to your registration. Changes must be submitted within 30 days of their coming into effect. File all changes using Form TPA-R-01. Updates can be provided to Elections Alberta by fax ( 780.422.2900 ) or email ( [finance@elections.ab.ca](mailto:finance@elections.ab.ca) ).<sup>1</sup>

### Cancellation

If for any reason you choose to cancel your registration, you must notify us in writing. We will cancel your registration when:

- You confirm that your third party has ceased its advertising activities,
- You inform us how your third party plans to spend any remaining funds, and
- You file a financial return with supporting documentation to confirm a NIL balance.

The EFCDA also allows us to cancel your registration for any of the following reasons:

- We determine that you are no longer eligible to be registered, or
- We determine that your application contains false information.

We will notify you by registered mail when your registration has been cancelled. Cancellation of registration becomes effective starting on the third day following the date the notice was mailed. <sup>2</sup>

*Upon cancellation you must disperse any remaining funds in your advertising account not needed to pay outstanding expenses. You can donate the funds to charity or return funds to contributors.*



## Appeals

If your registration has been cancelled, you can write to Elections Alberta within 30 days to request a review. We will review the cancellation within 48 hours of receiving your request and give you an opportunity to present your argument. We may choose to reinstate your registration or confirm the cancellation after this review. We will provide you with written notification of our decision. <sup>3</sup>

## Chief Financial Officer (CFO)

### Appointment

You must appoint a CFO. Many provisions of the EFCDA apply directly to the CFO and the appointed individual must be aware of these duties and responsibilities.

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*You must notify Elections Alberta no later than 30 days after a change to your CFO's contact information or if a new CFO is appointed. <sup>4</sup>*

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### Responsibilities

Your CFO is responsible for the advertising bank account and should ensure:

- proper records are kept of revenue, expenses, assets, and liabilities,
- financial contributions are deposited into the advertising bank account on record with Elections Alberta,
- valued contributions are recorded at fair market value (FMV),
- contributions are recorded in Elections Alberta's Online Financial System (OFS) and official contribution receipts are issued to contributors,
- expenses, including all invoices and major purchases, are paid from the advertising account,
- minor expenses that would normally be paid in cash are paid from an established and tracked petty cash fund,
- payments of more than \$25 are supported by:
  - a document from the supplier that states the particulars of the expense,
  - a receipt or other proof of payment acceptable to Elections Alberta
- financial returns and reports are prepared and filed with Elections Alberta by the filing deadline, and
- a reasonable effort is made to inform prospective contributors of the EFCDA contribution rules.



## Bookkeeping Tips

Maintaining accurate and up-to-date records are crucial to ensuring compliance with legislation. CFOs should ensure:

- bank reconciliations are completed regularly to maintain accurate balances,
- copies of all bank deposit slips are kept,
- bank statements agree to the CFO's record of deposits and withdrawals,
- contributions are recorded as they are received, with the date, contributor name, contributor type, contributor address, amount, and whether the contribution was money or valued,
- details of fund-raising events are recorded including the date, name of event, ticket price, ticket sales revenue, auction revenue, the value of donated items, fund-raising expenses, etc.
- a generic receipt book or other method is used when cash money is received, to record the date, amount, and source,
- all expenses are recorded and categorized by type,
- all supporting documents are filed in sequence by date or other acceptable filing method and,
- all books of account and supporting documents are securely stored.

## Records Retention

The CFO must retain all the financial records of your RTPA for three years following a financial filing deadline. The CFO must be able to supply backup documentation to support the financial filing and records if requested by Elections Alberta.<sup>5</sup>



# 3 Information on Advertising

If your referendum advertising is communicated in any of the following ways, it is **excluded** from the definition of third party advertising and no reporting of these activities is required:



- An editorial, a debate, a speech, an interview, a column, a letter, a commentary, or news
- Distributing a book, or promoting the sale 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 a Senate election or referendum)
- A corporation or a group transmitting a document, or communicating directly, to its members employees, or shareholders
- Transmitting the political views of a person, corporation, or group, on a non-commercial basis on the internet (including social media pages)
- Phoning electors for the sole purpose of encouraging them to vote
- Advertising by the Government in any form<sup>6</sup>

These examples help to illustrate when communicating a political message on the internet is or is not considered third party advertising:

*Transmission on a non-commercial basis means that you have not paid, or would not normally need to pay, to promote or push people to your website or social media pages where your political message is hosted or posted.*

**Example 1:** You spend \$2,000 to hire someone to develop a website for you to take a stand on a question in an upcoming referendum vote. Since transmitting views through a non-commercial basis on the internet is not considered third party advertising, the amount spent on the website development is not considered an advertising expense. This means that you have not spent more than \$1,000 on advertising expenses and do not need to register as a TPA based on this activity alone.

**Example 2:** Initially, you spend \$2,000 to develop a website that takes a stand on a question in an upcoming referendum vote. A week later, you decide that you want to run tv commercials to promote your position, so you spend another \$1,000 to update your website so that it can accept donations. You must now register as a TPA since you plan to raise and spend more than \$1,000 on referendum advertising. Still, the \$3,000 you have spent on the website is not considered an advertising expense and does not need to be reported.

**Example 3:** You create a Facebook page and an Instagram page that both take a stand on a question in an upcoming referendum vote, and these two social media pages are the only way that your message is transmitted. Social media pages are not considered advertising under the EFCDA, so you do not need to register as a TPA based on this activity alone. Later, hoping to bring more attention to your social media pages, you budget \$550 to run Facebook ads and \$550 to run Instagram ads. You now need to register as a TPA and report this amount to Elections Alberta since you are planning to spend more than \$1,000 on referendum advertising.



## Advertising Period

The advertising period is based on when the referendum event is called. The referendum advertising period starts when an Order is issued and ends at the end of Voting Day. The advertising period for the 2021 referendum vote is from August 9, 2021, to October 18, 2021.

## Advertising Guidelines

Your RTPA, or a person acting on your behalf, must include the RTPA name and contact information on your advertisements in compliance with the [Advertising Guidelines for Political Participants](#) established by the Chief Electoral Officer.

Beyond identifying your RTPA on a particular advertisement, the purpose of requiring contact information to be displayed is to enable voters to contact you and to ensure that you are accountable for your advertisements.

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*All advertising must clearly disclose the name and contact information of your RTPA and indicate that your RTPA authorizes the advertisement, regardless of the advertising medium used.*

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Contact information requirements vary between advertising mediums used to convey your message. Refer to our Guidelines for specific requirements for the following mediums:

- Phone Calls and Text Messaging
- Radio
- TV
- Internet
- Social Media
- Printed Paper Advertising
- Physical Signage

Personal clothing, novelty items (including buttons, badges etc.), and small items of nominal value are excluded from the contact information requirement, but still qualify as advertising expenses.

Additional legislation or regulations may apply to the placement, location, and timing of your advertising message. Consult our Guidelines for links to other legislation and regulators.

*Elections Alberta does not administer the Canadian Radio-television and Telecommunications Commission (CRTC) Rules and Guidelines, and the CRTC does not administer EFCDA rules. However, both sets of laws may apply to your TPA (i.e., print, or electronic advertising and surveys). For further information on CRTC Rules and Guidelines see [www.crtc.gc.ca](http://www.crtc.gc.ca).*



## Non-Compliance



If your ad is found to be non-compliant, the Chief Electoral Officer may cause it to be removed or discontinued. Non-compliant ads may also be subject to action by the Election Commissioner. The Election Commissioner may enter into a compliance agreement, issue a letter of reprimand, levy an administrative penalty, or may refer the matter for prosecution. <sup>7</sup>

A RTPA that violates a provision of the EFCDA may be liable to a fine of up to \$10,000 if the RTPA is registered as an individual, and up to \$100,000 if the RTPA is registered as a trade union, employee organization, corporation, or other organization. <sup>8</sup>

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# 4 Finance Rules and Reporting

## Advertising Contributions

All contributions of money, real property, goods, and services received by your RTPA, whether before or after you registered, must be reported to Elections Alberta. Money paid from your third party's own funds for third party advertising must also be reported as contributions.

Contributions are reported weekly during the advertising period and contribution receipts must be issued to all contributors by the filing deadline for the RTPA financial return. We publish financial returns together with the names and amounts for contributors who were receipted for contributions over \$250 in aggregate.<sup>9</sup>

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*There is no limit to the amount that can be contributed to a RTPA. Contributions to RTPAs are not eligible for Alberta income tax credits.*

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## Eligible Contributors

Rules on who can contribute to your RTPA are summarized below:

Who can contribute?	
Individual	Yes-but must live in AB
Corporation	Yes-but must do business in AB
Trade Union	Yes-but must do business in AB
Employee Org.	Yes-but must do business in AB

Contributions received from the members of a group, trade union, or employee organization may be attributed to each of the members if:

- The funds were paid by the members on a voluntary basis,
- It was made clear to members that the funds being collected were for referendum advertising, and
- A list of the names and amounts paid by the members is provided to your RTPA

*A Group is an unincorporated group of individuals or corporations acting together for a common purpose. It includes trade unions and employee organizations, or any combination of persons, corporations, trade unions or employee organizations.*

Contributions received from a trade union or employee organization that has not followed the above steps, must be reported as contributions from the trade union or employee organization (not attributed to individual members).<sup>10</sup>



## Prohibited Contributors and Contributions

Your RTPA cannot accept contributions from:

- A person not ordinarily resident in Alberta,
- A prohibited corporation<sup>b</sup>,
- A trade union or employee organization outside Alberta
- A registered charity
- A group with any member above

Contributions cannot be directly or indirectly solicited or accepted from any prospective contributor if your RTPA knows or should know that the prospective contributor is not eligible to contribute.

Prohibited contributions must be returned to contributors. If your RTPA accepts a prohibited contribution, the CFO is responsible for notifying Elections Alberta of the steps you will take to rectify the matter as soon as you become aware of it.<sup>11</sup>

*Anonymous contributions are prohibited. If you accept a contribution from an unknown source, you must pay the funds to Elections Alberta for deposit into the General Revenue Fund of the Government of Alberta.*

## When to Accept and Use Contributions

The EFCDA places restrictions on when advertising contributions can be accepted and used. Contributions can only be accepted and used by your RTPA during a referendum advertising period.

## Money Contributions

Money in the form of cash, cheque, e-transfer, credit card, or online donation (including using your third party's own funds for RTPA advertising) should be deposited into the advertising account on record with Elections Alberta.

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*All cash must be deposited in your advertising account—you cannot pay expenses directly with cash you receive.*

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<sup>b</sup> Prohibited corporations include municipalities, Metis settlements, school boards, post-secondary institutions, and registered charities. Refer to section 1(1)(l) of the EFCDA for a complete list.



## Valued (Non-monetary) Contributions

Valued contributions include any real property, goods, or services, or the use of real property, goods, or services that are provided for the purpose of advertising, without compensation from your RTPA. The value of the contribution is the fair market value (FMV) at the time of the contribution. Your CFO determines the FMV.<sup>12</sup>

Examples of valued contributions include, but are not limited to:

- Use of a computer or furniture,
- Use of a car,
- Use of any venue for an office, meeting, or event,
- Legal or consulting services, and
- Services from an eligible contributor who normally charges for their services (e.g., a graphic design company that provides graphic design services to your RTPA).

Some services do not qualify as valued contributions, including:

- Volunteer labour provided by a person, if that person does not receive compensation or paid time off to volunteer,
- Audit and professional services provided free of charge for work relating to compliance with the EFCDA, and
- Services provided free of charge by the CFO for work relating to compliance with the EFCDA

## Fund-Raising Functions

A fund-raising function is any event or activity intended to raise funds for your RTPA. The revenue and expenses must be reported whether the event or activity is hosted by your RTPA or by someone else. Your CFO should keep a separate record of each event, detailing the date, event type, cost to attend, who purchased tickets, the gross revenue of the event, the value received by attendees and the contribution portion per attendee.

### Events Held by Ticket Sales or Admission

Only eligible contributors can purchase tickets or an admission to attend your event or activity. This is because a portion of the purchase price comprises a contribution. A prohibited corporation cannot purchase tickets or admission, or be reimbursed, for an event held by a RTPA because it is deemed a contribution.

The contribution portion of the ticket or admission price is receipted. The non-contribution portion—“expense portion”—recognizes that the person received compensation for attending (e.g., a meal, refreshments, golf game, door prize) and is not receipted.



When planning an event or activity, your CFO determines the contribution portion vs. the non-contribution portion, based on the ticket price. The EFCDA provides an easy method for your CFO to calculate this (Method 1), or your CFO can choose to calculate actual expenses (Method 2) instead.

*Method 1:*

- a) **Ticket / Admission up to \$50:** Any cost paid, up to \$50, is not required to have a contribution portion. All sales can be recorded as fund-raising revenue, unless your CFO, or any other individual who paid for a ticket or an admission, chooses to consider 50% of the cost as a contribution. (The other half is allowed for expenses, even if actual expenses are less or more.)
- b) **Ticket / Admission \$50.01 to \$100:** The contribution portion of the ticket, less \$25. (the \$25 is allowed for expenses, even if actual expenses are less or more.)
- c) **Ticket / Admission over \$100:** The contribution portion is 75% of the ticket price. (25% is allowed for expenses, even if actual expenses are less or more.)

*Method 2:*

The contribution portion is the amount paid above the FMV of what the ticket or admission purchaser received. Your CFO calculates the actual cost per person to determine the contribution portion vs the non-contribution portion.<sup>13</sup>

### Examples for Method 1 and Method 2

The table below shows examples of fund-raising events and how to determine the contribution portion vs. non-contribution portion (expense portion) of each ticket sold or admission charged.

Fund-raising Function	Ticket / Admission Price	Method	Contribution Portion (receipted)	Non-Contribution "Expense" Portion (not receipted)
Barbecue	\$35	Method 1	\$0 -or- \$17.50 (50%)	\$35 -or- \$17.50 (50%)
Luncheon	\$80	Method 1	\$55	\$25
Dinner	\$200	Method 1	\$150 (75%)	\$50 (25%)
Golf Tournament	\$400	Method 2	\$163.55	\$236.45 (actual)

When there is a contribution and non-contribution portion applied for each ticket sold or admission paid, the revenue is split into two categories:

- 1) The contribution portion is recorded as "receipted contributions" and
- 2) The non-contribution portion is recorded as "fund-raising function" revenue.

The actual expenses incurred for the fund-raiser must be reported under expenses.



## Auctions

If an auction or silent auction is held in conjunction with an event, a separate record of the auction revenue and expenses must be kept, because different rules apply.

Your RTPA can purchase items for the auction and accept items donated by eligible contributors. The cost or FMV of auctioned items are expenses of the fund-raising event. Contributors who donate items valued up to \$50 get to choose whether they want a contribution receipt for their donation, but all those who donate items valued at over \$50 are receipted.

Only eligible contributors can bid on auction items, as bids that exceed the value of the donated items are considered contributions.

The following scenarios illustrate how to report the revenue (and expenses) from silent auctions. In all cases, your CFO records the date, names, and addresses of donors and winning bidders, the amounts and whether valued or money for receipt purposes.

### *Auction Scenario 1*

An accountant donates services for personal tax preparation, with a stated value of \$300.

The CFO verifies that the stated value is FMV. The winning bidder pays \$375. The CFO records:

- \$300 valued contribution received from the donor, and \$300 expense,
- \$300 as fund-raising revenue received from the winning bidder,
- \$75 contribution received from the bidder.

### *Auction Scenario 2*

A retail store donates a \$700 lamp to the auction. The winning bidder pays \$550.

The CFO records:

- \$700 valued contribution received from the donor, and \$700 expense,
- \$550 as fund-raising revenue received from the winning bidder,
- No contribution recorded for the bidder because the bid was lower than the value.

### *Auction Scenario 3*

An individual owns a cabin in the mountains and wishes to donate two night's accommodation.

The individual estimates the value at \$1,000. The CFO conducts online research on similar cabins and locations and decides the value should be \$800. The CFO advises the donor, who acknowledges the revised value. The winning bidder pays \$2,000. The CFO records:

- \$800 valued contribution received, and \$800 expense,
- \$800 as fund-raising revenue received from the winning bidder,
- \$1,200 as a contribution received from the bidder.



## Door Prizes

Only eligible contributors can donate prizes, but your RTPA can purchase items for prizes. Contributors who donate items with a value up to \$50 get to choose whether they want a receipt for their donation, but all those who donate items valued at over \$50 are receipted.

Your CFO should retain documentation verifying the amount paid for purchased prizes and the FMV of donated prizes. Donated prizes must be recorded as both contribution revenue and fund-raising expenses.

## Golf Tournaments

Only eligible contributors can pay an entry fee to a golf tournament. If the entry fee exceeds the FMV of goods and services received, the excess should be recorded as a contribution. The entry fees should be recorded as a contribution and non-contribution (expense). An ineligible contributor is not allowed to pay an entry fee or reimburse a fee paid by an eligible contributor. An ineligible contributor is not allowed to sponsor golf carts or food for the same reason they cannot provide money or prizes.

## Reporting and Receipting Contributions

Elections Alberta provides your RTPA CFO and Primary Contact with access to our Online Financial System (OFS). If these roles are held by two individuals, we assign each individual with a unique user ID and password for system access, and either user can enter and receipt contributions.

Your RTPA must report all contributions to Elections Alberta using OFS.



You must input the following information for each contribution:

- Date received
- Money or valued
- Amount
- Contributor name
- Contributor mailing address
- Contributor email address (optional)
- Contributor type: Individual, corporation, trade union, or employee organization

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*If your RTPA has a long list of contributions (e.g., more than 100), contact us to facilitate a data upload instead of your entering contributions one-by-one.*

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## Sample of Contribution Data Entry in OFS

Add Contribution:

Year:  Event:  Entity:

RTPA:

---

**Contribution**

Date Received:  Type:  Amount Received:

---

**Contributor**

Contributor:

Entity: RTPA RTPA: Alberta Retail Professionals

---

**ADD CONTRIBUTOR**

\* Contributor Type:

\* Receipt Type:

RTPA Contributor ID:

EA ElectorId:

---

**Trade Union Name**

\* Entity Name:

Email Address:

---

**Trade Union Address**

Address Type: Alberta

\* Address:

\* City/Town/Village/Municipality:

\* Postal Code:



## Official Contribution Receipts

Your CFO must issue official contribution receipts to contributors using OFS. OFS maintains all records of contributions and receipts, including any cancelled and reissued receipts.

Issuing receipts using OFS is a two-step process: your CFO generates the receipts, then issues the receipts. Issuing the receipts means sending them to the contributors. Your CFO can have OFS send receipts by email, or your CFO can print the receipts and mail them to contributors. If your CFO enters more than one contribution for any single contributor, OFS produces one receipt with each contribution listed.

If a contributor misplaces their receipt, your CFO can resend or reprint a copy to send to the contributor. If a receipt was issued incorrectly (e.g., incorrect name or amount), your CFO must cancel the original receipt and issue a corrected replacement following the prompts in OFS.<sup>14</sup>

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*Although official contribution receipts are not eligible for Alberta income tax credits, you must ensure that receipts are fully and properly completed.*

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## Loans from Financial Institutions

Your RTPA can borrow money from any recognized financial institution, except an Alberta Treasury Branch (ATB Financial). Your CFO must record and report the loan details as part of your advertising report.

Loan payments made by others on behalf of your RTPA, that are not repaid, are considered contributions and all contribution restrictions apply. A contribution receipt must be issued unless your RTPA repays the full amount of the loan payments made on its behalf prior to filing the advertising report for the period.<sup>15</sup>



## Expenses

### Advertising Expenses

Advertising expenses are expenses for the use, distribution, or consumption of property, goods, or services for promoting or opposing a referendum question. Examples include advertising in all formats, advertising production, events, polling including surveys and research, honoraria and salaries, office and technology etc.

An **advertising expense** is an expense incurred in relation to:

- Producing a referendum advertising message (e.g., costs to create signs/banners/buttons, costs to produce radio/television advertisements)
- Acquiring the means to transmit a referendum advertising message to the public (e.g., costs for using billboards, costs for radio/television airtime)<sup>c</sup>
- Organizing events where a significant purpose is to promote or oppose a referendum question.

Advertising expenses should be paid from your advertising account. Every expense must be authorized by your CFO.<sup>16</sup>

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*You can spend up to **\$530,342** for referendum advertising. Penalties apply for over-spending or attempting to evade spending limits.<sup>17</sup>*

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### Prohibited Expenses and Collusion

Your RTPA cannot incur expenses for the following activities in support of political parties, candidates, nomination contestants, or leadership contestants:

- Selling party memberships
- Fundraising
- Collecting, compiling, and sharing information about electors or potential electors
- Administrative activities that would otherwise be carried out by political parties, candidates, nomination contestants, or leadership contestants

Your RTPA cannot circumvent or try to circumvent a limit set out in the EFCDA in any manner, including by splitting into two or more RTPAs. Your RTPA is prohibited from colluding with political parties, candidates, nomination contestants, or leadership contestants to circumvent expense limits.

### Transfers Between Advertising Accounts

Funds transferred between two RTPAs are not advertising contributions, but the source and amount must be recorded and reported on your advertising return. Your RTPA may transfer funds from your referendum advertising account to the referendum advertising account of other RTPAs.<sup>18</sup>

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<sup>c</sup>“Public” means the public at large, not a defined group of individuals who join that group by choice.



## Weekly Contribution Reports

Every registered RTPA is subject to contribution reporting regardless of the level of financial activity. We provide your TPA's CFO and Primary Contact with user access to OFS for your contribution reporting. The system is easy to use and helps you to file accurately and on-time.



**Your TPA must file weekly contribution reports electronically in OFS** to disclose contributions received during the advertising period. **Your first report is due by 11:59 pm on the first Thursday following your effective registration date in the advertising period.** Your last weekly report is due on the Thursday following Voting Day.

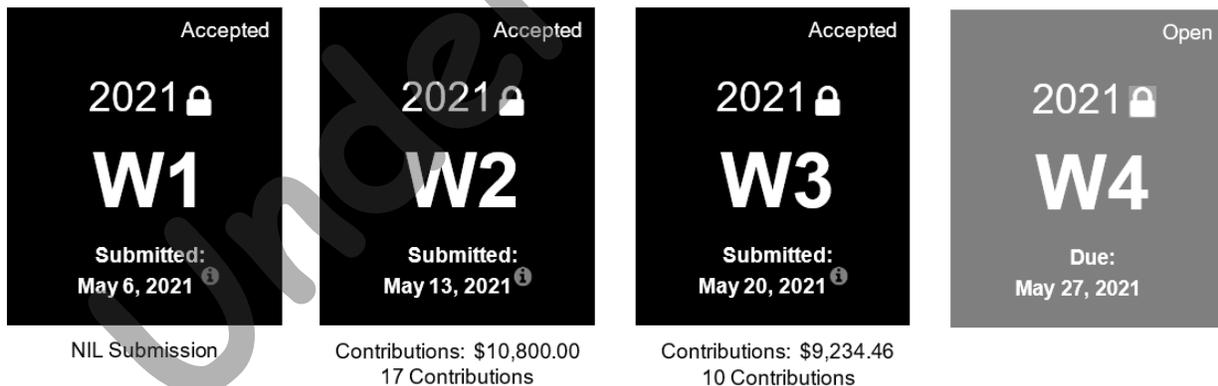
Only contribution revenue is included in weekly reports – this includes both money and valued contributions which qualify for an official contribution receipt. The “received date” of an advertising contribution can be the date it is received or the date it is used for an advertising expense.

If no contributions have been received or used in a week, a NIL report is still required to be filed. We publish weekly reports every Friday on our public disclosure website at [efpublic.elections.ab.ca](http://efpublic.elections.ab.ca).

OFS tracks each contributor's contributions throughout the weeks. Once a contributor has exceeded \$250 in aggregate, the contributor's name and contribution total are disclosed.<sup>19</sup>

*If your TPA files a weekly report late—even if it is the day after the due date—you will be subject to pay an automatic late filing fee of \$500. Multiple late reports will result in multiple \$500 late fees.*

This is how the first few weeks of your weekly reporting might look in OFS:



## Advertising Period Report

Your TPA must file a referendum advertising period report to disclose all financial and advertising activity relating to the advertising period, regardless of the level of activity. **Your advertising period report must be filed within six months after Voting Day.**<sup>d</sup>

Your advertising report consists of a **financial statement, contribution report, expense report** (including an expense limit report where applicable), **advertising details**, and **supporting documentation** such as bank account statements and samples of your advertising. We publish your summary financial statement together with the names and amounts for contributors who contributed over \$250 in aggregate.<sup>20</sup>

*For OFS questions and for technical support, contact Elections Alberta during business hours by phone at 780.427.7191, toll free at 310.0000 then 780.427.7191, or by email at [ofs@elections.ab.ca](mailto:ofs@elections.ab.ca) or [finance@elections.ab.ca](mailto:finance@elections.ab.ca)*

Record and reconcile your financial transactions in OFS (including NIL if applicable) through a series of user-friendly screens with “help” features in the OFS Financial Statement module. Automated calculations and cross-referencing on schedules within the financial statements bring significant benefits to you and to our finance analysts who review submissions. The system allows you to upload almost any file type for your bank statements and advertising samples.

Contributions entered in OFS throughout the advertising period for the weekly reports must be reconciled and confirmed, and official contribution receipts generated and issued to contributors. The receipted contributions total auto-populates into the financial statement. Electronic sign-off is required by both the CFO and Primary Contact, even if one person holds both roles.

### Sample of Expenses Data Entry in OFS Financial Statement

The screenshot shows a web form titled "Enter expense details" with a "Help" button in the top right corner. The form contains the following fields:

- \* Date: Dec 21, 2020
- \* Category: 3. Paid Advertising
- \* Supplier: Excellent Design Company
- \* Description: Graphic design for facebook ad
- \* Amount: 3995.00

At the bottom of the form, there are two buttons: "Add another expense" and "Or ... record advertising campaign details".

<sup>d</sup> If the filing deadline date falls on a weekend or holiday, the deadline is extended to the first business day following.



## Audited Financial Statements

Audited financial statements are required if referendum advertising expenses are **\$350,000 or more**. The audit must be conducted by a person authorized by the *Regulated Accounting Profession Act* and must include the auditor's report together with the statements the auditor examined as the basis for the report. Upload the auditor's report with the statements into OFS.<sup>21</sup>

## Disbursing Surplus Funds

Your TPA cannot hold surplus funds in your advertising account. You must disburse the funds and de-register after the referendum advertising period.

You can disburse the surplus funds by:

1. returning contributions to contributors, and/or
2. donating to one or more registered charities

If the surplus cannot be dealt with through options 1 or 2, it must be paid to the Chief Electoral Officer for deposit into the Government of Alberta's General Revenue Fund.

## Failure to File Advertising Reports



If your TPA fails to file its advertising report on time, or fails to include audited financial statements where applicable, you will be subject to pay an automatic late filing fee of \$500. And, if you do not file your complete report within 30 days after the filing deadline, we may cancel your registration and refer the matter to the Election Commissioner.<sup>22</sup>



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- <sup>1</sup> EFCDA s. 9.1(7)
  - <sup>2</sup> EFCDA ss. 10(1)(c), 10(4.1), 10(5), 10(6)
  - <sup>3</sup> EFCDA ss. 10(7), 10(8), 10(9)
  - <sup>4</sup> EFCDA ss. 9.1(2.1), 9.1(7)
  - <sup>5</sup> EFCDA ss. 4(1)(iii), 10.1
  - <sup>6</sup> EFCDA s. 44.94993(1)(c)
  - <sup>7</sup> EFCDA s. 44.949998(4),
  - <sup>8</sup> EFCDA s. 49.1
  - <sup>9</sup> EFCDA ss. 4(1)(j), 44.94993(1)(e)
  - <sup>10</sup> EFCDA s. 44.94998
  - <sup>11</sup> EFCDA s. 44.94995
  - <sup>12</sup> EFCDA s. 44.94999
  - <sup>13</sup> EFCDA s. 44.949991(3)
  - <sup>14</sup> EFCDA s. 44.949996
  - <sup>15</sup> EFCDA s. 44.949993
  - <sup>16</sup> EFCDA s, 44.949997(1),44.949997(3)
  - <sup>17</sup> EFCDA s. 44.94994(1)
  - <sup>18</sup> EFCDA s. 44.94994(7)
  - <sup>19</sup> EFCDA s. 44.949999
  - <sup>20</sup> EFCDA s. 44.9499991
  - <sup>21</sup> EFCDA s. 44.9499992
  - <sup>22</sup> EFCDA s. 44.9499994

Under Review



Under Review



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**2021**