

ELECTORAL ADVERTISING AND AUTHORISATION OF ELECTION MATERIAL

This fact relates to candidates, registered political parties, associated entities, third parties and donors involved in State elections and by-elections.

Electoral advertising refers to material which promotes, or opposes, a political party or candidate or intends to influence a vote or affect the result of an election (refer to section 181 of the *Electoral Act 1992*).

It includes, but is not limited to:

- design
 - production
 - printing
 - broadcasting
 - publishing, and
 - distribution
- of methods of advertising, such as:
- radio
 - television
 - cinema
 - social media
 - internet
 - email
 - text message
 - newspapers
 - magazines
 - billboards
 - pamphlets
 - flyers
 - letters, and
 - opinion polls or research.

Under Part 10, Division 2 of the *Electoral Act 1992*, electoral advertising is subject to a range of regulations and these carry significant penalties for non-compliance.

The cost of electoral advertising must also be disclosed as a gift or as electoral expenditure incurred or gifted, depending on the source of funding for the advertising.

Refer to [Fact sheet 3 - Disclosure of gifts and loans](#) and [Fact sheet 6 - Disclosure of electoral expenditure](#) for more information.

Authorisation of advertising and campaign materials

Any person who prints, publishes or distributes election material **during an election period** must ensure an authorisation is stated on the material. The election period begins the day after the writ for the election is issued and ends at 6pm on the polling day for the election.

Material can be authorised by any person. A candidate may authorise their own material, or they may ask another person to authorise it on their behalf.

Any advertisement, handbill, pamphlet, or notice which is able or intends to promote or oppose a political party or candidate or influence an elector about voting at an election, **must show the name and address of the person authorising the material**. The authoriser of the material must be able to be contacted at this address in person or by post. The address cannot be a post office box but must be a physical address (typically the person's own residential or business address).

Examples of compliant authorisations:

- On **written** material - an authorisation stating: '*Authorised by James Smith, 1 Main Street, Brisbane*'.
- The text must be of sufficient size to be clearly legible at normal viewing or

reading distance, and must not be obstructed by other objects, such as screws or stickers.

- On a double-sided, printed item, e.g. a flyer, the authorisation only needs to be printed on one of the sides.
- On a **television** advertisement - a written/visual and spoken authorisation at the end.
- On a **radio** advertisement - a spoken authorisation stating authoriser's name and address at the end.
- On a **social media** profile or page - an authorisation should be placed in a prominent position on the page - e.g. for a Facebook page set up for an election campaign, the authorisation should be stated clearly in the top banner or page details.
- On a **website** or **app** - an authorisation should be placed on each webpage on a campaign-specific website. For a general website, the authorisation would only need to be placed on webpages containing electoral matter.
- On a **social media post, digital advertisement or digital banner** - It is not necessary to authorise every post; however, it is important to ensure that electoral matter that may be shared, forwarded or reposted carries an authorisation - e.g. an authorisation should be embedded in an image or a video so that any subsequent viewer can identify who authorised the election material. If the full text of the authorisation does not fit in the post or advertisement, a link to a website that clearly identifies the authoriser is acceptable.
- In a **robocall** (unsolicited, automated telephone messaging) - a spoken authorisation at the end of the call.
- In an **email** - the authorisation should be included in the signature block.

- In a **text message** - if an authorisation cannot be included in the text messages itself, it should clearly refer to another document or notice (so they can properly be considered to be one message), contain a link to that second part of the message which is readily accessible to the recipient; and contain the authorisation details of the person who authorised the election material.

Misleading electors

It is an offence to mislead electors by printing, publishing, distributing or broadcasting any material during an election period that is intended to, or likely to mislead an elector about the ways of voting at the election, or purports to be a representation of a ballot paper for use in an election if it is likely to induce an elector to cast an informal vote.

A person must not knowingly publish a false statement of fact about the personal character or conduct of a candidate, with the intent of affecting the election of that candidate. Publishing includes via the internet or social media. These rules carry significant penalties for non-compliance. Refer to [Fact sheet 23 - Offences and penalties](#) for more information.

The Electoral Commission of Queensland has limited investigatory powers with respect to certain offences. On receipt of a complaint relating to misleading material, the ECQ may review the matter and take compliance action or may refer the matter directly to the Queensland Police Service or the Queensland Crime and Corruption Commission.

Election signage

Regulations apply to the display of election signage next to local and State-controlled roads, as well as around early voting centres and election day polling places during the election period. The ECQ is responsible for enforcing signage regulations around voting locations. Refer to [Fact sheet 17 - Election signage at polling places](#) for more detail.

Information on displaying election signage near State-controlled roads can be obtained from the Queensland Department of Transport and Main Roads (www.qld.gov.au/transport/safety/signs/election-signs).

Local councils determine the by-laws or other rules that apply to election signage and advertising devices (such as corflutes and billboards) displayed next to local roads, on private property and next to some State-controlled roads within their area.

Individuals and organisations planning to display election signage should ensure they are aware of all of the rules enforced by the relevant agencies relating to the quantity, placement, timeframes in which they can be displayed and permissions that need to be sought, prior to displaying any election signage. There are significant penalties for non-compliance with election signage regulations, including fines and prosecution.

How-to-vote cards

There are specific regulations relating to the design, authorisation and distribution of how-to-vote cards. Refer to [Fact sheet 18 - How-to-vote cards](#) for more information.

Expenditure on advertising

Under Queensland's *Electoral Act 1992*, the term 'electoral expenditure' has a specific meaning for State elections and by-elections. Election expenditure defines the types of costs and payments that candidates, registered political parties, associated entities and third parties must account for during an election campaign. Refer to the [Fact sheet 5 - Definition of electoral expenditure](#) for further information.

Limit to expenditure

There are limitations (caps) on the amount of electoral expenditure that election participants can incur or be gifted during

the expenditure cap period for a State election. The cap amounts may differ depending on the type of participant.

Electoral expenditure is cumulative, meaning it does not matter whether the expenditure was incurred as a single amount or in smaller amounts which are aggregated.

More information can be found in:

- [Fact sheet 7 - Expenditure caps for registered political parties and endorsed candidates](#)
- [Fact sheet 8 - Expenditure caps for independent candidates](#)
- [Fact sheet 9 - Expenditure caps for third parties.](#)

Disclosure of electoral expenditure and gifts

Candidates, registered political parties, associated entities, registered third parties, unregistered third parties and donors all have obligations in relation to the disclosure of gifts and loans made, and electoral expenditure incurred, for a State election. Expenditure that is incurred by another person to benefit an election participant may also need to be disclosed as a gift-in-kind (non-monetary gift). For more information refer to:

- [Fact sheet 3 - Disclosure of gifts and loans](#), and
- [Fact Sheet 6 - Disclosure of electoral expenditure.](#)

Record keeping requirements

All election participants must keep records of their election advertising. A **copy of the advertisement must be kept**, as well as:

- a description of the audience to which the advertisement or other material was distributed, published or broadcast; and
- other details about the advertisement or other material, or its distribution, publication or broadcast, required by regulation; and
- if the distribution, publication or broadcast relates to the election for an electoral district, the name of the electoral district.

Records may be kept in paper or electronic form and must be **kept for five years** after the day the record is made. For further information refer to [Fact sheet 15 - Record keeping requirements](#).

Broadcasters and publishers

Candidates, registered political parties and third party campaigners should note that broadcasters and publishers have disclosure obligations under the *Electoral Act 1992*, including a requirement to lodge a disclosure return summarising all electoral advertising they have published or broadcast during the election period.

The disclosure return must be lodged via the ECQ's [Electronic Disclosure System](#) (EDS) and is due **within 8 weeks** after the election. This return will be made available for the public to view on the EDS.

The return must include details of each election advertisement they broadcast or published for the election, including:

- the type of publication or broadcasting service the person at whose request the advertisement was broadcast or published
- the participant in the election who authorised the advertisement
- dates, time and duration of broadcasts or the journal page and space, and
- whether a charge was made for broadcasting/publishing the advertisement, including the amount charged; and whether the amount charged was less than the normal commercial rate.

More information for broadcasters and publishers can be found in [Handbook 5 - Election and Disclosure Obligations for Broadcasters and Publishers for State elections and by-elections](#).