

AUTHORISATION OF ELECTION MATTER

This fact relates to any person who authors any material intending to influence an elector in relation to voting at an election, or otherwise affect the result of an election during a State election period, or State by-election period. The information in this fact sheet does not replace legislation. If you are concerned about your obligations, you should seek independent legal advice.

Election matter means anything able to, or intended to, influence an elector in relation to voting at an election, or affect the result of an election.

It includes, but is not limited to, advertising via:

- radio,
- television,
- cinema,
- social media,
- internet,
- email,
- text message,
- newspapers,
- magazines,
- billboards,
- pamphlets,
- flyers,
- letters, or
- opinion polls or research.

Electoral advertising is subject to a range of regulations which carry significant penalties for non-compliance.

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

Refer to [Fact Sheet 4](#) for information about what is and is not a gift, and [Fact Sheet 8](#) for information about what is and is not electoral expenditure.

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.

Material can be authorised by any person.

The authorisation **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 address).

What is the election period?

The election period commences the day after the writ for an election is issued and ends at 6pm on election day.

The ECQ has no regulatory function outside of these dates and times.

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 "impressum" section of the "About" page.

- 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 message 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.

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 polling venues. Refer to [Fact Sheet 17](#) for more information.

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 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](#) for more information.

Record keeping

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

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- 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 21](#).

Broadcasters and publishers

Broadcasters and publishers have disclosure obligations, including a requirement to lodge a disclosure return summarising all electoral advertising they have published or broadcast during the election period.