

## ELECTORAL ADVERTISING, AUTHORISATION OF ELECTION MATERIAL AND SIGNAGE

This fact sheet relates to candidates, groups of candidates, registered political parties, associated entities, third parties and donors who participate in local government elections and by-elections.

Electoral advertising refers to any advertisement or election material which advocates a vote for or against a candidate, group of candidates, or a registered political party.

### When do electoral advertising rules apply?

Under the *Local Government Electoral Act 2011* (LGEA), candidates, groups of candidates and campaigns must adhere to the laws relating to election material **during an election period**. Some provisions may also apply outside an election period.

The **election period** for a local government election or by-election commences when the Notice of Election is published and ends when polling closes on election day.

### Authorisation of election material

Under section 177 of the LGEA, any person who prints, publishes or distributes election material, or authorises another person to do so, **during an election period** must ensure an authorisation is stated on the material. This includes any advertisement, handbill, pamphlet, or notice which is able or intends to influence an elector about voting at an election, or affect the result of the election.

The authorisation **must show the name and address of the person authorising the material**. The address cannot be a post office box but must be a physical address (typically the person's own residential or business address). The authoriser of the material must be able to be contacted at this address in person or by post.

A candidate may authorise their own material, or they may ask another person to authorise it on their behalf.

### 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 deliberately attempt to mislead electors when printing, publishing, distributing and broadcasting material during an election period, including advertising anything 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. This offence may apply outside an election period.

There are significant penalties for contravening electoral advertising rules. Refer to [LG Fact sheet 9 - Offences and penalties for candidates and councillors](#) for more information.

### Election signage

There are regulations relating to the display of election signage next to State-controlled roads. Candidates should check these requirements prior to displaying any signage near state-controlled roads.

Information on election signage and state-controlled roads can be obtained from the Department of Transport and Main Roads - <https://www.qld.gov.au/transport/safety/signs/election-signs>.

Local councils determine the rules that apply to election signage and advertising devices (such as corflutes) next to local roads, private property and on some State-controlled roads in their area. Candidates should confirm their council's specific regulations relating to the quantity, placement and the timeframes in which they can be displayed, prior to displaying any election signage.

### How-to-vote cards

There are specific regulations relating to the design, authorisation and distribution of how-to-vote cards. Refer to [LG Fact sheet 8 - How-to-vote cards](#) for more information.