

Proposed New Rules around Third Party Participation in Elections

This is a brief description of the rules around third party participation in a general election, as set out in the Electoral Finance Bill. Organisations are encouraged to look at the bill themselves and seek independent advice.

What is an “election advertisement”?

An election advertisement (clause 5 of the bill) means any form of words or graphics that does either of two things:

- Encourages people to vote, or not vote, for parties or candidates.
- Takes a position on an issue with which any party or candidate is associated.

The second point makes the definition of an election advertisement extremely wide.

“Publication” of an election advertisement (clause 4) means paying for space in a newspaper or for radio time, but also includes, for example, posting a letter, sending an email, putting material on a non-personal internet site, making a placard, and handing out a flyer.

What is a “third party”?

A third party (clause 4) is any organisation that intends to spend more than \$5,000 on what the bill defines as election advertising, in the election period.

An organisation that intends to spend less than \$5,000 must make a statutory declaration to this effect, in front of a Justice of the Peace or similar, and provide this declaration to anyone who publishes their advertisements (clause 53).

What is the election period?

The election period, or “regulated period” (clause 4), begins on 1 January of election year and finishes at the end of polling day.

This could be up to 11 months long — almost one third of the election cycle. Currently, the election period is only three months long.

Requirements of third parties

A third party cannot spend more than \$60,000 on election advertising in the election period (clause 103).

A third party must register with the Chief Electoral Officer (clause 15).

A third party must disclose donations it has received over \$500 (clause 47).