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2010 State Election Information Series

Advertising and Communication

Prospective candidates and others may choose to generate their own advertising and campaign material. Here are some important tips to ensure adherence to relevant legislation in terms of advertising, campaign material and complaints.

Advertising and Campaign Material

Authorisation

When placing any election-related advertising in:

- a newspaper
- flyer
- pamphlet
- leaflet
- notice; or
- website

the following information MUST be included:

- **The name and address (not a PO Box) of the person who authorised the advertisement;**
- **The name and place of business of the printer or publisher (if the material is printed otherwise than in a newspaper)**

The above requirements do not extend to items such as car stickers, clothing, lapel buttons, fridge magnets, pens, pencils or balloons.

Letters or cards do not need to be authorised as long as they bear the name and address of the sender and do not contain a representation of a ballot paper.

Misleading or Deceptive Matter

During the election period, it is illegal to print, distribute, permit or authorise:

- anything that is likely to mislead or deceive a voter in relation to the casting of their vote (see Complaints section for legal interpretation of ‘misleading’ in regard to election material); or
- an electoral advertisement containing a representation of a ballot paper that is likely to induce an elector to vote otherwise than in accordance with the directions on the ballot paper.
Matter Broadcast or Televised

The broadcast on radio or television of all political and election matter (including election advertisements), must comply with the requirements set out in Schedule 2 of the Broadcasting Services Act 1992 (Commonwealth).

The VEC is not in a position to offer any advice regarding the operation of Commonwealth legislation. Any enquiries concerning the operation of the above Commonwealth Act should be directed to:

The Australian Communications and Media Authority
PO Box 78,
Belconnen ACT 2616
Tel: 1800 226 667

Identification of Author/s

During an election period, all articles or letters containing electoral matter, which are printed, published or distributed in a newspaper, circular or pamphlet must include the name and address of the author at the end.

However, letters to a newspaper simply have to include the author’s name and the suburb or locality in which the author’s address is located.

The identification requirement does not apply to a newspaper leading article or an article that is solely a report of a meeting.

How-to-vote Cards

Registered how-to-vote cards are the only form of printed electoral material which may be lawfully distributed within 400 metres of a voting centre on election day. Anyone can register a how to vote card – a member of the public, a candidate, an organisation etc.

A how-to-vote card is any card, handbill, pamphlet or notice:

- which is or includes a representation or partial representation or purported representation or purported partial representation of a ballot paper for use in an election; or
- which lists the names of any or all of the candidates for an election with a number indicating an order of voting preference against the names of any or all of those candidates, or includes a statement that a number indicating an order of voting preference must be placed against the name of each candidate.

How-to-vote cards must be submitted for registration from:

- Monday 15 November until 12 noon on Friday 19 November 2010.

Registered political parties must submit their cards to the VEC. All other applicants must submit their cards to the Election Manager(s) for the electorate(s) where the cards are to be distributed.
How-to-vote cards must relate to one electorate (District or Region) only. After registration, different cards can be printed on the same piece of paper, but there can be no changes or additions to what has been registered.

Applicants are encouraged to examine the How-to-Vote Card Sample Templates (in the Candidate Handbook), and to use a Sample How-to-Vote Card (supplied by the Election Manager), which has the correct spelling of candidate names with their order on the ballot paper and the correct wording for authorisation and registration.

Applicants should submit their card at the finished artwork stage, with an electronic copy in JPEG format as well as a hard copy. Cards should not be printed until registration is approved. The card must meet with certain requirements listed in the How-to-vote Card Checklist (included in the Candidate Handbook). Check each item as it applies to the card being registered, paying particular attention to the spelling of candidates’ names.

You must include the following endorsement at the bottom of the printed card:

Authorised by (name and street address of authoriser, not a PO Box)
Printed by (name and place of business of printer)
Registered by the Victorian Electoral Commission

Publicity
Prospective candidates often seek publicity in local, metropolitan or major media to increase awareness of their candidacy and promote their election platforms. It is wise to remember that in a democratic society with freedom of speech, everybody has a right to their opinions and beliefs. However, to make a statement about the personal character or conduct of a candidate which is presented as fact, when it is not correct and can be disproven, could result in defamation proceedings.

For example:

“In my view Mr/Ms X is the worst MP we have and doesn’t care about the community.” - this is an opinion.

“I haven’t received any campaign funding, unlike candidate X who was given $5,000 funding by the Koala Party and has spent it all at the local bottle shop.” - this is expressed as a statement of fact.

Heading to electoral advertisements
Newspaper proprietors must print the word “advertisement” as a headline (in at least 10 point size) to each article or paragraph printed in the newspaper containing electoral matter which is paid for, or for which compensation is to be made.
Complaints

The VEC will only accept and act (if appropriate) on complaints made in writing – these may either be in letter, fax or email form. Complainants should address their complaints to their Election Manager or to:

- Electoral Commissioner  
  Victorian Electoral Commission  
  Level 8  
  505 Little Collins Street  
  Melbourne VIC 3000  
  Fax: 9629 8624  
  Email: complaints@vec.vic.gov.au

It is the VEC’s policy that it will not discuss individual complaints with members of the media under any circumstances, not even to confirm or deny that a complaint has been received, as this would be an infringement of an individual’s privacy. The VEC is also reluctant to be unintentionally ‘giving legs’ to attempts by candidates or members of the public to try to gain some free publicity.

In most cases, complainants are alleging that there has been a breach of the law and as such there must be an evidentiary trail.

Complaints About Misleading or Deceptive Matter

The Victorian Electoral Commission often receives complaints about misleading or deceptive matter.

Misleading or Deceptive Matter

Section 84 of the Act is very narrowly defined and relates to “any matter or thing that is likely to mislead or deceive an elector in relation to the casting of the vote of the elector”.

In other words, material that suggests that someone should number the candidates on a ballot paper in a particular order to vote for candidate X when in fact that order would see the candidate X getting last preferences, would be considered false and misleading.

To suggest that a candidate has “been in the area all his/her life” when they have lived somewhere else and just worked in the area, would not be considered false and misleading.
# Glossary of Electoral Terms

<table>
<thead>
<tr>
<th><strong>Term</strong></th>
<th><strong>Definition</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Act</strong></td>
<td>The Electoral Act 2002.</td>
</tr>
<tr>
<td><strong>Canvassing</strong></td>
<td>Soliciting of votes at an election for a candidate or group of candidates.</td>
</tr>
<tr>
<td><strong>Electoral Advertisement, Handbill, Pamphlet or Notice</strong></td>
<td>Any advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting.</td>
</tr>
</tbody>
</table>
| **Electoral Matter**   | Means matter which is intended or likely to affect voting in an election. This includes matter which contains an express or implicit reference to, a comment on:  
  - The Government or Opposition;  
  - the election; or  
  - a political party or candidate in the election; or  
  - an issue submitted to, or otherwise before, the voters in connection with the election. |
| **How-to-vote Card**   | Any card, handbill, pamphlet or notice:  
  - which is or includes a representation or partial representation or purported representation or purported partial representation of a ballot paper for use in an election; or  
  - which lists the names of any or all of the candidates for an election with a number indicating an order of voting preference against the names of any or all of those candidates or a statement that a number indicating an order of voting preference must be placed against the name of each candidate. |
| **Registered How-to-vote Card** | Any how-to-vote card to be handed out within 400 metres of a voting centre during the hours of voting on election day must be registered with the Election Manager. |
| **Publish**            | To publish by any means including by publication on the Internet. |
| **Regulations**        | The Electoral Regulations 2002.                                                                                                                                                                                |