Third-party campaigners

Disclaimer/Qualification

A number of Electoral Amendment Bills are currently before the ACT Legislative Assembly for debate. Provisions within these Bills may introduce amendments to the Electoral Act that may have an effect on some of the information contained within this document. Without the formalisation of these Electoral Amendment Bills into law by the Assembly, this fact sheet provides an overview of the requirements and obligations based on the existing legislation for third-party campaigners for the 2020 ACT Legislative Assembly election.

The Electoral Commission will update and re-publish this document on the website as soon as the outcome of the Electoral Amendment Bills is known.

More details on the current Bills can be found at https://www.elections.act.gov.au/elections_and_voting/act ELECTORAL legislation

Third-party campaigners in ACT Legislative Assembly elections

A third-party campaigner is a person or entity that incurs $1,000 or more in electoral expenditure during the disclosure period for an ACT election but who is not a political party, an MLA, an associated entity, a candidate, a prospective candidate, a broadcaster, a publisher, an Australian government body or the ACT Legislative Assembly.

Disclosure period

The disclosure period relevant to third-party campaigners is the period beginning on the 31st day after polling day for the last previous election and ending at the end of the 30th day after polling day for the current election. For the 2020 ACT election the disclosure period commenced on 15 November 2016 and ends on 16 November 2020.

Third-party campaigner obligations

A person or entity, as a third-party campaigner, is subject to a range of legal requirements and restrictions.

Electoral expenditure cap

The expenditure cap limits the amount of money that can be spent on an election campaign for an ACT Legislative Assembly election by political participants.
The capped expenditure period for an ACT Legislative Assembly election is the period from 1 January in an election year until the end of polling day. In 2020 the capped expenditure period commenced on 1 January 2020 and ends on 17 October 2020. The expenditure cap only applies to electoral expenditure incurred in relation to an ACT Legislative Assembly election during this period.

For the 2020 election the electoral expenditure cap for third-party campaigners is $42,750.

If an entity breaches the cap on electoral expenditure, the entity is liable to pay a penalty to the Territory equal to twice the amount by which the electoral expenditure cap has been exceeded.

More detailed information can be found on the Electoral expenditure cap fact sheet.

**Reporting obligations – disclosure of electoral expenditure and gifts received**

Each third-party campaigner must complete and lodge with the Electoral Commissioner an election return showing details of electoral expenditure incurred during the capped expenditure period.

A third-party campaigner may also be required to detail gifts received.

The obligation to submit details of gifts received arises if:

- The third-party campaigner received from someone else, one or more gifts totalling $1,000 or more, all or part of which was used to:
  - Enable the third-party campaigner to incur electoral expenditure during the disclosure period; or
  - Reimburse the third-party campaigner for electoral expenditure incurred during the disclosure period.

Election returns are required to be lodged with the Commissioner within 60 days after polling day. For the 2020 election the due date is 16 December 2020.

For further information view the Electoral Commission’s election funding, expenditure and financial disclosure handbook - 2020 election

**Authorisation of electoral matter**

Any material, in printed or electronic form, containing matter that falls within the definition of “electoral matter” must include an authorisation statement. This provision applies at all times, not only during an ACT Legislative Assembly election campaign.

For further information, see the Authorising electoral material fact sheet.

*While this fact sheet provides an overview of the requirements for third-party campaigners participating in the 2020 ACT election, it should not be regarded as a substitute for the law. You are advised to obtain a copy of the Electoral Act 1992 from www.legislation.act.gov.au and seek your own legal advice if necessary.*