Australian Electoral Commission

Authorisation placement, formatting, and language

Better practice guide



Classification: OFFICIAL

Legislation

Section 321D of the <u>Commonwealth Electoral Act 1918</u> (Electoral Act) requires certain electoral matter to be authorised.

- An authorisation is a statement required on certain electoral matter that enables voters to know the source of the electoral or political communication.
- Electoral matter that may require an authorisation is matter communicated for the dominant purpose of influencing voters in an election (for more information on electoral matter, visit <u>ls</u> <u>an authorisation required?</u>).
- Generally, an authorisation includes the name of the responsible person or entity for the communication, and an address that the person or entity can be contacted at.

Further requirements on how to format and place an authorisation are set out in the <u>Commonwealth</u> <u>Electoral (Authorisation of Voter Communication)</u> <u>Determination 2021</u> (Authorisation Determination).

Purpose of this guide

To assist individuals and entities to understand and comply with their obligations under the Authorisation Determination and to meet the objects of the Electoral Act. It provides better practice guidance on how best to comply with the requirements to format and place authorisations so that:



organs participating in public d



voters can easily find out the source of electoral matter

persons participating in public debate relating to elections and referendums can be held accountable

communications of electoral matter can be traced.

As the federal electoral regulator, the AEC is committed to upholding electoral integrity through an impartial electoral system for all eligible voters. To assist individuals and entities to comply, the AEC provides education and guidance material. The practical application of the authorisation requirements to different types of communication (for example, social media) can be complex. This is because social media platforms regularly evolve and change their functionalities and platform features. The AEC acknowledges these challenges and will update this Guide and the Authorisation Determination (if required) to assist compliance. *Note – the Authorisation Determination is a legislative instrument that is periodically reviewed after each federal election.*

When considering how to comply with the authorisations formatting, placement, and language requirements, the AEC encourages you to refer to the visual examples in this guide. Where no relevant visual example is provided, the AEC encourages you to seek your own legal advice and comply with the underlying purpose of the authorisation requirements: that is, to ensure that voters know the source of electoral communications. If in doubt, it is always best to authorise your electoral communication.

How to use this guide

This guide is based on requirements and recommendations.



A **requirement** is a criteria that is necessary based on the authorisation laws and rules. A requirement indicates what individuals or entities <u>must</u> do in order to comply with the authorisation laws and rules. Penalties may apply if the requirements are not followed. This symbol means the criteria are a **requirement**.



A **recommendation** is a suggestion from the AEC on how to ensure voters know the source of political communications. Individuals and entities <u>may</u> wish to follow recommendations in addition to requirements under law. Acting in accordance with recommendations will ensure that voters can easily know the source of electoral matter. This symbol means the criteria are a **recommendation**.

For guidance on:

- whether a communication is required to be authorised, see: <u>Is an authorisation required</u>
- what to include in an authorisation, see: What to include in an authorisation.

Disclaimer

This authorisations guidance is provided as a guide only. The guide <u>does not</u> replace or alter the Electoral Act or Authorisation Determination and does not constitute legal advice. Before distributing electoral communications or if you are unsure about how to comply with the authorisation requirements, you should seek your own legal advice to find out how the authorisations requirements and other applicable laws will apply. Examples in this guide are purely for illustration. They are not exhaustive and are not intended to impose or imply particular rules or requirements.

The AEC does not approve electoral or referendum communications for publication, nor does the AEC provide legal advice on whether a particular communication complies with the legislative requirements. The AEC assesses communications on a case-by-case basis.



If you are unsure about the authorisation requirements in your circumstances, the AEC's guidance is – 'if in doubt, authorise it'

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Printed communications

This applies when electoral matter is communicated by print media.

For example:

- notices
- stickers
- fridge magnets
- posters
- corflutes
- flyers
- how-to-vote cards
- traditional billboards
- advertisements in print

Placement of authorisations on print communications



It is a **requirement** that the authorisation message be placed <u>at the end of the communication.</u>

Formatting of authorisations on print communications

It is a **requirement** that the authorisation message:



- be reasonably prominent
- be legible at a distance at which the communication is intended to be read
- not be placed over complex pictorial or multicoloured backgrounds
- be in a text that contrasts with the background on which the text appears
- be printed in a way that cannot be removed or erased under normal conditions or use
- be printed in a way that the particulars will not fade, run or rub off.

An authorisation message that is reasonably prominent will be noticeable and found without difficulty when reading the communication.

An authorisation message that is legible at the distance that the communication is intended to be read at will be easily located on the communication. It will be clear enough to read when the communication is approached. The distance the communication is intended to be read at will be different for different types and sizes of printed communications. For example, for:

- flyers the authorisation message should be legible at an arm's length.
- posters or corflutes that can be physically approached the particulars should be large enough to be read from a close distance to the communication, i.e. the closest distance a voter is able to approach the poster or corflute.
- billboards or signs that cannot be physically approached the particulars must be legible from a further distance.



Ensure that the authorisation message is always legible and prominent by using the **recommended** minimum font size.

From how-to-vote cards to billboards, the recommended minimum font size ensures that voters of varying seeing-ability can notice and read your authorisation from a reasonable distance.

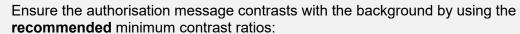
You can find out the recommended minimum size using one of the three different methods provided at the end of this guide (methods for calculating font size):

<u>Method 1</u> Using the quick reference table. Use this method if you are using standard communication sizes (A1-A5, standard corflute & billboard sizes).

Method 2 Using the <u>calculator tool</u> to calculate the minimum font and text height size. Use this method if you have unique communication size – you'll only need to know the height and width of the communication in millimetres.

Method 3 Using the formula provided to manually calculate the minimum font size or text height.

Contrast requirements





- For small scale text (text smaller than 18-point font size): 4.5:1
- For large scale text (text larger than 18-point font size): 3:1

The contrast ratio is in accordance with Australian Government best practice and internationally recognised industry standards for digital content (see <u>criterion 1.4.3 of the Web Content Accessibility Guidelines 2.1</u>). Free online tools are available to check whether the contrast ratio of an authorisation against the background colours meets the minimum recommended standard (e.g. <u>Adobe Colour's online contrast checker</u>, <u>Accessible Web's colour contrast checker</u>, or <u>WebAIM's contrast checker</u>).

The AEC encourages you to use these contrast tools to help achieve the best contrast between your authorisation and your background images.

Language requirements for print

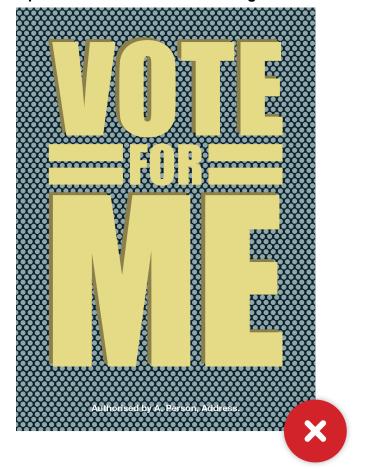
The language **requirements** for print communications are:

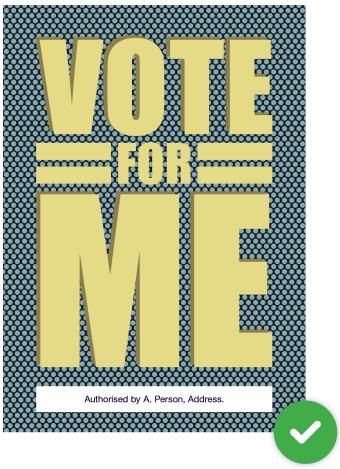


- if the communication is only in English, then the authorisation message must only be in English
- if the communication is only in a language other than English, then the authorisation message must be in both English and the language used for the rest of the communication
- if the communication is in 2 or more languages, the authorisation message must be notified in both English and at least one of the languages (other than English) used in the communication.

Printed communications - examples

Example – authorised by an individual (natural person) who is a disclosure entity - complex pictorial or multi-coloured backgrounds





Example 1 - complex background

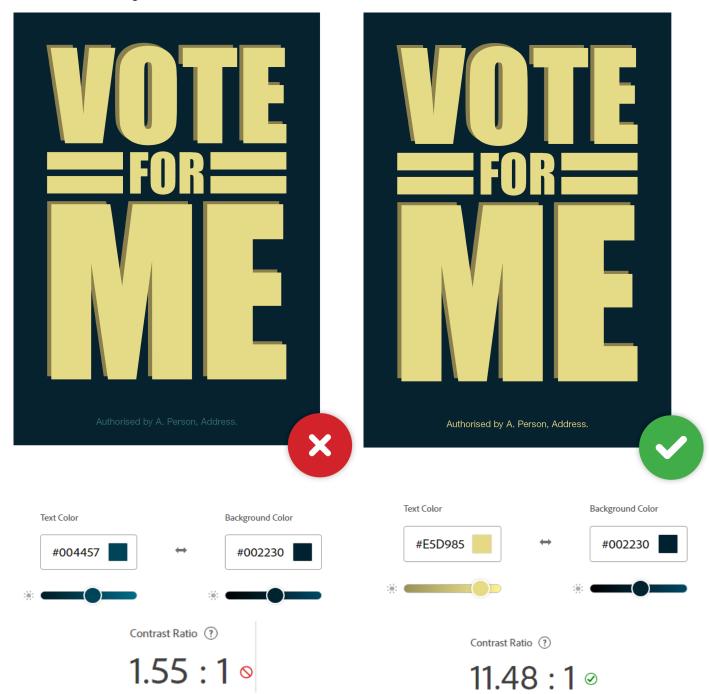
The complex pictorial background of the communication makes the authorisation message difficult to read.

Example 2 - meets requirements

The authorisation is displayed against a contrasting background colour, making the particulars reasonably prominent. Using a singular colour text background assists in ensuring that the authorisation is visible despite the complex background.

Example – authorised by an individual (natural person) who is a disclosure entity - an authorisation message that contrasts with the background

In both examples the text and background colour codes of a communication have been added to Adobe's contrast checker tool. The checker tool confirms whether the contrast ratio is higher than the Web Content Accessibility Guideline's recommended minimum standard of 4.5:1 for small-scale text or 3:1 for large scale text.



Example 1 - This authorisation has a contrast ratio of 1.55:1, which is below the Web Content Accessibility Guideline's minimum recommended standard of 4.5:1 and the large-scale text minimum of 3:1. The authoriser may want to consider a text colour that contrasts more strongly with the background of the communication.

Example 2 - This authorisation has a contrast ratio of 11.48:1, which is above the Web Content Accessibility Guideline's minimum recommended standard of 4.5:1 and the large-scale text minimum of 3:1.

Example – authorised by an individual (natural person) who is a disclosure entity- an authorisation message for a communication in a language other than English



Example 1 – The authorisation is only displayed in a language other than English used for the communication.



Example 2 – The authorisation is displayed in both English and the other language (Mandarin) used for the communication.

Example – authorised by an individual (natural person) who is a disclosure entity - an authorisation message for a communication in multiple languages



Example 1 – The communication is in two or more languages, but the authorisation is only displayed in one language (Cantonese).



Example 2 – The authorisation is displayed in both English and the language (Cantonese) used for the rest of the communication.

Video/moving visual communications

For example:

- moving visual images with speech, music or other sounds
- videos posted to social media
- broadcast television
- short-form videos

Please be aware that sub-titles on a video will form part of the communication.

The Australian Communications and Media Authority (ACMA) regulates broadcast political communications (for example, political matter broadcast on radio or television). Please refer to the <u>ACMA</u> for further information.

Placement of authorisations for video (including television broadcast) communications



It is a **requirement** that the authorisation message for video communications must be announced and shown at the end of the communication.

Language requirements for video communications



The language **requirements** for video communications (which are not television broadcast) are:

- if the communication is only in English, then the authorisation message must only be in English
- if the communication is only in a language other than English, then the authorisation message must be announced and shown in both English and the language used for the rest of the communication
- if the communication is in 2 or more languages, the authorisation message must be announced and shown in both English and at least one of the languages (other than English) used in the communication.

The language **requirements** for television broadcasts communications are:

- if the communication is only in one language—the authorisation message must be announced and shown in that language;
- if the communication is in 2 or more languages—the authorisation message must be announced and shown in English.

Formatting of authorisations on video communications

It is a **requirement** that the authorisation message:

- be reasonably prominent
- be legible at a distance at which the communication is intended to be read
- not be placed over complex pictorial or multicoloured backgrounds
- be in a text that contrasts with the background on which the text appears



Video communications - examples

Example – authorised by a disclosure entity who is not a natural person - video communications in English



Example 1 - This authorisation is shown but not announced at the end of the communication.



Example 2 - This authorisation is announced and shown at the end of the communication.

Example – authorised by a disclosure entity who is not a natural person - video communications in a language other than English



Example 1 – The authorisation is only shown (not announced) in the language used for the communication (German). An authorisation in English is not included.



Example 2 – the authorisation is both shown and announced in English and the language used for the communication (German).

Example – authorised by a disclosure entity who is not a natural person - video communication in multiple languages



Example 1 - The communication is in two or more languages, but the authorisation is only displayed in one language (German). The authorisation is shown but not announced.



Example 2 - The authorisation is displayed in both English and the language (German) used for the rest of the communication. The authorisation is both shown and announced.

Audio communications

This applies to audio containing electoral matter that is paid for, or communicated by, or on behalf of a disclosure entity.

For example:

- speech, music, and other sounds
- podcasts
- radio

- voice recordings
- voice-calls
- robo-calls
- · audio posted to social media

Placement and language of authorisations for audio communications (other than radio)

It is a **requirement** that the authorisation message for other audio communications must be announced <u>at the beginning of the communication.</u>



The language **requirements** for audio communications (which are not radio broadcast) are:

- if the communication is only in English, then the authorisation message must only be announced in English
- if the communication is only in a language other than English, then the authorisation message must be announced in both English and the language used for the rest of the communication
- if the communication is in 2 or more languages, the authorisation message must be announced in both English and at least one of the languages (other than English) used in the communication.

Placement and language of authorisations for broadcast radio communications

It is a **requirement** that the authorisation message for radio communications must be announced at the end of the communication.



The language **requirements** for radio broadcasts communications are:

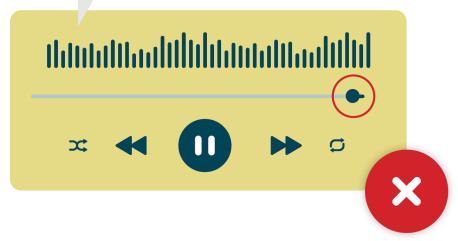
- if the communication is only in one language—the authorisation message must be announced in that language;
- if the communication is in 2 or more languages—the authorisation message must be announced in English.

Please note that the ACMA regulates broadcast political communications. Please refer to the <u>ACMA</u> for further information.

Audio communications – examples

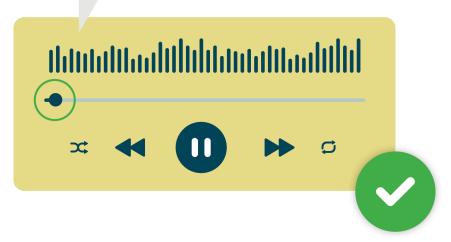
Example of a voice call that does not meet placement requirements

"Hello, my name is A. Person. Would you have a moment to talk about your vote in the upcoming election? ... Thank you for your time. This call is authorised by M. Quokka from the Quokka Party. Have a good day."



Example 1 - This authorisation message is announced at the end of the communication. The placement requirements for authorisations on non-broadcast audio is at the start of the message.

"Hello, my name is A. Person. This call is authorised by M. Quokka from the Quokka Party, Rottnest Island. Would you have a moment to talk about your vote in the upcoming election? ... Thank you for your time. Have a good day."



Example 2 - This authorisation message is announced at the start of the communication.

Websites and webpages

This applies to websites and webpages containing electoral matter that is paid for, or communicated by or on behalf of a disclosure entity.

Each video or audio communication posted to a website may need to be authorised separately. More information: <u>Audio communications</u> and <u>Video/moving visual communications</u>

Different requirements may apply to communicating electoral matter on social media platforms. More information: Social media

Placement of authorisations for websites



It is a **requirement** that the authorisation message be placed in the <u>footer of the</u> webpage.

Formatting of authorisations on webpages

It is a **requirement** that the authorisation message:

- be reasonably prominent
- be legible at a distance at which the communication is intended to be read
- not be placed over complex pictorial or multicoloured backgrounds
- be in a text that contrasts with the background on which the text appears

Language of authorisations for webpages

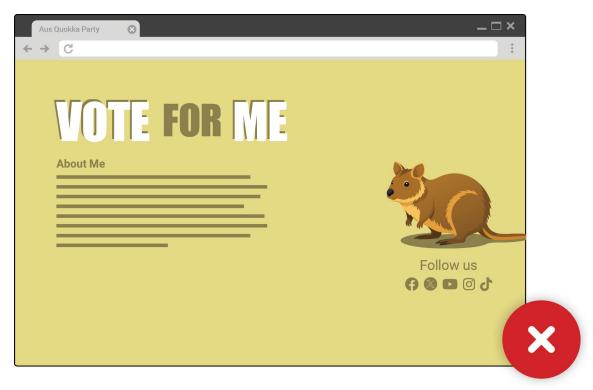
The language requirements for this type of communication are:



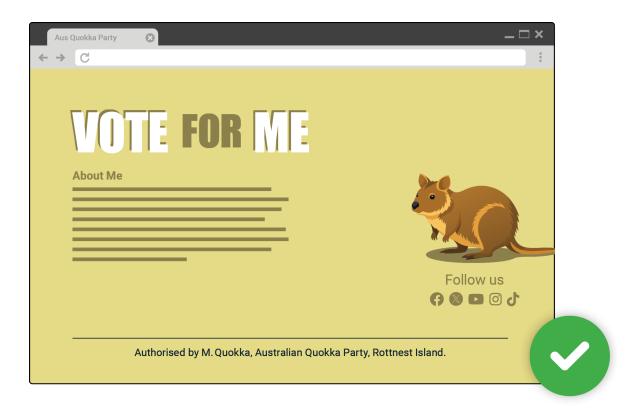
- if the webpage is only in English, then the authorisation message must only be shown in English
- if the webpage is only in a language other than English, then the authorisation message must be shown in both English and the language used for the rest of the webpage
- if the webpage is in 2 or more languages, the authorisation message must be shown in both English and at least one of the languages (other than English) used in the communication.

Websites and webpages - examples

Example – authorised by a disclosure entity who is not a natural person - authorising webpages



Example 1 - This website does not include an authorisation in the footer of the page.



Example 2 - This website includes an authorisation in the footer of the page.

Example – authorised by a disclosure entity who is not a natural person - authorising webpages in a language other than English



Example 1 – This website includes an authorisation in the footer of the page, but only in the language used for the communication (Punjabi). An authorisation in English is not included.



Example 2 – This website includes an authorisation in the footer of the page both in English and the language used for in the communication (Punjabi).

SMS and text messages

This applies to SMS and text messages containing electoral matter that is paid for by any person or entity, or communicated by or on behalf of a disclosure entity.

Placement of authorisations for SMS and text messages



It is a **requirement** that the authorisation for SMS or text communications is displayed in one or more of the following ways:

- at the end of the communication
- on a <u>webpage that can be accessed by a URL</u> that is included, either in whole or as a hyperlink, at the end of the communication.



Due to the recent increase in scam campaigns where text or SMS messages contained hyperlinks to scam websites, the AEC **recommends** that the authorisation for SMS or text communications not be linked, but instead is displayed at the end of the communication.

The AEC makes the above recommendation because of a recent rise in scam campaigns and significant data breaches of personal information. While there are many ways for scammers to target individuals, the <u>Australian Government's National Anti-Scam Centre</u>, <u>Scam Watch</u> and the <u>Australian Cyber Security Centre</u> (ACSC) state that the most reported contact method for scams in 2023 was through text or SMS messages containing hyperlinks to scam websites. For this reason, the AEC recommends including the full authorisation message at the end of the SMS or text message, rather than using a hyperlink.

The AEC notes that if a registered political party has an abbreviation registered in the <u>Register of Political Parties</u>, the registered abbreviation may be used to notify the name of the entity. Entities that are not registered parties must include the name of the entity in full.

More information: What to include in an authorisation.

Formatting of authorisations via SMS or text messaging

It is a **requirement** that the authorisation message:



- be reasonably prominent
- be legible at a distance at which the communication is intended to be read
- not be placed over complex pictorial or multicoloured backgrounds
- be in a text that contrasts with the background on which the text appears.

Language of authorisations for SMS or text messaging

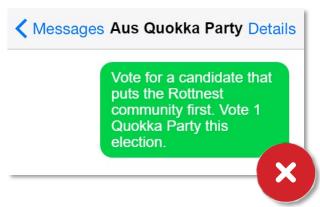
The language **requirements** for this type of communication are:



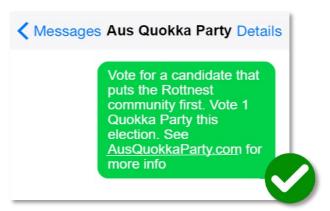
- if the text message is only in English, then the authorisation message must only be shown in English.
- if the text message is only in a language other than English, then the text message must be shown in both English and the language used for the rest of the text message.
- if the text message is in 2 or more languages, the authorisation message must be shown in both English and at least one of the languages (other than English) used in the text message.

SMS and text messages – examples

Example – authorised by a disclosure entity who is not a natural person - authorising text messages

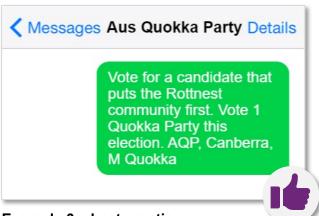


Example 1 - This text message does not have an authorisation.



Example 2 – This text message includes a hyperlink at the end of the communication. An authorisation is included at the footer of the linked AusQuokkaParty.com website.

However, this communication requires voters to click a link to see the full authorisation.



Example 3 – best practice

This communication is best practice in authorising electoral matter via text message.

For the purposes of this example, the Quokka Party has a registered abbreviation of AQP on the Register of Political Parties.

Social media

This applies to social media content containing electoral matter that is paid for by any person or entity, or communicated by or on behalf of a disclosure entity.

Video and audio posted to social media have separate authorisation requirements, and may need to be authorised separately to other social media communications such as text or image posts.

More information: Audio communications and Video/moving visual communications.

Placement of authorisations for social media



The placement **requirements** for communications on social media service are:

- at the end of each communication.
- on a webpage that can be accessed by a URL that is included, either in whole or as a hyperlink, at the end of the communication.

However, if the person communicating is an individual, and the profile or account used relates to that individual, the authorisation can be placed in the "About Us" or "Contact Us" section (however described).

Every social media platform is different, and the features and functionality of each social media platform is constantly changing. Because of this, it can be difficult to discern where the 'end' of a communication is. Each communication and the functionality of each platform needs to be assessed on a case-by-case basis – the most important thing is that a voter can easily find the authorisation when viewing the communication. For example, for posts with multiple images or image carousels, an authorisation may be placed:

- in the caption
- in a hyperlink to a webpage that is authorised, or
- in the final or last image of the carousel.



To ensure best practice when using a social media service, the AEC **recommends** that each image or text post is authorised by either embedding it in the bottom of each of the images (photos/pictures) or including it in the caption and at the end of the text. This ensures that the authorisation is immediately visible to the viewer and the authorisation carries itself with the communication when shared or screen-shotted by others.

Formatting of authorisations for communications via social media

It is a **requirement** that the authorisation message:

- be reasonably prominent
- be legible at a distance at which the communication is intended to be read
- not be placed over complex pictorial or multicoloured backgrounds
- be in a text that contrasts with the background on which the text appears



The legibility and contrast requirements for images and text posts on social media are similar to the requirements for printed communications. To ensure the authorisation is legible to voters, the AEC **recommends** following best practice guidance for printed communications to meet the <u>legibility and contrast</u> requirements.

Language of authorisations for communications via social media

The language **requirements** for this type of communication are:



- if the communication is only in English, then the authorisation message must only be shown in English.
- if the communication is only in a language other than English, then the text message must be shown in both English and the language used for the rest of the text message.
- if the communication is in 2 or more languages, the authorisation message must be shown in both English and at least one of the languages (other than English) used in the communication.

Social media – examples

Example – authorised by a disclosure entity who is not a natural person – paid posts



Example 1 – This communication does not include an authorisation at the end of the paid ad.

Because the Quokka Party is an entity and not an individual, the authorisation cannot be placed in the 'contact us' or 'about us' section. It must be placed at the end of the communication or via a hyperlink to a webpage that is authorised.



Example 2 – This communication includes an authorisation within the caption of the paid ad.



Example 3 – This communication includes an authorisation which is embedded at the bottom of the paid post.

Embedding the authorisation at the end of the communication is best practice. This is because the authorisation is visible to voters and will carry with the communication if it is shared, screenshotted or reposted.

Example – authorised by a disclosure entity (political party or other disclosure entity) who is not a natural person – unpaid social media posts



Example 1 – This unpaid post does not include an authorisation at the end.

Because the Quokka Party is an entity and not an individual, the authorisation cannot be placed in the 'contact us' or 'about us' section. It must be placed at the end of the communication or via a hyperlink to a webpage that is authorised.





Examples 2 & 3 -

These unpaid posts include sufficient authorisations.

One example includes a hyperlink (to a webpage that is authorised) in the caption of the post.

The other example includes an authorisation within the caption of the post.



Example 4 – This unpaid post includes an authorisation which is embedded at the bottom of the post.

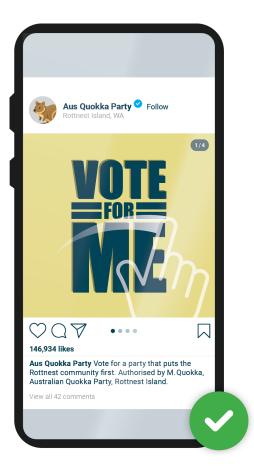
Embedding the authorisation within the communication at the end of each post is best practice. This is because the authorisation is visible to voters, and carries with the communication if it is shared, screenshotted or reposted.

Example – authorised by a disclosure entity (political party or other disclosure entities) who is not a natural person – image carousels



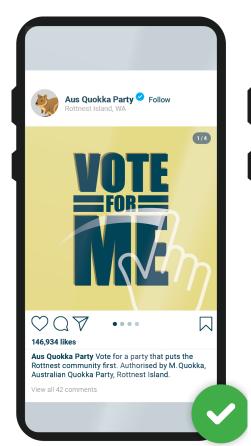
Example 1 – This image carousel does not include an authorisation at the end. This is because there is no authorisation included in the caption or embedded in the last image of the carousel.

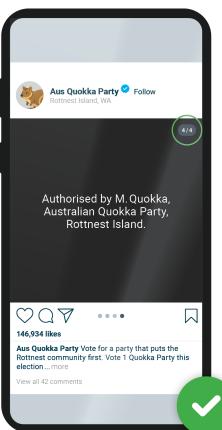
Because the Quokka Party is an entity and not an individual, the authorisation cannot be placed in the 'contact us' or 'about us' section





Example 2 –
This image carousel includes an authorisation embedded within the last image of the carousel.





Example 3 -

This image carousel includes an authorisation embedded within the last image of the carousel.



Example 4 – This communication includes an authorisation within the caption of the post.

Example – authorised by a disclosure entity (political party or other disclosure entity) who is not a natural person – social media post in another language



Example 1 – This communication includes an authorisation at the end, but only in the language used for the communication (Greek). An authorisation in English is not included.

Because the Quokka Party is an entity and not an individual, this communication cannot be placed in the 'contact us' or 'about us' section. It must be placed at the end of the communication or via a hyperlink to a webpage that is authorised.



Example 2 - This communication includes an authorisation at the end, both in English and the language used for in the communication (Greek).

Example – individuals authorising social media posts



This example demonstrates how an individual who is a disclosure entity can authorise using the 'about us' section. Please note that video, audio, or paid electoral matter posted to the same page must be authorised separately. For more information: <u>Audio communications</u> and <u>Video/moving visual communications</u>

Any other communications

This applies to any other communications containing electoral matter that is paid for by any person or entity, or communicated by or on behalf of a disclosure entity.

For example:

- road signs
- · electronic billboards
- any other communication not mentioned elsewhere in this guide.

Placement of authorisations for other communications



The placement **requirements** for any other communication are at the end of each communication.



When using paid advertising on a social media service, the AEC **recommends** that each advertisement is authorised by either embedding it in the bottom of the image or including it at the end of the text. This ensures that the authorisation is immediately visible to the viewer and the authorisation carries itself with the communication when shared or screen-shotted by others.

Formatting of authorisations for any other communications



It is a requirement that the authorisation message:

- be reasonably prominent
- be legible at a distance at which the communication is intended to be read
- not be placed over complex pictorial or multicoloured backgrounds
- be in a text that contrasts with the background on which the text appears.



The legibility and contrast requirements for images and text posts on social media are similar to the requirements for printed communications. To ensure the authorisation is legible to voters, the AEC **recommends** following best practice guidance for printed communications to meet the <u>legibility and contrast</u> requirements.

Language of authorisations for any other communications

The language **requirements** for this type of communication are:



- if the communication is only in English, then the authorisation message must only be shown in English.
- if the communication is only in a language other than English, then the text message must be shown in both English and the language used for the rest of the text message.
- if the communication is in 2 or more languages, the authorisation message must be shown in both English and at least one of the languages (other than English) used in the communication.

Methods for calculating font size

Method 1: A table of common communication sizes with recommended minimum sizes based on the formula can be found below:

Print size (Width x Height)	Minimum text height for authorisations (mm)	Equivalent font size (Arial Bold point font)
A1 594mm x 841mm	10	30
A2 420mm x 594mm	7	21
A3 297mm x 420mm	5	15
A4 210mm x 297mm	3.5	10.5
A5 148mm x 210mm	2.5	7.5
Corflute size 450mm x 600mm	7	22
Corflute size 900mm x 1200mm	14	44
Corflute size 1200mm x 2400mm	25.5	78
Billboard size 4.5m x 3m	48.5	157
Billboard size 6m x 4m	69	210
Billboard size 8m x 2m	78	240
Billboard size 10m x 6m	111	339

Method 2: Use the calculator tool to determine the minimum recommended font size or height.

The AEC's calculator tool can be found here.

Method 3:

The AEC has developed a calculator tool to help determine the best size an authorisation should be. This is to ensure that the authorisation particulars are displayed in a size that is legible from the distance the communication is accessible from. The calculator recommends a font height and its equivalent font point size for the authorisation particulars.

The formula uses the Snellan visual acuity test along with approximately 1.5% of the diagonal length of the communication to calculate the optimal viewing distance, then is converted to a font height at that distance. The formula is set out below in **Figure 1**:

Figure 1:

$$\textit{Final Millimetre Height} = \frac{\textit{Diagonal length of communication (mm)}}{105.16}$$