



# Election funding guide

*for political parties, candidates and Senate groups*

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**Contents**

Introduction.....	3
Eligibility and entitlement .....	4
Registered political parties .....	4
Unendorsed candidates .....	5
Unendorsed Senate groups .....	5
Automatic payment of \$10,000 .....	5
Payment arrangements.....	6
Claims for payment greater than \$10,000.....	7
Electoral expenditure .....	7
What cannot be claimed?.....	8
Who must incur the expense? .....	9
Making a claim .....	11
Lodging a claim.....	11
Who can make a claim?.....	11
Claim form .....	12
Amending a claim .....	13
Determination of a claim.....	13
Payment of election funding .....	14
Payment method.....	14
Payment to be made following acceptance of an interim claim.....	14
Payment to be made following acceptance of a final claim.....	14
Overpayment .....	15
Refusal, application for reconsideration and reconsideration .....	15
Refusal of an interim claim.....	15
Refusal of an interim claim where no final claim is lodged.....	15
Refusal of a final claim .....	15
Application for reconsideration of decision to refuse a final claim.....	15
Reconsideration by the Electoral Commission .....	16
Record keeping .....	16
Claims subject to review post payment.....	17
Publication of election funding determinations and refusal notices .....	17

## Introduction

After each federal election or by-election, the Australia Electoral Commission (AEC) distributes money to eligible political parties, candidates and Senate groups to reimburse them for electoral expenditure. Payment of election funding is included in Division 3 of Part XX of the *Commonwealth Electoral Act 1918* (the Electoral Act).



The *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act 2018* made changes to election funding which came into effect on 1 January 2019. A notable change is that claims for election funding above \$10,000 now require demonstrated electoral expenditure.

## The Guide

The Election Funding Guide is intended to assist eligible political parties, candidates and Senate groups to access election funding. It does not address the whole of the Electoral Act. Users should familiarise themselves with the relevant part of the Electoral Act and seek independent legal advice where necessary.

The Electoral Act and all guides published by the AEC are available at [www.aec.gov.au](http://www.aec.gov.au).

The guide incorporates text boxes to highlight important information. Each text box is prefaced with a symbol. For example:

	An information symbol indicates a useful tip.
	A timing symbol indicates a due date.

## Eligibility and entitlement

In summary, candidates who receive at least four per cent of the total number of formal first preference votes in an election are eligible to receive election funding.

The value of the election funding entitlement is calculated by multiplying:

- the total number of formal first preference votes received; by
- the [current election funding rate](#).

For entitlements greater than \$10,000 the amount of election funding payable is whichever is the lesser of:

- the calculated election funding entitlement; or
- the amount of demonstrated electoral expenditure.



In this guide, the term 'election' means the election of:

- members of the House of Representatives in either a federal election or a by-election; and
- senators for a state or territory.

## Registered political parties

A registered political party is entitled to election funding when candidates it has endorsed receive at least four per cent of the formal first preference votes in an election. Where the endorsed candidates are part of a Senate group, the four per cent threshold applies in relation to above and below the line votes cast for all the candidates in the group, whether or not it is a joint Senate group.



### Federal parties

Federal parties have a federal branch and two or more state branches that are registered political parties. Registered state branches of a federal party must endorse candidates in order to be eligible to receive election funding.

State branches that are not registered political parties are not eligible to receive election funding.



If a candidate resigns or is dis-endorsed by a political party following the close of nominations, election funding in relation to that candidate is payable to the registered political party who endorsed the candidate as at the close of nominations.

## Unendorsed candidates

An unendorsed candidate, who is not a member of a Senate group, is eligible for election funding when they receive at least four per cent of the formal first preference votes cast in the election.

## Unendorsed Senate groups

Election funding is payable to an unendorsed Senate group where:

- none of the group's members have been endorsed by a registered political party; and
- the group receives at least four per cent of the formal first preference votes cast in the Senate election.

## Automatic payment of \$10,000

The AEC will pay \$10,000 (indexed to the CPI) to the agent of each eligible political party, candidate, or Senate group, as soon as practicable after 20 days after the polling day for an election.



This guide refers to the automatic payment of \$10,000.

As this is an indexed amount, see the [current automatic funding payment](#).



In this guide, where the word 'day' or 'days' is used it is a reference to calendar days.

## Payment arrangements

The \$10,000 will be paid to the agent of the registered political party, unendorsed candidate or unendorsed Senate group.

### Federal parties

There are specific arrangements for federal parties. The federal party agent will receive the \$10,000 unless the agent advises the AEC of their agreement that the state branch should receive the amount. The agent of the federal party must advise the AEC in writing of any such agreement prior to the time of the automatic payment, otherwise it will be paid to the agent of the federal party.

#### Example 1

Party A has a Western Australian branch, a Queensland branch, a Victorian branch, and a federal secretariat. All four branches are registered political parties therefore Party A is a federal party. However, in practice, only the three state branches endorse candidates while the federal secretariat plays a coordinating role. The federal secretariat sends an email to the AEC consenting to the Victorian branch receiving the \$10,000. Assuming each state branch is entitled to election funding as a result of the election, as soon as practicable after 20 days after polling day the AEC pays the agent of the federal secretariat \$20,000 and the Victorian branch \$10,000.

#### Example 2

Party B has a New South Wales branch, a Queensland branch, a Victorian branch, and a federal secretariat. All four branches are registered political parties therefore Party B is a federal party. However, in practice, only the federal secretariat endorses candidates while the three state branches play a coordinating role. Assuming the party is entitled to election funding as a result of the election, as soon as practicable after 20 days after polling day the AEC pays the agent of the federal secretariat \$10,000.

### Jointly endorsed groups

Jointly endorsed groups means candidates in a Senate election who have been endorsed by different registered political parties and who wish to have their names grouped in the Senate ballot papers.

Where an election funding amount is payable to more than one person, payment must be split as a percentage payable to each person. Funding for a joint ticket is divisible and the total funding can only be claimed once.

Registered political parties with members in a Senate group must agree on how the election funding amount is apportioned. A written agreement signed by the agents of the relevant parties detailing how the entitlement is to be paid must be provided to the AEC (email to: [fad@aec.gov.au](mailto:fad@aec.gov.au)) before the 20<sup>th</sup> day after polling day. In the absence of such an agreement, the Electoral Commissioner will decide the apportionment.



Registered political parties with members in a Senate group must provide a written agreement signed by the agents of the relevant parties detailing how the entitlement is to be paid to the AEC before the 20<sup>th</sup> day after polling day.

## Claims for payment greater than \$10,000

In order to receive election funding of greater than \$10,000 a claim setting out electoral expenditure incurred must be lodged with the AEC. An election funding claim must relate to all elections held on the same day.

It is important to keep in mind that payments of election funding are limited to the lesser of:

- the calculated election funding entitlement; or
- the amount of demonstrated electoral expenditure.

For example, if a registered political party's calculated election funding entitlement is \$10,500, but the party has demonstrated electoral expenditure of \$20,000, the maximum the party will receive is \$10,500.

### Electoral expenditure

Electoral expenditure is *generally* expenditure incurred for the dominant purpose of creating or communicating electoral matter. Where expenditure is incurred to create or communicate electoral matter, in addition to other reasons, the dominant purpose of the expenditure must be considered.

For a registered political party, a state branch of a registered political party, a candidate or a member of a Senate group, electoral expenditure is generally any expenditure incurred with its authority in relation to an election. There is no defined time period in which the expenditure must be incurred so long as it can be demonstrated to be in relation to an election. Claimed expenses must have been incurred and must be accurate and unique.

Electoral expenditure may include broadcasting, advertising and publishing expenses related to the election. However there are many other costs which may be included. The following list is not intended to be exhaustive, merely indicative of expenses that may be associated with campaigning for an election:

- cost of insurance policies to cover volunteer workers;
- payments to scrutineers;
- expenditure on postage, telecommunications or freight; and
- expenditure on premises and equipment rented for campaign purposes (such as campaign headquarters or campaign committee rooms).



### Example 1

A regional branch of a registered political party hires a bus to send delegates from the branch to the party's annual national conference. One of the purposes of the national conference is to agree the party's policy platform in the upcoming election. As the bus is hired by a registered political party in relation to an election, the cost of the bus hire is electoral expenditure.

### Example 2

A registered political party hires Andrew as a full time receptionist. The party is constantly working towards the next federal election. The cost of Andrew's employment is an integral part of the overheads associated with supporting the election of its candidates. As the costs of the registered political party in relation to the next election are electoral expenditure, the costs of Andrew's employment are electoral expenditure.

### Example 3

A registered political party prepares a television advertisement and tests it with a focus group. The advertisement tests poorly with the focus group and is never shown. As the advertisement was prepared by a political party and was intended to be shown to the public it is likely to be electoral matter. The dominant purpose of creating the advertisement was to influence voting at an election, so any expenses associated with creating the advertisement are in relation to the election and are electoral expenditure, even though the advertisement was never shown.

### Example 4

Sammy owns an office block, and leases the space to a range of corporate clients. One of Sammy's tenants is a registered political party, who uses the office space for a call centre that routinely communicates electoral matter. The rent paid by the registered political party is electoral expenditure.

## What cannot be claimed?

Where a registered political party, a state branch of a registered political party, a candidate or a member of a Senate group has incurred expenditure unrelated to an election, the expenditure cannot be claimed. For instance, expenses associated with a political party's financing structure, such as investment costs are not considered electoral expenditure.

### Example

A registered political party invites its members to a book club night, including dinner, to discuss recent political biographies. As the dinner is a 'social club' activity of the party and unrelated to an election, the cost of the dinner is not electoral expenditure.

## Parliamentary work expenses cannot be claimed

Electoral expenditure does not include amounts paid or reimbursed by the Commonwealth under the Parliamentary Business Resources (PBR) framework.

Under the PBR framework, the Commonwealth covers certain work expenses of ministers, senators and members of the House of Representatives. Ministers have access to these work expenses by virtue of appointment as ministers. Senators and members of the House of Representatives have access to these work expenses by virtue of being elected, or filling a Senate casual vacancy. Such expenses include, but are not limited to:

- remuneration for members of the House of Representatives, senators and ministers;
- office accommodation, office resources and office expenses, such as postage costs;
- work vehicles;
- insurance for members and senators; and
- legal assistance to ministers and parliamentary secretaries.

## Goods and Services Tax (GST)

If electoral expenditure has been incurred by an entity with an Australian Business Number (ABN) who is also registered for GST, the GST component of purchases cannot be claimed as electoral expenditure if the GST component can be claimed as an input tax credit.

As such, when preparing claims the value of expenditure incurred by GST registered entities should be GST exclusive.

## Who must incur the expense?

### Registered political party claim

A claim made by the agent of a registered political party must specify, in relation to all elections held on the same day, electoral expenditure for which election funding is sought in relation to:

- the party; or
- a candidate endorsed by the party.



Electoral expenditure incurred by an unregistered state branch can be included in a claim made by the registered political party that endorsed candidates in that state.

For claims made by the agent of a federal party in relation to state branches, the claimed electoral expenditure must have been incurred by:

- the state branch;
- a candidate endorsed by the state branch;
- a candidate endorsed by the federal party; or
- the federal party.

Where a federal party consents to a registered state branch making claims, then the expenses must have been incurred by that state branch. Internal invoices (goods or services provided within the political party entity, for example between federal and state branches) must be supported by actual documentation or a detailed explanation of the services or goods provided.

### Unendorsed candidate claim

A claim made by the agent of a candidate in an election who is not endorsed by a registered political party must specify electoral expenditure incurred by the candidate in relation to the election.

### Joint Senate group claim

A claim made by the agent of a group in a Senate election must specify electoral expenditure in relation to the election incurred:

- by the group; or
- by candidates who are members of the group.

Joint Senate group funding is payable through the participating political parties. Different claims must not include the same expenditure, although splitting an incurred cost across parties is possible if this reflects how the cost was incurred.

#### Example 1

Parties A, B and C endorse candidates in a joint Senate group. The Senate group receives 10 per cent of formal first preference votes in the election, and so is eligible for election funding. Parties A, B and C agreed the cost of producing and distributing the group's how-to-vote cards would be met by Party A. Party A should include the costs of the how-to-vote cards in their claim. Parties B and C should not include these costs in their claims.

#### Example 2

Parties A, B and C agreed the cost of producing and distributing the group's how-to-vote cards would be split, with Party A paying for 60 per cent, and Parties B and C paying for 20 per cent each. Party A should include 60 per cent of the how-to-vote card costs in their claim, and Parties B and C should each include 20 per cent of the costs in their claims.

## Making a claim

### Lodging a claim

Twenty days after polling day, the AEC will make a preliminary determination of the value of election funding entitlement for each registered party, candidate or Senate group based on votes counted as at that day. The AEC will provide notification of entitlement values to those eligible, noting that these values may be subject to change as determined by the finalisation of the vote count.



A claim, using the approved form, must be lodged with the AEC:

- no earlier than 20 days after polling day; and
- no later than six months after polling day.

Claims lodged outside of these time periods will not be considered by the AEC and no election funding will be paid.

An agent may make:

- an interim claim;
- a final claim; or
- an interim claim followed by a final claim (only one interim and one final claim can be lodged).

The claims process allows the opportunity to lodge an interim claim, which may not include all electoral expenditure, early in the timeframe and a final claim at a later date once total electoral expenditure has been determined.

### Who can make a claim?

Claims must be made by the agent of the registered political party, the agent of the unendorsed candidate or the agent of the unendorsed group.

There are specific arrangements for federal parties. The agent of the federal party must make the claim, unless they advise the AEC, in writing, of their agreement that the state branch may make the claim.



The AEC must receive written advice from the agent of the federal party that they agree to the state branch receiving the automatic \$10,000 amount and for any interim and/or final claims made above this amount.

## Claim form

A claim must be lodged using the [election funding claim form](#) approved by the Electoral Commissioner. Specific guidance for completion of the form is included below.

### ■ Part 1 – Contact details and certification

- The contact details must be for the agent of the political party, candidate or Senate group.
- If an unendorsed candidate does not have an agent they are automatically the agent.
- The certification and declaration relates to the claim's accuracy and compliance with the legislation.

### ■ Part 2 – Claim amount

- An agent has two opportunities to make a claim – by lodging an interim claim, which can be followed by a final claim. Alternately, just one final claim may be submitted.
- Only one interim and one final claim may be submitted.
- A final claim should specify the total amount claimed (inclusive of any interim claim).

### ■ Part 3 – Distribution of funding

- One or more people can be specified to receive payment.
- Where election funding is payable to more than one person, specify the percentages (totalling 100 per cent) in which the election funding is payable to each person.
- The option to specify a distribution percentage assists joint Senate groups and political parties who wish to share funding amongst branches.
- For a registered political party, the name of the bank account must match the name that is on the [Register of Political Parties](#).
- Where an account is held by a state branch of an unregistered political party, the name of the bank account must match the name of the state branch.

### ■ Part 4 – Schedule of electoral expenditure

- The claim must demonstrate that electoral expenditure has been incurred.
- Indicate GST registration.
- Expenditure incurred by entities registered for GST should exclude the GST component of purchases. (The GST component of purchases cannot be claimed as electoral expenditure if the GST component can be claimed as an input tax credit.)
- Expenditure incurred by persons or entities not registered for GST can include the GST component of purchases.
- Provide either a completed table or a printout from your accounting system demonstrating expenditure.

- Either solution must provide the required details specified in the table including: reference number (for example invoice number where applicable), supplier, description of goods or services and total amount claimed for that expense. If a printout is used please identify each invoice which had not been paid solely by the party or candidate. In other words, for accounts that have been allocated amongst a number of entities in a group the percentage of the invoice paid.
- Where joint Senate groups and political parties with federated structures wish to share expenditure amongst branches by allowing for the division of a total invoice, the total claimed amount should represent only that party's share.

## Amending a claim

The agent of the candidate, Senate group, relevant registered party, or party branch (as the case requires) may amend a claim during the consideration period for the purpose of correcting an error or omission. However, the 20 day time limit for the Electoral Commission to determine the claim resets from the time the agent amends the claim.

## Determination of a claim

The AEC must decide whether to accept, in whole or in part, a claim for election funding within 20 days of receiving the claim. To the extent that the AEC accepts the claim, the AEC will pay the claim within this time period.



In deciding whether or not to accept the claim, the AEC will consider whether:

- the claimed expenditure meets the definition of electoral expenditure;
- the claimed expenditure was actually incurred; and
- the electoral expenditure has been specified in a claim made by another agent.

## Payment of election funding

### Payment method

Payment of election funding will be made by direct credit or by cheque.

The initial automatic payment of \$10,000 will be paid directly to agents.



Subsequent funding will be paid, based on an accepted claim, to the person/s or entity/entities specified in that claim and not automatically to agents.

### Payment to be made following acceptance of an interim claim

Within 20 days of receiving an interim claim, accepted in whole or in part, the AEC must pay 95 per cent of the amount, calculated as the lesser of:

- the calculated election funding entitlement; or
- the amount of demonstrated electoral expenditure.

The payment will be reduced by any amount that has been paid as an automatic payment.



Where only an interim claim is lodged in the six months after polling day, the interim claim will be deemed to be the final claim and no further payment will be made.

A final claim will need to be lodged within the six month timeframe to receive any funding above the amount paid by the AEC in response to the interim claim.

### Payment to be made following acceptance of a final claim

Within 20 days of receiving a final claim, accepted in whole or in part, the AEC will pay the balance of the funding, with the total being calculated as the lesser of:

- the calculated election funding entitlement; or
- the amount of demonstrated electoral expenditure.

The payment will be reduced by any amount that has been paid as:

- an automatic payment; and
- an interim payment.

## Overpayment

If the AEC becomes satisfied that there was an overpayment and decides to vary the decision, the excess funds paid may be recovered as a debt to the Commonwealth. If the interim claim is taken to be the final claim, an overpayment would apply to the interim claim as if it were the final claim.

## Refusal, application for reconsideration and reconsideration

### Refusal of an interim claim

If an interim claim is refused in whole or in part, the AEC will notify the agent in writing that the claim has been refused. While there is no opportunity to apply for reconsideration of a determination on an interim claim, the agent has the opportunity to lodge a final claim.

### Refusal of an interim claim where no final claim is lodged

If an interim claim is lodged and the interim claim is refused in whole or in part, the refused part of the claim will be deemed to be a refused final claim if no final claim is lodged within the six months after polling day. After this period, the claim will be treated as a final claim and the refusal will trigger the provision of reasons and attract review rights, as if it had been lodged as a final claim.

### Refusal of a final claim

If a final claim is refused, in whole or in part, the AEC will notify the agent in writing that the claim has been refused and provide:

- reasons for the refusal; and
- the opportunity for the agent to apply to the Electoral Commission to reconsider the decision.

### Application for reconsideration of decision to refuse a final claim

Where a final claim has been refused, the agent may apply to the Electoral Commission for reconsideration of the decision. Only the agent may apply to the Electoral Commission, regardless of someone other than the agent being specified in a claim to receive the election funding.

An application for a reconsideration of a decision on a final claim must be in writing and set out the reasons for the application.



An application for reconsideration must be made within 28 days of the agent being notified of the delegate of the Electoral Commission's refusal decision, unless a written extension has been granted by the AEC.



## Reconsideration by the Electoral Commission

The Electoral Commission will reconsider the delegate's decision that refused all or part of a final claim for election funding. The Electoral Commission has the power to affirm, vary, or set aside and replace that decision with another decision.

The Electoral Commission is required to give the agent written reasons for its decision on the application. If the Electoral Commission's decision results in any additional payment of election funding, that payment must be made within 20 days of its decision.

Application can be made to the Administration Appeals Tribunal to review the Electoral Commission's decision. For these applications, the Tribunal is to have three members, at least one of whom must be a Judge of the Federal Court.

## Record keeping



Records in relation to a claim for election funding are required to be kept for five years following the polling day to which the claim relates.

Failure to keep records is subject to a civil penalty of 200 penalty units.

The documentation required to be retained must be clear and legible. Types of documentation may include but are not limited to:

- tax invoices (including all pages and dates), for example, detailed invoices from television or radio stations and newspapers, detailed accounts from advertising agencies, publishers and printers and any other accounts which show expenditure clearly incurred for the election;
- internal invoices which provide a detailed explanation of the services or goods provided;
- vouchers for hire of equipment should show the type of equipment hired, the dates of the hire period (and if the hire period extends beyond polling day a statement as to the minimum hire period) and whether any portion of the charge made is a refundable deposit;
- petty cash vouchers such as cash register slips may be used to support a claim provided that details of the items purchased and the name of the purchaser are clearly noted on the voucher; and
- bank and financial institution statements.

The following documentation will not be accepted:

- purchase orders; or
- order requisitions.

## Claims subject to review post payment

The AEC may review a claim for election funding made by registered parties, candidates and Senate groups. The party agent or candidate agent must assist the AEC in conducting the review by giving full and free access at all reasonable times to:

- all accounts, records, documents and papers of the party agent and of the party or candidate, as the case may require, relating directly or indirectly to the expenditure referred to in the claim; and
- all information and explanations that the AEC reasonably asks for with respect to the expenditure referred to in the claim.

If upon a review, the AEC becomes satisfied that there was an overpayment and decides to vary the decision, the excess funds paid may be recovered as a debt to the Commonwealth.

## Publication of election funding determinations and refusal notices

The AEC must publish claim determinations, refusals and reconsiderations on the [Transparency Register](#), and in accordance with the timeframes specified in the table below. A person may not peruse or obtain a copy of a determination or notice before the determination or notice is published.

### Requirement to publish determinations and notices

The AEC must publish:	At this time:
Each determination and variation of determination of claims for election funding.	As soon as reasonably practicable after making the determination.
Each notice of a refusal of a final claim.	As soon as reasonably practicable after giving the notice.
Each notice reconsidering the refusal of a final claim.	As soon as reasonably practicable after giving the notice.