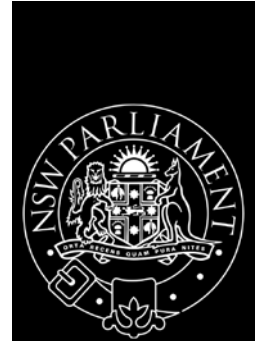


PARLIAMENT OF NEW SOUTH WALES



Joint Standing Committee on Electoral Matters

Public Funding of Local Government Election Campaigns

Issues Paper

Summary

The purpose of this paper is to explore of some of the issues associated with developing a public funding scheme for local government elections.

The Committee is seeking submissions from interested individuals and organisations by 20 September 2010, particularly in response to the questions highlighted below, or any other issues relevant to local government elections and the terms of reference for the inquiry [Appendix A].

Public Funding

Q1. Is public funding for local government elections in NSW supported? Why? *page 3*

Q2. What factors, specific to local government elections, should be considered in developing an appropriate public funding model? How might they be accommodated? *page 4*

Q3. Aside from public funding in the form of reimbursement for electoral expenditure, are there other ways in which local government candidates and parties could be assisted? *page 5*

Q4. If public funding for local government elections were introduced, which level of government should be responsible for its financing - local councils or the state government? Why? *page 5*

Expenditure

Q5. What level of expenditure, expressed as an amount per elector, is sufficient to conduct a reasonable local government election campaign? *page 6*

Q6. If public funding for local government elections were introduced, are the current disclosure requirements adequately transparent? *page 6*

Q7. What factors impact on the costs of campaigning for local government elections? *page 6*

Q8. If public funding were introduced for local government elections, would expenditure caps required? If so, what would be an appropriate method for determining expenditure caps? *page 7*

Income

Q9. What are the typical sources of funding for local government election campaigns? *page 7*

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1. Background

In June 2008, the Legislative Council Select Committee on Electoral and Political Party Funding (the Select Committee) reported on the funding of, and disclosure of donations to, political parties and candidates in state and local government elections. The Select Committee took evidence from a number of stakeholders on implementing a public funding scheme for local government and recommended that:

The Premier investigate public funding for local government election campaigns to deter corruption and undue influence. Public funding could be undertaken by the State Government. A detailed and wide-ranging review should be undertaken, to develop a proposed design for the scheme. The review should involve stakeholder consultation, and community consultation to ascertain what level of electoral funding would be supported by the public.¹

In December 2009 the Joint Standing Committee on Electoral Matters (the Committee) received a referral from the then Premier to inquire into a public funding model for political parties and candidates to apply at the state and local government level [see **Appendix A** for the terms of reference to the inquiry]. During the course of the inquiry, the Committee received little evidence relating to local government [see **Appendix B** for a summary of the specific proposals put forward inquiry participants].

In its report of March 2010 the Committee did not make any substantive recommendations relating to public funding for local government, but recommended that the development of a local government public funding model should be considered as a separate inquiry process. The Committee also recommended that the issue of public funding for local government be re-visited after the new public funding system has been introduced and tested at the state level.² The aim of the current inquiry is to examine in more detail the development of a public funding model for local government elections.

2. Arguments for and against public funding for local government elections

The following table summarises some of the arguments for and against the introduction of public funding for local government elections.

Arguments for public funding	Arguments against public funding
<p>Reducing actual or perceived undue influence³</p>	<p>Complexities of local government⁸</p> <ul style="list-style-type: none"> • The current funding and disclosure scheme is

¹ Legislative Council, Select Committee on Electoral and Political Party Funding, *Electoral and Political Party Funding in New South Wales*, Report 1, June 2008, pp.170.

² The Committee's comments and recommendations are included at pp. 45-46; 274-283, NSW Parliament, Joint Standing Committee on Electoral Matters, Public Funding of Election Campaigns, Report No. 2/54, March 2010, <http://www.parliament.nsw.gov.au/Prod/parliament/committee.nsf/0/CE6DB65B0B02A6CACA25768600181BE0>.

³ Legislative Council, Select Committee on Electoral and Political Party Funding, *Electoral and Political Party Funding in New South Wales*, Report 1, June 2008, pp. 164, 170-1

Arguments for public funding	Arguments against public funding
<ul style="list-style-type: none"> Counteracting the perception in the community that large donations from property developers, business, trade unions and wealthy individuals can have undue influence on policy direction and decision-making <p>Improving community confidence in the integrity of local government⁴</p> <ul style="list-style-type: none"> Lack of community confidence in the existing regime, which has been reinforced by a number of high-profile investigations by the Independent Commission Against Corruption into allegations of corrupt conduct at a local government level, creating a negative impression of the integrity of local government <p>Compensating for loss of revenue due to donation caps⁵</p> <ul style="list-style-type: none"> If the Committee's recommended caps on donations at both state and local government level are implemented, it could be argued that funding for local government should be considered, to compensate for loss of revenue to candidates and parties. <p>Equity and improved representation⁶</p> <ul style="list-style-type: none"> Lessening the financial inequalities of candidates Promoting greater participation by independent and minor party candidates <p>Improving accountability and transparency⁷</p> <ul style="list-style-type: none"> Requirement to disclose donations and expenditure in relation to specific council campaigns could result in greater accountability and transparency 	<p>not designed with local government in mind and there is no existing public funding model on which to build</p> <ul style="list-style-type: none"> Complexity of issues relevant to local government, including factors such as the high number of independent candidates, varying council area sizes and types of mayoral elections <p>Lack of data</p> <ul style="list-style-type: none"> Lack of data on local government campaign spending and donations makes it difficult to determine whether there is a need for public funding Lack of evidence to the previous two Committee inquiries detailing specific proposals and models for a local government public funding scheme Need to assess the implementation of recommended changes to the state level public funding system before a system is implemented for local government <p>Insufficient support for reform⁹</p> <ul style="list-style-type: none"> Level of community support for reform should be assessed, particularly if funding for local campaigns is to be provided by the state government Lack of clear consensus from party and candidate stakeholders in terms of support for public funding – during the Committee's previous inquiry the Greens and Christian Democratic Party supported a scheme, while Mr Greg Piper MP opposed it, and the Liberal Party suggested a low expenditure cap may be a preferable alternative to public funding <p>Nuisance candidates¹⁰</p> <ul style="list-style-type: none"> Nuisance candidates may be encouraged to stand for local government by the prospect of receiving public funding <p>Escalation in campaign expenditure¹¹</p> <ul style="list-style-type: none"> Potential for public funding to increase campaign expenditure

<http://www.parliament.nsw.gov.au/Prod/parlment/committee.nsf/0/1CA6D5A89FABD975CA25746D00063640>; Joint Standing Committee on Electoral Matters, Report No. 2/54, March 2010, p. 283

⁸ Select Committee on Electoral and Political Party Funding, Report 1, June 2008, pp. 162-3, 166-9; Joint Standing Committee on Electoral Matters, Report No. 2/54, March 2010, pp. 274, 278

⁴ Select Committee on Electoral and Political Party Funding, Report 1, June 2008, pp. 170-2

⁵ Select Committee on Electoral and Political Party Funding, Report 1, June 2008, pp. 169-70

⁶ Joint Standing Committee on Electoral Matters, Report No. 2/54, March 2010, p. 280.

⁷ Select Committee on Electoral and Political Party Funding, Report 1, June 2008, pp. 185-7; Joint Standing Committee on Electoral Matters, Report No. 2/54, March 2010, p. 280.

⁹ Joint Standing Committee on Electoral Matters, Report No. 2/54, March 2010, pp. 279-82; Select Committee on Electoral and Political Party Funding, Report 1, June 2008, pp. 165-66, 181-4

¹⁰ Select Committee on Electoral and Political Party Funding, Report 1, June 2008, p. 165

¹¹ Select Committee on Electoral and Political Party Funding, Report 1, June 2008, p. 165

Q1. Is public funding for local government elections in NSW supported? Why?

3. Public funding model for local government

As part of its previous inquiry, the Committee considered the following issues in relation to reform of the public funding scheme for state elections:

- The criteria and threshold for public funding
- The manner in which public funding is calculated and allocated
- Any caps that should apply, such as the overall cap on public funding and/or caps on public funding to individual parties and members
- The persons to whom public funding should be paid
- Mechanisms for paying public funding
- Any restrictions on expenditure of public funding.

The Committee is mindful of the differences between state and local government elections and the impact this might have on the suitability of directly transferring a state government public funding model to local government elections. For instance, what is the impact or effect of the:

- variations in the number of electors across local government areas?
- variations in the number of councillors to be elected between local government areas and wards?
- presence or otherwise of ward divisions?
- greater proportion of independent candidates at the local government level?
- more frequent by-elections for local government?
- regular occurrence of referenda and polls?
- non-residential roll?

A brief outline of the local government public funding and regulatory models in selected international jurisdictions is provided at **Appendix C**. Public funding for local government elections is currently not available in any Australian jurisdictions.

Q2. What factors, specific to local government elections, should be considered in developing an appropriate public funding model? How might they be accommodated?

4. Types of public funding

The current state government public funding model is based on reimbursement for electoral expenditure. However, other forms of funding, support or assistance might be more appropriate for local government elections.

For instance, under the current system local government registered political parties, groups and candidates are subject to the same disclosure requirements as those that are registered for state elections. This includes submitting audited disclosure forms outlining donations and expenditure. During the Committee's inquiry into the 2008 local government elections, a number of inquiry participants expressed concern about the administrative and financial burden that this places on parties, candidates and elected councillors.¹² The smaller parties

¹² Our Sustainable Future, *Submission 8*; Yass Valley Council, *Submission 18*, p. 2; Wentworth Shire Council, *Submission 27*, p. 1; Upper Lachlan Shire Council, *Submission 31*, p. 2.

registered to run in local government elections raised the cost, time and difficulty in locating a registered company auditor as a significant area of concern and a possible threat to their viability. For local government elections, public funding could be in the form of an allowance to fund the auditing of financial reports, or by funding the Election Funding Authority to conduct the audits in-house.

Q3. Aside from public funding in the form of reimbursement for electoral expenditure, are there other ways in which local government candidates and parties could be assisted?

5. Source of public funding

The Select Committee heard evidence from local government representatives that it would be untenable for local councils to bear the responsibility of financing a public funding scheme for local government elections. It was argued that 'local councils already face significant financial pressures' including the costs of holding local government elections.¹³ The Select Committee concluded that 'councils should not be expected to foot the bill if public funding were introduced for local government elections'.¹⁴

Q4. If public funding for local government elections were introduced, which level of government should be responsible for its financing - local councils or the state government? Why?

6. Level of expenditure

The Select Committee commented that 'if a scheme of public funding were to be introduced, it would be necessary to determine an adequate but not excessive level of funding'.¹⁵ Evidence to that Committee highlighted large differences in spending between local councils, particularly between rural and metropolitan areas. The Committee concluded that, if public funding for local government elections were introduced, it should be at 'a lower level of funding than for State government elections' but recommended that the exact details of a public funding scheme warranted further consideration and consultation.¹⁶

The disclosure forms lodged for the six month period covering the 2008 local government elections reveal a wide variety of expenditure amounts by candidates and local government parties.¹⁷ However, the task of determining an appropriate level of public funding is made difficult by the lack of transparency and consistency around levels of expenditure for individual local government elections. Candidates and groups representing political parties are not required to account for their individual expenditure, which means that in some cases expenditure for individual local government areas cannot be disaggregated from total state-wide expenditure by political parties. Also, in some cases expenditure amounts are disclosed by individual party candidates, and in others by the party group in each local government area.

¹³ Select Committee on Electoral and Political Party Funding, Report 1, June 2008, p. 168-170.

¹⁴ NSW Parliament, Select Committee on Electoral and Political Party Funding, Electoral and Political Party Funding in New South Wales, Report 1, June 2008, 170.

¹⁵ NSW Parliament, Select Committee on Electoral and Political Party Funding, Electoral and Political Party Funding in New South Wales, Report 1, June 2008, 166.

¹⁶ NSW Parliament, Select Committee on Electoral and Political Party Funding, Electoral and Political Party Funding in New South Wales, Report 1, June 2008, 170.

¹⁷ Election Funding Authority, Disclosures lodged are available at <http://searchdecs.efa.nsw.gov.au/>.

More transparent and detailed information of the amount of spending for individual local government elections would be helpful in order to make an informed assessment of a system of public funding for local government elections. Consequently, the Committee is interested to hear evidence on the current level of expenditure for local government election campaigns. Given that the number of electors in local government areas can vary quite significantly - from 920 in Brewarrina to over 173,000 in Blacktown electors – the most useful method of considering expenditure might be in terms of the *amount spent per elector*.

Q5. What level of expenditure, expressed as an amount per elector, is sufficient to conduct a reasonable local government election campaign?

Q6. If public funding for local government elections were introduced, are the current disclosure requirements adequately transparent?

A number of factors other than the number of electors may also impact on the costs of campaigning for local government elections, including the:

- presence or otherwise of ward divisions
- number of candidates
- method of election of the mayor
- differing media and communication costs
- nature of the local government area, such as whether it is rural, regional or metropolitan.

Q7. What factors impact on the costs of campaigning for local government elections?

7. Expenditure caps

In relation to state election campaigns, the Committee has recommended that the Premier introduce legislation to cap expenditure for political parties, candidates and groups.¹⁸ The following reasons have been advanced in favour of limiting campaign expenditure at the state level:

- Community support for 'less wasteful and less oppressive electoral advertising and campaign expenditure'.¹⁹
- Alleviating concerns about the escalating costs of election spending.
- Creating a 'level playing field and increase[ing] the parity of the electoral contest'.
- Addressing the 'unequal fund-raising capacity of minor parties and new entrants compared to major parties'.
- Reducing the 'pressure to raise money'.²⁰
- Enhancing the operation and effectiveness of other regulatory measures, such as public funding and donation limits.²¹

¹⁸ NSW Parliament, Joint Standing Committee on Electoral Matters, *Public funding of election campaigns*, Report No. 2/54, March 2010, p. 18, <<http://www.parliament.nsw.gov.au/Prod/parliament/committee.nsf/0/82F12C9FC8E2DBDCCA2576F200213DB6>>

¹⁹ NSW Parliament, Joint Standing Committee on Electoral Matters, *Public funding of election campaigns*, Report No. 2/54, March 2010, p. 125

²⁰ Legislative Council, Select Committee on Electoral and Political Party Funding, *Electoral and Political Party Funding in New South Wales*, Report 1, June 2008, pp. 122-5, <<http://www.parliament.nsw.gov.au/Prod/parliament/committee.nsf/0/1CA6D5A89FABD975CA25746D00063640>>

On the other hand, arguments against expenditure caps include:

- Difficulties in addressing third party spending.
- Difficulties in penalising those who breach the caps.²²

Q8. If public funding were introduced for local government elections, would expenditure caps be required? If so, what would be an appropriate method for determining expenditure caps?

8. Level of donations

In order to reduce actual and perceived undue influence and corruption, the Committee has recommended that donations to political parties and candidates at both state and local government level be capped.²³ One of the arguments put for the introduction of public funding for local government elections is to compensate for the proposed caps on donations which could limit the ability of parties and candidates to self-fund. Consequently, the Committee is interested to hear evidence on the current level of donations for local government election campaigns.

Q9. What are the typical sources of funding for local government election campaigns?

²¹ NSW Parliament, Joint Standing Committee on Electoral Matters, *Public funding of election campaigns*, Report No. 2/54, March 2010, p. 126

²² Legislative Council, Select Committee on Electoral and Political Party Funding, *Electoral and Political Party Funding in New South Wales*, Report 1, June 2008, p. 126; Joint Standing Committee on Electoral Matters, *Public funding of election campaigns*, Report No. 2/54, March 2010, p. 126

²³ Joint Standing Committee on Electoral Matters, Report No. 2/54, March 2010, p.3.

**Inquiry into public funding of election campaigns
Terms of Reference**

That:

- (1) having regard to the June 2008 report of the Legislative Council Select Committee on Electoral and Political Party Funding which recommended, among other things, that all but small donations by individuals be banned and that further consultation be undertaken on increasing public funding of political parties and elections; and
- (2) noting that the Government has announced its support for the introduction of a comprehensive public funding model;
the Joint Standing Committee on Electoral Matters is to inquire into a public funding model for political parties and candidates to apply at the state and local government levels.

The Committee is to consider the following:

- (a) the criteria and thresholds that should apply for eligibility to receive public funding;
- (b) the manner in which public funding should be calculated and allocated, including whether it should take into account first preference votes, parliamentary representation, party membership' subscriptions, individual donations and/or other criteria;
- (c) any caps that should apply, including whether there should be an overall cap on public funding and/or caps on funding of each individual party or candidate either absolutely or as a proportion of their total campaign expenditure or fundraising;
- (d) the persons to whom the public funding should be paid, including whether it should be paid directly to candidates or to political parties;
- (e) the mechanisms for paying public funding, including the timing of payments;
- (f) whether any restrictions should be imposed on the expenditure of public funding and, if so, what restrictions should apply and how should the expenditure of public funding be monitored;
- (g) whether any restrictions should be imposed on expenditure by political parties and candidates more generally and, if so, what restrictions should apply and how should expenditure be monitored;
- (h) how public funding should apply as part of the broader scheme under which political donations are banned or capped;
- (i) whether there should be any regulation of expenditure by third parties on political advertising or communication;
- (j) whether there should be any additional regulation to ensure that government public information advertising is not used for partisan political purposes;
- (k) any implications arising from the federal nature of Australia's system of government and its political parties, including in relation to intra-party transfers of funds from federal and other state/territory units of political parties;
- (l) what provisions should be included in order to prevent avoidance and circumvention of any limits imposed by a public funding scheme;
- (m) the compatibility of any proposed measures with the freedom of political communication that is implied under the Commonwealth Constitution;
- (n) the impact of any proposed measures on the ability of new candidates, including independent candidates and new political groupings, to contest elections;
- (o) any relevant reports and recommendations previously made by the Select Committee on Electoral and Political Party Funding; and
- (p) any other related matters.

Extract from the Joint Standing Committee on Electoral Matters, *Public funding of election campaigns*, Report No. 2/54, March 2010, pp. 281-2.

10.30 The Liberal Party submitted that certain key features of their suggested model were applicable to local government. Specifically, capped donations from individuals enrolled to vote could be deposited in local government campaign accounts, with bans on donations from third parties, such as companies and unions, and intra-party funds transfers. Campaign expenditure limits (covering a regulated period of 6 months) could be set, based on a dollar amount for each elector in an undivided council or council ward.²⁴

10.31 Under the Liberal Party proposal, public funding could be introduced for the local government level, with electoral expenditure being reimbursed if a 4% threshold was reached, up to a maximum of 50% or 75% of actual expenditure depending on electoral performance. However, the Liberal Party also submitted that an alternative would be to not provide public funding for local government, instead setting a low expenditure cap, noting that 'this may be preferable due to the large number of separate contested elections.'²⁵

10.32 In terms of the regulation of third party expenditure, the Liberal Party acknowledged that it may be preferable to delay implementation of any reforms until after the next state election to gauge the operation of restrictions at the state level:

The most difficult decision would be what to do about third party electoral expenditure. It may well be that the Electoral Commissioner's suggestion of delay may well be advisable in this area of new regulation. A decision could be made based on a judgement of the efficiency and effectiveness of the operation of the third party provisions ... during the 2011 State general election.²⁶

10.33 The Greens submitted that local government election expenditure should be capped at a modest level 'reflecting the grassroots nature of local politics.'²⁷ In particular, the Greens proposed the following expenditure caps:

- Election expenditure caps by candidates and a group of candidates, at either 50 cents per voter, calculated on a per capita basis according to the number of voters on the electoral roll in the local government area/ward; or \$10,000 per local council area or ward, whichever is the greater amount.
- State-wide party expenditure caps for local government elections set at \$500,000, separate from campaign expenditure incurred by the party's candidate or group of candidates for local council areas/wards.
- Third party expenditure caps of \$5,000 for a local government election in any given local council area or ward.²⁸

10.34 The Christian Democratic Party (CDP) submitted in favour of public funding for local government for reasons of equity and consistency, on the basis that 'public funding payouts are limited (by capping, for example), and donations are limited to \$1,000 per person only each per year.'²⁹ 1118 The CDP advocated the abolition of the current public funding eligibility threshold of 4% of first preference votes for state elections, stating that public

²⁴ Liberal Party of Australia (NSW Division), Submission 17, p. 28.

²⁵ Liberal Party of Australia (NSW Division), Submission 17, p. 28

²⁶ Liberal Party of Australia (NSW Division), Submission 17, p. 28.

²⁷ The Greens NSW, Submission 19, p. 14.

²⁸ The Greens NSW, Submission 19, pp. 4-5.

²⁹ Christian Democratic Party, Submission 28, p. 14.

funding 'should only be used to reimburse genuine election expenditure with receipts.'³⁰ The CDP submitted that this principle should also apply at the local government level, if public funding is introduced. According to the CDP's proposal, all candidates would receive public funding based on the number of primary votes they receive, with a gradual reduction in funding as the primary vote increases, and public funding being capped at 50% of the total vote. Candidate nomination fees would be increased to \$500 to discourage frivolous nominations.³¹

³⁰ Christian Democratic Party, *Submission 28*, p. 3.

³¹ Mr Graham Freemantle, Acting State Manager, Christian Democratic Party, Transcript of evidence, 2 February 2010, pp. 27-8.

Public Funding and regulatory models for local government elections in other jurisdictions

Jurisdiction	Disclosure	Expense limits	Contribution rules	Enforcement	Public funding
New York City (US) ³²	Yes: regular disclosure statements for contributions and expenditure are required to be lodged with the Campaign Finance Board (CFB) and are made available on the CFB's website. Candidates who choose not to participate in the public funding program are also required to submit the statements	Yes: for mayoral candidates at 2009 primary or general election the spending limit was \$6,158,000, while for city council candidates the limit was \$161,000	Yes: contribution limits apply depending on the office a candidate is running for. Limits do not apply to candidates who choose not to participate in the public funding program Donations from non-residents, corporations and banks are prohibited	An auditor and CFB staff may conduct a compliance visit to candidates before they receive public funds. Visits may involve interviewing the treasurer and a review of the campaign's financial records and documentation	Yes: Under the Matching Public Funding Program mayoral candidates are eligible to receive up to \$3,386,900, if they meet certain threshold criteria, while city council candidates are eligible for up to \$88,550
Ontario (Canada) ³³	Yes: expenses and contributions	Yes: spending limit based on the number of electors on the current voters' list	Yes: limits amount to each candidate Aggregate contribution limit of \$5,000 per contributor for each jurisdiction Prohibits out of province contributions from individuals, corporations or trade unions; federal and provincial parties prohibited	Via public complaint, police and courts. High compliance features	Optional: A municipality may, by bylaw, provide for the payment of rebates to individuals, corporations or trade unions that made contributions to candidates for office.

³² New York City Campaign Finance Board website, <<http://www.nycffb.info/>> accessed 28 July 2010.

³³ British Columbia, Local Government Elections Task Force, *Campaign Financing in B.C. Local Elections*, January 2010 at http://www.localelectionstaskforce.gov.bc.ca/library/Campaign_Finance_Overview.pdf, p.13.

Jurisdiction	Disclosure	Expense limits	Contribution rules	Enforcement	Public funding
Quebec (Canada) ³⁴	Yes: expenses and contributions	Yes	Yes: limits amount to each candidate; and only electors of the municipality can make a contribution Prohibits contributions from all other than (individual) residents	CEO, via public complaint, police and courts. High compliance features	Tax credits for contributions The municipality reimburse 50% of the electoral expenses of a party or a candidate, if they receive at least 15% of the vote
Manitoba (Canada) ³⁵	Yes: expenses and contributions	No	Yes: contribution limits Prohibits contributions from non-residents and organisations	Via public complaint, police and the courts Few compliance features	Optional: Council may by bylaw establish a program that entitles contributors to a credit against tax: and/or a candidate to reimbursement of a portion of campaign expenses
New Zealand ³⁶	Yes: returns declaring all expenditure and donations over \$1,000 are required to be lodged with electoral officers within 55 days of the declaration and are available for public inspection for 7 years after the election	Yes: expenditure limits calculated based on the local government area's population apply for a 3 month period prior to the election	Yes: Expenditure limits include donations and joint campaigning	Local authorities' electoral officers duties include investigating possible offences and reporting alleged offences to the police	No

³⁴ British Columbia, Local Government Elections Task Force, *Campaign Financing in B.C. Local Elections*, January 2010 at http://www.localelectionstaskforce.gov.bc.ca/library/Campaign_Finance_Overview.pdf, p.13.

³⁵ British Columbia, Local Government Elections Task Force, *Campaign Financing in B.C. Local Elections*, January 2010 at http://www.localelectionstaskforce.gov.bc.ca/library/Campaign_Finance_Overview.pdf, p.12.

³⁶ Auckland Council, *Candidate Information Booklet for 2010 elections*, p 23, <http://www.aucklandcouncil.govt.nz/SiteCollectionDocuments/Candidate-booklet-fullversion.pdf> accessed 3 August 2010; *Local Electoral Act 2001* (NZ).

Jurisdiction	Disclosure	Expense limits	Contribution rules	Enforcement	Public funding
England ³⁷	Yes: election expenses returns for the regulated period ³⁸ with a statement of all payments, details and a declaration of value for all notional expenditure ³⁹ , details of all donations, and details of any unpaid or disputed invoices. This return must be submitted within 35 days of the election result being declared for those contesting at county level, district level and unitary authorities, and within 28 days of election day for those contesting parish or town council elections.	Yes:£600 plus 5p per elector in the electorate. In the case of two candidates running jointly the expenditure limit for each candidate is reduced by one quarter and by one third for three or more candidates running jointly	Yes: any contribution over £50 is a donation. Can only be accepted from: registered electors; companies registered in the UK, incorporated in an EU member state or carrying out business in the UK; registered political party registered in Great Britain; trade unions, building societies, limited liability partnerships and friendly/industrial provident societies registered in the UK; and, UK based unincorporated associations.	A number of offences exist relating to the provision of donations to anyone other than the candidate or their agent, payment of election expenses, incurring expenses without the authority of the agent, overspending, late payments, and failure to lodge a return. These offences carry penalties of fines or imprisonment.	No.

³⁷ The Electoral Commission, *Guidance for candidates and agents: Local government elections in England, 6 May 2010*, 2009.

³⁸ The period between when a person becomes a candidate and polling day, and a person becomes a candidate on the last date for publication of the notice of election which is not later than 25 working days before an election.

³⁹ The full commercial value for items or services which are provided free of charge or at a discount of more than 10% of the commercial value and which are worth more than £50 must be used for calculating the candidate's expenditure limit. Notional expenditure is the difference between what is paid and the full commercial value. The Electoral Commission, *Guidance for candidates and agents: Local government elections in England, 6 May 2010*, 2009, p. 49.