



Elections Act 2022

2022 CHAPTER 37

PART 6

INFORMATION TO BE INCLUDED WITH ELECTRONIC MATERIAL

Requirements

42 Electronic material to which section 41 applies: paid-for material

- (1) Section 41 applies to electronic material which meets the following conditions.
- (2) The first condition is that the sole or primary purpose that the electronic material can reasonably be regarded as intended to achieve is a purpose within section 43.
- (3) The second condition is that the promoter of the material, or the person on behalf of whom the material is published, has paid for the material to be published as an advertisement.
- (4) The reference in subsection (3) to a person paying for material to be published includes the person providing any other form of consideration in return for the publication of the material.
- (5) Where the material is published on a website or mobile application of the promoter or the person on behalf of whom the material is published, the reference in subsection (3) to a person paying for material to be published does not include the person making payments related to setting up, operating or maintaining the website or mobile application.
- (6) In subsection (5) “mobile application” means application software designed and developed for use by the general public on mobile devices such as smartphones and tablets.