

CHAPTER 16

EXIT POLL

PART I : GENERAL

16.1 This chapter sets out the guidelines for the conduct, publication, and broadcast of exit polls on polling day. The EAC respects academic freedom and freedom of speech for conducting exit polls, strives to conduct public elections under the principles of openness, honesty and fairness, and maintains an appropriate balance between avoiding the electors being unduly influenced and interfered with and maintaining the order outside the polling stations.

16.2 Secrecy of the vote is an important principle under the electoral system. It is entirely voluntary for electors to participate in any exit polls.

16.3 Exit polls approved by the EAC must not be used as electioneering purpose to promote or prejudice the election of a candidate or candidates. The persons or organisations conducting exit polls must not be affiliated with the candidates, and have to ensure that the results of exit polls must not be disclosed to any candidate and other persons before the close of poll.

16.4 Election-related opinion polls conducted outside the NCZ or before the polling day do not fall within the scope of exit polls regulated by the EAC.

16.5 **The EAC appeals to the media to act with self-discipline, goodwill, and in spirit of voluntary cooperation in publishing and broadcasting the results of exit polls and other election-related opinion polls by refraining from announcing the said results before the close of polls so as to avoid electors' voting behaviour from being unduly affected.**

PART II : SECRECY OF THE VOTE

16.6 **The ballot is secret.** An elector does not have to disclose his choice of candidate if he does not want to. **It is a criminal offence for a person, without lawful authority, to require, or purport to require, an elector to disclose the name of, or any details relating to, the candidate for whom the elector has voted. Interviewers who conduct exit polls must respect the electors' rights and their wish not to be disturbed,** and should inform the electors being interviewed explicitly that their participation in the exit poll is voluntary prior to the conduct of exit poll. [S 60 of the LCO and s 96(7) of the EAC (EP) (LC) Reg)]

16.7 **The EAC reminds the media and the persons/organisations concerned that they should not announce the results of exit polls or make specific remarks or predictions on the performance of individual candidate before the close of poll to avoid unduly affecting electors' voting behaviour. Additionally, interviewers should not speak to or communicate with candidates or their agents when conducting the poll.**

PART III : CONDUCT OF EXIT POLLS

16.8 Any person aged 18 or above or any organisation may apply for conducting exit polls to the EAC through the REO. The EAC will issue an approval letter to the above-mentioned person or organisation (referred to as “applicant”) as appropriate. The applicant must make a statutory declaration by virtue of the Oaths and Declarations Ordinance (Cap. 11) to abide by the terms and guidelines issued by the EAC. If the applicant knowingly makes false statutory declaration, pursuant to s 36 of the Crimes Ordinance, he may be sentenced to imprisonment for two years and to a fine once convicted.

16.9 To forestall public perception of unfairness and to take into consideration the necessity to maintain order at the polling stations, the exit poll applications would generally not be approved by the EAC in one of the following circumstances:

- (a) the applicant/the person(s) responsible for the exit poll or interviewer(s) deployed to conduct the exit poll belong to an organisation that has publicly expressed support for any candidate(s) contesting in the constituency, of which any polling stations are covered by the exit poll;
- (b) the applicant/the person(s) responsible for the exit poll or interviewer(s) deployed to conduct the exit poll belong to an organisation that has member(s) standing as a candidate contesting in the constituency, of which any polling stations are covered by the exit poll;

- (c) the applicant, the person(s) responsible for the exit poll, or the conduct of the proposed exit poll may cause embarrassment to the role of the EAC; or
- (d) the proposed exit poll may cause disturbance or disorder at the polling stations, compromise public perception of the credibility of the election, or lead to any public order or public health concerns, etc.

The EAC will consider whether to approve an application on a case-by-case basis and there are no exhaustive lists of considerations. An application will generally not be approved if the background of the applicant (including the applicant's affiliation) and the applicant/proposed exit poll is connected with anyone or anything that may undermine or give the impression of undermining the role of the EAC and the credibility of the election.

16.10 For security reasons, exit poll shall not be conducted at dedicated polling stations.

16.11 Applicants must provide the following information through the REO **at the latest 10 days before the polling day:**

- (a) the name and address of the applicant and the name and identity document number of the person responsible for the exit poll, together with phone number(s) at which the applicant can be contacted during the polling hours;

- (b) the purpose of conducting the exit poll; and
- (c) a list of persons (including names and identity document numbers) who will be deployed for the conduct of the exit poll at each polling station on the polling day.

16.12 A notice showing the names and contact phone numbers of applicants who are allowed to conduct exit poll will be published on the dedicated election website and displayed at the respective polling stations.

16.13 If the approved applicant fails to comply with the terms stipulated in the approval letter and this guidelines, the approval may be revoked. The EAC may also publish the name of the applicant concerned, make a **reprimand** or **censure** in a public statement, and publish the name of the person or organisation who/which fails to comply with the terms stipulated in the approval letter and the guidelines.

NOTE :

Applicants must not collect or retain any personal data relating to the identity of the electors (i.e. any data relating directly or indirectly to the electors, from which their identities can be directly or indirectly ascertained, such as names, HKID numbers, phone numbers and addresses).

16.14 Exit polls shall not be conducted inside polling stations or the NSZ. However, with the EAC's approval, exit polls may be conducted within the NCZ outside the exit of the polling station. Interviewers should note that canvassing is strictly prohibited within the NCZ and is subject to criminal sanction. Within the NCZ, provided that permission has been obtained to enter a building (in both domestic premises and commercial premises such as restaurants or shops) other than the one housing the polling station for canvassing votes, door-to-door canvassing on any storeys above or below street level (i.e. not including the storey at the street level) may be conducted, without obstructing electors and using sound amplifying systems or devices. Interviewers must be extremely careful in conducting exit poll to avoid any suspicion that they are canvassing electors inside the NCZ. Like others, interviewers are not allowed to stay, loiter, or accost electors in the NSZ. [Ss 41(1) and 96(7) of the EAC (EP) (LC) Reg]

16.15 The PRO of a polling station may, if circumstances permit, designate an area **outside the exit of the polling station** for interviewers to conduct exit polls. At the polling stations where the entrance and the exit are at the same location, interviewers should keep a reasonable distance from the entrance and the exit, and ensure that electors will not be affected when exit polls are being conducted.

PART IV : IDENTIFICATION OF INTERVIEWERS

16.16 Upon the EAC's approval, the REO will notify the applicants to collect a number of identification badges bearing the name of the applicant.

Interviewers are required to display the identification badges in a conspicuous place on their bodies, showing the identity of the person or organisation conducting exit poll so that electors will not be mistakenly believed that they are appointed by the Government or the EAC. Violators will not be allowed to conduct an exit poll outside any polling station. In addition, the interviewers are required to make known to the electors that any response is entirely voluntary, and should inform electors at the start of the interview of the name of the person or organisation conducting the exit poll, and the exit poll is not commissioned by the Government or the EAC.

PART V : SANCTION

16.17 Apart from the criminal sanction under the LCO and the EAC (EP) (LC) Reg, if the EAC comes to know that any broadcaster or organisation has failed to heed or comply with the guidelines in this chapter, it may make a **reprimand** or **censure** in a public statement and will publish the name of the broadcaster or the organisation concerned.