CHAPTER 14

EXIT POLL

PART I : GENERAL

14.1 This chapter sets out the guidelines for the conduct, publication and broadcast of exit polls on the polling day. The EAC respects academic freedom and freedom of speech in the conduct of exit polls, and also strives to conduct public elections under the principles of openness, honesty and fairness, and strikes an appropriate balance between ensuring there is no undue influence on and interference with the electors and maintaining the good order outside the polling stations.

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

14.3 Unless permitted by the RO of the Rural Area of the polling station, no person shall conduct exit polls within a polling station, an NCZ or an NSZ. [S 82(1)(e) of the EP (RRE) Reg]

14.4 Exit polls approved by the ROs must not be used for 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 will not be disclosed to any candidate or person before the close of poll.

14.5 **The EAC appeals to the media to act with self-discipline, goodwill, and in a 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 poll so as to avoid undue influence on electors' voting behaviour.

PART II : SECRECY OF VOTING

14.6 **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 relevant details relating to, the candidate for whom the elector has voted. Interviewers conducting exit polls must respect the electors' rights and their wish not to be disturbed**, and must inform the electors being interviewed explicitly that their participation in the exit poll is entirely voluntary prior to the conduct of the exit poll. [S 38 of the RREO and s 82 of the EP (RRE) Reg]

14.7 **The EAC reminds the media and the persons/organisations concerned that they must not announce the results of exit polls or publish specific comments or predictions on the performance of individual candidates before the close of poll so as to avoid undue influence on electors' voting behaviour. Additionally, interviewers conducting exit polls must not talk to or communicate with candidates or their agents when conducting the poll.**

PART III : CONDUCT OF EXIT POLLS

14.8 Any person aged 18 or above or any organisation may apply to the ROs via the HAD to conduct exit polls within the NCZs on the polling day. The RO will issue an approval letter to the above-mentioned person or organisation

(referred to as "applicant or applicant organisation" in this chapter) as appropriate. The applicant or applicant organisation must make a statutory declaration in accordance with the Oaths and Declarations Ordinance to abide by the terms and guidelines set out by the EAC. If the applicant or applicant organisation knowingly makes false statutory declaration, he is liable to imprisonment for 2 years and to a fine once convicted. [S 36 of the Crimes Ordinance]

14.9 To forestall public perception of unfairness and take into consideration the necessity to maintain the order at the polling stations, the ROs generally would not approve exit poll applications in any of the following circumstances:

(a) the applicant or applicant organisation/the person(s) responsible for the exit poll or interviewer(s) conducting exit poll belong(s) to an organisation that has publicly expressed support for any candidate(s) contesting in the Rural Area, of which any polling stations are covered by the exit poll;

(b) the applicant or applicant organisation/the person(s) responsible for the exit poll or interviewer(s) conducting the exit poll belong(s) to an organisation that has member(s) standing as candidate(s) contesting in the Rural Area, of which any polling stations are covered by the exit poll;

(c) the applicant or applicant organisation, 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 ROs 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 or applicant organisation (including his/its affiliation) and the applicant or applicant organisation/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.

14.10 For security reasons, exit polls shall not be conducted at dedicated polling stations.

14.11 Applicants or applicant organisations must provide the following information through the HAD at the **latest ten days before the polling day**:

(a) the name and address of the applicant or applicant organisation, as well as the name, identity document number of the person responsible for the exit poll and the phone number(s) at which he 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(s).

14.12 The names and contact phone numbers of applicants or applicant organisations who are approved to conduct exit polls will be uploaded to the RR Election website (www.had.gov.hk/rre) and displayed at the respective polling stations.

14.13 If the applicants or applicant organisations which are approved to conduct exit polls fail to comply with the terms stipulated in the approval letter and the Guidelines, the approval may be revoked. The EAC may also publish the names of the applicants or applicant organisations concerned, make a **reprimand** or **censure** in a public statement, and publish the names of the applicants or applicant organisations who/which fail to comply with the terms stipulated in the approval letter and the Guidelines.

NOTE:

Applicants or applicant organisations must not collect or retain any personal data relating to 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).

14.14 Exit polls shall not be conducted inside polling stations and the NSZs. However, with the RO's approval, exit polls may be conducted within the NCZ outside the exit of the polling station. Interviewers conducting exit polls must note that canvassing is strictly prohibited within the NCZ, contravention is subject to criminal sanction. Interviewers conducting exit polls must therefore be extremely careful when conducting exit polls so as to avoid any suspicion that they are canvassing electors. Like others, unless permitted by the RO, interviewers conducting exit polls are not allowed to stay, loiter, or accost the electors in the NSZ. [Ss 35 and 82(1)(e) of the EP (RRE) Reg]

14.15 The PRO may, if circumstances permit, designate an area **outside the exit of the polling station** for interviewers conducting exit polls to conduct exit polls in the designated area. Interviewers conducting exit polls should keep a reasonable distance from the entrance/exit of the polling stations, especially at those with the entrance and exit at the same location, to ensure that the electors will not be affected when conducting the exit polls.

PART IV : IDENTIFICATION OF INTERVIEWERS CONDUCTING EXIT POLLS

14.16 After the applicant or applicant organisation has obtained the RO's approval, the HAD will notify the applicant or applicant organisation to collect a number of identification badges bearing the name of the applicant or applicant organisation. Interviewers conducting exit polls are required to wear the badges in a prominent position, showing the identity of the person or organisation conducting the exit poll so that the electors will not mistakenly believe that they are appointed by the Government or the EAC. Persons who violate this requirement will not be allowed to conduct the exit poll outside any polling station. In addition, the interviewers conducting exit polls are required to inform the electors that any response is entirely voluntary and state at the start of the exit poll the name of the person or organisation conducting the exit poll and the fact that the exit poll is not commissioned by the Government or the EAC.

PART V : SANCTION

14.17 Apart from the criminal sanction stipulated under the RREO and the EP (RRE) Reg, if the EAC comes to know that any broadcaster or organisation has failed to heed or comply with the Guidelines, it may make a **reprimand** or **censure** in a public statement and publish the name of the broadcaster or the organisation concerned.