

SUBSIDIARY LEGISLATION 350.21

REQUIREMENTS AS TO STANDARDS AND PRACTICE APPLICABLE TO VARIOUS TYPES OF POLLS BROADCAST ON RADIO AND TELEVISION SERVICES

22nd March, 2007

GOVERNMENT NOTICE 264 of 2007.

The title of these requirements is the Requirements as to Standards and Practice applicable to various types of Polls broadcast on Radio and Television Services. Citation.

1. Introduction

1.1 These Requirements as to Standards and Practice have been made by the Broadcasting Authority in virtue of article 20(3) of the Broadcasting Act, Chapter 350 of the Laws of Malta.

1.2 The specific issue of broadcasting of the various types of polls listed in these requirements carried out is worth mentioning because of its potential influence on viewers and listeners. The Broadcasting Authority has thus surveyed the situation in foreign jurisdictions and has drawn up the following rules to be followed by local broadcasting stations.

2. Opinion polls

2.1. Opinion polls are a useful tool to inform the audience of voting intentions. However, they can also be used as a tool of manipulation of the viewers and listeners - especially if they are, for instance, broadcast on the last days before a general election, a European Union parliamentary election or a referendum.

2.2. A broadcaster who broadcasts the results of an opinion survey must broadcast the following information with the results of the survey:

- i. the name of the sponsor/originator/originator of the survey;
- ii. the name of the individual or organization who conducted the survey;
- iii. the dates when the survey was conducted;
- iv. to the extent that the information is applicable to the survey, the number of individuals contacted for the survey and the percentage of those who refused to take part in the survey;
- v. to the extent that the information is applicable to the survey, the margin of error for the survey;
- vi. the exact wording of each question for which data are reported;

- vii. for each question for which the margin of error is greater than that reported, the margin of error for the question;
- viii. a mailing address or telephone number, indicating it as the address or telephone number at which the sponsor/originator can be contacted to obtain a written report regarding the survey.

2.3. The person carrying out the survey should provide to the station a copy of a written report on the results of the survey, including the following information to the extent that it is applicable to the survey:

- i. the name and address of the sponsor / originator of the survey;
- ii. the name and address of the individual or organization who conducted the survey;
- iii. the dates when the survey was conducted;
- iv. the exact wording of each question for which data are reported;
- v. the method used to collect the information;
- vi. the population from which the sample was drawn;
- vii. the size of the initial sample and the number of individuals contacted for the survey;
- viii. the number and percentage of individuals contacted who answered the survey;
- ix. the number and percentage of individuals contacted who refused to take part in the survey;
- x. the method used to recalculate percentages when those who expressed no opinion or those who did not respond are omitted;
- xi. the times of any interviews;
- xii. the sampling method;
- xiii. the number of ineligible individuals contacted;
- xiv. any weighting factors or normalization procedures used;
- xv. the margin of error for the survey.

2.4. Further, programmes reporting polls are to ensure that they:

- i. never rely on the interpretation given to a poll's result by the publication or organisation which commissioned it: look at the questions, the data, and the trend;
- ii. never use language which gives greater credibility to the polls than they merit - results never "prove" or even "show", they simply "suggest";
- iii. always report the expected margin of error, and where

the gap between the two leading contenders is within the combined margin of error say so;

- iv. always say if it was a telephone poll;
- v. never be tempted to single out one as more "newsworthy".

2.5. Time must be allowed in programmes for all the proper details to be given.

3. Televoting and Internet Polls

3.1. When reporting ring-in (also known as "televoting" or "phone-in") polls or internet polls (that is, those where readers are given a number or address to register a vote), it should be made clear that, as the results have been generated by self-selected respondents, and not by proper statistical sampling, they are not necessarily representative of the whole population. In reporting the results of such polls, expressions such as "most people" and "the public" should be avoided if likely to give a misleading opinion that the poll results are representative of public opinion.

3.2. These may accurately be called "straw polls" even when the subject is serious. Programmes which want to carry them out need to understand their severe limitations. They do not sample opinion: they are simply a programme device which illustrates certain viewpoints.

3.3. Phone-in polls must never be used by programmes as a means of gathering serious information on party political support. In other contexts, phone-in polls may produce interesting, even impressive results. But it must not be implied that those results have any wider significance.

3.4. Questions in phone-in polls should be as neutrally worded as the context calls for. Slanted questions give slanted results.

4. Vox pops

4.1. Vox pop interviews with people in the street do not even indicate what the public generally is saying. They are too small in number to be representative and they are not selected as a quota sample. Vox pops may sometimes be used to illustrate the kind of things people are saying in properly conducted political opinion polls. They can also be used in a wide variety of non-political contexts, provided there is no suggestion that they represent the views of the population at large. Thus, each vox pop should be preceded by an announcement that the methodology followed is not a scientific and reliable one.

5. Exit-polls

5.1. Exit polls, which are conducted outside polling stations on voting day and assess what people have actually voted, are to be broadcast only after the closure of the polling booths as, if they are given during the election or referendum itself, they could have an influence on the outcome of the elections and would also be in breach of Maltese law.

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6. Prohibition of broadcast of polls on the days immediately preceding polling

6.1. Some countries have regulations restricting the dissemination of poll results on the day or the immediate days preceding the election. As with the general prohibition of electoral activity on 'reflection day', the reasoning behind such rules is to enable the public to take a decision on their vote without external influences, such as the predicted results which opinion polls indicate.

6.2. It is therefore prohibited to broadcast the results of any of the above-mentioned polls that would identify a political party or a candidate or are in favour or against a referendum question from Monday immediately preceding polling day till the close of the polling booths.
