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Media notice

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New Legislation regarding Election Surveys during a Provincial General Election

Edmonton - In order to assist media outlets with preparations for the next Provincial General Election, Elections Alberta is providing this update on a new provision of the *Election Act* relating to election surveys that will impact media outlets.

Changes to the *Election Act*, (EA) RSA 2000, Chapter E-1, as amended, passed earlier this year included provisions:

1. Governing the transmission of election survey results (EA Section 135.2)
2. Requiring the reporting (on request after transmission to the public) of sponsors' information and survey organizers, survey timelines and methodology (EA Section 135.2)
3. Governing the transmission of election survey results not based on recognized statistical methods (EA section 135.3)
4. Prohibiting transmission of new election survey results during the blackout period (on election day prior to close of polls) (EA Section 135.4)

Relevant excerpts from the *Election Act* are attached for your reference.

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Election surveys

135.1 In this section and sections 135.2 to 135.4,

- (a) “election period” means the period commencing with the issue of the writ and ending at the end of polling day;
- (b) “election survey” means an opinion survey of how electors voted or will vote at an election or respecting an issue with which a registered political party or registered candidate is associated;
- (c) “person” includes a group as defined in Part 6.1 of the Election Finances and Contributions Disclosure Act.

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Transmission of election survey results

135.2(1) The first person who transmits the results of an election survey, other than a survey described in section 135.3, to the public during an election period and any person who transmits them to the public within 24 hours after they are first transmitted to the public shall provide the following together with the results:

- (a) the name of the sponsor of the survey;
- (b) the name of the person or organization that conducted the survey;
- (c) the date on which or the period during which the survey was conducted;
- (d) the population from which the sample of respondents was drawn;
- (e) the number of people who were contacted to participate in the survey;
- (f) if applicable, the margin of error in respect of the data obtained.

(2) In addition to the information referred to in subsection (1), the following must be provided in the case of a transmission to the public by means other than broadcasting:

- (a) the wording of the survey questions in respect of which data was obtained, and
- (b) the means by which a report referred to in subsection (3) may be obtained.

(3) A sponsor of an election survey shall, at any time during an election period after the results of the survey are transmitted to the public, provide, on request, a copy of a written report on the results of the survey, as transmitted under subsection (1).

(4) The written report must include the following, as applicable:

- (a) the name and address of the sponsor of the survey;
- (b) the name and address of the person or organization that conducted the survey;
- (c) the date on which or the period during which the survey was conducted;
- (d) information about the method used to collect the data from which the survey results were derived, including
 - (i) the sampling method,

- (ii) the population from which the sample was drawn,
 - (iii) the size of the initial sample,
 - (iv) the number of individuals who were asked to participate in the survey and the numbers and respective percentages of them who participated in the survey, refused to participate in the survey, and were ineligible to participate in the survey,
 - (v) the dates and time of day of the interviews,
 - (vi) the method used to recalculate data to take into account in the survey the results of participants who expressed no opinion, were undecided or failed to respond to any or all of the survey questions, and
 - (vii) any weighting factors or normalization procedures used in deriving the results of the survey;
- (e) the wording of the survey questions and, if applicable, the
 - (f) margins of error in respect of the data obtained.
- (5) A sponsor may charge a fee of up to \$0.25 per page for a copy of a report provided under subsection (3).

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Broadcast of surveys not based on recognized statistical methods

135.3 The first person who transmits the results of an election survey that is not based on recognized statistical methods to the public during an election period and any person who transmits them within 24 hours after they are first transmitted to the public shall indicate that the survey was not based on recognized statistical methods.

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Prohibitions re transmission of election survey results during blackout period

135.4(1) No person shall knowingly cause to be transmitted to the public, in an electoral division on polling day before the close of all of the polling places in that electoral division, the results of an election survey that have not previously been transmitted to the public.

(2) No person shall transmit to the public, in an electoral division on polling day before the close of all of the polling places in that electoral division, the results of an election survey that have not previously been transmitted to the public.

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