

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL  
BY DEPUTY S.Y. MÉZEC OF ST. HELIER  
ANSWER TO BE TABLED ON MONDAY 27TH NOVEMBER 2017**

**Question**

What legislation, if any, exists to govern political opinion-polling conducted by private companies on behalf of prospective election candidates?

**Answer**

There is no legislation which regulates political opinion-polling as such.

However, the following Laws may be of relevance in certain circumstances:

Article 62 of the Public Elections (Jersey) Law 2002 makes it an offence in certain circumstances to publish a false statement about a person who is a candidate. If an opinion poll were commissioned by a candidate intending to influence voters which included the publication of a false statement about another candidate, and the candidate commissioning the poll knew the statement to be untrue, he or she might then be liable to prosecution under Article 62.

Commissioning the services of a private company by a candidate in a public election may also form part of a “candidate’s election expenses” within the meaning of Article 3 of the Public Elections (Expenditure and Donations) (Jersey) Law 2014, if the provision of the services is used:

to promote or procure the candidate’s election at the election; or  
to prejudice the electoral prospects of another candidate in the same election.

Such services may therefore be subject to the statutory restrictions on expenditure in that Law.