

PUBLIC OPINION POLLING IN CANADA

**Claude Emery
Political and Social Affairs Division**

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CANADA

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INTRODUCTION

Public opinion surveys assumed an immense importance in Canada in the 1980s; not only did they become a familiar and seemingly indispensable feature of political campaigns – with various professional polling agencies being commissioned by different media outlets and political parties – they became an important aspect of public policy-making.⁽¹⁾ Polling today is to the politician and policymaker what the stock market is to the financial analyst.⁽²⁾ Although governments have other means of gauging public sentiment – party activists, members of caucus, public servants and their numerous client groups, legislative debates, the print and electronic media – polls are now acknowledged to be one of the most significant communication links between governments and the governed.⁽³⁾

Jean-Jacques Rousseau is said to have been the first to use the term “public opinion” in its modern sense when, in 1744, he was France’s foreign affairs secretary. Lindsay Rogers, an American political scientist, later coined the term “pollster” in 1949 to evoke the word “huckster.” Though newspapers in the United States have used polling techniques since the 1820s, national polls have been a phenomenon in Canada only since the 1940s. The Liberal Party conducted the first such survey in 1942 in an attempt to determine the likely outcome of a forthcoming plebiscite on conscription. The first election poll was carried out by the Canadian Institute of Public Opinion in 1945. One of the first political polls used to assist in the

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- (1) Claire Hoy, *Margin of Error: Pollsters and the Manipulation of Canadian Politics*, Key Porter Books, Toronto, 1989, p. 39; W.L. White, R.H. Wagenberg and R.C. Nelson, *Introduction to Canadian Politics and Government*, Holt, Rinehart and Winston of Canada Limited, Toronto, 1990, p. 123.
 - (2) Martin Goldfarb, “The Art of the Pollster,” in *Authority and Influence: Institutions, Issues and Concepts in Canadian Politics*, Carla Cassidy, Phyllis Clarke and Wayne Petrozzi, editors, Mosaic Press, Oakville, Ontario, 1985, p. 306.
 - (3) Rand Dyck, *Canadian Politics: Critical Approaches*, Nelson Canada, Scarborough, 1993, p. 205-206, 224, 277; Jeffrey Simpson, *Spoils of Power: The Politics of Patronage*, Collins Publishers, Don Mills, Ontario, 1988, p. 141-142; Goldfarb (1985), p. 312. According to the theory of party decline, opinion polls during elections have usurped the campaign role of party workers as a source of political information and have largely replaced the local party organization as a line of communication between the public and elected representatives.

development of an electoral strategy was undertaken for the Quebec Liberal Party in 1959, on the eve of the 1960 provincial election. Only during the 1965 federal election, however, did polling really take off in the Canadian press.⁽⁴⁾

The better-known pollsters have been the Canadian Institute for Public Opinion (CIPO), the Canadian branch of the U.S. Gallup organization; Decima Research (owned by the lobby company Hill and Knowlton); Environics Research Group; Sorecom; Canadian Facts; CROP (*Centre de recherche sur l'opinion publique*); Angus Reid; and Insight Canada. More than half of the major polling companies are attached to either a political party or media outlet.⁽⁵⁾ In cases of media sponsorship, a newspaper or television network either commissions a poll or adds on questions to a regular commercial survey. Pollsters frequently work for the media because poll results have become news in themselves.⁽⁶⁾ Fifteen of the 22 polls of the 1988 federal election campaign were sponsored by the print media; two broadcasters (CTV and CBC/Radio Canada) also either sponsored or conducted polls during the campaign.⁽⁷⁾ For many Canadian firms, however, election polling is less lucrative than private sector (consumer/product) or government (policy) research.⁽⁸⁾

The most common and best known survey technique is to select a representative (random) sample of people, ask them carefully worded questions, and report on their responses. Three other methods deserve mention: “tracking” entails telephoning people during an election in order to see how certain factors (e.g., speeches, announcements) are affecting a party or campaign;⁽⁹⁾ in a “focus group,” several people – sometimes observed from behind a one-way

(4) Guy Lachapelle, *Polls and the Media in Canadian Elections: Taking the Pulse*, Volume 16 of the Research Studies of the Royal Commission on Electoral Reform and Party Financing, Dundurn Press, Toronto, 1991, p. 10. See also Hoy (1989), p. 9-22; Christopher Hitchens, “Voting in the Passive Voice: What Polling Has Done to American Democracy,” *Harper's*, April 1992, p. 46; Alan Frizzell and Anthony Westell, *The Canadian General Election of 1984: Politicians, Parties and Polls*, Carleton University Press, Ottawa, 1985, p. 81.

(5) Dyck (1993), p. 220-221. A similar trend of sponsorship is found in the United States. See Thelma McCormack, “The Problem with Polls,” *The Canadian Forum*, July/August 1992, p. 12.

(6) George Bain, “Polls, News and Public Cynicism,” *Maclean's*, 21 June 1993, p. 56; Frizzell and Westell (1985), p. 81, 83. Because polls have become a major source of information and interpretation on the nature of public opinion, the role of journalism is said to have changed from that of articulating the public mood to merely reporting on events. See Goldfarb (1985), p. 304; McCormack (1992), p. 12.

(7) There were also 37 regional and constituency polls released in the daily or weekly press. The number of national polls published during the eight-week campaign in 1988 was nearly twice that of 1984: Lachapelle (1991), p. xviii, 3, 10, 86, 116.

(8) Bertrand Marrotte, “Numbers Game: Researchers under Fire for Blurring Line between Polling, Marketing,” *The Gazette* (Montreal), 19 October 1993.

(9) Frizzell and Westell (1985), p. 84.

mirror – are encouraged by a group leader to voice their reactions to various issues or slogans; “exit polls” are surveys that ask people leaving the polling place to reveal how they voted.⁽¹⁰⁾

THE ACCURACY OF PUBLIC OPINION SURVEYS

Although the term “public opinion” is widely used to imply a unanimous viewpoint, it should be pointed out that members of the public hold diverse opinions on any issue and that each issue usually interests only a certain segment of the population.⁽¹¹⁾ Even within a group where members share definite views on some matter, they do so with varying intensity. Moreover, in Canada, pockets of opinion have tended to be based on regional considerations; issues concerning the forest industry or fisheries, for example, obviously evoke more sharply defined opinions in some areas of the country than in others. Not only are there great differences in the amount of knowledge each individual possesses, opinions may also be internally contradictory⁽¹²⁾ and some, especially those on moral or social matters (e.g., abortion, capital punishment) may be generated more by emotional reactions than by rational assessments.⁽¹³⁾

(10) Dyck (1993), p. 220. Exit polls, if properly conducted, provide a good basis for assessing the reasons for an election result. See Royal Commission on Electoral Reform and Party Financing, *Final Report*, Volume 1, Supply and Services Canada, 1991, p. 461; McCormack (1992), p. 8.

(11) Dyck (1993), p. 219.

(12) *Ibid.* People often form their opinions first, then search for information to confirm them. See Edwin R. Black, *Politics and the News: The Political Functions of the Mass Media*, Butterworths, Toronto, 1982, p. 168. An “opinion situation” may be viewed as comprising three parts: an individual’s belief system, an object that is being judged (e.g., an issue, candidate, policy, etc.), and a situation that either promotes or limits the expression of the opinion: see Goldfarb (1985), p. 315.

(13) White *et al.* (1990), p. 122-123. See also Stephen Rogers, “Round Table: Public Opinion – Myths and Realities,” *Canadian Parliamentary Review*, Summer 1991, p. 21. According to Hoy (1989), “Pollsters often build a bias right into their questionnaire by the common device of listing options. For example, they’ll ask a person to rate the importance of a series of issues facing the country, listing these issues for the respondents, many of which the person on the other end of the phone line probably never thought about, but feels obligated to respond to, to avoid sounding stupid or unconcerned about society” (p. 91). To overcome the problem of hasty or non-committal answers to polls by respondents, James S. Fishkin, in his book *Democracy and Deliberation*, has proposed a new technique of survey research that he calls “deliberative polling.” This would involve randomly selecting at least 400 individuals (statistically representative of the population) who would be transported to a site for several days, where they would be briefed by impartial experts, given research papers and the opportunity to question political leaders and debate among themselves. A portion of the debate would be televised. Participants would also be polled on their views at the moment of selection and at the end of the experiment. The “deliberative poll” would thus demonstrate what the public would think if it had a better chance to reflect upon the issues. See James S. Fishkin, *Democracy and Deliberation: New Directions for Democratic Reform*, Yale University Press, 1991. See also Carol Goar, “In Search of a Better Way To Take the Public Pulse,” *The Toronto Star*, 1 February 1994; Ross Howard, “In Search of the Rational Side of a Nation’s Pulse,” *The Globe and Mail* (Toronto), 12 February 1994; “At Last, the Thinking Person’s Opinion Poll,” *The Independent*, 22 September 1993; Richard Morin, “A New Way To Take the People’s Pulse,” *The Washington Post*, 27 September-3 October 1993.

Opinions are likely to be more transient and dynamic than attitudes and values. At best, an opinion poll therefore constitutes a snapshot of many viewpoints held by a segment of the population at a given time. Indeed, one prominent pollster warns that “the way in which one deals with information gleaned through public opinion polls must be conditionalized through a sensitivity to the limitations of the information which is being measured,” and that “the activities of the pollster must always be understood as a combination of science and art.”⁽¹⁴⁾

When two or more pollsters are seeking essentially the same information yet produce different results, doubts naturally arise about their methodology. The chosen sample or sub-samples, the way a question is worded, the range of possible responses available, the sequence of the questions asked, the length of the survey, the degree to which respondents are telling the truth, etc. can account for such discrepancies,⁽¹⁵⁾ as can the faithfulness with which questioners pursue their task. One should not be blind to the possibility that interviewers occasionally “make up their interviews or to substitute easy to contact individuals for members of the sample group they were supposed to reach but found it difficult to do so.”⁽¹⁶⁾ A most important consideration is how “undecided” responses in a survey are reported.⁽¹⁷⁾

In very many polls a large percentage of respondents answer questions by saying they “don’t know,” or are “undecided” or they “won’t say.” It is not unusual for 20, 30, or even 40 per cent of a sample to make such a reply. Yet Gallup and most other pollsters round up the total in published figures to 100 per cent as though every one had given a specific positive reply. They may mention that a certain proportion

(14) Goldfarb (1985), p. 303, 313-314.

(15) Dyck (1993), p. 221. See also Eric Allaby, “Round Table: Public Opinion – Myths and Realities,” *Canadian Parliamentary Review*, Summer 1991, p. 20; George Bain, “The Perils of Poll-Driven Journalism,” *Maclean’s*, 20 April 1992, p. 20; Sharon Begley, Howard Fineman and Vernon Church, “The Science of Polling,” *Newsweek*, 26 September 1992, p. 38-39; Robert Fulford, “A Matter of No Opinion: How Pollsters Create a Reign of Terror,” *The Financial Times*, 22 June 1992; Lachapelle (1991), p. 90-95. An election questionnaire can have up to 40 questions: Frizzell and Westell (1985), p. 77.

(16) Goldfarb (1985), p. 314. See also Rogers (1991), p. 20; Hitchens (1992), p. 52. “Survey fatigue” is said to be a growing problem for opinion pollsters; annoyed by telephone solicitations (telemarketing), people are said to be increasingly reluctant to disclose personal information and unwilling to participate in telephone interviews. Don Hoyt, “Survey Fatigue Causing Pollsters Problems,” *The Telegraph Journal* (Saint John), 20 September 1993.

(17) “Adventures in the Number Trade: How Public Opinion Polls Decimate the Truth,” *This Magazine*, June-July 1993, p. 27; Frizzell and Westell (1985), p. 80; Begley *et al.* (1992), p. 38; Lachapelle (1991), p. 109. Different pollsters mean different things when they report on “undecided” voters (e.g., those who say they will not vote, or are unsure whether they will vote, or those who intend to vote but are undecided as to how they will vote).

was undecided but when they give the figures of how the vote breaks down, say in a pre-election contest, they give figures...which total 100 per cent.⁽¹⁸⁾

It is noteworthy that it is easier to translate voting intentions into potential seats in a two-party system than in a multi-party arrangement. The accuracy of election polls is also determined by actual voter turnout; pre-election surveys can sometimes be out of date by the time they are reported. In Canada, another problem is that national surveys must be drafted in both French and English and it must be ensured that the questions asked are equivalent. Last, polls can present an opportunity for deliberate misrepresentation or connivance by those who publish survey results; many examples of this practice by political parties have been cited.⁽¹⁹⁾ Advocacy groups seeking to influence the public agenda can also commission polls for public release and may draft questions to support their case or point of view. In short, public opinion surveys are blunt instruments of prediction and are susceptible to many forms of error.⁽²⁰⁾

Opponents of political polling point to notable failures like the predicted victories of Landon over Roosevelt in 1936, of Dewey over Truman in 1948, and of Wilson over Heath in Britain in 1970. Most pollsters considered the outcome of the 1980 presidential election in the United States too close to call, yet Ronald Reagan won by a landslide. The 1992 surprise victory of the Conservatives over Labour in Britain is another similar example. In Canada, however, gross inaccuracies in assessing the state of public opinion are believed to have been relatively few.⁽²¹⁾

(18) Paul Fox, "The Danger is Private Polling," in *Politics: Canada*, Sixth Edition, Paul W. Fox and Graham White, editors, McGraw-Hill Ryerson Limited, Toronto, 1987, p. 316. Polls are more costly when they are "filtered," that is to say when the undecided responses are separated and labelled. See Hitchens (1992), p. 50.

(19) See Albert H. Cantril, *The Opinion Connection: Polling, Politics and the Press*, The Congressional Quarterly Press, Washington, D.C., 1991, p. 67; Hoy (1989), p. 189-202; Royal Commission on Electoral Reform..., 1991, p. 457; Hitchens (1992), p. 50; Fox (1987), p. 315-316; Frizzell and Westell (1985), p. 81; Lachapelle (1991), p. 80. On more than one occasion, to lessen the impact of an unfavourable result, parties have used the political tactic of arguing that their own internal polls differ from the latest public polls.

(20) See Angela Mangiacasale, "The Problem with Polls," *The Ottawa Citizen*, 10 October 1992.

(21) See Robert J. Jackson and Doreen Jackson, *Politics In Canada: Culture, Institutions, Behaviour and Public Policy*, Second Edition, Prentice-Hall Canada, Scarborough, 1990, p. 511; Ray Hnatyshyn, "Don't Ban Pre-Election Polls," in *Politics: Canada*, Sixth Edition, Paul W. Fox and Graham White, editors, McGraw-Hill Ryerson Limited, Toronto, 1987, p. 312; Robert Fulford, "Polling Has Become a Form of Disinformation," *The Globe and Mail* (Toronto), 24 March 1993; Anne McLroy, "Sometimes Pollsters End Up the Big Losers," *The Ottawa Citizen*, 20 October 1992; Chris Cobb, "Getting it Wrong: Pollsters and Pundits Take a Beating in Britain," *The Ottawa Citizen*, 19 April 1992; Dyck (1993), p. 221; McCormack (1992), p. 11; Frizzell and Westell (1985), p. 81.

THE IMPACT OF POLLING ON THE ELECTORAL PROCESS

A. Direct Effects

Because polls are generally perceived to be accurate and scientific, the debate on polling centres largely on whether it undermines the democratic process by influencing electoral behaviour and election results. Some political strategists and observers argue that the publication of polls gives an unfair advantage to parties or candidates whose fortunes are seen to be improving. The so-called “bandwagon” effect assumes that knowledge of a popular “tide” will likely change voting intentions in favour of the frontrunner, that many electors feel more comfortable supporting a popular choice or that people accept the perceived collective wisdom of others as being enough reason for supporting a candidate.⁽²²⁾

The bandwagon phenomenon, however, is dismissed by those who argue that voters do not pay much attention to poll results in the first place, that not everyone believes them, and that it is not important for everyone to be on the winning side.⁽²³⁾ Furthermore, while some voters may want to be on the victorious side, at least a few will rally to support the expected loser out of sympathy – the so-called “underdog” effect – which would cancel out or annul any shifts in preference.⁽²⁴⁾

Although academics in the United States have long been divided over the impact of published polls on the outcome of elections, recent research supports the proposition that their publication can influence a close election, with the most impact occurring late in a campaign.⁽²⁵⁾ Recent studies in Canada also support the notion that polls published during political campaigns can create the “politics of expectations,” a situation that stimulates the bandwagon effect and promotes “strategic voting,” in which voting is influenced by the chances of winning. For example, citizens may cast ballots for their second-choice candidate who appears to have a better

(22) Patrick Martin, “Do Opinion Polls Influence Voters?” in *Politics: Canada*, Sixth Edition, Paul W. Fox and Graham White, editors, McGraw-Hill Ryerson Limited, Toronto, 1987, p. 303. See also Hnatyshyn (1987), p. 314.

(23) Dyck (1993), p. 221; Frizzell and Westell (1985), p. 85; Lorne Bozinoff, “Round Table: Public Opinion – Myths and Realities,” *Canadian Parliamentary Review*, Summer 1991, p. 16-17. For example, Dr. Bozinoff, Vice-president of Gallup Canada has said that “Polls are a measure of public opinion. A thermometer does not create weather, and a poll does not create public opinion” (p. 16).

(24) Martin (1987), p. 311; Hnatyshyn (1987), p. 313. Opposition leader John Turner’s election in the riding of Vancouver Quadra in 1984 is often given as an example of the sympathy or underdog effect; prior to his victory, the polls had indicated that he would lose.

(25) Parties and candidates often cannot respond to last-minute polls. Royal Commission on Electoral Reform... (1991), p. 457-458; Martin (1987), p. 311.

chance than the first choice of defeating a disliked candidate or party. Such behaviour is said to be increasing in Canada as close three-party races become more common.⁽²⁶⁾ It is therefore argued that voters making such strategic choices have every right to expect that the results of opinion surveys are scientifically valid.⁽²⁷⁾

Polls may have a “demotivating” effect (when voters abstain from voting out of certainty that their candidate or party will win), a “motivating” effect (when individuals who had not intended to vote are persuaded to do so), and a “free-will” effect (when voters cast their ballots to prove the polls wrong).⁽²⁸⁾ Lastly, opinion polls have a direct impact on the timing of elections because parliamentary governments often use polls when deciding on the election date.

B. Indirect Effects

The indirect effects of polls during elections may be as important as their possible direct influence.⁽²⁹⁾ Because of the multiplicity of published surveys and the attention they receive from the media, some charge that polls detract from discussion of the “real” issues. Indeed, many describe news coverage of Canadian elections as being analogous to that of a sporting event or “horse-race,” with serious analysis of the issues or investigation into areas of voter concern being largely ignored.⁽³⁰⁾ The media’s emphasis on who is winning and who is losing (as well as on the campaign “style” of leaders and their parties) may also result in so-called “leader fixation.” As one scholar explains:

Polls conducted throughout the campaign...focus on leadership in an attempt to predict the outcome of the election and to explain it in terms of leader appeal. The polls are presented as measures to gauge how the leaders’ campaigns are fairing. In this sense the media coverage misrepresents the political system, narrows the focus of public debate, and denigrates political leaders and institutions.⁽³¹⁾

(26) Tom Barrett, “Opinion Polls: They are Influential, They Affect Elections and They’ll Influence the Outcome Oct. 26,” *The Vancouver Sun*, 14 October 1992; Royal Commission on Electoral Reform... (1991), p. 458.

(27) Royal Commission on Electoral Reform... (1991), p. 458.

(28) Lachapelle (1991), p. 14.

(29) Royal Commission on Electoral Reform... (1991), p. 458; Dyck (1993), p. 221.

(30) Robert J. Samuelson, “The Dilemma of Democracy,” *Newsweek*, 13 April 1992, p. 51; Dyck (1993), p. 221-222; Martin (1987), p. 311; Frizzell and Westell (1985), p. 83; Lachapelle (1991), p. 111.

(31) Jackson and Jackson (1990), p. 512.

The publication of polls can also have a positive or negative effect on the morale of party workers and financial contributors, and on the “momentum” of a campaign. Party strategists often complain that it is difficult to make up ground once the media have decided, on the basis of polls, that a particular party is no longer a viable contender. Some commentators therefore call for a ban on the publication of polls during all political campaigns.

POLLING AND REGULATION

A. Background

The proponents of regulation argue that opinion polls, because of their authoritative presentation, have undue influence on elections; that they can be erroneous or misleading and subject to manipulation; that they are often presented without the necessary background (e.g., as to how and when the interviews took place, the sample size, sponsorship, etc.) to permit a rational assessment of their validity; and that they essentially transform parliamentary (representative) democracy into a form of “direct democracy.” It is also pointed out that, while journalists, for obvious reasons, are not allowed to work for political parties, no such restrictions are placed on pollsters.⁽³²⁾ The concern over publishing exit poll results before the end of a voting period is that this may lead to the bandwagon effect or depress voter turnout. Others object to the use of such findings on the grounds that the data generated do not meet the standards of a scientific survey.⁽³³⁾

Many who oppose regulation base their arguments on the rights of free speech. They also assert that there is no evidence that polls have significant or undue influence on voting, that polls are reasonably reliable, that they are a more systematic means of gathering public opinion than methods traditionally used by journalists, that they add to the public’s understanding of the dynamics of a campaign, that they provide interesting (if not useful) information, and that the publication of many polls is sufficient to ensure that the information

(32) Chris Cobb, “Probing the Polls: Should Media Accept Data from Pollsters with Ties with Politicians?” *The Ottawa Citizen*, 23 August 1993.

(33) For example, the sample is not deemed to be representative because different segments of the population vote at different times during the day. Exit polls, also called “election-day polls” and “street polls,” are mainly a television phenomenon, with networks jockeying for first place in the race to report election results: Royal Commission on Electoral Reform... (1991), p. 461; Lachapelle (1991), p. 38, 63-66.

presented is a true reflection of public opinion (at least until the election results are known).⁽³⁴⁾ In a related vein, a prohibition on the publication of poll results would not prevent governments, parties, candidates and others from conducting their own polling; thus, a ban would confer a considerable advantage on those interests who could afford their own private surveys.⁽³⁵⁾ Some also argue that opinion polls provide a legitimate counterbalance to the pressures brought to bear on government by special interest lobbies or pressure groups.

In brief, there are many ways to regulate polling during and outside election periods.

Self-regulation would leave it up to the participants, particularly the media and polling organizations, to regulate their own professions and to ensure that certain basic ethical standards are respected. The main responsibility would fall to pollsters and journalists. Pollsters would have to establish their own code of conduct. Journalists would have to ensure that the public was accurately informed by presenting and commenting on poll data responsibly and appropriately. In a free market or laissez-faire situation, competition among polling institutes would oblige them to produce higher-quality polls, at the same time forcing self-regulation. In this case, organizations with dubious qualifications would soon be exposed...Government regulation is obviously still an option that some would qualify as elitist, especially if it is based on the notion that opinion polls influence the public and that this influence must be limited. Government regulation is also seen as the first step toward political despotism; making decisionmakers responsible for determining what can or cannot be published could represent a threat to democracy.⁽³⁶⁾

One option is a mixed approach where the state imposes certain restrictions but leaves the task of defining standards for the presentation of polls to the organizations involved.⁽³⁷⁾

(34) Royal Commission on Electoral Reform... (1991), p. 456; Oleh Iwanyshyn, "Polls are Often Poor Barometer of Public Opinion," *The Gazette* (Montreal), 17 May 1993; Royal Commission on Electoral Reform, "Summary of Issues..." (1990), p. 4.

(35) Dyck (1993), p. 222; Fox (1987), p. 314-317; Frizzell and Westell (1985), p. 86. "A Faulty Measure," *The Ottawa Citizen*, 20 July 1993; "The Public's Right to Know," *The Globe and Mail* (Toronto), 21 September 1993; "Newspapers Challenge Ban on Polls," *The Globe and Mail* (Toronto), 16 October 1993; "The Hamburger Poll Act," *The Globe and Mail* (Toronto), 22 October 1993.

(36) Lachapelle (1991), p. 15-16.

(37) *Ibid.*, p. 16, 69.

B. Regulation in Canada

Several Private Members' bills were introduced over the years to regulate or ban the publication of polls during federal elections; however, none was endorsed by the House of Commons.⁽³⁸⁾ At the provincial level, only British Columbia has had a prohibition: in 1939, the province's *Elections Act* was amended to make it unlawful to take "any straw vote" after the issuance of the writ for an election. The provision was repealed in 1982.⁽³⁹⁾

In Quebec and for over a decade, the *Comité des sondages of the Regroupement québécois des sciences sociales* – a group of academics specializing in opinion surveys – have tried to convince journalists and the media of the importance of presenting polling methodology along with polling results. In 1979, the *Comité* recommended that this information (in the form of a survey specifications sheet outlining the technical elements of a poll) accompany the publication or broadcasting of all poll results to allow the general public to judge their quality. It was also proposed that all data and reports of polls published or broadcast be legally deposited so that everyone has access to them, and that a polling commission be established to verify the validity of polls.⁽⁴⁰⁾

On 13 February 1992, a federal Royal Commission on Electoral Reform and Party Financing⁽⁴¹⁾ tabled a four-volume report, *Reforming Democracy*, which recommended, among other things, that:

- the publication or announcement of opinion polls be prohibited from midnight the day preceding election day until the close of all polls on election day;

(38) *Ibid.*, p. 37-38.

(39) Prior to 1982, determined pollsters found their way around the ban by naming hamburgers after party leaders and then counting the number of each kind sold: Hoy (1989), p. 221; Dyck (1993), p. 222; Royal Commission on Electoral Reform... (1991), p. 459; Lachapelle (1991), p. 6, 35.

(40) The political program of the Parti Québécois in the early 1970s included prohibiting the publication of opinion polls during the final week of an election campaign. The party later ignored the stipulation. See Hnatyshyn (1987), p. 313; Royal Commission on Electoral Reform... (1991), p. 459; Lachapelle (1991), p. 40, 70-71.

(41) The Royal Commission was established in November 1989 with a mandate to report on the principles and process that should govern the election of members of the House of Commons and the financing of political parties and candidates' campaigns.

- any news organization that sponsors, purchases or acquires any opinion poll, and is the first to publish or announce its results in Canada during an election campaign, be required to include technical information on the methodology used in the poll;⁽⁴²⁾
- any such news organization be required to make available to any person within 24 hours of publication and for the cost of duplication, a full report on the results of the questions published, including technical information and the results on which the publication or announcement is based;⁽⁴³⁾
- reports in the news media of polls done privately or by other news organizations, when presented for the first time in Canada in a manner similar to formal reports of media polls, be subject to the same disclosure rules concerning technical information on methodology;
- organizations engaged in election campaign polling for publication develop a professional code of conduct and an association to promote adherence to it; and
- polling organizations work with the media to improve the standards of poll reporting.⁽⁴⁴⁾

On this last point, both journalists and broadcasters have adopted codes of ethics and interpretation with respect to polls. The first ever code for the polling profession was proposed by the Standards Committee of the American Association for Public Opinion Research in 1948. There is also an International Code of Fair Practices in Market Research, which was prepared jointly by the International Chamber of Commerce and the European Society for Opinion and Marketing Analysis and Research and adopted in April 1971. In Canada, the Canadian Advertising Research Foundation and the Canadian Association of Marketing Research Organizations have established reporting standards. The Canadian Daily Newspaper

(42) For example, the name of the polling organization, the sponsor who paid for the poll, the dates of the interviewing period, the method of data collection (e.g., mailed questionnaires, telephone surveys), the number of respondents, the exact wording of the questions, the margin of error, etc.

(43) Among the qualifiers mentioned are: information on the population from which the sample was drawn, the sampling method, the number of ineligible respondents, the number of completed interviews, the refusal rate, the response rate, and weighting factors, if any.

(44) Royal Commission on Electoral Reform... (1991), p. 461, 464-467. See also McCormack (1992), p. 9.

Publishers Association also has a proposed checklist of questions journalists should ask themselves whenever they receive poll results. Canadian broadcasters for their part have developed their own rules and standards, and in January 1991, the Canadian Association of Broadcasters and the *Association canadienne de la radio et de la télévision de la langue française* established the Canadian Broadcasting Standards Council to address ethical standards.⁽⁴⁵⁾

In February 1992, the House of Commons appointed a special eight-member committee to undertake a comprehensive review of the Royal Commission report and to recommend changes to the *Canada Elections Act*.⁽⁴⁶⁾ The Act was subsequently amended in the spring of 1993. Federal law now prohibits the broadcast, publication or dissemination of the results of new or scientifically conducted opinion surveys that would identify a political party or candidate in the final three days of an election campaign.⁽⁴⁷⁾

C. Regulation in Other Jurisdictions

The concerns outlined above are not unique to Canada. Many other countries impose various restrictions on polls and their publication. In the United States, the National Council of Public Polls and the American Association of Public Opinion Research have long-established codes and have been considering mechanisms for adjudicating complaints. In 1972, at the initiative of a private member, France introduced a publication ban on polls during the final days of an election campaign. France has a full-scale regulatory agency – a commission that receives and investigates complaints, requires polling organizations to register and deposit technical information, and enforces a seven-day blackout. Media reporting of polls, however, remains a source of controversy in that country.⁽⁴⁸⁾

(45) Lachapelle (1991), p. 72-84. See also Hoy (1989), p. 120.

(46) See James Hrynshyn, "Electoral Reform Wants Poll Reports Put in Context," *The Hill Times*, 13 May 1993.

(47) See Mollie Dunsmuir, "Bill C-114: An Act to amend the Canada Elections Act," Legislative Summary LS-167E, Library of Parliament, 2 April 1993; Doug Fisher, "Media Angered by Reach of Poll Publishing Ban," *The Ottawa Citizen*, 17 July 1993; "Ban on Polls Cuts One Way," *The Toronto Star*, 10 August 1993; "Censoring Polls on Eve of Vote," *The Toronto Star*, 24 October 1993; Stuart McCarthy, "New Rules Deterrent to Candidates," *The Ottawa Sun*, 29 August 1993.

(48) Lachapelle (1991), p. 52, 56-60. See also Hoy (1989), p. 219-220.

Poll results in Belgium and New York State are also submitted to a designated agency.⁽⁴⁹⁾ Since 1978, the New York regulations require that the methodology used in private polls be made public if their results become public.⁽⁵⁰⁾ The polling industry in the United Kingdom responded to concerns raised in Parliament and elsewhere by attempting to improve the level of professional conduct among the media and the polling organizations; in 1987, the major pollsters reconfirmed their adherence to the guidelines of the World Association of Public Opinion Research and committed themselves to making public their methodology and publishing a guide for journalists. Among the 20 countries examined by Canada's Royal Commission on Electoral Reform, three banned the publication of opinion polls during campaigns, while others had blackout periods varying from 48 hours to the entire duration of the election period.⁽⁵¹⁾

OPINION POLLS AND POLICY-MAKING

The pollster not only operates in the context of electoral politics, but also within that of public policy development. Governments and political parties use polls to assist them in defining and prioritizing their positions on various contentious issues. Government departments have in the past sponsored polls to "test the waters" of various policy options. In the 19-month period between April 1990 and November 1991, over \$10 million was reportedly approved by the Department of Supply and Services (which acted as a coordinating agency) and spent by the federal government on opinion surveys, an amount that does not include contracts awarded directly by individual departments.⁽⁵²⁾

One common view is that the use of government-sponsored polls constitutes an abdication of leadership.⁽⁵³⁾ On this, one observer remarked, "the essence of democracy is that

(49) Lachapelle, p. 68.

(50) *Ibid.*, p. 50-52, 68.

(51) *Ibid.*, p. 55-56; Royal Commission on Electoral Reform... (1991), p. 460.

(52) "Public Opinion Samplings Costly," *The Ottawa Citizen*, 10 January 1992. From April 1992 to just after the October 1992 constitutional referendum, federal departments reportedly spent \$5.2 million on polls; over half of this was spent by the Federal-Provincial Relations Office on constitutional opinion surveys. Gord McIntosh, "Much Federal Polling in '92 Done by Firms with Tory Ties," *The Ottawa Citizen*, 13 May 1993. See also Geoffrey York, "Pollsters Profit from Unity Issue," *The Globe and Mail* (Toronto), 3 October 1992; Frank Howard, "Chrétien Orders New Guidelines to Govern Use of Opinion Polls," *The Ottawa Citizen*, 11 January 1994.

(53) Samuelson (1992), p. 51. See also "Worthless Polls," *The Winnipeg Free Press*, 12 January 1994.

we elect politicians to lead, to take risks, to stand for something more than the latest popular sentiment or the collective wisdom, which may be based more on short-term emotional or outright ignorance than anything else.”⁽⁵⁴⁾ A related argument is that an important aspect of good leadership in government is the ability to create an informed public opinion, instead of simply pandering to it.⁽⁵⁵⁾ Opposition parties often express concern that polling done by governments on matters of public policy (and at taxpayers’ expense) constitutes an unacceptable form of assistance for the party in power, especially if the information is not released to the public and if it is used for partisan purposes.⁽⁵⁶⁾

CONCLUSION

If information is power, then political information is political power. Whether opinion polls have significant or undue influence on the conduct of election campaigns and the decisions of voters continues to be the subject of debate. Proponents of regulation believe that polls not only invade the privacy of respondents and influence party fundraising morale and the media’s coverage of issues, but also promote strategic voting and stimulate bandwagon effects.⁽⁵⁷⁾

Polls can be deliberately misused and misinterpreted if the technical information accompanying them is too sketchy to permit assessment of the validity of the results. As in many other democratic societies, the treatment of polls by the media therefore remains an important issue in Canada, with many calling for increased efforts on the part of the polling industry to ensure that opinion surveys are reported with the necessary background information. The dilemma for the media, in turn, is how to provide good polling information without overloading their audiences with less interesting technical data. Some have argued that the media are not trained in the interpretation of polls.⁽⁵⁸⁾

(54) Hoy (1989), p. 7.

(55) White *et al.* (1990), p. 122.

(56) Goldfarb (1985), p. 312. See “Mulroney’s Office Knows Best on Releasing Polls, Lawyer Says,” *The Globe and Mail* (Toronto), 13 August 1992.

(57) According to Hoy (1989), “Most politicians who call for a ban on public opinion polling share two characteristics: they, or their party, either just lost an election or are behind in the polls, and they want to retain the right to conduct their own private polls” (p. 219).

(58) See Bozinoff (1991), p. 17.

The “public choice” approach views opinion surveys as a means for the authorities to identify the concerns of strategically located groups within the electorate (i.e., segments of the population according to age, income level, ethnicity, life-style, etc.). The extensive use of polls by political parties, however, would also confirm certain claims: that parties make calculated promises in order to get elected; that they tend to “ignore their committed supporters as well as those who are hostile, and then within a certain ideological range, promise whatever their polls tell them will maximize their electoral success”; and that governments “rarely do what is in the long-term interest of the country if it conflicts with short-term electoral advantage.”⁽⁵⁹⁾

According to “élite” analysis, when only élites (i.e., well-organized and well-heeled interests) can afford to do proper polling, they yield a disproportionate amount of influence and control over the public if they are allowed to keep the results of their polls secret.⁽⁶⁰⁾ This approach therefore strongly favours “access to information.” “Pluralists,” on the other hand, emphasize the opportunity that polling provides for ordinary citizens to influence the policy-making process and see nothing but good resulting from frequent surveys of public opinion. The “state-centred” approach criticizes the amount of money spent on polling by governments and bureaucrats.⁽⁶¹⁾

Some commentators suspect that pollsters have become a dangerous new breed of political advisor, emphasizing numbers instead of issues and usurping the traditional informational role of political parties.⁽⁶²⁾ Although the actual impact of election polls is difficult to measure, it is certain that governments find them to be a reliable and useful tool, political strategists consider them to be indispensable, the media have adopted them to augment their news reports, and the public seems eager to see the results. The appeal and popularity of polls would seem to lie in their apparent ability to quantify something which by its nature is not easily quantifiable. The use of polls by governments does not necessarily mean that they will refrain from pursuing unpopular policies and doing “what is right.” Good governing may have less to do with polling than with ability to lead.

(59) Dyck (1993), p. 225, 258, 569. See also “Poll Secrecy Betrays Low Opinion of Public,” *The Times Colonist* (Victoria), 22 February 1992; Lachapelle (1991), p. 4.

(60) See, for example, Hoy (1989), p. 228.

(61) Dyck (1993), p. 226, 259, 268. See also “Opinion Poll Ban Crimps Democracy,” *The Toronto Star*, 8 March 1993; Hnatyshyn (1987), p. 313; Goldfarb (1985), p. 316.

(62) James Wilson, “Round Table: Public Opinion – Myths and Realities,” *Canadian Parliamentary Review*, Summer 1991, p. 19; Ross Howard, “The Man Who Fell to Earth,” *The Globe and Mail* (Toronto), 18 December 1993.