SP&R CALLS ON POLLING INDUSTRY TRADE GROUP TO CRACK DOWN ON GARBAGE POLLS; SUBMITS RECOMMENDED SANCTIONS TO STRENGTHEN POLLSTERS' CODE OF CONDUCT

FOR IMMEDIATE RELEASE – THURSDAY, NOVEMBER 12, 2020

Susquehanna Polling and Research (SP&R), recognized by prominent news organizations including CBS's *Inside Edition*, the *New York Post* and the *Rush Limbaugh Radio Program* as one of the few firms whose polling in key battleground states showed a "tossup" election in the race for the White House[1], today called on the American Association of Public Opinion Research (AAPOR) to implement tougher guidelines for pollsters and in some cases "public reprimands" to firms that publicly release results to "trial heat/ballot test" questions determined to be largely inaccurate, and in some cases wildly off the mark when compared with Election Day outcomes.   SP&R Founder and Pollster Jim Lee made the announcement during a taped interview with the "*Business Matters*" TV show, hosted by WFMZ-TV/News 69 in Allentown, Pennsylvania, and scheduled to air to its TV audience on Monday, November 16.

By way of background, SP&R was the first polling firm to publicly call out egregious polling conducted by polling institutions, and in particular academic universities and media-sponsored polls, in the lead up to the 2016 Pennsylvania Presidential Election. Concerns were outlined in a letter dated 9-21-20 and sent by SP&R Founder Jim Lee to Pennlive.com reporter Ms. Jan Murphy and the Editorial Board of the Patriot News Newspaper in Harrisburg, Pennsylvania, entitled "*Liberal Media Bias – Wildly Inaccurate Polling by Franklin and Marshall College*".   In this letter, SP&R Pollster Jim Lee referenced publicly released polling by F&M College released only days before the 2016 Pennsylvania Presidential election purporting to show then-candidate, Hillary Clinton with an 11-point lead over Donald Trump less than one week before Trump's 1-point victory in Pennsylvania. Lee stressed the negative impact this egregiously inaccurate polling has on the reputation of [sic] polling industry and warned that publicly released polls this far afield from the ultimate outcome on Election Day may contribute to voter suppression.

"*We stood up for the integrity of the [polling] industry by not being afraid to call out firms like F&M for their egregious polls in 2016, and more importantly, tried to raise alarm bells that there appears to be no negative consequences or sanctions for polling institutions - academic-based institutions of higher education or otherwise - that violate the public's trust when this happens,*" Lee said. "*Here we are in 2020, and the same trends have continued unabated with a plethora of academic and media-sponsored polls now under a national microscope for releasing wildly inaccurate polls yet again in key battleground states, and ones that were outlandishly off the mark yet again*", Lee

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[1] Source: www.realclearpolitics.com, SPR battleground polling in WI, FL, AZ, PA and NC

added. Examples of polls released by firms <u>within the last 14-21 days of the election</u> in key battleground states that could have led to suppression of the vote, include:

- *Quinnipiac University*, polls conducted both in Florida and Ohio showing 5-point leads for Biden (v. Trump's 3-point win in FL), and 4-point leads for Biden (v. Trump's 8-point win in OH), and

- *Monmouth University* and *Franklin & Marshall College* polls in Pennsylvania showing 7-point and 6-point leads respectively for Biden (v. Biden's narrow, 1-point win), and

- *ABC News/Washington Post* polling in Wisconsin showing a purported 17-point lead for Biden, and a separate *University of Wisconsin* poll showing a 9-point lead for Biden. Biden won Wisconsin by 1 point pending a probable recount.

As a result, SP&R recently submitted to AAPOR staff the following recommended wording and proposed new sections to be considered for inclusion in its "*Code of Professional Ethics and Practices[2]*". As follows:

NEWLY PROPOSED PARAGRAPHS (<u>IN RED HIGHLIGHTS/UNDERLINE</u>) TO BE INSERTED IN SECTION II, ENTITLED "PRINCIPLES OF PROFESSIONAL PRACTICE IN THE CONDUCT OF OUR WORK", AND LABELED AS ITEMS C, D, E, F AND G TO FOLLOW ITEM "B":

<u>C. Require public, for-profit and academic/university-affiliated polling divisions to publicly disclose any/all past and/or present personal and business relationships that exist between these researchers (engaged in the conduction/execution) of public opinion research and members of the media (newspapers, TV, radio stations, etc.) for which they may be contracted with to conduct public polling. Academic pollsters representing universities should also be required to disclose their political party affiliation including any/all affiliations with political party committees or other partisan/PAC groups and/or instances when these polling professionals previously sought public office.</u>

<u>D. As it relates to "election" polling, firms that publicly release results to hypothetical "ballot match up questions" should be strongly encouraged to refrain from publicly releasing [these] results when the sample frames for these election-related polls consist exclusively of "registered" voters (as opposed to "likely" voters), wherein the former produces hypothetical Election Day ballot/trial heat margins for political candidates that are proven to be wildly inaccurate when compared with "likely" voter polls and thus, skew the average leads for supposed winning candidates in these states.</u>

Supporting Documentation: A review of publicly released polling at www.realclearpolitics.com and conducted in July and August 2020 in 5 key battleground states (WI, FL, PA, NC, MI) by firms where "registered" voters as opposed to "likely" voters are the exclusive sample frame/universe, the average lead for Biden in FL is 8.3 points (v. a much smaller, more accurate average 3.5 point Biden lead among firms using "likely" voters during this same two month time period), a 7.8 point lead for Biden in PA (v. an average 5.2 point Biden lead with firms using "likely" voters), a 7.0 point lead for Biden in Wisconsin (v. an average 5.5 point Biden lead with firms using "likely" voters), a 3.25 point lead for Biden in North Carolina (v. an average .8 point Biden lead with firms using "likely" voters) and an 8.5 point lead for Biden in Michigan (v. an average 6.25 point Biden lead with firms using "likely" voters).

E. Firms that conduct "election polling" should be prohibited from publicly releasing multiple sets of conflicting head-to-head election/trial-heat results derived at within the framework of the [same] poll wherein these results differ and conflict with each other and thus cause confusion and/or mistrust to/by the general public because they are based on various hypothetical, but conflicting models of scenarios of voter turnout projections.

Supporting Documentation: See Monmouth University Pennsylvania poll conducted Oct. 28-Nov. 1, N=502 interviews. Source: www.realclearpolitics.com

F. Academic institutions of higher education that engage in public polling for election related contests shall NOT be allowed to use undergraduate and/or graduate students attending these universities (when said students are receiving course credits and/or extra credit for undertaking this "research") for data collection and live agent interviewing. Instead, all data collection and use of live telephone agents with the expressed intent of producing election related polling that is expected to be publicly released should only be performed/conducted by telephone call centers where these telephone agents have no personal, academic or other conflicting/compromised relationships with the academic institution where such research is being performed.

Supporting Documentation: Exit polling conducted by CNN in both '20 and '16 presidential elections shows that voters in the 18-29 year old cohort voted for Democratic presidential candidates by 60:36 and 55:36 margins, respectively and thus, if undergraduate and/or graduate students in this age group are the ones conducting the majority of telephone calls at university-sponsored polling institutes they bring an inherent bias to the data collection process and thus, should be prohibited from making such telephone calls during the data collection phase.

G. Public, private and/or academic university polling firms that publicly release results to election-related polls within 14 days of an impending election, and where hypothetical "ballot test" results are released, and where these results are said to differ wildly from actual election outcomes post-Election Day, and thus are vulnerable to criticisms of contributing to voter suppression, shall face sanctions, rebuke and/or reprimands by AAPOR and as a result, should be called on to issue public apologies with detailed explanations of their survey methodologies and reasons for [their] erroneous election outcomes. Furthermore, AAPOR should strongly encourage these academic institutions of higher education who are recipients of federal and/or state grants or other taxpayer financed earmarks for the purposes of conducting "research", to refund in full to governmental jurisdictions and/or state/federal agencies these expenditures.

PROPOSED AMENDED LANGUAGE (IN RED HIGHLIGHTS/UNDERLINED) TO SECTION "D", ITEM #3 OF SECTION I, ENTITLED "PRINCIPLES OF PROFESSIONAL RESPONSBIILTY IN OUR DEALINGS WITH PEOPLE" TO READ:

3. We will correct factual misrepresentations or distortions of data or analysis, including those made by our research partners, co-investigators, sponsors, or clients. We will make good faith efforts to issue corrective statements to all parties who were presented with the factual misrepresentations or distortions, and if such factual misrepresentations or distortions were made publicly, we will correct them in a public forum that is as similar as possible. We also recognize that differences of opinion in the interpretation of analysis are not necessarily factual misrepresentations or distortions and will exercise professional judgment in handling disclosure of such differences of opinion. Failure to take correction action to remedy these distortions or misrepresentations will result in public rebuke by AAPOR and a written request to issue public apologies to the public and/or universe electorate.

Supporting Documentation: During a TV appearance to debate the accuracy of polling with guests SP&R Pollster Jim Lee and Muhlenberg College Pollster/Professor Christopher Borick, aired on Monday, Oct. 19th by WFMZ-TV/69 News, when asked by the moderator to defend Muhlenberg College's latest poll showing J. Biden with a 5-point lead in Pa, Mr. Borick stated "*if you look back at our polls, they actually have a slight Republican lean*". However, it is the position of SP&R that this comment is a fabrication and misrepresentation of the facts and flies in the face of Muhlenberg College's own polling in presidential elections. For instance, according to a composite of publicly released Pa polls available at www.realclearpolitics.com, in the last two presidential elections Muhlenberg College conducted and released 4 polls in the lead up to the '16 POTUS election (starting field dates 9/12, 9/19, 10/20 and 10/30) and 5 polls in the lead up to the 2020 POTUS election (starting field dates 11/4/19, 2/12, 8/11, 10/13 and 10/23) – showing a cumulative average lead of 5 points for then-Democrat candidate Hillary Clinton and 5 points for Democrat Joe Biden. Not a single poll out of nine conducted by Muhlenberg College in the last 2 POTUS elections showed D. Trump with a lead.