

# CMOR

*Promoting and Advocating Survey and Opinion Research*

May 30, 2008

Donna Kelly  
Assistant Attorney General  
25 Market Street  
P.O. Box 112  
Trenton, New Jersey 08625-0112

Re: **Notice of Pre-Proposal for Credentialing Rules for Exit Polling**  
([N.J.A.C. 13:17-7](#))

Dear Assistant Attorney General Kelly,

On behalf of the entire survey and opinion research<sup>1</sup> profession, I respectfully request that survey and opinion researchers be explicitly authorized to conduct election polling within the 100-foot protected zones of voting places, and that rules be set at the state level rather than county-by-county.

CMOR is a non-profit trade association representing the entire survey and opinion research profession, including government agencies, academic institutions, opinion researchers, pollsters, market researchers, large client companies, small data collectors and other professional associations. We work to improve respondent<sup>2</sup> cooperation, promote respondent privacy and advocate for survey and opinion research in law, regulation and legislation.

The parties explicitly authorized to conduct exit polling at election places<sup>3</sup> currently include “non-obstructive members of the news media” and “non-obstructive non-partisan public interest groups” – but do not include all legitimate researchers. The national news media are the most publicly visible exit pollsters, via the National Election Pool -- and they are represented within CMOR by CBS News Survey Director Kathleen Frankovic,

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<sup>1</sup> Survey and opinion research is the process of acquiring opinions from the public. Researchers seek to determine the public’s opinion regarding products, issues, candidates and other topics. Such information is used to develop new products, improve services, influence policy, and is also used by health care providers, airlines, private businesses and others. In fact, government is the largest consumer of survey and opinion research in the United States!

<sup>2</sup> The survey and opinion research profession refers to participants in research as “respondents”.

<sup>3</sup> A copy of “[Explaining Exit Polls](#)” from the American Association of Public Opinion Research (AAPOR) (a member of CMOR), is attached to these comments.

who serves as a volunteer member of CMOR's [Government Affairs Committee](#). However, a majority of such research is actually conducted by other survey and opinion research organizations and companies, and such entities must be included as authorized parties in any final exit poll regulations.

Election exit polling is an important aspect of survey and opinion research. It would be detrimental to both the research profession and American public to hinder the ability of survey and opinion research to serve as the ombudsman of public opinion.

Thanks to rigorous self-regulation through the codes and standards of professional associations like the American Association of Public Opinion Research (AAPOR) and the Marketing Research Association (MRA), members of the research profession behave in an ethical manner in their interactions with the public. Researchers are sensitive to privacy concerns<sup>4</sup> and are bound by the aforementioned codes to respect respondent privacy and to avoid mixing political advocacy with research efforts. Such mixing would likely constitute so-called "push polling or political telemarketing," behavior that CMOR and our members seek to combat and prevent.

As mentioned earlier, in addition to our concerns about survey and opinion researchers being appropriately authorized to conduct exit polling, CMOR would also like to advocate that the rules be set at a state-wide level, in order to avoid a confusing patchwork of rules and restrictions on exit polling across New Jersey's 21 counties. Anything that could streamline the process of research would let researchers focus on ever more accurate results, rather than ever more complicated paperwork.

As an organization dedicated to protecting consumer privacy, CMOR pursues investigations into abuses of the research process and actively participates in consumer awareness campaigns. We seek to protect researchers' access to information, while balancing the need for information with the privacy rights of the public. We hope that, in the future, the Attorney General's office will feel free to contact us whenever we might be of assistance in matters affecting individual and data privacy, or the survey and opinion research profession in general.

And should you or anyone else in the Attorney General's office have concerns or questions about exit polling or the survey and opinion research profession, please do not

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<sup>4</sup> As part of the research process, researchers gather information about respondents' attitudes and opinions. Interviewers often ask for "demographic" information to help define the interest that the sample is likely to have in the product or service being studied. This information is not looked at by individual answers. Instead, each person's answers are combined with those of many others reported as a group to the client who requested the survey. Most research companies destroy individual questionnaires at the end of the study, and names and addresses of participants are separated from the answers if additional tabulation of the results is done. Again, all of the personal records are usually destroyed after the study is completed or the validation check has been made, and all of a respondent's personally identifiable information is kept strictly confidential.

hesitate to contact CMOR's State Legislative Director, LaToya Lang, at [llang@cmor.org](mailto:llang@cmor.org) or 202-775-5171.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard Fienberg". The signature is fluid and cursive, with the first name "Howard" being larger and more prominent than the last name "Fienberg".

Howard Fienberg  
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