

Qualifying Initiatives by Public Opinion Polling

by
Kenneth F. Warren

INTRODUCTION

I am honored to contribute my knowledge and experience about public opinion polling to the Democracy Symposium on the constitutional, political, and practical aspects of the National Initiative. The **National Initiative for Democracy** embraces the basic, laudable principles of democracy and I wish to weigh in on why public opinion polling helps to promote the interests of democracy and why using public opinion polling as an optional method for qualifying initiatives in **The Democracy Act** makes a lot of practical and theoretical sense.

CRITICISMS PUBLIC OPINION POLL: AN OVERVIEW

I have been so concerned about the fact that public opinion polling has been so misunderstood and unfortunately maligned by so many Americans that I felt compelled to write a book defending public opinion polling. In my book, *In Defense of Public Opinion Polling* (Boulder, Colorado and Oxford, England: Westview Press, 2001), I acknowledge the common criticisms many Americans have with public opinion polling. I then try to set the record straight by responding to these condemnations, which I feel are based more on emotional biases, political agendas, and plain ignorance than on a rational rejection of polling based on a thorough understanding of polling methodologies and how polls are actually used in our democracy. Since public opinion polling will play such an important role under **The Democracy Act**, I obviously need to reiterate some of my major arguments here in defense of polling.

Criticizing pollsters has almost developed into a national pastime. In the first chapter of my book, "Why Americans Hate Pollsters", I set forth all of the major complaints lodged against pollsters and their polls. The sub-titles of Chapter One encapsulate the criticisms: "Polls Are Un-American", "Polls Are Illegal, If Not Even Unconstitutional", "Polls Are Undemocratic", "Polls Invade Our Privacy", "Polls Are Flawed and Inaccurate", and "Polls Are Very Accurate and Most Intimidating". However, I argue those who attack polls really do not know much about their democratic origins, their development into accurate and reliable measures of public opinion, their specific methodological techniques that make modern polls so accurate and reliable, or how they can be employed to promote a healthier, more responsive democratic society.

In Chapter Two I defend public opinion polling against all of these charges, acknowledging, of course, that polls are not perfect and all of their consequences are not positive. However, I take the position that overall public opinion polling is good for American society. I believe that these arguments are fairly persuasive, especially to those who are willing to read the book and weigh the arguments with an open mind. Because it

is proposed by the Democracy Act that public opinion polling be used to qualify initiatives, I want to focus on two relevant criticisms that people have of polls: (1) polls are undemocratic and (2) polls are not accurate.

PUBLIC OPINION POLLING PROMOTES DEMOCRACY

Probably the best defense given for why polls help to promote democracy was presented by George Gallup more than six decades ago. In *The Pulse of Democracy* (1940), George Gallup and Saul Rae assert very credibly that polling helps to destroy tyranny and promote democracy because pollsters go straight to the people and ask them what they think about their political leaders, their policies, and about various other public policy concerns. Remember, Gallup and Rae wrote this book at a time when ruthless dictators such as Adolph Hitler and Benito Mussolini were in power abroad and when political bosses in America were still commonplace. Such dictatorial leaders largely ignored public opinion because they did not respect it. Instead, they claimed, in the absence of public opinion polls, that they were truly popular and that their policies had majority support. But clearly, as Gallup and Rae held, if public opinion polling was done, these undemocratic leaders and their unpopular policies would be exposed for what they were. They would not be able to continue to hold on to their power if the polls showed that they had only limited popular support and that their policies were unacceptable to the vast majority of the people.

Public opinion polling is rooted in the virtuous and noble principles of democratic or popular government theory. Public opinion polling provides still another check against political leaders who claim that they are popular when they truly are not, and that their actions have popular support when in reality they have only feeble support.

Recently, both Alberto Fujimori of Peru and Slobodan Milosevic of Yugoslavia claimed that they had won elections that they had not. It was only after public opinion polls showed that they indeed had lost these elections that they were trying to steal that they admitted that they had lost and reluctantly relinquished their power.

In sum, public opinion polling is very much in the democratic mainstream. It is very consistent with democratic practices and principles and can be used effectively to help promote democratic society. To reiterate, what can be more in the democratic mainstream than to have reputable and reliable pollsters ask the people what they think about their leaders and their actions -- actions that the people will have to live with and pay for? Also, what can be more democratic than our leaders at least paying attention to public opinion poll data and taking it into consideration when they make their decisions?

POLLS TODAY ARE VERY ACCURATE AND RELIABLE

Granted, if pollsters could not accurately measure public opinion, then public opinion polls would have no value for a democratic society. Only the accurate and reliable measurement of public opinion can be useful in a democracy because inaccurate and unreliable assessments of the public will would only serve to misguide our political decision makers and, consequently, undermine our democratic interests.

Fortunately, however, evidence abounds that public opinion polling is indeed extremely accurate today. Professional pollsters over the decades have refined and fine-tuned their methodological techniques so that today, and for a couple decades now, polls have been quite accurate. Of course, there are always those who will cite the 1948 presidential election when the pioneers of polling were way off the mark, or an occasional blunder by even a reputable pollster (even excellent pollsters can err on occasion even in light of a superb overall track record), or even polls that are done by non-pollsters who do illegitimate “polls” for interest groups and other parties who don’t care about giving reputable pollsters a bad name. Illegitimate “polls” conducted for organizations focused on promoting their selfish agendas at any public relations cost to legitimate pollsters should not be confused with reputable pollsters.

The truth is that professional pollsters adhere to ethical and professional codes of conduct when conducting polls and produce polls that are highly reliable because their forecasts have proved to be accurate over and over again. The acid test of polling, according to George Gallup, is having pollsters predict with great accuracy the outcomes of elections in election after election after election. The fact is that if we look at the election predictions of the major polling firms, we find that their forecasts generally fall well within the acceptable and respectable error margin of plus or minus 3%. For example, in my book, I looked at the pollsters’ presidential election predictions since 1956. One analyst calculated the average error at 1.97% while the other at 1.92% (p. 65 of my book). In my analysis of the 2000 presidential election predictions by 13 major polling firms, I found an average error of only 1.56% (p. 292). Few Americans examine the accuracy of these predictions, yet they do not hesitate to ignorantly attack pollsters for being inaccurate. Again, of course pollsters blow some calls, but mostly reputable pollsters are pretty much right on target.

Informed people have developed so much respect for pollsters today because professional polls have proven to be so accurate. Politicians, businesses, and academic institutions spend about \$5 billion a year on public opinion polling. The polling industry has become so prosperous because market researchers, politicians, and governmental officials, university scholars, and others are willing to spend so much money on polls, not because polls are inaccurate and unreliable, but because polls have become so precise and trustworthy that they can be used to help guide all kinds of decision makers in both the public and private sectors. For example, few politicians and business leaders today want to risk making costly decisions by ignoring public opinion. Businesses cannot market successfully unpopular products to consumers, nor can unpopular politicians gain the support of their parties, contributors, and interest groups. The undeniable truth is that pollsters today are respected and valued and paid big bucks because their products (poll data) are used, for example, by democratic leaders who must care about what people think, by businesses that don’t want to go broke trying to sell their products, and by academic researchers who need to measure and understand public opinion.

PUBLIC OPINION POLLING IS A SENSIBLE OPTION TO QUALIFY AN INITIATIVE FOR ELECTION

The Democracy Act, provides that “initiatives can qualify for election in any of three ways: (1) Referral by the legislature”; (2) Citizen petition; or (3) Public opinion poll (Sec. 3, B, 1, 2, 3). Although all options constitute acceptable methods for qualifying an initiative for election, the public opinion poll option may really be the best option.

Qualifying an initiative for an election through the Legislative Resolution option, as I understand it, will likely suffer from the same exact problems that plague the process today. That is, that our elected representatives are too responsive to special interests and will likely use various legislative, parliamentary, and political tricks to stall or kill a proposed initiative, preventing a resolution from being adopted or at least adopted in a timely manner. This method is subject to politics as usual.

Qualifying an initiative for an election by Citizen Petition is certainly an acceptable and standard practice. However, this process can be very costly, time consuming, and frustrating. Taking two years is also a common time frame, but people move and verifying signatures presents a problem. Also, signature fraud is a common problem even when those obtaining the signatures do not intend to commit the fraud. Fraud may come from errors associated with false or incomplete IDs (copying and/or recording errors), residents moving, making them no longer legal citizens of a state or a local subdivision, etc. Additionally, obtaining 2% for proposed laws, etc., and 5% for proposed constitutional or charter changes would often require getting tens of thousands, hundreds of thousands, and even millions of legal, verified signatures. For example, if 5 million vote in a state in a presidential election, 100,000 legal signatures would be required for qualifying proposed laws, while 250,000 legal signatures would be required for qualifying proposed constitutional and charter changes. On the national level, approximately 100 million people vote. That means that it would take 2 million legal signatures to qualify initiatives for proposed laws and 5 million legal signatures to qualify constitutional and charter changes.

However, once we accept the fact that public opinion polls are accurate, we can feel comfortable with using this quite desirable option. Polls, authorized by the Electoral Trust, would be conducted in a matter of days at a relatively low cost, involving few workers. Poll figures would also be representative of virtually all of the eligible voters, not just 2% or 5%. This would make the process inherently more democratic. Also, because polls are so quick and easy, yet reliable in terms of their representative character, other polls could be commissioned to verify the first poll’s results. Poll is used in a singular sense in Sec. 3, B, 3, but I would recommend having the Electoral Trust commission randomly from an approved list of professional pollsters two or three polls on the same initiative, thus adding to the credibility of the percentage giving voter approval of the initiative. I strongly recommend changing “poll” to poll(s) to give some flexibility to this section. Let’s discuss.

Also, I would recommend changing the 50% to 50% of those who actually gave a “Yes” or “No” response, thereby excluding the “Don’t Knows” and “No Answers”. Sometimes 50% can be very hard to achieve if there are at least 8-16% DKs and NAs, a common percentage of DKs and NAs.

It should also be noted that precedent has already been set to use polls for qualification purposes. For example, the Presidential Debate Commission uses polls to qualify presidential candidates for participation in the presidential debates. I do not object to the Presidential Debate Commission using polls to qualify the debate participants, but I do object to the partisanship of the commission and to the unrealistic 15% threshold used to essentially disqualify any third-party candidate.
