



Massachusetts H. 858 Would Combat “Push Polls” and Safeguard Real Research

Massachusetts [H. 858](#) would target “push polls” for disclosures and transparency while protecting bona fide research. This bill from Rep. James Murphy (D-Norfolk-9-04) is modeled on [New Hampshire’s](#) successful 2014 law that [the Insights Association helped to draft and pass](#).

Massachusetts H. 858 awaits action in the Joint Committee on Election Laws.

“Push polling” is not polling at all: it is a form of political campaign messaging or negative phone banking fraudulently disguised as polling. Serious polls can include "push" questions that contain some explosive or even incorrect information, but that doesn’t make them campaign advocacy.

Researchers and political campaigns often test the effectiveness of messages about opponents as well as themselves, a legitimate research function. However, "push polling" is not a test, but rather an effort to communicate those messages by giving that communication the false appearance of polling. Research is not advertising or marketing and, by definition, does not seek to influence a participant’s attitudes or behavior.

The practice of "push polling" is abusive to voters, candidates, parties, and organizations. More broadly, each such effort abuses our industry by giving recipients a misleading and negative view of what research is and how it works – making them much less likely to participate in future studies. In an era of ever-shrinking response rates, our industry cannot afford such impugning.

Massachusetts H. 858 defines "push polling" as:

- i. “Calling voters on behalf of, in support of, or in opposition to, any candidate for public office by telephone”;
- ii. “Asking questions related to opposing candidates for public office which state, imply, or convey information about the candidates character, status, or political stance or record”;
- iii. “Conducting such calling in a manner which is likely to be construed by the voter to be a survey or poll to gather statistical data for entities or organizations which are acting independent of any particular political party, candidate, or interest group as part of a series of like telephone calls that consist of more than 2,000 connected calls that last less than 2 minutes in elections for United States President, United States Senate, United States Congress, Governor of the Commonwealth of Massachusetts, Lieutenant Governor of the Commonwealth of Massachusetts, Treasurer of the Commonwealth of Massachusetts, Secretary of the Commonwealth of Massachusetts, Auditor of the Commonwealth of Massachusetts, or conducting such calling as part of a series of like telephone calls that consist of more than 500 connected calls that last less than 2 minutes in elections for Governor’s council, state senate, state representative, mayor, city councilor or alderman, town councilor or selectman, school district, or village district”;
- iv. “Conducting such calling for purposes other than bona fide survey and opinion research¹.”

The Insights Association endorses Massachusetts H. 858 as a reasonable transparency measure to combat deceptive “push polls” while supporting legitimate survey and opinion research.

¹ H. 858 defines "bona fide survey and opinion research" as "collection and analysis of data regarding opinions, needs, awareness, knowledge, views, experiences, and behaviors of a population, through the development and administration of surveys, interviews, focus groups, polls, observation, or other research methodologies, in which no sales, promotional, or marketing efforts are involved, and through which there is no attempt to influence a participant's attitudes or behavior. Bona fide survey and opinion research includes message testing, which is the study for research purposes of how randomly-selected individuals react to positive or negative information on a candidate, elected public official, or ballot question."