



A Study of the Incidence and Effects of Misleading Calls in the 41st National Election

FINAL REPORT

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1. INTRODUCTION

The following report presents the results of our investigation of the incidence, distribution, and effectiveness of certain voter suppression techniques that may have been used to influence the outcome of the 2011 federal election in seven electoral districts (the “subject ridings”). In particular, it addresses the following three issues:

- (a) to what extent may certain voter suppression techniques have been used to influence the outcome of the 2011 election in the seven ridings in question;
- (b) did voter suppression activities that are found to have taken place deliberately target electors who were supporters of a particular political party or parties; and
- (c) were any such voter suppression techniques and activities effective in discouraging those who would have otherwise voted from casting a ballot.

The facts and assumptions upon which the following report is based are as follows:

In the past two months a significant number of media reports have reported various incidents and allegations of wrongdoing during the 41st general election. As described by Canada’s Chief Electoral Officer, Marc Mayrand, most of these allegations relate to complaints made by electors regarding different forms of improper or fraudulent telephone calls. As he indicated when appearing before the Standing Committee on Procedure and House Affairs on March 29, 2012, “These are very serious matters that strike at the integrity of our democratic process.”

While popularly described as “robocalls”, as explained by Mr. Mayrand:

The label “robocall” has been used in the media to refer to various types of alleged improper conduct involving telephone contact with electors during the 41st general election.

This includes complaints of both automated telephone calls and live calls. In many cases, the complaints allege misrepresentation as to the source of the call: either calls claiming to be from Elections Canada or falsely appearing to be on behalf of a particular candidate or party.

In some cases, the complaints refer to electors being falsely informed of a last-minute change of polling place; whereas in other cases, the complaints relate to "harassing" calls, either because of the time or recurrence of the calls, or because of their tone.

Mr. Mayrand has confirmed that Elections Canada did not make either voice or automated calls informing electors of a change in their poll location during the 41st general election, and that any such calls did not come from Elections Canada. Elections Canada has subsequently advised that there was only one polling station change in any of the subject ridings and that was in the riding of Vancouver Island North.

As also indicated by Mr. Mayrand, his office has received 800 complaints alleging specific occurrences of improper or fraudulent calls affecting 200 ridings.

The subject ridings that are the focus of this analysis are those with respect to which applications to the Federal Court have been made under Section 524 (1) of the Canada Elections Act, which provides that:

Any elector who was eligible to vote in an electoral district, and any candidate in an electoral district, may, by application to a competent court, contest the election in that electoral district on the grounds that there were irregularities, fraud, or corrupt or illegal practices that affected the result of the election.

The subject ridings are those where voter suppression activities were reported, and where the margin of victory raises a serious question about whether such activities might have affected the outcome of the election. They do not, however, represent a comprehensive catalogue of such ridings, as there are others where suppression activities have been reported, with similar or even lower margins separating the winner from the runner up candidate.

1.1 DEFINITIONS

For the purposes of this analysis, we adopt the following definitions:

A **voter suppression call** is a voice or recorded call that is made to an elector for the purpose of discouraging the elector from voting by providing false information about the location of the elector's polling station location.

A **harassing call** is a voice or recorded call that is made to an elector that is a suspicious call that harasses or misinforms the elector .

Subject ridings are the seven electoral districts where the outcome is being contested, namely:

- Nipissing-Timiskaming in Ontario
- Yukon
- Elmwood-Transcona in Manitoba
- Saskatoon-Rosetown-Biggar in Saskatchewan
- Winnipeg South Centre in Manitoba
- Don Valley East in Ontario
- Vancouver Island North in British Columbia

Call or calling refers to both live or automated calls.

1.2 METHODOLOGY

This survey was conducted April 13-19, 2012 using Interactive Voice Response (IVR) technology, which randomly selects respondents through random digit dialling (RDD) and allows respondents to enter their responses by punching the keypad on their telephone rather than telling them to an interviewer.

This survey involved a random sample of 3,297 Canadian adults across the seven ridings under dispute. It also involved a parallel survey of 1,500 Canadians in comparison ridings. A sample of this size for the seven subject ridings provides a margin of error of +/- 1.7 percentage points, 19 times out of 20. The margin of error increases when the results are sub-divided (i.e., error margins for sub-groups such as riding). The margin of error for the individual ridings varies from 4.0 per cent to 5.6 per cent, 19 times out of 20.

Note that Quebec ridings were not included in either group, as all seven disputed ridings are in English Canada.

The number of responses in each of the seven subject ridings is as follows:

- Nipissing-Timiskaming (n=487)
- Yukon (n=466)
- Elmwood-Transcona (n=487)
- Saskatoon-Rosetown-Biggar (n=303)

- Winnipeg South Centre (n=606)
- Don Valley East (n=425)
- Vancouver Island North (n=523)

1.3 KEY CHALLENGES

It has been nearly a year since the May 2nd election and the frequency of voter suppression and harassing calls may be overstated by those who “over-remember” receiving a misleading phone call. Also, given the amount of media attention that the alleged fraudulent telephone calls have received in recent weeks, it is possible that the frequency of these calls is overstated by disgruntled voters who are unhappy with the current government.

To address these issues, we conducted a survey of 1,500 adult Canadians across 106 “comparison” ridings to ensure we could capture some ridings in which there have been no allegations of fraudulent calls. Given that the Chief Electoral Officer of Canada has reported that Elections Canada has received reports from 200 ridings, it is difficult to construct a comparison group comprising exclusively ridings in which there were no allegations of fraudulent calls. The margin of error for the comparison group is 2.5 percentage points, 19 times out of 20.

One of the limitations to conducting a survey at the riding level is that it will not be possible to contact cellphone-only respondents. We do not believe, however, that this restriction will undermine the reliability of this study, as the alleged calls are believed to have primarily been made to landlines.

a) Caveats

Measuring the frequency and impact of misleading calls is a very important and complex issue. The study provides reliable answers to the first two study questions of incidence and targeting.

Assessing causal impacts is an exceedingly complex problem and this research cannot provide definitive estimates of the size of the causal impacts. It does, however, provide a reasonable basis for estimating these impacts.

The study was completed within a very short time period and there can be further refinements to the analysis and additional lines of new data collection and analysis are recommended to extend and refine this analysis.

Despite these caveats, the study provides clear empirical evidence on the three key questions.

2. DISCUSSION OF RESULTS

2.1 VOTER IDENTIFICATION

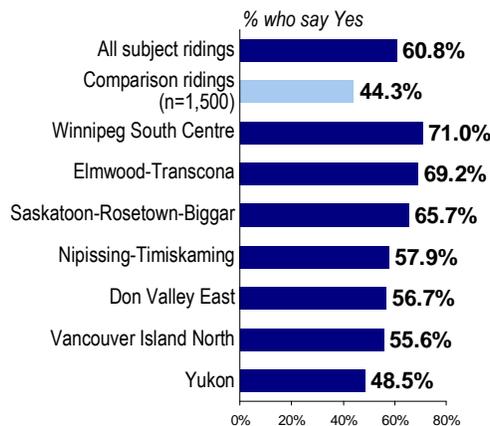
The process of calling voters to identify their intentions (the “profiling”) and seek their support is a legitimate and widespread practice, particularly in recent campaigns. In regard to these voter identification calls in the subject ridings our key findings are that :

- The reported incidence of such calls was significantly higher in the subject ridings (61 per cent) than in the comparison ridings (44 per cent).
- There are wide variations in the level of calling activity across the seven subject ridings.
- The reported incidence of such calls is also higher among middle aged and older voters.

Profiling appears to be strongly correlated with the likelihood of receiving a subsequent later call toward the end of the campaign. In the subject ridings, those who provided their voting intention were almost as twice as likely to receive a call that their voting station had changed (34 per cent to 18 per cent). It is highly likely that initial identification (a valid process) was linked to an invalid and misleading application targeted at non-Conservative voters in the final stages of the campaign. Moreover, as there was only one polling station change, in only one of the subject ridings, the information conveyed by such calls was almost always false.

Table 1.1 – Incidence of Voter Identification

“At any point during the 2011 federal election campaign, were you contacted by a political party, either through a live interviewer or an automated or recorded call, asking you how you intended to vote?”



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n=3,297

2.2 INCIDENCE AND NATURE OF LATE STAGE CAMPAIGN CALLS

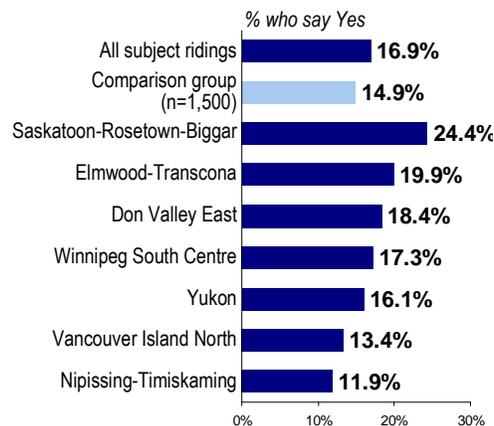
In the final stages of campaigns, parties often call their supporters to urge them to vote and to remind them of the location of their polling station and offer assistance in getting there. These “get out the vote” (GOTV) activities are both legal and common practice in modern campaigns.

In the subject ridings, around 17 per cent of voters received late calls, which is higher than the roughly 15 per cent who received such calls in the comparison ridings.

There were also wide variations in the level of this activity across our subject ridings from under 12 per cent to over 24 per cent.

Table 2.1 – Incidence of Late Calls

“Towards the end of the 2011 election campaign, did you receive a phone call telling you the location of your polling station?”



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n=3,297

2.3 CALLS ANNOUNCING FALSE POLLING STATION CHANGES

Whereas “get out the vote” calls are legitimate, calls that are intended to mislead and suppress the vote by misleading the elector clearly are not. Our research shows that voters who resided in the subject ridings were significantly more likely to have received a call informing the voter of a polling station change when this was not in fact the case (3.8 per cent versus only 2.2 per cent in the comparison ridings). As noted, these reported incidences are subject to memory errors and possible respondent distortions. Even discounting these possible errors, however, there was a highly significant level of such misleading calls.

This difference shows that the seven ridings in aggregate were 50 per cent more likely to receive an illegitimate call of this nature than those in the comparison ridings. Because the margin of error shrinks as one moves away from the 50/50 split, the margin of error for 3.8 per cent and 2.2 per cent would be 0.7 per cent in both cases. This difference is therefore highly statistically significant and we can say with confidence that this is not an artefact of chance.

The application of misleading calls of this nature varied dramatically from 1.4 per cent to 5.8 per cent in the subject ridings. It is clear, however, that in aggregate, thousands of voters received such illicit calls in the subject ridings.

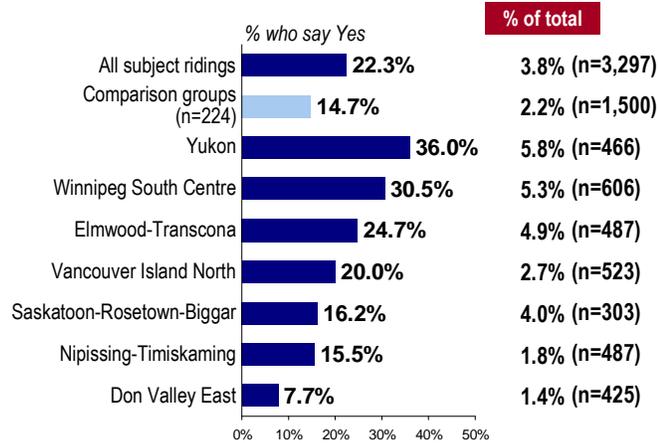
Table 3.2 shows a remarkable feature of these misleading calls, which is that they were dramatically more likely to be received by non-Conservative supporters. Indeed, Liberal supporters were more than three times more likely to receive such a call than Conservative Party supporters. Similarly, all non-Conservative voters were dramatically more likely to receive these misleading calls. These results strongly suggest that significant voter suppression activities took place that were targeted at non-Conservative voters.

We considered but rejected the possibility that these responses were the invention of disgruntled opposition voters and hence not real because of the dramatic skews to opposition voters in the subject ridings and little evidence of such targeting in the comparison ridings. Higher reported non-voting rates in the comparison ridings are most likely due to the fact that these ridings revealed dramatically higher margins of victory and voter turnout is positively linked to the closeness of the race.

Table 3.3 shows a strong correlation between those who gave their vote intention to a political party in the early identification process and those who subsequently received false calls. Indeed, respondents who told the caller of their intention to vote non-Conservative were twice as likely to be targeted with such calls.

Table 3.1 – Incidence of Polling Station Changes (i)

“[If received call regarding polling station] Did the caller tell you that your polling station had changed?”

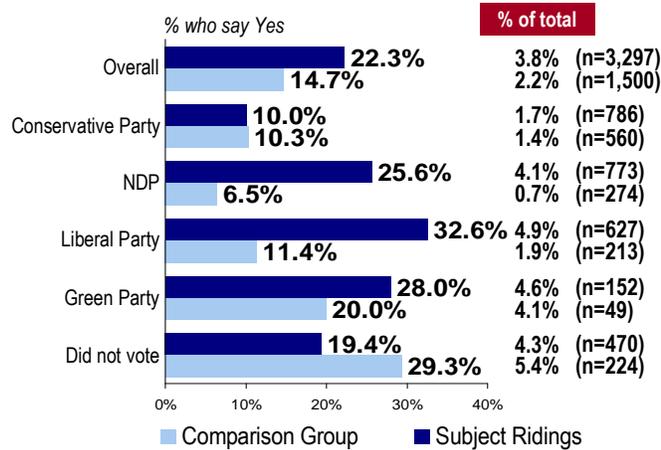


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n=557

Table 3.2 – Incidence of Polling Station Changes (ii)

“[If received call regarding polling station] Did the caller tell you that your polling station had changed?”



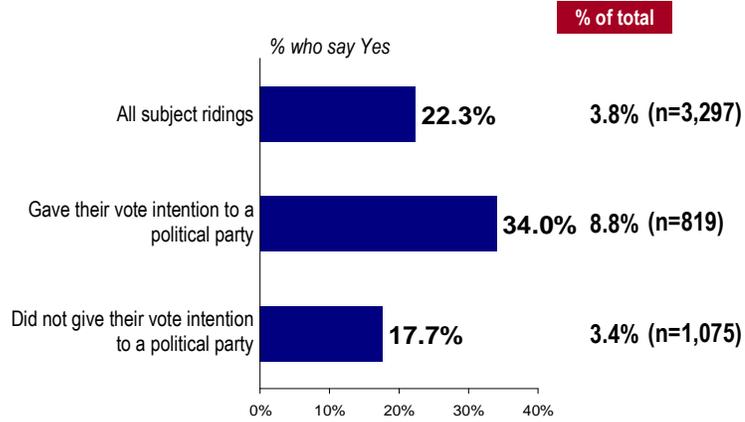
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(n=224)

(n=557)

Table 3.3 – Incidence of Polling Station Changes (iii)

“[If received a call regarding polling station location] Did the caller tell you that your polling station had changed?”



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n=557

2.4 CALLERS IDENTIFIED AS ELECTIONS CANADA

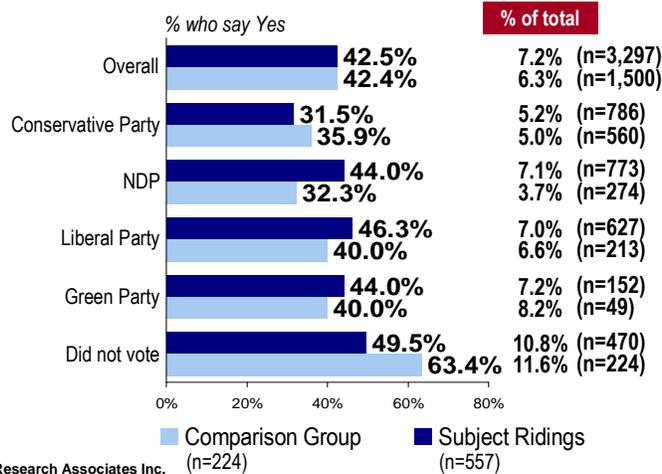
In cases where callers claimed to be calling from or on behalf of Elections Canada, we see a very similar pattern to the cases of polling stations changes, although it appears more widespread and not limited to targeted ridings.

Again, non-Conservative voters were more likely to be targeted, though the differences are less vivid, than in the case of polling station changes.

It should be noted that this is something of a “noisy” indicator, as it likely includes those who received legitimate calls from political parties that mention Elections Canada. On the other hand, virtually all voting station changes for the subject ridings were false.

Table 4.1 – Callers Identified as Elections Canada

“[If received a call regarding polling location] Did the caller say they were calling from or on behalf of Elections Canada?”



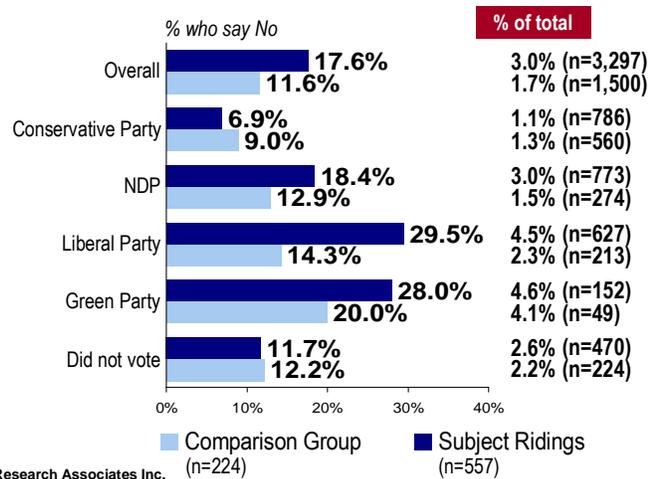
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2.5 CALLERS PROVIDING INCORRECT INFORMATION

All respondents who received a call about polling station locations were asked if the information was correct. This indicator is of only modest use, as it is subject to the obvious flaw that those who did not vote would be unlikely to know if the polling station location they were given was correct. While this indicator is imperfect, it does show clear targeting of Liberal, NDP, and Green Party supporters (for example, 30 per cent of Liberal supporters received such a call, compared to just 7 per cent of Conservatives). It should be noted that voter identification is often done at the household level so some noise in targeting can be from one member of the household receiving the identification call and another member receiving a follow up call.

Table 5.1 – Callers Providing Incorrect Information

“[If received a call regarding polling location] Was the location of the polling station correctly identified?”



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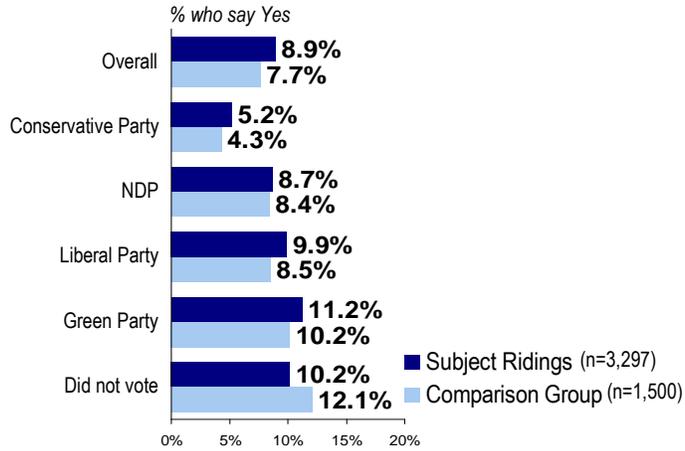
2.6 HARASSING CALLS

Our measures of harassing calls are imperfect but useful. There is a certain amount of subjectivity in the question which asked for other (beyond the polling station change and Elections Canada calls) "suspicious calls...intended to harass or misinform you". There were slightly more of these calls in the subject ridings at (8.9 per cent) than in the Comparison ridings (7.7 per cent). While these sorts of calls appeared to be fairly pervasive in the last election, and in this case there is a modest but significant tendency for the calls to be received by voters throughout both the subject and comparison ridings. The numbers are too large to discount this as exaggeration or imagination on the part of voters but the absence of a clear distinction in patterning of recipients by party preference across the subject and comparison groups makes it more difficult to establish strong evidence of targeting. In the case of the fictitious polling station change calls, there were profound gaps in the patterns where voters in the subject ridings were much more likely to be non Conservative voters than in the comparison ridings. This is therefore less convincing evidence of targeted suppression. It is, however, worth tabling and it does seem to link to a tendency to not vote in those who experienced this in the subject ridings.

The non-voting rates amongst those who reported harassing calls were two percentage points higher than for those who did not. Across the roughly 3,400 cases in our subject ridings sample this would be a statistically significant difference at a 95 per cent confidence level. In order not to double count, we note that about 22 per cent of those receiving harassing calls also reported false Elections Canada or voting station change calls. Since one can only not vote once we reduced the estimate of effects to reflect this. We are left with an overall effect of about 0.3 per cent which we reduce to 0.2 per cent to eliminate any double counting and discount any effects within Conservative supporters. Once again applying an adjustment of half of the under reporting of non-voting (using only half to offset the potential over reporting effects), we are left with an additional reduction in the voting rates of non Conservative voters of about 0.4 per cent

Table 6.1 – Incidence of Harassing Calls

“Did you receive any other suspicious calls from a political party that you believe were intended to harass or misinform you?”



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2.7 IMPACTS OF MISLEADING CALLS

There are a number of ways of looking at the causal impacts of receiving misleading late calls. We can do correlative analysis on the links to reports of non-voting. The “non-voting” question was asked early in the questionnaire (before the questions on misleading calls) and is therefore not ‘reactive’ with the questions on suppression. In other words, the respondent cannot tailor their response to fit the claim that this caused them not to vote as they are asked the vote question beforehand.

In causal analysis, we are considering the “counterfactual” hypothesis; what would the world look like if the independent variable (misleading calls) had never happened? We can estimate this by asking respondents what effects it had on their behaviour but this method tends to conflate subjective impressions, self-interests, and other factors. It is a useful but flawed approach.

Using this self-reported approach, we calculate that about 1.4 per cent of all voters in the subject ridings said they did not vote because of receiving an illicit call. Discounting the 0.1 per cent of Conservative voters who made this claim, we end up with a causal estimate of 1.3 per cent. Since we would not know the party preference of those who did not vote in 2011 we used 2008 vote behaviour as a proxy to arrive at the impacts. Applying a margin of error of around 0.4 per cent to this estimate provides a range of 0.9 per cent to 1.7 per cent.

As we have stressed, the research design provides a limited capacity to quantify the causal impacts of the misleading and harassing calls which were received in the subject ridings. An approach which relied on the self reports of nonvoting decisions by those who experienced misleading calls produces an estimate of 1.3 per cent with a margin of error of +/- 0.4 per cent for a range of 0.9 to 1.7 per cent at the 95 per cent level of confidence.

Using another test of incremental impact based on removing the effects of those exposed to the misleading or harassing calls we get similar estimates of 1.2 per cent +/- 0.4 percentage points in the case of the misleading calls (see table 7.4). The figure of 1.2 is arrived at by doubling the 0.6 effect in table 7.4 to adjust for under-reporting of non-voting. This estimate could then be augmented by 0.4 per cent to reflect the apparent suppression effects of harassing calls on non-Conservative supporters.

Putting together these different estimates yields an average effect of somewhere between 1.2 and 1.8 per cent. With a 95 per cent confidence interval, this would provide an overall range of 0.8 per cent to 2.2 per cent. If asked to provide our best point estimate of the average disadvantage opposition parties experienced due to suppression in the subject ridings, we would peg it around 1.5 per cent. By only using half of the stated under reporting of actual nonvoting we roughly offset the possibility that there is significant over reporting of the misleading calls.

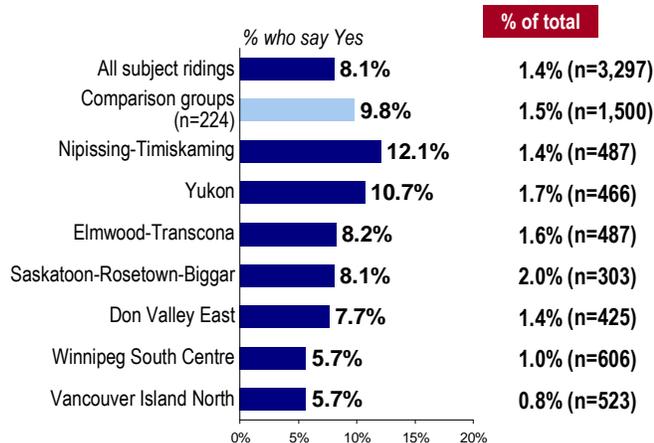
Our comparison of the subject and comparison ridings suggests that there are some errors of recall and perhaps respondent distortions. It is probably more the former. It is likely that some of these effects are exaggerated by these errors. In my opinion, however, this would be a minority effect.

There is, however, an equally and possibly larger measurement error which works in the opposite direction (i.e., to mask or artificially attenuate the effect). There is a well-documented propensity for respondents to understate non-voting. This effect is near universal and is linked to social desirability bias. In the current sample, non-voting is reported at slightly over 10 per cent, which is a small fraction of the real rate (around 40 per cent). Some of this is due to sampling bias which increasingly under represents voters of lower socio-economic status who tend not to vote. Beyond those sampling biases, even best samples (such as those provided Statistics Canada) tend to under estimate non-voting behaviour by a factor of two.

For these reasons, we will only apply about half of the under reporting factor on nonvoting. The remaining amount will be used to offset measurement errors in the possible over reporting of reporting of misleading calls. The magnitude of this under-reporting effect is not clear. We would expect that any errors in over-reporting of misleading calls to be smaller than errors due to underreporting of true non-voting behaviour.

Table 7.1 – Impact of Voter Suppression Calls (i)

“[If received call regarding polling station] Did this call cause you to not vote on May 2nd?”



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n=557

Table 7.2 – Impact of Voter Suppression Calls (ii)

“[If received call regarding polling station] Did this call cause you to not vote on May 2nd?”

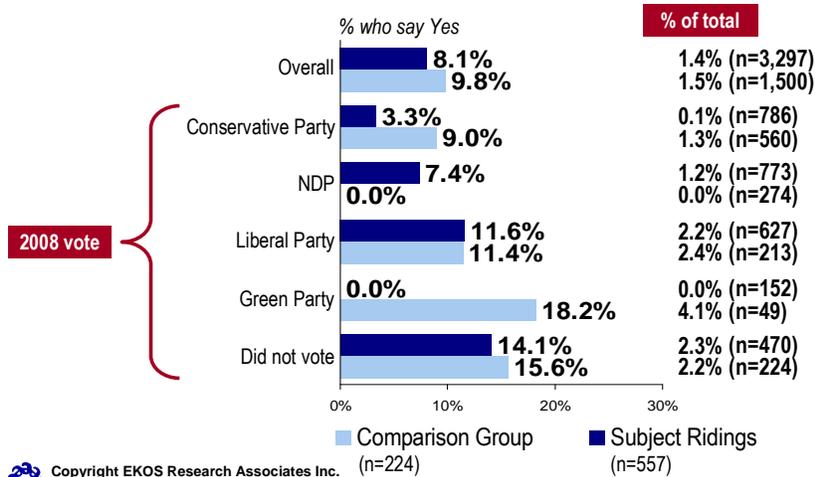


Table 7.3 – Impact of Voter Suppression Calls (iii)

“How did you vote in the most recent federal election, held on May 2nd, 2011?”

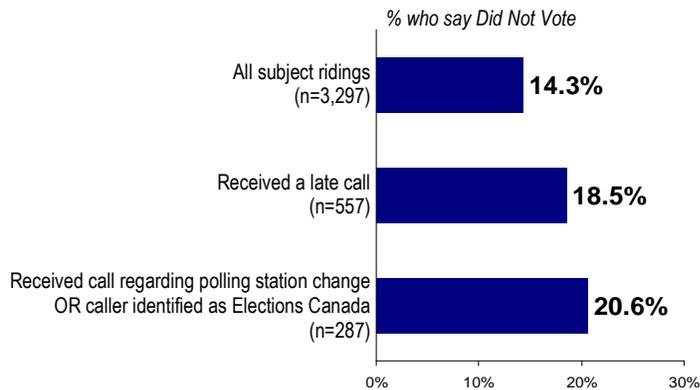
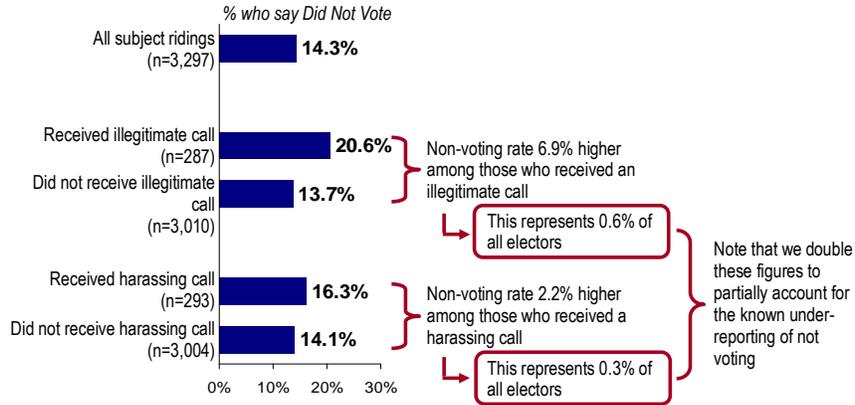


Table 7.4 – Impact of Voter Suppression Calls (iv)

“How did you vote in the most recent federal election, held on May 2nd, 2011?”



Note: An “illegitimate call” is one where the caller said they were calling from or on behalf of Elections Canada OR claimed that the respondent’s polling station had changed.

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3. CONCLUSIONS

This study has presented evidence which strongly suggests that in the subject ridings there was a targeted program of voter suppression in place. It was reported to be administered to tens of thousands of electors based on these samples.

These activities were clearly targeted at non-Conservative voters in a highly improbable manner. They included erroneous reports of false voting station changes and faux calls ostensibly coming from Elections Canada. In reality, there were no calls from Elections Canada and there were virtually no voting station changes, yet many thousands of voters in these seven ridings claimed to have received these calls.

If these responses were the constructions of disgruntled non-Conservative voters, one cannot explain why the same targeting effects were not present in the comparison group.

Exposure to these calls clearly had a dampening effect on the propensity for non-Conservative supporters to vote. Using different methods, we would estimate the effect in the range of 1.2 per cent to 1.8 per cent. Applying a margin of error to those estimates would produce a band of 0.8 per cent to 2.2 per cent. In other words, if these actions had not been in place, the Conservative advantage would have been reduced by this amount on average in those seven ridings.

The incidence of these misleading calls may have been overstated due to memory and other errors, but the incidence of non-voting is also most likely understated by a larger amount. These impacts also reflect the widespread presence of other intimidating and misleading calls which were reported by nearly 10 per cent of all respondents in the seven ridings (0.4 per cent effect). It is also notable that there is evidence that these kinds of inappropriate and illicit calls were fairly ubiquitous to all of the areas studied, even the comparison group.

This study was done within strict time constraints and it has recognized limitations. While more time and resources would provide a more refined understanding of the extent and effects of voter suppression activities in 41st Federal Election - the most plausible interpretation of the evidence and tests presented here is that voters in the subject ridings were exposed to a program of voter suppression which was targeted and effective.

APPENDIX A
SURVEY QUESTIONNAIRE
(ENGLISH AND FRENCH)

Q1

How did you vote in the most recent federal election, held on May 2nd, 2011?

Did not vote.....	1
The Conservative Party	2
The NDP	3
The Liberal Party	4
The Green Party	5
Other	6
Skip.....	99

Q2

At any point during the 2011 federal election campaign, were you contacted by a political party, either through a live interviewer or an automated or recorded call, asking you how you intended to vote?

Yes.....	1
No	2
Skip.....	99

Q3

If... Q2.EQ.1

Did you tell the caller who you were planning to vote for?

Yes.....	1
No	2
Skip.....	99

Q4

Towards the end of the 2011 election campaign, did you receive a phone call telling you the location of your polling station?

Yes.....	1
No	2
Skip.....	99

Q5

If... Q4.EQ.1

Did the caller tell you that your polling station had changed?

Yes.....	1
No	2
Skip.....	99

Q6

If... Q4.EQ.1

Do you recall if the call you received was from a political party?

Yes..... 1
No 2
Skip..... 99

Q7

If... Q6.EQ.1

Which party did the call come from?

The Conservative Party 1
The NDP 2
The Liberal Party 3
The Green Party 4
Skip 99

Q8

If... Q4.EQ.1

Did the caller say they were calling from or on behalf of Elections Canada?

Yes..... 1
No 2
Skip..... 99

Q9

If... Q4.EQ.1

Was the location of the polling station correctly identified?

Yes..... 1
No 2
Skip..... 99

Q10

If... Q4.EQ.1

Did this call cause you to not vote on May 2nd?

Yes..... 1
No 2
Skip..... 99

Q11

Did you receive any other suspicious calls from a political party that you believe were intended to harass or misinform you?

Yes..... 1
No 2
Skip..... 99

Q12

If... Q11.EQ.1

Did this call cause you to change your vote intention?

Yes.....	1
No	2
Skip.....	99

Q13

How did you vote in the federal election held in 2008?

Did not vote.....	1
The Conservative Party	2
The NDP	3
The Liberal Party	4
The Green Party	5
Other	6
Skip.....	99

Q1

Pour qui avez-vous voté aux dernières élections fédérales tenues le 2 mai 2011?

Je n'ai pas voté.....	1
Le Parti conservateur.....	2
Le NPD	3
Le Parti libéral.....	4
Le Parti vert	5
Un autre parti	6
Sauter	99

Q2

À un moment ou à un autre de la campagne électorale fédérale de 2011, est-ce qu'un parti politique a communiqué avec vous, en personne par un enquêteur ou au moyen d'un appel automatisé ou enregistré, pour vous demander pour qui vous aviez l'intention de voter?

Oui	1
Non	2
Sauter	99

Q3

If... Q2.EQ.1

Avez-vous dit à votre interlocuteur pour qui vous aviez l'intention de voter?

Oui	1
Non	2
Sauter	99

Q4

Vers la fin de la campagne électorale de 2011, avez-vous reçu un appel téléphonique pour vous indiquer l'emplacement de votre bureau de scrutin?

Oui	1
Non	2
Sauter	99

Q5

If... Q4.EQ.1

Votre interlocuteur vous a-t-il dit que votre bureau de scrutin avait changé?

Oui	1
Non	2
Sauter	99

Q6

If... Q4.EQ.1

Vous rappelez-vous si l'appel que vous avez reçu provenait d'un parti politique?

- Oui 1
- Non 2
- Sauter 99

Q7

If... Q6.EQ.1

De quel parti cet appel provenait-il?

- Le Parti conservateur..... 1
- Le NPD 2
- Le Parti libéral..... 3
- Le Parti vert 4
- Sauter 99

Q8

If... Q4.EQ.1

La personne vous a-t-elle dit qu'elle vous téléphonait de la part d'Élections Canada?

- Oui 1
- Non 2
- Sauter 99

Q9

If... Q4.EQ.1

L'emplacement de votre bureau de scrutin a-t-il été correctement identifié?

- Oui 1
- Non 2
- Sauter 99

Q10

If... Q4.EQ.1

Cet appel vous a-t-il empêché de voter le 2 mai?

- Oui 1
- Non 2
- Sauter 99

Q11

Avez-vous reçu d'un parti politique d'autres appels douteux qui vous ont semblé avoir pour but de vous harceler ou de vous induire en erreur?

- Oui 1

Non	2
Sauter	99

Q12

If... Q11.EQ.1

Cet appel vous a-t-il fait changer vos intentions de vote?	
Oui	1
Non	2
Sauter	99

Q13

Pour qui aviez-vous voté aux élections fédérales de 2008?

Je n'ai pas voté.....	1
Le Parti conservateur.....	2
Le NPD	3
Le Parti libéral.....	4
Le Parti vert	5
Un autre parti	6
Sauter	99