Court File No. T – 634-12

FEDERAL COURT OF CANADA

B E T W E E N:

YVONNE KAFKA

Applicant

-and-

ATTORNEY GENERAL OF CANADA, MARC MAYRAND (CHIEF ELECTORAL OFFICER), ALEXANDER GORDON (RETURNING OFFICER FOR VANCOUVER ISLAND NORTH), JOHN DUNCAN, MIKE HOLLAND, RONNA-RAE LEONARD, SUE MOEN, FRANK MARTIN, JASON DRAPER

Respondents

Court File No. T – 616-12

FEDERAL COURT OF CANADA

A N D B E T W E E N:

LEEANNE BIELLI

Applicant

-and-

ATTORNEY GENERAL OF CANADA, MARC MAYRAND (CHIEF ELECTORAL OFFICER), URMA ELLIS (RETURNING OFFICER FOR DON VALLEY EAST), JOE DANIEL, YASMIN RATANSI, MARY TRAPANI HYNES, AKIL SADIKALI, RYAN KIDD

Respondents

Court File No. T – 635-12

FEDERAL COURT OF CANADA

A N D B E T W E E N:

THOMAS JOHN PARLEE

Applicant

(Style Of Cause Continued)

-and-

ATTORNEY GENERAL OF CANADA, MARC MAYRAND (CHIEF ELECTORAL OFFICER), SUSAN J. EDELMAN (RETURNING OFFICER FOR YUKON), RYAN LEEF, LARRY BAGNELL, KEVIN BARR, JOHN STREICKER

Respondents

Court File No. T – 621-12

FEDERAL COURT OF CANADA

A N D B E T W E E N:

JEFF REID

Applicant

-and-

ATTORNEY GENERAL OF CANADA, MARC MAYRAND (THE CHIEF ELECTORAL OFFICER), LAUREL DUPONT (RETURNING OFFICER FOR ELMWOOD-TRANSCONA), JIM MALOWAY, ILONA NIEMCZYK, LAWRENCE TOET, ELLEN YOUNG

Respondents

Court File No. T-619-12

FEDERAL COURT OF CANADA

A N D B E T W E E N:

SANDRA McEWING and BILL KERR

Applicants

-and-

ATTORNEY GENERAL OF CANADA, MARC MAYRAND (THE CHIEF ELECTORAL OFFICER), JOHANNA GAIL DENESIUK (RETURNING OFFICER FOR WINNIPEG SOUTH CENTRE), JOYCE BATEMAN, ANITA NEVILLE, DENNIS LEWYCKY, JOSHUA MCNEIL, LYNDON B. FROESE, MATT HENDERSON

Respondents

(Style Of Cause Continued)

Court File No. T – 633-12

FEDERAL COURT OF CANADA

A N D B E T W E E N:

KEN FERANCE AND PEGGY WALSH CRAIG

Applicants

-and-

ATTORNEY GENERAL OF CANADA, MARC MAYRAND (CHIEF ELECTORALOFFICER), DIANNE JAMES MALLORY (RETURNING OFFICER FOR NIPISSING-TIMISKAMING), JAY ASPIN, SCOTT EDWARD DALEY, RONA ECKERT, ANTHONY ROTA

Respondents

Court File No. T – 620-12

FEDERAL COURT OF CANADA

A N D B E T W E E N:

KAY BURKHART

Applicant

-and-

ATTORNEY GENERAL OF CANADA, MARC MAYRAND (CHIEF ELECTORAL OFFICER), DIANNE CELESTINE ZIMMERMAN (RETURNING OFFICER FOR SASKATOON-ROSETOWN-BIGGAR), KELLY BLOCK, LEE REANEY, VICKI STRELIOFF, NETTIE WIEBE

Respondents

REPLY AFFIDAVIT OF Frank L. Graves
(sworn August 23, 2012)

I, Frank L. Graves, of the City of Ottawa, in the Province of Ontario, **MAKE OATH AND SAY AS FOLLOWS**

1. I make this affidavit in reply to that of Ruth Corbin[1] sworn August 8, 2012.

2. Because of the number of criticisms her report presents, the majority of which concern technical points, I have organized most of this reply into a table which is attached as **Exhibit "A".**

3. In preparing this response, I have the benefit of having reviewed the affidavit of Neil Nevitte (to be sworn) who responds to Ms Corbin's highly critical comments on my professional competence and integrity. For the reasons he explains, and as is readily apparent from the following detailed reply to the points she makes, these criticisms are not only entirely unwarranted, but lie well outside the realm or fair debate and comment.

4. Instead of squarely addressing the essential findings of the survey, Ms. Corbin' presents a litany of collateral criticisms. Many of these are unfair, unfounded, or simply wrong. Others raise legitimate questions one might ask about the methods of conducting a survey such as this, but even here, the critique is entirely one-sided. While our report was at pains to point out the challenges of carrying out such a survey (Part 1.3 "Key Challenges"), by contrast, Ms. Corbin's critique offers only unqualified criticism of virtually each and every aspect of the inquiry we carried out, no matter how tenuous the argument.

5. A great many of these criticisms concern the absence of certain data tables and other technical information. Instead of appending this voluminous material to our report, and in keeping with the standard for the industry, most of this technical information was reported on our websites within one day of the release of the report.

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[1] I have dispensed, in referring to Ms. Corbin, with the honorific to which we are both entitled, as is Neil Nevitte.

6. If Ms. Corbin was unable to find this information (despite the fact that hundreds of others visited and opened these materials on our site) she could have called and we would have happily provided it. As fellow members of MRIA and a gold seal member of this organization and its predecessor for over 25 years, it is difficult to understand how a colleague who wanted to know these details would not have asked for them.

7. Having failed to seek out information that Ms. Corbin knew existed, she then uses its absence from my affidavit as the basis for assuming that we simply abandoned all, including even the most rudimentary, standards of data collection and analysis, such as call backs and screening for age. Any polling company that engaged in such shoddy and unprofessional work, would not be in business for very long. The success of EKOS, which is often described as one of Canada's leading polling firms, attests to our credibility and good standing in the industry.[2]

8. I have otherwise left these unfair criticisms of our professionalism to the response of Neil Nevitte, one of Canada's foremost authorities on survey research and electoral behavior. This reply instead provides detailed responses to Ms. Corbin's criticisms, and attempts to sort the wheat from the chaff by placing those that can be considered as fair criticism into separate category.

9. The overarching point to be made is this: even if the more plausible criticisms presented by Ms. Corbin were to be accepted, and they should not be, they would still not explain the profound and statistically significant observed differences between the comparison and target ridings, and most importantly between Conservatvie Party of Canada (CPC) and Non-CPC supporters.

10. These findings clearly demonstrate that widespread attempts at voter suppression took place in the ridings at issue and that these efforts were targeted at non-CPC supporters. In the language of probabilities, a statistically significant finding means that there is a

[2] EKOS has a staff of 27 full time employees and offices in Winnipeg, Ottawa, and Toronto. We will soon also be adding eight full time staff who will be located at an office we plan to open in Prince Edward Island.

greater than 95% or 99% probability (depending on the level of significance found) that the results achieved by the EKOS study are real results and not a mere product of chance or measurement error as Ms. Corbin contends. Conversely, where Ms. Corbin rejects these findings, her conclusions that there were no real effects are in the range of 1-5% to be true.

11. In other words the study showed clear statistical evidence of misleading calls, highly significant differences where non CPC supporters were much more likely to receive them and clear evidence that these had real effects on dampening voting, almost exclusively amongst non CPC supporters. The contention that all of the data and statistical evidence is a product of memory and sampling errors, neither of which has been demonstrated, flies in the face of the overall evidence.

12. I was assisted in preparing some the data tables attached to this affidavit by Jeff Smith, who holds a Masters Degree in economics, and has been a research analysis with EKOS for four years.

SWORN BEFORE ME at the City of Ottawa, in the Province of Ontario on August 23, 2012.

Commissioner for Taking Affidavits

FRANK L. GRAVES

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This **Exhibit "A"** referred to in the affidavit of **Frank L. Graves** sworn before me this 23rd day of August, 2012

A commissioner for taking affidavits

EKOS analysis	Ms. Corbin's critique	Reply of Dr. F. Graves
1. Failure to disclose Relevant data		
a. At pg. 6: General methodology used to collect and analyze data	at para 23: the survey did not collect or control for demographic information, the survey accept information from anyone in the household who answered the phone	This criticism is incorrect and unfounded. The survey collected demographic data such as age and gender as can be seen in the data tables available online. The final EKOS report was published on April 23, 2012 and posted to the company's website www.ekospolitics.com on April 24, 2012 and 12:41 pm. The data tables upon which the report was based, were posted to this website on April 25, 2012[1], and also posted to www.ekos.com on the same day. To date the reports as accessed through the main www.ekos.com website have received 318 hits from 247 unique visitors. Similar numbers for the www.ekospolitics.com aren't readily available but are likely to be higher, as we have been actively promoting this site over the last few years as our "go-to" resource for our media reports. Posting extensive data sets to a website where they can be accessed electronically is preferable to attaching this voluminous information in paper form to a report, and is for that reason the standard in the industry. It is apparent that many individuals were interested in this information and have accessed our websites for that purpose. If Ms. Corbin was unfamiliar with the

[1] Data results for the comparison group are attached as **Exhibit "A1".** Data results for the subject group are attached as **Exhibit "A2".** Data tables are available online at: http://www.ekospolitics.com/index.php/2012/04/a-study-of-the-incidence-and-effects-of-misleading-calls-in-the-41st-national-election-april-24-2012/ .

		standards and norms of our industry she might have called to ask for this data, but did not.
b. At pg. 6: General methodology used to collect and analyze data	At para 26: the report omits a critical set of information that would permit a reader to judge the likely representativeness of the sample: the contact record and response rate. While 3297 people answered the survey, the study doesn't disclose how many households were called	Yes, the report omits this data however this was not in error and it is not standard practice to report such information. The data was omitted because there is no agreed upon, fair, or standard method within the industry regarding how to collect such information. Current methods for calculating response rate apply only to surveys employing live calling operators. IVR technology does not permit the same methodology to be used. However, EKOS has recently submitted a report to the Public Opinion Research Directorate (attached as **Exhibit "A3"**)[2] that demonstrates that IVR response rates are in the range of 8-9% which is well above the response rate of 0.001% referred to in footnote 3 of the report. These response rates which would be comparable to those in the present study, coupled with call back (also employed in this study) would not result in "non-sampling error" as claimed and allow me to make sound conclusions about the generaliziability of the data.
c. At pg. 6: General methodology used to collect data	At para 28: another source of potential non-sampling error is found in the questionnaire. The EKOS report fails to disclose the introduction given to participants of what the survey would be about.	The purpose of the study and the sponsor were announced in a neutral introduction. The introduction used was standard professional practice and would have introduced no bias. This information could have been included in the report and it is attached as **Exhibit "A4"**.
d. At pg. 6: General methodology used to collect and analyze data	At para 29: the omission of the 'record of call disposition' with a calculation of response rate is a violation of Canadian market research industry guidelines as well as of the Government of Canada requirements for firms appearing on the Government's standing offer	It is not standard industry practice to present such data in studies such as the present one. Moreover, as noted in 1b, given that there is no accepted method within the industry for calculating IVR response rates, there are no applicable market research guidelines to IVR in this regard and it is incorrect to assert that EKOS

[2] Attached as **Exhibit C.** EKOS "Interactive Voice Response, the Past, the Present, and into the Future. Presentation to: Public Opinion Research Directorate" February 23, 2011.

	list	has violated any such guidelines. The Government of Canada guidelines are irrelevant because they are not "industry regulations", but rather client specific requirements and only apply when the work is being conducted for the federal government. When working for the Government, we present data in this manner because the client requests it. Similarly, we also do work for the US State Department, and comply with its distinct requirements when doing so.
e. At pg. 6: General methodology used to collect and analyze data	At para 31: the omission of information missing from the EKOS Report regarding the methodological aspects of the survey violates published standards of both the Marketing Research and Intelligence Association and the Government of Canada.	The majority of the alleged missing data was available online. See response 1a. With regard to the alleged non-reporting of response rates see point 1b and 1d.
f. At pg. 6: General methodology used to collect and analyze data	At para 33: the study does not identify the comparison ridings or the election outcomes in those ridings. It does not break down the frequency of responses from those ridings which could results in some ridings with much larger or smaller sample sizes	These election results for the comparison ridings were not reported because they are irrelevant and the critique reflects a basic misunderstanding of the study design. In selecting the comparison group I endeavored only to select ridings where there had been no public reports of misleading or harassing calls, so I could compare responses from those ridings with those from ridings where there had been such reports.
g. At pg. 7: Caveats, "the study was completed within a very short time period and there can be further refinements to the analysis"	at para 38: the author has not provided any of the raw data or essential operational details for an independent professional to conduct further refinements to the analysis	This data was available online. See response 1a above.
h. Appendix: Question 1 "how did you vote in the most recent federal election?"	at para 40: the appendix does not contain the raw data computer file [for the Question 1 results] preventing an independent professional from analyzing the data	This data was available online. See response 1a above.
i. At pg. 8, Table 1.1: people in the subject ridings were much more likely to receive a voter identification call than were	At para 45: Question #2: reports on those who received a routine profiling call. Question #3 in Appendix asks	This data was available online. See response 1a above. My objective was to provide a clear yet

those in comparison ridings	about whether people disclosed their intention to vote when they received one of these calls- the results of this question were not disclosed. It should have only been the people who identified what party they would vote for that should have been the relevant base however this data was not used. This is a gap in logic and prevents true testing of the "targeting hypothesis"	concise analysis of the incidence of misleading calls in the seven ridings in question, the extent to which supporters of particular political parties were targeted, and the extent to which these calls impacted the results of the 2011 election. Information that was not directly relevant to these three issues was omitted in the interests of keeping the report as straightforward as possible. It was certainly not my intention to omit important information, but it was also not my desire to drown the reader in superfluous detail. I analyzed the results to Question 3 and found nothing of interest. The data was available on the EKOS website and I would have readily supplied the information to anyone who had requested it.
j. pg. 8 "the reported incidence of such calls is also higher among middle aged and older voters"	At para 46: there is no question that asks about age therefore this is an instance where elements of the survey have not been disclosed or are factually unsupported	There was indeed an age question, although this was not included in the report its self. However, this data was available online. See response 1a above.
k. Pg. 13, Table 4.1- individuals who received a call from someone identifying themselves as from Elections Canada	At para 53: the results of questions # 6 and #7 have not been reported by EKOS. This is another failure to disclose information which doesn't allow for independent party review/analysis	This data was available online. See response 1a above.
l. Pg. 13, Table 4.1: assertion that where callers claimed to be from Elections Canada, there is a similar pattern to the results in Table 3.2 (were you told there was a polling station change) although results appear more widespread and not limited to subject ridings. Differences in results are less vivid but it appears that non-conservative voters still appear to be more likely to have been targeted.	At para 54: the author excuses non-significant results as "noisy indicators" because it likely includes those who received legitimate calls from political parties. EKOS mentions that the study had included this information but they have failed to report it.	The author is incorrect to assert that the results in table 4.1 are not statistically significant- they are. The data for all questions was available online. See response 1a above. Moreover, although the survey indeed had asked about calls from political parities (question 6) there was no reason to report on this information because receiving a call from a political party really tells us nothing either way- a call from a political party is neither illegal or unethical (it only becomes so when the caller is making false statements or impersonating another

		person/party/group). The purpose of including the information in Table 4.1 was simply to provide further evidence of the overall trend that non-Conservative voters were more likely to be targeted. These results were statistically significant at a 95% confidence level.
2. Unfounded or Erroneous Assertions		
a. At pg. 23, Appendix A: Question design	At para 21: it is problematic that none of the survey questions allowed for a "don't know" or "don't recall" option	This is incorrect. Respondents could have provided a "don't know" or "don't recall" answer by selecting the "skip" option which was provided to them. This information is readily discernible from the Questionnaire in the Appendix and the data sets available online. See response 1a above. It is standard for survey questions to not explicitly include these options but still allow respondents to independently choose to answer in that way by skipping the question. Taking this comment literally, any self-administered survey would suffer from this problem. Don Dillman (former president of both the American Association for Public Opinion Research and the American Sociological Association) has stressed the advantages of self-administered survey methodologies for decades[3].
b. At pg. 6: General methodology used to collect data	At para 22: the dialling technology used by EKOS would not be able to detect duplicate calls into households with more than one telephone number	It is true that the IVR technology cannot detect duplicate calls into a household with more than one telephone number however, the implication behind this criticism is that that this technological limitation would somehow destroy the sample's randomness is incorrect and

[3] Don Dillman's research on this topic is laid out in his seminal book Dillman, Don A. 1987. Mail and Telephone Surveys: The Total Design Method. New York: Wiley-Interscience. Also Dillman has recently published more recent work on this topic as it relates to more recent technology including: Dillman, Don A., Jolene D. Smyth and Leah Melani Christian. 2009. Internet, Mail and Mixed-Mode Surveys: The Tailored Design Method, 3rd edition. John Wiley: Hoboken, NJ; Dillman, Don A. 2007. Mail and Internet Surveys: The Tailored Design, Second Edition- 2007 Update. John Wiley: Hoboken NJ.

		unfounded. The sampling methods utilized random digit dialling (RDD) from a directory which was reached through randomization. It would be **extremely** unlikely for this RDD process to select 2 numbers from the list that happen to belong to the same household. Even if this did occur this would have no effect on the randomness of the overall sample and the effects would be immeasurable. Also, it would be even more unlikely that an individual in a household with multiple telephone numbers who had already taken the survey would take the time to respond to it again. Furthermore, if the call reached a different number in the same household and a different individual in the household were to respond to the survey this is completely legitimate and would in no way undermine the results.
c. At pg. 6: General methodology used to collect data- Interactive Voice Response technology (IVR)	At para 22: IVR only targeted people who were available to participate immediately, no call backs appear to have been done for busy signals or no answers. Good survey practice requires a number of call backs. In order to qualify for the Government of Canada standing offer list for telephone survey projects firms are required to undertake to do up to 8 call backs.	The survey did in fact use a careful call back and replacement system (which has been developed based on experimental testing). This information is attached as **Exhibit "A5"**. The EKOS website contains a presentation paper delivered on this very topic and explains that although there are reputational issues with IVR these issues are more apparent than real.[4] In my experience, using the same number of call backs as one would with live interviewer is not effective when using IVR technology. Once again the Government's standing offer list is irrelevant. See point 1d above.

[4] Attached as **Exhibit "C"**.

d.	At pg. 6: General methodology used to collect and analyze data	At para 24: the EKOS sample did not restrict the data to Canadian citizens eligible to vote in the last election.	All vote data that was reported would have only included eligible voters (by virtue of Question 1- how did you vote in the 2011 federal election). In the 'did not vote' category there may have been some ineligible voters however this would be a very small number that would not affect the overall conclusions.
e.	At pg. 6: General methodology used to collect and analyze data	At para 27: a low response rate is a source of so called "non-sampling error" which can easily outweigh sampling error non-sampling error is un-controlled error which in this case could be a bias in attitude or voting predisposition and would contribute to statistical deviations from the "true" attitudes experienced by the population	This statement is factually incorrect. Here, the Ms. Corbin seems to confuse non-response with non-responses bias- they are decidedly different. Non-response (or low response rate) refers to the inability of a surveyor to contact a potential respondent, and non-response bias refers to the fact that there is systematic bias introduced because of the characteristics of the non-respondents. A low response rate is not a source of error if non-respondents are not systematically different than respondents. Low response rates are only a *potential* source of error and in reality often do not affect good sample designs. Generally very high quality estimates to the population can still be obtained using IVR and proper call back techniques and weighting techniques where required. There has been no demonstration of bias between respondents and non-respondents and is complete speculation. In fact, the samples closely resemble known population parameters.
f.	At pg. 6: General methodology used to collect and analyze data	At para 33: as a matter of social science standard EKOS' design of a comparison sample unacceptable to act as the basis of any statistically reliable conclusions	This is incorrect. I am a published authority on non-experimental designs and evaluation methodology. See my CV marked as Exhibit A in the affidavit I swore on April 23, 2012 in the motion record in support of the applications. This random comparison group design is a reasonably strong form of non-experimental design.
g.	At pg. 7, section 1.1, there is a possibility that people "over-remember" receiving a	At para 33: the risk of substituting true memory with over-reporting of what	This assertion is inaccurate. As explained in the study, and in

misleading phone call however to account for this we conducted a survey in comparison ridings with no allegations of fraudulent calls	respondents think 'must have happened' is identified by EKOS . The report identifies a solution for this problem in the form of surveying people in comparison ridings but gives no information to determine whether those ridings constituted a balanced and accurate basis of comparison the report doesn't explain why 106 comparison ridings were chosen when there were 7 subject ridings	accordance with Ms. Corbin's get assertion, the 106 ridings was a random sample of all ridings in English Canada which to the best of my knowledge had no public reports of illicit calling at the time. That was the only criterion used to select the comparison group. With regard to the alleged missing information (ex. election results, name of ridings) see point 1f above). There is no reason to believe that memory errors and other types of measurement errors would operate differently across a large random sample in the subject and comparison ridings.
h. At pg. 21, Conclusions: it is notable that there is evidence that inappropriate and illicit calls were fairly ubiquitous to all areas studied.	At para 33: the author acknowledges at the end of the Report that the comparison ridings may not have offered the required basis of comparison	This misrepresents the study conclusions. I acknowledged that the comparison group was imperfectly measured as there was evidence of misleading calls there as well. I knew that Elections Canada had a more expansive list of 200 ridings where there were reports of misleading calls, but it did not identify these ridings. Yet, the comparison ridings were very different in the extent and patterning of the calls. Logic dictates that voter suppression tactics would be more likely to be applied in tight races. The fact that this so clearly distinguished the subject and comparison ridings is higher-level evidence of targeting.
i. At pg. 6: General methodology used to collect and analyze data	At para 37: a standard social scientific method for inferring cause-and-effect is the use of a control group	The term "control group" is reserved for experimental designs (which this study is not, nor could it have been) where the stimulus is randomly assigned to one group but not the "control" group. Such designs are **extremely** rare in social science outside of psychology. There was no possibility of such a design here. Instead, to test my hypothesises, I used a randomized comparison group which was representative of English voters in Canada which had has no publically available reports of misleading calls. This comparison group provided me with a reasonable approximation to a "control

		group" (all other things being equal) and which allowed me to isolate the variables as much as possible.
a. At pg 7: Caveats, assessing causal impacts is an exceedingly complex problem and this research cannot provide definitive estimates however it does provide a reasonable basis for estimating the impacts.	at para. 37: The author reports a different level of profiling activity between subject ridings and comparison ridings before any misleading calls were made. This fact alone created a different background for the two groups	This statement is incorrect. The profile differences in fact reinforce the study findings. Ridings with runaway victories did not require voter suppression calls and hence they are less likely to appear.
j. at pg. 11, table 3.2: misleading calls were dramatically more likely to be received by non-Conservative supporters	At para 41: criticism that the control group used contains a completely different make-up of party support- this is what accounts for the difference in likelihood of receiving the a misleading call	This criticism reflects a fundamental misunderstanding of the sample design which was a random sample of all voters in places where there was little reported evidence of vote suppression. The fact that the results reported a difference in relation to political party preference is illuminating and does not weaken the design. Random sampling, as opposed to "matching", which is the technique suggested (at paragraph 33 of the report), is a much more sound experimental technique and the literature on matching shows that this technique is "largely a fool's errand."[5]
k. at pg. 8, Table 1.1 Question #2: "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"	At para 42: question #2 is not sound, respondents could have been confused by what was meant by the "federal" election. 5/7 ridings had a provincial election following the federal election	This is an exaggerated hypothetical error and Ms. Corbin doesn't demonstrate that this could have significantly affected the outcome.
l. at pg. 8, Table 1.1 Question #2: "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"	At para 43: question # 2 is "double-barreled"	The question is not double-barreled. It is a conditional question which requires two things to be true to answer yes. One must have been called by a political party and one must have been asked which party they were supporting. If, as Ms. Corbin notes, the caller had been called by a political party and had not been asked which party they were supporting the answer would have

[5] Fraker, T., and R. Maynard, "Evaluating Comparison Group Designs with Employment-Related Programs," Journal of Human Resources 22 (1987), 194–227.

		simply been "no". If I had asked are you supporting removing the gun registry and reducing taxes in the same question that would be double barreled and I wouldn't know which item the respondent was supporting.
m. At pg. 11, Table 3.1: this table demonstrates that if the respondent received a call about their polling station (Question 4), those in 6/7 subject ridings were more likely to later have received a call telling them that their polling station had changed	At para 49: "Once this most basic finding is known, there appears to be little basis to continue with the hypothesis that profiling was carried out in those four named ridings for the purpose of making harassing or misleading calls at a later date."	In this survey, I was testing for 3 specific types of calls: 1) calls claiming polling station changes 2) calls where the caller claims to be from Elections Canada 3) harassing calls A failure to find evidence of one type of illicit call in a particular riding does not negate the value of testing for the other types of problematic calls.
n. At pg. 11, Table 3.3 and Table 1.1 at pg. 8	At para 51: Discrepancy between Table 3.2 and Table 1.1 in the absolute number of people who report they had received a profiling call. These discrepancies either represent a calculation error or reveal undisclosed level of refusals to answer questions.	This statement is incorrect and is referring to table 3.3 and not table 3.2. Table 3.3 breaks the results from question #5 (did the caller tell you the polling station changed) down according to their answers to question #3 (did the caller disclose their voting intention). Question #3 had three options including an option to skip (n=112). For the purposes of simplicity this option was not included in the table however it is readily discernible from the questionnaire in the Appendix. The "skip" option for this question accounts for the discrepancy in the numbers between table 1.1 and 3.3.
o. At pg. 11, Table 3.1 and Table 3.3	At para 51: Adding up the sample sizes of each riding, Table 3.1 accounts for just 3197 rather than 3297 people, 100 being unaccounted for	This statement is incorrect. There is no inconsistency in the arithmetic. The figures in Table 3.1 clearly add to 3, 297 not 3, 197.
p. At pg. 11, referring to table 3.1, the results indicate that in the seven subject ridings, on average, people were 50% more likely to receive an illegitimate call than those in comparison ridings. The margin of error shrinks to 0.7% as we move away from the 50/50 split making these results highly statistically significant	At para 52: the author refers to the difference between 3.8% and 2.2% as "highly statistically significant…[this is] unsupportable"	This statement is incorrect. The result is clearly highly statistically significant which means that it is more than 99% likely that the observed results (that those in the subject ridings were 50% more likely to have received an illegitimate call) are not artefacts of chance. The fact that the number of respondents in the Yukon is overrepresented in the

		sample is irrelevant because the individual voter is not the study's unit of analysis, the unit of analysis is the riding. When comparing riding to riding, as the study does, the relative number of people that responded is irrelevant. To down rate the results to the population base would bias the relative representation of the ridings. See response 3d below.
q. At pg. 11, referring to Table 3.1, the results indicate that in the seven subject ridings, on average, people were 50% more likely to receive an illegitimate call than those in comparison ridings. The margin of error shrinks to 0.7% as we move away from the 50/50 split making these results highly statistically significant	At para 52: as the difference between the control and subject ridings is only 1.6% and memory error/guessing can account for 2% of responses, this would make the difference disappear	There is no valid basis provided to support the claim that 2% is an accepted figure to account for memory loss/guessing. More importantly there is no reason to conclude that those in the subject group would be more likely to "over-remember: receiving a call than those in the comparison group.
r. Pg. 13: assertion that where callers claimed to be from Elections Canada, there is a similar pattern to the results in Table 3.2 (were you told there was a polling station change) although results appear more widespread and not limited to subject ridings. Differences in results are less vivid but it appears that non-conservative voters still appear to be more likely to have been targeted.	At para 54: The author should have simply written that the results were "not statistically significant" and that there was no significant difference between subject ridings and comparison ridings.	There is no claim that there was a significant difference between the ridings. I agree that I could have used the terminology of "not statistically significant".
s. At pg. 14, Table 5.1, Question #9 (If received a call regarding polling location was the location of the polling stations correctly identified?)- this is an imperfect indicator but still does show targeting of non-conservative voters.	At para 55: It is a contra-indication of the EKOS hypothesis that non-voters in both subject and comparison ridings were equally likely to have answered that their polling station was not correctly identified	The finding that an almost equal amount of non-voters in subject ridings as in comparison ridings reported misidentification of their polling station is not a contra-indication and the criticism ignores the fact that NDP, Liberal, and Green supporters were much more likely to claim mis-information. The more important point is that those who claimed to have received misidentification calls is much is much higher among non-conservatives in the subject ridings, the difference between non-voters in subject and comparison ridings was not part of the test and is unimportant.
t. At pg. 14, Table 5.1, Question	At para 55: the data is	There is no objective rationale for this

#9 (If received a call regarding polling location was the location of the polling stations correctly identified?)- this is an imperfect indicator but still does show targeting of non-conservative voters	consistent with the fact that a certain percentage of non-voters find excuses for non-voting or that ambiguous questions can create illogical answers	conjecture which ignores the fact that non-conservative supporters were much more likely to have reported this. The more obvious explanation is that individuals really did receive misleading calls.
u. At pg. 15 the results from Question #11 make it difficult to establish patterning but the fact that they occurred is a modest but a significant result	At para 57: my calculations show that the results are not statistically significant. Also, the data shows a contraindication of the hypothesis because some reports were from conservative voters	I did not claim that this indicated *statistical* significance. I certainly did not state that the difference between the comparison ridings was significant (statistically or otherwise). What I wrote was that a significant proportion of respondents in *both* comparison and subject ridings (7.7% and 8.9%, respectively) reported receiving other harassing or misleading calls. In any event the result that those in the subject riding were more likely to have received a harassing call than those in the comparison ridings are statistically significant at the 10% level indicating that we can say that it is more than 90% likely that the results are not a product of chance. Overall, these figures are simply too large to be dismissed as random noise or chance.
3. Points at issue: Data integrity[6]		
a. At pg. 5: definition of "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	At para 16: the definition of harassing call is problematic	Self reported measures are imperfect but are widely used instruments in the social sciences. This particular indicators was one of the least important lines of evidence in drawing my final conclusions. I specifically note the limitations of the term/indicator and took these into account when drawing conclusions. The "harassing calls" were not part of the causal estimates.
b. General methodology of Q&A to measure frequency and nature of calls received during the 2011 election campaign	At para 19: the psychological literature indicates that year-old memories of isolated phone calls could not be	Ms. Corbin cites the psychological literature on memory but does not refer to the significant, more relevant literature in field of survey methodology

[6] I have assigned the Ms. Corbin's comments to this category in instances where she impugns the reliability of the way the data was collected or the reliability of data arising from the data collection techniques used.

	accurate on a large scale	and questionnaire construction on the issue of memory and survey responses.[7]
c. At pg. 6: The survey is a random sample	At para 22: the EKOS sample is not random	The claim that the sample is not random stems from four separate criticisms: 1) The sample did not include cellphone only households. 2) EKOS is not able to detect duplicate calls into households with more than one phone number. 3) IVR is an unreliable technology. 4) EKOS did not perform proper call-backs. First, "Robocallers" and voter ID calls generally do not call cellphone only households. For this study, I was not interested in cellphone only households. See also response 3e below. Second, this information is irrelevant. See point 2b above. Third, IVR is a proven technology. Indeed, a study conducted by the American Association for Public Opinion Research found that IVR and CATI performed equally well in the 2008 pre-election primary polls.[8] Fourth, EKOS did indeed use a careful call back and replacement system. See point 2c above.
d. At pg. 6: General methodology used to collect and analyze data	At para 25: it is a problem that the ridings are sampled disproportionately to their populations causing distortions in the aggregated statistics. This distorted representation could cause the appearance of a significant difference between subject ridings and comparison ridings, were no true difference exists.	The aggregations findings are only a device to simplify the presentation. The implication that the samples should have been weighted proportionally to their population is incorrect. Weighting to population base would make sense if we were inferring to the population of all voters. But seats are allocated by ridings, not population, so a representation of ridings is also a separate and legitimate level of analysis. Nonetheless, in order ensure that this

[7] See for example N. M. Bradburn and S. Sudman. "Effects of time and memory factors on response in surveys". Journal of the American Statistical Association, 68 (1973), 805–15.
[8] Report available at: http://aapor.org/uploads/AAPOR_Rept_FINAL-Rev-4-13-09.pdf

		critique was unfounded, I have now done a weighted calculation of the data by population and found that the variance in population between ridings did not mask any true differences. The effects and differences are clear from looking at the individual ridings as well.
e. At pg. 6: General methodology used to collect data At pg 7: Key challenges, it was not possible to contact cellphone-only respondents however we do not believe that this undermines the reliability of this study because the alleged calls were believed to have been made primarily to landlines	At para 22: cellphone only households are apparently omitted which would skew the sample to an older demographic and would prevent 50% of 18-34 year old households from participating in the survey At para 35: this assumption ruled out an estimated 13% of households and an estimated 50% of households of younger electors and is therefore inappropriate to generalize the results to the broad population. The evidence of voter suppression, generalized to the population should have been reduced by approximately 13% on account of this one factor.	The assertion that the results should have been reduced by 13% is incorrect. The post stratification weighting for age and gender that has been subsequently conducted (attached and marked as **Exhibit "A6"**) weighed to restore these effects however there was no statistically significant result between the reported un-weighted data and the weighted data. Finally the "Robocallers" and voter ID calls both likely didn't call cell phone only households either because cell phone do not have 'geo-codes' that would permit them to be affixed to one location or electoral district. Therefore to include this demographic in the study would actually skew the results more.
f. At pg. 8 "profiling appears to be strongly correlated with the likelihood of receiving subsequent later calls"	At para 40: It was inappropriate for the author to rely on Question #2 in this section. Question #1 should have been used to help determine representativeness of the sample and would have allowed reader to make inference of whether voter suppression disproportionately affects supporters of one party over another	This contention is incorrect. It was appropriate to rely on Question 2 in this section because this question was primarily included as a "stage setting" question to orient the reader as to how many people in each riding were contacted regarding their intention to vote. Also, upon running subsequent tests (attached and marked as **Exhibit "A7"**) to address this concern, comparing respondents who had disclosed a party affiliation and those who had received misleading calls we have found that that non-conservatives were much more likely to get a call. These results are statistically significant at 95% level conventional testing level.

g. at pg. 8, Table 1.1 Question #2: "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"	At para 44: the table shows a statistically significant difference between calls received by the comparison group and by the ridings in question, this demonstrates that the comparison ridings are deficient as a control group	The comparison ridings had less of this calling activity because they were not ridings with tight races. Conversely: if the findings were truly just noise then we wouldn't expect to find such clear differences. This table does not show that the control group is deficient because all the table is showing is how many people were called for voter identification in the 2 groups. Nothing was concluded on the basis of this table, it was just a 'stage setting' point and it simply confirms the notion that voter identification exercises are more likely to have been done in tight ridings.
h. Pg. 9, Table 2.1 Question #4: "Towards the end of the 2011 election campaign, did you receive a phone call telling you the location of your polling station?"	At para 47: this question has limited validity because people tend to give confirming answers to questions that pose a single alternative ("acquiescence bias") There is published support for the view that providing "yes" or "no" options would reduce the likelihood that respondents are more likely to say "yes" than "no". Since this type of question was not used, the results of this question and all subsequent questions are inflated	Ms. Corbin cites a 30-year-old article from an obscure journal as evidence. Survey technologies have evolved dramatically since then (IVR did not exist in 1982). Second, acquiescent responding or "yah-saying" occurs when respondents are presented with similar yes/no questions and simply select the same response over and over in order to reduce the amount of cognitive work required. This term/phenomenon is typically applied to the problem of respondents mechanically answering yes to a whole series of attitudinal questions. This would be problematic if it were applicable in this study. The critique is unfounded in the case of a single behavioural questions. The questions in this survey, are very dissimilar from each other. The survey alternate between negatively-keyed yes/no questions (did you receive a harassing call), positively-keyed yes/no questions, (was the polling station correctly identified) and questions with discrete response categories (who did you vote for?).
i. Pg. 9, Table 2.1 Question #4: "Towards the end of the 2011 election campaign, did you receive a phone call telling you the location of your polling station?"	At para 48: Question 4 is ambiguous because it allows a person to answer "yes" if *anyone* called them to tell them their polling station location	For the purposes of the study the question was not ambiguous. The purpose of Question 4 was to screen out those who did not receive any calls regarding their polling station location or who simply do not remember. Since *any*

		call regarding a polling station change or where the caller claims to represent Elections Canada would be illegal (regardless of the call's source), there is no need to specify a particular source.
j. At pg. 14, Table 5.1, Question #9 (Was the location of the polling station correctly identified?)- this is an imperfect indicator but still does show targeting of non-conservative voters	At para 55: the question is highly ambiguous	The question is clearly unambiguous. Ms. Corbin's statement is conjecture. There are many ways that a non-voter could have known the correct location of their polling station. One could even argue that it was because these voters received incorrect information that they did not vote. Furthermore, the claim that people who said "no" could either have meant, "no it wasn't correct," or "no it wasn't identified" is incorrect. The latter interpretation is not possible, since Question 4 would have screened out any respondents who did not receive a call identifying the location of their polling station.
4. Points at issue: Data analysis and conclusions		
a. At pg. 6: General methodology used to collect and analyze data	At para 31: the magnitude of non-sampling error could plausibly be in the range of 8% to 20% making it unreasonable for EKOS to later cite an estimate of 1.5% arising from the survey as being sufficiently precise	It is true that there are other sources of error and I acknowledged this fact in the study.[9] But these errors are often products of chance (noise) and in no way invalidate the statistically significant findings. Unless the claim is that the significant observed effects are artefacts of measurement error. If the findings were not "real" and simply due to measurement errors, it is statistically highly unlikely that the patterns of targeting to non-conservative voters be so dramatic? There is no other likely explanation for the difference in results in comparison ridings as composed to target ridings.
a. At pg. 7: Caveats, assessing causal impacts is an exceedingly complex problem and this research cannot	At para 37: the author claims that while cause-and-effect is a complex problem the conclusion that the study	There are several different lines of evidence that confirm my assertion. For example, results that compare the differences between subject ridings and

[9] See Caveats on page 7 of the report.

provide definitive estimates however it does provide a reasonable basis for estimating the impacts.	provides a reasonable basis for estimating the impacts is not supportable	the comparison ridings indicate targeting in ridings with tighter races. Also, within the subject ridings themselves, looking at the incidents of nonvoting between those who received calls and those who didn't is another example of clear evidence of causal impacts. Although certainty cannot be established without using a true experimental design, the conclusions that I drew were much more likely to be true than the assertion that there were no effects.
b. At pg. 11, Table 3.1: this table demonstrates that if the respondent received a call about their polling station (Question 4), those in 6/7 subject ridings were much more likely to later have received a call telling them that their polling station had changed	At para 49: table 3.1 shows evidence that contradicts the claim of maliciously planned profiling in at least 3 of the ridings "the percentage of people receiving a call that their polling station had changed was higher in the comparison ridings (2.2%) than that in the Don Valley East (1.4%) and Nipissing-Timiskaming (1.8%) and not statistically different from similar percentages in two other ridings (Vancouver Island North and Saskatoon-Rosedown-Biggar)"	It is correct that the percentage of people receiving a call that their polling station had changed was higher in the comparison ridings (2.2%) than that in Don Valley East (1.4%) and Nipissing-Timiskaming (1.8%) and that it is not statistically significantly different from the results in Vancouver Island North (although Ms. Corbin erred in stating that the results in Saskatoon-Rosetown-Biggar are not statistically different – in fact, they are statistically different from the comparison ridings). However, despite this, the overall difference is clearly statistically significant and this criticism ignores that the patterning by party supporters which is far more pronounced. Indeed, as shows in Table 3.2 in the report, supporters of the Liberal Party 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. The percentage of respondents who say they received a call regarding a polling station change in the riding of Saskatoon-Rosetown-Biggar is statistically significant at the 0.05 level and we can say with 95% certainty that the results are not a product of chance.
c. At page 11, Table 3.2 : This table demonstrates that if the respondent received a call	At para 50: "Table 3.2 at p. 11 provides another contra-indication to voter	These numbers are correct, but simply suggest that misleading calls were more effective outside the comparison ridings.

about their polling station (Question 4), those individuals who identified as non-conservative supporters were more likely to receive a call	suppression in the subject ridings: Non-voters in the subject ridings were less likely to have received a call about a polling-station change than non-voters in comparison ridings (19% v. 29%), suggesting a lower relationship in the subject ridings between nonvoting behaviour and misleading calls."	This makes sense because eligible voters in "swing" ridings (in particular, the 7 subject ridings) have more incentive to vote and are thus less easily dissuaded from voting than voters in party strongholds (which are better represented in the comparison group). These responses do not establish that illicit calls were ineffective – but only suggest that they are more effective in the comparison group. The evidence in Table 7.4 clearly shows that those who received an illegitimate call were far more likely to have not voted. Similarly, those who received a harassing call were slightly more likely to have not voted.
d. At pg. 11, Table 3.1	At para 52: the single dominating reason for the appearance of statistical significance is because of the results from the Yukon, the use of language such as "remarkable" and "highly significant" is unsupportable.	See point 2p above. I recalculated the topline results by weighing the results in each riding by the total number of eligible voters in each riding. In this case, the proportion of those in the subject ridings who say they received a call telling them that their polling station had changed shrinks from 3.8% to 3.3%. This is still a highly statistically significant result, when compared to 2.2% in the comparison group. This result is statistically significant at a confidence interval of 98%, so it is properly described as highly statistically significant.
e. Pg. 13: assertion that where callers claimed to be from Elections Canada, there is a similar pattern to the results in Table 3.2 (were you told there was a polling station change) although results appear more widespread and not limited to subject ridings. Differences in results are less vivid but it appears that non-conservative voters still appear to be more likely to have been targeted.	At para 54: the author overstates the results because some people answering question #4 (did the caller identify as being from Elections Canada) could merely have indicated that the subject matter of the call included the polling location not necessarily a change to the polling location.	The point I was making was that respondents could easily misinterpret a call that states "Hi, I'm calling to inform you that according to Elections Canada, your polling station is located here" as a call that is coming from Elections Canada (in other words, the results to Question 6 may be somewhat inflated). On the other hand, it is unlikely that respondents would misinterpret a call regarding a polling station change in general. There is a substantial difference between "your polling station is located here" and "your polling station has been moved" (in other words, Question 5 is a much more reliable indicator).