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## **Is the publication of exit poll results morally permissible?**

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## IS THE PUBLICATION OF EXIT POLL RESULTS MORALLY PERMISSIBLE?

Jorn Sonderholm

### I. INTRODUCTION

This article is about exit polls. In particular, it addresses the question of whether or not the publication of exit poll results is morally permissible.<sup>1</sup> Throughout the article, “exit poll” denotes an opinion poll conducted at the exit from a polling station when people have already voted.<sup>2</sup> The question of whether or not the publication of exit poll results is morally permissible is of theoretical interest, but it is also of significant practical relevance given the fact that the publication of exit poll results is against the law in a large number of countries.<sup>3</sup> The conclusion of the article is that the publication of exit poll results is morally permissible.

This conclusion is a stronger one than the mere conclusion that the publication of exit poll results should be legally permitted. The distinction between legal permissibility and moral permissibility can perhaps be made distinct by considering the publication of exit poll results in a United States context. The United States does not legally prohibit the reporting of exit poll results,<sup>4</sup> and it is very likely that the publication of such results will continue to be legally permitted under free speech legislation. The fact that the publication of exit poll results is legally permitted under United States law is, however, compatible with a voluntary agreement among interested parties that no exit poll results will be published until all polling stations have closed.<sup>5</sup> If the conclusion of this article is correct, then there is no morally convincing reason as to why interested parties should enter into such a voluntary agreement.

In the next section, the master argument in favor of the moral permissibility of the publication of exit poll results is introduced. This argument is a strong one. It might, however, be that the conclusion of this argument should, in the end, be rejected because there are other, and weightier, arguments in favor of the view that the publication of exit poll results is morally impermissible. However, if there are no such weightier arguments, then a plausible case has been made for the assertion that the publication of exit poll results is morally permissible. Section 3 contains a presentation and discussion of five arguments against the moral

permissibility of the publication of exit poll results. I contend that none of these arguments succeeds. The truth of this contention is, of course, compatible with it being the case that there are other arguments, not discussed in this article, that convincingly arrive at the conclusion that the publication of exit poll results is morally impermissible.

Let me end this section by offering a brief overview of what the current state of debate is with respect to the issue of whether or not it is morally permissible to publish exit poll results. In the distinctively philosophical literature, very little has been published on this issue. Typing “exit poll” into the PhilPapers search engine (<http://philpapers.org>) yields only one result,<sup>6</sup> and this article is not primarily devoted to issues surrounding the publication of exit poll results.<sup>7</sup> In light of this, it seems safe to say that the main issue of this article is not one that, in the past, has received significant attention from members of the professional philosophical community. This is somewhat odd given that the practice of publishing exit poll results is something that is routinely deplored in the mainstream media.<sup>8</sup>

It is now possible to explain why the five arguments in section 3 have been chosen for discussion. Why exactly these arguments and not some different ones? The arguments in question have not been chosen because they are the most prominent or influential ones in the literature. As mentioned above, there is no significant body of literature devoted to the discussion of normative issues surrounding the publication of exit poll results, and, as a result of this, none of the five arguments can be attributed to any particular individual. The arguments in section 3 have been chosen because they, in my estimate, are the most promising and convincing ones that one can put forth if one wishes to defend the view that the publication of exit poll results is morally impermissible. If my estimate is accurate, and if it turns out that my assessment of the five arguments is correct, then the conclusion of the article is justified.

## 2. THE MASTER ARGUMENT IN FAVOR OF THE MORAL PERMISSIBILITY OF THE PUBLICATION OF EXIT POLL RESULTS

- 1 (1) For every  $x$ , if  $x$  is information and if  $x$  is constituted by voluntary input offered by consenting adults and if  $x$  does not endanger public safety<sup>9</sup> and does not incite to violence and does not constitute hate speech and does not constitute libel and does not infringe on third parties' right to privacy, then the publication of  $x$  is morally permissible.<sup>10</sup> Assumption
- 1 (2) If the result of exit poll alpha is information and if the result of exit poll alpha is constituted by voluntary input offered by consenting adults and if the result of exit poll alpha does not endanger public safety and does not incite to violence and does not constitute

- hate speech and does not constitute libel and does not infringe on third parties' right to privacy, then the publication of the result of exit poll alpha is morally permissible. Universal Elimination, 1
- 3 (3) The result of exit poll alpha is information. Assumption
- 4 (4) The result of exit poll alpha is constituted by voluntary input offered by consenting adults. Assumption
- 5 (5) The result of exit poll alpha does not endanger public safety and does not incite to violence and does not constitute hate speech and does not constitute libel and does not infringe on third parties' right to privacy. Assumption
- 3, 4 (6) The result of exit poll alpha is information, and the result of exit poll alpha is constituted by voluntary input offered by consenting adults. Conjunction Introduction 3, 4
- 3, 4, 5 (7) The result of exit poll alpha is information and the result of exit poll alpha is constituted by voluntary input offered by consenting adults, and the result of exit poll alpha does not endanger public safety and does not incite to violence and does not constitute hate speech and does not constitute libel and does not infringe on third parties' right to privacy. Conjunction Introduction 5, 6
- 1, 3, 4, 5 (8) The publication of the result of exit poll alpha is morally permissible. Conditional Elimination 7, 2

A very brief way of informally reconstructing this argument consists in saying that the publication of exit poll results is morally permissible because it is the publication of a type of information that does not, in a relevant way, resemble the types of information the publication of which is normally considered to be morally impermissible. At first sight, the publication of exit poll results is simply the publication of morally innocent information.

### 3. ARGUMENTS AGAINST THE MORAL PERMISSIBILITY OF THE PUBLICATION OF EXIT POLL RESULTS

*First argument: the being-influenced-by-how-other-people-vote-is-an-especially-bad-thing argument*

- 1 (1) Voting that is influenced by knowledge of how a representative sample of the electorate has voted makes the electoral process morally illegitimate. Assumption
- 2 (2) The publication of exit poll results enables voting that is influenced by knowledge of how a representative sample of the electorate has voted. Assumption
- 3 (3) If voting that is influenced by knowledge of how a representative sample of the electorate has voted makes the electoral process morally illegitimate, then the publication of exit poll results is morally impermissible, if the publication of exit poll results enables voting

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- that is influenced by knowledge of how a representative sample of the electorate has voted. Assumption
- 1, 3 (4) The publication of exit poll results is morally impermissible, if the publication of exit poll results enables voting that is influenced by knowledge of how a representative sample of the electorate has voted. Conditional elimination 1, 3
- 1, 2, 3 (5) The publication of exit poll results is morally impermissible. Conditional Elimination 2, 4

This argument is valid, but it is not sound. Premise (1) is false. The reason is this: if it is the case that voting that is influenced by knowledge of how a representative sample of the electorate has voted makes the electoral process morally illegitimate, then it is also the case that voting that is influenced by knowledge of, say, (i) which news outlets endorse which candidates/political parties, or (ii) which trade unions endorse which candidates/political parties, or (iii) what gender or race or ethnicity a given candidate has, or (iv) what the physical appearance is of a given candidate makes the electoral process morally illegitimate. Add to this premise the assumption that voting that is influenced by knowledge of either (i), (ii), (iii), or (iv) *is not* something that makes the electoral process morally illegitimate, and one has a sound argument in favor of the view that (1) is false.<sup>11</sup>

One can, of course, reject this argument in favor of the falsity of (1) by accepting the view that voting that is influenced by knowledge of either (i), (ii), (iii), or (iv) *is* something that makes the electoral process morally illegitimate. One can furthermore hold the view that anything that enables such voting is morally impermissible. However, if one believes that voting that is influenced by knowledge of either (i), (ii), (iii), or (iv) *is not* something that makes the electoral process morally illegitimate, then one cannot consistently believe that voting that is influenced by knowledge of how a representative sample of the electorate has voted *is* something that makes the electoral process morally illegitimate.

*Second argument: the threat to voter participation argument*

- 1 (1) It is an important democratic ideal that as many registered voters as possible participate in the electoral process. Assumption
- 2 (2) If it is an important democratic ideal that as many registered voters as possible participate in the electoral process, then the publication of exit poll results is morally impermissible, if the publication of exit poll results is likely to discourage a non-negligible number of registered voters from participation in the electoral process. Assumption
- 3 (3) The publication of exit poll results is likely to discourage a non-negligible number of registered voters from participation in the electoral process.<sup>12</sup> Assumption
- 1, 2 (4) The publication of exit poll results is morally impermissible, if the publication of exit poll results is likely to discourage a non-negligible

number of registered voters from participation in the electoral process.

Conditional Elimination 1, 2

1, 2, 3 (5) The publication of exit poll results is morally impermissible.

Conditional Elimination 3, 4

This argument is valid, but the truth of (3) is very questionable. Premise (3) is an empirical claim the truth of which requires solid data. A recent working paper estimates that knowledge of exit poll information decreases voter turnout by about 12 percent. The study is based on data from French overseas territories that voted after the election result had already been made public via exit poll information from mainland France.<sup>13</sup> A study on a 2009 referendum on a proposed change to the Danish Law of Succession comes, however, to a rather different conclusion with respect to the impact of exit polls on voter turnout:

In sum, the total effect of an exit poll on the incentive to vote early is ambiguous. Once the results of the exit poll is [*sic*] released, the effect on remaining potential voters' incentive to participate depends on the information revealed by the poll. Voting becomes more attractive if the poll reveals a close race, but less attractive if it reveals the opposite. As a result of these opposite effects, we find that an exit poll's effect on voter turnout and election outcomes is in general ambiguous.<sup>14</sup>

Based on an analysis of data from the US 1980 presidential and congressional races, another commentator is also very cautious when it comes to estimating the effect of exit polls on voter turnout:

Based on a consensus of the data, there is a possibility of a small decrease ranging from 1 to 5 percent in total vote in congressional districts where polls close significantly later than 8 PM EST in those elections where the exit polls suggest a clear winner when previously the race had been considered close. No more precise estimate is possible with the data available.<sup>15</sup>

Sudman goes on to say that most survey researchers will not think that this is a significant effect.<sup>16</sup>

Lacking solid empirical data that underpins (3), one might just as well be justified in thinking not only that (3) is false but something even stronger: namely that the publication of exit poll results is likely to encourage a non-negligible number of registered voters to participate in the electoral process (voters who would not have participated if they had not been exposed to the results of a relevant exit poll).<sup>17</sup> The idea here is that there are voters who, after exposure to the results of a relevant exit poll, have the impression that the final election result is not a foregone conclusion and that their preferred candidate/party is currently tied with, or almost tied with, other candidates/parties. This impression is then something that makes these voters make their way to the voting booth. Thanks to their exposure to the results of a relevant exit poll, they now believe that their vote makes a difference.<sup>18</sup>

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It should be noted that, in addition to attacking premise (3) of this argument, one can also attack premise (1). It is by no means obvious that a high turnout at an election is better than a low turnout. In a number of important writings, Jason Brennan has argued, rather convincingly to my mind, for the view that polls can be polluted by voters who are voting badly.<sup>19</sup> On Brennan's view, citizens who have the political right to vote are under no moral obligation to vote, but if they decide to do so, they are under a moral obligation not to vote badly. Not voting badly means, in most cases, that the individual voter is adequately rational, unbiased, just, and informed about her political beliefs.<sup>20</sup> Voters who lack these qualities are irresponsible, and they ought, according to Brennan, to abstain from voting. On this view, (1) is completely misguided, and campaigns to increase voter turnout are not something that friends of democratic rule should automatically embrace.

One potential problem with campaigns to increase voter participation is that they might lower the average level of voter quality. . . . Increased political participation could mean that most voters start asking for foolish, ineffective, or immoral policies. It could mean that we are stuck with lower-quality governance than we otherwise would have. Having elections decided by irrational, stupid, immoral, or ignorant voters could mean that citizens have to live with racist and sexist laws, unnecessary wars, fewer and lower-quality opportunities, higher levels of crime and pollution, and lower levels of welfare.<sup>21</sup>

*Third argument: the strategic voting argument*

- |         |   |                              |
|---------|---|------------------------------|
| 1       | (1) It is an important democratic ideal that voters cast their vote in accordance with their sincere political beliefs.   | Assumption                   |
| 2       | (2) If it is an important democratic ideal that voters cast their vote in accordance with their sincere political beliefs, then strategic voting goes against an important democratic ideal.              | Assumption                   |
| 1, 2    | (3) Strategic voting goes against an important democratic ideal.  | Conditional elimination 1, 2 |
| 4       | (4) If strategic voting goes against an important democratic ideal, then the publication of exit poll results is morally impermissible, if the publication of exit poll results enables strategic voting. | Assumption                   |
| 1, 2, 4 | (5) The publication of exit poll results is morally impermissible if the publication of exit poll results enables strategic voting.   | Conditional elimination 3, 4 |
| 6       | (6) The publication of exit poll results enables strategic voting.  | Assumption                   |
| 1,2,4,6 | (7) The publication of exit poll results is morally impermissible.  | Conditional elimination 5, 6 |

As a preamble to an assessment of this argument, it should be noted that strategic voting is the same as tactical voting. Tactical voting is, throughout this

article, given the following standard definition: in a first-past-the-post electoral system, a vote is tactical when it is cast for a candidate who the voter believes is more likely to win than her preferred candidate. The classic example involves a supporter of a party placed third or lower in the constituency choosing to vote for one of the front-runners because the voter is wary of “wasting” her vote.<sup>22</sup>

Now, the strategic voting argument is valid, but it is not sound.<sup>23</sup> Premise (4) is false. Premise (4) is a conditional, so (4) is false if and only if its antecedent is true and its consequent is false. The antecedent is the proposition “strategic voting goes against an important democratic ideal.” For the sake of the argument, let us assume that this is true. The consequent is another conditional: namely the proposition “the publication of exit poll results is morally impermissible if the publication of exit poll results enables strategic voting.” I suggest that this conditional is false. My contention is that the mere fact that the publication of exit poll results enables strategic voting is not a sufficient condition for it being the case that the publication of exit poll results is morally impermissible. In general, the principle: the fact that *x* enables *y*, which goes against an important democratic ideal, is sufficient for making *x* morally impermissible is false. If this principle were true, a number of very counterintuitive propositions could be proved. Consider, for example, the following argument:

- 1\* (1\*) It is an important democratic ideal that voters engage in gender-neutral voting.<sup>24</sup> Assumption
- 2\* (2\*) If it is an important democratic ideal that voters engage in gender-neutral voting, then gender-based voting goes against an important democratic ideal.<sup>25</sup> Assumption
- 1\*, 2\* (3\*) Gender-based voting goes against an important democratic ideal. Conditional elimination 1\*, 2\*
- 4\* (4\*) If gender-based voting goes against an important democratic ideal, then the publication of information that reveals the gender of candidates and/or party leaders is morally impermissible, if the publication of information that reveals the gender of candidates and/or party leaders enables gender-based voting. Assumption
- 1\*, 2\*, 4\* (5\*) The publication of information that reveals the gender of candidates and/or party leaders is morally impermissible, if publication of information that reveals the gender of candidates and/or party leaders enables gender-based voting. Conditional Elimination 3\*, 4\*
- 6\* (6\*) Publication of information that reveals the gender of candidates and/or party leaders enables gender-based voting. Assumption
- 1\*, 2\*, 4\*, 6\* (7\*) The publication of information that reveals the gender of candidates and/or party leaders is morally impermissible. Conditional Elimination 5\*, 6\*

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The first thing to note about this argument is that it has the same logical form as the strategic voting argument. The atomic sentences of the two arguments are, however, different. Since the strategic voting argument is valid, so is this. Premise (7\*) is, I contend, false. If this is the case, then at least one of the four assumptions of the argument is false. There is no good reason for rejecting either (1\*), (2\*), or (6\*). I suggest, however, that (4\*) is false because it has a true antecedent and a false consequent. The consequent is false precisely because it asserts that the fact that  $x$  (the publication of information that reveals the gender of candidates and/or party leaders) enables  $y$  (gender-based voting), which goes against an important democratic ideal, is sufficient for making  $x$  morally impermissible.

*Fourth argument: the potentially misleading information argument*

- |         |   |                              |
|---------|---|------------------------------|
| 1       | (1) Exit poll results are potentially misleading.   | Assumption                   |
| 2       | (2) If exit poll results are potentially misleading, then the publication of exit poll results is the publication of potentially misleading information.                  | Assumption                   |
| 1, 2    | (3) The publication of exit poll results is the publication of potentially misleading information.  | Conditional elimination 1, 2 |
| 4       | (4) If the publication of exit poll results is the publication of potentially misleading information, then the publication of exit poll results is morally impermissible. | Assumption                   |
| 1, 2, 4 | (5) The publication of exit poll results is morally impermissible.  | Conditional elimination 3, 4 |

This argument is valid, but it is not sound. Premise (1) is true. There is good empirical evidence for the view that exit polls come in a wide variety of quality. Some are methodologically impeccable whereas others are not.<sup>26</sup> There is therefore good reason to say that, as a whole, exit poll results are potentially misleading. Premise (2) is also true. Premise (4) is, however, false. This is so because it has unacceptable consequences. If (4) is true, then the proposition “if the publication of politicians’ assertions is the publication of potentially misleading information, then the publication of politicians’ assertions is morally impermissible.” Let us call this proposition (4\*). Now, if (4\*) is true, then the publication of many types of information that we normally think of as being morally permissible becomes morally impermissible. It is, for example, not an uncommon phenomenon that politicians, in both verbal and written communication, assert things that are (often grossly) misleading.<sup>27</sup> Also, before an election, promises are often made that are not fulfilled after the election.<sup>28</sup>

Premise (4\*) has as an unacceptable consequence that it is morally impermissible for news outlets to publish information about politicians’ assertions as these are made at, say, (i) press conferences, (ii) town hall meetings, and (iii) live interviews, and on (iv) social media platforms. The publication of politicians’ assertions, as these are made at venues (i), (ii), (iii), or (iv), is the publication

of potentially misleading information.<sup>29</sup> This is, however, not something that should make the publication of this information morally impermissible. There is, therefore, good reason to think that (4\*) is false. In turn, this means that (4) is false.<sup>30</sup>

*Fifth argument: the bandwagon effect argument*

- 1 (1) Voting for a candidate just because she is likely to win the election makes the electoral process morally illegitimate. Assumption
- 2 (2) The publication of exit poll results enables voting for a candidate just because she is likely to win the election. Assumption
- 3 (3) If voting for a candidate just because she is likely to win the election makes the electoral process morally illegitimate, then the publication of exit poll results is morally impermissible, if the publication of exit poll results enables voting for a candidate just because she is likely to win the election. Assumption
- 1, 3 (4) The publication of exit poll results is morally impermissible, if the publication of exit poll results enables voting for a candidate just because she is likely to win the election. Conditional elimination 1, 3
- 1, 2, 3 (5) The publication of exit poll results is morally impermissible. Conditional Elimination 2, 4

As a preamble to an assessment of this argument, it is important to note that, in political science, the term “bandwagon effect” denotes the phenomenon that people might vote for a candidate just because he or she is likely to win the election.<sup>31</sup> The opposite of the bandwagon effect is the underdog effect. “The underdog effect” denotes the phenomenon that when, at an election, voters perceive a particular party or candidate to be the likely winner, they tend to support a competitor who is expected to lose. Voters tend, that is, to support the underdog in the race.<sup>32</sup> What is the empirical evidence for the occurrence of the bandwagon effect and the underdog effect across elections? This is an important question in political science.

One commentator asserts that a “1992 comprehensive review of research on bandwagon and underdog effects found mixed results.”<sup>33</sup> A recent working paper suggests that evidence of bandwagon voting is found in at least one French election: “We also find empirical support for bandwagon voting in which later voters, if they participate, are more likely to vote for the expected winner.”<sup>34</sup> On the other hand, Irwin cites multiple references for the view that the empirical research on bandwagon effects does not offer a clear or conclusive picture.<sup>35</sup> This view is supported by the empirical findings of another commentator:

The observed relation between turnout and perceived closeness of the election does not, of course, mean that every voter behaves in the same way. Some voters may be encouraged to vote when the election is not close because they are sure to be on the winning side (a bandwagon effect). Others may vote to

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reduce the magnitude of the anticipated winning margin (an underdog effect). Overall, however, neither bandwagon or [*sic*] underdog effects have been observed in national [United States] elections.<sup>36</sup>

The bandwagon effect argument is somewhat similar to the being-influenced-by-how-other-people-vote-is-an-especially-bad-thing argument. The proper reply to the former argument is therefore one that is somewhat similar to the one presented in the discussion of the latter argument.<sup>37</sup> Premise (1) is, I contend, false. If (1) is true, then the proposition “voting for a candidate just because of her physical appearance makes the electoral process morally illegitimate” is true. The type of voting behavior where one votes for a candidate just because of the way she looks (or how tall, or stylishly dressed, a male candidate is) is empirically well documented.<sup>38</sup> Furthermore, there is no justification for thinking that, whereas bandwagon voting<sup>39</sup> makes the electoral process morally illegitimate, the same is not true of good-looks voting.<sup>40</sup> Now, the proposition “voting for a candidate just because of her physical appearance makes the electoral process morally illegitimate” is false, and this means that (1) is false. It might be that voting for a candidate just because of her physical appearance is something that goes against an important democratic ideal, but it is not something that makes the electoral process morally illegitimate. If this were the case, it would be very difficult to find a single electoral process in the history of democracy that was morally legitimate, and I suggest that there have been many such electoral processes.

One might reject this argument in favor of the falsity of (1). One might do this by denying that the second premise of the argument is false. That is, one might believe that “voting for a candidate just because of her physical appearance makes the electoral process morally illegitimate” is true just as well as (1) is true. One might continue by arguing that, since the publication of exit poll results is morally impermissible because such publication enables bandwagon voting, then it is the case that the publishing of material that reveals the physical appearance of political candidates is morally impermissible because such publication enables good-looks voting. So, in a morally ideal world, voters would not have access to information about how other people have voted or have knowledge of the physical appearance of political candidates. It is, however, very difficult to deny voters knowledge of the latter sort whereas it is relatively easy to deny them access to information of the former sort: one can simply make a legal prohibition against the publication of exit poll results.

From a pragmatic perspective, it therefore makes good sense, one might argue, to have a legal prohibition against the publication of exit poll results, whereas it does not make good sense to have a legal prohibition against the publication of material that reveals the physical appearance of political candidates. It is not the case that the revelation of such material is not morally impermissible. The revelation of such material is morally impermissible, but politics as we know it

would cease to exist if the publication of such material were made unlawful. The argument would then continue with the assertion that society should not take legal steps that have as a consequence that politics as we know it would cease to exist.

I find this pragmatic defense for a legal prohibition against the publication of exit poll results to be unconvincing. If one is of the opinion that bandwagon voting and good-looks voting both make the electoral process morally illegitimate and that the publication of exit poll results should be made unlawful because such publication enables bandwagon voting, then one should also be of the opinion that the publication of material that reveals the physical appearance of candidates should be made unlawful because such publication enables good-looks voting. Sure, such a legal step would change much about the way politics is normally conducted in liberal democracies, but this is a price that should be paid in the name of consistency.

It is important to keep in mind that in a scenario in which the publication of material that enables good-looks voting is unlawful, it is possible to have a political system that respects core democratic principles. One could, for example, have a system in which voters did not vote for individual candidates but voted on (principled) party programs. Each party would have a number of approved candidates who, prior to the election, have signed up to the task of defending the party program in question in the legislative chamber. The party whose program has won the constituency election would then make a lottery draw to select the candidate who would take on the task of defending the party program in the legislative chamber. In such a system, voters would have no knowledge of the gender, or physical appearance, of the candidate who would end up representing them.<sup>41</sup>

Now, if a person who is of the opinion that good-looks voting is something that makes the electoral process morally illegitimate is not ready to bite the bullet and accept that such a dramatically different electoral system (as described above) should be introduced, then such a person cannot consistently hold onto her view that, since bandwagon voting makes the electoral process morally illegitimate and since the publication of exit poll results enables bandwagon voting, there should be a legal prohibition against the publication of exit poll results.

#### 4. CONCLUSION

This article has been about exit polls. It has addressed the question of whether or not it is morally permissible to publish exit poll results. The conclusion of the article is that an affirmative answer should be given to this question. In section 2, the master argument in favor of the moral permissibility of the publication of exit poll results was introduced. It was argued that it might be the case that the conclusion of this argument should be rejected if there were other, and weightier, arguments against the idea that the publication of exit poll results is morally

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permissible. In section 3, several arguments against the moral permissibility of the publication of exit poll results were outlined and discussed. The conclusion of this section was that all these arguments fail in their intended purpose. This finding, together with the master argument presented in section 2, justifies the view that the publication of exit poll results is morally permissible.

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## NOTES

I wish to thank an anonymous reviewer from *Public Affairs Quarterly* for very insightful and helpful comments on an earlier version of this paper.

1. To be precise, the question is that of whether or not it is morally permissible to publish exit poll results *before all polling stations have closed*. It is relatively uncontroversial that it is morally permissible to publish exit poll results after all polling stations have closed. For reasons of brevity, the qualification “before all polling stations have closed” is often omitted hereafter.

2. McLean and McMillan, *Concise Oxford Dictionary of Politics*.

3. A survey of sixty-six countries finds that of the fifty-nine countries that permit exit polls, forty-one countries prohibit publication of the results until after all voting has concluded. Germany is one of these forty-one countries (Morton et al., “Exit Polls, Turnout,” 2). For a fairly up-to-date country-level survey of what the legal constraints are on the publication of opinion and exit poll results, see Chung (*Freedom to Publish*).

4. Morton et al., “Exit Polls, Turnout.”

5. The six major US news organizations, ABC, CBS, CNN, Fox, NBC, and the Associated Press, that participate in the National Election Pool (NEP) have pledged to exactly such an agreement (Traugott and Lavrakas, *Voter’s Guide*, viii).

6. Singer, “Ethic Cleansing.”

7. The search was done on October 29, 2014.

8. Mohaptra, “False Exit”; Rove, “Twelve Things”; Silver, “Ten Reasons”; Becker, “Schluss mit dem Wahl-Gezwitscher!”

9. This is taken to include false advertising that is likely to lead to the consumption and/or use of products that constitute a health risk.

10. With regard to the issue of third parties’ right to privacy: it might, for example, be morally impermissible for *x* to publish *y*’s voluntarily contributed pictorial information about what *z* looks like in a state of semi-nudeness in her own backyard. For a useful overview of issues with respect to the right to privacy, see Lever (*On Privacy*).

11. To be clear: I do not believe that voting that is influenced by knowledge of either (i), (ii), (iii), or (iv) is something that makes the electoral process morally illegitimate. This view is consistent with believing that such voting falls short of an important democratic ideal.

12. The justification for (3) is this: having been exposed to exit poll  $x$ , some voters do not find it worth their time/energy/effort to vote given that their preferred candidate/party is depicted in  $x$  as being so far ahead or behind that these voters think that their individual vote will make no difference for the final election result.

13. Morton et al., “Exit Polls, Turnout.”

14. Andersen and Jensen, “Exit Polls and Voter Turnout,” 129.

15. Sudman, “Do Exit Polls Influence Voting Behavior?,” 331, 339, 338.

16. Ibid., 338.

17. In conjunction with (1), the assumption that that the publication of exit poll results is likely to encourage a non-negligible number of registered voters to participate in the electoral process makes it easy to construct a sound argument in favor of the view that the publication exit poll results is morally permissible.

18. It is a version of the threat to voter participation argument that Karl Rove appeals to in his argumentation as to why exit polls are one of the things that the world should toss out (Rove, “Twelve Things”). Becker is also of the opinion that this argument shows that the publication of exit poll results is problematic (Becker, “Schluss mit dem Wahl-Gezwitscher!”).

19. Brennan, *Ethics of Voting*; Brennan, “Polluting the Polls,” 535–49.

20. Brennan, “Polluting the Polls,” 536.

21. Brennan, *Ethics of Voting*, 10. It is an anonymous reviewer from *Public Affairs Quarterly* who suggested to me that (1) might be false. This suggestion prompted me to read some of Jason Brennan’s work on the ethics of voting, and, as indicated above, I am of the opinion that this work arms one with a number of convincing arguments as to why (1) is indeed false. These arguments deserve much more attention than what can be given them in this article.

22. McLean and McMillan, *Concise Oxford Dictionary of Politics*.

23. It is, of course, not only the publication of exit poll results that enables strategic voting. The publication of opinion poll results also enables such voting. For a brief discussion of opinion polls and strategic voting, see Michalos (“Ethical Considerations”). It should be noted that, if one is opposed to the publication of exit poll results because the publication of such results enables strategic voting, then one must also be opposed to the publication of opinion poll results. After all, the publication of such results also enables strategic voting.

24. What I mean by “gender-neutral voting” is voting that is characterized by the fact that the voter treats the gender of a candidate and/or party leader as an irrelevant factor when she is deliberating about whom to vote for.

25. What I mean by “gender-based voting” is voting that is characterized by the fact that the voter treats the gender of a candidate and/or party leader as a relevant factor when she is deliberating about whom to vote for.

26. For a recent example of a misleading exit poll, consider the one performed by the company Epinion for the national Danish broadcaster (Danmarks Radio) at the 2013

municipal elections. Danish Prime Minister Helle Thorning-Schmidt's Social Democrats suffered a much smaller setback than initially indicated by the exit poll. The Social Democrats received 29.5 percent of the votes, compared with 30.7 percent in 2009 municipal elections. Thorning-Schmidt had already braced for a loss and apologized to supporters at a rally before the closing of polling stations after a nationwide exit poll showed that her party would lose a quarter of its support from the last municipal election. See <http://goo.gl/mxwtdy> (accessed October 27, 2014). For some examples of accurate exit polls, consider exit polling at recent United Kingdom general elections. At the 2001 election, when new and improved polling methods were used for the first time by the BBC, the size of the Labour majority was predicted at 10 p.m. on polling day with an error of just six seats. At the 2005 and 2010 elections, the number of seats for the largest party was predicted with no error at all. See <http://goo.gl/NRNjcd> (accessed October 28, 2014).

27. Think, for example, of former US Secretary of State Colin Powell's presentation to the United Nations Security Council in 2003 of "irrefutable and undeniable" evidence of the existence of weapons of mass destruction in Iraq (<http://www.un.org/press/en/2003/sc7658.doc.htm>).

28. Think, for example, of Barack Obama's promise before the 2008 US presidential election that the Guantánamo detention camp would be closed if he were elected to office.

29. News outlets' own reporting on political events is also the publication of potentially misleading information. For an example of factual errors made by the *New York Times* in its political reporting, see the *three* corrections the newspaper made to its article, published on August 14, 2011, on Congressman Darrell Issa (R-CA) (Lichtblau, "Businessman in Congress"). So, if the publication of exit poll results is morally impermissible because it is the publication of potentially misleading information, then news outlets' own reporting on political events is also morally impermissible.

30. It is a version of the potentially misleading information argument that Mohapatra appeals to in his argument as to why the publication of exit poll results is problematic (Mohapatra, "False Exit"). One of Silver's ten reasons as to why one should ignore exit poll results is also constituted by a version of this argument (Silver, "Ten Reasons").

31. Mutz, "Mechanisms of Momentum."

32. Schmitt-Beck, "Underdog Effect."

33. Traugott, "Bandwagon and Underdog Effects."

34. Morton et al., "Exit Polls, Turnout."

35. Irwin, "Bandwagon without a Band," 7.

36. Sudman, "Do Exit Polls Influence Voting Behavior?"

37. It should be noted that, if one is convinced by the bandwagon effect argument against the moral permissibility of the publication of exit poll results, then one must also have a problem with the publication of opinion poll results. The publication of such results also enables voters to vote for the perceived winner of an election. If one is not ready to embrace the conclusion that the publication of opinion poll results is morally impermissible, this should seriously dampen one's enthusiasm for the idea that the bandwagon effect argument

has force against the moral permissibility of the publication of exit poll results. The question of what the relationship is between the publication of exit poll results and opinion poll results is an interesting one from a normative perspective, and it is a question that merits an extended discussion of its own in a separate article.

38. Lenz and Lawson, “Looking the Part”; Berggren, Jordahl, and Poutvaara, “Looks of a Winner.” The preference for good-looking politicians may be linked to ancient adaptations for avoiding disease. In fact, the preference for attractive politicians seems to ebb and flow with voters’ concerns about germs. See White, Kenrick, and Neuberg (“Beauty at the Ballot Box”).

39. The term “bandwagon voting” is here used to denote the type of voting described in Premise (1).

40. “Good-looks voting” is here used to denote the phenomenon of voting for a candidate just because of her physical appearance.

41. This is on the assumption that the pool from which candidates are drawn is one that is diverse with respect to the gender and physical appearance (ethnicity, race, etc.) of the candidates.

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