



February 5, 2014

**Rep. Scott Fitzpatrick (R-158)**  
**MO House of Representatives**  
**201 West Capitol Avenue**  
**Room 415B**  
**Jefferson City MO 65101**  
[Scott.Fitzpatrick@house.mo.gov](mailto:Scott.Fitzpatrick@house.mo.gov)

**Re: H.B. 1485**

Dear Representative Fitzpatrick:

On behalf of the Marketing Research Association (MRA), the American Statistical Association (ASA), and the Association of Public Data Users (APDU), we write to share our concerns that legislation you have introduced, [H.B. 1485](#), could increase the cost of Missouri state government agencies' research efforts and jeopardize the representativeness and reliability of that research.

MRA, a non-profit national membership association, represents the survey, opinion and marketing research profession<sup>1</sup> and works to improve research participation and quality. ASA is the world's largest community of statisticians, serving in industry, government, and academia in more than 90 countries, and is dedicated to advancing research and promoting sound statistical practice to inform public policy and improve human welfare. APDU is a national network that links users, producers, and disseminators of government statistical data, who all share a vital concern about the collection, dissemination, preservation, and interpretation of public data.

H.B. 1485 would expand the definition of "telephone solicitation" in [RSMo Section 407.1095](#), such that telephone calls, faxes, and text messages for the purpose of "participation in informational surveys by any state agency or party acting on behalf of a state agency" would be treated the same as telemarketing, and subjected to the restrictions of the state do not call registry.

State agencies conducting survey research would be driven by H.B. 1485 to spend significantly more tax dollars in order to reach respondents whom they used to be able to reach by phone, but would now have to seek out by more time-consuming (and thus expensive) means, such as in-person visits. While some replacement methodologies, such as online panels, can be more affordable than telephone research, they make it much more challenging to compile a representative sample of the population that a state agency seeks to understand. Hence, the data

---

<sup>1</sup> The research profession is a multi-billion dollar worldwide industry, comprised of pollsters and government, public opinion, academic and goods and services researchers, whose members range from large multinational corporations and small businesses to academic institutes, non-profit organizations and government agencies.

resulting from such studies would be less reliable and less useful to state agencies, legislators like yourself, and the general public.

Even more importantly, research is not sales, advertising or marketing. Unlike telemarketing, a survey research call does not seek to influence a participant's attitudes or behavior. Lumping in survey research with telemarketing would potentially taint all research studies by making them comparable in the eyes of the public to sales, advertising and marketing. This would stigmatize all bona fide research (not just research conducted by or for Missouri state agencies) and hurt participation in research studies (which already face all-time low response rates).

Representative Fitzpatrick, because it could cost the state more money and impair the results of state research, we humbly ask you to reconsider and withdraw H.B. 1485.

If you have any questions or concerns, please contact Howard Fienberg, MRA's Director of Government Affairs, at 202-570-7312 or [howard.fienberg@marketingresearch.org](mailto:howard.fienberg@marketingresearch.org)

Sincerely,

Howard Fienberg, PLC  
Director of Government Affairs  
Marketing Research Association (MRA)

Ron Wasserstein  
Executive Director  
American Statistical Association (ASA)

Warren Brown  
President  
Association of Public Data Users (APDU)