

AAPC's Legislative Principles for Political Messaging

To protect political speech, robust advocacy, and democratic participation while advancing meaningful consumer protections, the American Association of Political Consultants (AAPC) urges lawmakers to incorporate these principles into any regulation of texting:

- 1. Exempt Political, Advocacy, and Research Messaging** - Regulations designed to curb commercial spam can inadvertently chill constitutionally protected speech when applied to the political sphere. While often well-intentioned, lawmakers may not realize the negative impact these rules have on political messaging. To prevent undermining voter engagement and advocacy, legislation should exempt political committees, advocacy organizations, opinion researchers, and their service providers from restrictions aimed at commercial actors.
- 2. Maintain a Clear Distinction Between Text Messages and Robocalls** - Applying outdated robocall statutes to modern text messaging platforms unnecessarily burdens a vital channel for political speech; the two technologies should not be grouped together in legislation.
- 3. Align "Auto Dialer" Definitions with Federal Precedent** - Overly broad definitions of an "auto dialer" threaten to outlaw essential tools for political speech. Legislation should align with the narrow, technology-focused precedent set by the U.S. Supreme Court to avoid chilling protected communication.
- 4. Oppose Burdensome State-Level Do-Not-Call Registries** - A patchwork of state-level DNC registries, in addition to a federal DNC, creates administrative burdens that disproportionately silence smaller campaigns and grassroots movements by making compliance prohibitively complex, thereby chilling their speech.
- 5. Reject Arbitrary Limits on Mass Texting** - Placing arbitrary caps beyond phone carrier imposed caps and rate limits on message volume severely hampers the large-scale outreach necessary for democratic participation. Lawmakers should reject such limits, which infringe on the core free speech principle of informing and mobilizing the electorate.
- 6. Provide Flexibility for "Paid for By" Disclaimers** - Forcing lengthy disclaimers into short text messages makes political speech impractical and opinion research impossible. To ensure transparency without hindering communication, regulations should permit disclaimers on a linked landing page and exempt opinion research.
- 7. Reject a Private Right of Action, Institute a Right-to-Cure** - Reject a private right of action, as the threat of opportunistic litigation chills essential voter outreach. A right-to-cure is a more balanced approach that allows organizations to correct inadvertent errors without silencing political speech.
- 8. Protect the Freedom of Private Association** - Mandating the public disclosure of strategic partners violates the First Amendment right to private association. Such rules chill speech by exposing groups to potential harassment for their political affiliations.
- 9. Ensure Call Mitigation Technologies Do Not Censor Political Speech** - Carrier-based mitigation technologies can act as censors, indiscriminately blocking constitutionally protected political speech. Legislation must include robust safeguards to ensure legitimate voter outreach is not filtered or blocked.