



Sept 24, 2025

The Honorable Michael J. Rodrigues
Senate Committee on Ways and Means
Massachusetts State Senate
Boston, MA 02133

Dear Senator Rodrigues,

On behalf of the American Association of Political Consultants (AAPC), I am writing to share our concerns regarding Massachusetts Senate Bill No. 2608, the Massachusetts Data Privacy Act. While AAPC strongly supports efforts to safeguard individual privacy and ensure responsible data practices, we urge the legislature to consider targeted adjustments to S.2608 to protect political communication and civic engagement.

At AAPC, we respect individual privacy and promote ethical, transparent, and compliant data practices. Our members serve campaigns, candidates, and organizations across the political spectrum that depend on responsibly managed data to reach voters, particularly those in underrepresented communities. We support strong privacy protections and appropriate enforcement against misuse.

However, S.2608, as drafted, risks creating significant barriers for political campaigns, advocacy organizations, and civic groups. By applying the same restrictions to civic and political communication as to commercial advertising, the bill could unintentionally limit democratic engagement.

Targeted outreach based on publicly available data and characteristics such as race, ethnicity, or location is often the only viable method for small campaigns and grassroots organizations to reach likely voters and constituents. S.2608 restrictions, particularly regarding the use of sensitive data as defined, publicly available information, and responsibly inferred attributes would raise the costs of democratic participation and disproportionately burden underfunded candidates and nonprofits. Limiting such outreach would reduce representation, silence critical voices, and increase barriers for communities that most need to be heard.

We recommend adopting a clear exemption for political organizations and nonprofits engaged in voter contact, civic engagement, and issue advocacy that is consistent with privacy frameworks in other states. Notably, Connecticut, Virginia, and Texas have included targeted exemptions that preserve civic participation while upholding privacy protections.

Specifically, we request that section 3(a) of the most recent publicly available version of S.2608 be revised as follows:

Section 3. (a) Notwithstanding section 2, this chapter shall not apply to: (i) a federal, state, tribal, territorial or local government entity, including, but not limited to, a body, authority, board, bureau, commission, district or agency of the commonwealth or of any political subdivision of the commonwealth; (ii) any political organization or nonprofit organization (iii) a nonprofit organization established to detect and prevent fraudulent acts in connection with insurance; (iv) a national securities association registered pursuant to section 15A of the Securities Exchange Act of 1934 and the rules and implementing regulations promulgated thereunder; (v) a registered futures association designated pursuant to section 17 of the Commodity Exchange Act and the rules and implementing regulations promulgated thereunder; (vi) a bank, credit union or any affiliate or subsidiary thereof that: (A) is only and directly engaged in financial activities as described in 12 USC 1843(k); (B) is regulated and examined by the division of banks or an applicable federal bank regulatory agency; and (C) has established a program to comply with all applicable requirements established by the commissioner of banks or the applicable federal bank regulatory agency concerning personal data; (vii) an agent, broker-dealer, investment adviser or investment adviser representative, as defined in section 401 of chapter 110A, who is regulated by the secretary of the commonwealth or the United States Securities and Exchange Commission; and (viii) a covered entity or a covered entity's business associate that collected or processed the personal data of not more than 60,000 consumers.

This exemption is critical to ensuring that the Act does not inadvertently impede democratic processes.

As part of that amendment, we request that the following definitions (taken from Virginia's law) be added to section 1:

"Nonprofit organization" means any corporation organized under General Laws chapter 180 (G.L.c. 180) or any organization exempt from taxation under § 501(c)(3), 501(c)(6), or 501(c)(12) of the Internal Revenue Code, any political organization, any organization exempt from taxation under § 501(c)(4) of the Internal Revenue Code that is identified in § 52-41, and any subsidiary or affiliate of entities organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

"Political Organization" means a party, committee, association, fund, or other organization, whether or not incorporated, organized and

operated primarily for the purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization or the election of a presidential/vice-presidential elector, whether or not such individual or elector is selected, nominated, elected, or appointed.

As noted, a similar exemption can be found in Texas' consumer data privacy law. See Texas Business and Commerce Code sec. 541.001(18) (defining nonprofit organization to include political organizations); 541.001(20) (defining political organizations); and 541.002(b)(4) (exempting nonprofits).

AAPC shares the legislature's goal of protecting consumer privacy and preventing misuse of personal information. At the same time, we must ensure these protections do not come at the expense of core democratic functions, including voter outreach and civic participation. We welcome the opportunity to work collaboratively with you to strike this balance.

Thank you for your leadership and for your careful consideration of these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Sweet", with a stylized, cursive script.

Julie Sweet
Director of Advocacy and Industry Relations
American Association of Political Consultants