



1750 Tysons Boulevard, Suite 1500
McLean, VA 22102

June 9, 2025

The Honorable Mary Cavanagh
Michigan Senate
P.O. Box 30036
Lansing, MI 48909-7536

RE: Request for Amendment to Senate Bill 351 – Protect Political and Civic Communications

Dear Senator Cavanagh,

On behalf of the American Association of Political Consultants (AAPC), I write to respectfully urge targeted amendments to Senate Bill 351, the proposed "Telephone Solicitation Act," to safeguard constitutionally protected political speech and civic engagement while advancing shared goals of consumer protection.

Founded in 1969, AAPC is the nation's only bipartisan association of political professionals. Our members support robust, lawful consumer protections alongside the fundamental right to communicate with voters and the public. Representing over 2,000 political professionals from across the political spectrum, AAPC applauds efforts to curb fraudulent and deceptive telephone communications. However, we respectfully urge the inclusion of narrowly tailored amendments to SB 351 to protect constitutionally guaranteed political expression and voter contact operations essential to democratic participation.

Political Communication: A Constitutional Cornerstone

SB 351's expansive definitions and blanket prohibitions, particularly on the use of automated dialing and prerecorded messaging, pose significant risks to protected political communication. Without tailored exemptions, legitimate civic and electoral activities may be unintentionally swept into a regulatory framework designed to curb abusive commercial practices.

Political speech, including noncommercial calls from campaigns, advocacy groups, and researchers, is protected under longstanding Supreme Court precedent (*Buckley v. Valeo*, *Citizens United v. FEC*). As currently written, the bill's provisions could inadvertently criminalize political activity essential to democratic participation—particularly for down-ballot and under-resourced campaigns that rely on cost-efficient communications.

Recommended Amendment Language

To protect political and civic communications, AAPC recommends adopting the following clarifying revisions to Section 2:

- **Replace Section 2(a) (ADAD definition):**
“ADAD” means any device or system of devices used, whether alone or with other equipment, for the purpose of automatically generating and dialing telephone numbers.
- **Replace Section 2(n)(i):**
To encourage the recipient to purchase, rent, or receive goods or services, or claim an item.
- **Add to Section 2(o) (Exemptions):**
(v) A telephone communication made for religious, charitable, political, public policy, market research, or educational purposes;

(vi) A telephone communication made for the purposes of bona fide survey and opinion research, including message testing, that involves no sales, marketing, or behavior-influencing purpose.

This approach clarifies the law’s intent to target abusive commercial practices without sweeping in constitutionally protected political and public interest speech. Importantly, it mirrors exemptions successfully adopted in other state privacy and telemarketing laws.

A Path Forward

AAPC applauds the bill’s intent to shield consumers from unwanted commercial intrusions. With the above amendments, SB 351 can continue to serve that purpose while upholding the democratic principles of open political discourse and civic access.

We stand ready to collaborate with you and your staff to ensure SB 351 meets these dual imperatives. Thank you for your leadership and thoughtful consideration.

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