

Summary Of Testimony by Shaun Dakin - The National Political Do Not Contact Registry

Headline:

- Robocalls harass voters and turn them off from politics and democracy. The National Political Do Not Contact Registry represents tens of thousands of voters that are fed up and have said enough is enough.

Scope of the Robocall problem:

- The Pew Research Center looked at the issue of robocalls in the 2006 election and found that “nearly two-thirds of registered voters (64 percent) received recorded telephone messages in the final stages of the 2006 mid-term election.” That is approximately 90 million voters.
- In November 2007 in Iowa 81 percent of voters received robocalls. In New Hampshire and South Carolina the percentages were 68 percent and 40 percent respectively.

Impact on the voter:

We represent tens of thousands of voters that are being negatively impacted by robocalls and experience some of the greatest harms such as: calling after hours, repeatedly calling voters multiple times during the day and night, refraining from disclosing who is paying for the call at the beginning, and blocking the identification of the originating telephone number. Here are some member quotes:

- *The sheer bombardment of phone calls is nothing short of harassment! It is very intrusive, invasive and completely unwanted.*
- *Don't solicit me for my money or my opinion and stop calling after 9:30 at night.*
- *Tonight, my grandmother was taken to the hospital by ambulance and instead of my family being able to reach me, they were directed to my voice mail because I was too busy answering phone calls of either automated or in person calls for political reasons.*
- *I work nights and sleep during the day. Recently I have been receiving 5-7 calls each day waking me up and asking for money. I used to contribute over the Internet in response to e-mails, but I have actually stopped contributing any money by any means to try to reduce the number of phone calls!*

The National Political Do Not Contact Registry – StopPoliticalCalls.org

- A Non-partisan, non-profit organization dedicated to reducing political robocalls launched in October 2007.
- Available on the internet at StopPoliticalCalls.org
- Voters register their phone numbers and the organization works with politicians to agree not to robocall voters through a pledge and licensing the data.
- To date, one Member of Congress, Virginia Foxx, has agreed to take the “do not robocall” pledge and license the data.

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- Members from all over the nation.

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Shaun Dakin
CEO and Founder

The National Political Do Not Contact Registry
A Program of Citizens for Civil Discourse

Testimony Before The U.S. Senate Committee On Rules & Administration

Dianne Feinstein, CA - Chairman
Robert Bennett, UT - Ranking Member

Hearing on Protecting Voters at Home and at the Polls: Limiting Abusive Robocalls and Vote Caging Practices

February 27th, 2008 at 10 AM
Room 301, Russell Senate Office Building
1st Street and Constitution Avenues, North East,
Washington, DC 20510

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Good morning Chairman Feinstein, Ranking Member Bennett and distinguished Members of the Senate Committee on Rules & Administration.

I appreciate this opportunity to testify before the Committee on the important issue of Political Robocalls and their harmful impact on the American voter.

My name is Shaun Dakin and I am the founder and CEO of the National Political Do Not Contact Registry and I am speaking on behalf the organization and, most importantly, the tens of thousands of voters who have registered on the National Political Do Not Call website to bring an end to political robocalls: StopPoliticalCalls.org. I am a relative newcomer to this issue. I have spent most of my career in the private sector as an executive working for companies such as FedEx, Fannie Mae, Laureate Education and the Motley Fool.

I want to acknowledge Chairman Feinstein for her leadership in introducing this bill to regulate political robocalls at the federal level. While my organization does not advocate for specific legislative remedies to deal with this epidemic, we are very encouraged that this committee has recognized that this is a national problem that is crying out for leadership at the federal level. We are pleased that this bill is intended to remedy those problems that are clearly negatively impacting the voters and is focused on some of the greatest harms such as: calling after hours, repeatedly calling voters multiple times during the day and night, refraining from disclosing who is paying for the call at the beginning, and blocking the identification of the originating telephone number.

Today, robocalls are harassing voters and turning them off from the political process in large numbers.

Let me be clear that voters on both sides of the aisle and those in between have had enough: enough of the multiple robocalls from multiple candidates; Enough of the invasion of their privacy at all times of day and night; and enough of having their peace and quiet interrupted up to fifteen times a day during the election season.

As one member, a young mother from Ohio wrote to us, "I find it very frustrating. I tend to get calls at the WORST time. I have a one-year-old daughter, and it NEVER fails that the phone will ring when I put her down for a nap or for bed."

Another member, a senior from Pennsylvania, wrote us, "We are both elderly and not in good health and these calls at all hours are upsetting to us". Another email from California came in this morning, "My 85 year old mother who had a stroke sometimes is at home alone, and when these phone calls come in, it confuses her and gets her upset when someone doesn't listen to her. She doesn't understand that it is an automated call."

We've received many emails from seniors who live in fear of a health emergency occurring while a robocall comes in and not being able to call their Doctor.

This morning I'd like to tell you about the scope of the problem as I see it, how it impacts

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voters and their lives and what we at the National Political Do Not Contact Registry have put into place as a potential solution to the pain that the voter, both Republican and Democrat, now feel during an election cycle.

The Scope Of The Robocall Problem

This started for me during the 2006 election cycle when I was a volunteer phone banker. As I progressed through my call list increasingly I found voters who were angry, used profanities, and wanted to know why, since they were already on the Federal Do Not Call list, I was calling them at home.

I did not have a good answer.

It was of little relief to these voters to hear that political calls are exempt from the Federal Do Not Call list.

I also heard many angry voters shouting at me that 1) they were not going to vote at all or 2) since I was calling from the one campaign, they were going to vote for his opponent instead.

So, after the 2006 election, I started thinking about political phone calls, and wondered if they were doing more harm than good for our democracy.

I became convinced that they were not a positive part of our democracy and were turning voters off from politicians and politics.

Voters simply do not need another reason not to vote.

So, I started to do some research using my MBA background.

Two-thirds of Voters Impacted by Robocalls in 2006

As of July 2007 over 150 million phone numbers had been placed on the Federal Do Not Call (DNC) list¹. Our internal research conducted last year found that approximately 85 percent of voters do not realize that political calls are exempt from the DNC list. When voters learn about this exemption they are not happy. Instead, most say that this is yet another example of politicians writing regulations for everyone else, but not for them.

The Pew Research Center looked at the issue of robocalls in the 2006 election and found that “nearly two-thirds of registered voters (64 percent) received recorded telephone

¹ Prepared Statement of the Federal Trade Commission Before the Senate Committee on Commerce, Science and Transportation. July 31st, 2007. PP. 10.

<http://www.ftc.gov/os/testimony/110hearings.shtm>

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messages in the final stages of the 2006 mid-term election.”² That is approximately 90 million voters.

Pew did a follow up study in November 2007 looking specifically at robocalls in Iowa, New Hampshire and South Carolina. The results were staggering and point to a clear escalation in the use of robocalls to contact voters. In Iowa 81 percent of voters received robocalls. In New Hampshire and South Carolina the percentages were 68 percent and 40 percent respectively.³

Do Robocalls Work?

Not according to the American voter and the data.

In New Hampshire, according to the Pew study, only 19 percent of voters actually listened to the robocalls.

To investigate this finding, I did some more research. Why, then, do candidates continue to use Robocalls? I started at the source with the robocall vendors and consultants. I wanted to know if *they* had evidence that robocalls work. Are they effective?

The typical answer I receive is that robocalls are efficient. And that is indeed the case. According to the website of one robocall vendor you can send out robocalls “for 3.4 cents a call”. So, by my calculations, you could send out 100,000 robocalls for only \$3.400 in just 60 minutes.

These robocalls are certainly efficient, but are they effective? How does a candidate know in fact that they work?

Unfortunately, there is little credible data showing that robocalls actually work. The only third-party research that I’ve found is a joint study by Brookings and Yale by Dr. Donald Green and Dr. Alan Gerber on the 2004 election specifically looking at Get Out The Vote (GOTV) tactics and effectiveness. Their conclusions on robocalls? According to the study: robocalls produced no discernable impact on voter turnout at all⁴.

So, why do politicians continue to do robocalls? The unfulfilling answer is because they are cheap, barely regulated, and, mostly, because they can.

² Pew Internet & American Life Project, by Lee Rainie, 12/20/2006, *Robo-calls in the 2006 campaign*, http://www.pewinternet.org/PPF/r/197/report_display.asp

³ Pew Research Center for People in the Press, 12/7/2007. *Iowa, NH Voters Heavily Courted, Dems Have Edge in Personal Contact Campaign 'Robo-Calls' Pervasive* <http://people-press.org/reports/display.php3?ReportID=377>

⁴ *Get Out the Vote, Second Edition How to Increase Voter Turnout*, Donald P. Green and Alan S. Gerber, Brookings Institution 2008 c. 220pp.

The Impact On The Voter

As this Committee has found, robocalls harass voters and drive them away from the political process. Computers make mistakes. In fact, in 2007, during a local race in New York voters reported receiving robocalls at two o'clock in the morning⁵.

Every day we receive hundreds of emails from voters who are frustrated with robocalls.

These emails represent a fraction of the tens of thousands of voters who have registered at StopPoliticalCalls.org since we launched the website in late October 2007. And our members represent a fraction of the literally millions of voters that will receive hundreds of millions of robocalls this election year⁶.

First, I'd like to tell you about the demographic make up of voters who have registered to date. As you can imagine we have received the most registrations from regions and states that have already participated in the primaries and caucuses. We've seen particular growth in membership in Minnesota and Michigan in the recent week.

- 57 percent of our members are female
- 60 percent of our members are over 55 years old
- 40 percent of our members report receiving 5 – 9 robocalls a day during the election season

Next I'd like to share with you some anecdotes from our members that illustrate the depth of feeling about this epidemic and the impact on voter's privacy rights.

These are the actual comments from our members. I have submitted thousands of member quotes in my written testimony so you can review them at your leisure. Here is a copy.

- *The sheer bombardment of phone calls is nothing short of harassment! It is very intrusive, invasive and completely unwanted.*
- *Don't solicit me for my money or my opinion and stop calling after 9:30 at night.*
- *Tonight, my grandmother was taken to the hospital by ambulance and instead of my family being able to reach me, they were directed to my voice mail because I was too busy answering phone calls of either automated or in person calls for political reasons.*
- *I work nights and sleep during the day. Recently I have been receiving 5-7 calls each day waking me up and asking for money. I used to contribute over the Internet in response to e-mails, but I have actually stopped contributing any*

⁵ *Cortlandt race robo-calls go wrong, wake voters at 2 a.m.* Brian Howard, The Journal News, November 1st, 2007. <http://www.lohud.com/apps/pbcs.dll/article?AID=/20071101/NEWS02/711010480/-1/NEWS100102>

⁶ *States try to pull the plug on robo-calls.* Dennis Cauchon. USA Today, January 18th, 2008. http://www.usatoday.com/news/politics/election2008/2008-01-17-robocall_N.htm

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money by any means to try to reduce the number of phone calls!

- *Automated phone messages are annoying...its phone harassment...and with it being automated you can't tell them to stop calling. On the caller ID it reads all 0's so you can't call them back.*
- *I am using and will use any electronic means to take back control of my telephone and reserve it for my personal use. I will support any legitimate organization working to regulate political invasion of privacy. Force more information on caller ID than Out of Area or Unavailable.*
- *Having the use of private citizens phone lines so that caller ID registers a name and/or number is misleading to many who screen calls to avoid solicitations or other telemarketer calls.*
- *It is not only an invasion of privacy; it costs US money every time you use OUR cell phone minutes that WE paid for. Unless you're willing to give me YOUR cell phone number so I can contact you directly every time I want you to do something for me, DO NOT CALL.*
- *I find it greatly disturbing to receive these calls on Sunday. Annoys me to the point of making the decision to not vote for that particular politician.*
- *Your phone call does nothing to influence my decision and interrupts my more important parts of my life like getting dinner ready and doing homework with my kids, your calls my actually influence me to vote against you.*
- *It's very inconvenient. The same as telephone telemarketing is.*
- *Stop calling. My elderly mother lives with me and she gets confused with automated calls and people calling about voting.*
- *"Candidate" called non-stop and I DID NOT vote for her because of it. Leave me alone and let me decide.*

The National Political Do Not Contact Registry (NPDNC) – A Potential Solution, Today

The NPDNC Registry is a non-partisan, non-profit organization that is modeled on the incredible success of the Federal DNC list. It is a citizen led movement that is voluntary, for both the voter and the politician, and is designed not to trigger First Amendment issues around regulating political speech.

How does it work?

Voters go to StopPoliticalCalls.org, register their phone number for free, create an account, activate their membership, and that is it. They are now on the National Political Do Not Contact Registry. There is a fee membership option that allows voters to opt-in to political communications and gives them control over who they hear from, how they are contacted, and about what issues they care about the most.

Politicians then license the registry, receive the voter list, and ensure that their consultants do not robocall the voters on the list.

As of today, one Member of Congress, a leader on this issue, Virginia Foxx, has taken the StopPoliticalCalls.org

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Do Not Robocall Pledge and licensed the voter database. We commend Rep. Foxx on her leadership on this important issue and hope to have many other Members, at both the Federal and State levels, participate in the NPDNC and helping to reduce the number of robocalls voters receive during election cycles.

Conclusion

Chairman Feinstein, ranking member Bennett and distinguished members I appreciate the opportunity to provide the committee information on the scope and impact of the robocall epidemic as well as the chance to inform you about the National Political Do Not Contact Registry. We are encouraged by the much-needed attention that the introduction of this bill by Chairman Feinstein brings to this important non-partisan issue. Thank you again for this opportunity and I would be happy to answer any questions that you might have.

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Biography - Shaun Dakin

Shaun Dakin is the founder and CEO of The National Political Do Not Contact Registry, a program of *Citizens for Civil Discourse* a non-partisan non-profit dedicated to elevating political discourse in the United States so that we, as a nation, solve our most difficult problems. In this role, he is responsible for the overall strategy, fundraising, and operations of the registry. This includes both long- and short-term strategy development, working directly with politicians and their staff, conducting interviews with national and local press, managing the registry and blogging about civil discourse and automated political phone calls. Mr. Dakin is an award-winning executive and author.

Mr. Dakin has over 15 years of management and leadership experience in the private sector. Prior to founding The National Political Do Not Contact Registry, he worked for both Fortune 500 companies and small entrepreneurial organizations as a senior executive leading product teams, developing websites, and managing \$40 million business units.

Mr. Dakin started his career at FedEx helping to lead the company's eBusiness strategy and the award winning FedEx.com website. While at FedEx he received the "FedEx Five Star" award, the highest honor given to a FedEx employee for producing results "above and beyond." At FedEx he also led the team that negotiated and executed an alliance between FedEx.com and Kinkos.com which led to the creation of the "Click, Print, and Ship" application. More recently, Mr. Dakin was a senior manager at Fannie Mae in their eBusiness division leading strategy and business development activities in the technology group. After leaving Fannie Mae he served as director of product management at Laureate Education, leading a \$40 million business unit. He also served as senior vice president of product management at IXI Corporation, a leading marketing information services and database company in McLean, VA. He left the Motley Fool to start StopPoliticalCalls.org.

In August, 2007 Mr. Dakin was humbled to be invited to be part of the Second Annual Public Innovators Summit at the Harwood Institute. The summit is a place where the leading public innovators convene to engage on the core challenges facing politics and public life.

Mr. Dakin's interest in politics began when he interned in Washington, DC for Senator Patrick Leahy (D-VT) and with a non-profit policy group, Common Cause. Mr. Dakin is a lifelong Democrat, but is sitting out the 2008 election to work full-time on the non-partisan non-profit National Political Do Not Contact Registry.

Mr. Dakin holds an MBA from Thunderbird and a bachelor degree in Government with honors from Colby College in Waterville, Maine. He received his 'A' levels from the Harrow School in London, UK and his high school degree from Salisbury School in Salisbury, CT. He has a 3-year-old son and lives with his wife in Alexandria, Virginia.

The Registry can be found at: <http://www.stoppoliticalcalls.org/>