

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

Good morning. We are meeting today to hear testimony on two important issues.

First, how to protect the public from abusive robocalls that interrupt people in the privacy of their home, and can actually discourage citizens from participating in the political process; and

Second, how to ensure that members of vulnerable populations are not targeted for disenfranchisement by political campaigns.

In recent years, we have seen an unparalleled development of new technologies that help political candidates reach out to voters.

This is a good thing. Political speech is essential, and should be protected. And the vast majority of these technological developments bolster the Democratic process, promoting an interchange of information and ideas.

One of these is the so-called robocall in which a pre-recorded message can be sent out to tens of thousands of voters at a minor cost through computer automation.

With television and radio ads becoming so expensive, these pre-recorded calls can play an important role alerting voters to a candidate's position and urging their support at the polls.

For example, a recent Pew Foundation poll found that 80 percent of Iowans in the recent primaries received automated political robocalls.

A high level of sophistication goes into these robocalls—they are targeted and specific software dictates who is called, and when.

But the process can be abused.

We have all heard stories about people being called over and over and over again at all hours of the day and night.

I believe this is wrong. Not only is it interfering with the privacy rights of Americans, but it can turn people away from the political process itself.

Commercial calls are already limited by the Federal Trade Commission's "Do Not Call" list—with millions of individuals subscribing.

But political calls were specifically exempted from that list.

Let me be clear: I am not seeking to eliminate all robocalls.

Instead, the legislation I introduced is carefully designed to provide some safeguards without halting the practice altogether. My cosponsors in this effort include Senator Arlen Specter, Senator Daniel Inouye, and Senator Richard Durbin.

The Robocall Privacy Act of 2008:

- bans political robocalls to any person from 9 PM in the evening and 8 AM in the morning;
- bans more than two political robocalls from each campaign to the same telephone number for each day;
- bans the caller from blocking the "caller identification" number; and
- requires an announcement at the beginning of the call identifying the individual or organization making the call and the fact that it is a recorded message. This is to prevent misinformation about the caller.

The bill does not apply to personal calls, issue advocacy, official Member communications like "tele-town halls," or a determination of "truth" in the content of the robocall.

The restrictions are limited to 30 days prior to the primary election and 60 days prior to the general election.

Some have suggested that we remove the "political exemption" from the commercial Do Not Call Register. I would support working on efforts to examine that option. However, with over 140 million numbers on that list, I am unsure whether Congress would support removing that avenue of outreach.

I understand there will be concerns about any limitation of political speech—no matter how a bill is drafted.

Such concerns are legitimate, and should be thoroughly explored. However, according to news reports, some political consultants reacting to the bill complain that they want to call "at least four" times a day. That's too much.

I reject the idea that simply because a recorded call is a election communication, it is allowed to reach into peoples home, dozens of times a day, and well into the night.

Nineteen states already have some form of limitations on robocalls, and in the past two months, legislators in seven other states have begun efforts to deal with the problem and I believe the time is right for a national solution.

Our second panel is focused on ways to ensure that minority, disadvantaged and other vulnerable communities are not unfairly targeted by campaigns seeking to selectively disenfranchise them.

The issue came to light during the investigation of the firing of several U.S. Attorneys when Monica Goodling testified that Tim Griffin, a former Republican National Committee Research Director who was subsequently named interim U.S. Attorney in Arkansas had engaged in the practice in Florida.

Typically, vote caging involves a political party sending mail marked Do Not Forward and Return to Sender to a targeted list of registered voters – often minorities or those who live in poor areas -- and then challenging those voters whose letters were returned as undeliverable. The list is referred to as a “caging list.”

Senator Whitehouse, who is also a member of the Judiciary Committee, recently introduced S. 2305, the *Caging Prohibition Act*, which I have cosponsored. He will be our first witness when we reach this panel and will describe the bill and the problem in greater detail.

I look forward to the testimony today on both these issues and now yield to my Ranking Member, for his opening remarks.