

Opening Statement of Senator Robert F. Bennett

U.S. Senate Committee on Rules and Administration

Hearing on Robo Calls and Voter Caging

Wednesday, February 27, 2008

I commend the Chairman for calling today's hearing to examine more closely two important and timely issues: political robocalls and so-called "voter caging."

In recent election cycles, the use of political robocalls has continued to expand rapidly. Many people find these robocalls to be annoying and overly intrusive and believe these calls should be subject to more stringent federal regulation. Because political robocalls involve core political speech that is afforded the greatest protection by the First Amendment, any proposed legislation will need to be very carefully crafted to ensure that it does not run afoul of the Constitution. We must also recognize that political robocalls are an especially efficient method for candidates, especially challengers and those of lesser means, to disseminate their messages and avoid doing anything that would benefit incumbents at the expense of challengers.

I am open to the suggestion of requiring the sponsors of political robocalls to identify themselves at the outset of the call. Whenever I record an automated message on behalf of a candidate, I always identify myself first, because if in fact my endorsement means something, the recipient of the call ought to know who it is that is doing the endorsing. I am also interested to hear what our witnesses have to say about restricting the times when political robocalls may be made. So I look forward to learning more about this issue from those who have been called to testify before the Committee today.

With regard to the second matter addressed in today's hearing—voter caging—it points to a tension that is as old as the Republic. On one hand, we want everyone who is eligible to vote to vote. On the other hand, we don't want dead people or people who, for a variety of reasons, are ineligible to vote to vote. The whole reason why someone registers in advance of an election is to get that person's name on the registration roll so a check can be made to determine whether or not that person is a legitimate voter.

So-called voter caging is a merely a symptom of a much larger problem—inaccurate, bloated voter rolls. There is no question that there is an enormous amount of dead wood on the voter rolls, and the temptation to use those names to conduct vote fraud is very strong. It is almost certainly the case that if voter lists were cleaned up, and any obstacles preventing state and local election officials from maintaining clean lists were removed, concerns about so-called voter caging would soon fade away. So as we look at the issue of voter caging, we should remember that in the effort to make sure that everybody who is eligible to vote is able to do so, we must do whatever we can to prevent those who should not vote from voting.

I look forward to hearing the witnesses discuss both issues today.