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*TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE GOVERNMENT ADMINISTRATION AND ELECTIONS COMMITTEE
FEBRUARY 28, 2007*

I appreciate the opportunity to support Senate Bill 1313, An Act Concerning Political "Robo" Calls.

This legislation prohibits the use of automatically dialed, pre-recorded telephone calls. It exempts messages from school districts, subscribers with whom the caller has a current business or personal relationship and employers concerning work schedules. The legislation also prohibits any commercial telephone solicitation earlier than 9:00 a.m. or later than 9:00 p.m. Finally, the legislation provides for Attorney General enforcement of violations of this law as well as a private right of action.

The legislation is broadly drafted, but seems to specifically target and prohibit political robo-calls.

Few things annoy and outrage people as much as a telephone recording from some luminary soliciting support for a particular candidate or issue or denigrating an opposing candidate or viewpoint.

Last year, the use of politically oriented robo-calls soared. New technology that makes more than 200,000 calls an hour, costing 3 to 5 cents an hour, enabled more and more political campaigns to pursue this tactic.

Such calls have alienated many voters. Indeed some campaigns announced their abandonment of robo-calls.

Several years ago, I successfully worked with the committee on legislation creating a do-not-call list for telemarketing calls. The state registry has been very successful and ultimately, the federal government followed Connecticut's lead and enacted a national do-not-call list for telemarketing calls. Moreover, telemarketing do-not-call lists have been found by the United States Supreme Court to be constitutional.

Political robo-calls are even more intrusive and offensive than telemarketing calls. They should be banned.

Senate Bill 1313 prohibits political robo-calls and is based on a Minnesota law that was upheld as constitutional by the Eighth Circuit Court of Appeals in *Van Berger v. Minnesota*, 59 F.3d 1541 (1995). The court determined that a ban on political robo-calls was content neutral and met the First Amendment requirements concerning the regulation of time, place and manner of speech.

I suggest an amendment to replace the enforcement sections of Senate Bill 1313 (sections 6 through 8, inclusive) with language that would allow for more effective enforcement of the law. This amendment would provide a private right of action similar to our Connecticut Unfair Trade Practices Act and would provide the Attorney General's office with subpoena authority to ensure that we can obtain sufficient information and evidence on which to determine whether there was a violation of the law.

I urge the committee to favorably consider Senate Bill 1313 with the attached amendment.

**PROPOSED AMENDMENT TO SENATE BILL 1313, AN ACT CONCERNING
POLITICAL "ROBO" CALLS.**

Delete sections 6, 7, and 8 and insert in lieu thereof:

Sec. 6. (NEW) (*Effective October 1, 2007*): Any person who receives a telephone call in violation of this act may bring an action in superior court to recover actual damages or statutory damages of two thousand dollars, whichever is greater, costs and reasonable attorneys fees. In addition, the court may order injunctive or equitable relief. For purposes of this section, each telephone call received in violation of this act shall constitute a separate and distinct violation.

Sec. 7. (NEW) (*Effective October 1, 2007*): (a) The Attorney General may issue subpoenas or interrogatories requiring production of evidence or testimony concerning a violation of this act. The Attorney General may apply to the superior court to enforce any subpoena or interrogatories issued pursuant to this subsection.

(b) The Attorney General may file a civil action in superior court to enforce the provisions of this section and to enjoin further violations of this section. The Attorney General may recover actual damages or twenty-five thousand dollars, whichever is greater, for each violation of this act. For purposes of this section, each telephone call received in violation of this act shall constitute a separate and distinct violation.