



## State of Connecticut

### HOUSE OF REPRESENTATIVES

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### TESTIMONY CONCERNING HB 5660 AN ACT PROHIBITING "ROBO" CALLS GAE COMMITTEE

I am grateful to the Government Election and Administration Committee and its chairs, Representative Caruso and Senator Slossberg, for the opportunity to submit testimony in support of HB5660 An Act Prohibiting "robo" calls. I have introduced and co-sponsored legislation to protect citizens, voters and families from the abusive and misleading use of automated telephone calls, *i.e.*, "robocalls," to support a political candidate or to advance a political or public policy agenda. I have co-sponsored House Bills 407 and 5660 to address political robocalls, and have introduced other bills addressed to the same subject. In my view, we must consider robocall legislation that may include (1) a requirement that any political robocall begin with the candidate identifying themselves in their own voice and stating the purpose of the call, their approval of the message, and that the call is automated (or, in the case of an organization, a legal representative of the organization stating the same information); (2) a do not call registry; and/or (3) restrictions on the days and hours during which such calls may be made.

I represent the citizens and families of Stamford and New Canaan, Connecticut. In recent years, we have been involved in several very competitive campaigns at the local, state and federal level. My constituents, neighbors and my own family, however, have been subjected to a barrage of aggressive political robocalls in the last several years. Some robocalls are merely frequent or repetitive, and in that way, an annoyance. The abuses of robocall technology do not stop there, however. I have received reports from voters and constituents of robocalls that are materially misleading and contain false information. The most egregious example are calls that begin with a message suggesting that it is from one candidate, but is in fact an attack from the opposing candidate. Such



calls begin with something like: "Stay tuned for a message about [Candidate X]." That initial statement is then followed by a short pause, and then by an attack on that candidate. These calls are misleading for several reasons. First, the recipient of the call is led to believe that the call is from a particular candidate, when in fact it is from his or her opponent. Second, if the recipient is annoyed or upset by the robocall, the recipient is apt to blame the candidate identified on the call, as opposed to the sponsor. Third, I understand that calls have been purposefully made at inopportune times, such as the late evening, in the middle of the night, or early in the morning. By doing this, it seems the caller's purpose is to further magnify the recipient's anger at receiving the call, and if the call misleads the recipient as to who is sponsoring the call, the recipient is likely to blame the candidate who is the subject of the call, not the opponent-sponsor.

Political speech, as you know, is the core of the First Amendment. Strongly defending political speech is among our highest duties and obligations as elected officials, and any measure that may limit, burden or encroach upon the most fundamental of our liberties must be approached with the most aggressive caution and skepticism. As is the case with all of our constitutional freedoms, our courts and constitutional jurisprudence recognizes that where necessary, the free exercise of political speech must be balanced with the safety, security and personal liberty of citizens and communities. Robocall technology, like any other, is subject to abuse. Calls that mislead voters or citizens on elections or important matters of public policy do substantial harm to our democratic process and freedoms. Calls that are made in the middle of the night or early morning, in an effort to harass and disturb people who need sleep and solitude -- such as working people, children, senior citizens, and the sick and infirm -- do not constitute the free exercise of political speech, but are instead a malicious threat to public safety and security.

I believe that we must work together, at the state and federal level, to curtail the abusive and misleading use of robocalls that poison our political debate. These calls do not enhance democratic liberties, but actually restrict our constitutional freedoms by disseminating false and misleading information concerning elections and public policy. I am grateful for your efforts, and stand ready to provide whatever assistance you need on this important issue.

