

**Political Text Messaging:
*Engaging and Organizing Voters While Protecting Consumers***

The wireless industry wants to successfully facilitate text messages from political campaigns while protecting consumers from unwanted text messages. To avoid activating longstanding spam protections implemented by wireless providers and downstream messaging service providers, political campaigns – and the messaging platform providers on which they rely – should consider CTIA’s *Messaging Principles and Best Practices* in their own messaging procedures.

This document highlights the recommendations included in CTIA’s 2019 *Messaging Principles and Best Practices* (“Messaging Principles”) regarding the need for informed, opt-in consent prior to messaging consumers, as well as the responsibility to facilitate and honor consumer opt-out requests, as guidelines that are relevant to all senders, including political message senders. Please refer to the Messaging Principles for more specific information. This document is meant to be a high-level summary of key provisions but does not alter the Messaging Principles.

In general, message senders should:

- Obtain a consumer’s **opt-in** consent to receive messages;
- Ensure that consumers have the ability to **opt-out** from receiving all future messages from a particular message sender and honor consumer opt-outs; and
- Take steps described in the Messaging Principles to not send unwanted messages.

The Messaging Principles were adopted throughout the wireless industry to protect consumers against unwanted messages. Importantly, the scope of the anti-spam protections in the Messaging Principles – and the expectations placed on message senders – are separate from and broader than message senders’ minimum legal obligations.¹ For example, the Messaging Principles state that regardless of whether the TCPA and associated FCC consent requirements apply, message senders should obtain a consumer’s consent to receive messages. They also state that message senders should take affirmative steps and employ tools to monitor and prevent unwanted messages and content, which are expectations that are broader than the scope of the TCPA’s consent requirements. Following the Messaging Principles can help to facilitate the delivery and exchange of wanted political campaign messages.

- 1. Obtain Opt-In Consent.** Following opt-in recommendations in the Messaging Principles increases the likelihood that a consumer will want the message and thus reduce consumer complaints. A consumer can demonstrate opt-in consent to receive messaging traffic in different

¹ Message senders, including political campaigns, should study CTIA’s *Messaging Principles and Best Practices*, as well as individual wireless service providers’ terms of service. Message senders may also be separately subject to a number of legal requirements and should seek legal guidance from qualified counsel regarding compliance with such requirements.

ways. Some examples of reasonable consent mechanisms, when accompanied by appropriate consumer disclosures, include, but are not limited to:

- Entering a telephone number through a website;
- Clicking a button on a mobile webpage;
- Sending a message from the consumer's mobile device that contains a keyword;
- Initiating the text message exchange in which the message replies to the consumer only with responsive information;
- Signing up at a point-of-sale or other message sender on-site location; or
- Opting-in over the phone using interactive voice response technology.

By giving consent to one message sender, a consumer does not necessarily expect their telephone number to be used by another message sender through sale, lease, transfer, or other sharing of recipient lists.

2. Ensure that Consent Is Informed. When collecting consent, message senders should display clear and conspicuous disclosures about the type and purpose of the messaging the consumer will receive. Message senders should obtain proper consumer consent for each messaging campaign supported. Appropriate disclosures (also known as a “call-to-action”) should include: (1) the program or product description; (2) the specific identity of the organization or individual being represented; and (3) clear and conspicuous language about scope of opt-in and mechanisms for opt-out and any applicable privacy policy. Calls-to-action and subsequent messaging should not contain any deceptive language and opt-in details should not be obscured in terms and conditions or privacy policies.

3. Facilitate and Honor Opt-Out Requests. Message senders should acknowledge and respect consumers' opt-out requests. Further, message senders should:

- Ensure that consumers have the ability to opt-out of receiving messages at any time;
- Support multiple mechanisms of opt-out, including phone call, or email and, in all cases, text message;
- Explain what words effect an opt-out (e.g., Reply STOP); and
- Maintain and update recipient lists by processing deactivation/opt-out files regularly (e.g., daily).

Americans don't want spam texts, including from political campaigns. The Messaging Principles, as highlighted here, and wireless providers' individual terms of service seek to ensure important campaign information gets to the voters that desire it, while retaining the spam-free messaging environment that all consumers expect.