FCC NEWS from the Office of Commissioner Anna M. Gomez

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GOMEZ SLAMS PUSH BY DARK MONEY GROUP TO FLOOD AMERICANS' PHONES WITH AI-GENERATED POLITICAL ROBOCALLS

Commissioner warns that waiving consent requirements weeks before Election Day would invite chaos and deception

WASHINGTON—FCC Commissioner Anna M. Gomez sharply criticized a petition from the dark money group Club for Growth asking the agency to let political groups send AI-generated robocalls to Americans' phones without their consent. She warned that granting the request weeks before Election Day would unleash a flood of AI political messages on voters who never agreed to receive them.

"The FCC should not allow a dark money group to flood Americans' phones with AI-generated robocalls they never agreed to receive. Doing so would bring chaos and deception so close to Election Day," **said Commissioner Gomez.** "Consumers reasonably expect the rules protecting them from unwanted robocalls to hold steady while they decide how to vote, not for the FCC to change them at the 11th hour to unleash a deluge of political AI slop on their phones. Granting this request would run counter to privacy protections Congress put into law and betray the trust consumers place in this agency to protect them from deceptive and intrusive calls."

Background:

Club for Growth's petition asks for a waiver of the FCC's rules and an exemption from the Telephone Consumer Protection Act (TCPA). Their goal is to allow noncommercial political calls to wireless numbers to use an artificial or pre-recorded voice, including an AI-generated voice, without the prior express consent of the person being called. The FCC's Consumer and Governmental Affairs Bureau has sought public comment on their petition, with reply comments due October 19, just 15 days before Election Day.

Political groups can already use AI-generated voices in robocalls today as long as they obtain the consent of the person receiving the call. The petition would strip away the one safeguard that keeps those calls from reaching people who do not want them. As some of these protections are enshrined into law, the FCC cannot waive a statute, though it can grant exemptions. Past exemptions for delivery calls, certain calls from financial institutions, and healthcare callers were targeted and carried conditions, because the agency understands that misapplying an exemption can harm consumers.

Approving the request would also go against recent FCC actions on unwanted and unlawful AI-generated robocalls. Ahead of New Hampshire's Democratic presidential primary in January 2024, thousands of voters received a call in an AI-generated imitation of President Biden's voice that falsely suggested voting in the primary would keep them from voting in November. Under the previous administration, the FCC investigated the people responsible, reaching a $1 million settlement with Lingo Telecom, the provider that carried the calls, and finalizing a $6 million fine against the consultant who orchestrated them. The Commission also voted unanimously in February 2024 to confirm that AI-generated voice calls fall under the TCPA and are therefore unlawful without the consent of the person being called, since an AI-cloned human voice is artificial by definition. **A reversal of this interpretation would require a vote by the full Commission.**

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