

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>Rules and Regulations Implementing</b>	)	<b>CG Docket No. 02-278</b>
<b>Telephone Consumer Protection Act of 1991</b>	)	
	)	
<b>Petition for Clarification of The P2P Alliance</b>	)	

**COMMENT OF VOTE.ORG**

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On behalf of Vote.org, I write to express our support for the Petition for Clarification of The P2P Alliance, CG Docket No. 02-278 (filed May 3, 2018), (the “Petition”) requesting clarification that peer-to-peer (“P2P”) text messaging is not subject to the Telephone Consumer Protection Act (“TCPA”) restrictions on calls to wireless phone numbers.

Vote.org is a 501c(3) non-profit organization that uses technology to simplify political engagement, increase voter turnout, and strengthen American democracy. One way that Vote.org communicates with voters is through the use of P2P text messaging. P2P text messaging offers us a way to engage with voters in a personalized, individual way regarding

voter registration, upcoming elections, and participation.

As the P2P Alliance describes in the Petition, there is no basis to subject P2P text messaging to the TCPA restrictions that apply to calls made to wireless phone numbers through the use of an automatic telephone dialing system (“autodialer”). First, P2P text messaging by definition is not made through the use of an autodialer or anything comparable to technology that “has the capacity . . . to store or produce telephone numbers to be called, using a random or sequential number generator.” 47 U.S.C. § 227 (a)(1). P2P text messaging is exactly as the name suggests: *peer to peer*. And it is not random at all. Every P2P text message that Vote.org sends is sent to a specific individual who has provided Vote.org with his or her mobile phone number and has consented to be contacted by Vote.org. In each instance, an individual from Vote.org sends the P2P text message by manually dialing each number and transmitting messages one at a time to individual recipients. These communications cannot be sent without affirmative human action or “human intervention”<sup>1</sup> and therefore plainly fall outside the scope of the TCPA autodialer restrictions.

Second, P2P text messages like the ones Vote.org sends to its users are not “telephone solicitations.” The TCPA defines a “telephone solicitation” as the “initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person.” 47 U.S.C. § 227(a)(4); see also 47 C.F.R. § 64.1200(f)(14). Vote.org does not send P2P text messages for any of these purposes. On the contrary, Vote.org utilizes P2P text messages to engage voters and increase participation

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<sup>1</sup> Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Declaratory Ruling and Order, CG Docket No. 02-278, 30 FCC Rcd 7961, 7975, ¶ 14 (2015) (“2015 Order”).

in the democratic process by providing voter registration and election information to voters and encouraging them to vote.

P2P text messaging is an important tool that allows Vote.org to make personal contact with voters and transmit voter information in a manner in which voters wish to receive it and that is most likely to have an impact on their participation in our democracy. Neither the form nor substance of these messages is like calls made to wireless phone numbers through the use of an autodialer. We believe there is no basis to subject P2P text messages to TCPA restrictions on calls made to wireless phone numbers and respectfully ask that the Commission approve the Petition.