Advocates Oppose Perdue for Senate Campaign Effort to Greenlight Ringless Voicemail

October 6, 2021

WASHINGTON — This week, a group of national organizations submitted comments to the Federal Communication Commission (FCC) in opposition to a request for a declaratory ruling submitted by Perdue for Senate, Inc. The groups argued that the campaign seeks a ruling that would allow unfettered voicemail messages to swamp consumers’ cellphones. The campaign is asking the FCC to exempt voicemail messages that are inserted into consumers’ cellphone voicemail boxes without ringing the cellphones from the Telephone Consumer Protection Act (TCPA), consumers’ last line of defense against unwanted calls.

“Ringless voicemail messages are just as invasive, expensive, and annoying as calls and texts to cellphones,” said Margot Saunders, senior attorney at the National Consumer Law Center. “Exempting ringless voicemail messages from the TCPA would allow all sorts of unwanted messages—including telemarketing, debt collection, and outright scams—overwhelm the voicemail boxes of consumers and small businesses. For many of us, our voicemail boxes would become useless, as they would be filled with unstoppable ringless voicemail.”

Technologically, ringless voicemail messages are unquestionably calls to cellphones, as the cell phone telephone number must be used to deliver the message, and the wireless network is used by the recipient to access the message— the same technology used for texts. There is no technological or legal reason for ringless voicemails not to be covered by the same rules as conventional robocalls.

The primary rationale offered by Senator Perdue’s campaign is that it hopes to avoid “costly TCPA litigation” by consumers attempting to stop the unwanted voicemail messages. But the simpler way to avoid that litigation would be for the campaign to follow the law and avoid sending unwanted voicemail messages to consumers who have not consented to receive them.

“We strongly oppose the Perdue Petition,” Saunders added. "If left unregulated by the TCPA, ringless voicemail messages regarding telemarketing, debt collection, and outright scams could easily overwhelm the voicemail boxes of consumers.”

The comments submitted to the FCC were signed by:

- Consumer Action
- Consumer Federation of America
- EPIC
- National Association of Consumer Advocates
- National Consumer Law Center
- U.S. PIRG