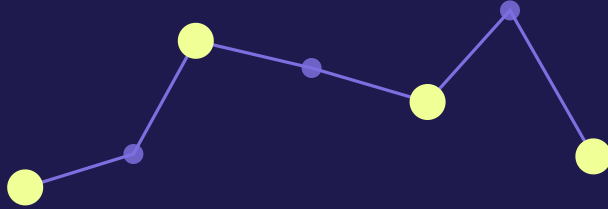


The Consent Boundary

AI campaign calls are testing the right to reach voters—not just the right to speak



In this briefing

AI campaign calls are testing the right to reach voters—not just the right to speak

·	Current Signal
01	The Regulatory Signal
02	Why Communications Must Own Part of the Response
03	The Artefact91 Contact Integrity Model
04	The Voter Contact Control Chain
05	Scenarios for the Next Regulatory Decision
06	Executive Decisions and 14-Day Readiness
·	Artefact91 Point of View
·	Sources & Research Base
·	Evidence Note

HOW TO READ IT

A briefing, not a report: the executive brief carries the argument, the numbered sections carry the evidence and the method, and every external figure is attributed to its source.

ARTEFACT91 BRIEFING

Current Signal

ARTEFACT91 POSITION

A MESSAGE CAN BE LEGALLY PERMISSIBLE AND STILL BE STRATEGICALLY INTRUSIVE.

For political calling, the decisive distinction is between a campaign's right to communicate and the voter's willingness to grant it attention.

THE SIGNAL — A U.S. Federal Communications Commission petition would relax prior-consent requirements for certain noncommercial political calls to wireless phones using artificial, prerecorded or AI-generated voices. Following public objections, the dispute became a prominent issue on 7 October. The petition has not been granted. ^{[1][2][3][4]}

DECISION WINDOW — The FCC opened comment on 4 September; initial comments closed 5 October and replies are due 19 October. The U.S. midterms are scheduled for 3 November. The window for campaigns to choose a contact model is narrower than the window to learn whether the rules will change. ^{[1][2]}

WHAT MAKES THIS DIFFERENT — Briefing 17 addresses disclosure in political creative; Briefing 24 examines AI-mediated voter advice. This briefing addresses direct-to-person contact permission, conversational authenticity, field operations and reputational harm from unwanted persuasion.

SECTION 01

The Regulatory Signal

On 31 August 2026, Club for Growth petitioned the FCC for a limited waiver and statutory exemption to allow noncommercial political calls to wireless numbers with artificial or prerecorded voices—including AI-generated voices—without obtaining prior express consent. The FCC Consumer and Governmental Affairs Bureau invited comment in Public Notice DA 26-940 on 4 September (CG Docket 02-278). The petition's proponents argue that political speech should not receive less favourable treatment than selected informational calls, and point to multilingual voter outreach. ^{[1][2][3]}

On 7 October, Reuters reported opposition from Commissioner Anna Gomez and public-interest organisations. Their concerns include unwanted mass contact, voter confusion and the proximity of the election. At publication, the FCC had not approved the requested change. Reporting on the accompanying peer-to-peer texting petition should not be confused with the Club for Growth voice-call request: they are separate petitions addressed in the same notice. ^{[1][2]}

Current Position, 8 October 2026

AI VOICE CLASSIFICATION — FCC 24-17 (released 8 February 2024) says AI-generated voices are “artificial” voices for TCPA purposes. ^[4]

WIRELESS POLITICAL AI-VOICE CALLS — Prior express consent is generally required unless another exemption applies. The pending petition seeks a change for a specified class of noncommercial political calls. ^{[1][3][5]}

NONCOMMERCIAL RESIDENTIAL LANDLINE CALLS — A separate exemption permits up to three artificial or prerecorded calls in a consecutive 30-day period without prior consent, subject to opt-out requirements. This is not a blanket wireless exemption. ^[5]

PROCEEDING STAGE — Petition and public-comment record; no new authorisation established. Reply-comment deadline: 19 October 2026. ^{[1][2]}

Legal caveat: this is a U.S. federal snapshot, not legal advice. State law, caller identity, number type, content and calling technology may impose additional duties. Nothing in the petition currently authorises a campaign to ignore existing requirements.

SECTION 02

Why Communications Must Own Part of the Response

A political campaign can treat telephone outreach as an optimisation problem: more contacts, more languages, lower costs. A voter experiences something else: an uninvited claim on private time, carried by a voice that may seem human and responsive. The proposed change therefore creates an operational risk for communications agencies that is not captured by whether a script is accurate.

ATTENTION — A mobile call interrupts instead of waiting to be discovered. Contact can feel intrusive even when the content is not deceptive.

AUTHENTICITY — A conversational AI agent can sound like a live representative. Audiences may draw incorrect inferences about who or what is speaking unless the interaction is clearly identified.

ACCOUNTABILITY — When a call is carried out by a vendor, the campaign still needs controls for who authorised it, how numbers were obtained, what the model said, and how objections were handled.

TRUST — A technically compliant call can create reputational blowback if it feels coercive, opaque or too frequent. That is a communications judgement independent of legal compliance.

The available evidence does not establish that AI political calls change vote choice, that they are being deployed at a particular national scale, or that most voters oppose a particular proposal. This briefing deliberately does not make those claims. FTC data on unwanted telemarketing calls are evidence of a broader nuisance environment, not a valid estimate of political AI-call incidence. [6]

SECTION 03

The Artefact91 Contact Integrity Model

Three independent gates. A “yes” from legal is necessary, not sufficient.

- 1 PERMISSION** — Was contact authorised under the relevant law, and can its basis be demonstrated? Failure signal: a purchased or inherited number without a reliable basis; unclear source; no suppression system.
- 2 TRANSPARENCY** — Can the recipient immediately tell which organisation is calling and whether a synthetic agent is responding? Failure signal: an artificial conversational voice presented as a human volunteer; ambiguous sponsor or purpose.
- 3 RESPECT** — Would this audience plausibly see the contact as proportionate, reversible and worth its intrusion? Failure signal: repeated calls, fragile opt-outs, aggressive persuasion, refusal to end the interaction.

ARTEFACT91 POSITION

A CALL PROCEEDS ONLY WHEN PERMISSION, TRANSPARENCY AND RESPECT ARE ALL DEMONSTRABLY SATISFIED.

Under uncertain law, pause the relevant calling configuration; do not treat pending waivers as permission. This is an Artefact91 operational framework, not a legal standard or an empirically validated trust index. Its purpose is to prevent a narrow channel-compliance review from substituting for judgement about legitimacy.

SECTION 04

The Voter Contact Control Chain

The sequence below can be used at script approval, vendor intake, launch and live monitoring. It creates an audit trail without assuming that individual call content may be retained or processed without lawful basis.

ARTEFACT91 FRAMEWORK

SOURCE → CONSENT → IDENTIFY → DISCLOSE → CONSTRAIN → HONOUR → AUDIT

SOURCE — Record how each phone number entered the file and for which campaign or sponsor it may be used.

CONSENT — Verify number-type-specific legal basis and suppression rules before any dialling.

IDENTIFY — State the true sponsor and contact purpose at the start, with traceable callback details.

DISCLOSE — Identify synthetic speech and AI participation clearly as an agency standard; map any binding legal disclosures separately.

CONSTRAIN — Approve agent prompts, response boundaries, escalation and a prohibition on false personal claims.

HONOUR — Make refusal and opt-out simple, effective and rapid; suppress the number across vendors.

AUDIT — Retain a proportionate evidence trail: decisions, scripts, consent basis, suppression logs, tests and incidents.

SECTION 05

Scenarios for the Next Regulatory Decision

These are planning branches, not probability forecasts. The possibility of a waiver does not mean it will be granted or become effective before the election.

SCENARIO A — STATUS QUO: The FCC denies, postpones or takes no action on the request. Keep existing wireless prior-consent controls; treat AI contact as an opted-in channel; monitor adverse complaints.

SCENARIO B — CONDITIONAL EXEMPTION: The FCC provides narrow relief with limits or operational safeguards. The legal team maps the exact scope; the communications team tests audience tolerance and disclosure; launch only after a recorded decision.

SCENARIO C — BROADER RELIEF OR LITIGATION: The FCC grants a larger exemption or a challenge creates uncertainty. Treat compliance and legitimacy as separate gates; preserve a fallback to opt-in, human-led contact and trusted alternatives.

Early warnings: an FCC order or stay; litigation; platform or provider refusal; complaints or recordings showing opaque synthetic speech; opt-out failures; misleading use of a familiar voice; an adverse story connecting the campaign to large-scale unwanted contact.

SECTION 06

Executive Decisions and 14-Day Readiness

For campaigns, advocacy groups and the agencies that serve them, the questions are operational and reputational. Decision-makers should avoid delegating the final judgement to a dialling vendor or performance-marketing team.

CAMPAIGN PRINCIPAL / COUNSEL — Approve the legal basis for each calling mode and maintain a change log against FCC actions and applicable state rules.

COMMUNICATIONS LEAD — Set a public-facing standard for caller identity, AI disclosure, purpose, tone and escalation even where the legal minimum is narrower.

FIELD / DATA — Document permission provenance, segmentation, contact frequency, list suppression and auditable opt-out controls.

VENDOR / TECHNOLOGY — Demonstrate model constraints, multilingual accuracy review, human escalation, complaint routing and rapid suspension.

REPUTATION / CRISIS — Pre-approve an incident pathway for impersonation, misleading calls, opt-out defects or media scrutiny; preserve substantiating evidence.

— A Disciplined 14-Day Response

DAYS 1–3 — Inventory current and proposed voice-contact tactics, vendors, scripts and data sources; counsel classifies what is lawful now versus only proposed.

DAYS 4–7 — Red-team sample calls for AI identity confusion, inaccurate claims, multilingual drift, escalation failure and opt-out friction; record failures and remediation.

DAYS 8–10 — Run a low-volume, lawfully consented test with explicit AI identification. Evaluate complaint signals and unplanned reactions rather than only completion or conversion.

DAYS 11–14 — Approve, modify or suspend each calling configuration. Prepare messaging and operational contingencies for FCC outcomes after the 19 October reply deadline.

— Measure Credibility, Not Merely Reach

Track verifiable prior-consent coverage; disclosure comprehension in testing; opt-out completion and propagation; vendor exception rates; inaccurate synthetic responses; complaint and negative-contact rate; and time to suspend or correct a problematic script. Denominators should be explicit. Report results by tactic and channel; do not claim election outcomes from channel metrics.

— ARTEFACT91 BRIEFING

Artefact91 Point of View

ARTEFACT91 POSITION

THE FREEDOM TO COMMUNICATE IS NOT IDENTICAL TO PERMISSION TO INTRUDE.

Strong political communications earns contact legitimacy rather than treating technical reach as audience consent.

The agency opportunity is not to build a more efficient unsolicited call. It is to help campaigns decide when a call is legitimate, whose trust it may spend, which controls make that choice accountable, and what alternatives preserve persuasion without creating an avoidable public-confidence cost.

The operating test stays the same regardless of the FCC decision: can the campaign explain who reached the voter, why they were entitled to do so, what was actually said, and how the recipient could say no?

— ARTEFACT91 BRIEFING

Sources & Research Base

[1] Reuters, David Shepardson. “Conservative anti-tax group seeks FCC approval for AI robocalls ahead of US midterms.” 7 October 2026. <https://www.reuters.com/world/us-agency-considers-allowing-new-ai-political-robocalls-before-election-2026-10-07/>

[2] FCC Consumer and Governmental Affairs Bureau. Public Notice DA 26-940, CG Docket 02-278, 4 September 2026: Club for Growth waiver/exemption petition and separate Joe Shields peer-to-peer petition; reply comments due 19 October 2026. <https://docs.fcc.gov/public/attachments/DA-26-940A1.pdf>

[3] Club for Growth petition as quoted in FCC DA 26-940 and contemporary report of the proceeding. <https://www.publicnow.com/view/30DB9526FA4D29646D051E134C0A51434783B474>

[4] FCC Declaratory Ruling FCC 24-17, CG Docket 23-362, released 8 February 2024, on AI voices within “artificial or prerecorded” voice restrictions. <https://docs.fcc.gov/public/attachments/FCC-24-17A1.pdf>

[5] 47 CFR § 64.1200(a)(1)(iii), (a)(3)(ii), (b), and related provisions; eCFR version current to 6 October 2026. <https://www.ecfr.gov/current/title-47/chapter-I/subchapter-B/part-64/subpart-L/section-64.1200>

[6] Federal Trade Commission. Biennial Report to Congress on the National Do Not Call Registry, January 2026: telemarketing-related complaints; not specific to political calling. <https://search.ftc.gov/news-events/news/press-releases/2026/01/ftc-issues-biennial-report-congress-national-do-not-call-registry>

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Evidence Note

Evidence classification: [1] current reporting and attributed stakeholder claims; [2]–[5] primary legal and proceedings material; [6] background consumer-context data. The framework and scenario branches are Artefact91 analysis, not statutory mandates or causal estimates. The assessment is current as of the morning of 8 October 2026. This is not legal advice. Artefact91 does not endorse the petitioner or opponents; this briefing evaluates the institutional, audience and campaign-governance consequences of a pending regulatory request.