

19-631 BARR V. POLITICAL CONSULTANTS

DECISION BELOW: 923 F.3d 159

LOWER COURT CASE NUMBER: 18-1588

QUESTION PRESENTED:

The Telephone Consumer Protection Act of 1991 (TCPA), Pub. L. No. 102-243, 105 Stat. 2394, generally prohibits the use of any "automatic telephone dialing system or an artificial or prerecorded voice" to "make any call" to "any telephone number assigned to a * * * cellular telephone service." 47 U.S.C. 227(b)(1)(A)(iii) (Supp. V 2017). The TCPA excepts from that automated-call restriction any "call made for emergency purposes or made with the prior express consent of the called party." *Ibid.* In 2015, Congress amended the TCPA to create an additional exception for calls "made solely to collect a debt owed to or guaranteed by the United States." *Ibid.*

Respondents wish to use an automatic telephone dialing system or an artificial or prerecorded voice to make calls to the cell phones of potential or registered voters to solicit political donations and to advise on political and governmental issues. First Am. Compl. ¶¶ 8-10, 12. The court of appeals held that the government-debt exception to the TCPA's automated-call restriction violates the First Amendment. The court further held that the proper remedy was to sever the government-debt exception, leaving the basic automated-call restriction in place. The question presented is as follows:

Whether the government-debt exception to the TCPA's automated-call restriction violates the First Amendment, and whether the proper remedy for any constitutional violation is to sever the exception from the remainder of the statute.

PRESS RELEASE OF APRIL 3, 2020

IN KEEPING WITH PUBLIC HEALTH GUIDANCE IN RESPONSE TO COVID-19, THE COURT WILL POSTPONE THE ORAL ARGUMENTS CURRENTLY SCHEDULED FOR THE APRIL SESSION.

PRESS RELEASE OF APRIL 13, 2020

RESCHEDULED FOR ORAL ARGUMENTS BY TELEPHONE CONFERENCE. THE JUSTICES AND COUNSEL WILL ALL PARTICIPATE REMOTELY.

CERT. GRANTED 1/10/2020