MEMORANDUM

TO: The Commission

FROM: Office of the Commission Secretary $\angle C$

DATE: July 13, 2022

SUBJECT: AO 2022-14 (Google LLC) 25 Individual Comments

Attached are 25 individual comments on AO 2022-14 (Google LLC).

Attachment

RECEIVED

By Office of the Commission Secretary at 8:07 am, Jul 13, 2022

From: Carl Staeblein

To: <u>AO</u>

Subject:concern about g-mail selling my e-mail infoDate:Tuesday, July 12, 2022 10:57:13 AM

I strongly object to google being allowed to sell my info to political groups ,do not allow google to market me without permission which they do not have, Carl R. Staeblein

 From:
 Ray

 To:
 AO

Subject: election emails

Date: Sunday, July 10, 2022 3:18:46 PM

To whom it may concern:

Having just read a Business Insider article on this matter I felt the need to respond. As a Canadian living in Canada who in 70 years has crossed the border once I have to express my concern about the potential change to election email policy.

I have never supported any American political party I am as I said a Canadian I barely support political parties here. I have never requested information from an American political party - I am after all, as I said a Canadian. To summarize not once have I ever sought any political information from america. In spite of that track record and my consistent efforts to not provide my email to any organization or company I do not have direct and ongoing contact with I receive no less than an email a week and some weeks as many as three. Before your last national election it was daily and and numerous in number. I have unsubscribed more times then the average Canadian says"eh" in a year which is a lot. Consistently they are from republicans and the unsubscribe is both hard to find incredibly small. Attempts to explain I am Canadian and don't vote or donate money which is illegal for non residents (I do watch American news shows) I continue to get emails. If you change your policies clearly there will be those who seek money from foreign sources and some people being limited in their intellect donate. Email addresses do not indicate the country they go to as a result money could flow to political parties from nefarious sources.

In conclusion I am a Canadian fed up with being sent emails for money to help american politicians. As opting out and unsubscribing seem to mean they simply sell the email list to a different fund raising group it would be helpful and thoughtful if those of us who want can unsubscribe once and be free.

thank you and have a nice day

R. Cossette B. A. B. ed

 From:
 Sandra Gill

 To:
 AO

 Cc:
 Sandra Gill

Subject: FEC Easing Google"s Gmail spam filters for political email

Date: Sunday, July 10, 2022 6:14:21 PM

Dear Gentlepeople:

I would like to comment on the request from Google to ease spam filters for political email. Simply put, NO!!

Political candidates and fundraisers have time and again proven that they are no better than other scammers (ex., male enhancement pills, Nigerian princes, Ukrainian brides, cheap ammo, etc.) at sending copious amounts of email (which has little cost, unlike USPS mail) that is deceptive or baldface lies. As a simple example, fundraising emails in the recent past from Trump to fight 'stolen election' did NOT fund any such events--NOR WAS THE ELECTION STOLEN!!!

I am fully capable of finding out information about my local, state and national candidates from credible sources as well as whether or not I wish to donate to a candidate or cause. I am already inundated with a horrific amount of spam because Gmail has been so harvested with my email address. DO NOT allow Google Gmail to exclude political email from spam filters. This is just another monetary boon to Google and detriment to me as a US voting citizen. It serves no purpose except to further confuse and scam (hence 'scam filters!') potential voters.

Sincerely, Sandra Gill Thornton, Colorado Adams County From:
To:
AO

Subject: Google spam re political email **Date:** Sunday, July 10, 2022 5:34:14 PM

Good Morning,

You are clearly aware that you are allowing corporate profiteers to manipulate the system & get unfair advantage by:

- 1. FAILING to adequate inform the public
- 2. FAILING to extend the time the public can respond.

In essence you are compromised & unethical in your conduct as it relates.

THE PEOPLE DESERVE TO KNOW ABOUT THIS & HAVE TIME TO WEIGH IN. All other options is you complicit in google's attempt to target citizens!!!

Ms. Green

From: JakesLives1

To: <u>AO</u>

Subject: PLEASE.....SAY A BIG, LOUD "NO!" TO GOOGLE!

Date: Tuesday, July 12, 2022 3:02:17 AM

As a couple who relies on the internet, we urge you to strongly deny Google's request to let political committees avoid spam filters.

This is important to us.....and to our friends and neighbors and children.

Many thanks you for your time.....and for your wisdom.

Sally & Jake Schwartz

From: Dennis Jones

To: <u>AO</u>

Subject: Political email

Date: Sunday, July 10, 2022 3:59:45 PM

I have just finished reading a news article where Google is wanting for political entities to be allowed to send spam emails.

I am totally against this proposal.

It is bad enough to have your postal mail box filled with spam political ads trashing each other. Now they want to do the same for your email.

Do the right thing for once and deny this request.

Dennis Jones Alabama resident From: David Phipps

To: <u>AO</u>

Subject: Political Emails

Date: Sunday, July 10, 2022 3:34:32 PM

Dear Sir/Madam:

I am sending you my thoughts on the matter of unsolicited political emails. I vehemently oppose allowing/permitting political emails to be sent to my email account!! It's bad enough to be bombarded every possible way already, to add another way to intrude upon my privacy!

Thank you for allowing my opinion to be heard.

Respectfully and Sincerely,

D. David Phipps Jr.

From: Lee Ann Davenport

To:

AO Political spam Subject:

Date: Sunday, July 10, 2022 2:55:11 PM

That would be a big fat no. We have a right not to be bombarded by the likes of Ted Cruz. He has already cost me \$20 in text fees.....

From: Gordon Andrews

To:

Subject: Political SPAM... just say no
Date: Sunday, July 10, 2022 3:38:32 PM

I hate SPAM of all types but getting email etc. from ANY politician or politician is even worse.

Honestly I don't want any email from anyone which mention politics.. even my own family members .. some of my own family members are now blocked in all ways because of their political comments.

Politicians do not have a "right" to send email to me unless I have given permission and can remove permission. Nor do they have a right to share my email addresses.

Hoping the FEC gets the message. If not ... maybe everyone should start forwarding copies of all unwanted political email to the fec. Imagine millionS of unwanted email ... daily.

Make politician send snail mail, costs thrn more and I can heat the house with it.

Gordon Andrews Richmond Virginia

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I support a woman's right to choose. I believe no one should weaken that right.

From: Valerie M To:

AO Unsolicited Political emails Subject:

Date: Monday, July 11, 2022 10:56:11 PM

Absolutely not!!! I do not want any blanket political emails sent to me!!!! No, no, no!!!!

From: Brett Schenker <

Sent: Monday, July 11, 2022 2:26 PM

To: AO

Subject: Comment re: AO 2022-14

Dear FEC,

I am writing you today regarding Google's request for an FEC opinion as to whether they can institute a pilot program that bypasses their current spam filtering software for political candidates and campaigns. These messages would instead be delivered directly into the user's inbox at which point users would then be able to determine if the messages are wanted or spam.

While Google is an entity that can do whatever it would like with Gmail, I must speak out not only against this program but the narrative as a whole that there is "bias" in email filtering.

I am in a unique position to speak out and discuss this topic. I have worked in the political space for over 20 years, 18 years of which has been focused on the digital space beginning with then Senator John Kerry's Presidential race and my time directly in his Senate office. For the past 12 years, I have solely been focused on email deliverability in the political and non-profit space having worked for vendors such as Salsa Labs and NGP-VAN, two of the largest in the space. In that time, I have worked with hundreds of campaigns fixing their deliverability issues not just at Gmail but at other email service providers.

With those years of experience, I can state that there is no "political bias" that Google's decision would alleviate and that all "deliverability issues" are due to the habits and decisions by the campaigns and their staff.

Below is a look at the inbox placement for 22 campaigns and political organizations from the past year using "panelist" data. Some of these I have worked directly with and including to emphasize my point while others I have not. The data includes their overall inbox rate from all email providers and the inbox rate at Gmail.

Party

Domain

Overall Inbox Rate

Gmail Inbox Rate

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Overall, we can see that the top ten has 5 campaigns labeled as Democrats and 5 are Republicans. When sorted for Gmail, 6 of the top ten are Democrats and 4 are Republicans. However, the top three listed are Republicans with one reported as perfect inbox placement at Gmail. The top inbox placement is for an organization connected to

Congressman Matt Gaetz, another one also connected with the Congressman is ranked #9 at Gmail. If there was a "bias" by Gmail, these two organizations would have similar inbox placement and further down this short list. Instead, we see that's not the case and that inbox placement is much more complicated than some of those would have you believe. I have no doubt that if we were to expand this data further to include all campaigns and political organizations, we would find similar data indicating little bias. This data alone shows there's no need for Gmail's changes.

Today's modern email filtering system relies heavily on the interaction of individuals to the messages they receive. Not opening, marking as spam, deleting upon receiving the messages are all negative signs and the algorithm "learns" from these interactions. It uses past actions to determine future placement. This encourages senders to send relevant email to those who want to receive those messages. In the commercial world in the United States this is partially governed by CAN-SPAM, of which political campaigns and nonprofits are exempt.

The exemption of following that basic practice of "opting in" individuals is the cause of "struggles" some campaigns experience when it comes to sending email. I can state as a fact that lists are traded between campaigns, taken by staff to be used in future campaigns, provided by political parties to campaigns, and in many cases outright purchased. Individuals do not "opt-in" to such practices resulting in email addresses receiving messages from candidates and organizations they don't support and have never heard of. This is the very definition of spam. I myself receive dozens of messages a day I haven't signed up for, thankfully Gmail's algorithm usually sends those to spam, so I am not inundated by them.

The political infrastructure itself encourages these practices. Email sending platforms charge by the "emailable contact" disincentivizing them from enforcing "opt-in" requirements. They want large email lists on their platforms, so they make more money. Consultants sell lists and get a cut of the sale, incentivizing themselves to be as loose with lists as possible. Entire data brokers have sprung up whose entire role is to sell email addresses focusing on what's a "valid address," not what's wanted or opted in. Many of these data brokers and campaigns are in violation of "spam laws" in other countries such as CASL and GDPR which are much more stringent in what is acceptable when it comes to email "opt-in" as well as data protection.

Google's decision will only exacerbate this issue. It will encourage campaigns and organizations to purchase every Gmail address they can find and email them as much as possible. Without the "penalty" of the algorithm, the already bad habits will only be amplified. I am positive campaigns and organizations will be provided with even larger "starter" email lists of Gmail addresses spamming Gmail users and inundating them with potentially hundreds of messages they did not ask for and did not sign up for. There would be no incentive, as presented, to not do this. In fact, I have been asked multiple times by candidates and campaigns about this exact strategy and what would stop them from purchasing addresses and emailing them. My answer was "the algorithm would stop them." It would also create a system of "haves and have nots" when it comes to campaigns.

With this scenario, being part of Gmail's program will become vital. Not being accepted or a part of it could cost campaigns not just fundraising dollars but volunteers and get out the vote messaging. Every email not delivered is a missed opportunity and Google would become the arbitrator of who is accepted and who is not which could be all the difference in a successful campaign. During previous cycles, I studied email programs and their success or failure was an indication of how well a candidate would do. The lower the open rates and higher the spam rates, the more likely they would drop out or lose. Further, with parties controlling nomination processes, they could easily tip the scales by providing "starter lists" with every Gmail address in a district to campaigns they favored. Combined with Gmail's program this creates a competitive edge exacerbating an already existing issue of the lack of party neutrality in races.

During my time at both Salsa and NGP-VAN as well as an individual consultant, I have worked to fix email programs increasing deliverability and inbox placement. This even includes advice to my friends working on email on the Republican side. I couldn't tell you the exact number of campaigns and political organizations I have worked with but it is in the hundreds and most of the major organizations and campaigns. In my time I have seen their habits firsthand. One organization purchased millions of addresses that caused them to be listed by Spamhaus, a major anti-spam and anti-abuse network. I can say that every instance of issues I was called in "to fix" was due to the habits of the senders, not

"the algorithm". By focusing on their "active" individuals who have shown they've wanted the email by opening and clicking, these programs were turned around and had greater success by sending to fewer individuals. Yes, a smaller email list can be more successful than large, bloated lists whose only function is sending volume to meet goals. I have cut lists by up to 60% and the opens and clicks were greater not just in percentage but the number of individuals. I understood the algorithm and designed targeting and a program that would be successful and proved to be. This is exactly what commercial email senders do every day. Those that have not found success refuse to accept the reality of how email works and instead feel the more they send, the better they'll do. In fact, they're hurting their program, and Google's decision to change Gmail would favor volume over quality, likely further deteriorating the trust in email, political campaigns, and communication.

Google's change to Gmail would also increase the shady and fraudulent campaigns and political email sent. With the ability to send email so cheaply, nothing stops a campaign or organization from purchasing addresses and sending messages attacking opponents from an ever-rotating number of domains. If they're registered with the FEC, they could be a part of Gmail's program. \$10 nets a new domain and the Gmail list could be used over and over to send. It creates a regulatory nightmare for the FEC as they would need to vet and govern an infinite number of organizations whose entire purpose would be to send email to attack, raise money for unknown purposes, or outright commit fraud.

The latter is already an issue with an increase in questionable email practices. The FEC and FBI have taken some recent action in fining and charging individuals for fraudulent emails putting campaigns on notice. However, this has not stopped campaigns from sending emails that warn of "final notices" with hyperbolic statements to raise money from individuals. Again, doing this on an even greater scale to Gmail's users would surely raise even more money as it "scares" individuals to comply with questionable senders that can change with every email blast. Studies show that this type of email disproportionately receives money from seniors who are "scared" into donating. This move would increase the fraud the FEC is designed to stop. It is already a struggle to keep up with the ever-changing landscape. This move by Google for Gmail would make your job to stop fraud an impossible task.

I also have unique experience in that I worked in the United States Senate for Senator John Kerry. I know not just as a sender but as a receiver of email from the public the United States Senate, House of Representatives, the US military, and I'm sure the FEC itself uses email filtering software. I know messages sent to the Senate office were caught by the filtering and some were missed. All systems are imperfect and I'm sure you yourselves have experienced this with work email. I find it ironic that elected officials are condemning email filtering when they themselves use it daily. If they themselves are calling for all political email to be delivered to inboxes, then they themselves should be prepared to do the same for all email they receive.

I have experienced political email in numerous positions as a sender, receiver, and focused on deliverability. I am one of the few in the world who can state that and what I touch upon is just a small sampling of why I think Google's decision to change Gmail's algorithm is a mistake.

I'd be happy to discuss this further and would be happy to assist the Commission in any way possible.

Thanks,
Brett
Brett Schenker Man of Many Things, Including

5B Consulting - http://www.5bconsulting.com

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Graphic Policy - http://www.graphicpolicy.com

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From: Rolf <

Sent: Saturday, July 9, 2022 8:51 PM

To: AO

Subject: NO to Google's request

NO to Google's request to do a pilot program where campaign ads go to people's inboxes and not through their spam filters

To: AO

Subject: Google plan to bypass spam filters with political ads

I cannot object enough to any plans to bypass spam filters with political ads

Political communications need to be opt in only. No door knocks, no phone calls, no smoke signals. We need a do not cal list that slo blocks online advertising.

The endless harassment every fall needs to stop. And you need to forbid third parties access to these lists as well. No contact, in any form, by anyone isn't a hard concept. It's harassment plain and simple.

From: Carmen Bocanegra

Sent: Saturday, July 9, 2022 4:43 PM

To: AO

Subject: NO to Google campaign ad pilot program

NO to Google's request to do a pilot program where campaign ads can go straight to peoples inboxes and bypass their spam filters. No.

Carmen Bocanegra

NC

From: Peter Hurley

To:

Subject: Comment to Google"s request for opinion on pilot program

Date: Saturday, July 9, 2022 3:15:13 PM

Dear FEC,

I am writing to oppose approval of Google's pilot program to allow campaign emails to bypass spam filters.

The large majority of political fundraising emails are, in fact, unsolicited spam. Fundraising lists are shared among political organizations and bought and sold openly between them. Signing up with one organization can mean an endless influx of emails from tens or hundreds of different campaigns and PACs who have purchased or shared email lists among each other. Google touts that it requires one-click unsubscribe, however this does not address the issue of trading user information, and the fact that often users would be seeing spam emails from campaigns with which they have never had any interaction.

One click unsubscribe only works if users ignore best security practices. The best security practice is to never click on a link from an email whose sender you do not recognize. Since almost all campaign emails are built off of purchased or shared lists, users will not recognize those emails as from a source they have interacted with, and should not click any links, including unsubscribe links.

This proposal will lead to a large degradation of email user experience, and requires email users to ignore proper security practices to stop it. Unwanted and unsolicited advertisements from campaigns should be put in the folder where they belong: spam.

Regards, Peter Hurley New York, NY From: Ginny Pope

To:

Subject:Google Pilot re Political SpamDate:Saturday, July 9, 2022 3:04:54 PM

Dear FEC,

Please do not allow this to proceed. Spam filters are increasingly needed to ensure we don't get inundated with email we don't want and never agreed to. I don't mind checking my Spam folder now and again for email I DO want to see.

Best regards Virginia Pope From: Livia To: AO

Subject: Google request for pilot program regarding political email

Date: Saturday, July 9, 2022 4:32:14 PM

No. Just no. The FCC should not stand by in allowing google to manipulate what email goes directly to the consumer any more than it already does. While it is a popular platform for email people prefer government to err on the side of the consumer, not the company. There is ample opportunity for this yet it seems the FCC and others err toward the company. Please, in this instance do not grant Google this power.

I already get unwanted political texts as someone put my phone number down as a contact for elections taking place in a state I do not reside in. I treat these texts as spam and try to get my number off the list but, as I am sure you have experienced, once on a list (US mail, phone, text, or email) getting off is a challenge to say the least.

Thank you, Livia Lewin From: Catherine Johnson

To: AC

Subject: NO to Google campaign ad pilot program.

Date: Saturday, July 9, 2022 2:52:51 PM

NO to Google's request to do a pilot program where campaign ads go to people's inboxes and not through their spam filters.

Catherine Johnson California From: Rachel Anderson

To:

Subject: Comment: AO 2022-14 Google pilot program

Date: Saturday, July 9, 2022 2:27:56 PM

Dear Federal Election Commission

I write in opposition to the pilot program proposed by a technology corporation to enable their email product to bypass spam filters for email from authorized candidate committees, political party committees, and leadership political action committees.

Email is a crucial communication vehicle through which I conduct business, maintain personal and family relationships, and communicate with my children's teachers and coaches. In order for email to remain functional, I must be able to filter out content that I have not requested or that is not urgent to my family's daily needs. I would like to retain the choice to direct political email to a designated 'spam' folder where I can review it at my own discretion. This should simply be the case as a matter of choice but here are several additional reasons why the FEC should reject this program:

- 1) Candidate committees, party committees are notoriously unresponsive to requests to desist from sending email. I have sought to remove myself from certain lists multiple times and to absolutely no avail.
- 2) Allowing certain political emailers to circumvent spam filters would have the perverse effect of discouraging political participation and political association. One reason I receive political email is that I have actively participated in the democratic process as a campaign volunteer and small dollar donor to candidates that I support. However, if it were the case that doing small citizen acts such as door to door canvassing were to routinely expose me to masses of unwanted email, then I will be more reluctant to undertake these activities.
- 3) The avalanche of unwanted email and texts from marketers and political campaigns is having a negative effect on the nation's social capital. I and many others find it harder and harder to connect with friends, family, school and small local organizations over email because of the vast quantity of spam received in a day. Friends, family, schools, community organizations do not have the budgets to spend on massive email programs and, thus, have their voices drowned out by organizations that do have the resources. The proposed pilot program would only worsen this situation.

Thank you for considering these comments. I urge the FEC to reject the proposed email pilot program and enable citizens to exercise choice in selecting the emails they wish to receive in their inboxes.

Sincerely,

Rachel Anderson

From: Lizz Horvath

To: <u>AO</u>

Subject: No to Google campaign pilot program

Date: Saturday, July 9, 2022 3:50:53 PM

NO to Google's request to do a pilot program where campaign ads go to people's inboxes and not through their spam filters.

Concerned voter,

Lizz Horvath Georgia
 From:
 loripuck17

 To:
 AO

Subject: Google political email request - Say NO!! **Date:** Tuesday, July 12, 2022 2:24:58 PM

Dear FEC,

Google is asking FEC for permission to start allowing email sent to Gmail users from political candidates and parties (both during and outside campaigning season) to bypass Google's spam filters and be delivered directly into users' inboxes. Google asserts that users themselves will be able to stop these emails by "one-click unsubscribe" banners attached to the messages. Given the number of political candidates and party demands for support of one type or another year-in/year-out and the virtually zero cost of sending email messages, I can see that this loss of initial filtering will lead to a very large number of unwanted emails being delivered to 1.5 billion Gmail users' inboxes that will have to be individually opted-out of. I also have noticed in the majority of email messages I have received over the years with "one-click unsubscribe" options that these banners are usually hard to find and using them does not always lead to a user being unsubscribed. Googles opinion of how easy it will be for their users to filter out these messages seems quite unrealistic.

I am also concerned that providing this option to political candidates and parties to solicit funds from users will increase the already vast amount of money scamming emails that the general public is subjected to. This action by Google is probably their way of reacting to charges of partisan favoritism in their filtering but is it really a good idea to make the general public bear the brunt of the massive amount of political and financial scam spamming that will occur as a result of this action?

Please deny Google's request. Anyone interested in receiving emails from political candidates and parties already has easy ways to receive those messages/solicitations via signing up for such on the websites of these individuals and organizations or requesting it from contact information provided in their mailed flyers or TV/internet ads.

Thank-you for your consideration,

Lorraine Puckhaber (a concerned US citizen resident in Texas)

From: Suzanne Abbott

To:

Subject: NO to Google campaign ad pilot program Date: Saturday, July 9, 2022 3:54:43 PM

NO to Google's request for a pilot program where campaign ads are sent directly to people's inboxes and not through their spam filters.

-SCA

Sent from my iPhone

From: Michele M. Algreen <

Sent: Tuesday, July 12, 2022 5:33 PM

To: AO

Subject: NO MORE POLITICAL SPAM | Google's Political Spam Request

To Whom it May Concern:

I am writing with regard to Google's request to allow political spam emails to avoid their spam filters. As someone who gets more than two dozen spam emails a day from a single candidate for governor in Georgia (I live in Arizona), I respectfully request that you reject Google's request and instead require more strict laws surrounding political spam.

I have never lived in Georgia, I have never donated to Marcus Flowers campaign for governor, and I have never subscribed to his newsletter. Yet... I get dozens of emails every single day from his campaign. I have tried clicking the 'unsubscribe' link in a couple of the earlier emails and I have also written (several times) directly to the campaign email address requesting that my email be removed from their list. My requests have been completely ignored and I continue to get dozens of emails per day.

I am so beyond tired of these emails and there seems to be no way to stop them so they continue appearing in my spam and/or trash folders every single day. I implore you to please reject Google's request to allow more political spam to inundate user inboxes. Additionally, I would like to implore you to please implement new rules that REQUIRE all political campaigns to immediately honor requests for removal from their lists and also allow recipients a way to report campaigns that do not honor requests to be removed.

Please, no more political spam!

Thank you for your time and efforts.

Sincerely, Michele M. Algreen From: S G <

Sent: Tuesday, July 12, 2022 5:37 PM

To: AO

Subject: Comment for Google's Request for Opinion on Pilot Program

To say that I have a low opinion of this idea would be understatement taken to an extreme.

Unsolicited political emails are the same as unsolicited porn emails, which are the same as unsolicited viagra emails, and so forth: Invasive, offensive wastes of the most valuable resource any human has: their time.

The government already failed to protect us from political spam via phone. Don't fail again.

From: Max B < Sent: Tuesday, July 12, 2022 5:38 PM

To: AO

Subject: Don't exempt political emails from spam

Hi,

Please reject this exemption. I will quit email altogether if unblockable political emails enter my inbox and turn the experience into social media. My mental health is at stake.

Thanks, Max