

Marc Martin Quoted in Law360—FCC Gears Up Against Political Robocalls As '22 Nears

Partner Marc Martin was quoted in "[FCC Gears Up Against Political Robocalls As '22 Nears](#)," an article in *Law360*,* regarding illegal political robocalls as the 2022 races approach.

Republican operatives had become increasingly alarmed that the surge in mail-in ballots was coming mostly from Democratic-leaning districts. Burkman and Wohl have since unabashedly admitted that the calls were aimed to help boost the reelection campaign of then-President Donald Trump. The pair, who also face civil litigation accusing them of using robocalls to suppress Black voter participation ahead of the 2020 ballot, have said the FCC's action was politically motivated.

In the civil case, they have appealed to the Second Circuit after a federal judge ruled the calls had to stop. But election law experts caution that the FCC's action wasn't meant to be an attack on Republican campaigning and that anti-robocall laws don't discriminate and shouldn't be viewed through a political prism.

In fact the FCC went "out of its way" to avoid addressing the political nature of Wohl and Burkman's actions when justifying the fine, said Marc Martin. Illegal robocalls could blast out promotions for cute puppies or apple pie rather than false election claims, but still could be deemed illegal if they were made without the recipients' consent, he said.

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