



NTC 2025 WORKSHOP

Don't Get Blocked

A Guide to Compliant SMS List Growth | Meredith Begin, Mobile Commons





Mobile Messaging Built for Nonprofits

What nonprofits use mCommons to do:

- Grow and manage mobile subscriber lists
- Send targeted text messages that drive donations, advocacy, and event participation
- Automate personalized supporter journeys
- Have real conversations through two-way messaging
- Track engagement and optimize campaigns

• Drive phone calls to grassroots campaign targets **Why organizations choose mCommons**

Powerful messaging tools paired with **Mobile Strategists** who bring deep experience running nonprofit mobile programs and work as an extension of your team.

Why This Session Exists Right Now



New industry-wide filtering (iOS 26, AI-based spam detection) means messages are increasingly scrutinized, and non-compliant messages will be blocked.



TCPA litigation is up 95% year-over-year. The cases are real, cross-sector, and expensive — even when you win.



The 'peer-to-peer loophole' is closed. Bought lists are illegal, full stop.



Some vendors have built the cost of violations into their operating budgets — which means clients are paying for the risk.

"In the criminal justice system, the people are represented by two separate yet equally important groups: the police who investigate crime, and the district attorneys who prosecute the offenders. These are their stories. In the mobile messaging ecosystem, the players are represented by two separate yet equally important groups: the auditors who keep an eye out for compliance, and the litigators who prosecute the offenders. These are their stories."



LAW & ORDER

“The police who investigate the crimes”

Compliance is Now Actively Enforced

Brand Vetting

October 2024

- Any organization, campaign, business, or brand sending texts
- Shortcodes, 10DLC, and Toll-Free Numbers

Any Originator

Not cellphone to cellphone

Required for new phone number activation

Annual re-vetting required to confirm brand identity

Audit Engine

May 2025

- New Audit Agency
- AI-powered audit engine turned on:
 - Non-compliant language
 - “Campaign Drift”
 - Originator to Brand match
 - Scrape websites for required compliance language:
 - T&C and Privacy Policy
 - Call-to-Action (CTA)
- Test Opt-In Paths, “Help” response, and STOP adherence

TCPA Litigation: The Cases Are Real. And They Are Costly.

Campaigns, congressional races, and advocacy orgs — nobody gets a pass.

Consent Matters

Multiple federal courts · Two separate suits · 2024

Trump Campaign Class Actions (2024)

WHAT WENT WRONG

- Phone numbers collected via **Eventbrite** ticket purchase
- **No explicit consent** for campaign SMS

WHY IT MATTERS

- Consent is **always required**
- Event signup, partner forms, or list shares **can not transfer SMS consent**

KEY TAKEAWAY

If they didn't opt in to *your* texts, you can't text them.



“Peer-to-Peer” is Not a Legal Shield

Georgia federal court · Congressional campaign · TCPA class action

Bowman v. Unterman

WHAT THE CAMPAIGN ARGUED

- Messages were “peer-to-peer”
- Therefore, not subject to TCPA

WHAT THE COURT DID

- Allowed the case to proceed anyway
- Looked at **function**, not vendor labels

COST (EVEN BEFORE DAMAGES)

- Could be \$50K to \$200K in legal fees per defense

KEY TAKEAWAYS

- Calling it “P2P” does **not** eliminate TCPA risk.
- If software batches or scales messages, courts treat it as A2P.

Nonprofits are Not Exempt

Federal TCPA class action · 501(c)(4) Advocacy Organization

Wijesinha v. Faith and Freedom Coalition

THE MESSAGE

- Advocacy org sent message to unsubscribed numbers

THE RESULT

- Federal TCPA lawsuit
- Ordered to mediation (outcome confidential)

THE COST (EVEN WITHOUT A PUBLIC SETTLEMENT)

- Defense can be costly
- Some vendors price risk into their fees

KEY TAKEAWAY

Unsolicited texts are never “free.”

- You either pay **up front** for compliance — or **later** for defense.



When the Dollar Amounts Are Public

These are commercial cases — but they involve the same behaviors: texting without proper consent or after opt-out.

DSW Shoe Warehouse

TCPA class action, settled 2024–2025

DSW sent promotional texts to consumers who had either never consented or had already opted out — and continued texting after STOP requests.

\$4.42 Million

settlement amount

Directly parallel to purchased lists — numbers belong to people who never asked to hear from you.

Steve Madden

TCPA class action, settled 2013

The brand sent over 200,000 texts through a third-party vendor without obtaining consent from recipients. The brand paid — not the vendor.

\$10 Million

settlement amount

The org's name is on the message. The org bears the liability — not the vendor doing the sending.

Build Mobile Lists People Actually Want to Be On.

The best defense against being blocked, sued, or reported is a list full of people who genuinely chose to be there.



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Why Messaging Subscribers Works

Before we get into the how — here is what you are building toward.

Higher response rates

Subscribers who asked to hear from you take action at dramatically higher rates — more donations, more sign-ups, more shares per send.

Lower churn & complaints

People who opted in stay subscribed and don't flag your messages as spam — protecting your sender reputation with carriers.

Better ROI on every send

A well-built list of 500 engaged subscribers outperforms a purchased list of 5,000 every time. Quality over volume.

Stronger deliverability

Documented consent signals to carriers that you are a trusted sender — meaning your messages actually arrive.



SECTION 2

The Strategy Framework

6 steps to a compliant, high-performing mobile list growth program



Aim Small, Miss Small.

Target Your Audience

Effective list growth is not about reaching everyone — it is about reaching the right people with precision.

The more specific your target, the stronger your results.



Identify Your Ideal Subscriber



Create a compelling and compliant Call To Action



Send a warm and compliant welcome message

Step 1 – Know Your Ideal Subscriber

Answer these four questions before you write a single CTA or build a single opt-in form.

1 Who are they?

Demographics, values, relationship to your org – who is this person in real life?

2 How would they describe themselves?

Their identity and self-narrative – how do they introduce themselves at a meeting?

3 Into what groups are they organized?

Unions, churches, neighborhood orgs, social clubs, political affiliations – where do they gather?

4 Why should they subscribe?

What do they gain? Information, access, community, impact – make the value exchange explicit.

Step 2 – Know Where They Are

Online and offline both matter. Name the channels where your audience lives – then meet them there.

ONLINE

- Website sign-up forms
- Social media profiles
- Email list (SMS opt-in add-on)
- Digital advertising
- QR codes

OFFLINE

- In-person events & rallies
- Community spaces
- Canvassing & tabling
- Partner organizations
- Print materials + QR codes

Every channel is an opt-in opportunity – with the right CTA. (Step 5 covers exactly what that looks like.)



Step 3 – Know Your Audience's Intent

Before jumping to channels and goals, anchor the strategy in three essential questions:

1

What does your audience already do – or want to do – via text?

Their existing behaviors and mobile preferences

2

What do you want them to do?

The specific actions you're driving: donate, sign, attend, share

3

How do you want them to feel?

The emotional experience your messages create: informed, urgent, valued, part of something bigger

The answers shape everything downstream: your CTA, your welcome message, your cadence.



Step 4 – Set a SMART Goal

Tie your list growth target to mission outcomes – not vanity metrics.

EXAMPLE SMART GOAL

"Grow our mobile list to 10% of our email list size within 12 months."

M+R BENCHMARK

72 mobile subscribers per 1,000 email subscribers

That is the sector median. Most organizations have significant room to grow their mobile list relative to email – which means big opportunity if you start now.



Step 5 – Build a Compliant, Compelling CTA

6 CTIA-Required CTA Elements

1	Organization name	4	"Msg & data rates may apply"
2	Description of message types to expect	5	"Reply STOP to unsubscribe"
3	Message frequency	6	"Reply HELP for terms"

A clear CTA reduces opt-in friction and complaint rates – and gives you documented proof of consent if you ever need it.

Keep me up to date!

Get the latest news and the quick, simple actions you can take to help animals each week.

Email address*

First name*

Zip code*

Mobile phone number (optional)

By providing your mobile number, you agree to receive periodic text messages from Humane World for Animals with updates and ways you can help animals. Msg & data rates may apply. Text STOP to 77879 to opt out, HELP for info. [Privacy Policy](#), [Terms & Conditions](#).

I'm not a robot



Get Alerts



Step 6 – Welcome Them Right

Your welcome message is your most-read text. Get the required elements right – and give them something to do immediately.

- 1** Organization name
They need to know who is texting them
- 2** Confirmation of subscription
Confirm they have successfully opted in
- 3** Message frequency
e.g., "Msgs/month vary" or "4 msgs/month"
- 4** Unsubscribe instructions
"Reply STOP to unsubscribe"
- 5** Msg & data rates disclosure
"Msg & data rates may apply"

Key insight: if you do not give them something to do immediately, they will unsubscribe. The welcome is your highest-engagement message.



KEY TAKEAWAY

Build Lists People Actually Want to Be On.

The best defense against being blocked, sued, or reported is a list full of people who genuinely chose to be there.



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Msg&DataRatesMayApply. Txt STOP to Unsubscribe; HELP for terms.

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Q1

P2P MYTH

What about peer-to-peer texting – isn't that different?

PREPARED ANSWER

True peer-to-peer is one human, one phone, one message at a time – composing and sending individually from their personal device. Any software that batches, queues, or automates delivery at scale is Application-to-Person (A2P) by definition. Courts look at function, not what a vendor calls the product. The Bowman v. Untermyer case shows exactly how the P2P defense plays out.



Q2

VENDOR RISK

Our vendor handles all of this — isn't it their responsibility?

PREPARED ANSWER

The TCPA attaches liability to the organization whose name is on the message, not the platform doing the sending. Steve Madden paid \$10M — not their vendor. Your nonprofit's name is on that message. Your org bears the risk.

★ Connect to vendor budget point from Section 5.



Q3

CONSENT CONTEXT

We got phone numbers through an event registration / partner org / list share — does that count as consent?

PREPARED ANSWER

No. Consent must be specific to your organization and your message type. Providing a number to get an event ticket is not consent to receive your SMS campaigns. The Trump Campaign Eventbrite case is the direct precedent for exactly this scenario.



Q4

ONE TEXT = STANDING

What's a 'reasonable' number of texts before someone could sue?

PREPARED ANSWER

One. The Eleventh Circuit ruled in 2023 that a single unsolicited text message is sufficient concrete injury for standing to sue. There is no safe number of violations.



Q5

SIZE DOESN'T MATTER

We're a small nonprofit – are we really a target?

PREPARED ANSWER

The Snapping Shoals case involved a rural electric cooperative. The Unterman case involved a state legislative candidate. The Faith and Freedom Coalition case involved an advocacy org. Small does not equal exempt. Plaintiffs' attorneys file TCPA cases regardless of organization size because the statutory damages (\$500–\$1,500 per message) make any case potentially lucrative.



Q6

iOS 26 + FILTERING

What is iOS 26 and why does it matter?

PREPARED ANSWER

Apple's iOS 26 introduces inbox filtering that categorizes messages from unknown senders, potentially routing them to a separate 'Junk' or filtered folder. This is analogous to email spam filtering — meaning compliant, permission-based texting is increasingly necessary just to ensure messages are seen, not just legally required.



Q7

NO BOUGHT LISTS

Can we buy lists if the vendor says the numbers are 'opted in' to similar programs?

PREPARED ANSWER

No. The one-to-one consent rule that took effect January 27, 2025 requires that consent be obtained specifically for your organization — not shared across an 'ecosystem' of advertisers. Shared opt-ins that were grandfathered in before January 27, 2025 are now legally expired.

Q8

DOCUMENTATION

What if someone on our list signed up years ago — do we need to re-consent them?

PREPARED ANSWER

Not necessarily, but you must be able to document their original consent: the timestamp, the form they used, and the language on that form. If the language didn't clearly indicate SMS messaging from your organization, you may have a documentation problem. 'We collected their email' is not the same as documented SMS consent.

