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Contact:
David McGuire
(202) 637-9800 x106

1634 I Street, NW Suite 1100
Washington, DC 20006
202.637.9800
fax 202.637.0968
<http://www.cdt.org>

CDT Proposal Would Protect Online Political Speech, Resolve Concerns

WASHINGTON -- The Center for Democracy & Technology (CDT) today offered a legislative proposal that would exempt the vast majority of individual speakers on the Internet from campaign finance laws, without creating loopholes that could be easily exploited by state political parties and large donors.

CDT drafted the proposal in response to mounting efforts in the House of Representatives to pass a measure (HR 1606) that doesn't go far enough to protect the rights of political speakers on the Internet. That bill was offered in response to a proposal by the Federal Elections Commission to apply campaign finance laws to Internet communications.

"Although we fully support the spirit of the House measure, we're concerned that the bill is both overbroad and under-inclusive. H.R 1606 deals with only one of the burdens facing individual speakers online. We want to make sure that a blogger won't have to hire a lawyer before commenting on an upcoming election," CDT Staff Counsel John Morris said. "We've worked extensively with proponents on all sides of this issue, and we are confident that this proposal addresses all the major concerns that have been raised."

Drawn from extensive consultations with political bloggers, federal regulators, free speech and campaign reform activists, the language -- available at <http://www.cdt.org/speech/20060302speech.pdf> -- is a common-sense solution that preserves the Internet as a tool for political organization and discourse. Further information about CDT's proposal and the FEC process is available at <http://www.cdt.org/speech> .

The CDT proposal:

- Generally exempts most Internet communications of individuals from classification as "public communications" under campaign finance law;
- Exempts low cost paid advertisements from classification as "public communications," up to a reasonable amount of spending;

- Permits bloggers and similar speakers to incorporate without being classified as engaging in "public communications;"
- Exempts small and individual speakers from the reporting and disclaimer requirements for Internet speech, up to a reasonable dollar amount of spending;
- Permits groups of individuals to collaborate on Internet political speech without becoming classified as a "political committee," up to a reasonable dollar amount of spending; and
- Provides that the existing media exemption applies to new and emerging forms of online media publications.

CDT Executive Director Leslie Harris highlighted the urgency of the Internet speech debate "The Internet plays an increasingly valuable and important role in the electoral process. With the 2006 election in sight we need to get this right and we may only have one chance to do it."