

Proposed Online Political Speech Legislation Offered by the Center for Democracy & Technology

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Internet Free Speech Protection Act of 2005'.

SECTION 2. EXCLUSION OF INTERNET COMMUNICATIONS FROM TREATMENT AS PUBLIC COMMUNICATIONS.

Paragraph (22) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(22)) is amended by adding at the end the following: 'Such term shall not include any communication made over the Internet, other than:

(i) one or more communications placed by a person on another person's or persons' websites for amounts exceeding an annual aggregate amount of \$5,000,

(ii) a communication made by a State, district, or local committee of a political party described in section 323(b),

(iii) a communication made by any political committee, or

(iv) a communication made by any person described in section 316 (other than a corporation described in such section whose principal purpose is operating an online discussion forum or disseminating social or political ideas or commentary through operation of a website, web log, podcast, or other similar forms of Internet communication and which is not established, financed, maintained or controlled by a labor organization or by another corporation without such a principal purpose.)'

SECTION 3. EXCLUSION OF INTERNET COMMUNICATIONS FROM REPORTING AND DISCLAIMER REQUIREMENTS.

1. Paragraph (c)(1)) of section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)(1)) is amended by adding at the end the following: ', except that no such statements shall be required with regard to communications made over the Internet by an individual where the aggregate annual amount paid by such individual for such communications do not exceed \$5,000.'

2. Paragraph (a)(3) of section 318 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441d(a)(3)) is amended by adding at the end the following: ', except that no such statements shall be required in communications made over the Internet by an individual where the aggregate annual amount paid by such individual for such communications do not exceed \$5,000.'

SECTION 4. EXCLUSION OF INTERNET COMMUNICATIONS FROM POLITICAL COMMITTEE REQUIREMENTS.

Paragraph (4) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)) is amended by adding at the end the following: `(excluding expenditures up to an annual aggregate amount of \$10,000 for Internet-related expenses such as expenses for Internet access and hosting services; creation of an Internet site; or creating, hosting, or participating in an online discussion using blogging or other software)'.

SECTION 5. INCLUSION OF ONLINE MEDIA PUBLICATIONS WITHIN THE NEWS MEDIA EXEMPTIONS.

Paragraph (9)(B)(i) of section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(i)) is amended by adding after the word “publication” the following: “or over the Internet”.

SECTION 6. REQUIREMENT OF A SINGLE PLAIN LANGUAGE RULE GOVERNING INDIVIDUALS’ INTERNET ACTIVITIES.

Within 150 days of the effective date of this statute, the Federal Election Commission shall publish in one policy statement and in plain language all rules and regulations applying to individuals engaging in online communications.

SECTION 7. INCREASES OF THRESHOLDS BASED ON INCREASES IN PRICE INDEX.

Commencing in 2009 and in every odd-numbered year thereafter, the monetary threshold amounts specified in Section 2, 3 and 4 of this Act shall be increased in the same manner and on the same schedule as set out in 2 U.S.C. §§ 441a(c)(1).