

Digital Free Speech Legislation

SECTION 1. Findings.

(1) Each person in this state has a fundamental interest in the free exchange of ideas and information, including the freedom to share and receive ideas and information;

(2) This state has a fundamental interest in protecting the free exchange of ideas and information within this state;

(3) The rapidly developing array of Internet and other interactive computer services available to individual Americans represents an extraordinary advance in the availability of educational and informational resources to our state's citizens;

(4) These services often offer users a great degree of control over the information that they receive, as well as the potential for even greater control in the future as technology continues to develop;

(5) The Internet and other interactive computer services have become a forum for a true diversity of political discourse and viewpoints, unique opportunities for cultural development, and myriad avenues for intellectual activity, and regulation of the Internet must support those activities;

(6) The Internet and other interactive computer services have flourished, to the benefit of all Americans, with minimal government regulation, which should be limited to prevent illegal activities like child pornography and human trafficking, to preserve the necessary societal benefits as provided by the Internet;

(7) Increasingly, Americans rely on Internet platforms and websites for a variety of political, educational, cultural, and entertainment services and for communication;

(8) When the government partners with any platform that censors constitutionally protected speech, it violates the first amendment rights of its constituents.

SECTION 2. Definitions.

As used in this chapter:

1. "Censor" means to block, ban, remove, deplatform, demonetize, deboost, restrict, deny equal access or visibility to, or otherwise discriminate against.
2. "Expression" means any words, music, sounds, still or moving images, numbers, or other perceivable communication.
3. "Governmental entity" means any unit of state or local government including, but not limited to, the governor, state agencies, counties, cities, towns, political subdivisions,

boards, departments, commissions, and special districts and includes all agents, contractors, and employees of any government entity.

4. "Business affiliation" means any company contracting with or doing business with the State of _____ or a government entity or receiving public funds through any means including contracts, grants, loans, or other disbursements of taxpayer money from the State of _____ or a government entity and includes all agents, contractors, and employees of any company.
5. "Company" means any corporation, limited liability corporation, nonprofit corporation, partnership, limited partnership, limited liability partnership, business trust, joint venture, domestic or foreign sole proprietorship, other domestic or foreign entity or business association, or any other business organization and includes any subsidiary or parent company of any business organization. "Company" includes private schools and universities and all other forms of business organizations.
6. "Discrimination" means a government entity, business affiliation, or any other public or private company subjecting a person to refusal to hire, failure to promote, reassignment with significantly different responsibilities, reduction in pay, significant change in benefits, or employment termination and also means refusal to allow any person to enter or patronize any establishment or business organization subject to this section on the basis of such person's exercise of constitutionally protected free speech.

SECTION 3. Allocation of Taxpayer Funds.

1. The State of _____, all of its government entities and business affiliations may not restrict any person from exercising liberty rights secured by the United States Constitution or _____ Constitution, including but not limited to exercise the First Amendment right of expression through Constitutionally protected speech.
2. The State of _____, all of its government entities and business affiliations are prohibited from allocating taxpayer money for any purpose to:
 - a. Any corporation or business entity
 - i. That runs a publicly available social network where legal, constitutionally protected speech is censored, or;
 - ii. That censors legally protected speech or political activity among their employees or users of their services.
 - b. Further, the state and subordinate governments shall divest all funds from corporation censoring free speech, including
 - i. Pension funds;
 - ii. Rainy day funds;
 - iii. Any other investment funds.
3. The State of _____, all of its government entities and business affiliations are prohibited from contracting with any corporations providing technical or other services that deny services on the basis of legally protected speech.
4. The State of _____, all of its government entities and business affiliations shall hold no account and shall permit no state finances to transact with financial institutions that blacklist customers on the basis of legal speech, constitutionally protected political activity or operating a legal business. This section includes:

- i. Banks;
 - ii. Payment processors; and
 - iii. Other financial institutions.
5. The State of _____ and all of its government entities may not enter into a contract or give a loan, grant, or any other disbursement of taxpayer money to a business affiliation that restricts any person from exercising the aforementioned constitutional rights or any other liberty right secured by the United States Constitution or the _____ State Constitution.
6. Any government contract for goods or services entered into or renewed by or on behalf of any government agency, must contain the following provisions
 - a. Allows for the termination of the contract at the option of the awarding entity if the contractor violates any provision of this statute.
 - b. Allows for the contractor to certify that the contractor will not discriminate against or blacklist any citizen or entity based on Constitutionally protected free speech.

SECTION 4. Enforcement.

1. The Office of Comptroller shall immediately establish a public reporting system for any entity in violation of this chapter.
2. The Comptroller shall investigate reports of violations to:
 - a. Determine their validity; and
 - b. If valid, determine whether the entity falls within the provisions of this chapter.
3. The Comptroller shall publish investigation findings naming companies found to discriminate based on Constitutionally protected speech.
4. Any contract signed with a company found to engage in this discrimination will be void.
5. A business affiliation violating this section materially breaches its contract with the State of _____ or government entity, rendering the contract voidable by the State of _____ or government entity.

SECTION 5. Construction and severability.

The provisions of this section shall be construed liberally to accomplish the policies expressed herein. The provisions of this section are severable. If any provision of this section or the application thereof is held invalid, the invalidity does not affect other provisions or applications of the section, which remain enforceable.

Effective date. This law is effective immediately upon its passage.