



Tanya Carley <Tanya.Carley@nrmc.org> on 11/01/2001 04:44:50 PM

To: internetnprm@FEC
cc:

Subject: Comment related to NPRM 2001-14



- comment.doc

Attn: Rosemary C. Smith,
Assistant General Counsel
999 E Street NW
Washington, DC 20463

RE: Federal Election Commission
11 CFR Parts 100, 114, and 117
Notice 2001-14, public comment

PURPOSE

The purpose of FECA is to restrict contributions of wealthy interests to influence federal elections and to require public disclosure of funds over specified amounts raised and spent to influence federal elections. This important interest must be balanced with the individual's right to unhindered freedom of speech.

INTERNET CAMPAIGN ACTIVITY BY INDIVIDUALS Proposed Section 117.1

The freedom of speech of an individual is of paramount importance, especially in the political arena. I would suggest that there are very few reasons to limit it in any manner in this arena and in the extreme case where it is necessary; it should be done only with extraordinary caution in purpose, and then only by the narrowest possible means.

The proposed rules §100.7(b)(4) and §117.1 attempt to clarify how individual Internet activity should be treated for purposes of FECA by defining when it is to be considered a volunteer exception as opposed to a contribution or expenditure. While most of the proposed rule 117.1 is broad enough to protect an individual's right to unburdened free speech, part of the rule is worrisome.

I suggest that the rule as proposed is not narrow enough to protect the individual's right to free speech in the political arena. The rule as proposed is against the purpose of FECA by burdening an individual's right to free speech by stipulating that no contribution or expenditure results *only* where the individual is using computer equipment, software, Internet services or Internet domain names that are personally owned by the individual. I do not see what this distinction adds to the rule except to be overly restrictive.

While computers are abundant across American households, there are still many households that do not own such equipment, nor have the means to, but may still want to post political statements, or create a political website. An individual can borrow the hardware and often Internet access is free even where the individual does not own the equipment. To enforce this rule, it would appear that if I loan my computer and access to the Internet to a friend who does not otherwise have access, for the purpose of posting her political support of, or opposition to a candidate, her actions would not be considered a volunteer exception, even though she has still not expended any money in favor of the candidate.

Similarly, many individuals only have access to the Internet through their employer. If an employee wants to post political statements after hours, using her employer's Internet related resources that point of access alone should not change the status of the activity from being a volunteer exception.

With the reduction of interest in politics by the community at large, when an individual does take action to become politically involved it should not be under threat of violating a distinction in an otherwise wisely protective rule when the distinction appears to have no other purpose. As long as the individual is speaking for him or herself and does not represent otherwise, it should not matter how the person accessed the ability to do so.

It seems that the reasoning behind the rule, other than to clarify the use of the Internet within the terms of FECA, is to recognize that it is generally very inexpensive, and often free, to post any information on the web for public access, and therefore the distinction that the individual must own the means of doing so seems unnecessarily limiting.

It should not matter what equipment, ISP or website the individual uses or who owns it. By putting that distinction in, the proposed rule has gone too far. It does not seem necessary to include this distinction, which could greatly limit the otherwise protective rule. It should not matter who owns the equipment, an individual should be free to express his or her political opinions by any means that they are able to access the Internet resources to do so.

Thank you for your attention,

Tanya L Carley
10716 Dayton Ave. N
Seattle, WA 98133