

Texas SB 5 violates the First Amendment, just like the recently enjoined Florida law.

Florida's new law to regulate online speech violates the First Amendment, per a preliminary injunction issued on June 30th by a Federal Court. Texas Senate bill SB 5 would suffer a similar fate if it were to become law.

Florida's Preliminary Injunction Decision should be taken as a warning:

Courts will not allow states to trample the First Amendment.

Does this bill..	Florida SB 7072	Texas SB 5
<i>...Target only a few businesses based on their alleged views?</i>	Yes	Yes
<i>...Regulate or otherwise affect how those businesses moderate content?</i>	Yes	Yes
<i>...Infringe or limit the First Amendment right to exercise private editorial discretion?</i>	Yes	Yes
<i>...Regulate based on content or viewpoint, a First Amendment protect right?</i>	Yes—Strict Scrutiny Applies	Yes—Strict Scrutiny Applies
<i>...Further a compelling government interest as recognized by the federal courts?</i>	No—Infringes free speech	No—Infringes free speech
<i>...Achieve any compelling government interest through narrowly tailored regulations?</i>	No	No
<i>...Survive intermediate scrutiny?</i>	No	No
<i>...Trigger equal protection analysis under the First Amendment?</i>	Yes—Arbitrary Distinctions Based on Size	Yes—Arbitrary Distinctions Based on Size
<i>...Clearly define key terms and provisions?</i>	No—Void for Vagueness	No—Void for Vagueness

Texas should not enact SB 5, since it would be enjoined as unconstitutional, just like the Florida law was on June 30th.

Oppose SB 5.