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**AFP KENTUCKY**

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**TO:** REPRESENTATIVE NIMA KULKARNI

**FROM:** MICHAEL CONWAY, AFP KENTUCKY

**SUBJECT:** AFP KENTUCKY POSITION ON BR13 2022

**DATE:** 8/5/2021

**CC:** AFP KENTUCKY STAFF

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Americans for Prosperity KY supports BR13, the Uniform Public Expression Protection Act. UPEPA allows judges to dismiss frivolous lawsuits designed to punish people for exercising their right to free speech early in the litigation process. By passing this legislation, Kentucky would join over twenty-five other states that have acted to protect the free speech rights of their citizens.

UPEPA allows judges to throw out complaints filed to intimidate individuals and deter them from speaking out in public forums, also known as SLAPP (Strategic Lawsuits Against Public Participation) suits. This threat of costly, long-term litigation has been used to silence whistleblowers, journalists, and political protestors across the country. Their use has increased dramatically with the rise of the internet and online forums. Examples include restaurant owners threatening defamation suits against customers who leave negative reviews on a website. Even sexual assault victims have been threatened with SLAPP suits in an attempt to silence them from going public. In sum, these cases are a legal form of cancel culture – they weaponize the legal system to target citizens for exercising their free speech.

Kentucky is in the shrinking minority of states that do not have an anti-SLAPP statute. Passing UPEPA would instead make Kentucky a leader on free speech issues. The bill incorporates legal mechanisms that have been tested in other states for the last two decades. It also reflects the model legislation recently drafted by the Uniform Law Commission, a group of expert legal academics and attorneys.

We should make it easier, not harder, for all Kentuckians to participate in civic life and exercise their First Amendment rights. Passing UPEPA will accomplish that noble goal and will:

- Allow judges to dismiss only meritless lawsuits that target constitutionally protected speech
- Require courts to adjudicate the suit within a reasonable period of time
- Allow judges to award attorney fees and costs to the victim of a SLAPP suit to deter frivolous litigation