

JUSTICE ABOLISHING CORPORATE KNEECAPPING ACT

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<http://www.house.mi.gov/hfa>

House Bill 5597 as introduced

Sponsor: Rep. Beau Matthew LaFave

Committee: Communications and Technology

Complete to 2-8-22

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5597 would create a new act, the Justice Abolishing Corporate Kneecapping Act, to require social media platforms to provide a method for users to identify as candidates, to prohibit a social media platform from willfully deplatforming a candidate, and to allow a candidate to bring a civil action for a violation of the act.

The bill would require a *social medial platform* to provide each *user* with a method by which the user may be identified as a *candidate*. A user could identify as a candidate beginning on the date he or she qualifies as a candidate and ending on the date of the election or the date he or she ceases to be a candidate. A user who elects to be identified as a candidate on the social media platform would have to provide sufficient information to allow the platform to confirm that the user is a candidate.

Social media platform would mean any information service, system, internet search engine, or access software provider to which all of the following apply:

- It provides or enables computer access by multiple users to a computer server, including an internet platform or a social media site.
- It operates as a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity.
- It does business in this state.
- It has more than 1,000 employees.

User would mean an individual who is domiciled in this state and who has an account on a social media platform, regardless of whether the person posts or has posted content or material to the social media platform.

Candidate would mean an individual who meets one or more of the following criteria:

- Files a fee, an affidavit of incumbency, or a nominating petition for an elective office.
- Is nominated as a candidate for elective office by a political party caucus or convention and whose nomination is certified to the appropriate filing official.
- Receives a contribution, makes an expenditure, or gives consent for another person to receive a contribution or make an expenditure with a view to bringing about the individual's nomination or election to an elective office, whether or not the specific elective office for which the individual will seek nomination or election is known at the time the contribution is received or the expenditure is made.
- Is an officeholder who is the subject of a recall vote.

- Holds an elective office, unless the officeholder is constitutionally or legally barred from seeking reelection or fails to file for reelection to that office by the applicable filing deadline.

A social media platform could not willfully *deplatform* a user during the period the user is identified as a candidate as described above.

Deplatform would mean the action or practice by a social media platform to permanently or temporarily delete or ban a user from the social media platform.

A user identified as a candidate could bring a civil action against a social media platform for a violation of the new act. A court would have to award a plaintiff prevailing in such an action damages of at least \$10,000 a day for each day a violation exists and reasonable attorney fees.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.