

HOUSE BILL NO. 5597

December 02, 2021, Introduced by Reps. LaFave, Allor, Markkanen, Griffin, Maddock, Berman, Bezotte, Meerman, Damoose and O'Malley and referred to the Committee on Communications and Technology.

A bill to require social media platforms to provide a method for users to identify as candidates; to prohibit certain actions of social media platforms; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "justice abolishing
2 corporate kneecapping act".

3 Sec. 2. As used in this act:

4 (a) "Candidate" means that term as defined in section 3 of the
5 Michigan campaign finance act, 1976 PA 388, MCL 169.203.

6 (b) "Deplatform" means the action or practice by a social

1 media platform to permanently delete or ban a user or to
2 temporarily delete or ban a user from the social media platform.

3 (c) "Social media platform" means any information service,
4 system, internet search engine, or access software provider to
5 which all of the following apply:

6 (i) Provides or enables computer access by multiple users to a
7 computer server, including an internet platform or a social media
8 site.

9 (ii) Operates as a sole proprietorship, partnership, limited
10 liability company, corporation, association, or other legal entity.

11 (iii) Does business in this state.

12 (iv) Has more than 1,000 employees.

13 (d) "User" means an individual who is domiciled in this state
14 and who has an account on a social media platform, regardless of
15 whether the person posts or has posted content or material to the
16 social media platform.

17 Sec. 3. (1) A social media platform shall provide each user a
18 method by which the user may be identified as a candidate. A user
19 may identify as a candidate beginning on the date the user
20 qualifies as a candidate and ending on the date of the election or
21 the date the user ceases to be a candidate. If a user elects to be
22 identified as a candidate on the social media platform, the user
23 must provide sufficient information to allow the social media
24 platform to confirm the user's qualification as a candidate.

25 (2) If a user is identified as a candidate under subsection
26 (1), the social media platform shall not willfully deplatform that
27 user during the period in which the user is identified as a
28 candidate.

29 Sec. 5. A user that is identified as a candidate may bring a

1 civil action against a social media platform for a violation of
2 this act. A court shall award to a plaintiff who prevails in an
3 action brought under this section damages of not less than
4 \$10,000.00 a day for each day that a violation exists and
5 reasonable attorney fees.