

1 **JOINT RESOLUTION ON INTERNET CENSORSHIP**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Travis M. Seegmiller**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This joint resolution of the Legislature calls for the Legislature to investigate the
10 censorship practices of online platforms and the potential for state action to address
11 those practices.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ calls for an investigation into the practices of online platforms in limiting free
15 speech, including:
- 16 • the current status of federal legislation and regulation pertaining to online
17 platform immunity;
 - 18 • the content moderation practices of online platforms; and
 - 19 • citizens' experiences of viewpoint censorship while using online platforms; and
- 20 ▶ calls for a legislative study that explores potential solutions to issues identified in
21 the investigation.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

27 *Be it resolved by the Legislature of the state of Utah:*



28 WHEREAS, according to the Executive Order on Preventing Online Censorship, issued
29 on May 28, 2020:

30 ▶ "The growth of online platforms in recent years raises important questions about
31 applying the ideals of the First Amendment to modern communications
32 technology";

33 ▶ "Today, many Americans follow the news, stay in touch with friends and family,
34 and share their views on current events through social media and other
35 platforms";

36 ▶ Social media platforms "function in many ways as a 21st century equivalent of
37 the public square"; and

38 ▶ "Tens of thousands of Americans have reported, among other troubling
39 behaviors, online platforms 'flagging' content as inappropriate, even though it
40 does not violate any stated terms of service; making unannounced and
41 unexplained changes to company policies that have the effect of disfavoring
42 certain viewpoints; and deleting content and entire accounts with no warning, no
43 rationale, and no recourse";

44 WHEREAS, Section 230 of the Communications Decency Act offers broad immunity
45 to Internet companies for hosting user-generated content and moderating content on their sites,
46 which has led to an inability to regulate the moderation practices of some of the largest
47 corporations in the world;

48 WHEREAS, members of both political parties have recognized that Section 230 of the
49 Communications Decency Act, which governs Internet use, is ripe for reform;

50 WHEREAS, the power of some online platforms to control the types of speech made
51 available to the public was recently made apparent in the January 2021 decisions of some
52 online platforms to suspend the account of the then-President of the United States;

53 WHEREAS, in January 2021, some online companies demonstrated their power to
54 make unavailable a social media platform that was used by millions of people; and

55 WHEREAS, free speech and diversity of opinion is critical to the strength, health, and
56 endurance of our American political system:

57 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah calls
58 for a legislative investigation into whether online platforms inhibit free speech, including:

- 59 ▶ the current status of federal legislation and regulation pertaining to online
60 platforms' immunity from liability with respect to their moderation practices;
- 61 ▶ the content moderation practices of online platforms; and
- 62 ▶ Utahns' experiences of viewpoint censorship while using online platforms.
- 63 BE IT FURTHER RESOLVED that the Legislature of the state of Utah calls for a
64 legislative study that explores:
- 65 ▶ whether state-level solutions exist to regulate the moderation practices of online
66 platforms;
- 67 ▶ options for policy development at the state level that would ensure all Utahns
68 the right to express their viewpoints on online platforms without fear of
69 censorship;
- 70 ▶ state spending in connection with online platforms that engage in online
71 censorship; and
- 72 ▶ the potential to encourage online platforms to become forums that enable the
73 open and robust sharing of political opinions and opposing viewpoints.