

1 SB223
2 209715-1
3 By Senators Elliott, Gudger and Barfoot
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 10-FEB-21

SYNOPSIS: There is no prohibition in existing law against social media websites deactivating user accounts of candidates for political office during an election season.

 This bill would prohibit social media websites from deactivating, restricting, cancelling, or otherwise discontinuing a candidate's access to or use of its resources during election season.

 This bill would provide for the recovery of civil penalties for violations.

 This bill would also require a candidate for political office to record, as a contribution to his or her campaign, the value of any endorsement or promotion of that candidate by a social media website.

A BILL
TO BE ENTITLED
AN ACT

1
2 Relating to elections; to prohibit social media
3 websites from restricting access to their services from a
4 candidate for political office during an election; to provide
5 for penalties and the recovery of penalties; and to require a
6 candidate for political office to record, as a contribution to
7 his or her campaign, the value of any endorsement or promotion
8 of that candidate by a social media website.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. (a) For the purposes of this section, the
11 following terms have the following meanings:

12 (1) CANDIDATE. The term as defined in Section
13 17-5-2, Code of Alabama 1975.

14 (2) SOCIAL MEDIA WEBSITE. An Internet website or
15 application through which a user creates, shares, and
16 interacts with content, including videos, still photographs,
17 blogs, video blogs, podcasts, instant or text messages,
18 e-mail, online services or accounts, or Internet website
19 profiles or locations.

20 (b) (1) Commencing with the 2022 election cycle, the
21 Secretary of State shall levy a daily administrative penalty
22 of one hundred thousand dollars (\$100,000) against any social
23 media website that deactivates, restricts, cancels, or
24 otherwise discontinues a candidate's access to or use of its
25 resources during an election. The daily imposition of an
26 administrative penalty levied pursuant to this subsection

1 shall cease upon the restoration of the candidate's user
2 privileges.

3 (2) Upon imposition of an administrative penalty
4 levied pursuant to this subsection, the Secretary of State
5 shall send the entity upon whom the penalty is being imposed
6 proper notification by certified mail of the imposition of the
7 penalty.

8 (3) An administrative penalty shall be paid to the
9 Secretary of State within 45 days of the date of the
10 imposition of the penalty. The Secretary of State, through his
11 or her attorney, may institute proceedings to recover any
12 penalties ordered pursuant to this section that are not paid
13 by, or on behalf of, the entity against whom they are levied
14 and may collect necessary fees and costs associated with the
15 collection action.

16 (4) All penalties collected by the Secretary of
17 State pursuant to this section shall be distributed to the
18 State General Fund.

19 (c) (1) If the Secretary of State determines that a
20 social media website has publicly endorsed or promoted a
21 candidate, the Secretary of State shall determine the value of
22 that endorsement or promotion and promptly notify the
23 treasurer of the candidate's principal campaign committee that
24 the value of the endorsement or promotion must be recorded as
25 a contribution in the subsequent report filed under Section
26 17-5-8, Code of Alabama 1975.

1 (2) Failure by a principal campaign committee to
2 timely report a contribution, as required under subdivision
3 (1), shall be deemed a violation of Section 17-5-8, Code of
4 Alabama 1975.

5 Section 2. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.