

By: Representative Bain

To: Judiciary B

HOUSE BILL NO. 725

1 AN ACT TO REGULATE SOCIAL MEDIA PLATFORMS IN ELECTIONS; TO
2 PROVIDE DEFINITIONS FOR; TO PROVIDE THAT A SOCIAL MEDIA PLATFORM
3 MAY NOT WILLFULLY DEPLATFORM A CANDIDATE FOR OFFICE WHO IS KNOWN
4 BY THE SOCIAL MEDIA PLATFORM; TO PROVIDE FINES FOR VIOLATIONS OF
5 THIS ACT; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** (1) The Legislature finds that:

8 (a) Social media platforms represent an extraordinary
9 advance in communication technology for Mississippians.

10 (b) Users should be afforded control over their
11 personal information related to social media platforms.

12 (c) Mississippians increasingly rely on social media
13 platforms to express their opinions.

14 (d) Social media platforms have transformed into the
15 new public town square.

16 (e) Social media platforms have become as important for
17 conveying public opinion as public utilities are for supporting
18 modern society.



19 (f) Social media platforms hold a unique place in
20 preserving first amendment protections for all Mississippians and
21 should be treated similarly to common carriers.

22 (g) Social media platforms that unfairly censor, shadow
23 ban, deplatform, or apply post-prioritization algorithms to
24 Mississippi candidates, Mississippi users, or Mississippi
25 residents are not acting in good faith.

26 (h) Social media platforms should not take any action
27 in bad faith to restrict access or availability to Mississippians.

28 (i) Social media platforms have unfairly censored,
29 shadow banned, deplatformed, and applied post-prioritization
30 algorithms to Mississippians.

31 (j) The state has a substantial interest in protecting
32 its residents from inconsistent and unfair actions by social media
33 platforms.

34 (k) The state must vigorously enforce state law to
35 protect Mississippians.

36 (2) For purposes of this act, the following words shall have
37 the meanings described herein:

38 (a) "Candidate" has the same meaning as defined in
39 Section 23-15-801.

40 (b) "Deplatform" means the action or practice by a
41 social media platform to permanently delete or ban a user or to
42 temporarily delete or ban a user from the social media platform
43 for more than fourteen (14) days.



44 (c) "Social media platform" means any website and/or
45 application that has a primary purpose of communication,
46 collaboration, social interaction and/or sharing user-generated
47 content through personalized web profiles. This definition shall
48 not be construed to mean electronic mail, short message service,
49 or other similar means of communication.

50 (d) "User" means a person who resides or is domiciled
51 in this state and who has an account on a social media platform,
52 regardless of whether the person posts or has posted content or
53 material to the social media platform.

54 (3) A social media platform may not willfully deplatform a
55 candidate for office who is known by the social media platform to
56 be a candidate, beginning on the date of qualification and ending
57 on the date of the election or the date the candidate ceases to be
58 a candidate. A social media platform must provide each user a
59 method by which the user may be identified as a qualified
60 candidate and which provides sufficient information to allow the
61 social media platform to confirm the user's qualification by
62 reviewing the website of the Secretary of State's office.

63 (4) Upon a violation of this act, the social media platform
64 may be fined Two Hundred Fifty Thousand Dollars (\$250,000.00) per
65 day for a candidate for statewide office and Twenty-five Thousand
66 Dollars (\$25,000.00) per day for a candidate for other offices.

67 (5) A social media platform that willfully provides free
68 advertising for a candidate must inform the candidate of such in



69 kind contribution. Posts, content, material, and comments by
70 candidates which are shown on the platform in the same or similar
71 way as other users' posts, content, material, and comments are not
72 considered free advertising.

73 (6) This act may only be enforced to the extent not
74 inconsistent with federal law and notwithstanding any other
75 provision of state law.

76 **SECTION 2.** This act shall take effect and be in force from
77 and after July 1, 2023.

