



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4475/1
KP&JK:amn

2021 ASSEMBLY BILL 590

September 30, 2021 - Introduced by Representatives SORTWELL, CABRAL-GUEVARA, BRANDTJEN, EDMING, HORLACHER, KNODL and KUGLITSCH, cosponsored by Senators ROTH, STROEBEL, FELZKOWSKI, NASS and DARLING. Referred to Committee on Government Accountability and Oversight.

1 **AN ACT** *to renumber* 19.579 (2); and *to create* 19.576, 19.579 (2) (b) and 20.935
2 of the statutes; **relating to:** prohibiting state agency employees, state elected
3 officials, federal government agency employees, and certain state individuals
4 holding a national office from influencing social media Internet sites to censor
5 users and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill prohibits state agency employees and state elected officials from influencing or attempting to influence a social media Internet site to censor, deplatform, or shadow ban users on the social media Internet site. The prohibition also applies to a U.S. senator or representative of congress elected to his or her office in this state and to federal government agency employees present in this state.

The bill defines “deplatforming” as deleting or banning a user from a social media Internet site for more than 60 days, and defines “shadow banning” as limiting or eliminating the exposure of a user, or content posted by or about a user, to other users. The penalty for each violation of the bill’s prohibitions is a forfeiture between \$1,000 and \$10,000.

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For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 19.576 of the statutes is created to read:

2 **19.576 Influencing social media Internet site prohibited.** (1) In this
3 section:

4 (a) “Censor” has the meaning given in s. 20.935 (1) (a).

5 (b) “Deplatform” has the meaning given in s. 20.935 (1) (b).

6 (c) “Shadow ban” has the meaning given in s. 20.935 (1) (c).

7 (d) “Social media Internet site” has the meaning given in s. 20.935 (1) (d).

8 (e) “User” has the meaning given in s. 20.935 (1) (f).

9 **(2)** (a) No state public official holding an elective office may influence or
10 attempt to influence a social media Internet site to censor, deplatform, or shadow ban
11 a user on the social media Internet site.

12 (b) No U.S. senator or representative in congress elected to his or her office in
13 this state may influence or attempt to influence a social media Internet site to censor,
14 deplatform, or shadow ban a user on the social media Internet site.

15 **SECTION 2.** 19.579 (2) of the statutes is renumbered 19.579 (2) (a).

16 **SECTION 3.** 19.579 (2) (b) of the statutes is created to read:

17 **19.579 (2) (b) 1.** A state public official holding an elective office shall be required
18 to forfeit not less than \$1,000 nor more than \$10,000 for each occasion that the official
19 influences or attempts to influence a social media Internet site in violation of s.
20 19.576 (2).

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1 2. A U.S. senator or representative in congress elected to his or her office in this
2 state shall be required to forfeit not less than \$1,000 nor more than \$10,000 for each
3 occasion that the senator or representative influences or attempts to influence a
4 social media Internet site in violation of s. 19.576 (2).

5 **SECTION 4.** 20.935 of the statutes is created to read:

6 **20.935 Influencing social media Internet site prohibited.** (1) In this
7 section:

8 (a) “Censor” includes any action taken by a social media Internet site to delete,
9 regulate, restrict, edit, alter, inhibit the publication or republication of, suspend a
10 right to post, remove, or post an addendum to any content or material posted by a
11 user. “Censor” also includes actions to inhibit the ability of a user to be viewable by
12 or to interact with another user of the social media Internet site.

13 (b) “Deplatform” means to delete or ban a user from a social media Internet site
14 for more than 60 days.

15 (c) “Shadow ban” means to limit or eliminate the exposure of a user, or content
16 or material posted by a user, to other users of the social media Internet site through
17 any means, regardless of whether the action is determined by an individual or an
18 algorithm, and regardless of whether the action is readily apparent to a user.

19 (d) “Social media Internet site” means an Internet site or application that
20 enables users to communicate with each other by posting information, comments,
21 messages, or images and to which all of the following apply:

22 1. The Internet site or application is available to the public.

23 2. The Internet site or application has more than 150 million users.

