

Testimony of Kouri Marshall

Director of State and Local Government Relations, Central US
Chamber of Progress
Kansas State Senate
Committee on Federal and State Affairs
Re: S.B. 50

February 1, 2023

Good morning Chair Olson and members of the Committee:

My name is Kouri Marshall and I serve as Director of State and Local Government Relations in the Central US for the Chamber of Progress, a tech industry coalition committed to ensuring all Americans benefit from technological leaps. Our corporate partners include companies like Google, but our partners do not have a vote on or veto over our positions.

We urge your committee to oppose S.B. 50. **This bill would allow offensive and harmful content to flourish in online communities.** While the bill's authors have attempted to limit its protections to political speech, the bill will force platforms to carry and publish all forms of dangerous and harmful speech.

That's because while the bill claims to allow removal of obscene, lewd, and harrassing speech, any user who has their content removed will be able to assert that their speech was in fact "political expression" and should be allowed under the bill.

By prohibiting platforms from implementing terms of service that allow them to "restrict, censor or suppress information, including political information and political expression," S.B. 50 effectively blocks services from taking action to remove unverified claims about elections, democracy, and public health. The bill would impose a false impartiality standard that would hobble platforms' constitutional freedom to remove or downrank QAnon conspiracies or self-harm instructions.

For example, under this bill, doxxing state and local elected leaders, harassing users with opposing views, organizing political insurrection, and spreading health

misinformation would all be protected as political expression, and online platforms would be forbidden from removing that content from their services. Further, the bill's definitions under Section 1(h) of what constitutes obscene, lewd, or harassing content are vague and overbroad, serving as a weak assurance for online users.

Under Section 1(h) the bill states that offending content that “taken as a whole, lacks serious literary, educational, artistic, political or scientific value” could be taken down by platforms. However, the term “value” in that definition lacks a clear standard and is entirely subjective.

While this bill seeks to limit platforms' ability to engage in online content moderation, voters have clearly expressed a preference for safer, healthier online communities. In a national poll commissioned by Chamber of Progress, 67% of voters said social media companies and online platforms should be able to block violent and offensive content.¹ In fact, a majority of voters want social media companies to do **more** to remove harmful content, not less.

Consumers have consistently shown that they are concerned with the amount of offensive content on social media and that they want platforms to be able to remove it.

Unfortunately, this bill would make the problem worse by tying platforms' hands in the fight against toxic, incendiary content.

If Kansas passes this bill, **it would turn social media into a wasteland of hate, hoaxes, and conspiracy theories.**

No one wants the Internet to become a cesspool of lies and hate. We urge you to listen to the concerns raised by voters and fellow lawmakers and reject S.B. 50.

Thank you.

¹ http://progresschamber.org/wp-content/uploads/2022/07/COP_Anti-Trust-Legislation_ANALYSIS_D2.pdf