

## Utah Gov. Spencer Cox vetoes controversial social media legislation

The issue is almost sure to return to the Legislature next year.

By Bryan Schott

<https://www.sltrib.com/news/politics/2021/03/23/utah-gov-spencer-cox/>

March 23, 2021, 5:48 p.m.

Gov. Spencer Cox issued the first veto of his young administration on Tuesday, nixing a controversial bill that aimed to put regulations on how social media companies moderated content.

[SB228](#) from Sen. Mike McKell, R-Spanish Fork, was the latest salvo in the cause celebre among conservatives following the permanent banning of ex-President Donald Trump from every social media platform after a mob of his supporters attacked the U.S. Capitol on Jan. 6. Conservatives have long complained that big social media platforms like Twitter and Facebook are biased and silence voices on the political right despite studies [showing those very outlets routinely having some of the biggest audiences online](#).

McKell's bill was rather milquetoast in comparison to other measures under consideration around the country. His proposal required social media companies to define how they moderate content and inform Utah users when their posts ran afoul of those policies. The proposal also mandated that those companies must provide an appeals process for users, and imposed a \$1,000 fine per instance if the Utah attorney general decided to take action against those companies.

In explaining the veto, Cox said he nixed the bill due to "technical issues."

"The sponsors of this bill have raised valid questions about the impact social media platforms can have on public discourse and debate," Cox said in a news release. "Our country continues to grapple with very real and novel issues around freedom of speech, the rights of private companies and the toxic divisiveness caused by these new forms of connection, information and communication."

McKell intends to revamp his legislation over the summer and bring a new bill to the 2022 session. He did not respond to a request for comment from The Tribune.

"I appreciate the commitment from stakeholders who have agreed to work with the Legislature to craft a better solution that will increase transparency within social media corporations," McKell said in the news release. "Censorship practices are un-American and likely unconstitutional. In Utah, we defend the right to freely express opinions and views, regardless of political or religious affiliation."

Opponents of the bill [warned lawmakers repeatedly during the just-completed 2021 session](#) that the bill was most likely unconstitutional. The government cannot force private companies to carry speech they don't want to. Experts also said the bill was moot as it was overridden by Section 230 of the Communications Decency Act which gives these platforms wide latitude about how they handle user-generated content. They also cautioned legislators the bill would almost certainly draw a legal challenge from those same social media companies.

McKell and other supporters argued social media platforms have become a defacto modern version of the town square, and censoring users is unfair. But, the First Amendment only protects individuals from government restrictions, it does apply the other way around.

Legislative leaders, however, appear eager to have that fight, even if it results in costly litigation for the state.

“Free speech is one of our most cherished American values and essential to democracy,” Senate President Stuart Adams, R-Layton, said in a prepared statement. “With the rise of social media, the issue of censorship has become increasingly prevalent, and the need for corporation transparency has proven necessary. Together as Americans, we must ensure the right to speak freely remains intact, and I look forward to addressing this issue in the near future.”

“Social media platforms have become the modern town square and users deserve clear guidelines for how they can appropriately express their opinions,” added House Speaker Brad Wilson, R-Kaysville. “As life online becomes an integral part of our daily routine, these issues will continue to merit the attention of lawmakers and we are committed to continuing our collaborative and transparent policy-making process.”