

# Government Administration and Elections Committee

## JOINT FAVORABLE REPORT

**Bill No.:** HB-6410

AN ACT ESTABLISHING A WORKING GROUP CONCERNING SAFE ONLINE

**Title:** PRACTICES.

**Vote Date:** 03/27/2023

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/20/2023

**File No.:**

***Disclaimer:** The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.*

### SPONSORS OF BILL:

Government Administration and Elections Committee

### REASONS FOR BILL:

This is an act that establishes a working group to address harassing, abusive, or threatening behavior on online social media platforms. The working group will assess and make recommendations related to addressing negative online behaviors and establishing guidelines for the reporting of online harassment of elected state and municipal officials. The group will consist of appointed members from various fields, including social media company standards, first amendment rights, law enforcement, civil liberties organizations, municipalities, and psychology with expertise in human impact. The executive director of the Freedom of Information Commission, the Chief State's Attorney, and the Attorney General will also be a part of the group. The working group will conduct at least one public hearing to solicit testimony from the public and submit a report on their findings and recommendations to the joint standing committee of the General Assembly not later than February 1, 2024. The act will take effect immediately upon passage.

### RESPONSE FROM ADMINISTRATION/AGENCY:

#### [State of Connecticut Judicial Branch, External Affairs Division:](#)

The Judicial Branch supports the important charge of this Working Group and would respectfully request that it be expanded to include judges and family support magistrates and include an appointment to the group by the Chief Court Administrator. Like legislators, state justices, judges, and family support magistrates take seriously their obligation to the rule of law. With such responsibility comes the necessity of having to make difficult decisions, where one party is certain to be upset by the outcome. We understand that being the target of

criticism comes with this responsibility, even if it is offensive or inaccurate. However, what is not part of the job are attempts to intimidate and/or threaten physical violence against judges for merely fulfilling their responsibilities. To that end we would request that the language in line 13 read: "state and municipal officials, judges, and family support magistrates that find a balance..." and that the Working Group also include "the Chief Court Administrator, or a designee."

#### **NATURE AND SOURCES OF SUPPORT:**

##### **L. Knopf:**

To clarify for L. Knopf, she/he does not offer support in censoring social media content in her/his written testimony but offers support of this bill (working group) as a way to gain some wisdom regarding the matter so that if/when decisions are made regarding the topic that it is done so having valuable information at hand. See written testimony for additional comments and explanation regarding her/his opinion.

#### **NATURE AND SOURCES OF OPPOSITION:**

##### **Kate Prokop, President, CTRAMM:**

Inherent in the right to live in free country is the right to protest. I've been consistently disparaged for my beliefs by elected officials in Connecticut. That is why I believe freedom is so important. The freedom to call out their bad legislation. The freedom to protest at the capitol and organize these protests online. The idea that you have to give up this freedom in order for society to function in the correct way is what some of these legislators in Hartford are pushing with 6410. You must give up your freedom for things to be inclusive and equitable and fair. The Lamont administration echoes this by saying all the right things and phrases but at the end of the day you're going to lose your ability to disagree with them openly in the public eye. Proposed Bill 6410 aims to limit constitutionally protected free speech online by demanding self-censorship from residents that have been gaslighted by elected officials for years. Freedom is not frivolous, and censorship is only called for when you are losing control of the narrative. We don't have to be nice; you don't have to like what we have to say, do your job - or leave." Kate also voices several concerns and opinions regarding the handling of controversial points (i.e., Covid 19 and vaccinations) by state and federal legislators, details of which can be read in her written testimony.

##### **Anne Manusky, M.Ed., President, CT Republican Assembly (CTRA):**

"This bill goes against Freedom of Speech, our First Amendment in the US Constitution: First Amendment - Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

And further enumerated in the Connecticut Constitution in Sections 4 and 5. - SEC. 4. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty. SEC. 5. No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

This is another bill that apparently was not reviewed by the Connecticut General Assembly lawyers for Constitutionality. Those in charge need to do much better! Troubling. Those aforementioned sponsors must have something to keep from the public sharing information - censoring - like was done with Twitter!

**Peter T. Szymonik, CT Chapter Representative, Family Civil Liberties Union:**

"There is no more important Amendment than the First Amendment. An Amendment specifically designed to protect the people against government abuses of power. An Amendment which guarantees not only free and open speech, but also guarantees and protects the right of protest, to challenge government, and to government hearing of grievances, in whatever form and forum presented.

HB-6410 represents state government thumbing its nose at the First Amendment. An abuse of government authority and power. Designed to silence dissent, and specifically dissent on social media. The Committee may wish to note that both the Second Circuit Court of Appeals and the Supreme Court of the United States ("SCOTUS") firmly established the government official's social media pages are extensions of their government offices. As such, they may not block or restrict free speech on their social media pages." See written testimony for additional comments and opinions on the matter.

**Cynthia Alina, social media blogger, CTRAMM:**

Two fundamental principles come into play whenever a court must decide a case involving freedom of expression. The first is "content neutrality"-- the government cannot limit expression just because any listener, or even the majority of a community, is offended by its content. In the context of art and entertainment, this means tolerating some works that we might find offensive, insulting, outrageous -- or just plain bad.

The second principle is that expression may be restricted only if it will clearly cause direct and imminent harm to an important societal interest." Cynthia raises several other points in her written testimony about her concern that this type of censorship violates the Constitution.

**Linda Alexander:**

"This bill promotes unconstitutional practices and violation of the first amendment. Elected officials take an oath to uphold the constitution, and this act promotes violation of that oath. We will oppose this bill at every level and take it to the courts if necessary."

**Danielle Audia:**

"We as Americans have this right, laid out for us in this country's constitution. Just because someone doesn't like something that someone else says does not mean that that person is wrong. We are individuals and have our own opinions, and that should never - absolutely never - be silenced. It is the job of elected officials to hear and listen to the concerns and ideas of their constituents, regardless of if their beliefs line up. Freedom of speech is on the line. Again, please OPPOSE proposed bill 6410 and preserve free speech for EVERYONE. Everyone has a voice. Everyone in Connecticut has a voice. Please don't silence us."

**Steven Bertolini:**

"I can't even believe that I have to point out that silencing, and threatening retribution by government officials, is a hallmark of a fascist and dictatorial regime. Bills like this have NO place in United State of America and show a disturbing trend in CT towards policies mirroring Nazi Germany. Stifling free speech, unconstitutional firearms laws, the state interfering in parental rights, are all abominations, and once again. Have NO place in this country."

**Danielle C:**

"I am completely against HB-6410. The First Amendment of the United States Constitution protects our freedom of speech. Freedom of speech is recognized as a human right under article 19 of the Universal Declaration of Human Rights. The right to freedom of speech allows individuals to express themselves without government interference or regulation. The Supreme Court requires the government to provide substantial justification for interference with the right of free speech when it attempts to regulate the content of the speech. A person cannot be held liable, either criminally or civilly, for anything written or spoken about a person or topic, so long as it is truthful or based on an honest opinion and such statements. Citizens of Connecticut have every right to interact with elected officials in our state! We are the "Constitution State" so our government should respect our freedom of speech!

**Nicholas Chirico:**

"This is a censorship program in the making and I don't even have social media. I personally think social media is a waste of time and feel bad for anyone who engages in this sort of waste of life. But if they do, I wouldn't want a censor committee choosing what they can and can't say. I oppose HB06410 on the grounds that people are mad talking back and forth to each other because milk is \$7/gallon. They don't need more surveillance. They need cheaper milk - like \$3 would kind of be okay. I don't agree with censoring anyone. Just cheaper milk. This is censorship sponsored by government. You are setting up a secret spy program. When we need cheaper milk programs to calm everyone down."

**Maureen Ciardiello, Taxpayer:**

" Bill 6410 aims to restrict our constitutionally protected free speech online by imposing self-censorship. I would like to remind our elected representatives that Sec. 5 of the Constitution of the State of Connecticut states, "No law shall ever be passed to curtail or restrain the liberty of speech or of the press". It seems of late that our state government is doing more and more to "monitor" the free people of Connecticut and forgetting their role as elected representatives to uphold the laws, statutes, rights and freedoms of the people who elected them, including freedom of speech. The fact that we have elected representatives supporting this bill is alarming and should indicate to the people of Connecticut something is very wrong. Our representatives are telling us, the citizens, we do not want you to have the freedom to say or write anything that you want. In other words, they either do not believe or do not respect the Constitution of the United States nor the Constitution of the State of Connecticut."

**Tax Paying Citizen:**

"For CT legislators that are elected and [note] funded by the CT citizens tax dollars to even compose a concept moreover pen a bill to censor a CT citizen for their beliefs / opinions is absolutely unconstitutional. Moreover, to attempt to jail and fine [again] a CT constituents' opinion is beyond a gross overreach. This attempt is classic abuse and intimidation. Freedom of speech is a protected constitutional right; it is literally the 1st amendment. Does CT really need another working group? where does the funding come from? who decides what is opinion / rebuttal / harassment? – all I see is a slippery slope and a removal of an innate right. There are already laws in place to protect CT citizens from harassment. How about focusing on CT high taxes, CT electric monopoly, CT gas prices, CT home heating oil..."

**Linda Dalessio, Taxpayer:**

"Our free speech is protected by the constitution and the first amendment. May I remind all of you that you work for us. If you don't like political speech based on your performance, that is unfortunate, however it is not illegal, nor should it be infringed on... We also have the right to: the press, (a free one, not one that is paid off by political parties) assembly, and the right to petition the Government for a redress of grievances. Who is protecting the citizens from hateful remarks from elected officials? As you all continue to chip away at our constitutional rights, I encourage all of you to look at your job descriptions and your duty to the constitution. It is not this."

**The following individuals submitted testimony in Opposition of HB-6410. Each cited reasons similar to those stated in the aforementioned testimonies:**

Kim Anderson	Bonnie C.	Scott C.
Kathryn Chester	Dennis Crowe	Jennifer Damon
Douglas Dauphiniee	Anthony De Angelo	Robyn DiNatale
Stanley Dutton	Debbie Esposito	Sally F.
Corey Finke	Tracy G.	Jacqueline Gaetano
Donna Gendron	Melissa Gibbons	Lisa Gordazeski
Tina Goisiker	Cheryl Graham	Stephen Gresch
Marissa Greenwood	Marsha Griffin	Heather Grimm
Louis Hedderman	Lois Hines	Miriam Irizarry
Cheryl Jacobson	Johnathan Johnson	Stephanie Johnson
Lisa Jolley	Joanna Kamis	Jean Kazan
Julie Kieras	Laura Krout	Karen Kupec

Marcela C. Kurowski	Jeffrey Landsberg	Rosemary Landsberg
Robert Lawrence	Alison Lukasik	Margaret Lynch
Karen Mann	Jason May	Christy Mccollum
Tracy McKeon	Colin McNamara	Toby Meisel
Danielle Milano	Tina Miller	Mary Nagy
David Nevin	Elizabeth Nolan	Mercedes Overcash
Germaine P.	James P.	Elaine Pacheco
William Parker	Jane Postovoit	Nick Postovoit
Michael Rapetski	Christine Rebstock	Alison Riley
Kim Riordan	Elizabeth Rogers	Christine Roland
John Sambitsky	Nikki Sambitsky	Susan Schroeder
Elena Sclafani	Gabrielle Sellari	Connie Sharp
Jennifer Sparks	Carolyn Stands	Mary Succow
Jennifer Sylvia	Shannon T., MSgt, Ret.	Mike Tamborrino
Bryon Turner	Carl Vassar	Stacey Walczak
Barry Wanokian	Ron Welkom	Linda Wood
Sarah Yaiser		

**In addition to the above listed, 40 anonymous written testimonies were submitted opposing this bill. Each cited reasons similar to those stated in the aforementioned testimonies**

**Reported by: Robert Mayne**

**Date: 03-27-2023**