HB4547

# 101ST GENERAL ASSEMBLY

# State of Illinois

# 2019 and 2020

## HB4547

Introduced 2/5/2020, by Rep. John Connor

## SYNOPSIS AS INTRODUCED:

10 ILCS 5/1A-60 new

Amends the Election Code. Requires a covered website that implements a politically biased algorithm to file a report with the State Board of Elections that includes the candidate, political party, or question the algorithm was design to promote or defeat and other information. Imposes a civil penalty on a covered website that fails to report. Allows the State Board of Elections to adopt rules necessary to implement the provisions.

A BILL FOR

1        AN ACT concerning elections.

2    **Be it enacted by the People of the State of Illinois,**

3    **represented in the General Assembly:**

4        Section 5. The Election Code is amended by adding Section

5    1A-60 as follows:

6        (10 ILCS 5/1A-60 new)

7        Sec. 1A-60. Online platforms.

8        (a) As used in this Section:

9        "Covered website" means an online social network or search

10   engine that has 50,000,000 or more unique monthly United States

11   visitors  or  users  for  a  majority  of  months  during  the

12   immediately preceding 12 months.

13       "Politically biased algorithm" means an algorithm that is

14   designed  to  promote  the  success  or  defeat  of  a  candidate,

15   political party, or position on a question at an election by

16   causing a user of a covered website to view campaign material

17   or other content that:

18           (1) favors a particular candidate, political party, or

19       position  on  a  question  more  frequently  than  campaign

20       material  or  content  that  favors  the  opposing  candidate,

21       political party, or position on a question; or

22           (2) disfavors a particular candidate, political party,

23       or position on a question more frequently than campaign

1    material or content that disfavors the opposing candidate,

2    political party, or position on a question.

3    (b)(1) A covered website that implements a politically

4  biased algorithm shall file a report with the State Board of

5  Elections within 7 days after implementing the algorithm.

6    (2) A covered website shall file an additional report on

7  every seventh day following the due date of the report required

8  under paragraph (1) covering the immediately preceding 7 days

9  if the covered website implemented a politically biased

10  algorithm during that period.

11    (c) Each report under this Section shall include:

12    (1) each candidate, political party, or question that

13    the politically biased algorithm was designed to promote or

14    defeat;

15    (2) the dates that the algorithm was in use;

16    (3) digital copies of the campaign material or other

17    content that the politically biased algorithm caused users

18    to view;

19    (4) the number of users exposed to campaign material or

20    other content generated by the politically biased

21    algorithm;

22    (5) any amount of money or other thing of value

23    received by the covered website from another person to

24    implement the politically biased algorithm; and

25    (6) any other information the State Board of Elections

26    requires by rule.

1        (d)(1)  The  State  Board  of  Elections  may  assess  a  civil

2   penalty  on  a  covered  website  that  fails  to  file  a  report

3   required under this Section in an amount not exceeding $50,000

4   for each violation.

5        (2) A civil penalty under paragraph (1) shall be:

6            (A)  assessed in the manner specified in Section 9-23;

7            (B)  deposited into the General Revenue Fund; and

8            (C)  the joint and several liability of:

9                (i)  the covered website; and

10                (ii)  the  person  exercising  direction  or  control

11            over the activities of the covered website.

12        (e)  The State Board of Elections may adopt rules necessary

13   to implement the provisions of this Section.