



# Digital Free Speech and Censorship Across the States: Legislation and Legal Actions, 2019–Present

September 2024





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# About this Report



liber-net is proud to publish this report on the status of free speech related legislation and legal actions across the 50 US states from 2019 to present. This report is the result of several months of legal and legislative research and serves as a condensed version of our detailed findings that can be found at <https://liber-net.org/states>. There you will find a full dive into all the relevant bills, legal actions, key policymakers, and partisan control of legislatures, governor’s mansions, and attorney general’s offices.

One of our core beliefs at liber-net is that the free expression of adult citizens is a sacred foundational principle that must also apply to the digital world. As such, we focus our efforts on protecting legal online speech, the restrictions on which would receive strict First Amendment scrutiny from a U.S. court of law.

This report takes an objective approach to laying out policymaking activity related to digital speech and content—whether it can be considered pro, anti, or neutral on free speech. Even among free speech advocates, the merits of individual policies often differ. Rather than take a position on each policy, our goal is to provide readers with information from which they can make their own assessments.

For example, a significant portion of the policymaking activity in this report relates to interventions in social media content regulation, limitations on the use of generative AI, and the requirement for social media and pornographic websites to use age verification to prevent minors from accessing their content. We understand that stakeholders in the free speech policy space often have strong disagreements about what constitutes free speech and censorship in these

However, we at liber-net are not objective when it comes to advocating for free speech. We believe, and openly acknowledge, that attempts to limit content falling under the unprotected speech categories—such as defamation, fraud, incitement, fighting words, imminent threats of violence, speech integral to criminal conduct, and child pornography—are not censorship. We have included bills cracking down on AI-generated child pornography in this report not because we view these bills as forms of censorship, but to advance the goal of understanding the overall landscape of digital content control.

## **About liber-net**

liber-net combats the emerging trend of digital authoritarianism and works to reestablish free speech and civil liberties as the norm for our networked age. Through journalism, research, media production, network-building, and campaigning, liber-net provides a platform to create alliances, expose civil society corruption, and foster open conversations.

We are driven by the urgent need to reject digital authoritarianism, and are committed to promoting human autonomy, dignity, and pluralism. We oppose systems of online censorship, their growing social acquiescence, and the accelerating surveillance regimes operating in and through information technology. The liber-net team comes from the progressive digital rights and public policy field, with decades of combined experience. We have a deep understanding of these issues and are working to connect with the many disaffected advocates in this space.



# Introduction



Dark clouds of digital censorship are rapidly descending over the West. A series of recent investigations has brought this censorship into sharper focus, from the [Twitter files](#) and hearings by the U.S. House Select Subcommittee on the Weaponization of the Federal Government, to Meta CEO Mark Zuckerberg's [recent letter](#) acknowledging and regretting that Facebook yielded to pressure from the Biden Administration to censor COVID-related content and suppress the Hunter Biden laptop story.

Over the past few years, a growing number of citizens have become familiar with the workings of the "Censorship Industrial Complex," particularly the roles played by the U.S. government and its intermediaries in academia and nongovernmental organizations (NGOs). This increasingly sophisticated censorship apparatus has blurred the lines between public authority and private enterprise, as current and former government employees coordinate with colleagues in Silicon Valley, major universities, and the ever-expanding network of think tanks, lobbyists, and advocacy organizations. This top-down suppression of organic expression is pushing modern society closer to authoritarianism.

While the groundwork for this mass perception-management system has been gradually laid over the past few decades, the triple threat of Trump, COVID, and the Russia-Ukraine conflict injected new levels of urgency and synchrony, as elites began to panic that their international narrative control apparatus was failing. However, in the years since, the widening gap between elite consensus and reality has opened fertile opportunities for new-media entrepreneurs, free speech advocates, and independent thinkers to build parallel systems for the popular dissemination of information—beyond the desperate clutches of the dying legacy media and its enforcers. The deceptive veil of "combating mis- and disinformation" [is beginning to fade](#). With trust in mainstream media and major institutions at all-time lows, a new generational alliance, freed from the partisan constraints of old, is pressing forward with growing momentum across multiple fronts.

America's founders deeply understood that the ability to freely express one's thoughts is a foundational element of human nature and thus an inalienable human right. To this day, the protections they enshrined in the First Amendment remain one of the best bulwarks against authoritarian censorship ever devised. This constitutionally protected right to unabridged speech is the envy of free-speech advocates worldwide, particularly as censorship regimes have steamrolled over other nations where individual rights and government limitations are not as strongly or explicitly codified. Thankfully, the guarantees in the First Amendment have

largely withstood the test of time and the censorious urges of craven politicians, even as their enforcement must often wait for the slow gears of the justice system to fully turn.

Recent high-profile legal decisions from the Supreme Court in *Murthy v. Missouri* and the combined *NetChoice* cases highlight the significant role that state governments can play in speech-related policymaking. The patchwork of pro- and anti-censorship policymaking occurring at the state level is an underappreciated and under-researched area, particularly in a constitutional federal republic like the United States. Across the 50 states, legislators, governors, and attorneys general are constantly at work—often outside the attention of the public and press—developing policies or launching suits that can have an equal, if not more, direct impact on the daily lives of Americans.

Although the power and size of the U.S. federal government vis-à-vis the states has generally grown over the course of the nearly 250-year republic, the national and global dominance of U.S. technology companies means that state-level policymaking can have wide-ranging impacts. When states, particularly large ones, implement policies, they are often, perhaps intentionally, shaping policy for the entire country, as businesses operating in multiple states often find it easier to comply nationally with the strictest state laws rather than maintain separate business practices in each state. This phenomenon, colloquially known as the “California effect,” along with the related legal doctrine of the “dormant commerce clause,” is not lost on state policymakers of either party, particularly those opposite the White House. It is often implicitly recognized when federal courts become the chosen venue for the litigation that follows.

U.S. Supreme Court Justice Louis Brandeis once said, “The states are the laboratories of democracy,” as these 50 legislatures, operating under their own state constitutions, often have more leeway than the U.S. Congress, which operates under the full constraints of the U.S. Constitution and its Bill of Rights. The strategies, ideologies, and processes of these bodies are as diverse as the nation itself, and following and making sense of all this decentralized policymaking can be an enormous challenge. The constant churn of legislation and legal actions across the country is often driven by fads, as hot-button issues fade in and out of the zeitgeist. These patterns are particularly noticeable in the digital policy space, where dozens of states are now pursuing similar bills relating to social media regulation, the use of artificial intelligence and “deepfakes” (particularly in political campaigns), and children’s internet use.

Accordingly, this new research project aims to bring clarity to this dizzying array of legal and legislative activity, with a particular focus on how state-level policymaking impacts digital free speech and expression. By mapping the current and emerging state of play, we aim to assist journalists and other stakeholders in better understanding and reporting threats to free speech, and to enable free speech proponents to better tune and target their advocacy efforts.



# Methodology

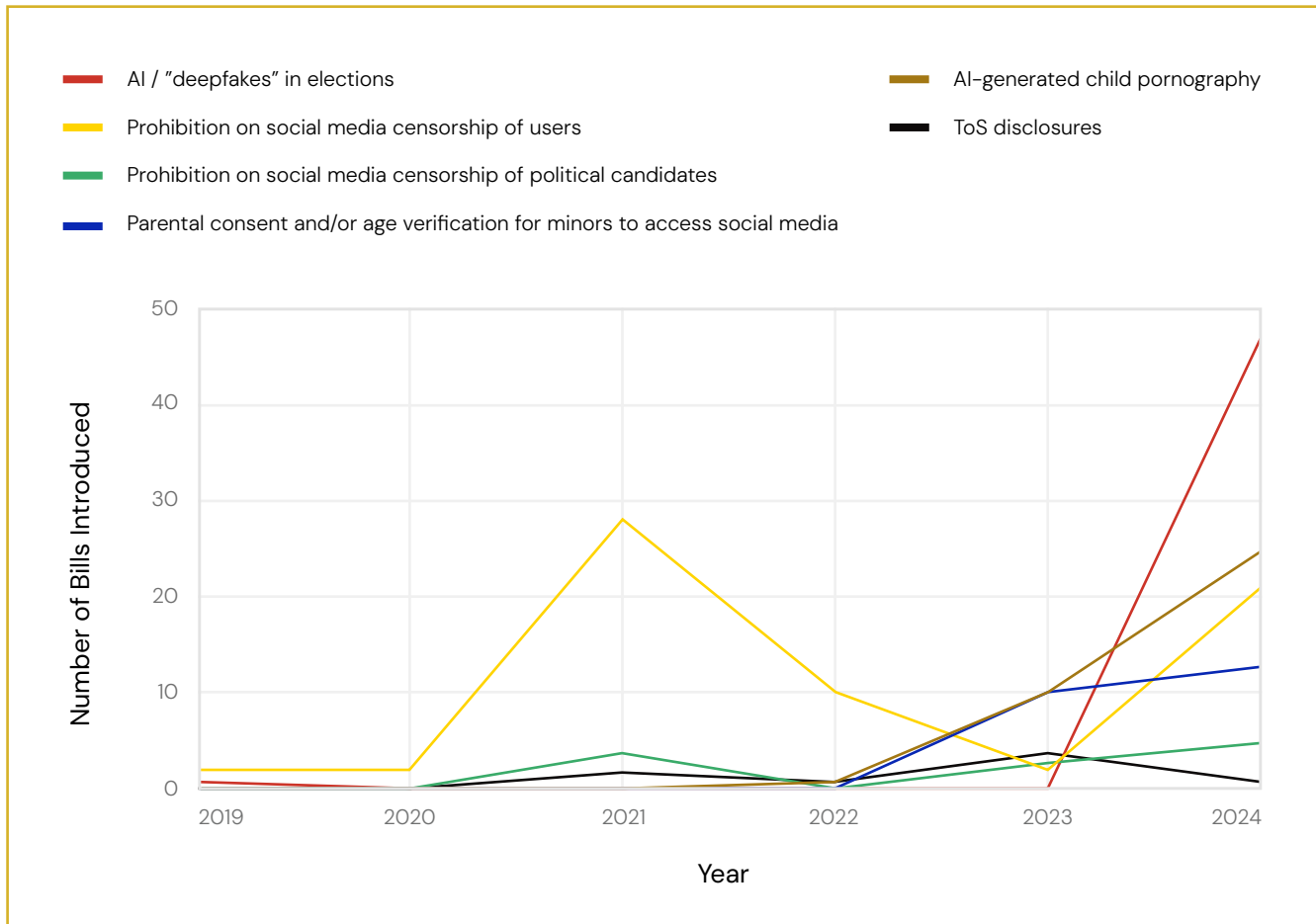
The LegiScan OneVote web tool was the primary method used for researching legislation. For each state, going back to 2019, the following search terms were used: “censorship,” “censor,” “artificial intelligence,” “social media,” “First Amendment,” “disinformation,” “misinformation,” “hate speech,” “free speech,” “freedom of speech,” “online speech,” and “digital speech.” Researcher discretion was then applied to select the most relevant bills. Information on the state, bill number, content, legislative sponsor(s), progress/status, issue area, partisan balance, and relevant dates were collected and entered into Airtable for analysis. For attorney general activity, the press release webpages for each attorney general were reviewed, and where accessible, the same search terms were used for the same time period and entered into Airtable.



# Nationwide Analysis



## Common Legislation



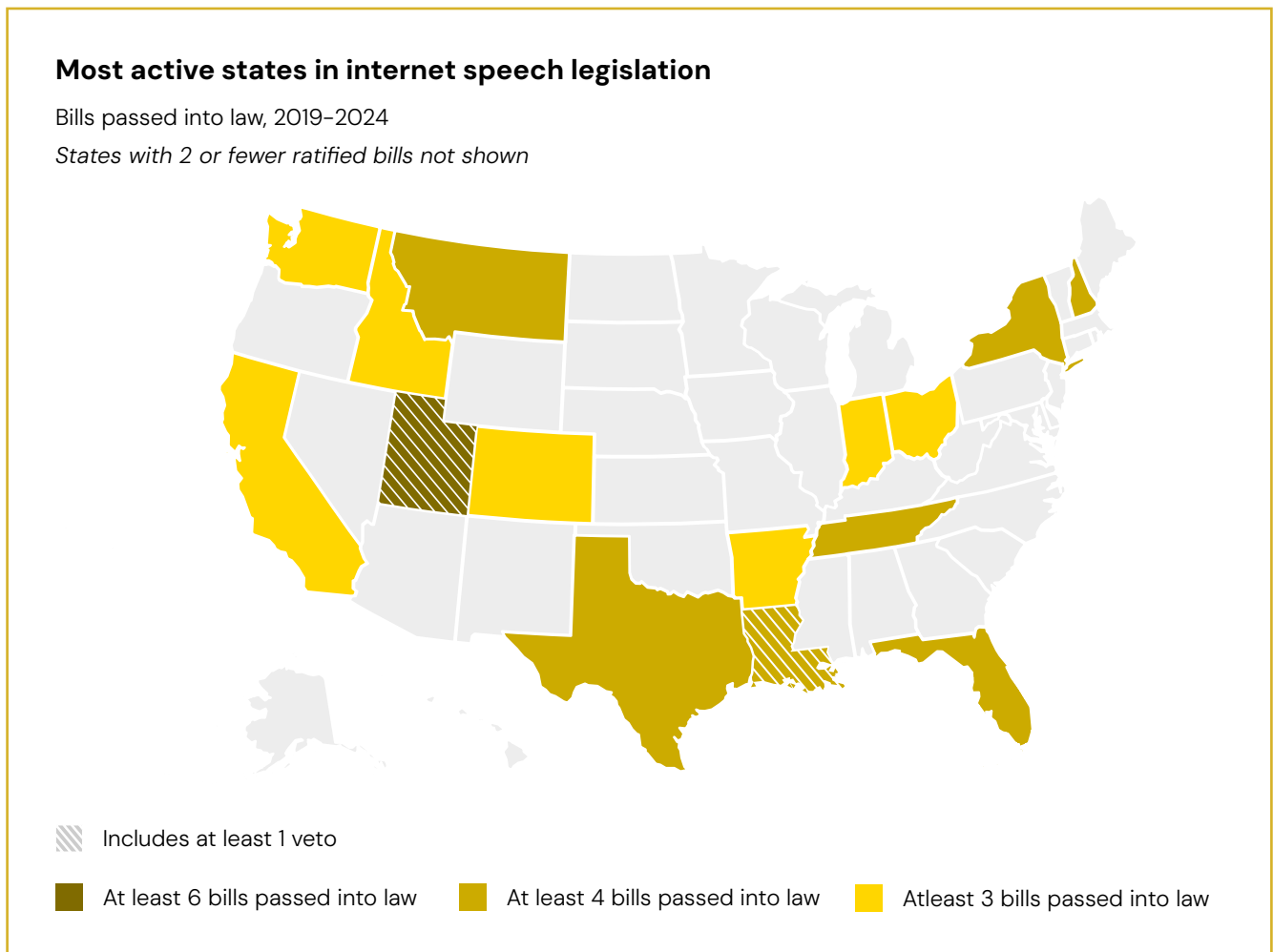
While all state legislatures operate independently from one another, they do not legislate in a vacuum. Policymaking tends to sweep across the country through various trends and phases, particularly in response to technological and political developments. As a result, we've seen multiple pieces of legislation, often written with very similar language, introduced across many, and sometimes a large majority of, U.S. states. While there is often a common interest group, or groups, with a nationwide scope working behind the scenes to advance these similar bills, these groups are rarely explicitly named in the legislative text or record. As it is beyond the scope and purpose of this initial research to identify and name such actors, we will simply describe some of

these common digital speech-related bills below. Since multiple versions of the same or similar bills are often introduced across single or even multiple legislative sessions, the counts below are by state, not by the number of individual bills:

- 1) **Banning or limiting the use of generative Artificial Intelligence (AI) and/or 'deepfakes' in election communications**, usually within 90 days of the election, unless a clear disclosure is used. Introduced in almost every state and the District of Columbia, and adopted in 14 states.
- 2) **Creating new criminal offenses for the creation, distribution, and/or consumption of AI-generated child pornography**. Introduced in at least 11 states; adopted in 6 states. Versions have passed both chambers in West Virginia and Pennsylvania.
- 3) **Requiring parental consent and/or age verification for minors to use social media**. Introduced in at least 29 states, 21 of which require the use of some form of age verification. Adopted in 11 states, several of which have been successfully challenged in court.
- 4) **Requiring age verification to access websites with content that is sexual in nature or harmful to children**. Introduced in at least 12 states; adopted in 8 states. Also passed both chambers in Arizona but was vetoed by the governor.
- 5) **Preventing social media companies from removing or censoring candidates for public office**, often by creating civil liability enforceable by either private action or the state's attorney general. Introduced in at least 12 states; adopted in Florida in 2021 but blocked by the Supreme Court in 2024.
- 6) **Preventing social media companies from removing, shadowbanning, or censoring users based on the nonviolent content of their expressions**, often by creating civil liability enforceable by either private action or the state's attorney general. Introduced in at least 37 states. Adopted in Texas and Florida in 2021 but blocked by lower courts and by the Supreme Court in July 2024.
- 7) **Requiring social media companies to publicly disclose their terms of service and/or content policies**. Introduced in at least 8 states; recently passed both chambers in New York, became law in California and challenged in court, and passed in Utah but vetoed by the governor in 2021.

## Most Active

For the purpose of defining “most active” in this section, we rank states based on the number of speech-related bills passed into law. Since 10 states have passed no speech-related laws recently, we ranked those as “least active” based on whether any such bills had made concrete progress by passing either chamber of the legislature. To remain as objective as possible, we include all relevant speech-related bills, whether they can be considered pro- or anti-free speech. The goal of this approach is to provide readers with objective information, allowing them to make their own decisions about the content of the legislation, which can be interpreted in different ways. For example, a large percentage of these bills relate to interventions in social media content regulation, limiting the use of generative AI, and requiring social media and adult content websites to implement age verification to prevent minors from accessing their content. We understand that stakeholders in the free speech policy space have disagreements, often strong ones, about what constitutes free speech and censorship, as evidenced by the slew of recent litigation on these subjects.

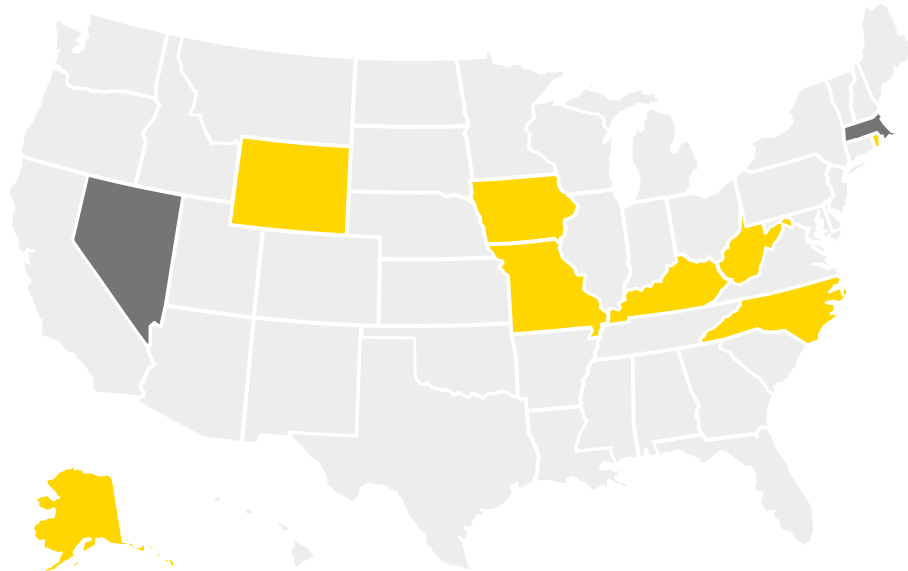


## Least Active

### Least active states in internet speech legislation

Legislative activity, 2019–2024

States with one or more ratified laws not shown



■ At least one bill passed at least one chamber    ■ No bills passed either chamber

## Common Legal Activity

The attorneys general across the 50 states often work together on their policy priorities, typically along party lines. These partisan coalitions usually take opposing sides on various legal issues of national importance, although recent bipartisan coalitions have formed to challenge large social media companies. With one or two attorneys general leading these efforts, many others—often dozens—will add their names. These collaborative actions tend to take several forms: defending laws passed by their legislatures from legal challenges, submitting amicus curiae briefs to the Supreme Court or other courts on contentious cases, writing letters to the CEOs of major social media companies and banks opposing certain corporate speech-related policies, and filing lawsuits against Meta, Google, and TikTok. Some notable examples are described below:

**Murthy v. Missouri and Associated Amicus Briefs** This collaborative effort to sue the Biden Administration for working with social media companies to censor critics of COVID policies was initiated by five individual plaintiffs and Missouri Attorney General Andrew Bailey. Former

Louisiana Attorney General and current Governor Jeff Landry joined the suit in 2022. Current Louisiana Attorney General Liz Murrill and Solicitor General Benjamin Aguiñaga [participated](#) in the oral arguments before the Supreme Court on March 18, 2024. [On February 9, 2024](#), Montana Attorney General Austin Knudsen led a coalition of 16 Republican attorneys general in an amicus brief to the Supreme Court supporting Missouri and the respondents. Joining him were the attorneys general from Alabama, Alaska, Florida, Georgia, Idaho, Iowa, Kansas, Nebraska, Ohio, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Arizona legislative leaders.

In December 2023, New York Attorney General Letitia James led a coalition of Democratic attorneys general from 21 other states plus the District of Columbia in an [amicus brief](#) supporting the Biden Administration and urging the Court to reverse the 5th Circuit’s 2023 decision, which ordered the federal government to stop pressuring social media to censor disfavored speech. Joining this Democratic effort were the attorneys general from Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, Pennsylvania, Oregon, Rhode Island, Vermont, Washington, Wisconsin, and D.C.

In June 2024, [the Supreme Court ruled 6–3](#) that the plaintiffs did not have a legal right (known as “standing”) to the preliminary injunction issued by a lower court, which blocked Biden Administration officials from communicating with social media companies. Siding with the Biden Administration’s argument that the plaintiffs had not shown their injuries were directly attributable to the government, the court’s majority cited the lack of any concrete link between the speech restrictions claimed by the plaintiffs and the conduct of government officials. Notably, the justices declined to opine on the merits of the First Amendment claim, merely holding that the plaintiffs had not shown they were directly censored because of government actions. Justice Samuel Alito dissented in an opinion joined by Justices Clarence Thomas and Neil Gorsuch, suggesting that the case could be “one of the most important free speech cases to reach the Supreme Court in years.” Since the Supreme Court’s ruling in *Murthy* was based on standing and not merits, it has returned to the lower courts for re-evaluation and further proceedings. However, in August 2024, a very similar lawsuit filed by Robert F. Kennedy Jr. prevailed on the standing question. In *Kennedy v. Biden*, U.S. District Judge Terry Doughty ruled that Kennedy and his organization, Children’s Health Defense (CHD), had provided sufficient evidence to establish standing by clearly demonstrating that they were censored by social media platforms due to requests from government officials.

### **Netchoice Challenges to Florida and Texas Social Media Laws, and Associated Amicus Briefs.**

Netchoice, a consortium of internet companies, led legal challenges to two similar laws passed in 2021—Texas (HB 20) and Florida (SB 7072)—that sought to regulate how social media companies moderate their users and content. Netchoice argued that the First Amendment protects their

decisions regarding which speech to disseminate or promote, much like it protects newspapers' editorial discretion over what appears in their pages. In defense of the laws, the attorneys general of Florida and Texas claimed that social media platforms serve as modern public squares, and their content moderation is comparable to a phone company monitoring calls and shutting off service based on conversation content. They further argued that social media platforms are ultimately attempting to avoid any form of regulation, contending that this stance, "if accepted, threatens to neuter the authority of the people's representatives to prevent the platforms from abusing their power over the channels of discourse."

The states argued that their laws do not implicate the First Amendment because they merely require social media platforms to host speech, which they contend is conduct, not speech, and therefore subject to regulation to protect the public. They emphasized that the platforms' business model relies on billions of users posting their speech, which is quite different from newspapers creating and publishing their own content.

Missouri Attorney General Andrew Bailey and Ohio Attorney General David Yost led a 20-state coalition of Republicans in filing a brief supporting the Texas and Florida laws. Joining them were the attorneys general of Alabama, Alaska, Arkansas, Iowa, Kentucky, Louisiana, Mississippi, Montana, Nebraska, New Hampshire, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, and Virginia, along with Arizona legislative leaders.

Meanwhile, New York Attorney General Letitia James led a coalition of 21 Democratic attorneys general in an amicus brief to the Supreme Court, supporting neither party. Taking a different, though not opposing approach, their brief defended the states' ability to regulate social media, stating that "social media platforms present significant, diverse, and ever-changing risks to Americans, especially younger generations... states have taken action to protect minors from the risks posed by social media, and to enforce data privacy and transparency requirements for platforms." The Democratic attorneys general urged the Supreme Court to recognize states' important interests in these areas and to avoid interpreting the First Amendment in a way that would immunize social media platforms from regulation. Joining this brief were the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, Hawai'i, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, Oregon, Rhode Island, Vermont, Washington, Wisconsin, and the District of Columbia.

In July 2024, the Supreme Court [unanimously overturned](#) conflicting decisions from two appeals courts and sent them back to the lower courts for reassessment. All nine justices agreed that neither appeals court had conducted a proper analysis of the facial First Amendment challenges, concluding that at least some content moderation decisions made by social media platforms are protected by the First Amendment. Much like the Murthy case, this decision did not result in a final, decisive ruling, leaving the future of this type of legislation uncertain.

**21-State Coalition of Republican Attorneys General in Support of National TikTok Ban.** [On August 5, 2024](#), Montana Attorney General Austin Knudsen co-lead a 21-state coalition urging the United States Court of Appeals for the District of Columbia to uphold the national TikTok divest-or-ban legislation that became law on April 24, 2024. This federal law bans TikTok in the United States unless ByteDance, TikTok's Chinese-owned parent company, sells its stake in the platform. In response, ByteDance and TikTok filed a lawsuit against the federal government. The attorneys general are asking the court to deny TikTok's petition, asserting that Congress has the power to act in this matter of national security and foreign affairs. Their letter claims that "TikTok poses significant threats to both national security and consumers' privacy by indiscriminately collecting user data that could be accessed by the Chinese Communist Party, a longstanding adversary of the United States. Additionally, TikTok's operations infringe upon Americans' right to privacy and promote harmful content to minors. Allowing TikTok to operate in the United States without severing its ties to the Chinese Communist Party exposes Americans to the risk of the CCP accessing and exploiting their data."

Montana Attorney General Austin Knudsen co-lead this amicus brief with Virginia Attorney General Jason Miyares, joined by the attorneys general of Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, New Hampshire, Oklahoma, South Carolina, South Dakota, Tennessee, and Utah.

**42-State Bipartisan Lawsuit Against Meta for Harmful and Addictive Features.** [In October 2023](#), 42 attorneys general across the country joined a lawsuit against social media company Meta in both federal and state courts, alleging that the company knowingly designed and deployed harmful features on Instagram and its other platforms to purposefully addict children and teens. The attorneys general asserted that Meta's business practices violated state consumer protection laws and the federal Children's Online Privacy Protection Act (COPPA). The federal complaint, joined by 33 states, claimed that Meta was aware of the harmful impact of its platforms, including Facebook and Instagram, and concealed the extent of the psychological and health harms suffered by young users addicted to its services. The complaint further alleged that Meta knew young users, including those under 13, were active on its platforms and knowingly collected data from these users without parental consent. In parallel, eight states filed similar complaints in their respective state courts.

These lawsuits are the result of a bipartisan, nationwide investigation led by the attorneys general of Colorado and Tennessee. Nearly all the attorneys general in the country have collaborated since 2021 to investigate Meta for providing and promoting its social media platforms to children and young adults. The multistate coalition that brought this complaint is also investigating TikTok's conduct on a similar set of concerns. States in the federal lawsuit are Arizona, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North

Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Virginia, Washington, West Virginia, and Wisconsin.

**19–State Letter from Republican Attorneys General to Chase Bank Urging it to Stop Discriminating Against Customers Based on Religious and Political Affiliation.** [On May 2, 2023](#), former Kentucky Attorney General Daniel Cameron led a coalition of 19 Republicans in sending a letter to JPMorgan Chase & Co. (Chase), urging the company to stop discriminating against customers based on their religious beliefs or political affiliations. In the letter, the attorneys general argued that Chase “has not extended its openness and inclusivity to everyone” and highlighted the company’s pattern of targeting and denying services to religious and conservative-leaning customers, such as the National Committee for Religious Freedom. The coalition also called for greater transparency in how the bank handles viewpoint diversity, urging Chase to “stop its religious and politically biased discrimination and start living up to its commitment to an inclusive society where everyone feels welcomed, equal, and included.”

Attorney General Cameron was joined by attorneys general from Alabama, Alaska, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Montana, South Carolina, Texas, Utah, Virginia, and West Virginia.

**17–State Republican Attorney General Letter Urging Google Not To Censor Crisis Pregnancy Centers From Search Results.** [On July 21, 2022](#), Virginia Attorney General Jason Miyares and Kentucky Attorney General Daniel Cameron led a multistate letter to Google, expressing concerns about political pressure encouraging the company to discriminate against crisis pregnancy centers in search results, online advertising, and other products like Google Maps. Fifteen other Republican state attorneys general signed onto the letter, pledging to investigate potential violations of antitrust laws and religious discrimination should Google succumb to this political pressure. Attorneys General Miyares and Cameron were joined by the attorneys general of Alabama, Arizona, Arkansas, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, Oklahoma, South Carolina, Texas, Utah, and West Virginia.

**20–State Republican Attorney General Letter to Biden Administration Opposing Disinformation Board.** [On May 5, 2022](#), Virginia Attorney General Jason Miyares, joined by 19 other Republican attorneys general, submitted a letter to Department of Homeland Security Secretary Mayorkas opposing the Biden Administration’s creation of a “Disinformation Governance Board.” They argued that the board represents an attack on the First Amendment and violates the constitutional freedoms that state attorneys general are responsible for defending. The attorneys general contended that the board would infringe upon citizens’ rights to express their opinions and disagree with the government, fostering self-censorship rather than protecting free speech. They also claimed that the board’s creation constituted federal overreach, lacking statutory authority, especially as Congress was actively debating the issue of



disinformation.

The letter stated, “The Disinformation Governance Board, by its very existence and almost certainly by design, threatens to enforce silence when Americans wish to express views disfavored by the Administration. It is, therefore, already chilling free speech and impeding the political process in Virginia and every other state. This is unconstitutional, illegal, and un-American. Unless you turn back now and disband this Orwellian Disinformation Governance Board immediately, the undersigned will have no choice but to consider judicial remedies to protect the rights of their citizens.”

Attorneys general from Alabama, Arizona, Arkansas, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, Texas, Utah, and West Virginia joined Attorney General Miyares’ letter.

**14-State Democratic Letter Facebook on Vaccine “Mis-and-disinformation.”** [In October 2021](#), Connecticut Attorney General William Tong led a coalition of 14 Democratic attorneys general urging Facebook to disclose whether members of the so-called “Disinformation Dozen” were granted “XCheck” protections to “evade enforcement and spread COVID-19 falsehoods and anti-vaccine misinformation” in violation of Facebook’s rules. In their letter to CEO Mark Zuckerberg, the attorneys general asked Facebook to disclose whether any members of the “Disinformation Dozen” had received XCheck whitelist protection. The attorneys general also requested information on the extent to which whitelisted content was deemed to be anti-vaccine and how many user complaints regarding such posts had resulted in their removal from the site, among other questions.

Attorneys general from California, Delaware, Illinois, Iowa, Maine, Massachusetts, Michigan, Minnesota, Maryland, Pennsylvania, Rhode Island, Vermont, and Virginia joined the coalition.

# Summary of All 50 States & DC



*More detailed information on legal and legislative activity for each state is available on our website.*

## Alabama

Solid-red Alabama has recently passed two speech-related bills into law with unanimous bipartisan votes. **HB 172** provides criminal and civil penalties for the distribution of materially deceptive media intended to influence an election. **HB 164** establishes age-verification requirements for the distribution of sexual material harmful to minors through certain adult websites, applications, and digital and virtual platforms; prohibits the retention of certain personally identifying information; and assesses an additional tax on the gross proceeds received through sales, distribution, memberships, subscriptions, and performances of material deemed harmful. **SB 10**, introduced in 2022, aimed to create civil penalties for Alabama residents who were censored on social media but died in committee later that year.

## Alaska

With a total of 60 lawmakers, the Alaska Legislature is the smallest bicameral state legislature in the United States. Alaska has a divided government where neither party holds a trifecta. The Republican Party controls the office of governor and the State Senate, while a multi-partisan governing coalition has controlled the Alaska House of Representatives since 2016. These coalitions primarily consisted of Democrats and independents after [2016](#), [2018](#), and [2020](#) elections; however, following the [2022](#) elections, they primarily consisted of Republicans. The Alaska Legislature has considered many similar bills to its Republican counterparts but has not passed any recent censorship-related legislation. The House has passed two speech-related bills in the 2024 session. **HB 254** creates civil liability for publishing or distributing pornography to minors on the internet, requires sites to use a commercially reasonable age-verification method to ensure that a person attempting to access the pornography is 18 years of age or older, and makes the websites liable to an individual for damages resulting from a minor accessing the pornography. **HB 358** creates a civil action for defamation when synthetic media is used in electioneering communications without a disclosure. Both bills are now being considered by the Senate. The House is also considering a bill to limit social media use by minors. **SB 214**, a bill to create civil liability for social media censorship, was introduced in 2022 but did not progress. In 2022, Attorney General Treg Taylor joined two multi-state Republican AG efforts to oppose the Biden Administration's mask and vaccine mandates, both of which were ultimately successful.

## Arizona

Arizona has become more of a swing state over the years and is now one of the few states with a Democratic governor and Attorney General alongside Republican control of both legislative chambers. This split has made it less likely for contentious legislation to become law. Recent bills to criminalize the use of “deep fakes” and require age verification for sexually explicit websites were passed by the legislature but vetoed by the governor. However, both parties came together to pass a new law, similar to those introduced in many other states, limiting the use of AI-generated deepfakes of candidates on ballots 90 days before an election.

## Arkansas

With total Republican control of government, Arkansas has passed new laws prohibiting employees of public schools and state-sponsored institutions of higher education from using a person’s preferred pronoun, name, or title without parental consent. It also prohibits state-supported institutions of higher education from limiting or restricting the expression of a member of the campus community in a campus forum based on the viewpoint of the expression or the reaction or opposition from listeners or observers. Additionally, Arkansas passed a landmark law requiring social media companies to use age verification and obtain parental consent for minors to create and use accounts; however, implementation of that law is currently on hold following a district court injunction.

## California

The largest state in the U.S. is also one of the most Democratic and has largely led, and mirrored, the actions of Democrats nationwide and the Biden Administration, particularly in using censorship to combat supposed “mis- and disinformation” related to elections and COVID vaccines. Attorney General Rob Bonta has been one of the most active Democratic attorneys general on these issues, leading multi-state amicus briefs and sending letters to social media companies demanding increased censorship. In 2021, the state passed laws to establish a so-called “State of Hate Commission” (**AB 1128**) and to require social media companies to post their terms of service and submit biannual reports to the Attorney General, which must include, among other things, information related to each social media company’s content moderation practices (**AB 587**). The latter bill survived a legal challenge from X but is currently on appeal. In 2022, AB 2273, the California Age-Appropriate Design Code Act, which creates a wide variety of child-protection requirements, was signed into law. It was challenged by Netchoice and initially blocked by a district court but was largely upheld by the 9th District Court of Appeals in August 2024. A major bill to regulate the development and use of advanced artificial intelligence (AI) models (**SB 1047**) advanced through the Senate and Assembly in late August 2024.

## Colorado

Colorado has transitioned from a purple to slightly blue state over the past few decades. As of 2024, Colorado's state government is firmly controlled by Democrats, holding a significant majority across both the executive and legislative branches. As a result, its state politics have come to resemble those of more traditionally Democratic states. **HB 1306**, passed in 2023, allows a state elected official or local elected official to restrict or bar an individual from using the private social media of the elected official for any reason, including bullying, harassment, or intimidation, at the elected official's discretion. The state also recently passed a law creating new regulations and penalties for using artificial intelligence (AI) and deepfake-generated content related to communications about candidates for elected office. In 2021, Attorney General Phil Weiser joined Attorney General Josh Shapiro of Pennsylvania [in a letter urging](#) Congress to explore legislation that would create a comprehensive framework to oversee and regulate the conduct of major social media companies.

## Connecticut

Much like its Democratic counterparts, the Connecticut legislature is considering legislation to limit the use of generative AI and 'deepfakes', particularly in election communications, combat online harassment, and require age-verification for minors to use social media. Following many of his Democratic colleagues, in October 2021, Attorney General William Tong led a pro-censorship coalition of 14 attorneys general pushing Facebook to disclose whether members of the so-called "Disinformation Dozen" were granted "XCheck" protections to evade enforcement and "spread COVID-19 falsehoods and anti-vaccine misinformation in violation of Facebook rules." However, a very strong anti-censorship bill [HB 6385](#), was introduced in 2023, which would prevent any state employees or officials from contacting a social media platform to lodge a complaint against an individual or group regarding content posted on such platforms. It was introduced by [Rep. Tom O'Dea](#) [R] but died in committee.

## Delaware

A small, longtime Democratic state and home of Joe Biden, Delaware has considered and passed many bills as other states, including recent bills limiting the use of generative AI and 'deepfakes' in elections and sexual material. A Senate Concurrent Resolution designating October 21-27, 2024, as "Free Speech Week" was introduced by [Sen. Eric Buckson](#) [R], passed the Senate unanimously and the House by a voice vote in June 2024.

## District of Columbia

As a non-state federal district, D.C. is governed by a Mayor, who acts as the chief executive, and a Democrat-dominated 13-member City Council, which functions as the legislative body. The

Mayor is responsible for the day-to-day administration of the city, while the Council passes local laws and oversees city operations. The Council includes a chairman, four at-large members, and eight members representing each of the city's wards. Recent speech-related activity is limited to [B 832](#) which requires all candidates, political action committees, political committees, and independent expenditure committees to include a disclosure if generative AI is used in any election materials. The bill, introduced by Councilman Charles Allen on June 5, 2024, has not yet progressed.

## Florida

Few states have turned red as quickly in recent years as Florida, under the leadership of nationally recognized Governor Ron DeSantis. In just the past few months, the state has passed new laws limiting the use of generative AI in political media and creating a statewide AI Task Force. The legislature also recently passed, with near-unanimous votes, a law prohibiting minors under 14 from having social media accounts and requiring 14 and 15-year-olds to obtain parental consent to create one. The law also mandates adult websites containing material "harmful to minors" to conduct age verification for every user. Netchoice, a trade association advocating for digital free expression and free enterprise, is likely to challenge this new law, as it did with similar laws in Arkansas and Ohio. Similarly, **SB 7072**, which prohibits social media platforms from willfully deplatforming a candidate for public office, passed largely along partisan lines in 2021 but was successfully challenged by Netchoice. In July 2024, the U.S. Supreme Court sent the case back to the lower courts to reconsider whether the law is facially unconstitutional under the First Amendment. Attorney General Ashley Moody is tasked with defending this law in court. In 2022, she joined a multi-state coalition of attorneys general in a letter opposing the Biden Administration's creation of a Disinformation Governance Board.

## Georgia

Once a deep red state, Georgia has moderated in recent years and was carried by Joe Biden in 2020 by a small margin. Its state legislature remains solidly in Republican control, although by slightly smaller margins than in the past, and a Republican has held the governor's office since 2003. The state has recently passed laws to require age verification and parental consent for minors to use social media and create criminal penalties for digitally altered sexual images of children. Other measures to limit the use of generative-AI in elections and limiting social media censorship have been introduced but not advanced. Attorney General Chris Carr has joined multi-state coalition efforts to push back on the Biden Administration on its Disinformation Governance Board and its threats to deploy the FBI nationwide to monitor parents' interactions with local school officials.

## Hawaii

As deep-blue as the waters that surround its islands, Hawaii has followed the path of many other Democrat-dominated states. It recently passed laws to limit the use of generative AI and deepfakes in elections. In response to the devastating fires in August 2023, a new law was passed removing the ability of the governor or a mayor to suspend electronic media transmission during a state of emergency or local state of emergency. However, it retained many other emergency powers, including forcible quarantine, mandatory evacuation, and shutting off utilities.

## Idaho

Deeply rural and Republican, Idaho has passed new laws creating a new misdemeanor for disclosing explicit synthetic media with malicious intent, addressing the use of “deepfakes” generated by artificial intelligence and other digital technologies in electioneering, and allowing parents to sue owners of websites with harmful content if they are accessed by minors. Another critical bill to prohibit large financial institutions from discriminating against customers based on a social credit score or their political or religious views has passed the House and is progressing through the Senate.

## Illinois

As a large, strongly Democratic state, Illinois’ legislature and attorney general often follow similar paths as their counterparts in New York and California. The state recently passed the Civil Liability for Doxing Act, which takes effect on January 1, 2024, after unanimous votes in both chambers. This law allows victims to recover damages and request “a temporary restraining order, emergency order of protection, or preliminary or permanent injunction to restrain and prevent the disclosure or continued disclosure of a person’s personally identifiable information or sensitive personal information.” It is the first law of its kind in the Midwest and is part of a push by the Anti-Defamation League (ADL) to pass similar laws at the state and federal levels. The ADL has helped similar laws pass in Maryland, Nevada, Oregon, and Washington. The state also recently passed [SB 1909](#), which prohibits crisis pregnancy centers from engaging in “unfair methods of competition or unfair or deceptive acts or practices.” However, this law was successfully challenged and blocked by a district court. In February 2023 [Sen. Rachel Ventura](#) [D] introduced [SB 2355](#), one of the most censorious bills in the nation, aiming to establish a so-called “Truth and Tolerance Commission” within the Department of Human Rights to censor and delegitimize so-called “hate speech.” Fortunately, the bill has not progressed since its introduction.

## Indiana

The solid-red Indiana legislature has passed several speech-related laws recently, including **HB 1190**, which strengthens free speech at state educational institutions, limits the use of generative-

AI and “fabricated media” in elections, and requires adult oriented website operators that display material harmful to minors to use age verification methods to prevent a minor from accessing it. The age-verification law was successfully challenged by operators of pornography websites and blocked by a district court.

## Iowa

The Iowa legislature has introduced a suite of bills similar to many other states, including proposals to require age verification for social media, restrict social media censorship, and limit the use of generative AI in election communications. However, none have yet become law.

## Kansas

Despite introducing a suite of bills to regulate social media, the use of generative AI, and other matters, so far only **SB 394**—a bill requiring the use of age-verification technology to access internet websites containing material harmful to minors—has become law. However, in 2022, both chambers unanimously passed [HCR 5030](#), a resolution “recognizing the growing problem of antisemitism in the United States and calling for the adoption of the International Holocaust Remembrance Alliance Working Definition of Antisemitism as an important tool to address the problem.”

Attorney General Kris Kobach has been one of the most aggressive Republican attorneys general in the country, filing numerous lawsuits and letters against the Biden Administration and its regulatory agenda on various issues, including Title IX, student loan cancellation, and energy policies. He has also sent letters to Bank of America and Pfizer on speech-related issues.

## Kentucky

With supermajorities in both chambers, Kentucky Republicans have dominated the state legislature. However, the governor’s mansion and attorney general’s office have recently or are currently occupied by Democrats, making for an interesting dynamic. The legislature has considered many bills similar to those in other states this term, including proposals to strengthen free speech protections on college campuses, limit social media censorship, prohibit the use of social credit scores, and require age verification for websites with sexual content. The only relevant bill to advance recently was an effort to limit the use of generative AI in elections, which passed the Senate in February. Former Attorney General Daniel Cameron and current Attorney General Russell Coleman have joined multi-state coalitions of Republican AGs on amicus briefs and have sent letters to Eventbrite and Chase Bank opposing censorship actions.

## Louisiana

Louisiana is a deep-red state with Republican supermajorities in both chambers. It has recently passed bills strengthening free speech on public college campuses, regulating minors' access to social media, creating a new crime for live-streaming criminal activity, and adopting a resolution condemning antisemitism on college campuses. A bill to limit the use of generative AI in elections was recently vetoed by the governor, making it one of the few such bills to fail this year. Former Attorney General and current Governor Jeff Landry played a major role in the *Murthy v. Missouri* social media jawboning case, which was recently sent back to the lower courts by the Supreme Court.

## Maine

Small and rural Maine has not taken up as many speech-related bills as other states, but it has been nonetheless productive, passing a new law to strengthen free speech for private-sector employees. Maine is also one of the most recent states to pass the Uniform Public Expression Protection Act, which protects the public's ability to engage in activities protected by the First Amendment without legal retaliation.

## Maryland

Solid-blue Maryland has considered many speech-related bills similar to those in other states and has recently made progress on efforts to protect student-organized demonstrations, require disclosures when AI is used on certain websites, and allow parents to monitor their children's online activity. The latter was signed into law in May 2024.

## Massachusetts

As one of the most Democratic states in the nation, Massachusetts has not introduced or passed much speech-related legislation in recent years compared to other states. Attorney General Andrea Campbell sided with the Biden Administration in *Murthy v. Missouri* and was herself the target of a Freedom of Information Act (FOIA) [request](#) from America First Legal, seeking information on the existence and number of law enforcement investigations launched in the Bay State regarding so-called "misinformation" or "disinformation."

## Michigan

Democrats control the governor's mansion and attorney general's office and hold small majorities in both legislative chambers in this purple state. Governor Gretchen Whitmer gained national notoriety for her particularly harsh covid measures, and Attorney General Nessel was aggressive in her censorship efforts surrounding vaccine and election information on social media. The



legislature has considered bills relating to AI-generated sexual images and restrict the use of generative AI in elections, the latter of which became law at the end of 2023.

## Minnesota

Minnesota's government is controlled by the Democratic-Farmer-Labor (DFL) Party, the state's equivalent of the Democratic Party. The DFL also occupies the governor's and attorney general's offices, with VP-nominee Tim Walz serving as governor. The DFL holds slim majorities in both legislative chambers. Of note, a 2017 law banned Minnesota State Colleges and Universities, as well as entities in the legislative branch, from entering into contracts that engage in discrimination against Israel or against persons or entities doing business in Israel. Several attempts have been made to repeal the law since then, but none have yet been successful. In the current legislative term, the state has passed a broad election reform bill that includes a provision creating the crime of using deepfakes to influence elections, as well as becoming one of the latest states to adopt the Uniform Law Commission's Uniform Public Expression Protection Act.

## Mississippi

Deep-red Mississippi has considered many speech-related bills as other states, including measures to protect expression on public college campuses, limit social media censorship, and the use of discriminatory nonfinancial criteria by financial institutions. Two recent bills have become law: [SB 2557](#) which limits the use of generative-AI in elections, and [HB 1126](#) which requires websites with content harmful to minors to use age-verification to prevent minors from accessing them.

## Missouri

Solid Republican Missouri has considered many pieces of speech-related legislation similar to other states, while also introducing some unique bills. These include measures to prohibit public institutions of higher education that receive state funds to censor a speaker based solely on the speaker's particular political persuasion, party affiliation, or viewpoint or ideology; prohibit the state, any agency, and any political subdivision from using public funds to conduct business with any social media platform, corporation, or bank that denies service or employment based on the individual or entity's protected speech, political activity, or legal business conduct; and the "Free Speech in Medicine Act." While none of these bills have become law, a bill to limit the use of generative-AI in elections recently passed the House.

Meanwhile, Attorney General Andrew Bailey was one of the major leaders against the Biden Administration for coercing social media companies to censor COVID-related information. *Missouri v. Biden* was a case where Missouri and Louisiana, along with other plaintiffs, argued that the federal government violated the First Amendment by pressuring social media companies to

cancel misinformation. After favorable rulings from lower courts, in June 2024, the U.S. Supreme Court ruled 6–3 against the plaintiffs, stating they lacked standing and failed to prove that social media platforms acted due to government coercion rather than their own policies.

## Montana

While only meeting every other year, Montana’s legislature churned through many free speech-related bills in 2023, many spearheaded by one of the three members of the Reiger family: father Sen. Keith Reiger, daughter Rep. Amy Reiger, and son Rep. Matt Reiger. Highlights include **SB 270**, which protects employee and job applicant rights to legal expressions of free speech, including posts made on social media. This bill stipulates that termination of an employee based on the employee’s legal expression of free speech, “including but not limited to statements made on social media,” is considered discrimination and is subject to wrongful discharge laws.

**HB 303**, the Medical Ethics and Diversity Act, provides protections for medical practitioners, healthcare institutions, and health care payer actions based on conscience by requiring that the state’s Department of Public Health and Human Services, or any other entity that grants licensure or certification, may not reprimand, sanction, revoke, or threaten to revoke a license, certificate, or registration of a medical practitioner for engaging in speech or expressive activity protected under the First Amendment, with limited exceptions.

Similarly, **HB 443** prohibits discrimination based on the free exercise of religion or the freedom of speech and expression in the real estate industry and other licensed professions or occupations. In 2021, the governor signed **SB 370**, which, in the wake of COVID, revised disaster and emergency powers laws, protected constitutional rights of speech, press, redress, and assembly during an emergency, clarified the limitations on government authority during an emergency, and provided means for civil relief. Despite his state’s small size, Attorney General Austin Knudsen has been a major national leader on many multi-state legal efforts combating various types of censorship.

## Nebraska

Nebraska’s unique unicameral legislature also eschews formal partisan affiliation. Despite this nonpartisan structure, the legislature tends to lean conservative, reflecting the broader political landscape of Nebraska. As of 2024, the majority of the 49 senators in the Nebraska Legislature are informally affiliated with the Republican Party, giving them considerable influence over the legislative agenda. Following other states, Nebraska recently passed a law requiring websites containing material harmful to minors to conduct age verification to prevent minors from accessing such content. Former Attorney General Doug Peterson was involved in several efforts to protect speech in 2022.

## Nevada

None.

## New Jersey

The legislature of the deep-blue Garden State has produced a high volume of speech-related legislation over the past year, though none have yet become law. Republicans have introduced measures to push back on social media content regulation by empowering citizens, political candidates, and the attorney general to bring lawsuits when accounts or content are removed, expanding freedom of expression on college campuses, and preventing financial institutions from denying services based on speech. With a strong majority, Democrats have introduced bills to expand academic freedom, require the adoption of anti-discrimination and anti-harassment policies and training by political candidates and committees, require age-verification for social media users, and create criminal penalties for the dissemination of certain intentionally deceptive audio or visual media within 90 days of an election. None of these bills have passed both chambers.

## New Hampshire

Despite its small population, New Hampshire has the largest legislature in the country, with over 400 seats in the House of Representatives alone. With an official motto of “Live Free or Die,” the state has long exhibited libertarian tendencies. In 2022, Governor Chris Sununu signed **HB 440**, which prohibits the suspension of civil liberties during a state of emergency, stating that “the power to make, amend, suspend and rescind necessary orders, rules and regulations to carry out the provisions of this subdivision in the event of a disaster beyond local control; provided that civil liberties shall on no account be suspended, nor shall the United States Constitution or the New Hampshire Constitution be suspended.” Recently, new laws related to AI and deepfakes have been signed, including **HB 1596**, which requires a conspicuous disclosure of intentionally deceptive artificial intelligence usage in political advertising within 90 days of an election, and **HB 1432**, which establishes that a person is guilty of a class B felony if they “knowingly create, distribute, or present any likeness in video, audio, or any other media of an identifiable individual that constitutes a deepfake for the purpose of embarrassing, harassing, entrapping, defaming, extorting, or otherwise causing financial or reputational harm” to the individual. The governor also signed **HB 1305**, which establishes procedures governing freedom of speech and association at public institutions of higher education. Unusually, 2023’s **HB 320**, a bill to strengthen free speech on social media, was introduced by a Democrat—one of the few cases in the U.S. where such legislation was not led by Republicans.

## New Mexico

Small, rural, and with a large Native American population, New Mexico recently passed a law, similar to those introduced in many other states, to limit the use of generative AI in elections.

## New York

As one of the largest and most Democratic states in the U.S., the New York State Assembly and Senate are among the most active legislatures in the nation. Over the past session, they have considered more than two dozen bills relating to free speech issues, including bills addressing so-called hate speech, the role of artificial intelligence in media production, social media use by minors, and speech concerning employees and college students. The Senate recently passed **SB 9450/AB 10103**, which requires the owner, licensee, or operator of a generative artificial intelligence system to conspicuously display a warning on the system's user interface that is "reasonably calculated to consistently apprise the user that the outputs of the generative artificial intelligence system may be inaccurate and/or inappropriate."

Both chambers passed **SB 895/AB 6789**, which requires social media companies to post their terms of service "in a manner reasonably designed to inform all users of the social media platform of the existence and contents of the terms of service," and to submit certain terms of service reports to the attorney general. Recently signed into law was **SB 4982/AB 6604**, which protects employee freedom of speech and conscience by prohibiting employers from coercing employees into attending or participating in "captive audience meetings" sponsored by the employer concerning the employer's views on political or religious matters.

Governor Kathy Hochul also recently signed the Stop Addictive Feeds Exploitation (SAFE) for Kids Act, which prohibits social media companies from providing children under 18 with "addictive feeds" without parental consent and requires social media companies to use commercially reasonable methods to determine user age. Another recent law that passed unanimously and was signed into law, **S 9678/A 10402**, requires certain notices and disclosures when AI-generated media is used in political communications.

## North Carolina

As one of the few states with Republican majorities in the legislature and Democratic executives, North Carolina has considered many speech-related bills over the past term. Most of these bills were introduced by Republicans, but none have yet become law. Bills introduced include

measures to strengthen free speech at public colleges and universities, combat social media censorship, and limit the use of generative-AI in elections. The latter bill has passed both the House and Senate, albeit in different versions. Following the lead of other Democratic attorneys general, Attorney General Josh Stein has joined multi-state coalition letters to Facebook and Twitter, urging the platforms to crack down on supposed hate speech and disinformation.

## North Dakota

Red, rural North Dakota has passed two speech-related laws over the past few years: [HB 1503](#), which requires adoption of free speech policies at institutions under the control of the state board of higher education, and [SB 2247](#), which prevents the teaching and training of “divisive concepts” related to race and sex at public colleges. Earlier this year, Attorney General Drew Wrigley joined many other Republican AGs in supporting the National Rifle Association’s successful Supreme Court case against the New York Department of Finance.

## Ohio

Despite flirting with swing-state status in recent presidential elections, the Buckeye State has had a Republican trifecta—where the governor’s office and both legislative chambers are controlled by Republicans—continuously since 2011. In the Ohio General Assembly, the Republican Party holds significant majorities in both chambers. As of the latest session, Republicans control the Ohio Senate with 26 seats to the Democrats’ 7. In the Ohio House of Representatives, Republicans have 67 seats compared to the Democrats’ 32. The state’s executive branch is also under Republican control, with Governor Mike DeWine, a Republican, in office since 2019.

Recently passed laws include a pair strengthening free speech on public colleges and universities and a provision in the 2023 budget act requiring social media sites to obtain verifiable consent from a parent or legal guardian before entering a contract with a child. Bills under consideration but not yet passed include measures to limit the use of generative AI and “deepfakes” in elections, and the Uniform Public Expression Protection Act. Attorney General Dave Yost has joined Republican-led efforts to push back against censorship, including supporting the plaintiffs in *Missouri v. Biden*.

## Oklahoma

Deep-red Oklahoma has recently considered bills to allow censored social media users to sue the platforms, require social media companies to publicize their algorithms and terms of service, limit social media use by minors, restrict the use of generative AI in elections, and create penalties for websites hosting harmful material, including child pornography, with age-verification requirements. The latter became law in April 2024. **HB 3188**, introduced in 2022 by Rep. Logan Phillips [R], would have prohibited the State of Oklahoma and any entity receiving state funds

from interfering with online free speech, but it did not progress.

## Oregon

As of 2024, the Oregon Legislature is controlled by the Democratic Party, though with somewhat narrow margins. This Democratic control reflects the state's recent history, as Oregon has maintained a Democratic trifecta—control of both legislative chambers and the governorship—for several years. However, recent elections have shown a more competitive environment, particularly in the House, where Republicans gained a few seats. The legislature recently passed **SB 1571**, a law requiring disclosure of the use of AI or similar technology in campaign ads. Other recently introduced bills address issues related to school libraries and curricula, as well as preventing vaccine passports. Attorney General Ellen Rosenblum has focused on combating so-called “hate speech,” which can often serve as a precursor to censorship.

## Pennsylvania

Known for its perpetual status as a ‘swing state’ in presidential elections, the Keystone State is one of the few in the nation with split party control of the legislature, with Republicans holding a 6-seat Senate majority and Democrats holding the House with a slim majority of two. As a result, legislation that passes on chamber often struggles in the other, with the exception of less controversial bills, such as those relating to child sexual abuse or limiting SLAPP lawsuits, the latter of which became law in June.

## Rhode Island

Democrats have long held near-total control over the government of the deep-blue Ocean State, with huge majorities in both chambers. However, its working-class roots give it a slightly more conservative and populist bent than the national party. Current bills under consideration include limits on the use of generative AI in elections and for the creation of explicit material, defining antisemitism in statute, and protecting employees’ free speech. In an unusual move, Democrats in 2021 introduced [H 5564](#), a bill that would prohibit certain social media companies from censoring users’ speech by either removing the user’s speech or using algorithms to prevent the user’s speech. Although it did not progress, this bill stands out among the hundreds reviewed in this research project, as similar bills introduced in other states were almost always led by Republicans.

## South Carolina

Deep-red South Carolina has recently considered bills to limit social media censorship, strengthen free speech on public college campuses, regulate the use of generative-AI, and prevent minors from accessing pornography websites, the latter of which recently became law. Attorney General Alan Wilson has also been an active participant in many speech-related AG coalition efforts and court cases occurring across the country.

## South Dakota

The Republican stronghold of South Dakota has recently progressed on legislation limiting the use of generative AI in elections, and criminalizing the use, possession, and dissemination of AI-generated child pornography, the latter of which recently became law.

## Tennessee

Like much of the American South, Tennessee's state government is firmly controlled by Republicans. Both the House and Senate feature Republican supermajorities, and Governor Bill Lee, along with Attorney General Jonathan Skrmetti, have led the charge on many conservative causes both within and beyond the state. Motivated by issues such as COVID-19, gender ideology, and gun-related censorship efforts from the Biden Administration, blue states, and social media companies, Tennessee Republicans have introduced legislation and joined lawsuits to protect online speech in these areas.

Large Republican majorities in both chambers have considered over a dozen relevant bills in recent years, including measures regulating generative AI, children's access to social media and websites with adult content, limiting social media censorship, and prohibiting financial institutions operating in Tennessee from discriminating in their provision of services based on a customer's exercise of religion, speech, and other categories.

Recently enacted laws include **SB 2668/HB 2163**, which specifies that, for the purposes of offenses involving the sexual exploitation of children, the term "material" includes computer-generated images created, adapted, or modified by artificial intelligence. The Protecting Children from Social Media Act will require age verification for social media users, and if the individual is a minor, the social media company must verify "express parental consent" for the minor to become an account holder. Passed in 2022, [SB 2290/ HB 2670](#), prohibits public institutions of higher education from conducting any mandatory training of students or employees if the training includes one or more divisive concepts. It also prohibits discrimination against students or employees based on their refusal to assent to such concepts and prevents institutions from

requiring them to reveal or endorse a specific ideology or political viewpoint to be eligible for hiring, tenure, promotion, or graduation.

Meanwhile, Attorney General Jonathan Skrmetti has led a coalition of state attorneys general in demanding that U.S. Attorney General Merrick Garland respect the First Amendment rights of individuals who criticize irreversible transgender treatments for minors. He has also joined several multi-state coalitions of Republican AGs on various speech-related issues.

## Texas

Once considered among the reddest of red states, Texas has inched closer to purple in recent years, although Republicans retain solid control of the state government. Under the leadership of Governor Greg Abbott and Attorney General Ken Paxton, Texas has taken a leading role in opposing censorship efforts from the Biden Administration and social media companies while passing laws to limit the use of social media by minors and preventing social media companies from deplatforming users for political reasons. Attorney General Paxton is among the most aggressive attorneys general in the country, known for leading multi-state lawsuits against the policies of the Obama and Biden administrations and wading into culture war battles. Paxton has sued the Biden administration around 50 times on various issues.

In 2021, the Texas state legislature passed Texas House Bill 20, a statute to govern content moderation of social media companies with more than 50 million users. After the bill was passed, NetChoice and the Computer & Communications Industry Association (CCIA) sued Paxton in federal court to block its enactment. On December 1, 2021, the U.S. District Court for the Western District of Texas granted a preliminary injunction against the enforcement of the law. An appeals court, later joined by the Supreme Court, which combined NetChoice's challenge to a similar Florida law, agreed with the lower court's decision and remanded it for reconsideration. More recently, Texas has passed laws expanding child pornography legislation to include AI-generated material and creating criminal offenses for the use of AI-generated media in political communications without disclosure

## Utah

Republican-dominated Utah has been producing and passing several relevant bills over the past two years. Earlier this year, **SB 149**, the Artificial Intelligence Policy Act, was passed into law. It establishes liability for the use of artificial intelligence that violates consumer protection laws if not properly disclosed, creates the Office of Artificial Intelligence Policy and a regulatory AI analysis program, enables temporary mitigation of regulatory impacts during AI pilot testing, establishes the Artificial Intelligence Learning Laboratory Program to assess technologies, risks, and policy, requires disclosure when an individual interacts with AI in a regulated occupation, and



grants the office rulemaking authority over AI programs and regulatory exemptions. The law also requires synthetic media generated with artificial intelligence and intended to influence voting to contain a disclaimer. Last year, Governor Spencer Cox signed the Utah Social Media Regulation Act, one of the first laws requiring age verification for social media use. This sweeping law, which passed with large bipartisan majorities, also requires minors to get parental consent to sign up for social media apps and mandates that tech companies give parents access to their children's accounts and private messages. However, **SB 228**, a bill to regulate how social media companies manage content, was vetoed by Governor Cox following pushback from the tech industry after passing both chambers in 2021.

## Vermont

Long known as a bastion of New England liberals, the Green Mountain state recently passed a law to protect employee free speech rights. The legislature has also considered bills regulating social media and limiting the use of generative-AI.

## Virginia

The Commonwealth of Virginia remains a purple state with a split between control of the General Assembly and the governor and attorney general's offices. In the Virginia Senate, Democrats hold a narrow majority with 21 seats out of 40. In the House of Delegates, Democrats have secured at least 51 out of 100 seats, flipping control from Republicans in their most recent odd-year election. In 2019, [Del. Mark Cole](#) [R] introduced one of the nation's first social media anti-censorship bills, but it did not become law. More recently, the General Assembly has considered several measures to regulate and limit the use of AI and 'deepfakes,' limit social media use by minors, and define anti-semitism in statute, only the last of which became law. Meanwhile, Republican Attorney General Jason Miyares has joined and led several nationwide efforts against Big Tech and the Biden Administration.

## Washington

Washington State's government has a clear Democratic majority across its legislative and executive branches. In the state Senate, Democrats hold a 29-20 majority, while in the House of Representatives, they maintain a 58-40 majority. Recently passed laws include measures to protect employee freedom of speech in the workplace, place limitations on SLAPP lawsuits, and create new criminal penalties for creating, possessing, or viewing AI-generated child pornography. Other bills introduced but not yet passed include measures to add free speech protections and workshops on college campuses, protect the right of public sector employees to pray, and limit the governor's emergency powers. A particularly alarming proposal is [HB 1333](#), which would create a Domestic Violent Extremism Commission that would, among other roles, work to "combat misinformation." The bill has been introduced twice but has not yet progressed.

## West Virginia

This small, deeply red state legislature has considered a large number of speech-related bills recently. The House recently passed **HB 5516** to prohibit the use of “deepfake” images for the criminal invasion of privacy or the unlawful depiction of nude or partially nude minors or minors engaged in sexually explicit conduct, and **HB 4963** to limit the use of AI-generated media during political campaigns. The House also recently passed **HB 4191** to “provide equal opportunities for all candidates and political parties to speak without policy or partisan-based censorship” by modifying the requirements imposed on social media companies to “prevent corruption and provide transparency” of election-related content.

## Wisconsin

The partisan balance of Wisconsin’s government in 2024 reflects its highly competitive political landscape. The state is divided with a Republican-controlled legislature and a Democratic governor and attorney general. Recently introduced speech-related legislation includes measures to limit social media censorship, protect free speech on public college campuses, limit the ability of minors to access social media, and limit the use of generative-AI in elections and instant messaging “chatbots” unless disclosures are used, the last of which became law. A particularly strong bill introduced and died this year was [AB 894](#), which would have prohibited state agency employees and elected officials from influencing or attempting to influence a social media site to censor, deplatform, or shadow ban users. The prohibition also would have applied to U.S. senators or representatives and to federal government agency employees present in the state.

## Wyoming

Red, rural Wyoming has considered several speech-related bills over the past few years, but none have become law. These proposals included bills to prevent financial institutions from using social credit scores, ESG scores, or other discriminatory nonfinancial criteria, limit social media censorship and access by minors, and limit the use of generative-AI.

# Conclusion



Our research, as summarized in this report, has shown that pro- and anti-censorship efforts do not always align neatly along partisan lines, particularly as policymakers react to global events. Ultimately, the most important factor is the tenacity and determination of state-level policymakers, particularly attorneys general. Compared to legislators, attorneys general operating under their own authority can act swiftly and decisively, unencumbered by legislative procedures, partisan disagreement, and episodic scheduling. Since COVID-19 and the contentious 2020 election, we have seen a growing coalition of aggressive Republican attorneys general sending letters and bringing dozens of lawsuits against the Biden Administration and its allies. Many of these cases relate to digital freedom of speech, the line between coercion and censorship, “de-banking,” and the role of content moderation by large social media platforms.

Over the last few years, Republicans have largely led the charge against digital censorship efforts from the federal government and “Big Tech,” but this trend is dissipating as national and international events unfold. While a handful of Democratic legislators have introduced or co-sponsored legislation that could be deemed as protecting free speech, most have instead prioritized censorious efforts to curb “misinformation,” “disinformation,” and “hate speech.”

Meanwhile, less contentious legislation to curb the use of generative AI or “synthetic media,” particularly in election communications, limit children’s use of social media, and require age verification for websites with adult and/or sexual material has passed with large bipartisan majorities in most states where it has progressed to floor votes. Bipartisan coalitions have also assembled to sue Meta and TikTok for their use of addictive features, particularly those targeted at minors, and to support the recent federal law requiring divestment from TikTok’s Chinese parent company.

The 1925 Supreme Court decision in *\*Gitlow v. New York\** incorporated and applied the First Amendment’s free speech clause to all state governments equally to the federal government. Nonetheless, the wide spectrum of powers granted by the unique constitutions of each state to their respective governments creates an abundance of options for state officials to pursue, whether they aim to expand or limit free speech. Perhaps most importantly, this complex governing ecosystem can make it challenging to understand all the free speech threats and opportunities emanating from so many separate state initiatives. We hope this research effort will help bring some clarity to this intricate maze of federalism at a time when free speech faces extraordinary threats across the globe.



## About liber-net

**liber-net** combats the emerging trend of digital authoritarianism and works to reestablish free speech and civil liberties as the norm for our networked age. Through journalism, research, media production, network-building, and campaigning, liber-net provides a platform to create alliances, expose civil society corruption, and foster open conversations.

We are driven by the urgent need to reject digital authoritarianism, and are committed to promoting human autonomy, dignity, and pluralism. We oppose systems of online censorship, their growing social acquiescence, and the accelerating surveillance regimes operating in and through information technology. The liber-net team comes from the progressive digital rights and public policy field, with decades of combined experience. We have a deep understanding of these issues and are working to connect with the many disaffected advocates in this space.



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