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JOINT STANDING COMMITTEE ON THE JUDICIARY

Testimony of Shenna Bellows, Secretary of State
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Testifying in opposition to L.D. 1742 “An Act to Prohibit a State Social Media Platform Account from Restricting User Comments”

Senator Carney, Representative Kuhn and Members of the Joint Standing Committee on the Judiciary, my name is Shenna Bellows, I live in Manchester, and I am the Secretary of State. I am testifying in opposition to L.D. 1742.

Public communications, including on social media, serve a variety of purposes. For the Department of the Secretary of State, the most important purpose is getting accurate information out to Maine residents and voters. Unfortunately, social media algorithms reward fiction and sensation over fact. The engagement rewarded by the algorithms is engagement that shocks and angers – engagement that is often false or indeed manufactured by bots designed to clog feeds and spread disinformation. Given the importance of the many divisions of work in the Department – including IDs and driver licenses; corporate filings; our state’s founding documents; vehicle titles; and our state’s free, safe and secure elections – having our social media sites be a host to misstated, downright false or even malicious content goes against the purpose of having the sites to begin with. For this reason, we do not allow comments on sites such as Facebook. We treat social media states much as a modern version of a website – to share information. Any member of the public has the benefit of being able to trust that information on our social media accounts is accurate and timely, and they can contact us with opinions or questions anytime including via our social media messenger accounts.

L.D. 1742 would prevent such a policy from being in place and would force this Department and other governmental entities to weigh the benefits of having social media sites at all. The research demonstrates that false information is sticky in our brains. According to Art Markman, a Professor of Psychology and Marketing at the University of Texas, “The best way to avoid the negative effects of fake news is to keep from being exposed to it.”

Rather than fostering a more open government, L.D. 1742 would likely have the opposite effect as institutions – once they weigh the potential workload required to combat the false claims stuck in the constituents’ and residents’ brains – of leaving these spaces altogether. This would leave communities worse off for information than they are now.

One other deterrent for agencies to host and manage a social media site that must include all comments is the records management responsibility. Every social media post in addition to the posted comments must be managed per records retention schedules. That means even the false, malicious, or threatening ones must be retained. With the number of both false posts and the bots hitting every post, the work to retain all of that could be large and would likely force agencies to contract with a third-party vendor for that extraction and retention.

Again, I urge you to oppose L.D. 1742. Thank you and I would be happy to answer any questions that the committee may have.