

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

House Bill 3307

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KEATON AND FERRELL

[Originating in the Committee on Technology and

Infrastructure; reported on March 25, 2021]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §3-8-12a; and, to amend said Code by adding thereto a new section
3 designated as §55-7-32; all relating to limiting abuses by social media corporations;
4 creating the Social Media Integrity and Anti-Corruption in Elections Act; defining terms;
5 providing requirements for social media companies to prevent corruption and provide
6 transparency of election-related content made available on social media websites;
7 providing equal opportunities for all candidates and political parties to speak without policy
8 or partisan-based censorship; propounding legislative findings; setting forth definitions;
9 providing for the protection of the integrity of election; setting forth limitations on what
10 social media platform can publish concerning elections without approval; ensuring
11 election-related content hosted, posted, and made available on social media websites is
12 not monetized or otherwise used or manipulated for nefarious purposes; requiring social
13 media platform disseminate election content uniformly, report and retain certain
14 information; requiring social media platform timely approve service requests by political
15 entities; requiring social media platform equitably charge for election advertising;
16 prohibiting certain actions by social media platform; including prohibiting the modifying
17 visibility of election information based on type of content; listing due process requirements
18 for restriction of access to social media platforms; setting forth certain instances in which
19 service can be terminated by social media platform; providing limitations on information
20 collected by social media platform; providing certain enumerated rights to candidates in
21 their dealings with a social media platform; providing civil penalties for violations of these
22 provisions, including asset seizure; establishing rulemaking authority; creating the Stop
23 Social Media Censorship Act; defining terms; setting forth criminal and civil penalties for
24 a social media provider who, without good cause, deletes or censor a user's religious or
25 political speech; or uses an algorithm to disfavor or censure the user's religious or political

26 speech; providing for right of enforcement by the Attorney General; and providing
27 exceptions and limitations.

Be it enacted by the Legislature of West Virginia:

CHAPTER 3. ELECTIONS.

ARTICLE 8. REGULATION AND CONTROL OF ELECTIONS.

§3-8-12a. Social Media Integrity and Anti-Corruption in Elections Act; approval of election information by state’s Chief Elections Official; uniform dissemination of election content; prohibition on untraceable messaging originated by social media platforms; record maintenance; prohibition of monetization of election content; prohibition of modifying visibility of election information based on type of content; due process requirements for restriction of access to social media platforms; civil penalties.

1 (a) This section may be cited as the “Social Media Integrity and Anti-Corruption in
2 Elections Act”.

3 (b) (1) The Legislature finds that the State of West Virginia has a compelling interest in
4 ensuring transparency in financial expenditures and other speech which advocates for the
5 election or defeat of candidates or political parties to prevent corruption or the appearance of
6 corruption in elections.

7 (2) The Secretary of State is the Chief Elections Officer of the State of West Virginia, and
8 is, along with the State Election Commission, concurrently responsible for overseeing the
9 regulation of certain election speech, campaign finances, and other election-related activities in
10 the State of West Virginia. Such regulation has not taken into full consideration the availability of
11 online forums and social media platforms where West Virginia citizens and voters increasingly
12 seek, discuss, receive, and exchange election-related ideas, issues, and news, and get
13 information about candidates that appear on the ballot and organizations, political parties, and

14 other election-specific matters. Similarly, online forums and social media platforms reportedly
15 have hundreds of millions of users from around the world, which has resulted in significant
16 monetization of user-specific content preferences which can include users' desires, policy
17 positions, political leanings, and affiliations. Social media platforms also have access to other
18 election content which has been and can be used for significant advertising value.

19 (3) To protect the integrity of elections held in West Virginia, the Legislature further finds
20 it compellingly important in the interest of the state, its citizens, and voters, to prevent the potential
21 for corruption, widespread intentional or accidental misinformation, disinformation, and unequal
22 treatment generated by social media platforms or providers themselves.

23 (4) Therefore, because the Constitution of West Virginia places the authority to oversee,
24 administer, and regulate West Virginia elections to the Secretary of State and associated
25 government agencies such as the State Election Commission, public elections are funded and
26 run by the government and its agents. This act is designed to keep the integrity of elections held
27 within West Virginia free from actual and perceived manipulation and corruption.

28 (5) To that end, as detailed in this section, social media platforms desiring to disseminate
29 election-related information in West Virginia must ensure:

30 (A) The accuracy of all election-related information that it disseminates;

31 (B) The equal opportunity of use of its platform to all candidates and political parties that
32 appear on West Virginia ballots;

33 (C) Any attempt or action to censor or promote any candidate, party, or political party
34 based on election-related content shall not be conducted without prior written notice and due
35 process to the impacted person, political party, or organization, and the express approval of the
36 Chief Elections Officer; and

37 (D) Compliance with the State's campaign finance laws when the platform's actions
38 bestow value for one candidate or political party over that of another candidate or political party.

39 (c) For purposes of this section, the following definitions shall apply:

40 (1) "Algorithm" means a set of instructions or rules designed to perform a specific task;

41 (2) "Chief Elections Officer" means the West Virginia Secretary of State;

42 (3) "Disparate impact" means that an ostensibly facially neutral policy has an unintentional
43 disproportionate adverse outcome.

44 (4) "Disparate treatment" means an ostensibly facially neutral policy has an intentional
45 disproportionate adverse outcome.

46 (5) "Election Content" includes, but is not limited to, data comprising posts, comments,
47 messages, or images, and hyperlinks created or promoted by a social media platform without
48 user engagement, to any of the foregoing where the data conveys information to a social media
49 platform user about candidates or parties associated with a federal or statewide primary, general,
50 or special election;

51 (6) "Issue advocacy organization" means an organization devoted to political activity which
52 does not attempt to persuade the public of particular electoral outcomes, but rather seeks to
53 highlight broader political or social issues.

54 (7) "Party" means a party, committee, association, fund, or other organization, regardless
55 of incorporation, organized and operated primarily for the purpose of directly or indirectly
56 influencing the selection, nomination, election, or appointment of an individual to a federal, state,
57 or local public office;

58 (8) "Political Party" shall have the meaning prescribed in §3-1-8 the code.

59 (9) "Social media platform" means a user-specific, web-based technology intended to
60 create virtual connection through the internet, which includes any online information service
61 provider, internet search engine, access software provider, internet website, or application that
62 enables users within the state to create, publish, and view content online for no cost to the user;
63 and

64 (10) “Untraceable messaging” means the transmission of digital content created or
65 promoted by the social media platform which is not retrievable or re-viewable by users,
66 researchers, or any other person or entity, after the message has been first viewed;

67 (d) A social media platform shall not publish, promote, or otherwise disseminate election
68 content in the form of information put out by the social media platform itself, or, by an associated
69 or affiliated entity, to a user, without first receiving prior express approval by the Secretary of State
70 under the process set forth in subsection (e) of this section, which election content includes, but
71 is not limited to, the following:

72 (1) Official dates or deadlines, such as election dates, early voting periods, and deadlines;

73 (2) Voter registration requirements, processes, or procedures;

74 (3) In-person or absentee ballot voting requirements, processes, or procedures;

75 (4) “Get Out The Vote” or “GOTV” information;

76 (5) Polling place locations or hours;

77 (6) Voter identification requirements;

78 (7) Security and integrity of elections;

79 (8) Instructions for receiving, completing, or submitting a ballot; and

80 (9) Information about any candidate on a ballot.

81 (e) Prior approval by the Secretary of State of election content delineated in subsection
82 (d) of this section shall be requested in writing and obtained by the social media platform. Such
83 written request may be made via electronic notification or certified mail.

84 (f) Social media platforms shall

85 (1) disseminate election content uniformly to each user without regard to geography or
86 user demographics, including data associated with the user’s online activity, information gathered
87 or received by the social media platform from any source, or users’ perceived political preferences
88 or party affiliation whether known, assumed, or predicted by an algorithm or other manner. This
89 includes maintaining equity in push notifications, including news items, articles, and opinion

90 pieces which involve a candidate, issue advocacy organization, a party, a political party, or a topic
91 at issue, in an election as well as any indicia of support or opposition to any ballot initiative, a
92 candidate, issue advocacy organization, a party, or a political party to its users. If such equity and
93 uniformity is not maintained the social media platform shall report all such violations as corporate
94 donations to a campaign in a form prescribed by the Secretary of State's office.

95 (2) publicly report and provide written notice to the Secretary of State of any increase in
96 online visibility or other quantifiable assistance or attempt by the social media platform to influence
97 a user's understanding or opinion regarding any a candidate, issue advocacy organization, a
98 party, or a political party, in the state of West Virginia. Such disclosure report shall be made within
99 48 hours of the online activity occurrence(s) in the same manner as reporting electioneering
100 communications according to §3-8-2b of this code, and without regard to the timeframe or
101 minimum expenditure threshold requirements prescribed therein.

102 (3) maintain records of all election content for no less than 10 years following the date of
103 dissemination. All records of election content shall be maintained in a publicly accessible
104 database, which shall be made available either online without request, or upon request to any
105 requestor within 7 days of receipt of a written request at no cost to the requestor.

106 (4) have 60 days to either approve or deny any candidate's, issue advocacy
107 organization's, a party's, or a political party's, application for service. A denial shall be in writing
108 and must expressly state the substantive legally required reasons therefor. The applicant may
109 correct any deficiencies and resubmit the application which shall be reviewed and either approved
110 or denied within 30 days of the resubmittal: *Provided*, That any denial of any resubmittal shall be
111 in writing and must expressly state the substantive legally required reasons. If the social media
112 platform fails to notify the applicant of approval or denial within 60 days or fails to notify the
113 applicant of approval or denial after 30 days following any resubmittal, then such application or
114 resubmittal shall be deemed approved.

115 (5) notify the Secretary of State anytime they disable advertising for any a candidate, issue
116 advocacy organization, party, or political party; and

117 (6) charge all clients of their advertising services in a like manner without disparate
118 treatment, providing like costs for circulating like advertising.

119 (g) Social media platforms shall not

120 (1) engage in, use, or make available opportunities for untraceable messaging of any
121 election content under any circumstances.

122 (2) sell, license, transfer, lend, loan, or in any manner monetize election content or data
123 related to election content which is created, obtained, observed, or captured by a social media
124 platform through user or other activity on a social media platform. This prohibition does not apply
125 to non-election content.

126 (3) use any algorithm or manual determination to modify the visibility or availability of
127 election content to any user based on any factor except that the user's physical residence is
128 located in the state of West Virginia. This prohibition does not apply to paid election
129 advertisements or content created which is regulated and publicly disclosed according to §3-8-1
130 et seq. of this code; and

131 (4) enact any policy which has a disparate impact, or which results in disparate treatment
132 of persons based upon political opinion, except for a violation of one of the provisions of
133 subsection (j) of this section.

134 (h) More than 60 days from any primary, general, or special statewide or federal election,
135 a social media platform that terminates, suspends, or otherwise restricts access of a candidate,
136 issue advocacy organization, party, or political party, shall give contemporaneous written notice
137 to affected person or party and to the State Election Commission of the platform's intended action.

138 Such notice shall:

139 (1) Include the proposed grounds for termination, suspension, or other restriction;

140 (2) The anticipated action execution date, which cannot be sooner than five business days
141 from notification; and

142 (3) Provide a candidate, issue advocacy organization, party, or political party, details of
143 the appeal process and opportunity to respond prior to implementation of the action by the
144 platform. If the affected entity does not appeal within the period given by the platform as the
145 execution date, the platform may proceed with the action. Any a candidate, issue advocacy
146 organization, party, or political party who appeals within the designated time and disagrees with
147 a social media platform's decision under this section may file a written complaint with the State
148 Election Commission for further review under the procedures set forth in the West Virginia Code
149 of State Rules. The State Election Commission may affirm, modify, or overturn any decision made
150 pursuant to this section by the social media platform, and issue penalties pursuant to subsection
151 (n) of this section.

152 (i) Within 60 days of any primary, general, or special statewide or federal election, a social
153 media platform that intends to terminate, suspend, or otherwise restrict access of a candidate,
154 issue advocacy organization, party, or political party shall give prior written notice to affected party
155 and to the State Election Commission of the platform's intended action, which notice shall:

156 (1) Be sent via electronic notification and Certified Mail or other trackable mail service to
157 the affected candidate or candidates, issue advocacy organization, party or parties, or political
158 party or parties, and to the State Election Commission, in care of the Secretary of State, no less
159 than two business days before the termination, suspension, or restriction such notification to be
160 effective as of the time and date of the earlier of the transmission of electronic notification or 5:00
161 p.m. on the date of the certified mail deposit;

162 (2) Include the following information:

163 (i) The specific user and the precise term(s) of service violated, and all evidence relied
164 upon in support of the violations;

165 (ii) The action execution date, which shall not be sooner than two business days from the
166 notification;

167 (iii) An online link to the social media platform's full user policy and any other relevant
168 policies, bylaws, or other documents affecting the user's alleged violation(s) or rights during the
169 appeal; and

170 (iv) All evidence relied upon by the social media platform in support of its planned action;

171 (3) Allow the candidate at least five business days from the receipt of the notice to appeal
172 the action simultaneously to the platform and to the State Election Commission in a secure, free,
173 and efficient online or other electronic manner;

174 (4) Include direct telephone and electronic mail contact information for at least one agent
175 of the social media platform who is directly involved with the appeal;

176 (5) If the affected candidate, issue advocacy organization, party, or political party, does
177 not appeal within the period given by the platform as the execution date, the platform may proceed
178 with the action. Any candidate, issue advocacy organization, party, or political party, who appeals
179 within the designated time and disagrees with a social media platform's decision under this
180 section may file a written complaint with the State Election Commission for further review under
181 the procedures set forth in the West Virginia Code of State Rules. Should the affected a candidate,
182 issue advocacy organization, party, or political party not appeal, such inaction will be taken into
183 consideration by The State Election Commission as to the appropriateness of the platform's
184 action: *Provided*, That the failure to appeal shall not be dispositive of the action, and the State
185 Election Commission may, *sua sponte*, take action or prevent action from being taken. The State
186 Election Commission may affirm, modify, or overturn any decision made pursuant to this section
187 by the social media platform, and issue penalties pursuant to subsection (n) of this section. Within
188 two business days of the earlier of the candidate's timely appeal or deadline of failure to respond,
189 the social media platform shall provide the candidate and the State Election Commission its final

190 decision in a written statement which either dismisses the social media platform's previously
191 planned action;

192 (6) All notices, responses, and decisions referenced in this section shall be provided by
193 electronic mail to the other party, and shall be deemed to have been provided upon proof of
194 transmission, which may include a read receipt or other reliable technical conformation in
195 accordance with recognized electronic mail industry standards; and

196 (7) Any candidate, issue advocacy organization, party or any other person aggrieved by a
197 social media platform's violation of this section may file a verified complaint with the State Election
198 Commission for review under the procedures set forth in the West Virginia Code of State Rules.
199 The State Election Commission may affirm, modify, or overturn any decision made pursuant to
200 this section by the social media platform, and issue penalties pursuant to subsection (n) of this
201 section.

202 (i) This article shall not apply to a social media platform that terminates, suspends, or
203 otherwise restricts access of a candidate, issue advocacy organization, party or political party if
204 the content is:

205 (1) Clearly obscene or pornographic in nature;

206 (2) Unlawful under any federal or state law; or

207 (3) An incontrovertible incitement, as determined by the State Election Commission, to
208 commit criminal conduct or violent acts against others.

209 (k) A social media platform that collects a candidate's personal information shall, at or
210 before the point of collection, inform the candidate as to the categories of personal information to
211 be collected and the purposes for which the categories of personal information shall be used. A
212 social media platform shall not collect additional categories of personal information or use
213 personal information collected for additional purposes without providing the consumer 30 days
214 advance notice.

215 (l) A candidate shall have the right

216 (1) to request that a social media platform that collects a candidate's personal information
217 disclose to that candidate the categories and specific pieces of personal information the business
218 has collected; however, a candidate shall not have the right to make such request more than once
219 in any 12-month period.

220 (2) at any time, to submit a verified request to a social media platform directing the social
221 media platform not to make any sale of the social media platform's personal information the
222 business has collected or will collect about the candidate. This right may be referred to as the
223 "right to opt-out". Within 60 days of any primary, general, or special statewide or federal election,
224 a social media shall respond to a verified request submitted by a candidate pursuant to this article
225 within two (2) days after receipt thereof. Outside of 60 days from any primary, general, or special
226 statewide or federal election, a social media platform shall respond to a verified request submitted
227 by a candidate pursuant to this article within thirty (30) days after receipt thereof. A social media
228 platform may extend by not more than thirty (30) days the period prescribed by this subsection if
229 the business determines that such an extension is reasonably necessary. A social media platform
230 who extends the period prescribed by this subsection shall notify the candidate in writing of such
231 an extension.

232 (3) to request that a social media platform delete any personal information about the
233 consumer which the social media platform has collected from the candidate. A social media
234 platform that collects personal information about candidate shall disclose the consumer's rights
235 to request the deletion of the candidate's personal information. A social media platform that
236 receives a verifiable request from a candidate to delete the candidate's personal information
237 pursuant to this section shall delete the candidate's personal information from its records and
238 direct any service providers to delete the candidate's personal information from their records. A
239 social media platform or a service provider shall not be required to comply with a candidate's
240 request to delete the consumer's personal information if it is necessary for the social media
241 platform or service provider to maintain the candidate's personal information in order to:

242 (A) Complete the transaction for which the personal information was collected, provide a
243 good or service requested by the candidate, or reasonably anticipated within the context of a
244 business's ongoing business relationship with the candidate, or otherwise perform a contract
245 between the social media platform and the candidate.

246 (B) Detect security incidents, protect against malicious, deceptive, fraudulent, or illegal
247 activity; or prosecute those responsible for that activity.

248 (C) Debug to identify and repair errors that impair existing intended functionality.

249 (D) Exercise free speech, ensure the right of another candidate to exercise his or her right
250 of free speech, or exercise another right provided for by law.

251 (E) Engage in public or peer-reviewed scientific, historical, or statistical research in the
252 public interest that adheres to all other applicable ethics and privacy laws, when the social media
253 platform's deletion of the information is likely to render impossible or seriously impair the
254 achievement of such research, if the candidate has provided prior informed consent.

255 (F) To enable solely internal uses that are reasonably aligned with the expectations of the
256 candidate based on the candidate's relationship with the social media platform.

257 (G) Comply with a legal obligation, including to comply with federal, state, or local laws, or
258 to comply with a civil, criminal, or regulatory inquiry, investigation, subpoena, or summons by
259 federal, state, or local authorities.

260 (m) A social media platform shall not discriminate against a candidate because the
261 candidate exercised the right to opt-out of the sale of his or her personal information by:

262 (1) Denying goods or services to the candidate;

263 (2) Charging different prices or rates for goods or services, including through the use of
264 discounts or other benefits or imposing penalties;

265 (3) Providing a different level or quality of goods or services to the candidate;

266 (4) Suggesting that the candidate will receive a different price or rate for goods or services
267 or a different level or quality of goods or services; or

268 (5) Discriminating through any other means because a candidate exercised his or her right
269 to opt-out.

270 (n) Investigations into alleged violations of this article shall be referred to the State Election
271 Commission and, if the commission finds that a social media platform violated the provisions of
272 this article, the commission may issue a fine of up to \$100,000 dollars per day, per violation, until
273 the action is corrected. Monetary damages assessed under this section shall be calculated from
274 the date of the first termination, suspension, or access restriction. Evidence of mitigation by the
275 social media platform of the user's complaint shall be taken into account in the computation of
276 any alleged damages to the user. The Secretary of State may utilize regular judicial processes to
277 seize assets of the social media company in order to secure judgments so ordered.

278 (o) The Secretary of State is authorized to promulgate rules to implement the provisions
279 of this section.

CHAPTER 55. ACTIONS, SUITS AND ARBITRATION; JUDICIAL SALE.

ARTICLE 7. ACTIONS FOR INJURIES.

§55-7-32. Social media website speech; illegal actions; criminal penalties; cause of action; civil penalties.

1 (a) This act may be cited as the "Stop Social Media Censorship Act."

2 (b) As used in this section, the term:

3 (1) "Algorithm" means a set of instructions designed to perform a specific task.

4 (2) "Unprotected speech" means speech indicative of an intent to attempt to injure,
5 intimidate or interfere with, or oppress or threaten any other person in the free exercise or
6 enjoyment of any right or privilege secured to him or her by the Constitution or laws of the State
7 of West Virginia or by the Constitution or laws of the United States, because of such other person's
8 race, color, religion, ancestry, national origin, political affiliation or sex,

9 (3) “Obscene” means matter which the average person applying contemporary community
10 standards would find

11 (A) taken as a whole, appeals to the prurient interest and

12 (B) taken as a whole, lacks serious literary, artistic, political or scientific value, and which
13 either:

14 (i) Depicts or describes sexual acts in such manner; or

15 (ii) Depicts or describes nudity or sexual acts of persons below the age of eighteen.

16 (4) “Political speech” means speech relating to the state government, body politic, or public
17 administration as it relates to governmental policymaking. The term includes speech by the
18 government or a candidate for office and any discussion of social issues. The term does not
19 include speech concerning the administration, law, or civil aspects of government.

20 (5) “Religious speech” means a set of unproven answers, truth claims, faith-based
21 assumptions, and naked assertions that attempt to explain such greater questions as how the
22 world was created, what constitutes right and wrong actions by humans, and what happens after
23 death.

24 (6) “Social media website” means an Internet website or application that facilitates or
25 enables users to communicate with each other by posting information, comments, messages, or
26 images and that meets all of the following requirements:

27 (A) Is open to the public.

28 (B) Has more than 1 million subscribers.

29 (C) From its inception, has not been specifically affiliated with any one religion or political
30 party.

31 (c) (1) It is illegal for the owner or operator of a social media website who contracts with a
32 social media website user in this state to purposely:

33 (A) Delete or censor the user’s religious speech or

34 (B) Political speech; or

35 (C) Use an algorithm to disfavor or censure the user's religious speech or political speech.

36 (2) Any social media website violating the provisions of this subsection is guilty of a felony
37 and shall be fined not less than \$75,000 nor more than \$100,000 for each such occurrence.

38 (d) (1) The owner or operator of a social media website who contracts with a social media
39 website user in this state is subject to a private right of action by such user if the social media
40 website purposely:

41 (A) Deletes or censors the user's religious speech or

42 (B) Political speech; or

43 (C) Uses an algorithm to disfavor or censure the user's religious speech or political
44 speech.

45 (2) A social media website user may be awarded all of the following damages under this
46 section:

47 (A) A minimum of \$75,000 in statutory damages per purposeful deletion or censoring of
48 the social media website user's speech;

49 (B) Actual damages;

50 (C) If aggravating factors are present, punitive damages; and,

51 (D) Other forms of legal or equitable relief.

52 (3) If an individual or business user's social media website account is disabled or
53 suspended by the social media website, the owner or operator of the website must provide
54 electronic notice to the user within 3 days after taking such action. The notice must be in writing
55 and must explain in detail why the user's account was suspended or disabled.

56 (4) In a cause of action brought under this section, the Court may award all or a portion of
57 the costs of litigation, including reasonable attorney fees, of a prevailing social media website
58 user.

59 (5) A social media website that

60 (A) restores from deletion or removes the censoring of a social media website user's
61 speech, or

62 (B) which increases the number of interactions, shares, views, click-throughs, or other like
63 metrics, in a manner consistent with that which other similar content received from other users
64 with similar size and scope of readership, followers, or subscribers received; and

65 (C) does this within a reasonable amount of time;
66 may then use those facts as evidence to mitigate any damages.

67 (6) A social media website may not use the social media website user's alleged
68 unprotected speech as a basis for justification or defense of the social media website's actions at
69 trial.

70 (7) The Attorney General may also bring a civil cause of action under this section on behalf
71 of a social media website user or users who resides in this state and whose religious speech or
72 political speech has been censored, suppressed, or otherwise limited by a social media website:
73 Provided, That evidence of mitigation by the social media platform of the user's complaint shall
74 be taken into account in the computation of any alleged damages to the user.

75 (d) This section does not apply to any of the following:

76 (1) A social media website that deletes or censors a social media website user's speech
77 or that uses an algorithm to disfavor, limit, or censor speech that:

78 (A) Calls for immediate acts of violence;

79 (B) Is obscene or pornographic in nature;

80 (C) Is the result of operational error;

81 (D) Is the result of a court order;

82 (E) Comes from an inauthentic source or involves false personation;

83 (F) Entices criminal conduct; or

84 (G) Involves minors bullying minors.

85 (2) A social media website user's censoring of another social media website user's
86 speech.

87 (e) Only users who are 18 years of age or older, or, the parents and legal guardians of
88 persons under 18 years of age, have standing to seek enforcement of the civil provisions of this
89 section.