

Exhibit E



Husted Affidavit.pdf

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E-Signature Summary

E-Signature 1: Jon Husted (JH)

January 19, 2024 09:06:46 -8:00 [619C6F4E2D70] [23.244.50.46]
 jonahusted@gmail.com (Principal) (Personally Known)

E-Signature Notary: MacKenzie S. Clayton (msc)

January 19, 2024 09:06:46 -8:00 [B865095F3E0B] [64.128.48.50]
 MacKenzie.Clayton@OhioAGO.gov
 I, MacKenzie S. Clayton, did witness the participants named above electronically sign this document.



IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION

NETCHOICE,

Plaintiff,

v.

YOST,

Defendant.

:
:
: Case No. 2:24-cv-00047
:
: JUDGE MARBLEY
:
:
:
:

AFFIDAVIT OF LIEUTENANT GOVERNOR JON HUSTED

STATE OF OHIO : SS

COUNTY OF PERRY :

I, Jon Husted, having been duly sworn and cautioned according to law, hereby state that I am over the age of eighteen years and am competent to testify as to the facts set forth below based on my personal knowledge and further state as follows:

1. I am Ohio’s 66th Lieutenant Governor. I have served in this role since 2019.

2. I have served in elected offices for over 23 years. In particular, from 2001-2009 I was a member of the Ohio House of Representatives. From January 3, 2005- January 4, 2009, I served as the Speaker of the Ohio House of Representatives. In 2008 I was elected to the Ohio Seante and served as a Ohio Senator from January 5, 2009 until January 9, 2011. In 2010, I was elected as the Ohio Secretary of State and began serving in that role on January 10, 2011. I was re-elected for a second term as Secretary of State in 2014. In 2018, I was elected as Ohio’s Lieutenant Governor, and then re-elected in 2022.

3. As Lieutenant Governor, I supported and advocated for the passage of Ohio Revised Code Section 1349.09 entitled “Responsibilities of operator of an online website that targets children.” (the law). Although I have no legal role or responsibility in passing legislation as Lt. Governor, I was and I am very interested in the policy aspects of the law and I am very familiar with the policy goals behind this law as well as the compelling governmental interests that the law seeks to advance.

4. In my opinion, the law serves compelling interests that are necessary and beneficial to Ohioans.

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5. First, and foremost, by requiring social media operators to obtain parental consent before contracting with a minor under the age of 16, this law protects the welfare of minors. In accordance with the U.S. Surgeon General’s advisory report entitled “Social Media and Youth Mental Health,” and an ever-growing body of scientific research, we know that the type of social media that these social media operators produce, support and facilitate can be harmful to youth mental health, and especially youth under the age of 16. Studies have shown that frequent exposure to social media in youth and adolescents can lead to depression, suicide, self-harm, bullying, eating disorders and academic declines. These concerns are heightened due to the fact that social media operators often use algorithms and other means with the intent to maximize user engagement. In other words, social media operators seek maximum engagement by their users (including minors), despite the documented ill effects that excessive exposure to social media can have on minors.

6. Also, it is a well-documented reality that child sexual predators use social media platforms to target and abuse minors. In particular, predators most commonly use social media platforms where they can hide their identities behind a profile and directly and privately communicate with minors. This law applies specifically to the social media operators who offer the types of platforms that attract child predators.

7. Additionally, these types of social media platforms provide minors with almost unfettered opportunities to disclose all types of personal information and pictures to millions of viewers. Obviously, decisions by minors over what types and kinds of personal, private information they post on social media platforms could have severe and long-term harmful consequences. Indeed, as a condition of use, social media operators often demand that minors sign contracts waiving all ownership over all posted content. This gives the social media operators the right to commercialize and otherwise use minors’ personal information for their own commercial benefit.

8. The State of Ohio has a compelling interest in protecting minors from these and all other harmful effects and in protecting parents’ rights and abilities to make decisions that are in the best interest of their children. This law assists parents with obtaining the necessary information about social media operators, the types of products that they provide, and the terms and conditions of use. With this critical information, parents can effectively evaluate what is in the best interest of their children when using social media platforms. Finally, this law ensures that parents can effectively and consistently guide their children’s use of social media platforms and ideally prevent any harmful effects to their children such as depression, suicide, self-harm, bullying, eating disorders and academic declines.



Jon Husted
Signed on 2024/01/19 09:06:46 -8:00

Jon Husted, Ohio Lieutenant Governor

Sworn to and signed before me on this 19th day of January 2024.



MacKenzie S. Clayton
Signed on 2024/01/19 09:06:46 -8:00

NOTARY PUBLIC

Notarial act performed by audio-visual communication

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