



Legislators' "Mixed Use" Social Media Accounts

January 2020

In January 2020 we received the following request for information about legislative campaign social media accounts:

Some legislators have separate campaign and "official" social media accounts, while others maintain "mixed use" social media accounts containing both official legislative business and campaign content. Legislators sometimes post links to their social media accounts on their official state literature, emails, business cards, newsletters, etc. (electronic and print).

The specific question is:

- Does your chamber have policies that limit promotion of these "mixed use" social media accounts (those serving both campaign and official state purposes)?

Below is a summary of responses.

District of Columbia Council

The Council here in DC does not have a social media policy, but I have attached our Board of Ethics and Government Accountability organization's [advisory opinion on social media use](#), which applies to all DC employees, including Councilmembers and staff.

Hawaii House of Representatives

We don't have rules governing use of social media, but we do have a policy against linking to websites that have campaign material. Basically, only "clean" sites would be allowed to be linked off members' official webpages.

Illinois House of Representatives

When my office allowed members to publicize their email accounts many years ago, we required the email address to be only for official state business and did not allow any account names that implied political activity. To the specific question: While the caucuses' communications departments are separate entities, it is very likely that they require the same thing for social media accounts since our statutes are pretty clear on disallowing any political activity using any state resource.

Kansas House of Representatives

We do not link any campaign related social media or websites from our official legislative website. It is also not allowed on their official stationery or literature.

Kentucky Senate and House of Representatives

The Kentucky Legislative Ethics Code may apply to legislators' conduct on social media. This would apply to all Kentucky legislators.

KRS 6.731(4) provides that a legislator *"by himself or through others shall not intentionally use public funds, time, or personnel for his private gain or that of another"*.

KRS 6.731(5) provides that a legislator *"by himself or through others shall not intentionally use public funds, time, or personnel for partisan political campaign activity"*.

KRS 6.731(6) states that a legislator shall not *"use his official legislative stationery, or a facsimile thereof, to solicit a vote or a contribution for his or another person's campaign for election or reelection to public office, or use the great seal of the Commonwealth on his campaign stationery or campaign literature."*

One of our opinions, OLEC [14-01](#) states that: "An Internet application from a caucus office should not include or link to any material paid for with campaign funds or other information which is campaign-related." The opinion has citations to the above provisions of our Ethics Code.

Additionally, the same campaign-related ethics provisions that prohibit legislators from receiving campaign contributions from lobbyists, etc, would apply to using internet based social media platforms, as discussed in OLEC [16-01](#). Again, the relevant citations are included.

Louisiana Senate

No official policy, but we do not link members' social media accounts on our legislative website.

Maine House of Representatives

We do not have any official state policies, this has often been a gray area. Our previous governor had a lawsuit filed against him regarding censorship on his Facebook page:

<https://www.pressherald.com/2018/12/10/lepage-team-settles-lawsuit-over-facebook-blocking/>

The Speaker's campaign and official pages have been kept separate and not linked to one another, and we just made the decision to advise all of our House members to have separate campaign and official pages.

Nebraska Legislature

Nebraska does not have official state social media accounts for legislators. We house official blogs on the Legislature's website, but we do not host social media accounts – official or otherwise. Members may link to their social media from their official blog, but all links (social media or otherwise) must include a splash page indicating that the reader is leaving the Legislature's official website.

Nevada Senate

1. In the NV Senate, we allow our members the ability to link to their "mixed use" social media accounts on the Senator's "Legislator Information" page of NV's Legislative Website. The following language is noted beneath any link: "The Nevada Legislature provides external links as a service only. Providing links to other websites does not imply our endorsement of, or responsibility for, those websites, but is done as a convenience to those who access our website."

2. We do not allow campaign information on “official” stationery paid for by tax dollars. However, a Senator can place campaign information on official legislative stationery (which includes business cards), if they pay for the stationery item personally and then place a caveat statement on the material that states no public money was used to produce/mail the item.

New Hampshire House of Representatives

The NH House has no regulations regarding the use of social media and no formal policy regarding its (mis)usage.

New Mexico House of Representatives

The New Mexico Legislature does not have a written policy regarding the use of social media. However, a member’s legislative profile page only includes information about legislative life – nothing tied to the political/campaign life of office. Also, since legislative stationery is paid with state dollars, political or campaign information is prohibited.

Oregon House of Representatives

No policy. We have the same issues as it seems other do and would be interested in the results of these surveys.

Texas Senate

It is our policy, that if a photograph or video is produced with state funds, it needs to be purchased to appear on a social media account. We consider all social media accounts “mixed use.”

Wisconsin Senate

Provided the below as well as social media guidelines from the Wisconsin Ethics Commission.

GUIDELINES REGARDING LEGISLATOR AND LEGISLATIVE STAFF USE OF STATE-SUPPORTED WEBSITES AND SOCIAL NETWORKING TECHNOLOGY

This document provides guidance regarding the applicability of Chapter 11 of the Wisconsin Statutes, relating to campaign financing, and Chapter 19 of the Wisconsin Statutes, relating to the code of ethics for public officials, to the use of state-supported websites and social networking technology. This document does not attempt to capture all possible situations related to these technologies.

The use of state-supported websites and social networking technology by legislators and their staff shall conform to all legislative rules and policies and all applicable federal, state, and local laws.

General Use

Legislators and their staff may use state resources to create, post information to, and maintain state-supported websites, herein referred to as legislator homepages, to communicate for legislative purposes. Each legislator is responsible for the content of his or her legislator homepage.

Legislators and their staff may use state resources to use social networking technology, such as Facebook, Twitter, LinkedIn, FourSquare, Google+, etc.; to communicate for legislative purposes.

Legislators and their staff may not use state resources to create, post information to, or maintain campaign or business websites.

Each substantially identical posting created with state resources to a legislator homepage or social networking website counts as *one* of the 50 pieces as specified in s. 11.1205, Wisconsin Statutes. However, messages sent directly to individuals using social networking technology count as *one piece per recipient*. The distinction is that with posts to a legislator homepage or social networking website, individuals elect to visit the website or receive notices that the social networking systems themselves distribute. Thus, creating a post is like issuing a single press release to the media, which in turn may distribute it to any number of people. Whereas with direct messages, the sender has to select the recipients which is similar to sending email or postal mail.

Legislators and their staff may add links on their legislator homepages to any content or website used to communicate for legislative purposes, including links to their *legislative social networking websites*, except they should not contain links to websites containing campaign or business content.

Use of Legislative Social Networking Websites

Legislators and their staff may use state resources to create, post information to, and maintain *legislative social networking websites* defined as social networking websites which exclusively contain material used to communicate for legislative purposes.

Each legislator is responsible for the content of his or her *legislative social networking websites*. If *legislative social networking websites* are used, the legislative office should either 1) prohibit others from posting material on them or 2) regularly review the websites to remove inappropriate material. This is no different than policing the materials on a state-paid bulletin board.

Legislators and their staff may add links on their *legislative social networking websites* to any content or website used to communicate for legislative purposes, except they should not contain links to websites containing campaign or business content.

Use of Mixed-Content Social Networking Websites

Legislators and their staff may post content to websites that contain a mix of *legislative, personal, business, and campaign* materials, as long as they adhere to the following:

1. state resources should not be used to *create* the mixed-content websites;
2. *legislative staff* may publish *legislative content* to mixed-content websites, while using state resources, as long as that legislative content is also distributed more broadly to the press and public;
3. *legislative staff* may publish *personal, business, or campaign material* to mixed-content websites only on personal time and without using state resources; and

Legislators may post any type of content to any website at any time as long as they do not use state resources to post *campaign* or *business* content.

Wyoming Senate

Other than our generic decorum standards, we do not have any written policies on the use of social media by members.