

Something to Like



Almost everyone is using some kind of social media, including legislatures and lawmakers.



RIC CANTRELL, CHIEF OF STAFF AT THE UTAH SENATE

Social media can smell baloney.
Conversely, it respects authenticity.

Like • Comment



BY PAM GREENBERG

Let's face it—most adults are liking, posting, tweeting, commenting and joining social media sites as much as their kids are. In fact, almost three-quarters of adults who use the Internet are signed up on at least one social networking site of some kind, and 42 percent use more than one, according to the Pew Internet & American Life Project survey.

This is an audience many legislatures have decided is worth reaching. Social media users are more politically engaged and influential than most people, research shows. Pew found that Facebook users are more likely to attend a political meeting, more likely to vote, and more likely to try to influence how others vote.

Social media offers lawmakers a way to keep citizens informed and to share unfiltered perspectives about state issues that are receiving dwindling coverage through more traditional media outlets.

“Social media is a phenomenal way to reach constituents,” says Pennsylvania Senate Majority Leader Dominic Pileggi (R). “As a policymaker, I find the direct, immediate feedback to be tremendously helpful.”



Almost every state legislature or legislative caucus now uses some type of social media to highlight bills or actions on bills, to discuss policy issues or positions on issues, and to post photos or videos that highlight events with constituents or legislators' daily activities.

Nonpartisan offices in about half the states use Twitter. Caucuses more frequently use Facebook, Twitter and YouTube, and, most recently, photo sharing sites, like Flickr and Instagram.

Are Guidelines Needed?

As their popularity and use spreads, more organizations are developing policies specifically to address the use of official social media accounts in the workplace. Do legislatures need to as well?

Some organizations are comfortable without a specific social media policy, relying on existing policies and trusting the judgment and discretion of those authorized to use social networking sites. Others feel a need to address the way that social media can magnify careless or reckless statements, allow disclosures of sensitive information inadvertently, and threaten computer security through such things as phishing and malware.

A recent Society of Human Resource Management survey of private sector employers found that 55 percent have guidelines for social media communications. In the public sector, in 2012,

Pam Greenberg is NCSL's policy expert on legislatures and their use of social media.

more than 50 percent of states had social media policies for the executive branch, and another 25 percent were working on them when the National Association of State Chief Information Officers surveyed them.

Fortunately, examples of policies and guidelines are increasingly available. In “Social Media in the Public Sector Field Guide: Designing and Implementing Strategies and Policies,” authors Ines Mergel and Bill Greeves recommend “identifying a core group of users focused on identifying, championing, and implementing the social media strategies and policies of your organization.” This team should involve representatives from management, legal services, public information, information technology, and human resources departments. They recommend that the workgroup also be part of initial experiments with social media in order to determine the value of posting, how resources will be allocated, and if the effort can be maintained over the long term.

Here are some elements to consider when developing an official social media policy for legislative accounts.

1. Define the Purpose

This may seem obvious, but a statement of the purpose and goals for the use of social media helps focus and guide its use, and shouldn't be glossed over. Review your current goals and mission and determine how social media might support them. Consider the types of information and interaction citizens and constituents are seeking and how they use social media to communicate.

For example, the Minnesota House Public Information Services' “Social Media Policies and Best Practices Guide” states that the purpose of social media is to support the department's mission and overall communication strategy. “Our use of social media allows us to open new channels of communication to the public... and a robust social media strategy will allow us to broadcast our content quickly, effectively, and in ways that users will find engaging.”

2. Define Responsibilities

Clearly defined roles and responsibilities for oversight and management are an important part of any social media policy to help prevent unauthorized access or loss of control over accounts. Specify who is authorized to agree to the terms of service required by social media companies. Designate who will “own” the account (e.g., which legislative agency) and who will oversee its use. Determine who will keep a record of and have access to account usernames and passwords.

“The Legislative Communication Officer, upon request, will set up social media accounts on behalf of staff,” states Montana's social media policy for legislative staff. It goes on to specify that the Legislative Communications Office “must be informed of the usernames and passwords for all social media accounts established for posting legislative information” and that any changes



FROM THE MINNESOTA HOUSE PUBLIC INFORMATION SERVICES' SOCIAL MEDIA POLICY GUIDE

A robust social media strategy will allow us to broadcast our content quickly, effectively, and in ways that users will find engaging.

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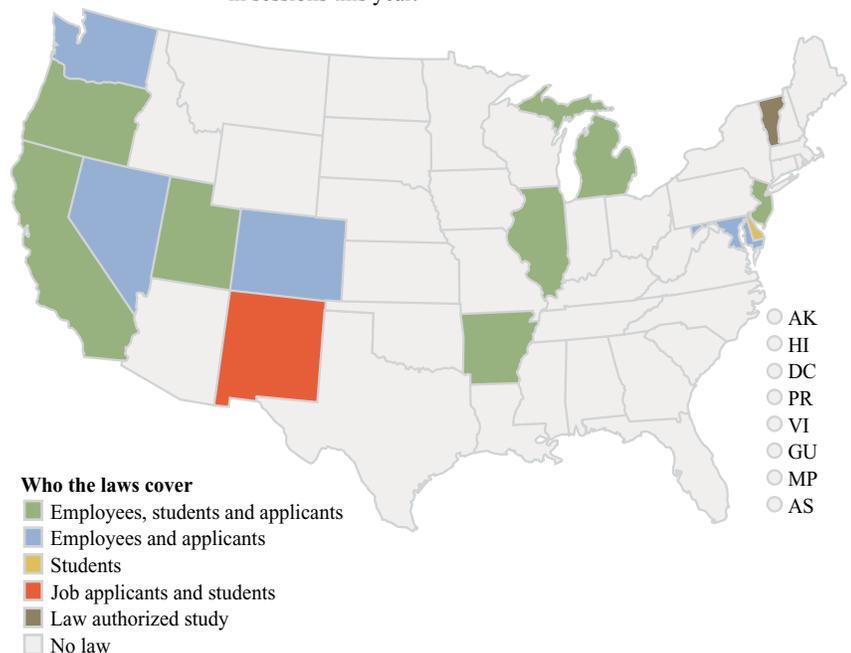


to usernames or passwords must also be forwarded to the communications officer.

Finally, decide who will be authorized to post and whether posts will be reviewed by one or more people before being made public. The Texas Legislative Research Library, for example, began its use of social media cautiously. “We knew it would be critical to maintain an appearance of non-bias, so we formed a group of librarians to review both the tweets and the resources before posting them. We haven't experienced any major issues with our Twitter feed, so this seems to be an effective way to screen for potential controversy,” says library director, Mary Camp.

Password Protected

Twelve states prohibit employers from requesting usernames or passwords to personal Internet accounts to get or keep a job. Similar legislation prohibits educational institutions from requiring students or student applicants to provide access to their social media accounts. Vermont passed legislation in 2013 to study the issue. Another 28 states are considering legislation in sessions this year.



Note: Wisconsin legislation is pending the governor's action.

Source: NCSL, as of Feb. 27, 2014

3. Establish Content and Tone

Outlining what types of information to post and deciding how interactive the account will be should help in determining what kinds of policies may be needed to maintain consistent content and tone. The difficulty of conveying the nuances of facial expression, verbal inflection, and body language in online communication, and the immediacy and anonymity of social media messaging make guidelines that much more important.

Some states limit legislative social media accounts to a “push” or notification-only service, providing information only one way. This limited use can still generate a loyal following among constituents, media representatives, lobbyists and legislators if the type of information to be posted, such as announcements about committee hearings, bill status, and new reports or new services

is consistent. Policies that provide clear guidelines will help. They also may provide guidelines or limits on “following” and “liking” others’ social media accounts or posts.

Other agencies that chose to embrace a more informal, extemporaneous and interactive approach may adopt different guidelines that focus more on maintaining a respectful and friendly tone and posting relevant and useful information.

Ric Cantrell, chief of staff at the Utah Senate, uses what he calls the Barbeque Rule to guide what is posted. “If it works at a neighborhood barbecue, it works on social media. If it does not work at a neighborhood barbecue, it does not work on social media,” he says.

If your organization can handle it, the right strategy for social media is authenticity, Cantrell says. Not everyone can do it. The first priority is to be honorable and act honorably. Second, project a genuine, human picture. “Social media can smell baloney. Conversely, it respects authenticity. If citizens could see what our senators do, the sacrifices they make, and how they work every day—95 percent of the time they would be proud. They’d be bored, but they’d be proud. Our job is to share what really happens here without too much production, polish or Photo-shop,” says Cantrell.

“People react positively when smart and good are real. So, be smart and be good. Then be real. Don’t skip step one.”

Whether informal or not, existing policies on Internet and computer use, confidentiality, personnel, ethics and codes of conduct will contain many content-related provisions that can be incorporated into a social media policy. The Alaska Legislature’s social media guidelines draw on other policies and spell out expectations clearly. They state that all who participate in social media on behalf of the Legislature, or a legislative office, should understand and follow the guidelines, summarized below.

- ◆ Know and follow any computer and ethics policies which concern appropriate behavior within the Legislature.
- ◆ Respect proprietary information, content and confidentiality.
- ◆ Always stop, pause and think before posting.
- ◆ Reply to comments needing a response in a timely manner.
- ◆ Post meaningful, respectful comments—in other words, no spam or offensive remarks or inappropriate language.
- ◆ When disagreeing with others’ opinions, keep it polite.
- ◆ Stay within your area of expertise and provide individual perspectives on your topic.
- ◆ Last, but not least, do not use these sites or programs for personal benefit.

4. Determine How to Handle Comments

Among the most important provisions in social media policies are those that address how to handle comments from the public. States with social media accounts that allow public comments can reap the benefits of citizen interaction and engagement, but might occasionally face challenges in maintaining a respectful and relevant online environment.



Posting, Tweeting and Liking at Work

If comments are allowed, it's best to consult with legal counsel to create guidelines. In "Social Media and Local Governments: Navigating the New Public Square," published by the American Bar Association, authors Patricia E. Salkin and Julie A. Tappendorf recommend that state and local government agencies adopt and publish a comment policy on the social media site.

"A more detailed policy—for instance, one that states the purpose of the site and outlines the type of comments that will not be allowed or will be subject to removal—will not only assist the constructive use of the social media site by the public but also can reduce or dissuade inappropriate comments."

Include a disclaimer on the social media site that reserves the right to remove content that violates the law or site policies. Some disclaimers also state that comments posted by the public do not necessarily reflect the opinion of the agency hosting the site.

The Texas Legislative Council's Facebook page states:

You are encouraged to share your thoughts as they relate to the topic being discussed. We expect comments generally to be courteous. To that end, comments are reviewed according to the following guidelines.

We reserve the discretion to remove comments that:

- ◆ Contain obscene, indecent or profane language;
- ◆ Contain threats or defamatory statements;
- ◆ Contain personal attacks or insulting statements directed toward an individual;
- ◆ Contain hate speech directed at race, color, sex, sexual orientation, national origin, ethnicity, age, religion or disability;
- ◆ Promote or endorse services or products, although noncommercial links that are relevant to the topic or another comment are acceptable;
- ◆ Are unrelated to the topic being discussed;
- ◆ Are of a repetitive or spamming nature (the same comment posted multiple times).

Removing posts raises concerns about violating First Amendment rights and questions about what constitutes a government or public forum. As Cantrell says, deleting is rarely the best course of action. "If you're bugged, take a few minutes. Ask yourself: How would you answer a mean comment in your neighbor's backyard? The BBQ Rule would suggest responding with class, credibility, solid information and good humor. You may or may not win over the attacker, but you'll win over the other people gathered around, and you'll address the question. Even if they don't love the facts of your answer, your approach and demeanor will make an impression."

If you feel you must delete something, leave a trail, says Cantrell. "If the platform allows, leave the name and time of the offending comment but delete the content. Then post a note immediately explaining why the comment was deleted with an invite to rephrase. Sorry, @angermanagementdude, this is a family-friendly site. Care to rephrase?"

Case law is limited in this relatively new area. The Honolulu Police Department was sued in 2012 by the Hawaii Defense

Foundation, a group "dedicated to the defense and protection of arms owners' civil rights and education on firearm safety and self-defense." The suit charged violations of the First Amendment, claiming that members of the Honolulu Police Department "arbitrarily moderate the [Facebook] page by deleting comments and banning users who post or make comments unfavorable to the department." After the Hawaii Defense Foundation complaint was filed, the department changed its policies and procedures regarding the removal of Facebook posts. The court subsequently determined that the complaint was moot.

With the growing popularity of social media, it's inevitable that questions will come up, if they haven't already, on what the appropriate personal use of social media should be, while at work but also while away. When developing guidelines for employees' personal use, it's best to first review policies already in place regarding employee conduct. Any new social media policy should not conflict with other established policies.

Some legislatures choose to prohibit all use of social media sites at work. Others restrict use to a few employees, certain types of sites, or specific circumstances. Still others set time limits or leave it to the discretion of the employee to limit personal use, similar to policies on personal telephone calls or emails.

The Hawaii Senate, for example, limits personal use during normal business hours. The policy states that "personal communications and obtaining information for personal and incidental uses of social media shall be limited to avoid conflicts or interference with legislative duties and responsibilities."

Employment laws concerning social media policies are complex, and can differ for private and public sector employees. Policies deserve careful review by legal counsel. Examples of some suggested guidelines include encouraging employees to be respectful in their use of social media and to avoid speaking on behalf of their employer. Some policies encourage employees to place a disclaimer on their personal social media pages saying something like, "These views are my own and do not reflect my employer."

Policies may prohibit sharing confidential or proprietary information of their employer, and caution against harassing or unlawful conduct toward co-workers. Employees who use the employer's equipment should be informed they may have no expectation of privacy and should be told if their work may be monitored. Employees should sign and acknowledge they have received a copy of the social media policy.

Blanket policies that prohibit employees from discussing work-related issues or from making comments about an employer, however, could potentially be considered a violation of employees' free speech rights. In a recent federal appellate court ruling, *Bland v. Roberts*, a deputy sheriff sued over his dismissal, claiming that his former employer, the sheriff, retaliated against him for "liking" on Facebook the sheriff's campaign rival. The court ruled in favor of the deputy sheriff, saying the act of "liking" a political candidate was "the political equivalent of displaying a sign in one's front yard," which the Supreme Court has held is protected speech.

In 2013, Governor Mike Pence of Indiana admitted on his Facebook page that his staff deleted comments "simply because they expressed disagreement with my position." His statement went on to say "I have instructed our staff to review our policy and develop a standard of conduct similar to that of other elected

officials and news organizations in the days ahead. We will post that policy prominently on this site.”

5.

Clarify Guidelines on Political Activity

The special attributes of social media can lead to new questions about the use of state resources to create, write posts or link to various social media sites.

In Pennsylvania, the State Ethics Commission was asked whether it would be a conflict of interest under the Pennsylvania Ethics Act to post a legislative video on YouTube, created with state resources, if a link to a campaign video appeared on the same page. (YouTube automatically generates these links to related videos.) The opinion of the Ethics Commission in 2009 was that the actions of disinterested third parties such as YouTube or search engines such as Google would not form the basis of a conflict of interest under the act.

Senator Pileggi is in the process of asking the Pennsylvania Ethics Commission to answer additional questions. “Using social media presents some new and important ethical questions related to how to maintain a proper division between legislative work and campaign work,” he says.

A question posed to the Wisconsin Government Accountability Board in 2012 asked for clarification on whether a legislative employee, on work time, may post non-campaign related legislative materials on a social media site, even if campaign-related information also exists on that website. The Wisconsin Legislature’s social media policy reflects the decision of the board. It says that legislators and their staff may post content to websites that contain a mix of legislative, personal, business and campaign materials, as long as:

1. State resources are not used to create the mixed-content websites.
2. Legislative content generated by staff using state resources is also distributed more broadly to the press and public.
3. Personal, business, or campaign material produced by staff is done on their own personal time and without using state resources.
4. Legislators do not use state resources to post campaign or business content.

In Addition

Other recommended elements for policies include the following.

- ◆ **Accessibility.** Some social media outlets are not accessible to people with disabilities, so the policy should address how information on social media sites will be provided to users who request it in more accessible formats, whether through providing equivalent information through other electronic formats or print copies.
- ◆ **Intellectual property and copyright.** Social media policies should limit posts to materials or images that are created by the legislature or that are clearly in the public domain.
- ◆ **Retention of social media records.** Materials on official legislative social media sites, including any citizen comments received, may be considered official public records subject to



retention and retrieval laws and requirements in some states.

◆ **Terms of service of social media companies.** The terms of service that social media sites require users to agree to can sometimes contradict a state’s laws or policies, or may have special restrictions or requirements. Such was the case in Colorado, where certain clauses in Facebook’s terms of service relating to indemnity, venue for legal disputes, and other provisions conflicted with state law until new terms were negotiated. Reviewing the terms of service can help identify which social media outlets to use and if additional provisions should be included in policies.

Every organization will have its own approach to policies for social media sites, depending on its purpose, use and organizational culture. Policies will need to be reviewed and changed over time, as existing social media outlets evolve and new ones appear. After all, a mere 20 years ago, the term “social media” most likely referred to that especially outgoing statehouse reporter seen often at the capitol.

Tips From the Trenches

Are you out of interesting ideas for using social media? Here are a just a few ways you can energize your efforts.

BY REPRESENTATIVE
MICHAEL SCHLOSSBERG

We have finally hit a point where being an elected official on Facebook is no longer unique, but practically a job requirement. In fact, if you are reading this article, chances are, you are already using social media to help communicate with your constituents.

But, do you use it well? Uniquely? In a manner that is engaging, informational and provides added value for your constituents? Or are you just using it to regurgitate press releases?

If so, don't. Using press releases on social media may be fine, but it's not going to get more people to like or follow you.

To get constituents to connect with an elected official on social media, they have to want to get to know that official on a deeper level. They want to see what a day is like for their representative and where he or she stands on issues. Constituents want to get information that is relevant to their lives.

Break the mold. Take full advantage of social media by incorporating some of these innovative ideas into each of these social networks.

“Where Am I?” Pics on Facebook

When I'm out and about in my district, I'll take a photo of a unique façade, upload it into Facebook, and ask, “Where am I today in the 132nd District?” Doing so serves two purposes: it shows off cool features in your district while establishing that you are out and about, not just sitting in your office.

Town Hall With a Twitter Twist

With enough advance notice and planning, you can host a constituent Town Hall. In a nutshell: Send out a press release, solicit questions and then answer them through tweets during a set time while using a Twitter hashtag (I use #AskSchloss). As an added bonus, the media loves covering stories like this, so you'll likely get traditional press as well.

Pennsylvania Representative Michael Schlossberg writes a blog on social media and politics at <http://politicalfails.wordpress.com> and has trained small businesses in how to take advantage of the benefits of using social media.

Vine Your Vote

You can record a video of your vote on an important issue and send it out via the Vine to give your vote an added push. Vine has the added bonus of appearing directly in someone's Twitter feed, making the video easy to watch. Integrating it into your Facebook page is also a snap. A word of caution: Make sure it's legal to shoot the Vine. In Pennsylvania, for example, no pictures or video can be recorded on the floor of the House without special permission from the speaker.



Pennsylvania Representative Michael Schlossberg.

Instagram your Capitol

If your Capitol is anything like mine, it's beautiful, filled with one-of-a-kind architecture and incredible views. Take pictures and upload them to Instagram. Then connect that account with your Facebook and Twitter accounts. Showing off the magnificent building in which you work can enhance the prestige of your job.

Segment Your Constituents in Google+

One of Google+'s greatest features is “circles,” which allows you to group your connections based on interests or other categories. Create a Google+ profile and then create your circles by issue (economic development, education, transportation, etc.) Sort your constituents appropriately; it's not that hard if you keep up with it. Then, post information that is relevant to each circle. This way, you can ensure that the information you post is reaching those most interested in reading it.

Post Policy on LinkedIn

LinkedIn is less about cute pictures of your kids and more about demonstrating your expertise. With that understanding, use LinkedIn to discuss your various policy initiatives and post your policy papers. Go in-depth and ask for real feedback, not just a “like.”

Most people have some type of social media account, including elected officials. But too often, out of a lack of knowledge or lack of time or both, our use of social media is cliché. So be different. Break the mold and post interesting content in innovative ways, and you will be rewarded with a deeper connection to your constituents.

