



Wisconsin Ethics Commission

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Assembly Chief Clerk Patrick E. Fuller
Senate Chief Clerk Jeff Renk

Dear Chief Clerks,

It has come to the attention of the Wisconsin Ethics Commission that there may be some confusion among the members of the Legislature as to the permissible uses of official legislative social media accounts. This confusion appears to have been derived from language in the former Government Accountability Board's guidance that was issued to you both in 2012 regarding the permissible use of social networking technologies by legislators and their staff.

In the October 11, 2012 guidance, the Government Accountability Board provided that:

“With respect to the use of state staff and resources to create and post materials to web and other social media pages that contain a mix of legislative and personal materials, including business and campaign materials, our advice is:

1. State resources should not be used to *create* a website or Facebook page that will be used for mixed purposes.
2. Subject to paragraph 3, a *legislator* may post any type of content at any time to a website, Facebook page or other social media.
3. A legislator should *not use state resources*, such as a state computer, to post non-legislative content to a website, Facebook page, or other social media other than purely personal (not campaign or business) content.
4. *Legislative staff* may post *legislative content* to a mixed-use website, Facebook page, or other social media any time, even if using state resources, but not to a campaign website, campaign Facebook page, or other forms of campaign social media. However, legislative staff should do this only with respect to materials that are distributed more broadly to the press and public.
5. *Legislative staff* may post personal, business, or campaign content to a mixed-use website, Facebook page, or other social media *only* on personal time and without using state resources.

Wisconsin Ethics Commissioners

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6. Although a mixed-use website may contain a link to the legislator’s official state webpage, a state webpage should not be linked to a mixed-use website, Facebook page, or other social media.

Attached is a spreadsheet that illustrates permissible and impermissible activities.”

Type of website	Legislative		Personal		Campaign		Business	
Example	WI State Rep John Doe (Facebook)		John Doe (Facebook)		Doe for Assembly (Facebook)		Doe Consulting, LLC (Facebook)	
Type of Person	Legislator	Staff	Legislator	Staff	Legislator	Staff	Legislator	Staff
Using State Resources	L Some P No C No B	L Some P No C No B	L Some P No C No B	L Some P No C No B	X	X	X	X
On State Time	L Some P No C No B	L Some P No C No B	Any	L Some P No C No B	Any	X	Any	X
Off State Time/Resources	L Some P No C No B	L Some P No C No B	M	M	Any	Any	Any	Any
Link of the Wisconsin Legislature’s Website	Yes		No		No		No	
Policing content from others	Yes		NA		NA		NA	
Notes	This is essentially a legislative resource.							

Key

- L = Legislative post
- P = Personal post
- C = Campaign post
- B = Business post
- M = Mixed Content
- X = Not Allowed
- NA = Not applicable

The confusion appears to result from paragraph 2. Taken in isolation, this paragraph appears to grant *carte blanche* to legislators to post any type of content at any time to “a website, Facebook page or other social media.” However, it is clear from review of the entirety of the advice as well as the attached spreadsheet that this paragraph along with all the other advice quoted above was intended to be limited to mixed-use websites, not those created and maintained as the legislator’s official Facebook page. Official legislative social media accounts should only be used for governmental purposes. A legislator’s use of an official legislative social media account for campaign or business purposes, even when not using a state computer or on state time, may be a violation of WIS. STAT. § 19.45 (2) and (5).

As we proceed into the fall election season and the next legislative session, we would appreciate your assistance in communicating to all legislators that campaign and business material should not be posted to official legislative websites, official legislative Facebook pages, or other official social media accounts.

Sincerely,



Staff Counsel
Wisconsin Ethics Commission