Milwaukee County Ethics Board

DATE: November 6, 2026

FROM: Milwaukee County Ethics Board

TO: Milwaukee County Board Supervisors

SUBJECT: Formal Opinion Regarding Use of Social Media Accounts

CC: Corporation Counsel

INTRODUCTION

At its meeting November 5, 2026, the Milwaukee County Ethics Board (the "Board") passed a resolution identifying the use of social media by County Board Supervisors ("Supervisors") and the potential for their conduct online to create a perceived violation of the Ethics Code (the "Code") contained in the Milwaukee County General Ordinances ("MCGO").

MCGO § 9.09(2) authorizes the Board to issue formal opinions:

> The Board may issue a formal opinion interpreting the ethics code or applying the ethics code to postulated facts without a request from a county public official or employee. This process allows the board to interpret the application of the Code to a universal concern and to address an issue that might not otherwise be raised in an advisory opinion request, investigation request or a verified complaint. Formal opinions serve as an educational tool for Code compliance and a means for persons to avoid engaging in an activity that might otherwise become a matter for the investigation request or the verified complaint processes.
>
> (a) If the Board determines that a formal opinion would provide useful guidance on an issue of broad concern or assist individuals who are subject to the Code to comply with its terms, the ethics board shall adopt a resolution to that effect which identifies the issue the ethics board intends to address.
>
> (b) Upon adoption of such a resolution, the Board shall discuss that issue in a properly noticed meeting pursuant to the open meetings law.

COURTHOUSE, SUITE 308 · 901 NORTH 9TH STREET · MILWAUKEE, WISCONSIN 53233 · ETHICS@MILWAUKEECOUNTYWI.GOV ·
TELEPHONE (414) 278-5332 · FAX (414) 223-1897
Board Members
ELIZABETH LENTINI· Chair
CHRISTOPHER MEULER · Vice Chair
RICHARD DONNER · DEAN DANIELS · CLIFTON PHELPS · GEORGE BLEDSOE

At its meeting on November 5, 2026, the Board, by unanimous vote, adoped a resolution consistent with the goals of MCGO § 9.09(2) to approve the issuing of a formal opinion providing guidance on compliance with the Code, specifically as it relates to MCGO §§ 9.05(2)(a-d) and 9.06(1)(d).[1] Consistent with the foregoing, the Board now issues this formal opinion.

OPINION

This opinion is intended as a functional reminder for Supervisors to consider MCGO §§ 9.05(2)(a-d) and 9.06(1)(d) of the Code in their use and maintenance of their social media profiles. First and foremost, the Board recommends that Supervisors consider the guidance previously issued to Supervisors by the Office of Corporation Counsel ("OCC") in 2019 on the same topic, a copy of which is attached to this opinion. This should serve as a primary reference for Supervisors and their use and maintenance of social media profiles as it speaks not just to conduct, but to issues like proper record preservation as well.

Purpose of MCGO § 9.05 (the Code's "Standards of Conduct")

M.C.G.O. §9.05(1) describes the purposes behind §9.05's standards of conduct. Milwaukee County officials hold their position in public trust, and any effort to realize personal gain through official conduct violates that trust. Officials do retain their rights as citizens to their own personal and economic interests and may engage in other pursuits or forms of gainful employment. However, pursuing such interests should not interfere with the full and faithful discharge of their County duties. This means that, when necessary, officials must prioritize their public duties and responsibilities over those personal pursuits and private interests. In order to maintain the public trust, officials must not use their County position or resources in a way that creates a private benefit, directly or indirectly, for themselves, solicit or accept things of value when it can appear to be in exchange for official actions, and they must not use or disclose confidential information for anyone's financial gain. The Code asks officials to distinguish between conflicts that may be minor, inconsequential, or unavoidable in society and those that are substantial and material.

Use of Position or Office, Accepting Anything of Value, and Disclosure of Privileged Information:

MCGO § 9.05(2)(a-d) describe specific conduct that would violate the Code. § 9.05(2)(a) and (c) prohibit public officials from using their official position or conduct to obtain private benefits or financial gain for themselves, their immediate family, or organizations they are associated with.[2] § 9.05(2)(b) prohibits public officials from soliciting or accepting anything of value from someone in exchange for an official action (or inaction).[3] § 9.05(2)(d) prohibits the use or disclosure of any information you gain because of your county role in a way that creates a benefit for you or any other person. The sections read (in relevant part) as follows:

> (a) *No financial gain or anything of substantial value:* Except as otherwise provided or approved by the county board, no county

public official…shall use [their] public position or office to obtain financial gain or anything of substantial value for the private benefit of [themselves] or [their] immediate family, or for an organization with which [they are] associated. This paragraph does not prohibit a county elected official from using the title or prestige of [their] office to obtain campaign contributions that are permitted by and reported as required by ch. 11, Wis. Stats.

(b) *No person may offer anything of value:* No person shall offer or give to any public official…directly or indirectly, and no public official…shall solicit or accept from any person, directly or indirectly, anything of value if it could reasonably be expected to influence the public official's…vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction or omission by of the public official…This section does not prohibit a public official…from engaging in outside employment.

(c) *No substantial interest or benefit:* Except as otherwise provided in paragraph (1.), no public official…shall:
1. Take any official action substantially affecting a matter in which the public official,…a member of [their] immediate family, or an organization with which the public official…is associated has a substantial financial interest.
2. Use [their] office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the public official…members of the public official's…immediate family either separately or together, or an organization with which the public official…is associated.

(d) *No disclosure of privileged information:* No county public official…shall use or disclose privileged information gained in the course of, or by reason of, [their] position or activities which in any way could result in financial gain for [themselves] or for any other person.

It is the Board's perspective that a Supervisor's posting to or sharing content on social media pages may create the appearance of an "official action" or a "use of position." Recognizing the impact social media can have on the lives of those who interact with it is important, particularly to this Board if said conduct and the surrounding context of the situation could suggest an attempt to generate private benefits.

If a Supervisor believes potential conflicts related to the Code could arise out of a specific instance of social media engagement, they are encouraged to contact the Board's office for guidance. For further reference or more generalized guidance of appropriate social media engagement, please review the 2019 guidance issued by OCC on the topic of social media use that is attached to this formal opinion or reach out to their office with your inquiry.

Purpose of MCGO § 9.06 (the Code's Prohibitions on "Political Activity") & Application of Section (1)(d):

It is important to recognize that MCGO § 9.06 creates a very narrow lane for its definition of "political activity." It limits the scope by setting three qualifiers, all of which must be met:

- the conduct is at an individual's "place of employment,"
- the individual could be considered as otherwise "engaged in [their] official duties," and
- the individual's conduct was "for the apparent purpose of seeking to elect or defeat a person seeking elective office."

When these three qualifiers are met, the Board then considers whether any of the activities listed under § 9.06 occurred. They include:

- wearing or displaying any campaign material (a),
- distributing any campaign literature (b),
- soliciting contributions for any candidate (c),
- engaging in political campaign activities for any candidate (d), and
- circulating nomination papers for elected office (e).

The Board considers the first two qualifying elements very broadly when applied to Supervisors. As previously stated, the Board considers it reasonable that a Supervisor's conduct on social media under the guise of a social media profile or on a social media page can create the appearance that said Supervisor is "engaged" in official duties. Furthermore, given a Supervisor's duties as they relate to community outreach and engagement, the idea that a Supervisor can be perceived as always at their "place of employment" is a reasonable one to this Board.

The last element the Code would have the Board determine is whether the conduct could be perceived as being for the apparent purpose of seeking to elect or defeat a person seeking elective office. When the Code uses the phrase "apparent purpose," the Board will go beyond the content of a post – we're not just talking about posts that say "Vote for XYZ" outright. The Board would also consider context around the posting or sharing of the information and what "apparent purpose" is suggested by a given Supervisor's behavior.

Beyond the qualifying elements, conduct in a virtual forum can very easily fall under the prohibitions listed in (a) and (d) above. If individuals have questions about whether the content of a Supervisor's social media presence (e.g., page, comments, etc.) may create the appearance of support for someone seeking elective office, they are encouraged to reach out to the Board and its office.

Examples of Conduct to Avoid:

- Posting something that appears to relate or reference the election campaign of another individual. Whether the content of the post is positive or negative is irrelevant, as a violation can be found if your purpose is electing *or* defeating a person seeking elective office. 9.06(1)(d)

- Posts that advertise organizations you or immediate family are "associated" with, including non-profits. These could be perceived as an attempt to use your office to obtain financial gain for yourself, your immediate family, or the organizations. 9.05(2)(a) and (c)

- Disclosure of information you possess only due to your county role when such a disclosure could result in financial gain for yourself or anyone else. 9.05(2)(d).

The examples contained here are general fact patterns. If a Supervisor is considering taking an action on social media (posting, commenting, etc.) and they recognize potential implications of the Code, they should contact the Board's office to receive confidential input on their proposed conduct.

Conclusion:

This opinion focuses on the conduct of Supervisors in their social media and how it can involve the Code in certain circumstances. The Board's primary interest is to recirculate guidance on the topic of social media that was issued to Supervisors in 2019 by OCC, echo and otherwise support OCC's recommendations, and remind Supervisors of the resources available to them. Supervisors are encouraged to review the attached guidance for more information on recommended best practices for the use and maintenance of social media profiles that become/are county affiliated. If you have questions about general social media usage, please reference OCC's guidance or contact OCC. If an individual has any questions about this opinion or wishes to inquire with the Board about a specific instance of social media conduct they think may involve the Code, they should contact the Board's office for guidance.

Respectfully,

THE MILWAUKEE COUNTY ETHICS BOARD

/s/ Elizabeth Lentini	11/5/2026
Elizabeth Lentini, Chair	Date
/s/ Christopher Meuler	11/5/2026
Christopher Meuler, Vice Chair	Date

/s/ Richard Donner	11/5/2026
Richard Donner, Board Member	Date
/s/ Dean Daniels	11/5/2026
Dean Daniels, Board Member	Date
/s/ Clifton Phelps	11/5/2026
Clifton Phelps, Board Member	Date
/s/ George Bledsoe	11/5/2026
George Bledsoe, Board Member	Date

[1] The agenda for the Board meeting on November 5, 2026, provided:

5.0 Review of Formal Opinion on M.C.G.O. Sections 9.05(a-d) and 9.06(1)(d)

5.1 Purpose of Discussion: The Ethics Board seeks to issue a formal opinion to county board supervisors regarding the provisions cited above in the interest of public education regarding potential violations of the Ethics Code that can be created by a supervisor's social media conduct. This opinion will be circulated to all county board supervisors, available to the public from the Ethics Board's website, and attached to the Ethics Board's annual report for 2026.

[2] *See* MCGO 9.02(2) and (9) for definitions of "associated" and "immediate family."

[3] The Code sets the "anything of value" threshold as something worth more than fifty dollars ($50) (*see* MCGO § 9.02(1).

MARGARET C. DAUN
Corporation Counsel

PAUL D. KUGLITSCH
ANNE B. KEARNEY
Deputy Corporation Counsel

ALAN M. POLAN
KATHRYN M. WEST
DALE R. NIKOLAY
SCOTT F. BROWN
TEDIA K. GAMIÑO
DAVID N. FARWELL
LISA M. PROCACCIO
NELSON W. PHILLIPS III
MELINDA S. LAWRENCE
KEITH L. REESE-KELLEY
Assistant Corporation Counsel

OFFICE OF CORPORATION COUNSEL

Client-Driven. Community-Focused.

DATE: June 7, 2019

TO: The Milwaukee County Board of Supervisors
Interested Stakeholders

FROM: Margaret C. Daun, Corporation Counsel
Scott F. Brown, Assistant Corporation Counsel

SUBJECT: Guidance on Social Media Accounts

Milwaukee County Board Chairman Theodore Lipscomb, Sr. issued a memo (Attachment 1[1]) on July 12, 2018, requesting guidance regarding the use of social media and compliance with Wisconsin's open record laws by the Milwaukee County Board of Supervisors.

Specifically, the request sought guidance on (1) distinguishing between "official," "campaign," and "personal" social media accounts; and (2) the responsibility for responding to an open records request for social media when there is a change in representation in an elected office.[2]

Upon undertaking this review and analysis, the Office of Corporation Counsel (OCC) identified other related areas about which clients may find additional clarification to be useful. They are each addressed in turn herein and include, in this order: (1) use of non-County devices, computers, and email accounts; (2) text and instant messaging; and (3) social media (in three parts – FAQs, recommendations, and guidelines by account type).

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[1] On July 12, 2018, the Chairman directed that "no Board staff is to post on any individual social media account on behalf of a Supervisor during County work hours" until an opinion is received from OCC.

[2] The OCC coordinated with IMSD in preparing the operational and technical portions of this memorandum.

I. PERSONAL OR CAMPAIGN EMAIL ACCOUNTS, CELL PHONES, AND COMPUTERS

The OCC respectfully cautions Supervisors (and County staff) to never forward emails received on their County email accounts to their personal/campaign email accounts (or vice versa).

The OCC is currently in discussions with IMSD regarding the potential for a "BYOD" (bring your own device) policy for Milwaukee County. **In the interim, the OCC respectfully suggests that it is a best practice for Supervisors (and County staff) to avoid conducting official County business on personal/campaign hardware (personal cell phones and computers).**

If a Supervisor forwards County-related emails to a personal or campaign email account, or otherwise conducts County business on personal/campaign hardware like cell phones or computers, a court may conclude that those personal/campaign email accounts and personal/campaign hardware may be subject to the public records law and the Supervisor would then be personally responsible for open records compliance on those email accounts and on that hardware. Furthermore, the personal/campaign hardware would likely be subject to search and review. To avoid this, it is respectfully recommended that County business be restricted to County hardware (cell phones and computers).

II. TEXT AND INSTANT MESSAGING

Currently, no court, nor any Attorney General Opinions, have determined whether text and/or instant messages qualify as "records" under the Wisconsin public records law. However, because it is the content of the communication that determines whether a communication is a record, rather than the medium, format, or location, it is possible that a court could eventually rule that text and instant messages used to communicate regarding ***substantive County business*** are records subject to potential disclosure under the public records law. How a court would address the County's current inability to retain such records is unclear. IMSD is currently considering whether and how to begin to archive text and instant messages.

In the interim, the State Public Records Board has approved the "General Records Schedule: Common Records in Wisconsin State Agencies and Local Unites of Government" (GRS). *See* http://publicrecorddsboard.wi.gov/docview.asp?docid+15863&locid=165 (Aug. 23, 2010, rev. 2016) at 6. The GRS specifically addresses transitory records, which are "correspondence and other related records of short-term interest which have no documentary or other evidentiary value, which do not set policy, establish guidelines or procedures, document a transaction or become a receipt." *Id.* Transitory records need not be retained.[3] They include "routine requests for

[3] However, if litigation related to the transitory record is pending or likely to be filed, the transitory record must be kept. Also, the State Historical Society requires at least sixty (60) days written notice before

information that require no policy decision, special compilation or research[, and] are transitory to the sender and the recipient." *Id.* They do not include discussion of County policy or operations, personnel, etc.

Based upon all of the foregoing, the OCC recommends the following to reduce public records risks related to text and instant messaging as much as possible. To eliminate public records risks, the OCC suggests that the County either identify a means to retain text and instant messages or instruct employees to refrain from using text and instant messaging.

- Text or instant messaging (referred to collectively hereafter as "text messaging") about County matters must be restricted to County-issued cell phones or potentially risk subjecting personal cell phones to search.[4]

- Do not delete text messages from County cell phones.

- Restrict text messaging to non-substantive matters.
  - The following are examples of text messages that the OCC advises create very little to no open records risks for the County. If any of the below examples are expanded to identify substantive topics, or to include other information, there is increased risk that the record may not be a transitory record.
    - "I am late. Be there in 5 minutes."
    - "Can you meet with me on Wednesday at 2pm?"
    - "Please call me ASAP."
    - "Jane Doe called. It's urgent. Please call her at 123-456-7890."

  - Examples of text messages that the OCC recommends be avoided because they may create open records risks (i.e., a court could conclude that the text messages must be subpoenaed from the cellular provider and produced to a requester) for the County:
    - "Today in committee, Supervisor Jones, Polanski, and Greene focused on the salary increase for Department Head White, staffer Smith, and staffer Washington."
    - "How are you going to vote on Resolution 1989-56?"
    - "We need to get together to discuss public policy issue alpha bravo charlie."

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destruction of a record. Wis. Stat. § 19.21(6). However, in this instance, neither exception applies, because the County does not currently have the ability to retain text or instant messages.

[4] Similarly, the OCC recommends that County employees avoid leaving voicemail messages on personal cell phones related to County business. If leaving a message on a personal cell phone is unavoidable, the OCC recommends that the message be limited to "please call me" to reduce as much as possible open records risks for the County.

III. BEST PRACTICES REGARDING SOCIAL MEDIA – BASIC FAQs

"Social Media" is broad term that encompasses a continually expanding ecosystem of platforms. While the platforms are quite similar, they are unique in terms of how data is stored and the nature of the communications. It is impossible to provide comprehensive black and white legal guidance to address all possible issues on all available platforms given that the law on this topic is in its infancy.

This memorandum provides best practices and advice with the aim to be usable, clear, simple, and accurate. These objectives, however, conflict. It is difficult to achieve usability, clarity, and simplicity when an area of the law is unclear, as it is here. The problem with simplicity is that it can be easily misunderstood to provide unequivocal black and white rules, which are not reasonable or possible in this newly developing area of the law.

The OCC considered the most recent draft guidance on these issues provided by the Wisconsin State Ethics Commission (Attachment 2, December 11, 2018). That guidance may be read in conformity and conjunction with this guidance.

As explained herein and as emphasized in numerous other opinions of the OCC, Supervisors are individually responsible for their compliance with the state's open records law, including how the open records law applies to their individual social media accounts.

Given that all social media sites can be hacked and/or may sell data to third-parties, the OCC strongly advises that Supervisors should never disclose private or sensitive personal information about themselves, others, or the County on any website, social media platform, or via email. It is also wise to remember one does not really know with whom they are communicating over social media. Any ID and persona can be spoofed.

A. What Social Media Platforms Are OK to Use?

Due to their ubiquity, the OCC recommends limiting the use of social media platforms for official County purposes[5] to Facebook, Twitter, Instagram, and LinkedIn.[6]

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[5] The advice provided in this opinion is primarily focused on the use and operation of official County social media accounts. However, where the use of personal or campaign-related social media accounts may create legal risks for the County under the open records or other law, this memorandum provides advice to avoid such increased risks. Therefore, except where expressly noted, the guidance contained herein is directed at Supervisor's use and operation of official County social media accounts.

[6] There are many other popular social media platforms, but we have chosen to exclude others such as Tumblr and SnapChat for a variety of reasons. For example, SnapChat posts disappear which make it impossible to meaningfully comply with the open records law. Therefore, the OCC advises against its use. Tumblr, while very popular, mostly utilizes memes, video, and gifs which are not original content and therefore, the OCC recommends against its use. Generally, the social media platforms with features most conducive to

B. Is a Social Media Account Subject to the Open Records Law?

Yes, it is likely that a court considering this question would conclude that a social media account is subject to the Wisconsin public records law **if it is being used for official County business**. In other words, the content of what is being posted and communicated about on the social media platform will determine the applicability of the open records law, as noted above and explained further below.

If the public records law applies to a social media account, the operator of that account is then required to retain all information, materials, and/or discussions posted on that social media platform that relate to official County business for at least seven (7) years.

To comply with the public records laws when utilizing social media platforms, the OCC therefore respectfully recommends that Supervisors clearly label all social media accounts according to their use and carefully restrict use according to the account's label (i.e., official, personal, and campaign).

A court asked to decide whether the public records law applies to accounts labeled as "personal" or "campaign" will look beyond the labeling of an account and will analyze how the accounts are actually used. For example, simply naming a Facebook account as "John Doe's Personal Facebook" does not definitively place that account outside of the reach of the public records law. If an account is in fact used for official County business, intentionally or unintentionally, it will be subject to public records law.

Whether an account is "used" for official County business in turn depends on the content and conversations posted to the account. This is not always an easy determination to make. For example, the OCC acknowledges that on an incumbent Supervisor's campaign social media account, the Supervisor and voters will likely debate and discuss County public policy issues. How would a court determine whether the content constitutes "official County business" such that the open records law might apply? No court has directly considered this question. However, as reflected throughout this advice, the OCC suggests a pragmatic approach to ensure that the public understands that the campaign account is being used only for campaign purposes – specifically, the OCC recommends that wherever the incumbent Supervisor-owner of a campaign social media account is permitted to control content/labeling/headings, the candidate should make clear that she is posting and communicating as a candidate, and not in her official capacity as a Supervisor. The OCC also recommends that candidate consider stating the same explicitly at reasonable intervals while communicating/posting/tagging on the social media account.

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communication with the County public are Facebook, Twitter, Instagram, and LinkedIn. Thus, these are the platforms the OCC recommends for use. The advice contained herein only applies to these platforms.

C. How Should a Supervisor Label their Official County, Personal, and Campaign Social Media Accounts?

An official page should, in addition to the individual's name, explicitly specify the public official's position. For example, Supervisor Jane Doe's Facebook page should not simply read "Jane Doe," but it might read "Official County Facebook of 19th District Supervisor Jane Doe." In contrast, a campaign account might be labeled "Jane Doe Reelection Campaign Facebook," and a personal account might say "Personal Account for Jane Doe."

The OCC is aware that labeling may pose challenges given that many platforms do not permit the use of certain terminology. Supervisors must use their best judgment in labeling social media accounts.

D. What's a "Verified" Account and Should a Supervisor Use a Verified Account?

The OCC highly recommends that Supervisors ensure that their official County accounts are "Verified Accounts." Each platform has a process by which you submit certain information to the provider to verify a user's identity. Once a Supervisor has verified his or her identity with a particular platform, the platform will signify that your account is verified usually by putting a blue check next to your name. Verified accounts are desirable because it assures the public that the information on the social media account they are viewing/following actually comes from the government official they believe they are interacting with. One can imagine the confusion that could ensue if a malign actor were to set up a social media account claiming to be a member of the County Board and began distributing misinformation. Even the most innocuous prankster could certainly cause problems by impersonating a Board Member on social media. Obtaining verified accounts not only protects the Board Members from social media identity theft, it also protects the public from disinformation and fraud.

E. May a Supervisor Use Individual Office Accounts to Pay for Social Media Ads?

In short, yes, under certain circumstances. Supervisors are provided with Individual Office Accounts (IOAs), funded with taxpayer dollars, to pay for defined expenses (postage, newsletter costs, memberships, subscriptions, advertising, etc.), all of which must be district-related official County business. The funds may never be used for any type of campaigning, personal purposes, or anything that a reasonable person would believe to confer an individual benefit. In addition, the Board has express administrative procedures on IOAs.

Specifically, for any particular expense to be paid out of an IOA, an expenditure request (through Salesforce) must first be submitted to the Board Chief of Staff before payment will be processed. It is the Supervisor's responsibility, not the Chief of Staff's, to ensure that the purchase serves a County/district purpose. To this end, the new Expenditure Application in Salesforce requires that a Supervisor check an "Expenditure Funds Acknowledgement," verifying the appropriate public purpose of the expenditure, before an IOA request will be sent to the Chief of Staff. It is always

the responsibility of each Supervisor to manage their expenditures to ensure that they are within applicable budget allocations and serve a public purpose.

The OCC respectfully provides the following guidelines related to the purchase of on-line advertising for County Supervisors (and County departments):

- The advertisement must be for a public purpose (i.e., to promote an official County event or initiative, for a public service announcement, etc.). *See Town of Beloit v. County of Rock*, 2003 WI 8, ¶20, 259 Wis. 2d 37, 50, 657 N.W.2d 344, 350.
- Whether an advertisement is for a public purpose will most likely be judged by a court according to the reasonable person standard – would a reasonable person think that the ad is campaigning or is actually intended to personally benefit the Supervisor, her family, or an organization she is involved with, instead of the Supervisor's constituents or County residents generally?
- Supervisors (and departments) should apply the guidelines set forth in this opinion for official, County social media accounts related to compliance with the County's ethics code, *see infra* n.9, the County Employee Handbook, *see infra* n.17, the First Amendment, *see infra* nn.7, 8, 15, Wisconsin open meetings law, *see infra* n.16, public records law as discussed throughout this opinion, equally to any advertising paid for with taxpayer funds that is posted on official, County social media accounts.
- Seek outside counsel to ensure that there are no violations of applicable campaign finance laws. Please note that the OCC cannot provide Supervisors with situationally-specific or detailed legal advice related to compliance with campaign finance laws; Supervisors and their campaigns must seek outside counsel paid for with personal or campaign funds for this purpose. Observe the guidance offered below as to the "Moratorium Period" established under Wis. Stat. § 11.1205.
- Related but separately, extreme caution should be used regarding the use of County resources, including IOAs, for advertisements, social media postings, email blasts or other internet-based communications that are specifically targeted to audiences outside of a Supervisor's district, as these could be argued to look more like prohibited campaign activities and not expenditures for a legitimate, district-related public purpose.

The mechanics of payment and invoicing for these sorts of advertising expenses are best addressed by the relevant department, the Comptroller's Office, and the administration.

F. Social Media Postings and the Moratorium Period

Section 11.1205 of the Wisconsin Statutes prohibits any use of County resources for the distribution of 50 or more pieces of substantially identical material during a defined period of time prior to an election (the Moratorium Period).

Critically, there is no clear exception in Wis. Stat. 11.1205 for the distribution of materials related to acts of a legislative body or committee or even more generically, government business, if made by or on behalf of an elected officer(s) on an official County social media account or webpage/website. Therefore, it unclear whether posting to an official County social media account/webpage/website is legally permitted during the Moratorium Period regardless of the content of the communication since such postings can be seen by an unlimited number of people.

Although that strong arguments can be made that certain internet-based communications either are not covered by section 11.1205, or merely constitute a single distribution, the law is completely undefined in this area and so acute risks exist for incumbent candidates.

Based on the foregoing, the OCC respectfully advises Supervisors that the only way to completely eliminate risk as to section 11.1205 is to entirely avoid the use of individual Supervisor's official County social media accounts and individual Supervisor's websites/webpages during the Moratorium Period (whether posted from a County-owned cell phone or computer, or from a personally-owned cell phone or computer).

Of course, no County hardware should be used at any time to post to a personal or campaign social media account, and certainly not during the Moratorium Period.

With respect to the County Board's website/webpage, we also advise extreme caution during the Moratorium Period, whether content is posted by an individual Supervisor or any other staff to the Board.

Should a Supervisor (or the County Board's Press Office) elect to post to any County-sponsored website, webpage, or social media account during the Moratorium period, the OCC suggests that the following guidelines be observed, to attempt to ensure that the materials do not look like campaign activity and have the highest likelihood to be found to be in compliance with 11.1205 by a reviewing court:

- Constrain content to factual information (i.e., meeting of [xyz body] on [date], [time], [place]; Resolution ##-### [adopted/not adopted] on [date]);
- Do not discuss the actions, votes, proposals, or anything in specific reference to any individual Supervisor;
- Do not characterize or editorialize actions, resolutions, proposals, amendments, etc.;
- Do not attack or criticize other elected officials; and
- Do not quote individual Supervisors or other elected officials.

In the end, Supervisors are individually responsible for compliance with applicable campaign finance laws, ethics provisions, as well as section 11.1205 (and related provisions) and no safe harbor exists today other than abstention from the use of internet-based communications during the Moratorium Period.

IV. SUMMARY SOCIAL MEDIA RECOMMENDATIONS

Below the OCC provides recommendations to reduce open records-related and other legal risks related to the use of social media accounts by Supervisors. At the outset, in general, Supervisors should familiarize themselves with the "terms of use" for all social media platforms they use.

A. OCC Recommendations for Official County Social Media Accounts

On official County social media accounts, the OCC recommends that Supervisors:

- Create the official County social media account using a County email address. Never use a personal or campaign email address to create an official County social media account.
- "Verify" the account (described further below).
- Either (a) permanently block all public posting/comments/tagging OR (b) always allow all public postings/comments/ tagging (this is basically an on-off switch that should be toggled only once).[7]
- ***Never* selectively delete some postings/comments, but not others. A Supervisor cannot delete a post simply because a Supervisor disagrees with the viewpoint expressed therein. If a Supervisor does so, she has violated that poster's First Amendment rights.** *See supra* n.7.
- ***Never* selectively block only certain posters/commenters, but not others. A Supervisor cannot block an individual commenter simply because a Supervisor disagrees with the commenter's viewpoints or opinions. If a Supervisor does so, she has violated that commenter's First Amendment rights.** *See supra* n.7.
- Retain all content and data posted on official County social media accounts for seven (7) years, including any comments, queries, information, or materials submitted by end-users

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[7] *One Wisconsin Now v. Kremer et al.*, 354 F. Supp. 3d 940, 949, 951-53, 955-56 (W.D. Wis. 2019) (included herewith as Attachment 4) (holding that (1) the elected officials created and operated their official social media accounts under the color of state law, (2) the Twitter accounts at issue were public forums, including their interactive features, and (3) the public officials who owned the accounts unconstitutionally discriminated against the plaintiff based upon content of the plaintiff's postings) (citing *Knight First Amendment Inst. at Columbia Univ. v. Trump*, 302 F. Supp. 3d 541 (S.D.N.Y. 2018); *Davidson v. Loudon County Bd. Of Supervisors*, 267 F. Supp. 3d 702 (E.D. Va. 2017), which both held that government social media accounts are public forums). *See also* Ross Rinehart, *"Friending" and "Following" the Government: How the Public Forum and Government Speech Doctrines Discourage the Government's Social Media Presence*, 22 S. Cal. Interdisciplinary L.J. 781, 790–91 (2013) ("Although Facebook and Twitter have mechanisms that allow the government to block others from being able to further communicate on its 'forum,' utilizing this mechanism might offend users' First Amendment rights thereby risking government liability for impermissible viewpoint discrimination. As such, a risk-adverse government would want to ensure that it could regulate its Facebook page or Twitter profile … to remove offensive, slanderous, or false information without encroaching on users' First Amendment rights.").

(i.e., not just content that you post or that is posted at your direction), including under certain circumstances, personal information submitted voluntarily such as the end-user's name and/or address.
- Ensure that these records are maintained in an accessible and usable format that preserves the integrity of the original records for the period designated by appropriate records retention schedules.
- Consider citing sources and providing links when referencing a law, policy or other website.

The OCC advises that following content is <u>acceptable</u> for an official County social media account:[8]

- Discussions of Milwaukee County issues and how they might be addressed through Board action;
- General information about County Board activity such as ordinances or resolutions the
- Budget information;
- Newsletters from the Supervisor's office;
- Publicizing public events;
- Publicizing County-related events (i.e., Milwaukee County Zoo "free days," Milwaukee Public Museum After Dark, events hosted by "friends of parks" groups, etc.);
- Hyperlinks to official County-related websites or webpages, or other official County-related social media accounts; and
- Public service announcements;
- Use of County-owned logos, seals or images.

The OCC advises that the following content is <u>unacceptable</u> for an official County social media account:

- While logged into the Supervisor's official County social media account, scrupulously avoid "tagging" or commenting on the personal accounts of third-parties or on any

[8] A Supervisor's posts/comments/tagging on/by his or her "official" County social media account enjoy First Amendment protections, but those protections have limits. Put differently, a public official's posts on a County social media account are not likely to be found by a court to benefit from the same extraordinary level of First Amendment protections afforded to posts on accounts used strictly for personal or campaign purposes and/or posts by a private citizen. For example, the OCC would advise a County Supervisor that s/he cannot post to an "official" County Facebook account that "someone should murder local official John Doe." In contrast, a private citizen could make such a statement without facing legal jeopardy so long as the statement, viewed in light of all the contemporaneous circumstances, would not be viewed by a reasonable person as likely to incite a criminal act. The law in this area is complex and varies greatly depending upon the differing factual circumstances and a comprehensive analysis is beyond the scope of this general guidance. *See also supra* n.7, *infra* nn. 15, 17.

campaign-related social media accounts (whether it is the Supervisor's own campaign account or the campaign account of a third-party);

- Solicitation of campaign contributions;
- Promotion of campaign-related events;
- Photos of campaign-related events;
- Photos containing campaign-branded material such as T-shirts, signs, or banners;
- Posting any communications that a reasonable person would consider to be campaigning;
- **If a campaign donor or voter contacts a Supervisor on one of the Supervisor's "official" County social media accounts to talk about fundraising or anything about an election or campaign, the OCC recommends that a Supervisor should not respond in any way**, or risk potentially committing state and/or local law campaign finance and/or ethics violations.
- Posting any content that is strictly personal or commercial such as promoting the Supervisor's own business or business with which the Supervisor is associated;[9]
- Posting any content regarding non-County-related charitable organizations or causes that the Supervisor is involved in (i.e., please attend "save the owls" event);[10]
- Solicitation of charitable contributions for non-County-related charitable contributions (i.e., please donate to my church/synagogue/mosque, please buy my daughter's Girl Scout Cookies, etc.);[11]
- Advocacy for issues if a reasonable person could conclude that the Supervisor could benefit personally because of that advocacy;[12]

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[9] Milwaukee County's Code of Ethics mandates that all public officials hold his or her position "as a public trust, and any effort to realize personal gain through official conduct is a violation of that trust." *See* MCO § 9.05(1). The ethics code further prohibits a public official from taking "any official action substantially affecting a matter in which the public official…or an organization with which the public official …is associated has a substantial financial interest." *See* MCO § 9.05(2)(c)1. Public officials are also prohibited from using their position in such a way that "produces or assists in the production of a substantial benefit, direct or indirect, for the public official…or an organization with which the public official…is associated." *See* MCO § 9.05(2)(c)2. Based upon this Code of Ethics, Supervisors should use caution and ensure that any communications on official social media accounts are not soliciting business or charity or non-profit contributions (in kind or otherwise) for organizations that the Supervisor is ***associated with***, or otherwise engaging in communications which a reasonably person would believe to be a solicitation or attempt to garner something of value for the Supervisor, his or her family, or any organization the Supervisor is affiliated with.

Furthermore and separately, the "public purpose" doctrine also requires that any expenditure of public moneys (i.e., for the operation of a social media website or for advertising on a social media site) must be for an appropriate public purpose.

[10] *See supra* n.9.

[11] *See supra* n.9.

[12] *See supra* n.9.

- Paid advertising is strictly forbidden (i.e. where an advertiser pays the Supervisor to advertise);[13]
- Advertising or promotional materials for organizations or businesses affiliated with the Supervisor are strongly discouraged;[14]
- Prurient, obscene, objectionable, offensive, libelous, slanderous, defamatory, violent, threatening, discriminatory, harassing or otherwise objectively harmful content;[15]
- Exchanges with other County Supervisors about official County business;[16]
- Personally identifiable information (i.e., addresses, phone numbers, personal email addresses, social security numbers, etc.) about other elected officials, employees, or members of the public;[17]
- Anything that a reasonable person would consider to be a malicious or *ad hominem* attack or a threat directed at an individually-identifiable employee;[18]

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[13] *See supra* n.9.

[14] *See supra* n.9.

[15] Report prurient, obscene, objectionable, offensive, libelous, slanderous, defamatory, violent, threatening, discriminatory, harassing or otherwise objectively harmful content to IMSD or the OCC immediately. IMSD will consult with the OCC to determine if the content should be removed. The OCC strongly advises Supervisor that they should ***not*** unilaterally elect to delete posts because there is a risk that such could be argued to violate the First Amendment rights of the poster. *See supra* nn.7, 8, *infra* n.17.

[16] The OCC advises against exchanges with other Supervisors on official, personal, or campaign social media accounts because such discussions may constitute a "meeting" under the Wisconsin Open Meetings Law of either the Board itself or a committee thereof. For this reason, Supervisors are strongly discouraged from interacting with other members on social media accounts, including the comment section of social media accounts (or news outlets). Please also refer to the comprehensive "Open Meetings FAQ" guidance issued by the OCC in May 2019.

[17] The OCC advises that careful consideration be given to Milwaukee County's Employee Handbook pertaining to internet guidelines. To successfully challenge discipline for speech, public employees must show both that (1) his or her speech addresses a matter of public concern; and (2) his or her interest in speaking freely outweighs the employer's interest in business efficiency. These two requirements are related. Often, courts will look to determine whether the speech impaired discipline or harmony among coworkers, detrimentally impacted close working relationships where personal loyalty and confidence is important, and/or interferes with basic day-to-day normal operations. These determinations are incredibly fact intensive and differ from case to case. *See Pickering v. Bd. Of Educ.*, 391 U.S. 563 (1968); *Rankin v. McPherson*, 483 U.S. 378 (1987); *Weicherding v. Riegel*, 160 F.3d 1139 (7th Cir. 1998); *Pereira v. Comm'r of Soc. Servs.*, 432 Mass. 251 (2000); *Burkes v. Klauser*, 185 Wis. 2d 308, 517 N.W.2d 503 (1994) (applying *Pickering*). The Sheriff's Office has conduct rules that reach further still, into out-of-work conduct. In addition, Rule VII, Section 4, of the County's civil service rules permit discharge, suspension, demotion, or re-evaluation for a large swath of speech-related conduct (i.e., threatening, coercing, malicious statements, etc.) These rules must be harmonized with *Pickering* to be applied constitutionally.

[18] *See supra* n.17.

- Confidential, proprietary or highly sensitive information that relates to Milwaukee County or department operations (or County vendors);[19]
- Content that impairs or inhibits the appropriate functioning of government;[20]
- Hyperlinks to websites, webpages, or other social media accounts containing any of the content described above;
- A third-party's trademarked or copyrighted intellectual property (i.e., logos, seals, music, photographs, images, etc.).

B. OCC Recommendations for Non-County Personal Social Media Accounts

On non-County personal social media accounts, whether a Supervisor's own or a third-party's, the OCC recommends that Supervisors:

- Never use a County email address to create personal social media account.
- Never use any County logos or seals.
- Never use a third-party's trademarked or copyrighted intellectual property (i.e., logos, seals, music, photographs, images, etc.).
- Strictly avoid conducting or discussing anything that a reasonable person would consider to be official County business.
- When posting or communicating, consider stating that they are posting/engaging as a private citizen, and not in any official capacity as a Supervisor, if the content enters any sort of "grey area."
- It is permissible to post a hyperlink to official County-related websites, webpages, or other official County-related social media accounts and it is also permissible to "tag," "like," or comment on an official County social media account/user while logged onto the Supervisor's personal social media account. *See supra* nn.7, 19. Notwithstanding the foregoing, the OCC recommends avoiding conversation or exchanges about County-related public events or personnel or any County business.
- Avoid communicating on a personal social media accounts while engaged in County business (i.e., while attending committee meetings, etc.).
- Use the strictest privacy settings possible to restrict unknown third-party members of the public from posting/commenting/tagging/etc. on a Supervisor's personal social media platforms to avoid inadvertent communications/use related to official County business.
- **If an individual attempts to contact a Supervisor about County business on a personal social media account, the OCC recommends that a Supervisor should do the following**, or risk potentially making the personal account subject to disclosure under the public records law:

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[19] *See supra* n.17.

[20] *See also supra* nn.7, 8, 15.

- inform the individual that s/he inadvertently contacted the Supervisor through his or her personal account;
- direct the individual to the Supervisor's official County account(s);
- screenshot the comment/post that relates to official County business and send the screenshot to County email or retain the hardcopy printout;
- delete the offending content from the personal account;
- consider blocking that individual from the personal account if possible; and
- **not** engage in any substantive exchange about County business.

C. OCC Recommendations for Campaign Social Media Accounts

On campaign social media accounts, whether a Supervisor's own or a third party's, the OCC recommends that Supervisors:

- Never use a County email address to create a campaign social media account.
- Never use any County logos or seals.
- Never use a third-party's trademarked or copyrighted intellectual property (i.e., logos, seals, music, photographs, etc.).
- Strictly avoid conducting anything that reasonable person would consider to be official County business.
- As a practical matter, as noted above, the OCC recommends that a candidate use available labeling/heading opportunities, and periodically state in postings, that the candidate is using this account/communicating as a candidate and is not communicating in their official capacity as a Supervisor.
- The OCC recommends that Supervisors strictly avoid posting hyperlinks to official County-related websites, webpages, or other official County-related social media accounts/events on campaign social media accounts. The OCC also recommends that Supervisors strictly avoid "tagging," "liking" or commenting on an official County-related social media account/user while logged onto the Supervisor's campaign social media account.
- Avoid communicating on a campaign social media accounts while engaged in County business (i.e., while attending committee meetings, etc.).
- **If an individual attempts to contact a Supervisor about County business on a campaign social media account, the OCC recommends that a Supervisor should do the following**, or risk potentially making the campaign account subject to disclosure under the public records law:
  - inform the individual that s/he inadvertently contacted the Supervisor through his or her campaign account;
  - direct the individual to the Supervisor's official County account(s);
  - screenshot the comment/post that relates to official County business and send the screenshot to County email or retain the hardcopy printout;
  - delete the offending content from the campaign account;

- consider blocking that individual from the campaign account if possible; and
- **not** engage in any substantive exchange about County business.

V. SOCIAL MEDIA GUIDELINES BY ACCOUNT TYPE

In addition to the foregoing, the OCC also respectfully recommends that Supervisors use the following below guidelines, organized by account type, to help navigate interactions on social media.

A court will evaluate the conduct of a County official or Supervisor on social media and the applicability of the open records law based upon **where** the communication is taking place and **what the content** of the communication is. The below guidelines are also captured in the attached Exhibits 1, 2, and 3, and a list of "tips" are included as Exhibit 4.

ASK FIRST – **Where** is the communication taking place? If it is taking place …

A. **On a Supervisor's campaign or personal social media account** (or on any other forum for internet-based electronic communication created by a Supervisor for non-County purposes), then …

ASK NEXT – **What** is the communication about? Would a reasonable person conclude that the content …

1. **Involves County business**, then:

- **WARNING! DO NOT RESPOND OR ENGAGE REGARDING OFFICIAL COUNTY BUSINESS ON PERSONAL OR CAMPAIGN SOCIAL MEDIA ACCOUNTS! The OCC recommends that a Supervisor should scrupulously avoid any discussion that a reasonable person would consider involving County business or the transacting in County business on their personal and/or campaign social media account(s),**
- the communications **will be subject to disclosure** under the open records law,
- therefore, the OCC recommends that the Supervisor capture screen shots of the communication and preserve those preferably on County email or at least in a hardcopy record,
- the Supervisor will be responsible for the retention and production of that record, and
- delete the post/comment after the above-noted steps.
- In general, the OCC recommends that to avoid any possibility that data posted on a personal or campaign social media account might be subject to review and production under the open records law, Supervisors avoid posting hyperlinks to

County websites or events on personal or campaign social media accounts, although the mere posting of a County-related hyperlink on a personal social media account is unlikely to be found by a court to trigger, by itself, application of the open records law.

2. **Does not involve County business**, then …

   - the communication **will not be subject to disclosure** under the open records law,
   - the communication is entitled to the full panoply of First Amendment protections,
   - the Supervisor should consider clearly stating that she is communicating as a citizen/candidate and not in her official capacity as a Supervisor at reasonable intervals during communication exchanges/postings,
   - the Supervisor should consider indicating in labels/headings where possible that the Supervisor is operating as a citizen/candidate and not in her official capacity as a Supervisor,
   - the Supervisor should not respond or engage in such communications using County hardware (cell phone or laptop, etc.), and
   - the Supervisor should scrupulously avoid communicating on their personal or campaign social media accounts while engaged in County business (i.e., while attending committee meetings, etc.), regardless of whether the Supervisor is using County or personal hardware (cell phone or computer) to do so.

3. Regardless of the foregoing, is the content objectively prurient, obscene, objectionable, offensive, libelous, slanderous, defamatory, violent, threatening, discriminatory, harassing or otherwise objectively harmful ("**Objectionable Content**")?

   - If yes, then immediately report to the appropriate platform account monitor and do not respond to the individual posting the Objectionable Content.
   - If no, then further action is not required.

B. **On a Supervisor's official County social media account** (or on any other forum for internet-based electronic communication designated for official County business purposes), then …

ASK NEXT – **What** is the communication about? Would a reasonable person conclude that the content …

1. **Involves County business**, then:

   - the communications **will be subject to disclosure** under the open records law,
   - the Supervisor will be responsible for the retention and production of that record (for communications on the Supervisor's official County social media account),

- no communications should be deleted, and
- the Supervisor must either allow all individuals to post, comment, or follow (i.e., Twitter and Instagram) or disallow all (the Supervisor cannot selectively delete posts and/or selectively block certain users).

2. **Does not involve County business**, then …

   - **WARNING! DO NOT RESPOND OR ENGAGE REGARDING PERSONAL, CAMPAIGN OR OTHER NON-COUNTY BUSINESS ON OFFICIAL COUNTY SOCIAL MEDIA ACCOUNT. The OCC recommends that a Supervisor should scrupulously avoid any discussion of personal, campaign or other non-County business on an official County social media account,**
   - the Supervisor **should presume that the communications will be subject to disclosure** under the open records law,
   - the Supervisor will be responsible for the retention and production of that record (for communications on the Supervisor's official County social media account),
   - no such communications should be deleted,
   - the Supervisor should not respond/engage in communications not related to County business using County hardware (cell phone or laptop, etc.), and
   - the Supervisor should scrupulously avoid communicating about non-County matters on social media accounts while engaged in County business (i.e., while attending committee meetings, etc.), regardless of whether the Supervisor is using County or personal hardware (cell phone or computer) to do so.

3. **Is it Objectionable Content**, regardless of the foregoing?

   - If yes, then immediately report the post to IMSD and/or the OCC and do not respond to the individual posting the Objectionable Content.
   - If no, then further action is not required.

C. **On a third-party's non-County social media account** (or on any other non-County forum for internet-based electronic communication, but not on any account maintained by a Supervisor) …

ASK NEXT – What is the communication about? Would a reasonable person conclude that the content …

1. **Involves County business**, then …

   - **WARNING! DO NOT RESPOND OR ENGAGE REGARDING OFFICIAL COUNTY BUSINESS ON ANY THIRD-PARTY NON-COUNTY SOCIAL**

MEDIA ACCOUNTS! The OCC recommends that a Supervisor should scrupulously avoid any discussion that a reasonable person would consider involving County business or the transacting in County business on third-party non-County social media account(s),[21]

- the communications **may be found by a court to be subject to disclosure** under the open records law,
- therefore, the OCC recommends that the Supervisor capture screen shots of the communication and preserve those either on County email or in a hardcopy record,
- the Supervisor will be responsible for the retention and production of that record, and
- delete the post/comment after the above-noted steps, if possible.

2. **Does not involve County business**, then …

    - the communication **will not be subject** to disclosure under the open records law,
    - the communication is entitled to the full panoply of First Amendment protections,
    - the Supervisor should consider clearly stating that s/he is communicating as a private citizen and not in any official capacity at reasonable intervals during communication exchanges/postings,
    - the Supervisor should not respond/engage in such communications using County hardware (cell phone or laptop, etc.), and
    - the Supervisor should scrupulously avoid communicating on private, third-party social media accounts about non-County matters while engaged in County business (i.e., while attending committee meetings, etc.), regardless of whether the Supervisor is using County or personal hardware (cell phone or computer) to do so.

3. **Is it Objectionable Content**, regardless of the foregoing?

    - If yes, then immediately report to the appropriate platform account monitor and do not respond to the individual posting the Objectionable Content.
    - If no, then no further action is required.

[21] If a Supervisor wishes to avoid all risk that posts/comments on a third-party account could be subject to the open records law, the OCC's recommendation is that Supervisors (and their staff) not only avoid posting/back-and-forth exchanges on third-party social media accounts, but also avoid the same on comment sections of blogs, websites, and news media sites/accounts.

CONCLUSION

In the end, each Supervisor is responsible for how he or she interacts on social media and must use good judgment. Each Supervisor is the custodian of his or her records and therefore, to the extent courts would determine that social media interactions are related to County business, each Supervisor is responsible for retaining and producing such records in response to open records requests.

Beyond what is contained herein, there are no safe harbors or "black and white" rules that the OCC can recommend to Supervisors because this technology is evolving and courts have not addressed any of the intersections between the open records law and modern social media platforms in any meaningful way. To the extent that the State of Wisconsin Ethics Commission has put forward guidance that appears to establish clear rules and guidelines, a Supervisor may in his or her judgment follow that guidance, but the Ethics Commission guidance (Attachment 2), just like this guidance, is not legally binding and could be entirely disregarded by a court.

Finally, discussions with IMSD identified suggestions to align the County's social media policies with current best practices:

- **IMSD is available to assist Supervisors who wish to create new official social media accounts in accordance with this guidance** – Upon request, IMSD will advise a Supervisor as to how to create a unique official Milwaukee County Supervisor social media account. Each County Board Supervisor (and/or their authorized staff) would control their respective official social media account and be responsible for its use, including open records compliance.

- **IMSD is available to assist Supervisors with existing official social media accounts** – There are a number of existing social media accounts that purport to be affiliated with County Supervisors. IMSD can assist Supervisors in implementing this guidance as much as practicable for existing social media accounts.

- **Comprehensive Social Media Policy** – It is recommended that the County develop a comprehensive social media policy, including procedures for reviewing, validating as "official," and managing existing accounts, as well as procedures to review and verify requests for new "official" County social media accounts, and other appropriate audit mechanisms. Attached hereto is a policy from the City of Janesville that policymakers and others may find useful (Attachment 3).

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Purpose:

To provide guidance from IMSD on how to establish social media activity that complies with the Office of Corporate Counsel's memo (memo) on 6/7/19 to the Milwaukee County Board of Supervisors.

Based on the memo there are three types of social media accounts that should be established, of which this support will detail how to establish an official account.

Types of social media

1. **Official account**
2. Personal account
3. Campaign account

Based on the memo there are 4 approved social media platforms recommended, of which this support will detail how to establish an official account for Facebook.

Social media platforms:

1. **Facebook**
2. Twitter
3. Instagram
4. LinkedIn

Executive Summary:

To establish an official activity for Facebook, it is recommended that you set up a Facebook account using the Milwaukee county email address and then establish a page related to that account that becomes the "official activity of an elected official". Then set up posting activity as if you are the administrator for that page only.

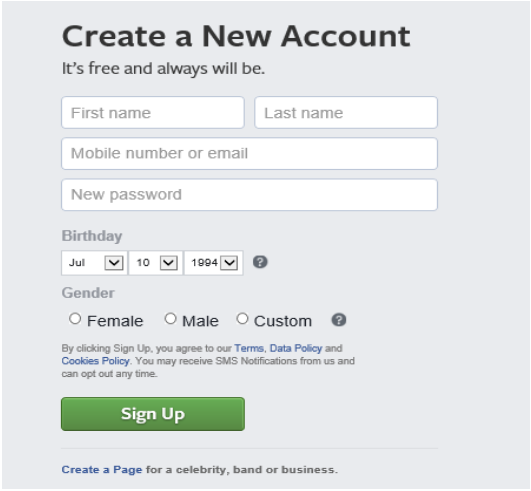
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How to create the Official account (known as a page) 4
How to verify a Facebook account 6
How to set up permissions for blocking or allowing all posts/comments/tagging 9
How to block a person from posting as a friend on your account without unfriending them: 9
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How to unban someone from you page 10
Content posting 10
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Key steps for a Facebook account

How to establish a new Facebook account

a. Use the link www.facebook.com and create a new account be filling out the applicable fields

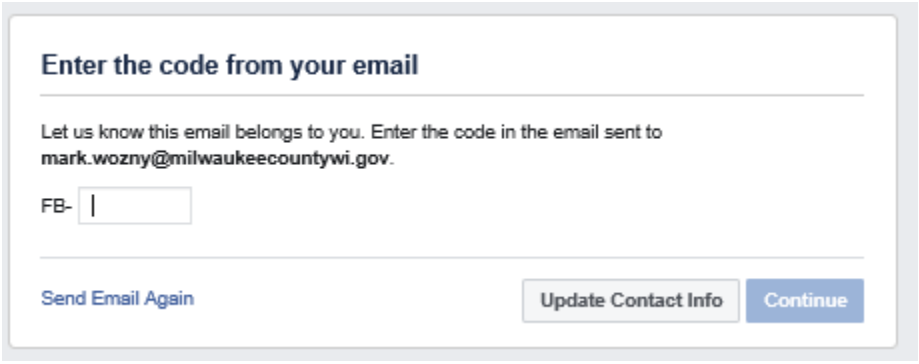
   i. 

   ii. Naming convention: Record your first and last name in the applicable boxes

   iii. Email address used to develop an account is your Milwaukee County email

   iv. Note: To create the official account (known as page) you will need to first create a person account. This person account should be established with the Milwaukee County email account.

b. A confirmation email will be sent to your county email asking for verification of the account. Add the applicable code to the box below and select "Continue" to verify your account

   i. 

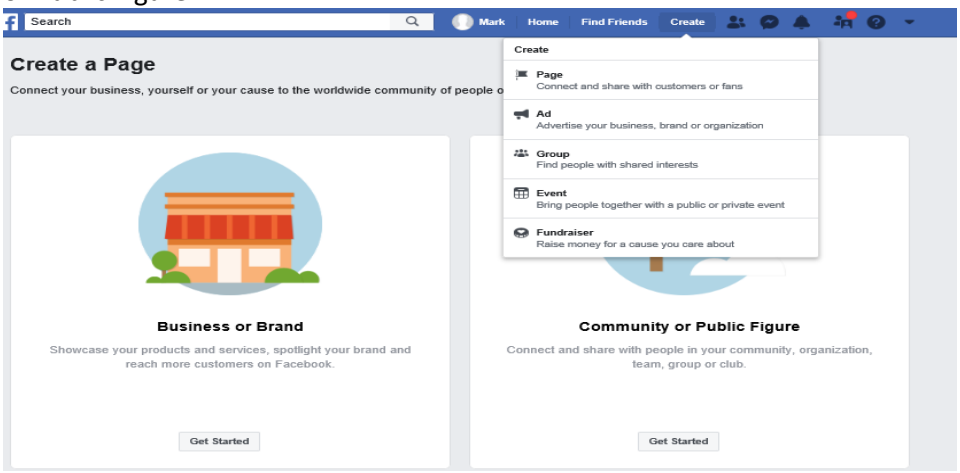
c. The following box will be established when the account is confirmed. Select "Okay" to proceed

   i. 

d. Adding friends will be requested, of which you can skip this step by selecting next.

How to create the Official account (known as a page)

a. First log in as your account that you set up above that is linked to the Milwaukee County email address
b. Select “Create Page and then the button “Get Started” within the section “Community or Public Figure”



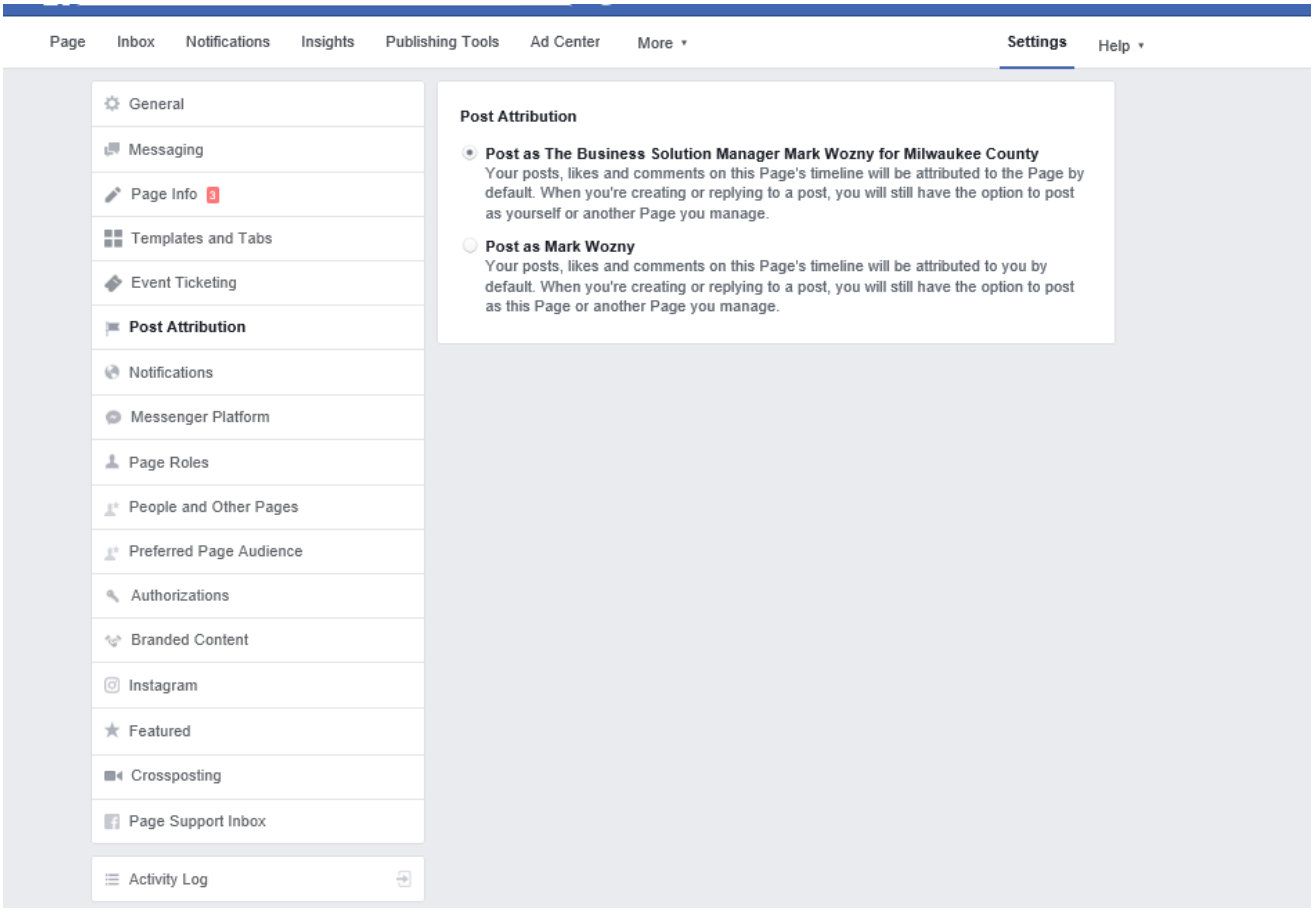
c. Complete the page name using the following:
    i. Naming convention: The (Position) (Your Name) at Milwaukee County
        1. Note: Facebook has rules that distinctly indicate words that cannot be used in the title of the page, such as “Official” or “Facebook”. If you violate these rules a pop up will indicate that the name is not acceptable, and will require the name to be changed
    ii. Category: Government Official



    iii.
    iv. Select the “Continue” button

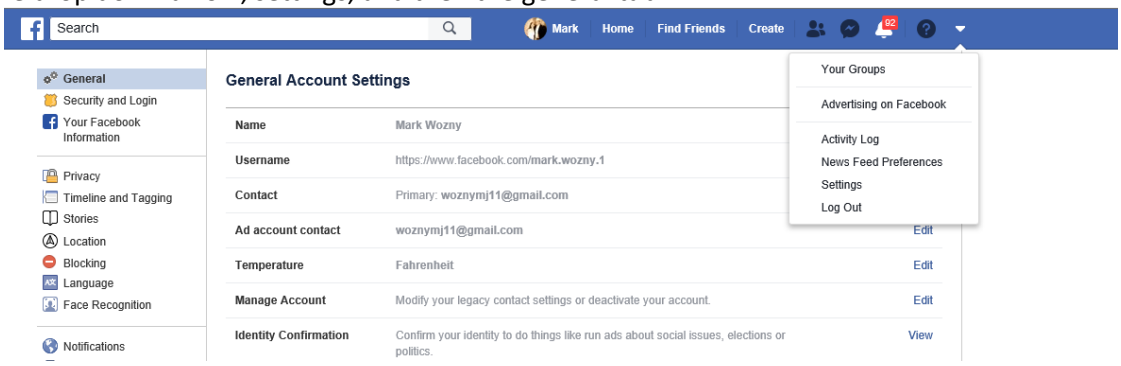
Please note that this Page is linked to the original account you created that is the Milwaukee county email address. These accounts are technically linked together therefore, be aware that if you have a personal and campaign Facebook account that these might also needs to be established in the same way, but with unique emails for the account to ensure there is proper separation of activity.

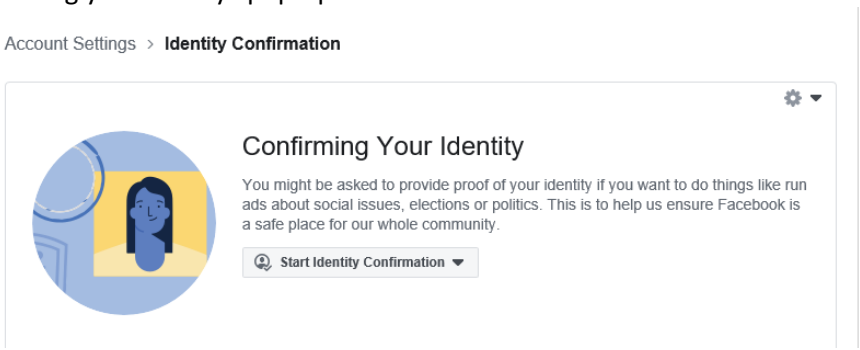
To make changes to how you post when these are linked together you will want to go to your settings and ensure you have the following selected:

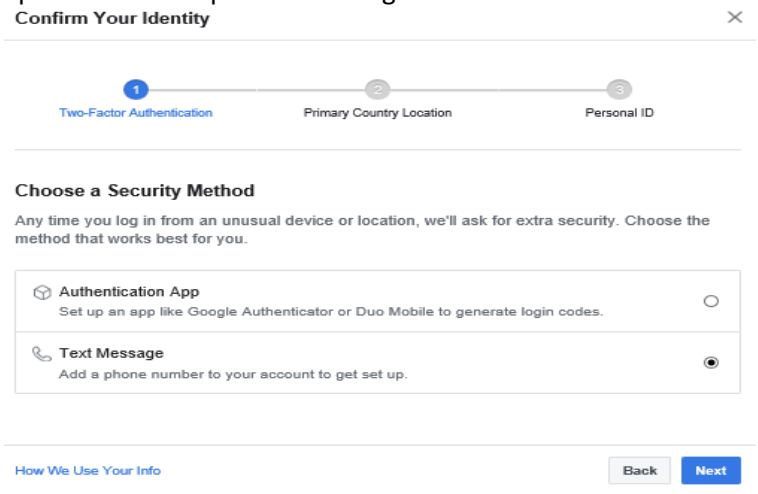


How to verify a Facebook account

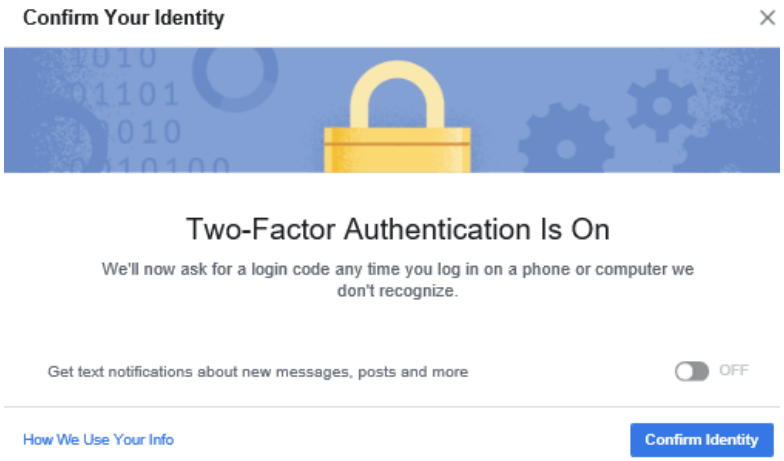
Note: This is to verify the person that was created using the Milwaukee county email address not the page.

a. Select the drop down arrow, settings, and then the general tab
   i. 

b. Select the button “View” within the setting “Identify Confirmation” which will bring up the “Confirming you identity” pop-up
   i. 

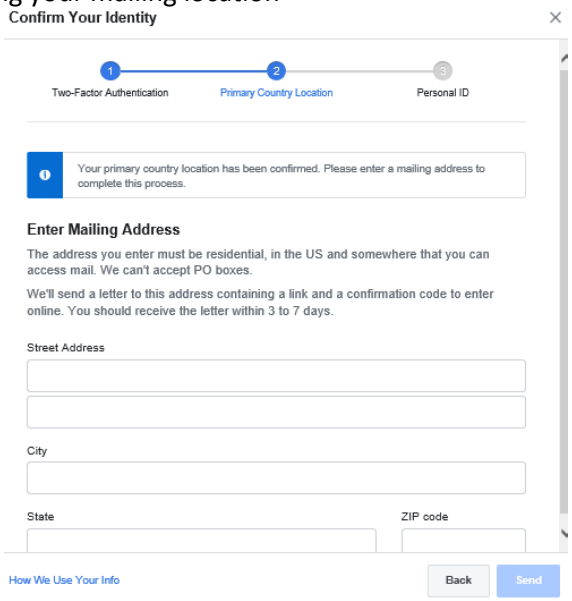
c. Select the county “United States” which will then establish a two factor authentication process confirming your location and who you are through either a passport, drivers license, or state ID. Select the button “Get started” to start the two factor authentication
   i. For two factor authentication, it is recommended to set up a text message using a mobile phone that accepts text messages.
      1. 

ii. Record your phone number and then select “Next”. A text will be sent to the phone, of which a code will be required to be entered. Upon entering the code the following will confirmation of two factor authentication.



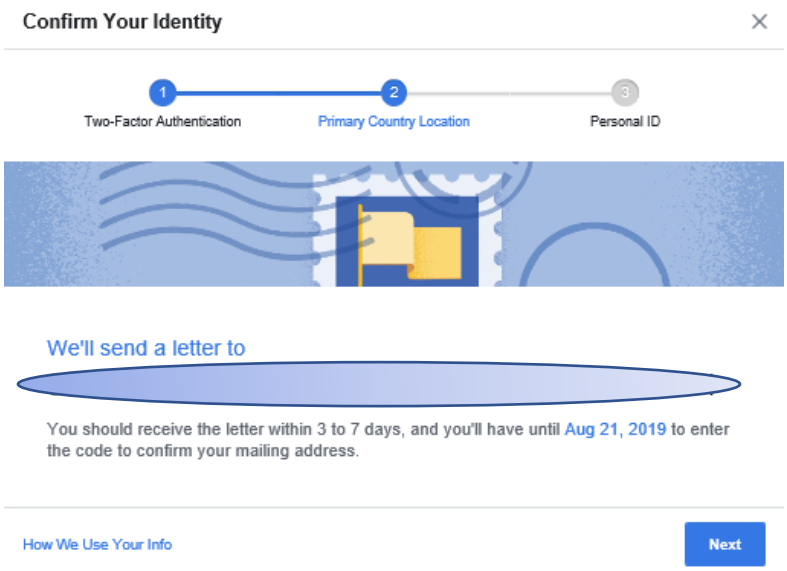
1.

iii. Confirm Your location next by selecting the “Confirm identify” button and then recording your mailing location



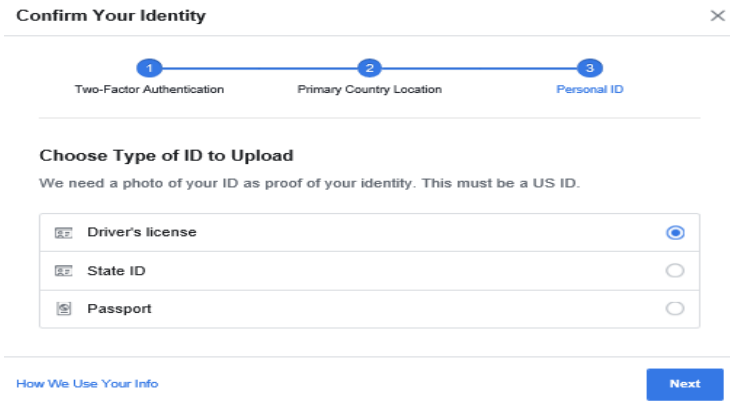
1.

iv. The following prompt will pop up indicating that a code will be provided in the mail and a deadline of when this code must be entered for verification.



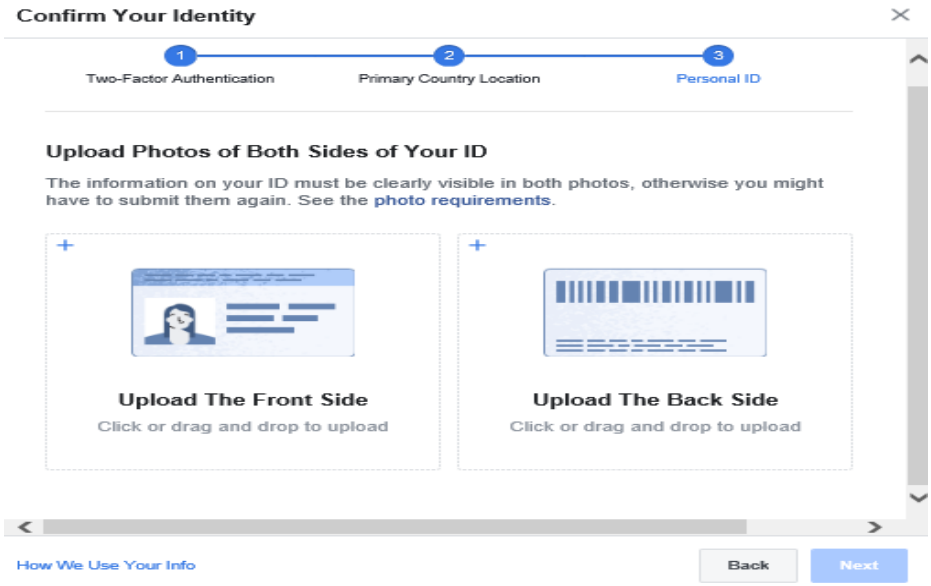
1.

v. Confirm your personal ID by selecting the applicable choice. This guidance will show with the Driver's license



1.

vi. Take a photo of the front of your card and another of the back. Then drag these photos to the applicable photo location



1.

How to set up permissions for blocking or allowing all posts/comments/tagging

Note: It is recommended that a person never selectively block/remove content of a poster/commentator just because they disagree with the information as it may violate first amendment rights

How to block a person from posting as a friend on your account without unfriending them:

a. Sign in to Facebook, click the "Account" link at the upper-right corner and choose "Privacy Settings." The Privacy Settings page opens.
b. Click the "Edit Settings" link in the "How You Connect" section. The How You Connect options box opens.
c. Click the gray button next to "Who Can See Wall Posts By Others On Your Profile" and click "Customize." A Custom Privacy box opens.
d. Click the "These People" field in the "Hide This From" section and type in the name of the person you want to block from posting to your wall.
e. Click "Save Changes" and click "Done."

How to unfriend a person from your account:

a. Go to that person's profile.
b. Hover over Friends at the top of their profile.
c. Select Unfriend.

How to block a person from changing your page's settings:

a. Click Settings at the top of your Page.
b. Click People and Other Pages in the left column.
c. Search for the person or click to check the box next to the name of the person you want to ban.
d. Click and select Ban From Page.
e. Click Confirm.

How to block someone from posting on your page:

a. Click Posts in the left column of your Page.
b. Click Visitor Posts on the right side of your Page.
c. Click ••• in the top right of the post by the person or Page you want to ban.
d. Select Ban From Page and click Confirm.

How to block someone from your page's inbox:

a. Click Inbox at the top of your Page.
b. Click the message on the left from the person you want to ban.

c. Click in the top right and select Ban From Page.
d. Click Confirm.

Note: There does not appear to be a way to block an entire inbox without reducing who has access to see the page.

How to unban someone from you page

a. Click Settings at the top of your Page.
b. Click People and Other Pages in the left column.
c. Click People Who Like This Page  and select Banned People and Pages.
d. Click to check the box next to the name of the person you want to unban.
e. Click  and select Unban From Page.
f. Click Confirm.

Content posting

Please refer to the memo for guidance on proper or improper posting guidelines (i.e. Section IV subsection A).

Record retention

It is the requirement of the elected official to retain the social media account information for the required 7 years, which includes comments, queries, information, or materials submitted