

Draft update to Social Media Use section of Anchorage Assembly Member Handbook, proposed 10/13/2022.

VIII. ASSEMBLY COMMUNICATIONS

D. Social Media Use

Use of social media by elected officials comes with risks and requirements beyond what you may be used to with personal or candidate social media pages. To help navigate this new and changing area, Assembly staff is providing the following best practices for social media for elected officials and will continue to update this section as new information and best practices become available.

The following parameters are some commonly accepted practices for social media communications by elected officials (these lean heavily on the National League of Cities guidelines and the resources listed at the end of this section):

- **Open Meetings Act:** If more than three members are involved in a conversation about matters upon which the Assembly is empowered to act via a social media forum, it could be considered a meeting; and if no notice was given regarding the meeting, it would not be in compliance with the Open Meetings Act, AS 44.62.310, which requires public noticing of “meetings,” including those with three or more Assembly members.
- **Assembly Business:** Social media sites should not be used by Assembly members to conduct Assembly business, particularly legal and fiscal matters that have not already been released to the public. Posts by members regarding quasi-judicial issues, where the Assembly acts in a manner similar to a judge, should be avoided. **Question for members: this is a common recommendation from NLC and other sources, but does it make sense as written? Is there a better way to word this? I take it as you couldn't take a poll on FB to see if a liquor license should be renewed or not, or to ask lawyers to comment on a piece of legislation, but you could generally ask constituents what they think of an issue.**
- **Public Records:** Public records include any information developed or received in connection with the transaction of Assembly business. It is understood that most Anchorage Assembly communications including, such as, email and text messages may be subject to disclosure under the Anchorage Municipal Code Records Management, AMC 3.95 and the Alaska Public Records Act, AS 40.25.110. In addition, if social media posts meet the definition of public record, those too may be subject to disclosure under these laws.
- **Campaign Communications:** Assembly members who use social media for campaigning should establish separate social media for that purpose and not access that social media through municipal technology.

- **Content Engagement:** It is a best practice for public social media accounts to post engagement guidelines, usually in the About section, that reserve the right to remove posts that violate the engagement guidelines. Public entities such as the Library or the Municipal Clerk's Office are allowed to remove content that is threatening or obscene and block users who post that type of content, but it is less clear if elected officials have that same leeway (see Alaska Public Media articles in the resources section below). **Note to members: this area is contentious. I've requested a copy of the new AK legislature social media policy, but it looks like they are recommending not to remove any content or block any user. The Sen. Reinbold case will also provide more direction when that is decided.**

The National League of Cities recommends a public comment policy for posting on the social media site include the following:

- Identify viewpoint neutral criteria that will be used to determine when a comment or link posted by a member of the public will be removed, which can include comments that are off-topic, obscene or pornographic, defamatory, harassing, commercial, criminal, political, or that violate the intellectual property rights of others.
 - Reserve the right to remove posts that violate the policy.
 - Give notice that the comments are monitored only during business hours, and thus information conveyed after hours will not be received until the next business day.
 - Give notice that comments are subject to disclosure as public records.
- **Disclaimers:** It is also a best practice to share disclaimers on your social media accounts, which may also be posted in the About section:
 - The views expressed represent the views of the author and do not reflect the views of the Anchorage Assembly.
 - Comments posted in response to an Assembly member-initiated communication may be subject to public disclosure under the Public Records Act.
- **Additional Resources:**
 - <https://www.njlm.org/DocumentCenter/View/6274/Building-Local-Government-Social-Media-Policies-PDF?bidId=>
 - <https://alaskapublic.org/2022/10/02/alaska-legislatures-new-social-media-policy-nixes-banning-and-blocking/>
 - <https://alaskapublic.org/2022/06/10/alaska-senator-faces-civil-trial-after-blocking-a-constituent-on-facebook/>
 - <https://knightcolumbia.org/blog/social-media-for-public-officials-101>
 - <https://www.kirklandwa.gov/Government/City-Council/City-Council-Social-Media-Disclaimer#:~:text=Social%20media%20sites%20may%20not,to%20a%20judge%2C%20are%20prohibited.>