

ADVISORY OPINION

APPROVAL DATE: May 16, 2018

NUMBER: 2018-1

STATUS: Current employee

SUPERSEDES: N/A

Restrictions on Social Media Postings by Elected or Appointed Officials During Election Season

QUESTION:

1. Would posting information or maintaining an active account on an elected or appointed official's social media sites using County resources, between May 1 and November 30 in a year of a general election for an office for which the County elected or appointed official is a candidate, violate Pierce County Ethics Code provision 3.12.030.C?

SHORT ANSWER:

1. Yes. Using County resources to post information on an elected or appointed official's social media sites between May 1 and November 30 in a year of a general election for an office for which the County elected or appointed official is a candidate would violate the Ethics Code. Such sites may be maintained, without any new posts during the restriction period, without violating the Ethics Code.

ANALYSIS:

The Pierce County Ethics Code provides as follows:

Restrictions on Mailings by Elected or Appointed Officials.

- a. In any year of a general election for an office for which a County elected or appointed official is a candidate, the County elected or appointed official may not mail after April 30 through November 30 immediately following the General Election, either by regular mail or electronic mail, to a constituent at public expense a letter, newsletter, brochure, or other piece of literature . . .

P.C.C. 3.12.030.C.5.a (emphasis added).

A current county employee sought an advisory opinion regarding whether posting on social media accounts would violate this restriction, noting that "several County

departments with elected officials maintain social media accounts on sites such as Facebook, Twitter, and LinkedIn.”

The Ethics Code provision quoted above restricts mailings “either by regular mail or electronic mail” during the designated period. The Commission is mindful that at the time the relevant Ethics Code provision was enacted in 2010, social media were not the prevalent form of communication that they are today. Social media have perhaps surpassed electronic mail as a more common form of mass communication. The Commission is also aware that, depending on an individual user’s settings, followers of social media accounts may receive automatic notices or email or other electronic transmissions of new postings by the account owners.

With these factors in mind, the Commission is of the following unanimous opinion:

For purposes of the restriction set forth in PCC 3.12.030.C.5, social media account postings are considered to be a form of electronic communication included in the mailing restriction, because the intent of the restriction is to prohibit regular mail and electronic transmissions at public expense by elected or appointed officials during the campaign season. Accordingly, any new posting using county resources (time, equipment, personnel, etc.) on social media accounts of a County elected or appointed official who is a candidate for office is prohibited during the specified time period. Maintaining such an account, however, without adding new information, is not prohibited. There is no requirement to close/shut down existing social media accounts.

The Commission’s advisory opinion is based on the general facts as stated above. The Commission did not investigate the facts. Please be aware that modification of the facts, or knowledge of more specific facts or circumstances, might cause the Commission to reach a different conclusion. In addition, Commission opinions are narrowly drawn to interpret the Pierce County Code of Ethics (Chapter 3.12). They do not address whether the proposed action is prudent, good public policy, or effective management practice.