



# SOCIAL MEDIA FOR ELECTED OFFICIALS

DANA BERCHMAN | CHIEF DIGITAL OFFICER | GILBERT, ARIZONA

# Gilbert's Social Media Approach



**Manage 30+ Social Media Accounts**



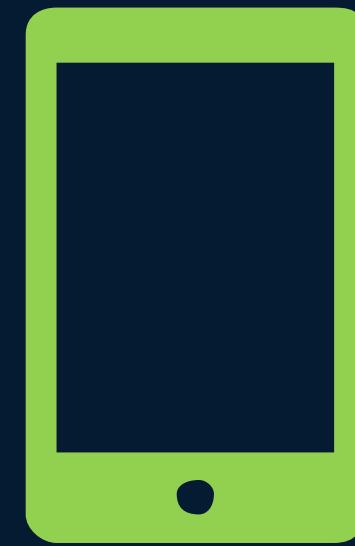
**Celebrate and Encourage Social Media**



**Mayor is our Spokesperson**



**Media Training for Council members**



# CENTRALIZED SOCIAL MEDIA RESPONSE

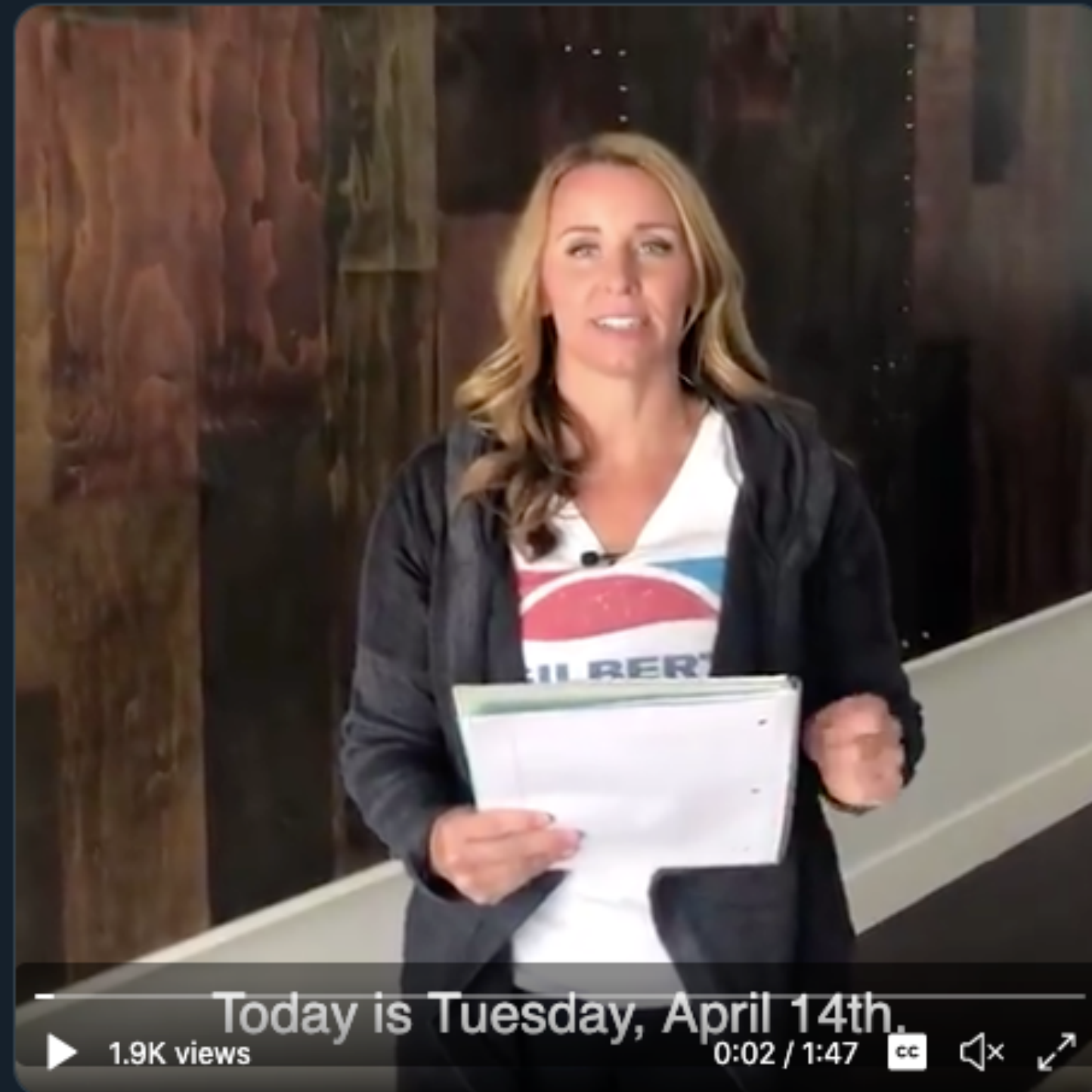


**Gilbert, AZ Mayor**  
@GilbertAZMayor

UPDATE (4/14): Hi Gilbert. Here's the latest on [#COVID19AZ](#):

📌 [@AZDHS](#) is now providing confirmed cases by zip code

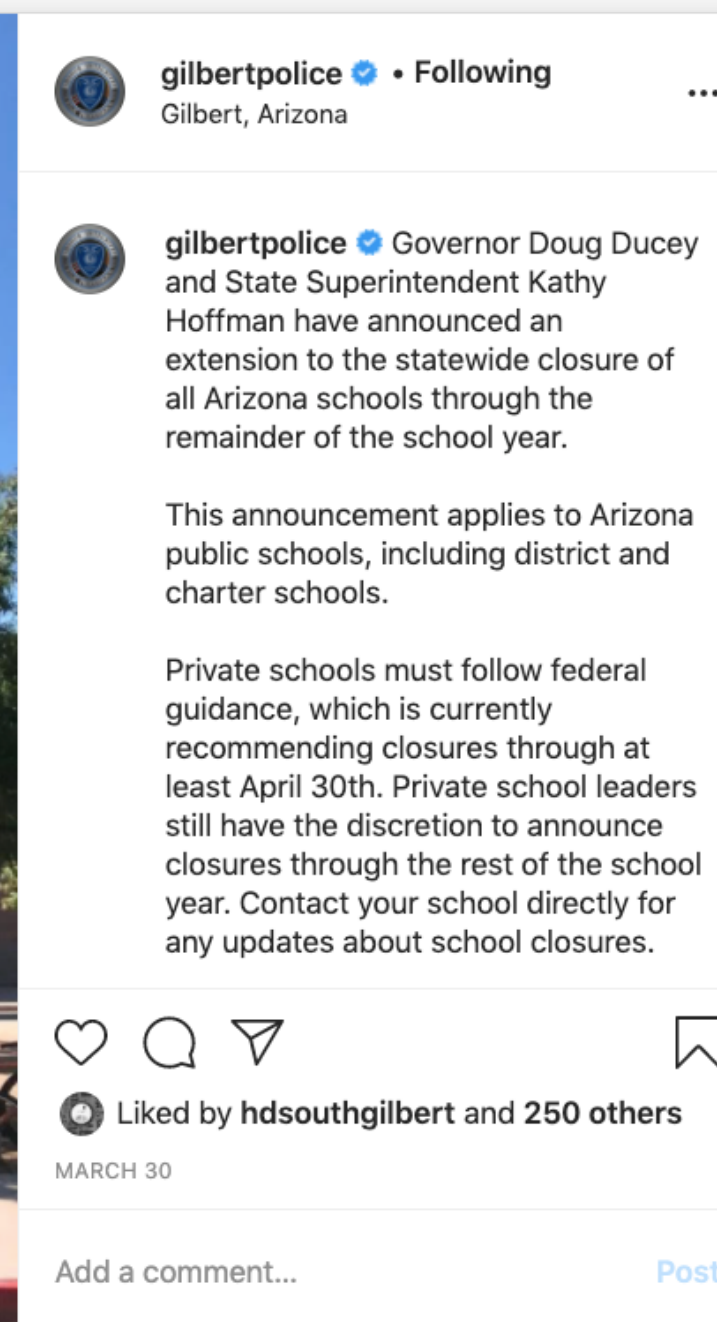
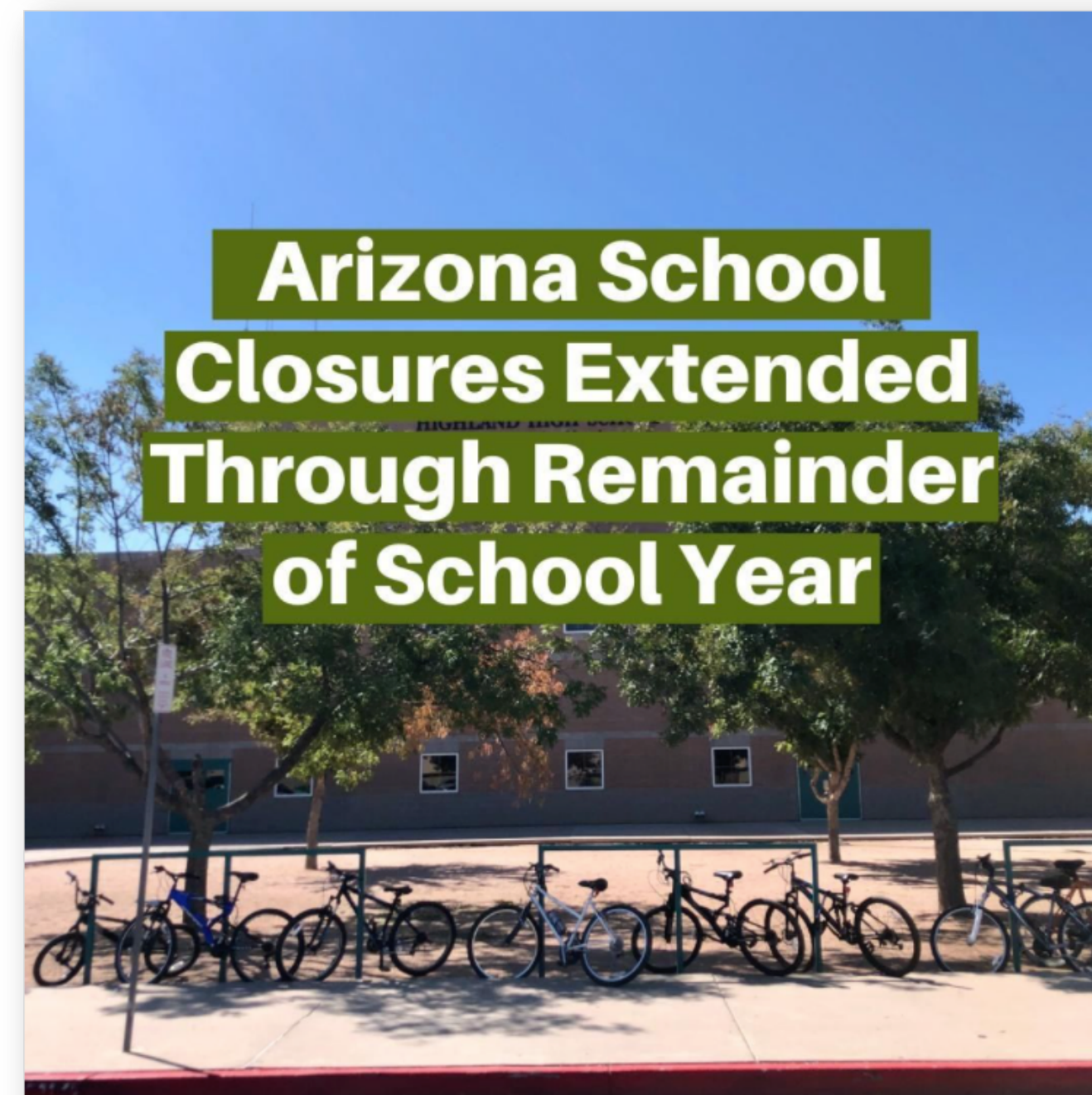
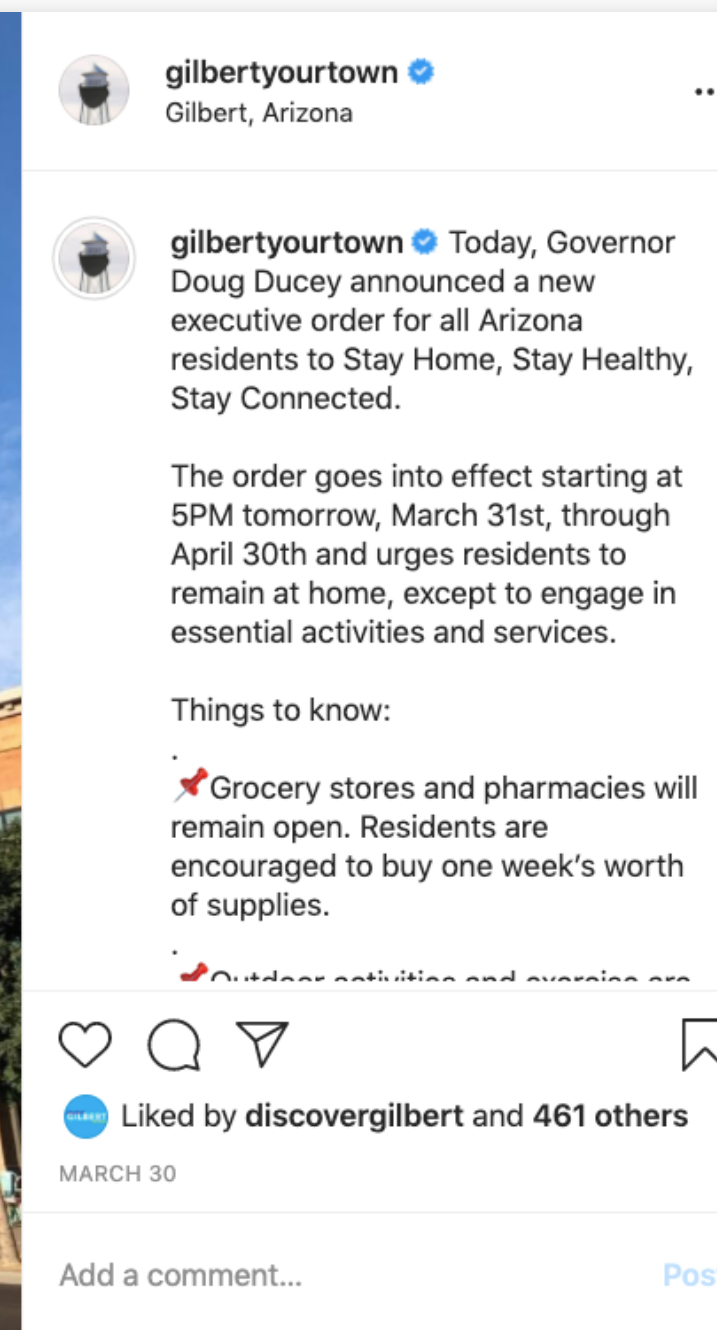
📌 Continue physical distancing - it's working to help to flatten the curve and protect our healthcare system from being overwhelmed (1/4)



4:31 PM · Apr 14, 2020 · Twitter Web App


View Tweet activity

16 Retweets 54 Likes





# Coordinated Responses




 **Megan Lanham** thank you Mayor, just to clarify & I'm sorry if I missed this in any earlier comments or reports there are zero Gilbert specific deaths?

Like · Reply · Message · 31w

 Author  
**Gilbert Town Hall** ✓ **Megan Lanham** Hi Megan,  
The state's ZIP Code map does not include information regarding COVID-19 deaths, only confirmed cases.  
Deaths are reported by county. You can view that information here: [azdhs.gov](http://azdhs.gov)  
Thank you,  
Kelsey

 **Liz Comins O'Brien**  
So where can you even get a test without symptoms...

Like · Reply · Message · 23w

 Author  
**Discover Gilbert AZ** ✓  
Hi Liz,  
Thanks for your question. We recommend reaching out to your health care provider or you can call the Arizona COVID-19 hotline at 844-542-8201 for more information about testing options and availability in your area.  
Thank you,  
Kiley

Like · Reply · Commented on by **Kiley Reynolds** ⓘ · 23w · Edited

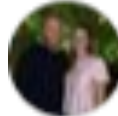
 **Shajil Philip** Gilbert farmers Market ?

Like · Reply · Message · 33w

 Author  
**Gilbert Town Hall** ✓ Hi Shajil -  
Thanks for your question. The Gilbert Farmer's Market would still be considered an essential service. They are primarily providing fresh produce like our grocery stores. If this changes at any time, we will be sure to provide an update.  
Thank you,  
Lauren

Like · Reply · Commented on by **Lauren Oxford** [?] · 33w



 **Tamera Miller**  
What does this mean for the parks/playgrounds/pools?

Like · Reply · 29w



 Author  
**Gilbert Parks & Recreation** ✓  
Hi Tamera, playgrounds and pools will remain closed for the time being. Open space, trails, and paths in parks are open as long as physical distancing guidelines are being followed.

Like · Reply  
· Commented on by **Eva Marie** ⓘ · 29w



# EMERGENCY RESPONSE

# COVID-19 Updates – Gilbert Accounts



**COVID-19 Gilbert Data Tracking**

Home | Gilbert Confirmed Cases | Gilbert Fire and Rescue | Parks and Recreation | Public Works

**Data Update**

Data Update | Gilbert ZIP Codes

View the data that Mayor Jenn Daniels reports in her videos. [View Latest Videos](#)

Arizona	Maricopa County	Gilbert
Confirmed Cases: <b>73,908</b> Increase in 7 days: 41% (+21,518)	Confirmed Cases: <b>44,962</b> Increase in 7 days: 49% (+14,826)	Confirmed Cases: <b>1,406</b> Increase in 7 days: 68% (+ 571)
Deaths: <b>1,588</b> Increase in 7 days: 19% (+249)	Deaths: <b>746</b> Increase in 7 days: 18% (+114)	Gilbert Percentage of Maricopa Cases: <b>3%</b> Consistently 3% since May 19th

We do not have death counts in Gilbert because Arizona Department of Health Services is not reporting deaths by ZIP code.

**Arizona PCR Testing Percent Positive Percentage**  
Percent positive is the number of people with a positive test result, out of all people with COVID-19 testing completed in Arizona.

**11.70%**

**gilbertyourtown**

**gilbertyourtown** UPDATE: COVID-19 data for Sunday, June 28th.

Visit [#GilbertAZ](#)'s data dashboard for more daily updates [Link in bio](#)

21w

**gilbertyourtown** .

Like · Reply · Message · 21w

Liked by [jenniferlynn612](#) and 275 others

JUNE 28

Add a comment... [Post](#)

- Brian Blaisdell**  
All they want to do is put fear in people.  
Like · Reply · Message · 21w
- Rosa Urrutia**  
Totally agree tell them boss
- JB Keziah**  
Are we just trying to cause fear? Show the positives as well. Lots of these cases are healthy individuals. Show decrease in deaths, show under 1% death in Arizona  
Like · Reply · Message · 21w
- liftedelsewhere** Good thing this will be over in November.  
21w 6 likes Reply
- marty\_braun\_** This ain't real stop lying to us [#coronavirusisfake](#)  
21w 3 likes Reply

# COVID-19 Updates - Mayor Videos

Gilbert, AZ COVID-19 Update: June 25, 2020

gilbertazmayor  
June 25



Hi Gilbert.

812 views · 23 comments

[Browse IGTV >](#)

1:00

## Mayor's Accounts

- liciamia** Thank for your leadership! I truly appreciate your updates and care for all of us! 🧡

21w Reply
- phxhomegal** Just want to make sure you know that our community appreciates all your hard work and open communication 💕 #loveGilbert

20w Reply
- jmpearson84** We sure appreciate you Mayor Daniels! You're doing a GREAT job!

21w 1 like Reply
- timarifleetwoodrealtor** 🧡 thanks for these updates and your kind service to our community.

21w 1 like Reply

## Gilbert Accounts

- Gloria Jensen** I know it must be rough, but thanks for the updates and trying to do the right thing for our citizens. Mask up!

Like · Reply · Message · 21w 2
- Amy Arenare** Thank you for keeping us informed. Stay safe everyone 😊

Like · Reply · Message · 21w 5
- Ellen Baird** Thank you so much for your regular updates.

Like · Reply · Message · 21w 3
- azsoccercoach** Appreciate the update and transparency. Your doing a great job.

21w 1 like Reply
- joycemclaren** Thank you for all your hard work to Keep us informed and safe! 🙏

21w 1 like Reply



# Influx of Comments and Interactions



## APRIL

7 million+ impressions      336,000+ interactions

## MAY

6.6 million+ impressions      288,000+ interactions

## JUNE

7 million+ impressions      672,000+ interactions

## JULY

2.2 million+ impression      102,000+ interactions

**22.8 million+ impressions**  
**1.4 million+ interactions**





# KNOW YOUR AUDIENCE

**Gilbert Town Hall** Published by Bobby Gilbert · December 19, 2019

"You all suck."  
Mayor Jenn Daniels reads the meanest tweets of the year. 😊



0:02 / 1:54

11,370 People Reached      2,362 Engagements      [Boost Again](#)


**Gilbert Town Hall** Published by Lauren Oxford · December 18, 2018

Do you know your Gilbert trivia? 🤔  
Mayor Jenn Daniels recently quizzed locals by "Jennwalking" in the streets of the Heritage District! 🗣️ 📹  
Watch below to see what happens... Some of the answers may surprise you!



1:02 / 1:56

21,038 People Reached      3,563 Engagements      [Boost Again](#)



Mayor Daniels spent her day with Gilbert's Streets Team!

0:02 / 0:54

**Gilbert Town Hall** Published by Sprout Social · March 27, 2018

**Mayor Daniels' Day with Gilbert Streets Team**  
Mayor Daniels was ALL IN during her time with Gilbert's Streets Team yesterday! 🌳 🗑️ ...  
[See More](#)

👍❤️😄 129      29 Comments      7.5K Views

👍 Like    💬 Comment    ➦ Share    🗖️

**Up Next**  
We currently don't have any more videos for you

**Comments**      [See All](#)

🗨️ Comment as Gilbert ...

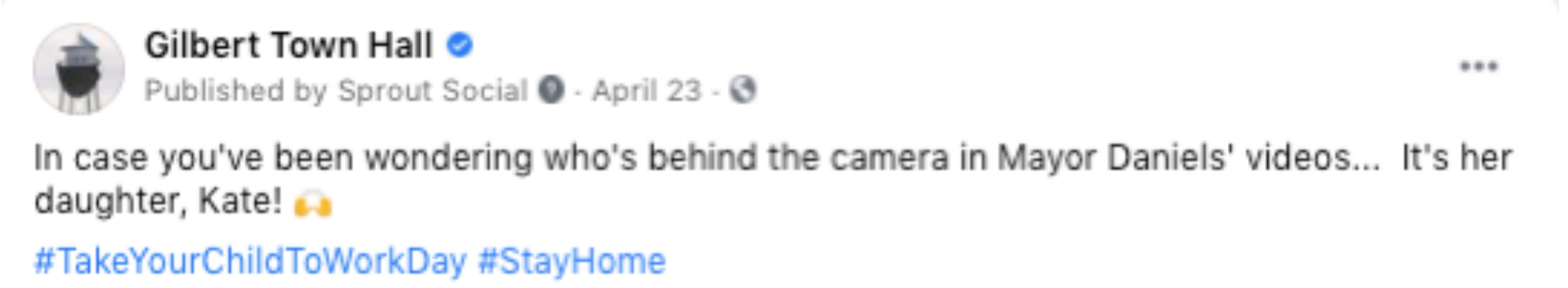
**Gilbert, AZ Mayor** @GilbertAZMayor

To my friends and neighbors - our curfew starts now 8pm - please find safety in your home and know that our teams are here for you. Thank you for caring for each other and your community during this volatile time. 🧡🧡🧡

8:01 PM · May 31, 2020 · Twitter for iPhone

||| [View Tweet activity](#)

21 Retweets    249 Likes



# Key Takeaways



**Your Citizens Want to Hear From You**



**Embrace Social Media, Don't Fear It**



**Know Your Audience**



**No One Expects Perfection,  
They Do Expect Information**

**THANK YOU!**

# Questions?

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## **TWITTER**

@DanaBerchman

## **EMAIL**

[dana.berchman@gilbertaz.gov](mailto:dana.berchman@gilbertaz.gov)

## **CONNECT**

[gilbertaz.gov/connect](http://gilbertaz.gov/connect)



# Queen Creek, Arizona

- Current population: 60,100
- Growth rate of 7-9% annually
- Median age: 33.3
- Median income: \$98,214
- Number of employees with the Town: 307
- Positions in Communications & Marketing Division:
  - Communications Manager
  - Marketing Specialist
  - Digital Media Specialist
  - Marketing Coordinator (focus on recycling & water conservation)



# Lay of the Land in QC

- No public access cable channel
- Plethora of private social media groups
- Limited traditional media outlets
- Town staff do not comment on non-official pages
- Town Council members run their own pages
- Inclusivity is important (closed captions, descriptions, etc.)
- Staff networks with other cities/towns and shares info, especially via organizations such as 3CMA
- Conversation happens 24/7

# QC Social Media



## Facebook pages

- Queen Creek Town Hall
- Town of Queen Creek Parks and Recreation (Official)
- Queen Creek Fire & Medical
- Horseshoe Park & Equestrian Centre (Official)
- Downtown Queen Creek



## Twitter handles

- @TownofQC
- @investtheqc



## Instagram

- Townofqueencreek



## LinkedIn

- Town of Queen Creek



# Public Safety Concerns

- Accuracy is more important than speed
- Lots of interest from the public – often requesting more info than can be provided
- HIPPA laws and sensitive information
- Ongoing investigations



# Tips for Office Holders

- Set limits on personal social media channels
- Respond and monitor any channel where your name appears
- Use quality control on the visuals you use
- Remember that nothing on social media is ever private
- Opportunity to share city/town posts, including your opinion when applicable
- Social media analytics change constantly – what works today may not work well tomorrow
- Good idea to be “verified” on platforms if you’re using as your official page


# Tips for Office Holders

Official pages can register for Facebook's "Town Hall" services page which makes it easy for residents to find their representatives at all levels of government


## Town Hall

[Share](#)

[Directory](#) [Explore](#)



**Find, follow and contact your elected officials and government services**

 Benjamin Thomas Wheatley and 67 other friends have connected with a government representative.

[All](#) [Government Services](#) [Local Representatives](#)  
[State Representatives](#) [Federal Representatives](#)

**Government Services**

**Your Address** [Remove Address](#)

22358 S Ellsworth Rd, Queen Creek, A... [✎](#)

Look up the representatives for your district using your address. Your address won't be displayed to others on Facebook, and you can always change or remove this information later. [Learn More](#)

**Constituent Badge** [Off](#) ▼

Turn on to show your badge on all your comments to your representatives, including comments you've already made. [Learn more.](#)

**Voting Reminders** [On](#) ▼

You're receiving reminders about upcoming elections in your area.

**Town Hall Updates** [On](#) ▼

You're set to receive Town Hall updates in News Feed, including weekly top posts from your government representatives and more.

# Tips for Office Holders

- Have fun
- Be authentic
- Use abbreviations and emojis with care
- Share information and use social media as an extended conversation
- Your communication staff is a resource – don't be afraid to ask!

# Thank you!

Marnie Schubert  
480-358-3196

[Marnie.Schubert@QueenCreek.org](mailto:Marnie.Schubert@QueenCreek.org)

# Now For a Few Pesky Legal Issues

Susan D. Goodwin, Gust Rosenfeld PLC

December 2, 2020

# Overview

Social Media Operated by City

Elected Officials' Social Media

City Employees and Social Media

# Social Media Operated by City

## First Amendment Issues

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or **abridging the freedom of speech**, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

The First Amendment protects against content/viewpoint discrimination in a public forum.



# Social Media Operated by City

## First Amendment Issues

Public Forum: If your city permits public comments on an interactive platform, you have created a public forum.

- Traditional – Parks, public squares, sidewalks, etc.
- \*Designated – Websites? Interactive, without limitations.
- \*Limited – Open for specific topics only.
- Non-public – Not interactive – disseminate city information only.

# Social Media Operated by City

## First Amendment Issues

- Social media platforms of cities: Recommendation – create only limited public forum.
- Limit topics of discussion.
- Any content restriction on that topic must be necessary to serve a compelling state interest and be narrowly drawn to achieve that end.

# Social Media Operated by City

## First Amendment Issues

- First Amendment protects against content/viewpoint discrimination in a public forum.
- Can restrict the forum to be a limited public forum by limiting topics.
- Can establish policies, including standards such as no defamation, must be accurate, no political discussions, etc.

# Social Media Operated by City

## First Amendment Issues

### Blocking Access

- Trump blocked access to his Twitter account to some whose posts he did not like.
- Knight First Amendment Institute sued claiming Trump's Twitter account is a public forum.
- Second Circuit Court of Appeals – public forum.
- Now on appeal to USSC.

# Social Media Operated by City Policies

Policies for city operation of social media vs. employee use of social media.

Problem areas:

- Each department has its own website or other platform.
- Each department has its own rules – none of which have been reviewed by the city attorney.
- No oversight.

Need policies on operation of city social media – defamation, accuracy, political discussions, commercial uses, removal of posts, etc.

# Social Media Operated by City

## Policies

What to do?

- Conduct a social media inventory of platforms used by all departments.
- Identify who is responsible for each account and a backup.
- Establish an official site for each account.

# Social Media Operated by City

## Policies

- Include a statement that the city reserves the right to remove content from its social media sites that is deemed in violation of adopted policy or any applicable law.
- Establish one person responsible for answering staff questions about the policy.
- Involve your city attorney.

# Social Media Operated by City

## Public Records

Everything created or received by a public body or public officer that relates to public business or is created or received in the course of conducting public business (even if on personal computers) if:

- In pursuance of a duty
- It is required by law to be maintained
- It is a record of official transaction



# Social Media Operated by City

## Public Records

- Social media creates electronic records.
- Must be maintained as public records.
- Subject to request for public records.
- Archiving vendors such as Archive Social, Smarsh, Pagefreezer.

# Elected Officials' Social Media

## Public Records

- Purely personal e-mails generated or maintained on a government e-mail system are not public records under Arizona's public record laws. *Griffis v. Pinal County*.
- Records sent/received by public officials or government employees on private electronic devices or accounts are not public records. AG Opinion I17-004.
- BUT public records law requires public officials to “record their work and otherwise maintain records” that are related to official government activities. A.R.S. Section 39-121.01B.

# Elected Officials' Social Media

## Open Meeting Law

- **“Meeting”** means the **gathering**, in person or through **technological devices**, of a **quorum** of members of a **public body** at which they **discuss, propose or take legal action**, including any **deliberations** by a quorum with respect to such action.”

# Elected Officials' Social Media

## Open Meeting Law

- When do social media communications become a “meeting”?  
When a quorum participates and it is about city business.
- Is a meeting by social media legal? Yes, if the notice and agenda are posted and the public is able to hear the discussion and the council member attending electronically is able to hear everyone at the meeting.

# Elected Officials' Social Media

## Open Meeting Law

What if a quorum merely reads my posts? If you express your opinion or discuss an issue with the public on social media, you are ok if:

The opinion/discussion is not principally directed at or directly given to another member of the council, and

There is no concerted plan to engage in collective deliberation to take legal action.

A.R.S. Section 38-431.09

# City Employees on Social Media

## First Amendment Rights

- Employees do not give up free speech rights when they become public employees.
- Is it a mere gripe? Is it related to internal operations? Not protected by First Amendment.
- Is it a matter of public concern? Balancing test: Efficient operation of organization vs. employee free speech right.
- What about political comments? Sometimes protected and sometimes not.

# City Employees on Social Media

## Recurring Issues

- Rights of privacy: Be clear – no expectation of privacy in use of city social media and computers.
- National Labor Relations Act: What? Generally does not apply to public entities. BUT... Meet & Confer, Police unions. NLRA protects wage, hour, working conditions discussions.
- Hiring: Use of applicant's social media sites.

# City Employees on Social Media Policies

Problem areas:

- Lack of standards for content, including professionalism, grammar, confidentiality, copyrights, political comment, commercial endorsements, protected classes, hate speech.
- Failure to maintain public records.
- Use of city social media.
- Use of personal social media.



# City Employees on Social Media Policies

Social media policies governing employees are important.  
Include:

- Definitions, such as "social media", "social networking", "confidential information".
- Use during hiring process.
- City computers are for city business purposes
- No expectation of privacy.

# City Employees on Social Media Policies

- No use of the city's computers and facilities to influence elections.
- No access to sites that promote hatred, sexual exploitation and similar activities.
- Security requirements.
- No release of confidential information.
- Requirement that employees identify themselves as employees of the city while using social media for city business.

# City Employees on Social Media

## Policies

- Professional communications – no profanity, harassment etc.
- Information must be accurate and honest.
- No illegal activities (including hacking).
- No commercial activity.
- No promotion of religious, social or political causes.

# City Employees on Social Media

## Policies

- If employees are encouraged to create social media sites to promote the city, include provisions related to the ownership of the account.
- Consequences for violating the policy.