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## 2020 ETH 01

### CAMPAIGN FINANCE & ETHICS – 50-PIECE RULE AND MIXED-USE SOCIAL MEDIA ACCOUNTS

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You are a legislative staff person. You have asked for an advisory opinion regarding the use of official legislative social media accounts and legislative office budgets for various types of communications when under the restrictions of [Wis. STAT. § 11.1205](#) (“the 50-piece rule”).

#### Summary:

It is the opinion of the Commission that legislators and legislative staff may use official legislative social media accounts and legislative office budgets as described below.

#### Analysis:

##### A. Wisconsin’s 50-Piece Rule

The questions in this section primarily require the application of [Wis. STAT. § 11.1205](#):

#### **11.1205 Use of government materials by candidates.**

##### **(1)**

**(a)** Except as provided in sub. [\(2\)](#), no person elected to state or local office who becomes a candidate for national, state, or local office may use public funds for the cost of materials or distribution for 50 or more pieces of substantially identical material distributed after:

1. In the case of a candidate who is nominated by nomination papers, the first day authorized by law for circulation of nomination papers as a candidate.
2. In the case of a candidate who is nominated at a primary election by write-in votes, the day the board of canvassers issues its determination that the person is nominated.
3. In the case of a candidate who is nominated at a caucus, the date of the caucus.
4. In the case of any other candidate who is nominated solely by filing a declaration of candidacy, the first day of the month preceding the month which includes the last day for filing the declaration.

**(b)** This subsection applies until after the date of the election or after the date of the primary election if the person appears as a candidate on a primary election ballot and is not nominated at the primary election.

**(2)** This section does not apply to use of public funds for the costs of the following:

- (a)** Answers to communications of constituents.
- (b)** Actions taken by a state or local government administrative officer pursuant to a specific law, ordinance or resolution which authorizes or directs the actions to be taken.
- (c)** Communications between members of the legislature regarding the legislative or deliberative process while the legislature is in session.
- (d)** Communications not exceeding 500 pieces by members of the legislature relating solely to the subject matter of a special session or extraordinary session, made during the period between the date that the session is called or scheduled and 14 days after adjournment of the session.

1. Does one Facebook/Twitter post count as sending out one item regardless of how many individuals view or share it?

Wisconsin law prohibits individuals elected to state or local office who become candidates for national, state, or local office from using public funds for the cost of materials or distribution of 50 or more pieces of substantially identical material distributed during a campaign period (“the 50-piece rule”), except as specifically permitted. [WIS. STAT. § 11.1205](#).

Over the course of 2018 and 2019, the Commission has taken several steps to clarify the appropriate uses of social media by public officials and explain the application of the 50-piece rule to social media communications. See [2018 ETH 03](#), Guidelines [ETH-1251](#) and [ETH-1253](#). In [2018 ETH 03](#), the Commission formally analyzed [WIS. STAT. § 11.1205](#) and considered how to count instances of electronic communication under the 50-piece rule. In that opinion, the Commission held that electronic communications where the sender actively selects recipients would be counted as a single “piece” per recipient (e.g., emails, text messages, or direct messages); however, electronic communications that were published in a singular form, but could be read by multiple individuals (e.g., a website page, Facebook post, or tweet) would only be counted as a single piece. [2018 ETH 03](#). This remains true regardless of the number of times the page, post, or tweet is viewed.

However, [2018 ETH 03](#) is silent as to the question of how a recipient’s share of a communication with others should be counted under the 50-piece rule. The statute is similarly silent. See [WIS. STAT. § 11.1205](#). For example, if a legislator who is up for election uses a state computer system during the campaign period to send a single individual an email and that person independently decides to forward that email to 50-plus others, would that be a violation of the 50-piece rule? What if the sender asks the original recipient to forward it and the recipient sends it to 50 plus others, would that be a violation of the 50-piece rule? The answer to these questions require an interpretation the language of [WIS. STAT. § 11.1205](#).

The purpose of statutory interpretation is to determine what the statute means so that it may be given its full, proper, and intended effect. *State ex rel. Kalal v. Circuit Court for Dane Cty.*, [2004 WI 58](#), ¶44. Statutory interpretation begins with the language of the statute. *Id.* at ¶45. Statutory language is given its common, ordinary, and accepted meaning. *Id.* Statutory language should also be interpreted in the context in which it is used; not in isolation, but as part of a whole; in relation to the language of surrounding or closely-related statutes; and reasonably, to avoid absurd or unreasonable results. *Id.* at ¶46. If the meaning of the statute is plain, the inquiry ordinarily ends there. *Id.* at ¶45. However, a literal reading of a statute may be rejected if it would lead to an absurd or unreasonable result that does not reflect the legislature’s intent. *State v. Jennings*, [2003 WI 10](#), ¶11. Additionally, statutory interpretations that render provisions meaningless should be avoided. *Belding v. Demoulin*, [2014 WI 8](#), ¶17.

While the 50-piece rule is codified in Chapter 11, the campaign finance laws, the 50-piece rule is more akin to the prohibitions of subchapter III of Chapter 13 or Chapter 19 in that it regulates conduct by current officeholders and seeks to prohibit abuses of office. In these contexts, there are long-standing interpretations that an official cannot do indirectly what he or she is prohibited from

doing directly, even where the statute is silent as to indirect applications. *See e.g.*, [2003 Eth Bd 11](#), ¶3; [2001 Wis Eth Bd 02](#), ¶7. As these other prohibitions are similar in nature to the prohibition of the 50-piece rule, the Commission believes a similarly inclusive interpretation would be appropriate when interpreting the prohibition here. However, reading [Wis. STAT. § 11.1205](#) to include every email forward, Facebook share or Twitter retweet of an original communication would likely produce an absurd result where the sender has no knowledge or control over the republication including how many times the message is shared subsequent to the initial communication.

To avoid counting every instance of an initial recipient subsequently sharing a communication while still prohibiting circumvention of the restrictions of the 50-piece rule by employing another, the Commission again will look to the original sender's intentions and adopt an objective test where only the republications intended by the original sender will be counted. Accordingly, where the sender requests or intends for an initial recipient(s) to share the original communication with others, the Commission would then count the republications by the initial recipient(s) done at the request of the original sender as if they were done by the original sender.

2. Can elected officials use office funds to take out a legislative ad in a local newspaper while under the "50-piece rule"?

For each of the remaining 50-piece rule questions, it is important to note that the Ethics Commission can only speak to the laws it administers (Chapter 11, subchapter III of Chapter 13, and subchapter III of Chapter 19). The Commission generally has no authority over the use of legislative office funds. It is the understanding of the Commission that questions regarding the distribution of materials by legislators at government expense should be directed to either the Senate or Assembly Chief Clerk as appropriate. However, as you have asked specifically if these uses of funds would be permitted under the 50-piece rule, the Commission will answer your questions with caveat that when contemplating a use of legislative office funds, you should first seek an answer from the Chief Clerk's Office as to whether a specific expenditure is an appropriate use of state resources and consistent with the policies of the Legislature.

As explained in response to the first question, the 50-piece rule prohibits the use of public funds for the cost of materials or distribution for 50 or more pieces of substantially identical material during a campaign period. [Wis. STAT. § 11.1205](#). This is true regardless of whether the sender is communicating a legislative or campaign message. *See* [Wis. STAT. § 11.1205](#), [2018 ETH 03](#). Additionally, the selection of recipients is only a factor in counting the number of pieces for electronic communications. [2018 ETH 03](#). In this situation, while the elected official may only be sending one piece (i.e., the proposed ad) to the newspaper, it is clear that by paying the newspaper to publish the advertisement, the elected official would be using public funds to pay for the newspaper's subsequent production and distribution of the ad in each newspaper that is to be printed. Assuming the newspaper prints 50 or more copies, this practice would likely run afoul of the 50-piece rule when done during the campaign period. This conclusion is consistent with an informal opinion of the Elections Board in 1996, which held that "because public money would be used to purchase the distribution of more than 49 pieces of identical material (the ad in the newspaper), and because publication is deemed to fall within the statutory language, 'the cost of materials or distribution,' the post-June 1 publication would be proscribed by s. 11.33, Stats."

3. Can elected officials use office funds to place a legislative radio ad while under the “50-piece rule?”
  - a) Are members restricted to 49 spots per ad?

The 50-piece rule only applies to the cost of materials or distribution for 50 or more pieces of substantially identical material. [WIS. STAT. § 11.1205](#). A radio ad is a single audio recording broadcast on a specific radio frequency that can be received by any listener with a radio tuned to that frequency within range of the transmitter.<sup>1</sup> This singularity of material makes radio broadcasts more akin to a bulletin board or billboard, which are similarly platforms for a single message to be received by a large number of individuals. As such, the Commission believes that the 50-piece rule would not prohibit elected officials from using office funds to place legislative radio ads during a campaign period. However, to address the follow-up question, if subject to the 50-piece rule, an elected official is still limited to no more than 49 pieces of substantially identical material, so any single radio ad could not be played more than 49 times during the campaign period without running afoul of the statute.

4. Can an elected official use office funds to mail a legislative newsletter to a Postal patron route or “Every Door Direct Mail” list while under the “50-piece rule”? (see USPS postal patron map attached)

Similar to the response to Question #2, it is important to note that the 50-piece rule prohibits a candidate from using public funds for the cost of materials or distribution for 50 or more pieces of substantially identical material during a campaign period. [WIS. STAT. § 11.1205](#). A USPS Postal Patron mailing, also known as Every Door Direct Mail, delivers a copy of the submitted piece to every mailbox within a certain area or route. Again, the selection of recipients is only a factor in counting the number of pieces for *electronic communications* per [2018 ETH 03](#). In this situation the elected official is still using public funds for the cost of materials or distribution for 50 or more pieces of substantially identical material (i.e., each piece of direct mail). The fact that the sender is not selecting the recipients is not a consideration in physical communications like legislative newsletters. As such, the Commission believes such a use of office funds would be prohibited under [WIS. STAT. § 11.1205](#) if done by a covered official during the campaign period.

Additionally, the Commission would note an opinion issued by the Elections Board, [1976 Wis El Bd 16](#) (withdrawn December 6, 2016) that spoke to the practice of sending out legislative newsletters during the campaign period. While this opinion has been withdrawn by the Commission due to its references to laws that have since been repealed and recreated, this opinion considered the use of legislative office accounts to send out legislative newsletters under the prior iteration of the 50-piece rule and while it was not the central holding of the opinion, the Board did state that since distribution of 100 or more newsletters during the campaign period would be prohibited, distribution prior to the campaign period would presumably be allowed. While the language of the 50-piece rule has changed between 1976 and 2019 (notably moving the maximum number of pieces allowed from 99 to 49), the Commission believes this opinion demonstrates that the prior practice was for legislative offices to be restricted from such expenditures during the

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<sup>1</sup> Many radio stations simulcast their broadcasts to the Internet. Consistent with [2018 ETH 03](#) we believe the simulcast, if known to and intended by the sender, would count as one additional piece.

campaign period and we see no evidence that in the various changes to the 50-piece rule over years the Legislature intended any different conclusion.

5. Can elected officials use office funds to promote their account, boost a post or take out legislative ads on social media platforms including Facebook, Twitter, and Youtube while under the “50-piece rule”?
  - a) If so, how targeted can these be?
    - 1) Can you target an ad to individuals only within your Legislative District?
    - 2) Can you target an ad to individuals based on other criteria? (Individuals within a certain radius of an event? Individuals who follow other social media pages? Individuals that meet certain demographic criteria? ... see attached photos *FBad1* and *FBad2* for example of potential targeting)
6. Example #1:
  - a) We hold regular monthly listening sessions around the district throughout the year
  - b) For each listening session, we send out a news release, post the event on our website and create a Facebook event.
    - 1) Once under the 50-piece rule, we send press releases to fewer than 50 email addresses.
  - c) If we are allowed to continue promoting these events on Facebook using office funds, those posts can reach hundreds or thousands of local residents.
    - 1) For example, one Facebook ad for a local listening session during the budget process, using \$250 from our office account, reached 8,996 residents in the [legislative district] and resulted in 170 rsvp’s for that listening session.
    - 2) See attached *FBlisteningession* and *FBlisteningession2* graphics for an example of what those ads generally look like.
  - d) Can we continue to use office funds to promote these listening sessions?
7. Example #2:
  - a) We generally research policies and draft legislation in the summer and fall months of even numbered years.
  - b) We will be rolling out a list of legislative priorities later this year and asking the public to weigh in on the list of policies that they’d like the legislature to focus on and prepare for.
  - c) Can we promote a post soliciting feedback from the public on legislative priorities?
    - 1) i.e. “I’m working to ensure every family has access to quality health care, strong schools, safe roads and clean drinking water. Let me know what issues you’d like the state legislature to focus on.”
  - d) Can we promote a post that provides information to residents on relevant and timely legislative issue?
    - 1) i.e. “As children head back to school, many communities are struggling with teacher shortages, outdated facilities and a lack of state funding.

Visit *[legislative website link]* to learn more about what's being done to address these issues."

In order to answer these questions, a brief review of how the Commission understands these social media platforms to work at present is necessary as technology is constantly evolving. Facebook, Twitter, and YouTube each have "feeds" which show content to the user. A feed is created by the platform via an algorithm and largely consists of content that the user has either indicated they wish to see by liking, following, or subscribing to the content producer or by the platform placing the content in the user's feed due to other factors (e.g., demographics of the user, similarity to other content the user has viewed, etc.) It is important to note that a user does not see every piece of content from every content producer they like, follow, or subscribe to unless the user goes to that specific content producer's page on the platform. A content producer who wishes to expand the number of users who see the producer's content in their user "feed" can choose to pay the platform to place their content in more users' feeds.

There are multiple ways a content producer can expand their reach on social media platforms. On Facebook in particular, a content producer can choose to "boost" a post. A boost is essentially an advertisement consisting of the chosen post. After selecting a post to boost, the content producer can choose their audience through the following options (see FBad1):

- People you choose through targeting
  - Targeting options are extensive and include criteria like location, age, education, financial status, interests, behaviors, political affiliation, etc.
- People who like your Page
- People who like your Page and their friends
- People in your local area

After defining the intended audience, the content producer is then asked to set a duration for the ad and the total budget (see FBad2). Depending on the budget, Facebook estimates the number of users who will be reached per day and attempts to divide the total budget evenly across the entire duration of the ad. Facebook also permits content producers to create custom audiences from custom lists of phone numbers, email addresses, website cookies, etc.; although it is the understanding of the Commission that Facebook will not allow either targeting options or custom audiences that would narrow the potential audience for an ad to less than 50.

If the content producer would like to get more users to like their page (and thereby gain more viewers of their content via posts, instead of via paid advertising), another option is to "promote" the content producer's page. Promoting is essentially creating an advertisement for the content producer's page as a whole instead of just a particular post. These ads can then be tailored to a particular audience similar to selecting the audience for a boosted post and have similar duration and budget options.

The final option on Facebook is to simply place a traditional paid advertisement. These ads are not placed in the user's feed between posts, but instead are located in a static position elsewhere on the screen. Traditional ads have the same options for audience selection, duration, and budget.

You ask if elected officials can use their office accounts for these types of advertising (boosted posts, promoted pages, and traditional paid advertisements) on social media when under the 50-piece rule. Again, by its terms, the 50-piece rule prohibits officials from using public funds for the cost of materials or distribution of 50 or more pieces of substantially identical material during a campaign period. [WIS. STAT. § 11.1205](#). Consistent with the Commission’s prior advice in [2018 ETH 03](#), the Commission believes an official could continue to include a notice of a listening session on their legislative website, create a Facebook event, create a Facebook post about the session, and send a news release regarding the event out to up to 49 recipients when under the restrictions of the 50-piece rule. However, using legislative office funds to further promote those sessions via paid advertisement (boosted post, promoted page, or traditional paid advertisement) on social media during the campaign period, would be limited by the 50-piece rule as the official is paying to distribute substantially identical material multiple times. As such, a covered official may be able to boost a post or promote a page during the campaign period, but only to no more than 49 people, which may not be technically possible on the social media platforms described.<sup>2</sup>

## B. Mixed Use Accounts

1. Can legislative staff manage and post content on “mixed use” social media accounts used by elected officials?

In 2012, the Government Accountability Board (“GAB”) issued an informal advisory opinion on the use of social media by legislators and described its recommendations for best practices to avoid potential campaign finance and ethics violations. This letter was approved by the Government Accountability Board at its March 20, 2012 meeting. In this letter, the GAB advised that because state resources would be used to create and maintain official legislator social media pages, those pages may not be used for campaign or personal purposes.

Later in 2012, the Chief Clerks of the Legislature followed up their initial request with further questions on the permissible uses of social media by legislators and their staff. On October 11, 2012, the Director and General Counsel of the GAB issued a letter which reiterated the earlier guidance approved by the GAB and expanded into the topic of “mixed-use” sites such as a legislator’s personal or campaign social media sites. The relevant advice is excerpted below:

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

1. *State resources should not be used to **create** a website or Facebook page that will be used for mixed purposes.*
2. *Subject to paragraph 3, **a legislator** may post any type of content at any time to a website, Facebook page or other social media.*

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<sup>2</sup> If the social media ad is substantially identical to either the notice on the legislative website, Facebook post, Facebook event, or news release, those instances of substantially identical communication are combined with the instances of the social media ad when tallying the 49 pieces allowable under the rule.



3. A legislator should **not use state resources**, such as a state computer, to post non-legislative content to a website, Facebook page, or other social media other than purely personal (not campaign or business) content.
4. **Legislative staff** may post **legislative content** to a mixed-use website, Facebook page, or other social media at any time, even if using state resources, but not to a campaign website, campaign Facebook page, or other forms of campaign social media. However, legislative staff should do this only with respect to materials that are distributed more broadly to the press and public.
5. **Legislative staff** may post personal, business, or campaign content to a mixed-use website, Facebook page, or other social media **only** on personal time and without using state resources,
6. Although a mixed-use website may contain a link to the legislator's official state webpage, a state webpage should not be linked to a mixed-use website, Facebook page, or other social media.

See the below table that was included in the GAB letter to illustrate permissible and impermissible activities:

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

**Key**

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

It is the understanding of this Commission that paragraphs 1-5 of the above GAB advice was further adopted by the Chief Clerks and incorporated into their respective chambers' policy manuals for legislative staff. On June 21, 2018, the Ethics Commission re-iterated this advice in a letter to the Chief Clerks of the Legislature with the clarification that paragraph 2 only applied to posts to mixed-use websites/accounts and that official legislative social media accounts should only be used for official governmental purposes. A legislator's use of an official legislative social media account for campaign or business purposes, even when not using a state computer or on state time, could be a violation of WIS. STAT. § [19.45 \(2\)](#) and [\(5\)](#).

Consistent with that prior advice, the Commission again advises that legislative staff may only post and manage legislative content on a mixed-use website or social media account while on state



time and may only post such materials to a mixed-use website or account that are distributed more broadly to the press and public. Legislative staff may only post personal, business, or campaign content to a mixed-use website or social media account on personal time and without the use of state resources.

2. Can elected officials with a “mixed use” social media account promote their account, boost a post or take out ads on Facebook/Twitter using office funds?

Reviewing the above table summarizing the advice provided by the Government Accountability Board and reaffirmed and further clarified by the Commission, it is clear that no person is authorized to use state resources to post campaign or business material. This is consistent with the general public purpose doctrine established by the courts in *State ex rel. Thompson v. Giessel*, 265 Wis. 207 (1953). This doctrine holds that expenditures of public money have to be made for a public purpose. However, the Commission does not make the determination of whether a given expenditure is for a public purpose. The proper way for such an issue to be decided is by way of a taxpayer civil action against the spending authority, which the courts would adjudicate, not this Commission.

It would logically follow that if legislative staff on state time can use state resources to post legislative content to a mixed-use social media account, state resources could also be used to boost or take out ads for such legislative posts on the mixed-use social media account. However, as legislative staff are only permitted to post such legislative content to a mixed-use social media account when the content is more broadly distributed to the media and the public, paying to boost or take out an ad for a post on a mixed-use social media account would not appear to be consistent with the original advice as it appears to contemplate that the post to the mixed-use account would be secondary to the original broader communication to the public and the media. Furthermore, as a general question as to the proper use of legislative resources, this is also a question that cannot be answered by the Ethics Commission alone and should also be directed to the Chief Clerk’s Office.

Finally, because paid promotion of a mixed-use account as a whole could potentially benefit the official, their immediate family, or organizations with which the official is associated via the other content contained within and disseminated by that mixed-use social media account (i.e., business, campaign, etc.), the Commission advises against officials using state resources to promote mixed-use social media accounts as it could be a potential violation of [Wis. Stat. § 19.45\(2\)](#). This issue is further complicated by the potential for an official to later take a mixed-use account with them when they leave their public position, potentially retaining an asset of substantial value that was maintained or potentially even enhanced in value through the use of public resources.

**From:** [REDACTED]  
**To:** [Carlton, Daniel - ETHICS](#)  
**Subject:** RE: Social Media Guidance  
**Date:** Wednesday, September 18, 2019 10:20:20 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[FBad1.png](#)  
[FBad2.png](#)  
[USPSpostalpatron.png](#)

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Hi Dan,

Thanks for sitting down last week to talk more about our request. At this time, I'd like to clarify that our request is for an informal opinion. Below are a list of questions that we would like guidance on:

### **50 piece rule questions**

Does one Facebook/Twitter post count as sending out one item regardless of how many individuals view or share it?

Can elected officials use office funds to take out a legislative ad in a local newspaper while under the "50 piece rule?"

Can elected officials use office funds to place a legislative radio ad while under the "50 piece rule?"

- Are members restricted to 49 spots per ad?

Can an elected official use office funds to mail a legislative newsletter to a Postal patron route or "Every Door Direct Mail" list while under the "50 piece rule?"

- (*see USPS postal patron map attached*)

Can elected officials use office funds to promote their account, boost a post or take out legislative ads on social media platforms including Facebook, Twitter, and Youtube while under the "50 piece rule?"

- If so, how targeted can these be?
  - Can you target an ad to individuals only within your Legislative District?
  - Can you target an ad to individuals based on other criteria? (Individuals within a certain radius of an event? Individuals who follow other social media pages? Individuals that meet certain demographic criteria? ... see attached photos *FBad1* and *FBad2* for example of potential targeting)

### **Example #1:**

- We hold regular monthly listening sessions around the district throughout the year

- For each listening session, we send out a news release, post the event on our website and create a Facebook event.
  - Once under the 50 piece rule, we send press releases to fewer than 50 email addresses.
- If we are allowed to continue promoting these events on Facebook using office funds, those posts can reach hundreds or thousands of local residents.
  - For example, one Facebook ad for a local listening session during the budget process, using \$250 from our office account, reached 8,996 residents in the [REDACTED] District and resulted in 170 rsvp's for that listening session.
  - See attached *FBlisteningsession* and *FBlisteningsession2* graphics for an example of what those ads generally look like.
- Can we continue to use office funds to promote these listening sessions?

Example #2:

- We generally research policies and draft legislation in the summer and fall months of even numbered years.
- We will be rolling out a list of legislative priorities later this year and asking the public to weigh in on the list of policies that they'd like the legislature to focus on and prepare for.
- Can we promote a post soliciting feedback from the public on legislative priorities?
  - i.e. "I'm working to ensure every family has access to quality health care, strong schools, safe roads and clean drinking water. Let me know what issues you'd like the state legislature to focus on."
- Can we promote a post that provides information to residents on relevant and timely legislative issue?
  - i.e. "As children head back to school, many communities are struggling with teacher shortages, outdated facilities and a lack of state funding. Visit [REDACTED] to learn more about what's being done to address these issues."

**"Mixed Use" accounts (social media accounts containing a mix of legislative and campaign content)**

- Can legislative staff manage and post legislative content on "mixed use" social media accounts used by elected officials?
- Can elected officials with a "mixed use" social media account promote their account,

boost a post or take out ads on Facebook/Twitter using office funds?

Again, happy to chat more or clarify any of these requests if you or your staff have questions.

Thanks,

[REDACTED]

[REDACTED]

Office of

[REDACTED]



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**From:** Carlton, Daniel - ETHICS <Daniel.Carlton@wisconsin.gov>

**Sent:** Tuesday, August 20, 2019 12:32 PM

**To:** [REDACTED]

**Subject:** RE: Social Media Guidance

When I ask whether you want it to be public, I need to clarify something...the requestor's identity is always redacted. I'll talk to you a little more about it after the meeting today. May not be able to follow up with you until tomorrow morning, though.

Dan

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**From:** [REDACTED]

**Sent:** Tuesday, August 20, 2019 11:53 AM

**To:** Carlton, Daniel - ETHICS <[Daniel.Carlton@wisconsin.gov](mailto:Daniel.Carlton@wisconsin.gov)>

**Subject:** RE: Social Media Guidance

Thanks Dan,

I did have one other follow-up question for you... Would this opinion be made public by the commission, or would it only be provided to our office?

Thanks,

[REDACTED]

[REDACTED]

Office of

[REDACTED]



**From:** Carlton, Daniel - ETHICS <[Daniel.Carlton@wisconsin.gov](mailto:Daniel.Carlton@wisconsin.gov)>  
**Sent:** Friday, August 16, 2019 12:16 PM  
**To:** [REDACTED]; ETH Ethics <[ethics@wisconsin.gov](mailto:ethics@wisconsin.gov)>  
**Cc:** [REDACTED]  
**Subject:** RE: Social Media Guidance

Good afternoon,

This email is to acknowledge receipt of your opinion request. As you are probably aware, the Commission is meeting on Tuesday, August 20, 2019. As we are within a few business days, we will not be able to prepare the opinion you requested in time for this meeting. The next regularly scheduled meeting of the Wisconsin Ethics Commission is December 3, 2019. A formal opinion can definitely be prepared and deliberated by the Commission at that meeting.

After the Commission's meeting on Tuesday, we will begin working on this request. I anticipate that we will be requesting some additional information from you at that point. Until then, should you have any questions or need anything further, please don't hesitate to contact me.

Sincerely,

Dan

**Daniel A. Carlton, Jr.**  
Administrator

Wisconsin Ethics Commission  
Campaign Finance | Lobbying | Ethics  
<https://ethics.wi.gov> | (608) 266-8123 | Twitter: [@EthicsWi](https://twitter.com/EthicsWi)

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**From:** [REDACTED]  
**Sent:** Friday, August 16, 2019 12:01 PM  
**To:** ETH Ethics <[ethics@wisconsin.gov](mailto:ethics@wisconsin.gov)>  
**Cc:** Carlton, Daniel - ETHICS <[Daniel.Carlton@wisconsin.gov](mailto:Daniel.Carlton@wisconsin.gov)>; [REDACTED]  
**Subject:** Social Media Guidance

Hello,

I would like to request a formal opinion from the ethics commission regarding the use of

social media accounts by legislative offices. In particular, I would like official guidance from the commission on the following matters:

- **Wisconsin’s “50 piece rule”**
  - Does one Facebook/Twitter post count as sending out one item regardless of how many individuals view or share it?
  - Can elected officials use office funds to promote their account, boost a post or take out legislative ads on Facebook/Twitter while under the “50 piece rule?”
  - Do legislative social media accounts not associated with a specific official fall under any “50 piece rule” restrictions? (i.e. “Senate Republicans” [@WIGOPSenate](#) or “WI JFC Democrats” [@JFCDemocrats](#))
- **“Mixed Use” accounts**
  - Can legislative staff manage and post content on “mixed use” social media accounts used by elected officials?
  - Can elected officials with a “mixed use” social media account promote their account, boost a post or take out ads on Facebook/Twitter using office funds?
- **Blocking/banning users and deleting/hiding content**
  - Can legislators block/ban individuals who use profane or threatening language from following their official social media accounts?
  - Can legislators block/ban members of the public from viewing or following “mixed use” social media accounts?
  - Can legislators delete or hide public comments on their official social media account if they are deemed to be profane, threatening, or campaign related?

I appreciate your consideration of these issues and would be happy to answer any questions or provide additional clarification of these requests if needed.

Thank you,

- [REDACTED]

[REDACTED]  
Office of [REDACTED]  
[REDACTED]



## AUDIENCE

☒ People you choose through targeting

[Edit](#)

Location - Living In United States: [REDACTED]  
(DMA)

Age 18 - 65+

People Who Match Interests: Knights of Columbus or The Wall Street Journal, Behaviors: Anniversary (within 61-90 days) or Likely engagement with US political content (moderate), Job title: Football Coach

[Less](#) ▲

☐ People who like your Page

☐ People who like your Page and their friends

☐ People in your local area

[Create New Audience](#)

### Automatic Placements (Recommended)

☒ ON


Use automatic placements to maximize your budget and help show your ads to more people. Facebook's delivery system will allocate your ad set's budget across multiple placements based on where they're likely to perform best. [Learn more](#).



## DURATION AND BUDGET

Duration ⓘ

Days 10

End date  Sep 27, 2019

Total budget ⓘ

\$1,000.00 USD

Estimated People Reached ⓘ

5,000 - 15,000 people per day

of 43,000

Refine your audience or add budget to reach more of the people that matter to you.

You will spend **\$100.00** per day. This ad will run for **10** days, ending on Sep 27, 2019.



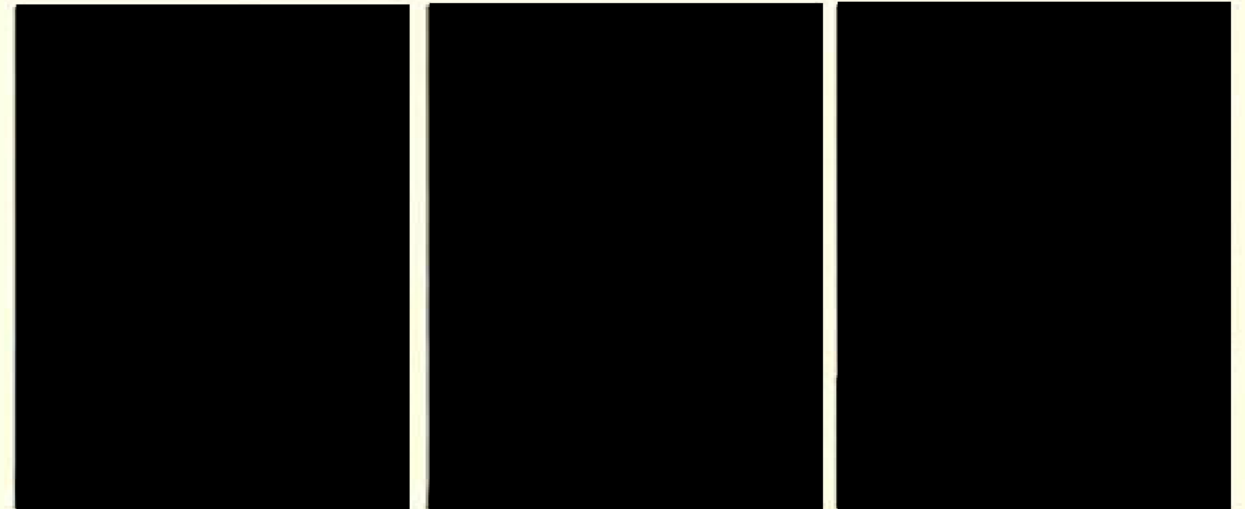
# BUDGET LISTENING SESSION

with Senator [REDACTED],  
Senator [REDACTED]  
& Representative [REDACTED]

[REDACTED], 2019

**5:30pm - 7:00pm**

[REDACTED] LIBRARY  
[REDACTED]  
[REDACTED]



Sen. [REDACTED]  
[REDACTED] Senate District

Sen. [REDACTED]  
[REDACTED] Senate District

Rep. [REDACTED]  
[REDACTED] Assembly District

FOR MORE INFORMATION, PLEASE CONTACT:

[REDACTED]  
[REDACTED]  
[REDACTED]




Join Sen. [REDACTED]  
and Rep. [REDACTED]



# BUDGET LISTENING SESSION



[REDACTED], 2019  
5:30 PM - 6:30 pm  
[REDACTED]  
Community Room



*This event is free and open to the public.*



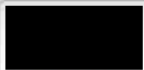
# Every Door Direct Mail®

Select Routes

Find a Printer

Using EDDM®

Mailpiece  
Size Checker >



## Order Summary

Individual Routes Selected

6

Post Office™ Drop-Offs >

1

Total Delivery Addresses [Clear](#)

3872

Approximate Cost [i](#)

\$724.06

Continue

Save

ROUTE	RESIDENTIAL	BUSINESS	TOTAL	AGE 25-44	SIZE	INCOME	COST
	707	15	722	28%	2.46 PPL	\$50.82K	\$135.01

