

OFFICIAL AND POLITICAL COMMUNICATIONS, WEBSITES, AND SOCIAL MEDIA ACCOUNTS:

A PLAIN ENGLISH GUIDE FOR CITY COUNCIL MEMBERS AND STAFF

Communicating with constituents and others takes up a large part of a City Council Ward office's time, whether the communications are made through mailings, email blasts, newsletters, social media such as Facebook or X (fka Twitter), or official ward websites. The City's Governmental Ethics Ordinance (the "Ethics Ordinance"), chapter 2-156 of the City's Municipal Code, imposes restrictions or "guardrails" around these communications.

This guide highlights key *do's* and *don'ts* in the Ethics Ordinance. It's not a substitute for confidential legal advice from the Board of Ethics. We include relevant FAQs we've received over many years. If your question isn't answered here, please call or email us for confidential advice *before* you take action. ***Remember: there's no such thing as a trivial ethics question.*** One of our responsibilities is to help all City employees and officials—including City Council members and their staff—understand and comply with the Ethics Ordinance—and to help the public understand these restrictions as well.

LETTERS OF RECOMMENDATION



Q: I'm a City Council member. When can I use my official City Council letterhead? Can I write letters of recommendation for people who ask me to?

A: You may use your City Council letterhead whenever you are acting, recommending, or writing in your official capacity as a City Council member. You can use this letterhead for recommendations if you know the person you are

recommending through your capacity as a City Council member. Of course, even if you do *not* know the person through your City position, you can *still* write a letter of recommendation on your *personal* stationery. Note that any letter you provide in your official capacity is a public record, subject to the retention requirements in the Illinois Local Records Act, and disclosure under the Illinois Freedom of Information Act.

Note also that, if you write another City or "sister agency" official or employee recommending someone for a government job, there may be Shakman reporting requirements by the recipient. Please contact the City's Department of Human Resources for more information.

WEBSITES AND SOCIAL MEDIA ACCOUNTS



Q: Can City Council members have official social media sites/accounts?

A. Yes. We encourage City Council members and their staff to use social media to engage with City residents, with the expectation that City Council social media use will comply with applicable ethical rules and City policies concerning use of social media.

- City Council members who wish to use a social media site as a resource for constituents should create an official account and manage it separately from their personal account(s), if any.
- City Council members who already use their personal accounts as resources for constituents should create and designate a new official account and direct constituents to that new account.
- We strongly recommend that City Council members state prominently on any official City social media account that it is an official City social media account, to distinguish these accounts from any personal or political accounts. We also strongly recommend that they should state prominently on any "personal" or "political" social media account or website that the site is not an official City account.
- City Council members and their staff should treat official social media accounts as City resources and post only content that complies with the Governmental Ethics Ordinance, Personnel Rules, the

City's policies regarding Digital Communications and Devices, and other local, state, and federal laws.

- We recommend that City Council members or their staff not share content from their personal account(s) on their official City account(s).

Q: What makes a website or social media account an official City or ward website or account?

A: In determining whether a social media site or website will be deemed an official City website or social media account, the Board of Ethics will look at the account or website as a whole and consider all relevant factors, including these:

→ does it have the official City seal or any City Council seal?

→ how frequently or prominently does it contain links to or information about City services or activities, such as trash bins, street closure schedules, community meetings, ward nights, etc.?

Note: City Council members **may** use political funds or City resources (like their aldermanic allowance) to pay for an official City website, but may **not use** City funds to pay for what constitutes a political or personal website or social media account.



Q: What may a City Council member post or not post on an official City or ward website or account? What are the rules on blocking/defriending persons who post on an official social media site?

A: No “electioneering” or political content can be posted on any official City website or social media account. This includes, but is not limited to, political endorsements (including on referenda), invitations to or notices of political fundraising events, or solicitations of political contributions. NOTE: this principle also applies to **any** official communications sent to constituents or others, whether newsletters or blast emails. For example, a City Council member may **not** post job openings for staff-to-be-hired in the same communications in which they solicit political

contributions. That constitutes an improper mixing of political and official content.

Blocking or defriending followers or friends from an official City social media account is heavily regulated. Following federal law, the Board of Ethics has held that persons may be blocked or defriended **only** if their posts are racist, obscene, profane, defamatory, or commercial in nature. See this 2019 Board opinion: <https://www.chicago.gov/content/dam/city/depts/ethics/general/AO-City%20Owned%20Property/18038.A.1.pdf>

The Board strongly discourages blocking or defriending any individual from an official social media account, no matter how obnoxious the posting—blocking could invite federal litigation, in light of two March 2024 U.S. Supreme Court decisions: *Lindke v. Freed*, https://www.supremecourt.gov/opinions/23pdf/22-611_ap6c.pdf, and *O'Connor-Ratliff v. Garnier*, https://www.supremecourt.gov/opinions/23pdf/22-324_09m1.pdf.

Note: the Board acknowledges that a City Council member may make their Facebook or other social media accounts completely comment-free.

Q. Can I, as a City Council member, have personal, non-official, political, or non-aldermanic websites or social media accounts? What are the do's and don'ts?

A: Yes, of course, and many do! But know the following restrictions:

1. We strongly advise that such accounts **NOT** include constituent-related City information, like street cleaning/closure schedules or ward night advertisements, because including such content could convert a personal/political website or social media site into an official City site or account.
2. We advise that such sites include a prominent statement that they are personal or political sites, do not represent the official views of the City, and are not funded or maintained with City resources.
3. City Council members may block/defriend anyone for any reason from a personal, non-official, non-aldermanic website or social media account.
4. **No** City time or City resources may be used to create, maintain, or post on any political social media sites or accounts—all posting activity must occur outside of City offices and not from City-owned computers or smart phones, and not on City compensated time.

Q: Can a City Council member's official City or ward website or social media account include a button for making campaign donations or a link to a political committee?

A: No! Official City communications must be kept separate from political communications.



NEWSLETTERS AND EMAIL BLASTS



Q: Can my City Council/Ward newsletter include political content?

A: No! Newsletters that include the City seal and/or contain official City business or constituent services-related content (like "PSAs" for Ward holiday toy drives, small business expos sponsored by the City's Dept. of Business Affairs and Consumer Protection, community recycling events, CPD Beat meetings, etc.), may **not** include political/electioneering content, such as invitations to one's own or to another candidate's or elected official's political fundraising event, or endorsements for upcoming elections. Note: this is true regardless of whether funding for the newsletter or platform comes from an aldermanic expense account or other City funds, or from political funds, and regardless of whether the newsletter is put together or emailed by City employees, independent contractors, or volunteers.

Q: Can my City Council/Ward newsletter include information or invitations to business openings in the ward? notices of charitable events, like church-related clothing drives?

A: Yes, but keep in mind a few things: i) you may not directly solicit contributions for third party charities from persons who have matters pending before you, your ward office, or any City Council committee on which you sit [note: a charity's notice in your newsletter may inform readers how to make contributions directly to it, but we advise that you not add "Please contribute"]; ii) you must treat businesses wishing to have notices placed in your newsletter on an equal, non-discriminatory basis; iii) neither you nor any other City employee or official may accept any direct or indirect compensation or payment for including any business's or charity's information in a Ward newsletter; and iv) the Board strongly discourages "touting" local businesses in the form of a

recommendation, such as "Just ate at Joe's Restaurant—it's great, you should go there," as that fosters the perception of favoritism, especially if the business is a campaign contributor.

Q: Can I use a City email list for political purposes?

A: No! You may not use, for campaign or other political purposes, or for purely personal purposes, any email addresses you acquire through your official City governmental communications. See this Board advisory:

https://www.chicago.gov/content/dam/city/depts/ethics/supp_info/18038A1-SupplAO.pdf

Q: Can I use a City email list for a mailer, but ask recipients to "opt-in" to receive further political communications?

A: While the Board has not formally addressed this, Board staff believes this practice is acceptable provided that only those recipients who actually do opt-in then receive future political communications, such as emails or newsletters.



COMMUNICATIONS WITH OTHER CITY GOVERNMENTAL PERSONNEL

The Ordinance explicitly allows City Council members (and by extension, their staff) to communicate with other City employees or officials on behalf of their constituents, provided: i) they receive no income or compensation (other than their authorized City salary) for making such communications; and ii) they have no monetary or family relationship to the constituent. So, e.g., a City Council member may contact a City department on behalf of a constituent and inquire about the status of a license or permit application, or appear in support of a constituent in a proceeding before the City's Department of Administrative Hearings, if they receive no income or compensation for such actions and have no monetary or family interest with or in the constituent.

USE OF THE OFFICIAL CITY SEAL



Q: Can City Council members use the City seal in electioneering communications?

A: We strongly advise that this not be done. Note that, in 2022, the City Council enacted a law that allows City officials, employees, or candidates for City elected office to include photos, videos, or other visual media that include images of the City seal in or on any site or communication as long as: i) the image of the City seal is “incidental to the visual media viewed as a whole, not the primary focus,” and ii) the communication contains a clear written disclaimer that it is not related to official City business. ***The Board strongly recommends that images of the City seal and other City logos, such as those of the Chicago Police or Fire Departments, not be used in any political or electioneering communications. See this Guide:***

<https://www.chicago.gov/content/dam/city/depts/ethics/general/Publications/CocSeal.pdf>

Questions? DO NOT HESITATE TO CONTACT US BEFORE YOU TAKE ACTION!



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