

**ALASKA STATE LEGISLATURE
LEGISLATIVE COUNCIL**

**JULY 13, 2022
10:00 AM**

MEMBERS PRESENT

Representative Sara Hannan, Chair
Senator Lora Reinbold, Vice Chair
Representative Matt Claman
Representative Bryce Edgmon
Representative Louise Stutes
Representative Cathy Tilton
Representative Chris Tuck
Senator Lyman Hoffman
Senator Shelley Hughes (alternate)
Senator Peter Micciche
Senator Mike Shower
Senator Bert Stedman

MEMBERS ABSENT

Representative Neal Foster
Senator Click Bishop
Senator Gary Stevens

OTHER MEMBERS PRESENT

Representative David Eastman
Representative Kevin McCabe
Representative Tom McKay
Senator Jesse Kiehl

AGENDA

APPROVAL OF AGENDA
COMMITTEE BUSINESS - EXECUTIVE SESSION

SPEAKER REGISTER

Jessica Geary, Executive Director, Legislative Affairs
Agency (LAA)

I. Call to Order

10:05 AM

CHAIR HANNAN called the Legislative Council meeting to order at 10:05am in the Denali Room at the Anchorage Legislative Office Building. Present at the call were Representatives Claman, Hannan, Stutes, Tilton, Tuck; Senators Hoffman, Hughes, Micciche, Reinbold, Shower, Stedman.

Eleven members present at the call.

Representative Edgmon joined the meeting at 10:22am.

II. Approval of Agenda

10:06:42 AM

VICE CHAIR REINBOLD moved and asked unanimous consent that Legislative Council approve the agenda as presented.

The agenda was approved without objection.

III. Committee Business - Executive Session

a. Matters Relating to Legislator Social Media Accounts

10:08:07 AM

VICE CHAIR REINBOLD moved and asked unanimous consent that Legislative Council go into Executive Session under Uniform Rule 22(B)(1), discussion of matters, the immediate knowledge of which would adversely affect the finances of a government unit and 22(B)(3), discussion of a matter that may, by law, be required to be confidential. The following individuals may remain in the room or online for the Executive Session: Jessica Geary, Santé Lesh, Megan Wallace, Emily Nauman, Alex Foote, Angela Steph1, any legislators not on Legislative Council, and any staff of Legislative Council members.

10:08:54 AM

A roll call vote was taken.

YEAS: Representatives Claman, Hannan, Stutes, Tilton, Tuck; Senators Hoffman, Hughes, Micciche, Reinbold, Shower, Stedman.

NAYS: None.

The motion passed 11-0.

10:09:38 AM

Council went into Executive Session.

1:04:34 PM

Council came out of Executive Session.

1:04:46 PM

A roll call vote was taken to establish a quorum.

Representatives Edgmon, Hannan, Stutes, Tilton, Tuck; Senators Hughes, Micciche, Reinbold, Shower, Stedman.

Ten members present.

CHAIR HANNAN asked Ms. Geary to speak about the working draft on Legislative Council's Social Media Policy.

JESSICA GEARY, Executive Director of the Legislative Affairs Agency (LAA), said that Legislative Council was tasked with updating the Social Media Guidelines. These guidelines were last updated September 2011, much has changed in the world of social media, and the Select Committee on Legislative Ethics recommended that the policy be updated, specifically pertaining to comments. LAA reached out to the National Conference of State Legislatures, Council of State Governments, and administrators in other states for information on what legislatures have social media policies and how they handle legislative social media activity. LAA modeled the working draft under consideration after the Colorado Legislature's social media policy.

She said in essence there is no requirement for a legislator to have a social media account, either official or personal; however, if a legislator chooses to have a personal social media account, it is recommended to not post about legislative matters on that personal account because it could open that page up to scrutiny and may be considered a government account or limited public forum. In other words, personal and legislative social media pages should be kept separate. She said to mitigate the risk that a personal account will be interpreted as an official account, legislators should maintain the highest privacy settings, not make a personal account available to the public, and designate it as a personal account—not public or official. A personal account should not have the appearance of an official or public account, should not include official email addresses, and should not ask for feedback about legislative matters.

Ms. Geary said that if a legislator chooses to have an official account, the recommendation is that they consider it more of a bulletin board account where they post information, but do not allow dialogue which does not allow for a public forum. If a legislator chooses to use a social media page as an official account and allows people to engage regardless of what is being

written, whether it is hateful or defamatory, the recommendation is to not delete, block, or hide. She said, "everything goes or nothing goes" is the safest way to avoid risk of litigation.

Ms. Geary said if a member is sued based on information on their social media page, the courts will apply different tests and this is the safest recommendation. She directed members' attention to a warning contained in the policy that if a legislator's use of a social media account does not adhere to the recommendations outlined above, the legislator assumes all risks and responsibilities for any litigation that results from that choice. She stated that she and Legal Services Director Megan Wallace were available for questions.

VICE CHAIR REINBOLD expressed concerns about constitutional rights for privacy and freedom of speech, that she believes there needs to be decorum on social media platforms and has many questions about those platforms.

REPRESENTATIVE EDGMON stated that the policy should include definitions for an "official account" and "personal account" to delineate the difference, as well as "legislative matters," for which no definition exists in statute as far as he is aware, and which may mean something different in the area of social media. He also wanted clarity on the definition of "legislative staff." He further suggested that the policy be edited to delete the sentence that states it is not a requirement for a legislator to have a social media account, as legislators already know that.

MS. GEARY thanked Representative Edgmon for his suggestions and agreed that defining some of the terms would help make the policy clearer and lead to less confusion.

SENATOR HUGHES stated that the policy needs work, and she is not ready to approve it. She does not agree with the limits placed on personal accounts and feels she would be enabling criminal action by not blocking certain comments, such as violent threats, on social media, and that it would be a liability to the Legislature to leave some comments up. She also stated that some legislators need to have access to the comments to connect with their constituents, which could be an equal protection issue, and the "all or nothing" policy is not feasible. She suggested there be a warning system in place for commenters before blocking them on social media.

CHAIR HANNAN reminded the committee that this is a working draft.

-DRAFT-

SENATOR HUGHES thanked the committee for the work that has been done, but stated that those working on it do not have the social media experience that she has and that she believes there needs to be input from legislators.

CHAIR HANNAN agreed that they will be taking notes and considering legislators' feedback about the policy.

VICE CHAIR REINBOLD said she agreed with the comments of Representative Edgmon and Senator Hughes and cannot approve this policy in its current draft form. She does not believe that the Legislative Ethics Committee should be creating this policy but that it should be the legislators.

IV. ADJOURN

1:29:29 PM

CHAIR HANNAN said with nothing further to come before Council, the meeting is adjourned.