

Public Officials May Not Selectively Block Constituents from Government Social Media Accounts

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Public officials violated their constituents' First Amendment rights by selectively blocking them from commenting on or reacting to the officials' posts on government social media accounts.

In *Garnier v. O'Connor Ratcliff*, the U.S. Ninth Circuit Court of Appeals determined that two school board members' Facebook and Twitter pages were a public forum. The court highlighted the fact that the accounts were used as a tool for governance and outreach. Among other things, both school board members listed their official title and email address on their social media pages, posted content about official activities such as board meetings, and solicited input from the public on policy issues. The lawsuit was filed by constituents who had been blocked from the social media pages after repeatedly leaving long criticisms of the two school board members and the school board itself.

The court ruled that the constituents had First Amendment free speech rights on the school board members' social media pages because the accounts were open to the public for comment. Selectively blocking the constituents from accessing those accounts imposed an unreasonable restriction on protected speech because a lesser measure, such as posting etiquette rules or turning off all comments, would have been sufficient.

Public officials who frame their social media accounts as "official" pages where they post content about their agency should be aware that they are acting under color of state law. Selectively blocking some constituents from commenting or "reacting" may be actionable as a violation of First Amendment rights.

This e-alert was written by Sose Abraamyan, a summer associate at **RWG** and rising 3L at Loyola Law School. For advice on First Amendment or other public law issues, please contact any **RWG attorney**.