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U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

Washington, DC 20515-6328

April 25, 2008

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Standards of Official Conduct
Stephanie Tubbs Jones, Chairwoman
Doc Hastings, Ranking Republican Member

SUBJECT: Laws, Rules, and Standards of Conduct Governing Campaign Activity

With the election year underway, it is important that Members and staff ensure that they are fully aware of the House rules and related laws and standards of conduct that apply to them when they engage in campaign activity. These laws, rules, and standards are important to ensuring that staff time and other congressional resources paid for by taxpayer funds are not improperly used for campaign purposes. **Members are urged to review this memorandum and the related Committee materials carefully.** In addition, because Members are responsible for ensuring that their staff members comply with applicable laws, rules, and standards, we also urge that Members **require** that their staff members who perform campaign work – including district staff – read this memorandum and the related materials. The Standards Committee also has made its training session on “Campaign Activity” available for viewing on HouseNet and we suggest that any staff members responsible for significant campaign work view this training video.

Campaign Activity by Congressional Staff. A full explanation of the laws, rules, and standards on campaign work by congressional staff is provided in Chapter 4 (pp. 121-184) of the 2008 *House Ethics Manual* published by the Standards Committee.¹ As discussed in the *Manual*, there are two fundamental rules that Members and staff must observe:

- (1) Any campaign work by staff members must be done outside the congressional office, on their own time, and without using any congressional office resources; and
- (2) No staff member may in any way be compelled or required to do any campaign work.

¹ Copies of the *Manual* are available from the Committee office and on the Committee's website, www.house.gov/ethics.

What constitutes a staff member's "own time" is determined by the personnel policy of the employing office, but generally it is time during which the staff member is entirely free to engage in personal or other outside activities as the individual sees fit. Depending on the office policy, a staff member's own time may include a lunch period, time after the end of the business day, weekends, or annual leave.² Staff may also switch to part-time status, with an appropriate reduction in pay. In addition, subject to House Administration Committee regulations, staff may go on leave without pay status for the purpose of doing campaign work, but staff doing so generally must cease performing official duties.

The Committee **strongly** recommends that any staff member who will be devoting a significant amount of time to campaign work, or will be performing campaign work during the regular business day, maintain careful records of the time spent performing official duties and, separately, the time spent doing campaign work. Maintaining such records helps to ensure that no campaign work is done on "official" time, *i.e.*, time for which the individual is compensated with House funds. It also enables the staff member to demonstrate compliance with the applicable rules at all times. For additional information on these rules, *see* pp. 135-37 of the *Manual*.

These rules apply to **any** campaign work by congressional staff, whether for a Member's re-election campaign or for any other campaign or political undertaking. These rules also apply to **all** congressional staff members, including those who are employed in committee or leadership offices as well as those employed in Member personal offices.

Certain activities, such as soliciting contributions or working with campaign consultants, clearly constitute campaign activity and are subject to these rules. The performance of other sorts of tasks, such as drafting a speech or attending an event, may raise a question as to whether the activity is campaign work or instead constitutes the performance of official duties. Whenever such a question arises, guidance should be sought from the Committee.

Finally, 18 U.S.C. § 603 prohibits a House employee from making a "contribution" to his or her employing Member. Staff members should be aware that most outlays that an individual makes on behalf of a campaign is deemed a "contribution" under Federal Election Commission (FEC) regulations, **even if it is intended that the campaign will reimburse the individual promptly**. The major exception to this rule is for outlays that an individual makes to cover their own travel expenses incurred on behalf of a campaign, subject to FEC regulations. These rules are discussed in detail on pp. 138-39 of the *Manual*.

Use of Official Resources for Campaign Activity is Generally Prohibited. As a general matter, when engaging in campaign activity, neither Members nor staff may make use of any congressional resources, including office equipment, supplies, or files (including names or addresses contained in the files or official mailing lists). House

² On the other hand, it is permissible for a Member to require that a staff member work on evenings or weekends, provided that the work constitutes the performance of official duties, as opposed to campaign or non-official work, and other applicable provisions of law and regulation are complied with.

buildings, rooms and offices -- including district offices -- may not be used for any campaign or political activities. The rules on this point are discussed on pp. 123-35 of the *Manual*.

**Any questions on these matters should be directed to the Committee's
Office of Advice and Education at (202) 225-7103.**