

Susan W. Brooks, Indiana
Chairwoman
Theodore E. Deutch, Florida
Ranking Member

Kenny Marchant, Texas
Leonard Lance, New Jersey
Mimi Walters, California
John Ratcliffe, Texas

Yvette D. Clarke, New York
Jared Polis, Colorado
Anthony Brown, Maryland
Steve Cohen, Tennessee



ONE HUNDRED FIFTEENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON ETHICS

June 7, 2018

Thomas A. Rust
Staff Director and Chief Counsel

Donna Herbert
Director of Administration

Megan Savage
*Chief of Staff and Counsel to
the Chairwoman*

Daniel J. Taylor
Counsel to the Ranking Member

1015 Longworth House Office Building
Washington, D.C. 20515-6328
Telephone: (202) 225-7103
Facsimile: (202) 225-7392

MEMORANDUM FOR ALL MEMBERS, OFFICERS, AND EMPLOYEES

FROM: Committee on Ethics
Susan W. Brooks, Chairwoman
Theodore E. Deutch, Ranking Member

SUBJECT: Campaign Activity Guidance

We would like to take this opportunity to remind House Members, officers, and employees of the rules that apply to participating in campaign activity. A wide range of standards affect whether, how, when, and where Members, officers, and employees of the House may engage in campaign activities. Those standards include House Rules; rules promulgated by the Committee on House Administration, the Franking Commission, and the Building Commission; federal statutes; and federal regulations. This pink sheet does not announce any new standards or interpretations of existing standards, but instead provides an overview of key issues related to campaign activity and commonly encountered campaign issues.

This document is organized into two parts. The first part is a list of “Top Ten Things to Remember about Campaign Activity,” which contains a concise statement of ten important reminders governing House Members, officers, and employees’ participation in campaign activities. The second part is a more in-depth discussion, in question and answer format, tied to each of the ten reminders. The Committee on Ethics (“Committee”) encourages congressional offices to post the “Top Ten Things to Remember about Campaign Activity” in common areas as a reminder of the rules governing campaign activity, and to disseminate this information to staff widely. Members may also wish to share this pink sheet with their campaign staff.

This pink sheet is a high-level summary of the rules which House Members, officers, and employees ask Committee counsel most frequently. Although this document contains a great deal of information, it is not comprehensive and it does not address every situation House Members, officers, and employees face when engaging in campaign activities. The Committee is always happy to schedule office briefings as well.

As with many issues, there are permutations and exceptions, which is why *the list contains an important reminder*: **Consult with the Committee if you have questions about participation in campaign activities.**

Top Ten Things to Remember about Campaign Activity

1. You may not conduct campaign activities in official buildings or use official resources. This restriction applies to campaign activity at all levels and is not limited to fundraising activities.
2. Principal campaign committee funds may be used for official purposes in some circumstances. Members may not, however, use campaign resources for certain official purposes—communications, salary for performing official duties, office space, office furniture, office equipment, or related information technology services (excluding handheld communications devices).
3. Members, as well as their communications and press staffers, may answer some campaign related inquiries in the official office so long as it is not the primary purpose of an interview or inquiry.
4. In many cases, House officers and employees may volunteer for or be paid by a political campaign.
5. House officers and staff who are paid at the “senior staff rate” by the House for their official duties may be paid for campaign work. Senior staffers are subject to a limit on the type of work for and amount of money they may be paid by the campaign, and must report their campaign income on their annual financial disclosure statement.
6. A federal statute prohibits House officers and employees from contributing to their employing Member’s campaign. This includes making “outlays,” or payments for goods and services that will be reimbursed by the campaign. However, there is a limited exception for your own campaign-related travel expenses.
7. Although the general rule is complete separation between official and campaign resources, there are a few, very limited, and very specific exceptions that permit the use of official resources for campaign purposes.
8. The official scheduler is permitted to use official resources to have limited communications with the Member’s campaign in order to coordinate the Member’s official and campaign activities. However, there are specific rules for how and what you may coordinate for your employing Member’s schedule.
9. The campaign may only use material created with official resources after its official use has been exhausted.
10. Consult with the Committee on Ethics if you have questions about participation in campaign activities by calling (202) 225-7103.

USE OF OFFICIAL RESOURCES

1. You may not conduct campaign activities in official buildings, using official resources, or on House time.

Q. Do these rules apply to my participation in any federal, state, or local campaign?

A. The rules for campaign activity apply to **all** campaign activity, whether for a local, state, or federal office. The rules are the same for Members, officers, and employees, with some limited exceptions.

TIP: Remember that while you are an employee of the House, you are subject to all House rules and legal authorities concerning your involvement in **any** political campaign.

Q. How do I determine what is “campaign activity,” as opposed to official activity?

A. Members are in the best position to determine whether an activity is campaign or official in nature. In making this determination, Members may consider the purpose of the activity, who is hosting the activity (if not the Member), and the subject matter. Once an event is designated as campaign or official, only the appropriate resources may be used for that event. You may not combine funds for an activity unless you are specifically permitted to use campaign funds for an official activity (see number 4, below).

TIP: A “best practice” is to designate an event as either campaign or official at the beginning stages so that everyone knows what resources may be used to plan and/or staff an event. Please note, this applies to more than just campaign fundraisers for a Member’s individual campaign.

Q. What do you mean by official buildings?

A. Official buildings (also called official office space) encompass any federal building; House office buildings, including Members’ personal offices, and all other House facilities; district office space; any Senate office building; the Capitol; the Library of Congress, and any federal building.

TIP: If you need to send an email or make a phone call to the campaign on your own time using your own device or a device paid for by the campaign, you may do so from campaign headquarters, at home, at a political party office, from a Member’s home, or any other non-official location (for example, the coffee shop down the street from your office).

Q. What is an official resource?

A. An official resource is anything paid for with official funds appropriated to a personal office, a committee, or other office. Official resources include tangible things like computers, printers, letterhead, desks, and telephones. Official resources can also be services paid for with official funds and work product created for a congressional office, such as, a constituent database. While on the official payroll or doing official work, officers and employees are also considered to be an official resource (see below for further guidance concerning when your time can be considered your own). Finally, unpaid interns and

fellows are an official resource while they are performing official tasks for a congressional office.

TIP: Although not required, a “best practice” is to use different vendors for campaign and official services so that staff can easily determine whether a particular vendor or service is considered an official resource or a campaign resource. Although the campaign may use certain official resources in some limited instances (see number 9, below), work product, such as a constituent database, is always considered an official resource and may not be used by the campaign.

Q. If my time can be considered an official House resource, do I have my own time?

A. Yes. What constitutes a staff member’s “own time” is determined by the personnel policies that are in place in the employing office. Time that is available to a staff member under those policies to engage in personal or other outside activities may instead be used to do campaign work, if the individual so chooses. This free time may include, for example, a lunch period, time after the end of the business day, and annual leave. Please note, this does not include the use of sick time.

TIP: If you work for the House and for a campaign, keep a log of when you participate in campaign activities on your own time (e.g. nights, weekends, annual leave). This way, if you are ever challenged about whether you did campaign work on House time, you have a document ready to show that you did not.

Q. When I am not on House time, do I have to tell my employing Member what I am doing or for which campaign I plan to work?

A. There is no specific ethics rule that requires you to inform your employing Member about what you do on your own time, campaign or otherwise. However, your employing office may have a more restrictive policy. Further, the Committee strongly recommends that you keep the lines of communication concerning your outside activities open with your employing Member. Keep in mind that your outside activities could create an actual or perceived conflict of interest for your office, so you should consult with your supervisor and the Committee before engaging in outside activity. Specific to campaign activity, it is important for your employing Member to know for whom you intend to work so he or she can anticipate potential issues.

TIP: Before you engage in any outside activity, have a discussion with your supervisor about how your outside activities might impact your official duties and the official office.

2. Although the general rule is complete separation between official and campaign resources, there are a few, very limited, and very specific exceptions that permit the use of official resources for campaign purposes.

Q. I am a scheduler for a very busy Member of Congress. Can I use my phone, email address, and time while on the official clock to coordinate my Member's official *and* campaign schedules?

A. Yes, as the official scheduler, you may use any House resource necessary to coordinate with the campaign. The purpose of this exception is to ensure that your employing Member is not scheduled to be in two places at once. However, there are specific rules for how and what you coordinate for your employing Member's schedule (see number 8, below, or consult with the Committee).

TIP: For those offices that have a scheduler both in Washington, D.C., and in the district, designating one person as the main point of contact for the campaign may help avoid potential miscommunications.

Q. Can Members, or press secretaries or communications directors, talk about campaign activities as part of an official interview?

A. Yes, though it should not be the primary purpose of the interview. A Member or the press secretary in the congressional office may answer occasional questions on political matters, and may also respond to such questions that are merely incidental to an interview focused on the Member's official activities. However, while in the congressional office, a Member or press secretary should not give an interview that is substantially devoted to the campaign, or initiate any communication, such as a press call or email, that is campaign-related. A Member or press secretary who wishes to do either of those things should do so outside of the congressional office and on his or her own time.

Q. What do I do if people call, email, stop in, or write to the congressional office about campaign activities?

A. The congressional office may refer to the campaign office letters and other communications and inquiries that it receives concerning the campaign. Likewise, the campaign office may refer to the congressional office any officially-related matters that it receives. A "best practice" is to use the least amount of official resources to get the person contacting your office for a campaign purpose where they need to go. For example, if the campaign-related communication is conducted orally (*e.g.*, a phone call or walk-in), you may in that phone call or during that oral conversation provide the campaign's phone number or email address. For communications received in writing (*e.g.*, a letter received in the official office or an email), you may forward the communication to the campaign and let the sender know that you have forwarded it. For letters, send them to the campaign using campaign-provided envelopes and postage. For emails, forward the email on to the campaign's email address.

Q. Because we get so many campaign inquiries through the congressional office, can we just include a link to the campaign in our communications, on our website, on social/new media, and other official sites? What about the reverse—can the campaign post a link to official sites?

A. You may not provide campaign contact information except as discussed above. You may not include a link to the campaign in congressional communications, on official websites, or on official social/new media. The campaign, however, may redirect constituents who contact the campaign for an official purpose to the official sites only in specific instances, and only using approved language. For more information about when and how the campaign may redirect constituents, please review the Committee's March 12, 2012, Advisory, titled "Changes in Rules Regarding Providing a Hyperlink from Campaign Internet Sites to Official Internet Sites," which is available on the Committee's website.

TIP: Ensure that campaign staff know exactly how and when the campaign may link from a campaign site to an official site by providing the Committee's advisory to campaign staff.

Q. May I use my personal phone to post to a campaign's social media page while inside a House building or the Capitol?

A. No, even if you are using a personal device, you may not engage in any campaign-related activities while in House buildings or the Capitol.

Q. What do I do with an unsolicited campaign contribution that someone brings to the office or to an official event?

A. You must either return the contribution to the donor or forward checks to the campaign. If you mail the contribution to the campaign, federal law requires that you send the contribution within seven days. Moreover, you may **never** accept a campaign contribution that is accompanied by a request or a "thank you" for taking official action. Finally, a federal statute prohibits Members from personally receiving even unsolicited campaign contributions in their office or at an official event, with a very limited exception for Member to Member contributions, discussed below.

TIP: Designate one person in the office to log all unsolicited contributions and how the office disposed of them—by sending it back to the donor or by forwarding it to the campaign. The log should include dates to ensure offices can demonstrate sending the donation to the campaign within seven days, if that is the chosen remedy.

Q. Can Members, officers, or employees solicit for campaign contributions in official buildings?

A. Generally, no. House officers and employees are absolutely barred from soliciting campaign contributions in official buildings. However, Members may solicit **other Members only** for campaign contributions, but may **never** solicit other Members on the House Floor, or in any of the rooms immediately adjacent to the House Floor.

Q. If the campaign asks, can I give them official materials like issue statements or other things that are available on our official sites?

A. Yes, you can provide **one** copy of any **public** document the campaign requests. Further, you may not use official resources to create material specifically to provide a copy to the campaign. The campaign can use the substance in these documents to create its own material. You may not provide the campaign with internal or confidential materials.

TIP: Treat the campaign as if it were a constituent. If you would not provide something to a constituent because it is confidential or internal, you may not provide that material to the campaign.

USE OF CAMPAIGN RESOURCES

3. Principal campaign committee funds may be used for official purposes in certain circumstances.

Q. What campaign funds may be used for official purposes?

A. Where permitted, Members may use funds from their principal campaign committee for their House position for an official purpose, including activities for House committees. This exception does not extend to the use of leadership PAC funds, nor does it extend to any campaign funds that the Member may control for races other than re-election for the House of Representatives.

TIP: Occasionally Members wish to supply food or refreshments for a caucus or other official meeting. This may be paid for only with principal campaign funds or the Members' personal funds.

Q. Can the campaign pay for a smartphone or tablet that I can use for both official and campaign purposes?

A. Yes. Members may use principal campaign committee funds for a smartphone or tablet for themselves and their staff to be used for both official and campaign purposes. However, use of a smartphone or tablet for either purpose must be done in the appropriate place, at the appropriate time, and using the appropriate resources. As discussed more fully in number 4, this provision does not extend to laptop or desktop computers.

TIP: You may wish to designate a regular time outside of official time when you will not be in an official building to check campaign email and voice mail.

Q. Can a Member use principal campaign committee funds for a car that he or she uses for both campaign and official purposes?

A. Yes. Members may use principal campaign committee funds to pay for a leased car that is used for transportation to and from both campaign and official activities.

TIP: Remember, just because the car may be used for both campaign and official activities, the Member or staffer driving the Member to and from an activity must be consistent with the type of

activity. Campaign staff may drive the Member to a campaign event in the dual-use car, but may not drive the Member to an official event in the dual-use car. The same is true for official staff – yes to an official event, no to a campaign event (unless they are volunteering on their own time). Please note, the Committee on House Administration (CHA) issues regulation and guidance regarding mileage reimbursements from the Members Representational Allowance (MRA). Please contact CHA for questions regarding the appropriate use of the MRA at (202) 225-8281 (majority) or (202) 225-2061 (minority).

Q. Can a Member use principal campaign committee funds to pay for refreshments at his or her official town hall meeting?

A. Yes. Members may use principal campaign committee funds to pay for expenses related to an official constituent event including, but not limited to, providing refreshments. Remember, however, that there are certain categories for which use of campaign funds is expressly prohibited. (See Top Ten Things to Remember.)

TIP: Generally, you should only use principal campaign committee funds for an official event where at least one constituent is in attendance. If you would like to use principal campaign committee funds for other events, please contact the congressional liaisons at the Federal Election Commission (FEC) at (202) 694-1006.

Q. Can a Member use principal campaign committee funds to pay for travel expenses for a speaker to appear at a hearing?

A. Yes. Members can use principal campaign committee funds to pay for a speaker to travel to an event the Member or Member's committee is sponsoring.

TIP: The class of travel paid for with principal campaign committee funds for this purpose is not limited by House Rules. However, you should check with the FEC congressional liaisons to see if it places a limitation on the type of travel a Member may provide to a speaker using his or her principal campaign committee funds.

Q. Can a Member use principal campaign committee funds to pay for official travel? What about for officially-connected travel?

A. Yes. Members may use principal campaign committee funds to pay for travel for themselves and their staff, so long as the travel is either official or officially-connected.

TIP: The class of travel paid for with principal campaign committee funds for this purpose is not limited by House Rules. However, you should check with the FEC to see if it places a limitation on the type of travel a Member may pay for when the travel is for the Member or the Member's staff.

Q. Can my employing Member purchase gifts using principal campaign committee funds from the House gift shop for foreign dignitaries he or she will be meeting next week?

A. Yes. Regardless of where a Member chooses to purchase such gifts, he or she may use principal campaign committee funds when those gifts are intended to be given to foreign dignitaries.

TIP: Find out what types of items your employing Member likes to give to foreign dignitaries and use a credit card provided by the campaign to purchase several of the same items for the Member's various encounters with foreign dignitaries over the year.

Q. Can a Member use principal campaign committee funds to pay for personal expenses?

A. No. Members may **never** use principal campaign committee funds for personal expenses. Personal expenses generally arise due to activities that are unrelated to a Member being a federal candidate or officeholder, whereas official expenses often arise **solely** as a result of a Member being an officeholder.

TIP: If you are unsure whether an expense is personal in nature, consult with the Committee and the FEC for additional guidance.

4. Members may not use campaign resources for certain official purposes—communications, salary for performing official duties, office space, office furniture, office equipment, or related information technology services (excluding handheld communications devices).

Q. Can we use campaign funds to send out an official newsletter?

A. No, you **may not** use campaign funds to pay for **any** official communication, regardless of the medium. This prohibition is very broad, and encompasses everything from a relatively straightforward communication, like a letter, to items that you might not think of as a communication, such as a coin with the Member's name and district on it. The same prohibition applies equally to traditional and social/new media. As an example, the campaign cannot use any method to promote or advertise a Member's official event.

TIP: Because "communication" is interpreted very broadly, if there are words on something paid for by the campaign, it likely may not be used for an official purpose.

Q. Can we use campaign funds to pay for an additional staff person or to pay for an intern's services in the congressional office?

A. No, you may not use campaign funds to pay for official staff salary, whether the staff would otherwise be paid or unpaid.

TIP: Ensure that anyone paid by the campaign does not perform official work while they are on "campaign time."

Q. Can we use campaign funds to pay for a satellite office or a mobile district office?

A. No, you may not use campaign funds to pay for any type of office space for an official purpose, regardless of the size or type.

TIP: Plan ahead so that you use your official funds in the most efficient manner to maximize office space.

TIP: Seek out government owned meeting space (such as a City Hall) for satellite office hours to manage expenses.

Q. Can we use campaign funds to purchase chairs or computers for our office?

A. No, you may not use campaign funds to pay for any furniture or office equipment (except a smartphone or tablet), regardless of type (chairs, desks, printers, etc.).

TIP: Make an inventory of official furniture and office equipment at the beginning of every Congress and plan your workspaces accordingly.

Q. Can we use campaign funds to pay for official database management services or a mailing list?

A. No, you may not use campaign funds to pay for any services for an official purpose, nor for expenses related to official mail or communications.

TIP: To avoid confusion, you may wish to use different vendors for official and campaign services.

CAMPAIGN OR POLITICAL ACTIVITY BY HOUSE OFFICERS AND EMPLOYEES

5. In many cases, officers and employees may volunteer for or be paid by a political campaign.

Q. I feel like I have to work on the campaign or I will lose my House job. Can I be forced to work on the campaign?

A. **Absolutely not.** If you wish to work for your employing Member's campaign, you certainly may do so as long as you do it voluntarily, without using official resources, not on official grounds, and on your own time. Work on your employing Member's campaign may not be coercive, and it may not impact or inform congressional employment decisions. **Your position in the congressional office may not be threatened or influenced if you choose not to work on any campaign.** If you feel pressured to do campaign work to keep or improve your congressional employment, you should immediately address the matter with a supervisor or contact the Committee. The Committee takes allegations of coerced campaign work very seriously and the House has disciplined Members for such actions.

TIP: Especially if you are in a supervisory position, be certain to emphasize whether a staff member wants to or does work on a political campaign, that activity is entirely separate from their official work. Discussions between supervisory and subordinate staff may be interpreted as

directives because of the nature of the supervisor/subordinate relationship. As a result, supervisors should be clear when communicating with staff about opportunities to volunteer for the employing Member's campaign (or any other campaign) that official work and positions will not be impacted by an employee's decision about volunteering or working for a political campaign.

Q. Can my employing Member prohibit me from working on a campaign?

A. Although a Member may not fire or refuse to hire an employee on the basis of race, color, religion, sex (including marital or parental status), disability, age, or national origin, Members may take domicile, political affiliation, and political compatibility with the employing office into consideration when making employment decisions.

Q. Am I allowed to be paid by the campaign?

A. Yes, if offered, you may accept compensation for working on a political campaign. However, your pay must be commensurate with the work you are doing for the campaign and may not be over-inflated to make up for the salary your employing Member wishes he or she could give you in the congressional office. In addition, if you are paid at the senior staff rate there may be restrictions on the kind of work you can do and the amount of income you can accept from the campaign (see number 9, below).

TIP: If you are paid by the campaign, ask how much other people who have had the same position were compensated to ensure your compensation falls within a reasonable range for the work you do.

Q. I am considering running for office myself. Is that permissible?

A. Yes, you may run for state or local office. However, a staff member considering running for or serving in a state or local office should first consult his or her employing Member on the matter, and should refrain from doing so if the Member objects. Further, if your employing Member is leaving office and you decide to run for his or her seat, you must terminate your current employment before you commence campaigning for election to your employing Member's seat.

TIP: Before you decide whether you want to run for office, you should tell your employing Member, and you should consult with the Committee.

Q. I ran for state or local office and won. Can I both hold my new elected position and continue to serve as a House employee?

A. Although it may be possible, you are strongly encouraged to contact the Committee for further guidance before beginning service in the elected position. There may be limits on the work you can do in your new elected position, and there may be limits on your ability to be compensated for that office. The Committee also encourages you to discuss your new elected position with your employing Member to ensure that your new duties will not conflict with your duties for your House position. Whenever possible, the Committee encourages you to seek guidance before running for state or local elected office.

Also, please keep in mind that the other elected body may be subject to its own laws, rules, or other standards of conduct that may affect whether and how you may serve in both roles.

6. House officers and staff who are paid at the “senior staff rate” by the House for their official duties may be paid for campaign work, but are subject to a limit on the amount of money they may be paid by the campaign, and must report their campaign income on their annual financial disclosure.

Q. I am paid at the senior staff rate. What additional restrictions apply to my being paid by the campaign?

A. House officers and employees who are paid at the senior staff rate for 60 days or more in a calendar year must file an annual financial disclosure statement. For 2018, the senior staff rate is \$126,148, or a monthly salary at or above \$10,512. An officer or employee who is paid by a campaign and files a financial disclosure statement must report their income from the campaign on their statement. In addition, House officers and employees who are paid at the senior staff rate for more than 90 days in a calendar year are subject to a limit on the amount of outside earned income they may receive in a calendar year and the types of work for which they may be paid. For 2018, the annual outside earned income limit is \$28,050. In addition, senior staff may not be paid to perform work that involves a fiduciary duty. For example, a House employee paid at the senior staff rate for more than 90 days in a calendar year could not be paid to act as a campaign’s treasurer, although he or she could volunteer to do that work without compensation.

7. As a general rule, House officers and employees may not contribute to their employing Member’s campaign. This includes making “outlays,” or payments for goods and services that will be reimbursed by the campaign. However, there is a limited exception for your own travel expenses for campaign activity.

Q. I want to support my employing Member. Can I contribute to his or her campaign?

A. No. Federal law prohibits you from making any contribution or outlay, whether monetary or in-kind, to your employing Member. Purchasing tickets for a fundraiser for your Member’s campaign, or hosting a fundraiser for your employing Member in your home are prohibited by this law. This prohibition extends to any outlay, regardless of whether or not the outlay will be reimbursed.

TIP: If an individual with whom you share an account – such as your spouse – expresses interest in making a contribution to your employing Member, ensure that he or she makes the contribution using their own individual funds. Please recognize that some things may not be separable, such as your personal residence. Please contact the FEC for further guidance regarding shared assets.

Q. You said in the previous answer that I cannot make an outlay to my employing Member. What is an outlay?

A. An outlay is using your own funds to pay for something for the campaign, and the campaign reimburses you for your expenses (for example, buying pizza for the campaign office or gas for the Member’s car). This also extends to making in-kind contributions.

The prohibition on making campaign contributions to your employing Member's campaign applies to outlays as well, as they are considered contributions until reimbursed. However, you are permitted to make an outlay to your employing Member's campaign for your **own** campaign travel so long as the campaign reimburses you for your travel expenses within the appropriate timeframe, as specified by the FEC. If you wish to drive your employing Member to and from campaign events in your personal vehicle, please contact the FEC congressional liaison office at (202) 694-1006 prior to providing such transportation.

TIP: If you intend to work for your employing Member's campaign, ask for a campaign-issued credit card whenever you anticipate expenses to avoid even the possibility of making an outlay to your employing Member.

Q. As a House employee, may I solicit campaign contributions for my employing Member?

A. Yes. Your ability to solicit campaign contributions for your employing Member may be limited by federal or state law. However, in general, you are permitted to solicit campaign contributions for your employing Member from your friends and family, as examples.

Q. May the campaign solicit donations from federal employees? What about from the Member's staff?

A. No. A federal campaign may not knowingly solicit for donations from any federal employee, including the Member's own staff.

TIP: Before the campaign sends out a solicitation, it should, at a minimum, ensure that the Member's own staff are not on the list.

8. The official scheduler is permitted to use official resources to have limited communications with the Member's campaign in order to coordinate the Member's official and campaign activities. However, there are specific rules for how and what you coordinate for your employing Member's schedule.

Q. What can the official scheduler share with the campaign?

A. The official scheduler may share information about the Member's availability for any given time and may share details of the Member's official activities that are available to the general public, *e.g.* the Member hosting a town hall event. However, **the official scheduler may not use official resources to actually schedule campaign events.** The official scheduler may not confirm attendance at campaign events or schedule travel or other logistics for a Member's attendance at a campaign event.

TIP: Treat the campaign like any other constituent. If you would not share the details of the activity with a constituent, then you should not share that information with the campaign. Maintain one point of contact for the official schedule and one point of contact for the campaign schedule to avoid miscommunications. Forward all campaign-related scheduling requests to the campaign point of contact. Consider keeping a log of all referrals to document compliance with this requirement.

Q. May the official scheduler maintain a “master calendar” for the Member?

A. Yes, the official scheduler may maintain a master calendar for the Member, with details of both official and campaign related activities. Staff in the congressional office may know that the Member is unavailable for a campaign event, but do not need to know the details of that event, including participants. The same restriction applies for campaign staff and the details of official events.

TIP: Depending on the calendar program you use, consider managing the levels of user permissions to ensure that the campaign and congressional staff only receive the information they should receive regarding particular events.

Q. If I serve as the scheduler in a Member’s congressional office, can I also be the scheduler for my employing Member’s campaign?

A. Yes. If you choose to work for your employing Member’s campaign, whether in a voluntary or paid capacity, you may also serve as the scheduler for your employing Member’s campaign. You are required to maintain the same separation of calendars as described above and are prohibited from engaging in campaign scheduling in official House office space, using official resources, or on House time.

TIP: If your employing Member has provided you a smartphone, tablet, or other handheld communications device for you to use for official and campaign activity, leave the House premises to schedule campaign activities for your employing Member using that device on your own time. This will help to ensure that you are not engaging in campaign activity while you are in official House office space or on House time.

9. The campaign may only use material created with official resources, if at all, after its official use has been exhausted.

Q. When has something’s official use been “exhausted?” Once something is in the public domain, is its official use exhausted?

A. Generally, an item’s official use has been exhausted when the official material has been released to the media or public, **and** the congressional office is no longer using it. The standard **is not** whether something is in the public domain. Depending on the subject matter, relevance, and where the materials appear, each official product may exhaust its official use at different times. The standard applies to all type of media, including, but not limited to, documents, recordings, and social/new media posts. The key in each case is that the item in question must no longer appear anywhere on an official site or be used for an official purpose. One exception is official press releases (see Q&A, below).

TIP: Consider cataloging the life cycle and location of all materials prepared for a congressional office so you can track when an item is internal/confidential, when it is being used for an official purpose, and when its official use has been exhausted. Keep in mind, however, that once something is used as a campaign resource after it has exhausted its official use, **it can never go back to being an official resource.** Accordingly, you should make decisions concerning exhaustion of an official resource with caution.

Q. If I previously created a memo for the Member and now that memo has relevance for a campaign event, may I share that previously created memo if I don't do anything to update it?

A. The memo may be shared with the campaign if you would share it with anyone else who asks. Unless the Member has absolutely no plans to ever use it again, the memo's official use has not been exhausted.

Q. Can the congressional office draft a document and immediately exhaust its official use so the campaign can use it?

A. No. Official resources may only be used for official purposes. Congressional staff may not create something and immediately exhaust its official use simply to provide source material for the campaign. Doing so could be interpreted as using official resources to prepare a campaign document, which is a prohibited use of official resources.

TIP: Remind staff that they may only use official resources for official purposes. The fact that the campaign needs content is not an appropriate official purpose for which congressional offices can use official resources, including staff time to create official materials.

Q. When does an official press release exhaust its official use?

A. Generally, an official press release has exhausted its official use 72 hours after its release. If the press release announces an event, the press release exhausts its official use after the event occurs, or 72 hours after the press release is issued, whichever is later. Once a press release has exhausted its official use, the campaign may use it word-for-word, but must remove any official indicia (e.g., logo/letterhead) or contact information from the press release. The congressional office and campaign can simultaneously release their own press releases where appropriate, but the congressional office must use its own resources and intellectual property to create the official press release. The campaign must similarly use its own resources and intellectual property to create the campaign press release. Unlike other official materials, a press release may remain on the official website after it has exhausted its official use for purposes of this rule.

TIP: If the official office has a listserv or other similar distribution list that is open to the public, the campaign may sign up for that list as any other member of the public.

Q. Do social media posts follow the press release rule?

A. No, social media posts follow the standard exhaustion rule and not the 72 hour rule for press releases. Therefore, a social media account of the campaign may not share, like, retweet, etc., a post from an official social media account because that post's official use has not been exhausted if it is still active on the official social media account.

Q. When does an official photograph exhaust its official use?

A. An official photograph exhausts its official use when the congressional office is no longer using it for any purpose, and it comes down from any site where it may have been posted, including the official website and official social/new media sites.

TIP: Because an official photograph has not exhausted its official use until it comes down from all official sites and there is no plan to use it in the future, you may need to remove materials from your website that contain the photograph in question. For example, if you use a photograph in a newsletter, and the newsletter is on your website, the photograph has not yet exhausted its official use.

Q. If the campaign does not have a good picture for something and there are no official photographs that have exhausted their official use, can the campaign take photographs at official events to use in campaign materials?

A. Yes, if the event is held outside of official House space and is open to other constituents, the campaign may attend just like any other constituent. However, the campaign staff must not engage in overt campaign or political activity while at an official event.

Q. Can a Member conduct an interview in his or her campaign capacity and discuss an official meeting that was not open to the public?

A. Yes, as long as the Member does not use any official resources to prepare for that campaign-related appearance. For example, if official House staff prepared talking points for the official meeting, the Member and his or her campaign staff may not rely on those talking points to prepare for the campaign-related appearance, unless the Member is willing to share those talking points with anyone who asks for them and the official office has otherwise exhausted their use.

TIP: Although Members have some flexibility to determine whether their appearances are officially-related or campaign-related, always take into consideration what other resources the Member used in connection with those appearances. The use of official office staff on House time would make an appearance an official one.

Q. Can the campaign ever use footage of House Floor activities or committee proceedings? Does the same “exhaust its official use” standard apply?

A. No. House rules specifically prohibit the use of footage of House Floor activities and committee proceedings for any partisan political purpose. The “exhaust its official use” standard does not apply to footage of House Floor activities or committee proceedings. If such footage is embedded in a third party article or news clip, the campaign may use the article or clip if otherwise appropriate, but must first remove the prohibited footage.

TIP: Educate campaign staff about the prohibition on the use of footage of committee proceedings and House Floor activities to avoid any inadvertent impermissible use.

10. Consult with the Committee on Ethics if you have questions about participation in campaign activities.

Q. How do I contact the Ethics Committee?

A. Call (202) 225-7103 and ask to speak to an attorney. If you have a relationship with a particular attorney, you can email or call him or her directly. Advice and Education attorneys are available Monday through Friday, from 9 AM until 6 PM, Eastern time. In addition, the Committee routinely makes attorneys available to conduct in-person training sessions for individual offices.

TIP: Your conversations with Committee counsel are confidential. The benefit of asking for advice before taking an action is that you can often avoid even the appearance of an inappropriate action. Ask as many questions as you have, ask as often as you like, and always ask before acting if you have any doubt about the permissibility of your proposed campaign activity.

Q. How can I stay up to date on the latest guidance issued by the Ethics Committee?

A. From time to time the Committee issues general advisory memoranda (or pink sheets) like this one, whether to provide reminders or updates to the House community about existing rules or to issue guidance about new standards. Those memoranda are distributed in hard copy to Member and committee offices and posted on the Committee's website, <https://ethics.house.gov/>. You can also sign up to receive e-Dear Colleagues from the Committee at <https://e-dearcolleague.house.gov/>.