

**Congress of the United States**  
Washington, DC 20515

**Committee on Ethics and Committee on House Administration**

**JOINT GUIDANCE REGARDING REDISTRICTING**

September 16, 2011

Dear Colleague:

While congressional redistricting is constitutionally mandated, the redistricting process is a state function with little direct effect on our official duties as Members of the 112<sup>th</sup> Congress. Nonetheless, our Committees recognize that redistricting can affect Members' official work in various ways, and we write to offer guidance on what Members may and may not do with official resources where redistricting is concerned.

*Use of Official House Resources related to Redistricting*

As with the use of official resources in general, Members may not use the Members' Representational Allowance (MRA) for political purposes in connection with congressional redistricting. Like other citizens, Members may engage in political activities designed to influence the outcome of redistricting, but they may not do so at public expense.

The Committee on House Administration recognizes, however, that constituents and others may contact Members with questions about redistricting and how it might affect them now or in the future. Members may use the MRA to keep current on the status of redistricting. Members may reply to current constituent inquiries on the subject in the same manner and using official resources to reply as they would reply on any matter. Members should use caution and common sense to limit use of federal funds to discussion of only the redistricting process. Similarly, Members may be reimbursed for expenses of attending public meetings of a state legislative committee or redistricting commission to testify, for example, about how dividing cohesive communities among multiple districts might complicate constituent casework. But a Member may not seek reimbursement for expenses of attending delegation meetings to discuss how certain redistricting plans might affect future elections.

The *Members' Congressional Handbook* restricts in various ways the use of official resources for activities outside Members' current districts. Members may not use official funds, including the use of staff resources, to conduct "town hall" meetings or other official gatherings outside their districts. The rules also prevent use of official resources for travel other than "in support of the official and representational duties of [the] Member to the district from which elected." Under the franking statute, a Member "may not send any mass mailing outside the congressional district from which the Member was elected."<sup>1</sup>

In addition, Members may not devote official resources to performing casework for individuals who live outside the district. When contacted by persons living in other districts, Members may, however, use official funds to refer them to their own Representative or Senators.

Some issues arise concerning areas to be added to a Member's district by redistricting ("new areas"). To summarize the principles relating to new areas:

- Use of Member office funds and resources for a primary purpose relating exclusively to the new areas is impermissible, and mass mailings may not be sent to any new area.
- A Member and staff may not travel to new areas using House funds or resources except in support of duties to the existing district.

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<sup>1</sup> 39 U.S.C. § 3210(a)(7).

- As a general matter, a Member's office may not handle casework requests from residents of new areas.
- A Member is free to respond to letters and other communications on legislative issues received from residents of new areas.

#### *Use of Campaign Resources related to Redistricting*

In circumstances where a Member cannot use official resources to host or participate in events in the area to be added to their district by redistricting, they may sponsor events in those areas using campaign staff and resources to the extent such sponsorship is permissible under federal election laws and regulations. Any questions regarding the appropriate use of campaign funds should be directed to the Federal Election Commission.

#### *Participation in Legal Challenges to Redistricting*

Members may wish to participate in fundraising for groups raising legal challenges to a state's redistricting process. In order to solicit on behalf of these groups, Members must seek written permission from the Committee on Ethics. If approved, any such solicitations would be subject to the same restrictions applicable to all solicitations made by Members (e.g., use of official resources for such solicitations would be prohibited).<sup>2</sup>

A Member may also want to personally challenge the redistricting process in the Member's state. In order to fund these challenges, Members may seek written permission from the Ethics Committee to establish a Legal Expense Fund for that purpose. Written permission must be received before a Member may solicit or receive any donations, including in-kind contributions. If a Legal Expense Fund is approved, it will be subject to a number of restrictions and reporting requirements.<sup>3</sup>

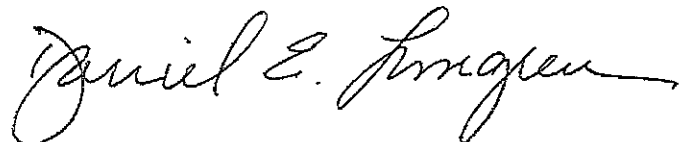
Solicitations by Members relating to redistricting may be subject to limitations on sources and amounts imposed by the Federal Election Campaign Act (as amended). Members should consult with the Federal Election Commission regarding these matters.

We trust you find this guidance helpful. Kindly address any questions you may have to either the Committee on Ethics at x5-7103 or the Committee on House Administration at x5-8281 (majority) or x5-2061 (minority).

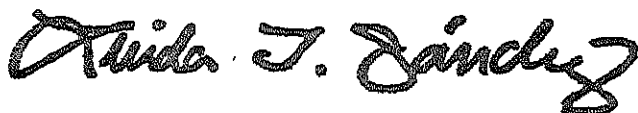
Sincerely,



Jo Bonner  
Chairman  
Committee on Ethics



Daniel E. Lungren  
Chairman  
Committee on House Administration



Linda T. Sánchez  
Ranking Member  
Committee on Ethics



Robert A. Brady  
Ranking Member  
Committee on House Administration

<sup>2</sup> See 2008 House Ethics Manual at 347-49.

<sup>3</sup> See 2008 House Ethics Manual at 63-65, 394-96.