

Congress of the United States

Washington, DC 20515

Committee on Ethics, Committee on House Administration, and Communications Standards
Commission

JOINT GUIDANCE REGARDING CO-SPONSORED CONSTITUENT SERVICE EVENTS

May 8, 2024

Introduction

This memorandum announces new guidance permitting Members¹ to co-sponsor constituent service events with one or more entities qualified under § 170(c) of the Internal Revenue Code (IRC) (e.g., § 501(c)(3) organizations) in limited circumstances, which are discussed in detail below. This memorandum also clarifies that Members may co-sponsor official House events with federal, state, or local government entities. The Committees recommend that any office co-sponsoring a constituent service event provide a copy of this guidance to their co-sponsor.

Under the new guidance outlined in this memorandum, Members may officially co-sponsor **constituent service events** with one or more entities qualified under IRC § 170(c), but only in the limited circumstances where

- The event meets the definition of “constituent service event” in this memorandum;
- The Member and the co-sponsor(s) are jointly-responsible for organizing, publicizing, and paying for the event;
- Any and all co-sponsors(s) are entities qualified under IRC § 170(c) and meet all the requirements for proper co-sponsors described in this memorandum;
- The promotional materials for the event comply with the requirements detailed in this memorandum; and
- The event complies with all other limitations listed in this memorandum.

However, Members may not officially co-sponsor constituent service events where

- The event occurs within the 60-day period immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Member’s name will appear on an official ballot;
- The event does not meet the definition of a “constituent service event” as defined in this memorandum;

¹ This memorandum uses the term “Member” to refer to House Members, Delegates, and the Resident Commissioner.

- Either the Member or outside entity merely contributes financial support for the event without any logistical support, participation, or attendance at the event;
- The co-sponsor does not share a “common core of interest” with the Member in the subject matter of the event, as explained in this memorandum;
- Any federally registered lobbyists employed or retained by the co-sponsor(s) are involved in planning, organizing, or arranging any elements of the event;
- Co-sponsors receive (or solicit) funding from private sources specifically designated to support Member constituent service events;
- The event will include charitable solicitations or receipt of funds and donations; or
- The event will include commercial endorsements and business transactions by co-sponsor(s) or other participants.

Committees and Congressional Member Organizations (CMOs), including eligible CMOs (ECMOs), may not co-sponsor “constituent service events.”² The limited exception for constituent service events outlined in this memorandum does not change the current guidance prohibiting Members from co-sponsoring events that are not “constituent service events” with private entities.

Finally, Members may co-sponsor official House events with federal, state, or local government entities. Members are also free to cooperate in any event organized, financed, and conducted solely by another federal, state, or local government entity, even if it is not an official House event.

Background

In general, Members may not co-sponsor any event with outside private individuals or organizations. House Rule 24 prohibits Members from maintaining unofficial office accounts to support official House business. The Committee on House Administration and the Ethics Committee have interpreted House Rule 24 to prohibit the private subsidy of official House business. To this end, the regulations of the Committee on House Administration limit the use of official funds (i.e., the Member’s Representational Allowance (MRA)) and resources to official House business. These rules also state that official resources may not be used to support any outside organization. These rules apply to all official House business, including events organized and conducted by any Member.³

² The guidance in this memorandum is directed to individual Members acting through their respective personal offices to hold co-sponsored constituent service events within their congressional districts. It is not applicable to committees, which do not have constituents or represent a specific congressional district, or CMOs, which, by their very nature, cannot sponsor official House events and do not have constituents or represent a specific congressional district.

³ See Comm. on House Admin., *Member’s Cong. Handbook* at 5-6-; Comm. on Ethics, *House Ethics Manual December 2022 Print* at 345-46, 348-49.

As a result, the guidance of both Committees in the past has been that a Member may not use official resources or give any indication that the House is a “co-sponsor” of an event with any outside private entity. However, the Committees have permitted Members to “cooperate” with a private entity event. With respect to this guidance, the Committees use the following definitions:⁴

- “Co-sponsor” means both the House office and private entity are expending money and are involved in the logistics, publicity, and staffing of the event itself.
- “Cooperate” means the private entity is solely responsible for funding, organizing, and staffing the event, but the Member agrees to speak, appear, and/or lend his or her name to the invitations as an “honorary host,” “special guest,” or “in cooperation/conjunction with” the Member.

The Committees have reviewed the past guidance and have determined that, in the narrow context of “constituent service events” complying with the requirements of this memorandum, a reasonable interpretation of the rules permits a Member to co-sponsor an official House event with a qualified co-sponsor as described in this memorandum.

Summary of Distinctions Between Co-sponsoring and Cooperating in Events

	Co-sponsoring	Cooperating
Member	<p>Uses House resources, including staff time and MRA funds, to arrange, promote, and conduct the event.</p> <p>Does Not use campaign funds for promotional materials for the event.</p>	<p>Speaks, may be listed as “honorary host,” “honorary chair,” or “in cooperation/conjunction with,” sends follow-up Dear Colleague if event is on House grounds.</p> <p>Does Not use any House resources, including staff, letterhead, inside mail, and MRA funds, to arrange, promote, or conduct the event.</p>
Private Entity	<p>Uses the private entity’s staff and funds to arrange, promote, and conduct the event.</p>	<p>Uses the private entity’s staff and funds to arrange, promote, and conduct the event, including drafting invitation letters on the private entity’s letterhead and mailing such letters.</p>

Because House Rule 24 prohibits only private subsidies of official House business, Members may accept in-kind support for official events from domestic federal, state, or local government entities.⁵ For example, another government entity may pay for expenses associated with an event; provide use of its facilities free of charge; provide in-kind donations of food, beverages, or publicity for an event; and help to arrange, promote, and conduct an official House

⁴ See *House Ethics Manual December 2022 Print* at 349, 353.

⁵ See *id.* at 349. In addition, the gift rule permits Members to accept anything “paid for by” a domestic federal, state, or local government. See House Rule 25, cl. 5(a)(3)(O).

event. If an event is deemed an official House event, Members may co-sponsor an event with federal, state, or local government entities. Members are also free to cooperate in any event organized, financed, and conducted solely by another government entity, even if it is not an official House event.⁶

The New Exception

Under this new exception, Members may officially co-sponsor “**constituent service events**” with one or more entities qualified under IRC § 170(c), but only in the limited circumstances described below. This revised policy recognizes the beneficial purposes served by co-sponsored constituent service events while respecting the spirit and intent of the rules governing the use of official resources.⁷

NOTE: As mentioned above, House committees and CMOs, including ECMOs, may not co-sponsor constituent service events under this exception because they do not serve a specific home district constituency.⁸ Therefore, committee and CMO/ECMO participation in any events, and Member participation in events not falling within this exception, continue to be governed by the general rules prohibiting any co-sponsorship of events with private entities.

What is a constituent service event?

A **constituent service event** is an event held in the Member’s congressional district⁹ that directly provides information or some other tangible assistance¹⁰ to individual constituents. Per the Committee on House Administration’s *Members’ Congressional Handbook*, Members may conduct “official meetings and events (i.e., townhalls and constituent service events) inside the district to facilitate the exchange of information regarding the Member’s official and representational duties.” The event should be widely advertised and open to the public within the Member’s congressional district.

Some examples of events that will qualify under this exception are

- An information fair for small business owners;
- A town hall meeting about the immigration process;

⁶ To the extent that the first paragraph of the section entitled “Events with Outside Entities” on page 353 of the *House Ethics Manual December 2022 Print* can be interpreted to prohibit Members from co-sponsoring official House events with other government entities, this memorandum supersedes that language in the *Manual*.

⁷ This narrow exception also substantially aligns House practice with the Senate’s exception for co-sponsored constituent service events, which has been in place since 1977. See Senate Select Comm. on Ethics, *Senate Ethics Manual* at 112. Senate Rule 38 regarding the use of official resources is substantially similar to House Rule 24.

⁸ Similarly, House officers may not co-sponsor constituent service events under this exception.

⁹ To the extent permitted by the Committee on House Administration regulations, a joint official meeting held by Members representing adjoining congressional districts or U.S. Senators in the same state can qualify as a “constituent service event” if it meets all the other requirements of this memorandum.

¹⁰ For example, official events may include benefits from private organizations that the organization routinely offers without charge in similar situations, such as free blood pressure or diabetes screening provided by a hospital at a Member’s health fair. See *House Ethics Manual December 2022 Print* at 350-51.

- A seminar for high school seniors about student financial aid options for college; and
- A tax preparation event with a qualified Internal Revenue Service Volunteer Income Tax Assistance (VITA) partner organization (e.g., one that is qualified under IRC § 170(c)).

Some examples of events that will not qualify as co-sponsored constituent service events under this exception are

- Constituent “meet-and-greets” or district office open houses;
- Award presentations;
- Briefings or meetings between representatives of an organization and Members or House staff;
- Site visits for Members or House staff; and
- A clinic where a private law firm or legal services organization provides constituents with legal advice on-site.

Remember that some events may never be official events, including holiday parties, purely social events, and charitable giveaways.

What is a co-sponsored constituent service event?

A **co-sponsored constituent service event** is a qualifying constituent service event that is co-sponsored by a Member and one or more qualifying entities (described below).¹¹ The event must be organized, publicized, and paid for in part by both the Member and the co-sponsor(s). Neither the co-sponsor nor the Member may merely provide financial support without also providing logistical support, participation, and attendance at the event.¹² Members retain the discretion to host constituent service events exclusively as official events paid for with House funds. If a Member chooses to organize an event as a co-sponsored constituent service event, then the limitations in this memorandum apply.

When may a co-sponsored constituent service event be held?

A qualifying constituent service event may be held any time during a Member’s term except within the 60-day period immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Member’s name will appear on an official ballot for election or re-election to public office. This coincides with the “blackout period” prohibiting

¹¹ This narrow exception is consistent with the restrictions of House Rule 24 and Committee on House Administration regulations because neither the Member, nor the private co-sponsor, is providing a financial subsidy of the other entity’s event. Instead, each equal co-sponsor is subsidizing their own participation in the event, as discussed further below.

¹² See Examples 1 and 2, below.

expenditures on unsolicited mass communications under the rules of the Communications Standards Commission.¹³

Who may serve as a co-sponsor of a co-sponsored constituent service event?

Under the exception announced in this memorandum, a Member may ONLY co-sponsor a constituent service event with one or more entities qualified under IRC § 170(c), including, for example, § 501(c)(3) charitable organizations.¹⁴ Therefore, private individuals, for-profit companies, and non-profit organizations with any other tax status may NOT be co-sponsors of a co-sponsored constituent service event.¹⁵

Numerous types of entities qualify under IRC § 170(c). In addition to § 501(c)(3) non-profit organizations, this section includes any federal government entity, any state, the District of Columbia, any possession of the United States, and any political subdivisions of each of these (such as county or city governments and public universities).¹⁶ Certain war veterans' groups, such as a post, organization, auxiliary unit or society, are also included. Members are responsible for verifying the tax status of any potential co-sponsoring organization before planning a co-sponsored constituent service event.

In addition to qualifying under IRC § 170(c), organizations must meet two additional requirements to co-sponsor a co-sponsored constituent service event:

- 1) The co-sponsoring organization must share a common core of interest with the Member in the subject matter of the event by virtue of the co-sponsor's routine organizational activities;¹⁷ and
- 2) If the co-sponsoring organization employs or retains any federally registered lobbyist, such lobbyists are prohibited from participating in any planning, organizing, requesting, or arranging of any elements of the co-sponsored constituent service event.

The "common core of interest" requirement limits which organizations may co-sponsor a co-sponsored constituent service event based on the information being delivered at each particular event. A qualifying constituent service event must provide information or some other tangible assistance to individual constituents on a particular topic, such as information about student

¹³ See Commc'n Standards Comm'n, *Commc'n Standards Manual* at 6.

¹⁴ See Example 3, below. In this respect, the guidance announced in this memorandum is narrower than that permitted by the Senate. See *Senate Ethics Manual* at 112.

¹⁵ However, such individuals and other organizations could be invited to participate in a co-sponsored constituent service event subject to the same rules for private participation in any official event described in the *House Ethics Manual December 2022 Print* on pages 349-50.

¹⁶ As discussed above, Members may co-sponsor official House events, including but not limited to, "constituent service events," with federal, state, or local government entities. Therefore, a briefing for state government officials regarding new federal laws and regulations on a certain subject may be an official House event co-sponsored by a federal government agency, even though that event would not qualify as a "constituent service event."

¹⁷ See Examples 1, 3 and 4, below.

financial aid. An organization has a “common core of interest” with the Member on the subject matter of the event if one of the main purposes of the organization is to deliver the information at issue in the event, such as a § 501(c)(3) charitable organization focused on access to higher education and helping disadvantaged students apply for funding for college. A qualifying co-sponsor should also have a history of providing information or services within the Member’s state.

What support may co-sponsors provide for a co-sponsored constituent service event?

Although federal law generally prohibits solicitations by Members and House employees, the Ethics Committee is authorized to issue rules or regulations for the House “providing for such reasonable exceptions as may be appropriate.”¹⁸ Accordingly, the Ethics Committee is providing for a limited exception to the solicitation ban for two aspects of a co-sponsored constituent service event:

- 1) When a Member asks a qualified entity to be a co-sponsor of a co-sponsored constituent service event; and
- 2) When a Member requests the use of government resources from a federal, state, or local government entity, including a public college or university, for a co-sponsored constituent service event.

This exception is appropriate based on the numerous restrictions placed on these events and the fact that the responsibility for events is shared between the Member and a qualified co-sponsor.¹⁹

General Support

A Member’s office and any qualified co-sponsor must be jointly responsible for the planning and organizing of a co-sponsored constituent service event. Moreover, qualifying co-sponsors, as described above, may generally provide financial or in-kind support for a co-sponsored constituent service event. Both the Member and any qualifying co-sponsors may only pay ordinary and necessary expenses related to the co-sponsored constituent service event. This includes food and beverages, production and postage costs for promotional materials, media releases, logistical support, room or equipment rental, and other general expenses for such an event.²⁰ However, a Member and any qualified co-sponsors should be responsible for reasonably proportionate shares of the overall cost of the co-sponsored constituent service event. A Member’s office may use MRA funds to cover its share of the costs of the event, subject to Committee on

¹⁸ See 5 U.S.C. § 7353.

¹⁹ See Example 1, below. In addition, permissible co-sponsors for co-sponsored constituent service events are limited to organizations that fall under the Ethics Committee’s long-standing general waiver to the solicitation ban permitting Members and House employees to solicit on behalf of organizations qualified under IRC § 170(c). See *House Ethics Manual December 2022 Print* at 355-57.

²⁰ See *Member’s Cong. Handbook* at 29-30 for a list of expenses that are ordinary and necessary for official meetings and events.

House Administration regulations. A Member's office may also use principal campaign committee funds to cover expenses for food and room rental.²¹

A qualified co-sponsor may only use money from its general funds to support a co-sponsored constituent service event. It may not use money received from private sources that have been raised or designated specially or specifically to support a Member's constituent service event or events. Similarly, neither the Member nor any qualified co-sponsor may fundraise or solicit in-kind donations from other private entities to support a co-sponsored constituent service event.²²

Promotional Materials

A Member and a qualified co-sponsor(s) must both promote a co-sponsored constituent service event proportionately. Promotional materials must conform to the following guidelines:

- All co-sponsors, including the Member, must be listed in equal size and prominence on all of the promotional materials created for the event;
- If congressional or organizational emblems, seals, or logos are displayed on any of the promotional materials, each co-sponsor's emblem, seal, or logo must be of equal or similar size and prominence;
- Promotional materials may list the Member and other qualified co-sponsors using phrases such as "co-sponsored by Member X and Group Y," "presented by Member X and Group Y," "Member X and Group Y present," or "Member X and Group Y invite you to" the co-sponsored constituent service event;
- A Member must promote a co-sponsored constituent service event as an official event of the Member's office similar to other official events it sponsors;
- Promotional materials distributed by the Member and the co-sponsor must be identical in content (excluding any required disclosure statements), must comply with the Communications Standards Manual regulations, and require an Advisory Opinion from the Communications Standards Commission prior to the materials being produced or disseminated by both the Member and co-sponsoring entity.²³ The Member office must provide the Communications Standards Commission with the certification designating the co-sponsor entity as a qualified entity under IRC § 170(c);
- In no case may promotional content regarding the co-sponsored constituent service event be shared on any local, state, or federal campaign or political social media

²¹ Because a co-sponsored constituent service event is treated as a Member's official event, the rules governing permissible use of campaign funds for official events also apply. See House Rule 24, cl. 1; *House Ethics Manual December 2022 Print* at 182-88.

²² See Example 5, below.

²³ Page 5 of the Communication Standards Manual requires that Member offices must disclose the source of payment for official advertisements and mass communications.

platform. Additionally, promotional materials may not be paid for with campaign funds.

- A Member may not provide a co-sponsor with official House letterhead to be included in any promotional materials produced or disseminated at the co-sponsor's expense;²⁴
- A Member may not lend his or her Frank to a co-sponsor and may not use the MRA to pay the postage for any promotional materials produced or disseminated by the co-sponsor(s);
- A Member may not provide the co-sponsor(s) with an official mailing list;²⁵ and
- Communications regarding the event must serve the district the Member represents, and to the greatest extent possible, shall not be targeted outside of the Member's district, regardless of who is sending the communication.

Travel Expenses

The MRA may be used to pay for Member and staff travel to a co-sponsored constituent service event, consistent with the Members' Congressional Handbook regulations. However, the travel expenses of a Member or staff connected with such an event may not be paid by any other co-sponsor of the event. Co-sponsors may pay the travel expenses of their own representatives or invited guest speakers (other than Members or House employees) to the event.

What other limitations apply to a co-sponsored constituent service event?

In addition to the requirements and limitations noted above, the following limitations apply to co-sponsored constituent service events:

- No federally registered lobbyists may be involved in planning, organizing, requesting, or arranging a co-sponsored constituent service event. This limitation applies to both co-sponsors and any other organizations or businesses that may be participating in the event, whether as a presenter or participant. Registered lobbyists are subject to this restriction regardless of how they are affiliated with the co-sponsor(s) or other participating entities.²⁶
- Co-sponsors may not use any contact information gathered from individual attendees for any purpose other than coordinating the co-sponsored constituent service event,

²⁴ In order to avoid any impermissible "coordinated communication" within the 90-day period prior to any federal election in which the Member is a candidate, a Member should also consult with the Federal Election Commission's congressional liaison office at (202) 694-1006 before allowing a co-sponsor to use the Member's name in materials promoting a co-sponsored constituent service event during that time.

²⁵ See *House Ethics Manual December 2022 Print* at 360-61.

²⁶ For example, a board member of a § 501(c)(3) organization co-sponsor who is a federally lobbyist registered on behalf of an unrelated entity may not be involved in the planning, organizing, requesting, or arranging of the event even though the § 501(c)(3) is not a lobbying client.

including, but not limited to, contacting attendees with information or solicitation materials from the co-sponsor.

- Co-sponsors may not refer to any co-sponsored constituent service event in any solicitation or other communication that implies the Member endorses or promotes the organization.
- No charitable solicitations or receipt of funds or donations may be included in the promotional materials for, or occur at, a co-sponsored constituent service event.²⁷
- No commercial endorsements or business transactions may occur at a co-sponsored constituent service event. Co-sponsors and other participating organizations or entities must not sign-up new members, enter into any commercial transactions, or solicit funds in any promotional materials for or at the event.²⁸
- No political or campaign activity may be conducted in any way connected to a co-sponsored constituent service event and no information gathered from individual attendees at such an event may be used by the Member or the co-sponsor in connection with any political or campaign activity.
- Neither the Member, nor any co-sponsor, may charge a registration fee from attendees at a co-sponsored constituent service event.

May co-sponsors provide services to constituents at a co-sponsored constituent service event?

The main purpose of allowing offices to co-sponsor constituent service events is to allow Members to work with outside organizations to provide information and resources to constituents on issues that relate to a Member's official and representational duties. Members may not co-sponsor constituent service events at which the co-sponsoring organization provides "services" to constituents except in very limited circumstances. At these events, the co-sponsor must provide the services, not the Member's office.

The only "services" that may be provided at co-sponsored constituent service events are

- Services provided by a local, state, or federal agency or department;

²⁷ *House Ethics Manual December 2022 Print* at 331. Members and staff who observe violations of this rule in promotional materials or at any official event must take immediate corrective action at the event. In such cases, it is recommended that the Member contact the Ethics Committee immediately after the event to determine if further remedial action is required.

²⁸ *House Ethics Manual December 2022 Print* at 357-58. Members have a responsibility to ensure that no commercial endorsements or business transactions take place at any official event, including a co-sponsored constituent service event. Members and staff who observe violations of this rule at any official event must take immediate corrective action at the event. In such cases, it is recommended that the Member contact the Ethics Committee immediately after the event to determine if further remedial action is required.

- Programs established and/or managed by a federal agency or department (e.g., tax counseling services through the Internal Revenue Service’s VITA and Tax Counseling for the Elderly (TCE) programs); and
- Benefits that a private organization routinely offers without charge at a range of community events (e.g., hospital or organization that routinely offer screening tests such as blood pressure, cholesterol, or diabetes screening tests).²⁹

Member offices and/or outside organizations may not provide any services that involve or establish a fiduciary relationship, such as providing legal advice or representation to a constituent.

Examples

Example 1: A Member is hosting a town hall meeting about the immigration process and asks a non-profit § 501(c)(3) immigrant services organization to co-sponsor the event by bringing speakers from the organization, preparing materials, and paying for coffee and cookies at the event. The Member’s staff coordinates with the non-profit organization regarding the topics of the town hall and the logistics of staging and promoting the event. This arrangement would qualify as a co-sponsored constituent service event because both the non-profit organization and the Member are providing logistical support, participation, and financial support for the event. In addition, the Member’s invitation to become a co-sponsor is permissible under the exception to the solicitation ban. Finally, the non-profit organization is a proper co-sponsor because it is qualified under IRC § 170(c) and shares a common core of interest with the Member in the subject matter of the event.

Example 2: A Member is hosting an information fair for small business owners and a non-profit § 501(c)(3) women-owned business organization offers to donate \$5,000 to offset the costs of the event but will not otherwise be involved in the event. Although the organization qualifies as an IRC § 170(c) organization, the Member may not accept this offer of financial support and call this event a co-sponsored constituent service event because the non-profit is not in any way providing logistical support, participation, or attendance at the event.

Example 3: A local coffee shop hears that the Member is having a town hall meeting on college student loan programs and wants to co-sponsor the event, including the donation of free donuts and coffee for the event. The coffee shop is not a qualified co-sponsor because it is not a non-profit organization qualified under IRC § 170(c) and it does not share a common core of interest with the Member in the subject matter of the event.

Example 4: A non-profit § 501(c)(3) animal rights organization may not be a co-sponsor of a co-sponsored constituent service event relating to home mortgage loan issues, even though it is a non-profit organization qualified under IRC § 170(c). However, a non-profit § 501(c)(3) mortgage assistance organization, also an IRC § 170(c) organization, could co-sponsor the event because the group shares a common core of interest in the subject matter of the event based on its normal organizational activities.

Example 5: A Member is organizing a co-sponsored constituent service event regarding higher education grants and loan programs with a § 501(c)(3) non-profit organization, which qualifies as

²⁹ See *House Ethics Manual December 2022 Print* at 351.

an IRC § 170(c) organization. Neither the Member nor the non-profit organization may solicit for free books about paying for college from a bookstore. However, the non-profit organization can use its general funds to pay for copies of books to hand out at the event.

Example 6: A Member is holding an event about tax preparation and asks a local non-profit that qualifies as an IRC § 170(c) organization to co-sponsor the event and provide tax counseling services to constituents. Because the individuals from the non-profit who will provide the services are certified by the IRS under the VITA program, a program established and managed by a federal agency, the co-sponsor may provide services within the scope of the VITA program at the co-sponsored event.

Example 7: A Member and a non-profit § 501(c)(3) housing organization, which qualifies as an IRC § 170(c) organization, are co-sponsoring an event related to housing. The organization provides rental assistance to individuals who apply to their program and qualify. Staff for the non-profit organization may not complete applications for their rental assistance program on behalf of constituents at the event, but the organization may provide general information about their program and the process of applying.

Example 8: A Member would like to hold a constituent event on healthcare. The state agency that administers the federal Medicaid program in the state may send employees to assist individuals with Medicaid issues at the event. The Member's staff may not provide the same services as the state agency's staff.

Sincerely,

**Bryan Steil, Chairman
Committee on House Administration**

**Joseph D. Morelle, Ranking Member
Committee on House Administration
Communications Standards Commission**

**Michael Guest, Chairman
Committee on Ethics**

**Susan Wild, Ranking Member
Committee on Ethics**

**Mike Carey, Chairman
Communications Standards Commission**

CO-SPONSORED CONSTITUENT SERVICE EVENTS

Members may co-sponsor constituent service events with one or more entities qualified under § 170(c) of the Internal Revenue Code (IRC) in limited circumstances. The Committees recommend that any office co-sponsoring a constituent service event provide a copy of the joint guidance to their co-sponsor. It is your responsibility to ensure compliance with these and all other relevant laws, rules, and regulations, but the Committees are available to discuss any questions you may have.

FREQUENTLY ASKED QUESTIONS

1. How can an office verify that a particular entity is qualified under § 170(c) of the Internal Revenue Code (IRC)?

Offices should request the organization's determination letter from the Internal Revenue Service (IRS) confirming the organization's status as qualified under IRC § 170(c). Offices must provide the Communications Standards Commission with the determination letter when seeking an Advisory Opinion prior to producing or disseminating promotional material by both the Member and co-sponsoring entity.

2. May a Member co-sponsor an event that raises or solicits funds or goods for a nonprofit, or one that distributes funds or goods?

No, a Member is prohibited from soliciting funds or goods in their official capacity. Additionally, official events, including co-sponsored constituent service events, may not be used to distribute funds or goods, including backpack or turkey giveaways.

3. May a Member office ask a qualified entity to be a co-sponsor of a constituent service event?

Although federal law prohibits solicitations by Members and House employees, the Ethics Committee has authorized a limited exception to the solicitation prohibition for two aspects of a co-sponsored constituent service event. First, a Member may ask a qualified entity to be a co-sponsor. Second, a Member may request the use of government resources from a federal, state, or local government entity, including a public college or university, for a co-sponsored constituent event.

4. What support may co-sponsors provide for a co-sponsored constituent service event?

A Member's office and any qualified co-sponsor must be jointly responsible for the planning and organizing of a co-sponsored constituent service event, and co-sponsors may generally provide financial or in-kind support for a co-sponsored constituent service event.

Members and the co-sponsoring entity may only pay ordinary and necessary expenses related to the co-sponsored constituent service event, including food and beverages, production and postage costs for promotional materials, media releases, logistical support, room or equipment rental, and other general expenses for such an event.

A qualified co-sponsor may only use money from its general funds to support a co-sponsored constituent service event. It may not use money received from private sources that have been raised or designated specially to support a Member's constituent service event or events. Similarly, neither the Member nor any qualified co-sponsor may fundraise or solicit in-kind donations from other private entities to support a co-sponsored constituent service event.

5. How should costs associated with a co-sponsored constituent event be split between the Member and qualified co-sponsor?

A Member and any qualified co-sponsors should be responsible for reasonably proportionate shares of the overall cost of the co-sponsored constituent service event. A Member's office may use MRA funds to cover its share of the costs of the event, subject to Committee on House Administration regulations. A Member's office may only use principal campaign committee funds to cover expenses for food, beverages, and room rental. The Member's office may not use campaign resources, including campaign social media accounts, to promote or discuss the event.

Although there is no specific requirement that costs be divided equally 50/50, the intent is that the Member office and qualified co-sponsor are planning, organizing, and financially contributing to the event equally. The Member office and/or qualified co-sponsor should not take on a disproportionate share of the planning, organizing, or paying for the event.

Both the Member's office and the co-sponsor must pay for their own expenses directly. A co-sponsor may not reimburse a Member or staff for expenses related to the co-sponsored event, nor may a Member reimburse a co-sponsor. Additionally, a co-sponsor may not pay for the travel expenses of a Member or Member's staff to attend the event. Co-sponsors may pay for their own travel expenses and the travel expenses of other, non-official, invitees.

6. What documentation does the Member office have to keep regarding the co-sponsored constituent event?

Although not required, as a best practice, Member offices are strongly encouraged to maintain documentation showing the breakdown of expenses, including who paid for each expense, should any questions arise. Additionally, Member offices should keep 1) a copy of the IRS designation letter showing the co-sponsor is qualified under IRC § 170(c), and 2) documentation showing which portions of the event were planned and organized by the Member and the co-sponsor.

7. Does the requirement that co-sponsors be responsible for a "reasonably proportionate share of the overall cost of a co-sponsored event" also apply when the cosponsor is a federal, state, or local government entity?

No. Members may co-sponsor an event with a federal, state, or local government, regardless of how costs are shared.

8. What are the requirements for promoting a co-sponsored constituent service event?

A Member and any qualified co-sponsors must promote a co-sponsored constituent service event proportionately. Promotional materials distributed by the Member and co-sponsors must be identical in content (excluding any required disclosure statement), must comply with the Communications Standards Manual regulations, and require an Advisory Opinion from the Communications Standards Commission prior to the materials being produced or disseminated by both the Member and co-sponsoring entities. Promotional materials and communications include flyers, postal mail, social media posts, invitations (print and emailed), television and radio ads, text messages, and robocalls. All promotional activities done by the Member must be over official channels.

All promotional materials and communications regarding the event must serve the district the Member represents, and to the greatest extent possible, shall not be targeted outside the Member's district, regardless of who is sending the communication. Please review the entire promotional materials section of the Co-Sponsored Constituent Event Joint Guidance for additional important requirements and details regarding all related communications.

9. How should an office submit a mass communication request announcing a jointly co-sponsored service event with an IRC § 170(c) organization to the House Communications Standards Commission (Franking)?

To expedite the approval process when submitting such a mass communication request for review, the office should provide proof that each co-sponsor is, in fact, an IRC § 170(c) organization. There are two ways the Commission will accept such proof. Because each submission only allows one attachment per request, an office may combine the mass communication and the documentation of the IRS designation letter showing each co-sponsor is qualified under IRC § 170(c) into a single attachment. Alternatively, the office may provide the URL in the IRS designation website (<https://www.irs.gov/charities-non-profits/eo-operational-requirements-obtaining-copies-of-exemption-determination-letter-from-irs>) in the "additional notes" section of the submission. Please note that if an office decides to combine the mass communication and the documentation as the attachment for review, it will be subject to public disclosure, whereas providing a link in the additional notes section will only be accessible to Commission staff.

10. May a Member provide the qualified co-sponsor(s) with an official mailing list, official stationery, and/or Franked envelopes?

No, a Member may not provide a qualified co-sponsor with an official mailing list or official stationery, and a Member is prohibited from lending his or her Frank to a co-sponsor. Further, a Member may not use the MRA to pay the postage for any promotional materials produced or disseminated by the co-sponsor(s).

11. May a qualified co-sponsor use contact information gathered from individual attendees at a co-sponsored constituent service event?

A co-sponsor may only use contact information gathered from individual event attendees to coordinate the co-sponsored constituent service event itself, such as to send an event reminder or to share information promised during the event. Co-sponsors may not then use the contact information gathered at the event to contact individual attendees with information unrelated to the event or any solicitation materials.

12. May a co-sponsor refer to a co-sponsored constituent event in any communication after the event is complete?

Yes, a co-sponsor may issue press releases and social media posts related to the event (in addition to sending out promotional materials before the event) consistent with the applicable regulations. However, co-sponsors may not refer to any co-sponsored constituent service event in any solicitation or other communication that implies the Member and/or House of Representatives endorses or promotes the organization.

13. May two or more Members host a co-sponsored constituent service event?

Yes, a Member may co-sponsor a constituent service event with Members representing adjoining congressional districts or U.S. Senators in the same state with a qualified co-sponsor(s).

14. If more than one Member co-sponsors a constituent service event, how should costs be split?

The costs of the event should be shared proportionately among all co-sponsors. Each Member office and qualified co-sponsor should assist in planning, organizing, and financially contributing to the event equally. One Member office and/or qualified co-sponsor should not take on a disproportionate share of the planning, organizing, or paying for the event.

Each Member office and the co-sponsor(s) must pay for their own expenses directly. A co-sponsor(s) may not reimburse a Member or staff for expenses related to the co-sponsored event, nor may a Member reimburse a co-sponsor. Additionally, a co-sponsor may not pay for the travel expenses of a Member or Member's staff to attend the event. Co-sponsors may pay for their own travel expenses and the travel expenses of other, non-official, invitees.

15. If more than one Member co-sponsors a constituent service event, does each office have to obtain an Advisory Opinion before sending out any promotional materials?

Yes, each Member office co-sponsoring a constituent service event must obtain an Advisory Opinion.

16. May a Member host a co-sponsored constituent service event with two or more co-sponsors?

Yes. A Member may have more than one co-sponsor that meets the criteria on a co-sponsored constituent service event, so long as the Member and the co-sponsors contribute to the event proportionately.

17. Does the Member have to appear at the event?

There is no requirement that the Member appear at a co-sponsored constituent service event.

18. Does the event have to take place in the district or in the Member's state?

Yes, a co-sponsored constituent service event must take place in the Member's congressional district. If more than one Member is hosting a co-sponsored constituent service event, the event must be held in the congressional district of one of the Members.

19. May federally registered lobbyists still attend the event, even if they are not involved in the planning?

Yes. If a co-sponsoring organization employs or retains any federally registered lobbyist, such lobbyists are prohibited from participating in any planning, organizing, requesting, or arranging any elements of the co-sponsored constituent service event. For example, the lobbyist may not be the Member office's contact regarding the event, assist with selecting invitees, book event space, plan the run of the event, invite speakers or participants, or other logistical efforts. However, the lobbyist may attend the event.

20. May co-sponsors provide services to constituents at a co-sponsored constituent service event?

The main purpose of co-sponsored constituent events is for Members to work with outside organizations to provide information and resources to constituents on issues that relate to a Member's official and representational duties. Thus, Members may not co-sponsor constituent service events at which the co-sponsoring organization provides "services" to constituents except in very limited circumstances, for example

- Services provided by a local, state or federal agency or department;
- Programs established and/or managed by a federal agency or department (e.g., tax counseling services through the Internal Revenue Service's VITA and Tax Counseling for the Elderly (TCE) programs); and
- Benefits that a private organization routinely offers without charge at a range of community events (e.g., hospital or organization that routinely offer screening tests such as blood pressure, cholesterol, or diabetes screening tests).

Members and/or outside organizations may not provide any services that involve or establish a fiduciary relationship, such as providing legal advice or representation to a constituent.

If a co-sponsor provides services to the community that fall outside of the allowance above, the co-sponsor may still provide general information about their services during a co-sponsored constituent service event. The co-sponsor would not, however, be able to complete applications or otherwise provide those services during the event.

21. May a Member office provide resources (e.g., computers, printed forms, pens, etc.) if “services” are provided by a qualified co-sponsor at a co-sponsored constituent service event?

Member office staff may not provide “services” to constituents or facilitate services by providing access to official equipment to complete or file any documents. In very limited circumstances, qualified co-sponsors may provide “services” at co-sponsored constituent service events (see above). In those limited circumstances, the qualified co-sponsor is responsible for providing any resources needed.

22. May Member office staff assist constituents in filling out applications or applying for a benefit for the “service” aspect of the event?

No, Member office staff may not assist constituents in filling out applications or apply for benefits at any time including at a co-sponsored constituent event.

23. May a Member office co-sponsor constituent service event(s) during their franking blackout periods?

No, offices MAY NOT co-sponsor constituent service event(s) during blackouts, including those with government entities.

24. May a co-sponsor provide materials or incidental items to participants attending the co-sponsored constituent service event?

Yes. Existing rules and guidance on materials and incidental items provided to event participants continue to apply. Thus, the co-sponsor may provide information and/or reference materials related to the issue of the event and may also provide directly to the participants items of nominal value (less than \$10.00) such as pens, pencils, pads of paper, etc., that have branding or the qualified co-sponsor’s logo. Any items provided may not include the name, likeness, or official logo of the Member(s) co-sponsoring the event.

Pursuant to the Members’ Congressional Handbook regulations, Members may not use their MRA to purchase gifts such as magnets, keychains, stickers, notepads, buttons, pens, or pencils.

Members may use campaign funds to pay for pens or other give-away items that just have the House seal or the district number on them, as long as the pens or give-away items are used for official business only. Members may not use campaign funds to purchase personalized items that have the Member’s name, image, likeness, contact information, or a personally-identifying mark for distribution at an official event or meeting.