

Congress of the United States

Washington, DC 20515

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

JOINT GUIDANCE REGARDING LEADERSHIP RACES

October 28, 2024

As we look to selecting leadership for the next Congress, the Committee on Ethics, the Committee on House Administration, and the Communications Standards Commission would like to offer reminders and examples of the rules surrounding House leadership elections.

Elections for House Positions

Elections for a House position are official House activities. These elections include races for House leadership positions, committee chair and ranking member positions, committee assignments, and Caucus/Conference leadership. Members should use official resources to run the elections themselves, including, but not limited to, making recommendations to the Democratic Caucus or Republican Conference, managing ballot boxes, counting ballots, and managing whip counts leading up to the election. Committee funds and committee staff may not be used.

Campaigning for a House Position

Members often wish to campaign for a leadership position or committee assignment by communicating and interacting with their colleagues. We understand those communications may include official achievements as well as political achievements. The content of the communication will often drive which resources a Member should use to conduct the activity.

General Rule

Depending on the activity, Members may be able to use official resources or campaign resources. For any particular activity, the Member should choose which set of resources they will use and stick with it for the entirety of that activity.¹ Resources may not be comingled for any particular activity.² “Activity” does not mean each action that must occur to put on an event; prepare and mail a brochure; or source, prepare, and distribute gifts, but rather the end result.

Two Exceptions

1. Members may use principal campaign committee funds to pay for food at an official reception.³

¹ Comm. on Ethics, *House Ethics Manual December 2022 Print* at 171.

² “Resources” generally refers to staff time, office equipment, websites and social media accounts, letterhead, mailing services and postage, subscriber lists, and office space. “Funds” refers to money.

³ House Rule 24 allows the use of principal campaign committee funds for some official purposes, but campaign staff, campaign social media accounts, campaign communications, campaign letterhead, campaign mailing lists, and campaign office equipment are all resources that may not be used to support official purposes. House Rule 24, cl. 1; *House Ethics Manual December 2022 Print* at 171.

2. Official staff may provide a copy of the Member's official record to the campaign, if the official office has a policy of providing that information to anyone who asks for it.

How to Decide

Members often send letters or mailers and host receptions for their colleagues to share why they are the best choice for the position. If the content of the letter or mailer, or the discussion during the reception, is only about official House achievements, then the Member may use official resources for that activity, including official staff. Using official funds, official letterhead, and the Frank are still governed by the regulations of the Committee on House Administration and the Communications Standards Commission and must adhere to those regulations. If the Member would like to include information about political achievements, the Member should handle that activity using campaign resources, including campaign staff and funds.

Information about official activities includes, but is not limited to, legislative work, committee work, votes in support of or against House leadership, official press releases, official press conferences, House floor speeches, and other communications from the official office.

Information about political activities includes, but is not limited to, fundraising for a party, fundraising for candidates, fundraising for other organizations, party organizing in support of candidates, political events hosted in support of candidates, and other campaign assistance.

Decisions about which resources a Member will use for leadership races should be made on an activity-by-activity basis, and should be made up front, as part of the planning process. Both the Committee on Ethics and the Committee on House Administration are available to provide guidance.

Examples

Q. A Member wants to host a reception for other Members to discuss a committee assignment. The Member only plans to discuss official House achievements during the reception. Which resources may the Member use for this activity?

A. The Member may host the reception in a House room and have official staff assist with the logistics for the reception. The Member may also use principal campaign committee funds to pay for food at the reception. The Member may not use the MRA to pay for food at this reception. Additionally, the Member and staff may not distribute any materials prepared by the campaign during this reception.

Q. A Member wants to send other Members a letter on official stationery discussing why the Member is the best candidate for a committee leadership position. The Member only wants to include details about his or her official activities, voting record, legislative achievements, and pertinent geographic or demographic information. Which resources may the Member use for this activity?

A. The Member may send the letter on official letterhead to other Members for their consideration. Official staff and other official resources may also be used to prepare and mail the letter. If the Member uses official resources to prepare and mail the letter, it is an

official activity and campaign resources may not be used. The Member also may not use campaign funds to mail the letter, because campaign funds may not be used to defray the cost of official communications.

Q. A Member wants to send other Members a letter discussing that Member's party involvement, fundraising, and payment of party dues. Which resources may the Member use for this activity?

A. The Member may not put that information on official letterhead. The Member may use campaign stationery or strictly personal stationery to send that letter. Because the content of the letter discusses political activity, the Member also may not use official staff and official resources to prepare or mail the letter. The Member, campaign staff, or House staff acting in their capacities as campaign volunteers or staff may distribute the letter on House grounds. Official staff on House time may not assist. Any official staff acting as campaign volunteers or staff should keep records to demonstrate personal or leave time used for these activities.

Q. If the campaign asks, may official staff share information about the Member's official record to include in a leadership race mailer that also highlights the Member's political achievements?

A. Yes, official staff may provide this information to the campaign if they would share it with anyone who asks. Official staff may respond to an electronic request from the campaign by providing a link or attaching documents. The official office may not provide the campaign with internal or confidential materials. Official staff may not provide any other assistance to the campaign for the mailer.

Q. A Member wants to purchase and distribute token gifts for other Members. Which resources may the Member use for this activity?

A. Existing rules regarding gifts and giveaway items still apply. Official funds may not be used to purchase gifts for other Members. However, the Member may use principal campaign committee funds to pay for gifts to other Members, including gifts that have the House seal, district number, or the words "U.S. House of Representatives" on them. Official staff and resources may be used to distribute the gifts.

If the Member would like to purchase gifts with the Member's name, image, likeness, contact information, or a personally identifying mark, the Member may use personal funds, principal campaign committee funds, or leadership PAC funds to pay for those gifts. However, if campaign funds are used to purchase these gifts, official staff and resources may not be used to distribute them.⁴ Campaign staff and resources must be used to distribute gifts with the Member's name or other personally identifying marks or information that are paid for with campaign funds. All campaign communications must adhere to the general rules regarding campaign communications, including the use of

⁴ An item that includes a Member's name, image, likeness, contact information, or a personally-identifying mark is a "communication." House Rule 24 prohibits the use of campaign funds for official communications.

personal titles rather than official titles.⁵ Please contact the Ethics Committee if you have any questions regarding gifts.

For More Information or Questions Regarding this Guidance, Please Contact:

Committee on Ethics	202-225-7103
Committee on House Administration	<i>Republican Office: 5-8281</i> <i>Democrat Office: 5-2061</i>
Communication Standards Commission	<i>Republican Office: 6-0647</i> <i>Democrat Office: 5-9337</i>
Federal Election Commission Congressional Affairs	202-694-1006

Sincerely,

Bryan Steil, Chairman
Committee on House Administration

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

Michael Guest, Chairman
Committee on Ethics

Susan Wild, Ranking Member
Committee on Ethics

Mike Carey, Chairman
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⁵ *House Ethics Manual December 2022 Print* at 188-190.