

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.