

Implementation of the 60-Day Rule for the 2016 Election Season

- Rule 2-E(15) of the Ethical Conduct Rules of the House prohibits mass communication made at the direction or on behalf of a Member distributed within 60 days immediately preceding an election in which the Member is a candidate.
 - Mass communication includes any of the following if they are paid for with House funds:
 - Newsletters or similar mailings of more than 50 pieces per day if the content is substantially identical
 - Electronic mail to more than 50 addresses per day in which the content is substantially identical
 - Public service announcements that depict the name, voice or image of a Member
 - Robocalls, except for limited surveys to determine public opinion on various issues that do not use the name, voice or image of a Member
 - Excluded from the rule are mass communications that meet any of the following criteria:
 - They are in response to inquiries or affirmative requests from persons to whom the matter is communicated
 - They are sent to colleagues in the General Assembly or to other government officials
 - They consist entirely of news releases to the communications media
- Based on the foregoing, following are **PRECLUDED** by the rule during the blackout period:
 - Newsletters and other mailings that have the same content distributed to more than 50 people per day. This prohibition is not just limited to materials that are mailed; it also includes distribution by hand.

- Flyers announcing an event distributed to more than 50 people per day. This would include the distribution of posters for the event that might be delivered to local businesses for posting in their establishments – again, 50 of these can be distributed per day. And, it includes materials that might be distributed at the event itself. You can place them on a table for attendees to pick up but you cannot hand them out as people walk in the door.
- Blast emails to more than 50 email addresses per day, unless they are sent to individuals who have affirmatively “opted-in” to receive emails from you.
- Robocalls, including telephone town halls
- Based on the foregoing, and subject at all times to the general requirement that the content must be related to legislative issues, the following are **PERMITTED** by the rule during the blackout period:
 - News feeds, public affairs programs (including features), public service announcements, sound bites, and podcasts in each case provided we are not paying for TV or radio broadcast time
 - Interviews
 - Press releases and guest columns in newspapers
 - Use of social media
 - Newsletters and other mailings of the same content mailed or hand-delivered to no more than 50 people per day
 - Email blasts sent to no more than 50 email addresses per day
 - Unlimited email blasts to individuals who have “opted-in” to receive emails from you
 - Town halls, fairs and other events can be held during the blackout period, but you will not be able to widely advertise them (see the PRECLUDED list) during the blackout period

- The blackout period for the April 26, 2016 Primary will begin on February 26. However, in order to be in a position to meet those deadlines, you must adhere to the following schedule:
 - Last day to submit copy to LPO – 2/4/16
 - Last day to approve final proof – 2/12/16. This means that the final copy, after all edits have been made, has to be approved by this date; the sooner you get something to LCO and LPO the better
 - Last day for deposit in the mail for mail going to the Pittsburgh/Erie/Johnstown areas – 2/23/16
 - Last day for deposit in the mail for mail going to the Lehigh Valley and Philadelphia areas – 2/24/16
 - Last day for deposit in the mail for mail going to the Lancaster/Reading/Harrisburg areas – 2/25/16
 - Last day for robo calls and telephone town halls – 2/25/16
 - Last day for blast emails (other than to individuals who have “opted in”) – 2/25/16
- The blackout period for the November 8, 2016 General Election will begin September 8. Be on the lookout for guidance regarding similar deadlines prior to the start of the General Election blackout period.